9

CONGRESSIONAL RECORD:

865
1164
Pat 2

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SEVENTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XXXV.

THE LIBRARY
OF CONGRESS

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1902.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

OCT 7 1902
D. of D.

J11
.P5
3d set



SURPLUS - 1
LIBRARY OF CONGRESS
DUPLICATE

THE LIBRARY
OF CONGRESS

VOLUME XXXV, PART VII.

CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, FIRST SESSION.

to kill the President, etc., he shall be punished for a term not exceeding ten years.

Mr. RAY of New York rose.

Mr. LOUD. I hope the gentleman will not interrupt me just there.

Mr. RAY of New York. That is the Senate.

Mr. LOUD. Yes. I want to say that even the other body, three or four months nearer this assassination, was not infallible. Now, what motive prompted the enaction of section 3 or section 5 I can only anticipate. If a man aids or abets another to kill the President, he must suffer imprisonment for twenty years; but if he aids or abets in writing or in printing he shall suffer only ten years. Whether that was enacted there out of deference to the great press of the country or not I can not tell. [Laughter] The man who performs the act of aiding or abetting must suffer twenty years' imprisonment; but if he happens to put it on paper, if he issues it in a daily paper and circulates it to a million men, or proclaims it from the housetops, why then he gets off with ten years. Now, great judicial minds, it seems to me, framed legislation of that character.

Mr. RAY of New York. Well, you do not mean to charge——

Mr. LOUD. Oh, I am not charging the House. I am simply taking both of these bills, Mr. Chairman, the Senate bill being now the bill under consideration.

Mr. RAY of New York. The gentleman concedes that the House committee changed that.

Mr. LOUD. Yes; I can concede there that the committee of the House was wiser than the Senate, if I may be permitted to say so.

Mr. RAY of New York. I thank the gentleman.

Mr. LOUD. And I want to say in addition that if the Judiciary Committee would wait until next winter I think they would not alone be wiser, but would have more courage and would not yield to a sentiment, now real and earnest, in pushing the enactment of some legislation that will protect the life of the President, but the means of arriving at which the best judicial minds in this House can not agree. I think if the whole Judiciary Committee here could agree absolutely that this bill would protect the life of the President I would join them and vote for the bill; but even they themselves can not agree unanimously upon a measure that will protect the life of the President.

Now, I do not suppose there is a member of the Judiciary Committee who will assume that the fear of punishment is what prevents crime. The history of all times contradicts an assumption of that kind. There is one other thing here to which I want to call the attention of the Judiciary Committee of the House. That is about our ambassadors, for whom they are so solicitous. Section 13 of course you know is not made applicable to them. It is not assumed that they are at all times and under all circumstances in the performance of their duty.

That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign State or country accredited to the United States, and being therein, and while engaged—

And so forth—

shall suffer death.

Now, if he is killed in a State, the United States courts are going to assume jurisdiction. Then arises the question as to whether the ambassador or minister was in the performance of his duty or not, and if he was not, what is the result? The defendant is acquitted, is he not? According to your interpretation, and according to your reference to the decisions of the Supreme Court, if he was not in the performance of his duty, there is at least a question whether the United States courts would have jurisdiction.

Mr. RAY of New York. May I answer that?

Mr. LOUD. Well, briefly.

Mr. RAY of New York. The Supreme Court of the United States has decided, so many times that there is no question about it, that no criminal jurisdiction was ever expressly surrendered by the States to the United States except over piracies and offenses against the law of nations. The only criminal jurisdiction that the United States Government has is to prevent infringements of and resistance to its power when it is exercising a function specially or by necessary inference conferred upon it by the Constitution.

Mr. LOUD. Yes, I understand all that; but now let us go back to this case. A foreign ambassador has been assassinated or murdered or killed in a State and the United States courts have assumed jurisdiction. The case is tried and it is demonstrated in the trial that he was not in the performance of his duty, and the defendant is acquitted. Then what? Of course, he goes back to the State. Of course the gentleman's mind is perfectly clear that the doctrine of once in jeopardy could not hold in this case.

Mr. RAY of New York. May I answer——

Mr. LOUD. I do not care whether that doctrine can hold or not. I know that the moral effect of an acquittal in a United States court would tend to prevent punishment in the State courts. Hence the effect of that section, to my mind, can result only in bad, in harm, and harm that is wholly uncalled for and wholly unnecessary.

Now, I wish to make brief reference to section 5.

Any person who, while engaged in an unlawful attempt to inflict grievous bodily harm, kills the President—

What is your punishment for him?

Mr. RAY of New York. If the injury results in the death of the President, then the criminal is imprisoned for life. If it does not result in death, then I think he is imprisoned not less than ten years.

Mr. LOUD. Not less than five.

Mr. RAY of New York. We made the distinction between that offense and the willful killing, because we preserved a distinction between a killing with deliberate and premeditated design to effect death and an assault where there was no deliberate or premeditated design to effect death.

Mr. LOUD. Well, if it was not premeditated, it would not be murder, would it?

Mr. RAY of New York. Oh, no; not murder in the first degree.

Mr. LOUD. If it were accidental it would be manslaughter. And why make reference to it? Why confound——

Mr. RAY of New York. Confound what, may I ask? Accidental killing, if not negligent, would not be criminal.

Mr. LOUD. Why put section 5 here at all?

Mr. RAY of New York. For this reason, if you will permit me: There may be a case where a criminal might desire to disable the President without desiring to kill him; because he has not been appointed postmaster, a man might want to maim the President. He might go with a knife with the intent to cut the President in the arm or to cut his wrist, but in doing that he stabs the President so he dies. Now, we thought it wise to provide against any such attack as that. There are those who say that if a criminal makes such an attack and inflicts grievous bodily harm, he should suffer death; but the committee did not agree with that. We imprison him for life, because of the lack in such a case of a deliberate and premeditated design or purpose to effect death.

Mr. LOUD. Well, I believe that section 5 can only result in harm. I believe if a man attempts the life of the President in any way, or that if as the result of any attack upon him he dies, he should suffer death as soon as possible—not because it is a punishment, but because men of that character must be taken off the face of the earth, that is all. [Applause.] Now, if you take a man of this character and put him in prison for life, he becomes in the eyes of quite a large and growing class of people in this country a martyr at whose shrine men and women morbidly worship. And for that reason mankind demands that such a man be put off the face of the earth, not as a punishment, but because he is dangerous to the community.

Now, I did not attempt to discuss this question more than ten or fifteen minutes. I knew I was wholly incompetent to discuss it from a legal standpoint. I only intended giving to this House some reasons why I could not support this measure.

I say I do not believe this measure would prevent an attack upon or in any manner prevent the assassination of the President, Vice-President, or any officer who may legally succeed him. If I did, then I would cheerfully vote for it. Men who attack a President of the United States are men with peculiar minds, and the greater you can make the crime the more apt, in my humble opinion, they are to commit it. This bill may have the effect that my friend suggested, but if you are never going to call it into effect, but just simply respond to public sentiment, I fear that this class of people, believing that this legislation was enacted in good faith, will hasten to be the first to perpetrate the crime under it, and rush to assassinate the President of the United States. I fear that that will be the result of attempting here by legislation to single out one man in the United States and make him, if possible, a greater object for assassination than ever before. These diseased minds—for they are nothing but diseased minds—will be inflamed with the desire to be the first of what they term martyrs under this law.

Mr. RAY of New York. Mr. Chairman, will the gentleman allow me one question?

Mr. LOUD. I want to get through; I am getting quite warm.

Mr. RAY of New York. Let me ask you just one question, and then I will not interrupt you again.

Mr. LOUD. It is very hard to interrupt the gentleman when he has got to his peroration, but I yield to the gentleman.

Mr. RAY of New York. The gentleman never prides himself on a peroration or anything of that kind. Now, what I wanted to ask the gentleman was this, and he need not answer it if he does not want to: Is it true that your objection to this bill is based on the ground that you believe it to be unwise to enact any legislation on the subject?

Mr. LOUD. That I will say frankly is my principal ground; but I fear, beyond that, if you enact the legislation as you propose here you will defeat the punishment by passing such laws. That is another reason. The men who should suffer the penalty of death immediately will at the best remain to confront us here for months and years through appeals to court after court, and in the determination of the legal questions here involved they may escape justice.

Now, I am free to say that I do not believe legislation of this kind can protect the life of the President. I believe the men who perform acts of this kind, as I have said before, have minds that can not be reached in this way. It is a diseased mind, as insane as any man's who inhabits an insane asylum. Perhaps not dangerous to all mankind, like some raving maniacs, yet as dangerous to mankind as half of those in insane asylums who have a desire to kill, in many instances, one particular person, and you can not reach a mind depraved like that by legislation. The greater you make the crime the more you will incite the perpetration of it.

I would like to do something, if I could, to protect the life of the President. If I could see my way, I would go as far as any man; but this can only be done absolutely through universal education, enlightenment, and purity of intellect. I might throw out a suggestion here—that we might perhaps first look to ourselves. Let us endeavor for a moment to discover one of the reasons that may have caused the assassination of President McKinley. Let us teach the people of this country to not unduly and unjustly criticise the Chief Executive of the nation.

In days gone by on the floor of this House and in another body I have heard the Chief Executive of the nation, in my opinion, unjustly criticised, and also in public press of this country, from the rostrum and from the strump, public men held up the President to the view of the people with scorn, impugning his motives, caricaturing and picturing him as grasping a crown to put upon his own brow; and throughout the length and breadth of this land, in paper after paper and from mouth to mouth, were uttered sentences having the effect upon weak minds of inculcating the thought that this country was rushing on to imperialism, and that it would be an act in behalf of civilization to strike from the earth he who was seeking to crown himself as imperial ruler of a new empire.

Now, let us think of these things. Let us, if possible, take a lesson from the assassination of President McKinley, and improve ourselves and do better in the future. Let us justly criticise the Executive officer, but do not let us hold him up to contempt. [Loud applause.]

Mr. LANHAM. I yield such time to my colleague as he may desire.

Mr. WOOTEN. Mr. Chairman, the title and ostensible objects of the proposed bill are such as to reasonably enlist the favorable attention of every member of the House, without reference to political or partisan considerations. It is avowedly aimed at the protection of the chief officers of the Federal Government, the suppression of lawless violence against the organized civilization of the Republic, and the enforcement of the law of nations for the similar protection of the representatives of foreign governments resident in the United States. These seem to be lawful and laudable objects to command the action of Congress, provided they are not already adequately and effectively secured by existing statutes, State and Federal, to say nothing of the fundamental safeguards erected in the very Constitution of the Government itself.

But, in my judgment, an examination in detail of the provisions of this bill will disclose that it is essentially one of the most unnecessary, pernicious, and revolutionary measures ever prompted by sentimentality, conceived in sensationalism, framed in ignorance, and subversive of the first principles of criminal jurisprudence, constitutional law, and republican institutions. It is a delicate and difficult task, and one that I approach with some reluctance, to discuss the bill apart from the sentiment that gave it birth and is no doubt relied upon to secure its enactment.

Everybody knows that the clamor for this character of legislation had its origin in the recent calamity of the assassination of a President of the United States by a fanatical crank who aspired to be a hero and was condemned as an "anarchist." The principal argument advanced for the passage of this bill is founded on an appeal to the universal regret of a bereaved nation robbed of an amiable and unoffending chief, and to the righteous anger of an outraged people roused to resentment by his unprovoked and cowardly murder. Aside from this feeling there is no substantial reason that can be urged in favor of the proposed law, while there are a hundred potent and practical objections that can and ought to prevail against it.

In this connection I can not forbear to express some views that may seem harsh and sound unfeeling to some gentlemen on the other side of the Chamber. The assassination of William McKinley was perhaps more universally mourned and sincerely deplored than any infliction that has ever befallen the American people. In the presence of that unmixed and unmitigated sorrow partisan feelings were suppressed, sectional lines were obliterated, and political animosities were subdued. I know that in my own home, and among a people who disavow all that he believed and practiced politically, the grief was spontaneous and sincere, and I myself considered it an honor to be permitted to pay tribute to his memory in the midst of a mourning multitude of reverent and patriotic Texans.

But since I have heard his name so often profaned in this Hall by those who profess to follow his teachings, but who shamelessly prostitute his influence to justify their own party schemes and political iniquities, I have experienced a new sorrow that a good man's memory should be so perpetually and hypocritically invoked by those to whom he transmitted few of his virtues and little of his patriotism. I have never seen or known anything so brutal, unblushing, and indecent as the way in which the Republican party seeks refuge behind the death mask of William McKinley.

No matter on what errand of political or party pillage and perfidy it may embark, at home and abroad, violating its pledges to the citizens of our own country or carrying war and rapine among alien races beyond the seas, defying the traditions of the Republic and violating its Constitution or playing sycophant at the feet of foreign potentates and emulating foreign pageantry, false to all that is historic and heroic in its past career and blind to all that is safe and sound in its future policies, the Republican party in this Congress and throughout the country seems to consider that it has furnished a full and satisfactory excuse for all its shortcomings and a valid defense of all its abuses when it can wrap the graveclothes of a murdered President around it and masquerade in the borrowed splendors of the tomb.

There has been nothing like it since the Hussites stretched the skin of John Ziska on a drum and beat their armies to battle and their enemies into rout by the rattle of the dead hero's carcass. It is shameful, revolting, and unworthy of a great and noble man's memory, and it ought to put to flight the party that so scandalously speculates on the magic of his name. For a quarter of a century this same party lived on the inherited splendor of Abraham Lincoln's patriotic service and sacrificial devotion to his country, until they had so far stultified and repudiated his noble teachings that they could no longer quote his authority; and now it seems that they are to take a new lease of life from the pilfered and prostituted vitality of McKinley's hold upon the affections and loyalty of the American people.

I solemnly protest against this un-Christian and unmanly abuse of what ought to be a sacred and reverent memory, and I trust that some better argument will be found in favor of this bill, which, in its full meaning and as a legislative precedent, is fraught with momentous and I believe disastrous import to the future policy and practice of our Government. I do not know how many of the members of the House have studied this measure in its details and in its purport as an act of penal and political regulation by the national authority—not enough of them I very much fear, for it is a much more serious and threatening departure from well-established principles of jurisprudence and of republican government than is apparent upon a slight examination. I have tried to study it carefully and conscientiously, and I can say, without reserve or qualification, that it appears to me to be wholly vicious, unwarranted, and without constitutional or reasonable sanction.

The gentleman from New York [Mr. RAY] is the author of the bill, the chairman of the committee that reported it, and he made a very elaborate if not a very convincing argument for it in the opening of this debate. His argument here was but a repetition of the views advanced by him in his two reports upon this subject, and I shall prefer to discuss his reports from the Judiciary Committee rather than his oral deliverance, as being the more condensed and carefully considered. When we come to examine these reports they disclose a very remarkable confusion of ideas, not to say an astonishing evolution of legal judgment and judicial theory. Nothing could more thoroughly demonstrate the dangerous and reckless spirit of this legislation than the absolute inconsistency and absurdity of the positions taken by the chairman of the Judiciary Committee in the conflicting reports he has filed on these bills.

I desire to call attention to the facts as shown by the RECORD. On January 30 Mr. RAY introduced a bill, being H. R. 10386, which was referred to his committee (Judiciary), entitled "A bill for the protection of the President, the suppression of crime, and for other purposes." On February 8 this bill was reported (Report No. 433) by the chairman, placed on the Calendar, and printed. On March 22 the Senate bill (No. 3653) was referred to the same committee, and on April 4 was reported (Report No. 1422) with an amendment in the nature of a substitute, the substitute being the same as the House bill reported on February 8, with a new section added as "section 13." This is the bill we are now considering.

A comparison of the original Senate bill with the bill reported to the House by the committee on February 8 will make it perfectly plain that the only substantial difference, so far as questions of constitutional powers in Congress to enact such a measure and the jurisdiction of the Federal courts to try the offenses defined against the officials sought to be protected, between the Senate and House bills is that the Senate bill seeks to punish the killing or assaulting of the officials named, as such, and without stating that the assault or killing must have occurred against them in their official capacity, while the House bill expressly provides that the offenses must have been committed on account of or during official conduct by the persons attacked. Neither the House bill nor the Senate bill as it came to the House had the "section 13" which the Judiciary Committee have added in their report on the Senate bill.

Now, it occurs readily to anyone examining these bills and reports to inquire why this new section was not contained in the original House bill. All of this proposed legislation in the House has emanated from the same man and presumably from the same mind—that of the distinguished gentleman from New York, the chairman of the great law committee of the House. He is a learned lawyer and well-nigh infallible, as he has several times informed the House, and yet he does not seem to have discovered the necessity for this thirteenth section of the bill until he came to examine and report upon the Senate bill, and by his own confession, in his last report, it is the only thing in the bill that saves it from being grossly and palpably unconstitutional. That section reads as follows:

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or the Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

Commenting upon the Senate bill, and as a reason for the addition of the above-quoted new section to the House bill which is offered as a substitute, the able chairman of the Judiciary Committee indulges in one of the most tortuous and tangled exhibitions of legal and judicial sophistry that can be found in the literature even of that committee's contributions toward making obscure questions obscurer. The report says, on page 3:

The first six sections of the Senate act are undoubtedly unconstitutional. They are unconstitutional unless it be true that the Congress of the United States has power to enact laws defining and punishing as crimes offenses against and assaults upon all officers of the United States simply because they are officers of the United States.

There is no warrant found in any decision of the courts of the United States for such a claim.

On the other hand, every decision of the Supreme Court of the United States clearly indicates that Congress has jurisdiction to enact laws punishing offenses against and assaults committed upon officers of the United States only when they are engaged in the performance of their official duties or when the assault is made because of their official character, or because of an official act done or omitted.

In support of this proposition, which nobody was ever heard to dispute in its general sense until the learned gentlemen from Wisconsin [Mr. JENKINS] and from Ohio [Mr. NEVIN] made such terrible inroads upon the Constitution on yesterday, citations and quotations are given from the decisions of the Supreme Court of the United States that are so satisfactory that they ought to have convinced even the members of the Judiciary Committee who are now so fiercely assailing the report to which they are supposed to have agreed.

Not the least remarkable thing about this bill and this debate is the fact that no two members of the Committee on the Judiciary seem to entertain the same views as to what the bill means or what the Constitution of the United States stands for. That fact alone ought to cause the House to hesitate long before it undertakes to enact a measure into law that is so loosely drawn and of such doubtful validity that the very men who have recommended its passage are not able to agree upon its terms, its interpretation, or even that it is worth the time taken in discussing it.

Now, if the Senate bill was unconstitutional, as here stated, it was clearly because it failed to provide that the felonious offenses against the President and other named officials must occur to them while engaged in the performance of their official duties or because of their official character. The House bill as originally reported did contain that provision or qualification, and it was recommended favorably for passage by this same committee nearly four months ago. But as then recommended it contained no thirteenth section. Why has that section been now added? What sudden accession of judicial acumen and legal subtlety suggested to the gentleman from New York [Mr. RAY] the necessity for this remarkable addition, not only to this bill, but to the constitutional and criminal jurisprudence of the country?

He tries to give us his reasons, and I take the liberty of quoting at some length from his wonderful exposition of what he thinks ought to be the law, but which he admits can not be made the law without violating the Constitution of the United States and overturning the repeated and emphatic decisions of the Supreme Court thereon. Here is the confused statement he makes of his reason for framing the House bill differently to the Senate bill, and it will be observed that his own reasoning and citations of authority completely refute the conclusion to which he finally comes, and utterly overthrow all that was said yesterday by his colleagues on the committee, the gentlemen from Wisconsin and Ohio:

The wisdom of the insertion of the words "while he (the President) is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions" has been questioned.

There is no question as to the power of Congress to define and punish the offense of unjustifiably assaulting or killing the President while engaged in the performance of his official duties, or because of his official character, or because of his official acts or omissions.

We are of the opinion that the President of the United States, from the moment his term of office commences to the moment his term ends, is engaged in the performance of his official duties necessarily; that the courts must and would so hold as a matter of law because of the powers vested in and duties imposed upon him. But very many wise men and leading lawyers think otherwise. They say that should the President go into the State of New York, of which State he is a citizen, on private business, that while actively engaged in the transaction of that private business he would not be and could not be engaged in the performance of his official duties.

They say that should a burglar, ignorant of the presence of the President and ignorant of his identity and official character, enter the chamber occupied by the President at night when so in New York on such private business, for the purpose of committing a larceny, and encounter him and meet resistance in attempting to escape, and in overcoming that resistance kill the President, it could not be said he was killed while engaged in the performance of his official duties.

Clearly he would not be killed because of his official character or because of an official act or omission. These gentlemen insist that here is an occasion when he is not engaged in the performance of his official duties; that while in fact he is President he is acting as a private citizen solely and is, for the time being, disassociated from his character as President. If this be true he has ceased for the time being to perform the duty of seeing that the laws are faithfully executed, and there is no element of resistance to the authority or sovereignty of the United States in the unlawful killing.

If so, the offense would be one against the peace and sovereignty of the State of New York and not the peace and sovereignty of the United States, if we accept, as we must, the doctrine enunciated in United States *v.* Cruikshank (92 U. S., 542); United States *v.* Fox (95 U. S., 670); In re Neagle (135 U. S., 1); Ex parte Tarbrough (110 U. S., 657); United States *v.* Harris (106 U. S., 629); Baldwin *v.* Franks (120 U. S., 678); United States *v.* Waddell (112 U. S., 76).

He then talks about "a peace of the United States" and "a peace of each of the States of the United States," which seems to be a favorite idea with him. Those phrases and the legal idea involved in coupling them together were never used by any court in this country until imported into the judicial vocabulary by the Supreme Court of the United States in the famous Neagle case (135 U. S., 1), and their use there, like so many other things in that decision, is not sustained by the weight of judicial authority, nor by an intelligent construction of the Constitution.

As my distinguished colleague from Texas [Mr. LANHAM] so justly remarked, in opening the debate against this bill, that decision has never met the approbation of the legal profession of the country; it is not supported by sound reasoning; its force is discounted by the unanswerable dissenting opinions of Chief Justice Fuller and Justice Lamar; it was pronounced in a peculiar case and under anomalous circumstances touching the court itself so nearly as to raise a reasonable suspicion of its fairness, and it will always remain a serious blur upon the otherwise consistent and unbroken decisions of the Supreme Court upon the questions involved. There is not, properly speaking, any such thing as "the peace of the United States," and no other case decided by our courts ever intimated such a fiction of law.

What the courts have always held is that an offense may be at once an offense against the Federal authority and against the State laws. If an officer of the United States is resisted or assaulted in the performance of his lawful official duty in any of the States, the offense, so far as the Federal Government is affected, consists in the resistance to the constituted authority of the United States, while the assault is a breach of the peace of the State wherein committed and punishable as such under State laws. That is all there is in this new-fangled notion of which the gentleman from New York seems so enamored as to the "dual peace of two sovereign powers."

But even the Neagle case holds that to give the Federal courts jurisdiction the official of the Federal Government must have been at the time in the actual exercise of his official duty and function. This committee report proceeds, upon this point:

We are bound to recognize that the established law is that Congress has no power to punish acts of violence committed on the person of an officer of the United States except when committed because of official acts or omissions or because of the official character or while the officer is engaged in the performance of his official duties. No opinion of any court in any case intimates that the power of the Federal Government may be exercised to protect its officers under other circumstances or conditions than those mentioned in the proposed legislation.

What we want is effective, safe legislation, not an experimental statute, or one that may gratify our pride as national legislators for the time being, irrespective of constitutional power. If we may constitutionally enact a statute punishing offenses against the person of the President when he is not engaged in the performance of his official duties (assuming there is such a time-

which I deny) and when not committed because of his official character or acts or omissions, then we may constitutionally enact a law making it a Federal offense to unjustifiably assault at any time each and every officer of the Government of the United States, high or low, simply because he is such officer, and thus remove those who assault such officers from the jurisdiction of the State courts entirely.

The Supreme Court of the United States has held in at least three cases that a statute of the United States defining and punishing an offense against the United States in general terms, when the act is committed within a State, must be so framed as to show on its face that it can only apply to offenses of which the United States has jurisdiction. Hence the necessity for the words of limitation in the act, if it be true, that there is a time when the President is not engaged in the discharge of his official duties.

And right here the gentleman who wrote this report found himself inextricably tangled up by his own argument. He advocates one view of official capacity and admits that the courts have expressly repudiated that contention. He has come to the point where he can go no further, for he has demonstrated by innumerable citations of the decisions of the highest court in the Union that his bill, both the House bill and the Senate bill, both with and without the thirteenth section, despite his own and his committee's opinion, can not be made to comport with the Constitution or withstand the unbroken and unquestioned adjudications of the Supreme Court.

He says, in face of all the decisions, that he denies that there can ever be a time when the President is not engaged in the discharge of his official duties, and of course the purpose of that denial is to lay the predicate for declaring in this bill that an assault upon the President at any and at all times must necessarily be an offense against the Federal authority and justiciable in the Federal courts. But his denial, fortunately, can not control this question as one of fundamental constitutional law and jurisdiction, however potent may be his standing in the courts of his own State, which he told us not long ago had never reversed any proposition he had ever advanced.

The President, although of higher dignity and wider authority than any other Federal officer, is not distinguishable from any of them when it comes to the question of the continuity and character of his official duties. If there is never a time when he is not officially engaged—not even, as the report suggests, when he is fishing in the Adirondacks or attending a political "powwow" in some distant State—then there is never a time when any Federal officer is not performing his official duties. That was the argument of the gentleman from Wisconsin [Mr. JENKINS] on yesterday.

But the Supreme Court of the United States has many times decided and has never failed to insist that there are times when these officials are not officially engaged. Else, why the necessity and what the sense of all these cases cited by the report, in every one of which the distinction between the times of official and nonofficial status is made the very foundation of the judgment of the court?

Is it possible that for nearly a hundred years the ablest judges of the Republic, without a single variation, dissent, or suggestion of doubt, have been wrong in basing all of their decisions upon the fundamental and crucial proposition that there is a distinction between acts done by or against Federal officials according to whether they happened while the officials were or were not engaged in the performance of official duty, and that this distinction is the essential test of whether or not Congress can legislate upon the subject constitutionally?

Certainly nobody, not even the distinguished gentleman from New York, will deny that unless there is such a distinction—unless an officer can sometimes be off duty, or sometimes acting otherwise than in the performance of that duty—there is absolutely no meaning in any of the decisions that are so liberally cited in his report. In fact, if I understand the very tortuous course of his reasoning, the gentleman expressly but reluctantly yields his own weighty judgment to the established judicial precedents of the country, and has accordingly framed his bill in obedience thereto by prescribing that the offenses defined and punished shall be committed while the officials named are officially engaged, or because of their official character and conduct.

But even this did not and can not save his bill from the vice of unconstitutionality, as an act of Congress which seeks to create a Federal crime and to confer exclusive jurisdiction upon the Federal tribunals to try it, and he somewhat tardily saw the weakness of his bill; hence section 13, which, however, does not cure the defect. The unconstitutional feature of the original House bill was this:

It being conceded and irrevocably established by all the judicial decisions that there are times when Federal officials are not acting officially, and that at such times the Federal Government has no jurisdiction over offenses committed by or against them, it necessarily follows that there may arise, even under this bill, cases of assaults upon Federal officials that can not be taken cognizance of by the Federal courts, and in which the State courts will have exclusive jurisdiction. But it has been expressly decided, and is not questioned, that a Federal statute intended to operate in the several States of the Union is unconstitutional if it seeks on its face or by its necessary intendment to punish some offenses that are not subject to the authority of the United States.

It other words, the statute, to be valid, must be wholly valid; it must not include possible cases that can not be legislated upon by Congress; it must not embrace dual offenses, some of which are subject to State control and some to Federal authority. When Congress undertakes to legislate upon a subject that falls within the scope of criminal law, the legislation must be confined altogether and unmistakably to that class of offenses over which Congress can assume control under the Constitution; it can carve but once and it must spill no blood and cross no State lines in doing so. That is the rule laid down in the case of United States *v.* Harris (106 U. S., 629) and in the case of United States *v.* Reese (92 U. S., 214). Both of these decisions are cited and quoted from in the report on this bill, but their meaning is strangely perverted and misapplied by the gentleman who wrote the report. They are absolutely fatal to his bill, as he well knew, and he undertook to avoid their force and effect by adding section 13, which reverses the whole course of judicial precedents upon this subject. In the Reese case the court uses this significant language:

It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the Government. The courts enforce the legislative will, when ascertained, if within the constitutional grant of power. But if Congress steps outside of its constitutional limitation and attempts that which is beyond its reach, the courts are authorized to, and when called upon must, annul its encroachment upon the reserved right of the States and the people.

The chairman of the Judiciary Committee clearly recognized the effect of this decision, for he says in his report:

The long and short of these decisions is that an act of Congress making it an offense to kill the President of the United States (when the act is committed within a State) is unconstitutional, if in general terms, provided there is any time when the President is not engaged in the performance of his official duties.

And yet, by indirection and a false assumption in the terms of the bill, he seeks to do that which the Supreme Court says ought not to be done. Knowing that there are and must be cases of assault upon the officials named in the bill that would not be subject to Federal legislation or jurisdiction, he purposely ignores that fact, includes all possible cases in the proposed law, and leaves it to the discretion of Federal judges and courts to try an offender, in plain violation of the constitutional rights of the States, by permitting them to so construe the law as to hold in every case that Federal jurisdiction attached because the offense was committed upon the official in his official capacity, or that once an official he must be deemed to be always officially engaged during his term of service. We all know how readily the Federal tribunals extend and amplify their powers and jurisdiction upon the slightest provocation and how greedily they grasp at every new subject that is placed within the reach of their all-absorbing supervision. If this bill shall, by any sort of interpretation, give a Federal judge jurisdiction to try a case of assault upon a Federal official because of his official character, it may be certainly predicted that he will never surrender his hold upon the case whatever facts may subsequently transpire to defeat his jurisdiction.

Suppose that a man is arrested under this proposed act charged with having assaulted, conspired to assault, or otherwise to injure the President of the United States or some one of the other officials named in the act, or that he has actually killed one of them. Under section 13 of the bill he is presumed to have committed the act against the official in his official capacity until the contrary is proven, and the thirteenth section further provides, somewhat unnecessarily, it would seem, that nothing in the bill shall be construed as admitting or declaring that such officials can ever act, or be in a position to be considered as acting, in any other than an official capacity.

In other words, this remarkable section is intended to confer prima facie jurisdiction upon the Federal courts in all cases where the President or anyone who may succeed to his office is killed or assaulted, no matter under what circumstances or what the said official may have been doing at the time; and it expressly provides that all of the decisions of the Supreme Court to the effect that such officials may sometimes not be acting officially shall be set aside for the purposes of this bill, Congress entertaining, through its Judiciary Committee, a different opinion from that heretofore and immemorially expressed by the Supreme Court of the United States. It may be proper and competent for Congress to abrogate and deny the authority of the tribunal charged by the Constitution with deciding constitutional questions, but I venture to say that this is the first time in the history of the Republic that a proposed bill expressly established as the basis of its constitutionality an open and avowed antagonism to the well-settled and unquestioned adjudications of the Supreme Court of the United States.

That is exactly what the thirteenth section of this bill does. It declares that every man who assaults the Federal officials named in it shall be presumed to have done so in such manner as to give the Federal courts exclusive jurisdiction of the case on the assumed ground that at the time the assault was committed the assaulted official was acting in the performance of his official duties, and moreover that Congress does not believe that the Supreme Court has ever been right in its opinion, so often and so emphatically expressed, that these officials can ever act otherwise than officially during their term of service. I submit that I do not misstate or overstate the meaning and effect of section 13 of the committee's bill.

Does anybody in this House think that the Supreme Court will regard favorably a law that on its face expresses a defiant opposition to that court's repeated decisions, and that seeks to confer Federal jurisdiction by establishing a legal presumption at total variance with the established judicial authority of the Government? I, for one, do not, and I believe that the thirteenth section, so far from being the saving virtue of this bill, as the gentleman from New York seems to think, is the fatal weakness of the whole measure, because it is not only essentially vicious and monstrous in itself, but it clearly demonstrates that it was added to the bill for the purpose of conferring an unconstitutional jurisdiction upon the Federal courts. If the gentleman who reported this bill had not seriously doubted its constitutionality, he would not have proposed the thirteenth section, and that section is a complete confession that the measure is not a valid act of Congressional legislation unless he can abrogate in some way the decisions of the courts to the effect that the United States has no control over offenses against Federal officials except in their official capacity, and that this capacity does not always exist, but is a question of fact in every particular case.

Let me recur to the illustration that I began to make. A person is arrested, indicted, and arraigned in the Federal court for an assault, or homicide, under this bill if it becomes a law. Under section 13 he appears before the court under a burden of presumptive guilt to begin with, because that section says that he is presumed to have committed an extraordinary crime—that is, an assault upon a peculiar individual, the President of the United States—and under circumstances of peculiar aggravation—that is, while such official was acting in his official capacity as Commander in Chief of the Army and Navy, Chief Executive of a great nation, charged by the Constitution of the United States with taking care that the laws of the whole country shall be executed, and whose safety and preservation are at all times essential to the peace and stability of the Government.

The indictment would perhaps not state all of these innuendoes, but the bill now before us and the arguments adduced in support of it presume that these would be the facts that would necessarily exist in all cases of attacks upon the President. In truth, if we must believe the terms of section 13 and the speeches of the advocates of this measure, no other state of case could possibly exist when any person assaults the President. Mark you, this is not "a rule of evidence," as I have heard some gentlemen suggest, nor a mere regulation as to the order of proof. This fatal section of the bill complies with no rule of evidence or order of proof that has ever been declared by an English-speaking people trying men for their liberties and lives in organized tribunals of justice. And here let me pause to remind some gentlemen that the Judiciary Act expressly provides that in all criminal cases tried in the Federal courts the rules of evidence prescribed or prevailing in the State where the cause is tried shall govern; so that, if this section 13 be merely a provision as to the rules of evidence, it contravenes the Judiciary Act and is in violation of the rules of evidence of every State of the Union in criminal trials for felonies.

But this section is far more than a rule of evidence. It is a statutory presumption of a fact necessary to the jurisdiction of the court and essential to the guilt of the defendant arraigned under this law. It prejudges the question of jurisdiction in such manner that no defendant can object to the Federal court's right to try him, no matter what are the facts of the real case, because under no known rule of criminal pleading could he raise the question of jurisdiction in limine if this section was the law. Worse than that, this section assumes and presumes a substantive fact contributing to the man's guilt, because it presumes and requires him to rebut by evidence that he has committed an act that is not an ordinary assault or homicide, but an extraordinary attack upon the high and mighty sovereignty of the United States in the person of one of its favored officials. Was there ever before, in trials for capital felony, a proposition to confer a doubtful jurisdiction upon a court by presuming as a matter of law and fact a material and necessary element of guilt on the part of the accused, and requiring him to prove that such presumption is not well founded?

I do not believe that the Congress of the United States ought to introduce such a dangerous and unjust innovation into the criminal jurisprudence of a free country, especially when the very terms of the section in which this provision is contained declare a doctrine contrary to all the decisions of the highest court in the land. Well, suppose the man is brought to trial, the testimony is introduced, and it appears that at the time the alleged assault or homicide occurred the President or other official was spending his vacation in some remote spot of the mountains; that he trespassed upon the property of the defendant and, being warned off, resisted; that an altercation occurred, and that the defendant committed the offense in ignorance of the identity and character of the person attacked. Would not this state of facts clearly show that the offense was a mere crime against the local laws of the State where committed, without any connection with the official's public and official character and conduct, and that therefore the case did not come within the jurisdiction of Federal legislation or the Federal courts? Would not the man be entitled to be remanded to the State courts for trial?

There is no law or procedure for remanding such a case to the State courts, and it is doubtful if Congress has the power to enact one. What, then, would occur in such a case as I have supposed? The judge would have to discharge the prisoner entirely, or instruct a verdict of acquittal by the jury. In either case the plea of former jeopardy or former acquittal would be raised if it was sought to try the defendant again in the State courts. Whether or not such plea would be good would depend on whether or not the Federal court had competent and constitutional jurisdiction to arraign the man in the first instance, and this would involve the very question that this bill seeks to settle by a presumption of law in section 13, but which is really left entirely to the discretion of the Federal judge before whom the prisoner might be brought under the first seven sections of the bill.

Now, I have no desire to wantonly attack the integrity or the fairness of the Federal courts, but I submit, in view of the practical observation and experience of the country for the last fifty years, that it is an exceedingly questionable proceeding to commit the rights of a citizen of the State and the question of the respective jurisdiction of State and Federal courts to the arbitrary decision of a Federal district judge. His discretion would necessarily be arbitrary, for it could never be revised or inquired into by any higher tribunal, since the pleas of jeopardy would have to arise and be disposed of in the State courts, and the validity of his conviction by a jury could not be investigated by the Supreme Court of the United States.

This illustrates the essential viciousness of this bill and especially the dangerous operation of section 13. It confers a doubtful jurisdiction upon the Federal court and leaves that doubt to be resolved by the irresponsible judgment of the Federal judge. Whatever course he might take, under the facts supposed, the result would be wrong. He would either try a man for his life and liberty without jurisdiction or he would let him go scot-free under the protection of a plea of former jeopardy or acquittal. Does anybody here who knows anything about the average Federal judge think that any defendant would ever be discharged or acquitted in the Federal court, no matter what might be the facts? Why, the gentleman from New York, the chairman of the Judiciary Committee of this House, and who aspires and expects to be a Federal judge, if we may believe the newspapers, has himself stated the proposition in unmistakable terms in his report on this bill. He says:

> In administering and enforcing the criminal laws of the United States the jury is not judge of the law and of the facts, but must take the law from the court and is sole judge of the facts.
>
> As matter of law the President is or is not always engaged in the performance of his official duties. If he always is so engaged, the court would so charge the jury, and all the proof necessary on this point would be that the person killed was acting as such generally, either de facto or de jure.

In other words, Mr. Chairman, the whole question would be in the bosom of the Federal judge, and the interpretation and application of this law would depend entirely upon what the judge might think about the question of the President being always or only sometimes in the exercise of his official duties.

I do not think any one here will doubt, in view of their expressed opinions on this floor, that the gentleman from New York, the gentleman from Wisconsin, the gentleman from Massachusetts, the gentleman from Ohio, and, in fact, nearly all of the gentlemen who are urging this bill would readily and cheerfully maintain the jurisdiction of the Federal court in the case I have stated and try the accused without any regard to his own or the rights of the State, the facts of the case, or the decisions of the Supreme Court of the United States. And yet no one will question that under the facts in the hypothetical case I have mentioned, according to every judicial precedent in our history, the accused would not come within the jurisdiction of the United States and would not be amenable in the Federal courts. Is not this exactly the kind of legislation that the Supreme Court declared to be vicious and unconstitutional in the Reeves case,

above cited, and is this House willing, in the light of the decisions, in view of the nature of our Government, with the experience of the country as to the arrogance and usurpation of the Federal judiciary—which increase in inverse ratio to the dignity of the tribunal and the wisdom of the judge—to enact a law of this kind, committing such plenary and pernicious power to Federal officials and courts? I for one am not.

Now, the whole theory of this bill—the first seven sections—and of the gentlemen who support it is that the office of President of the United States is in some way, not known to our Constitution nor heretofore recognized by the American people, invested with a peculiar sanctity and an inherent sovereignty that surrounds its incumbent with a perpetual aureole of authority, and confers upon him some special prerogative of protection not vouchsafed to any other individual in the whole organization of the Government. This is the doctrine of sovereignty as known in the monarchical systems of the Old World. There is no place for such a doctrine in our institutions, and it will be an evil hour when we recognize and adopt it. It has been repeatedly held by the Supreme Court that there is no such sovereignty in the Federal Government as is implied in this bill, and certainly there can be no such sovereign and sacred quality attached to the person of any official of the Government.

As I have shown, the only rights, powers, and protection the President or any other official can claim are those that are conferred upon him by the laws that define his duties and impose his authority, and only in the scope of his constitutional functions and powers and when he is actually engaged therein can he claim any other immunity, prerogative, or safety of person than those enjoyed by every other citizen of the Republic. That is the American idea of officialism, that is the constitutional theory of American republican institutions. This is the first time that Congress has been asked to depart from or to contravene those principles since the odious alien and sedition laws of 1798, and it is a significant fact that this bill bears the same title that adorned the infamous Lloyd sedition bill—"to suppress crimes against the Government."

In the early case of United States *v.* Hudson (7 Cranch, 32) the Supreme Court said that under our system of institutions there can be no crimes against the Government as such, except the offense of treason, which is expressly defined in the Constitution itself, and can not be altered, enlarged, or diminished by any act of Congress. In that decision the court discussed incidentally the alien and sedition laws, and declared that "the common-law offense of libeling a government is ignored in constitutional systems, as being inconsistent with free institutions." It was decided that Congress has no authority to create and punish common-law crimes and confer jurisdiction upon the Federal courts, no matter how nearly the safety of the political power may be endangered. The same doctrine is announced in 1 Wheaton, 415, and 8 Peters, 658, and in fact it has not before been called in question for a hundred years of our history.

And yet this bill proposes to create a specific crime—not murder in general, but murder of the President of the United States as such and because he is such and because it is said his death by violence is a crime against the Federal Government. And the bill does not stop there. It extends this "crimen peculium" to all the other officials who may by law happen to be in the line of succession to the Presidency. An assault upon or the homicide of the Secretary of State, the Attorney-General, the Secretary of the Treasury, and the Secretary of War is made a special and aggravated offense, not because of their official character as such Cabinet ministers, but because by some remote contingency of death or resignation or inability of the President they might succeed to his office.

This is going even further than the old Roman doctrine of "crimen læsæ majestatis" or the modern European doctrine of "lese majesty" ever went, for it extends the divinity of office even to those who only wait for the accidents and misfortunes of official life. This bill erects the President into a peculiar potentate whose rights as an individual are merged in his majesty as an official, and it includes in the awful circle of its solemn protection all who stand in the shadow of the throne and expect the glory of the crown. That is the plain meaning and practical operation of this bill, and no man can deceive himself as to its tendencies and its dangers to our system of popular government.

Another vicious feature of this measure, in its prospective effects as a legislative precedent, seems to have thus far escaped attention in the course of this debate. All of the cases that have heretofore arisen and been decided by our courts arose upon the question of a Federal official's rights and protection in instances where he committed some act in the course of official duty for which he was sought to be made liable in the State courts or under State authority. In other words, the issue heretofore generally presented has been one of acts done by the official, not against him. That was the case of Neagle, who claimed to have killed Colonel Terry in the necessary defense of the life of Justice Field, of the Supreme Court of the United States.

It was contended by Neagle that he was acting in the line of his duty as a deputy United States marshal, having been detailed to protect Justice Field against a murderous assault by Terry, and that the justice was at the time in the regular discharge of his duties, being on his way from one court to another; and so in most of the other cases decided. Now, it was held in all of these decisions that the official was entitled to the protection of the Federal laws and to immunity from punishment if at the very time of the act he was indeed acting in his official capacity and in the lawful scope of his duty. No presumptions of law or fact were indulged or suggested, but he was required to establish his defense by satisfactory proof. Nobody advanced the theory that he must be considered to be always officially engaged during his term of service.

That is a new idea not before seriously urged until this bill came into Congress. Now then, if we are to establish the doctrine, as this bill seeks to do in its thirteenth section, that an official of any kind must be deemed to be constantly and uninterruptedly clothed with official protection, the rule must and will be invoked both ways. If the President is always on duty for purposes of assaults upon his own person, then he must be deemed to be always protected by his official character in his assaults upon other persons. No reasonable distinction can be made in law or logic between his official capacity on the defensive and on the offensive. Consider for a moment the effect of such a principle introduced into our system of government, and it will assuredly come whenever Congress inaugurates such legislation as is contained in the first seven and the last sections of the pending bill.

This measure alone will put six of our chief Federal officials in a class by themselves, establishing as to them the presumption of law and fact that they are always to be deemed as acting officially. As to five of them it is actually established that they must be presumed to be always discharging the duties of an office which they do not in fact hold and to which they can only succeed in case of the retirement of the sixth one. Now, I quite agree with what several gentlemen have said in the course of this debate, that there is no good reason for making this bill applicable to the President and his possible successors that does not apply with equal force to all other Federal officials. In truth, I think there are many others who are more likely to be in need of this extraordinary protection than the President and his Cabinet. The judges of the Federal courts who travel all over the country, the marshals, deputy marshals, revenue officers, and other executive officials who constitute the real working force of the Government are all much more in danger of attacks and much more essential to the practical execution of the laws than the select few high dignitaries housed in Washington.

So that I can see no good reason for applying the principle of monopoly and favoritism in the distribution of the sovereign prerogatives of this new system of Federal officialism, and if we begin it now it is only a question of time when it will be extended to include the whole class of Federal officeholders. Then we will have a privileged class of Government immunes, protected by a perpetual panoply of Federal jurisdiction and power as to offenses committed both by them and against them, with the Federal judiciary to administer the laws framed for the peculiar preservation of this officeholding aristocracy. That is the possible outcome of this whole movement, and those of us who have watched the rapidity of recent lapses from the primitive ideas of constitutional government in this Republic can not but regard it as altogether probable under the domination of the Republican party.

But, Mr. Chairman, aside from all questions of constitutional and legal interpretation, the fundamental, practical objection to this measure is that it is wholly unnecessary. Gentlemen have said that there is a universal, popular clamor for some bill of this kind. I deny it. Sensational newspapers, spectacular advocates of "the strenuous life," hysterical pessimists and interested politicians have sought to create such a clamor, but the great mass of sensible, patriotic Americans, calm and conservative in their abiding faith in the constitutional vigor of the Government as the fathers framed it, and looking to the love and loyalty of an intelligent citizenship, organized into domestic State sovereignties, as the best and safest protection the Union and its officials can have, have not asked and are not asking any such radical and revolutionary legislation as is embodied in this bill.

Directly after the assassination of the President last summer there were no doubt popular paroxysms demanding all sorts of violent and extreme measures of vengeance and vindication against imaginary evils, but the sober, sound judgment of the people of this country has not demanded and will not approve any law that seeks to overturn well-settled doctrines of constitutional and criminal law; that imports into our system of government the alien ideas of imperialism and official prerogative; that reflects odiously upon the loyalty of the State governments

and courts and sets up a scheme of exclusive Federal jurisdiction over Federal officeholders at variance with the whole doctrine of popular sovereignty and official responsibility to the laws of the land.

Three times in forty years the crack of the assassin's pistol has brought the nation to its knees in prayerful horror and roused the nation's temper to righteous resentment, but in none of these crises was there anything to excite permanent distrust in the efficacy of existing laws, or to create a solid apprehension as to the soundness and stability of our institutions and of the public virtue that supports them. In the first case the surrounding conditions of the scene and the peculiar personal circumstances of the crime clearly demonstrated the mania of the murderer and the absence of any sympathy with his crime even among those whom he fanatically sought to benefit.

The second case was so abundantly shown to have been the result of personal disappointment and political intrigue, temporary in their nature and isolated in their consequences, that no possible indication of public danger could be inferred from the transaction. The third and last occurrence, although differing from the other two in that it introduced the element of an abstract and impersonal hostility to the Government itself, can not, on mature consideration, be considered to warrant any belief in the existence of the same sentiments among any appreciable portion of our population, and still less can it be deemed a justification for a sudden and dangerous departure from the approved principles of our Constitution and the accepted canons of our national life.

There are significant facts about these three assassinations that ought to be remembered in connection with this bill. Two of them were dealt with by the Federal authorities and one by the State. In the first the assassin met his death in the attempt to capture him, but his supposed associates were prosecuted and punished in a manner that, I may be permitted to say at this late day, and I will say, whatever may be thought of the propriety of the statement, was discreditable to the humanity and justice of the Federal Government and will ever remain a blot on the history of those calamitous times.

The second case was tried through weary weeks of the law's delay, surrounded by a gaping multitude of sensation mongers right here in the capital of the nation, and his trial was obstructed and impeded by every frivolous technicality and special plea that promised hope of success, and when he was finally convicted and executed it was with the universal feeling that the whole proceeding had been a farce if not a tragical conclusion to the life of an irresponsible lunatic. Those two cases are the only examples we have had of Federal jurisdiction and procedure in the protection of the President. Contrast with them the third case, which was tried by a State court.

The proceedings were prompt to the verge of haste. There was no opportunity allowed for the cultivation or the gratification of sensationalism either during the trial or afterwards. The man was speedily tried and unhesitatingly condemned. In spite of the fact that had the crime been committed upon any other person than the President of the United States it is doubtful if the plea of insanity would not have easily availed to save his life. Now, I submit that when we come to compare these contrasted exhibitions of the relative merits of Federal and State jurisdiction and judicial procedure in such cases the advantage is vastly on the side of the State authority, and the argument for a change in past conditions is not supported by the actual experience and observation of the country.

One would imagine, to hear some of the speeches that have been delivered in favor of this measure, that unless we pass this bill and assert the extraordinary authority in the Federal officials and courts that is demanded by it, the President will be utterly defenseless against assassination and assault, and red-handed anarchy will go unpunished. Why, no assassin has ever escaped or ever will. They have all been done to death, much more promptly under State than under Federal laws. That is all that ought to be expected and all that can possibly be expected, even if this bill is passed. It is said that this law will prevent and discourage the killing of the President, and that it should be passed for that reason, irrespective of the actual punishment after the crime shall be committed.

The bill imposes no greater or more deterrent punishment than the laws of murder do everywhere in this Union, except perhaps one State. It takes the life of the assassin, and that is all any civilized law can do. And let me say here, there is no sort of law that will prevent a real anarchist from wreaking his imaginary vengeance on a hated government and its officials. On the contrary, the more terrors that are placed around the commission of his deed the more heroic it becomes in his sight, and his highest hope is realized if he can sacrifice his life amid the sovereign pomp and panoply of the government's extremest exhibition of power and precaution.

To him bodyguards, police vigilance, the mightiest efforts of organized authority, which he regards as organized despotism, only serve to whet his appetite for official gore and nerve his courage to do and die in the most spectacular, the most sensational, and the most extraordinary manner possible. So, if you are framing the unusual penalties and safeguards of this bill with any idea that it will strike terror to the soul of a single anarchist or nihilist who really desires a President's death, you are doing a vain and useless thing.

The history of the Old World demonstrates that death in its most horrible forms, exile in its most pitiless cruelty, ceaseless and unrelenting extermination pursued by most fearful methods, have no effect to quell the passions or to calm the frenzied souls of those whom age-long tyranny has made mad or wild speculation upon impossible schemes has deprived of normal reason.

It is also urged that this bill will secure uniformity in the laws of murder throughout the Union, at least so far as the President is concerned. To my mind, that is the most puerile and illogical of all the arguments advanced.

There is to-day practical uniformity in the laws of homicide in all the States. There may be technical differences in the distinctions between murder and manslaughter and between the degrees of murder and variations as to penalties, but in all practical and substantial respects the law of unlawful and willful murder is the same everywhere, unless it be in one State. Besides, this talk about uniformity of laws is but another manifestation of the growing disposition on the part of the Federal Government to invade and absorb the domestic jurisdiction of the States; it is a part of the general scheme of the Republican party to centralize all powers in the hands of the official ring that controls its destinies and seeks to dominate the destiny and the liberty of the people of the whole country.

There is no necessity for this law to take away the jurisdiction of the States over those matters that are by the Constitution expressly reserved to them. They have never shown a disposition to betray their trust in enforcing all proper and necessary laws for the protection of the President or any other Federal official, but quite the contrary. It would be an odious and unwarranted reflection upon the love and loyalty of the States for the Union to pass a law that necessarily implies, if it does not expressly declare, a distrust of their ability and willingness to discharge their full duty toward the Chief Magistrate of the Republic and the safety of the common government of the country.

Now, Mr. Chairman, I do not wish and I have not time to enter into all of the objectionable details of this bill. There is scarcely a section or a paragraph in it that is not open to fundamental questions of constitutionality and to substantial objections on account of the loose, uncertain, and unintelligible phraseology of the law it announces. There is no attempt to define any of the terms that are used and which contain the essential elements of any and all the offenses sought to be punished.

Such terms as "organized governments," "civilized governments," are used with reference to offenses against foreign governments and their rulers, with no attempt to define them. In fact they are not capable of legal definition and that accuracy of terminology requisite in a penal statute. They ought never to have been used at all in this bill, and, in my judgment, there is no warrant in the Constitution or common sense for this Government undertaking to punish vague and general crimes against foreign governments, civilized or uncivilized. We are not the policemen of Christendom, nor are we charged with a supervision over the safety and social or political peace of other nations. When we enter upon that mission and essay that task, it is only a step further to punish political offenses at home and to deny the right of asylum to the oppressed political exiles of the Old World, some of whom have been the noblest friends and patriots this country has ever known.

Then when we come to examine those sections that refer to the exclusion from immigration and naturalization of those nondescript people who, for want of a better term, are popularly called "alien anarchists," the bill trenches upon dangerous and questionable legislative territory. Nobody sympathizes with a lawless enemy of organized government. Nobody wants them to come to this country. Nobody seeks to apologize for or to condone their miscreant crimes or chronic hostility to peace, order, and law. But it is a difficult and delicate matter to undertake to define and punish or exclude men for these somewhat speculative offenses, and it is very evident that this bill does not deal with the subject delicately or deftly.

There are expressions in some of the sections here that would or might be construed to exclude some of the ablest, the wisest, and most benevolent thinkers of the world. I doubt if Tolstoi or Krapotkin or Herbert Spencer could come to this country under the provisions of the proposed law. Henry George and Edward Bellamy would not be eligible as immigrants under it. Tom Paine and Thomas Jefferson would unmistakably have violated its requirements.

Voltaire, Volney, Rousseau, Hegel, Schopenhauer, Renan, nearly every great leader of public thought in Europe for a century, would be barred from American citizenship under the strict construction of this bill. William Jennings Bryan, Webster Davis, every Democrat who made speeches in the last two campaigns, are narrowly capable of being law-abiding men under this law. It will not answer this to say that the bill does not propose to punish or to take cognizance of mere intellectual opinions, or that it does not contemplate ostracism toward scholars, philosophers, and statesmen.

The terms of the bill are broad enough and loose enough to reach them all, and in the construction and enforcement of a law I know of no immunity that attaches to intellectual aristocrats or political pioneers. The fact is, we have already from a very distinguished source, and one that this bill contemplates as capable of none but an official infallibility, an expression on this very subject that indicates clearly what may be the meaning of this bill if construed and enforced by the party in power. In the President's message of last December we find the following language in regard to the assassination of President McKinley:

> When we turn from the man to the nation, the harm done is so great as to excite our gravest apprehension and to demand our wisest and most resolute action. This criminal was a professed anarchist, inflamed by the teachings of professed anarchists, and probably also by the reckless utterances of those who, on the stump and in the public press, appeal to the dark and evil spirits of malice and greed, envy, and sullen hatred. The wind is sowed by the men who preach such doctrines, and they can not escape their share of responsibility for the wirlwind that is reaped. This applies alike to the deliberate demagogue, to the exploiter of sensationalism, and to the crude and foolish visionary who, for whatever reason, apologizes for crime or excites aimless discontent.

Surely we may hesitate to deal loosely with statutory language on this subject when such utterances as this emanate from the head of the Government and the leader of the dominant party demanding this law.

The title of this bill, as I have before stated, is in part the same as the infamous sedition law of the old Federal party, and there is a malign sense and historic odium in the very words "crime against government."

Now, Mr. Chairman, I sympathize with the difficulties that confronted the Judiciary Committee in considering and reporting this measure, and I accord them all due patriotism, prudence, and patience in dealing with it. Especially do I appreciate the delicacy and difficulty of handling the question of "anarchy," as it is called. But I must beg to believe and to say that I think there is room for considering anarchy from a more practical and a closer point of view than is done in this bill.

If it is to be suppressed by unusual, questionable, and extraordinary legislation like this, might we not ask whether its causes, in this country at least, can not be removed and no medium furnished for its cultivation and growth either as a foreign or a domestic product. Anarchy may be a cult or it may be a condition. As a cult I do not think we are in much danger of its spread or influence, for the academic anarchy of the socialistic school is not likely to ever appeal much to the American mind or develop anything more than scholastic speculations. As a condition of social unrest, political discontent, resentment against the Government, and a brooding spirit of hostility to existing inequalities of life, labor, and prosperity, anarchy can be produced and encouraged by the very same causes here that have produced it abroad.

Oppression, discrimination in laws and policies between the various classes and interests of the community, monopolies and trusts, an odious system of national taxation, loss of respect for the justice, humanity, and patriotism of the ruling powers—these are the things that will as certainly breed lawless violence and secret intrigues against the Government in America as they have done so in every Old World monarchy. If I sought to designate the most prolific and dangerous source of the anarchistic spirit among our own people, I would indict the prevailing policies and practices of those who are so loudly demanding this extraordinary legislation and who so arrogantly denounce as malcontents and disturbers of prosperity all others who may differ from their judgment and decry their abuses.

Mr. Chairman, I shall vote against this bill, believing it to be unnecessary, unconstitutional, un-American, and a vain attempt to do those things that can already be done, as far as they ought to be done, under the established and well-approved practices of the Government under the Constitution as our fathers understood it and obeyed it. If we are to enter upon this new and untried path of imperial prerogative in our Federal Executive and of unconstitutional power in our Federal courts, it will not be with my support or approval.

I regard this measure as dangerous and revolutionary, not so much in what it expresses as in what it implies; not so much for its actual provisions as for its potential possibilities; not so much for what it enacts as for what it portends. It introduces a new note in our national life, an alien principle in our system of institutions.

It seeks to base official and governmental authority not upon love and loyalty and the spontaneous affection of the people, but upon force and fear and the spirit of compulsory homage to artificial attributes of pomp and power. It savors of kingly prerogative, divine right, imperial seclusion and exclusion on the part of the chief officers of the Republic.

It suggests bodyguards, the vigilance of suspicious and vengeful power afraid of the source from which it sprung and forever asserting its existence to compel an obedience it does not inspire. It presupposes the necessity for special safeguards against nameless terrors of resentment and hostility on the part of the people toward their chosen officers where there should be no relation but one of trust and confidence, no sentiment but one of mutual respect and loyalty.

Cæsar walked the streets of Rome unattended and without arms while he was yet the idol of the populace and sought no honors above the gift of their voluntary suffrages. It was only when the dreams of empire had made him cautious and the designs of despotism had clouded his frankness that he demanded lictors to surround his person and wore a dagger in his bosom.

Cromwell slept on a pallet among his soldiers while he was the Great Commoner seeking only his country's freedom and happiness; but when the idea of royal power once entered his mind he retired to a separate tent with a sentinel at the door. I do not seek to parallel these instances of imperial ambition with any present condition in this day and country, but moral motives are the same in all ages and among all men, and the manifestations of human aspirations and human tendencies will never change.

The policy embodied in this bill will not end with the passage or the defeat of the bill. It is only the beginning of a movement that needs to be checked rather than encouraged, and the greatest crime against our own Government that we can commit will be to destroy the essential simplicity and harmony of its constitutional organization by importing into its methods and practices the ideas and principles that have destroyed free governments and desolated popular liberties in all ages and since time began.

As I have listened to some of the eloquent arguments made in behalf of the security and majesty of the Presidential office, and the necessity for suppressing all anarchistic sentiments and exhibitions by extraordinary and novel expedients, it has seemed to me that gentlemen have entirely mistaken the theory of our Government and the real sources of its safety and power. They have also mistaken the causes and preventatives of anarchy.

The only enduring supremacy that can ever bless a popular government must be founded upon the reasonable and voluntary respect and obedience of its people. The only effective protection any officer in such a government can expect or should ask is the spontaneous and loyal affection his own conduct should command from those who have honored him by their trust and elevation to power.

Mr. LANHAM. Mr. Chairman, I now yield to my colleague, the gentleman from Missouri [Mr. DE ARMOND], such time as he may require.

Mr. DE ARMOND. Mr. Chairman, this measure has been discussed to some extent and by some persons in a way that would indicate that, while considering it, they have lost sight of the nature and the character of our own Government. I do not intimate that they are not acquainted with the nature and character of our institutions, but, as I said before, I think, in talking about the bill, perhaps they have not had them in view.

Some seem to think that when there is no provision made by the National Government, by Federal legislation, for some condition of things existing or possible there is a dearth of legislation. Our Government, as we all know, though perhaps we sometimes forget the fact, is organized and conducted upon a system and plan untried elsewhere in the world, or at least nowhere else so fully worked out or so well understood as among our own people.

Our Constitution was given life by the ratification of individual Commonwealths. These several Commonwealths granted to the General Government such powers and functions as their people thought proper and advisable to part with and reserved to themselves and to the people of the several Commonwealths all the power not granted to the Federal Government.

In some respects rights are protected and rights are enforced by Federal legislation; in others they are protected and enforced equally as well by State legislation. So that whether the protection of life, liberty, and property, whether the protection or enforcement of this right or that right, is secured by Federal legislation or by State legislation, is not so important as it is to determine what legislation should be by the State and what by the Federal Government to determine rightfully the lines of limitation between the two sovereignties.

Everywhere in the United States the crime of murder is denounced and suitable provision is made for the punishment of those who perpetrate it. What is true of this and other great crimes is true also of the lesser crimes.

So far as the people of foreign station are concerned, so far as the lives of foreigners are involved, the question is not so much as to what jurisdiction affords protection and secures and enforces rights. It is whether there is protection and conservation of rights.

Some persons seem to be greatly troubled because this right or that right which the citizen of a foreign jurisdiction may have is not or may not be properly protected under some Federal law. They often suggest that foreigners do not understand our system; that when they are told that redress is provided under the laws of the various States, rather than under National Legislature, for alleged wrongs under which their citizens are supposed to suffer in this country, they do not understand what we mean, and do not think our legislation is adequate.

Such suggestion appears sometimes relative to cases where application is made to our Government for indemnity for wrongs alleged to have been done to citizens of a foreign government. A familiar instance is that which arises, and has arisen a number of times, when subjects of a foreign jurisdiction have met with violence in this country, as when certain lynchings of Italians took place in Louisiana and Colorado. As a matter of fact, so far as the punishment of those who inflict the wrongs is concerned, in all local jurisdictions they are abundantly provided for.

Some parties entertain the view that our Government would be more effective if a larger amount of power to legislate were in the central Government, in Congress, and less in the State governments; if more were done by Congress and less by the State legislatures. That is a matter of theory and a matter of judgment. As for myself, I believe that our system is very much and for very many reasons the best ever yet wrought out among men.

I believe that local self-government—and by local self-government I mean that which is provided by our system, by our States, and the small subdivisions of the States—is altogether, in the great multitude of the affairs and concerns of the people, the best that could be devised, the best that ever has been devised. I believe that the functions of a national government, organized as ours is, are abundantly performed and fulfilled when concerns purely of a national character are attended to by the nation; that by this means of Federal action in national affairs and State action in local affairs both national and local interests and rights are best preserved, advanced, and enforced.

These preliminary observations—very trite and very commonplace, of course; thoroughly within the understanding and information of all—are not inappropriate, it seems to me, in approaching the discussion of this bill. In other words, I think that this proposed legislation which we are now considering ought not to be predicated upon the theory that it is absolutely necessary on account of lack of local or special legislation—that is, legislation by and under our States—adequate to meet our wants, national or individual.

Under the laws that exist, the wrongful taking of a human life is punished in every part of this Union—not punished always in the same way, but punished according to the law of the particular jurisdiction. There is no immunity to the offender. The laws are ample, and the laws, in the main, are well executed.

The warrant for legislation by the Federal Government must be found in the Constitution. The States do not derive their power from the Federal Government, but the Federal Government derives its power from the States. Authority in the Federal Government is not to be presumed, but must be established, or Federal legislation can not be upheld. The power of the State to legislate is not to be sought in some special grant from the Federal Government, because no such grant ever was made, and no such grant ever could be made. The State is simply deprived of that jurisdiction of which by the Constitution it and its sister States voluntarily deprived themselves; that is all.

The first question concerning this bill, and the one which has demanded the most consideration, and around which most of the discussion thus far has ranged, is as to whether the limitation which the authors of this bill have thought proper to incorporate in it is necessary or wise. I care to discuss it only as to its necessity.

The particular limiting or qualifying words in the House bill offered by the House Judiciary Committee as a substitute for the Senate bill, and which I prefer to the Senate bill, are these:

While he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions—

Now, it is suggested by some gentlemen—and the Senate bill is drawn upon that theory—that this qualification is unnecessary. As to whether it is wise, if unnecessary—whether it should be incorporated if it need not be—I will not stop to discuss. The committee which reported this bill proceeded upon the theory that it is an absolutely necessary qualification.

I fully concur with the committee in that view. If that is not a correct view, then there need be no limitation fixed with reference to the President of the United States or the Vice-President, or those who may succeed to the Presidency, or anyone else, except solely upon the official character of the officer; but Federal jurisdiction may supplant State jurisdiction in every State of the Union, provided only that the person against whom any offense is committed is a Federal officeholder.

The question where you will draw your line—what officers shall be within the protection of your legislation—is, of course, a question of judgment and discretion; but the matter of constitutional power to legislate is absolutely fixed at one place or the other. Either there is complete constitutional power to provide for Federal jurisdiction and the punishment in the Federal courts of anybody for any offense committed against any officer of the United States, or there must be a limitation such as that imposed in this House bill.

One of those conclusions, it seems to me, is absolutely irresistible. If there can be legislation here conferring upon the Federal courts jurisdiction to try and punish offenders for offenses committed against the President as President, there can also be, under the Constitution, full power and authority, if Congress sees fit to pass such a bill, to provide for the trial, conviction, and punishment, exclusively in the Federal courts, of anybody and everybody who commits an offense against the humblest fourth-class postmaster in the land.

Now, I do not see where the line can be drawn unless it be drawn either upon the official function, upon the fact that the man is an officer of the United States, or upon the fact that, being an officer of the United States, he is engaged in the discharge of his official duty, that the offense committed against him is an offense committed with reference to his official station and because of his official station or official acts.

Now, I may be wrong about this, of course. I have observed a great many times, perhaps sometimes during the progress of this debate, that gentlemen, while very positive in their own views, according to the conceptions of others, may be very far wrong in the conclusions which they reach; but it seems to me that you can not determine jurisdiction to legislate by the height of station or the humbleness of station of the official.

There either is under the Federal Constitution full and ample power in the Congress of the United States to provide for the trial and the punishment by Federal courts and Federal machinery of everybody who commits an offense against an officeholder of the United States because he is an officeholder, or you must come to some such distinction, some such limitation, some such qualification as that which I think is aptly enough expressed in the language of this House bill. How can it be otherwise?

As to the right or as to the power of the Congress to provide for the trial and punishment of those who commit offenses against officers of the United States in the discharge of their official duties, I take it that there can be no question. There has been none, I think, from the foundation of Government.

A somewhat different question which is presented, and which I merely mention and touch upon in passing and do not care to discuss, is whether the same philosophy applies to the case of an offense committed against an officer because he did something in an official capacity, or because in his official capacity he failed or refused to do something—an offense inspired by revenge, disappointment, ill-will.

I do not think it is entirely clear that if an attack is made upon an officer of the United States which does not interfere with the discharge of the duties of his office, or at a time when he is not engaged in the discharge of official duty, but made upon him on account of something official in the past—I have some doubt about whether in that case there is under the Constitution jurisdiction in the Congress to provide for the punishment of the offense, provided it be committed in a State and outside of the exclusive jurisdiction of the General Government.

Mr. Chairman, passing from that matter, it is, of course, elementary law, well known to the profession, and known to a great many outside of the profession as well, that whatever it is necessary to allege in an indictment it is necessary to prove in order to justify the conviction of the accused. I think that probably is a principle the soundness of which will hardly be questioned. It is necessary also not only to prove it by a preponderance of the evidence, but by well-established principles of law, universal under our system and that from which we derive the rudiments of our law, it is necessary to establish the fact of guilt and every essential fact involved in the accusation by such weight of evidence as leaves no reasonable doubt that the accused is guilty as charged.

Now, if I am right about that, if I am right about the other proposition, that in order to confer Federal jurisdiction some such limitation or qualification as that which I quoted, and which the committee recommends and incorporates in the House substitute, is essential, then it must inevitably follow that it is necessary to establish that the allegation upon which jurisdiction is

predicated is true; as necessary as to establish the body of the crime charged.

There are some additional reasons, I think, why this view would be likely to obtain if an actual test were made, if the matter were actually passed upon by a competent tribunal, such as the Supreme Court of the United States.

Mr. GILBERT. Would it disturb you if I were to ask you a question?

Mr. DE ARMOND. No; but I think I will get through quicker by going right on. When I have concluded what I have to say, I shall be glad to try to answer any question.

It will be observed that the death penalty is to be assessed, according to the provisions of this bill, against persons who under the common law or under the laws of our several States would not be punished so severely. The definition is not of murder in the first degree, that murder on account of which in our system the death penalty is inflicted.

Under this bill the death penalty is to be inflicted for an offense which at common law might be no more than manslaughter, which under our various State statutes might be murder in the first degree, or murder in the second degree, or manslaughter in any one of three or four degrees, as in some States they have it. Under the provisions of this bill a person guilty of an offense that, according to State law, would be punishable only by imprisonment, or possibly even by fine alone, would be punishable by death, that being the only penalty prescribed.

Now, that being true, it being true that the death penalty may be inflicted for an offense which does not rise above even the lowest degree of manslaughter, would it not be held necessary to sustain a conviction that every element, every particular necessary to be charged in the indictment, be proved? In other words, would it not be necessary in every such case to prove not only that the homicide was committed, but that it was committed upon one of these specified officers, and that it was committed under the circumstances specified in the bill—committed while the officer was engaged in the performance of his official duty, or because of his official character, or because of his official acts or omissions? I think it would.

Mr. LANHAM. And if omitted, would it not be a bad indictment and subject to demurrer under this law?

Mr. DE ARMOND. I think there is no possible question about that.

Mr. GILBERT. And that no Federal question would be raised without that.

Mr. LANHAM. And if alleged, would it not have to be proved?

Mr. DE ARMOND. I think there is no question about that.

Mr. LANHAM. Then does not section 13——

Mr. DE ARMOND. I was just coming to section 13. Section 13 provides:

> That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

Now, taking this section with the rest of the bill, I think we come to this: First, it is necessary to allege something equivalent to what it is provided in this bill must be alleged in order to give the Federal court jurisdiction—that is, that one of the specified officers was engaged in the discharge of his official duty when assaulted, or was assaulted because of his official character, or because of something done in the discharge of his duty, or omitted in his official capacity.

That is absolutely necessary under this bill. Unless all the things necessary to be alleged are established beyond a reasonable doubt the accused is entitled to an acquittal; and yet section 13 presumes the existence of two or more of the essential facts without which there would be no jurisdiction in the court.

If I am not wrong about the history of it, this section 13 is an afterthought. Perhaps it was suggested by a supposed difficulty or uncertainty in making proof deemed absolutely essential. This is a concession, I think, and a very proper one, an inevitable one, that the jurisdictional fact is necessary to be found by the jury, not as a fact in detail, but in the sum total of the findings which will result in a verdict of "guilty," not only that the homicide was committed, but that it was committed upon one of those specified officers, when he was engaged in the discharge of his official duties or because of something he had done or omitted to do in his official capacity.

Can it be constitutional to provide that when a man is on trial for his life there shall be presumed a fact, without which there is no jurisdiction in the court which tries him, without which there can not be an offense under the Federal law, if the alleged crime occurs in a State? It does seem to me that this section 13 can not be constitutional.

Mr. GILBERT. Can a man be tried by due process of law if he be tried in a tribunal that presumes him guilty?

Mr. DE ARMOND. I think not. Here are some of the early amendments to the Constitution, which are really almost a part of the original document itself:

ARTICLE V.

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Mr. Chairman, referring to the clause of Article VI, among the rights of the accused is that of being confronted with the witnesses against him. With what witness against him would he be confronted under section 13, with reference to the important, material, jurisdictional fact of a homicide having been committed upon one in an official station, in the discharge of his official duties, or on account of something done or something omitted in his official capacity?

With what witness is he to be confronted as to that? Suppose there was no section 13, and no presumption, and suppose there was no evidence as to whether the victim of the assault was in the discharge of his official duties. It will, perhaps, be an impossible sort of a supposition; but for the illustration, suppose there was no evidence offered upon either side as to whether the person who had been slain was acting in his official capacity or was an official in fact, or whether the assault upon him that resulted in his death was made on account of something that he had done officially or something that officially he had omitted to do, would not there be a fatal defect in proof; would not that be a case in which the accused—whatever the aggravation of the assault itself; however base and murderous the crime—would in the Federal court necessarily have to be acquitted? Why? Because a material fact, one of the material facts, is that the person assaulted and slain was an officer, was in the discharge of his official duties, or that he was slain because as an officer he had done or failed to do something.

If that is true, then the accused is entitled, of course, to be confronted with the witnesses who testify to that fact, just as he is entitled, constitutionally entitled, to be confronted with the witnesses testifying to the fact and circumstances of the homicide. How can you take away from him, under the Constitution, that absolute right, by presuming against him any fact which it is absolutely necessary to allege in the indictment and as imperatively necessary to prove in order to convict him?

How can that be "due process of law?" He is entitled to that. How can that be trial according to the principles of common law? He is entitled to that.

Take the venue, if you please; of course, if a man is indicted for an offense in a county, State, or district, it is necessary to allege the venue. It is not only necessary to allege that he committed the offense, but it is necessary to allege where he committed it; necessary to allege that he committed it within the jurisdiction of the court. It is not sufficient to indict a man with all the formality which ingenuity and experience have suggested for drawing indictments if you leave out the place of the commission of the offense.

It is equally fatal—and no more fatal—to allege the venue beyond the jurisdiction of the tribunal in which he is indicted and by which he is tried. Isn't it just as competent and just as constitutional to provide that there shall be presumed on the trial of any person charged with any offense, that it shall be presumed that the offense was committed within the jurisdiction of the tribunal trying it? I think that would hardly be held to be good law. I think it would contravene the principles of all constitutions, State and Federal, and would contravene the principles that are applicable to trials under the common law and common experience and common fairness.

And so you might go on. You might take element after element. Although it would be an extreme illustration, I believe it would be just as constitutional to provide that when one is on trial, accused of any offense, it shall be presumed that he committed the act. Of course the homicide is the core or center of the whole crime against which this bill is directed, but that is not enough here, there must be more than that. In other words, if you can presume any of the things necessary to be alleged, necessary to be established, in order to give jurisdiction, in order to warrant a conviction, can you escape proof of any of them by

presuming their existence, even if a statute says you may do so? I do not think you can.

Mr. RAY of New York. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. DE ARMOND. I will.

Mr. RAY of New York. Is not this provision of the bill rather a definition of the meaning of the words? That is, it says, "while engaged in the performance of an official duty." Now, this section 13 defines the meaning of those words. It says that he shall be presumed during the incumbency of his office to always be engaged in official duty. Of course everyone would concede that we could not legislate and say that the sun would be presumed to shine upon our side of the earth at 12 o'clock midnight. That would be trying to legislate into existence a fact that we could not do by legislative enactment. But can we not by legislative enactment define the meaning of words?

Mr. DE ARMOND. I concede that by legislation you can define the meaning of words, but I do not understand this to be a definition. In the first place, the words are susceptible of being clearly understood; they have no ambiguous meaning. But if it were conceded that they have, or if you desire to give to them some restricted or enlarged meaning, I concede very readily that it is entirely competent in the law to declare the meaning you do give them. Unless the meaning is thus declared they have their ordinary, their usual meaning. You can by legislative definition give to them any other meaning you please to have them carry.

But I submit there is no definition about this. A presumption is not a definition.

Engaged in the discharge of the duties of his office.

Suppose you wish to give to those words some meaning which they would not otherwise have, how can you do it? Do you say "presumed to be engaged?" "Engaged" to what extent? That is not defined. To which of these words do you give a new meaning? Not to one of them.

Mr. LANHAM. May I ask my friend a question?

Mr. DE ARMOND. Certainly, if it relates to the matter I am now discussing.

Mr. LANHAM. Does not the same presumption extend also to the Vice-President?

Mr. DE ARMOND. Oh, of course; certainly. The case is all the same with any of these officers.

Mr. LANHAM. In that connection I want to call the gentleman's attention for a moment to certain language used in the report of the committee:

So, should such a thing occur, if the President is engaged in a personal quarrel as to some private matter, while that act is not an official act, he is still in and about the performance of his official duties as President.

As to the Vice-President and members of the Cabinet no such claim can be made. The Vice-President can not act until Congress meets. His constitutional duty is to preside over the Senate.

And again:

In case of the Vice-President no such rule applies. His only official duties are to preside over the Senate, and hence he can not be engaged in the performance of his official duties until the Senate assembles pursuant to law.

And yet it is presumed here that the Vice-President is always in the discharge of his duty,

Mr. DE ARMOND. Of course if the Vice-President should be killed when not acting as President or when not presiding over the Senate—when the Senate is not in session—the proof of those facts would rebut the presumption and no harm would result.

But as a matter of verbal criticism I think my colleague is entirely right about the matter. The presumption, according to section 13, extends to all these officers alike. The question merely would be, when it is undertaken to rebut the presumption as to any one of them, whether the evidence is of a sufficiently satisfactory character to do so.

Mr. LANHAM. The report of the committee shows the violence of that presumption in the case of the Vice-President.

Mr. DE ARMOND. Well, I think that is in the nature of a verbal criticism of the section.

Mr. LANHAM. It is in contradiction of the doctrine of the report.

Mr. DE ARMOND. I think it is in the nature of a verbal criticism of the section.

Mr. VANDIVER. Will my colleague [Mr. DE ARMOND] yield to me for a moment before leaving the point he is now discussing? I want to call his attention to an explanation given a moment ago by the gentleman from New York as to section 13.

Mr. DE ARMOND. I would rather not yield now for that, as I am engaged upon another point.

As to the matter of definition, which the gentleman from New York has suggested, I submit there is no element of definition here. There is nothing here that at all suggests what is to be regarded as the meaning of these words. There is no attempt to say, for instance, that the phrase "while he is engaged in the performance of his official duties" is to have some particular meaning—that the word "engaged" or the word "performance" is to have a meaning that it does not always have.

If this were in the nature of a definition there would be some words of that kind enlarged or limited, but none of the words have anything attached in the way of defining them. These words mean no more and no less on account of section 13. That section does not purport to add to or take from a solitary one of these words, to give any additional meaning or to take away any meaning, or to color or shade any meaning. So this can not be a definition.

Now, it is either a presumption of law or a presumption of fact for which section 13 provides. There may be some discussion about that. I think it is a presumption of fact. I think the question whether the President or any other officer is engaged in the discharge of his legal duties at any particular time is a matter of fact. If that be not so, then comes in the other question—whether it shall be presumed as a matter of law that the officer is always engaged in the discharge of his duty. I do not see how that can be a presumption of law. I do not see how it can be true as a matter of fact.

There is in section 13 "a saving clause," or what was designed to be such, that nothing in this section shall be taken as a confession or admission that the officer is not always in the discharge of his duty.

Now, take one of the officers who is to succeed to the Presidency in a certain case, the Secretary of State or the Secretary of the Treasury or some of these other officers. What sort of reason or philosophy is there in presuming or supposing, as a matter of law or as a matter of fact, that any officer is always engaged in the discharge of his official duties?

Can there be such a thing in the constitution of human nature and human government? Can there be such a thing as that a mortal man can be always engaged in the discharge of his official duty? Is it a physical or human possibility? He can be in office during his whole term, and gentlemen, I think, confound these two ideas.

A man elected for a specific term, four years, as is the President, is from the time of his inauguration to the time of the expiration of his term, if he live through the term, an officer; he is President every minute of those years, awake or asleep, in the city of Washington or in the remotest part of the Union, possible on the high seas, or even in a foreign land; he is President so long as he does not do something which takes him out of office, until his official functions terminate. He is an officer, but is he always discharging the duties of his office?

As I said before, is it not absolutely beyond human power, is it not decreed upon the human race in the creation, that no man can always be engaged in the discharge of official duties or any other duties that can be artificially imposed upon him? The duties of an office are duties prescribed by law. The President may have this or that to do; he may have much to do or he may have little.

The Constitution prescribes the powers and duties which he now has. An amendment to the Constitution could abridge or enlarge them, could qualify or direct or limit him in the exercise of these or other functions, but it is beyond the power of constitution maker or lawgiver, it is beyond the power of mortal man, to give to any man born of woman the power of Infinity, of Omniscience itself. Official duties prescribed by human instrumentality change with legislation or change with constitutions, and yet, as a matter of fact or a matter of law, is it possible for an officer to be always, from induction into office until he leaves the office, engaged in the performance of his official functions? I think stating the proposition merely, without argument, furnishes answer and refutation complete and ample.

Then I assume that there can be a time, that there is a time, that there are many times, that much of the time, neither the President nor any other officer is engaged in the performance of his official duties. If that were not true, these limitations which went into the legislation with reference to officers in general, and the interference with them in the discharge of their official duties—went into the law in the early days of our country, when the Constitution was new and fresh from the hands of its makers—certainly would not have gone in. They would have been and would be unnecessary.

What reason is there for concluding that the President is always engaged in the discharge of his duties and that a justice of the Supreme Court is not always engaged in the discharge of his duties? What reason for concluding that the justice of the Supreme Court is always engaged in the discharge of his official duties, but that the judge of the court of appeals is not always so engaged? And so we could pass down the line. It is a presumption against human nature; it is a presumption that does violence to all our experience and observation and all the facts in the case.

I take it that this saving clause does not save anything: that necessarily, inevitably, there are times, and there must be times, when no mortal man is or can be engaged in the discharge of official duties.

Then, coming to the former part of section 13 again, here is a presumption that at the time of the particular offense, the time of the particular homicide, the officer is or was engaged in the discharge of his official duties. It may be or it may not be so. It is the material fact whether it is or is not so. Certainly there are times when he is engaged in the discharge of his official duties and there are times when he is not.

Take another branch of this, where the presumption amounts to more, and where the objection to it—constitutional objection I mean—seems to me to be clearer and more forcible—that an offense was committed on account of something done or something not done officially—presumed to have been so committed. It may be that there can not be a bit of evidence upon that subject. The offense may have been committed under such circumstances, with such surroundings, by such a person, as that there can not be any evidence upon the subject; that no man except the offender himself can know, and yet here is the presumption. Now, why? Why, in order to help out this jurisdiction?

It seems to me that section 13 ought to go out. It may be a long, long time—God knows that all hope it will be, that none of us will ever live to see the time—when this law, whatever it may be, shall be brought into play. Then, again, it may not be so long, but however it may be, since we are legislating here upon the matter, since we are trying to deal with it as lawyers, let us, if we can, deal with it correctly.

I do not believe that this legislation ought to cover as many officers as are embraced in it, or that it ought to apply to the representatives of foreign governments. What reason is there for making this apply to the representative of a foreign government? It does not apply to our own legislators; it does not apply to our own judiciary; it does not apply to the loftiest and best of the manhood of our nation. Why should it apply to those representatives of foreign governments, great or small?

The suggestion was made here in this debate that you can not draw a line of distinction between them; that you ought to have your law cover and protect and apply to the representative of the tiniest republic in the world as well as to the representative of the mightiest monarchy. I think that is a correct proposition; but why ought it to apply to any of them, to take them out of the class, in our own land here, in which seventy-odd million people are placed? Is it necessary for their protection? On the contrary, the very singling out of them, the very specifying of them, the very fact of making a law peculiarly for them, in contradistinction to millions of others, increases the dangers which may surround them. They are far safer in the body of our citizenship, they are far safer protected by the general laws which apply to all our people.

Take these officers in the remote succession. This legislation is predicated upon the theory that the Government receives a fatal blow, or a blow of such tremendous importance that there should be special legislation about it, only when a Chief Executive or somebody down a considerable line of succession is killed. This line of succession may by legislation be made much longer. It might be made to extend through a horde of officers, who would be put under this special legislation. Now, I do not think that is a wise thing.

I do not think the title of this bill is in keeping with what is in the bill itself. I do not really estimate it to be what its title states it to be—a bill for the protection of the President. It is a bill to give the Federal courts jurisdiction of offenses committed against the President and certain other persons on account of their official character. It is for the conferring of jurisdiction upon a Federal court, and it is for the punishment of certain offenders. I think the title is a misnomer. That, however, is a trifling thing.

A good deal has been said about a sentiment abroad in the country in favor of legislation upon this subject. That sentiment is in favor of legislation to protect the President, to make more difficult and more improbable and, if such a thing could be, impossible such shocking tragedies as three times have occurred in our history, the Chief Executive each time being the victim of the assassin's malice or blindness or fury or madness. But really, as to the effect of the legislation proposed, in my judgment it will prove neither particularly good nor particularly bad.

Inasmuch as there seems to be a demand for some legislation, although I do not believe it is necessary, for there is ample and complete jurisdiction, Federal and State, and a full body of laws in all the States, and complete jurisdiction and full provision of law where the United States have supreme and exclusive control, yet I am disposed to yield to that general sentiment so far as to vote for a new measure, providing it does not contain provisions which seem to me to be thoroughly objectionable, and so objectionable as to warrant me in the exercise of my judgment in voting against it. Section 13 is one of these provisions.

Now, I believe I have said all I care to say on this point. To sum it up, I believe it is necessary in order to give jurisdiction to the Federal courts over homicides in the States, to have some such qualifying words as are in this House bill. I do not believe that legislation such as the Senate bill, such as that advocated by the gentleman from Wisconsin [Mr. JENKINS] and the gentleman from New Jersey [Mr. PARKER], simply providing for Federal jurisdiction and punishment by Federal courts of offenses because committed against some official, is constitutional.

I believe these qualifying words are necessary. Being necessary, I believe it is also necessary to charge their substance in an indictment and necessary to prove it. Reaching that conclusion, I believe section 13, which provides for presuming that which it is necessary to prove, presuming it against the accused, who is entitled to the benefit of a reasonable doubt, entitled to due process of law, and to trial according to the general forms and principles of the common law, is unconstitutional.

There is one other thing that I will mention just in passing, that has been commented upon somewhat, and that is the question as to whether a person tried in a Federal court and there acquitted could be tried again in a State court for, and convicted of, this offense, or if tried in a State court and acquitted, whether he could be convicted in a Federal court.

If the first indictment be a good indictment, and the defendant pleads to it, is tried and acquitted in a court of competent jurisdiction, can he be tried again in the other jurisdiction? It is suggested that there are two jurisdictions and that there is an offense against each. But is that true in the sense in which there can be two trials and two punishments? I think not. At least, I am inclined to that belief.

Now take the case of an assault on a mail carrier while engaged in the discharge of his duty. There are two offenses—there is no question about that. The offender can be prosecuted, and rightfully prosecuted, and convicted in the Federal court for interfering with and obstructing a Federal officer in the discharge of his duty.

Now, then, the same man can be indicted, tried, and convicted in a State court for breaking the peace, for bodily injury inflicted.

Mr. LANHAM. That is distinctly held in the case of Cruikshanks *v.* The United States.

Mr. DE ARMOND (continuing). For assault committed upon this individual. But suppose he kills him? Suppose the minor offenses are merged into the greater offense, summed up and swallowed up in the great capital offense of homicide, of murder. He is tried for murder; he is tried for homicide; he is tried upon a good indictment. When you try him again, what do you try him for? Of what do you convict him? You do not convict him of obstructing the mail carrier or the President in the discharge of his official duties. You convict him of killing the officer. He has committed that offense.

In each court a homicide, the same homicide, is charged against the accused. Can it be possible that he can be tried twice for that homicide, once acquitted and once convicted, without being twice in jeopardy for the same offense? Can one murder be divided into two murders by the simple process of charging the accused in one case with the crime of murdering A and charging in the other case with murdering the same identical A—the Haitian minister to the United States?

Mr. GILBERT. As demonstrating the fact in just such a case, I want to call the gentleman's attention to these words in the seventh amendment to the Federal Constitution:

> No fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of common law.

That applies, of course, to the Federal courts. If the jury impaneled had the proof before them and the issues had been disposed of by the jury, before either State or Federal court, can the same issue be made?

Mr. DE ARMOND. I think not. Now, it seems to me that this bill ought to be made constitutional. It is to be hoped, all of us sincerely hope, that the time will never come again in the history of our country when this law, or a law like this, or any laws that are now on our statute books, or any proposed new law need be invoked on account of a crime committed against the President, the Vice-President, or any officer mentioned in this bill.

If the time ever comes, I have every reason to believe that the offender will be tried, convicted, and punished. There is such a general, such a universal reprobation in the American mind everywhere, rising above every sentiment and every division of thought, of sect, creed, or section against this offense, such an absolute abhorrence, such a disposition to enforce and observe the law, such a determination to punish such violations of law, that there is no danger, whether this law be passed or not, that any such offense, if anybody ever commits such an offense again, will escape punishment.

Then, if a law is to be made which gives the Federal courts jurisdiction of crimes committed in the States, let it be such a law, if the time ever does come, that it will not defeat the trial of such a man in a State or Federal court. As I said, there is such a general disapprobation of the crime, such a law-abiding spirit in our people, that it may be relied upon to punish the offender, and if there be a possibility of escape for the criminal it is through just such a conflict as may arise between such statutes as this will be if put upon the statute books and the existing laws of the States and our Constitution.

Take section 13 out of it and the unconstitutional part of it, I think, has gone. Take your section 13 out of it, amend it so as to leave the ambassador, whether he represents a great government or a small one, to the protection of the laws, State and national, which for more than a century have been, and which for another century and another century will be, ample for his protection. Make this, if you please, a law to reach the President and the Vice-President. If I had my way, I would go no further down the line. Put the law into this shape, and it seems to me, if it does no good it will do no harm. It can not be assailed, as I think this House bill can, for unconstitutionality. [Applause.]

Mr. HAMILTON. Mr. Chairman, I do not propose to discuss the constitutional questions involved in the pending bill.

I do desire, however, to lay stress upon the necessity of a Federal law which shall make it a crime to kill or attempt to kill the President of the United States or those in the line of Presidential succession; which shall make anarchy a crime; and which shall restrain the immigration of anarchists to this country so far as may be.

The killing of William McKinley as a citizen of Ohio, or as a temporary resident of any State, would be a crime against the laws of that State, but the killing of a President, because he is President, and because of the Government which he represents, is a crime against government and ought to be so punished.

Czolgosz assaulted the President because he represented organized society, not because of any personal grudge against him.

This kind of impersonal crime and abstract deviltry is called anarchy.

There are two kinds of anarchy, it appears. One would dissolve society in blood and inaugurate the reign of every man for himself; the other would rescind the social contract by mutual consent and everybody would be so good as to need no law. One would be hell; the other would be the millenium, and both are at present impossible.

Any man who hates organized government enough to be willing to die in order to strike at it, even though he knows it will go on as though nothing had happened, must be animated by fanaticism or a most bitter hatred.

Men like Czolgosz are in part and in varying degree the emotional and unreasonable results of hereditary hatred of Old World governmental oppression.

In their blood runs the transmitted horror of Siberia, the hatred of the government of which Siberia is a part, and the inherited memory of Polish national extinction; of centuries of robbery under forms of law; of taxation to support states which give nothing in return; of hatred of privileged classes.

These men or their ancestors came here from conditions of spiritual, moral, and material degradation. They came here from hovels of filth to find American homes, from foul food to healthful plenty. They came as emigrant subjects to take their place as American citizens.

The angel of liberty has never visited them before. It would be strange if they knew how to entertain her.

Our language is unknown to them at first. Our institutions are unknown to them. Free speech, free press, personal liberty, the right of public meeting, and the enjoyment of private property are at first incomprehensible to them.

Generations of oppression have corroded and distorted them. They bear the scars in mind and body of ancient wrongs.

And so we see cropping out here and there products whose blood harks back to ages of oppression, who are born with the instinct of opposition to organized society, who minimize its benefits and magnify its wrongs; in whom the hereditary hatred of all government slumbering in an ill-balanced brain needs only the words of a woman like Goldman to fan it into frenzy.

Such minds are fanatically predisposed against all governmental and individual prosperity. They see wealth about them, but do not understand that it is the wealth of labor grown prosperous.

They see men above them in official places, but do not perceive that office is conferred by the free will of a free people, and that the man who rises from the ranks to serve the public for a time must return to the ranks from whence he came. Their dream of Utopia is to destroy society and sit around among its ruins.

Assume that out of a population of 76,000,000 there are a few minds in this condition. Then there comes on a political campaign and demagogues go out and preach the doctrine of discontent and scatter firebrands from the rear platforms of special cars for political purposes.

These men lie about their country, about their Government, and about its purposes. They enlarge symptons into diseases; make health seem tottering invalidism; make opportunity seem departing; make capitalists feel like apologizing for having a dollar ahead; make an employer seem like a despot; make a factory seem like an inquisition, where labor is ground in the cogs of capital; make honest labor seem like vassalage; make honest sweat seem a badge of servitude; make hypocrites think themselves genuine and cranks extra-enlightened citizens; cause the emotional to dimly hear the rumblings of the end of the world, and finally arm discontent with the torch and ax.

In this they are aided and abetted by the kind of journalism which abuses the liberty of the press; which smirches and ruins innocent reputations; which considers public men fair targets for wanton lies; which seldom tells the truth unless the truth is sufficiently sensational; which caricatures public men until the beasts that die are respectable compared with them; which make public office a den of thieves, dividing their loot pilfered from a suffering people; which print for sale and not for benefit, and the wider the sale the wider the broadcast of evil suggestion; which, instead of educating the people upward, is a literary drab, selling itself for a price to all manner of mental uncleanness.

If any of the Ten Commandments are of binding force, all are of binding force; therefore if it is an offense to kill, it is an offense to bear false witness.

These things plow the ground and sow the dragon's teeth of anarchy which spring up in men like Czolgosz, with knives and revolvers in their hands and a mania in their brains to kill.

There is no sharpening of the dagger of the oppressed upon the tombstones of martyrs in this country. There have been no martyrs of governmental oppression in this country. Anarchy here is in no sense the product of American conditions, but a growth transplanted from abroad.

In a limited monarchy a king acts in a defined way. In an absolute monarchy he acts as he pleases. Here no man does as he pleases in his public relations unless he pleases to do right.

Here public opinion rules. It towers above legislatures, Congresses, governors, and Presidents. Here Presidents and legislatures are the agents of the people who call them up and call them down.

The public opinion of Russia, Germany, Italy, France, and England is the opinion of a privileged class. Here there is no privileged class; there is no lower class; there is no middle class, and there is no peasantry.

We are all common citizens of one common country, jointly interested in its welfare.

We recruit our temporary rulers from the common walks of life.

We doff our hats to no king We make our own laws and rule our own political destinies.

"Nowhere does the individual associate himself more constantly and directly with the greatness of the nation."

Time and again in our history have we demonstrated this. A boy is born on a 40-acre farm of poor, obscure, and perhaps illiterate parents. He goes to school at the common school and finishes perhaps at a high school in his nearest town. From sheer necessity he makes his way, the very struggle strengthening him until at last he heads a business, heads his profession, heads his State or his nation.

The avenues upward in this country start at no upper class or middle class; they run to the uttermost parts of the Republic, even unto the doors of abject poverty.

Why try to destroy government? The evolution of society has been from chaos through feudalism and free cities up to government of the people, by the people.

Why obliterate the work of centuries? Natural man in the exercise of his natural rights took what he found, and it was his while he retained it. The shade of the tree and the fruit thereof were his while he waited.

The ground was common property, but as mankind increased in number, craft, and ambition this became no longer possible. No man would sow without the hope of harvest, and no man would build for everybody.

There are two kinds of anarchy, the anarchy of evolution and the anarchy of revolution.

With the anarchy of evolution which hopes for the evolution of man to the point where he will be so just as to need no government, we need not trouble ourselves. Its consummation is a long way off.

The anarchy of revolution proposes the killing of rulers till men will no longer dare to become rulers.

But suppose that were possible. The forces that had destroyed

government would turn and rend each other. Instead of the tyranny of government there would ensue the tyranny of crime. After the fall of law and order would ensue the reign of terror, and out of the reign of terror would ride the man on horseback.

As out of the chaos of the dark ages feudalism rose, so out of disorder centers of power would appear conquering the weaker on the margin of a constantly increasing circle of power till nations should appear again.

Without fault of his own, William McKinley was sacrificed to the propaganda of impersonal murder.

He had moved slowly up the way to power which his fellowmen had by successive stages opened to him. He had never seized anything by craft or force. If any man of modern times has walked with God William McKinley did.

He neither embodied in himself nor represented repressive tendencies. He was one of the people. He stood for the people. His highest aim was his country's good, and his daily life was an example and inspiration to upright living.

Such a President heading such a Government furnishes no pretext even to the most fanatical opponent of organized government unless it be upon the theory that the best forms of government ought to be struck down so that humanity may the sooner revert to confusion where "They shall take who have power and they shall keep who can."

Mr. RAY of New York. Mr. Chairman, I now yield to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have read this bill with considerable attention, and I find nothing in the bill which is, in my opinion, either unconstitutional or undemocratic, and I am reputed to be a strict constructionist of the straightest sect. About all that the bill does can be stated in one sentence: It makes the punishment uniform throughout the United States, and it vests jurisdiction in the Federal courts.

I see no objection in vesting jurisdiction for the crime described in this bill in the Federal courts. On the contrary, I do see very much objection to leaving the governmental agencies of one sovereignty to be protected by the judicial agencies of another, or leaving to one sovereignty the duty of punishing those who have obstructed the officers of an independent sovereignty in the conduct of their official duties. As a State's Rights Democrat, I say this: I would not consent that the crime of obstructing by death the governor of Mississippi in the performance of his duty should be tried for it elsewhere than in a Mississippi court.

Mr. Chairman, there are especially two clauses in this bill that I very heartily indorse. There are some things in it that I would rather have seen a bit otherwise. For example, I wish the bill had stopped with the President and Vice-President instead of going all down the line of Presidential succession under the statute. But the constitutional power down the line is just as full as it is to the extent of including the Vice-President. I also wish that in section 11 the words "who disbelieves in or" were omitted, so that it would read "that no person who is opposed to all organized government," etc., instead of saying "who disbelieves in or is opposed to all organized government," thus entering into the inner arcana of a man's intellectual intentions, as the bill appears to try to do.

However, that amounts to very little, for unless there has been some overt act of expression to indicate the intention there can be no proof of its existence. I am especially pleased to find section 11 and section 12 in the bill, because I do not believe that anybody who professes "opposition to all organized government"—the instrumentality and the means of civilization on earth—ought to be permitted to enter into this country, which he is forbidden to do under section 11, or to be naturalized if he should have entered, as is forbidden in section 12.

Mr. LANHAM. May I state to the gentleman from Mississippi that that portion of the bill had the unanimous approval of the committee?

Mr. WILLIAMS of Mississippi. The gentleman from Texas says that that section has the unanimous approbation of the committee, and I am glad to hear that. Now, I was interested somewhat in the argument of the gentleman from Missouri [Mr. DE ARMOND]. There is no acuter intellect, no better lawyer, in this House, as far as I know, but I think the gentleman has made some mistake in his exposition to-day. It is not an uncommon thing for a law to say just what this law says, that something "shall be presumed until the contrary is proved," etc. Why, there is hardly a State in the Union, for example, having prohibition laws where it is not provided that when the proof of the fact of sale has been made, the presumption shall be that the sale was unlawful unless it is otherwise established. I do not see that that cuts any figure; it is a presumption of fact, and each case is left to rest upon its own bottom, according to the facts surrounding it.

Mr. DE ARMOND. Will the gentleman allow me?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. DE ARMOND. In the instance the gentleman has cited and under similar instances, is it not true that the presumption is a declaration of the general principles and that the person who is to rebut the presumption has the means to rebut it, provided the fact is not against him; for instance, the fact of selling the liquor?

Mr. WILLIAMS of Mississippi. Undoubtedly, and that is true here.

Mr. DE ARMOND. No.

Mr. WILLIAMS of Mississippi. Yes, it is; and I can prove it by reading the proposed section.

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties.

And then there follows this language:

Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

In other words, the fact is left to be determined by the jury, according to the circumstances of each case; and the words are taken in their ordinary intendment—in the meaning in which they are ordinarily used.

Mr. DE ARMOND. I will ask the gentleman whether there is not this very broad distinction—that in the case he has cited, the charge of the unlawful sale of liquor—the general proposition is that within a given territory the sale of liquor is unlawful.

Mr. WILLIAMS of Mississippi. Well, I will take another case. What is the ordinary common-law presumption in case you kill me or I kill you? The presumption is that the killing was done with malice; and the person who commits the act is left to show, if he can, that it was done justifiably. If there is nothing before the court but the killing, the accused is guilty of murder. Here there is no question of unlawfulness in a given territory, but a broad question of felonious intent.

Mr. DE ARMOND. That rests upon the same proposition. The killing is unlawful (just as the sale of liquor is unlawful) if there is nothing shown except the killing.

Mr. WILLIAMS of Mississippi. The killing of a President is unlawful, and done "because he was President," if nothing is shown except that he was President and was killed.

Mr. DE ARMOND. Exactly; but the question whether the person killed is the President, whether he was acting as President, whether the killing was because of something he did or did not do, is another question.

Mr. WILLIAMS of Mississippi. Then there comes another point; and upon that I ask to be heard very briefly. On this point again, I think the gentleman from Missouri has made a mistake. As I understood him a moment ago, he said that the charge in each case is the homicide. Well, it is true that the homicide is a part of the charge in each case; but it is not true that under this bill the charge is simply homicide. The charge is a different offense altogether. The charge is the homicide of a man "because" he is President or Vice-President or the incumbent of any of these other offices, or "while he was engaged in the performance" of his official duties or "because of his official character" or "because of any of his official acts or omissions;" and the punishment is meted out upon the proof of this statutory offense. It is murder, but a peculiar murder, herein defined and herein made a special and distinct offense.

Now, suppose a man were arrested and tried on the charge of killing a man named A "because A was President of the United States;" and suppose it should be shown that he killed A, not because he was President of the United States, but because A had slapped his face or tried to kill him, or seduced his daughter, none of them being an act done in the performance of A's duty as President, as, of course, none of these acts could be. Now, let us suppose the man cleared upon that indictment, and suppose, then, he is indicted in a State court upon the plain, ordinary charge of murder—simply because he had killed A without any lawful reason—making it justifiable homicide. How could he plead that he had been autrefois acquit—formerly acquitted—upon the common-law charge of murder, against the peace and dignity of the State? He was formerly tried and committed upon the charge of murdering A because A was President of the United States, against the peace and dignity of the United States—a separate sovereignty—and he is now to be tried for simply murdering A, regardless of whether he was President of the United States or not, and against the peace and dignity of the State.

There are not only two separate states of fact constituting two separate offenses, but they require different character of proof to constitute the offense.

Moreover, one is an offense against one sovereignty, and hence properly triable in its courts, and the other a crime against

another, a separate, and, in this regard, an independent sovereignty, and hence properly to be tried in its courts.

Suppose a man were arrested and tried in a United States court for "piracy on the high seas"—a crime against the laws of all nations—and were acquitted, and afterwards went to England and was arrested to be tried there. Could he plead in bar to the prosecution for the offense that he had been tried and acquitted and "once in jeopardy" in the United States?

Suppose a man guilty of waging war against both Massachusetts and the United States on Massachusetts soil, and hence guilty of treason against both sovereignties. If cleared on the charge of treason against Massachusetts would that protect him from indictment and trial for treason against the United States, or vice versa?

Mr. RAY of New York. If the gentleman from Mississippi will yield a moment, I would like to place in the RECORD in connection with the remarks he has just made the syllabus and some legal references in the case of Malinda Fox *v.* The State of Ohio, reported in 46 U. S. Reports (5 Howard), with Rapalje's Notes, page 410 et seq.

The syllabus is as follows:

The power conferred upon Congress by the fifth and sixth clauses of the eighth section of the first article of the Constitution of the United States, viz, "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;" "To provide for the punishment of counterfeiting the securities and current coin of the United States," does not prevent a State from passing a law to punish the offense of circulating counterfeit coin of the United States.[1]

The two offenses of counterfeiting the coin and passing counterfeit money are essentially different in their characters. The former is an offense directly against the Government, by which individuals may be affected; the latter is a private wrong, by which the Government may be remotely, if it will in any degree be reached.[2]

The prohibitions contained in the amendments to the Constitution were intended to be restrictions upon the Federal Government and not upon the authority of the States.[3]

The notes are as follows:

[1] Followed: Moore *v.* Illinois, 14 How., 20 (but see Id., 21). Cited, Passenger Cases, 7 How., 556. (See Ex parte Houghton, 8 Fed. Rep., 898, 902; s. c. 7 Id., 659; United States *v.* Yates, 6 Id., 864; Dashing *v.* State, 78 Ind., 358; State *v.* Oleson, 26 Minn., 517.)

United States *v.* Field, 16 Fed. Rep., 778; Brown *v.* Evans, 8 Sawy., 493.

In Fox *v.* State the court arrived at the conclusion that the State punished one offense and the United States another, and therefore there was no conflict of authority. Other cases are of the same kind. Commonwealth *v.* Tenney, 97 Mass., 50. Other cases are put upon the express ground that the act of Congress expressly permitted State courts to punish the crime for which the criminal was prosecuted. Commonwealth *v.* Fuller, 8 Metc. (Mass.), 313. The permit was held constitutional. In several other State courts parties were indicted for offenses relating to the current coin of the United States, and no exception was taken to the jurisdiction. Peek *v.* State, 2 Humph. (Tenn.), 78; Rosnick *v.* Commonwealth, 2 Va. Cas., 356; State *v.* Collins, 2 Hawks (N. C.), 191; State *v.* Bowman, 6 V. T., 594; Miller *v.* People, 2 Scam. (Ill.), 233; Rouse *v.* State, 4 Ga., 136. Some cases expressly put it that such acts are unconstitutional, because Congress having express power to punish counterfeiting, no State can legislate upon the subject. Mattison *v.* State, 3 Mo., 421.

Other cases hold that it is an offense against two jurisdictions, and each may punish it (Chess *v.* State, 1 Blackf. (Ind.), 198); that the power to punish such an offense is inherent in the State to protect her citizens. State *v.* Tutt, 2 Bail. (S. C.), 44; State *v.* Antonio, 2 S. C. (O. S.), 776; People *v.* White, 34 Cal., 183; State *v.* McPherson, 9 Iowa, 53; Jett *v.* Commonwealth, 18 Gratt. (Va.), 933; State *v.* Brown, 2 Oreg., 221; Sizemore *v.* State, 3 Head. (Tenn.), 26; State *v.* Antonio, 3 Brev. (S. C.), 562; Sutton *v.* State, 9 Ohio, 133; State *v.* Pitman, 1 Brev. (S. C.), 32; Henrick *v.* Commonwealth, 5 Leight. (Va.), 707; State *v.* Rankin, 4 Coldw. (Penn.), 145; Long *v.* State, Penn. Tex. App., 186; State *v.* Randall, 1 Aik. (Vt.), 89; Darling *v.* State, 78 Ind., 567. And perhaps a party who steals money out of mail bags may be punished under the United States laws for violating the postal laws, and under the State laws for theft. United States *v.* Amy, 14 Md., 149-152.

The indictment must charge the offense as one against the State and not against the United States. Harlan *v.* People (1 Doug., Mich., 207.) In Massachusetts it is held that since the passage of the act of Congress punishing national-bank officers for embezzlement, an accessory to such embezzlement by an officer of such national bank can not be indicted for a felony under the State law, even though he is not indictable in the Federal court. Commonwealth *v.* Felton (101 Mass., 204). So, in the United States district court of Vermont, it was decided that the Federal courts had exclusive jurisdiction over the offense of passing counterfeit national-bank bills, and where a person was imprisoned by a State court on a charge of such an offense a writ of habeas corpus would be issued to release him. Ex parte Houghton (2 Crim. L. Mag., 759); Commonwealth *v.* Ketner (1 id., 227); Luberg *v.* Commonwealth (id., 779).

A State court can not punish one violating the United States laws as to perjury. (People *v.* Kelly, 38 Cal., 145; State *v.* Adorne, 4 Blackf. (Ind.), 147; State *v.* Pike, 15 N. H., 83.) The case of People *v.* Kelly was one of perjury committed to obtain a land patent, and it was held that the offense could not be punished in the State court. To the same effect are other cases. (People *v.* Sweetmore, 3 Park. C. R., 358; Sherwood *v.* Burns, 58 Ind., 502; contra, Rump *v.* Commonwealth, 6 Carey (Pa.), 475.

[2] Explained: United States *v.* Marigold, 9 How., 568. Cited. Coleman *v.* Tennessee, 7 Otto, 537, 539; Tennessee *v.* Davis, Tenn. id., 278; ex parte Sebold, id., 390.

[3] Followed: Twitchell *v.* Commonwealth, 7 Wall., 327. Cited Smith *v.* Maryland, 18 How., 76; Withers *v.* Buckley, 20 Id., 91; Edwards *v.* Elliott, 22 Wall., 557; United States *v.* Cruikshank, 2 Otto., 552. The clause in the Constitution of the United States that "No person shall be subject for the same offense to be twice put in jeopardy of life or limb," binds only the United States and does not extend to the several States. United States *v.* Keen, 1 McLain, 427; United States *v.* Giebert, 2 Sumn., 19; Jackson *v.* Wood, 2 Cow. (N. Y.), 819; Livingston *v.* Mayor of New York, 8 Wend. (N. Y.), 85; Colt *v.* Eves, 12 Conn., 243; Baker *v.* People, 3 Cow. (N. Y.), 286; Hoffman *v.* State, 20 Md., 425; Contra, State *v.* Moor, Walk. (Miss.), 134; People *v.* Goodwin, 18 Johns. (N. Y.), 187; Commonwealth *v.* Purchase, 2 Pick. (Mass.), 521.

The law also is well settled that the municipality may punish for the same act that is an offense against both a State law or a town or city ordinance. The proceeding under the ordinance is regarded as a civil suit to enforce a penalty, although the judgment rendered is enforced by imprisonment. When the town or city prosecutes the offender, it is for an offense against the town or city only and not against the State. Rogers *v.* Jones, 1 Wend. (N. Y.), 261; Mayor *v.* Allaire, 14 Ala., 400; Mayor *v.* Rowe, 8 Ala., 515; Inhabitants, etc., *v.* Mullins, 13 Ala., 341; Mayor *v.* Hyatt, 3 E. D. Smith (N. Y.), 156; People *v.* Stevens, 13 Wend. (N. Y.), 341; Batchley *v.* Moses, 15 Wend. (N. Y.), 215; Amboy *v.* Sleeper, 31 Ill., 499; State *v.* Crummey, 17 Minn., 72; State *v.* Oleson, 26 Minn., 507; Levy *v.* State, 6 Ind., 281; Brownville *v.* Cook, 4 Nebr., 101; Greenwood *v.* State, 6 Baxt. (Tenn.), 567; s. c., 32 Am. Rep., 539; St. Louis *v.* Betz, 11 Mo., 383; State *v.* Ludwig, 21 Minn., 202; Shaffer *v.* Mumma, 17 Md., 331; Bloomfield *v.* Trimble, 54 Iowa, 399; s. c., 37 Am. Rep., 545; McRae *v.* Americus, 59 Ga., 168; Hamilton *v.* State, 3 Tex. App., 643; Contra Savannah *v.* Hussey, 21 Ga., 80. (See Mr. Thompson's essay on "Once in Jeopardy," 4 Crim. L. Mag., 487.)

The gentleman will find by the notes that there have been 150 or 200 cases in the Supreme Court of the United States and in the State courts, holding exactly the view which the gentleman from Mississippi states.

Mr. WILLIAMS of Mississippi. Why, sir, this is, in the broad outline, a matter of familiar law learning. Referring again to the liquor case, suppose, for example, a man is indicted in the State of Mississippi for "violating the prohibition laws" of Yazoo County. Suppose the accused makes the defense that the vote upon the prohibition law was not valid; that prohibition was never made the law in Yazoo County. Suppose upon that ground he is acquitted, and that he is then arrested and tried upon the charge of "unlawfully retailing vinous and spiritous liquors," of course he can be convicted if he can show no license to sell liquor, although the prohibition law may be invalid. Now, it is true the fact of selling liquor is the fact to be inquired into in each case; but it does not constitute the offense to be inquired into, because in the one case the fact of selling the liquor was urged to have taken place contrary to a prohibition law, and in the other case it was urged to have taken place unlawfully because the selling was without a license.

And so, in this case, the fact of the killing is the gravamen of each offense in a certain sense, but in one case it is simply the fact of having killed A without lawful authority and in the other it is having unlawfully killed A because A was President of the United States. Now, then, what harm does this presumption do? Czolgosz killed Mr. McKinley in the State of New York. Under this law, if it had been in operation, he could have been indicted for this offense—the statutory offense hereby created. He could have come into court, let us say, and could have plead that he did not kill him "because he was President of the United States," but for a private reason, but the presumption of law as declared by this act would have been that he did kill him "because," etc., or "while," etc.

Then the burden of proof would have shifted, and it would have become incumbent upon him to show that he had some other reason or motive. Now, his mere say so would not establish it, although it would be competent testimony, and if itself unrebutted by evidence, direct or circumstantial, would prevail. He could have been heard himself to swear that that was not his motive, but when the facts were developed to the effect that he had never been even acquainted with William McKinley as a man, that he had never met him in his life, that there was no possibility of any personal grudge or personal reason, his testimony would have been disbelieved by the jury; so the presumption can be rebutted, and it can be rebutted in the way in which every other prima facie case defined by law can be rebutted, namely, by the testimony of the witness, by the testimony of other witnesses, or by circumstances.

Mr. RICHARDSON of Alabama. Mr. Chairman, will the gentlemen permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. RICHARDSON of Alabama. Now, the instances the gentleman has given by which he has illustrated his facts as to the whisky case he will admit, as a matter of course, are all, under the criminal law, in the nature of police regulations.

Mr. WILLIAMS of Mississippi. I do; but I do not admit that the illustrations I gave about murder are within the police regulations.

Mr. RICHARDSON of Alabama. Does the gentleman not admit, whenever he refers to police regulations, that the criminal law is very different from what it is in the matters and rules of homicide?

Mr. WILLIAMS of Mississippi. I do.

Mr. RICHARDSON of Alabama. Now, the gentleman is using the police regulation where a man is charged in one instance with violation of the police regulation and is brought forward and tried again, that for that reason under this bill a man can be tried twice by the Federal and State courts, when he has once been acquitted.

Mr. WILLIAMS of Mississippi. Yes; and for that very reason, when the gentleman from Missouri interrupted me and proceeded to argue that case, that fact had occurred to me and I suggested

the other analogy of the common-law rule concerning murder, which is the malicious and premeditated killing of a human being in life; and that is not a police regulation, but is a matter of felony, just as this would be.

Mr. DE ARMOND. Mr. Chairman, will the gentleman permit an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. DE ARMOND. Does the gentleman regard it necessary under this bill to allege that the person killed is an officer and in the discharge of his duty, or was killed because he did something or did not do something officially?

Mr. WILLIAMS of Mississippi. Undoubtedly, in order to constitute this statutory offense.

Mr. DE ARMOND. It is necessary to give jurisdiction.

Mr. WILLIAMS of Mississippi. I think so.

Mr. DE ARMOND. Does the gentleman think that a matter which it is necessary to allege in an indictment, which is essential to give jurisdiction, can be presumed against a man in a criminal case?

Mr. WILLIAMS of Mississippi. Yes; in the intendment of this bill, i. e., if certain facts are first proved, for example, that A was President and was killed. It is not only essential to give jurisdiction, but the gentleman must remember that it is also essential to constitute the statutory offense.

Mr. DE ARMOND. I stated that.

Mr. WILLIAMS of Mississippi. And it is upon that subject that I am now speaking.

Mr. DE ARMOND. What I am asking the gentleman—he misunderstood my question—is, If it is jurisdictional, absolutely necessary to be alleged, that which must be established to constitute guilt under this particular law, can it be presumed against a man?

Mr. WILLIAMS of Mississippi. Yes; provided it is also necessary to be proven in order to constitute the offense as well as to give jurisdiction and provided certain facts on which the presumption is based, and deemed sufficient to base it on, are first proved.

Mr. DE ARMOND. Then, if it is jurisdictional alone, it can not be presumed. If it is necessary to be proven, but is not proven, it can not be presumed, but if it is necessary to be both, for jurisdiction and conviction, it can be presumed.

Mr. WILLIAMS of Mississippi. Of course you might state it that way if you choose and it amuses you to do so, but in this instance it is not a case of jurisdiction; it is a case of the constitution of the offense. The offense itself is put by another clause of the bill within the jurisdiction of the Federal courts, but the thing that constitutes the offense is the "killing of A because A is President of the United States," or "while," etc.

If proved to be President, and killed while President, it is simply presumed, until shown to the contrary, that he was killed "while engaged in the performance of official duties"—a natural and not violent presumption and one which is made prima facie only and capable of rebuttal.

Of course, in order to convict, the jury must believe beyond a reasonable doubt that the imputed presumption is not rebutted either by evidence or lack of evidence, giving the benefit of every reasonable doubt to the prisoner. I believe that the presumption would have existed as a presumption of fact without any express provision in the bill, but growing out of the very nature of the offense defined and created. The thing that constitutes the offense is the "killing of A while engaged in the performance of his official duty," or the "killing of A because of his official act," or of some official omission. In other words, the statutory offense is defined there, and then later on, after the offense has been created and defined, another section of the bill gives jurisdiction to the Federal court for the trial of that offense.

Now, Mr. Chairman, I have said about all I want to say, except this: That I agree with what a great many other gentlemen have said to the effect that this bill ought to be considered with a view to the future, and not because of any feeling aroused by the past.

Mr. McDERMOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. McDERMOTT. The crime as described in this bill, if my recollection serves me rightly, is murder in the first degree in every State in the Union. Killing the President, in accordance with the provisions of this bill, would be murder in the first degree in every State in the Union, whether the degrees of murder are fixed there by common law or by statute. Now, one being indicted for the murder of the President under a State law and acquitted would necessarily be acquitted of having done the things provided for in this bill. Could he then be tried under Federal jurisdiction? The contra proposition does not follow. One might be acquitted of having done the thing provided in this bill and yet be guilty of murder in the first degree under the common law or under the statute usually providing for malice, etc. But as the provisions of this bill are but a definition of murder in the first degree, as that crime is defined in every State in the Union, would not an acquittal within a State necessarily be an acquittal of having done the things described in this bill?

Mr. WILLIAMS of Mississippi. The offense here charged, as defined in the bill, would not necessarily be murder in the first degree in any State in the Union.

Mr. CLARK. Mr. Chairman, I should like to make a suggestion to the gentleman from New Jersey and the gentleman from Mississippi, that the definition of the crime in the first section of this bill is not the definition of murder in the first degree in any State in the Union.

Mr. WILLIAMS of Mississippi. No.

Mr. McDERMOTT. No.

Mr. CLARK. It would be manslaughter in Missouri, and I suppose manslaughter in New Jersey. I take it that they run about parallel. Now, the essence of murder in the first degree is malice.

Mr. LITTLEFIELD. Malice aforethought.

Mr. CLARK. Malice aforethought, premeditation, deliberation, and so on; but under this first section it just simply says that anybody who unlawfully, purposely, and knowingly kills the President of the United States, and so forth. That would be manslaughter.

Mr. LITTLEFIELD. We expressly eliminated the premeditation.

Mr. CLARK. It would be simple manslaughter in any State in the Union. It would not even be murder in the second degree.

Mr. McDERMOTT. My idea of the bill runs with my question, and I do not agree with the gentleman from Missouri that if a man in Missouri or any other State did what is described in this section that he would be guilty simply of manslaughter. I take it that in every State in the Union a man who unlawfully, purposely, and knowingly kills a human being is guilty of murder in the first degree.

Mr. CLARK. Oh, no.

Mr. McDERMOTT. That has been my theory.

Mr. TOMPKINS of Ohio. There must be premeditation.

Mr. McDERMOTT. If the killing was purposely, knowingly, and unlawfully, it would be charged that there was malice aforethought.

Mr. CLARK. Oh, no. Suppose, for instance, that in any State of the Union the gentleman from New Jersey and myself were to get into an argument, and the argument waxed hot——

Mr. WILLIAMS of Mississippi. And proceeded to blows.

Mr. CLARK. And I should slap the gentleman from New Jersey in the face, and he should pull out a knife and stick it in me and kill me, the very worst you could possibly make out of it in any State would be manslaughter in a very low degree.

Mr. WILLIAMS of Mississippi. And yet it would be "unlawfully, knowingly, and purposely" done. Now, Mr. Chairman, I have not attempted to make any speech on the subject. I just wanted to say that I am very glad, as far as I am concerned, that the members of the Judiciary Committee were sufficiently self-contained not to be carried away by the popular excitement and general feeling of outrage aroused by Mr. McKinley's assassination and that they did not bring into this House a bill which was unconstitutional or which was undemocratic or unrepublican in its form. I am very glad and I think the country is to be congratulated on our having a bill which we can support without violating the Constitution or the spirit of American institutions.

One further word. It has been urged that the provision for the protection of foreign ambassadors should not have been included, that there is no more reason why we should protect a foreign ambassador than the ordinary citizen. I do not agree with that view. I think that there are great international reasons why we should be especially careful in protecting those who are guests "within our gates," representatives of sovereignties who have been invited to send them here. Macbeth, himself, even when he came to consider the death of King Duncan, said he was doubly bound not to slay him, and one reason why he ought to be "strong against the deed" was because he was "his host, who should against his murderer shut the door," because Duncan was a guest within his own household. I think we are charged with a greater degree of carefulness, if possible, in taking care of those men who come to us upon our own invitation as the authorized agents and representatives of sovereignties and peoples of this world than we are in taking care of myself, for example, or the gentleman from Missouri.

Now, I want to say this, that if there ever was an occasion that would have excusably excited the people to proceed beyond the limits of their constitutional power and beyond the limits to which they ordinarily would have gone, it was the occasion of the assassination of Mr. McKinley. I do not know of one single solitary

political matter upon which he and I ever agreed, but it has afforded me very much pleasure very many times to say that a more courteous, well-bred, genial, cultured human being I had never met. So that when he was taken off in the manner in which he was taken off, it was to be expected that, faced with "the deep damnation of his taking off," the people might go too far in requiring and Congress in enacting legislation, in a spirit of revenge as well as for the prevention of like evils and crimes in the future; and I think we ought to thank the Judiciary Committee for the fact that it has been cool-headed enough not to have gone to the extreme to which the Senate in its bill went, to which a great many members of the House would in this respect have gone—to the extreme, I will say, that all of us felt like going for quite a little while after that dastardly crime was committed. [Loud applause.]

Mr. RAY of New York. I now yield six minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Chairman, the President is the executive officer, to execute the powers of the Government, as conferred upon him by the Constitution and the laws made in pursuance thereof. From the time he is inaugurated to the close of his term he is in the discharge of his duty as executive officer, for he is liable at any moment to be called upon to execute any of its duties.

I would have the crime of the person killing the President stamped by law as a crime above all other crimes against a human being under our laws as the most effectual method to stamp out the spirit of anarchy, and I would have all accessories made principals in the crime. Treason has no degrees of punishment. Any person who could be convicted as accessory in ordinary crimes I would make a principal, in the unlawful killing of the President. I would not have imprisonment as a penalty for anyone aiding or abetting the killing of the President. Why should the citizens of a government furnish a home, even in prison, for anyone who is opposed to all governments and who believes in assassination for their overthrow.

The idea I desire to express is that the Executive of the United States while in office represents all the powers of the Government as conferred by the Constitution, and whoever takes his life unlawfully strikes a blow at the sovereignty of the nation the same as if it was done by an act of treason. Millions of men have stood upon the battlefield in warding off such assaults by instant death to all such assailants.

Anarchists who would overthrow all governments by assassination in striking down their chief executive officers should all be classed as principals when it is proven in any way that they abetted the crime. Such punishment would not be in violation of any principle of the Constitution. I would stamp by law the unlawful killing of the President any time during his term of office as the greatest crime that could be committed against a human being under the jurisdiction of the Constitution of the United States. [Loud applause.]

Mr. RAY of New York. Now I yield twenty minutes, and more, if necessary, to the gentleman from Indiana [Mr. CRUMPACKER].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CONNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11599. An act to redivide the district of Alaska into three recording and judicial divisions; and

H. R. 14380. An act to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5212. An act granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians;

S. 909. An act to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887;

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal-Service Corps, in favor of the Bishop Gutta Percha Company;

S. 5968. An act to authorize the promotion and retirement of the present senior major-general of the Army; and

S. R. 110. Joint resolution empowering the State of Minnesota to file selections of indemnity school lands upon public lands in Minnesota otherwise undisposed of, after the survey thereof in the field and prior to the approval and filing of the plat of survey thereof.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

Mr. CRUMPACKER. Mr. Chairman, I thank the chairman of the Judiciary Committee for the courtesy he has extended to me, because in the course of my remarks I shall offer some criticism upon the bill reported and so ably advocated by him. I had not intended to take any part in this debate, and therefore have not gone to any special pains to look up the questions involved in the bill. I am for some kind of legislation. I am for the best kind of legislation that can be devised for the protection of the life of the President of the United States and those who are in constitutional line of succession.

For more than a hundred years the Federal Government has depended upon the laws of the various States for the protection of the lives of its principal officers? It has depended upon incidental protection, and, in the main, that protection has been regarded as fairly sufficient. Three times during the history of the Republic the Chief Magistrate of the country has been stricken down by the hand of an assassin, and on each occasion the assassin paid the penalty of his crime with his life.

I can hardly conceive of conditions where the President could be assassinated in any of the States that the offender would not be visited with the full penalty of the law. But the fact referred to by the distinguished gentleman from Mississippi [Mr. WILLIAMS] a few minutes ago, that one sovereignty ought not to be required to depend on the laws and the courts of another sovereignty for its own protection, is ample justification for the enactment of Federal legislation along the line of the pending bill. I have no doubt of the power of the Federal Government to pass laws that will protect its officers, not only in the discharge of their official duty, but that will protect officers as such, and will punish felonious assaults upon them at any time during their official term.

Our political system is somewhat complex. The Federal Government has its own functions and its own powers, and it is absolute and supreme within its sphere. The books are full of decisions holding that Congress has the power, that power is inherent in the Federal Government to enact all laws which are necessary to fully carry out all its granted powers. It has authority to enact all laws which are necessary to protect its own officials and maintain its own political integrity. I doubt if there is a gentleman in the sound of my voice who will question the doctrine, as a general proposition, that the Federal Government has inherent power to protect its official machinery and preserve it intact, whether that machinery be in operation or whether it be inactive for the time being.

I believe that Congress ought to pass a law along the line indicated by the distinguished gentleman from Pennsylvania [Mr. GROW] in his brief remarks, to make it an offense to take the life of the President at any time during his constitutional term, without regard to where he may be or what he may be doing at the time the attack is made upon him. I have no doubt that Congress has ample authority to enact that kind of a law. It is based upon the inherent power in the Federal Government to preserve its political existence. I do not like the bill reported by the committee because its provisions are too narrow and circumscribed to be efficient. It makes it a crime to kill the President only while he is performing official duties or for some official act or omission or on account of his official character.

Mr. KLEBERG. Will the gentleman allow me an interruption?

The CHAIRMAN. Will the gentleman from Indiana yield to the gentleman from Texas?

Mr. CRUMPACKER. I will.

Mr. KLEBERG. If Congress has the power to do that with reference to the President, what distinction does the gentleman draw as to other officials, Supreme Court judges and judges of the other courts, the United States marshals or the revenue officers?

Mr. CRUMPACKER. I make no constitutional distinction. I stand here to assert that the Federal Government is clothed with the power to punish the assassination of any of its officers, whether they are engaged in the discharge of official duties at the time of the attack or not.

If at the time he is assassinated the victim is an officer authorized to perform governmental functions, he is a part of the official machinery of the Government, and by his assassination the affairs of the Government have in some degree been obstructed.

Mr. KLEBERG. By such action would not Congress wipe out the line of demarcation that exists between the power of the Federal legislature and the State legislature? The State legislature passes laws for regulating the peace and order of the State, and Congress passes laws to prevent opposition to the authority of the Federal Government.

Mr. CRUMPACKER. It does not wipe it out by any means. The Federal Government has its constitutional powers and it has its legal agencies to execute and carry on its political operations. The States have their powers and functions. Each occupies a different sphere of activity and each is supreme within its sphere.

When a conflict arises the Federal Government is supreme from the very necessities of the situation.

Mr. GROW. Mr. Chairman, I desire to interrupt the gentleman. The President is the only officer in this Government who is invested with all the powers of government by the Constitution and the laws made in pursuance thereof. All these other officers have a subsidiary duty to perform.

Mr. KLEBERG. But they are coordinate branches of the Government.

Mr. GROW. Wait; wait. I do not like this jumping in. [Laughter.] Now, any other officer of the Government has only limited powers granted to him.

Mr. CRUMPACKER. That is true enough.

Mr. GROW. And his destruction can not delay the operation of Government. It is not a blow struck at the Government. A blow against the President of the United States is not only a blow against a man, but it is against the existence of the Republic itself; a blow at any other officer can not have that effect.

Mr. CRUMPACKER. I appreciate the distinction made by the gentleman from Pennsylvania, but it only relates to the expediency of legislation. Those considerations address themselves to questions of policy only and not to questions of Federal power.

Mr. GROW. I grant that.

Mr. CRUMPACKER. There is a fundamental distinction between Federal functionaries. There are Federal officers and Federal employees as distinguished from officers. An officer is one who is clothed under the law with some of the powers of sovereignty, and when I use the term "officer" I use it in that sense. I simply assert that it is within the constitutional power of the Government to protect all of its officers, and to punish anyone who feloniously assaults them. This power is necessary to protect the official machinery and enable the Government to perform its functions. But this bill does not go to that length, and I assume that no one desires a law so broad and sweeping in its scope, because there is no necessity for it. The ordinary Government official is amply protected by local laws. He confronts no peculiar hazard on account of his official character, but a sad experience has taught us that the case is different with the President. I am opposed to the bill as reported by the Committee on the Judiciary because it injects into and makes part of the offense of the murder of the President elements of fact that can not but hamper and embarrass prosecutions, and it circumscribes and limits the scope of its operation in such a manner as to materially destroy its value as a protective measure.

Mr. RAY of New York. Mr. Chairman, now may I inquire of the gentleman, does he think that the President of the United States is entitled to any greater protection by law than we give to the other officers of the Government whenever we undertake to punish offenses against them? Does the gentleman think a different rule should be applied to him from what is applied to any other officer if we undertake to protect him?

Mr. CRUMPACKER. I do.

Mr. RAY of New York. Well, why?

Mr. CRUMPACKER. For this reason: After one hundred and odd years of experience we find that the President of the United States is peculiarly liable to assault and assassination. No other Federal officer is, and all laws are calculated to redress wrongs or prevent practical dangers.

Mr. RAY of New York. Why, how many Presidents since the organization of the Republic have been killed?

Mr. CRUMPACKER. Three within half a century.

Mr. RAY of New York. Well, since the foundation of the Government, I asked the gentleman.

Mr. CRUMPACKER. Three.

Mr. RAY of New York. Well, that is all, and an attempt was made to kill President Jackson earlier, I will suggest.

Mr. CRUMPACKER. The gentleman will permit me to answer in my own way.

Mr. RAY of New York. That is all right.

Mr. CRUMPACKER. Why, that is a matter of history.

Mr. RAY of New York. We have had scores of the other officers protected by law when in the discharge of duty assassinated at different times—all protected by law, all killed in violation of the law of the United States. We have confined our legislation always to the time while they were engaged in the performance of their duties.

Mr. CRUMPACKER. Yes.

Mr. RAY of New York. What I want to get at is why is it that the legislative body, that the Congress of the United States, commencing away back in 1790, immediately after the adoption of the Constitution, when it commenced to make these laws, and when the Senators and Congressmen commenced to define the power of the United States, wrote into the laws for the protection of officers of the United States the words "while engaged in the performance of their duties?" And why have we continued it from that time down to the present? Now, you have got the import of my question. Is not this a significant fact, bearing on the existence or nonexistence of the power to protect officers—not conclusive, of course, but a fact showing the understanding of the framers of our Constitution?

Mr. CRUMPACKER. I am glad to have that question. As I said a moment ago, we enact laws simply as experience teaches us that current conditions require them. During the first seventy years of the life of the Government about the only hazard a public officer encountered was that he might meet with resistance in the discharge of his official duty, and that hazard was confined mainly to United States marshals and revenue collectors while serving processes of courts, preserving peace, and collecting revenues; hence the laws in the main have applied to that class of officers in doing that which brought on the danger. But within the last half century the lives of three Presidents have been taken, not because of any official act, not because they were undertaking to enforce some obnoxious law, but simply because they stood for law and government, because they were the embodiment of sovereignty; and that crime has come to be so grave a menace to the safety and welfare of the people that Congress is now called upon to exercise a larger power, to exercise more ample authority, in the preservation and protection of its official machinery than experience had ever before demanded. That, and that alone, is the reason.

Now, the bill under consideration only protects the President of the United States while in the discharge of his official duty. And by that expression, by the use of that term, it recognizes the fact that there are times when the President is not in the discharge of his official duty. I believe I am safe in saying that in the judgment of a majority of the lawyers of the country no one of the Presidents who fell by the hand of an assassin was engaged in the discharge of his official duty at the time he was stricken down.

Mr. LITTLEFIELD. Mr. Chairman, will the gentleman excuse me? You recognize the fact that there are three elements of jurisdiction in the bill, do you not?

Mr. CRUMPACKER. I do, but that is the principal one.

Mr. LITTLEFIELD. When you say that the bill relies altogether upon the fact that the President was in the discharge of of his official duty you absolutely ignore the other fact, which is a very substantial and important one, that it protects him by reason of his official character, which is the argument you yourself have been making.

Mr. RAY of New York. By reason of his official character or anything that he has done or omitted to do.

Mr. CRUMPACKER. But the difficulty of the suggestion of the gentleman is that it makes that an issue of fact, to be proven before the court and jury trying the offender. It is a question of fact, and if the accused can show that the President was not engaged in the discharge of his official duty at the time of the assault, and that he had some other motive than that the President was a public officer, or that he had done or omitted some act that the assassin disapproved of, then he must go acquit. The gentleman from Maine will admit the truth of that proposition.

Mr. LITTLEFIELD. Now may I ask the gentleman a question?

Mr. CRUMPACKER. Yes.

Mr. LITTLEFIELD. Has the gentleman reached a stage in his enthusiasm on this proposition where he wants to eliminate all facts and deprive the defendant of all rights when he is tried for a crime of this sort?

Mr. CRUMPACKER. Oh, no.

Mr. LITTLEFIELD. Does he think the exigency requires that?

Mr. CRUMPACKER. Oh, no; "the gentleman," in his enthusiasm, only desires the making of a practical and sensible law, a law that will protect the life of the President because he is President; that will protect him in the nighttime as well as in the daytime; that will protect him while he is walking upon the streets of the metropolitan city of New York, while in the pursuit of pleasure or on private business, as well as when he is in the White House attaching his official signature to some item of legislation. He is the President of the United States from the time he takes the oath until the expiration of his constitutional term; and the question of motive, and of what he is engaged in at the time of an assault upon him, has not, in my judgment, the remotest relation to the offense that is committed upon the people who constitute the Federal body politic.

The crime committed against the people of the United States in the assassination of a President is that it deprives them of the Chief Executive; deprives them of the officer who has been constitutionally selected to enforce the law, and to stand at the head of the Army and the Navy. He is the President always and at all times and at all places, and his assassination at one time and for one reason is as harmful and as destructive of Federal power as it is at any other time or for any other reason. I can not appreciate the hair-splitting distinctions of the constitutional gentleman from Maine [Mr. LITTLEFIELD] when he says that it is an

offense against the sovereignty of the United States, against the people of this great Commonwealth, to assassinate the President while he is in the White House or while he is engaged in some official act, but that it is not a crime against the United States and that the Government suffers no derangement of its official machinery if the President while riding on horseback through Rock Creek Park should be shot and killed by a robber who desired to steal his saddle horse.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the gentleman may be allowed to proceed.

Mr. RAY of New York. I yield to the gentleman fifteen minutes more.

Mr. CRUMPACKER. Now, the authorities that have been cited in this debate under the statutes and under the peculiar circumstances of the crimes that were then the subject of investigation have absolutely no bearing upon the question under consideration.

Mr. LITTLEFIELD. May I ask the gentleman whether he has examined these authorities with care? That is a simple question.

Mr. CRUMPACKER. Well, it is not a simple question; there is considerable scope to the word "care."

Mr. LITTLEFIELD. It is not?

Mr. CRUMPACKER. No, indeed.

Mr. LITTLEFIELD. Have you read any one of the cases?

Mr. CRUMPACKER. Yes; I have read one of them several times.

Mr. LITTLEFIELD. Which one?

Mr. CRUMPACKER. The Neagle case.

Mr. LITTLEFIELD. Any others?

Mr. CRUMPACKER. I have read the Davis case and the Cruikshank case in times past.

Mr. LITTLEFIELD. In connection with this debate? I should like to know from the gentleman whether he has read these cases that he now proposes to comment upon and to discuss, as a matter of preparation for this debate and for the discussion of this constitutional question?

Mr. CRUMPACKER. I have read only the Neagle case in my preparation for this debate; but I heard the distinguished gentleman from New York [Mr. RAY] and all the advocates of this bill, and the theory which they have advanced with reference to these cases is not new. It has been familiar to me and, I presume, to every lawyer in the country ever since the cases were decided. It is not a new question. The judicial history of the United States should be familiar to every lawyer. It is not necessary to read those cases to know whether Congress has the power to pass upon questions which they in no manner consider.

Mr. RAY of New York. Will the gentleman permit a question?

Mr. CRUMPACKER. I will if my time will justify.

Mr. RAY of New York. Is there a single case in any law book printed in the United States, whether it be cited in a text-book or be a decided case reported in the decisions, where the court or the author, in defining the jurisdiction and power of the United States, through its Congress, in enacting law to protect any of its officers, does not say substantially in terms that the jurisdiction exists when the officer is engaged in the performance of his duty or because of his official character, etc.

Mr. CRUMPACKER. I answer the gentleman in the negative; and he can not find a single decision, he can not point to a single text-book of reputable standing in this country, that holds the power of Congress is limited and circumscribed in any such way.

Mr. RAY of New York. You say you answer in the negative. Let me put my question again; perhaps I did not put it clearly before. Can you say that there is a book, a decided case, or text-book on law where it is not stated in substance that in order to give the Congress jurisdiction to define and punish an offense against an officer undertaking to protect the officer of the Government that the offense must be committed against him while in the performance of his duties, or because of his official character, or because of some official act or omission?

Mr. CRUMPACKER. Mr. Chairman, I undertake to say that wherever the courts or wherever the text writers have undertaken to discuss the power of Congress, and not simply to interpret some local circumscribed act which Congress has already passed, but where the courts and the law writers have undertaken to construe the power of Congress, they have uniformly said that Congress had ample authority, inherent and express, to pass all laws that are necessary to preserve the life of the country and to protect the official machinery of the Government. [Applause.]

Mr. RAY of New York. Why, then——

Mr. LITTLEFIELD. Within the scope——

Mr. CRUMPACKER. With no limitation.

Mr. RAY of New York. Let me finish my question. And you say that they do not include all that I have mentioned?

Mr. CRUMPACKER. Yes, sir; I say that.

Mr. RAY of New York. Will you name one text-book?

Mr. LITTLEFIELD. I challenge the gentleman to produce any case.

Mr. RAY of New York. I challenge the gentleman to produce a text-book or decision of any court where these words are left out in defining the jurisdiction of the United States. Name it, if you can.

Mr. CRUMPACKER. Mr. Chairman, I desire to speak in my own way.

Mr. RAY of New York. Can you name one? Will you name such a case?

Mr. CRUMPACKER. If the gentleman will just possess himself in silence for a moment, I will answer.

Mr. RAY of New York. No; I will not, unless you make me.

Mr. CRUMPACKER. Then I appeal to the Chair.

Mr. RAY of New York. If you refuse to yield, I will.

Mr. CRUMPACKER. Now, what does the gentleman want me to answer?

Mr. RAY of New York. Now, I ask you fairly, can you name any such case?

Mr. CRUMPACKER. Not from memory.

Mr. RAY of New York. I ask you again, can you now name any such text-book?

Mr. CRUMPACKER. Yes.

Mr. RAY of New York. Name it.

Mr. CRUMPACKER. Cooley's Constitutional Limitations.

Mr. RAY of New York. Cooley's Constitutional Limitations.

Mr. CRUMPACKER. Story on the Constitution.

Mr. RAY of New York. Story on the Constitution.

Mr. CRUMPACKER. Kent's Commentaries; Tucker on the Constitution.

Mr. RAY of New York. Very good. More of them?

Mr. CRUMPACKER. Well, I think those are sufficient.

Mr. RAY of New York. Have you in your argument——

Mr. CRUMPACKER. If the gentleman will do me fairness not to fritter away my time——

Mr. RAY of New York. Who is giving you the time?

Mr. CRUMPACKER. Why, I might name others that bear out the truth of my argument, but I confess, Mr. Chairman, that I do not have in my mind any particular decision. I am stating a general proposition that I think is familiar to every lawyer in the country, or it ought to be at least, and because I can not name a particular decision——

Mr. RAY of New York. Just a moment.

Mr. CRUMPACKER (continuing). It does not militate against the force of the proposition that I am announcing. The gentleman from New York will not deny the fact that the courts have said repeatedly that the Federal Government has the inherent power to pass all laws necessary to protect its institutions, to carry on its functions, and for its own preservation—the gentleman will not deny that, and that is all I am asserting. Upon that basis I say we have a right to pass a law making it a capital offense to assassinate the President of the United States at any time during the period of his constitutional term. [Applause.]

Mr. RAY of New York. May I ask the gentleman a question, and I will yield to him further?

Mr. CRUMPACKER. Go ahead.

Mr. RAY of New York. I have read all of these works very carefully, and the limitations suggested in every one of them, as well as expressly stated in all the decided cases. While I am a lawyer and have searched diligently, I have not found any such statement as the gentleman makes without the qualification that I have given, and I wanted to be pointed to some work or book where I could find it; that is all.

Mr. CRUMPACKER. Since the gentleman from New York has made that statement, I want to say that I have read his report carefully and all the extracts of decisions and his comments upon them, and every authority he referred to, except one, the Neagle case, it relates to the construction of some particular statute. They relate to the interpretation and construction of statutes, and not to the general power of Congress at all. They relate to acts of Congress that are circumscribed and limited, for the purpose of accomplishing some particular purpose, and not one of them undertakes to discuss the broad power of Congress to protect the lives of its functionaries. If there be any such general authority as that, the gentleman has failed to put it into the elaborate and exhaustive report he made in support of the bill, which he has so ably championed.

Mr. LITTLEFIELD. I do not want to interrupt the gentleman, but will the gentleman from Indiana be kind enough to give me the pages and the books he referred to, between now and to-morrow morning, so that I can have the benefit of them.

Mr. CRUMPACKER. It may be that I can do so. I believe

there ought to be a section in this bill providing that it shall be a capital offense to unlawfully take the life of the President or Vice-President elect of the United States. Now, that proposition will strike a gentleman of the mental constitution of the distinguished chairman of the committee as an absurdity on its face. Look at it! This is a popular government. It is founded upon popular elections, and the Constitution and laws of the country go elaborately into the methods of choosing the Chief Magistrate of the United States. When the people throughout the length and breadth of the land meet and solemnly select one of their fellow-citizens to be the Chief Magistrate for the term of four years from the 4th of the next March, they invest that individual with a peculiar national character. He becomes from that time the particular representative of all the people of the country.

But if an assassin should take his life after he is constitutionally elected and before he is inducted into office, in spite of the power of Congress—that is, if Congress has no power to punish the crime—it must be confessed that this Government is a weak affair indeed. Based upon popular elections, it has no power to preserve to the people the fruits of those elections, and the popular will can be overthrown with impunity. I can not consent to a doctrine so destructive and so humiliating. Think of it! The Federal Government, that makes popular elections the foundation of its political life, without power to throw its strong arm of protection around the one the people have chosen to be their Chief Magistrate. The proposition is preposterous. I say that Congress has as much power to protect the President-elect as it has to protect the President after inauguration. When the President is assassinated, the people are deprived of a Chief Magistrate, of the one whom they chose to stand at the head of the Government and to represent its sovereignty, the one to whom they committed the high responsibility of administering the laws of the country.

The operations of the Government are embarrassed, the official machinery is destroyed or seriously impaired, and the highest right of the people is overthrown. The people have the right to select their own Chief Magistrate in the constitutional method, and nothing can be more destructive of popular institutions than the overthrow of that right. If it is accomplished by the dastardly act of an assassin, the wrong to the people is just the same, whether the motive of the criminal is politics, robbery, or private revenge, or whether the President was engaged in his official duties at the time or in recreation or private business. The assassination brings one to preside over affairs of the country who is not the choice of the people, whose authority does not come from the consent of the governed, expressed in the constitutional manner.

Mr. Chairman, I propose, when the time comes, to move to amend section 1 of the bill by striking out the qualifying provisions so that it will read: "That whoever unlawfully and purposely kills the President of the United States shall suffer death." [Applause.] That is all we need in that section.

[Here the hammer fell.]

Mr. LITTLEFIELD. I hope the gentleman's time will be extended, for I want to ask him whether the word "unlawfully" is, in his opinion, essential.

Mr. RAY of New York. I yield the gentleman further time.

Mr. LITTLEFIELD. I wish to ask the gentleman whether he thinks that the term "unlawfully"—I am asking the question in perfect good faith, because we are all anxious, I presume, to reach a rightful result—whether the gentleman thinks the term "unlawfully" is essential, or, at least, that the Senate bill is incomplete without it?

Mr. CRUMPACKER. The Senate bill has the equivalent terms "willfully and maliciously." They are more than the equivalent of "unlawfully." They are broader in their scope.

Mr. LITTLEFIELD. Does the gentleman think that the terms in the Senate bill are sufficient?

Mr. CRUMPACKER. That language is more than equivalent. An act which is "willful and malicious" must of necessity be unlawful.

Now, this is my idea about the use of the term "unlawfully." The right of self-defense is the first of all rights—it is paramount. When a member of society is killed by another a wrong is done to society, and if the victim be a public officer an injury may be inflicted upon the government in addition. But if the homicide is justifiable—that is, if it is committed in self-defense—the right of the perpetrator to protect his own life is paramount to the right of society, and the homicide is not unlawful. In order to make the killing of a person punishable, it must be unjustifiable and unlawful.

Mr. LITTLEFIELD. Then the gentleman's idea is that the words "willfully and maliciously" would adequately cover the proposition?

Mr. CRUMPACKER. I think so.

Now, Mr. Chairman, I intended in the time allotted to me to discuss the bill more fully, but I have been diverted and my time has been consumed largely by interruptions; but, in brief, my view is—and I am willing to plant myself squarely upon it, and I do not think it is a case of hysterics either—that since we are legislating upon this subject, making it a Federal question, we ought to make a law broad enough and simple enough to protect the people of the United States against assaults upon the President and those in the line of succession at all times and under all conditions. If an offender charged with crime under the provisions of this bill should secure an acquittal on account of some of the special provisions injected into it and made part of the offense, the moral effect of that acquittal upon a trial in a State court for the same act would be exceedingly difficult to overcome. It furnishes loopholes for the escape of criminals. It is always unwise policy to divide criminal jurisdiction in the manner proposed by this bill.

Mr. LITTLEFIELD. One question, if the gentleman pleases, bearing upon his suggestion—in which, I have no doubt, he feels full confidence—that the bill ought to protect the candidate for the Presidency after he is elected——

Mr. CRUMPACKER. No; that is not it.

Mr. LITTLEFIELD. What is your proposition?

Mr. CRUMPACKER. My proposition is that after a citizen has been elected to the office of President—after the electors have solemnly asssembled and chosen him as the Chief Magistrate—he ought to be protected because——

Mr. LITTLEFIELD. Has he then any official connection with the Government?

Mr. CRUMPACKER. He has a constitutional connection with the Government; he is a part of the Government's official armory.

Mr. LITTLEFIELD. Is he at the time?

Mr. CRUMPACKER. He is from the time he is elected, and that is the only way to preserve to the people of the country the fruits of the election.

Mr. LITTLEFIELD. Does his election make him an officer before he has undertaken the duties of the office?

Mr. CRUMPACKER. It is not necessary that he be an officer. We have the right to protect popular elections and to preserve popular government by safeguarding the life of the President-elect.

Mr. LANHAM. I yield to the gentleman from New Jersey [Mr. MCDERMOTT].

[Mr. MCDERMOTT addressed the committee. See Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ROBINSON of Indiana having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, was received.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

Mr. RAY of New York. I yield to the gentleman from Pennsylvania [Mr. GRAHAM] five minutes.

Mr. GRAHAM. Mr. Chairman, while I am in favor of the general features of this bill and will support it, yet I do not think it goes far enough, and I trust we may be able to amend it so as to protect the President and Vice-President at all times, whether engaged in the performance of their official duties or not.

I can also support the clauses relative to anarchists, although if it were practicable to carry out Senator HOAR'S plan of getting the powers of the world to set apart an island or other suitable territory to which could be deported all anarchists, there to be allowed to work out their peculiar ideas of government at their own sweet will, even if in doing so they wipe out themselves as well as their government.

But one of my constituents suggests that all anarchists be banished to hell, for the following reasons:

First. It was decreed by the Almighty as a place of punishment for the wicked.

Second. It is neutral and beyond the scope of international controversy or dispute.

Third. It is within easy reach of all civilized nations.

Fourth. There need be no fear of their escape.

And, lastly, all nations can select their own route of transportation—by scaffold, electric chair, guillotine, etc.

After a trial of this plan I doubt not that it would settle the anarchist problem for all time. [Loud applause.]

Mr. LANHAM. Mr. Chairman, I yield to my colleague from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Chairman, it is not my purpose to discuss this bill at length. The only reason for the presentation of a bill of this character, and the only excuse for its presence here, is a determination upon the part of Congress to protect the President of the United States, and those entitled to succession in that office in case of his death, from unlawful violence, and to bring more speedily to justice and more surely to retribution any

man who shall kill or attempt to kill the President of the United States. If this bill does not accomplish that purpose, then it ought not to be here.

We have had two trials of the assassins of Presidents, the one in the case of Guiteau under Federal authority and the other in the case of Czolgosz under the authority of the State of New York. In the Guiteau case for weeks a trial was carried on here, sensational in its nature, and the papers were filled with interviews and statements that were damaging in their nature to public morals. In the trial recently held in New York the assassin of President McKinley was put away according to the most approved modern methods, with the least amount of fuss and feathers ever known in a great criminal trial in this country. So that so far as expedition is concerned there is nothing in the giving of jurisdiction of crimes of this nature to the Federal courts. Unless it is certain that punishment will be speedier and retribution more sure, and assassins thereby intimidated from such dastardly acts, the necessity of any change is questionable.

Now, I undertake to say, without going into a discussion of this bill, that it is probably less effective, that by its terms it places a burden upon the prosecution of assassins of the Chief Executive of this nation, if we should ever be so unfortunate as to have one, that does not now exist in the courts which have jurisdiction to try such cases. For instance, it was not necessary in New York when Czolgosz was tried to prove whether or not President McKinley was there engaged in official duty, or that he was killed because of his official character. The prosecution simply proved that the man killed him in a dastardly, sneaking, anarchistic manner while the President was attempting to grasp the hand of the demon, stretched forth in pretended friendship, and the world was ridden of his murderer in a very short space of time.

Now, then, according to this bill, if Czolgosz had been tried thereunder it would have devolved upon the prosecution to prove additional facts, both to confer jurisdiction and secure a conviction. It brings an atmosphere, an element of uncertainty, into the vindication of the law that does not now exist. And I undertake to say, with all due deference to the gentleman from New York, the chairman of the Judiciary Committee, for whom I have the highest respect as a lawyer, and the other gentlemen who are members of that committee, that in my judgment, so far as the laws of my own State are concerned, if a man was acquitted upon the technicality in a Federal court as to whether or not the President was or was not engaged when killed in the discharge of official duty, or whether or not he was killed because of his official character, and prosecution of such person was attempted in the State courts of Texas, where the crime was committed, then under the constitution of Texas, its laws, and the decisions of our courts, I believe that while a demurrer to the indictment would not be sustained, a plea of "autrefois acquit" would be good as an abatement of the prosecution.

The offense defined by the bill is that of killing the President of the United States, and the words of limitation are merely jurisdictional. If indicted in the State courts, after an acquittal in the Federal courts by reason of the limitations placed upon the offense, the charge in the State court would be the unlawful killing. And I believe that the provision in the Constitution of the United States, the constitution of Texas, and the laws of Texas would be interpreted by our State courts so as to hold that the offense was identical whether it was so "eonomine" or not.

The test applied in our courts being whether or not a conviction would rest upon the same facts to be proven, and not whether the indictments charged the same offense by name, they would, I believe, declare that the accused had been once before in jeopardy of life and limb and could not again be placed in such jeopardy. It seems idle to me to contend that the provision in the Federal Constitution that no citizen of the United States shall be twice placed in jeopardy for the same offense and a like provision in the constitution of the States could by any fair intendment be given force and effect by the doctrine that a man could be tried and acquitted for killing the President or anybody else in the Federal court and then tried in the State for the same killing.

I do not appreciate the distinction attempted to be drawn in the contention that there is a difference between killing a man because he is President and killing him because of any other reason. At best, the real offense is the killing, and the limitations placed in this bill are merely jurisdictional. I can not accept the doctrine of dual sovereignty as sound law, in so far as it implies the right to dual prosecution for the same offense. I believe that the provision in the Constitution of the United States, that no person shall be twice put in jeopardy of life and limb for the same offense, absolutely takes away from the States jurisdiction to try a man for an offense of which he has been acquitted in the Federal court.

I have not given the exhaustive study to this measure that has been given to it by the gentleman who prepared the bill. I simply briefly outline my views as to the general propositions involved. Concede, for the sake of argument, that my contentions are not sound, and that the slayer of a President acquitted upon the ground that the killing was not on account of the official character or official acts of the President, and therefore the State courts could proceed to try him where the offense was committed. What, then, have you gained by the passage of this bill except to interpose the Federal courts to delay and not facilitate the vengeance of the law upon the assassin?

Are you in any better position to trust such cases to the Federal courts, where the question of jurisdiction could be raised and a technical acquittal be had both in Federal and State courts, than you would be to trust the courts which have heretofore been effective in such cases? It is not possible to visit punishment more swiftly than in the case tried under the laws of New York upon the assassin of our late lamented President. Understand, I am not insistent upon retaining exclusive jurisdiction of such cases in State courts.

I have no objection to giving the Federal courts power to provide and enforce uniform penalties for assaults upon our Chief Executive. The difficulty to me is, if the chairman of the Judiciary Committee and others are right in their contention that Federal courts can have only a limited jurisdiction in the matter and can not be given jurisdiction to try the President's assailant, regardless of the time, place, or manner of the assault, what possible good can come from the adoption of a policy and the enactment of a law more likely to delay than to advance swift and sure retribution upon the person who takes from 80,000,000 of people their duly elected Chief Executive?

Mr. LANHAM. I now yield ten minutes to the gentleman from Georgia [Mr. MADDOX].

[Mr. MADDOX addressed the committee. See Appendix.]

Mr. LANHAM. Mr. Chairman, I now yield ten minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK. Mr. Chairman, it is with the greatest diffidence that I make any suggestion at all about a bill that has been as carefully considered by the Judiciary Committee as has this one. The only suggestion that I make about it at all is one that Judge Little, of Arkansas, made to me, that if you would say "any person that kills the President of the United States because he is President shall be hanged" you would exhaust the whole subject. That would remove most of the objections which have been raised as to the language of the bill.

Booth killed Lincoln because Lincoln was President, and he could have had no other reason under heaven. Guiteau killed Garfield because Garfield was President and for no other reason. Czolgosz killed McKinley because McKinley was President, and he could not have killed him for any other reason, for he had never seen him and had no acquaintance whatever with him. But I did not get up to make any suggestion to the Judiciary Committee. I want to address myself——

Mr. RAY of New York. I would like to suggest to the gentleman that I am glad to hear from one member of the House who did not have a bill before our committee; although I can not say that every one did, we certainly had a pile large enough to have embraced every member of the House.

Mr. CLARK. If I had time, Mr. Chairman, I could deliver a very interesting discourse on the thoughts that went through my own mind from the time President McKinley was shot until Congress assembled, about what ought to be done in the premises. There never was a more amiable man on the face of the earth than was Mr. McKinley, and it was largely by reason of the amiability of the man that the "deep damnation of his taking off" caused such a shock to the American people.

There was another reason for it. Every citizen of this Republic, worthy of the name, felt when Mr. McKinley was shot at Buffalo that he himself was assaulted, that the life of the Government was assaulted. I tried to study up a remedy. Everybody was suggesting this and that. If it were not for the narrow constitutional definition of treason, it would have been as easy as falling off a log—simply to have declared that to kill or assault a President unlawfully was treason; but the constitutional definition of treason precludes that remedy. After all the thought of all of us—of all the people in fact——

I undertake to say there is not a man in this House or out of it that has come to a conclusion perfectly satisfactory, even to himself, as to how to deal with this subject yet. Of course I believe that anarchists ought to be hanged, the whole gang of them, but the trouble about hanging anarchists and keeping them out of this country is to find out who is the anarchist. If he has sense enough to keep his mouth shut, you will never find it out.

Finally, after a good deal of cogitation, I gave it up and left it to the Judiciary Committee, where it properly belongs.

Whether the House committee's substitute is perfect, the House committee deserves the praise given it by the gentleman from Mississippi [Mr. WILLIAMS], having made a vast improvement on the Senate bill.

But I do not want to talk about that. I rose to have it "out" with my friend from New Jersey [Mr. MCDERMOTT] about the definition of murder and whether you can try a man both under the State law as it is and under this Federal law, if you pass it.

The gentleman dealt with only one-half of this question. I believe you can try a man under this statute, if you pass it, and then if you do not convict him you can try him under the State law and convict him. There is no reason why you can not prosecute a man for counterfeiting both under the laws of the United States and the State laws. You might inflict a very mild punishment on him the second time for counterfeiting, and I suppose you would. But if you convicted him of killing a President, etc., under either of these laws—the Federal or the State law—you never could punish him further, because he would be hanged if convicted under either; although in the State of Missouri there was a case where a man was in the penitentiary serving a life sentence for one murder and then was sentenced to be hanged for committing another murder while in the penitentiary, and, as a matter of fact, he was hanged for the latter murder.

As to the question of murder in general, every State in the Union, except Louisiana, operates under the common law or under some modification of the common law. And for fear I may forget to say it further on, I will say now that if a man in the State of Louisiana should commit this crime he would be in a worse fix than in a State where the common law or some modification of it prevails, because in Louisiana, where they have the Napoleonic code, an assault with intent to kill is a capital offense, and frequently the man assaulted attends the hanging himself; but that is not the law in any other State of the Union, so far as I know, although it used to be in Kentucky.

My friend from New Jersey says that if you try a man under this statute and there is a failure to convict, you can not try him under a State statute. Let us see whether that is true. What does this statute which you gentlemen are fixing here say? That "any person who unlawfully, purposely, and knowingly kills the President of the United States," etc., shall be hanged. Suppose we try a man under this and he is acquitted, what have you tried him for? In every State in the Union the language of the first section of your bill defines manslaughter and not murder in either the first or second degree, and manslaughter is not a capital offense in any State. The essence of the common-law definition of murder is "the killing of a human being with malice prepense" or with "malice aforethought," to use plain English.

The common law did not divide murder into the first degree and the second degree. It differentiated homicide into murder and manslaughter. The statutes of Missouri—perhaps those of other States as well—define murder in the first and second degrees and several sorts of manslaughter. The definition of murder in the first degree is "the killing of a human being willfully, deliberately, premeditatedly, on purpose and of malice aforethought," and the penalty is death. "Deliberately" has been defined by the courts to mean "in a cool state of the blood." Leave "deliberately" out, and you have murder in the second degree—penalty from ten years to a life term in the penitentiary.

Whether right or wrong on my proposition that a man may be prosecuted for a capital offense under both the Federal and State statutes, no matter under which the first prosecution is had ending in acquittal, I feel absolutely certain that if he is first prosecuted under the proposed Federal statute and acquitted, he may then be prosecuted under the State statute. But it is really a bootless inquiry, for if the facts on the trial harmonized, proved the allegations of the indictment, he would be convicted in whichever court got hold of him first, and would be duly and expeditiously executed; so that in practice the question would never arise. A man who unlawfully kills a President—unless his insanity be clearly established—would have absolutely no chance whatever of escaping with his life, no matter who the President might be or who the murderer might be.

My friend from New Jersey quotes that portion of the fifth amendment to the Constitution which declares that no person shall for the same offense be twice put in jeopardy of life or limb.

Mr. RAY of New York. Before the gentleman enters upon that branch of the question, may I call his attention to a decision of the Supreme Court of the United States on the subject he has just been discussing?

Mr. CLARK. Certainly.

Mr. RAY of New York. The Supreme Court of the United States, in the case of the United States *v.* Cruikshank (92 U. S. Reports, 542-554), has pointed out the distinction between the jurisdiction of the United States and the jurisdiction of the States, where an act constitutes two offenses; so that a man may be punished twice for the same act, although not twice for the same offense. I will read, with the gentleman's permission, the language of the Chief Justice:

True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance and that of the State by the breach of the peace in the assault.

Mr. CLARK. I am obliged to the gentleman from New York for that citation.

Mr. RAY of New York. And then he gives other like illustrations.

Mr. CLARK. Now, Mr. Chairman, as I started to say, my friend from New Jersey [Mr. MCDERMOTT] reads a part of the fifth amendment to the Constitution of the United States, which says that no person shall be twice put in jeopardy for the same offense. The answer to that is that the first ten amendments to the Constitution were passed to restrict the powers of Congress and not to restrict the powers of the States. That has been decided over and over and over again, so that after the Federal authorities got through with a homicide under the first sections of this bill, if they failed to convict him, it is none of the business of the Federal Government what the State of Missouri or the State of Arkansas or the State of Texas does to him. The Federal Government could hang him for killing a President. Missouri or any other State would hang him for murdering a man. So he would be hanged anyway, which is the great desideratum.

Mr. COOMBS. Mr. Chairman, may I interrupt at this point?

The CHAIRMAN. Does the gentleman yield?

Mr. CLARK. Yes; with pleasure.

Mr. COOMBS. Suppose that the President is assassinated in Alaska, the District of Columbia, or in any of the Territories of the United States. Suppose the person who commits the offense is first tried under this law and is acquitted and discharged. Is not that once in jeopardy, and then would you not have to invoke a United States law and try him again?

Mr. CLARK. In that case it is the same jurisdiction, and the same sovereignty, and the offense is committed against the same government. I wish to repeat the statement that anything I say about this bill I say with a great deal of diffidence. I am in favor of extending this provision not only to the President and Vice-President, but to the members of the Cabinet, who are in the line of succession, and I will tell you why. Two of the most dangerous crises this country ever passed through were when it happened twice that there was only one life between the people of the United States and no government at all. The first was when Vice-President Hendricks died, and the Senate had failed to elect a President pro tempore of the Senate, and there was no Speaker; and the second was when General Garfield was killed and one life only, and that was General Arthur, stood between the people of the United States and no government at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. Mr. Chairman, I yield five more minutes to the gentleman.

Mr. CLARK. For that very reason, if President Arthur or President Cleveland had been killed, by some kind of automatic action, this Government would have gone on until they could have elected somebody, and it is the only country under heaven where such a thing could happen. On account of those two accidental situations the line of succession was changed, so as to increase the number of persons who may succeed to the Presidency. The number is comparitively small yet, and a thoroughly organized conspiracy in this city might in one hour kill the entire set of men who are in line of Presidential succession, and for that reason—not because they are any better than anybody else intrinsically—I am in favor of making it extend to the whole lot.

It is absolutely true that the President of the United States intrinsically and theoretically is no better than any other good citizen of the Republic. It is not so much the individual we are trying to protect as to protect the Government of the United States and the people of the United States not only against anarchy, but against sorrow and agony of spirit, such as pervaded the entire country when President McKinley was killed. According to my judgment, the most valuable part of this bill is the part of it which authorizes the punishment of the villains who go around over the country making public speeches advising the assassination of people because they hold public office.

I do not know how it is in other States, but I believe as firmly as that I am living that we have a statute in Missouri against the disturbance of the peace, a drag-net statute, under which I can send any anarchist in the United States to jail. It runs in this way—that it is a misdemeanor "to use profane, obscene, offensive, or tumultuous language, calculated to provoke a breach of the peace," and surely for some fellow to stand up in an audience in this country and preach the doctrine that the President or any other official ought to be killed, simply and solely because he is an official, is calculated to disturb the peace of every man that hears him make such a speech and of every man that hears of his making such a speech. I am probably as jealous of the right of free speech as anybody, but I have no fear whatever that that

section of this bill, if it is ever passed, will be extended or construed into the curtailment of free speech in this country as free speech ought to be engaged in.

The bill may not be ideal in its character. My friend from Missouri, Judge DE ARMOND, suggests that probably it might be bettter to take out the thirteenth section, but I will guarantee this to be the fact, that that thirteenth section is never going to make the assassin of the President of the United States get hanged or electrocuted one-half second sooner than he will be hanged or electrocuted without the thirteenth section, because you can not go into a single neighborhood in the United States and impanel a jury of the citizens of this country who will not hang the man that kills the President of the United States—that is, unless the President is assaulting him, which is a very violent presumption, in which case it is not an unlawful killing.

You can not go into any neighborhood in the remotest part or corner of the United States and summon a jury from the body of the people that will not make that very presumption in their own minds that is in the thirteenth section against the prisoner when it is proved that he has killed a President. It is not because the people deem a President superior individually to other citizens, but it is because of the disturbance of society, the anguish of the people, and the destruction of business; it is the fact that the murder of a President brings governmental and republican institutions into disrepute that the American people have made up their minds that no quarter shall be shown to these anarchists and assassins.

Referring to what the gentleman from Texas [Mr. BALL] said, contrasting the trial of Guiteau in this city with the trial of Czolgosz at Buffalo, I want to say that the trial of Czolgosz at Buffalo was an honor to the jurisprudence of this country; and I have always said, and repeat it here now, that the trial of Guiteau in the city of Washington was a lasting disgrace to the jurisprudence of this country. If he had been tried before a good country lawyer it would not have taken five days to convict him. Criminal laws are intended not so much to mete out vengeance as to prevent crime. If this bill has any tendency to serve notice on the lawless classes of this country that they are going to be "worked off," as Dickens called it, with any more facility than they can be "worked off" under the existing laws, I am in favor of it and will welcome it as a blessing. [Applause.]

Mr. LANHAM. Mr. Chairman, I wish to submit a few thoughts in addition to what I have already expressed in the speech made in the beginning of this discussion concerning the impolicy and unwisdom of certain portions of this bill. I will insert in connection with what I now say the views presented by myself when the House bill was originally reported, and which are as follows:

There are some features of this bill which I approve. I am in favor of all suitable legislation to discourage and prevent the coming into our country of all such persons as oppose organized government and seek its subversion. Our citizenship should not be impaired and our institutions should not be imperiled by the immigration and naturalization of anarchists. There is no place for them in our free country. Their presence among us is not only undesirable, but dangerous. We have never intended to open an asylum to those who are not in sympathy with our laws and forms of government, much less to those who oppose and teach antagonism to every kind of civil government. They ought to be restrained from taking abode with us and prevented from the propagation in our midst of their pernicious doctrines. I am cheerful to support so much of the bill now reported as seeks to accomplish this object.

I can not, however, give my assent to the propriety of the passage of any law which proposes to single out any citizen of our country and make it a special or peculiar offense to take his life as contradistinguished from that of any other citizen. We have ample laws, State and Federal, for the conviction and punishment of homicide against whomsoever committed within the respective jurisdictions. I deny the proposition that one honest and law-abiding man's life is any more sacred than that of another. Any officer of our Government is but the servant of the people, and "the servant can not be greater than his lord." The holding or possession of office does not of itself render any man impeccable or immune from human frailties and imperfections. Public men among us can do wrong. There is no such thing as royalty or titled nobility or hereditary prerogative in the United States of America. With us there are no artificial distinctions, and one good man is as good as another, and as much sanctity surrounds the life of one as it does that of another.

The murder of the humblest citizen in our land is just as heinous, just as felonious, as that of the greatest or most distinguished. Murder is murder, upon whomsoever inflicted, and a human life is a human life by whomsoever enjoyed. The life of the highest officer in the country, or that of any ambassador of a foreign government, is no more precious in the sight of God and republican man than is that of the humblest and most insignificant resident of our great Republic.

While Presidents have been murdered—and we all agree and denounce "the deep damnation of their taking off"—still we must remember, to the credit of our laws, State and Federal, that in no case have their slayers escaped condign punishment. Guiteau was executed upon conviction in a Federal court, and Czolgosz suffered the highest punishment under State jurisdiction and with all dispatch consistent with the orderly administration of justice. Booth was shot to death without trial in the courts. There is no probability that any such murderer would go unwhipped of justice wherever the offense might be committed.

It may well be doubted if such a law as is here contemplated would add to the protection of the life of the President or other officials named, or in any respect diminish the danger to which they might be exposed. Whoever shall murder either of them is bound to know that under existing laws he will speedily receive the punishment he deserves, whether it be enforced by the hangman's rope or electric volts. The moral pervert, or fanatic, or anarchist, does not stop to consider the severity or certainty of punishment. It would seem that he is ambitious to pose as a heroic martyr and to die the death of a stoic. Though the gibbet or the guillotine, the gallows or the electrocution chair may stare him in the face, they are, in his disordered brain, but the instruments that will add to his conception of prowess and self-sacrifice; his perverted pride is to defy all law and disregard consequences. I am not sure that a law like that here proposed would not tend to increase rather than lessen the danger to those whom it is designed to protect. To violate such a law might all the more magnify the importance of the deed in the distempered fancy of those who are inclined to destroy kings and rulers, and stimulate rather than repress such reckless and criminal disposition.

It may be possible by the ingenious use of language, framed to meet a suppositious case, to construct a bill which would be constitutional upon its face, and thus confer jurisdiction upon the Federal courts to enter within the territorial boundaries of a State and try offenders for crimes cognizable in the State courts. But is it either wise or necessary to assert such a power as is proposed to be employed in this bill, and may it not lead to further encroachments of Federal jurisdiction?

Our laws now define the circumstances under which the Federal courts may try anyone charged with murder or other crimes, and fix the venue.

A homicide committed within a State and not upon Federal territory is "against the peace and dignity of the State" where the offense is perpetrated, and such a State is not only interested, but obligated to vindicate the power and majesty of its own law.

There are certain powers of government which have never been delegated, never surrendered, but always abide in the States and the people. The preservation of these powers has been traditionally insisted upon, and any invasion thereof has always been regarded as a dangerous encroachment. Mr. Jefferson has left us his earnest admonitions in this respect. He said:

"I am sensible of the inroads daily making by the Federal into the jurisdiction of its coordinate associates, the State governments. * * * The judiciary branch is that instrument, which, working like gravity, without intermission, is to press us at last into one consolidated mass. * * * If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves and meet the invader foot to foot."

It is true that not only our own country, but all the world, stood aghast at the horrible assassination of President McKinley. It aroused the deepest indignation, not only of our own people, but of every friend of law and humanity. While we mourn his loss, we must remember that the vengeance of man and the powers of the law—the State law of New York—have been fully exhausted upon his slayer, who now fills a felon's grave, and we should not permit our sorrow at the untimely death of the late lamented President to obscure our judgment or carry us beyond the well-defined limitations of Federal power; nor our exasperation at the deed, which can never be recalled, to lead us to invade the jurisdiction belonging, respectively, to the great States of the Union.

I wish to remark further that our country is laid upon a different foundation from that on which are built monarchies and empires. We have no such things as thrones or crowned heads. We have no kings or rulers in the sense which other governments regard their sovereigns. With us all sovereignty rests and remains with the people. "Subject" is an odious word when applied to a citizen of the United States of America. We are not even expected to speak with bated breath or servile reverence when we take upon our lips the name of anyone whom we may have chosen to make, execute, or interpret our laws. We have never been taught to bend the knee except to our Heavenly Master. We are not obligated to wear particular apparel or small swords in attendance upon our select servants, much less to kiss their hands or walk backwards in their presence, nor stand with subdued mien or an abashed modus at their appearance, nor hide away from the approach of royal retinue.

We have been accustomed to our plain and simple and equal ways so long that it will be hard to teach us, especially those of us who are confirmed in our thoughts and habits, to reconstruct ourselves and assimilate to any condition of things which savors of royalty. What may happen to our children and their children, God only knows, if matters proceed as their trend now seems to be.

In the old days it was George the Third, Rex, in Great Britain; with us it was plain George Washington, "first in war, first in peace, and first in the hearts of his countrymen." The one sought to rule over our colonial fathers, to collect taxes without representation in the imposition thereof, and to do many other grievous things; the other contended that "these Colonies ought to be free and independent states," and their people ought to have their liberty. Here began the historic differentiation on our shores between kingdoms and republics, and some of our ancestors and some of us have been striving to emphasize and preserve the well-defined cleavage. It will be a sad day in this Republic when the distinction shall be lost in obscuration.

I may say without immodesty that I have had considerable experience in the practice of law before the criminal courts of the country, and have bestowed some degree of thought and reflection upon criminology in most of its aspects. It is right that we should have statutes against crime, from the simplest misdemeanor to the gravest felony, and it is right that proper punishment should follow their violation, and it will in all civilized and well-regulated communities. Every criminal lawyer knows that there are certain occasional forms of homicidal mania, traceable to moral perversion, depravity, or other pernicious influences brought about in some way, not always easily defined, but nevertheless found to exist, in which neither the celerity, certainty, nor severity of punishment can be said to have any deterrent effect upon the offender. Who has not read of cases where, in the frenzy of religious enthusiasm, even parents have taken the

lives of their children in response to what they wildly imagined was a divine command?

In such a case the terror of a violated law and the dread of human punishment neither protect the persons of their unfortunate victims nor restrain the commission of the deed. If Guiteau and Czolgosz were sane—and it is unprofitable now to discuss that matter—can anyone doubt that each of them knew that he would surely suffer death for the horrible deeds of which they were respectively guilty? They absolutely courted capital punishment. They committed their awful crimes in the most public way possible, where there was neither chance of concealment or escape. The death penalty stared each of them in the face and was subsequently inflicted. Was it in any sense a protection to either of our martyred Presidents or did it have the slightest effect in preventing the crimes?

The presence of the Army of the United States would not have caused either assassin to stay his hand. Unless the purpose had been detected and means to thwart it promptly taken all the powers of the law were in vain.

If swift, certain, or severe penalties could have stayed the hand of the assassin, our murdered Presidents would have been alive to-day so far as liability to lose their lives in such a way is concerned. The life of no future President will be protected nor his murder prevented by the passage of so much of this bill as makes it a special and peculiar offense to do violence to him. It is never safe nor wise nor expedient in any important concern to do anything that is unnecessary or useless. Some definite object, some salutary and beneficial purpose, should inspire all human conduct, even in the ordinary relations of life, and still more so in all deliberative and legislative bodies.

We can not say that "if it does no good it will do no harm" to specialize or peculiarize homicide as is here proposed. It will be, as formerly stated, a new departure and a movement out of sympathy with our usual methods and traditions. It will savor of a statute against regicide, when we have no kings. It will give color to the idea that we make artificial distinctions and preferences among our own people, all of whom are created equal. It will give impetus to imperial tendencies, unfortunately already visible and causing the serious apprehension of thoughtful people.

It is, as I have heretofore said, an un-American, unrepublican, undemocratic proposition and can not stand the test of cool and dispassionate analysis. Yielding to it may express heart tenderness, but it can not reflect mental deliberation and sound judgment nor a careful consideration of consequences. It will not be regarded as the calm and sober work of the philosophical and practical lawgiver of a popular government. It is after the similitude of royalty and titled nobility and contrary to the genius of our institutions. If it should pass Congress it ought to be vetoed by the President not only on his own account but for the safety of those who shall follow him, as well as for the stronger reason that it is monarchical rather than republican.

We can not afford to undermine the structure our fathers reared—we can not afford to remove a single foundation stone which was laid by them. We must stand as a republic, with all that a republic means, or there will be a monarchy erected upon its ruins. We can not be too vigilant and resistful at any approach of doctrine or practice at variance with all our training and traditions. This cloud may appear small to some—not larger than a man's hand—by others it may be regarded as "big with mercy;" but it is destined to gather fury, spread over our sky, and break with disaster upon our heads. [Applause.]

I have now yielded to all gentlemen who have requested time from me, with the exception of the gentleman from Tennessee [Mr. PATTERSON], who is not prepared to speak this afternoon, but who will likely wish to use ten or fifteen minutes to-morrow. If there is any other gentleman present who would like to be heard for a few minutes, I will yield to him.

Mr. SMITH of Kentucky. I may desire to make some remarks on the measure in the morning. I do not know that I will, but I may.

Mr. LANHAM. It has just been suggested to me by my friend and colleague on the committee, the gentleman from Kentucky [Mr. SMITH], that possibly he may wish to submit some remarks to-morrow.

Mr. LITTLEFIELD. Are there any other speakers to-morrow?

Mr. LANHAM. Perhaps I may wish a few minutes for the gentleman from Georgia [Mr. BARTLETT].

Mr. RAY of New York. Mr. Chairman, may I ask if there is any gentleman on the Republican side who desires to speak at all on this matter now? The gentleman from Maine [Mr. LITTLEFIELD] will close the debate on our side to-morrow, and I understand the gentleman from Texas has two more speakers.

Mr. SMITH of Kentucky. Three.

Mr. RAY of New York. I would suggest that we make an arrangement for the closing of debate. I will ask the gentleman from Texas how long his speakers will take?

Mr. LANHAM. I think certainly not over half or three-quarters of an hour. To make it certain, I will say that I will be content with one hour.

Mr. RAY of New York. And the gentleman from Maine [Mr. LITTLEFIELD] may have two.

Mr. LANHAM. Certainly.

Mr. RAY of New York. Then I ask unanimous consent that general debate be closed in three hours, the gentleman from Texas [Mr. LANHAM] to have one hour and our side two hours.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the general debate upon this bill close to-morrow in three hours, one hour to be controlled by the gentleman from Texas [Mr. LANHAM] and two hours by the gentleman from New York [Mr. RAY]. Is there objection?

There was no objection.

Mr. RAY of New York. I move that the committee rise.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3653) and had come to no resolution thereon.

HELEN A. B. DU BARRY.

Mr. GIBSON. Mr. Speaker, I present a conference report, to be printed in the RECORD, under the rule.

The SPEAKER pro tempore. The gentleman from Tennessee submits a conference report, which will be printed in the RECORD, with the statement, under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1037) granting an increase of pension to Helen A. B. DuBarry, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendment.

C. A. SULLOWAY,
HENRY R. GIBSON,
Managers on the part of the House.

J. H. GALLINGER,
J. R. BURTON,
T. M. PATTERSON,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The bill (S. 1037) granting an increase of pension to Helen A. B. DuBarry, passed the Senate at $50. The House amended the same by striking out $50 and inserting $40.

The result of the conference is that the House recedes from its amendment, leaving the bill as it passed the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
Managers on the part of the House.

FRANCES L. ACKLEY.

Mr. RUMPLE. Mr. Speaker, I desire to submit a conference report, to be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Iowa presents a conference report, which will be printed in the RECORD, with the statement, under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

J. H. GALLINGER,
GEORGE TURNER,
Managers on the part of the Senate.

The statement is as follows:

The House bill (H. R. 9290) granting a pension to Frances L. Ackley passed the House at $20. The Senate amended by striking out "$20" and inserting "$12."

The result of the conference is that the Senate recedes from its amendment, leaving the bill as it passed the House.

J. N. W. RUMPLE.
ELIAS DEEMER.
Managers on the part of the House.

ALLEGED SUPPLY CAMP IN LOUISIANA.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of June 2, 1902, requesting the President "to send to the House of Representatives, if not incompatible with the interests of the public service, full information of the investigation recently made by his order as to the alleged supply camp in the State of Louisiana for the collection and shipment to South Africa of military supplies, including horses and mules," I transmit herewith a copy of the report from Colonel Crowder, the officer who made the investigation referred to, and a copy of a letter which, by my direction, the Secretary of State addressed on the 3d of this month to the governor of Louisiana, being

an answer to a communication from Governor Heard, in which he charged certain violations of the neutrality laws of the United States at the port of Chalmette, La., which communication, with its inclosures, has already been laid before the House of Representatives in compliance with its resolution of April 10, 1902, and is printed in House Document No. 568, Fifty-seventh Congress, first session.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 5, 1902.*

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12346. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 9597. An act for the relief of Thierman & Frost; and

H. R. 720. An act for the relief of Lieut. Jerome E. Morse.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 909. An act to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887—to the Committee on Post-Offices and Post-Roads.

S. 5212. An act granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians—to the Committee on the Public Lands.

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company—to the Committee on Claims.

S. 5968. An act to authorize the promotion and retirement of the present senior major-general of the Army—to the Committee on Military Affairs.

S. R. 110. Joint resolution empowering the State of Minnesota to file selections of indemnity school lands upon public lands in Minnesota otherwise undisposed of, after the survey thereof in the field and prior to the approval and filing of the plat of survey thereof—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURTON, for six days, on account of sickness.

To Mr. GAINES of West Virginia, for two days, on account of important business.

To Mr. ALLEN of Maine, for seven days, on account of important business.

PROTECTION OF THE PRESIDENT.

Mr. RAY of New York. Mr. Speaker, it was agreed in Committee of the Whole that general debate on the bill (S. 3653) be closed to-morrow in three hours, one hour to be controlled by the gentleman from Texas [Mr. LANHAM], and the other two hours by the chairman of the Committee on the Judiciary. I ask that that be confirmed in the House.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that general debate be closed upon the bill in three hours, one hour to be controlled by the gentleman from Texas and two hours by the gentleman from New York. Is there objection? [After a pause.] The Chair hears none.

Mr. GIBSON. Mr. Speaker, I wish to say that I do not desire to interpose any objection, but as to-morrow is the day devoted to the consideration of war claims, I wish to notify the House that at some time I will ask another day to be given that committee.

Mr. RAY of New York. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury requesting additional appropriation for stationery for the Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for certain deficiency expenditures—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for expenses of arbitration in the matter of "The Pious Fund of the Californias"—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, in response to the inquiry of the House, copies of communications between the Navy Department and Rear Admiral Kempff, in relation to the bombardment of the Taku forts in China—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with favorable recommendation, papers relating to the claim of the Alaska Commercial Company—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12717) to provide for signing and settling bills of exceptions in certain cases, reported the same with amendment, accompanied by a report (No. 2347); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14441) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportation of Government supplies to the Philippines, across the Pacific Ocean, reported the same with amendment, accompanied by a report (No. 2348); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1531) granting an increase of pension to Susan E. Duncan, reported the same with amendment, accompanied by a report (No. 2346); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 9303) for the relief of the Mobile and Ohio Railroad Company, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. RODEY: A bill (H. R. 14921) enabling the Territory of New Mexico to use lands heretofore granted thereto in aid of irrigation and construction of reservoirs therein—to the Committee on the Territories.

By Mr. BOWERSOCK: A bill (H. R. 14922) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the mouth of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 14923) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory—to the Committee on the Judiciary.

By Mr. WARNER: A bill (H. R. 14946) to amend the civil code of Alaska—to the Committee on Revision of the Laws.

By Mr. RUPPERT: A concurrent resolution (H. C. Res. 54) providing for an adjournment of Congress on June 28, 1902—to the Committee on Ways and Means.

By Mr. OLMSTED: A resolution (H. Res. 289) for the appointment of a janitor to the Committee on Elections No. 2—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Texas: A bill (H. R. 14924) granting an increase of pension to Rudolph Brant—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: A bill (H. R. 14925) to correct the military record of Jacob Lyon—to the Committee on Military Affairs.

Also, a bill (H. R. 14926) to correct the military record of Smith F. Carroll—to the Committee on Military Affairs.

Also, a bill (H. R. 14927) to correct the military record of Calloway Horton—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 14928) for the relief of the heirs of M. A. McAnutly, deceased, late of Alcorn County, Miss.—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 14929) granting a pension to John Keen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14930) granting a pension to William H. Houseal—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14931) for the relief of the trustees of the Norfolk Academy—to the Committee on War Claims.

Also, a bill (H. R. 14932) for the relief of the trustees of St. Paul's Protestant Episcopal Church, at Norfolk, Va.—to the Committee on War Claims.

By Mr. MOON: A bill (H. R. 14933) granting an increase of pension to Lewis Gross—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 14934) granting a pension to Silas W. Rank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14935) granting an increase of pension to Frederick Prothero—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14936) for the relief of Ephraim Winters—to the Committee on Invalid Pensions.

By Mr. RODEY: A bill (H. R. 14937) granting a pension to Louisa C. V. McClanahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14938) granting a pension to Benjamin F. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14939) granting an increase of pension to Hannibal H. English—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14940) granting an increase of pension to Oliver S. McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14941) granting an increase of pension to Diana D. Howard—to the Committee on Pensions.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 14942) for the relief of the legal representatives of Warren Mitchell, deceased—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 14943) granting a pension to Marie L. Karnes, daughter of John H. Moore—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 14944) granting an increase of pension to Orin T. Fall—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 14945) granting an increase of pension to Asa Tout—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALL of Texas: Papers to accompany House bill granting an increase of pension to Rudolph Brant—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolutions of the American Asiatic Company, protesting against the construction of the Pacific cable by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: Resolutions of the Board of Trade of Valdosta, Ga., favoring House bill 14187, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. CONNELL: Petition of the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of the same—to the Committee on Agriculture.

Also, petitions of St. Joseph Society, of Taylor; St. Anthony Society, No. 477, of Boulevard; Sacred Heart of Mary and Jesus Society, of Scranton; St. Josephat Society, of Jessup, and Society No. 295, of Priceburg, National Polish Alliance of Pennsylvania, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of United Mine Workers' Union No. 1036, of Minooka; No. 1010, of Priceburg; No. 1004, of Throop; No. 61, of Vandling; Nos. 862, 1503, and 131, of Scranton; No. 306, of Old Forge; Carpenters and Joiners' Union No. 813, of Carbondale, and Brewery Workers' Union No. 232, of Scranton, Pa., favoring the restriction of immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

Also, resolutions of the Cattle Raisers' Association of Texas, protesting against the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of Division No. 156, Order of Railway Conductors, of Carbondale, Pa., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petitions of Lithuanian citizens of Scranton, Pa., in opposition to the passage of certain bills for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Division No. 156, Order of Railway Conductors, of Carbondale, and Division No. 276, Brotherhood of Locomotive Engineers, of Scranton, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the National Business League, Chicago, Ill., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Boer Legislative Committee, Philadelphia, Pa., in relation to the war in South Africa—to the Committee on Foreign Affairs.

Also, resolutions of the American Asiatic Association, favoring the establishment of a trans-Pacific cable by private enterprise—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the California State League of Republican Clubs, in regard to employees in navy-yards—to the Committee on Naval Affairs.

By Mr. CONRY: Resolutions of the city council of Medford, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolutions of the American Asiatic Association, against the construction of a Pacific cable by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolutions of the American Asiatic Association, protesting against any action by Congress that will delay completion of a Pacific cable by the Commercial Pacific Cable Company—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of H. H. Smith Post, No. 19, Grand Army of the Republic, Department of New York, favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Andrew G. Case and others, for amendment to the invalid-pension law—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Petition of J. C. Otts and other lawyers of Gaffney, S. C., urging the passage of House bill 14275—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of the American-Asiatic Association, protesting against the construction of a Pacific cable by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of the Milwaukee Association of Methodist Ministers, favoring the passage of a bill to forbid unnecessary traffic on Sunday—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill 14945, granting an increase of pension to Asa Tout—to the Committee on Invalid Pensions.

By Mr. PARKER: Petition of James W. Oliver and other citizens of Newark, N. J., urging the passage of House bill 10793, forbidding railroad officials separating passengers on account of race or color—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: Papers to accompany House bill 4064, granting a pension to James Orton—to the Committee on Invalid Pensions.

By Mr. WACHTER: Resolution of Polish National Alliance Society, of Baltimore, Md., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. WILLIAMS of Illinois: Petition of M. E. Buck and others, in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

SENATE.

FRIDAY, *June 6, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DESTRUCTION OF FISH BY DYNAMITE, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of March 27, 1902, certain information relative to the destruction of fish in the shore waters of the United States, near the Province of New Brunswick, by dynamite or other explosive fishing; which, with the accompanying paper, was referred to the Committee on Fisheries, and ordered to be printed.

TRANSPORT EGBERT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from

the Quartermaster-General of the Army submitting a list of steamship lines and shipowners to whom information was specially furnished regarding the condition of the sale of the Army transport *Egbert*, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 720) for the relief of Lieut. Jerome E. Morse;

A bill (H. R. 9597) for the relief of Thierman & Frost; and

A bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Post No. 6, Department of New Hampshire, Grand Army of the Republic, of Peterboro, N. H., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which was referred to the Committee on Pensions.

Mr. BURROWS presented a petition of sundry citizens of Gladstone, Mich., praying for the repeal of the duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented petitions of United Mine Workers' Local Union No. 64, of West Bay City, and of Lumbermen's Local Union No. 9942, of Manistee, in the State of Michigan, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a memorial of the common council of Detroit, Mich., remonstrating against the operations of the so-called beef trust; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of the Rockford Personal Liberty League, of Rockford; of the Southern Illinois Retail Liquor Dealers' Association, of Chicago, and of J. F. Rader and 60 other citizens, all in the State of Illinois, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented petitions of Centralia Division, No. 24, Brotherhood of Locomotive Engineers, of Centralia, and of Lodge No. 91, Brotherhood of Railroad Trainmen, of Savanna, in the State of Illinois, praying for the passage of the so-called Grosvenor anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. CLAPP presented a petition of the Commercial Club of Duluth, Minn., praying for the passage of the so-called Nelson-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Post No. 523, Department of Indiana, Grand Army of the Republic, of Perkinsville, Ind., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented a petition of the Climax Coffee and Baking Powder Company, of Indianapolis, praying for the passage of the so-called Hansbrough bill to regulate the manufacture and sale of food products; which was ordered to lie on the table.

He also presented a petition of the Ministerial Association of Kokomo, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol; which was referred to the Committee on Rules.

He also presented the petition of Arthur MacDonald, of Washington, D. C., praying for the enactment of legislation to establish a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of the Woman's Christian Temperance unions of Westerly, Pawtucket, and Central Falls, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 6059) for the relief of certain enlisted men of the Navy, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10255) granting a pension to Margaret Tisdale;

A bill (H. R. 13378) granting an increase of pension to Edwin Beckwith; and

A bill (H. R. 10899) granting an increase of pension to William Warner.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5076) granting an increase of pension to Katharine W. Clarke, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11327) granting an increase of pension to Charles E. Pettis;

A bill (H. R. 6414) granting an increase of pension to William W. H. Davis;

A bill (H. R. 8780) granting an increase of pension to Pierson L. Shick;

A bill (H. R. 5984) granting an increase of pension to William H. Van Riper; and

A bill (H. R. 8457) granting an increase of pension to Gibbony F. Hoop.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 3238) granting a pension to Martha Elizabeth Hench;

A bill (S. 3644) granting a pension to James Maley; and

A bill (S. 5239) granting an increase of pension to Joseph O. Kerbey, alias Joseph A. Kerbey.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6847) to correct the record of Michael Hayes, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12976) granting an increase of pension to Jacob Smith;

A bill (H. R. 9710) granting an increase of pension to Elizabeth J. Eagon;

A bill (H. R. 884) granting an increase of pension to Ellen W. Rice; and

A bill (H. R. 8698) granting an increase of pension to Nelson Churchill.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 5315) granting an increase of pension to Orrin J. Wells, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4121) granting a pension to Elizabeth Jacobs, reported it with amendments, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7922) granting an increase of pension to Richard G. Watkins;

A bill (H. R. 13321) granting an increase of pension to John S. Bonham;

A bill (H. R. 12130) granting a pension to Christopher S. Stephens; and

A bill (H. R. 13017) granting an increase of pension to James Austin.

Mr. SIMON, from the Committee on Public Building and Grounds, to whom was referred the bill (S. 5694) to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania, reported it without amendment.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 2659) authorizing the Secretary of the Treasury to examine the petition and account of the Cape Smythe Whaling and Trading Company, and report thereon to Congress, submitted an adverse report thereon; and the bill was postponed indefinitely.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1666) granting an increase of pension to Rufus V. Lee;

A bill (H. R. 5145) granting an increase of pension to Thomas Swan; and

A bill (H. R. 12132) granting a pension to Susan Walker.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2306) granting a pension to William H. Lessig; and

A bill (S. 3423) granting an increase of pension to Maria V. Stadtmiller.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12408) granting an increase of pension to John A. Eveland;

A bill (H. R. 12724) granting an increase of pension to Richard M. Kellough; and

A bill (H. R. 12047) granting an increase of pension to Jackson L. Wilson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon.

A bill (H. R. 6991) granting an increase of pension to Esek B. Chandler; and

A bill (H. R. 954) granting an increase of pension to Rachel Brown.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 5758) granting an increase of pension to David Ham;

A bill (S. 4454) granting an increase of pension to John D. Sullivan; and

A bill (H. R. 6871) granting an increase of pension to Harman Scramlin.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4493) granting an increase of pension to Michael Volz;

A bill (H. R. 13946) granting an increase of pension to Stephen B. Todd;

A bill (H. R. 1478) granting an increase of pension to Henry Runnels; and

A bill (H. R. 3263) granting an increase of pension to John Revley.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 3323) granting a pension to Daniel L. Mallicoat;

A bill (S. 3715) granting an increase of pension to Henry Weaver;

A bill (S. 3315) granting an increase of pension to George W. Bradshaw; and

A bill (S. 4811) granting an increase of pension to John W. Dick.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4251) granting an increase of pension to William C. Banta;

A bill (H. R. 945) granting an increase of pension to William W. Richardson;

A bill (H. R. 8026) granting an increase of pension to Joseph D. McClure;

A bill (H. R. 9164) granting an increase of pension to John H. Crawford;

A bill (H. R. 3768) granting an increase of pension to John W. Campbell;

A bill (H. R. 3770) granting a pension to James E. Dickey;

A bill (H. R. 11865) granting an increase of pension to John A. Robertson;

A bill (H. R. 11493) granting a pension to Mary A. Lipps;

A bill (H. R. 13081) granting an increase of pension to Anthony J. Railey;

A bill (H. R. 11115) granting a pension to Angeline H. Taylor; and

A bill (H. R. 6186) granting a pension to Carrie B. Farnham.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 5901) granting an increase of pension to Orange Sells, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 9717) granting a pension to Isaac M. Pangle; and

A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 5659) granting an increase of pension to Malinda Heard, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5747) granting an increase of pension to James E. Bader;

A bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton;

A bill (H. R. 13675) granting an increase of pension to George W. White; and

A bill (H. R. 11711) granting an increase of pension to Isaac Gibson.

ALAFIA, MANATEE AND GULF COAST RAILWAY COMPANY.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSISTANT CLERK OF COMMITTEE ON EDUCATION AND LABOR.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. McCOMAS on the 4th instant, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Education and Labor be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided for by law.

OCEAN DREDGER AT MOUTH OF COLUMBIA RIVER.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 83) directing the Secretary of War to investigate the feasibility of operating an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington, to report it favorably with an amendment.

Mr. MITCHELL. I ask unanimous consent to proceed to the consideration of the joint resolution. It is very brief.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, in line 13, before the word "thousand," to strike out "three" and insert "one;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, directed to cause an investigation to be made through the Engineer Corps of the Army with a view of ascertaining the feasibility of operating with effect an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington, and the cost of a dredger for such purpose, and the cost of maintaining and operating the same, and to report the result of such investigation to Congress at its next session. And for such purpose there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,000.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 6079) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6080) granting an increase of pension to William R. Clark;

A bill (S. 6081) granting an increase of pension to James D. Kiper;

A bill (S. 6082) granting an increase of pension to John Brattain;

A bill (S. 6083) granting an increase of pension to Charles H. Watson;

A bill (S. 6084) granting an increase of pension to William Bunnell; and

A bill (S. 6085) granting an increase of pension to George G. Pride.

Mr. FAIRBANKS introduced a bill (S. 6086) granting an increase of pension to George W. Stoops; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 6087) granting a pension to Augustus H. Lougee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6088) granting a pension to Elesha Hughes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6089) for the relief of Michael Kries; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN (by request) introduced a bill (S. 6090) for the relief of George E. Kirk; which was read twice by its title, and referred to the Committee on Claims,

Mr. FOSTER of Washington introduced a bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Public Lands.

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 6092) requiring the street railway companies in the District of Columbia to station uniformed flagmen at designated track intersections; and

A bill (S. 6093) to authorize street railway companies in the District of Columbia to convey small freight, express matter, and so forth.

Mr. McCOMAS (by request) introduced a bill (S. 6094) authorizing the appointment and retirement of Charles Chaillé-Long with the rank of colonel, United States Army; which was read twice by its title and, with an accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6095) removing the charge of desertion from the record of William Harig; which was read twice by its title and, with an accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6096) granting an increase of pension to Hester A. R. Landers; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6097) to extend the time for the construction of the East Washington Heights Traction Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 6098) to regulate the retirement of veterans of the civil war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURTON introduced a bill (S. 6099) granting an increase of pension to Frederick Sommers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 6100) to establish a representative form of government for the citizens of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

CHARLES F. ROBERTS AND OTHERS.

On motion of Mr. FAIRBANKS, it was

Ordered, That the papers on file in the office of the Secretary of the Senate in connection with a bill (H. R. 8587, Fifty-seventh Congress, first session, and Senate bill 1612, Fifty-seventh Congress, first session) for the relief of George F. Roberts and others be withdrawn in accordance with clause 1, Rule XXX, of the rules of the Senate.

POSTAL CLAIMS IN NORTH CAROLINA.

Mr. SIMMONS submitted the following resolution; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of North Carolina named on the memorandum schedule hereto attached, or to their heirs, for service as postmasters in each biennial term specified on such memorandum schedule in order to make effective sections 473, 474, and 475 of the postal regulations of 1866, and the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, in a declaration as to intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as exhibit, Senate Executive Document No. 146, Forty-ninth Congress, first session.

DEPARTMENT OF COMMERCE.

Mr. NELSON. On January 9 I submitted, from the Committee on Commerce, a report to accompany the bill (S. 569) to establish the department of commerce. I find that that print of the report is exhausted, and I ask that it be reprinted.

The PRESIDENT pro tempore. The Senator from Minnesota asks for a reprint of a report made by him from the Committee on Commerce. Is there objection? The Chair hears none, and it is so ordered.

HEARINGS BEFORE COMMITTEE ON NAVAL AFFAIRS.

Mr. HALE. I present hearings before the Committee on Naval Affairs relative to an increase in the staff corps of the Navy, and also in regard to submarine boats. I move that the hearings be printed as a document.

The motion was agreed to.

JOSEPH W. CARMACK.

The PRESIDENT pro tempore laid before the Senate the bill (S. 20) for the relief of Joseph W. Carmack, returned from the House of Representatives in compliance with the request of the Senate.

Mr. COCKRELL. I ask that the votes by which the bill was passed may be reconsidered, and that the bill be indefinitely postponed. The payment is already provided for in the omnibus claims bill.

The PRESIDENT pro tempore. Without objection, the order will be made.

JOHN S. NEET, JR.

The PRESIDENT pro tempore laid before the Senate the bill (S. 21) for the relief of John S. Neet, jr., returned from the House of Representatives in compliance with the request of the Senate.

Mr. COCKRELL. I ask for the same order, for the same reason.

The PRESIDENT pro tempore. If there be no objection, the votes by which the bill was passed will be reconsidered and the bill indefinitely postponed.

EZRA S. HAVENS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 22) for the relief of Ezra S. Havens, returned from the House of Representatives in compliance with the request of the Senate.

Mr. COCKRELL. I ask for the same order in regard to this bill. Payment in all these cases has been provided for in the omnibus claims bill.

The PRESIDENT pro tempore. The Senator from Missouri asks for the same order in this case. Is there objection? The Chair hears none.

EARTHQUAKES AND RIOTS ON PANAMA CANAL ROUTE.

Mr. MORGAN. Mr. President, I have a letter from the Secretary of State in response to one which I, as chairman of the Committee on Interoceanic Canals, addressed to him. I desire to have the letter and accompanying papers read at the desk, and I will then make a motion in regard to the disposition of them.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, June 5, 1902.

SIR: I have the honor to acknowledge the receipt of your letters of May 31 and June 2, 1902, requesting copies of certain records of the Department in regard to earthquakes and riots in Panama, Colombia.

In reply I inclose herewith a copy of a dispatch from the former vice-consul of the United States at Panama, transmitting newspaper clippings in regard to the earthquake there in 1882:

The records on the subject of the riot in Panama in 1856 will make about 1,000 pages of typewriting, and with our available force it will be impossible to furnish copies of these records within a month.

Referring to your letter of the 3d instant, I have to say that the Department's records contain nothing at all with reference to a proposition by Colombian authorities respecting annexation.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. JOHN T. MORGAN,
United States Senate.

UNITED STATES CONSULATE,
Panama, September 14, 1882.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington, D. C.

SIR: By this mail I forward to the Department a copy of the weekly edition of the Star and Herald of to-day's date, which contains a full and graphic account of the severe earthquake which visited this city on the 7th instant at 3.25 o'clock a. m.

I am, sir, your obedient servant,

ROBERT W. TURPIN,
Vice-Consul.

[Star and Herald, September 14, 1882.]

SEVERE EARTHQUAKE ON THE ISTHMUS—MUCH DAMAGE DONE.

During the past week the Isthmus has been visited by several earthquakes which have done damage, but which, fortunately, have caused only two deaths. The following, copied from the daily Star and Herald, describes the events as they occurred from day to day:

[Daily Star and Herald, September 8.]

On Thursday, 7th instant, at 3.20 in the morning, the inhabitants of Panama were aroused from their beds by one of the longest and most severe earthquake shocks which has ever been experienced in this city. It was preceded by a hollow rumbling noise which aroused and alarmed many persons. The motion was wave-like and proceeded almost directly from north to south.

The first and most severe shock must have lasted at least thirty seconds. Commencing with a moderate movement it deepened in intensity, and toward the finish was so violent in strength that had it lasted ten seconds longer it is probable that at this moment there would not be a house standing in Panama. The shock had hardly terminated when the streets were filled with people, many of whom sought the outskirts of the town in order to avoid danger from the fall of edifices. A second and milder shock occurred about half an hour after the first one.

It is almost impossible to depict the alarm and excitement which followed. Panama has always been considered exempt from the mighty natural convulsions which are experienced almost periodically in the countries through which the giant Cordillera stretches its mountainous and volcanic ridges. That the shocks this morning were of exceptional violence appears to indicate a terrible calamity in some of those districts, and in all probability in the north, rather than a possibility that the old-time freedom of the Isthmus from earthquakes is about to disappear, and that henceforth we are to be subject to such dangerous and fearful visitations as those which on that morning threatened the city with ruin.

The amount of damage done can not as yet be estimated, but it must amount to at least $250,000. The municipal building and assembly rooms, under which the Cascada is situated, were much damaged. The whole of the massive balcony fell bodily into the square, dragging with it the roof and all adjacent timber.

The cathedral also suffered severely. Almost the whole of the ornate pediment, composed of heavy blocks of masonry, fell through the roof or onto the steps leading to the principal entrance. Every arch in the nave is cracked and split, and large stones and pieces of cement have fallen from them. The side aisles are also seriously damaged, and an expenditure of at least $50,000 will be required to restore the building The roof of the assembly room will be repaired at an early date, Governor Borbua having acted with remarkable celerity and commenced work at once, in order that the archives and furniture may not be exposed to damage from rain.

Private houses damaged are innumerable, and owners as yet fail to form a correct idea of the losses they have incurred. The walls of the canal office are cracked in several places, and the edifice requires strengthening. No estimate of damage can be made, but an expenditure of several thousand dollars must be incurred to render the building as safe as it was before the shock.

The ruins of buildings destroyed by fire are, unfortunately, too conspicuous in the center of the city. Their danger has frequently been pointed out, and the earthquake has now accentuated the peril consequent on their being allowed to remain as heretofore. Masses of these ruins have fallen down, and gaping cracks prove the necessity that they should be torn down. Outside the city a number of houses have suffered. The tower of Malambo Church has fallen, and a piece several yards square of the roof of Santa Ana Church has tumbled in. The crash among glassware and bottles has been universal, Mr. Brakemeier alone being a loser to the extent of $2,000 from this cause. General Aizpuru's house in the Calle Real has suffered severely, as has also that of Don Manuel Hurtado, in front of the Government house. Others who have suffered damage are Señores Antonio Jimenez, Agustin Clement, Jose Manuel Casis, Barsallo, and the Grand Hotel, but the full extent of the damage done will not be known until the investigating committee has concluded its labors.

Several hours have now elapsed and there has been no repetition of the shocks. It may, therefore, be confidently anticipated that they will not be repeated.

The Pacific Mail steamship *Clyde* arrived from San Francisco on the night, 6th. The earthquake was severely felt on board. Passengers declare that it appeared as if the vessel were lifted bodily from the sea and allowed to fall back.

Thanks to the kindness of Mr. J. B. Stearns, general manager of the Central and South American Cable Company, we are able to inform our readers that the offices at Buenaventura in Cauca, and San Juan del Sur in Nicaragua, announce that no shock has been felt in either of those ports. The cable is working excellently and gives no sign that a general volcanic disturbance has taken place.

The effects of the earthquake along the railroad have been most marked. The stone abutments of several of the bridges have been cracked and split, and the earthwork has sunk in a half a dozen places. Gangs of men were put at work on Thursday, so that traffic might be resumed as usual at the earliest possible day. Mr. Woods and his subordinates have been active and energetic as usual, and cars were busily employed loading ballast to fill the sunken places, whilst lumber was being cut and prepared to support the short bridges which have been weakened, as already mentioned, through the cracking of the abutments.

All along the railroad track the earthquake was severely felt. At Emperador, Gatun, Matachin, and all the canal stations much alarm was created.

In several places where the direct action of the shock appears to have made itself most strongly felt the rails were curved, as if they had been intentionally bent.

Mr. Woods, general superintendent of the railway, went across the same morning and returned as far as Bailamona in the afternoon. Neither train crossed in the afternoon. The Panama train stopped on this side of Bailamona bridge and the passengers and their baggage were transferred to hand and push cars and thus conveyed 8 miles over the road to Bohio Soldado—the farthest point the train from Colon could reach.

The earthquake created great alarm in Colon. The freight house was damaged and it was rumored that one or two were killed, but no certain information on this point has been obtainable. It is known, however, that two gentlemen broke their legs through jumping from the upper stories of houses.

The telegraph wire was down during the early part of the day, but communication was reestablished at about 4 p. m.

The sea was remarkably calm at Colon at the time of the severe shock, thus tending to prove that the earth motion has not extended, as at first supposed, to the West Indies.

The passengers and mails per Royal Mail steamer *Don* could not come across yesterday, so that the *Lima*, after being delayed a day, had to leave for the South without them.

[Daily Star and Herald, September 8.]

Mother Earth on the Isthmus has not as yet returned to her ordinary quiescent condition. The severe shock of the morning of the 7th has been followed by several of less intensity, but which do not appear to make their effects felt over such a wide area. On Thursday afternoon several vibrations were experienced in different localities which were not felt in Panama.

At 11.30 p. m. on the 7th a sharp shock alarmed the whole city, and drove the people from their houses to the squares. Hundreds of ladies accustomed to every convenience and comfort preferred to pass the night on mattresses, couches, and chairs in the public plazas to running the risk of being crushed to death in the houses. The inconveniences of the situation they thus accepted were obvious to the less timid who walked from one square to another to see these temporary and uncampaignlike encampments.

A slighter shock occurred at about 3 in the morning, but fortunately neither it nor its predecessor added further ruin to that already incurred in the city.

All the shocks have been felt on the islands in the bay, and some houses have suffered at Taboga.

La Chorrera has been very unfortunate. The church and the cemetery are a mass of ruins, and a number of houses have fallen. A bakery took fire and it and the adjoining house were totally destroyed by fire.

Between Gavilan and Punta Mala in the vicinity of this city a crevasse has opened which is 10 meters in width.

Some of the ruinous walls are being taken down, but there are several yet standing which are a permanent menace to adjoining properties and the lives of their inhabitants.

[Colon correspondence Daily Star and Herald, September 9.]

On the morning of September 7 at about 3.15 the residents of Colon were aroused from their peaceful slumber by the earthquake shock which has caused so much alarm and so considerable damage to the whole Isthmus. The duration of the shock was fully sixty seconds, and was so severe that the whole populace rushed from their domiciles into the streets as rapidly as their feet could carry them.

The greatest alarm prevailed. About a half hour afterwards another shock was felt, but much lighter than the first. The sensation produced by the first and more violent shock was that the whole town was about to sink into the bowels of the earth. No very considerable damage was done. Several buildings were more or less damaged, including the French consulate, the house of Mr. F. R. Cowan, the Panama Railroad freight house, and the wharves, the International Hotel, some smaller tenements in the rear of the town in the alley known as Cash street. One of the latter, built of brick and wood in the style known as brick noggin, was wrecked completely, and one unfortunate occupant, a native, was killed; two others, one a Frenchman and the other a bookkeeper for Messrs. Isaacs & Asch, had each a leg broken in their haste to escape. The former will have to submit to the painful operation of amputation.

A deep fissure was opened in the earth from the south end of the freight house for a distance of about 400 feet along the walk leading in the direction of the ice houses. Many buildings were moved slightly from their foundations, but on the whole remarkably little damage was done. On board the vessels in the harbor the shock was also felt very severely.

The losses sustained were principally in the breakage of bottles in the various stores and shops and the smashing of crockery, mirrors, etc., in private residences. This is pronounced the most severe shaking up ever before experienced in the history of the country since the discovery and conquest; but on the whole the town has escaped without serious injury. On the 7th instant, about 1 p. m., another much slighter shock was felt, and during the night of the same day two more slight disturbances were reported. The people of the town have become quite alarmed and quite demoralized by these events, many rushing to the churches and calling upon God for protection and deliverance. If the result proves beneficial to the moral tone of the city, the tonic, although severe, may not be regretted.

It may be of meteorological interest to observe that the sea at the time remained here calm, the atmosphere quite clear, and the stars and waning moon remarkably brilliant. Soon after, say about 4 o'clock, a slight fog wafted from inland; no rain fell. All day an ominous calm prevailed without rain, with fluctuating barometer and excessive heat, which led many to fear a return of the shocks during the night of the 7th, and few slept. But with the slight exceptions noted, all remained quiet.

Another correspondent writes from Colon:

"At about 10 minutes past 3 this morning we experienced the most horrible earthquake that I ever felt in my life. The damage done I can not estimate. A German employed as bookkeeper by Messrs. Isaacs & Asch threw himself out of the window and broke his leg, and a colored man followed his example with a similar result. Two men have been killed, one of them being buried under a falling roof. The whole of the made ground between the wharves and the lagoon is split in a number of places.

"A number of houses have suffered severely. Some have fallen down bodily. No. 4 mole and the freight house has been damaged. All here think the motion lasted at least one minute and that it moved from the southeast toward the northwest."

[Daily Star and Herald, September 11.]

A slight earthquake shock occurred on the morning of the 9th a little before 5 o'clock. Much alarm was naturally created, but fortunately no damage was done. The frequent repetition of these movements causes a painful and uneasy feeling among the populace. A number of families passed the night on board the vessels in the bay and many in the public squares, and on Saturday a great many occupied the light cane houses on the outskirts of the city and at the savanna.

The same shock was lightly felt in Colon and along the railroad track. No damage was done, and work was continued on the houses injured by the shock of the 7th instant.

All day on Saturday no shock was felt, and the night passed quietly. At midday on Saturday there was a marked change in the atmosphere, and with a refreshing shower which fell the murky, sultry air of the previous days entirely disappeared.

The rumor of a volcanic eruption at the town and fort of Chagres is pronounced entirely false. Thoroughly reliable persons were there at 1 p. m. on Saturday and reached Colon the same evening. They report the earthquake to have been felt there, and that the earth had cracked slightly in two or three places. Beyond this no damage was done.

The shocks have been lightly felt on board the vessels in the bay, but they have experienced absolutely none of the tidal-wave effects which so frequently accompany widespread and powerful convulsions.

Passenger and freight trains will run over the road to-day as usual, as it is believed all the breaks will have been thoroughly repaired last evening.

The earthquake destroyed the little church at Cruces and damaged a few houses.

The rumors of a volcanic eruption at Chagres are entirely without foundation. The earthquake was felt there, did some little damage, and opened a few cracks in the ground.

A cablegram received from Mr. Schrymser, the president of the Central American Cable Company, announces that in New York it was known the Colon cable was broken and that nothing had occurred in Cuba and the other islands.

[Daily Star and Herald, September 12.]

A commission of canal employees left Panama on Sunday afternoon and proceeded to Chagres to inspect the ground where the volcanic eruption is

said to have taken place. A photographer accompanies them in order to obtain exact representations of any physical changes which may have occurred. The principal members of it are MM. Canel, Alvo, and Canell. It is believed they will be absent about a fortnight, as they have to examine a wide field.

The rumors of the volcanic eruptions near Chagres and Cruces are declared to be entirely false by people arrived from there. One or two persons declare, however, that at 20 miles from Chagres, in the direction of "the coast," a small mud volcano has been observed, but these statements are as untrustworthy and false as the many which have been set current within the past few days.

The truth of the matter appears to be that the repeated shocks have settled the loose alluvial soil and that subsidence has occurred in several places, leaving fissures in some, and in others ejecting the thin mud formed on the lower strata by the percolation of water. All the fissures observed so far present the same characteristics and appear to be formed in the manner described and not by volcanic rents originating in the bowels of the earth.

The bridges on the railroad are now fully repaired, and freight and passenger trains crossed as usual yesterday.

More rain is falling at Colon and on the other side of the Isthmus than on the Panama side.

Three old and valueless ranches fell at Gatun when the severe shock of the 7th took place. A beam from one of them struck and instantly killed a poor woman who was asleep.

A number of people have walked, ridden, and canoed through the center of the Isthmus in order to discover the supposed volcanic center. Their labor has been valueless, and all have returned convinced that no excessively severe motion has been experienced in any part. No loss of life has occurred, save the three cases we have reported.

[Daily Star and Herald, September 13.]

The earthquake of the 7th instant was felt at the Pearl Islands in the bay. At San Miguel one of the walls of the church fell in, and the inhabitants took the saints out and carried them in procession in the hope of preventing the repetition of the convulsion. They were panic stricken. A correspondent writes that the earth continued moving for five minutes, but this must be incorrect.

At Donoso, Govea, and Rio Indio a number of shocks have been felt, and the people have been much frightened. At Miguel la Borda, 35 miles from Colon, in the direction of Bocas del Toro, the tide rose to an unusual height and flooded some of the houses which are built on the beach almost on a level with the sea. The earth is said to have sunk in about a dozen places and that cattle have been lost from this cause. The governor of the district writes officially that several boiling springs have suddenly appeared, some of which throw hot water to a considerable height. Although official, this report lacks confirmation.

Many people believe they felt shocks in Panama during the night of the 11th instant, but the majority declare no movement took place. Overexcitement in many cases induces the belief that the earth is trembling, and the least sound, such as a heavy cart passing through the streets, is at once converted by the excitable into the commencement of a catastrophe.

A number of houses in Colon have suffered. A list is being drawn up. The heavy stone offices of the canal company have been badly cracked, and the employees are removing the desks, etc., to another building. The International Hotel, one of the largest buildings in Colon, has been somewhat damaged, but the trivial nature of the injury in such an extensive edifice seems to prove that good brickwork can resist movements which seriously injure houses which have been cheaply constructed. The moles in front of the freight house and the made ground at the back of it show signs of the movement, but the heavy stone walls of the building although cracked in some places are sound and good, while the iron trestle work which sustains the roof and holds the walls together is as tight and plumb as the day it was put together. Many frame houses have sagged over in different directions. The majority of these houses were never remarkable for symmetry; now they zigzag one way and the other and give the town a most peculiar appearance. It must be remembered there are a number of frame buildings in Colon which were run up as the earth was dumped into the sea to form the spit on which the town stands, and that consequently it is not surprising if the slightest shake should affect these frail wooden structures which have been exposed during nearly thirty years to the vicissitudes of the variable tropical climate.

The bronze statue of Christopher Columbus was shaken free from the stone pedestal on which it stands and moved about 4 inches from its former location. It can be readjusted at slight cost.

At 6 a. m. yesterday morning the rain was pouring down in torrents in Colon.

The Harrison steamer *Mediator* has arrived at Colon and reports that a slight shock of earthquake was felt in Carthagena on the morning of the 7th. No damage was done. Letters from there dated the 9th scarcely mention the occurrence, thus proving the little importance attached to it.

Letters have been received from the towns of La Villa, Chitre, Macaracas, and Nata, all in this State, announcing that several shocks have been felt, but that the material of which the houses are built—bamboos and adobes—resisted the movements and have suffered no damage. At La Villa the bells in the church rang several times. The people do not appear to have been so alarmed as they have been in other parts of the Isthmus.

[Daily Star and Herald, September 14.]

Messrs. Schuber Brothers' steamer *Cargador*, from ports in the northern departments of the State of Panama, arrived yesterday, reports that repeated earthquakes have been felt, but that no damage to life or property has followed:

The canal commissioners, sent to examine, reported volcanic effects in the center of the Isthmus; have telegraphed that they are unable to find traces proving that the shocks have been sharper there than anywhere else in the State.

Two or three slight tremblings were experienced in this city during the night of the 12th, but they caused no alarm. Many people are returning to their houses.

Mr. MORGAN. The Secretary of State in his letter mentions that it would require a month to copy the accounts of the riots at Colon in a certain year which is mentioned there.

Mr. HALE. Before this matter passes from the consideration of the Senate, I wish the Senator would tell us, as there was so much confusion in the Chamber I could not understand, what the paper is which has been read. Who is it from?

Mr. MORGAN. Mr. Turpin, consul at Panama in 1882, made this report on the 14th day of September of that year to the Secretary of State, and the Secretary of State has sent it in here at my request, as chairman of the Committee on Interoceanic Canals.

Mr. HALE. It is a communication from the State Department submitting a report made by the consul in the year 1882——

Mr. MORGAN. In 1882.

Mr. HALE. Of what took place?

Mr. MORGAN. At that time.

Mr. HALE. At that time?

Mr. MORGAN. Yes.

Mr. HALE. In September, 1882?

Mr. MORGAN. Yes; September 7. That is what it is.

Mr. HALE. A report of earthquakes in Panama?

Mr. MORGAN. Yes; at Colon and other places up the coast.

Mr. HALE. In that region?

Mr. MORGAN. At Bocas del Toro and other places.

Mr. HALE. I did not know the authority of it. I could not gain it from what I heard.

Mr. MORGAN. It is an official paper.

Now, Mr. President, I desire to have the paper printed as a document and referred to the Committee on Interoceanic Canals, so that they may determine whether it is better to ask the Secretary of State to send in that month's work or not. I make that motion.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the paper which has been read be printed as a document. Is there objection? The Chair hears none, and the order is made. It will be referred to the Committee on Interoceanic Canals.

HATTIE M. WHITNEY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. H. GALLINGER,
N. B. SCOTT,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

GEORGE C. TILLMAN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to bill (S. 4071) granting an increase of pension to George C. Tillman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows:

In lieu of the sum proposed by the House insert "twenty," and the House agree to the same.

J. H. GALLINGER,
WILLIAM J. DEBOE,
E. W. CARMACK,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

GEORGE W. BARRY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9544) granting an increase of pension to George W. Barry, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate.

J. H. GALLINGER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
RUDOLPH KLEBERG,
Managers on the part of the House.

The report was agreed to.

THE RIO GRANDE RIVER.

Mr. TELLER. Mr. President, in 1898 a resolution was passed requesting the President to certify certain documents in the State Department concerning the Butte Dam controversy. A response was made to that on April 7. There are numerous letters of various kinds on file that ought to be transmitted to the Senate for the benefit of the litigants engaged in the case between the State of Colorado and the State of Kansas. I send to the desk a resolution asking for a report, and specifying the particular papers we desire to have certified. I have examined the matter, and they appear to be papers that may be wanted for use in the

case. It is a mere formal request, specifying the papers that are desired.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Colorado will be read.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas the Senate, by resolution dated February 26, 1898, called upon the President:

"If not incompatible with the public interest, to transmit to the Senate the proceedings of the international commission authorized in the concurrent resolution of Congress of April 29, 1890, and a subsequent international convention between the United States and Mexico of May 6, 1896, and also the correspondence relating thereto with Mexico by the Department of the Interior, Department of War, and Department of Justice, as well as the Department of State, relating to the equitable distribution of the waters of the Rio Grande River, including the draft of an incomplete treaty between said Governments, negotiated between the late Secretary of State, Mr. Olney, on the part of the United States, and Mr. Romero, on the part of Mexico, and all the correspondence between said officials relating thereto;" and

Whereas the President, by his letter of April 7, 1898, transmitted to the Senate, in response to said resolution, copies of certain reports, letters, documents, and maps, which were ordered to be printed and referred to the Committee on Foreign Relations, and are now on its files as Senate Document No. 229; and

Whereas it is alleged that there are other important letters and documents in the several departments of the General Government which specifically relate to and bear upon the matter involved in said resolution: Therefore, be it

Resolved, That the President is hereby requested, if not incompatible with the public interest, to transmit to the Senate any and all other letters, opinions, briefs, and documents, not now embraced in Senate Document No. 229, but relating to the equitable distribution of the waters of the Rio Grande and to the incomplete treaty set out in said document, and especially to transmit to the Senate copies of—

1. Note of Mexican minister to Secretary of State, under date of October 21, 1895.

2. Letter of Secretary of State to Attorney-General, under date November 5, 1895, inclosing copy of said note of Mexican minister to the Secretary of State, and requesting the opinion of the Attorney-General as to the legal rights of Mexico, and as to the obligations of the United States under its treaties with Mexico.

3. The letter of the Attorney-General, under date of December 12, 1895, in response to said letter of the Secretary of State.

4. Letter of Hon. H. B. Ferguson to the Secretary of State in opposition to any treaty with Mexico that would deprive the inhabitants of New Mexico of the fullest use of the waters of the Rio Grande.

5. The paper prepared by the Assistant Attorney-General setting forth the claims and contentions of the Rio Grande Dam and Irrigation Company and discussing the laws of Colorado and New Mexico relating to water and the acts of Congress and rulings of the Department of the Interior regarding irrigation, mentioned by the Secretary of the Interior in his letter to the Secretary of State, dated December 19, 1896, found on page 17, of Senate Document No. 229, and which is there noted as "omitted."

6. Letter from Secretary of State to Col. Anson Mills, of August 8, 1896; from Colonel Mills to the Secretary of State, of October 29, 1896, and from the Secretary of State to the Secretary of the Interior, of October 31, 1896; all relating to the proposed dam of the Rio Grande Dam and Irrigation Company and the use of the water of the said Rio Grande.

7. Letter on the same subject from Secretary of State to Secretary of Interior, of November 30, 1896.

8. Statement and argument of J. H. McGowan and Holcomb & Keegin, as the attorneys of said Rio Grande Dam and Irrigation Company, in opposition to said proposed treaty, which paper was duly filed with the Secretary of State after said attorneys had entered their appearance in the Department on behalf of said irrigation company; also the accompanying copy of Mr. McGowan's letter of May 16, 1896, to the Hon. Cushman K. Davis, chairman of the Senate Committee on Foreign Relations.

9. Letters to the Secretary of State from Dr. Nathan Boyd, one dated December 21, 1900, and one dated May 26, 1902; also the statement by Dr. Boyd in re the international (El Paso) dam project, and the exhibits thereto filed with the last-mentioned letter, and dated May 26, 1902.

10. Letter dated August 8, 1900, from the Hon. A. A. Adee, Acting Secretary of State, to Dr. Boyd, and letter dated August 28, 1900, to the Hon. A. A. Adee, Acting Secretary of State, from Dr. Boyd.

11. Letter from John L. Campbell, esq., to the Hon. J. W. Griggs, United States Attorney-General, dated December 28, 1900.

12. Letter from Prof. Robert T. Hill to the Hon. D. J. Hill, First Assistant Secretary of State, dated September 7, 1900.

13. Letter dated March 5, 1902, from the Hon. B. S. RODEY to the Secretary of State; also the brief mentioned therein.

14. Letter from Secretary of State, dated October 31, 1896, to the Secretary of the Interior, and the inclosed copy of letter from Col. Anson Mills, United States Army, asking delay in action on all applications till receipt by State Department of report on a petition by Mexican Government in premises.

15. Letter from the Secretary of State to the Secretary of the Interior, dated November 30, 1896, and the inclosed report of Col. Anson Mills relative to rights of irrigation companies along the Rio Grande, and suggesting delay of action on applications now pending until questions now before International Boundary Commission are determined; also the attached papers.

16. Letter from Secretary of State to the Secretary of Interior, dated January 11, 1897, asking that suspension of right of way for companies on Pecos River be relieved and that suspension apply only to tributaries of Rio Grande above international boundary, etc.

17. Telegram from J. A. Harper, esq., El Paso, Tex., to the Secretary of the Interior, asking that work by the Rio Grande Dam and Irrigation Company near Fort Selden be stopped.

18. Letter from Assistant Secretary of State to the Secretary of the Interior, dated April 1, 1897, and the inclosed copy of note from the Mexican minister relative to the damming of the Rio Grande by parties in Colorado, New Mexico, and Texas.

19. Letter from Secretary of War to the Secretary of State, dated April 29, 1897, and the inclosed copy of opinion of Attorney-General as to right of the Rio Grande Dam and Irrigation Company to erect dam across the Rio Grande.

20. Letter from Secretary of State to Secretary of the Interior, dated May 5, 1897, inclosing the preceding letter and opinion.

21. Report from Commissioner of General Land Office on matter of proposed dam across Rio Grande by Rio Grande Dam and Irrigation Company.

22. Letter from Commissioner of the General Land Office, dated July 10, 1897, submitting statement relative to Rio Grande Dam and Irrigation Company.

23. Letter from H. L. Newman, El Paso, Tex., to the Secretary of the Interior, dated November 25, 1896, and the inclosed letter from E. C. Roberts, president Rio Grande Dam and Irrigation Company, dated November 23, 1896.

24. Letter from the Secretary of the Interior to the Commissioner of the General Land Office, dated December 5, 1896, suspending action on all applications for right of way for irrigation purposes through public lands in Colorado and New Mexico.

25. Letter from the Secretary of the Interior to the Secretary of State, dated December 10, 1896, relative to permits for use of water of Rio Grande for irrigation purposes.

26. Letter from the Secretary of the Interior to the Secretary of State, dated January 13, 1897, relative to modification of order of December 5, 1896, suspending action on application for right of way for reservoirs, etc.

27. Telegram to register at Las Cruces, dated February 5, 1897, from the Secretary of the Interior, relative to building a dam across Rio Grande at Fort Selden by the Rio Grande Dam and Irrigation Company.

28. Letter to Secretary of State, dated April 5, 1897, from the Secretary of the Interior, relative to dam across Rio Grande at El Paso, Tex., acknowledging letter of April 1, inclosing note from Mexican minister, dated March 27, 1897.

28. Letter from Secretary of the Interior to Secretary of War, dated May 1, 1897, acknowledging receipt of letter of April 29, 1897, inclosing opinion of Attorney-General regarding right of Rio Grande Dam and Irrigation Company to erect dam across Rio Grande.

29. Letter to Secretary of State from the Secretary of the Interior, dated May 7, 1897, acknowledging letter of May 5, 1897, inclosing copy of letter from Secretary of War and copy of opinion of Attorney-General relative to right to erect dam across Rio Grande above El Paso.

30. Letter from the Secretary of the Interior to the Attorney-General, dated July 1, 1897, acknowledging letter of June 15, 1897, relative to a dam across Rio Grande at Elephant Butte, New Mexico.

31. Letter dated May 2, 1897, from Col. Anson Mills to Gen. John M. Wilson, Chief of Engineers, War Department.

32. All other correspondence between Gen. Anson Mills and the several Federal departments relative to the international (El Paso) dam project and to the Elephant Butte dam controversy.

33. All correspondence between the Department of Justice and Judge M. C. Burch and the United States attorney for New Mexico, in the case of the United States *v.* The Rio Grande Dam and Irrigation Company et al.

TELEPHONE SERVICE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. On the 29th of last month I reported from the Committee on the District of Columbia the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia. Since then I have received communications from citizens of the Northwest Suburban Association and from various other citizens of the District, and have been waited upon by at least two Senators who say that it is very important for their convenience that this bill shall be passed during the present session of Congress. I notice that the time to-day and to-morrow after the routine morning business is to be pretty fully occupied, and I give notice that on Monday next, after the routine morning business, I shall move to take up the bill for consideration.

ELECTION OF UNITED STATES SENATORS.

Mr. BERRY. Mr. President, some days ago the Senator from Maryland [Mr. WELLINGTON] made a motion that the Committee on Privileges and Elections be discharged from the further consideration of the joint resolution proposing an amendment to the Constitution of the United States authorizing the election of Senators by the people. The subject has gone over from day to day with a unanimous-consent understanding that it should not lose its place, and the resolution is now in order, as I understand, under that agreement.

The Senator from Maryland is not here; but I desire to say, Mr. President, that I should like to have the resolution taken up and considered and a vote had upon it by the Senate. I do not propose to discuss it. Every Senator knows all about it. The Committee on Privileges and Elections have had the joint resolution in charge for more than six months, and has made no report. The subject has been brought before the Senate twice before and a report was promised. The chairman of the committee finally reported that the committee were unable to agree on any kind of a report, either favorable or adverse. I should like to have a vote on the resolution.

Mr. HALE. Has the Senator noticed that the Committee on Privileges and Elections, before whom this subject has been, is not present either by its chairman or certain other members who have been very considerably interested in the matter. I hope the Senator will not now ask that the resolution be taken up in their absence.

Mr. BERRY. Mr. President, I had not noticed the absence of the chairman of the committee, but the chairman of the committee is in favor of the joint resolution, which was referred to the committee, and has done everything in his power to secure a report upon it. There are certain other Senators—at least some of those to whom the Senator from Maine [Mr. HALE] refers—who have, in my judgment, done everything in their power to delay and prevent a report being made. It has been openly avowed on the Senate floor, I think, by at least one Senator that every effort would be made to defeat the joint resolution.

After a committee has had a joint resolution before it for six months, when a motion was made weeks ago to discharge the committee from its further consideration, when the promise was made that we were to have a report very soon, and when four weeks before that time another promise had been made, and then

the chairman of the committee came in on the floor of this Senate and said that the committee had voted down a proposition to report the joint resolution favorably, had voted down the proposition to report it adversely, had voted down the proposition to report it with amendment, and had voted down the proposition to report it without amendment, it seems to me there can be no reason for longer keeping that joint resolution before that committee, unless the reason be to prevent its going on the Calendar so that a vote can be had upon it.

I would say to the Senator from Maine that under ordinary circumstances I should be the last man to ask for a vote upon any measure in the Senate in the absence of Senators who are especially interested in it.

Mr. HALE. The Senator has followed the deviations and sinuosities, the height and the depth of the different performances in relation to this resolution much more closely than I have, and I presume, for his memory is retentive and accurate, that he has stated all these points of difference correctly; but all the same I do not think the Senator will insist on the consideration of the subject in the absence of the chairman or other Senators of the committee. I do not know whether the Senator is a member of the committee.

Mr. BERRY. No, I am not; but I introduced the resolution discharging the committee from the further consideration of the subject on the 8th of May; and I introduced a resolution to amend the Constitution on the second day of the session, which was referred to the committee; and therefore I am interested in it.

Mr. HALE. It is the Senator's resolution, unquestionably.

Mr. BERRY. I did not hear the Senator.

Mr. HALE. I say the paternity of the resolution is unquestioned. There is a very thin Senate, and in the absence of Senators who are interested in the matter—I do not know what they would desire to say; I do not know but that——

Mr. BERRY. If the Senator will permit me, the resolution comes up as a matter of right. It went over by unanimous consent on account of the agreement to vote on the Philippine bill, which we passed a few days ago, and it now becomes the duty of the Chair to lay the resolution before the Senate after the conclusion of the routine morning business. I will ask unanimous consent that the resolution retain its place without losing any advantage, so that the Chair can lay it before the Senate to-morrow morning; and I give notice now that I shall make an effort to secure the consideration of the resolution at that time.

Mr. HALE. The Senator, of course, will follow his own judgment; but I suggest that not only the chairman of the committee is absent, but the senior Senator from Massachusetts [Mr. HOAR], who has a substitute—a very important one—is absent for a few days.

Mr. PLATT of Connecticut. And also the Senator from New York [Mr. DEPEW].

Mr. BERRY. In regard to the Senator from Massachusetts, I am informed that he has gone home and will probably not be back during the remainder of this session.

Mr. HALE. I do not think it possible that the senior Senator from Massachusetts will be absent if he knows that this important question is to come up. The Senator need not give himself trouble about that.

Mr. BERRY. The Senator from Massachusetts well knows that some Senators here will bring up the resolution if possible, and he also well knows that he is not anxious to have the resolution considered.

Mr. HALE. What I was going to suggest to the Senator was, simply in the doing of business in the fashion in which we do it here, that, instead of saying he will urge this resolution to-morrow, let him give notice that he will call it up on some early day next week—Tuesday, if he chooses—so that an opportunity may be given for those Senators who are absent to come here, if they choose, knowing that the resolution will come up, to be here on Tuesday or Wednesday of next week—perhaps Wednesday would answer better. Let the Senator give notice that he will move to take up the resolution then, and let it keep its place on the Calendar.

Mr. BERRY. The friends of the joint resolution who are members of the committee, at least one of them, say they think we had better agree to that suggestion and let the resolution go over until next Wednesday morning.

Mr. HALE. So that an opportunity may be given to those absent Senators to be present who desire to be present.

Mr. BERRY. Very well.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. BERRY] asks unanimous consent that the joint resolution lie on the table, subject to be called up on Wednesday morning next. Is there objection?

Mr. MCCOMAS. Before that is done, I only want a moment to say that there are not many Senators now present, and, as has been stated by the Senator from Maine [Mr. HALE], the chairman of the Committee on Privileges and Elections [Mr. BURROWS] is not present; the senior Senator from Massachusetts [Mr. HOAR], who has a substitute for the joint resolution, is not present, and I do not know that he will be, and the Senator from New York [Mr. DEPEW], who proposed an amendment vital in this matter, is not present, and I do not know that he will be. Would it not be well, therefore, to let the matter go over until Monday, and then fix a day?

Mr. BERRY. No, Mr. President; I object to that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas?

Mr. ALLISON. I desire to ask a question before we consent to the arrangement. This resolution, of course, will not interfere with the order of business at 2 o'clock, if it is taken up on Wednesday morning. The unanimous consent will only apply, as I understand, to the morning hour?

Mr. BERRY. So I understand it.

The PRESIDENT pro tempore. The Chair so understood the request.

Mr. ALLISON. I merely desire to have that understood.

Mr. MCCOMAS. My only anxiety is whether that will give sufficient time for the absent Senators to be present.

Mr. BLACKBURN. That is notice enough.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas [Mr. BERRY]? The Chair hears none, and that order is made.

Mr. PLATT of Connecticut. What is the day?

The PRESIDENT pro tempore. Wednesday next, in the morning hour.

AGREEMENT WITH CREEK INDIANS.

Mr. STEWART. I move that the Senate proceed to the consideration of Senate bill 4923. It is the Creek treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; which had been reported from the Committee on Indian Affairs with amendments.

Mr. STEWART. I ask that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and that order is made.

Mr. PLATT of Connecticut. I dislike to hear an agreement of this sort called a treaty. Long ago, I think in 1871, Congress passed an act that we would make no more treaties with the Indian tribes. This is simply an agreement.

Mr. STEWART. Yes; an agreement.

Mr. PLATT of Connecticut. I do not like to have it go into the RECORD that we are making treaties with Indian tribes, and therefore I want to call attention to it at this time.

Mr. STEWART. Let it be corrected in the RECORD.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Indian Affairs was, on page 3, to strike out the quotation marks at the beginning and close of the clause from line 4 to line 14.

The amendment was agreed to.

The next amendment was, on page 3, to strike out the quotation marks at the beginning and close of the clause from line 18 to line 21.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the word "which," to strike out "included" and insert "include;" and in line 6, after the word "selected," to strike out "lands" and insert "land;" so as to make the clause read:

5. Where it is shown to the satisfaction of said Commission that it was the intention of a citizen to select lands which include his home and improvements, but that through error and mistake he had selected land which did not include said home and improvements, said Commission is authorized to cancel said selection and the certificate of selection or allotment embracing said lands, and permit said citizen to make a new selection including said home and improvements; and should said land including said home and improvements have been selected by any other citizen of said nation, the citizen owning said home and improvements shall be permitted to file, within ninety days from the ratification of this agreement, a contest against the citizen having previously selected the same and shall not be prejudiced therein by reason of lapse of time or any provision of law or rules and regulations to the contrary.

The amendment was agreed to.

The next amendment was, on page 6, line 17, before the word "rods," to strike out "two" and insert "three;" and after the word "one," at the end of line 17, to strike out "rod" and insert "and one-half rods;" so as to make the clause read:

10. Public highways or roads 3 rods in width, being 1½ rods on each side of the section line, may be established along all section lines without any compensation being paid therefor; and all allottees, purchasers, and others shall take the title to such lands subject to this provision. And public highways or roads may be established elsewhere whenever necessary for the public

good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues, and to be paid by the Creek Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid in the same manner.

The amendment was agreed to.

The next amendment was, on page 8, line 18, before the words "Stat. L., 861," to strike out "21" and insert "31;" and in line 23, after the words "approval of the," to strike out "plant" and insert "plat;" so as to make the clause read:

13. Whenever the town site surveyors of any town in the Creek Nation shall have selected and located a cemetery, as provided in section 18 of the act of Congress approved March 1, 1901 (31 Stat. L., 861), the town authorities shall not be authorized to dispose of lots in such cemetery until payment shall have been made to the Creek Nation for land used for said cemetery, as provided in said act of Congress, and if the town authorities fail or refuse to make payment as aforesaid within one year of the approval of the plat of said cemetery by the Secretary of the Interior, the land so reserved shall revert to the Creek Nation and be subject to allotment. And for lands heretofore or hereafter designated as parks upon any plat or any town site the town shall make payment into the Treasury of the United States to the credit of the Creek Nation within one year at the rate of $20 per acre, and if such payment be not made within that time the lands so designated as a park shall be platted into lots and sold as other town lots.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to strike out the following clause:

15. The reservation of 1 acre each for all churches and schoolhouses outside of towns now regularly used as such, provided for in the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be construed to mean 1 acre each for all churches under the control of and used exclusively by Creek citizens and 1 acre each for all Creek schools under the supervision of the authorities of the Creek Nation and officials of the United States, and the acre so reserved for any church or school in any quarter section of land shall be located in a corner of such quarter section lying adjacent to a section line hereof.

The amendment was agreed to.

The next amendment was, on page 10, line 7, after the word "obligation," to strike out "contracted or incurred prior to the date of the deed to the allottee therefor; and such lands shall not," and insert "nor;" so as to make the clause read:

17. Lands allotted to citizens hereunder shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the deed therefor, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment 40 acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear.

The amendment was agreed to.

The next amendment was, on page 11, line 17, after the word "exceed," to strike out "one year" and insert "three years;" in line 19, after the word "than," to strike out "one year" and insert "three years;" and on page 12, line 7, after the word "lands," to strike out:

Provided, That this section shall not be in force after the dissolution of the tribal government.

So as to read:

18. Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is reenacted to read as follows:

"During the continuance of the tribal government Creek citizens may rent their allotments, when selected for strictly nonmineral purposes, for a term not to exceed three years, but without any stipulation or obligation to renew the same. Such leases for a longer period than three years and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Creek Nation and grazed on lands not selected for allotment by citizens, the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Creek lands."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNIVERSITY OF ARIZONA.

Mr. HEITFELD. I ask unanimous consent for the present consideration of the bill (H. R. 8736) ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LONDON DOCK CHARGES.

Mr. SIMMONS obtained the floor.

Mr. NELSON. Will the Senator from North Carolina allow me to give a notice before he proceeds?

Mr. SIMMONS. I am going to occupy but a moment. However, I yield to the Senator from Minnesota.

Mr. NELSON. I desire to give notice that to-morrow, after the close of the routine morning business, I shall call up for consideration the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

NATIONAL APPALACHIAN FOREST RESERVE.

Mr. SIMMONS. Mr. President, earlier in the week I gave notice that I should speak to-day upon the bill (S. 492) for the purchase of a national forest reserve in the Southern Appalachian Mountains. That was a mistake. It should have been the bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," which has been substituted by the Committee on Forest Reservations and the Protection of Game for Senate bill 492. I would not have time now, before the expiration of the morning hour, to finish the remarks I desire to make, and I wish to give notice that I will speak on Monday, after the routine morning business, upon Senate bill 5228.

CHARLES H. ROBINSON.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 949) for the relief of Charles H. Robinson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the sum of $720 be allowed to Charles H. Robinson, former pension agent at Des Moines, Iowa, being the sum deposited by him to cover a deficiency arising in his office, caused by the negligence of a clerk, and without blame or fault on the part of said Charles H. Robinson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTH CAROLINA COLLEGE OF AGRICULTURE, ETC.

Mr. PRITCHARD. I ask unanimous consent for the immediate consideration of the bill (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board of trustees.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to relieve W. S. Primrose, chairman of the board of trustees, and George T. Winston, president of the North Carolina College of Agriculture and Mechanic Arts, Raleigh, N. C., from all money responsibility for so much of the ordnance and ordnance stores issued to the college under its bonds dated May 28, 1894, and February 18, 1901, as were destroyed by fire on November 29, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

READING MATTER FOR THE BLIND.

Mr. ELKINS. I should like to call up for present consideration the bill (S. 2644) to promote the circulation of reading matter among the blind, reported by the Post-Office Committee with an amendment suggested by the Post-Office Department.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent for the present consideration of the bill indicated by him, which was read to the Senate day before yesterday. Is there objection?

Mr. PLATT of Connecticut. Was objection then made to it?

Mr. ELKINS. Yes.

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] objected, the Chair thinks.

Mr. PLATT of Connecticut. If objection was made at a former meeting of the Senate, I think the bill ought to wait until the Senator from Maine is in his seat. We do not know whether it is a mere formal objection or whether it goes to the merits of the bill. I hope the Senator from West Virginia will not ask that the bill be taken up in the absence of the Senator from Maine.

Mr. ELKINS. All right.

Mr. PLATT of Connecticut. If it is a mere formal objection——

Mr. ELKINS. I think it goes to the subject-matter. I can not press the request if the Senator from Connecticut objects. The bill was unanimously reported by the committee.

Mr. PLATT of Connecticut. I care nothing about it myself.

Mr. ELKINS. As I say, the bill has been unanimously reported from the Committee on Post-Offices and Post-Roads.

Mr. PLATT of Connecticut. But I think we ought to be fair to the Senator who objected when the bill was up on another occasion.

Mr. ELKINS. How long shall I wait on him?

Mr. PLATT of Connecticut. The Senator can have the bill passed at any time when the Senator from Maine is here, if the objection is not a vital one in his mind.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia withdraw his request?

Mr. ELKINS. After the statement of the Senator from Connecticut, I will have to withdraw the request for the present.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. There are a large number of pension bills on the Calendar which Senators are pressing to have considered. There is not one in which I am personally interested, but I should like to ask that we take a half hour for the consideration of pension bills and bills to correct the records of soldiers.

Mr. STEWART. Right now?

Mr. GALLINGER. Yes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. BLACKBURN. I want to call up a little bill.

Mr. GALLINGER. I will yield.

Mr. STEWART. And will not yield to me?

Mr. GALLINGER. Yes; I am good-natured to everybody.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

NAVAJO COUNTY, ARIZ.

Mr. BLACKBURN. I ask the Senator from New Hampshire to yield to me to call up a bill.

Mr. GALLINGER. I will yield if the bill does not cause discussion.

Mr. BLACKBURN. Of course. I ask unanimous consent to call up for present consideration the bill (H. R. 7034) for the relief of Navajo County, Ariz.

Mr. KEAN. Is it a bond bill?

Mr. BLACKBURN. Let the bill be read for information subject to objection.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the county of Navajo, Territory of Arizona, to refund its outstanding county indebtedness, evidenced by bonds of the county, Nos. 30 and 73, inclusive, payable to Apache County, Ariz.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK C. DARLING.

Mr. NELSON. I ask the Senator from New Hampshire to yield to me for a moment to call up a bill.

Mr. GALLINGER. I will yield to the Senator from Minnesota if his bill does not result in discussion, and then I will ask that the pension bills be considered.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (S. 586) for the relief of Frank C. Darling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $1,042 in full to Frank C. Darling, of Otter Tail County, Minn., for depredations committed on his property in 1862, by the Sioux Indians of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN BOICE.

The PRESIDENT pro tempore. The first bill in order under the request of the Senator from New Hampshire will be stated.

The bill (H. R. 11812) granting an increase of pension to Martin Boice was announced as the first bill in order on the Calendar and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Martin Boice, late of Company D, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT H. STEIFENHOFER.

The bill (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Steifenhofer, late of Company K, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. MATHEWS.

The bill (H. R. 8924) granting an increase of pension to George W. Mathews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Mathews, late of Company K, Seventeenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. BAILEY.

The bill (H. R. 11495) granting a pension to Mary A. Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Bailey, widow of Charles T. Bailey, late of Companies D and G, Thirty-fourth Regiment Michigan Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month and $2 per month additional on account of each of the minor children of the said Charles T. Bailey until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS L. CAUGHEY.

The bill (S. 1479) granting an increase of pension to Thomas L. Caughey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Caughey, late of Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WASHBURN.

The bill (H. R. 3678) granting an increase of pension to John Washburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company E, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI WELLS.

The bill (H. R. 9723) granting an honorable discharge to Levi Wells was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "and," to strike out "grant him an honorable discharge" and insert:

Without leave from September 8, 1863, until January 16, 1864, when he reenlisted under the name of John Dolve in the United States Navy and served faithfully until December 31, 1864, when he was honorably discharged.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion on the records of the War Department against Levi Wells, now of Spencerville, Allen County, Ohio, late a private of Company F, Twenty-fifth Ohio Volunteer Infantry, and a detail to the Twelfth Ohio Battery, and without leave from September 8, 1863, until January 16, 1864, when he reenlisted under the name of John Dolve in the United States Navy and served faithfully until December 31, 1864, when he was honorably discharged: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill correcting the record of Levi Wells."

HAYS GASKILL.

The bill (S. 3236) to correct the military record of Hays Gaskill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Hays Gaskill, late a private of Battery A, Fourth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged on June 17, 1865: *Provided*, That no pay, bounty, or allowance shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN E. TILLSON.

The bill (S. 1944) granting an increase of pension to Ann E. Tillson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Tillson, widow of John Tillson, late colonel Tenth Regiment Illinois Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY A. TURNER.

The bill (S. 5782) granting a pension to Nannie B. Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy A. Turner, widow of William Turner, late of Company G, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nannie B. Turner, helpless and dependent child of said William Turner, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lucy A. Turner."

HINKLEY G. KNIGHTS.

The bill (H. R. 3241) granting an increase of pension to Hinkley G. Knights was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hinkley G. Knights, late of Company E, Thirty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT CARPENTER.

The bill (H. R. 351) granting an increase of pension to Robert Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Carpenter, late captain of Companies A and L, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRIFFITH EVANS.

The bill (H. R. 1741) granting an increase of pension to Griffith Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Griffith Evans, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE M. MEYER.

The bill (S. 1193) granting an increase of pension to Jane M. Meyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "captain," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane M. Meyer, widow of Herman A. Meyer, jr., late captain Company H, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISABELLA H. IRISH.

The bill (S. 1205) granting a pension to Isabelle H. Irish was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the name "Isabelle" and insert "Isabella;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella H. Irish, widow of Joseph E. Irish, late post chaplain, United States Army, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Isabella H. Irish."

JAMES K. VAN MATRE.

The bill (S. 1801) granting an increase of pension to James K. Van Matre was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Wisconsin," to insert "Volunteer," and in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James K. Van Matre, late of Fifth Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the amendment by inserting, in line 8, "twenty-four" instead of "twenty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MABERY H. PRESLEY.

The bill (S. 473) granting an increase of pension to Mabry H. Presley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the name "Mabry" and insert "Mabery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mabery H. Presley, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay and him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. GALLINGER. In line 8, let the word "and" be stricken out after the word "pay."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mabery H. Presley."

DENNIS J. KELLY.

The bill (H. R. 3910) granting a pension to Dennis J. Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis J. Kelly, late of Company L, Third Regiment Virginia Volunteer Infantry, war with Spain, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISRAEL HALLER.

The bill (H. R. 3733) granting an increase of pension to Israel Haller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Israel Haller, late of Company H, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS W. DODGE.

The bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas W. Dodge, late acting master U. S. S. *Young Rover*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCHER BARTLETT.

The bill (H. R. 10773) granting a pension to Archer Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Archer Bartlett, late of Company K, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE G. SABIN.

The bill (H. R. 13398) granting an increase of pension to George G. Sabin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George G. Sabin, late of Company D, Sixth Regiment Ohio Volunteer Infantry, and Company H, Ninth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIANNA LEACH.

The bill (H. R. 7704) granting an increase of pension to Christianna Leach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christianna Leach, widow of Parker W. Leach, late of the Twenty-eighth Company, Second Battalion Veteran Reserve Corps, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

MARY E. CULVER.

The bill (H. R. 12828) granting a pension to Mary E. Culver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Culver, widow of Joshua B. Culver, late colonel Thirteenth Regiment Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. ACKER.

The bill (H. R. 11831) granting an increase of pension to John W. Acker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Acker, late of Company D, Fifty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEATH GILLILAND.

The bill (H. R. 7076) granting an increase of pension to Leath Gilliland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leath Gilliland, widow of Andrew J. Gilliland, late of Company I, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month, and $2 per month additional on account of her minor child, George M. Gilliland, in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA M. MACFARLANE.

The bill (H. R. 8003) granting an increase of pension to Louisa M. Macfarlane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa M. Macfarlane, widow of Michael B. Macfarlane, late of Battery B, Fifth Regiment United States Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. JOHNSTON.

The bill (S. 5361) granting an increase of pension to Martha A. Johnston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "George" and insert "Valancourt;" in line 8, before the word "Company," to strike out "of;" in line 9, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," and in line 11, after the word "receiving," to add "and $2 per month additional on account of the minor child of said Valancourt C. Johnston, alias William Walker, until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Johnston, widow of Valancourt C. Johnston, alias William Walker, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and Company G, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Valancourt C. Johnston, alias William Walker, until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIE THOMAS.

The bill (S. 5893) granting an increase of pension to Willie Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willie Thomas, late of Company A, Twenty-sixth Regiment Maine Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELEANORE F. ADAMS.

The bill (H. R. 11686) granting a pension to Eleanore F. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eleanore F. Adams, widow of William S. Adams, late acting assistant surgeon, United States Army, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS SCOTT.

The bill (H. R. 13296) granting an increase of pension to Francis Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Scott, late of Company E, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM H. GALLION.

The bill (H. R. 3309) to remove the charge of desertion against Ephraim H. Gallion was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Cavalry," to insert "as he was never mustered into the United States service, which was not his fault or neglect, and was refused any pay for his services;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Ephraim H. Gallion, late of Company B, Eleventh Regiment of Tennessee Cavalry, as he was never mustered into the United States service, which was not his fault or neglect, and was refused any pay for his services: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES G. HOWARD.

The bill (H. R. 13613) granting an increase of pension to Charles G. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles G. Howard, late first lieutenant Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIA F. WHITNEY.

The bill (S. 1743) granting a pension to Cornelia F. Whitney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia F. Whitney, widow of Edmund C. Whitney, late of Company I, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Cornelia F. Whitney."

CHARLES W. ROSE.

The bill (S. 3493) granting an increase of pension to Charles W. Rose was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "Lieutenant-Colonel;" in line 7, before the word "Fourteenth," to strike out "of the" and insert "lieutenant-colonel," and in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Rose, late lieutenant-colonel Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI H. COLLINS.

The bill (H. R. 13278) granting an increase of pension to Levi H. Collins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi H. Collins, late of Company A, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES M. THOMAS.

The bill (S. 3508) granting an increase of pension to James M. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Thomas, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and captain Company B, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON W. WADE.

The bill (S. 4709) granting a pension to Nelson W. Wade was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson W. Wade, late of Company G, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. STITES.

The bill (S. 1980) granting a pension to William D. Stites was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "subject," to strike out "otherwise;" in line 8, before the word "dollars," to strike out "thirty" and insert "twenty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Stites, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William D. Stites."

SIDNEY N. LUND.

The bill (S. 5719) granting an increase of pension to Sidney V. Lund was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Lund," to strike out the letter "V" and insert "N;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney N. Lund, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sidney N. Lund."

ASA E. SAMPSON.

The bill (S. 5774) granting a pension to Asa E. Sampson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa E. Sampson, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN SNYDER.

The bill (H. R. 7679) granting an increase of pension to Franklin Snyder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Snyder, late of Company D, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WESLEY BRUMMETT.

The bill (H. R. 12420) granting a pension to Wesley Brummett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Cavalry" and insert "Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley Brummett, late of Company F, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES C. WASHBURN.

The bill (H. R. 7687) granting an increase of pension to Charles C. Washburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles C. Washburn, late of Company C, Ninth Regiment United States Veteran Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS F. ROSS.

The bill (S. 4623) granting an increase of pension to Lewis F. Ross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "first lieutenant," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis F. Ross, late first lieutenant Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CONTER.

The bill (H. R. 5186) granting a pension to John Conter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Conter, late of Company I, Tenth Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES VAN ZANT.

The bill (H. R. 5273) granting an increase of pension to James Van Zant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Van Zant, late acting second assistant engineer, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. DE GARIS.

The bill (H. R. 6030) granting an increase of pension to William G. De Garis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. De Garis, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET T. MILBURN.

The bill (H. R. 10752) granting a pension to Harriet T. Milburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet T. Milburn, widow of John T. Milburn, late captain Company B, Tenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSIE NESBIT SMITH.

The bill (S. 5836) granting an increase of pension to Jessie Nesbit Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "United States," to strike out "Medical Corps" and insert "and assistant surgeon;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie Nesbit Smith, widow of Louis P. Smith, late first lieutenant and assistant surgeon, United States Army, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY HUNT.

The bill (H. R. 13450) granting an increase of pension to Henry Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hunt, late of Company E, First Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER DUGAN.

The bill (H. R. 14241) granting an increase of pension to Peter Dugan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Dugan, late of the U. S. S. *Mound City*, United States Navy, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MURPHY.

The bill (H. R. 14146) granting an increase of pension to John Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. FOGG.

The bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Fogg, late first lieutenant, Company B, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN M. GOWDEY.

The bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin M. Gowdey, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON JOHNSON.

The bill (H. R. 11052) granting a pension to Nelson Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Johnson, late of Company A, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZANA D. STREETER.

The bill (H. R. 2430) granting a pension to Lizana D. Streeter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizana D. Streeter, widow of Buell G. Streeter, late surgeon Fourth Regiment New York Volunteer Cavalry, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. MOORE.

The bill (S. 5045) granting an increase of pension to Mary A. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "David," to strike out "the late;" in the same line, after the name "Moore," to insert "late;" and in line 9, before the word "dollars," strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Moore, widow of David Moore, late colonel Twenty-first and Fifty-first regiments Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SYLVESTER S. VAN SICKEL.

The bill (S. 5049) for the relief of Sylvester Van Sickel was considered as in Committee of the Whole. It proposes that the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing from service Sylvester S. Van Sickel, late a captain of the Twelfth Missouri Cavalry Volunteers, and to issue him an honorable discharge as of the date of said order of dismissal: *Provided*, That said Van Sickel shall not be entitled to receive, under the terms of this act, any pay or other allowances to which he would be entitled if he had been honorably discharged at the date of said order of dismissal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OCEANA B. IRWIN.

The bill (S. 4183) granting an increase of pension to Oceana B. Irwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the second time, to strike out "Rear-Admiral," and in line 7, before the words "United States," to insert "late rear-admiral;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oceana B. Irwin, widow of John Irwin, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAHAM SHREEVES.

The bill (S. 4374) granting an increase of pension to Abraham Shreeves was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Shreeves, late of Company F, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORREST E. ANDREWS.

The bill (H. R. 9496) granting a pension to Forrest E. Andrews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Forrest E. Andrews, late of Battery I, Sixth Regiment United States Artillery, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY BRIGGS.

The bill (H. R. 9592) granting a pension to Emily Briggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Briggs, dependent mother of James Briggs, late of Company G, Forty-seventh Regiment New York Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O'BRIEN.

The bill (H. R. 3442) to correct the record of John O'Brien was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, before the word "Sixth," to strike out "I" and insert "K," and in the same line, after the word "Infantry," to insert:

And substitute therefor the words "remained absent from his company without proper authority from March 3, 1863, to July 14, 1863, when he voluntarily returned and was duly enlisted, mustered, and assigned to Company I, in said regiment, and served faithfully and was honorably discharged."

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records against John O'Brien, late private, Company K, Sixth Regiment United States Infantry, and substitute therefor the words "remained absent from his company without proper authority from March 3, 1863, to July 14, 1863, when he voluntarily returned and was duly enlisted, mustered, and assigned to Company I, in said regiment, and served faithfully and was honorably discharged:" *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REINHARD SCHNEIDER.

The bill (H. R. 9870) to correct the military record of Reinhard Schneider was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "Schneider," to insert "as of the date of September 15, 1861;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to correct the military record of Rhinehart Schneider, late a private in the Seventy-ninth Regiment of New York Infantry Volunteers, and issue to him an honorable discharge from said regiment in the name of Reinhard Schneider as of the date of September 15, 1861: *Provided*, That no pay, bounty, or allowance shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELI HIBBARD.

The bill (S. 5879) to remove the charge of desertion from the army record of Eli Hibbard was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "service," to insert:

As of September 9, 1864: *Provided*, That no pay, bounty, or allowances shall accrue by virtue of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of Eli Hibbard, late of One hundred and seventy-first Company, Second Battalion, Veteran Reserve Corps, war of the rebellion, and to issue to him an honorable discharge from the service as of September 9, 1864: *Provided*, That no pay, bounty, or allowances shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA E. DANIELS.

The bill (S. 5931) granting an increase of pension to Clara E. Daniels was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara E. Daniels, widow of David Daniels, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said David Daniels until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. HANNA rose.

Mr. KEAN. If no one desires to take the floor upon the unfinished business, there is a pension bill which was reported this morning that I should like to have passed.

The PRESIDENT pro tempore. The Senator from New Jersey asks the Senator from Ohio if he will yield to him that a pension bill may be passed.

Mr. HANNA. Yes; I will yield for half a dozen of them.

WILLIAM H. VAN RIPER.

Mr. KEAN. I ask for the present consideration of the bill (H. R. 5984) granting an increase of pension to William H. Van Riper. The bill was reported favorably from the Committee on Pensions this morning.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of William H. Van Riper, late of Company G, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 4th instant approved and signed the following acts:

An act (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia;

An act (S. 2551) granting a pension to Amelia Engel;

An act (S. 4638) granting a pension to Helena Sudsburg;

An act (S. 4790) granting a pension to Stephen A. Seavey;
An act (S. 4983) granting a pension to John W. Smoot;
An act (S. 5669) granting a pension to Charlotte M. Howe;
An act (S. 5670) granting a pension to Samuel H. Chamberlin;
An act (S. 712) granting an increase of pension to John Housiaux;
An act (S. 1038) granting an increase of pension to Gustavus C. Pratt;
An act (S. 1797) granting an increase of pension to Benjamin Russell;
An act (S. 2168) granting an increase of pension to Charles O. Baldwin;
An act (S. 2457) granting an increase of pension to Warren Y. Merchant;
An act (S. 2511) granting an increase of pension to William Phillips;
An act (S. 2535) granting an increase of pension to Annie E. Joseph;
An act (S. 2697) granting an increase of pension to Sarah F. Baldwin;
An act (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge;
An act (S. 3551) granting an increase of pension to John P. Collier;
An act (S. 3888) granting an increase of pension to Jesse H. Hubbard;
An act (S. 4240) granting an increase of pension to Calvin N. Perkins;
An act (S. 4415) granting an increase of pension to Vesta A. Brown;
An act (S. 4642) granting an increase of pension to Anne Dowery;
An act (S. 4655) granting an increase of pension to Oliver K. Wyman;
An act (S. 4760) granting an increase of pension to William Harrington;
An act (S. 4712) granting an increase of pension to Eliphlet Noyes;
An act (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp;
An act (S. 4730) granting an increase of pension to George W. Youngs;
An act (S. 4732) granting an increase of pension to Charles H. Hazzard;
An act (S. 4758) granting an increase of pension to Mary L. Doane;
An act (S. 4759) granting an increase of pension to Martha Clark;
An act (S. 4766) granting an increase of pension to James P. McClure;
An act (S. 4829) granting an increase of pension to Nimrod Headington;
An act (S. 4853) granting an increase of pension to Amos Moulton;
An act (S. 4862) granting an increase of pension to James Welch;
An act (S. 4871) granting an increase of pension to Helen M. Worthen;
An act (S. 5106) granting an increase of pension to Horace L. Richardson;
An act (S. 5152) granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin;
An act (S. 5158) granting an increase of pension to Eri W. Pinkham;
An act (S. 5202) granting an increase of pension to Jennie M. Wagner;
An act (S. 5209) granting an increase of pension to Hannah A. Van Eaton;
An act (S. 5371) granting an increase of pension to Jonathan O. Thompson; and
An act (S. 5759) granting an increase of pension to Charles T. Crooker.

The message also announced that the President of the United States had on the 5th instant approved and signed the following act and joint resolution:

An act (S. 3998) granting an increase of pension to Emma L. Kimble; and

A joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report of the Diseases of Cattle.

The message further announced that the President of the United States had on this day approved and signed the act (S. 2510) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.

SCHOONERS E. R. NICKERSON AND WARY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State in regard to certain claims of British and German subjects growing out of the seizure of the British schooners *E. R. Nickerson* and *Wary* during the late war with Spain, which seizure was held by the prize court to be illegal and made without probable cause.

I recommend that an appropriation be made by Congress to pay the said claims in the amounts and to the persons named by the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, June 6, 1902.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dolliver,	Jones, Ark.	Millard,
Bacon,	Dubois,	Kean,	Mitchell,
Bard,	Elkins,	Kearns,	Morgan,
Bate,	Fairbanks,	Kittredge,	Perkins,
Berry,	Foster, La.	McComas,	Scott,
Blackburn,	Foster, Wash.	McCumber,	Simon,
Burnham,	Frye,	McEnery,	Stewart,
Burrows,	Gallinger,	McLaurin, Miss.	Teller,
Burton,	Gamble,	McLaurin, S. C.	Warren.
Clay,	Hanna,	McMillan,	
Cockrell,	Harris,	Mallory,	
Cullom,	Heitfeld,	Mason,	

The PRESIDING OFFICER (Mr. SIMON in the chair). Forty-five Senators have answered to their names. A quorum is present. The Senator from Ohio will proceed.

Mr. HANNA. Mr. President, before resuming the thread of my discourse where I left off yesterday, I wish to pay a passing notice to several things that were stated in his speech by the junior Senator from Oregon [Mr. MITCHELL].

Unfortunately, I was absent from the Chamber when he made an allusion, commenting upon language that I had used, to the effect that I did not consider the Nicaragua route to be a feasible route for a canal, and he then quoted from the report of what he was pleased to term "HANNA'S Commission," contradicting my statement, such quotations being to the effect that the Nicaragua route is a feasible route for a canal.

I have the notes of my remarks, and the only thing that I find which could be tortured into such a meaning occurs in the language which I shall read. I said:

> You will find when this subject opens up that not only the questions of distance and curvature and locks enter into it, but that in regard to the Nicaragua route the trade winds blow every day in the year from 16 to 20 knots across the Nicaragua route. At the slow speed at which a vessel will be compelled to operate in passing through a narrow canal, these winds would make it an absolute physical impossibility to keep her off the banks without the aid of tugs.
>
> The more I have studied this question from the standpoint of the vessel, the more I have been convinced that we never have gone far enough in dealing with the successful operation of the canal, even when we had but the one route to consider.

Mr. President, I fail to see in that language any allusion to a fact or an inference that could be tortured into the statement which was put into my mouth by the Senator from Oregon.

Mr. MITCHELL. If the Senator will allow me, I do not wish to misrepresent the Senator, and if he states now, as I understand him to state, that he thinks the Nicaragua route is feasible, it is all right.

Mr. HANNA. I stand by my statement as I made it yesterday. I have nothing to take back and nothing to change in the language I used.

Mr. MITCHELL. It is made a little stronger now.

Mr. HANNA. What I have read is copied exactly from the official record.

Mr. MITCHELL. But I say the Senator is now making it a little stronger, as I understand him, in the way of indorsing the Nicaragua route as a feasible route.

Mr. HANNA. Well, I will make my own argument and use my own language in making it.

There is nothing so important in the language stated by the Senator from Oregon, but I do take exception to the insinuation coupled with it that it was "HANNA'S Commission." As a member of the United States Senate I consider that I am here to do my duty to the country, and when I am honored by being placed upon an important committee to whose charge is committed a responsibility like the Isthmian Canal I enter upon those duties with the consciousness of that responsibility upon me, determined to do all in my power to discharge the duties faithfully and conscientiously.

Mr. President, everyone knows how that Commission was appointed and the purpose for which it was appointed.

Through all the years of discussion upon this important question, during which time three separate surveys had been made under the orders of the United States Government, information and facts had been piled up in reports furnished to everybody seeking the knowledge of facts available for that purpose. Yet in the progress of our development (as I cited yesterday) the great question of transportation had grown to be so enormous and so important that in the mind of almost every legislator in this Congress there seemed to be an honest doubt, acting for future generations, as to whether we had yet arrived at a proposition which was right and one which would be satisfactory to the country. There was an honest doubt, I say. Then came the resolution of Congress passed by both Houses March 3, 1899, authorizing and instructing the President of the United States to appoint a commission to examine all the routes upon the Isthmus and report to the President their findings as to which would be the most desirable upon which to construct a canal.

Does any Senator question that President McKinley failed in his appreciation of the responsibilities put upon him by that resolution?

Will anyone question what would be his desire and his purpose in selecting to act upon that important Commission not only the most available but the best equipped engineers that could be found in the United States?

Where did he go? To the Army, to the Navy, selecting men who were a part of this Government; honorable men, able men, men who could be trusted in an official act to the fullest extent. He associated with them a choice from the whole country, selecting from civil life the most distinguished engineers.

The President took ample time and made careful search to find those men. Will anybody reading that list of names offer any criticism as to their motives and their integrity in serving their country and their Government?

"HANNA'S Commission," indeed! Why, Mr. President, in discussing this proposition, important as it is to the country, I seek to discuss it upon a higher level than that; and if the appeal I make to this body does not carry with it the conviction that the route for which I stand is the best for the United States, then I should not personally desire to have it adopted. I said yesterday that there was no politics in this proposition, no sentiment in it, no sectionalism in it, and certainly there is no personality in it.

The Senator from Oregon [Mr. MITCHELL], in his discussion of this question, made an elaborate argument, which was interesting and showed research, with reference to the coal trade. I could not exactly see how the coal trade was going to be affected in the immediate future by this canal, but I noted in one statement, to which I wish to refer, that one of the things which would prevent the growth and development of that coal trade between the Atlantic and Pacific oceans would be the fact that, as to a vessel operating through the Tropics, her cargo would be in danger from spontaneous combustion—a new proposition to me. I have had thirty years' experience in handling bituminous coal, but I never heard of spontaneous combustion arising from the fact of the heat of the zones when the coal was under cover and protected from moisture. The only destruction of which I have ever known personally grew out of the fact that owing to impurities of the coal, which contained an abnormal amount of sulphur, in large piles, on the very northern shores of Lake Superior, in the winter time, it has taken fire from spontaneous combustion.

The Senator from Oregon referred to the distribution of coal for fuel between the Atlantic and the Pacific and its connection with the transportation of east-bound commodities, and I believe the Senator quoted the wheat export from the Pacific coast to Liverpool and to other parts of Europe. Mr. President, it is a well-known fact that, although wheat may be carried in sailing vessels or in tramp steamers to Liverpool or to any other European port, a return cargo, which is carried in the way of ballast, must be loaded upon that vessel where she is discharged. No tramp steamer or sailing ship after transporting a cargo of wheat from San Francisco or Portland to Liverpool would return to the United States to load a cargo of coal at ballast rates for San Francisco or for any other Pacific port south. If they were going to take a cargo of coal from any place to the Pacific coast, they would take it from England, where coal is cheaper than it is in the United States and where they would sail from.

The elaborate argument of the Senator, made with reference to the consumption of coal in Europe and as to European countries looking to this for their future supply, is correct, and I am glad of it. But tell me how the business of the isthmian canal would affect the loading of coal from any port on the Gulf or Norfolk or Baltimore for any port in Germany or Belgium or France or Russia or any ship carrying grain from the Pacific coast to the Orient?

No, Mr. President, these questions of transportation, which concern the usefulness of this canal, are governed by trade relations and rules as important and as infallible as the laws of nature. The time will come when we shall export coal from those ports to South America on the Pacific coast and to South America on the Atlantic coast; and that time is not far distant. Fortunately for us, we have the greatest reservoirs of bituminous coal in this country which are to be found in the world, which are undeveloped. They are to be found on the Big Sandy.

Another question comes up, which was raised by the Senator from Oregon, and he made a statement, which I question, with reference to Professor Haupt, reading from his testimony before the Committee on Interoceanic Canals. He spoke of what "we" had done on the Isthmus. I happened to remember asking Professor Haupt the question whether he was with the Commission on the Isthmus. He replied, No, he was not; that he had been on the Isthmus; that he had been connected with one of the earlier surveys, either with Ludlow or Menocal, along the Nicaragua route, several years ago; that he had been across the Isthmus of Panama, but never to make an examination in detail as to the physical conditions or the engineering features on that route.

Mr. HARRIS. Will the Senator from Ohio permit me to interrupt him?

Mr. HANNA. With pleasure.

Mr. HARRIS. With the permission of the Senator from Ohio, I wish to read exactly what Professor Haupt said:

> Mr. HAUPT. Yes, answering the question of Senator HARRIS as to my qualifications, I would say that I have served on both of those Commissions and have been over both of the routes critically, have assisted in the preparation of estimates and reports, and feel that I am reasonably competent to give an opinion.
>
> The CHAIRMAN. By both routes do you mean both the Nicaragua and the Panama routes?
>
> Mr. HAUPT. Yes.

Mr. Haupt was not with the last Commission at the time it went over the Panama Canal route.

Mr. HANNA. That is what I said. He never went to the Isthmus in connection with his duties in this last Isthmian Canal Commission. Not only that, but the first step taken by that Commission, after their appointment and confirmation, was to go to Paris to examine there the details, the drawings, the notes, and everything in the possession of the New Panama Canal Company which would aid them in their investigation and research.

Mr. Haupt did not go with that Commission. Of the number who did go, three of those engineers were men who had always been, and were then, absolutely favorable to the Nicaragua route as the route for the canal across the Isthmus.

There were assembled there at that meeting, to meet these gentlemen from this country, nearly all the eminent foreign engineers of whom I spoke yesterday, and who had been called in to counsel and advise the New Panama Company before it decided to go ahead and expend that $13,000,000. On the invitation of the new company, the engineer of the Manchester Canal, from England; the engineer of the Kiel Canal, from Germany, and the engineers from Russia and from Holland, and five or six of the most eminent engineers in France, were called to meet the American Commission and placed themselves at the disposal of our Commission, with all the information that was obtainable through the years of research and surveys made in the early history of the canal construction. What they found there they will tell you in their full report; but they were so impressed by the thoroughness which thus far had governed and guided the men who had put their money into this enterprise that they offered to purchase the maps and notes; but instead duplicates of them were presented to our Commission. On their return to the United States they formed their organization for thorough investigation on the Isthmus, dividing the duties into detail, assigning the engineers who had been on two of the surveys of the Nicaragua route to the Panama route, and two of the others, to whom the Nicaragua route was a newer proposition, were sent to Nicaragua.

Weeks and months were spent by them in those investigations and with a perfect army of experts.

As a result, they found that the facts and statements and maps presented to them by the Panama Canal Company in Paris were absolutely correct, and the policy upon which they had then entered, of constructing a lock canal, was approved.

Later on you will hear a great deal about the Bohio dam, the great bugbear that has been raised against the physical conditions and possibilities of the construction of the Panama Canal. When the project for a sea-level canal was abandoned and the project taken up by the new company, in view of the fact that up to that time millions of money had been wasted and the company was in an embarrassed financial condition, they sought to ascertain the fact whether a cheaper canal (a canal governed by locks) could be built, and for what sum. It was that question that this talented assemblage of engineers had worked out before our

Commission approached the subject, and it was upon their recommendations that the new company had acted and thousands of men were put to work. Upon the policy outlined by the new company, under the advice of these engineers, our Commission agreed on all matters except that of the Bohio dam. The maps are here, and they plainly and clearly display the Bohio dam and the other dam on the Nicaragua route.

But a question as to the foundation has arisen. It was to be a large dam. That dam was to hold in check the waters of the Chagres, and to create a lake 9 miles long, which was to be a part of the navigation of the canal, and of course a very important work. The statement was made yesterday that the French engineers knew nothing about the foundation below stratum of clay. I am told that is not the fact; that they knew all about how much below the clay the bed of rock was; but, exercising all the experience and intelligence that they had gained in a lifetime spent in their profession, they came to the conclusion that for the necessities of that particular dam it was not necessary to go below the stratum of clay for a foundation, and upon those lines they were proceeding.

Our Commission made their borings there, as they did everywhere else, having the report of the French engineers before them, and being doubly careful considering the importance of their duties, they said that dam could be built upon the bed of clay and probably be perfectly safe; but as a factor of safety beyond that they proposed, if it were found necessary, to sink caissons through the clay to the rock, and that would be an antidote of prevention of any possible damage that might come to the foundation of the dam through seepage.

Mr. Morison, perhaps the highest authority in the United States upon the question of deep foundations, differed from his colleagues to the extent that he said that the French plan was all right, and if he was put in a position to assume the entire responsibility he would unhesitatingly commence the foundation of that dam upon that bed of clay, and he did not consider that he would be risking anything in that undertaking.

The statement was also made yesterday that the feat of sinking these caissons to that depth was an untried and unheard-of piece of engineering and was therefore risky. Why, Mr. President, there are now done a great many things which fifty years ago were unheard of, never dreamed of, never thought possible, as a product of human intelligence and ingenuity in engineering. It has become almost a by-word to-day that in the hands of a skillful engineer nothing is impossible; and there is no doubt of the fact that caissons can be put 15 or 16 feet deeper than there has ever yet been a call for them to be placed.

Mr. Morison says that he has put down the deepest one that was ever put down, in the construction of the bridges across the Mississippi and the Missouri rivers, at St. Louis and Memphis and at other points. He says that were it necessary to go to the additional depth, it could be done, and he told us how. All you have got to do to get to that depth below the water level is to pump the water down so many feet lower than its head.

I asked the question of one of the engineers—I think it was Professor Haupt—as to whether the ground could not be frozen through that clay so as to sink the caissons, and he said he had never heard of such a thing. I can tell him of a shaft that was sunk 300 feet in a mine in Lake Superior.

Therefore, when we are talking about technique and the possibilities of what may be accomplished in the way of engineering, let us at least consider as the best authorities upon these questions the men who have devoted their lives and abilities to that profession.

In all the discussion of this question I am keeping steadily before me the fact that when the United States Congress passed a resolution directing the President to send out this Commission to ascertain for our information which was the best route upon which to construct a canal across the Isthmus, that was done because we needed some advice upon these questions, and that advice we have here, signed in the first instance by every member of the Commission. One of these gentlemen I have named, however, and who seems to be a star witness on this question, says that he signed under protest. I am not a lawyer, but I am told that when a man gives evidence and then goes before a court under oath and takes it back it is a question whether such evidence is admissible on either side.

On the question of witnesses I want to say one word more. A gentleman has been quoted here with reference to the physical and other conditions about the route across Nicaragua—a Captain Merry, who is the United States minister to Nicaragua and to two or three other countries in South America; an officer of the Government who writes letters, which are produced here as testimony, showing why the Nicaragua route is the best for a canal. Naturally, consideration should be given to such testimony, because he is a resident there, and is supposed to represent his Government for its best interests. Does he?

Mr. President, Captain Merry is a stockholder in the Maritime Canal Company, which stands knocking at the doors of this Government, asking our intercession and aid in enforcing its claims against Nicaragua and Costa Rica for nonfulfillment of an agreement. On one side the claim is made that the concessions to that company are forfeited, and on the other it is denied; but that raises a question that can only be settled by law, a question which, injected into this canal controversy, may give us lots of trouble. This gentleman who is extolling the merits of the Nicaragua route is a stockholder in the Maritime Canal Company, and would be an interested party if through the agency of the adoption of the Nicaragua route any benefit should come to the Maritime Canal Company.

I think he had better attend to the proper duties to which he is assigned and accredited.

Again, Mr. Menocal, an engineer long ago identified with the enterprise of the Nicaragua Canal, was the one who conducted, I think, the second survey after the Childs survey across that portion of the Isthmus. He organized the Maritime Canal Company and induced capitalists to invest in it as a private enterprise for construction of a canal along his proposed route.

He, too, is a stockholder and also, I believe, is a director in the company. His testimony is offered as an engineer from a technical standpoint to prove to this Senate that that is a better route than the other. A disinterested witness, surely!

Now, in the consideration of this question, I want to call attention to another fact. Reference has been made here to the fact that the House has already passed the bill known as the Hepburn bill, which was offered, I think, on the second day after the Senate met and placed upon the Calendar. That bill had passed the House (January 9, 1902) a week before this supplementary report was made (January 18, 1902) and passed the House within a few weeks after the first report was made by this Commission (November 16, 1901); and that report was hurried, demand being made on the Commissioners that it must be speedily furnished; and they say that it was a very unsatisfactory report to them as to details.

Ordinarily men of business and of affairs, in going into a venture involving the expenditure of $200,000,000, would go very slowly and would be very certain of knowing just what they were doing.

When the Hepburn bill passed the House of Representatives, I do not believe there were twenty-five men in that body who had ever read that report, brief as it was, and scores of them have told me since that they knew nothing about it, except that they were voting for what they supposed to be a canal. They wanted the Nicaragua Canal, because it had grown into the sentiment of the people. One week after that bill passed, the offer of the Panama Canal Company, agreeing to accept the price which we had put upon their property, $40,000,000, was submitted to Congress by the President with the supplemental report of the Commission.

Mr. President, that brought into this question an entirely new factor, a feature that never was considered for one moment in the debate in the House. But through the discussion in the newspapers and the gossip in the corridors members of that body come to know something about it and that something new was coming; and in order to have the opportunity to avail themselves of a full knowledge of the situation, in order that we might make no mistake, knowing that we could trust the President of the United States and his advisers upon a question of such importance, an amendment was offered by Mr. MORRIS, of Minnesota, providing that the whole matter be referred to the President with power to act, and within forty-eight hours before the final vote was taken in the House that amendment gained the confidence of a hundred and ten members of that body. I am not saying that the measure was rushed or railroaded through the House for a purpose. I know that all in both Houses felt anxious during this session of Congress to bring to a satisfactory conclusion the great canal question.

In view of the fact that these additional factors were not acted upon at the other end of the Capitol, the Senate thought it wise to pursue still further investigations, and a resolution was adopted authorizing the Committee on Interoceanic Canals to call before it the members of the Commission and examine them in detail upon this new proposition. For weeks, several times every week, our committee held meetings. Nearly every member of the Commission appeared before the committee, was examined and cross-examined, and a full report of those examinations is available to every Senator. It is in print as a Senate document, and if I or any other advocate of either canal fails to make a proposition understood, the opportunity is before you to acquire the information.

I am anxious that every man before he votes upon this question shall decide it for himself in view of all the conditions and environments, because the country expects us collectively and individually to do the best thing for its interests

I now read from the views of the minority as to advantages of the Panama route over the Nicaragua route:

The advantages stated by the Commission concerning the Panama Canal are:

1. It is 134.57 miles shorter than the Nicaragua from sea to sea (being 49.09 miles by Panama as against 183.66 miles by Nicaragua).

2. It has less curvature, both in degrees and miles, being but 22.85 miles of curvature as against 49.29 on the Nicaragua, and but 771 degrees for Panama as against 2,339 degrees for Nicaragua.

3. The actual time of transit is less, being but twelve hours of steaming by Panama, as against a minimum of thirty-three hours of steaming by Nicaragua; that is, of one day of daylight as against three days of daylight (for the canal must be navigated by day exclusively at first, and, to a great extent, always, especially by large ships, which chiefly will use it. The Commission's plan does not provide facilities for navigation by night).

4. The locks are fewer in number, being but five on the Panama to eight on the Nicaragua.

5. The harbors are better, those at the termini of the Panama being good and already used by the commerce of the world, while at the termini of the Nicaragua there are no harbors whatever.

Mr. President, I pause here to say that in the estimates made by the engineers as to the total cost of each route the question of the construction of the harbors at both places has been considered and provided for. The harbor at Greytown, which was once a good harbor, has filled up, and a part of the enormous expense which is estimated by the engineers for the operation and maintenance of the canal is for the purpose of keeping that harbor open. That is one large feature.

6. The Panama route traverses a beaten track in civilization, having been in use by the commerce of the world for four centuries, while the Nicaragua route passes through an unsettled and undeveloped wilderness.

The argument has been made that that is to the advantage of the Nicaragua route from the standpoint of health. During the construction of the Panama Railroad, and later during the progress of the work on the Panama Canal, it was unhealthful, and there are those who can explain why better than I can; but when you attempt to dig a ditch through the morasses and untouched earth along the Nicaragua route, where decayed vegetation for centuries has formed a delta, is it not fair to suppose that the same conditions will arise there as did arise when the ditch was being dug for the Panama Canal?

Another important adjunct to the early completion of the Panama Canal is the fact—

7. There already exists on the Panama route a railroad perfect in every respect and equipped in a modern manner, closely following the line of the canal, and thus greatly facilitating the construction of the canal, as well as furnishing a source of revenue, and included in the offer of the Panama company.

8. The annual cost of maintenance and operation of the Panama Canal would be $1,300,000 less than that of the Nicaragua (which sum capitalized is the equivalent of $65,000,000).

9. All engineering and practical questions involved in the construction of the Panama are satisfactorily settled and assured, all the physical conditions are known and the estimates of the cost reliable, while the Nicaragua involves unknown and uncertain factors in construction and unknown difficulties to be encountered, which greatly increase the risks of construction and render uncertain the maximum cost of completion.

And that to me is a very important factor. I know from personal information from individual members of the Commission that it is with them a very important factor as to the cost. But in estimating the cost of the construction of the canal they have taken the same unit of value and used it in both instances. As a practical question to-day there has been sufficient work done along the entire line of the Panama route to enable skillful engineers to figure as close as it is possible to figure upon anything in the future. In short, there has been a development which shows all the conditions of soil, of rock, of streams, of cuts, and of curves. Every physical condition that can possibly arise there is exposed like an open book, to be studied from the surface. Taking that unit of value, the engineers made their estimates upon the Panama Canal and applied them to the Nicaragua Canal, to be perfectly fair. But there is no living man who can say what will be encountered when the work begins through the miles of swamp and morass, with the many difficulties which we are always liable to meet in countries like that; and the engineers only speak of possibilities when questioned. They hope to be able to construct the Nicaragua Canal within the limits of their estimates, figuring in both cases upon the same per cent of safety.

The question of earthquakes and volcanoes, which seems to be a burning question just now, is discussed in the Commission's report, but not at length. They came to the conclusion that it was about an even thing between the two routes as to the possibilities of danger from earthquakes. You can go back a half century—and I do not know but that you can go back more than that—and cite the terrible earthquake that took place at Panama; and later on you can cite, as I will myself, the more recent earthquake. But none of them, to my mind, has been of sufficient force to destroy a canal. They might damage it. But the basis of the canal is in the earth. It is a ditch. It is a structure of masonry, having a deep foundation. It is not a high building. So, while earthquakes are frequent, I do not think there is enough in the question of earthquakes to deter us from building a canal along either route.

But there is another question which has been forced upon our attention in this connection by the most awful calamity that has come to us in recent years. I refer to volcanoes.

Looking upon that map, which is a Government map, from the point of those active volcanoes southwest of Greytown, clear up through Nicaragua, are a number of volcanoes which have been in operation in recent years. I do not propose to devote very much time to the question, but I do wish to read from Professor Heilprin, who is now at Martinique. In discussing the question of volcanoes in a report published by him in March, 1902, he says:

We are told that a glance at the map appended to the report will show "that the entire Isthmus between North and South America is a volcanic region," and, following Humboldt, that "the grandest example of a continental volcanic chain is offered by the rampart of the Andes extending from the southern part of Chile to the northwest of America" (p. 168). It has, however, been known for a full quarter of a century that the main Andes do not traverse the Isthmus of Panama, and that there are no active or recently decayed volcanoes in any part of the true Isthmus. So far, therefore, as danger from direct volcanic contacts is concerned the Panama route is exempt. The case is very different with the Nicaragua route, whose line is laid across the almost continuously volcanic tract that binds Costa Rica with Salvador, and which has been, during the period of the last three-quarters of a century, probably the most violently eruptive of any in the Western Hemisphere. On the line of crustal weakness that is occupied by Lakes Nicaragua and Managua there are distributed over a linear distance of little more than 200 miles not less than twenty-five volcanoes, most of which have been active within a very modern period of time, while a number are still active to-day. A few actually lie within the basin of Lake Nicaragua itself. Coseguina, which lies only 60 miles distant from the line of the initially proposed canal, went through a paroxysm in 1835 which has been described by the geologist of the Nicaragua Canal Commission as "the most violent recorded eruption until surpassed by that of Krakatoa in 1883."

Mr. MITCHELL. From what is the Senator from Ohio reading?

Mr. HANNA. I am reading from an article by Prof. Angelo Heilprin, F. R. G. S., vice-president of the Geographical Society of Philadelphia, member of the American Philosophical Society, of the board of managers of the National Geographic Society of Washington, of the Geological Society of America, etc., and an expert on volcanoes and earthquakes.

A statement was made here the other day that very recently, within a few days, an earthquake had taken place very near to Nicaragua, and the Senator from Alabama [Mr. MORGAN] took the pains to have the minister from Nicaragua cable to his President to ascertain the facts with reference to it. I have here clippings from a paper in Honduras and from several other papers, copied from native papers, as to this earthquake and its results. The first information was brought by passengers on a steamer which landed at New Orleans, and the facts as given were quoted by the press of this country. Subsequent information came more direct by cable until it became a news item. Overshadowed by the Martinique disaster, people paid but little attention to this. But in the discussion of this question, when the denial has been made that any such occurrence took place, I claim your indulgence to read a few lines from this article.

Mr. FAIRBANKS. What is the date of it?

Mr. HANNA. April 25.

From El Diario de Honduras, dated April 25, we take the following important news:

The latest papers of Nicaragua bring us bad news. La Democracia, of Managua, of March 24, says:

"In consequence of the earthquake which occurred to-day at five minutes to 2 the greater part of the wharf at Momotombo went to the bottom, all the freight which was there, among which was a large quantity of bags of coffee, being lost. The small engine which performs the local service of the wharf also fell into the water. The Government has ordered a body of workmen to be organized for the purpose of trying to get out the coffee, and there will be added a commission of mechanical engineers to repair the damage sustained. The shock was very strong in Chinandega, Leon, and other places in the west. There was no other injury."

On the following day the same paper published the following item:

"From Leon we are informed by telegraph that the shock of last night was felt with much force in that city. Buildings were so shaken that their falling to the ground was thought imminent. The bells of all the churches rang at the moment of the disturbance. Referring to the shock at midday yesterday, one of the passengers who arrived in one of the lake steamers relates that at the same hour he could observe that an immense column of smoke and fire shot up from Momotombo, by which it is with reason believed that the shocks which were felt yesterday in this place came from that volcano."

One of the correspondents in Leon of the paper mentioned writes under date of March 26:

"Persons who have just come from the country report that the shocks which have caused so much alarm come from the volcano of Asosoca, which has been pouring out torrents of lava. Furthermore, in the neighboring farms there has been some destruction, the house on one of them having been leveled to the ground."

The correspondent in Momotombo of El Iris de la Tarde, of Granada, communicates to that paper the following: "The shock which has just been felt here was very great and caused much havoc. Part of the wharf sank, carrying down into the water a great quantity of bags of coffee. The roofs of various houses fell to the ground, causing great panic among the population, but there is no loss of life to lament. The little locomotive La Paz also fell into the water, injuring itself not a little. The people are much alarmed, and the authorities of the port have employed all their activity in taking the necessary precautions. It is thought that these shocks, seeds of destruction and misery, will continue, since the proximity of the volcanoes is the cause of our witnessing such terrible scenes." (From La Republica, Guatemala, May 13, 1902.)

Mr. President, the terrible calamity at Martinique has awakened the scientific world to renewed investigation and study, and the man whom I have just quoted (Professor Heilprin) at the risk of his life stood upon the brink of the crater of Mount Pelee only the other day. The sense of the people has been quickened to the horrors which may come, no one can tell when or where. But we should consider that at Nicaragua we are invading the territory of the volcano; and while, as I said before, we may not be terrified to the extent that we will withhold our support from a canal on account of the earthquakes, when it is a fact beyond dispute that within Lake Nicaragua itself are two volcanoes, one of which has been recently active, and when we measure the destructive capacity of a volcano by the horror at Martinique, where the earth was opened and swallowed up a lake and enough lava and ashes poured down the sides of the volcano to fill up a lake like Nicaragua, is it reasonable, is it safe to put aside lightly such conditions?

We are not going back into history to find precedents. We are not speculating as we do sometimes with earthquakes, which may occur anywhere in this country, but we are confronted with the fact that periodically in that country there has occurred a condition caused by volcanic influences which no man can foretell, but may merely speculate about. If there were no other causes, every other thing being equal, would not any party or corporation in entering upon an investment of $200,000,000 pause at least and consider the seismic and volcanic conditions?

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from Ohio yield to the Senator from Kansas?

Mr. HANNA. Yes.

Mr. HARRIS. Will the Senator from Ohio be kind enough to state what, in his opinion, is the range of danger of a volcano? He says he is not afraid of the shaking of the earth, the earthquake effect of the action, but that it is the pouring out of lava, and, I suppose, the shower of cinders, etc., that he dreads. I will be glad if he will tell us, as he has probably looked up the matter, at what distance from an ordinary or any volcano a man would be in danger?

Mr. HANNA. I think the Senator from Kansas is rather disposed to jump at conclusions about what I said. He says I am not afraid of earthquakes. I would get out of the way of one if I could.

Mr. HARRIS. To be correct, I understood the Senator to say that that would be, so far as either route is concerned——

Mr. HANNA. I said I did not believe there was enough difference in the conditions with respect to the possibilities or probabilities of an earthquake upon the Isthmus as between the two routes to draw any distinction.

Mr. HARRIS. Then I suppose you dismiss the earthquake danger?

Mr. HANNA. I do not do anything of the kind. If you will allow me, Mr. Senator, I will use my own words. I am perfectly willing to be interrupted and to be asked a question, but I do not propose to have any Senator put a meaning upon the words I use, and I do not intend to take up my time offering explanations.

Mr. HARRIS. The question which I asked the Senator and which I would be glad to have him answer is, What is the range of danger of a volcano?

Mr. HANNA. I have never been as close to one as has the Senator from Kansas. He has said that he once looked into a crater.

Mr. HARRIS. Yes, that is true.

Mr. HANNA. I would not have done it. I am that much afraid of them.

Mr. HARRIS. I beg to say that that is not an answer to my question.

Mr. HANNA. I beg to state that if the volcano in Lake Nicaragua should play the same part that Mount Pelee has done, and yield up such a torrent of ashes and lava, and open crevices in the earth, creating an avenue through which the waters of Lake Nicaragua could filter, with the horrible adjunct of steam, it would force enough cinders and lava from the bowels of the earth to fill up the basin of Lake Nicaragua.

Mr. HARRIS. Will the Senator pardon me if I suggest that the whole island of Martinique would not fill one-half of Lake Nicaragua?

Mr. HANNA. The Senator can make that statement in his own speech. I do not know anything about it.

Now, we come to the question of the utility of the canal.

Admitting, if you please, for the sake of the argument, that the physical and engineering difficulties in the construction of the canal are the same on each route, and supposing the canal to have been built and completed according to contract and to the satisfaction of the Government, we come to the question, for what purpose was the canal built?

Shall it merely be a monument of engineering skill? Shall it be said that it was built merely because the people of the United States wanted to show what they could do—what France had not accomplished? Or is it a patriotic, broad question of building a practicable canal which shall benefit the whole world and its commerce for all time to come?

Looking upon that side of this proposition as the real fruit of the enterprise, let us study the relative conditions and advantages of these two routes, and upon that basis I want to discuss this question.

The statement was made yesterday by the Senator from Oregon that the difference in the distance between certain points (I believe he did not mention them) is altogether in favor of the Nicaragua route. Now, what are the facts?

New York may be taken as the representative of all North American Atlantic ports; the course from all these ports to either Colon or Greytown would be around Cape Maysi, the eastern end of Cuba.

New Orleans may be taken as the representative Gulf port, the course from there to either Panama or Greytown being through the Yucatan Channel.

I am reading now from the testimony of Mr. Morison, one of the engineers on the Commission.

Mr. FAIRBANKS. From what page are you reading?

Mr. HANNA. Page 597. It is in the full report of the hearings before the committee.

The distances from these several ports to Colon and Greytown are as follows:

Port.	To—		Difference in favor of Colon.
	Colon.	Greytown.	
	Miles.	*Miles.*	*Miles.*
New York	1,965	2,025	60
New Orleans	1,400	1,260	—140
Plymouth	4,495	4,665	170
Average			30

From the objective point in the English Channel, taking that as the central point from which to figure for your vessels which are to carry coal as back loading to the Pacific coast, it is 170 miles nearer to Colon than Greytown. It is a shorter distance, as vessels must navigate from that English port to the port of Colon, the harbor of the Panama Canal, by 170 miles than it is to the Nicaragua Canal.

The distance from New York is calculated from Sandy Hook. Gibraltar, which would represent all Mediterranean ports, is 222 miles nearer St. Thomas than Plymouth is, but the difference will be constant.

The time required to pass through the Panama Canal is approximately equal to the time required for a steamer to travel 150 miles at sea. The time required to pass through the Nicaragua Canal is approximately equal to the time required for a steamer to travel 400 miles at sea. These distances correspond to a speed of 12 miles an hour at sea; they represent an advantage of 250 miles in favor of Panama; with a speed of 10 miles per hour this difference would be reduced to 208 miles; with a speed of 15 miles per hour it would be increased to 312 miles; to avoid unnecessary complications they are considered a fair mean for all conditions. If we add these distances to those given above we have the practical distances from the three representative ports to the Pacific termini of the two canals, as follows:

Port.	To—		Difference in favor of Panama.
	Panama.	Brito.	
	Miles.	*Miles.*	*Miles.*
New York	2,115	2,424	310
New Orleans	1,550	1,660	110
Plymouth	4,645	5,065	420
Average			280

In general it may be said that it will take about a day longer in the average of all voyages for steamers to reach the western terminus of the Nicaragua Canal than to reach the western terminus of the Panama Canal.

On the Pacific there will be three classes of traffic—that going to San Francisco and all Northern Pacific ports, including those of Asia; that going to South American ports; that going to South Pacific ports, as in New Zealand and Australia.

Yokohama may be considered the first port that will be made by steamers going to either Japan or China. In order to make a coaling point voyages would be made either by way of San Francisco or of Honolulu. Of these routes that by way of San Francisco is 1,500 miles the shorter. For these reasons the port of San Francisco may be considered as representing not only California traffic, but all traffic for China and Japan.

Manila, which may be taken as the representative port of the Philippines, is 200 miles farther from Brito by way of Honolulu than by way of San Francisco, and 186 miles farther from Panama by way of Honolulu than by way of San Francisco. The relative difference is really very slight, and the two routes may be considered as practically of equal length.

San Francisco is 3,179 miles from Panama and 2,636 miles from Brito, a difference of 543 miles in favor of Brito.

Mr. MITCHELL. Will the Senator allow me to interrupt him at that point?

Mr. HANNA. Certainly.

Mr. MITCHELL. I am not quite certain the Senator understood my statement yesterday, or the point I desired to make.

What I said, or at least what I intended to say, was to take San Francisco as one point on our western coast and New York and New Orleans on the other side, and taking the port of Liverpool, I contrasted the difference in the routes going by the usual way of travel, outside of the bearings between these routes across the Isthmus.

I said, or ought to have said, if I did not, that the distance from San Francisco to New York by way of the Nicaragua route is 377 miles shorter than is the distance from the city of San Francisco to New York by the way of the Panama route, and, further, that the distance from San Francisco to New Orleans by the Nicaragua route, going by the usual way of travel, is 579 miles shorter than is the distance between San Francisco and New Orleans by the Panama route. Further, I said, or intended to say, that the distance between San Francisco and Liverpool, England, by way of the Nicaragua route is 386 miles shorter than is the distance from San Francisco to Liverpool by way of the Panama route.

Mr. HANNA. I do not dispute the figures the Senator gives. I do not know where he got them.

Mr. MITCHELL. They are authentic.

Mr. HANNA. I have taken different points. I have taken Plymouth instead of Liverpool. The distance given here from San Francisco to New York by the way of Panama is 5,294 miles and by way of Nicaragua 5,061 miles. The distance from New Orleans is 4,729 miles by Panama and 4,296 miles by Nicaragua.

Mr. MITCHELL. But if the Senator will allow me——

Mr. HANNA. Certainly.

Mr. MITCHELL. Does not the Senator from Ohio see that while taking the point in the Philippines, for instance, or in China or Japan, while it may be true that the distance is much longer from ports in those countries to Brito than to Panama, yet it makes no difference when you take into consideration the whole route, and there will be precisely the same difference in the length of the route, taking as a starting point a port in China and Japan or the Philippine Islands and going to New York, New Orleans, and Liverpool, that there would be in going from San Francisco to New York, New Orleans, and Liverpool?

Mr. HANNA. Mr. President, these figures are no doubt correct, or approximately so, in both cases. There is not so much difference, but this is simply a measurement of miles of distance.

Mr. MITCHELL. The Senator's figures are all right, but he misapplies them.

Mr. HANNA. When you take into account that it takes three times as long to pass through the Nicaragua Canal as it takes to pass through the Panama Canal, figuring 150 miles for a day's run at sea, you reduce all these distances to an insignificant amount, the delays aside; but from the estimates made in passing through the canal, and that is the basis, taking the liability to accident and unusual delay, then the comparison comes, multiplied by the distance, plus the number of curvatures, plus the trade winds which exist in one place and not in the other, and plus every contingency that is liable under the conditions to occur in the navigation of the Nicaragua Canal.

Now, Mr. President, I only speak of this matter of transportation and distances for the purpose of leading up to another fact. Starting, for the sake of argument, upon the hypothesis of equality, if you please, as to the time it will take a steamer from London or Liverpool or Plymouth to reach any point on the Pacific coast or in the Orient, I ask the privilege of submitting some testimony with reference to the other conditions.

The Senator from Oregon yesterday—and I allude briefly to it because it now comes to my mind—made reference to the dangers on the coast at Colon, and the harbor of Colon. Mr. President, the harbor at Colon has been a harbor for nearly fifty years. It must be kept a harbor because it is the eastern terminus of the Panama Railroad. The hydrographic work of the Government, published for the information and the benefit of those who have to navigate ships, states just what the conditions are all along that coast.

The harbor at Greytown is no longer a harbor, but it can be made one. It is only a question of dollars and cents. As to the prevalence of bad weather, as to the liability of that great scourge on that coast, the northers, which come only occasionally, sometimes without warning and nearly always destructive, every master of a vessel who navigates those waters has his text-book before him published by this Government, which tells him of the conditions which will surround him there, and if he is caught napping with a norther, it is his own fault. Those dangers are simply those incident to navigation at ports all over this world. When you undertake to say that Colon is more liable to such incidents than Greytown, it is a mistake.

With reference to the coast of Nicaragua and Costa Rico I quote from the United States Hydrographic Report:

> During the period from March to June, within a few miles of the shore, land and sea breezes alternate, but the former generally preponderates and comes off from the southwest and west, not directly from the land; so, in like manner, the sea breeze blows slantingly in from the eastward, and they both frequently rush down in a sudden gust which should be well prepared for. In the later months of the year fresh westerly winds prevail, called by the old Spanish mariners "vendavales," and between November and February northers will occasionally reach thus far, but their force is considerably moderated after passing to the southward of the islands.
>
> Hurricanes do not appear to visit this coast, although the northeastern part of it certainly lies within the verge of their limits—

That is Greytown—

> but destructive gales happen in the rainy season, which destroy the crops, even at the adjacent islands. It is also subjected at this period to most violent tornadoes, to which no sail can be shown, but they do not last long and are generally preceded by faint sheet lightning on the eastern horizon, which will give sufficient warning to seek shelter when sailing among the northern cays.
>
> On the Mosquito Bank, to the northward of Greytown, the seasons are more marked. During the rainy season the wind generally blows from northeast round by east to southeast. The vendavales, or westerly winds, gradually disappear and become land breezes, which decrease in strength and distance from the shores as Cape Gracias á Dios is approached. Sometimes this breeze will blow over the lagoons to the shore, but no farther.
>
> The weather at this season is extremely uncertain; the wind is generally fresh, often accompanied by heavy squalls, equal to tornadoes, with torrents of rain, thunder and lightning, and occasionally small blue lights will be seen flickering at the weather yard arms and trucks, the wind at the same time flying about in all directions in furious gusts.
>
> In the dry season the weather is somewhat more settled and freer from intense electric phenomena. North and northwest winds will sometimes set in suddenly and blow with considerable force for two or three days. They generally, however, give a few hours' warning by dark masses of clouds collecting in those quarters, and it is observed that instead of the wind drawing round previously to the southward it veers from the eastward by north to northwest, then veers back again.
>
> These winds seldom occur after the first week in March, etc.

Then it goes on and gives a description of the currents:

> From the middle of June to the latter part of August the wind is steady and very fresh from the northeast and gets up a good deal of sea and swells; a strong current sweeps along the coast, running to southward, and causes vessels at anchor to swing across the wind, in which position they roll and pitch very uncomfortably; the rain is heavy and frequent, coming up in fresh squalls which follow close upon one another.
>
> From September 1 to the middle of October the weather becomes variable, with calm intervals and with the wind frequently off the land, making the anchorage quite smooth. During this period heavy thunder storms from off the land, usually from west to southwest, become frequent.
>
> From the middle of October to November the northeast wind begins to set in again, with rain squalls, and in early November the wind is frequently very strong from the north, with considerable sea on, and the season of northers begins. Captains and others familiar with the coast say that the northers blow with the greatest violence from the northwest to north, and that vessels can ride them out, as a rule; there is a lee 20 miles to northward under Pearl Cays.

That is a citation of the kind of weather they have in and about Greytown.

In speaking of the danger from northers at Greytown and on the Nicaragua coast of the Caribbean Sea, I am informed by Mr. Emil Boas, the manager in this country of the Hamburg-American Line, which operates the Atlas Line of steamers between New York and Greytown and other Nicaragua ports, that many times the steamers of the Atlas Line have to put to sea from Greytown to avoid being blown ashore by the severe northers which prevail there during December and January; that one of their steamers last winter barely escaped from being blown ashore, and several cargoes had to be abandoned. That is the report of the kind of weather they have near the entrance of the Nicaragua Canal.

Now, Mr. President, I will pass to the question of the practical operation from the standpoint of the vessel.

I hold in my hand a synopsis of a volume of testimony taken from eighty-three owners, captains, and other officers of ocean-going steamers and sailing vessels.

These statements are all signed by the parties making them, with the exception of two or three, who have sent letters of approval.

It must be understood that these questions bearing on the use of an isthmian canal were submitted to the various officers of the different vessels in such a manner as not to indicate the real purpose for which their opinions were asked. In nearly every case the individual officers believed that they were simply giving their personal judgment on the practical use of the two canal routes to their managers and owners, who desired the judgment of such officers in risking their vessels and cargoes in either canal.

In considering the construction of a canal to be used by the ships of the world—ships of all kinds, from the great ocean steamer down to the small coasting schooner—the question of the safe, easy transit of the vessel through the canal must be considered.

Those most concerned in this feature of an isthmian canal proposition are naturally the owners and masters of vessels that may use the canal when completed, as well as the owners of the merchandise carried as cargoes in those vessels.

If it is optional to construct an isthmian canal by two different routes, even if we assume each equally feasible from the constructive standpoint at practically an equal cost, then it is even more important to my mind to ascertain which of the two routes affords the safest, easiest, and cheapest passage for the ship.

A ship and cargo must pay toll, and from the revenue of those tolls the Government is expected to obtain money to continue the operation and maintenance of the canal.

The matter of existing weather conditions along the respective

routes of the Panama and Nicaragua canals, and the bearing these weather conditions will have upon the practical operation and the safe passage of vessels through whichever canal is constructed, has been almost entirely overlooked in the discussion of an isthmian canal. Nor has it seemingly occurred to anyone to inquire of shipowners, shipmasters, and pilots themselves—the very men who will use an isthmian canal after it is built—which canal route they prefer, and their reasons therefor.

This matter of taking a vessel safely through the canal is of the greatest concern to thousands of shipowners and captains and to the whole maritime world. If, with a choice of two routes for a canal even if assumed to be practically equal as to feasibility and cost, there are other conditions which make ship owners and masters prefer one route to the other, it would seem a sound business proposition to build the canal preferred by the shipping interests, and which they consider the better, as they are the ones who will use the canal, from them the revenues will come to maintain the canal, and their judgment as to which route insures the safest transit for their ships should be conclusive.

For the purpose of obtaining the opinions on this point of practical shipowners, navigators, and seafaring men, whose experience in the handling of vessels of all kinds, under all sorts of conditions, gives to their opinion the highest value, a list of questions bearing on the practical use of an isthmian canal was submitted to some sixty shipowners, masters, officers, and pilots, and their answers asked to the questions.

These questions were based on the actual conditions to be dealt with at the two isthmian canal routes—Panama and Nicaragua—as set forth in the report and plans of the Isthmian Canal Commission. The weather conditions at each of the two routes were also taken into account.

The idea was to lay before each shipowner or officer whose opinion was sought just the conditions and difficulties he would have to meet and contend with, supposing both canals were constructed on the plans provided by the Isthmian Canal Commission and the shipmaster had to use one or the other. Which of the two he would use and the reasons governing his choice was the information desired.

The following is the matter submitted to every such shipowner, captain, or other officer:

The Isthmian Canal Commission provide for the same-sized canal at both proposed routes, so far as concerns depth and width between banks. The plans call for a canal with 35 feet depth of water and a width between banks of 150 feet on the bottom and 200 feet at the surface. At curves the canal is widened so as to give a width of from 250 to 350 feet. On the Panama Canal there are 29 curves; on the Nicaragua 56, the curves on the Nicaragua being three times sharper than the curves on the Panama.

Mr. HARRIS. I dislike to interrupt the Senator, but I should be very glad to know what is meant there by the statement that the curves on the Nicaragua are three times sharper than are the curves on the Panama. Does that mean that they are one-third radius of the other, or what does it mean?

Mr. HANNA. I am giving the totals of the curvature.

Mr. HARRIS. But the expression there is that certain curves are three times sharper than others.

Mr. HANNA. I suppose by "sharper" is meant not certain curves alone, but the general curvature, which is three times shorter.

Mr. HARRIS. But if by that is meant reducing the radius to one-third of the other, it is certainly contrary to the facts.

Mr. HANNA. I will let the Senator dispute anything I mention.

Mr. HARRIS. I beg the Senator's pardon, Mr. President; I dispute nothing the Senator says. I am simply asking for an explanation.

Mr. HANNA. The explanation that I have to make with reference to the curvatures I have read here several times and, summed up, it is three times as great.

Mr. HARRIS. Then may I ask the Senator if Admiral Walker and the other members of the Commission did not say that adequate curvature had been provided in both cases?

Mr. HANNA. Oh, yes; they said that where the curves were shorter in one place than in another a greater width was given to the channel. Nobody disputes that.

Mr. HARRIS. And they used no curvature that was too great?

Mr. HANNA. No curvature that was so great but that a vessel could get around on either route under certain conditions, and I am going to tell you what the conditions are and what the difficulties are.

Keeping in mind these dimensions, a shipmaster or pilot would encounter the following conditions taking his vessel through the Panama Canal.

PANAMA CANAL.

1. General course of Panama Canal, from north by west to south by east.
2. Little or no wind nine-tenths of the year.
3. Canal 47 miles long from ocean to ocean.
4. From Colon the first 16 miles are at sea level; no current, and the curves very easy.
5. By means of two locks the vessel is lifted to the upper level of the canal, 90 feet above sea level.
6. The first 14 miles of this upper level is a lake 35 to 40 feet deep and from one-half mile to a mile wide. The remaining 9 miles of this upper level is standard-size canal with very slight curves. Current, 2 knots per hour.
7. Then by three locks drop down to the Pacific Ocean level of the canal, which is 8½ miles long, to Panama Bay. The curves in this end are also very easy.
8. Time required for passage from the Atlantic 6-fathom limit to the Pacific 6-fathom limit, twelve hours. Vessel can go through by daylight.

NICARAGUA CANAL.

1. The general course of the Nicaragua Canal from the Atlantic port to Lake Nicaragua (a distance of 100 miles) is northwest, but because of curves a vessel in transit would have a course swinging from south by east around to the westward to due north.
2. A northeast trade wind (mean strength 16 knots) blows constantly athwart the general course of the canal its whole length to the western side of the lake.
3. Canal 187 miles long from ocean to ocean.
4. From Greytown (the Atlantic port) first 40 miles are at sea level with slight current and over 10 curves more than twice as sharp as those on the Panama route.

I guess that answers the question of the Senator from Kansas.

Mr. HARRIS. As the Senator challenges me, I say that it does not answer the question. The Senator says "more than twice as sharp." What does that mean? Does it mean that the radius is one-half that of the other?

Mr. HANNA. The Senator will have a good chance to get even with me when he takes the floor and has the opportunity to answer.

Mr. HARRIS. I beg the Senator's pardon. I certainly do not desire to annoy him.

Mr. HANNA. I am depending on this Commission for my technical knowledge.

Mr. HARRIS. That has nothing to do with this matter.

Mr. HANNA. How do you know?

Mr. HARRIS. I do not think it has.

Mr. HANNA. How do you know it has not? You say it has not.

Mr. HARRIS. I understood the Senator to be reading something from some sea captains. I may be mistaken.

Mr. HANNA. Well, I am not mistaken.

5. By four locks lift to the upper level of the canal 110 feet above sea level.
6. This level is mostly standard size, 59 miles long, with many very sharp curves; current, 4 knots per hour, and the entire course exposed to a 16-knot northeast breeze.
7. Enter Lake Nicaragua. General course here about west; lake passage is 70 miles long, of which 20 miles is a dredged channel, leaving 50 miles open to sea speed. Strong northeast to east winds prevail on the lake.
8. Then by four locks to the Pacific end of the canal, a distance of 17 miles, curves slight, wind light.
9. Time required for passage from 6-fathom to 6-fathom limit, 33 hours, proceeding day and night. If lie by at night, time required 2½ days.

The questions which follow were based on the above conditions and were submitted to the following-named well-known shipowners, shipmasters, officers, and pilots:

Name.	Rank.	Steamship, etc.	Line.
Jas. B. Watt	Captain	Campania	Cunard.
J. G. Cameron	do	Oceanic	White Star.
J. C. Jamison	do	St. Paul	American Line.
J. Bradshaw	Chief officer	do	Do.
C. Lucas	Senior second officer	do	Do.
W. S. Keyes	Second officer	do	Do.
Geo. Best	Fourth officer	do	Do.
Chris Marsden	Chief officer	Philadelphia	Do.
Jas. H. McDougal.	Second officer	do	Do.
F. Plage	Junior second officer	do	Do.
A. Ritcher	Captain	Kronprins Wilhelm.	North German Lloyd.
R. Wettin	do	Lahn	Do.
H. Prager	do	Trave	Do.
Eichel	do	Friedrich der Grosse.	Do.
Hoegemann	do	Kaiser Wilhelm der Grosse.	Do.
Harrassowitz	do	Neckar	Do.
Reimkasley	do	Grosser Kurfurst	Do.
H. E. Nickels	do	Friesland	Red Star Line.
C. J. E. Francke.	Chief officer	do	Do.
H. Doxrud	Captain	Noordland	Do.
Rigelson	do	Nederland	Do.
F. Allrecht	do	Vaderland	Do.
Geo. Young	Chief officer	do	Do.
W. A. Moorehouse.	Senior second officer	do	Do.
A. Marryat Church.	Second officer	do	Do.
J. B. Frost	Junior second officer	do	Do.
H. Eisleben	Third officer	do	Do.
Chas. W. Rogers	Captain	Rhynland	Do.
H. Schoff	do	Westernland	Do.
Thomas Deems	Chief officer	do	Do.
J. M. D. Turner	Second officer	do	Do.
W. H. Thompson	Captain	Kensington	Do.
W. L. Grant	Chief officer	do	Do.
Wynn Kerl	Second officer	do	Do.
John Johnson	Third officer	do	Do.
F. H. Weeks	Fourth officer	do	Do.
C. A. Ledder	Chief officer	Pennland	Do.
Chas. P. Lilly	Second officer	do	Do.
Wm. J. Roberts.	Captain	Zeeland	Do.

Name.	Rank.	Steamship, etc.	Line.
Jno. Daddow	Chief officer	Zeeland	Red Star Line.
G. A. Hintyke	Senior second officer	do	Do.
Henry Candy	Second officer	do	Do.
H. R. Swift	Third officer	do	Do.
J. C. Seale	Fourth officer	do	Do.
J. B. Hill	Captain	Belgenland	Do.
F. W. Hellberg	Chief officer	do	Do.
J. Watkins	Second officer	do	Do.
S. V. Kalnauge	Third officer	do	Do.
J. Dann	Captain	Southwark	Do.
J. A. J. Bornebo	Chief officer	do	Do.
J. S. Ball	Second officer	do	Do.
George Parry	Third officer	do	Do.
H. O. Neilsen	Captain	Haverford	Do.
V. E. Young	Chief officer	do	Do.
F. L. Iverson	Second officer	do	Do.
M. Schuler	Third officer	do	Do.
T. Everson	Fourth officer	do	Do.
J. W. Shackford	Captain and superintendent.		American Line.
Daniel Gillespie	Pilot	Sandy Hook and port of New York.	
Ed. Young	do	do	
Paul Wodrich	do	do	
Geo. W. Beebe	do	do	
Wilmer Shields	do	do	
Downs	Captain	Morro Castle	New York and Cuba Mail Steamship.
Byrne	do	Saratoga	Do.
Johnson	do	City of Washington.	Do.
O. Penrice	do	Camoens	Lamport and Holt Line.
W. G. Shackford	Captain, commodore (retired).		Pacific Mail Steamship Co.
H. B. Eaton	Captain (owner of sailing vessels in coastwise trade).		Harrington, Me.
E. W. Shackford	Captain (owner of sailing vessels in coastwise trade).		Do.
G. W. Rumball	do		Do.
H. M. Leighton	do		Do.
J. B. Eaton	do		Do.
T. C. Allen	do		Do.
Otis C. Cole	do		Do.
T. A. Fickett	do		Do.
J. Y. Mitchell	do		Do.
L. E. Nash	do		Do.
C. S. Dunning	Inspector	Atlantic Mutual Insurance Co. of New York.	
W. D. Burnham	Captain and general manager.	American-Hawaiian Steamship Co.	
Joshua Slocum	Captain (retired) recently circumnavigated the world in the sloop Spray.		

The owners, officers, and pilots named above are of the highest rank in their calling. All have had years of experience in sailing vessels before attaining to the high commands they now hold. Many of them hold master mariners' certificates from foreign governments, in addition to their licenses from this Government.

Particular attention is called to the testimony of Captains Watt, W. G. Shackford, Penrice, Fourth Officer Best (steamship *St. Paul*), Second Officer Church (steamship *Vaderland*), and Thomson, who have had much experience in taking vessels through the Suez, Manchester, and Kiel canals, and some of these officers having made from 10 to 12 passages through these canals: also to the answers of the 10 shipmasters of Harrington, Me., Capts. E. W. Shackford, H. B. Eaton, Rumball, Leighton, J. B. Eaton, Allen, Cole, and others.

These men represent the coastwise sailing vessel, the very class of shipping which has been put forward as the one to be most benfited by an isthmian canal and for whose use the Nicaragua Canal was the most desirable.

It will be noticed that these shipmasters, owning and commanding nothing but sailing craft, prefer the Panama Canal to the Nicaragua Canal as a short and safe passage from ocean to ocean.

Taking up the questions in their order and summarizing the answers given to each by the officers above named, we find that to question—

1. Supposing both canals to be open to use at an equal toll, and considering canal and wind conditions at each place; taking for example a steamer 450 feet long, drawing 25 feet, which canal would you use?

The answers are unanimous for the Panama Canal.

2. Would you take a steamer through the Panama Canal with her own power except for help at locks?

The answers are:

Capt. JAMES B. WATT. Yes. With a well-found steamer of the above dimensions, the canal could be navigated without any outside help.

Capt. J. G. CAMERON. Certainly.

Capt. J. C. JAMISON. I do not think so unless the curves are very gentle I would require assistance at curves.

Capt. H. E. NICKELS. Yes.

Capts. H. DOXRUD and RIGELSON. No.

Capt. J. DANN. Yes; if twin screws.

Capt. J. W. SHACKFORD. Yes; it would be much safer, however, with two tugs.

Captains DOWNS, BYRNE and JOHNSON. No.

Capt. W. G. SHACKFORD. I would.

Captain PENRICE. No.

The other captains, officers, and pilots all say they would take a vessel through only with the assistance of tugs, saying, however, that one tug would be sufficient.

3. If you would require assistance, how many tugs?

A. Two tugs, with mooring posts on the banks at curves, is the maximum requirement of all the officers in this matter.

4. What speed would you say you could proceed at?

A. Some say 3 knots in the canal, while others say 7; all say very slow at curves.

5. Do you consider a vessel while in the canal in more danger, such as grounding, collision, etc., than in the open sea?

A. Captain Cameron and Pilots Gillespie and Shields say no. The other captains all say yes, a vessel is in much greater danger.

6. Is the absence of wind along the canal route a good or bad feature?

A. Unanimously, "A good feature."

7. Would you take a steamer through the Panama Canal at night?

A. Eight say no, they would not. The others say yes, they would, provided the canal was properly lighted, weather good, and ship supplied with search lights.

8. In using the Nicaragua Canal would you undertake to go through under your own power, considering the curves and winds you would meet?

A. (Unanimously.) No.

9. Would the 16-knot breeze, acting on the broadside of a vessel, have any effect in setting her on to the lee bank?

A. The answers are unanimous to the effect that this wind would undoubtedly force the vessels toward the lee bank and that they would be in great danger of grounding.

10. Do you consider the existence of this wind a source of danger to vessels using the Nicaragua Canal?

Captain WATT. Yes; I have had to tie up in the Suez Canal for that reason in a vessel about 450 feet long.

Captain PENRICE. Yes; as I have often had to stop in Manchester Ship Canal on account of wind on the side.

Capt. J. W. SHACKFORD. Most assuredly.

All the other captains say "Yes."

11. Would a steamer passing around the curves in the Nicaragua Canal at the slow speed necessary, respond to her own helm quick enough to make the turns and also overcome the lee set from the wind?

A. Nearly all of the officers say "No;" and a few believe that it would be impossible from keeping the vessel going aground.

12. Would you undertake to navigate a big steamer through the Nicaragua Canal without the aid of tugs?

A. They are unanimous in saying they would not.

13. Why?

Captain WATT. Because the risk would be so great of getting athwart, blocking the canal as well as damaging the vessel.

Captain CAMERON. For reasons mentioned, the numerous curves and the 16-knot breeze.

Captain JAMISON. Because it would be unsafe.

Captains DOXRUD and RIGLESON. Because it is dangerous on account of the many curves, strong currents, and winds.

Capt. J. W. SHACKFORD. Because I consider it impossible, under the conditions of wind and current described, to make the turns in the Nicaragua Canal without frequently taking the bank either one side or the other.

Captains DOWNES, BYRNE, and JOHNSON. Could not make turns with wind, etc.

Captain PENRICE. Because it would not be safe to keep speed enough on ship to take curves.

Capt. A. RITCHER. Because the curves are too short and the winds too strong.

Capt. H. PRAGER. Because there is twice as much risk in the latter canal than in the Panama.

Capt. F. ALLRECHT. Because there would be danger of getting the steamer aground.

The other officers say that there would be great danger of the vessel grounding, and that it would be impossible for a ship to proceed at all without assistance of tugs.

14. How many tugs would you want?

A. Opinion varies—from two powerful tugs up to five.

15. Do you regard the four-knot current in the upper level of the canal as adding to the danger of grounding?

The answers are unanimous in the affirmative.

16. In using the Nicaragua Canal would you proceed at night?

A. Nineteen say "No." Two say "Yes," and the others say it would depend on the lighting of the canal, condition of weather, and strength of the wind.

17. Would you consider the navigation at night more dangerous than in the daytime?

A. The captains and officers are unanimous in saying that they do consider it more dangerous.

18. From the Atlantic ports of the United States to San Francisco the distance by steamer route is 450 miles shorter via the Nicaragua Canal than via the Panama; that 450 miles representing the distance between the Pacific terminals of the two canals is due to the curvature of the coast line. Considering this and also the time used up in going through the respective canals, as well as the danger of grounding, etc., in either, which route would you take if bound from New York to San Francisco?

A. The replies are unanimous in favor of the Panama route.

Mr. MITCHELL. Will the Senator permit me to inquire where this testimony came from, and how it got here? Did it come through the committee or otherwise?

Mr. HANNA. Well, I think a good deal of it came from the same source that yours did.

Mr. MITCHELL. That is not an answer to my question.

Mr. HANNA. In all good nature, Mr. President, I do not want to be interrupted, for I am very tired and I want to get through.

Mr. MITCHELL. I really want to know, if it is proper that I should know.

Mr. HANNA. If it is proper that you should know, when the proper time comes I will give you the information.

Mr. MITCHELL. Is not this the proper time?

Mr. HANNA. I have said that the information comes from the owners of vessels, and from captains, masters, pilots, and other vessel officers.

Mr. MITCHELL. In answer to what?

Mr. HANNA. In answer to questions put to them.

Mr. MITCHELL. By whom?

Mr. HANNA. By the parties who asked the questions.

Mr. MITCHELL. Who were they?

Mr. HANNA. I must beg the Senator's pardon. I object to the Senator's question.

Mr. MITCHELL. Were the questions put by the Isthmian Canal Commission?

Mr. HANNA. No.

M. MITCHELL. Or by any of the members of that Commission?

Mr. HANNA. They were obtained to controvert the testimony of one man. I am answering your question.

Mr. MITCHELL. Mr. President——

Mr. HANNA. I insist on your hearing me through.

Mr. MITCHELL. Very well.

Mr. HANNA. They are answers to questions to controvert the testimony of one man, and only one man, who was brought before the Committee on Interoceanic Canals, an old sailor, who had sailed a ship from Panama to some point on the South American coast for seven months, who was put upon the stand as an expert, to show what the conditions are. I am trying to demonstrate the relative value and the operation and feasibility of these canals. That man was not one of the witnesses before the Commission, but before the committee. I made no objection at that time, Mr. President, and I do not propose to offer an objection now; but the resolution of this Senate, which delegated the power to that committee to send for persons and papers and summon before them witnesses, was intended in its spirit, if not in its letter, to be confined to the members of the United States Commission, but there were brought before that committee all kinds of witnesses, and this sailor man—I do not remember his name—was one of them. He testified under conditions which demonstrated to my mind that he knew what he was going to say when he came there, and that what he stated as facts were not correct.

I instigated these inquiries through proper channels——

Mr. MITCHELL. Will the Senator allow me?

Mr. HANNA. When I get through. I am wound up now and I want to finish what I have to say.

I made these inquiries through proper channels and through proper motives, for the same reason that I have moved inch by inch and foot by foot in this investigation to arrive at the facts and the truth about all these conditions, in order that I might present to my colleagues in the Senate a fair statement; and if any effort which I could make as a member of that committee would bring any facts and information before this body which would aid them in sifting this evidence and satisfying themselves, then I feel that I have done my duty, and that I ought not to be questioned as to how, when, or where I obtained the facts and the information.

Mr. MITCHELL. Will the Senator allow me one moment now?

Mr. HANNA. You can have two or three moments.

Mr. MITCHELL. I have not questioned the propriety of anything the Senator from Ohio has done in regard to this matter. I do insist, however, that we have a right to know if the Senator has gone outside of the investigation that is being conducted by the committee and has made an investigation of his own. I do not deny that he has a perfect right to do that, if he could get information that would be of value upon this question, but is it not proper that we should know what kind of questions were put to these men——

Mr. HANNA. I have read every one of the questions.

Mr. MITCHELL. And who put the questions to the men, and all about it.

Mr. HANNA. I have read every question. The questions were put to those men in writing. They were written questions.

Mr. MITCHELL. Does the statement give the names of the questioners?

Mr. HANNA. The questions are here in writing, and the answers were given in writing by the men of whom the questions were asked.

Mr. MITCHELL. Does the statement from which the Senator is reading give the name of the person who asked the questions?

Mr. HANNA. No; it does not give the name of the person who asked the questions. It was not confined to one person. I used whatever means of acquaintance I happened to have in vessel circles. I have had a great deal of such experience, and I know many of those people myself personally. I have written letters to vessel owners and vessel captains, and I have asked the companies who sail these big ships to give me the facts, and in writing in answer to written questions the facts are given in writing by the men who navigate their ships.

Mr. MITCHELL. I want to suggest that the sailor of whom the Senator speaks, whose name the Senator does not remember, and whose name I do not remember at this time, was subjected to cross-examination. He was before the committee, and the Senator from Ohio and other members of the committee had a right to cross-question him. Now we are confronted, however, by testimony given in an investigation outside, where no member of the committee, certainly except the minority, had the opportunity to put a single question to a witness.

Mr. HANNA. I will give the Senator every one of the names of these witnesses, and he can send a man to cross-examine them if he wants to do so.

Mr. MITCHELL. I simply want to get at the facts.

Mr. HANNA. I make the statement upon my own responsibility that they are facts, and I want to go on record to that effect.

Mr. HARRIS. I hope it will not excite the Senator's impatience, but I infer from what he has said that the questions the answers to which he was reading a while ago and also the question of curvature which came up were not propounded by the Commission.

Mr. HANNA. I did not say they were propounded by the Commission or by the committee.

Mr. HARRIS. I have not said that you did say so.

Mr. HANNA. No.

Mr. HARRIS. I should like to know whether the Senator will say now who is the person who propounded the proposition that the curvature in one canal is three times as sharp as it is in the other.

Mr. HANNA. That is a pretty sharp question.

Mr. HARRIS. But it is easily answered, Mr. President, if the Senator desires to answer it.

Mr. HANNA. Well, I decline to answer further. I have not got down to such details as that. I will continue the summary of written questions and answers:

19. Considering the longer time required to pass through the Nicaragua Canal and its greater dangers, and the fact that in using the Panama Canal sea speed could be resumed so much sooner than via Nicaragua, do you think in the practical use of the canal there would be any actual saving in time between Atlantic and Pacific ports via the Nicaragua Canal?

Answer. Captain WATT. No. On the contrary, there would be a saving of time by taking the Panama route.

Captain CAMERON. I think a great loss would be experienced in using the Nicaragua Canal.

Capt. J. W. SHACKFORD. In my opinion there would be a saving of time by using the Panama Canal.

Capt. F. ALLRECHT. Considering the existing conditions and the fact that in using the Panama Canal sea speed could be resumed much sooner, there would be no actual saving of time between Atlantic and Pacific ports via Nicaragua Canal.

Capt. JOSHUA SLOCUM. No. On the contrary, there would be a loss of time, greater or less, according to the sea speed of the ship.

Capt. H. O. NEILSEN. The saving in time would be in favor of the Panama Canal.

The others unite in saying, "No, there would be no saving in time via Nicaragua."

20. In the case of sailing vessels. The calms which prevail in the Bay of Panama most of the year have been quoted as a detriment to the Panama Canal as a route for sailing craft, while the trade wind which blows at Nicaragua route has been referred to as a very favorable factor there. The general impression in Congress is that sailing vessels will sail right through the Nicaragua Canal, regardless of the fact that the canal is only 200 feet wide, full of curves, and the eastern portion subject to daily and violent squalls of rain and wind. Would not a sailing vessel have to be towed through either canal?

Captain WATT. Yes; sailing vessels, using the term in its ordinary sense, would have to be towed.

Captain CAMERON. I think it impractible for a sailing vessel to sail through the Nicaragua Canal without going ashore. In my opinion sailing vessels would have to be towed through either canal.

Capt. W. G. SHACKFORD. Most certainly, in all cases.

Captain JAMISON. It would be impossible for a sailing ship to go through without tugs.

Captains DOXRUD and RIGELSON. Yes, in our opinion it is impossible to sail through either canal with safety.

Capt. J. W. SHACKFORD. Most certainly. I consider it an impossibility for a sailing vessel to pass through either canal under canvass. She would have to be towed through, her sails furled and her higher spars struck or housed.

Captain SLOCUM. The sailing ship would certainly have to be towed through the Nicaragua Canal.

Capt. H. O. NEILSEN. It would be dangerous to try to navigate a sailing ship through any canal; if caught in a squall aback, she would without fail be on the bank, and most likely the rigging over the side; besides a ship under sail in close quarters would be a menace to any other vessel going through the canal. A sailing ship should be compelled by law to use tugs.

The others say that all sailing vessels would have to be towed through the canal.

21. Which route would be the easiest to tow through?

The answer is unanimous in favor of the Panama Canal.

22. Would the strong winds at Nicaragua have such effect on the masts and yards of a vessel as to blow her on to the lee bank of the canal?

The officers are unanimous in saying that the wind is bound to affect more or less a vessel in the matter of giving her leeway; some express the opinion that the resistance offered by the masts and yards of the vessel would be so great as to make it almost impossible to prevent her grounding, while others say that the vessel could be kept in the channel only with great difficulty and the assistance of powerful tugs.

23. Would the passage of a sailing ship bound east through the Nicaragua Canal with a 4-knot current running the same way and a beam wind be any more difficult or dangerous than for a vessel west bound against that current and wind abeam?

The answers are, "Yes. The passage is more dangerous and difficult with the current than against it."

24. Could the curves be rounded as safely one way as the other?

The answers are, Yes and No; the opinion of the officers is much divided, depending on the appliances which would be at hand for checking the steamer's headway.

25. Consider both canals open, and yourself bound from New York to San Francisco in a sailing ship, using the Nicaragua Canal you would have to be towed through the entire length—187 miles.

Through the Panama Canal you would also be towed 47 miles. By keeping your tug which would take you through the Panama Canal and letting it tow you straight out to sea 140 miles, you are out of the calm belt and have wind, having towed the same distance only as you would to have gotten through the Nicaragua Canal.

In view of all the conditions, winds, curves, calms, etc., governing each route, which canal would you use?

The answers are unanimously for Panama.

26. Why?

Captain WATT. Because it would be more safe, more expeditious, and more economical to do so.

Captain JAMISON. Because I consider the Nicaragua route an impracticable canal to navigate with a 4-knot current.

Capt. W. G. SHACKFORD. I do not consider the longer distance from Panama to the Pacific ports an element to be taken into consideration when one is choosing which route to go by, as it is more than made up by less danger and quicker transit of the Panama Canal, even if the tug—in case of a sailing vessel—had to tow her for twice the difference in distance of the two routes, after getting in the Pacific.

Capt. H. E. NICKELS. Less time and less danger.

Captains DOXRUD and RIGELSON. The route is shorter and less dangerous.

Capt. J. W. SHACKFORD. Because of the shorter route, fewer curves, of less sharpness, and less current.

Captains DOWNS, BYRNE, and JOHNSON. It is shorter and safer.

Chief Officer MARSDEN, S. S. *Philadelphia*. Less risk, with shorter distance and fewer and longer curves.

Chief Officer FRANCKE, S. S. *Friesland*. Less wind, less current, less locks, less time; therefore, less danger.

Capt. CHARLES W. ROGERS. Easier of navigating; therefore, less dangers.

Capt. J. DANN. It's the safest and most expeditious.

Capt. W. D. BURNHAM. Because the shorter the canal the less danger, less liable to detention in the canal, and in practice actually believe there would be saving of time between ports by using the Panama Canal and towing through the calm belt at the western end.

Inspector DUNNING (Atlantic Mutual Insurance Company). Owing to the shorter distance and time, less danger than by Nicaragua Canal.

Capt. H. O. NIELSEN. Because of the shorter distance of "canal dangers" and the calm and open sea of "no danger."

The ten Maine owners and captains of sailing vessels all say because of less time in the canal.

The New York pilots: The safest and shorter and easier inland navigation.

The others give similar reasons.

27. Do you think that in the event of the construction of either of these canals the coastwise traffic will be done entirely by steam?

A. The majority of the captains and officers believe that it will be.

28. Would the continuous passage of a vessel through the 70 miles of fresh water in Lake Nicaragua have any appreciable effect on the foul growth and barnacles on her hull?

The answers are almost unanimous in saying it would have little or no effect, because of the short time in fresh water.

In the testimony given before the Senate Committee on Interoceanic Canals at the several hearings on the canal subject, three or four features received much attention as being of especial advantage to the Nicaragua route, or of disadvantage to the Panama route. Those features were the strong trade wind which prevails along the line of the Nicaragua Canal, which was said to be a very favorable factor to that canal, as it would enable sailing vessels to sail through from ocean to ocean and thereby avoid the expense of being towed; (2) the lack of wind at Panama and the doldrums which prevail in the Bay of Panama were set forth as a great disadvantage to that route, because, as it was stated, sailing craft could not use the Panama route; (3) the great benefit vessels would derive from passing through Lake Nicaragua, because the action of the fresh water on the sea growth on their hulls, it was said, would leave the same clean as a result of their passage through the lake.

This testimony has been incorporated in the report of the Senate committee and these features made much of by the advocates of the Nicaragua route.

It is interesting, therefore, to read the opinions of shipmasters of the highest standing and of practical experience in handling ships in canals, as well as pilots who daily handle vessels of all kinds in channel ways of even greater width and depth of water than would be found in either canal.

The unanimous opinion of all the captains and pilots to whom the question was submitted (see their individual statements, which I have quoted) is that the absence of wind at the Panama route is a good feature, as it insures much safer navigation of the canal. They are equally unanimous in saying that the strong trade wind which blows across the route of the Nicaragua Canal is a source of much danger to vessels using that route as it would give any steamer, particularly one that was light, a set to leeward, the majority of the officers believing that it would be impossible to keep a vessel with this wind blowing on her broadside from going aground on the lee bank of the canal. Captain Watt, of the steamship *Campania*, states that on several occasions when passing through the Suez Canal he was forced to tie up until the wind subsided. He estimated the strength of the wind he encountered in the Suez Canal at 15 knots. (The average strength of the trade winds at Nicaragua is 16 knots.)

Capt. O. Penrice, of the steamship *Camoens*, of the Lamport and Holt Line, makes six trips a year through the Manchester Ship Canal. He states that many times he has been forced to make fast to mooring posts at the bank because the prevalence of a 10 to 12 knot breeze on the side made it impossible for him to proceed and keep from going aground on the lee bank.

Capt. W. G. Shackford has taken his steamer through the Manchester and Kiel canals several times and has had the same experience with wind as the captains above named.

Contrary to the general opinion, based somewhat upon the reports of the Senate Committee on Interoceanic Canals, that the Nicaragua route is particularly advantageous for sailing vessels because of the prevalence of the trade wind, which, it is believed, would enable them to sail through the canal and so save any expense of towage, the shipmasters are unanimous in saying that it will be absolutely impossible to sail a vessel through the Nicaragua Canal.

They say that in the first place there is not room enough to tack a vessel; that the average leeway a sailing vessel makes, especially with the wind abeam and at slow speed at curves, would put her on the lee bank of the canal before she had gone any distance; that it will be utterly impossible for her to make the turns in the canal unassisted, and that a vessel bound from the Pacific to the Atlantic Ocean will have a head wind a great portion of the distance.

In the case of a sailing ship, the masts and yards of which, even with the canvas snugly furled, offer a great deal of resistance to wind, the danger of being blown onto the canal banks will be even greater than with a steamer. It is the opinion of the shipmasters that it would be difficult to tow the modern sailing ship through the Nicaragua Canal with safety, so far as grounding is concerned, because of the great pressure which the wind would exert on its spars, thereby blowing it sideways onto the canal bank.

The shipmasters and pilots are unanimous in saying that, because of the absence of wind at the Panama route, they would prefer to go through that canal, as its passage would be less hazardous.

The ten Maine shipmasters, whose interest is entirely in sailing craft engaged in the coastwise trade, the class of shipping which the Senate committee in its report states will be most benefited by the construction of the Nicaragua Canal, are unanimous in saying that if both canals were opened at an equal toll they would use the Panama Canal, because of the shorter time the ship would be in a canal and in danger, and because the absence of winds along the Panama Canal renders the transit there from ocean to ocean less difficult and dangerous than via Nicaragua. In giving this opinion they took into consideration the fact that their vessels would have to be towed at least 150 miles to sea after emerging from the Panama Canal into the Pacific before they would find sufficienf wind to proceed on their voyage without the assistance of tugs.

Another consideration of importance is the cost of assistance from tugs.

The expense of taking any craft, steamer, or sailing vessel through an isthmian canal will be much less by the Panama route than by the Nicaragua route according to the statements of the shipmasters. In response to questions Nos. 2, 3, 12, and 14, already quoted, as to whether the assistance of tugs would be required in navigating the canals and the amount of such assistance, the replies show that while a few state that they would pass through the Panama Canal without any assistance whatever, except for mooring posts at the entrance to locks, all the others say that the most assistance they would require would be two tugs. On the other hand, they say that they would not undertake to pass through the Nicaragua Canal without the assistance of from two to five powerful tugs.

As to the effect of fresh water on barnacles, etc., the opinions of the shipmasters are directly at variance with statements made to the Senate committee and embodied in their report. They are unanimous in saying that from their experience with vessels in fresh-water ports the action of the fresh water of Lake Nicaragua on barnacles and foul growth on the hulls of vessels which would pass through the canal and lake would have little or no effect in removing that growth. To obtain any benefit from the action of fresh water in removing the foul growth from the bottoms of the vessels the shipmasters say it would be necessary for the vessel to remain in the fresh water for from four to six weeks. They say there is nothing in this argument worthy of consideration in taking into account the advantages and disadvantages of the two proposed canal routes.

I wish so say further, in connection with the testimony which I have just read, that I have here in this book the questions to and answers of every one of these men, their names, the vessels they sail, and the names of the owners, and all are in writing; and if anyone has curiosity about them or questions the authenticity of the statements, he is at liberty to examine the originals of the statements.

There was but one purpose in my mind in seeking this information. Nearly all my life I have had to do with the navigation of ships on the Great Lakes. Many of them to-day are as large as

the average ship which would go through the canal. We have difficult and dangerous navigation through the straits of those lakes, rapidly being improved. I know what it means to have the wind abeam and a strong current against you. I know what it means to have a vessel take a sheer when she is running at slow speed. I have been on ships many times when they have gone onto a bank under such conditions.

Knowing that and appreciating fully the dangers and delays in the operation of a canal like this, and not wishing to claim a standing here as an expert, I took advantage of my acquaintance with those connected with the great maritime interests of this country to obtain these facts, not with a view of producing evidence to gain a simple point, but to submit them to my colleagues as facts, vouched for by myself as correctly taken, and in written form open to your examination.

I am not carried away by any pride of opinion in my choice of these routes.

I said yesterday that, in common with many of my fellow-citizens, I entered upon this question imbued with the same sentiment that has inspired us all for years past, that the time must come, sooner or later, when, if a canal was built to connect the Caribbean Sea and the Pacific Ocean, it must be built, owned, and operated by the United States.

I started on the work connected with that committee with the honest and earnest desire to accomplish that purpose; and if the work on the isthmian canal is not commenced by the United States Government in the year 1902 it will not be my fault.

I have heard insinuations on the streets and elsewhere as to the motives which have prompted those who, in the progress of this canal subject, have been led at least to believe that after all, and fortunately so, the way was open to us to buy and to finish a canal at a place recommended by the best talent available in the world as the best, a canal to be constructed for the benefit of all nations. While misfortune has met the Panama enterprise as to its finances, there has been no evidence produced here or elsewhere, to my knowledge, which controverts the statement that the work done so far, from the beginning to this moment, has been on the line of the best possible engineering policy and methods.

We have inherited this opportunity. It has come to us without our seeking, simply because the people of the United States had developed a determination to carry to the finish the great work of a canal. I repeat—and I repeat it with pride as an American citizen—that the inspiration of this great work does not come from any selfish or narrow motive.

If a canal is built and is operated, it will be built and operated by the American people.

But there is one condition to which I wish to call your attention before closing. If, as I claim, the route of the Panama Canal is the best for the canal, and if for any cause we should decide to construct a canal along the Nicaragua route, what assurance and what guaranty have we that some other nation or parties may not decide to finish the Panama Canal upon its responsibility?

With the growing wealth of this country and of others; with capital eagerly and boldly seeking investment; with the complications of nations in the struggle for supremacy and commerce; with a full and high appreciation of the value of this great work, offensive and defensive, in war; with the jealousy which may arise at any time through the channels of commerce in contests with other nations who, as we well know, have wealth and enterprise as well as the United States,is it not possible, Mr. President, that there may be two canals, should we build the Nicaragua Canal?

If we are to be a competitor with the Panama Canal, then, in my judgment, we would be at a great disadvantage because of all the points which I have attempted to make by a comparison of the two routes. Our competitors would have all the advantages that I have outlined as existing in favor of the Panama Canal.

Gentlemen must consider, as a commercial and business proposition, the cost of maintenance and operation, where there is an acknowledged difference between the two in favor of Panama of $1,300,000 per annum, the interest at Government rates, as I said yesterday, on $65,000,000.

I have heard it urged that we ought not to consider the commercial side of this question. Mr. President, the commercial side of this question is the one side which interests all the people, East and West, North and South.

It is to aid in the development of each section of our country alike.

The opportunities which will be given geographically to one section over another will be to the benefit of that particular section, but we are trying to serve the whole people and the whole country.

It is to be a canal which will benefit the people of the United States and the people of the universe.

If there is any pride or sentiment in this proposition let us carry it to the high level of doing that which will place the United States where she belongs as a leader of civilization and humanity.

Let us not discuss in detail the technique as to whether the mouth of the canal is nearer to New Orleans or to Pensacola or to Norfolk or to Baltimore or to New York.

Commerce will flow in natural channels. Economics will control results. But shall we stop to consider the question as to who will get the best of it? Who will stop to discuss whether in the equation of payments one section of this country will pay more or less than another?

Where will you look for inspiration upon any great public question if you eliminate the necessities of the people by sneeringly calling them "commerce" or "commercial value?"

Mr. President, there is nothing inconsistent from a national and patriotic standpoint with the ambition and the aims connected with this enterprise, if we at the same time consider on parallel lines the material benefits which it is going to bring to the whole people. If we had the canal built to-day, after passing through all these discussions, and if we found that we had made a mistake in our selection, we would feel, as I have said, that something personal or sectional or otherwise had influenced our decision as against the advice and the judgment and the information furnished us by the highest possible authorities in the United States or elsewhere.

Now, Mr. President, in closing for to-day, although there are many other matters which I may be called upon to present later, I wish to have it understood, so far as concerns the work of the committee, that those of us who have joined in the minority report have merely sought to give to this body the result of our judgment as to what is for the best interest of our country—the whole country.

Mr. BACON. I beg leave to present two amendments which I design to offer at the proper time. One of them is to the bill now pending and the other is an amendment to the proposed amendment of the Senator from Wisconsin [Mr. SPOONER]. I ask that the amendments be read and printed.

The PRESIDENT pro tempore. The proposed amendments will be read.

The Secretary read as follows:

Amendments intended to be proposed by Mr. BACON to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

1. On page 2, line 3, strike out the words "Secretary of War" and insert in lieu thereof the words "Isthmian Canal Commission hereinafter authorized."

2. On page 2, lines 10 and 11, strike out the words "Secretary of War" and insert in lieu thereof the words "Isthmian Canal Commission, under the direction of the President."

3. On page 3, line 6, strike out the words "Secretary of War" and insert in lieu thereof the words "said Isthmian Canal Commission, subject to the approval of the President."

4. On page 3, after the word "defenses," at the end of said line, insert the words "or any part thereof."

5. Add an additional section to said bill, to be known as section 7, as follows:

"To enable the President to construct the canal and works appurtenant thereto as provided in this act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members who shall be nominated and appointed by the President by and with the advice and consent of the Senate, and who shall serve during the pleasure of the President. Of the seven members of said Commission, at least four of them shall be persons learned and skilled in the science of engineering, and at least one shall be an officer of the United States Army and one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army and the Navy. Said commissioners shall receive as their compensation the sum of —— dollars per annum and such additional allowance for expenses as may be allowed by the President in his discretion. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life at his discretion, and any other persons necessary to make such investigation, and to fix the compensation of any and all of such engineers and other persons. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings in the construction of said work and in the performance of their duties in connection therewith. And the said Commission shall futhermore give to Congress, or either House of Congress, such information as may be required, either by act of Congress or by the order of either House of Congress."

Mr. BACON. I do not think it will be necessary to read the other amendment, because it is practically the same. In fact, the sections just read, providing for the creation of a commission, are identical, and the other amendment simply adapts it to what is known as the Spooner amendment. It is the same scheme provided for in the amendment proposed to the original bill.

The PRESIDENT pro tempore. The amendments will be printed and lie on the table.

The second amendment proposed by Mr. BACON is as follows:

Amendments intended to be proposed to the amendment proposed by Mr. SPOONER to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

1. On page 3, line 12, strike out the words "Secretary of War" and insert in lieu thereof the words "Isthmian Canal Commission hereinafter authorized."

2. On page 3, line 22, strike out the words "Secretary of War" and insert in lieu thereof the words "said Isthmian Canal Commission under the direction of the President."

3. On page 3, line 24, after the word "and," insert the words "the President shall."

4. On page 4, line 1, strike out the sentence beginning with the word "That" and ending with the word "compensation," in line 3.

5. On page 4, line 15, strike out the words "Secretary of War" and insert the words "said Isthmian Canal Commission."

6. On page 4, line 24, strike out the words "Secretary of War" and insert the words "said Isthmian Canal Commission."

7. On page 5, line 1, after the word "and" and before the word "shall," insert the words "the President."

8. On page 5, line 4, after the word "cause," insert the words "the said Isthmian Canal Commission to make."

9. On page 5, line 5, after the word "harbors," strike out all the remainder of said sentence to and including the word "compensation," in the eighth line.

10. On page 5, line 15, strike out the words "Secretary of War" and insert the words "said Isthmian Canal Commission, subject to the approval of the President."

11. On page 5, in line 18, after the word "defenses," insert the words "or any part thereof."

12. Add an additional section to said amendment, to be known as section 7, as follows:

"To enable the President to construct the canal and works appurtenant thereto as provided in this act there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve during the pleasure of the President. Of the seven members of said commission at least four of them shall be persons learned and skilled in the science of engineering, and at least one shall be an officer of the United States Army, and one shall be an officer of the United States Navy, the said officers, respectively, being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall receive as their compensation the sum of —— dollars per annum and such additional allowance for expenses as may be allowed by the President, in his discretion. In addition to the members of said Isthmian Canal Commission the President is hereby authorized to employ in said service any of the engineers of the United States Army, at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work, and to fix the compensation of any and all of such engineers and other persons. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President, annually and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their actings and doings in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required, either by act of Congress or by the order of either House of Congress."

Mr. MITCHELL. I desire to take the floor on the pending bill.

Mr. HARRIS. Mr. President——

Mr. MITCHELL. I yield to the Senator from Kansas.

Mr. HARRIS. I merely desire to give notice that on the conclusion of the remarks of the Senator from Oregon to-morrow I shall address the Senate on the pending bill.

Mr. GALLINGER. Mr. President, on the 11th day of March the junior Senator from Kentucky [Mr. BLACKBURN] had printed as a document a communication from Mr. G. A. Karwiese, civil and consulting engineer, of Louisville, Ky., in reference to an interoceanic canal. I know nothing about the matter beyond the fact that it is a brief and very interesting document, and I ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that a document printed by order of the Senate be printed in the RECORD. Is there objection? The Chair hears none.

The document referred to is as follows;

[Senate Document No. 245, Fifty-seventh Congress, first session.]

PANAMA CANAL ROUTE.

[March 11, 1902.—Referred to the Committee on Interoceanic Canals and ordered to be printed.]

Mr. BLACKBURN presented the following memorial from Mr. G. A. Karwiese, civil and consulting engineer, Louisville, Ky., setting forth the advantages of a certain route for the construction of the Panama Canal:

200 GRAY STREET, *Louisville, Ky.*

To the honorable Senators and Representatives of the United States in Congress assembled:

The act of Congress approved March 3, 1899, contemplated a full investigation of the Isthmus of Panama, with a view of discovering the best and most feasible route for an isthmus canal to connect the Atlantic and Pacific oceans.

Having spent several years upon the Isthmus, and made eight surveys across the same, I respectfully present for your consideration the shortest, best, and cheapest route of all yet discovered, being between the Gulf of San Miguel, through the Aputi Valley, on the Pacific, and the Boca del Atrato, a part of the Gulf of Darien, on the Atlantic side of the Isthmus.

My explorations were the most comprehensive and exhaustive that have ever been made, and the route for an Isthmus ship canal herein recommended is entirely new and heretofore unexplored, and the canal proper is outside the concessions made by the United States of Colombia to the Panama Canal Company.

By an examination of the map of Colombia it will be observed that the Gulf of San Miguel makes an indentation of several miles into the Isthmus, furnishing a safe harbor for sheltering or repairing vessels, and the same conditions exist in the Gulf of Darien, thus supplying what no other route does.

Said route will require a canal less than 18 miles in length from tide water on the Pacific to tide water on the Atlantic, with a mountain obstruction of about 1½ miles, requiring a tunnel, which is no formidable obstruction in this age of scientific engineering.

This will be virtually a sea-level canal, the proposed locks at either end of the canal being for the purpose of regulating the tidal flow between the two oceans and controlling the waters that supply the canal and eliminate all danger of a lack or a surplus of water.

The locks are estimated for at 800 feet in length, 88 feet in width, and 32 feet in depth (inside measurement), capable of accommodating the largest ships in existence, or that are liable to be constructed.

The estimated cost of constructing this canal, including locks, tunnels, and dams for controlling the water, is $48,000,000, with a liberal margin for unforeseen contingencies.

While the distance between the tide waters of the Atlantic and Pacific is only 18 miles, it will probably be found advisable to place the locks farther apart.

The advantages of a sea-level canal, with only two locks, can be readily understood over a canal with numerous locks that have to raise and lower vessels 108 feet and 8 inches.

The abundance of surplus water upon the Aputi Valley route I propose to utilize in erecting and operating electric power and light plants to be used first in constructing the tunnel, and afterwards in lighting the tunnel and for moving all vessels through the canal from ocean to ocean, and for such other purposes as modern science and invention may require along the route of the canal.

SOME OF THE ADVANTAGES OF THE APUTI ROUTE.

First. It is the shortest feasible route between the Atlantic and Pacific oceans yet discovered, and the only available sea-level route, requiring only two locks, one at each terminal, for the purpose of controlling the navigable water level between the locks, and at the same time furnish protection against ocean tidal overflows.

Second. The cost of construction will not be one-third of the amount required to complete any other proposed canal, nor will it cost one-third as much to maintain after completion; consequently the tonnage charges could be two-thirds less.

Third. No other proposed canal has such ample and safe natural harbors at either terminal for the protection of shipping, and in fact at the terminals of either the Panama or Nicaraguan routes these harbors must be constructed at a very large outlay of money, estimated at $10,000,000 each, or $20,000,000 for both.

Fourth. At each lock can be constructed dry docks, one for sailing vessels and one for steamers, where all necessary repairs can be made.

Fifth. The surplus water can be utilized for producing immense electrical power for propelling vessels through the canal, for lighting the tunnel, and for other purposes.

Sixth. It is free from financial complications and volcanic disturbances.

Seventh. The tide waters of the Atlantic and Pacific approach nearer, with less intermediate obstruction, than at any other points on the Isthmus.

Believing that no investigation and report contemplated by the act of Congress of March 3, 1899, would be complete that did not embrace the route discovered by myself, and believing, furthermore, that a commission composed of experienced and practical engineers would, upon examination, favor my route over all others, I respectfully submit the brief statement herein made for your consideration and action. I desire to state that I was associated with M. Ferdinand de Lesseps as a civil engineer in his successful Suez Canal enterprise, and afterwards in the same capacity with him on the Panama Canal route.

I was engaged with Captain Eads in his Mississippi River project to supply deep water to the Gulf, and I have visited and carefully examined every great engineering work and tunnel in Europe and America.

I have traversed the routes of both the Panama and Nicaragua canals and the Isthmus of Panama from Lake Nicaragua to the Gulf of Darien, and made eight surveys in as many years across the Isthmus, and I believe I am more conversant with the topography of the Isthmus of Panama than any other man living; hence my desire to give the Government of the United States, my adopted country, the benefit of my knowledge and experience, and, if possible, to prevent it squandering a large amount of money upon a canal which, if ever completed, will prove an expensive and worthless failure.

Very respectfully,

G. A. KARWIESE,
Civil and Consulting Engineer.

EXECUTIVE SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 7, 1902, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate June 6, 1902.

APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

William B. Orear, of Georgia, contract surgeon, United States Army, to be assistant surgeon of volunteers with the rank of captain, June 3, 1902, vice Richmond, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1902.

CONSULS.

Max J. Baehr, of Nebraska, now consul at Magdeburg, Germany, to be consul of the United States at Cienfuegos, Cuba.

Ross E. Holaday, of Ohio, to be consul of the United States at Santiago de Cuba.

Joseph I. Brittain, of Ohio, now consul at Nantes, France, to be consul of the United States at Kehl, Germany.

Benjamin H. Ridgely, of Kentucky, now consul at Malaga, Spain, to be consul of the United States at Nantes, France.

MARSHAL.

George I. Cunningham, of South Carolina, to be United States marshal for the district of South Carolina.

APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Samuel M. Whitside, Tenth Cavalry, May 29, 1902.
Col. Sumner H. Lincoln, Tenth Infantry, May 29, 1902.

Medical Department.

William Lordan Keller, of New York, contract surgeon, United States Army, to be assistant surgeon with the rank of first lieutenant, June 2, 1902.

Charles Clarence Billingslea, of Maryland, contract surgeon, United States Army, to be assistant surgeon with the rank of first lieutenant, June 2, 1902.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. William Quinton, Fourteenth Infantry, to be colonel, May 28, 1902.

Lieut. Col. Jesse C. Chance, Twenty-sixth Infantry, to be colonel, May 28, 1902.

Maj. Ralph W. Hoyt, Tenth Infantry, to be lieutenant-colonel, May 28, 1902.

Maj. George A. Cornish, Fifteenth Infanty, to be lieutenant-colonel, May 28, 1902.

Capt. Charles H. Bonesteel, Twenty-seventh Infantry, to be major (subject to examination required by law), May 9, 1902.

Capt. Lyman W. V. Kennon, Sixth Infantry, to be major (subject to examination required by law), May 28, 1902.

Capt. William Lassiter, Sixteenth Infantry, to be major, May 28, 1902.

Capt. Charles G. Morton, Sixth Infantry, to be major (subject to examination required by law), May 28, 1902.

First Lieut. George F. Baltzell, Fifth Infantry, to be captain, May 9, 1902.

First Lieut. Edgar T. Conley, Twenty-first Infantry, to be captain, May 26, 1902.

First Lieut. Edgar T. Collins, Eighth Infantry, to be captain, May 28, 1902.

First Lieut. Seaborn G. Chiles, Eleventh Infantry, to be captain, May 28, 1902.

First Lieut. Lyman M. Welch, Twentieth Infantry, to be captain, May 28, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Asst. Engineer J. Edward Dorry, to be a chief engineer in the Revenue-Cutter Service of the United States.

First Asst. Engineer Charles A. McAllister, to be a chief engineer in the Revenue-Cutter Service of the United States.

Second Asst. Engineer Theodore G. Lewton, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Second Asst. Engineer Albert C. Norman, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Second Asst. Engineer C. Gadsden Porcher, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Acting Second Asst. Engineer Norris K. Davis, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Acting Second Asst. Engineer Lorenzo C. Farwell, of Massachusetts, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Acting Second Asst. Engineer William J. Gilbert, of North Carolina, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Second Lieut. George C. Carmine, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. George M. Daniels, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Detlef F. A. de Otte, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Frederick J. Haake, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Eugene Blake, jr., to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Frank B. Goudey, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Philip H. Scott, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. William J. Wheeler, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Herman H. Wolf, to be a second lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Clinton L. Kester, to be postmaster at Marcellus, in the county of Cass and State of Michigan.

James H. Williams, to be postmaster at Whitehall, in the county of Muskegon and State of Michigan.

Charles McKerlie, to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan.

Christopher T. Bailey, to be postmaster at Raleigh, in the county of Wake and State of North Carolina.

Eleanora Andrews, to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

Edward L. Bates, to be postmaster at Pentwater, in the county of Oceana and State of Michigan.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 6, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMPENSATION OF GEN. LEONARD A. WOOD.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to submit the following privileged report on House resolution 278, and move that the resolution lie on the table.

The Clerk read as follows:

Resolved, That the Secretary of War is requested to furnish to the House, if not incompatible with the public interest, the following information: What salary or other compensation has been paid to Gen. Leonard A. Wood, late governor-general of Cuba, during the occupation of Cuba by the military forces of the United States, and by what authority and under what law such salary or compensation has been paid.

Mr. HAY. Mr. Speaker, I ask leave to file the views of the minority of the committee.

The SPEAKER. The gentleman from Virginia files the views of the minority.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. As I understand it, Mr. Speaker, the committee recommends that this resolution lie on the table, and I want to inquire whether or not the motion of the gentleman by the instruction of the committee is debatable?

The SPEAKER. It is not debatable.

Mr. DALZELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. Is not this resolution identical, or almost identical, with the one disposed of yesterday?

The SPEAKER. That is not a parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. I make the point of order, Mr. Speaker, that the motion is debatable, and I would like to be heard on that point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. BARTLETT. This is a resolution, Mr. Speaker, which was introduced on the 28th day of May, a resolution of inquiry addressed to the Secretary of War for certain information to be furnished to the House. The resolution has not been reported until to-day. It became a privileged resolution on the 4th instant, the week having expired within which the committee did not make a report.

Now, I desire to call the attention of the Chair to certain parliamentary precedents on the subject. I call attention to section 426 and following sections of Hinds's Parliamentary Precedents, which contain rulings of the Chair on various questions of this sort, and which declare that resolutions of inquiry not being reported within the week, a motion to discharge the committee from consideration of it presents a question of privilege. That is to be found on page 3275 of the RECORD of the Forty-seventh Congress. That is the rule:

A resolution of inquiry may be reported back at any time within a week, and is privileged for consideration when reported.

The resolution becomes privileged in two ways, Mr. Speaker. It is privileged when the committee reports it within the week. The committee may fail to report it within a week, and then it becomes privileged, to be called up at the instance of any member of the House, and because it is so privileged after the week has expired it is reported for consideration.

Now, I refer the Chair to section 430 of Hinds's Parliamentary Precedents, and also to page 6218 of the RECORD of the Fifty-second Congress and page 625 of the Fifty-sixth Congress. I do not mean to say by reference to these citations that they are exactly in point with that which I make in this case, but the point I make now is that the committee having failed to report this resolution within the week, by such failure it becomes a privileged resolution, just as much so as a veto of the President upon a bill becomes a privileged matter, to be called up by any member of the House at any time. And being so privileged, it is privileged for consideration.

I make the point of order that the report which comes in after six days and after the time fixed by the rule has become privileged matter for consideration, and I make the point that a report which proposes simply to lay a resolution on the table is not the consideration contemplated by the rules and the precedents established by the House. It is simply laid on the table and not considered at all. It might be said, although I do not think it is so, that after it was laid on the table, being a privileged resolution, any member of the House could move to take it from the table and

have a vote upon it, just as you could a bill vetoed by the President which had been laid on the table.

I raise the point of order and ask the Chair to decide whether or not, this being a privileged resolution and being under the rules a privileged resolution for consideration, a report recommending that the resolution lie on the table or a motion made by the chairman of the committee is one that must be considered by the House?

The SPEAKER. There is no difficulty at all about this question; it is well settled again and again.

Mr. RICHARDSON of Tennessee. Mr. Speaker, before the Chair rules, I desire to submit one matter to the Chair.

The SPEAKER. The Chair is ready to rule, but will hear the gentleman.

Mr. RICHARDSON of Tennessee. I do not wish to delay this matter; but it is well established that there are certain motions which are privileged, and, as I understand parliamentary law, you can not apply one privileged motion to another privileged motion. A motion to adjourn, for instance, is of the highest privilege; and you can not apply to a motion to adjourn a motion to lay on the table.

The motions which are privileged in their nature and character are specified in the rules; and, as I have just said, it is, as I understand, the universal rule that you can not apply one of these privileged motions to another. A motion to adjourn, a motion to postpone indefinitely, a motion to lay on the table, can not be laid on the table. In other words, no one of these motions, being privileged, can be superseded by a similar motion. I do not see how the motion to lay on the table can be applied to this privileged motion—a motion made privileged under the rule which has been cited.

The SPEAKER. The gentleman from Tennessee must bear in mind that the matter reported by the committee is not a motion, but is a resolution. As the Chair was about to state, the question here presented is a very simple one and has been repeatedly decided. The rules give a committee one week within which to report back a resolution of this character—a resolution of inquiry addressed to the head of a department. If, as in this case, a resolution of this character, referred to a committee, is not reported back within a week, the rule and the decisions contemplate that any member of the House may protect the interests of the House by calling up the resolution for consideration. That becomes a privilege of the House. But there is no decision that divests the committee or the member representing the committee of the right, the privilege—the Chair might say the duty—of reporting the resolution when it can be done.

Now, while the matter does not bear at all upon the parliamentary situation, it is proper to say that the chairman of the Committee on Military Affairs was ready to report this resolution within the week. But the Chair was very anxious to keep the right of way for the Judiciary Committee, and, at the request of the Chair, the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs, postponed calling up the resolution. And it was again postponed yesterday morning on the joint consent of both the gentleman from Georgia [Mr. BARTLETT] and the chairman of the Committee on Military Affairs. The only change that has been made in the rights of the member representing the Committee on Military Affairs is that the House itself has the same privilege that he has—the privilege of bringing up the resolution if it is not reported.

Now, the gentleman from Iowa has brought in this resolution and moved to lay it on the table. Nothing has transpired that changes his right to make that motion; and there is nothing better settled in parliamentary law than that a motion to lay on the table is not debatable. The Chair also has no doubt that, under the usages of the House, the laying of the resolution on the table, like the postponing of it, is a consideration of the matter by the House. The Chair is, therefore, constrained to overrule the point of order and to hold that the motion made by the chairman of the Committee on Military Affairs is in order; and the question before the House is on that motion.

Mr. BARTLETT. Mr. Speaker, I should like to make a request, if the Chair will entertain it, for unanimous consent. I desire to ask that the report of the committee and the views of the minority may both be printed in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the report of the majority of the committee, with the views of the minority, may be printed in the RECORD. Is there objection? The Chair hears none, and that order is made.

The report of the committee is as follows:

The Committee on Military Affairs, to whom was referred H. Res. 278, as follows:

"*Resolved*, That the Secretary of War is requested to furnish to the House, if not incompatible with the public interest, the following information: What salary or other compensation has been paid to Gen. Leonard A. Wood, late governor-general of Cuba, during the occupation of Cuba by the military forces of the United States, and by what authority and under what law such salary or compensation has been paid"—

report the same back to the House with the recommendation that it do lie on the table.

House Doc. No. 696 of the first session of the Fifty-sixth Congress furnishes the information, together with a letter from the Secretary of War dated May 31, 1902, which states that the salary received as governor of Cuba was $15,000 per year for entire time.

Letter from Secretary of War is made part of this report:

WAR DEPARTMENT, *Washington, May 31, 1902.*

SIR: I observe that a resolution has been introduced in the House, and referred to the Committee on Military Affairs, calling for information as to General Wood's salary in Cuba and the authority under which it has been paid. I should hardly suppose that the adoption of the resolution would serve any useful purpose. You will find the whole subject covered in House Document No. 696, Fifty-sixth Congress, first session, on page 17, of which you will find the order of General Alger making an allowance to General Brooke, out of the revenues of Cuba, at the rate of $7,500 a year. There has been no change since that time, except that when General Wood's commission as major-general of volunteers expired I made an order for a further allowance, equal to the difference between the salary of a major-general and a brigadier-general, so as to keep his total compensation at the same figure, the combined compensation received as an officer of the Army and as governor of Cuba being always $15,000 per annum.

I see that the Cuban Congress has voted that Mr. Palma's salary shall be $25,000. You will see, by examining the document above referred to, that I have already explained this subject both to the Senate and to the House, and neither House of Congress has taken any action or made any objection, although the matter has thus been fully before them for two years, and although there has been important legislation regarding Cuba in the meantime. The payments of this salary are also explained in the full and detailed account of all expenditures of Cuban revenues down to the 30th of April, 1900, transmitted to the Committee of the Senate on Cuba, and contained in five large printed volumes containing a complete and detailed accounting in answer to the calls of that committee, made up at an expense of probably not less than $50,000. It is the purpose of the Department to transmit to Congress at an early day a further accounting, giving the receipts and expenditures in detail down to the close of our occupation, and 13 typewriters are now exclusively engaged in the preparation of this statement. Under these circumstances the passing of this resolution by the House would seem to have somewhat the character of giving the sanction of the House to an attack which is without the slightest foundation.

I should hardly suppose that the House of Representatives would wish to adopt a resolution which implies ignorance on its part of the authority of the President of the United States, under the law of military occupation, to appropriate and expend the revenues of the government of the occupied country. The concluding words of the resolution would seem to have that effect.

It seems hardly worth mentioning that neither the name nor the title of General Wood is correctly stated in the resolution.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs, House of Representatives.

The views of the minority are as follows:

The undersigned members of the Committee on Military Affairs respectfully dissent from the report of the committee on House resolution No. 278, which resolution is as follows:

"*Resolved*, That the Secretary of War is requested to furnish to the House, if not incompatible with the public interest, the following information: What salary or other compensation has been paid to Gen. Leonard A. Wood, late governor-general of Cuba, during the occupation of Cuba by the military forces of the United States, and by what authority and under what law such salary or compensation has been paid."

General Wood is an officer in the United States Army, with the rank of brigadier-general, and, as such officer, was governor-general of the island of Cuba, and in command of the military forces of the United States stationed in Cuba. His pay and emoluments of office were fixed by statute, as an officer of the United States Government. The pay of a brigadier-general of the Army is by statute fixed at $5,500 per annum, or $458.33 per month, and 10 per cent therefor for serving beyond the limits of the United States.

The statement has been made in the press that large sums have been paid to General Wood as salary and allowances during his service in Cuba—far in excess of the amount allowed by law for salary and allowances.

The purpose of this resolution was simply to arrive at the facts, and expressed no opinion as to the legality of the payment; and Congress is entitled to know the facts.

Section 1269 of the Revised Statutes, which is also contained in section 817 of the Military Laws of the United States, provides "that no allowance shall be made to officers in addition to their pay, except as hereinafter provided."

This is a statute expressly forbidding any other allowance to officers of the Army than that provided by law, and if it has been violated, or if additional allowances have been paid to General Wood, Congress is entitled to know what they are, and under what authority of law they have been paid.

There are various statutes upon the subject. Section 1763 of the Revised Statutes declares:

"No person who holds an office, the salary or annual compensation attached to which amounts to the sum of $2,500, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law."

Section 1764 provides:

"No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law."

Section 1765 of the Revised Statutes provides:

"No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation."

We do not know what the facts are, and make no charge that this law and the sections quoted have been violated; but we do insist that Congress has the right to be informed of the facts; to know whether the law has been violated in the matter of allowing pay and compensation to this officer, in what manner the public money has been spent, and by what authority of law it has been spent. An answer to the resolution of inquiry, if the salary provided by law has been paid to General Wood, or if he has been given the salary and allowances authorized by law, could do no wrong or injustice to this officer; and if a salary and emoluments have been paid him which were not allowable by law, then Congress has the right to know it and to be informed of it. The defeat of this resolution would be both an injustice to General Wood and a

denial of the right of the House to have at all times information from the heads of the departments of the Government.

We believe the resolution is a proper one and should be passed, and we so recommend.

WM. SULZER.
JAMES HAY.
JAMES L. SLAYDEN.
THOS. M. JETT.
C. E. SNODGRASS.

The SPEAKER. The question is now on the motion to lay on the table. [The question was put.] The ayes appear to have it.

Mr. HAY. I call for a division.

The question was again taken; and there were—ayes 77, noes 55.

Mr. HAY. Upon this question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 71, answered "present" 24; not voting 156, as follows:

YEAS—100.

Alexander,	Emerson,	Knapp,	Prince,
Bartholdt,	Esch,	Lacey,	Ray, N. Y.
Bates,	Evans,	Lawrence,	Reeder,
Beidler,	Fletcher,	Littlefield,	Reeves,
Blackburn,	Fordney,	Lovering,	Rumple,
Blakeney,	Foss,	McLachlan,	Schirm,
Bowersock,	Fowler,	Mahon,	Shattuc,
Brick,	Gardner, Mich.	Mann,	Shelden.
Bromwell,	Gibson,	Metcalf,	Smith, Ill.
Brown,	Greene, Mass.	Minor,	Smith, Iowa
Burk, Pa.	Grosvenor,	Mondell,	Southwick,
Burleigh,	Hamilton,	Moody, N. C.	Stewart, N. J.
Cannon,	Haskins,	Moody, Oreg.	Sutherland,
Capron,	Hemenway,	Moss,	Tawney,
Cassel,	Henry, Conn.	Mudd,	Thomas, Iowa
Conner,	Hepburn,	Olmsted,	Tompkins, Ohio
Coombs,	Hill,	Otjen,	Tongue,
Corliss,	Hitt,	Overstreet,	Van Voorhis,
Cousins,	Howell,	Palmer,	Vreeland,
Cromer,	Hull,	Parker,	Wachter,
Curtis,	Irwin,	Patterson, Pa.	Wanger,
Cushman,	Jack,	Payne,	Warner,
Dalzell,	Jones, Wash.	Pearre,	Warnock,
Davidson,	Joy,	Perkins,	Watson,
Draper,	Kahn,	Powers, Mass.	Woods.

NAYS—71.

Adamson,	Finley,	Lewis, Ga.	Rucker,
Ball, Tex.	Fox,	Lindsay,	Scarborough,
Bankhead,	Gilbert,	Little,	Shackleford,
Bartlett,	Hay,	Livingston,	Sims,
Bell,	Henry, Miss.	Lloyd,	Small,
Bowie,	Hooker,	McLain,	Smith, Ky.
Breazeale,	Howard,	Maddox,	Snook,
Burgess,	Jackson, Kans.	Mahoney,	Spight,
Burleson,	Jett,	Mickey,	Stark,
Caldwell,	Johnson,	Moon,	Stephens, Tex.
Candler,	Jones, Va.	Padgett,	Swanson,
Cassingham,	Kitchin, Claude	Patterson, Tenn.	Taylor, Ala.
Clark,	Kitchin, Wm. W.	Randell, Tex.	Thayer,
Cochran,	Kleberg,	Reid,	Wheeler,
Conry,	Kluttz,	Richardson, Ala.	Wiley,
Cowherd,	Lamb,	Richardson, Tenn	Williams, Ill.
De Armond,	Lanham,	Rixey,	Wooten.
Edwards,	Lester,	Robinson, Ind.	

ANSWERED "PRESENT"—24.

Barney,	Davis, Fla.	Hildebrant,	Pierce,
Bellamy,	Deemer,	Holliday,	Scott,
Brantley,	Foster, Vt.	Loud,	Smith, H. C.
Burkett,	Gardner, N. J.	McCall,	Snodgrass,
Crowley,	Griggs,	McClellan,	Southard,
Crumpacker,	Hall,	Naphen,	Steele.

NOT VOTING—156.

Acheson,	Douglas,	Landis,	Ruppert,
Adams,	Dovener,	Lassiter,	Russell,
Allen, Ky.	Driscoll,	Latimer,	Ryan,
Allen, Me.	Eddy,	Lessler,	Selby,
Aplin,	Elliott,	Lever,	Shafroth,
Babcock,	Feely,	Lewis, Pa.	Shallenberger,
Ball, Del.	Fitzgerald,	Littauer,	Sheppard,
Belmont,	Fleming,	Long,	Sherman,
Benton,	Flood,	Loudenslager,	Showalter,
Bingham,	Foerderer,	McAndrews,	Sibley,
Bishop,	Foster, Ill.	McCleary,	Skiles,
Boreing,	Gaines, Tenn.	McCulloch,	Slayden,
Boutell,	Gaines, W. Va.	McDermott,	Smith, S. W.
Bristow,	Gill,	McRae,	Smith, Wm. Alden
Broussard,	Gillet, N. Y.	Marshall,	Sparkman,
Brownlow,	Gillett, Mass.	Martin,	Sperry,
Brundidge,	Glenn,	Maynard,	Stevens, Minn.
Bull,	Goldfogle,	Mercer,	Stewart, N. Y.
Burke, S. Dak.	Gooch,	Meyer, La.	Storm,
Burnett,	Gordon,	Miers, Ind.	Sulloway,
Burton,	Graff,	Miller,	Sulzer,
Butler, Mo.	Graham,	Morgan,	Talbert,
Butler, Pa.	Green, Pa.	Morrell,	Tate,
Calderhead,	Griffith,	Morris,	Tayler, Ohio
Clayton,	Grow,	Mutchler,	Thomas, N. C.
Connell,	Hanbury,	Needham,	Thompson,
Cooney,	Haugen,	Neville,	Tirrell,
Cooper, Tex.	Heatwole,	Nevin,	Tompkins, N. Y.
Cooper, Wis.	Hedge,	Newlands,	Trimble,
Creamer,	Henry, Tex.	Norton,	Underwood,
Currier,	Hopkins,	Pou,	Vandiver,
Dahle,	Hughes,	Powers, Me.	Wadsworth,
Darragh,	Jackson, Md.	Pugsley,	Weeks,
Davey, La.	Jenkins,	Ransdell, La.	White,
Dayton,	Kehoe,	Rhea, Va.	Williams, Miss.
De Graffenreid,	Kern,	Robb,	Wilson,
Dick,	Ketcham,	Roberts,	Wright,
Dinsmore,	Knox,	Robertson, La.	Young,
Dougherty,	Kyle,	Robinson, Nebr.	Zenor.

So the motion to lay the resolution on the table was agreed to.

Mr. REEDER. Mr. Speaker, I desire to state that I did not hear my name called. I was listening for it, but did not hear it.

The SPEAKER. Was the gentleman in his seat and listening when his name was called?

Mr. REEDER. I was here and was aiming to listen to it, but I presume some one was standing in front of me, which prevented my hearing at the time it was called.

The SPEAKER. Was the gentleman listening?

Mr. REEDER. Yes.

The SPEAKER. The Clerk will call the name of the gentleman.

Mr. REEDER'S name was called, and he voted "aye."

Mr. WHEELER. Mr. Speaker, when my name was called I answered "present" on the first call, under the impression that my pair was not present. He is present, and I desire to vote "no."

The SPEAKER. The Clerk will call the name of the gentleman.

Mr. WHEELER'S name was called, and he voted "no."

Mr. HILDEBRANT. Mr. Speaker, I find I am paired with Mr. MAYNARD of Virginia, and the gentleman is absent. I voted "aye" on the motion, and I desire to withdraw that vote and vote "present."

The SPEAKER. The Clerk will call the name of the gentleman.

Mr. HILDEBRANT'S name was called, and he voted "present."

Mr. JOHNSON. Mr. Speaker, I was present, but failed to hear my name called.

The SPEAKER. Was the gentleman in his seat and listening?

Mr. JOHNSON. Yes.

The SPEAKER. The Clerk will call the name of the gentleman.

Mr. JOHNSON'S name was called, and he voted "no."

Mr. SPERRY. Mr. Speaker, I was in the committee room during the roll call, and if I have a vote I desire to vote "aye."

The SPEAKER. The gentleman can not vote.

Mr. BELLAMY. Mr. Speaker, I voted "no," and I find that I am paired. I wish to recall that vote and vote "present."

The SPEAKER. The Clerk will call the name of the gentleman.

Mr. BELLAMY'S name was called, and he voted "present."

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.
Mr. BULL with Mr. CROWLEY.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. HEATWOLE with Mr. TATE.
Mr. WRIGHT with Mr. HALL.
Mr. DEEMER with Mr. MUTCHLER.
Mr. YOUNG with Mr. BENTON.
Mr. BOREING with Mr. TRIMBLE.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. HILDEBRANT with Mr. MAYNARD.

Until further notice:

Mr. CONNELL with Mr. FOSTER of Illinois.
Mr. BALL of Delaware with Mr. ALLEN of Kentucky.
Mr. GARDNER of New Jersey with Mr. MOON.
Mr. ALLEN of Maine with Mr. DAVIS of Florida.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. DAYTON with Mr. DAVEY of Louisiana.
Mr. SOUTHARD with Mr. NORTON.
Mr. LONG with Mr. HENRY of Texas.
Mr. BURKETT with Mr. SHALLENBERGER.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. BINGHAM with Mr. CREAMER.
Mr. POWERS of Maine with Mr. GAINES of Tennessee.
Mr. KETCHAM with Mr. SNODGRASS.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. HOLLIDAY with Mr. MIERS of Indiana.
Mr. SKILES with Mr. TALBERT.
Mr. GORDON with Mr. SCOTT.
Mr. GILLETT of New York with Mr. CLAYTON.
Mr. CALDERHEAD with Mr. ROBB.
Mr. BISHOP with Mr. DOUGHERTY.
Mr. BROWNLOW with Mr. PIERCE.
Mr. BOUTELL with Mr. GRIGGS.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. BARNEY with Mr. MCRAE.
Mr. WM. ALDEN SMITH with Mr. FEELEY.
Mr. BISHOP with Mr. LAMB.
Mr. GILL with Mr. BURNETT.
Mr. HANBURY with Mr. LEVER.
Mr. BURKE of South Dakota with Mr. BUTLER of Missouri.
Mr. HOPKINS with Mr. GOOCH.

For two weeks:
Mr. WEEKS with Mr. SHEPPARD.
Mr. CRUMPACKER with Mr. GRIFFITH.
Mr. ROBERTS with Mr. BELLAMY.
Mr. CURRIER with Mr. PUGSLEY.
For ten days:
Mr. MILLER with Mr. THOMAS of North Carolina.
Until next Monday:
Mr. ADAMS with Mr. BRANTLEY.
Until June 10:
Mr. FOSTER of Vermont with Mr. POU.
Until June 9:
Mr. DARRAGH with Mr. THOMPSON.
For the day:
Mr. FOERDERER with Mr. UNDERWOOD.
Mr. LESSLER with Mr. NEVILLE.
Mr. DOUGLAS with Mr. KERN.
Mr. TOMPKINS of New York with Mr. BELMONT.
Mr. SAMUEL W. SMITH with Mr. SELBY.
Mr. DOVENER with Mr. MEYER of Louisiana.
Mr. MERCER with Mr. RHEA of Virginia.
Mr. DRISCOLL with Mr. MCCULLOCH.
Mr. ACHESON with Mr. BROUSSARD.
Mr. BABCOCK with Mr. NEWLANDS.
Mr. BRISTOW with Mr. BRUNDIDGE.
Mr. BURTON with Mr. COONEY.
Mr. BUTLER of Pennsylvania with Mr. COOPER of Texas.
Mr. COOPER of Wisconsin with Mr. DINSMORE.
Mr. DICK with Mr. ELLIOTT.
Mr. GAINES of West Virginia with Mr. FITZGERALD.
Mr. GRAFF with Mr. FLEMING.
Mr. GRAHAM with Mr. FLOOD.
Mr. GROW with Mr. GLENN.
Mr. HEDGE with Mr. GOLDFOGLE.
Mr. MARTIN with Mr. KEHOE.
Mr. JENKINS with Mr. MCDERMOTT.
Mr. LANDIS with Mr. LASSITER.
Mr. LEWIS of Pennsylvania with Mr. LATTIMER.
Mr. LITTAUER with Mr. RANSDELL of Louisiana.
Mr. MCCLEARY with Mr. ROBINSON of Nebraska.
Mr. MARSHALL with Mr. RYAN.
Mr. MORRIS with Mr. SHAFROTH.
Mr. NEEDHAM with Mr. SULZER.
Mr. STEVENS of Minnesota with Mr. VANDIVER.
Mr. STEWART of New York with Mr. WHITE of Kentucky.
Mr. SULLOWAY with Mr. WILLIAMS of Illinois.
Mr. WADSWORTH with Mr. WILSON.
Mr. NEVIN with Mr. ZENOR.
For the vote:
Mr. HAUGEN with Mr. SPARKMAN.
The result of the vote was then announced as above recorded.

KATHERINE RAINS PAUL.

Mr. BROMWELL. Mr. Speaker, I have here a conference report on the bill (H. R. 11249) granting an increase of pension to Katherine Rains Paul, with the accompanying statement, reported from the Pension Committee, and I ask that the same be printed in the RECORD.

The SPEAKER. The report and statement will be printed as requested.

The report and statement are as follows:

REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.
J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on bill H. R. 11249, granting an increase of pension to Katharine Rains Paul.

This bill originally passed the House at $40 per month, but was amended in the Senate to $50 per month. The result of the conference is that the Senate recedes from its amendment and agrees to the forty-dollar rating fixed by the House, and your conferees recommend that the bill pass at $40 per month, as it originally passed the House.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

PROTECTION OF THE PRESIDENT.

Mr. RAY of New York. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House, with Mr. GROSVENOR in the chair.

Mr. LANHAM. Mr. Chairman, I yield fifteen minutes to the gentleman from Georgia, Mr. BARTLETT.

Mr. BARTLETT. Mr. Chairman, the discussion of this bill forcibly reminds me and I apprehend equally forcibly reminds the public of the truth of the saying of the great philosopher Montaigne, "that there is more ado about interpreting interpretations than about interpreting things"——

The CHAIRMAN. The gentleman from Georgia will suspend till order is obtained in the committee.

Mr. BARTLETT. Mr. Chairman, if this was something of my own that I had started to say I would not undertake to repeat it, but I have said that the discussion of this bill reminds me, and I venture the assertion that it has reminded the public, that the saying of the distinguished French philosopher Montaigne, uttered years ago, is as true to-day as it was true then, "that there is more ado to interpret interpretations than to inpret things, and more books upon books than upon all other subjects; that we do nothing but comment upon one another." The discussion by the members of the Judiciary Committee and by other members of the House has been to show that they have been engaged this week in interpreting interpretations, and that we have done little else other than to comment upon one another.

The bill came from the Senate in such shape and form, and was so undoubtedly a plain violation of the Constitution of the United States, that the distinguished chairman of the Judiciary Committee [Mr. RAY of New York], speaking for that great committee of the House, has laid down almost as an axiomatic proposition, as a matter beyond doubt, that the Senate bill was unconstitutional; and in order to give to the House and to Congress and to the country a bill which would not be unconstitutional the Judiciary Committee have presented to the House this substitute.

Now, I want to say for myself and for the people whom I represent and for the section of country from which I come that if there is one spot in this great Republic where doctrines of anarchy are neither taught nor tolerated it is the section of country from which I come and the South generally. I want to say that we have such a small percentage of foreign-born population that the red flag of anarchy has never been seen in the South, and I apprehend never will be seen there.

I do not mean to charge by this statement that anarchy is tolerated or approved in any other section of the country, but I mean that we have been so fortunate in our affairs that the doctrines of the anarchists have not found lodgment there, and I assert that the people whom I represent and the people of the South generally will approve of and uphold any legitimate, lawful, and constitutional legislation that will destroy anarchy in this country or that will keep from our borders every anarchist and every teacher of anarchy.

But much as we are opposed to anarchy, much as this whole nation were shocked at the untimely death and dastardly assassination of the late Chief Magistrate of this country; while we would keep from our shores all anarchists; while, so far as I am concerned, I am willing to go to the uttermost limit of the Constitution in the enactment of a law against the anarchists, there is no demand that the President of the United States, the Vice-President of the United States, those who would succeed to the presidency in case of a vacancy, and the foreign ambassadors to this country should be elevated to a higher plane before the law than any other men in the country.

The President of the United States, in his official capacity, in the discharge of his duty, represents this great Government; and I shall, if I have the opportunity, vote to enact such a law as will protect him from the knife or bullet of the assassin, or from any attempt to destroy him because he is the representative head of this Government, or because he undertakes to discharge his official duties, or because it may be charged that he omits to discharge his official duty.

I will go as far as any man in this House for the enactment of such a law as that; but I am unwilling to say that the Government shall invade the domain of the States and enact a law which shall give it the exclusive jurisdiction over such offenders, and I am unwilling to say that a man, simply because he is President of the United States, where an assault be made upon him not because of his official character or because of his doing of some official act or because of his omission to do some official act, shall, as a citizen of the United States, while resident or present in any one of the States of this Union, be any more entitled to protection under the laws of the land than the humblest citizen of the country.

I know full well that the Supreme Court have, in a number of cases, upheld the sections of the Federal statutes which protect officers of the law, marshals, revenue agents, and various others,

including witnesses who have to attend the United States courts and prisoners in the custody of the officers of the United States; and they have upheld those sections because it is the duty of the Government to protect its officers while in the discharge of their duty. I repeat here that I am willing to go as far as any man, Democrat or Republican, in protecting the President of the United States as we protect the other officers of the Government in the discharge of their official duties, but there my power and duty under the Constitution ends.

I now desire to read from a case decided by Judge Jackson while presiding as a circuit judge of circuit court of the United States in the State of Tennessee, and which came up to the Supreme Court and was affirmed. This judge was afterwards a justice of the Supreme Court of the United States and died while filling that high office.

It is the case of The United States against Patrick, in volume 54 of the Federal Reporter. It is pertinent to the question whether the offense contained in the statutes of the United States, section 5508, was within the jurisdiction of the United States court, and he declares this to be the law:

An office is a public employment, and in the performance of its functions the citizen selected to represent the sovereign is in the exercise both of a private right or privilege and public duty, and a conspiracy to hinder, oppress, and injure him in the discharge of such functions can not be regarded as directed solely against the official in his representative character, but must be considered as those against a citizen exercising or enjoying the right or privilege of accepting public employment and engaging in the administration of its functions.

This was a case where a marshal of the United States in Tennessee had been assaulted and killed because he undertook to serve process, and we find sections 5508 and 5509 defining the crime, and then there are sections 5518 and 5520 which contain provisions of like character. In section 5518 I find a statute which I will read. The court has all along undertaken to protect its officer in the discharge of his duty from assault or being attempted to be killed or murdered in the discharge of such duty. Section 5518 reads as follows:

SEC. 5518. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be punished by a fine of not less than $500 or more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Section 5508 of the Revised Statutes of the United States provides:

If two or more persons shall conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same—

shall be subject to fine and imprisonment, etc.

Section 5509 provides that if in the act of violating any provision of the preceding section any other felony or misdemeanor be committed, the offender shall be punished for the same, with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

It really seems to me that these statutes are ample to protect the President and other officers of the Government, and if the penalties are made greater, that would meet the present demand and remain within the provisions of the Constitution.

We have placed these statutes upon the books, which protect the officer of the Government of the United States, and instead of enlarging these statutes by increasing the penalty, instead of providing that the President under like circumstances, if he shall be assaulted in a State or Territory or anywhere within the jurisdiction of the United States, that the assailant if death ensue shall suffer death, or if the assault does not succeed in accomplishing that he shall be punished as provided in this bill, it is proposed to enact into law the pending bill; and it has been said here in debate—the Senate undertook to enact a law to that effect—that if the President was assailed and killed, whether he was performing any duties at all or not, that the party should be punished as for murder or by death. To such a proposition I can not lend my assent or give my vote.

Now, Mr. Chairman, the Supreme Court of the United States, in discussing these statutes which I have read, and in discussing the right of the citizen, whether he be an officer or simply a citizen, entitled to the immunities and protection and the privileges of the law, have held repeatedly that the right to be protected in the enjoyment of life and property within the State belonged to the citizen of the State, and the duty to give such protection devolved upon the State, and not upon the United States Government.

And they have said, in so many words, that if Congress undertakes to go beyond this and undertakes to make acts crimes which are committed within the State, and does not confine the act to a violation of the rights of the officer of the United States as an official, while he is not discharging his duty simply, then that sort of a law would not be constitutional. Therefore I say I am glad the distinguished chairman of this committee, and the other members of it who have joined with him, boldly declare to the country that the Constitution of the United States is still a living instrument and restrains Congress from invading the domain of the States, even though public clamor may demand otherwise.

I am in favor of protecting the President of the United States from assassination or from any illegal or wanton assault that may be made against him as the head of the Government, because of the fact that he is the President and in discharge of his duty. I am glad the chairman of this committee and the members who followed him rose to the great height of declaring that a law of the country should be enacted in conformity with the Constitution.

The decision I have in my hand (United States *v.* Patrick, 54 Fed. Rep., 339) refers to the case of the United States against Cruikshank (93 U. S. Reports, p. 553), and Judge Jackson, in discussing this very question, says:

It was of these fundamental rights of life and liberty that the court said (in United States *v.* Cruikshank, 92 U. S., 553, 554): "Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself."

And that doctrine has been upheld in the case of Logan *v.* The United States (144 U. S.).

As has been stated, these statutes have been upheld by the Supreme Court of the United States as constitutional, because the court has held that officers who are assaulted, injured, or killed under the circumstances named in the statute are exercising rights secured to them by the laws of the United States, and has upheld indictments as valid which alleged the killing of such officers, or the injuring of them, or the attempt to injure them while exercising such rights. The statutes have been uniformly upheld by the Supreme Court of the United States because of the fact that the person assaulted, injured, or interfered with was either an officer of the United States at the time in the discharge of the duties of such office, or was exercising some right or privilege secured to him by the Constitution or laws of the United States.

In the case of the United States *v.* Waddell (112 U. S., 76), they upheld the jurisdiction of the United States court to try a case in which the defendants were charged with the offense of conspiracy under the provisions of section 5508. The particular right which the citizen was alleged to have been exercising, and against which the conspiracy was alleged to have been formed, was that of remaining on the land which, under the laws of the United States, he had made a homestead entry, a sufficient length of time to entitle him to a patent therefor. The court held that this right being secured to him by the laws of the United States, a conspiracy against him in the enjoyment of this right comes within the provisions of section 5508.

In the case of New Orleans *v.* Abbagnato, (62 Federal Reporter, p. 25; same case, 23 U. S. Court-Appeals, 533); the court maintained the proposition that the preservation of the public peace devolves on the State, upholding the principle in the case in the 92 U. S. Reports, 553, that the duty of protecting its citizens in the enjoyment of equality of rights was originally assumed by the States and remains there.

The principle in the case in 92 United States Reports, 550, that the United States can neither grant nor secure for its citizens any rights or privileges not placed under its jurisdiction by the Constitution, is recognized in the case of Presser *v.* Illinois (116 U. S. Reports, 266). In this case, last cited, the court, in reaffirming the case of Cruikshanks, declares:

For, as was said by the court in Cruikshanks's case (92 U. S. Reports, 542), the Government of the United States, although it is, within the scope of its powers, supreme and above the State, can neither grant nor secure to its citizens any right or privilege not expressly granted, or by necessary implication placed under its jurisdiction. * * * All that can not be so granted or so secured are left to the exclusive protection of the States.

In Logan *v.* The United States (144 U. S., 263) the court upheld the right of the United States Government to prosecute for an assault upon a prisoner while in the custody of a United States marshal under a lawful commitment to be protected against a conspiracy to oppress, injure, or maltreat him, and they held that this was a right implied from the duty and obligation of the Government to protect a citizen while thus in its custody.

This right of a citizen in the custody of a United States marshal under a lawful commitment to answer for an offense against the United States, to be protected against lawless violence was held to be such a right or privilege secured by the Constitution and laws of the United States, as the said section 5508 of the Revised Statutes was intended to protect against a conspiracy to interfere with.

In that case it is expressly declared that said section is not limited to the political rights of citizens. So that it may be asserted

that the United States court can not take jurisdiction of offenses committed wholly within the jurisdiction of a State unless the offense alleged is committed against a citizen to interfere with some right or privilege which is secured to him by the laws of the United States, or is an assault upon an officer because he is in the discharge of the duties of his office, and in that way represents the sovereign power of the United States.

Citations might be multiplied on this subject, but I feel sure that the principle is correctly stated. Therefore the House bill which changes the Senate bill proceeds along the only line upon which legislation is constitutional.

I do not believe that the provisions of the bill should be extended so as to include anyone else than the President of the United States, and possibly the Vice-President, or to make an assault upon their persons or the killing of them an offense within the jurisdiction of the United States when committed within the confines of any State. It would be proper on the lines I have undertaken to argue to make it applicable to such person as may be discharging the duties of the President, in case of a vacancy by the death or resignation of both the President and Vice-President; nor do I believe that the law should be extended to include the ambassadors or ministers of foreign countries.

Everyone understands that this bill is demanded in the shape that it is because the Constitution has limited and defined what acts shall constitute treason, and because the Constitution has prevented acts from being treason which would be considered as treason in a government whose powers are not limited in that regard as ours is. But even in England the acts which constitute treason have never been extended to include any other than those which are aimed at the King or his consort, or their eldest son and heir, for by 25 Edward III treason was defined to be "when a man doth compass or imagine the death of our lord the King, or our lady the Queen, or their eldest son and heir."

By this bill we propose virtually, in fact, to extend the law so as to punish as treason not only assaults upon the President and Vice-President, or the killing of such officers, but to every member of the Cabinet who might under certain circumstances succeed to the Presidency, and to foreign ambassadors.

I desire to discuss briefly the thirteenth section of the bill. Since it is conceded by the chairman of the Committee on the Judiciary of the House, and by a large majority of its members, and since in this debate it has been insisted, I think with great force by able lawyers on the floor, and since the decision of the Supreme Court which I have quoted, and others which have been cited, the United States court can only secure jurisdiction of the offenses proposed to be declared and for which penalties are prescribed in the bill by reason of the fact that the acts are done and the crimes are committed against officers while in the discharge of their official duties, or because of the discharge of some official duties, or the failure to discharge some official duty, then the whole life of the statute depends upon the allegation and proof to be made on the trial of such case, that such act was committed because of the official character of the President, Vice-President, or other official, and to permit that most vital fact, and the very heart of the offense, to be presumed to exist without proof and to cast the burden upon the defendant to disprove it instead of placing it upon the prosecution, as in all criminal trials, as from time immemorial has been required of the prosecution to prove, would be to reverse one of the most ancient, time-honored, and well-established principles of criminal law, followed in every court and laid down for the protection of life and liberty. The humanity of the law provides that persons charged with crime are presumed to be innocent until they are proven by competent evidence to be guilty.

To the benefit of this presumption every defendant is entitled, and this presumption stands as their sufficient protection until and unless it has been removed by evidence proving the guilt beyond a reasonable doubt. And this presumption of innocence, and this requirement that the proof shall be beyond a reasonable doubt, applies to every essential ingredient of a crime. This last proposition has become axiomatic in the administration of criminal law. How unusual, how foreign to every conception of criminal procedure, would be this provision which permits that the very essence of the crime should not be proven, but should be presumed to be established! This provision is not like a presumption of law, but it is a presumption of fact, which the prosecution declares to exist as a fact sufficient to authorize the jury to convict, and the judge to sentence to death, when the jury so finds upon that presumption.

It is in no way similar to the presumption of law that malice shall be inferred where an unlawful killing has been proven and the attending circumstances do not demonstrate or show facts from which the crime may be reduced, justified, or excused. The taking of human life is unlawful. Therefore the law says that when it has been shown to the satisfaction of a jury that the defendant on trial for murder has taken life, as alleged in the indictment, the law presumes that he did it with malice aforethought, and therefore the crime is murder, and it devolves upon the defendant to prove that it is some lesser grade of homicide or that he was justified.

How different here in this section? The United States court would not have jurisdiction unless it should appear that the party accused and on trial committed the acts alleged against President or Vice-President or the other officials named in the bill, because of the fact of their official character, or because of the fact that they had done something in their official capacity, or omitted to do something in their official capacity. If it should appear at any time in the trial, either from the evidence of the prosecution or of the defense, that the accused did not do so, but that he was actuated for other reasons, and that the acts alleged to be done were not done on account of the official character of the person assaulted or killed, or on account of some official act, then the court would be compelled to direct an acquittal, because the United States court, under the Constitution, would have no jurisdiction to try such a case.

Therefore, to presume the very essence of this crime, so far as the United States court and its jurisdiction is concerned, would permit the mere reading of the indictment and proof of the act to give jurisdiction of the offense to the United States court. It would be, in fact, starting the trial with the presumption that the defendant was guilty of an offense against the United States, when all the humanity of the law and the theory of the law and the principles of the law have for centuries required that the presumption in criminal cases should be that the defendant is innocent of any crime or of any necessary ingredient of the crime for which he is being tried.

The text-books state it as unquestioned that the principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and that its enforcement lies at the foundation of the administration of our criminal law. This principle just stated has been referred to as a matter of course in the decisions of the Supreme Court of the United States and in the courts of the several States of the Union. I refer to some of them:

Taylor on Evidence, Vol. I, chap. 5, 26–27.
Best on Presumption, part 2, Chap. I, 63–64.
Greenleaf on Evidence, part 5, sec. 29.
Wharton on Evidence, sec. 1244.
Lillienthal *v.* United States, 96 U. S., 237.
Hopt *v.* Utah, 120 U. S., 430.
The Commonwealth *v.* Webster, 5 Cushing, 295.
And authorities might be multiplied ad infinitum.

Greenleaf traces this presumption to Deuteronomy, and says that it was substantially embodied in the laws of Sparta and Athens. Whether this be correct or not, it is true that the Roman law laid down this maxim of criminal administration, as the following extracts from the Roman law will show:

Let all accusers understand that they are not to prefer charges unless they can be proven by proper witnesses or by conclusive documents, or by circumstantial evidence which amounts to indubitable proof and is clearer than day. (Code LIV, T. xx, 1, l. 25.)

The noble (divus) Trajan wrote to Julius Frontonus that no man should be condemned on a criminal charge in his absence, because it was better to let the crime of a guilty person go unpunished than to condemn the innocent. (Dig. XLVIII, Tit. 19, l. 5.)

In all cases of doubt the most merciful construction of facts should be preferred. (Dig. L. L., Tit. XVII, l. 56.)

In criminal cases the milder construction shall always be preserved. (Dig. L. L., Tit. XVII, l. 192, s. 1.)

It is related of the Emperor Julian that Numerius, governor of Narbonensis, was on trial before the Emperor and that the trial was public. The defendant contented himself with denying his guilt, and there was not sufficient proof against him. His adversary, seeing from the failure of the proof that an acquittal was inevitable, could not restrain himself, and exclaimed, "Oh, illustrious Cæsar! If it is sufficient to deny, what hereafter will become of the guilty?" To which Julian replied: "If it suffices to accuse, what will become of the innocent?"

And this rule of the Roman law, together with other fundamental and humane maxims found in that system, has been preserved in the canon law; and the practice of these principles in the trial of criminals has existed in the common law from the earliest times.

We find the following in the writings of Fortescue:

Who, then, in England can be put to death unjustly for any crime, since he is allowed so many pleas and privileges in favor of life? None but his neighbors, men of honest and good repute, against whom he can have no probable cause of exception, can find the person accused guilty. Indeed, one would much rather that twenty guilty persons should escape the punishment of death than one innocent person should be condemned and suffer capitally.

Lord Hale, in 1678, in 2 Hale's Pleas of the Crown, page 290, says:

In some cases presumptive evidence goes far to prove a person guilty, though there be no express proof of the fact to be committed by him, but then it must be very warily pressed, for it is better five guilty persons should escape unpunished than one innocent person should die.

So we find in Blackstone, second book, chapter 2, page 358:

The law holds that it is better that ten guilty persons escape than that one innocent suffer.

In the case of McKinley, tried in 1817, 33 St. Tr., 275, 506, Lord Gillies says:

It is impossible to look at it (a treasonable oath, which it was alleged that McKinley had taken) without suspecting and thinking it probable it imports an obligation to commit a capital crime. That has been and is my impression. But the presumption in favor of innocence is not to be reargued by mere suspicion. I am sorry to see in this information that the public prosecutor treats this too lightly. He seems to think that the law entertains no such presumption of innocence. I can not listen to this. I can see that this presumption is to be found in every code of law which has reason and religion and humanity for a foundation. It is a maxim which ought to be inscribed in indelible characters in the heart of every judge and juryman.

And he goes on to say that to overturn this presumption there must be legal evidence of guilt, carrying home a degree of conviction short only of absolute certainty.

Recalling the words of this judge, uttered nearly a century ago. I ask that this House remember this maxim of the law, so ancient, so venerable, so safe, and so wise, which has its foundation upon reason and religion and humanity; which ought to be inscribed, in the language of this English Lord and judge, in indelible characters in the heart of every judge and juryman, and it should be inscribed in the heart of every law maker, especially the law makers of the greatest Republic on earth.

And I appeal to you to be slow to enact a law which reverses this humanity of the law—this wise principle of the law—which has been revered by the wisest sages and judges of all ages and climes and handed down as one of the inalienable rights of the citizen, and that we shall do no act, even in our desire to punish the assassination of or assaults upon our Chief Magistrate, which will destroy this great principle of law in the administration of criminal justice, and thus put ourselves out of harmony with all the humane nations of the earth in the administration of our criminal statutes.

Let it be said of the law now, as it was said by the great Englishman, Hooker, who lived in the fifteenth century:

Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world. All things in heaven and earth do her homage—the very least as feeling her care, and the greatest as not exempted from her power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. RAY of New York. That has already been granted.

Mr. BARTLETT. The extension is for five days. I ask that the Chair put my request to extend my remarks in the RECORD, which will give me a greater time.

The CHAIRMAN. The Chair is of opinion that the time having been settled by the House, the Committee of the Whole can not extend that time. The gentleman can make his request for extension in the House.

Mr. PATTERSON of Tennessee. Mr. Chairman, the supposed necessity for the measure now pending arises from the assassination of President McKinley, and the universal feeling of horror which swept over the entire country, demanding preventive and suppressive legislation against anarchy and anarchists.

The recent address of Mr. Secretary Hay, commemorative of the life and character of William McKinley, was delivered in this Chamber before an inspiring audience, embracing, as it did, a notable assemblage of citizens, the ambassadors and ministers of foreign countries, the executive chiefs of all the departments of the Republic, the Senators of sovereign States, and the Representatives of the American people.

On the passage of the resolution to return a vote of thanks to the distinguished eulogist of the lamented President I had the pleasure of casting my vote in the affirmative. In doing so I wished it to stand as an expression of appreciation of a most masterly address, couched in pure and vigorous English, and which, I think, is a distinct contribution to the best in our literature.

Indeed, I am not quite sure that there is anything finer of a similar character in the language than the portrayal of the early life and environment of William McKinley, and the character of the stock from which he sprung, that sturdy, virtuous, and independent middle class, from which has come the best we have in the arts of peace and war, and on whom is the surest and chiefest reliance of a representative republic.

In thus casting my vote I believed I was recording the will of the people whose representative I am, and whose honored guest the President was in the spring before his death, and that it was an expression of their regard for that true and upright man—the President of all our country, from whose lips nothing but kind words had ever fallen, and in whose gentle heart nothing but kind thoughts had ever abided.

The feeling of sorrow pervaded all classes, and was human, personal, and universal.

The wonder and pity of it was that any man in all the world could have been found willing to take the life of this kind, good man.

Joined with this was a deep, fierce, and just resentment against those enemies of organized society who advocate murder as a means of redress for wrongs, and in secret and at night hatch in their disordered brains foul plots of assassination.

So deep was this feeling that if at the time anyone should have been heard to rejoice at the death of the President or approve the dastardly deed by which he was taken off he would have been the object of bitter hatred and his life would scarcely have been safe.

To the honor and eternal pride of the whole South, chastened as she has been by great sorrows, but still struggling on through the shadows to the light; misrepresented, as she often has been; calumniated, as she sometimes is by the conscienceless partisan, there was not in all her borders such a man to be found or marked for her displeasure.

Indeed, in this part of your country, Mr. Chairman, the anarchist has never been bred, and throughout its length and breadth a President of the United States can "scatheless walk," just as a woman could in England in Alfred's day.

What is called anarchy is the child of despair and discontent, born of Old World absolutism, where hereditary titles—not culture and accomplishment—are the badges of nobility, and where distinctions of class have withered the hopes of man and held him down with weights which he can not lift.

Discontent, in the large sense which implies hatred of government and those charged with executive duty, finds its beginning in special privileges accorded the few, in artificial distinctions of class, whether they be hereditary or the result of unequal laws, and has its consummation in blind and unreasoning destruction.

It may be doubted whether the type of anarchists such as has been found in European countries—willing to bring general ruin as a cure for present evils—has ever been produced in this country in any considerable number, and where such a one has been found he has been subject to the influence and association of persons who have brought their perverted theories from across the seas to impregnate with their malign doctrines weak and disordered minds.

The assassin of President McKinley was of this perverted class, and while it was not clear—or at least not proven after a careful investigation—that his assassination was the result of a conspiracy, yet it is equally certain that he had become the instrument of vengeance as a result of disordered conception and stirred to bloody deeds by alien teachings which he had heard and read.

There may be a reason, but not an excuse, for the existence of anarchy in the Old World, but there is neither reason nor excuse for its existence in this country.

While we have abuses and laws not always just—many of them quite otherwise—both unfair, vexatious, and burdensome, still we have the forum of free discussion and lawful criticism and hold within our keeping in popular and free suffrage and equal representation the right of modification and redress.

Anarchy can never flourish in this country except as an exotic so long as we preserve the freedom of the press and of speech and government rests upon the consent of the governed, freely expressed. It may become a home product if we fetter free speech and divide by law our people into classes and surround our high officials with new and strange prerogatives of royalty.

If it were possible to-day to wipe out anarchy and her foul brood once and forever from American soil, I should willingly cast my vote to this end, for the anarchist is a universal murderer and anarchy means universal ruin.

But in attempting to legislate against anarchy we may accomplish all that laws can accomplish without straining the timbers of the Constitution, interfering with the rights of the States, or overturning the wise and approved precedents of centuries.

The bill under consideration proposes not to deal with anarchy alone, but with the killing of Presidents and other officers by anyone, whether anarchist or not, prescribing penalties which must follow, and conferring jurisdiction upon the Federal courts.

It is regrettable that the Judiciary Committee of the House has not seen fit to present separate bills covering both subjects, so that those who are in favor of suppressive legislation against anarchy might so record their votes and not be required at the same time to approve certain other provisions of the bill to which they unqualifiedly dissent.

Whether there was or not a purpose to embrace a wide variety of subjects in one bill—some good, others bad—with the belief that the general sentiment in favor of legislation on anarchy would be sufficiently strong to carry the bad with the good, I do not know, but the fact remains that we can not vote for parts of the bill without voting for all it contains, and those of us who believe in preserving the jurisdiction of the States in powers not yielded to the Federal Government, and that no discrimination in class shall be made by law, are forced to the position where

our opinions can not be freely expressed on all the subjects embraced in the proposed legislation.

There are many members on this floor, and I believe they are in the majority, who will vote for the bill as a whole under the compulsion forced by the committee, fearing a misconstruction of their motives if they should cast a vote in the negative.

As for myself, I am unwilling to be driven to a position that neither my conception of right nor public duty will approve and surrender my convictions on vital principles of government.

The reasons which impel me to this course will be given as I proceed with the discussion of the bill.

It contains 13 sections, and all of those relating to unlawful conspiracies or other acts by which violence is counseled against officials—either in this or in foreign countries—as well as those to prevent the coming of anarchists to this country, I approve without reserve, and therefore need not specifically refer to them.

The particular features of the bill to which I object are as follows:

SECTION 1. That any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 2. That any person who unlawfully, purposely, and knowingly kills the Vice-President of the United States, or any officer of the United States entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 3. That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign State or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

* * * * * * *

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or the Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

JURISDICTION AND POWERS OF STATE GRANTED TO FEDERAL GOVERNMENT.

My first objection is that the jurisdiction of the States is usurped by the Federal Government in rights which are inherent and in powers not yielded to the General Government.

Under our system of government there is a jurisdiction or sovereignty of the State and a jurisdiction or sovereignty of the General Government. Each is supreme within its own sphere, and neither, if the just balance of powers is to be preserved, can encroach upon the rights and the powers of the other.

Within its borders the rule is that the State is a sovereign, subject only to the Federal Constitution, and that in territory belonging to the Federal Government its power is supreme with the same qualification.

Over crimes committed in harbors, in Territories, in the District of Columbia, and, in short, on all property belonging to the United States this jurisdiction is complete and exclusive.

Over crimes committed in the States against State laws their jurisdiction is also exclusive, subject only to the qualification that the offense is not also directed against the General Government.

To illustrate, the crime of murder committed in a State, and other offenses against its laws, are punishable by the law of the State, while if they occur in territory owned by the Government its laws would punish the crime.

A citizen of a State, however, owes a double allegiance and is subject to two sovereignties. Thus, if he counterfeits a coin, he offends against both; for it is a fraud against the State, but primarily against the Government which stamps and emits the coin.

In United States *v.* Cruikshank (92 U. S., 542–554) the court enunciates these propositions, refering to the Federal Government:

The government thus established and defined is to some extent a government of the States in their political capacity. It is also, for certain purposes, a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the States, but beyond it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.

The government thus established and defined is to some extent a government of the States in their political capacity. It is also, for certain purposes, a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the States, but beyond it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.

The people of the United States resident within any State are subject to two governments, one State and the other national, but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete Government, ample for the protection of all their rights at home and abroad.

True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of the peace in the assault. So, too, if one passes counterfeit coin of the United States within a State, it may be an offense against the United States and the State; the United States because it discredits the coin, and the State because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen can not complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

In the case above cited the following language occurs:

The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons within their boundaries in the enjoyment of these "unalienable rights with which they were endowed by their Creator." Sovereignty for this purpose rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

In the Neagle case (135 U. S.), when a United States marshal shot and killed Terry for assaulting Mr. Justice Field in the dining room of a railway station in California, and for also making a hostile demonstration against himself when he attempted to prevent a continuation of the assault, the court held that at the time Justice Field was in the performance of his official duties, though at table, as he had just returned from holding court and was then proceeding on his way to another court, in session; and held, under the circumstances, that the United States court had jurisdiction as for an offense against the Federal Government.

Chief Justice Fuller and Mr. Justice Lamar dissented from the conclusions of the majority. There would have been no jurisdiction, confessedly, on the part of the Government had not Mr. Justice Field been engaged at the time in the discharge of his official duties, and had the homicide occurred at a time when he was not so engaged the jurisdiction of the State of California would have been exclusive.

The committee, in its report on the pending bill, recognizes this, and so when sections 1, 2, and 3 were framed it was designed to enact legislation to accord with the majority opinion in the Neagle case, the correctness of which many eminent lawyers have doubted and still doubt, and to declare against the killing of the President, the Vice-President, or any officer in the line of Presidential succession, or foreign ministers and ambassadors while in the performance of their official duties; and section 13 was prepared so that the presumption would be that there was never a time when such officials—excepting only foreign ministers and ambassadors—were not engaged in the performance of official duties.

So far as the status of the President is concerned, I am inclined to agree with the opinion expressed by some, that there is never a time when he is not, in a sense, engaged in the performance of official duty, though whether in the sense that would give the Federal court jurisdiction if he were killed under any and all circumstances may well be doubted.

As the executive head of the nation the duties of the President are of a continuous character during his tenure of office, and he is the Commander in Chief of the Army and Navy. It would be certain, however, that if the President himself should commit a felony in a State, his official character would not exempt him from punishment under State laws. It will be seen that the qualifying word "official" runs through all the enumerations of the sections quoted, and without this, if I understand the report of the chairman of the committee, he is of the opinion that the proposed law would be unconstitutional.

But it can never be said by anyone—and no one has said it—that the Vice-President or Cabinet officers or foreign ambassadors or ministers are always engaged in the performance of official duties.

The sole duty of the Vice-President is to preside over the deliberations of the Senate, and when that body adjourns his duty ceases and begins again on its reassembling.

Cabinet officers, who are appointees of the President at will and not constitutional officers, can not be said in any sense to be always so engaged; and as for ambassadors and ministers, they owe no allegiance to this Government and their official duties pertain to their own sovereign and in no way relate to any duty to the Federal Government, save as imposed by custom, international law, or the direction of their sovereign.

Then, under the conditions of this bill, how is the word "official," as applied to character, acts, duties, and omissions of the officers enumerated in the sections above quoted to be determined?

To meet this emergency and to confer the jurisdiction upon the Federal courts, section 13 of this remarkable bill was provided, creating the presumption in favor of the officer that he was engaged at the time in the performance of official duty, without any

preliminary inquiry at all on habeas corpus, as was resorted to in the Naegle case, to determine the fact as a necessary one before Federal jurisdiction was assumed. So that in this section, save as to ambassadors and ministers, it is presumed until the contrary is proven, and then, in order to make the jurisdiction secure, this legal incongruity and absurdity follows: "Nothing in this act shall be construed as an admission or declaration that there is a time when either of such officers during the tenure of his office is not engaged in the performance of his official duties."

The distinguished members of the Judiciary Committee who framed this bill have been caught and involved in the net of their own ingenuity.

The question recurs: How and when is the extent of jurisdiction to be determined?

When the crime occurs, if the prisoner is held by the State and its jurisdiction is assumed and the Federal courts claim the jurisdiction, a conflict at once occurs, the result being that the Federal power will control the person of the prisoner at the end of contempt proceedings or after the exercise of superior power, and the jurisdiction of the State will be completely ousted.

When this has been done and the Federal court shall assume the jurisdiction, how then shall the question be determined whether the official at the time was in the performance of his official duties?

Following the practice, if a plea to the jurisdiction is interposed and the prisoner should claim that the officer killed was not in the discharge of his official duty, the presumption will be that he was, and this presumption is further made practically indisputable as a matter of fact, for nothing in the provision is to be taken as an admission that at any time the officers named are not in the discharge of their official duties.

The result is that the right of the prisoner is gone to be tried in the jurisdiction where the crime was committed, and the State is left powerless to support its own dignity and to acquit or convict the prisoner as the facts may appear to deserve. So that no matter under what circumstances the homicide may have occurred, whether the result of a mere personal quarrel or not, disassociated entirely from all official character, acts, or duties, it will be presumed to have been committed for one or all of these reasons, and this presumption the prisoner must overcome, with the trial as matter of law in the part of section 13 above quoted, that the presumption can be overcome.

In the case of the President, who may for some purposes be treated from an impersonal standpoint, there may be some show of reason for a presumption of this character, though not to be admitted at all times; but in the case of the Vice-President and Cabinet officers, who mingle freely with the people and have personal business relations which bring them into daily contact with their fellow-citizens when not actually engaged in the performance of official duties, such a presumption is not only absurd to a degree, but wrong from every legal and moral standpoint.

In such cases, at least, the authority of the State should be left supreme with the presumption in favor of the innocence of the accused, which is the humanity and the reason of the law.

To enact against this presumption of innocence and to presume guilt before it is proven is a strange graft upon the stock of the common law as well as shocking to our conception of human rights.

Thus not only are the sacred rights of the citizen invaded, but the authority and reserved right of the State to preserve its own sovereignty, to punish the guilty and acquit the innocent, is usurped by the Federal Government, that great and grasping power which is all too ready to absorb the rights of both citizen and State, becoming stronger day by day with what it feeds upon.

If a State should pass a law conferring jurisdiction for the killing of a governor or any other State official on territory belonging to the United States Government, upon the ground that the killing was a blow aimed at the State, such an act would hardly receive serious consideration; and yet the principle of both is the same. If delay, dilatory pleading, and conflicting jurisdiction, by which a trial for the murder of an official may be prolonged, is a desirable thing, then this bill furnishes all the means of vexation and delay and defeats its very purpose.

NO NECESSITY TO CONFER THIS JURISDICTION ON THE FEDERAL COURT.

I believe the bill is unconstitutional, but if it is not there is no necessity, either real or apparent, to take away from the States this jurisdiction and confer it upon the General Government.

A reason might exist if each sovereign State did not have ample laws, coupled with extreme penalties, against murder in every form, whether the person killed is a private citizen or an officer of the State or nation.

For one, I am unwilling to concede that there is a State in the American Union which would not or could not deal swift and condign punishment to the murderer of a President.

Why, then, is this invasion of the sovereign powers of States thought to be necessary, and what is the justification?

What seemed to be in the mind of the committee, judging from the report of the chairman, was that the punishment was not uniform, though it is not to be doubted that the States would do their full duty in punishing crimes of this character, and, indeed, this is admitted by the chairman of the committee in his speech before the House.

In every State in the Union, with possibly two exceptions, murder is punishable by death, and life imprisonment is substituted in the exceptions.

When the State has taken the life the law can go no further; the penalty is paid to the uttermost; and there are many who think that imprisonment for life in solitary confinement is a punishment exceeding that of death itself.

I do not think it can be assumed that the punishment for the crime mentioned will be more certain in one jurisdiction than the other. If past history on this subject shall be a criterion, and the presumption will be resolved in favor of the State courts.

A comparison of the crimes and trials of Guiteau, the assassin of President Garfield, and Czolgosz, the assassin of President McKinley, are instructive.

President Garfield was shot in the District of Columbia, and therefore the United States Government had exclusive jurisdiction. President McKinley was shot at Buffalo, N. Y., and therefore the State of New York had exclusive jurisdiction, the Governmentnot participating or being in any way represented at the trial.

Garfield was shot July 2, 1881; died September 19, 1881.

The trial of Guiteau began November 14, 1881; verdict rendered January 25, 1882, and he was hanged on June 30, 1882.

McKinley was shot September 6, 1901; died September 14, 1901.

The trial of Czolgosz begun September 13, 1901; verdict returned September 24, 1901; sentenced September 26, 1901, and he was electrocuted October 29, 1901.

The State court tried and convicted the assassin of McKinley in two days, while the Federal court in the District of Columbia required nearly two and one-half months to accomplish a similar result with the assassin of Garfield.

It required but a month and five days to execute Czolgosz after his conviction in the State court, and five days less than five months for the execution of Guiteau.

The proceedings in the State court were dignified and orderly, while those in the Federal court at Guiteau's trial were almost a reproach.

I do not mean that under the circumstances the comparison here instituted would necessarily be in favor of the State court, and it is only instituted to show that no presumption either way can legitimately be indulged in.

In my opinion the spectacle afforded by the great State of New York in the trial of the assassin of President McKinley in its own court, conducted by its own officers without Federal intervention of any sort, testifies alike to the wisdom and justice of State sovereignty, as well as to the universal condemnation of the foul deed of the assassin, and the ability of the State to deal swift justice.

What the State of New York so well did I believe every other State in the American Union would do, and to take away from the State the duty and patriotic privilege of punishing the murderer of a President is neither necessary nor wise.

OBJECTIONS TO THE QUALIFYING TERMS DESCRIBING THE OFFENSES AND THE BROAD SCOPE OF THE LAW.

What the people have demanded is legislation against anarchy, and not the creation of new offenses and jurisdictions.

Let the qualifying words in sections 1, 2, and 3 be observed, and the question will at once recur, Why were they used instead of the descriptive terms of the common law which have been sanctioned by "precedent unto precedent?"

The words "unlawfully, purposely, and knowingly," as used in the bill, are incomplete to describe a capital offense, and are neither apt nor scientific.

At common law malice aforethought, either express or implied, has always been held necessary to constitute the capital offense of murder, and it is believed that it will be found in all State statutes, or words of equivalent import.

This essential ingredient should have been retained, and in this respect the Senate bill, for which the measure under consideration was substituted, is preferable.

The only word, as used in the three sections quoted above, which would make the killing of the officers named an indictable offense at common law is the term "unlawful." If an indictment should be forced using the words "purposely and knowingly" alone to charge a defendant with either murder or manslaughter, it would be quashed on motion, and judgment or conviction would be arrested, for no verdict would be permitted to stand under the circumstances.

Coupled with the words "purposely and knowingly," if the other word "unlawfully" were used in an indictment for murder, it would still be faulty pleading and not correctly describe the capital offense at common law.

The correct words of description, which have a fixed and definite meaning, are discarded for the uncertain and indefinite words of the bill. The word "unlawful" is not convertible and is not the equivalent of "malice aforethought."

To illustrate the effect of these criticisms: A man may kill another both purposely and knowingly and not be guilty of any crime, for his act may be excusable, as where a sheriff hangs under the mandate of the law or a man takes the life of another in his lawful and necessary self-defense.

The word "unlawfully," too, admits of degrees and varies with circumstances. A man may unlawfully kill another and still not be guilty of a capital offense. The other circumstances connected with the homicide may greatly mitigate the offense, and where the act may be unlawful, yet it would not justify the severest punishment.

A premeditated, willful, and deliberate homicide is unlawful; so is one committed in the heat of passion produced by adequate provocation, and yet it would be a monstrous and bloody law which would not observe the distinction and which would prescribe the same measure of punishment for both offenses.

It is true the common law is not adopted by the Federal court except as it is adopted by statute, yet the Federal courts do look for and find their analogies and reasons in the common law, and in every case of murder in their jurisdiction have charged the jury on the ingredients of the common law necessary to constitute the crime.

If one citizen should kill another, not an official named in the bill, unlawfully, but without malice or deliberation, no matter how valuable the life of the citizen may be to his family or society, the homicide would not amount to murder; yet if he should kill under the same circumstances one of the excepted class he must suffer the extreme penalty, if the courts do not give a more humane construction to the provisions of this bill than has been given by the terms employed.

Can such a law and such distinctions meet with patience and toleration in a Republic of equal laws? If it can be justified in the case of the President, upon whose life so much of the welfare of society and even government itself depends, can it be further justified in the case of the Vice-President?

But the class has been extended to limits far beyond these important and constitutional officers. It embraces Cabinet officials who may succeed to the Presidency in case of the death of the President and Vice-President and to foreign ambassadors and ministers accredited by other countries to the United States Government.

In the case of Cabinet officers, the reason assigned is that they are in line of Presidential succession, which it is intended to preserve by this bill; and in the case of foreign ambassadors and ministers, that diplomatic reasons have controlled.

The alleged justification is as absurd as it is unnecessary.

Seven Cabinet officers are in line with the succession to the Presidency, in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior.

In ordinary times the succession of even the first named would be too remote to require special legislation for his protection, and at no time can it scarcely be conceived how any sort of condition would prevail that would justify this character of legislation in in favor of the other Cabinet officers.

Indeed, unless there was a simultaneous killing of the President, Vice-President, and Secretary of State, the Secretary of the Treasury would never be in line of succession, because if only the President and Vice-President were killed at the same time the Secretary of State would become President and would fill his Cabinet by appointing a new Secretary of State, who would be in line of succession before any of the other Cabinet officers named, and the remoteness of the probability of the other Cabinet officers in line with the Presidential succession ever becoming, under any circumstances, the President of the United States by reason of the death or disability of those who precede them in official rank may be determined by those who will take the time to reason out the remote possibilities.

And why should the ambassador or foreign minister be placed upon a different or higher plane than our own citizens when they come as the accredited agents of other governments? They are entitled to the full protection of our laws and no more. To enact otherwise is a species of ostentatious and unnecessary legislation which must be distasteful to the American who has been taught to believe in the equality of human rights and to deny the monarchical distinction of class.

But these are not all the legitimate criticisms of this pernicious bill.

In what sense shall the word "knowingly" as used in the three sections quoted be taken? As referable to the mental condition of the assailant or to the fact of knowledge on his part that he was killing one of the officials named.

At common law it is not necessary for the person committing the homicide to know the person whom he kills, and the descriptive words employed refer to the mental status of the assailant, and by this analogy the same rule would here apply to the word "knowingly."

The chairman of the committee takes this view of the proper construction of the word "knowingly;" and since a part of these remarks were delivered on the floor of the House, an amendment was voted down which provided that before a person should be convicted under the provisions of this bill he should know the official character of the person killed.

So we have the admission of the chairman of the committee, as well as a legislative declaration, that it is not essential that the official character of the officer killed should have been known, and if this bill be constitutional, and the courts should construe the legislative intent as the lawmaking body has construed it, a President and the other officials are always engaged in the performance of official duty, and it will be made a capital offense to kill either of them, though no deliberation or malice appears and where the slayer is ignorant of the official character of the person slain.

I shall be mistaken if public opinion will endure this drastic and Draconian measure, masquerading as it does in the livery of social order, which confuses the jurisdiction of the courts and aims a blow at the reserved powers of sovereign States not less deadly than the one aimed at the dearest rights of the American citizen.

IS THE SERVANT GREATER THAN HIS MASTER?

The effect of some legislation has been to favor certain classes of our people, but this is the first time in the history of our Government that we have ever created a distinction by law or attempted to separate the official from the body of the people.

It is the first time we have ever declared that the man clothed with authority by the people shall stand apart from them in another atmosphere, upon a higher plane, and be subject to different laws.

It marks a new era and shakes the ancient pillars of the Republic.

My own respect for the office of President of the United States is exalted, and so is that of the American people, and I have no objection to all proper and necessary safeguards to protect the life of the individual who occupies that high station.

But I do protest against the declaration that the President, the Vice-President and Cabinet officers in the line of succession, and foreign ambassadors and ministers are to be put into an inner circle and surrounded with more than regal safeguards.

Even in monarchical England it was held "no treason to kill the king when he was not in the possession of government or acting as king."

Likewise, it was not treason to kill the officers of the king unless "being in their places and doing their offices."

Before the law the stature of all citizens of the Republic is equal, and if a "cubit be added" to one and not to all it is the beginning of the end to free and equal government, and our grand experiment is at last a failure.

In my opinion there is much of human right as well as republican life involved in this measure, and the note of alarm can not be sounded too soon or too often.

If the principle is once established that man the President is greater than man the citizen we have indeed assumed the regal garb.

Such a measure as this will cause more evil than it will ever cure and breed more anarchy than it will ever suppress.

We have now no aristocracy of birth; let us not create one by law.

"There is no divinity which doth hedge about a king," and none should hedge about the servants of the people. [Loud applause.]

Mr. Chairman, I should like very much if I could get an extension of time.

The CHAIRMAN. The Chair will remind the gentleman that under the rule adopted that is not possible.

Mr. PATTERSON of Tennessee. In about ten minutes I would conclude.

Mr. LANHAM. So far as I am concerned, I should have no objection to the extension; but I am unable to yield to the gentleman any further time.

Mr. RAY of New York. I do not see how the committee can extend the time limited by the House. I would gladly yield to the gentleman further time if I could.

Mr. PATTERSON of Tennessee. Though I intended to make more extended remarks, I would like to proceed for about ten minutes, if there be no objection.

Mr. RAY of New York. I do not see how it can be done, as the House itself has fixed the time. I submit the matter to the Chair.

The CHAIRMAN. The Chair is obliged to rule that the House having fixed the time, it is not possible for the Committee of the Whole to extend it.

Mr. PATTERSON of Tennessee. Well, Mr. Chairman, I will then ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that privilege already.

Mr. LANHAM. Mr. Chairman, I yield fifteen minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Chairman, I do not flatter myself at all that I can add anything of interest or of information to the discussion that has already taken place on this subject. I am satisfied, from the variety of legal opinions that have been given during this discussion, as to what would naturally arise in a case brought under this bill if it becomes a law, that it would be unwise to pass it in its present state. Able and distinguished lawyers have given able and learned views of the construction of this bill, and so they would in a court of justice. They differ here, and so they would differ on a trial of the defendant who assassinated the President. Why? Because there are conditions and limitations in this bill, one of which is when he is in the discharge of his official act, another is when he is in his official character. Another is when he has omitted to do something or has done something for which he is murdered. I contend that those three conditions are simply adding to the opportunity of the defendant to escape under a technicality, and I believe that the Congress of the United States can only meet the demands of the people in this respect by passing a plain, simple, easily understood and easily construed law to the effect that any person who unlawfully, willfully, and purposely kills the President of the United States is guilty of murder in the first degree and shall suffer the penalty of death. That is the kind of a bill that I want to vote for. I am not disposed to stand here and split legal hairs and weave fine-spun theories upon one thing and another when the act of killing the President is aimed at the very life of the Government.

I believe that we find warrant and authority in the Constitution to protect the President against the attack of the assassin. We should earnestly avoid encumbering this bill with loopholes of construction.

Mr. Chairman, we all admit that it was the sad death of Mr. McKinley that instigated and inspired this demand that is made by the people that a suitable, plain, and efficient law shall be placed upon our statute book for the protection of the life of our President. It is right and becoming that we should respond to this demand. I have no hesitancy in saying on this floor that in my humble opinion no national event of a personal nature ever transpired in the history of this country that cast such universal gloom over the land as the sad and untimely death of President McKinley.

It appealed to the tenderest and strongest chords of love, sorrow, and indignation in the hearts of the American people, and it was right that it should. I recall now, Mr. Chairman, a public occasion in which his personality impressed itself in a most remarkable manner upon an immense audience. It was at the beginning of his Southern Pacific tour, when he received, in fact, the first ovation of his trip from the public, in the town where I live, Huntsville, Ala.

It was my pleasure, pride, and honor to present him to our people, and the first thing that he said in greeting me was, "How many people do you think are here?" I said, "Mr. President, possibly 10,000 are here to greet you." I never will forget the smile that passed over his face as he gazed upon that large audience. He said to me, "They tell me that the Federal and the Confederate veterans have marched down here arm in arm to greet me to-day. Point me where they are."

I did, and I pledge you my word that I have never heard in the history of this country grander, nobler, more patriotic, and broader American sentiments than he uttered there that day, addressing those noble veterans of the two armies of the blue and the gray. He spoke as one inspired by a love of country that knew no sections. In glowing words he spoke of the sons of Federals and Confederates who followed our flag in Cuba and charged the hills of San Juan. In breathless suspense his audience hung on his glowing words and his splendid tributes. Not a word or syllable fell from his lips but that of peace, love, and happiness. I have never seen an immense audience drawn so closely to a man as he drew that Southern crowd that day. Again, a large portion of that same audience that greeted him at the depot on the 30th of April gave expression to their admiration and esteem, for hardly ninety days had elapsed before many of those same people who had greeted him at that depot met at the memorial services to express their sorrow for his untimely death.

On that sad occasion, when the day of his greeting and the sentiments that he breathed in the presence of that Southern crowd were referred to, there was not a dry eye in that whole Southern audience. The South honored and had profound respect for President McKinley. He treated us just and fairly. He was a brave and a magnanimous soldier, and he loved his country and all its people. I am justified and authorized in the proper way and spirit to draw a contrast between the grand, noble, and patriotic sentiments that President McKinley expressed on that occasion, the 30th of April, 1901, and sentiments recently uttered by President Roosevelt on a recent national and notable occasion.

It was a beautiful day in spring, the last day of May—Memorial Day. Nature seemed to be hushed in honored silence for the occasion which thousands of good people had gathered to honor and celebrate. With the thronging, pressing thousands I found my way to Arlington and watched and listened with profound interest and honor to the touching and beautiful ceremonies. I stood with fully a thousand citizens with uncovered heads around a mound at Arlington Cemetery which contained the remains of over 2,000 brave Union soldiers, whose names were unknown, who gave their lives for the defense of the flag in the great civil war. They had been tenderly removed from the battlefields of the South and placed in one common grave. There slept in that mound more than 2,000 brave, noble, and unknown men who had died on different battlefields for their country. Everyone seemed inspired by the solemnity of that occasion. The contrast that I desire to make I will now proceed to read:

> There were abuses, and to spare, in the civil war. Your false friends then called Grant a "butcher," and spoke of you who are listening to me as mercenaries, as "Lincoln's hirelings." Your open foes—as in the resolution passed by the Confederate congress in October, 1862—accused you, at great length and with much particularity, of "contemptuous disregard of the usages of civilized war;" of subjecting women and children to "banishment, imprisonment, and death;" of "murder," of "rapine," of "outrages on women," of "lawless cruelty," of "perpetrating atrocities which would be disgraceful to savages;" and Abraham Lincoln was singled out for especial attack because of his "spirit of barbarous ferocity." Verily, these men who thus foully slandered you have their heirs to-day in those who traduce our armies in the Philippines, who fix their eyes on individual deeds of wrong so keenly that at last they become blind to the great work of peace and freedom that has already been accomplished.

It would have been well for the President to have read Mr. Lincoln's great speech at Gettysburg. The question arises in the mind of everyone on the floor of the House—yes, it has quietly passed through the minds of millions of brave and generous men of the North—could President McKinley have been induced to utter at any time, and especially on Memorial Day, sentiments and expressions such as these—expressions that were drawn from the fierce days of passion when the brave men of the North and South met each other in bloody conflict? The emphatic answer comes, "Never." I sincerely regret that the President was led into such strenuous indiscretion. The President certainly forgot that many of the "heirs to-day" of the men from whom he was quoting were sleeping their last sleep at Arlington, having lost their lives in the Spanish-American war under the flag of our country. Who, we ask, are the "heirs to-day" of the men to whom the President referred? It is the South. Probably the country would have been better pleased if the President had devoted more of his speech to the memory of Mr. McKinley.

I will not, Mr. Chairman, so far forget the environments and proprieties that are about me here to-day, in my position as a Representative on the floor of this House, as to be induced to characterize this language used by the President as it justly deserves. It came from the President of the United States on a most solemn memorial occasion, the day of honor to the thousands of brave Union dead that had fallen in defense of the flag of the Union. I dare say, Mr. Chairman, that it would have been far more appropriate and agreeable for the President to have referred to the liberal and patriotic terms that General Grant gave to General Lee and his brave and exhausted soldiers at the surrender at Appomattox, which did more to bring reconciliation to the contending sections of our country than anything else that has transpired since that memorable event. I speak of the Federal soldiers, because it was my duty and my pride to meet them on many of the bloodiest battlefields of the South.

There is not a Federal soldier within the hearing of my voice on this floor who would have uttered such sentiments here or elsewhere—much less have done it on Memorial Day at Arlington. I say, and you will agree with me, that the proprieties of the occasion were violated. I felt and I believe, and now state, for the President of the United States to refer to what was said about Mr. Lincoln in the heat of blood, when we were taking each other's lives, forty-odd years nearly after the war had ceased, was certainly unbecoming, and the country has accepted it in that light. No man in this country has greater reverence and respect for the honor of the position of President than I have, and for that reason I am ready and willing here to-day to do anything that is within reason, as I have indicated, to protect his life and the life of the Vice-President.

The President in his Memorial Day speech was certainly in one of his most strenuous moods, for he not only thrust his officia

hand into the bloody days of the war, but he referred on that Memorial Day to the very cheap political stock in trade that is used against the South on all convenient occasions. Here is what our President said about us:

From time to time there occur in our country, to the deep and lasting shame of our people, lynchings carried on under circumstances of inhuman cruelty and barbarity—a cruelty infinitely worse than any that has ever been committed by our troops in the Philippines; worse to the victims, and far more brutalizing to those guilty of it. The men who fail to condemn these lynchings, and yet clamor about what has been done in the Philippines, are indeed guilty of neglecting the beam in their own eye while taunting their brother about the mote in his. Understand me. These lynchings afford us no excuse for failure to stop cruelty in the Philippines. Every effort is being made, and will be made, to minimize the chances of cruelty occurring.

Of course no one has ever intimated that the lynchings of the South afford "any excuse for failure to stop cruelty in the Philippines." Everybody regrets that there has occurred cruelties on the part of any of our soldiers in the Philippines. We all realize that cruelties are incidents of war, not chargeable to the entire Army, however. But what, I ask our President, has lynchings in the North or South to do with the criticisms that some people have passed on General Smith's order in the Philippines or the application of the so-called "water cure." It is well known that the able and distinguished Senator from Massachusetts, Senator HOAR, has criticised the cruelties perpetrated in the Philippines with much severity, charging it as a result of our Philippine policy. The distinguished gentleman from Pennsylvania [Mr. SIBLEY] was, I believe, the first and bitterest denouncer on the floor of the House of General Smith and his order. Both of these distinguished gentlemen are Republicans.

No people have ever suffered more from this outrage than the people of the South. Yes, they have suffered more than the negro has, but think you that it is likely that we on our part will accept an admonition and a chiding administered in that way and for such a purpose on so solemn an occasion about that which we deplore more than do the people of the North? We know, Mr. Chairman, that each scene of horror, such as shock the sensibilities of the world, is but the bloody sequel of deflowered Southern womanhood and the destruction of a happy home in the South. The people of the South know and feel that lynching degenerates to a spirit of lawlessness. We would gladly stop it. But what will you do about it?

Why, the gentleman from Wisconsin [Mr. JENKINS], in the discussion of this bill, in a kind and lovable spirit and manner said that he believed that if the assassination of Mr. McKinley had occurred in the South that Czolgosz, the assassin, would have been strung up to the first lamp-post and the courts would not have been troubled with him. The people of the South are generous, brave, and impulsive. They despise a low, cowardly, mean, sneaking act, and swift and sure sometimes is their vengeance. They admired and honored President McKinley, and I don't think his assassin would have been in a comfortable position in "Dixie's Land." But the President knew, when he referred to lynching, that the Constitution gave no warrant for Federal interference in the criminal jurisprudence of the several States, but yet on this national Memorial Day he referred in no uncertain words to this sensitive and inflammable subject. It looks to me inappropriate and unwise as well as unjust. It smacked verily of political purpose and the future. I do not defend nor apologize for the lynchings in the South.

And now, Mr. Chairman, I object to this bill, and will hurriedly present my reasons. I object to it, as I have said, because it preserves conditions. I see that my time is rapidly drawing to a close. I object to the eighth and ninth sections of this bill, and I say to the gentlemen here who are supporting it that if it had been the law at the time of the Armenian slaughters by the Sultan of Turkey quite every local minister in this country would have been made liable to twenty years behind the bars. Section 8 provides:

SEC. 8. That any person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first nine sections of this act, shall be fined not less than $500 nor more than $5,000, or imprisoned not less than one nor more than twenty years, or both.

This is ostensibly aimed at anarchists, but can anyone deny that thousands of native-born Americans of good standing and character can be sent to the penitentiary for twenty years and fined $5,000 for expressing an opinion?

I ask, Mr. Chairman, where is the necessity for this Government of ours to protect the Czar of Russia in his own kingdom? What have we to do with the protection of Nicholas the Czar of all the Russias? I say that if this law had been in force at the time of the Armenian slaughters the criticisms made by the pulpits and Christian people throughout this country would have laid them liable to imprisonment for saying that the Sultan of Turkey ought to be dethroned and killed. Yet this bill purports on its face to be a measure for the protection of the President of the United States. What business, I ask, Mr. Chairman, is it of ours to protect a monarch on his throne or the Czar of Russia in his own unlimited dominions? Yet this bill proposes to do that, when the demand of the country is that Congress shall frame a law to protect the life of our President.

What business is it of the lawmakers of this country to protect autocrats and monarchs on their thrones? We can treat them courteously and protect them when they come to our country officially. That is all right. Sir, this Republic of ours, of which we have just cause to be proud, stands the world over as the greatest living protest against the rule of kings, queens, czars, and emperors. There are to-day thousands and thousands of liberty-loving Americans who would rejoice to see a democratic free government supplant and overthrow every crowned head in Europe. This is natural. And yet we are called on in this bill to protect, shelter, guard, and, indeed, foster these monarchs and royal personages in their own homes.

Surely the great Judiciary Committee of the House is not serious in this matter. I dare say under the provisions of this bill quite one-half of the members of this House could have been convicted for expressions of sympathy for the Boers in their brave and heroic struggle for freedom, and whose flag has just gone down in defeat. The bill says not merely a person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the "officers generally," but one who "justifies" such assault is also guilty.

I can not follow the extraordinary meaning and scope of the words used in this section. It is a plain, open assault of the most aggravated character upon the rights of the citizen. It is a bold attempt to make the Federal courts the censors of public opionion. All of this is done under the mistaken effort to protect the life of the President of the United States. We must protect the President, but not in this way. Why, under the provisions of this section under the term "officers generally" one-half of the white people of the South could have been made liable to its penalties in the past, because a negro postmaster falls under the designation of "officers generally."

Under this section any provocation given to strike or assault a negro postmaster would be an offense and twenty years in jail would be given to the offender and the same to the man who justified the assault on the negro postmaster. It is not unfrequently the case that such characters are required to "move away." Such a law in the hands of a partisan Federal judge could be used as an engine of destruction, oppression, and tyranny. Jefferson warned us against the extension of the powers of the Federal courts.

I now, in conclusion, briefly call attention to section 9 of the bill, which reads:

That any person who conspires with any other person or persons, or requests, advises, or encourages any other person or persons, to unlawfully assault or kill within or without the United States the chief executive or chief magistrate of any other civilized nation having an organized government because of his official character shall be punished as follows.

The punishment is made death if the party assulted dies. If he does not die, twenty-five years in penitentiary. If such attempt is not made on the life of the foreign official, then the offender shall be imprisoned not less than five years for thinking about it or having mentioned it probably to some one else. This section truly Russianizes the United States.

The word "encourages" as used in this section has a broad and significant meaning. Under it I believe that a man quoted in an interview and published in a newspaper as saying that the Czar of Russia was a tyrant and ought to be shot because he ruthlessly and cruelly expelled the Jews from his dominions, and the Czar was afterwards killed by an assassin at his capital, and it was shown that the assassin had read the interview before the perpetration of the crime, then the man giving the interview would be adjudged guilty of having encouraged the death of the Czar.

That interview would certainly mean encouragement. I am free to say that I can not believe that anyone seriously believes that a citizen of this country could really be punished or imprisoned about expressing an opinion unfriendly to the rule of a monarch in a foreign land. Our Constitution protects us fully against such a wrong as that. Why then harass and annoy the citizens with such laws? The American Congress can be relied on fully, I think, to put its foot on such legislation.

I am opposed, Mr. Chairman, to section 3 of this bill, which throws around foreign ambassadors and ministers the same protection it does to the life of our President. We will treat all of that class all right, but the President of this country ought to be protected in his life not because his life is more sacred or valuable than the humblest citizen of the land, but because he is the official head of our Government, and an assault on his life is an attack on our Government.

[Here the hammer fell.]

Mr. LANHAM. Mr. Chairman, I believe I have now fifteen minutes remaining.

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. LANHAM. I will apportion that time in this way: I yield five minutes to my colleague from Texas [Mr. KLEBERG] and the ten minutes remaining to my colleague on the Committee on the Judiciary [Mr. SMITH of Kentucky]. The Chair can recognize them in that order.

Mr. KLEBERG. Mr. Chairman, I shall address myself especially to the sections which deal with the subject of the suppression of anarchy. In doing so I wish it known, first of all, that there is not a member on this floor who more deprecates that kind of organization in our midst and who is more willing to go, as far constitutionally as we can, than I am to suppress it, as far as Federal legislation will do it, leaving the balance of it to the States.

I am willing to prevent all that by any necessary amendment to the immigration laws, and to keep them from becoming citizens, and leave the balance of it with the State. But in this bill I object to a certain clause in it, which is dangerous to the liberties of our people and the press, and especially I refer to section 9, and the words used in that section which refer to this subject in these words: "Any person who shall encourage another to commit an assault upon a foreign ruler or the highest executive of a foreign nation," etc., dealing exclusively with foreign rulers. Now, I say there is nothing in this section which deals in the remotest degree with an attack upon the President, the Vice-President, or any other officer of the United States, and the entire section is foreign to the purpose of the bill.

SEC. 9. That any person who conspires with any other person or persons, or requests, advises, or encourages any other person or persons to unlawfully assault or kill, within or without the United States, the chief executive or chief magistrate of any other civilized nation having an organized government, because of his official character, shall be punished as follows: If an attempt to commit such act is made and the death of any person results therefrom, such offender shall suffer death. If such attempt does not result in death, such offender shall be fined not less than five hundred nor more than five thousand dollars, or be imprisoned not less than five nor more than twenty-five years, or both. If such attempt is not made, such offender shall be fined not less than five hundred nor more than five thousand dollars, or be imprisoned not less than one nor more than five years, or both.

But we have there the words that "anyone who encourages an assault on or killing of a foreign ruler," etc. Now, I say that under the powers of judicial construction in the courts that these words are dangerous words and should be expunged from this bill. Under the judicial power of construction it could be construed to mean that, directly or indirectly, anyone by the use of printed matter in the newspapers, or words spoken in the heat of passion, or resolutions passed at a political meeting inveighing against foreign rulers and which possibly will incite to action some man who hates rulers and who would possibly be impelled to go and make an assault upon a foreign ruler—it would subject the speaker or writer to punishment of death.

An orator, a public speaker, a newspaper, when attacking such ruler for abuse of power abroad, a person on American soil would be amenable under this law to a prosecution by a foreign ruler, a king, a czar, or an emperor, or what not, who could ask under such a law for the punishment of all persons who had been encouraging another person indirectly in print or by speech unintentionally, and we would see this country turned over by sleuth-hounds, newspaper offices ransacked, orators and public speakers upon the stump possibly arrested and thrown in jail, actions of conventions questioned, and our citizens generally brought under the ban of suspicion that they had possibly encouraged, either directly or indirectly, some rattle-brained man who felt it his duty to assault a foreign potentate. Not only this, but in the closing clause of that section, if the assault is not even committed, if nothing comes of it, a person so encouraging shall be imprisoned and be liable to a fine.

Now, I say I do not wish to reflect upon the committee, but this does seem to me to be an attempt to interfere with the liberty of free speech and the freedom of the press, and though it will pass muster of its constitutionality in the courts, because there is nothing on the face of this section which would bear possibly that construction of its unconstitutionality, yet under the power of judicial construction it can easily be warped to mean that very thing—that is, abridge the liberty of speech and the press in the manner pointed out by me. Now, even if an editor uses intemperate language, or a public speaker, or any man in a political meeting, or by resolution, should criticise a foreign ruler by words which would go to incite action upon the part of somebody to commit this crime, that would make them amenable to a prosecution.

Now, I protest against the idea of placing the rights and liberties of American citizens under the surveillance and control of a foreign potentate. I am willing and ready to furnish all means to protect foreign representatives who come to this country, and to extend them due civility. I am willing even to submit to a special embassy to go to a coronation of a foreign potentate, but when it comes to the suppression of free speech and a proposition to interfere with the freedom of the press and to place a foreign censorship over them, then I draw the line, and as an American citizen, born to the manor, free, white, and 21, I protest in the name of American liberty-loving citizenship, and stand by free speech and the freedom of the press. [Loud applause.]

Mr. SMITH of Kentucky. Mr. Chairman, it was not my purpose to participate in the general debate upon this bill, and I must now do so, if at all, without previous preparation; hence if my remarks shall be lacking in continuity of thought or aptness of expression I am sure there will be no disposition to criticise them.

When the Committee on the Judiciary of the House was appointed and organized at the beginning of this session there were a score or more bills relating to the subjects covered by the substitute offered now for the pending Senate bill awaiting its consideration. No doubt that the introduction of many, perhaps all, of them was superinduced by the cruel, treacherous, and shocking assassination of our late amiable and lamented President McKinley, just as experience has often heretofore shown the propriety or necessity of important legislation. If, however, there are those here who entertain apprehension that the proposed legislation has been hastily considered and reported by the committee, I wish to assure them that within my five years' service on that committee no measure has received a more critical examination, thorough analysis, and exhaustive consideration than was given by it to this subject and the various bills relating thereto.

I do not approve every provision in this substitute, but it represents the deliberate thought, patriotic purpose, and best judgment of the majority of the members of the committee. Not being one of their number, I may say of the faithful and eminently competent members who supported the provisions of the substitute in toto as reported, that they were untouched and unmoved by any sentiment or purpose other than by a skillful, comprehensive, and constitutional enactment to punish crimes most heinous in character and effectively prevent the spread of the doctrines, the increasing frequency of their deadly deeds, and, if possible, exterminate anarchy and anarchists from our jurisdiction.

Often an intellectual pigmy may with ease and readiness criticise that which has required all the capacities of giant intellects to construct, and I trust that gentlemen will remember in this instance that the problem to be solved is most intricate and the task assigned the committee was exceedingly difficult. And while the substitute presented may not be, and, in my opinion, is not perfect, yet there can be no doubt that it is very much superior to the Senate bill.

In the consideration of this question it is of the utmost importance that gentlemen keep constantly in mind our system of dual governments—the State and Federal.

The duties and powers of each, their relation to each other, and the relation of each to the citizen in the State must not be forgotten or ignored in the very laudable and determined effort to protect the Government and destroy anarchy.

The Federal Government can exercise no power other than those delegated to it by the Constitution, but the State government has all powers not denied to it by its own or the Federal Constitution, while each is supreme within the spheres assigned them under our complex system. In the case of McCulloch *v.* The State of Maryland (4 Wheat., 405) Chief Justice Marshall declared:

This Government (that of the United States) is acknowledged by all to be one of enumerated powers.

Chief Justice Waite in the case of The United States *v.* Cruikshank stated:

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States and the people. (92 U. S.)

In his opinion, concurred in by Chief Justice Fuller, Justice Lamar, In re Neagle (135 U. S., p. 77), says:

Nor do we question the general propositions that the Federal Government established by the Constitution is absolutely sovereign over every foot of soil and every person within the national territory within the sphere of action assigned it, and that within that sphere its Constitution and laws are the supreme law of the land," etc.

Citations in purport similar to these could be given without limit, but it would be a waste of time to read them.

Every citizen of a State is likewise a citizen of the United States. He has a dual citizenship and owes allegiance to and is charged with many important and distinct duties to each of these sovereignties, which, or any of which, if not voluntarily observed may be coerced from him by the government entitled thereto.

In the opinions of the Supreme Court in the Slaughterhouse Cases and the case of Boyd *v.* Thayer (143 U. S.) it is said:

Every citizen of a State is ipso facto a citizen of the United States.

In the Slaughterhouse Cases (16 Wall., p. 74) this language appears:

It is quite clear that there is a citizenship of the United States and a citizenship of a State which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

So in the case of The United States *v.* Cruikshank (92 U. S., 542) the court said:

The people of the United States resident within any State are subject to two governments, one State and the other national, but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad.

True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of the peace, in the assault. So, too, if one passes counterfeit coin of the United States within a State, it may be an offense against the United States and the State; the United States because it discredits the coin, and the State because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen can not complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

But there are also duties and obligations owing by these governments to the citizen. In return for his allegiance the citizen is entitled to protection in all his rights, privileges, and immunities from them. It is true that under our system neither one of them has undertaken to protect the citizen in all these, but those not assigned to the protection of the one are committed to the guardianship of the other, and thus though some in State and others in Federal jurisdiction, all these are guarded and guaranteed by a power supreme within its proper sphere of operation. As said in the case of Minor *v.* Hoppersett (21 Wallace, 162):

Allegiance and protection are in this connection reciprocal obligations. The one is compensation for the other; allegiance for protection and protection for allegiance.

In this and kindred legislation it is therefore expedient always that we determine at the outset whether the power invoked has been delegated to the Federal Government, and unless authority for its exercise can be found in the Constitution Congress should stop at the threshhold, for I still believe that in a faithful, intelligent observance of that instrument abides the highest, the best, and, in truth, the only hope for the preservation of republican institutions in this country.

However pleasant and interesting to myself, if not to you, it might be, I will not on this occasion undertake the discussion in detail of the distribution of powers between the State and Federal governments, even to the extent that it would be pertinent to do so. I may say that it is my fixed and deliberate opinion that the State alone is primarily vested with the authority and charged with the grave responsibility of protecting those within its borders in life and limb; that the Federal Government is utterly powerless, and under the Constitution must remain so, to punish for homicide and like crimes committed within the States when there is no other fact upon which to base the jurisdiction than that the victim was a citizen of the United States.

That the States may carry out and discharge such fundamental and essential functions faithfully and well, the Federal Constitution has laid upon them sundry limitations and inhibitions conducive to the ends of justice, and has guaranteed to each a republican form of government. So that the inherent ability of the State government to fulfill its obligations in such matters is reinforced by these provisions of the Federal Constitution, and there can be no such thing as general failure so long as there shall be vitality and vigor in the American system. Now let us see what has been determined by the Supreme Court of the United States touching this matter.

One of the earliest cases bearing upon that question was that of Corfield *v.* Coryell, in the United States circuit court for the district of Pennsylvania. Mr. Justice Washington delivered the opinion, and therein declared:

We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature fundamental, which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the Government; * * * the enjoyment of life and liberty, with the right to acquire and possess property of every kind and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the Government may prescribe for the general good of the whole. (4 Washington C. C., 371.)

True it is this case was decided in a circuit court, but the opinion was rendered by a member of the Supreme bench, and it has been frequently approved by the Supreme Court.

In the Slaughterhouse Cases (16 Wall.) Justice Miller, having quoted the language of Justice Washington as I have stated it, said:

It would be the vainest show of learning to attempt to prove by citation of authority that up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligations of contracts. But with the exceptions of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined (by Washington), lay within the constitutional and legislative power of the States and without that of the Federal Government.

The learned justice then puts certain questions intended to bring out the fallacy of the contention that the fourteenth amendment had wrought such change as to render the former construction inapplicable and commented thereupon, after which he proceeded to say:

We are convinced that no such results were intended by the Congress which proposed these amendments nor by the legislatures of the States which ratified them.

But the able and distinguished justice did not stop at his approval of Justice Washington's enumeration of rights left to the care of the local jurisdiction, but he pointed out some of the rights, privileges, and immunities of a citizen of the United States as such. Among them he mentioned the right to travel to the seat of government to assert claims or transact business, free access to the seaports, to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within foreign jurisdictions, to the habeas corpus, and to use the navigable waters of the United States, as well as a number of others.

In the case of Maxwell *v.* Dow (176 U. S., 591) the Supreme Court, speaking through Mr. Justice Peckham, refers to Justice Miller's opinion in the Slaughterhouse Cases at much length, and among other things, says:

The definition of the words "privileges and immunities," as given by Mr. Justice Washington, was adopted in substance in Paul *v.* Virginia (8 Wall., 168) and Ward *v.* Maryland (12 Wall., 418). These rights, it is said in the Slaughterhouse cases, have always been held to be the class of rights which the State governments were created to establish and secure. The opinion upon the matters actually involved and maintained by the judgment in the case has never been doubted or overruled by any judgment of this court.

Perhaps the most direct and specific utterance upon the question by the Supreme Court is to be found in the opinion in the case of The United States *v.* Cruikshank (92 U. S., 542), in which it is declared:

The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons within their boundaries in the enjoyment of these "unalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

There are many other cases that have been or will be quoted by other gentlemen in the discussion sustaining this proposition, and altogether it seems to me to be well established that it is beyond the constitutional power of Congress to enact any law that will confer jurisdiction on the Federal courts to try anyone for homicide committed in a State merely because his victim was a citizen of the United States. There is no attempt by the committee to justify the constitutionality of this bill upon that theory. It must and does rest upon the power and the duty of preserving and protecting itself against those who would obstruct, resist, or destroy it. The Government does not consist alone of the Constitution and the laws, but of officers as well. Without the written Constitution the Government would no doubt be bad, but without officers there can be no government, while with both, as we now have, it is no better than the people are entitled to have.

When the citizen of a State enters into and becomes part of the machinery of the Federal Government he without ceasing to be a citizen becomes a public servant and is clothed with a new and distinct though artificial existence or official character, so that such an one has not only a dual citizenship but dual capacity—individual and official—and is at some times engaged in the discharge of official duties and at other times exercising rights and privileges pertaining to himself as a citizen wholly and completely apart from his official position. I may very appropriately say in this connection that I do not concur in the opinion of the honorable chairman of the Judiciary Committee that the President is always engaged in the discharge of his official duties.

While I have not the least doubt of the exclusive authority of the State to the extent I have indicated, yet I as sincerely believe that the Federal Government has the constitutional power to do so, and should be charged with the duty of protecting its officers in their proper official service and character. If officers essential to, and the only agencies by which, the Government can execute its functions, can be obstructed, resisted, and assassinated with no power on its part to protect them, prevent or punish such deeds, then in truth it is without a parallel in all governments present and past the world has ever known.

It is no sufficient answer to say that when such inexcusable and sometimes heinous crimes occur in the States they will be promptly and severely dealt with in the State courts. I have the utmost confidence in and greatest respect for these local tribunals. But they must enforce the law as it is written in the State statutes. The lack of uniformity in the punishment fo.

any given crime under the statutes of the various States, and the absolute inadequacy of the punishment prescribed by the statutes of some of the States for such crimes are full answers to that contention. Had President McKinley survived his wounds his assailant could not have been punished with longer imprisonment than ten years, and had he been as cruelly assassinated as he was in certain other States the extreme punishment would have been life imprisonment. The American people would have characterized such results as worse than farcical or contemptible. But the real answer to that claim is, that it is a sound rule in political economy that every government shall have the jurisdiction to punish offenses committed against itself. It might as well be claimed that offenses committed in and against one State should be cognizable in the courts of another, or that offenses against any State should be punished in the courts of the United States, as to assert that offenses against the latter should be tried in the State court.

No one has been heard to deny that to strike down a Federal officer while he is engaged in his official duty interferes with and obstructs the Government, or that to do so because of his official character or conduct is a blow aimed at the Government itself.

It is upon the theory that the Government has the constitutional power to preserve and protect itself that Congress should pass some legislation on this subject.

Mr. BARTLETT. Will the gentleman allow me, if it will not interrupt him?

Mr. SMITH of Kentucky. No, it will not interrupt me; I am speaking extemporaneously.

Mr. BARTLETT. This provision of the bill which protects not only the President but the Vice-President, and so on down the line, does not the gentleman think the extending of the law—for it is extending the law virtually, to include the killing of the Vice-President and the members of the Cabinet and the ambassadors—is going much further than even the English people ever went when they defined treason as an attempt to take the life of the King, his consort, and his oldest son; in other words, by extending this along down the line, we virtually make that treason which was never done in England?

Mr. SMITH of Kentucky. I believe the provisions in this bill reach further than did the law of England against treason.

Mr. BARTLETT. Is it not a fact that this bill protects the President and makes it virtually treason, because the Constitution does not permit you to call it treason?

Mr. SMITH of Kentucky. I presume so. If the power had existed under the Constitution to have made these things denounced in this bill against the President and his Cabinet who are in the line of succession treason, it might have been preferable, and I think this bill ought to be characterized "A bill to prevent the obstruction of the Government." This is what I think it ought to be entitled, for I think that is what it is. Its design is to prevent the obstruction of the performance of the duties of certain officials of the Federal Government, and not, as some gentlemen who have spoken on the other side seem to think, that it is against the murder or the killing of a citizen. That is but an incident of the crime sought to be punished by this measure.

Mr. RAY of New York. My colleague will remember that among the amendments we propose to the bill is one which prevents crimes against the Government, which embraces the idea of the gentleman.

Mr. SMITH of Kentucky. That is true.

Mr. Chairman, the Supreme Court of the United States in the Cruikshank case substantially held that it was within the constitutional power of Congress to enact such laws as this, for in that decision it is said:

> The Government thus established and defined is to some extent a government of the States in their political capacity. It is also for certain purposes a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the States, but beyond it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.

In re Neagle both opinions held that the Federal Government has under the Constitution the full and complete power to protect itself. In the dissenting opinion it is stated:

> We recognize that the powers of the Government within its sphere, as defined by the Constitution and interpreted by the well-settled principles which have resulted from a century of wise and patriotic analysis, are supreme; that these supreme powers extend to the protection of itself and all of its agencies, as well as to the preservation and the perpetuation of its usefulness, and that these powers may be found not only in the expressed authorities conferred by the Constitution, but also in the necessary and proper implications.

So said Chief Justice Fuller and Justice Lamar.

The criticism that the substitute prescribes the death penalty not only for murder but for certain other homicides that are under the statutes of the various States punishable by imprisonment for life in some and a term of years in others has some force. I think it would be wiser and more conservative to make the description of the crimes to be denounced in the first three sections correspond with that of murder, and I shall at the proper time offer the amendments necessary to accomplish this change. These crimes as defined in the substitute, however, approximate murder so nearly and are so manifestly inspired by an evil intent and design against the Government itself that the defeat of this measure can not be justified on that ground. It is urged by some that he who kills one of the high officials embraced by the terms of this bill should be punished more severely than for the killing of a plain citizen upon the idea that their lives are more important to the public than is the life of the nonofficial.

This fact may be and doubtless is true, but it does not follow as a logical sequence in sound public policy that the culprit should be any more harshly dealt with in the one case than in the other. Men in every community vary in their importance; some have more reputation, some have more money, some have more sense, some have more charity, and in a hundred other respects they differ in importance, but I never heard of any demand in any State, for any such an adjustment of criminal statutes that the punishment of criminals would be regulated according to the standing in any particular or generally of the victim.

There is neither good policy nor sufficient reason for the section relative to the foreign ambassadors and ministers. Those diplomats are neither citizens nor officers of the United States, and when, so far as life and property are concerned, the same protection is given them under existing conditions as are secured to our own citizens every international obligation and duty has been fulfilled. I can but feel that its retention is indicative of an unhealthy condition of public sentiment, and shall support a motion to strike it out. I also think that section 13 should, on general principles, be stricken from the bill.

Mr. BARTLETT. Will the gentleman allow me to interrupt him for a moment?

Mr. SMITH of Kentucky. Yes, sir.

Mr. BARTLETT. Is it not true, with reference to this bill, that in order to give jurisdiction to the United States court, or the trial of a case at all, the very heart of the offense is the assault upon or killing of the President or other officer, either because he is an officer of the United States or because he was engaged in the discharge of his official duties? Without that, according to the report of the committee as made by its chairman, the bill would not be constitutional. But this section proposes absolutely to presume that the very essence of the case is proven without a word of truth having been submitted. Is not that true?

Mr. SMITH of Kentucky. Well, yes; it creates a presumption in favor of a jurisdictional fact; but should the section be retained it can not result in any greater detriment to an accused than to require him to answer in a Federal instead of a State court. The presumption there declared is applicable only when the unlawful killing is charged to have been committed when the officer was engaged in the discharge of his official duties. That the accused unlawfully, purposely, and knowingly killed a Federal official must be established beyond a reasonable doubt by evidence. If that shall have been done, then he is punishable for a crime in the State court, or if such deed is shown to have been committed while the official was engaged in his official duties he would under this act be subject to Federal jurisdiction. Hence the only immediate result will be to affect the question of jurisdiction.

I have thus pointed out briefly the principal objections that can be urged against the committee's substitute. Upon the whole, however, this measure has considerable merit. It will provide not only a uniform but a commensurate punishment for those crimes. Its provisions relative to the teachings of anarchy and the conspiracies and crimes resulting therefrom are most excellent and commendable and will no doubt receive the approval of the people who have appreciated the necessity for and earnestly urged the enactment of stringent legislation on the subject. [Applause.]

Mr. RAY of New York. I yield the residue of my time to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Chairman, I yield a moment to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, as one not trained in "the lawless science of the law," unskilled in the dialectics of its books and schools, I hesitate to avail myself of the opportunity afforded me by the courtesy of the distinguished gentleman from Maine [Mr. LITTLEFIELD] to engage in the discussion of the pending measure. The sentiment of the great and patriotic State which I have the honor to represent on this floor is so united and earnest, however, in support of the objects sought to be gained by the passage of this bill that I feel as if I should be remiss in my duty if I should fail to give expression to it here.

I can easily understand the attitude of gentlemen on the other

side of this Chamber who have arrayed themselves in almost unanimous opposition to this measure. With a fidelity to the traditions of their party which does credit to their heart, if not to their intelligence, they have gone to the melancholy grave at Appomattox and conjured forth the poor ghost of State's rights and have thrust it forward here as justification for their opposition to a measure which seeks to give the nation's protection to the nation's President. "We must not trench upon the rights and powers of the States with Federal legislation," these gentlemen assert. "There is no 'dignity which doth hedge about a king' in this great country," they say, "and therefore a statute which seeks to give him special protection violates every principle and tradition of our history."

I say I can understand such an attitude as this on the part of gentlemen on the other side, for I have read the history of the Democratic party; but I must say, and I am very glad to say, I can not sympathize with it. As an academic proposition I think I have a fair understanding of the relations existing between the several States and the Federal Government, and their respective powers and privileges; but as a practical question it has never worried me. No intelligent American needs to be told that the proper adjustment of the relations which should exist between the States and the General Government was the first and greatest of the problems which confronted the makers of the Constitution; but why, at this stage of our national life, State lines should be held of any importance except as a mere political convenience to facilitate the operations of self-government among the people has been to me always a curious thing.

No citizen of Kansas has ever been accused of lacking a proper degree of State pride; but I never heard or heard of any citizen of that State expressing a feeling of jealousy or suspicion toward the United States of America, or protesting that the Federal Government was trespassing upon the rights of the sovereign State of Kansas. Kansas was settled in large part by ex-soldiers of the Union Army. They went out there with the idea somewhat firmly fixed in their minds that they had settled for all time the question as to whether the United States was one sovereignty or forty-five; and they are still of that opinion. The idea, therefore, that in passing a law authorizing the Federal courts to take jurisdiction of an assault upon the life of the President Congress would be authorizing the General Government to usurp a function that should be left to New York or Ohio or Arkansas or any other State would simply never occur to the mind of a citizen of Kansas.

I have no sympathy either with the objection to this measure which is grounded on the proposition that the life of the President is no more precious than the life of any other citizen and is therefore not entitled to special protection. When one man is singled out from among 80,000,000 of people, and by the free, uncoerced, and uncorrupted franchise of his fellow-citizens is chosen as their Chief Executive and becomes vested with powers and duties and responsibilities upon the proper exercise and discharge of which the happiness and prosperity of the whole nation may largely depend, is it not idle to assert that the life of this man is of no greater value to the nation than the life of any private citizen?

It is of infinitely greater value, not only because of the vastly important functions which the President exercises, but because he stands as the representative of the sovereignty of the nation, so that an assault upon him has the element of treason as well as of murder in it, combining thus the two highest crimes known to human jurisprudence. Who among us can not recall the mingled feelings with which we heard of the assassination of William McKinley? The feeling of grief, first, for the loss of a man we so much loved, and then the sentiment of rage that an impious hand had been lifted against our country. Not one of us but felt that the whole nation had been outraged and insulted. The feeling was less in degree, perhaps, but it was the same in kind as if a foreign warship had fired without cause upon a merchant vessel flying the American flag.

In this latter case, supposing it should ever happen, is there one among us who would be content to leave it to the State whose citizens might happen to own the merchant vessel to exact retribution from the power whose warship had offended? Would not every American citizen instantly demand that the whole power of the nation should be invoked to avenge the insult which all the people had suffered by the assault upon their flag? Well, is not an attack upon the President because he is President as much an insult to all the people as an attack upon a ship which bears our flag? And is there any more reason why we should be content to let a single State take entire jurisdiction of the crime in one case than in the other? An assault upon the President because he is President is a crime against the nation. A crime against the nation should be placed within the jurisdiction of the courts which represent the nation. This Congress should serve notice on all the foul breed of anarchy that when any one of them assaults the nation through the nation's head he will have every American citizen, through the nation's courts, to reckon with.

While I disagree utterly, therefore, with the views entertained upon the other side of this Chamber, I regret very much to find myself unable to approve without qualification the bill which the majority of the Committee on Judiciary has presented for our consideration. The first section of this bill reads as follows:

> That any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

The gentleman from Indiana [Mr. CRUMPACKER] has given notice that at the proper time he will move to amend this section by striking out the words "while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions;" so that it will read: "That any person who unlawfully, purposely, and knowingly kills the President of the United States shall suffer death"—and I most earnestly hope this motion will prevail.

I am aware, of course, that the qualifying words which this amendment proposes to strike out were inserted because, in the judgment of the majority of the committee, they were deemed necessary to insure the constitutionality of the act, and I have listened most attentively to the very able and exhaustive arguments by which the distinguished chairman of the committee and his colleagues have sought to enforce this view of the question.

But I must confess that I remain unconvinced. In the first place, I think it will be conceded that all the Supreme Court opinions which have been so voluminously cited in this debate have been utterances of interpretation and not of exposition. The Supreme Court has undoubtedly declared in numerous instances that statutes enacted for the protection of United States officers while in the discharge of their duties are constitutional, but it has in no case cited here declared that a statute enacted for the protection of such officials during the entire term of their office would not be constitutional. And I submit that, to the lay mind at least, the declaration of the court that Federal courts can properly take jurisdiction of assaults committed upon a Federal officer while in the performance of his duty by no means warrants the implication that the Federal courts could not also take jurisdiction of an assault committed upon a Federal officer while not in the immediate discharge of his duty, provided such a case were covered by a properly enacted statute.

With all due deference to the eminent lawyers who have discussed this question so learnedly, it seems to me they have lost sight of the broad, common-sense, patriotic proposition that a sovereign nation has an absolute right to protect its sovereignty. And yet this is a proposition, let me suggest, that the Supreme Court of the United States has never lost sight of. At every great crisis in our national history, when it was proposed to take some step which had not been taken before, but upon which the continued progress and prosperity, and perhaps the very life, of the nation depended, there have always been timorous or short-sighted counselors who sought to prevent the step by blocking the way with the Constitution.

It is enough to cite the constitutional objections that were raised to the purchase of Louisiana, to the greenback act, to the credit-strengthening act, to the proposal to hold the islands acquired from Spain as territory, and not as a Territory of the United States. But the Supreme Court has always vindicated the sovereignty of the United States. It has always held that whatever act was essential to and inherent in national sovereignty could be properly exercised by this nation. Why should we fear, then, that this great tribunal would now deny to the nation the very first and highest right of sovereignty, the right to protect the life of its Chief Executive, the right to preserve the orderly administration of its affairs?

Does anyone imagine that the Supreme Court would quibble and haggle and split hairs when the question before it was one of inherent national right? If this amendment should prevail and an assault should be committed upon some future President, and the assailant should allege as his defense that he committed the assault at a time when the President was not engaged in the performance of his duty, does anybody believe for a single moment that the Supreme Court would recognize the validity of such defense and declare that Congress had exceeded its powers in attempting to protect the President at all times? The President can not always be engaged in the actual performance of his duty. He must eat and drink and take his recreation as other men. But can it be insisted that there is any time when his death would not disturb the machinery of government and bring anguish to the people?

Let it be remembered always that it is the Government of the United States, the free institutions which we have builded here, and not merely the life of a man, that we are endeavoring by this

bill to protect. Was it any less an assault on these institutions that Abraham Lincoln was shot at a theater; that James A. Garfield was struck down as he was departing upon a journey of pleasure and recreation; that William McKinley was treacherously murdered while extending the hand of friendship and good will to his fellow-citizens in a city far distant from the seat of government? Not one of these men could by any reasonable construction of language be said to have been engaged in the performance of his duties at the moment chosen by the assassin to take his life; and yet who can deny that the assault upon them in each instance was just as much an attack upon the Government and just as great a shock to the orderly administration of the nation's business as if the fatal shot had broken in upon the very midst of an Executive act?

The President can not be always in the performance of his duty, but his duty is always upon him, and whoever makes impossible his performance of to-morrow's duty commits as great a crime as he who strikes him down with to-day's duty half fulfilled. Strike out from this first section the words, "while he is engaged in the performance of his official duties, or because of his official character, or because of his official acts or omissions," and you leave to the Supreme Court no task except to declare whether or not this nation has a right to punish an offense against its official head—a right which is of the very essence of national sovereignty, and which it is inconceivable to me could ever be denied. Leave these words in, and you not only suggest to the man who assaults the President the line of his defense, but you impose upon the court the determination of questions of motive, about which there can always be endless quibbling and contention.

Leave these words in and you warn the would-be assassin that he must commit the assault at some time when the President is taking his rest or his recreation, and that he must allege as a reason for it some private grievance wholly outside of the President's official acts, omissions, or character. Why go to such length to make it easy for the man who commits the greatest crime possible to any human being to escape punishment? I agree perfectly with the gentleman from Massachusetts [Mr. POWERS] that any man capable of committing so great a crime is not likely to be deterred by the severity of the penalty, and that the greatest good we hope to accomplish by the passage of this measure is its moral effect. That being true and conceded, let us give it the greatest possible moral effect by making its terms direct and unequivocal. Let us declare, without condition or qualification, that the life of the President during his entire term of office belongs to the nation: that it is in the nation's keeping; that an attack upon it is a crime against the nation which the nation's courts will surely and swiftly and severely punish.

While I very earnestly hope, therefore, that the qualifying words in section 1, and wherever they occur in subsequent sections, may be stricken out, yet whether they are or not, I shall most cordially support this bill. I disagree utterly with the declaration of my friend from Georgia [Mr. ADAMSON] that this bill is the "inconsiderate outcome of hysteria" rather than the product of cool deliberation and the triumph of wise statesmanship. The people of the United States do not become hysterical, Mr. Chairman, but they do sometimes become terribly in earnest. This bill is here, it is true, in response to a popular demand; but that demand springs not from hysteria or fear.

It is the expression of a grim, resolute, and well-considered determination that this nation must be liberated, if liberation is possible, from the noisome and alien breed of anarchy; liberated from the terror by night, from the pestilence that walketh in darkness, from the destruction that wasteth at noonday. Not for the fear that anarchy may overthrow government; not for the fear that so many wise and great may fall at the hand of the assassin that none shall be left wise and great enough to administer the affairs of state; but because the people have a right to the life and service of those whom they choose to execute their will, and because the men thus chosen have the right to feel that no extraordinary danger hangs over their heads.

I can not see in this measure, Mr. Chairman, any menace to free speech or free press or to the exercise of any other right guaranteed us in the Constitution. A hundred years of self-government has made it easy for us to draw the line between legitimate criticism of public officials and public policies and seditious assault upon the Government itself. That line must be drawn. The law is for the lawless, and those who are law abiding need not fear it. The law against larceny does not harm the man who does not steal.

A law which closes the gates of Castle Garden against an avowed anarchist, which drives from our borders those already here, which prohibits the utterance of an anarchistic speech or the publication of anarchistic literature, and which punishes with death an attack upon the life of the President or anyone in line of succession to him, will put no restraint upon the man who has not treason and murder in his heart.

Let us write such a law upon our statute books; let us serve notice that this nation will defend itself no less against the bullet of the secret assassin than against the guns of the open enemy. Nothing less will be the measure of our duty; nothing less will meet the patriotic demand and the just expectation of the people. [Loud applause.]

Mr. LITTLEFIELD. Mr. Chairman, I desire to congratulate the committee upon the fact that this debate upon the pending question is the first illustration in my Congressional experience of debate in Committee of the Whole on the state of the Union being confined to the question pending before the committee. It has been suggested as a reflection upon this body that it had ceased to be a deliberative body. I also congratulate the committee upon the fact that this debate has demonstrated that the House still is a deliberative body, because the debate has not only been confined to the pending question, but it has been full, clear, able, and complete, and every member of the House who has desired to express an opinion upon this question has had full opportunity to do so. And it simply illustrates that it is always within the power of the House to thus conduct itself in a purely deliberative manner, notwithstanding the rules of the House, against which some of us sometimes inveigh. Upon every question this course could be pursued if the committee so desired. This would lead to a better attendance on the committee, as in such case the members might well expect to get some information on pending questions. On the contrary, however, the practice has become well-nigh universal, when in Committee of the Whole, to ignore the question and discuss everything from the precession of the equinoxes to the wherefore of the aurora borealis. The result is a lack of interest, no debate, no attendance, no benefit.

I perhaps may make here a personal digression. I desire to say that, so far as I am concerned, I have never been oppressed, depressed, compressed, or suppressed [laughter] by either the Speaker or the Committee on Rules. I have felt obliged on some occasions in my legislative capacity to differ from the Speaker and the Committee on Rules; and it may be fair for me to go further and say that, notwithstanding that fact, I have always been treated by the Speaker and the Committee on Rules like a gentleman; and I hope I have been able to reciprocate in kind. So that personally I have no complaint to make of any of the rules of the House. I have not found them interfering with or impeding myself in the discharge of my humble duties as the representative of my constituents.

The widespread and general dissemination, without control or regulation, of the anarchistic doctrines of assassination and murder that culminated in the foul, wicked, and infamous assassination of William McKinley, of saintly memory, not only profoundly moved mankind the world around, but attracted the attention of all civilized countries to the existence of the propaganda of attack upon organized government by the murder of its official head. It directed the attention of our own people to the question as to whether or not it was possible for the great legislative body of this nation to place upon the statute books any legislation that would at least tend in some degree to more adequately protect the officers of the Government and correct this crying public evil. In response to these suggestions many bills were introduced by the members of this House and referred to the Judiciary Committee. The Judiciary Committee began early its investigation of this question and its consideration of these various measures.

I concur most fully in the suggestion of the gentleman from Kentucky [Mr. SMITH] that during my short experience, while I have had the honor to be a member of this great committee, there is no question that has received at the hands of this committee the careful deliberation, the full investigation that this measure has received, which has been reported to the House. The committee felt, and I now feel, that it was its duty when these new propositions were suggested for its consideration, to examine not only the Constitution, but the law of the land, the decisions of the courts, in order that the committee might report as the result of its deliberations not alone a wise, conservative, judicious measure, but one that would be clearly within constitutional limitations.

Now, the question before the committee is this: The Senate has passed a bill and has sent it to the House. It came before the Judiciary Committee. The gentleman from California [Mr. LOUD] is not entirely correct in stating that the House bill is better, in his opinion, because of more delay and deliberation and is of a more conservative tone by reason of the delay, because really the committee on the part of the House reported this bill to the House, if I remember correctly, some time before the Senate committee even reported its bill to the Senate. The Senate bill was finally presented to the House and referred to the Judiciary Committee, and that committee reported the Senate bill back with the recommendation that the bill of the committee be substituted for the Senate bill, and a little later I purpose calling attention to the

considerations which led the committee to take this course. I full well appreciate and understand that this is a question about which not only lawyers, but laymen, may intelligently and honestly differ.

The committee feels that it has recommended to the House the proper legislation. The committee does not feel that its deliberations are binding upon this House. The committee does hope that when the House fully understands this question and appreciates the work that the committee has done that the House will at least feel that the committee has made an effort to thoroughly, faithfully, honestly, intelligently, and patriotically investigate these questions and then give to the House the results of its investigation. And I wish to say this: Every member of this committee, although two of the committee do not agree with the balance of us upon the committee, but every man upon this committee, in my judgment, has been actuated by the same honest and patriotic motives. It is hardly to be expected, perhaps, that 17 men might unite upon a new and difficult legal proposition.

I purpose directing my discussion of this bill to the jurisdictional phase of it, and I may say here that the principal reason why the committee does not believe that the Senate bill should be adopted is because in its first section, in two important particulars, the committee believes it to be unconstitutional. I have said that the committee may be wrong, but we think we are right, and I will do the best I can in the time allotted to me to try and give the House the reasons, so far as they have not already been given—and they have been very ably given by the chairman of the committee—why we take this view; but in two important features, we think, in the jurisdictional part of the bill the Senate bill is unconstitutional. We believe that the House bill is within safe constitutional limitations.

The committee feels and I feel that upon a new question like this it is the duty of this committee to give to this House a measure that it believes and knows to be within constitutional limitations, and it is its duty not to give to this House nor to recommend to this House a measure that is of doubtful constitutionality, assuming it to be doubtful, or which may be in the nature of a legislative guess as to what the courts may hereafter hold, because later, when time shall test this measure, no matter what view we may take of this legislation from its practical standpoint, every man and every lawyer in this body wants to feel that he has voted for a sound constitutional proposition. He does not want to take any chances upon the construction that the court may be called upon hereafter to make.

Every lawyer on the committee believes that the committee's bill with its definitions of jurisdiction is constitutional, with one exception, perhaps, and I desire to state this fairly, and I want to say here I have no motive in stating any of these questions other than fairly. I shall esteem it a kindness if any member of this House at any time while I am discussing this question finds himself confronted with anything that he does not understand or with any question he desires to have answered will interrupt me and I will be only too glad to make answer if I am able to. I will do the best I can. It is the duty of a committee whose members stand upon this floor supporting an important bill to give to the House freely and fairly and frankly all the information it has upon questions of rights and questions of law. Now, that I will try to do.

I say every man upon the committee, with the possible exception of the gentleman from Wisconsin [Mr. JENKINS], concedes that the committee bill is constitutional. I think the gentleman from Wisconsin does say that in his judgment we reach the limit of constitutional power when we protect the lives of the President and Vice-President, and that we have no power to go further. We have three great departments of the Government, the executive, the legislative, and the judicial, and from the standpoint of the gentleman from Wisconsin [Mr. JENKINS] we have no power to protect the legislative coordinate branch, we have no power to protect the judicial coordinate branch, and we have no power to protect the great executive branch except at its head; but the vast army of officers, from the President away down through to the humblest officer, all of whom constitute and make a part of that coordinate branch known as the executive, and all of whom are essential to the exercise of the powers and the discharge of the functions of the Federal Government, those men my friend from Wisconsin feels that we have not the power to protect, and the only power that the great Government of the United States has is to protect simply two officers connected with its executive coordinate branch. The legislative branch might be destroyed, the judicial branch might be destroyed, and all of the executive branch destroyed except the President and Vice-President, and yet the Republic is paralyzed in its power to protect its existence and its operations as a Government, because, as my friend says, we can not go beyond the President and Vice-President.

Well, now, the committee do not agree with the gentleman from Wisconsin. We do not feel that we are hampered by that limitation. We are not so "cabined, cribbed, and confined." The matter has been discussed by every gentleman upon the committee, and the committee does not divide upon political ground, and I have this to say—and it ought to be said, because some suggestion has been made in relation to politics in connection with the bill—I ought to say that the Democrats upon this committee, in the subcommittee and in the full committee, labored as long and as zealously, as intelligently and as patriotically in perfecting this measure as did the Republicans. The distinguished gentleman from Texas [Mr. LANHAM] who, if his deserts receive their just reward, will go up higher when he leaves this House—and I am very glad to know that such undoubtedly will be the fact—although he does not believe in the policy or the wisdom or necessity of this measure, gave us in the committee the benefit of his great intelligence and learning in perfecting the terms of the bill—in getting it into legal and proper constitutional shape.

Under these circumstances, gentlemen, we come before this House and propose to leave with you the results of our work. What is the first great distinction between the two bills? The Senate bill is unconstitutional, first, because it prohibits the killing of the President and other officers without any limitations, qualifications, or restrictions. The House bill contains three express limitations, prescribing, as we believe—and of course we may be wrong—prescribing, as we believe, the limits of our constitutional power. What are they? That the President must be in the performance of duties of his office, or the killing must be by reason of his official character, or it must be because of some act or omission of his. Now, there is a part of the distinction between the two bills.

The Senate bill is unlimited, without any restriction or condition whatever. It is sought to justify the Senate bill by the clause of the Constitution, and I am very glad to call attention to it for a moment—the clause that authorizes Congress to enact all necessary and proper laws to carry into effect the foregoing powers. I read now from the remarks of the gentleman from Wisconsin [Mr. JENKINS]. He quoted the great case of McCullough *v.* Maryland, one of the early cases defining the constitutional limitations of power, the opinion being written by that architect of the Constitution, that supreme man in laying down the law of the land, Chief Justice Marshall. Chief Justice Marshall in reference to that clause of the Constitution said this:

In order to determine as to the power of Congress, let the end be legitimate—

Now, mark you—

let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end—

Now, mark again—

which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Now, I submit this to the committee. It hardly does for a lawyer, talking to lawyers, to stand here and say that the Constitution says that we can pass all laws necessary and proper, and it is necessary and proper that the President should be protected, and therefore we can protect him at all times, under all circumstances, in all places. Why? Because Mr. Chief Justice Marshall said that we could pass all laws that were "necessary and proper," and what? And "*within the scope of the Constitution.*" Simply to say that they are necessary and proper, and that the purpose is necessary and proper, carries you nowhere. You reach no result. As a matter of logical reasoning you have demonstrated nothing. You have demonstrated no proposition until you have gone further and demonstrated that your proposed law is "*within the scope of the Constitution.*"

Now note, gentlemen, and when I make this statement I do not desire to misquote any gentleman. I have listened to all this debate. I have heard every speech, and I have admired the ability displayed on this floor. I have admired the interest that members have taken, and the desire which they have manifested to perfect this measure. The committee welcome that. The committee welcome criticism from any quarter. The committee do not pretend, or at least I do not pretend, to be infallible upon propositions of this kind. I give the House the best I can give them. I am ready to hear from any member of the House, however humble he may be, upon any of these propositions; any suggestion he may have to make, because I do not deny that he may be able to give light upon them.

Mr. OLMSTED. Then I would like to make a suggestion or at least ask the gentleman a question as to the use and the meaning of this word "knowingly."

Mr. LITTLEFIELD. Will the gentleman pardon me? If he will call my attention to that after the discussion of the constitutional question——

Mr. OLMSTED. I think this comes in on the point where you are.

Mr. LITTLEFIELD. It carries me off the line of my argument, and I ask the gentleman to please withhold that for the present.

Mr. OLMSTED. I think it is right in that line.

Mr. LITTLEFIELD. I am discussing the jurisdictional definition.

Mr. RICHARDSON of Alabama. I do not want to interrupt you, but I should like to ask you a question.

Mr. LITTLEFIELD. I would rather not, unless it is on the question I am discussing now. It does not interfere, but I suggest this: I am discussing now the jurisdictional features of the bill, and unless the gentleman's question relates to that, I would rather he would waive it and call my attention to it later, because I would like to get clearly before the House the views of the committee upon this jurisdictional question.

Mr. SNODGRASS. Will the gentleman state what constitutional warrant the committee found for the provision against offenses committed against foreign governments?

Mr. LITTLEFIELD. I will reach that a little later, if the gentleman will call my attention to it then.

Mr. SMITH of Iowa. I should like to ask the gentleman this question, if he will yield.

Mr. LITTLEFIELD. I yield to the gentleman.

Mr. SMITH of Iowa. If the President's duties are absolutely successive for years and continuous, I do not understand why it is that you contend that Congress has not the same power to protect the people in the right to have him perform his duty that is to be done to-morrow the same as the official duty he is performing to-day.

Mr. LITTLEFIELD. Well, I do not know whether I will be able to clear that up satisfactorily to my friend, but I will do the best I can, and if I do not succeed in throwing any light upon it I will be willing to hear the suggestions of the gentleman on this proposition; but I think I will reach that before I conclude.

Mr. RICHARDSON of Alabama. An inquiry on the jurisdictional question.

Mr. LITTLEFIELD. Will the gentleman excuse me? Will it suit the gentleman's purpose just as well to wait until I finish my argument upon this branch of the constitutional question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. LITTLEFIELD. I think that would be more satisfactory to the House and myself also, and I will be very glad to answer the gentleman's question then. I was making this suggestion: I think that the suggestion made by my friends who believe that the committee's bill does not go far enough could be fairly summarized in this declaration—that it is necessary to properly protect the President, and therefore we have the power to enact the necessary and proper laws for that purpose. My answer is simply this: They must go further and demonstrate that their law is within the scope of the Conititution. This they have not done. I think I have stated in a general way the proposition we are undertaking to maintain.

How do we meet the question? The committee says first, and as has been suggested by my distinguished friend from Texas, that this is a dual government, with a State jurisdiction and a Federal jurisdiction. There is a peace of the State and a peace of the United States. There is a State power and a Federal power. State duties and functions and Federal duties and functions. Each jurisdiction is exclusive and supreme within its legitimate scope, and neither can nor does infringe upon the other. Citizens are subject to the State jurisdiction and are protected in the exercise of their rights and privileges as such by State legislation. It is the addition of the Federal official function that entitles them to the protection of the Federal power and that authorized the assertion of power for that purpose. We have full common-law jurisdiction in the States. There is no common-law criminal jurisdiction in the United States. The only power that we get for the enactment of criminal legislation by the Federal Congress is a constructive power.

There is no affirmative language in the Constitution that authorizes the enactment of a statute making any offense a crime against the Federal law. It exists only by reason of the inherent power of the Government of the United States to secure the execution of its laws, the protection of the Government, and the performance of their powers and functions by its officials, in order that the Government may be carried on. That is the limitation, that is the inherent power that authorizes the enactment of any Federal legislation making offenses a crime.

Hence is derived the power to protect its officers in the exercise of those powers and the discharge of those functions; in other words, in the discharge of their duties.

It can protect the government from any attacks made upon it by assaults upon its officials by reason of their official capacity.

To this extent its criminal jurisdiction by construction extends so far as its officers are concerned.

Beyond these limits it does not go, because the necessity which justifies the assertion of the jurisdiction does not exist beyond these limits. For these contingencies the bill in terms expressly provides.

The question is whether the bill of the committee comes within these essential limitations. Upon this line I wish to call attention here to the fact, because it tends to sustain the theory of the committee's bill, that this legislation is not, as suggested by my friend from Texas, a new departure. It is not by any means the first time the United States has exercised this constructive jurisdiction by declaring offenses against officials in the discharge of their duties to be a crime against Federal law. My friend quoted—and it indicated well his research—a statute passed in 1790 defining murder in the exclusive jurisdiction of the United States. In the very same Congress, in 1790, on April 30, the President approved a statute, found in the Revised Statutes as section 5398, which imposed a penalty upon every person—

who knowingly and willfully obstructs, resists, or opposes any officer of the United States in serving or attempting to serve or execute any mesne process or warrant, or any rule or order of any court of the United States, or any other legal or judicial writ or process, or assaults, beats, or wounds any officer or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, etc.

So that at the very threshold, at the beginning, the Government began exercising this constructive power to protect its officers in the discharge of their duties. Now, I hold in my hand an abstract of all the legislation of this Government upon this line, wherever they have undertaken to exercise this constructive power in connection with its officers. I will quote them in their chronological order:

Act of March 3, 1863 (12 Stat., 731), an act for enrolling and calling out the national forces, and for other purposes.

SEC. 25. *And be it further enacted*, That if any person shall *resist any draft of men enrolled under* this act into the service of the United States, or shall counsel or aid any person to resist any such draft, *or shall assault or obstruct any officer in making such draft* or in the performance of any service in relation thereto, or shall counsel *any person to assault or obstruct any such officer*, or shall counsel any drafted men not to appear at the place of rendezvous, or willfully dissuade them from the performance of military duty as required by law, such person shall be subject to summary arrest by the provost-marshal, and shall be forthwith delivered to the civil authorities, and upon conviction thereof be punished by a fine not exceeding $500, or by imprisonment not exceeding two years, or by both of such punishments.

SEC. 5447. Every person who *forcibly assaults, resists, opposes, prevents, impedes, or interferes* with any officer of customs or his deputy, or any person assisting him, *in the execution of his duties*, or any person authorized to make searches or seizures, *in the execution of his duty*, or who rescues or attempts to rescue, or causes to be rescued any property which has been seized by any person so authorized, or who, before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, staves, breaks, throws overboard, destroys, or removes the same, shall be fined not less than $100 nor more than $2,000, or be imprisoned not less than one month nor more than one year, or both; and every person who discharges any deadly weapon at any person authorized to make searches or seizures, or uses any deadly or dangerous weapon *in resisting him in the execution of his duty*, with intent to commit a bodily injury upon him, or to deter or prevent him from discharging his duty, shall be imprisoned at hard labor for a term not more than ten years or less than one year. (Approved July 18, 1866.)

SEC. 5516. Every person who *willfully obstructs, hinders, or prevents any officer* or other person *charged with the execution of any warrant or process* issued under the provisions of sections 1984 and 1985, title "Civil Rights," or any person lawfully assisting him, from arresting any person for whose apprehension a warrant or process may have been issued; or *rescues* or *attempts to rescue such person from the custody of the officer or other person lawfully* assisting when so arrested pursuant to the authority herein given; or aids, abets, or assists any person so arrested *to escape from the custody of the officer* or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any such offense, be subject to a fine of not more than $1,000, or imprisonment not more than six months, or both. (Approved May 31, 1870.)

SEC. 5522. Every person, whether with or without any authority, power or process, or pretended authority, power or process, of any State, Territory, or municipality, *who obstructs, hinders, assaults, or by bribery, solicitation or otherwise, interferes with* or *prevents* the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, *in the performance of any duty required of them*, or either of them, or which he or they, or either of them, *may be authorized to perform by any law of the United States, in the execution of process or otherwise*, or by any of the means above mentioned *hinders* or *perverts* the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing of votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal or his general or special deputies, or either of them, or who threatens or attempts, or offers to do so, or refuses or neglects to aid or assist any supervisor of election, or the marshal or his general or special deputies, or either of them, *in the performance of his or their duties*, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of his prosecution.

(Approved February 28, 1871.)

SEC. 5472. Any person who *shall rob any carrier, agent, or other person intrusted with the mail*, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person *having custody of the mail*, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable by imprisonment at hard labor for the term of his natural life.

SEC. 5473. Any person who shall attempt *to rob the mail by assaulting the person having custody thereof*, shooting at him or his horse, or threatening him with dangerous weapons, and shall not effect such robbery, shall be

punishable by imprisonment at hard labor for not less than two years and not more than ten years.
(Approved June 8, 1872.)
SEC. 3869. Every person who *willfully and maliciously injures, tears down, or destroys any letter box, pillar box*, or other receptacle established by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who *willfully and maliciously assaults any letter carrier, when in uniform, while engaged on his route in the discharge [of his duty as a letter carrier*, and every person who willfully aids or assists therein, shall for every such offense be punishable by a fine of not less than $100, and not more than $1,000, or by imprisonment for not less than one year and not more than three. (Approved June 8, 1872.)

Mr. CRUMPACKER. May I interrupt the gentleman?

Mr. LITTLEFIELD. Yes.

Mr. CRUMPACKER. Has there ever been any legislation protecting the President of the United States from interference in the discharge of any of his official duties?

Mr. LITTLEFIELD. That comes to a question whether there is any precise precedent for this. Congress has never undertaken such extensive unlimited power. No; I do not think that there is.

Mr. RAY of New York. I beg the gentleman's pardon, but the gentleman from Maine just read one statute where it says "any officer of the United States."

Mr. LITTLEFIELD. That is true; but I thought the gentleman from Indiana meant the President specifically.

Mr. RAY of New York. It says "any officer of the United States."

Mr. LITTLEFIELD. Oh, yes; I understood the gentleman from Indiana to ask if the President of the Uuited States was mentioned by name.

Mr. RAY of New York. The President is an officer of the United States, and is included in that term; it takes in every officer.

Mr. CRUMPACKER. In view of the statement of the gentleman from New York, I would like to ask him is there any or has there been any legislation during the history of this country that would punish any interference with the President of the United States in the discharge of the functions of his office?

Mr. LITTLEFIELD. Eo nomine?

Mr. CRUMPACKER. No; by interpretation. Is there any statute that would cover the President of the United States to protect him against the interference in the discharge of his official duty?

Mr. LITTLEFIELD. I will say that I doubt very much if there is, except by a very strained construction.

Mr. LANHAM. I think that is true. Now, may I ask the gentleman a question?

Mr. LITTLEFIELD. Certainly.

Mr. LANHAM. In any of the instances the gentleman from Maine has cited, in the statutes to which he has referred, is there any legislation proposed where the Federal Government takes cognizance of a crime involving the personal violence within the limits of the State?

Mr. LITTLEFIELD. Oh, yes; these statutes nearly all relate to Federal officers operating within the limits of a State.

Mr. LANHAM. Yes; but they refer to obstructions or the resistence to the processes of officers of the United States; but I mean for any crime like personal violence—assault and battery or murder?

Mr. LITTLEFIELD. No; that specific, distinct crime that the gentleman refers to is not covered by these statutes.

Mr. LANHAM. So that the point I make is that this is a new departure.

Mr. LITTLEFIELD. In that respect it is a new departure, and I will have occasion to call attention to it when I read from the decisions of the court in the case of Yarborough in the United States Court Reports. I will show that the new departure is justified by reason of the fact which the committee believe, with all due respect to my friend from Texas, that there to-day exists an exigency that properly requires the exercise of this power, although heretofore it may not have been exercised.

The history of this legislation has been that in the experience of the Government in the development of its history that whenever under the circumstances necessity for legislation of this kind existed Congress has always responded with the legislation.

Beginning with 1790, and then in 1863, 1871, and 1872, step by step and so on as the exigencies have arisen, Congress has risen to the occasion and passed the legislation. And now we think that circumstances exist and exigencies have arisen which should call into exercise by legislation this power which has lain dormant during the history of the Republic.

I want to say this, so far as the gentleman from Indiana is concerned, that I shall not contend and I do not contend that there is any decided case that stands on all fours with the proposition suggested by the Senate bill, because the Congress of the United States has never yet assumed such power—and that is a fact of some significance—in any of these instances where legislation has been passed. If the theory of the Senate bill is sound it would have been entirely competent for the Government to have provided against assaults on officers without reference to what they were doing or where they were, or to its effect upon the operations of the Government. It would have been entirely competent to punish such assaults; but it is significant, it is worth something, it is entitled to some force, that never before now has it ever been attempted to reach out and exercise this broad, general, and unlimited jurisdiction and protect the officer simply because he was an officer, independent of the consequences and independent of the question as to whether the assault was made upon him by reason of his official character.

Of course there could not be any case precisely in point. But it is not the purpose of cases that have been decided by the courts to enable a lawyer to take down books from his shelves and find cases on all fours with and fitting exactly the case before him. This is not necessary in order that he may reach a conclusion as to the state of the law. This suggestion that there is no specific case in point reminds me of a gentleman who practiced law in my vicinity and who was what is known as a "case lawyer," and I wish to show what was his conception as to the use which was to be made of adjudicated cases. A client came into his office one day and inquired whether or not he had a perfect title to a calf that was in controversy. My friend, who was a "case lawyer" and who had a large library, took down his books and began looking over them to see whether there was any other calf in the books. Unfortunately for his client he could not discover another calf in the books. So he shut them up in derision, and when his client called again he informed him that "there was no law on calves." He had not found any specific identical case agreeing absolutely with the one in hand. That incident may serve to illustrate the idea of some gentlemen that we must find in this instance a case exactly parallel which has been decided by the courts.

The purpose of precedents and decisions of the courts is not necessarily to furnish cases that are on all fours with cases that may subsequently arise that rest upon the same facts. That is not a scientific conception of the law—that is not the way in which the law is scientifically investigated. The real purpose of decisions and conclusions of the courts is to ascertain the principles upon which cases have been decided, which, when ascertained and declared, may be subsequently applied to other conditions and other facts when they arise. It is the ascertainment, declaration, and application of fundamental principles declared and announced by the courts in accordance with the perfection of human reason that dignifies the great profession to which we belong as one of the noblest professions in the world. This involves the exercise of reason.

Now, although there is not any case precisely in point, precisely deciding this specific matter in specific language, I hope to be able to satisfy this committee that the canons of constitutional construction as laid down by the courts in other cases govern and control this proposition here; and if so, wisdom and caution and conservatism requires us to adopt the conclusions of the committee.

Before reaching the discussion of these cases, I want to call attention to one suggestion which has been made here and made with a good deal of force. It is not necessary to undertake to "whistle down the wind" any suggestion which may be made upon either side of a great question as important as this is. It is suggested that the President has vested in him the executive power under the Constitution, and therefore occupies a different position legally from any other executive officer. There is force in this suggestion.

The Constitution does provide that in the President shall be vested the executive power. But the Constitution does not provide that the President is that coordinate branch of the Government called the Executive. The very same article of the Constitution which provides that the executive power shall be vested in the President provides also that the President may call for the opinion of the head of each of the Executive Departments. The Constitution in express terms contemplates, not that the President is *all* that there is of the executive department, but recognizes that there are heads of the Executive Departments; that the executive powers extend beyond the President of the United States. He holds the greatest office, the most dignified, the most honorable in the world—a position upon which are imposed more duties and in which is vested more power than in any other officer known to the Constitution and laws. But that does not demonstrate that there is any distinction in law, in legal character, between his office and the great army of subordinate officers who are called executive officers and without whom the functions of the Government could not be discharged.

If it were true that the President of the United States himself is *eo nomine* this coordinate branch of the Government—and there is force in the suggestion at first blush—if that were true, I submit whether or not the killing of the President of the United States would not for the time being obliterate the executive part of the Government. But does it do so? The killing of the President of

the United States does not for one moment hinder the discharge, except so far as he is personally concerned, of any of the executive functions of the Government.

It was the highest tribute ever paid to American institutions and constitutional government when it appeared that even the death of William McKinley at Buffalo never for a moment disturbed the discharge of the executive duties upon the part of any executive officer. Had the President been himself the source and inspiration of all executive power, the killing of William McKinley would have destroyed for the time being the executive branch of the Government. But as James A. Garfield well said at the time of the assassination of President Lincoln—and this illustrates the legal propriety of the declaration—"God reigns, and the Government still lives." The great army of executive officers still went on in the exercise of their powers and the discharge of their duties. There was not even a tremble in the executive functions.

For this reason it seems to me, Mr. Chairman—I may be wrong about it—that the same legal considerations apply to one office that apply to the other. Practical considerations, political considerations, sentimental considerations are transcendentally annexed to the office of the President as compared with others below him in the Executive Departments.

Mr. BROMWELL. Will the gentleman permit me to ask him a question at this point?

Mr. LITTLEFIELD. Certainly.

Mr. BROMWELL. As I understand it, the argument of the gentleman is that the destruction of the President alone would not be a blow at the executive branch of the Government?

Mr. LITTLEFIELD. Not entirely.

Mr. BROMWELL. Because there is some one provided for by the Constitution who is to succeed him, and those successors are provided for by law. Now, let us imagine a case which is possible. It may be a remote contingency, but let us suppose that the President, Vice-President, and all the others who are provided for by law as successors should in one conspiracy, as it were, say in a railroad train or at a public meeting, be assassinated. Then there is no one provided for by law to succeed to the executive branch of the Government. Will the gentleman elucidate his views as to the condition of affairs under such a contingency as that, which is entirely possible?

Mr. LITTLEFIELD. Certainly, and I am very glad to have the gentleman make the suggestion. I do not rest my proposition upon that sole ground. If I did, there would be considerable force in the suggestion of the gentleman. It is true that in case of the death of the President there are now in existence, ready to take up the discharge of his duties simply by taking an oath, at least half a dozen officers in the line of succession, but of course, when exhausted, you would have the condition of hiatus suggested by my friend from Ohio; but I go further than that. The President, the Vice-President, the members of the Cabinet are not the only executive officers. For instance, the President is mentioned in the Constitution, and, by the way, that is the suggestion of my friend from Wisconsin [Mr. JENKINS] and where his line of demarcation was drawn. He excludes the others, because they are not mentioned by name; but the Speaker of the House of Representatives is mentioned by name, the President pro tempore of the Senate is mentioned by name, the Senators are mentioned by name, and the Representatives and the judges of the Supreme Court, all of whom he would eliminate; but I go further. I say that below the President and the Vice-President and Cabinet officers there is a vast army who are also executive officers.

Mr. BROMWELL. But can any of those executive officers fill the office of President?

Mr. LITTLEFIELD. Not at all.

Mr. REEVES. I would like to ask the gentleman a question.

Mr. LITTLEFIELD. Certainly.

Mr. REEVES. If I gather the force of the gentleman's argument, it is this, in a word, and I wish to restate it, that if the entire executive function was embodied in the President, then the difficulties of jurisdiction that the gentleman's committee has met with would not exist, and it might make a law or a statute punishing the assassin of the President because he was President. Did I catch the gentleman right?

Mr. LITTLEFIELD. No; that is not my proposition.

Mr. REEVES. Pardon me just a moment, and I will not interrupt the gentleman again. I caught that as the spirit of the gentleman's argument, it being a jurisdictional one, and if that were true—and I make this suggestion for the further consideration of the gentleman—even though not all of the executive powers are vested in the President, still the striking down of the President would at least be a crippling of the executive powers of the executive branch, and if that were all vested in him and because of that you could punish the man for killing him, it would follow necessarily that if you partially destroyed them you could do it, legally and equitably, I think.

Mr. LITTLEFIELD. I do not concede; and if the gentleman will follow me as I go along, he will see that I do not think the authorities would sustain the proposition that even if the President was the sole Executive he could be protected beyond the discharge of his official duties or by reason of his official capacity—note that—or by reason of some act or omission of his. I think that is the definite limitation made by the courts as they lay down the canons of construction. The argument I have been trying to make—and I am glad the gentleman makes the suggestion, because I do not like to be misunderstood—is that there is no legal distinction between the lower office and the higher office. The President is at the head of the Executive Department, and a fourth-class postmaster may be at the foot. They are both a part of it. My purpose in making these suggestions is to try and demonstrate this and for the purpose of applying to this part of the question the cases I am going to cite construing statutes, in some instances relating to inferior offices; but in construing them the courts laid down fundamental propositions, canons of construction, and I shall try to show that in my judgment there is no legal distinction between the highest and the lowest, because they are all executive officers and essential parts of the Executive.

Mr. BROMWELL. If the full line of succession to the Presidency were wiped out, according to the suggestion of mine a while ago, in order that anyone else may exercise the office of President of the United States under the Constitution, Congress would have to legislate, and the President of the United States would have to sign a statute which provided for the succession. All persons who were competent to act with Congress in signing and approving any act that we could pass would have been wiped out. How could the legislative branch alone, under the Constitution, create an office or provide a successor for the Presidency, when all who are now provided for by law should have ceased to exist?

Mr. LITTLEFIELD. I do not know that we could.

Mr. BROMWELL. Then would there not be a hiatus in the Government——

Mr. LITTLEFIELD. That might be so——

Mr. BROMWELL. Which would render our action absolutely void.

Mr. LITTLEFIELD. That might be so. Of course that is an extreme illustration. With the extreme and absolutely impossible illustration of the gentleman that might be so, and it may be that would demonstrate a casus omissus under those unsupposable circumstances that the gentleman refers to. I concede that, but it does not determine the question whether or not the jurisdiction of Congress in passing legislation is or is not circumscribed, in my judgment. Of course I am very glad to have the suggestion of the gentleman. Now, I wish to call attention briefly to some authorities that tend to establish the distinction between the State sovereignty and Federal sovereignty, State and Federal jurisdiction, and, as I submit, lay down this canon of construction. I will refer to some cases that have already been referred to.

In the case of the United States *v.* Cruikshank (92 U. S., 542–553), the court said, pages 553–554:

> The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "unalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

This clearly defines State sovereignty and states some of the limitations upon Federal sovereignty.

In the case of the United States *v.* Fox (95 U. S., 670–672) in the same line the court held:

> There is no doubt of the competency of Congress to provide by special penalties for the enforcement of all legislation—

Now, I wish the committee to mark this—

> all legislation necessary or proper to the execution of powers with which it is intrusted.
>
> Any act committed with a view of evading the legislation of Congress passed in the execution of any of its powers, or of fraudulently securing the benefit of such legislation, may properly be made an offense against the United States. But an act committed within a State, whether for a good or a bad purpose, or whether with an honest or a criminal intent, can not be made an offense against the United States unless it have some relation to the execution of a power of Congress or to some matter within the jurisdiction of the United States. An act not having any such relation is one in respect to which the State can alone legislate—

Unless what?—

> unless it have some relation to the execution of a power of Congress or to some matter within the jurisdiction of the United States. An act not having any such relation is one in respect to which the State can alone legislate.

What is the execution of a power by an official except the discharge of his duties?

Well, this lays it down in a general way; but we have another case which lays it down very much more definitely and specifically. Further along in the Cruikshank case the court held that the criterion to determine the jurisdiction was whether the officer was in the discharge of his duty. They say this:

> Thus if a marshal of the United States—

If I have established a parallel between the lowest and highest, this applies here—

Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by assault on the officer, the sovereignty of the United States is violated—

By what?—

by the resistance, and that of the State by the breach of the peace in the assault.

And the court said substantially the same thing in Ex parte Yarborough (110 U. S., 657, 658):

It is very true that while Congress at an early day passed criminal laws to punish piracy with death, and for punishing all ordinary offenses against person and property committed within the District of Columbia, and in forts, arsenals, and other places within the exclusive jurisdiction of the United States, it was slow to pass laws protecting officers of the Government from personal injuries inflicted while in discharge of their official duties within the States. This was not for want of power, but because no occasion had arisen which required such legislation, the remedies of the State courts for personal violence having proved sufficient.

Mr. REEVES. Will the gentleman pardon me again?

Mr. LITTLEFIELD. Certainly.

Mr. REEVES. I do not want constantly to interrupt. Is not that decision from which you have read an interpretation of an existing statute?

Mr. LITTLEFIELD. Yes; but it lays down a rule of construction.

Mr. REEVES. But pardon me——

Mr. LITTLEFIELD. Yes.

Mr. REEVES. It lays down a rule of construction of that statute?

Mr. LITTLEFIELD. No.

Mr. REEVES. Oh, yes; pardon me.

Mr. LITTLEFIELD. Well, I do not agree with the gentleman.

Mr. REEVES. I do not agree with the gentleman.

Mr. LITTLEFIELD. The court is construing that section. I do not wish to be offensive to the gentleman——

Mr. REEVES. No; certainly not.

Mr. LITTLEFIELD. The court is construing a statute. I agree with the gentleman on that point. But the court does not confine the application of the rule laid down to that statute. They lay down a general principle and then try the particular statute by that principle. Now I come to the case of Ex parte Siebold.

Mr. LANHAM. May I interrupt the gentleman?

Mr. LITTLEFIELD. Yes.

Mr. LANHAM. The last decision you quoted, in the Cruikshank case, it is said that the sovereignty of the United States was violated by the resistance. The sovereignty of the State was violated by the assault. Suppose it had been a murder. Would not the sovereignty of the State have been violated in that case? Can not the State have jurisdiction of the murderer, notwithstanding there was resistance to some officer?

Mr. LITTLEFIELD. Undoubtedly the State would have had jurisdiction of the murderer. There is no question about that at all. These jurisdictions are unquestionably concurrent, operate at the same time and in the same place upon the same act.

Mr. RAY of New York. If my colleague will permit?

Mr. LITTLEFIELD. Certainly.

Mr. RAY of New York. It is true that in that case the Supreme Court was determining whether or not a certain statute was constitutional, whether Congress had or had not gone beyond its constitutional power in enacting that statute. They were not construing that statute at all. The gentleman is mistaken. They were deciding whether or not an act passed by Congress was constitutional. Now, it became necessary for them to state and determine whether Congress had gone beyond its constitutional powers. Therefore it became necessary to determine what the power of Congress was in protecting its citizens and its officers; and so Chief Justice Waite defines there the power and jurisdiction of Congress in enacting just such statutes as we are trying to enact here, and uses that language in defining the jurisdiction and power of Congress and not in construing the statute. He was not construing it at all.

Mr. LANHAM. But he announced the indisputable proposition that the State had jurisdiction over the assault and person.

Mr. RAY of New York. He points out the distinction between the power of the State and that of the United States. He says that if an officer of the United States is assaulted while engaged in the performance of his duty that the jurisdiction and power of the State is offended against because of the assault, the assault and battery, but the jurisdiction of the United States is resisted and offended against because of the resistance to the officer.

Mr. LANHAM. I understand.

Mr. RAY of New York. And he then says the State may punish, the United States may punish, both for the same act, but it is not the same offense, and the ground upon which they are based is entirely different.

Mr. LANHAM. And yet the different jurisdictions are well defined.

Mr. RAY of New York. But the idea that the court is construing is incorrect. The court was determining whether the statute was constitutional and whether or not Congress has exceeded its powers.

Mr. REEVES. May I interrupt the gentleman for a moment?

Mr. LITTLEFIELD. Certainly.

Mr. REEVES. The chairman of the Committee on the Judiciary has not only wiped me out but the gentleman who is addressing the House by his statement about the Supreme Court.

Mr. RAY of New York. If the gentleman will read he will see what I have stated is absolutely true.

Mr. REEVES. My friend will not assume that he is the only one who can read. Several of us have read that case with earnestness, and I am one of them; and I want to say to the chairman of the Committee on the Judiciary that the Supreme Court was construing a statute in the quotation read by the gentleman addressing the House. That other views of the subject were considered in the same opinion is true, but in that part of the quotation that the gentleman read they were construing the statute, and that can not be gainsaid if you will look to the language quoted. It is so plain that any man can see it, and so being wiped off the map here with my friend——

Mr. RAY of New York. I wish to state that all they determined in that case was that the statute enacted by Congress was unconstitutional and void, because we had exceeded our power. Now, I ask my colleague from Maine whether that is not true?

Mr. LITTLEFIELD. That the court were construing a statute, and in construing that made these remarks I have quoted.

Mr. RAY of New York. Did not they determine it to be unconstitutional?

Mr. LITTLEFIELD. Yes.

Mr. RAY of New York. Was not that the question, whether or not it was constitutional?

Mr. LITTLEFIELD. That is true.

I do not understand that the gentleman from Illinois on this proposition is disturbed—at least I hope he is not any more disturbed by this than I am.

Mr. REEVES. Not in the least.

Mr. LITTLEFIELD. If the committee please, I call attention to another case, in which the court was passing upon the constitutionality of a statute. Now, I want to say that in the heat of this argument I may be drastic in my statement, and if so I have no objection to any gentleman calling my attention to it. In the case of Ex parte Siebold (100 U. S., 394)—in this case the court were considering the constitutionality of a Federal election law. I wish to be thoroughly understood about this. They held it to be constitutional, and in holding it to be constitutional the questions involved here were discussed by the court, and I think—now, I may be wrong about this—but I know that in that discussion the court laid down the canon of constitutional construction in reference to this matter of Federal jurisdiction. The opinion was rendered by Mr. Justice Bradley, and it was afterwards cited and approved by Mr. Justice Miller. I do not make an extravagant statement when I say that Mr. Justice Miller is conceded to be at least one of the greatest constitutional lawyers that ever sat in the highest tribunal known to our law. And it is also cited with approval by my distinguished friend from Wisconsin; and although I no not agree with his legal views I do not take the ground that that dilutes the authority. I find it in his speech.

In this case, in the opinion of the court, Judge Bradley, discussing the constitutionality of the statute, held it constitutional, and in doing so the court used this language, referring to the question of unconstitutionality:

Somewhat akin to the argument which has been considered is the objection that the deputy marshals authorized by the act of Congress to be created and to attend the elections are authorized to keep the peace, and that this is a duty which belongs to the State authorities alone. It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here again we are met with the theory that the Government of the United States does not rest upon the soil and the territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government.

Now we reach a proposition to which I would like the careful attention of the committee, because it lays down the canon of construction to which I have referred.

We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent.

Now, that sentence, "*execute the powers and functions that belong to it*" I call particular attention to. It does not say "be prepared to execute," it does not say be "charged with the power of executing." It says "the Government of the United States may, by means of physical force, exercised through its official agents, *execute* on every foot of American soil the powers

and functions that belong to it." It does not relate to a passive but an active condition. In other words, discharge the duties vested in the official agents. Now, what does the court further say:

This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace *to that extent*.

What does that language mean? "The power to keep the peace." What, generally? Indefinitely? At all times, under all circumstances? In all places, without any reference to qualification? No. "*To that extent.*" To what extent? To the extent that these powers are exercised by official agents and may be *executed* on every foot of American soil—execute powers and functions that belong to the Government. In other words, to the extent that the officers of the Government discharge the duties of their office. Now it seems to me—and I submit this with all due humility and caution—it seems to me that the fair construction of that language defines exactly the limit of the constitutional power. It is not a construction of a statute, but I submit it lays down a broad fundamental rule of construction. With that rule standing in the face of the Judiciary Committee, announced by Mr. Justice Bradley, a very able lawyer, and concurred in by Justice Miller, the Judiciary Committee did not feel that they could report a bill that went beyond "*that extent*," because it seemed to them that, according to the fair ordinary reading and construction of language, that is what it meant.

Mr. CRUMPACKER. May I ask the gentleman a question?

Mr. LITTLEFIELD. With pleasure.

Mr. CRUMPACKER. I understand the decision that the gentleman has just read holds that the Federal Government has the right to enforce the law and protect its officers in the execution of the Federal powers. Now, let me ask the gentleman if it is not true that the Federal Government can only execute its powers through citizens who have been chosen to office.

Mr. LITTLEFIELD. Yes.

Mr. CRUMPACKER. And if these citizens who have been chosen, while they occupy the office are assassinated, the Federal Government has no means of executing the powers and functions of that office?

Mr. LITTLEFIELD. No; assuming they are all out.

Mr. CRUMPACKER. Now, is not the gentleman forced to concede, under the doctrine of that case, that the Federal Government has the power to protect men who have been constitutionally selected to carry on its operations in order that it may carry out the functions for which it was created?

Mr. LITTLEFIELD. Not at all, because the court does not say so; the court does not so hold. The court expressly limits it to the power of executing the duties of the office.

Mr. CRUMPACKER. How can they when all the officers are assassinated?

Mr. LITTLEFIELD. This is not a question of being charged with the duty; it is the actual discharge of the duty.

Mr. CRUMPACKER. The gentleman then admits that the Government has not the inherent power to preserve its own existence and protect its constitutional agents through which it must execute its laws.

Mr. LITTLEFIELD. I beg the gentleman's pardon. My attention was just called away by the gentleman from New York, and I lost the thread of the gentleman's conundrum.

Mr. CRUMPACKER. The gentleman from Maine says that he admits that a condition of things may exist in regard to the executive officers where they might all be assassinated and the Government would be without any means of enforcing these laws, and yet he insists the Government has no power to protect these officers in regard to preserving the constitutional means of enforcing its laws and carrying on its operations?

Mr. LITTLEFIELD. Now, I will tell the gentleman what I mean. I mean that the court here says that this jurisdiction is limited to the execution of the official function of the officer; the court said that it can not be extended beyond that. I mean that if the proposition of the gentleman from Indiana is sound, there is no sense whatever in this proposition laid down by the court; there was no occasion to lay it down. It is "full of sound and fury, signifying nothing;" because, if the Federal Government has power to protect its officers at all times, here and everywhere, without reference to whether they are discharging their official duties, whether they are awake or asleep, whether they are at work or otherwise—how idle it was for Mr. Justice Bradley and Mr. Justice Miller to carefully and after great consideration impose express limitations upon a power which, on the theory of the gentleman from Indiana, is absolutely unlimited.

I would be more than glad, as far as I am concerned, and every man on the Judiciary Committee would be more than glad, if we could feel it safe for the Government to exercise in this respect an unlimited power, when Mr. Justice Bradley and Mr. Justice Miller have expressly imposed limitations upon that specific power. But we do not think we would be discharging our duties as a great committee of this House in recommending legislation in the teeth of those express limitations, as declared by those two eminent justices.

Let me enforce and emphasize the distinction by quoting a little further the remarks of Mr. Justice Bradley:

This power to enforce its laws and execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the same places. The one does not exclude the other except where both can not be executed at the same time. In that case the words of the Constitution itself show which is to yield. "This Constitution and all laws which shall be made in pursuance thereof * * * shall be the supreme law of the land."

This concurrent jurisdiction which the National Government necessarily possesses to exercise its powers of sovereignty in all parts of the United States is distinct from that exclusive power which, by the first article of the Constitution, it is authorized to exercise over the District of Columbia and within those places within a State which are purchased by consent of the legislature thereof, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. There its jurisdiction is absolutely exclusive of that of the State, unless, as is sometimes stipulated, power is given to the latter to serve the ordinary process of its courts in the precinct acquired.

Without the concurrent sovereignty referred to, the National Government would be nothing but an advisory government. Its executive power would be absolutely nullified.

Now, I have a few words to say about the Neagle case. The quotation which I have read from the Siebold case is cited with approval by Justice Miller in the Neagle case. My friend from Texas [Mr. LANHAM], who is a very good lawyer, does not believe in the authority of the Neagle case. I do not propose to assume here in connection with this discussion the burden of sustaining the sound constitutional validity of the decision in the Neagle case. I do not think, however, that the main criticism which was made by my friend from Texas on that case is not a very vital one against its soundness and its validity as announcing constitutional and legal principles.

The gentleman from Texas criticised that case mainly because of what? Because of the rather extraordinary fact that Neagle was removed by writ of habeas corpus by the Supreme Court of the United States from the jurisdiction of the State of California, where he had been indicted for the crime of murder, and for this reason he never had a trial by jury. Now, that is true. But if the gentleman from Texas could have examined more thoroughly the opinion in that case he would have found that this fact of removing a man from the jurisdiction of a State court by habeas corpus was by no means new or unprecedented in the history of the Republic. That was the gentleman's principal objection to the action in this case—the fact that the man did not have what, as the gentleman contends, he was entitled to have—a trial by his peers—a trial by a jury of his countrymen.

Well, in the first place the trial by jury in a State court is not one of the rights guaranteed to the State, and in the next place I say such interference with the action of a State tribunal was not without precedent. It appears that there were at least two or three precedents where the Supreme Court by the exercise of its strong arm through the writ of habeas corpus had reached out and taken men out of the jurisdiction of a State. These cases arose under the fugitive slave law, when men hunting slaves had been guilty of breaches of the peace—offenses against the peace of the State, and had been arrested and indicted and were about to be tried before the State tribunals because of such breaches of the peace. The Supreme Court of the United States in at least two or three cases reached out its strong arm by habeas corpus took the slave hunter from the jurisdiction of the State; released him—set him free—deprived the State of the right of a trial by jury.

So far as I am concerned, it does not affect the opinion in the Neagle case because the courts in those fugitive slave law cases did hold that the slave hunter was in the exercise of a power or duty pursuant to the law of the United States and were therefore subject to its jurisdiction, while they also held that Neagle was acting under the authority of the United States; that he had prevented a justice of the Supreme Court from being killed by Terry; and the court held that it was not paralyzed by reason of any condition or circumstances, but was able to reach out by habeas corpus and relieve Neagle, equally as well as a man operating under the fugitive slave law, from the operation of the local jurisdiction of the State. So far as trial by jury is concerned, the case certainly stands without any practical impeachment.

Very briefly, what was the Neagle case? And a statement of it will tend to illustrate the distinction between State and Federal jurisdiction. The Neagle case was simply this: Neagle was a deputy marshal of the United States. A decision had been rendered by a United States court and read by Mr. Justice Field, a member of the Supreme Court, against the rights contended for by Mr. Terry and his wife. Terry was in the court at the time this decision was rendered and undertook to make an assault with a bowie knife upon Justice Field.

Neagle was one of the deputy marshals that deprived him of his bowie knife and carried him from court, and Terry afterwards suffered six months' imprisonment for contempt of court. Mr.

Justice Field, having gone down to Los Angeles to hold circuit court was on his return from Los Angeles to San Francisco stopped at Fresno in the morning for breakfast.

It was apprehended that Terry would make an assault upon him, and the Attorney-General of the United States had instructed the marshal in the district of California to have a deputy marshal present to take care and charge of and to protect Mr. Justice Field while in the State of California against what were well known to be impending assaults on the part of Terry. As Field and Neagle stepped into the restaurant in Fresno, Terry and his wife left the same train and went into the restaurant and sat at another table. The justice sat at his table. Terry stepped up behind him, cuffed him once on either side of his head. Neagle rose up and said, "Stop; I am an officer," and Terry put his hand in his bosom for the purpose, undoubtedly, of drawing a bowie knife, and Neagle fired two shots and Terry fell dead. Meanwhile his wife had gone into the train to get a satchel, which turned out afterwards to contain a revolver. Under these circumstances the question was whether or not Neagle was acting under the authority of the United States or by virtue of any statute of the United States. There was no express statute authorizing the marshal to protect the judge of the circuit court or the judge of the Supreme Court, and upon this state of facts the court held, referring to the fact that what was done by Neagle would be a justification, as follows:

But such a justification would be a proper subject for consideration on a trial of the State for murder in the courts of the State of California, and there exists no authority in the courts of the United States to discharge the prisoner while held in custody by the State authorities for this offense, unless there be found in aid of the defense of the prisoner some element of power and authority asserted under the Government of the United States.

The question was, What was "some element of power and authority asserted under the Government of the United States?"

I ask the gentleman from Illinois to note this. The court laid stress upon the fact, not that Field was a justice of the Supreme Court of the United States, not that he was a judge of the circuit court of the United States and an officer of the United States and an important officer of the United States, but what?

This element is said to be found in the facts that Mr. Justice Field, when attacked, *was in the immediate discharge of his duties as a judge of the circuit court of the United States* within California.

And the court held on these facts, that inasmuch as the court was still in session at San Francisco and that Mr. Justice Field had gone down to Los Angeles for the purpose of holding two or three days there, and was on his return from Los Angeles to San Francisco when assaulted, he was in the discharge of his duties as a judge of a court of the United States, as he could not get from one court to the other without traveling, and therefore they held that Neagle was acting under the authority of the United States. They went further, and it is very significant, and I call the attention of the committee to this. There was another ground upon which the court based its jurisdiction to issue habeas corpus under these circumstances, and that was this—and I ask the notice of my friend from New Jersey [Mr. PARKER] to this, who referred to this case.

The gentleman from Vermont called my attention to the fact that if there had been a Federal statute applying to this case in terms there would not have been any occasion for this analysis on the part of the court. That would depend on how the Federal statute read, and that was the distinction, by the way, that Mr. Justice Lamar, with whom concurred Mr. Chief Justice Fuller, held. Mr. Justice Lamar did not dissent from the reasoning of the majority at all, but he simply dissented because there was no express statute of the United States authorizing a deputy marshal to thus protect a justice of the Supreme Court, no matter what the circumstances were. There was no "law," he said. The statute in relation to habeas corpus provides that a man must be confined in pursuance of an act done under some law of the United States. There was no express law, except as may be held expressed in the matter to which I am just now going to call your attention.

Mr. Justice Lamar dissented on the ground that there was no law within the meaning of that section, no statute, which, of course, covers the suggestion of my friend from Vermont. But here is the statute of the United States which the court also relied upon in reaching its conclusion. They based it on two grounds: First, that the Attorney-General had authorized the deputy marshal to protect the justice and that he was therefore acting under the authority of the United States, and second, on this ground:

Marshals and their deputies shall have in each State the same powers in executing the laws of the United States as sheriffs and their deputies in such States may have by law in executing the laws thereof. (R. S. U. S., sec. 788; In re Neagle, 135 U. S., 68.)

It turned out that the State of California had a statute reading thus:

The sheriff must, first, preserve the peace.

And there were other sections to which I need not call attention. Now, upon this the court held as follows.

This involves the specific question, with this construction, whether or not Mr. Justice Field, under these circumstances, was in the peace of the United States or in the peace of the State alone.

And if my friend from New Jersey will bear with me for the suggestion, I handed him this book when he was making his remarks to the House, and, referring to a statute quoted at this place, he took occasion to read it. My citation was marked, but he did not read my citation. I do not know that he went so far as to see it, but it would not have helped his contention any if he had read it.

Here is what the court say:

That there is a peace of the United States; that a man assaulting a judge of the United States while in the discharge of his duties violates that peace.

That was not construing any statute. It can not be held that it was. The statute said that the sheriff must preserve the peace, and it said that the marshal had the same powers and duties that the sheriff in California had. The question was what was "the peace." Now, I submit to my friend from Indiana and my friend from Illinois that it would have been very easy for the court to have said that Mr. Justice Field was an officer of the United States; that he held the office of judge; he was essential to the discharge of the functions of the judicial branch; that he was a part of the machinery of Government, and that wherever he was he held the office and whatever he was doing he held the office, and he was, therefore, by reason of being an officer of the United States, within the peace of the United States. But they did not say that. Now, what did they say?

Mr. REEVES. Will you pardon me again?

Mr. LITTLEFIELD. Certainly.

Mr. REEVES. If the Supreme Court had held what you have suggested, then it would have been simply a species of common-law holding. Now, I use that expression advisedly. It would have been a species of common-law holding. But the fact is, there was no statute in existence at that time to enable the court to take this man away from the State jurisdiction by virtue of the statute.

Mr. LITTLEFIELD. Unless this statute did it.

Mr. REEVES. Pardon me. And as there was no statute, and they did not act upon a statute, it can not be logically held, I contend that there could not have been one. It does not reach down to the bottom of it. I beg the gentleman's pardon for the interruption.

Mr. LITTLEFIELD. Certainly. I understand the gentleman's suggestion and I appreciate the force of it. I can not agree with him, however. In my point of view—now, I may be wrong—when the court were defining the keeping of the peace, and defining what was a breach of the peace of the United States, it was necessary to define that peace. It did not require the construction of any statute. It was simply a question of saying whether or not there was a peace of the United States and what that peace was. If there was a violation of that peace, the peace of the United States, then Neagle could be removed on habeas corpus. If there was not any peace of the United States, or if the justice was not within the peace of the United States, then Neagle could not be removed on habeas corpus. It was not the construction of a statute. It was simply defining the constitutional proposition as to whether there was or was not a peace of the United States. And here is what the court said——

Mr. RAY of New York. Will the gentleman allow me to interrupt him?

Mr. LITTLEFIELD. Let me finish this and then I will be glad to yield. Here is what the court said. Do I make myself clear on that?

Mr. REEVES. Perfectly so.

Mr. LITTLEFIELD (reading):

That there is a peace of the United States, and that a man assaulting a judge of the United States—

Here is the qualification—

while in the discharge of his duties violates that peace; that in such case the marshal of the United States stands in the same relation to the peace of the United States which the sheriff of the county does to the peace of the State of California are questions too clear to need argument to prove them.

Now, the court did this—and I will yield to the gentleman in just a moment—the court in this case spent more than half the space occupied in their opinion in demonstrating, first, this proposition in relation to what was the peace of the United States, under what circumstances it existed, under what circumstances the United States had the Federal power to conserve it and protect a man within it, and in further demonstrating that Mr. Justice Field was in the peace of the United States. I think the gentleman will concede that if by reason of his official character all of these results could have been accomplished that work was certainly unnecessary on the part of the court. I do not say that is conclusive. I do not claim that it absolutely ends it, but it seems to me—and I am speaking with all frankness to my friend from Illinois—it seems to me that it is vastly persuasive, and certainly

raises a very serious question as to whether the unlimited proposition could be sustained by the court, and is for practical purposes of legislation conclusive.

Mr. REEVES. Inasmuch as you addressed me, will you permit me for a moment?

Mr. LITTLEFIELD. Certainly.

Mr. REEVES. Now, I agree with you, and the court did do just what you have said, and it was the only thing the court could do and take the fellow out.

Mr. LITTLEFIELD. That is right.

Mr. REEVES. That is the point. Now, my thought is this: That if there had been a statute they need not have resorted to this almost sophistry to get him out of there unless perchance the statute would have been unconstitutional.

Mr. RAY of New York. Now, I desire to correct the gentleman.

Mr. LITTLEFIELD. Well, I yield to the gentleman from New York.

Mr. RAY of New York. The gentleman has now stated twice—I thought at first I did not hear him correctly, and I wanted to inquire of the gentleman—he has stated that there was not a statute that would enable the authorities of the United States to take control of the matter. Do I understand him correctly? To take the deputy marshal from the jurisdiction of the State of California?

Mr. REEVES. Do you want me to answer you?

Mr. RAY of New York. I want you to state whether there was a statute?

Mr. REEVES. I say there was no Federal United States statute at that time.

Mr. RAY of New York. For what?

Mr. REEVES. Now, let me finish. To justify the Federal court in taking this officer—this deputy marshal—from the State jurisdiction by a writ of habeas corpus.

Mr. RAY of New York. That is where the gentleman is wrong. I will read to my friend, or I will hand the book to my friend, giving the proceedings there, and you will find there was a statute fully justifying this, justifying them in taking him from the jurisdiction of the State of California.

Mr. LITTLEFIELD. I have just quoted it.

Mr. RAY of New York. The only point in the case of no statute was this: There was no statute written upon the statute book which made it the duty, in express terms, of the deputy marshal of the United States to protect a justice of the Supreme Court either in the discharge of his duty or otherwise. That is the absence of a statute that he referred to. And now, if the gentleman has the case and wants to go on with his argument, I will hand it to the gentleman from Illinois to show him.

Mr. REEVES. You need not show it to me. I have seen it perhaps as often as you have.

Mr. RAY of New York. Then you ought not to state that there is no statute giving them the right of the writ of habeas corpus.

Mr. REEVES. I do not accept the judgment of the chairman of the Committee on the Judiciary upon this subject, and he need not worry himself as to whether or not I have read this decision. I know well what I have said, and I will not ask my friend to yield longer; but if the gentleman from New York had followed logically and carefully and understandingly what the gentleman from Maine has just been arguing, we would not have this misunderstanding about it.

Mr. RAY of New York. No; the question is different.

Mr. LITTLEFIELD. I think, perhaps, unless the gentleman insists——

Mr. RAY of New York. I do not care to interrupt you further. Go on.

Mr. LITTLEFIELD. Very well.

Mr. RAY of New York. I want to point out to my friend——

Mr. REEVES. Sit down right here.

Mr. SNODGRASS. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. LITTLEFIELD. While the law school is being conducted I will go on with my remarks

Mr. LACEY. I would like to hear from the gentleman from Maine, as his time is rapidly expiring——

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. LITTLEFIELD. I yield to the gentleman from Iowa.

The CHAIRMAN. The Chair asked the gentleman from Maine if he yielded to the gentlemen from Tennessee?

Mr. LITTLEFIELD. I stated I would yield to the gentleman from Iowa.

Mr. LACEY. These constitutional questions are very interesting, and we have a number of them——

The CHAIRMAN. The gentleman will please suspend. The Chair has asked the gentleman from Maine if he will yield to the gentleman from Tennessee.

Mr. LITTLEFIELD. No; I yielded to the gentleman from Iowa first, and then I will yield later to the gentleman from Tennessee.

The CHAIRMAN. But the gentleman from Tennessee had asked properly under the rule, and has the right either to be yielded to or refused.

Mr. LITTLEFIELD. Well, now, have I the right to yield to the gentleman from Iowa?

The CHAIRMAN. If you so desire.

Mr. LITTLEFIELD. I will now exercise that right, and later exercise the right of yielding to the gentleman from Tennessee.

The CHAIRMAN. That is all right.

Mr. LACEY. These formalities having been concluded——

Mr. LITTLEFIELD. The cloud having been brushed away.

Mr. LACEY. I would ask my friend to give us his views about the benefits that will be derived under the two bills that we are discussing. However interesting the discussion on the constitutional questions may be, what we want to know is how much better off Mr. McKinley would have been had there been such a change in the law made two years ago? I wish the gentleman would point out to us the difference between this particular bill of the House and the Senate, and the benefits under existing circumstances of either. The House would like to hear a discussion of that feature of the subject.

Mr. LITTLEFIELD. Whether it is any particular improvement?

Mr. LACEY. In other words, to explain to the committee whether it would have given President McKinley another chance for his life or given Czolgosz another chance for his life? I would be very glad for you to answer the suggestion in that respect.

Mr. LITTLEFIELD. This bill, in my judgment, would beyond all question have adequately protected the President of the United States. One of the purposes or one of the reasons for the bill is the lack of uniform legislation. We have in the United States four States in which the death penalty is not imposed, and I am going to call attention to that feature now. We have seventeen other States in which life imprisonment may be substituted for it. I think I know what the gentleman from Iowa has in his mind. This law, if enacted, of course operates uniformly, and imposes the death penalty in all cases of killing the President of the United States. Now, then, if it had been enacted in these terms, would it have protected the President of the United States at Buffalo?

Mr. MORRIS. Will the gentleman permit me a question?

Mr. LITTLEFIELD. Perhaps after I answer this question it may answer the gentleman's question; if not, I will yield to him then. I do not think personally the President of the United States at that time was in the discharge of his official duties. It may be that I am wrong. A great many able men, a great many learned lawyers, think that the President is always in the discharge of his duties by virtue of the peculiarity of his office and the multitudinous duties devolving upon him. If it be true, then as a matter of law the President at that time was in the discharge of his official duties; and if that be true, then this bill would have fully protected him because of that feature, because it punishes the offense when he is in the performance and the actual discharge of his duties.

If, as a matter of fact, it be true, that he is always in the discharge of his duties, it would protect him, because the fact could be easily established. On the other hand, assuming my view is correct and that he is not always in the discharge of his official duties, then this bill would have protected the President of the United States in the case of the assault of Czolgosz, because there can be no question whatever that the assault made by Czolgosz was not an assault upon President McKinley as an individual, but was an assault upon the Government of the United States through McKinley as the President of the United States, by reason of the fact of his being President, and the bill expressly covers a case where the assault is committed by reason of his official character.

Now, it may be contended that in the case of the death of each of the Presidents who have had their names put upon the roll of martyrs in the service of their country—it may be contended that neither of them was in the actual discharge of duties when assassinated, but it can not be contended for a moment in the case of either that the assault was not committed by reason of the official character of the President. The great wrong we are seeking to prevent, the great injury we are seeking to remedy, the great difficulty that brings about this legislation, is what? It is a cult, it is a society, it is a theory, that does what? That instigates the murder of the Chief Magistrate of the country because they are Chief Magistrates of the country, and in every instance of that sort this bill would fully and completely protect them under that clause that prohibits an assault or a killing by reason of his official capacity. It is possible, although vastly improbable and infinitesimally improbable; it is probable that you might find a case

that was not covered by one of these three provisions, "while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions."

Mr. LACEY. Will the gentleman permit me a question?

Mr. LITTLEFIELD. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirty-five minutes.

Mr. LACEY. I will not take up much of the gentleman's time.

Mr. LITTLEFIELD. I will yield to the gentleman.

Mr. LACEY. Under the provisions of this bill, instead of having a plain, simple case, as the assassin of President McKinley was called upon to meet, you would have had his attorney placed in the position of first meeting the question of whether he killed McKinley because he was President, and, second, whether the President was in the discharge of his official duty. It seems to me we would be furnishing acute lawyers with two additional defenses to use in this case instead of helping in the protection of the President. Does not the gentleman think there is danger in this form of the bill by weakening the protection?

Mr. LITTLEFIELD. It does not seem to me so. Even if there was danger it does not go to the jurisdictional features of the bill, as the gentleman will concede. It seems to me to be reasonable, that where the President of the United States is killed, there is no difficulty in establishing the offense, the corpus delicti, the identity of the assailant. I do not believe, as a practical proposition, that these necessary elements of jurisdiction, although they do involve questions of fact—I do not believe that these elements of jurisdiction involve questions of fact that would disturb a jury one-sixteenth part of a minute in reaching a conclusion that the man was guilty.

Mr. PALMER. Suppose this bill had been the law at the time President McKinley was killed, and suppose the gentleman from Maine had been called on to draw an indictment under it for that offense, would he not have been obliged to aver that Czolgosz killed Mr. McKinley knowing that he was the President of the United States?

Mr. LITTLEFIELD. No, not necessarily; the element of being in the discharge of his duties might not be thus qualified.

Mr. PALMER. Then I do not read your bill aright. Under the bill the offense must be done "willfully, purposely, and knowingly."

Mr. LITTLEFIELD. Yes; those are the qualifying words.

Mr. PALMER. How could you have proved, or how could the State of New York have proved in that case, that Czolgosz knew that he was killing the President of the United States?

Mr. LITTLEFIELD. The gentleman from Pennsylvania [Mr. PALMER] does not think it would be necessary to have direct evidence of that fact?

Mr. PALMER. Yes; if the fact was averred in the indictment.

Mr. LITTLEFIELD. Direct evidence?

Mr. PALMER. Certainly.

Mr. LITTLEFIELD. Would not circumstancial evidence have been sufficient?

Mr. PALMER. What circumstances?

Mr. LITTLEFIELD. I can not stop to detail all the circumstances that existed; but from the facts and circumstances in connection with the assault the inference was absolutely irresistible that Czolgosz knew that Mr. McKinley was the President of the United States and killed him for that reason. He had never seen Mr. McKinley; he did not know him. Mr. McKinley was standing there holding a reception, and Czolgosz, approaching with a revolver concealed under a handkerchief, fired a shot at the President of the United States. What reason did he have for making the assault? That is a question that would have to be argued before the jury. What occasion could he have had for the assault? And if it could be made to appear that there could have been no other motive than that Mr. McKinley was the President of the United States, by the familiar process of exclusion, my friend from Pennsylvania [Mr. PALMER], if he had held in that case the position which he so honorably held in the State of Pennsylvania, could have secured a verdict at the hands of the jury, because no other reason could have been assigned for the assault than that Mr. McKinley was President of the United States. That is my suggestion in answer to the gentleman's question.

Mr. PALMER. The gentleman concedes, of course, that anything averred in the indictment must be proved beyond reasonable doubt. Now, would not the gentleman have been obliged to aver, in an indictment drawn under this bill, that the President was in the exercise of his official duty?

Mr. LITTLEFIELD. Yes.

Mr. PALMER. Now, is it a fact that the President, while opening the fair at Buffalo, was in the exercise of his official duty?

Mr. LITTLEFIELD. No; I do not think that he was, although that might perhaps be held to be an official function, as he was there in his official character.

Mr. PALMER. But if that were averred in the indictment, must it not be proved?

Mr. LITTLEFIELD. No; there is an alternative proposition. Either he must have been in the performance of his official duty or the killing must have been by reason of his official character. Either would have been sufficient.

A MEMBER. How could you aver an alternative?

Mr. LITTLEFIELD. You could make three separate counts. I have been prosecuting attorney, and I have often drawn indictments. I presume the gentleman knows I am correct.

A MEMBER. Certainly you are right.

Mr. SNODGRASS. I desire to suggest to the gentleman that, in addition to discussing these other questions, he devote some of his attention to section 9 of the bill, where it undertakes to provide for offenses against the representatives of foreign nations.

Mr. LITTLEFIELD. I think on that point I shall have to ask the gentleman to excuse me because of want of time. I fear because of interruptions (for which I always desire to yield as amiably as possible) I shall only have time to make a brief statement. The gentleman wishes me to show what power we have to make special provision for the punishment of those who kill ambassadors in this country. Well, Mr. Chairman, ambassadors represent, of course, in their persons their home governments. Their governments are present in their persons. In the case of United States *v.* Arjona (120 U. S. Reps., p. 479) the court held that a statute prohibiting the counterfeiting of bonds, notes, and securities of a foreign government was valid by reason of international comity and by reason of the power that we are entitled to exercise under international law. The committee thought that if we could punish the counterfeiting of bonds, notes, and securities of a foreign country, it would be very surprising if we could not punish an assault upon a foreign government itself when it is here in the person of its ambassadors.

These extracts show what reasons the court gave for their conclusion:

> The law of nations requires every nation to use "due diligence" to prevent a wrong being done within its own dominion to another nation with which it is at peace, or to the people thereof; and because of this the obligation of one nation to punish those who within its own jurisdiction counterfeit the money of another nation has long been recognized. (P. 484.)
>
> A right secured by the law of nations to a nation or its people is one the United States as a representative of this nation is bound to protect. Consequently a law which is necessary and proper to afford this protection is one that Congress may enact, because it is one that is needed to carry into execution a power conferred by the Constitution on the Government of the United States exclusively. There is no authority in the United States to require the passage and enforcement of such a law by the States.
>
> Therefore the United States must have the power to pass it and enforce it themselves or be unable to perform a duty which they may owe to another nation and which the law of nations has imposed on them as part of their international obligations.
>
> This, however, does not prevent a State from providing for the punisment of the same thing, for here, as in the case of counterfeiting the coin of the United States, the act may be an offense against the authority of a State as well as that of the United States. (P. 487.)

To resume for a moment on the main question. It is said that the President is a part of the machinery of the Government, and that you can not destroy the machinery in whole or in part without crippling the Government to that extent, and that therefore killing an officer is an attack upon the Government.

If, upon that theory, it be assumed, as we do not think it properly can be, that every killing of an officer irrespective of the discharge of his duties is an interference with or an impeding the Government and an attack upon the Government, it necessarily follows that it is so by reason of the official character of the person killed, as otherwise the killing of the particular person would have no connection with the Government. Then, as a man is presumed to intend the probable consequences of his act, he would in that case be presumed to have intended to attack the Government, and as he could attack the Government only by reason of the official capacity of the person killed, he would be presumed to have killed him by reason of his official capacity, a condition expressly provided for by this bill.

COURT CAN NOT CONSTRUE EXCEPTIONS INTO THE STATUTE.

While it seems to be conceded that if the Senate bill is too broad in its definition of jurisdiction it would be held unconstitutional, a brief reference to the law on that question should be made. It could not be sustained upon the ground that although going beyond the House bill, it includes the jurisdiction described in the House upon the theory that the greater includes the less. This would require the court to read into the act the limitations and restrictions which it has uniformly held it will not do, as the cases clearly show.

Upon this question United States *v.* Reese (92 U. S., 214) is in point. In that case the court had under consideration the constitutionality of the third and fourth sections of the act of May 31, 1870, chapter 114, now constituting sections 2007, 2008, and 5506 of the Revised Statutes. The third section of the act made it an offense for any judge, inspector, or other officer of election, whose duty it was, under the circumstances therein stated, to

receive and count the vote of *any citizen*, to wrongfully refuse to receive and count the same; and the fourth section made it an offense for any person, by force, bribery, or other unlawful means, to hinder or delay *any citizen* from voting at any election or from doing any act required to be done to qualify him to vote.

The ground of the decision was that the sections referred to were broad enough not only to punish those who hindered and delayed the enfranchised colored citizen from voting, on account of his race, color, or previous condition of servitude, but also those who hindered or delayed the free white citizen. The court, speaking by the Chief Justice, said:

It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the Government. The courts enforce the legislative will, when ascertained, if within the constitutional grant of power. *But if Congress steps outside of its constitutional limitation and attempts that which is beyond its reach,* the courts are authorized to, and when called upon must, annul its encroachment upon the revered rights of the States and the people.

An attempt was made there as here to limit the statute by *construction, so as to make it operate only on that which Congress might rightfully prohibit and punish;* but to this the court said (p. 221);

For this purpose we must take these sections as they are. We are not able to reject a part which is unconstitutional and retain the remainder, *because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there.* Each of the sections must stand as a whole or fall all together. The language is plain. There is no room for construction, unless it be as to the effect of the Constitution. *The question then to be determined is whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.*

This was answered in the negative, the court remarking:

To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one.

This precise point was again passed on and emphasized in Baldwin *v.* Franks (120 U. S., pp. 685–686).

The court there said:

In United States *v.* Harris (106 U. S., 629) it was decided that this section was unconstitutional, as a provision for the punishment of conspiracies of the character therein mentioned, within a State. It is now said, however, that in that case the conspiracy charged was by persons in a State against a citizen of the United States and of the State to deprive him of the protection he was entitled to under the laws of that State, no special rights or privileges arising under the Constitution, laws, or treaties of the United States being involved; and it is argued that, although the section be invalid so far as such an offense is concerned, *it is good for the punishment of those who conspire to deprive aliens of the rights guaranteed to them in a State by the treaties of the United States.*

In support of this argument reliance is had on the well-settled rule that a statute may be in part constitutional and in part unconstitutional, and that under some circumstances the part which is constitutional will be enforced and only that which is unconstitutional rejected. *To give effect to this rule, however, the parts—that which is constitutional and that which is unconstitutional—must be capable of separation, so that each may be read by itself.*

This statute, considered as a statute punishing conspiracies in a State, *is not of that character, for in that connection it has no parts within the meaning of the rule.* Whether it is separable, so that it can be enforced in a Territory, though not in a State, is quite another question and one we are not now called on to decide. *It provides in general terms for the punishment of all who conspire for the purpose of depriving any person or any class of persons of the equal protection of the laws or of equal privileges or immunities under the laws. A single provision, which makes up the whole section, embraces those who conspire against citizens as well as those who conspire against aliens, those who conspire to deprive one of his rights under the laws of a State and those who conspire to deprive him of his rights under the Constitution, laws, or treaties of the United States. The limitation which is sought must be made, if at all, by construction, not by separation. This, it has often been decided, is not enough.*

THE JURISDICTIONS ARE CONCURRENT.

That the same act will, under this statute, constitute an offense under the law of the State as well as the United States is no objection to this legislation, and the idea is not novel.

The people of the United States resident within any State are subject to two governments, one State and the other national, but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad.

True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, *if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State,* and the resistance is accompanied by *an assault on the officer,* the sovereignty of *the United States is violated by the resistance* and that *of the State by the breach of the peace in the assault.* So, too, if one passes counterfeit coin of the United States within a State, it may be an offense against the United States and the State; the United States because it discredits the coin, and the State because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen can not complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction. (United States *v.* Cruikshank, 92 U. S., 550.)

CONVICTION OR ACQUITTAL IN ONE NO BAR IN THE OTHER JURISDICTION.

That there is no conflict in these jurisdictions, and that a trial resulting in either a conviction or an acquittal in either tribunal has no legal effect upon a subsequent trial in the other jurisdiction is well settled by authority as well as reason. While the act may be the same, the offense in one case is against the State sovereignty and in the other against Federal sovereignty.

ONE ACT CONSTITUTING DISTINCT CRIMES AGAINST DIFFERENT SOVEREIGNTIES.

(7) When an act is a violation of the criminal law of two different governments, jeopardy or punishment under the law of one government will not bar a prosecution and punishment under the law of the other. In such case the one act creates two separate and distinct crimes. It follows that in the United States, if the same act is a transgression of the laws of two States, or of a State and the United States, a trial in one jurisdiction for a violation of its law will not prevent a prosecution in the other jurisdiction for the act regarded as a violation of the law of the latter.

(8) ONE ACT VIOLATING BOTH A STATE LAW AND A MUNICIPAL ORDINANCE.

So it is the almost universally accepted doctrine that where an act violates both a municipal ordinance and a State law a prosecution under one will not bar a prosecution under the other.

(9) ONE ACT VIOLATING BOTH A MILITARY AND A GENERAL LAW.

An act criminal both by military and general law is subject to be tried either by a military or civil court, and a conviction or acquittal in the one court can not be pleaded as a bar to a prosecution in the other. (American and English Encyclopædia of Law, 2d ed., vol. 17, p. 604, pp. 7, 8, 9).

EXTRATERRITORIAL CRIME.

I come to the second question to which I wish to call attention, and this is this proposition. The Senate bill contains in its last clause of section 1, an effort to punish a foreigner for committing an offense in a foreign country upon a foreigner, entirely outside of the jurisdiction of the United States. I know that the bill may be susceptible of a different construction, but I understand it to be the purpose of those who drew the clause to confer upon the Government of the United States the power to punish in this country a man who assassinates in England the King of England. Now, I submit that is an attempt to exercise an entirely unconstitutional power. It is attempted to be justified in the Senate by the statement that an offense of that sort is an offense against the law of nations, and I am briefly going to call attention to that.

Mr. REEVES. Mr. Chairman, I wish to ask unanimous consent, before we go any further, that the gentleman may be permitted to conclude his remarks, and I do it now for this reason, that he has been interrupted and is now so hurried that he can not state his position as he wants to, and after consultation with him I make this request.

The CHAIRMAN (Mr. TOMPKINS of Ohio). The Chair will state to the gentleman from Illinois that the Chair regrets that the suggestion can not be complied with for the reason that the House has fixed the time when this debate shall end. I will state to the gentleman from Maine that he has twenty minutes remaining.

Mr. PARKER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. LITTLEFIELD. Certainly.

Mr. PARKER. I want to ask whether that section of the Senate bill to which the gentleman referred does not refer to crimes committed here, as, for instance, if Edward VII should come to this country, or William of Germany, and he should be killed here by somebody who maliciously caused his death, or if they sent poison by mail from here which caused the death of either one of these sovereigns; is not that the meaning of the section?

Mr. LITTLEFIELD. I will say in answer to my friend from New Jersey that the bill is susceptible in one sense of the construction that the gentleman from New Jersey places upon it, and if the bill read as follows: "That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully or maliciously kill or cause the death of the President or Vice-President or any officer thereof upon whom the powers and duties of the President may devolve, or any sovereign or chief magistrate of any foreign country," the inference would be practically conclusive; but it does not so read.

Mr. PARKER. It ought to read so.

Mr. LITTLEFIELD. Yes, it ought to read so; and the reason why it does not so read, I am authoritatively advised, is because the Senate actually intends by this section to punish a crime committed entirely outside of the jurisdiction of the United States, because by reason of a mistaken conception of the law they say the offense is an offense against the law of nations. I shall have to hurry upon this because I can not elaborate as I would like to in the time that I have, and I hope that I will not be interrupted.

Mr. PARKER. I do not think the gentleman need elaborate on that. I think everybody in the House agrees with him.

Mr. LITTLEFIELD. Every member of the House may not be of the opinion of my friend from New Jersey, because all of the members of the Senate committee and the lawyers in the Senate were of the other opinion, and those same lawyers that sent down here this indefinite description and unlimited jurisdiction under this jurisdictional section in this bill—sent down as a constitutional proposition the proposition that you can punish a foreigner for an offense committed in a foreign country upon a foreigner

entirely outside of this jurisdiction. The same Senate and the same committee send us the same propositions. I do not think that everybody concedes, as does my friend from New Jersey, that this last clause is clearly unconstitutional. I do not say that it destroys all the weight to be given to the opinion of the Senate on the clause of the Senate bill which I have been discussing, but it tends strongly in that direction. The provisions of the Constitution under which this last clause is sought to be justified are these:

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations. (Constitution, Art. I, sec. 8, p. 10.)

These are two other provisions of the Constitution which should be quoted in this connection:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed. (Constitution, Art. III, sec. 2, p. 3.)

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. (Constitutional amendment, Art. VI.)

Clearly this is not an offense on the high seas. It is said to be an offense against the law of nations. Now, what is the law of nations? The law of nations is simply international law. And what is international law? It is the law between—inter, between. Between what and whom? Between separate and independent sovereignties; the law that governs and controls and regulates the rights of independent sovereignties as between each other. How, then, can an offense against a municipal law and one sovereignty be in any sense an offense against the law that regulates the rights of independent sovereignties as between each other? It does not interfere with the relations of each other. It has no connection whatever with international law or with the law of nations. The law of nations is defined by the various writers on international law, as follows:

LAW OF NATIONS.

By this law we are to understand that code of public instruction which defines the rights and prescribes the duties of nations in their intercourse with each other. (Kent Com., Vol. I, p. 1.)

That collection of rules—customary, conventional, and judical—which independent states appeal to for the purpose of determining their rights, prescribing their duties, and regulating their intercourse in peace and war, imposed by opinion and based upon the consent of nations. (Kent on International Law, p. 6.)

International law has been defined as the rule which determines the conduct of the general body of civilized states in their dealings with one another. (Amer. and Eng. Enc. Law, vol. 16, p. 1124.)

International law is the system of rules which regulates the intercourse and determines the rights and obligations of sovereign States. (Minor's Institutes, Vol. I, p. 22.)

International law, as understood among civilized nations, may be defined as consisting of those rules of conduct which reason deduces as consonant to justice from the nature of the society existing among independent nations with such definitions and modifications as may be established by general consent. (Wheaton's Int. Law (Boyd), p. 21.)

International law may be defined as the rules which determine the conduct of the general body of civilized States in their dealings with one another. (Lawrence, Principles Int. Law, p. 1.)

International law is the body of rules prevailing between the States. It may also be described as the body of rules governing the relations of a State to all outsiders, whether other States or private persons not its own subjects. (Westlake, International Law, p. 1.)

Thence arises a third kind of law to regulate this mutual intercourse called the "law of nations," which, as none of these States will acknowledge a superiority in the other, can not be dictated by any, but depends entirely upon the rules of natural law or upon mutual compacts, treaties, leagues, and agreements between these several communities, in the construction also of which compacts we have no other rule to resort to but the law of nature, being the only one to which all the communities are equally subject, and therefore the civil law very justly observes "that rule which natural reason has dictated to all men is called the law of nations." (Blackstone, Vol. I, page 44, Cooley.)

In a more limited sense, which is that usually understood, the term "law of nations" expresses those rules which govern the conduct of States in their relation with each other. (Manning Laws of Nations, p. 2.)

International law is the system of moral principles and positive rules by which the conduct of States, one toward another, is or ought to be determined. (Creasey First Platform Int. Law, p. 1.)

The law of nations is a complex system composed of various ingredients. It consists of general principles of right and justice equally suitable to the government of individuals in a state of natural equality and the relations and conduct of nations, of a collection of usages, customs, and opinions, the growth of civilization and commerce, and of a code of positive law. (Maine Int. Law, p. 33.)

The law of nations (which I may venture to define as the public opinion of the government of the civilized world with reference to the rights which any State would be justified in vindicating for itself by a resort to arms) is no doubt incorporated into the common law which binds the courts of the country. (Holland Studies in International Law, p. 194.)

The ablest of writers to whom I allude admits that the great purpose of international law is to maintain right against national wrongdoers. (Creasey First Platform of Int. Law, sec. 76.)

By the law of nations we mean such rules as nations or civil societies are obliged to observe in their intercourse with one another. (Rutherford's Institute, p. 13.)

Offenses against the law of nations are defined as follows:

The violation of a treaty of peace.
Violation of passports.
Violation of ambassadors. (Kent's Com., Vol. I, p. 182.)

PIRACY.

Pirates have been regarded by all civilized nations as the enemies of the human race and the most atrocious violators of universal law of society. (Ibid, 184.)

SLAVE TRADE.

Whether it (slave trade) is to be considered as an offense against the law of nations, independent of compact, has been a grave question much litigated in the courts charged with the administration of public law. (Kent, Vol. I, pp. 182 to 192.)

Criminal laws can not operate extraterritorially.

I want to call attention now briefly to what the authorities say, in order that the RECORD may show precisely what has been held in connection with the punishment of extraterritorial crime.

Bishop on Criminal Law says:

But to punish a foreign murderer simply because his victim came among us to die is to usurp the functions of the foreign government. We often see foreign governments omitting what we deem to be their duty, but to jump uninvited into every vacuum of this sort would be to make ourselves a nuisance in the family of nations. (Vol. I, sec. 116.)

In the words of a learned New Jersey judge, "an act to be criminal must be alleged to be an offense against the sovereign of the government." This is the very essense of crime punishable by human law. How can an act done in one jurisdiction be an offense against the sovereignty of another. (Ibid., sec. 112.)

But by a very ancient principle of English common law adopted in this country all crimes are strictly local and the offenders are justiciable only in the countries where the criminal act is done. Therefore English and American law would generally refuse to try and punish a British or American citizen on his return home for a criminal offense perpetrated by him in a foreign territory. (International Law, Pomeroy, p. 205.)

That is Pomeroy's International Law; but some nations extend the operation of their laws so as to reach offenses committed upon their subjects on foreign territory.

In this procedure municipal law only is concerned, and not international law; and as might be supposed, laws differ greatly in their provisions. (Woolsey, International Law, p. 78.)

By the common law of England, which has been adopted in this respect in the United States, criminal offenses are considered as altogether local and justiciable only by the courts of that country where the offense is committed. (Wheaton, International Law (Boyd), p. 154.)

But some nations extend the operation of their laws so as to reach crimes committed by their subjects upon foreign territory. In this procedure municipal law only is concerned and not international, and as might be supposed laws greatly differ in their provisions. (Woolsey, International Law, p. 78.)

Owing to differences in their constitutional systems a more limited control is asserted by Great Britain and the United States, whose criminal jurisprudence rests upon the general principle common to both that crimes are territorial and justiciable only in the courts of the country where committed. (International Public Law, Taylor, sec. 195.)

It is evident that a state can not punish an offense against its municipal laws committed within the territory of another state unless by its own citizens. (Wheaton, International Law (Boyd), p. 154.)

Without special agreement among the states none can arrest or punish subjects of the others for offenses committed outside its own jurisdiction, even though they are regarded as offenses by the law of the state to which the offender belongs. This is so clear that no attempt has been made to assume a kind of international jurisdiction over acts declared to be piracy by municipal laws, except in the one case of the slave trade. (Lawrence, Principles of International Law, sec. 123.)

A state has authority over foreigners within its territory, not over foreigners abroad. An attempt to punish an alien within the territory for an offense committed before he came to it is an attempt to exercise jurisdiction over acts done in another state, and is thus contrary to the very principle of territorial jurisdiction on which it is based. In similar cases a state can punish its own citizens, but its right to do so is based upon the personal claim it has to their allegiance wherever they may be.

There is no personal tie in the case of aliens; and it may justly be contended that any attempt to exercise over them such jurisdiction as we are considering would give grounds for remonstrance from the state of which they were subjects. (Lawrence, Principles of International Law, p. 220.)

But although a state takes no cognizance of offenses beyond its limits and against the laws of another country, it nevertheless can punish the crimes of its own citizens under its own laws, if within their reach, no matter where the crime may have been committed. (Baker, International Law, p. 77.)

So much for the elementary writers.

Discussing whether the slave trade was against the law of nations, the court in *The Antelope* (10 Wheat., 121) lays down rules which clearly exclude murder in a foreign country as an offense against the law of nations.

This which was the usage of all could not be pronounced repugnant to the law of nations, which is certainly to be tried by the tests of general usage. That which has received the assent of all must be the law of all.

Whatever might be the answer of a moralist to this question, a jurist must search for its legal solution in those principles of action which are sanctioned by the usages, the national acts, and the general assent of that portion of the world of which he considers himself as a part, and to whose law this appeal is made. If we resort to this standard as the test of international law, the question, as has already been observed, is decidedly in favor of the legality of the trade.

The courts of no country execute the penal laws of another. (Ibid, 123.)

It is conceded that the legislation of every country is territorial; that beyond its own territory it can only affect its own subjects and citizens. It is not easy to conceive a power to execute a municipal law or to enforce obedience to that law without the circle in which that law operates.

Said Mr. Chief Justice Marshall in Rose & Himley, 4 Cranch, 218.

Directly in point is the discussion of the court in United States *v.* Pirates (5 Wheaton, 192), where they were considering whether a statute could be extended to a murder committed on the high seas, a place over which, in a sense, we have at least concurrent jurisdiction, and to that extent the law might not be extraterritorial. The court said:

The question whether murder committed at sea, on board a foreign vessel, be punishable by the laws of the United States, if committed by a foreigner upon a foreigner, is one which involves a variety of considerations.

Page 195:

The reasonable presumption is that the legislature intended to legislate only on *cases within the scope of that power.*

Page 195:

Robbery on the sea is considered as an offense within the criminal jurisdiction of all nations. It is against all and punished by all; and there can be no doubt that the plea of autrefois acquit would be good in any civilized state, though resting under prosecution instituted in the courts of any other civilized state.

Not so with the crime of murder. It is an offense too abhorrent to the feelings of man to have made it necessary that it also should have been brought within this universal jurisdiction. And hence punishing it, when committed within the jurisdiction or (what is the same thing) in the vessel of another nation, *has not been acknowledged as a right*, much less an obligation. It is punishable under the laws of each state, and I am inclined to think that an acquittal in this case would not have been a good plea in a court of Great Britain. Testing my construction of this section, therefore, by the rule that I have assumed, I am led to the conclusion that it does not extend the punishment for murder to the case of that offense committed by a foreigner upon a foreigner in a foreign ship.

Page 197: If by calling murder piracy it might assert a jurisdiction over that offense committed by a foreigner in a foreign vessel, what offense might not be brought within their power by the same device? The most offensive interference with the governments of other nations might be defended by the precedent.

Upon the whole, I am satisfied that Congress never intended to punish murder in cases with which they had no right to interfere nor leave unpunished the crime of piracy in any cases in which they might punish it.

There is no elementary writer, there is no judge, there is no decision holding that any statute can be passed in any country that affects a foreigner committing an offense in a foreign country upon a foreigner.

There are authorities that hold that the jurisdiction of a State may follow its subjects into a foreign country and punish its subjects for acts committed there. There are cases that hold that an offense committed in a foreign country against the sovereign of the country that is undertaking to punish him may be taken cognizance of; but there is no case, there is no elementary writer, there is no judge of any court holding that an offense committed by a foreigner in a foreign country upon a foreigner is justiciable anywhere except in the foreign country where committed; but this is what the Senate bill undertakes to do.

Mr. Chief Justice Marshall while a member of Congress made a celebrated speech in which, having occasion to discuss this question, he used the following language:

Suppose a duel attended with death in the fleet of a foreign nation or in any vessel which returned safe to port. Could it be pretended that any government on earth other than that to which the fleet or vessel belonged had jurisdiction in the case, or that the offender could be tried by the laws or tribunals of any other nation whatever? Suppose a private theft by one mariner from another, and the vessel to perform its voyage and return in safety, would it be contended that all nations have equal cognizance of the crime and are equally authorized to punish it?

* * * * * * *

But an offense which in its nature affects only a particular nation is only punishable by that nation.

* * * * * * *

But piracy, under the law of nations, which alone is punishable by all nations, can only consist in an act which is an offense against all. No particular nation can increase or diminish the list of offenses thus punishable.

* * * * * * *

It has already been shown that the legislative jurisdiction of a nation extends only to its own territory and to its own citizens, wherever they may be. Any general expression in a legislative act must necessarily be restrained to objects within the jurisdiction of the legislation passing the act.

* * * * * * *

To have tried him for the murder would have been mere mockery. To have condemned and executed him, its court having no jurisdiction, would have been murder.

If John Marshall was correct, the Senate bill if enforced would result in judicial murder.

The gentleman asks me what I think of a section in our bill that prohibits conspiracies here against foreign magistrates abroad. That contemplates an offense committed within our jurisdiction against magistrates elsewhere; but the Senate bill goes vastly beyond that. Now, not only is this the law of the land, but it is in accord with the universal unbroken practice of the Republic.

The Cutting case is the most extreme illustration of the application of these principles that we have in our history. The Cutting case was simply this: A man by the name of Cutting, in 1886, living in El Paso, Mexico, published in Mexico a libel upon a citizen of Mexico. He was arrested in Mexico, and he entered into a conciliation, a scheme they have there for the purpose of avoiding punishment in case of a prosecution of that sort. The very next day he went across the line of Mexico into El Paso, Tex., and there published the same libel in Texas upon the same citizen of Mexico.

Mexico had a statute providing that an offense committed against a citizen of Mexico, even though in a foreign country, could be justiciable in Mexico. Upon that proposition the United States declared its position, and I call the attention of the distinguished body that sits elsewhere to its indignant declarations. The President of the United States, Grover Cleveland, called attention to it in his message. He acted, I have no doubt, under the advice of his Attorney-General. I do not remember whether it was Attorney-General Harmon or Attorney-General Olney. He said:

The admission of such a pretension would be attended with serious results, invasion of the jurisdiction of this Government, and highly dangerous to our citizens in foreign lands; therefore I have denied it and protested against its attempted exercise as unwarranted by the principles of law and international usage. * * * Whatever the degree to which extraterritorial criminal jurisdiction may have been formerly allowed by consent and reciprocal agreement among certain of the European States, no such doctrine or practice was ever known to the laws of this country or of that from which our institutions have been mainly derived.

Secretary Bayard, in the same case, wrote:

The proposition that Mexico can take jurisdiction of its author on account of its publication in Texas is wholly inadmissible, and is peremptorily denied by this Government.

He further said:

In the absence of any treaty of amity between the United States and Mexico providing for trial of the citizens of the two countries, respectively, the rules of international law would forbid the assumption of such power by Mexico as is contained in the Penal Code at 186, above cited. The existence of such power was and is denied by the United States.

Mr. J. B. Moore, an able writer on international law, who made an exhaustive statement of the Government's case, says this:

I shall now show that such claim has been pronounced by the highest judicial tribunal in France to be unwarranted by the principles of international law.

The legislation of France was relied on as a precedent for the law under which a citizen of the United States could be punished for an offense committed in the United States against a citizen of Mexico. The French court of last resort has held that—

The French tribunals are without power to judge foreigners for acts committed by them in a foreign country; that their incompetence in this regard is absolute and permanent; that it can be waived neither by the silence or consent of the accused.

This is what Chief Justice Story said in the case of Apollen, 9 Wheat., 362.

The laws of no nation can justly extend beyond its own territories except so far as regards its own citizens. They can have no force to control the sovereignty of any other nation within its own jurisdiction, and however general and comprehensive the phrase used in our municipal laws may be, they must always be restricted in construction to places and persons upon whom the legislature have authority and jurisdiction.

Now, there is the practice in the United States, there is the law of the land, and in the teeth of it the Senate has sent down to us a bill containing this provision, and the Judiciary Committee——

Mr. WARNOCK. Section 3 is the only section in the Senate bill that provides against an offense in a foreign nation.

Mr. LITTLEFIELD. If the gentleman will excuse me. Section 1 is somewhat ambiguous. I do not say that it of necessity applies only to an offense committed in a foreign country, but I am advised it is intended to.

Mr. WARNOCK. But the language reads——

Mr. LITTLEFIELD. I know how the language reads.

Mr. WARNOCK. "That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof."

Mr. LITTLEFIELD. It does not read that way.

Mr. WARNOCK. But that is the first part. That is the part that comes in another section.

Mr. LITTLEFIELD. Well, did the gentleman hear me when I began the discussion?

Mr. WARNOCK. Yes; and I have all along been wanting to call your attention to it.

Mr. LITTLEFIELD. That statute is for the purpose of defining the offenses, they are stated in two alternatives. The description in the first alternative is "to kill or cause the death of the President of the United States." Then the next offense in the alternative is "or the Vice-President of the United States or any officer thereof upon whom the powers and duties of the President may devolve." These relate back to the place described, if it read this way, "or the sovereign or chief magistrate," the inference would he irresistible; but it does not so read in the Senate bill. In the first instance they used the word "kill," and the definition is "willfully and maliciously kill or cause the death." As to the sovereign, they changed the description of the offense, and say "willfully and maliciously cause the death." Now, I am advised—I want to be frank with the gentleman; I do not say that it is a necessary construction; I do not say that the language can compel that result and no other—but I am advised on an authority on which I absolutely rely that that clause is intended to accomplish that result.

Mr. WARNOCK. It can not exceed what it says.

Mr. OLMSTED. But penal statutes are to be strictly construed.

Mr. LITTLEFIELD. The Senate intended to accomplish this result to which I have called attention. I agree with my friend from Pennsylvania; I do not think the language is conclusive. I agree with you that the criminal law is to be construed strictly, and that the language might not accomplish what was intended to be accomplished by it; but inasmuch as we know that it is in the

clause, we feel it to be our duty to call the attention of the House to the real intent of the act. I hope I may make the point plain. I have no disagreement with my friends. These are the only suggestions I have to make in reference to the constitutionality of this measure. Now, just a few moments and I will pass to another question. Did the gentleman from Minnesota have a question he wanted to ask me?

Mr. MORRIS. The gentleman has already answered almost the entire question which I expected to ask. But this one further suggestion: In section 1 the Judiciary Committee, by this bill, provides that "any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death." As I understood the gentleman from Maine, in his view President McKinley at Buffalo was not in the performance of his official duty.

Mr. LITTLEFIELD. I would not state that as an absolute proposition, because I would not go so far as that.

Mr. MORRIS. The gentleman thinks there is a question about it?

Mr. LITTLEFIELD. Yes.

Mr. MORRIS. Well, let us assume that he was not. Now, come to the next proposition, "or because of his official character." As I understood the gentleman, he said that surely Czolgosz had killed McKinley because of his official character. Now, what was the proof that Czolgosz had killed McKinley because of his official character?

Mr. LITTLEFIELD. In that case the proof was absolutely overwhelming. There was in the development of what followed declaration after declaration by Czolgosz himself. Now, then, if the gentleman will excuse me, of course the gentleman from Minnesota does not think that it would be incumbent on the Government to prove direct declarations by the assassin that he intended to kill him by reason of his official character. The gentleman will concede that if the circumstances of the case were such as to lead the jury to that conclusion, that would be sufficient.

Mr. MORRIS. But the gentleman from Maine will also concede that Czolgosz was a very obscure man and that very few people had ever heard of him before.

Mr. LITTLEFIELD. Yes.

Mr. MORRIS. Now, suppose he had made no declaration; suppose he had gone to the President and shot him dead.

Mr. LITTLEFIELD. Yes.

Mr. MORRIS. And had said nothing about it, had been arrested and brought up for trial, would the gentleman say it would be incumbent on the Government to prove that he killed the President because of his official character?

Mr. LITTLEFIELD. Undoubtedly.

Mr. MORRIS. How would the Government prove it?

Mr. LITTLEFIELD. I do not think the Government would have the slightest earthly difficulty. Now, we do not want to get too much disturbed about the technical part of this matter. Does the gentleman from Minnesota think that he would succeed if he were standing in court defending Czolgosz under these circumstances when he could not show any other motive on the part of Czolgosz?

Mr. MORRIS. The mere killing of the President would not furnish the presumption.

Mr. LITTLEFIELD. No; all the circumstances would be taken into account. All the circumstances taken into consideration would disclose that there was no other reason or purpose for the killing.

Mr. MORRIS. The position of the gentleman from Maine is that there would have been a presumption that he killed him because of his official character.

Mr. LITTLEFIELD. There is no presumption about it. Can not the gentleman from Minnesota distinguish between a presumption and a conclusion drawn from the circumstances of the case? Circumstantial evidence is relied upon in all trials, in all courts, in all countries. It does not involve any presumption,

Mr. MORRIS. But the only circumstances would have been the killing of the President.

Mr. LITTLEFIELD. No, not by any means. Some of the circumstances would be that McKinley was present there as President of the United States. He was being introduced to the people as President of the United States. He was standing there as President of the United States, and Czolgosz was introduced to him, as were the other people, as President of the United States. It would have been shown that he had no acquaintance with him; that he had no occasion to assault him—no occasion for any grudge against him. When a man kills a President at a public reception of this kind, what is the inference? Under all these circumstances, how long would it take a jury of twelve intelligent men to arrive at the conclusion that it was by reason of his official character that he was killed? [Loud applause.]

I have discussed the principal legal objections to the Senate bill. I have just a word as to the seventh section, providing for a bodyguard for the President. Its only prototype in history, so far as I know, is the Pretorian guard of infamous memory. Under this section the Secretary of War could detail the whole Army for that purpose. Although the President is under the Constitution the Commander in Chief of the Army, this bill proposes to authorize the Secretary of War to make such regulations as he may see fit prescribing their duties. He can thus make them subject to his orders instead of the President's, and, inasmuch as he is further authorized to keep them a profound secret, the Secretary of War is thus enabled to become a military dictator if he chooses. This savors of imperialism run mad.

SENATE BILL WITH HOUSE AMENDMENTS.

The parts printed in brackets [ ] show the bill as passed Senate.

An act (S. 3653) for the protection of the President of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or who shall willfully and maliciously cause the death of the sovereign or chief magistrate of any foreign country, shall be punished with death.]

[SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, attempt to commit either of the offenses mentioned in the foregoing section shall be punished with death.]

[SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, aid, abet, advise, or counsel the killing of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or who shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be punished by imprisonment not exceeding twenty years.]

[SEC. 4. That any person who has conspired as aforesaid may be indicted and convicted separately, although the other party or parties to the conspiracy are not indicted or convicted.]

[SEC. 5. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, by spoken words, or by written or printed words, uttered or published, threaten to kill or advise or counsel another to kill the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the office of President of the United States may devolve under the Constitution and laws, shall be punished by imprisonment not exceeding ten years.]

[SEC. 6. That any person who shall willfully and knowingly aid in the escape of any person guilty of either of the offenses mentioned in the foregoing sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted.]

[SEC. 7. That the Secretary of War is authorized and directed to select and detail from the Regular Army a sufficient number of officers and men to guard and protect the person of the President of the United States without any unnecessary display.]

[And the Secretary of War is authorized and directed to make special rules and regulations as to dress, arms, and equipment and duties of said guard, and shall publish only such parts of said rules and regulations as he may deem proper.]

[That the additional expenses of such guard so detailed shall be paid out of the Treasury, on accounts to be certified by the Secretary of War to the Secretary of the Treasury.] That any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 2. That any person who unlawfully, purposely, and knowingly kills the Vice-President of the United States, or any officer of the United States entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 3. That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

SEC. 4. That any person who attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall be imprisoned not less than ten years.

SEC. 5. That any person who, while engaged in an unlawful attempt to inflict grievous bodily harm upon the President of the United States, or the Vice-President of the United States, or any officer entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, inflicts injuries on such President, Vice-President, or other officer which cause death, shall be imprisoned for life. If such injuries do not cause death, such offender shall be imprisoned not less than five years.

SEC. 6. That any person who aids, abets, incites, or conspires with another to commit either of the offenses mentioned in sections 1, 2, 3, 4, and 5 of this act shall be deemed a principal offender.

SEC. 7. That any person who knowingly harbors, conceals, or aids, with intent that he may avoid or escape from arrest, trial, conviction, or punishment, any person who has committed either of the offenses mentioned in the preceding sections of this act shall be imprisoned for not less than one nor more than twenty-five years.

SEC. 8. That any person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first nine sections of this act, shall be fined not less than $500 nor more than $5,000, or imprisoned not less than one nor more than twenty years, or both.

SEC. 9. That any person who conspires with any other person or persons, or requests, advises, or encourages any other person or persons to unlawfully

assault or kill, within or without the United States, the chief executive or chief magistrate of any other civilized nation having an organized government, because of his official character, shall be punished as follows: If an attempt to commit such act is made and the death of any person results therefrom, such offender shall suffer death. If such attempt does not result in death, such offender shall be fined not less than $500 nor more than $5,000, or be imprisoned not less than five nor more than twenty-five years, or both. If such attempt is not made, such offender shall be fined not less than $500 nor more than $5,000, or be imprisoned not less than one nor more than five years, or both.

SEC. 10. That this act shall apply to all offenses hereinbefore specified when committed within any State or other place subject to the jurisdiction of the United States.

SEC. 11. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *Provided*, That no such person shall be allowed to enter as an immigrant.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not less than $500 nor more than $5,000, or imprisoned for not less than one nor more than five years, or both.

SEC. 12. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States.

All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who procures naturalization in violation of the provisions of this section shall be fined not less than $500 nor more than $5,000, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not less than five hundred nor more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MERCER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5140. An act granting an increase of pension to Dudley Cary; and

S. 6040. An act granting an increase of pension to John W. Craine.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7034. An act for the relief of Navajo County, Ariz.;

H. R. 8736. An act ratifying the act of the Territorial legislature of Arizona approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona;

H. R. 10819. An act for the relief of George T. Winston, president of the North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board of trustees;

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 14241. An act granting an increase of pension to Peter Dugan;

H. R. 14184. An act granting an increase of pension to Andrew J. Fogg;

H. R. 14146. An act granting an increase of pension to John Murphy;

H. R. 13613. An act granting an increase of pension to Charles G. Howard;

H. R. 13450. An act granting an increase of pension to Henry Hunt;

H. R. 13398. An act granting an increase of pension to George G. Sabin;

H. R. 13296. An act granting an increase of pension to Francis Scott;

H. R. 13217. An act granting an increase of pension to Thomas W. Dodge;

H. R. 11831. An act granting an increase of pension to John W. Acker;

H. R. 11812. An act granting an increase of pension to Martin Boice;

H. R. 11686. An act granting a pension to Eleanore F. Adams;

H. R. 11495. An act granting a pension to Mary A. Bailey;

H. R. 11252. An act granting an increase of pension to Edwin M. Gowdey;

H. R. 11052. An act granting a pension to Nelson Johnson;

H. R. 10773. An act granting a pension to Archer Bartlett;

H. R. 10752. An act granting a pension to Harriet T. Milburn;

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 8924. An act granting an increase of pension to George W. Mathews;

H. R. 8003. An act granting an increase of pension to Louisa M. McFarlane;

H. R. 7704. An act granting an increase of pension to Christianna Leach;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 7076. An act granting an increase of pension to Leath Gilliland;

H. R. 6030. An act granting an increase of pension to William G. De Garis;

H. R. 5984. An act granting an increase of pension to William H. Van Riper;

H. R. 5273. An act granting an increase of pension to James Van Zant;

H. R. 5186. An act granting a pension to John Conter;

H. R. 3910. An act granting a pension to Dennis J. Kelly;

H. R. 3733. An act granting an increase of pension to Israel Haller;

H. R. 3678. An act granting an increase of pension to John Washburn;

H. R. 3241. An act granting an increase of pension to Hinkley G. Knights;

H. R. 2606. An act granting an increase of pension to Albert H. Steifenhofer;

H. R. 2430. An act granting a pension to Lizana D. Streeter;

H. R. 351. An act granting an increase of pension to Robert Carpenter;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado; and

H. R. 12085. An act providing for the completion of a light and fog-signal station in the Patapsco River, Maryland.

The message also announced that the Senate had passed with amendments the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4071) granting an increase of pension to George C. Tillman.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

Mr. RAY of New York. Mr. Chairman, I ask unanimous consent that we dispense with the reading of the Senate bill and come at once to the substitute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the reading of the Senate bill for amendment. Is there objection?

Mr. CRUMPACKER. Mr. Chairman, before that matter is decided, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. The Judiciary Committee reported a substitute for the Senate bill. Now, my inquiry is whether the substitute will be read for amendment, and is an amendment eligible after each section is read?

The CHAIRMAN. The Chair will state, in the first instance, that the Senate bill must be read by sections for amendment; that,

however, can be waived by unanimous consent. Then amendments will be competent to the sections of the Senate bill. When that is disposed of the substitute offered by the House will be read, which is one amendment, and that amendment will be pending, and amendments may be offered to the amendment that is pending.

Mr. CRUMPACKER. The inquiry, Mr. Chairman, was this: Can amendments be offered to the substitute before the entire substitute is read?

The CHAIRMAN. They can not unless by unanimous consent.

Mr. RAY of New York. As I understand, each section must be amended as reached.

The CHAIRMAN. The gentleman from New York [Mr. RAY] asks unanimous consent that the reading of the Senate bill by sections may be dispensed with. Is there objection?

Mr. LACEY. I object.

The Clerk read the following sections of the Senate bill:

Be it enacted, etc., That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or who shall willfully and maliciously cause the death of the sovereign or chief magistrate of any foreign country, shall be punished with death.

SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, attempt to commit either of the offenses mentioned in the foregoing section shall be punished with death.

SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, aid, abet, advise, or counsel the killing of the President or Vice-President of the United States or any officer thereof upom whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or who shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be punished by imprisonment not exceeding twenty years.

Mr. OLMSTED. Mr. Chairman, what has become of the amendment to strike out the whole of the first section?

The CHAIRMAN. The amendment reported by the committee is one amendment to strike out all after the enacting clause and insert a substitute. But these several sections may be amended as we go along.

Mr. COCHRAN. I move to amend by striking out the last word. It goes without saying, Mr. Chairman, that this bill will be enacted into law by the concurrence of both sides of the Chamber, and by an overwhelming majority of the members of this body.

Mr. RAY of New York. I rise to a parliamentary inquiry. I did not understand that we were to have any more discussion until the amendment of the committee was read.

The CHAIRMAN. The gentleman from Missouri [Mr. COCHRAN] has moved to strike out the last word.

Mr. RAY of New York. Has the entire amendment been read?

The CHAIRMAN. The Clerk is reading the original Senate bill, the bill now pending before the committee. The Chair has ruled that the entire Senate bill——

Mr. COCHRAN. I rise to a parliamentary inquiry. Have I the floor?

The CHAIRMAN. The gentleman from New York [Mr. RAY] has made a parliamentary inquiry.

Mr. COCHRAN. Then I want it understood that my five minutes are not being used up in this way.

Mr. RAY of New York. I simply wanted to know the order of proceeding. I understood the Chair to hold that the proposition to strike out the Senate bill was one amendment.

The CHAIRMAN. The amendment reported by the Committee on the Judiciary is one amendment—to strike out all after the enacting clause and insert a substitute for the entire bill. Now, the rule is that we must perfect the original bill before the substitute is voted upon.

Mr. RAY of New York. I understand that; but, as I understood, the Chair was now about to recognize the gentleman from Missouri before the reading of the amendment.

The CHAIRMAN. The gentleman from Missouri himself offers an amendment to perfect the original bill, which he has the right to do, just as it would be entirely competent to move to strike out any one of these sections as read, or to add words or to strike out words, or to insert a new section. When the end of the bill is reached, then the amendment proposed by the committee will be in order.

Mr. RAY of New York. If it is all one amendment, how can we commence to discuss it before it has been read?

The CHAIRMAN. The "one amendment" to which the gentleman refers has not yet been offered and can not be offered until the Senate bill is read through, for the manifest reason that the amendment proposes to strike out the entire bill.

Mr. RAY of New York. Now, the parliamentary inquiry is this: During the reading of the measure which we propose to strike out is it proper to stop at the end of each section and amend that section?

The CHAIRMAN. It certainly is. The Chair so rules. The gentleman from Missouri [Mr. COCHRAN] will proceed.

Mr. COCHRAN. Mr. Chairman, it may be taken for granted that this bill will pass without very much division on this floor. This is evidenced by the fact that we have been allowed three days in which to debate it. Who expects that a measure about which there was any disagreement on this floor will be discussed for three days?

Why, sir, had there been a division on party lines on this question that august, interesting, and useful instrument of repression known as the Committee on Rules would have brought in a rule prohibiting the right of amendment, limiting debate to two or three hours, and the triumvirate would have justified the ruling on the ground that it is useless to waste the time of this body in useless discussion. Instead of three days we would have been limited to about two hours, and had the measure originated in the House it would have been sent over to the Senate to be amended and perfected there.

When the country witnesses this discussion of three days and notices the fact that the distinguished gentleman from Maine [Mr. LITTLEFIELD] held forth for a full hour and three-quarters at the end of a three days' discussion, and, reading the CONGRESSIONAL RECORD, discovers that had this bill been read the very day it was brought in here and the roll called, it would have received an overwhelming majority of the membership, it may learn therefrom the kind of measures and upon which the right of free and full discussion is accorded to the members of this body.

I want to congratulate the gentlemen on that side who are charged with the conduct of public affairs upon the fact that once in a while a measure comes in here upon which opinion is so united that they dare to send it to the country with their reasons fully stated for indorsing it, and I want to congratulate them also upon the fact that once in a while a measure comes upon this floor where they do not fear discussion.

This measure would pass this body by an overwhelming vote, discussion or no discussion, and receive the approbation of the country, discussion or no discussion. Why discuss it so elaborately for three long days, when both sides of the Chamber almost unanimously agree that at least the purpose and object of the bill are entirely praiseworthy and deserving of support?

If every member of this body has not lent it their unqualified support it is because some of them doubt the propriety of legislation clothing the Federal courts with jurisdiction of offenses committed in States. Furthermore, up to this writing experience and observation has shown that whoever lifts his finger against the Chief Magistrate of this country is sure of condign punishment. Undoubtedly it is true that nothing could kill Czolgosz more effectually than he was killed by a New York sheriff.

As to whether the passage of repressive legislation will suppress anarchy in this country, I have my own particular views. I believe that as long as we open our ports to all kinds of immigration, as long as our industrial affairs are so ordered that after admitting unnumbered thousands of unfit immigrants into this country and piling them up by scores in single rooms in tenement houses and garrets in our cities and impounding them in improper quarters in mining regions, where they have no opportunity, even if they had the desire, to learn the nature and beneficence of our institutions, and few of whom desire to become Americans for the sake of being Americans, you will have anarchists in this country.

Anarchy is the child of misery. The accursed creed can find no lodgment in the mind of a man reared in our country, unless he is an utter pervert, but if we are going to allow the steamship companies and the corporation agents to ransack the four corners of the earth for the unfit, to bring them here in enormous numbers, and thrust them upon our people, investing them with the elective franchise and threatening our laborers with reduction to their level, depend upon it you have not heard the last of anarchy. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. TIRRELL having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 3, 1902:

H. R. 10144. An act to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo; and

H. R. 989. An act to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $1,704.46 cents.

On June 5, 1902:

H. R. 8752. An act authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county; and

H. J. Res. 113. Joint resolution authorizing the use and improvement of Governors Island, Boston Harbor.

On June 6, 1902:

H. J. Res. 172. Joint resolution authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.;

H. R. 357. An act for the relief of Levi Maxted;

H. R. 2901. An act to remove the charge of desertion borne opposite the name of Abram Williams;

H. R. 13359. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 14018. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

The Clerk read as follows:

SEC. 7. That the Secretary of War is authorized and directed to select and detail from the Regular Army a sufficient number of officers and men to guard and protect the person of the President of the United States without any unnecessary display.

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. If we permit the reading of all of the sections of this bill without amendment, and then vote down the committee amendment striking out the whole bill and inserting other matter, shall we have lost the opportunity of amending the Senate bill?

The CHAIRMAN. Most undoubtedly. There is nothing left of the Senate bill to amend except section 7.

Mr. OLMSTED. Then I want to call attention to my first parliamentary inquiry, when the Chair stated there was an amendment pending to strike out the whole of the first section. The Chair, as I understand, replied that the whole bill should first be read. I wish now, if it is not too late, to make the point that the committee amendment must be considered as applying only in the first instance to the first section read, and must be voted upon.

The CHAIRMAN. The gentleman from Pennsylvania could hardly have misinterpreted the Chair.

Mr. OLMSTED. Perhaps I did not hear distinctly.

The CHAIRMAN. The Chair stated that the original bill, the Senate bill, was the bill under consideration in the House, and that it would be read through, subject to amendment, prior to the proposition to strike out all after the enacting clause; and section by section it has been read, excepting section 7, in the midst of which we now are.

Mr. OLMSTED. Then I will ask unanimous consent to go back to the first section for the purpose of striking out two words.

The CHAIRMAN. Will not the gentleman wait until this section has been disposed of? Then the Chair will recognize the gentleman to make the request.

The Clerk read as follows:

And the Secretary of War is authorized and directed to make special rules and regulations as to dress, arms, and equipment and duties of said guard, and shall publish only such parts of said rules and regulations as he may deem proper.

That the additional expenses of such guard so detailed shall be paid out of the Treasury, on accounts to be certified by the Secretary of War to the Secretary of the Treasury.

Mr. RAY of New York. Mr. Chairman, I move to strike out the section read.

The CHAIRMAN. Section 7?

Mr. RAY of New York. No; to strike out all of the sections read. We have now read down to the end of section 7.

Mr. CRUMPACKER. I raise the point of order upon the motion.

The CHAIRMAN. The gentleman need not make the point of order. That can not be done. We are taking this section by section. We are now on the seventh section. If the gentleman has any motion to make to amend that section or to strike it out, it is in order.

Mr. CRUMPACKER. I desire to move to strike out this section.

Mr. RAY of New York. Wait a moment. Let me understand the Chairman of the committee. I understand the Chair to hold that the other sections are agreed to.

The CHAIRMAN. They are not agreed to, for the simple reason that there is pending an amendment, recommended by the committee, to strike out all after the enacting clause and to insert other matter in the nature of a substitute; but the other sections of the Senate bill have been passed over, so far as the perfecting of them is concerned——

Mr. RAY of New York. Is there not an amendment pending?

The CHAIRMAN. The Chair will repeat what he has said. The other sections have been passed by the committee, for the purpose of perfecting the pending bill. They are now perfected, so far as they stand in the bill. The gentleman from New York can now move to strike this section out or to amend this section. The gentleman from Indiana [Mr. CRUMPACKER] has already moved to strike it out. When that is disposed of the Chair will entertain the request of the gentleman from Pennsylvania [Mr. OLMSTED]. The gentleman from Indiana moves to strike out section 7.

Mr. RAY of New York. I should like to know, Mr. Chairman, if I can, when the time comes, for this amendment——

The CHAIRMAN. The Chair has ruled upon that. The gentleman from Indiana [Mr. CRUMPACKER] moves to strike out section 7 of the bill.

Mr. CRUMPACKER. I want to say a word on this section. I think it ought to go out of the bill, so that in the event that the Committee of the Whole votes down the substitute or House bill the bill will be in fairly acceptable shape. This section provides for a sort of military bodyguard of unlimited size, to be uniformed and decorated in such manner as the Secretary of War sees fit. I think the section ought to go out of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana, to strike out section 7 of the Senate bill.

The motion was agreed to.

The CHAIRMAN. Now the gentleman from Pennsylvania [Mr. OLMSTED] asks unanimons consent to recur to the first section of the bill for the purpose of offering an amendment which the gentleman will state.

Mr. OLMSTED. Striking out the words "who shall," in line 8.

Mr. RAY of New York. To that I object.

The CHAIRMAN. Objection is made. The question now is upon the motion of the committee, to strike out all after the enacting clause and insert the following, which the Clerk will read.

Mr. SMITH of Kentucky. Mr. Chairman, I want to know when it will be in order to offer amendments to the substitute?

The CHAIRMAN. At the end of the reading of the entire substitute, which the Chair holds to be one amendment.

Mr. PARKER. May we give notice of these amendments?

The CHAIRMAN. It is not necessary to give notice.

Mr. PARKER. As a member of the committee, I desire to offer an amendment to the first, second, and third sections.

The CHAIRMAN. After the committee amendment has been read the Chair will recognize all gentlemen to offer amendments to it.

The Clerk proceeded to read the substitute, as follows:

That any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

Mr. LANHAM. Now, Mr. Chairman, at the proper time I wish to move to strike out this section of the House bill and offer an amended section.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the Chair holds this amendment reported by the committee to be one amendment, and at the end of the reading of that amendment it is subject to amendment at any place in the amendment.

Mr. LANHAM. And then I can be recognized to strike out any section of the bill I may see proper?

The CHAIRMAN. Certainly.

Mr. THAYER. Can not we expedite matters? We all know what this substitute is, and I ask unanimous consent that it be not read.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the substitute be not read. Is there objection?

Mr. FINLEY. I object.

The CHAIRMAN. Objection is made by the gentleman from South Carolina.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that amendments may be offered at the end of each section, so that we may understand better what we are doing.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the substitute be considered by sections. Is there objection?

Mr. RAY of New York. Now, Mr. Chairman, before that is done, I want to see if I understand the Chair and the Chair understands us, so that we may know what we are going to do. I will state it as I understand it, if I can have quiet, so that the Chair can distinctly understand me and I understand the Chair. I

understand now we have come to the committee amendment, and that we can amend that as we see fit, and after we have amended it, and after this committee has got through with the amendment, they can then substitute it for the first six sections of the Senate bill or not, as they see fit.

The CHAIRMAN. That is correct; and the Chair understands the gentleman from New York.

Mr. RAY of New York. Now we read the House substitute as a whole and then go to work and amend it by offering amendments at any place?

The CHAIRMAN. That is correct, except that now the gentleman from New Jersey asks unanimous consent to consider the substitute by sections.

Mr. RAY of New York. But no right will be lost to any gentleman to amend the House substitute by that course.

Mr. LANHAM. I think it will be better to follow the suggestion offered by the gentleman.

The CHAIRMAN. If the request of the gentleman from New Jersey is agreed to and the committee goes through the bill by sections, it will not then be in order to reamend the amendment. The course will then be to agree to the substitute as amended.

Mr. RAY of New York. The substitute, the House amendment, as amended by this committee, to the Senate bill.

The CHAIRMAN. Now, let the Chairman be distinctly understood. This is a substitute amendment by sections, and under the rules of the House it makes it necessary to read the entire amendment and then amend it in the different parts at the liberty of the committee. The gentleman from New Jersey asks unanimous consent to consider this substitute by sections for amendments. Is there objection?

Mr. LACEY. Mr. Chairman, there are some gentlemen who would like to adopt the Senate part of the amendment already made and add it to the bill—sections 11 and 12—in other words, the anti-anarchy features of the House bill. Will there be an opportunity to do that?

The CHAIRMAN. The Chair thinks the opportunity is already lost. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER. Mr. Chairman, I move an amendment.

The Clerk read as follows:

On page 3, lines 23 and 24, and lines 1 and 2, page 4, strike out the words "while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions."

Mr. PARKER. Mr. Chairman, may we have stated how the section will read?

The CHAIRMAN. The Clerk will report the section as it will read when amended.

The Clerk read as follows:

That any person who unlawfully, purposely, and knowingly kills the President of the United States shall suffer death.

Mr. PARKER. Mr. Chairman, I move this amendment here with a good House present, ready to meet the question that we have already discussed. We all believe, and we feel it our duty to the people, that this House ought to declare in the name of the United States that that man shall suffer death who kills the President unlawfully: that is, without a lawful reason, who kills him purposely, and who kills him knowingly.

That man should suffer death if he has no lawful reason, whether or not his reason be to interfere with the President on account of his official action or on account of his official acts or omissions, and this whether he is signing a message and is doing his duty as President or whether he is simply resting and sleeping, recruiting the energies which will allow him to do that duty. It needs no argument. Let us have a vote. We have argued it already. [Applause.]

Mr. RAY of New York. Mr. Chairman, so much has been said by gentlemen opposed to the limitations in this bill to the effect that the decisions do not hold that Congress may enact laws to protect its officers only when they are engaged in the performance of their official duties, or because of their official character, or because of official acts done or omitted, that it is well to call attention specifically to what the courts have held and decided on that subject; also to the concessions made by the learned and distinguished lawyers and jurists who have argued the question in the courts. So far as I can find, it has never been contended by any lawyer of eminence or any jurist anywhere that the power of the United States extends further than I have stated, and further than stated in the bill. Since the murder of President McKinley at Buffalo, yielding to the popular cry and seeking to gratify the public fury awakened by that atrocious act, lawyers and judges have speculated whether or not Congress could go further for the protection of officers of the Government than to protect them in the discharge of their duties and from assaults because of their official character or official acts. They have not held that this could be done.

Turning to the leading case, In re Neagle, 135 U. S., page 1, we find that the case was argued in the Supreme Court of the United States in behalf of the Government of the United States by that learned and distinguished lawyer, the superior of whom is not living, Joseph H. Choate, of New York City, now our ambassador to the Kingdom of Great Britain. The brief of Mr. Choate is full and complete. It was necessary to show, and everyone who has read the case concedes and knows that it was necessary to show, in order to authorize the discharge of Neagle from the custody of the criminal courts of California, which was done, that Mr. Justice Field was at the time of the assault committed upon him engaged in the performance of his official duty, not performing an official act, but engaged in the performance of his official duty, or that he was attacked because of something done by him in his official character or because of his official character. Mr. Choate, representing the United States, conceded this. He says:

What we assert is that it is not only within the lawful power, but is the plain duty, of the President when informed that the due and regular administration of justice on one of the Federal circuits is about to be interfered with by a threatened attack on the Federal judge assigned by law to administer it, and actually engaged in that service, to provide for adequate means for his protection.

Mr. Choate further says:

In obedience to these laws he was at the time and place of the attack traveling from one California circuit, where he had been holding court, to the other, where he was about to hold it. He was therefore at the time and place of the attack in the direct and immediate discharge of his official duties just as much so as if he had been sitting in court in San Francisco.

The learned Attorney-General of the United States, W. H. H. Miller, made the same concession in his brief, and says, when stating the case for the Government and defining the powers of the Government to protect its officers:

It was the duty of the executive department of the United States to guard and protect, at any hazard, the life of Mr. Justice Field in the discharge of his duty.

When the court came to pronounce its decision, it stated clearly and emphatically the grounds, and the only grounds, upon which the Government of the United States could interfere, and says:

This element (of authority asserted under the Government of the United States) is said to be found in the facts that Mr. Justice Field when attacked was in the immediate discharge of his duty as judge of the circuit courts of the United States within California; that the assault upon him grew out of the animosity of Terry and wife arising out of the previous discharge of his duty as circuit justice in the case for which they were committed for contempt of court, and that the deputy marshal of the United States who killed Terry in defense of Field's life was charged with a duty under the law of the United States to protect Field from the violence which Terry was inflicting and which was intended to lead to Field's death.

The court then concedes that the first proposition, to wit, that Mr. Justice Field when attacked was in the immediate discharge of his duty as judge of the circuit court of the United States within California, was absolutely essential to the establishment of the fact that the jurisdiction and power of the United States Government to protect him had been infringed, and then proceeds at length to prove that he was engaged in the performance of his official duties, even though not performing an official act.

No sane man can suppose for an instant that these concessions would have been made by the Attorney-General of the United States and by Mr. Choate and by the entire court had they entertained for a moment the belief that the power of the United States to protect its officers extends to that protection on the ground simply that they are officers of that Government and irrespective of what they are doing at the time or of the reasons of the assault committed upon them.

In the course of the argument, which occupies 36 printed pages, Mr. Justice Miller, in writing the opinion, more than a dozen times states that the power of the United States Government to protect Mr. Justice Field grew out of the fact that he was engaged in the discharge of his official duties, and at page 69 says, "That there is a peace of the United States; that a man assaulting a judge of the Umted States while in the discharge of his duties violates that peace," etc., are questions too clear to need arguments to prove them.

In United States *v.* Cruikshank (92 U. S., 550–1) the court said, speaking generally of the power of Congress to protect the officers of the Government:

Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance and that of the State by the breach of the peace in the assault. So, too, if one passes counterfeit coin of the United States within a State, it may be an offense against the United States and the State—the United States because it discredits the coin and the State because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common or bring them into conflict with each other.

In the Neagle case the court further says:

It is urged, however, that there exists no statute authorizing any such protection as that which Neagle was instructed to give Judge Field in the present case, and indeed no protection whatever against a vindictive or malicious assault growing out of the faithful discharge of his official duties; and that the language of section 753 of the Revised Statutes, that the party seeking the benefit of the writ of habeas corpus must in this connection show that he is "in custody for an act done or omitted in pursuance of a law of

the United States," makes it necessary that upon this occasion it should be shown that the act for which Neagle is imprisoned was done by virtue of an act of Congress. It is not supposed that any special act of Congress exists which authorizes the marshals or deputy marshals of the United States in express terms to accompany the judges of the Supreme Court through their circuits and act as a bodyguard to them, to defend them against malicious assaults against their persons.

In the view we take of the Constitution of the United States, any obligation fairly and properly inferable from that instrument or any duty of the marshal to be derived from the general scope of his duties under the laws of the United States is "a law" within the meaning of this phrase. It would be a great reproach to the system of government of the United States, declared to be within its sphere sovereign and supreme, if there is to be found within the domain of its powers no means of protecting the judges in the conscientious and faithful discharge of their duties from the malice and hatred of those upon whom their judgments may operate unfavorably.

It is very clear that the President of the United States is not always performing official or Executive acts. He has been criticised for the delivery of the following address, cut from the Washington Post of Saturday, May 31, 1902, and delivered by the President at Arlington May 30, 1902, Memorial Day:

[The Washington Post, Saturday, May 31, 1902.]

PRESIDENT ROOSEVELT'S MEMORIAL ADDRESS.

Mr. Commander, comrades, and you, men and women of the United States, who owe your being here to what was done by the men of the great civil war, I greet you and thank you for the honor done me in asking me to be present this day.

It is a good custom for our country to have certain solemn holidays in commemoration of our greatest men and of the greatest crises in our history. There should be but few such holidays. To increase their number is to cheapen them. Washington and Lincoln—the man who did most to found the Union and the man who did most to preserve it—stand head and shoulders above all our other public men, and have by common consent won the right to this preeminence. Among the holidays which commemorate the turning points in American history Thanksgiving has a significance peculiarly its own. On July 4 we celebrate the birth of the nation, on this day, the 30th of May, we call to mind the deaths of those who died that the nation might live, who wagered all that life holds dear for the great prize of death in battle, who poured out their blood like water in order that the mighty national structure raised by the far-seeing patriotism of Washington, Franklin, Marshall, Hamilton, and the other great leaders of the Revolution, great framers of the Constitution, should not crumble into meaningless ruins.

You whom I address to-day and your comrades who wore the blue beside you in the perilous years during which strong, sad, patient Lincoln bore the crushing load of national leadership, performed the one feat the failure to perform which would have meant destruction to everything which makes the name America a symbol of hope among the nations of mankind. You did the greatest and most necessary task which has ever fallen to the lot of any men on this Western Hemisphere. Nearly three centuries have passed since the waters of our coasts were first furrowed by the keels of the men whose children's children were to inherit this fair land. Over a century and a half of colonial growth followed the settlement, and now for over a century and a quarter we have been a nation.

During our four generations of national life we have had to do many tasks, and some of them of far-reaching importance, but the only really vital task was the one you did, the task of saving the Union. There were other crises in which to have gone wrong would have meant disaster, but this was the one crisis in which to have gone wrong would have meant, not merely disaster, but annihilation. For failure at any other point atonement could have been made, but had you failed in the iron days the loss would have been irreparable, the defeat irretrievable. Upon your success depended all the future of the people on this continent and much of the future of mankind as a whole.

You left us a reunited country. You left us the right of brotherhood with the men in gray, who with such courage and such devotion for what they deemed the right fought against you. But you left us much more even than your achievement, for you left us the memory of how it was achieved. You, who made good by your valor and patriotism the statesmanship of Lincoln and the soldiership of Grant, have set as the standards for our efforts in the future both the way you did your work in war and the way in which, when the war was over, you turned again to the work of peace. In war and in peace alike your example will stand as the wisest of lessons to us and our children and our children's children.

Just at this moment the Army of the United States, led by men who served among you in the great war, is carrying to completion a small but peculiarly trying and difficult war in which is involved, not only the honor of the flag, but the triumph of civilization over forces which stand for the black chaos of savagery and barbarism. The task has not been as difficult or as important as yours; but, oh, my comrades, the men in the uniform of the United States, who have for the last three years patiently and uncomplainingly championed the American cause in the Philippine Islands, are your younger brothers, your sons. They have shown themselves not unworthy of you, and they are entitled to the support of all men who are proud of what you did.

These younger comrades of yours have fought under terrible difficulties and have received terrible provocation from a very cruel and very treacherous enemy. Under the strain of these provocations I deeply deplore to say that some among them have so far forgotten themselves as to counsel and commit, in retaliation, acts of cruelty. The fact that for every guilty act committed by one of our troops a hundred acts of far greater atrocity have been committed by the hostile natives upon our troops, or upon the peaceable and law-abiding natives who are friendly to us, can not be held to excuse any wrongdoer on our side. Determined and unswerving effort must be made, and is being made, to find out every instance of barbarity on the part of our troops, to punish those guilty of it, and to take, if possible, even stronger measures than have already been taken to minimize or prevent the occurrence of all such instances in the future.

Is it only in the army of the Philippines that Americans sometimes do acts that cause the rest of the Americans regret?

From time to time there occur in our country, to the deep and lasting shame of our people, lynchings carried on under circumstances of inhuman cruelty and barbarity—a cruelty infinitely worse than any that has ever been committed by our troops in the Philippines; worse to the victims, and far more brutalizing to those guilty of it. The men who fail to condemn these lynchings, and yet clamor about what has been done in the Philippines, are indeed guilty of neglecting the beam in their own eye, while taunting their brother about the mote in his. Understand me. These lynchings afford us no excuse for failure to stop cruelty in the Philippines. Every effort is being made, and will be made, to minimize the chances of cruelty occurring.

But keep in mind that these cruelties in the Philippines have been wholly exceptional, and have been shamelessly exaggerated. We deeply and bitterly regret that any such cruelties should have been committed, no matter how rarely, no matter under what provocation, by American troops. But they afford far less justification for a general condemnation of our Army than these lynchings afford for the condemnation of the communities in which they have taken place. In each case it is well to condemn the deed, and it is well also to refrain from including both guilty and innocent in the same sweeping condemnation.

In every community there are people who commit acts of well-nigh inconceivable horror and baseness. If we fix our eyes only upon these individuals and upon their acts, and if we forget the far more numerous citizens of upright and honest life and blind ourselves to their countless deeds of wisdom and justice and philanthropy, it is easy enough to condemn the community. There is not a city in this land which we could not thus condemn if we fixed our eyes purely upon its police record and refused to look at what it had accomplished for decency and justice and charity. Yet this is exactly the attitude which has been taken by too many men with reference to our Army in the Philippines; and it is an attitude both absurd and cruelly unjust.

The rules of warfare which have been promulgated by the War Department and accepted as the basis of conduct by our troops in the field are the rules laid pown by Abraham Lincoln when you, my hearers, were fighting for the Union. These rules provide, of course, for the just severity necessary in war. The most destructive of all forms of cruelty would be to show weakness where sternness is demanded by iron need. But all cruelty is forbidden, and all harshness beyond what is called for by need. Our enemies in the Philippines have not merely violated every rule of war, but have made of these violations their only method of carrying on the war. We would have been justified by Abraham Lincoln's rules of war in infinitely greater severity than has been shown. The fact really is that our warfare in the Philippines has been carried on with singular humanity. For every act of cruelty by our men there have been innumerable acts of forbearance, magnanimity, and generous kindness. These are the qualities which have characterized the war as a whole. The cruelties have been wholly exceptional, on our part.

The guilty are to be punished, but in punishing them let those who sit at ease at home, who walk delicately and live in the soft places of the earth, remember also to do them common justice. Let not the effortless and the untempted rail overmuch at strong men who with blood and sweat face years of toil and days and nights of agony, and at need lay down their lives in remote tropic jungles to bring the light of civilization into the world's dark places The warfare that has extended the boundaries of civilization at the expense of barbarism and savagery has been for centuries one of the most potent factors in the progress of humanity. Yet from its very nature it has always and everywhere been liable to dark abuses.

It behooves us to keep a vigilant watch to prevent these abuses and to punish those who commit them; but if because of them we flinch from finishing the task on which we have entered, we show ourselves cravens and weaklings, unworthy of the sires from whose loins we sprang. There were abuses and to spare in the civil war. Your false friends then called Grant a "butcher" and spoke of you who are listening to me as mercenaries, as "Lincoln's hirelings." Your open foes—as in the resolution passed by the Confederate congress in October, 1862—accused you, at great length and with much particularity, of "contemptuous disregard of the usages of civilized war;" of subjecting women and children to "banishment, imprisonment, and death;" of "murder," of "rapine," of "outrages on women," of "lawless cruelty," of "perpetrating atrocities which would be disgraceful to savages;" and Abraham Lincoln was singled out for especial attack because of his "spirit of barbarous ferocity." Verily, these men who thus foully slandered you have their heirs to-day in those who traduce our armies in the Philippines, who fix their eyes on individual deeds of wrong so keenly that at last they become blind to the great work of peace and freedom that has already been accomplished.

Peace and freedom—are there two better objects for which a soldier can fight? Well, these are precisely the objects for which our soldiers are fighting in the Philippines. When there is talk of the cruelties committed in the Philippines, remember always that by far the greater proportion of these cruelties have been committed by the insurgents against their own people, as well as against our soldiers, and that not only the surest but the only effectual way of stopping them is by the progress of the American arms. The victories of the American Army have been the really effective means of putting a stop to cruelty in the Philippines. Wherever these victories have been complete—and such is now the case throughout the greater part of the islands—all cruelties have ceased, and the native is secure in his life, his liberty, and his pursuit of happiness. Where the insurrection still smolders there is always a chance for cruelty to show itself.

Our soldiers conquer; and what is the object for which they conquer? To establish a military government? No. The laws we are now endeavoring to enact for the government of the Philippines are to increase the power and domain of the civil at the expense of the military authorities, and to render even more difficult than in the past the chance of oppression. The military power is used to secure peace in order that it may itself be supplanted by the civil government. The progress of the American arms means the abolition of cruelty, the bringing of peace, and the rule of law and order under the civil government. Other nations have conquered to create irresponsible military rule. We conquer to bring just and responsible civil government to the conquered.

But our armies do more than bring peace, do more than bring order. They bring freedom. Remember always that the independence of a tribe or a community may, and often does, have nothing whatever to do with the freedom of the individual in that tribe or community. There are now in Asia and Africa scores of despotic monarchies, each of which is independent, and in no one of which is there the slightest vestige of freedom for the individual man. Scant indeed is the gain to mankind from the "independence" of a blood-stained tyrant who rules over abject and brutalized slaves. But great is the gain to humanity which follows the steady though slow introduction of the orderly liberty, the law-abiding freedom of the individual, which is the only sure foundation upon which national independence can be built. Wherever in the Philippines the insurrection has been definitely and finally put down there the individual Filipino already enjoys such freedom, such personal liberty, under our rule, as he could never even dream of under the rule of an "independent" Aguinaldian oligarchy.

The slowly learned and difficult art of self-government, an art which our people have taught themselves by the labor of a thousand years, can not be grasped in a day by a people only just emerging from conditions of life which our ancestors left behind them in the dim years before history dawned. We believe that we can rapidly teach the people of the Philippine Islands not only how to enjoy, but how to make good use of their freedom; and with their growing knowledge their growth in self-government shall keep steady pace. When they have thus shown their capacity for real freedom by their power of self-government, then, and not till then, will it be possible to decide whether they are to exist independently of us or be knit to us by ties of common friendship and interest. When that day will come it is not in human wisdom to foretell. All that we can say with certainty is that it would be put back an immeasurable distance if we should yield to the counsels of unmanly weakness and turn loose the islands, to see our victorious foes butcher with revolting cruelty our betrayed friends, and shed the blood of the most humane, the

most enlightened, the most peaceful, the wisest, and the best of their own number—for these are the classes who have already learned to welcome our rule.

Nor, while fully acknowledging our duties to others, need we forget our duty to our own country. The Pacific seaboard is as much to us as the Atlantic; as we grow in power and prosperity so our interests will grow in that farthest west which is the immemorial east. The shadow of our destiny has already reached to the shores of Asia. The might of our people already looms large against the world horizon, and it will loom ever larger as the years go by. No statesman has a right to neglect the interests of our people in the Pacific; interests which are important to all our people, but which are of most importance to those of our people who have built populous and thriving States on the western slope of our continent.

This should be no more a party question than the war for the Union should have been a party question. At this moment the man in highest office in the Philippine Islands is the vice-governor, Gen. Luke Wright, of Tennessee, who gallantly wore the gray in the civil war and who is now working hand in hand with the head of our army in the Philippines, Adna Chaffee, who in the civil war gallantly wore the blue. Those two, and the men under them, from the North and from the South, in civil life and in military life, as teachers, as administrators, as soldiers, are laboring mightily for us who live at home. Here and there black sheep are to be found among them; but taken as a whole they represent as high a standard of public service as this country has ever seen. They are doing a great work for civilization, a great work for the honor and the interest of this nation, and above all, for the welfare of the inhabitants of the Philippine Islands. All honor to them; and shame, thrice shame, to us if we fail to uphold their hands!

The delivery of that able and patriotic address was not an Executive or an official act, but who will say he was not even there engaged in the performance of his official duties? He had power at that time to halt in his remarks to sign or give orders to the Army, to give directions for the performance of executive acts by his subordinates.

Had he been assaulted or killed while delivering that address the offense would have been within this proposed law if on the statute books.

The danger of these words of limitation are wholly imaginary. In the Cruikshank case the case involved the question of the constitutionality of a law, not its construction. The question was the power of Congress to legislate for the protection of persons within a State, and hence the dividing line between the sovereignty of the State and that of the United States in defining and punishing offenses against anyone was necessarily to be determined, and was determined by the Supreme Court, Mr. Justice Waite giving the opinion of the court. Those who for present political effect would write a law in the book known to be of doubtful constitutionality are not legislating wisely.

It is far better to be safe in our legislation, for it might be a calamity to enact an unconstitutional statute on this subject.

Mr. ALEXANDER. Mr. Chairman, I very much hope this amendment will not obtain. When this section was proposed in the Judiciary Committee I think every man, certainly every Republican member of the committee, was opposed to it, with the possible exception of the chairman, who had given it long and careful study before it was brought to our attention; but the more we studied the question the more important and necessary became these words of limitation. I am not going to discuss the constitutional question, which has already been dwelt upon long and ably by the chairman of the committee and the gentleman from Massachusetts [Mr. POWERS] and the gentleman from Maine [Mr. LITTLEFIELD]. They have gone over it line upon line and decision after decision until the law ought to be knocked into the head of every man in the House if it was not there before. [Laughter.]

Mr. Chairman, gentlemen object to these words of limitation, especially the phrase "while he is engaged in the performance of his official duties," fearing that it will place upon the Government the burden of proving that he is engaged in the performance of an official duty, notwithstanding section 13 of the bill, which provides that it shall be presumed until the contrary is proven that the President or other officer included in the bill was, at the time of the commission of the offense, engaged in the performance of his official duties. It is possible a case might arise when the President, at the time of assault, might not be in the performance of his official duties. Every case that the ingenuity of man can fancy has been used in illustration, but none of them within the range of probability, or even possibility, seemed to have established an exception to the rule laid down by the courts that an officer is in the discharge of his official duty at any time when he is charged with the performance of that duty.

A distinguished lawyer supposes that the President goes to New York on business and stops at a private house overnight where no one knew him or of his official character. While he is asleep a burglar breaks into his chamber, and the President resists the burglar, and the burglar, not knowing who he is or his official charactor, kills him.

Yet the gentleman admits that although this is a case where the President is not actively engaged in the performance of his official duties, still he is charged with the official duties, and therefore he is in and about the discharge of his official duties, and this law would protect him and protect the Government.

The able chairman of the Judiciary Committee is authority for the statement that the Supreme Court of the United States has decided in several cases that the officer is in the discharge of his official duty at any time when he is charged with the performance of that duty. So far as concerns the President, it is almost impossible to conceive a condition of circumstances when he is not so engaged. The executive authority is vested in him, and it is his duty to execute the law at all times and to see that it is executed, and therefore there is no time when he is not engaged in and about the performance of his official duties.

While so engaged he may be doing other things—eating, sleeping, walking, riding, going to church, or to theater for recreation, or amusing children, for illustration. These may not be official acts, but he does not cease to be officially acting, as the Supreme Court suggests in the Neagle case. "We are of the opinion," says the majority report of the Judiciary Committee, "that the President of the United States, from the moment his term of office commences to the moment his term ends, is engaged in the performance of his official duties necessarily; that the courts must and would so hold as a matter of law because of the powers vested in and duties imposed upon him."

But why, then, raise the question of the President being officially engaged, it is asked, by inserting words of limitation in the bill, since the President is the constitutional means of carrying on the operations of the Government, and therefore his assassination at any time, anywhere, or regardless of what he may be doing, deprives the Federal Government of the constitutional agency of carrying on and executing its laws?

This is all very well in theory, and it would be an easy solution of the matter if it were absolutely good law; but there are many able lawyers who do not believe that the President is always, everywhere, and under all circumstances engaged in the performance of his official duties, and they think it wise and better to set aside experimental legislation and deal only with safe legislation.

Now, why are these words "while he is engaged in the performance of his official duties" inserted in this section of the bill and in the four subsequent sections of the measure? The explanation is neither mysterious nor difficult, but plain and simple.

No one denies that the United States is without jurisdiction of the crime of murder or assault committed in a State unless the sovereignty of the United States is violated by being resisted or attacked, and such sovereignty is resisted or attacked only when an officer of the United States is opposed or interfered with in the performance or because of the performance of his duty. In other words, if one resist an officer for what he is doing or attacks him for what he has done, he attacks and infringes upon the sovereignty of the United States. This gives the United States jurisdiction in the case.

Mr. Chairman, there is no difference between the President of the United States and a United States marshal, so far as Federal jurisdiction is concerned. The President is greater in degree, but Federal jurisdiction is acquired within a State where the President is killed the same as when a United States marshal is killed.

Mr. TAWNEY. Are not the duties of the two officers defined in a different way? Are not the duties of a United States marshal defined by statute, while the duties of the President of the United States are defined by the Constitution?

Mr. ALEXANDER. That is true, but Federal jurisdiction in a State is obtained over one exactly as it is over the others. The sovereignty of the United States must be infringed or resisted, and it is resisted in the case of a United States marshal the same at it is in the case of the President.

Mr. TAWNEY. Is not the President a representative of the sovereignty of the people at all times during his occupancy of the Presidential office?

Mr. ALEXANDER. Oh, it is all very well to talk about "a representative of the sovereignty;" but sovereignty must be infringed and resisted before the Federal courts can have jurisdiction of a crime committed within the jurisdiction of a State.

Mr. TAWNEY. Is not that sovereignty infringed when the life of the representative of that sovereignty is taken, no matter where or under what circumstances?

Mr. ALEXANDER. Well, I hold that President McKinley was in the performance of his official duties when his life was taken at Buffalo.

Mr. TAWNEY. So do I.

Mr. ALEXANDER. But there are eminent men in this country who do not so believe. I believe that President Lincoln was in the performance of his official duties when he was stricken in a theater; but there are eminent lawyers in this country who do not so believe. Every decision of the Supreme Court of the United States clearly indicates that Congress has jurisdiction to enact laws punishing offenses against and assaults committed upon officers of the United States only when they are engaged in the performance of their official duties or when the assault is made because of their official character or because of an official act done or omitted.

The killing or assaulting of a United States officer simply because he is an officer would be insufficient to bring the crime within the jurisdiction of the United States. In the Neagle case the court held "that in the protection of the person and the life of Mr. Justice Field, while in the discharge of his official duties, Neagle was authorized to resist the attack of Terry upon him."

The decision also clearly holds that if Terry had attacked Justice Field because of his prior official act or because of his official character, the offense would have been against the sovereignty of the United States, and that Neagle would have had the right to resist it. There was no law of Congress punishing the killing of a justice of the Supreme Court when such killing occurred within a State. The Supreme Court simply defined what constitutes a breach of the sovereignty of the United States under the Constitution by reason of an assault on an officer of the United States when engaged in the performance of his official duties.

At the time of the attempted assault Justice Field was engaged in eating his breakfast. Was this being engaged in the performance of such duties? The court regarded this point so material that the opinion considers it at length, to the extent of two or three pages, showing that it was important, if not vital, and the court held that Justice Field was acting in his official capacity as justice even when eating his breakfast at the hotel on his way to hold court in a distant city.

Now, Mr. Chairman, it may be, and probably is, true that the President is always engaged, constructively or otherwise, in the performance of his official duties, but a statute of the United States defining and punishing an offense against the United States, when the act is committed within a State, ought to be so framed as to show on its face that it can only apply to offenses of which the United States has jurisdiction.

Hence the importance, if it be true that there is a time when the President is not engaged in the discharge of his official duties, that the words of limitation be included in the act. It is well enough to theorize and philosophize, but when a safe way is marked out through decisions of the Supreme Court, it seems unwise to attempt to find a shorter and easier one through theoretical constitutional constructions. [Applause.]

[Here the hammer fell.]

Mr. RAY of New York. Now I rise to a point of order; it is that debate on this amendment is exhausted. I call for a vote.

Mr. SMITH of Kentucky. I move to amend by striking out the last word.

Mr. RAY of New York. I raise the point of order that that is not in order. The gentleman from New Jersey [Mr. PARKER] has proposed an amendment, which has been read, and has been discussed on both sides. I now call for a vote.

Mr. OLMSTED. I move to amend the amendment of the gentleman from New Jersey by striking out also the word "shall."

Mr. SMITH of Kentucky. I have been recognized, I believe.

The CHAIRMAN. The point of order is made by the gentleman from New York [Mr. RAY] that the amendment proposed by the gentleman from Kentucky is not in order because it is an amendment in the third degree. The Chair will sustain the point of order. The gentleman from Kentucky will be at liberty later to offer an original amendment.

Mr. PARKER. May I ask unanimous consent to close debate?

Mr. RAY of New York. I make the point that debate is already exhausted and we are entitled to a vote on the amendment.

Mr. PARKER. Very well.

Mr. PAYNE. I ask unanimous consent that the debate may extend for fifteen minutes.

Mr. RAY of New York. If that time is to be equally divided, I have no objection.

Mr. PARKER. In that case we shall have to adjourn before the vote is taken.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] asks unanimous consent that debate on this amendment be extended for fifteen minutes.

Mr. PARKER. I want to get a vote on this question to-night. I object to fifteen minutes; I will consent to ten.

Mr. OLMSTED. I object to ten. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey [Mr. PARKER] to strike out from section 1 the words which the Clerk will read.

The Clerk read as follows:

While he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions.

The question being taken, there were—ayes 71, noes 73.

Mr. PARKER. I ask for tellers.

Tellers were ordered; and Mr. PARKER and Mr. RAY of New York were appointed.

The committee again divided; and the tellers reported—ayes 63, noes 89.

So the amendment of Mr. PARKER was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I offer the following amendment, which I ask to have read.

The Clerk read as follows:

Amend by striking out of section 1 of the substitute the words "unlawfully, purposely, and knowingly" and inserting in lieu thereof the words "wilfully and with malice aforethought."

Mr. SMITH of Kentucky. Mr. Chairman, one of the objections to this bill, in my opinion, is in the fact that it fixes a greater punishment for the killing of a President than it does for the killing of a private citizen. I believe that as a matter of sound public policy a man ought to be punished as much for the killing of one as he ought to be punished for the killing of another person. The fact that a man is the President of the United States does not any more justify the fixing of a death penalty for the crime of manslaughter committed upon his person than it does to authorize the death penalty for the crime of manslaughter against a private citizen. In other words, let us have one common punishment for the same criminal act, whether it is to be tried in the Federal court or whether it is cognizable in a State court.

I believe that it is entirely proper to pass the jurisdiction of these offenses over to the Federal courts, but I want to fix for the commission of these crimes the same punishment that the judgment of the people throughout nearly all of the States of the Union have fixed for the commission of the like crimes. This first section of the substitute will include in it many grades of what is known in the States as manslaughter. I venture the assertion here that it includes grades of homicide that are not punished in any State of this Union by death, and some that are not in some States punishable by imprisonment in the penitentiary. Then, why, gentlemen of the committee, should you punish with death when committed here? I believe, Mr. Chairman, that this first section ought to be amended so as to require that the killing of the President to be set out therein shall be equivalent to the crime of murder as defined by the common law, and then give to it the punishment usually fixed for murder. One good feature of this bill is to be found in the uniformity that it secures in the punishment of these crimes against the President.

It may be admitted that this bill very properly passes the jurisdiction from the State to the Federal courts to try the crimes defined in it. I believe as a sound proposition of political economy that the Federal Government ought to have the power to punish offenses committed against itself. I believe the striking down of an official of the Federal Government is a crime against it, and I am perfectly willing that the Federal courts shall have the jurisdiction of such crimes; but I insist that in fixing the penalty you shall fix the penalty that the consensus of opinion of the intelligent people of this country throughout all the States has fixed for a like crime, and when that is done you have done your full duty, in my opinion. [Applause.]

Mr. RAY of New York. Mr. Chairman, the gentleman from Kentucky, a member of the committee, proposes to strike out the words "purposely and knowingly" and substitute the words "wilfully and with malice aforethought." Now, I desire to say, and I think that I violate no confidence when I say it, that the committee first had in the bill the words "with malice aforethought." Those words are not easily understood by laymen. Of course lawyers and men familiar with legal phraseology know what they mean. These words used in the bill would embrace a little more and reach further than the words proposed, perhaps.

Now, we use the word "unlawfully," and why? Simply to show that the person shall not be punished if his act is either excusable or justifiable. "Purposely and knowingly." Now, to state that if a man purposely kills the President and knowingly does it, the words, to an extent, are a repetition and approach tautology, but if you look up the legal meaning of the two words in criminal law, you will find they are not identical in import or meaning. Therefore we retained the two. They are stronger than the words "with malice aforethought." The words used by the committee would embrace some killings of the President to be punished with death, would punish with death some slayers of the President that the words of the gentleman from Kentucky would not.

Mr. PALMER. What words?

Mr. RAY of New York. I will not stop now to define. The man who has taken the cases and read the definitions of those two words in legal phraseology will find, as the gentleman from Kentucky said, that the words we use in this bill would embrace what in some States is defined as manslaughter only, or murder in the second degree, but the words he proposes to substitute could only include a killing when you are able to prove that the act was committed with malice aforethought and from a premeditated and deliberate design to effect the death of the President. The gentleman [Mr. PALMER] asks "what words?" The words used by the committee, the meaning of which are plain to most men, and I trust their meaning is not unknown t othe gentleman.

We think that is requiring too much, and therefore I ask the

committee to retain these words, because we believe they are not too strong, but because they are stronger than the words proposed by the gentleman from Kentucky [Mr. SMITH] for the prevention of crime against the Government and against the President of the United States. We think the use of these words is wise, and as they were taken from the bill proposed by the Attorney-General of the United States we claim no proprietorship. We want a constitutional bill, and the decided vote of this committee shows that, but the use of the words proposed expresses the idea plainly, and there can be no difficulty in understanding them, and their use does not violate any principle of law. Read the statute to a jury, "unlawfully, purposely, and knowingly," and each man knows what is intended. Give him the words "with malice aforethought" and he is at sea, and the judge must explain, and even then some men will be in the dark.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Kentucky [Mr. SMITH].

The amendment was rejected.

Mr. LANHAM. Mr. Chairman, I move to strike out the first section.

The CHAIRMAN. If the gentleman will forward his amendment to the desk, it will be offered and remain unacted upon until the section is perfected.

Mr. MORRELL. Mr. Chairman, I should like to have added to the section the matter which I send to the Clerk's desk.

The Clerk read as follows:

Add at the end of section 1 the following:

"The President of the United States, the Vice-President of the United States, or other officers of the United States entitled by law to succeed to the Presidency, shall be considered as being in the performance of their official duties during the tenure of their respective offices."

Mr. MORRELL. Mr. Chairman, to my mind it is absolutely and utterly impossible to divorce the individual from the office. The man who strikes at the individual while he occupies the position of President, Vice-President, or any of the officers in the line of succession, strikes at the head of this Government, and all of the results which follow are the same, no matter whether the crime is committed while the victim is performing his official duties or while he is performing a private function. Therefore I would like to have the amendment adopted.

The CHAIRMAN. The question is upon agreeing to the amendment of the gentleman from Pennsylvania [Mr. MORRELL].

Mr. RAY of New York. Mr. Chairman, the amendment would not be so very objectionable, perhaps, although I could not hear it carefully, but it is simply a repetition of what the committee has proposed in section 13, which I will not take the time to read, only it is not nearly as broad as section 13 proposed by the committee.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. MORRELL) there were—ayes 27, noes 78.

Accordingly the amendment was rejected.

Mr. LANHAM. Now, Mr. Chairman, I offer my motion to strike out the section.

The CHAIRMAN. The gentleman from Texas offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Strike out section 1 of the committee amendment.

Mr. LANHAM. Mr. Chairman, I have no disposition to make any argument in favor of the amendment. I have already said all I well could say against the proposed legislation, so far as the criminal features of it are concerned. I do not believe that if it were enacted into law it would protect a single hair of the head of any President of the United States now or hereafter. I believe it is unnecessary and unwise legislation, for the many reasons I have heretofore stated upon this floor.

I intend to follow up this amendment, if adopted, with a proposition to eliminate from the bill the other features kindred to this section.

The CHAIRMAN. The question is on the motion of the gentleman from Texas, to strike out the first section of the amendment proposed by the committee.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. LANHAM. Mr. Chairman, I simply want to see what the sentiment is upon this proposition, and I ask for a division.

The committee divided; and there were—ayes 25.

The CHAIRMAN. On the question the ayes are 25. Does the gentleman desire the negative vote taken?

Mr. LANHAM. In view of the fact that a majority of the committee are manifestly opposed to the amendment, I withdraw the request.

The CHAIRMAN. The noes have it, and the amendment is disagreed to.

The Clerk read as follows:

SEC. 2. That any person who unlawfully, purposely, and knowingly kills the Vice-President of the United States, or any officer of the United States entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

Mr. PATTERSON of Tennessee rose.

Mr. RAY of New York. Mr. Chairman, I move that the committee do now rise.

Mr. PATTERSON of Tennessee. Mr. Chairman, I have an amendment.

Mr. RAY of New York. The amendment of the gentleman from Tennessee will be pending.

The CHAIRMAN. Does the gentleman from Tennessee desire to offer his amendment before the vote is taken?

Mr. RAY of New York. I move that the committee do now rise.

Mr. PARKER. Mr. Chairman, a parliamentary inquiry. If the committee rises now, will this section be subject to amendment in the morning?

The CHAIRMAN. Undoubtedly.

Mr. PATTERSON of Tennessee. I understood the Chair to recognize me for the purpose of offering the amendment.

The CHAIRMAN. The gentleman from New York at the same time moved that the committee do now rise. That is a preferential motion, and if the gentleman will withhold his amendment he will be recognized in the morning.

Mr. PATTERSON of Tennessee. I will be recognized on the amendment in the morning?

The CHAIRMAN. Certainly.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3653) and had come to no resolution thereon.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Chairman, the Military Academy appropriation bill has come over from the Senate, and I ask unanimous consent to take the bill from the Speaker's table and put it in conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to ask the gentleman if the members of the minority of the committee have been consulted in respect to that motion.

Mr. HULL. No, sir; they have not.

Mr. RICHARDSON of Tennessee. Then I object.

The SPEAKER. Objection is made.

SEIZURE OF BRITISH SCHOONERS E. R. NICKERSON AND WARY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on War Claims, and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State in regard to certain claims of British and German subjects growing out of the seizure of the British schooners *E. R. Nickerson* and *Wary* during the late war with Spain, which seizure was held by the prize court to be illegal and made without probable cause.

I recommend that an appropriation be made by Congress to pay the said claims in the amounts and to the persons named by the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, June 6, 1902.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11599. An act to redivide the district of Alaska into three recording and judicial divisions; and

H. R. 14380. An act to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 259. An act to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington;

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year; and

S. 3800. An act to grant certain lands to the State of Idaho.

SENATE BILLS AND HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5140. An act granting an increase of pension to Dudley Cary—to the Committee on Invalid Pensions.

S. 6040. An act granting an increase of pension to John W. Craine—to the Committee on Invalid Pensions.

H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes with Senate amendments—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ELLIOTT (on request of Mr. SCARBOROUGH), indefinitely, on account of important business.

To Mr. MCANDREWS, for ten days, on account of important business.

To Mr. CASSINGHAM, for six days, on account of important business.

LEVI HATCHETT.

Mr. GIBSON. Mr. Speaker, I present a conference report on the bill (S. 2975) and ask that the report and statement be printed in the RECORD.

The SPEAKER. The request will be complied with.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2975) granting an increase of pension to Levi Hatchett, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendment.

HENRY R. GIBSON,
A. B. DARRAGH,
RUD. KLEBERG,
Managers on the part of the House.

WM. J. DEBOE,
E. W. CARMACK,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate bill (S. 2975) increased the pension of Levi Hatchett to $24. The House amended the Senate bill by striking out "$24" and inserting "$17." The result of the conference agreement is that the House recedes, and this leaves the bill as it passed the Senate.

HENRY R. GIBSON,
RUD. KLEBERG,
Conferees on part of the House.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a communication from the Quartermaster-General of the Army submitting a list of steamship lines and shipowners to whom information was furnished regarding conditions of sale of the Army transport *Egbert*—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for payment of certain deputy surveyors—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MCCLELLAN, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., reported the same with amendment, accompanied by a report (No. 2349); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 196) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in townships, immediately upon the survey thereof in the field and prior to the approval and filing of the plat and survey thereof, reported the same with amendment, accompanied by a report (No. 2351); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa, reported the same with amendments, accompanied by a report (No. 2361); which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7945) to extend the lien for mariners' wages to the masters of vessels, reported the same adversely, accompanied by a report (No. 2352); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8202) to extend the lien for mariners' wages to masters of vessels, reported the same adversely, accompanied by a report (No. 2353); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8588) to extend the lien for mariners' wages to the masters of vessels, reported the same adversely, accompanied by a report (No. 2354); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9048) to extend the lien for mariners' wages to the masters of vessels, reported the same adversely, accompanied by a report (No. 2355); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8589) to amend the navigation laws, reported the same adversely, accompanied by a report (No. 2356); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8197) providing for investigation of the conduct of officers of steam vessels by jury trial, reported the same adversely, accompanied by a report (No. 2357); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8200) to extend the lien for mariners' wages to the masters of vessels, reported the same adversely, accompanied by a report (No. 2358); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8196) providing for investigation of the conduct of officers of steam vessels by jury trial, reported the same adversely, accompanied by a report (No. 2359); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7947) providing for the investigation of the conduct of officers of steam vessels, reported the same adversely, accompanied by a report (No. 2360); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 14830) for the relief of the estate of Peter H. Knight, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14947) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. GIBSON: A bill (H. R. 14962) to provide for the erection of a public building at Morristown, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 292) providing for an investigation by the Secretary of the Interior touching the taxation of personal property, occupations, franchises, etc., in the Indian Territory—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURTON: A bill (H. R. 14948) granting an increase of pension to John Wilson—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14949) granting an increase of pension to William J. Shepard—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14950) for the relief of the Alaska Commercial Company—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 14951) for the relief of John V. Wright—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 14952) granting an increase of pension to L. S. Grove—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 14953) granting an increase of pension to Mrs. Charles H. Cushman—to the Committee on Pensions.

Also, a bill (H. R. 14954) granting an increase of pension to Michael Finnerty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) granting a pension to John C. Currier—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14956) for the relief of the heirs of John T. Lawrence, deceased—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 14957) granting an increase of pension to Mathias Custer—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 14958) granting an increase of pension to Lewis S. George—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14959) granting increase of pension to Alexander T. Sulinyer—to the Committee on Pensions.

By Mr. LANDIS: A bill (H. R. 14960) granting an increase of pension to Joel M. Street—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14961) granting a pension to W. E. Sharp—to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 14963) granting an increase of pension to Hermann Tuerk—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 290) referring to the Court of Claims the claim of the heirs of John T. Lawrence, deceased—to the Committee on War Claims.

By Mr. OTJEN: A resolution (H. Res. 291) referring to the Court of Claims House bills Nos. 6511, 9380, 10014, 5042, 8262, 9479, 5717, 5720, 10127, 10128, 10081, 1764, 2211, 8377, 3276, 10123, 10867, 5564, 8330, 12030, 8265, 8006, 13965, 5493, 5491, 5502, 5507, 5508, 5484, 11143, 12747, 12748, 13603, 13903, 8264, 10349, 6715, 3279, 7421, 12445, 13518, 13521, 3423, 5976, 14901, 3613, 3719, 1773, 7438, and 11051—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of the Milwaukee Convention of Congregational Churches of Wisconsin, for a law forbidding gambling and sale of lottery tickets by telegraph—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Papers to accompany House bill granting an increase of pension to Hermann Tuerk—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Petition of citizens of Wyoming, Ohio, urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania (by request): Petitions of Nottingham Monthly Meeting of Friends; Woman's Christian Temperance Union of Oxford; Baptist Church, United Presbyterian Church, Methodist Episcopal Church, Presbyterian Church, and Second Presbyterian Church, colored, all of Oxford, Pa., for prohibition in the islands, and further and full trial of the anticanteen law—to the Committee on Insular Affairs.

Also (by request), petitions of the Woman's Christian Temperance Union and various churches of Oxford, Pa., above named, in relation to polygamous marriages—to the Committee on the Judiciary.

By Mr. DRAPER: Resolutions of West Side Lodge, No. 320, International Association of Machinists, of New York, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. GIBSON: Papers to accompany House bill granting a pension to W. E. Sharp—to the Committee on Pensions.

By Mr. GROSVENOR: Petition of 21 citizens of Pike Run, Vinton County, Ohio, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. HOWELL: Resolutions of the board of water commissioners of Hoboken, N. J., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Bordentown, N. J., for a Sunday law for the national capital—to the Committee on the District of Columbia.

By Mr. KERN: Resolutions of Mine Workers' Union No. 688, of Birkner Station, Ill., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Team and Livery Drivers' Union No. 237, Federal Labor Union No. 8165, Retail Clerks' Association No. 371, United Mine Workers' Union No. 705, and Mine Examiners' Mutual Aid Association No. 18, all of O'Fallon, Ill., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of West Side Lodge, No. 320, International Association of Machinists, of New York, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. PAYNE: Petition of Jane C. Palmer and others, of Penn Yan, N. Y., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. RUPPERT: Resolutions of West Side Lodge, No. 320, International Association of Machinists, of New York, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. TAYLER of Ohio: Petitions of posts of the Grand Army of the Republic of East Liverpool, Canton, Leetonia, Canal Fulton, Alliance, North Gearytown, and Post No. 600, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petitions of citizens of Youngstown, Ohio, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. VAN VOORHIS: Resolutions of Central Trades and Labor Council, Zanesville, Ohio, and Trades and Labor Assembly of Marietta, Ohio, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Paper in support of bill to increase the pension of Alexander T. Sulinger—to the Committee on Pensions.

Also, paper to accompany House bill granting a pension to James M. Blades—to the Commitee on Invalid Pensions.

SENATE.

SATURDAY, *June 7, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 22d ultimo, certain information relative to quarters rented by the Post-Office Department, giving the location, area of floor space occupied, and the annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 22d ultimo, certain information relative to quarters rented by the Interstate Commerce Commission, giving the location, area of floor space occupied, and the annual rental thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 9290) granting a pension to Frances L. Ackley; and

A bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul.

The message also announced that the House had passed a concurrent resolution authorizing the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill (H. R. 13123)

to consider and recommend the inclusion in that bill of necessary appropriations to carry out the several objects authorized in the act to increase the limit of cost of certain public buildings, etc., approved June 6, 1902, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 259) to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington;

A bill (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year;

A bill (S. 3800) to grant certain lands to the State of Idaho;

A bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions; and

A bill (H. R. 14380) to authorize the construction of a bridge across the Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Elwood Post, No. 61, Department of Indiana, Grand Army of the Republic, of Elwood, Ind., praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented the petition of Hollweg and Reese, of Indianapolis, Ind., praying for the adoption of certain amendments to the bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 74, United Mine Workers of America, of Clinton, Ind., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of West Greenwich, R. I., and a petition of the Woman's Christian Temperance Union of Mount Pleasant, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were referred to the Committee on Immigration.

He also presented a petition of the Diocese of Central Pennsylvania, of Sunbury, Pa., and a petition of the American Laryngological Association, praying for the enactment of legislation to establish a laboratory for the study of the criminal, pauper, and defective classes; which were referred to the Committee on Education and Labor.

Mr. MASON presented petitions of the Western Avenue Baptist Church, of the Woman's Christian Temperance Union of Dekalb County, of the Woman's Christian Temperance Union of Dupage County, of the Woman's Christian Temperance Union of Schuyler County, and of the Presbyterian Missionary Society of Shelbyville, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were referred to the Committee on Immigration.

Mr. BURTON presented resolutions adopted by the Southern Kansas Millers' Club, of Wichita, Kans., favoring the ratification of certain reciprocity treaties; which were referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the Central Labor Union of Portland, Me., praying for the enactment of legislation fixing eight hours as a day's labor for employees in the navy-yards of the country, and also praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Tabasco Council, No. 29, Junior Order of United American Mechanics, of Berwick, Me., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

REPORT OF A COMMITTEE.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2991) for the relief of F. C. Boucher, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6101) granting an increase of pension to Reuben Andrews; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6102) granting an increase of pension to Joseph Kibble; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 6103) for the relief of the heirs of Margaret Kennedy; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. BATE introduced a bill (S. 6104) to restore to the active list of the Navy the name of John Walton Ross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. SIMMONS introduced a bill (S. 6105) for the relief of the heirs of Cicero M. Davis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6106) for the purchase of real estate for revenue and customs purposes, at Wilmington, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 6107) granting an increase of pension to Hattie Connell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. PERKINS (for Mr. PENROSE) submitted an amendment proposing to appropriate $300,000 for the construction of a torpedo-boat destroyer with Richard B. Painton's electrical system of multiple screw propellers and electrical rudder-steering gear apparatus, etc., intended to be proposed to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

ISTHMIAN CANAL.

Mr. FAIRBANKS. I wish to give notice that after the routine morning business on Wednesday next I will address the Senate on the unfinished business, being the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

OVERHEAD ELECTRIC WIRES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. At the request of the Senator from Michigan [Mr. MCMILLAN], chairman of the Committee on the District of Columbia, I move that the joint resolution (S. R. 84) to permit the erection and use for lighting purposes of overhead electric wires outside of the fire limits, east of Rock Creek, District of Columbia, be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. If there is no further morning business the Calendar under Rule VIII is in order.

Mr. NELSON. I move that the Senate proceed to the consideration of Senate bill 1792, of which I gave notice yesterday.

Mr. DEPEW. I gave notice that I would address the Senate in a few remarks this morning, immediately after the routine morning business, on Senate bill 492, and I will now ask for that privilege.

Mr. NELSON. On what bill?

Mr. DEPEW. On the bill for the purchase of a national forest reserve in the Southern Appalachian Mountains.

The PRESIDENT pro tempore. Does the Senator from Minnesota withdraw his motion?

Mr. NELSON. If the Senator from New York wants to go on, I shall not insist on my motion.

Mr. DEPEW. I do not want to be deprived of my privilege of delivering a speech, as I have to leave the city.

Mr. NELSON. My bill is one relating to the London dock clause.

Mr. DEPEW. It will take some time?

Mr. NELSON. It will take some time.

The PRESIDENT pro tempore. The Senator from New York will proceed.

NATIONAL APPALACHIAN FOREST RESERVE.

Mr. DEPEW. Mr. President, Senate bill 5228, for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," has been carefully examined and received a unanimously favorable report from the Committee on Forest Reservations and the Protection of Game.

As a member of that committee, I was deeply impressed with the testimony presented. The results of the investigation were so convincing and satisfactory that legislation seemed to the committee to be imperative.

President Roosevelt in his message to the present Congress under date of December 19, 1901, says:

I heartily commend this measure to the favorable consideration of the Congress.

The Secretary of Agriculture, Hon. James Wilson, in his report to Congress of the same date, says:

The agricultural resources of the Southern Appalachian region must be protected and preserved. To that end the preservation of the forests is an indispensable condition, which will lead not to the reduction, but to the increase, of the yield of agricultural products.

The preservation of the forests, of the streams, and of the agricultural interests here described, can be successfully accomplished only by the purchase and creation of a national forest reserve.

The States of the Southern Appalachian region own little or no land, and their revenues are inadequate to carry out the plan. Federal action is obviously necessary, is fully justified by reasons of public necessity, and may be expected to have most fortunate results.

Nature has been so prodigal in her gifts of forests to the United States that the important question of their preservation has been neglected too long. The attacks of the settlers upon the woods for clearings and a home have been indiscriminate and wasteful in the extreme. The settlers are not to blame, nor are the lumbermen. The destruction which has been going on with such frightfully increasing rapidity during the last fifty years is due to a lack of that governmental supervision in the interest of the whole people which can only come from education and experience. The lumberman wishes to realize at once upon his purchase, and as a rule vast fortunes are made in deforesting the land. Railroads are run into the woods, all the appliances of modern inventions and machinery are at work, and this magnificent inheritance is being squandered with a rapidity which is full of peril for the future.

Intelligent conservation of the forests of a country is the highest evidence of its civilization. The climate, the soil, the productive capacity of the farm, the equability of the rainfall and the beneficent flow of the streams are all dependent upon the science of forestry. We have wisely set apart already in the West 41 national forest reserves—about 46,000,000 acres. One of them is already paying expenses and yielding a slight revenue.

The experience of the older countries of the world is of great value in this investigation. Forestry has been practiced in Germany for hundreds of years. Except for this wise and thoughtful care by the Government, the fatherland would be wholly unable to sustain its crowded population. Twenty-six per cent of the land of that country is in forests, of which the Government owns two-thirds. We have left in our own country only 26 per cent of our territory in woods. Germany has special schools of forestry for the education of her youth in this science. The young forester is taught all that books and lectures can give, and then is placed in a course of from three to seven years in the practical application of his work and personal study upon the ground. In that way he becomes fitted for his career. The Government not only cares for its own forests, but it brings under its supervision, laws, and rules those of private owners.

In France 17 per cent of the country is in the forest, of which the Government owns one-ninth. The ruin caused by floods and by the drying up of streams from deforesting the mountain sides led one of the ablest statesmen of France, Colbert, during the reign of Louis XIV, in 1669, to prepare and put in force a code of forest laws. Under this code, as perfected, all the forests in France, whether owned by the Government, by communes, or by individuals, are under the direct supervision and control of the department of agriculture.

The same is true in Italy, in Switzerland, and in Austria. European Governments are going still further in the line of forest preservation. The Italian Government found that their valley farms were being destroyed by the floods which in the rainy season poured down from their deforested mountain slopes. They came to the conclusion that it would be true economy for Italy to reforest these hills. They have arranged for the expenditure of $12,000,000, and this reforests only 500,000 acres. France, feeling the same disastrous effects upon her agriculture and from the same cause, expended $12,000,000 in the reforesting of 800,000 acres, and has made arrangements for the expenditure of $28,000,000 more to complete her plan. It costs for this reforesting $24 an acre in Italy and $50 an acre in France. Notwithstanding this large expenditure, it will be a half a century before the full benefit of the reforesting can be felt. It will be many generations before the soil in the woods will have acquired that quality of absorption and retention of the water which makes it both a reservoir and a protection for the farms below.

The proposition before us is not to reforest at $24 an acre, as in Italy, or at $50 an acre, as in France, but at an expense of about $2 an acre to preserve the forests which have been forming for over a thousand years in trees and soil. Scientific forestry in Germany, France, and Italy gathers an annual crop from the trees which have reached the point where they are commercially valuable and can be cut, not only without injury to, but, on the contrary, for the benefit of the whole forest, of from $1 to $5 an acre per year net, after paying all the expenses of their care.

There are many villages in Germany which pay all their taxes from the revenue derived annually from forests which they own, while other communities which sold or deforested their common lands have poor lands and are pauperized by their burdens.

Switzerland presents for our mountain regions a remarkable illustration of the necessity as well as of the benefit of forest culture. The Swiss discovered centuries ago that with the deforesting of their steep mountain sides after every rainfall the soil was washed down into the valleys and ran off in the streams and that their country was likely to become a desert. They were the pioneers in this industry of industries. As early as the beginning of 1300 they had a complete system of forest preservation and control. In the six hundred years of which they have had the records they have brought their system to such perfection that the Swiss forests not only are the salvation of Swiss agriculture, both on the hillsides and in the valleys, but they yield net to the Government $8 per acre a year. It is a form of revenue which is not subject to accidents, but can be realized upon with absolute certainty under all circumstances. Forests under such conditions are a perpetual and increasing mine of wealth to the Government on the one hand and to the whole people on the other in their influence upon farms and harvests and upon industries.

While 46,000,000 acres of land have been rescued to the West, there has been nothing done in the East. The country had a superb property, unique in every way, unequaled for richness and rarity and for the value of its product, in the redwood forests of the Pacific slope. Through carelessness simply Congress yielded to the shrewd representations of the speculator, who under that homestead plea, which is properly so attractive to the American, secured the enactment of laws by which any settler could secure 160 acres in these forests of priceless value. Then came the harvest of the lumbermen. Each of their employees staked out 160 acres. The sailors upon the vessels that carried off their lumber were induced to make claims for their 160 acres each, and the land was then transferred to the lumber companies, until, for a mere song, this magnificent inheritance of the people fell into the hands of different corporations who are mercilessly destroying the timber.

Negligence of this kind on the part of Congress becomes almost a crime. Those wonderful woods should have been preserved not for speculators and bogus settlers, but for the whole people of the country. They would, under scientific forest management, have been for all time to come not only self-supporting and revenue producing, they would have been more—they would have been the source of supplies of wood for all purposes for the inhabitants of the Pacific coast. They would have been additions to the rural scenery, which in every State and country, when attractive, helps culture and civilization. They would have been the home of game, where sportsmen could have found health and pleasure. But, instead, the land will become an arid waste, the streams will dry up, and the country will lose not only one of its best possessions, but there will be inflicted incalculable damage upon a vast region which otherwise would have remained always full of happy homes and cultivated farms.

The Appalachian forest reserve as proposed in the pending measure is about 150 miles in length and of varying breadth. It is from 400 to 600 feet above the sea. It runs through the States of Virginia, West Virginia, North and South Carolina, Georgia, Alabama, and Tennessee. The slopes of these mountains are very steep, varying from 20 degrees at the lowest to 40 degrees. The waters which flow from the perpetual streams, fed by the perpetual springs, run on the one side to the Atlantic and on the other to the Gulf of Mexico. The streams from this mountain forest are the tributaries of these important rivers: The James, the Roanoke, the Catawba, the Savannah, the New (Kanawha), the Tennessee, the French Broad, the Coosa, the Yadkin, the Chattahoochee, the Broad, the Hiwassee, the Nolichucky, the Pigeon, the Tuckasegee, the Watauga, and the Holston. The region affected by these streams is from 100 to 150 miles in width on the Atlantic side, and more than that on the other. It comprises part of the richest agricultural country in the United States. The timber in this forest is all hard wood, and is the largest body of hard wood on the North American Continent. It is a museum of forest growth, embracing, on account of its location, the woods which can be grown in temperate, semitropical, and tropical countries. There are 137 varieties, making this forest one of the most interesting in the world. The deep soil has been forming for a thousand years or more, and in its interlacing of tree roots and humus, of grass and leaves, there has been created an enormous sponge for the absorption, retention, and distribution of the rainfall.

The rainfall in this region is greater than in any other part of the United States except the North Pacific coast. It ranges from 60 to 100 inches a year. The downpour at one time during the past year was 30 inches. Where the forests are intact the water finds its way through this thick and porous soil, goes into the crevices of the rocks and into the gulches and forms springs and rivulets. Nature, always beneficent in her operation, so arranges this vast collection of the rainy season that during the rest of the

year it flows out naturally and equably through the rivulets into the streams and through the streams into the rivers, and waters and fertilizes half a dozen States.

The results of an attack upon this fortress, created by nature for the protection and enrichment of the people, is more disastrous than the sweep of an invading army of savages over a thickly populated and fertile country. They kill, they carry off captives, they burn and they destroy, but after the war the survivors return to their homes and in a few years every vestige of the ruin has disappeared. In its place there are again cities, villages, and happy people. But the lumberman selects a tract of hard-wood forests upon the Appalachian Mountains. The trees, young and old, big and little, surrender to the ax and the saw. Then the soil is sold to the farmer, who finds abundant harvests in its primeval richness. For about three years he gathers a remunerative and satisfactory harvest, but he sees, as the enormous rainfall descends, his farm gradually disappear. At the end of three years he can no longer plant crops, but for two years more, if lucky, he may be able to graze his stock. At the end of five years the rains and floods have washed clean the mountain sides, have left nothing but the bare rocks, have reduced his farm to a desert, and created a ruin which can never be repaired.

But this is not all. That farm has gone down with the torrents, which have been formed by the cutting off of the protecting woods, into the streams below. It has caused them to spread over the farms of the valleys and plateaus. It has turned these peaceful waters into roaring floods, which have plowed deep and destructive gullies through fertile fields and across grassy plains. One freshet in the Catawba River last spring, occasioned wholly by the deforesting of the mountains, swept away a million and a half dollars' worth of farms, buildings, and stock. The damage done by the freshet of last year alone, in the large territory fed by the streams and rivers which came from these mountains, was estimated at over $18,000,000.

This destruction can not be repeated many years without turning into a desert the fairest portion of our country. This process of destruction is constantly enlarging because of encroachments upon the forests on account of the growing scarcity of hard wood. The lumbermen are running light railways so as to reach the heretofore inaccessible depths. The giants of the mountains, which are four or five hundred years of age, and many of them 7 feet in diameter and from 140 to 150 feet high, are falling in increasing numbers every month before the pitiless and ruthless invasion of the ax and the saw. In ten years the destruction will be complete, the forests will be practically gone, the protecting soil will have been washed off the hillsides, and the newspapers will be filled each year with tales of disaster to populations, to farms, to villages, and to manufacturing enterprises, occasioned by unusual and extraordinary rains and the torrents which have been formed by them and flowed down through the valleys.

It has been estimated that there is in these mountain streams 1,000,000 horsepower which can be easily utilized. This means a saving of $30,000,000 a year in coal alone, which would otherwise have to be used for the generation of that amount of power for manufacturing purposes. But it means more. This 1,000,000 horsepower that these streams, which flow equably all the year round because of the nature of the sponge which forms the reservoir that supplies them, would create an incalculable amount of electrical power. With the successful demonstrations which have been made in California and Niagara Falls of the distance to which this energy can be transmitted, the value of these streams, kept in their original condition, to the future of these States can not be estimated. There are in these conditions all the elements necessary for transportation, for light and heat, for manufactures and mining, in a very large section of the United States.

The proposition in the bill is to authorize the Secretary of Agriculture, at an expense not exceeding $10,000,000, to purchase 4,000,000 acres of these forests. They are held now in large tracts of from 1,000 to 5,000 acres. They are being rapidly bought up by lumber companies at from $1.50 to $2 an acre. The owners, as I am informed, would much perfer selling them to the Government than to individuals or corporations. The reason is obvious. It is estimated by the Department of Agriculture that within five years the forests would be self-sustaining, and after that a source of increasing revenue for all time to come. It is impossible for the States to undertake this work. New York, in order to protect the Hudson and Mohawk, has been purchasing a large domain through the Adirondack forests which she proposes adding to every year. This is possible because the whole territory is within the limits of the State of New York. But in the Appalachian region one State can not buy the forest sources of the streams because they are in another State. The State which has the forests can not be expected to go to the expense of protecting them in order to preserve the streams and agriculture and industries of adjoining Commonwealths.

The Government does much in many ways to create wealth for the people. Every river and harbor bill carries with it millions of dollars to create wealth by dredging harbors, rivers, and streams. The irrigation propositions which are always before us and some of which have passed the Senate are also for the creation of wealth by making fertile the lands which have always lain arid. Here, however, is a proposition not for the creation of wealth, but for its preservation. This is a scheme not for many local improvements like the $70,000,000 public buildings bill or the $70,000,000 river and harbor bill, or the innumerable other bills which we pass for localities, but it is a public and beneficent measure to keep for future generations in many States and over a large area the productive energies which nature has stored for the comfort, the living, and the happiness of large populations, and for the wealth of the whole country.

It differs from all other schemes of governmental aid in another way. The advantages derived by the Government from the improvement of rivers and harbors is incidental and indirect. The same is true of irrigation, of public buildings, and public expenditures of every kind; but in this broad and beneficent scheme the Government protects its people by entering upon a business impossible for States or individuals, and which no machinery but that of the Government can carry on, and which the experience of other countries has demonstrated will prove a source of perpetual revenue.

We have been the happy possessors of such extensive forest territories that we have not yet, like other nations, felt the poverty of wood. There has not been brought home to us how dependent we are upon it for all purposes in our domestic, home, and business life. It would be little short of a national calamity if we should feel acutely the loss of our wood. That this will occur, and wood become so high as to make it a luxury, is certain if this forest denudation goes on. From the cottage of the poor man and the home and outbuildings of the farmer to the highly polished woods whose artistic graining ornaments the palaces of the rich, this wise provision of nature is our necessity. We can only keep these hard woods, which every year are becoming scarcer and more costly, within reasonable reach of the demands of the people by the Government entering upon this process of scientific forestry. Instead of this 150 miles of hard-wood forests being destroyed, as they will be in ten years unless measures are taken for their preservation, they would under this scheme last forever, and yield annually a harvest for the uses of the people. A few corporations or individuals may accumulate in a short time large fortunes by deforesting, fortunes which will disappear in a generation or two, but wise ownership, preservation, and administration by the Government will give employment, property, industries, and homes to multitudes for all time.

To sum up briefly, then, this is a work which only can be done by the Government of the United States. It should be done by the Government because it interests many States and in a large way the people of the whole country. It preserves the hard-wood forests and their product for future generations. It keeps upon the hills and mountain sides the woods whose influence upon climate, soil, and rainfall is most beneficial to a vast territory. It prevents mountain torrents, which will in time, as the destruction of the forests goes on, turn a large agricultural region into a desert. It conserves for manufacturing purposes that enormous water power which will be utilized for a multitude of industries which will give employment to thousands and add enormously to the wealth of the country. Instead of being an expense and a drain—and it would be the best expense which the Government could make if that was necessary—it will be one of those beneficent improvements which will shed blessings everywhere, and at the same time be self-sustaining and a source of everlasting revenue to the Government.

Mr. NELSON rose.

Mr. HALE. Mr. President, before the Senate proceeds to consider any other matter, I wish the Senator from New York would tell us, after we have had the positive delight of listening to the rhythmic flow of his eloquence, what is the practical plan he has in view to accomplish the very great object upon which he has spoken.

Mr. DEPEW. I am very much obliged to my friend the Senator from Maine for asking that question.

There is a bill brought in by the Committee on Forest Reservations and the Protection of Game, unanimously reported after an exhaustive consideration, which provides the plan for the accomplishment of this result. It proposes to give to the Secretary of Agriculture the right to purchase a reservation upon the Southern Appalachian Mountains, and appropriates $10,000,000 for that purpose, to be used as the scheme is perfected and the purchases are made.

The testimony before the committee was that these forests now lie in one body; that the invasion upon them so far by farmers and settlers has been very slight; that they are all in the market

for sale, and that without any doubt the whole of the 4,000,000 acres can be purchased for $10,000,000.

Mr. HALE. Making a great public governmental reservation.

Mr. DEPEW. It makes a great public governmental reservation, the same kind as the 41 forest reservations that we already have in the new States.

Mr. HALE. I do not think that anyone listening to the Senator can fail to have been impressed with the very great importance of this subject as he has presented it. Business is so diversified here, and as pretty much every one of us is devoting his time and attention to special purposes and objects, I was not aware of the extent of the scheme proposed by the bill. Something ought to be done about it at the present session. The very thing that is going on, the ravage of this region, which will, as the Senator says, make it a desert in ten years, ought to be arrested, and at no distant day.

I hope if the Senator is not here other Senators upon the committee will see to it that the bill which he has explained to us is brought before the Senate and that the Senate will properly appreciate the purpose and the work, so that we may embark on this most important enterprise of the Government to save that great forest region.

Mr. PRITCHARD. Mr. President, I had intended to ask for a vote on the measure at this time, but owing to the absence of my colleague [Mr. SIMMONS], who desires to submit some remarks in respect to the measure, I give notice that I shall call it up some time next week, in order that we may have a vote upon the question.

Mr. HALE. I hope the Senator will do that.

Mr. PRITCHARD. The matter has been thoroughly investigated by the Agricultural Department and the bill has the favorable recommendation of that Department, as well as of the President of the United States.

LONDON DOCK CHARGES.

Mr. NELSON. I move that the Senate proceed to the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," and I ask unanimous consent that it may be considered without the limitation of debate imposed by the eighth rule.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the limitation on debate under rule 8 may be dispensed with during the consideration of this bill. Is there objection? The Chair hears none. The bill will be read.

Mr. NELSON. I ask unanimous consent that the formal reading of the bill be dispensed with; and before taking up the bill and reading it for amendment, I desire to make a brief statement in explanation of the merits of the measure.

Mr. HALE. Before the Senator from Minnesota goes on, I wish to inquire whether an amendment to his bill, which was proposed by the Senator from Massachusetts [Mr. LODGE], has been offered or only notice of it was given?

The PRESIDENT pro tempore. The memory of the Chair is that it was printed and laid on the table, and it will be necessary to offer it as an amendment.

Mr. HALE. I shall see to it, then, in the absence of the Senator from Massachusetts, that the amendment is offered. I did not know but that it was already pending.

Mr. NELSON. Mr. President, I desire briefly to explain the merits of the bill.

The object of the proposed bill is to relieve the shippers of American products in this country from certain burdens and charges imposed by a combination of steamship companies plying in the North Atlantic trade in respect to the products shipped to the port of London.

Before I go into a discussion of the case, in order that the Senate may understand some of the quotations, I desire to state that at the close of the last session the millers of Minneapolis called my attention to the evils complained of, the injustice imposed upon American shippers by the steamship companies in forcing them to accept bills of lading incorporating what is known as the London clause, a clause charging them a certain specific amount for the discharging of their goods at the port of London.

The millers called my attention, as I said, to that subject at the close of the last session. It was too late then to take it up. I afterwards, in order to obtain full information in the premises, referred the matter to the State Department, with the request that the Department get our minister in England to investigate the whole subject. The Department referred it to our minister, Mr. Choate, who made a careful and thorough investigation and submitted an extensive report both upon the law and the facts to Congress.

Prior to 1893 the shipping companies plying in the north Atlantic trade had been in the habit of incorporating clauses into their bills of lading exempting them from all liability for the negligence of their servants and masters in stowing and conveying the cargo; in fact, exonerating them from all liability, no matter in what shape they stowed the cargo, no matter in what shape they carried it, and no matter in what shape they delivered it. The evil became so great that finally the American shippers, in 1893, applied to Congress for relief, and there was passed what is commonly known as the Harter Act.

The first section of that act provides:

> That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Section 2 is on the same lines, and I shall not take up the time of the Senate to read it.

The evils then complained of were remedied by this act. Up to that time the steamship companies had been in the habit of forcing upon American shippers bills of lading with clauses that exonerated them from liability, and this law was intended to relieve them from that onus and to prohibit the insertion of any such clauses.

Since that time the steamship companies having vessels plying in the North Atlantic trade, between our country and the port of London, have formed a combination and compelled American shippers to accept bills of lading incorporating what is known as the London clause. The London clause is a clause compelling shippers to pay, in addition to the ordinary and usual freight charges, a certain specific sum for the unloading and delivery of the cargo in the port of London. Under the law and custom prevailing in the port of London all goods are entitled to free delivery.

In order that Senators may fully understand the question, I will say that the river Thames is a great big tide-water stream which flows through the heart of the city of London, and over 76 per cent of the goods that are delivered from the steamship companies on the docks are again put back from the docks into lighters and barges that ply on the river and are distributed to the various localities along the wharves by those lighters, so as to be delivered throughout the city.

By the custom of the port of London, by the common law of the port, and also by the act of Parliament, the consignees of goods are entitled to free delivery of the goods overside in the port of London, delivered on board barges and lighters direct overside from the vessel.

I will read you a few sentences from Minister Choate's report, showing you what the law is and what the act of Parliament is governing the port of London. This is the history of the matter:

> Prior to the formation of docks in London, about a century ago, the usual mode of discharging cargo was overside into barges or lighters in midstream, the barges carrying it to the wharves and quays.
>
> The formation of docks was stoutly opposed by the powerful association of bargemen or watermen, and to save their rights and the powerful interest represented by their business, which was of great antiquity, a clause was inserted in the original and in each succeeding dock charter in substance exempting all lighters and craft entering the docks to discharge or receive goods to or from any vessel from the payment of any rates, and that the goods so discharged or received should be exempt from any payment whatever, and so the law now stands. This secured to the bargemen and to the owners of cargo the ancient right to the loading and discharge of cargo overside, even in the docks, without any charge by the dock companies.

In other words, before the docks were established the consignees of goods were entitled to the free delivery of their goods overside the ship directly into lighters. When the dock companies were incorporated, that right was still reserved; that right was still retained; the consignees were still entitled to the free delivery of goods even if the goods were placed on the dock and from the dock put back into lighters.

In 1894—to make the question still clearer and to settle it—an act of Parliament was passed. I will read one provision of the act bearing on this matter, and ask the attention of the Senate to it:

> (4) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

That is the law to-day in the port of London; that is, the consignees of goods are entitled to free delivery overside from the ship into barges and lighters. But if the shipowners, for their convenience in assorting their cargo and distributing it, see fit to take it first out of the ships onto the dock, the consignees are still entitled to the delivery of those goods from the dock into lighters or barges free of charge.

It is a curious thing about the port of London, different from any other port that I know of, that over 76 per cent—and this report and the statistics show it to be over 76 per cent—of all the

goods that are discharged from steamers to the docks and wharves are simply discharged for the purpose of assorting, and are put back into the barges and lighters for distribution and delivery throughout the city.

The steamship companies, for their own convenience in discharging a cargo, especially in the case of mixed cargoes, can assort them better and more easily by having dock space on the quay for this purpose and to get access to the ships with the goods to be sent abroad, they require dock space for their own convenience. They have seen fit, instead of distributing and delivering the goods directly overside into lighters and barges, to place them on the dock and then from the dock back again into the barges and lighters. Over 76 per cent of the goods are thus placed on the dock for delivery to lighters. All this charge was borne by the shipowners up to 1888. At that time the steamship companies began to insert in their bills of lading from this country to the port of London what was known as the London dock clause.

Mr. FAIRBANKS. Will the Senator allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. FAIRBANKS. I ask the Senator if he knows whether the same rule prevails with reference to the commerce from other countries.

Mr. NELSON. I am coming to that later on. The only products that enter the port of London to-day in steamships that have to bear the burden of the London clause are goods in ships from North America; and I shall show from Mr. Choate's report that that is the fact.

Mr. HALE. The Senator does not claim that as to other countries from which shipments are made by transportation companies, in no case is the London dock clause resorted to?

Mr. NELSON. That is what I claim, as the evidence and the report of Mr. Choate show.

Mr. JONES of Arkansas. It is impossible to hear on this side of the Chamber what is going on, owing to the low voice in which Senators are speaking.

Mr. FAIRBANKS. Do I understand that this is a discrimination against the United States?

Mr. NELSON. This is a discrimination against the United States, and I shall prove it by the report. I call the attention of the Senator to the fact that the only case in which it is applied is in what are known as American bills of lading. The steamship companies having vessels plying in the North Atlantic trade between our ports and the port of London have inserted this London clause, and it is not found in the case of any other transportation companies, and ours are the only products subject to that charge in the port of London.

Mr. HALE. I think the Senator is mistaken about that.

Mr. NELSON. If the Senator will allow me, I will call the attention of Senators to page 9 of the report:

> These charges of the "London clause" are a pure discrimination against the American trade, and do not apply to any other trade in the port of London.

That is the language used by me in the report. Now, I read a quotation from what appears in the hearings before the committee:

> This charge of 1s. 6d. to 2s. 6d. is one which penalizes American goods, as it is not applied in the port of London to goods arriving from any other market; in other words, flour from Russia, the Cape, Australia, or in fact any other market except North America, does not pay this charge, and to that extent American goods of all descriptions (for flour is only one of these) are penalized by this charge. (Hearings, p. 87.)

I will now read from Mr. Choate's report. He says:

> There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world, and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted. (Choate, p. 7.)

I read further from Mr. Choate:

> Canadian and American flour is by far the largest import of flour into London, and although other imported flour, such as Hungarian, French, Russian, Australian, Californian, gets free overside delivery, Canadian and American flour is subjected to the "London clause," and besides which, whereas the charge for landing at an uptown warehouse for the purpose of distribution in Canadian and American is 4s. per ton, the charge on other imported flour is 3s. 6d. per ton, so that Canadian and American costs 2s. per ton more to land than other flour. (Choate, p. 33.)

When this London dock clause was first inserted in their bills of lading, for the first two years the steamship companies hired the dock companies to do the discharging of the cargo; and at that time—I will give you as an example one commodity, that of flour—at that time the steamship companies paid the dock companies 10d., equal to 20 cents in our money, for discharging flour—that is, discharging it from the vessel onto the dock and from the dock back on the barges and lighters. In 1891 the steamship companies took that labor away from the dock companies, and instead of hiring the dock companies to do it they did it themselves, and immediately they advanced the rates. For instance, upon flour they advanced the rate from 10d. a ton to 1s. 2d. a ton, an increase of 4d., or 8 cents, a ton. There is a good deal of profit in these dock charges. The representatives of the steamship companies appearing before our committee denied that, but the facts are against them. I will read this brief statement from the report:

> Although the shipowners, through their representatives, at the hearing denied, but not under oath, that there was any profit to them in these charges, there is a preponderance of evidence the other way, showing that there is quite a margin of profit. From 1888, when the "London clause" was first adopted, until 1891, the cargoes were discharged by the dock companies, who, in the case of flour, for instance, only charged the shipowners 10 pence per ton for the service, for which the shipowners now charge 1 shilling 9 pence per ton.

That is what was charged. They started out when they first undertook the work at 10 pence per ton, and they advanced it to 1 shilling 9 pence per ton.

> In the next place the testimony, under oath, of Mr. Scott, chairman of the dock company, which performed the work for the shipowners for two years under the "London clause," is clear and positive on this point:
>
> "This profit is supposed to be considerable, and is, of course, a fixed quantity unaffected by the fluctuation of freight. We may mention that the supposition that there is a considerable profit hanging to the charges made for the work done under the 'London clause' was recently confirmed by Mr. Charles J. C. Scott, the chairman of the London and India Docks Company, the company who actually performed this work for the shipowners during the first two years of the 'London clause,' and who should be an indisputable authority.
>
> "When giving evidence before the royal commission on the port of London, on May 6, 1901, Mr. Scott says, in reply to Sir John Wolfe Barry:
>
> "Q. 5657. Under the conditions of the North American trade, the shipowner has done his work when he puts the cargo on the quay?
>
> "A. Yes; but the shipowner, under the North American bill of lading, by his bill of lading is entitled to make a charge for doing that, and there is a considerable amount of profit hanging onto that, so that the shipowner is anxious to put it on the quay.
>
> "(Choate, p. 16, and Hearings, p. 69.)"

The original London dock clause was a very small and brief one. The charge was quite limited when it was adopted, in 1888, but from time to time they have advanced it, until now they have a multitude of conditions. It started with a little paragraph of a dozen lines, and now they have got a paragraph of several hundred lines, incorporating all manner of conditions. They even charge for commodities in cases where the delivery is just the same as under the old system. Take wheat, or oats, or corn, or barley, or other coarse grain which is shipped in bulk, which is not delivered on the dock at all, but is delivered directly from the ship into the lighter—even on those products in this London dock clause they have incorporated a charge in addition of 1s. 9d. They charge on wheat an additional 7d., making it fully 2s. 4d. for discharging it overside from the ship into the lighter or barge.

One of the arguments advanced by the shipowners was that it was for the convenience of the consignee to have the goods delivered at the dock, and from the dock back into the lighter. That is not true. The evidence presented to the committee, which appears in the hearings—and if necessary I will call the attention of Senators to it—shows that it is for the convenience of the steamship companies rather than that of the consignees or shippers, and I will explain why. Under the old system, where they had direct delivery from the ship overside into the lighter or the barge, as soon as the lighter or barge was filled it could go away and deliver the goods; but under the present system the ship discharges the cargo on the dock; it remains there to be assorted and delivered back onto the ship, and from the ship onto the lighter or barge; but before that can be done, oftentimes when a ship has been there and discharged, as soon as it gets through and before the barge or lighter can come up and take the goods away, another ship is alongside the dock; and so it comes to pass that under the present system oftentimes the barges are delayed from day to day before they can approach the dock and get the goods to take away and deliver them.

This London dock clause charge is in addition to the dock charges imposed by the dock company. If goods after landing on the dock are left to be distributed from the dock by carts or land carriages, then the dock company imposes a charge in addition of from 3 shillings and 6 pence a ton to 5 shillings per ton; but if the goods are delivered back from the wharves into the barges and lighters the consignee is not obliged to pay this charge. Under the London clause as it exists to-day if a cargo of flour is shipped from New York to the port of London when it enters that port under the London clause it has to pay 1 shilling and 9 pence to the steamship companies for discharging the cargo from the vessel; and if the flour is left on the dock to be carried away by cart or distributed by land conveyance in any shape they have to pay in addition a dock charge of, I think, 3 shillings and 6 pence or 4 shillings per ton. This is denied by the representatives of the company, but we had positive evidence on that point, and I beg leave to read it to the Senate—a letter addressed to me by Mr. Bradley. It is as follows:

> ROOM 18, 58 WILLIAM STREET, NEW YORK, U. S. A., *April 5, 1902.*
>
> Hon. KNUTE NELSON,
>
> *United States Senate, Washington, D. C.*
>
> DEAR SIR: You will remember that I made a statement in the committee that the London landing charge applied on all flour going into the port of London, whether it was delivered directly to the buyer or went on storage

on the docks. You will also remember that the steamship company contradicted this, stating that when flour went on storage charges that the 1 shilling 9 pence was refunded. For your information I now inclose a certificate of a notary public of New York City confirming my statement, this gentleman having made an official examination of the tariffs. You will therefore see that this bears out my statement in full detail.

Yours, very truly,

H. BRADLEY.

STATE OF NEW YORK, *County of New York, ss:*

I, Frederic H. Cohoon, of New York, hereby certify that I have examined an official copy of the tariff sheet issued by the London and India Docks Company, dated at Dock House, 109 Leadenhall street, London, E. C., March 1, 1901, which contains a list of all the quay rates and storage charges, etc., and such examination contains absolute evidence that all flour landed in London, whether it goes on storage charges or is delivered directly to the importers, is subject to a landing charge as contained in the bills of lading, and that the said list of rates at the commencement of same contained the following clause:

"The following rates are exclusive of the charge payable by the consignees under the London clauses in the American bills of lading, but include insurance against fire in accordance with the policies of the fire insurance offices."

I am further advised that the above clause, including charges as previously made, was approved and unaltered January 1, 1902.

Witness my hand this 5th day of April, 1902.

[SEAL.] F. H. COHOON,

Notary Public, New York County, N. Y.

So I want Senators to bear in mind that this charge incorporated into bills of lading, known as the London dock clause, is simply to pay the steamship companies for discharging a cargo. Under the common law and under the act of Parliament it is their duty to discharge that cargo overside free into barges and lighters; but for their own convenience they see fit to discharge it first onto the dock and then place it back in barges and lighters, and for that service they impose a charge, which they have no right to make, upon all American shippers or the consignees of goods, and that charge is in addition, supplementary to, and outside of the charges of the dock company.

There is no dispute but what the American shippers are utterly helpless, for when they deliver their flour, for instance, at Minneapolis—and the same applies to any American product—lumber, wheat, or anything else—when it is delivered to a railroad company for shipment abroad, the railroad company, knowing that the steamship companies insist upon these charges, will not accept the goods except subject to bill of lading demanded by the steamship companies, and that the steamship companies engaged in the North Atlantic trade have formed a combination and are all one in this matter is not at all disputed.

I have before me a copy of the hearings in which is found their last announcement, made in January, 1891, when they made the last raise in their dock charges. They have raised them two or three times; but the last time they raised them they signed a notice, and here is a list of nine or ten steamship companies—I will not take up the time of the Senate to read it—notifying the shippers that they would increase the charges in the London dock clause to that extent. It is not disputed; it was not disputed at the hearings that the steamship companies had combined and had insisted on inserting that clause in the bills of lading.

Mr. JONES of Arkansas. I should like to ask the Senator on what theory these charges are made. As I understand the Senator, they are made exclusively against American goods.

Mr. NELSON. I can not tell the Senator, except that the steamship companies have combined among themselves to get this extra charge. The general rule of maritime law is that the freight charges which are paid for carrying a cargo include the discharge of that cargo; but, in addition to the freight charges, these steamship companies exact this extra charge, and they claim that it is done because they deliver the goods on the dock instead of delivering them directly overside into the lighter or the barge.

Mr. JONES of Arkansas. I understand this charge is made only against Americans?

Mr. NELSON. It is only made against goods transported in vessels engaged in the North Atlantic trade, American and Canadian.

Mr. HALE. I have already said that that is not the case, although the Senator believes that it is. I do not. There are other great lines from other parts of the globe that have a clause almost exactly like this, covering the same points. There is no discrimination as to our own goods being covered by the clause. Every Canadian ship has got to pay just the same, and it has always been so.

Mr. NELSON. I have already stated that, Mr. President. If I have not, I certainly intended to do so. This includes Canadian products and the products of our country. It includes goods shipped from this side of North America, including the United States and Canada, into the port of London. It relates wholly to London, and it is called the London dock clause.

Mr. HALE. The Senator is wrong about that.

Mr. NELSON. I am not wrong.

Mr. HALE. It relates to Glasgow, to Manchester, to Liverpool, and other ports. The great Oriental and Peninsular Navigation Company, with its lines of ships traversing almost all the waters of the globe, has provisions of this kind and always has had. It is for the convenience of trade. I do not wish to interrupt the Senator; but I will state my position after he is through. I only wanted at this time to call attention to this one point.

Mr. NELSON. If you will read page 6 of the report of the Committee on Commerce, you will find that it is spoken of in the circular of the North Atlantic shipowners as the London clause.

Mr. HALE. It is called the London clause undoubtedly.

Mr. NELSON. It is the London clause; and there is no such clause in any other bill of lading from any other country. The testimony taken at the hearings and the report of Mr. Choate show that no other goods or products, except those from the United States and Canada, are subject to this charge.

American shippers are utterly helpless against this combination. What can they do? The railroads refuse to receive goods unless the shipper will agree to submit to the bill of lading from the steamship companies incorporating the London clause. The steamship companies are unwilling to issue a bill of lading unless that clause is incorporated.

The trouble is that if that clause were not incorporated in the bill of lading, they could not make such a charge in England. The courts of that country have decided in cases that have been brought there that under the common law and under the act of Parliament London is a free port, and shippers are entitled to free delivery of their goods overside to barges and lighters from the ships; and under the act of Parliament of 1894 are entitled to free delivery into the barges; but the English court holds that because the American shipper has accepted a bill of lading containing that London dock clause, he has contracted himself, as it were, outside of the purview of the common law and outside of the purview of the act of Parliament. If that clause was not forced upon American shippers and inserted in the bills of lading, the steamship companies would not be entitled to collect a penny of that kind of charge in the port of London.

Mr. HALE. Who signs those bills of lading?

Mr. NELSON. The bills of lading are issued by the steamship companies.

Mr. HALE. But who signs them?

Mr. NELSON. They are signed by the steamship companies and issued to the shippers.

Mr. HALE. Issued to the shippers?

Mr. NELSON. They are issued to the shippers.

Mr. HALE. It is by contract.

Mr. SCOTT. But the shippers are obliged to make that contract or the companies would not take their goods.

Mr. HALE. Here we are attempting to say that men shall not make such contracts. Those are the terms of the bill, as Senators will see if they will read it. What I am afraid of is that Senators will not examine this question as they ought to. It is an attempt to declare, in a fight between the millers and steamship companies, that men shall not be held by contracts which they have made. I have never before known that to be done or attempted to be done.

Mr. NELSON. I will convince the Senator on that point if he will listen to me.

Mr. BERRY. Will the Senator from Minnesota yield to me a moment?

Mr. NELSON. Certainly.

Mr. BERRY. I want to say, in answer to the Senator from Maine, that the English law specifies the charges in English ports. The shipowners compel the exporters here to enter into a contract whereby they are to pay more than the law of England would require them to pay but for that agreement. The shipowners have a combination. All the shipowners agree to this, and they will take no man's product for shipment unless he does sign it.

The Senator from Maine says it is a contract. It is a contract which is forced upon the exporter, and one which he has no power to resist. It is a contract made by one side, compelling the shipper to pay more than the shipowners compel the people of any other port than North Atlantic ports to pay. Our producers can not compete with shipments from Australia and various other countries because those shippers do not pay it. This contract is peculiar to the North Atlantic ports. The Senator says it is a contract. It is a contract where there is only one party to the contract, because the shipowners force the shippers to make it, and they can not ship their goods unless they do it.

Mr. HALE. By leave of the Senator from Minnesota, I wish to ask the Senator from Arkansas a question. It is rather our fashion here to have colloquial debate.

Mr. NELSON. I yield.

Mr. JONES of Arkansas. I hope the Senator from Maine will speak so that we on this side may hear him.

Mr. HALE. I will. I wish to ask the Senator from Arkansas just what he means when he says that because of this practice the millers, who got up this bill, for it is a millers' bill——

Mr. BERRY. The Senator from Maine is mistaken about that.

Mr. HALE. The Senator says our millers can not compete with

the rest of the world, when everybody knows there practically is no competition in the London trade for flour. Ten or twelve years ago we exported ten thousand million hundredweight, and under these immense grievances which Senators are depicting our exports have increased in the last ten years to seventeen thousand million hundredweight, whereas the supply from the rest of the world is but a hundred and seventy-two thousand hundredweight. The American millers are not only able to compete, but they have destroyed the trade of the rest of the world. They have not suffered and are not kept down by this practice, but are getting more and more to supply to the London market its entire import of flour.

Mr. BERRY. Will the Senator permit me to answer?

Mr. HALE. Yes; I want the Senator to answer.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Arkansas?

Mr. NELSON. Certainly.

Mr. BERRY. In the first place, the statement of the Senator from Maine that the millers and flourmen are the only people interested is a mistake.

Mr. HALE. And the lumbermen.

Mr. BERRY. The lumbermen are largely interested in it.

Mr. HALE. Yes.

Mr. BERRY. Because the charge on lumber——

Mr. NELSON. Is even higher.

Mr. BERRY. Is higher even than on flour.

The Senator from Maine is also mistaken in another proposition. There is competion from the South American Republics in regard to the shipment of flour and wheat from those countries, and they do not pay these charges. Shipments from the South American Republics and Mexico go in free of this London dock charge, or this London clause, which is put in against the shippers from the North Atlantic ports.

Mr. HALE rose.

Mr. BERRY. If the Senator will permit me, why should not the steamship companies put into their freight bill whatever charges they demand for carrying freight? Why insert this particular clause to make these parties pay it?

Mr. HALE. Mr. President——

Mr. BERRY. I will tell the Senator why, in one moment, if he will permit me. The court in London, as our minister, Mr. Choate, reported when the shippers appealed to the courts in England alleging that the steamship lines were charging more than the laws of England authorized, said: "That is true; they are charging you more; they are forcing you to pay more, and the court would not permit it but for the fact that you have made a contract by which you are to pay more, and this court has not the power to give you relief."

Mr. HALE. Let me ask the Senator a question. He says, Why do not the steamship companies put it into the freight? He struck there which is a very underlying criticism of this bill. If the charge of what they now complain was put into the freight charges, who would pay it?

Mr. BERRY. The shipper would pay it.

Mr. HALE. Of course he would pay it. He would pay it simply in another form.

Mr. BERRY. Yes.

Mr. HALE. And yet the advocates of this bill all the time, seeing that they will be pushed to the wall and have finally got to agree to keep their contracts, are compelled to state, as the Senator has, that if this charge were put into the freight there would be no objection and then the exporter would pay every part of it.

Mr. BERRY. I will answer the Senator. If the steamships thought they would get the same amount by putting it into the freight, they would not be fighting this bill and having men before the committee and around these corridors to oppose it. If they put it in the freight bill, they know that competition will force them to pay these charges themselves, which they now force the shipper to pay. That is the reason why the lumbermen and the flourmen are interested in it. Let the companies put it into the freight bill. You say they can add it to the freight charges. Why this opposition to the bill if the companies would get it the same way—get it from the shipper? The shippers are willing to take their chances on that. The steamship companies know full well that when they are forced to do that the outside opposition will force them to pay the charges and the shippers will not have to.

I ask pardon of the Senator from Minnesota for having occupied so much of his time.

Mr. NELSON. Mr. President——

Mr. GALLINGER. Will the Senator from Minnesota permit me to say a word?

Mr. NELSON. Certainly.

Mr. GALLINGER. One observation was made by the Senator from Arkansas [Mr. BERRY] which I think ought not to go precisely as it was stated, and that is that there are men around the Capitol, and I think he said they were before the committee, opposing this bill. As a member of the Committee on Commerce I agreed that the bill should be reported, but I want to say that I never saw anybody before the committee opposing it, and no man outside of the committee has ever called it to my attention except one person, and he came promptly within a few days and said he had no objection to it. I think the Senator ought not to draw upon his imagination in reference to men being here lobbying.

Mr. BERRY. I never said anything about men being here lobbying. The Senator from New Hampshire was absent, I presume, when the committee hearings were had. He says he saw nobody before the committee in opposition to the bill. We had hearings and arguments on two or three different days. There was an attorney from South Carolina, and there were two or three from New York. There were attorneys on both sides. There were present a number of men, as the Senator from Minnesota well knows—in fact, the committee room was crowded with them. We had arguments for several days from attorneys representing both sides. I did not use the word "lobbyists." I said that the men who owned ships would not have men here to oppose the bill so strongly if they could, as the Senator from Maine suggested, by putting this charge in the freight bill get the money in the same way. That is all I intended to say and all I did say.

Mr. GALLINGER. I stand corrected in reference to the hearings before the committee, as I was absent on two occasions, to my regret.

Mr. BERRY. I thought so.

Mr. GALLINGER. But certainly, so far as any outside influence is concerned, I am sure none has been exerted on members of the committee.

Mr. BERRY. I never said that.

Mr. GALLINGER. I think it is a business proposition. I am somewhat undecided as to whether or not it is wise legislation, but I feel sure it is something that we can dispose of and decide upon the merits of the case.

Mr. MCCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. NELSON. Certainly.

Mr. MCCUMBER. The Senator from Minnesota has been so generous in allowing questions that I should like a little further information, and because he is so thoroughly acquainted with the subject I will ask him, before he gets through with the subject, to answer this simple proposition: Suppose, now, the object of the bill being to eliminate from bills of lading the London clause, that the proposed act becomes a law. We succeed in eliminating it. What guaranty have we or what reason have we to expect that the same companies will not combine and increase the amount of the freight to an equivalent of the loss by reason of eliminating this particular clause?

Mr. NELSON. I will say to the Senator in one sense we have no absolute guaranty, but I call his attention to the fact that ocean freights are subject to competition and fluctuation, according to the amount to be carried. When ships come here and are anxious to get cargo and cargo is scarce, rates are low. When cargo is abundant or overabundant, rates are high. But the freight rate is always subject to fluctuation and competition, and if there is any reduction or change in that matter the shipper gets the benefit of it, whereas this charge in the bill of lading, caused by the London clause, is a fixed and arbitrary charge, and is not subject to any competition, and the companies get it under all circumstances.

Mr. MCCUMBER. But why may we not expect the same competition in eliminating this clause that exists in regard to freight rates?

Mr. NELSON. How can there be competition in a clause they insert? I will put a case. The Senator is anxious to ship a lot of flour from Wahpeton, N. Dak., his home, to London. He can not ship unless he will accept a bill of lading agreeing to pay, in addition to the freight, 1 shilling 9 pence for discharging his flour in the port of London. There is no competition about that charge.

Mr. MCCUMBER. I understand the proposition, and I want to say to the Senator that I am wholly in sympathy with his bill and what he desires to obtain by it. But what I can not understand is why there would not be the same competition in the rate with this clause that there would be without it. In other words, suppose——

Mr. NELSON. But there is no competition as to this particular charge.

Mr. MCCUMBER. No.

Mr. NELSON. The Senator understands that. This charge is a fixed and arbitrary charge, put into the bill of lading no matter what the freight rate may be. But if the steamship companies are unable to insert this extra charge in the bill of lading and have to cover it all under freight, freight is the subject of

competition and a matter of fluctuation and change, of which the shipper gets the benefit.

Mr. McCUMBER. But, applying the rule of competition to this particular case, suppose, now, that there are more vessels ready to carry grain from the port of Duluth, or any other port in the United States, to London than there is grain to be carried. Why would there not be the same competition in the matter, so that one shipowner might say, "I will be willing to take your freight and will not insist upon this clause, if you will ship by my vessel?"

Mr. NELSON. The shipowners have all combined on the London clause.

Mr. McCUMBER. I understand; but why will they not combine just the same with respect to the freight?

Mr. NELSON. That is something with which we will take our chances. There is no guaranty for that. We are absolutely at the mercy of the new shipping trust formed by Mr. Morgan, whereby he seems to have gotten control of everything. We are trying here, I want to say to the Senator from North Dakota, and the Senate has passed such a bill and it is pending in the House, to give aid to American ships and American shipping, and now when we have here a measure to protect the American shipper and the American producer against the shipping trust, then we are met with opposition in this Chamber. I am willing to do what is reasonable to help to promote American shipping, but it does pain me exceedingly to see the shipping combination—I refer to nobody in this Chamber—come here, and that, when the producers of this country and the shippers of flour and wheat and lumber and of all American products come and ask for this relief and to be put on a par with all other shippers and producers in the port of London, they are met with opposition.

Mr. HALE. Has the Senator heard from the shippers of wheat and corn, aside from flour shippers?

Mr. NELSON. Certainly I have; and you are hearing from one now. I am a producer of wheat. I am personally interested in this measure, and it is the only bill pending in Congress in which I have a personal interest, to a small extent, as a raiser of agricultural products.

Mr. HALE. I do not understand that the shippers of wheat and corn, aside from shippers of flour—the millers—are interested. It is the millers and the lumbermen who are at the bottom of this bill.

Mr. NELSON. The Senator is utterly mistaken. There are papers on file from the beef producers, the shippers of American meat products, in Chicago and other ports. They are affected in the same way.

Mr. HALE. That is, the beef trust?

Mr. NELSON. God deliver us from trusts; but the shipping trust is about as bad as any trust I know of.

Now, I am coming to another question. The Senator from Maine suggested it, and then we went off into a side issue on other matters. He inquired about the bill of lading, and why, if the shippers accepted the bill of lading, they should not be bound by it. There are a great many instances where parties are forced to accept bills of lading and contracts that are against public policy and unjust, and the courts will not uphold them.

I call attention to what the Supreme Court of the United States has said in a case in 17 Wallace. That was a case where a railroad company had forced a passenger to accept a certain pass, exonerating it from all liability for the negligence of its agents. It was the case of a man who shipped cattle, I think to Chicago or some other market, and it is customary in those cases, where a man ships a carload or two of cattle, to give him a pass to go with the cattle and to come back, as a part of the contract. The railroad company had incorporated in the pass, or in the ticket they issued, a clause exonerating it from all liability for negligence. Here is what the Supreme Court says in the matter:

> The carrier and his customer do not stand on a footing of equality. The latter is only one individual of a million. He can not afford to higgle or stand out and seek redress in the courts. He prefers, rather, to accept any bill of lading or sign any paper the carrier presents; often, indeed, without knowing what the one or the other contains. In most cases he has no alternative but to do this or abandon his business. If the customer had any real freedom of choice—

We have not. There is a combination. There is not a freedom of choice—

> * * * If the customer had any real freedom of choice; if he had a reasonable and practicable alternative, and the employment of the carrier were not a public one, charging him with the duty of accommodating the public in the line of his employment—then, if the customer assumes the risk of negligence, it could with more reason be said to be his private affair and no concern of the public. But the condition of things is entirely different, and especially so under the modified arrangements which the carrying trade has assumed.
>
> The business is mostly concentrated in a few powerful corporations, whose position in the body politic enables them to control it. They do, in fact, control it and impose such conditions upon travel and transportation as they see fit, which the public is compelled to accept. These circumstances furnish an additional argument, if it were needed, to show that the conditions imposed by common carriers ought not to be averse, to say the least, to the dictates of public policy and morality.

I will not read it all.

Mr. McCUMBER. May I ask the Senator from Minnesota a question? I do not understand that his bill is retrospective at all.

Mr. NELSON. Not at all.

Mr. McCUMBER. It does not affect any contract heretofore made?

Mr. NELSON. No.

Mr. McCUMBER. It simply prohibits them in the future.

Mr. NELSON. I call attention to another statement from the Supreme Court in the case of United States *v.* Joint Traffic Association (171 U. S.):

> Notwithstanding the general liberty of contract which is possessed by the citizen under the Constitution, we find that there are many kinds of contracts which, while not in themselves immoral or mala in se, may yet be prohibited by the legislation of the States or in certain cases by Congress. The question comes back whether the statute under review is a legitimate exercise of the power of Congress over the interstate commerce and a valid regulation thereof.

I might read more authorities on this subject. In this connection I will call the Senator's attention to a case upon which our Supreme Court has lately passed. It is known as the case of the *Kensington*. It is the case of an American lady and her friend who purchased a ticket in Belgium over the International Navigation Company's line to New York. The ticket contained a clause exempting the company from all liability for damage to baggage over and beyond 250 francs, or $50 in our money, unless the passenger would have the baggage billed as freight, subject to the conditions of nonliability such as they were in the habit of incorporating into their bills of lading. Our Supreme Court in the case of the *Kensington* recently decided that, nothwithstanding such exemption from liability was valid and good from the port of departure, it was against our public policy and would not be upheld in the courts of the United States.

Mr. President, to sum up, under the common law, the custom of the port, and the act of Parliament, American shippers are entitled to free delivery of their goods in the port of London. They are exempt from this charge caused by the London dock clause, inserted in the bill of lading. The courts of London have held that nothwithstanding that is the law, the shipper having accepted a bill of lading, it is a contract, and therefore, under the law which prevails in England, it does away with the effect of the custom of the port of London as defined by the common law and the act of Parliament, and the shipper has to pay the charge.

Under the decisions of our court Congress is supreme. It has control over interstate commerce, as decided by the Supreme Court of the United States. And we have a right to do here as we did when the Harter Act was passed in 1893, to forbid their inserting in their bill of lading a clause contrary to the conditions and the laws and the customs prevailing in the port of London.

The American shipper is entirely helpless, because the steamship companies plying in the North Atlantic trade have united and combined and refuse to accept a cargo or deliver a bill of lading without the London clause. The shipper has to accept it or nothing; and all we ask to-day, Mr. President, is legislation on the part of Congress prohibiting them from inserting the London clause in every bill of lading. We want them to leave American products and American shippers in the port of London in exactly the same condition that shippers and products from other countries are left.

No constitutional objection was made to this bill at the hearings. No constitutional objection can be urged here, and there is no injustice to the carrier. It is a general principle of maritime law, Mr. President, that the freight charge for the carrying of goods from one port to another includes the expense of discharging the cargo. If the London clause is eliminated the steamship owners will not be prevented from including this in their freight rate, making it a part of it. What we ask is that when we ship our goods and agree to pay a certain amount of freight that shall be the end of it. We object to this clause, because it is an arbitrary, noncompetitive clause and puts us at a disadvantage in respect to other countries. As the report of Mr. Choate said, and I read from it a moment ago, it penalizes American goods and subjects them to a charge that no other goods are subjected to anywhere.

If there ever was a meritorious bill, if there ever was a just bill, it is this one. It simply endeavors to put the American shipper and the American producer on a parity in the port of London with the shippers and producers of other countries. It can work no substantial injury to shipowners, because whatever is just and right they can include in their freight rate and make it a part of it. When it is included in the freight rate it is subject to competition, and we ask to have the benefit of that competition and that fluctuation in rates which always prevail. There is no reason under the sun why the ships plying in the North Atlantic trade should in this way penalize and put a burden upon American shippers which is not put upon shippers from any other country.

It will work no substantial injury to the shipowners, and it is a great advantage to the shippers, and I submit, Mr. President,

that in this age, when we are confronted with trusts and monopolies and unlawful combinations on all sides, when one of the great problems is how to regulate and control trusts and monopolies and protect the American people against them, we should accept the opportunity now offered to protect the American farmer, the American lumberman, the American wheat raiser, the American cattle raiser, the American producer from one of the greatest trusts and monopolies, bigger now than ever because of this great new combination of Mr. Morgan's. It was bad enough before, but under present conditions, and as they are likely to be in the future, the people of this country are at the mercy of a devilfish of a monopoly, from which everyone of us ought to pray before we go to bed to be delivered.

Mr. HALE. Mr. President, the junior Senator from Massachusetts [Mr. LODGE] is necessarily absent. When the bill first came up he gave notice of an amendment, which in his behalf I now offer.

The PRESIDING OFFICER (Mr. MASON in the chair). The Senator from Maine on behalf of the Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert as section 2 the following:

This act shall not in any way apply to foreign port charges, lighterage, expense of discharging, or other charge which it is agreed in a written charter party of the whole ship shall be paid by the charterer, consignee, or owner of the goods.

Mr. NELSON. I suppose the Senator wants to go on with his speech. I wish to say something about the amendment.

Mr. HALE. We shall not get through to-day, of course. Perhaps the Senator had better, if he chooses, speak to the amendment now.

Mr. NELSON. I should like to have the amendment sent up to me. It has not been printed that I am aware of.

Mr. HALE. I do not know that it has been printed.

Mr. NELSON. I have no recollection of it, except that the Senator from Massachusetts said he had an amendment to offer.

Mr. HALE. He gave notice of the amendment, and it was read at the time.

Mr. NELSON. This is the amendment:

SEC. 2. This act shall not in any way apply to foreign port charges, lighterage, expense of discharging, or other charge which it is agreed in a written charter party of the whole ship shall be paid by the charterer, consignee, or owner of the goods.

A part of this amendment is mere surplusage. "This act shall not in any way apply to foreign port charges and lighterage." It does not affect them, I wish to say to the Senator from Maine, and I think he will agree with me in this view. It does not relate to foreign port charges or lighterage. It leaves that just as it is to-day. But the other part of the amendment, "expense of discharging or other charge," if adopted, defeats the entire purpose of the bill.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Maine.

Mr. NELSON. The amendment ought to be rejected. One part of it is perfectly harmless. The other part of it is utterly destructive of the entire provisions of the bill.

Mr. HALE. Well, let us have a vote upon the amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment. [Putting the question.] The noes appear to have it.

Mr. HALE. Let us have a division.

The PRESIDING OFFICER. The Chair is of opinion that no quorum is present, and he will order a call of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Deboe,	Hale,	Morgan,
Bacon,	Depew,	Hanna,	Nelson,
Bard,	Dolliver,	Harris,	Perkins,
Bate,	Dubois,	Jones, Ark.	Pritchard,
Berry,	Fairbanks,	Kean,	Scott,
Burnham,	Foraker,	Kittredge,	Simmons,
Burton,	Foster, La.	McEnery,	Stewart,
Carmack,	Foster, Wash.	McMillan,	Teller,
Clapp,	Frye,	Mallory,	Warren.
Clark, Wyo.	Gallinger,	Mason,	
Clay,	Gamble,	Millard,	
Cockrell,	Gibson,	Mitchell,	

The PRESIDENT pro tempore. Forty-five Senators have responded to their names. There is a quorum present.

Mr. NELSON. Mr. President, the Senator from Maine desires to address the Senate on the bill. It is now nearly 2 o'clock, when the unfinished business comes up, and I do not think the Senator cares to go on for the few minutes before 2. I therefore ask unanimous consent that the bill may be taken up at the close of the routine morning business every morning until it is disposed of, not to interfere with appropriation bills or with notices already given.

Mr. HALE. I am entirely content with that.

Mr. GALLINGER. Mr. President, I will say——

Mr. BERRY. There is an agreement for Wednesday morning.

Mr. NELSON. It is not to interfere where notices have been given and agreements have been made. It is to continue to be taken up every morning at the close of the routine morning business, not, however, to interfere with appropriation bills or with cases where notices have been given or agreements for consideration have been made.

Mr. HALE. That is fair.

Mr. GALLINGER. I have no objection to that.

Mr. HALE. It is entirely satisfactory to me.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the pending bill may receive consideration every morning after the routine morning business is disposed of until a vote is finally reached, not, however, to interfere with any notices given or with appropriation bills, or with any agreements already entered into.

Mr. HALE. Let me say that I do not think the agreement will result in anything quite as formidable as it indicates. I do not expect to take much time, and I presume that we shall reach a vote on Monday morning, so that the practical question of interfering with other matters is not likely to arise.

The PRESIDENT pro tempore. The Chair will take the liberty of adding to the request that the limitation of debate under Rule VIII shall not apply.

Mr. NELSON. Yes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the order is made.

PUBLIC BUILDINGS.

Mr. ALLISON. Mr. President, there is on the table a concurrent resolution from the House, and I ask that the time before 2 may be used in its consideration.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES, *June 7, 1902.*

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill (H. R. 13123) are authorized to consider and recommend the inclusion in said bill of necessary appropriations to carry out the several objects authorized in the "Act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

Mr. ALLISON. The resolution is sufficiently explanatory. I ask unanimous consent that it may be put upon its passage.

The concurrent resolution was considered by unanimous consent, and agreed to.

Mr. ALLISON subsequently said: On reflection, I ask unanimous consent that the vote by which the concurrent resolution from the House was just passed may be reconsidered, and that the resolution may lie on the table.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the vote by which the concurrent resolution from the House was just passed may be reconsidered. Is there objection? The Chair hears none, and the resolution will lie on the table.

STORAGE RESERVOIRS IN ARIZONA.

Mr. DUBOIS. I ask unanimous consent to call up the bill (H. R. 12797) to ratify act No. 65 of the Twenty-first Arizona legislature.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It confirms, ratifies, and declares valid act No. 65 of the Twenty-first legislative assembly of the Territory of Arizona, entitled "An act to authorize any county in the Territory of Arizona having an assessed valuation of $8,000,000 or over to prepare plans and specifications for a storage reservoir or reservoirs, dam or dams, to acquire the site for the same, and to provide the necessary funds to defray the expenses incurred.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSAGE RIVER IN MISSOURI.

Mr. COCKRELL. I ask unanimous consent for the passage of the bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river. The bill is five lines long, and has been favorably reported from the Committee on Commerce.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY I. SMITH.

Mr. FOSTER of Washington submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "forty."

A. G. FOSTER,
J. R. BURTON,
E. W. CARMACK,
Managers on the part of the Senate.
J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

The report was agreed to.

LEVI HATCHETT.

Mr. DEBOE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2975) granting an increase of pension to Levi Hatchett, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

WM. J. DEBOE,
E. W. CARMACK,
Managers on the part of the Senate.
HENRY R. GIBSON,
A. B. DARRAGH,
RUD. KLEBERG,
Managers on the part of the House.

The report was agreed to.

ISTHMIAN CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MITCHELL. Mr. President, I very much regret that my friend the Senator from Ohio [Mr. HANNA], who addressed the Senate yesterday, has been unable to get his speech into the RECORD this morning. There were a number of things he said that I would have been very glad to reply to to-day, and I have been depending on seeing precisely what he said by an examination of the RECORD this morning.

The Senator from Ohio in starting out found some fault with some remarks of mine made day before yesterday and, among others, the fact that I had parenthetically referred to the Isthmian Canal Commission as "his Commission." I think the Senator is entirely too sensitive. I did not mean at all by that to say that the Commission was one of his creation. I meant nothing of the kind. I did not mean to cast any reflection either upon the distinguished Senator from Ohio or the Commission. I simply made that reference, as I said, parenthetically, when I was speaking of the Commission which the Senator from Ohio was relying on and quoting from, and therefore for the time being it was his Commission.

Only that and nothing more.

Neither did I mean any reflection in that remark, or in any statement that I made in the whole course of my speech, upon the Commission. Upon the contrary, I know the Isthmian Canal Commission, as also the Nicaraguan Commission, were composed of able, high-minded, experienced, and scientific men, selected by reason of their well-known capacity to deal with the great subject committed to them. And for one, Mr. President, I am disposed to follow that Commission, as I understand it, but in following it I do not propose to rely solely and merely upon a few lines of recommendation in one part of the report of one Commission or in one part of that of another, but I propose to take all they say in all of their reports, as well their findings of fact as their conclusions and recommendations. I propose to consider their statements of fact in the various reports which they have made, in connection with their conclusions, and then to come to such a conclusion as I may be able to reach, after a careful consideration and analysis of all these, and in this manner reach a determination as to which is the better route to select for an isthmian canal

Mr. President, the Nicaraguan Commission, which was composed of Rear-Admiral Walker, Colonel Hains, and Professor Haupt, dealt mainly with the Nicaraguan route, and their report, as I stated the other day, was unanimous, unambiguous, and positive to the effect that the Nicaraguan route is an entirely feasible and practicable route. There is no getting away from that conclusion, looking to that report alone. Their statement and finding of facts point directly in that direction, and their conclusions and recommendations are to the same effect, because it will be remembered that the recommendation of the Nicaraguan Commission was in favor of constructing an isthmian canal over the Nicaragua route.

Now, what else? Those same three commissioners constitute three of the nine commissioners that make up the Isthmian Canal Commission. They made a preliminary report in November, 1900, in which they stated that, so far as they had progressed, they were decidedly of the opinion that the Nicaragua route is the better route of the two over which and along which to construct an isthmian canal.

They then proceeded with further investigations running up to November, 1901, when they submit their final report, in which they give a great number of facts bearing upon each route. and finally conclude with the statement that, all things considered, the most feasible and practicable route for the construction of a canal under the direction and control of the United States is the Nicaragua route.

Now, then, Mr. President, when the Nicaraguan Commission made their investigation they simply investigated, without regard to cost, as to the most feasible and practicable route on which to construct a canal, and this was also the case, as it seems to me, with the Isthmian Commission, taking their report as a whole, and not taking one part merely in the case of their report of the 16th of November, 1901.

Within a month or two, however—just how long I can not now state—from the time this final report is made a supplemental report is made in which they say what? Why, simply in view of the fact that this whole Panama business can be bought for $40,000,000 they now think the Panama route is the proper route. A route, Mr. President, that was the most feasible and the most practicable on the 16th day of November, 1901, became the less feasible and the less practicable route in January, 1902, the whole thing turning upon the simple question of cost.

Mr. President, I undertake to say that if the Senate will take up the history of these investigations, if it will take up these three or four reports made by the two commissions and examine them in the light also of the testimony that has been taken by the Committee on Interoceanic Canals of this body and examine the two conclusions and recommendations in the first report, the one in favor of the Nicaraguan route and the other in favor of the Panama route, construing this latest recommendation in the light of the former recommendations and of all the testimony and findings of fact in the case, you must come to the conclusion that the real recommendation, after all, of the Isthmian Canal Commission is in favor of the Nicaragua route.

The Senator from Ohio yesterday discussed at some length the feasibility of the construction of the Bohio dam, on the Panama route, and relied upon that great engineer, Morison, and we all concede he is a great engineer. Now, Mr. President, what is the testimony of Mr. Morison upon the very subject of the construction of the Bohio dam? He tells us that there is nothing in all the engineering experiments that have ever been tried in the world that will stand as a justification of a conclusion upon our part that, without question, that dam can be made a success. It is just to the contrary, as I will show from his own lips.

I refer, first, to the testimony of Professor Haupt, not for the purpose of reading particularly what Professor Haupt says, because I might be taken to task for it by the distinguished Senator from Ohio, as he seems to think that, for some reason or other, Professor Haupt is not a very credible witness. I do not know why. He is one of the Commission selected by President McKinley to investigate this great work. He was selected on both Commissions—on the Nicaraguan Commission and on the Isthmian Canal Commission. The Senator from Ohio yesterday eulogized that Commission very properly, and I join in that eulogy as to all of the members of that distinguished Commission; but unfortunately for the Senator from Ohio, after eulogizing the Commission very properly in the manner he did, he, in the next breath, assails one of its members and tells you, Mr. President, and this Senate that Professor Haupt is for some reason unworthy of belief.

The distinguished Senator from Ohio was hardly logical in that part of his speech. But I want to call attention to what Engineer Commissioner Morison, since he made his report in January last in favor of the Panama route, has said upon the subject of the construction of the Bohio dam. On page 557 of the hearings before the Senate Committee on Interoceanic Canals, Senate Document 253, part 2, Fifty-seventh Congress, first session, Professor Haput was on the witness stand before the committee of the Senate when this dialogue took place:

Senator FOSTER. I believe I will ask you this question: I read from Mr. Morison on the construction of the Bohio dams, in which he says:—

Then he quotes from the article written by Mr. Morison, as follows:

It involves novel and untried features, and few engineers, even among those who feel that they can construct it, would be ready to say in advance how the work could be done. The difficulties, taken in connection with the climate and other surroundings, are enormous.

That is Mr. Morison's statement in a paper that he prepared and which was to be read, and I believe was read, before a certain scientific society——

Mr. MORGAN. The Society of American Engineers.

Mr. MITCHELL. Before the Society of American Engineers. After quoting this extract from the statement of Engineer Morison, Professor Haupt was asked by Senator FOSTER of Louisiana:

Do you share that opinion?

Mr. HAUPT. I indorse that opinion; yes, sir; and have objected to that project for those reasons, but Professor Burr has had considerable experience in deep foundation, and he assures us positively that it can be done successfully, and I deferred to his perhaps better judgment in the matter. I still feel, however, that there is a very great doubt in regard to that dam.

Senator FOSTER. Are there any such unknown or uncertain elements entering into the construction of the Nicaragua route?

Mr. HAUPT. No; there are not.

Senator HARRIS. There really is no point along the entire Nicaragua route, no question which is not well within the limitation of ordinary, you may say, engineering experience.

Mr. HAUPT. That is correct; yes, sir. There are three possible dam sites, any of which would be better than that one on the Nicaragua route. Each dam site is better than that. The San Carlos dam site is better, and so is that at Ochoa; so is the present Conchuda, and it is possible by further boring that we may find a still better site.

Commissioner Morison undertook to explain later. I wish the Senate to have all sides of this controversy, and anything that is a benefit to our friends of the minority of the committee I am perfectly willing shall be disclosed here, and that nothing shall be hidden. Commissioner Morison voluntarily came back upon the witness stand, after he had been thus quoted by Commissioner Haupt, and undertook to explain away why he had said what he did say in the paper read before the Society of American Engineers. I will read what he said about it, to be found on page 605 of the same document, where he made a statement under oath. After several questions had been propounded to him and answered, and as he was about to leave the stand, Senator Hanna having made this statement:

Senator HANNA. Of course it is a very small percentage. I do not know of anything more that I care to ask.

Then Mr. Morison voluntarily comes forward and makes this statement in explanation of his statement about the Bohio dam in his address to the Society of American Engineers:

Mr. MORISON. There is one thing that I would like to say before we go.

He was not asked about it; no question was put to him; his examination had been completed, but he evidently felt that some kind of an explanation was due on the subject. So he said:

Mr. MORISON. There is one thing that I would like to say before we go. I see that a previous witness has introduced a paper that I prepared on the subject of the Bohio dam. That paper was prepared with a view of bringing the matter before a collection of engineers for discussion, to see what criticisms could be made on what I considered a satisfactory solution of the dam problem at a very much less expense than the Commission's plan. It will be discussed at a meeting in New York on the 5th of next month. When I stated there that I considered the Commission's plan—I have not the paper here or I would give you the exact words—when I stated there that I considered that the Isthmian Canal Commission's plan involved very great difficulties, I certainly did not mean that it could not be done. My own judgment is that, if I was going to use a core wall, I should not put the core wall in by the use of the pneumatic process; but I should select a place where I should have to go deeper than 128 feet, and would use the method that has been used in sinking very deep foundations in the rivers of India—that of dredging through wells. The paper was prepared for the purpose I have mentioned.

Senator HANNA. Of creating a discussion?

Mr. MORISON. It was prepared to bring forward the plan and have it discussed, and to get the opinions of engineers.

Now, then, you have Mr. Morison, who was on yesterday by the Senator from Ohio very properly eulogized as one of the greatest engineers in America and perhaps in the world, a member of the Commission, who does not agree in the first place with his cocommissioners in regard to the kind and character of dam that should be constructed at Bohio, and he says so. In so much doubt apparently is he in regard to the ability of engineers to construct such a dam as is suggested by the Isthmian Canal Commissioners that he deems it necessary and important to bring up the question for discussion before eminent engineers. That discussion, Mr. President, should have taken place before the Isthmian Canal Commission undertook to tell us which was the proper route on which to build the canal.

All these discussions as to the different engineering feats necessary to be accomplished before you can make a canal there should have been had and definite conclusions determined in advance of recommendations by the Commission, so there could have been no question of doubt about the success of the canal. Is the United States going to invest some $180,000,000 in a project the ultimate success of which lies in the region of uncertainty? All agree and tell you that the vital point in both those routes is the dam; that unless a dam can be made a certainty and with certainty maintained at Bohio, on the Panama route, or unless a dam can be made and maintained at Conchuda, on the Nicaraguan route, then no canal ought ever to be thought of being constructed on either of the routes.

I say, therefore, that all the testimony—and you have got three of the Isthmian Canal Commissioners joining in this doubt about the ability to construct a dam at Bohio such as is recommended—all the testimony goes to show that there is no question about the ability to construct and maintain a dam at Conchuda, on the Nicaragua route, or at any one of two or three other places, if not at Conchuda. Should a dam constructed at Conchuda give way, there is nothing to prevent the construction of another dam at two or three other places on the Nicaragua route, while, in so far as the dam at Bohio is concerned, if you should construct it, and, unfortunately, it should not stand, there is no other place on the Panama route where a dam can be constructed. There is but one place on the Panama route, that at Bohio, and there you must make it a success or otherwise the whole scheme fails. But, Mr. President, I am taking up too much time, and I will now proceed with some remarks that I had intended to make.

Three principal reasons have been suggested why the Panama route should be selected:

First. Assuming that we pay the New Panama Canal Company $40,000,000 for its plant and franchises, and assuming, further, that the estimates of the Isthmian Canal Commission are in the close neighborhood of reasonable accuracy, that the total cost of the construction of the canal on the Panama route will be $5,630,704 less than the construction of a canal on the Nicaragua route.

Second. That the estimated annual cost of maintenance and operation of the canal on the Nicaragua route is $1,300,000 greater than at Panama; and

Third. That the Panama is the shorter route.

The last two of these objections were considered by the Isthmian Canal Commission in their preliminary report, and also in their final report of November 16, 1901, and the answers as to them were regarded as conclusive. In other words, the Commission regarded the advantages that would accrue from the construction of the canal on the Nicaragua route, and which would not attach from the construction of a canal on the Panama route, much more than outweighed those two objections. This, therefore, really leaves but one of the three objections open to discussion in so far as the reports of the Commission are concerned. This will be considered by me later. These several propositions have been already in part considered, and will be further as I proceed.

The Senator from Ohio on yesterday discussed at some length the question as to the distances of the respective routes, and in order to show that the shorter route was by way of Panama he drew lines from the port of San Francisco, from a port in the Philippine Islands, and from ports in China and Japan to Brito, the western end of the Nicaragua route, and then he drew a line from those respective ports to Panama. Of course, Mr. President, the route to Brito is much longer—not very much, but somewhat longer—than the route to Panama from those particular ports, or from any port west of Panama; but you must consider the whole distance clear through to New York, to Liverpool, and to New Orleans, in order to determine which is the shorter route.

It is urged that the fact that the Panama is the shorter route, requiring but twelve hours for the passage of an average ship through the same, while on the Nicaragua route twenty-one additional hours are required, or in all thirty-three hours, is an argument in favor of the Panama route. But the answer to all this from the standpoint of American interests, American trade, American commerce, and indeed international trade and commerce, is found in the fact that the distance from San Francisco to New York is 377 miles, to New Orleans 579 miles, and to Liverpool 386 miles greater by the Panama route than by the Nicaragua route. The time it would take vessels to pass over even the shorter of these distances is, as stated by the Isthmian Canal Commission in their preliminary report of November 30, 1900—I quote from the report of the Commission—"much greater than the difference in time of transit through the canals."

Now, I take not the statement of the Senator from Ohio, but the report of his Commission—and I wish to say again I only mean by that the Commission on which the Senator relies, as I explained a few minutes ago—and that Commission—the Isthmian Canal Commission—say "much greater than the difference in time of transit through the canals," to say nothing of the infinitely greater commercial advantages that would come to the United States by the construction of the Nicaragua Canal than from that of a canal on the Panama route.

The difference in time of sailing vessels passing between the eastern and western coast ports of the United States by way of the Panama and Nicaragua routes respectively is, on an average, more than fifteen days, the route via Panama being that much longer; while at times, owing to the deadly calms on the Panama route, the difference is as much as thirty or even forty days.

Mr. President, there was one branch of this general subject which my friend from Ohio on yesterday passed over very lightly, and it is passed over in the views of the minority of the committee as though they were skating over thin ice. The distinguished

Senator from Ohio referred to it as the great opportunity that has come to us, and I now refer to the propriety, to the advisability, of the United States tacking on to one of the greatest frauds and pieces of corruption that has ever been disclosed since the world began, and I propose now to attract the attention of the Senate to something of the history of the old Panama Canal Company, as well as to the history of the New Panama Canal Company, which finally has led up, after innumerable disgraceful failures upon their part, to a proposition to sell out to the United States their old wares for $40,000,000, and we propose, according to the views of the minority of the committee and according to the amendment proposed by the distinguished Senator from Wisconsin [Mr. SPOONER], to consider seriously a proposition which, in my judgment, will involve the United States in interminable controversies for a hundred years to come should we make the purchase, and I will give my reasons why I think so. I do not propose to stand here and by mere dogmatic assertions ask that any attention be given to what I say. I want the Senate to know the facts and then to determine whether we can afford to hitch on to this rotten concern across the sea.

CAN THE UNITED STATES AFFORD TO ACCEPT THE TENDER OF THE NEW PANAMA CANAL COMPANY AND PAY THAT COMPANY FOR ITS PLANT AND CONCESSIONS THE ENORMOUS SUM OF $40,000,000?

I come now to consider the question: Shall we adopt either what is known as the "Spooner amendment," which was introduced in the Senate by the distinguished Senator from Wisconsin on January 28 last, or that of the distinguished Senator from Massachusetts [Mr. HOAR], introduced more recently? I respectfully, but earnestly and with entire confidence in my position, assert that for many reasons the Senate should not accept either.

The Spooner amendment, briefly stated, proposes to authorize the President of the United States to acquire, for and on behalf of the United States, at a cost not exceeding $40,000,000, the rights, concessions, grants of land, rights of way, unfinished work, plants, and all maps, plans, drawings, records, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company of France on the Isthmus of Panama and in Paris, including 68,863 shares of the Panama Railroad Company, alleged to be owned by said canal company, provided satisfactory title to all said property can be obtained.

The amendment also authorizes the President to acquire from the Republic of Colombia, on behalf of the United States, the necessary concessions, and a sum of money—no amount named—such as may be necessary to carry out the provisions of the bill is appropriated. And in the event of the purchase being consummated from the New Panama Canal Company, the President is authorized to construct the canal on the Panama route from the Caribbean Sea to the Pacific Ocean.

The amendment further provides that in the event the President is unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and such control of the necessary territory of the Republic of Columbia "within a reasonable time and upon reasonable terms"—just what we might consider a reasonable time or reasonable terms I am not able to say; there might be a very great difference of opinion even among the advisers of the President as to that—then the President having first obtained for the United States similar control of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean, on what is commonly known as the Nicaragua route, he shall direct the Secretary of War to excavate and construct a ship canal from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. And it is further provided that appropriations may from time to time hereafter be made to meet contracts made by the Secretary of War, not to exceed in the aggregate $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted. This, in brief, is the substance of the proposition of Senator SPOONER and of the minority of the committee.

While in that proposed by the Senator from Massachusetts [Mr. HOAR], the question as to the determination of the route is left entirely to the President of the United States, and he is authorized to proceed with the construction of the canal on whatever route he selects, and the sum of $10,000,000 is appropriated toward the project contemplated, and it is provided that the sums required under any contract which may be entered into shall be paid for as appropriations may from time to time be hereafter made on warrants to be drawn by the President of the United States not to exceed in the aggregate $180,000,000. This bill of Senator HOAR makes no reference whatever to the proposed purchase from the Panama Canal Company.

I find that many have supposed that what is known as the Spooner amendment, and which has been adopted by the minority of the committee, left the whole matter of the selection of a route to the President. This is not by any means the case. Upon the contrary, this substitute, proposed by the minority, directs the President to ascertain, in the first place, whether a satisfactory title to the property in question can be given by the New Panama Canal Company, and if he finds that such satisfactory title can be obtained, then the President is compelled, whatever may be his individual opinion as to which of the two routes is the better one, to pay over to the New Panama Canal Company $40,000,000 and proceed with the construction of the canal on the Panama route.

And in the meantime, that is, until it is settled whether a satisfactory title can be obtained or not, the President has no power whatever to proceed with negotiations with the Republics of Nicaragua and Costa Rica for the purpose of obtaining the necessary concessions for the construction of a canal over that route, and it is only in the event that a point is reached where it is determined that a satisfactory title can not be had from the New Panama Canal Company that the President has any authority whatever to take any steps, either by negotiations with the Republics of Nicaragua and Costa Rica, or in any other respect, looking to the construction of the canal over the Nicaragua route. I do not know how long it would take, nor do you, Mr. President, or any other Senator here. We all know, however, it will take a long time to make an investigation of that character by the President of the United States, even with all the aids at his command.

THE SELECTION OF A ROUTE FOR AN ISTHMIAN CANAL IS A PURELY LEGISLATIVE FUNCTION AND SHOULD BE EXERCISED BY CONGRESS AND THE PRESIDENT, AND NOT BY THE PRESIDENT ALONE.

In considering these several propositions I respectfully insist that the duty of selecting a route for an isthmian canal is a legislative duty and not an Executive duty. It is a duty of the most important character, of tremendous responsibility, resting upon the Congress and the Executive and not upon the Executive alone. For Congress to shirk such a responsibility is to cowardly surrender one of its constitutional prerogatives and one of its highest duties and turn it over without even a plausible excuse to and impose the duty on the President.

Mr. DIETRICH. Is it not true that the Spooner amendment is merely a legislative measure and only calls upon the President to see that the title is perfect?

Mr. MITCHELL. I will come to that point in a moment. It is quasi legislative.

The 80,000,000 people of this country, interested in this great work, have a right to demand that the selection of a route for an isthmian canal shall be the result of the best judgment, after a full investigation, of a majority of the four hundred and forty-odd men who compose the Congress of the United States, and not the judgment of one man only, although that one man may be the President of the United States.

These 80,000,000 people have a right to solemnly insist that the important question as to whether this Government shall pay the French canal company $40,000,000 for its assets shall not be left to the determination of any one man, though he be the President of the United States, but that it shall be determined by a majority of the two Houses of the American Congress. As well, and with as much propriety, might Congress relinquish its right and abandon its duty to determine the amount and character of the appropriations for the improvements of rivers and harbors, or if not, indeed, the amount, when and where and how the same shall be expended; or as to the appropriations for the sundry civil expenses, or if not, indeed, the amount, how and when and where the same shall be applied; or the size and capacity of the ships of war to be built, and where, whether in the Government or private yards, and shift all these purely legislative duties on the shoulders of the President.

I am not denying the constitutional power of Congress to transfer this responsibility of determining as to the route, or even of the other question as to the purchase for $40,000,000, although it must be admitted this choice upon the part of Congress of any agency to perform what is, to say the least, a quasi legislative act borders very closely, indeed, on the line where the power of Congress to transfer its power ceases.

The sovereign power to make national laws is vested in Congress, and as a general rule it is a settled maxim, *delegatus non potest delegare*—that that power to whose judgment, wisdom, and patriotism this high prerogative has been intrusted can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved.

But there are exceptions to this general rule, I concede, and I frankly admit the right to confer these powers upon the Executive comes within that exception—this upon the principle that while Congress may not delegate its power to make a law it can make a law to delegate a power to determine some fact or state of things upon which the law makes or intends to make its own action dependent. It is upon this principle that the provision of

the judiciary act, which empowers the Federal courts to adopt rules of practice and forms of procedure, is held to be a valid delegation, although the discretion conferred is quasilegislative.

But while I concede the constitutional power, I most emphatically deny the wisdom and propriety of its exercise. Especially should I do this in a matter involving such tremendous interests and responsibilities of such immense magnitude, not only in the matter of the expenditure of such a vast amount of money, but which also affects so vitally the future of our national and international commerce—our domestic and foreign trade.

It has been suggested if we fail to buy out the French people and complete the Panama Canal, but construct the Nicaragua Canal, that either the present New Panama Canal Company or some other syndicate or company will complete it, and as a consequence we will suffer loss in some way in the future. This was a part of the argument on yesterday of the distinguished Senator from Ohio. The answer to all this is that such a contingency is by no means either as probable or as much to be feared as this: That if we abandon the Nicaragua route and adopt the Panama route we may suffer the humiliation of seeing, at no distant day, our commerce passed through a Nicaragua Canal and be compelled to pay toll to some foreign syndicate, to say nothing of the further humiliation of being deprived of our coastwise trade. If we take the Panama we can not expect, in view of existing geographic and commercial positions, to play the part of the dog in the manger.

The intercoastal commerce of the United States, together with the local traffic along the Nicaragua route, will pay the interest on the cost of construction, to say nothing of the commerce and trade from northern Asia, and the advantages of subsidies from Nicaragua and Costa Rico, which will be readily granted to any private company constructing the Nicaragua Canal.

Far better, Mr. President, a thousand times over, pay the new canal company of France $40,000,000, fill up the practically already filled up ditch they have been a quarter of a century in digging, destroy the practically useless, out of date, and worn-out machinery, burn to ashes the old maps and drawings which they propose to sell to the United States for the sum of $2,000,000, and abandon the route to the bats and the owls, the vampires and the monkeys, the indestructible bacteria that fill its miasmatic swamps and which constantly spread death on every side, and to the race of men whom God placed there in the beginning.

But that those connected with the New Panama Canal Company expect to make princely fortunes out of this deal, in the event they can induce the United States to buy them out for $40,000,000, is made apparent by the testimony of their own American agent and representative, Mr. Edouard Lampre, as the secretary-general of the Compagnie Nouvelle du Panama, in charge of the New Panama Canal Company, now the owner and controller of all the property of the old Panama Canal Company, including such additions as have been added to it by the new company, and included in all which is the ownership of 68,900 of the 70,000 of the shares of the Panama Railroad Company. In Mr. Lampre's testimony, taken before the Interoceanic Canal Committee of this body on January 11 last, he, having previously stated that the total amount originally subscribed to the new company was 60,000,000 francs, and that the company had now on hand in cash in the treasury 16,000,000 francs, said:

Senator TURNER. How much money has the new company put into this enterprise?
Mr. LAMPRE. At the present time?
Senator TURNER. Yes.
Mr. LAMPRE. I think I stated at the beginning of this hearing that as far as I can recollect at this time about 16,000,000 francs are left from 60,000,000 francs originally subscribed.
The CHAIRMAN. I expect to examine M. Lampre on that point. Do you mean the stock?
Senator TURNER. How much money has the company actually expended in the enterprise?
Mr. LAMPRE. The difference between 60,000,000 francs and 16,000,000 francs; that is to say, assuming my figures to be correct, we would have expended 44,000,000 francs.
Senator TURNER. That is eight or nine millions dollars. If the new company are to get 40 per cent of the $40,000,000 they would be making considerable money?
Mr. LAMPRE. I do not know what the percentage will be.
Senator TURNER. That is a matter for the arbitrators?
Mr. LAMPRE. That is so.

This testimony followed a statement by Mr. Lampre that by an agreement between the liquidator of the Old Panama Canal Company and the New Panama Canal Company the liquidator was to receive for the benefit of the shareholders of the old company 60 per cent of whatever amount might be received from the sale of the Panama Canal Company's property by the New Panama Canal Company.

I call the attention of Senators to this point. Here, in the first place, when the old Panama Canal Company became bankrupt and went into the French bankruptcy courts and a liquidator was appointed, which corresponds to a receiver in American courts, an arrangement was made, under the direction of the court, by which it was agreed that the new company should be organized, which is the New Panama Canal Company that now proposes to sell out to us, and that that company should go on and complete the canal, not sell it out to somebody, and that 60 per cent of the net profits that should arise from the completion of the canal by the new company should go to this liquidator, this receiver, for the benefit of the shareholders and bondholders in the old Panama Canal Company. That took place in 1894, eight years ago. The new company was organized, and a lot of men—I will come to that later—who had been mixed up in a criminal way with the old company, who were being prosecuted, some of whom were convicted, were compelled to take the stock of the new company. I will come to that, however, later on.

Within the last year this arrangement by which the new company was to go on and complete the canal and under which the liquidator should receive 60 per cent, was abandoned and a new arrangement was made by which the new company were to sell out all they had, their plant, their franchises, and everything to anybody. It did not say to whom nor did it say for what amount. There was no amount fixed in the order of the French court at which they should be authorized to sell. But it was stipulated that 60 per cent of whatever amount was received should go to the liquidator for the benefit of the shareholders and bondholders of the old company. So you will see, as I proceed, that there are questions of grave moment here as to whether the shareholders and bondholders have been cut off of all rights by virtue of the proceedings in the bankruptcy courts. But not only that, suppose they have not been cut off and suppose there is a failure subsequently upon the part of the liquidator to turn over 60 per cent of the $40,000,000 to those shareholders and bondholders. Is it not apparent that they will come forward and say "You have become the beneficiary of our property," and say to us through the Congress of the United States or through our courts that we have come into possession of property which their money built and out of which they have been swindled? But I will come to that more specifically later on.

THE DARK HISTORY OF BOTH THE OLD AND THE NEW PANAMA CANAL COMPANIES.

I now propose to attract the attention of the Senate to the repulsive and disgusting history of both the old and the new Panama Canal companies. And with that history, with all its repulsiveness, before the Senate, I propose to inquire, in the name of the American people, whether the Senate of the United States can afford to link its fortunes with a scheme, the putrefying stench from which has filled the nostrils of the nations, and caused respectable business, social, and political mankind to turn aside in disgust.

Can it be possible the United States would seriously contemplate attaching itself to or involving itself with a foreign enterprise which, in its time, under another form and under another name, and within the last ten years, developed an explosion which laid bare to the world, shocking the sensibilities of mankind, the most tremendous scheme of legislative corruption, journalistic venality, moral, social, and political abandon, ever uncovered in any country or in any age; an explosion which left its dark stains of infamy upon the theretofore stainless foreheads and unsullied names of men who, until then, stood among the foremost in the ranks of the great scientific and progressive men of the age, and consigned the great French engineer, Ferdinand de Lesseps, to the ignominy of the prison cell?

I undertake to say in all history never has any scheme or proposed enterprise or project been so literally saturated from start to finish with false pretenses, misrepresentation, corruption, and fraud as has been the scheme having for its alleged purpose the construction by the French people of an isthmian canal over the Panama route. There never has been an hour from the time since in 1875 Naval Lieut. Lucien Napoleon Bonaparte Wyse obtained what is known as the Wyse concession until the complete bankruptcy of the company in 1888 that every step of those connected with the enterprise has not been marked by the most glaring deception, corruption, and fraud. The great engineer, Ferdinand de Lesseps, flushed and bewildered with the honors that came to him in connection with the construction and completion of the Suez Canal, imagined his great name would command money by the millions for any scheme with which his name was connected, and while he may have thought the Panama Canal would eventually be built, it is clearly evident to all those who will carefully study the history of his connection with the Panama Canal that, viewed in the light of historical events, his principal purpose was that of making for himself and a few friends princely fortunes, and this, too, through a systematic course of false pretenses, misrepresentations, corruption, and fraud.

Neither the well-merited high standing in this body of the able and distinguished Senator from Wisconsin, nor that of the distinguished members of the minority of the committee nor that of

any other Senator, as it seems to me, can be of sufficient weight to justify a belief in the minds of a majority of this high tribunal that it would be wise to have the United States link its fortunes with this New Panama Canal Company, which is neither more nor less than a combination of the survivors of the old, defunct, deposed, bankrupt Panama Canal Company, masquerading under a new name and in a new dress. It may be said by some, Why refer to the scandals, to the shortcomings, to the defaults, to the misdeeds, to the bankruptcies, and to the crimes of the old Panama Canal Company?

I will tell you, Mr. President, the reason why. The New Panama Canal Company which now proposes to sell to the United States a certain property, and which we propose to buy, according to the Spooner amendment, paying for the same the enormous sum of $40,000,000, was obtained by them principally, or the greater portion of it, from the old Panama Canal Company through questionable bankruptcy proceedings in the French courts. A determination, therefore, of the legality of the title of the new company to this property necessarily involves a most thorough examination of the entire history of the old company from its inception to the end. And it is proper in this connection to inquire not only whether the new company has a strictly legal title to the property which it proposes to sell us, but also whether there are any moral and equitable rights outstanding upon the part of the French stockholders and bondholders, not only of the old but of the new company, which would lift their hydra heads in our equitable courts and before Congress for innumerable years to come, basing their claims upon the ground that the United States, having become the beneficiary of the property of the new canal company, is in equity and good morals bound to respond to these equitable claims.

The Spooner amendment, I take it, simply deals with a strictly legal title; but whether it does or not, I submit that the United States must, before we can engage in this enterprise, look beyond that and inquire whether there are any equities here that will not in the future come to harrass and annoy us. For one, I submit to the Senate my deliberate conviction, after a most thorough investigation of the whole proposition, that the purchase of the New Panama Canal property for which they claim $40,000,000, even could the same be obtained for $100, would be a bad bargain for the United States.

When Wyse obtained his first concession, in 1875, no surveys of a route had ever been made, except by the American engineer Menocal, made that same year. On presentation of this concession to the Paris Geographic Society, that society, while manifesting a friendly disposition, declared scientific surveys a necessity in order to determine as to the feasibility of the scheme, but at the same time announced its lack of funds. Then, in December, 1876, Wyse and his aids went to Colon and then to Panama for the purpose, not of finding the best route for a canal, as is well known, but for the purpose of finding the best route within the Wyse concession of 1875. No survey, however, was made, and the next year, 1877, Wyse and his principal associate, Reclus, returned again to Panama. And, to show the absolute insincerity and lack of good faith upon the part of these men, and that their purpose was not to lay a proper foundation for the construction of a canal, but rather to lay the foundation for the perpetration of a gigantic fraud upon the French people, only thirty-five days were spent in the field by these men and their engineers.

Wyse then sought a new concession, and this he obtained from the Government in Bogota in May, 1878. In the meantime the engineer Reclus went over the route, spending, however, but eighteen days in the field, when he returned to Europe and died.

And it was, Mr. President, upon this concession and this pretended survey, this palpably fraudulent foundation as a base, that the Panama Canal Company, the old one, was founded.

Up to this point in the history of affairs relating to an isthmian canal Ferdinand de Lesseps had been a "looker-on in Vienna," evidently awaiting the hour when he could best determine as to which of the school of promoters it would be to his interest to associate himself with, whether the Lefevre-Blanche combination, those interested in the Nicaragua route, or the Wyse-Tuerr combination in the Panama scheme.

At this time the Lefevre-Blanche people had a good route, via Nicaragua, thoroughly surveyed and mapped, but unfortunately had no concession from Nicaragua or Costa Rica, while the Wyse-Tuerr people had a concession, but they had no survey, but which route had been condemned by scores of American engineers after a most thorough and careful investigation. It was at this juncture De Lesseps became identified with the Panama scheme. He induced the Paris Geographical Society to call what he designated as "An International Scientific Congress." This congress convened and was called to order by De Lesseps in Paris, May 15, 1879. He organized the committees. What was known as the "technical committee," which had jurisdiction of the question of the selection of a route for an isthmian canal, was composed of 54 members; of this, but two were Americans, the leading American delegate being the American engineer Menocal, and the two leading English delegates were Sir John Hawkshaw and Sir John Stokes.

Mr. Menocal, one of the greatest naval, civil, and hydraulic engineers in America, and thoroughly conversant with the Panama route, through long personal experiences, presented and urged upon that committee of 54, at great length, the insurmountable difficulties in controlling the Chagres River.

This was shortly after he had made a thorough survey of the Panama route. He spoke of it as a river that has been known in the past to rise as high as 43 feet in twenty-four hours.

That is the character of a river you have to deal with, where you propose to construct the Bohio dam—a river which has been known to rise 43 feet in twenty-four hours and 46 feet in twice twenty-four hours. I will say that this is not my statement, but it is the report of the engineer of the Panama Railroad Company as to the rise in this river.

Mr. Menocal also urged in the Paris congress the feasibility and great advantages of the Nicaragua route. He was strongly supported in these views by the two leading English delegates I have just named. The only data Wyse could present to this committee as a foundation for consideration and action as to the Panama route was an old map made by Totten, the former chief engineer of the Panama Railroad Company, made in 1857, twenty-two years before the meeting of this international congress.

De Lesseps, however, controlling the committee as he controlled the congress—and why should he not control both, as they were both in a great measure his creatures?—demanded of this committee an answer to two questions:

First, whether a tide-water canal was possible across the Isthmus of Panama; and,

Second, whether it could be constructed along the Panama route.

And notwithstanding the gross absurdity of requiring answers to such questions with the meager data before them, in fact no data at all, that committee advised De Lesseps and his international congress that a tide-water canal was practicable, and that it should run on the Panama route between Colon and Panama.

Wyse's estimate of the total cost of constructing a sea-level canal, submitted by him to this committee, was 427,000,000 francs, or about $85,400,000. This technical committee, however, under De Lesseps's dictation, revised this estimate and increased it to 1,044,000,000 francs, or $208,000,000, or $37,200,000 more than double the Wyse estimate.

Was ever a more barefaced, transparent fraud enacted by any great committee, or any congress, either national or international?

But the absurdity of the whole proceeding is still further disclosed when it is recalled that before any vote was taken in this committee the American and English representatives had withdrawn in disgust, and that not more than 20 of this committee of 54 ever voted on any one of the propositions submitted; while, when a vote was taken in the full congress, only 98 out of 136 delegates voted, of these 75 voted in the affirmative, but of these 75 only 19 were engineers, and but a single one of the whole number had ever seen the Isthmus of Panama.

The enormity of this whole proceeding is still further developed by the fact that it is now conceded on all sides, with one exception, even by the French engineers, even by the new company now seeking to sell its plant to the United States for $40,000,000, that an isthmian sea-level canal across the Isthmus of Panama is a physical and engineering impossibility.

I say there is one exception, and that is the distinguished Senator from Ohio, who in his speech yesterday, as I understood him, claimed that a sea-level canal could be constructed there, or that a canal with locks, now recommended by this Commission, could be constructed, and that later on it could be reduced to a sea-level canal. I wish to say, without stopping to point to the testimony, that those Senators who feel interest enough in this matter to investigate it thoroughly will find that the testimony of all the engineers, both French and American, is to the effect that the construction of a sea-level canal across the Isthmus of Panama is an engineering impossibility.

Mr. MORGAN. And it has been abandoned expressly by the French.

Mr. MITCHELL. And as stated by the distinguished chairman of the committee, it has been abandoned expressly by the French company and the French engineers.

Mr. MORGAN. And by the Isthmian Canal Commission.

Mr. MITCHELL. And by the Isthmian Canal Commission also. Then what is the use, Mr. President, to indulge in loose talk here about doing this, that, or the other thing, however high may be the motive and however earnest may be the men and the Senators—and I do not question the motive of any man. Especially would I hesitate to question the motive of any Senator.

I take it we are all honest; we all mean to get at the truth here; but it is a misconception of the case on this particular point to say that the construction of a sea-level canal across the Isthmus of Panama is a possibility.

Mr. President, based on this exclusively paper basis, De Lesseps appealed, but in vain, to the people of France for subscriptions. He called for subscriptions for 800,000 shares of the nominal value of $100, and he pledged himself to proceed with the organization when one-half of the amount was subscribed for. In his appeal for subscriptions he represented the stockholders would receive dividends of 11¼ per cent, while he proposed to pay 5 per cent interest on all shares. But, notwithstanding these flattering inducements were backed up by the great name of De Lesseps, the French people declined to seize the apparently tempting bait, and the total subscriptions were less than 30,000,000 francs. Then it was that the ever resourceful De Lesseps, who until then had never set his foot on the Isthmus of Panama, determined to visit that country, and by a spectacular performance arouse the cupidity, fire the patriotism, and incite the ambition, not only of the French, but of the American people. His plans were international in their conception, and his great ulterior purpose the capture not only of the French, but of the American investors, and to obtain control not only of the French Parliament, of the French press, of the French politician and the French people, but also the American press, the American public, and, if possible, the Administration of President Hayes.

In pursuance of these great purposes, every one of which was characterized by mercenary motives, and not one of which was prompted by either national or international patriotism, nor by any desire or real intention of promoting the commercial welfare of nations, or of advancing the true interests of civilization and material progress by the construction of the canal, the great De Lesseps arrived in Colon, on the Isthmus of Panama, on the 31st day of December, 1879. It was his first visit there. His first alleged purpose was to verify the Reclus survey, which was, as I have already stated, really no survey at all. But even in advance of his arrival he announced to the world that ground would be broken and work on the Panama Canal would be commenced on the 1st day of January, 1880. And the proceedings which immediately followed his arrival at Colon—in fact, the very next day, January 1, 1880, the breaking of ground on the deck of a steamer, stuck in the mud 2 miles distant from the selected spot for breaking ground, and 2 miles distant from land—present one of the greatest farces, if not the very greatest, ever witnessed on earth in either ancient or modern times.

Although De Lesseps's own engineers had estimated the cost of a sea-level canal under the Wyse concessions at $208,800,000, he, while on his way to New York, after breaking ground, on the deck of a steamer 2 miles from land, reduced this estimate by lopping off at one stroke of his pen from the amount of the estimated cost of his own engineers the sum of $77,200,000—not francs, dollars—and fixing the amount at $131,600,000 instead of $208,800,000 as fixed by the engineers. Why, Mr. President, was this done? I will tell you why. It was because the Paris congress had estimated the cost of the canal on the Nicaragua route at $143,000,000. What a gigantic step of misrepresentation and false pretenses was this in the preparation for the launching of one of the most stupendous "gold brick" games ever imposed on any people.

But still fearing the French people might hesitate to subscribe on account of the amount required, even according to this reduced estimate, he again, in October of that same year, 1880, reduced the estimate by cutting off the further sum from the total of $25,600,000 and fixed the total cost of the construction and completion of the Panama Canal at $106,000,000. That is just a mere fraction over one-half of what his own engineers, the engineers of the great congress which he had called together, had fixed. Why was it done? Of course he was fearful that there would be another failure on the part of the French people to take stock on account of the magnitude of the sum that had to be raised, and therefore he reduced it, as I said, by a stroke of his pen, to one-half the amount; first lopping off while on the steamer on his way from Panama to New York $77,200,000, and in October of the same year he took his pen and lopped off $25,600,000 more.

Then, by this reduction in the estimated cost, and by proclaiming to the public that two well-known and distinguished contractors, Couvreux & Hersent, men who had successfully executed large contracts on the Suez Canal and in the public works on the Danube, were willing to enter into a contract to complete a sea-level canal at Panama for 512,000,000 francs, or $102,400,000, believing he had prepared such an attractive bait that the people of France would not hesitate to bite, he issued his proposals. This was in November, 1880; and this time, instead of asking for 400,000,000 francs, or $80,000,000, he only asked for 300,000,000 francs, or $60,000,000, thinking that the French peasants—men, women, and children—would more likely bite if the aggregate amount to be raised was not so large.

This proposition was accompanied with a proposition upon the part of De Lesseps, or the Panama Canal Company, which was the same thing, that the balance of $42,400,000 would be forthcoming from the sale of bonds of the company. It was subsequently proven, on investigations which followed, that the statement that the contractors Couvreux & Hersent would enter into a contract to construct the Panama Canal for a certain figure was without any foundation whatever and was a base misrepresentation.

This plan of De Lesseps and his associates for extracting money from the people of their own country, the most of them peasants and many of them women, was a grand success; and of the 600,000 shares to be disposed of at $100 each 10,000 shares of the same were set aside for the Wyse-Tuerr combination as a consideration for the Wyse concession. This left but 590,000 shares at $100 a share to be offered to subscribers. But so thoroughly had the plans of the conspirators been laid and in such an attractive manner had the scheme been presented that, instead of 590,000 shares, 1,206,609 shares were subscribed for. In the final allotment of the shares—because there had to be an allotment—the subscriptions were double in excess of the shares to be allotted, in the final allotment of the shares, to some more and to some less, there were allotted in all to 102,230 persons, over 16,000 of whom were women. Of the total number who obtained shares 80,837 had less than 5 shares each and 19,143 had less than 20 shares each.

On the first call a fraction over $25,000,000 in cash were collected. The conspirators were in funds. And when the first financial statement was submitted to the shareholders March 3, 1881, it was made to appear that within a fraction of $9,000,000 had vanished in what was termed in the statement as "preliminary expenses." This it must be borne in mind was all anterior to the date when a shovel of dirt had been thrown or a pick struck in the commencement of the work on the canal.

De Lesseps had while in America in 1880 done a little business on this side, in New York and elsewhere. Among other things, as will be remembered by all, he organized what was called the "American committee." Precisely what the duties of the American committee were, and just how far its jurisdiction extended, can not perhaps be accurately stated except by the committee itself.

That it was to a very large extent political there can be no doubt, and that one of its chief duties was to bolster and boom the Panama Canal scheme and to throw every obstruction in its power in the way of the construction of the Nicaragua Canal is equally true. Some idea may be had of its duties from two facts disclosed by the history of the rise and downfall of the Panama scheme. One is that it appears from this financial statement submitted to the shareholders, to which I have just alluded, that one of the items making up the $9,000,000 charged to the account of "preliminary expenses" before a shovel of ground had been turned was "$2,400,000 set aside for the American committee," and the other significant fact is to be found in the testimony of Charles Colne, general agent and secretary of the American committee, taken first in Washington before the Congressional committee, in 1893, and again before the Senate Committee on Interoceanic Canals, February 17, 1902, and in the report of Monchicourt, the Paris liquidator of the old company, to the judges of the civil tribunal of the Seine in 1890.

From both these sources it is made clear that the enormous sum of 12,000,000 francs, or $2,400,000, was paid by the De Lesseps combination, the old Panama Canal Company, to the American committee. That this was purely, solely, and emphatically a corruption fund in its most depraved and despicable sense is now, as it ever has been, evident to all. To tempt the cupidity of an aged and honored Cabinet member of the Hayes Administration, and if possible to bend that admirable Administration in the direction of their unholy purposes, a position as managing agent of the American committee, with an annual salary of $25,000, was held out as a bait, and which, unfortunately, proved too enticing even for that honored member of the Cabinet.

WE ARE INVITED BY THE SPOONER AMENDMENT TO PARTICIPATE IN A LOTTERY SCHEME.

I will say in this connection that we are invited, as it seems to me, Mr. President, by the Spooner amendment, and by the views of the minority of the committee, to participate in a lottery scheme, as I shall proceed to show.

The Nicaragua route should be selected, because the selection of the Panama route involves the necessity of buying out the New Panama Canal Company at the price of $40,000,000, and this involves the United States, indirectly, at least, just to what extent it is almost impossible to determine, in the old French lottery scheme of 1888, and I will tell you why.

On January 8, 1888, the French Parliament, at the solicitation

of Ferdinand de Lesseps and his associates and as a last desperate effort to save from bankruptcy and utter ruin the Compagnie Universelle du Canal Interocéanique, the Old Panama Canal Company, enacted a law authorizing that company to engage in a lottery scheme; that law authorized that company to issue securities to the amount of 600,000,000 francs, payable with prizes by lot, with the following conditions. I quote from the French law.

First. The securities shall bear annual interest, the rate of which can not be less than 3 per cent on their par value.

Second. The total annual sum distributed in the form of prizes can not, in any case, exceed 1 per cent of the par value.

Third. The par value of the securities issued can not be less than 300 francs; subsequent division of the securities issued is forbidden.

Fourth. The payment of this loan in a period of ninety-nine years, at fartnest, shall be secured by a sufficient deposit, for this especial purpose, of French Government bonds or of securities guaranteed by the French Government. The Compagnie Universelle du Canal Interocéanique de Panama, to meet the obligations imposed upon it, is authorized to increase, under the same conditions, the said loan of six hundred millions, by the sum necessary for this guaranty fund, this increase of loan not to exceed 20 per cent of the par of the issue.

By article 2 of this act of June 8, 1888, it is provided as follows:

ARTICLE 2. If the Compagnie Universelle du Canal Interocéanique de Panama should hereafter convert all or any of its former obligations, the provisions of article 1 shall be applicable to the new securities created by means of this conversion.

While by article 3 of this act it was provided as follows:

ARTICLE 3. All material necessary for the completion of the works shall be manufactured in France. The raw materials must be of French origin.

Here again let me call your attention to a difficulty right at this point. The New Panama Canal Company, which succeeded to the rights of the old Panama Canal Company, rest in part for what they have to sell upon French legislation, and French legislation was to the effect that if that company constructed that canal all the raw materials used in its construction must be of French origin. Query: We become the successors in interest of the New Panama Canal Company, as the New Panama Canal Company became the successors in interest of the old company. If we go on and construct that canal, must we follow this legislation? We are bound by it, are we not? If we are not bound by it, our title is not good; and if we are bound by it, we are bound to go to France for all of the raw material with which to construct this canal. This is a pretty spectacle for the Senate of the United States to place before the people of this country, as it seems to me.

Mr. MORGAN. If the Senator from Oregon will allow me to interrupt him one moment, I wish to state a fact.

Mr. MITCHELL. Certainly; I yield to the Senator.

Mr. MORGAN. As soon as that French law which the Senator has just read became public, a resolution was introduced into the Senate, was considered by the Committee on Foreign Relations, reported back by that committee unanimously, and passed by this body, I think, unanimously—I know there were not more than six votes against it—which declared that any interference on the part of any foreign government by its legislation or by any governmental act to assist in the building of a canal across the American isthmus would be resented by the United States. I will produce the resolution later, when I have the opportuuity.

Mr. MITCHELL. I am very much obliged to the Senator from Alabama, the chairman of the committee, for calling attention to this historical fact, which will appear, of course, in the records of the Senate.

Mr. President, a portion, not all, of these lottery securities were issued and disposed of by the old Panama Canal Company prior to its entering the regions of bankruptcy and the appointment of a liquidator or receiver. A large amount, however, of these securities remained on hand and undisposed of when that company became bankrupt, and on July 15, 1889—and I call special attention to this fact—the French Parliament passed another act, authorizing the sale of these lottery bonds then undisposed of at reduced rates. This act authorized the receiver of the old Panama Canal Company to—

negotiate at any price, and without interest, such of the lottery bonds authorized by the law of June 8, 1888, as had not been placed or sold up to the 4th day of February, 1889, when the said company was dissolved and was turned over into the hands of a receiver.

It was further provided in this act as follows:

That the sums resulting from negotiation or sale of the said bonds shall be free from attachment or execution up to the amount of 34,000,000 francs.

And further:

In case the receiver should contribute or give to a company formed for the purpose of completing the canal all or a part of the assets of the receivership, the new company shall only have power to emit and issue bonds as yet unplaced or unsold by complying with the terms of the law of June 8, 1888, touching the minimum price of sale, and the distribution of interest.

Under this act the receiver of the old company, under the immense discretion given him by the terms of the act, sold large amounts of these old lottery bonds at 105 francs, the same to be redeemable at 400 francs. In support of this statement I quote from the testimony of Mr. Charles Colne, who was the general agent and secretary of the American committee, which committee was composed of J. & W. Seligman & Co., Messrs. Winslow, Lanier & Co., and Messrs. Drexel, Morgan & Co. This testimony was given before the Senate Committee on Interoceanic Canals on February 17 last.

The CHAIRMAN. Were you in Paris at any time during your agency for this company?

Mr. COLNE. I was there in 1889, sir; directly after the failure of the company.

The CHAIRMAN. Directly after the failure?

Mr. COLNE. Yes.

The CHAIRMAN. It was while you were there that your connection with the company terminated?

Mr. COLNE. No; it terminated here in New York, but I was sent over by an American syndicate to see if I could buy the Panama Railroad.

The CHAIRMAN. You went for the purpose of buying the railroad?

Mr. COLNE. Yes.

The CHAIRMAN. How much of the stock of the railroad company did the old Panama Canal Company own at the time you went over?

Mr. COLNE. Nearly every share, with the exception, I think, of a little over a thousand shares.

The CHAIRMAN. Did you buy the railroad or make a contract for it?

Mr. COLNE. No, sir; I could not. The Government came to the aid of the receiver and authorized him to sell some of the old bonds at 105 francs, redeemable at 400 francs.

The CHAIRMAN. What old bonds; the old bonds of the company?

Mr. COLNE. Yes.

The CHAIRMAN. How was he to sell them—at 105 francs, you say?

Mr. COLNE. At 105 francs. That was the sale price and they were to be redeemed at 400 francs.

That is the testimony of the agent of the American committee of the old Panama Company.

Senator KITTREDGE. Do you mean the lottery bonds?

Mr. COLNE. The lottery bonds, yes; and 60 francs of each subscription was held aside for a redemption fund, or the lottery fund. The receiver, Mr. Burnet, received actually in cash only 35 francs for each bond.

Senator KITTREDGE. What was the face value of these bonds?

Mr. COLNE. Four hundred francs.

Their face value was 400 francs, and they were sold at 105.

The CHAIRMAN. You say the Government came to the assistance of the company?

Mr. COLNE. Yes.

The CHAIRMAN. In what way—by an act of Assembly?

Mr. COLNE. By an act of the Assembly. Mr. Burnet first applied to the council of ministers, which is the first step to take. They refused him. Things were in a very critical state then. I got this directly from Mr. Burnet because in my negotiations with him he was very friendly and very pleasant. He applied to the council of ministers. They refused him, and as he had not any money at all, not a cent, he said to them substantially—

I call attention to this—

"Now, unless you grant me this authority I wish you to understand the elections are coming on, and I have got 800,000 subscribers, and you will hear from them." So subsequently, a few months after that—I think it was about a month after that—the authority was granted him. I will send you the prospectus of that loan.

The CHAIRMAN. What were the subscriptions of those people?

Mr. COLNE. Some of the old lottery bonds that were remaining in the treasury of the company.

The CHAIRMAN. There were not 800,000 of them, were there?

Mr. COLNE. The bonds that had been subscribed before were by 800,000 people.

The CHAIRMAN. You mean the bonds and the stock, do you not?

Mr. COLNE. All of it; yes.

The CHAIRMAN. The bonds, the stock, and the lottery bonds?

Mr. COLNE. The lottery bonds, the other bonds, and the stock.

Senator HANNA. Where did you get those figures?

Mr. COLNE. I got them from Mr. Burnet.

Senator HANNA. That is what he told you?

Mr. COLNE. Yes.

I have stated heretofore that the New Panama Canal Company is simply the old one in a new dress and under a new name. In corroboration of this let us inquire who compose the shareholders of the New Panama Canal Company? They are, in the main, the corporations, loan associations, administrators, contractors, and others, all of whom were connected in one way or another with the scandals of the old Panama Canal Company and all of whom profited through those scandals. The fact is, that pending a series of suits brought by the liquidator to compel these parties to disgorge, compromises were effected, the conditions of which were that the parties, respectively, being prosecuted should subscribe for stock in the new company, and the prosecutions against them, respectively, should be dismissed, and by this arrangement the 60,000,000 francs, being the original capital stock of the new company, were subscribed by these parties, as follows:

	Francs.
Eiffel, of Eiffel Tower fame	10,000,000
Crédit Lyonaise	4,000,000
Société Génerale	4,000,000
Crédit Industriel et Commercial	2,000,000
Administrators of the old Panama Canal Company	7,885,000
Artigue Sonderegger & Co	2,200,000
Bartoux, Litellier & Co	2,200,000
Jacob heirs	750,000
Convreux, Hersent & Co	500,000
Various persons to the number of 60 who had profited by syndicates created by the old company	3,235,700
Hugo Oberndorffer	3,800,000
By subscription	3,484,300
The liquidator or receiver of the old company	15,895,000

These several subscriptions made up the full amount of the original stock of the new company, namely 60,000,000 francs. These facts appear in the fourth report of the liquidator to the French court, dated November 26, 1895, pages 8, 9, and 13. That

is a matter which I investigated personally when in Paris last summer; and all I say is confirmed by the records now before the Senate.

The old Panama Canal Company, between the date of its organization and the date of its downfall, February 4, 1889, issued and put on the market in all nine separate and distinct issues of bonds, amounting in the aggregate to 1,271,682,637.57 francs, or $254,336,527. Of these, two series were lottery bonds, one of 254,603,871.73 francs and the other of 68,732,694.95 francs. This does not include the sale of lottery bonds by the receiver of the old company, nor does it include any of the shares of stock issued at different times. According to the report of the Isthmian Canal Commission, the total receipts of the old company, including the amounts due up to date, June 1, 1890, was 1,329,693,078.74 francs. The securities, bonds, stocks, etc., issued by which this amount was realized had a total face value of $435,559,322.80. This is the report of the Commission, whose recent report we are considering.

Mr. MORGAN. Is that the amount of money that the old Panama Canal Company had to handle?

Mr. MITCHELL. Yes, sir.

But not only so. It is not only a fact that the present stockholders of the New Panama Canal Company, as I have stated, are composed of persons natural and artificial, all of whom were connected with the abominations of the old Panama Canal Company, most all of whom were not only prosecuted for corrupt practices, but many of them convicted, but there is a further significant fact, not to be lost sight of in determining the question as to whether it is wise upon the part of the United States to connect itself with this property by a purchase of the same from the new company at the price of $40,000,000, and that is this: According to the testimony taken by your committee, the old Panama Canal Company, through the liquidator, is to receive 60 per cent of the purchase price should a sale be made by the new company to the United States.

The liquidator represents the old company, its hundreds of thousands of shareholders and bondholders—lottery bonds and other bonds. Should the sale be made, a report on that sale must be made to the French court before whom all of these bankruptcy proceedings are still pending. Any one or any number of these shareholders and security holders of the old Panama Canal Company have a right under the laws of France to file his or her objections to the report. They may take the position, either individually or by any collective number, that the liquidator had no power or jurisdiction to enter into the agreement which it is said he did enter into and by which, in the event of a sale of the property, the shareholders, bondholders, and security holders were to receive but 60 per cent of the amount. The other 40 per cent, it is presumed, goes to the shareholders in the new company. It will be the duty of the court to investigate and pass upon these multitudinous questions, involving the rights of this vast number of shareholders and security holders, the power of the liquidator to enter into this contract, and, after the adjudication is made, it must be remembered this court in which these proceedings are pending is not a court of last resort, but an appeal lies from the decision to the court of ultimate resort in Paris.

It will be remembered by the terms of the transfer of the property of the old company to the new company, which took place in 1894, it was stipulated and agreed that the liquidator, for the benefit of the shareholders and bondholders of the old company, was to receive 60 per cent of the net profits arising from the construction of the canal by the new company; and one of the conditions of that transfer was, not that the new company should sell out the property either to the United States or to anyone else, but that the new company should proceed to complete the canal. This was the condition upon which the liquidator made this transfer; when subsequently, without the consent or authority of any of these shareholders or security holders, this arrangement is changed, recently, within the last year or so, by which the liquidator agrees to sell the property, no amount being stipulated by the French court or by the liquidator, either forty million or forty hundred million or any other amount, but simply that there might be a sale and that the liquidator should receive 60 per cent of the amount received on the sale.

In view of all these complications, in view of the fact that both the old canal company and the new canal company are still in the French courts, would any wise man in his senses risk the venture of investing $40,000,000 in a property whose title is so clouded in so many different respects? Our friends on the other side may answer, and do answer, by saying that if the Spooner amendment is adopted and the President can not obtain a satisfactory title that then the way is open to construct the Nicaragua Canal. But let me tell you, Mr. President, the place and time to determine whether it is wise to have anything or nothing to do with this Panama venture is here and now.

As bearing upon the questions to which I have just been attracting attention, I desire to call the attention of the Senate to the testimony of Hon. Samuel Pasco, one of the members of the Isthmian Canal Commission, who, as stated very correctly in the views of the minority, was selected as a legal authority to be a member of that Commission, and who was recognized by the Commission as its legal adviser. In Mr. Pasco's testimony taken before the Senate Committee on Interoceanic Canals, February 11 last, he testified as follows:

Mr. FAIRBANKS. From what page of the record is the Senator reading?

Mr. MITCHELL. I really can not give the Senator the page now, as I am reading from copy; but the Senator will find it by turning to the testimony of Mr. Pasco before the committee. It is, I think, in part No. 1 of the hearings.

The CHAIRMAN. The obligation of the new company was to build the canal and to operate the canal. Now, this company proposes to sell to this Government all of the rights, privileges, and property which it acquired from the old company for $40,000,000. In the purchase of these rights of this property will not this Government assume all the obligations of the new company to the old company?

Mr. PASCO. No; they must be settled in the process of this transaction.

The CHAIRMAN. How would they be settled?

Mr. PASCO. They will be settled through the receiver, the receiver joining in the transaction, becoming a party to the sale and receiving the proceeds of whatever interest he has as a representative of the creditors and the stockholders of the old company. These proceeds will have, as I have stated, to take the place of the property itself and will be distributed under the order of the court, just as in a case of a legal sale in this country where there are a number of different liens and obligations against a piece of property—judgments, perhaps, and mortgages and liens of different characters, general creditors, and owners. The property is sold, the proceeds are paid into court, and then the proceeds are distributed under the order of the court. Then all the old claimants are eliminated. Settlement with them is made by the court. This is a kindred proceeding to that, according to my understanding.

The CHAIRMAN. The liquidator of the old company of course represents the stockholders and creditors, and in agreeing to this sale of course he is changing the whole nature and character of the contract with the new company originally assumed in the purchase?

Mr. PASCO. Yes.

The CHAIRMAN. Now, can the liquidator, regardless of the rights of the stockholders and creditors, enter into a contract with this Government or any other party by which the whole nature of the original contract is changed, and relieve the Government or the purchasing party of the obligations which the new company assumes toward the old company?

Mr. PASCO. I do not think he can of his own volition. I think he can submit the whole matter to the court under whose jurisdiction he is serving and acting.

Senator MITCHELL. At the time this original transfer was authorized by the liquidator—I mean the sale of the property of the old company to the new canal company—there was nothing in that transaction, was there, either directly or indirectly, which contemplated a sale of this property to the United States?

Mr. PASCO. No.

Senator MITCHELL. None at all. It was to be transferred and they were to get their share in the property. The transaction contemplated that the new company would go on and construct the canal?

Mr. PASCO. Yes, sir.

Senator MITCHELL. Now, Mr. Pasco, is it not a fact that the new company is now and always has been a solvent company?

Mr. PASCO. I so understand.

Senator MITCHELL. Has it not a large amount of money in the treasury now?

Mr. PASCO. I do not know how much.

Senator MITCHELL. Three or more million dollars?

Mr. PASCO. It has money in its treasury.

Senator MITCHELL. Was there ever a time since it was organized when it was not solvent?

Mr. PASCO. I understand it has always been solvent and is now.

Senator MITCHELL. Now, I would like you to explain, for my satisfaction, how a court in France obtains jurisdiction of this company so as to authorize it, a solvent company, which always has been solvent, to transfer all its property in violation of the existing agreement by which it was to go on and construct this canal. How does the French court get jurisdiction to do that thing?

Mr. PASCO. The company has the power to dissolve itself whenever the circumstances justify.

That was the only answer that Senator Pasco could make to that proposition.

Senator MORGAN. Under what law?

Mr. PASCO. Under its charter.

Senator MORGAN. You mean the statutes?

* * * * * * *

Senator MITCHELL. What is troubling me is this: Of course, I want to get at the facts at the bottom of all these legal difficulties, if there are any legal difficulties. Here is a company that is insolvent and is in court, and it owns certain property.

Mr. PASCO. Which company do you mean?

Senator MITCHELL. I mean the old company. The old company owns a certain amount of property.

Mr. PASCO. The liquidator of the old company owns it.

Senator MITCHELL. The liquidator or receiver under the order of the court is authorized, acting for the old company and for the stockholders, to sell all this property to another company, to an outsider, on certain terms and conditions, the terms being that the new company shall go on and build the canal.

Mr. PASCO. And the court considering at that time that it was a favorable agreement——

Senator MITCHELL. The old company, through the liquidator, as a consideration is to receive 60 per cent of the net profits that shall accrue by reason of the construction of the canal. Now, that contract is entered into. It is an accomplished fact. The title is vested in the new company, which is a solvent company. What is troubling me is this: How can the French court make an order that will authorize the new company to divert the whole business from that contemplated by the original arrangement and sell out the whole thing for a certain specific sum to the United States or somebody else,

so as to bind in any manner, shape, or form the old company or individual stockholders? That is the question that is troubling me.

Mr. PASCO. At the time the order of sale was made that seemed to be the best use to which the property could be put. It was transferred to the new company with the understanding that the liquidator was to share in the rents, issues, and profits. But supposing a change takes place in the situation, and it is found that the original purpose can not be accomplished, and the court sees that it is to the better advantage of the stockholders and the creditors to have a final disposition made of the interests within its charge rather than to continue it under this former arrangement? Is it not within the power of the court to change the disposition of the property instead of continuing this use of it, to have it sold and divide the proceeds among the parties?

Senator MORGAN. You ask a question, and now I will be very much obliged to you if you will answer it.

Mr. PASCO. I say that was the action of the court. The court decided, in its judgment, that it is better that that arrangement be discontinued, and that a new agreement be made by which the property is to be sold, and all the parties interested in it are to be allowed to receive their proper share of the proceeds.

Senator MORGAN. Do you think that the court had that authority?

Mr. PASCO. I do.

Mr. President, I am not finding fault with anything Commissioner Pasco says here. He simply gives us his opinion, but that opinion leaves the whole matter in confusion and doubt.

Mr. FAIRBANKS. Will my good friend allow me to ask him a question, simply to get at his view, without desiring in any way to interrupt him?

Mr. MITCHELL. Certainly.

Mr. FAIRBANKS. I should like to ask the Senator if his position is that there is no power, in view of this contract made between the liquidator and the new company, for the sale of this Panama property either to the United States or to anybody else?

Mr. MITCHELL. I will say that I think, for that and other reasons, it is extremely doubtful, to say the least.

Mr. FAIRBANKS. Doubtful whether they have the power now to sell to the United States or to anybody else?

Mr. MITCHELL. I think it is a question of very serious doubt, a question of very grave doubt, whether the New Panama Canal Company has, by anything or by all that has occurred since 1894, been released, so as to bind the shareholders and bondholders of the old company, from the obligation imposed on it in 1894, to go on, as one of the conditions on which it became the owner of the property, and complete the construction of the canal.

Mr. FAIRBANKS. Although it is recognized by the parties interested in the property and by the entire world that the enterprise has not succeeded and is a dead failure in the hands of the present company?

Mr. MITCHELL. I think the fact whether it is a failure or not does not change the legal proposition at all; and all agree that it is a failure.

Mr. FAIRBANKS. By this agreement the stockholders and creditors of the old company will receive 60 per cent of the $40,000,000, but under your contention that there is no power in the new company to alienate the property and divest themselves of title they must lose it all?

Mr. MITCHELL. That is right in the event the new company fail to comply with its obligation of 1894 to go on and complete the canal; but I say further that, even admitting that legally they have the power to make a transfer, the question is still remaining in the French courts as to the distribution of the money, and we take the chances of the 60 per cent ever going to the liquidator, or to the men whom the liquidator represents. The shareholders have a right to contest all these things in the inferior court; the right of appeal exists, and controversies may, and will, as I think, be engendered there that will not be ended for years, and in the meantime it may result in stopping work on the canal.

Mr. FAIRBANKS. With the permission of my good friend, I wish to ask him one other question. Is not that a controversy over the fund solely, and having no relation to the corpus which we acquire by this purchase?

Mr. MITCHELL. I do not think so. I think if we buy this property we take it subject to every condition of the French law and to every condition attached by any decision of the French courts, and if it should turn out that we are not conforming to those conditions we are liable to get into very great difficulty.

Besides, the distinguished Senator from Indiana will bear in mind that it is agreed on all hands that the New Panama Canal Company is a solvent company with 16,000,000 francs in its treasury. It became the absolute owner of this property more than eight years ago. The title to the property then vested in this solvent company, subject to certain conditions, namely, that this new company should construct this canal and should pay to the liquidator 60 per cent of the net profits arising from the construction of the canal. I deny the right, therefore, the jurisdiction of the court to control this new solvent company by a new arrangement releasing this company from the duty of constructing the canal and authorizing it to sell and dispose of all its property as though it were a bankrupt concern.

As bearing upon the general subject under consideration, I may be permitted to quote the following letter from Hon. W. Lair Hill, who spent the greater part of last year in Nicaragua and who is one of the prominent lawyers of the Pacific coast. The letter was published in the Oakland Enquirer, Oakland, Cal., February 5 last, and is as follows:

OAKLAND, *February 4, 1902.*

EDITOR ENQUIRER: From a letter received by me a few days ago from a well known and prominent American now residing in Central America, and who years ago was domiciled for some years in Nicaragua, and afterwards for a time at Panama, I take the following paragraphs relative to the isthmian canal, which I think may be of interest to your readers:

"The Panama Frenchmen having dropped their price to $40,000,000, which the Commission considered their work worth, and the House having passed the Hepburn bill, upon the Senate is now placed the responsibility of more delay or legislation. The opponents of legislation will shout for Panama, hoping thereby to create a diversity of opinion between the House and the Senate, and thus prevent construction. * * * Even if the Panama work were offered us at $5,000,000 it is not desirable, being on the outside line and in so unhealthful a region that a canal there will cost thousands of lives and millions of dollars additional, with consequent delay in construction. Having lived on the Panama Isthmus a year I know what it is. The yellow fever and pernicious malaria are epidemic at Panama every season and unknown in Nicaragua.

"The Canal Commission were obliged to delay examination of the Panama Isthmus for some months, owing to prevalence of yellow fever there, but commenced at Nicaragua immediately after the bill was passed which enabled their appointment. The same old gang that created the odious Panama scandal at Paris, which sent several of the French 'corps legislatif' to prison (among them Charles De Lesseps for six years), others to compulsory exile, and poor old De Lesseps, sr., to a dishonored grave, are now trying to create at Washington a second Panama scandal to disgrace our Government as they did their own for their personal profit; and are aided by recreant Americans in their pay or interested with them from selfish motives."

That company, as matters now stand, has no power to give us a clear title. This of itself ought to end the matter; but in addition to all that, I believe the Nicaragua route is the proper place and the one that will be of the greatest benefit to commerce, and in every way better than the Panama route.

So it is seen that those who are best qualified to judge correctly are ranging themselves on the side of that route which opens the best prospects of advantage to American commerce and enterprise—the Nicaragua route.

Very respectfully,

W. LAIR HILL.

I also beg the attention of the Senate to the following letter from Martin Quinn, of Seattle, State of Washington, received by me in December last. Mr. Quinn is a prominent civil engineer of the Pacific Coast. The letter, written after five months' residence on the Isthmus for the purpose of investigating, speaks for itself.

SEATTLE, WASH., *December 31, 1901.*

Hon. JOHN H. MITCHELL,
Washington, D. C.

MY DEAR SIR: My motive must be my excuse for troubling you to read this letter. The press dispatches tell us that the Panama Canal Company offer the hoodooed ditch for $40,000,000. I was over the Nicaragua route three years ago, and after looking the country over very carefully, and making a five months' study of its possibilities, I am convinced that the United States would make a great error in adopting the Panama route, even if the same could be secured without cost.

My reasons for such belief are as follows: First. The Nicaragua route runs through a more healthy country than the other route.

Second. It is much better in point of saving time and distance between our Atlantic and Pacific ports.

Third. There is an abundance of fresh water, and this extends the entire length of the proposed canal.

Fourth. Five or six railroads will extend north and south from the canal into Costa Rica, Nicaragua, Honduras, and Salvador, penetrating a country of wonderful fertility, and with an aggregate population of perhaps 2,000,000 of people. The trade of this region would soon be ours, and we need it.

At the western entrance to the canal would spring into existence a city, which in ten years would have a population as large as San Francisco. This is no dream, when we remember that there is no land-protected harbor from Acupulco to Guayaquil. This would be an American city, with proper sanitary laws and arrangements, such as no city in Central America, Mexico, or northern South America at present possesses.

Fifth. Lake Nicaragua, with its surface area of 2,600 square miles, would be an ideal rendezvous for our Navy. A fresh-water anchorage would be a most desirable thing, particularly so when so centrally located in a part of the world where our interests are so great and increasing with every year that passes.

The Panama has no such country in its immediate vicinity as the Nicaragua has. The adoption of the latter means an immediate demand for American rails and rolling stock in great quantities and the Americanization of Costa Rica and Nicaragua in ten years. It would be a great thing for America commercially and a good thing politically for the Republican party.

Yours, very respectfully,

MARTIN QUINN,
818 Second Avenue, Seattle, Wash.

I submit, enough has been shown in the record in this case, and now before the Senate, to cause a halt upon the part of Senators urging the adoption of the Spooner amendment.

Diplomatically a conclusion may be reached that we can obtain a satisfactory title—that is, one satisfactory to diplomats—to the property in question, and based on such a decision the President may proceed to expend $40,000,000 in the purchase of the property. And yet, notwithstanding all this, away off and beyond it all, there may be, and unquestionably will be, innumerable claims, based upon alleged equities that will not be cut off and with which the United States will be compelled to contend for an unlimited number of years.

According to the testimony of Mr. Charles Colne, the secretary and manager of the American committee of the old company, there are to-day 800,000 people interested in one way and another

as shareholders or security holders of the old and new companies. This will appear from his testimony, page 216, as follows:

Senator HAWLEY. About how many claimants are there in France? How many people have stock or obligations of any kind that have been made as claims against this company in case it goes on and builds a canal?
Mr. COLNE. About 800,000 subscribers.
Senator HAWLEY. About 800,000 people?
Mr. COLNE. Yes.

THE VIEWS OF THE MINORITY.

In the additional views of the minority of the Senate Committee on Interoceanic Canals, presented to the Senate on May 31 last, and in connection with which they propose as a substitute for the pending bill what is known as the "Spooner amendment," the minority say:

The substitute which we advise insures an isthmian canal and, in our judgment, more surely, satisfactorily, and speedily than by any other plan.

This of course is undoubtedly the sincere judgment and conviction of the minority. But if I desired to defeat absolutely any legislation at this time looking to the early construction of an isthmian canal, I do not know of any better method I should adopt than to support the proposed substitute.

The minority of the committee in their views submitted May 31, while insisting strenuously that Congress should be guided by the report of the Isthmian Canal Commission, insist that the Nicaragua route is so liable to be disturbed by earthquakes and volcanoes that Congress should not, for this reason alone, adopt that route, and the minority enter into an extended argument in which they contrast the seismic disturbances of the two routes to the great disadvantage, according to their views, of the Nicaragua route.

Now, Mr. President, permit me to quote from the report of the Isthmian Canal Commission submitted to the President May 9, 1899, in which in discussing the subject of earthquakes and volcanoes the Commission say this:

From the most reliable data obtainable the Commission believe that the *Nicaragua route is practically exempt from any seismic influence of sufficient force to cause destruction or danger to any part of the canal route or suspension of its traffic.* Dr. C. W. Hayes has treated this question fully in his report. He says:

"Earthquakes due to dislocation of strata (faults) are perhaps no more liable to occur in the vicinity of the Nicaragua route than elsewhere, and hence they do not constitute a danger which is peculiar to this region more than to almost any other in which a ship canal might be constructed."

He then proceeds to discuss those due to volcanic agencies at some length, but concludes that these activities are on the wane and so remote from the route as not to constitute a menace. In quoting from Major Dutton, he adds:

"Briefly, then, the risk of serious injury by earthquakes to the construction proposed for the Pacific section of the canal is so small that it ought to be neglected * * * also that the risks on the Atlantic section are still smaller than those of the Pacific section."

While the Commission in their final report, that is, the one submitted to the President November 16, 1901, in speaking of the subject of earthquakes, reiterate these views in still stronger terms, as I have already pointed out.

THE REASONS GIVEN BY THE ISTHMIAN CANAL COMMISSION FOR THE CHANGE FROM THEIR RECOMMENDATION OF THE NICARAGUA ROUTE, IN THEIR FINAL REPORT, TO THE RECOMMENDATION OF THE PANAMA ROUTE IN THEIR SUPPLEMENTAL REPORT, ARE WHOLLY INADEQUATE.

It is perfectly apparent to all that the change of the recommendation of the Isthmian Canal Commission from the Nicaragua to that of the Panama route is based purely and solely on what they conceive to be a saving in the expense of the construction of the canal of the amount of $5,630,704.

In other words, the sum and substance, free from all minor and unimportant considerations, of the reports of the Isthmian Canal Commission is this:

We for many reasons—commercially, military, hygienic, seismic, and otherwise—believe the Nicaragua route to be the better route for an isthmian canal, and we so report and recommend. But inasmuch as the construction of the canal over the Panama route, which commercially, military, hygienic, seismic, and otherwise we believe to be inferior to the Nicaragua route, can be constructed for $5,630,704 less than the other, therefore we, in our final supplemental report, recommend that route.

Can it be possible that the Senate of the United States, in a great international enterprise like this, costing nearly $200,000,000, and which is intended for all time to vitally promote and, in short, revolutionize for the better, the commerce of the world by uniting by a gigantic artificial ship channel the two great oceans of the world, will permit this comparatively paltry difference in the cost of construction, this mere bagatelle compared with the magnitude of the enterprise and of its cost, to control its action to the extent of setting aside the better route and accepting an inferior and for many reasons objectionable route? The Isthmian Canal Commission must furnish me with a better reason than this before they can expect me to reject and set aside their recommendations in their report of November 16, 1901, wherein, at page 263, they said this:

After considering all the facts developed by the investigations made by the Commission and the actual situation as it now stands and having in view the terms offered by the New Panama Canal Company, this Commission is of the opinion that "the most practicable and feasible route" for an isthmian canal to be "under the control, management, and ownership of the United States" is that known as the Nicaragua route.

Mr. President, there is danger in delay; there is a great commercial loss in delay. The best of the world's economists estimate the earnings of the world's commerce to be $1,200,000,000 annually, and if an isthmian canal will save but one-fifth of the time and distance, it would represent about $250,000,000 annually, so, as stated by one of the members of the Isthmian Canal Commission, while this question is held in abeyance, awaiting the decision as to routes and policies, the commerce of the world is subjected to this enormous and useless waste, which would be sufficient to build the canal each year.

But to recur again to the history and frauds of the old company, in the meantime work was commenced on the canal and for a time carried on with some show of good faith. De Lesseps again, in 1886, went to the Isthmus, returning only with new devices and new schemes looking to the extraction of more money by the million from the French people and the French Government. On his return to France he publicly proclaimed that "most of the work was done," and announced the canal would be completed within three years from that time, but these statements were coupled with the further statement that more money must be raised.

Then it was that the great lottery scheme was resorted to. Application was made to the French Parliament by the Panama Canal Company, the real title of which was Compagnie Universelle du Canal Interocéanique, but now generally understood as and called the "Old Panama Canal Company," for permission to issue a loan of 600,000,000 francs ($120,000,000) with lottery prizes. The scheme failed in 1886, but two years later it was made a success by means of the most stupendous system of corruption of public men and of the press the history of the world has ever known. On the failure of the passage of the lottery bill through the French Parliament in 1886 De Lesseps withdrew his application and obtained permission from the stockholders to issue a new series of bonds. This was a success, and many million more francs passed from the pockets of the French peasants to the treasury of the old Panama Canal Company. Millions of these bonds are still outstanding, unredeemed, in the hands of the French people.

But although the lottery loan was authorized, subscriptions to that loan failed to materialize, and the necessary amount of $120,000,000, this being the amount—although it was many million dollars less than the amount actually necessary for the completion of the canal—with which De Lesseps declared he could complete the canal in three years, was not subscribed for. Two million of these lottery bonds were issued, the nominal value of each being 360 francs, bearing interest at the rate of 4 per cent per annum, all of these being payable at 400 francs each by a civil amortization association and sharing in the semimonthy drawings; but of these 2,000,000 lottery bonds issued only 800,000 were subscribed for.

The failure to float this loan marked the downfall of the old Panama Canal Company, and following speedily in the wake of this downfall came parliamentary and judicial investigations and trials and the opening of prison doors to the promoters of the most detestible and stupendous fraud of either ancient or modern times. The parliamentary and judicial investigations which followed in the wake of this appalling and apparently irresistible avalanche of corruption developed the startling and almost incomprehensible fact that more than 436,000,000 francs, or about $86,800,000, had been expended in promotion and corruption, to say nothing of the further facts disclosed by these investigations and prosecutions, that four contractors alone had realized net profits on their contracts of a fraction over 75,000,000 francs, or about $15,000,000.

Such a boodle fund as that, more than $90,000,000 in gold, would, in comparison, render insignificant, infinitesimal, and a mere bagatelle the largest corruption fund ever raised for any corrupt purpose by the most depraved people of the most debased age in the world's history.

Before this fearful ingulfing flood French cabinet ministers, senators, deputies, scientists, statesmen, bankers, financiers, politicians, and journalists went down in one damning whirlpool to irretrievable political and moral death.

Standing on the verge of the grave, the great engineer, Ferdinand De Lesseps, tottering under the weight of more than eighty years, together with his son, Charles De Lesseps, were convicted and sentenced each to pay a fine of 3,000 francs and to be imprisoned for five years.

Here are some of the names of eminent men who fell before the temptation placed before them. I read from the very carefully prepared magazine article of Mr. Rawson Bennett, published in January last, in which the history of these investigations and trials is accurately stated. He says:

Mr. Louis Andrieux, formerly prefect of police, on December 22, appeared before the committee of inquiry. He produced a photograph of a memorandum made by Reinach of sums paid to deputies, senators, and ministers.

The original list was in the possession of Cornelius Herz, then a fugitive in England. Among the entries on this roll of infamy were the following:

	Francs.
To Floquet, minister of the interior and premier, "for political purposes."	250,000
To Floquet	20,000
To Barbe, minister of agriculture	550,000
To Rouvier, minister of finance and premier	40,000
To Rouvier, again	40,000

To Arene, Deves, Albert Grevy, Jules Roche, Proust, Beral, and Thevenet, 20,000 francs each.

To Fauconnerie and Renault, 25,000 francs each.

Distributed by Arton among 104 deputies 1,350,000 francs.

Mr. Bennett, proceeding further in his article, says:

On January 10, 1893, the two De Lesseps, Fontane, Cottu, and Eiffel were brought to trial. Ferdinand De Lesseps was physically and mentally unable to appear in person, having fallen into a state of imbecility that continued until his death. Charles De Lesseps took upon himself the whole responsibility. He admitted he had submitted to the extortions of Reinach, Baihaut, and other blackmailers, permitted the fictitious syndicates under cover of which they worked, and connived at the bribery of the press and corruption of senators and deputies. He related in detail the promotive operation of the Panama Company. Some of the most striking passages of his testimony follow:

"After the first subscription failed we were told that my father's name was not enough—that we must have the support of MM. Levy Cremieux, of the International Bank; Girardin, Genty, and Giblat, the Petit Journal (the most widely circulated French paper), the Semaine Financière, and the chief Paris and provincial papers. All this was to cost 800,000 francs. Reinach finally succeeded Cremieux as chief financier. We were flooded with offers of help—demands for blackmail—and being unable to judge of them I left that task to Reinach. I took care not to ask him what he did with the money. Nearly all the papers were holding out their hands."

What a comparison is this with the American press, where a journal is seldom known to have yielded to improper influences.

I considered it necessary at any price to finish the canal. Reinach asked for ten or twelve million francs for "publicity" and was given five millions. Half a million was given to Herz. Everybody knows what his influence was. In 1886, when we were applying for the lottery loan bill, M. Baihaut, minister of public works, asked me for a million francs, one installment to be paid when the bill was introduced, and the second when it passed. As it did not pass I gave him only 375,000 francs.

A pretty good price simply for introducing the bill.

Arthur Meyer, editor of the Gaulois, was given 100,000 francs for that paper's support.

Marius Fontane, formerly secretary of the Suez Company, and holding the same post in the Panama until 1886, when he became director and F. de Lesseps's private secretary, admitted paying 1,362,000 francs ($272,400) to the press in 1882 for favorable notices.

A pretty good press contract.

Among the subsidized papers was the Télégraphe, of which Minister De Freycinet was chief owner.

Gustave Eiffel admitted paying Senator Hebrard, principal proprietor of the Temps, 1,750,000 francs, or $350,000. He wrote to Hebrard: "I reserve you 5 per cent commission, and you and your friend will be good enough to continue your support." Eiffel also admitted that his profits from the Panama machinery contract were 33,000,000 francs ($6,600,000), and that he had received 12,000,000 francs ($240,000) for materials worth but 2,000,000 francs (or $40,000), and 6,000,000 francs ($120,000) for transportation of machinery never delivered at all. It was afterwards shown that Eiffel had divided 13,000,000 francs ($2,600,000) of his profits in "commissions" with various politicians, financiers, and journalists in a position to hurt or help the Panama scheme.

Mr. Bennett, proceeding further in his magazine article, says:

On March 8 the accused legislators were called for trial. Charles De Lesseps repeated his previous testimony and added some details as to his dealings with Reinach, Herz, and Arton. Minister De Freycinet had sent for him and advised him to do what he could for Reinach. Clemenceau and Floquet had made similar demands in behalf of Reinach and Herz. "It was not to my interest to fall out with the Government," commented De Lesseps, "and I did what I could for Reinach." Then Arton had asked for 300,000 francs for Floquet with which to fight the Boulangists in the Nord election, and an account was opened with Arton, ostensibly as a bond broker, but really to supply him with the funds to bribe deputies. De Lesseps also detailed anew his bribery of Minister Baihut, with whom arrangements were made through Fontane and Blondin, a clerk at the Crédit Lyonnais.

Mr. Bennett continues further, as follows:

March 10, 1893.—On this day was seen the memorable spectacle of a former minister of France, a man for years in public life, and a grandfather, standing up in open court and confessing his betrayal of his trust. Charles Baihut, minister of public works in 1886, who had sent Engineer Rousseau to Panama to learn the truth for the public benefit, confessed that he had suppressed Rousseau's report and used his official position to hold up the loan bill until bribed to introduce it. "I must have been mad," he said; "but I kept hearing how this one and that one was growing rich out of Panama, and they said to me, 'You are a fool if you do not get at least a million.'" He denied making the first demand to be bribed, and insisted that Charles De Lesseps, through Blondin, had first "offered to compensate him."

He publicly confessed receiving 375,000 francs for introducing the loan bill, of which Blondin took 70,000 francs as his "commission," and that he had stipulated for the rest of 1,000,000 francs when the bill was passed, and threw himself upon the mercy of the court.

Following Baihut's confession came the denials and excuses of the others accused. Ex-Deputy Sans Leroy admitted his sudden change of front on the loan bill of 1888, after making the acquaintance of Arton, and that he had soon after paid off about 200,000 francs of debts and mortgages, but he coolly defied the prosecutor to prove that this money came from Arton.

Senator Beral admitted receiving 40,000 francs from Reinach, but insisted it was for his "services as an engineer to certain mining companies in which Reinach was interested."

Deputy Fauconnerie admitted receiving 25,000 francs, but said it was given him out of "personal kindness" because of his losses in an earlier speculation, unconnected with Panama, into which Reinach had led him.

Ex-Deputy Gobron admitted receiving 20,000 francs, but said it was in payment for shares in a tannery company which Reinach had bought.

Deputy Proust insisted that his 20,000 francs was merely his legitimate profits from a syndicate in which he was with Reinach.

One and all denied that these operations, these "kindnesses," had in any way influenced their votes in Parliament.

Then came the excuses and explanations of the ex ministers. Floquet denied sending to De Lesseps for 300,000 francs for use in the Nord election, but admitted learning that the Panama Company was threatened with lawsuits, and advising De Lesseps to avoid them.

De Freycinet admitted counseling De Lesseps to avoid a lawsuit threatened by Reinach, as the scandal caused by this would be very detrimental to the public welfare. De Lesseps replied that the counsels of Floquet and De Freycinet had induced him to give Reinach 5,000,000 francs, as it was "not to his interest to fall out with the Government."

Mr. Bennett in his magazine article continues as follows:

In this connection a list, very incomplete, of the journals and editors accused of accepting Panama money to deceive the public, is of interest. Here are some of them:

The Petit Journal, 300,000 francs or $60,000, at the organization of the company and large sums afterwards.

The Télégraphe, Minister De Freycinet's paper, 120,000 francs or $24,000.

Jezlenski, director of the Telegraphe, 120,000 francs or $24,000.

The Gaulois, 150,000 francs or $30,000.

Arthur Meyer, editor of the Gaulois, according to Charles de Lesseps, 100,000 francs or $20,000; according to evidence found by the liquidator, 300,000 francs or $60,000.

The Radical, 100,000 francs or $20,000.

Senator Magnier, as director of Evenement, 50,000 francs or $10,000.

M. Patinot, director of the Journal des Batz, 40,000 francs or $8,000. Judging the fervor and ingenuity in falsehood of Paul Boiteau's articles in this paper some one must have got a great deal more.

Senator Hebard, director of the Temps, according to Eiffel, 1,750,000 francs, or $325,000, and also 5 per cent commission on Eiffel's contracts.

Paul de Cassagnac, of the Aurorite, according to his own confession, 45,000 francs, or $9,000; according to others, 63,000 francs, or $12,760.

Mr. Bennett, proceeding further, says:

From the foregoing, it is tolerably apparent what the old Panama Canal Company did and did not do with the millions it extracted from the pockets of the French people. From the report made by Liquidator Monchicourt, during the trial of the directors, on January 11, 1893, some interesting details are obtainable. They are shown in the following condensed balance sheet:

Cash actually received from the organization of the company until its suspension	1,434,000,000 francs, or	$286,400,000
Disbursements:		
Expenses of management	199,000,000 francs. or	30,800,000
Interest of loans	249,000,000 francs, or	49,800,000
For labor on the canal	107,000,000 francs, or	21,400,000
Paid to contractors	443,000,000 francs, or	88,600,000
Total nominally legitimate disbursements	998,000,000 francs, or	199,600,000
Balance for promotion and corruption	436,000,000 francs, or	86,800,000

To the corruption fund must be added at least one-third, taking Eiffel's testimony as a basis, of the 77,000,000 francs, or $15,400,000, profits which M. Monchicourt found that only four contractors had made. Hence the total amount spent for deception of the public and corruption of the press and of legislators was not far from $92,000,000, a "boodle fund" unequaled in history.

Mr. Bennett concludes as follows:

When the old Panama Canal Company collapsed it owed its shareholders and bondholders over $400,000,000. It had received over $286,000,000 in cash. The value of the actual canal digging done by both the old and new companies is liberally estimated by the Walker Commission at not more than $27,500,000. The existing plant is probably worth $5,500,000 more. The Panama Railway is worth nearly $7,000,000 more, but for that the Frenchmen deserve no credit. They found it there and merely kept it going. Thus, the net results of the French efforts at Panama is work worth about $33,000,000—less than one-third of the boodle fund—provided somebody can be induced to finish the job, and otherwise worth absolutely nothing.

Such is the Panama Canal as it was and is—conceived in fraud, born in deception, nourished in iniquity, living on lies and corruption, perishing of its own rottenness; ruining the fortunes and lives of thousands, bringing infamy to practically every man who even remotely approached it; nearly causing the patriotic Frenchmen to despair of the Republic; becoming a standing argument against the democratic principle and representative government, and still filling the world with the stench of its corrupt life and loathsome death.

This is the sewer the American people are asked to clean; this is the moral swamp they are asked to drain, and to whose dangers they are asked to expose their public men, and their whole citizenship. And for whose benefit? That a few speculative Frenchmen may sell their damaged merchandise, and a few of their American hirelings may earn the wages of shame. For that reason alone are the American people asked to risk the enormous physical loss and expose themselves to the certainty of moral defilement. For the solemn fact is that the Panama can not be touched with favor by capitalist, by investor, by promoter, by journalist, or by statesman without certainty of deadly moral infection. All the waters of the multitudinous seas can not wash Panama clean nor all the winds of heaven blow away its deadly miasmas. It is simply too rotten to be touched without defilement or even to be looked at without nausea.

Such are the facts about Panama and these facts it behooves every American public man, every American journalist—yes, every American citizen—carefully to consider. When he considers them fairly and honestly, with due regard to his country's welfare, political and moral, he can reach but one conclusion. Panama can not be touched with safety by the American people. It must be shunned as a place incurably affected with the most deadly moral plagues. It must remain what it was and is—a perpetual monument to human credulity and human villiany—a dung heap of crime and a sink of iniquity wherein no nation can delve without certainty of irremediable pollution.

Mr. HARRIS. Mr. President, I desire to occupy a small amount of time in addressing the Senate upon the subject now before it. It is so late in the afternoon that I believe I would rather go on upon Monday.

Mr. PLATT of Connecticut. With the Senator's permission, I

will make a motion that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I yield for that motion.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, June 9, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 7, 1902.

POSTMASTERS.

Leander H. Miner, to be postmaster at Ferndale, in the county of Humboldt and State of California, in place of Leander H. Miner. Incumbent's commission expired June 3, 1902.

John Haig, to be postmaster at Le Roy, in the county of McLean and State of Illinois, in place of George Riddle. Incumbent's commission expired January 10, 1902.

Lon G. Hardin, to be postmaster at Ames, in the county of Story and State of Iowa, in place of Lon G. Hardin. Incumbent's commission expired March 9, 1902.

John D. Paddock, to be postmaster at Malvern, in the county of Mills and State of Iowa, in place of John D. Paddock. Incumbent's commission expired March 9, 1902.

William B. Arbuckle, to be postmaster at Villisca, in the county of Montgomery and State of Iowa, in place of William B. Arbuckle. Incumbent's commission expired February 25, 1902.

Cyrus McNeely Scott, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas, in place of Richard C. Howard. Incumbent's commission expires July 1, 1902.

George T. Boon, to be postmaster at Chetopa, in the county of Labette and State of Kansas, in place of Joseph Craft. Incumbent's commission expired May 5, 1902.

Mark Swedberg, to be postmaster at Luverne, in the county of Rock and State of Minnesota, in place of Mark Swedberg. Incumbent's commission expired May 16, 1902.

Frank McCartney, to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska, in place of Frank E. Helvey. Incumbent's commission expired March 31, 1902.

Chester H. Smith, to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska, in place of Chester H. Smith. Incumbent's commission expired May 5, 1902.

Orange L. Bantz, to be postmaster at Humboldt, in the county of Richardson and State of Nebraska, in place of Orange L. Bantz. Incumbent's commission expired March 22, 1902.

George L. Davis, to be postmaster at Fonda, in the county of Montgomery and State of New York, in place of George L. Davis. Incumbent's commission expires June 13, 1902.

Edgar S. Clock, to be postmaster at Islip, in the county of Suffolk and State of New York, in place of Warren F. Clock. Incumbent's commission expires June 14, 1902.

James T. Pickering, to be postmaster at Lancaster, in the county of Fairfield and State of Ohio, in place of James T. Pickering. Incumbent's commission expires June 15, 1902.

Tulley McKinney, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio, in place of Tulley McKinney. Incumbent's commission expired May 27, 1902.

Harriet F. Gault, to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in place of Harriet F. Gault. Incumbent's commission expires June 10, 1902.

Francis M. Barton, to be postmaster at Terrell, in the county of Kaufman and State of Texas, in place of Francis M. Barton. Incumbent's commission expired May 24, 1902.

John M. Sloan, to be postmaster at Chase City, in the county of Mecklenburg and State of Virginia, in place of John M. Sloan. Incumbent's commission expired May 5, 1902.

Champ T. Barksdale, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia, in place of Champ T. Barksdale. Incumbent's commission expires June 15, 1902.

James M. Vernon, to be postmaster at Everett, in the county of Snohomish and State of Washington, in place of James M. Vernon. Incumbent's commission expired June 3, 1902.

Rollin C. Lybrand, to be postmaster at Richland Center, in the county of Richland and State of Wisconsin, in place of Rollin C. Lybrand. Incumbent's commission expired January 12, 1902.

Logan G. Hysmith, to be postmaster at Wilburton, in the Choctaw Nation, Ind. T., in place of Millard F. Campbell, deceased.

Addison H. Frizzell, to be postmaster at Groveton, in the county of Coos and State of New Hampshire, in place of Napoleon B. Perkins, resigned.

R. P. Campbell, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington, in place of Charles R. Bell, removed.

Harvey Springer, to be postmaster at Cambria, in the county of Weston and State of Wyoming, in place of John M. Righter, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1902.

POSTMASTERS.

W. E. Nipe, to be postmaster at Mount Carroll, in the county of Carroll and State of Illinois.

John E. Reynolds, to be postmaster at Redding, in the county of Shasta and State of California.

Frank E. Cushing, to be postmaster at Red Bluff, in the county of Tehama and State of California.

Thomas T. Dargie, to be postmaster at Oakland, in the county of Alameda and State of California.

John T. Lindley, to be postmaster at Ontario, in the county of San Bernardino and State of California.

Reuben A. Edmonds, to be postmaster at Bakersfield, in the county of Kern and State of California.

Fred W. Miller, to be postmaster at Oakesdale, in the county of Whitman and State of Washington.

John M. Frew, to be postmaster at Soldiers Home, in the county of Los Angeles and State of California.

James Ewart, to be postmaster at Colfax, in the county of Whitman and State of Washington.

Jacob Friendlich, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois.

Alexander L. Hord, to be postmaster at Greenville, in the county of Bond and State of Illinois.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 7, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

APPROPRIATIONS FOR PUBLIC BUILDINGS IN SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to pass the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill (H. R. 13123) are authorized to consider and recommend the inclusion in said bill of necessary appropriations to carry out the several objects authorized in the "act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

Mr. SULZER. Mr. Speaker, I object.

Mr. RICHARDSON of Tennessee. I ask the gentleman from New York to withhold his objection.

Mr. SULZER. I will withhold it, Mr. Speaker.

Mr. RICHARDSON of Tennessee. I would like to have the gentleman from Illinois state the object of this resolution. As I understand, it is to provide that the appropriation required under the act providing for public buildings may be included in the sundry civil bill. As I understand, if they are not put in there, under the law and under the custom they will have to be included in the general deficiency bill. I would like to hear the gentleman on that point.

Mr. CANNON. The sundry civil bill, under the rules and practice, is a bill that carries appropriations of this kind. Since the bill went to conference, however, gentlemen are aware that the omnibus public building bill has become a law. Now, then, this concurrent resolution, if it passes both Houses, authorizes the conference committee to consider and insert necessary appropriations to carry out that law. If it should not be so treated, then, if the point of order was made, as I understand the practice of the House, it will require a special rule to include those items on the deficiency bill. The normal place is to treat of it in the sundry civil bill.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman, if this resolution passes, if it is the object or if it will give any privilege to exclude from either the general deficiency or the sundry civil the amounts that are authorized under the omnibus bill for public buildings already passed?

Mr. CANNON. I will say, to speak for myself, that in my

judgment the public service in connection with the new legislation should be provided for. It is a continuing appropriation. I have already made inquiry, and it will take, from my standpoint, something over $6,000,000 that can be expended until the adjournment of the next session of Congress. From my standpoint and as one of the conferees I should insist on each and every item being cared for as the law provides.

Mr. RICHARDSON of Tennessee. And there will be no more opportunity to exclude from the sundry civil bill the amounts authorized than there would be from the general deficiency bill?

Mr. CANNON. Oh, no.

Mr. RICHARDSON of Tennessee. The object of putting them in the sundry civil bill is not to get rid of any of them?

Mr. CANNON. Oh, no.

Mr. BARTLETT. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. Very well; I will yield to the gentleman.

Mr. BARTLETT. The gentleman says that the amounts proposed to be put in the sundry civil bill as the result of the public building omnibus bill would amount to seven or eight millions.

Mr. CANNON. Between six and seven millions would care for the public service until Congress could again appropriate. I will say that I am informed by those who have examined the omnibus bill that it provides the contract system for various authorizations, but sites are to be bought, and that money ought to be provided for at once. The sites must be obtained before they can begin to make their plans. Now, I have already caused inquiries to be made at the Supervising Architect's Office, and have already consulted with the gentleman from Nebraska [Mr. MERCER], chairman of the Committee on Public Buildings, and I will say that in my judgment it will be necessary to have somewhere between six and seven million dollars, which will be recommended in the conference report if the House conferees have their way. There is no disposition to fail to appropriate a single dollar that ought to be expended, this being a continuing appropriation and available until expended from the passage of the bill. Nor is there any disposition to put in anything that is not needed.

Mr. BARTLETT. The reason of my inquiry, if the gentleman will permit me, is, speaking for myself, a matter in which I am somewhat interested. There is existing law for the public building at Macon, but the omnibus public building bill contains an item that adds to the appropriation. The act of 1899 specifically appropriated the amount provided for to be expended there. The act which passed the House, known as the omnibus public building bill, increases the amount. Now, what I wanted to know was whether the committee of conference between the House and the Senate would be given the privilege to select what particular buildings should be provided for?

Mr. CANNON. Let me answer my friend on the exact point that he puts where the limit is broken or increased. The question would be asked of the Supervising Architect how much money is required under the new legislation to provide for the service of that construction until the 4th day of March next, and when he gives his answer, then, as one of the members of the conference, if this resolution is passed, that would be written in, if it was within my power. Of course it is in the power of the House, when it comes back, to reject the whole report.

The object is simply to give, in good faith, so far as I am concerned or have reason to believe, the amounts necessary on all these items.

Mr. BARTLETT. Then if this resolution be adopted we shall simply provide in the sundry civil bill for what the committee or the Supervising Architect may deem necessary in order that the improvement or construction of buildings may proceed until the 4th of March next, so that the Appropriations Committee at the next session of Congress would be called upon to supply simply the amount up to the limit fixed by Congress.

Mr. CANNON. Yes; in the event that the full amount has not been appropriated Congress would have an opportunity to give the full amount in the next year's bill. Under the law these appropriations are continuing and go into effect the moment the bill becomes a law. In this respect they are not like other appropriations that have to wait until the beginning of the next fiscal year.

The SPEAKER. Is there objection to the consideration of the resolution? The Chair hears none.

Mr. MERCER. The intention of this concurrent resolution is simply to provide appropriations when they may be needed by the Government as the work progresses?

Mr. CANNON. Precisely.

The question being taken, the resolution was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

KATHERINE RAINS PAUL.

Mr. BROMWELL. I desire to call up the report of the committee of conference on the bill (H. R. 11249) granting an increase of pension to Katherine Rains Paul. The report and statement have been published in the RECORD. I ask that the statement only be read.

The SPEAKER. In the absence of objection the reading of the report will be dispensed with and the statement of the House conferees read.

There was no objection.

The Clerk read the statement of the House conferees as published in the House proceedings of June 6.

The report was agreed to.

On motion of Mr. BROMWELL, a motion to reconsider the vote by which the report was agreed to was laid on the table.

FRANCES L. ACKLEY.

Mr. RUMPLE. I call up for present consideration the report of the conference committee on the bill (H. R. 9290) granting a pension to Frances L. Ackley. As the report and statement have been published in the RECORD, I ask that only the statement be now read.

The SPEAKER. In the absence of objection, that course will be pursued.

The statement of the House conferees as published in the House proceedings of June 5 was read.

The report was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, the bill (S. 3292) granting an increase of pension to Henry Loor Reger (heretofore referred to the Committee on Invalid Pensions) was referred to the Committee on Pensions.

PROTECTION OF THE PRESIDENT.

Mr. RAY of New York. I move that the House resolve itself into the Committee of the Whole for the further consideration of the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. GROSVENOR in the chair) and resumed the consideration of Senate bill 3653.

Mr. PATTERSON of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Presidency" in line 6, page 4, insert "or any judge of the Supreme Court of the United States."

Mr. PATTERSON of Tennessee. Mr. Chairman, I have heretofore expressed my disapproval of certain features of this bill. I believe that the words used in the first provision of the bill, "knowingly, unlawfully, and purposely," are not apt or properly qualifying words to describe a capital offense, and that the descriptive words of the common law should have been used by the committee in this bill. I believe, further, that this bill is a distinct invasion of the reserved powers and jurisdiction of the States of the American Union and that at least one State has amply demonstrated that State law and State judges and States juries can swiftly and condignly punish the assassination of a President of the United States.

But I know, Mr. Chairman, that my views on this question are not in accord with the views of the majority: and while I adhere to my opinion, yet I am willing to think that I may be wrong, and that this bill is drawn upon correct lines; and if the bill is drawn upon correct lines, it appears to me that the amendment I have offered is not only a proper one for the sake of uniformity in legislation, but one that ought, in common justice, to be adopted by this committee.

Now, Mr. Chairman, I take it that the lives of the members of the Supreme Court of the United States are at least equally valuable and sacred as the lives of Cabinet ministers and foreign ambassadors accredited to this Government. Indeed, I should imagine, Mr. Chairman, that the killing of a judge of the Supreme Court on account of an opinion delivered in a litigated case or for any official act was in a great degree more atrocious than the killing of a Cabinet officer, for it is a deadly blow, aimed at the very foundations of government itself.

Again, the Cabinet officer is an appointed officer, holding his office during the will of the Executive, whereas a member of the Supreme Court is a constitutional officer, representing in his great office the judicial arm of government. Again, so far as a Cabinet officer is concerned, his duties and his powers are insignificant as compared to the great responsibilities of a judge of the Supreme Court and the vast sweep of powers of the Supreme Court of the United States. If it shall be said, in answer to the amendment which I have offered, that the scope and purpose of this bill is to preserve the Presidential succession, then I desire to say that that answer is not an answer to the validity and the justice of this amendment, but I deny that that is the only purpose and scope of the bill. In section 3, as I now recall it, there is a provision which makes it a death penalty to kill an ambassador or a minister

resident here and accredited by a foreign government to the Government of the United States, and I repeat it that the life of a Supreme Court judge, representing the majesty of the law, is of so great importance to the Government of the United States that we should not neglect to put him on the same plane and give him the same protection we accord Cabinet officers, ministers, and ambassadors.

Mr. ADAMSON. Mr. Chairman, I suppose that there is no member of this House who from friendly relations with President McKinley during the last three years of his life entertained kindlier feelings toward him personally nor lost more for himself and his constituents by the tragic death of the late President than did I. He was personally kind and gentle to me as to all others, and many times I had occasion to rejoice at his goodness of heart and personal kindness to me as well as fairness to my constituents. He was a man of good impulses, and made the best President his party leaders and party exigencies would allow him to make. I would yield to no man in disposition to cherish kindly sentiments for his memory or to cast flowers upon his grave, but, Mr. Chairman, if it is proposed to erect a legislative monument to his memory, I would prefer to have that enactment a wise and statesmanlike one that would reflect credit upon him as well as the Congress which enacted it.

I do not consider that it would be a fitting monument to him nor to any other man to legislate in a direction either of destroying State power or impairing the dignity, power, and efficiency of the General Government by burdening it down with things which are totally unnecessary to impose upon it, and which were foreign to the purposes of the great and wise statesmen who conceived and put into operation this great dual system of government in the land of the free and the home of the brave. [Applause.] The Federal Government may punish all crimes where it has exclusive jurisdiction. The States may punish all crimes in their territory, except such as are directly connected with the practical operations of the General Government, such as those which affect the revenues, the mails, etc. No matter which authority is exercising jurisdiction within its proper respective limits, it should legislate alike for all persons, preserving the principle of equality before the law. There is no "divinity that doth hedge about a king" in this great country. The office of President, as all other offices, confers great privilege and honor devoutly desired by a great many people, who are willing to take it, cum onere, enjoying its salary, its perquisites, and its honors with all its dangers and liabilities.

A man by assuming office does not lose his personality and equality with all the other citizens of the United States, and I shall never vote for a statute so violative of every principle and tradition of our history and people and subversive of the basic principles of our governmental system. [Applause.] As to the other features of the bill, Mr. Chairman, I might not oppose all of them, if properly framed and incorporated in our immigration laws. This bill appears to me more like the inconsiderate outcome of hysteria, which naturally results from abhorrent crimes, rather than the product of cool deliberation and the triumph of wise statesmanship. If there is a State in this Union which has been derelict in providing alike for the prompt and certain punishment of crimes against high and low, rich and poor, official and private, in degree and severity commensurate with the act committed, the proper authority to supply the remedy is the legislature of that State, and to such legislature I refer this question. The disposition to centralize all powers of government and place upon the central authority the entire burden not only invades the rights of the States, but wrongfully assigns to the General Government more duties than it can well perform. The distribution of powers and duties among the local communities is a salutary division of labor and responsibility, which contributes to dispatch, efficiency, and justice. It is wrong to burden the General Government beyond its capacity; it is wrong to deprive the States of their authority; but the gravest result is the injury to the people, whose lives, safety, liberties, and property are jeopardized by impairing the efficiency of administration.

Mr. RAY of New York. Mr. Chairman, only a word in regard to this amendment. I desire to say that the committee thoroughly canvassed the question of going beyond the Executive there in line of succession to the Presidency in making provisions of this character, and the committee was unanimous that it would be unwise. If we go beyond the Executive, then there is no place to stop, and I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. PARKER. Mr. Chairman, I offer the following amendment, which I will ask to have read:

The Clerk read as follows:

On page 4, lines 6, 7, and 8, strike out "while he is engaged in the performance of his official duties, or because of his official character or because of any of his official acts or omissions."

Mr. PARKER. I will ask the Clerk to read the section as it would be if so amended.

The Clerk read as follows:

So that the section will read: "That any person who unlawfully, purposely, and knowingly kills the Vice-President of the United States or any officer of the United States entitled by law to succeed to the Presidency shall suffer death."

Mr. PARKER. Mr. Chairman, the committee will bear me out that I am not one of those who wish to repeat what has been decided by the committee, nor to reargue what has already been decided, but it strikes me that the Vice-President and those who are standing in succession to the Presidency, the Vice-President especially, are standing in a very different position from that occupied by the President. We fairly presume that the President is always engaged in his official duties.

The Vice-President, on the other hand, has no official duty except to preside over the Senate. Except when he is sitting in that chair—or if you hold the session of the Senate to be the term of his engagement, except during the session of Congress—he has no official duties whatsoever. During the recess he is not protected by that law. Nor are his official actions of such a nature as could be objected to. His sole official action in the Senate is to rule upon what comes up there, and that ruling is subject to instant reversal by the Senate itself. The object of this section is not, as I submit to the chairman of the Judiciary Committee, to protect his ability to rule on motions in the Senate. The object is shown in the words of the section to be to protect the succession to the Presidency. It is directed to those entitled by law to that succession.

Now, the Vice-President may have large public influence, and we have had Vice-Presidents who had such public influence. Imagine a case, during a recess of Congress, in which a disappointed office seeker, who complains of the Vice-President for using or not using his influence, kills him unlawfully, willfully, and maliciously. This section would then do nothing for the punishment of the offense or the protection of the Government. Many other cases may be suggested. The nation's interest in the Vice-Presidency is not in the fact that the Vice-President is President of the Senate. It is because he is the spare pilot standing ready to take the place of the pilot at the wheel of the ship of state and because the nation for its own protection has the right to protect his life. I urge upon this committee that it is constitutional to protect the Government, the nation, the Constitution from change of the succession to the office of its Chief Executive by such willful, knowing, and unlawful assassination, from whatever unlawful motive. This I believe to be the object of this section, and it is with a view of effectuating the object of the committee upon which I have the honor to have a place that, with all deference, I offer this amendment, one that stands, I believe, on stronger ground even than that offered in the case of the President.

Mr. RAY of New York. Mr. Chairman, in opposing this all I need to say is that it is the same proposition that we fought over yesterday, only in this instance the Attorney-General of the United States substantially concedes that these limitations are necessary. In a bill which we had prepared in that Department and which we had before the committee, these limitations in effect are included, and no one, so far as I know, except the gentleman from New Jersey, has ever contended that you could protect the Vice-President under all conditions and circumstances. Now, we have had a test vote on this and there was a decided majority. I do not think I ought to take time in rediscussing the question and in thrashing over old straw. I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey [Mr. PARKER], to amend section 2.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. PARKER. I should like a division.

The committee divided, and there were—ayes 15.

The CHAIRMAN. Does the gentleman desire a count of the noes?

Mr. PARKER. I do not.

Accordingly the amendment was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out of section 2 all thereof after the "who" in the first line and insert, "willfully and with malice aforethought kills the Vice-President of the United States while he is engaged in the performance of his official duties or because of his official character or because of any of his official acts or omissions shall suffer death."

Mr. SMITH of Kentucky. Mr. Chairman, this amendment is of the same character as the one that I offered to section 1, with the addition that it strikes out all the Cabinet officers. If it were adopted, this section would apply solely to the Vice-President, leaving out Cabinet officers. Now, I want to say to the members of the committee that we ought to be entirely deliberate and cool about this matter. I want the members of this committee

to remember that when a man is appointed to a Cabinet position he does not lose the weaknesses that flesh is heir to. He is as likely to do wrong then as he was before he was appointed to that position; and if down in your State he should offer some insult to one of your citizens, and that citizen in the heat of passion should slay him, under this bill he would be liable to the death penalty.

I do not believe we ought to provide as severe a punishment as that would be under circumstances of that kind. Let us do what is right. Let us legislate like reasonable and intelligent gentlemen. Let us take into consideration the passions to which men are subject. While we throw around the President and these high officials that degree of protection that, it seems to me, will under all circumstances fully protect them against violence at the hands of bad people, we ought to have some consideration for our fellow-men who are so unfortunate as not to be able to restrain themselves when smarting under an insult given. All men are not forbearing, and there are many who, when excited, act hastily and without thought.

Mr. RAY of New York. Mr. Chairman, I want the committee to understand that the gentleman proposes to strike out all of section 2 that would afford protection to the Cabinet officers of the United States. By law they are the persons in line of succession to the high office of the Presidency in case the President and Vice-President both pass away. I submit that we ought to retain that protection for the Executive and for those in line of succession. I hope the amendment will be voted down without taking further time,

Mr. CLARK. Mr. Chairman, we can not hear one word that is being said. Nobody knows whether the gentleman from New York is for the amendment or against it.

The CHAIRMAN. The gentleman is opposed to the amendment.

Mr. RAY of New York. I oppose the amendment, I will say to the gentleman, because I think that the purpose of our legislation is and ought to be to protect the President, the Vice-President, and those officers of the Government now designated by law to fill that high office in case a vacancy occurs.

Mr. LITTLEFIELD. This amendment defeats that purpose.

Mr. RAY of New York. And this amendment defeats that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by striking out the words "or any officer of the United States entitled by law to succeed to the Presidency."

Mr. DE ARMOND. Mr. Chairman, that amendment, if adopted, would confine this legislation to the President and Vice-President.

The CHAIRMAN. The Chair will remind the gentleman from Missouri that the House has twice voted against sustaining an amendment of that kind to the bill.

Mr. DE ARMOND. I think not in reference to this motion.

Mr. McCULLOCH. The amendment of the gentleman from Kentucky was "maliciously, etc."

The CHAIRMAN. The Chair will not make the point of order now.

Mr. DE ARMOND. I would like to understand about that. I think there has been no vote upon that proposition.

The CHAIRMAN. The identical proposition has been twice voted upon by the House on this bill in the same language.

Mr. DE ARMOND. A proposition of this kind?

The CHAIRMAN. The Chair thinks to the first and second sections.

Mr. McCULLOCH. Not about this.

The CHAIRMAN. The gentleman from Tennessee and the gentleman from New Jersey offered an amendment to strike this language out of the second section.

Mr. LITTLEFIELD. Can not we have order? We can not hear.

The CHAIRMAN. The gentleman from New Jersey offered an amendment to strike from the second section of the bill "while engaged in the performance of his official duties or because of his official character or because of any of his official acts or omissions."

Mr. DE ARMOND. That is not what I offer, Mr. Chairman.

The CHAIRMAN. The Chair stands corrected. The amendment does differ from the others.

Mr. DE ARMOND. I thought it had not been voted on.

The amendment if adopted would leave the act to apply wholly to the President and Vice-President, where I believe it ought to be left. Now, I do not desire to take the time of the committee upon it, because everybody has presumably made up his mind on the subject, and the matter is easily presented to the mind of anyone. It will be noticed that an offense which would be nothing more than manslaughter, the punishment for which under the law of no State in the Union, under no law of the Federal Government, would be death—for such an offense the punishment prescribed here is death.

The succession of a Cabinet officer to the Presidency must be remote, highly remote. There has never been a succession in the history of the country beyond the Vice-President. The second person who can succeed to the Presidency, in the case of the death or the incapacity of both the President and Vice-President, has never yet been called to the Presidency. With these facts of our history before us, with the other fact that we are preparing to punish in a way that the crime would not be punished under any law of the United States or any law of any State, the act ought to stop, in my judgment, with the President and the Vice-President. The existing laws provide amply now for punishing the murder of a Cabinet officer or any other assault upon him in protecting all the individuals of the country. If the offense were to take place where the jurisdiction of the United States is exclusive, there are ample Federal laws for the protection of the officer as an individual, and for the punishment of the offender. If the offense be committed in a State, the State laws are ample.

I think it ought not to be that. if a Cabinet officer, the seventh or eighth from the Presidency, if you please, were to be the victim of assault in a State, or if he were to suffer death in a State, when that offense would amount under the State law or national law as they now are to nothing more than manslaughter, we make it murder. We ought not by this law to provide that the Federal court shall have jurisdiction in a State of an offender guilty of nothing but manslaughter, grave and serious as that offense may be, but not so serious as murder, and that he shall by Federal law be punished as for murder. I have stated the sole object and purpose of the amendment, and with these remarks I submit it to the committee.

Mr. RAY of New York. Mr. Chairman, just one word. The amendment proposed by my colleague on the committee is identical with that offered by the gentleman from Kentucky [Mr. SMITH], with the exception that the amendment of the gentleman from Kentucky included the striking out of the words "the Vice-President."

Mr. SMITH of Kentucky. No; mine included the striking out of the words "unlawfully, purposely, and knowingly," and inserting "willfully and with malice aforethought."

Mr. RAY of New York. Very good. I want to say that our purpose is, and we think we have the right, to protect the President and Vice-President and those officers in line of succession to the Presidency under the law as it exists, and we ought to do that; and I think there is no question but that we have the constitutional right to do it. No one questions that except the gentleman from Wisconsin [Mr. JENKINS]. I trust the committee will insist on voting down the amendment and retaining the protection for all these officers who are in line of succession to the office of Chief Executive of the nation.

Mr. BELLAMY. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. The Chair thinks the gentleman's amendment is not in order.

Mr. SMITH of Kentucky. I ask unanimous consent, Mr. Chairman, that the gentleman be allowed five minutes.

The CHAIRMAN. Without objection, the request of the gentleman from Kentucky will be granted.

There was no objection.

Mr. BELLAMY. Mr. Chairman, I am much interested in this discussion, and I think the amendment offered by the gentleman from Kentucky [Mr. SMITH] ought to have passed, but not having passed, I think the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] ought then to be adopted.

The same reason does not apply to extending protection to the members of the Cabinet that do to the protection of the President. In fact, I can conceive of instances where in the social relations of life a member of the Cabinet may be visiting and in a sudden broil or heat of passion may get into some difficulty and he may be slain because of some discussion about his duties, although he may be the aggressor, and the slayer, while technically guilty of manslaughter, would be actually punishable by the death penalty under this provision. This is not right, and not in accord with the true spirit of the American Republic, composed of States whose laws and institutions are based on common-law principles.

I do not think it is the intent or the desire of the country at large to throw such a protection around Cabinet officers, and the amendment of the gentleman from Kentucky ought to have prevailed, because the principle of malice, "with malice aforethought," as expressed in the law, ought to enter into the crime, so far as it relates to the members of the Cabinet, because they are, as I say, brought into daily contact with various people that the President and the Vice-President will not be.

I hope this amendment will prevail. The country at large is not demanding more effective protection of the individual with

reference to the President and the Vice-President. They are demanding that laws shall be passed stamping out anarchy in this country. The law is already sufficient to punish any criminal who assaults the President of the United States, but we wish to make more effective the suppression of these individuals and the exclusion from this country of anarchists and nihilists who come here with an utter disregard for government, and exclude or deport them, if necessary, and that is, if I understand aright the trend of the public mind, the popular demand throughout the country, and not more effective laws for the prosecution of the individual. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 49, noes 61.

Mr. DE ARMOND. Let us have tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed as tellers Mr. RAY of New York and Mr. DE ARMOND.

The House again divided; and the tellers reported—ayes 58, noes 67.

So the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out the words "and knowingly" in line 4, page 4.

Mr. OLMSTED. Mr. Chairman, all penal laws are to be strictly construed. It does not require a strict construction of this bill as it now stands to hold that in order to convict any person of the offense here defined it must be first shown that he knew that he was killing the officer designated, the Vice-President of the United States, also that he knew that that officer was at the time engaged in the performance of an official act. The committee in its report say, "There is no question as to the power of Congress to define and punish the offense of unjustifiably assaulting or killing the President while engaged in the performance of his official duties."

If that be so, what is the necessity of inserting the word "knowingly?" The same principle would apply to section 2, referring to the President. And over on page 23 of its printed report the committee apparently so construes it that in order to commit the offense punishable by this act the offender must know that he is killing the officer named in the bill, and he must know that at the time of the killing he was engaged in performing an official act.

If that is not to be its effect, then the word "knowingly" can have no purpose or necessity in the bill. I think the same words should have been stricken out in the preceding section in reference to the President. I shall ask at the proper time unanimous consent to refer back to the first section and strike it out there, if this amendment prevails. I do not believe, many leading lawyers in this House do not believe, the Senate does not believe, the people of the United States do not believe, and the Supreme Court will never decide that in order to make it constitutionally an offense punishable by death it is necessary to prove that the person who kills the President of the United States knew at the time he was President, and not only that, but knew that he was at the time engaged in the performance of an official act.

Mr. RAY of New York. Mr. Chairman, we have thrashed that over once in discussing the preceding section. These words, as I stated, were taken from the bill drawn in the office of the Attorney-General. They have no such meaning as the gentleman from Pennsylvania would impute to them. They mean that the criminal must "unlawfully and purposely" kill, and that he must know that he is killing. To say that he must know the official character of the person assailed or must know that the person killed is engaged in the performance of official duties is a strained construction, not a legitimate one. I hope that the opinion of the law officer of the Government as to the propriety of the words will prevail. The committee was unanimous in agreeing that the construction stated is the proper construction of these words.

Mr. OLMSTED. May I ask whether the use of the word "knowingly" is necessary at all?

Mr. RAY of New York. Oh, certainly, if we would make the bill efficient and certain.

Mr. OLMSTED. If we say that the person must "unlawfully and purposely kill," is not that language sufficient?

Mr. RAY of New York. No. In the criminal law, as we found after thorough investigation, the two words have a somewhat different meaning. Putting them together they have a broader meaning than standing alone. When the bill suggested at the Department of Justice came to me, my first impression was that the language was objectionable as tautologous; but on looking up the meaning of the two words in the law, I found that in order to cover the case properly both ought to be used, and we therefore retained them, and to be consistent we ought to retain them.

Mr. OLMSTED. Does the gentleman understand that the word "knowingly" implies that the assailant must know that the person assailed is the President of the United States.

Mr. RAY of New York. I do not; that is not the meaning.

Mr. OLMSTED. What must he know?

Mr. RAY of New York. He must know that he is killing some one, or doing an act that may result in the death of some human being.

Mr. OLMSTED. Czolgosz, when he shot President McKinley, did not know that he was killing him, for his victim did not die until some time afterwards.

Mr. RAY of New York. He did not know that he had actually killed him; but that is not the idea. He knew that he was trying to kill somebody; he knew that he was striking a blow that might be fatal; he knew what he was doing, and intended death. If the assailant or the person striking the blow is a lunatic or an idiot, every lawyer knows that in the eye of the law the act is not knowingly done. If the assailant be a lunatic or an idiot, this word would exclude him. The word is necessary, so as to not punish a man improperly.

Mr. PATTERSON of Tennessee. If the word "knowingly" be used, will it not be necessary, in order to render the assailant guilty, that he shall know he is killing the President, or some person in the line of Presidential succession?

Mr. RAY of New York. It does not make any difference whether he knows his victim is engaged in the performance of official duty or not. It does not make any difference whether he knows that he is assailing a particular officer or not. He takes the chances. If he kills a man purposely, and that man is the President engaged in his duties, he is guilty.

Mr. PATTERSON of Tennessee. I believe that this House has voted upon these propositions believing that the word "knowingly" refers to the mental status of the assailant; that this is an anti-anarchist bill, and that when a person kills the President or a Cabinet officer in the line of succession, knowing that the person assailed is such officer, then he is guilty of a capital offense. Now, the gentleman from New York, as I understand, construes the word "knowingly" to refer only to the act, so that a man would be guilty under this provision whether he knew or not that the person he killed was the President or the Vice-President or a Cabinet officer.

Mr. OLMSTED. The report, on page 23, states that in order that this offense of "knowingly" killing the President may be committed the assailant must have knowledge that the person assailed is an officer engaged in the discharge of his duty, "for he knowingly kills an officer charged with the execution of the law while in the discharge of that duty."

That is the language of the report, and it is perfectly plain that the word "knowingly," as used in this bill, bears that construction.

Mr. RAY of New York. Used in the connection intended, the words would have the construction which I give them.

Mr. CLARK. I want to ask the gentleman from Pennsylvania a question. He has just read some language from the report and says it is "perfectly plain." "Perfectly plain" as meaning what? Does it mean that the assailant must simply know that he is killing somebody, or does it mean that he must know the man he is killing is the President?

Mr. OLMSTED. As I understand, he must know that the man he is killing is President and must know also that he is at the time engaged in the performance of some official act.

Mr. CLARK. Then he will know a good deal more than some people in this House would know.

Mr. RAY of New York. When the gentleman from Pennsylvania uses the words "official act" he does not draw the distinction that has been drawn by the Supreme Court of the United States. A man is engaged in the performance of an official act, like the members of Congress on duty to-day. Now, to-day we are each engaged at this time in the performance of an official act. When this House adjourns and we go down to our dinners to-night we are engaged in the performance of our official duties, as this bill provides, but not in the performance of an official act. I call for a vote.

Mr. BARTLETT. Mr. Chairman, I ask that the amendment be again read. Many of us did not hear it.

The CHAIRMAN. The motion is to strike out the word "knowingly" in the fourth line of the fourth page. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment rejected.

Mr. CRUMPACKER. Mr. Chairman, I have an amendment, which I will submit and ask to have read.

The Clerk read as follows:

Insert after section 2 the following as an independent section:
"That any person who unlawfully, purposely, and knowingly kills the President-elect or the Vice-President-elect of the United States shall suffer death."

Mr. RAY of New York. Mr. Chairman, is that in order?

The CHAIRMAN. It depends upon the question whether there are any further amendments to section 2 to be offered. If not, then the amendment is in order.

Mr. RAY of New York. Very good.

The CHAIRMAN. The Chair hears no objection, and the amendment offered by the gentleman from Indiana will be considered.

Mr. LANHAM. Mr. Chairman, have we left section 2?

The CHAIRMAN. We have completed section 2.

Mr. LANHAM. I wish to make a motion in regard to that section.

The CHAIRMAN. Very well.

Mr. LANHAM. I move to strike out all of section 2, and I just wish to say one word. I do not now remember to have heard of the Vice-President of the United States being assaulted or of any attempt made to kill him because of the possibility that he might become President. Ordinarily, when a citizen reaches that high station, he is regarded, I believe, as being laid upon the political shelf, and I never have heard of any Cabinet officer being assaulted because of the remote contingency that he might at some time become President of the United States.

Mr. WARNOCK. Mr. Chairman, if the gentleman will permit, I would like to inquire if he has forgotten the attempt that was made upon Vice-President Johnson at the time that Lincoln was shot, and upon Mr. Seward as well?

Mr. LANHAM. That had escaped my recollection.

Mr. BARTLETT. Mr. Chairman, but at that time the Cabinet officers could not succeed.

Mr. LANHAM. The situation was very different then from what it is now in a time of profound peace.

Mr. BARTLETT. Cabinet officers at that time could not succeed to the Presidency.

Mr. WILLIAMS of Mississippi. But the Vice-President could.

Mr. LANHAM. I move to strike out the whole section.

The question was taken, and the Chairman announced that the motion was lost.

A division was demanded by Mr. LANHAM.

The House divided, and 20 members voted in the affirmative.

Mr. LANHAM. Mr. Chairman, I do not demand a further count.

So the motion was lost.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] offers an amendment, which the Clerk will again report.

The Clerk read as follows:

Insert after section 2 the following as an independent section:

"That any person who unlawfully, purposely, and knowingly kills the President-elect or the Vice-President-elect of the United States shall suffer death."

Mr. CRUMPACKER. Mr. Chairman, it seems to be the purpose of Congress to assert the Federal power in the protection of the President of the United States and those in the lawful line of succession. Heretofore the Federal Government has depended upon the incidental protection that came from the enforcement of State laws. There is abundant authority in the Constitution for Congress to protect its own officers. It has been settled beyond question that the Federal Government is not compelled to depend upon any other sovereignty for its own protection; it has inherent and express power enough to take care of itself and preserve its own political integrity.

Now, when one is elected President of the United States by the electors that are regularly chosen he is given a constitutional status, and more embarrassment, I submit, may come to the people of the country in the overturning of popular government from the assassination of the President and Vice-President elect than can come even from the assassination of the President and Vice-President after they have been inaugurated, because Congress has provided abundantly for the succession in the event of the death or resignation or removal of the President, but I submit there is no adequate provision for succession of one who has been elected President of the United States and has not yet been inaugurated.

This Government is a government of the people. It is based upon popular elections, and it goes to great pains in surrounding the institution of elections with safeguards to protect their purity and integrity, to prevent and punish fraud and imposition, and it is utterly preposterous, in my judgment, to say that the Government that may exercise all of this authority, these incidental powers, in preserving a great fundamental principle upon which the Republic rests, and yet has not the power to go further and protect to the people of the country the result of the election, after the electors have assembled and elected the Chief Magistrate of the country. If he shall be assassinated, murdered, say, in the State of New York, it is not only a crime against the State of New York, but it is a crime against the State of Indiana, against the State of Ohio, the State of California, the State of Texas, because by that crime the people in all the States in this country have been deprived of the services of one whom they selected to be the Chief Magistrate.

The result of popular elections would be overthrown. It is a blow at the very vital principle of republican government, and I submit again that the embarrassments that must come from a crime of that kind under those circumstances, may be infinitely worse than any crime that could be inflicted upon the Federal Government by the assassination of a President. What would be done if, after the electors had met and chosen a President of the United States and exhausted their power, the President-elect and Vice-President-elect should be assassinated? What constitutional resource would the people have? The term of the incumbent expires on the 4th of March under the Constitution, and, as I understand it, all of the Cabinet officials who are appointed and who are members of his official family, go out of official existence with him. An interregnum, if I may be allowed to use that term in connection with the politics of this country, might easily happen, and in view of the heat that may be engendered in Presidential elections, in view of the party feeling that may be worked up over the fierce contests that occur every four years, some disordered mind might be prompted to assassinate the successful candidate.

[Here the hammer fell.]

Mr. RAY of New York. Mr. Chairman, all I need to say in reply to the gentleman is that his proposed amendment is clearly unconstitutional, unauthorized by the Constitution beyond any peradventure. It is decided over and over again that the President, the Vice-President, and many other officers elected to represent the Government are mere private citizens until the 4th of March comes. In the case of the United States *v.* Cruikshank, and in numerous other cases, it is held that sovereignty for the protection of the rights of life and personal liberty of the citizens within the respective States rests alone with the States. I will not read any more, but that principle is iterated and reiterated, and Congress has not any power to enact such a law as this for the protection of a citizen of the United States, it makes no difference to what high office he has been elected, until his term of office begins.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. RAY of New York. Yes.

Mr. WILLIAMS of Mississippi. Is it not a part of the duty of the incumbent who is President, in the execution of the laws of the United States, to see to it that the President-elect is not obstructed in his inauguration and in taking his seat?

Mr. RAY of New York. Oh, it would be the duty of the President in executing the law to preserve order at the inauguration of his successor.

Mr. WILLIAMS of Mississippi. Very well; that is what I am getting at.

Mr. RAY of New York. But that would be to preserve the public peace in the District of Columbia, which is entirely within the jurisdiction of the United States. And another thing; the 4th of March has come, the time has come when the President comes into office, and he becomes President whether he takes the oath or not.

Mr. WILLIAMS of Mississippi. Now, I want to ask this question: Does not this bill rest entirely for its constitutional warrant upon the proposition that Congress is given power to execute the foregoing grants of power? In other words, do we not derive our right to pass the very bill that we are passing here from the right that is given to Congress to enforce and execute the provisions of the Constitution?

Mr. RAY of New York. Oh, incidentally, that is one of the grounds, certainly.

Mr. WILLIAMS of Mississippi. Is not that the only ground really, because we have the right to say that a governmental agent of the United States is obstructed by killing or otherwise in the discharge of his duties?

Mr. RAY of New York. That is the ground.

Mr. WILLIAMS of Mississippi. That grows out of the constitutional power to enforce the foregoing provisions which have conferred certain powers and duties on certain executive officers. Now, if it be true that it is the duty of the incumbent of the office of President to see to it that the incoming President is safely inaugurated without obstruction, then have we not the same constitutional warrant for the other?

Mr. RAY of New York. To provide for the punishment of the man who kills the President-elect?

Mr. WILLIAMS of Mississippi. Yes.

Mr. RAY of New York. Clearly not, Mr. Chairman, because the President-elect is a private citizen until the 4th day of March comes, until the hour of noon arrives, and Congress can not protect him until then. When that hour comes he becomes the President of the United States. Of course it may be the duty of the incumbent to protect me as a private citizen, but that does

not give the Congress power to enact special laws for my protection, and making my murder in a State as a private citizen such an offense as is contemplated in this bill.

Mr. HENRY C. SMITH. May I ask the gentleman a question?

Mr. RAY of New York. Yes.

Mr. HENRY C. SMITH. Why not add to the amendment of the gentleman from Indiana [Mr. CRUMPACKER] a suggestion such as you have in section 13, that the President-elect shall be presumed to be in the performance of his duty from the time he is elected? [Laughter.]

Mr. RAY of New York. Well, that is mere nonsense, and I will not take any time to answer it.

I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. CRUMPACKER] to insert a new section, which the Clerk will report for the information of the committee.

The amendment was again read.

Mr. THOMAS of Iowa. Mr. Chairman, I move to amend by striking out the last word.

The CHAIRMAN. That is not in order. The amendment pending is already an amendment to an amendment.

Mr. THOMAS of Iowa. This is a new section, as I understand it.

The CHAIRMAN. The amendment proposed by the gentleman from Indiana is an amendment to a pending amendment. The question is on the motion to amend.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CRUMPACKER. Let us have a division.

The committee divided, and there were 22 in the affirmative.

Mr. CRUMPACKER. I withdraw the request for a division.

The CHAIRMAN. The noes have it, and the amendment to the amendment is rejected.

Mr. PATTERSON of Tennessee. Before leaving section 2, I want to offer this as a proviso.

The CHAIRMAN. We have left that section. The Chair asked if there were any other amendments to section 2, and there were none offered.

Mr. PATTERSON of Tennessee. Then I offer it as a new section.

The CHAIRMAN. The gentleman from Tennessee proposes an amendment which the Clerk will report.

The Clerk read as follows:

Add after second section:

"*Provided, however*, That no person shall suffer the death penalty for this act unless he knew the official character of the officer killed."

Mr. RAY of New York. I make the point of order against that. I confess, Mr. Chairman, that I have not heard it distinctly. May I ask to have it again reported?

The amendment was again reported.

Mr. RAY of New York. I make the point that that is simply a proviso to section 2, and that it is not a new section.

The CHAIRMAN. The Chair can not decide that it is a proviso.

Mr. PATTERSON of Tennessee. I would like to have order just one moment, because this is a most important measure. I offer this amendment on account of the construction placed upon the word "knowingly" by the distinguished chairman of the Judiciary Committee. He says that the word "knowingly" in this bill referes to the act and not to the mental status of the assailant of the President. Now, I take it, Mr. Chairman, that we are legislating here not for the hour, not for the day, but for all time; and I want to say I believe it is a monstrous and bloody proposition to say that any man should suffer death under circumstances of this character unless he knew the official character of the person whom he killed. Now, what is the scope and purpose of this bill? This bill is aimed primarily at anarchy and anarchists, who are opposed to all officials and who have a hatred against organized government. Now, you have a proposition in this bill making a penalty of death to kill a man knowingly, unlawfully, and purposely, when this man does not know that he is killing an officer.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. PATTERSON of Tennessee. Certainly.

Mr. TAWNEY. Under this amendment all a man would have to do in order to be acquitted would be to plead that he did not know that he had killed an officer.

Mr. PATTERSON of Tennessee. I refer my friend to the common law, and also tell him that the State would be able to punish, and would punish such a man. If he killed a Cabinet officer or any other officer, then he would be amenable to the jurisdiction of the State court, and that is a complete answer to that question. He would be punished for his crime.

Now, I want the chairman of the Judiciary Committee and the committee itself to put itself on record on this amendment, by saying that it proposes to visit the extreme penalty upon a man who kills another without malice, without premeditation, and without deliberation, and not knowing the person killed to be an officer such as sought to be protected under the terms of this bill.

This kind of legislation is not demanded, and is unwise and revolutionary. Any citizen, otherwise law abiding, and in no sense an anarchist, might kill the officers named, not knowing they were officers, under circumstances that might greatly mitigate the offense, and still suffer the penalty of death.

Mr. RAY of New York. I call for a vote on the amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. PATTERSON of Tennessee. Division.

The committee divided, and there were 10 in the affirmative.

Mr. PATTERSON of Tennessee. No further count demanded.

The CHAIRMAN. The noes have it, and the amendment is rejected.

The Clerk read as follows:

SEC. 3. That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

Mr. GILBERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend section 3, on page 4, by inserting, after the word "therein," in line 12, the words "or being within any territory or place subject to the jurisdiction thereof."

Mr. GILBERT. Now, Mr. Chairman, I have heard some half a dozen times during the discussion of this bill that Congress derived its authority to make this legislation under the law of nations. I do not understand that Congress derives any authority at all by international law. Whatever authority Congress has upon this subject is derived under the Constitution, either express or implied. In my judgment, Congress has no right to legislate upon this subject at all. But waiving that point, if Congress has any right to legislate upon this subject, if we are under any duty or obligation to legislate for the protection of foreign ministers, then certainly the legislation ought to be as extensive as the territory.

A new-fangled doctrine has grown up of late that the United States do not include the Territories, and the way this bill reads now, a foreign minister being killed within the territory of the United States, the person inflicting the wound or causing the death would be punished with death, but if the foreign minister should be within the District of Columbia or should be within the Territories of the United States the language of this bill does not include and does not protect him. Therefore, I say that if we are going to legislate at all let the legislation be inclusive, not only of the United States, but over every other territory over which the jurisdiction of the United States extends.

Mr. RAY of New York. Mr. Chairman, I hope this amendment to that section will be voted down. There is no occasion for it.

The question was taken; and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Missouri moves to strike out the section.

Mr. DE ARMOND. Mr. Chairman, I only wish to speak on this amendment very briefly. This section is one that provides for punishing with the death penalty persons who in the States, as well as where the Federal Government has exclusive jurisdiction, may kill a foreign ambassador. I think it is entirely unnecessary. I think, instead of being a wise law, one that would be wholesome in effect, it would be a bad law. I do not think it tends to the protection of the foreign minister. It is making a distinction between our own people and the representatives of foreign governments, whether the foreign government be good or bad, or whether the representative be good or bad; making a distinction that ought not to exist.

Under the present state of the law, under the laws as they now are, there is ample provision made by the Federal law and by the State laws. The Federal law within the territory over which the United States has exclusive jurisdiction, and the State laws in the several States provide for the trial and punishment of every person who may commit any offense upon another, whether representative of a foreign Government or citizen of the United States.

The reason for legislating with reference to the President and the Vice-President, and the members of the Cabinet who may succeed to the Presidency, has no application whatever to such a provision as that which I have moved to strike out. If one were

thoroughly satisfied with the proposed legislation as to the President and the Vice-President and others in succession, that it is absolutely necessary and wise without adulteration, yet we can not reason from it that there is any occasion for this provision. It relates to an entirely different subject. It has no relation to the perpetuity of the Government. We are seeking to protect our own Government in the person of its Chief Executive and those who may succeed to that high office, and this is put in as a compliment to foreign Governments, and is prejudicial, and theoretically and practically against our own people in leaving them out of that protection.

Mr. PARKER. Will the gentleman allow me?

Mr. DE ARMOND. I will yield to the gentleman.

Mr. PARKER. I was going to ask the gentleman whether it was not in the early part of our legislation, 1790, I think, that the United States was given exclusive jurisdiction over ambassadors?

Mr. DE ARMOND. That is another question entirely. It is not a question whether the United States should have exclusive jurisdiction when these ambassadors are interested on the one side or the other, when they are the victims of assault; that is not the question. But the question is whether the jurisdiction of the United States courts should be extended from those at its head to these ambassadors; whether jurisdiction of the United States should be extended, as to these particular representatives, into the States where it may not otherwise go; whether a man under aggravating circumstances who commits an offense upon one of these ambassadors, of no higher grade than the lowest degree of manslaughter, shall be punished with death. It is a provision that ought not to be in this bill. It is utterly useless legislation, against which every argument that can be urged with respect to the President and Vice-President must stand. These people do not stand in any such relation as our own high officers, and we have no like interest in them. When they are taken care of by the laws that are sacred to the American citizen, all has been done that ought to be done; all is done for them that need to be done for them, all that can be done for them, in justice and in fairness to our own people.

Mr. POWERS of Massachusetts. Mr. Chairman, I trust that this amendment will not be adopted, and for this reason; This bill seeks to protect the President of the United States and those in line of succession. It does not go beyond that with reference to American officers; at the same time, it undertakes to protect the official heads of other nations accredited to this country and residing herein. In other words, it seeks to protect the official head of the United States and the official heads of the other nations who are residing in this country and over which we have jurisdiction,

Mr. SMITH of Kentucky. If it would not disturb the gentleman, I would like to ask him a question.

Mr. POWERS of Massachusetts. I will yield to the gentleman.

Mr. SMITH of Kentucky. I would like to ask the gentleman this question: We base our right to legislate with reference to the Vice-President and the Cabinet officers upon the fact that they are Government officials; they are officers of the Government, and we limit our powers with reference to them to the time when they are engaged in the discharge of their duties and where the assault is made by reason of their official character or on account of some official act done or omitted to be done. In my judgment that is perfectly constitutional for Congress to legislate that way. But as to these foreign ambassadors, they are not citizens of the United States; they are not officers of the United States, and upon what ground can Congress assume jurisdiction to legislate with reference to them? That is what I want to know.

Mr. POWERS of Massachusetts. I will undertake to answer the gentleman from Kentucky by referring him to 120 United States Reports, page 480—the case of United States *v.* Jonah. I read only a portion of the head notes.

The United States being bound to protect a right secured by the law of nations to another nation or its people, Congress has the constitutional power to enact laws for that purpose.

Under the principle there stated, Congress undoubtedly has the right to pass laws for the protection of the lives of ambassadors who are sent here to represent foreign countries.

But more than that, Mr. Chairman; at the present time every civilized nation is trying to stamp out anarchy. The nations are working in concert for this end. During the last two years a sovereign of Europe—the King of Italy—and the President of the United States have both fallen at the hands of anarchists; and in each case the plot was hatched upon American soil, and was carried into effect by the assassin crossing the ocean for the purpose of doing so. It strikes me it would be most ungracious if when at this time we are trying to protect our Chief Executive we should refuse to extend like protection to representatives in our country of foreign nations.

More than that, Mr. Chairman, under our law as it stands now if an unpremeditated attack were made upon the ambassador from Germany in the District of Columbia or in a Territory of the United States, the maximum penalty for that assault, if it did not result in death, would be three years in a State prison and a fine not exceeding $1,000. I trust, Mr. Chairman, that this amendment will not prevail.

Mr. SPIGHT. Mr. Chairman, if I could vote for that feature of this bill which has for its object the suppression of anarchy and the exclusion of anarchists from our country as an independent proposition, I should be glad to do so. Since the birth of our Republic it has been our proud boast that this "the land of the free and the home of the brave" should be an asylum for the oppressed of all nations, but it was never intended that it should be a rendezvous for the vicious and criminal classes who not only know nothing of the genius of our institutions, but are animated by an intense hatred of every form of organized government. They contribute nothing to our national greatness and prosperity, but are a standing menace to the peace, good order, and well-being of society.

Any legislation, to the extreme limit of constitutional power, which looks to their exclusion and expulsion from our borders shall have my hearty approval and support, and I regret that such provisions in this bill are so coupled with other vicious and dangerous propositions that I feel constrained to vote against it in its entirety.

One of the cardinal doctrines of the political school in which I have been trained is that no part of the sovereignty of the States is to be surrendered to the General Government except as expressly authorized by the Constitution.

That the General Government confers no power upon the States, but that the States have conferred certain powers upon the General Government through the medium of the Constitution. This is the doctrine of "States' rights" which it is fashionable in certain quarters to ridicule so unfeelingly. The measure now under consideration had its origin in the deep-seated and widespread indignation which followed the cruel and dastardly assassination of President McKinley.

The fact that the President was murdered by a brute who never saw him before and who could not claim the cowardly justification of a personal grudge was enough of itself to inflame public passion; but when we consider that the victim of this assassin was a man so gentle and so lovable as William McKinley, it is not strange that the people from every portion of this country, without regard to political and partisan differences, were wrought up to a degree of indignation and a sense of outrage never witnessed before. This feeling was nowhere stronger than in the "solid South," as I know from a personal intercourse and contact with the people.

The prompt trial, conviction, and execution of the miserable assassin only partially appeased the public demand for vengeance. It was known that the enemies of organized government and the propagandists of dangerous political, economic, and social heresies were behind the cowardly murderer and nerved his arm to strike the deadly blow, and not only was the sacrifice of his wretched life demanded, but there was also a general desire for such legislation as would, as far as possible, prevent the recurrence of such a tragedy.

This desire, accentuated and intensified by a constantly accumulating momentum, has reached the Congress of the United States, and grave Senators and dignified Representatives have been "swept off their feet" by this strong popular current and have literally "lost their heads." There is great danger that in the mad desire for political advantage and in the wild rush for popular approval a more serious blow at the spirit and genius of our institutions may be delivered than any that was ever directed at any man, no matter how lofty his station.

To follow the leadership of passion is always dangerous, but when the Congress of the United States, the greatest legislative body on earth, representing the people of the grandest, richest, and most powerful nation the sun ever shown upon, legislating not for an hour, a day, or a year, but for all time, shall yield to passion and shall forget the teachings of the fathers of the Republic and more than a hundred years of magnificent history, I can but be alarmed. I may be an "old fogy." I do not intend to be a modern "crank." I love my country. I love her institutions. I love her proud history. I love her people and all their interests, and I love them too much to sit idly by and see them sacrificed without raising my voice in earnest protest. I think it will be ineffectual, I think the bill will pass, and that my poor opposition will amount to nothing so far as results are concerned; but, be this as it may, my conscientious convictions lead me to oppose this bill, and knowing no better guide, next to the Word of God, than the dictates of an enlightened conscience, I am compelled under a stern sense of duty to vote against it.

I shall not stop to argue the legal and constitutional questions

involved. They have been ably presented by others, and my judgment is convinced. I believe that the pending bill is in conflict with the Constitution, and is violative of the fundamental principles of our Government, and if enacted into law will be subversive of our free institutions. One of the basic principles of our system of government is that all men are equal before the law. I know that we have been drifting away from this old landmark, but I will never by word or vote acknowledge that this is an obsolete doctrine.

By the terms of this bill there is created a favored class of Americans whose lives are made more precious in the sight of the law than all others, and includes, also, a number of foreigners temporarily residing here as the representatives of their governments and fixes a death penalty for killing any one of those protected officers under such circumstances as would be only manslaughter in any other case, and takes away the jurisdiction of the State courts and confers it upon the Federal courts.

While I would regard it as a dangerous encroachment upon the equality of rights and the sovereignty of the States, I might bring myself to vote for such a provision which should apply alone to the President, but I can not agree that because a man happens to be a Cabinet officer or the representative of some foreign government he is entitled to be placed upon a higher plane before the law than every other citizen of the country. This all "smacks" of royalty, and is in keeping with the policy of imperialism into which we are so rapidly drifting.

The life of the humblest citizen is just as precious to him and to his family as is the case with a Government official. The willful, malicious, and deliberate killing of one human being is just as much murder in the eyes of God and man as is the killing of any other human being, and this has been recognized by all statute law in this country from the foundation of our Government, but here we are about to create a sacred class "hedged about with a divinity" and made superior, by the law of the land, to millions of others just as good as themselves.

If I had no other objection to this bill I would vote against it because of what is sought to be done in the last section. It undertakes to overturn a fundamental and vital principle in criminal law which is hoary with age and comes down to us from both divine and human law, and is recognized in every land where the rights of man are regarded. By this section it is intended to take from a man charged with crime the presumption of innocence and cast upon him the burden of proving that he is not guilty. This is an innovation so dangerous that I am astonished that any man, especially any lawyer, can bring himself to support it.

As I said in the beginning, I would be glad to support every line in this bill which is intended to suppress anarchy and anarchists, but there are so many other pernicious features that my judgment and conscience condemn that I am compelled to vote against it.

There is no reason why the jurisdiction should be removed from the State to the Federal courts. We have had three Presidents to die at the hands of assassins. Booth, who killed Lincoln, was shot to death in making the arrest. Guiteau, the murderer of Garfield, was convicted, condemned, and executed after a disgustingly long trial in the District of Columbia. Czolgosz killed McKinley in the State of New York and was tried, convicted, and executed promptly under the laws of that State.

No murderer of a President has ever escaped. None ever will. There is no need for this legislation. Is any man foolish enough to suppose that the anactment of such a law prior to the killing of Lincoln would have saved him, or Garfield, or McKinley? In each case the assassin knew that death to himself would be the result, and no law, however rigid, would have prevented the crime.

Let us be careful that, swayed by the passion of the hour, we do not commit a grievous wrong against the established principles of our American policy and criminal jurisprudence when no good can result from it, and when such action is wholly unnecessary. [Loud applause.]

Mr. SMITH of Kentucky. Mr. Chairman, with reference to the motion of the gentleman from Missouri to strike out this section, I desire to say I have had more trouble in my own mind over the proposition involved in this section than I have had in regard to any other part of this bill. I can understand perfectly well how the Federal courts can be given jurisdiction to try a citizen of this country for striking down an official of this Government when he is engaged in his official duties or on account of some official act performed or the refusal to perform some official act or because of his official character. I can understand that perfectly well.

Mr. LITTLEFIELD. Did the gentleman take in the full force of the citation given by the gentleman from Massachusetts?

Mr. SMITH of Kentucky. I am very candid to say that I did not.

Mr. LITTLEFIELD. That citation was to this effect: The Supreme Court of the United States has held that we have the constitutional power to pass a statute prohibiting the counterfeiting of the bonds, securities, or notes of a foreign government, by reason of the international obligation and duty resting upon us by virtue of comity with respect to a foreign power. Now, then, if we can prohibit the counterfeiting of the notes and securities of foreign governments, is it possible that we can not protect such a government itself when it is here in the person of its representative? That is the naked proposition.

Mr. WILLIAMS of Mississippi. In other words, the sovereign himself is present by proxy.

Mr. LITTLEFIELD. Certainly.

Mr. LANHAM. We do protect it by the whole body of our laws.

Mr. LITTLEFIELD. This is a question of constitutional law.

Mr. LANHAM. The question of the power is one thing and that of the policy another. The Constitution says that we can declare war, grant letters of marque and reprisal, etc.; but still we must determine the question whether it is expedient to exercise the power.

Mr. LITTLEFIELD. Would the gentleman say that the government which can punish the counterfeiting of a foreign note because of international comity toward the foreign government can not protect the foreign government itself when represented here in the person of its ambassador?

Mr. LANHAM. I am not disputing the question of constitutionality; but I do disagree with the gentleman as to the alleged necessity for this measure.

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Maine a question or two, if the gentleman from Kentucky will yield.

Mr. SMITH of Kentucky. I yield to the gentleman.

Mr. CLARK. The whole intent of this bill is to change manslaughter into a capital offense in certain cases, is it not?

Mr. LITTLEFIELD. Not necessarily that.

Mr. CLARK. I do not say the whole intent, but that is the principal one.

Mr. LITTLEFIELD. That may be one of the effects of the bill.

Mr. CLARK. I want to ask the gentleman as to the feasibility, not as to the constitutionality of this question, but whether, as a matter of fact, it is a feasible proposition or it is an expedient one to say here of 75 ambassadors and ministers in the city of Washington that if a man killed one of them unlawfully, under conditions that would be only manslaughter if he killed you or me, that it shall be made a capital offense simply because he happens to be the representative of a foreign government here.

Mr. LITTLEFIELD. I will say frankly that the committee based this section largely, so far as feasibility is concerned——

Mr. SMITH of Kentucky. Mr. Chairman, I do not want to have all this time taken out of my time.

Mr. RAY of New York. Oh, no; this is running by unanimous consent.

Mr. LITTLEFIELD. Upon the idea that if there was any killing of a foreign ambassador under the circumstances contemplated by the bill, it would undoubtedly be the result of the organized effort that exists already as directed against all governments, and the committee felt that if an ambassador was killed under those circumstances and by those people who were engaged in that propaganda there was no harm in making the provisions of this bill somewhat drastic.

Mr. CLARK. Well, the presumption is that a man who comes here as an ambassador of a great country is a gentleman, but even gentlemen sometimes go out——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CLARK. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for ten minutes, because this is not a trivial question that we are discussing now.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Kentucky be extended ten minutes. Is there objection?

There was no objection.

Mr. CLARK. What I started in to say was that as a rule of course ministers and ambassadors would be high-class men, but we have no assurance whatever that that is always the case. Now take the minor countries, these revolutionary countries. They may send us over here a minister who is hot-blooded, and suppose a man has a conversation with him and the minister pursues his hot-blooded method and either insults the man grossly or absolutely makes an assault upon him and the other retaliates by killing the minister. Under our laws as they now exist it would be manslaughter. Under this proposed law it would be a capital offense. Now, there are something like ten or fifteen millions of people in the United States who if slapped in the face by one of those ministers would kill the minister.

Mr. LANHAM. And the minister would be presumed to be acting in the discharge of his official duties under this bill.

Mr. CLARK. Most assuredly. The rule among Americans generally is that if one man assaults another the one assaulted is going to kill the other. That is the way people look at their rights in this country, and it seems to me it is crowding this to a great extent to take the foreign ministers into it in the way you have in this bill.

Mr. LITTLEFIELD. Let me call the attention of the gentleman to the fact that this section contains the same qualification with reference to the discharge of duties and official character and acts of omission that the section in relation to the President has if assault is made independent of his official character, which would be the circumstances suggested by the illustration of the gentleman. This statute would not apply. There is no presumption in relation to an ambassador, and I submit to the gentleman from Texas [Mr. LANHAM] that that is so, under section 13, because it applies expressly and alone to the President, Vice-President, and other officers entitled by law to succeed.

Mr. LANHAM. Let me correct the gentleman, that in all prosecutions under the provisions of the first seven sections of this act——

Mr. LITTLEFIELD. Yes, "until the contrary is proved, that the President of the United States or Vice-President of the United States or other officer of the United States entitled by law to succeed to the Presidency, as the case may be," etc. I think the gentleman will concede that I am right.

Mr. LANHAM. Yes, I stand corrected about that. I thought for the moment that it applied to all the seven sections of the bill.

Mr. CLARK. Now, I will give an example of the class of cases that I have been talking about.

Mr. SMITH of Kentucky. Mr. Chairman, I desire to yield the time that was allotted to me to the gentleman from Missouri. [Laughter.]

Mr. CLARK. No, no; do not do that. I want to give an example of what I was informed by a gentleman, whom I believe told the truth, happened in this city actually. When Mr. Blaine was Secretary of State, he deputed a young man in his office to go and wait on a certain minister here. The young man could not find him at the legation and hunted him up, and finally found him somewhere at a club. He told him what Mr. Blaine had sent him to do. The minister flared up and gave him a most tremendous "cussing." This young man that Blaine had sent there then gave the minister a good sound kicking, and when he went back from there to Mr. Blaine's office the young man found the minister there raising a great hullabaloo. Mr. Blaine reproved the young man publicly, but when he got him into his private room he congratulated him and said, "But thank God that it was not Lord Pauncefote that you have been kicking." [Laughter.]

Now, suppose he had killed the minister under those circumstances. It would have been an extreme hardship to hang him for it.

Mr. FOX. It was in the discharge of his official duty.

Mr. CLARK. The minister was in the discharge of his official duty when he did the "cussing," because it was an official matter on which the young man had gone to see him.

Mr. WILLIAMS of Mississippi. That may be; but is not the intendment of this bill plain and palpable, that when a man kills another because of a private grudge or because of a private quarrel, or while engaged in a private quarrel, that the offense does not come within the purview of this bill at all?

Mr. PATTERSON of Tennessee. It certainly does.

Mr. CLARK. That is the theory, but the application is not so certain. I am in favor of the principle of this bill, but I do not want to see anything put into it that will induce a large number of members to vote against it, and there is more opposition to this section about these foreign ambassadors and ministers than there is about all the rest of this bill put together. Now, Mr. Chairman, I ask that my friend from Kentucky [Mr. SMITH] have his own time. The gentleman from Maine [Mr. LITTLEFIELD] and myself have taken it up.

Mr. SMITH of Kentucky. Mr. Chairman, the gentleman has about covered all the objections that I had wished to state to this section. I myself believe that there is more antagonism to this section than there is to all the remainder of this bill; and while I have not had an opportunity carefully to examine the case that has been cited by the gentleman from Maine and the gentleman from Massachusetts, yet I think that a critical examination will develop some difference between that case and the cases that might arise under this provision of the law.

Now, as I have said, I do not believe that the Federal Government of the United States has any power under the comity existing among nations to pass such a provision as this third section here. As I say, I have not carefully examined the case determined by the Supreme Court, but upon principles of natural justice and fundamental law I doubt that Congress possesses this power, and I have had more trouble in reconciling myself to this proposition than I have to all the remainder of the bill. I believe that rather than to incumber a fairly good law with this provision, which is, at least in my opinion, of doubtful constitutionality, it would be better to eliminate it from the bill and let us have a bill about whose constitutionality there can be no kind of question.

This is all I care to say.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. SMITH] to strike out section 3.

The question being taken, on a division, demanded by Mr. SMITH of Kentucky, there were—ayes 42, noes 48.

Mr. DE ARMOND. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. DE ARMOND and (at the request of Mr. RAY of New York) Mr. POWERS of Massachusetts.

The committee again divided; and there were—ayes 59, noes 72.

Accordingly the amendment was rejected.

Mr. CRUMPACKER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out of section 3 all after the word "therein" in line 12, all of line 13, and the words "of his official acts or omissions" in line 14; so the section will read:

"That any person who unlawfully, purposely, and knowingly kills any ambassador or minister of a foreign state or country accredited to the United States, and being therein, shall suffer death."

Mr. CRUMPACKER. Mr. Chairman, there is some reason for the introduction of these qualifying words in other sections of this bill, because there is some doubt in the minds of gentlemen in charge of the bill as to the constitutional power of the Federal Government to protect one, even though he were an officer, unless he were engaged in the discharge of his official duty at the time he is assaulted. That question does not arise in relation to ambassadors and foreign ministers. When this country invites diplomatic representatives of foreign countries it gives its solemn engagement that it will exercise the powers under its command for their due and proper protection. Their protection is based upon international law, it is based upon the provisions of treaties, and it is one of the most solemn obligations of a government duly to protect the accredited diplomatic representatives of other governments with which it has commercial relations.

Now, the bill as it is written limits the power of the Federal Government to protect foreign ambassadors when they are engaged in the discharge of their official duties or because of their official character. The country is familiar with recent occurrences in China, when all of the diplomatic representatives of Christian civilization were beleaguered and assailed by the organized society known as the Boxers, and their lives were in jeopardy. At great pains and after the expenditure of a great deal of money and after a great deal of anxiety the powers of Christendom rescued their ministers from the danger, and in negotiating terms of peace one of the conditions was that the Chinese Government should properly punish the offenders and make adequate and ample reparation in the way of money indemnity.

Suppose, now, to illustrate, that the diplomatic representative of the Chinese Empire were in the city of Chicago or Ann Arbor, Mich., as I understand he visited those places a short time ago; suppose he should be assailed by a mob something like the Boxers in China by way of retaliation and his life should be in jeopardy. In making reparation for the injury inflicted upon the sovereignty of China what could this Government do? Suppose the Emperor of China should demand that we punish the perpetrators and pay an indemnity. The Government would be compelled to confess that there was no law, absolutely no law, under which it could inflict punishment upon the men who have committed an offense of that grave and international magnitude. The history of the Mafia riots in New Orleans is familiar to the minds of all.

Citizens of the Kingdom of Italy were taken by angry mobs and put to death without trial by jury, and we know about the famous correspondence over that occurrence, that has become historical, in which Secretary Blaine was compelled to confess that there was no power in the Federal Government to perform the requirements of the Kingdom of Italy, ordinary requirements, the usual conditions imposed by the civilized powers of the earth. He said that the Federal Congress had never enacted a law authorizing the General Government, under the power it has under the Constitution, to protect alien subjects here, and therefore he said the Government was utterly unable to do what the Kingdom of Italy required, and what was regarded on all hands as a reasonable requirement.

Mr. POWERS of Massachusetts. I would like to ask the gentleman this question: If the amendment he proposes is adopted, then there is a greater protection extended to an ambassador than is extended to the President under this bill.

Mr. CRUMPACKER. That is a suggestion that has no kind of importance in this connection. I think that the gentleman

will concede that there is no responsibility resting upon the shoulders of this Government of a more solemn character than that of protecting the lives of the diplomatic representatives of the different foreign countries that it invites here and through whom it transacts international business. They are utterly at the mercy of our laws. I submit that there is no more solemn duty resting upon us, and if we fail to protect our own citizens adequately; if we fail to throw sufficient safeguards around the Chief Executive of the country, it does not in the least exonerate us from this important duty. President Harrison in one of his messages, perhaps the last one he delivered to Congress, recommended—seriously recommended—the passage of a Federal law making it a crime to assault or assassinate any subject of a foreign country who was here under and by virtue of the terms of a treaty, because, as he forcibly said, it was liable to lead to international complications. There is hardly a session of Congress that claims for damages are not presented to this Government for indemnity for the assassination or murder of subjects of foreign Governments.

Mr. GILBERT. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILBERT. Is there anything——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILBERT. I ask unanimous consent that he may be permitted to answer this question.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Indiana may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILBERT. I want to know if there is any country in the world that affords greater protection to foreign ministers than is afforded for the protection of her own citizens?

Mr. CRUMPACKER. Well, there ought to be none. I am not prepared to say whether there be any such country or not. There ought to be none. The Federal Government might be in that category, as it could protect the lives of citizens and subjects of foreign countries under international law, it has the constitutional power to do it, but it does not have the constitutional power to protect the lives and the property of its own citizens where they are assailed within the limits of a State.

Mr. GILBERT. Do you think it is a reflection upon our Government?

Mr. CRUMPACKER. Whether it is a reflection upon our Government or not, it is a simple statement of fact.

Mr. GILBERT. Why will not your doctrine legitimately extend to the proposition that all the police regulations and all criminal law ought to be conferred upon the General Federal Government and surrendered by the States?

Mr. CRUMPACKER. Oh, no, it does not involve that at all, because when we negotiate treaties with foreign countries by the terms of which we admit foreign subjects into our jurisdiction, we give them a solemn promise that we will surround those subjects with adequate protection as far as our laws and institutions will permit, and that is one of the high and solemn obligations that we are under with reference to our relations with foreign countries. It is these obligations we are endeavoring to provide for, and the qualifications, I again assert, Mr. Chairman, limiting the crime that is attempted to be defined by this section, are unnecessary to make the section constitutional.

I believe that a general law ought to be enacted by this Government authorizing the Federal Congress to punish those who feloniously assault citizens of a foreign country received within our jurisdiction, not because I love them better than our own, but because if we fail to furnish adequate protection it is liable to involve this Government in dangerous foreign complications. We are called to account for it every year, and our weakness has been held up before the world for more than half a century. We are humiliated on account of the lack of power as one of the sovereign units of the great world's family of nations to perform in full measure our international obligations. It is a question more important than at first blush it would seem.

Judging from some of the sentiments that have been uttered in this debate, if a representative of an unpopular foreign government should be unlawfully and feloniously attacked and slain here, it would be extremely difficult to get a jury that would administer any kind of punishment at all. If the Federal Government does not see fit to maintain diplomatic relations with a foreign country, well and good; but as long as it does, I ask the gentleman if it does not owe it the high and solemn duty to carry out in full all of the implied incidents of that relation? If we can not protect diplomatic representatives of foreign sovereigns, we should sever our relations with them.

[Here the hammer fell.]

Mr. RAY of New York. Mr. Chairman, this amendment ought not to be agreed to. By this bill we go as far as we ought to go. We protect these foreign ambassadors and ministers when they are engaged in the performance of official duties; we invite them here; we admit them here; we permit them to be here for that purpose. When they are not engaged in those duties, let them take their chance the same as American citizens. If they see fit to go from their post of duty and visit through the various States, let them do what the American citizen does—look to the State for protection. The State will take care of them; the juries of the several States will take care of them, and they will have justice. I trust the amendment will be disagreed to and let us go along with the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by striking from section 3, lines 1 and 2, the words "unlawfully, purposely, and knowingly," and insert in lieu thereof the words "willfully and with malice aforethought."

The question was taken, and the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I want to offer an amendment to section 3.

The Clerk read as follows:

Section 3, line 9, after the word "purposely," insert the word "maliciously."

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That any person who attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall be imprisoned not less than ten years.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WARNOCK having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5931. An act granting an increase of pension to Clara E. Daniels;

S. 5879. An act to remove the charge of desertion from the army record of Eli Hibbard;

S. 4374. An act granting an increase of pension to Abraham Shreeves;

S. 4183. An act granting an increase of pension to Oceana B. Irwin;

S. 5049. An act for the relief of Sylvester Van Sickel;

S. 5045. An act granting an increase of pension to Mary A. Moore;

S. 5836. An act granting an increase of pension to Jesse Nesbit Smith;

S. 4623. An act granting an increase of pension to Lewis F. Ross;

S. 5774. An act granting a pension to Asa E. Sampson;

S. 5719. An act granting an increase of pension to Sidney V. Lund;

S. 1980. An act granting a pension to William D. Stites;

S. 4709. An act granting a pension to Nelson W. Wade;

S. 3508. An act granting an increase of pension to James M. Thomas;

S. 3493. An act granting an increase of pension to Charles W. Rose;

S. 1743. An act granting a pension to Cornelia F. Whitney;

S. 5893. An act granting an increase of pension to Willi Thomas;

S. 5361. An act granting an increase of pension to Martha A. Johnston;

S. 473. An act granting an increase of pension to Mabery H. Presley;

S. 1801. An act granting an increase of pension to James K. Van Matre;

S. 1205. An act granting a pension to Isabelle H. Irish;

S. 1193. An act granting an increase of pension to Jane M. Meyer;

S. 5782. An act granting a pension to Nannie B. Turner;

S. 1944. An act granting an increase of pension to Ann E. Tillson;

S. 3236. An act to correct the military record of Hays Gaskill;

S. 1479. An act granting an increase of pension to Thomas L. Caughey;

S. 586. An act for the relief of Frank C. Darling;

S. 4923. An act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; and

S. R. 83. Joint resolution directing the Secretary of War to investigate the feasibility of operating an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 3442. An act to correct the record of John O'Brien;

H. R. 7679. An act granting an increase of pension to Franklin Snyder;

H. R. 13278. An act granting an increase of pension to Levi H. Collins;

H. R. 3309. An act to remove the charge of desertion against Ephraim H. Gallion;

H. R. 12828. An act granting a pension to Mary E. Culver;

H. R. 9723. An act granting an honorable discharge to Levi Wells;

H. R. 12420. An act granting a pension to Wesley Brummett; and

H. R. 9870. An act to correct the military record of Reinhard Schneider.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9496. An act granting a pension to Forrest E. Andrews;

H. R. 1741. An act granting an increase of pension to Griffith Evans; and

H. R. 12797. An act to ratify act No. 65 of the twenty-first Arizona legislature.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8794. An act granting an increase of pension to Henry I. Smith; and

H. R. 9544. An act granting an increase of pension to George W. Barry.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

Mr. POWERS of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out in line 17, page 4, after the word "shall," the following: "may be imprisoned not less than ten years," and substitute the following: "suffer death or imprisonment for life, as the jury may recommend."

Mr. POWERS of Massachusetts. Mr. Chairman, if this amendment is adopted, this section will read as follows:

That any person who attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall suffer death or imprisonment for life, as the jury may recommend.

I want to suppose just one case and leave it there. This is a bill to protect government. It is not a bill to protect individuals. It is designed to protect the Government against those who make attacks on officials with a view to destroying the Government. Now, let us suppose a case of an anarchist who, with malice aforethought, or, to use the language in the bill, who purposely, knowingly, and willfully undertakes to take the life of a President. He complies with all of the qualifications and limitations of the act, but, in the attempt to take the life of the President of the United States, he just falls short of doing it; but he successfully incapacitates the President so that he is unfit for further performance of official duties.

Now, I think you will agree with me that he has completed all that he intended to accomplish, and that was to incapacitate the Chief Executive of the country; and yet, under the provisions of this bill as it now stands, the only penalty that could be imposed upon him would be imprisonment.

Mr. RAY of New York. Imprisonment for life.

Mr. POWERS of Massachusetts. The imprisonment must be for at least ten years and may be for life.

Now, my amendment leaves it for the jury to take into consideration all the facts. If it be an extreme case, where the assailant has so far injured the Chief Executive as to render him incapable of further service as the chief ruler of the American people, then we leave it to a jury to say whether the assailant ought to suffer death or not. And we may safely leave that question in the hands of an American jury.

I say to you, Mr. Chairman, and I say to the gentlemen of this House that the people of this country demand a more drastic punishment than is provided in the bill reported by the committee. When this matter was under consideration in committee I fought out this question, and I reserved the right at that time to offer the amendment which I now submit, and I did so because I believed that the people of this country demand that the punishment shall be greater than has been written in this bill.

In my view, Mr. Chairman, we are not legislating for the protection of human life; we are legislating for the protection of the Government; we are legislating against a crime which does not affect only the life of the President but affects the lives, the welfare, and the interests of 80,000,000 of people. And are we going on record here by saying that he who makes a premeditated assault upon the President of the United States so as to incapacitate him mentally and physically for the further performance of duty, so that he has to step out of office and some one in the line of succession take his place—are we going to say that such an anarchist, such a red-handed assassin, shall receive only imprisonment at the hands of an American court and an American jury?

I trust that this amendment which I have proposed will be adopted by the House and that we shall go on record as having enacted a bill which shall be forcible and which shall be sufficient to meet the purpose for which it has been framed.

Mr. RAY of New York. Mr. Chairman, we provide in this bill that if a person attempts to commit either of the offenses mentioned in the first three sections he shall be punished by imprisonment for a term not less than five years; such imprisonment in certain cases may extend during his natural life. Now, that is as severe as the law of any State is or has been made in any civilized country for the last fifty years. As I said the other day, the efficiency of a law in every aspect is not because of its bloodthirsty character; not because of the bloodthirsty disposition evinced by the legislators who enact it; not in the severity of the punishment. When you have a too severe penalty it is many times impossible to secure a conviction.

Acting under that idea, this Congress three years ago passed a law leaving it with the jury in all cases of murder in the first degree to say whether the criminal should suffer death or imprisonment for life. Two hundred and fifty years ago there were in England nearly 250 crimes punishable with death. In the case of treason it was the law that the offender should not only lose his life, but it was thought that the crime would be more efficiently repressed, less liable to be committed, and the law better calculated to protect the Government if there were added after-death punishment; so it was provided that the body of the person convicted should be drawn and quartered and the quarters hung up at the gates of the city and his head put on a pike.

At that time it was punishable by death for a poor widow to steal a loaf of bread to feed her starving children. It was punishable with death if a man robbed another of a dollar, or of a horse, or of $1,000. So I might go on and recite 250 offenses which were made punishable by death. Yet, in spite of such severity of punishment, crime ran riot in the streets of London. Robberies were committed in the suburbs of that great city and through the byways and on the highways. And in New England, soon after our Puritan forefathers came and settled that great country, there was provided a punishment for the crime of witchcraft; and a person convicted of that crime was subjected to the punishment of having his ears cut off, or a hole cut through his tongue, or some punishment of similar severity inflicted.

But civilization has moved right on, even in New England. [Laughter.] We have no longer there any laws against witchcraft. The severity of her laws have been mitigated. There is only one offense there punishable with death—or two—murder and treason. We know nothing now of drawing and quartering; there is no punishment after death except such as is given by our Heavenly Father.

Mr. LITTLEFIELD. And some people doubt that.

Mr. RAY of New York. Yes, some doubt that.

Now, I appeal to this Congress not to be carried away by passion. Let us not think we are to lessen the commission of crimes of this character by inflicting the death penalty where a simple attempt is made which fails. By such severity you discredit your law. You may gratify a few people who want the law very severe, and who in advocating such a law may think they are doing a patriotic thing, but you will offend the masses of those people who believe that

> The quality of mercy is not strained;
> It droppeth as the gentle rain from heaven
> Upon the place beneath; it is twice bless'd;
> It blesseth him that gives and him that takes.

[Applause.]

Mr. Chairman, I trust this amendment will not be agreed to.

Mr. WARNOCK. Mr. Chairman, the amendment to this bill which I just proposed to offer is substantially the same as the one now pending offered by the gentleman from Massachusetts [Mr. POWERS]. The bill as presented by the committee provides that any person who attempts to kill the President and the officers named in the same section shall be imprisoned not less than ten years. The amendment proposed by the gentleman from Massachusetts punishes such an attempt by imprisonment for life, or death, as the jury shall recommend.

In passing upon this question it is well to ascertain, if possible, what the people generally think about it. For, after all, an enlightened public opinion is about as safe a guide as we can follow. You will all readily recall the fact that about the fourth or fifth day after President McKinley was shot that the word was sent out to the country that he was improving rapidly and that he was in a fair way to recovery. The country rejoiced over the good

news, thanksgiving services were held, congratulatory messages were sent, despondency gave way to hope, and the people said, "Our President will live." But in the midst of the general rejoicing there was a widespread feeling of the most intense dissatisfaction when it was learned that if the President recovered his assailant could only be punished by imprisonment not exceeding ten years.

This penalty was universally felt to be wholly inadequate for the crime committed, and everywhere the demand went up for the enactment of laws which would specifically protect the President. It was well known that if the President died the laws of the State of New York would punish the assassin by death, and it was equally well known that the assassin would be thus punished because he had killed a man and not because he had killed the President; hence the universal, stern demand of the people for legislation on this subject. It is safe to say that 90 per cent of the members of this House publicly declared themselves at that time in favor of such legislation and voluntarily pledged themselves to the support and enactment of such legislation.

Let us, then, consider the bill proposed by the committee in its full scope and contrast it with the Senate bill.

For more than twenty years there had been organizations in this country and in Europe which had openly advocated violence and unreasoning hatred against everyone in executive place, were he a devil or an angel. Under the influence of these teachings some of the most dastardly crimes of the age had been committed.

At Haymarket Square, in Chicago, in 1886, at a meeting where revolutionary doctrines were proclaimed, a bomb was thrown, resulting in the death of 7 policemen and the injury of a large number of others.

In 1893 at Barcelona, Spain, an anarchist congress was held. A bomb was thrown by anarchists, which resulted in killing 30 people and wounding 80. And in Chicago the same year Mayor Carter H. Harrison was assassinated.

In 1894 President Carnot, of France, was assassinated.

In 1897 the premier of Spain was assassinated by an Italian anarchist.

In 1898 the Empress Elizabeth was brutally murdered by another Italian anarchist, and less than two years ago King Humbert was assassinated by another anarchist.

In September, 1901, McKinley was assassinated by an anarchist. The time had come when all those who proclaim themselves as enemies of human society and human government should not be permitted to hold meetings to teach their diabolical doctrines. The time had come when they should not be permitted to disseminate their revolutionary documents and papers. The time had come when any attempt upon the lives of any of our chief executives should be punishable by death.

William McKinley was the victim of these teachings. When the assassin fired the fatal bullet on the 6th of last September which killed our President, he was not actuated by the spirit of revenge or of personal hate. He did not know the President. If he had, he could never have fired the fatal shot. The President had never harmed him. He fired the shot because he had learned to hate all those in authority. McKinley had to die because he was the head of a mighty nation. He was killed because he was President and not because he was McKinley. He was called to suffer a martyr's fate because he dared to accept the high office to which the people called him. How heroically he met his fate!

The world has been thrilled with the utterances of John Huss and Archbishops Cranmer and Latimer and others of the holy martyrs as they were led to the stake to be burned. We have wondered at their fortitude and courage and endurance. We have marveled at their expressions of holy triumph, but there is nothing in all history that for pathos and courage and sublime faith equals that scene at the Milburn house in Buffalo last September when William McKinley, stricken down in the midst of his greatest usefulness, at the very zenith of his fame, with the prospect of long life and the accomplishment of his most cherished aspirations, turning to the stricken group around his bedside and saying, "Good-bye all, good-bye. It is God's way. Not our will, but His be done."

William McKinley is dead, but his character abides. The principles of justice and equity and liberty and humanity and patriotism for which he stood will continue to abide until at last all nations, all peoples in all climes and everywhere, will be brought under their sway.

> For right is right, since God is God,
> And right the day must win;
> To doubt would be disloyalty,
> To falter would be sin.

And now we are here to carry out the will of the people; to enact such laws as will protect the President as President; to protect him as the head of the Government.

It has been argued on this floor that the President is not entitled to any more protection than any other citizen; that the life of one good citizen, however humble, ought to be protected with the same care and vigilance as the life of the best and highest and mightiest citizen of the Republic. The gentlemen who have advanced these arguments have utterly and absolutely failed to comprehend the scope and purpose of this bill. The purpose of this bill is to protect the President, to protect our Government, and does not in any sense legislate for the President as a citizen, but only as the head of the Government. No one disputes the proposition that all citizens are entitled to precisely the same protection. No one has even advocated any discrimination in the protection that should be accorded by the laws to every citizen, whether of high or low degree. Why gentlemen should set up that man of straw and proceed to demolish him is difficult to understand. The equality of protection to all citizens alike is not involved in the measure before the House. The sole question is, Shall we protect our Government and the head of our Government against the assaults and conspiracies of anarchists?

It has also been argued here that the bill is unconstitutional, that it invades the jurisdiction of the States, and that for the same reason the Senate bill is also unconstitutional, and as both bills are before us for consideration let us consider briefly the Senate bill. For the purpose of this argument I consider only so much of section 1 of the Senate bill as is necessary to understand the provisions which are said by these gentlemen to be unconstitutional.

> SEC. 1. That any person who shall, within the limits of the United States, or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, shall be punished with death.

The mistake which the gentlemen make who argue that this provision is unconstitutional has already been referred to, to wit: They have not been able to get out of their minds that this is not a bill to punish murder, but a bill to protect the head of the Government; a bill to prevent an assault upon the Government itself; and these gentlemen have proceeded to argue about the elements which are necessary to constitute murder in the first and second degrees, and what constitutes manslaughter, and the equal rights of citizens and the rights of the States and the limitations of the Constitution.

I assert that under the Constitution of the United States anything is constitutional which is necessary to the preservation of the Government; that the extremity makes the law, as for instance, the war measures. The legal-tender act, for example, would not have been held constitutional except for the extremity. Can there be any greater extremity for a government than that of being deprived of its legally constituted head? A government left to the mercy of contending factions, each striving for supremacy, would soon bring about the destruction of the rights of the weaker, or, worse than all, would result in anarchy. But it is not necessary to resort to the plea of extremity to find constitutional warrant for the enactment of this law.

There is an inherent right in any government to take such measures or to enact such laws as are necessary for its safety and its preservation, unless there is an express limitation upon that right in its constitutional law. There is no such inhibition in the Constitution of the United States. The rights reserved to the States do not limit the power of the General Government to do any and all things necessary for its safety and preservation.

The majority of the committee presenting this bill admits the foregoing proposition to be true, but asserts that the enactment for the protection of the President, in order to be constitutional, must, in set terms, provide that the assault on the President, or the injury done to him, must be committed or inflicted under certain circumstances, and that outside of those particular circumstances there is no power in Congress to protect the President within the several States. In furtherance of that assertion, the majority of the committee has offered a substitute for the Senate bill.

I quote only so much of the substitute as is necessary to show the position of the committee:

> That any person who unlawfully, purposely, and knowingly kills the President of the United States while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions shall suffer death.

It is contended that without these provisions in the bill, as to how the President was engaged and as to his official acts, etc., it would be unconstitutional. This contention is based largely upon the reasoning of the Supreme Court of the United States in the following cases: In re Neagle, 135 U. S., 1; United States *v.* Fox, 95 U. S., 670, and some other cases cited. But none of these cases decide the question now before us for consideration.

In the Neagle case the court devoted a great part of the opinion to proving that Justice Field of the Supreme Court was engaged

in the performance of an official duty when on his way from Los Angeles, Cal., where he had held court, to San Francisco to perform a similar duty, and that when on that journey he was attacked by Judge Terry, and Neagle killed Terry in defending Field. Neagle was a deputy marshal and accompanied Field by order of the Department of Justice for the purpose of protecting him from threatened personal violence. The court held—

That Neagle under the circumstances was acting under the authority of the United States and was justified in so doing.

The decision being based on the finding that Field was in the discharge of his official duties does not limit or restrict the following provision of the Constitution found in Article I, section 8:

The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

That grant of power is ample to give Congress the authority to protect the life and person of the very agency by which the Government is carried on. Let us consider the effect of the proposed substitute offered by the committee.

Every lawyer will admit that in order to convict a person of the violation of any criminal statute it is necessary to prove, beyond a reasonable doubt, every fact which goes to make up the offense as described in that statute.

Measured by that rule, it would be necessary, in order to convict under the bill recommended by the committee, to prove that the defendant knowingly killed the President while he was engaged in the performance of his official duties, or because of his official character, or because of his official acts or omissions. The burden, by this bill, is placed on the Government of proving a state of facts that might be exceedingly difficult to prove, and which it ought not to be compelled to prove in the case of a man who unlawfully, purposely, and knowingly kills the President. I am in favor of a law that will protect the President whether he is asleep or awake, whether he is writing a message to Congress or riding in a park for recreation, not because he is a great citizen, but because he is the head of the Government.

Some have argued that there is no burden placed on the Government by the provisions of this bill, for the reason that the President, because of the nature of his duties, is always engaged in the performance of his official duties, and that it is a presumption of law that, as the head of the Government and Commander in Chief of the Army and Navy, there is never a time when he is not so engaged. If that be true, then it is worse than useless to so word a statute as to compel the United States to prove it as an independent fact. It tenders an issue of fact to be tried which the law presumes to be already established. It requires the question of fact to be submitted to the jury for their determination upon the testimony and the charge of the court, and if the facts disclosed that the President was killed while engaged in fishing on Decoration Day, who can tell what the verdict of the jury would be?

There is no question but what if a person maliciously, deliberately, purposely, and with premeditation killed a boy who was fishing on Decoration Day within the jurisdiction of the State of New York, he would be punished by death, under the State laws; but if you undertake to try a man in the Federal courts under this proposed law who kills the President, who is fishing on Decoration Day, the assassin might be acquitted by the jury on the ground that he was not engaged in the performance of his official duties. Of course the jury might find the assassin guilty under the other provisions of the bill, but if they did the Government would have to prove beyond a reasonable doubt that the assassin killed him because of his official character or because of his official acts or omissions.

Why require all that proof? Why all that circumlocution? Why not protect the head of our Government by enacting that whoever willfully and maliciously kills or causes the death of the President shall suffer death?

If, on the other hand, there are times in the contemplation of law when the President is not engaged in the performance of his official duties, then it becomes the duty of Congress to throw around him the protection of the law at such times, for the killing of the head of the Government is fraught with as great danger to the Republic if he be killed in a theater as if he were killed at a Cabinet meeting.

The other cases cited by gentlemen were cases in which the Supreme Court of the United States passed upon acts of Congress enacted for the protection of colored men of the South under and by virtue of the constitutional amendments. These acts were held unconstitutional because by their terms they protected white citizens as well, and as the provisions of the laws could not be separated, and included citizens not named in the amendments, the entire law was held unconstitutional; but none of these questions are involved in the proposed legislation. This measure provides for the protection of the Government, and not the protection of the citizen.

Let us enact a law that when a person unlawfully and maliciously kills or causes the death of the President of the United States or any officer upon whom the powers and duties of the President may devolve under the Constitution and laws may be punished with death. [Loud applause.]

Mr. ALEXANDER. Mr. Chairman, I wish the gentlemen of the House would go back to the 7th day of September last and recall the feeling of horror and indignation that passed over their respective communities when it was learned that Czolgosz, the President's assassin, could not be punished to exceed ten years in the penitentiary, under the laws of the State of New York, provided the President lived. The first thing the citizen asked was, could any arrangement be made by which he could be given a longer and severer sentence? Everyone seemed horrified that the assassin would escape with only a few years in the penitentiary, provided the President lived, as it seemed not unlikely for a day or two.

Everybody knew that he was an anarchist who had gone to Buffalo for the purpose of shooting the President to death because he was the President, and only for that reason; that the assassination had been deliberately planned, no doubt, and thoroughly understood, possibly, by others, that he was to be there on that occasion, at that time, to take the life of the President of the United States.

I hope the amendment of the gentleman from Massachusetts [Mr. POWERS] will obtain. The man who shoots at the President of the United States for the purpose of taking his life ought, even if he misses him or if he wounds him, to suffer the same penalty as if his intent were carried out and death followed. [Applause.]

Mr. SMITH of Kentucky. I should like to ask my colleague a question. The trouble in the case of President McKinley's assassination was that the law of the State of New York would not permit the punishment of the assassin to be greater than imprisonment for ten years in the event that the President had lived. But now if you fix the punishment as proposed in this statute, that he may be imprisoned not less than ten years, does not that put it in the discretion of the jury to make it any number of years, and can we not trust the juries of the country to fix that penalty?

Mr. ALEXANDER. If the gentleman from Kentucky will pardon me, I believe that under the circumstances attending the assassination of President McKinley the assassin should suffer death or imprisonment for life, even if his crime did not result in death.

Mr. CLARK. Mr. Chairman, I should like to ask the gentleman a question. I will ask him if the argument that he has made in favor of the severe penalty for the assaulting of the President and Vice-President and those in the line of succession does not make it apparent that that third section about the ambassadors and ministers ought to go out of the bill?

Mr. ALEXANDER. I do not think so.

Mr. NEVIN. Mr. Chairman, I trust the American Congress when it legislates never will get in the frame of mind in which the gentleman from New York [Mr. ALEXANDER] wants it to be, namely, the way its members felt the day they heard of the infamous attack upon President McKinley. I think we ought to get away from that feeling as far as possible when we come to pass laws; and I want to call the gentleman's attention to another thing, and that is, that probably in the history of this country there will never again be an attack under such circumstances and of such an infamous character upon the President of the United States. This bill provides that if anyone makes an attempt upon the life of the President he shall be punished in a certain way. Now, supposing some poor, deluded, half-witted, and defeated officeholder should shoot at the President and not touch him at all. Under this amendment, what must occur? The jury must send him to the penitentiary for life. In a case like the killing of President McKinley——

Mr. ALEXANDER. Will the gentleman allow me?

Mr. NEVIN. Yes.

Mr. ALEXANDER. As I understand the amendment of the gentleman from Massachusetts, it provides either imprisonment or death.

Mr. NEVIN. Oh, yes; the amendment provides that it must be either death or imprisonment for life. Now, suppose it was a poor, half-witted, defeated officeholder, a man like Guiteau, who, when he was hanged, was, in my judgment, a babbling idiot; and if it had not been that it was for the killing of the President of the United States for which he suffered it would have been a disgrace to the jurisprudence of any State in this country to hang him.

Now, suppose a man like Guiteau or some man of that kind

shoots at the President and misses him. The jury may not want to send him to the penitentiary for life, and may not want to hang him. Under that amendment what can they do? Can they find him guilty and give him ten or twenty years or five years in the penitentiary? No; they must either sentence him to be hanged or to the penitentiary for life. If it was a case like that of the infamous attack of Czolgosz on McKinley, then I would be with you; but if you are legislating for all classes of people for all time and under all circumstances, then I am against it, and I ask you to consider that you are putting upon the statute books here something that will reach all classes of people under all circumstances. [Applause.]

Mr. POWERS of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I have offered and to offer in place of it this amendment: In section 4, line 15, after the word "commit," insert the words "the offense defined in section 1 of this act shall suffer death or imprisonment for life, as the jury may recommend," and then strike out the word "one" in the sixth line.

Mr. RAY of New York I do not understand the effect of the amendment.

The CHAIRMAN. The gentleman from Massachusetts will send the amendment to the Clerk's desk.

Mr. RAY of New York. There is an amendment already pending that we have not voted on.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment he offered, and offer a different one, varying somewhat in phraseology.

Mr. RAY of New York. To that I object, unless we understand the debate is closed and that we take a vote. If that is the understanding, I have no objection. We have debated on this subject nearly half an hour.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment he offered, and amend the amendment, differing in phraseology. Is there objection?

Mr. RAY of New York. There is objection unless it be understood——

The CHAIRMAN. The question recurs on the original amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The gentleman from Massachusetts offers a second amendment to the proposition, which the Clerk will report.

The Clerk read as follows:

Amend section 4 so that it will read as follows:
"That any person who attempts to commit the offense defined in section 1 of this act shall suffer death or imprisonment for life, as the jury may recommend, and any person who attempts to commit either of the offenses defined in sections 2 and 3 of this act shall be imprisoned not less than ten years."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Massachusetts.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RAY of New York. Let us have a division.

The committee divided; and there were—ayes 42, noes 43.

Mr. POWERS of Massachusetts. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Massachusetts [Mr. POWERS] and the gentleman from New York [Mr. RAY] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 51; noes 62.

So the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Add at the end of line 17, page 4, the following:
"And may be imprisoned for any longer term, in the discretion of the court."

Mr. OLMSTED. I offer that amendment, because I fear that as the statute now reads a person convicted of an offense can not be sentenced for a longer term than ten years, which is the minimum and only term fixed in this bill. This section as it now reads provides that the guilty person shall be imprisoned for "not less than ten years." The ordinary form of expression in such statutes is not less than so many, nor more than a certain number of years, thus fixing a minimum and authorizing a maximum, leaving it in the discretion of the court to impose any term between the two. Personally, I am not familiar with any statute which merely fixes the minimum without in any way conferring jurisdiction or discretion to impose any longer term.

Mr. RAY of New York. I will assure the gentleman.

Mr. OLMSTED. Do not assure me until I conclude. It may be that there are authorities for the language used—authorities that would justify the imposition of a longer term than the statute names—but I should be glad to see them. If there are, then my amendment is not necessary; but in any event it can do no harm, and it makes the matter certain.

But it seems to me, without having stopped to consult the authorities, that a statute which merely fixes the minimum term of imprisonment—which merely says "shall be imprisoned not less than ten years"—that would be held to be the maximum as well as the minimum in the absence of any legislation allowing the court power to impose any longer term. Now, in section 7 this bill authorizes a maximum at twenty-five years' imprisonment if any person shall harbor a person guilty of one of these offenses. It seems to me that we ought not to be less specific in giving the court discretion to impose a term of more than ten years upon the guilty person himself.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. OLMSTED. Division.

The committee divided, and there were—ayes 14, noes 45.

So the amendment was rejected.

Mr. LANHAM. Mr. Chairman, I move to strike out section 4.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That any person who, while engaged in an unlawful attempt to inflict grievous bodily harm upon the President of the United States, or the Vice-President of the United States, or any officer entitled by law to succeed to the Presidency, while he is engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, inflicts injuries on such President, Vice-President, or other officer which cause death, shall be imprisoned for life. If such injuries do not cause death, such offender shall be imprisoned not less than five years.

Mr. PALMER. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the Judiciary Committee. The first section provides that if anybody kills the President of the United States he must be hung for it. In this section of the bill it is provided that if anybody kills the President of the United States by inflicting injuries from which death results he gets imprisonment for life. I would like to know why. The result is the same in both cases.

This section provides that if anybody inflicts serious bodily harm upon the President, and if such injuries result in his death, then the perpetrator shall be imprisoned for life. I would like to know the difference between taking a pistol and killing the President and beating him with a club and injuring him so that he dies in six months.

Mr. GILBERT. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. PALMER. Certainly.

Mr. GILBERT. You will also observe by section 4 that an attempt to kill is punished by not exceeding ten years, and in the latter part of section 5 an attempt not resulting in death is punished by a term not exceeding five years. There is conflict between this section of the bill and the other features of the bill.

Mr. PATTERSON of Tennessee. If the gentleman will allow me, I think in that provision perhaps the intention to kill does not exist.

Mr. PALMER. What earthly consequence is it? If the man who assails the President of the United States, intending only to inflict serious bodily harm, inflicts wounds which result in death, is it not as much murder as though he shot him with a gun? The whole purpose of the act is not so much to protect the individual as to protect the Government. What we are trying to do is to preserve the people of the United States from the calamity attending an assassination of the Chief Executive.

Mr. COWHERD. Does not this bill change what would be murder under the common law into imprisonment for life? If I understand the provisions of the bill, the criticism that the gentleman is making is that the person who makes the assault on the President intends to inflict grievous bodily harm.

Mr. PALMER. If death ensued, then he would commit manslaughter.

Mr. COWHERD. If he was in the act of committing a felony and the act results in death, it is murder in the first degree. While there may not be an intent to kill, if there is an intent to commit the felony, and in the effort to commit the felony death results, it is murder in the first degree.

Mr. PALMER. How can a man who makes an assault intend to commit a felony unless he intends to kill?

Mr. COWHERD. If he intends to do him grievous bodily harm.

Mr. PALMER. That is not necessarily a felony. The whole purpose of this bill is, Mr. Chairman, to preserve to the people of

the United States the right to have their President live, and I would like to know whether it makes any difference whether he is killed by a bullet from a pistol or whether he is injured in some other way and lingers along several weeks and then dies. In one case under this bill the punishment is death, and in the other case it is imprisonment for life.

Mr. RAY of New York. Mr. Chairman, only one word. In all civilized communities there is a distinction made between killing a man with an intent and purpose to effect his death and a killing without any such intent or purpose—an intent to injure where there is no intent to kill, but incidentally or otherwise you go too far and kill. We have maintained a distinction in fixing the punishment in cases of this kind. If a man intends to commit a crime while he is engaged in the commission of a felony, you might hang the offender. He is just as bad as though he had accomplished his purpose. Anyone knows that is true, but the laws of all civilized communities and of all States make a distinction. We have followed that idea, and it is followed in the Senate bill.

If a man only intends to assault the President and not to kill him, the punishment may be imprisonment for life or a much shorter term, depending on the circumstances. That is left to the discretion of the court, and we believe the courts of this country are so intelligent that they can be trusted to impose the proper penalty when a man is convicted to give him such a sentence as he ought to receive. The distinction between the first section and this one is that the first section puts in the words knowingly and purposely kill, etc. This section provides for those cases where there is no purpose or intent to kill, but simply an attempt to inflict grievous bodily harm. I may add that there is no State in the Union nor a civilized country on the face of the earth to-day that inflicts anything more than life imprisonment for this offense, except when in the commission of a felony a life is taken.

Mr. RUCKER. The gentleman is mistaken about the law.

Mr. RAY of New York. I am not mistaken. I have taken every statute and have collated them. The man that states to the contrary does not know exactly what he is talking about.

Mr. RUCKER. The gentleman from New York does not know all the law of this country by himself alone. [Laughter.]

Mr. RAY of New York. I understand that, but we have taken all the statutes and compiled them——

Mr. RUCKER. The gentleman's compilation may be all right, but his construction is wrong. I know the universal law is that a man is presumed to intend the usual consequences of his own act, and where he uses a deadly weapon, he is presumed to intend the natural and usual consequences of that weapon.

Mr. RAY of New York. Now, Mr. Chairman, I concede that, and I think that debate on this amendment is exhausted, and I call for a vote.

Mr. PALMER. Mr. Chairman, I withdraw my formal amendment, and now I offer the following amendment.

The Clerk read as follows:

Strike out the words "imprisonment for life," in line 5, and insert the words "suffer death."

Mr. PALMER. The point of the whole business is this: It hurts the people of the United States just as much to strike the President of the United States with a club, the injury inflicted resulting in death, as it does to kill him with a pistol.

Mr. PATTERSON of Tennessee. May I ask the gentleman a question?

Mr. PALMER. Yes, sir.

Mr. PATTERSON of Tennessee. Is it not the rule in all our courts that the intent characterizes and fixes the crime?

Mr. PALMER. Undoubtedly.

Mr. PATTERSON of Tennessee. Now, in the common law or the statutory law or otherwise has it ever been laid down as a proposition that you can punish a man for murder in the first degree without there having been an intent to kill?

Mr. PALMER. Certainly not.

Mr. PATTERSON of Tennessee. And does the gentleman think it right to provide the same character of punishment for a man who intends to kill the President as for the man who has no such intent?

Mr. RUCKER. May I ask the gentleman from Tennessee a question?

Mr. PATTERSON of Tennessee. I should like to have an answer to my question, and then I will answer the gentleman from Missouri [Mr. RUCKER].

Mr. PALMER. I think that in this case the intent and purpose of this bill is not only to preserve the life of the President, but to preserve the rights of the people of the United States and to deter assassination by severe punishment.

Mr. PATTERSON of Tennessee. Does not the gentleman think it would be a monstrous law which would put the man who had not the intent to kill in the same category with the assailant who had that intent?

Mr. PALMER. No, I do not; because the purpose of this bill is not altogether to provide a punishment for the murder of an individual. It hurts the people of the United States just as much to have the President killed by somebody who makes an assault not for the purpose of killing him, but for the purpose of inflicting "grievous bodily harm," as it does to have him killed by a man who intends to kill him.

Mr. PATTERSON of Tennessee. The death of the President might be the result of the malpractice of a physician. Does the gentleman think that under such circumstances the physician ought to be punished by death?

Mr. PALMER. Does the gentleman think that under this section a physician at whose hands the President had suffered malpractice would be indictable?

Mr. PATTERSON of Tennessee. That is not the question at all.

Mr. PALMER. That is my question.

Mr. RUCKER. Let me ask the gentleman from Tennessee how is the "intent" of a criminal proven?

Mr. PATTERSON of Tennessee. By all of the facts and circumstances surrounding the transaction.

Mr. RUCKER. Where a man uses unlawfully a deadly weapon upon another, does not the law presume that he intended that death should follow?

Mr. PATTERSON of Tennessee. There is nothing at all said about that in this provision.

Mr. RUCKER. It says:

That any person who while engaged in an unlawful attempt to inflict grievous bodily harm upon the President of the United States, etc.

Mr. PATTERSON of Tennessee. The intent to kill is not presumed; only malice is presumed at common law.

Mr. RUCKER. The intent is presumed where a deadly weapon is used—one likely to produce death or bodily harm—and under such circumstances the law conclusively presumes that it was the intent of the assailant to produce death, and he is dealt with accordingly. How else can you prove a man's intent?

Mr. PATTERSON of Tennessee. There is nothing in section 5 of this bill which says anything about a deadly weapon.

Mr. RUCKER. The language is:

Unlawful intent to inflict grievous bodily harm.

Mr. PATTERSON of Tennessee. Let me answer the question. The language of the bill is—

That any person who, while engaged in an unlawful attempt to inflict grievous bodily harm.

That is the language of the bill. The question which the gentleman from Missouri [Mr. RUCKER] has put to me is not a practical one; it is a suppositious one entirely.

Mr. RUCKER. What sort of "grievous bodily harm" is meant by the bill? What was in the mind of the committee?

Mr. PATTERSON of Tennessee. The gentleman's question is not a practical question, so far as this matter is concerned, and I can not answer what was in the mind of the committee.

Mr. CLARK. Mr. Chairman, nine-tenths of all the talk that has been heard in this House about this bill is utterly futile, and none more so than that which has been uttered on this particular section. From this remark I except the suggestion made by my colleague from Missouri [Mr. RUCKER]. Now, the truth about the whole thing is that the severity of punishment militates against inflicting any punishment at all. Every man in this House who has had any experience in the practice of criminal law knows that that is absolutely true.

Now, gentlemen are talking here about a case which I do not believe ever happened or ever will happen with respect to a President of the United States. That is the reason the talk is futile. Nobody is going to make an assault upon the President of the United States for the purpose of doing him great bodily harm, unless there is an intention to kill him.

Mr. PALMER. Then what is the use of this section?

Mr. CLARK. I do not see that there is very much use in it as to the President, because this is true (and we may as well recognize it): The court, and the jury, and everybody that has anything to do with trying a man who has killed the President of the United States will resolve every doubt in favor of the prosecution, instead of resolving such doubt, as usual, in favor of the accused. But this section does not apply to the President only. It applies to the Vice-President, it also applies to members of the Cabinet who may succeed to the Presidency, and I can readily conceive why, under some circumstances, a rational man might want to give a member of the Cabinet a thrashing—under some gross insult or provocation—though he would not undertake such a thing upon the President. Suppose a man did attempt to thrash a member of the Cabinet when the man concluded he needed a thrashing, and that he inflicted accidentally more punishment than he intended to inflict? Suppose he hit him with his fist? The presumption of law is that the human fist is not a deadly weapon.

I do not know whether that presumption would have applied to John L. Sullivan's fist when "Sully" was in his prime; but suppose the average citizen should get into a controversy with a member of the Cabinet, if this bill should pass, and the member of the Cabinet insulted him outrageously and the man struck him a crack with his fist and there was more power in his fist than he supposed there was or the physical condition of the member of the Cabinet was frail when his assailant did not know it, and he killed him, it does not comport with either common sense or justice to hang the man under any such circumstances as that. Now, every member wants to vote for a good deal of this bill, but there is no sort of sense in loading it up and making it so bloody that a rational man can not vote for it, and while nobody appointed me to defend the Judiciary Committee in this House, my impression is, with all due deference to everybody, that the Judiciary Committee, after studying over that section as long as it did came to about as reasonable a conclusion as we can arrive at here in the hurly-burly of the House with a storm going on outside. You will never have any application of this section except to hang somebody for knocking somebody else down.

Mr. RAY of New York. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment rejected.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding at the end of line 5, page 5, the following:
"And may be imprisoned any longer term, at the discretion of the court."

Mr. OLMSTED. Mr. Chairman, this section as it now stands provides that if anybody makes an assault upon the President and the President dies the offender may be imprisoned for life, but if the President does not die, then for "not less than five years." But it nowhere authorizes imprisonment for more than five years. Now, I say, and I challenge the chairman of the Judiciary Committee to point me to any authorities to the contrary, that the extent of punishment under that act, if the President does not die, is five years; I think that would not be satisfactory to the members of this committee.

It certainly would not be satisfactory to the people of the United States. It would not be satisfactory to anybody if it were known that under this bill an assault upon the President of that character, the President maimed perhaps for life, his mind gone perhaps, or the assault resulting in any one of a thousand other ills that might afflict him for the balance of his life, would subject the offender to imprisonment for only five years.

I do not suppose this amendment will pass for two reasons. I do not offer it to embarrass the bill. I am in favor of the bill and desire to make it as nearly perfect as possible. The chairman of the committee will concede that my amendment would not hurt the bill, and yet there seems to be a sort of pride of opinion in not having a word of it changed. Therefore the Judiciary Committee will oppose it. There are a good many gentlemen on the opposite side of the House who do not want the bill perfected, because they do not want it passed at all, and therefore they will vote against the amendment, but I am going to do my duty and propose this amendment, which leaves it in the discretion of the court to give the offender a longer term than five years.

Mr. RAY of New York. Mr. Chairman, the gentleman from Pennsylvania seems to labor under the impression that this language would not permit imprisonment for more than five years: "Such offender shall be imprisoned not less than five years."

Mr. OLMSTED. Where is the authority for more than five years?

Mr. RAY of New York. Now, if I could bring a law library down for the instruction of the gentleman, or if I had thought it necessary I would have done it, but on such a simple proposition as that I do not think it is necessary.

Mr. OLMSTED. If you will bring the whole law library, you will not find any authority to contradict my position nor to sustain your contention that when you simply say "such offender shall be imprisoned not less than five years," you confer any power upon the court to sentence him for any longer period.

Mr. RAY of New York. The gentleman says that, and I tell him that the Committee on the Judiciary had that language under consideration. We had language in there saying that it should not be for less than five nor more than ten, and then we looked up and found the decisions——

Mr. OLMSTED. Where are they? Show me one.

Mr. RAY of New York. All I can say is that I do not think the gentleman could understand it if I did show it to him. We found the decisions, and then we struck out that language that the gentleman suggests as surplusage, in order to make the bill brief.

Mr. SNODGRASS. Mr. Chairman, I would like to ask the gentleman a question. Does the gentleman understand that any maximum punishment to be applied here is within the discretion of the jury?

Mr. RAY of New York. I understand that it is in the discretion of the court, not the jury.

Mr. SNODGRASS. I mean of the court. And any maximum above five years is within the discretion of the court.

Mr. RAY of New York. He is to be imprisoned, in the discretion of the court, for such term as the court inflicts, not longer than life and not less than five years.

Mr. OLMSTED. But it does not say so.

Mr. RAY of New York. It is not necessary to say so.

Mr. PAYNE. I would like to ask the gentleman if he would have any objection to inserting "for a term"—shall be imprisoned for a term not less than five years? I think if the gentleman did that it would clear up the objection of my friend from Pennsylvania [Mr. OLMSTED].

Mr. LANHAM. In my State the penalty for murder in the second degree is for any time not less than five years.

Mr. OLMSTED. In the discretion of the court? That would certainly not authorize more than five years.

Mr. LANHAM. In the discretion of the jury. The penalty there is fixed by the jury.

Mr. RAY of New York. This is the language of the Revised Statutes of the United States in more than a dozen instances.

Mr. OLMSTED. I should like to see one of them.

Mr. RAY of New York. Take the Revised Statutes and read them as we have.

Mr. SNODGRASS. I want to ask the chairman of the Judiciary Committee if he thinks imprisonment could be imposed by the judge for any time beyond the period of five years under this provision?

Mr. RAY of New York. I have already answered that question.

Mr. SNODGRASS. The confusion was so great that I did not understand the gentleman.

Mr. RAY of New York. I say, under the language of that section, the offender if convicted can be imprisoned for the term of his natural life, and not less than five years, in the discretion of the judge. I say, that is the language in many instances in the Revised Statutes to-day.

The question being taken on the amendment, it was rejected.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to strike out, in line 20, after the word "or," all of line 21 and the word "Presidency" in line 22; also, in line 25, strike out the words "Vice-President or other officer," and insert after the word "shall" the words "suffer death;" strike out "be imprisoned for life."

That would leave the section applicable only to an assault upon the President of the United States for the purpose of inflicting grievous bodily harm. In the event of the death of the President as the result of such an assault, the person committing the crime would then suffer the penalty of death. Now, the previous section here protects the Cabinet officers. Section 2 provides that—

Any person who unlawfully, purposely, or knowingly kills the Vice-President of the United States or any officer of the United States entitled by law—

And so forth, so that this section would then be for the purpose of punishing only the man who assaults the President with intent to do grievous bodily harm, and in the event of the death of the President as the result of such assault he would then suffer death as the consequence of his act, leaving the rest of the section just as it is reported by the committee.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota, so that the committee can understand what the question is.

The Clerk read as follows:

Page 4, line 20, after the word "or," strike out the words "the Vice-President of the United States or any officer entitled by law to succeed to the Presidency." In line 25 strike out the words "Vice-President or other officer." In line 1, page 5, strike out the words "be imprisoned for life" and insert "suffer death."

Mr. TAWNEY. Now, just one word more on that question. In the event of the adoption of this section as reported by the committee, if an assault is made upon the President of the United States while in the discharge of his official duty—that is the language of the bill—from which assault the President dies, then the only punishment that can be inflicted upon him is life imprisonment; and in the event of the recovery of the President from that assault, no matter if it leaves him maimed or otherwise physically disabled for life, the punishment would be only five years. I recall, as does every member of this committee, the circumstances that arose soon after the shooting of President McKinley at Buffalo, when it was supposed that he would certainly recover from the effect of the assault made upon him in that city.

Then the question arose as to what punishment could be inflicted upon the man who had committed this assault with a deadly weapon with intent to kill. It was discovered that he

could be imprisoned for only ten years under the laws of the State of New York, and all over this broad land there arose a wave of indignation because the laws of this country would not permit of more severe punishment. Universal indignation prevailed because the President of the United States had been assaulted with intent to kill and his assailant could be punished only by imprisonment for a term of ten years. The indignation of the people, or their resentment, was not because the President, as a man, had been assaulted, but because in that assault a blow had been struck at our Government, at organized society, and the punishment for an offense of that kind and of that magnitude was wholly inadequate. It was because of this that there came from all over the country a demand for Federal legislation that would afford protection to the President as President, as the Chief Executive of this nation, and not as an individual unit of organized society. I think this amendment ought to be adopted, so that the evil and criminal minded—that all—may know that he who assaults the President of the United States with intent to do him "grievous" bodily harm, and he dies from the effect of such assault, will assault the nation and will forfeit his life as a punishment for the serious offense thus committed.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. TAWNEY].

The amendment was rejected.

Mr. GILBERT. Mr. Chairman, I offer an amendment to section 5. After the word "death," in line 25, insert the words "within a year and a day."

The Clerk read as follows:

Line 25, page 4, after the word "death," insert the words "within a year and a day."

Mr. GILBERT. Now, Mr. Chairman, we have a statute in this bill, if it is enacted into law, which is applied to two different crimes. A man may commit an unlawful assault upon the President or the Vice-President or any of these officers that will either result in death or it will not. If it results in death, we try him, and he is hung, under section 1, and under section 5 he is sent to the penitentiary. If it does not result in death, we try him, under section 4, and we imprison him for a term not exceeding ten years, and we can try him under section 5 and imprison him for a term of not more that five years; so we have two laws, both denouncing the same offense. Now, if the man dies twenty years after the infliction of the injury upon him, he is sent to prison for life under section 1.

Now, ordinarily there is a common-law period in which the death shall occur. The common-law period was one year and a day, so that if the malicious assault resulted in the death of the President in a year and a day he may be punished by death. If he lives longer than a year and a day, or any other period that may be prescribed, then under section 4 he would be subject to be imprisoned for not less than ten years. So this statute ought to prescribe a term in which the death should result from the infliction of the injury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. LANHAM. I move to strike out section 5.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. That any person who knowingly harbors, conceals, or aids, with intent that he may avoid or escape from arrest, trial, conviction, or punishment, any person who has committed either of the offenses mentioned in the preceding sections of this act shall be imprisoned for not less than one nor more than twenty-five years.

Mr. OLMSTED. I offer an amendment.

The Clerk read as follows:

Amend by striking out the words "nor more than twenty-five years."

Mr. OLMSTED. Mr. Chairman, I offer this amendment because, if the judgment of the chairman of the Committee on the Judiciary is correct, these words are entirely superfluous, as it is entirely within the discretion of the court to impose such punishment as it deems necessary or proper. I do not agree with him and offer this simply to test his sincerity. I want to say, in addition to what I said before, that I again challenge the chairman of the Judiciary Committee, or any other gentleman, to point me to one authority where an act which simply fixed the minimum imprisonment and did not express any authority to impose a longer term was held to justify the imposition by the court of any longer term of imprisonment than the single term mentioned in the act as the minimum.

My friend says the Revised Statutes are full of acts imposing the penalty in such language. I have looked them over hastily. Here is the volume. I hand it to the gentleman and again challenge him to show me one instance where imprisonment was ever provided without fixing more than a minimum term. Very frequently the term is provided for not more than a certain number of years. That would, of course, justify a sentence for a lesser number. Generally both the maximum and minimum are named; but there is not in the Revised Statutes, so far as I can find, any instance where the statute simply imposes imprisonment for "not less than" a certain number of years.

Mr. RAY of New York. If the gentleman says that he has looked over the criminal statutes of the United States, he is in error. No man can look over the criminal statutes and apply himself diligently in less than one whole day.

Mr. OLMSTED. No; and if the gentleman will apply himself diligently for a hundred years, he will not find one case where the Revised Statutes fix simply a minimum without also naming a maximum or authorizing a term longer than the minimum.

Mr. RAY of New York. I am not yielding to the gentleman. The gentleman has shown his fairness in debate in this class of legislation by solemnly asserting here what the gentleman from New York said was not true then, that there was no such statute in the language we have used. Now, let us see what is the language we have used.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from New York to the fact that the gentleman from Pennsylvania is constructively assumed to be occupying the floor in favor of his amendment.

Mr. RAY of New York. Oh, I beg pardon.

The CHAIRMAN. The gentleman from New York has not asked to be recognized, nor has he been recognized.

Mr. OLMSTED. The gentleman having shown his fairness in debate, again challenging him to find in the Revised Statutes of the United States one such case as I have referred to and as he asserts abound there, I will withdraw my amendment, so as not to delay matters.

The CHAIRMAN. The amendment is withdrawn.

The Clerk read as follows:

SEC. 8. That any person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first nine sections of this act, shall be fined not less than $500 nor more than $5,000, or imprisoned not less than one nor more than twenty years, or both.

Mr. MORRELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 5, line 22, after the word "act," strike out to the end of the paragraph and insert the following:

"Shall upon conviction by a proper court thereof be considered a dangerous lunatic, and their property shall be made subject to the court which administers the estate of persons of unsound mind."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania.

Mr. MORRELL. Mr. Chairman, I consider that the people of the United States are principally, as I said a few days ago, concerned in preventing the crime that resulted in the death of President McKinley. The best way to prevent a repetition of this kind is to stamp out the preaching of these doctrines and by making the punishment as severe and as distasteful as possible.

To imprison, Mr. Chairman, very many of these people who indulge in the teachings of anarchy is rather what they want than the reverse. They have the chance of promulgating their infamous doctrines with those with whom they are thrown in contact in prisen and they come forth as martyrs and are looked to as martyrs by those who have the same principles as they have.

Now, Mr. Chairman, there can be nothing so distasteful to a man as to be considered an insane person and a man of unsound mind. There can be no punishment as great. My amendment reads that upon conviction by the common courts thereafter at all times that man is to be considered as a dangerous lunatic and should be incarcerated accordingly. I have nothing more to say on the subject except to request that the members of the House and the Judiciary Committee give this matter some consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken and the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out section 8.

The CHAIRMAN. The gentleman from Alabama moves to strike out section 8.

Mr. UNDERWOOD. Mr. Chairman, the reason I move to strike out this section is that it applies to a great many people that it is not necessary to protect, and I think if left in the bill would be very dangerous and a means of harassing a great many innocent people.

Section 8 provides:

SEC. 8. That any person who advocates, advises, or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation,

because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first nine sections of this act, shall be fined not less than five hundred nor more than five thousand dollars, or imprisoned not less than one nor more than twenty years, or both.

Now, that says "any officer of the Government." It does not limit it to the President of the United States, the Vice-President of the United States, or a Cabinet officer, but it goes all the way down the line from the President of the United States, and includes a fourth-class postmaster. If one of the citizens of your district, or my district, goes into a fourth-class post-office in this country and becomes involved in a controversy with the postmaster in his town in reference to the handling of the mail and assaults him, growing out of that controversy, he can be taken to the United States Court and tried and convicted under this section for this act. There is no law ever been attempted to be passed by the Congress of the United States since the repeal of the alien and sedition laws that, in my opinion, goes further toward imperiling the liberties of individual citizens and allowing the Government of the United States to go into the homes of the citizens of this country with its strong arm and interfere with local self-government for the protection of the citizens than this section of this act.

Mr. RICHARDSON of Alabama. Will the gentleman allow me?

Mr. UNDERWOOD. Certainly.

Mr. RICHARDSON of Alabama. It not only does that, but it says that any man who justifies it shall be punished.

Mr. UNDERWOOD. Yes, it goes further than that, as my colleague states; and it not only says that the man involved in the assault shall be punished, but his neighbor who is standing around and says that the man who assaulted the postmaster was justified in it, and commends him for the assault, he can also be dragged before the Federal courts and punished for that.

Mr. PATTERSON of Tennessee. Will the gentleman yield to me for a suggestion?

Mr. UNDERWOOD. Certainly.

Mr. PATTERSON of Tennessee. In my judgment, this is one of the best provisions in this bill. I am against some of the features of the bill, but I think this is the best one in it. The gentleman from Alabama is mistaken in his construction of the section, it seems to me. Any man who justifies an assault on a fourth-class postmaster is not a principal offender under this section, unless that justification is with the intent to cause the commission of any of the offenses justified in the first nine sections of this act. The distinction is an exceedingly broad one and well defined. So the justification must not only be to the act itself, but it must be that he intended the commission of one of the offenses specified.

Mr. UNDERWOOD. Of course, that has got to be so.

Mr. PATTERSON of Tennessee. If the gentleman will pardon me further, I think with that qualification there is less objectionable features to this section than to any other section in the bill that has been read.

Mr. UNDERWOOD. If the assault is made by an individual citizen on a postmaster in the discharge of his official duties——

Mr. LITTLEFIELD. It does not read that way.

Mr. UNDERWOOD. Well, read it.

Mr. LITTLEFIELD. Let the gentleman read it himself, and see if he finds it.

Mr. UNDERWOOD. It says "with intent to cause the commission of any of the offenses specified in the first nine sections of this act."

Mr. LITTLEFIELD. Well, that does not justify the gentleman's conclusion.

Mr. UNDERWOOD. Does not the act provide that if he assaults anyone in the official discharge of his duty?

Mr. LITTLEFIELD. No, it does not; by reason of his official character. The act provides, in substance, that if anybody preaches the murder of an official of the United States Government by reason of the fact that he is an official, he shall be punished, and we say that he ought to be punished, and we do not think, with all due respect to my friend from Alabama, that it is an innocent act on the part of any individual to advise such killing.

Mr. UNDERWOOD. It goes further than that.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RAY of New York. With the permission of the Chair, I will rise to oppose the amendment and yield two minutes to the gentleman from Alabama.

The CHAIRMAN. Without objection, that may be done.

Mr. UNDERWOOD. Mr. Chairman, I desire to state why I object to this section. Of course if any one should advocate the killing of a postmaster it would be an awful offense; but why should the offender in such a case be dragged before a Federal court for trial? Is a postmaster any better or any higher than any other citizen, or is the Government of the United States so much involved that we must reach out to protect all these small officers? I agree that such a provision may be proper as applied to the President of the United States.

But the worst part of this section is that with reference to assaulting one or more of these officers. Suppose a postmaster gets into some trouble with his neighbors, and some individual advises the assaulting of that officer because there has been some falling out between this individual and the postmaster in regard to the handling of the mail. Or the same supposition may be made in regard to a deputy marshal or any other minor officer of the United States. In such a case, under this provision of the pending bill, the person accused must be dragged before a Federal court, it may be hundreds of miles distant. He may be entirely innocent, but he may be obliged to go with his witnesses hundreds of miles in order to prove his innocence. It seems to me there is no necessity whatever for the enactment of this provision, and I believe that in most cases it would be used as a means of oppression. That is why I oppose it.

The question being taken on the motion of Mr. UNDERWOOD to strike out section 8—

The CHAIRMAN. The noes seem to have it.

Mr. UNDERWOOD. I ask for a division.

The question being again taken, there were—ayes 22, noes 58.

So the amendment was rejected.

Mr. McCALL. I move to strike out in line 16 of this section the words "or assaulting," and also to strike out the same words in lines 20 and 21. Mr. Chairman, it seems to me that the Committee on the Judiciary has not shown its usual care in the preparation of this provision. This is a very carefully considered bill as a whole. I think that as a piece of legal drafting it displays remarkable ability.

But this eighth section, as it now stands, may open the way for proceedings which I think we would not deliberately sanction. Suppose, for instance, an individual has advised another that it is proper for him to thrash a certain fourth-class postmaster, or, if he has done it, tells him that he has done right, and that he ought to do it again. Such a case may be brought within the provisions of this section; and they might apply to very many thousand minor officers who go among the people and are liable to get in trouble with them. It seems to me to include such a provision in the bill would extend it beyond its proper scope.

As to teaching murder as a cult—advocating the destruction of government by destroying the agents of government—that is a very serious offense. But this bill, in addition to providing a punishment in such a case, goes on and suggests a creed which I never heard of any anarchist teaching—that is, advising the assaulting or whipping of some officer of the Government. It strikes me that the provision embraced in this section is too broad. It applies to a great many officers; and, appying to so many, it seems to me it should be more limited. I have hesitated to offer any amendment, but at the same time I did not know how I could get my views before the House without suggesting an amendment of this kind.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LONG having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 7, 1902:

H. R. 4542. An act granting a pension to Eliza J. West;

H. R. 5248. An act granting a pension to Frances A. Tillotson;

H. R. 7397. An act granting a pension to Louisa White;

H. R. 9606. An act granting a pension to Charles Blitz;

H. R. 9794. An act granting an increase of pension to Zebulon A. Shipman;

H. R. 10782. An act granting a pension to Ole Steensland;

H. R. 12418. An act granting a pension to Matilda C. Clarke;

H. R. 13211. An act granting a pension to Melissa Burton;

H. R. 13395. An act granting a pension to Arthur J. Bushnell;

H. R. 2286. An act granting an increase of pension to Mary Etna Poole;

H. R. 2289. An act granting an increase of pension to Pitsar Ingram;

H. R. 2623. An act granting an increase of pension to John Smith;

H. R. 2857. An act granting an increase of pension to Francis C. Houghton;

H. R. 5475. An act granting an increase of pension to August Schill, alias August Silville;

H. R. 5551. An act granting an increase of pension to Charles Edward Price Lance, alias Edward Price;

H. R. 6330. An act granting an increase of pension to William D. Tanner;

H. R. 6037. An act granting an increase of pension to William C. Holcomb;
H. R. 6718. An act granting an increase of pension to Andrew R. Jones;
H. R. 6625. An act granting an increase of pension to Mary S. Downing;
H. R. 7560. An act granting an increase of pension to George W. Butler;
H. R. 8134. An act granting an increase of pension to James H. Dunn;
H. R. 8487. An act granting an increase of pension to John M. Crist;
H. R. 9695. An act granting an increase of pension to Evaline Jenkins;
H. R. 9833. An act granting an increase of pension to Margaret McCuen;
H. R. 11288. An act granting an increase of pension to Mary Scott;
H. R. 12422. An act granting an increase of pension to David Topper;
H. R. 12428. An act granting an increase of pension to Elizabeth G. Getty;
H. R. 12779. An act granting an increase of pension to George Chamberlin;
H. R. 12983. An act granting an increase of pension to Eleanor Emerson;
H. R. 13037. An act granting an increase of pension to Francis W. Anderton; and
H. R. 13614. An act granting an increase of pension to William H. White.

PROTECTION OF THE PRESIDENT.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts [Mr. MCCALL].

The Clerk read as follows:

In line 16 of section 8 strike out the words "or assaulting."
In lines 20 and 21 of the same section strike out the words "or assaulting."

The CHAIRMAN (having put the question on the amendment of Mr. MCCALL). The ayes appear to have it.

Mr. RAY of New York. I call for a division.

The question being again taken, there were—ayes 63, noes 30.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That any person who conspires with any other person or persons, or requests, advises, or encourages any other person or persons to unlawfully assault or kill, within or without the United States, the chief executive or chief magistrate of any other civilized nation having an organized government, because of his official character, shall be punished as follows: If an attempt to commit such act is made and the death of any person results therefrom, such offender shall suffer death. If such attempt does not result in death, such offender shall be fined not less than five hundred nor more than five thousand dollars, or be imprisoned not less than five nor more than twenty-five years, or both. If such attempt is not made, such offender shall be fined not less than five hundred nor more than five thousand dollars, or be imprisoned not less than one nor more than five years, or both.

Mr. KLEBERG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 2 and 3 of section 9 strike out the words "or requests, advises, or encourages any other person or persons."

Mr. KLEBERG. Mr. Chairman, I think this whole section is foreign to the purpose of this bill. The purpose of the bill is to protect the President, the Vice-President, and such officers as may be in line of lawful succession to the Presidency. This section confines itself entirely to foreign rulers, and for that reason I am against the whole section; but, fearing that possibly the section will be adopted, I want to strike out these words and make it less objectionable. If these words are adopted, it would read simply in this way, that any person who conspired with any other person or persons, etc., to kill. That would simply leave the law of conspiracy, and that certainly ought to be sufficient in a case of this kind.

Where a party enters into a conspiracy the law is well defined as to what conspiracy means and what acts are defined as constituting conspiracy, but these other terms which are placed in this section independently of the conspiracy would make an individual liable who would simply encourage innocently and indirectly an assault upon a foreign potentate whether he entered into a conspiracy or not. Now, what does the word "encourage" mean? It means, in its ordinary signification, to incite to action. Now, that, in my opinion, would, under the power of judicial construction, mean that if any newspaper editor or if any public speaker at a public meeting would inveigh against a throne or a monarchy and use such intemperate language, possibly, as thereby to incite to action someone on the other side of the ocean, some crank, to make an assault upon some crowned head or upon some foreign ruler, then that editor or public speaker could be punished on American soil and be held responsible for such an offense although he had no intention that his language should have that effect.

I say that such a construction, if it can be made, and I believe there is danger that such a construction might be placed upon these terms, would operate as an infringement upon and abridgement to the liberty of speech and freedom of the press. I believe that it would be worse than all the alien and sedition laws of old, because those sedition laws extended only over the domain of our own country; they affected only the conduct of people in our own country, and the words themselves which define sedition had an open and well-defined meaning, and a legal signification. Not so with these words. Their intention seems to be vague and veiled, and while I say that I do not wish for a moment to reflect upon the learning or the integrity of any of the members of the Judiciary Committee, but by some reason, by some unknown influence, these words have crept into this section, and I believe it is one of the most dangerous sections in the whole bill, because it must be an attack, covert attack though it be, upon the liberty of speech and the freedom of the press.

It is a well-known fact that foreign governments are inimical to the freedom of the press and the freedom of speech which obtains in the United States, and I think if this section passes in its present state, that it will place under the surveillance and control of foreign rulers the citizens and the rights and liberties of the citizens of this country. In other words, it would place under the police regulations of any foreign nation the conduct and rights of the people of the United States.

Now, there is a purpose. I know there is a motive behind this section, and I do not say that it is an improper motive at all, but there is an effort existing between our Government and the governments of foreign nations to hunt down the anarchists, and that part of it I believe in and fully approve as far as it can be lawfully done. I do not care how much you legally chase the anarchist, but in doing so we should be cautious not to infringe upon the liberties of our own people, or intrench on the liberty of speech and the freedom of the press.

Mr. RAY of New York. Mr. Chairman, I desire to call the attention of the gentlemen of the committee to this section:

Any person who conspires with any other person or persons, or requests, advises, or encourages any other person or persons to unlawfully assault or kill, within or without the United States, the Chief Magistrate, etc.

Now, you can not do all that unless you have done some act, and there is no danger that any jury would ever unjustly or improperly convict any person. Conspiracy is well defined and well understood.

Mr. KLEBERG. Will the gentleman yield?

Mr. RAY of New York. The gentleman has had five minutes. If I had plenty of time I would yield gladly. This applies to conspiracies here to commit offenses abroad. The section is intended and the purpose is to break up these meetings of anarchists in the United States which teach the commission of murder abroad. We have disagreed with the Senate and add that provision, and think that if we break up these conspiracies here in the United States to murder abroad, and punish the conspirators when we can, that we do all that is necessary to do in that regard. The crime is committed here, for it consists in the conspiracy, not the murder.

Mr. LITTLEFIELD. We do not want to make this a breeding place of anarchy.

Mr. RAY of New York. We do not want to make or permit this country to be a breeding place for anarchy, and this section as it is met the approval of every member of the Judiciary Committee without exception. There is one amendment which I desire to offer as a committee amendment, which would make the section clearer, and that will be in line 7, to make it read: "If an attempt to commit such act is made as the result thereof;" that is, as the result of the conspiracy. That will make it definite and certain. Now, Mr. Chairman, I do not desire to say more.

Mr. SNODGRASS rose.

Mr. RAY of New York. Does the gentleman from Tennessee desire to ask a question?

Mr. SNODGRASS. Yes. What authority has the gentleman found for providing against offenses against foreign nations?

Mr. LITTLEFIELD. It is not an offense against a foreign nation.

Mr. RAY of New York. This is not an offense against foreign nations. It is an offense committed within the United States. It is a conspiracy formed in the United States to commit a crime abroad. Now, the offense which is committed in the United States is the formation of the conspiracy here.

Mr. SNODGRASS. Against whom is the offense committed?

Mr. RAY of New York. Oh, if the conspiracy is carried out, it is against foreign rulers.

Mr. SNODGRASS. Against foreign rulers?

Mr. RAY of New York. But it is clearly within our power. The essence of the crime is the conspiracy.

Mr. SNODGRASS. Suppose every foreign ruler were destroyed, would that destroy our Government?

Mr. RAY of New York. Oh, not at all; but, you know, this section is not for the protection of any particular individual. This section is for the purpose of breaking up these nests of anarchists, these meetings of anarchists in this country.

Mr. LITTLEFIELD. It is justified under the principles of international law.

Mr. RAY of New York. This is justified under our power to enact international law. Now, these anarchists come here or are within the United States. They get together and teach the propriety or the duty or the necessity of murdering monarchs abroad. You will recollect that King Humbert of Italy was murdered as the result of a plot which was concocted, I think, in New Jersey.

Mr. HENRY of Connecticut. In Paterson, N. J.

Mr. RAY of New York. In Paterson, N. J.

Mr. PATTERSON of Tennessee. And the assassin came from this country.

Mr. RAY of New York. The assassin came from this country. Now, it was to reach these plottings that this section was framed. There ought to be no objection to it. The Constitution of the United States provides that we have full power to define and punish piracy and offenses against the law of nations.

Mr. SNODGRASS. Except that we are not authorized to impose any limitation upon free speech.

Mr. RAY of New York. That is quite true; but what is free speech? You can not teach murder, you can not teach crime, you can not encourage crime under the pretense of free speech. We have covered that question in our report.

Mr. SNODGRASS. But the question is whether you are authorized——

Mr. RAY of New York (continuing). Free speech under the Constitution means free speech as it existed at the time of the adoption of that provision, and going back to the common law we find what free speech was. We find that you could not teach anything to break down government, you could not teach crime, you could not encourge it, you could not slander, you could not libel, and you can not to-day, and protect yourself under the theory that the Constitution gives you free speech or freedom of the press.

Mr. SNODGRASS. That may be true, if it be considered as subversive of our own Government and the power to protect our own Government. We might enact such a provision as that, but we are going beyond that, and by limiting free speech we are protecting the security of foreign governments.

Mr. RAY of New York. Not at all. We are preventing the formation of these plots and these conspiracies in the United States, which in themselves are crimes. Now, Mr. Chairman, has my time expired?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. This is not the section with reference to free speech. This is the section relating to conspiracy.

Mr. RAY of New York. I call for a vote.

Mr. PATTERSON of Tennessee. I want to be heard just for a moment.

The CHAIRMAN. Debate on the pending amendment is exhausted, and the chairman of the committee calls for a vote.

Mr. RICHARDSON of Alabama. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RICHARDSON of Alabama. I rise for the purpose of moving to strike out.

The CHAIRMAN. That can be done after the pending amendment is disposed of. The question is on the amendment proposed by the gentleman from Texas.

The question being taken on the amendment of Mr. KLEBERG, the Chairman announced that the noes appeared to have it.

Mr. KLEBERG demanded a division.

The committee divided, and there were—ayes 32, noes 61.

Accordingly the amendment was rejected.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out——

Mr. RAY of New York. Before the motion is made to strike out, I desire to perfect the section, and then the gentleman can make his motion.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama after the section is perfected. The gentleman from New York [Mr. RAY] is recognized.

Mr. RAY of New York. If the gentleman will let us get this perfected, then he shall have his chance.

Mr. RICHARDSON of Alabama. All right.

Mr. RAY of New York. On page 6, line 7, after the word "made," I move to insert the words "as the result thereof;" so that it will read: "If an attempt to commit such act is made as the result thereof."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 7, after the word "made," insert "as the result thereof."

The amendment was agreed to.

Mr. RICHARDSON of Alabama. I move to strike out all after the word "both," in line 12, page 6, to the end of the paragraph, down to the word "both," in line 16.

The CLERK. Strike out all after the word "both," in line 12, page 6, to the word "both," in line 16, which reads as follows:

If such attempt is not made, such offender shall be fined not less than five hundred nor more than five thousand dollars, or be imprisoned not less than one nor more than five years, or both.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, if I understand the entire scope and meaning of the latter part of the section which is being considered, if an attempt is made to kill and death shall result, the party shall suffer death. If the attempt is made and it shall not result in death, then he shall be fined not less than $500 nor more than $5,000, and be imprisoned for not less than five nor more than twenty-five years, or both.

The paragraph to which I call attention is if no attempt is made whatsoever the man is liable to imprisonment for five years. Now I would like to know what does this part of the paragraph here refer to?

Mr. SMITH of Kentucky. The conspiracy.

Mr. RAY of New York. Will the gentleman allow me to answer that?

Mr. RICHARDSON of Alabama. Of course I will.

Mr. RAY of New York. We put that in there, and it is an essential feature of the section. It is not likely that under that section there will be one offense committed in fifty years, except the offense of getting together and holding these meetings, teaching these doctrines, and making these conspiracies. Now, we want to break up these meetings. That is the object of this. It is at the conspiracy we strike. It will do no harm. You strike out these words and you will destroy the section, and leave it in and it will do no earthly harm. You will punish these men when they get together and hold these anarchistic meetings.

Mr. RICHARDSON of Alabama. Then I will say to the chairman of the committee that I do not agree, most respectfully, with their view of the matter. While your object and purpose is good—I admit that to be the fact—it simply means this, as I understand it, that if I have discussed the matter, if I have talked about the matter of the death of Nicholas of Russia, if I have spoken of it in any way, shape, or form, and no act has been done, the conspirators have not done a thing, death has not resulted from it, no injury has resulted from it; but if I have conversed about it, it may be talked about or written about, why is not that an encouragement of it? It has resulted in no act of injury.

It seems to me, Mr. Chairman, that this paragraph has an unlimited extent and meaning and that it does not affect either of the two paragraphs of this bill that we have passed. It is certainly too broad. It certainly leads to opening the door for annoyance to the citizen in every way that can be conceived, and I think, Mr. Chairman, that this part of this section 9 ought to be stricken out. If you can restrict its operation to the workings of anarchists, then I have no objection to make.

I am exceedingly anxious to reach in every possible way anarchy and anarchists. I desire to have this bill perfected in every possible way. I think that the country demands reasonable legislation on this subject. I shall do all I can to perfect this bill on the line of objections expressed by the minority on the committee. I am utterly opposed to all associations that harbor or foster anarchy. I have frankly given my views.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and the amendment was rejected.

Mr. BELLAMY. Mr. Chairman, I would like to send forward an amendment to strike out the words "or encourages" in the second line of the section on the sixth page.

The Clerk read as follows:

Amend by striking out the words "or encourages" in line 2, page 6.

Mr. BELLAMY. And insert between the words "requests" and "advises," the word "or."

The Clerk read as follows:

Strike out in line 2, page 6, the words "or encourages," and insert between the words "requests" and "advises" the word "or."

Mr. BELLAMY. Now, Mr. Chairman and gentlemen of the committee, the offense described in section 9 implies generally that the act must be done willfully and with an intent. In other words, if a person conspires with any other person or persons to commit a crime, that implies that he willfully does it. If he requests a person to do it, that implies a mind and will. If he advises a person to do it, that implies willfulness. But when you come down to the word "encourages," that does not necessarily imply willfulness. An author may write a book, or a man may use language which unintentionally encourages another to do the act prohibited by law, and yet under this bill it is criminal.

I do not think that word "encourages" ought to be retained, because the section will be just as effective without it, and unless that be taken out of the section it might enable one citizen to

vent his spite and spleen on another if he wishes to harass him by informing on him and saying that he said things or used language which "encouraged" the man to commit the act, when it was not intended that way. I hope, therefore, the committee will eliminate the expression "encourages," as it is too vague and may lead to oppression of the citizen. It is and should be the aim of the American Republic to give to the citizen the greatest amount of liberty of action and freedom of speech consistent with law and order. To unnecessarily and by forced construction curtail this right is an interference with one of the most sacred rights of an American, which lies at the very basis of his Government.

Mr. WILLIAMS of Mississippi. I would like to ask the chairman of the Committee on the Judiciary a question. Can the gentleman tell me how anybody can criminally encourage this unlawful assault except by their conspiracy "to request and advise?" What is the use of that word "encourages?"

Mr. RAY of New York. Well, we discussed that in the committee. I will say that we are trying to break up these nests of conspirators that teach anarchy in the United States, and whether there is any additional force in the word "encourages" or not I do not know, and I do not pretend to know, but I think there is. It will do no harm; it may do good in that line. If there is anybody that does not want these nests of conspirators who teach anarchy broken up, they will want to make this provision weak. If we want this stopped, we will make the bill strong. That provision will never hit an American citizen who ought to live in the United States. Now, I am not going to talk about that word "encourages;" if the committee desires to strike it out, let them strike it out, and let us go on and pass the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I take it that everybody here, at any rate, wants to break up the nests of anarchists. I take it that every man in the world who takes pride in civilization must know that that civilization rests on an organized governmental basis. But I do not see how anybody could be guilty of criminal encouragement unless that encouragement grew out of either conspiring to commit the crime, or advising it, or requesting it. Now, let me illustrate——

Mr. NEVIN. Will the gentleman pardon me a question?

Mr. WILLIAMS of Mississippi. I suppose I will have to.

Mr. NEVIN. Suppose a person in sympathy with the anarchists, without advising, or without requesting, or without conspiring, sends him a sum of money to further his object?

Mr. WILLIAMS of Mississippi. I should think the proof of the fact that he had sent the sum of money for that purpose would be a conspiring.

Mr. NEVIN. Not necessarily. Under the legal definition of conspiracy, I take it that there must be some meeting, there must be some agreement together to do a certain thing. But suppose there was a family of anarchists and a person sends them a sum of money to aid in the commission of the crime?

Mr. WILLIAMS of Mississippi. A man may aid and abet in the commission of a crime by furnishing money for the commission just as he would if he furnished a pistol. Now, I do not want to be interrupted further. I want to call the attention of the House to this fact: Some time ago you remember Mr. George Kennan wrote a series of articles for the Century Magazine criticising the Government in Russia and its conduct toward the Siberian exiles, and it was held in Russia that these articles could not be published in Russia because they were held to encourage anarchy and to encourage opposition to the Czar.

Now, I do not know what the court would hold that this indefinite word "encourages" means, but you need not tell me that you are certain when this man who wrote the book in favor of republican institutions for example, and against despotism whether czardom or kaiserdom was held to have encouraged the assassination of czars and kaisers. It seems to me the words "or encourages" ought to go out, first, because they are indefinite, and, secondly, because they do not mean anything, when it can be held that a man writing against despotism might be held to have encouraged the slaughter of despots.

Mr. RAY of New York. Mr. Chairman, the committee are not particularly proud of these two words, and we will accept the amendment.

Mr. PATTERSON of Tennessee. Now, if the gentleman will pardon me, I have this amendment to suggest: I am in favor of this section, as I was of the other section of the bill, and I suggest that these words be inserted; that is, to insert on page 6, line 2, after the word "advises," the words "or does any other act with intent to procure;" so that the section would then read as follows:

SEC. 9. That any person who conspires with any other person or persons or requests, advises, or does any other act with intent to procure any other person or persons to assault or kill, etc.

Mr. RAY of New York. We will accept that. It is a little stronger than we had it before.

Mr. PATTERSON of Tennessee. I want to make it stronger.

Mr. SMITH of Kentucky. Then I suggest that in the amendment of the gentleman from North Carolina we leave out the word "or," which he proposed should be inserted between the words "requests" and "advises."

Mr. BELLAMY. I accept that modification.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina, to strike out the words "or encourages" in line 2, page 6.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. Now, the gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 2, page 6, after the word "advises," insert the words "or does any other act with intent to procure," so that the section will read "that any person who conspires with any other person or persons, or requests, advises, or does any other act with intent to procure any other person," etc.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 10. That this act shall apply to all offenses hereinbefore specified when committed within any State or other place subject to the jurisdiction of the United States.

Mr. LANHAM. Mr. Chairman, I move to strike out this section. To my mind it is extremely objectionable. It is a provision which, if adopted by the House and enacted into law, will confer authority on the Federal courts to enter into the limits of a State and take jurisdiction heretofore never exercised by them.

The question being taken, the amendment was rejected; there being on a division (called for by Mr. LANHAM)—ayes 27, noes 77.

The Clerk read as follows:

SEC. 11. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *Provided*, That no such person shall be allowed to enter as an immigrant.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not less than five hundred nor more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

Mr. SHATTUC. I move to amend the section just read by striking out, in lines 7 and 8, the words "provided that no such person shall be allowed to enter as an immigrant." I am a little afraid that the distinguished gentleman, chairman of the Judiciary Committee, does not know what an "immigrant" is.

The CHAIRMAN. The Chair will state the proposition of the gentleman from Ohio [Mr. SHATTUC]. It is to strike out, in lines 7 and 8, the words "provided that no such person shall be allowed to enter as an immigrant."

Mr. SHATTUC. I should like the privilege of asking a few questions of the chairman of the Judiciary Committee before I offer the remainder of my amendment. I wish to ask him whether he knows what an "immigrant" is? [Laughter.]

Mr. RAY of New York. Well, I have met a great many people and seen a great many coming in, whom I supposed to be immigrants.

Mr. SHATTUC. Give us the legal or judicial definition of the word.

Mr. RAY of New York. I am not going to stand here and allow the gentleman from Ohio to run a school, he acting as teacher and asking me questions, and I as pupil answering them. There is nothing so likely to lead a man into difficulty as an ordeal of that kind.

Mr. SHATTUC. And there is nothing in this world that would do you so much good and make you appear to such advantage as putting yourself under my charge for a while.

Mr. RAY of New York. I concede that.

Mr. SHATTUC. I have the floor.

Mr. RAY of New York. No, you called me up.

Mr. SHATTUC. But I have the floor now, and decline to yield further. [Laughter.] I say there is nothing that would become the gentleman so much and make him appear to such advantage as for him to look into the dictionary and see what the definition of the word "immigrant" is. Therefore I have offered in good faith this motion to strike out the proviso of this section.

Mr. LITTLEFIELD. Will not the gentleman from Ohio tell us what his definition is?

Mr. SHATTUC. With great pleasure. An immigrant is one who comes to this country with a view of making a permanent residence here. Now, persons who do not come here with the view of making their permanent residence here would not come

under the provisions of this bill. I want to help you great constitutional lawyers out. [Laughter.]

Mr. LITTLEFIELD. The gentleman is very accommodating.

Mr. SHATTUC. Sure.

The CHAIRMAN. The Clerk will read the proviso which the gentleman from Ohio proposes to substitute for that embraced in the section.

The Clerk read as follows:

Provided, That no such person shall be allowed to enter if he intends to become a permanent resident or citizen of this country.

Mr. SHATTUC. That is what the language of the bill ought to be if you want to shut out immigrants. But I will withdraw my proposition, if there is no objection, and will permit the chairman of the Judiciary Committee to run this business to suit himself. [Laughter.] I simply wanted to "teach school" to this distinguished man, because when I was managing a bill a few days since on this floor as chairman of the Immigration Committee he thought for just one moment he would show me how to write an immigration bill, and I want to reciprocate by showing him how to write an anarchy bill.

Mr. RAY of New York. I thank the gentleman.

Mr. SHATTUC. Very well; then I have not another word to say. [Laughter.]

Mr. GILBERT. I have an amendment which I desire to offer to section 11.

The Clerk read as follows:

Amend section 11 by striking out in lines 13 and 14 the words "except pursuant to such rules and regulations made by the Secretary of the Treasury."

Mr. GILBERT. Mr. Chairman, the Secretary of the Treasury ought not to be permitted to nullify this statute by any rules or regulations which he may issue. That officer has elsewhere been authorized to enforce this statute by proper rules and regulations. This language here seems to confer upon him authority to annul the section and, by rules and regulations, enlarge the limitations so as to allow anybody that he may choose to enter this country. Those words ought to be stricken out.

Mr. RAY of New York. I desire to say only a word on this subject. The Secretary of the Treasury, if he enforces this bill as he ought, will have to make rules and regulations and live up to them. But there will occasionally be a time when some person desires to come in, not as an immigrant but as a visitor, as did Prince Henry of the German Empire not long since. Now, to enforce ordinary rules against such a person as that would be rather an insult, not only to the individual but to the nation.

Mr. GILBERT. But you have not prohibited——

Mr. RAY of New York. And if we did not make some such exception the Secretary of the Treasury would have no discretion.

Mr. GILBERT. But you have not elsewhere prohibited such person as Prince Henry from coming, or any other unobjectionable character.

Mr. RAY of New York. That is true, not absolutely; but we have provided for rules and regulations which would have to be enforced, and which, if so drawn as to make this law efficient, would have to be enforced against all persons coming; and all persons would have to be examined as to their beliefs, and as to their residence, and as to many things—their age and parentage, etc. Now, we put that proviso in there so as to give the Secretary of the Treasury a discretion in enforcing those rules. It can not do any harm, and it better be there.

Mr. GILBERT. It seems to me, Mr. Chairman, and Mr. Chairman of the committee, that every applicant at our ports for permission to enter our territory either comes within the prohibited rules or he does not. If he does come within the prohibited rules, the Secretary of the Treasury ought not to be allowed to establish any rules or regulations to annul that decision. If he does not come within the prohibitions, then there is no necessity for the proviso.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

Mr. HENRY of Mississippi. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For section 13 substitute the following:

"That in all prosecutions under the provisions of the first seven sections of this act every material allegation contained in the indictment shall be proven beyond every reasonable doubt."

The CHAIRMAN. I would suggest to the gentleman from Mississippi that this is a substitute for section 13, is it not?

Mr. HENRY of Mississippi. Yes.

The CHAIRMAN. If this were acted upon at this time, it would preclude any amendment to section 13, and the Chair does not know whether there are amendments to be offered or not.

Mr. LITTLEFIELD. Mr. Chairman, I have a committee amendment. It is simply verbal, for the purpose of perfecting the section. I move to amend by inserting, after the word "who," on page 9, in line 5, the word "knowingly," so that it will read, "or who knowingly makes an affidavit," etc.

The CHAIRMAN. I will state to the gentleman from Maine that he can make that motion only by unanimous consent.

Mr. RAY of New York. Mr. Chairman, I make the point of order that that section has been passed and completed.

The CHAIRMAN. The gentleman from Maine can not make that motion except by unanimous consent.

Mr. LITTLEFIELD. We have passed that section, I understand.

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. Very well.

Mr. STEWART of New Jersey. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 9, line 11, add the word "conclusively" after the word "be;" and in line 12 strike out the words "until the contrary is proved."

The CHAIRMAN. The question is on agreeing to the amendments proposed by the gentleman from New Jersey.

Mr. CLARK. Mr. Chairman, no one knows what it is.

The CHAIRMAN. The Clerk has just read it. He will again report it for the benefit of the gentleman from Missouri.

Mr. CLARK. I would like him to read the section as it would read if amended.

The Clerk read as follows:

That in all prosecutions under the provisions of the first seven sections of this act it shall be conclusively presumed that the President of the United States, etc.

Mr. STEWART of New Jersey. Mr. Chairman, I hope that this amendment will be adopted. It will simplify the bill and make it absolutely and clearly constitutional. It will make it very clear that the President of the United States, that great and only great executive officer, is always charged and always clothed with authority of power, and the presumption will always be conclusive.

Mr. BARTLETT. Mr. Chairman, I oppose the amendment of the gentleman from New Jersey, as I likewise oppose this section. To adopt the amendment would simply conclude the defendant when arraigned from making any plea at all except that of guilty, and would make the case complete when the indictment was read. It would be, in fact, nothing but a judicial lynching at once. Now, Mr. Chairman, we have been here for several days discussing this matter, and most of us agree with the Committee on the Judiciary, that in order to give the United States court jurisdiction at all of the offenses set out in this bill, it must be because of the official character of the persons against whom the assaults are made, or against whom the offense is attempted, or because of the official discharge of their duties, or the omission to discharge some official duty. The very heart, the very essence, of this bill is the fact that the assault is made upon some person while he is in the discharge of his duty as an officer of the United States Government.

This amendment proposes to go further than the section of the bill as reported by the committee, and not only to make the presumption prima facie, but to make it conclusive, so that it can not be rebutted. Even the section of the bill as reported by the committee overturns every rule and principle of the criminal law that ever existed from time immemorial. We have embedded in our system of criminal procedure, and handed down to us from the Roman law, handed down to us from the early English law, a principle which has been repeated again and again in the decisions of the various State courts, and affirmed and reaffirmed by the decisions of the Supreme Court of the United States, that no presumption of guilt, or of any material fact in the case, is raised against the defendant in any criminal trial.

But here we have an amendment which proposes to make the presumption conclusive. Here we have a bill which proposes to overturn the ancient, venerated, and long-established law that the defendant is presumed to be innocent, and it is presumed that he has committed no offense, and that this presumption requires not simply that it be rebutted, but that it be overturned by proof beyond a reasonable doubt.

I wish I had the time to read the decision which I have here by the Supreme Court of the United States, in the case of Coffin *v.* The United States, in 156 United States Supreme Court Reports, page 445.

The learned Justice White, who delivered the opinion, lays it down as an axiomatic proposition that, in every criminal trial held

according to law, humanity, Christianity, and civilization demand that the presumption shall be that the defendant is innocent of every substantive fact, of every necessary ingredient to make out the crime.

But here is a proposition by the committee—and the amendment of the gentleman from New Jersey [Mr. STEWART] goes further than the proposition of the committee. We are to presume that the defendant is guilty of that fact which gives to the courts jurisdiction of the offense and makes the defendant guilty. You might as well provide by this section that he shall not be heard at all. You might as well provide that wherever a grand jury shall indict the defendant, he shall be sentenced by the court, without plea and without trial. [Applause on the Democratic side.]

Mr. RAY of New York. Mr. Chairman, I move that debate on section 13 and all amendments thereto now pending close in five minutes.

Mr. PATTERSON of Tennessee. I object to that.

The CHAIRMAN. The gentleman from New York moves that debate on the pending section and all pending amendments shall close in five minutes.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. PATTERSON of Tennessee demanded a division.

The committee divided; and there were—ayes 75, nays 35.

Accordingly the motion was agreed to.

Mr. PATTERSON of Tennessee. Mr. Chairman, I desire to offer an amendment.

Mr. PAYNE. There is an amendment pending.

The CHAIRMAN. There is an amendment pending. Does the gentleman desire to speak to that amendment?

Mr. PATTERSON of Tennessee. I do, Mr. Chairman; yes. I want to say that I think those of us who disagree with the majority on this thirteenth section ought to have been given more time for its discussion. It is one of the most important features of this whole bill.

Mr. RAY of New York. I know, but you have had three days to discuss it.

Mr. PATTERSON of Tennessee. We have not had any such thing, begging your pardon. According to your motion here, which has been carried, we have but five minutes to discuss this section of the bill.

Mr. RAY of New York. What I mean to say is that we have had this bill under discussion now in general debate for two full days, and that included section 13.

Mr. PATTERSON of Tennessee. I understand that. Now, I want to say that I believe the distinguished gentlemen who compose the majority of the Judiciary Committee have woven a net of legal incongruity and absurdity which is extreme. In this country you can not convict a defendant except by proof beyond a reasonable doubt, and no matter what the charge is, the defendant is presumed to be innocent until the contrary is proven. Yet it is proposed to go ahead here and make a legislative declaration that there is no time when any of these officers, during their tenure of office, are not engaged in the performance of their official duties.

I say that you are legislating against anarchy, and I am as much in favor of doing that as any gentleman on this floor can possibly be. Let us legislate by fair, equal, just, and equitable laws, and let us eliminate this kind of legal incongruity and not enact it into law. It seems to me that all after the word "duties," in line 17, ought to be stricken out, and that the question whether or not an officer is engaged in an official act ought to be one of fact, just like all other facts are submitted to the jury, under proper instructions from the court. Now, the Federal court, if this bill goes into law, has jurisdiction of these cases; and this question ought to be a question of fact, to be determined by the jury from all the facts and circumstances.

Mr. MORRELL. Mr. Chairman, I move to strike out the last word of the pending motion, and incidentally I would like to congratulate the chairman of the Committee on the Judiciary for the magnificent front that they have presented here in the arrangement of this case. They have treated those who were in favor of the bill and those who were opposed to the bill with equal consideration. The front that they have presented reminds me of a court sitting in banc; a great big wall, a wall of Troy you almost might say, absolutely impregnable. I congratulate myself, Mr. Chairman, on the fact that I am a member of the bar, a member of the judiciary, not of this great House of Representatives, but of the great State of Pennsylvania. [Applause]. Therefore, gentlemen, I would again express my congratulations.

Mr. LITTLEFIELD. What office did the gentlemen hold as a member of the judiciary?

The CHAIRMAN. Debate is exhausted. The question is on the amendment.

The question was taken, and the amendment was disagreed to.

Mr. PATTERSON of Tennessee. I offer an amendment.

Mr. THOMAS of Iowa. I desire to offer an amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa, a member of the committee.

Mr. THOMAS of Iowa. I desire to submit the following amendment.

The Clerk read as follows:

Amend section 13 by inserting immediately after the word "duties," in line 17, of page 9, the following words: "and that the alleged offense was committed because of his official character and because of his official acts and omissions."

Mr. THOMAS of Iowa. I rise, Mr. Chairman, to make an inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of Iowa. The motion of the gentleman from New York, as I understood it, was that all debate on the pending amendment be closed in five minutes, and that being so, it still leaves the section open to amendment and debate.

The CHAIRMAN. The section is open to amendment, but not to debate.

Mr. THOMAS of Iowa. I will ask unanimous consent that the motion of the gentleman from New York be read for the information of the House.

The CHAIRMAN. The Chair will have it read without unanimous consent.

Mr. RAY of New York. My request was very clear.

The CHAIRMAN. It was that all debate upon the section and all amendments thereto be closed. The Chair put that in as loud a voice as it was possible for him to use.

Mr. THOMAS of Iowa. The Chair put the motion to limit to the House on the pending amendment.

The CHAIRMAN. All that the Chair can say is that he overrules the point of order made by the gentleman from Iowa. The question is on the amendment.

Mr. SMITH of Kentucky. I would like to have the amendment offered by the gentleman from Iowa read again.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. SMITH of Kentucky. Now, Mr. Chairman, I move to strike out section 13.

Mr. PATTERSON of Tennessee. I have offered an amendment.

The CHAIRMAN. Does the gentleman offer the amendment to the section?

Mr. PATTERSON of Tennessee. I offer it now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 17, after the word "duties," strike out the remainder of the section.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HENRY of Mississippi. I offered a substitute at the beginning.

The CHAIRMAN. The gentleman from Mississippi offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

That in all prosecutions under the provisions of the first seven sections of this act every material allegation contained in the indictment shall be proven beyond every reasonable doubt.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

Mr. HENRY of Mississippi. Mr. Chairman——

The CHAIRMAN. There is no debate.

Mr. HENRY of Mississippi. I ask unanimous consent that I may be allowed to address the House for a few minutes on my amendment.

Mr. RAY of New York. I must object, Mr. Chairman.

Mr. WILLIAMS of Mississippi. I hope the gentleman will not object to my colleague being heard.

Mr. HENRY of Mississippi. I will withdraw the substitute and ask that it be offered as section 14 to the bill, at the proper time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to withdraw the amendment which he proposed to section 13. Is there objection?

Mr. RAY of New York. I object.

The CHAIRMAN. The question is then on the motion of the gentleman to amend by way of a substitute.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENRY of Mississippi. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 79.

So the substitute was rejected.

Mr. SMITH of Kentucky. I move to strike out section 13 of the bill.

The CHAIRMAN. That motion has been put and negatived.

Mr. SMITH of Kentucky. I think the Chairman must certainly be mistaken about that.

The CHAIRMAN. The motion was put in the form of striking out and insert.

Mr. SMITH of Kentucky. This now is a plain proposition to strike it out.

The CHAIRMAN. The gentleman is right. The question is on the motion to strike out section 13.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of Kentucky. Division, Mr. Chairman.

The committee divided, and there were—ayes 59, noes 67.

Mr. SMITH of Kentucky. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Kentucky, Mr. SMITH, and the gentleman from New York, Mr. RAY, will please act as tellers.

The committee again divided; and the tellers reported—ayes 60, noes 68.

So the amendment was rejected.

Mr. HENRY of Mississippi. Mr. Chairman, I offer the following amendment as an additional section.

The CHAIRMAN. If there are no further amendments to section 13, the gentleman from Mississippi offers the following amendment as an additional section.

The Clerk read as follows:

SEC. 14. On the trial of all cases under the first seven sections of this act, the defendant shall be presumed to be innocent until the contrary is proven to the exclusion of all reasonable doubt.

Mr. HENRY of Mississippi. Now, Mr. Chairman, in support of that section——

Mr. RAY of New York. Mr. Chairman, I desire to make a point of order. As I understood it, this proposition is the same provision that was voted on as one of the amendments.

The CHAIRMAN. The gentleman from Mississippi offered the proposition to the thirteenth section of the bill as an amendment in the shape of a substitute. Thereupon he proposed to withdraw it and objection was made and the vote was taken and the committee voted against permitting that matter to become an amendment to section 13. But the Chair is of opinion that the gentleman has now a right to offer it as an additional section to the bill, and that the former vote did not bar his right. The House might desire to have it in this form and not in the other.

Mr. HENRY of Mississippi. Mr. Chairman, in view of the fact that for quite a number of years prior to coming to Congress I was actively engaged in interpreting the criminal law as district attorney and judge of one of the circuit courts in Mississippi, I feel that I am warranted in making a suggestion as to the constitutionality, legality, or necessity of section 13 of this bill, which section reads as follows:

SEC. 13. That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States, or Vice-President of the United States, or other officer of the United States entitled by law to succeed to the Presidency, as the case may be, was, at the time of the commission of the alleged offense, engaged in the performance of his official duties. Nothing in this act contained shall be construed as an admission or declaration that there is a time when either of such officers, during the tenure of his office, is not engaged in the performance of his official duties.

In discussing this measure, and particularly the above section, I am glad to know that it can be discussed from an unbiased standpoint, free from the charges of partisanship or politics. I take it that there is not a member on either side of this House who does not sincerely desire that some measure be adopted to protect the President of the United States as far as it is possible legally or, I might say, within legal bounds so to do.

In other words, we are, I think, all opposed to anarchy, whether it be of the kind that would dissolve society and law in blood and inaugurate a system of no government or by mutual agreement rescind or break up a system now existing and every man announce for himself and assume the rôle of needing no laws, no government. But is this measure not a cloak to give greater concessions to a chosen few rather than an honest effort to suppress anarchy in this country? The States which go to make up this the grandest country of organized government are jointly jealous of the contract entered into and the Constitution which binds us, and are, therefore, unwilling that any disbelievers in our faith should come between us and our love of country, State, and laws, and the people would resist such an attempt with the iron hand of the law and, if necessary, enact something more stringent.

Therefore, when we are confronted with a condition such as is exampled by the depraved, distempered, and weakened mind of a Czolgosz, we are with one accord anxious to make laws satisfactory to ourselves and suitable for emergencies as they present themselves. But, while we are here to legislate, are we not to do so, ever with the knowledge of our power, and with a feeling that our duty will not be done should we do other than that which is permitted us to do under our Constitution and the laws which govern us in all matters? In other words, Mr. Chairman, I for one am unwilling to have a fit of hysterics, lose my balance, and fall into what might seem popular clamor, and thereby ignore long-known doctrines or laws which by use and service have become so honored that no one can question their effectiveness, justness, and righteousness.

Therefore in offering the section, which shall be known as 14, I do so with no intention of trying to prevent the passage of this bill, because it is a foregone conclusion it will pass as reported by the committee. But I offer the following as a new section in order to, in a measure, bring the proof of the case within the well-founded law governing such cases, and submit it in this form:

SEC. 14. On the trial of all cases under the first seven sections of this act the defendant shall be presumed to be innocent until the contrary is proven to the exclusion of all reasonable doubt.

Now, I ask in all sincerity and earnestness: Can there be objection to that section? If there is, pray tell me why.

I know there are many good lawyers in this House, and all the legal lore is not to be found on either side, and it does seem to me that in trying to perfect a bill which has, to my mind, many uncalled for sections and unnecessary ones, we should at least be willing and glad to perfect it as far as is practical and possible.

Under section 13 of this act there is a "presumption" contained—one would ordinarily consider that word very innocent. To quote the language of that section:

That in all prosecutions under the provisions of the first seven sections of this act it shall be presumed, until the contrary is proved, that the President of the United States or Vice-President of the United States, or other officer, etc., was at the time of the commission of the offense in the discharge of his duty, until the contrary be shown.

In view of the fact that the United States courts can only obtain jurisdiction of a case when an officer of the Government is in the discharge of his duty as such, it makes the thing presumed by this act one of materiality and one without which no prosecution could possibly be had in the Federal courts; that fact, then, being material to the prosecution, without which none could be had in the Federal court, should, I declare, not be presumed, but should be proven as any other material allegation in the indictment.

The nearest analogy that I can point is that where in murder the use of a deadly weapon, the malice requisite to murder is presumed, but in that the use of a deadly weapon is a fact which must be proven by the Government or State before there is any presumption. So, that he was President in the discharge of his duty is a fact, just as the use of a deadly weapon, which is susceptible of proof and should be proven like any other material allegation in the case. I think it is hardly necessary for me to cite authorities to sustain this contention of mine, but I submit the following as being some of the fundamental principles of the law generally accepted as such, the contrary opinion as expressed by different gentlemen notwithstanding.

When one is accused of murder the law presumes him to be innocent until the contrary is made to appear, and that beyond all reasonable doubt; but if it be shown that he killed the deceased with a deadly weapon, the general presumption of innocence (in so far as malice is concerned) yields to the specific proof, and the law infers that the killing, if unexplained, was malicious, and therefore murder.

Thus you will note that the only presumption of a necessary fact to secure a conviction is upon proof being made of a fact, to wit: "The use of a deadly weapon." Whereupon, when that proof is made, the malice requisite may be presumed. This is such a plain proposition of the settled doctrine of the law in my State, Mississippi, and all other States which I have investigated, that to give the decisions covering that point would require much more space than a denial among sensible men would demand, but here are a few from Mississippi and a good one from the United States Supreme Court: McDaniel *v.* State, 8 S. and M., p. 400; Green *v.* State, 28 Miss., p. 687; Mask *v.* State, 36 Miss., p. 77; Hawthorn *v.* State, 58 Miss., p. 778; Bishop *v.* State, 62 Miss., p. 289; Lamar *v.* State, 63 Miss., p. 265; James *v.* State, 45 Miss., p. 572; Goodwin *v.* State, 73 Miss., p. 873. And this one from the very court which will determine the constitutionality and legality of the law you are now trying to enact. I refer to Coffin *v.* United States (156 U. S. Rep., 432), and will quote from the opinion by Mr. Justice White a few lines:

The forty-fourth charge asked and refused is as follows:

The law presumes that persons charged with crime are innocent until proven by competent evidence to be guilty. To the benefit of this presumption the defendant is entitled, and this presumption stands as his sufficient protection unless it has been moved by evidence proving his guilt beyond a reasonable doubt.

That was an instruction asked for by the defendant and by the court refused. Now, let us see what the great court of last resort in this country says about it after having reviewed a number of

other charges, as they are called, which we will call instructions. Justice White says:

The fact, then, is that while the court refused to instruct as to the presumption of innocence it instructed fully on the subject of reasonable doubt.

And the court further says:

The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.

Case reversed.

I am opposed to this act from another standpoint. I am inclined to believe that the first seven sections are unnecessary, ill advised, and dangerous in the extreme.

The laws of the States are amply sufficient to care for the citizen or the stranger within their gates, and I might suggest that they are jealous of their right to see that justice is done in the ferreting out of crime and seeing the law properly enforced.

The Constitution of the United States gives to the United States rights to protect its officers while in the discharge of their duties, and Congress has made suitable provisions for their care, but the States have reserved to themselves rights which they have long been exercising and against which little complaint can be urged in so far as the law itself is concerned. In other words, there is and can be no possible question that the State laws taken with the Federal statutes are adequate. If they were not in so far as the President and even the Vice-President are concerned, I would not hesitate to vote for some measure constitutionally and legally prepared which would give those two officials proper and secure protection.

The doctrine of States' rights is very dear to me, and every step or act upon the part of Congress to digress from the beaten track so long acceptably and successfully followed should be scrutinized and questioned so long as there is one semblance of doubt as to the result of the enactment of any law.

The love of our State, the affection we have for the laws that govern the people of our States, our friends, our neighbors, our kinsmen, all go to make more dear not only the traditions of our rights, but our legal rights as recognized by the courts of this country and the Constitution of the United States.

Is this not a step in the direction of taking from us our State's rights? Whether it is so intended by this bill or not, it has a tendency in that direction.

There was a bill introduced at this very session for the trial of one accused of train wrecking, if the train carried United States mail, in the Federal court. Why such measures, unless it be that step by step we are to by degrees give up that for which our forefathers stood and that which they maintained?

In our State courts our judges are equally as learned in the law as the Federal, our district attorneys as efficient as those for the Government, our clerks competent, while our sheriffs, being more in touch with the people, are far more capable of executing the court's warrants.

To exemplify this fact, if any be required after the conviction and punishment of the moral pervert Czolgosz in a State court, I need only refer to an instance which, I am sorry to say, took place in my own State—Mississippi. Two United States marshals went in search of some illicit rum makers, and after having secured them—two in number, I believe—they, the marshals, concluded to rest the balance of the night at a house belonging to some one kin to the prisoners—a rather reckless thing to do, perhaps—but at any rate they so decided and went to bed and to sleep, and during the night were foully murdered while they slept. The whole country was aroused, the murderers caught, a special term of the State court convened, and the accused convicted and sentenced to be hung in less than three weeks. Can you gentlemen wish for more speedy or condign punishment and a more perfect execution of the law? Can the same promptness be claimed in the vindication of the law in the trial of Guiteau when tried for the murder of President Garfield? Ah, no! You all recall that trial, which was had in a Federal court.

I quote the language of my friend from Georgia, Mr. BARTLETT, in his discussion of this measure in order to impress the committee with the earnestness of my position and the soundness of my contention. Many other cases could be cited, but these I think, are sufficient.

Mr. BARTLETT said:

I am in favor of protecting the President of the United States from assassination by the anarchists or from any illegal or wanton assault that may be made against him as the head of the Government, because of the fact that he is the President and in discharge of his duty.

I am glad the chairman of this committee and the members who followed him rose to the great height of declaring that a law of the country should be enacted in conformity with the Constitution.

The decision I have in my hand, United States *v.* Patrick (54 Fed. Rep., 339), refers to the case of the United States against Cruikshank (93 U. S. Reports, p. 553), and Judge Jackson, in discussing this very question, says:

It was of these fundamental rights of life and liberty that the courts said (in United States *v.* Cruikshank, 92 U. S., 553-554), "Sovereignty for this purpose rests alone with the States."

It is no more the duty or within the power of the United States to punish a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself. And that doctrine has been upheld in the case of Logan *v.* The United States (144 U. S.).

Class legislation, as a rule, is rarely, if ever, acceptable. The same punishment should be meted out to each, and the same cloak and protecting arm of the Government should be ever ready to surround you or me.

I question the right of a Secretary of State or Treasury, or what not, to be allowed something else under the law greater and better than that which has been given the humble citizen. Upon what meat hath been their wont to feed that they should be thus so tenderly nurtured and cared for? And ambassadors of state, with their gilded finery, dazzling the eyes of us plain people, with their elegance. What say you? Can we not speak of them? Can we not look at them? Are we to have another alien and sedition law—a law which has failed to withstand time? Are we as a nation, unequaled in our prowess at arms, our generosity of the wealth that comes to our coffers, exultant in our protestation of upholding the weak against the strong, to admit in one small moment the necessity of making laws which are for the high and mighty and not for the poor and lowly?

Thomas Jefferson declared for "equal rights to all; special privileges to none." By his words I stand. Do you say it is anarchy to so side with the plain people in thus upholding the declarations of Jefferson? As another illustrious man once said, "If this be treason, make the most of it." So say I, If this be anarchy, make the most of it. [Prolonged applause.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. HENRY of Mississippi) there were 46 ayes and 67 noes.

Mr. RAY of New York. Mr. Chairman, I now move that the substitute as amended be adopted.

The CHAIRMAN. The question is on the adoption of the substitute proposed by the committee as amended.

The question was taken, and the substitute as amended was agreed to.

Mr. RAY of New York. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3653) for the protection of the President of the United States, and for other purposes, and had instructed him to report the bill back with an amendment with the recommendation that as amended the bill do pass.

Mr. RAY of New York. Mr. Speaker, I now demand the previous question on the bill and amendment to its final passage.

The previous question was ordered.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. That is not quite in order yet.

The bill was ordered to be engrossed and read a third time; and it was read the third time.

The SPEAKER. The question now is on the passage.

Mr. DE ARMOND. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. With or without instructions?

Mr. DE ARMOND. With instructions.

The Clerk read as follows:

Resolved, That the pending bill be recommitted to the Committee on the Judiciary with instructions to report the same back amended by striking out sections 3 and 13 thereof.

The SPEAKER (having put the question on agreeing to the motion). The noes appear to have it.

Mr. DE ARMOND. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 90, answering "present" 17, not voting 184; as follows:

YEAS—60.

Bankhead,	Edwards,	McLain,	Shallenberger,
Bartlett,	Finley,	Maddox,	Sims,
Bell,	Fox,	Mickey,	Smith, Ky.
Bellamy,	Gilbert,	Newlands,	Snodgrass,
Breazeale,	Glenn,	Norton,	Snook,
Brundidge,	Henry, Miss.	Patterson, Tenn.	Spight,
Burgess,	Howard,	Randell, Tex.	Stark,
Burleson,	Jones, Va.	Ransdell, La.	Stephens, Tex.
Burnett,	Kitchin, Claude	Reid,	Swanson,
Caldwell,	Kitchin, Wm. W	Richardson, Ala.	Taylor, Ala.
Candler,	Kleberg,	Robinson, Ind.	Thomas, N. C.
Cooper, Tex.	Lanham,	Rucker,	Underwood,
Cowherd,	Little,	Scarborough,	Vandiver.
De Armond,	Lloyd,	Shackleford,	Wheeler,
Dinsmore,	McCulloch,	Shafroth,	Wooten.

NAYS—90.

Alexander,	Grosvenor,	Metcalf,	Southard,
Bartholdt,	Hamilton,	Miller,	Sperry,
Bates,	Henry, Conn.	Minor,	Steele,
Bishop,	Hildebrant,	Moody, N. C.	Stevens, Minn.
Brick,	Hill,	Moody, Oreg.	Stewart, N. J.
Brown,	Hitt,	Moon,	Stewart, N. Y.
Burkett,	Hopkins,	Needham,	Sulloway,
Butler, Pa.	Howell,	Nevin,	Sutherland,
Cannon,	Jack,	Olmsted,	Tawney,
Capron,	Jones, Wash.	Overstreet,	Tayler, Ohio
Conner,	Kahn,	Padgett,	Thomas, Iowa
Coombs,	Ketcham,	Palmer,	Tirrell,
Cousins,	Kluttz,	Parker,	Tompkins, Ohio.
Cromer,	Knapp,	Payne,	Van Voorhis,
Cushman,	Lacey,	Pearre,	Vreeland,
Draper,	Lawrence,	Perkins,	Warner,
Esch,	Lewis, Pa.	Ray, N. Y.	Warnock,
Evans,	Littlefield,	Reeves,	Watson,
Fletcher,	Long,	Rumple,	Williams, Ill.
Fordney,	Lovering,	Shattuc,	Williams, Miss.
Gibson,	McCleary,	Smith, Iowa	Woods.
Graff,	McLachlan,	Smith, H. C.	
Greene, Mass.	Mercer,	Smith, S. W.	

ANSWERED "PRESENT"—17.

Adamson,	Crumpacker,	Latimer,	Richardson, Tenn
Beidler,	Deemer,	Loud,	Scott.
Bromwell,	Foss,	McCall,	
Clark,	Hay,	McClellan,	
Cochran,	Jett,	Pierce,	

NOT VOTING—184.

Acheson,	Davis, Fla.	Hull,	Powers, Mass.
Adams,	Dayton,	Irwin,	Prince,
Allen, Ky.	De Graffenreid,	Jackson, Kans.	Pugsley,
Allen, Me.	Dick,	Jackson, Md.	Reeder,
Aplin,	Dougherty,	Jenkins,	Rhea, Va.
Babcock,	Douglas,	Johnson,	Rixey,
Ball, Del.	Dovener,	Joy,	Robb,
Ball, Tex.	Driscoll,	Kehoe,	Roberts,
Barney,	Eddy,	Kern,	Robertson, La.
Belmont,	Elliott,	Knox,	Robinson, Nebr.
Benton,	Emerson,	Kyle,	Ruppert,
Bingham,	Feely,	Lamb,	Russell,
Blackburn,	Fitzgerald,	Landis,	Ryan,
Blakeney,	Fleming,	Lassiter,	Schirm,
Boreing,	Flood,	Lessler,	Selby,
Boutell,	Foerderer,	Lester,	Shelden,
Bowersock,	Foster, Ill.	Lever,	Sheppard,
Bowie,	Foster, Vt.	Lewis, Ga.	Sherman,
Brantley,	Fowler,	Lindsay,	Showalter,
Bristow,	Gaines, Tenn.	Littauer,	Sibley,
Broussard,	Gaines, W. Va.	Livingston,	Skiles,
Brownlow,	Gardner, Mich.	Loudenslager,	Slayden,
Bull,	Gardner, N. J.	McAndrews,	Small,
Burk, Pa.	Gill,	McDermott,	Smith, Ill.
Burke, S. Dak.	Gillet, N. Y.	McRae,	Smith, Wm. Alden
Burleigh,	Gillett, Mass.	Mahon,	Southwick,
Burton,	Goldfogle,	Mahoney,	Sparkman,
Butler, Mo.	Gooch,	Mann,	Storm,
Calderhead,	Gordon,	Marshall,	Sulzer,
Cassel,	Graham,	Martin,	Talbert,
Cassingham,	Green, Pa.	Maynard,	Tate,
Clayton,	Griffith,	Meyer, La.	Thayer,
Connell,	Griggs,	Miers, Ind.	Thompson,
Conry,	Grow,	Mondell,	Tompkins, N. Y.
Cooney,	Hall,	Morgan,	Tongue,
Cooper, Wis.	Hanbury,	Morrell,	Trimble,
Corliss,	Haskins,	Morris,	Wachter,
Creamer,	Haugen,	Moss,	Wadsworth,
Crowley,	Heatwole,	Mudd,	Wanger,
Currier,	Hedge,	Mutchler,	Weeks,
Curtis,	Hemenway,	Naphen,	White,
Dahle,	Henry, Tex.	Neville,	Wiley,
Dalzell,	Hepburn,	Otjen,	Wilson,
Darragh,	Holliday,	Patterson, Pa.	Wright,
Davey, La.	Hooker,	Pou,	Young,
Davidson,	Hughes,	Powers, Me.	Zenor.

The following pairs were announced:
For the session:
Mr. IRWIN with Mr. GOOCH.
Mr. WANGER with Mr. ADAMSON.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. BOREING with Mr. TRIMBLE.
Mr. YOUNG with Mr. BENTON.
Mr. DEEMER with Mr. MUTCHLER.
Mr. SHERMAN with Mr. RUPPERT.
Mr. BULL with Mr. CROWLEY.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. HEATWOLE with Mr. TATE.
Mr. WRIGHT with Mr. HALL.
Until further notice:
Mr. BOWERSOCK with Mr. LINDSAY.
Mr. HEPBURN with Mr. COCHRAN.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. BROWNLOW with Mr. PIERCE of Tennessee.
Mr. HEMENWAY with Mr. ZENOR.
Mr. FOSS with Mr. MEYER of Louisiana.
Mr. BURKE of South Dakota with Mr. BUTLER of Missouri.
Mr. HANBURY with Mr. LEVER.
Mr. WM. ALDEN SMITH with Mr. FEELY.
Mr. CONNELL with Mr. FOSTER of Illinois.
Mr. BALL of Delaware with Mr. ALLEN of Kentucky.
Mr. ALLEN of Maine with Mr. DAVIS of Florida.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. DAYTON with Mr. DAVEY of Louisiana.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. BINGHAM with Mr. CREAMER.
Mr. POWERS of Maine with Mr. GAINES of Tennessee.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. HOLLIDAY with Mr. MIERS of Indiana.
Mr. SKILES with Mr. TALBERT.
Mr. GORDON with Mr. SCOTT.
Mr. GILLET of New York with Mr. CLAYTON.
Mr. CALDERHEAD with Mr. ROBB.
Mr. LANDIS with Mr. CLARK.
Mr. BARNEY with Mr. MCRAE.
Mr. BOUTELL with Mr. GRIGGS.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
For two weeks:
Mr. WEEKS with Mr. SHEPPARD.
For one week:
Mr. CURRIER with Mr. PUGSLEY.
Mr. CRUMPACKER with Mr. GRIFFITH.
Until June 10:
Mr. FOSTER of Vermont with Mr. POU.
Mr. HULL with Mr. HAY.
Mr. DALZELL with Mr. RICHARDSON of Tennessee.
Until June 9:
Mr. DARRAGH with Mr. THOMPSON.
Mr. PATTERSON of Pennsylvania with Mr. LESTER.
Mr. ADAMS with Mr. BRANTLEY, until next Monday.
For this day:
Mr. GRAHAM with Mr. FLOOD.
Mr. CURTIS with Mr. RHEA of Virginia.
Mr. BURK of Pennsylvania with Mr. LEWIS of Georgia.
Mr. BURLEIGH with Mr. DOUGHERTY.
Mr. GARDNER of Michigan with Mr. SULZER.
Mr. GILL with Mr. LATIMER.
Mr. BEIDLER with Mr. HOOKER.
Mr. JOY with Mr. JACKSON of Kansas.
Mr. OVERSTREET with Mr. SELBY.
Mr. EMERSON with Mr. HENRY of Texas.
Mr. WACHTER with Mr. MAYNARD.
Mr. CASSEL with Mr. ROBINSON of Nebraska.
Mr. REEDER with Mr. BROUSSARD.
Mr. BLACKBURN with Mr. BOWIE.
Mr. ACHESON with Mr. BALL of Texas.
Mr. TOMPKINS of New York with Mr. WILEY.
Mr. BABCOCK with Mr. LIVINGSTON.
Mr. WADSWORTH with Mr. WILSON.
Mr. SMITH of Illinois with Mr. WHITE.
Mr. SHELDEN with Mr. SMALL.
Mr. SCHIRM with Mr. THAYER.
Mr. PRINCE with Mr. RYAN.
Mr. MARSHALL with Mr. MAHONEY.
Mr. MAHON with Mr. MCDERMOTT.
Mr. LITTAUER with Mr. LASSITER.
Mr. LESSLER with Mr. LAMB.
Mr. HEDGE with Mr. KERN.
Mr. HAUGEN with Mr. KEHOE.
Mr. GARDNER of New Jersey with Mr. MCANDREWS.
Mr. GAINES of West Virginia with Mr. GOLDFOGLE.
Mr. FOERDERER with Mr. FLEMING.
Mr. DOUGLAS with Mr. FITZGERALD.
Mr. DICK with Mr. COONEY.
Mr. CORLISS with Mr. ELLIOTT.
Mr. BRISTOW with Mr. CONRY.
Mr. DRISCOLL with Mr. RIXEY.
Mr. DOVENER with Mr. JOHNSON.
On this vote:
Mr. SOUTHWICK with Mr. BELMONT.
Mr. MUDD with Mr. NEVILLE.

Mr. JETT. Mr. Speaker, I voted in the affirmative. I see that I am paired with my colleague [Mr. MANN]. I desire to withdraw my vote and announce myself as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. JETT, and he answered "present."

Mr. WOOTEN. Mr. Speaker, I was in my seat and listening for my name. I did not hear it called. I desire to vote "aye" on the bill.

The SPEAKER. The gentleman will be noted as "present." We will see later whether he voted.

Mr. PIERCE. Mr. Speaker, I desire to withdraw my vote. I am paired with Mr. BROWNLOW, of Tennessee.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. PIERCE, and he answered "present."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I voted "aye." I am paired with the gentleman from Pennsylvania [Mr. DALZELL], and I therefore withdraw my vote.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. RICHARDSON of Tennessee, and he answered "present."

Mr. WOOTEN. Mr. Speaker, I do not know that the Chair understood my request. I was in my seat listening for my name to be called, but did not hear it. I wish to vote "aye."

The SPEAKER. Was the gentleman listening for the call of his name?

Mr. WOOTEN. Yes.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. WOOTEN, and he voted "aye."

The SPEAKER. On this question the yeas are 61 and the nays 89; "present," 17; total, 167. There is no quorum present.

Mr. RAY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until Monday at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for rent and other expenses in his Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting a request for authority in relation to funds of the International Exposition at Paris—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of additional appropriation for deficiencies in the service of the Washington water supply—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation, reported the same with amendments, accompanied by a report (No. 2412); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14919) relating to the allowance of exceptions, reported the same with amendments, accompanied by a report (No. 2413); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service, reported the same without amendment, accompanied by a report (No. 2415); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13150) granting a pension to J. B. Mahan, reported the same with amendments, accompanied by a report (No. 2362); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14837) granting a pension to John H. Roberts, reported the same without amendment, accompanied by a report (No. 2363); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6040) granting an increase of pension to John W. Craine, reported the same without amendment, accompanied by a report (No. 2364); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14098) granting an increase of pension to Albert M. Scott, reported the same without amendment, accompanied by a report (No. 2365); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13690) granting a pension to Freeman R. Gove, reported the same with amendments, accompanied by a report (No. 2366); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13324) granting an increase of pension to John J. Cross, reported the same with amendment, accompanied by a report (No. 2367); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5140) granting an increase of pension to Dudley Cary, reported the same without amendment, accompanied by a report (No. 2368); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14381) granting an increase of pension to George Riddle, reported the same with amendment, accompanied by a report (No. 2369); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1274), granting a pension to Mary E. Fleming, reported the same with amendments, accompanied by a report (No. 2370); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5263) granting a pension to Fannie Frost, reported the same without amendment, accompanied by a report (No. 2371); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12103) granting an increase of pension to Henry Hale, reported the same with amendments, accompanied by a report (No. 2372); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3552) granting a pension to John A. Reilley, reported the same without amendment, accompanied by a report (No. 2373); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5758) granting an increase of pension to Newton W. Elmendorf, late of Company C, Sixth Regiment Pennsylvania Reserves, and Company E, One hundred and ninety-first Pennsylvania Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 2374); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg, reported the same with amendment, accompanied by a report (No. 2375); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5080) granting a pension to Hester A. Farnsworth, reported the same without amendment, accompanied by a report (No. 2376); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9402) granting a pension to Alexander Curd, reported the same with amendments, accompanied by a report (No. 2377); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5302) granting an increase of pension to John H. Everitt, reported the same without amendment, accompanied by a report (No. 2378); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3304) granting a pension to William Burke, reported the same with amendments, accompanied by a report (No. 2379); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4764) granting an increase of pension to Queen Esther Grimes, reported the same

without amendment, accompanied by a report (No. 2380); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4952) granting a pension to A. D. Rutherford, reported the same with amendments, accompanied by a report (No. 2381); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4912) granting an increase of pension to Maggie L. Reaver, reported the same without amendment, accompanied by a report (No. 2382); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2243) granting an increase of pension to George W. Mathews, reported the same with amendment, accompanied by a report (No. 2383); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4509) granting an increase of pension to Robert Lemon, reported the same without amendment, accompanied by a report (No. 2384); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14067) granting an increase of pension to John Wright, reported the same with amendments, accompanied by a report (No. 2385); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2265) granting an increase of pension to William Kelley, reported the same without amendment, accompanied by a report (No. 2386); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11171) granting relief to Elizabeth A. Nalley, reported the same with amendments, accompanied by a report (No. 2387); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14687) granting a pension to Margaret Brennan, reported the same with amendment, accompanied by a report (No. 2388); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9154) granting a pension to Lillie V. Ball, reported the same with amendments, accompanied by a report (No. 2389); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13621) granting an increase of pension to Anson Greeman, reported the same with amendments, accompanied by a report (No. 2390); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8023) granting an increase of pension to John Downing, reported the same with amendment, accompanied by a report (No. 2391); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14774) granting a pension to John C. Clarke, reported the same with amendments, accompanied by a report (No. 2392); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14814) granting a pension to Herman J. Miller, reported the same without amendment, accompanied by a report (No. 2393); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12745) granting an increase of pension to Edmond Likes, reported the same without amendment, accompanied by a report (No. 2394); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10263) granting an increase of pension to Daniel J. Byrnes, reported the same with amendments, accompanied by a report (No. 2395); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14592) granting a pension to Benjamin F. Barrett, reported the same with amendments, accompanied by a report (No. 2396); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14836) granting a pension to Rebecca L. Chambers, reported the same with amendment, accompanied by a report (No. 2397); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1530) granting an increase of pension to Eliza A. Rickards, reported the same with amendment, accompanied by a report (No. 2398); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9988) granting a pension to Calvin W. Clark, late of Company G, Thirteenth Regiment Illinois Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 2399); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10964) granting an increase of pension to Francis M. Beebe, reported the same without amendment, accompanied by a report (No. 2400); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13815) granting an increase of pension to James J. Wilson, reported the same with amendment, accompanied by a report (No. 2401); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13617) granting a pension to Anne M. Luman, reported the same with amendments, accompanied by a report (No. 2402); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2409) granting a pension to Mary J. Markel, reported the same with amendments, accompanied by a report (No. 2403); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11579) granting an increase of pension to John A. Wright, reported the same with amendment, accompanied by a report (No. 2404); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5960) granting an increase of pension to Lambert Johnson, reported the same with amendments, accompanied by a report (No. 2405); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3672) granting a pension to Emily S. Barrett, reported the same with amendment, accompanied by a report (No. 2406); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3513) granting increase of pension to James W. Young, reported the same with amendment, accompanied by a report (No. 2407); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12056) granting an increase of pension to Warren C. Plummer, reported the same with amendment, accompanied by a report (No. 2408); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14421) granting an increase of pension to John Q. A. Rider, reported the same with amendment, accompanied by a report (No. 2409); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9153) granting an increase of pension to J. D. Binford, reported the same with amendments, accompanied by a report (No. 2410); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13565) granting a pension to Mary V. Scriven, reported the same with amendments, accompanied by a report (No. 2411); which said bill and report were referred to the Private Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1570) for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson, reported the same without amendment, accompanied by a report (No. 2414); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, Mr. DAYTON introduced a resolution (H. Res. 293) providing for the appointment of a superintendent of the Clerk's document room; which was referred to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 14964) granting a pension to Jose Pablo Garcia—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 14965) for the relief of Levi C. Smith—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 14966) granting an increase of pension to Ambrose Lindsey—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 14967) granting a pension to W. H. O'Dear—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 14968) for the relief of Mattie J. and W. P. Horn, heirs of Preston A. Horn—to the Committee on War Claims.

Also, a bill (H. R. 14969) for the relief of Caleb Perkins—to the Committee on War Claims.

Also, a bill (H. R. 14970) for the relief of the estate of James P. Smith—to the Committee on War Claims.

Also, a bill (H. R. 14971) for the relief of Charlotte Spears—to the Committee on War Claims.

Also, a bill (H. R. 14972) for the relief of the estate of George G. Noland, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14973) for the relief of D. O. Perkins—to the Committee on War Claims.

Also, a bill (H. R. 14974) for the relief of the estate of W. T. Collins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14975) for the relief of the estate of Thomas S. Maben, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14976) for the relief of L. A. Whitehead—to the Committee on War Claims.

Also, a bill (H. R. 14977) for the relief of J. E. Whittington—to the Committee on War Claims.

Also, a bill (H. R. 14978) for the relief of the estate of Jesse Mabry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14979) for the relief of the estate of William M. Bowles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14980) for the relief of the estate of John R. Powers, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14981) for the relief of the estate of Wesley Crisler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14982) for the relief of the estate of William A. Tinsley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14983) for the relief of the estate of William E. Bolls, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14984) for the relief of Samuel S. Coon—to the Committee on War Claims.

Also, a bill (H. R. 14985) for the relief of J. B. Hall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14986) for the relief of Mrs. Catherine P. Byrnes—to the Committee on War Claims.

Also, a bill (H. R. 14987) for the relief of Ann M. Brown—to the Committee on War Claims.

Also, a bill (H. R. 14988) for the relief of the estate of James S. Winters, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14989) for the relief of the estate of Henry E. Windley—to the Committee on War Claims.

Also, a bill (H. R. 14990) for the relief of the heirs of Mrs. Nancy Mitchell—to the Committee on War Claims.

By Mr. MOSS: A bill (H. R. 14991) for the relief of John R. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14992) granting an increase of pension to Thomas P. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14993) granting an increase of pension to Levi M. Chapman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 14994) for the relief of the estate of Nancy P. Garrison, deceased—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 14995) for the relief of Charles H. Warren—to the Committee on Military Affairs.

Also, a bill (H. R. 14996) for the relief of A. M. Ellis—to the Committee on Claims.

Also, a bill (H. R. 14997) for the relief of Mrs. M. E. Haldeman—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 14998) granting an increase of pension to Francis H. Hervey—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 14999) granting a pension to John W. Trunnell—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 15000) granting an increase of pension to William J. Wiggins—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 15001) granting an increase of pension to Clara E. Smith—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 15002) granting a pension to Elias S. Carroll—to the Committee on Invalid Pensions.

By Mr. OTJEN: A resolution (H. Res. 294) to refer to the Court of Claims House bills Nos. 6511, 9380, 10014, 5042, 8262, 9479, 5717, 5720, 10127, 10128, 10081, 1764, 2211, 8377, 3276, 10123, 10867, 5564, 8330, 12030, 8265, 8006, 13965, 5493, 5491, 5502, 5507, 5508, 5484, 11143, 12747, 12748, 13603, 13903, 8264, 10349, 6715, 3279, 7421, 12445, 13518, 13521, 3423, 5976, 14901, 3613, 3719, 1773, 7438, 11041, 2951, 8223, 13050, 13648, and 10709 and the claims included therein—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Electrical Workers' Association No. 3, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dr. W. G. Gregory, of Buffalo, N. Y., in support of House bill 123, for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BOWERSOCK: Papers to accompany House bill 14949, granting an increase of pension to William J. Shepard—to the Committee on Invalid Pensions.

By Mr. BRICK: Petition of Indiana State Board of Agriculture, favoring the passage of House bill 8375, relating to land-grant colleges—to the Committee on Mines and Mining.

Also, resolutions of Lakeview Post, No. 246, of Syracuse, Ind., Grand Army of the Republic, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Bricklayers and Masons' International Union No. 18, of South Bend, Ind., in relation to the employment of union bricklayers and masons in the erection of the naval dry dock at New Orleans, La.—to the Committee on Naval Affairs.

By Mr. CALDERHEAD: Resolutions of Southern Kansas Millers' Club, of Wichita, Kans., for the ratification of certain reciprocal treaties—to the Committee on Foreign Affairs.

By Mr. CONRY: Resolutions of the city council of Lowell, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CROMER: Resolution of George H. Thomas Post, of Indianapolis, and strongly indorsed by Elwood Post, Grand Army of the Republic, Department of Indiana, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. IRWIN: Petition of numerous citizens of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MOODY of Oregon: Resolutions of board of trustees of the Portland (Oreg.) Chamber of Commerce, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: Resolutions of the common council of Lowell, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS of Massachusetts: Resolutions of the city council of Lowell, Mass., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Papers to accompany House bills 6975, 10969, 12088, 2724, 5619, 4007, 6219, 5625, 5618, 11136, 10124, 4010, 2716, 8565, 2729, 2746, 2736, 2727, 2744, 6973, 6977, 9949, 2735, 8567, 6971, 10467, 2731, 8568, 2732, 2733, 2734, and 8566, for reference of war claims to Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Anthony Wayne Post, No. 271, of Fort Wayne, Ind., Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. SCOTT: Petition of Vicksburg Post, No. 72, of Humboldt, Grand Army of the Republic, Department of Kansas, favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Indian Territory, relating to the education of white children, to accompany House resolution 292—to the Committee on Indian Affairs.

Also, papers to accompany House bill 14133, to correct the military record of Henry T. Lloyd—to the Committee on Military Affairs.

Also, papers in support of House bill 9951, granting a pension to Martha Helm—to the Committee on Pensions.

Also, paper to accompany House bill 1755, granting a pension to Susan S. Rayner—to the Committee on Pensions.

SENATE.

MONDAY, *June 9, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry; and

A bill (S. 2975) granting an increase of pension to Levi Hatchett.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4071) granting an increase of pension to George C. Tillman;

A bill (S. 4927) granting an increase of pension to Hattie M. Whitney;

A bill (H. R. 949) for the relief of Charles H. Robinson;

A bill (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

A bill (H. R. 7034) for the relief of Navajo County, Ariz.;

A bill (H. R. 7687) granting an increase of pension to Charles C. Washburn;

A bill (H. R. 8736) ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona;

A bill (H. R. 9592) granting a pension to Emily Briggs;

A bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland; and

A bill (H. R. 12798) providing for free homesteads in the Ute Indian Reservation, in Colorado.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Central Labor Council of Whatcom, Wash., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Montana presented a petition of the Woman's Christian Temperance Union of Handy, Mont., praying for the enactment of legislation providing an educational test for immigrants to this country, and also to prohibit the sale of intoxicating liquors in the Capitol; which was referred to the Committee on Immigration.

He also presented a petition of the Captain Charles French Chapter, No. 164, Spanish-American War Veterans, of Great Falls, Mont., praying for the enactment of legislation to prevent the desecration of the American flag, etc.; which was referred to the Committee on Military Affairs.

Mr. MALLORY presented a petition of sundry citizens of Florida, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FRYE presented resolutions adopted by Lafayette Post, No. 140, Department of New York, Grand Army of the Republic, commending the conduct of the Army of the United States in the Philippine Islands; which were referred to the Committee on Military Affairs.

He also presented a petition of the board of alderman and the common council of Lowell, Mass., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally each with an amendment, and submitted reports thereon:

A bill (S. 6015) granting an increase of pension to Clara M. Gihon;

A bill (S. 5882) granting an increase of pension to Merzellah Merrill;

A bill (H. R. 12284) granting an increase of pension to George W. Shaw; and

A bill (H. R. 3500) granting an increase of pension to Kate O. Phillips.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3677) granting an increase of pension to James F. Gray, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 12995) granting a pension to John Lilley, to report it adversely. I move that the bill be postponed indefinitely, the soldier having died since the bill was introduced.

The motion was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc., reported it with amendments, and submitted a report thereon.

ESTHER D. HASLAM.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6021) granting an increase of pension to Esther D. Haslam, to report it favorably without amendment. As this is a very urgent case, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Esther D. Haslam, widow of Thomas Haslam, late second lieutenant Company K, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Arkansas. Some days since the Senate adopted a resolution directing the Committee on Indian Affairs to investigate certain charges made against Hon. William A. Jones, Commissioner of Indian Affairs. I submit a report on the resolution, which I ask to have read.

Mr. HALE. Will it answer——

Mr. STEWART. It ought to be read. It is very short.

Mr. JONES of Arkansas. There were certain charges made against the Commissioner of Indian Affairs for some alleged bad conduct in connection with the sale of certain Indian lands. The Committee on Indian Affairs was directed to inquire into the truth of those charges. This is a report of twenty lines exonerating the Commissioner of Indian Affairs, and I think it ought to be acted on by the Senate as soon as possible.

Mr. HALE. I have no objection.

Mr. JONES of Arkansas. I suppose it will not take three minutes.

Mr. HALE. I did not know the Senator proposed action, and it is a short report.

The PRESIDENT pro tempore. The report will be read.

The report was read and agreed to, as follows:

The Committee on Indian Affairs, in obedience to the following resolution—

"*Resolved*, That the Committee on Indian Affairs be, and it is hereby, authorized and directed to investigate certain alleged charges in connection with the leasing of the Indian lands on Standing Rock Reservation, contained in a letter of W. V. Wade in Senate Document No. 212, first session Fifty-seventh Congress; and for that purpose to send for persons and papers, take testimony, and have leave to sit during the sessions of Congress; and that the necessary expenses be paid from the contingent fund of the Senate on vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate"—

have thoroughly investigated the alleged charges in connection with the leasing of the lands on Standing Rock Reservation.

It summoned W. V. Wade, upon whose letter the charges seem to have been founded, together with all persons of whom it could hear who were supposed to have any knowledge of the facts in the case, and upon a thorough investigation of all parties, the committee are satisfied that there is no foundation whatever for the charges made.

The testimony taken in the case is herewith submitted. It will be seen from this that Mr. Wade admits that the language used by him in the letter referred to was based on rumors and that positive proof was adduced showing that Commissioner Jones had no connection, direct or remote, with the leases in question, and that his conduct in connection with them was entirely unselfish.

The committee are satisfied fully after careful investigation that there is no foundation whatever for the charges made, and they respectfully beg to be discharged from further consideration of the resolution.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER December 12, 1901, reported it without amendment;

and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,000 copies of the document known as Messages and Papers of the Presidents, of which 3,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 6108) to correct the military record of John M. Benson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HEITFELD introduced a bill (S. 6109) to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. GALLINGER introduced a bill (S. 6110) granting an increase of pension to Charles A. Cooke; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6111) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportation of Government supplies to the Philippines across the Pacific Ocean; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 6112) granting an increase of pension to Daniel J. Hogan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 6113) granting an increase of pension to James H. Preston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6114) for the relief of John V. Wright; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6115) for the relief of Sue M. Milhous; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURTON introduced a bill (S. 6116) for the protection of stock raising on public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 6117) for the relief of George Lea Febiger; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. 11997) granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. HALE (by request) submitted an amendment intended to be proposed to the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BURTON submitted an amendment relative to sergeant-majors and senior quartermaster-sergeants in the Marine Corps, intended to be proposed by him to the naval appropriation bill; which was ordered to lie on the table, and to be printed.

He also submitted an amendment proposing to increase the number of pharmacists in the Navy, intended to be proposed by him to the naval appropriation bill; which was ordered to lie on the table, and to be printed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. GALLINGER. I ask to have printed a list furnished me by my late colleague, Mr. Chandler, being a list of the principal speeches and reports made in Congress in recent years on the election of United States Senators by the people. It is a very brief paper, and I move that it be printed as a document, as it will be very convenient for reference.

The motion was agreed to.

HENRY A. B. DU BARRY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. H. GALLINGER,
J. R. BURTON,
T. M. PATTERSON,
Managers on the part of the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
Managers on the part of the House.

The report was agreed to.

WILLIAM C. HICKOX.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4103) granting a pension to William C. Hickox having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the sum proposed by the Senate insert "$16;" and the Senate agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.

C. A. SULLOWAY,
S. W. SMITH,
J. A. NORTON,
Managers on the part of the House.

The report was agreed to.

SOLOMON P. BROCKWAY.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "$24;" and the Senate agree to the same.

P. J. McCUMBER,
JOSEPH SIMON,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

HENRY R. GIBSON,
H. B. DARRAGH,
Managers on the part of the House.

The report was agreed to.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. NELSON. I have a short article by Arthur MacDonald, of Washington, D. C., relating to the criminal, pauper, and defective classes. There is a bill relating to this matter pending before the Committee on the Judiciary, and I move that the paper be printed as a document and referred to that committee.

The motion was agreed to.

CONSULAR REPORTS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing:

To the Senate:

In response to the resolution of the Senate of March 2, 1901, directed to the Secretary of State, I transmit a communication from that officer submitting reports from consular officers of the United States giving an account of each consulate and consular agency, showing its principal industries and exports, the surrounding climatic conditions, the general cost of living, and similar information.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, June 9, 1902.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore. Is there further morning business?

Mr. HALE. I move that the naval appropriation bill be taken up.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine to the fact that the Senator from North Carolina [Mr. SIMMONS] gave notice that immediately after the routine morning business to-day he would address the Senate.

Mr. HALE. I think the Senator from North Carolina will not object to going on with the appropriation bill. I should like to take it up anyhow.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the bill.

Mr. SIMMONS. Mr. President, has the morning business been concluded?

The PRESIDENT pro tempore. The morning business is closed, and the Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. SIMMONS. I should like to state to the Senator from Maine that I gave notice last Friday I would submit some remarks to the Senate this morning at the close of the routine morning business on the bill for the establishment of a park in the Southern Appalachian Mountains, and I should like to proceed now, according to the notice I gave.

Mr. HALE. I shall make my course in the matter subject to the convenience of the Senator from North Carolina. I should like very much to have the naval appropriation bill taken up. It has no controversies in it and will not take a long time, and everybody is desirous that we shall get the appropriation bills out of the way. I have no doubt the Senator so feels. If he had as lief wait until after the appropriation bill is finished, I would prefer to go on, but still in this matter, as I said, I yield to his convenience about it.

Mr. SIMMONS. I would very much prefer, if it meets with the Senator's approval, to go on now. I shall get through in time for him to have the bill taken up.

Mr. HALE. Very well. Then let me get the bill up and then I will yield to the Senator.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments be considered in their order. When this is agreed upon I will yield to the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered.

"FIVE YEARS IN PANAMA," BY DR. NELSON.

Mr. MORGAN. The Senator from North Carolina kindly yields to me for a moment.

Mr. SIMMONS. It will take only a short time?

Mr. MORGAN. Oh, yes; only a short time.

Yesterday I obtained a work from the Public Library that I did not know of before, entitled Five Years in Panama, written by Dr. Wilford Nelson, who resided there as a practicing physician for five years—from 1881 to 1886. I am having copied a number of extracts from that book. I ask leave to have them printed as a document for the information of the Senate. Of course the book will find its way into the RECORD in the debate, and the cheapest and easiest way to get it before the Senate is to print as a document the extracts from it that I desire to have printed.

The PRESIDENT pro tempore. Will the Senator inform the Senate to what extent he desires to print extracts from the book?

Mr. MORGAN. I can not state by the pages of the book, but it will make about 15 or 20 pages of octavo matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama?

Mr. HALE. What is the request?

The PRESIDENT pro tempore. The Senator from Alabama asks that there may be printed certain extracts from a book relating to Panama.

Mr. MORGAN. The gentleman who called it to my attention——

Mr. HALE. I do not ask the Senator to explain it. I only want to say that I suppose as we have begun printing all kinds of papers in reference to this subject it would not be fitting to interpose an objection, and I do not. If we ever get out of this course at some time, however, I shall object to essays and private matters being submitted and printed as public documents. As I have said, this has started and pretty much everything has gone in, and I will not object to the Senator's request.

The PRESIDENT pro tempore. Is there objection to the request for printing the matter referred to as a document? The Chair hears none, and the order is made.

SOUTHERN APPALACHIAN FOREST RESERVE.

Mr. BURTON. With the permission of the Senator from North Carolina, I desire to call attention to Senate bill No. 5228, upon the same subject the Senator is going to talk about. At the proper time when Senate bill 492, for the purchase of lands in the Appalachian range, shall be brought up, I desire to substitute Senate bill 5228 for Senate bill 492, reported by the Senator from North Carolina [Mr. PRITCHARD]. The bill that I refer to and to which I want to call the attention of Senators is the committee bill. It has been carefully protected and safeguarded and meets with the approbation, as I understand it, of both Senators from North Carolina, as well as of the entire committee. I give notice that I shall call the bill up some time during the week when its consideration will not interfere with other business.

Mr. SIMMONS. Mr. President, I had intended to refer to the confusion which has arisen in reference to the bill to which the Senator from Kansas alludes, and upon which he will ask a vote. It has arisen by reason of the fact that the Committee on Forest Reservations and the Protection of Game has favorably reported during the present session two bills, both providing for the establishment of a national reserve in the Southern Appalachian Mountains.

The first bill is No. 492, which was introduced by my colleague [Mr. PRITCHARD], and which provides for the purchase by the Government of 2,000,000 acres of land at a limit of cost of $5,000,000. The second bill, No. 5228, which has been reported by the committee as a substitute for the first, is a bill originally introduced in the House by Hon. JAMES M. MOODY of North Carolina, and it provides for the purchase of 4,000,000 acres of land and fixes the limit of cost at $10.000,000. That is the bill which is before the Senate and upon which I desire to speak.

Mr. GALLINGER. If the Senator will permit me, I presume that during the course of his speech he will explain it, but I have been so busy with other matters that I have not had time to examine the bill. In what States is this land situated? Is it situated in more than one State, I will ask the Senator?

Mr. SIMMONS. Yes, sir. The bill——

Mr. GALLINGER. I presume the Senator will explain that during his speech.

Mr. SIMMONS. I will explain it right now. The exact location of the park is not fixed by the bill, but there is a general provision in the bill that it shall be located in the Southern Appalachian Mountains, in the States of West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Alabama, and Georgia. It is expected, however, that the park will be located in the higher ranges of the Great Smoky Mountains, the Unake Mountains, and the Black Mountains in the Blue Ridge, because of the superior altitude and scenery and because of the unrivaled hardwood and long-leaf forests in those regions; but the exact location of the park within the limits of these States is wisely, I think, left within the discretion of the Secretary of Agriculture.

Four million acres, it is contemplated, shall be purchased under the direction of the Secretary of Agriculture for this purpose, and the limit of cost is fixed at $10,000,000, because upon thorough investigation the Department reached the conclusion that these lands could be purchased at an average of from two to two dollars and a half an acre. While the limit of cost is fixed at $10,000,000, only $2,000,000 of that sum is made available for the next four years, the idea of the committee being that it would be at least ten years before the whole 4,000,000 acres would be purchased and title secured.

The bill further provides as a safeguard that the Secretary of Agriculture shall make an annual report to Congress during the time he is engaged in making purchases of the land of which the park is to be composed.

Mr. President, I have heard but one I might term substantive ground of objection to this bill, and that is that it commits the Government to a new line of policy which may eventually involve the expenditure of large sums of money. I want for a short time to examine this argument, for it is the basic ground of opposition to the bill.

It is well known that during the last ten years there have been organized and established in the United States 41 national forest reservations. These reservations are located in 13 different States. They comprise a total area of 72,000 square miles, the smallest containing about 18,000 acres, and the largest about four and one-half million acres.

Not a single one of these forest reservations is located east of the Mississippi River. It is true that in the region east of the Mississippi River there are a number of so-called military parks or reservations, all of a limited area and for a specific purpose. There are certain battlefield reservations, such as the Chickamauga battle ground and the Gettysburg battle-ground park, also of limited area and established because of the historic interest attaching to those particular spots. But of course these can not be called forest reservations or parks in such a sense as the Yellowstone is a park or the reservations in the West are national forest reservations.

Now, the establishment by the Government within a decade of these numerous and extensive Western reservations would be, I take it, accepted as a precedent for the legislation proposed in this bill and as a sufficient answer to the suggestion that it will commit the Government to a new policy but for the fact that all of these parks were carved out of the public domain, land which already belonged to the Government, while it is proposed by this bill that the Government shall go into the market and purchase the land out of which the park is to be established.

Mr. President, I concede that there is a distinction between the proposition involved in the establishment of these Western reserves and the proposition of this bill, but I think it is a distinction without a substantive difference, because there can not be any material difference in principle between an appropriation of the property of the people and an appropriation of the money of

the people. Whether these Western reserves were originally acquired by purchase, as in the case of the one which is located in what is known as the "Louisiana Purchase," or whether acquired by war, as in the case of those that are located within the territory embraced in the Mexican cession, or acquired by discovery, as in the case of those embraced in the Oregon and Washington territory, in each case the lands were the property of the people and constituted a national asset of considerable value at the time they were organized. Those lands are used for parks, and to-day I am informed (I do not know whether it is correct or not) by a man who I think has knowledge of these matters that the land thus appropriated by the Government if now owned by the Government would be worth at least $100,000,000.

If those lands had not been appropriated by the Government for this specific purpose they would have been subject to sale, and when sold the money would have been covered into the Treasury and become a part of the property of the people.

Mr. President, while the most of these reservations were carved, as I said, out of the national domain, that is not true of all of them. I do not wish to argue, although I think it would be arguable, that the purchase by the Government of lands for the establishment of military and battlefield parks is a precedent for the proposed legislation, because I think that would be a doubtful argument and I do not wish to get upon doubtful ground, but there is one purchase by the Government for the purpose of a park reservation that is not only analogous, but is identical to that proposed here; as lawyers sometimes say, it is on all fours with it, and that is the purchase by the Government in 1896 from the Blackfoot Indians of a large body of land. I do not know how many acres there were, but I presume a great many, because the price paid by the Government was a million and a half dollars, and the subsequent use made of this land so purchased was to enlarge the Flathead Reservation in Montana.

So, Mr. President, I submit that if the purchase by the Government of these large bodies of land in the West for forest reserves is differentiable in letter it is certainly not differentiable in substance and spirit from the proposition in this bill. Hence, Mr. President, the friends of the bill insist that it does not commit the Government to any new line of policy, but that the establishment of parks and forest reservations has become a well-settled policy of the Government. If it is not already the settled policy I think it is a wise policy, and the sooner we enter upon it the better.

There is hardly a European government, Mr. President, which has not realized the importance and necessity of bringing its mountain forests under government control and ownership. In a number of European countries, notably France and Italy, where deforestation has resulted in the destruction of immense tracts of agricultural lands, impoverishing a great number of farmers and peasants, the Government has entered upon the more costly and the more difficult scheme of reforestation.

I shall not discuss that feature of the subject further than to say that in the last thirty years France has spent $40,000,000 in an attempt to restore conditions to where they were before the mountain-side deforestation began, and Italy, comparatively a poor country, has spent at least $12,000,000 in attempting the same thing in order to save the valley lands that are being destroyed by reason of the deforestation of her mountains. Although I had intended to do so, I shall not enter upon that line of discussion, because the distinguished Senator from New York [Mr. DEPEW], who spoke on Saturday with a knowledge gained from actual observation of these matters, covered that branch of the subject very thoroughly and very effectively.

Now, Mr. President, I wish to refer to a suggestion which has been made, though not upon this floor, but on the outside and in private conversation with Senators, that there was some private financial interest behind this bill; that there was possibly some job in it; that somebody wanted to unload upon the Government certain worthless lands.

Mr. President, there is no foundation for this suggestion. First, because there are no large holdings, either private or corporate, within the limits prescribed by the bill. My understanding is that the largest single holding of lands within this area is about 5,000 acres, and as far as I know or as I have ever heard there is nobody urging this legislation who has any financial interest in it.

But, Mr. President, as I said in the outset, the bill very wisely, I think, places the purchase of these lands in the hands of the Secretary of Agriculture and I see no reason why anyone should apprehend that the slightest imposition would be practiced upon the Government when the Secretary of Agriculture, for whom we all have the highest regard, stands between the Government and such a job as that. There is absolutely no foundation, I think, in fact, for the suggestion.

Neither, Mr. President, is there any foundation for the suggestion that this is a local measure—that is, local in the sense that it is intended to benefit especially only three or four or five States. The measure is essentially national in its features. The agitation in favor of this legislation came originally not from the section of country where the park is to be located, but it was a sort of spontaneous movement that seemed suddenly to spring up in all parts of the country.

The first definite and organized movement in favor of it, it is true, was the action of the association known as the National Southern Appalachian Park Association, organized in the city of Asheville, but Asheville, although it is a small place, is one of the most cosmopolitan towns in America, and the membership of this association is not confined to residents of that locality, but it comprises prominent men from every part of the Union. This was the first association that brought this matter to the attention of Congress, and it did it in a memorial of singular force and clearness, setting forth the national features of the bill.

Upon this initiative a similar organization in Boston followed, known, I think, as the Appalachian Mountain Club of Boston, organized away back yonder in 1878, containing about 1,200 members, most of them living in New England, but it has members, I understand, residing in other parts of the country. This organization followed that of North Carolina in a memorial to Congress, and after that there were more than a dozen, I think, of the leading scientific and trade associations of the country which likewise memorialized Congress in favor of this measure. Among these are:

The American Association for the Advancement of Science, the largest and most representative body of scientists on the continent, which met in New York in June, 1900; the American Forestry Association, with a large membership, including the forestry experts from all parts of the country, which met here in Washington December 13, 1900; the National Board of Trade, which met in this city in January, 1901, and various other trade and scientific organizations in different parts of the country.

Mr. President, there is one resolution about this matter recently passed by an association of great importance which I wish to specifically call to the attention of the Senate. It is a resolution adopted by the National Hardwood Lumber Association at St. Louis, May 16 of this year. That association, I am informed, has the largest membership and capital of any similar association in the world. It was organized for the purpose of protecting the interests of the hard-wood manufacturers of the country. I wish to read it. It is very brief:

Whereas the numerous forest reserves established by the National Government are all located in the West and not one of them embraces any portion of the great hard-wood forests of the country:

Resolved, That the National Hardwood Lumber Association respectfully urges upon Congress the importance of establishing the proposed National Forest Reserve in the hard-wood region of the Southern Appalachian Mountains, both as a means of preserving these mountains and preventing disastrous floods, and also as a means of demonstrating to the people of this country what can be done in the way of using hard-wood forests, and at the same time perpetuating them for the benefit of future generations.

The subject, Mr. President, having thus been brought to the attention of the American people by these scientific and technical associations, the general press of the country took the subject up and discussed it approvingly, and I may say enthusiastically, all over the country. I discover in the very convincing and comprehensive report made by the Secretary of Agriculture upon the feasibility of this scheme and its desirability from a national standpoint the names of 49 of the leading educational, religious, political, scientific, and technical newspapers of the country, all of them of national prominence and importance. Among these are such papers as the New York Tribune, Baltimore Sun, Providence Journal, Cleveland Leader, New York Lumber Trade Journal, Forest and Stream, St. Louis Star, Pittsburg Commercial Gazette, New York Herald, Knoxville Times, New Orleans Picayune, Indianapolis News, Chicago Times-Herald, and Scientific American. These publications speak in terms of the highest commendation of the movement as one of national interest and importance, and urge upon Congress immediate and favorable action.

Not only this, Mr. President, but, as the distinguished Senator from New York [Mr. DEPEW] stated on Saturday, the late President McKinley in a message to the Senate strongly advocated the establishment of this reservation, and the present Chief Executive, in a message to this Senate during this session, vigorously presses upon Congress the importance from a national standpoint of the establishment of this park. So I think it can safely be said that this is not a local scheme, but that it comes to Congress urged and indorsed by a great variety of interests in all parts of the country.

Now, what are the great national purposes to be subserved by the creation of this park? In connection with all questions looking to the preservation by the Government of forests there are two primal and overshadowing considerations. First, the protection from destruction of the national timber and wood and fuel supply; and, secondly, the effect of deforestation upon the

climate, land erosion, and the regularity of the flow of streams as affecting agriculture, manufacturing, and commerce.

Mr. President, without crediting all the predictions of alarmists in reference to the destruction of our national supply of timber, it must be obvious to everybody that the available supply of timber in this country at large is rapidly disappearing. The amount of woodland area in 1880—I have not been able to get the correct data since then—in proportion to the total land area of the country was 37 per cent. Since that time we all know there have been cuttings and clearings for agricultural purposes and for lumber, which has greatly reduced the amount of this percentage, and to-day it is very much less than it was in 1880. I can only make an estimate—and that estimate I make after conferring with scientists familiar with this subject—and that is at present there is certainly not over 27 per cent of the total area of land in the United States that is covered by available timber land. In many sections of the country where fifty years ago there seemed to be an abundant supply of timber there is hardly enough left to-day to furnish firebote, woodbote, and housebote.

Mr. President, I do not pretend to speak with the confidence of a full and accurate knowledge as to general conditions in this country upon this subject, but I do claim to know something about the condition in my own State. Thirty-five years ago the great long leaf and loblolly pine forest of my State had been scarcely touched. They were in primal condition; they had only been cut for the purpose of supplying the limited demand of a sparsely settled agricultural community, and the supply seemed inexhaustible. On account of the great demand for lumber and the partial failure of the supply in other parts of the country, about twenty years ago the lumberman turned his attention to the South, and since that time there has been going on in my State a process of deforestation that threatens to destroy the great pine forests of that State.

The hard-wood region of my State, which is chiefly in the western and mountainous section, has been to some extent exempt from this process of denudation, because of its inaccessibility and the lack of transportation; but even in the mountain region of my State, along the railroads and streams, already much of the finest hard-wood timber has been cut, and I do not think I hazard anything in saying that, if this process continues as it has for the last two decades, in another generation, not only the pine forests, but the hard-wood forests of my State will have been robbed of all of their timber.

What has been going on in my State I believe has been going on in nearly every other State of the South during the last twenty years, and what has happened there has happened heretofore in most of the States of the Union.

The demand for lumber is so great that the only hope against the total destruction of the available lumber supply of the country is in the Government taking hold of this question and setting aside here and there great reservations, to be cut only when the timber is ripe, and then in limited quantities and under Government and expert supervision.

Mr. President, as important as the consideration of the preservation of the timber supply of the country is, there is another consideration of national importance, of more concern even than that, and that is the effect of the destruction especially of mountain forests upon navigation.

The effect of deforestation upon the regularity of water flow and the consequent navigability of streams is well known. This effect is much greater in streams in hilly and mountainous regions than in streams that have their rise and flow through coastal regions, but even in a comparatively level country the effect of deforestation upon land erosion and the regularity of the water flow is very frequently disastrous.

I have in mind as an illustration of this fact a certain river in my State, one of the largest rivers in that State, and the only large river in it which flows directly into the ocean. I refer to the Cape Fear River. Three generations ago, before deforestation began along the banks of that river, or before it had progressed to any considerable extent, that river was navigable all the year round 125 miles into the interior, up to the old historic town of Fayetteville, for light-draft ocean vessels drawing 5½ feet. Fayetteville was then a port of entry and a distributing point of a large part of Virginia, South Carolina, and Tennessee, as well as central and western North Carolina. The watershed of this river is rich and fertile, and in that time 75 per cent of it has been cleared, and most of the timber has been cut off of the other 25 per cent. As a result of this deforestation along that river, which runs through a comparatively level country, although it takes its rise in the foothills of my State, notwithstanding all the money that the Government has expended in dredging out the channel and in building jetties, its governing depth of water for eight months of the year is only 21 inches, as against 6 and 7 feet before this deforestation.

Recently that stream has been examined by an engineer of the Government for the purpose of ascertaining what it would cost and whether it is feasible to restore its original depth of water, and his report made to this Congress shows that it will cost $1,300,000 to restore the original depth of 6 or 8 feet the year round, and that it can only be done by a system of slack-water dams and locks, and this Congress has made an appropriation to begin the work of constructing these locks and dams. So that here is a case where, as the result of deforestation, the governing depth of the water in a stream has been reduced from 6 and 8 feet to 21 inches, and it will cost the Government one and a quarter millions dollars to restore that depth.

But, Mr. President, as great as are the effects of this deforestation upon streams running through hilly and lowland countries, it is infinitely greater in streams taking their rise in mountains, because of the greater elevation and the more rapid flow of the water as a result of that greater elevation.

I know nothing about it myself, but scientists who have investigated this question assert that if you remove the forest covering from the Southern Appalachian Mountains or from any other Southern mountains with as great a waterfall as they have there, a waterfall on the average of from 70 to 100 inches a year, the result will be the washing away of the land surface of these mountains, and they will become in a comparatively short time as barren as the mountains and the hills of Palestine and those of southern France have become under like circumstances. In this Southern Appalachian region it is the forest cover alone that protects the soils from erosion and preserves the regular flow of the streams.

In the far Western part of our country, where there is an almost total absence of forest, these effects do not follow because of the slight rainfall there, being from 5 to 20 inches a year. In New England, where there has been great deforestation, there is measurable protection from these results by the comparatively light rainfall, being only about one-half of that of the Southern Appalachian region, but there are other reasons why this result has not followed deforestation in New England and the North. In the New England and other Northern States as far west as Minnesota the glaciers have left innumerable lakes which serve as natural reservoirs for the storage of water and for regulating its flow in the streams, and everywhere over this surface have deposited deep beds of gravel and sand which possess a storage capacity for water almost equal to that of the lakes.

So influential are these two agencies that in many regions, even where the forest is largely removed, the streams have a fairly regular flow and the value of the water powers has been fairly maintained. Furthermore, in the cooler climate of this more northern region grasses grow with great vigor, and even on the cleared land surfaces they form a dense sod, which holds the soil in place, and as the rain descends it catches and holds the water until it soaks into the soil beneath, from which it emerges weeks or even, perhaps, months later.

As will be readily seen, such a favorable combination of conditions naturally preserves the regularity in the flow of the streams and prevents the erosion of the land surfaces, and consequently prevents the silting up of the streams. In this Southern Appalachian region, however, we have higher mountains, and hence steeper mountain slopes; we have a heavier rainfall than that in the New England and other Northern States; we have no lakes or other natural reservoir basins; no extensive deposits of sand or gravel such as the glaciers have elsewhere left; the grasses do not grow vigorously nor sod readily, and consequently they do not hold the soil and prevent its erosion as they do in New England. Hence, as soon as the forest is destroyed the erosion of the land surface begins and continues rapidly until the soil is removed and the hard-rock surface reached. Therefore, it is literally and absolutely true that the destruction of the forests in this Southern Appalachian region means the destruction of the streams, the destruction of the soils, and ultimately the destruction of the mountains themselves.

The process by which this protection is afforded by the forest covering is simple. The myriads of independent and separate raindrops are broken in their downward descent by contact with the twigs and leaves of the trees and fall in a spray on the surface vegetation below—the herbs, the flowers, the ferns, and grass—and is received by the porous humus, and thence soaks into the soil below. There it is held as in a reservoir, and finally, weeks and months later, passes off through the rock crevices into the basin of the watershed below, and thence into the ocean. By this gradual absorption, percolation, and outflow the moisture necessary to plant life and to health is preserved and the regularity of water flow maintained.

Now, remove the forest coverings from these mountain sides and summits, and these raindrops batter the soil in some instances into a hard, compact surface, over which the water flows in a sluice immediately into the drainway, and in other instances, according to the character of the soil, these raindrops batter the

soil to pieces, and both soil and water are precipitated into the basin below. In both instances the water is, in a few hours after the rain falls, on its way to the sea. The first effect of this sudden precipitation of the rainfall into these mountain streams is an uncontrollable torrent, charged with the débris of mountain erosion, filling the channel of the stream with deposits of the heavier parts of this erosion, sweeping over its banks and distributing itself throughout the valley, washing away the valley surface where the soil is light and the fall greater, and depositing the light sand constituents of the erosion where the fall is less and the valley soil sufficiently firm to resist washing. In the first case the rich soil of the valley is washed away, and in the other it is covered with a sand as dry and lifeless as that of the desert.

The secondary effect of this sudden precipitation of water into the mountain streams is the loss of the water supply which, had it entered the soil by absorption, would have been held for weeks and months in reserve, furnishing needed moisture for vegetable life and gradually passing off into the natural drainway, so as to preserve the regularity of the water flow of the streams.

The effect of this erosion and these alternating floods, caused by deforestation, upon the navigation of the streams having their headwaters in mountain regions is self-evident. The deposits from this erosion are not confined to the upper sections of these streams, but extend downward throughout its whole length, finally silting up the harbors. The effect of these alternating freshets and droughts upon water power for industrial purposes is equally obvious, for the value of water for motive power depends not so much on the maximum supply as upon reasonable regularity in its flow.

In all the Eastern States water power is an important industrial asset. On the streams having their sources in this proposed forest reserve the power already developed represents an annual asset of $2,000,000 to $3,000,000 and operates manufacturing enterprises valued at $30,000,000. The remaining available but undeveloped 1,000,000 horsepower would represent an annual asset of $20,000,000 to $30,000,000 and would operate manufacturing plants valued at $300,000,000.

But owing to the absence of lakes and glacial gravels in the Southern Appalachian region the future maintenance of these values is inseparably connected with and dependent upon the preservation of the forests about the headwaters of these streams. This fact is illustrated by recent measurements of two streams in North Carolina; one of them with 90 per cent of its drainage area still forest covered had a greater dry-season flow of water than did the other with six and one-half times the drainage area, of which area only 25 per cent was forest covered and had only a slightly less rainfall.

Until a comparatively recent period the region embraced in the Southern Appalachian Mountains, where it is expected that this reserve will be located, was but sparsely settled, and its settlement was confined almost entirely to the valleys.

The advent of railroads in this section has brought about a change in these conditions. The population has greatly increased and is rapidly increasing. The valley lands have nearly all been cleared and brought into cultivation; the farmer and the lumberman have begun to encroach upon the mountain sides in search of more land and timber. It is estimated that now 24 per cent of the lands in this area have been either cleared for agricultural purposes or denuded of timber. As a result of this deforestation already the effects I have before described are beginning to be seen and seriously felt.

Last summer I traveled several hundred miles, partly by private conveyance, across these mountains and through these valleys. All along the route, here and there, far up on the mountain sides, with slopes ranging from 20 to 40 degrees, often so steep that cultivation was limited to the hoe, there were farm clearings. Everywhere on these slopes and in the mountain coves was the débris of the lumberman or of the bark hunter—for the bark hunter in that section has been about as destructive to the timber interests as the lumberman himself.

Some of these mountain-side farms were in cultivation, but many of them had been abandoned as worthless, and stood there barren and bleak, furnishing a water slope filled with gulleys and gorges, too poor for further cultivation, too poor and being washed away too rapidly to permit of its reproducing forest growth. The agricultural life of one of these clearings is, under varying conditions, from three to ten years. In that time the fertility of the soil has all been leached away, and it has become worthless and been abandoned.

On this trip I stood upon Whiteside Mountain, one of the finest summits in the Southern Appalachian region. It rises nearly 2,000 feet from the valley below. From the summit of this mountain I saw on the slopes of the nearest mountains about 25 of these mountain-side farms. Only about half a dozen of them, however, were in cultivation. Most of the balance had been worn out and abandoned and stood there desolate and bare, as they will probably stand until the end of time. The valleys through which I traveled were fertile, but the floods of that year had washed away the surface soil of many of those farms, rendering them almost valueless; and in other instances these rich bottoms were covered with a white sand, as dry and lifeless as the sands of the desert, the deposit of the floods. At one place I passed, while on this trip, for nearly a mile down the valley of the Catawba, and on either side of this stream at this point the valley was covered with a sand bank from 3 to 7 feet deep.

I was told before the flood which left this deposit these valley lands were worth $100 an acre. After the flood they were not worth 100 cents. In one of the near-by counties to the section I visited the very freshet which had deposited this sand bank in the rich valley of the Catawba had left hundreds of people desolate, had swept away their stock, their fences, their houses, and destroyed their crops. In another county a later flood came near sweeping away the whole town of Marshall, in which my colleague lives. It did actually sweep away his office and destroyed his valuable law library.

The damage done to agricultural lands and other property along the streams rising in the Southern Appalachian region by floods in the summer of 1901 is estimated by the Secretary of Agriculture to have been not less than $10,000,000. "Along one river in North Carolina, the Catawba, to which I have before referred, bridges, mills, crops, and farm lands for 200 miles, valued at $1,500,000 were swept away by the storms of May and August, 1901."

"In one valley in Mitchell County, to which I have before referred in general terms, a valley largely cleared of forests, the storm of last May wrought damages estimated at more than $500,000." The damage to the property of the Southern Railway, which penetrates these mountains in various directions, by these storms during the last twelve months is estimated at more than $1,000,000, while its loss in traffic was also large. The storms of December, January, and February just passed have rivaled those of the spring and summer of 1901 in destructiveness. It is estimated by competent authority that the total damages of all kinds along these mountain streams during the past twelve months exceed $18,000,000. I give below a detailed statement of this estimate, which will show how widespread and extensive were these damages, affecting the people of more than half a dozen States. These estimates have been made with great care by men who are familiar with each of these regions and who have investigated this matter with considerable thoroughness.

Storm damages on streams rising in the proposed Appalachian forest reserve between April, 1901, and April, 1902.

Kanawha, adjacent streams (in Virginia and West Virginia)	$1,500,000
Roanoke, James, etc. (in Virginia)	1,000,000
Watauga (in North Carolina and Tennessee)	2,000,000
Nolichucky (in North Carolina and Tennessee)	2,000,000
French Broad (in North Carolina and Tennessee)	1,500,000
Tuckaseegee and Hiawassee	1,500,000
Broad, Saluda, and Catawba (in South Carolina)	1,000,000
Yadkin, Dan, and Roanoke (in North Carolina)	1,000,000
Catawba (in North Carolina)	2,000,000
Savannah and Chattahoochee (in Georgia)	1,500,000
Coosa (in Georgia and Alabama)	2,000,000
Tennessee and other tributaries	1,000,000
Total	18,000,000

Both tradition and records show that there have been storms in this Southern Appalachian region at intervals during the past one hundred years perhaps as violent as those of the past twelve months, but never before have such floods and such damages resulted. During the few past decades, and even during the past few years, the floods have been increasing in violence and destructiveness, and almost in proportion as the forest destruction has progressed. And these have been greater in those regions where the cleared land was in largest proportion.

As this deforestation progresses, as it will progress with the increase of population and the lumbering in this section, the loss from these floods will also increase. The fact that these disastrous floods are the direct result of deforestation is supported both by theory and ample and indisputable data. Until recent years no such results have followed even the heaviest and longest-continued rainfall.

Now, Mr. President, the effects of this deforestation are not local. The destruction of land and of property from this cause, it is true, is greater in the mountain and the adjacent plateau regions, but the effects extend to the very mouth of the streams which take their rise in these mountains. The river channels are being silted up all the way to the harbor on the coast; the water powers which extend along these streams for from 100 hundred to 200 miles from their sources are gradually losing their value, and the farm bordering these streams for even greater distances are being destroyed both by floods and by washing.

This applies to all of the great rivers of the South Atlantic States—the Potomac, the James, the Roanoke, the Pedee, the Congaree, the Altamaha—and to other important rivers emptying directly or indirectly into the Gulf, such as the Chattahoochee,

the Alabama, the Tennessee, and the Kanawha, which is one of the most important tributaries of the Ohio.

Mr. BACON. You omitted to name the Savannah River.

Mr. SIMMONS. Yes; the Savannah is another important river taking its rise in these mountains, and there are others I have not named. The Blue Ridge Mountains is the great divide between those which flow northeastward, eastward, or southeastward into the Atlantic and those which flow southward, westward, and northwestward, ultimately reaching the Gulf.

Can it be said that a proposition which affects so intimately the agriculture and the manufacturing of the immediate and adjacent locality, which affects the navigation and the commerce of these great water highways, penetrating a dozen States of the Union, is not a national question? A considerable portion of these lands are located in North Carolina, but the streams which take their rise there spread out and pass through or border nearly all the Southern States and Ohio, Indiana, and Illinois.

Even if North Carolina were able to do what we are now asking the Government to do (and of course it is not, because it would require the entire revenue of the State for several years to purchase the land), it should not be required to do it, because the benefit resulting from the work will be as great to the other States through which these streams run as to North Carolina. It is true that New York and Pennsylvania are establishing local forest reserves, but these will protect the sources of streams lying wholly within their borders, and the benefit is local, confined to the State in which the forest is situated.

Mr. President, I do not desire to detain the Senate to discuss another important phase of this question except in a very general way: That of the establishment of a great national health and pleasure resort. This is a subordinate purpose in the establishment of this great forest reserve, but it is none the less an important one. We all know how rapidly the country is being settled, how population is increasing, how rapidly its lands are being cleared and brought under cultivation, and it is obvious that something should be done to preserve here and there a spot where the tired and weary toiler can come in touch with primeval nature and can find rest and fresh air and space in which to recuperate his exhausted energies. There is not a national park in the whole Eastern region, the nearest being the Yellowstone Park, 2,000 miles away, and there is not a national forest reserve this side of the Dakotas, about 1,800 miles away.

The proposed forest reserve will be within twenty-four hours' ride of more than half the population of the United States—the great cities of New York, Philadelphia, Chicago, and the populous region of the whole North and Central West, as well as the South. It is one of the most beautiful spots upon the earth. On the west are the high summits of the Smoky and the Unaka mountains, and irregularly parallel on the east is the Blue Ridge, while there are hundreds of cross ridges rising from five to more that six thousand feet above the sea level, with valleys and plateaus and table-lands intersected with mountain brooks and streams. Seventy-five per cent of this region is still covered with forests which are generally conceded to be greater in variety and extent than any other hard-wood or broad-leaved forests on the continent.

Many of these mountain slopes and ravines have never yet been invaded by the man with the ax. The mingling here in vigorous growth of the trees and shrubs of Canada with those of the extreme Southern States shows how well adapted is this region in general climatic conditions as a meeting ground for people from all portions of this country. Its light air, which in the valleys is fairly dry, and its salubrious and invigorating climate make it a Mecca for the sick, the tired, and the weary.

The American people as a whole are great lovers of nature, and this tendency should be encouraged. Now more than ever our children, even in their kindergarten days, are taught to see and understand the natural life about them. Our forefathers enjoyed the wild woods of this country, and we of to-day take pleasure in visiting, when we can find them, forests and streams as our forefathers saw them.

We may not now appreciate fully this phase of the subject, but before the present century has passed there will be in this country east of the Mississippi River a hundred million people, and unless some such measure as that now proposed is adopted by this Government there will then be within all this region but few acres of that original forest to be found. As we look forward to these increasing millions, it is one of our duties to anticipate their needs and wishes, and for this they will be grateful, just as we now are grateful for the blessings which our forefathers left to us. With these increasing millions there will be the increasing need for such places of recreation and rest. We have now the opportunity of doing so without great cost, and I think it is our duty to perpetuate these wonderful forests and streams which if once destroyed are destroyed forever, but which if now preserved can be easily perpetuated, the benefits of which protection begin at once and continue indefinitely.

In short, Mr. President, the establishment of this reserve will protect from the vandalism of avarice the finest hard-wood forests on the continent; its proper management under trained Government foresters will not only perpetuate a supply of valuable hard-wood timber but will also work an incalculable benefit as a perpetual object lesson in showing to the American people how such a forest can be utilized by succeeding generations without being destroyed; it will preserve the regular flow of these numerous and large mountain streams, thus protecting from inundation and destruction the fertile agricultural lands bordering these streams through many States. It will preserve unimpaired for indefinite time the many valuable water powers on these various streams, thus sustaining great and varied manufacturing interests.

It will greatly benefit the commerce of all this portion of the country by continuing the navigability of its numerous rivers; and finally it will supply the need, already beginning to be felt, and which will be felt more and more every year, for a great sanitarium where the tired and weary thousands and even millions can for a time get out of the increasing rush of American business life, and in the natural quiet of this great forest, in touch with its picturesque mountains and beautiful streams, breathing its heathful, invigorating air, renew their strength and energies, and thus prolong their lives and labors.

Mr. President, I do not desire to detain the Senate further in the discussion of this question. But I wish to say that if the members of the Senate could see that country as I have seen it, could behold with their own eyes and not with the eyes of another the effects of deforestation upon the agriculture and the commerce and the water power of the streams rising in those mountains, if they could see the surpassing beauty and grandeur of that wild and weird country I do not think there would be a single vote cast in this Chamber against the pending bill, and I sincerely trust there will not be a single vote cast against it.

Mr. President, one other remark personal to myself. Unfortunately I was not in the Senate on Saturday when the junior Senator from New York [Mr. DEPEW] delivered his very eloquent, forcible, and illuminating speech upon this subject, and when it was suggested that a vote might possibly be taken. To my prejudice it has been reported in the press of my State—and I speak of this in the nature of a matter of personal privilege—that my absence from the Chamber at that time, and the fact that I had given notice that I would speak to-day, prevented a vote, and that a golden opportunity for the passage of a bill in which the people of my State are greatly interested was lost. I wish to say that I was not responsible for the failure to take a vote at that time, if there was an opportune occasion, further than the fact that I had given notice that I would make a speech to-day. I wish to state, furthermore, that I am informed by two Senators who have been deeply interested in this question that they would not have permitted a vote to have been taken then because they desired to hear further argument and elucidation before casting their votes. I have said this simply that my absence on Saturday, which was unavoidable, might not be subject to misconstruction in my own State.

TELEPHONE SERVICE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, several days ago I gave notice that at the conclusion of the routine morning business to-day I would move that the Senate proceed to the consideration of the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia, an important measure. I see that it is impossible to consider it this morning, and I wish it understood that at the earliest opportunity I will move to take it up for consideration.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill. The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 14, to increase the total appropriation for pay of the Navy from $16,138,199 to $16,327,699.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

ADDITIONAL ROOM FOR THE NAVY DEPARTMENT.

The Secretary of the Navy is hereby authorized to rent a suitable fireproof building, containing not exceeding approximately 60,000 square feet of floor space, in the vicinity of the State, War, and Navy Department building for the use of the Navy Department for the six months ending June 30, 1903, and the following sums are appropriated therefor: Rent, $11,375; heating and lighting, $2,600; in all, $13,975.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 6, after line 19, to strike out:

Maintenance of colliers: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval colliers, and all expenses connected with

naval colliers employed in emergencies which can not be paid from other appropriations, $350,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

Naval training station, Great Lakes: The Secretary of the Navy is hereby directed to appoint a board, composed of naval officers, whose duty it shall be to select a suitable site for an additional naval training station, and, having selected such site, if upon private lands, to estimate its value and ascertain, as nearly as practicable, the cost for which it can be purchased or acquired, and of their proceedings and action to make full and detailed report to the Secretary, who shall transmit such report with his recommendations thereon to Congress for its action. And to defray the expenses of said board the sum of $5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Mr. HALE. In line 7 there is a mistake. The words "Great Lakes" should be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 17, line 14, after the word "war," to strike out "$640,000" and insert:

Including the purchase of necessary land, $640,000: *Provided*, That the unexpended balance of former appropriations made for the establishment of naval coal depots shall be available for purchase of land, and the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots.

So as to make the clause read:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel, for the supply of steamships of war, including the purchase of necessary land, $640,000: *Provided*, That the unexpended balance of former appropriations made for the establishment of naval coal depots shall be available for purchase of land, and the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to insert:

Maintenance of colliers: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval colliers, and all expenses connected with naval colliers employed in emergencies which can not be paid from other appropriations, $350,000.

The amendment was agreed to.

The next amendment was, under the head of "Civil establishment," on page 18, line 15, to increase the appropriation for the salary of one clerk in the Bureau of Equipment, navy-yard, Portsmouth, N. H., from $1,000 to $1,200; and, in line 17, to increase the total appropriation for the maintenance of the Bureau of Equipment, navy-yard, Portsmouth, N. H., from $1,950 to $2,150.

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the word "dollars," to strike out "1 writer" and insert "2 writers;" in line 22, after the word "dollars," to insert "each," and in line 23, before the word "in," to strike out "1 writer, at $950;" so as to make the clause read:

Navy-yard, Boston, Mass.: For 1 superintendent of ropewalk, at $1,875; 1 clerk, at $1,400; 1 clerk, at $1,300; 2 writers, at $950 each; in all $6,475.

The amendment was agreed to.

The next amendment was, on page 19, line 2, after the word "dollars," to strike out "1 writer, at $950; 1 writer" and insert "2 writers;" in line 4, after the word "dollars," to insert "each;" in line 5, before the word "in," to strike out "1 custodian of books, at $1,200," and in line 6, before the word "hundred," to strike out "five thousand seven" and insert "four thousand five;" so as to make the clause read:

Navy-yard, New York, N. Y.: For 1 clerk, at $1,400; 1 clerk, at $1,200; 2 writers, at $950 each; in all, $4,500.

The amendment was agreed to.

The next amendment was, on page 20, line 9, to reduce the total appropriation for the civil establishment, Bureau of Equipment, from $31,202.52 to $30,202.52.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 26, after line 19, to insert:

That there may be appointed under the provisions of section 1413 of the Revised Statutes 33 civil engineers: *Provided*, That no more than three such appointments, in addition to appointments made to fill vacancies arising in course, shall be made in any one calendar year.

The amendment was agreed to.

The next amendment was, on page 28, line 4, after the word "dollars," to insert:

To enable the Secretary of the Navy to make an examination concerning the fresh-water supply at the Portsmouth Navy-Yard, $500, or so much thereof as may be needed, said examination to include a survey of the ponds which constitute the sources of the aqueduct, an ascertainment of the quality of the water, an inquiry as to its sufficiency for all future needs, and an estimate of the value of the aqueduct, dams, and ponds; and said Secretary shall consider the desirability of controlling, by purchase or otherwise, solely for the use of the Government, the whole water supply, and he shall make such recommendations on the subject as he may deem expedient to Congress at its next session; for the removal of Hendersons Point, near the navy-yard, Portsmouth, N. H., in accordance with the project recommended in House Document No. 243, Fifty-seventh Congress, first session, $200,000, to be expended under the direction of the Secretary of the Navy: *Provided*, That a contract or contracts may be entered into by the Secretary of the Navy for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $549,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 29, line 3, to increase the total appropriation for "Public works, Bureau of Yards and Docks, navy-yards and stations, Naval Academy, and new Naval Observatory" from $672,075 to $872,575.

The amendment was agreed to.

The next amendment was, on page 33, after line 5, to insert:

Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized and directed to cause to be commenced, within three months after the passage of this act, and the Attorney-General is hereby directed to carry on, proceedings for the condemnation of the following tract of land, for the use of the United States for the Norfolk Navy-Yard, and for other purposes, namely: A tract of land known as the Schmolles property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act Congress approved August 1, 1888, entitled "An act to authorize the condemnation of lands for sites of public buildings, and for other purposes," and other laws of the United States, so as to completely vest in the United States the title of said land. And all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 34, line 2, after the word "dollars," to insert "purchase of land, twenty-five thousand nine hundred and fifty;" and in line 5, before the word "dollars," to strike out "ninety-three thousand" and insert "one hundred and eighteen thousand nine hundred and fifty;" so as to make the clause read:

Naval station, Key West, Fla.: Quay wall, to continue, $50,000; coaling pier, to complete, $23,000; concrete cisterns, $20,000; purchase of land, $25,950; in all, naval station, Key West, $118,950.

The amendment was agreed to.

The next amendment was, under the subhead "Navy-yard, Puget Sound, Washington," on page 35, line 9, before the word "thousand," to strike out "two" and insert "four," and in the same line, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to read:

Purchase of land, $4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was on page 36, line 6, to increase the total appropriation for the navy-yard, Puget Sound, Washington, from $808,500 to $810,500.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Station, Tutuila," on page 37, line 7, after the word "Samoa," to insert "to be immediately available;" so as to read:

Purchase of additional land at Samoa, to be immediately available, $35,000.

The amendment was agreed to.

The next amendment was, on page 37, line 14, before the word "removal," to strike out "susceptibility to," and insert "the practicability of its;" so as to make the clause read:

Port Royal Naval Station, S. C.: The Secretary of the Navy is directed to investigate and report to the next session of Congress the state and condition of the Government property at Port Royal, S. C.; its value and the practicability of its removal to another navy-yard, etc.

The amendment was agreed to.

The next amendment was, on page 37, line 21, before the word "Charleston," to strike out "naval station" and insert "navy-yard;" in line 24, before the word "Charleston," to strike out "naval station" and insert "navy-yard," and in line 25, after the word "dollars," to insert the following proviso:

Provided, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C., from the appropriation for a new naval station and a dock be increased from $100,000 to $106,000.

So as to make the clause read:

Navy-yard, Charleston, S. C.: Stone and concrete dry dock (toward completion), $250,000; in all, navy-yard, Charleston, S. C., $250,000: *Provided*, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C., from the appropriation for a new naval station and a dock be increased from $100,000 to $106,000.

Mr. HALE. I move, at the end of line 5, to add the words:

And $6,000 is hereby appropriated.

The words were left out by mistake.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 38, after line 5, to insert:

For developing the United States navy-yard at Charleston, S. C., the following sums are appropriated:

Mr. HALE. On page 38, at the end of line 7, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. On page 38, at the end of line 7, insert:

Office building for the commandant, $35,000; quarters for the commandant, $12,000; quarters for civil engineer, $7,500; landing and wharves, $50,000; grading and drainage, $10,000; workshop (to cost $80,000), $50,000; storehouse and storekeeper's office, $50,000; equipment building (to cost $125,000), $62,500; machine shop for steam engineering (to cost $174,000), $80,000; foundry and copper shop for steam engineer (to cost $118,000), $60,000; power house (to cost $50,000), $25,000; workshop for ordnance, $40,300; ship fitters' shop, with mold loft and furnace for construction and repair (to cost $200,000), $50,000; power house and fuel storage for construction and repair (to cost $80,000), $35,000; machine shop for construction and repair (to cost $120,000), $40,000; joiners' shop for construction and repair (to cost $120,000), $30,000; foundry for construction and repair (to cost $75,000), $20,000; in all, $657,300.

In all cases where buildings and structure are provided for in this act, and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, with the limit of cost as fixed in this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MALLORY. I should like to inquire if the bill is now open to general amendment, or if only the committee amendments are being acted upon?

The PRESIDENT pro tempore. Only the committee amendments are now being considered.

The next amendment of the Committee on Naval Affairs was, on page 39, line 1, to increase the total appropriation for public works in the Navy from $6,696,075 to $6,924,525.

Mr. HALE. I move to change the total so as to read "$7,649,325."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Navigation," in the appropriation for the Naval Academy, on page 39, line 18, after the word "improvements," to insert the following proviso:

Provided, That the Secretary of the Navy may, in his discretion, continue the said improvements at the Naval Academy, either by contract or day labor, or both, as he may deem necessary for the best interests of the Government.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Observatory," on page 44, line 2, to increase the appropriation for grounds and roads, etc., from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 2, to insert:

For the expenses of the Board of Visitors to the Naval Observatory, $2,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

Additional numbers of the American Ephemeris and Nautical Almanac: Hereafter there shall be published in addition to the present publications of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 46, after line 4, to insert:

Naval hospital, Mare Island, Cal.: Repairs and improvements in fitting up old buildings and building new; for changing officers' quarters into wards for enlisted men and building quarters for officers outside naval hospital, $20,000; for construction of a contagious-disease hospital, $10,000; in all, $30,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

That the active list of surgeons in the Navy shall hereafter consist of 70, and that of passed assistant surgeons and assistant surgeons of 135.

The amendment was agreed to.

The next amendment was, under the subhead "Navy-yards, League Island, Pennsylvania," page 52, line 5, after the word "dollars," to insert "each;" so as to read:

Navy-yard, League Island, Pennsylvania: In general storehouse: Two bookkeepers, at $1,200 each;

The amendment was agreed to.

The next amendment was, under the subhead "Navy-yard, Norfolk, Va.," page 53, line 21, after the word "dollars," to insert "each;" so as to read:

Two receiving clerks, at $942 each.

The amendment was agreed to.

The reading of the bill was continued to line 16, on page 54.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

Mr. HALE. I ask that it may be temporarily laid aside. We can get this bill through in a few moments.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the appropriation bill.

Mr. HARRIS. Mr. President, I dislike very much to object to regular business of the Senate, but as I have given notice that I wish to make some remarks on the canal bill, I should like very much to go on with them.

Mr. HALE. We can finish this bill in a very short time.

Mr. HARRIS. I do not think the interests of the appropriation bill will suffer by the delay of one day.

Mr. HALE. I have never known where an appropriation bill was nearly finished and when there was plenty of time for other measures——

Mr. HARRIS. I should like to ask the Senator from Maine about how long he thinks it would take?

Mr. HALE. Not over half an hour:

Mr. HARRIS. Then I yield for that purpose.

The PRESIDENT pro tempore. The unfinished business, then, is temporarily laid aside for one-half hour, in order that the Senate may proceed with the consideration of the appropriation bill.

Mr. MITCHELL. I have just been advised by a Senator on this side that he will talk for half an hour at least on the naval appropriation bill. The Senator from Kansas gave notice the other day that he would desire to speak on the isthmian canal bill at 2 o'clock to-day. It is always the custom when a notice of that kind has been given to conform to it. I hope the Senator from Maine will give way. There will be plenty of time to get the appropriation bill through.

Mr. HALE. I had just, as I thought, very successfully made this arrangement with the Senator from Kansas himself. I shall not undertake to go on for over a half an hour.

Mr. MITCHELL. The Senator from Maine announced that the bill could be finished in half an hour, and I am advised by one of my friends on my right that he himself will speak for at least half an hour.

Mr. HALE. He may speak but ten minutes. We will wait and see. I do not want to shut anyone off, but everyone understands that when we get an appropriation bill going everything gives way. I do not want to interfere with the Senator from Kansas if it is any inconvenience to him, but he has agreed that we might run along for half an hour.

Mr. HARRIS. I was willing to yield for half an hour.

Mr. HALE. I shall not go on any longer than that time to-day.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Supplies and Accounts," on page 54, after line 24, to insert:

That the active list of the Pay Corps of the Navy shall hereafter consist of 13 pay directors, 16 pay inspectors, 70 paymasters, not less than 23 of whom shall be of the grade of lieutenant-commander, and 80 passed assistant and assistant paymasters: *Provided*, That assistant paymasters, after three years' service as such, shall, after passing the examination required by law, be eligible to promotion to passed assistant paymasters.

The amendment was agreed to.

The next amendment, was under the subhead "Bureau of Construction and Repair," on page 59, after line 2, to insert:

That hereafter the number of naval constructors and assistant naval constructors shall not exceed 60: *Provided*, That no more than three assistant naval constructors, in addition to those appointed to fill vacancies arising in course, shall be appointed in any one calendar year.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of professors and others, Naval Academy," on page 63, line 7, after the word "dollars," to insert:

One assistant librarian, at $1,000.

The amendment was agreed to.

The next amendment was, on page 64, line 8, to increase the total appropriation for pay of professors and others at the Naval Academy from $55,191 to $56,191.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent, Naval Academy," on page 65, line 22, after the word "house," to insert "and for clerk hire, carriages, and other incidental and necessary expenses of the Board."

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to insert:

That hereafter the corps of midshipmen at the United States Naval Academy at Annapolis shall consist of 1 from each Congressional district, 1 from each Territory, 1 from the District of Columbia, 2 from each State at large, and 15 from the United States at large. They shall be appointed by the President and shall, with the exception of the 15 midshipmen appointed from the United States at large, be actual residents of the Congressional or Territorial districts, or of the the District of Columbia, or of the States, respectively, from which they are appointed.

The amendment was agreed to.

The next amendment was, on page 67, after line 9, to insert:

That hereafter all examinations for admission to the United States Naval Academy of midshipmen, as hereinbefore provided, shall be at Annapolis, Md., by a board of examiners to be taken from the officers and instructors at said Academy to be selected by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 67, line 15, to increase the

total appropriation for the Naval Academy from $229,905.77 to $230,905.77.

The amendment was agreed to.

The next amendment was, on page 67, after line 22, to strike out:

That sections 8, 9, and 10 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," are hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 68, after line 6, to insert:

That from and after the date of the approval of this act the commandant of the Marine Corps shall have the rank and pay of a major-general in the Army, and when a vacancy shall occur in the office of commandant of the corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the commandant of the Marine Corps shall thereafter have the rank and pay of a brigadier-general.

Mr. HALE. In line 9, after the word "pay," I move to insert "and allowances;" and also in line 13, after the word "pay," to insert "and allowances."

Mr. GALLINGER. Striking out the word "and" after "rank."

Mr. HALE. Striking out the word "and" after "rank."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 68, line 24, to increase the total appropriation for pay of noncommissioned officers, musicians, and privates, as prescribed by law, etc., from $1,112,548 to $1,236,028.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

In addition to the enlisted force of the Marine Corps now authorized by law there may be enlisted 10 gunnery sergeants, 40 sergeants, 60 corporals, 10 drummers, 10 trumpeters, and 620 privates.

The amendment was agreed to.

The next amendment was, on page 71, line 17, to increase the appropriation for provisions for the Marine Corps from $396,071.50 to $445,071.50.

The amendment was agreed to.

The next amendment was, on page 72, line 5, to increase the appropriation for clothing for the Marine Corps from $340,000 to $382,000.

The amendment was agreed to.

The next amendment was, on page 73, line 1, to increase the appropriation for military stores of the Marine Corps from $40,297 to $50,297.

The amendment was agreed to.

The next amendment was, on page 75, line 24, to increase the appropriation for contingent expenses of the Marine Corps from $91,700 to $103,700.

The amendment was agreed to.

The next amendment was, under the subhead "Public works—Marine Corps," on page 76, line 10, after the word "dollars," to insert "improvements, sewers, plumbing, etc., marine barracks, navy-yard, Boston, Mass., $1,500," and on page 77, line 3, to increase the total appropriation for public works under Marine Corps from $145,500 to $147,000.

The amendment was agreed to.

The next amendment was, on page 77, after line 3, to insert:

All contracts of the Carnegie Steel Company, Limited, heretofore made between it and the United States, shall be completed by its successor, the Carnegie Steel Company, or its lawful successor, which has acquired and assumed, or may acquire and assume, all of its assets and all of its liabilities under the said contracts. And the said Carnegie Steel Company, or its lawful successor, upon giving security in proper form and amount, conditioned for the performance by it of the said contracts according to the true intent and meaning thereof, shall be substituted therein for the said Carnegie Steel Company, Limited, and be entitled to exercise all rights thereunder which the said Carnegie Steel Company, Limited, had or would have had if it had continued in existence.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 77, after line 17, to strike out:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract, except as herein otherwise provided, two first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of about 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost when built by contract, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of about 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, when built by contract, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost, when built by contract, exclusive of armament, not exceeding $382,000 each; and the contract for the construction of each of said vessels so contracted for shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery: *Provided*, That the Secretary of the Navy shall build at least one of the battle ships, one of the armored cruisers, and one of the gunboats herein authorized in such Government navy-yard or navy-yards as he may designate, and for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of such ships the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of such ship or ships, whether built in Government yards or by contract, and report thereon to Congress at each session the progress of work and cost thereof, including the inspection of all the material going into the construction of such ship or ships, and upon the completion thereof to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract: *Provided further*, The Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

And in lieu thereof insert:

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding $382,000 each, and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the methods of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all such vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party. One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided; and if the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate.

Mr. HALE. Let that amendment be passed over. The Senator from California [Mr. PERKINS] desires to make a few remarks upon it.

The PRESIDENT pro tempore. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 81, after line 19, to insert:

Additional submarine boats: That the Secretary of the Navy is hereby authorized and required to contract with the Holland Torpedo Boat Company for five of its most improved type of submarine torpedo boats, to be built under the plans and specifications of said company, at a cost not to exceed the price contracted to be paid for the Holland boats now being built for the Navy Department: *Provided*, That no contract shall be made with the said company until one of the Holland boats now being built for the Department shall have been accepted by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 82, after line 6, to insert the following:

SEC. 2. That the Secretary of the Navy is authorized to have tested any completed submarine boat or boats, other than the Holland type, that may be presented to him for trial within six months after the passage of this act, and if he shall find by said tests that any of the said boats, if more than one is presented, shall be equal or superior to the best submarine torpedo boat which shall then be in use in the Navy, he is authorized, in his discretion, to purchase the best one of the said boats at a price not exceeding $170,000.

Mr. HALE. I move to strike out the words "Sec. 2," at the beginning of line 7.

The amendment to the amendment was agreed to.

Mr. HALE. In line 11, after the word "if," I move to insert "one or;" so as to read:

and if he shall find by said tests that any of the said boats, if one or more than one is presented, shall be equal, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. I have a few committee amendments to offer, and then I will get out of the way of the Senator from Kansas [Mr. HARRIS]. On page 4, at the end of line 15, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, after the word "dollars," at the end of line 15, it is proposed to strike out the period, and insert a colon, and the following:

Provided, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergency fund" to civilian employees appointed by the Navy Department for duty in

and serving at naval stations maintained in the island possessions during the fiscal year 1902, and until such time as Congress shall make specific appropriation for the pay of such employees.

The amendment was agreed to.

Mr. HALE. Immediately following that, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Following the amendment just adopted, it is proposed to insert:

The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty in the Philippine, Hawaiian, and Samoan islands, the island of Guam, and the island of Porto Rico, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States, by the most direct route and with due expedition, a per diem compensation corresponding to their pay while actually employed; and in cases where the appointee is not to fill an existing vacancy his pay while traveling may be charged to the annual appropriation of the bureau concerned.

The amendment was agreed to.

Mr. HALE. On page 15, after line 9, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, after line 9, it is proposed to insert the following:

Naval station, Cavite, P. I.: For 1 clerk, $1,400.

The amendment was agreed to.

Mr. HALE. I move to change the total, on page 15, lines 10 and 11, from "$41,006.75" to "$42,406.75."

The amendment was agreed to.

Mr. HALE. On page 31, after the word "dollars," in line 5, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 31, line 5, after the word "dollars," it is proposed to insert:

Reconstructing building No. 19 (to cost $185,000), to continue, $60,000; extension to dispensary building, $1,500.

The amendment was agreed to.

Mr. HALE. I move to change the total of the appropriation in that clause from "$499,000" to "$560,500."

The amendment was agreed to.

Mr. HALE. On page 38, at the end of line 20, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, at the end of line 20, it is proposed to insert:

HARBOR, ISLAND OF GUAM.

Improving harbor of San Luis d'Apra, island of Guam, $150,000, to be expended under the direction of the Secretary of the Navy in the prosecution of the project recommended by him for dredging a channel across the reef near Fort Santa Cruz and removing the top of the coral reef in the outer anchorage.

The amendment was agreed to.

Mr. HALE. I move to change the total appropriation in lines 1 and 2, on page 39, from "$7,649,325" to "$7,799,325."

The amendment was agreed to.

Mr. HALE. On page 39, line 12, before the word "hundred," I move to strike out "one" and insert "two;" so as to make the appropriation $200,000.

The amendment was agreed to.

Mr. HALE. On page 58, after line 23, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 58, after line 23, it is proposed to insert:

Naval station, Cavite, Philippine Islands: One clerk to naval constructor, $1,400; 2 clerks at $1,200 each; in all, $3,800.

The amendment was agreed to.

Mr. HALE. I move to change the total appropriation in that clause from "$25,824.25" to "$29,624.25."

The amendment was agreed to.

Mr. HALE. On page 60, after line 6, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, after line 6, it is proposed to insert:

Contingent, Bureau of Steam Engineering: For contingencies, drawing materials, and instruments for the drafting room, $1,000.

The amendment was agreed to.

Mr. HALE. On page 61, after line 9, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 61, after line 9, it is proposed to insert:

Toward the construction of a building on land owned by the Government at Annapolis, for an experiment station and testing laboratory in the department of marine engineering and naval construction (at a cost not to exceed $250,000), and the complete equipment of the same with all the necessary appliances and apparatus (at a cost not to exceed $150,000), $200,000.

The amendment was agreed to.

Mr. HALE. On page 62, after line 16, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 62, after line 16, it is proposed to insert:

Naval station, Cavite, P. I.: One writer, $1,200.

The amendment was agreed to.

Mr. HALE. In lines 17 and 18, on page 62, I move to change the total from "$17,900" to "$19,100."

The amendment was agreed to.

Mr. HALE. The Senator from New Hampshire [Mr. GALLINGER] has called my attention to an amendment which should be made. On page 64, line 24, after the words "training of," I move to strike out "naval cadets" and insert "midshipmen." That is to correspond with the law.

The amendment was agreed to.

Mr. HALE. On page 65, line 3, after the words "instruction of," I move to strike out "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. I am obliged to the Senator from Kansas [Mr. HARRIS] for deferring to me. The bill is now finished except one amendment, and I give notice that I shall call up the bill tomorrow morning after the routine morning business.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. HARRIS. Mr. President——

Mr. MITCHELL. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cullom,	Heitfeld,	Perkins,
Bacon,	Daniel,	Jones, Ark.	Platt, N. Y.
Bailey,	Dillingham,	Kittredge,	Scott,
Berry,	Dolliver,	McCumber,	Simmons,
Blackburn,	Dubois,	McEnery,	Stewart,
Burnham,	Fairbanks,	McLaurin, S. C.	Teller,
Burton,	Foster, La.	McMillan,	Tillman,
Carmack,	Frye,	Mallory,	Turner,
Clapp,	Gallinger,	Millard,	Vest,
Clark, Mont.	Hale,	Mitchell,	Warren.
Cockrell,	Harris,	Morgan,	
Culberson,	Hawley,	Patterson,	

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Forty-six Senators have responded to the roll call. A quorum is present. The Senator from Kansas will proceed.

Mr. HARRIS. Mr. President, it is just four hundred years since Columbus coasted along the Isthmus from Honduras to Porto Bello, seeking to solve the secret of the straits. Since that time and up to the present day there has been a steady and constant effort on the part of the principal nations of the world and on the part of a great many of the greatest men of the world to solve that same secret. There might be a great deal of inspiration derived from a consideration of the effort, the time, the money, and the labor that has been expended in an endeavor to accomplish this great work.

The Senator from Ohio [Mr. HANNA], very properly, perhaps, tells us that it is not the time now to consider sentiment; that there is no necessity now for looking at anything but actual facts. I want to suggest, however, that in this remarkable period of four hundred years there is one fact that has at all times been prominent, one fact that stands out conspicuously and of such a character, I think, as to deserve the attention of even the veriest Gradgrind of the Senate, and that is, that in all of these explorations, in all of these surveys by scientific men of all sorts, there has never yet been placed upon record an adverse opinion concerning the feasibility and practicability of the Nicaragua route for a ship canal, the route which is embodied in the bill which has come over to us from the House of Representatives.

It is a startling thing, and an unusual thing, I think, that in an engineering work of great magnitude there should be absolutely no differences of opinion until very recently as to the feasibility and the practicability of it. It means a great deal, and I think we should derive some strength and support from that idea.

The Senator from Ohio the other day alluded in terms of high admiration to the great Frenchman, M. de Lesseps. I heartily agree with the Senator in his estimate of the value of the work and of the character of that great man.

The fact that, after the tremendous opposition of Great Britain and other powers, he finally succeeded in bringing to completion, successfully in every respect, the Suez Canal, that saved the voyage

around the Cape of Good Hope, is a monument which will endure forever, and which will very largely, at least, cause the people of the world to forget the unfortunate errors and mistakes he subsequently made. The Senator from Ohio thinks that the Panama route is vastly strengthened because it had the support of this great man. I am glad that the Senator has summoned M. de Lesseps as a witness in this case. It is fortunate for us that he was at one time here and gave his evidence before a committee of the other House of Congress. On March 8, 1880, before the Special Committee on Interoceanic Canals, appointed by the House of Representatives, Count Ferdinand de Lesseps, the projector of the Panama Ship Canal, came before the committee at its request; and I read from the report the following:

The CHAIRMAN. The committee will remember that on Saturday last it conferred upon me the pleasant duty of inviting Count de Lesseps and Mr. Eads to appear before the committee to-day. They are both present. The committee will now have the pleasure of hearing Count de Lesseps.

Then the Count proceeded to give a description of his proposed plan of a ship canal across the Isthmus of Darien. It is not necessary to read more than a paragraph or two, which have reference to the Nicaragua route. Count de Lesseps says:

If it were determined to build a lock canal, and if there could not be a canal between the two oceans except a lock canal, then there was no doubt that the Nicaragua route was the best route.

He stated that the principal objection, or one of the objections, to the Nicaragua route was that it would be necessary first to construct a harbor at Brito, and another objection to it was that it would be impossible by that route to make a sea-level canal. He advocated the possibility of a sea-level canal, raised a company, and had funds subscribed for the purpose of building a sea-level canal.

It is fortunate, too, that we have the evidence of a great American engineer, Captain Eads, who appeared before the same committee on the same day; and, speaking of the Panama route, he made this statement:

Assuming, however, that the engineering difficulties involved in the drainage of the works during construction and those inseparable from the construction of a canal through the sickly bottom lands of the Chagres River, the damming off of its frightful floods, the creation of a new bed for its waters, and the deepening of the old one to constitute a part of the canal, can all be overcome by engineering skill, the question of expense still remains open and undecided, nor can it be fairly answered until the work has been completed. The cost of any work must always depend upon the number and character of the difficulties to be met and overcome, and the difficulties involved in the construction of a tide-level canal (only some of which I have mentioned) are of such a character that it is utterly impossible to fix with any degree of certainty the aggregate cost of the work. True, an estimate may be made, as, indeed, it has been by the engineers employed by M. de Lesseps. They have agreed upon the sum of $168,000,000 as the ultimate cost of the work, exclusive of interest during construction, but experience has shown that such estimates are quite unreliable and are always much below the actual cost.

Mr. President, it is known by everyone that, after the expenditure of $260,000,000, the French project was found to be absolutely impossible, and that it has been entirely abandoned.

I want to read here from another body of distinguished engineers, who were referred to by the Senator from Ohio:

THE NEW PANAMA CANAL COMPANY.

Report to the New Panama Canal Company by the International Commission of Engineers appointed in accordance with article 31 of the by-laws, dated November 16, 1898.

INTRODUCTION.

In accordance with article 31 of the by-laws, the New Panama Canal Company appointed a technical commission of engineers composed as follows:

Messrs. Robaglia, president, general inspector des ponts et chaussées (retired).
Bouvier, secretary, general inspector des ponts et chaussées (retired).
General Abbot, Engineer Corps, United States Army (retired).
Castel, inspector-general of mines (retired).
Daymard, chief engineer of Transatlantic Steamship Company.
Fargue, general inspector des ponts et chaussées (retired).
A. Fteley, chief engineer, Aqueduct Commission, New York.
Fulscher, private counselor to the department of public works of Prussia, formerly technical director of the Kiel Canal.
Hersent, civil engineer.
Hunter, chief engineer of the Manchester Canal Company.
Koch, counselor of public works, director of the Technical Academy of Darmstadt, formerly special member of the imperial commission of the Kiel Canal.
Jules Martin, general inspector des ponts et chaussées (retired).
Skalkowski, formerly director of the bureau of mines in the department of agriculture and estates, Russia.
Sosa, chief engineer of the Republic of Colombia.

That body of engineers comprised a number of distinguished engineers of different nationalities—English, German, American, French, and Italian. This commission of engineers made a report to the company, which reads as follows:

The commission of engineers has held between February 3, 1896, and September 8, 1898, ninety-seven regular sessions and many informal meetings. It has followed, as it were, day by day, the surveys, the works, and the plans of the company.

Several members visited the Isthmus in the spring of 1898. They brought back valuable data and information which confirmed in every important particular the conclusions to which the commission had already been led by its studies in Paris.

They then proceeded to discuss possible solutions in justification of the one adopted.

Principal problems to solve:

The building of a maritime canal across the Isthmus of Panama encounters, from a technical point of view, two main difficulties. These are, on the one hand, the chain of the Cordilleras, which must be crossed by a cut about 110 meters deep (361 feet) if a sea-level canal is contemplated, or by a very considerable cut, but little less than 70 meters deep (230 feet), if a canal with locks is intended. On the other hand, there is the river Chagres, a torrential stream, subject to sudden freshets, of which the canal must necessarily follow the valley for a great portion of its length and against which it must be protected by a proper regulation of the flow in order to insure the safety of navigation.

A third difficulty of a general nature presents itself when a canal with locks is considered: the question of water supply assumes, on account of the extent of the several needs to be provided for, an importance suggested by the fact that the accumulated flow of the Chagres itself and of the other streams on the line of the canal becomes insufficient during a certain portion of the year.

The first two difficulties increase as a lower and lower level of the canal is sought, and acquire their maximum of intensity in the case of a canal without locks.

On the contrary, the third difficulty, which appears only with a canal with locks, becomes greater as the summit level is raised.

The first difficulty, relative to the excavation of the great cut at the summit separating the two watersheds, does not raise any special technical question; it is simply the work to be done by manual labor, which may require more or less time and expenditure, but which, being without any inherent element of impossibility on account of the well-known character of the material, does not require any special study. It is the practical problem of a large excavation to be made within a restricted space.

PRINCIPAL DIFFICULTY ENCOUNTERED BY A CANAL WITHOUT LOCKS.

The second difficulty, due to the presence of the river Chagres upon the same territory as the canal, is, in view of possible consequences, of a more serious order. The rectification of the bed of the river for the purpose of utilizing it for the canal can not be contemplated. The irregularity of the flow and the violence of the large freshets are incompatible with a solution of that kind.

To turn the stream completely from its course and to direct it to the Pacific slope, far from the location selected for the canal, an idea formerly advanced and in part considered, would be a colossal undertaking, requiring an amount of labor which would render it impracticable. It is a solution upon which it does not seem possible to dwell. It therefore becomes necessary to make of the river and of the canal two neighbors, whose character and wants are to be harmonized. This is a solution which seems very difficult when considering a canal without locks. In fact, from whatever point of view it is considered we must acknowledge that it is necessary to prepare parallel to the canal an artificial waterway capable of discharging under occasional flood conditions a very large flow per second, and this even when the waters of a large portion of the watershed have been temporarily stored in a reservoir to be provided.

An artificial bed established at a higher elevation than the canal itself would prove to be not only a work very difficult to execute, but also to be a danger, a permanent menace, to the canal itself.

We can consequently state that the principal obstacle to the execution of a canal without locks results less from the difficulties entailed by the execution of the deep cut at the summit than from those which spring from the proximity of the Chagres in the region to be crossed before reaching that summit. It will not, perhaps, be too much to maintain that herein lies an obstacle insurmountable to a conception of that kind.

We therefore have the decision of the engineers selected by the Panama Canal Company itself as to the absolute impracticability of ever obtaining there a sea-level canal.

It has been suggested as one of the reasons why we should take the Panama route that at some time in the future it might be possible to convert it into a sea-level canal; that at some day we might succeed in paralleling the old canal with the new canal, which would carry the waters of the Chagres, and which would enable ships to pass without lockage from ocean to ocean. This has been abandoned absolutely by the men most interested in solving this problem. It has been pronounced impracticable by many others.

Our own Commission recently made a report, and while not saying it is absolutely impossible, they said that it would involve the expenditure of at least $250,000,000, and would require not less than twenty years, without giving us the slightest hope of ultimate success.

I think the evidence which was given before the committee by Mr. Lyman E. Cooley is of great importance in these matters. Every man in the West knows that Mr. Cooley, as an engineer in connection with canals and dams and waterways, has had a most wonderful and successful experience. He is regarded as a master in all that pertains to that class of engineering, and he gave a very succinct and concise statement of the question as to a sea-level canal at Panama. He said:

Mr. de Lesseps and his coadjutors endeavored to maintain before the public the original sea-level proposition. So they proposed to construct this canal in steps, and cut out a step at a time, and eventually reach a sea-level canal. There was no final plan as to how that should be done further than was covered in the contract with Eiffel for some steel locks.

Let me say in that connection that the United States undertook an investigation of this matter in President Grant's day by the appointment of a commission consisting of Daniel Ammen, Chief of the Bureau of Navigation; General Humphreys, Chief of Engineers, United States Army, and Carlisle Patterson, Chief of the Coast Survey; that these gentlemen reached a conclusion and published that conclusion in 1876, I think, declaring unanimously in favor of the Nicaragua route as the most practicable route.

That has stood as the judgment of the profession on that matter ever since, and it was advocated by our delegates at the conference at Paris, in 1879, I think, where we sent Mr. Menocal and Mr. Ammen and Mr. Johnson; that the English representatives and Russian representatives cooperated, and it was admitted generally that the Nicaragua route was the best route for a high-level canal; and the conference would have so decided, but as the matter progressed De Lesseps came before the conference with the proposition that this must be a sea-level canal, and on this condition the vote was for Panama, with a large number of the foreign delegates not voting. That is the history of the matter. That judgment stood on its merits as the judgment of American engineers until this last report.

Now, the Frenchmen never even claimed that their route was suitable for a high level canal in comparison with Nicaragua until as a later proposition it became necessary to save their bacon by building a lock canal. There were good reasons for the American people entertaining a preference for Nicaragua, because that is the unbroken decision on the matter as the results of all investigations.

The CHAIRMAN. For a great many years.

Mr. COOLEY. Ever since 1876. I personally can see no reason for changing that judgment now.

Mr. President, it is true that we have had a decision from our Commission; we have had three reports from the Commission; and I propose to take them up and to call attention to some points where I think, with all due respect to the Commission, conceding their ability in every way, we may yet venture to differ somewhat from their conclusions.

For fifty years our people have suffered under a nightmare of restraint brought about by diplomatic jugglery and unwarranted selfishness. About five years ago the American people had made up their minds that this was a work of too great magnitude to be intrusted to the hands of private individuals or corporations, and all over the country the sentiment was universal that the Government itself should undertake the construction and control of this world-wide necessity.

Fortunately, we have been enabled to remove the barrier to national action, and by the enactment of the Hay-Pauncefote treaty the hands of the Government are released for this mighty work. The nation was really ready to proceed with this work at that time, but there were powerful interests that feared the competition and interposed every possible obstacle for delay. There were others, of course, who were doubtful as to whether the necessary explorations had been made, and whether any unknown difficulties existed which had to be removed. The two influences combined held back action at a time when it seemed as if the work was about to be begun.

The Nicaragua Canal Commission was organized and authorized to make a thorough exploration of the route via the San Juan River and Lake Nicaragua. This route had been explored, surveyed, and resurveyed time and time again, and the extraordinary fact remains to this day that, notwithstanding the number of surveys and examinations that have been made of this route by governmental as well as corporate representatives, no engineer has ever yet placed upon record an opinion adverse to its feasibility and practicability. After a complete examination again the Nicaragua Canal Commission reported to us that there were no obstacles in the way; that the canal could be constructed within the limit of what was deemed a reasonable expenditure of money. This still was not sufficient, and again the same powerful influences were brought to bear, and the Isthmian Canal Commission was authorized and a million of dollars appropriated in order that it might not only reexamine the Nicaraguan route, but the Panama and all other possible routes.

Over two years of time were consumed by this Commission, and on November 30, 1900, a preliminary report was submitted which, while making estimates on a larger and deeper canal than had ever before been contemplated, still reported that there was absolutely nothing to prevent the construction of a practicable canal ample for all modern purposes along the Nicaraguan route. A year later their final report was submitted, which again repeated the undoubted fact that there was absolutely nothing along the line of the San Juan River, the lake, or the two divisions at the east and west end which offered anything that was unusually difficult or that might not be reasonably and easily overcome. At the same time certain differences were pointed out as to the Panama line.

It was fairly and fully examined, and although it was stated that there were certain physical advantages, such as a shorter canal line, a more complete knowledge of the country through which it passes, and a lower cost of maintenance and operation in favor of the Panama route, yet the price fixed by the Panama Canal Company for the sale of its property and franchises is so unreasonable that its acceptance could not be recommended by the Commission. It was stated in this report that, except for the items of risks and delays, the time required to pass through the canals need be taken into account only as an element in the time required by vessels to make their voyages between terminal ports.

Compared on this basis, the Nicaraguan route is the more advantageous for all transisthmian commerce except that originating or ending on the west coast of South America. For the commerce in which the United States is most interested, that between our Pacific and Atlantic ports, and European and American, the Nicaraguan route is shorter by about one day, and the same advantage exists between our Atlantic ports and the Orient. For our Gulf ports the advantage of the Nicaraguan route is two days.

The Nicaraguan route would be the more favorable one for sailing vessels because of the uncertain winds in the Bay of Panama. A canal by the Panama route will be simply a means of connection between the two oceans. While it has been a highway of commerce for more than three hundred years, and a railroad has been in operation there for nearly fifty years, this has effected industrial changes of but little consequence. The natural features of the country are such that no considerable development is likely to occur as a result of the construction and operation of the canal.

The cost of completing the two canals was given, and a statement was made of the value in completing the canal of the work done by the Panama Canal Company. After this report was made public there seemed to be a panic among the members of the Panama Canal Company, and in great haste a proposition was made finally offering the entire property at the valuation placed upon it by the Commission. Taking up this offer of the Panama Canal Company, the Commission, in January of this year, prepared a supplementary report in which some marked changes occur in the conclusions given as compared with the conclusions in the former report. A close examination will show that many items that were mentioned favorable to the Nicaraguan route are omitted, and that additional arguments in favor of the Panama route are inserted and additional emphasis given to certain advantages possessed by that route.

Now, Mr. President, while I have the highest regard, respect, and esteem for the members of this Commission, there are some extraordinary things, it seems to me, in the figures used by which they arrive at some of these conclusions. I desire very briefly to call the attention of the Senate to these matters. I can not help thinking that the open character of the country and the visibility of the work actually done unduly impressed our Commission, and that the idea of saving some money and getting a bargain was allowed too much to influence their judgment and obscure other matters of vital importance. In the preliminary report, which was made in November, 1900, the valuation of the work of the Panama Canal Company is as follows:

Canal excavation	$21,020,386
Gatuncillo diversion	1,125,000
Railroad diversion (4 miles)	300,000
	22,445,386
Contingencies, 20 per cent	4,489,077
	26,934,463
Panama Railroad stock at par	7,000,000
Aggregate	33,934,463

It was stated there that the value of the French work is greatly reduced by the fact that the spoil banks on the Atlantic maritime section frequently come within the limits of the enlarged canal now estimated for. It is the universal practice in determining the cost of work to be done to add a certain percentage for contingencies, because for safety it is always deemed better to provide a margin for the unforeseen difficulties which may have to be encountered or overcome.

In buying a piece of work to be utilized in a new or greater work the doubtful element is of a different sort. In that case the purchaser, in order to be safe, must necessarily count on certain contingencies that will prevent the application of the old work as fully and completely and with as much value as may be implied by the first estimate. Consequently it would be the part of wisdom and prudent business discretion to deduct a percentage for contingencies, all of which would have a tendency to reduce the value of the work to the purchaser. Instead of that, our Commission, for some reason which has not been satisfactorily explained, although the information was sought in the hearings before the committee, has added 20 per cent to this estimate. This estimate was materially changed in the final report, and the figures there appear as follows:

Canal excavation	$21,020,386
Chagres diversion	176,186
Gatun diversion	1,396,456
Railroad diversion (4 miles)	300,000
	22,895,028
Contingencies, 20 per cent	4,579,005
Aggregate	27,474,033

Of the existing 70,000 shares of the Panama Railroad—

The Commission say—

the canal company will transfer to the United States all but about 1,100 shares.

They say:

These latter are held by a few individuals residing in various parts of the United States and in Europe. As it will not be the policy of the United States to so manage the railroad as to secure a large revenue, it is probable that the holders of these shares will in time find it to their interest to dispose of them at the price fixed by the Commission for the other shares.

So we become a stockholder in the Panama Railroad Company and trust to the future to secure the remainder. But the final estimate is as follows:

Excavation done	$27,474,033
Panama Railroad stock at par	6,886,300
Maps, drawings, and records	2,000,000
Total	36,360,333

That of course includes in it 20 per cent for contingencies which had been previously added, amounting to $4,579,000.

Then by an extraordinary process the Commission proceeds to add 10 per cent more to cover omissions. Three million six hundred and thirty-nine thousand six hundred and sixty-seven dollars is added to the total heretofore given, making a total of $40,000,000. As a matter of course, nearly half a million of the last 10 per cent is the proportionate part of the contingencies which were added to the other. So we pay a half million dollars for a percentage added upon a percentage, to say nothing of the peculiar valuation of the railroad property to which I shall now call attention.

I hope Senators have noticed the map which was laid upon their desks some time ago, giving the location of the Panama Railroad and the Panama Canal. By looking at that map it will be seen that, instead of its becoming a matter which will be of use to us, from opposite the thirteenth milepost on the canal to the thirty-ninth milepost the railroad is to be moved a considerable distance from its present location and is to be rebuilt, absolutely changed in every particular. All the old material, as everyone knows, in reconstructing the new road will be absolutely wasted.

Mr. MITCHELL. How long is that?

Mr. HARRIS. About 30 miles. It is an exceedingly crooked line. It is an exceedingly difficult line undoubtedly, because the original and favorable line is occupied by the present railroad, which will be in the future occupied by the canal. But by looking at the map Senators can see that it is exceedingly crooked, and I estimate that there will be certainly not less than 30 miles of new railroad to be constructed, and consequently that what we pay the Panama people will be a donation and absolutely thrown away.

Certainly, Mr. President, this seems a very remarkable and unusual way to estimate the value of property which is being purchased. It is clearly shown and stated by members of the Commission that the Panama authorities exhibited a complete schedule of properties, naming everything which could possibly be of value, and why there should be $3,632,403 added to cover omissions is inexplicable.

It seems also strange, Mr. President, that $2,000,000 should be allowed for maps, drawings, and records. It is almost impossible to see what value maps, drawings, and records of abandoned and useless plans of a smaller canal, and of a different class of work altogether, could possibly have to us in the completion on the new scale and plans contemplated by our Commission. The Government of the United States has spent several millions of dollars in making explorations, with maps, drawings, and records of various routes. It will undoubtedly have to prepare new maps, new drawings, and new records of any work which may be undertaken. We can not depend safely upon any of the old data, but must begin absolutely from the ground up with the new work.

In considering the railroad valuation I wish to call attention to some other remarkable inconsistencies, as it seems to me. The Nicaragua Canal Commission, after a thorough examination of that route, estimated the cost of a double-track railroad, ample for all purposes as an auxiliary in the canal construction, at $50,000 per mile. The Isthmian Canal Commission, apparently possessed with a superabundance of caution, estimated the same work precisely at $75,000 per mile. Certainly no railroad contractor in the country, and I know by actual conversation with many of them, would fail to say that this was an ample allowance and sufficient to provide for every possible contingency. In estimating the value, however, of the Panama Railroad the Commission nearly doubles this amount, and allows about $140,000 per mile.

Notwithstanding the fact which I have stated that 30 miles of it has to be absolutely abandoned and thrown away, we allow them $140,000 per mile for the entire line and then proceed to construct 30 miles of new railroad, which will cost us not less than $75,000 per mile, because that is the amount which we proposed to allow to the Panama people for the 4 miles of railroad diversion that they have accomplished. It seems to me, Mr. President, that such figures justify us in being somewhat chary of the estimated value placed upon the property.

Now, the fact that the Commission made two reports in favor of the Nicaraguan route, stating expressly that it is because of the unreasonable price asked by the Panama people, shows clearly to my mind that it was simply a financial consideration which they regarded principally; that when the Panama people asked $109,000,000 for their property our Commission regarded it as absolutely out of question, and recommended the Nicaraguan route as the most feasible and practicable. "Feasible" and "practicable," it seems to me, Mr. President, apply more particularly to physical conditions than they do to the financial question.

And yet the Commission seem to have finally brought it down to a consideration of the financial question. At some point between the $40,000,000, at which they value the Panama property, and the $109,000,000, which the Panama people place upon it themselves, there would be a point where our Commission would have said that it was an absolutely even thing. Consequently, if we can show that the valuation of the property which they have given to the French company is excessive, and that in other respects there are to be extraordinary and unusual increases in the estimates which have been made, even the financial question disappears and we come back to the original recommendation of the Commission that the Nicaragua route is the most feasible and practicable and the most desirable for this country to own and control.

There is another very important point in the report of the Commission that I think ought to be called to the attention of the Senate, and I think Senators ought to have it in mind in the consideration of this matter at all times.

In the final report of the Commission, Mr. President, it is stated that there is one important matter which can not enter into its determination (that is, the question between the two routes), but which may in the end control the action of the United States. Reference is made to the disposition of the Governments whose territory is necessary for the construction and operation of an isthmian canal. It must be assumed, says the Commission—mark the words, Mr. President—it must be assumed that Colombia will exercise the same fairness and liberality if the Panama route is determined upon that have been expected of Nicaragua and Costa Rica should the Nicaraguan route be preferred.

Since this report was made we have had the draft of the proposed treaties laid before us, one by the Nicaraguan Government and the other by the representatives of Colombia. It seems to me, when one considers these two treaties, that if the Commission based its recommendation upon the assumption of equal fairness and satisfactory arrangements to be made with the two Governments, certainly this assumption must be found to be absolutely without foundation. The convention proposed by Colombia, it seems to me, could never possibly be accepted as a basis upon which to expend this enormous amount of money, and to involve such tremendous interests. It is lacking in every element of fairness, and hardly seems to have a decent respect for the rights and wishes of this country.

Article III gives the use of the zone of territory along the route of the canal, about 6 miles in width, excluding the cities of Panama and Colon, and the use for canal purposes of certain islands in the Bay of Panama, together with 10 fathoms of water in the Bay of Limon, in extension of the canal; but the same "shall not be construed as being within the zone herein defined, nor governed by the special provisions applicable to the zone." Apparently this means simply the use of a portion of the bay, the rest of the bay and the town of Colon, heretofore stated to be almost entirely the property of the Panama Canal Company and the railroad company, absolutely outside of the control of this country.

What possible complications might ensue it is impossible to say. It is also provided that joint commissions shall be had to control sanitation and the police of the canal zone, and to establish and administer a joint civil and criminal jurisdiction as to contracts and crime, bringing into the management and control of the canal zone and the canal elements of friction and controversy that will be absolutely fatal. As is well said by the distinguished Senator from Alabama, "Nothing could come of such joint authority except unceasing controversy and strife."

Article V seems to imply that entirely separate ports for vessels shall be constructed and maintained at each entrance of the canal within the limits of the zone fixed by this convention, which expressly excludes the Bay of Limon and the greater part of the Bay of Panama. It also provides that the United States will suitably supply the towns of Panama and Colon with necessary aqueducts and drainage works in order to prevent their becoming centers of infection on account of their proximity to the canal. The Government of the United States is authorized to impose and collect equitable water rates, previously agreed upon with the Government of Colombia, during fifty years, for the service rendered; but on the expiration of said term the use of the water shall be free for the inhabitants of Panama and Colon.

Panama is a city of from 20,000 to 30,000 people, situated upon a rocky site, and has not a foot of sewer or water pipe in its limits. There is no suitable water supply to be had except at a very considerable distance. The same thing is true of the town of Colon, where probably water can be had only by extensive pumping works, while from its flat location adequate drainage will be a matter of very serious difficulty. What millions will be necessary to comply with this portion of the treaty we have no means of knowing.

Article VII provides that all damages caused to private land owners by inundation or by the deviation of water courses shall be paid by the United States after the same shall have been ascertained by the joint commission.

Article XXV, which provides for the payment to the Colombian

Government, is still more objectionable and leaves much to be determined in the future. It is as follows:

ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of $250,000, gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States; and in consideration of the increase in the administrative expenses of the department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of $7,000,000 in American gold on the exchange of the ratification of this convention, after its approval by the legislative bodies by both countries, and fourteen years after the date aforesaid a fair and reasonable annuity that shall be agreed upon by the contracting Governments three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia; and also the advanced payment of $7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then before the second year prior to the termination of the periods above referred to the contracting parties shall proceed to constitute a high commission, to be composed of five members, of whom two shall be appointed by Colombia, two by the United States, and the fifth (who shall be the president of such high commission) shall be the president for the time being of the International Peace Tribunal of The Hague, and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects

Article XXV provides, as the compensation to be paid Colombia by the United States, that the sum of $7,000,000 shall be paid on the exchange of the ratification of this convention, "after its approval by the legislative bodies of both countries," and fourteen years after that date a fair and reasonable annuity that shall be agreed upon by the contracting governments three years before the expiration of the above-mentioned term of fourteen years.

It seems to me, Mr. President, that the difficulties suggested so briefly are absolutely insuperable, and that the assumption on the part of the Isthmian Canal Commission that we would obtain the same fairness from the Government of Colombia that we have a right to expect from Costa Rica and Nicaragua absolutely falls to pieces. With Nicaragua we have a treaty which specifically provides for a definite amount. It gives us in perpetuity, on the payment of $6,000,000, the use of an adequate canal zone, 10 miles wide during the period of construction, and 6 miles wide after the canal shall have been completed.

There are no towns along the line of the route. It provides that we shall pay them a mere nominal sum of $25,000 a year as a recognition of their sovereign rights. That is in perpetuity. It does not leave anything for the future consideration of joint commissions. It does not leave anything to delay, which is so difficult to forecast in negotiating on matters involving enormous amounts with the people of the South American countries.

Unfortunately, Mr. President, Colombia is to-day in the throes of a revolution. Her Congress, I believe, has not been in session for several years. This is the reason given for the dispute as to the validity of the last extension of the Panama Canal concession, dated April 26, 1900. When at some indefinite time in the future a congress of Colombia meets to say again what view they will take with regard to the rights of the Panama Canal Company, is it not fair to assume that they will take the position that the rights of this company have been absolutely forfeited and that the only valid title to be had must be obtained from the Colombian Government and its Congress? Even if that question is not raised—tempted by the $40,000,000—then we have the question, at an indefinite time in the future, of the approval of the proposed convention.

In the meantime we are supposed to have paid the forty millions to the Panama Company, and no further action can be taken until, as stated in Article XXV, this convention has been approved by the legislative bodies of both countries. I can not imagine, Mr. President, that this convention will ever be approved by the Congress of the United States, to say nothing of the Congress of Colombia. This is but one of the many features of doubt and uncertainty involved in the diplomatic and legal difficulties surrounding the French company in every direction. I shall not allude to the possibilities growing out of the equities of the stock and bond holders of the old Panama Canal Company. Some of our ablest and best lawyers are positive in the opinion that we will ultimately be held responsible to these individuals who have suffered so tremendously. Other Senators will treat of these matters, and I shall pass on to the consideration of some of the physical features of the two propositions.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. HARRIS. Certainly.

Mr. TILLMAN. The Senator seems to have given this matter great study. I confess that I have been so busy with other things here that I have given it very little. I should like to ask the Senator one question.

Mr. HARRIS. Certainly.

Mr. TILLMAN. What is the status or what will be the condition on the Nicaragua route in regard to private lands? Does the concession from the Government there carry with it any right to enter upon private property and use it for this canal, or are we to be subjected to the claims of the private owners, who will have the conditions there favorable to mulct us indefinitely, or to rob us, so to speak, in getting a great amount of money for the use of the land on which to build the canal and excavate the earth? In other words, have not some Americans gone down there already, looking forward to this as the only route, and fixed up a whole lot of schemes by which the United States will have to pay millions and millions of dollars for the right of way? I just want to get at that view.

Mr. HARRIS. As I understand it, the treaty with Nicaragua provides for condemnation proceedings where private rights are involved.

Mr. TILLMAN. What court will take the matter in hand? The people of that country alone?

Mr. HARRIS. I will endeavor to find the clause which relates to that. Article V of the treaty with Nicaragua says:

When the canal district is established the Government of the United States will furnish the Government of Nicaragua with a map showing the limits thereof, as established by this convention; and thereupon the right of entry, occupation, possession, use, and control of all the lands and waters of Nicaragua comprised in such district shall be considered as granted by a lease in perpetuity to the United States for the purpose of the canal.

Areas of land and water so comprised that form part of the public domain of Nicaragua shall pass into the possession, use, and control of the United States without any cost or charges. If any areas of land or water so taken, or any right, title, estate, use, or interest therein are claimed at the date of this convention as the property, legal or equitable, of private persons or corporations, the United States may acquire such rights, titles, estates, use, or interests by purchase from the owners, or, failing in that, may proceed to condemn them as stated further on in this convention.

For the purpose of fixing the compensation to be paid by the United States in the condemnation proceedings contemplated in Articles III and V, a mixed commission of four jurists of repute, two to be appointed by each of the contracting parties, shall assess and award the damages to be paid by the United States. The procedure and regulations to be observed by said commission for the taking of evidence, and in the trial of cases to condemn and award damages, shall be in accordance with the laws of Nicaragua not in conflict with this convention. The damages awarded shall be compensatory only and fixed without reference to appreciation of values by the contemplated or actual construction of the canal.

In case of disagreement of the commission on the amount of damages to be awarded in any case, an umpire shall be appointed by the two Governments who shall render the decision, and in case the Governments do not agree in the appointment, this umpire shall be selected by lots from four candidates, two presented by each party. In the event of death, absence, or incapacity of any such commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated.

All decisions by a majority of the commission or by the umpire shall be final.

Mr. TILLMAN. If I did not fail to catch it, I think there are words read by the Senator in regard to the date of this convention.

Mr. HARRIS. The date?

Mr. TILLMAN. Please go back to the sentence about lands owned by private parties at the date of this convention. What I am after is to find out whether the private property rights which are to be condemned or bought by us are those in existence when that treaty was made or whether there has been a chance for speculators to go in there since and fix up a job by which we are to get the property that belonged to the Nicaraguan Government at that time, but which has since passed out of its hands.

Mr. HARRIS. I do not see exactly what the Senator alludes to.

Mr. TILLMAN. It is along toward the beginning, something about the date of condemnatory proceedings.

Mr. HARRIS. The first two lines read:

When the canal district is established the Government of the United States will furnish the Government of Nicaragua with a map showing the limits thereof.

I presume that upon the filing of that map all the rights of the Government will accrue.

Mr. TILLMAN. I know; but it speaks there of private rights which will exist or which existed then in donating to us this public domain. What I am after is to find out if there is any public domain left or whether somebody has not already bought it to saddle on us the whole thing.

Mr. HARRIS. From all the information the committee has been able to get, the Government has very large and extensive possessions there. I understand that there has been some land acquired along the right of way on the western division, between the lake and Brito.

Mr. TILLMAN. Since that convention or before?

Mr. HARRIS. No; years ago.

Mr. TILLMAN. Everybody is willing, I presume, to pay for land which was owned bona fide away back yonder, but because we are going to build a canal we do not want this land to become valuable by reason of that fact so that we shall have to pay $50, $100, or $200 an acre for land that is not now worth 20 cents.

Mr. HARRIS. I presume there might be an interval between the passage of this act, for instance, and the filing of the map or the taking of the necessary steps when some such speculative proceedings might be possible. That would be the case anywhere and everywhere, and I do not know how they could be foreclosed or prevented.

Mr. TILLMAN. Will the Senator allow me to have his copy of the treaty? I will not interrupt him any further, and I will examine it myself.

Mr. CULBERSON. Mr. President, I should like to ask the Senator from Kansas if he is able to state how much approximately it would cost the Government for the right of way in addition to the $6,000,000 to which he has referred?

Mr. HARRIS. How much will have to be paid for private rights?

Mr. CULBERSON. Yes; that is the effect of the question.

Mr. HARRIS. I have not the information, Mr. President. I do not know that any estimate has ever been given. There are supposed to be some private rights on different portions of the line, but I have never seen any estimate made of them, nor do I know of any data which we have on that subject.

Mr. TILLMAN. This is a proposed treaty instead of an actual treaty, is it not? I had supposed that it was an agreement already entered into by which we were protected against private parties.

Mr. HARRIS. It is a proposed treaty.

Mr. TILLMAN. It seems the language is phrased exactly for the purpose I have just outlined, of having the whole right of way seized on by some private parties for speculative purposes in collusion with the present Government of Nicaragua, so that when we go down there nobody knows how many millions we will have to pay for it.

Mr. HARRIS. I do not think there is any question but that the 20 per cent contingency fund which is added to the estimate for the canal would be ample to cover any such case as the Senator suggests; but, as a matter of course, I do not know what the private interests might possibly amount to on either route.

Mr. TILLMAN. I will read to the Senator what I had allusion to a moment ago, supposing it was a treaty already in existence.

Areas of land and water so comprised that form part of the public domain of Nicaragua shall pass into the possession, use, and control of the United States without any cost or charges. If any areas of land or water so taken, or any right, title, estate, use, or interest therein are claimed at the date of this convention as the property, legal or equitable, of private persons or corporations, etc.

"If," at the time we sign this, these titles or these claims to these lands are made or set up. You see the wide door we open for persons to wait here until it is apparent that the Nicaragua route is going to be selected, and immediately the telegraph will be set in motion and the claims will assume shape and form before this treaty is signed, if they do not already exist, and we will be laying a foundation in this very treaty for an enormous steal, I would call it, by which the Government of the United States will be mulcted in millions to get the right of way.

Mr. HARRIS. I will simply say that this is a proposed treaty or convention. The bill we are now considering provides practically that the President shall sign it as soon as he is authorized by the passage of the bill. Now, the moment the bill passes the President will be authorized to have it signed and executed. The time will be very short between the passage of the bill and the execution of this treaty; whereas in the case of the convention with Colombia it has to be submitted for the legislative approval of the Congress of Colombia. I think that is a very marked difference between the two measures.

Mr. TILLMAN. I hope the Senator will understand me as not combating his apparent contention that the Nicaragua route is the best, because I am absolutely ignorant of the whole subject except the general information I have obtained through the newspapers, and I am trying to get light. I imagine that if we get either of these routes passed through Congress and the canal ordered we may reasonably expect that there will be an effort made by somebody to reach in and be benefited; that private parties or corporations will seize on such opportunities as will present themselves to bring in claims for damages on the right of way, or something which will undoubtedly take millions out of the Treasury of the United States. I am only trying to get at, first, the best route, the most practicable and feasible one to maintain after it is built; secondly, the cheapest route; and, lastly, the one that will have the least jobbery in it.

Mr. HARRIS. I agree with the Senator exactly, but I think the Senator will admit that in no case of a contemplated work is it possible to absolutely prevent or foreclose some of the possibilities which he suggests. There must be an interval of time between the formation and the execution of the necessary treaties and conventions, so that it is impossible to preclude and prevent any such action by private parties. I think this treaty has all the elements in it of fairness, and if it is promptly ratified, as it must be, by the executive officers of the two Governments, there is no reason to apprehend any wide door for any of the entering in and plundering the Senator indicates.

Mr. MORGAN. If the Senator will allow me, I should like to remind him that this treaty, if signed at all, will relate back to December, 1900, to an agreement made between Nicaragua and the United States, and between Costa Rica and the United States, on the same terms, which will be ratified if this bill is passed, and that agreement would necessarily prohibit either Costa Rica or Nicaragua from making any disposal of property to private rights whatever. So the case is perfectly secure against any such opportunity.

Mr. TILLMAN. If the Senator from Kansas will allow me, do I understand the Senator from Alabama to inform the Senate that the alienation by the Nicaraguan Government of its public domain (and that is the only question I am concerned in here) could not be made subsequent to December, 1900?

Mr. MORGAN. It could not.

Mr. TILLMAN. And therefore we are guarded, as far as we can be guarded, against any jobbery on the part of anyone in Nicaragua who might be connected with the Government alienating the public domain which existed at the time you speak of, December, 1900?

Mr. MORGAN. It is absolutely guarded, without any equivocation or doubt.

Mr. TILLMAN. It is in a little better shape than I had hoped.

Mr. HARRIS. There was a protocol executed at that time which certainly, it seems to me, might be fairly construed to bind the Nicaraguan Government.

Mr. President, it seems to me that in the consideration of the physical features of this question the first in importance of all considerations is certainty of success. Not only after tiresome extensions of time and enormous increased expense, with possibly shocking and exasperating loss of life, but success in a reasonable time, with expenses bearing some reasonable proportion to the estimate, and with considerations of humanity in the matter of life and health.

Second in importance is the shortening of distance in the total voyage. Desirable as it may be to have as short as possible the line between the two oceans, the primary object of the project is the shortening of distance between ports, and it must not be omitted or lightly considered in the choice of routes. A little more in the cost of operation or construction even is easily overbalanced in the profit in the saving of time to each vessel. I desire here to call attention to what is said by some of the able and thoroughly competent men who testified before the committee.

Mr. Haupt, an engineer of eminence and great success, one of the Commission, testifying before the committee in regard to this matter, makes the following statement.

Mr. FAIRBANKS. On what page?

Mr. HARRIS. On page 518, part 2.

Mr. HAUPT. Yes. As the question before this committee is largely one of the selection of two routes, I beg leave to say that while conceding to the wishes of the majority and signing a report in order to make it unanimous, and so, if possible, to secure legislation at this session, I still feel, and did then, that there were certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route which gave it a decided preference over the Panama route.

In this, of course, I do not consider the cost of the concessions nor especially the cost of constructing the canal, but I think the others are of so preponderating weight as to overbalance any differences in the latter two items. The economic advantage is, a priori, the most important factor in the operation and utility of an interoceanic waterway, and that is briefly summed up in the report of the Commission by the statement that the Nicaragua Canal possesses an advantage between home ports of one day for all northbound commerce—that is, whether it be of European or American origin, or whether it has its destination in the Orient or North Pacific ports—and for all Gulf ports it would save about two days.

I have made an estimate of that saving based upon the average cost of moving vessels of about 3,000 tons capacity, which I have figured at about $250 a day. Some of these vessels have cost as high as $1,000 a day to operate and maintain, and some of them as low as $100 a day, but taking it at that average and estimating on a basis of 10,000,000 tons, of which, say, 75 per cent is north bound, the economy on that basis would amount to about $650,000 a year on steam alone. But as a large percentage would be carried by sail if this route be opened, the economy would probably be 50 per cent more, or about $1,000,000.

On page 520 he states:

Mr. HAUPT. Certainly, between the two termini, that is the measure of the advantage and utility of the canal. It does not make any difference whether one is very much shorter from sea to sea or not, and on that point, speaking from the physical standpoint, I would say that the Panama route, for the bulk of the commerce, at least 75 per cent of it being north bound and between northern termini, that the Panama route is directly away from the path of commerce or nearly at right angles to it, running from northwest

to southeast, going south, so that every mile of that canal is a detour from the direct line of traffic, and that is a violation of a sound engineering and economic principle, while every mile on the Nicaragua route is in the line of or as near the line of traffic as it is possible to place it, so that the difference in the length of the route which is urged as an objection to the Nicaragua route is in reality no objection whatever.

Mr. TILLMAN. I do not want to interrupt the Senator unduly, but if he is not pursuing any regular order I should like to make an inquiry of him.

Mr. HARRIS. I should like to proceed on this point, and then I will yield to the Senator.

Mr. TILLMAN. All right.

Mr. HARRIS. The committee also had a letter from Mr. Edward P. North, a civil engineer of very great experience, with regard to this question of economy. On page 26 of Senate Document No. 303 he makes a statement as to the saving in distance by the Nicaragua Canal owing to its greater proximity to all Northern ports:

And to-day any doubts that an isthmian canal, if of sufficient capacity, will at the end of twenty years from its completion carry as much domestic traffic as the Soo, or say 30,000,000 tons of freight, or that the development on our Pacific coast will not be greater at the end of that period than the development of the country served by the traffic on the Great Lakes has been in the last twenty years, does not seem to have over 1 per cent of probability to back it.

Considering the two routes proposed—Nicaragua and Panama—it will be immediately seen that while the Nicaragua route is better for both the Atlantic, Gulf, and Pacific coasts, the Panama route discriminates against the Gulf coast. This is unfortunate for the whole country, as the productive industries are less developed in the Mississippi Valley than along and near the Atlantic coast, and it is desirable that there should be a substantially equal development in all parts of our country. The disadvantages of a high cost of transportation, whether due to greater distances or an artificial cause, are equal, but a relative disadvantage arising from distances can not be overcome; that is persistent.

Referring again to the testimony given before you, CONGRESSIONAL RECORD of February 6, the distances in miles are as follows:

	New York.	New Orleans.
To San Francisco via—		
Nicaragua	4,922	4,119
Panama	5,299	4,689
To Shanghai, via Honolulu, via—		
Nicaragua	10,752	9,949
Panama	11,007	10,406

Taking, as above, the sea freights at one-half mill per ton mile, we will have for freight charges:

	Via Nicaragua.	Via Panama.	Saving in freight charges via Nicaragua.
			Cents.
San Francisco to New York	$2.46	$2.65	19
San Francisco to New Orleans	2.03	2.35	28
Shanghai to New York	5.38	5.50	12
Shanghai to New Orleans	4.97	5.20	23

I assume that, as the center of population is now about as near the Gulf as to the Atlantic, the domestic freightage to and from the Gulf ports will equal that to and from the Atlantic ports, and that the same will be true as to freights with the Pacific islands, China, etc. Also, from the increased wealth due to lower tolls and freight charges, the traffic of these regions will at least double in the next twenty years, giving our isthmian canal 8,000,000 tons between our eastern and the Pacific islands and foreign ports, without reference to any diminution or increase of the Suez traffic.

On this basis, allowing 30,000,000 tons domestic, one-half to New York and one-half to New Orleans, and 8,000,000 foreign freight, divided as above, you will see that the commerce and industries of the Atlantic and Gulf ports, taking New York and New Orleans as typical of both, would be handicapped by the adoption of the Panama route, as follows:

New York:		
15,000,000 tons domestic, at 19 cents	$2,840,000	
4,000,000 tons foreign, at 12 cents	480,000	
		$3,320,000
New Orleans:		
15,000,000 tons domestic, at 29 cents	4,350,000	
4,000,000 tons foreign, at 25 cents	920,000	
		5,270,000
Total handicap per annum		8,590,000

The discrimination against the Mississippi Valley by the Panama route is more than one-half greater than against New York.

In addition to this the adoption of the Panama route would call for an extra freight charge of 37 cents against all commerce passing between our Pacific coast and Europe, San Francisco and Liverpool being taken as type ports, and all of these discriminations must reduce the profits of production and consumption on the Pacific coast.

On the other hand, taking Guayaquil as the type of the trade of western South America, the Panama route would give New York an advantage of 19 and New Orleans 9 cents per ton over the Nicaragua route. But British Columbian ports will probably give the proposed canal more traffic than that part of the west coast of South America which does not find its market by the Magellan Strait. The country tributary to the Pacific is narrow and arid, without resources capable of large development. The natural outlet of the rich mineral regions in the Andes is down the Amazon, and this outlet will be developed with increasing wealth.

These strictly commercial considerations probably justify the United States in building the Nicaragua Canal if the Panama Canal could be completed and given to this country.

Now I will hear the Senator from South Carolina.

Mr. TILLMAN. I note that Article XI of this proposed treaty between the United States and Nicaragua has a queer provision, which I will read to the Senator:

ARTICLE XI.

Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

In other words, Nicaragua notifies us that she is perfectly willing to let us pay any claims of our own people that we see fit. She denies that there are any just claims, but still she graciously permits us to settle with our own people if we see proper. Can the Senator explain that?

Mr. HARRIS. I think that is a perfectly natural position for Nicaragua to take.

Mr. TILLMAN. Why should citizens of the United States have any claims there at all, unless they are speculative claims obtained for the very purpose I have just mentioned, of having this Government pay an immense sum of money for something that has no value, unless this Congress enacts this legislation? In other words, why should any Americans have gone to Nicaragua and obtained of the Nicaragua Government title or claims to certain lands unless for the purpose of having the United States make those claims valuable?

Mr. HARRIS. No, Mr. President, it is not necessary to assume that. It is a fact perfectly well known to all Senators that a corporation organized in this country, called the Maritime Canal Company, did expend a considerable amount of money in Nicaragua, and did go down there and make an effort to build a canal, and failed. The Nicaraguan Government has declared that all their rights and concessions are forfeited. That company may possibly have some private rights; they may possibly own some land; they may possibly own some buildings. Nicaragua by that provision of the treaty practically says to us that we shall settle with those people for whatever we consider necessary to take in the construction of the canal. That seems to me to be a most natural position. The Maritime Canal Company has time and again through their president and through their representatives told Congress, through its committee, that they did not desire to interpose any obstacle or any objection; that they did not desire to set up any claim.

A great deal has been said about—and I believe the minority report of the Interoceanic Canal Committee lays a great deal of stress upon it—probable claims that may be brought forward by the Maritime Canal Company.

Mr. MITCHELL. The officers of that company have disclaimed any intention of doing any such thing.

Mr. HARRIS. The officers of that company have time and again disclaimed any such intention. It is possible, however, that the officers of the company may not be able forever to control all the interests of the company. Nicaragua simply says that that is a proposition that we must settle with our own citizens.

Mr. TILLMAN. Mr. President, I do not think that any one of us need be very much concerned about the claims of the Maritime Canal Company. Those are vested claims or rights, whatever they may be, that we, in justice and in honor, must dispose of upon any equitable basis that may be determined by disinterested parties. I am concerned, however, about the probability, and almost the certainty, of some scheme of alienation of the public domain, by which parties who are speculating in this thing, will go there, or have already gone there, and have gotten such a title, or putative title, that as soon as this bill, if we shall adopt the Nicaragua route, passes and becomes a law these claimants will materialize and spring up in our pathway, with their hands reached out, so to speak, toward the Treasury, saying, "Stand and deliver." That is what I am speaking about. I am not concerned about the Maritime Canal Company at all.

Mr. HARRIS. The treaties and protocols which were made last year with Costa Rica and Nicaragua are within the Senator's reach. I do not know that I can say anything which will prevent him from having some fears of possible jobbery of that kind. This question has to be treated, I think, guarding it in every possible way against everything of that kind. I am not addressing myself particularly now, except in the way of a general comparison or contrast of the convention with Colombia and that with Nicaragua.

Mr. TILLMAN. If the Senator will pardon me—I do not want to interrupt him too much—I have here House of Representatives Document No. 611, containing a communication from the Secretary of State to the Colombian minister. There is some language in it which puts a rather new phase on the question of this proposed treaty of ours. I will read it to the Senator:

I have not yet received a definite proposition from the Government of Costa Rica, but am informed by the Costa Rican minister that his Government is ready to enter into satisfactory arrangement with that of the United States on the basis of the protocol of December 1, 1900; but that, as set forth in the recent message of President Iglesias, an extract from which I inclose,

it will be necessary that the Government of Costa Rica should, before entering into positive negotiations with that of the United States of America, adopt a constitutional amendment authorizing the necessary concessions for the construction of an interoceanic canal, or to have the matter referred to public opinion in some other way by calling a constituent assembly for the purpose. I am assured by the Costa Rican Government that these steps will be taken as soon as the Congress of the United States shall decide the question of the route of the canal.

In other words, it would appear that our foundation for commencing this work is a little questionable as to whether everything has gone on in an entirely satisfactory manner. We have not got the negotiations with Costa Rica in such shape that we can go forward treading on firm ground; but we are subjected to a possibility, or a necessity on the first hand, of a constitutional amendment or some other reference to the people of Costa Rica by a vote before they can give us this concession.

Therefore, if we pass this bill and authorize the construction of this canal upon this route, we will then be subject to the whims or the greed or whatever other motive might influence the Costa Rican Government or the Costa Rican people in dealing with us. In other words, we can not get an absolute and clean title or concession that would leave us to go forward without the very danger I have spoken of from Nicaragua.

Mr. HARRIS. Does the Senator ask me to explain that?

Mr. TILLMAN. I do not want the Senator to explain it unless he sees fit to do so. I am only making known my own doubts and ignorance; that is all.

Mr. HARRIS. I will simply say, Mr. President, that the statement which we have from the Costa Rican authorities is that for a perfect completion of this matter it will require some further action on the part of the people of that country. They have pledged themselves, as I understand it, and as indicated there, to do that. President Iglesias was here a few years ago, and assured us that his people were willing and anxious to do everything they possibly could.

It may be said in regard to the attitude of Costa Rica that she has a comparatively small interest in this matter; that her territory simply touches for a few miles on the line of the canal. We touch the San Juan River at a point some 3 or 4 miles above the mouth of the San Carlos. The Costa Rican territory abuts upon the San Juan River up to within 3 miles of the lake. There it leaves the river and skirts around the southern end of Lake Nicaragua. So the rights we have to obtain from Costa Rica are comparatively small, though, of course, necessary; but every assurance has been made that there will be no difficulty in that direction.

Now, Mr. President, I want to read what Mr. Lyman E. Cooley has said with regard to the question of saving in transportation rates. Here is a letter written by Mr. Cooley, dated March 21, 1902, in response to a letter from the Senator from Alabama [Mr. MORGAN]:

21 QUINCY STREET, CHICAGO, ILL., *March 21, 1902.*

DEAR SENATOR: I have given your inquiry of the 16th instant such attention as I could, and inclose herewith an approximate estimate of the cost of operating a steamship of 5,000 tons, net register, with a speed of 10 knots, on a sea route of 4,800 sea miles, and the saving to be effected by shortening the route by 600 miles. I have added some other comparisons and supplemented the same by some data from actual practice.

You will note that the saving is estimated at between 28 and 32 cents per cargo ton, or at between 33⅓ and 38 cents per registered ton.

You will also note that for all lengths of route and classes of ship the saving is estimated at 20 to 30 cents per cargo ton and a probable average of 25 cents, or 24 to 36 cents per registered ton and a probable average of 30 cents. This is 30 per cent of canal tolls taken at $1 per registered ton.

You will note further that the data of actual practice is in harmony with the steamship performance as made up in detail.

I call attention to my testimony before your committee on February 24, pages 37, 38. The rate is there given at one-third mill on long routes and the saving in distance as equivalent to 500 miles, in round numbers. This rate is to be regarded as a minimum rather than an average. The saving in length of route as given by the United States Coast and Geodetic Survey is 624 miles by Nicaragua over Panama. I also stated that the Nicaragua route treated as a high-level proposition need not involve over two hours more of lost time or detention than Panama. (See pp. 13, 36-37 of testimony.) So a saving of 600 miles can be practically realized by the best treatment of the Nicaragua route for all boats using the Yucatan Passage in the North Pacific trade.

The third consideration in importance, Mr. President, it seems to me, is that all kinds and classes of vessels must find it an attractive and advantageous route. Gentlemen who, for various reasons, have been connected with steamships are very positive in asserting that the day of the sailing vessel has entirely disappeared. This, it seems to me, can not be assumed to be true. While undoubtedly there has been a vast advance in the building of steamships, still, as the cheapest class of transportation known, sailing vessels will continue for many years to do a large share of our coasting trade; and also, with certain classes of freight, a large of the part of our foreign trade as well as of the rest of the world. It is conceded that so far as the Panama plan is concerned it is absolutely prohibitory and excludes all classes of sailing vessels.

I have here, Mr. President, from the Hydrographic Office a chart showing the route and distance to be sailed by sailing vessels both from Brito and Panama for all north point traffic. In going to San Francisco vessels have to sail far to the southwest from Panama through the variable and light airs of the region of the doldrums, south of the equator, making the distance, from January to May, 5,390 miles; from June to December, 5,000 miles. In coming from San Francisco to Panama, from June to November, the distance is 4,630 miles, and from December to May, 3,460 miles; whereas the distance to be sailed to Brito from San Francisco, from December to May, is 2,860 miles, and from January to June, 2,940 miles, while going to San Francisco at all seasons the distance is 4,120 miles.

I desire to insert as a part of my remarks an extract from the Shipping Industry of the United States, prepared by O. P. Austin, Chief of the Bureau of Statistics, without reading.

The extract referred to is as follows:

REVIVAL OF THE SAILING SHIP.

It is by no means certain that the bulk of the heavier freight of the future will not be carried in sailing ships. As the great centers of industry become more definitely localized and the visible supplies of the materials of industry and the quantities for consumption, such as cereals and provisions, can be more definitely ascertained in advance, it is quite possible that we will be more ready to substitute the less expensive and slower method of sail power for the mose expensive but quicker method of steam propulsion, especially in the case of lumber, grain, provisions, cotton, and mineral oils.

All that is needed is the development of the facilities for the maintenance of a visible supply of these commodities in quantities sufficient to last a few months and to keep ahead of the rate of consumption to that extent—a thing that could be done without any extra cost to the consumer and without any apparent disadvantage to the producer or distributor. In fact, the reduction in the cost of distribution by the substitution of sail for steam would inure to the advantage of both producer and consumer.

The building of sailing ships has never been prosecuted with more success than in the United States. Our "clippers," prior to the civil war, caused the British no little uneasiness. The marine world bought hundreds of our sailing craft year by year, such was the prestige of the American sailing ship prior to 1860. The revival of faith in the sailing ship in the United States, especially in New England, is a promising sign of the beginning of a new era in this part of our constructive history. The large schooner seems to be the coming type of this form of craft. Many of them have been constructed in recent years, and their progress in number and size is proof of their commercial suitability.

The *George W. Wells*, a vessel built of wood and launched at Bean's shipyard at Camden, Me., last August, is 345 feet long on top, 48 feet 6 inches clear beam, and 23 feet deep. Her 6 masts are of Oregon pine, 119 feet long, and carry 12,000 square yards of the heavier sail. The materials of construction included 550 tons of white oak lumber, 1,000,000 feet of hard pine, about 100,000 feet of white-pine deck plank, and several hundred tons of iron and copper bolts. Not only does the *Wells* carry the cargo of a steam-propelled vessel of large dimensions, but she also transports it from port to port with a speed that would be a credit to many a steamship now trading on the Atlantic.

Take her maiden passage from Philadelphia to Habana as an instance. Laden with the largest cargo of coal ever taken into the Cuban capital, she sailed from the Pennsylvania city on the 14th of November, and, allowing a day for the clearing of the Breakwater, headed south, reaching her destination on the 21st, practically making the ocean voyage in the remarkable time of six days, a distance in excess of a thousand miles. Returning from Habana, the *Wells* touched at Brunswick and took aboard a cargo of 460,000 yellow-pine railroad ties for the Erie railroad. Thus laden, she once more set sail and headed for New York. When she arrived off Sandy Hook she had consumed three days and twenty-four hours in making the run from port to port.

When it is remembered that a coastwise steamship consumes generally three days in making the passage, the splendid sailing qualities of the big schooner can be appreciated.

At Bath a similar six-masted schooner was launched in October, 1900. One of the largest steel sailing ships ever built in the United States was the *Edward Sewell*, launched in October, 1899. It was a double-deck ship of 355 feet in length, a beam of 45 feet, 28 feet in depth, and with a 23-foot draft.

The tenacity with which the demands for sailing vessels has been maintained is illustrated by the following table. Recently the older practice of towing barges on lakes and in coastwise trade has lost some ground in favor of the sailing ship that can take care of itself in bad weather.

Gross tonnage of sailing and steam vessels built in the United States from 1870 to 1900.

[From Report United States Commissioner of Navigation.]

Year ending—	Sailing vessels.		Steam vessels.	
	Number.	Gross tons.	Number.	Gross tons.
June 30, 1870	816	146,340	290	70,621
1871	756	97,176	302	87,842
1872	645	76,291	292	62,210
1873	804	144,629	402	88,010
1874	961	216,316	404	101,930
1875	798	206,884	323	62,460
1876	698	118,672	338	69,252
1877	581	106,331	295	47,514
1878	532	106,066	334	81,860
1879	468	66,867	335	86,361
1880	460	59,057	343	78,853
1881	493	81,209	444	118,070
1882	666	118,798	502	121,843
1883	721	137,046	430	107,220
1884	706	120,621	410	91,328
1885	533	65,362	338	84,332
1886	405	41,237	240	44,467
1887	447	34,633	299	100,074
1888	423	48,590	430	142,006
1889	489	50,570	440	159,318
1890	505	102,873	410	159,045
1891	733	144,290	488	185,037
1892	846	83,217	438	92,531
1893	493	49,348	380	134,308
1894	477	37,827	293	83,720
1895	397	34,900	248	69,754
1896	369	65,236	286	138,023
1897	338	64,308	288	106,153
1898	359	34,416	394	105,838
1899	420	98,073	439	151,058
1900	504	116,460	422	202,523

It is possible, too, that the sailing vessel will be the feature of the merchant marine of the smaller nations as compared with the great national powers. The powers have to have speed in their warships to police the ocean and to guard their coasts. For that reason, among others, the steamship's rate of speed will be pushed to the limit of economical operation determined by the cost of fuel consumed, by the weight of fuel and machinery, and by space occupied by them.

This line of development will be worked out in the construction of the express type of passenger ships. Modern travel will follow this trend of construction, which insists on speed as the test of superiority in navigation. This is the direction the business of shipbuilding has been given in the German policy, where the naval and the mercantile developments are completely complemental parts of the same policy—the attainment of a first rank as a maritime power.

The other line of development, in which the militant or naval is subordinated to that of commercial policy, is illustrated in the case of Denmark. The mercantile marine of Denmark is comprised of 3,844 vessels of over 4 tons register, aggregating 423,549 registered tons. Of this total 3,305 were sailing vessels, measuring 165,308 tons, and 539 steamers of 258,241 tons. Even the larger nations have a considerable proportion of sailing tonnage to-day.

Comparison of steam and sailing tonnage, 1898.

Countries.	Steam.	Sail.	Total tonnage.
Austria-Hungary [a]	181,929	49,501	231,430
Belgium	89,237	1,734	90,971
Holland	213,913	88,311	302,224
Germany	1,038,391	601,161	1,639,552
Norway	437,570	1,120,808	1,558,378
Sweden [a]	234,636	289,490	524,126
Italy [a]	259,817	526,827	786,644
Japan	477,430	170,894	648,324
France	485,615	414,673	900,288
United Kingdom	6,613,917	2,387,943	9,001,860
Russia	299,725	254,416	554,141

[a] For 1898, from Progress of British Shipping for 1899.

A comparison of sail tonnage with total tonnage shows that Austria-Hungary has a sail tonnage amounting to 21 per cent of the total, Holland 29 per cent, Germany 36 per cent, Norway 72 per cent, Italy 67 per cent, France 47 per cent, the United Kingdom 26 per cent, and Russia 45 per cent.

Mr. HARRIS. I also wish to refer to the testimony of Mr. Harvey, who is a distinguished engineer, who has had great experience in this matter of canal traffic. I wish to say that Mr. Harvey's engineering experience is as follows:

My engineering connection with the national canal around the Falls of St. Marys River, at the outlet of Lake Superior, dates from its earliest utilization as a State public work in 1855.

He gives on pages 13 and 14 of Senate Document No. 303 some interesting comparisons respecting these two routes in regard to sailing ships. I will ask leave of the Senate to insert them without reading in order to save time.

The extract referred to is as follows:

GEOGRAPHICAL POSITION AND CONDITIONS.

The United States occupies a cross section of the continent of North America, facing eastward on the Atlantic Ocean for 3,000 and westward on the Pacific for 1,500 miles and, including the Territory of Alaska, an additional coast line on the Pacific and Arctic of 3,500 miles, or 7,000 miles in all.

The national interest evidently lies in shortening the distance to be traversed from one of these coast lines to the other as much as possible, and which the isthmian canal will reduce by over 10,000 miles. The "N" route lies nearest the same by about 500 miles of sailing distance, so that a round trip involves a saving of 1,000 miles over the "P" route, which means ninety hours', or nearly four days', extra time for the average freight steamers and double that for the average sailing vessels. It has been claimed that this is partly counterbalanced by a shorter time of transit through the "P" canal, but this may be reasonably doubted.

No account is taken in such comparison of the distance to be traversed in the Bay of Panama of 120 miles on the west, or in Colon Bay of about 10 miles on the east, to reach an equal offing from the main coast lines for laying northerly sailing courses. By adding these the "P" route, east and west, is a few miles longer than that of "N," and by the testimony of Commander Young before your committee it appears that both Panama and Colon bays have tortuous channels which require daylight and freedom from fogs to navigate safely. As the section of minimum canal width is about the same in both routes, and the remainder of the "N" route, having the enlarged areas of Nicaragua Lake, and its artificial elongation, will permit of full speed by steamers, and its additional elevation above sea level to be overcome by lockage being less than 20 feet, the alleged saving of transit time on the "P" route practically disappears, and a parity in that respect can be safely assumed for both.

The geographical position of the "P" route, being in the area or zone of calms or doldrums (as stated by several of the witnesses before your committee), practically lays an effective embargo against sailing craft being benefited by it, while the prevalence of reliable trade winds, or air currents, on the "N" route offers special advantages to sail propulsion.

These facts are brought out so positively in the documentary evidence published by your committee that I need not enlarge upon them, but when coupled with the statement that of the entire marine tonnage of the United States, aggregating by latest returns 2,095,000 tons, 1,285,000, or over 60 per cent, is sailing craft, the same becomes most momentous. Norway and Sweden have 1,144,000 tons of sail craft to 626,000 of steam, or over 70 per cent.

To rule out such proportions of the national and world's marine would seem a clearly preposterous proposition. To minimize the effect of these considerations it has been asserted that the use of sail craft is on a decline, which portends the almost universal use of steam marine power. But here again facts are against this theory. Improvements are taking place in the construction of sailing vessels which may place them in the lead as the most economical marine freighters. The old-style square-rigged ships are being supplanted by multiple-masted schooner-rigged vessels of larger dimensions than ever before employed. Thus seven-masted schooners of 3,000 and 4,000 tons burden are being built in the State of Maine shipyards, fitted with auxiliary steam engines, effecting a saving of nearly 75 per cent in the number of requisite sailing crew which a square-rigged ship of the same capacity would require.

The sending of sailors aloft to "take in sail" in a gale of wind is nearly obsolete. The sails of a modern sailing vessel are now handled by power "winches" from the deck—a veritable revolution in marine industry, the far-reaching results of which students in such matters will appreciate as radically important in deciding as to the isthmian canal routes, which in one case prohibits and in the other favors the same.

It is well known that the building of sail craft has taken a new start in Germany, where one of some 5,000 tons burden has recently been added to the merchant marine, and that France is offering a bounty to vessels of that kind. This may be the result of farseeing statesmanship, in view of the economizing of coal consumption, which is fast becoming one of the great industrial problems of this century.

I will incidentally mention that when recently at the great fishery port of Gloucester, Mass., said to lead the world in that industry, I found that the best paying craft were schooner rigged, with an auxiliary screw operated by gasoline fuel. When sailing, the screw was uncoupled on the shaft, and, turning with the motion of the vessel, offered little resistance; but in calms or adverse winds was coupled, the fuel gas applied, and the vessel could be headed for a given point with a certainty of reaching it, which, in capturing schools of fish with "purse nets," was an invaluable feature.

This instance will serve to illustrate the conclusion that in all great canal plans and routes sailing craft interests with possible future increased developments should be provided for.

That this condition can be fulfilled on the "N" route alone is a fact conclusively proven by the evidence before your committee, and in my view of the case is one the importance of which can hardly be overestimated.

Mr. HARRIS. A fourth consideration of great importance, as indicated by the Commission itself, is the character and extent and resources of the country that will be developed.

Aside from the main points involved in this question, as to the practicability of construction, the cost, the commercial advantages, etc., one of the most important details to be considered is as to the nature of the country through which the canal would be constructed, its resources, products, and future prospects. It is manifest that a canal constructed through a desert, as at Suez, or across a barren mountain ridge, would not be as advantageous to its owners and constructors as a canal through a fertile country, productive of valuable agricultural and mineral sources of wealth.

All the testimony that has been gathered in regard to this branch of the subject agrees that the Nicaraguan route would prove remarkably advantageous in this respect. Before the hearings of the canal committees of the Senate and House began everyone knew, from the perusal of official statistics, that the Republics of Nicaragua and Costa Rica were productive of many important and valuable commodities and naturally capable of becoming very much more productive under proper cultivation and favorable circumstances for development. Abundant testimony at the various committee hearings has fully confirmed these previous opinions and has made it evident that a canal constructed along the proposed Nicaraguan route would at once and naturally become the outlet for very large quantities of agricultural and forest products, most of which would naturally tend to the American markets and have a stimulating and broadening influence upon our trade and commerce.

It is quite evident also from the testimony that the climate of the regions along the proposed route is extremely fine and of such a nature as to attract citizens of this country and enable them to live there at all seasons of the year in perfect comfort and health and to assist in the development of the natural resources with which Nicaragua and Costa Rica have been so lavishly endowed. The American and English engineers who have passed many months in active outdoor work in those regions unite in declaring that the country along the route of the proposed canal is most agreeable and healthful and the climate far more salubrious than that of most tropical countries; that the temperature is moderate and even, at all times of the day and all the year round, and that the nights are always cool, even in midsummer.

In regard to the products of the region, it is shown beyond question that Nicaragua is capable of becoming one of the greatest coffee-producing countries in the world; that its coffee is the equal of the best coffee produced anywhere, and is so regarded in the European markets. It is recorded that last year a certain variety of coffee grown in Nicaragua brought the highest price paid in London for any coffee. This coffee, by the way, it should be noticed, was grown by a colony of United States citizens consisting of about 80 families who had settled there and engaged in the coffee business. The Nicaragua coffee is little known in this country, but with the opening of the canal it would doubtless become an important item in our imports.

Other principal productions of Nicaragua are india rubber, bananas, cacao, cane sugar, cotton, corn, tobacco, rice, yams, sweet potatoes, bread fruit, and cocoanuts. The rubber trees are plentiful, and if properly developed by American enterprise the rubber business of the region would soon assume extensive proportions. The same may be said in regard to all the other products named. The exports of Nicaragua would be increased tenfold in a short time if the two desiderata of American enterprise and improved waterway communication were supplied. The soil is very rich, and the climate favorable for abundant crop yields of all the above-mentioned agricultural products, and many more besides.

Turning to another class of Nicaraguan products, the country contains some of the finest and most valuable forest growths to

be found anywhere in the world. The principal trees are the mahogany, the cedar, the wild cotton tree, the lignum vitæ, the oak, the rosewood, many varieties of palms, dyewoods in abundance, and many other valuable and merchantable woods, some of which have no counterpart in our own forests. There is also a vast amount of medicinal plants and herbs, and also of textile plants, like pita, from which the strongest ropes are made, and agave, which yields the sisal hemp.

Cattle raising is another feature of the region, and the mineral resources of the country are believed to be almost boundless. There is gold in abundance, also silver, copper, tin, lead, and other metals, as testified by our own consuls and other good authorities.

It is important to remember that in all these branches of industry and production a great deal has already been done by the Nicaraguans themselves, and that the country is already in a flourishing state of development, so that immediately upon the opening of the canal and the improvement of the harbors the benefit of the increased commerce with that region would be felt by our own people. It is not as if it were a case of a new and wild and altogether undeveloped country. Its great lack hitherto has been of suitable means of communication with the outside world. When that communication is established on a proper scale, as contemplated in the canal scheme, and when aided by an additional infusion of American enterprise, the resources of Nicaragua will develop by leaps and bounds, and the chief beneficiary of our neighbor will be the United States.

The conditions are much the same as regards the other country along the line of the proposed canal—Costa Rica. In that favored land also there are bountiful agricultural products, a superb climate, inexhaustibly fertile soil, remarkable mineral wealth, and vast quantities of useful woods. Railways, manufacturing establishments, electrical plants, and other appliances of modern civilization have been introduced in both Nicaragua and Costa Rica to a considerable extent of late years, and with improved means of transportation between those countries and this country doubtless there will arise there a large demand for our labor-saving agricultural machinery. Labor is abundant in both countries, and not only extremely competent and reasonable in cost, but also very accommodating and willing in spirit, faithful and conscientious.

The commerce of both countries is steadily and rapidly increasing in spite of their lack of transportation facilities. Costa Rica does a total annual business with foreign countries amounting to more than $15,000,000, or an average of about $60 per capita of her population—a larger per capita than that of France, Italy, or Spain. Her trade, however, has been mostly with Europe. It will be a different story when the canal is built. Nicaragua's foreign commerce is of about the same volume as that of Costa Rica. With the construction of the canal it is easy to see what great advances could and would be made in their trade and commerce and what great advantages to the trade and commerce of the United States would accrue therefrom.

Objections have been raised to the fact that the route along the San Juan River and across Lake Nicaragua to the Pacific is through a wilderness and a virgin country. This I regard, Mr. President, as fortunate rather than otherwise. We have here no complex problems involving the control of a turbulent, disorderly, infected native population. The zone of the canal will be practically occupied only by the people under the immediate control of and connected with the canal construction. There are no towns, and there is no demand for any joint commission, having criminal or civil jurisdiction—none of the intricate and exasperating problems that are clearly indicated in the other case. I can not do better than to quote here from the testimony of Mr. Lyman E. Cooley, who examined the entire line in company with a number of gentlemen who were interested in the question of taking a contract for the construction of the canal.

Mr. TELLER. In what year was that?

Mr. HARRIS. Last year. The chairman asked Mr. Cooley this question:

The CHAIRMAN. I wish now to ask you as one having knowledge of the business of contracting on great works, as well as a knowledge of the business of engineering on great works, is it your opinion that American contractors can be obtained to complete the Panama Canal at the price estimated by the Panama Canal Commission? Do you remember what their price is?

Mr. COOLEY. One hundred and forty-six million dollars.

The CHAIRMAN. Yes. Take all the conditions together, the health, and a man supplying his own labor, doing all the work and furnishing all the material.

Mr. COOLEY. I think you will be able to get men who will bid on the Panama Canal. I think you will get many more men of more mature judgment, and not so adventurous, who will bid on Nicaragua; and I think that of the class of men who ought to be considered as competent through experience to undertake this work, they would feel that there was more money to be made in building the Nicaragua Canal at the figures of the Commission than there is to be made in the building of the Panama Canal at the figures of the Commission. What that difference would be I do not know. My judgment is that they would load the Panama bid at least 20 per cent as compared with the Nicaragua.

The CHAIRMAN. When you take the $40,000,000 or the $50,000,000 we will have to pay for the Panama Canal and for the Colombian concessions, and expend that on the Nicaragua route, then as to the balance of the work, up to the estimates of the Commission, would you think that American contractors would have any difficulty in taking the Nicaragua route in preference to the Panama route as it is?

Mr. COOLEY. Without question. If that $40,000,000 could be spent with great intelligence and not in a rush, quietly expended, so as to get the full benefit of it, there would be no comparison in the two situations at the conclusion of that expenditure, in my judgment.

The CHAIRMAN. If I understand your testimony, then, Mr. Cooley, in a general way you are of opinion that the Nicaragua route is, after all, the cheapest route to construct?

Mr. COOLEY. I think that is true.

Speaking of the project, Mr. Cooley said on page 1084:

Mr. COOLEY. Yes; which is very much wider—30 feet wider—than the present project; and of that width of canal, in the whole route, there was less than 12 miles, as I recall, from sea level to sea level, at foot of locks at either end. Everything else was wider. The river division we did not treat as thoroughly as the canal divisions, because that was regarded as a work subject to betterment in the future. I think our dimensions were 200 feet wide on the bottom and 320 feet at bends, and 270 feet in Lake Nicaragua, if I remember right.

We made our canal for 36 feet of water, or 4 feet below the level of the miter sills, which were to be 32 feet. I believe that in these great rock cuts the bottom of the canal ought to be some feet below the level of the miter sills.

The locks were to be 80 feet by 700. I do not now recall the dimensions of the last proposition. I think they are a little wider, and about the same length. [84 by 740 feet.]

The river division was made 32 feet deep, with the idea of deepening in the future.

The work as a whole provided a better canal than is now estimated, through which a 10-knot vessel could pass in probably 24 to 26 hours, in place of 33, as estimated now.

I will say without hesitation that the estimates submitted by the last Commission are sufficient to cover such a canal, and I believe that if the Government wishes to entertain a proposition to build it from a syndicate of men, that people could be had who will agree to do it and will give sufficient bond.

The CHAIRMAN. Have you any objection to stating the aggregate amount of your estimate?

Mr. COOLEY. Yes; I do not think I should do that. That is private property.

The CHAIRMAN. I do not want to call for private property.

Mr. COOLEY. It has cost me a great deal of labor and time.

The CHAIRMAN. Was it greater or less than the estimate of the Isthmian Canal Commission?

Mr. COOLEY. Less.

Senator MILLARD. Do I understand that in dollars your estimate would be below the estimate that has been submitted here?

Mr. COOLEY. Yes.

Senator MILLARD. And your plan contemplated a wider canal?

Mr. COOLEY. Yes.

Senator MILLARD. And you contemplate double locks?

Mr. COOLEY. Yes. It would be, I think, a safe statement to say that under the present conditions of the market, as to materials and labor, a canal can be built of the dimensions and on the plan that I speak of for the aggregate Commission estimate. In speaking of estimates, however, I wish to be distinctly understood. They are valid only for a syndicate that undertakes the entire enterprise. I can not undertake to discount the cost under other conditions of design, management, and construction.

Senator KITTREDGE. Did your plans include the construction of harbors?

Mr. COOLEY. Yes.

I have some further testimony from Mr. Cooley, but with the consent of the Senate will simply have it printed without reading. The testimony referred to is as follows:

Mr. COOLEY. Mr. de Lesseps and his coadjutors endeavored to maintain before the public the original sea-level proposition. So they proposed to construct this canal in steps, and cut out a step at a time, and eventually reach a sea-level canal. There was no final plan as to how that should be done further than was covered in the contract with Eiffel for some steel locks.

Let me say in that connection that the United States undertook an investigation of this matter in President Grant's day by the appointment of a commission consisting of Daniel Ammen, Chief of the Bureau of Navigation; General Humphreys, Chief of Engineers, United States Army, and Carlisle Patterson, Chief of the Coast Survey; that these gentlemen reached a conclusion and published that conclusion in 1876, I think, declaring unanimously in favor of the Nicaragua route as the most practicable route.

That has stood as the judgment of the profession on that matter ever since, and it was advocated by our delegates at the conference at Paris, in 1879, I think, where we sent Mr. Menocal and Mr. Ammen and Mr. Johnson; that the English representatives and Russian representatives cooperated, and it was admitted generally that the Nicaragua route was the best route for a high-level canal; and the conference would have so decided, but as the matter progressed De Lesseps came before the conference with the proposition that this must be a sea-level canal, and on this condition the vote was for Panama, with a large number of the foreign delegates not voting. That is the history of the matter. That judgment stood on its merits as the judgment of American engineers until this last report.

Now, the Frenchmen never even claimed that their route was suitable for a high-level canal in comparison with Nicaragua until as a later proposition it became necessary to save their bacon by building a lock canal. There were good reasons for the American people entertaining a preference for Nicaragua, because that is the unbroken decision on the matter as the results of all investigations.

The CHAIRMAN. For a great many years.

Mr. COOLEY. Ever since 1876. I personally can see no reason for changing that judgment now.

Mr. COOLEY. I think it is a very unwise man who says that the sailing vessel as an agency of commerce has become obsolete. I think he is dealing with the appearance of things and not with the philosophy of them.

The point I was going to make further was this, that you are building this canal to save distance. You save 9,500 miles, we will say, by Panama, and you save 10,000 miles by Nicaragua from New Orleans to San Francisco by those routes. That is 5 per cent. You can afford to pay 5 per cent extra to save that 500 miles. If you are paying $190,000,000 for 9,500 miles saving, you can afford to pay $10,000,000 more to shorten that 500 miles more, assuming that the distance is worth the same as the 9,500 miles you have paid for. On that basis you can afford to pay $10,000,000 more for the Nicaragua Canal.

Take it on a further point. We will assume that a vessel can steam 3,000 miles for a dollar a ton. That is about the way of reckoning it when rates are running normally. On long routes it is something better than that. On a sailing route between San Francisco and Liverpool or Portland and Liverpool on wheat it is, say, a third of a mill per ton per mile. If you can save 500 miles, you save a sixth of a dollar on every ton of freight that is going

through there. If it is 7,000,000 tons, that is $1,200,000 a year. Now, you have got $10,000,000 capital to your credit on account of saving this 500 miles, and you have got $1,200,000 a year in saving on the total traffic on the cost of running it by the shorter route. That is an offset against the excessive estimates for cost of operation and maintenance.

I say that, without prejudice, I hope, because I went down there without determined conviction and came back with a predilection for the Panama route that stayed by me for some months. It is so open down there, you can see things so plainly, you can see so clearly how you can divide the work up into sections and set contractors to work, that it produces a very strong impression on you at first, and I say that impression stayed with me for a long time, and until I had worked out in my mind clearly the preliminary programme by which the Nicaragua route should be put into a condition also to subdivide into contracts.

You are in a wilderness in much of Nicaragua. It is not easy to see things. The physical discomfort in getting around is simply enormous on the eastern division. Fortunately I had the good sense, I congratulate myself on that, to select men who were pioneer men, who had been doing pioneer work, not municipal contractors, but men who had been out against the frontier, and engineers of the same class, who would not be deterred by an unbroken wilderness. And one of these men remarked, in a very significant way, that if the country was cleared up, if there were roads where men could ride about with a buggy and get around comfortably, and if there were good hotels at convenient intervals, it would make every difference in the world in a man's mental attitude.

You may look for the average man who undertakes to examine these routes to be in favor of Panama for that reason. I did not discover anything in Nicaragua that was equal to an Arkansas canebrake in the St. Francis bottoms. I did not discover anything in the way of a forest that was equal to a Wisconsin forest. I did not discover anything in the way of insects that was equal to experiences I have had on the Missouri River bottoms in the State of Nebraska.

We looked particularly into the health conditions, and I am just as confident of the health conditions in Nicaragua as I am along the Gulf coast of the United States; and I am not as confident of the health conditions at Panama.

I believe that those conditions, the mere difference on that one thing of comparative health alone, will make the difference between a profit and a loss to a syndicate that undertakes to build these works. I believe, further, that if you will take the $40,000,000 with which it is proposed to buy the situation at Panama, and spend that sum judiciously in Nicaragua, and then recall this same Commission, there will not be a question of doubt as to the superiority of the Nicaragua route in the mind of any man who has signed this last report. That is my best judgment, and I am very firm in that conclusion.

The CHAIRMAN. Did the harbor at Colon impress you as a safe harbor, or an accessible one?

Mr. COOLEY. There are no harbors on the Panama route, any more than there are at Nicaragua. The harbor of Colon is absolutely untenable under any onshore wind. When we reached Colon every ship had been to sea for four days, and only reached port on the heels of the same storm in which we went down the Atlantic.

On the Panama side there has never been a harbor. There has been lighterage out to the anchorage, some 3 miles from shore, ever since there was a transit across the Isthmus. It is true there is an anchorage there, and that there is ample protection behind the islands in Panama Bay. They have developed this underwater cut of some 3 miles in length to La Boca, or to the landing stage, in connection with the Panama Railroad. That is only since 1899, I think.

At Greytown you have nothing. At Brito of course you have nothing. Four miles from Brito you have a small working harbor, San Juan del Sur, that will hold a few vessels, which gives you a temporary base on the Pacific.

The CHAIRMAN. Is San Juan del Sur a safe harbor?

Mr. COOLEY. Yes.

The CHAIRMAN. Deep water?

Mr. COOLEY. Oh, yes.

The CHAIRMAN. Four miles away from Brito?

Mr. COOLEY. Yes.

The CHAIRMAN. To get to it you have got to sail up the coast and come into Brito?

Mr. COOLEY. It is one of those little bottle-shaped harbors, just big enough for a steamer to get into and turn around. All the Pacific Mail steamers run in there and land their mails for Nicaragua. It is the old port used by Vanderbilt in the Nicaragua transit. With a mere spur of a railroad running down there from Brito you can use it temporarily, until you can open up your works at Brito; so that problem solves itself.

There is absolutely no access at Greytown until you make it, except lighterage without shelter, but you can run out a pier for a couple of thousand feet, and do some dredging alongside, involving a moderate amount of work, and then you can get vessels in there drawing 12 and 15 feet of water; and when you have this foothold, you can do anything.

The conditions are most excellent on both shores for producing good harbors, and especially on the Pacific shore for producing a harbor that is much superior to anything that can be produced at Panama. I think possibly they can produce one at Colon as good as at Greytown; but as proposed now the harbor in either case is in the mouth of the canal, simply an enlargement of a canal section.

The CHAIRMAN. How would the floods in the San Juan compare with the floods in the Chagres?

Mr. COOLEY. The floods in the San Juan proper?

The CHAIRMAN. I mean from San Carlos.

Mr. COOLEY. The floods in the San Juan proper are nominal. It is a lake-controlled stream, and you could hardly speak of floods there, only in a minor degree from local streams, any more than you could down the St. Lawrence or on the Great Lakes. There is a variation in the volume of the water, but nothing in the nature of a flood as we understand the word "flood."

Mr. HARRIS. In further consideration of the physical features of the canal, I desire also to call attention to what has been said by the technical commission of engineers appointed by the Panama Canal Company in their report of December 16, 1898. That is the international commission to which I alluded and to which the Senator from Ohio alluded the other day as a commission of great ability. The commission, composed of some of the ablest engineers in Europe, clearly and distinctly condemned first the possibility of a sea-level canal. They also clearly and distinctly condemned the plan of the canal which has been adopted by our Canal Commission. Their report is found in Senate Document No. 303, and from page 60 of that document I read as follows:

The technical commission has uniformly adopted as principles from which no deviation was allowed in the several studies and which restricted their scope: (1) Every solution must be rejected a priori which, in itself, and apart from any consideration of time and expense, does not present absolute guaranty of certain success.

I think that, while applied there to a comparison of different plans of specific work, it applies with absolute certainty to the consideration of the two routes. As I have said before, absolute certainty of success is the first essential. You must not undertake a canal which will prove a failure in construction and which will exhaust the patience of the country in the expenditure either of time or money. We can not undertake any doubtful proposition. We must have, as far as it is possible in human wisdom, certainty of success before us.

The Commission continue:

(2) In preparing the plans of the several structures required by so important and complicated a work, such types only should be adopted as have been proved to be satisfactory by experience, barring out all innovations which might lead to failure. (3) In the examination of all questions, the special conditions under which the work is to be executed should be taken into account, as well as the characteristics of the climate, the influence of which may show itself in the inferior quality of labor and in the reduced efficiency of the personnel which directs it. Hence the necessity to plan only simple structures requiring no special conditions in the means of execution.

In every study are found, as principal questions to solve, the three fundamental problems which arose in all plans prepared previous to those of the new company, viz, possible depth of the central cut; mode of water supply; mode of controlling the Chagres freshets.

They considered the height of the lake; they determined that it is necessary to have a dam across the Chagres at Bohio; that there must be an artificial lake there, and in speaking of that they say:

Considering the importance of that structure in relation to the safety of the canal itself, it was deemed that here more than anywhere else it was necessary to be very cautious, and consequently the maximum elevation of 20 meters (65.6 feet) was fixed upon as that of the level of the lake to be formed by the building of the Bohio Dam.

They also state that it is absolutely necessary to provide for a dam at Alajuela, entirely omitted in the estimates of our Commission.

On page 64 they say:

The elaborate discussion of the conditions to be fulfilled in order to harmonize the regulation of the Chagres freshets with the exigencies of water supply for the canal has established the necessity of making provision for two large reservoirs or artificial lakes. The first one, comprising the central region of the canal and containing one of the levels thereof, would be formed by the building of the Bohio Dam (P. K. 24), and would have a maximum flood height fixed at elevation 20 meters (65.6 feet) or thereabouts.

On page 66 they say:

The advisability of building the Alajuela Dam, with its storage reserve, even in the case that a feeder should become unnecessary (on account of Lake Bohio forming the summit level)—

Which is the plan indicated by our Commission—

results from two main considerations: First. The abandonment of Lake Alajuela would lead to the concentration of all the surplus flood waters in the Bohio Lake, which would be possible only by giving the dam an increase of several meters more in height, a scheme unanimously looked upon as over bold—

That is precisely the proposition which our Commission recommends.

Mr. STEWART. What is the height which our Commission recommends?

Mr. HARRIS. Our Commission makes the height of the dam 90 feet, and this Commission says that 65.6 feet is the limit of safety—"a scheme unanimously looked upon as over bold."

Mr. HANNA. May I ask the Senator from what page he is reading?

Mr. HARRIS. Page 66 of Senate Document No. 303, being the report of the technical commission. They continue—

or by lowering the minimum level of the lake as well as that of the bottom of the central cut by several meters, which is not admissible. Second. The abandonment of the upper lake, which constitutes the first regulator of the Chagres floods, would allow that river to enter furiously that portion of the canal territory occupied by the Bohio Lake, where are found, for several kilometers near the point of ingress, bends and natural narrows where the total volume of the freshets would certainly produce currents detrimental and dangerous to navigation.

On page 69, speaking of the second type, the commission say:

In the one a single lake only is to be built—Lake Bohio—and it must provide for all necessities—the water supply and operation of the canal and the regulation of the freshets of the Chagres. In this system, the bottom of the summit level being established at elevation 10 meters (32.8 feet), the maximum level of its water surface, which would be also that of the lake, could reach elevation 24.50 meters (80.4 feet) in the large freshets, and the Bohio Dam should be raised to elevation 27.50 meters (90.2 feet), which would be about 30 meters (98.4 feet) above its foundations. In the other a first lake would be formed on the Upper Chagres by the Alajuela Dam; the function of this lake would be to store up all water needed for supplying and operating the canal, as well as a great portion (the largest) of the excess of the freshets.

In that case, the bottom of the summit level remaining practically at the same elevation as before, the maximum level of Lake Bohio would not exceed elevation 29.50 meters (67.3 feet), and the dam would remain very nearly within the limits established for all the plans of the first type. This solution is the only one meeting the conditions for the regulating of the freshets without giving the Bohio Dam such portions as are considered too bold. On that account principally, and also by reason of the advantages which, in any event, the Alajuela Dam presents by providing a considerable hydraulic power and by permiting a preliminary regulation of the Chagres before entering the canal territory, it has appeared proper to adopt this solution preferably to the first.

Mr. President, it seems to me we may be pardoned for differing even with the eminent engineers who constitute the Isthmian Canal Commission in view of the fact——

Mr. TELLER. What was it from which the Senator read?

Mr. HARRIS. The report of the international commission to the French company.

Mr. TELLER. I should like to ask the Senator to state what reason they give for limiting to 65 feet, if they do.

Mr. HARRIS. I thought I had stated it—on account of the pressure upon the dam. They consider it too great a head for a dam to withstand with the foundation there and a dam of the character which they propose to build.

Mr. TELLER. I should like to say that they were French engineers and not American engineers, or they would not have been scared at a 65-foot dam.

Mr. HARRIS. You have to take into consideration the character of the foundation.

Mr. TELLER. I have examined into the question, and I find that the foundation is all right.

Mr. HARRIS. Mr. President, I will take up, as the Senator suggested, some consideration of this dam. Not only have we the opinion of these engineers that it is necessary to have a lower dam at Bohio, but that it is also absolutely necessary to have a dam at Alajuela, creating a lake on the upper waters of the Chagres for the sake of restraining the floods of that stream and preventing them, as they say, from rushing furiously at right angles into the canal. But our engineers differ among themselves as to what should be done in this case. Among the members of the Commission there was by no means unanimity with regard to the plan proposed.

The map on the western wall of the Senate Chamber shows the geological valley of the Chagres. It shows there that to an enormous depth, a hundred and twenty-eight feet below the sea level, which is 8 feet below the level of the Chagres River, making really a hundred and thirty-seven feet as the depth of water which has to be penetrated, there is a great mass of sand and gravel mixed with streaks of clay. The Commission itself considered it unsafe to put upon that any sort of a superstructure without sinking something as an impervious curtain clear down to the solid rock.

They made borings at various points two or three hundred feet apart, and they determined that the rock existed in that as indicated on the map there. The pneumatic work is some thirteen hundred and fourteen feet. It is 8 feet below the Chagres, and the pneumatic head must be considered all the time as having 8 feet added to the distances estimated as below sea level. Thirteen hundred and fourteen feet of that has to be done by pneumatic work, and of that more than half, as you will see by the profile there, is, at these great depths, from a hundred and twenty-four to a hundred and twenty-six feet below sea level.

Mr. Morison, who was highly commended by the Senator from Ohio, and for whom I have the highest admiration, as I know something of his magnificent work in sinking foundations for our Western bridges, piers, and abutments—and I think no one in this country knows more about pneumatic work than Mr. Morison—does not regard that as the best plan, and he substitutes another. The question of doing pneumatic work at that depth is one of tremendous difficulty, and is admitted by all persons to be so. The greatest depth to which pneumatic work has been done here is about 115 feet.

At depths of about 100 feet, as testified to by Mr. Noble and others, men can work only one hour at a time and three hours out of the twenty-four, and that it involves loss of life and a great deal of serious physical injury. They have to be picked men. At 135 to 137 feet the pressure is 60 pounds per square inch, and you can readily imagine what men would have to stand to do work with that enormous atmospheric pressure.

Mr. Noble, I believe, thought that possibly at 128 feet men might work for three-quarters of an hour at a time, but very able engineers have suggested that the question of temperature has to be taken into consideration, and so have the French engineers indicated. The depths at which we have worked in this country have been where the temperature has seldom been over 40° or 50°. Down there the thermal temperature is said to be from 80° to 90°. That again constitutes a tremendous difficulty in the prosecution of such a work.

Mr. Morison, in the Proceedings of the American Society of Civil Engineers for January, has a paper which I think will be found of great interest to the Senate. It begins:

All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for the dam by which the summit level must be maintained. On the other hand, there have been wide differences of opinion as to how this dam should be constructed, and how high it could safely be built. While it would be an exaggeration to say that the conditions met here are unprecedented, they call for engineering skill and judgment of the highest order. A dam built to meet the requirements which have been imposed in other localities would be enormously expensive. The real skill of an engineer is shown in designing the least expensive safe structure adapted to the particular case in hand, even though it may not comply with requirements commonly demanded.

On page 3 he says:

Permeable sand and gravel are found in the lowest part of the geological channel, overlaid by a heavy and tight blanket of finer alluvial deposit. There are strong probabilities that this permeable material connects with the river either above or below, or both, the evidence of this being that when a pipe is driven into this material the water in the pipe stands at the same level as that in the river.

On page 8 he says:

The technical commission—

From whose report I have read—

The technical commission, to whom the entire scheme of the new Panama Company was submitted for approval, thought it wise to limit the head of water against this dam to about 66 feet, or 20 meters. There seems to have been no reason for this particular limit, except the general judgment of the engineers forming the commission that it was not wise to expose an earth dam to a greater pressure of water.

On page 10 he says:

The plan adopted by the Isthmian Canal Commission was designed to resist a normal head of water of 90 feet, or about 25 feet more than the limit arbitrarily adopted for the French dam.

* * * * * * *

The design involves the extension of pneumatic work to unprecedented depths, and involves special details in making the joints between the caissons tight.

The location selected for this dam is below that chosen by the French engineers, and practically at right angles to the French dam, the length of the dam, as well as the cross section of the valley, on this line being double that on the French location. The desire to limit the depth of pneumatic work led to the selection of this line, but it is possible that additional borings might find a deeper hole here.

Mr. Morison, when testifying before the Commission, admitted that, the borings being from 200 to 300 feet apart, it was impossible to tell what further crevices and depressions there might be found in the bedrock. He says:

There can be little doubt that a dam of this character can be built.

Mr. Morison, I remember, at one of the hearings before the committee several years ago testified that nothing was impossible, given money and time enough.

It involves novel and untried features. Few engineers, even among those who feel that they could construct it, would be ready to say in advance how the work would be done. The difficulties, taken in connection with the climate and other surroundings, are enormous.

He then proceeds to give the total cost, and he provides for a temporary dam, and says it is necessary for the Commission's plan, and his table has a singular mistake in it, figuring pneumatic work 108,410 yards at $21.50. It should be $29.50 per cubic yard as the figure given by the Commission. So the total cost of the dam, with the temporary dam he suggests, $885,445, should be $9,146,850 on the Commission's plan. He says, on page 17:

None of the foregoing estimates includes any provision for a temporary dam by which the waters of the Chagres would be diverted through some other route during the construction of the permanent dam.

Therefore he adds the $885,000 which I have mentioned.

Mr. Morison proceeds to recommend an earth dam of an enormous size. I believe Mr. Morison's theory is really the best solution of the problem. He says of it further, on page 20:

This, however, does not tell the full story. On the American Isthmus the difficulties attending the use of skilled labor are very great. The amount of skilled labor required on the French dam is comparatively small; the Commission's plan requires a large amount; in the third plan—

Which is Mr. Morison's—

the use of skilled labor is practically limited to the construction of the temporary steel dam and its masonry foundation. The third plan—

The Morison plan—

really means the construction of an elevated plateau of very large dimensions, the surface area of the earth filling between the rock-fill dams being 57 acres. These dimensions may almost be called stupendous.

His plan contemplates the construction of an enormous rock-fill dam, of the full height required, 90 feet, and then some two thousand or twenty-two hundred feet lower down another dam similar to that, except lower, and the filling in of this enormous space, flanked by the hills of the valley, with material to be taken from the body of the canal—earth and gravel and all the materials to be dumped in there—which would be placing a mountain across the valley of the Chagres River.

There has been a good deal of discussion in the Society of Civil Engineers with regard to this matter. In the March number of the proceedings of the Society of Civil Engineers are some discussions to which I wish to call attention. Mr. Burr, who was one of the Commission, and is a member of the Society of Civil Engineers, said:

In reality, that excessive and erratic variation in the strata of material disclosed by the borings is one of the most striking features of the whole situation. It exhibits clearly, among other things, the danger of drawing any conclusions as to the impermeability of the upper strata of material, which, as Mr. Morison indicates, are either clay or sand, or a mixture of the two. Further, it is essential, in dealing with this general question, to realize fully that the order of the strata as found at one section may be radically different in one or more of the other sections; indeed, that is generally the case.

Further than that, at the same elevation and in the same section, practically clear coarse sand may be disclosed by one boring, and blue clay with little

sand by another boring perhaps not more than 300 feet away. Again, yellow clay and sand may be found at the surface of one of the same borings and at 128 feet below the surface in the other. Indeed, the one persistent feature of the disclosures by the borings is the utter lack of uniformity of conditions on which any conclusions common to different sections can be based. The masses of material seem to be in the most irregular and irregularly limited strata or pockets.

He says further:

The limits of impermeable areas have not been defined and can not be predicted from the information gained by the Commission in its borings.

Again:

In these observations material which has been called sand is in some cases coarse enough to be classed as gravel. It will thus be seen that the total statement of the information actually disclosed by the borings at the various sites demonstrates conclusively a probability so strong as to amount to practical certainty that not only is the water of the river now in free connection with the pervious substrata of sand and gravel, but that the water of the lake, with its 90 feet additional head, would be a much freer connection.

Now, something has been said with regard to the possibility of pumping down the water where the caissons are being sunk and thus relieving the pneumatic head and relieving the pressure upon the men at work. Mr. Burr—and I desire in discussing this to be perfectly frank and to give the arguments on both sides—thinks something can be done in that direction. He says:

It is to be anticipated that water stands in the substrata at practically the elevation of the water in the river, or at least at sea level, but if pits are excavated in that plateau down into the pervious strata, ample experience shows that the water in them could readily be pumped down to a considerable amount, which the writer believes would prove to be not less than 30 or 40 feet, with reasonable pump capacity.

That seems to be a very singular statement. I can imagine that in the small area occupied by a shaft, or even a pier of a bridge, pumps might work so as to relieve to some extent the pneumatic pressure, but these caissons are to be 30 by 100 feet, and as you proceed from one shore along the strata becomes loosened up, and the water has freer and freer access, and while you might possibly by enormus pumps reduce the head of water at one or two of the caissons nearest to the banks before going farther, it would be absolutely impossible to reduce that head to an extent which would relieve the pneumatic pressure at great depth.

You must remember that you can create a little saucer-shaped depression in water which would relieve to a certain extent within a few feet of that height; but pneumatic pressure comes from all sides, and water has pneumatic pressure laterally as well as vertically, and with that vast mass of material saturated with water, when you come down to depths below 100 feet it would still have the same pneumatic pressure as though you had no pumps in operation at all.

I find that view sustained by Mr. Morison himself. Mr. Morison, in the Proceedings of the American Society of Civil Engineers for May, on page 476, says:

Mr. Burr proposes to reduce his head for the pneumatic work by lowering the surface of the water from 30 to 40 feet around the caissons, which he believes could be done with reasonable pump capacity. If this can be done, it is the best possible evidence that the seepage will not be serious. To reduce the water pressure it is not only necessary to lower the water immediately around the caissons, but to take out enough water to reduce the head of saturation by 30 or 40 feet. Unless this is done, although the surface of the water may be lowered, the head of water against which atmospheric pressure must be provided will not be reduced.

There were some other engineers who commented upon this proposition. Mr. Edward P. North, who has been mentioned before, on page 310 of the Proceedings for March, says:

There seems to be an ambiguity as to the exact depth, as in one part of the Commission's report a minimum depth of 128 feet below tide is mentioned, and another part of the same report reads that the cofferdam is to be 8 feet above tide.

Of course by inference that simply grows out of the fact that they had some measurements from the sea-level line and others from the level of the Chagres at low water, which is 8 feet above sea level.

As the dam site is some 13 miles inland, it is assumed, subject to correction, that the air pressure in the caissons will be that due to 136 feet of water, or, virtually, 5 atmospheres.

It is assumed, and all will readily agree, that healthy men sustain small inconveniences when working 4-hour shifts under pressures of about 50 feet, but at 75 feet deaths are to be expected, and at 100 to 110 feet they occur with unpleasant frequency even among picked men; also, that in the Great Lakes 110 feet is about the limit of divers' work.

All these experiences have been had when the temperature of the water has been between 40° and 50° F. Whereas at the Bohio dam site the temperature of the water is about 90°, as the mean annual temperature—which governs, approximately, the temperature of deep-seated springs—is about 90°; and further, this is the temperature assumed by Mr. Allen Hazen in his percolation formula for that locality. This high temperature in the caissons must add materially to the distress of those working in them.

When to these difficulties is added the fact that, as far back as the seventeenth century, maps have designated the Caribbean front of the Panama route as "The Place of Bones," an evil reputation that has ever since been maintained, the necessity, as implied in this paper, for designing the least expensive safe structure adapted to the particular case in hand is apparent. Unless the head of water in the Chagres River can be pumped down to reduce the pressure in the caissons so that life will not be in great jeopardy, a procedure that is probably practicable during low-water flow of the river, the saying of forty years ago, "that each tie on the Panama Railroad cost a human life," will be repeated as to the depths in feet to which the caissons are sunk.

Mr. Theodore Paschke, an engineer member of the society, says on page 313 of the same volume:

Indeed, the writer is of the opinion that it is only a question of time when the whole artificial lake which the proposed dam will form will be filled with silt—

He had been arguing in favor of Mr. Morison's plan, because he believed that the silt brought down by the river will seal hermetically the front face of the rock-fill dam proposed by Mr. Morison—

which the proposed dam will form will be filled with silt, except the channel necessary for the Chagres waters to flow either to the spillway during floods or to the locks of the canal, and that if no provision is made for such exigency the ulterior object of creating this artificial lake will be defeated.

Mr. Edmund Duryea, jr., speaking of Mr. Morison's plan, said:

Mr. Morison states that the criticism made on his plan is that "it permits seepage through the permeable sand and gravel in the lower part of the geological valley."

His plan makes no attempt to prevent or diminish this seepage, and he contents himself with showing that the amount of water thus lost is relatively unimportant. It is just possible, however, that the actual amount of seepage might prove to be much larger than he believes can be the case, and it is this possibility which seems to be the objectionable feature of the plan. This objection will be removed if any practicable plan can be found which will prevent or diminish the amount of seepage. Such a plan will be most reassuring and most effective if it is of such a nature that it can be applied either before or after the construction of the dam.

There are a great many other comments, all of interest, upon the plans, showing a great difference of opinion, whereas when it comes to the construction of the Conchuda dam, which is the corresponding feature on the Nicaragua line, there is absolutely no difference of opinion and no criticism whatever. The only difference of opinion with regard to that is that of Mr. Cooley, who thinks that a cheaper form of dam, but equally effective, can be substituted. The foundations go there to the absolutely solid rock. It is less than one-half of the length of the other.

I wish Senators would pay some attention to this profile, which is enlarged, as the others are, from the maps of the Commission itself. It will be found that these caissons sink down squarely into the rock. It is found that the borings there have gone down from 15 to 20 feet into the rock. The foundation is absolutely determined from bank to bank. The boring holes have been put in from 50 to 100 feet apart; in some cases 25 feet apart. Not only that, but three parallel lines of them have been put down. The greater part of the caissons will be sunk on what is practically the shore of the river. Only four of them are in the river. Only two of them go down to the greatest depth of minus 25. The total height of the dam is plus 97. That gives the entire elevation 122 feet as the total height of superstructure from its lowest point to its highest point, in comparison with 228 feet in the other dam.

On the other dam, as I said, the pneumatic work is 1,314 feet. In this case it is 731 feet, and with an elevation rising only 122 feet from the lowest point of the foundation. The height of the caissons gradually rise so that the great part of them will be sunk at not to exceed minus 10 or minus 6 feet below the level of the ocean.

Mr. President, if you will examine the detailed map I think you will discover some very remarkable features. Here is the detailed map of the Commission [exhibiting], showing the Conchuda dam. Absolutely every detail is worked out. There are no problems there which have not been solved. A contractor can take this plan and proceed upon the work. He knows absolutely what he is going to do.

Every engineer concedes that such a dam will be absolutely effective, and that it is easily within the limits of well-known engineering experience. The discussion of the Bohio dam indicates differences of opinion. Engineers who advocate the plan of the Commission admit the difficulty of sinking those enormous caissons 100 feet absolutely straight. They have to be sunk down straight, and the core wall, as it is called, 30 feet thick, is built upon them. As a result, I forget the number of different caissons, but you simply have a series of columns of concrete more or less in contact, and they have to be made water-tight afterwards. Their plan is a semicircular cavity in each one of these columns of concrete, which will be kept parallel to each other, and after they are put down concrete will be poured into those holes and thus hermetically sealed.

That has been denied as possible by a great many engineers, and, even with your enormously expensive core wall, the impossibility of obtaining impermeability seems to be conceded all around. There will be more or less leakage. It is conceded that this core wall has no strength in itself, but that the entire retaining power of the dam is found in the great rock-fill dams that come up on each side of it.

As to the question of earthquake shocks, can you imagine anything more easily affected by an earthquake shock than an enormous dam 228 feet high, composed of practically isolated columns 30 feet thick and 100 feet long, without any tie whatever connecting them, and merely held in place by loose rock on each side?

It is a great risk, Mr. President, and while I am perfectly willing to concede that it can be done, as other engineers have said it can be done, and I do not pretend to say that the Commission is not reasonably safe in saying it can be done, yet the uncertainties, as was admitted by Colonel Ernst and by several others of the engineers who were before the committee, are very great, and the difficulties and loss of life will be something enormous.

In the plan which the Commission has prepared of the Bohio Dam they simply give a profile and a cross section and suggestion as to the core wall. They do not show that their borings go down into the solid rock. They are 200 and 300 feet apart. It is admitted that there may be unknown difficulties and unknown depths to be encountered between those borings.

It is the element of uncertainty, Mr. President, in the construction of this gigantic work that makes me pause and hesitate before I can possibly consent to it, before I can think that there will be any of the other advantages that may be enumerated in behalf of the Panama Canal.

There are some other points with regard to the physical matters. As a matter of course, the Culebra cut is the most gigantic piece of excavation that has ever been undertaken. It is 8 miles long. There are still 43,000,000 cubic yards of earth to be removed. I noticed in one of the New York papers a comparison was made between that and the cut at Tamborcito, on the other line. The cut at Tamborcito has greater height. It is a sharp peak, but it only measures 3,000 feet from the entrance of the cut to the other end of the cut. It is composed of rock, which will be used in the construction of the dam, and it will become really a valuable quarry in that respect. Every particle of rock taken from it will be utilized. It contains an insignificant amount. The idea of comparing a cut 3,000 feet long with a cut 8 miles long is too absurd to contemplate for a moment.

Mr. MITCHELL. It has only 18,000,000 cubic yards.

Mr. HARRIS. It has only 18,000,000 cubic yards, as against 43,000,000 in the Culebra cut.

Now, then, with regard to curvatures. My distinguished friend the Senator from Ohio [Mr. HANNA], to whom I am willing to accord all of the experience and the ability which are justly his, with regard to some matters connected with transportation, sailing vessels, etc., has had a good deal to say about the difficulties involved in the curvatures.

It is true, Mr. President, that there is some curvature, a greater length of curve line, as a matter of course, in the Nicaragua Canal; it is a longer line. It has 70.51 miles of lake; it has 49.64 miles of river; it has 46.17 miles on the eastern division and 17.34 miles on the western division. There are really 63.51 miles actual, distinct canalization. That is really to my mind a somewhat proper measure of the differences between these two canals. There are 63.51 miles of canal on one as against thirty-three and some hundredths on the other. Lake Bohio will give lake navigation for 13 miles, and on the other route there is improved river navigation to the extent of 49.64 miles and 70.51 of lake navigation.

Now about the curves. Let us see which is the sharpest curve on either line. When I use the expression "sharp" I want to be able to give an explanation of it. I inquired of my friend the distinguished Senator from Ohio [Mr. HANNA] the other day what he meant by saying that one curve was twice or three times as sharp as another. I understand that that occurred in certain questions which he had propounded to certain sea captains, etc.

I am sorry that his speech has not been printed, because I should like to have seen those questions exactly as they were; but it was my understanding that the assertion was made that on the Nicaraguan line the curves were two or three times as sharp as on the Panama line. Now, that must necessarily mean, if it means anything, that the curves on the Nicaraguan line have one-half or one-third of the radius that the curves on the Panama Canal line have. We need be in no doubt with regard to that. On page 99 of the Commission's report we find the following table of curvatures on the Panama line:

Number of curves.	Length.	Radius.	Total curvature.
	Miles.	*Feet.*	° ′
1	0.88	19,629	14 17
1	.48	13,123	11 04
4	4.22	11,483	111 32
15	11.61	9,842	355 50
4	2.44	8,202	90 20
2	1.67	6,562	77 00
1	.73	6,234	35 45
1	.82	3,281	75 51
Total	22.85		771 39

So we have on the Panama line the sharpest curve that occurs on either line. I am perfectly willing to concede, as the Commission states, that they have provided a sufficient width of channel, so that that is not injurious. They stated in their report, as they did before the committee, that wherever a curvature existed they had provided for additional width of channel, and that there was no curve on either line which presented any particular difficulty in operation.

There has been a good deal said about having a tug at one end and a tug at the other. That has occurred, I believe, on the Manchester Canal, where vessels have to pass around a curvature of less than 2,000 feet; but the idea of making curvature in this case an essential difficulty is simply imaginary, in my judgment, and is not worthy of consideration.

Let me give some facts in regard to the curvature on the other route. Of course there are a great number of miles of curvature. The total degrees of curvature are greater, but the smallest curve that exists on the other has a radius of 4,045 feet. The next is 4,175 feet. The next is 4,297 feet. The next is 4,911 feet. Then there is one of 4,982 feet, and then it runs from 5,000 on up to 17,000 feet. So in no single case does a curve exist that is twice as sharp as the other, or that bears any relation to such an expression, or that presents any difficulty in navigation.

Mr. HANNA. As the Senator has referred to the statement I made, I want to give my authority. It is found in the testimony of Colonel Ernst, on page 613:

Colonel Ernst submits a statement taken from the report of the Commission as to the curves and radius of the same on both the Panama and Nicaragua routes. That table shows that on the Nicaragua route there are 56 curves and on the Panama 29, the total curvature on the Nicaragua route being more than three times that of the Panama route.

That is what I intended to say.

Mr. HARRIS. That is perfectly intelligible.

Mr. HANNA. I was criticised by the Senator for making that statement.

Mr. HARRIS. Not at all. If the Senator will pardon me, that was not exactly the statement which he made. As I remember, the questions were that one curve was——

Mr. HANNA. Three times as sharp.

Mr. HARRIS. Three times as sharp as the other.

Mr. HANNA. That was the language I used and that is the source of information. Now, one word more, and then I will not interrupt the Senator again. He has just emphasized the fact that there is one curve on the Panama Canal that is sharper than any curve on the Nicaragua Canal. That is hardly a fair statement of the case, because——

Mr. HARRIS. I read from the tables of the Commission.

Mr. HANNA. Very well; then I will take the tables of the Commission with the explanation I made, that the curve is immediately at the entrance of the proposed improvement of Colon Harbor, which is already a harbor, and the lee is made by projection, so that the docks are built under the lee of this projection. It was the proposition of the engineers, in order to avail themselves of that lee, to use those docks already built as the opening to the canal, and vessels coming in would go up to the dock before they would start through the canal.

Now, in making that turn around the headland they have made the sharpest curve that is made, and to accommodate that they widen out the bay, which is a natural bay there, five or six hundred feet. It can go up to one thousand or two thousand feet. It is 800 feet now. It is simply a question of rounding the headland and coming up to the dock. It has nothing to do with the passage of the canal or the canal proper.

Mr. HARRIS. I wish to be perfectly fair. I said it was at the entrance of the canal and that the channel was of such width it made absolutely no difference; it did not affect it at all. I simply claim that the Commission has provided everywhere, on both routes, for this question of curvature. There is no difficulty. The only point I am seeking to offset is the argument which the Senator from Ohio made in the hypothetical question or the real question which he propounded to the shipmasters as to which route they would prefer.

In those questions it was distinctly stated, as I understood it, that curves existed two or three times as sharp on the Nicaragua line as existed on the Panama line. The truth of the matter is that that is not the fact. There may be—let us suppose a case—four curves each of 1,000 feet radius, each describing a quadrant of 90 degrees, and constituting 360 degrees of curvature. Another curve may be only 90 degrees, 1 quadrant, of the same radius, but the four curves will circle 360 degrees, but certainly are not four times as sharp as the one which only describes a quadrant of 90 degrees, but are just the same in that respect. It is that distinction I am trying to make plain.

Now, here is what Admiral Walker has to say in regard to the navigation of the canal. Admiral Walker was asked by Senator Hanna:

Senator HANNA. Do you think that any large ship—the maximum-sized ship—operating in this canal could go around these bends without the aid of a tug? I mean steamships or otherwise.

Admiral WALKER. I think they would go without a tug by both canals.

Senator HANNA. Could they make all the turns?

Admiral WALKER. I think so.

Senator HANNA. Suppose the wind was blowing pretty hard?

Admiral WALKER. If there was a strong breeze, it might occasionally cause some trouble. By the Nicaragua line there would at times be a considerable current from the lake to the Conchuda dam; with a strong wind blowing and a strong current they might have difficulty without a tug, but under ordinary circumstances I think they would go through without difficulty.

Senator HARRIS. Did not the Commission work out this question of curvature in detail in such a manner as to show clearly that no curvature is estimated in this work which would involve any difficulty in a vessel passing through there?

Admiral WALKER. I think there are no curves that would involve any particular difficulty, ordinarily. Of course, with a strong wind blowing or with a strong current a large ship might get into some trouble.

Senator HARRIS. That might happen anywhere on either route.

Admiral WALKER. Yes; but both routes are practically good enough for steamers to pass through with their own power.

Mr. President, with regard to this effect of wind, certainly if any difficulty was to be apprehended I do not know why the impression is made that there is a steady breeze blowing straight up the San Juan River all the time, a 16-knot breeze. The trade winds pass over that depression in the mountains. There is air in motion. But the San Juan River, as our friend insists, is an extremely tortuous stream. It is surrounded by high hills on each side. It is a forest-covered country, and there could be no great trouble from winds in that locality.

On the Suez Canal, which is built across the desert, where the winds of the desert sweep perpetually at right angles to the canal, a much narrower canal, there has never been any great difficulty so far as winds are concerned, and there will be none here. Sailing vessels have to pass through with a tug; steam vessels under ordinary circumstances unquestionably, as Admiral Walker indicates, would pass through with their own power.

Now, as to the harbors. Much stress has been laid upon the superior advantages of the Panama line in this respect. I concede, Mr. President, that there is an advantage in having harbors of a character at least sufficient for immediate use, and there will be some convenience in such harbors as now exist at Colon and Panama. In spite of the boasted superiority of the Panama route, however, we find the Commission estimating for the cost of the harbor at Colon $8,057,707; and even then it will have many objections. It is a harbor opening to the north, and whenever the northers blow here it has been established beyond question that all shipping is obliged to put to sea or to take refuge at Porto Bello.

I was surprised to find that in spite of all that had been said of the difficulties at Greytown the Commission estimates only $2,198,000 as necessary to provide an absolutely safe harbor at that point. Thirty thousand dollars is estimated as the cost of maintaining the harbor at Colon, and an indefinite estimate, which is admittedly based upon a very vague idea as to the amount of dredging which may or may not have to be done, is made for Greytown of $100,000, and is included in the cost of maintenance. So far as Panama is concerned, it can hardly be called a harbor but, as there are no winds, anchorage out in the open roadstead is assumed to be safe; and 4½ miles of a deep channel has to be completed to secure proper depth of water.

The estimate for the cost of the Brito harbor and entrance, including jetty, is only a million and a half. Admiral Walker says there is no particular difficulty in making it, and that it would be a perfectly good harbor, and that when once made it would require no very great cost for maintenance. It would take care of itself pretty much. There would be occasionally a little work, but not much. It is conceded that at San Juan del Sur, on the Pacific side, there is a safe and sufficient harbor for the preliminary work. The same can be found at a point not far from Greytown with but little difficulty. It seems to me the advantages which have been so much dilated upon as to the superiority of the harbors on the Panama line absolutely disappear.

Mr. President, it is not necessary for Senators on either side of this question to enter into protestations of the sincerity of their motives. There is no one who desires to impugn the motives of any member of this body. Certainly I would be the last man in the world to impute to anyone any improper motives. We have the right here to differ, we have the right to give our arguments, and we have a right to our opinions as to what is proper and just. To me there is no sectional consideration in this matter. No one section of the country is to be benefited, but the entire country is to be benefited. The canal is to my mind of great importance as a great measure of national defense.

I had hoped that a treaty could have been negotiated with Great Britain which would permit vessels engaged in our coastwise trade to pass through the canal absolutely free of tolls, and I regretted exceedingly that that was not provided for in the treaty. I understand that it is a possibility, but we should have it clearly and distinctly stated that no other power has a right to interfere with regulations which we may see fit to make as to our coastwise trade. I wanted the canal to be just as free to our coastwise trade as the mouth of the Mississippi River or as the entrance to New York Harbor. Our own ships, anything covered by the American flag, engaged in our domestic commerce, ought to go through the canal without the payment of toll. That is the view I take of it.

For that reason, I desire to again emphasize my reluctance to see the country committed to the construction of a canal which will be a bar forever to the use of sailing vessels. I do not believe that sailing vessels are to be thrown aside in this country, with its great coast line, with its magnificent supplies of timber, with the energy of a half dozen men who can get together, more particularly in the great State of Maine, where they can build a schooner and own her and operate her by a separate and independent little partnership. That is the kind of traffic that I believe we have to rely upon as against the great shipping trust. I want to see the independence of the individual preserved and promoted in every possible way, and I can not think it possible that this country is going to spend these hundreds of millions of dollars in the construction of a canal through which the sailing vessel never can pass with any certainty of reaching its destination at a given time.

I have here, and other Senators have had it laid upon their desks, a report of the Hydrographic Office. I have given the distances; but I should like to have Senators look at the diagram and see the differences in the route which is to be sailed. A sailing vessel, if a canal is constructed on the Panama route, will have to go south of the equator from June to November, and from January to May it is pretty nearly the same. It is prohibition absolutely to the sailing vessel. The unfortunate thing about the Suez Canal has been that, owing to the difficult navigation and the variable winds of the Red Sea, it is practically not used by sailing ships. That is an unfortunate necessity. In this case we have a choice of routes.

I do not know, Mr. President, that I have anything further at present that I desire to say in regard to this matter. I do know, as I said a while ago, that nobody would for a moment have whispered any imputation in this Chamber as to the motives of any Senator, but I do know that all over the country outside of this Chamber the people who are opposed to any canal are all now anxiously advocating the adoption of the Panama route. They seem to think that that is an indefinite continuance of the subject, that we will at least enter upon the doldrums of legislative, financial, and diplomatic difficulty, where we shall drift about at the mercy of the varying currents, subject to indefinite and variable winds, without arriving in port at any time. I fear that. I fear complications with the Colombian Government.

I fear the complications that will come up with regard to the enormous loss of the French people. It seems to my mind absolutely impossible that this New Panama Canal Company can all at once dispossess itself of the property which it took over from the old company upon a contract to complete the canal and with a pledge to pay the robbed victims of the old management 60 per cent of the profits in this transaction. Those things are absolutely insuperable to me.

The conditions of construction are dangerous and uncertain. The construction of the canal at Panama is certain to involve an enormous loss of life.

I have here some data in regard to climatic conditions there which I shall not introduce. I believe the Senate is thoroughly convinced that the Panama line is one of the most unhealthy regions of the world. The records as to that are complete and full in every direction. It is a peculiarly fatal country. The city of Panama itself is a perpetual center of infection for yellow fever; it is a filthy town; it has not been washed for four hundred years; and if we undertake to supply that city with aqueducts and with water facilities, it will cost us millions and millions of dollars, and it will lead to all sorts of conflict on this proposition which ought never to be entertained for a moment.

I hope, Mr. President, that no man who desires to see a canal built, no man who desires to see a practical and practicable canal built, will be led off by the last recommendation of the Commission, which seems to be one based simply upon a little financial consideration, practically a bargain-counter proposition. Engineers have condemned that all over the world; and while I believe with American energy, with American skill, and with the Treasury of the United States to back them, and with unlimited time, they can make an open strait, if they desire it, across that Isthmus, yet I hope that it will not be a matter that we will relegate to future generations.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 3374) to protect forest reserves, and for other purposes.

Mr. MORGAN. Mr. President, I object to any other business until the Senator from Washington [Mr. TURNER] can take the floor. He desires to take the floor upon the pending bill.

The PRESIDENT pro tempore. The Senator from Alabama objects to the consideration of the bill asked for by the Senator from South Dakota [Mr. KITTREDGE].

Mr. CULLOM. Does the Senator from Washington desire to go on this evening?

Mr. TURNER. I have no disposition to go on this evening unless the Senate desires me to do so.

Mr. MORGAN. I desire to ask the Senator from Washington to yield to me for a few moments. I want to make a statement in respect to a question asked by the Senator from South Carolina [Mr. TILLMAN] of the Senator from Kansas [Mr. HARRIS], as it is necessary to have the matter cleared up in order to save further time hereafter. I want this bill to progress as rapidly as possible.

The PRESIDENT pro tempore. The Senator from Washington [Mr. TURNER] is recognized by the Chair.

Mr. TURNER. I yield to the Senator from Alabama.

Mr. MORGAN. Mr. President, the Senator from South Carolina [Mr. TILLMAN] asked a question of the Senator from Kansas [Mr. HARRIS], at the time he was on the floor, relating to the eleventh article of the proposed convention submitted by Nicaragua for the consideration of this Government, not for adoption by this Congress, but for the consideration of the diplomatic authorities of the Government. It is this:

ARTICLE XI.

Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

Shortly after I came to the Senate, twenty-five years ago, I was put upon the committee, of which Senator Hamlin, of Maine, was chairman, called the "Nicaraguan Claims Committee," out of which originated the present Interoceanic Canal Committee. A number of claims were sent before that committee in favor of citizens of the United States against Nicaragua, and counterclaims resulting from the destruction of Greytown. These claims had originated at the time or shortly after the time that a United States vessel burned Greytown. The claims have been pending from that time on to the present date.

This Government although very often importuned by citizens of the United States to press those claims has never done so; for what reason I can not conjecture. Doubtless in the progress of the discussion of this matter those claims have been mentioned; but they have not any connection in the world with the canal. They were claims for outrages that were alleged to have been perpetrated upon our citizens passing between California and New York, one of those claims being in behalf of a merchant of some distinction and a great deal of property who was killed in Nicaragua. His daughters have been living in this town and pressing that claim from that day to this without any consideration on the part of this Government except an occasional admonition to Nicaragua that the claim ought to be settled. Nicaragua in starting out on a fresh movement with us wanted naturally to have all difficulties of that sort removed, and this article was intended to cover claims of that kind, or perhaps three or four of them, and I suppose altogether they do not amount to $500,000.

The Senator from South Carolina and many other Senators seem to suppose that Article XI was intended to cover claims in behalf or in favor of the Maritime Canal Company against Nicaragua. The impossibility of that, Mr. President, clearly appears when I state the fact that in the charter which Congress granted to the Maritime Canal Company it was expressly based upon concessions that had been made by Nicaragua and were expected to be made by Costa Rica to this Maritime Canal Company. The language of the first section of the act is:

Be it enacted, etc., That Frederick Billings, Charles P. Daly, Daniel Ammen, Francis A. Stout, Horace L. Hotchkiss, Edward F. Beale, Hiram Hitchcock, C. Ridgeley Goodwin, A. C. Cheney, J. F. O'Shaughnessy, H. C. Taylor, J. W. Miller, A. S. Crowninshield, A. G. Menocal, Charles H. Stebbins, T. Harrison Garrett, Jules Aldige, R. A. Lancaster, Alfred E. Mills, Gustav E. Kissell, Horace Fairbanks, George H. Robinson, Alfred B. Darling, Joseph E. McDonald, James Roosevelt, Christian Devries, Frederick F. Thompson, Henry A. Parr, and such other persons as may be associated with them and their successors are hereby constituted and created a body corporate and politic indeed and in law by the name, style, and title of "The Maritime Canal Company of Nicaragua," for the construction, equipment, management, and operation of a ship canal from the Atlantic to the Pacific Ocean, either entirely through the territory of the Republic of Nicaragua or through Nicaragua and in part through the territory of the Republic of Costa Rica, with such collateral, connecting, or cross canals as may be necessary to connect therewith, and to exercise such other powers as have been conferred by the Government of Nicaragua by the concession of that Republic to the Nicaragua Canal Association, through Mr. A. G. Menocal, its representative, and dated the 23d day of March, A. D. 1887, and finally approved by the legislative and executive authority of the Republic on the 20th, 23d, and 24th days of April, A. D. 1887, and such powers as the Republic of Costa Rica may confer of the same kind as those named in said concession; and the said Maritime Canal Company of Nicaragua by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States; may make and have a common seal, and shall have and possess the rights, powers, and privileges usually possessed by similar companies.

It may receive, purchase, hold, and convey such real and personal estate, property, and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done, or materials provided in the execution of the work of constructing said ship canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments; may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits, and grants contained in any canal concession so made by the Republic of Nicaragua, or to be made by the Republic of Costa Rica, as aforesaid; and to aid in the construction of said canal and to carry out the purposes of this act, the said Maritime Canal Company of Nicaragua is hereby authorized to issue its bonds, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation. The principal office of said corporation shall be in the city of New York, and all legal process may be served upon the person who may at the time be in charge of said office or upon the attorney of said company, whose name and address shall be certified by the president of the company; and such certificate shall be filed in the office of the Secretary of State of the United States: *Provided, however*, That nothing in this act contained shall be so construed as to commit the United States to any pecuniary liability whatever for or on account of said company, nor shall the United States be held in any wise liable or responsible in any form or by any implication for any debt or liability, in any form which said company may incur, nor be held as guaranteeing any engagement or contract of said company, or as having assumed, by virtue of this act, any responsibility for the acts or proceedings of said company in any foreign country, or contracts or engagements entered into in the United States

The Senate will see there that the action of Congress in chartering that company was based upon this concession, and made for the purpose of carrying that concession into effect, and upon nothing else.

In the eleventh article of that concession, which I will read, it will appear that the Government of Nicaragua and also the Government of Costa Rica were shareholders, corporators, in this company chartered by the Congress of the United States—a very novel position, but still that is the law:

ARTICLE XI.

The Government of Nicaragua in its character of shareholder in the company of execution, as hereinafter provided, shall have the perpetual right of naming one director, who shall be an integral part of the board of directors of the company, with all the rights, privileges, and advantages conferred upon them by the statutes of the company and the laws of the country under which it shall organize.

Here were two Republics coming into this corporation, the Maritime Canal Company, in virtue of this act of Congress, and also in virtue of the concession or agreement between them for constructing and operating the canal. Now, I should like to know how Nicaragua or Costa Rica as a member of that corporation can have a claim against the United States under any circumstances for any wrong that it might inflict upon its co-corporators? Suppose that Nicaragua has mistreated the balance of the incorporators or the balance of the stockholders of the Maritime Canal Company, how can that give a claim against the United States? There is no such claim in existence—there never was pretended to be, and it can not exist. So that this eleventh article has no reference whatever to any such claim.

More than that, Mr. McKinley, on the 1st day of December, 1900, entered into a contract with Nicaragua, and on the same day and in the same words entered into a contract with Costa Rica, for what?

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As a preliminary to such future negotiations, it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate, at Washington, this 1st day of December, 1900.

JOHN HAY. [SEAL.]
LUIS F. COREA. [SEAL.]

The treaty referred to there has been made on the part of Nicaragua and Costa Rica a part of this agreement by subsequent stipulations, which they have filed with the Secretary of State, and which have been reported to the Senate. Therefore the Hay-Pauncefote treaty, as it was ratified, contains the terms of this agreement, except so far as they are expressed in another part of it. That treaty was referred to merely for the purpose of showing what the terms of the agreement were. Now, what are they? That the United States shall have the exclusive right of constructing and maintaining a canal across that Isthmus between the terminal points stated here in this agreement. How could the United States acquire from Nicaragua and Costa Rica the exclusive right to construct a canal there if either Nicaragua or Costa Rica admitted that there was any outstanding claim in favor of the Maritime Canal Company? It is an impossibility. There is no such claim, and there can not be such a claim, because they have conceded to us under this agreement the exclusive right to construct, maintain, and control a canal across that Isthmus.

What does this agreement mean? I shall not go into a discussion of it. Does it mean anything? Mr. President, no wiser act

was ever performed by a President of the United States than Mr. McKinley performed in having that agreement drawn up and signed. Why? Because he foresaw that the very moment we should get into discussion here, France or England—and both of them have done that very thing since that time, as I can show to the Senate—would interpose for the purpose of trying to get Nicaragua to make the concession to them; which would cut us out. So he bound those States in this contract, and said that they should stay bound until the Congress of the United States refused to grant him the power to acquire that territory. My friends on the other side of the Chamber who profess to admire Mr. McKinley so much, and none of them admire him personally more than I do, or was fonder of him than I was, or had more confidence in him than I had, those gentlemen will understand when they look over this contract that William McKinley was not playing at pushpin in making it, but he was carrying out the most magnificent part of the whole of the diplomatic action that has taken place in regard to this canal.

Now, he has bound these Governments, and they claim that they are bound and that we are bound, to do what? To consider the agreement and also to authorize the President to acquire these rights, or if not, to release them. How can we hold them perpetually? Congress has the right, and has exercised it with the largest liberty, to postpone the consideration of this agreement of December, 1900, and here it is hanging in the air now, and Nicaragua and Costa Rica both pressing for consideration.

The moment we refuse to accept it that moment they are free. The moment we pass a law authorizing the President of the United States to acquire the lands mentioned therein—the "territory," it is called—for the exclusive purpose of erecting and controlling and managing a canal, that moment they are bound.

Now, sir, I wanted to put that in a clear light before the Senate. There is no use bringing up here quips and quiddities, questions of no value. Let us do justice to the subject and to each other on this occasion.

Mr. CULLOM. Mr. President——

Mr. TURNER. I understand I have the floor.

Mr. CULLOM. I merely wish to make a motion.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Washington when the unfinished business is taken up to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 10, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 9, 1902.

CONSULS.

Frank W. Mahin, of Iowa, now consul at Reichenberg, Austria, to be consul of the United States at Nottingham, England, vice Silas C. McFarland, nominated to be consul at Reichenberg.

Silas C. McFarland, of Iowa, now consul at Nottingham, England, to be consul of the United States at Reichenberg, Austria, vice Frank W. Mahin, nominated to be consul at Nottingham.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be major-generals.

Brig. Gen. John C. Bates, United States Army, July 15, 1902, vice Wheaton, to be retired from active service that date, under the requirements of the act of Congress approved June 30, 1882.

Brig. Gen. George W. Davis, United States Army, July 21, 1902, vice Brooke, to be retired from active service that date, under the requirements of the act of Congress approved June 30, 1882.

To be brigadier-generals.

Col. Theodore J. Wint, Sixth Cavalry, June 9, 1902, vice Whitside, retired from active service.

Col. Frank D. Baldwin, Twenty-seventh Infantry, June 9, 1902, vice Lincoln, retired from active service.

Col. Jesse M. Lee, Thirtieth Infantry, June 17, 1902, vice Bird, to be retired from active service that date, under the requirements of the act of Congress approved June 30, 1882.

Col. William H. Carter, assistant adjutant-general, vice Bates, nominated for appointment as major-general, United States Army, to rank from the date of acceptance by that officer of his commission as major-general.

Maj. Tasker H. Bliss, commissary, vice Davis, nominated for appointment as major-general, United States Army, to rank from the date of acceptance by that officer of his commission as major-general.

MEDICAL DEPARTMENT.

Col. William H. Forwood, assistant surgeon-general, to be Surgeon-General for a period of four years, with the rank of brigadier-general, June 8, 1902, vice Sternberg, retired from active service.

ATTORNEY.

Henry Terrell, of Texas, to be United States attorney for the western district of Texas. A reappointment, his term having expired June 5, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 9, 1902.

CONSUL.

John F. Jewell, of Illinois, to be consul of the United States at Martinique, West Indies.

POSTMASTERS.

Joseph M. Ickes, to be postmaster at Newark, in the county of Licking and State of Ohio.

Clifford B. McCoy, to be postmaster at Coshocton, in the county of Coshocton and State of Ohio.

Henry Thomas, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

Thomas N. Tarbox, to be postmaster at Cedarville, in the county of Greene and State of Ohio.

Eugene A. Deardorff, to be postmaster at New Philadelphia, in the county of Tuscarawas and State of Ohio.

Thomas L. Flattery, to be postmaster at Wooster, in the county of Wayne and State of Ohio.

John W. Morris, to be postmaster at Piqua, in the county of Miami and State of Ohio.

John P. Barden, to be postmaster at Painesville, in the county of Lake and State of Ohio.

Lewis O. Cooper, to be postmaster at Middleport, in the county of Meigs and State of Ohio.

Augustus J. Eminger, to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio.

Robert S. Fulton, to be postmaster at Germantown, in the county of Montgomery and State of Ohio.

Cyrus McNeely Scott, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas.

Isaac A. Hill, to be postmaster at Harriman, in the county of Roane and State of Tennessee.

Gale Armstrong, to be postmaster at Rogersville, in the county of Hawkins and State of Tennessee.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 9, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, June 7, 1902, was read, corrected, and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POWERS of Massachusetts, for one week, on account of important business.

To Mr. STEWART of New Jersey, for one week, on account of important business.

To Mr. DEEMER, for one week, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5931. An act granting an increase of pension to Clara E. Daniels—to the Committee on Pensions.

S. 5879. An act to remove the charge of desertion from the Army record of Eli Hibbard—to the Committee on Military Affairs.

S. 4374. An act granting an increase of pension to Abraham Shreeves—to the Committee on Invalid Pensions.

S. 4183. An act granting an increase of pension to Oceana B. Irwin—to the Committee on Invalid Pensions.

S. 5049. An act for the relief of Sylvester Van Sickel—to the Committee on Invalid Pensions.

S. 5045. An act granting an increase of pension to Mary A. Moore—to the Committee on Invalid Pensions.

S. 5836. An act granting an increase of pension to Jesse Nesbit Smith—to the Committee on Pensions.

S. 4623. An act granting an increase of pension to Lewis F. Ross—to the Committee on Invalid Pensions.

S. 5774. An act granting a pension to Asa E. Sampson—to the Committee on Invalid Pensions.

S. 5719. An act granting an increase of pension to Sidney V. Lund—to the Committee on Invalid Pensions.

S. 1980. An act granting a pension to William D. Stites—to the Committee on Invalid Pensions.

S. 4709. An act granting a pension to Nelson W. Wade—to the Committee on Invalid Pensions.

S. 3508. An act granting an increase of pension to James M. Thomas—to the Committee on Invalid Pensions.

S. 586. An act for the relief of Frank C. Darling—to the Committee on Indian Affairs.

S. 3493. An act granting an increase of pension to Charles W. Rose—to the Committee on Invalid Pensions.

S. 5893. An act granting an increase of pension to Willie Thomas—to the Committee on Invalid Pensions.

S. 5361. An act granting an increase of pension to Martha A. Johnston—to the Committee on Invalid Pensions.

S. 473. An act granting an increase of pension to Mabry H. Presley—to the Committee on Invalid Pensions.

S. 1801. An act granting an increase of pension to James K. Van Matre—to the Committee on Invalid Pensions.

S. 1205. An act granting an increase of pension to Isabelle H. Irish—to the Committee on Pensions.

S. 1193. An act granting an increase of pension to Jane M. Meyer—to the Committee on Invalid Pensions.

S. 5782. An act granting an increase of pension to Nannie B. Turner—to the Committee on Invalid Pensions.

S. 1944. An act granting an increase of pension to Ann E. Tillson—to the Committee on Invalid Pensions.

S. 3236. An act to correct the military record of Hays Gaskill—to the Committee on Military Affairs.

S. 1479. An act granting an increase of pension to Thomas L. Caughey—to the Committee on Invalid Pensions.

S. 4923. An act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

S. R. 83. Joint resolution directing the Secretary of War to investigate the feasibility of operating an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington—to the Committee on Rivers and Harbors.

S. 5491. An act granting an increase of pension to John R. Sandsbury—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado;

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

H. R. 12085. An act providing for the completion of a light and fog-signal station in the Patapsco River, Maryland;

H. R. 7034. An act for the relief of Navajo County, Ariz.; and

H. R. 8736. An act ratifying the act of the territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4071. An act granting an increase of pension to George C. Tillman; and

S. 4927. An act granting an increase of pension to Hattie M. Whitney.

JUDSON G. HOWELL.

By unanimous consent, on motion of Mr. WRIGHT, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Judson G. Howell, Fifty-sixth Congress, no adverse report having been made thereon.

PERSONAL EXPLANATION.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that I may have two minutes for the purpose of making a personal explanation or statement.

The SPEAKER. The gentleman from New York asks unanimous consent to have two minutes for a personal explanation. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, is it with respect to the pending measure?

Mr. RAY of New York. Yes; in regard to the pending measure, with reference to something said in the debate.

The SPEAKER. The Chair hears no objection.

Mr. RAY of New York. Mr. Speaker, all I care to say is that on Saturday, in the course of the five-minute debate, I asserted emphatically that there were certain provisions of the Revised Statutes of the United States providing a minimum punishment of imprisonment without naming a maximum. A gentleman who is not present, and whose name I will not therefore mention, as emphatically asserted they were not there and challenged me to produce them. Of course, I did not have the Revised Statutes before me at the time, and had no reference to my memoranda, which were in the committee room, and I could not comply at the time. I now have the sections of the Revised Statutes to which I referred, exactly as I stated them to be, and I ask leave to insert those in the RECORD.

The SPEAKER. Without objection, the insertion will be made.

The sections referred to are as follows:

SEC. 5332, R. S. Every person guilty of treason shall suffer death, or, at the direction of the court, shall be imprisoned at hard labor for not less than five years and fined not less than $10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding, and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

SEC. 5354, R. S. When the death of any person is caused by the explosion of any quantity of such articles, or either of them, while the same is being placed upon any vessel or vehicle to be transported in violation of the preceding section, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, every person who knowingly placed, or aided, or permitted the placing of such articles upon such vessel or vehicle to be so transported, is guilty of manslaughter, and shall suffer imprisonment for a period of not less than two years.

PROTECTION OF THE PRESIDENT.

Mr. LANHAM. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Texas demands the regular order. The regular order is the vote pending at adjournment on Saturday, upon which the yeas and nays were ordered. The question is on the motion of the gentleman from Missouri to recommit with instructions the bill with respect to the protection of the President.

The question was taken; and there were—yeas 71, nays 125, answered "present" 21, not voting 134; as follows:

YEAS—71.

Adamson,	Finley,	Livingston,	Shafroth,
Bankhead,	Fitzgerald,	Lloyd,	Shallenberger,
Bartlett,	Fox,	McClellan,	Sims,
Bell,	Griffith,	McCulloch,	Small,
Bellamy,	Henry, Miss.	McLain,	Smith, Ky.
Bowie,	Hooker,	Maddox,	Snodgrass,
Breazeale,	Howard,	Mickey,	Snook,
Brundidge,	Jackson, Kans.	Neville,	Spight,
Burgess,	Jett,	Newlands,	Stark,
Burleson,	Johnson,	Norton,	Stephens, Tex.
Burnett,	Jones, Va.	Patterson, Tenn.	Swanson,
Caldwell,	Kehoe,	Randell, Tex.	Taylor, Ala.
Candler,	Kitchin, Claude	Reid,	Thomas, N. C.
Conry,	Kitchin, Wm. W.	Richardson, Ala.	Thompson,
Cooper, Tex.	Kleberg,	Robinson, Ind.	Underwood,
Creamer,	Lanham,	Rucker,	Vandiver,
De Armond,	Lewis, Ga.	Scarborough,	Zenor.
Dinsmore,	Little,	Shackleford,	

NAYS—125.

Adams,	Foerderer,	Lovering,	Shattuc,
Alexander,	Fordney,	McCleary,	Smith, Ill.
Ball, Del.	Foss,	McLachlan,	Smith, Iowa
Bartholdt,	Gardner, Mich.	Mahon,	Smith, H. C.
Bates,	Gibson,	Mann,	Smith, S. W.
Bishop,	Gill,	Martin,	Smith, Wm. Alden,
Brick,	Gillet, N. Y.	Mercer,	Southard,
Brown,	Graff,	Minor,	Sperry,
Burk, Pa.	Greene, Mass.	Moody, N. C.	Steele,
Burkett,	Grosvenor,	Moody, Oreg.	Stevens, Minn.
Burleigh,	Grow,	Moon,	Stewart, N. Y.
Butler, Pa.	Hamilton,	Morris,	Storm,
Cannon,	Haskins,	Moss,	Sutherland,
Capron,	Hemenway,	Mudd,	Tawney,
Cassel,	Henry, Conn.	Needham,	Tayler, Ohio
Coombs,	Hildebrant,	Nevin,	Thayer,
Corliss,	Hill,	Olmsted,	Thomas, Iowa
Cousins,	Hitt,	Overstreet,	Tirrell,
Cromer,	Hopkins,	Padgett,	Tompkins, Ohio
Crumpacker,	Howell,	Palmer,	Van Voorhis,
Currier,	Hughes,	Patterson, Pa.	Vreeland,
Curtis,	Jones, Wash.	Payne,	Wachter,
Cushman,	Joy,	Pearre,	Wanger,
Darragh,	Kahn,	Perkins,	Warner,
Davidson,	Ketcham,	Prince,	Warnock,
Draper,	Knapp,	Pugsley,	Watson,
Driscoll,	Lacey,	Ray, N. Y.	Williams, Ill.
Eddy,	Lawrence,	Reeder,	Williams, Miss.
Emerson,	Lewis, Pa.	Reeves,	Woods.
Esch,	Littlefield,	Rumple,	
Evans,	Long,	Russell,	
Fletcher,	Loudenslager,	Scott,	

ANSWERED "PRESENT"—21.

Ball, Tex.	Davis, Fla.	Irwin,	Richardson, Tenn.
Barney,	Foster, Vt.	Loud,	Slayden,
Beidler,	Gardner, N. J.	McCall,	Trimble.
Bromwell,	Griggs,	Metcalf,	
Brownlow,	Hay,	Morrell,	
Clark,	Holliday,	Rhea, Va.	

NOT VOTING—134.

Acheson,	De Graffenreid,	Kern,	Robb,
Allen, Ky.	Deemer,	Klutt,	Roberts,
Allen, Me.	Dick,	Knox,	Robertson, La.
Aplin,	Dougherty,	Kyle,	Robinson, Nebr.
Babcock,	Douglas,	Lamb,	Ruppert,
Belmont,	Dovener,	Landis,	Ryan,
Benton,	Edwards,	Lassiter,	Schirm,
Bingham,	Elliott,	Latimer,	Selby,
Blackburn,	Feely,	Lessler,	Shelden,
Blakeney,	Fleming,	Lester,	Sheppard,
Boreing,	Flood,	Lever,	Sherman,
Boutell,	Foster, Ill.	Lindsay,	Showalter,
Bowersock,	Fowler,	Littauer,	Sibley,
Brantley,	Gaines, Tenn.	McAndrews,	Skiles,
Bristow,	Gaines, W. Va.	McDermott,	Southwick,
Broussard,	Gilbert,	McRae,	Sparkman,
Bull,	Gillett, Mass.	Mahoney,	Stewart, N. J.
Burke, S. Dak.	Glenn,	Marshall,	Sulloway,
Burton,	Goldfogle,	Maynard,	Sulzer,
Butler, Mo.	Gooch,	Meyer, La.	Talbert,
Calderhead,	Gordon,	Miers, Ind.	Tate,
Cassingham,	Graham,	Miller,	Tompkins, N. Y.
Clayton,	Green, Pa.	Mondell,	Tongue,
Cochran,	Hall,	Morgan,	Wadsworth,
Connell,	Hanbury,	Mutchler,	Weeks,
Conner,	Haugen,	Naphen,	Wheeler,
Cooney,	Heatwole,	Otjen,	White,
Cooper, Wis.	Hedge,	Parker,	Wiley,
Cowherd,	Henry, Tex.	Pierce,	Wilson,
Crowley,	Hepburn,	Pou,	Wooten,
Dahle,	Hull,	Powers, Me.	Wright,
Dalzell,	Jack,	Powers, Mass.	Young.
Davey, La.	Jackson, Md.	Ransdell, La.	
Dayton,	Jenkins,	Rixey,	

So the motion to recommit with instructions was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BOREING with Mr. TRIMBLE.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. YOUNG with Mr. BENTON.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BULL with Mr. CROWLEY.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. HEATWOLE with Mr. TATE.

Mr. WRIGHT with Mr. HALL.

Mr. METCALF with Mr. WHEELER.

Until further notice:

Mr. IRWIN with Mr. GOOCH.

Mr. HOLLIDAY with Mr. MIERS of Indiana.

Mr. POWERS of Massachusetts with Mr. GAINES of Tennessee.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. SKILES with Mr. TALBERT.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. ALLEN of Maine with Mr. DAVIS of Florida.

Mr. CONNELL with Mr. FOSTER of Illinois.

Mr. HANBURY with Mr. LEVER.

Mr. BURKE of South Dakota with Mr. BUTLER of Missouri.

Mr. BOWERSOCK with Mr. LINDSAY.

Mr. CALDERHEAD with Mr. ROBB.

Mr. BARNEY with Mr. MCRAE.

Mr. HEPBURN with Mr. COCHRAN.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. HEMENWAY with Mr. ZENOR.

Mr. LANDIS with Mr. CLARK.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BROWNLOW with Mr. PIERCE.

Mr. DOVENER with Mr. LESTER.

Until June 12, 1902:

Mr. WEEKS with Mr. SHEPPARD.

Until June 14, 1902:

Mr. STEWART of New Jersey with Mr. KLUTTZ.

Until June 10, 1902:

Mr. FOSTER of Vermont with Mr. POU.

Mr. HULL with Mr. HAY.

On this vote:

Mr. DOUGLAS with Mr. RHEA of Virginia.

Mr. SIBLEY with Mr. COWHERD.

Mr. GARDNER of New Jersey with Mr. WHITE.

Mr. SCHIRM with Mr. SULZER.

On this bill:

Mr. SOUTHWICK with Mr. GORDON.

Mr. JENKINS with Mr. MEYER of Louisiana.

Mr. OTJEN with Mr. BELMONT.

For this day:

Mr. GRAHAM with Mr. FLOOD.

Mr. BURTON with Mr. BALL of Texas.

Mr. MARSHALL with Mr. ALLEN of Kentucky.

Mr. BEIDLER with Mr. HENRY of Texas.

Mr. ACHESON with Mr. MAYNARD.

Mr. BABCOCK with Mr. RYAN.

Mr. JACKSON of Maryland with Mr. DOUGHERTY.

Mr. JACK with Mr. DE GRAFFENREID.

Mr. KYLE with Mr. BRANTLEY.

Mr. SHELDEN with Mr. COONEY.

Mr. TONGUE with Mr. GLENN.

Mr. GAINES of West Virginia with Mr. GOLDFOGLE.

Mr. HAUGEN with Mr. KERN.

Mr. HEDGE with Mr. LAMB.

Mr. KNOX with Mr. LASSITER.

Mr. LESSLER with Mr. LATIMER.

Mr. TOMPKINS of New York with Mr. MCDERMOTT.

Mr. LITTAUER with Mr. ROBINSON of Nebraska.

Mr. MILLER with Mr. MCANDREWS.

Mr. MONDELL with Mr. MAHONEY.

Mr. MORGAN with Mr. RANSDELL of Louisiana.

Mr. POWERS of Massachusetts with Mr. RIXEY.

Mr. ROBERTS with Mr. SELBY.

Mr. WADSWORTH with Mr. BROUSSARD.

Mr. BINGHAM with Mr. WILSON.

Mr. BLACKBURN with Mr. CLAYTON.

Mr. BLAKENEY with Mr. WOOTEN.

Mr. CONNER with Mr. EDWARDS.

Mr. COOPER of Wisconsin with Mr. ELLIOTT.

Mr. DICK with Mr. FEELY.

Mr. SULLOWAY with Mr. FLEMING.

Mr. FOWLER with Mr. GILBERT.

Mr. DALZELL with Mr. RICHARDSON of Tennessee.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

Mr. LANHAM. On that question, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 38, answered "present" 16, not voting 118; as follows:

YEAS—179.

Adams,	Fletcher,	McClellan,	Scott,
Alexander,	Foerderer,	McLachlan,	Shafroth,
Babcock,	Fordney,	Mahon,	Shallenberger,
Ball, Del.	Foss,	Mann,	Shattuc,
Bankhead,	Foster, Vt.	Martin,	Sibley,
Bartholdt,	Fowler,	Mercer,	Sims,
Bates,	Gardner, Mich.	Mickey,	Small,
Beidler,	Gardner, N. J.	Miller,	Smith, Ill.
Bell,	Gibson,	Minor,	Smith, Iowa
Bishop,	Gill,	Mondell,	Smith, Ky.
Bowie,	Gillet, N. Y.	Moody, N. C.	Smith, H. C.
Brick,	Graff,	Moody, Oreg.	Smith, S. W.
Bromwell,	Greene, Mass.	Moon,	Snodgrass,
Brown,	Griffith,	Morrell,	Snook,
Burgess,	Grosvenor,	Morris,	Southard,
Burk, Pa.	Grow,	Moss,	Sperry,
Burke, S. Dak.	Hamilton,	Mudd,	Stark,
Burkett,	Haskins,	Needham,	Steele,
Burleigh,	Haugen,	Nevin,	Stevens, Minn.
Burnett,	Hemenway,	Newlands,	Stewart, N. Y.
Butler, Pa.	Henry, Conn.	Norton,	Storm,
Caldwell,	Hildebrant,	Olmsted,	Sutherland,
Cannon,	Hill,	Otjen,	Swanson,
Capron,	Hitt,	Overstreet,	Tawney,
Cassel,	Hopkins,	Padgett,	Tayler, Ohio
Conner,	Howell,	Palmer,	Taylor, Ala.
Conry,	Hughes,	Patterson, Pa.	Thayer,
Coombs,	Jackson, Kans.	Payne,	Thomas, Iowa
Cousins,	Jett,	Pearre,	Thomas, N. C
Cowherd,	Jones, Wash.	Perkins,	Thompson,
Cromer,	Joy,	Pou,	Tirrell,
Crumpacker,	Kahn,	Prince,	Tompkins, Ohio
Currier,	Kehoe,	Pugsley,	Van Voorhis,
Curtis,	Ketcham,	Ray, N. Y.	Vreeland,
Cushman,	Knapp,	Reeder,	Wachter,
Dahle,	Lacey,	Reeves,	Wanger,
Darragh,	Lawrence,	Rhea, Va.	Warner,
Draper,	Lewis, Pa.	Richardson, Ala.	Warnock,
Driscoll,	Littauer,	Roberts,	Watson,
Eddy,	Littlefield,	Robinson, Ind.	Wiley,
Edwards,	Livingston,	Rucker,	Williams, Ill.
Emerson,	Lloyd,	Rumple,	Williams, Miss.
Esch,	Long,	Russell,	Woods,
Evans,	Lovering,	Ryan,	Zenor.
Fitzgerald,	McCleary,	Schirm,	

NAYS—38.

Adamson,	Finley,	Kleberg,	Patterson, Tenn.
Bartlett,	Fox,	Lanham,	Randell, Tex.
Brantley,	Glenn,	Lester,	Reid,
Brundidge,	Henry, Miss.	Lewis, Ga.	Scarborough,
Burleson,	Hooker,	Little,	Shackleford,
Candler,	Howard,	Loud,	Spight,
Cooper, Tex.	Johnson,	McCulloch,	Stephens, Tex.
Creamer,	Jones, Va.	McLain,	Underwood.
De Armond,	Kitchin, Claude	Maddox,	
Dinsmore,	Kitchin, Wm. W.	Neville,	

ANSWERED "PRESENT"—16.

Ball, Tex.	Clark,	Hay,	Metcalf,
Barney,	Cochran,	Holliday,	Richardson, Tenn.
Bellamy,	Davis, Fla.	Irwin,	Trimble,
Brownlow,	Griggs,	McCall,	Vandiver.

NOT VOTING—118.

Acheson,	De Graffenreid,	Kern,	Robertson, La.
Allen, Ky.	Deemer,	Kluttz,	Robinson, Nebr.
Allen, Me.	Dick,	Knox,	Ruppert.
Aplin,	Dougherty,	Kyle,	Selby,
Belmont,	Douglas,	Lamb,	Shelden,
Benton,	Dovener,	Landis,	Sheppard,
Bingham,	Elliott,	Lassiter,	Sherman,
Blackburn,	Feely,	Latimer,	Showalter,
Blakeney,	Fleming,	Lessler,	Skiles,
Boreing,	Flood,	Lever,	Slayden,
Boutell,	Foster, Ill.	Lindsay,	Smith, Wm. Alden
Bowersock,	Gaines, Tenn.	Loudenslager,	Southwick,
Breazeale,	Gaines, W. Va.	McAndrews,	Sparkman,
Bristow,	Gilbert,	McDermott,	Stewart, N. J.
Broussard,	Gillett, Mass.	McRae,	Sulloway,
Bull,	Goldfogle,	Mahoney,	Sulzer,
Burton,	Gooch,	Marshall,	Talbert,
Butler, Mo.	Gordon,	Maynard,	Tate,
Calderhead,	Graham,	Meyer, La.	Tompkins, N. Y.
Cassingham,	Green, Pa.	Miers, Ind.	Tongue,
Clayton,	Hall,	Morgan,	Wadsworth,
Connell,	Hanbury,	Mutchler,	Weeks,
Cooney,	Heatwole,	Naphen,	Wheeler,
Cooper, Wis.	Hedge,	Parker,	White,
Corliss,	Henry, Tex.	Pierce,	Wilson,
Crowley,	Hepburn,	Powers, Me.	Wooten,
Dalzell,	Hull,	Powers, Mass.	Wright,
Davey, La.	Jack,	Ransdell, La.	Young.
Davidson,	Jackson, Md.	Rixey,	
Dayton,	Jenkins,	Robb,	

So the bill was passed.

Mr. GLENN. Mr. Speaker, I desire to know if my vote is recorded?

The SPEAKER. The gentleman has not voted. Was he present and listening when his name was called?

Mr. GLENN. I was listening to my name and did not hear it.

The SPEAKER. Was the gentleman listening?

Mr. GLENN. Yes, sir; I was on the second roll call. I was not present on the first roll call.

The name of Mr. GLENN was called, and he voted "no."

Mr. MONDELL. Mr. Speaker, am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. MONDELL. I was present and listening and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name was called?

Mr. MONDELL. I was.

The SPEAKER. And did not hear it?

Mr. MONDELL. I did not hear it.

The name of Mr. MONDELL was called, and he voted "aye."

The following additional pairs were announced:

On this vote:

Mr. GREEN of Pennsylvania with Mr. VANDIVER.

Mr. CORLISS with Mr. BREAZEALE.

For balance of day:

Mr. APLIN with Mr. SULZER.

The result of the vote was then announced as above recorded.

Mr. RAY of New York. Mr. Speaker, I move to amend the title in accordance with the recommendation of the committee.

The SPEAKER. Without objection, the amendment of the title will be agreed to.

There was no objection, and it was so ordered.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN CITIZENS DETAINED IN SOUTH AFRICA.

Mr. HITT. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Illinois submits a privileged report, which the Clerk will read.

The Clerk read as follows:

House resolution No. 286.

Whereas it being now reported in the public press that terms of peace have been signed and accepted by Great Britain and the late South African Republics, and that war between these peoples has ceased: Therefore, be it

Resolved, That the Secretary of State be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a complete list showing the names of all American citizens (and their residence) who are now detained by the British authorities as prisoners of war, together with information as to what investigation, if any, has been made by the State Department concerning the cause of their detention, and what action has been taken to secure their release.

The report (by Mr. HITT) was read, as follows:

The Committee on Foreign Affairs, to whom was referred House resolution 286, requesting the Secretary of State to furnish to the House a complete list of American citizens now detained by the British authorities as prisoners of war, having duly considered the same, report it back with the recommendation that it be passed.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was ageed to.

HENRY I. SMITH.

Mr. RUMPLE. Mr. Speaker, I desire to submit a conference report and statement, to be printed.

The SPEAKER. The report and statement will be printed in the RECORD.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "forty."

J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

A. G. FOSTER,
J. R. BURTON,
E. W. CARMACK,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The bill (H. R. 8794) granting an increase of pension to Henry I. Smith passed the House at $60. The Senate amended by striking out $60 and inserting $30.

The result of the conference is that the House recede from is disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by the Senate insert "forty."

J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

PERSONAL STATEMENT.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to be allowed two minutes to make a personal statement.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he be accorded two minutes to make a personal statement. Is there objection?

Mr. RICHARDSON of Tennessee. May I ask the gentleman what is the subject of his personal explanation?

Mr. MORRELL. In reference to some remarks I made on Saturday in relation to the bill just passed.

The SPEAKER. The Chair hears no objection.

Mr. MORRELL. Mr. Speaker, I have learned that the remarks which I made in a joking manner on Saturday, while section 13 of the bill was being discussed, have been considered by some to be a reflection upon the Judiciary Committee. I beg to state that nothing was further from my intention. I have the highest respect for the chairman and members of that committee, and also for their ability and learning; and what I intended was simply to allude to the manner in which all amendments, both those that were offered on the other side and those offered on this side of the House, had been through their skill bowled over, my own two little pets among the number. If they consider what I said in any way discourteous, I offer them at this present time a full and ample apology.

LEVI HATCHETT.

Mr. GIBSON. Mr. Speaker, I call up the conference report on the bill S. 2975. It has heretofore been printed in the RECORD, and I ask to have the report agreed to. I ask to dispense with the reading of the report and to read the statement.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to dispense with the reading of the report, and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The statement was read, as follows:

The Senate bill S. 2975 increased the pension of Levi Hatchett to $24. The House amended the Senate bill by striking out "$24" and inserting "$17." The result of the conference agreement is that the House recedes, and this leaves the bill as it passed the Senate.

HENRY R. GIBSON,
RUD. KLEBERG,
Conferees on the part of the House.

Mr. GIBSON. I move the adoption of the report.

The report of the committee of conference was agreed to.

HELEN A. B. DU BARRY.

Mr. GIBSON. Mr. Speaker, I call up the conference report on Senate bill 1037, granting an increase of pension to Helen A. B. Du Barry. I ask that the reading of the report be omitted and that the statement be read.

The SPEAKER. Has it been printed in the RECORD?

Mr. GIBSON. It has, on page 6776 of the RECORD.

The SPEAKER. The gentleman from Tennessee presents a conference report, and asks that the reading of the report be omitted and the statement only be read. Is there objection?

There was no objection.

The Clerk read the statement, as follows:

The bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry passed the Senate at $50. The House amended the same by striking out "$50" and inserting "$40."

The result of the conference is that the House recedes from its amendment, leaving the bill as it passed the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
Managers on the part of the House.

The conference report was agreed to.

GEORGE W. BARRY.

Mr. GIBSON. Mr. Speaker, I send up a conference report on the bill (H. R. 9544) granting an increase of pension to George W. Barry for the purpose of printing it in the RECORD.

The SPEAKER. The gentleman from Tennessee presents conference report on House bill 9544, to be printed in the RECORD under the rule.

[For conference report see Senate proceedings of June 6, 1902.]

The statement is as follows:

The bill (H. R. 9644) granting an increase of pension to George W. Barry passed the House at $20. The Senate amended the same by striking out "$20" and inserting "$16."

The result of the conference is that the House recedes from its disagreement to the amendment of the Senate and agrees to the same, leaving the bill as it passed the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
RUDOLPH KLEBERG,
Managers on the part of the House.

TRANSFER OF FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is House bill 11536, in relation to forest reserves.

Mr. LACEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes.

Mr. Speaker, the order is not properly printed on the face of the Calendar. That was amended in the House by unanimous consent.

The SPEAKER. In what respect?

Mr. LACEY. For the House to resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill instead of being considered in the House as in Committee of the Whole. It was done at the request of the gentleman from Illinois [Mr. CANNON].

The SPEAKER. That is in accordance with the recollection of the Chair. The question is on the motion of the gentleman from Iowa, that the House resolve itself into Committee of the Whole House on the state of the Union as by the order of the House some days ago.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

Mr. LACEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Chairman, without making any preliminary arrangement in regard to time for general debate, I think probably the best way to treat this bill would be to have a general debate not very long extended, but a full allowance of time under the five-minute rule, so that the bill can be more carefully considered in its details and not so much time spent in general debate. I make these suggestions, but I would like to hear from any gentleman inclined to oppose the bill.

Mr. SHAFROTH. Does not the gentleman think that the best way would be for the gentleman to open the case on his side, and then have one on the other side, and then begin to read the bill? Or, if it is to be understood that we are not to be cut off under the five-minute rule, but shall have ten or fifteen minutes, I am willing to take up the bill now.

Mr. LACEY. Of course, an agreement of this kind would not be binding in each and every instance, but where the House has entered into an arrangement of this kind to perfect a bill in detail like this it has worked satisfactorily, and I have no doubt it can be done in the present instance.

Mr. Chairman, I will endeavor to explain the merits of the bill. This bill was introduced to carry out the purposes set out in the President's annual message to Congress last December, and I will ask in a preliminary way that the Clerk will read that portion of the President's message.

The Clerk read as follows:

Certain of the forest reserves should also be made preserves for the wild forest creatures. All of the reserves should be better protected from fires. Many of them need special protection because of the great injury done by live stock, above all by sheep. The increase in deer, elk, and other animals in the Yellowstone Park shows what may be expected when other mountain forests are properly protected by law and properly guarded. Some of these areas have been so denuded of surface vegetation by overgrazing that the ground-breeding birds, including grouse and quail, and many mammals, including deer, have been exterminated or driven away. At the same time the water-storing capacity of the surface has been decreased or destroyed, thus promoting floods in time of rain and diminishing the flow of streams between rains.

In cases where natural conditions have been restored for a few years, vegetation has again carpeted the ground. birds and deer are coming back, and hundreds of persons, especially from the immediate neighborhood, come each summer to enjoy the privilege of camping. Some at least of the forest reserves should afford perpetual protection to the native fauna and flora, safe havens of refuge to our rapidly diminishing wild animals of the larger kinds, and free camping grounds for the ever increasing numbers of men and women who have learned to find rest, health, and recreation in the splendid forests and flower-clad meadows of our mountains. The forest reserves should be set apart forever for the use and benefit of our people as a whole and not sacrificed to the shortsighted greed of a few.

The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.

* * * * * * *

At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States. These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the Departments of War and the Navy.

Mr. LACEY. Now, the question of a system of forest reserves in this country is of comparatively recent origin, and interest in it has become general. There are two propositions involved in this bill. The first is that the reserves which have heretofore been created and which may hereafter be set apart shall be transferred from time to time for administration to the Department of Agriculture. The bill however provides that this shall not be done until the permanent boundaries of each of these reservations shall be established, which permanent delimitation of the boundaries shall precede the transfer of each reserve. In the end the result will be that all of the forest reserves will be transferred to the Department of Agriculture for administration. We have now a Bureau of Forestry in the Department of Agriculture. That Bureau has in its employ practically all the scientific foresters in the United States. We have a Division of Forestry in the Land Office, but the Land Office, of course, has not been specially fitted for this scientific work. The great purpose of the Land Office has been to survey and dispose of the public lands, not to take care and preserve them, but to dispose of them to private individuals. So that by the very nature of the organization of the two departments, the permanent administration and permanent care of the forests would more properly be lodged in the Department of Agriculture.

In other words, forestry is tree cultivation upon a large scale and covering long periods of time, for which the life of an individual would be inadequate. France and Germany have been compelled by force of necessity to adopt a forestry system. Spain, too, suffering from drought and the destruction of her water courses, has adopted such a system. The State of New York has been compelled to buy the Adirondacks, spending $4,000,000 in order to save the headwaters of the Hudson. These forests upon the tops of the mountains in the Far West serve to protect the snow and fountain heads of the streams and to make irrigation practical and practicable. We have upon the Calendar, and will no doubt within a few days consider, a bill with reference to the irrigation of arid lands in the West. Now, it makes no difference whether the future irrigation shall be controlled by private parties or by the States or by the United States—whichever course is taken it is essential that the sources of the streams should be preserved.

The Department of Agriculture has a scientific bureau that has been organized, not for the purpose of preventing the use of the trees on our public lands, but to provide for their use so that they may be cut down from time to time as they may be needed by settlers; and at the same time proper measures will be used to prevent fires and to maintain and restore these forests, as in Germany they are maintaining and preserving these forests, while at the same time they are realizing from year to year the benefits of marketing the ripened or matured trees.

In France they have found that by the destruction of the forests the heavy rains have resulted in washing down the soil on the sides of the mountains and destroying the valleys beneath, and at an expense of millions of francs the French Government is restoring the forests on the mountain slopes. The people of the United States have wakened up to the necessity of preserving at least a portion of our woods, to the end that the balance of our land may be successfully tilled.

Mr. STEPHENS of Texas. Does this bill extend the law as it now exists with reference to these forest reserves? Does it make any change?

Mr. LACEY. There is no change whatever, except that from time to time, as the boundaries of these reserves shall have been finally settled, the reserves may, in the discretion of the President, be transferred from the management of the Department of the Interior to the Department of Agriculture.

There is a reason for not doing this all at once. The President manifested his desire for an immediate transfer. This would not be practicable for this reason: The boundaries of some of these reserves were very imprudently established. Territory is included in some of them that ought not to be included. Under the law in pursuance of which they were created there was authority to add from time to time additional area for these reservations, but no provision was made by which any of the reserves could be afterwards excluded from these boundaries without a special act of Congress.

Mr. SMITH of Arizona. Does this bill provide any means of decreasing or lessening the reserves?

Mr. LACEY. I will explain that in a moment.

That being the case, there was much dissatisfaction over the sudden establishment of very large areas of reserves, and an amendment was put into an appropriation bill by which power was given to the President to issue at any time an Executive order excluding portions of these reserves and providing also for a method of surveying by which the Geological Survey could establish the permanent boundaries and thus separate from the various reservations, without further Congressional action, such portions as were found to be improvidently or unnecessarily included in the original boundaries of the reserves as established.

Mr. STEPHENS of Texas. Does the bill make any change with reference to the leasing of these lands for grazing purposes to cattlemen or sheepmen?

Mr. LACEY. It does not attempt to deal with that question.

Mr. STEPHENS of Texas. Will that be permitted under the law if this bill be passed?

Mr. LACEY. The law is not changed in that respect. The facilities for the grazing of sheep, cattle, and other domestic animals within the various reserves are not interfered with. The permits, however, for that purpose are limited, of course, to the capacity of the reserves. The endeavor is made not to overstock them—not to put in so many cattle that they must feed upon the herbage of the young trees, and thus destroy instead of increasing the forests. That is the requirement of the existing law, and this bill does not attempt to deal with that question in any way.

Mr. STEPHENS of Texas. The object of the present law and of this bill, as I understand, is to preserve the forests.

Mr. LACEY. That purpose is the same in both measures.

Mr. STEPHENS of Texas. The gentleman is no doubt aware of the fact that many of these forest reserves embrace lands where, over a great many square miles, there is not a stick of timber.

Mr. LACEY. I have stated that in a great many instances lands have been improvidently included in these reserves. I think, however, that if a bill should be passed at once transferring all the reserves, without having the boundaries surveyed, there might be trouble in afterwards making the necessary corrections.

Mr. STEPHENS of Texas. I appreciate that fact.

Mr. LACEY. That ought to be done prior to the permanent transfer of any reserves to the Agricultural Department. Power is to be conferred upon the President to exclude from the operation of this bill the lands which may be more useful for other purposes. For instance, there may be mineral discoveries in a reserve not now known to contain any such deposits. Towns may speedily grow up in the vicinity, rendering it necessary, or at least very proper, that additional territory should be excluded. That power in the Executive, as it now exists, is not in any way affected by the provisions of this bill.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the miners can now go upon these timber lands anywhere and locate their claims?

Mr. LACEY. They can.

Mr. STEPHENS of Texas. And they are permitted to use the timber on them?

Mr. LACEY. The effort has been made to meet the sentiment of the communities where the reserves are located, not to use them to the detriment of the community, but to make them subserve the necessities, the uses, and the growth of the communities in which they are located.

It is the purpose of the Government, as evidenced by its former action, to select these reserves from land that is not suitable for farming. Mr. Chairman, the proposition is to permit the setting apart of game and fish preserves in such portions of these various forest reserves as may be found suitable for that purpose, with the proviso, however, that where any such reserve is in a State it can not be set apart for this purpose until the executive of the State shall have first consented to that order, thus securing the united action of the State and of the National Government in creating such reserve.

Mr. ROBINSON of Indiana. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. ROBINSON of Indiana. The gentleman says that the provisions in this bill which provide that the consent of the governor shall be obtained before certain very important steps are taken, secures the cooperation of the United States with the State government; and I want to ask him if he regards that as a sufficient safeguarding of the rights of the people, when the governor himself is authorized to give this consent, or to petition for the benefits offered?

Mr. LACEY. Mr. Chairman, I think where you first require that the President of the United States shall act, and, second, that he shall only act with the consent of the executive of the State, that that will be an ample safeguard, because no governor representing the people of his State will ask or consent to the establishment of such a preserve in a locality where it is undesirable, or in a community that is hostile to such reservation; and in this way we will have the concerted action of both executives, and thus not force upon any unwilling State the benefits of such reserves. In short, I think instead of creating reserves, and having friction afterwards, these reserves will be asked for in reasonable limit in the various States in which forest reserves are situated.

Take a State like Colorado, with several forest reserves, and suppose the governor of Colorado shall ask the Executive of the United States to set apart one-half of one of those reserves or all of some one of them for a game preserve in order that the elk and the antelope and the fish, the various species of the forest and of the stream, may be preserved? Now, the fish and game will overflow from these places of refuge into the outside country, and the people of the State will thus have the opportunity of hunting and fishing outside of the reservation, because by proper methods they are protected on the reservation, so that such a game preserve, while apparently interfering with the hunting of a State, will in fact increase it, because it will give in certain localities in which the birds and game live an opportunity to breed, and for that reason I have no doubt that the request will be made from every State in which there are forest reserves to have at least a portion of some one of these reservations thus set apart. This provision was not put in as to Territories. The governor of a Territory is appointed by the President of the United States and owes his office to him.

Mr. ROBINSON of Indiana. But, Mr. Chairman——

Mr. LACEY. And the provision was applied to the States alone for that reason.

Mr. ROBINSON of Indiana. The gentleman does not meet the proposition. The bill in its provisions provides a changing of the system of the administration of public justice, authorizing a punishment for the violation of regulations of an officer of the United States Government.

Mr. LACEY. Yes.

Mr. ROBINSON of Indiana. Changing in that respect the making of and providing for the prosecution of crime within the boundaries of a State.

Mr. LACEY. Creating a Federal crime, in short, where there is only a State offense now.

Mr. ROBINSON of Indiana. Now, while the opinion of the gentleman with reference to the solicitude of the governors for these things may be germane, it is more important that the people of those States shall be consulted, and that their legislative voice shall be heard; otherwise it gives to him an arbitrary power, and he is irresponsible to the people, already elected as he is, and therefore——

Mr. LACEY. The legislature would be equally irresponsible to the people after they get their office. If you say that a man after election ceases to be responsible to the people who elected him, I think you would find the governor would be just as desirous of trying to carry out the wishes of the people as any legislature would be.

Mr. ROBINSON of Indiana. But the governor may act on the instant, whereas the legislative branch of the Government can not act until the measure comes before them in some orderly way or other, so that the people may understand what is going on and hold responsible a dereliction of duty. So it is not the opinion of the people of the State of Indiana that is expressed by their governor, he is elected for four years and is not thereafter eligible. I think it is a most dangerous power to change a branch of the criminal system of a State, simply because it is asked for by the governor of the State.

Mr. LACEY. I think the gentleman from Indiana does not gather the full scope and effect of this provision. The opinion of the Attorney-General is set out in the report, and to that I ask his attention.

Mr. ROBINSON of Indiana. Yes; but I have read the sections of the bill.

Mr. LACEY. I invite the gentleman's attention to the powers of Congress. Congress has the power, without asking the consent

of anybody, to create a game preserve upon the public lands, whether they are inside a forest reserve or not; but, in my judgment, this ought not to be done without the consent of the community. There should always be full respect given to the wishes of committees, and only such arrangements of this kind made as will meet the views of the various people living in the States where the law is to be enforced.

Mr. ROBINSON of Indiana. If the gentleman will pardon me, section 9 is the section admitting the authority of the State, which the gentleman seeks to curb:

SEC. 9. That if any offense under State or Territorial laws shall be committed within the limits of any forest reserve or fish and game preserve, other than the offenses prescribed in departmental regulations or laws of the United States, the jurisdiction of the State or Territorial courts over the same shall be in no wise impaired by this act.

Mr. KLEBERG. Mr. Chairman, I should like to interrupt my friend.

Mr. LACEY. I yield to the gentleman from Texas.

Mr. KLEBERG. I ask the gentleman if it is not a fact that the Government of the United States has the exclusive jurisdiction over all property of arsenals, forts, public buildings, and whether it should not have exclusive jurisdiction, if necessary, in forest reservations, which are exclusively the property of the United States? I wish to suggest that there is no innovation upon any law or any practice.

Mr. LACEY. No; the Constitution expressly reserves to the Government of the United States control over the territory and property of the United States; and the word "territory" was put into the Constitution at a time when there was no such thing as "a Territory." Therefore the word "territory" as there used means the lands of the United States; and the Attorney-General, in a very able opinion, which has been set out in this report and which I will print, and which opinion was the basis upon which these features of the bill were drafted, holds that Congress has that power.

Now, in my judgment, we should not exercise that power unless there is such a demand for and such a consent to its exercise as will justify and require the governor, representing the people of the whole State, to say he thinks it ought to be done. And in that way, instead of administering this feature of the bill in opposition to local sentiment, we would go hand in hand with the local desires and aid the State authorities in carrying out a purpose which is highly beneficial to all the inhabitants of the State.

And now as to the amenability of the governor of a State to public sentiment, as compared with the legislature, I think he is much more amenable for this reason: He must take the responsibility alone. The larger the body the more divided the responsibility, and the governor will in no instance ask that this be done unless there is an actual demand for it. He will in no instance consent that it be done if there is serious hostility in the community to having it done. I believe the two governments, State and National, will thus go hand in hand and perform a duty which will be of great benefit to the entire people in each State in which these reserves are created.

Mr. ROBINSON of Indiana. I notice section 5 makes this provision:

SEC. 5. That if any person commits or attempts to commit, in the presence of any forest officer, special agent, ranger, or custodian of any forest reserve, any act in violation of any Federal law or departmental regulation concerning forest reserves or game or fish protection thereon, such officer may, without process in hand, arrest such person at the time of such commission or attempt or in hot pursuit thereafter, and the person so arrested shall be taken before the most convenient United States court or commissioner within the district for trial or commitment.

Limiting it to the jurisdiction of the United States in this matter. Is that the purpose of the gentleman?

Mr. LACEY. As to departmental regulations and as to Federal laws, certainly; as to State laws, certainly not. A departmental regulation is made to prevent the setting out of fire, and we send men there to keep the fire from being set out.

Mr. ROBINSON of Indiana. What protection do you give in a State by State authority?

Mr. LACEY. There is the custodian to see that the fire is not set out, and he would arrest anybody actually found violating the Federal law.

Mr. ROBINSON of Indiana. And if you arrest him anywhere you carry him before a United States court?

Mr. LACEY. There is no other place to take him.

Mr. ROBINSON of Indiana. Would it not be well to reserve the right to try him in a State court?

Mr. LACEY. Yes; in pursuance of State laws. In some of the States we have a close season for certain animals and birds for five years. Now, under the State law, no difference where one of these animals is killed, it is a violation of the State law whether they are killed upon the public lands, forest reserves, or upon private lands, and the State law would be enforced as against that crime. Again, in a similar way as to States, a bird is taken upon a reservation, and in the reservation there are certain animals protected under this regulation, we will say, for five years, that are not protected by the State law. They are protected by a Government regulation, formulated by authority of law, upon the public lands of the United States; nor can these regulations be enforced in the State courts, because the State courts would have no jurisdiction.

Mr. SMITH of Arizona. If the gentleman will pardon me. Take it in the case of the Territories. That would apply on reservations, say, that were 250 miles to the nearest Federal court, and the man who is simply in hot pursuit is arrested by United States marshal, who must transport him some 200 miles for a mere misdemeanor, at an enormous expense to the Government in the prosecution. Now, it seems to me that is unnecessary in this bill. Why not give to an adjacent or some nearer court jurisdiction over this question of a mere misdemeanor or an attempt? Do you not think in this case the jurisdiction ought to be placed somewhere near?

Mr. LACEY. I think so, undoubtedly, in the Territories, because all the Territorial courts are Federal courts.

Mr. SMITH of Arizona. No; they have decided that differently.

Mr. LACEY. They are Federal courts, I think, within the meaning of this bill. When we reach this section of the bill under the five-minute rule I would be glad if my friend would suggest some amendment that would cover this question as to the Territories, so that there may be no doubt about it.

Mr. WILLIAMS of Mississippi. That the Federal and Territorial courts have jurisdiction?

Mr. SMITH of Arizona. The point I am trying to make is that but a few courts have Federal jurisdiction and that in certain named places—for instance, two places in the Territory—and the Territorial courts have jurisdiction in every county.

Mr. LACEY. I catch the gentleman's point, and when we come to section 5 of this bill I see where there may be trouble of that kind which can be very easily remedied as to the Territories. So far as the States are concerned, it would not need to be done. There would be no need of that, because the distances there are not often so great as in the Territories.

Mr. ROBINSON of Indiana. I understand under the provisions of this bill there would be offenses that would be described and punished under the Federal law?

Mr. LACEY. Undoubtedly.

Mr. ROBINSON of Indiana. And there would be a separate class of offenses described and punished under regulations by Federal officers?

Mr. LACEY. Well, the regulations have the form and effect of law.

Mr. ROBINSON of Indiana. One made by a Federal officer and another sanctioned by the legislative branch of the Government; and a third class would be the offenses punishable under the State law. What provision does the bill contain as to a conflict of jurisdiction, or as to a conviction of one being a bar to his conviction under the other?

Mr. LACEY. Let me suggest to the gentleman from Indiana that he will see the necessity of giving considerable latitude to regulations. Arizona is a warm country. The winters are short and the summers are long; and so with New Mexico. In Montana and Idaho we have the opposite conditions. Regulations which are necessary for the carrying out of this law in the one State or Territory would be quite inapplicable in another. The close seasons would be quite different. Suppose you wanted to protect the fish in Idaho, in the trout streams there. Suppose we want to prevent fishing with dynamite and prohibit various other irregular and unlawful fishing in the waters of these forest reserves. Suppose we want to make a short open season. Now, in Arizona, with their climate, in a different latitude, the regulations that would fit Idaho would be wholly unadapted to Arizona, and therefore the control of these reserves for the use of the people of the States and Territories, and for the benefit of the whole community, would have to be somewhat different in one locality from what it is in another. There must therefore be considerable latitude given for such regulations.

In some localities, for instance, certain animals do not need protection; the mountains and the forests are so situated that they can take care of themselves. In other localities they have been hunted so fiercely that the protection should be more extended.

Mr. ROBINSON of Indiana. The gentleman would clothe the Federal officer with the power of making one regulation for one State and another for another, the violation of which would subject him to a penalty?

Mr. LACEY. Within the limits of the Government property only. This is not an experiment. We have precisely that state of things in the forest reserves to-day, and without it we could not have forest reserves at all. There must be departmental regulations to protect such reserves. Without this power it would be impossible to make these forest reserves available for the use of the community.

Mr. ROBINSON of Indiana. If you punish a violator under the State authorities, can you also punish him under the regulations by the Federal authority?

Mr. LACEY. Well, we have just spent three days in the debate on the anti-anarchy bill as to the powers of the State on the one hand and the Federal Government on the other, and I must refer my friend to that discussion. I have my opinion about it; indeed, I have no doubt about it.

Mr. ROBINSON of Indiana. I might suggest to the gentleman that the statesmen sometimes do not seem to regard the right of the States, and the right to prosecute their own offenses and pass laws according to their own notions seem to be overlooked, and we are asked to go so far as to clothe United States officers with the power of making one regulation for one reserve and another for another.

Mr. LACEY. I have never been a "State's rights man," but I have nevertheless always had the highest regard for the rights of the States. In the drafting of this bill I have endeavored to so prepare its limits as to always have due regard for the wishes as well as the rights of the State, that no steps like those now proposed should be taken by the Government as to its own property under the constitutional rights reserved to it without first asking for the consent of that State through its governor. It is not necessary, but I think it prudent to ask such consent.

Now, Mr. Chairman, as to the necessity of a law of this kind. Our ancestors were all killers. Prehistoric man with his club and his stone weapons no doubt exterminated the mammoth. If these cruel forefathers of ours had owned breech-loaders the progenitors of the horse, the cow, the sheep, and the ox would have disappeared from the earth long before domestication. The boy of to-day is as bloody-minded as his naked forefather, and begins to slay the birds and beasts as soon as he can hold a stone in his chubby hands.

From the days of the troglodyte the unequal contest has raged. Stone, bronze, iron, hawking, and gunpowder were added to man's power to destroy. But now, with the breech-loader and later improved weapons, man has become omnidestructive. He goes 500 miles for a day's shooting or half way around the world for a brief hunting and fishing trip.

The immensity of man's power to slay imposes great responsibilities.

We are threatened with the probable extinction of many varieties of birds and beasts. A birdless world would be a dreary place to live in and a birdless air would be unfit to breathe.

The wild pigeon has gone to join the great auk and the dodo in the realm of obliteration.

We may well pause and consider the situation with which we are confronted.

I read the other day of a hunt in the South where two prominent gentlemen from New York killed 1,600 ducks in two days, and generously gave them away to show that they were not mere ordinary pot hunters.

These sanguinary sportsmen should have rather hired out or volunteered to stick pigs for two days for the meat packers, where they might have glutted their appetite for gore in a more creditable way. The reckless, improvident, and indiscriminate slaughter of our fish in the rivers and the seas are only illustrations of that large waste of our natural resources that is going on in all directions. The natural gas was once worshiped as something supernatural. Now it is used for the most practical of all purposes. It has been recklessly wasted as though it had been infinite in quantity, and the depleted fields show the results of our extravagance.

Oil and forests have been extravagantly exploited in the same way.

Take the State of Texas, where a few months ago we were having many "gushers," supplying oil each at the rate of 70,000 barrels a day, but now, the newspapers tell us, the oil has ceased to flow. But experience shows that all these resources are limited.

Oil in Texas may long be pumped, but vast as the supply is it is exhaustible.

Since I have been in public life I have devoted some part of my time to the subject of the conservation and restoration of our natural resources. This question naturally arises in connection with our public domain.

It is a shocking thing to see the people of the Pacific coast wantonly engaged in making their opulent salmon streams as desolate and barren as the once prolific Connecticut now is.

Mankind must conserve the resources of nature.

When our people were cutting one another's throats during the war of 1861 to 1865 game in the South became abundant, for men had ceased to hunt anything but human kind, but when peace came the war against the creatures of the field and forest was again renewed and waged with unremitting zeal.

It is no credit to mankind that animal life is more abundant to-day around the inaccessible poles than anywhere else upon the planet.

Fish in the inhospitable Hudson Bay region are so plentiful that they could not furnish names for them all, and, like the statue to the unknown god at Athens, one of these Canadian fishes was called the "inconnu" or the "unknown" fish.

The proposed railway to Hudsons Bay will change all this. The slaughter will grow furious when "civilization" invades this breeding ground of the Far North.

Some one must in these days teach the science of how not to kill.

There are 46,000,000 acres of our forests now preserved to keep up the supply of water for our rivers. This a great step in the direction of husbanding nature's resources.

Farseeing and practical men saw that a part of the forests must be saved or the remainder of the land would become a desert, and the forest reserves were established against the protests of the unthinking.

A few of the primeval woods remain as reminders of the past. A Hibernian friend, a genial ex-Congressman from New York, once defined a virgin forest as "a place where the hand of man has never yet set his foot." This incident shows that the Irish bull, at least, is not yet extinct. [Laughter.]

Our forestry laws have enabled us to save some of these wholesome and delightful retreats.

These woods, thus set apart as the sources of water supply, may be made the city of refuge for the feeble remnant of the mighty throng of animal life that once filled this continent.

We have seen the buffalo so nearly exterminated that only about 500 living specimens to-day may be found in the whole world.

Their domestication was as practicable as that of the reindeer, the horse, or the cow.

The buffalo was the noblest of all the wild animals that inhabited this continent when America was discovered.

The ages in which this wonderful creature was evolved into his peculiar form and size are inconceivable in duration. How admirably he was adapted to life upon the western plains. When he had fed he traveled with his fellows in long lines, single file, to the favorite watering place. The herd did not spread abroad and trample down and destroy the grass in such a journey, but in long and narrow trails the journey was made, and when the drinking place was reached and thirst was sated the buffalo never defiled the pool in which he drank.

He was a gentleman among beasts, just as the game hog is a beast among gentlemen.

Perhaps out of these scanty remains new herds may again be produced.

We have preserved the wild turkey, which Benjamin Franklin proposed should be adopted instead of the American eagle as our national emblem.

The turkey has been saved; the buffalo ought also to have been domesticated. A few of the buffalos still remain. This bill makes provision by which they may have the opportunity of propagating them within a portion of the forest reserves.

Public sentiment is growing in favor of the conservation of our resources. It is timely as to some things. It is far too late as to others.

Mr. Chairman, there are these two propositions involved in this bill: First, to allow the Bureau of Forestry in the Department of Agriculture to take charge of that extended farming of the forests which only the Government can manage; second, that in a moderate degree, and within the desires of the people of the locality in which the forests are located, game and fish preserves may be established for the benefit of the surrounding country.

With this explanation, unless some other gentleman wishes to interrogate me, I will reserve the balance of my time.

Mr. ESCH. Before the gentleman takes his seat I would be glad to have him direct his attention to what I conceive to be one of the chief objections to the bill, a possible duplication of work. I am in sympathy with the purpose of the measure; but I should like to be informed whether the gentleman thinks there would be such a duplication of work in the Agricultural and Interior departments as to render the measure impracticable.

Mr. LACEY. The object of this bill is finally to prevent the duplication of work. There is to-day a complete duplication provided by law. The forest work of the Government is now distributed among three unrelated organizations: First, the Geological Survey; second, the Department of the Interior; third, the Department of Agriculture. The effect of this bill ultimately would be to transfer each reserve, as soon as its boundaries are established by the Geological Survey, to the Department of Agriculture, to be controlled, managed, and administered by that great Department.

Let me call the attention of my friend from Wisconsin to this situation. The Department of the Interior is the most overworked Department of this Government. The greatest man that the political party in power may have in its entire ranks, outside

of the President himself, should be selected for the head of the Department of the Interior. The Secretary of the Interior decides more important questions involving private rights in value every year than the Supreme Court of the United States does in ten years. He has charge of patents, pensions, the census, lands, Indian affairs, and anything else that happens to be unassigned. The Department is overworked, and no difference how great the man may be who is filling the duties of that office he must of necessity be an overburdened man.

Mr. ESCH. I agree with the gentleman there.

Mr. CLARK. What is it that you are trying to do? Transfer it to the Agricultural Department?

Mr. LACEY. As fast as possible to transfer those reserves whose boundaries are thus established to the Department of Agriculture, to be administered by its Bureau of Forestry, which has been in existence for many years.

Mr. CLARK. Why does not the gentleman wait until they get up this new Department of Commerce and transfer it to that? It will not have any legitimate functions to perform.

Mr. LACEY. I will not discuss the Department of Commerce, but certainly the business of forestry—"tree farming," in other words—would not be a proper subject for the Department of Commerce.

Mr. SHAFROTH. If the Department of the Interior is so much overworked, why would it not be better to transfer the care and supervision of the forests, not only those that are contained within the reserves, but also forests that are similarly situated—in fact, all of the forest lands in the United States; or why would it not also be well to take from the Interior Department the entire land department and transfer it to the Secretary of Agriculture?

Mr. LACEY. I think I can answer that very easily. If my friend had two farms out in Colorado, one of which he wanted to have farmed and the other of which he wanted to have sold, he would select one kind of an agent to sell his farm and quite a different sort of man to manage the farm to be retained. The Department of the Interior and the Land Office, from time out of mind, have been organized for the purpose of selling, disposing, getting rid of our public domain, giving it away to homesteaders, disposing of it to preemptors, donating it under timber-culture laws, selling it under timber and stone laws—in short, disposing of it and passing it over to private ownership. The Department of Agriculture is a new Department, engaged in tree culture, in experimental farming of all kinds, giving scientific attention to all matters of interest to agriculture. Therefore we have this office that by its very organization is adapted to the care, the preservation, and the administration, as contrasted with a department that has control of the sale of public lands. I would not go to the extent of transferring the entire Land Department, but simply transfer that land which has become finally settled as a permanent part of our forestry system, and to transfer that for administration to a department that has nothing at all to do with the sale of the land itself, and for that reason I think that the distinction should still be drawn.

Mr. SHAFROTH. Does not the gentleman recognize that there will continually arise, even after transfer to the Agricultural Department, question after question, even to those reservations that are transferred, which will have to be determined by the Interior Department, the question of trespass, both upon reserved and upon the public land, the question of the rights of mineral claimants, both in the reservation and out of the reservation, any number of questions that are bound to arise; and would it not be economy to the Government if this Forest Bureau in the Agricultural Department was either transferred to the Interior Department or that the Land Department of the Interier should be transferred to the Agricultural?

Mr. LACEY. That would involve a very radical departure from our entire system. The present bill only transfers the surveyed reserves to the Bureau of Forestry, which is already organized and which has appropriations and which includes within it practically all the scientific foresters of the United States. In fact, the various States, where engaged in forestry, do not call upon the Interior Department in its division of forestry for information and for aid, but rather upon the Secretary of Agriculture; and the Interior Department has lately had detailed into the division of forestry of that Department one of the skilled men from the Department of Agriculture in order to aid it in carrying out its portion of the work. The work has not been satisfactory in the Interior Department, for the reasons which I have endeavored to make plain to this House, because that Department is so overburdened as to make it impossible for it to take this additional labor and care for the future of these forests as a permanent part of our administration and at the same time perform its other work.

Mr. SCOTT. With the gentleman's permission, I want to ask if the purpose of his bill is not simply to transfer the administration and control of these reserves to the Forestry Bureau, and if, after the passage of this bill, provided it should pass, all questions of title relating to the land upon which these forests grow would not yet remain under the disposition and control of the Department of the Interior as now?

Mr. LACEY. The gentleman conceives the full scope and purpose of the bill. That is the exact idea of the bill—that these questions and controversies as to private titles and matters of that kind shall still be settled in the Land Department, where they are to-day; but the administration of the reserve itself will be with the Department of Agriculture finally in all these reserves.

Mr. HILL. That is just the point I should like to ask a question about. If this bill passes will not the Department of Agriculture be absolutely controlled by the governor of the State in which the reserve is located?

Mr. LACEY. Not at all.

Mr. HILL. Why not, under the language of this proviso?

Mr. LACEY. Only this far: If it is desired by the President of the United States to change a forest reserve into a game reserve the consent of the governor of the State must be first had as to this enlarged purpose.

Mr. HILL. Not at all, according to the proviso. The proviso reads:

That hereafter no forest reserve in any State shall be created, enlarged, or extended without the approval or written request of the governor of such State, made prior to the creation, enlargement, or extension thereof.

Mr. LACEY. That is an amendment of which I personally do not fully approve. I am not discussing that, because when we get to it under the five-minute rule we can consider that.

Mr. HILL. I was simply asking for information.

Mr. LACEY. When we get to that proposition, as to the creating of forest reserves——

Mr. HILL. Under the provisions of this bill does it not practically come down to this, that we are legislating to give the governors of the States control of the Government land within the States, so far as the forest reserves are concerned?

Mr. LACEY. Not at all.

Mr. HILL. Then I do not understand the language of the bill.

Mr. LACEY. The gentleman has the same difficulty that I have sometimes in understanding bills which come from other committees.

Mr. HILL. I have not the slightest doubt about that.

Mr. HENRY of Connecticut. In connection with the inquiry made by the gentleman from Kansas, is it not true that the Department of Agriculture is to-day organized to do this work?

Mr. LACEY. Perfectly so,

Mr. HENRY of Connecticut. With a more competent corps of foresters.

Mr. LACEY. After the forest reserve is created the control is entirely with the Department of Agriculture, if the boundaries have been finally and definitely located; or if not, it is with the Department of the Interior until these boundaries shall have been fully established; but the consent of the governor shall first be had before we enlarge the scope of any particular reserve to include game preservation as well, and with the amendment to which the gentleman refers it provides that hereafter they can not be enlarged or created without the consent of the governor of the State. That is a different proposition and one that I personally approve.

Mr. HILL. I do not wish to misunderstand the gentleman and I do not want him to misunderstand me. The language is as follows:

And also provided, That hereafter no forest reserve in any State shall be created, enlarged, or extended without the approval or written request of the governor of such State, made prior to the creation, enlargement, or extension thereof.

Mr. LACEY. That is so plain, I think, that there can be no misunderstanding about that.

Mr. HILL. That provides for putting a check upon this legislation, and making it entirely subject to the direction of the governor of the State.

Mr. LACEY. Not at all. Let me explain to my friend.

Mr. HILL. And then you come to the second part.

Mr. LACEY. Let us dispose of this first.

Mr. HILL. That is, after the first part, then comes in this language:

Provided, That no forest reserve, or part thereof, shall be so set apart as a game and fish preserve within any State unless the governor of such State shall, in writing, request the President to issue such order.

Now, it seems to me in Federal legislation to transfer these reservations to the Agricultural Department you have practically made provision to transfer the control to the governors of the respective States.

Mr. LACEY. Not in that sense of the word. Now, in reply to my friend, I ask his attention while I explain it. In the first place——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman's time may be extended so that he may conclude his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa may conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Chairman. I have already concluded my remarks, except to answer questions, and will only consume such additional time as may be necessary to do that. I would like to answer my friend, because it is a question that should be answered. We have 46,000,000 acres of forest reserves created under existing laws, created without the consent of any governor. Now the power of the Government in these reservations is limited only by the Constitution.

Attorney-General Knox, one of the clearest-headed lawyers that has ever administered the Department of Justice, has recently considered the subjects of the national power over the public lands and forest reserves, and his opinion is to the effect that Congress can, even within the limits of a State, legislate and make regulations by which animal life may be protected in the people's forests. This opinion of the Attorney-General will be a landmark in the history of protective legislation, for as Congress is given the power, it should not and will not fail to exercise it. I will print it in the RECORD.

As stated in the opinion of the Attorney-General, we need not ask the governor or any legislature of any State what we will do in those reservations. But we make a concession here. We give the President power to enlarge the existing purposes of these reservations, so as to make some of them fish and game preserves as well, but not to do this unless the governor of the State shall consent. After that consent has been given this control of the National Government will be exercised, but not until then. When the gentleman stated that we were turning over the control to the governor of a State, he does not comprehend the scope of the bill, or perhaps has been unfortunate in his expression.

Now let me answer the other part of the gentleman's question, because it was a dual question. Under existing laws the President of the United States can take any public forest land in the United States and create a forest reserve out of it. The majority of the Committee on Public Lands, recognizing the fact that some of these boundaries had been very unsatisfactory, and that friction had thereby arisen in some of the States in regard to forest boundaries, have suggested the propriety of placing the same limitation as to the creation of reserves hereafter upon the President, so that in making future additions to the existing 46,000,000 acres the consent of the governor of the State in which the reservation was located must be given; but the reserve, would not be under the control of the governor.

Mr. HILL. In the first place, I did not understand nor do I mean that it was to confer upon the State authorities the right to set aside the reservations. But is it not a fact that even when this authority is given in this bill you have got to go to get the consent of the State authorities in which the public land is located?

Mr. LACEY. They have no such right.

Mr. SHAFROTH (to Mr. HILL). Why is not that right?

Mr. LACEY. To create this reservation the President must get that consent.

Mr. HILL. The gentleman from Colorado asks, "Why is not that right?" Now, I have always been in favor of transferring certain lands in those States to the State authorities, but the gentleman who asked the question, and others from that section, believe that they can not trust themselves with it after they have been given it, and therefore they want everything to be irrigated for them and administered.

Mr. SHAFROTH. I would like for the gentleman to say what authority he has for that opinion.

Mr. HILL. I will be just as quick to transfer the irrigation of lands in the States to the control of the State authority as I would the forest reserves.

Mr. RODEY. In these provisions you have provided that the governor of a State must consent before the reservation is increased or established. Why do you not grant the same privilege to the Territories? Does not the gentleman know that the same reasons exists there for such consent?

Mr. LACEY. Mr. Chairman, I do not think the same reasons exist there at all; nor do I think that the same safeguard would exist there by reason of putting that limitation in. I have no objection to that limitation, and would be entirely willing for my friend from New Mexico [Mr. RODEY] to move the amendment, and should have no objection to the modification as to Territories; but the governors of these Territories are appointed by the President, and for the President of the United States to go to his appointee and ask his consent to create such a preserve would seem hardly necessary. But the governor does not represent the people of a Territory, as the governor of a State does. I would have no objection to putting that same limitation in as to the Territories, if gentlemen want it done, although I do not think it would do any good.

Mr. RODEY. I think it would for this reason: The Department might come down into the Territory and create a forest reserve which the people have enjoyed as a pasture from time immemorial. The Department would include in that reserve lands unfit to be reserved, and if the governor of a Territory had a right to advise about it, they might not be created so precipitately, and we might not have to come to Washington and work for a month to get such matters reconsidered. These reserves are nearly always created by mere proclamation or Executive order without any notice to the people. We had one created, the Gila River Forest Reservation, in New Mexico, which included and still includes thousands of acres that did not have a tree on it and never will have, and we have not succeeded in having that portion eliminated yet.

Mr. BURKE of South Dakota. Will the gentleman allow me an interruption?

Mr. LACEY. Certainly.

Mr. BURKE of South Dakota. I believe the gentleman has stated that one of the reasons for the transfer of the forest reserves to the Department of Agriculture is that the Secretary of the Interior is very much overworked. I would like to ask the gentleman what position the Secretary of the Interior has taken upon this bill?

Mr. LACEY. He agrees with the President of the United States that this transfer ought to be made. I understand there is full harmony in the Administration on this question. He desires to have the transfer made, and he believes that the forestry could be better handled and administered in the Agricultural Department.

Mr. BURKE of South Dakota. Does the gentleman wish to be understood that this bill has the unqualified support of the Secretary of the Interior?

Mr. LACEY. I do not know how far I ought to quote verbal statements of the Secretary, but I will say this, that the Secretary is in hearty accord with the purposes of this bill and the transfer. In fact the bill was submitted to him after it was drawn and examined by him. In his annual report he favors this measure.

Mr. BURKE of South Dakota. Will the gentleman yield to me for another question?

Mr. LACEY. Certainly.

Mr. BURKE of South Dakota. What was the Bureau of Forestry created for?

Mr. LACEY. The Bureau of Forestry was created to study the question of forestry in the United States, its bearings on agriculture, the best methods of preserving the existing forests, the restoring of those that had been partly or wholly destroyed; in short, it was an experimental forestry bureau in which were collected the best experts that could be got in the United States, and they have been giving careful study and attention to this question for years, and their support has been provided for by the various appropriations for the Department of Agriculture from year to year ever since the creation of the Bureau.

Mr. BURKE of South Dakota. It is purely a scientific bureau?

Mr. LACEY. It is a scientific bureau and a practical bureau as well. It is a bureau that has been giving this question careful study from a scientific standpoint and from a practical standpoint also.

Mr. BURKE of South Dakota. I would like to ask the gentleman if there is anything for the Forestry Bureau to do, outside of dealing with these scientific matters, that would practically include the forestry reservations in the Department of Agriculture?

Mr. LACEY. If the gentleman alludes to legal titles, I will say that is expressly excluded from this bill. Every other question as to the control of the reservation would be with the Agricultural Department—the marking and selling or cutting of the trees, permits for grazing, protection against fire, and all of those regulations would be entirely within the control of the Department of Agriculture.

Mr. BURKE of South Dakota. Is it not true that there is a question of boundary involved in these matters?

Mr. LACEY. There was such a question, but that applies now only in part.

Mr. BURKE of South Dakota. Let me explain. There are many settlers whose rights within the forest reserves are undetermined at the present time. There are parties who have the right to take lieu lands in other parts of the country. Then the mineral laws are applicable, are they not, to the forest reservations, and mineral entries may be made therein? Now, if I understand this bill, the Interior Department will still retain jurisdiction of all these questions. Am I right?

Mr. LACEY. The gentleman is entirely correct in his statement.

Mr. BURKE of South Dakota. Then why not transfer the

Bureau of Forestry, which I understand is purely a scientific bureau, from the Agricultural Department to the Interior Department, so that the scientific part of this question may be looked after under the direction of the Secretary of the Interior, instead of having two bureaus with two distinct heads, as you will have under this bill?

Mr. LACEY. I have already tried to make myself clear on that point, having devoted to it a considerable portion of my remarks. I endeavored to show that as a matter of administration, as to the propagation of trees, as to their preservation, and as to all these various matters of administration of forestry the Department of Agriculture is better fitted by the nature and purpose of its organization than any other department of this Government. In other words, we are entering upon a great system of what might be called tree farming—raising timber for future generations; and the Department that has the looking after the agriculture of the country, the Department that protects especially the interests of the farmer, is better capable of handling this branch of the administration of these reserves than any other department. The protection of the forests is essential to the farmer.

Now, I remember, Mr. Chairman, when I was a little boy, going out in the hills of my native State to gather service berries, I was surprised to see that the gentleman in charge of the party of children took an ax along. I soon found after we got into the woods what the ax was for. It was to cut down the trees in order to gather the berries. We cut the trees down and gathered the fruit. And I am credibly informed that there never have been any berries in that forest since. Every gentleman here who has passed middle life will recollect just such an offense against nature as that.

Now, Mr. Chairman, when our fathers landed on these shores, they had the idea that the forest was the enemy of mankind. There was in the mind of the white man the idea that there were two special duties to be performed—one to cut down the trees and the other to kill the aborigines.

Mr. MANN. If we had done neither we would not have been here now. [Laughter.]

Mr. LACEY. That is true. But we are here. And the trees were useful to the aborigines and are now useful to us. They should be preserved for use and not from use. And the aborigines that remain are becoming civilized; and we are trying to take care of them also. And we have made the discovery, Mr. Chairman, that the forests can not be destroyed as a whole without changing the climate of the country itself; and therefore in that high sense of taking care of the farmer all over the United States it is necessary to take care of the forests of the United States.

Mr. WILLIAMS of Mississippi. Allow me to suggest that the reason for attacking the forests and the savages ceased when either the forest or the savage ceased to be dangerous. [Laughter.]

Mr. LACEY. I think that is an exceedingly apt explanation of the situation.

Mr. ROBINSON of Indiana. It may have escaped my attention, but I have not heard the gentleman state what will be the cost of this measure, how many additional employees will be required. Will he be so kind as to give us his best estimate of the number of extra employees that will be needed in the widest practical range of the operations of this bill?

Mr. LACEY. Not a single additional employee will be required. The gentleman from Arkansas [Mr. McRAE] has prepared an amendment, which I shall support, providing that as fast as it becomes proper to transfer a reserve from the custody of the Department of the Interior to the Department of Agriculture a corresponding number of the force of the Interior Department shall be transferred. In other words, no more employees will be required than at present. We have these two Bureaus, or rather we have a Division and a Bureau, and we have the employees in both. The same amount of forest land will exist after any portion is transferred to the Department of Agriculture, and you simply transfer the men having it in charge. For instance, there are a certain number of custodians of the Grand Canyon Reserve, of Arizona, and the San Francisco Forest Reserve. Now, if those two reserves are transferred to the Department of Agriculture the employees will also be transferred, and the expense will be precisely the same as if it was handled by the Department of the Interior. It makes no change whatever.

Mr. ROBINSON of Indiana. And the gentleman is satisfied there would be no additional employees and no extra payment of money necessary under his bill?

Mr. LACEY. None whatever.

Mr. ROBINSON of Indiana. The gentleman differs widely from the other members of his committee.

Mr. LACEY. Perhaps that is where I am wrong, or they may be wrong.

Mr. HEMENWAY. The gentleman from Iowa admits there would be divided jurisdiction?

Mr. LACEY. No; I say there is divided jurisdiction now; has been for years.

Mr. HEMENWAY. And it would be divided to a still greater extent if this was transferred.

Mr. LACEY. No, sir; it would gradually be absorbed all in one. The bill provides for the elimination of the present division of work.

Mr. HEMENWAY. Does the gentleman seek to transfer the determination of legal questions now determined by the Interior Department to the Agricultural Department?

Mr. LACEY. No, sir; nor would I transfer the determination of those legal questions from the Attorney-General or the courts of justice.

Mr. HEMENWAY. Then in the event that some one has entered ground in one of these forest reserves and seeks to transfer that entry to other public lands, would that question be determined by the Agricultural Department?

Mr. LACEY. Not all.

Mr. HEMENWAY. Would not the same clerks that have to determine those questions or deal with those questions have to be retained in the Interior Department and new clerks put in the Agricultural Department to take care of these forest reserves if they are transferred to the Agricultural Department?

Mr. LACEY. No. The gentleman misapprehends the scope of this bill.

Mr. HEMENWAY. Not at all.

Mr. LACEY. There are two duties to perform in regard to forest reserves. There are duties in relation to private individuals who have interests in public lands. Those matters are for the Land Department. Matters from the Land Department may be transferred by mandamus to the courts. If a patent is issued, a direct proceeding may be brought in chancery to compel the patentee to become a trustee for the benefit of the real equitable owner of the property. Now, all those matters are matters of a legal nature, and are controlled by the Land Department as a court. The control of the forest reserves, taking care of timber, and all that, has nothing whatever to do with a proposition of this kind.

Mr. HEMENWAY. What is done to control the forest reserves now other than to protect them with the forest rangers that are there, and to determine whether or not settlers are entitled to timber from the forest reserves, and to determine when parties having claims in the forest reserves can transfer them to other public lands—what other than that duty has anybody to perform?

Mr. LACEY. The Land Department of the Government has charge, exclusive of Alaska, of 600,000,000 acres of land—a pretty big farm. That includes the minerals; it includes the forest reserves and the national parks; that includes all of the land in which the Government of the United States had and retains the original title. Now, the work in regard to this business is divided up. We have a forestry division of the Land Office. That foresty division has nothing whatever to do with these questions of title. All questions of title are disposed of in other divisions of the Land Office. We have another division of the Land Office that has charge of the minerals and another one that has charge of patents, and so on.

The work is all thoroughly divided, and the control of the forestry to-day by the Land Office is in a separate division, just as separate as though it belonged to the Department of Agriculture, and there is no conflict, either necessary or possible, between the settling of private rights or the rights between the public and a private individual as to a quarter section of land or a mine in a forest reserve and the question of administering and caring for the timber that stands on the undisputed part of that forest reserve. We have to-day three different jurisdictions—the Geological Survey, that surveys the boundaries; the forestry division of the Land Office, that handles the timber and does the work that is proposed to be done under this bill, and, third, we have the Bureau of Forestry in the Department of Agriculture, with a full and complete force capable of relieving the Department of the Interior of a considerable portion of this work; and thus the bill is in the interests of economy, and would result in a reduction of the force instead of necessitating its enlargement.

Mr. MONDELL. The gentleman refers to the work of the Geological Survey in the forest reserves. I do not understand that the gentleman proposes to transfer the survey of the reserves to the Agricultural Department.

Mr. LACEY. Not at all. I only say that by way of explanation as to the divided jurisdiction.

Mr. MONDELL. So that they would still have to do with that if the bill passed.

Mr. LACEY. Yes.

Mr. MANN. If I understand the gentleman, the principal reason for making this transfer is that the Interior Department is overworked.

Mr. LACEY. No; that is only one of the reasons. That is perhaps the least reason of all, but it is a good reason.

Mr. MANN. Why does the gentleman say that the Interior Department is overworked? For instance, the Committee on Interstate and Foreign Commerce has been considering a bill for the creation of a department of commerce. Hearings have been going on for some time on that subject, but there has been no suggestion to transfer any of these departments out of the Interior Department.

Mr. LACEY. Oh, yes, there is; to transfer one of the greatest of all of them, the Patent Office.

Mr. CRUMPACKER. And the Census.

Mr. LACEY. And the Census Office.

Mr. MANN. The Patent Office is not in the bill, and the Census Office is an entirely separate office.

Mr. LACEY. Is it true that an objection is made to the transfer of the Patent Office?

Mr. MANN. The Patent Office is not in the bill as it passed the Senate, and no one has come from the Interior Department to ask that it be transferred.

Mr. LACEY. So far as the Patent Office is concerned, it is a compact office, complete in its organization and in all its parts. The Land Office, on the other hand, has a vast jurisdiction and an enormous labor upon it and divided duties. The Patent Office is a separate office that could as well be run under the Attorney-General. The only point would be that there must be some sort of an appellate tribunal to try cases, and that has been simplified in the Patent Office by making provision for the transfer of all these questions to the courts, so as finally to adjudicate private rights in regard to patents on inventions.

Mr. MANN. Is not the Land Office practically a separate office, by itself?

Mr. LACEY. Yes; but I am speaking of the divided duty which it has. Patents are all alike. They all involve inventions. The Land Office involves minerals, forestry, and various matters of agriculture. There are a great many things. There is a large variety of business, and, familiar as I have of necessity become by long connection with the legislation in this House on the subject of the public lands, I find that that department is one of the most overloaded departments of the Government and that after these 46,000,000 acres of land are finally set apart to the Department of Agriculture there will still be half a billion and more of acres left for the Land Office to take care of.

Mr. MANN. May I ask the gentleman a technical question?

Mr. LACEY. Yes.

Mr. MANN. I notice you state here that the powers vested in the Department of the Interior shall be exercised by the Department of Agriculture.

Mr. LACEY. Where does the gentleman find that?

Mr. MANN. From the first section, on the first page. What I wish to ask the gentleman is this: Whether that would cover powers conferred upon the Secretary of the Interior, which I presume is the form of the law as it exists?

Mr. LACEY. All powers that the Secretary of the Interior now has in an untransferred reserve would hereafter be exercised by the Secretary of Agriculture in such reserve when it was transferred, with the exception of those questions of title which are reserved in another part of the bill.

Mr. MANN. That would depend on whether your law transfers the power. It does not say that the powers conferred upon the Secretary of the Interior shall be transferred, but that the powers conferred upon the Department of the Interior shall be transferred.

Mr. LACEY. There is no distinction between the Department of the Interior and the Secretary of the Interior in the use of this language. The Secretary of the Interior is the head of that Department.

Mr. MANN. I wanted to know if the gentleman has considered that.

Mr. LACEY. I think so. We have endeavored to cover and anticipate the point which my friend makes, which I think is worthy of consideration.

Mr. MANN. You have been discussing the question of the transfer of these forest reserves from one department to another. Is not the real milk in the cocoanut in this bill the power to create game preserves and special preserves for the propagation of game?

Mr. RODEY. Buffalo Jones's bill is the real milk in the cocoanut.

Mr. LACEY. I will say upon that that the minority of the committee, in their report, have eliminated from the bill every feature of transfer, and the committee are unanimous upon the game feature of the bill, there being absolutely no difference of opinion in the committee on that question.

Mr. MANN. I notice that section 2 has a limitation upon the power to make a forest reserve a game and fish reserve, limiting it to the request of the governor of a State; and in section 4 I find that that limitation is wiped out, by conferring it upon the Secretary of Agriculture and the Secretary of the Interior, and it has been conferred upon the Secretary of Agriculture and the Secretary of the Interior so as to cover all forest reserves, the power to maintain special reserves, not game or fish reserves, but special reserves for the protection of any kind of native animal. So that that wipes out the limitation.

Mr. LACEY. As to that particular thing.

Mr. MANN. But it covers everything.

Mr. LACEY. Not at all. There are few wild animals to-day controlled by private individuals; but a few buffaloes still remain.

Mr. MANN. But this says that they shall have power to form forest reserves under either Department—

to establish and maintain special preserves——

Mr. LACEY. Certainly.

Mr. MANN:

on any forest reservation for the propagation and perpetuation of the American bison, catalo, or other cross breeds, or other American animals, and shall have power to transfer to such preserves any native game whenever, in his opinion, such animal is threatened with extermination.

Now, that covers everything.

Mr. LACEY. Not at all.

Mr. MANN. Does not that cover all native animals?

Mr. LACEY. The purpose is to allow the creation of special reservations for the use of bison and other indigenous American animals, and they shall have power to transfer these animals to such reservations. That is the general purpose of this bill. Now, let me say——

Mr. MANN. Who is to be the judge?

Mr. LACEY. Let me make an explanation. There are to-day perhaps in the whole world, as I have said, not exceeding 500 buffaloes. There are two or three small herds of those buffaloes. Under this provision the Secretary of the Interior, without the consent of the governor or anybody else, can permit them to be set apart; he can to-day, without the consent of the governor, also lease and permit men to put in these same reserves cattle, horses, or sheep, and this provision gives him the same power as to these few remaining animals that are thus held by private ownership, just the same as to the other domestic animals.

Mr. MANN. Why do you say these "few animals" is the limitation?

Mr. LACEY. There are a very few animals to which this provision could be made applicable. There are to-day perhaps 100 of a certain variety of elk in the southern end of the San Joaquin Valley, only one body of them in the world. The proposition has been made to gather them up and put them in a forest reserve. They are the only remaining ones of their species. A part of the Allard herd of buffaloes would probably be put upon some one of these reservations. Now, so far as I know, the only animals anywhere in the United States that can thus be transferred are those two particular herds, and possibly one or two other buffalo herds. There are perhaps three or four small buffalo herds that could thus be transferred, and the right is given here, without asking the governor whether he consents to this or not, whether these little herds should be put into either one of the reservations recommended in the bill. If my friend thinks that there ought to be some further limitation put upon this protection, I am perfectly willing that it shall be done. I will have no objection to it, because there is no purpose such as he imagines might be concealed in this section of the bill, and when we come down to this particular section I shall be glad for him to call attention to it, and if any amendment can be made that is necessary it can be done.

Mr. MANN. If the gentleman will pardon me, I have a great deal of faith in the opinion of the gentleman from Iowa about game animals. I have heard him often, and have always believed him as to the extermination of certain native game animals and birds, but it seems to me a provision like this would let the Secretary of Agriculture or the Secretary of the Interior take any of the animals in the United States on the ground that they were liable to be exterminated and establish a special reservation for them.

Mr. LACEY. I see no objection whatever to that, but if my friend does, I am willing to limit it. I think the moose might be cared for in that way. It has been almost exterminated.

Mr. JONES of Washington. Will the gentleman yield to me?

Mr. LACEY. Certainly.

Mr. JONES of Washington. I understood one of the reasons why the gentleman claimed this bill should pass was that the Bureau of Forestry was fully organized and had a full force, and could relieve the Interior Department. Would the gentleman go so far as to say that the members of the Bureau of Forestry have nothing to do, and will not have anything to do if this bill does not pass?

Mr. LACEY. The Bureau of Forestry has a great deal to do. They have been aiding the various States in forestry matters. I would give them more national work to do, and this bill will have

that effect. The more national work that is put upon them the better.

Mr. JONES of Washington. Does not the gentleman think that they will ask for bigger appropriations?

Mr. LACEY. I hope they will get whatever is necessary to do this work. I do not want to be misunderstood about it. I believe the subject of forestry has not come to the attention of the American people any too soon, and if there is some money expended in it it is well expended, and some money should be expended there. [Applause.]

Mr. Chairman, I am not here to be frightened about a little matter of that kind. Money that is spent upon one or two creeks in impossible attempts at making them navigable would take care of this great interest that is of vital importance to that body of our citizens upon which every other part of the American people must depend—the farmers of the United States. [Applause.]

Mr. Chairman, the question of expenditures is in safe hands. Our friend from Illinois [Mr. CANNON], chairman of Appropriations, has been renominated and he is in good health. [Laughter.] God spare him long to look after the finances of this nation! I have no question but he will look after these appropriations with that care with which he has scrutinized all appropriations. I am willing to trust him. He is a little hard, sometimes, to get money out of, but it always comes in the end if the object is worthy.

Mr. CANNON. Mr. Chairman, "the gentleman from Illinois" has no more to do by way of jurisdiction, nor has the committee to which he belongs, with the Forestry Bureau in the Agricultural Department than the man in the moon. It stands without organic law. It abounds only in appropriations. It has grown in thirteen years from $8,000 to $300,000. It does nothing but scientific work, and no man has been able to get a statement of what that scientific work is.

Mr. LACEY. Well, Mr. Chairman, I may have to take back some of the good words I have just uttered. [Laughter.] Of course the gentleman from Illinois is not chairman of the Committee on Agriculture, but all of the various committees that have their appropriation bills—the Military Committee, the Agricultural Committee, and the various committees that have appropriation bills—always sit at the feet and take counsel of the gentleman from Illinois. He knows more of the subject than any other man knows, and they do well to take his judgment. This matter would be under the eagle eye of the chairman of the Committee on Appropriations, and also of the gentleman who has charge of the Agricultural Committee; they would constantly inspect this appropriation.

Mr. CANNON. I hope the Committee of the Whole will take my judgment on this matter, and if they do, they will cut it off right close up behind the ears by striking out the enacting clause. [Great laughter.]

Mr. LACEY. Mr. Chairman, I hope they will not do any such thing. I had the same controversy with the gentleman from Illinois in regard to another bill some years ago, in which he saw immense trouble and danger, but it has worked out precisely the opposite from what he thought it would. It is well that somebody should see nothing but evil in appropriations. There never was a train yet that did not have a brake on it. There must be a brake, but you can not run the train with a brake alone—not successfully. While I commend my friend generally, here in this case he is exercising his judgment without giving attention to the real purpose of the bill. From his committee have come in bills on subjects that I did not agree with him upon that appropriated more money in a single year than this whole Bureau of Forestry would consume in ten years; but it was his judgment and the House followed it, and I accepted his judgment. But when it comes to matters of legislation we have the President of the United States asking for this bill in his annual message and we have the Department of the Interior approving and asking for it. We have a bill that has for its purpose the preservation and conservation and administration of our forests.

Whatever expense may attend this work will be contributed by the American people and appropriated by the Congress of the United States, and the revenues from the forests will finally more than pay the expenses. These forest reserves will become an asset instead of a liability. To-day the administration of forestry in the Philippine Islands is one of the principal sources of revenue there, and that forestry work is administered under the Spanish law, which has been reenacted, with some modifications, by the Philippine Commission. Under prudent and proper management our forests will become sources of revenue over and above all possible expense in their management.

Without these forests in our Western mountains the desolation of the mountains of Palestine and Southern Italy will be soon duplicated in the United States. We must learn from the mistakes of others. North Carolina is asking to have her hills again restored to a forest state, so as to bless and fertilize the valleys below. Let us move in time in the arid regions of our Western domain.

Mr. CRUMPACKER. Before the gentleman sits down, I would like to ask him one question for information. There is now a division of forestry, as I understand, in the Interior Department and also a bureau of forestry in the Agricultural Department. Does the division of forestry in the Interior Department, which now has control of the forest reserves, undertake to maintain any scientific supervision or scientific promotion of the forest growth and development?

Mr. LACEY. They never have done so until quite recently, when they borrowed a scientist from the Agricultural Department, had him sent over there, and are endeavoring to organize that division on a somewhat more scientific basis. In fact, Mr. Chairman, the control exercised by the Department of the Interior over the management of forest reserves has been almost wholly that of trying to prevent fires.

Mr. CRUMPACKER. Now, I understand the work of the Interior Department is growing into a scientific supervision, and, therefore, before many years we shall have two bureaus organized for the purpose of scientifically promoting the preservation and the development of the forests in this country, unless we take some measure to concentrate this work in a single bureau or division.

Mr. LACEY. Unless we put the work into a single department that must be the result. In short, this bill provides for an ultimate reduction and concentration of this service into a single department adequate to the control of this work, and fully and completely organized to carry it on.

I append the opinion of the Attorney-General, to which I have referred:

DEPARTMENT OF JUSTICE, *Washington, D. C., January 3, 1902.*

SIR: Complying with the request therefor contained in your note of December 5, 1901, I here transmit to you some of my views upon the questions there suggested. These questions are as to the power of Congress to enact laws for the protection and control of or relating to our national forest reserves when within the limits of a State, and specifically to make such reserves, to some extent, refuges for the preservation of the remnant of the game in those localitities. They necessarily involve, also, substantially the same questions as applicable to the general public domain, for so far as concerns the question of Federal legislative power no difference in principle is perceived.

I quite agree with you that as to those reserves situated within a Territory of the United States this Federal legislative power is ample, and the questions are those arising when such reserves are within the limits of a State; but in order to the determination of those it may be well to refer briefly to the nature and source of this Federal power over the Territories.

As to the source of this power there has been a diversity of opinion, and the power is claimed to have arisen from that provision of the Constitution which gives Congress the "power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States;" and other sources of this power have been suggested; but, whatever its origin, the existence of this power, as the Supreme Court has several times said, is undoubted.

While, in the Dred Scott case (19 How., 393), it was held that this constitutional provision applied only to such territory as the United States then had and did not apply to that subsequently acquired by treaty or conquest, this has not been acquiesced in in later cases, several of which point to this provision as, at least, one of the sources of the power and control which Congress exercises over the various Territories. And, I think, it may be taken as now settled that this provision confers upon Congress the power stated over all the Territories.

Congress, then, having sovereignty and ample legislative control of the Territories while they are such and of the public lands therein, one important question is how far this sovereignty and right of control is surrendered to the State by its admission into the Union. And here we may look again to the Constitution, then to the acts admitting such States, and to their constitutions when admitted.

And, first, as to the Federal Constitution. Assuming, as I think we may, that the provision above referred to applies to all "territory and other property belonging to the United States," whether then already or subsequently acquired, what was the intended limit of the duration of the power thus conferred? Was it intended to continue only until the new State was admitted, and to then cease and leave Congress and the Government without any power to "dispose of" or to "make needful rules and regulations respecting" the public lands or "other property" belonging to the United States, or was it intended to continue as long as its subject-matter and its necessity continued? If the former, we must look to some other source for the power of Congress to dispose of and regulate the management of the public domain within the limits of a State. If the latter, then this provision is ample.

I do not consider here the case of military forts, posts, dockyards, etc., for which special provision is made in the Constitution, nor sites for post-offices, court-houses, etc., the question of jurisdiction over which is generally settled by convention.

When the Constitution was adopted we had but one Territory, though it is fair to suppose that others were looked upon as possible; but the one that we had was acquired under conditions which required its admission into the Union in not less than three nor more than five States, with equal sovereignty with that of the original States, and the Constitution provided for the admission of new States. Thus, with the subject of new States directly in mind, did the framers intend to give Congress power to dispose of and manage the public lands while in a Territory and to leave it without the power to do either after a State was admitted? For it could not have escaped them that to confer this power while the Territory remained such was, by the strongest implication, to deny it afterwards. Did they intend this?

In the first place—and this is quite sufficient for its construction—the provision itself imposes no limitation, either of time or of Territorial or State condition; nor does the nature of the power conferred imply any such limitation. On the contrary, the power is as broad and general as language could make it, with no limitation whatever, either expressed or implied. And the reason and necessity for the power are tenfold stronger after the admission of the State than during the existence of the Territory; and there is no rule of law or of construction which will permit us to impose a limitation which neither the instrument itself nor the nature of the power imposes or implies. And the general rule is that when a power is conferred without limitation, expressed or implied, it continues as long as the necessity for its

exercise. And the Supreme Court has more than once said (as in Gibson *v.* Choteau, 13 Wall., 92, on p. 99) "That power is subject to no limitations."

The difficulty and misconstruction here arises chiefly from the use, in this clause, of the word "territory." If, instead, the expression had been that Congress should have power to dispose of and make all needful rules and regulations respecting the land and other property, there could have been no question but that this power of disposition and control continued after statehood as before. But this is exactly what the provision does mean. It does not refer to organized Territories, as to which the term "dispose of," and make "rules and regulations" and "other property" are not appropriate; but it refers to land and other property. And this is expressly held in United States *v.* Grotiot (13 Pet., 526), where it is said (p. 536):

"The term territory, as here used, is merely descriptive of the kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation."

This of itself would seem to make the meaning fairly certain. Consider the situation. After a long struggle, which had long delayed the adoption of the Constitution, the people had finally settled the ownership and sovereignty of the lands outside of the States in the General Government. It was claimed that as this territory had been wrested from Great Britain by the blood and treasure of the people of all the States it should be held for their common benefit, and not for any State, and it was finally so settled and agreed and the whole territory ceded to the United States for the common benefit of all. At that time, next to State jealousy of Federal power—if second to even that—there were mutual State jealousies of the power of each other, and this was one of the causes of the dispute over the public territory, and yet it was certain and well known that on the admission of the expected new States, with their sovereignty within their borders, all of the sovereignty and control of this territory within their borders which was not in the United States would be in those States, respectively, and that that sovereignty and control which they had so long struggled to place in the United States would be passed over to these three to five States as they were admitted. This was certain to be the case, for if Congress did not have this sovereignty and control after a State was admitted, then the State did have it, and no other State could interfere.

These States might then, by unfriendly legislation or by no legislation, or both, so hamper these lands, their sale, occupancy, and control as to render them of little value except to those States and their people. It is simply incredible that this was intended. If it was not, then it was intended that this vital power of disposal and control should continue at a time when, of all others, it was most needed. While the Territory remained such the sovereignty of the United States was complete without any other grant than that contained in the cession, and this special grant of power was not at all necessary. Its chief if not its only use and purpose was that, when and after these lands passed into and under the sovereignty of a State, they should do so subject to the paramount sovereignty of the United States so far as was needful.

In framing this dual government, this imperium in imperio in which each State was to be in many respects sovereign in the nation, and the nation in many respects sovereign in each State, the separation of these sovereignties and their lines of demarcation must have received the most careful attention of those statesmen as one of the most important and difficult problems which confronted them. And, as the control and disposal of this Territory was one of the most important and burning questions of the time, and had long been such, delaying and, for a time, endangering the adoption of the Constitution, it would seem impossible that when dealing directly with this question provision was made for this control while in a Territorial state, and when it was little needed, and purposely omitted at a period when, of all others, it was most needed. We shall come nearer to the real meaning of this provision by reading it as it is so plainly written, without any limitation, either of time or Territorial or State condition.

If authority for this construction be needed it is not lacking, and in another connection I shall refer to some cases which come first to hand.

Assuming then, as I think we must, that this constitutional provision confers upon Congress the power of disposition and control of the public lands after the admission into the Union of the States containing them, how much, if any, of this power is surrendered to the States by the acts admitting them into the Union as sovereign States? And here the general rule is certain (although questions may arise as to its application to particular cases). So far as its exercise is needful to the disposition and full control and management of these lands, Congress has always been and is incapable of diverting alienating, or surrendering any part of it. It is uniformly held that while the title of the United States to the public lands is absolute as against every other title, yet it is held in trust for the ultimate benefit of all the people in such manner as may be prescribed by law, and this is peculiarly the case as to the only Territory we had at that time. Congress, then, being a trustee of the title, can not divert, alienate, or surrender any power necessary or proper for the disposal, protection, preservation, control, or management of its lands, nor in any way discharge itself from the duty of executing the trust confided to it.

But while this power to make all needful rules and regulations is also the power to determine what are needful, and while, therefore, this power so conferred is, in terms absolute and unlimited, yet, notwithstanding some general statements of the Supreme Court, it may be well claimed that, after the admission of a State, there is necessarily a limit arising from other portions of the Constitution and the general powers of the State. For example, may Congress continue to legislate for this public land—some of it, perhaps, in small, isolated quantities—upon all subjects of municipal legislation, civil and criminal, and irrespective of the laws of the State upon the same subjects, as it does, for example, in the District of Columbia? Or, on the other hand, is the power of Congress within a State limited to such acts, legislative or otherwise, as are required for the disposal, protection, and control of such lands? Or is there, between these, a limit to Federal power, legislative or executive? It is not necessary to discuss here the first of these questions, for no such general legislation is contemplated, and the other two, and also how far Federal control has been surrendered by acts admitting States into the Union, may be examined in the light of another consideration, viz, the rights incident to ownership.

Subject to the eminent domain of the State, the collection of taxes, the service of process, and other kindred superior rights, the ownership of land carries with it, as incident to and a part of such ownership, the right of exclusive possession and control, which includes the right to forbid and prevent intrusion thereon for any purpose and to prevent and remove trespassers. The owner may forcibly prevent such intrusions if he can, or he may apply to the courts for relief or to recover damages. But a private individual may not himself enact laws for the protection of his property or to punish trespassers upon his lands. Is the United States in the same situation as to its lands within a State? Is it without power to itself enact laws for the disposal or management of its public lands within a State, or for their protection from fires, or the preservation of its timber or minerals thereon? This is undoubtedly the case, if the United States, as to such lands, has no other rights than those of an ordinary proprietor.

And it must be admitted that much that is said by the court in Fort Leavenworth Railroad Company *v.* Lowe (114 U. S., 525) is directly to the effect that as to lands within a State, unless jurisdiction is reserved in admitting a State, or the land is acquired by the United States with the consent of the State for military purposes, etc., as provided in the Constitution, the United States has no other rights than those of an ordinary proprietor, and that, like other lands, they are subject to the sole jurisdiction and sovereignty of the State. And it is in view of this that I discuss this question more elaborately than I otherwise would. But if what is there said is to be considered as a denial of all legislative power of Congress over such lands, not only is it opposed to the uniform practice of the Government from the beginning, with the frequent approval of that court, and to many contrary declarations of that court, but the contrary is directly held in later cases.

But what is said in that case must be read with reference to and in the light of the case then before the court. The question in that case was that of the exclusive jurisdiction, or not, of the United States over that part of the reservation not used for military purposes. Upon the admission of Kansas no reservation of Federal jurisdiction was made, but later the State ceded that jurisdiction to the United States with this saving clause, viz, the right to serve civil and criminal State processes therein, and "saving further to said State the right to tax railroad, bridge, and other corporations, their franchises and property on said reservation." The State levied a tax on a railroad on this reservation, and the question of its power to do so depended upon whether the reservation was in the exclusive jurisdiction of the United States. The court held that, inasmuch as it was not purchased with the consent of the State "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," under clause 17, section 8, Article I, of the Constitution, the United States had no such exclusive jurisdiction, and that, under this saving clause, the State had power to tax the railroad property; and that the only way by which the United States could acquire this exclusive jurisdiction within a State was that provided by the Constitution, viz, by purchase with the consent of the State.

The question of concurrent jurisdiction or of Federal jurisdiction for some purposes was not discussed nor even mentioned, for it was not involved. Nor was any allusion made to that other constitutional provision giving to Congress the power to make needful rules, etc., which certainly gave to Congress much greater power than is possessed by an ordinary proprietor. And, if the court decided that it did not do so, or did not apply to lands within a State, or decided anything else upon a question of such vast importance, it did so sub silentio by saying nothing about it. That is not the way in which that court settles questions of such importance.

From the beginning the whole policy and practice of the Government in respect of its public lands has been based upon the generally unquestioned power of Congress to legislate for their disposal, management, and protection, in both Territories and States, and with the frequent approval of the Supreme Court. It is needless to refer to these various acts of legislation as to lands in States and Territories. Their name is legion, but each and every one of these acts was the assertion and the exercise of Federal jurisdiction and sovereignty, and of a right far superior to that of any mere proprietor as to lands within a State.

This must have been either because, in the admission of the State, the jurisdiction necessary for that purpose was either expressly or impliedly reserved—the latter of which is not probable—or because the constitutional provision referred to confers that power, and this would seem a quite sufficient source of power.

In Gibson *v.* Choteau (13 Wall., 92) it is said in the syllabus that "the power of Congress in the disposal of the public domain can not be interfered with or its exercise embarrassed by any State legislation." And on page 99: "With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations." Nothing could be more conclusive that this constitutional provision applies also to lands within a State, and that the legislative power thus conferred is paramount.

In Jorden *v.* Bennett (4 How., 169) it is said (p. 184):

"By the Constitution Congress is given power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States for the disposal of the public lands. Therefore, in the new States where such lands be Congress may provide by law, and having the constitutional power to pass the law, it is supreme. So Congress may prohibit and punish trespassers on the public lands. Having the power of disposal and of protection, Congress alone can deal with the title, and no State law, whether of limitation or otherwise, can defeat such title."

This was the holding of the Supreme Court up to the time when the Fort Leavenworth case was decided, and it is not supposable that that court intended to then overrule these cases and deny this legislative power of Congress and all other powers save such as belong to an ordinary individual proprietor, while making no reference whatever to its previous holdings. That it did not so intend is manifest from the only other case which I shall cite upon this question, that of Camfield *v.* United States (167 U. S., 518), where it is said in the syllabus:

"The Government of the United States has, with respect to its own lands within the limits of a State, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers; and may legislate for their protection, though such legislation may involve the exercise of the police power."

And on pages 524, 525, the powers of the Government, both as an individual proprietor and as a sovereign, are well stated:

"The lands in question are all within the State of Colorado. The Government has, with respect to its own lands, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as any private individual may deal with his farming property. It may sell or withhold them from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement, but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain and thereby practically drive intending settlers from the market."

And on page 525:

"The General Government doubtless has a power over its own property analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case. If it be found to be necessary for the protection of the public or of intending settlers to forbid all inclosures of public lands, the Government may do so, though the alternate sections of private lands are thereby rendered less valuable for pasturage. The inconvenience, or even damage, to the individual proprietor does not authorize an act which is in its nature a purpresture of Government lands. While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a State which it would have within a Territory, we do not think the admission of a Territory as a State deprives it of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation."

This, so manifestly the correct doctrine, would seem to cover and to settle the whole question and to authorize the proposition that, as to public

lands within a State, the Government has all the rights of an individual proprietor, supplemented with the power to make and enforce its own laws for the assertion of those rights and for the disposal and full and complete management, control, and protection of its lands.

Among these undoubted rights is the right of absolute or partial exclusion, either at all or at special times and for any or for special purposes.

While Congress certainly may by law prohibit and punish the entry upon or use of any part of these forest reserves for the purpose of the killing, capture, or pursuit of game, this would not be sufficient. There are many persons now on these reserves by authority of law, and people are expressly authorized to go there, and it would be necessary to go further and to prohibit the killing, capture, or pursuit of game, even though the entry upon the reserve is not for that purpose. But the right to forbid intrusion for the purpose of killing game is one thing, and the right to forbid and punish the killing, per se, and without reference to any trespass on the property, is another. The first may be forbidden as a trespass and for the protection of the property; but when a person is lawfully there and not a trespasser or intruder the question is different.

But I am decidedly of opinion that Congress may forbid and punish the killing of game on these reserves, no matter that the slayer is lawfully there and is not a trespasser. If Congress may prohibit the use of these reserves for any purpose, it may for another; and while Congress permits persons to be upon and use them for various purposes, it may fix limits to such use and occupation and prescribe the purpose and objects for which they shall not be used, as for the killing, capture, or pursuit of specified kinds of game. Generally any private owner may forbid, upon his own land, any act that he chooses, although the act may be lawful in itself; and certainly Congress, invested also with legislative power, may do the same thing, just as it may prohibit the sale of intoxicating liquors, though such sale is otherwise lawful.

After considerable attention to the whole subject, I have no hesitation in expressing my opinion that Congress has ample power to forbid and punish any and all kinds of trespass upon or injury to the forest reserves, including the trespass of entering upon or using them for the killing, capture, or pursuit of game.

The exercise of these powers would not conflict with any State authority. Most of the States have laws forbidding the killing, capture, or pursuit of different kinds of game during specified portions of the year. This makes such killing, etc., lawful at other times, but only lawful because not made unlawful. And it is lawful only when the State has power to make it lawful by either implication or direct enactment. But, except in those cases already referred to, such as eminent domain, service of process, etc., no State has power to authorize or make lawful a trespass upon private property. So that, though Congress should prohibit such killing, etc., upon its own lands at all seasons of the year, this would not conflict with any State authority or control. That the preservation of game is part of the public policy of those States and for the benefit of their own people is shown by their own legislation, and they can not complain if Congress upon its own land goes even further in that direction than the State so long as the open season of the State law is not interfered with in any place where such law is paramount.

It has always been the policy of the Government to invite and induce the purchase and settlement of its public lands, and as the existence of game thereon and in their localities adds to the desirability of the lands and is a well-known inducement to their purchase, it may well be considered whether, for this purpose alone and without reference to the protection of the lands from trespass, Congress may not, on its own lands, prohibit the killing of such game.

Your other questions relate to the method of enforcing these Federal powers, if they exist, to the nature and kind of laws therefor. While such questions are peculiarly for Congress, yet, as you request it, I will suggest what occurs to me,

You very properly suggest the power of Congress over interstate commerce as tending indirectly to this end, by prohibiting interstate transportation of game, living or dead, or of the skins or any part thereof. There is some legislation upon that subject. I do not take the pains to examine this to see how sufficient it is; but if not already done, something to the end desired may be accomplished in this way, but as a remedy this would fall far short of what is required.

You allude also to the aid and cooperation of forest rangers and those in charge for the enforcement of State laws. This would be well, and especially so in the way of securing good feeling and harmonious action between Federal and State authorities. There is a provision for that in the act of March 3, 1899 (2 Sup. Rev Stats., 993), but it simply imposes a very general duty, and should be more specific as to what acts are required to be done.

In this connection, and with reference also to the general protection of these reserves and the other public lands from fires, cutting timber, killing game, and other depredations, I would suggest, in view of the existing law as to arrest without a warrant, whether it would not be well to give marshals and their deputies and the superintendents, supervisors, rangers, and other persons charged with the protection of these reserves power, on the public lands, in certain cases approaching "hot pursuit," to arrest without warrant.

Complaints come to this Department that very often the place of illegal acts is so far from the office of any magistrate, and the means of communication such, that before formal complaint can be made and an officer with a warrant sent there the offenders are beyond successful pursuit. I commend this to your consideration. No matter what laws we may have for the protection of these reserves, the public lands generally, or the game, they would be in a very great many cases wholly inefficient, owing to the impossibility, under the present law as to arrests, of their enforcement.

There are already many statutes against setting fires and trespassing upon the public lands. Perhaps these are sufficient, so far as laws go. I do not examine this; but as to the protection of game on forest reserves drastic laws for that purpose, together with better means, as above suggested, for their enforcement, are required.

I would suggest the making it an offense to enter or be upon or use any portion of a forest reserve for the purpose or with the intent to kill, capture, or pursue (certain specified kinds of) game, or to kill, capture, or pursue with intent to kill or capture such game, on any portion of such reserve, and I would do this for the whole year as to some kinds of game, at least, and make such killing, capture, or pursuit the evidence of such purpose or intent. The latter clause, as you will see, proceeds against the act itself, irrespective of any trespass upon the lands, if, indeed, such act does not necessarily involve a technical legal trespass. But this may be questionable in case, for example, when one who is properly there, kills game. I would insert it at any rate, and it will, with the other, operate as a preventive.

Respectfully,

P. C. KNOX, *Attorney-General.*

Hon. JOHN F. LACEY,
House of Representatives.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2975) granting an increase of pension to Levi Hachett.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5906. An act declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,000 copies of the document known as Messages and Papers of the Presidents, of which 3,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication.

TRANSFER OF FOREST RESERVES.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, the bill under consideration contains two propositions. Section 1 provides for the transfer of all the forest reserves now under the management of the Interior Department to the Agricultural Department. The balance of the bill provides for the establishment of game preserves, both within and without forest reserves, and provides for the management and the administration of these game preserves. In the Committee on the Public Lands, before which this bill came for consideration, there was no considerable difference of opinion with regard to the provisions of the bill relative to the establishment of game preserves. But there was considerable difference of opinion with regard to the advisability of transferring the forest reserves from one department of the Government to another. I have no desire to occupy the time of the committee at any length on this question, but I feel it my duty as one of the minority members of the committee to submit the views of the minority relative to this proposed transfer. I ask therefore that the views of the minority of the committee be read.

The Clerk read as follows:

The minority of the Committee on the Public Lands, having had under consideration the bill (H. R. 11536) to transfer certain forest reserves from the Interior Department to the Department of Agriculture, and to authorize the setting apart of certain forest reserves as game preserves, make the following report:

This bill authorizes the transfer to the Agriculture Department, from time to time, of the forest reserves now under control of the Interior Department, and we are of the opinion that this very radical change in policy is impracticable, would be unwise, and exceedingly expensive; that it would lead to a very great friction between the Agricultural and the Interior Departments; would necessitate the creation of many new offices; would be detrimental to the interests of the Government and of the people as a whole, as well as of those living on or in the vicinity of the reserves.

The first objection to the transfer is that it is impossible of successful execution, and we call attention to the fact that the bill itself does not contemplate a complete transfer to the Department of Agriculture, but provides "that as to surveys and surveying, and as to exchanges of lieu land, patents, titles, and claims, the jurisdiction of the Department of the Interior shall be still retained;" so that instedd of the bill providing for a complete transfer it provides for only a partial transfer, and would necessarily lead to a divided jurisdiction.

About the only argument advanced by the majority for the transfer of these reserves to the Agricultural Department is that there is a thoroughly organized Bureau of Forestry in the Department of Agriculture, and that it would be necessary to organize a similar bureau in the Interior Department in order to obtain satisfactory administration of the forest reserves. If there were any weight in this argument at all it would warrant the creation in other departments of the Government of superfluous bureaus for the purpose of using the same as an argument for the transfer of governmental business from a department in which it belonged to another in which someone had succeeded in having an unnecessary bureau created.

If the Bureau of Forestry in the Agricultural Department is indeed a bureau without occupation it should be reduced in size or transferred to the Department of the Interior, but inasmuch as a considerably increased appropriation has been asked for that Bureau for the coming fiscal year the presumption is that the Bureau is already sufficiently occupied.

In order to clearly indicate the impracticability of an attempt to transfer the forest reserves from the Interior to the Agricultural Department, it may be well to state some facts relative to the forest reserves of the country. There are now 41 forest reserves in the United States, with an area of a little over 46,000,000 acres. Upon these forest reserves are located thousands of persons living on unperfected entries made under the land laws of the United States, as well as many persons occupying deeded land. All of the reserves are open to entry under the mineral laws of the United States, and upon many of them prospecting, the staking of claims, the making of mineral entries, and the prosecution of mining industries is being carried on continuously. Lands within the limits of these reserves claimed or owned by private parties may be exchanged for any surveyed nonmineral land on the public domain, and under the law providing for these lieu selections, as they are called, the owners of over three-quarters of a million acres of land within forest reserves have relinquished the same to the Government, made lieu selections elsewhere therefor, and with a few exceptions no decision with regard to the validity of these transfers and lieu selections has been reached by the General Land Office.

When we take into consideration, then, the fact that every acre within all of the forest reserves of the United States may be located, claimed, and, if mineral in character, entered under the mineral-land laws; that in some of the reservations nearly half of the land is in private ownership and a valid

base for a lieu selection, and that upon all of them there are a considerable number of settlers, in some cases, like the Black Hills forest reserve in Wyoming and South Dakota, the reserve being quite thickly settled and containing a number of cities and towns, it will be readily understood how important are the public land and legal questions appertaining to forest reserves and how very large would be the jurisdiction over these reserves of the Interior Department even after the transfer of partial jurisdiction contemplated by this bill was consummated.

The transfer of these reserves to the Department of Agriculture would necessitate a largely increased number of officers for their protection and administration. Last year there were employed on the forest reserves several hundred rangers besides superintendents, supervisors, and inspectors, and it has been estimated that for the coming year there will be employed 7 superintendents, 40 supervisors, 4 inspectors, and 480 rangers, or 531 unclassified positions to be transferred if the reserves were transferred to the Agricultural Department.

In addition to these persons directly employed in connection with the reserves, the Interior Department has a large number of special agents, whose duty it is to investigate and report upon questions of trespass upon the public domain, both in and out of forest reserves, and if the reserves were transferred to the Agricultural Department, inasmuch as these men could not be transferred by reason of their duties connected with the unreserved part of the public domain, it would be necessary for the Agricultural Department to have an equal number of special agents to attend to the cases of trespass on forest reserves, thus duplicating the service, leading to friction and conflict of authority, and inasmuch as the timbered area of the country is very largely outside of forest reserves and ordinarily does not coincide with forest-reserve boundaries, but often extends for many miles over the public domain, questions relating to forest fires and trespass in the same region would often be partly in the jurisdiction of two sets of Government officers—one controlling within, the other without, the forest reserves.

At the present time the Interior Department, having charge of the preservation of the forests on the unreserved public lands as well as within the forest reserves, is enabled to provide for the cooperation of its officers in the prevention of depredation and of destruction by fire of timber both within and without forest reserves, but under the plan proposed two different departments of the Government would have charge—one on either side of the forest-reserve boundary line. That the cooperation now possible, with all the timber on the public domain under the charge of one department, would be impossible with this divided jurisdiction goes without saying.

As the transfer of the reserves would require an additional force of special agents, it would also require the establishment within the Agricultural Department of a legal bureau, inasmuch as there would be constantly arising questions relative to trespass, violation of the laws, rules, and regulations; and inasmuch as the Agricultural Department has now no legal bureau, it would be necessary to establish such a bureau and confer upon it jurisdiction over these matters in order to properly administer the reserves. Timber tresspass cases, unlawful inclosures, etc., can not be prosecuted without legal officers; the Interior Department has them, the Agricultural Department has not.

The rights of individuals upon the reserves relative to the free use of timber, the privilege of grazing, etc., depend largely upon the question of the bona fide character of claims held within the reserves, and in making investigations relative to the right of persons to establish and maintain themselves in reserves the validity of entries must first be considered. These questions could only be decided by the Interior Department, and therefore under the proposed bill we would have the spectacle of the officers of one department unable to enforce their own rules and regulations except by reference to another department as to the status of the parties in question and their rights under the law.

Scattered throughout the region in which the forest reserves are located are the United States land offices of the Interior Department, presided over by a register and a receiver, two officers appointed by the President, exercising quasi-judicial functions, to whom are referred in the first instance all land questions arising upon the public domain within or without forest reserves.

In addition to this, the receiver receives and is the custodian of all the moneys now received from the disposal of public lands as well as from fines, settlements, and sales of timber within forest reserves. The bill under consideration provides that all such moneys shall be received by an officer of the Department of Agriculture, and as it is necessary that there should be a bonded officer in the vicinity of the reserves to fulfill the duties in this regard of the receivers of public moneys, this provision of the bill alone would necessitate the appointment of a large number of additional officers as receivers of public moneys for the Agricultural Department. If there were only 1 for every 2 reserves there would be 20, and at the salary paid receivers of the general land offices their salaries alone would be $60,000 for work now performed by registers and receivers without additional cost to the Government.

But the plea is made in extenuation that not all of the reserves can, under the provisions of the bill, immediately pass under the Department of Agriculture, and therefore there will not be so much additional expense and additional friction as there might be if all the reserves passed under the Department of Agriculture. It is true the bill provides that the President shall transfer the reserves only when it shall be certified to him by the Secretary of the Interior that the boundaries thereof have been fully examined and are deemed to be substantially the permanent boundaries. If there is any reason why the forest reserves should pass from the Department which must necessarily continue to control with regard to all of the land and legal questions, even after the attempted transfer is made, those reasons would apply with practically equal force to all of the reserves.

Among the least important of all questions connected with the reserves are those of the elimination therefrom or the addition thereto of small tracts of land, and there is scarcely a reserve with regard to which any man can now intelligently say that its boundaries are substantially the proper permanent boundaries, and nothing but a much more careful examination than has ever been made of the regions adjoining the forest reserves of the country can determine that fact; but it is assumed that there may be some reserves with regard to which the boundaries may be settled with reasonable permanency, and the bill proceeds on the assumption that this is a particularly important matter and necessarily indicates a distinctive class of reserves, whereas, as a matter of fact, the question as to whether or no certain lands should or should not remain in or be included within a reserve is about the last question which should govern in a matter of this sort.

The assumption in the past that the permanent marking of the boundaries of the forest reserves was a particularly important matter has led to large unnecessary outlays on the part of the Government for special and expensive surveys which may become useless and misleading, as the reserve boundaries are changed from time to time. In practically every instance the boundaries of reserves coincide with the public-land survey boundaries, and they should in every case. Where the boundary lines have been surveyed the forest-reserve officer could readily trace and plainly mark the lines, and where the surveys have not been extended they should be in the usual way, by contract under the General Land Office.

The bill, then, contemplates two entirely distinct forest-reserve administrations in the country, one under the Interior Department and one under the Agricultural Department; each with its own rangers, special agents, superintendents, supervisors; each with its own system of rules and regulations; and, still further complicating this expensive and impracticable dual arrangement, the Interior Department would still have jurisdiction on all the reserves of the numerous public-land and legal questions.

Reference has heretofore been made to the fact that it is urged that because the Agricultural Department has a Bureau of Forestry it should administer the forests reserves. This might naturally lead to an inquiry as to why a bureau was not established in the Interior Department, which has to do with not only 46,000,000 acres of reserves, their policing, protection from fire, sale of timber, etc., but also the care and protection of the forests widely scattered over all parts of the public domain, rather than in a Department which had no forests or forested areas to administer or control.

In the Interior Department there does not seem to have been any ambition to create new bureaus with high-salaried officers, but rather a desire to economically administer the laws relative to the protection of public timber on and off the forest reserves. With all of the great responsibilities in these matters of the Interior Department, all of this work was carried on until the 1st of March, 1891, in the special-service division of the General Land Office, a division which, before it was given the additional responsibility of the forest reserves, was already overworked; and after the date named the forest-reserve work was undertaken and carried on, not by a bureau, but by a division, whose chief officer is paid $2,000, compared with $3,000 paid to the chief of the Bureau of Forestry of the Agricultural Department. This division—small, overworked, and not well paid—has been doing a splendid work in developing a national forestry policy, in protecting the forests on the reserves, and on the unreserved public lands as well, from destruction by fires and indiscriminate cutting; in preventing abuses of the privilege of the free use of timber by settlers; in providing for the sale of the matured products of the reserves; in controlling and limiting the grazing on reserves—in short, in the solution of the many and varied questions which have arisen in the development of a new policy relating to vast areas of woodland widely separated and with every variety of climate, topography, and condition.

It would be very strange if no mistake had been made, but it is an undisputed fact that good progress has been made in theory and in practice, and for the outlay made much good has been accomplished. It must be remembered that the policing and administration of a Territory one and one-half times as large as the State of New York and the protection of the timber on the vast area of public domain has been accomplished with an expenditure last year of less than $300,000. Many times this sum was saved by the prevention of forest fires, which happily are becoming things of the past on the forest reserves.

It should be borne in mind that the more important questions arising in connection with our forest reserves under the conditions which now exist in them are largely (1) legal questions arising in connection with the determination of settlement rights, lieu-land selections, mining claims, right of way for roads, trails, ditches, canals, telephones, etc., and all of these matters must necessarily be settled and determined by the Interior Department, the Department which is custodian of all the records, has charge of the administration of all the land laws, and has a thoroughly trained legal department.

(2) The policing and administration of the reserves, the protection of the same from destruction by fire and wasteful cutting, the regulation of grazing, of the free use of timber by settlers, the sale and disposal of matured timber; all of which matters can be as well, and most of them much better, administered by the Interior Department than by the Agricultural Department. These are all purely matters of administration which come properly within the jurisdiction of the Interior Department, and not scientific questions which might properly come under the Agricultural Department. It would be entirely a new departure to place upon the Agricultural Department legal questions and police duties.

The Bureau of Forestry of the Agricultural Department will undoubtedly find a large field for useful employment in the study of the questions of forestry as they relate to the entire country, to forested lands in private ownership, as well as those which are a part of the public domain. The study of these questions by the experts of that Bureau need not and should not interfere with the policing and administration of the forest reserves by the Interior Department. It would be strange, indeed, if the Interior Department could not with its administrative force cooperate in every proper way with the Agricultural Department, carrying out any theories of reforestation or improvements which might be suggested by the Agricultural Department, but there is no reason why a scientific bureau should absorb a practical and administrative one. No reason why a bureau of the Agricultural Department, presumably established for the purpose of exploiting theories, should be allowed to supersede a division of the Interior Department organized for and carrying on an intensely practical work.

The idea embodied in the bill of establishing by Executive order game and fish preserves with forest reserves upon the request of the governor of the State in which the said reserves are located meets with our approval. We therefore offer as a substitute for the proposed measure a bill which relates entirely to the establishment of game and fish preserves, and which is appended hereto.

FRANK W. MONDELL.
W. L. JONES.
J. W. FORDNEY.
JOHN F. SHAFROTH.

Mr. MONDELL. Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Chairman, the speech of the gentleman from Iowa [Mr. LACEY] consisted largely of an oration on forestry, which was very eloquent and which contained a great many good thoughts. But this bill has no relation whatever to the question of forestry. It is not a question whether we should have forest reserves. They are already established. It is not a question whether or not we are to have more forests. The Interior Department and the Agricultural Department have each their bureau covering the work of forestry; that of the Agricultural Bureau is a scientific bureau; its officers write essays and books upon forestry and conduct experiments. A very good bureau of its kind; but it has no practical experience whatever in supervising a forest reserve; whereas the bureau in the Interior Department has had the practical management of these forest reserves for ten years. This experience is valuable, and we should adhere to it.

So that this talk of the necessity for forests and the great benefit of forests has nothing whatever to do with this measure.

Everybody is in favor of forest preservation, there is no doubt of that, and consequently the opposition to this bill does not arise from that source at all.

Now, the true situation is this: There are 600,000,000 acres of public land in the United States west of the one hundredth meridian. Of that land about one-half or nearly one-half is what is termed forest lands—much of it mountain lands; sometimes small brush, sometimes small trees, grow on it; very small per cent is good for commercial purposes. It is land that has got to be taken care of just as well as the forest reserves are. Out of this land is carved a forest reserve of perhaps 10 or 15 miles square. Sometimes it is zigzag, running down a stream, being probably only a few miles in width.

The public timber lands and forest reserves abut upon each other, are contiguous to each other. A fire started on the public lands would spread to the lands that are in the reservation, or a fire started upon the reserves will go into the lands that are not reserved but are public lands, and consequently it is necessary that somebody should have the control and care of all of this land, and whenever you attempt to subdivide it you immediately get into complications which always arise from divided supervision and responsibility. Now, Mr. Chairman, the Interior Department has this supervision. The Interior Department has supervision of the timber lands, both reserved and unreserved. Certain provisions are necessary to be made, certain rules and regulations are necessary to be made, applying not to one alone but to both of them. Timber is permitted to be cut in certain instances. They permit the hauling away of the down timber, the cutting of the dead timber, and that rule applies both to the reserves and to the timber that is not in the reserves, and permits are issued by the officers of the Interior Department both to people cutting in the reserves and to people cutting out of the reserves.

That being the case, you can readily see the supervision is interwoven—the jurisdiction, the practical application, the actual work is interwoven so that whenever you attempt to segregate these matters and to say on this land certain rules shall prevail, promulgated by one Department, and on the other side of the line certain other rules prevail you immediatly get into confusion, you immediately find that the people who reside in that locality will not know what are the rules on one side or the other. For instance, an order is made that on this side sheep shall not graze, but only cattle, while upon the other side sheep are permitted to graze. Such rules are continually made by the Interior Department, which has comprehensive power and jurisdiction of the entire subject, but it would result in confusion if made by different bureaus. In my State there are six reserves, and to say that in a certain portion of one county certain rules shall prevail, and in another portion another rule, and in some other corner of the State upon a reservation certain other rules shall prevail, can result in nothing but confusion and the conflict of jurisdictions, and must of necessity result in the building up of a large bureau in each one of the Departments.

Mr. CRUMPACKER. Will the gentleman permit a question?

Mr. SHAFROTH. Yes, sir.

Mr. CRUMPACKER. I have comparatively little knowledge of this subject, and I ask the question for information. Do the same regulations obtain within forest reservations now that obtain respecting the public domain outside?

Mr. SHAFROTH. There are certain general rules that prevail over it all, and then there are certain additional rules that are made for the reservations themselves.

Mr. CRUMPACKER. I supposed that was the case.

Mr. SHAFROTH. That is true, but there are certain other regulations that are made.

Mr. MADDOX. Does the Secretary of the Interior want to get rid of this work?

Mr. SHAFROTH. I do not know. When the President suggested it, of course the Department naturally acquiesced. I have no particular love for the Interior Department and no opposition whatever to the Agricultural Department. I do not care whether you transfer the jurisdiction and control of forests or not, provided you transfer everything in connection with it and make it one entire bureau in that Department with jurisdiction over everything pertaining to the subject.

Mr. MADDOX. Is the Agricultural Department better prepared to look after it than the other?

Mr. SHAFROTH. No; I do not think so. I think the Interior Department is, by reason of having had experience, better prepared.

Mr. MADDOX. What is the real object of this bill, anyhow, if the gentleman knows?

Mr. SHAFROTH. I do not know that I can tell the gentleman what the real object of it is, because this provision of the bill is incorporated with another provision of the bill that has no more relation to each other than night has to day. They should never have been incorporated together. The idea of saying that the forest reserves should be transferred to the Agricultural Department and in the same bill providing the right to create in forest reserves certain game and fish preserves is irrelevant, to my mind. Now, the transfer of the reserves is the only part of the bill that I object to. I think fish and game preserves are proper in themselves.

Mr. BELL. I want to suggest to the gentleman that there is a very serious objection all around these reserves.

Mr. SHAFROTH. The game preserves?

Mr. BELL. Why, that is the worst objection they have.

Mr. SHAFROTH. Well, I did not look at it in that light. I knew of no objection there.

Mr. BELL. That means driving off the horse, the sheep, and the cow and the putting on there of the wild animals in their stead; and it reduces the value of every ranch near those reserves.

Mr. SHAFROTH. I apprehend that these fish and game reserves are not going to be very numerous, and you will find that there is a clause in the bill which says that they can not be established without the consent of the governor of the State.

I am now directing my attention to that feature of the bill which says that the bureau which exists in the Agricultural Department and which is a mere scientific bureau, that writes good essays and good books upon forestry, that that little bureau, consisting of 39 men, shall be vested with all the authority and with the practical workings of the entire forest reserves of the country.

We find in the forestry bureau of the Interior Department there are some five or six hundred men, and yet this bill is to put the five or six hundred over into the Department of the 39, and not the 39 over among the five or six hundred. It seems to me that when the men of the Interior Department have the practical experience, when they have been administering the affairs of the forest reserves for the last ten years, and have done it well, it is absolutely foolish to talk about transferring that Department to the control of men who have written learned essays upon scientific subjects of forestry.

Now, Mr. Chairman, I shall propose some amendments to this bill. In the first place, I would rather that the Forestry Bureau of the Agricultural Department should be transferred to the Forestry Bureau of the Interior Department. When that is done you will have one entire department controlling both the lands that are in the forest reserves and the public lands that are out of the reserves. If that fails, I shall offer, or someone upon this side of the question will offer, an amendment transferring the entire Land Department of the Interior to the Agricultural Department. I have no objection to the Agricultural Department, none whatever, and I am perfectly willing that they should have the control and care of the entire lands of the United States. What I object to is this dividing up, this slicing off a part and saying that one bureau or one department shall have a certain jurisdiction, limiting it to a certain line, and that beyond that line the other department shall have jurisdiction.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Yes.

Mr. LACEY. Has there ever been any practical trouble found in the military reserves that have been turned over to the War Department in the administration of them by the War Department separate from the Interior Department?

Mr. SHAFROTH. Well, in the first place, in the military reserves, so far as my part of the country is concerned, there has been hardly any care of them at all. There may have been some little military reserves that received some care, but the Pikes Peak Military Reserve, which is a large one, has had no care whatever, except that a man has been stationed on top of Pikes Peak making observations. There has not been the slightest care of the reservation. There has never been a ranger or a person who has attempted to exercise jurisdiction, or stop trespasses, or care for the reserve, except from the Interior Department.

Mr. LACEY. There has been no conflict of jurisdiction.

Mr. SHAFROTH. The reason is that there was no attempt to take care of it. Now, I find that there are certain laws that exist with relation to both these classes of timber lands. A railroad is to be put through them. Some portion of it is under the regulation of the Agricultural Department, and as to the balance of the way the Interior Department has jurisdiction. There are various settlers in these forest reserves. Their possession must be preserved or destroyed under the supervision of one department, and the legal questions must be decided in another department. When a certain policy is to be adopted as to the cutting of timber, the character of timber that is to be cut, whether down timber or standing timber of certain kinds, we find that the Agricultural Department will have jurisdiction and will make recommendations; and yet, if a trespass exists, that matter must go to the Interior Department.

So nothing but confusion can result from attempting to establish a bureau which will take care of a part included in a larger

part of the public lands of the United States. These forest reserves amount to about 46,000,000 acres, whereas the total acreage of public lands that are called timber lands is two to three hundred million acres. Thus the forest reserves constitute only one-sixth to one-fourth of the whole. Now, Mr. Chairman, I want to call attention to the fact that the gentleman from Iowa has said that the Interior Department is greatly crowded with work, that it is the most overburdened Department in the Government.

But, Mr. Chairman, this bill does not relieve the Interior Department hardly in the slightest of the great duty of determining the legal questions arising in forest reservations or concerning the public domain.

Take the question of mineral entry on public lands. You have a right to enter upon the forest reserves and locate a mineral claim. The right to possession and the legal questions arising as to the same are now and must even if this bill passes be determined by the Interior Department. Very little, if any, relief will be given by this bill. Every year a clash of jurisdiction in determining what the miner shall take by his location; as to how much timber he shall cut in order to properly put his mine in working order. That may be determined in one instance, perhaps, by an order from the Agricultual Department and in another by an order from the Interior Department; and if a legal question arises it goes to the Interior Department for settlement. When we take into consideration that the timber lands which are contained in the forest reserves only amount to one-sixth or to one-fourth of the timber lands outside of the reservations, and that the timber on the unreserved lands are necessary to preserve irrigation, they are not going to be disposed of.

The gentleman says the Interior Department is to sell the lands and dispose of them. But any man on the floor of this House or his son will not live long enough to see these lands disposed of, because they are a part of the public domain which can never be taken up as agricultural lands. They are not fit for agriculture, and never will be fit for anything except mining, and you can not find a mine on one acre out of 10,000. These lands are going to be held by the Government, whether they are to be forest reserves or unreserved timber lands. They serve identically the same purpose. The Government has to take care of them, and will take care of them in the future. The Interior Department will still have to preserve the timber on the great public domain not included in reservations, and consequently if this bill passes you certainly build up two bureaus—one in the Interior Department, to take care of five-sixths of the land, the title of which is going to remain in the United States for hundreds of years, and the other in the Agricultural Department, to care take of the 46,000,000 acres of land that are now in the reservations. So that it seems to be clear that by this legislation we are bound to establish two distinct bureaus, antagonistic in some respects, with conflicting jurisdiction as to many questions that will arise with relation to these reservations and public lands.

Now, it is no more necessary to preserve the timber in reserves than it is that upon the unreserved public domain. Why? Because a fire started upon the forest lands will sweep across the country and go into the reserves. The timber on both classes of lands are necessary to irrigation. In the Interior Department there are men who are charged with the duty of examining into forest fires, detecting them, and bringing prosecutions against men who negligently leave camp fires on the timber land of the public domain or who set fire willfully and maliciously to the forests.

You can readily see, as but one-sixth of the forests is to be transferred, that there will be five times as much work in this line retained in the Interior Department. This force should be greatly increased for the preservation of the timber lands of this country, for I tell you, as a matter of fact, that the regulation as to preventing cutting timber is nothing to be compared to the great question of the preservation of the forests from fire. You can have strict regulations enforced against the cutting of timber upon the reserves for eight or ten years, and then there will be a sweeping fire pass over it, and we will have wasted more timber than would have been cut for ten years. That is not only a question of the past but of to-day. There are big forest fires that have been raging in my State in the last ninety days.

Now, Mr. Chairman, that is the reason I object to the provisions of this bill transferring to the Agricultural Department a part of a bureau. It is going to make more bureaus, and they are going to conflict with each other.

Mr. DAHLE. I would like to ask the gentleman about these forest fires. Will it make any difference in regard to these fires if this bill becomes a law?

Mr. SHAFROTH. Yes; if one Department has its officers whose duty and requirement are to put out fires wherever they occur, you can readily see that they are not going to confine their supervision to a reserve; whereas if the Agricultural Department has the supervision it will cause a number of officers to watch out only for its reserve, and the Interior Department, of necessity, will have to have men to look after the forests which are not contained within the jurisdiction of the Agricultural Department.

Mr. DAHLE. What can be done toward putting out the fires?

Mr. SHAFROTH. Well, I introduced a bill in the Fifty-fourth Congress which I tried to get through and which I thought would have a tendency to solve the question. It provided that the Government should at intervals of 10 miles clear from timber strips of a half a mile in width where no trees should be permitted to grow, and I thought that was a sufficient distance to prevent the leaping of the fire from one piece of timber to another. The committee reported the bill favorably, but I never was able to get consideration of it in the House. I think it a provision which ought to be made, and it ought to be done by one department, by one head, so that it could block out the timber lands under one general comprehensive system.

Mr. DAHLE. At present can much of anything be done toward preventing these fires?

Mr. SHAFROTH. Yes; because there are five or six hundred men who are required to go around and put out these fires. They are called rangers; and wherever a fire occurs they are ordered to go, whether on a reserve, on the public land, anywhere these men go and put it out.

Mr. DAHLE. But do they do any good?

Mr. SHAFROTH. Oh, yes; they do put out the fire, but the rain and change of the wind are the principal things that puts it out. They, however, often prevent the spread of fire. By watching carefully, destructive fires can be prevented. The force ought to be increased in the Interior Department; but I do not want the Agricultural Department to have one set of men and the Interior Department have another set of men, so that one man can say, It is not my duty to go over that line and stop the fire, while another says, I have nothing to do with the fires on that side of the line.

Men do not like to put themselves to any great deal of trouble, and you will find that the spirit will exist that there will be a rivalry between them as to whether the public land should require the attention of this set of men or that set of men. It will have a tendency to let a man say, "I do not care for that fire; that is another man's business." I believe that every business should be conducted as far as possible under one head. Here are 300,000,000 acres of timber land, and to say that a portion of the forest lands should be under this set of men and a portion under another jurisdiction is not wise. We do not do it in our own private affairs, and it ought not to be done under Government administration.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has seventeen minutes.

Mr. SHAFROTH. I yield the balance of my time to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Chairman, I shall refer to the history of these reservations and to what they are. In the first place, they were most all located without the request of anyone near their situses and without the knowledge of anybody near their locations. The greater number of them were set apart under the Administration of President Cleveland. When they were set apart everyone near them thought that they were to be new national parks. The people inquired of the Secretary of the Interior, "What are you going to do with Battle Mountain Reservation? What are you going to do with White River Reservation?" They thought that they were to be cared for and run the same as Yellowstone Park. Immediately they were informed by the Interior Department of the Government that the object was not to spend a single dollar on any of these reservations, that they would not interfere with the general range privileges.

The only thing, said the Interior Department, that we intend to do is to keep down the fires, protect the timber, etc.; that the snows may be conserved to water the country below. That was declared year in and year out to those living around these reserves.

What has been the result? The result has been that they have taken in for the White River and Battlement-Mesa reserves near me about 2,000,000 acres of ground. In the county where White River Reserve is they did not leave a place where anyone could get a load of wood or a stick of saw timber except on that reservation. They took many valleys. They took a great deal of country that had not a stick of timber on it, but they said that vegetation would keep the snow from melting, and that the reservation would be open to the settler for grazing purposes. Now, I want to suggest a thing that few of you have thought of, and that is that in the year 1901 more homesteads were proved up, on the public domain, than during any other year in the history of this Government.

Yet we talk about the public domain being exhausted. A few days ago the Commissioner of the General Land Office stood before the chairman of the committee, who presented this bill, protesting against his bill for leasing the public domain. He said: "You must not lease it; you must not interfere with it;" and he presented the figures showing that last year there were

more homesteads entered than in any other year since this Government was established. When he was asked for his reason he said that the good land had all been exhausted; that home hunters were more numerous than ever before since the Government was first founded; they went forth searching for suitable locations, and if they found poor land near a range, with a little stream of water, they planted their homes there.

They did this, the Commissioner said, because they knew that there was a great Government range adjoining that poor land; they could get a few cows and could have the benefit of the public range, and therefore manage to make an existence. But, said he, if you begin to lease the public lands you stop this settlement. "I ask you," he said, "not to lease this land. It will stop settlement."

Now, I want to say his argument will apply to these timber reserves as forcibly as it did or does to the leasing of the public domain. And, Mr. Chairman, the sole purpose of this bill is not to transfer the control of these reserves to the Agricultural Department; it is to build up a lot of English game preserves in this country—to drive out the cow and the horse and the sheep from these 46,000,000 acres, or certain portions of them, and to fix up preserves for game and fish for the sportsmen. It is to subvert the necessities of the poor to the sports of the rich.

Now, I am interested in this particular matter, for in my district is located the point where it is proposed to make a game preserve of a million acres. The intention unquestionably is to take the White River Reservation of over a million acres and convert it into a game preserve for the sportsmen. The minute you do that you will reduce by 50 per cent the value of every ranch that borders on that reservation.

You can not keep game on one of these reservations and allow cattle and horses to run upon it. You can not keep them on those reserves and allow the cowboy to ride through. You must make the reserve exclusive; and in my judgment there is not a man, not a woman, not a child living adjacent to one of those reservations who will not be up in arms whenever you begin to drive out the horse and the cow and the sheep who took land which was absolutely worthless except for the privilege of a public range. You purpose converting this into a public game preserve in order that a lot of men with leisure to spend pleasantly may come out and hunt, fish, and revel in those mountains.

Mr. Chairman, there is much in what my colleague [Mr. SHAFROTH] said about this divided authority. When I am at home I look almost every time I step out of my door to the Battlement Mesa Reservation, one of the greatest mountains in the entire Rocky Mountain chain. Throughout last summer I sat at the table with a ranger three times a day; I talked with him frequently. He had one fire on that reserve last summer. What did he do? He gathered 30 men and a number of livery teams and went up there and put it out; and he did not stay there a single minute after he put it out. He never went up there until he saw the smoke rise. He watched a stretch of country over 200 miles in length from the town of Montrose.

He was the only man in the Uncompahgre Valley on such duties. He did not need to go to any portion of that range until he saw indications of fire. He had two fires—possibly more; I remember two. He was not within 30 miles of either when they started; but in that clear atmosphere he could see the smoke easily for 30 or 40 miles as soon as the fire was started. He put out one fire on the public domain to my knowledge, at least 50 miles from the one on the reserve. A land office is there. The land officers have in view all the time the preservation of timber. The timber agents of the Interior Department are upon the field constantly.

I want further to have it understood that these reserves were not set apart for the commercial value of the timber. Bear in mind, where I live there are 2,000,000 acres in two reserves. On these reserves the timber is a spongy pine and hemlock, which no man undertakes to build a nice house of. You talk about this timber as if it had a great commercial value. But it is generally scrub timber. These reservations have been set apart at the head of the great streams, some of them pretty near as high as the timber will grow, and the timber is, as I have said, inferior in kind and quality. This mountain pine is soft, spongy, and there is no body to it, and where I live, surrounded by this timber on all sides, we do not offer to clapboard, floor, or ceil a house with that timber; it is not fit for it. The principal part of our timber for building houses is shipped from Georgia, or Texas, or Oregon. The timber growing in our region was set apart, as we were informed, to preserve the snowfall, to supply the rivers in the bottoms late in the summer, and for no other purpose.

Now, let us not get it into our minds that we preserve these for the commercial value of the timber or for the beauty of it. If so, the nearest reservation to me would be worthless, and we ought to abandon it now, because no man can get a stick of timber from the reservation. Why, it is almost impossible to get up there at all. It is on an elevated mountain that you can stand off and look at 75 miles away, and which looks as if it were but a few miles distant. There is no way to get timber from there; there is no way to get it off the mountain. It is absolutely worthless except for the purpose of maintaining the snow fall. Now, that is all we want it for. That was all it was intended these reservations should be set apart for.

Now, it would be an absolute fraud upon the settlers that this Government induced to go and locate around those reserves, to now say that it will convert this reserve into a game preserve. Let me give you a little illustration. The gentleman from Iowa [Mr. LACEY] had before his committee almost constantly for two winters here an organization trying to rent a million acres of ground in New Mexico for the purpose of establishing a buffalo herd. That organization remained here and lobbied, and it is my understanding the gentleman from Iowa [Mr. LACEY] thought that they ought to have it. I heard a man stand at the end of the table in his committee and say to that committee, "I will give you $25,000 in cash for what these men ask for; give me the lease that these men ask for, and I will give you $25,000 in cash."

He stood here and begged and pleaded for a reserve. I want to say to you, pass this bill and I know that the sporting elements will be before the governor of the States asking that he ask that some of these reserves be set apart for fish, for game, for hunting purposes. The cowboy, the sheepman, and the horseman, who located there under an invitation from this Government with the understanding that they would have the privilege of that range, and located for that purpose alone, must be driven out. Now, is it not remarkable that the men who signed this minority report are men from right around those reserves? Mr. JONES, from Washington, Mr. MONDELL, from Wyoming, Mr. SHAFROTH, from Colorado, and the other gentleman from Michigan. They know the conditions. They know that in those States this means ruin to those settled around the reserves. I admit that we have more lions, more elks, more deer in the White River timber reserve than can be found in any other like country in America.

Mr. LACEY. Will the gentleman permit a question at this point?

The CHAIRMAN. Does the gentleman yield?

Mr. BELL. Yes; certainly.

Mr. LACEY. Is it not true that all the gentlemen who signed the minority report favor the bill with the single exception of the transfer to the Department of Agriculture?

Mr. BELL. I do not know what they do, but I want to say that if they do——

Mr. LACEY. That is what they say in their report.

Mr. BELL. If they do favor it, they do not understand in Colorado the sentiment of the people surrounding the reserves. Around the Battle Mountain Reserve, near where I live, are 10,000 people settled. Ten thousand people surround that reserve. Around the White River Reserve they are dependent on the use of the reserve, because it takes in all the timber and the intervening parks. The settlers have complained from the day the reservation was set apart. They have insisted that it be limited. They have been insisting that the parks be taken out. There has not been a Congress since that we have not been flooded by petitions from everybody around that reserve saying that the reserve as it now stands ruins an entire county.

They have been quieted by the assurance from the Secretary of the Interior that the only disturbance would be that they would protect it from fire and timber destruction. I want to say to our friends who are so anxious for reserves, if they insist upon these continued encroachments they will find every man from the Western domain coming on here with one voice and asking to abolish everyone within the limits of these States.

This is an all-important matter where I live. We are located right in the heart of the Rocky Mountains. An acre of level land where I live is like a speck on the map of the State, compared with the mountain ranges. Nearly all the country is mountainous. There are two great mountain ranges, rising as high as 14,000 feet and upward above sea level. These ranges are parallel, and they are now and then bisected by cross ranges. Between them you will find little parks. That is the condition of the country.

The region was settled, not for agriculture, because you can not grow things there of any consequence to export. The settlement was for the purpose of engaging in the stock-raising industry. A man will locate upon a piece of land, if he can find a stream, with 1 acre or 3 acres or 5 acres or 10 acres of level ground, with the understanding that he can have a little bunch of cows and let them run in the mountain ranges. It is true that no one acre furnishes much feed, but where there are 100,000 or 500,000 acres of mountains to 1 acre of valley it gives a man a chance to have his cattle range over a great area of country.

It is the most common thing for a man to have his cattle as far as 40 and 50 miles from the home camp. He has some advantages

there. The mountain ranges fence in the stock. They can not get out unless they walk a railroad track down some stream, and they never do that. This country was settled because of these facilities. The White River can not grow a farm product that it can export, but Congress and the Government invited settlers to go upon the White River and locate the land. They have gone and located all around the head of White River. They have located there for stock-raising purposes. They have located there with the understanding that they can use these ranges. After they got there this reserve was set apart, never being surveyed, but the lines being drawn in the city of Washington.

One of the main objects of this bill is and will be to convert that reserve, not into a conservator of snow, but into an English game reserve. It would make a sportsman's paradise. Ah, but the gentleman says, we will have to get the consent of the governor of your State. That reserve is 250 miles from the capital. It is an extreme corner of the State. The capital and Colorado Springs and other places have many men full of sporting proclivities. Those men will gather in and about the capital and say to the governor of the State, "Yes, make this a game preserve. Let us raise buffalo, let us raise deer, let us raise game on that park, and we will go down there in the hot weather and kill mountain lions and deer, and we will fish." You may bring all these things about, but I want to say that if you do you will squeeze 50 per cent out of the value of every ranch located around that great reserve. Do you want to do that? Is it the business of the Government to do that?

Are you so interested in having a game preserve and a fish preserve put upon us against our interests, against our protests, that you will ask it? Ask it at the expense of the hardy, poor, and forlorn settlers who have gone into that rugged country and reclaimed it? I do not believe you possess such hardihood.

I am talking earnestly, because when at home I sit under the very dome of one of these reserves. The promise was made to us that they should not interfere detrimentally with us. The promise was made to us that there would be no improvements made. We have had innumerable assurances to this effect. We have also had verbal promises time and again. Let them exist with the original object, to conserve the snow for the water supply, and be limited to the timber and there will be no objection; but you convert them into something else and you perpetrate an injustice.

I am sorry if the minority of the committee think the people do not object to the fish and game preserve feature. I know that in Colorado, and especially in my district, we want none of your game preserves; we want none of your fish preserves; we want no rendezvous for idle sportsmen; at least we do not want to drive out the cow and the sheep and the horse and to destroy the value of the land that was located and paid for there with the understanding that the stock of the settler should range on this part of the public domain for the purpose of entertaining a sporting army.

This bill is ill conceived. It is gotten up by men 2,000 miles away from the situs of the land. It is not in the interest of commercial timber; it is not in the interest of ornamental timber. This bill is for the purpose merely of converting these great areas of land into a sportsman's paradise at the expense of the pioneers who have reclaimed that country. I protest against it, and I do not believe you want it. Why, my friends, what will the forester do there? It is unfortunate, probably, that we got a forestry association so quickly, before we were ready for it. They could not plant a tree on one of these reservations and make it grow.

No tree will grow there except the scrub pine and quaking aspen, and, as I said, the only enemy of that country is the fire which comes there periodically. These men put them out now and then; sometimes they do not. If anybody is interested in preserving that timber it is we who have bought the ground below and want to use the water it conserves and want the game preserved; but we do not want to drive out the domestic animals for the purpose of preserving this for a game preserve. I think it will be unfortunate if you pass such a bill. I have no idea it will become a law, because the Senate of the United States, where they have a habit of considering these things for a considerable length of time, will have to wait till the people are heard from.

Now, I have said all I wish to say. I do not doubt the good faith of the gentleman from Iowa [Mr. LACEY], the chairman of the committee. He is too anxious to benefit us in that far-away country. If he would only go out and live there and stand some of the deprivations and hardships that those persons undergo, he would know better how to look after their comfort. He would sympathize with their necessities rather than for a few sportsmen that come out thirty days when the sun is high and when there is no hardship to undergo.

Mr. KLEBERG. Mr. Chairman, proceeding in my own right, I wish first to send to the Clerk's desk and have read a part of the President's message.

The Clerk read as follows:

At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States. These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint. It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the Departments of War and the Navy.

Mr. KLEBERG. Now, Mr. Chairman, I heartily concur in the recommendation of the President of the United States. I do not often agree with a Republican President, but I think that this is one of the fine recommendations in that great message which the President has delivered to the Congress of the United States. The fact is emphasized there that this Forestry Bureau should be where it properly belongs—in the Department of Agriculture. The Forestry Bureau in the Department of the Interior is there more especially for the protection of forests against fire. The fact is apparent and is known to everybody who is acquainted with the subject, that the depredations which are committed upon the forestry grounds are not only by people who cut trees and possibly permit the fires to get out in the waste, but by the raids of the cattle men and the sheep men who denude the ground of all the grasses and the young growth of trees.

I think possibly one of the strongest arguments that could be made for this bill and for this intrinsic and well-thought-out policy is the argument made by my friend from Colorado. I think by the presentation of the facts that we have had from him there can be left no doubt that under the present system large herds of cattle and sheep are permitted to graze without let or hindrance in these forest reserves, which not only crowd out the game and wild animals there, but will possibly finally exterminate them and denude the soil of those native grasses to such a degree that floods and rains will go down and fill up the streams with silt and sand and utterly destroy the springs from which the streams are now fed.

The gentleman speaks of White River in his State and the necessity his people have for the use of the water there. Well, I predict if this predatory use is made of the large forest reserves for many more years that the river will be filled up with silt; that the forest which is there now will possibly soon cease. The old trees are of not much value, but all the young growth, the young trees, should be protected and fostered by scientific culture and management. I therefore think that this argument he has made presents the strongest reasons for protecting these forest reserves. I think it is of the utmost importance that their predatory use should be stopped by the Government. I do not mean to say that these people should not be allowed in a reasonable manner the use of some of the native grasses there, and the use of some of the trees under proper supervision of the Secretary of Agriculture; not by any means. But the argument of the gentleman, I think, discloses the principal opposition to this bill, for all they are after is free grass and free timber.

While I am not here to encroach upon the rights of any people in the use of the grass and the timber in a legitimate way, I do not think that this great body ought to stand up and suffer the utter destruction of these forest reserves, of the native growth of those forests, and thereby, possibly, not only destroy them, but actually dry up the rivers and the streams. These forest reserves ought to be placed, as intended in this bill, under a body composed of scientific men, such as we have now in the Forestry Bureau of the Agricultural Department. It is a part of agriculture to save the trees, and the management of the forests under the Agricultural Department is not only the preservation of the trees but the natural reservoir of water which is necessary for the adjacent arid or semiarid lands; and yet, if we are to follow the argument of the gentleman, why we will expose them all to the predatory use of some people who happened to be near by, who could possibly drive their herds promiscuously over the lands, and may use some of the timber.

I think it is high time, as has been pointed out by the Chief Executive, to preserve these forest reserves and to preserve with them the natural game that live within their bounds, and thereby to have the nucleus to restock the adjacent country. The idea of saying that this will be a game reserve for the nabobs, for gentlemen who live abroad, is to beg the question. The idea at the foundation of this bill is to preserve the public forests and preserve the streams and to place forestry under scientific and practical management at the same time. There is not a civilized nation in the world that has not a department of forestry; and it is high time that this great United States should preserve its forests, at least as far as the Government forests are concerned.

Now, I am aware that time is passing and that we should consider this bill by sections. I wish to express my full approval of it and hope that gentlemen on this side will support it heartily. I will now yield to the gentleman from New York [Mr. PERKINS].

Mr. LACEY. Before the gentleman from New York begins I will ask unanimous consent that at the conclusion of the gentleman's remarks general debate shall close.

Mr. CANNON. Does my friend think that he can finish the bill to-night?

Mr. LACEY. No; but we can get to reading it by sections. I do not know whether we could get through with it to-night or not.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want a little time.

Mr. LACEY. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. A short time.

Mr. LACEY. Mr. Chairman, I will withdraw my request.

Mr. PERKINS. Mr. Chairman, I should say nothing about a bill which relates to a district so remote from where I live were it not for the remarks made by the gentleman from Colorado [Mr. BELL]. I have been out in this part of the country a good deal, and I think I can give, for the information of the committee, some facts as to the effects of the forest reserve quite as well, perhaps, as the gentleman from Colorado.

He made an appeal to the members of the committee, saying that one object of the bill is to build up game reservations for English nabobs and the rich men of the East to shoot in at the expense of the poor and forlorn settler that wanted to use this land in the forest reserves.

Now, Mr. Chairman, several times—last fall, for instance—I was out for weeks in the State of Wyoming in the forest reserves, and I wish to appeal to the committee in behalf of the poor and forlorn settler to extend the size and the usefulness of the reserve. When I was out there many of the poor and forlorn settlers, as the gentleman calls them, talked about these cattlemen, but not as the gentleman from Colorado has spoken of them. They called them cattle barons, who drove their cattle and sheep all over the land, to the destruction of smaller owners.

What are the effects of the forest reserve? Take the Jackson Hole district, where I was last fall. There are, perhaps, 250 men there, or six or seven hundred people. I wish to state, Mr. Chairman, that if the forest reserve was destroyed, if the cattle were allowed to range over that country and drive out all of the game, not one man in Jackson Hole would live there. There is no better class of men in the United States. They have their little places of 40 or 50 acres of pretty poor land and some of them one or two cattle, and these small men are not troubled by forest reserve. Every one of them pieces out his living honestly and properly from the use of the land made by those attracted to it because it contains game and other objects of amusement.

I will wager that last fall from seventy-five to one hundred thousand dollars of good cold money of the United States went into the Jackson Hole district from men who came there because the Government preserved the forests, and not one single dollar of that would have gone in if the forest reserves were destroyed. These men are small, not big, cattle owners, and they are thus enabled to earn a livelihood. Have they not just as much right to the attention and support of the Congress of the United States as are the men who want to destroy the forest reserves that they may have their cattle fed free? Is there, Mr. Chairman, any industry in the United States that would have the audacity to come before this Congress and ask what? The right to have the Government furnish them free of charge for all time the wherewithal for their industry? How are these small people, these poor forlorn settlers, in whose behalf the gentleman from Colorado speaks, how are they affected? I heard the gentleman from Colorado say, "Will Congress, by this legislation, keep this land for the benefit of the rich men and take it away from the struggling men that want their cattle and sheep on these reservations?"

Now, when I was there last fall they began to drive sheep over into the Jackson Hole country. Those sheep, as everyone knows, are owned almost uniformly by great corporations, by men of great wealth, who send their sheep there to graze free on Government land. Now, where those sheep go they so denude the soil that there is nothing left for the game, and nothing for anyone else. The people with whom I was were all small people—poor people, settlers—having 40 or 50, or possibly at the outside 160 acres, each. And they did what was not perhaps the right thing for them to do. But out West, where a man feels that his livelihood is at stake, that the existence of his family is at stake, and that the courts are a great distance away, he often takes the law into his own hands; and those Jackson Hole people when I was there said: "If the sheep come into the Jackson Hole and graze upon the forest reserves, it means starvation for every one of us." They said: "We have fought before, and we will fight now." What they did was not perhaps right; but the circumstance shows how the poor settlers feel out there.

Mr. CANNON. Does either the defeat or the enactment of this bill mean any change as to the forest reserves?

Mr. PERKINS. Mr. Chairman, I do not know how that may be. I should not have said one word about this bill—for I know nothing about the question of overlapping powers between the Department of the Interior and the Department of Agriculture—had not the gentleman from Colorado [Mr. BELL] risen here and said that behind this bill is the intention of preserving and extending the forest reserves, and his entire speech, as gentlemen of the committee will remember, was against the forest reserves and their effects. For this reason, and for this alone, I have risen to speak in behalf of this bill as if it is, as the gentleman from Colorado says, a bill to extend the forest reserves. If that is the object, I am in favor of it with all my might.

Mr. BELL. The gentleman misunderstood me altogether.

Mr. PERKINS. I heard what the gentleman said about the forest reserves keeping out the cattle and the sheep.

Mr. BELL. No; I said that I was against this bill because it proposes to convert, as I understand, a forest reserve in my district of about 1,000,000 acres into a game and fish preserve and to drive out the cattle and horses—I was about to say the sheep, but they never allow sheep on those reserves.

Mr. PERKINS. The sheep men want to get their sheep in, but they do not succeed because the sheep are shot on the way.

Mr. BELL. The regulations of the Interior Department have never allowed sheep on the reservations in Colorado. The objection I make is that you are going to change the character of the forest reserves into game and fish preserves; and I object to this, especially as to the White River Reserve, because if that were done it would ruin one county of my State.

Mr. PERKINS. I can not speak about the White River Reserve, because I never was there; but I know that where I have been—and I assume the situation is somewhat the same elsewhere—the desire is to bring the cattle into the forest reserves that they may feed on Government land free of expense to the owners. That is the policy pursued by the great companies owning cattle there.

Now, the gentleman from Colorado knows and I know and everybody knows that the cattle ownership there is, for the most part, on an enormous scale. The cattle-owning companies are, in their way, as formidable as the beef-packing companies, and they are the people who insist on having their cattle live free upon this Government land, though they know the necessary result is that it drives away all forms of game and deprives the settlers of a means of livelihood, although they are as 100 to 1 compared to these cattle owners.

Mr. BELL. The gentleman will allow me to suggest that since the settlement of the valleys in Colorado there has not been, I think, a single large herd of cattle in that State. If there has been any such, I do not know it.

Mr. PERKINS. There are such in Wyoming; there is no doubt about that.

Mr. BELL. The difficulty in my country has been about wintering them out there.

Mr. PERKINS. I have met a good many of the men out there who are small owners; I talked with them last fall when I was there; and they are unanimous in thinking that their interests demand the preservation and extension of the system of forest reserve and keeping out the cattle and sheep. As I was about to say when interrupted, so strong is this feeling in the Jackson Hole territory that these men went out and shot the sheep that came in there. Undoubtedly this was a lawless act.

But when anyone gets up in Congress and says that we are required to allow these sheep and cattle to range through the Government lands, when I have seen with my own eyes settlers, poor men, small owners, go out with their rifles and take their lives in their hands and put the law in defiance to keep the sheep off, they will not get my vote in Congress for any bill the object of which is in any way to diminish or lessen the usefulness and the extension of the forest reserves; and if my friend from Iowa [Mr. LACEY], the chairman having charge of this bill, says that it will assist in developing and preserving the system of forest reserves, then I will vote for it, believing that in so doing I am standing for the interests of by far the great majority of the people in the district affected by it.

Mr. KLEBERG. Mr. Chairman, I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I regard this as one of the most important bills which has appeared before this Congress, not because of its immediate effect, but because of the remote effect, or, rather, because of the remote effects to ensue from not passing it. Every enlightened nation on this globe, so far as I know, has national forest reserves. The objection to the nonprotection of the forests at the head of the great water courses of a country are patent, whether judged a priori by the theories of scientists, or a posteriori by the experience of mankind.

The objections, from the standpoint of agriculture and of navigation, of the nonprotection of forests have been explained to the world again and again. I am not going to enter into that here, further than to say simply this, that when the forests are kept in their pristine vigor upon the mountains and hills at the heads of the great water courses the natural herbage and the roots of the young and tender trees act as a sponge, or, rather, make the soil act as a sponge. The water goes down into the soil, feeding the subterranean streams going out through them into water courses. When the timber is destroyed and the natural herbage and young shoots are destroyed and only the old trees or nothing is left, whether the destruction takes place by fire, by the ax, or by sheep grazing, some things follow of the very utmost evil tendency.

In the first place, the soil ceases to act as a sponge and take up the water as it falls, and the water runs down the sides, forming gullies, and making immense denudations and erosions, first, filling up with silt the water courses below, rendering the streams that were formerly navigable nonnavigable, and secondly, as a consequence of filling up the bottoms, the streams are caused to overflow their banks and destroy all the agricultural lands upon their sides, or at any rate, making cropping such lands unprofitable or uncertain.

Mr. SHAFROTH. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SHAFROTH. Your explanation and your statement are very fine, but as a matter of fact will not forests be preserved, no matter whether they remain in the Interior Department or the Agricultural Department?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the forests will not be preserved whether they remain in the Interior or the Agricultural Department, and now I am going to prove it. We have now pending before this Congress a bill which would not be here but for the fact that forests have not been preserved. There is a bill pending here now for the United States Government to spend somewhere between five and ten millions of dollars to buy from private ownership the lands in the Appalachian chain through western North Carolina, East Tennessee, the Virginias, north Georgia, and north Alabama for the purpose of trying to remedy the very evil which has come from the neglect to preserve the forests at the head waters of the great system which we call the Mississippi Valley, the Monongahela, the Allegheny, the Ohio, the Tennessee, the Cumberland, and all the way down; and I have no doubt of the fact that if the forests had been preserved in the beginning, the navigation upon those upper streams would have been preserved in so much better condition than it is now that the United States Government would have saved on river and harbor bills five times the amount that is asked to be appropriated for the purchase of these forests.

Now, I am not expressing an opinion upon the Appalachian Forest Reserve park bill, because it is a totally different thing to buy lands from private ownership for the purpose of establishing a forest reserve and to take the lands which you already have, which the Government owns, with which it can exercise every act of ownership, and, taking "a stitch in time" so as to "save nine," prevent by reservation and practical, scientific management the necessity of ever having to consider the question as regards the forests at the head of the water courses that are fed from the Rocky Mountains. The constitutionality of the scheme of buying lands for forest reserves has been questioned. I do not say it has been questioned by me, but the constitutionality of the Government dealing with the forest lands which it already owns, for the purpose of keeping a sufficient acreage of them in reserve to help the great causes of navigation and agriculture both, can not be disputed.

Now, Mr. Chairman, I think that a great deal of the opposition to this bill grows out of a confusion of terms. Men are confusing forests and forestry. They are confusing a forest and forest reserve. Hence my friend complains that all of the "forestry" questions are not transferred to the Agricultural Department by this bill. He is mistaken. This bill does transfer all forestry questions and all forest reserves, although it does not transfer all woodlands and all forests. It is by no means necessary to keep in reserve all the woods of a country, and those woods and forests which are not to be put in reserve are and ought to be kept in the public domain subject to entry, preemption, or sale for agricultural and other purposes, and therefore under the management of the Land Office in the Interior Department. So that this bill, and very properly, too, does not transfer forests, but only such parts of forests as are well to be set aside as forest reserves.

Now, Mr. Chairman, I am in favor of this bill for another reason, and a reason which, I think, ought to appeal to every member of the House interested in the question of economy. As it is at present a great deal of duplication of work is going on which will be saved under this bill. And there again, in trying to answer that argument, some little confusion has arisen. One gentleman said in the debate the other day that the Interior Department had "forestry men" not only in the forest reserves but in the forests outside of the forest reserves. That is a mistake, Mr. Chairman. The Interior Department has rangers in the forest reserves. Outside of the forest reserves it has nothing but special agents, and the business of those special agents is merely to prevent fires upon the public domain and to prevent the violation of the laws of the United States as regards the public domain. They are in no sense foresters. They are not by any means in number equal to the forest rangers, nor do they by any means bring about the same expense, nor is it by any means the same class of work which they do. These special agents are men who ferret out evidence concerning people who have violated the laws, and of course the protection of the public domain not in forest reserves, and the whole detective and law work to be done in connection with this protection, are questions for the Interior Department to consider.

Now, Mr. Chairman, just one other instance of the importance of this. Take another great valley, another great water system in this country, the Hudson, and its feeders and tributaries. The State of New York, after permitting for years destruction by fire and by grazing and by cutting ad libitum, found it necessary to institute a forest reserve in the Adirondacks for the protection of the agriculture of the State of New York, and for the protection of the navigation of its waters. The State being unable to get the Federal Government to do it, did it of its own accord, and now spends about $4,000,000 a year in keeping up that work.

Now, it can not be possible that Germany, France, the State of New York, and everybody is mistaken, and that this is a question of small importance. When you come to consider the interests of our grandchildren and great-grandchildren, it is a question of the very utmost importance, and it will not do to put it off until they come to consider it for themselves, either; because by that time it will be too late; the erosion, the denudation, the filling up of the streams, and the destruction of the valleys all will have taken place, and it will be too late to remedy the evil. This is a thing which can be prevented, but which after it has once happened can not well be remedied, though perhaps it can be prevented from growing worse.

Mr. SHAFROTH. Does not the gentleman recognize that this talk about the Appalachian and Hudson River reserves is not at all applicable to this question, because the reserves on the public lands have been marked out and determined, and are going to remain whether the Agricultural Department has the care of them or whether the Interior Department has the care of them.

Mr. WILLIAMS of Mississippi. Well, I will answer that. One of the very reasons why I want this bill passed is this: Agriculture is but an incident to the management of the forestry question in the Interior Department. The interests of agriculture will be the object when the Agricultural Department comes to designate and manage the forestry reserves. They will have in control and management men who have been trained as foresters, not trained as mere special agents; men who will know just how to mark the trees to be cut, just how much cutting to permit, just how much grazing should be permitted, and still at the same time keep the forests at the head of the streams what God evidently intended them to be—an ever-living and ever self-renewing thing.

Now, the Interior Department has demonstrated already that it is either incapable or unwilling to do this work properly. I think it was not unwilling, but it was because the main purpose of the Interior Department was totally another purpose. The Interior Department itself recognizes the superior fitness of the Agricultural Department for the work, and recommends the passage of this bill and the consequent transfer. When it is handed over to the Agricultural Department, the object of the Agricultural Department will be to prevent the very evils of which I have spoken, and in order to prevent them, to do the very things which I have mentioned, and not merely to detect and prevent depredations.

Forestry is everywhere regarded as an agricultural science. It is akin to agriculture in its every lineament. There is not a thing that the forester studies in regard to forest reservations at the head of the great water courses which is not studied and worked out with a view to the ultimate benefit of agriculture in the valleys and upon the slopes. Now, the Interior Department can not do that. The Interior Department would have to change its entire personnel before it could do that sort of work.

Mr. SHAFROTH. I would like the gentleman to yield to me for a moment. These forest reserves are on high mountains, mostly in the Rocky Mountains. If the gentleman has ever been on one, he will find that over three-fourths of the trees grow out of crevices in the rocks that would be impossible to support a system of raising timber like you see done in Germany and in

France. These places are eight, ten, and twelve thousand feet above the sea level, and they are under conditions and of a character that is not like those places where timber can be raised for commercial purposes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that the authorities, when they come to mark out their forest reserves, are hardly going to mark them out above the timber line on the mountain tops. They will be within the timber line, then timber will grow on them. At any rate, they will not mark out a forest reserve where no forest can grow.

Mr. SHAFROTH. You will find that they have done it, and that these forest reserves are above the timber line.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Just a moment more. My reply to that would be this: That if they have marked out as a forest reserve and now attempt to manage as a forest reserve lands upon which timber will not grow, and hence where there can be no forests, it is but another proof of the incompetency of the Interior Department to handle this question.

Mr. SHAFROTH. I will state to the gentleman, in reply to that, that the very gentleman in charge of the Bureau in the Agricultural Department is the man who has laid out the most of these lands.

Mr. JONES of Washington. That is true.

Mr. WILLIAMS of Mississippi. If that be true, some gentleman more competent to lay out forests ought to be found than the one who lays them out on lands where there is no chance for a forest to grow. Perhaps in reserving forest slopes intervening bald knobs or mountain tops had to be taken in because they could not well be left out—intervening areas.

Mr. RODEY. There is a big one of that kind in the Territory of New Mexico.

Mr. LACEY. I ask unanimous consent that general debate be now closed; and I give notice that if that consent is given, I will move that the committee rise.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate be now closed. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11536 and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12797. An act to ratify act No. 65 of the twenty-first Arizona legislature;

H. R. 14146. An act granting an increase of pension to John Murphy;

H. R. 10752. An act granting a pension to Harriet T. Milburn;

H. R. 11249. An act granting an increase of pension to Katharine Rains Paul;

H. R. 8924. An act granting an increase of pension to George W. Mathews;

H. R. 9290. An act granting a pension to Frances L. Ackley;

H. R. 11831. An act granting an increase of pension to John W. Acker;

H. R. 13450. An act granting an increase of pension to Henry Hunt;

H. R. 13217. An act granting an increase of pension to Thomas W. Dodge;

H. R. 11812. An act granting an increase of pension to Martin Boice;

H. R. 14241. An act granting an increase of pension to Peter Dugan;

H. R. 14184. An act granting an increase of pension to Andrew J. Fogg;

H. R. 8003. An act granting an increase of pension to Louisa M. Macfarlane;

H. R. 13398. An act granting an increase of pension to George G. Sabin;

H. R. 2430. An act granting a pension to Lizana D. Streeter;

H. R. 7076. An act granting an increase of pension to Leath Gilliland;

H. R. 11495. An act granting a pension to Mary A. Bailey;

H. R. 5273. An act granting an increase of pension to James Van Zant;

H. R. 3241. An act granting an increase of pension to Hinkley G. Knights;

H. R. 13296. An act granting an increase of pension to Francis Scott;

H. R. 11052. An act granting a pension to Nelson Johnson;

H. R. 13613. An act granting an increase of pension to Charles G. Howard;

H. R. 7704. An act granting an increase of pension to Christianna Leach;

H. R. 10773. An act granting a pension to Archer Bartlett;

H. R. 11252. An act granting an increase of pension to Edwin M. Gowdey;

H. R. 3733. An act granting an increase of pension to Israel Haller;

H. R. 6030. An act granting an increase of pension to William G. De Garis;

H. R. 3910. An act granting a pension to Dennis J. Kelly;

H. R. 5984. An act granting an increase of pension to William H. Van Riper;

H. R. 3678. An act granting an increase of pension to John Washburn;

H. R. 1741. An act granting an increase of pension to Griffith Evans;

H. R. 2606. An act granting an increase of pension to Albert H. Steifenhofer;

H. R. 11686. An act granting a pension to Eleanore F. Adams;

H. R. 5186. An act granting a pension to John Conter;

H. R. 9496. An act granting a pension to Forrest E. Andrews; and

H. R. 351. An act granting an increase of pension to Robert Carpenter.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 12085. An act providing for the completion of a light and fog-signal station in the Patapsco River, Maryland;

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

H. R. 7034. An act for the relief of Navajo County, Ariz.;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado; and

H. R. 8736. An act ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title and the following resolution were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5906. An act declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 46:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,000 copies of the document known as "Messages and Papers of the Presidents," of which 3,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURK of Pennsylvania, for three days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BALL of Delaware obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John H. Herbener, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. LACEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a

statement from the Auditor for the War Department in favor of the State of Michigan—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CONNER, from the Committee on the Library, to which was referred the bill of the House (H. R. 8731) to appropriate $10,000 to inclose and beautify the grounds and repair the monument on the Moores Creek battlefield, North Carolina, reported the same with amendment, accompanied by a report (No. 2416); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WOOTEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 12795) to provide for the erection of a monument to Maj. Gen. Thomas Sumter, reported the same with amendments, accompanied by a report (No. 2418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina, reported the same with amendments, accompanied by a report (No. 2419); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington, reported the same without amendment, accompanied by a report (No. 2420); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady," reported the same with amendments, accompanied by a report (No. 2417); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being the location of the present bridge of said company across said river in said township—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: A bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A bill (H. R. 15005) authorizing the construction by the Commissioners of the District of Columbia of a bridge across the Eastern Branch of the Potomac River from the foot of South Capitol street to Congress Heights—to the Committee on the District of Columbia.

By Mr. FLETCHER: A bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888—to the Committee on Ways and Means.

By Mr. MOON: A bill (H. R. 15007) granting right of way for road through Government reservation north of national cemetery, Chattanooga, Tenn.—to the Committe on Military Affairs.

By Mr. MILLER: A bill (H. R. 15008) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid region—to the Committee on the Public Lands.

By Mr. POWERS of Massachusetts: A bill (H. R. 15009) to incorporate the Association of Military Surgeons of the United States—to the Committee on the Judiciary.

By Mr. THOMPSON: A bill (H. R. 15010) providing for the removal of the remains of all deceased Presidents of the United States, except the remains of George Washington, and reinter them in the national cemetery at Arlington—to the Committee on the Library.

By Mr. SHALLENBERGER: A resolution (H. Res. 295) asking for information from the Secretary of War—to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 15011) for the relief of William S. Tildon—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 15012) granting a pension to Wiliam See—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15013) granting an increase of pension to Charles H. Barnes—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15014) for the relief of James H. C. Mann—to the Committee on Military Affairs.

Also, a bill (H. R. 15015) granting an increase of pension to Robert Stewart—to the Committee on Invalid Pensions.

By. Mr. RODEY: A bill (H. R. 15016) granting an increase of pension to Addison B. Stone—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 15017) for the relief of the estate of S. M. Davidson, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 15018) granting an honorable discharge to Asa W. Gipe—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15019) granting a pension to Moses Walker—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15020) granting a pension to William P. Slaughter—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15021) granting an increase of pension to Martha C. Kuhn—to the Committee on Invalid Pensions.

By Mr. LATIMER: A bill (H. R. 15022) granting a pension to George S. Noland—to the Committee on Pensions.

By Mr. POU: A bill (H. R. 15023) granting a pension to Augustus H. Lougee—to the Committee on Invalid Pensions.

By Mr. WANGER: A resolution (H. Res. 296) authorizing extra pay for George W. Harmer—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of a mass meeting of Jews of Philadelphia, Pa., in relation to the oppressive laws against the Jews in Russia and Roumania—to the Committee on Foreign Affairs.

By Mr. BRICK: Resolution of South Bend (Ind.) Turnverein, in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Dudley & Co., of Fairport, N. Y., for a national pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution of West Side Lodge, No. 320, Association of Machinists, of New York City, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. FOERDERER: Resolutions of Jews of Philadelphia, to induce the Government of Russia to withdraw its discrimination against Jews—to the Committee on Foreign Affairs.

Also, petition of the Pharmacopeia of the United States, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. GRIFFITH: Petition of William Humes and 95 other citizens of Seymour, Ind., for the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of Dr. J. Pirmat and other druggists of Evansville, Ind., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. LATIMER: Papers to accompany House bill granting

a pension to George Stout Noland—to the Committee on Pensions.

By Mr. MOON: Paper to accompany bill granting right of way for road through Government reservation north of national cemetery at Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. RUMPLE: Letter of A. P. McGuirts, of Davenport, Iowa, protesting against alleged discriminations in employment of teachers in the Philippine Islands—to the Committee on Education.

Also, resolutions of Northwest Turnverein of Davenport, Iowa, in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of West Side Lodge, No. 320, Association of Machinists, of New York City, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: Paper to accompany House bill 12526, granting a pension to Samuel M. James—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, resolutions of the American Asiatic Association, favoring the establishment of a trans-Pacific cable by private enterprise—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 10, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 3653) for the protection of the President of the United States, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 351) granting an increase of pension to Robert Carpenter;

A bill (H. R. 1741) granting an increase of pension to Griffith Evans;

A bill (H. R. 2430) granting a pension to Lizana D. Streeter;

A bill (H. R. 2606) granting an increase of pension to Albert H. Steifenhofer;

A bill (H. R. 3241) granting an increase of pension to Hinkley G. Knights;

A bill (H. R. 3678) granting an increase of pension to John Washburn;

A bill (H. R. 3733) granting an increase of pension to Israel Haller;

A bill (H. R. 3910) granting a pension to Dennis J. Kelly;

A bill (H. R. 5186) granting a pension to John Conter;

A bill (H. R. 5273) granting an increase of pension to James Van Zant;

A bill (H. R. 5984) granting an increase of pension to William H. Van Riper;

A bill (H. R. 6030) granting an increase of pension to William G. De Garis;

A bill (H. R. 7076) granting an increase of pension to Leath Gilliland;

A bill (H. R. 7704) granting an increase of pension to Christianna Leach;

A bill (H. R. 8003) granting an increase of pension to Louisa M. Macfarlane;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews;

A bill (H. R. 9290) granting a pension to Frances L. Ackley;

A bill (H. R. 9496) granting a pension to Forrest E. Andrews; and

A bill (H. R. 10752) granting a pension to Harriet T. Milburn;

A bill (H. R. 10773) granting a pension to Archer Bartlett;

A bill (H. R. 11052) granting a pension to Nelson Johnson;

A bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul;

A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey;

A bill (H. R. 11495) granting a pension to Mary A. Bailey;

A bill (H. R. 11686) granting a pension to Eleanore F. Adams;

A bill (H. R. 11812) granting an increase of pension to Martin Boice;

A bill (H. R. 11831) granting an increase of pension to John W. Acker;

A bill (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature;

A bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge;

A bill (H. R. 13296) granting an increase of pension to Francis Scott;

A bill (H. R. 13398) granting an increase of pension to George G. Sabin;

A bill (H. R. 13450) granting an increase of pension to Henry Hunt;

A bill (H. R. 13613) granting an increase of pension to Charles G. Howard;

A bill (H. R. 14146) granting an increase of pension to John Murphy;

A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg; and

A bill (H. R. 14241) granting an increase of pension to Peter Dugan.

PETITION.

Mr. SCOTT presented a petition of sundry citizens of Martinsburg, W. Va., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I present a statement relative to taxation appropriations and the collection of taxes in the District of Columbia. It is prepared by W. C. Dodge, and I think it contains very valuable information on these subjects. It has been prepared with great care. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 12409) granting an increase of pension to Jesse M. Peck; and

A bill (H. R. 3986) granting a pension to Martha A. Cornish.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 7986) granting a pension to Clara C. Hawks; and

A bill (H. R. 5328) granting an increase of pension to Samuel Bortle.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1466) granting a pension to Alfred Hatfield;

A bill (H. R. 292) granting a pension to Henrietta Gottweis;

A bill (H. R. 5877) granting a pension to Robert Watts; and

A bill (H. R. 3262) granting an increase of pension to David T. Bruck.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 4067) granting an increase of pension to Julia L. Gordon, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 14374) granting a pension to Samantha Towner, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10954) granting an increase of pension to Mary J. Gillam;

A bill (H. R. 14052) granting an increase of pension to George Fusselman; and

A bill (H. R. 13691) granting an increase of pension to James M. Conrad.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 4211) granting an increase

of pension to Asa Worden, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12305) granting an increase of pension to Charles Olson, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7353) granting a pension to Nancy M. Williams;

A bill (H. R. 2192) granting an increase of pension to Benjamin F. Shearer;

A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall;

A bill (H. R. 2470) granting an increase of pension to Charles P. Maxwell; and

A bill (H. R. 5866) granting an increase of pension to William P. Schott, alias Jacob Schott.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, reported it with amendments, and submitted a report thereon.

WHITE RIVER BRIDGE IN ARKANSAS.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas, to report it favorably without amendment. There are some reasons why it is important that the bill should be passed at once. I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TURNER introduced a bill (S. 6118) to prohibit the grazing of sheep on the Rainier Forest Reserve, in the State of Washington; which was read twice by its title.

Mr. TURNER. In connection with the bill, I present a number of letters and resolutions from individuals and parties in the State of Washington affected by this matter. I move that the papers be printed as a document, and that they be referred, with the bill, to the Committee on Public Lands.

The motion was agreed to.

Mr. MALLORY introduced a bill (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BATE introduced a bill (S. 6120) to authorize acceptance by the United States Government of Gallatin turnpike, in Davidson County, Tenn.; from Nashville to the national cemetery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6121) granting an increase of pension to Elias S. Perkins;

A bill (S. 6122) granting an increase of pension to Hamilton Johnson; and

A bill (S. 6123) granting an increase of pension to Thomas L. Collins.

Mr. SCOTT introduced a bill (S. 6124) for the relief of Thomas McCallister; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCCUMBER introduced a bill (S. 6125) for the erection and maintenance of an exposition building in the city of Shanghai, in the Empire of China, for the appointment of a commissioner in charge thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURTON introduced a bill (S. 6126) to permit the Hawaiian Tramways Company, Limited, to use and maintain electric traction; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

AMENDMENTS TO BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $1,145 to pay Rand, McNally & Co., of Chicago, Ill., for certain fittings on the second floor of the building leased by them to the Government for temporary quarters of Government officials in Chicago, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MCENERY. I submit an amendment proposing to appropriate $4,785.55 to pay E. A. McIlhenny in full compensation for rescuing, housing, feeding, clothing, and caring for shipwrecked sailors in the Arctic Ocean in 1897 and 1898, intended to be proposed by me to the general deficiency appropriation bill.

In connection with the amendment I submit a letter from the Secretary of the Treasury, in response to a resolution of the Senate of March 1, 1901, relative to the account of E. A. McIlhenny for expenses, etc., in caring for shipwrecked sailors in the Arctic Ocean in 1897 and 1898. I move that the amendment be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

The motion was agreed to.

Mr. FORAKER submitted an amendment in the nature of a substitute, intended to be proposed by him to the bill (H. R. 11997) granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the Territory of Hawaii; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

SALARIES OF POSTMASTERS IN TEXAS.

Mr. CULBERSON. I submit a resolution and ask for its present consideration.

The resolution was read, as follows.

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Texas named on the memorandum schedule hereto attached, or to their heirs, for service as postmasters in each biennial term specified on such memorandum schedule, in order to make effective sections 473, 474, and 475 of the postal regulations of 1866, and the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, in a declaration as to the intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A, Senate Executive Document No. 146, Forty-ninth Congress, first session.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I think it ought to go over until the chairman of the Committee on Post-Offices and Post-Roads is present.

The PRESIDENT pro tempore. It will go over under the rule.

Mr. SPOONER. I suppose the Senator from Texas has no objection to that course?

Mr. CULBERSON. What is the suggestion of the Senator?

Mr. SPOONER. I said I thought the resolution ought to go over until the chairman of the Committee on Post-Offices and Post-Roads is present.

Mr. CULBERSON. It is a mere formal resolution of inquiry.

Mr. SPOONER. It is merely formal, but it will necessitate, I apprehend, a great deal of labor, and there are propositions involved which are pending as to other States, I understand. Let it go over until to-morrow, and then the chairman of the committee will be present.

The PRESIDENT pro tempore. The resolution goes over under the rule.

Mr. CULBERSON subsequently said: I ask to have referred to the Committee on Post-Offices and Post-Roads the resolution which I introduced this morning.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, that reference will be made.

REBECCA J. TAYLOR.

Mr. CARMACK. I submit a resolution and ask that it be read.

The resolution was read, as follows:

Whereas it appears that Rebecca J. Taylor, late a clerk in the War Department, holding a position in the classified service, was, by order of the Secretary of War, discharged from her position on the 7th day of June, 1902: Therefore, be it

Resolved by the Senate of the United States of America, That the Committee on Civil Service and Retrenchment be instructed to inquire and report the reasons for such discharge, and whether the same was made in accordance with law.

The PRESIDENT pro tempore. Does the Senator from Tennessee ask for the present consideration of the resolution?

Mr. CARMACK. I should like to have consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. SCOTT. I object.

Mr. NELSON. Let it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

CONDUITS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask, at the request of the chairman of the committee, that the joint resolution (S. R. 81) to enlarge the use of conduits in the District of Columbia be recommitted to that committee.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the joint resolution (S. R. 81) to enlarge the use of conduits in the District of Columbia be recommitted to the Committee on the District of Columbia. Is there objection? The Chair hears none, and the order is made.

Mr. BAILEY. I should like to know what the resolution is before unanimous consent is given.

Mr. GALLINGER. I will say to the Senator from Texas that the resolution is on the Calendar of the Senate and the chairman of the Committee on the District of Columbia requested me to have it recommitted for further consideration.

Mr. BAILEY. Oh, it is simply to recommit?

Mr. GALLINGER. That is all.

Mr. BAILEY. I have no objection in the world to that.

The PRESIDENT pro tempore. The joint resolution will be recommitted to the Committee on the District of Columbia.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 259) to establish a light-house and fog-signal station at Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the committee striking out the clauses beginning on page 77, after line 17, under the heading "Increase of the Navy," and inserting the matter on pages, 79, 80, and 81, relating to increase of the naval establishment.

Mr. HALE. The bill was all concluded yesterday, except as to this amendment, which was passed over, and the Senator from California [Mr. PERKINS] had the floor upon it to submit some remarks.

Mr. PERKINS. Mr. President, when this bill came from the House of Representatives to the Senate, and was referred to your Committee on Naval Affairs for its consideration and review, it provided for the building of one battle ship, one armored cruiser, and one gunboat in the navy-yards of the United States. It was made mandatory upon the Secretary of the Navy that he should order the building of at least these three vessels in such navy-yards as he might designate. The Senate Committee on Naval Affairs, after duly considering the same, amended the bill so that it leaves it in the discretion of the Secretary of the Navy, if the bids are not satisfactory, or he believes that a combination has been formed among the different shipbuilders, to order one or all of these war vessels to be built in the navy-yards.

A majority of the Committee on Naval Affairs adopted this amendment, and although I differed with them in the committee I do not propose to appeal from the committee to the Senate, for the reason that that committee have patiently, diligently, and intelligently given due consideration and thought to every provision of the bill. Therefore, I acquiesce in the will of the majority as expressed by them in the amendment now pending in the Senate. The bill will, of course, go to a conference committee and there the question will be debated, as are all contested questions between the two Houses of Congress. Indeed, there is hardly an act upon our statute book that has not been the subject of more or less controversy. One House proposes a bill and the other makes an amendment. We discuss it and finally agree upon a measure that we believe is intended to carry out intelligently the object we have in view.

A MATTER OF GOOD POLICY.

But I can not, Mr. President, permit this opportune moment to pass without giving an expression to my views. I believe it is wise, expedient, and good policy on the part of the Government to build at least some of our naval vessels in the navy-yards of the country, and in doing so it is in response in a measure to the demands of the different labor organizations throughout the country on behalf of the mechanics who can do the work in the navy-yards.

So I wish, Mr. President, to trespass for a few minutes upon the time of the Senate to give the reasons why I think, as I have stated, the Secretary of the Navy should designate at least some of the navy-yards where vessels shall be placed under construction.

Mr. PLATT of Connecticut. Mr. President, may I interrupt the Senator to ask a question?

Mr. PERKINS. Certainly.

Mr. PLATT of Connecticut. Does the Senator mean to say that this is a demand from labor organizations?

Mr. BACON. We can not hear the Senator on this side.

Mr. PLATT of Connecticut. The Senator from California stated as a reason why he advocates this policy that there is a demand on the part of labor unions and mechanics. Does he mean that literally or that there is a request from them?

Mr. PERKINS. I mean that it comes as a request, set forth in a petition. They have presented in a respectful manner a preamble and resolutions showing why it is in the interest of the public service that the navy-yards belonging to the Government—belonging to the people—shall be utilized by our citizens. While I said there is a demand for it, I mean a demand in the sense that it is not only a privilege but it is the right of the humblest citizen of this land to appeal to Congress if he has a grievance, so that grievances may be made known to Congress, for we are but the representatives of the people of this country. This is purely a representative Government, and those of us who are for the time being delegated to represent the people should endeavor not only to carry out their wishes so far as it is practicable, but, as I believe every conscientious representative in Congress does, to cast his vote on the side of that which he believes to be for the good of the general public and for the welfare and prosperity of the whole people.

NAVY-YARDS OF THE UNITED STATES.

The United States has, according to the figures of the Bureau of Supplies and Accounts for the year ending June 30, 1901, $79,000,000 invested in the real estate and machinery of our Government navy-yards and naval stations. The amounts so invested increase very greatly from year to year, and with the additions which have been made during the past twelve months now aggregate, according to Admiral Bowles, Chief of the Bureau of Construction and Repair, nearly $100,000,000. Of the navy-yards and naval stations on the Atlantic and Pacific the following have machinery plants of the values given: Portsmouth, $473,896; Boston, $844,925; New York, $1,488,374; League Island, $325,802; Washington, $2,107,198; Norfolk, $863,164; Pensacola, $134,580; Mare Island, $660,146; Puget Sound, $225,122. These yards are completely fitted for the construction of naval vessels, even the least having a machinery plant better suited for this work than some of the private shipyards that have Government contracts for large amounts. Indeed, it is said, and I believe with truth, that some contracts have been given to private yards which had not, when their first contract was secured, machinery sufficient to construct anything much larger than a small coasting vessel. There is apparently no good reason why the facilities provided in the navy-yards of the United States should not be used. It is doubtful if the machinery plants of any of the private shipbuilding concerns are in many ways superior, but, if they are, the facilities of the navy-yards can be brought up to date with a small expenditure of money.

THE YARD AT MARE ISLAND.

Now, let me refer to Mare Island, and in speaking of this navy-yard, located in California, the State which I have the honor in part to represent upon this floor, I speak of it of my own personal knowledge, having been familiar with its environment and its equipment for a great many years. In the case of Mare Island, $180,000 will complete the entire new system of steam engineering, of which $80,000 is appropriated in this bill. That sum will give it one of the best systems of shops in the United States for the construction and repair of modern marine machinery. An appropriation of $50,000 for repairs to and improvement of the construction plant, also provided in this bill, will place that department in a state of complete efficiency. The yard at Mare Island is therefore in a condition to construct the hulls and machinery of any class of modern war vessels, and work of this kind, as well as the utilization of the facilities for repairing Government ships, should be the rule and not the exception.

The water facilities at Mare Island are even now better than those of many other yards where battle ships are built. The channel from the sea to the Mare Island Yard has never given rise to accidents to vessels, and it was necessary for the River and Harbor Committee to appropriate only $381,000 to deepen the channel to Port Costa, a large shipping port several miles above the Mare Island Navy-Yard, sufficiently to accommodate the largest battle ship and the deepest draft of merchant vessels entering San Francisco Bay. In January, 1900, the U. S. S. *Scindia* took soundings from Mare Island Navy-Yard to San Francisco, and found the least depth of water 5¼ fathoms, or 31½ feet. A survey made in April of this year showed a few places of shoaling where the depth at low water was under 30 feet, but the area is very small and the depth of water will be brought everywhere to 30 feet or over at low tide by a little dredging during the summer.

DEPTH OF WATER AT MARE ISLAND.

When the latest survey of the Coast and Geodetic Survey was made, in 1896–97, the least depth of water was found over Pinole Point Bar, which showed 22 feet at low tide, caused by detritus and wash from the mines. But, as stated, the river and harbor appropriation will secure 30 feet at mean low tide. Yet even without this improvement the channel has water enough at high tide, when there is a depth of at least 27½ feet, to admit of the passage of the *Olympia*, drawing 25 feet 1 inch; the *Oregon*, drawing 27 feet 1 inch; the *Ohio*, drawing 25 feet 4 inches; the *Charleston*, drawing 24 feet 10 inches, or the *Boston*, drawing 21 feet. These figures are for draft of water of ships complete with armament and with full load of coal and stores.

The facilities for launching vessels at Mare Island Navy-Yard are better than on the Clyde, the channel being 1,400 feet wide against 600 for the British yards. The *Galveston*, being constructed at the Trigg yards at Richmond, must be launched in a channel only 100 feet wide.

As to docking facilities, Mare Island Navy-Yard has in successful operation one splendid granite basin dry dock capable of receiving an ordinary United States cruiser or United States transport, and has under construction another dry dock, one of the largest in the country, 728 feet long on the floor, 101 feet 11¼ inches width of entrance, 72 feet width of floor, with 30 feet of water on the sill at mean high tide.

There is, therefore, every requisite at Mare Island for constructing the largest modern naval vessels.

In securing data relative to the water facilities at the different navy-yards and private yards where battle ships and other naval vessels are being constructed a surprising state of affairs has been disclosed. It is found that at the navy-yards, where, if authorized, large naval vessels would doubtless be constructed, the depth of water is greater than at the private yards where battle ships are being constructed under contract.

WATER AT OTHER NAVY-YARDS.

The following figures, furnished by the Chief of the Bureau of Yards and Docks, show the depth of water available at low tide alongside of the docks and wharves of the navy-yards named:

Portsmouth, 12 to 30 feet along quay wall; 18 feet along the wharf; 40 to 52 feet in channel about 100 feet out.
Boston, 30 feet.
New York, 20 to 30 feet.
League Island, one wharf, 20 feet on one side, 16 feet on other side; another wharf, 22 feet on one side, 20 feet on other side; another wharf, 23 feet on one side, 24 feet on other side.
Washington, 12 to 16 feet. (Boats drawing 18 feet coming in at high tide can lie at one wharf at low tide.)
Norfolk, 17 to 29 feet.
Port Royal, one wharf, 17.9 feet close alongside, 27.8 feet 25 feet out from wharf; another wharf, 14.5 feet close alongside, 25.2 feet 25 feet out from wharf.
Pensacola, one wharf, 22 to 24 feet; another wharf, 13 feet; another wharf, 19 feet.
Mare Island, 25 to 30 feet along quay wall.
Puget Sound, 29 feet. (*Wisconsin* and *Oregon* now alongside.)

WATER AT PRIVATE SHIP-YARDS.

The depth of water at mean low tide at different private shipyards where naval vessels are under construction, as given by the Coast and Geodetic Survey, is as follows:

1. Newport News Shipbuilding and Dry Dock Company, Newport News, Va.: Twenty-five feet at docks, which is the greatest depth that can be carried to them.
2. Wm. Cramp & Sons, Philadelphia, Pa.: Twenty-six and one-half feet at outer endof wharves at shipbuilding plant.
3. Union Iron Works, San Francisco, Cal.: The depths on the eastern face of the dock at the Union Iron Works vary from about 8 to 15 feet, the deeper water being at the northern end. Inside the depths are about 14 feet, and are generally maintained by dredging. At the entrance to the hydraulic lift dock the depth is about 17 feet, also maintained by dredging. Off the face of the launching ways there is 6 to 8 feet, and when the draft of the vessel to be launched requires a greater depth dredging is resorted to, and, in addition, the advantage is usually taken of a spring high tide.
4. Bath Iron Works, Bath, Me.: There is a depth of 10 to 25 feet alongside the wharves at Bath; 22 feet can be carried up the river.
5. Lewis Nixon, Elizabeth, N. J.: Fifteen feet can be carried to Elizabethport.
6. Fore River S. & E. Co., Weymouth, Mass.: Nineteen feet can be carried in the river to a point above the yards.
7. Neaffe & Leavy, Philadelphia, Pa.: Twenty-nine feet at outer end of wharf.
8. W. R. Trigg Company, Richmond, Va.: The depth at the wharves at Richmond ranges from 12 to 15 feet; vessels drawing 16 feet ascend the river.
9. Harlan & Hollingsworth Company, Wilmington, Del.: The Christiana River has been improved to 15 feet depth.
10. Maryland Steel Works, Sparrow Point, Md.: Twenty-five feet at the wharves and 21 feet in the dredged channel leading to them.

BIG SHIPS IN SHALLOW WATER.

It will be observed that the Fore River Steamship and Engine Company has available only 19 feet of water, yet this yard is building two first-class armored battle ships, each of 15,000 tons, and each drawing 23 feet 9 inches. Mare Island has from 25 to 30 feet along the quay wall, with at present 22 feet (which will be dredged to 30 feet under appropriations provided for) as the least depth from deep water in San Francisco Bay to Mare Island.

The *South Dakota*, under construction at the Union Iron Works, is of 13,680 tons, drawing 24 feet 1 inch, yet inside the face of the docks of that yard the depth of water is only 14 feet, while off the launching ways the depth is from 6 to 8 feet, and dredging is necessary when a vessel is to be launched, which even then can be done only at a spring high tide.

The following data, furnished by Admiral H. C. Taylor, Chief of the Bureau of Navigation, shows, in connection with the figures giving depth of water, that Mare Island, as its channel now is, is amply able to accommodate the largest vessels of our Navy:

Name of ship.	Draft in salt water; ship complete and with full load.			Draft in salt water, with no coal, ammunition, stores, or armament on board.		
	Forward.	Aft.	Mean.	Forward.	Aft.	Mean.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Ft. in.*	*Ft. in.*	*Ft. in.*
Olympia	22 2	25 1	23 7½	16 0	21 0	18 6
Oregon	27 1½	27 1½	27 1½	19 6	23 0	21 3
Ohio	25 2	25 4	25 3	16 6	19 6	18 0
Charleston	24 4	24 10	24 7	17 8	21 6	19 7
Boston	14 0	21 0	17 6	9 7	17 1	13 4

COST OF CONSTRUCTION AT NAVY-YARDS.

With modern, up-to-date machinery, with every facility for construction, with an unexcelled dock, and water in plenty, it would appear that the only chance for a failure to construct as cheaply as in private yards exists in the factor of labor. With labor as skillful and as efficiently directed, at the ruling rates of wages, there would seem to be no reason why contract cost should be exceeded, and there is really no reason why it should be exceeded. Twenty years ago or more, when there was more or less politics in the navy-yards, there was danger that inferior workmen would be the rule. But ten years ago the old political system was changed to the merit system, which has since then been rigidly adhered to. The result is that mechanics are employed through an employment board, on whom political influence has no effect, as it is governed by strictly enforced rules, and the rate of wages for mechanics are fixed every six months at the same rate paid by private companies for the same class of labor. So unimpeachable an authority as the Scientific American on this point says:

Popular delusions die hard; and one of the most pernicious and persistent of these is the belief that war-ship construction when done by the Government is poorly done and costs more than it does at private yards. There was a time, it is true, when the navy-yards could not compete with private firms; but that was a time when the yards were overridden by political influence and encumbered with lazy incompetents, who owed their positions to "pull" with the local politicians. Thanks to the trenchant reforms instituted and carried through largely by the efforts of the present Chief Constructor, Rear-Admiral Bowles, our navy-yards have been entirely emancipated from politics, and the organization, plant, discipline, and character of work turned out have been brought up to a standard that is fully equal to that of the best private establishments.

The naval constructors believe, and we fully agree with them, that the time has come when it would be to the nation's advantage to have a certain portion of its ships constructed in Government yards. The plant and the working staff at New York and Boston have been brought up to such a state of efficiency that the largest battle ships could be constructed with economy and great efficiency. The high cost of the *Texas*, the *Maine*, and other Government-built ships can not be quoted against this statement, since those ships were constructed before the yards were reorganized and when the plant was old and inefficient. The construction of the ships in Government yards would have a twofold advantage. It would stimulate private builders to exhibit some of that dispatch which has recently been so conspicuously absent (some of our battle ships are a year and a half and our torpedo boats two and a half to three years behind their contract date), and it would be possible to keep the well-trained navy-yard forces continuously at work, instead of having to discharge a large part of them whenever routine work is slack. The practice of building some of the war ships in Government yards is followed to advantage in the leading European navies. We should adopt it here.

EIGHT-HOUR LAW DOES NOT AFFECT COST.

It is alleged that the enforcement of the eight-hour law in navy-yards will render the cost of labor in constructing war vessels considerably greater than when such vessels are built in private yards, where this limitation as to time does not exist. Granting, for the sake of argument, that labor at eight hours is less efficient than at nine or ten hours, I am of the opinion that the difference is more than made up by the fact that it is not necessary in Government yards to earn interest on the capital invested or to pay the very large salaries given to the president and other officers and managers of private yards. The appraised value of the Government navy-yards in 1901 was $80,000,000. Assuming that an equal sum is invested in private yards, construction in the latter would have to earn interest on that sum, which, at 4 per cent, would be $3,200,000 per year. To this must be added the cost of high-salaried officials, who draw from $10,000 to $25,000 per year, and which, in the case of the private yards engaged in building war ships, probably aggregates another million dollars a year. The cost of construction in Government yards, therefore, does not include these two items, for supervision and management are by naval officers already under pay, and who if not employed there would be detailed to other work. Interest on capital invested and the cost of management are therefore saved in Government yards, and, as stated, amount to about $4,200,000 per year. It is not

probable that the increased cost of construction incident to the enforcement of the eight-hour law equals this sum, if there is any increase whatever on this account. I do not think, therefore, that the objection to Government construction on the score of the eight-hour law is well taken.

EIGHT-HOUR LABOR AS EFFICIENT AS NINE-HOUR.

But there is no ground for the assertion that a reduction of the hours of labor to eight per day will materially affect the product of that work. On the contrary, there is evidence that as much work is produced on an average in an eight-hour as in a nine-hour day. Factory Inspector Wade, of Massachusetts, in his testimony before the Industrial Commission, says that the effect of reduction of hours in factories has not reduced production or injured manufacturers. It was placed in evidence that the longer hours in Rhode Island did not give manufacturers there an advantage over those of Massachusetts, where the workday is shorter, and that the Southern factories have an advantage in proximity of raw material, not in their longer hours of labor. In all cases where continued muscular and nervous effort are necessary it is recognized that there is a limit beyond which such effort is unprofitable, and it is very doubtful whether in the long run men in the same kind of occupation will perform more work in nine hours than in eight. I do not think, therefore, that the fact that eight hours is the length of a working day at the navy-yards will result in a material difference in the product of a given number of men when compared with that of the same number in private establishments not under the eight-hour law.

WHY SHIPS CAN BE BUILT MORE CHEAPLY IN NAVY-YARDS.

Conceding, for the sake of argument, that the higher rate of wages and the leaves of absence make the cost of labor in navy-yards very much greater than in private yards, and conceding that this excess will be, as Chief Constructor Bowles states, 70 per cent, I think that construction can be more cheaply performed in navy-yards than in private establishments. Constructor Bowles, in a communication printed in the CONGRESSIONAL RECORD, makes the cost of a vessel of the *Virginia* type, when built by contract, as follows:

Labor, two-thirds net cost	$1,600,000
Material, one-third net cost	800,000
General expense, 40 per cent	960,000
Profit, at 10 per cent	336,000
Government inspection	35,000
Cost to Government	3,731,000

In his estimate of cost in a navy-yard Constructor Bowles estimates that labor would cost double that in private yards. But this is hardly fair, as he had already pointed out the fact that, considering higher wages, holidays, and leaves of absence, such cost would be only 70 per cent greater. Adopting his figures, therefore, the cost in a navy-yard would be as follows:

Labor, at contractor's rates	$1,600,000
Add 70 per cent	1,120,000
Material	800,000
Add 10 per cent	80,000
Cost to Government	3,600,000

I think that this is a fair comparison, adopting the data of Constructor Bowles. This shows that the Government would save $131,000 by building in a Government yard.

Constructor Bowles figured that there would be an item of 15 per cent, due to general expense, to be added to the cost of building in the navy-yard; but it seems to me that this should not be so added, as the general expense account would run even if a vessel were not built.

SKILLED FOREMEN AT MARE ISLAND.

It having been doubted that the foremen of navy-yards possess sufficient technical skill to superintend the construction of large naval vessels, I desire to call attention to the fact that there are at present at the Mare Island Navy-Yard eight leading foremen who occupied similar positions at the Union Iron Works yards when the *Oregon* was being constructed there. And as further evidence of the competency of Mare Island Navy-Yard employees I would state that the Risdon Iron Works, of San Francisco, have made unsuccessful overtures to secure as superintendent for their yard Foreman Ship Fitter W. G. Stevens, of the department of construction and repair, the man who would have most to do with the building of a battle ship were one assigned to the Mare Island Yard. Mr. Stevens was foreman of the Union Iron Works when the *Charleston* was built.

Another very great advantage of the Mare Island Navy-Yard is its location where it receives the benefits of the great Sacramento and San Joaquin rivers. The salt water from the ocean is here mingled with the flood of fresh water from the interior valleys, and in consequence becomes unfitted to sustain that kind of marine life which is so troublesome and destructive. The teredo and limnoria can not live in the water of the Mare Island Navy-Yard, as is proved by the fact that piles driven at Vallejo thirty years ago are as sound as when placed there, while piles in the salt water at San Francisco and other points exposed to the sea water are rapidly destroyed. At Point Tiburon, Angel Island, and other places near the Golden Gate 75 per cent of the strength of a pile is lost in one year, unless it is sheathed with copper, thoroughly creosoted, or otherwise protected from the ravages of the marine insects.

SOME OF MARE ISLAND'S ADVANTAGES.

At Mare Island this expensive process is unnecessary, and the cost of works on which piling is necessary is less in the first place and the structures require less for repairs. Another advantage of this character of the water is that it destroys all marine growths on ships' bottoms, so that war ships lying there are cleaned without the expense of docking and labor. Seagoing merchant ships often go to the head of San Pablo Bay that the barnacles may be killed by the fresh water, for it is far cheaper to have the growths drop off in the fresh water than to dock the ships and scrape the accumulations from them. And when large steel and iron vessels are waiting for cargoes by reason of slack business they are usually towed to the vicinity of Mare Island and Martinez and anchored, as there the bottoms of the vessels are safe from the accumulation of sea growth vegetation and barnacles.

Still another advantage of the Mare Island Navy-Yard is its climate. Nowhere in the world can a better working climate be found. Practically every day in the year can be utilized in outdoor labor, for the thermometer never goes below 40 degrees or seldom above 85, the average being above 65 for the entire year. Labor under such circumstances is more efficient than when it has to contend with the freezing blasts of winter or the hot, humid atmosphere of an Atlantic coast summer. It is probable that a workman at Mare Island, on this account, will in a year do as much work at eight hours a day as a man in an Eastern yard working nine or ten hours. It is a characteristic of the climate about the great bays of California that it promotes vigor and is free from those changes which detract so much from the efficiency of labor in the winter and summer months of the Atlantic States.

A YARD PERFECTLY EQUIPPED FOR CONSTRUCTION.

We have, then, at the Mare Island Navy-Yard all the conditions for the construction of the largest and best ships required by the Navy, and owing to the absence of profit on construction there is every reason to believe that the material used will be of better quality than that which is used in private yards, where a slight drop below the standard fixed means so much added to the profits of the constructors. It will certainly be far easier to keep material up to standard in navy-yards than in private yards, and as far as the cost of labor is concerned, it is certain that the conditions could be no worse than those reported by the marine superintendent of United States transports at San Francisco, who testified that in the spring of 1899 shipbuilding concerns who were engaged in Government work "put in all kinds of men; sometimes men that probably never had a hammer in their hands were getting $4.50 a day as carpenters."

It is sometimes argued that extra cost would be entailed upon the Government by having ships built at navy-yards by reason of the expense of preparing plans. This is an error. For this work it would make not a dollar's difference to the Government whether the vessels were built in private or Government yards. The plans of every naval vessel are prepared in the Bureau of Construction by the Chief Naval Constructor and his assistant naval constructors, all officers of the United States Navy, assisted by civilian engineers, paid by the Government. On the plans thus prepared bids are solicited, and the private firms securing the contract are compelled to follow the plans thus prepared, and a naval officer is detailed to superintend such construction in order to insure strict compliance with the specifications. The private builder has nothing whatever to do with the preparation of these working plans, which cost hundreds of thousands of dollars, and he pays nothing for the work done on them. It would make no difference, therefore, to the Government as to this item in the cost of a vessel if such vessel should be built in a Government navy-yard.

EUROPEAN POWERS UTILIZE THEIR DOCK YARDS.

The three great European naval powers—England, Germany, and France—utilize to the utmost the Government dockyards for the construction of their ships of war. At the present time England has 28 ships, 12 of which are battle ships and 7 armored cruisers, under construction in its dockyards, against 86 vessels in private yards, of which only 9 are battle ships, and 48 are simply small torpedo-boat destroyers. In France the Government is building 4 battle ships, 11 armored cruisers, and 8 destroyers, a total of 23 vessels, while 22 are being constructed in private yards. The German Government is building 2 battle ships and 1 armored cruiser, with 3 cruisers and gunboats, against 23 vessels under construction in private yards. In the United States 43 vessels

are under construction in private yards, and not one in the Government navy-yards. This does not seem to me wise business policy, nor is it making proper use of the facilities furnished by the Government for doing Government work.

It was in evidence before your Committee on Commerce that in the work of dredging harbors alone the Government would save money by investing several millions of dollars in dredgers, even if it did not operate 10 per cent of them, as we should then have a practical way of knowing the actual cost of the dredging work, and thus prevent private companies from forming combinations and taking undue advantage of the Government. It therefore appears with double force that all of the repair work to naval vessels should be done in the navy-yards, and at least one vessel, even if of only small tonnage, should always be on the stocks in each of the navy-yards.

The British naval estimates for 1902–3 show that for dockyard work $14,487,485 is apportioned to new or construction work and only $6,829,660 for repairs. For contract work $23,998,425 is apportioned to construction and only $2,296,750 for repairs. The five great dockyards of Great Britain are utilized to their fullest extent in building new ships.

FOREIGN NATIONS NOW BUILDING WAR SHIPS IN THEIR OWN YARDS.

The special consular reports on the merchant marine of foreign nations state that "nearly all the war ships of Austria-Hungary have been built at home, the majority in the Imperial navy-yard at Pola." The war ships of Denmark "are built exclusively by the Government itself at the royal navy-yards." In France "many war ships are built in Toulon by the French Government on its own docks." A battle ship of 14,865 tons is now under construction at the Brest dockyard and an armored cruiser of 12,550 tons at Toulon. In Germany "the German Government owns three shipbuilding yards—one at Kiel, one at Wilhelmshaven, and one at Danzig—which are exclusively used for the building of vessels for naval purposes." Italy has four national shipyards, in which were constructed during 1897 naval vessels aggregating 17,430 tons. War ships are built in the Government navy-yards at Castellamare di Stabia, and there were under construction there in 1899 the *Benedetto Brin*, the *Agordat*, and the *Coatit;* at the Venice yard, the *Ferrucio;* at Spezzia the battle ship *Regina Margherita*, and at the Naples yard the *Emmanuele Filiberto* was being completed. In the Netherlands armored and protected war vessels are built at the Government docks and at Amsterdam.

Japan has also begun to construct navel vessels in Government yards. In 1890 a second-class cruiser was ordered constructed at each of the Government dockyards at Kura and Yokosuka. Sweden is also building war vessels in its Government yards. Russia has three battle ships and two cruisers in Government yards. It is thus seen that every naval power is making use of its dockyards for the construction of war vessels of every type, and calls upon private builders for only those vessels which it has not facilities to construct. The United States is the only great sea power which fails to utilize its dockyards for new construction.

LOSS TO THE GOVERNMENT FROM CONTRACT WORK.

In our own yards repairing only is done, and by no means all that we have facilities for. A very large proportion of this work has been let out to private firms, to the great loss of the Government, as appears from the reports in House Document No. 537, present session. In the report of Lieutenant-Colonel Chamberlain, which appears in that document, reference is made to the repairs on Government transports at San Francisco, on which work very large sums of money were expended by the Government.

The marine superintendent at that port testified that for this work there was no competition among private bidders after a month, when a combine was clearly formed, which resulted in charging the Government excessive rates. He did not believe that the work was done at a "figure that it would have been done for commercial purposes," and thought that if the Navy Department was also bidding it would have had an effect on the prices charged. Colonel Chamberlain, from the evidence secured, came to the conclusion that the three shipbuilding firms who performed the work "had an understanding among themselves, and that there has been no competition between them." He further says that in most instances the lowest bid was in excess of the amount authorized. It is very clear, upon a careful study of this report, that by reason of a combination among private builders and a lack of competition by Government navy-yards the Government was compelled to pay hundreds of thousands of dollars in excess of a reasonable cost for repairs to transports alone at a single port.

The case of the transport *Hancock* is one in point. She arrived in port July 29, 1899, and a dispatch was sent to Washington asking authority to have necessary repairs made, whose cost was estimated at $40,000, which would, according to the general superintendent, have placed her temporarily in condition for service. The work was authorized and was done under oral agreement, without competition, and the result was that the repairs to this vessel cost the Government $547,016.28, or half a million dollars more than was estimated to be necessary to make her available for service. Had the repairs been made at the Mare Island Navy-Yard there would doubtless have been a great saving to the Government, as the Navy Department would have had control of the work.

BREAKING UP THE SHIP-BUILDING COMBINES.

As bidding by the navy-yard at Mare Island for repairs to transports would have broken up the combine among San Francisco shipbuilders, and saved hundreds of thousands of dollars to the Government, so opening the navy-yards to new construction would break up the alleged existing combine among the private shipbuilders of the country, and the result would be the saving of millions of dollars a year in the cost of new naval vessels. That a little competition will be extremely beneficial financially is made evident by the effect of the entrance of the Newport News Shipbuilding Company into the field of ship construction. In 1890 the *Indiana* cost $579 per ton and the *Oregon* $610, but when the Newport News company began to bid the cost of battle ships was reduced very materially. The new *Maine* is now being constructed for $404 per ton, and the *Wisconsin*, by the builders of the *Oregon*, for $393 per ton. But there is an impression prevailing that the Newport News company has at last entered the combine and that competition is at an end. This indication is found in the following bids for new construction:

Vessel and builder.	Tonnage.	Price.
Pennsylvania, Cramp	14,014	$3,890,000
West Virginia, Newport	14,014	3,885,000
Colorado, Cramp	14,014	3,780,000
Maryland, Newport	14,014	3,375,000
California, Union	14,014	3,800,000
South Dakota, Union	14,014	3,750,000

It will be noted that there is only $5,000 difference in the bids for the *Pennsylvania* and the *West Virginia*. There is the same difference in the bids on the *Colorado* and the *Maryland*.

OFFICIAL APPROVAL OF THE CONSTRUCTION OF SHIPS IN NAVY-YARDS.

Such uniformity in bids where such very large amounts are involved can hardly occur without an understanding between bidders. To prevent such collusion from being successful it is necessary that there enter the field shipbuilding plants that can not enter a combine. The Government navy-yards are the only ones that can permanently remain independent. That some of them are amply able to build vessels of the largest size and of the highest modern type there is no doubt. The chief of the Bureau of Construction and Repair, in the Report of the Secretary of the Navy for 1900, says:

> Much has been said both in favor and against the building of vessels in the navy-yards. The progress made in the improvement of yard plants and the ever-increasing need for a permanent skilled force ready for and capable of at all times taking up repairs of any character which the growth in "material" of the Navy entails, makes it desirable that the question should be given careful consideration. There is at the present time, in view of the prosperous condition of the shipbuilding industry and the number of naval vessels building and appropriated for, sufficient work to permit the assignment of a portion of the building work to the Government yards without there being a question of the withdrawal or withholding of necessary support and assistance, through work given out, to a private industry, the maintenance of which in a high state of efficiency is unquestionably of national importance.
>
> These conditions make it possible to eliminate from the discussion any questions of policy except such as affect economy and efficiency. It has been the history of all the iron and steel navies in existence to-day that the building of the vessels was at first entirely confided to private industry, and that the existence of the nucleus of a steel fleet made it necessary that the governments who were their owners should themselves provide for repairing these vessels; and that, having provided the necessary plant for this purpose, the provision for the maintenance of the equally necessary though vastly more difficult thing to attain, viz, efficient working organization and adequate efficient personnel, forced them to undertake in their navy-yards a portion of the new building work. The extent to which this is being done by the principal naval powers may be seen by the following table:

Nation.	Government yards in which building is carried on.	Battle ships building in Government yards.	Armored cruisers building in Government yards.	Other cruising vessels.
England	5	8	5	3
France	5	3	10	4
Germany	3	3	1	4
Russia	2	3	1	2
Italy	2	1	----------	2

In the case of many of the European nations, for example, Denmark and Holland, maintaining smaller navies, so strongly is this necessity for a permanent efficient navy-yard personnel felt that practically all the naval building work undertaken by them is carried out at their navy-yards. What

they have done and are doing is mentioned here solely to emphasize the fact that the unanimous testimony of experience has been and is that the execution of a certain amount of building work at the chief government yards is necessary to the maintenance of such navy-yard staffs as a complete and efficient naval organization requires; and that, whatever disadvantages such a course entails, they are more than compensated for in the end. It is believed that we have reached that stage in a naval development—still considerably behind our national development—which forces upon us serious consideration of this step which other naval powers have found necessary and expedient. At the outset the disadvantages to be labored under will be considerable.

Time and experience will do much toward the alleviation or possibly the entire removal of many of these. While, under existing conditions, in the case of the first vessels built in our navy-yards it may be expected that the cost will not be greatly different from, may even be somewhat greater than for, the same work executed by contract in the private shipyards, the Bureau believes that such a course once entered upon would demonstrate its desirability and practicability in an increased efficiency and economy in naval administration, regarded as a whole, without interference with a judicious policy of such Government encouragement of the shipbuilding industry as will keep the greatest number of establishments in a position to undertake and execute promptly any naval work which may be required.

GOOD WORK CAN BE DONE AT MARE ISLAND.

In the report of the Bureau of Construction and Repair for 1901 appears the following reference to the Mare Island Navy-Yard and its facilities for new construction:

Until about three years ago the extensive changes now in progress had not been contemplated. Within the period named, however, a new dry dock and numerous buildings have been appropriated for, pneumatic appliances have been put into general use, the use of electricity for power purposes greatly extended, gas fuel introduced, sheet metal substituted largely for woodwork aboard ships, etc. Conditions have been altered greatly, therefore.

The plans and improvements submitted are based upon the assumption that too much money has already been expended here to make any change in policy as regards the continued use of the plant and appliances likely, and that it is only a question of time before at least a limited amount of new construction work will be authorized. The general arrangement of slips, docks, and buildings, both of this and other departments, as now contemplated is considered admirably adapted for efficient and economical work.

ADMIRAL BOWLES IN FAVOR OF BUILDING SHIPS IN GOVERNMENT YARDS.

Admiral Bowles, before the House Committee on Naval Affairs, on February 4, 1902, advocated the construction of ships in Government yards. His testimony on this point is as follows:

Mr. WATSON. In view of the fact that the Government employees get fifteen days' leave of absence, and you can not get away from that proposition; and in view of the fact that the Government employees work eight hours a day, and you can not change that; and in view of the fact that you must almost constantly equip the yards with new machinery and improved methods, would you think it advisable to equip the navy-yards to build ships?

Admiral BOWLES. I believe in facing the music.

Mr. WATSON. Which way is the music?

Admiral BOWLES. What do we have navy-yards for? The real purpose in having navy-yards we saw in the Spanish war.

Mr. BUTLER. In facing the music, you have in your mind what you said at first, that it would be necessary to abolish the fifteen days' leave of absence in order to compete with the private yards?

Admiral BOWLES. Yes, sir.

Mr. WATSON. That is music you can not face.

Admiral BOWLES. I believe that we would need some efficient navy-yards. They ought to be equipped fully for doing twenty times as much work as they do to-day. That is what I had in view when I spoke of the New York Navy-Yard.

The CHAIRMAN. Would you decrease wages?

Admiral BOWLES. I would to the extent of paying the wages actually paid by private concerns. Therefore I believe in having a thoroughly equipped navy-yard; and I think the best way to have it is to get them ready for building some ships.

Mr. ROBERTS. Do you give that answer on the theory that we ought to have that kind of a navy-yard, or on the theory that we can build better ships in the navy-yards, or is it on the theory simply because it would give us better navy-yards?

Admiral BOWLES. It is better yards which I aim at. I want to give the service in general—and I say that because I think we have good navy-yards—and therefore I would recommend the building of some ships in them.

Mr. ROBERTS. Even though it cost more?

Admiral BOWLES. Even though it cost more in the beginning.

That good work can be done at Mare Island is made evident by that which has there been done. The *Monadnock* was in a great measure constructed there, when the facilities in the shape of machinery, etc., were not so complete as at present, and the monitor is as fine a piece of marine work as can be found in the Navy. The *Hartford*, the old battle ship of Admiral Farragut, was rebuilt at that yard, and the *Boston*, *Alert*, *Olympia*, *Bennington*, *Yorktown*, and *Marblehead* were there practically reconstructed. The tugboats *Unadilla* and *Pawtucket*, both steel, were constructed at this yard, and extensive repairs were made to the *Adams*, *Alert*, *Farragut*, *Justin*, *Iowa*, *Independence*, *Mohican*, *Nero*, *Pensacola*, *Philadelphia*, *Ranger*, *Solace*, *Thetis*, and *Wheeling*. A portion of the original outfits of the following ships have also been built at this yard: *Fox*, *Davis*, *Goldsborough*, *Ohio*, *Paul Jones*, *Perry*, *Preble*, *Tacoma*, *Wisconsin*, and *Wyoming*.

NO COMPETITION WITH TRANSPORTATION LINES.

The performance of this work at the Mare Island Navy-Yard, and similar work at other yards throughout the country, can in no way affect the business of general transportation lines, which, it has been claimed, object to the plan of utilizing to the fullest extent the facilities existing at the Government yards. Were the Government in competition with private transportation companies for general business the case would be different, for the less cost of repairs would enable it to charge less for freight. But the fact is that the Government does no private business. In its vessels are carried only Government supplies and officials connected with the Government, there being an absolute prohibition of receiving commercial freight or private persons desiring transportation. Only Government business is transacted, and it is in the interest of the taxpayer and for the promotion of the efficiency of the administration of the War and Navy departments that transportation of this kind shall be performed at the least possible cost and that its details shall be under the absolute and immediate control of the responsible officials of the Government.

It is no part of the Government's duty to cripple any of its departments and place us in a dangerous position in case of emergency that private transportation companies may have the privilege of transporting Government stores and officials from one port to another. The Government very properly declines to permit the use of its dry docks to private shipowners excepting in cases of emergency, and then the same rates are charged as those charged by commercial companies. Ours is not a paternal government, and therefore it is not one of its functions to enter into competition with its citizens. We have had too many examples of the evils of caring for private business interests before taking account of public needs to willingly continue the paternal policy any longer.

I will not longer trespass upon the time of the Senate, but will ask permission of the Senate to insert in the RECORD as an appendix to my remarks a concise history of the selection of the present site by Commodore Sloat, who was chairman of the commission which located the Mare Island Navy-Yard in California, and also such action as appears of record which has since been taken.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the matter will be printed in the RECORD.

The appendix is as follows:

APPENDIX.

A BRIEF HISTORY OF THE ESTABLISHMENT OF THE NAVY-YARD AT MARE ISLAND, CAL.

The following copies of letters and documents give all the information available relative to the establishment of a navy-yard at Mare Island:

NAVY DEPARTMENT, *Washington, June 7, 1902.*

SIR: Replying to your request of June 5, that you be furnished with a summary of the history of the establishment of the United States navy-yard at Mare Island, Cal., I inclose herewith copy of report No. 14, Thirty-second Congress, first session, submitted by Mr. Gwin, to accompany Senate bill No. 15; copy of letter of Secretary of the Navy to Commodore Joseph A. Smith, Chief of the Bureau of Yards and Docks, dated January 15, 1852, and the latter's reply thereto, nominating officers composing commission to choose a site for the California dock; the precept of the Secretary of the Navy, dated January 27, 1852, to these officers, viz, Commodore John D. Sloat, Commander C. Ringgold, Lieut. S. F. Blunt, and Engineer W. P. S. Sanger, constituting them as a board to examine the shores and waters of the bay of San Francisco, in California, for the purpose of selecting a site for a navy-yard and depot, etc.; copy of letter of the Secretary of the Navy of December 13, 1852, to the board, requesting them to state their opinion as to the nature of the tract lately surveyed by the board in California for a site for a navy-yard, known as Mare Island; copy of the act approved August 31, 1852, authorizing and directing the Secretary of the Navy to select a site in the bay of San Francisco, and the report of the board dated December 13, 1852.

I inclose, for your further information, extract from the directory of the city of Vallejo of 1870, concerning the origin of the name "Mare Island."

In Executive Document No. 31, House of Representatives, Forty-sixth Congress, second session, is the letter of the Secretary of the Navy in answer to resolutions of the House of January 21, 1880, calling for "any and all information in possession of his Department relating to the formation of bars and deposits of mud, sand, and gravel at or near Mare Island," etc. The plan attached to the document shows depth of water in front of yard.

Transmitted herewith is a copy of the report of the board of civil engineers, of which W. P. S. Sanger, U. S. N., was senior member, appointed to prepare a plan for the improvement of the navy-yard at Mare Island, California, 1873.

This is all the information concerning the selection of the site and the establishment of the United States navy-yard at Mare Island, California, in possession of the Navy Department.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. GEO. C. PERKINS,
United States Senate, Washington, D. C.

[Senate Report No. 14, Thirty-second Congress, first session.]

In the Senate of the United States, January 6, 1852—Ordered to be printed—Mr. Gwin submitted the following report (to accompany bill S. 15):

The Committee on Naval Affairs, to whom was referred the bill to establish a navy-yard and depot on the bay of San Francisco, in California, report:

That they have given the subject that attention which its importance demands, and have been led into a brief review of the policy of the Government in establishing permanent navy-yards for the construction and repair of vessels of war.

The first attempt under our present form of government to commence a naval establishment appears to have been demanded by the necessity of defending our commerce and citizens from the piratical depredations of the Algerine corsairs. An act was passed the 25th of March, 1794, authorizing the building and equipment of six frigates. The passing of this act, as stated by Gen. Henry Knox, then Secretary of War, and in charge of naval affairs, "created an anxious solicitude that this second commencement of a Navy for the United States should be worthy of their national character;" and he stated that "the building of the ships has been directed in several ports of the Union, in order as well to distribute the advantages arising from the operation as to ascertain at what places they can be executed to the greatest

advantage." Thus it appears that in the beginning, by way of experiment, if not from the necessity of the case, the public vessels of the Government were constructed in private yards; but this experiment proving ineffectual, none of the vessels having been completed, a committee of the House of Representatives, on the 25th of January, 1797, recommended that a sum of money should be appropriated for the purpose of purchasing and fitting up a naval yard.

Another committee of that House, on the 8th of March, 1798, stated, in reference to constructing public ships in private yards, that "in the view which, on several occasions, this committee have taken of the subject of providing a naval armament, they have not failed to observe the apparently enormous expenses and unaccountable delays which have attended every attempt of this kind;" and in a letter from James McHenry, Secretary of War, to a committee of the House of Representatives, dated the 22d of March, 1798, he stated that "the great delay that has occurred in the present undertaking must always be more or less experienced when heavy ships of war are required to be suddenly built and the Government not previously possessed of the necessary timber and materials. It is certainly an unfit time to look for these and prepare a navy-yard when the ships are required for actual service. It is not to be expected that the large pieces of heavy timber suitable for ships of war will be found at market or accumulated in private magazines for sale when wanted on pressing occasions. Do not these circumstances point to the expediency of a legislative provision commensurate to so important an object?" And again, in a State paper emanating from Benjamin Stoddard, the first Secretary of the Navy, on the 25th of April, 1800, he said:

"In this view of the subject, and believing that it is the truest economy to provide at once permanent yards which shall be the public property, and which will always be worth to the public the money expended thereon, instead of pursuing the system at first adopted, which, with the experience before us, can only be justified on the ground that the ships now ordered are the last to be built by the United States, the Secretary of the Navy has had but little difficulty in making up his opinion that the proper course to be pursued is to make the building yards public property and to commence them on a scale as if they were meant to be permanent." In another communication upon the subject Mr. Stoddard declares that "docks for repairing ships ought to be convenient to the sea, and yet not easily accessible to the enemy." Yards for building the ships, where large quantities of materials would be deposited (the destruction of which would always be an object with an enemy), should be, according to the opinion of Mr. Humphreys, a gentleman of considerable science and experience in naval architecture, "in the vicinity of a commercial city, for the convenience of procuring able workmen," "where the harbor is secure from freshets and stormy weather, out of the reach of an enemy."

These opinions of public officers of high reputation in the infancy of our naval establishment have been verified and confirmed by an experience of upward of fifty years, and have been referred to because of their coincidence with the opinion of this committee as to the advantage of establishing at once a permanent navy-yard and depot on the bay of San Francisco, in California, rather than to depend upon private establishments for the repairs or building of public vessels in that bay. The committee having been so well satisfied of the necessity of having a naval establishment in that distant harbor that the only question presenting itself to their consideration was whether such an establishment should be of a temporary or permanent character; and the authorities herein referred to, together with the settled policy of the Government, are considered entirely conclusive upon this subject.

Whether this subject is considered as regarding simply our naval establishment or in a commercial, fiscal, maritime, or national point of view, it loses none of its intrinsic importance.

As regards the vessels of the Navy cruising upon that once distant and foreign coast, but now our own coast and our own country, none better remember nor have felt more sensibly the want of a port of safety in that region than our gallant naval officers (who have served for many years past upon the voyages and cruises in the Pacific) both for the repair or refitting of their vessels, etc., the recruiting of the health and strength or numbers of their crews. The vessels of war taking their departure from an Atlantic port for a three years' cruise, and making the long voyage around Cape Horn and along the western coast of this continent, arriving in the bay of San Francisco, instead of finding themselves thousands of miles from those means of repair and succor of any kind of which they might stand in need, will, when this yard shall have been established, find themselves at home, where every repair, aid, and assistance can be obtained.

But the importance of this establishment to our Navy would be most felt should this country unfortunately be involved in war with a powerful maritime nation or nations, because in that event should numerous and heavy fleets cut off or harass our cruisers from the Atlantic ports for the protection of our interests in the Pacific we should then possess the means and ability to construct and fit out war steamers and other vessels of war from the bay of San Francisco capable, with the aid of the whalers' crews, to drive every hostile sail from that coast.

In a commercial and fiscal point of view, the establishment of this navy-yard and depot and the defenses necessary to sustain it, adding, as it will not fail to do, to the security of the commercial marine and the numerous vessels engaged in the whale fisheries in the Pacific, the trade and commerce of San Francisco and other ports in California and Oregon will derive additional importance and encouragement and consequent extension which will, no doubt, be sensibly felt in the revenues from the customs in those ports, and the benefits to be derived from this source by the Government will greatly overbalance any expenditure that may be made for this object.

In an extending maritime and national aspect, the creation of a strong naval establishment in the bay of San Francisco, in the opinion of the committee, is of very great importance to this country. When the immense value of the whale fisheries and trade to the western coast of the two Americas, to China and other countries of Asia, and the islands of the Pacific and Indian oceans, and the daily increasing trade and commerce of California and Oregon, are all considered, it must be confessed that this Government is under the strongest obligations to lose no time in providing the most ample means for the future security of all these interests, which interests belong almost entirely to the commercial cities of the Atlantic coast and the enterprising mariners from New England engaged in the whale fisheries; while California, enjoying only incidental advantages from these operations of trade and commerce, and the establishment of these resources and means of defense upon her soil and in her waters, will have the honor of affording upon her territory a firm resting place for the fulcrum of the lever of that power of this great country, which is hereafter to maintain its maritime rights and peace upon the vast expanse of the Pacific and Indian oceans. For all great national purposes, whether defensive or offensive, or in a state of war, or protective of our commerce and the rights of our citizens on the ocean in time of peace, if the right arm of our power is to be put forth from the Atlantic and Gulf coast, the left hand of that power must necessarily be extended from the Pacific coast.

In reference to the interests enumerated above, it is only necessary to take a retrospective view of the extent of the commerce and navigation of those regions from the ports of the Atlantic in past years, and of the vast increase of this commerce and navigation since the important acquisition of California by the United States. The direct trade of California, concentrating almost exclusively in the harbor of San Francisco, for the year ending June 30, 1851, as appears by an official statement from the register of the Treasury, employed the number of vessels and amount of tonnage as follows: American vessels entered, 379, of 115,779 tons; cleared, 815 vessels, of 293,435 tons; foreign vessels entered, 482, of 142,349 tons; cleared, 515 vessels, of 136,735 tons. Although this exhibit by no means embraces the whole extent of this trade, it is sufficient to show the large amount of commerce which has grown up in that State in so short a period of time, and the immense extent to which this commerce is destined to arrive in the future, judging from the unparalleled rapidity with which it has progressed heretofore. In addition to this direct trade, there must be taken into account the numerous fleets of whaling vessels from the New England States frequenting the Pacific Ocean, with a tonnage averaging for the last six years 181,651 tons, and employing a large force of the ablest seamen, and returning to the Atlantic ports freighted with their rich cargoes of sperm oil. And in further addition must be enumerated all the shipping and capital engaged in the extensive and valuable trade and commerce with China and other countries of Asia, and with the eastern archipelago and other islands in the Pacific and Indian oceans.

To realize the importance of the proposed naval establishment in the bay of San Francisco it is necessary to consider the value and extent of the interests enumerated above and the liability, in the event of a war with one or more powerful maritime nations, as before stated, to the injury or ruin of those interests. This would be prevented by providing in time the means of constructing and repairing public ships in a secure harbor on the Pacific coast, defended by sufficient fortifications against any attack that could be made against it either by land or water.

The national interests, confirmed policy, and present naval exigencies of the country manifestly requiring the establishment of a permanent navy-yard and depot on the bay of San Francisco, in California, the committee have examined the bill referred to them for that object with much care, and believe that it is well calculated to effect that purpose; but the committee having taken a full view of this subject, believe that such an establishment as is proposed by this bill will not be complete without the addition of a basin and railway, which in connection with a floating dry dock authorized and provided for by the act of the 3d of March, 1851, will be an indispensable appendage to the navy-yard and depot to insure the prompt and efficient repair and refitting of the public vessels, and to possess which facilities in the bay of San Francisco is of great importance to the Government.

The committee therefore recommend that provision also be made for these objects, in order that the board of officers authorized by the bill may in their selection of the site for the navy-yard and depot also embrace in their view and arrangements all of these necessary objects. In the event of a war these appendages to the navy-yard would be indispensably necessary to prepare vessels for sea on a short notice or to repair with promptitude vessels that may be disabled in conflict. It may also be remarked that the floating dry dock now being constructed would be of little utility without the addition of the basin and railway. Indeed, the navy-yard or dock itself would be deprived of a most important feature, now considered as an integral and essential part of every building and repairing navy-yard and absolutely necessary for the use of the Navy, whether in a state of war or peace.

The committee have deemed it their duty to propose this additional provision, from several important considerations. In the first place, it will secure economy in the construction of these several objects by having them constructed simultaneously or in reference to each other, avoiding alterations and disadvantageous expenditures and loss of time in a separate and subsequent arrangement and construction of them. In the second place, a provision for them all at this time will give the Government the advantage of the practical experience and scientific knowledge of the board of officers that may be appointed to establish the site for the navy-yard, to make such selection of a site as may be best adapted to all these indispensable objects together, and, in the third place, all can be conveniently arranged with reference to the same system of police and be brought within the same plan of defense.

In the consideration of this subject the committee have been so deeply impressed with the importance of the duties to be performed by the board of officers, to be composed of officers of the Navy and United States engineers, and to be appointed for this service, and the necessity for an elaborate and thorough examination and survey of the bay of San Francisco and its adjacent grounds, to enable them to make an impartial selection upon professional and scientific principles, and with reference solely to the perfect adaptation of the site and grounds for the purposes intended and to the permanent interests of the Government, that they have considered it proper to recommend a provision for such additional compensation and traveling expenses to these officers as not only to meet the heavy additional personal expenses to which they will be subjected in the performance of this duty, but to secure the services of the officers in every way qualified for this delicate and highly important and responsible duty.

The committee therefore report the bill to the Senate with an amendment providing for these objects, and recommend its passage with the amendment.

[Thirty-second Congress, first session.]

An act making appropriations for the naval service for the year ending the 30th of June, 1853. (Approved August 31, 1852.)

* * * * * * *

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and directed to select a site for a navy-yard and naval depot in the bay of San Francisco, in California, or neighboring waters, either by purchase or by reservation of public lands, as the case may be, and shall cause the same to be surveyed and a plat thereof to be recorded in proper form; and when such selection shall have been made, the said Secretary shall make such arrangements as may be necessary to establish a navy-yard and naval depot upon the most approved and economical plan on the site so obtained, and cause to be erected a foundry, machine shop, blacksmith's shop, boiler shop, engine house, pattern shop, carpenter shop, and storehouse, and for the purpose of carrying this section into effect the sum of $100,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy be, and he hereby is, directed to appoint some suitable naval officer or engineer to receive and superintend the construction of the floating dry dock in California.

NAVY DEPARTMENT, *January 15, 1852.*

SIR: You will be pleased to name three naval officers and one engineer to compose a commission to choose a site for the California dock.

I am, sir, respectfully, your obedient servant,

WILL A. GRAHAM.

Commodore JOSEPH SMITH,
Chief of Bureau of Navy-Yards and Docks.

BUREAU OF YARDS AND DOCKS,
January 16, 1852.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, and in compliance with your direction to name three naval officers and one engineer to compose a commission to choose a site for the California dock, I respectfully nominate Commodore John D. Sloat, Commander C. Ringgold, Lieut. Simon F. Blunt, and Engineer William P. S. Sanger, as suitable and proper persons to compose that commission.

I have the honor to be, with great respect, your obedient servant,

JOS. SMITH.

Hon. WILL A. GRAHAM,
Secretary of the Navy.

NAVY DEPARTMENT, *January 27, 1852.*

GENTLEMEN: You are hereby constituted and appointed a board to examine the shores and waters of the bay of San Francisco, in California, for the purpose of selecting a site for a navy-yard and depot, including a naval hospital and marine barracks.

You will prepare yourself for this duty and proceed to San Francisco in the steamer which is to sail about the last of March next from New York for Chagres or Nicaragua.

You will make a requisition upon the Bureau of Ordnance and Hydrography for such instruments as you deem necessary for this service.

You are authorized to visit and examine for your information and satisfaction the floating dry dock at the navy-yard at Philadelphia and also of the working of the floating dry dock in New York City.

You are authorized to appoint a draftsman, who will also act as secretary to the board, and you will be allowed three chainmen, who, in addition to their appropriate duties, shall perform such other service as the board may direct.

On your arrival at San Francisco, you will call on the commanding naval officer present to furnish for the service you are directed to perform such facilities and assistance as you may require and he may have under his control.

If there should be no suitable vessel in the squadron for your use you will procure, on the best terms practicable, a small sailing or other vessel, and other necessary appointments which the squadron can not furnish for the efficient protection of the work confided to you, and in case of the death or total disability of any member of the board the commandant of the Pacific squadron will appoint a successor. When ready you will proceed to explore thoroughly and minutely the waters bordering on and the shores of said bay, noting and recording as you proceed, the various advantages and disadvantages of both land and water for the location of a navy-yard and depot for the purposes above indicated.

After having examined these to your satisfaction, you will confer and consult upon the result of your labor, and select the site best suited to the various purposes of a navy-yard, hospital, and barracks, and in making up your judgments you will keep in view for attainment, as far as may be, the following prominent objects, viz:

First. Its security from attacks by an enemy, and its facilities and economy for defense.

Second. Its security from violent winds and sea, and the accommodation for safe anchorage in its adjacent waters.

Third. Its adaptation to the construction of a permanent stone dock, and for the working of a sectional floating dry dock, in connection with a basin and railway, if a basin and railway be practicable in those waters.

Fourth. The facilities for procuring, and the accommodations for boarding mechanics, and workmen of various classes.

Fifth. The facilities afforded for procuring most readily materials, supplies, and stores of all kinds.

Sixth. Its fitness and adaptation for the construction of piers, wharves, launching ships, and building ways, storehouses for the reception and keeping of various stores, marine hospital and barracks, workshops of the different kinds required for the building and repairs of sailing and steam vessels of the Navy, and such dwellings for the officers attached to the yard as you may deem necessary.

Before you shall decide upon the point and location of the depot, in support of your opinion upon the advantages and practicability of its military defense, you will call to your assistance and confer with Capt. Henry William Halleck or other engineer of the United States Army, who will be instructed to give the board his experience and advice upon this very important subject.

After you shall have agreed and decided upon the best location available you will make a plan of the ground, showing the different elevations, with the topography, as well as may be, the plan to embrace the water near the shore, giving the soundings and description of the ground under water, with the height of the water during freshets and their duration; also the rise and fall of the tides, and the course and velocity of the currents. Upon the plan you will work out on a convenient scale what in your judgment are the best locations for a floating dock, basin, and railway (if basin and railway are practicable there), stone dock, piers and wharves, ship house and launching ship, storehouses, foundry, machine and boiler shops, blacksmiths' shop, joiners' shop, offices and dwellings for officers, Navy hospital, and marine barracks.

You will ascertain as far as practicable, from observation and inquiry, what is the effect, if the evil exists to any extent, of the marine worm in those waters. You will inform yourselves, as far as practicable, of the kinds and qualities of materials for the construction of fabrics of masonry and wood, and of the best means of procuring them. You will preserve all your original minutes, observations, and drawings, and when the duty assigned you shall be completed, which the Department trusts will not occasion your absence over four or five months, you will return to the city of Washington and make your report to the Department, with the necessary plans and descriptions of what you have done in the premises.

You will ascertain whether the site you may select be the property of the United States or of individuals, and, if the latter, inquire into the title and probable cost, and you are at liberty to enter into contract for a tract of land sufficient for the purposes aforesaid (if the title of the place selected be not in the United States), subject to the ratification of this Department.

These instructions you will regard as confidential, and will proceed in their execution and report your proceedings thereon with all practicable dispatch.

Wishing you health and success in this important service and a safe return, I am, very respectfully, your obedient servant,

WILL A. GRAHAM.

Commodore JOHN D. SLOAT,
Commander C. RINGGOLD,
Lieut. S. F. BLUNT, and
W. P. S. SANGER,
Washington, D. C.

Unfortunately the report of the Sloat board can not be found among the records of the Navy Department, but Hon. R. W. Thompson, Secretary of the Navy, in a communication to the Speaker of the House of Representatives, January 27, 1880, said:

"I have the honor to state that in the year 1852 a board of naval officers was appointed to examine the bay of San Francisco and adjacent waters and to select a site for a navy-yard. This board made a very careful examination of the points supposed to possess the requisite advantages for a naval station, and, after mature deliberation, came to a conclusion, agreeing with the report of a former board composed of Army and Navy officers, that Mare Island was the most eligible and advantageous position that could be found in the waters of the bay of San Francisco and its adjacent waters for naval purposes, and they reported accordingly."

NAVY DEPARTMENT, *Washington, December 13, 1852.*

GENTLEMEN: You will oblige me by stating your opinion as to the nature of the tract lately surveyed by you in California for a site for a navy-yard, known as Mare Island. I desire to have your estimate of its value, with all its appendages and advantages, regarding depth of water, harbors, etc. Your opinion may be formed without reference to the question of title, of which I could not expect you to express an official judgment, my object being to obtain some guide in the estimate of its value for land and water, with a view to a contract of purchase.

Very respectfully, your obedient servant,

JOHN P. KENNEDY.

Commodore J. D. SLOAT, U. S. N., *Washington, D. C.*
Commander W. S. OGDEN, U. S. N., *Washington, D. C.*
Lieut. S. F. BLUNT, U. S. N., *Washington, D. C.*
Engineer W. S. SANGER, U. S. N., *Washington, D. C.*

WASHINGTON, *December 13, 1852.*

Hon. JOHN P. KENNEDY,
Secretary of the Navy.

SIR: In answer to your letter of this date asking "your (our) opinion as to the value of the tract lately surveyed by you (us) in California for a site for a navy-yard, known as Mare Island," and desiring to have "your (our) estimate of its value, with all its appendages and advantages regarding depth of water, harbor, etc.," and stating that "your (our) opinion may be formed without reference to the question of title, of which I (you) could not expect you (us) to express an official judgment, my (your) object being to obtain some guide in the estimate of its value for land and water, with a view to a contract of purchase," we have the honor to state the island, including the tule opposite Vallejo, contains about 900 acres, in addition to a large tract of tule extending toward Napa and Sonoma. There is ample space for all the buildings required for a navy-yard, with good anchorage for ships of war; and, as stated in our report of the 6th ultimo, we consider it the most eligible location near San Francisco.

In reference to the value of this site for the purposes of a naval establishment combining, as it does, all the advantages stated in our report with respect to depth of water and general commodiousness as a harbor we are of the opinion, though we are aware that a large portion of it, say, nearly three-fourths, was recently purchased for a much less sum, that it would not perhaps be overestimated for the contemplated uses of the United States at $100,000.

Very respectfully, your obedient servants,

JOHN D. SLOAT.
WM. S. OGDEN, *Commander, U. S. N.*
SIMON FRASER BLUNT, SR., *U. S. N.*
W. P. S. SANGER.

UNITED STATES BRIG MAJOR EASTLAND,
Mare Island Straits, July 13, 1852.

SIR: I have the honor to inform the Department that the board appointed to select a site for a navy-yard and depot in the bay of San Francisco have, after a careful examination, come to the conclusion that Mare Island is by far the most eligible location for that purpose in these waters.

The board will present their plan of the survey and detailed report on their return to Washington, according to instructions.

The island is held in 80 shares by five persons. The district attorney is now examining the titles. If found good, the board will endeavor to ascertain for what amount it can be purchased, and conclude an arrangement, if thought advisable, subject to the approval of the Department.

The board hope to be able to leave for Washington on the 1st of August.

I have the honor to be, your obedient servant,

JOHN D. SLOAT,
Senior Officer of the Board.

Hon. WILLIAM A. GRAHAM,
Secretary of the Navy, Washington City.

NEW YORK CITY, *August 31, 1852.*

SIR: I have the honor to inform the Department of the arrival this day in New York City, of the board for the establishment of the location of the navy depot and dry dock at or near San Francisco, Cal.

In consideration of the debilitating nature of the journey from California, I have thought it advisable to delay the meeting of the board at Washington City, until the 1st day of October, by which time the duplicate charts and drawing instruments will have arrived which left San Francisco in the steamer of the 15th August.

I am, very respectfully, your obedient servant,

———.

Hon. JOHN P. KENNEDY,
Secretary of the Navy.

WASHINGTON CITY, D. C., *October 1, 1852.*

SIR: The instructions to the board appointed to select a site for a navy-yard in the Bay of San Francisco require topographical drawings of the several points examined; and as the Department is in haste for the report of the board, it is necessary, in order to expedite the work, that a topographical draftsman be employed. I therefore respectfully ask authority to employ a suitable person for that purpose.

I am, very respectfully, your obedient servant,

JOHN D. SLOAT,
Senior Officer of the Board.

Hon. JOHN P. KENNEDY,
Secretary of the Navy.

WASHINGTON, *December 9, 1852.*

Hon. JOHN P. KENNEDY, *Secretary of the Navy.*

SIR: I have the honor to inclose herewith the report in triplicate (with maps and plans referred to therein) of the board appointed to select a site for a navy-yard and depot, etc., at or near San Francisco.

The board respectfully awaits your further disposition.

Very respectfully, your obedient servant,

JOHN D. SLOAT,
Senior Officer of the Board.

This letter, together with the report in triplicate and maps and plans referred to, did not reach the files of the Department until the 26th of February, 1853, having been retained by the Secretary of the Navy pending a negotiation with Wm. H. Aspinwall, of New York, for the purchase of Mare Island. See letter of Secretary of Navy to Mr. Aspinwall of date the 26th of February, 1853.

NAVY DEPARTMENT, *February 2, 1853.*

SIR: I have the honor to submit to your consideration the accompanying papers, relating to the title of Mare Island, in the Bay of San Francisco, in California, for your opinion.

In pursuance of the duty assigned to me by the act of the last session of Congress making appropriations for the naval service and directing the Department to select and purchase a site for a navy-yard in California, my attention has been drawn to Mare Island, which has been recommended to the Department by a board of officers appointed to examine and report upon the various localities in California adapted to the proposed establishment. I have consequently entered into negotiations with those who claim to be the owners of this island with a view to its purchase.

The papers now submitted to you will show the nature of the contract I have made and the character of the title offered to the Government. These papers are—

1. A contract dated December 10, 1852, with William H. Aspinwall, wherein he, as representative of the proprietors, has contracted on his own part and on the part of all other parties interested in the ownership of Mare Island or claiming any interest in the same, to convey by good and sufficient deed or deeds the entire and absolute fee simple in that tract of land to the United States.

2. A deed executed by said Aspinwall and others and offered in pursuance of this contract.

3. Copies of certain deeds on record in California purporting to show the validity of the title of said Aspinwall and the parties he represents.

4. Some memoranda of an adverse title to said land set up by Henry Sanford.

5. A note of the opinion of Messrs. Halleck, Peachy, and Billings, of California, expressing their views of the validity of the title offered by Aspinwall and his associates.

6. The opinion of George W. Cooley, esq., the law agent in California, of the United States, which opinion has been communicated at my request, inviting him to inform this Department what questions of fact and law are proper to be investigated with a view to ascertain the character of the title to this land. Mr. Cooley's large experience in the investigation of California land titles, derived from his professional duties there, enables him to point out very fully the proper course of inquiry for the ascertainment of this title, and his opinion will greatly facilitate your examination of the subject.

7. A printed pamphlet containing the opinion of the board of commissioners of California land claims in several cases which presented many cases of interest in the investigation of titles, and which opinions are referred to in the communication of Mr. Cooley.

This Department has plats or charts describing Mare Island and its appendages, furnished by the board of officers on their recent inspection and survey, with other papers illustrative of the subject, which will be submitted to your examination if you should find it necessary to refer to them.

The Department is desirous to obtain your opinion, with a view to its final determination on the contract, and in pursuance of the duty imposed upon it by the (an omission in the letter).

I beg leave to call your attention—

First, to the consideration of the character and validity of the title offered by Mr. Aspinwall in pursuance of his contract with the Department.

Second, to the consideration of the conflicting title set up by Mr. Sanford.

Third, to the question whether, supposing the title offered by Mr. Aspinwall to be doubtful, the title rests in any other party or whether it belongs to the United States.

You will oblige me by stating what doubts or difficulties you may perceive to exist in the title offered by Mr. Aspinwall, the points of litigation to which it might possibly give rise, and the embarrassments it might present to the Government if this Department should take possession on any supposed title resting in the Government without purchasing the conflicting claims of Mr. Aspinwall and the other owners whom he represents. This point may be material to the decision of the Department in concluding any negotiations for the purchase.

I have the honor to be, with the most respectful consideration, your obedient servant,

JOHN P. KENNEDY.

Hon. I. I. CRITTENDEN,
Attorney-General United States.

NAVY DEPARTMENT, *February 26, 1853.*

WILLIAM H. ASPINWALL, Esq.,
Washington, D. C.

SIR: I have just received a communication from the Attorney-General on the subject of the title to Mare Island, upon a reference of that question made to him in pursuance of the resolution of Congress of 1841. The opinion is not yet filed in this Department, having been retained to be copied.

It contains a recommendation which this Department considers sufficient to justify the completion of the contract heretofore made with you, and I therefore now write to you to say that upon the execution of another bond by you for a faithful compliance with the terms of the contract made by me, by the letter of the 10th of December, 1852, with you, I shall be ready to close the negotiation and accept the deed.

The bond heretofore sent by you and dated the 27th of December refers to the first deed executed by you. But as that deed was rejected and another one of the 4th of January executed, the bond must be made to conform. I must also require that the new bond to be executed shall refer more particularly to the above-mentioned contract of the 10th of December, and stipulate for an exact observance of that contract, and that that contract shall be considered the groundwork and guide in the interpretation of the obligations of the bond and the purport or intent of the deed. I will prepare another bond in conformity with my views and send it forward to you for execution immediately.

When it is returned to this Department and the deed shall be approved, a requisition will be made to pay the purchase money.

The exact amount of the purchase money will be as estimated by the Auditor, and the amount of fee claimed by Mr. Bates will be deducted and held by the Government until that question is determined or some other satisfactory arrangement made.

Very truly, yours,

JOHN P. KENNEDY.

In 1873 a board of civil engineers, appointed by authority of the Secretary of the Navy, consisting of W. P. S. Sanger, Calvin Brown, and F. A. Stratton, made an examination for the purpose of revising the plan of the yard, and in the course of a long and exhaustive report, said:

"By reference to the accompanying plan A it will be seen from the diagram showing the range of tides that the height of the highest known tide was 2.20 feet below the point established as the height of the dock coping, and with such a tide there would be 30.30 feet of water on the gate sill of the dock. The lowest known low tide was 12.06 feet below the coping, and that at such a tide there would be 20.47 feet of water on the sill. The average height of all the 'greater high tides' observed is 4.50 feet below the coping, and gives 28 feet of water on the sill. The average of all the 'lesser high tides' is 5.42 feet below coping, and gives 27.08 feet of water on the sill. The average of the 'greater low tides' is 9.16 feet below coping, and gives 23.34 feet of water on the sill. The average of the 'lesser low tides' is 11.14 feet below coping, and gives 21.35 feet of water on the sill; and the average of all low tides is 10.10 feet below coping, and gives 22.40 feet of water on the gate sill.

"From this examination it is evident that at all times of high tide there will be at least 2 feet of water on the gate sill in excess of the depth at high water on the miter sills of the stone dry docks at the other navy-yards; that vessels drawing 28 feet may be docked at the highest 'greater high tides;' vessels drawing 27 feet at an average of all high tides, and vessels drawing 26.50 feet at an average of the 'lesser high tides.' It is also evident that at an average low tide a vessel drawing 22 feet of water could pass over the sill. * * * The stone dry dock now being constructed will be of ample capacity to receive vessels of the largest class, the depth of water on the gate sill at high tide being 27.5 feet, or 2.5 feet more than any of the other stone docks in the country. This dock, as before stated, with the floating dock, basin, and railways, will furnish the necessary facilities for building and repairing 25 vessels of the largest class at the same time, thus placing Mare Island in this respect on a footing equal or superior to the largest dockyard in Europe.

"At the northern end of the yard we have located a shallow basin in connection with 12 railways for laying vessels on shore when not needed for active service. These railways will store 24 ships of the largest class, or a proportionally larger number of smaller size, in safe position, where they may be kept clean and always in condition to be put afloat at a few hours' notice and be ready for active service."

The Commission on Navy-Yards reported on December 1, 1883, to the Secretary of the Navy in regard to the advantages of the Mare Island Navy-Yard as follows:

"Its approaches may be successfully defended against the attacks of a powerful enemy; it is far enough removed from the sea to be beyond the reach of guns of the longest range, or any possibility of being captured by a coup de main, and yet not so far as to make it difficult of access. The adjacent harbor is good and perfectly secure in all weathers. The channel is deep and never obstructed by ice. The climate is even and salubrious the year round, and suitable to outdoor work. The soil and characteristics of the site are such that dry docks or basins may be constructed at reasonable cost. The Napa discharges at every ebb tide an amount of fresh water which proves fatal to the teredo, a marine worm destructive of the bottoms of wooden ships and pilings of wharves or other woodwork placed in salt water.

"The yard is convenient to the railroad communications, which center on the opposite shore of Napa Straits and on the shores of the Straits of Karquines, about a mile distant. The convenient supply of fine timber for wooden shipbuilding is practically inexhaustible. The depth of water abreast the yard front averages 28 feet at mean low tide, and abreast Commission Rock, an obstruction that can be easily removed at a small expense, 21 feet. Mean rise and fall of tide, 6 feet 5 inches. On the principal water front there are from 24 to 23 feet at mean low water, and this depth may be easily and cheaply maintained by occasional dredging. There is no difficulty in our heaviest draft ships going up to the quay wall at any stage of the tide."

[Extracts from Directory of City of Vallejo, Cal., of 1870.]

MARE ISLAND—WHY SO CALLED.

Frequent inquiry has been made as to the origin of the name "Mare Island," and most generally the explanation thereof has been faulty. It is a matter of local interest that may find an appropriate place in a directory of Vallejo, with which the island is so intimately connected. The name had its origin in this way: In early days the only ferryboat on the waters near Vallejo and Benicia was a rude one, made chiefly of oil barrels obtained from whaling ships and propelled by sails. These barrels were secured together by beams and planking, and it was divided into compartments for the accommodation of cattle, to the transportation of which it was chiefly devoted.

One day, while this boat was coming from Martinez to Benicia, a sudden squall overtook it, and the craft pitched fearfully. The animals (chiefly horses) became restive, and some of them were thrown with such force against the weak partition that they broke through it. The boat was upset and the living cargo thrown into the bay. Some of the live stock were drowned and some managed to reach either shore by swimming. One of the horses (an old white mare, owned and much prized by General Vallejo) succeeded in effecting a landing on the island and was rescued there a few days after by the general, who thereupon called the place "Isla de la Yegua," or Mare Island. This is the absolute fact and the whole history of the above-named Mare Island.

POSITION, SIZE, AND SHAPE OF THE ISLAND.

The position of Mare Island is admirably adapted for the purposes of a naval station. Vessels of the largest class can come close up to the shore, while there is sufficient anchorage in the stream between the island and the Vallejo shore to accommodate all the fleets in the world. Mare Island is oblong in shape with a circumference of about 10 miles, and contains about 3,000 acres. The surface is generally uneven, though there are no very high hills. The soil is fertile, and all the grain and hay used upon the island for Government animals is grown upon it.

GOVERNMENT POSSESSION.

The Government of the United States took formal possession of Mare Island in 1854, through that noble and illustrious naval hero, Admiral David G. Farragut, then a commander in the Navy, who came here with a single war vessel and commenced operations. At first a modest building or two sufficed for the wants of the Government. Now more than a score of stately structures are seen, and 1,600 mechanics and laborers are barely adequate to supply the wants of the service.

Admiral Farragut remained in command about four years, and it was under his supervision that most of the buildings were projected and put up. The plans were drawn and the yard laid out by W. P. Sanger, civil engineer of the Navy Department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Naval Affairs.

The amendment was agreed to.

Mr. HALE. The bill was all completed last night, but there are one or two other amendments. I offer an amendment to come in on page 38. It is only a recast of a provision which was put into the bill yesterday. I ask that it may be substituted for that.

The PRESIDENT pro tempore. Is there objection to the

request of the Senator from Maine? The Chair hears none, and what the Secretary is about to read will be substituted for the amendment agreed to on yesterday.

The SECRETARY. On page 38, at the end of line 7, it is proposed to insert:

Office building for commandant, $35,000; quarters for commandant, $12,000; quarters for civil engineer, $7,500; landing and wharves, $50,000; grading and drainage, $10,000; workshop (to cost $80,000), $50,000; storehouse and storekeeper's office, $50,000.

UNDER THE BUREAU OF EQUIPMENT.

Equipment building (to cost $125,000), $62,500.

UNDER THE BUREAU OF STEAM ENGINEERING.

Machine shop (to cost $174,000), $80,000; foundry and copper shop (to cost $118,000), $60,000; power house (to cost $50,000), $25,000.

UNDER THE BUREAU OF ORDNANCE.

Workshop, $40,300.

UNDER THE BUREAU OF CONSTRUCTION AND REPAIR.

Ship-fitters' shop, with mold loft and furnace (to cost $200,000), $50,000; power house and fuel storage (to cost $80,000), $35,000; machine shop (to cost $120,000), $40,000; joiners' shop (to cost $120,000), $30,000; foundry (to cost $75,000), $20,000.

In all, $657,300.

The PRESIDENT pro tempore. The Chair understands that what has been read is a substitute for the amendment agreed to on yesterday?

Mr. HALE. It is. It is merely a recasting. It does not change the appropriation.

The amendment was agreed to.

Mr. HALE. There are a few verbal amendments. On page 2, line 23, after the word "of," strike out the words "naval cadets" and insert "midshipmen." That should be done all through the bill.

The amendment was agreed to.

Mr. HALE. On page 2, line 25, after the word "as," strike out the word "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. BAILEY. I should like to ask the Senator from Maine a question in connection with the change of designation from naval cadets to midshipmen and in connection with what appears to me to be a change in the appointment of the cadets. As the law now stands it is provided that as soon after the 5th of March as practicable the Secretary of the Navy shall notify the member of Congress representing a district in which a vacancy at the Academy exists, and the member of Congress shall make a nomination. If he fails, then the Secretary of the Navy may appoint.

Now, it appears to me that in this amendment, beginning at the last line of page 66 and going onto page 67, you commit the appointment of all the midshipmen directly to the President and eliminate entirely the member of the House of Representatives.

Mr. HALE. No.

Mr. SPOONER. To what page does the Senator from Texas refer?

Mr. BAILEY. Pages 66 and 67.

Mr. HALE. Let me say to the Senator that, just as it is now, the appointments are all finally to be made by the President.

Mr. BAILEY. I understand they are, but is it the understanding now on the part of the committee that the two appointments for the State at large will be made by the President upon the recommendation of the Senators from the State?

Mr. HALE. The President will have nothing whatever to do with them. It will be just as it is in the Army. The language is the same. They will be selected by the Senators and will appear for examination, and if they pass, will then be appointed by the President.

Mr. BAILEY. If the Senator will observe the language, it says:

They shall be appointed by the President and shall, with the exception of the 15 midshipmen appointed from the United States at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States respectively from which they are appointed.

There is the appointment by the President. There is not anything in the proposed law, as there is in the present law, which requires their designation by the member. The only inquiry I desire to make is this: Is it the understanding of the committee that this simply changes the designation and provides for more appointments, but all are to be made as at present?

Mr. HALE. Undoubtedly. The Senator need have no apprehension whatever about that.

Mr. SPOONER. Does the law now provide that they shall be appointed on the recommendation of the member of Congress?

Mr. HALE. It is more a regulation than anything else. It has always been done.

Mr. SPOONER. That is now the law?

Mr. HALE. It is in the law.

Mr. SPOONER. After this passes it will not be in the law. I do not care about it——

Mr. HALE. The committee has no doubt whatever about it. It has followed exactly the same rule followed in regard to the Army.

Mr. SPOONER. But the Senator from Texas is absolutely right about it. If it is in the law that it shall be done upon the recommendation of the member of Congress, and if this bill passes, it eliminates that element.

Mr. HALE. Has the Senator any fear that the President will interfere with what is understood and what is the law and what has been the invariable practice?

Mr. BAILEY. I wish to say that my whole object was to have it stated on the floor of the Senate what was the purpose. Now, I will say for the information of the Senator that a man who had examined this bill no longer than yesterday told me that the other construction was the one which was going to be placed upon it.

Mr. HALE. There is no question about it.

Mr. BAILEY. I wanted it understood in the Senate.

Mr. HALE. I am glad the Senator asked the question. There is no question about its practical operation—not the least.

Mr. SPOONER. I suppose not.

Mr. HALE. On page 47, line 4, after the word "and," I move to strike out "naval cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. On page 66, line 16, after the word "of," I move to strike out "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. On page 66, line 21, after the word "the," I move to strike out "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. On page 59, line 21, I move, after the word "yards," to insert "and the bureau," so as to conform to the other provision.

The amendment was agreed to.

Mr. HALE. On page 12, after line 20, I move to insert what I send to the desk. It is not a new appropriation. It is simply a matter of bookkeeping.

The SECRETARY. On page 12, after line 20, it is proposed to insert:

That the unexpended balance remaining in the Treasury on June 30, 1902, from the appropriation "Ordnance and ordnance stores, 1900," or so much thereof as may be necessary, is hereby reappropriated and made available during the fiscal year ending June 30, 1903, for expenditure in fulfillment of contracts heretofore made and properly chargeable to said appropriation.

The amendment was agreed to.

Mr. HALE. The Senator from Wisconsin has an amendment which he desires to offer.

Mr. SPOONER. I move to amend the bill on page 8, line 9, after the word "select," by inserting the words "on the Great Lakes."

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. After the word "select" in line 9, page 8, it is proposed to insert the words "on the Great Lakes;" so as to read:

Naval training station: The Secretary of the Navy is hereby directed to appoint a board, composed of naval officers, whose duty it shall be to select on the Great Lakes a suitable site for an additional naval training station, and, having selected such site, etc.

Mr. HALE. There is no objection to the amendment.

The amendment was agreed to.

Mr. SPOONER. I ask the Senator in charge of the bill to allow the same words to go back into the caption.

Mr. HALE. Of course, there should be added the words "Great Lakes" in the caption. It is not essential, but it is better to put in the amendment. Then it will read, "Naval training station, Great Lakes."

The PRESIDENT pro tempore. If there is no objection, the vote by which those words were stricken from the bill will be reconsidered.

Mr. HALE. They were in the bill originally.

The PRESIDENT pro tempore. They were in the bill originally.

The motion to reconsider was agreed to.

Mr. MALLORY. Mr. President, I offer the amendment I send to the desk.

The SECRETARY. On page 43, after line 21, it is proposed to insert the following:

Public Works, Bureau of Equipment: For construction of a fireproof building for Bureau of Equipment at Pensacola Navy-Yard, $100,000.

Mr. HALE. Is that estimated for in the regular estimates?

Mr. MALLORY. It is estimated for in the Book of Estimates.

Mr. HALE. Then I do not object.

The amendment was agreed to.

Mr. HALE. I move, on page 43, line 22, to change the total appropriation from $392,200 to $492,200.

The amendment was agreed to.

Mr. MALLORY. I also have another amendment.

The PRESIDENT pro tempore. The Senator from Florida offers an amendment, which will be stated.

The SECRETARY. After line 19, on page 54, insert the following:

Navy-yard at Pensacola, Fla.: One bookkeeper, at $1,200; one shipping clerk, at $1,000; in all $2,200.

Mr. HALE. Is that estimated for?

Mr. MALLORY. It also is estimated for.

The amendment was agreed to.

Mr. HALE. I move, on page 54, line 21, to change the total appropriation from $103,932.28 to $106,132.28.

The amendment was agreed to.

Mr. BAILEY. Mr. President, I wish to call the attention of the Senator from Maine and the Senate to the fact that, while it is true that the appointment of cadets to the Military Academy at West Point is made under a provision exactly the same as the one under this bill, with the necessary change of phraseology to make it relate to the Military Academy rather than to the Naval Academy, still, in the general law, as it appears in the Revised Statutes, there is a different provision relating to the appointment of naval cadets from that which covers the appointment of military cadets.

It was because I knew of the existence of that different provision that I ventured to call the attention of the Senator to it. There was some question here, and I simply desire to put into the RECORD that provision of the law in reference to notifying members, so that it shall be understood that the members of the House and the Senators are to be notified in the same way. I refer to section 1514 of the Revised Statutes, and it reads in this way:

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the 1st day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

I simply desire that it shall go into the RECORD.

Mr. HALE. I am glad the Senator has called attention to it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LONDON DOCK CHARGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

Mr. NELSON. Mr. President——

Mr. STEWART. I ask the Senator from Minnesota to give way until I can have disposed of the motion to reconsider the Choctaw treaty.

Mr. NELSON. That will involve a long debate.

Mr. STEWART. Will I never get it disposed of?

Mr. NELSON. I have been waiting——

Mr. STEWART. The Department is very anxious for it. It is tied up here.

Mr. NELSON. I have been waiting for three months, and I finally got a unanimous-consent agreement——

Mr. STEWART. The Department has been waiting for a year to settle this matter; for several years, in fact. It has got this agreement, and the matter can not be acted upon until the motion to reconsider the bill is disposed of.

Mr. NELSON. I do not feel that I can yield at this time.

Mr. STEWART. I ask unanimous consent that to-morrow morning, immediately after the routine morning business, the motion to reconsider the Choctaw treaty may be taken up.

The PRESIDENT pro tempore. There is already a unanimous-consent agreement for to-morrow morning.

Mr. GALLINGER. Mr. President——

Mr. STEWART. I shall object to any more unanimous-consent agreements if they are going to interfere with business.

Mr. GALLINGER. Mr. President, I wish to call attention to the fact that the unanimous-consent agreement was given subject to other matters of which notice had been given. I had given notice that I should move to proceed to the consideration of a bill which went over yesterday, and the notice remains on the Calendar at the present time. I do not want to lose any rights, although I do not wish to obstruct the consideration of the pending bill this morning. I want it to be remembered, however, that there was a condition attached to the unanimous-consent agreement, and that applied to the bill I have in charge.

The PRESIDENT pro tempore. The Chair so understands. The bill is before the Senate as in Committee of the Whole, and is open to amendment.

Mr. PLATT of Connecticut. Is there an amendment pending?

The PRESIDENT pro tempore. The bill will be read. It has not been read heretofore.

The Secretary proceeded to read the bill.

The PRESIDENT pro tempore. The Secretary will at the same time read the proposed amendment of the committee.

The SECRETARY. In line 5, after the word "charge," it is proposed to insert:

Or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port.

Mr. NELSON. Mr. President, the amendment to the existing law as proposed by this bill is printed in italics. There are only two slight amendments to the bill. The reason why the matter was printed in italics is simply to show the change in existing law. It is not an amendment reported by the committee. There are only two amendments.

The PRESIDENT pro tempore. It appears here as an amendment. It ought not to have been printed in that way.

Mr. NELSON. There are only two amendments.

The PRESIDENT pro tempore. The Secretary will complete its reading.

The Secretary read as follows:

Or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignee s thereof, the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, or which charges are contrary to said laws, statutes, or customs; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And.

Mr. PLATT of Connecticut. That is part of the bill as reported?

The PRESIDENT pro tempore. That is part of the bill; so the Senator from Minnesota says.

Mr. NELSON. There are only two amendments.

The PRESIDENT pro tempore. Does the Senator from Minnesota say that this is the bill as reported from the committee, and that the words in italics do not constitute a proposed amendment?

Mr. NELSON. No; there are two amendments. I will call the attention of the Senate to them. After the word "landing," in line 9, page 2, the committee propose to amend the bill by inserting the words "lifting, weighing." The report of the committee shows that.

The PRESIDENT pro tempore. Then the Senator will be obliged to propose the amendment now.

Mr. NELSON. Those are the amendments recommended by the committee.

The PRESIDENT pro tempore. Does the Senator propose the amendment?

Mr. NELSON. Yes; I propose the amendment.

The PRESIDENT pro tempore, The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In line 9, page 2, after the word "landing," it is proposed to insert the words "lifting, weighing."

Mr. NELSON. That is an amendment recommended by the committee.

The PRESIDENT pro tempore. The bill was improperly printed. It appears as if the entire matter in the bill in italics is a proposed amendment. It is not, the Senator says. It is the law as it would read if this bill should pass, with some trivial amendments which the Senator from Minnesota now proposes.

Mr. NELSON. The matter was printed in italics for the purpose of calling the attention of the Senate to the change in the existing law—the amendment of the Harter law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. NELSON. The next amendment of the committee is after the word "thereof" in line 15, to insert:

Or which charges are contrary to said laws, statutes, or customs.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the word "thereof" in line 15, page 2, it is proposed to insert:

Or which charges are contrary to said laws, statutes, or customs.

Mr. NELSON. The report of the committee shows these are the amendments recommended by the committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. NELSON. Those are all the committee amendments.

The bill as amended by the Senate as in Committee of the

Whole upon the recommendation of the Committee on Commerce is as follows:

Be it enacted, etc., That section 1 of an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893, be, and it is hereby, amended so as to read as follows: "That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability from loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge, or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, or which charges are contrary to said laws, statutes, or customs; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported. And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect."

SEC. 2. That this act shall take effect from and after the 1st day of July, 1902.

The PRESIDENT pro tempore. Are there any further amendments to the bill as in Committee of the Whole?

Mr. HALE. Mr. President, of course the fundamental trouble with this bill is, as its terms show, that it proposes that men who ought to know their own business shall not make contracts. It proposes that if shippers having in view the long-established usages of docks and the unlading of vessels in London make a contract that in addition to their freight money—which is entirely a matter between them, and which is a matter of competition—there shall be put on what are known as the London dock charges, charges that have come about from the natural growth of business, such a contract shall be illegal. Years and generations ago, when business was small and ships were limited in their capacity, they went into the Thames and unloaded over the side and lighters took the cargo and carried it off, and the whole thing was under the charge and control of the dock men.

As ships increased in size, as cargoes were multifarious in their kind, and as the shipowner found that in great ships of 5,000, 6,000, and 8,000 tons there would be 500 or 600 different articles from different shippers, it was found impossible to unload over the side. Therefore it was settled that certain dock charges to cover everything should be paid for by shippers instead of the old charges paid direct to lighters and dock men. This in the course of the growth of business was acceded to and agreed upon in 1888, and it has been the law and the rule of business ever since.

Now, the millers and the lumbermen are not suffering. It has not occurred to them that they are suffering. They have increased their exportations almost double in the twelve years. They have monopolized and do to-day the English market for flour. Against seventeen thousand million pounds of flour only 178,000 pounds are furnished by the rest of the world; and in the twelve years the price paid for freight by millers has come down from 18 cents a hundred pounds to 9 cents. There is no oppression here. There is nobody who has suffered. All this has worked without friction admirably. The old dock business has gone out and the whole thing is done upon the docks; the transfer is made there; it is all managed through the companies, and all charged to the shipper instead of its going over the side to the lighter and the dock men. This has gone on for twelve years, and as to how it has worked, after the investigation that he made of the subject, our ambassador, Mr. Choate, says:

> The ultimate question must be whether the dock charges imposed by the London clause are really unjust to the shipper, and on that question an acquiescence of twelve years by the shippers, without forcing it to the attention of the Government, has a decided bearing.

It ought, Mr. President, to have a decided bearing.

It has been said that this is exceptional and applies only to London. The same kind of a provision, which has become necessary by crowded docks and immense vessels transporting various kinds of cargo, is used at Liverpool, Glasgow, Southampton, Hull, and Bristol. It is not called the London clause, because it is the usage at the other towns. Some of the largest companies of the world, like the great Peninsular and Oriental Steam Navigation Company, have, as a matter of convenience, a clause in all of their charters similar to this. So it is not a discrimination that is made against America in favor of the rest of the world, but it has all been done in the interest of the convenient transaction of business.

Now, Mr. President, there is another thing to be said about this measure. The Senator from North Dakota [Mr. MCCUMBER] struck at an underlying weakness. If these men should get this bill passed it would not do them the least good. They can not ship their flour and their lumber without a trade with the ship companies, and it has got to be a mutual trade. The Senator from North Dakota inquired of the Senator in charge of the bill whether if this was done it could not all be put into the freight, and the answer was, undoubtedly it could, but that they would take their chances on competition. There is the same competition now. Any company that chooses may make its freight rates so low that the dock charges, included and added to the freight, amount only to what another company will agree to do it for.

But the Senator says that all the companies have combined and they will not make any change; that they insist upon this dock clause being added. If we take it off and declare that men shall not make a contract, shall not agree to pay dock charges, the same companies who now combine, as the Senator says, will agree that their freight charges shall include the dock charges, and this attempt will be futile, just as it is always futile to attempt to legislate against men in their own business making their own contracts.

See how the bill closes:

> And any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. I wish to call the Senator's attention to the fact that that is exactly the form of legislation which was adopted in the case of the Harter act, where they had been in the habit of putting clauses in bills of lading exonerating the shipowners from liability for storage or in carrying cargo.

Mr. HALE. Oh! That involves public policy affecting the liabilities of common carriers. That is another question. Here it is only a question of what in a particular contract a man agrees to pay. This does not involve the liability of a common carrier. That has been settled at common law. Clauses which are in constraint of trade have been decided to be against good legislation. But this is simply providing that if men make a contract as to what they shall pay a common carrier, put it into the agreement, and get their goods transported on the contract they have signed, those words shall be considered of no effect.

Mr. President, the Senate is not in the habit of passing such legislation. I am inclined to think that in this contest between the steamship companies and the millers and lumbermen the millers and the lumbermen can take care of themselves without the intervention of an ironclad act which says that they are children, and they can not make a contract that they shall be obliged to stand by. From what I know of the millers and the lumbermen in the contest between them and the men who must transport their articles, I would risk it to them that without any ironclad law like the one here proposed they will be able to take care of their interests.

The Senator says we will take the chances of competition on the freight. Mr. President, there is the same competition now. One company says we will transport this for 9 pence a hundred pounds with the dock charges added, another company says we will transport it for 8 pence with the dock charges added, and another says for 7 pence with the dock charges added. The answer the Senator makes is that there is a combination and that they all agree upon everything. They will do just the same thing afterwards. You can not pass legislation which will be of any avail of that kind that shall control and interfere with and cripple the rights of men to make contracts with each other touching different kinds of business that come nigh to each other and are connected. If the Senator should get his bill through without a word of objection, in six months the friends who are behind him in this matter and whom he is representing would find that they had not saved one penny.

Mr. NELSON. I will say to the Senator that we will take our chances on that.

Mr. HALE. Undoubtedly the Senator will take his chances on it, and while he says he will take his chances he is asking the Senate to pass an anomalous bill declaring that if men make a contract for the transportation of their goods to London the words in the contract that they have put in and signed shall not be of effect, but shall be illegal.

Mr. BERRY. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Maine yield?

Mr. HALE. Certainly.

Mr. BERRY. I should like to ask the Senator from Maine if he is correct that the shipowners will immediately add it on the freight charges and no benefit will go to the mill men and the lumber men, how could it hurt the shipowners in any way? How could it do them any damage if that be true?

Mr. HALE. I do not want to see the statute book deformed

by any such legislation, and it is not the kind of legislation the Senator from Arkansas generally believes in.

Mr. BERRY. I will say to the Senator from Maine that the reasons which actuate him are not the reasons which actuate the shipowners. They care nothing about the statute book being deformed by the passage of such a measure, but they are opposing it.

The Senator says that this is not the kind of legislation I generally believe in. The difficulty here is that all the shipowners who ship goods from Atlantic seaports have united and combined to force this clause into the bill of lading or freight bill.

The Senator says that the millers and the lumbermen are able to take care of themselves. They have no remedy whatever. They can not ship their goods unless they insert the clause in the bill of lading. They are forced to do it. There are no other ships to carry their goods and they are absolutely helpless.

Now, one word more, and then I shall not interrupt the Senator further. He says that the shipowners will add it to the freight bill. Mr. President, I heard all the testimony; I heard the agents of the shipowners representing all of the combine, and my judgment is that they will not add it to the freight bill, because the parties who do business in London will not permit them to do it. If they do it, then these goods will go to Liverpool and other ports and will not go to London. The shipowners know that they can not add it to the freight bill.

Mr. HALE. It will make the aggregate only just what it is now. The Senator at my left, as I said, struck at the underlying weakness of this measure. You can not control and regulate—I repeat what he said Saturday—this competition, and you can not control and regulate a combination between the shipowners among themselves as to freight or as to dock charges.

Mr. BERRY. If the Senator will permit one word, I do not know whether we can control these combinations or not. The Senator says we can not control them. There are a great many people in this country who think that every effort ought to be made to control these combines and to regulate them. Whether the Government will be able to do so or whether they are stronger than the Government is a question that will be settled further on.

Mr. HALE. Mr. President, this does not touch the question of controlling great trusts. There is no trust here; nobody pretends that there is. It is only a case where men are engaged in a common business. They come together; and certain matters of freight at certain ports, no matter who does the freighting, are just as surely fixed as the hours of the tide that comes and goes. It is not a trust; it is only an agreement between men engaged in the same business.

Now, what strikes one with wonder is that if this abnormal kind of a law, a deformity, as I call it, in the law, is such a pressure, such a grievance, how is it that it has been borne, Mr. Choate says for twelve years, and two years more make fourteen years?

Mr. NELSON. Will the Senator from Maine allow me?

Mr. HALE. I never have heard of anybody suffering——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. There has been a protest made against this practice all the time. Repeated efforts have been made by negotiation time and again to get the vessel owners to abstain from it.

Mr. HALE. That is right.

Mr. NELSON. Perhaps in the last Congress no effort was made to secure legislative relief.

Mr. HALE. No.

Mr. NELSON. Before that the effort was made. They have been struggling against it all the time. I do not want the Senator to convey the impression that they have consented to it in silence.

Mr. HALE. They have tried to remedy it in a business way, just as business men do remedy such things. If I am buying an article from a retail dealer, I do not ask the law to come in and declare that I shall not pay what I agreed I would pay. If I think he is asking too much, I try to get him to cut it down.

Mr. McCUMBER. Will the Senator from Maine yield to me?

Mr. HALE. I yield to the Senator.

Mr. McCUMBER. I should like to ask the Senator a question upon a straight legal proposition. As I understand his argument, it is that there will be the same charges in some other form and that the shippers will get no particular remedy from this legislation. Conceding that, does the Senator state as a legal proposition that Congress, having supervision over interstate and foreign commerce, can not under that general power prohibit a clause in a bill of lading of the kind complained of here, and provide, further, that if it does appear in a bill of lading in the future it shall be disregarded?

Mr. HALE. I doubt very much whether Congress has the power.

Mr. McCUMBER. I will say for myself that I think it has the power.

Mr. HALE. I doubt very much whether Congress has the power to declare that a contract shall be void which relates not to the liability of a common carrier, not to his obligation, but to the rate at which goods are to be transported. I have very great doubt whether Congress or the courts can interfere to sustain that contention.

Mr. SPOONER. Will the Senator allow me?

Mr. HALE. Certainly.

Mr. SPOONER. Of course goods are billed by carriers of this country to foreign ports. Have we not a right to control our own carriers? What was the Harter Act but an exercise of that power?

Mr. HALE. That act went very far, of course. My point is that the bill provides not for a regulation, but that where a contract is made between the parties it shall be unlawful.

Mr. SPOONER. But has not Congress the power in the regulation of interstate and foreign commerce to render unlawful a contract which is against public policy, which is discriminative?

Mr. HALE. It may be so, as——

Mr. SPOONER. Is it not true that these London dock charges interfere with the commerce of this country?

Mr. HALE. Not by any means.

Mr. SPOONER. Is there not a discrimination——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. SPOONER. One moment, please. Is it not practically a discrimination against this country?

Mr. HALE. No.

Mr. SPOONER. In other words, to what other countries does it apply?

Mr. HALE. To all Canada. There is just the same regulation exactly. It is not a discrimination.

Mr. BERRY. The North Atlantic ports.

Mr. HALE. All North America.

Mr. BERRY. No; all North Atlantic ports.

Mr. NELSON. No, not North America; not the Gulf ports.

Mr. SPOONER. What is the objection to this bill?

Mr. HALE. The question might be asked with reference to any bill, no matter how absurd its provisions should be, What is the practical objection to it? The practical objection is that the usage has been going on without trouble; that it has adapted freight to modern requirements; that as ships have grown large and cargoes have become more assorted this London dock charge has proved to be the best way of increasing the facilities for ships entering the Thames and discharging and getting away. The voyage is done more quickly under this arrangement, which is the compounding of certain dock charges.

Mr. SPOONER. If my friend will permit me, the ships have grown large in other countries as well as in this country. Cargoes have become assorted in other countries as well as in this country. Why is it that this London dock charge, which is exacted from the United States, is not exacted of ships' cargoes from France, Russia, and other countries?

Mr. HALE. I have stated that in one of the largest companies in the world, the Peninsular and Oriental Steam Navigation Company, they have the same kind of a clause for the convenience of shippers.

Mr. NELSON. Mr. President——

Mr. HALE. And it not only applies to London, but, as I have said, it applies to these other towns—Liverpool, Glasgow, Southampton, Hull, and Bristol.

The PRESIDING OFFICER. It becomes the duty of the Chair to lay before the Senate the unfinished business. It has passed the hour of 2 o'clock.

Mr. NELSON. I ask the consent of the Senator from Alabama [Mr. MORGAN], if there is no one ready to speak on the unfinished business, to let us go on and finish this bill.

Mr. CLAY. I understand that the Senator from Washington [Mr. TURNER] desires to proceed.

Mr. MORGAN. The Senator from Washington [Mr. TURNER] has the floor and desires to go on.

Mr. HALE. It will come up to-morrow morning.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. TURNER. Mr. President, an isthmian canal to unite the waters of the Atlantic and Pacific oceans has been the dream of science and the hope of commerce ever since Spain, by her discoveries, gave the American Continent to the world and to civilization. That which has been written about the project, beginning at a period very soon after Spanish occupation of the Isthmus, represents in exploration, research, experiment, scientific study,

and lucid exposition almost as much of human effort as that which has been done in the immediate direction of its accomplishment, and in value to the world it represents immensely more.

As a result we approach the realization of this world-wide beneficence with a flood of light which makes it easy of accomplishment, and which makes it no less a pleasure than a duty for this nation, possessed of power and wealth beyond anything known or dreamed of elsewhere, and which has a special and peculiar interest to be subserved, to give fruition to this world-wide want, to this benefaction for which the world has so long hoped and of which it has so long dreamed. It would be tedious and pedantic for me to undertake to review here and now the vast literature of the question, embracing, as it does, the history of exploration, research, and report from the earliest times, the record of many concrete attempts to realize the project, accompanied in each instance with lamentable failure, and the speculation and demonstration of the inestimable value to the world of its accomplishment.

It would be equally tedious and valueless to review the literature of our own country and our own times dealing with the special and peculiar interest which we have in the enterprise, because that is well known to everyone in public life. It is not only well known, but it is so cogent and powerful that it has raised the question of action by this nation above and beyond the controversy of faction and party, a thing rarely seen in any country where policies are settled and determined by standing political organizations. But so it is, and as a result every political party stands committed to the building of an isthmian canal by this nation, and there are but few, if any, in either branch of Congress who do not profess and feel the most earnest and zealous interest in the commencement and carrying on along proper and correct lines of that great and inestimable work. Of course there are selfish interests which would retard it and, if possible, prevent it.

Men have not yet reached, and probably never will reach, that stage of benevolence and philanthropy which enables them to look with favor on any project, however beneficent, which interferes with their own personal profit and advantage. But aside from this interest, which all can readily identify without specific mention, and which I have no disposition to criticise, because I consider its opposition natural, there is no body in this country, I venture to say, or at least but few, who do not agree and insist that the United States must build an interoceanic canal at the Isthmus and who do not agree and insist that the period of study and reflection has passed and the period of action has arrived, and that the work must be entered on by this nation in earnest and at once.

I can not assume that there is any disposition on the part of any one in the Senate to disappoint this insistent sense of the people of the country. But that sense, nevertheless, may be easily disappointed. By divided counsels and an obstinate adherence to ill-conceived opinions we may let slip the supreme opportunity. There is upon this proposition, as upon every other ever presented to the human mind, room for controversy and discussion, and there is not lacking, as before stated, the selfish interest to stir up controversy and to incite to discussion. But there is a saving common sense to cut with the sword of reason the Gordian knot of doubt and indecision which obstructionists have tied, and it is to that saving grace that the friends of an isthmian canal confidently appeal.

After three centuries of agitation and futile effort realization of the mighty project is in sight. Shall captious criticism against that which is possible and feasible and which lies immediately under our hand and requires but the assenting word of the Senate to make an assured fact be permitted to blind us to the sure means of realization? Shall we cease doing that which we know to be good in the vain hope that somehow, somewhere, some time in the indefinite future we may be able to do something better? Shall we play the greedy mongrel and drop our bone in the water in order to grab at the other bone which we see reflected in the water's surface? For one I do not propose, if I can help it, that selfish and greedy interests shall be permitted to throw us back into a position of doubt and uncertainty and chaos. We would emerge therefrom, if ever, after long years of controversy with the chance of losing the present coign of national vantage which we occupy, and with the certainty that in the end we can do no better than if we now go forward in the pathway that reason and common sense and common prudence unerringly point out to us.

No nation is interested equally with ours in an isthmian canal. No nation of late years has given the subject so much research and study. Commission after commission has been appointed, composed of our most eminent men, to visit the Isthmus, study conditions there, and to report concerning the several routes and the feasibility and practicability of each. The verdict has been uniformly in favor of the Nicaragua route, unless the supplemental report of our last Commission be considered an exception. This has been for two reasons. No difficulties of an engineering character out of the ordinary are presented on that route, and the cost of construction there is less than elsewhere. Both these facts were recognized by our last Canal Commission, and induced an unanimous report from it in favor of Nicaragua, but the Commission was unable to resist the allurements of the bargain counter, and with a view of saving $5,000,000 in a $200,000,000 transaction, it changed its former sound conclusion, and in its supplemental report gave the preference to the secondhand, discredited, and abandoned project at Panama. The reasons for this change of front have been discredited by the testimony of the Commissioners themselves and by that of everybody else, taken by the Senate Committee on Interoceanic Canals, and this is notably true of the chief reason for preferring Panama, to wit, that by so doing we can save $5,000,000.

Proceeding on the well-known facts of the case, the House of Representatives of the Fifty-sixth Congress passed the Nicaragua Canal bill by a vote which was practically unanimous, but the Senate of that Congress thought it well to await the then promised and long-delayed report of the Isthmian Canal Commission, and that Congress lapsed without Senatorial action. The Commission having subsequently made its report, the House, at the present session of Congress, again passed the Nicaragua Canal bill by a practically unanimous vote, and the question is now presented to the Senate whether it will concur in that action, and thus give certainty and finality to this darling hope of the civilized world.

Mr. President, every commission ever appointed in this country, every man of scientific attainments who has ever studied the question, has declared in favor of the entire feasibility of the Nicaragua route, and that a canal by that route can be constructed as cheaply, to say the least, as by any other route. No one questions, or has ever questioned, either of these facts. De Lesseps himself, the father of the Panama Canal, gave testimony in favor of the Nicaragua route when he said before the committee of the House of Representatives that if a canal with locks was to be built Nicaragua was undoubtedly the preferable route. Since a sea-level canal has now been shown to be impracticable, it must, I think, be conceded that Nicaragua stands on a par, at least, so far as desirability, practicability, and cost goes, with any route across the Isthmus that has ever been considered or is known to man. I think that we may go a step further and say that every other route than Nicaragua and Panama are now eliminated from the equation. Insuperable engineering difficulties and inadmissible cost both stand in the way of the other projects which have been, from time to time, considered and discussed.

The bill for the construction of the canal on the Nicaragua route being on our table, and having behind it the unanimous voice of the House of Representatives, we should, if disposed to build any canal at all, concur in the adoption of that bill unless the alternative proposition, now advanced for the first time, to purchase the Panama derelict and construct a canal on that route has manifest, palpable, and overruling advantages which require and compel its adoption. It has no such advantages, but from every point of view at which it can be looked its disadvantages, as compared with the Nicaragua project, are manifest, palpable, and overruling.

I now invite the attention of the Senate to some of the considerations which seem to me to require us to concur in the action of the House in providing for the construction of the canal by the Nicaragua route, and which render wholly inadmissible the counterproposition to purchase the Panama remnant with a view of attempting to piece it out to completion.

The question of original cost is in favor of Nicaragua. The contrary has been reported, but the facts do not bear out the report. Let us look into the question somewhat in detail. The Nicaragua Canal will cost, according to the estimates of the Commission, $189,864,062. It will cost, according to the same estimate, to complete the Panama Canal $144,233,358. It will cost to purchase the rights of the French company in the Panama Canal in its present incomplete condition $40,000,000. These figures, if correct, would make the Panama Canal cost $184,233,358, as against $189,864,062 for Nicaragua, or an advantage in cost in favor of the Panama project of $5,630,704. But when we look into the two projects in detail this apparent advantage is found to have no foundation in fact. On pages 468 and 469 of Senate Document No. 253, part 2, present session, will be found the following testimony of Admiral Walker:

The CHAIRMAN. In the plan at Panama, did the Commission agree that no dam at Alajuela was necessary?

Admiral WALKER. It was thought best not to estimate for a dam at Alajuela. It was believed by most of the Commission, perhaps all of the Commission, that one was not necessary, but that if in the future there was any trouble about water in the dry season or any trouble with floods in the wet season, that a dam at Alajuela could be readily put in and would serve to control the floods and also to store water.

The CHAIRMAN. Did you ascertain what would be the cost of such a dam

Admiral WALKER. We made no estimate of that. I think the French have an estimate.

The CHAIRMAN. What is the French estimate?

Admiral WALKER. I don't remember what it is; it will cost money to build, of course, but it is a perfectly easy dam to build; it is on rock and across a narrow gorge.

Senator HARRIS. About what would that cost?

Admiral WALKER. I can not say what it would cost. The French have an estimate for it; I don't remember what it was. I do not think we made an estimate on it, but it would cost a million or two, perhaps more. The dam put in there would probably be a concrete dam.

The CHAIRMAN. On page 99 of the report you sum up the whole cost of building the Panama Canal at $144,233,358. Does that include the dam at Alajuela, or conduit?

Admiral WALKER. It does not.

The CHAIRMAN. So that if that must be built hereafter, the cost of that will have to be added to it.

Admiral WALKER. If that was built hereafter, it would be an additional cost. There is no estimate in our report for a dam at Alajuela.

On page 91 of the report of the Isthmian Canal Commission, Senate Document No. 54, present session, in discussing the water supply at Panama in the dry season of the year, the Commission uses this language:

The annual flow of the Chagres and the topography of the country are favorable, however, to a very large increase of the supply, if that be found desirable in the future. A reservoir can be constructed at Alajuela with a capacity for storing an additional volume of water four times that now provided for daily consumption.

It is quite evident that the members of the Commission contemplate the possibility at least of being required at some time to relieve and reinforce the Bohio Dam by a dam at Alajuela. The members of the Isthmian Canal Commission are eminent men in their profession, but they are no more so than the international commission of engineers appointed under article 31 of the by-laws of the new Panama Canal Company, which latter commission made its report as late as November, 1898. The membership of the international commission was drawn from France, England, Germany, the United States, Russia, and the Republic of Colombia. I invite the attention of the Senate to what the last-named commission had to say concerning the importance and necessity of a dam at Alajuela. I read from the report of the international commission found in Senate Document No. 303, of the present session, at pages 64, 65, and 66 of said document.

The elaborate discussion of the conditions to be fulfilled in order to harmonize the regulation of the Chagres freshets with the exigencies of water supply for the canal has established the necessity of making provision for two large reservoirs or artificial lakes. The first one, comprising the central region of the canal and containing one of the levels thereof, would be formed by the building of the Bohio Dam (P. K. 24), and would have a maximum flood height fixed at elevation 20 (65.6 feet) or thereabouts. It would cover an area of 5,500 hectares (13,600 acres), and be able to impound, between elevations 17 meters (55.8 feet) and 20 meters (65.6), a reserve of about 150,000,000 cubic meters (5,297 million cubic feet). This storage capacity would be reduced to about 100,000,000 cubic meters (3,532 million cubic feet) by a fluctuation of only 1.75 meters (5.7 feet).

The second lake would be formed in the Upper Chagres Valley by the building of a dam at Alajuela. That dam would form the source of supply of the feeder in case it is decided to build the latter.

At the height adopted for this dam a lake would be formed on the upper river which, at the mean elevation of the storage reserve of the freshets, would cover an area of about 2,600 hectares (6,425 acres), and would allow the impounding, with a change of level of about 4 meters (13.1 feet), of 100,000,000 cubic meters (3,532 million cubic feet), thus completing, with the reserve in the Lake Bohio, the 250,000,000 cubic meters (8,829 million cubic feet) which should be held back during the greatest freshets.

The advisability of building the Alajuela Dam, with its storage reserve, even in the case that a feeder should become unnecessary (on account of Lake Bohio forming the summit level), results from two main considerations: First: The abandonment of Lake Alajuela would lead to the concentration of all the surplus flood waters in the Bohio Lake, which would be possible only by giving the dam an increase of several meters more in height, a scheme unanimously looked upon as overbold, or by lowering the minimum level of the lake as well as that of the bottom of the central cut by several meters, which is not admissible. Second. The abandonment of the upper lake, which constitutes the first regulator of the Chagres floods, would allow that river to enter furiously that portion of the canal territory occupied by the Bohio Lake, where are found, for several kilometers near the point of ingress, bends and natural narrows where the total volume of the freshets would certainly produce currents detrimental and dangerous to navigation. It is true that resource could be had to a suspension of navigation at critical times, but it would be a regrettable alternative of a nature to throw a certain amount of discredit upon the efficiency of the canal; it is certainly preferable to avoid this objection by a relatively small additional outlay. Moreover, it is important to notice that the building of this dam will provide a considerable motive power which will be advantageously applied in the working of the canal itself. The expense incurred would thus be plainly justified by the financial return to be obtained therefrom.

From this same report, at page 92 of Senate Document No. 303, I find the cost of the Alajuela Dam and spillway estimated at $2,356,700. I do not imagine, taking the two reports together, and weighing the careful manner in which Admiral Walker testified concerning Alajuela, that anyone can have much doubt that a dam at that point is an essential to the success of the Panama Canal. We thus have the additional sum of $2,356,700 to be charged up as part of the cost of the Panama project. An additional charge of $1,000,000 and more against the Panama route is found in the fact that the Isthmian Canal Commission, in its report of the cost of completing the Panama Canal, failed to take account of the necessity of building a temporary dam at Bohio to divert the waters of the Chagres River while the permanent dam there was being constructed. I invite attention to the testimony of Admiral Walker on that subject, found at pages 469 and 470 of Senate Document No. 253, part 2:

The CHAIRMAN. Do you think it is possible to build a permanent dam at Bohio without fencing off the waters of the Chagres River in the rainy season?

Admiral WALKER. A temporary dam would do that. The French scheme, you know, was to put in a temporary dam and let the waters of the Chagres go through the cut made for the locks; whether that would be enough is a question; if not, it would have to be raised so as to escape by the Gigante Spillway.

The CHAIRMAN. But a temporary dam in some form would be necessary in order to enable you to build the permanent dam?

Admiral WALKER. I should rather leave that to the engineers. I do not pass an opinion on that. I should think most probably a temporary dam would be necessary.

The CHAIRMAN. What would be the cost of a temporary dam there that would fence off the waters of the Chagres and enable you to build a permanent dam?

Admiral WALKER. I can not give an estimate on the cost. That is out of my line.

The CHAIRMAN. It would cost more than $1,000,000?

Admiral WALKER. Perhaps.

The CHAIRMAN. That is not in your estimate of the cost of the Bohio dam?

Admiral WALKER. No, sir.

The CHAIRMAN. You have omitted entirely any temporary structure?

Admiral WALKER. That is what I understand.

An additional charge must be made against the Panama project for 1,466 shares of the Panama Railroad stock held by the general public. When the Government destroys the commercial value of that property it must take up the stock held by private individuals. The Commission assumes that that can be done by paying the holders par for their stock, but this is doubtful. The Government of the United States can not resort to the squeezing process as individuals sometimes do. When it winds up the Commercial Company it must pay shareholders at least their pro rata proportion of the value of the assets of the company.

Mr. Drake, the vice-president and secretary of the Pamana Railroad Company, testified before the Senate Committee on Interoceanic Canals that the property was worth $13,000,000 less $2,500,000 of mortgage indebtedness, and he testified, further, that the road was paying, and would pay, large dividends, and that these would be much increased during the construction of the canal by the United States, and that the company had the exclusive right to operate and maintain a railway there until the year 1966. This testimony will be found on page 248 of Senate Document No. 253, part 1, and it shadows forth the nature of the claim which these 1,466 individuals will make against the United States when it undertakes to retire their stock. They must be paid their pro rata of $11,500,000, the present net value of the property, which would make their stock worth $164.28 per share, and they must be paid such additional sum as represents the value of the right of the shares to participate in large dividends for sixty-six years more, including the enormous dividends to accrue from canal construction. This last right will be certainly claimed, and probably held, to be worth $135.72 per share, making the cost to the Government of retiring this individual stock $300 per share, or in the aggregate $439,800.

Next, the Government must pay and retire the bonded indebtedness of the railway company. This is placed by Mr. Drake at $2,500,000, but it appears from the supplemental report of the Isthmian Canal Commission that there is to be added to this sum $996,000 advanced to the Colombian Government in payment of the annual subsidy of the railway to that Government under its concession up to November 1, 1910, which advance was made on good consideration and can not now be reclaimed. The Colombian Government having disposed of these bonds, they must be paid off and retired. The sum total of these bonds of the railroad according to the report of the Commission is:

Ordinary bonded indebtedness	$2,490,918
Advanced to Colombia	996,000
Total	3,486,918

But this is not all in the way of cash payments we are to be called on to make. Colombia, in the draft of a treaty presented by her, stipulates with us that she shall be paid the full par value of the 50,000 shares of stock which she holds in the New Panama Canal Company, the aggregate par value of said shares being $1,000,000. This means that we are to pay said sum, since neither we nor Colombia have any control over the $40,000,000 paid to the French company; and if we guarantee the sum to Colombia, of course we must pay it. I will now recapitulate the several sums which I have mentioned:

Cost of Alhajuela Dam	$2,356,700
Cost of temporary dam at Bohio	1,000,000
Retiring 1,466 shares Panama Railroad stock	439,800
Retiring bonded indebtedness of Panama Railroad Company	3,486,918
Retiring 50,000 shares New Panama Canal Company stock	1,000,000
Total	8,283,418

Mr. CLAY. If the Senator will permit me in that connection, I understand that the Panama Canal Company own a certain amount of the stock of the Panama Railroad Company, and in making this purchase for $40,000,000 the Government of the

United States will not get anything except the stock in the Panama Railroad Company owned by the Panama Canal Company. Is it not also true that there will be outstanding shares in the Panama Railroad Company owned by private individuals that we will not purchase at all?

Mr. TURNER. Yes.

Mr. CLAY. To what amount?

Mr. TURNER. All the stock of the Panama Railroad Company we get is that which is owned by the Panama Canal Company.

Mr. CLAY. That is what I thought.

Mr. TURNER. That stock amounts to 68,534 shares, leaving out 1,466 shares of stock in the hands of individuals, which, as I have shown, must be retired at a cost of $439,800, if they are willing that it shall be retired on any terms whatever, making an additional outlay, as I have before stated, of $8,283,418.

This sum, added to the former sum estimated by the Commission, makes the cost to us of the Panama Canal $192,516,776, or $2,652,714 more than the estimated cost of the Nicaragua Canal.

I have gone into this matter in detail, not because I believe the matter of a few millions of dollars is of any great moment in the settlement of this question, but to satisfy the scruples of those who attach importance to that feature, and who have been led to believe that in the matter of cost the advantage is with the Panama route. For myself I agree with Mr. Edward P. North, the eminent civil engineer, who declares that the United States would be justified "in building the Nicaragua Canal if the Panama Canal could be completed and given to the country."

I have not taken into account other large expenditures which the adoption of the Panama route will entail, because, while they are of importance and will run up into the millions, I have no means of even approximating the sum which they will require. Colombia in the canal treaty tendered to us, and which we must accept if we buy the Panama Canal, restricts us to a canal zone 5 kilometers in width on each side of the canal and excludes therefrom the city of Panama and the city of Colon, which exclusion covers the bays, harbors, and public works therein in front of each city. This will render necessary the construction of a port at each entrance to the canal, if vessels are to have anchorage pending transit, under the protection of the canal treaty. How much this will cost no one knows, but it seems reasonably certain that it will be large—probably several millions of dollars.

The United States is also to be required to build and maintain hospitals and works of drainage, sanitary, and healthful purposes along the line of the canal and its dependencies. This stipulation is no doubt a wise and just one, because the Isthmus of Panama is the hotbed of all the virulent diseases known to tropical countries, and when that section becomes more thickly populated there will be a constant and never-ending conflict between science on the one hand and disease and death on the other. But the necessity for such works does not in any way lighten the burden of the expenditure, which it can be seen will be very considerable in the matter of first cost and never ending in the matter of maintenance. It does, however, give room for pause with thoughtful men, and induces in their minds a doubt whether works of such magnitude, bringing to this point constantly from all quarters of the world so large a number of unacclimated people, ought to be undertaken under such forbidding conditions of health and mortality. But that is a consideration which it is not my purpose to discuss.

The United States, for the same reason, is to be required to supply the cities of Colon and Panama with pure and healthful water, and to that end is to build necessary aqueducts and drainage works to supply water and to drain the cities. How much this will cost is a pure matter of speculation. We are absolutely without data on which to figure. Much will depend on the distance necessary to go for pure water, and much upon the ease with which the situation of these cities will permit them to yield to sanitary drainage. We know nothing about either problem. The cost may be anywhere from two million to ten millions of dollars.

I beg leave to insert here, without reading, article 5 of the canal treaty proposed by the Republic of Colombia, from which it will be seen that the additional expenditures at Panama, to which I have referred, must be incurred and paid if we take over the uncompleted Panama Canal.

ARTICLE V.

The Republic of Colombia authorizes the United States to construct and maintain at each entrance and terminus of the proposed canal a port for vessels using the same, with suitable light-houses and other aids to navigation; and the United States is authorized to use and occupy within the limits of the zone fixed by this convention such parts of the coast line and of the lands and islands adjacent thereto as are necessary for this purpose, including the construction and maintenance of breakwaters, dikes, jetties, embankments, coaling stations, docks, and other appropriate works. And the United States undertakes the construction and maintenance of such works, and will bear all the expense thereof. The ports, when established, shall be declared free, and their demarcations shall be clearly and definitely defined.

To give effect to this article, the United States will give special attention and care to the maintenance of works of drainage, sanitary, and healthful purposes along the line of the canal and its dependencies, in order to prevent the invasion of epidemics, or of securing their prompt suppression, should they appear. With this end in view the United States will organize hospitals along the line of the canal and will suitably supply the towns of Panama and Colon with the necessary aqueducts and drainage works, in order to prevent their becoming centers of infection on account of their proximity to the canal.

The Government of Colombia will secure the possession of the land that may be required in the towns of Panama and Colon to effect the improvements above referred to, and the Government of the United States shall be authorized to impose and collect equitable water rates previously agreed upon with the Government of Colombia during fifty years for the service rendered; but on the expiration of said term the use of the water shall be free for the inhabitants of Panama and Colon, except to the extent that may be necessary for the maintenance of said aqueducts.

I beg Senators to bear in mind that these additional expenditures at Panama are not offset by similar additional expenditures required to be made at Nicaragua. The problem there was considered by the Canal Commission anew and in its entirety, and the estimate of cost includes harbors at either end and necessary works for the preservation of health, the latter, however, being simple and comparatively inexpensive on that route. There are no cities on that route to require expensive waterworks and drainage systems, and, of course, no estimate of cost for such works was made by the Commission. If such cities shall grow up in the course of time, the duty will devolve on Nicaragua of providing for their wants.

The friends of Panama allege only those grounds of additional expenditure on the Nicaragua route over those considered and estimated for by the Commission, to wit: (a) Land damages caused by flooding, etc.; (b) right of way; (c) settlement for outstanding concessions. But it should be remembered that the items (a) and (b) apply equally to both routes, and while not specifically mentioned in the estimate of the Commission for either route, are covered by the 20 per cent allowed for contingencies. The item (c), viz, retirement of outstanding concessions, need not trouble anyone. There is not a valid outstanding concession on the Nicaragua route, nor has there been any pretense of such a concession which could stand in our way. Our concession comes from Nicaragua, and that sovereignty will stand between us and any interruption of canal work and between us and any claim for compensation, except as to the claim of the old Maritime Canal Company. The whole matter is covered by Articles X and XI of the canal treaty proposed by Nicaragua, which read as follows:

ARTICLE X.

Nicaragua covenants with the United States and guarantees that no concession, grant, or license for the purpose of trade, commerce, transportation, navigation, or for the construction of a ship canal in or through Nicaraguan territory, has been made to any other government, corporation, syndicate, or person, natural or juridical, which in any manner encumbers or conflicts with the lease and the rights and privileges hereby granted.

ARTICLE XI.

Although maintaining that, upon the principles of justice, no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liabilities on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

It is true that the Maritime Canal Company, when its concession was declared forfeited by Nicaragua, protested against that action and procured the diplomatic intervention of this Government; but the forfeiture was so manifestly just and legal that Nicaragua stood her ground, and the forfeiture was maintained. She thought proper, however, in presenting a canal treaty, in view of the former action of this Government, to insist on section 11 of the treaty, whereby the United States is made to assume the obligations of dealing with any claim of her own citizens. The extent to which this claim is likely to embarrass us is seen from the testimony of the officials of the Maritime Canal Company taken before the Committee on Interoceanic Canals. Mr. T. B. Atkins, the secretary of that company, testified:

Senator KITTREDGE. In the event the United States selects the Nicaragua route for the canal and agrees, as a part of the negotiations, to pay a certain sum to Nicaragua and Costa Rica for the concessions, what, if any, action would your company take in reference to attaching or seeking to hold that money?

Mr. ATKINS. Well, I can not speak for the others, but so far as my judgment of their disposition is concerned, I should say not any.

Senator KITTREDGE. Are you able to speak for the other stockholders and directors?

Mr. ATKINS. No, sir. I assume that the Government would not make such a proposition to Nicaragua and entirely disregard the rights of the Maritime Canal Company.

Senator KITTREDGE. In other words, you understand that the United States will not enter into any negotiations for the purchase of concessions from Nicaragua or Costa Rica without taking into account and adjusting your claim?

Mr. ATKINS. I do not understand anything. I assume merely that the Government of the United States would act equitably in the whole matter, and whatever they might consider equitable I believe that the company would accept.

Capt. Jacob W. Miller, one of the prominent stockholders of that company, testified as follows:

Senator HANNA. The Maritime Company, with which you say the Government has to deal, still claims, as I understand, the validity of its concessions from Costa Rica and Nicaragua?

Captain MILLER. Yes; they have done that as a matter of form, of course. I think in addition to that, if I remember correctly, that the president of the Maritime Company, Mr. Hitchcock, before he died, wrote a letter to the Secretary of the Interior stating that the Maritime Company was willing to accept anything proper in equity, in the building of the Nicaragua Canal, that the Government should see fit to give. My recollection is that such a letter was written.

Senator HANNA. Do you mean by that that there would be no claims on the part of the Maritime Canal Company or the construction company against the Government if it should undertake to finish the canal?

Captain MILLER. Well, not beyond what the Government owes us in equity.

Senator HANNA. And how much is that?

Captain MILLER. I think the claim was $5,000,000—the money we have actually expended.

Senator HANNA. And you still consider that a valid claim?

Captain MILLER. I think it is valid to the extent of justice and equity for money actually expended in keeping before the American people for eighteen years what we consider the American canal.

Senator KITTREDGE. The Maritime Canal Company looks to the Government of the United States, as I understood your statement. Is that right?

Captain MILLER. As I said before, I am not an officer in that company. I should say, personally, as a shareholder——

Senator KITTREDGE. As a stockholder of the construction company?

Captain MILLER. Of both companies; I should say that I wanted to see the canal built, and I think everyone wants exactly the same thing. All we have done in that company is to keep the Nicaragua project before the people. We do not ask for anything except what the Government wants to give us.

Senator KITTREDGE. Still they have a claim, as you understand it, which they, perhaps, would press against the United States?

Captain MILLER. We have spent $4,500,000 in eighteen years of patriotic work for America and an American canal, and we think the Government ought to give it back to us.

Senator KITTREDGE. You think the Government ought to give you back the money you have spent, with interest?

Captain MILLER. Yes, sir; we think we ought to have that.

It will be seen, then, that the claim in its entirety which may be made against us by the Maritime Canal Company is between four and five million dollars; that that claim is not asserted as a legal claim, but merely as a broad equity; that it is not in fact a legal claim, and that it will depend on the discretion of Congress whether it ever pays one cent to the Maritime Canal Company.

The Senate may see from the foregoing how thin and insubstantial this bugaboo is which our friends who favor Panama have raised and which to their affrighted imagination has taken the shape of a cloud on our title to the Nicaragua concession which it will require $20,000,000 to dissipate. I repeat again that no expenditure is required in the construction of the Nicaragua Canal not estimated for by the Isthmian Canal Commission, nor is there any claim, legal or equitable, standing in the way of our acquiring perfect right there which it will require one cent to wipe out and satisfy. On the other hand, if we acquire the Panama Canal, $20,000,000 would be a modest estimate of the sum required to be spent in the completion of the canal and the supplemental works required over and above the estimate of the Isthmian Canal Commission.

The cost of maintenance after construction is another feature which recommends Panama to the Isthmian Canal Commision and which has been urged to predispose the Senate in favor of that project. Some advantage may be confessed in favor of Panama in the matter of cost of maintenance. The canal is shorter than that over the Nicaragua route and the number of locks less. But the cost of maintenance on both routes is placed at a very high figure by the Commission, and it much exceeds the estimates of those who have had great experience and who are equally competent with the Commission to make an estimate, and it much exceeds the known cost of maintenance in other and similar canals now in successful operation.

The Commission estimates the cost of maintenance for the Panama Canal at $2,000,000 per annum; for the Nicaragua Canal at $3,300,000 per annum. Taking the Panama Canal at 50 miles in length, this estimate is equivalent to $40,000 per mile per annum for maintenance. Excluding 120 miles of slack-water navigation, created by the Conchuda Dam on the Nicaragua Canal, which slack water extends from the dam to the west side of Lake Nicaragua and which can need but little, if any, expenditure for maintenance, the estimate of the Commission for maintenance of the Nicaragua Canal is equivalent to $45,000 per mile per annum.

The extreme liberality of these estimates will be seen when we compare them with the actual cost of maintenance for existing canals. The annual cost of maintenance and operation of the Suez Canal is $13,000 per mile; that of the Kiel Canal is $8,600 per mile; that of the Manchester Canal is $9,500 per mile. The Suez Canal is a sea-level canal, but the two last-named canals are lock canals, and the cost of their maintenance includes depreciation in machinery and repairs thereof and the salary of employees to work the locks, the same as will exist with a canal at the Isthmus. The conditions under which they are operated are in some respects more favorable and in some respects less favorable than those which exist at the Isthmus, but, assuming that they are all more favorable, it is hard to understand why there should be so great a disparity as these figures exhibit.

I have not noticed in this connection the St. Marys Falls Canal in Michigan, because, as noted by the Isthmian Canal Commission, its short length, large proportion of mechanical structure, and immense traffic place it in a class by itself and render comparison with it of little value. Yet it is worthy of mention that the cost of maintaining and operating the 1¼ miles of that canal, with its great proportion of mechanical structure, and with an annual traffic three or four times as great as that of all other canals in the world combined, is only from $46,000 to $60,000 per mile.

As against the estimate of the Isthmian Canal Commission we have that of Mr. Lyman E. Cooley, of Chicago, the constructor of the Chicago Drainage Canal, based on the data for the deep waterway from Lake Erie to Hudson River, at New York, as given by the Board of Engineers on Deep Waterways, 1900, and according to this estimate of Mr. Cooley the cost of operating and maintaining the Nicaragua Canal will be $1,400,000. We also have the estimate of Mr. Charles T. Harvey, who planned, constructed, and operated the St. Marys Canal, which is, for the operation and maintenance of the Nicaragua Canal, $1,000,000. I beg leave to insert here, without reading, the very interesting and valuable letter of Mr. Cooley on this subject.

CHICAGO, ILL., *March 21, 1902.*

DEAR SENATOR: In further response to your letter of 16th instant in regard to maintenance and operation of the Nicaragua Canal, it will be instructive to exhibit in parallel columns the significant data for the deep waterway from Lake Erie to the Hudson River at New York, as given by the Board of Engineers on Deep Waterways, 1900, and for the Nicaragua Canal by the high-level plan, as suggested in my testimony of February 24 before your committee.

The Erie-Hudson waterway is via Lake Ontario and the Mohawk Valley, and is to be 30 feet deep, with locks 740 by 80 by 30 feet. The Nicaragua waterway is to be 35 feet deep, with locks 740 by 84 by 35 feet.

Item.	Erie-Hudson.	Nicaragua.	Ratio.
Summit level, L. W.	574.5	105	-------
Lockage, feet	839.2	210	4
Number of locks	38	6	6⅓
Standard canal, miles	102.4	34	3
Canalized river, lake, and harbors, 250 to 1,000 feet wide, miles	96	36	1⅓
Open lake and river, do	278.6	55	-------
Total length, do	477	193	-------
Estimate	$284,000,000	$189,000,000	1½
Traffic, net register tons	20	7	3
Operation and maintenance	$2,930,000	$1,100,000	2⅔

The above comparison is made by inspection, as the details from which operation and maintenance are made up are not exhibited in the report. The doubts have been thrown against the Nicaragua Canal. The Nicaragua Canal will be less subject to deterioration in prism, structures, and canalized rivers, owing to freedom from frost, more stable soil, and comparative freedom from floods.

The comparison indicates that the flat estimate for the Nicaragua route will be about three-eighths of the estimate of $2,930,000 for the operation and maintenance of the Erie-Hudson route, or $1,100,000 in round numbers. No large increase will be required for Nicaragua when once the canal is opened and the country developed. There will be an increase in some items, due to the longer season of navigation and a relative decrease in others for climate reasons, as noted. The estimate for Nicaragua may therefore be increased to $1,500,000, assuming that the estimate of $2,930,000 is proper for the Erie-Hudson route.

A trial estimate may be made up by items as follows:

Locks and structures: Take one-half of 1 per cent on structures and 5 per cent on equipment, for maintenance and depreciation; service for duplicate locks, lighting, etc., total	$450,000
Dredging: Maintenance and betterment of intermediate channels and harbors	200,000
Aids to navigation: Lights, beacons, buoys, signals, telegraph, and telephones	100,000
Pilotage: Based on experience of ship channel, Quebec-Montreal, 160 miles	100,000
Towage: Based on assumption of 1,000,000 to 2,000,000 tons sailing vessels	100,000
Police: Based on 2½ times requirement of sanitary district of Chicago during construction	150,000
Administration and general expenses	200,000
Contingent items	100,000
Total operation and maintenance	1,400,000

It is to be noted that duplicate locks swell the estimate. These are not required for any traffic in sight, but for insurance against possible accident. The dredging estimate contemplates progressive development of intermediate channels and harbors. The item of aids to navigation is probably more than sufficient, owing to use of searchlights in night navigation, a practice growing on our lakes and rivers. The items of pilotage and towage depend on traffic and deductions from toll bills. Police depends on turbulence of population. I apprehend that it will be little more than required in the States.

From the foregoing the probable cost will lie between $1,000,000 and $1,500,000 per year.

Hoping that the foregoing will answer your purpose, I am,

Yours, truly,

LYMAN E. COOLEY.

Hon. JOHN T. MORGAN,
Washington, D. C.

Mr. President, it is only fair to say that if the estimate of the Canal Commission is high for maintenance and operation at Nicaragua, it is correspondingly high for maintenance and operation at Panama, and that the same relative disparity would still

exist between the cost at Nicaragua and at Panama. But in view of other considerations, which I shall now proceed to mention, it makes a considerable difference whether the disparity is $1,300,000 or is only four or five hundred thousand, or less, as the foregoing figures seem to indicate.

According to Article XII of the treaty proposed by Nicaragua, the United States is to pay Nicaragua $25,000 per annum for the right to construct and maintain the Nicaragua Canal; and we have every reason to expect that the rental to Costa Rica, which that Government will demand for the small portion of its territory encroached on, will be nominal and merely for the purpose of perpetuating and maintaining evidence of its sovereignty over the territory employed.

Our annual rental to both countries will not amount to more than $30,000 per annum. Colombia, on the other hand, by Article XXV of the treaty proposed by it, demands as the price of the Panama Canal, an annuity to be agreed upon by the two governments at the expiration of fourteen years from the ratification of treaty, based upon the principle of compensation for the use of the zone granted for canal purposes, for the proprietary rights over the Panama Railroad, for the $250,000 in gold per annum which it now receives from the railroad and which it will cease to receive, and for other rights, privileges, and exemptions granted to the United States, and for the increase in the administrative expenses of the Department of Panama consequent on the construction of the canal.

Until the expiration of the fourteen years, during which entire time the canal will be in course of construction, it contents itself with the lump sum of $7,000,000, which is equivalent to an annuity of $500,000 per annum. If the two Governments are unable to agree on the amount of the permanent annuity when the time comes to fix it, the question is to be left to arbitration, and the president of The Hague Arbitration Tribunal is to be selected as the fifth and controlling arbitrator. The sum thus ascertained is to control for one hundred years, and at the end of that period, and at the end of each succeeding one hundred years thereafter, the annuity is to be fixed in the like manner.

The sum to be paid down to Panama, to wit, $7,000,000, is identical with the sum demanded by Nicaragua and Costa Rica, but there is an important difference in the character of the two payments. In the case of Nicaragua and Costa Rica the payment is a bonus pure and simple. In the case of Panama it is in the nature of a rental for fourteen years, and fixes an annual sum during the period of construction, below which it would be unreasonable to expect an arbitrator to go after the canal had been completed, but offering no obstacle to the allowance of a much larger sum based on the considerations mentioned in the treaty. Undoubtedly no lesser sum will ever be accepted voluntarily or awarded by arbitration, but there is every probability that a larger sum may be awarded as the result of arbitration.

Colombia will be able to show before an arbitration tribunal that she was disadvantaged in the sum of $500,000 per annum by her grant to the United States in two, only, of the grounds fixed as the basis of compensation. She loses $250,000 per annum from the Panama Railway, and she loses her agreed percentage of the tolls to be collected by the New Panama Canal Company, which percentage, that company agreed, should never be less than $250,000 per annum. She will still have left as the basis for a still higher award the onerous and dangerous character of the grant to another sovereign government, the exceptional character of the rights, privileges, and exemptions granted that government, and the increase, by reason thereof, of the administrative expenses of her own Government. Five hundred thousand dollars per annum is the least sum that we may expect, with the strong probabilities that $500,000 more will be added thereto, and with the possibility of an indefinitely increased sum as the centuries roll around.

It seems to me, in view of the foregoing, that we may safely assume that the annuity to be paid Colombia, added to the cost of maintenance and operation of the canal there, will bring the cost of maintenance and operation of the Panama Canal fully up to that of the Nicaragua Canal. If this be true, then I have shown, and I think beyond the power of successful refutation, that there is no advantage in favor of the Panama Canal, either in the matter of original cost or in the matter of the cost of maintenance and operation. And since the Nicaragua bill is here with the unanimous voice of the House of Representatives behind it, since no man has ever been able to allege anything against the entire feasibility of that project, since it is conceded on all hands to be more valuable to us from a commercial and military standpoint than any other canal, and since we can build it for less money than any other, and maintain and operate it for as little, why should we not now pass the House bill and have done with the matter? I shall wait with much interest and curiosity a fair and unbiased statement of the reasons for any different course of conduct.

Mr. President, while it is admitted that there are no engineering difficulties out of the ordinary to be encountered in building the Nicaragua Canal, the same thing is not admitted of the Panama Canal. The Isthmian Canal Commission admits the great difficulties connected with the building of the Panama Canal, but with characteristic American optimism the members dismiss these difficulties with the suggestion that given time and money enough everything is possible. But I respectfully suggest that in this they are mistaken. We have just had an appalling illustration of the insignificance of man and all his works. There are forces of nature against which he is as powerless as an insect, and it is claimed by many who are skilled and experienced in works of engineering magnitude that there are such forces which will ever prevent the successful construction and operation of a canal at Panama.

I am not an engineer, but there are engineers of equal merit with those on the Isthmian Canal Commission who look on a canal at Panama with the utmost distrust, and who predict greater difficulties than the Commission is willing to admit in construction and certain disaster at some time in operation. I shall not go into this matter to any great extent, but will content myself with contrasting the views of the international commission appointed by the New Panama Canal Company to investigate and report on the Panama project, to which I have before referred, with the optimistic views of our own Commission, and with showing by the report of the international commission that our own Commission, in order to bring the Panama project within a reasonable limit of cost, has adopted methods and means which the international commission deemed dangerous and wholly inadmissible.

It should be remembered that this international commission was provided for in the articles of the New Panama Canal Company, and that it was made international in character in order that the company might have the world to draw from in the selection of its membership, and in order that the world might be assured of the verity and correctness of its findings and conclusions. Its report was made only four years ago. Speaking of the difficulties of the canal problem at Panama, the international commission uses this language:

> The building of a maritime canal across the Isthmus of Panama encounters, from a technical point of view, two main difficulties. These are, on the one hand, the chain of the Cordilleras, which must be crossed by a cut about 110 meters deep (361 feet) if a sea-level canal is contemplated, or by a very considerable cut, but little less than 70 meters deep (230 feet), if a canal with locks is intended. On the other hand, there is the river Chagres, a torrential stream, subject to sudden freshets, of which the canal must necessarily follow the valley for a great portion of its length and against which it must be protected by a proper regulation of the flow in order to insure the safety of navigation.
>
> A third difficulty of a general nature presents itself when a canal with locks is considered; the question of water supply assumes, on account of the extent of the several needs to be provided for, an importance suggested by the fact that the accumulated flow of the Chagres itself and of the other streams on the line of the canal becomes insufficient during a certain portion of the year.
>
> The first two difficulties increase as a lower and lower level of the canal is sought, and acquire their maxim of intensity in the case of a canal without locks.
>
> On the contrary, the third difficulty, which appears only with a canal with locks, becomes greater as the summit level is raised.
>
> The first difficulty, relative to the excavation of the great cut at the summit separating the two watersheds, does not raise any special technical question; it is simply the work to be done by manual labor, which may require more or less time and expenditure, but which, being without any inherent element of impossibility on account of the well-known character of the material, does not require any special study. It is the practical problem of a large excavation to be made within a restricted space.
>
> PRINCIPAL DIFFICULTY ENCOUNTERED BY A CANAL WITHOUT LOCKS.
>
> The second difficulty, due to the presence of the river Chagres upon the same territory as the canal, is, in view of possible consequences of a more serious order. The rectification of the bed of the river for the purpose of utilizing it for the canal can not be contemplated. The irregularity of the flow and the violence of the large freshets are incompatible with a solution of that kind. To turn the stream completely from its course and to direct it to the Pacific slope, far from the location selected for the canal, an idea formerly advanced and in part considered, would be a colossal undertaking, requiring an amount of labor which would render it impracticable. It is a solution upon which it does not seem possible to dwell. It therefore becomes necessary to make of the river and of the canal two neighbors, whose character and wants are to be harmonized. This is a solution which seems very difficult when considering a canal without locks. In fact, from whatever point of view it is considered we must acknowledge that it is necessary to prepare parallel to the canal an artificial waterway capable of discharging under occasional flood conditions a very large flow per second, and this even when the waters of a large portion of the watershed have been temporarily stored in a reservoir to be provided.
>
> An artificial bed established at a higher elevation than the canal itself would prove to be not only a work very difficult to execute, but also to be a danger, a permanent menace, to the canal itself.
>
> We can consequently state that the principal obstacle to the execution of a canal without locks results less from the difficulties entailed by the execution of a deep cut at the summit than from those which spring from the proximity of the Chagres in the region to be crossed before reaching that summit. It will not, perhaps, be too much to maintain that herein lies an obstacle insurmountable to a conception of that kind.

In discussing the problem of the control of Chagres River and the supply of water for the upper level of the canal in seasons of

drought the International Commission is wholly at variance with our own Commission. The International Commission says:

MODE OF SUPPLYING WATER TO THE CANAL.

The question of water supply for the canal has given rise to the most varied and complete studies. The technical commission decided that they could not admit the principle of a mechanical supply as a final solution. Whatever precautions might be taken, such a solution, independently of the great permanent expense entailed, would be too precarious to be admitted for the operation of a canal of such a magnitude. Hence only two solutions were left as possible—either direct supply by the Chagres, transformed into a lake, which itself would constitute the summit level of the canal (this arrangement had been adopted by the commission of 1890), or supply through a feeder from a point in the upper valley where a reservoir could be formed by the building of a dam, the flow line of which should be so calculated as to carry the water supply to the summit level at the proper elevation.

DIRECT FEEDING BY THE CHAGRES.

Concerning the first of these methods, it was ascertained by local examinations and investigations that the solution pointed out by the commission d'etudes could not be applied; that in the whole of the Lower Chagres Valley—between Gamboa and the sea—only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level.

That location is that of Bohio Soldado (P. K. 24 of the canal line), where the above-named commission had located a secondary reservoir to form the second level of the canal in their plan. The character of the formation at that point in the thalweg of the Chagres allows the building of an earth dam of a certain height; but, after carefully studying the geological formation of the underground strata, which was clearly revealed by numerous test pits, the technical commission unanimously agreed that it would not be prudent to build on that location a dam forming a reservoir of a depth of more than 20 meters (65.6 feet) above the river bed, which at that point is at about the mean level of the sea.

Considering the importance of that structure in relation to the safety of the canal itself, it was deemed that here, more than anywhere else, it was necessary to be very cautious, and consequently the maximum elevation of 20 meters (65.6 feet) was fixed upon as that of the level of the lake to be formed by the building of the Bohio Dam.

Under these conditions, if it is desirable to adopt the Chagres itself as a feeder by utilizing the central lake formed as above stated as the summit level of the canal, the maximum elevation of that level must be 20 meters (65.6 feet) or thereabouts. From this it follows that with a minimum depth of 9 meters (29.5 feet) in the canal, and allowing for a certain variation in its level, due to the variable supply it may receive, the bottom of the summit level, of which the deep cut would be a part, must be established in the neighborhood of elevation 10 (32.8 feet).

Such is the result to which we are led in considering direct feeding through the Chagres if we do not wish, in determining the proportions to be given to the main structure of that plan, to deviate from the prudent rules which the commission consider as absolute.

And further:

SOLUTIONS OF THE SECOND TYPE.

The solutions considered under the second type, in which the summit level is a part of Lake Bohio traversed by the Chagres, are reducible to two.

In the one a single lake only is to be built—Lake Bohio—and it must provide for all necessities—the water supply and operation of the canal and the regulation of the freshets of the Chagres. In this system, the bottom of the summit level being established at elevation 10 meters (32.8 feet), the maximum level of its water surface, which would be also that of the lake, could reach elevation 24.50 meters (80.4 feet) in the large freshets, and the Bohio Dam should be raised to elevation 27.50 meters (90.2 feet), which would be about 30 meters (98.4 feet) above its foundations.

In the other a first lake would be formed on the Upper Chagres by the Alajuela Dam. The function of this lake would be to store up all water needed for supplying and operating the canal, as well as a great portion (the largest) of the excess of the freshets. In that case, the bottom of the summit level remaining practically at the same elevation as before, the maximum level of Lake Bohio would not exceed elevation 20.50 meters (67.3 feet), and the dam would remain very nearly within the limits established for all the plans of the first type. This solution is the only one meeting the conditions for the regulating of the freshets without giving the Bohio Dam such proportions as are considered too bold. On that account principally, and also by reason of the advantages which, in any event, the Alajuela Dam presents by providing a considerable hydraulic power and by permitting a preliminary regulation of the Chagres before entering the canal territory, it has appeared proper to adopt this solution preferably to the first.

It will thus be seen that the International Commission, after the most mature consideration, rejected as dangerous and impracticable the project of a dam at Bohio with an elevation of more than 67.3 feet. This being its conclusion, if Bohio Lake was to be the upper level of the canal, it would be necessary to excavate the canal through Culebra hill down to an elevation of 32.8 feet, an enormous work, taking much time and a large sum of money. Our Commission has surmounted this difficulty by boldy raising the height of the Bohio dam to 100 feet, thereby raising the elevation of the cut at Culebra and avoiding the time and expense of excavation therein.

I read on this point from the report of the Isthmian Canal Commission at pages 90 and 91 of its report:

No location suitable for a dam exists on the Chagres River below Bohio, and while this location is not without difficulties, it has the great advantage that about 3 miles southwest of the dam, near the head of the Rio Gigante, a tributary of the Chagres, there exists an excellent site for a spillway, by which the discharge from the lake can be kept well away from the dam and accessory works, and may be made extremely large without inconvenience either to the canal itself or to the country below the lake. The height of this spillway would regulate the height and area of the lake. After careful consideration of the requirements for flood control and for storage against deficiency in the dry season, and also of the effect upon the amount of excavation required for the canal through the continental divide, the Commission has decided to fix this height at 85 feet above mean tide and to make the spillway a fixed weir 2,000 feet long. The area of the lake at this height is 38.5 square miles or 1,073,318,400 square feet. Using coefficient 3.5 in the weir formula, it is computed that with a depth of 5 feet over its crest the weir will discharge 78,260 cubic feet per second. In reaching elevation 90 the area of the lake will be enlarged to about 43 square miles and it will impound over 5,680,000,000 cubic feet of water.

The quantity of water discharged over the weir while the lake is rising from elevation 85 to elevation 90, assuming circumstances of flow similar to those observed in the flood of 1893, is computed to be about 4,000,000,000 cubic feet. (See Appendix E.) The total quantity of water impounded and discharged before the lake will rise above elevation 90 is therefore nearly 10,000,000,000 cubic feet. It provides for unimpeded navigation during all floods not exceeding 75,000 cubic feet per second. The velocity of the currents in the narrowest part of the lake would not exceed 2 feet per second. Floods may occur, however, which will cause the lake to rise above elevation 90. From the data available it is not possible to compute with precision the exact height which a flood may hereafter attain, but the extreme possible effect of a flood discharging 140,000 cubic feet per second for a prolonged period would be to raise the water over the spillway to 92.5 feet. All great floods are of short duration, and such a flood is absolutely without precedent, being as improbable as any other convulsion of nature. The crest of the dam has, however, been placed at 100 and the top of the lock walls and gates at 94, to make them entirely safe from overflow by even such a flood, the ill effect of which would be limited to the temporary obstruction of navigation by swift currents in the narrowest part of the lake, where the velocity might reach 5 feet per second. Under extreme conditions the lake might be lowered to 82 to provide water for operating the canal during the dry months. The excavations will be so adjusted as to give a depth of 35 feet at that level.

Mr. President, I do not say that a dam 100 feet high at Bohio is dangerous. I do not know anything about it. But the International Commission says it is dangerous, and although such a dam would have enormously reduced the cost of the Culebra excavation and conduced to an earlier completion of the canal, that Commission declined to recommend it to the New Panama Canal Company. Moreover, the dam which we are proposing to build is of the same type of dam which the French had in contemplation—an earth dam. It is true that this is to be lined with a concrete core for some distance above its foundation, but, as stated by Admiral Walker in his testimony, this is for the purpose of preventing seepage of water and not with a view of strengthening the dam.

Another material difference between the International Commission and ours is concerning the extent to which it may be necessary to care for surplus water in flood season. The first-named commission deemed that reservoirs must be formed having a storage capacity of 8,829,000,000 cubic feet. It says on that point:

The greatest known freshet may be assumed as having produced at Bohio at the time of its maximum, a discharge of about 3,000 cubic meters (105,000 cubic feet) per second. It is admitted that it is safe to allow the escape, through the overflow weirs of the Bohio Reservoir, to the right and to the left of the canal, a total volume of 1,200 cubic meters (42,380 cubic feet) per second.

The estimates that may be made of the régime of the freshet under consideration lead us to assume that the time during which the output was greater than 1,200 cubic meters (42,380 cubic feet) was about forty-eight hours, and that the mean output during that time was 2,600 cubic meters (91,800 cubic feet) per second. The volume to be impounded would then be 1,400 cubic meters (49,400 cubic feet) per second during forty-eight hours, or 242,000,000 cubic meters (8,546 million cubic feet); say 250,000,000 cubic meters (8,829 million cubic feet). A flood of that magnitude at Bohio can take place only in the event of the determining climatic conditions acting with intensity over the entire watershed, and we can estimate, from a study of the data at hand, that in that case 52 per cent of the total output admitted at Bohio would come from the portion of the watershed above Alajuela; this gives for the considered period of forty-eight hours an output of 234,000,000 cubic meters (8,264 million cubic feet) coming from the upper region. It will then be always possible to retain in the Alajuela Reservoir 100,000,000 cubic meters (3,532 million cubic feet) or 150,000,000 cubic meters(5,297 million cubic feet), in accordance with whichever of the above plans is adopted. The regulation of the Chagres freshets is therefore absolutely insured by the arrangements just described.

Our Commission, it will be seen from the extract from its report heretofore quoted, estimate the storage capacity of Lake Bohio at only 5,680,000,000 cubic feet, and makes no provisions other than that furnished by Lake Bohio for caring for or storing the surplus water.

Mr. President, I do not know which of these eminent commissions is right, nor, I imagine, do many members of this Senate. I do know, however, that with a safe and feasible project immediately under our hand, which will cost less than Panama, and which will answer all our purposes better, it would be the height of folly to take on ourselves the possibility of danger and disaster involved in the latter project. We have some experience in Congress with engineers' estimates. Very few of them are within limits and many projects favorably reported on require to be modified and recast at large increase of cost. Such, I venture to say, will be necessary with this one if we take over from our French friends the Panama derelict. We will in time come to the well-considered scheme of the international commission for two lakes, one at Alajuela and one at Bohio, for a dam at the latter place with an elevation of only 67.3 feet, and with a consequent deepening of the Culebra cut to a depth of 32.8 feet above sea level. The cost, approximately, will be $50,000,000.

I invite the attention of the Senate to the criticism of Mr. Charles T. Harvey, the eminent engineer who designed and constructed the St. Marys Canal, upon the plans of the Isthmian Commission as outlined in its report. I read from a letter of date March 29, 1902, written by that gentleman to Senator MORGAN, and forming a part of Senate Document No. 303 of the present session:

Under this caption the most fundamental points of difference between the "P" and "N" routes come under review. In the case of the former, the

original plans of Count De Lesseps had the merit of minimizing the risks of serious breaks in the canal proper, except such as might arise in the problem of controlling the Chagres River, but the plans of the new company include the creating of a high-level artificial lake, of some 43 square miles area, by the interposition of a dam 2,546 feet long, 228 feet high above bed rock, so far as latter has been found by boring—the whole to be of earth, except a narrow masonry core intended more to prevent seepage than to prevent superlateral resistance—to the rear water pressure. Three dangers might each cause the overthrow of this structure: First, percolation under its base; second, the sudden bursting of restraining reservoir dams farther up in the Chagres River Valley; third, seismic disturbances in that locality.

The first two may be averted by engineering skill and unlimited expense, but the latter is beyond human prevention, and this, it seems, is a local menace with startling recent proofs of pendency. The report of the Canal Commission, page 168, reads as follows:

"For Panama the records show 28 earthquakes. Of these, 12 occurred in the three years 1882-1884. During the earthquake of September 7, 1882, a part of the cathedral at Panama was thrown down, and the headquarters building of the canal company was cracked. The railroad had its tracks and roadbed in places thrown out of line, and the masonry of three or four bridges and culverts were damaged. At Los Cruces the church was thrown down; at Colon some lives were lost and crevasses were opened, and the Jamaica telegraph line was broken."

To this Mr. Haupt adds in his evidence (p. 551) that in 1882 Colon was rent with a seam across the town and the railroad bridge at Barbacoa was shifted out of position.

These points being in the vicinity of the proposed dam, the extraordinary risk to its permanency is at once apparent. Should it give way, the eastern section of the canal would be obliterated with a roar and a rush awful beyond description. Not a person between it and Colon would probably be left alive to tell the tale, and ships in the canal might be buried out of sight by the débris or hurled as shapeless wrecks into the ocean.

Having been in the vicinity of the Johnstown dam disaster, and having witnessed the devastation caused by the concurrent breaking of a series of reservoir dams in the Lehigh River Valley, where I have seen canal boats carried out of the canal near the river and landed miles away from its line, with the crew drowned in the flood, I have a very acute dread of such catastrophies from actual observation of their effects.

These occurred in the heart of the old State of Pennsylvania, with engineering ability of the highest grade near at hand. How much greater the danger from like causes in the almost unknown recesses of Panama!

I have examined the testimony of Messrs. Haupt and Plume, in their recent evidence, and in view of the facts they state as to the treacherous nature of the main strata in the vicinity to be relied upon for dam foundations, and the imperfect result of the examination of the same by the French engineering corps, my conclusion is that the risk incident to that feature of the "P" route is one that the United States can not afford to assume, much less any contracting syndicate or individual; and for myself, I would not, under any probable circumstances, be willing to be connected with it professionally or otherwise. The risk is beyond human assurance, and therefore too great. This conclusion renders consideration of various other difficulties inherent to the "P" route superfluous.

Mr. President, I pass now from financial and engineering problems, concerning which I confess I know but little, to those concerning which I know more, or with which, at least, I am more familiar. I maintain that it is not possible for us to acquire an indefeasible title to the Panama Canal within any reasonable time or for any reasonable sum of money unless the judicial system of France is more remarkable than even the Dreyfus trial would lead one to suppose it to be. We may assume, I imagine, that the fundamental basis of all judicial systems is the administration of natural right and natural justice. If the stockholders and bondholders of the old Panama Canal Company can be cut off by any court in France from the right to insist that the New Panama Canal Company shall go on and complete its contract, made for their benefit, to construct the Panama Canal, and to operate it, and to pay to the liquidator of the old company, for their benefit, 60 per cent of the net proceeds of operation, then the judicial system of France is not founded on right and justice, but upon wrong and injustice. And this right has been cut off, it is said, by an order of a court of first instance, corresponding to our courts of ordinary superior jurisdiction, made in advance of a sale, without notice to bondholders and stockholders, authorizing a sale without limitation as to price and without any showing whatever as to the necessity or propriety of a sale.

Mr. MORGAN. I beg leave to suggest that the sale was required to be made to a sole purchaser—the United States. No other purchaser is permitted to purchase the property.

Mr. TURNER. Yes, sir.

Mr. CLAY. I beg to interrupt the Senator from Washington to say that if I catch his idea it is this: The old Panama Company was composed of seven or eight hundred thousand stockholders.

Mr. MORGAN. Stockholders and bondholders.

Mr. CLAY. Stockholders and bondholders. They had a charter from the French Government, as I understand the Senator. The old company, after having expended about $260,000,000, completed about one-fifth of the canal, and then the old company failed in business. The new company became the purchaser of the rights, privileges, and franchises of the old company. As I understand the Senator, they agreed in a contract to carry out the terms of the charter of the old company, and not only to complete the canal, but after it was completed they agreed then to pay to the stockholders and bondholders of the old company 60 per cent of their net profits.

I understand that the new company agreed to be bound—in fact, they were bound and are bound—by the terms and conditions of the charter granted to the old company. Now, I understand the Senator's position to be simply this: That if we buy the rights, privileges, and franchises of the new company, we are bound to carry out its contract with the old canal company.

Mr. TURNER. The statement of the Senator from Georgia is substantially correct.

Mr. CLAY. In reading the report (and I have read both reports with a great deal of interest) I understand that the charter granted to the old Panama Company provided that all of the machinery used in the construction of the canal should be purchased in France, and all of the raw material used in the construction of the canal should be purchased in France. My understanding is that the new canal company accepted the same terms and conditions in regard to the construction of the canal.

Mr. MORGAN. That was the condition imposed upon the old canal company and the new canal company by an act of the Parliament of France when they were permitted to enter into what was called the "lottery bond scheme."

Mr. CLAY. Then, I will ask the Senator if it is not true that if we buy the charter and all other rights and privileges of the new canal company the stockholders in the old canal company, saying that the new company owes them certain rights and that they took this property in trust for the purpose of carrying out those rights, and if we accept their privileges and franchises, knowing these facts, would not the Government of the United States be bound in equity to carry out all the terms of the contract with the old company?

Mr. MORGAN. It would be not only bound in equity, but bound in law. However, I will not undertake to explain that, because I am satisfied the Senator from Washington will go over the whole ground.

Mr. CLAY. I beg the Senator's pardon.

Mr. TURNER. I think the Senator from Georgia is entirely correct in his statements.

Speaking of the charter to which I have just referred, a more remarkable exercise of power, unrestrained by any of the safeguards which every judicial system attempts to throw around private right, was never exhibited in any country. It can not possibly stand as a proper and sufficient order in any appellate tribunal, and there are several such in France to which it may be appealed, while there are half a million stockholders and bondholders of the old company qualified to become actors in such appellate proceedings, and, unless very different from the men of other countries, ready and willing and only waiting for the necessity to take such action.

When the old Panama Canal Company, under the control of De Lesseps, failed, the company was forced into liquidation and came under the control of the civil tribunal, lower court, for the department of the Seine, sitting at Paris, which court appointed a liquidator for the company, and also a liquidator for the bondholders. The powers and duties of a liquidator under the French laws are understood to be very much the same as those which belong to a receiver under our system, but if so the necessity for two separate liquidators is not apparent. However, that is not material to the proposition which I have in mind. The liquidator of the old company, under the direction of the court, took possession of the books, papers, assets, and property of the company, and to the best of his ability cared for and preserved them. The bonded indebtedness was about 850,000,000 francs, and the paid-up stock subscription represented about 400,000,000 francs.

The company owed a considerable sum which was not secured, but was possessed of money and choses in action more than sufficient to meet all indebtedness, and was likewise possessed of the Panama Canal concession and the uncompleted canal, and everything pertaining thereto, including construction plant, lands, and buildings, and the Panama Railroad. The old company being hopelessly insolvent and the entire property in danger of destruction by the lapse of its concessionary rights at Panama, a new corporation was formed to take over the property and complete the canal, called the "Compagnie Nouvelle du Canal de Panama."

Mr. MORGAN. That is the present company.

Mr. TURNER. The present company, and the liquidator of the old company, acting by authority of the court, subscribed to the money capital of the new company and also contributed to the new company the uncompleted canal at Panama and everything pertaining thereto. This contribution and the obligations flowing therefrom were made a part of the articles of the new corporation, thus evidencing the contract in the highest form and making its full and complete execution one of the objects of the incorporation and rendering the new corporation a trustee for the benefit of the bondholders and stockholders of the old company.

Mr. MORGAN. If the Senator will allow me, I should like to state right there, as I see he has not the figures, that the subscriptions to the New Panama Canal Company are 65,000,000 francs, and of that sum the liquidator, representing the old company, took 17,000,000 francs of stock in the new company.

Mr. TURNER. This contribution and the obligation thereby

created are thus declared by article 3 of the charter of the new company:

ARTICLE 3.

Mr. Jean Pierre Gautron, a judicial administrator near the civil tribunal of the Seine, residing in Paris, Rue Tronchet, No. 13, "acting in the name and as sole liquidator of the 'Compagnie Universelle du Canal Interocéanique de Panama,' under the powers conferred by a judgment of the civil tribunal of the Seine under date of February, 1889," has intervened in these presents:

Mr. Gautron appointed to the said office of liquidator by a judgment of the council chamber of the civil tribunal of the Seine dated July 21, 1898, who, in his above said capacity, brings to the corporation—

First. All rights whatever accruing to the company in liquidation by virtue of the laws of the Government of the United States of Colombia, under dates of May 18, 1878, and December 26, 1890, as well as of the decrees, acts, or matters that have taken place since in the operation of those laws, with all the advantages stipulated in said laws and decrees, together with all the lands and real estate granted to the Interoceanic Company in liquidation or acquired by the said company.

All of which on condition that the provisions of the laws and extensions of the concessions shall be complied with and that all outstanding debts of the liquidation to the Colombian Government shall be discharged.

Second. The completed works, yards, workshops, buildings, hospitals, equipment whether set up or not, materials and supplies, etc., belonging to the "Compagnie Universelle du Canal Interocéanique" in liquidation, as well as all securities that may have been deposited by the said company in liquidation.

Third. The plans, estimates, surveys, documents of all kinds collected by the "Compagnie Universelle du Canal Interocéanique" and having any connection whatever with the survey, construction, or operation of the canal or of its owners, as well as the benefit of all contracts with third parties.

Fourth. All rights of every nature, shares in ownership, and others, of every and whatsoever kind, that may belong to the "Compagnie Universelle du Canal Interocéanique" in liquidation in the Panama Colon Railway, operated by an American company styled the "Panama Railroad Company," whose principal office is in New York, these rights being transferred such as they stand and exist, and Mr. Gautron, in his capacity, binding himself to vest this corporation therewith in the form required by the law of the United States of America.

These rights and property such as they stand and exist and in the condition in which they are.

The present corporation shall become owner of the property and rights hereby ceded and contributed on and from the day when it shall have been finally constituted; except, however, what is to be stated hereinafter in regard to the Panama Railroad.

These cessions and contributions are made by Mr. Gautron under the following reservations and provisions, namely:

First. There shall be allotted to the liquidation a share of 60 per cent in the net profits of the undertaking, such profits to be determined in accordance with articles 51 and 52 hereinbelow.

Mr. CLAY. The Senator thinks we would have to pay 60 per cent——

Mr. TURNER. Yes, sir; I think so.

Mr. CLAY. If we buy their charter?

Mr. TURNER. Yes.

Second. There shall be set apart for the Government of the United States of Colombia, in conformity to the extension law of December 26, 1890, 50,000 of the shares hereby created, said shares to be free from all liabilities.

Third. The rights of every nature on the Panama Railroad belonging to the liquidation and contributed by Mr. Gautron under section 4 of this article shall become vested in the present corporation from the day of the meeting, the convening of which is provided for under article 75 hereinafter, without any pecuniary consideration, but under the resolutory proviso that the canal shall be completed within the time stipulated in the act of concession. Should the canal not be completed within the said time, the said rights would revert to the liquidation.

If, contrary to expectation, the above-mentioned meeting should not make the requisite provisions for the completion of the canal, or, if the provisions made by the meeting could not be carried out, the said rights on the railroad would remain the property of the present corporation, but the latter would be held to pay to the liquidation a sum of 20,000,000 of francs by way of indemnity, and the share in the profits allotted to the liquidation would be one-half of the profits of the present corporation, and no amount shall be set aside out of such profits except those provided for in paragraphs 2 and 3 of article 51, hereinafter.

In consequence the said rights shall remain inalienable in the possession of the new company until the said sum of 20,000,000 shall have been paid, or until the canal shall have been entirely completed.

Fourth. Until the final completion of the canal Mr. Gautron, in his name, shall have the faculty of appointing a supervising committee consisting of three members selected, as far as practicable, among the Government engineers for bridges and highways and treasury inspectors, who will look into the progress of the work, the condition and conservancy of the equipment and buildings, as well as the books appertaining thereto.

The compensation of this committee shall be charged to the new company.

Articles 51 and 52, referred to in the foregoing article, read as follows:

ARTICLE 51.

The annual proceeds of the enterprise are to be first used in satisfying—

First. The participation stipulated by the Government of the United States of Colombia for its benefit, under the provisions of the concession law.

Second. The expenses of maintenance and operation, the costs of management, and generally all corporate charges; the interest and amortization of all loans that may have been contracted.

Third. The setting aside of one-twentieth of the net profits, after meeting all the above-mentioned liabilities, for the purpose of establishing the reserve fund required by law.

Fourth. Five per cent of the corporate stock, the proceeds of which shall be appropriated by the general meeting, on the motion of the board of directors, for the creation of a sinking fund which shall be provided for in article 55 hereinafter, and also for the payment of interest on unredeemed shares.

ARTICLE 52.

The surplus of the annual proceeds, after the various deductions provided for in the foregoing article, shall constitute the net proceeds or profits of the enterprise.

Five per cent of such profits shall be set aside for the benefit of the board of directors of the corporation.

The remainder shall be apportioned as follows:

Up to 40 per cent to the shares in existence;

And up to 60 per cent to the "Compagnie Universelle du Canal Interocéanique" in liquidation.

The new company, organized under this arrangement, took possession of the property, procured extensions of the concessions, and has prosecuted the construction of the Panama canal, and is doing so at this moment, and it declared to the Senate Committee on Interoceanic Canals, through its secretary and representative here, Mr. Edward Lampre, only a few weeks ago, that it was a solvent, going concern, capable of completing the canal, and expecting to do so if it did not make a sale to the United States. It does not require a profound knowledge of the jurisprudence of France to enable one to say that, on this state of facts, the laws of that country do not give the Compagnie Nouvelle the unrestricted right to sell the canal for any sum that it pleases, as claimed by Mr. Lampre, or that the broad order of the court of first instance in the liquidation proceedings, being appealable, is not worth the paper it is written on in the higher courts of France.

I have made no special study of the jurisprudence of France, but I know from my elementary reading that, like our system of equity jurisprudence, it is founded on the civil law, has the same conception of trust obligations, and works them out and protects them in much the same manner. Here we have two trusts for the benefit of the old Panama Canal Company—its creditors and its shareholders. One, the liquidation, which is being carried on under the immediate eye of the court; the other, declared by the Compagnie Nouvelle in its charter, and which any court of equity in this country, on the application of any party in interest, would enforce, and which there must be tribunals in France armed with the power to enforce.

Mr. MORGAN. To prevent any possible misapprehension in the statement from the omission the Senator has made, I should like to say that the shares in the old Panama Canal Company bore interest from the date of subscription, or from the date they were paid up, at the rate of 5 per cent, and the bonds bore from 5 down to 3 per cent, according to the circumstances of their issue.

Mr. TURNER. Yes. It is claimed by the representative of the new company now in this country that the legal title to the property, full, complete, and without limitation or condition, is in his company, and that it can dispose of it as it pleases and confer perfect title without power in the courts of France to interfere. Such, I am quite certain, would not be the law under our judicial system.

The old company and the stockholders and bondholders of the old company would be declared to have an equitable right and title in the property of which they could not be divested without their consent. It is impossible to conceive that they have not an equivalent right under the laws of France, although it may not there be called an equitable title. If the new company were itself bankrupt and unable to carry out its contract for the benefit of the old company, and the security of the old company was thereby endangered, different principles would then apply. In that case a sale of the property might be properly ordered as the only thing which would protect the creditors and stockholders of the old company; but it would be ordered for the sole and exclusive benefit of the old company and its cestuis qui trustent, and the new company, which had confessedly failed in its contract and was endangering the property by its failure, would have no standing whatever to come in as a beneficiary.

But this is not the attitude of the parties. The new company is a going concern, claims to be able to complete the canal, and is even now working to that end. It would be a monstrous judicial system, with injustice as its purpose and unreason as its guide, which would permit that company, solvent and sound as it claims to be, at its own will and pleasure, and for such consideration as it chooses to accept, to disable itself from carrying out its solemn obligation for the benefit of the old company entered into when it took over the property of that company. That property represented an expenditure of $250,000,000, and the parties must have contemplated that it was worth something in the neighborhood of that amount. They must have contemplated that the new company would spend in the completion of the canal somewhere in the neighborhood of $150,000,000 more. They must have thought that the canal when completed would be worth at least $250,000,000, and that it would pay fair returns on that capitalization.

It is not unfair for us to assume now that the completed canal would be worth $250,000,000, and that it would pay fair dividends on that sum of money. Such dividends applied fairly to the stock and the bonds of the old company would give them both large value. It must have been in contemplation of such results that the old company turned its property over to the new company. How is it possible, then, under any system of law, that the new company, still able to complete the canal, still proceeding diligently in that direction, can be permitted to throw up its

hands and dispose of the trust property committed to it for a sum no part of which can, by any possibility, reach the stockholders of the old company, and which, spread out among the bondholders, will give them but an insignificant moiety of what they have a right to expect, and what they would in fact receive, if the canal were completed?

I wish now to call the attention of the Senate to the manner in which these valuable rights of the old company and its beneficiaries have been dealt with by the lower court of the Seine. I read the petition and order of the court under which the offer was made to sell the Panama Canal to the United States for $40,000,000.

I beg to detain the Senate again while I read this order of the court in full, because it is upon this order that the new company predicates its right to sell the canal to us for $40,000,000:

[Translation.]

Extract of the minutes of the clerk of the civil tribunal of first instance of the department of the Seine, sitting at the Palace of Justice, Paris.

The civil tribunal of first instance of the department of the Seine, in session in the Palace of Justice in Paris, rendered in the chamber of the council the decision the tenor o' which is as follows:

The tribunal assembled in the chamber of the council in view: First, of the request presented by Gautron in his official capacity, signed by Biéville, attorney, and the tenor of which is as follows:

To Messrs. the president and judges composing the chamber of the council of the civil tribunal of the Seine:

Mr. P. Gautron, liquidator of the Compagnie Universelle du Canal Interocéanique de Panama, residing at the seat of the liquidation, Rue de la Chaussée d'Antin No. 42, Mr. Biéville, acting as his attorney, has the honor to state to you that the judgment of the civil tribunal of the Seine, dated February 4, 1889, which declared the dissolution and the placing in liquidation of the Société du Canal Interocéanique de Panama, had appointed Mr. Joseph Brunet as liquidator of the said company, with the most extended powers, especially to cede or contribute to any new company all or part of the corporate assets, to make or ratify with the contractors of the Panama Canal all agreements for the purpose of insuring the continuation of the works and of contracting loans and furnishing all guarantees thereto.

That the tribunal said that in case of the disability of the appointed liquidator his place should be filled by the usual methods.

That it thereupon authorized him to solicit in the same way all special powers which should be necessary for the fulfillment of his mission, and, if he judged it useful, the addition of one or more liquidators.

That Mr. Achille Monchicourt was named assistant liquidator of the Compagnie Universelle du Canal Interocéanique de Panama by the judgment of the chamber of the council dated February 13, 1890.

That after the resignation of Mr. Brunet, Mr. Achille Monchicourt solicited and obtained the addition of Mr. Gautron, joint liquidator, by the terms of a judgment of the chamber of the council of July 21, 1893.

That in consequence of the death of Mr. Achille Monchicourt Mr. Gautron remained the sole liquidator.

That the liquidation of the Compagnie Universelle du Canal Interocéanique de Panama is at this moment confronted with negotiations entered into by the Compagnie Nouvelle du Canal de Panama with the Government of the United States of North America and with the eventuality of the transfer of the concession and canal works either to the Government of the United States or to a foreign company.

That this transfer could not be validly made by the new company, except with the concurrence and assent of the liquidation of the Compagnie Universelle du Canal Interocéanique de Panama and of the representative of the bondholders and creditors of the liquidation.

That the liquidation may find itself in disaccord with the Compagnie Nouvelle as to the price to be asked or the conditions to be proposed to the eventual purchaser.

That there exists a difference of interests between the liquidation and the new company upon the subject of a division of the proceeds of said transfer.

That an immediate discussion might bring about no result and would be of a nature to injure the result of negotiations pending with an eventual purchaser.

That it is essential to submit the questions in dispute, which may arise, to the decree of amicable arbitrators charged with deciding all questions relating to—

Firstly. The determination of the price and the conditions to be proposed to the eventual purchaser.

Secondly. The division of the proceeds of the sale, should such sale be effected.

That the right of liquidators of companies to compromise is contested by certain legal authorities as exceeding acts of their administration.

That it is therefore necessary to solicit from the tribunal the authority of Mr. Gautron to consent to an arrangement, under the circumstances above stated, and in the case of a sale of the concession and the canal works as well as all of the assets of the Compagnie Nouvelle.

Wherefore the petitioner prays that it may please the President and judges to authorize him, in his capacity of liquidator of the Compagnie Universelle du Canal Interocéanique de Panama, to pass an agreement with the Compagnie Nouvelle du Canal de Panama upon all matters of dispute which may arise in connection with

Firstly. The determination of the price and the conditions to be proposed to the eventual purchaser of the concession and canal works and all the assets of the new company.

Secondly. The division of the proceeds of the sale between the new company and the liquidation of the Panama Canal Company, should such sale be effected.

Under all reserves.

And this will be justice.

DE BIÉVILLE.

In view, secondly, of the decree of the president of the tribunal being as follows: The above request shall be communicated to the attorney for the Republic in his office, and we appoint Vice-President Laporte to make his report.

Paris, July 31, 1901.

BAUDOUIN.

In view, thirdly, of the conclusions of the attorney for the Republic, which are as follows: The attorney for the Republic does not object.

Rendered in the attorney's office, August 2, 1901.

PEZOUS.

In view, fourthly, of the various documents submitted.

Having heard Vice-President Laporte, in his report, the attorney for the Republic in his conclusions, and after having deliberated in conformity with law, judging in first instance:

Whereas by a judgment of this Chamber, dated July 21, 1893, Achille Monchicourt petitioned for and obtained the addition of Gautron as coliquidator of the Compagnie Interocéanique de Panama;

Whereas in consequence of the death of Achille Monchicourt, Gautron remained the only liquidator; whereas, from the documents submitted, it appears that it is necessary to authorize Gautron to consent to a compromise in compliance with his request.

For these reasons:

Authorizes Gautron, in his official capacity, to consent to a compromise with the Nouvelle Compagnie du Canal de Panama upon all litigious questions which might arise relating—

Firstly. To the determination of the price and the conditions to be proposed to the eventual purchaser of the concession and the canal works, and all the assets of the new company.

Secondly. To the division of the proceeds of the sale, if that sale should be effected, between the new company and the liquidation of the Panama Canal.

LAPORTE, LE BERQUIÉR, and FLOQUET.

Ordered and decreed in the chamber of the council of the civil tribunal of the first instance of the department of the Seine, sitting in the palace of justice, in the city of Paris, by Laporte, president; Berquiér, judge; Planchenault, special judge, in the presence of Mr. Pezous, substitute for the attorney for the Republic, assisted by Floquet, clerk.

August 2, 1901.

In consequence, etc.:

The minute was signed by the president, the reporting judge, and the clerk.

Recorded at Paris, the 19th of August, 1901, folio 94.

Division first, received 9 francs, 38 centimes, decimes included.

VARINOT.

A true copy.

FLOQUET.

Mr. President, it will be seen that no fact was presented to the court as the basis for its order which, consistently with the principles I have been discussing, could justify the court in making it. The order was founded on the bare, naked statement of the petition that the new company was negotiating a sale of the property to the United States, that a sale could not be legally consummated without the concurrence and assent of the liquidator, and that the order of the court was necessary to authorize the liquidator to consent.

There was no statement that the new company was insolvent, that it could not complete the building of the canal, that it was endangering the property held by it for the benefit, in part, of the old company, or that a sale of the property was the only way or the most satisfactory way in which the remnant left could be preserved for the benefit of those entitled to share in its distribution. Nothing of the kind. The petition proceeded on the remarkable theory of Mr. Lampre, declared before the Senate committee here, that the new company ought to be and was entitled to be relieved at its pleasure of its obligations to the old company, and that it was not even compelled to make full restitution to the old company of what it had received from that company, but was entitled to a share of the sum which it might receive on a sale of the property. The lower French court accepted this theory, and not only authorized the sale, but directed an arbitration to determine the extent to which the new company might share in the results of its own misfeasance, malfeasance, and breach of trust. A more remarkable and indefensible judicial order was never made. It carries on its face its own insufficiency. It is impossible that it can stand on an appeal to the higher courts.

Mr. CLAY. I ask the Senator whether or not the stockholders of the old company were parties to this proceeding?

Mr. TURNER. Certainly not. None of them was present in court.

Mr. CLAY. Would a decree of that sort have any effect within the law?

Mr. TURNER. I should say not.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nevada?

Mr. TURNER. Certainly.

Mr. STEWART. Is there anything in the French law that tolerates such a proceeding?

Mr. TURNER. I should certainly think there can not be.

Mr. STEWART. I have not met with anyone who has examined the French law with regard to that question. The proceeding was very anomalous.

Mr. TURNER. Certainly, it was a very anomalous proceeding.

Mr. MORGAN. There is one fact I should like to call to the attention of the Senator from Washington, and that is that quite a number of these bonds, particularly the lottery bonds, are held by citizens of the United States—women and children and the estates of dead men, who were never represented in that court in any sense of the word—and those bonds are held here now. The committee have received letters—at least I have—from persons who represent those people, stating that they are holders of large numbers of these bonds and wanting to know what we were going to do about them. I do not know.

Mr. TURNER. It is impossible, moreover, to conceive that

there is not one out of the 200,000 stockholders in France, thus cut out of any possible reimbursement, or one out of the like number of bondholders, thus defeated in their just expectations, who will not feel justified in prosecuting an appeal from the order. It seems manifest, then, that we can not get title to the Panama Canal as the result of the present offer, based as it is on the irregular and insufficient order of sale made by the lower court of the Seine. And it is equally manifest that upon the facts held out by the new company, to wit, that it is solvent and capable of completing the canal, no order can ever be made by any court of France without the concurrence of each individual stockholder and bondholder of the old company, which can authorize the new company to sell the canal to the United States or to any other purchaser.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. TURNER. Certainly.

Mr. FAIRBANKS. If I may interrupt the Senator—I am not as familiar with the record as he is, he being a member of the committee which has had under consideration this important subject, and I inquire merely for information—I should like to ask the Senator whether that remarkable and irregular order, to which he refers, has been appealed from by any of the creditors?

Mr. TURNER. I am not aware that it has been, but I understand that the proceeding is still pending. If there shall be a sale under that order, it will be necessary to go into court for confirmation of the sale. If there be such a confirmation by the lower court, then an appeal would lie.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Georgia?

Mr. TURNER. Certainly.

Mr. CLAY. I desire to ask the Senator if the old stockholders were interested in having this contract carried out, could this new company file a petition and violate the principles of the agreement between the old and the new company and dispose of the interest of the old company without the old company being made a party? Has any such proceeding ever been heard of in law?

Mr. TURNER. That is what the company is claiming. I do not think there is any such system of jurisprudence in existence anywhere in the world.

Mr. FAIRBANKS. I ask the Senator further whether or not there was not a confirmation of just such an order of sale?

Mr. TURNER. A confirmation of this order of sale?

Mr. FAIRBANKS. Yes.

Mr. TURNER. Not that I have ever been informed of. There is certainly nothing in the record to indicate anything of that kind. The fact is, there has been no sale, and there could have been no confirmation of a sale until a sale had taken place.

Mr. MORGAN. That is the point.

Mr. FAIRBANKS. But there was a sale of the old property to the new company.

Mr. TURNER. That was in 1891, and that was a fair, equitable, and just arrangement; the only arrangement that could save the old company anything, and the court did confirm that sale, of course. Otherwise the new company would not have this property to offer to us.

Mr. FAIRBANKS. There was no appeal from that?

Mr. TURNER. No.

It is of little value to speculate concerning what might be done if the New Panama Canal Company were to confess itself insolvent, go into court and surrender the property, and permit the court to make the most advantageous disposal of it possible for the benefit of those to whom it belongs in equity and good conscience. It is not doing anything of that kind, and does not propose anything of that kind, and therefore the only thing left for us to do is to consider its offer in the light of conditions as we find them—conditions which it has no disposition or purpose to change.

I beg leave to call the attention of the Senate to parts of the testimony of M. Lampre, the secretary of the New Panama Canal Company, given before the Senate Committee on Interoceanic Canals, for the purpose of showing the position taken by that company concerning its rights and powers in connection with the sale of this property:

The CHAIRMAN. What were to be the terms of the sale?

M. LAMPRE. Forty million dollars, covering every property of the company.

The CHAIRMAN. When payable?

M. LAMPRE. Nothing has been said as to the payment to the present time.

The CHAIRMAN. That is entirely indefinite?

M. LAMPRE. Entirely indefinite, according to what steps will be taken here.

The CHAIRMAN. That term being left indefinite, it would probably require some negotiations hereafter to arrange the period of the payment and to advise us on that point?

M. LAMPRE. Most likely.

The CHAIRMAN. You spoke of the copy being left with the American ambassador in Paris.

M. LAMPRE. Yes, sir.

The CHAIRMAN. Was that left as an official paper?

M. LAMPRE. Exactly; signed by the president of the board.

The CHAIRMAN. Did the president of the company have the authority of the Government of France to deposit that official paper?

M. LAMPRE. Not from the Government of France, but he has full authority from the stockholders' meeting, which was held on the 21st of December last. We had a stockholders' meeting then, and the stockholders' meeting approved of a resolution for the company to negotiate with the United States Government.

The CHAIRMAN. I was speaking of the Government of France.

M. LAMPRE. The Government of France has nothing to do with the question at all. We have a private company bound in no way whatever with the Government of France, only bound to act under the laws of the country, and the laws of the country are that whatever step a private corporation takes it is well and good when confirmed and approved of by the stockholders' meeting.

The CHAIRMAN. Whatever they choose to do they can do if the stockholders' meeting approves it?

M. LAMPRE. Quite so.

The CHAIRMAN. That is your idea of the laws of France?

M. LAMPRE. Exactly.

(From pages 4 and 5, Senate Document No. 253, present session, Part I.)

The following is from the same document, pages 17, 18, and 19:

Senator FOSTER of Louisiana. Let me see if I understand exactly the transaction between the old and the new company. I understand that the old company went into liquidation and a liquidator was appointed.

M. LAMPRE. Exactly.

Senator FOSTER of Louisiana. Of course he represents the stockholders, creditors, and bondholders?

M. LAMPRE. That is right.

Senator FOSTER of Louisiana. Representing these parties, he transferred all the right, title, interest, and property of the old concern to your company, and that was duly ratified and homologated by the judgment of the court?

M. LAMPRE. That is the whole subject, sir.

Senator FOSTER of Louisiana. As the consideration of the transfer, your company was to pay to the liquidator, representing the creditors, bondholders, stockholders, and shareholders, 60 per cent of the benefits of the canal?

M. LAMPRE. That is correct.

Senator FOSTER of Louisiana. Then your company purposes to transfer all your right, title, and interest to this Government for, say, $40,000,000?

M. LAMPRE. Yes.

Senator FOSTER of Louisiana. Now, what guaranty will your company give, in the event of the purchase of the canal by this Government, that the 60 per cent of benefits which the old company was to derive as a consideration will not be a part of the obligation which this Government assumes?

M. LAMPRE. I understand the question.

Senator FOSTER of Louisiana. I tried to make it clear.

M. LAMPRE. The guaranty we will give is that very agreement I was just telling you about, according to which the liquidator and the old company accept of the question to be settled, the division of the amount each might get to be settled by a board of arbitration. To my understanding, the division of the amount we might get from the United States has nothing to do with the United States itself. I beg pardon, if I am too crude.

Senator FOSTER of Louisiana. We think you are perfectly clear.

M. LAMPRE. It is a matter to be settled only and exclusively between the liquidator and our own company. It is settled under the present agreement.

Senator FOSTER of Louisiana. Under your law, has not any creditor or bondholder or any holder of stock the right to go into court and object to any settlement that the liquidator might make?

M. LAMPRE. The liquidator has authority.

Senator FOSTER of Louisiana. The liquidator, as I understand, has authority, or you have authority, to make this arbitration.

M. LAMPRE. He has authority from the court.

Senator FOSTER of Louisiana. Under your law, does not his act require a homologation by the court?

M. LAMPRE. I understand your question, Senator. But that thing has been foreseen, and there is at the present time a judgment of the court giving the liquidator that very authority to enter upon that contract, agreement, with the new company, so that the thing is quite clear and certain now. He has got a special judgment, special authority and authorization from the court to enter upon a contract with us.

Senator FOSTER of Louisiana. To enter upon this arbitration?

M. LAMPRE. An arbitration contract, an agreement, under which we alone would have to deal with the United States.

Senator TURNER. What court is that?

M. LAMPRE. The French court.

Senator TURNER. What is the rank of the court? Is it a court of last resort, or is its judgments subject to review by other courts?

M. LAMPRE. The first court.

Senator TURNER. A court of first instance?

M. LAMPRE. Exactly.

Senator TURNER. Then its judgment is subject to review if any stockholder wills to open it up?

M. LAMPRE. It might be, but I do not expect any trouble from that source.

Senator TURNER. Now, let me ask you this question: When you took this canal project over from the liquidator, was it a contract to complete the canal and operate it?

M. LAMPRE. Yes; that was the contract.

Senator TURNER. And to turn over to the old stockholders 60 per cent of the net proceeds?

M. LAMPRE. It was.

Senator TURNER. That was your contract?

M. LAMPRE. It was.

Senator TURNER. If the bonded indebtedness amounts to 800,000,000 francs or more, there would be none of this $40,000,000 to turn over to the old stockholders at all, that being the first lien, of course?

M. LAMPRE. This is how the thing stands: The stockholders, as I said——

Senator TURNER. The stockholders would be out and injured?

M. LAMPRE. That is a matter for the liquidator to decide.

Senator TURNER. Would they have a standing in some court to come in and say that the liquidator had no authority to contract to turn over this property to a foreign government and cut them out from the possibility of any benefits whatever from the construction and operation of this canal?

M. LAMPRE. Well, you know any claim may always be set forth, but I am convinced——

Senator TURNER. Is it not quite likely that they would urge a claim of that kind?

M. LAMPRE. It might happen, but I am convinced there would be no difficulty about it at all under these conditions.

Senator TURNER. What right would any court have, in justice and equity, to cut these old stockholders out of any possibility of any benefit?

M. LAMPRE. The law itself, sir; because it is the law in France that when a corporation fails the first interests in that corporation to satisfy are the interests of the bondholders. The stockholders, who are only associates, who are debtors to the bondholders, have no right to get anything unless the bondholders are completely disinterested.

Senator TURNER. I understand that; but having failed, the liquidator, in the interest of the stockholders as well as the bondholders, made this contract with the new company. Now, what right has any court to say to that liquidator, "You may make a contract which will cut these stockholders off from any possibility of any benefits whatever?"

M. LAMPRE. The law itself.

Senator TURNER. Does the law give them that right absolutely?

M. LAMPRE. Yes.

Senator TURNER. Without any compensation or consideration to them whatever?

M. LAMPRE. Quite so.

The following is from the same document, pages 22, 23, 24, 25, and 26:

The CHAIRMAN. The object of the Panama Canal Company—the new company—according to its by-laws, and according to its charter, according to all of its professions here, was to build and complete that canal.

M. LAMPRE. It was.

The CHAIRMAN. Is that the present object?

M. LAMPRE. It is still the object; but at the present time the object is the sale or transfer to the United States. That is what we contemplate at the present time, but, this failing, of course the object of the company stands.

The CHAIRMAN. You know the internal workings of this company. When they set forth to form the new organization to build a lock canal instead of the old sea-level canal, was it or was it not the purpose of the company really to build a canal, or was it to make a show in regard to the property by which and through which they could sell it to somebody else?

M. LAMPRE. No, sir; the honest, clear, straightforward, and clean purpose was to build the canal.

The CHAIRMAN. This agreement, then, between the liquidator and the new company, and this judgment of the court transferring the property to them, was for that purpose, was it not?

M. LAMPRE. Yes; for that purpose.

The CHAIRMAN. Was there any purpose at that time, either expressed or implied or understood, that this new company was formed for the purpose of getting hold of that property to sell it to somebody else?

M. LAMPRE. No; the object of the company at that time was to complete the canal; but I must state that in the charters, or by-laws, as I would say, for private corporations it is always contemplated that at any time the corporation may sell out to anybody.

The CHAIRMAN. That is your judgment about it. I want to get at facts—just the square, naked facts.

M. LAMPRE. Will you please repeat the question?

The CHAIRMAN. We form our own judgment about what the facts amount to, and we try to do it properly and correctly. We have a right to our judgment upon the facts, not to accept yours absolutely.

M. LAMPRE. Oh, yes; I do not presume it.

The CHAIRMAN. Now, I want to know if it was the purpose of your company as you have stated it here.

M. LAMPRE. The purpose was to build the canal.

The CHAIRMAN. I understand you to go upon the idea (if I am incorrect about it you can correct me) that under the power of this charter and by-laws your corporation has a right to do anything with this property that it is not prohibited from doing.

M. LAMPRE. That is it.

The CHAIRMAN. That is your view?

M. LAMPRE. That is the very thing. That is the law under which we act.

The CHAIRMAN. That is so strange to us that we shall be obliged to take some time to consider it before we come to that conclusion.

M. LAMPRE. It is quite a different thing, I understand, in the United States.

Senator MITCHELL. You understand that there was this difference in the law heretofore?

M. LAMPRE. Yes; I understand it.

The CHAIRMAN. So you claim now that you and your company have the right to sell this property to the United States because you are not prohibited from doing it?

M. LAMPRE. Exactly.

The CHAIRMAN. Under that charter?

M. LAMPRE. Exactly; and we have the right to do it (that is what we claim) without even the assent or interference of the liquidator of the old company; but, to make things quite clear, we have got this agreement with him.

* * * * * * *

Senator TURNER. What principle of law authorized that court to render a decree cutting the stockholders of the old company out of the benefits of your contract with this liquidator for their benefit?

M. LAMPRE. I do not get the question quite well, Senator.

Senator TURNER. You contracted as a part of your charter, I understand you to say, that you would build this canal and operate it and pay the liquidator for the benefit of the old company 60 per cent?

M. LAMPRE. Yes.

Senator TURNER. Now, if you sell out to the United States, of course you can not carry out that obligation to the old company or to the stockholders of the old company.

M. LAMPRE. No. I understand.

Senator TURNER. And there will be nothing to go to them. This contract with the liquidator relieves you of the obligation for the benefit of the stockholders of the old company?

M. LAMPRE. Yes; but we shall have to let them share in the amount we may obtain.

Senator TURNER. Now, I want to know what principle of law of France would authorize the liquidator to make a contract which would cut the old stockholders out from the benefits of the provisions of that contract.

M. LAMPRE. The general principle under which receiverships are organized.

Senator TURNER. Your company is not in the hands of a receiver, is it?

M. LAMPRE. No.

Senator TURNER. It is still operating?

M. LAMPRE. Still operating.

Senator TURNER. It is still obligated to carry out this contract made for the benefit of its stockholders?

M. LAMPRE. Exactly.

Senator TURNER. What right has this liquidator to relieve it of its obligation to the old stockholders?

M. LAMPRE. I would like to make it clear that the stockholders' meeting of corporations in France is the only authority to decide this business. The court has nothing to do, I wish it to be understood, if possible, with what we, the standing corporation, do. That is the business of the stockholders' meeting.

Senator TURNER. The stockholders of this new company have no right to relieve the new company of this obligation to the stockholders of the old company? They can not by a mere vote relieve themselves from the obligation of their contract?

M. LAMPRE. I do not see that. They can, indeed.

Senator TURNER. You predicate their right upon the action of your stockholders, the stockholders of the new company?

M. LAMPRE. Yes.

Senator TURNER. To contract with the liquidator for the benefit of the stockholders of the old company?

M. LAMPRE. Yes.

Senator TURNER. Now, the action of the stockholders of the new company can not relieve that company from that obligation?

M. LAMPRE. I understand the question itself, but you see I stated in the course of this hearing that we are guided solely and only by our charter, and the charter does not forbid in any way that we should make a transfer or sale of our rights to anybody whatever.

Senator TURNER. But I understood you to say that your charter did contain this contract with the liquidator?

M. LAMPRE. It does contain it.

Senator TURNER. Under which you were to construct this canal and operate it?

M. LAMPRE. The liquidator has authority to relieve us from that contract, and he has agreed to what has been just passed upon.

Senator TURNER. What I ask you is what principle of law authorizes this liquidator to relieve you of the obligation for the benefit of the old stockholders without securing anything to them?

M. LAMPRE. That is the business of the court to decide, and the court has decided it.

The CHAIRMAN. I think you had better make that clear, because I do not believe the Congress of the United States will want to join your company in inflicting an act of absolute injustice upon these old stockholders.

Senator TURNER. Does that decree undertake to cut off the stockholders from pursuing your successor, as they would have a right to pursue you, to compel the performance of the contract by which you got title to the canal?

M. LAMPRE. I do not think that I understand the question. You mean about the 60 per cent?

Senator TURNER. No. Does that decree which you say authorizes you to make this sale cut off——

M. LAMPRE. The rights of the liquidator?

Senator TURNER. The rights of the stockholders of the old company to insist that your company shall carry out the obligation which you undertook to carry out toward them? Does it specifically cut them off?

M. LAMPRE. It does not say so.

Senator TURNER. Then it is a question of judgment as to whether they would have a right not to be cut off if they should insist on it?

M. LAMPRE. You see, sir, our obligations were to give the liquidator 60 per cent out of the profits. We have no profits.

Senator TURNER. Your obligations were to construct the canal and give 60 per cent?

M. LAMPRE. Sixty per cent out of the profits when the canal would be completed; but in the present condition of affairs there is no profit to divide. There will be a fixed amount, whatever it may be, to be divided between the old company and ourselves; and that will be divided according to the decision of that arbitration court under the authority of the agreement passed between the liquidator of the old company and ourselves—an agreement passed under the authority of the court.

It will be seen from this testimony what the general character of title is which we are expected to take to the Panama Canal and for which we are invited to pay $40,000,000. The new company, with its admitted obligations to the old company outstanding and unsatisfied, insist that it has full right, within and of itself and without reference to any other power or authority whatever, to make us full, complete, and indefeasible title, free from liens, equities, obligations, or incumbrances of any character. But to save trouble and contention, and not because it admits any right in the liquidator of the old company or in those for whom he is trustee, it has procured an order of the lower court of the Seine authorizing the liquidator to consent to a sale on any terms that he may see fit, and the liquidator has consented to the sale for $40,000,000.

Mr. STEWART. Who were the parties to that proceeding whereby the order was made? Was the old company brought in?

Mr. TURNER. The liquidator of the old company alone petitioned for this order without any of the parties being brought in.

Mr. STEWART. That is not American law.

Mr. TURNER. I will now state what this order was. This order, made by a court of first instance, without either the stockholders or the bondholders before it, without any showing of the necessity or propriety of a sale, without any representation of the value of the property to be sold or the price expected to be realized for it—this order, with all these infirmities and subject to appeal at the hands of any one of half a million interested parties in France, all of whom have the strongest motive to appeal, is the only thing that bolsters up or supplements the extraordinary claim of power and authority over the property made by the New Panama Canal Company.

That company, with the aid of the Republic of Colombia, may indeed turn over to us the manual physical possession of the Panama Canal if we embrace its offer, but it will not and can not make us title to the property, and it never will be able to do so. That will be done, if ever, only when the new company shall have confessed its failure and retired from the field, and some tribunal, having the old company and all of its beneficiaries before it, shall, for good cause shown, have authorized a sale to us for the exclusive benefit of that company and its beneficiaries. That much is certain to the apprehension of any trained legal mind.

Now, suppose we go on in the face of these legal difficulties and pay $40,000,000 for such title as the Compagnie Nouvelle can make, what will be our situation? The courts of France are under no obligation and would have no right to consider us in a light different from that in which they would regard any other purchaser of property impressed with a trust. Within such time as their laws may permit, and agreeably to their procedure, either by appeal or collateral attack, the order of sale, made in such flagrant disregard of the rights of stockholders and bondholders of the old company, will be declared erroneous, if not void, and will be vacated and set aside. This may not occur until we have paid our money and taken over the property.

In that case the parties insisting on restitution of the property must make to us restitution of the money, but only to the extent that they may have received our money. They can not be called upon to restore any part of the money which may have been retained by the new company. That company is not in court nor are its funds in custodi legis, nor is the old company responsible for its bargains. If the old company or its beneficiaries come to us with clean hands we can not refuse to do equity because we may have bought a gold brick from the New Panama Canal Company. The forum to which the beneficiaries of the old company will appeal for restitution of their rights will not be the courts of France. It is doubtful even whether the laws of that country measure their abstract right or whether that measure is not to be found in the laws of Colombia, where the property affected is situated.

But I assume that their relation to the property under the laws of Colombia would not be more favorable than it is under the laws of France, and hence that consideration is not very material now. But however their right may be measured and whatever its character, there are only two countries in which it may be enforced when we shall have gone into possession of the canal. One of these countries is Colombia, where the property is situated; the other is the United States, where the party whose conscience is bound and whose action is to be contested has its being. Our title to land and property in Colombia is strictly within the competency of her courts to determine. Colombia insists on retaining full sovereignty over the canal strip. When the courts of Colombia shall declare that we took the canal subject to the equities of the bondholders and the stockholders of the old company, there are only two courses left open to us. We can defy the sovereign power of Colombia and maintain our possession by force or we can settle with the bondholders and stockholders on the best obtainable terms.

We will say that the canal, when completed, will be worth only $200,000,000. Sixty per cent of the value of a completed canal, which is the beneficial interest of these people, would be worth, on that basis of value, at the minimum figure, $120,000,000. Would we outrage the moral sense of the world by refusing to recognize the authority of the municipal courts of Colombia to determine the status of property within her borders? Clearly not. We would go down into the Treasury, as we have been doing now these many years, and pay such sum as might be necessary to relieve ourselves of this blunder of our wise and profound statesmen.

The principles governing their rights are so clear that the claimants might not resort to the sovereign power of Colombia in the first instance to have them declared and enforced. Trusting to our perception of elementary legal principles and to our sense of justice, they would probably apply to us directly for redress, and we would be glad to have them do so, and would provide them a forum in which all questions between them and us could be adjusted and settled. We would do this to avoid the embarrassment and humiliation of submitting rights almost sovereign in character and involving the accomplishment of cherished policies of government to the municipal courts of another country. But whether the tribunal adjudicating the rights of the beneficiaries of the old canal company be a court or a commission of the United States or a court of the Republic of Colombia, the character of the rights of the beneficiaries will be the same, and it will require the same measure of compensation in either case to quiet, satisfy, and dispose of them.

I beg the careful attention of the Senate to these propositions. I respectfully insist that they are not the figment of a lively imagination, but that they rest on the logical application to undisputed facts of well-grounded legal principles, to be worked out in the future by an evolution almost as certain as any in nature, because founded on a law of nature, namely, that all men follow where self-interest leads. The only factor in the chain of reasoning which has the least element of uncertainty is that which relates to the action of the bondholders and stockholders of the old company; but since they are men, and men follow their own interests when they know what they are, and these men well know what their interests are, the element of uncertainty as to that factor is reduced to a minimum.

We can of course obtain possession of the Panama Canal through the medium of a sale by the New Panama Canal Company, but there are superior equities which involve the entire beneficial interest in the canal which we have knowledge of, which a sale to us will not cut off, and which will certainly rise up to confound and confuse and embarrass us in the carrying forward of this work in which we are so much interested. That we should take such a burden on our shoulders when we can accomplish the results sought for less money, even if title were clear, and with equal, if not greater, benefits, by proceeding on absolutely safe lines in another direction, is a proposition so unreasonable that I do not believe the Senate will embrace it or seriously consider it.

Mr. President, I have discussed only one phase of the legal difficulties involved in the acceptance of the offer of the New Panama Canal Company to sell to us the uncompleted Panama Canal. There are many others of great importance which ought to be presented in extenso, but which I shall not undertake so to present because of the time already consumed by me in the tedious and necessary discussion of that phase which has seemed most important. Ourr elations as a stockholder in the Panama Railroad Company, a New York corporation, need consideration. I have heard the question asked, "Can the United States become a stockholder in a corporation of one of its States?" I think that question may be answered in the affirmative. But can the United States become a majority stockholder with a view of destroying the commercial value of the property of a State corporation? That is a more difficult question. I do not think she can. If she becomes such stockholder in fact, can she use the power thereby acquired to destroy the value of the assets of the corporation to the injury of her associates in the company?

Can she lawfully build up a rival instrumentality to that belonging to the corporation of which she is a member, use the latter in its building, and by her ascendant vote stifle the protests of her associates? These are questions that may not have been of moment in France, but they are of moment to us and must receive answer whenever we step into the shoes of the French company. New York will have something to say in reply to these questions. Her courts undoubtedly will speak, and they will speak the language of truth and justice, and since they may lawfully control the conduct of their own domestic corporations, the United States must accept and obey the injunctions which they will lay down. It will not be necessary to sue the United States. She will not appear in the transaction save as a stockholder. The president and secretary and board of trustees will be individuals subject to the municipal jurisdiction of the State, and the coercive power of the State will be applied through them.

The minority, moreover, may appeal to the courts of Colombia, where the property is situated and where the United States may be made a party to the litigation without question or objection. The first question litigated in the courts of one or both of these jurisdictions, and probably in both at the same time, will be, Can the United States, consistently with her obligations to her associate stockholders in the railroad company, engage in an enterprise which will destroy the value of the common property? Next, Can she use her majority vote in the control of the railroad company for the purpose of devoting the railroad to the building and equipping the rival enterprise? When she shall have secured an affirmative answer to these two questions, if she shall ever do so, the next question will be, Upon what terms may she, consistently with her obligations to the associate stockholders, employ the railroad in building, equipping, and operating the canal? Certainly it can not be contended that one stockholder in a railroad company, even though he be a majority stockholder, may, at his own will and pleasure, fix rail rates upon services rendered for him by the railroad. He can not, at his own will and pleasure, and because he wishes to favor a rival enterprise in which he is interested, cause the company to be disincorporated and to go out of business.

The most favorable view that anyone can take of the transaction involves our conducting the railroad until 1966 as a commercial enterprise, paying during the period of construction enormous freights and rentals in order that the individual stockholders may receive their pro rata of the earnings in dividends, and after the period of construction, during the remainder of the life of the railroad concession, paying the like dividends to the individual stockholders as compensation for having destroyed the earning power of their property. This might all be avoided, of course, by buying out the individual stockholders, and I presume they would all be willing to sell; but if they are wise, and I presume they are, twenty times the par value of their stock would not be more than sufficient to induce them to forego the rich prospect which our mistake had presented to them.

Another question akin to these, although presenting a more diplomatic than a legal question, is: "Can we safely deal for the purchase of all the property of the French canal corporation without the consent of France?" The charter was granted under

her law; the objects of the company were national as well as international, and she has reserved to herself in the laws aiding the company peculiar and exceptional advantages. In the law of June 8, 1888, France required that all raw material employed in the accomplishment of the work should be of French origin, and that all machinery employed should be made in France. That law stands to this day. Can we, without a breach of comity, deal with the corporation in such a way as to defeat the governmental objects had in view when France chartered the company, among which, but not the most important of which, is the right reserved to supply the machinery and raw materials? It is settled law in this country that a corporation by a sale of all its property may not become a felo de se, and thereby defeat the public object which formed the consideration for its creation.

If the law be the same in France, may not the French Government interpose to prevent the sale of the canal property to us? Or if the law as to corporations be not the same there as with us, is not the principle sufficiently broad and universal, especially in view of the reservations made by France in her own favor, to give her just cause of complaint if, without consulting her, we deal with this creature of hers to her detriment? It certainly seems to me that these questions must be answered in the affirmative. These considerations are not weakened by the fact, upon which some stress has been laid, that in 1880 the French Government, when questioned by our Government concerning its interest in the proposed Panama Canal, declared that France "in no way proposed to interfere therein or to give it any support, either direct or indirect." The interference of France or the giving the enterprise support was not necessary to the retention of its interest in the enterprise as a creation of the French law or to its right to insist that this thing to which it had given life for its own purpose might not be stricken down by some other nation. It is to be remembered, moreover, that this declaration of France was eight years before the law of 1888, whereby that country did, in fact, interfere and give the enterprise support, and whereby it reserved to itself the compensating advantages to which I have referred.

Another fact to be remembered is that the declaration had reference to the operation of the Old Panama Canal Company; and it may very justly be said that the failure of that company, involving so disastrously the interests of the French people, put an entirely different aspect on the proposition. And this may be said with the greater force when we remember that the new company was formed to rescue and rehabilitate these imperiled interests and to give them substantial value, and that France, by numerous acts of legislation in aid of the new company, has shown her great sympathy and interest in that purpose, and when we remember, further, that if we now buy the canal for $40,000,000, provided we can lawfully do so, every dollar, substantially, put by the French people in the Panama Canal is gone from them forever and without the shadow of a hope of recovery.

Who knows anything about the views of the French Government on this question of sale? Who has ever asked France to express her views on the subject? No one. Mr. Lampre tells us that it is French law that a private company in France may sell its property and go out of business without consulting the French Government, and upon this statement, which may be correct in ordinary transactions, but which takes no note of international law and the reciprocal rights and obligations of nations toward each other, we are gravely invited to make a headlong dash, blindfolded, into a sea of difficulties and complications with a country toward which we are under the most sacred obligations of comity and friendship. France may not object, but she has not said so, and I respectfully insist, so long as she maintains any reserve whatever, that we have no right to deal with one of her creatures in a matter which so vitally concerns her just interests.

Mr. President, it would be a waste of words to enlarge on the value to this country and to the world of a ship canal at the Isthmus. That is well known and acknowledged by all. If the hope of the country in that regard is defeated, it will not be by reason of any doubt on that point by any Senator. But I will say a word before concluding concerning the point of view from which it is regarded on the Pacific coast. The completion of the canal will at once give that coast relief from the onerous burdens imposed on it by the transcontinental railways, and those burdens have been and still are very great. In saying this I would not be thought unmindful of the benefits which the transcontinental railways have conferred on the Pacific coast. Without them the greater part of that section would still be a barren wilderness.

But the fact that they have been instrumental in building up an empire does not give them the right to blight its expansion, to control its every motion, and to say that it shall have no relief from conditions which were well enough in the formative period, but which have long since become intolerable. With advance beyond the primitive needs of a pioneer people comes the demand for all the aids in industrial progress, including cheap and adequate transportation facilities, necessary to put that people on an equal plane with their brothers everywhere throughout the length and breadth of the land. The transcontinental railroads either can not or will not yield to that demand. The truth is, probably, that in some instances they can not and in others they will not. It is probably impracticable to expect them to transport the wheat and lumber, the two principal export products of the Pacific coast, across the continent for a compensation which will leave the producer anything over and above the cost of production.

But they can haul a bushel of wheat across the State of Washington for as small a charge as they make for hauling a keg of nails from Pittsburg to the Pacific coast. It is possible for them to fix a west-bound rate on those things which the Pacific coast must purchase in the East which will bear some relation to the value of the service rendered as compared with charges for similar services rendered in other sections of the country. It is possible to give the cramped and stifled industries of the Pacific coast a distributing rate from the point of production under which they can live, instead of discriminating against them grossly, as they now do, for the purpose of compelling the people to procure the product of such industries at the expense of a long transcontinental haul.

It is possible for them to find a good profit for easy service in the growing local traffic of that great country if they would but conserve and promote it instead of reaping an inadequate profit in the performance of a most arduous service, such as is involved in a transcontinental haul of everything that the people of the coast are compelled to buy or which they produce for the purpose of sale. To compel this long haul, to crush out every effort to escape from its necessity, is the present policy, as it has always been the past policy, of the transcontinental railroads. It is impossible for a fair-minded man of average intelligence to make even a cursory examination of the commodity and class rates of the transcontinental railroads without finding undoubtable proof of the truth of my assertion.

It is not my purpose, however, to discuss in this connection the transcontinental railway problem. I may do so at a later period and in another connection. I have referred to the matter here for the purpose of indicating to Senators the fact that the Pacific coast has a special interest in this great enterprise, while at the same time it has an equal interest with the balance of the country in it, considered with reference to its importance in the national defense and in stimulating the general commercial activity of the nation. Its beneficial effects on the Pacific coast will be immediate and profound. It will immediately add 10 per cent in value to our productions. It will diminish by 10 per cent the cost of living for our people. It will add 20 per cent to their annual accumulations. It would do this even if the enterprise should not add a ship to our national merchant marine or bring a single additional customer to our merchant princes. This is our special interest; but it is one, I venture to say, which will be overborne and lost sight of very soon after the canal is completed in the benefits conferred on the other sections of our country.

In the ultimate benefits to be garnered from the enterprise the Atlantic coast will far outstrip the Pacific. To the Atlantic coast the canal means access to new fields of commercial activity and added and improved facilities for controlling those fields already within the range of its energies. It not only brings the west coast of Central and South America to the doors of New York, Boston, Philadelphia, Baltimore, and New Orleans, but it puts those cities on an even and in some respects a superior footing with their Old World rivals for the control of the trade of the Orient. They become at once the most important factors in the development of the trade with China and Japan; and that development, if the isthmian canal be made, will line the Pacific Ocean with larger and more magnificent fleets than any which now plow the turbulent waters of the North Atlantic.

The enterprise means all this to the Atlantic coast. But it means no new fields of activity to the people of the Pacific coast. It even destroys to some extent the well-founded hope in which they have indulged, that their advantageous situation would ultimately give them the control of the trade of the Orient. But it gives them a present outlet for the products of the field, the forest, and the mine which find their greatest demand in the markets of Europe and the value of which at present is minimized by harsh and forbidding conditions. It insures to them in addition the opportunity of developing and exploiting their resources for their own benefit and of building up within and for themselves a trade and commerce which shall make them a self-supporting instead of a dependent people.

For this prospect of reaping the fruits of the present, they are willing to give up much which present conditions hold out to them the hope of realizing in the future. Moreover, they are young and strong and active and patriotic. They are for that which the interest of the nation requires, recognizing that they

will grow with its growth and languish with its decay. And recognizing that nothing will promote our national growth or protect our national integrity more than an isthmian canal, they have laid their mandate on their representatives in Congress and demand of them that they shall do that in aid of the enterprise which is practicable and feasible and will produce results. And hence I am for the House bill which is now on our table. I am for it because I am in earnest in desiring a canal, and because I feel that we shall have no canal for long years to come if we do not enact that bill into a law.

Others who are equally as earnest in favor of a canal may not agree with me, and in case their views shall prevail and the House bill be defeated, time only can determine between us. But why involve the project in doubt? Why raise any question whatever? Why take any chances? The project provided for in the House bill is safe and sure, is economical, and is fruitful of the commercial and military results which we are all anxious to gather. We can make no mistake if we adopt that bill. I respectfully insist that those who really and truly want a canal at the Isthmus, and who want it now, can only give adequate and forceful expression to their wishes by supporting that wise, sensible, prudent, and well-considered measure.

Mr. MORGAN. Mr. President, I wish to cite an authority on the subject of the liability of the New Panama Canal Company for the obligations of the old company, which liabilities we would incur if we buy this property, as I conceive and as I firmly believe. It is from our former colleague in the Senate, Mr. Pasco, who is a member of the Isthmian Canal Commission. On May 11, 1900, all of the Commission appeared before the Committee on Interoceanic Canals and were examined in regard to the progress they had made and their opinions upon different questions, including the law question which has just been discussed. That law question was suggested by a paper which was presented to the Government, to Mr. Hay, and also to the chairman of the committee in the House of Representatives by the New Panama Canal Company for the purpose of recommending the Panama route to the people of the United States. The entire document is in print and in the archives of the Senate. Mr. Pasco was under examination. Colonel Ernst was——

Mr. FAIRBANKS. If the Senator would kindly give the pages of the record from which he reads it will aid those who wish to follow him.

Mr. MORGAN. I will.

The CHAIRMAN. You do not know whether that $13,000,000 was derived from the property they bought at the sale or whether they went into their pockets for it?

Mr. PASCO. I do not know.

The CHAIRMAN. On page 31 of this document, if you will turn to it, subdivision 14, they account for the relations with the old stockholders.

Colonel ERNST. Mr. Chairman, if you care to hear it, I was told that they had not sold any property down there. Those old dredges did not belong to the company. They belonged to some contractors, and were sold to the Maritime Canal Company. They told us they had not sold any property at all.

The CHAIRMAN. They probably collected unpaid balances of stock in France.

Colonel ERNST. I understand there were some unpaid balances that that receiver did get hold of.

The CHAIRMAN. Yes; that is where the money came from, a large part of it. Now, I will read subdivision 14, on page 31:

Mr. FAIRBANKS. Of what document, please?

Mr. MORGAN. The document that was submitted by the Panama Canal Company to Mr. Hay and also submitted at a different time, within a day or two of it, to the chairman of the committee; I do not know whether it was a select committee or whether it was the Committee on Commerce of the House. I will bring the original report:

XIV. The security holders of the old company have no vote, voice, title, or ownership in the property of the new company or in the administration of its affairs. By private contract merely the new company has agreed that after all expenses of operation, maintenance, exploitation, dividends, reserve funds, etc., are provided for, a specified share of the surplus income shall be paid to the liquidator of the old company for the benefit of his constituents; but this agreement has no effect upon or relation to the absolute ownership and administration of the canal by the new company.

That was the proposition submitted by the Panama Canal Company to this Government.

That is to say—

This is what I said about it—

That is to say, they have got the legal title and hold it in trust.

Mr. PASCO. Mr. Chairman, although that is stated to be a private contract, it was a part of the terms upon which the new company was organized; and they were bound under that contract to pay this amount out, so that the old company still has this interest in the control of assets and profits of the new company.

The CHAIRMAN. That is all I wanted to ask you, Mr. Pasco.

Mr. Pasco goes on:

So that this interest still exists in the old company to that extent, whether it may be worth little or much.

The CHAIRMAN. And it was upon that predicate that this court went on and appointed a manager here, when the former board resigned.

Mr. PASCO. At a subsequent date?

The CHAIRMAN. Yes; on January 6, 1900

Mr. PASCO. They took the bargain with that burden, and of course it is still upon them.

The CHAIRMAN. Mr. Navarre says:

"The board of management has resigned and I have been appointed by a decision of the court sole temporary manager of the New Panama Canal Company, instead of the board of management, and with its powers."

So that that court sits there with the cause still in fieri for the purpose of controlling matters, even to the appointment of the manager of the canal, for the benefit of these old stockholders. The property has been sold, and there is no property there. There is nothing but the old stockholders with their claims; and upon that predicate the court went on and appointed a manager.

Mr. PASCO. The old stockholders have still got that interest, through their liquidator or receiver, in the assets of the new company.

I merely wanted to quote that to show that there were some changes of opinion among these commissioners upon various questions, but none whatever upon the engineering. So they assert. The change that took place, as has been argued here time and again, and I think it is impossible to deny it, was effected in consequence of the fact that this was supposed to be a better bargain than the estimate which was made by the Commission for the construction of the Nicaragua Canal. But on this question of law Mr. Pasco then stated his view. After the preliminary report of the Isthmian Canal Commission was made—this same Commission—in which they affirmed all of their previous findings, and the attorney, I will call him of the Government, who was the attorney or the lawyer of the Commission, had decided that these incumbrances rested upon this property, they had then before them everything that had been done in the way of judicial proceedings by the court of France.

I do not state this, Mr. President, for the purpose of making any accusation against Mr. Pasco either as to his judgment or otherwise, but it seems to me that when an attorney makes up an opinion upon a record and states it thus to a commission and afterwards the commission in their preliminary report act upon it, it is rather late to withdraw it or to change it after that. If that fact stands in this record, if that is true, then we can not buy the property from this new company without buying the incumbrance which rests upon it, for it is a trust estate in the hands of the new company. burdened with all of the equities that belonged to the estate at the time they took it, and no court can discharge them from that except in the case the Senator from Washington [Mr. TURNER] mentioned, where the trustee company becomes insolvent and that is the best which can be done with their assets.

That was not the fact here. This new company in a letter to the President, which I will read before this discussion closes—I have brought it into the RECORD here time and again—boasts of its solvency and ability to command money, and says that it is perfectly able to go on and complete the contract. Mr. President, a more fallacious and deceptious and outrageous statement was never made for the purpose of deceiving man or government than that.

I have not made in this case, and I do not expect to make, any other than a few discursive remarks, with the exception of the first argument or statement I made some weeks ago in respect of the evidence, and on the other day a statement of the character of the people and of the country with whom we were dealing and what we might expect from a people of that character in such a country as that, a country of revolution, that has not been quiet one moment in the last forty or fifty years—a country which is always in conflict, with mobs continually defying the law, doing as they please with government and private property and private persons, including citizens of the United States who have unfortunately been there at the time of their outbreak.

In order to get evidence on that point which I think is superior to any statements which have yet been made here, on yesterday I asked the Senate to print extracts from Five Years in Panama, a book written by Dr. Wolfred Nelson, corresponding member of the Natural History Society of Montreal, Canada, who went to Panama in 1881 and resided there until 1886, practicing his profession in company with his brother, who was also a doctor, and who was either at Panama or Colon, he does not say which in his book. The other gentleman is dead.

After Dr. Nelson got home, long before this controversy arose, he was making statements to his friends as to the condition of affairs down there, and his statements were so interesting and so valuable that they insisted he should publish them. In order to do so he again visited the Isthmus of Panama twice and took photographic pictures of the different objects which he mentioned in his book. Of course they are not in this print.

Now, Mr. President, without reading it, I desire to incorporate this as a part of my remarks, but I wish to read a certain portion of it for the purpose of bringing in another paper that I also wish to have brought to the attention of the Senate. Dr. Nelson says:

I have been told by a gentleman who is competent to give an opinion, and in whose word I have implicit confidence, that the code of civil procedure of the United States of Colombia is excellent. It is claimed that it is quite the equal of the historic "Code Napoleon," than which there is not better law. The law on the statute books and its application in Panama are opposite conditions. I can best make this point plain by citing a case.

I do not care to read that case or any other case he cites,

although he cites several of them, but I wish to come to another part of the law which obtains in that Isthmus, now under what we might call a constitutional agreement. Before bringing it to the attention of the Senate I will read one or two sections from it. It is printed here both in English and in Spanish. He put it in both languages in order that his translation of it could not possibly be shown to be incorrect:

ART. 34. A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church, is required to provide subsistence to the woman and his children by her until she marries canonically.

In Papers Relating to the Foreign Relations of the United States, published by authority of the Government, part 1 of the publication of 1888, on pages 416, 417, 418, and 419, there is a concordat, and I will read the agreement by which that was made the law of that country and is still the law:

NATIONAL LEGISLATIVE COUNCIL,
Bogota, February 24, 1888.

Considering (1) that in the celebration of the foregoing convention the Government has acted within the powers conferred upon it by article 56 of the fundamental law of the Republic;

(2) That by this agreement, which satisfactorily and consistently settles all pending questions between the church and the state in conformity with the new national régime, and at the same time responds to imperious necessity and public well-being, which demanded the definition of the mutual relations between the civil and the ecclesiastical powers; and

(3) That its stipulations conform strictly to the provisions of articles 38, 41, 47, 53, 54, and 55 of the constitution,

It is decreed:

Article 1. That the foregoing convention is hereby approved and incorporated in the present law.

Article 2. The amount to be paid out of the treasury of the Republic to fulfill its obligations thereby created is hereby appropriated and will be included in the budget for the present fiscal period.

Given at Bogota this 24th day of February, 1888.

CARLOS CALDERON, R.,
President.
JOSE MARIA RUBIO, F.,
Vice-President.

ROBERTO DE NARVAEZ,
MANUEL BRIGARO,
Secretaries.

EXECUTIVE GOVERNMENT,
Bogota, February 27, 1888.

Let it be published and executed.

[L. S.] RAFAEL NUNEZ.

Countersigned.

VICENTE RESTREPO,
Minister of Foreign Affairs.

If I were to do the subject and myself justice I would read this concordat. There never was a more perfect strangulation of all civil power by an ecclesiastical concordat than this. I do not refer to it because I have the slightest objection to any man in the world being a Catholic or a member of the Catholic Church. I think it is a very excellent church. But when the ecclesiastical powers at Rome, by a concordat agreed to by the government of any state, have the authority to exercise such powers as are contained in this concordat over the people, there is no possible chance, while that remains the law of that land, for any man who migrates from the United States, whatever his color or condition may be, to have the privileges or to exercise the rights of an American freeman. It is impossible.

With the permission of the Senate I will incorporate this paper in my remarks.

The PRESIDENT pro tempore. The Chair hears no objection.

The paper referred to is as follows:

Mr. Walker to Mr. Bayard.

LEGATION OF THE UNITED STATES,
Bogota, March 7, 1888. (Received April 6.)

SIR: As a subject which may be of interest to the State Department and important to some of our citizens coming to this country to reside, I have the honor to inclose herewith a copy in Spanish of the "concordat," recently celebrated between the Holy See of Rome and the Colombian Government, with a careful translation. In making this translation I regretted that I did not have access to the original Latin text in which it was drawn up and signed, but had to content myself with the Spanish translation, which in some of the articles is vague and ambiguous. The first clause of the seventeenth article is so much so that in my translation I was forced to be paraphrastic rather than literal.

As a part of the same subject I herewith transmit a copy with translation of law 30, passed by the legislative council on the 25th of February last, which virtually annuls all civil marriages celebrated at any time in the past, unless the ceremony was also performed canonically. The annulment of the marriage, however, does not illegitimatize the children of such marriage.

I am, sir, etc.,

JOHN G. WALKER.

CONCORDAT ENTERED INTO BETWEEN POPE LEO XIII AND THE REPUBLIC OF COLOMBIA.

[Concluded December 31, 1887. Ratified by the legislative council of Colombia February 24, 1888.]

In the name of the most holy and indivisible Trinity, the Supreme Pontiff, Leo XIII, and the most excellent Rafael Nunez, President of the Republic of Colombia, by their respective representatives, to wit, on the part of his holiness the most eminent Monsignore Mariana Rampolla del Tindero, cardinal presbyter of the most holy church St. Cecelia and papal secretary of state and on the part of the Republic His Excellency Joaquin Velez, envoy extraordinary and minister plenipotentiary near the Holy See, who, after a mutual exchange of credentials, have concluded the following convention:

ARTICLE 1. The Catholic, Roman, apostolic, is the religion of Colombia, the public authorities of which shall recognize it as an essential element of social order, and they bind themselves to protect it in all its rights and privileges and to cause it and its ministers to be respected.

ART. 2. The Catholic Church shall be free and independent of the civil authorities and shall freely exercise all its spiritual authority and jurisdiction, conforming in its administrative government solely to its own laws.

ART. 3. Canonical legislation shall be free of the civil, and shall form no part of the latter, but will be respected by the latter.

ART. 4. A church represented by the hierarchical authorities is recognized by the State as a true and legitimate entity, with capacity to exercise and enjoy all rights pertaining to such.

ART. 5. The church has the right of acquiring, possessing, and administering real and personal property in accordance to general laws, and its lands and establishments shall be no less inviolable than those of the citizens of the Republic.

ART. 6. Ecclesiastical property may be taxed in the same manner and to the same extent as the property of private individuals, except edifices for public worship, theological seminaries, and the residences of the clergy, which are exempted from all taxation, occupation, or appropriation to other uses.

ART. 7. The secular and regular clergy shall not be required to perform public duties incompatible with their ministry and profession, and at all times shall be exempt from military service.

ART. 8. The Government shall enact such laws as will protect the sacerdotal dignity whenever, for any cause, a minister of the church may figure in criminal trials.

ART. 9. Diocesan bishops and parish priests may claim from the faithful the emoluments and ecclesiastical fees canonically and equitably established, either by the immemorial custom of the diocese or by the rules of religious service; and in order that such acts and obligations may produce civil effects and that the temporal authority may lend its support the bishops shall proceed in accord with the Government.

ART. 10. Competent ecclesiastical authority has the right in Colombia to establish religious orders of both sexes, to be governed by suitable constitutions; but in order to secure the enjoyment of the rights of a lawful corporation and the protection of the laws, they must present to the civil authorities the canonical authorization issued by their ecclesiastical superior.

ART. 11. The Holy See will lend its support and cooperation to the government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right in whatever concerns religion and morals, and inspect and revise the text-books in use in the same.

The Archbishop of Bogota shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects, said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcates ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to Catholic doctrines the respective diocesans may withdraw from the offending professors and masters the privilege of teaching any such branches.

ART. 15. The Holy See has the right to fill vacancies in archbishopries and bishoprics, but the Holy Father, as an evidence of special deference, and to the end of preserving perfect harmony between the church and the State, agrees that in filling such vacancies the previous consent of the President shall be obtained. To that end when such vacancies occur the President may recommend directly to the Holy See such ecclesiastics as in his judgment unite in themselves the gifts and qualifications necessary for the episcopal dignity; and the Holy See on its part, before making the appointment, shall always communicate the names of the candidates for promotion, in order to ascertain whether or not the President considers the candidates civilly or politically disqualified for such positions. Vacancies in the bishoprics shall be filled as soon as possible, and in no case to remain unfilled for more than six months.

ART. 16. The Holy See may erect new dioceses or change the limits of those existing whenever it is thought opportune and useful for the better care of souls, previously consulting the Government and admitting such suggestions as may be reasonable and just.

ART. 17. All persons professing the Catholic religion desirous of contracting marriage should have the ceremony performed according to the rites of the church.

The civil effects of marriage in respect to the persons and property of the contracting parties and their descendants can only be secured when the marriage is performed in accordance with the prescriptions of council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in case of marriage in articulo mortis, when this formality might be difficult of observance, it may be dispensed with and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

ART. 18. In order to give marriages celebrated at whatever period, according to the prescriptions of the council of Trent, civil effect, suppletary evidence of ecclesiastical origin will be given preference.

ART. 19. Matrimonial causes affecting the marriage relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriage to the temporal.

ART. 20. The armies of the Republic shall enjoy the indulgences known as castrenses, to be regulated by the Holy Father in a separate act.

ART. 21. Following the divine offices there shall be offered up in all the churches of the Republic the following prayers: Domine salvam fac rempublicam; domine salvum fac praesidem ejus et supermas ejus auctoritates.

ART. 22. The Government of the Republic recognizes in perpetuity as a consolidated debt the value of the redeemed annuities (censos) now in the treasury and of the estates belonging to the church fraternities, charitable foundations, chapels, establishments for instruction and benevolence erected by the church, which at any time may have been inscribed in the public debt of the nation. This recognized debt is to bear interest without diminution at the annual rate of 4½ per cent, payable every six months.

ART. 23. The income arising from sequestrated benefices and tithings pertaining to charitable institutions, chapels, monasteries, and other separate foundations is recognized and shall be paid to those who have the right to receive them or to their legal representatives. This payment shall be made without diminution, as is provided for in the last preceding article, to commence with the year 1888. In case any such bodies have become extinct the amounts due them by a previous arrangement with the Government shall be applied to pious and charitable objects without in any case contravening the intention of the founders.

ART. 24. In view of the present condition of the national treasury of Colombia and the benefit derived by the church from the observance of this convention the Holy See makes the following relinquishments:

(*a*) The value of the principal of the sequestered property belonging to the aforesaid extinct convents and religious bodies of both sexes, not included in the foregoing articles, and which has not in any manner been recognized. (*b*) Whatever is due to such extinct organizations for rents or interest already accrued or in whatever manner resulting from said sequestration previous to the 31st of December, 1887.

ART. 25. In consideration of the foregoing favor the Government of Colombia agrees to secure, in perpetuity, an annual net sum, hereby fixed at 100,000 Colombian dollars, to be increased when the said treasury is in a better condition, said payments to be applied to the uses of the dioceses, chapters, seminaries, missions, and such other civilizing works of the church, and in such manner as may be agreed upon between the high contracting parties.

ART. 26. The surviving members of the extinct religious communities shall continue in the enjoyment, for their maintenance and other necessities, of such revenues as may have belonged to them by virtue of previous laws and decrees.

ART. 27. In like manner shall be paid the rents and incomes set aside by anterior laws and decrees for the support of public worship in churches, chapels, and other religious places not included in article 22. If concerning this point there should be doubt or difficulty, the Government shall communicate with the competent ecclesiastical authorities, to the end that a good understanding may be arrived at.

ART. 28. The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

ART. 29. The Holy See, in order to secure public tranquillity, declares for its part that persons who purchased ecclesiastical property during the past changes in Colombia or who have redeemed annuities (censos) in the national treasury according to the provisions of the civil law at the time in force shall not be disturbed in any manner by the ecclesiastical authorities, a favor extended not only to those who performed the acts, but to those who, in the exercise of whatsoever functions, may have taken part in the same in such manner that the first purchasers as well as their legal successors and those who have redeemed annuities (censos) shall enjoy in peace and security said property, its products and emoluments, stipulating, however, that the Republic shall not in future repeat similar acts of seizure.

ART. 30. The Government of the Republic shall arrange with the respective diocesan bishops all that relates to cemeteries, reconciling the exigencies of their civil and sanitary character with the veneration due the sacredness of such places and with ecclesiastical prescriptions. In case of misunderstandings on such subjects they will be arranged between the Holy See and the Government.

ART. 31. Agreements between the Holy See and the Government of Colombia for fostering Catholic missions among barbarous tribes shall not require the after approval of Congress.

ART. 32. The present convention repeals and renders null and void all laws, orders, and decrees in whatsoever mode or period they were promulgated in such parts as may contradict or are inconsistent with this convention, which shall remain the permanent law of the State.

ART. 33. The ratification of this convention shall take place within six months from the date of its signature or sooner if possible.

In faith whereof the said plenipotentiaries sign and seal this convention.

Done at Rome the 31st day of December, 1887.

M. CARDINAL RAMPOLLA.
JOAQUIN F. VELEZ.

Mr. MORGAN. I ask leave also to incorporate the other paper, extracts from Five Years at Panama, by Dr. Nelson.

The PRESIDENT pro tempore. The Chair hears no objection to that request.

The matter referred to is as follows:

EXTRACTS FROM "FIVE YEARS AT PANAMA," BY WOLFRED NELSON, CORRESPONDING MEMBER NATURAL HISTORY SOCIETY, MONTREAL, CANADA.

My residence of five years at Panama, 1880 to 1885, as a practitioner of medicine, together with my knowledge of Spanish and French, gave me ample facilities for studying the natural and unnatural in my surroundings. Since I gave up my residence on the Isthmus, I have made it four visits, the last two in March and April of this year, when I made the negatives furnishing the illustrations for this book.

[Page 5.]

Colon "as is" is not Colon "as was." The Colon of May 29, 1880, when I landed there, was totally destroyed by fire on the 31st of March, 1885, during a revolution on the Isthmus, involving a loss of $12,000,000. It was the only settlement on the island, which on some charts is called Manzanillo. It is of a coralline formation, built by those indefatigable toilers of the sea. It is three-quarters of a mile long by about one-third of a mile wide, with a surface slightly above the sea level, perhaps as much as 3 feet, and is connected with the Spanish main by a railway embankment.

[Pages 6 and 7.]

Beyond the church is the Panama Railway hospital, facing a dense growth of the water-loving mangrove. Its rear looks out on the sea.

The land side of the island was occupied by the working classes, a thoroughly cosmopolitan lot. They were of all kinds—black, white, yellow, native, and foreign.

Before dismissing Colon let me revert to its climate once more, as climate means health or sickness. Upon getting to Panama the dean of the medical faculty, a Colombian, neatly divided the seasons as follows. He said to me: "First you have the wet season, lasting from about the 15th of April to the 15th of December, when people die of yellow fever in four or five days. Next you have the dry or healthy season, from December 15 to April 15, when people die of pernicious fever in from twenty-four to thirty-six hours."

Five years as a practitioner of medicine at Panama amply confirmed his views, and it is the best division of the seasons that I know of. And apropos of climate, sickness, and dying, a few words about Mount Hope or Monkey Hill, as the latter has become the final resting place of thousands. It is the cemetery on the Colon side of the Isthmus. Mount Hope is its baptismal name, and "Monkey Hill" is its everyday appellation. It is reached by rail. Funeral trains are as much an institution as passenger or goods trains. Since the advent of De Lessep's canal men, on the 28th day of February, 1881, thousands upon thousands have been buried there. During two seasons of epidemic it is said that the burials averaged from 30 to 40 per day, and that for weeks together.

[Page 15.]

I reached Panama on the 29th day of May, 1880. It then had a population estimated at 15,000, the majority being black—negroes, Indians, mulattoes, and a blending of both races, with some Chinese. Perhaps there were as many as 2,000 whites on the Isthmus. The principal trade of the Isthmus was then, as it is now, in the hands of foreigners, with foreign enterprise and foreign capital.

[Page 17.]

The yellow fever on the Isthmus of Panama is a peculiar malignant disease. I can recall 41 admissions to the Charity Hospital in a few weeks following my arrival on the Isthmus in 1880. Not a single man escaped. Of seven and twenty admissions to the officers' ward of the canal hospitals on the Panama side one man only escaped. In case after case in practice death was the rule and recovery the exception. While it is true that some total abstainers on the Isthmus have been swept away by yellow fever, I can recall three desperate cases, one being my own, which had been abandoned and in which death was looked for. All recovered, thanks to abstemious habits.

[Page 48.]

Well do I recall a scene during my visit to the Isthmus in February, 1886, when I saw Count De Lesseps inspecting the canal plant under the spiritual guidance of a German bishop, M. Thiele, of Costa Rica. A lane leading from the main thoroughfare to the seashore back of the Protestant cemetery had both of its sides lined with piles and piles of rubbish and old bedding or that on which people had died. The natives in Panama and in the Spanish West Indies, after death, throw away cots, mattresses, pillows, and often the eating utensils of the "late departed."

As many on the Isthmus, both native and foreign, die of yellow fever and smallpox, this practice means simply a constant perpetuation of the infectious and contagious diseases named. The authorities never do more than publish an item on reform in La Cronista or La Estrella de Panama. This is deemed ample, as it gives the people something to think about, and yet these authorities fondly fancy that they are the sanitarians of the century. I remember an old well near the gas works, one of those huge stone wells which the Spaniards were so fond of building. That well had been filled in with just such bedding, and at last it coned up above it. That is their way, and a very bad one it is, too.

[Page 51.]

HABITS OF THE NATIVES.

The Indians and the negroes in Colombia are not greatly given to marriage. They simply get mated. I use the word advisedly. The women of the poor or laboring class do not care for matrimony, their stated objection being that if they were true and lawful wives their husbands would illtreat them, whereas as long as they are mated the man will be on his good conduct. To one who knows something of the history of the Indian tribes and their African allies in that part of the world, there is much sound reasoning in their view. These women know the men of their class thoroughly, and they deem matrimony little better than serfdom.

[Page 63.]

The Isthmus, like other tropical countries, abounds in snakes. During the time that my brother, the late Dr. George W. Nelson, was resident surgeon of the canal hospitals on the Panama side one of the orderlies, a Jamaica negro, thought he would have a snake hunt within the hospital grounds. He was successful in finding the snake, but, despite his dexterity, he was bitten between the toes and died the next day.

[Page 66.]

The Gulf of Panama is noted for its islands. The early history is full of stories regarding them and the many gallant and daring exploits that have taken place on the shores and waters. The gulf is about 100 miles long, and opposite the city of Panama perhaps 20 miles across. The modern city of Panama is situated at its upper end. The gulf is remarkable for its currents and tides, the latter rising and falling from 16 to 24 feet, according to the age of the moon. The Gulf of Panama and the ocean for a great distance to the westward from its mouth are notorious for their freedom from all breezes. The gulf lies, indeed, in the equatorial belt of calms, and sailing vessels can never make much use of the port of Panama.

[Pages 66 and 67.]

Owing to the doldrums at times, variable winds at others, and strong currents sailing vessels have been two and three weeks beating up the Gulf of Panama.

Apropos of doldrums, I remember the case of the British ship *Straun*, a Canadian-built vessel. She cleared from Panama for Chile early in May in the year 1884, if I remember rightly. She got back to Panama one hundred and five days later. Upon getting out in the gulf she struck the doldrums and beat up and down. Once she got across the line, and for weeks was beating about latitudes 4, 5, and 6 amid constant showers of rains, storms, and puffs of wind. The captain, who was well known to me, had taken on provisions for one hundred days, more than enough to take him to Chile.

These began to fail and the ship's bottom, from being in those sluggish, warm waters, had become foul. The crew spent the greater part of their time in catching and torturing sharks. At last he had to put back to Panama. He had been at sea actually one hundred and five days from the time he cleared from off Isla de Naos. This will give my readers some idea of the doldrums, or region of calms, on that side of the Isthmus, which are one of the most serious drawbacks to any ship canal in that section. Of course I merely refer to sailing vessels. Steamship officers have estimated that at times the currents in the gulf run 3 to 4 knots an hour. I have known of a vessel, making Panama with a cargo of coal, being nearly a month beating up.

[Pages 67 and 68.]

The growth of marine life in these waters is astonishingly rapid. I have seen and sent barnacles an inch and an inch and a half long to that well-known scientist, the Rev. Dr. Samuel Lockwood, of Freehold, N. J. These barnacles had grown on the bottom of a sealer that had been cleaned in the Gulf of Panama and cleared for the Galapagos Islands, off the coast of Ecuador, almost under the equator. She came back at the end of four months, when her bottom was so foul she had to be cleaned again, and I received some of the barnacles from her captain. Vessels engaged in that trade should be cleaned every three months, if they are to make good time and save their coal.

[Page 68.]

Near these islands at dead low water there is excellent and safe anchorge Flamenco, or Dead Mans Island, is within a few hundred yards of Naos. It is largely rocky; its southestern face is a huge cliff, and on its land side, or

that facing Naos, is the cemetery from which it takes the name of Dead Mans Island. It is a well-filled cemetery, too. There no end of sailors and officers have found final anchorage beyond the storms and squalls of life. Many of these brave fellows have been the victims of yellow fever. On the face of the island toward the city of Panama one sees a handsome monument which was erected to the memory of the officers and men of the U. S. S. *Jamestown*, who fell victims to yellow fever while anchored there in the year 1858. Eighty of her officers and crew are buried there. She was sent to the North Pacific and kept there for two years. Then she was ordered to the Hawaiian Islands. No sooner did she get into a warm, tropical climate than yellow fever again developed. Such is the vitality of the germs of that awful disease.

[Page 72.]

Facing the village of Restingue is a small island called El Moro. At low water it is connected with Toboga by a sand bar, for it is a Siamese twin of the insular variety At high water both are islands. El Moro is a mound like island, about a quarter of a mile long and broad, and some 300 feet high. On its face toward Restingue are the old workshops and dwellings put up by the Pacific Steam Navigation Company. In 1849 and 1850 Toboga was the port of Panama. At times as many as 700 skilled workmen were employed on the islands who were almost without exception Scotchmen. These men were recruited from time to time. Finally the company had to abandon El Moro and transfer their men and workshops to the port of Callao, in Peru, as their workmen were swept away on El Moro by pernicious malaria and yellow fevers.

The transfer cost the company an enormous amount of money, but to save the men they had to make it. The climate to-day is the same as it was when Patterson, the founder of the Bank of England, planted his colony about two hundred years ago on the Isthmus of Darien. He called the city the New Edinburgh, and he considered the Isthmus the "key to the universe." Macaulay tells us how a band of some 1,800 sturdy Scotchmen inside of fifteen months were reduced to three or four hundred, and then the climate and their enemies forced them to leave; and it is related that when they embarked they were too weak to hoist the sails of their vessels, and that the Spaniards, who were largely interested in their expulsion, assisted them.

[Page 115.]

The seasons of the Isthmus are two in number, the wet extending from about the 15th of April to the 15th of December. The amount of rain that falls is astonishing; it has been given as 128 inches per annum. This, when compared with the small rainfall in Egypt of 9 inches, where M. De Lesseps built his ditch through the sands of Suez, is suggestive.

When the rains come in early and regularly, it means a fairly healthy wet season; that is, of course, for the Isthmus. When the rains are irregular or late, it means a sickly season, and in the hot days between rains yellow fever develops case after case. Then the rain comes on and there is a marked diminution in the number of cases. Again, after hot, sunny days without rain, a new crop of yellow-fever cases results.

[Page 116.]

The rain often seems to fall in solid sheets of water, the streets being flooded from curb to curb. Such storms clear away as rapidly as they come up, when the sun will light up the green and temporarily clean streets of Panama. Of course, it does not rain all the time, but heavy rains may come on at any moment, and during these months out-of-door work must temporarily cease. With the deep cuts on the canal they play sad havoc, as an immense amount of earth that has been thrown out naturally washes back into the cut. The canal company modestly estimate this at 5 per cent.

Following one of these storms a deep cut on the Colon side of the divide was filled, covering the machinery and all. The long wet season on the Isthmus has been a most serious drawback to canal construction, but as all know who are familiar with the early history of the Panama Canal this practically was entered upon without any previous knowledge whatever further than that there was an isthmus to divide to reflect glory upon France and give unlimited dividends to bondholders. But of the Panama Canal more anon.

The dry season begins about December 15. By many it is considered the pleasantest season of the year, and it is the so-called healthy season. The majority of things are comparative in this world, as we know, and, as a witty actor in "Nadjy" has said, "Everything depends upon something else." It seems to be that way on the Isthmus. It will be well to bear in mind that neat division of the seasons by the dean of the medical faculty at Panama. He said in the wet season the people died of yellow fever in four or five days, while during the dry, or so-called healthy season, they died in from twenty-four to thirty-six hours of pernicious fever. If strangers do not recollect this, the seasons will.

[Page 118.]

In a country like that, where all is perpetual summer, the average temperature about 80, and the average humidity nearly as great, vegetation is of very rapid growth; and, apropos of humidity, there are places on the upper levels of the Isthmus where it nightly is 100°, the point of saturation. But these conditions make vegetable decomposition as rapid as the growth. The result of the whole is the creation of an intense miasmatic poison. People living on the Isthmus are all malarious, either in one form or the other, and it is impossible to avoid this. It is true that a few escape malaria while resident there, but they no sooner get into temperate climates than it develops. The sallow faces of a great many tell of paludal poison.

My friend Dr. L. Girerd, late chief surgeon of the canal company, instituted a series of most interesting experiments. He examined the blood of newcomers—canal men—and found it in a perfectly normal condition. At the end of a month he examined it again, when he invariably found the malarial bacillus. He was a profound microscopist, and his work in connection with yellow fever was most creditable. Regarding the latter he made a culture of its specific poison, or micro-organism, if you will, and inoculated himself, having a mild form of the disease. There is another factor that has a bearing on this subject of malaria on the Isthmus. It is the admixture of salt and fresh water in the lagoons and rivers in addition to the vegetable decomposition already referred to. This admixture of water is considered to be of great importance in creating intense forms of malarial poison, particularly on tidal coasts like that of the Pacific.

[Pages 120, 121, 122, 123, and 124.]

The formalities attending the opening of cemeteries on the Isthmus are somewhat peculiar.

While I was on the Isthmus the new government cemetery was opened with great formality.

The enthusiasm regarding that new cemetery was something astonishing, and the only thing that surprised me was that some individual did not promptly step to the front to contend for the honor of being the first buried. Between the opening in July, 1884, and the 12th of April, 1886, when I made a special visit to the Isthmus, that cemetery had received 3,884 bodies for burial in the ground, and several hundred had been placed in the stone niches, or bovedas. Not only had the new cemetery been filled, but in a section of ground back of the cemetery, in what was part of a large field, there were some dozens of graves. That latter had been opened without any brass bands or government speeches, or any attendance of the consular corps.

The old cemetery was on the left. It was a small place of about three-fourths of an acre, and it received all the poorer classes and patients from the charity and military hospitals and the canal hospitals. Owing to its small size it was dug up year after year; bones and skulls, fragments and coffins, clothing, and all sorts of things were turned out. The liberation of untold millions of disease germs in that country will make clear to thinking people why the Isthmus is so unhealthy. From time immemorial the Isthmus of Panama has been recognized as one of the plague spots of the world. It can vie with the west coast of Africa in pestilential disease.

But for the fact that it is on one of the world's greatest highways between the Atlantic and the Pacific, the systematic unburial of the dead, under the direct sanction of the Federal Government (they do nothing to check it while knowing all about it), and the consequent distr.bution of the germs of yellow fever and smallpox would be of little moment. I say "would be of little moment," for if the people of those Republics are willing to commit suicide in that form, so be it. But owing to the importance of the Isthmus, called by Patterson the "Gate to the Pacific and the key to the universe," these insane and insanitary procedures should be stopped.

The practice that I have referred to regarding the old cemetery and the unburial of the dead came to an end for a time. Together with the late Mr. John Stiven, of Panama, I denounced the system through the columns of the Star and Herald, of Panama, and La Estrella de Panama. So vigorous was our language that it led to the construction of the new cemetery, and people interested in the matter of public health hoped that that most pernicious of practices had ceased. Unfortunately such was not the case. On the same side of the road, adjoining the cemetery just mentioned, was the cemetery, a large quadrangle of bovedas. Facing the highway was a stone fence and an old-time arched gateway of stone. Entering it, one had a full view of what was within. It was a quadrangle of niches or bovedas. Picture to yourself four sides of a square having three tiers of openings in them, one below, one between, and one on top, each opening being large enough to receive the coffin of an adult, and the whole whitewashed and backed by a substantial stone wall. Within the inclosure were several monuments of some people who had been buried permanently.

I used the word "permanently" advisedly. The exact custom which obtains there is as follows: These niches are rented for the space of eighteen months. The coffin is placed within, and the end is closed either with brickwork or with a marble slab having a suitable inscription. At the end of eighteen months, failing a prompt renewal of rent, the coffin and contents are evicted. The eviction is of the most thorough type; it would put an Irishman "to the pin of his collar." The individual holding the concession has his men working within the grounds. If the rent has not been renewed they remove the little marble slab or brickwork and the coffin is taken out and dumped back of the cemetery. Such was the custom prior to our denunciation of that form of unburial of the dead.

In the fall of 1882 I made the acquaintance of a special correspondent of the Brooklyn Eagle, who had seen much in many places and under many circumstances. I promised to show him something that, I took the liberty of thinking, he had not seen previously. He was a pushing, vigorous fellow, and willing to go anywhere and see anything, as long as it gave him some descriptive matter for his paper. I took him back of the cemetery now under consideration and directed his attention to seven and sixty coffins, in all sorts of positions and with all sorts of contents. My readers will be kind enough to remember that the people who are buried in the bovedas invariably belong to the better classes. I took him about among the broken coffins, and the whole coffins, and the skulls, and the bones, and the ashes, and everything else. There they were, just as they had been thrown out.

In the great majority of cases the lids of the coffins were off or had been broken, and within were the restos or remains of former prominent citizens, the majority of whom, of course, were natives. In one coffin were the remains of a woman, and she had had a magnificent head of hair. I must say that the entertainment rather upset the Brooklyn Eagle man, and he was unwilling to stay and hear more about it. The fact that I had made a good collection of crania which I had sent home to Canada ceased to interest him, and he was very glad to get away from the place, admitting that he never had seen the like.

[Page 125.]

As already stated, it was hoped that when the new cemetery was opened the disgraceful scenes of the past were over forever, but such has not been the case. The present concessionaire is (or was) Señor Nicanor Obarrio, who holds a direct concession from the Government, and he it was who had the new cemetery built under that concession.

As I have already informed my readers, it had been more than filled between the dates given. While on the Isthmus during March, 1888, I went out to see how things were in the new cemetery, and you can fancy my astonishment when finding that all the numbers on the graves had been doubled. That large plot had been filled, and over each grave was a simple wooden cross, painted black. Above was the number of the year, "1884," and on the arm of the cross the number of the grave. As I have said, all the numbers had been doubled. For instance, you would have, say, "3640" on the arm of the cross, below that "1888," and above it in a scroll "1886." The wherefore of it was as follows: In 1886, 3640 was the first occupant, but, as the cemetery had been dug over from end to end, he had been evicted, and twice 3640 was the number of the grave in 1888. Not only were all the numbers in that main cemetery duplicated, but they were digging over the cemetery at the back.

I am fully aware of the fact that this seems a remarkable statement, so remarkable, indeed, that when relating it to some new acquaintances in the British island of Trinidad they looked at me with that polite incredulity that seemed to indicate that they thought that much traveling had not improved my veracity; and it was only when I produced some photographs there and then, showing the graves with double numbers and the digging up of the old graves, that they could believe me. One of my photographs was a revelation to them. In digging up these graves the diggers occasionally came upon a coffin that was in fairly good order. A number of these had been placed upright, leaning against the back wall of the cemetery. These second-hand coffins were for sale to anyone who wanted a luxury of that kind. But for the fact that I had my photographs with me, I feel confident that my statements would not have been accepted as true. But there they were. There was the row of coffins, the double numbers on the crosses—"1886" above and "1888" below.

Now, from a sanitary standpoint, what does all this unburial result in? It results, to my mind, if I understand anything about the matter, that from this criminal practice of liberating untold millions of germs of disease the Isthmus is made a disease-producing and disease-distributing center.

I particularly wish to emphasize this statement, and shall do so in this way: That Colombian cemetery receives nearly all of the dead from the canal hospitals. An immense number of the deaths among their men is from specific yellow fever, properly so called. As that is a land of perpetual summer, perpetual sunshine, perpetual moisture, these germs when liberated find a congenial soil. As the yellow-fever germ is one that flourishes at a temperature of 72°, and as the average temperature is 80°, it goes without saying that these germs never die out there.

Another fact in this connection. Smallpox never is absent in those countries. From time to time there are outbreaks, and two years ago, following the unburial of the dead in the cemetery that I am now describing, there was one just beyond the cemetery at La Boca de la Rio Grande, and there were a great many deaths. My readers must bear in mind that thousands are unburied there annually to this very day and this very hour.

While I was at Panama a number of foreign physicians tried to bring about a different state of affairs. We wrote letters to the press. While the attempt exposed the situation and its dangers, no good came of it. The series of letters to which I make reference was published in the Star and Herald by George E. Gascoigne, M. D., C. M., M. R. C. S., England; Benjamin Stamers, L. R. C. P. and S., Edinburgh, and the writer. As I have already stated, if people wish to commit suicide, from a practical standpoint, let them do it; but let them do it in a way that will not endanger others.

My readers will at once appreciate the danger to all countries doing business with the Isthmus of Panama, or by way of the Isthmus of Panama, as hundreds of thousands of packages of freight cross the Isthmus from the Pacific to the Atlantic and from Atlantic to Pacific, and are distributed in all directions, even to trans-Pacific ports. That these packages are the bearers of disease is well known. The west coast of the Republic of Mexico owes the epidemic presence of yellow fever to the Isthmus of Panama, and all students of that awful disease are well aware that it was by way of the Isthmus that it was distributed up and down the coasts of Central and South America, in many of the ports of which it is permanently domiciled. It is quiescent at times, if you will, but when the suitable conditions obtain, with an unacclimated population, it asserts its sovereignty.

I have shown how physicians vainly endeavored to bring about a reform. Certain it is that nothing can be expected of the Government of the Republic of Colombia as at present constituted.

There is but one way of handling these things. It is by international pressure. We are all aware of the fact that when a small power in Europe is likely to disturb the peace its neighbors say, "We will have none of it," and that is the end of it. Now, there is a power controlling one of the world's greatest highways, and, while it absolutely depends upon other countries for its traffic, it is a disease producer and a disease distributor.

To prevent the slightest mistake in connection with this statement, I refer my readers to the report of the board of health of the State of Louisiana for the year 1882 and the first six months of 1883. On pages 239, 240, and 241 will be found a long letter from Dr. Daniel Quijano Wallace, then president of the board of health of the State of Panama. It was in reply to a letter from Dr. Joseph Jones, then president of the board of health of the State of Louisiana, in which he regrets the deficient organization of the sanitary service of the State of Panama. In the eighth paragraph of that long letter President Wallace speaks as follows:

"It is sad to confess that of the 33 powers represented at the sanitary conference in Washington, Colombia was the only nation that had no sanitary service properly organized, and that did not officially register and publish the prevailing diseases, the death rate, and information relative to public health."

At the close of paragraph 2 is the following:

"I communicate that the actual sanitary condition of the ports of Panama and Colon is, in general, good, as at present no epidemic disease reigns, it being well known that smallpox, the yellow fever, and the paludal fevers, in their infinite varieties and forms, never are absent in these intertropical regions where they are truly endemic."

"Comuniquese les que el estado sanitario actual en las puertos de Panama y Colon es por lo general bueno, pues no existe al presente epidemia reinante ninguna, siendo como es conocido que la viruela, la fiebre amarilla y las fiebres palustres, en sus infinitas variedades y formas, nunca feltan en estas regiones intertropicales en donde son verdaderamente endemicas."

I give both the original Spanish, as published in that report, and the English, that there may be no doubt in the minds of my readers as to the oft-repeated statement regarding the sanitary condition of the Isthmus of Panama. Dr. Quijano Wallace is a Colombian by birth, a man of excellent education, and we served on the State board of health jointly for a time. You will be kind enough to remember that a son of Colombia makes the above statement. The date of Dr. Wallace's letter is, Panama, October 13, 1882.

Apropos of yellow fever and epidemics, the following statement will be somewhat interesting:

"In September, 1884, the harbor of Colon was full of shipping. The latter became infected. The *Effecthia*, a brig, lost all her crew but the cook. Two French steamers of La Compagnie Generale Transatlantique, named the *N. Bixio* and the *Fournel*, lost 20 men. The Royal Mail steamers *Larne* and *Nile* also lost a few between September and January, 1885. One hundred and seventy cases had occurred there with a mortality of over two-thirds. I saw the records when in Colon in February, 1885. I visited Colon purposely to see things for myself. The English ship, the *City of Liverpool*, had six cases on board. She was at the dock, and within 20 feet of her stern was a large pile of rock ballast from Bohio Soldado, being that sold by the Panama Railway to all vessels requiring it.

"The *Grace Bradley*, an American three-masted schooner, was in the berth next to the *City of Liverpool*. She had discharged her cargo of ice and was taking in the ballast. Two of her crew sickened with the disease and died. She sailed for a Southern port, United States of America, with a foul bill of health from United States Consul R. K. Wright, jr., of Colon. She arrived at the Southern port late in the fall, discharged the ballast on flat cars that dumped it into the sea, and proceeded direct to Philadelphia. This infected ballast will some day speak louder than words to the people of the South. It comes from an infected port. Ballast of this kind caused three cases of yellow fever in New Orleans in 1882. The ballast was thrown on a street there."

I have reprinted the above from one of my articles on yellow fever, my object in doing so being to illustrate the value of some bills of health issued to the shipping by the civil authorities on the Isthmus. The *Fournel*, the vessel referred to, lost her captain and nine or ten men. They wished to clear her, and applied to a doctor in Colon, personally known to me, and he issued a foul bill of health. The steamship company would not accept it, but referred the matter to the general agent in Colon. He in turn approached the Government; the then acting President issued a clean bill of health, and the vessel went to sea from a hotbed of the disease.

In the month of September, 1884, the canal company buried 654 officers and men. Perhaps a day may be coming when cremation may be introduced on the Isthmus of Panama, and it would be an effectual way of getting rid of such disease-producing bodies. The disposal of the dead has been attracting the attention of scientists for some time past, now that graveyards and cemeteries are recognized sources of disease, particularly within the Tropics. In the January number (1888) of the Nineteenth Century there is a paper of considerable value on this very theme by Sir Henry Thompson, from which I shall briefly quote:

"Medical and physiological science, too, is daily diving deeper into the cause and origin of disease, and modern discoveries tend to show that infectious diseases, and especially those which are distinguished as zymotic, are due to minute organisms, to which the names of "microbes" or "bacteria," or the more general term of "germs," has been given, and which have a force and vitality capable of resisting many agencies destructive to ordinary life, and even bidding defiance, under favorable circumstances, to the all-conquering power of time itself. It has been clearly proved that these organisms, so far from being destroyed or rendered harmless by the burial of a body, the life of which has been destroyed by them, flourishing exceedingly on the products of decomposition and putrefaction, may at any time be brought to the surface and again set free on their devastating course by the action of earthworms or by any other cause that may disturb the soil.

"This is particularly the case with splenic fever, the germs of which will even affect the grass growing over the buried bodies of cattle that have died from it, and will infect any living animal that feeds upon this poisonous herbage. Malarious fevers, and especially Roman fever, so fatal in the Italian marshes, are well known to be due to bacteria which exists in the very soil itself; and it is generally believed by scientific men who have made infectious diseases a study that scarlet fever, typhoid fever, smallpox, diphtheria, malignant cholera, and many kindred diseases are communicable from the decomposing remains of persons who have died of these disorders and been buried in the ordinary manner."

[Page 148].

I shall cite but a single instance in connection with the building of the Panama Railroad in the high level to show what railroad cuts within the Tropics mean. After they had got on the other side of the "divide" toward Panama and opposite Paraiso, a 40-foot cut was made. Owing to the peculiar soil there, when the first rain came the surface became saturated with the greasy soil moved into the cut, burying the railroad to a depth of some 20 feet. This, remember, on a simple cut of 40 feet. One such lesson was ample for the experienced men directing the construction, and a new bed was promptly laid over the old one.

I have already said that the Isthmus furnished nothing in the shape of food; everything had to be brought from the United States or abroad. The laborers came from Ireland and from Jamaica; there were a lot of coolies and no end of Chinamen, Colombians, and Indians. The great bulk of the material likewise had to come from abroad. Tomes in his work gives a graphic and truthful sketch of the swamps and the jungle, and feelingly treats of the climate, regarding which he says:

"When to this was added a climate which disposes, from its prostrating heat, to indolence, and an atmosphere the malignant breathing of which is poison, the result which has been accomplished seems almost superhuman."

He also summarizes his view regarding climate at follows:

"The unhealthiness of the climate has been one of the most serious obstacles against which the enterprise has struggled. I need not dwell upon the causes which produce those diseases which are epidemic on the Isthmus. The alternation of the wet and dry season, a perpetual summer heat, and the decomposition of the profuse tropical vegetation must of course generate an intense miasmatic poison, and I was not surprised when the oldest and most experienced physicians employed on the railway declared to me that no one, of whatever race or country, who becomes a resident of the Isthmus escapes disease.

"I am indebted to the same gentleman for some interesting facts. From him I learned that those who are exposed to the miasmatic poison of the country were generally taken ill in four or five weeks, although sometimes, but rarely, not for four or five months after exposure; that the first attack was generally severe, and took the form of yellow, bilious, remittent, or malignant intermittent fever; that although none were exempt, the miasmatic poison affected the various races with different degrees of rapidity; that the African resisted the longest, next the cooly, then the European, and last in order the Chinese, who gave in at once. * * *

"The system never habituates itself to the miasmatic poison, and complete recovery from fever during a residence on the Isthmus is impossible. The sufferer may arise from his bed of sickness, but totters up and stalks about a mere ghost of his former self. It is thus that I never met with a wholesome-looking person among all those engaged upon the railroad. There was not one whose constitution had not been sapped by disease, and all, without exception, are in the almost daily habit of taking medicine to drive away the ever-recurring fever and ague. The railroad company are so far conscious of the debility engendered by a residence on the Isthmus that they refuse to employ those laborers who, having gone in a healthier climate to recruit, return to seek employment. It is found that such are unprofitable servants, and yield at once to the enervating and sickening climate. The enterprise requires all the vigor of unweakened sinews and of pure, wholesome blood. * * *

"A terrible fatality attended the efforts of the railroad company to avail themselves of the assistance of the Chinese laborers. A ship arrived and landed on the Isthmus some 800 after a fair voyage from Hongkong, where these poor devils of the Flowery Kingdom had unwittingly sold themselves to the service of the railroads, perfectly ignorant of the country whither they were going and of the trials which awaited them. The voyage was tolerably prosperous, and the Chinese bore its fatigues and sufferings with great patience, cheered by the prospects of reaching the foreign land, whither they had been tempted by the glowing description of those traffickers in human life, who had so liberally promised them wealth and happiness. Sixteen died on the passage and were thrown into the sea.

"No sooner had the 800 survivors landed than 32 of the number were struck down by disease, and in less than a week afterwards 80 more were laid by their side. The interpreters who accompanied them attributed this rapid prostration to the want of their habitual opium. This drug was then distributed among them and with the good effect of so far stimulating their energies that two-thirds of the sick rose again from their beds and began to labor. A Maine opium law, however, was soon promulgated on the score of the immorality of administering to so pernicious a habit, and without regard, it is hoped, to the expense, which, however, was no inconsiderable item, since the daily quota of each Chinese amounted to 15 grains, at the cost of at least 15 cents.

"Whether it was owing to the deprivation of their habitual stimulant, or the malignant effects of the climate, or homesickness, or disappointment, in a few weeks there was hardly one out of the 800 Chinese who was not prostrate and unfit for labor. The poor sufferers let the pick and the shovel fall from their hands and yielded themselves up to the agony of despair. They now gladly welcomed death and impatiently awaited their turn in the ranks which were falling before the pestilence. The havoc of disease went on and would have done its work in time; but it was sometimes merciful and spared a life, and was deliberate though deadly. The despairing Chinese could wait no longer; he hastily seized the hand of death and voluntarily sought destruction in its grasp.

"Hundreds destroyed themselves, and showed in their various modes of suicide the characteristic Chinese ingenuity. Some deliberately lighted their pipes and sat themselves down upon the shore of the sea and awaited the rising of the tide, grimly resolved to die, and sat, and sat, silent and unmoved as a storm-beaten rock, as wave rose above wave, until they sank into the depths of eternity. Some bargained with their companions for death, giving their all to the friendly hand which, with the kindly touch of a trigger, would scatter their brains and hasten their doom. Some hung themselves to the tall tree by their hair, and some twisted their queues about their

necks with a deliberate coil after coil, until their faces blackened, their eyeballs started out, their tongues protruded, and death relieved their agony. Some cut ugly crutch-shaped sticks, sharpened the ends to a point, and thrust their necks upon them until they were pierced through and through, and, thus mangled, yielded up life in a torrent of blood.

"Some took great stones into their hands and leaped into the depths of the nearest river and clung with resolute hold to the weight which sunk them, gurgling in the agonies of drowning to the bottom until death loosened their grasp and floated them to the surface lifeless bodies. Some starved themselves to death, refusing either to eat or drink. Some impaled themselves upon their instruments of labor; and thus, in a few weeks after their arrival, there were scarce 200 Chinese left of the whole number. This miserable remnant of poor heart-sick exiles, prostrate from the effects of the climate and bent on death, being useless for labor, were sent to Jamaica, where they have ever since lingered out a miserable beggar's life.

"The railroad company was hardly more fortunate with another importation of live freight. A cargo of Irish laborers from Cork reached Aspinwall, and so rapidly did they yield to the malignant effects of the climate that not a good day's labor was obtained from a single one; and so great was the mortality that it was found necessary to ship the survivors to New York, where most of them died from the fever of the Isthmus, which was fermenting in their blood. The laborers now employed, to the number of 3,000, on the road are of the mixed native races, chiefly from the province of Carthagena, negroes from Jamaica, and coolies from the East Indies."

[Pages 163, 164, 165, 166, 167, 168, 169.]

I have been told by a gentleman who is competent to give an opinion, and in whose word I have implicit confidence, that the code of civil procedure of the United States of Colombia is excellent. It is claimed that it is quite the equal of the historic "Code Napoleon," than which there is not better law. The law on the statute books and its application in Panama are opposite conditions. I can best make this point plain by citing a case. In one of the hotels beyond the market a man had been killed, and it was supposed that he had been killed by an Italian. The matter was turned over to the Panama police. For days they could get no information of the murderer. At last it was reported that he was on one of the islands in the bay in hiding. Policemen, armed with Remington rifles, were sent down to find him. They saw the man hiding behind some brushes, fired, and killed him. They brought the body up to the city at dead low water and landed it on the edge of the reef. They fastened a rope to his heels and dragged him over the ledges of rock for fully half a mile. Upon reaching the Taller the body was thrown into a cart, taken out to the cemetery, and buried. Following that, the judicial inquiry was next in order.

Another case in point was that of a soldier, who, while on duty watching some of the unfortunates in the chain gang, was annoyed by a woman. She persisted in bothering him, when he leveled his Remington and shot her on the spot. It was a main thoroughfare. The bullet went through her, went through a woman back of her in the line of fire, and broke the leg of a third. The first two died and the third had her leg amputated at the charity hospital. Immediately following there was a terrific hue and cry; the friends of the "late departed" ran the man down; he was cast into prison and tried, and, despite the facts in the case, his imprisonment consisted of exactly thirty days in a common jail.

The above-mentioned cases are no doubt extreme ones, but to my knowledge they happened. The laws upon the statute books are excellent, but it will be true to say that justice there, like kissing, is a matter of favoritism. At other times renderings in courts are brought about by magical influence that I can not dilate upon.

In speaking about the battery of Panama I referred to the fact that it forms the upper part of the Panama prison. Of all the dreary places that prison really is the worst. It is a huge mass of masonry with gratings, facing a small plaza. The men sleep side by side on a rough board platform. The place is constantly filled by the most disgraceful of odors, owing to the fact that there are no closets. Imprisonment there is little better than death.

Some years ago a keg containing $50,000 in American gold reached the Isthmus. While in charge of the Panama Railroad Company in Panama, the keg disappeared. A number of Americans were arrested and thrown into prison—seven of them, all told. I had occasion to see one or two of them in my professional capacity, and found them shut up in a small vaulted room with a narrow slit in the wall facing the sea. When the door communicating with an outside passage was closed they were in a damp, noisome vault. Their imprisonment was simply iniquitous, for there was no proof against them, and yet those unfortunate men were shut up there for months without being brought to trial, or having any specific charge formulated against them. It was thought then, and it is thought now, that their arrest was simply to screen the real culprits. Despite the fact that representations were made to the American Government, those men languished in that prison for months without redress. After a time they were put "in liberty," to use the term in vogue there, and never received any indemnity. That is another illustration of Colombian justice.

And I may also state that one or two British subjects were likewise locked up for months and months without any specific charge being brought against them, and despite the fact that the British consul protested against it.

Of the Americans who were in prison at that time several are on the Isthmus of Panama to-day, and from the fact that they hold responsible positions it seems safe to infer that the public never suspected them. That money was stolen between Saturday night and Tuesday morning. The Saturday referred to was a holiday, and the Monday following likewise was a holiday, and on Tuesday morning the money was gone. Of course it made a great excitement. It was $50,000 in American gold that had been sent to the Isthmus to be transferred to an American man-of-war, then in the harbor, to pay her crew. The money disappeared, and the individuals referred to were arrested and cast into prison.

The persons to whom suspicion pointed went as free as air. It is said that the money left Panama on an outgoing steamer for California; that an individual left his house at 4 o'clock in the morning, got into a boat, accompanied by a heavy package, and went off in the steamer. Subsequent crookedness in the same man's career would lead one to believe that suspicion pointed its finger in the right direction. Certain it is that from that day to this nothing has ever been heard of that $50,000, and the Americans who were cast into prison never got any indemnification, and doubtless they were as innocent as children unborn.

I simply cite this case as to the peculiarities of law, not tabulated in the civil code of Colombia.

There is no capital punishment in Colombia; ten years is the maximum imprisonment if a man kills a dozen men. It was the isthmian experience that the only individuals who got the maximum punishment for murder were foreigners.

I can remember one case where a Jamaican had murdered a woman and he got the full sentence under the law. During my long residence there I never knew a native of the country to receive it. On the other hand, I can recall a case where an unfortunate American, who had been trading in a schooner to some of the ports north of the Isthmus, on the Atlantic side, had been detected in fraud and arrested. It was alleged that a prominent merchant in Cologne had lost some $700 or $800 by the fraudulent practices of this American. I have already told you of the soldier that received thirty days for killing two women. This American was brought to trial, and, owing to the fact that his prosecutor was absolutely devoid of conscience and that he possessed great political influence, the unfortunate man was consigned to a fate worse than death, by a sentence of three years in a Panama prison.

Every effort was made by his consul to obtain a diminution of the sentence by showing extenuating circumstances, but nothing came of it. If he lived it was to be three years in one of those noisome vaults, breathing the foulest air, owing to the fact that a small cask received everything through the day, to be emptied only at night, and to be fed on a diet not fit for a dog. Such was his sentence. Fortunately death relieved. He went in a well, strong man. Such surroundings, such air, and such food terminated in disease, and his troubles were over. This case is well known upon the Isthmus. I do not mention names, but I could do so. It was iniquitous from beginning to end.

Such of the prisoners as are fit for hard labor are sent out in the streets of Panama to sweep them and to do any sort of work that may be necessary. All of those that have been committed for murder wear a chain. It is secured below by an anklet and above by a piece of rope. They work under a guard of soldiers of the type of that man who shot the two women. One night when in my room at the Grand Hotel I heard a clank, clank, clank, and I looked out to see some of the unfortunate fellows going by in the dark carrying a late comrade out to the cemetery. A man with a lantern led and the military guard followed.

While on the subject of laws, some legislation that was enacted this year may prove interesting to my readers. I have thought it well to quote the law in Spanish, word for word as it was published, and below it to give a careful translation:

"ART. 34. El matrimonio contraido conforme a los ritos de la religion Catolica anula ipso jure el matrimonio puramente cidil, celebrado antes por los contrayentes con otra persona.

"ART. 35. Para los effectos meramente cibiles, la Ley reconoce la legitimidad de los hijos concebidos antes de que se annule un matrimonio civil a virtud de lo disquesto en el articulo anterior.

"ART. 36. El hombre que habiendose casado civil mente, se case luego con otra mujer con arreglo a los ritos de la religion Catolica es obligado a suministrar alimentos congruos a la primera mujer y a los hijos habidos en ella, mientras esta no case catolicamente."

This is the translation:

"ART. 34. Marriage contracted according to the rights of the Catholic religion of itself annuls (ipso jure) a purely civil marriage previously celebrated by the contractants with other persons.

"ART. 35. For the purely civil effects of the law, it acknowledges the legitimacy of children conceived prior to the annulation of a civil marriage by virtue of the provision of the preceding article.

ART. 36. The man who having married civilly marries subsequently with another woman, according to the rights of the Catholic religion, is obliged to provide maintenance for the first wife and for the children had by her so long as she does not marry according to the Catholic rite.

While describing the churches of Panama I referred to the fact that the Church of Rome had been dispossessed and that the priests and sisters of charity had been driven out of the country and that the church had been dispoiled presumably for the benefit of the Government. Of late years Rome has been feeling her way very cautiously, strengthening her hands at every turn, until to-day she feels her strength to be such that, according to the laws quoted above, civil marriages of the past have been annuled. If there is one thing more than another regarding which the Church of Rome has been as "firm as a rock" it has been on the question of divorce—that once married nothing could undo the marriage save the cause of adultery.

It would now seem that, according to the laws of Colombia, the civil marriages that have been in force for many long years can be broken by anyone who wishes to put from him his wife, if the marriage was not according to the Catholic rite. To all lovers of liberty, properly so called, this retrograde movement in Colombia, whose boast is that her laws are the counterpart of the great Republic of the North, will cause both surprise and pain, especially when they think that Rome has struck this blow at the most sacred of institutions.

Under the laws of Colombia the press was at full liberty to discuss any subject. Strange to say, this law has been repealed, and under severe penalties the press is prohibited from publishing anything that reflects upon the civil administration of the Church of Rome. In fact, to such a pass have things come on the Isthmus that the press is no more free than is one of those unfortunates in the prison at Panama. All of this seems the more incredible when we bear in mind that it is a purely republican form of government. The influences back of the Executive are well known. Things have taken such shape in that country that to be a Free Mason means that a man can not be buried in consecrated greund, and the why and wherefore of introducing the iniquitous laws dissolving civil marriage are well known to those in Bogota.

From my recent visits to the Isthmus, and from information received from there while away, I personally am of the opinion that this iron-handed legislation, this violation of the rights of individuals and of the press, can have but one end—a revolution that will shake that country to its center; and rightly so. It is impossible to suppose that any intelligent people who have been as free as the air of heaven can reconcile themselves to legislation of this type, which is unworthy of the autocrat of all the Russias.

[Pages 170, 171, 172, 173, 174, 175, 176, 177, 178.]

On the morning of September 7, 1882, I awoke fancying that some one had got into my room at the hotel and had shaken my bed or got under it. I sat up in bed, looked about the room, but could see nothing, for there was but little moonlight. I couldn't understand the thing, and stepped out on the hotel balcony. While standing on that balcony trying to account for the cause that had awakened me, the whole building trembled violently, and there was a groaning, crunching noise that I never shall forget.

The balcony that I was on was some 45 feet above the street. Before the earthquake, and when taking my room on that floor of the hotel, I had looked around to see what to do in case of fire. As soon as the terrible vibration began I stepped over the railing of the balcony and down on the railing of the balcony of the adjoining house, then jumped to the floor and ran its full length as rapidly as I could. On getting to the end there was a house some 10 feet below me. The only idea I had at the time was that I did not like to die like a rat crushed in a cage. Having had no experience with earthquakes within the Tropics, I did not then realize that it was one. Following the violent shake, all was quiet, and I retraced my steps, climbed up the balcony, and got to the upper balcony of the hotel. My neighbor in the room adjoining mine was Señor Don Pedro Merino. He had tried to escape from his room by a door leading into the upper hall, but the door was jammed and he could not open it. He came to the door of my room, saying that in all his experience in Central America he never had felt so violent a shock. I went into my room, and as soon as I realized it was an earthquake I looked at my watch. It was 3.20. My bath tub had been partially filled with water the night before for my morning bath.

The oscillation of the building had thrown a part of its contents over the

floor, bottles were knocked down, others were broken, and the ceiling and walls were cracked. In some places parts of the former had fallen. The wall of that strong building at the back, where it was fully 2 feet thick, showed a crack of nearly 2 inches. We dressed as hastily as possible to get out into the open, and when we got down into the lower hall found the servants gathered there. The building that we lived in was the Surcursale, or annex of the Grand Hotel, and was on the highest point of the city. Hence it felt the vibration more than buildings lower down. When we found the Colombian servants they were sadly frightened. It would seem that when the first shock came they opened a front door to rush out into the street, but did not do so, as the tiles on the house came down in a perfect shower. Immediately following the shock, and before we had walked down to the main plaza, the whole city was alive with exclamations of terror and the streets were full of excited people, many of whom had candles. We got into the plaza a little after half past 3. It doesn't take people long to dress when earthquakes are about.

I shall never forget the scene in the plaza. It was black with people who had reached there in safety and had got in the open and away from the buildings that were expected to fall. There was still a little light, and the moon was in its last quarter. The hum of voices there and the excitement was something astonishing. There they were, people of all classes—black and white—some dressed, and some very hastily dressed, and some had brought chairs with them. An elderly lady, belonging to one of the oldest and most distinguished of Colombian families, was found dead sitting in her chair. It was an old case of heart disease, and it simply required the excitement to kill her.

The upper part of the wall making the front of the façade of the cathedral had been shaken into the plaza; huge masses of masonry had fallen down upon the stone steps in front of the old building, breaking them and driving them into the earth. The cabildo, or town hall, was wrecked. The lower part was a cloister of the old-time Spanish type, with columns and arches. Above there had been another series of arches, giving a front balcony with its roof. The latter with its columns had been thrown into the plaza, and many of them were broken into fragments, while a part of the main roof of the building had been shaken down and off. Its front was wrecked. The canal company's building, while it showed no visible damage, was badly cracked, and a repetition of a shock of equal intensity probably would have thrown part of it down. As soon as a little daylight came in it was found that the arches of the cathedral had been badly damaged.

With the return of daylight all seemed to recover some courage, for if there is anything that unnerves one, it is to feel the earth violently tremble under one and hear buildings groan. There was a vast deal of damage done in the city; walls had been thrown down, and there had been some accidents. A doctor of law in his fright had jumped from a balcony and broken his leg. In a house on the Calle Real a man and his wife had left their bed just as the upper wall of an adjoining building came through the ceiling, burying it under the débris. I should also say that at the cathedral a number of the saints had been shaken from their niches in its front. The old tower of the Chappel of Ease, opposite the Quinta of Santa Rita, had been shaken down, burying a wooden shanty from which the family had just escaped. The only fatality in the city of Panama was that of the old lady who died in the plaza.

As the morning advanced we all became more collected, and speculation was rife as to the exact starting point of the earthquake, the majority fancying that the wave had traveled southward from Central America. At that time the cable ship *Silvertown* was in the harbor, a huge vessel belonging to the India Rubber, Gutta Percha and Telegraph Company, of London, England. She had just completed the laying of the cables of the Central and South American Telegraph Company, from Peru to the Isthmus and thence to Mexico. The chief of the cable staff, Mr. Robert Kaye Gray, R. F. G. S., was on shore. After hearing all that was to be ascertained regarding the earthquake and examining a number of buildings, together with my quarters in the hotel, which he considered had suffered most, he expressed the opinion that its origin was local. The cable of the West India and Panama Telegraph Company from Colon to the West Indies, and thence to Florida in the States, had been broken. Thus we were shut off from that side, and could get no news from the outside world. The Central and South American cable had been successfully laid, but it still was in the hands of contractors, or Mr. Gray's company.

The interests of the cable company proper were represented by Mr. J. H. Stearns, a gentleman whose patent for duplex telegraphy has made him well known in the scientific world. Thanks to the courtesy of these gentlemen, I was able to send a press dispatch—the very first—over their cable to New York. I sent the Herald 485 words. Later on we got information as to what had happened in other places. The crews of the vessels at anchor off the islands of Flamenco and Naos were roused from their sleep—such as were not on duty—and supposed that the vessels had grounded or were dragging their anchors. The island of Toboga, 9 miles from Panama, had had a severe shaking, and part of the substantial cliff had fallen into the sea. Some people came over to Panama from the Colon side, and then it was that we learned that the shaking in Colon had been there worse than on our side.

From the city of Colon to Baila-Mona the Panama Railroad had been rendered almost useless. In places the roadbed had sunk; in others it was completely thrown out of line, and for two and twenty miles this condition of things obtained. The long bridge, of over 600 feet, at Barbacoas was thrown slightly out of line.

In speaking of Morgan and the Chagres River, reference has been made to Cruz of those days, or Las Cruses of to-day. The latter settlement is not very far from one of the central railway stations on the Isthmus. Previous to the earthquake there had been a substantial stone church there. That building literally had been shaken to pieces. Its ruins were photographed by M. Demers, chief of the photographic service of the Panama Interoceanic Canal Company. Not a piece of the wall 4 feet high was standing. We learned subsequently that several lives had been lost in a small village between Colon and Panama.

With Colon on the Atlantic my readers are tolerably familiar. The majority of its buildings were of wood. The violence of the shock was such that piles of plank, put up in the usual way, were shaken down, and, bad as our experience was in Panama, certainly the earthquake violence there was greater. It was such that people who attempted to walk were thrown off their feet. There were also a few accidents. As usual, under such terrible circumstances, the majority absolutely lost their heads. Strong men, who under ordinary circumstances would have undergone almost anything, were as helpless as children. When daylight came upon the scene in Colon, it was found that a great rent crossed the island from near the substantial stone freight sheds of the Panama Railroad Company right along the front street to the earthen embankment connecting the island with the mainland. Later on a fissure was discovered running along the right bank of the Chagres. It was traced some three miles and varied in breadth from several inches to a mere crack, closing below in a abyssmal darkness.

I was told by Mr. Burns, an intelligent American contractor, who was then mining in the hills between Colon and Panama, that men in his camp were shaken off their feet, and that a mule fell and rolled over and over. That was the earthquake of the first day. The next morning about 5 o'clock there was another one. I did not dare stay in the hotel, as it was so badly damaged. The lofty buildings practically were abandoned, and all who could go out of town went out into the open country, sleeping under tents or any shelter they could get. Business was absolutely at a standstill; the sick forgot their illnesses, and the only subject of conversation was los temblores or the earthquakes. A friend, now resident in St. Thomas, had offered me a shakedown over the Colonial Bank. While nobody was afraid, the sociability was intense. The next morning, at 4.53, there was a violent shake, and we hurriedly dressed and got out into the street. As usual, the whole town was alive; all our fears had been reawakened, and a feeling of impending disaster impressed everybody. When daylight came we were out in the plaza St. Anna, and well do I remember the first penciling of light along the horizon and the quiet delight with which we welcomed it.

While severe earthquakes during the day are bad, in the darkness of night they really are appalling. On the second night after the earthquake I accepted an invitation from another friend, whose building was not so lofty as the bank in which I had passed the previous night. He adopted an ingenious device, well known in earthquake countries. In subsequent press letters I dubbed them "Stearnes earthquake detectors." He stood two soda bottles and a number of mineral bottles on their mouths. Any shock would upset them and give an alarm. The tremor that night was but a slight one, and on the third night I slept in the hotel proper in a way, for we were all so unstrung by the intense nervous strain that restful sleep was out of the question. The building of the cable company, in which I passed my second night, was so damaged that one of its walls subsequently had to be stayed up and secured. At the time the Panama Canal Company had a maregraph at Colon, and it was found that there had been a species of tidal wave, as indicated by the perpendicular tracings made by that instrument.

As I have stated, the Panama and West India Company's cable was broken, and the other cable was not open to the public, as it had not been transferred by the directors to the company, and consequently we were shut off. There is a general impression that "news travels by post," but, as an exception to the rule, I may here state that, upward of a month subsequently, we received information on the Isthmus to the effect that a tidal wave had swept some of the islands on the Atlantic side in the vicinity of the Gulf of Darien. It swept across them, washing away ranchos and inhabitants, and some 65 people perished. But, as I have said, we only learned this a month later. It would seem that the center of seismic disturbance had been a little to the south of the Isthmus of Panama and almost opposite the old Isthmus of Darien. Hence the tidal waves that swept the islands in the archipelago in that direction and the earthquake wave which so violently shook the Isthmus.

I kept records during the "shakes." After the fifth day there were no strong, but many minor, ones. I have notes and records of them by the dozen.

The third violent shock was about the fourth day; it occurred about 11 o'clock p. m., when, in common with others, I was tremendously pleased to get into the Plaza Triompha and out in the open. The only idea that seems to actuate one under such circumstances is to get away from buildings or anything that can fall upon one. While we were in the plaza—everybody talking to everybody, for on such occasions formalities do not exist—there were violent shakings, and in a street near us there was a rush and considerable excitement caused by a hysterical woman shrieking.

On the afternoon of that day an old acquaintance of a friend of mine had visited his house and, it being late at night, asked the privilege of staying there. She was allotted a room and a hammock. On the morning subsequent to this last shock they found she was not awake and thought she had overslept herself. Later, finding she did not move, they approached her hammock and found her dead; another case of heart disease, her death being caused by excitement.

While making no professions of bravery, I have yet to learn that I lack the courage common to most men, but for weeks after that experience, when in the quiet of my room at night, surrounded by cracked walls, whenever I allowed my mind to dwell upon the awful scene, I would shiver from head to foot. It was an awful experience. If there is any one thing that utterly unnerves one it is an earthquake of that type—one that will shake buildings to pieces, partially destroy a railroad, and create the havoc and destruction of that terrific earthquake of the 7th of September, 1882.

As soon as it was possible to collect reliable data I sent a series of letters to the Montreal Gazette, and they were published in extenso. Following their publication there was a lot of scientific discussion in the old country as to what would be the effect of an earthquake on a completed canal. Scientists took the ground that the embankment on the side whence the wave came would suffer most, and that an earthquake of that violence would seriously damage any canal.

As soon as possible I instituted careful inquiry as to the history of the early earthquakes on the Isthmus, for when I became a resident there I had no knowledge of earthquakes, nor had I ever heard of any in connection with that neck of land.

From the typical "oldest inhabitants" I learned that the earthquake in the fall of 1858, that had so damaged Cartagena, on the Atlantic, had done a great deal of damage in the city of Panama. I also learned that upward of a century ago the country had been terrifically shaken from Santa Fe de Bogota to Panama, and that about 100,000 lives had been lost. Some ten years prior to the earthquake of 1882 there had been a violent shock, the greatest force being felt in the State of Antioquia, to the south of the Isthmus. A pueblo, or village, called Cucuta, was literally shaken, and upward of 5,000 people lost their lives. It will be seen that earthquakes in Colombia are not modern inventions.

A remarkable feature in connection with that earthquake period at Panama must not be overlooked. It would seem that my dispatch to the New York Herald was cabled abroad, and it all but produced an earthquake among M. de Lesseps's shareholders. He at once informed the world that there would be no more earthquakes on the Isthmus. Strange to say, despite the utterances of this celebrated man, the earthquakes kept on, to the unstringing of our nerves and to the contradiction of even so distinguished an individual as Count Ferdinand de Lesseps.

Another statement in connection with this and I have done. Such of my readers as are familiar with the historic Paris Congress of May, 1879, that was called together to consider the Panama Canal, will remember that M. de Lesseps denounced any Nicaragua route as impracticable, owing to the fact that it was a land of earthquakes, and that the only route was that at Panama.

The only interpretation that one can place on such a statement is that M. de Lesseps had settled on the Panama route before calling the scientists together. And such was the case. That he, as an intelligent man, could have made such a broad statement savors of absolute ignorance regarding the past of the Isthmus, as that indefatigable traveler and great authority, Humboldt, refers to the particular formation of parts of Colombia and the terrific cataclysms that must have obtained there in early days.

Within the last few days I note that the adjoining Republic of Ecuador has been violently shaken by earthquakes, and so violent were they that they produced a panic among the people. What effect such earthquakes would have upon a tide-level canal are best imagined and description is unnecessary.

[Pages 230 and 231.]

The present status of the Panama Canal may be defined by stating that, after seven years' work and an expenditure estimate of over $220,000,000, M. de Lesseps has abandoned his pet tide-level scheme, and at the eleventh hour adopted locks. About one-fifth of the work originally planned has been done. The fixed charges of the company to-day on their shares and bonds and the maintenance of the Parisian and isthmian offices exceed $22,000,000 per annum. This does not include the turning over of a single shovelful of earth.

A word regarding the Eiffel contract, regarding which one hears so much. It is probably one of the most remarkable documents that was ever drawn up between a contractor and a corporation. All of the provisions are absolutely in favor of the contractor. He exacted a huge deposit, for as much as $1,000,000, or 5,000,000 francs, were placed to his credit in the hands of two banking firms in Paris before he commenced any work at all. Then his staff that was sent to Panama was paid six months in advance by the canal company. One of the engineers on that very work told me, while in Panama in March, 1888, that the contracts called for 10 gates at $1,000,000 each, while the masonry and wherewithal to constitute a lock was to be a separate charge. Thus we have ten millions for 10 gates, and, say, five millions for masonry; total, fifteen millions. The fact never to be lost sight of is this: That M. de Lesseps has stated that they are to be temporary locks. These are his own words.

With his usual nonchalance, in comparison with which an arctic temperature is midsummer, he has assured his countrymen and countrywomen (for there are upward of 30,000 female shareholders in the canal) that while the locks are working he will go on digging down to tide level alongside of his lock canal. This is probably one of the most remarkable statements that has ever emanated from human lips, and for a variety of reasons. Picture to yourself a lock-level canal built through the ever-yielding clayey soils of the Culebra. Let us say that that is done. There is no water on that level with which to aliment or feed a canal.

Pockets are to be constructed on the side of that hill as mountain reservoirs. By strengthening their walls with a backing of iron plates they hope to make them strong enough and large enough to hold M. de Lesseps's promises—I really beg his pardon—I mean water, to aliment the upper levels of the Panama Canal. This water has to be pumped from distant streams. Let us say the pumping apparatus gets out of order, then we have no water and the canal will be useless on that occasion. On the other hand, let us say that the reservoirs are full, and that there is one of those sociable little earthquakes, such as have been alluded to, and the walls of the reservoirs give way, break into the main ditch, and sweep away the locks.

Again, let us say that everything goes along just as they have stated—smoothly and the like. Then, according to M. de Lesseps, in that narrow mountain gorge in the Culebra he is going down to tide level. In view of the fact that the sides of the Culebra move into the cut at the rate of some 18 inches per annum—and that on a cut of less than 8 feet—what can one expect will happen to his lock canal after he has got below its level?

In short, the building of a tide-level canal alongside of the lock canal is a physical impossibility, and there are no modern underwriters that would put a dime of insurance on vessels going through a canal at that time.

[Pages 232 and 233.]

As we are all aware, M. Eiffel is building a thousand-foot tower, to be completed for the opening of the Paris Exposition in 1889. As M. de Lesseps boasts that he has behind him half a million of share and bond holders, perhaps they will ascend that tower and stretch their eyes toward the west to look for the Panama Canal, in the same way that the Spanish King gazed froma window and said that he thought Panama could be seen, owing to the cost of its walls.

The engineer in the Eiffel employ, from whom I obtained many of the details just used, told me there never will be a canal on the Isthmus, with or without locks. When the present money is exhausted a crash is inevitable.

In fact, I made bold to make a forecast while at the American Association for the Advancement of Science, at its meeting in Cleveland on the 15th of August, 1888, when, in my paper before the section on engineering, I stated that within six months the company would be in hopeless bankruptcy and that M. de Lesseps's famous petite gens de bas de liane would be hopelessly ruined.

The bursting of this South Sea bubble No. 2 will shake France to its center. Add to this the commercial stagnation in Europe and the ever-increasing darkness in the political horizon and you have a group of facts sufficient to appall all having any interest in the Panama Canal. La Belle France is laden down by a huge debt, already three times that of the United States of America. This is constantly increasing, and the bursting of the canal bubble will hasten a financial crisis in France that unquestionably will affect all having commercial relations with her.

Despite the rose-colored statements to the contrary, very little real work is being done on the Panama Canal at this writing. Work has been stopped on a number of sections, the nominal excuse being that they are completed. But such is not the case. Work has been stopped because the company is without means to pay the contractors. At this time lawsuits aggregating several millions for damages and for breach of contract are hanging over the Panama Canal Company. A lot of its plant on the Isthmus was advertised for a judicial sale, and among other things that were enumerated in the list were the canal company's hotel and their works and plant at the Boca. That was for a judgment of $400,000. The case, I believe, has been settled, and a number of contractors who have been dispossessed and whose contracts had been given to others for advanced rates have sued the company. One of these contractors, M. Murraciole, a Frenchman, recovered 1,000,000 francs damages.

[Pages 235 and 236.]

The famous bureau system is what has obtained on the Isthmus up to the present time, with changes and amplifications without number. There is enough bureaucratic work and there are enough officers on the Isthmus to furnish at least one dozen first-rate republics with officials for all their departments. The expenditure has been something colossal. One director-general lived in a mansion that cost over $100,000; his pay was $50,000 a year, and every time he went out on the line he had his displacement, which gave him the liberal sum of $50 a day additional. He traveled in a handsome Pullman car, especially constructed, which was reported to have cost some $42,000. Later, wishing a summer residence, a most expensive building was put up near La Boca. The preparation of the grounds, the building, and the roads thereto cost upward of $150,000.

The way money has been thrown away is astonishing. One canal chief had built a famous pigeon house while I was on the Isthmus recently. It cost the company $1,500. Another man had built a large bath house on the most approved principles. This cost $40,000. Thousands and tens of thousands have been frittered away in ornamental grounds, for all had to be beau, utility being a second consideration.

M. Rousseau was sent to the Isthmus in 1886 by his Government to report upon the Panama Canal. His inspection was to be preliminary to the emission of a lottery loan, providing his report was favorable. M. Rousseau was a keen, practical man. While it was quite true that theatrical effects were introduced, he was not deceived.

During my last visit to the Isthmus I went over the work, notebook in hand, and made 60 photographs. I can summarize all by stating that the effect was more than depressing. The canal company take credit for $30,000,000 worth of machinery on the Isthmus of Panama. The greater part of this machinery has been left out in the open, and a prominent engineer told me that two-thirds of it is absolutely useless, and it would not pay to take it away for old metal. Five millions of dollars have been spent in creating a very pretty, well-kept tropical town at Christophe Colon. Sidings are covered with valuable engines and all kinds of movable plant which are out in all weather and going to ruin.

The canal hospitals on the Panama side are without doubt the finest and most perfect system of hospitals ever made within the Tropics. There are upwards of seventy buildings, and their cost has been over $4,000,000. The service alone is simply huge.

Mr. MORGAN. This concludes what I had intended to say in this connection, Mr. President, my purpose being to bring these papers to the attention of Senators, with this exception: Senators who vote for this canal to be located in Colombia will understand the people with whom they are to deal and the Government they are to deal with, and the thralldom which is placed on that Government by the conditions of the present law in the Republic of Colombia.

In this article Dr. Nelson deals with a number of subjects, and he is in close accord with the sworn testimony of witnesses who were heard before the committee. I have been surprised that even an ignorant witness, such a man as Mr. Plume, who was a mere trackmaster for six years on the Panama Railroad, should have referred in almost the same language to the very same identical facts that Dr. Nelson had published in 1886. And so in regard to other matters connected with his testimony.

Dr. Nelson deals with the country at large, and in particular he deals with it as to the formation of the country, geological structure, rainfall, climate, the structures and habitations, churches, hospitals, the health and the causes of diseases, the bills of mortality, the cemeteries, the earthquakes, the winds, the civil laws and their enforcement, as well as the ecclesiastical law which I have just incorporated in my remarks. Is he to be believed? In the letter in which I was introduced to this gentleman there was a reference to a very distinguished man of this city—Bishop Henry Y. Satterlee. I wrote to him to ask him about this man's character and whether he knew him. On the 9th of June, 1902, Bishop Satterlee replied as follows:

MY DEAR MR. SENATOR: In response to your letter I would say that I have known Dr. Wolfred Nelson for a great many years, as he was my parishioner for several years when I was rector of Calvary Church, New York.

He is a man in whose integrity, truthfulness, and Christian character I have always had perfect confidence.

Very sincerely, yours,

HENRY Y. SATTERLEE.

Hon. JOHN T. MORGAN,
United States Senate.

I am not bringing before the Senate newspaper accounts and squibs for the purpose of trying to produce a sudden impression upon the minds of Senators, but I am bringing sedate facts here that are established by perfect testimony, if human testimony can be considered perfect. This gentleman was not writing about canals. He was giving a narrative of what he saw, without prejudice and without passion, and without purpose except to write a book for the instruction and information of his friends, so that we can rely upon what Dr. Wolfred Nelson has said about Panama, and if it is to be relied upon it is an absolute impossibility for the Congress of the United States ever to venture to locate a canal in that region.

Now, on the subject which has been mooted here and which has been drawn into question since the committee closed its hearings, for the point was not made while the committee had the subject under consideration—that of earthquakes in different places—there is a great account, and I have no doubt an important one, given through the newspapers, of an earthquake in Guatemala which occurred some time early in the last month. I find here printed to-day the advance sheets of the Consular Reports, June 10, 1902, the following statement from James C. McNally, consul-general, dated at Guatemala city, May 9, 1902:

RAILWAY CONSTRUCTION IN GUATEMALA.

The work of constructing the Northern Railway from El Rancho to Guatemala city is progressing most encouragingly. The grading has been completed to Sanarate, about 50 miles from Guatemala city, and from there the work will be rapidly pushed forward. I am informed that the road will be finished within the time specified in the contract, and that six months from now trains will be running between Puerto Barrios and Sanarate. From the latter place to Guatemala city a stage line will be established.

The completion of the Northern Railway will be of great benefit to Guatemala, as it will considerably shorten the time to New Orleans. Only about six days will then be required to reach the United States from this city, while the trip on the Pacific side takes from seven to twelve days longer. Freight transportation also will be cheaper than by the Pacific route. The railroad was not at all affected by the recent earthquakes, and work on it is progressing in a businesslike way.

JAMES C. MCNALLY,
Consul-General.

GUATEMALA CITY, *May 9, 1902.*

Now, if that earthquake in Guatemala, which is said to have killed 5,000 or 7,000 people, did not stop the work on a railroad

built close to the scene of it, it seems to me we are wasting our time in hunting up conjectures about what will happen either in Panama or Nicaragua in respect of earthquakes. The evidence which comes to us officially of these matters, and also such evidence as Dr. Nelson has stated in the paragraphs I have quoted from his book, shows that a country may have a long state of repose, and perhaps we might call it an accident if an earthquake ever should overtake a railroad or a canal dug in almost any part of the world.

We have no security that this Capitol will not be shaken down some day by an earthquake. We felt the effects of earthquakes in Washington until they were very sensible to me, to say the least of it, but I never had any apprehension about what would happen to a canal or railroad that might be usefully dug at Charleston or at New Madrid, in the northeastern part of Arkansas and the southeastern part of Missouri.

It is my duty, Mr. President, to this case and this occasion to try to bring forward substantial facts upon which the Senate can act reliably in respect of a matter that we must all be cautious about, and we must look forward with a great deal of scrutinizing attention as to what may be the difficulties under which the canal may have to be constructed and thereafter be maintained and operated.

If there is any one duty which I feel I owe to my country on this occasion above all others it is to fairly represent and truly state, with every shade of coloring that might be necessary to bring out the exact state of facts, those matters which bear upon the question of the selection of this route and the construction of the canal and its maintenance after it is built. I would not for anything in this world leave behind me the reputation of having, in the face of evidence, selected a route that in the slighest degree gratified my personal ambition or that I thought would make more in favor of my own section of the Union than another.

So far as the Panama route is concerned, it is to be run only by steamships. Sailing vessels will have nothing to do with it. The statements made by Dr. Nelson from personal observations through six years of the effect of the winds in the harbor at Panama show that the route is not available for sailing ships, and every single member of this Commission admitted that the canal was being built with reference to steamers only and not with reference to sailing ships.

Mr. President, I have the honor to represent a State here which has the largest deposits of coal anywhere near the Gulf of Mexico. Coal can be taken from the Birmingham region in Alabama at a dollar a ton and delivered on board of a ship for a dollar and a quarter a ton. It is as fine steaming coal as there is in this world. If I were to consult the peculiar interests of Alabama I would strike every sailing ship out of competition with Alabama in the consumption of that coal.

If the steamships will also adopt oil for fuel for their boilers, as they will, what country can exceed Texas in her opportunities of winning money by abolishing the sailing ships of the world, and having all commerce conducted on steamships? There at Beaumont, where the earth itself, without the danger of a strike, forces the oil to the surface, and where it is piped out to the sea, and where ships can come and load their tanks with oil without the necessity of doing anything but going to anchor, is the finest field of exploitation for making money out of a peculiar advantage that exists anywhere on the American continent; yet I suppose that the Senators from Texas would scarcely vote to strike down the Nicaragua Canal because it is the only one projected that can accommodate the sailing ship.

While on that subject I wish merely to draw the attention of the Senate to the fact that by the acceptance of the Panama route, as is shown by the evidence incontrovertibly, and as is admitted by every member of the Commission, we strike the sailing ships out of existence so far as the commerce of the Pacific is concerned, unless they double Cape Horn.

Now, what is it that we strike down? What is the value of it? The number of sailing ships in the United States, and particularly ships that are upon the coastwise trade, is very much larger than the number of steamers. There are more of sailing ships now upon the ocean under the American flag that could pass through the canal to trade with the Pacific Ocean than there are of steamers. We at least cut our fleet half in two by selecting the Panama route, and refuse them access by canal to the Pacific Ocean. Can we afford to do that? Can we possibly afford to make that discrimination against so great an industry as the sailing fleet of the United States?

Why should we throw them away and deny them these privileges and benefits? For the sake of making $5,000,000 in a trade with the Panama Canal Company? Is that the consideration? That is all I have heard of. We do not do it for the sake of getting a country that is healthier, or a line that is shorter, for the Panama route is not shorter for sailing ships by fifteen days or for steamers by at least two days, if not four. Why do we throw away these benefits for the purpose of taking up a canal that cuts off the sailing ship, makes a longer route, and absolutely destroys our coastwise trade, which will hereafter in days that we are not dreaming of, I am afraid, fall into the hands of some foreign monopoly?

SUFFERERS BY EXPLOSION OF AMMUNITION CHEST.

Mr. CULLOM. I ask unanimous consent for the present consideration of House bill 5094.

Mr. MORGAN. Without prejudice to the present order of business?

Mr. CULLOM. Of course, without prejudice to the pending business.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that $15,845.23, the sum found just by a board of officers convened at Chicago, July 17, 1894, under Special Orders, No. 72, issued by command of Major-General Miles, of the Department of the Missouri, which sum is recommended by him, with the concurrence of the then Major-General Commanding the Army, be appropriated to pay the awards of the said board, according to the schedule as set forth in their report made on November 3, 1894, and published in Senate Executive Document No. 21, third session Fifty-third Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERZELLAH MERRILL.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5882) granting an increase of pension to Merzellah Merrill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merzellah Merrill, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF THE PRESIDENT.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 3653) for the protection of the President of the United States, and for other purposes. The Chair will state that the amendment of the House of Representatives is to strike out all after the enacting clause of the bill and to insert a substitute.

Mr. HOAR. Mr. President, I would suggest that the Senate nonconcur with the amendment of the House of Representatives and ask for a conference; but I understand that one member of the committee rather prefers that the amendment should be referred to the Committee on the Judiciary. If that be so, I shall not make any objection to it taking that course.

Mr. BACON. Ordinarily, Mr. President, I would concede that the suggestion of the Senator from Massachusetts [Mr. HOAR] is correct, but this is practically an entirely new bill. It is really the bill that the House of Representatives had framed before the Senate had ever acted upon its bill. The House substitute their own bill, simply using our enacting clause, and that is all there is of it. I think that, under these circumstances, the amendment of the House of Representatives should be referred to the Committee on the Judiciary.

Mr. HOAR. As a single member of the committee I have no special choice, but my own impression is—and I may as well state it publicly—that if the bill be referred to the Committee on the Judiciary, it is probable, considering the lateness of the session and the condition of public business, that it can not be disposed of at the present session, but will probably have to go over to the next session. If the Senator from Georgia, who is a member of the committee, prefers that the amendment of the House of

Representatives shall be referred to the committee, I am willing that it shall take that course.

Mr. BACON. I should think the Senator had better move the reference of the House amendment; otherwise we shall have a conference over an amendment of the House of Representatives, which is really a new bill, without the Senate ever having had it under consideration.

Mr. HOAR. I will move that the amendment of the House of Representatives be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR. I will repeat I do not believe that the committee will be able, with the other matters that are pressing in the closing days or weeks of the session, to deal with this subject so that the bill can be acted upon before next winter.

STANLEY & PATTERSON.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 11591) for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that it appears that Henry M. Denniston, pay director in the United States Navy, did, on the 5th of February, 1901, make and issue a check, No. 456714, bearing date the 5th of February, 1901, upon the assistant treasurer of the United States at New York, in favor of Stanley & Patterson, for $2,680.21, in payment for electrical supplies furnished the United States Navy Department; and said check was, on the 5th of February, 1901, mailed by Henry M. Denniston to Stanley & Patterson, at 32 Frankfort street, New York City, N. Y., and was lost in transmission through the mails and has never been received by Stanley & Patterson; and the provision of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, applies only to checks drawn for $2,500 or less.

The bill provides that Henry M. Denniston, or his successor in office, shall be instructed to issue a duplicate of said original check to Stanley & Patterson, under such regulations in regard to its issuing and payment as have been prescribed by the Secretary of the Treasury for the issuing of duplicate checks under the provision of section 3646, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 11, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 10, 1902.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Jacob A. Augur, Fourth Cavalry, to be colonel, June 9, 1902, vice Whitside, Tenth Cavalry, appointed brigadier-general, United States Army.

Maj. Clarence A. Stedman, Tenth Cavalry, to be lieutenant-colonel, June 9, 1902, vice Augur, Fourth Cavalry, promoted.

Capt. William D. Beach, Ninth Cavalry, to be major, June 9, 1902, vice Stedman, Tenth Cavalry, promoted.

First Lieut. Charles E. Stodter, Ninth Cavalry, to be captain, June 9, 1902, vice Beach, Ninth Cavalry, promoted.

Infantry Arm.

Lieut. Col. Charles H. Noble, Sixteenth Infantry, to be colonel, June 9, 1902, vice Lincoln, Tenth Infantry, appointed brigadier-general, United States Army.

Maj. John A. Baldwin, Twenty-second Infantry, to be lieutenant-colonel, June 9, 1902, vice Noble, Sixteenth Infantry, promoted.

Capt. Abner Pickering, Second Infantry, to be major, June 9, 1902, vice Baldwin, Twenty-second Infantry, promoted.

First Lieut. Preston Brown, Second Infantry, to be captain, June 9, 1902, vice Pickering, Second Infantry, promoted.

ATTORNEY.

William H. Atwell, of Texas, to be United States attorney for the northern district of Texas. A reappointment, his term expiring June 17, 1902.

MARSHAL.

Thomas B. Reid, of Wisconsin, to be United States marshal for the eastern district of Wisconsin. A reappointment, his term expiring June 14, 1902.

RECEIVER OF PUBLIC MONEYS.

John Jones, of Michigan, to be receiver of public moneys at Marquette, Mich., his term of office having expired. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Benjamin D. Crocker, of Washington, to be collector of internal revenue for the district of Washington, established by Executive order, dated June 9, 1902, under section 3141, Revised Statutes of United States, consisting of the State of Washington and the Territory of Alaska.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 10, 1902.

POSTMASTERS.

Albert W. James, to be postmaster at Cobden, in the county of Union and State of Illinois.

William R. Cady, to be postmaster at Rogers, in the county of Benton and State of Arkansas.

Leander H. Miner, to be postmaster at Ferndale, in the county of Humboldt and State of California.

Albert P. Merriam, to be postmaster at Phoenix, in the county of Oswego and State of New York.

Geradus L. Van de Steeg, to be postmaster at Orange City, in the county of Sioux and State of Iowa.

John D. Paddock, to be postmaster at Malvern, in the county of Mills and State of Iowa.

Lon G. Hardin, to be postmaster at Ames, in the county of Story and State of Iowa.

John Haig, to be postmaster at Le Roy, in the county of McLean and State of Illinois.

Mark Swedberg, to be postmaster at Luverne, in the county of Rock and State of Minnesota.

George T. Boon, to be postmaster at Chetopa, in the county of Labette and State of Kansas.

William B. Arbuckle, to be postmaster at Villisca, in the county of Montgomery and State of Iowa.

Logan G. Hysmith, to be postmaster at Wilburton, in the Choctaw Nation, Indian Territory.

Edgar S. Clock, to be postmaster at Islip, in the county of Suffolk and State of New York.

George L. Davis, to be postmaster at Fonda, in the county of Montgomery and State of New York.

Alonzo C. Sluss, to be postmaster at Tuscola, in the county of Douglas and State of Illinois.

William A. Hutchinson, to be postmaster at Oak Park, in the county of Cook and State of Illinois.

James H. Maull, to be postmaster at Georgetown, in the county of Sussex and State of Delaware.

Milton A. Ewing, to be postmaster at Neoga, in the county of Cumberland and State of Illinois.

James R. Morgan, to be postmaster at Maroa, in the county of Macon and State of Illinois.

Thomas W. Price, to be postmaster at Astoria, in the county of Fulton and State of Illinois.

Roger Walwark, to be postmaster at Ava, in the county of Jackson and State of Illinois.

William A. Stotlar, to be postmaster at Herrin, in the county of Williamson and State of Illinois.

Watson D. Morlan, to be postmaster at Walnut, in the county of Bureau and State of Illinois.

George S. Avery, to be postmaster at Galena, in the county of Jo Daviess and State of Illinois.

William W. Robey, to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota.

James H. Lincoln, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois.

Fred A. Swartwood, to be postmaster at Waseca, in the county of Waseca and State of Minnesota.

Charles E. Callaghan, to be postmaster at Rochester, in the county or Olmsted and State of Minnesota.

Frank Rockwell, to be postmaster at St. Charles, in the county of Kane and State of Illinois.

David A. Courter, to be postmaster at Hinsdale, in the county of Du Page and State of Illinois.

William Stickler, to be postmaster at Lexington, in the county of McLean and State of Illinois.

Allen H. Webster, to be postmaster at Cuba, in the county of Fulton and State of Illinois.

John A. Childs, to be postmaster at Evanston, in the county of Cook and State of Illinois.

William H. Hilton, to be postmaster at Durant, in the Choctaw Nation, Ind. T.

Andrew E. Sheldon, to be postmaster at Paxton, in the county of Ford and State of Illinois.

John A. Bingham, to be postmaster at Vandalia, in the county of Fayette and State of Illinois.

Thomas F. Addington, to be postmaster at Yukon, in the county of Canadian and Territory of Oklahoma.

John M. Hamilton, to be postmaster at Batavia, in the county of Genesee and State of New York.

Joseph A. Leggett, to be postmaster at Troy, in the county of Rensselaer and State of New York.

Charles A. Snyder, to be postmaster at Middleburg, in the county of Schoharie and State of New York.

Stephen B. Lovejoy, to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota.

L. L. Whitestone, to be postmaster at Culpeper, in the county of Culpeper and State of Virginia.

Nellie M. Theriott, to be postmaster at Park City, in the county of Summit and State of Utah.

J. W. Utterback, to be postmaster at Cordell, in the county of Washita and Territory of Oklahoma.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 10, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, is reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 4103. An act granting a pension to William C. Hickox; and

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway;

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6021. An act granting an increase of pension to Esther D. Haslam.

TRANSFER OF ADMINISTRATION OF FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union on the pending measure.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union on the pending measure, which is House bill 11536.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 11526, to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes. General debate having closed, the Clerk will read the bill by paragraphs for amendment.

The Clerk read as follows:

That the President is authorized to transfer by Executive order any of the forest reserves to the control of the Department of Agriculture, and when so transferred all the laws relating to the same under the Department of the Interior shall apply to their regulation, administration, and control in all respects under the Department of Agriculture, and all powers heretofore vested in the Department of the Interior in relation to such reserves shall be exercised by the Department of Agriculture as to any of the reserves so transferred under this act: *Provided*, That the President shall not transfer any reserve under this act until the Secretary of the Interior and the Director of the Geological Survey shall certify that the boundaries thereof have been fully examined and are by them deemed to be substantially the proper permanent boundaries: *Provided further*, That the power of the President to eliminate from such transferred reserves any portion thereof shall not be abridged, and in case of the elimination of any part of such transferred reserves by the President such portion eliminated shall be retransferred to the Department of the Interior as public land: *And also further provided*, That as to surveys and surveying, and as to exchanges of lieu lands, patents, titles, and claims, the jurisdiction of the Department of the Interior shall be still retained: *And also further provided*, That any officer of the Department of Agriculture whose duty it is to receive money, with reference to the forest reserves transferred to that Department, in pursuance of this law, in the place of the Commissioner of the General Land Office and receiver, as mentioned in the act of June 4, 1897, shall give bond in such sum as may be fixed by the Secretary of Agriculture.

The following amendments recommended by the committee were read:

In line 13, page 2, strike out the words "patents, titles, and claims" and insert "entries, claims, patents, and titles."

Add at the end of the section the following:

"*And also provided*, That hereafter no forest reserve in any State shall be created, enlarged, or extended without the approval or written request of the governor of such State, made prior to the creation, enlargement, or extension thereof."

Mr. CANNON. Mr. Chairman, I would like to make a motion which, I think, if it prevails, will save time. I would like to test the sense of the committee on a motion to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause of the bill, which motion takes precedence of the committee amendments.

Mr. CANNON. Mr. Chairman, I would be glad to be recognized. I would say to the gentleman from Iowa I would like perchance to talk in connection with this bill, not strictly on the bill, but on matters associated with it, the condition of appropriations and revenue.

Mr. LACEY. Mr. Chairman, at some time during the closing days of the session it is always desirable that the chairman of the Committee on Appropriations should give us the benefit of this summing up; and if it suits the convenience of the Committee of the Whole, it would be a good time at this time.

Mr. CANNON. It is hardly the summing-up statement that comes at the closing of the session, I will say to my friend, although if I get to that part of it it will bear upon that question. The present state of appropriations is what I want to speak of in connection with the business of the House, and incidentally in connection with this bill, as it is a part of the business of the House. But that part of the speech is not strictly, of course, on this bill.

The CHAIRMAN. The Chair will state that there is some question as to whether a motion to strike out the enacting clause is debatable at all except by unanimous consent in Committee of the Whole, but the Chair understands the gentleman from Illinois to ask unanimous consent to speak upon the motion, and incidentally upon matters of appropriation.

Mr. LACEY. How much time does the gentlemen from Illinois want?

Mr. CANNON. I am inclined to think I can get through in thirty minutes. If when the thirty minutes are over and I have not got through and the Committee of the Whole seem to think that I ought to have a little more time, they will grant it to me, and if they do not it will be pretty conclusive evidence that I ought to stop. [Laughter.]

Mr. LACEY. Will not the gentleman from Illinois withdraw his motion and let the gentleman from New Mexico [Mr. RODEY] make a motion that he had to make, and then the gentleman from Illinois present his later on?

Mr. CANNON. I would be glad to do that, but to save time I think my motion had better be made now, and then, after it is debated, to have the matter voted upon, because I believe a good deal in taking a vote after the question is debated.

Mr. LACEY. I have no objection, Mr. Chairman. I hope the committee will have none.

Mr. CORLISS. Mr. Chairman, I understand the gentleman from Illinois does not propose to discuss the pending matter before the House. I have listened with a good deal of attention and always enjoy listening to the distinguished gentleman from Illinois, but there are gentlemen on this floor who have not had an opportunity to speak, and I hope the gentleman will not take up unnecessary time in talking about matters foreign to the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the committee for thirty minutes on his motion. Is there objection?

Mr. CORLISS. Mr. Chairman, I would like to ask if it is the understanding that at the end of the thirty minutes this measure be voted upon without further discussion?

Mr. LACEY. Not at all; the question of striking out the enacting clause is too vital a question to be disposed of without debate.

Mr. CORLISS. How much time does the gentleman think it would take?

Mr. LACEY. I do not know; we want ample time to dispose of this bill.

Mr. CORLISS. An hour?

Mr. LACEY. That will depend upon the action of the committee.

Mr. CORLISS. I do not feel disposed to object, but I want to ascertain how much time is likely to be consumed.

Mr. LACEY. I will say to the gentleman I want to get the bill out of the way as early as possible.

Mr. HULL. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. HULL. As I understand, this bill is not limited as to time, and it must proceed until it is disposed of?

Mr. LACEY. My friend from Michigan wants to call up another measure, and I want to say to him that this bill will be got out of the way as speedily as possible.

The CHAIRMAN. At this point, in order to avoid possible misunderstanding later, the Chair calls attention to the fact that whether a motion to strike out the enacting clause is debatable at all, or, if so, to what extent, is a matter upon which the precedents are conflicting. In the second session of the Thirty-third Congress (February 7, 1855, Globe, p. 616) Mr. Thomas A. Hendricks, of Indiana, in the chair, sustained the point of order made by Mr. John S. Millson, of Virginia, and ruled that "the motion is not debatable." In the Thirty-fifth Congress, first session (December 22, 1857, Globe, p. 154), Mr. John S. Phelps, of Missouri, in the chair, a similar ruling was made, and on an appeal the decision of the Chair was sustained.

On the other hand, in the Forty-seventh Congress, second session, the point of order having been made by Mr. Hiscock, of New York, was submitted by the Chair to the Committee of the Whole and not being sustained, the motion was apparently treated as debatable without limit (Hinds's Precedents, p. 941). This ruling was made without much discussion or citation of precedents, and was manifestly wrong. As the motion to strike out the enacting clause is not in order at all in Committee of the Whole until general debate has been closed, it certainly can not be, under the rules properly construed, the subject of general debate. Such a motion is in order after the first paragraph of the bill has been read for amendment under the five-minute rule. It is now made at that point.

The present occupant of the chair is of opinion that it should be treated for this purpose as in the nature of, or at least analogous to, an amendment and debatable accordingly, and in this view is apparently sustained by the observation of Speaker Blaine in the first session of the Forty-third Congress (RECORD, p. 2338), who, in ruling that such a motion when made in the House was debatable, said:

> There is no express rule prohibiting its being debated in Committee of the Whole. The impression prevails that it is not debatable from this fact that the motion is usually made in Committee of the Whole after debate has been closed or when the five-minute debate is in order. The motion in Committee of the Whole to strike out the enacting clause would never by any usage of the House be debated over five minutes on each side, and generally not debated at all.

The Chair holds that the motion is debatable five minutes on either side, and after that only by unanimous consent.

The gentleman from Illinois [Mr. CANNON] asks unanimous consent of the Committee of the Whole to occupy thirty minutes. Is there objection?

Mr. RICHARDSON of Tennessee. Will the remarks of the gentleman have application to the pending bill?

Mr. CANNON. They will; and I will say to the gentleman in that connection that I want to make a statement as to the present state of the appropriations and revenues.

Mr. RICHARDSON of Tennessee. I may have something to say on that question myself. I did not think this was hardly a proper time to discuss appropriations and matters of that kind on this bill.

Mr. CANNON. I hope to make my remarks appropriate.

Mr. RICHARDSON of Tennessee. The gentleman is then going to address himself to the pending bill?

Mr. CANNON. Oh, certainly.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? The Chair hears none.

Mr. CANNON. Mr. Chairman, I crave for thirty minutes of the attention of the committee; and first on this motion to strike out the enacting clause; and it is necessary, if the committee will bear with me in discussing the propriety of that motion, to speak of the public service, as it now is, in the Office of the Commissioner of the Land Office and the Interior Department—the abuses of the service, if any, as now carried on, and the service as it now is; in the Agricultural Department—its nature and the abuses of the service, if any there are, and the necessity for the proposed change, if any. Now, I will very briefly state the conditions.

In 1789, just after the adoption of the Constitution, the office of the Commissioner of the General Land Office was created. It continued from that time down until 1849, when it was placed under the Secretary of the Interior, where it still remains. It is a great service. It has covered the public lands and kindred services from the time it was organized to the present. It is thoroughly organized.

Here let me state that there are now in the Land Office at Washington, as employees, 388 persons, at a cost of $502,430 per annum. In addition to that, touching depredations upon the timber lands—the public lands throughout the Republic—there are 69 special agents—69 persons who are watching depredations upon the lands of the United States—timber lands alone. Incidentally this service covers trespasses on the public lands, also destruction of timber, also forest fires; but substantially the service relates to trespasses and the despoiling of the timber. This service cost $185,000 per annum.

In addition to that, on the forest reserves—46,000,000 acres in round numbers—there are 349 persons employed by the Government—rangers, agents, superintendents, who are engaged touching those forest reserves—forest fires, the sale of dead and down timber, the use of timber and stone by the settlers and by the miner, and so on. One very important object of the work of these 349 persons in the forest-reserve service is the forest fires, and, incidentally, the whole service in connection with that subject. Those 349 persons cost $300,000 per annum.

Now, it will be seen that almost $1,000,000 is the cost of the General Land Office alone and these persons that I speak of—an annual charge.

Now, in addition to that; there are in this great office of the Secretary of the Interior what is called the Secretary's office—that is the staff of the office, if you please, embracing many bureaus in the office of the Department. The Secretary's office proper has 241 people in it, costing per annum $314,410. It is a complete staff of assistant secretaries, chief clerks, appointment clerks, a complete disbursing office for the whole interior service—patents, Indians, pensions, surveys, and so on. So that in theory and in practice during almost a hundred years this service has grown up and is adjusted in a certain way.

Now, the Land Office proper is divided into 11 divisions. It is unnecessary I should name these specifically, but in a general way I may say that among these 11 divisions there is a law division, there is a claims division, there is a patent division, there is an entry and preemption division, there is a mineral division, there is a swamp-land division, there is a division that pertains to Indian reservations, there is a railroad division, and there is a forestry division under which is made this expenditure of $030,000 for the force in the field alone. If there is a trespass on the public lands, whether it be in the forest reservations or outside, there is the legal machinery, there are the agents, there is the "whole shooting match." It is like "Topsy;" it growed, and it has been growing for a century.

Now, in these forest reservations there are 46,000,000 acres. There are applications pending to add to these forest reservations 54,000,000 acres, but there are 46,000,000 acres now. Outside of Alaska, not appropriated or reserved—I mean free lands—in acreage outside of Alaska, outside of the Indian reservations, outside of the forest reservations, there are 546,000,000 acres. So that I am safe in saying that while there are 46,000,000 acres in the various reservations, there are three times 46,000,000 acres of the same kind of land not in the various reservations—in the mountains and in the valleys. So that you have 46,000,000 of acres in forest reservations, 546,000,000 of acres outside of Alaska of general public lands, and two times as much in timber outside of the forest reservations as in the forest reservations. Here is an imaginary line between the two.

Now, I say this much to call your attention to the status. Now, what does this bill propose to do? I have it here. It proposes to authorize the President of the United States to transfer the administration of the forest reservations, the care and sale of timber, the use of timber by the settler and the miner, the care and preservation of the forests, the sale of timber, all of these things, to the jurisdiction of the Agricultural Department, leaving in the Interior Department the other 514,000,000 of acres, over 100,000,000 of timber, the same kind of timber and stone that there is in these forest reservations, under the jurisdiction of the Interior Department, and they propose in addition to leave the question of lieu lands in the reservations with the Commissioner of the General Land Office.

You understand what lieu lands are. In these forest reservations there are many, many thousands of private owners of lands. Under the law they can exchange those lands by conveying them to the Government for an equal acreage outside of the forest reservation. That is to be left with the Interior Department. Then, in all the forest reservations, mineral titles may be obtained and are constantly being exploited and developed. That is left under the jurisdiction of the Interior Department. Now, then, here is the divided jurisdiction that this bill proposes to make, and in making it, it proposes to make at the very beginning a complete staff of officers in the Agricultural Department, or what would result in it, to receive the moneys from the sale of timber.

Under the law as now in force, if there is a sale of timber or stone the receivers of the General Land Office, scattered all over the country, receive that money, without cost to the Government or without additional cost. This bill authorizes the Secretary of Agriculture to make an officer of that kind, and that means a

complete staff of receivers upon every forest reservation, and frequently at various points upon the forest reservations. That is to follow by regulation and a little later on by appropriation.

Now, it has been alleged from time to time, and no doubt truly alleged, that the administration of the public lands and of the timbered and forestry land and of our park systems throughout the great West have not been perfect. In the nature of things they could not be perfect. On the average they are 2,000 miles away from Washington. How could they be perfect? Yet I am here to say that, in my judgment, in the main this jurisdiction and duty has been exercised fairly well. I think it might be improved. I believe it is being improved. Some people believe that we do not give enough money for this service. Perhaps we do not, and yet it is a service that costs a good deal, you will see.

Now, what is the proposition? I have stated it already. To take these forest reserves—part of the jurisdiction—away from the General Land Office, away from the Interior Department, and drop it into the Agricultural Department. What is the argument for it? Oh, they say, we have got a Forestry Division already organized there in the Agricultural Department. Well, that is true. Let me show you how much of a one you have and what it does. A Division of Forestry rests in appropriation alone—there has never been any organic act—a Division of Forestry was appropriated for in the Agricultural Department in 1887, and an appropriation of $8,000 was made. What for? For science in forestry.

That is the only function it has ever had—not administration, not sale of timber, not sale of stone, not sale of dead and down timber, not the policing of the use of timber by miners and settlers, but pure and simple forestry; how best to reforest, how best to preserve forests. That is the service. Well, from 1887 to this time see the growth. For the coming year the Bureau of Forestry in the Agricultural Department is to cost $291,860, almost as much as the whole personnel of the Commissioner of the General Land Office in Washington.

Mr. SHAFROTH. Let me state to the gentleman, if you will permit me, that the number employed in the Agricultural Department is 39.

Mr. CANNON. I am speaking of the whole service. They have many hundreds of people, I have no doubt. We have never been able to get a statement. The House put a clause on the agricultural appropriation bill that, if it was not stricken out in conference, will compel a statement of the expenditure of every dollar of this appropriation. I have got to draw on my imagination for its expenditure. College professors, students, wise men, and so on, and so on, throughout the length and breadth of the country, who investigate. I am not here to say it is not necessary; I am not here to abuse it. I am not here to abuse the scientific people anywhere.

They have added great things to the United States; they have added great things to civilization. Henry, with his telegraph; Morse, the Yankee, with its development—invention here, there, everywhere—eminent physicists, great men. Some of them could not set a hen, it is true. Some of them could not make a faint imitation of a hoe handle; most of them are entirely impractical in everyday life, and most of them if turned out to depend upon the twist of their own wrist to live would starve; yet that is their specialty, that is their calling.

It takes all kinds of people to make up a world, and the investigators, the inventors, the scientific people have stood adding great things to civilization. They are great in their lines. Of course we have the usual curse, because there is no great achievement anywhere, in war or peace, that requires brain or brawn but what as the men achieving move along they attract into their wake the alleged experts, the alleged scientists, in journalism the alleged journalists, in law the alleged lawyers, in medicine the alleged doctors.

There are some pretenders, do you not see, where there is one real doctor, and sometimes, I think, where there is one real lawyer, where there is one real scientist, where there is one real inventor. They pop up and say, "Look at us scientists; here we go." And they are industrious to fasten upon the public teat. Now, I do not think this Bureau of Forestry in the Agricultural Department belongs to that class. I have not had the pleasure of meeting Mr. Pinchot, who is at its head. I am told he is a graduate of Yale, a man of perhaps 40 years of age, a man with a comfortable fortune, a man who has studied this question at home and abroad, an exceedingly astute, accomplished man. I am glad he seems to be made of the right kind of stuff, notwithstanding he was born with a gold spoon in his mouth. I have no abuse for him. God bless him and speed him in his work; but it is scientific work. My friend is estopped to say that this Bureau over there has nothing to do.

Mr. GROSVENOR. I should like to ask——

Mr. CANNON. In a moment.

The Bureau is a cheat and a fraud if it has nothing to do. If every dollar of this $300,000 for that scientific Bureau is not needed, and if every man in it is not earning his money and doing great work for civilization, then it is a fraud and a cheat.

It is for science, it is for essays, it is eminently respectable, and I have no doubt eminently able; but I do not want to take from this other great office, that has grown for a hundred years, that costs this great amount of money, that has its disbursing officers and its law division, that has all the records, that has jurisdiction of all the balance of the public lands, including the timber; that has this great force, that has concurrent jurisdiction in many matters even in the very forest reserves that are proposed to be transferred. I do not want to take them and transfer them over to this division of scientists in the Agricultural Department, that has no law division, that has no disbursing office adapted to this service, that is not familiar with these questions—nay, nay.

That is a proposition that can not meet my assent, because in my judgment it but duplicates the expense, clashes the jurisdiction, brings disorder where there is now some degree of order; and having divided the mountain to cure alleged maladministration, you will have two sets of people to watch and supervise, running and glorifying side by side; and if this bill should pass, there come trooping after in the deficiency bill next winter and in the regular agricultural bill hereafter the necessary accompaniments for this service, disbursements, law, trespasses, all that kind of thing.

Mr. GROSVENOR. What I wanted to ask was this: Under this system of lieu lands which the gentleman has described, a great many controversies arise?

Mr. CANNON. Certainly.

Mr. GROSVENOR. That is, the title to the land selected very often fails by reason of prior claims and mineral rights that have been established.

Mr. CANNON. Yes.

Mr. GROSVENOR. Now, the Government has already taken the title to this land. Where are you going to settle these questions? Which bureau of this concern will have jurisdiction of it?

Mr. CANNON. In the lieu-land matters and mineral-land locations, the Interior Department; in the sale of stone and timber, in the sale of dead and down timber, in the use of these forests by the settler and by the miner, with trespasses upon them, you go to the Agricultural Department, without a law officer in it.

Mr. GROSVENOR. And into a scientific department.

Mr. CANNON. And into a scientific department. You mix the two. You take a horse that was beautifully built for careful stepping, a high stepper, clean limbed, well groomed, mane and tail flowing, tail up in the air, and put upon that kind of a horse duties that are practical, that relate to matters of trespass, matters between everyday men in everyday life, and you say to this fine-groomed horse, "Bear this burden," that should be borne by a horse, if you liken a human being to a horse, that is there every day and Sunday, that will stand without hitching, that will bear a burden if necessary, that will ascend the side of a mountain and pull a man up after him hanging onto his tail, and always ready for duty, and if necessary will work single or double, and will pull a dray as well as a coach.

Oh, no; your horse is not the kind of horse to do for that character of service. There is no time to stop to catch a bug. The catching of a bug is important. To watch the growth of trees is important. It is important to know whether some bug with an unpronounceable name is bred in the leaves of a certain tree, and what will cure it. That is scientific; but in plain, practical, everyday affairs, with matters relating to the settler, with matters relating to the miner, with matters of lieu-land men and with trespassers, you have got to have a practical set of people. Well, you may say now, we have science in the Interior Department. Yes; quite important. But you want to have with it a scientific division.

Why, I tell you what we can do. The gentleman from New York by law could lift up Mr. Pinchot, with all his scientific staff, and set him down in the Land Office of the Interior Department. Why, already we have a bureau of forestry in the Interior Department. There is an eminent scientist at the head of it, with practical men doing practical work. Forestry is there, practical forestry is there. Why divide it? Why build up these useless bureaus that I believe are absolutely unnecessary. "Oh, but," says my friend, "the President recommends this." Yes, in general terms. But the President did not have in mind the multiplication of offices. What he really recommends was more efficient work touching forestry. It is his privilege to recommend; it is his duty to recommend.

Oh, but my friend from Iowa, Brother LACEY, you are as disloyal to his recommendation as I am, because he recommends the transfer of forestry to the Agricultural Department; but equally as strong he recommends the transfer of the Geological Survey, costing a million a year. You are silent about that. You skip that, and read low when you come to that. [Laughter.]

Mr. LACEY. I would like to ask my friend this: Of course that matter is not connected with other land surveys and it will not be involved in this bill. What does he think about it—whether it would be a good plan to transfer the Geological Survey to the Agricultural Department; yes or no?

Mr. CANNON. It would be much better than to transfer the Youst Reservation, because——

Mr. LACEY (continuing). Perhaps that ought to go also.

Mr. CANNON (continuing). Because the Geological Survey does not have a law office; it does not deal with trespassers or the sale of timber, but makes surveys, studies geology, delves down into the earth, so to speak, and tells us prophecies of what the hidden mysteries are. It also does topographical work. It has got no duties to perform that can not be performed by the Agricultural Department or under its direction and without the creation of a law division or without any of these other questions.

Now, just a word further as to the President's message. I am not a hero worshiper; but I am glad, as we had to lose McKinley, formerly our colleague here, who by the hand of the assassin was taken from us, I am abundantly thankful that Theodore Roosevelt succeeded him. I believe in him and sustain him. Touching all questions involving policy I am with him; but it is his duty to recommend, and in recommending he recommends and deals with ten questions not involving policies of the party where he recommends or deals with one that does. This in no sense involves the policy of the Republican party or of the Democratic party. It is not a partisan service, and the only question for us to ask is ought it to be done; would we get better service than we do, and would it duplicate the present service; would we have a clash of jurisdiction; would we have the expense doubled, and would we have responsibility divided?

When you answer those questions you will know whether the enacting clause ought to be stricken out of this bill or not. In my judgment such action should be had. Oh, but, says somebody, have not you got lax administration in the Land Office? Well, I think there is some poor administration there. I think there always has been; I think there always will be. We are not going to have the millennium anywhere, including the General Land Office, during my remaining years; so that there will be something of imperfection; but if there be imperfection there—and I say so without abusing the present head of that great office, because I have served with him and he is a strong and able man—I say they can improve an imperfect service there, and if there be a lax service it is a matter of administration to correct it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I do not want to weary the House, but still I should like to have a few more minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to conclude his remarks.

Mr. CANNON. I only want a few minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague may be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Now, I have helped report appropriations for almost twenty years for this service, and I will be frank with you, there never has been a year passed by but what the Commissioner of the General Land Office, whoever he was, whoever was Commissioner, under Cleveland, under Harrison, under Cleveland again, under Hayes, under Roosevelt, but what has protested with this great increase of duty, with the increase of the forest reserves, with the increase in population and the great number of questions arising, but what he has protested he ought to have an increase of appropriation to properly administer it.

Congress would increase it from time to time. Perchance we have not given the increase that ought to have been given, and yet it has been a fairly good service. I want to keep it so. My friend from New York [Mr. WADSWORTH], with this bureau of scientists, ought to keep them at their trade. They have grown in five years from $8,000 to $300,000. How much good they have done I do not know, but I hope a great deal. I know there are bright people upon the board, but keep them to their trade. You had as well set a minister that has graduated at a theological school to pounding iron as to set this bureau over there to practical work in connection with these reserves.

Ah, but do we not need their work under this same administration? Yes, and we are getting it in the division of forestry in the General Land Office. We have got the scientific men there, and it is quite within the power of the Executive, if the Commissioner of the General Land Office ought to be changed—and I do not say or intimate that he ought—it is quite within his power to put a man there that will fill the bill. And so of the head of every bureau of every division. Let us have better administration. When you split up this matter, when you parallel and duplicate appropriations and jurisdictions, you increase expenditures and divide responsibility.

Now, I think I have said about all on that that I want to say. A word in conclusion, and it bears upon this question, because if this mountain is divided and half is taken to Mahomet instead of Mahomet being brought to the full mountain, if the good of the service requires it in the General Land Office, I undertake to say that inside of five years this service of the 46,000,000 acres of forest reserve will be costing this country at least $5,000,000. Bring Mahomet, if you have got him there, over to the mountain, because here is the mountain fully developed.

Here is the law department and here are all the records. It would be better than to divide the mountain, if you would take the General Land Office and all its organizations and transfer it over there to the Agricultural Department and include the Geological Survey. You do not propose to do that. This policy, in my judgment, is evil and only evil, and expensive; aye, extravagant.

Now, upon that word extravagance bear with me just a few moments. It has been on my mind for a week or two to call attention to what this Congress is doing by way of appropriations. I want to remind you of what the Secretary of the Treasury said in his last annual report as to revenues and expenditures for the current fiscal year, and I want to give you what the budget will be as near as we can get at it, when the gavel falls a few weeks in front of us, and what the probable revenues will be to meet the appropriations we are making. I will put two or three little tables in my remarks, with the consent of the House.

Take the estimate of the Secretary. At the beginning of this Congress the revenues—he estimates them in detail for the current year 1902 at $688,000,000 in round numbers.

After we have cared for the sinking fund, which is $53,000,000, and have paid everything, we will have an apparent surplus of $47,000,000. That is for the year that expires June 30 of the present month, $47,000,000 for the current year.

For the coming fiscal year we will have $639,000,000 of revenue, the closest estimate we can give, taking into consideration the act passed this session removing the last of the Spanish war taxes. And now, upon the basis of the existing status of the appropriation bills—that is, take the appropriation bills just as they stand to-day, incomplete, it is true, but it is perfectly safe to say that they will not be materially reduced—taking the status of the bills that have passed and become laws and those pending in conference, and what have you as an aggregate of the regular annual bills in their present stage? They amount to $590,686,404.61. The permanent annual appropriations amount, including interest for the coming year, to $69,000,000, almost $70,000,000. That makes $660,000,000 that our appropriation bills will carry; I mean the regular bills and the permanent appropriations.

Now, for the miscellaneous appropriations of this session, including the omnibus claims bill, the provisions for new buildings, only the provisions necessary to begin and carry on the buildings until the 4th of March next, miscellaneous items, a great lot of things, these will amount to $10,000,000 at least. The deficiencies already provided for this year amount to $21,838,000, with more to follow. This makes a grand total of $691,445,000.

Now, while the deficiencies will doubtless be paid in the main during the current fiscal year and from its revenues, yet it is hardly probable that a less sum on account of deficiencies will have to be provided for next session on account of the next fiscal year, 1903, and paid from its revenues.

The requirements of the sinking fund for 1903 are estimated at $54,000,000. But count out the sinking fund. We can pay it or not, as we choose. We are many, many years in excess on the sinking fund. We are paying it this year; next year we shall not pay it, probably. Putting that $54,000,000 out, not taking it into the calculation, the apparent excess of appropriations at this session—exclusive of the sinking fund—over the total estimated revenues for 1903 is $51,925,128. It can not be less than that. We are marching up to it.

Mr. WADSWORTH. Do you mean to say the deficiencies will amount to that?

Mr. CANNON. I mean that the apparent excess of appropriations will be $51,000,000. A friend near me asks, "Will it all be spent?" No; but I will tell you just about what will be spent. There is always a considerable margin between the actual expenditure for a fiscal year and the total appropriations of a session of Congress, and judging from the past, the apparent excess of appropriations this session over estimated revenues will be quite offset by this margin. There you have it, without the Panama Canal or a Nicaragua Canal, without the omnibus fish-hatchery bill, without the cable bill, without a hundred other things, some of them meritorious, some of them not meritorious, all pressing for appropriations.

If we should authorize the Panama Canal, there you have $40,000,000 out of the surplus at once. If we should have a cable, there are great expenditures at once. Without regard to those,

from the present standpoint, from the present action of Congress as it is to-day, it will take every cent of money that we receive the coming fiscal year to pay the expenses that we appropriate for, those in sight, without the extraordinary matters to which I have referred.

Gentlemen may ask why I am worrying them about this matter. Because it is in sight; because I want to come to this side of the House and say, from the partisan standpoint, that when we are caring for the public service we must from this on call a halt; because as sure as the sun comes up and the sun goes down this is to be the result.

"But," says some one, "there will be enough—yes, and perhaps to spare." "Oh, we have a great surplus," say some. Yes; but it will vanish like the dew in the morning sun. If we should buy the Panama route or locate the Nicaragua route, there is not enough in the surplus to pay the required expenditure of construction. If we should provide for the sinking fund (though we do not have to) that would take $54,000,000 more. I tell you, gentlemen, the party in power, and the whole Congress, which takes in both sides, should weigh carefully and long the appropriations and the legislation that authorize expenditures before we march up in our legislative authorizations to exceed what the revenue will be the coming year.

Now, I have just submitted these facts and estimates to you—not as an alarmist, not for party capital. Oh, gentlemen on this side, there is no party capital in it. I have submitted to you plain, cold statements of fact. Let us pull together on both sides of this House, in the interest of all parties and of good government. Let us cut the garment according to the cloth.

Now, let me test by this statement a hundred schemes that are trooping and coming to this House and the Senate. Good heavens! Brother WADSWORTH, possibly the scientists may "in the sweet by and by" develop fish that will climb trees and live on dry land. I do not know about that. [Laughter.]

Mr. WADSWORTH. What has that to do with the Department of Agriculture?

Mr. CANNON. But until the scientists have done that we have gone far enough in that direction.

And I will say to the gentleman from Michigan [Mr. CORLISS], in whose statesmanship and ability and patriotism I have great confidence, that it is a grave problem whether the Government should undertake, at an expense of $15,000,000, to construct a single cable to the Philippines or whether we had better let the citizen do it—whether it is not always better to let the citizen do that which can be equally well done by him than for the Government to do it. [Applause.]

Mr. CORLISS. Will the gentleman permit an inquiry?

Mr. CANNON. Certainly.

Mr. CORLISS. Does not the gentleman know that had the Government of the United States during the past four years owned a cable across the Pacific connecting our possessions she would have saved twice the amount of the cost thereof in the expenses that have been rendered necessary because we have not had such communication?

Mr. CANNON. I did not intend to discuss the matter; but I think my friend from Michigan is away off in his statement. I do not think that the tolls have been $30,000,000 or anything like it, but I will not discuss that. I merely referred to it in passing. You may say, Why do not you speak of the Panama and the Nicaragua Canal? Well, we will discuss them in time. I am for an isthmian canal, but I want to recollect old Davy Crockett's maxim, "Be sure you are right, then go ahead." But these are larger matters that involve great questions of statecraft which I will not discuss, but they are coming, trooping in the aggregate 50,000,000 upon that Calendar and upon the Senate Calendar, which, if they never are vitalized by enactment, the 80,000,000 of people in the United States never will suffer one ten thousandth part of an ounce. Now, Mr. Chairman, I once went to a revival meeting. [Laughter.]

Mr. WADSWORTH. This is another joke.

Mr. HOLLIDAY. When?

Mr. CANNON. When I was a boy, and the speaker talked about the necessity of getting religion, and exhorted us, and finally called me out by name. Said he, "JOE CANNON, why don't you start?" I replied, "Well, there is to be a party up at Lusk's next week—old Salmon always gave a dance once a year, on New Year's—and I want to go there, and I want to do this, and I want to do that and the other."

"Young man, young man, start now! You may not have a chance to-morrow!" [Laughter.]

Now, then, I am for starting now. This bill confuses jurisdiction; it begets extravagance; the public service does not demand it, and the best thing to do with it is to cut its head off right back of its ears and strike out the enacting clause. [Applause.]

The statements referred to above are as follows:

Fiscal year 1902.

The revenues of the Government for the current fiscal year are thus estimated upon the basis of existing laws:

From customs	$250,000,000
From internal revenue	282,000,000
From miscellaneous sources	40,000,000
From Postal Service	116,633,042
Total estimated revenues	688,633,042.00

The expenditures for the same period are estimated as follows:

For the civil establishment	$110,000,000
For the military establishment	115,000,000
For the naval establishment	70,000,000
For the Indian Service	11,000,000
For pensions	137,000,000
For interest on the public debt	29,000,000
For postal service	116,633,042
Total estimated expenditures	588,633,042
Or a surplus of	100,000,000

The requirements of the sinking fund for the fiscal year 1902 amount to $53,000,000, and, when met, will reduce the estimated surplus of revenues of $100,000,000 for the year to $47,000,000.

Fiscal year 1903.

It is estimated that upon the basis of existing laws, December 2, 1901, the revenues of the Government for the fiscal year 1903 will be:

From customs		$250,000,000
From internal revenue		290,000,000
From miscellaneous sources		40,000,000
From postal service		132,020,630
Total estimated revenues		712,020,630
Estimated reduction in foregoing revenues under act of April 12, 1902:		
Internal revenue	$68,000,000	
Customs on tea for half year	4,500,000	
		72,500,000
Net estimated revenues, 1903		639,520,630

The regular annual appropriation bills in their present stages appropriate	$590,686,404.61
The permanent annual appropriations for 1903, including interest on the public debt and customs service, but excluding the requirements of the sinking fund, are estimated at	69,921,220.00
	660,607,624.61
The miscellaneous appropriations of the session, including the omnibus claims act, provision for the new buildings that have been authorized, etc., will probably aggregate	10,000,000.00
The deficiencies already provided for this session amount to	20,838,134.22
	691,445,758.83

The deficiencies will be paid in the main during the current fiscal year, and from its revenues, but it is not probable that a less sum on account of deficiences will have to be provided for next session on account of the next fiscal year, 1903, and paid from the revenues of that year.

The requirements of the sinking fund for 1903 are estimated at $54,000,000.

Apparent excess of appropriations, exclusive of sinking fund, at this session over total estimated revenues for 1903, $51,925,128.

The usual margin between actual expenditures for a fiscal year and the total appropriations at a session of Congress will equal the apparent excess of appropriations this session over estimated revenues.

Available cash balance, exclusive of gold reserve in Treasury June 9, $201,526,342.

Mr. LACEY. Mr. Chairman, I find that my friend from Illinois is now just as he was at the revival meeting to which he refers. He is "unwilling to make a start;" he is unwilling to take a first step in the way of scientific control of the forests of the United States. He says he will not follow the Administration. [Laughter.]

Mr. CANNON. Well, the President and I are pretty close together.

Mr. LACEY. It has been reported that the President once said of the gentleman who has just taken his seat that he "loved him so well that he felt sometimes that he met with unrequited love" [laughter], and in the present instance, Mr. Chairman, here we have my friend, who is the most useful man in this House, simply endeavoring to prevent something that he does not fully understand and endeavoring to divert the action of the House by laughing at scientific terms and scientific purposes.

It has been told about a great scholar that when a fishwife, in Billingsgate, called him all manner of evil names, he turned upon her and denounced her as an "isosceles triangle and a rhomboid," and it almost broke her heart. [Laughter.] She said "no woman had ever been so abused since the world began;" and if my friend can find some scientific term, the Latin name of a bug, to laugh at, he can divert the attention of this House from some serious purpose and thus prevent it from making a step in the direction of a more scientific consideration of the interests of the United States. We have made the start. We have a scientific division of forestry.

We have it in the only scientific department of this Government, the Agricultural Department, and it is only a few days since that this House set its seal of approval upon the scientific

work of that Department by ordering 200,000 extra copies of a horse book prepared by scientists of that Department. We have a Department there that is doing good. It is not very expensive. It is true that it costs something, but we can not have anything good in this world without some expenditure.

That Department, the gentleman tells us, started in with $8,000 of expenditure. If he would go back one year further he would find that there was no such Department and expenditure at all. To-day $291,000 are appropriated by this Congress for forestry, and the gentleman says that we should not have the forests administered by a scientific bureau, but they should be administered by a law division of the Land Office, by the clerks and lawyers sitting at their desks in the Interior Department, instead of by scientific trained men who will go and put themselves upon the ground and examine the necessities of the forests that they are to take care of.

I do not yield to my friend in his admiration for the President of the United States, and it is fortunate that we at last have a President who knows the United States of America west of the Missouri River. The situation there is perfectly familiar to him as a ranger, as a forester, as a cattleman, as a farmer, as a hunter, as a full-blooded, live American citizen. Let us read now what he says on that subject. It is very brief. In his message he says:

> At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from Iowa be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. LACEY. I will be very brief, Mr. Chairman. I will not abuse the courtesy of the committee. I took more time yesterday than I really wished; but after the speech that we have heard here from my friend from Illinois [Mr. CANNON] there must, of course, be some time taken to answer it. The President says:

> These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint. It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the departments of War and the Navy.

We have Indian lands. Questions of title over the Indian lands are not settled by the Commissioner of Indian Affairs, but they are settled by the law officers of the Land Office, and the law officers of the Land Department are controlled by mandamus and by subsequent proceedings in the courts of justice. There is no difficulty about the present proposition at all. We have two bureaus—one of them in the Land Office that is trying law suits, and another in the field that is looking after the intelligent management of the forestry of the United States of America.

My friend laughs about fisheries, and talks about "fishes that will climb trees," and all that. Well, now, that is very amusing; but this country has awakened to the necessity of taking care of the fisheries. It has awakened to the need of taking care of the natural resources of the country. We have wasted and squandered the natural gas in Ohio and Indiana until it has been taken out of the houses and factories in many parts of the State. We are wasting the oil in many localities. We have destroyed the timber with fire and with the ax, absolutely without any regard to the future.

If an intelligent system of forestry had been adopted fifty years ago, it would have been worth untold millions to this day and generatio.n Where do you get your shingles from to-day? From Oregon. They are shipping shingles from Oregon to Nebraska, Iowa, and New York. We have destroyed by fire the best forests of this country. Forests have been burned down almost in an hour that it took thousands of years to grow. With the same utter disregard of the future we have so crippled our natural resources that the people of the United States have turned their attention at last, slowly but earnestly, toward their preservation and protection. I am sorry to hear my friend from Illinois taking the position that he now assumes.

I am accustomed to sit at his feet and listen to the words of wisdom as they fall from his lips. But I regret to find him of late so often disputing and controverting matters outside the jurisdiction of his committee, talking about subjects that he has not carefully examined, and occasionally marring the symmetry of his political record by going wrong. He has done so in this particular case, I am sorry to say. Out in Montana when Lewis and Clarke were crossing the mountains about one hundred years ago they found a river which had an Indian name that, translated into English, meant "The River-That-Scolds-All-Others." That river bore this name until finally it was given a more pronounceable name for modern use.

Now, I do not want my friend to degenerate into anything of this kind. There are many things that need to be opposed and stricken down. There are many times when a halt is necessary to be called; but he who calls a halt on everything finally fails to produce a halt on anything.

Now, this is a very simple, plain proposition. We have two bureaus of forestry, or rather a Bureau of Forestry on the one hand and a Division of Forestry upon the other. We are paying the expense of both. We are making appropriations for the management and operation of both. Which is the better of the two?

Mr. MADDOX. Does your bill incur any additional expense in caring for them?

Mr. LACEY. I endeavored to answer that matter fully yesterday, and I will briefly answer it again. We have two sets of men in charge of forestry, one in the Department of Agriculture, scientific, skilled men, and in fact nearly all of the skilled foresters in the United States. The Adirondacks, which have cost the State of New York $4,000,000, have been administered under the supervision and general management of this Bureau. The proposition to make a forest reserve in Georgia, North Carolina, and Tennessee, and to protect the Appalachian chain with a fringe of timber, has been looked after by the Department of Agriculture.

All the various forestry matters have been considered by that Bureau. But we have a Division of Forestry in the Land Office that takes care of the timber, and that employs the rangers who put out fires. This bill will simply transfer those rangers, who will look after that timber, watch it, and protect it. It transfers them to the Department of Agriculture to work for the Bureau of Forestry instead of staying in the legal branch of the Government, the Land Office of the Interior Department.

Mr. KLEBERG. The gentleman will permit me to interrupt him. Of course I agree perfectly with the distinguished gentleman from Iowa, but the criticism that is made, especially by the gentleman from Illinois, was in reference to the difficulty in receiving and disbursing this money from timber sold.

Mr. LACEY. I will say to the gentleman that under proper regulations, instead of that making trouble it merely simplifies the matter. Instead of going to the land office of the district in which the land is situated the purchaser of timber will get a post-office order, which can be sent to the Agricultural Department, and practically it is a saving to anybody who wants to buy the timber. It simplifies and cheapens the operation instead of increasing it, and would take away the commission now paid to the registers and receivers of the land office.

Now, my friend from Illinois has charge of the appropriations that keep up the Interior Department, for the Geological Survey. These appropriations are safe in his hands, and I am glad to be able to say to his credit they have been generous and liberal. But he does not have charge of the appropriations for the Department of Agriculture; and it is perfectly natural that he should fear that if the operation of this passes out from his hands it would not be well taken care of. I might be just as jealous as he is. This bill would transfer from the Committee on Public Lands these matters, where they now are, to the Department of Agriculture, and to a committee to which I do not belong.

Now, we should not consider these personal matters in this way, but should consider them with a view as to what is best for the future interests of the whole people of the United States. The Administration has not asked this without due and full consideration, and both the Department of the Interior and the Department of Agriculture ask it. It adds no dollar of expense to the Government in any form whatever. It ultimately would dispose of and eliminate the expenses of the bureau in the Interior Department, and is therefore in the interest of economy.

I want to read what the Secretary of the Interior says about it in his report:

> Forestry is a business which can not proceed without skilled men with a practical knowledge of the best ways of handling and protecting forests. As with lumbering, its success depends on work in the field, and especially upon intimate knowledge of local conditions and requirements. It is of the first importance to employ in the forest service men of high local reputation for character, ability, and knowledge of the woods, in addition to such practical trained experts as may be available. Men thoroughly versed in lumbering and woodcraft are essential.
>
> The time for the introduction of practical forestry on the forest reserves has fully come. States and private owners of forest land are already cooperating with the Government for the better handling of their holdings to the extent of more than 5,000,000 acres. Some of the forest reserves are not less favorably situated for practical forestry than the best of these lands, and it is of the first importance both to the interests of the forest and to the interest of the West to give the reserves the best practical treatment without delays It was found necessary about two years ago to apply to the Agricultural Department for working plans for conservative lumbering on the reserves and for reports upon all subjects requiring special knowledge of forestry,

except the mapping of the forests, now thoroughly well done by the Geological Survey.

* * * * * * *

Forestry, dealing as it does with a source of wealth produced by the soil, is properly an agricultural subject. The presence of properly trained foresters in the Agricultural Department, as well as the nature of the subject itself, makes the ultimate transfer, if found to be practicable, of the administration of the forest reserves to that Department essential to the best interests, both of the reserves and of the people who use them.

To that I yield my hearty approval. I believe it is in the interest of economy, and ought to be adopted; and I will not, Mr. Chairman, weary the patience of the committee any longer after the length of time accorded to me in the debate on this bill on yesterday.

Mr. BARTHOLDT. I would like to ask the gentleman a question.

Mr. LACEY. I yield to the gentleman from Missouri for a question.

Mr. BARTHOLDT. It was not my privilege to listen to the gentleman on yesterday, but I would like to ask my friend whether he has submitted any figures showing the profits of forestry in foreign countries?

Mr. LACEY. I have not submitted those figures, nor do I believe they would be a safe basis for us to rely upon, because the situation is very different and prices of timber quite unlike. But in Germany, the country to which my friend no doubt refers in his question, and also in France, they have found forestry not only practical, but profitable, and the Government has made the handling of timber lands a permanent source of their revenue, bearing all the expenses of their maintenance and becoming an asset instead of a liability.

The chairman of the Committee on Agriculture has handed me a statement which will answer the inquiry of the gentleman from Missouri, and I will insert the same in my remarks, as follows:

Forestry in foreign countries.

Year.	State.	Total forest area.	State forests.	Actual expenditure on management of State forests.		Percentage of gross income expended.	Percentage of profit.
				Total.	Per acre.		
		Acres.	*Acres.*				
1898	Saxony	958,230	416,953	.....	.....	38	62
1898	Wurttemberg	1,451,979	483,357	.....	.....	35	65
1898	Baden	1,352,597	231,082	$685,972	$2.97	43	57
1898	Bavaria	5,814,310	2,350,193	3,701,000	1.60	50	50
1899	Switzerland	2,134,988	94,280	124,740	1.32		
1898	Prussia	20,314,727	6,846,733	8,408,000	1.23	50	50
1900	France	22,925,117	2,691,581	2,801,949	1.04		
1898	Belgium	1,250,524	62,551	43,597	.68	22	78
1874–1893	Austria	23,996,266	2,573,100	1,434,000	.56	72	28
1885–1894	Hungary	18,732,600	3,512,700	1,690,385	.34	61	39
1899	British India	64,689,300	51,192,000	3,450,000	.07	59	41
1898	Sweden	49,390,325	18,640,800	358,500	.02	18	82
1900	Russia	812,640,600	643,067,880	5,086,181	.008	18	82
1898	Finland	51,840,000	33,631,200	122,429	.004	25	75

Mr. SHAFROTH. Mr. Chairman, there seems to be a misapprehension as to the character of these so-called forest reserves. They are not forest reserves, although they bear that name. They were created at the instance of Western members of the House and Senate not as forests, but only to preserve by shade the snows which fall there from melting until midsummer, when the water is so much needed in the valleys below for irrigation of farm lands. They are located not in low places, but high up on the mountains.

Every gentleman in this House knows that timber will not grow in high altitudes. Very little but scrub timber grows there, and as you go higher you get to the line that is called the "timber line," where not a stick of timber grows. These reservations that the gentlemen talk about as forest reserves are not forest reserves in fact, and a forestry bureau is not needed to administer them with success. This bureau that is in the Agricultural Department is an excellent bureau of its kind, but has for its object the scientific work of forestry, the writing of learned essays upon tree planting and culture, and the practical application in experiments of such knowledge. Such experiments would be in planting and cultivatiug rare and valuable woods, such as walnut, maple, beech, oak, and other woods, and in transplanting and cultivating valuable foreign species of wood. Its principal work should be education of the entire people in tree culture and in encouraging the people to raise hard woods.

To talk about planting trees in these forest reserves when they are located from seven to ten thousand feet above sea level is absolutely absurd. Good or valuable timber to any appreciable extent will not grow there. As a matter of fact, there is another reason why forest trees will not grow there—it is because there is not sufficient rainfall. The pine, spruce, and quaking aspen are the only trees that I know of that will grow in the middle section of the Rocky Mountains. Consequently when you talk about putting into the hands of a bureau of scientific men, who have the scientific cultivation of forest trees in view, these lands that are really not forest reserves it is absurd. You might as well say that a learned professor of Greek, because he is in a university, should take care of the whole building.

Mr. SCOTT. Will the gentleman permit a question?

Mr. SHAFROTH. I will, with pleasure.

Mr. SCOTT. I understood the gentleman to say that these forest reserves were set apart in the beginning in order that trees might be preserved and the shade continued for the protection of the snow so that it might not melt until midsummer. A little later on I understood the gentleman to say there were no trees in these forest reserves——

Mr. SHAFROTH. Oh, no; I did not say that; there are trees.

Mr. SCOTT. And that trees would not grow there?

Mr. SHAFROTH. No; there are scrub trees there that grow, and also brush as you get higher in altitude. As you go up you will find the trees become dwarfed until you come to the timber line, and then beyond that you will find brush, and that brush is really more important than trees to preserve the snows.

Mr. SCOTT. Do I understand the gentleman to say that the reserves are confined to the brush altitudes?

Mr. SHAFROTH. No; they are not confined to the brush altitudes. There are some good trees on these reserves, but there is not a large quantity of good, merchantable timber there. They are up a little too high. Sometimes you see a good-sized tree there and sometimes you will find a little section of trees, but there is no valuable timber to speak of. In the forest reserve south of the Yellowstone Park, a report says only 2 per cent of the timber is merchantable I am speaking now of the character of the reserves in the middle section of the Rocky Mountains. What they are in Oregon I do not know. It may be that large trees grow in the high altitudes of Oregon, but I take it as a general rule that altitude will always dwarf a tree, whether in one part of the world or another; and it is universally conceded that these forest reserves which we are talking about are in high altitudes.

Mr. SCOTT. I understand that, but I understand it is not the purpose of this bill to protect these forests for lumbering purposes, but for the purpose of preserving and continuing the water supply. Now, it is just as necessary for such a purpose that the scraggly growth which is on the high mountains should be protected from fire as it is that the lower slopes should be preserved, and it is particularly desirable that all of these reserves should be protected from fire.

Mr. SHAFROTH. That is true, and we have no objection to their protection from fire, but it does not take a bureau of scientists to do that.

Mr. SCOTT. But the Secretary of the Interior in his report says that he has been obliged to apply to the Forestry Division of Agriculture for experts to suggest the proper care of these reserves.

Mr. SHAFROTH. It may be as to a few reservations that forestry questions arise, but not as to the mass of them. These reserves were never created for forest reserves, and in the proper sense of the word they are not forest reserves. They were created simply for the purpose of preserving shade, so that snow would not melt until summer, and that when it does melt it will give abundant water for irrigation.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. SHAFROTH. Mr. Chairman, I would like a few minutes more.

The CHAIRMAN. The gentleman from Colorado asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. Now, Mr. Chairman, the idea of talking about forestry in Germany and forestry in France, and the necessity for it here, and that we are depleting our lands, has no connection with this question whatever. If the Government wants to undertake forestry here, it ought to acquire land near the sea level and reserve whatever timber lands the Government now owns in such an altitude, and then you can put the Forestry Bureau of the Agricultural Department in charge and accomplish great good. But to say that such a bureau should take the reserves located where no good timber can grow, where nothiug but pine, spruce, and quaking asp grow, because they do not require much water, is absurd.

It seems to me that scientific men, men who write books, have no business in taking care of these reservations where forestry can not possibly be made a success. These trees are on the mountain side; some of them grow out of rock where you can scarcely see any earth at all.

The calling of these tracts of land forest reserves is a mistake. They are not forest reserves; there may be a few reserves in the

country—there may be some in the western slope—that contain some valuable timber. But as to those in the middle section of the United States, where I reside, it is absolutely a misnomer to call them forest reserves.

Now, in view of that fact, and in view of the fact that you can not have forestry conducted there, in view of the fact that the altitude is too high for the growing of good timber, in view of the fact that the topography of the ground is such that you can not cultivate trees for forestry purposes in any such reservation, and in view of the fact that there is not rainfall enough (even if the country were level) to raise trees, it is a mistake to put this work into the hands of a bureau that has studied the subject of forestry from the standpoint of German and French forests, and would no doubt do excellent service in a forest created on the Eastern coast or in the Mississippi Valley, but it is an absurdity to attempt to turn over to that kind of a bureau the care of these reserves which have been cared for by the Interior Department for ten years—a Department that has had experience for this length of time in handling the questions arising there, a Department which has been and is competent to take care of the subject.

Mr. NEEDHAM rose.

The CHAIRMAN. The Chair desires to state that this debate is now proceeding by unanimous consent. If there be no objection, the Chair will recognize the gentleman from California [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Chairman, it may not be inappropriate to say a word as to just what this bill contemplates. One might suppose from the speech delivered by the gentleman from Illinois [Mr. CANNON] that this bill contemplates a radical departure in our forestry service.

Mr. Chairman, the bill simply authorizes the President, in his discretion, to transfer by proclamation certain forest reserves whose boundaries have been permanently marked to the Bureau of Forestry, in the Department of Agriculture, for administrative purposes. There is not a mandatory provision in the bill. It simply gives the President the authority which he asks in his message; that is, authority, if he sees fit and the public service should demand it, to transfer certain of these reserves to this Bureau of the Agricultural Department. There can be no valid objection whatever to such a policy. It is a step in the right direction—a step toward better forestry administration; and it seems to me that the bill ought to pass unanimously. I sincerely hope that it will.

The CHAIRMAN. The question is upon the adoption of the motion of the gentleman from Illinois [Mr. CANNON] to strike out the enacting clause.

The question having been taken,

The CHAIRMAN. The noes seem to have it.

Mr. HEMENWAY. I call for a division.

The question being again taken, there were—ayes 37, noes 36.

Mr. LACEY. I call for tellers.

Tellers were ordered; and Mr. CANNON and Mr. LACEY were appointed.

The committee again divided; and the tellers reported—ayes 66, noes 47.

So the motion of Mr. CANNON was agreed to.

Mr. LACEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes, and had directed him to report the same back with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Will the House concur in the recommendation of the Committee of the Whole?

Mr. LACEY. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 73, answered "present" 19, not voting 159, as follows:

YEAS—100.

Adams,	Cowherd,	Gillet, N. Y.	Lessler,
Aplin,	Creamer,	Greene, Mass.	Lester,
Bankhead,	Currier,	Grosvenor,	Lewis, Ga.
Bell,	Cushman,	Grow,	Lindsay,
Bishop,	Dalzell,	Hamilton,	Livingston,
Brantley,	Darragh,	Hanbury,	Lloyd,
Breazeale,	De Armond,	Hemenway,	Long,
Brick,	Draper,	Hill,	Loud,
Bristow,	Driscoll,	Hooker,	McCleary,
Burke, S. Dak.	Edwards,	Howard,	McCulloch,
Calderhead,	Emerson,	Jackson, Kans.	Maddox,
Candler,	Fitzgerald,	Jones, Wash.	Mercer,
Cannon,	Fordney,	Kehoe,	Mickey,
Capron,	Fox,	Kitchin, Claude	Moon,
Conry,	Gardner, Mich.	Kitchin, Wm. W.	Moss,
Corliss,	Gilbert,	Lamb,	Mutchler,
Neville,	Robinson, Ind.	Smith, Ill.	Underwood,
Overstreet,	Robinson, Nebr.	Southwick,	Vandiver,
Padgett,	Rucker,	Spight,	Van Voorhis,
Payne,	Ryan,	Stark,	Warner,
Reeder,	Selby,	Steele,	Warnock,
Reeves,	Shackleford,	Stephens, Tex.	Watson,
Richardson, Ala.	Shafroth,	Swanson,	Williams, Ill.
Richardson, Tenn.	Shallenberger,	Thomas, N. C.	Wilson,
Roberts,	Sims,	Tongue,	Zenor.

NAYS—73.

Ball, Del.	Esch,	Knapp,	Smith, Wm. Alden
Bartholdt,	Finley,	Lacey,	Snook,
Belmont,	Foster, Vt.	Lawrence,	Southard,
Bowie,	Fowler,	Miller,	Sperry,
Brown,	Gardner, N. J.	Moody, Oreg.	Stevens, Minn.
Brundidge,	Gibson,	Morris,	Storm,
Burgess,	Graff,	Mudd,	Sulloway,
Burleson,	Graham,	Needham,	Sutherland,
Burnett,	Griffith,	Newlands,	Tayler, Ohio
Butler, Pa.	Haskins,	Norton,	Thomas, Iowa
Caldwell,	Haugen,	Olmsted,	Tirrell,
Conner,	Hedge,	Perkins,	Tompkins, Ohio
Coombs,	Henry, Conn.	Prince,	Wadsworth,
Cooney,	Hitt,	Pugsley,	Wiley,
Cooper, Tex.	Howell,	Randell, Tex.	Williams, Miss.
Cousins,	Irwin,	Rhea, Va.	Woods.
Cromer,	Kahn,	Rumple,	
Crumpacker,	Kern,	Small,	
Dinsmore,	Kleberg,	Smith, Iowa	

ANSWERED "PRESENT"—19.

Adamson,	Henry, Miss.	Metcalf,	Snodgrass,
Bellamy,	Hildebrant,	Moody, N. C.	Tate,
Bromwell,	Holliday,	Pierce,	Trimble,
Davis, Fla.	Loudenslager,	Slayden,	Wanger,
Foss,	Mann,	Smith, Henry C.	

NOT VOTING—159.

Acheson,	Dick,	Knox,	Powers, Me.
Alexander,	Dougherty,	Kyle,	Ransdell, La.
Allen, Me.	Douglas,	Landis,	Ray, N. Y.
Allen, Ky.	Dovener,	Lanham,	Reid,
Babcock,	Eddy,	Lassiter,	Rixey,
Ball, Tex.	Elliott,	Latimer,	Robb,
Barney,	Evans,	Lever,	Robertson, La.
Bartlett,	Feely,	Lewis, Pa	Ruppert,
Bates,	Fleming,	Littauer,	Russell,
Beidler,	Fletcher,	Little,	Scarborough,
Benton,	Flood,	Littlefield,	Schirm,
Bingham,	Foerderer,	Lovering,	Scott,
Blackburn,	Foster, Ill.	McAndrews,	Shattuc,
Blakeney,	Gaines, Tenn.	McCall,	Shelden,
Boreing,	Gaines, W. Va.	McClellan,	Sheppard,
Boutell,	Gill,	McDermott,	Sherman,
Bowersock,	Gillett, Mass.	McLachlan,	Showalter,
Broussard,	Glenn,	McLain,	Sibley,
Brownlow,	Goldfogle,	McRae,	Skiles,
Bull,	Gooch,	Mahon,	Smith, Ky.
Burk, Pa.	Gordon,	Mahoney,	Smith, Samuel W.
Burkett,	Green, Pa.	Marshall,	Sparkman,
Burleigh,	Griggs,	Martin,	Stewart, N. J.
Burton,	Hall,	Maynard,	Stewart, N. Y.
Butler, Mo.	Hay,	Meyer, La.	Sulzer,
Cassel,	Heatwole,	Miers, Ind.	Talbert,
Cassingham,	Henry, Tex.	Minor,	Tawney,
Clark,	Hepburn,	Mondell,	Taylor, Ala.
Clayton,	Hopkins,	Morgan,	Thayer,
Cochran,	Hughes,	Morrell,	Thompson,
Connell,	Hull,	Naphen,	Tompkins, N. Y.
Cooper, Wis.	Jack,	Nevin,	Vreeland,
Crowley,	Jackson, Md.	Otjen,	Wachter,
Curtis,	Jenkins,	Palmer,	Weeks,
Dahle,	Jett,	Parker,	Wheeler,
Davey, La.	Johnson,	Patterson, Pa.	White,
Davidson,	Jones, Va.	Patterson, Tenn.	Wooten.
Dayton,	Joy,	Pearre,	Wright,
De Graffenreid,	Ketcham,	Pou,	Young.
Deemer,	Kluttz,	Powers, Mass.	

So the recommendation of the committee was concurred in.

Mr. SLAYDEN. Mr. Speaker, I wish to withdraw my vote and to be recorded as present.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called Mr. SLAYDEN's name and he answered present.

Mr. BROMWELL. Mr. Speaker, I am paired with Mr. CASSINGHAM. I do not know how he would vote. I voted "no," and I ask to withdraw that vote and to be marked present.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called Mr. BROMWELL's name, and he answered "present."

Mr. WILLIAMS of Illinois. Mr. Speaker, I was present in the House when the second roll was called, but did not hear my name.

The SPEAKER. Was the gentleman listening to hear his name called?

Mr. WILLIAMS of Illinois. I was.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. WILLIAMS of Illinois, and he voted "aye."

The following pairs were announced:

For the session:

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. METCALF with Mr. WHEELER.

Mr. WRIGHT with Mr. HALL.

Mr. HEATWOLE with Mr. TATE.
Mr. BULL with Mr. CROWLEY.
Mr. SHERMAN with Mr. RUPPERT.
Mr. YOUNG with Mr. BENTON.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. BOREING with Mr. TRIMBLE.
Mr. WANGER with Mr. ADAMSON.
Until further notice:
Mr. BURTON with Mr. BALL of Texas.
Mr. MANN with Mr. JETT.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. CONNELL with Mr. FOSTER of Illinois.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. SKILES with Mr. TALBERT.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. POWERS of Maine with Mr. GAINES of Tennessee.
Until further notice:
Mr. HOLLIDAY with Mr. MIERS of Indiana.
Mr. FOSS with Mr. MEYER of Louisiana.
Mr. GORDON with Mr. SCOTT.
Mr. KETCHAM with Mr. SNODGRASS.
Mr. ALLEN of Maine with Mr. DAVIS of Florida.
Mr. DAYTON with Mr. DAVEY f Louisiana.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. BARNEY with Mr. MCRAE.
Mr. HEPBURN with Mr. COCHRAN.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. LANDIS with Mr. CLARK of Missouri.
Mr. JACK with Mr. SCARBOROUGH.
Mr. BOUTELL with Mr. GRIGGS.
Mr. BROWNLOW with Mr. PIERCE.
Until the 18th:
Mr. EVANS with Mr. HENRY of Mississippi.
For two weeks:
Mr. WEEKS with Mr. SHEPPARD.
Until next week:
Mr. STEWART of New Jersey with Mr. KLUTTZ.
Until Wednesday:
Mr. BATES with Mr. BELLAMY.
For the day:
Mr. HULL with Mr. HAY.
Mr. SHELDEN with Mr. WOOTEN.
Mr. WADSWORTH with Mr. ROBB.
Mr. VREELAND with Mr. RIXEY.
Mr. MARSHALL with Mr. WHITE.
Mr. MAHON with Mr. RANSDELL of Louisiana.
Mr. LITTLEFIELD with Mr. MCDERMOTT.
Mr. LEWIS of Pennsylvania with Mr. MAHONEY.
Mr. KNOX with Mr. LATIMER.
Mr. SIBLEY with Mr. MCANDREWS.
Mr. GAINES of West Virginia with Mr. LASSITER.
Mr. GILL with Mr. HENRY of Texas.
Mr. FOERDERER with Mr. GOOCH.
Mr. DICK with Mr. GOLDFOGLE.
Mr. CURTIS with Mr. GLENN.
Mr. BURLEIGH with Mr. FLOOD.
Mr. BURK of Pennsylvania with Mr. FLEMING.
Mr. DAHLE with Mr. FEELY.
Mr. BOWERSOCK with Mr. ELLIOTT.
Mr. BLACKBURN with Mr. CLAYTON.
Mr. BINGHAM with Mr. BUTLER of Missouri.
Mr. ACHESON with Mr. BROUSSARD.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. COOPER of Wisconsin with Mr. PATTERSON of Tennessee.
Mr. DOVENER with Mr. MCLAIN.
Mr. DEEMER with Mr. ROBB.
Mr. BABCOCK with Mr. ALLEN of Kentucky.
Mr. OTJEN with Mr. THOMPSON.
Mr. RAY of New York with Mr. LEVER.
For the vote:
Mr. FLETCHER with Mr. JOHNSON.
Mr. BEIDLER with Mr. LITTLE.
Mr. JOY with Mr. DOUGHERTY.
Mr. JENKINS with Mr. BARTLETT.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. HUGHES with Mr. LANHAM.
Mr. MINOR with Mr. POU.
Mr. WACHTER with Mr. REID.
Mr. SCHIRM with Mr. THAYER.
Mr. PATTERSON of Pennsylvania with Mr. SMITH of Kentucky.
Mr. MONDELL with Mr. JONES of Virginia.
Mr. HOPKINS with Mr. MOODY of North Carolina.
Mr. TAWNEY with Mr. SULZER.
Mr. MARTIN with Mr. BURKETT.

Mr. MANN. Mr. Speaker, I find I am paired with Mr. JETT of Illinois. I voted, and I wish to withdraw my vote and answer present.

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. MANN, and he answered "present."

The result of the vote was announced as above recorded.

DAVID M. M'KNIGHT.

Mr. DARRAGH. Mr. Speaker, I present a conference report on the bill (S. 3992) granting an increase of pension to David McKnight, and ask to have the report and the statement accompanying it printed in the RECORD.

The SPEAKER. The report and statement will be printed according to the rule.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3992) "An act granting an increase of pension to David M. McKnight," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-four;" and the House agree to the same.

A. B. DARRAGH,
E. S. HOLLIDAY,
Managers on the part of the House.

J. H. GALLINGER,
WM. J. DEBOE,
Managers on the part of the Senate.

STATEMENT.

The bill (S. 3992) granting an increase of pension to David M. McKnight passed the Senate at $30. The House amended the same by striking out $30 and inserting $20.

The result of the conference is that the Senate recedes from its disagreement to the amendment and agrees to the same with an amendment as followe: In lieu of the sum proposed insert "twenty-four."

A. B. DARRAGH,
E. S. HOLLIDAY,
Managers on the part of the House.

TELEGRAPHIC CABLES BETWEEN THE UNITED STATES AND THE PHILIPPINE ISLANDS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

Resolved, That immediately on the adoption of this rule, and immediately after the reading of the Journal on each day thereafter until the bill hereinafter mentioned shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce. And after due consideration in the Committee of the Whole, the same shall be reported to the House with amendments; thereupon, without debate or intervening motions, the question shall be taken on pending amendments, if there be any, on the engrossment and third reading, and on the final passage of the bill.

Mr. DALZELL, from the Committee on Rules, submitted the following report:

The Committee on Rules, to whom was referred the resolution of the House numbered 199, have had the same under consideration, and respectfully report the same with the recommendation that the following amendment be agreed to:

Strike out lines 10 to 15, inclusive, and insert "and after four hours of general debate in the Committee of the Whole the bill shall be considered for amendment under the five-minute rule; and any proposition relating to ocean cables shall be considered germane thereto."

And that, as amended, the resolution be agreed to.

Mr. DALZELL and Mr. RICHARDSON of Tennessee rose.

The SPEAKER. The gentleman from Pennsylvania.

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman permit me just for a moment? I am informed that two of the leading opponents of this measure, who occupy seats on the side of the House on which my friend and committee colleague [Mr. DALZELL] sits are absent; and while I have not been authorized by those gentlemen, I have by friends who feel as they do, to ask the gentleman if he is not willing to postpone the consideration of this measure until they return? I only want to say that they are not absent in the interest of this side of the House, or of any interest that I hold very dear personally; but possibly the worst that can be said about them is that they are absent in the interest of their own party. I hope, however, that the gentleman will agree that the consideration of the bill may be postponed until they return.

Mr. DALZELL. Mr. Speaker, I say to my friend from Tennessee that the majority members of the Committee on Rules have been in correspondence with the gentlemen to whom he refers, and that, taking into consideration the state of the public business in the House and the prospects of adjournment, it was not deemed wise or indeed reasonably possible to change the order of business as it had been arranged, and that therefore we thought it necessary to go on at this time with this business. The bill referred to in the rule is what is known as the Corliss bill——

Mr. RICHARDSON of Tennessee. I thought possibly we might be able to take up the irrigation bill first.

Mr. DALZELL. All I can say is that the gentleman was mistaken in that thought.

Mr. RICHARDSON of Tennessee. I am very sorry I was mistaken. It was a very reasonable thought.

Mr. DALZELL. The bill referred to in the rule is what is known as the Corliss bill. The bill provides for the construction of a cable across the Pacific at the Government expense. There are pending in the House, however, and in the Senate, seven different bills upon this subject. I do not understand that there is any objection upon the part of anyone to a Pacific cable. The question really is whether it shall be built by the United States or whether it shall be built by private individuals. So long ago as February, 1899, Mr. McKinley sent a special message to Congress pointing out the absolute necessity for the construction of a cable, whether by private or by public enterprise, and I am told that the War Department of the United States during the past year incurred an expense on an average of about a thousand dollars a day for cable messages between Washington and Manila.

Now, the purpose of this rule is not to confine the House to the consideration of the Corliss bill, so that it may be voted up or voted down, but it is to give the House an opportunity to pass upon the question as to whether or not there shall be a Pacific cable, because under the rule any amendment that relates to the construction of a cable will be germane to this bill. The whole subject, therefore, will be open to consideration by the House, and to the discussion of the several theories that are entertained by the various members of the House. The proposition is that there shall be general debate for four hours and that after that the bill shall be open to amendment and discussion under the five-minute rule.

Mr. RICHARDSON of Tennessee. I believe it was agreed in the Committee on Rules that there should be one hour for debate on the rule. That was a part of our agreement, as I remember.

Mr. DALZELL. I do not recall any such agreement, but my colleague says that there was.

Mr. RICHARDSON of Tennessee. There was.

Mr. DALZELL. I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I desire to yield to the gentlemen representing the minority of the committee that reported the bill the thirty minutes that will be allowed in opposition to the rule.

The SPEAKER. To whom does the gentleman desire to yield the time?

Mr. RICHARDSON of Tennessee. I yield the entire thirty minutes allowed to the minority of the Committee on Rules to the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Alabama [Mr. RICHARDSON], to be divided as they see fit.

Mr. ADAMSON. Mr. Speaker, considering the character of the Federal Government, the purposes of its creation and the varied interests of our people, together with their worth, industry, and genius, it is not desirable to embark the Government as such in enterprises involving competition with private capital and individual labor.

If governmental necessities demanded the use of a cable across the Pacific and private capital failed to respond to the demand, it would be right for the Government to stretch forth its strong arm and provide what was needed. That view alone justified support of the canal bill. Some men yet stoutly maintain that private capital would have constructed the canal if the Government had not interfered. Some undertakings are so stupendous in their character, however, that only a mighty government can carry them through, and this House believed the canal enterprise to be one of them.

During three Congresses, and possibly longer, those who desired Government construction of a Pacific cable have contended against those who favored subsidizing a corporation. Many of us, fearing either alternative, looked and longed for private capital to undertake the risk and responsibility, with consequent profits, of securing for our Government proper rates, safeguards, and facilities, with efficient service and reasonable charges to our people.

A company meeting our most ardent wishes has now appeared and is actually engaged in construction, with contracts all made and arrangements perfected to communicate with Hawaii during the present year and extend the line thence to Manila within two years thereafter. That company also has satisfactory arrangements for connecting its Manila office with China and Japan.

At our end of the committee table there has been some division on the general question of Government construction and ownership, but that division has no application to desiring an arbitrary rule to force a hasty consideration of the subject under existing circumstances. In fact, in both the Fifty-fifth and Fifty-sixth Congresses we filed unanimous minority reports opposing governmental interference either by subsidy or construction.

The Commercial Pacific Cable Company, with apparent sincerity and much plausibility, professing to afford the very opportunity which we have long sought, and realizing, as we do, that if we should authorize action now we could not actually begin work until long after that company had landed its wire at Hawaii, we deem it wise to postpone consideration until the short session next December. Then if we are not satisfied with the progress made by that company and the necessities of the Government should demand action, it would be time enough to embark in the enterprise.

Some of us, however, believe, in common with several of our most eminent colleagues at the other end of the table, that our long-sought opportunity has arrived; that a cable is in sight without expense or liability on the part of the Federal Government and prepared to accommodate the commerce of the country with better terms and facilities than a Government cable could do without loss to the Treasury. It would be difficult to find a more desirable situation. An American company with a domestic charter, home capital, and a large majority of American directors, proceeding actually to construct a cable from California via several American islands to Manila without once touching foreign territory.

Our Government is invited to prescribe its own rates for Government business. It is agreed that our Government may take possession of the cable, together with its offices and appurtenances, whenever desirable, or that our Government may buy the cable at its true value at any time. But we are not compelled to do so. When we determine that we need a cable, we can proceed at any time to construct one, paralleling that one, or choosing a route to suit ourselves.

It is also proposed that our commerce shall have a guaranteed rate not exceeding $1 to Manila, China, and Japan, with proportionately lower rates to intermediate points. Expert witnesses, favoring this bill now, stated in the hearings before our committee that the Government could not afford a lower rate than that if it constructed the cable. The most objectionable feature, if not really the only one, of the Commercial Pacific Cable Company's enterprise is that it has contracted for an English-made cable, but Admiral Bradford supported the company's contention that it was necessary in order to secure dispatch, quality, and efficiency.

Admiral Bradford also enlarged on the wise suggestion that the Government could not afford to invest in a plant and cable ship, together with all the enormous outlays necessary to prepare for constructing that cable alone, even if it were certain that we could, without delay, produce a good cable. He thought our Government could not afford to equip itself for this work unless we intended to continue in the cable business and in future construct and maintain cables for the balance of the world. He was clear in his mind that neither our Government nor our people could possibly do the work without great delay and expensive preparation.

In so great an undertaking he was positive we could not afford to indulge in experiments, wisely emphasizing the statement that in so important a work the very best thing we could find in the world would be the cheapest, no matter what it cost. It is unavailing now, however, to discuss the question of domestic as against foreign material, because the contracts have already been made, the work is in progress, and the cable will be finished to Hawaii before Congress reassembles in December, even if we should now authorize the Government to enter the business.

It can not with any show of reason or truth be denied that private capital is ready to proceed with the work. Neither can it be said that our Government stands in such great and urgent need of the cable as to justify precipitate action. The maximum amount ever expended by the Government for cable messages in one year in connection with our Eastern complications did not exceed $400,000—at the old rate of nearly $2.50 per word. That price has already been reduced nearly one-half. When the Commercial Pacific Cable Company completes its line the rate to the public will be $1.

If the Government paid that rate, the greatest volume of business it has ever had would not exceed $166,000, which the Government can still further reduce at its own option if it concludes that a dollar a word is too high a rate. But a saving of $166,000, or even of $400,000, would be a small annual return on an investment of $15,000,000, besides the plant, preparation, management, and maintenance.

The representatives from the War and Navy Departments who appeared before our committee expressed the opinion that the Government business is decreasing and that its volume will perhaps be never again so large as in the past. They also frankly admitted that the main demand for the cable was in the interest of commerce. General Greely so stated at two different hearings.

I submit that the Federal Government ought not to go into business solely in the interest of citizens engaged in trade. Commerce ought to bear its own burdens, and in this case private capital stands ready to assume and carry the burden, and is in reality urging and beseeching the Government to confine itself to its own proper functions and abstain from unnecessary competition with legitimate private business.

It is seriously demanded on the part of zealous paternalists to interfere, not because of any doubt that a cable will be promptly built by private capital, but solely through apprehension that it will be done. Sordid greed unblushingly demands that the Government exert its power to drive out and destroy private enterprise from a field legitimately occupied for the good of our Government and people as well as the profit of the company so engaged.

In order to arouse passion and prejudice the minds of statesmen much reckless statement has been indulged and many vile epithets applied to the gentlemen prosecuting this enterprise by the people who are urging the Government to adopt a tyrannical and unjustified course of wrong and oppression at the instigation of nothing better than selfishness.

All the vituperation and slander gratuitously heaped upon the enterprising gentlemen serving our commerce, our people, and our Government by constructing that cable, and all the wild flights of disordered imagination about monopoly gorgons, horrors. and dragons are strikingly discounted by the fact that the same prominent persons who now demand the passage of this bill have heretofore just as earnestly opposed government ownership, and repeatedly besought us to subsidize their company, admitting frankly that their positions varied with their shifting interests, and that they now desire the Government to construct for their benefit without cost a connection too expensive for them to build, but which the other company now at work is willing to build for its own use and pay for it.

It is remarkable how some people hate monopoly when they are not doing the monopolizing; but there is nothing cooler among the icebergs of the North Pole than the imperturbable frigidity of the avaricious but shifty adventurers who opposed Government construction when they wanted a contract to build, but who now demand that the Government interpose and enable them to compete with the Pacific Commercial Cable Company.

One gentlemen gravely suggested that the Government could use money at a lower rate of interest than private individuals. And it was urged that the Government could extinguish concessions at Manila for about $400,000, which would enable the parties inviting our Government action to revive and use a claim they hold of a so-called concession to build a line to China. They pretend that they can not extinguish the concessions which bar them out of Manila. They make no offer to reimburse our Government the demanded outlay of $400,000 for their benefit, nor has any protest been heard from their outraged consciences at their prospect of a monopoly through the grace and bounty of our Government.

As to the attempted arguments about exclusive concessions and closing up the Pacific Ocean by the unyielding clutches of grasping and exclusive privileges, there need be no harrowing fear allowed to disturb the serenity of any patriotic breast as to the ability of this Government to find a way to accomplish its purposes and enforce its desires whenever it is adjudged necessary to construct a cable in the Pacific Ocean.

But it is not right to drive out private capital, either by brute force or unnecessary competition, and the patriot who so contends is a better friend to his Government and people than the unthinking enthusiast who would load down the Government with matters foreign to its function or invoke its power to crush out the capital, labor, and genius of our people.

The construction of Government cables is not popular, even among autocrats, but, with enlightened economic views, private effort is preferred, welcomed, and encouraged.

They will even grant large subsidies where necessary to avoid governmental responsibility, and resort to the public Treasury only when recourse to all other means fails of accomplishing a necessary public purpose.

The hearings before our committee were enlivened by one great compensating consideration, inasmuch as they disclosed one American manufacturer, Mr. Henry, who, while confidently professing ability to produce a cable equal to the best, thought he could do so for about 10 per cent less price than charged by foreign manufacturers.

The discovery of that establishment giving promise of a glad day when our American manufacturers will sell to us—their neighbors—as cheaply as to strangers in distant lands, and making rare manifestation of that patriotism which will work more cheaply for our Government and people rather than always holding us up for a bonus, ought to bring joy to the hearts of all good men, regardless of the fate of this bill. That discovery, however, ought to drive from its support all those who favor it solely for the purpose and hope of establishing an American plant and using American material [Loud applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER. Assuming that the gentleman had half of the thirty minutes, he has eight minutes remaining.

Mr. ADAMSON. I yield to the gentleman from Alabama such time as he wishes.

The SPEAKER. That gives the gentleman from Alabama the twenty-three minutes remaining.

Mr. RICHARDSON of Alabama. Mr. Speaker, I fully realize the great difficulty and absolute uncertainty that attends every effort of this kind to defeat a rule that has been recommended by the Committee on Rules. I have never had any occasion, Mr. Speaker, to make any complaints since I have had the honor of holding a seat on this floor about any rule of the House. I have been impressed with the belief that an arbitrary rule in this House, in most instances, is absolutely necessary to secure the proper consideration of important subjects and necessary legislation.

Mr. ADAMSON. The gentleman from Alabama kindly yields to me, Mr. Speaker. I forgot to state in the proper connection—and a friend on the other side called my attention to it—the proposition of the Commercial Pacific Company is that the Government may seize and use that cable, with all its officers, equipment, appurtenances, if it deems it necessary, and pay only for the use of it, and at any time in the future the Government desires it may purchase that cable and pay for it at its real appraised value.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. ADAMSON. Yes, sir.

Mr. KLEBERG. Is it not a fact that this very company has already gone to some expense and is prepared to lay the cable? The company, according to the testimony, has made not only some progress, but is actually at work and expects to complete the cable to Honolulu by November, and they say they will complete the cable whether this Government competes with it or not in a rival line.

Mr. WANGER. Will the gentleman from Georgia permit a question?

Mr. ADAMSON. Certainly.

Mr. WANGER. Will you kindly state for our information how this offer of the Commercial Pacific Company is made; is it simply a part of the current literature or is it in the form of a valid, binding contract which can be enforced?

Mr. ADAMSON. I am much flattered by the gentleman from Pennsylvania in intimating that I am capable of giving him information, and I would gladly answer him, but my friend from Alabama [Mr. RICHARDSON] just said sotto voce that he was proceeding to that subject, and I will allow him to answer the gentleman.

Mr. RICHARDSON of Alabama. Mr. Speaker, I was just proceeding to say, when I was interrupted by the gentleman from Georgia, that my impression had been that in the policy that governed the Committee on Rules there were two classes of subjects or questions upon which the committee would act. One was a political question that might be considered of special benefit to the party in the majority. I can understand how a rule can be favored by the Republican members of the present Rules Committee to advance the political interests of the political party in power. The next consideration is where there is a great emergency, and the rule is asked for the public good and where the public good will be advanced by the consideration of the subject.

Now, this question that we are considering—and the gentleman from Pennsylvania [Mr. DALZELL] stated it in very concise and accurate terms—is not a political question, because the Interstate and Foreign Commerce Committee, of which I have the honor to be a member, is divided upon it, both Republicans and Democrats favoring each the majority and minority reports of the committee. It is not a political question, and neither one of the great political parties in this country would undertake for a moment in a national platform to advocate government ownership of utilities. Neither one, I dare say, would do it. It is not one of those questions of such emergency as can be called for the public good, or of advancing it any way.

Now, in past Congresses I understand the question has been presented in two classes, one for a subsidy of three hundred and fifty or four hundred thousand dollars to a private company to build this cable, the other a simple, plain proposition of governmental ownership. Now, it was not believed, as far as I can read and understand from the history of the past, that, if the question of private ownership made its appearance at any time in the coming future, that there would be any opposition to it. I can understand and readily appreciate how reluctant the American Congress would be to enter into a policy of granting to cables a subsidy. Then the whole question is, as stated by the gentleman from Pennsylvania [Mr. DALZELL], whether we shall favor private ownership or whether we shall favor governmental ownership.

Now, in reply to the gentleman from Pennsylvania [Mr. WANGER], who asked the gentleman from Georgia [Mr. ADAMSON] the question as to the character of the contract, the facts are simply these: The Commercial Pacific Cable Company has already entered

into a contract, and that contract embraces every one of the provision which are included in what is known as the post-road act of 1866. I know the suggestion is, and has been heretofore made on the floor of this House, that the post-road act of 1866 does not apply in this case because it relates to land telegraphs, and so on; but this company has embraced and has filed its bond under the advice and instruction of its board of directors, by which it contracts and obligates itself to do this: First, let Government messages go at half rates; to do this without any subsidy or aid; to reduce the cost of messages as they exist to-day from $1.66 from San Francisco to Manila to $1 per word, and also making $1 per word the rate from the coast of California to Hongkong. They propose to reduce it from $1.66 a word to $1.

Now, the next guaranty it makes is that it agrees to let all the Government messages go at half rates. But the important one is that it allows and agrees that the Postmaster-General shall prescribe the rates of this company. It further guarantees and agrees that at any time the Government sees proper it shall take over the property of this private company at its appraised value, two of the appraisers to be appointed by the company and two to be appointed by the Government, and these four to select the fifth man.

Now, Mr. Speaker, the ordinary plain business proposition is that here is a company that has entered into an obligation and contract, and there are men on the floor who know the reputation and standing and character of John W. Mackay, of California, better than I do. They say his word is as good as his bond, and he has obligated his company to do these things. Here is a private company that has entered into a contract. It is a plain business proposition. They have entered into a contract to complete this line from the coast of California to Honolulu, something over 2,000 miles, upon the 1st day of January of next year.

They have already paid $500,000 on that contract, and they have obligated themselves to pay two million and a half more upon it when completed to Honolulu. The undisputed testimony in this case, as given before the Interstate and Foreign Commerce Committee, was, without any question and without contradiction whatsoever, to the effect, as gentlemen will remember, that the line from California to Honolulu would not pay running expenses. Then the question naturally arises, Why is it that this company is willing to expend two million and a half of dollars on 2,000 miles of this cable, when it will not pay running expenses to that point? Why, sir, the sole answer is that they are going to build the cable to Manila by January, 1905, as their contract obligates them to do, and then it will become a paying line.

Now, these are the plain facts, and there is no escape from them. If there is a failure on the part of that company on account of difficulties of working, the breakings, etc., so as to entail great expense, why should not the Government let this private commercial company incur the risk and expense. After they have completed the line, should the Government find urgent necessity, by reason of war or any other great exigency, then let the Government buy the line, paying the appraised value for it. That is the business proposition that is made to this House to-day.

Mr. Speaker, I think I appreciate the conditions that might arise in a case of this kind, when it might become necessary for the Government to construct, own, and operate a cable line. If the interests involved were such that the public safety was at stake, that the success of our Army was concerned—if any of these contingencies should occur which have been referred to in connection with this matter—then the Government might be justified in building this cable. This company also agrees that whenever the Secretary of State sees that the interests of this Government render it necessary, he can step in and not only take the property at its appraised value, but if he does not want to do that, he can put operatives in there, men whom the Government can trust, and run the line in the interest of the Government and pay simply an ordinary, fair rental. Mr. Speaker, that is the proposition as my colleague from Georgia has stated.

Mr. Speaker, this is an important matter. It is a serious precedent that we are invited to establish. This will be the first cable that our Government has been invited to consider the feasibility of constructing, owning, and operating. It is a serious matter to inaugurate Government ownership of a project of this kind, in conflict with private enterprise. If private companies can build these lines, why not let them go on and do it? I say, as a business proposition, why should we want to increase and multiply Government officers? Why should we do it? Certainly, as an economical proposition, there is but one practical view. No man can stand on this floor and say that the passage of this bill is demanded by any special interest of ours or by any military necessity in the Philippine Islands.

I would support this bill without hesitancy if the interests of this Government as a war measure demanded it or if the welfare of our soldiers in the Philippines required it. But nothing of that kind exists. The whole country is at peace, the whole country is looking forward to advanced and increased prosperity. If there be (as in truth there is) a rivalry between different telegraph companies in regard to this project, let them fight it out. It is competition that gives cheaper rates to the people.

Do you know what the figures and the facts are in regard to those that will use this Pacific cable? The estimate is that there are about 400 people who will patronize this cable company; that 300 of these are foreigners and 100 Americans. And you are asked to expend for the Government from fifteen to twenty million dollars on this Pacific cable, to accommodate 300 foreigners and 100 Americans! Those are the facts taken from the telegraphic record. Is there, then, any reason, any propriety, any justice in the Government entering upon such an unreasonable enterprise?

Now, Mr. Speaker, this bill has been under consideration in the Senate, and I desire to read a telegraphic dispatch on this subject sent from this city to the Baltimore Sun:

Senator GEORGE C. PERKINS, of California, who introduced in the Senate a Pacific cable bill similar to that for which the House Committee on Rules has reported a special order in the House, is now opposed to the measure, on the ground that the cable can better be constructed by private enterprise.

Speaking on the subject to-day he said:

"It is in no wise probable that the Government at this time wishes unnecessarily to invest $15,000,000 or $20,000,000 in a Pacific cable. If the Government should either now or hereafter desire to own a cable across the Pacific, the only reasonable thing for it to do is to let the Commercial Cable Company build a cable and then buy it from that company.

"This would save a great deal of trouble, expense, and time.

"It seems to me that the only question is whether the private company means to carry out the enterprise and is able to do so. On this no one who knows the company in this case will doubt. The Commercial Pacific Cable Company is an outgrowth of the well-known Commercial Cable Company, of which John W. Mackay is president and chief stockholder. Mr. Mackay's character and business integrity are beyond question."

With these remarks, Mr. Speaker, on the consideration of the rule, I defer anything else I have to say until later.

Mr. DALZELL. Mr. Speaker, I would inquire how much time is left?

The SPEAKER. The gentleman has five minutes remaining, but has yielded the floor.

Mr. DALZELL. How much time have I left?

The SPEAKER. Twenty-six minutes remaining.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, I have heretofore been opposed to taking up this bill for consideration lest its passage should be construed as in some way committing us to the permanent retention of the Philippine Islands, to which I am unalterably opposed. On reflection, I am not able to find anything in the bill warranting such a construction. I am, therefore, in favor of the present consideration of the bill. I favor government construction and maintenance of all needed oceanic cables, but I shall not discuss the merits of the bill till it comes up for consideration.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. The gentleman from Alabama [Mr. RICHARDSON] did not reserve his remaining time.

The SPEAKER. The gentleman from Alabama yielded the floor without reserving his time.

Mr. ADAMSON. Then I should like leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALZELL. I yield to my colleague [Mr. GROSVENOR] five minutes.

Mr. GROSVENOR. Mr. Speaker, an inspection of this rule as amended by the Committee on Rules and reported to the House will show that the Committee on Rules have no anxiety about the manner in which the ultimate question of a Pacific cable shall be disposed of, for they have left the door open for the fullest and widest amendment to the Corliss bill; even for the substitution of any other scheme of ocean cable.

It is said that some gentlemen are absent from the House and that fact is commented upon for some reason; I hardly know what. I desire to defend the Committee on Rules, if there is any necessity for it, from any possible suspicion that they have any ulterior or sinister design in bringing this question before the House at this time in the absence of those two gentlemen.

Mr. ADAMSON. Mr. Speaker, if the gentleman will permit me—

Mr. GROSVENOR. Yes.

Mr. ADAMSON. I desire for myself to disclaim any intention of making such a reflection on the committee. The extent of my appeal was simply this, that as the gentleman from Iowa [Mr. HEPBURN] and the gentleman from New York [Mr. SHERMAN]

had studied this question so extensively, and as they desired the very opportunity that your rule would give them to perfect this bill, I desired to have the consideration of the matter postponed until they could get back.

Mr. GROSVENOR. I do not think the gentleman, or any other gentleman, intended to reflect upon the committee; but I desire to supplement what I have already said by saying that this question has been pressed upon the Committee on Rules for the last two months, I think I may say. It seems to me as though it had been a year and a half of unceasing pressure brought to bear to have this question brought before the House and finally disposed of.

I think the committee would have been derelict in their duty if they had jeopardized a decision of the question, first, whether we are to have a cable, and second, what sort of a cable we are to have, and had let Congress adjourn without having opportunity to decide so important and indispensable a matter as that. Now, the time has come at last when we must take up business and dispose of it, and let me call the attention of the House to a list of important matters already practically agreed upon as necessary to be considered. This is only a partial list at that. We have pending the appropriation bills. I admit that they are well out of the way and not likely to occupy the time of the House very long.

Mr. FITZGERALD. Will the gentleman yield to me for a moment?

Mr. GROSVENOR. Yes.

Mr. FITZGERALD. Will the gentleman state who agreed to this list?

Mr. GROSVENOR. This is not an agreed list at all—not in the sense implied by the remark of the gentleman. It is a memorandum that I have made for my own use, to suggest the important questions that members are all familiar with.

Mr. FITZGERALD. I understood the gentleman to say that these were subjects which it had been agreed must be considered.

Mr. GROSVENOR. Oh, not at all. There has been no agreement that I know of. Then comes the Pacific cable. Then comes irrigation, and if the question of irrigation is to be heard, and if it is to have the length of time requested by its friends, and that seems to be commensurate with the high importance of the subject, then surely we can not afford to trifle with the time which would prevent the coming up of that bill immediately and the postponement of it possibly indefinitely, beyond the recurrence of the greater question which I propose to suggest.

Mr. ADAMSON. Mr. Speaker, I do not want to consume the gentleman's time——

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. Oh, yes; my time is not important.

Mr. ADAMSON. I should like to ask the gentleman if anything would be lost by taking up the irrigation bill now in substitution for this and letting this follow when the gentleman from New York [Mr. SHERMAN] and the gentleman from Iowa [Mr. HEPBURN] return?

Mr. GROSVENOR. That is a question for the House to decide.

Mr. ADAMSON. That is what I wish to say.

Mr. GROSVENOR. Then we have a series of general pension bills. We have a most important militia bill unanimously reported from the committee, I believe. Then we have the question of the seal fisheries, which is a very interesting question and one that must be disposed of at this session if there is to be any value in our action. The Hawaiian silver question, an election case, a bankruptcy question that is bringing telegrams from all parts of the United States pouring in upon members of the Committee on Rules; and then the Philippine bill, and then questions growing out of pensions to Indian war veterans. That is only a small portion of the bills that are clamoring for action, and now something has to be done, and this bill had been agreed upon for more than two weeks, and has been pushed out of the way three or four times.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield more time to the gentleman.

Mr. GROSVENOR. This bill has been pushed out of the way several times, and the gentlemen who are now, unfortunately, absent had full notice of the fact. Mr. HEPBURN, as I understood, would be back here to-day. It was distinctly understood that Mr. SHERMAN would be here to-day, but I am told that his friends have heard that it was impossible, on account of some conditions, either of business or of his health, or something of that character.

Nobody regrets the absence from any great national debate of the gentleman from Iowa [Mr. HEPBURN] or the gentleman from New York [Mr. SHERMAN] more than I do. But we had to have some kind of orderly disposition of business, and here it is; and it is for the House to decide, and the Committee on Rules have no personal interest or feeling in the matter.

Mr. DALZELL. Mr. Speaker, under ordinary circumstances I have always refrained from an expression of any opinion in the first instance as to the merits of a proposition involved in a rule reported by the Committee on Rules. I feel, however, under the circumstances of this occasion, that I ought perhaps to depart from that rule, in view of the insistence of gentlemen upon the other side upon the postponement of this measure until the return of the chairman of the committee and the gentleman from New York.

As I said at the opening, as long ago as February, 1899, President McKinley sent to this House a special message insisting upon the importance of the construction of a Pacific cable. From that day until this it has been one of the subjects of almost every Presidential message sent to this House, and it is now a proposition upon which the Administration is insisting in the interest of economy, insisting, not on any particular proposition, but on the construction of a Pacific cable that will enable the United States to carry on reasonable correspondence between its seat of government and its insular possessions. Hence it was thought by the Committee on Rules that it was not proper, whatever might be the individual views of its members as to the merits of this proposition or that proposition, to deny to the House an opportunity to consider the subject.

Having determined upon its consideration, to-day was determined upon as the proper time for the consideration of this measure. The gentleman from Iowa and the gentleman from New York were both aware that this measure was to come up to-day, and I can say to the gentleman from Georgia that while I regret, with him, the absence of those two gentlemen, I can assure him that I regret it for the reason that I am on the same side of the proposition that they would be on if here.

Mr. ADAMSON. Will the gentleman permit me one suggestion?

Mr. DALZELL. Certainly.

Mr. ADAMSON. The gentleman will remember that as long ago as something like a week since it was hoped that this bill would be reached, and the matter that was before it not having been disposed of, carried the thing beyond the time and complicated things.

Mr. DALZELL. The gentleman knows that however desirous we may be to accommodate each other, it is absolutely impossible to arrange business to the convenience of individual members.

Mr. ADAMSON. Of course; but you must substitute one bill for another.

Mr. DALZELL. I want to say a word upon the merits of the proposition, and my attitude toward it. There are substantially two propositions. First, that the United States shall build and operate a cable. That is the proposition which is involved in the Corliss bill. I am opposed to that proposition. I do not believe in government ownership and management of any business that can be as well owned and managed by private enterprise. The history of government ownership of railroads and telegraph abroad as compared with ownership and management by private enterprise on this side of the water is all in favor of leaving such matters to private enterprise.

I am opposed to the Corliss bill; I am opposed to the United States expending $15,000,000 to land a cable in Manila, and one million and a half a year for the purpose of its maintenance, without any hope of an adequate return. I am in favor of the construction of a private cable. The gentlemen on the other side of the House, who have spoken, are advocating here the building of a private cable, which has already been begun by Mr. John Mackay, and they say that he has entered into a contract for the construc- of that cable, that the capital that is invested is American capital, that Mr. Mackay is an American, and all that sort of thing.

Now, my information is—whether it be true or not makes very little difference—my information is that the capital invested in this Mackay company is English capital; and while Mr. Mackay no doubt is really an American, it is a great many years since he has lived among his own countrymen, and it is a great many years since Mr. Bennett has lived in his own country, and I put them into the category of expatriated Americans.

Now, the difference between Mackay's cable and the cable I would build is this: His cable will be made in English workshops, by English workmen, and the money paid to English wage-earners. The cable I would build would be made in American workshops, and the money paid to make it would be paid to American workmen, paid American wage rates. [Loud applause.] Mr. Mackay's cable will be laid by ships that will sail under the British flag, while the cable that I would build would be laid by vessels carrying the American flag, sailed by American sailors, and all the benefits inuring from the expenditure of $15,000,000 would inure to American citizens.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Alabama. Will the gentleman allow me to interrupt him?

The SPEAKER. Does the gentleman yield to the gentleman from Nevada, who first sought recognition?

Mr. DALZELL. I do.

Mr. NEWLANDS. The gentleman referred to Mr. Mackay as an expatriated American. I am sure the gentleman is not familiar with Mr. Mackay's career.

Mr. DALZELL. Oh, well, if the gentleman says that is not so, I take it all back.

Mr. NEWLANDS. The gentleman from Pennsylvania probably derives his impression from the fact that Mr. Mackay's family has lived abroad a good deal, but Mr. Mackay is hardly ever abroad, and when he goes, is only there for a short time.

Mr. DALZELL. Very well, I will take it all back, but my proposition is to have the cable made by American workmen in American workshops rather than in British workshops, and that the company that lays it shall pay American workmen in American money, and not pay British workmen.

Mr. RICHARDSON of Alabama. I understood the gentleman from Pennsylvania to say that the majority of the capital stock in this company belonged to Englishmen. Will the gentleman allow me to read the list of stockholders?

Mr. DALZELL. No, I did not say so. I said I had been so informed.

Mr. RICHARDSON of Alabama. I want to give you information to the contrary, and I will read the names of the stockholders, a list of which I have. It is as follows:

	Shares.
John W. Mackay	5,074
The Commercial Cable Company	2,522
George G. Ward	10
Clarence H. Mackay	10
Edward C. Platt	10
Arthur Beck	10
William W. Cook	10
George Clapperton	10

Of that list only three are Englishmen.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Yes; as far as I am concerned.

Mr. SHACKLEFORD. Did not the testimony before the committee show that John W. Mackay held that stock not for himself, but in a fiduciary capacity for the Eastern Cable Company?

Mr. RICHARDSON of Alabama. I do not recollect it that way.

Mr. DALZELL. Where does Mr. Mackay propose to construct his cable? Where is it going to be made?

Mr. RICHARDSON of Alabama. In England.

Mr. DALZELL. Very well; let us dismiss everything else.

Mr. RICHARDSON of Alabama. At the proper time I will show the reason why he has it made in England.

Mr. DALZELL. Let us dismiss everything but that. That is the reason I shall oppose your proposition. Now, Mr. Speaker, it is a singular thing that no authority seems to exist under the present law either to authorize or to prevent the construction of a cable connecting the United States with foreign territory. And if there was no other legislation proposed we ought to write upon the statute book a law which would prohibit any company, either American or foreign, from connecting the territory of the United States either with its own territory or with any other territory except by due process of law.

There has been introduced in the Senate of the United States a bill which I understand was drawn by the Attorney-General of the United States and which at the proper time I propose to offer, if this matter shall be considered as a substitute for the Corliss bill—a bill which in its first section authorizes the President to make a contract for the construction of a cable in any way that to him may seem best; provided, however, that that contract shall contain certain terms, and which in its second section provides that no company or persons, except as duly authorized, shall be suffered to lay a cable. I shall add as a section thereto a provision calling for a cable of American manufacture to be laid under the American flag.

I say, whatever may be our individual views as to these various theories as to legislation, this is a subject we ought to discuss. If this House is against a Government cable, let us vote it down. If it is against a private cable, let us vote it down; but if under the operation of this rule it is possible to pass a bill to build a cable by an American company that shall result for the benefit of the American workmen and the American people, then this rule ought to prevail, so that we may have an opportunity to pass such legislation. I now ask for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution reported from the Committee on Rules.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were 76 ayes and 56 noes.

Mr. ADAMSON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 108, nays 73, answering "present" 14, not voting, 156, as follows:

YEAS—108.

Adams,	Dovener,	Kyle,	Reeder,
Babcock,	Draper,	Lacey,	Reeves,
Bartholdt,	Edwards,	Lawrence,	Roberts,
Belmont,	Esch,	Lindsay,	Robinson, Nebr.
Bishop,	Fletcher,	Littlefield,	Rumple,
Bowersock,	Fordney,	Lloyd,	Schirm,
Breazeale,	Foster, Vt.	Long,	Scott,
Brick,	Gardner, Mich.	Loudenslager,	Selby,
Bristow,	Gardner, N. J.	McDermott,	Shackleford,
Brown,	Gibson,	Mann,	Shallenberger
Burke, S. Dak.	Graff,	Martin,	Smith, S. W.
Burkett,	Graham,	Mercer,	Smith, Wm. Alden
Butler, Pa.	Grosvenor,	Mickey,	Southard,
Calderhead,	Grow,	Miller,	Stark,
Caldwell,	Hamilton,	Mondell,	Steele,
Conner,	Haskins,	Moody, N. C.	Stevens, Minn.
Coombs,	Henry, Conn.	Moody, Oreg.	Sulloway,
Cooney,	Hill,	Moon,	Sutherland,
Corliss,	Howell,	Morris,	Thomas, Iowa
Cowherd,	Hughes,	Moss,	Tirrell,
Cromer,	Hull,	Mudd,	Tompkins, Ohio
Crumpacker,	Irwin,	Norton,	Vandiver,
Currier,	Jackson, Kans.	Olmsted,	Wadsworth,
Dahle,	Jett,	Overstreet,	Wanger,
Dalzell,	Jones, Wash.	Padgett,	Warnock,
Darragh,	Kern,	Payne,	Watson,
Davis, Fla.	Knapp,	Pugsley,	Wilson.

NAYS—73.

Adamson,	Gilbert,	Loud,	Smith, Ill.
Ball, Del.	Gillet, N. Y.	McCleary,	Smith, Iowa.
Bankhead,	Griffith,	McCulloch,	Snook,
Bartlett,	Hanbury,	Maddox,	Southwick,
Bell,	Hedge,	Metcalf,	Spight,
Bowie,	Hooker,	Mutchler,	Stephens, Tex
Brantley,	Hopkins,	Needham,	Swanson,
Brundidge,	Howard,	Newlands,	Taylor, Ala.
Burleson,	Johnson,	Perkins,	Thomas, N. C.
Burnett,	Kehoe,	Pou,	Underwood,
Candler,	Kitchin, Claude	Randell, Tex.	Warner,
Cannon,	Kitchin, Wm. W.	Richardson, Ala.	Wheeler,
Capron,	Kleberg,	Richardson, Tenn.	Williams, Ill.
De Armond,	Lanham,	Robinson, Ind.	Williams, Miss.
Dinsmore,	Lessler,	Rucker,	Woods,
Emerson,	Lester,	Ryan,	Zenor.
Finley,	Lewis, Ga.	Shafroth,	
Fitzgerald,	Little,	Sims,	
Fox,	Livingston,	Small.	

ANSWERED "PRESENT"—14.

Barney,	Goldfogle,	Pierce,	Tate.
Bromwell,	Henry, Miss.	Rhea, Va.	Tayler, Ohio.
Clark,	Hildebrant,	Slayden,	
Cousins,	Holliday,	Snodgrass,	

NOT VOTING—156.

Acheson,	Deemer,	Ketcham,	Ray, N. Y.
Alexander,	Dick,	Kluttz,	Reid,
Allen, Ky.	Dougherty,	Knox,	Rixey,
Allen, Me.	Douglas,	Lamb,	Robb,
Aplin,	Driscoll,	Landis,	Robertson, La.
Ball, Tex.	Eddy,	Lassiter,	Ruppert.
Bates,	Elliott,	Latimer,	Russell,
Beidler,	Evans,	Lever,	Scarborough,
Bellamy,	Feely,	Lewis, Pa.	Shattuc,
Benton,	Fleming,	Littauer,	Shelden,
Bingham,	Flood,	Lovering,	Sheppard,
Blackburn,	Foerderer,	McAndrews,	Sherman,
Blakeney,	Foss,	McCall,	Showalter,
Boreing,	Foster, Ill.	McClellan,	Sibley,
Boutell,	Fowler,	McLachlan,	Skiles,
Broussard,	Gaines, Tenn.	McLain,	Smith, Ky.
Brownlow,	Gaines, W. Va.	McRae,	Smith, H. C.
Bull,	Gill,	Mahon,	Sparkman,
Burgess,	Gillett, Mass.	Mahoney,	Sperry,
Burk, Pa.	Glenn,	Marshall,	Stewart, N. J.
Burleigh,	Gooch,	Maynard,	Stewart, N. Y.
Burton,	Gordon,	Meyer, La.	Storm,
Butler, Mo.	Green, Pa.	Miers, Ind.	Sulzer,
Cassel,	Greene, Mass.	Minor,	Talbert,
Cassingham,	Griggs,	Morgan,	Tawney,
Clayton,	Hall,	Morrell,	Thayer,
Cochran,	Haugen,	Naphen,	Thompson,
Connell,	Hay,	Neville,	Tompkins, N. Y.
Conry,	Heatwole,	Nevin,	Tongue,
Cooper, Tex.	Hemenway,	Otjen,	Trimble,
Cooper, Wis.	Henry, Tex.	Palmer,	Van Voorhis,
Creamer,	Hepburn,	Parker,	Vreeland,
Crowley,	Hitt,	Patterson, Pa.	Wachter,
Curtis,	Jack,	Patterson, Tenn.	Weeks,
Cushman,	Jackson, Md.	Pearre,	White,
Davey, La.	Jenkins,	Powers, Me.	Wiley,
Davidson,	Jones, Va.	Powers, Mass.	Wooten,
Dayton,	Joy,	Prince,	Wright,
De Graffenreid,	Kahn,	Ransdell, La.	Young.

So the resolution reported from the Committee on Rules was adopted.

Mr. LAMB. Mr. Speaker, I desire to be recorded. I was in my seat and did not hear my name called.

The SPEAKER. Was the gentleman listening?

Mr. LAMB. I was sitting in my seat and did not hear my name.

The SPEAKER. Was the gentleman listening to hear his name?

Mr. LAMB. I was not.

The SPEAKER. Then the gentleman can not vote under the rule.

The following additional pairs were announced:

On this vote:

Mr. LOVERING with Mr. LAMB.

Mr. HENRY C. SMITH with Mr. RIXEY.

Mr. COUSINS with Mr. CONRY.

Mr. ALEXANDER with Mr. BURGESS.

Mr. DRISCOLL with Mr. JONES of Virginia.

Mr. JENKINS with Mr. COOPER of Texas.

Mr. CUSHMAN with Mr. CREAMER.

Mr TAYLER of Ohio with Mr. VREELAND.

Mr. KAHN with Mr. SHELDEN.

Mr. ALLEN of Maine with Mr. FEELY.

Mr. STEWART of New York with Mr. RHEA of Virginia.

On this bill:

Mr. GREENE of Massachusetts (for the bill) with Mr. GREEN of Pennsylvania (against the bill).

For this day:

Mr. CURTIS with Mr. RANSDELL of Louisiana.

For balance of this day:

Mr. HAUGEN with Mr. DE GRAFFENREID.

The result of the vote was announced as above stated.

Mr. DALZELL. I move to reconsider the vote last taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10819. An act for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2975. An act granting an increase of pension to Levi Hatchett; and

S. 1037. An act granting an increase of pension to Helen A. B. Du Barry.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6021. And act granting an increase of pension to Esther D. Haslam—to the Committee on Invalid Pensions.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 7, 1902:

H. R. 11535. An act for the protection of game in Alaska, and for other purposes; and

H. R. 9597. An act for the relief of Thierman & Frost.

On June 9, 1902:

H. R. 7319. An act granting an increase of pension to Frances H. Anthony; and

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year.

On June 10, 1902:

H. R. 720. An act for the relief of Lieut. Jerome E. Morse.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MCLAIN obtained leave of absence for ten days, on account of important business.

TELEGRAPHIC CABLES BETWEEN THE UNITED STATES AND THE PHILIPPINE ISLANDS.

Mr. CORLISS. Before the House resolves itself into Committee of the Whole, I desire to ask unanimous consent that the time allowed for general debate under the rule be equally divided between the gentleman making the minority report [Mr. RICHARDSON of Alabama] and myself.

Mr. RICHARDSON of Alabama. I ask the gentleman from Michigan [Mr. CORLISS] to modify his request, so that the time on this side shall be under the control of the gentleman from Georgia [Mr. ADAMSON], as he is my senior on the committee.

Mr. ADAMSON. I hope that the gentleman from Alabama, regardless of seniority, will control the time.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] will state his request.

Mr. CORLISS. I ask that the time allotted for general debate in Committee of the Whole on this question be equally divided, and that one half of it be controlled by the gentleman from Georgia [Mr. ADAMSON] and the other half by myself.

The question being put on the request of Mr. CORLISS, there was no objection; and it was ordered accordingly.

The SPEAKER. In accordance with the rule, the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill named therein, and the gentleman from Iowa, Mr. LACEY, will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by its title.

The Clerk read as follows:

A bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce.

Mr. CORLISS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CORLISS. Mr. Chairman, we have patiently labored for this hour, and I will endeavor not to weary the patience of the members, but I will ask those who desire to consider this subject carefully for the best interests of our people and our country to kindly give me their ears and then judge as to their course. The proposition pending is for the construction of a Government cable extending from California to Hawaii, thence to the Midway Islands, thence to Guam and the Philippine Islands, with power in the President to connect the lines with those existing or hereafter to be constructed in the Orient. It is to be an all-American cable, laid only upon American soil, made by American cable manufacturers, laid by American citizens, and, as the gentleman from Pennsylvania [Mr. DALZELL] said, under the Stars and Stripes.

I appreciate the fact that a great majority of candid men when first confronted with this proposition will say, as I did, "I am not in favor of the Government assuming control of public utilities; I am opposed to the Government ownership of railroads and telegraph lines. I am not in favor of paternalism." Yet, gentlemen, the time has come when, in order to preserve the rights of our people and to break a monopoly which has even threatened the power of Great Britain, you and I must face this question and decide whether we will preserve for the people the right which was given to them when the Post-Office Department was established, namely, communication with their own possessions, communication with the world, and especially with the Orient, at a rate which will enable us to go onward and not backward in our career.

As stated by the gentleman from Pennsylvania, there is no law upon the statute books, no precedent in existence, by which or through which the President of the United States can regulate this cable company. He is powerless to act. The gentleman from Pennsylvania is mistaken in one respect. He has authority under the recognition of the act of President Grant to prohibit a foreign company from landing upon American soil, but where he is mistaken is in this: The President of the United States, and the Attorney-General has so advised him, has no authority to interfere where that cable extends from our own to our own possessions.

I do not concur in that legal conclusion. This is a public utility. This is a franchise that belongs to the people, and no one, says Judge Macomb, of the United States court in New York, has authority to lay a cable without permission of our Government. So, my friends on this side of the House, you must either act yourselves or you must turn it over, as the gentleman from Pennsylvania says, to the President to determine. One or the other you must do. I can not shift the responsibility of this great question from my shoulders, where it belongs, to the Executive of this nation.

I am not willing that Congress shall deny or refuse to act, nor to extend to the President power to act where it fears or hesitates to act. One word with reference to the subject of the route. It has been laid out by our Government at our expense, by authority of Congress. Surveys have been made at an expense of $200,000, and Admiral Bradford, of the Navy, has testified that it is feasible; that the route has been laid properly; that the cable can be laid without difficulty and maintained. That survey has been completed at an expense to the Government of the United States of $200,000.

No private company can lay this cable without either the evidence in the Navy Department, to enable them to do so, or without resurveying the ground. Are you willing to give any such company the benefit of $200,000 of the public money? I am not. I have named the route which has been laid out by Admiral Bradford. Upon one of those islands we have already expended $500,000 for the erection of coaling stations and naval stations for the protection of our military power in the Pacific Ocean. That is on the island of Guam. What about the cost of this?

I do not ask you to take my word. I am not an expert, but we have the testimony of experts. The testimony of General Greely, Chief of the Signal Department, is to the effect that this cable can be made and laid, including two cable ships, for $10,000,000. That is concurred in by Admiral Bradford. That is supported by the testimony of Captain Squier, to whom I will refer later on, and who, by permission of the War Department, has written a letter upon this subject which I hope every man who is interested in this matter will carefully read.

By this it will be seen that this cable can be made and laid, including two cable ships, from California to Hawaii and Manila for less than $10,000,000. Secondly, we have the proposition of the cable people of this country, who have erected two cable plants in New Jersey. They have supplied our Government with about 2,000 miles of cable. They have expended a very large sum of money, too, in building up this industry; but they find that the foreign cable plants are able to get all of the large contracts of the world, and they are not able to get even the contracts from California to Hawaii for a cable laid, really, within American waters.

Mr. Henry, the engineer and manager of one of the large cable plants of this country, testified before the committee that his company stood ready to construct this cable, and would undertake to do it, within as brief a period as it can be furnished by any foreign company, and they will guarantee that it will be equal to the best cable in the world. As I am upon this subject I want to read Mr. Henry's letter which I have here, bearing date June 7, 1902. I do this because some one will say that we can not make cables in this country.

NEW YORK, *June 6, 1902.*

HON. JOHN B. CORLISS,
House of Representatives, Washington, D. C.

DEAR SIR: We beg to call your attention to the various statements that have been made in publications and before the Committee on Interstate and Foreign Commerce, that it was impossible to manufacture the Pacific cable in America.

We beg to state that this company stands ready at any time to take a contract for making and laying the trans-Pacific cable, guaranteeing it to be fully equal, if not superior, to any made in the world, and is willing to give bonds to this effect.

Respectfully, yours,

THE SAFETY INSULATED WIRE AND CABLE CO.,
IRA W. HENRY, *Vice-President.*

Mr. HOPKINS. Where is that establishment located?

Mr. CORLISS. On the New Jersey coast.

Mr. BUTLER of Pennsylvania. Whereabouts in New Jersey?

Mr. CORLISS. It is in Mr. GARDNER'S district, near Amboy.

Mr. DALZELL. How many cable manufacturing companies are there?

Mr. CORLISS. We have four small ones—that is, small compared with this one and the one located in the district of the gentleman from Pennsylvania [Mr. DALZELL].

Mr. HOPKINS. Six companies in all?

Mr. CORLISS. There are six companies in all, but really only two at the present time capable of producing the real submarine cable. There has been no opportunity to develop this industry in this country, and I say to you, gentlemen, if something is not done that will give the Government of the United States authority to lay this cable, we will have no cable plant on the Pacific coast. I will reach that subject a little later.

As I said before, the great question for you and me to determine is, first, the proposition of government ownership; second, the proposition of Mr. Mackay's company; third, the proposition of the gentleman from Pennsylvania [Mr. DALZELL], to turn the matter over to the President.

Now, I will defer for a moment the consideration of the Government's interest. In England the military influence of a cable is regarded as equal to one-third of the entire power of the navy. I want to call your attention to what other governments have already done within five years. Great Britain endeavored for eight years to break down the monopoly that exists in the Orient. Finally, last May, the British Government concluded to lay a cable on its own account, extending from Vancouver down through the Pacific Ocean, connecting her possessions in the Pacific.

I will print in the RECORD the decrees and concessions relating to the islands of the Pacific. Great Britain, after eight years, concluded to break down the monopoly possessed by an English corporation, the Eastern Cable Extension Company—a corporation that for years has monopolized all this territory. When England found that she was powerless to direct the affairs of this cable company in time of war, she appointed a committee and finally, after years of discussion and investigation, ordered this cable laid from Vancouver, by way of the Fiji and Fanning islands, to New Zealand and Australia.

That was the first break in the monopoly of the corporation to which I refer. That was the cause of the cutting down of the rate to our Government from $2.25 per word to $1.66 per word. It was not done by Mr. Mackay or his influence. Great Britain is a Government that looks into the future. She sets her stakes a hundred years in advance, and her statesmen never falter in their onward march, in their tenacity and courage, looking toward her mastery of the sea. The only menace to Great Britain at the present time for the supremacy of the sea is the United States.

We must follow her example or surrender the possibilities of the future. Great Britain has adopted submarine cable as a part of her military power. She paid $60,000,000 in one lump to buy cables that were owned by private companies. She operates to-day 20,000 miles of submarine cables beside the one that she is building through the Pacific. I have that on authority of General Greely, who certified to the facts.

It may be said that the Government of Great Britain did not own but 2,000 miles of cable, before she commenced building the Pacific cable. She bought the stock of the corporations that held the cables, and holds it as she does the stock of the Suez Canal. She allowed France to build the canal, but she immediately bought the stock, and to-day controls it, just as though she had built it. And she has done the same with reference to cables.

Now, then, let me proceed to the next proposition. What does the Eastern Extension Cable Company have? First, a grant from China, which extends until 1930, which gives to her the absolute and the exclusive right to lay and operate cables and telegraph lines in China. That grant is absolute and exclusive, and has been recognized by Great Britain by an act of Parliament so far as Hongkong is concerned; and no company, corporation, or individual can enter China in any way except through and over the lines of the Eastern Extension Cable Company.

Her allied corporation, the Danish company, owns control in Japan until 1910, under a grant which is exclusive, that will not allow any other company, corporation, or government to enter Japan until after that grant expires. That company is also controlled by the Eastern Extension Cable Company. In March, 1898, about two months before the Spanish war broke out, the Eastern Extension Cable Company obtained from Spain an exclusive right covering all her Pacific possessions. Of that grant allow me to read just one or two words in order that you may understand the purport thereof. The concession of an extension of twenty years, which will expire May 8, 1940. Mind you, they had an exclusive grant, granted in 1897; but this was an extension of it:

Firstly, the concession of an extension for twenty years, which will expire May 8, 1940, in the monopoly enjoyed by the aforesaid company for the working of the Hongkong and Manila cable, until which date no other submarine telegraph cable line can be laid between the points mentioned.

That is the line covering Manila and Kongkong.

Secondly, the extension of the landing privilege, for a period of twenty years, of the cables the concession for which may be granted for the purpose of joining all the Spanish possessions in the Pacific Ocean and of connecting them with other countries, such period to be reckoned from the date on which said new cables are opened for working.

Under that decree, which was certified to me by the War Department as correct, it gives to the Eastern Extension Cable Company exclusive right to land cables in the Philippine Islands and to land them at Guam and the Marshall Islands and the Pelew Islands. We had not possession of them then. We got them under the treaty of Paris. That treaty provides that we shall recognize existing contracts. Germany acquired the Marshall Islands after we acquired the Philippines and Guam, under similar conditions. These exclusive grants held by this company run from ten to thirty-eight years.

Now, what can we do about it? Absolutely nothing, except by the power of the Government of the United States. Under these conditions, fortunately, the right of the Government to lay its own cables was reserved. I will put those provisions in the RECORD, so that you may read them correctly.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. CORLISS. Certainly.

Mr. HOPKINS. Has that question which you have just discussed ever been presented to the Attorney-General for his opinion as to the legality of those contracts?

Mr. CORLISS. I was about to reach that question. It has been held by the Supreme Court of the United States in an identically similar case with reference to a land grant in California when we annexed that territory. It has also been held by the Supreme Court of the United States in a ferryboat case under a grant which was held to be perpetual. It has been held in another case that I can refer to, that these exclusive grants made

by foreign governments before we acquired the territory were binding upon our Government.

Mr. HILL. Will the gentleman allow me to ask him a question?

Mr. CORLISS. Certainly.

Mr. HILL. Referring to the somewhat similar case of the banks of Porto Rico and the Philippine Islands, whether they possessed the right to issue notes, does the gentleman claim that the Government of the United States has not the power to tax those notes out of existence, just as it did in the case of the State banks?

Mr. HAMILTON. That is assuming the sovereignty; a cable is a different matter.

Mr. CORLISS. Gentlemen must permit me to go on.

Mr. HOPKINS. The point that I am putting to the gentleman is whether these contracts are binding upon the Government of the United States, in the opinion of the Attorney-General.

Mr. HILL. I think they can be controlled by the taxing power, the same as the State banks were.

Mr. CORLISS. If gentlemen will kindly permit me, I will be able to give you the information that I have acquired after years of labor, and I hope it will be of benefit to our country.

I read from the opinion of the Attorney-General of the United States, Mr. Griggs, written only a few years ago upon an identically similar question, and John W. Mackay was then in the position that I am now. John W. Mackay wanted to get into Cuba. John W. Mackay was trying to break down the monopoly that was held by the other cable company, and he appealed to our Government and asked our Government to give him authority to build a competing line, and our Government considered the matter and the Attorney-General wrote an opinion upon it, holding that the exclusive rights granted by Spain were binding upon our Government as he must hold these binding.

Now, I will read the opinion of the Attorney-General. I read from the compiled volume of Opinions of the Attorney-General, volume 22, page 418, entitled "Cuba Cables," dated June 15, 1899; and I will only read a small portion covering the subject.

> Concessions of this kind, which carry with them exclusive rights for a period of years, constitute property of which the concessionary can no more be deprived arbitrarily and without lawful reason than it can be deprived of its personal tangible assets. In a case of the Supreme Court of the United States (1 Wall., 352) Mr. Justice Field said:
>
> "The United States have desired to act as a great nation, not seeking, in extending their authority over the ceded country, to enforce forfeitures, but to afford protection and security to all just rights which could have been claimed from the Government they superseded."
>
> If, therefore, the Western Union Telegraph Company has an exclusive grant applicable to Cuba for cable rights, which grant has not expired, it would be violative of all principles of justice to destroy its exclusive right by granting competing privileges to another company.
>
> It is suggested, however, in Mr. Mackay's letter that the grant which the Western Union Telegraph Company now holds, by lease or assignment, was obtained by fraud practiced on the Government of Spain, and that for that reason its grant is void.
>
> Such an allegation can not be fairly and justly tried upon a proceeding like this. Neither the War Department nor the Department of Justice has power to summon witnesses or to give a judgment upon this question. It is essentially a question for judicial examination and decision, and to determine such a matter in a proceeding of this kind would not only be irregular, but contrary to the ordinary rules and procedure practiced in such cases. Vested rights, which are property, ought not to be taken from anyone, even upon charges of fraud, except by due process of law. Executive action by the War Department applied to subjects like this is not due process of law.
>
> Mr. Mackay further submits that "the tremendous power of the Government should not be exercised against us."

Mr. Mackay thought our Government would let him steal a great public utility in Cuba. Now he has got the exclusive right in the Philippines—through his English ally—as I will show you a little later, and he wants to steal the public franchise from our people.

The opinion goes on to say:

> It is the function of the Government to prevent, so far as possible, all infringements of the vested rights of others. Mr. Mackay, through his company, proposes to set up a competitive cable line, which he concedes will greatly injure the business of the Western Union Company, and, although the latter company produces a grant which, on its face, gives it an exclusive right for a period which has not expired, he requests this Government to stand idly by while he does, with the acquiescence of the United States, the very thing which the Government of Spain, our predecessor in the sovereignty of Cuba, solemnly agreed not to do or permit to be done.

Now, I have cited that with some care, because I realize that the Eastern Extension Cable Company owns to-day the absolute door to China, to Japan, to the Philippine Islands, to the Marshall Islands, and held it by lawful grants from foreign nations before we became interested there, and we can not break down that monopoly except the Government undertakes the work itself.

Mr. NEWLANDS. Will the gentleman allow me a question?

Mr. CORLISS. I prefer to conclude my remarks, and after I have concluded I will answer any question that the gentleman desires. When the Eastern Extension Cable Company found that the British nation proposed to lay its Pacific cable, which would break down the monopoly, they held a meeting at London.

Mr. Mackay went there, whether by invitation or not I do not know, but he certainly went to London last August for the purpose of meeting the Eastern Extension Cable Company, and he there made a contract with the Eastern Extension Cable Company holding this exclusive grant, and that is admitted, and that contract provides that Mr. Mackay should come back to our country and incorporate an American company, which he did, with $100,000 capital, apply to the Government for permission to lay that cable, and he thought he could get it at once by saying that he would not ask for a subsidy.

Mind you, the men who were seeking to get the right to lay this cable in 1896 and 1897, and down to March, 1898, knew they could enter the Philippines Islands without interference; but when they learned that the Eastern Extension Cable Company, just before the Spanish war, had secured this grant, their right to enter was barred. The Extension Cable Company sought out an American who was willing to carry out their designs. It is to build this cable to Hawaii and possibly to the Marshall Islands, instead of Guam, connecting the last link in the cable around the world.

The Eastern Extension Cable Company have 70,000 miles of submarine cable, and I hold in my hand the books issued by that company in which is stated its leading corporations. They are the Eastern Extension Cable Company, the Australasia and China Telegraph Company, the West African Telegraph Company, the European and Azores Telegraph Company, and the Western and South African Telegraph Company. In addition to that is the Northern Telegraph Company running from Japan to Russia and around to the north. That corporation and the companies that are organized with it own and control 70,000 miles of cable, including, in my judgment, the Commercial Cable Company across the Atlantic. Why do I say that? Because their representative is in control and management of it, because they dictate what the Commercial Cable Company does.

If I have time I will touch upon that a little later; and, further than that, they control the Postal Telegraph Company, which is not a corporation. It was a corporation, but its property was transferred over to the Commercial Cable Company, so that they own to-day, with the Commercial Cable Company and the Postal Telegraph lines, communication from Manila around the world to California; and they own it in absolute control, and monopolize it. It is true they take messages from other cable companies. It is true that through Europe they take messages and send them. But they have charged for years a rate that has menaced England's interests until she has taken the step that I ask our people now to take.

Mr. RICHARDSON of Alabama. Will the gentleman object to an interruption?

Mr. CORLISS. I prefer not to yield now. I hope the gentleman will make minute of his question, and I will answer it later.

Mr. Mackay telegraphed to the Secretary of State of the United States in August last that he wanted to lay this cable between California and the Philippine Islands upon the same conditions that were imposed upon other cable lines landing in this country. That is the purport of his message.

When he came back here and organized the Commercial Pacific Cable Company with a capital of only $100,000, and applied to the President for permission to land and lay his cable, he was confronted with the conditions heretofore imposed upon all cable companies landing cables in this country. I want to read some of those conditions. They were conditions imposed by President Grant, and James G. Blaine, and Mr. Olney, and President Cleveland, and all the other great men who represented our country in its executive capacity in matters of this kind, and who have persistently insisted that no company should land or operate a cable combination with any other company holding exclusive control or right upon foreign soil.

I want to read just two of those conditions, because they are significant. They are given by Mr. Mackay in his own proposition. They are embraced in three paragraphs of the proposition given by Mr. Mackay, in which he says in effect, "You let me lay this cable; I will furnish all the money; I will not ask a subsidy; I want no interference; I want no authority." Why? His third proposition is—

> To land said cable on American soil only, it being understood, however, that in case the depth around the island of Guam be too great to allow a cable landing on that island, the landing may be made elsewhere.

That is a little dangerous; it leaves it to go wherever he pleases. But here is the danger point:

> Not to receive from any foreign government exclusive privileges which would prevent the establishment and operation of the cable of an American company in the jurisdiction of such foreign government.

Now, the condition imposed upon all other companies in the United States expressly provides that no company shall operate a

cable in conjunction with any other corporation holding an exclusive grant. Let me read it. These are the conditions imposed by President Grant and every other President by whom this subject has been considered, and ratified by act of Congress:

That neither the company, its successors or assigns, nor any cable with which it connects shall receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government.

It is a direct violation of that condition when he seeks to make a combination which he admits he has made with this company holding such exclusive rights.

2. That the company shall not consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates.

Now, how does Mr. Mackay get around that? This is his language:

Not to consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates, except to make through rates.

Well, that was all that was necessary to complete the combination. I want to ask members of this House whether they are willing by any vote that they may cast here to give a corporation a right to establish communication with another corporation having these exclusive rights, and then permit that company to combine with the other, which they have done, for the purpose of establishing rates.

That is in direct violation of the antitrust law, and when you vote for it you vote for one of the greatest monopolies and combinations on the face of the globe. It is in direct violation of law to permit that combination. Telegraphic communication is commerce. So the Supreme Court has held. No man knowing the facts should vote to give this Mackay corporation this right.

Mr. RICHARDSON of Alabama. Will my colleague consider now——

Mr. CORLISS. No, I will not consider it now. I want to proceed.

Mr. RICHARDSON of Alabama. I know that the gentleman's purpose——

Mr. CORLISS. The gentleman will pardon me now. I will give him hereafter all the time he wants.

Mr. RICHARDSON of Alabama. I just wanted to call your attention to the matter of those concessions.

Mr. CORLISS. Not now.

I do not wish to occupy the time of the House unduly, but I want to read a letter written by Captain Squier, a letter which should be read by every man on this floor before he votes on this bill.

A MEMBER. Who is Captain Squier?

Mr. CORLISS. Capt. George O. Squier is a graduate of the United States Military Academy, having graduated some seventeen years ago, and is now in Army service. For a great many years he has been the executive officer in the active operation of cable lines and telegraph lines in the Signal Office of our Government.

He is undoubtedly, as Mr. HEPBURN said, the best expert in the United States upon that subject, because he has studied it. He knows the people representing these large interests; he knows what it costs to construct cables; he has laid 1,200 miles of cable connecting the islands in the Pacific; he has laid 5,000 miles of telegraph lines on the Philippine Islands, and he put up all the cables during the Spanish war. He is an authority upon this subject.

He is at this time in Washington, fortunately, after two years' service in the Philippine Islands in charge of the cable ship *Burnside*, and I wish to direct the attention of the committee to the fact that we have been progressing. We have a cable ship capable of laying a strand 1,000 or 2,000 miles long, in operation under the charge of Captain Squier. He has been in those islands for two years. He returned here only a week or ten days ago.

Knowing his superior knowledge and ability to any other man that lives in our country, admittedly the best expert of our Government, admittedly so by Mr. HEPBURN, chairman of our committee; I asked for his judgment, and a statement from him upon the important questions at issue here, and last Monday week he said to me if the Secretary of War would permit he would very gladly give me his judgment and the facts that he has learned from actual experience upon this important subject.

I have it here in writing, answering each question. No man should vote upon this bill until he reads it, and I could make no speech here that would be half as effective as the one contained in this letter.

Mr. SAMUEL W. SMITH. Suppose you read the letter now.

Mr. CORLISS. Very well; I will ask the Clerk to read it at this time. It was written less than a week ago in answer to positive questions, such as I would like to have you gentlemen propound.

The Clerk read as follows:

WASHINGTON, D. C., *June 3, 1902.*

Hon. JOHN B. CORLISS,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 2d of June, containing a list of inquiries concerning the establishment of an American trans-Pacific cable connecting the Philippine Islands with the United States, and asking for my views and judgment upon the points named.

The brief answers submitted herewith in favor of Government control are based upon the present military and naval needs of the United States to preserve her position in the Pacific Ocean, the promotion of American trade and commerce in the East, and the elevation and Americanization of the Philippine people.

It is a long-range view of the subject that is demanded at this time, when a telegraphic line connecting two hemispheres is to be laid for the first time. It is manifestly much less trouble to the United States, as far as the present moment is concerned, to allow a private corporation to lay a foreign-made cable in the Pacific by foreign cable ships, employing foreign skilled labor.

The easiest thing to do, however, is rarely the best thing to do, either for an individual or a nation.

Considering your inquiries in the order named in your letter, they are as follows:

GOVERNMENT OWNERSHIP.

1. It is an excellent principle to permit our private citizens to perform any service for the people which can be consistently and efficiently done, considering the interests involved. The trans-Pacific cable, however, is an enterprise of distinctly national, and even international, importance.

It would be as reasonable to turn over our postal system to the management of a few individuals for private gain as it would be to allow this particular cable to be controlled and managed by any private corporation.

The present monopoly which now controls the telegraphic communications to the Far East via Europe, will be perpetuated and enormously increased by permitting any private corporation which is allied to it in any way, to lay the first cable across the Pacific Ocean to the inestimable damage to the trade and commerce of the entire world for twenty-five years to come. The last link in the telegraphic circuit of the globe across the Pacific Ocean, in combination with the already existing monopoly, will furnish a telegraphic monopoly encircling the entire globe, which will operate to affect the future trade and commerce of the world in a manner not easy to realize.

The only possible method of breaking this monopoly, at present due to peculiar conditions obtaining, is for the United States Government itself to lay the connecting link and operate it at tariff rates in the interest of commerce and trade.

By permitting any corporation to lay the first cable across the Pacific the United States Government will virtually lock the door to the East, while the establishment of this enterprise by the Government will confer an ultimate blessing to civilization and trade, which will remain a monument to the wisdom and sagacity of this Government at a critical time.

2. Importance to the military and commercial influence of our nation.

A fully equipped cable plant in the United States is an absolute necessity at the earliest possible moment. This Government must be able to manufacture, lay, and repair submarine ocean cables, to maintain her military and naval prestige in the Pacific. The highest military and naval experts of the world now agree that exclusively controlled communications largely measure naval strength.

A cable plant is as necessary to the United States as an arsenal, a gun factory, or a navy-yard, and for the identical reasons. France and Germany within the last few years, since the paramount importance of cable communications as a means of national defense in time of war has been brought to the world's attention by the Spanish-American war, the Boer war in South Africa, and the recent disturbance in China, have each formulated a distinct "cable policy" as a part of their national defense scheme.

Germany has established a fully equipped cable plant at Cologne, Germany, and has recently built one of the finest cable ships in the world. France, through aid to private enterprise, has established a fully equipped cable plant at Havre and possesses cable ships fully equipped flying the French flag. Last year one of these ships, the *Francois d'Arago*, commanded by Lieutenant Mascart of the French navy, transported a French-made submarine cable to the Far East and connected the French possessions at Tonkin with Shanghai and will later complete the connection with the Siberian telegraph system, giving France colonial communication to Russia independent of England,

Germany last year likewise transported German-made cable in a German cable ship and connected her newly acquired territory in China (Kiaoutchau) to the telegraph system of the world. To allow the first trans-Pacific cable to the Philippines to be laid by foreign labor and foreign cable ships would be directly contrary to the sentiment of the late President McKinley in his special message to Congress upon this subject, in which he stated that this cable should be laid in such a way as to be "wholly under the control of the United States in peace and war."

Ability to repair and maintain this cable after it is laid by American cable ships is an absolute necessity to its control, and the placing of this great cable line under the control of foreign nations by not providing the means for maintaining it ourselves is a serious menace to our position in the Pacific.

We might as well neglect to provide dry docks and repair shops for our battle ships.

The establishment of a first-class cable plant upon American soil is more important to the United States at this time than the authorization of additional battle ships, for our own naval strategists, as well as those of other nations, agree that the very foundation of successful naval strategy is efficient and exclusively controlled communications, and the lack of them more serious than inferiority in ships.

The United States already has a fully equipped cable ship, the *Burnside*, in the Philippines, and had she possessed this ship in 1898 the naval problem of the Spanish-American war would have been immensely simplified.

3. Monopoly now held by Eastern Extension Cable Company.

The Eastern Extension Cable Company and its allied corporations now own the exclusive privilege of landing cables in the Philippine Islands for a period expiring May 8, 1940, and which also covers all Spanish islands, including Guam and the Marshall Islands, for a period of twenty years after such latter connections are made.

This exclusive monopoly is held to prevent any government or corporation other than the one named from landing cables in the Philippine Islands.

4. Who is furnishing the money for the Pacific Commercial Cable Company, and why?

I have no knowledge of the affairs of the Pacific Commercial Cable Company, or of its intentions, other than the testimony submitted to the Committee of Interstate and Foreign Commerce of the House of Representatives.

I do know, however, that the incorporators of the Pacific Commercial

Cable Company already own an Atlantic cable system, and also own a transcontinental land line system, namely, the Postal Telegraph system of the United States. It is also admitted in the testimony above referred to that this company has entered into an agreement with the Eastern Extension Cable Company and its allied corporations, which now controls telegraphic rates to the East, and holds an exclusive monopoly for landing cables in the Philippines.

It is also well known that the Eastern Extension Cable Company has a large amount of money invested in its present cable system to the Far East, and that the moment a cable is laid across the Pacific by this Government the annual receipts of the present systems via Europe will drop at least a million dollars a year.

It is also of record that the president of the board of directors of the Eastern Cable Company several times in his remarks at the annual meetings of this company in London, as published in the London technical journals, has shown that his company has been fully alive to the menace to their property which the construction of a trans-Pacific cable by any one not allied with them would cause.

It would be but a natural and wise business policy for these allied corporations to exhaust every means for either preventing any cable being laid across the Pacific, or stop all competitors by constructing the first span to Honolulu, or in the ultimate, to lay the entire cable across the Pacific to protect their property and extend their present monopoly to encircle the globe.

I have no knowledge that any money is being furnished by the Eastern Cable Company to the Pacific Commercial Cable Company.

The paramount question does not concern the Pacific Commercial Cable Company or any other private corporation, nor indeed the mooted theory of government versus private ownership. It is really that the situation demands an American-made cable across the Pacific, touching only American soil, controlled in peace and war by the United States, and operated for the people at the lowest possible tariff rates.

This can best be accomplished by the Government itself.

8. Why only one cable is necessary.

Those opposed to Government establishment of the Pacific cable maintain that to protect the communications the Government will be obliged to lay two cables immediately, at an expense of from $20,000,000 to $25,000,000. This is not true. One cable is all that is necessary at present until the demands of commerce construct several more cables.

The British Government itself, after eight years of one of the greatest contests known against this same cable monopoly, has finally decided to lay a Government cable connecting Canada with Australasia, to be owned, maintained, and operated by the Government itself, and this cable is now being manufactured for the British Government, and is under contract to be entirely completed by the 31st of December of this year.

These two trans-Pacific cables, therefore, will mutually protect each other, and in addition there will always be available the same routes, via Europe, as at present, in case of necessity. The argument, then, of the great expense of two cables at the outset has no foundation.

6. Cable monopoly from Hongkong to Manila. Number of lines. Revenue obtained during the past three years from our Government.

The only cable connecting the Philippine Archipelago with the telegraph system of the world is a single line from Manila to Hongkong—a monopoly of the Eastern Extension Cable Company, as referred to above. As to the revenue obtained from this single span of cable, I have endeavored to obtain from the office in Manilla data as to the amount of traffic carried over this system of cable, but it being contrary to the rules of the company to give out such information, it could not be secured. As to the revenue earned during the past three or four years from Government messages, a close estimate is easily made.

According to the annual report of the Secretary of War for the year 1899, the amount paid by the War Department alone for messages to and from the Philippines averaged at that time about $400,000 per annum, every word of which, as stated above, is obliged to pass over this cable. The Government rate at that time was $2.25½ per word, United States currency, so that the entire number of words paid for by the Government per annum would be about 180,000. The tariff rate from Manila to Hongkong—a distance of 628 miles—is 90 cents Mexican currency per word, or an average of 40 cents in United States currency.

The revenue, therefore, to the Eastern Extension Company per annum from the War Department alone, not considering the Navy Department or any commercial business, is approximately $72,000, which is the interest at 4 per cent on $1,800,000. The value of this line laid is, at a liberal estimate, $1,000 a mile, or represents approximately an invested capital of $630,000.

The rate charged by this company over this single span of cable to the public and the Government is nearly twice the rate from New York to London across the Atlantic, and as this company holds a monopoly no competing line has been laid.

6. Cost of cable and operation, etc.

The Pacific cable to the Philippine Islands can be manufactured and laid by the Government for not exceeding $10,000,000.

The cost of operation proper should not exceed $325,000 per annum, not including renewal nor interest on capital.

I believe that this particular cable can be laid cheaper by the Government than by a private company, as the resources of the Army and Navy and other executive departments of the Government would be available for the work.

During the last two years an interisland cable system connecting all of the principal islands of the Philippine Archipelago has been laid by the Signal Corps of the Army. The cable was American made, transported in an American cable ship, and laid in thirty different spans with success. I estimate that the carrying out of this work by the Government has resulted in a saving of at least $800,000 to the Government, and no private company could possibly have carried out this work under the conditions existing.

If the cable is operated by the Government for the people, the principle will be maximum service and minimum cost. If it is turned over to a private corporation, the principle will necessarily be maximum dividends at the expense of the people.

If the Government operates the cable, telegrams will be classified according to the urgency and differential tariffs charged therefor, with a view of operating the cable to its fullest capacity all the time.

Operated as above, this cable would be a paying investment from the outset, but I would be in favor of placing the rates so low as to just pay expenses.

The deficit in the Post-Office Department, according to the annual report of the Postmaster-General for the year 1897 was approximately eleven and one-half million dollars—more than enough to build the entire Pacific cable—and the Post-Office deficit for the five years from 1894 to 1898, inclusive, was nearly $48,000,000—enough to build five trans-Pacific cables, or one complete cable every year of that period.

Yet no one thinks of raising the rate of postage, and it is hardly possible to find a better method of expending a part of the revenues of our Government than in transmitting intelligence among our people, which is really the greatest civilizer on earth. England, realizing this, a few years ago established penny postage throughout her vast empire at an enormous deficit in operating expenses.

I can conceive of no better expenditure of public funds than in furnishing to all our people, to our trade and commerce, the benefits of the lowest possible rates of communication to our colonies in the East and to China and Japan. It is impossible to accomplish this to its fullest extent except by the Government itself.

8. Importance of cable news to the Philippines and facts with reference to subscriptions of officers for cablegrams.

To the American soldier in the Philippines one of his greatest trials is news isolation from the United States. Until a few months ago the only general news of the world which could be distributed to the American garrisons throughout the archipelago was the very brief dispatches furnished through Reuter's agency, which usually related to the Boer war or had a distinct European flavor.

What the American in the Philippines wants is American news, and this demand has been so great that a few months ago a movement was inaugurated, assisted by General Chaffee, by which a monthly subscription was obtained from officers, civil employees, and others throughout the archipelago, and so successful was this movement that an amount of money was raised which now furnishes to Manila daily a condensed news cablegram from the United States.

General Chaffee has thrown open the entire Government interland telegraph system free for the distribution of this daily cable news message, and at noon each day it is distributed to every telegraph station and commanding officer of troops in the Philippine Archipelago. As the Government now has in operation over 5,000 miles of telegraph land lines and 30 separate interisland cables, aggregating over 1,300 miles, this daily cablegram practically reaches all parts of the Philippines.

The cable company furnishes no reduction for this service other than the Associated Press rate. The effect of this enterprise has been wonderful, and the investment involved is now a personal tax upon those who are required to serve in the Philippines.

Very truly, yours,

GEORGE O. SQUIER,
Captain, Signal Corps, U. S. A.

Mr. CORLISS. We ought to look at other governments and what they are doing as a guide for ourselves. We know what England has done. She is laying her Pacific cable to-day. It will be laid by next January. She has agreed to give her trade and commerce a rate over her line of 50 cents a word, connecting all her territories clear to Australia—50 cents a word, one-half what this Mackay combination proposes to charge.

Great Britain does this, first, to absolutely control her military power and to maintain it; second, to extend her trade and commerce. She has nearly encircled the globe with Government cables, except where this company has held her back and prevented. Now, then, what has France and Germany done? France two years ago authorized the payment of $800,000 to a private corporation to build a cable plant in France, which has been built, and has completed for the French Government itself four great Government lines in the last three years. Those lines I have set forth in the report on this bill.

France has gone into China and laid a Government cable from her possessions to Shanghai, in defiance of this corporation and its exclusive rights. It is true she did not get into China, but she landed on an island outside. She put her Government cable right up through the Pacific, connecting her possessions with an island near Shanghai, the New York of China, and there maintains it in communication with the Danish telegraph lines from Japan.

In the last few years she has built four Government lines to South Africa, in order to separate herself from the control of the English corporations and the English Government lines. What has Germany done? Germany has the Marshall Islands. Those in the yellow on the map before you are the German islands, known as the Caroline, the Marshall Islands, and the Pelew Islands. Germany owns those; obtained them from Spain.

There is upon the Marshall and the Pelew islands the same concession that we have to confront. What has Germany done? She has gone to work and constructed a Government cable from the Marshall Islands to the Caroline Islands and thence to the Pelew, and in order to strengthen herself she joined hands with the Dutch Government, and I hold in my hand a certified copy from the Secretary of State of that agreement between Germany and the Kingdom of Holland.

Mr. LESSLER. Denmark you mean, do you not?

Mr. CORLISS. I mean Holland. This agreement is only a few months old. I will not stop to find the date, but it is within six months.

Now, those two Governments, with only those little islands in the Pacific, have made a contract by which Holland undertakes to join her islands with the German islands by two Government cables, and Holland agrees to build over from here to the Pelew Islands, and the German Government agrees to build a Government cable connecting them, and then the two Governments agree to join and extend the line to Shanghai. Why? To get out of the clutches of this English cable company.

The CHAIRMAN. The gentleman has occupied one hour.

Mr. CORLISS. I believe I have the right to control two hours.

The CHAIRMAN. It is the duty of the Chair to call the attention of the gentleman to the fact that he has consumed one hour. Of course, as he controls the time he can resume.

Mr. CORLISS. I do not want to trespass too much upon the time of others, but I wish to conclude my remarks.

The CHAIRMAN. There are some other matters to come up in the House.

Mr. CORLISS. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and Philippine Islands, and other countries, and to promote commerce, and had come to no resolution thereon.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back to the House the bill (H. R. 13676) making appropriations for the support of the Military Academy, with Senate amendments, and with the recommendation that the Senate amendments be disagreed to, and that the House ask for a committee of conference thereon.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House disagree to the amendments of the Senate to the Military Academy bill, and ask for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, a few days ago, when the gentleman made this request, I objected, because I learned that the minority members of the committee had not been consulted and had not agreed to the request. I now understand that they have, and therefore I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HULL, Mr. PARKER, and Mr. SLAYDEN.

SOLOMON P. BROCKWAY.

Mr. GIBSON. Mr. Speaker, I desire to present a conference report and statement on the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, and I ask that they be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee presents a conference report for the purpose of having the same printed in the RECORD. This will be done in accordance with the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "$24;" and the Senate agree to the same.

HENRY R. GIBSON,
H. B. DARRAGH,
Managers on the part of the House.

P. J. MCCUMBER,
JOSEPH SIMON,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement of House conferees to accompany conference report on H. R. 10545.

The House fixed the rate of the pension at $30 per month. The Senate reduced this rate to $20 per month. The conference report fixes the rate at $24 per month.

HENRY R. GIBSON,
A. B. DARRAGH,
Managers on the part of the House.

BRIDGE ACROSS CUMBERLAND RIVER, DAVIDSON COUNTY, TENN.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.

The bill was read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. GAINES of Tennessee, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5062) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

The bill was read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER, TENNESSEE.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company.

The bill was read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. GIBSON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN CASS COUNTY, NEBR., AND MILLS COUNTY, IOWA.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

The bill and amendments recommended by the committee were read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURKETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LATE HON. AMOS J. CUMMINGS.

Mr. PAYNE. Mr. Speaker, after consultation with members on both sides of the House, I am requested to ask for unanimous consent that it be ordered that when the House adjourn on Saturday, June 28, it adjourn to meet on Sunday, June 29, at 11 o'clock, the session to be devoted to eulogies upon the life, character, and public services of the late AMOS J. CUMMINGS, of New York.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn on Saturday, June 28, it adjourn to meet at 11 o'clock on Sunday, the 29th of June, the occasion to be devoted to eulogies upon the life, character, and services of the late Hon. AMOS J. CUMMINGS. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following Executive communication was taken from the Speaker's table and referred, as folows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War relating to an item of disallowance in the accounts of Capt. Marion P. Maus—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4709) granting a pension to Nelson W. Wade, reported the same without amendment, accompanied by a report (No. 2422); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1980) granting an increase of pension to William D. Stites, reported the same without amendment, accompanied by a report (No. 2423); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1981) granting an increase of pension to Thomas Hannah, reported the same without amendment, accompanied by a report (No. 2424); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8944) for the relief of

Daniel J. Ockerson, reported the same without amendment, accompanied by a report (No. 2425); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12590) for the relief of William B. Horner, reported the same without amendment, accompanied by a report (No. 2426); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6338) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion, reported the same without amendment, accompanied by a report (No. 2427); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6336) for the relief of Peter Fisher, reported the same without amendment, accompanied by a report (No. 2428); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13931) for the relief of Herman B. Robb, reported the same without amendment, accompanied by a report (No. 2429); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2909) for the relief of Rev. George W. C. Smith, reported the same without amendment, accompanied by a report (No. 2430); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 330) for the relief of Lawrence H. Knapp, late first lieutenant, Second Oregon Volunteer Infantry, reported the same without amendment, accompanied by a report (No. 2432); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13460) for the relief of the estate of Peter McEnery, deceased, reported the same without amendment, accompanied by a report (No. 2433); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13658) for the relief of Ellen Mansfield and Mattie Mansfield, reported the same without amendment, accompanied by a report (No. 2434); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committtee on War Claims, to which was referred the bill of the House (H. R. 15011) for the relief of William S. Tildon, reported the same without amendment, accompanied by a report (No. 2435); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14596) for the relief of the legal representatives of Sarah J. Montgomery, deceased, reported the same without amendment, accompanied by a report (No. 2436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2731) for the relief of Salvador Costa, reported the same without amendment, accompanied by a report (No. 2437); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 7861, reported in lieu thereof a resolution (H. Res. 299) referring to the Court of Claims the papers in the case of the Cumberland Presbyterian Church, of Charlotte, Tenn., accompanied by a report (No. 2439); which said resolution and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 6723, reported in lieu thereof a resolution (H. Res. 300) referring to the Court of Claims the papers in the case of the Berks County (Pa.) Agricultural Society, accompanied by a report (No. 2440); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5265) to reimburse the University of the State of Missouri, etc., reported the same adversely, accompanied by a report (No. 2431); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 14997) for the relief of Mrs. M. E. Haldeman, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEWART of New York: A bill (H. R. 15024) to authorize street railways in the District of Columbia to carry small freight, express, and so forth—to the Committee on the District of Columbia.

By Mr. FINLEY: A bill (H. R. 15025) granting pensions on account of service in the war with Mexico—to the Committee on Pensions.

By Mr. REEVES: A bill (H. R. 15026) to revise the laws of the United States relating to trade-marks—to the Committee on Patents.

Also, a bill (H. R. 15027) to regulate and protect marks, trademarks, commercial names, and symbols used in commerce, and to enforce treaties regarding the same—to the Committee on Patents.

Also, a bill (H. R. 15028) respecting applicants for patents not residing in the United States—to the Committee on Patents.

Also, a bill (H. R. 15029) to revise the patent laws of the United States—to the Committee on Patents.

Also, a bill (H. R. 15030) to give effect to treaty stipulations relating to letters patent for inventions—to the Committee on Patents.

By Mr. COWHERD: A bill (H. R. 15031) authorizing the Commissioners of the District of Columbia to construct toilet rooms—to the Committee on the District of Columbia.

By Mr. McDERMOTT: A bill (H. R. 15032) to provide for the erection of a monument to the memory of Samuel J. Tilden—to the Committee on the Library.

By Mr. HAY: A resolution (H. Res. 297) asking for information as to court-martials—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FLETCHER: A bill (H. R. 15033) to correct the military record of Benjamin F. Graham—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 15034) granting an increase of pension to Albert M. Coruth—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 15035) granting an increase of pension to William F. Burnet—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15036) referring certain claims of the employees of the workhouse of the District of Columbia to the Court of Claims—to the Committee on Claims.

By Mr. LOVERING: A bill (H. R. 15037) granting an increase of pension to Thomas G. Savery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 15039) granting a pension to Julia A. Rosenberger—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 15040) for the relief of J. H. Smith—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 298) for the appointment of Charles J. Sumner as assistant doorkeeper at salary of $2,000—to the Committee on Accounts.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 299) referring the claim of the Cumberland Presbyterian Church, of Charlotte, Tenn. (H. R. 7861), to the Court of Claims—to the Private Calendar.

By Mr. KEHOE, from the Committee on War Claims: A resolution (H. Res. 300) referring the claim of the Berks County (Pa.) Agricultural Society (H. R. 6723) to the Court of Claims—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APLIN: Petitions of St. Hedwig Society, Polish Alliance, of Alpena, Mich., and Sacred Heart Society, of Mullet Lake, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of the National Business League of Chicago, Ill., favoring the establishment of a department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Transvaal League, of Detroit, Mich., in the interest of the Boers—to the Committee on Foreign Affairs.

Also, resolutions of Michigan Sugar Manufacturers' Association against changing the tariff schedules with Cuba and favoring a rebate to relieve alleged distress in Cuba—to the Committee on Foreign Affairs.

By Mr. BELMONT: Resolutions of Central Federated Union of New York, indorsing the bill prohibiting enlisted men in the service of the United States competing with civilians—to the Committee on Labor.

Also, resolutions of the drug-trade section of the New York Board of Trade and Transportation, favoring the passage of House bill 11308, to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

Also, resolutions of New York Stereotypers' Union, No. 1; New Century Study Circle, and West End Woman's Republican Association, of New York City, and Woman's Republican Association of the State of New York, the Social Reform Club, Atlantic Coast Marine Firemen's Union, Association of Clothing Cutters and Trimmers, and Brotherhood of Electrical Workers, No. 3, all of New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Petition of citizens of Sarvis Point, Mo., and Eden Valley, Minn., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also, resolutions of Group 2 of Nebraska Bankers' Association, opposing the branch banking bill—to the Committee on Banking and Currency.

By Mr. DALZELL: Resolutions of Mount Oliver Turn Verein, of Mount Oliver, Pa., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Ralph W. Johnson, of Allegheny, Pa., in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. GRIFFITH: Papers to accompany House bill 11624, granting an increase of pension to George M. Palmer—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., asking for legislation restricting the coal monopoly—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central Labor Union of Hartford, Conn., favoring appropriation for hydrographic survey and the amended irrigation bill—to the Committee on Irrigation of Arid Lands.

By Mr. JACKSON of Kansas (by request): Resolutions of the Gentlemen's Parliamentary Club of Winfield, Kans., favoring a military reservation in the vicinity of Thunder Mountain, Idaho—to the Committee on Military Affairs.

By Mr. KERN: Papers to accompany House bill 14819, granting an increase of pension to William H. Rupert—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14818, granting increase of pension to Christopher C. McCord—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: Paper to accompany House bill granting a pension to Jane L. Fagg—to the Committee on Pensions.

Also, paper to accompany House bill granting a pension to Julius Scheur—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Resolutions of Jobbers' Union of St. Paul, Minn., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, resolutions of the St. Paul (Minn.) Chamber of Commerce and the Commercial Club of St. Paul, favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of St. Paul Turnverein, against any proposition to restrict the immigration of healthy and honest persons—to the Committee on Immigration and Naturalization.

Also, resolutions of Women's Medical Club, Minneapolis, Minn., protesting against the regulation of vice in Manila—to the Committee on Insular Affairs.

Also, resolutions of the Commercial Club of Duluth, Minn., in favor of the Corliss Pacific-cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Minnesota Association of ex-Union Prisoners of War, in favor of granting pensions to such soldiers and sailors who served in Confederate prisons—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 11, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FORAKER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GREER COUNTY, TEX.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a supplemental report relating to the relations of the State of Texas with what was formerly Greer County, and expenditures on account of that county by the State of Texas, and for other purposes; which, on motion of Mr. CULBERSON, was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.; and

A bill (S. 5062) to authorize the County Commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company; and

A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SLAYDEN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry;

A bill (S. 2975) granting an increase of pension to Levi Hatchett; and

A bill (H. R. 10819) for the relief of George P. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry members of the Audubon Society of New York, of New Russia, New York City, Brooklyn, Elizabethtown, Wadhams Mills, and Cuba, all in the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of Encampment No. 80, Union Veteran Legion, of Indianapolis, Ind., praying for the passage of a per diem pension bill; which was referred to the Committee on Pensions.

Mr. KEAN presented a petition of the Trades and Labor Federation of New Brunswick, N. J., praying that all the public domain be reserved for actual settlers thereon under the homestead law; which was ordered to lie on the table.

He also presented a petition of Enterprise Harbor, No. 2, American Association of Masters and Pilots of Steam Vessels, of Camden, N. J., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was referred to the Committee on Pensions.

He also presented petitions of the Board of Aldermen of Jersey City; of the Board of Water Commissions of Jersey City; of the Trades and Labor Federation of New Brunswick, and of Local Union No. 168, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Hoboken,

all in the State of New Jersey, praying for the enactment of legislation increasing the compensaton of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. GALLINGER. Mr. President, two or three days ago I submitted some references as to the matter of the election of United States Senators by the people. I have had furnished me by Mr. A. T. C. Griffin, chief bibliographer of the Library of Congress, a list of references and also extracts from the debates in the Federal convention of 1787, and extracts from the Federalist on the same subject. I move that these papers be printed as a document for the use of the Senate and referred to Committee on Privileges and Elections.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULBERSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4308) for the relief of Katie A. Nolan, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6008) granting an increase of pension to David Vickers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9463) granting an increase of pension to Edgar A. Stanley, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 6134) to authorize Col. Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 6135) to authorize Capt. R. P. Rodgers, United States Navy, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 6136) to authorize Mr. H. H. D. Peirce, Third Assistant Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 6137) to authorize Arthur M. Beaupre, formerly secretary of legation and consul-general of the United States to Guatemala, to accept a silver inkstand presented to him by the British Government; which was read twice by its title.

He also, from the same committee, reported an amendment providing that the salary of the United States consul at Odessa, Russia, for the fiscal year ending June 30, 1903, shall be $2,500, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KEARNS, from the Committee on Mines and Mining, to whom was referred the bill (S. 4445) to amend section 2322 of the Revised Statutes of the United States, and for other purposes, reported it with an amendment.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3365) granting an increase of pension to Eliza M. Miller; and

A bill (S. 2545) granting a pension to William Johnston.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5431) granting a pension to Daniel Dougherty, reported it with amendments, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 10178) granting an increase of pension to Daniel Thomas, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 12770) granting an increase of pension to Carrie M. Schofield, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8781) granting a pension to Mary E. Holbrook, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 4827) granting an increase of pension to George W. Stott, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 5018) granting an increase of pension to Johann Conrad Haas; and

A bill (H. R. 14224) granting an increase of pension to Margaret S. Tod.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, reported an amendment proposing to appropriate $1,000,000 to pay in part the judgments rendered under the act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in that Territory in 1899 and 1900, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ISSUANCE OF PASSPORTS.

Mr. FORAKER. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 8129) to amend sections 4076, 4078, and 4075 of the Revised Statutes, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4075 of the Revised Statutes of the United States by inserting after the phrase "consular officers of the United States" the following: "and by such chief or other executive officer of the insular possessions of the United States."

It proposes to amend section 4076 of the Revised Statutes so as to read as follows:

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

It proposes to amend section 4078 so as to read:

If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport to or for any person whomsoever, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

Mr. HOAR. I should like to ask the Senator from Ohio, who undoubtedly has reflected upon the matter more than I have, whether in his judgment it is quite a compliance with the constitutional provision that a criminal must be tried in a district previously ascertained by law, to provide that he may be tried in any district where he happens to be in custody. Would there be any harm in avoiding that question by specifying some district in which the man shall be tried?

Mr. FORAKER. If I understand the inquiry of the Senator from Massachusetts, it has no relevancy to the bill which has just been read. The bill which has just been read proposes to amend three certain sections of the Revised Statutes of the United States, so as to authorize the granting of passports to those who owe allegiance, without regard to whether they have been called by law citizens of the United States or not.

Mr. HOAR. But as I understand the bill as read it provides in substance, whatever the phrase is, that any official who shall knowingly issue a passport to a person not entitled under the law shall be tried in any district where he happens to be in custody. I do not know whether that is new or a part of the old law. I merely have heard it read. If it be new, then the question would arise—the Constitution providing that every person charged with a criminal offense shall be tried in a district previously ascertained by law—whether it is a compliance with that provision to say he shall be tried in any district of the United States where he happens to be in custody.

Mr. FORAKER. The law in that particular is not changed. The only change that is made is to insert language so as to make the law applicable to the granting of passports apply to the citizens of Porto Rico, who are entitled to the protection of the United States, and to the citizens of the Philippine Islands, who are entitled to the protection of the United States, if the bill which has passed the Senate shall become a law by passing the House. The State Department have had many applications naturally for the granting of passports to such persons, and inasmuch as the power to grant passports is given only as to citizens of the United States they can not within the strict letter of the statute give a passport. This is simply to enlarge their powers.

Mr. HOAR. There is no objection on that score. If the Senator on hearing the point concludes that there is no constitutional difficulty in the provision I shall not press the objection, but I call his attention to it.

Mr. SPOONER. This is a bill which comes from the Committee on Foreign Relations?

Mr. FORAKER. Yes, sir.

Mr. SPOONER. I thought the phase of it to which the Senator from Massachusetts has called attention had been omitted.

Mr. FORAKER. I do not understand the Senator.

Mr. SPOONER. I thought there was a sort of understanding that the clause is objectionable which provides that a man may be tried where he happens to be in custody, irrespective of the question whether it is where the offense had been committed. I do not know whether the present law contains that provision, but I had, I know, serious doubts about its validity.

Mr. HOAR. I do not like to be meddling with carefully revised legislation coming from other committees, especially so learned and able a committee as the Committee on Foreign Relations, but it seems to me that the question is one worth looking at.

Mr. FORAKER. We did not think it advisable in considering this bill, which had passed the House, to undertake to amend the law as it now stands. The law, as it now stands, on that point is precisely as it is in this bill, the only change being such a change in the text as will make it applicable to citizens of Porto Rico or citizens of other insular possessions who may owe us allegiance and are entitled to protection, and who ought to be able to get from somebody a passport if they want to travel abroad.

I call the attention of the Senator from Massachusetts to the section as it now stands in the Revised Statutes, if he cares that I pursue the matter further.

SEC. 4078. If any person acting, or claiming to act, in any office or capacity under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports, shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than $500, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

I read that fully simply to show that there is no change in this respect proposed by the bill under consideration in the text of the statute as it now stands.

Mr. HOAR. As I said before, I shall not delay the bill at this time of the session with an objection. I do not at present, I confess, see how under the Constitution that can stand, but if the Senator is satisfied with it I shall make no further objection.

Mr. FORAKER. As I said a moment ago, I do not desire to raise any question about the law as it now stands, and I did not raise any in the committee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6127) granting an increase of pension to Samuel Fraze; and

A bill (S. 6128) granting an increase of pension to Jane Riner (with an accompanying paper).

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6129) granting a pension to Charles Crimson, jr.

A bill (S. 6130) granting an increase of pension to John E. Henderson; and

A bill (S. 6131) granting a pension to Frank Clark.

Mr. McCUMBER introduced a bill (S. 6132) granting an increase of pension to Fannie McHarg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6133) for the relief of the estate of James L. Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park; which was read twice by its title, and referred to the Committee on the Public Lands.

DAM ACROSS THE ST. LAWRENCE.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River. I think there is no opposition to it from any quarter.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

REBECCA J. TAYLOR.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

Whereas it appears that Rebecca J. Taylor, late a clerk in the War Department, holding a position in the classified service, was, by order of the Secretary of War, discharged from her position on the 7th day of June, 1902: Therefore, be it

Resolved by the Senate of the United States of America, That the Committee on Civil Service and Retrenchment be instructed to inquire and report the reasons for such discharge and whether the same was made in accordance with law.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. BERRY. I think there was a unanimous-consent agreement that the motion to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution in regard to the election of Senators should come up this morning.

The PRESIDENT pro tempore. There was a unanimous-consent agreement that it should go over subject to call.

Mr. STEWART. I ask the Senator to let me get up this bill——

Mr. BERRY. I understood that it had gone over from day to day, always coming in after the routine morning business, and then an agreement was made that at the conclusion of the routine morning business to-day the Chair should lay it before the Senate. That is my understanding.

The PRESIDENT pro tempore. The unanimous-consent agreement was that it might lie on the table subject to be called up. The Senator can call it up at any time he pleases.

Mr. HOAR. It is practically the same thing, I desire to say to the Senator.

Mr. BERRY. I ask that it be laid before the Senate.

Mr. STEWART. I hope that will not be done.

The PRESIDENT pro tempore. Does the Senator from Arkansas interpose against the pending resolution?

Mr. BERRY. The Senator from Tennessee yields, I understand.

Mr. CARMACK. Let it go over without losing its place.

The PRESIDENT pro tempore. The resolution goes over.

Mr. HOAR. What goes over?

The PRESIDENT pro tempore. The resolution offered by the Senator from Tennessee [Mr. CARMACK] touching an investigation of the discharge from her position in the classified service of a Miss Taylor.

ELECTION OF UNITED STATES SENATORS.

The PRESIDENT pro tempore. The Senator from Arkansas asks that there be taken from the table the following motion——

Mr. STEWART. I hope the Senator from Arkansas will not press that motion until I can dispose of the motion to reconsider the Choctaw treaty. I have given notice of it for several mornings, and I have been trying to get it up.

Mr. BERRY. The motion has been on the table for a week or ten days. It went over on account of the Philippine matter. I can not consent that it shall go over again.

Mr. STEWART. I hope it will not be taken up.

The PRESIDENT pro tempore. The Senator from Arkansas has a right to have it taken up.

Mr. STEWART. Without a motion?

The PRESIDENT pro tempore. Yes; without a motion.

Mr. HALE. I think it was on my suggestion that this matter went over. As I recollect, the Senator from Arkansas moved to discharge the Committee on Privileges and Elections. I called his attention to the fact that the chairman of the committee was absent, and that the Senator from Massachusetts [Mr. HOAR], who is very much interested in the measure, was absent, and the Senator from Connecticut [Mr. PLATT], I think, suggested that the Senator from New York [Mr. DEPEW], another important member of the committee, was absent. I asked the Senator not to make his motion on that day, and he very readily seeing the situation, said he did not want to take it up in the absence of those Senators and suggested that he would make it the next day. But after that suggestions were made that it go over still further, and Wednesday, to-day, was fixed upon, and I suppose the motion of the Senator comes up this morning.

Mr. BERRY. If the Senator will permit me, it did not require any motion. It was under the previous unanimous agreement that it went over until to-day without losing its place. When I moved to take it up, it was stated by the Senator, as he said, that

the Senators named were absent, and he suggested that it go over until Tuesday or Wednesday. Finally, I said, "We will agree that it shall come up on Wednesday morning," and I think the RECORD will show it was agreed that the Chair should lay it before the Senate on Wednesday morning, by which time the Senator from Massachusetts and others would have an opportunity to be here.

Mr. HALE. There is no issue between us as to what was agreed upon as to time. My recollection may be incorrect, but it is that the Senator had moved to discharge the committee.

Mr. BERRY. The Senator from Maryland [Mr. WELLINGTON] a week or ten days ago moved to discharge the committee. The Senator from Massachusetts [Mr. HOAR] asked that it go over until the next morning, and it went over until the next day, when the Senator from Massachusetts offered a substitute for that motion. It then went over without losing its place, the Philippine measure being on hand. It went over from day to day in that way, and that measure was disposed of. I then asked that the Chair lay it before the Senate, as it had been holding its place from time to time. The Senator from Maine who now occupies the floor objected on account of the absence of the Senators named, and it was thereupon agreed, as I think the RECORD will show, that it should go over until this morning.

Mr. HALE. Undoubtedly.

Mr. BERRY. I submit that it does not require any motion, and it is laid before the Senate in regular course. That is the point I make.

Mr. HALE. I do not make the point that it requires a motion. I may be incorrect, but even when it went over the Senator's motion to discharge the committee was pending. If the Senator did not make that motion, then I am mistaken. If he made that motion, the whole matter went over until this morning, and that motion is now pending. That will depend upon whether he made the motion. I understood that he had made it.

Mr. STEWART. May I inquire of the Chair what the motion is?

The PRESIDENT pro tempore. The Secretary will read the unanimous-consent agreement.

Mr. HALE. What took place before the unanimous-consent agreement? What was the action of the Senate?

The PRESIDENT pro tempore. The Secretary will read the unanimous-consent agreement.

Mr. HALE. I do not ask that that be read.

Mr. STEWART. Let us hear what it is.

Mr. HALE. What took place before the agreement? The matter came before the Senate by some action on the part of the Senator from Arkansas. Now, what was that action?

The PRESIDENT pro tempore. The motion was made that the Senate proceed to the consideration of the motion to discharge the committee.

Mr. HALE. That is what I thought. It was a motion to discharge the committee, and that went over.

Mr. BERRY. I should like to have the RECORD read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the proceedings of June 6, 1902, as follows:

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. BERRY] asks unanimous consent that the resolution lie on the table, subject to be called up on Wednesday morning next. Is there objection?

Mr. MCCOMAS. Before that is done, I only want a moment to say that there are not many Senators now present, and, as has been stated by the Senator from Maine [Mr. HALE], the chairman of the Committee on Privileges and Elections [Mr. BURROWS] is not present; the senior Senator from Massachusetts [Mr. HOAR], who has a substitute for the resolution, is not present, and I do not know that he will be, and the Senator from New York [Mr. DEPEW], who proposed an amendment vital in this matter, is not present, and I do not know that he will be. Would it not be well, therefore, to let the matter go over until Monday, and then fix a day?

Mr. BERRY. No, Mr. President; I object to that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas?

Mr. ALLISON. I desire to ask a question before we consent to the arrangement. This resolution, of course, will not interfere with the order of business at 2 o'clock, if it is taken up on Wednesday morning. The unanimous consent will only apply, as I understand, to the morning hour?

Mr. BERRY. So I understand it.

The PRESIDENT pro tempore. The Chair so understood the request.

Mr. ALLISON. I merely desire to have that understood.

Mr. MCCOMAS. My only anxiety is whether that will give sufficient time for the absent Senators to be present.

Mr. BLACKBURN. That is notice enough.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas [Mr. BERRY]? The Chair hears none, and that order is made.

Mr. HALE. Now, what I want to know is what the situation was when it went over. If the Secretary will read the proceedings in the Senate that led to the suggestion of the matter going over I will be very much obliged. It came before the Senate in some way. What was the motion of the Senator from Arkansas?

Mr. BERRY. The motion of the Senator from Maryland [Mr. WELLINGTON] was to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution proposing an amendment to the Constitution to elect United States Senators by the people. The Senator from Massachusetts objected to that.

Mr. HALE. I am not talking about what took place the day before.

Mr. BERRY. Well, I am coming along to it. The next morning the Senator from Massachusetts offered a substitute or an amendment to the motion of the Senator from Maryland. It was not disposed of when some other matter came up, and then it was agreed that it should go over without losing its place on the table; that is all.

Mr. HALE. Now, I want to know what took place on Friday or whatever day it was, when this matter came up and the agreement was made that it should go over. Let the Secretary state what the RECORD shows. There was some motion made. The Senator from Arkansas made a motion. I want to know what it was. I want to know what we are doing.

Mr. JONES of Arkansas. I understand that there was no motion made in connection with it.

Mr. HALE. I want to see what the RECORD shows.

Mr. JONES of Arkansas. The original motion, as suggested by my colleague, was made by the Senator from Maryland. That motion was pending and as a matter of right it was laid before the Senate the next morning. It having been objected to at the time it was made, the presiding officer must lay it before the Senate the next day. The next day there was not time to consider it, and by unanimous consent it went over to another day, to this particular day specified, and it has exactly the same right to-day that it had when it came over the day after it was made.

Mr. HALE. That is, the motion to discharge the committee, made either by the Senator from Arkansas or the Senator from Maryland, is now pending.

Mr. JONES of Arkansas. Yes, sir; that is my understanding of it.

Mr. HALE. That is my understanding. I do not care who made the motion. I know that is what came over.

The PRESIDENT pro tempore. The motion made by the Senator from Maryland [Mr. WELLINGTON] to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution is before the Senate.

Mr. CLAPP. I take it, Mr. President, that the continued refusal of the committee to report the joint resolution providing for an amendment to the Constitution authorizing the election of Senators by popular vote may as well be considered as bringing, by this motion, the merits of the joint resolution before the Senate, and with that view of the situation I desire to submit a few remarks relative to the joint resolution itself.

Certain objections are made to the proposition to amend the Constitution and provide for the election of Senators by a direct vote.

The first objection which I note, one which was urged by the distinguished Senator from Massachusetts [Mr. HOAR], is that it violates the pledge which was given in the adoption of the Constitution in that clause of the Constitution which provides that as to an equal number of Senators to each State there shall be no amendment without the consent of every State. It seems to me, with due deference to the distinguished Senator, that such a contention can not be successfully made. The language referred to in the Constitution itself is:

And that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

It seems to me to go without argument that that applies not to the manner in which Senators shall be elected, but to the number which each State shall have relatively with the other States, a number that was agreed upon in the convention to be two to each State.

Mr. HOAR. Before the Senator proceeds with his proposition, I ask him to allow me to call his attention to one point. There should also be read in that connection the definition of the Senate. My point is that a body of a certain character, defined in a certain way by the Constitution, was established; and to say that you shall not have a body of that kind any longer is to say that there shall not be any Senate hereafter. Now, will the Senator be good enough to read in that connection what is said of the Senate?

Mr. CLAPP. It is unnecessary to read it, because I concede that the American Constitution provides that the Senate shall consist of men elected by States legislatures. I think that covers the suggestion.

Mr. HOAR. That is the point.

Mr. CLAPP. Now, when we come to the provision which guarantees to every State its equal representation, I answer that the word "equal" there can have no significance and no reference except to numbers itself, and can not apply to the manner in which Senators are to be elected. I submit that there can be no

successful contradiction of that proposition. The language of the Constitution is:

And that no State, without its consent, shall be deprived of—

What? Of representation in the Senate, of Senators, as by this instrument it is provided shall be elected? No; but—

shall be deprived of its equal suffrage in the Senate.

The word that relates to proportion, the word that relates to numbers is used there. The word "equal" limits the significance of that provision. It seems to me, I repeat, that there can be no question but what that was simply a pledge that each State should be entitled to its equal proportion of Senators, and should not be deprived of that proportion without its own consent.

The next objection that is made to this proposition is that it overturns the policy of the fathers of the Constitution in a controversy which they waged with one another and out of which the election of Senators by the legislature was finally accepted as a compromise. I am willing to concede that that view does prevail as a popular impression; I am willing to concede that that is the conclusion reiterated time and again by the commentators upon the American Constitution; but I challenge the correctness of that statement, in view of the expressions found in the debates that preceded the adoption of the Constitution itself.

Mr. President, the controversy over the election of Senators did not begin with Senators. It began with the primary proposition of the election of the lower House of Congress. The debate upon that question produced three distinct propositions. One was that the members of the lower House of Congress should be elected directly by the people; another was that they should be elected by the legislatures, and still another was that they should be nominated by the legislatures and elected by the people. The conditions which then prevailed were somewhat peculiar. It was a period of reaction against former conditions.

The Revolutionary war had been waged and brought to a successful termination by such men as Thomas Jefferson arousing the latent forces of democracy, but no sooner was the war successfully terminated than the men who had used the powers of democracy in the prosecution of the war itself became alarmed at the idea and spirit of democracy, and running all through the debates in the Constitutional Convention is the evidence of alarm on the part of the leaders of that day at what they regarded as vesting too much power in the people themselves.

The controversy on the election of members of Congress turned upon that question, and such men as Rutledge, Pinckney, Gerry, Sherman, and others (quoting now from memory, I may not get their names exactly accurate), were opposed to the people selecting the lower House of Congress, the question of the election of Senators not yet having arisen.

Mr. Madison was one of the chief exponents of the popular election of the members of the lower House, and the matter was finally compromised by providing that the members of the lower House should be elected by popular vote.

They then proceeded to the consideration of the manner in which Senators should be elected, and Gerry was driven from every stronghold which he had sought to occupy in his resistance to the right of the people to participate in the Government. He made the appeal to some of the men who were in sympathy with the doctrine of State sovereignty that the election of Senators by the legislatures would in a measure extinguish and wipe out State sovereignty. But that was a mere incident to the discussion. The great controversy that was waged was whether the people should elect the Senators, or whether the Senators should be sifted, as Pinckney said, through the legislature, it being Pinckney's idea that the Senate should occupy as near as possible a position in comparison with that of the House of Lords of England.

Finally as a compromise not as to the relation of the State and Federal Government, but as a compromise upon the broad question as to who should elect the Senators, it was decided that the Senators should be elected by the legislatures.

The idea that the Senator represents the sovereignty of the State finds no warrant in the fact that he is elected by the legislature. The sovereignty of the State, that special identity which we call the State, consists not of a legislature, but it consists of legislative, judicial, and executive departments; and it might as well be said that if the Senator was appointed by the chief justice of the supreme court of a State he represented the sovereign character of his State.

But, Mr. President, there is another objection urged to this proposed change in the election of Senators, and that is that we are violating one of the cardinal tenets of the fathers; that this is the first time that an effort has ever been made to materially and radically change the policy of this Government. I submit that the history of this Government does not warrant that statement. No man can hold in higher reverence the memory of the fathers than do I; but, before we should be bound by precedent, we must recognize two great truths: First, the fallible nature of man; and second, the impossibility of any man, I care not how able, how great, how wise he may be, anticipating the needs of the future.

When we apply this principle to the idea of government, we have got to recognize another great principle, and that is, in all human history there never was an attempt made to formulate a rigid and fixed scheme of government that it did not fail because it failed to recognize the changes in conditions that time would bring.

The American Constitution would have been no exception to this rule had it not contained within itself the elements of its own modification. But, sir, even then it would have proved a disastrous failure had it not been that the American people were great enough, wise enough, and patriotic enough to change the fundamental principle and policy of our Government without even resorting to the measure provided in the Constitution itself for effecting such a change. Scarce was the ink dry with which the Constitution was written until, notwithstanding the wisdom of the fathers, it was found necessary to begin its modifications by the process of amendment.

It is said that the earlier amendments were only designed to carry into effect the spirit and purpose of the Constitution itself. That may be, but the thirteenth amendment stands out either as merely vapid declamation or as a radical change in the policy of the Government. Either under the original Constitution slavery was permissible—and if so, the amendment reversing that policy reversed it as to an important and material policy—or it was not permissible, and that amendment was mere idle surplusage.

But we go further than that. In the early history of this country it was contended almost generally that the Government must be limited to the primary functions of government itself. During the days when the presence and the memory of the fathers of the Constitution still lingered in our midst, that was a view which was universally and generally accepted; but in the process of time we began a radical change.

We began to yoke government side by side with the industrial and economic forces, and to-day in this Chamber the proposition is being debated of invoking the functions of government, not for development within our own borders, but that we may go into the Treasury of this nation and take untold millions and go into a foreign land and there inaugurate and carry forward the purchase, building, and maintenance and operation of railroads and canals. I submit that there was not a man in that great deliberative body that gave to the world the American Constitution that ever dreamed that that was one of the functions for which the Government they framed was being organized.

But, sir, even in a more marked respect than that we have changed the fundamental policy of our Government. The distinguished Senator from Massachusetts [Mr. HOAR] in his speech referred to the fact that in yonder hall sits a tribunal that holds within bounds all the vast powers of a great nation as the law of gravitation holds in check the stars and the planets in their order. It is true that that tribunal sits there to-day; but, Mr. President, that is not the tribunal that the fathers of this country gave us when they formulated and gave forth this Constitution.

A little more than a hundred years ago John Jay was offered the position of Chief Justice of the Supreme Court of the United States. He declined that offer upon the ground that that court did not possess the power and authority to maintain its own dignity or to serve the interests of the American people, and he had some warrant for that when we realize that the governor of Pennsylvania had called out the militia to resist the mandates of the Supreme Court and when the State of Georgia had passed a law making it a misdemeanor to carry into effect the mandates of the Supreme Court of the United States.

John Marshall was finally offered the position, and he accepted it. I will not weary the Senate this morning with discussing the evidence as to what position the Supreme Court occupied in the minds of the founders of this Government. They undertook to establish three coordinate branches of the Government. You might take a spiritual or divine essence and divide it into branches coordinate, if you please, but you never could have three coordinate human agencies. Somewhere above the warring interests of the three there must be a power to regulate, or one of those three must of itself assume that authority.

Chief Justice Marshall took that position; and I bring him to-day as a witness upon the proposition that it was never understood or dreamed of that the Supreme Court, or the judicial branch of the Government, could set aside the act of what was deemed the great popular department of the Government—the legislative. Less than a year before he took that seat he declared, in the Ware case, that the court had no authority to set aside an act of the Legislature as void because it contravened the constitutional limitation.

But when he occupied that position and assumed that high office he soon discovered what the genius of American citizenship was bound sooner or later to discover, and that was that somewhere in this organization there had to be some power which could judge between conflicting interests and warring powers, and he arrogated—and I use that word advisedly—that power to the Supreme Court, when he declared that it was for the court to point out what the law was; and if an act of Congress contravened what the court declared to be the law, that then the act of Congress failed, because it would not be a law in the light of the declared will of the tribunal itself. In other words, with one stroke of his pen he placed the Supreme Court above the legislative department, not only as to those questions that go to the rights of citizens, but that court has gone on until to-day the American people, and wisely, too, recognize the right of that court to regulate the governmental and political policies of this great nation by calling a halt upon legislative enactment.

That tribunal sits there to-day, but it is not the tribunal that the fathers of our country created.

I can not take the time to dwell at length upon the struggle by which this was accomplished, but every lawyer is familiar with the history of that controversy, every layman is familiar with the fact that to-day it sits in yonder chamber and there is no appeal from its decisions in the path of peace; and it sits there the most august tribunal on earth; but I frankly submit that its position to-day is an absolute reversal of the policy, the purpose, and the will of the founders of this Government.

But, sir, in another important respect we have departed from the policy of the fathers and reversed their purposes. When the Constitution was under debate, a proposition was made to clothe the Federal Government with power to coerce a recreant State. Madison declared that that could not be; that to attempt to force a State would be to declare war and annul the compact between the States, and the proposition was unceremoniously dismissed. It is a singular coincidence that fifty years later Attorney-General Black, in speaking of this same question in an opinion addressed to Mr. Buchanan, who was then President, declared that the Federal Government had no power or right to invade a State for coercive purposes, and that an invasion of a State for such purposes would of itself work its expulsion from the Union.

In the Virginia plan of the constitution the word "nation" appears twenty-six times, I think, and yet by one resolution it was stricken out wherever it occurred in the proposed constitution, and the great principle that the citizen owed his superior allegiance to the Federal Government and not to the State government never again received authoritative recognition, except from the decisions of the Supreme Court, until the State of Nevada gave forth a constitution, one drawn, I believe, by the present junior Senator from that State [Mr. STEWART], followed a few months later by Maryland. But it was as absolutely impossible to have two sovereignties in one as it was to have three coordinate human agencies. One must rise above the others and place a check on the relations between the two.

John Marshall by one stroke of the pen forever banished the word "compact," when he said that the Constitution should be read and understood as words were commonly understood, not by the men who framed it, for that would be the law of interpretation as to contracts and compacts, but as understood by the men for whom it was intended, which would be the law of interpretation of law itself.

He then proceeded to go further and decided that while the Federal Government is only a Government of limited powers, yet it is for the Federal Government itself to determine what the limitations are. What, then, became, so far as judicial construction is concerned, of the idea of coordinate sovereignty, if the Federal Government was clothed with the power to determine its own limitations? There was absolutely no limitation left upon the Federal power except the own judgment, the wisdom, and patriotism exercised in determining the limitation itself. That position was maintained. He sat there after the political complexion of the court changed, but the American people had recognized that great principle, and the principle survived, until finally, on the battlefields of this Republic, the manhood of this country wrote that principle in letters of blood into the spirit and policy of American Government.

I submit, Mr. President, in all fairness and candor, if that is not a complete reversal of the policy, the purpose, and the plan of the fathers of this country as enunciated in the Constitution itself. Certainly it is above the rank of mere trivial correction, as is suggested in one of the speeches in opposition to this proposed amendment.

Mr. President, these illustrations simply serve two purposes: First, to show the necessity for change as changes became necessary; and secondly, to show that we should not always yield blind obedience to a theory simply because it is sanctioned by long observance.

But, for all that, we ought not to make a change unless there is some reason for a change.

The fourth objection which is urged to the constitutional amendment making the office of Senator elective is that it would destroy the independence of Senators and break down the personality of the Senate in the fact that it would shorten the career of members of the Senate. With all due deference to those who advocate that view, it has seemed to me for years—and during all these years the principle has never grown with such intensity as within the year and a half I have been permitted to be a member of this body—that this is the very reason why the change ought to be made. Instead of striking down the independence of a Senator or weakening his tenure of office, a popular election and appeal to the people would add to his independence and strengthen his tenure of office, and I propose to demonstrate that by the lives and careers of the very men who most strongly and strenuously oppose this change.

There are any number of men amply equipped by their natural ability to present, discuss, and administer great public questions who are absolutely lacking in the ability to manipulate caucuses, conventions, and legislatures. To-day the difficulty which a Senator experiences during what I am going to call his crucial experience—I know of no better term, and I may use that a time or two again—is to maintain the proper relation of a political and personal character with a few leaders scattered through his State and who are powerful factors in their relation to legislative forces.

The man who succeeds in passing that point and possesses the ability and reaches a position where he is recognized as one amply qualified to be all a Senator should be is the man who serves out the long career in this body. I undertake to say that there is nothing that would so add to the independence of the Senator as to relieve him of this personal political relation and place the Senator where, ignoring leaders, ignoring legislatures, he can take his stand upon broad public questions and appeal to his entire constituency in that manner, and you then place him in a position of independence and strength.

Now, I appeal to Senators if their experience and observation does not confirm this statement. Take the distinguished Senator from Massachusetts [Mr. HOAR], a man who to-day is recognized as admired and respected throughout the length and breadth of this nation. He is not here because of his skill in manipulating conventions and legislatures, but because he has won such a place in the hearts and in the minds of his people that the act of the legislature in selecting him is a mere ratification of the popular will. He stands here to-day, and let us hope that he will—and he will by the will of his people—until nature shall demand the payment of nature's great and last debt.

I turn to the distinguished Senator from Alabama [Mr. MORGAN], a man who not only has the respect and confidence of his people, of the members of this body, and of the American people, but, if I may use the term in connection with that life which men live in the association of politics, he has the love of all, and he stands here to-day, why? Because of his ability to manipulate conventions? No. No man whose mere dictum is recognized the length and breadth of this land upon a constitutional question can be an adept in the matter of managing and manipulating caucuses and conventions.

So I might go on along the line. It is the experience of every man in this body that just in proportion as a man gets away from the legislature, as he gets away from those political and personal relations and becomes strong in the confidence of his people, he becomes free and independent, and his tenure in office is increased.

Mr. President, it has been suggested in one of the speeches in opposition to the election of Senators by the people, that the Senate must defend itself against a popular uprising. Let me suggest that the Senate has not defended itself, and the Senate can not defend itself against the purposes and the will of the American people to participate directly in the election of United States Senators.

It has been suggested that this movement is a mere mushroom movement; that it is actuated by a few typewritten letters scattered throughout the country. If that is so, why is it that State after State has taken every means in its power within the limitations of this Constitution to make the office of United States Senator elective?

A few days ago we congratulated the junior Senator from Georgia [Mr. CLAY] upon the fact that a primary election, an appeal to the people, had been had, and it had been determined in his favor. Will any man in this Chamber say that that Senator is less independent, will any man say that his tenure of office is less secure, because the people of his State have pronounced their verdict and declared that he shall succeed himself?

A few days ago we congratulated the junior Senator from the State of South Dakota [Mr. KITTREDGE] upon what? Upon his having managed to control the legislature? No; but upon the absolute failure of the Senate to defend itself against the efforts

of the people to participate in the election of Senators, because a convention had been called in his State and nominated him for the office of Senator, and his election follows as a mere sequence.

Will anyone assert that he is less independent because of this popular expression of the will of the people of his State?

This is something more than a mere mushroom growth inspired by typewritten letters scattered throughout the country. It is an earnest on the part of the people of their determination in some way or other to be heard and to take part in the selection of United States Senators.

There is evidence of the fact that State after State, especially in the South and West, has, either by conventions or primary elections, gone just as far as it could in this direction. It is not all confined to the West, either, but the placid, slumbering bosom of Pennsylvania politics has been disturbed by these pulsations of public sentiment, and last winter, if I remember correctly, the legislature of that State declared in favor of the popular election of United States Senators.

Now, why attempt to dam up this overwhelming and ever-increasing force of public sentiment? Why force the people of this country in a roundabout way to accomplish that which they ask at our hands to be permitted to accomplish in a plain and direct way?

Mr. President, there is one other phase of this question, and that is the attempt to frighten certain members of the Senate from its support upon the theory that if we change the Constitution as to the election of Senators we must of necessity change the basis of representation.

I appeal to Senators, to whom that threat is made in the hope of frightening them from the support of this measure, if my contention is not right, namely, that no State can, without the consent of that State itself, be deprived of the right to send two Senators here in whatever way the law may prescribe. It is a false alarm, designed to drive the real friends of this measure from its support.

It is possible that this resolution at this time will be defeated, but, as I said before, you can not stay the force of public will—for it is more than mere sentiment when the people of this country, by every means left to them under the Constitution, seek to make the office of United States Senator, as it should be, an elective office.

Mr. BERRY. Mr. President, I ask for a vote on the motion to discharge the committee.

Mr. BACON. I should like to ask the chairman of the committee a question before I am called on to vote. When this matter was up some days ago, the day the Senator from Michigan [Mr. BURROWS] made his report, I made two inquiries then which had the same object which I now have in view. I desire to ask the Senator whether the committee in making the report which has been made through him, intended that that should be indicative of the desire on the part of the members of the committee to be discharged from the further consideration of this joint resolution?

Mr. BURROWS. Mr. President, in reply to the Senator, I will state that my impression is that it was not so intended; that the object of the committee, as I understood, was to advise the Senate of the progress made by the committee in the consideration of this question. No desire was expressed one way or the other as to the discharge of the committee; but I was simply directed to report the status to the Senate, and leave it for the consideration of the Senate whether the committee should continue its consideration of the measure or whether the Senate preferred to take it into its own hands.

Mr. SPOONER. I should like to ask the Senator if the committee is still considering the measure?

Mr. BURROWS. The joint resolution is still before the committee, but since the motion to discharge the committee was made the committee have not considered the joint resolution; but when this motion is disposed of, if the committee is not discharged, of course it will resume the consideration of the joint resolution.

Mr. BLACKBURN. May I ask the chairman of the committee a question?

Mr. BURROWS. Certainly.

Mr. BLACKBURN. Does the chairman believe that it is possible, after the votes taken in that committee upon this joint resolution, for that committee ever to report it to the Senate, either favorably or unfavorably, as it came from the House of Representatives, or as it has been amended, or as it can ever possibly be amended? I will make the question shorter. Does not the chairman of the Committee on Privileges and Elections believe—is he not satisfied—that the only way that that joint resolution will ever come out of that committee will be for the Senate to take it out by a vote discharging the committee from its further consideration?

Mr. BURROWS. No; I would not be prepared to say that. All I can say is that if the Senate shall refuse to discharge the committee—which I hope it will—the committee will resume the consideration of the joint resolution and do the best it can to reach a conclusion.

Mr. BLACKBURN. Then, Mr. President, in this connection I want to say, as a member of that committee, that the committee has refused to report that joint resolution back to the Senate as it came from the House; that the committee has amended that joint resolution on motion of the Senator from New York [Mr. DEPEW]; that the committee then by a vote of yeas and nays refused to report that joint resolution back to this Senate as amended, either favorably or unfavorably, and I defy any member of that committee to suggest how it is possible for that committee ever to bring back to the Senate that joint resolution, unamended or amended, either adversely or favorably. I wait for the chairman of the committee, I wait for any member of the committee, to suggest within the realm of possibility how that joint resolution can ever come back into this Senate Chamber, unless the Senate shall discharge the committee from its further consideration.

Mr. HOAR. Mr. President, I am myself in favor of a bill, which I had the honor to introduce, providing that after a certain number of ballots in the State legislature there shall be an election by a plurality. That, in my judgment—deferring to the judgment of other gentlemen—would remove the chief popular dissatisfaction with the present arrangement, and that is that it creates deadlocks and the election goes over. That was the last pending matter before the committee, and they have not yet acted upon that.

Some members of the committee had some doubt about its constitutionality, but in the case of one member who had such a doubt I think the doubt has been removed by further reflection. That was called up and pending when the committee adjourned some time ago, as I understand. When that is disposed of, then, so far as I know, the whole committee will have formed by a majority an opinion on every one of the solutions of this question, and a majority of the committee will be ready to advise the Senate whether they ought to pass the House joint resolution, or the majority of the committee will be ready to advise the Senate whether they ought to pass that bill, or the majority of the committee will be ready to advise the Senate whether if the House joint resolution is passed, it should be passed with the amendment of the Senator from New York.

A majority of the committee will be ready to advise the Senate whether, amending it as the Senator from New York proposes, still it should be passed or be defeated. In other words, you will have the opinion of the committee on every possible phase of this question.

The committee has devoted a great many sessions and a good deal of anxious thought to this matter. Some people think it is one of the gravest questions which has come up since the beginning of the Government. Others think it of less importance, although everybody agrees it is a very grave question.

Now, the motion to discharge the committee will take it out of the hands of the committee when one of the most essential matters connected with it is still undisposed of there. I have no doubt myself that when that is disposed of there the committee will be prepared, as I have said, to give the Senate its opinion on every phase of this question. I have never known the Senate to discharge a committee under such circumstances.

Mr. BLACKBURN. Mr. President, I doubt if the Senator from Massachusetts in his long and honorable experience here ever before knew a committee to get into just such a fix.

Mr. HOAR. The Senator will pardon me. That is because the committee do not in every respect take my advice. If they did they would not get into such a fix. But I find that thing happens pretty often nowadays.

Mr. BLACKBURN. I am perfectly willing to accept the Senator's explanation, but nevertheless the fact remains that this committee is in an anomalous condition; in an awkward predicament. It is in very much the same fix that the teamster was who got stalled driving his wagon down hill. He could neither unload nor back out. That is about the shape the Committee on Privileges and Elections is in now.

Mr. HOAR. If the Senator will allow me once more, that is one of the troubles of the committee. When we get to dealing with this question the Senator from Kentucky tells us a delightful anecdote of this kind which takes up our attention and distracts us. That is one of the causes of delay.

Mr. BLACKBURN. Nevertheless the committee has not been sufficiently distracted to prevent it from reaching a fix where it can not help itself, and if it is ever to be gotten out of its predicament the Senate must do it by the Cæsarian process. The Senator from Massachusetts will admit that the bill to which he has alluded, and which he tells the Senate is yet pending before the committee, and which he thinks when disposed of will solve all of this difficulty and relieve us from this embarrassment, has no

earthly bearing upon and no earthly connection with the question of electing Senators by direct vote of the people.

The bill to which the Senator alludes, but the nature of which he fails to tell the Senate, is a bill that provides for a plurality election of a Senator by the legislatures of the several States after a certain number of ballots. That is all that it does. It does not touch the question as to whether the Senator shall be elected by direct vote of the people or by the intermediary process of a legislature. So whether that bill which the Senator has pending on reference to the Committee on Privileges and Elections shall be approved or disapproved will not in the slightest degree nor in the remotest shape touch the issue which the joint resolution presents.

I repeat, the Senate shall have fair warning from at least one member of the committee. The situation there is conclusive. That joint resolution never can come out of the committee room and never will come out of it unless the Senate takes it out by discharging the committee from its further consideration. It has been elaborately discussed for weeks and months. Week after week no attention was given by the committee to any subject except the joint resolution.

The Senator from New York [Mr. DEPEW] introduced an amendment and spoke upon it at length in this Chamber. The amendment was elaborately debated in the committee room. It was adopted by a majority of the committee, and after that, by a yea-and-nay vote, the committee refused to bring the House joint resolution back here, either with a favorable or an adverse report, either as the joint resolution came from the House or as it had been amended in committee on the motion of the New York Senator. I submit in common candor—we had as well call things by their proper names—that any effort to keep the joint resolution in the hands of the committee any longer, in the face of this record, is simply an affidavit for a continuance. It is nothing more and nothing less.

The resolution offered by the Senator from Massachusetts does nothing except to direct the committee to do what it has already tried to do, namely, to amend the joint resolution in such shape and such form as that it will be able to bring it back here and offer it to the Senate and recommend its adoption. It is an open secret—the Senator from Massachusetts knows it and every other member of the committee knows it—that you can not so amend the joint resolution, it is not within the compass of human ingenuity so to amend it, as to induce a majority of the committee to recommend it favorably to the Senate. Nor have the opponents of the joint resolution been able in all these weeks and all these months so to amend the joint resolution as to induce the committee to report it back even unfavorably. It will not give the Senate an opportunity to vote upon it, and a majority of the committee never intend to give the Senate an opportunity to vote upon it.

Whether I fail or whether I succeed, I never intend whilst I am a member of the United States Senate to desist from the effort to force a vote upon this question. At the hour of 2 o'clock it will go to the Calendar. That will not help you. A motion to take it from the Calendar can be renewed every day during the remainder of this and all succeeding sessions, and it will be made and it will be continued to be made at frequently recurring intervals until the Senate of the United States shall have a chance to vote upon the question of the election of Senators by a vote of the people.

Mr. STEWART. We can vote to take it up, can we not?

Mr. BLACKBURN. I do not want any debate. I want a vote.

Mr. HALE. Let me say to the Senator that I do not think there is any disposition to run this matter by the hour of 2 o'clock. I think we are entirely ready to take a vote now.

Mr. BLACKBURN. Let us take it. Mr. President, what is the question before the Senate?

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. STEWART. Let us vote.

Mr. HOAR. I withdraw that for the present.

The PRESIDENT pro tempore. It is withdrawn. The question is on agreeing to the motion to discharge the committee from the further consideration of the joint resolution.

Mr. BURROWS. Mr. President, before the vote is taken, perhaps I ought to state that in addition to the matter stated by the senior Senator from Massachusetts as pending before the committee upon the subject of the election of Senators, I had the honor of introducing at the opening of this Congress a proposed amendment, providing for the election of Senators by the people where the legislature failed to make a choice. It is now well understood under the settled policy of the Senate that when the legislature adjourns without making a choice of Senator the executive of the State can not appoint. The amendment proposed was that where a legislature failed to elect, then the executive of the State should call a popular election for Senator. That proposition is pending before the committee and has not yet been considered. So it will be observed that this whole subject, in many phases, is before the committee, and it is possible we will reach some conclusion.

Mr. PLATT of Connecticut. I should like to ask the chairman of the committee one question. I understand it is said that the committee has refused or declined by vote to report back either the House joint resolution or the House joint resolution as amended upon the motion of the Senator from New York. I do not know under what other circumstances. I wish to inquire whether, at the time there was a vote not to report back the joint resolution to the Senate, there were pending the proposition of the Senator from Massachusetts and the proposition of the Senator from Michigan, the chairman of the committee, to which he has just alluded? If so, it seems to me it was quite proper to refuse to report back the joint resolution.

Mr. BURROWS. In reply to the Senator from Connecticut, I will state that both propositions were then pending before the committee. The proposition of the Senator from Massachusetts had been, I believe, partially considered, but its consideration had not been concluded, and the proposition to which I refer had not been considered. It is still pending before the committee.

Mr. BAILEY. Mr. President, I shall not detain the Senate more than a moment. As I understand the parliamentary status, it is simply this: The affirmative of this motion would bring the House joint resolution to the Senate without any of the amendments which have been considered by the committee and without that amendment which the committee have actually adopted. But that will not improve the situation when the original House joint resolution is brought back from the committee to the Senate, because the friends of that amendment, objectionable to us and the adoption of which prevented a report of the original joint resolution by the committee, will present it here, and it will be adopted in the Senate precisely as it was adopted in the committee. The peculiar situation is this——

Mr. BERRY. Will the Senator permit me for one moment?

Mr. BAILEY. Certainly.

Mr. BERRY. I do not think the Senator can say that a majority of the Senate will vote for the amendment simply because a majority of the committee did.

Mr. BAILEY. I venture the prophecy, and I think it will be fulfilled.

The peculiar situation in the Senate, as well as in the committee—and to committee transactions I shall not again refer—is this: There is a respectable number of gentlemen in the Senate who are opposed to any change in the present method of selecting Senators. There is another section of Senators who, agreeing to the change, insist upon coupling with it a change as to the power of determining the qualifications of electors. Now, when what is known as the Depew amendment is proposed, the first section of Senators, who are opposed to any change, join with the second section of Senators, who are willing to have a change upon the condition of another change, and they adopt the Depew amendment. Then when the question recurs on the joint resolution as amended, every Senator on this side of the Chamber joins with you Senators on the other side who are opposed to any change at all and the joint resolution will be voted down.

In my judgment that is exactly what will happen. I may add, believing that that would happen, perhaps as a matter of wisdom I would vote against occupying the time of the Senate by bringing the joint resolution here. Still, I am a member of the committee, and perhaps I have some delicacy in insisting upon holding in the committee a joint resolution which the Senate desires to consider. But further, while I ventured my prophecy, I am going to assume that I may be mistaken and that the Senator from Arkansas may be right, and that it is possible the Depew amendment might be voted down and the original House joint resolution adopted. Upon that bare hope—it is not more than a bare one—I intend to vote to discharge the committee. But at the same time neither now nor hereafter, nor at any time, will I ever vote to change the method of electing Senators when I must couple with it a surrender of the power now possessed by the States to determine the qualifications of their electors.

Mr. FORAKER. Mr. President, I also am a member of the Committee on Privileges and Elections, and I wish to confirm the statements which have been made here as to the industrious and sincere way in which the committee has labored to reach a conclusion in regard to this general proposition.

In view of what the Senator from Kentucky [Mr. BLACKBURN] has said, I wish to say that I favored reporting the House joint resolution to the Senate as amended by the adoption of the Depew amendment, as it is called. That, however, did not prevail, and now we are confronted with the question whether or not the committee shall be discharged, and, I suppose, whether or not the Senate shall then take up this question and deal with it. I doubt whether we will remedy the situation by discharging the committee. But this is one of the questions which it seems will not down, and the Senator from Kentucky has told us that he

intends to renew this motion and press it upon the Senate at every opportunity—every day, during the morning hour—until in some manner we have a chance to vote upon the question whether or not the people are to be allowed to vote in the election of United States Senators.

In view of all this, although doubting the wisdom of changing the present plan of electing Senators, I have concluded to vote in favor of discharging the committee, with the understanding that we shall then take up this question and settle it.

Mr. BLACKBURN. That is right.

Mr. FORAKER. I propose, if the Senator from New York is not here to offer his amendment, to offer it in his absence, unless some other Senator will kindly do so. I will do that. I will say to Senators on the Democratic side, in good faith, in order that, if it is to be a question whether or not Senators shall be elected by a vote of the people, we may make sure that the people have a right to vote. Therefore I shall vote to discharge the committee. Then I shall vote to immediately consider the joint resolution. I shall thereupon offer an amendment, and then I shall have something to say about it, perhaps, if I think it necessary.

Mr. McCOMAS. Mr. President, as a member of the committee, in response to the inquiry of the Senator from Kentucky, which was whether any member of the committee thought it likely or possible that the committee could agree on any report upon this proposition, I wish to express the opinion that there is far more likely to be an agreement by the committee upon a proposition to be reported to the Senate than there is likely to be any outcome of discussion in the Senate at this time.

I think the Senator from Texas [Mr. BAILEY] has clearly outlined the situation. A number of Senators are opposed to any change. A number desire a change, so that the people may elect Senators, not making sure what people, or whether some or all of the people may elect Senators. Another body of Senators feel that if a change is to be made and the people are to elect Senators, the election should be made by all the people, and that that can only be made certain when the registration, conduct of elections, and certification of the result, by the people in their elections, are made plain and secure.

It seems to me, without disclosing the vote in the committee, that there is such a narrowness of difference that in further efforts there may be some conclusion, and that conclusion may be brought to the Senate far quicker than the Senate itself could arrive at any conclusion. As has been said by the Senator from Ohio and the Senator from Texas, precisely the same question that is involved in the committee will arise here. The same attitude may bring the same result. It is agreed on both sides of the Chamber that there has been diligence in endeavoring to dispose of the joint resolution of the House. I apprehend that the chairman of the committee and other members of the committee will agree with me that there is far more likelihood of a conclusion in favor of one view or of another coming from the committee, if it be not discharged, than there is likelihood that the Senate can do as well as the committee has thus far done.

It may be said that the committee has not succeeded in doing anything. The Senate will perhaps be further from doing anything, and it had better come in some shape from the committee. Therefore I shall vote not to discharge the committee, but with the expectation that the committee may bring some conclusion for the consideration of the Senate, I shall vote that it shall proceed as committees do and should with the consideration of the joint resolution now pending before it.

Mr. MASON. Will the Senator from Maryland allow me to ask him a question?

Mr. McCOMAS. Certainly.

Mr. MASON. Do I understand the Senator to say that he is a member of the committee?

Mr. McCOMAS. Yes, sir.

Mr. MASON. How long has the committee had the joint resolution under consideration?

Mr. McCOMAS. It has been under consideration for weeks.

Mr. BERRY. Six months, if the Senator will permit me.

Mr. MASON. The suggestion which the Senator from Maryland now makes is that the committee be permitted further to consider it.

Mr. McCOMAS. I think the Senate, if it considers the proposition as it will appear here, will probably consider it a very long time. I think the most likely way to have it disposed of is to let the committee, which by a narrow margin may bring a result, bring it to the Senate.

Mr. VEST. Mr. President, I shall not detain the Senate for any length of time on this question. I am as anxious as the Senator from Kentucky [Mr. BLACKBURN] can possibly be to have a square vote upon the issue as presented by the House joint resolution.

I am opposed to the amendment of the Senator from New York and opposed to the joint resolution as it comes from the House. I have been a member of the Democratic party, if I may be permitted to make a personal remark, for nearly fifty years. If I have ever refused to vote for a candidate of that party, from the highest to the lowest office, I do not now remember it. The two last conventions of the Democratic party have declared in favor of the election of United States Senators by the people.

I am so unfortunate as to be unable to agree with those conventions upon that question. I deny the right of any convention, State or national, to control my action as a Senator of the United States. I do not believe that the evils of which complaint is now made will be remedied or removed by a change in the form of electing Senators to this body. I do not believe you can purify the fountain by changing the form of the stream that comes from it. When the time comes in this country that the people must be protected from their own corruption, their own ignorance, their own imbecility, it is a publication to the entire world that the theory of our Government is a failure and that the people are not capable of self-government.

We are told that the object of the joint resolution is to remove the facility with which corruption may be used in the election of Senators. Mr. President, my observation and experience teach me that where corruption can be used corrupt men will always find a way to use it. What will be the result if the joint resolution is adopted as it comes from the House? Every intelligent man in this country knows that the candidates for United States Senators in the respective States will be nominated by conventions, and every intelligent man knows how easily conventions will be influenced by improper means to make nominations which the party represented in the convention will deem it their duty to support.

We are told that to-day multimillionaires can buy legislatures. Who pretends to say that they can not, especially in the large cities, buy the votes, by hundreds and thousands, of the men who will by direct vote elect United States Senators? Who pretends to say that this body of United States Senators, 90 in number, is not equal in integrity, in intelligence, in all the great qualities of a representative capacity to the governors of the respective States? Who does not know that the governors consider it a promotion to come from their executive office to this body? Are the governors more honest, more intelligent, more fit to represent the people than the Senate as assembled here? Who says it?

Mr. President, those governors are elected by direct vote of the people. And yet we are told that if we change the form of election we get rid of the impurity at the very source of all legislative power. Sir, it reminds me—I am a Western man and use Western illustrations—of the countryman who on a hot day was carrying himself and a bag of corn to the country mill. He saw that his horse was laboring under the heat and burden imposed upon him, and in order to relieve the animal he got off, took the bag of corn upon his own shoulder, got back upon the horse, and congratulated himself that he had found a remedy. [Laughter.] Who believes that if you change the form of election you get rid of the great motive power, the people, who, if corrupt themselves, will surely make that fact manifest in the result of any election?

But, Mr. President, above all this, I am opposed, irrevocably opposed, to this change in our constitutional law because it destroys what I consider one of the most valuable features of the Federal Constitution, adopted in 1789.

A compromise was made in the Constitutional Convention upon this, as upon every other question. The smaller States insisted upon the election of two Senators by every State without regard to numerical population. The larger States insisted that the power to inaugurate revenue bills should be in the House of Representatives. A compromise was effected by which the smaller States received two Senators, and the Senate represents the State-rights feature of the Constitution. The House of Representatives represents the popular feature. Upon this compromise that great instrument, the Constitution of the United States, was made.

What do you propose to do now? Instead of two legislative bodies, one representing the people at large, the other representing the conservative and deliberate judgment of Senators not holding office for two years, but holding it for six years, and who are assumed to represent the States in their sovereign capacity, we are to have one great House of Representatives, two bodies sitting separately, but both in reality what the popular branch of the Congress is to-day.

What do you invite by such a change? You invite immediately the suggestion on the part of the larger States that if enumeration according to the people is to be adopted it shall apply in the Senate as well as in the House. More than this, you invite contested elections as we see them now at the other end of the Capitol. You will find every Senator's place here, if that place becomes important for political success, dependent upon a contest in any or every township. The whole form of the Government is changed and the basis upon which the Constitution was

adopted is given up under the claim that if the people were permitted to elect directly the election would be more pure than under the present system.

Now, Mr. President, I will simply say that all this issue is a plan adopted by adroit politicians, in my opinion, who desire to make the impression upon the people that they are better and purer and more competent to choose Senators than the men whom they may elect through a general assembly or legislature of the State.

I should like for some Senator to tell me how the people of a county or an election district can know better the qualifications for the high office of a United States Senator of a multimillionaire whom they have never seen, and whose name is put before them by a convention they never attended, than they can pass upon the qualifications of a member of the legislature.

How can they better know as to the qualification of such a candidate than one of their own neighbors, with whom they have lived for years, with whose antecedents they are familiar, and whom they know to be honest, intelligent, and acquainted with their interests? But we are told that the question of the election of the multimillionaire with his millions of dollars, utterly unknown to the people, is to be passed upon by them in preference to this neighbor, whom they have known for half a century.

I repeat, Mr. President, if the fountain is impure the stream will be impure. You can not evade this issue by the form of the election.

I could go into many more arguments against this terrible innovation. I belong, possibly, to a past school in public life. I believe the Constitution should be approached anxiously, carefully, and every aspect of every change should be duly and fairly considered. I believe the men who made the Constitution—in which supreme power exists nowhere except with the people—prescribed the form to be adopted when that great instrument was to be amended, in order to avoid this desire on the part of the demagogues to achieve their own purposes by flattering the people.

I ask the Secretary to read some extracts I have made from the debates in the Convention of 1787, giving the reasons for this clause in the Constitution. I have here the opinion of James Madison, who represented one school, and of Alexander Hamilton, who represented the other.

It has been said by leading members of the Democratic party, to which I belong, that Mr. Jefferson favored the election of Senators by the people. I claim to be familiar with his writings, and he seldom spoke. There are expressions in some of his letters to his intimate friends, wherein he desired an extreme popular or democratic government, but Mr. Jefferson nowhere at any time declared that Senators of the United States should be elected by the people and not by the legislatures.

I will ask the Secretary to read what I send to the desk, and I shall not detain the Senator any longer.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Mr. Madison says:

"It is unnecessary to dilate upon the appointment of Senators by the State legislatures. Among the various modes which might have been devised for constituting this branch of the Government that which has been proposed by the convention is probably the most congenial to public opinion. It is recommended by the double advantage of favoring a select appointment and of giving to the State governments such agency in the formation of the Federal Government as must secure the authority of the former and may form a convenient link between the two systems."

Madison further says:

"In a republican government the legislative authority necessarily predominates. The remedy is to divide the legislature into different branches and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and common dependence on society will admit."

Mr. Hamilton says:

"So far as the mode of formation may expose the union to the possibility of injury from the State legislatures, it is an evil, but it is an evil which can not be avoided without excluding the States in their political capacities wholly from a place in the organization of the National Government. If it had been done, it would doubtless have been interpreted into an entire dereliction of the Federal principle, and would certainly have deprived the State governments of that absolute safeguard which they will enjoy under this provision."

Mr. VEST. Mr. President, I simply want to make one statement in explanation, to be added to my remarks. I said the last two Democratic national conventions had indorsed the election of United States Senators by the people directly. My friend from Texas [Mr. BAILEY], who was a member of the committee on resolutions at Chicago——

Mr. BAILEY. No; I was not a member.

Mr. VEST. I thought you were. At any rate, he was a member of the convention, like myself. I was under the impression that the platform at Chicago included this statement, but he tells me I am mistaken, and therefore I withdraw that.

I wish to make one other statement. A friend suggests to me that 2 o'clock is about to approach and the vote can not be taken, while if I had not spoken it could have been taken. I sincerely hope that the Senate will take it, and I shall make a motion to postpone the regular order in order that the vote may be taken upon discharging the committee from the further consideration of the joint resolution.

Mr. BERRY. We will take the vote right now.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maryland [Mr. WELLINGTON], to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution.

Mr. BERRY. On that question let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "yea."

Mr. CULBERSON (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. If he were present, I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. MITCHELL], but knowing his views on this question, I take the liberty of voting. I vote "yea."

Mr. HANNA (when his name was called). I have a general pair with the senior Senator from Utah [Mr. RAWLINS]. I transfer my pair to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "yea."

Mr. HOAR (when his name was called). I have a general pair with the Senator from Alabama [Mr. PETTUS]; but as he agrees with me on this subject, my pair has been transferred, and I vote "nay."

Mr. KEARNS (when his name was called). I am paired with the junior Senator from Montana [Mr. GIBSON]. I transfer my pair to the Senator from Nevada [Mr. JONES], and vote "nay."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], and withhold my vote. If he were present, I should vote "yea" and he would vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote on this question. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. SIMMONS]; but as he would vote as I do on this question, I am at liberty to vote. I understand that the junior Senator from North Carolina is paired with his colleague [Mr. PRITCHARD] on this question.

Mr. SPOONER. My colleague [Mr. QUARLES] is absent in the discharge of public duties as a member of one of the Senate committees.

Mr. TURNER. I wish to inquire if the senior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. TURNER. I have a general pair with that Senator. As he is not present, I withhold my vote. If he were present, I should vote "yea."

Mr. CLARK of Montana (after having voted in the affirmative). I am paired with the junior Senator from Indiana [Mr. BEVERIDGE]. As he is not present, I withdraw my vote.

Mr. DANIEL. I am paired with the junior Senator from South Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

The result was announced—yeas 21, nays 35; as follows:

YEAS—21.

Bailey,	Cockrell,	McLaurin, Miss.	Taliaferro,
Bate,	Dubois,	Martin,	Teller,
Berry,	Foraker,	Mason,	Tillman.
Blackburn,	Foster, La.	Nelson,	
Carmack,	Heitfeld,	Patterson,	
Clapp,	Jones, Ark.	Perkins,	

NAYS—35.

Aldrich,	Dillingham,	Hanna,	Millard,
Allison,	Dolliver,	Hawley,	Platt, Conn.
Bard,	Elkins,	Hoar,	Platt, N. Y.
Burnham,	Fairbanks,	Kean,	Scott,
Burrows,	Foster, Wash.	Kearns,	Spooner,
Burton,	Frye,	Kittredge,	Stewart,
Cullom,	Gallinger,	McComas,	Vest,
Deboe,	Gamble,	McCumber,	Wetmore.
Dietrich,	Hale,	McMillan,	

NOT VOTING—32.

Bacon,	Dryden,	Mallory,	Quarles,
Beveridge,	Gibson,	Mitchell,	Quay,
Clark, Mont.	Hansbrough,	Money,	Rawlins,
Clark, Wyo.	Harris,	Morgan,	Simmons,
Clay,	Jones, Nev.	Penrose,	Simon,
Culberson,	Lodge,	Pettus,	Turner,
Daniel,	McEnery,	Pritchard,	Warren,
Depew,	McLaurin, S. C.	Proctor,	Wellington.

So Mr. WELLINGTON'S motion was rejected.

CUBAN RECEIPTS AND EXPENDITURES.

Mr. CULBERSON. I offer a resolution of inquiry and ask for its present consideration.

The PRESIDENT pro tempore. If there be no objection, the resolution will be read to the Senate.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a full, itemized statement of all moneys collected and disbursed by the authorities of the United States in Cuba from the military occupation thereof until May 20, 1902.

Mr. PLATT of Connecticut. I ask that the resolution may be again read.

The Secretary again read the resolution.

Mr. PLATT of Connecticut. When was it introduced?

The PRESIDENT pro tempore. It was just introduced with the request that it be considered now.

Mr. PLATT of Connecticut. I think it had better lie over one day, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the resolution goes over.

Mr. PLATT of Connecticut. I should like to state the reason. A portion of these expenses, up to a certain date, have been reported to the committee. I am under the impression that from that date up to the present time they could be sent here by the Secretary of War without any great delay, but it would make a very voluminous document, covering several volumes, and whether it can be done now and how much time would be required I do not know. I should like to inquire about it during the day.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business,

Mr. FAIRBANKS. Mr. President——

Mr. STEWART. Will the Senator from Indiana yield to me that I may make a request?

Mr. FAIRBANKS. I will yield for morning business.

Mr. STEWART. I ask unanimous consent that the motion to reconsider the vote by which the Choctaw treaty bill was passed be taken up immediately after the morning business to-morrow morning.

Mr. NELSON. Mr. President——

Mr. STEWART. It will take but a moment.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the motion to reconsider the vote by which the Choctaw treaty bill was passed may be taken up immediately after the morning business to-morrow morning.

Mr. NELSON. I object to that. That time is given to the London dock clause bill.

Mr. STEWART. Is all the time going to be taken up by that bill?

Mr. NELSON. No; not all the time. I have given away this week to the naval appropriation bill, and I gave way to the matter which occupied the Senate this morning. I am entitled to have the time to-morrow morning.

Mr. STEWART. I do not understand that a unanimous-consent agreement extends clear through the whole session.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I will inquire if the unanimous-consent agreement for the consideration of a bill can extend indefinitely during the whole session?

The PRESIDENT pro tempore. It did extend indefinitely in the case proposed by the Senator from Minnesota until the final disposition of the bill, not to conflict with almost everything else, however.

Mr. STEWART. It ought not to conflict with necessary business, such as treaties and the like, and formal business of the morning hour.

Mr. NELSON. I think the bill will be disposed of to-morrow.

Mr. STEWART. I hope so. I think I shall move to lay it on the table if it is not disposed of.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURROWS. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WARREN, Mr. PROCTOR, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company; and

A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. FAIRBANKS. Mr. President, we face a great undertaking, which completed will vitally affect the commerce of the United States and of the world. A new highway is to be established, through which a mighty commerce will pass during the centuries before us. It is an axiom of trade that commerce follows lines of least resistance, and when the narrow barrier dividing the great oceans is cut commerce will pass through it in constantly increasing volume between the Atlantic and Pacific ports of the United States and our territory in the seas, and between the Atlantic and Pacific ports of our neighbors in North and South America, and between the ports of the other countries of the world.

Years of discussion and futile effort to unite the two oceans lie back of us. Perhaps I should not say futile, as what has been so long attempted has served to accentuate the necessity of the work and point the way at last to its accomplishment. The task thus far has baffled statesmanship, defied individual and corporate enterprise, and challenged the wealth and power of governments. For nearly four centuries an isthmian canal has been the dream of statesmen and the hope of commerce. For quite seventy-five years the attention of the United States has been directed to the subject more or less sharply and with more or less frequency. But not until now, at the morning of the new century, has a government been able and strong enough and willing to speak the decisive word and to resolutely set about the hitherto almost impossible task.

More than fifty years ago the Clayton-Bulwer treaty was entered into between the United States and Great Britain, whereby the joint control of an isthmian canal was established. The State Department and the records of Congress bear abundant testimony that this treaty defeated its own purpose and brought friction between the two great English-speaking powers. The treaty contained no terms by which it could be terminated by either Government. Whether changed conditions and alleged breaches of some of the conditions by either party worked its abrogation has long been a debatable question. I have been of those who believed that the treaty was not abrogated, but was a subsisting convention, and that it should be respected as such until modified or abrogated, or superseded by a new treaty.

President McKinley, through his accomplished Secretary of State, John Hay, undertook to secure a modification or supersession of the treaty, and it is to their credit that we have confirmed and exchanged a treaty under which one of the most notable undertakings in the history of the world is to be accomplished. The Hay-Pauncefote treaty is a great achievement—a conspicuous tribute to our national self-restraint, our national honor, and to American diplomacy.

Under it we may construct, maintain, and operate an isthmian canal under the distinct authority of the United States. Its neutralization invites the commerce of the world, and all countries are concerned in its perpetual preservation. There will stand against our record now no taint or suggestion of national bad faith, and this work, which shall carry the commerce of the world long after the pyramids are resolved into dust, will proclaim both the honor and good faith of the United States.

It looked for a time as though the demands of trade were so acute and impetuous that they would sweep away the Clayton-Bulwer treaty by ex parte action; but while we were anxious to build the canal, we were more anxious to preserve inviolate our national good faith, and to not build it upon a foundation of broken covenants or upon ex parte renunciation.

The United States does not underrate the magnitude of the work. Her resources are entirely adequate. She asks no aid of

any power—and is ready to carry the enterprise to its consummation, and hold it perpetually for the commerce of the world, and upon terms of absolute equality.

For many years this enterprise has been sanctioned by the judgment of the American people, except possibly a few of those who felt that the commerce between our Atlantic and Pacific ports might be diverted from the transcontinental rails and to their prejudice. I am disposed to believe that such opposition has been unduly exaggerated, for those who have been charged with such a narrow view must, upon maturer reflection, have perceived compensating benefits in the more rapid and larger upbuilding and increase in wealth and power of our seaboard cities and the country back of them.

The approval of the project by the people has found expression for years in the platforms of the various political parties, and no party has desired or dared to make an issue upon the subject. Influential commercial bodies and the press have spoken forcibly and with remarkable unanimity in its favor.

Granted the necessity and the wisdom of the construction of an Isthmian canal, it becomes essential that the most available route should be determined.

Congress, appreciating the magnitude of the undertaking and feeling that it was insufficiently advised as to the most feasible route and its probable cost, authorized the President, by the river and harbor bill approved March 3, 1899, as follows:

SEC. 3. That the President of the United States of America be, and he is hereby, authorized and empowered to make full and complete investigation of the Isthmus of Panama with a view to the construction of a canal by the United States across the same to connect the Atlantic and Pacific oceans; that the President is authorized to make investigation of any and all practicable routes for a canal across said Isthmus of Panama, and particularly to investigate the two routes known, respectively, as the Nicaragua route and the Panama route, with a view to determining the most practicable and feasible route for such canal, together with the proximate and probable cost of constructing a canal at each of two or more of said routes; and the President is further authorized to investigate and ascertain what rights, privileges, and franchises, if any, may be held and owned by any corporations, associations, or individuals, and what work, if any, has been done by such corporations, associations, or individuals in the construction of a canal at either or any of said routes, and particularly at the so-called Nicaraguan and Panama routes, respectively; and likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route, and likewise to ascertain the probable or proximate cost of constructing a suitable harbor at each of the termini of said canal, with the probable annual cost of maintenance of said harbors, respectively. And generally the President is authorized to make such full and complete investigation as to determine the most feasible and practicable route across said Isthmus for a canal, together with the cost of constructing the same and placing the same under the control, management, and ownership of the United States.

He was authorized to employ the necessary persons to accomplish the purpose in view, and a million dollars was appropriated and put at his disposal.

Mr. MORGAN. Would the Senator object to reading the last clause of that act?

Mr. FAIRBANKS. Not at all. I will read it entire. I have just read section 3.

SEC. 4. To enable the President to make the investigations and ascertainments herein provided for, he is hereby authorized to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary to make such investigation, and to fix the compensation of any and all of such engineers and other persons.

SEC. 5. For the purpose of defraying the expenses necessary to be incurred in making the investigations herein provided for, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, or so much thereof as may be necessary, to be disbursed by order of the President.

SEC. 6. That the President is hereby requested to report to Congress the results of such investigations, together with his recommendations in the premises.

Does that cover what the Senator desires?

Mr. MORGAN. Yes.

Mr. FAIRBANKS. Mr. President, the scope of the inquiry was properly made broad and comprehensive, and the several matters to be investigated and reported upon were distinctly and specifically stated, and were such as were imperatively necessary to enable the Congress to arrive at a rational and satisfactory conclusion. They were such as the Congress should be fully advised about before it should take up for consideration and final action a subject of such magnitude and far-reaching importance as the one which now engages our attention.

Prior to this action of the Congress our minds had largely been confined to the Nicaraguan route. It seemed to be generally accepted as a fact that in the construction of an Isthmian canal that route was the one to be adopted. Public opinion had long been focused upon it. This was not due to any careful study of the comparative merits of the respective routes, but rather to the fact that the Nicaraguan route had been exploited by American companies, while the Panama route had been under the control of the French. Political conventions of all parties for many years had favored the Nicaraguan route, but that the people had any preference, except upon lines of superior availability, there can be no doubt.

The Republican national convention of 1896 declared in favor of the Nicaraguan route. Subsequently the Isthmian Canal Commission was created, and it seemed advisable that the vital subject of location should be more carefully considered, so the Republican national convention of 1900 declared in favor of the construction of an isthmian canal, but not in favor of any specific route. It was regarded as unwise, in view of the vast importance of the undertaking and of our partial information, to commit the Government blindly to any fixed line. It was deemed the part of conservative wisdom to leave entirely open the subject of permanent location until all available or ascertainable facts were secured and weighed by those having expert and scientific knowledge; for it is obvious that the subject is one peculiarly within the province of those who have given to the construction of great undertakings critical study, and who from long practical experience are able to weigh the merits and demerits, the advantages and disadvantages of the various routes. In fact, but few have given to the subject that intelligent and careful attention which its importance justifies.

The Congress had no pet scheme to advance; it was not to be governed by any purely sentimental considerations. It wanted to know but one thing, and that was which route, all things considered, was the most feasible and practicable. It was provided, therefore, that the Commission should not be limited in its investigation, but should give its attention to all routes worthy of consideration.

The President, agreeably to the provisions of the law, appointed a Commission, known as the Walker Commission, composed of men well fitted by education and experience to examine exhaustively the subject in its historic, scientific, economic, and practical features.

The Commission possessed in an especial degree the public confidence. It would have been difficult if not impossible to select men better fitted in all respects for the important work. They had but one end to accomplish, and that was to discharge freely, frankly, and fearlessly the high and important trust committed to them. They knew that their report would probably be the basis of Congressional action, and that their work sooner or later would be put to the test.

Let us see for a moment who were the Commissioners: J. G. Walker, rear-admiral of the United States Navy, was the president of the Commission; Samuel Pasco was long a conspicuous and honorable member of the United States Senate, a man learned in the law; Lieut. Col. Oswald H. Ernst and Col. Peter C. Hains came from the Army; Messrs. George S. Morrison, Alfred Noble, William H. Burr, and Lewis M. Haupt were selected from the list of eminent civil engineers; Emory R. Johnson, professor of transportation and commerce of the University of Pennsylvania, was added because of his conspicuous attainments. Four members of the Commission, Messrs. Walker, Hains, Noble, and Haupt, had served on a previous Commission created by the Congress.

The Commission critically examined the leading canals of the world; it conducted and caused to be conducted, through competent engineers, careful investigations into the local physical conditions along the several proposed routes, and we can not assume that it has failed to conscientiously, thoroughly, and intelligently discharge its important functions. It was engaged in its delicate and important work nearly two and one-half years.

The result of its investigations and deliberations is before the Senate in the form of two reports, very minute and comprehensive upon all aspects of the subject. We have before us in brief compass the complete history of all attempts to construct an isthmian canal, and an undivided opinion as to the most feasible route to be chosen, with an estimate of its probable cost.

The Commission, in its first report, after considering and weighing the respective merits of the various routes that have engaged attention from time to time, dismisses as impracticable all except the Panama and Nicaragua routes, and concludes that in view of the price fixed by the Panama Canal Company for the sale of its property, that "the most practicable and feasible route 'for an isthmian canal, to be' under the control, management, and ownership of the United States, is that known as the Nicaragua route."

The Commission discussed elaborately and with great detail the history of interoceanic projects and communications; the dimensions and unit prices; other possible routes; the Panama route; the Nicaragua route; earthquakes, volcanoes, climate, health; rights, privileges, and franchises; industrial and commercial value of the canal; military value and cost of maintenance and operation. Their report embraces 263 printed pages and is before us. No fact or feature essential for our consideration has been omitted. In concluding its report the Commission directs attention to the superior advantages of the Panama route, clearly showing that while it reported in favor of the Nicaragua route, its strong preference was the Panama route so far as purely physical conditions were concerned.

There are certain physical advantages—

Said the Commission—

such as a shorter canal line, a more complete knowledge of the country through which it passes, and lower cost of maintenance and operation in favor of the Panama route, but the price fixed by the Panama Canal Company for a sale of its property and franchises is so unreasonable that its acceptance can not be recommended by this Commission.

This indicates most conclusively that the suggestion which has been made that the second report of the Commission in favor of the Panama route is an afterthought, or that the Commission has without proper consideration abandoned the Nicaraguan route for another, is not well founded.

The report was made to the President November 16, 1901. It appears from it that the Commission had solicited of the New Panama Canal Company a price at which the canal could be purchased. The sum named was equivalent to $109,141,500 and was deemed exorbitant. The Commission estimated the value of the property of the company which might be utilized by the United States at only $40,000,000. After the submission of the report the Canal Company offered to sell its rights, property, and unfinished work to the United States for the sum of $40,000,000, the value put upon it by our own Commission.

This materially changed the aspect of affairs. The Commission was reconvened and resumed consideration of the subject in view of the new offer, and subsequently, on January 18, 1902, reported in favor of the construction of an isthmian canal on the Panama route.

The Commmission frankly and fully stated the reasons which had moved it to depart from the conclusions of its former report. These reasons, it seems to me, assuming the facts stated to be true, abundantly justify the Commission in its final conclusion. The second report is precisely the result which would have been reached in the first report if the canal company originally had not put upon its property an unreasonable price.

The advantage of the two canal routes—

Says the Commission—

have been restated according to the findings of the former report. There has been no change in the views of the Commission with reference to any of these conclusions then reached, but the new proposition submitted by the New Panama Canal Company makes a reduction of nearly $70,000,000 in the cost of a canal across the Isthmus of Panama, according to the estimates contained in the former report, and with this reduction a canal can be there constructed for more than $5,500,000 less than through Nicaragua. The unreasonable sum asked for the property and rights of the New Panama Canal Company when the Commission reached its former conclusion overbalanced the advantages of that route, but now that the estimates by the two routes have been nearly equalized the Commission can form its judgment by weighing the advantages of each and determining which is the more practicable and feasible.

There is, however, one important matter which can not enter into its determination, but which may in the end control the action of the United States. Reference is made to the disposition of the governments whose territory is necessary for the construction and operation of an isthmian canal. It must be assumed by the Commission that Colombia will exercise the same fairness and liberality if the Panama route is determined upon that have been expected of Nicaragua and Costa Rica should the Nicaragua route be preferred.

After considering—

These words are of uncommon weight and of controlling influence—

the changed conditions that now exist and all the facts and circumstances upon which its present judgment must be based, the Commission is of the opinion that "the most practicable and feasible route" for an isthmian canal, to be "under the control, management, and ownership of the United States," is that known as the Panama route.

It will thus be observed that the Commission has acted with entire consistency, and the reasons which led it to reconsider and change its recommendation of route are absolutely sound and controlling.

I know of no better light by which we can be guided than the information and opinion of the Commission charged with the grave and solemn responsibility of informing the Congress upon the subject. I was of those who, prior to the authorization of the Commission, felt the absolute inadequacy of the information at hand, and gladly supported the appropriation of $1,000,000 for the creation of it and the ascertainment of the information which has been laid before us.

My predilections and opinions, founded upon fragmentary and unsatisfactory information, were entirely in favor of the Nicaragua route. But if weight is to be given to the opinion of our own impartial commissioners, men of experience and capacity, we must discard the Nicaragua and select the Panama route.

The Commission has given us in much detail the obstacles to be overcome and the relative advantages of the respective routes, together with the relative cost of construction and cost of operation.

The estimated cost of construction of the Nicaragua route is $189,864,062.

The cost of the Panama route is estimated at (including $40,000,000 price of property to be acquired from Panama Canal Company) $184,222,358.

If we had but to consider the relative cost of construction of the two canals thus shown there would be a saving upon the Panama route of substantially $5,500,000. It is suggested that this sum is so small compared with the vast amount involved in the work that it is hardly worthy of consideration. It is perhaps true that it should not be allowed to weigh against mere considerations of feasibility in construction, operation, and maintenance, but inasmuch as it is a saving upon a route deemed by the Commission to be the most practicable and feasible, it is entirely proper to set down to the credit of that route a saving of five and a half millions of dollars.

It will be observed that the Commission has disclosed a very important fact, one which should be distinctly borne in mind, and that is that it will cost $1,300,000 less per annum to operate the Panama than to operate the Nicaragua route. This sum, capitalized on the basis of the interest upon the national bonds, equivalent to 2 per cent, amounts to $65,000,000. Add to this the amount saved in construction and we have a total sum to the credit of the Panama route of $70,500,000.

The all-important question, as I have hitherto said, is to select the proper route, and this must be determined upon no considerations of mere sentiment or favoritism. It is obvious that few among us possess that personal knowledge, that technical skill, to decide unaided this vital question. Who upon this floor is familiar with the physical characteristics of the country, or has personal knowledge of the several contemplated routes? Or who knows the various essential features to be taken into account in the location and consideration of so important a work?

I frankly confess that I have no knowledge whatever upon the subject, except as I have gathered it from the reports of those who have investigated it in all of its bearings and aspects. I go to those who have been upon the ground and applied all of the tests known to science, or which have been suggested by experience, to enable them to form an opinion as to what can be accomplished, and at what cost, and I must accept their best judgment. To blindly disregard such opinion would, it seems to me, be unwise and dangerous in a degree.

It is a fortunate circumstance that we have before us the unanimous report of the Commission. The nine commissioners speak but one voice, and that is in favor of the Panama route. Whose opinion is entitled to more weight than theirs?

The advantages of the Panama route as stated by the Commission were submitted to the Senate a few days ago by the distinguished Senator from Ohio [Mr. HANNA], but I may be pardoned for restating them in this connection as they are summarized in the report of the minority:

1. It is 134.57 miles shorter than the Nicaragua from sea to sea (being 49.09 miles by Panama as against 183.66 miles by Nicaragua).

2. It has less curvature, both in degrees and miles, being but 22.85 miles of curvature as against 49.29 on the Nicaragua, and but 771 degrees for Panama as against 2,339 degrees for Nicaragua.

3. The actual time of transit is less, being but twelve hours of steaming by Panama, as against a minimum of thirty-three hours of steaming by Nicaragua; that is, of one day of daylight as against three days of daylight (for the canal must be navigated by day exclusively at first, and, to a great extent, always, especially by large ships, which chiefly will use it. The Commission's plan does not provide facilities for navigation by night.)

4. The locks are fewer in number, being but five on the Panama to eight on the Nicaragua.

5. The harbors are better, those at the termini of the Panama being good and already used by the commerce of the world, while at the termini of the Nicaragua there are no harbors whatever.

6. The Panama route traverses a beaten track in civilization, having been in use by the commerce of the world for four centuries, while the Nicaragua route passes through an unsettled and undeveloped wilderness.

7. There already exists on the Panama route a railroad perfect in every respect and equipped in a modern manner, closely following the line of the canal, and thus greatly facilitating the construction of the canal, as well as furnishing a source of revenue, and included in the offer of the Panama company.

8. The annual cost of maintenance and operation of the Panama Canal would be $1,300,000 less than that of the Nicaragua (which sum capitalized is the equivalent of $65,000,000).

9. All engineering and practical questions involved in the construction of the Panama are satisfactorily settled and assured, all the physical conditions are known, and the estimates of the cost reliable, while the Nicaragua involves unknown and uncertain factors in construction and unknown difficulties to be encountered, which greatly increase the risks of construction and render uncertain the maximum cost of completion.

In addition to these facts stated by the Commission are the two following, not referred to by them, but which have become of controlling importance, viz:

10. It is recognized that a sea-level canal is the ideal. The Panama Canal may be either constructed as a sea-level canal or may be subsequently converted into one. On the other hand, no sea-level canal will ever be possible on the Nicaragua route.

11. No volcanoes exist on the line of the Panama Canal nor in its neighborhood. On the other hand, the Nicaragua route traverses an almost continually volcanic tract, which has been during the last three-quarters of a century probably the most violently eruptive in the Western Hemisphere. The active volcanoes, Zapatera and Ometepe, rise actually from the waters of Lake Nicaragua.

12. At Panama earthquakes are few and unimportant, while the Nicaragua route passes over a line of well-known crustal weakness. Only five disturbances of any sort were recorded at Panama during 1901, all very slight, while similar official records at San Jose de Costa Rica, near the route of the Nicaragua Canal, show, for the same period, 50 shocks, a number of which were severe.

13. As a practical matter the masters of vessels prefer the Panama route for safety, convenience, and shortness of transit, for its less curvature and risks, and for the lower insurance rate by that route.

Mr. HARRIS. Will the Senator kindly state from what he has been reading?

Mr. FAIRBANKS. I have been reading from the report of the minority of the committee, on pages 10 and 11.

I have said that the reports of the Commission were unanimous. They were, in fact, signed by each member, but since their submission one of the Commissioners appeared before the committee and dissented from the conclusions of the Commission. I quote from his testimony.

Mr. HAUPT. * * * As the question before this committee is largely one of the selection of two routes, I beg leave to say that while conceding to the wishes of the majority and signing a report in order to make it unanimous, and so, if possible, to secure legislation at this session, I still feel and did then that there were certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route which gave it a decided preference over the Panama route.

This extraordinary admission should eliminate Mr. Haupt from further consideration in connection with the subject of the canal. The Congress wished for the frank and unbiased opinion of the commissioners, but by the admission of this officer he deliberately signed a report stating essential facts and conclusions to be true which, according to his present testimony, were not true and well founded. By his admission he is a discredited witness. Which shall we accept? The opinion he solemnly expressed in the report of the Commission, or the opposite conclusion which he submitted to the Committee on Interoceanic Canals? We shall not pause to consider whether he was right when acting with the Commission, or when he testified before the committee. We have not time to reconcile his conflicting views. His opinions and testimony should be dismissed as unworthy of credence.

It is asserted, with much apparent confidence, that it is impossible for the United States to secure an absolute, clear title to the property of the New Panama Canal Company, and that if we acquired the property we would take it subject to innumerable demands of stockholders and creditors, and that we would find ourselves involved in vast and inextricable confusion and legal difficulties.

From such examination as I have been able to make, I do not think that the contention is well founded and believe that the United States will take the property, if it shall purchase it, free and clear of all demands of stockholders and creditors, and that it will not rest under any legal, equitable, or moral obligation to pay one dollar beyond the $40,000,000, the price asked by the Canal Company.

It will profit little to go into the long, legal history and all the details of the original Panama Canal Company, and of the company now owning the property. Reference to a few salient features will suffice. The Compagnie Universelle du Canal Interocéanique, known as the "old company," was incorporated under the laws of France and undertook the construction of the Panama Canal. It obtained and held proper concessions from the Government of Colombia. The company was organized and the work of construction was begun by Ferdinand de Lesseps, who was then at the zenith of his power, and the civilized world looked forward with confidence to the early consummation of the great and long-delayed undertaking. But the enterprise was fated, the corporation became insolvent, and by the close of 1888 proceedings were taken in a French court having jurisdiction for its dissolution. The court, upon proper hearing, by a decree passed February 4, 1889, "found the company to be insolvent, pronounced its dissolution, and appointed" a liquidator, an officer of the court corresponding to a receiver in the courts of the United States. The liquidator became the custodian of all the property of the insolvent company. The old enterprise was dead and the court was obliged to administer upon the assets of the company. It was the duty of the liquidator to marshal and distribute the assets among the creditors and stockholders of the corporation under the authority and direction of the court. The court appointing the liquidator invested him "with the broadest powers, especially to grant or contribute to any new company all or part of the corporate assets."

Under the concession from the Government of Colombia the old company, because of its insolvency and inability to complete the canal, was sure to forfeit valuable concessions. Substantially all of the building materials, works, improvements, and other assets of the canal company would be forfeited and lost, unless some arrangement could be made with a new company to take up and prosecute the unfinished work.

The liquidator secured an extension of its contract with the Colombian Government in 1890 for a period of ten years.

It was provided in the original extension that the concessionary should transfer the plant of the company in liquidation to a new company, which should undertake to complete the canal. It was further provided that the new company should be organized with sufficient capital for the purpose and should resume the work not later than February 28, 1893. This condition not having been fulfilled, a further extension was secured until October 31, 1894.

The payments exacted by Colombia for the extensions were duly and properly made by the new company.

Before the new company was organized the Parliament of France passed a special act to control the closing up of the affairs of the old company. The act was passed July 1, 1893.

It specially provided that the transfer or contribution of the corporate assets by the liquidator should be subject to confirmation in open court.

A new company was organized in 1894 and the assets of the old company were duly transferred to it by the liquidator. Opportunity was given the intervenors to interpose objections, objections were made and overruled, and the decree of the court ratifying the action of the liquidator was made final. Under the sale to the new company, it was provided, among other things, that the liquidator should receive 60 per cent of the net profits of the new company.

It was well understood that the only hope of saving anything to the creditors was by reorganizing the enterprise and inducing the investment of new capital. If work which had been stopped was not resumed and prosecuted, all that had been done would be forfeited and would become utterly valueless.

Will it be maintained that the court which had the power to direct the liquidator to make the contract under which existing property might be saved for the cestui qui trust has no power to authorize a modification of it when such property was again in peril, so that what remained might still be preserved? No one fails to see that the new enterprise is a failure, and unless a sale is effected the liquidator will realize little or nothing upon the reserved profit of 60 per cent.

The French court has taken action in the matter of the proposed sale upon a petition duly exhibited by the liquidator. This officer asked leave of the court to make an agreement with the new company concerning—

First. The determination of the price and the conditions to be proposed to the eventual purchaser.

Second. The division of the proceeds of the sale should such sale be effected.

After due consideration the court, August 2, 1901, decreed that the liquidator might enter into a contract with the new company, as desired.

Acting under this specific authority, the liquidator on December 4, 1901, entered into a contract with the new company whereby it was expressly agreed that "the price and terms of sale should be left to the new company and that the division of the proceeds between that company and the receiver (liquidator) should be left to arbitrators named in the new contract."

Thereupon the new company made its offer of sale to the United States.

The proceedings are entirely regular, and will be recognized by the bar as in perfect harmony with the practice that maintains in the courts of the United States.

The power to sell is sanctioned in the most unequivocal terms. The only matters unsettled are the distribution of the proceeds of sale between the liquidator and the new company, and after that is determined the distribution of the proceeds between the creditors of the old company for whose benefit the court administers the fund. But as to these matters we do not have the remotest possible concern. We will hold the property free of all French claims and the creditors will participate in the distribution of the funds derived from the sale, agreeably to the law in the French courts.

It seems to me that the views of the minority with respect to the power of the new company to convey to the United States a good title are perfectly sound and consistent with the practice of the French and American courts.

The position of the majority is certainly not well founded. It seems to me that they have taken an entirely erroneous view of the subject. Among other objections which they urge with confidence is the following:

Whatever peculiar decisions the French courts might make to throttle the bondholders and stockholders of the old company, as stated in the deposition of M. Lampre, even if those courts should hold that the rights of these 500,000 people are exterminated by the decrees of the French courts, we could not close the doors of our courts against such litigants. When they appeal to our courts for their rights as against the United States as the holder of the property, we have already declared, through the judgments of our Supreme Court, and of our State courts, in many adjudged cases—

I wish the honorable majority of the committee had favored the Senate with one of those adjudged cases—just one—

that they could compel us to pay the bonds of the old company, with 5 per cent interest from the date of issue, and also the interest due on the stock subscriptions for at least ninety-nine years, or else surrender the property to them or to the company, it not having any lawful authority to sell to the United States. There appears to be no possible escape from this dilemma through any legal proceeding.

Upon what theory will dissatisfied bondholders and stockholders of the old company obtain admission to our courts after the French courts have duly adjudged their rights? "We could not close the doors of our courts against such litigants," say the majority. Why? Are the French courts powerless to pass final decrees and give litigants repose? Is it the rule of our courts to take

jurisdiction of foreign litigants and their causes after they have proceeded to final decrees in foreign courts?

The question has been asked whether the liquidator can enter into a contract with the new company for a sale to the United States which would radically change the contract of sale to the new company.

I am clearly of the opinion that he can do so. He could not do so without the authority of the court having jurisdiction of the parties interested in the estate of the old company. That court authorized the liquidator to make the contract with the new company, and by a proper decree or order it may authorize him to consent to a modification of the contract or to a sale of the property of the new company, if that be deemed at all necessary, on the terms and in the manner now proposed. The liquidator is but the arm of the court. The court may clearly direct him, in the exercise of its broad equitable discretion, to consent to change the contract with the new company, accept his share of the proceeds of the sale to the United States, and distribute it to the parties before the court as their rights and equities may appear. This is in accordance with the universal practice. There is nothing novel or extraordinary about it; it is in consonance with the principles and practice of courts of equity everywhere.

Under the concessions of the Colombian Government to the French companies the New Panama Canal Company can not sell to the United States without the consent of that Government. Such consent has been obtained from that Government, and it stands ready to grant the necessary concessions to the United States to enable it to construct and forever maintain and operate the canal. Our right to construct the canal will not be derived from the new canal company, but must come from a treaty direct with the Colombian Government.

The Republic of Colombia offers to give to the United States all necessary jurisdiction over the canal and territory requisite for its construction and operation. The United States to pay to it a reasonable annual compensation, to be fixed by the two Governments every hundred years, except the amount for the first term is to be fixed at the end of fourteen years. The sum of $7,000,000 shall be paid by the United States upon ratification of a treaty, but is to be accounted for in subsequently fixing the annual compensation.

The above is proposed by the Republic of Colombia as the basis of a treaty and is subject to the further consideration and action of the two Governments. It is evidence of the disposition of the Republic of Colombia to grant to the United States necessary concessions and there is no doubt that a fair treaty will be effected between the two Governments.

We are not obliged to determine the wisdom or policy of the construction of an interoceanic canal. That has been determined by the people, and we are left to execute their wishes.

The canal, it is believed, will have a vital, beneficial effect upon the commerce of the United States. All sections of the country will share, in greater or less degree, in the benefits arising from the completion of this great highway.

The Isthmian Canal Commission has pointed out the advantages to accrue to our commerce so fully and well that I beg to direct the attention of the Senate thereto.

The canal will assist a wide range of industries, agricultural, mineral, lumbering, and manufacturing, and will promote the progress of all sections of the country. The expenses and delays at present incurred in the commercial intercourse of the Central, Southern, and Eastern States with the Pacific markets of our own and foreign countries, and in the trade of our Pacific States with Europe, impose a serious limitation upon the progress of American industries. Cheaper and more expeditious access to Pacific markets will benefit not only the Northeastern States by giving them cheaper raw materials and larger markets for their varied manufactures, and the Southern States by increasing their exports of cotton, cotton goods, forest products, iron and steel manufactures, and fertilizers, but also the Central West. The Central States are now manufacturing extensively for the foreign and domestic trade; the Isthmian waterway will give them a larger business with the Pacific coast and enhance their ability to meet European competition in western South America, Australasia, and the Orient.

The natural resources of the Pacific Coast States are such that their industries require an extensive commerce. Manufacturing activity is confined to a relatively narrow range, and large quantities of manufactured articles must be secured from the eastern part of the United States and from foreign countries. The major share of the exports, which consist mainly of food stuffs of various classes and of forest products, is now sent to Europe, the annual cargo tonnage of the maritime commerce with that continent amounting under the present unfavorable conditions of shipment to about a million and a half tons. The domestic and foreign trade of the Pacific Coast States is burdened with especially heavy transportation costs, whether the shipments be made by water or by rail. The cost of rail transportation is such that the tonnage of bulky commodities moved across the country for sale in American and European countries is now and must remain comparatively small. Cheaper transportation by an all-water route for the North Atlantic trade of the Pacific Coast States will be of great assistance to the development of that section.

The canal will have an especially direct and important effect upon the market for American coal. Vessels engaged in our own or European commerce through the canal will find it to their advantage to purchase American fuel on our Atlantic or Gulf seaboards, or in West Indian and Central American stations. The larger commerce which the canal will cause to move across the North Pacific may increase the demand for the product of the Puget Sound mines. The low cost at which coal can be placed at tide water on the Gulf and Atlantic seaboards, and the fact that there will be a considerable movement of vessels in ballast or with part cargoes westward through the canal, makes it probable that the coal required for industrial purposes on the west coast of South and Central America, and for commercial uses in those regions, and to some extent in the coaling stations of the Pacific, will be supplied from the mines in the southern and eastern sections of the United States. The demands at home for the coal of all the mining centers of the United States will be enlarged by the canal in proportion to its effect upon the development of American industries.

The effect of the canal upon the railroads in the Eastern and Southern sections of the United States will be favorable. The lines in the central West will feel the competition in rates somewhat more than will the Eastern and Southern roads, but the only business that can be diverted from them is the low-class transcontinental traffic, and this will be fully compensated for by the larger traffic due to the canal's effect upon the development and diversification of the manufacturing and other industries of the section they serve. The railways connecting the Mississippi Valley with the Pacific ports are the roads with which the canal's competition will be strongest, and the rates on a large share of their through business will be regulated by the water route. The through or trans-Cordilleran business originating or terminating at Pacific ports and subject to diversion to the canal is not a heavy tonnage. It constitutes only a small part of their total traffic, and during recent years has contributed less than the growth of their local business to the increase in their total tonnage.

Although over half the American tonnage now engaged in coastwise and foreign commerce consists of sailing vessels, steamers are taking their place so rapidly that probably only a small portion of the tonnage under the flag of the United States will consist of sailing vessels at the time of the completion of the isthmian waterway. Moreover, the canal will enlarge the demand for steamers, and hasten their substitution for sailing vessels. The Nicaragua route could be taken by the latter more advantageously than could one across Panama, but it is doubtful whether either route could be profitably used by sailing vessels in competition with steamers in any regular line of trade. There will always be a demand for sailing vessels for a part of our coastwise traffic, and for opening up foreign commerce with regions whose initial trade is small or of irregular volume. The canal will not eliminate them from ocean commerce, but will restrict the field of their employment.

The canal will effect large results in developing the industries and commerce of Pacific countries and increasing their trade. Those countries possess abundant natural resources, produce large quantities of food products and raw materials indispensable to the people of the United States and Europe, and export many manufactured articles not obtainable elsewhere. Although the people of most Pacific nations other than Australia and New Zealand have small purchasing power per capita, their numbers are so great that their total imports can reach a large sum. The commerce of the Pacific at the present time is of great importance to the United States and Europe and is rapidly increasing. Our commerce with Pacific countries is growing at a larger rate per cent per annum than is our trade with Europe, and the isthmian canal will enable the United States to control a greater share of the Pacific trade than could otherwise be obtained. The canal will be especially beneficial to the trade of the United States with western South America, where Europe now controls most of the foreign commerce. The new route will give a decided advantage as regards distance over Europe in the commerce of that section.

Our ability to manufacture for the markets of the trans-Pacific countries s evidenced by our steadily increasing sales to them in spite of the present high cost of transportation. The canal will place Europe and the United States on a basis of equality in distance for the trade of the Orient and Australasia. At the present time the advantages are greatly with Europe.

The honorable Senator from Oregon [Mr. MITCHELL], and I regret he is not in his seat, in a speech of rare power adverts to the colossal frauds which have been perpetrated in connection with the Panama Canal enterprise, and is of the opinion that it is not good national policy to take up the work where it is left off by the canal company. The distinguished Senator is not too severe in condemning the frauds which have heretofore surrounded the Panama enterprise. They are perhaps without a parallel. They do not, however, concern us, nor should they deter us from the use of a valuable route which nature has partially prepared for the purpose of commerce.

We have nothing but words of censure for those who have hitherto betrayed their trust and brought a noble undertaking into worldwide disfavor. But we take the property free from any taint. The title of the United States will be derived in an entirely legal and proper way. It will not come from those upon whom rests any stain or blemish.

Because those who initiated the Panama enterprise brought it into disrepute, shall the way to the construction of a canal at Panama be forever closed?

The honorable Senator further criticised some American gentlemen for representing the Panama Canal Company in the United States, including among the number ex-Secretary of the Navy Col. Richard W. Thompson, of Indiana. I can not believe that the Senator would attribute to the late Colonel Thompson the willful commission of any act which was in derogation of the high office he held, or which a gentleman of sensitive honor might not properly do. Colonel Thompson left the Cabinet of President Hayes to become managing agent of the American branch of the Panama Canal Company. At that time the company had not fallen into disfavor. What act Colonel Thompson did while connected with the company which would fairly subject him to criticism I have never heard mentioned. If there was such act, it has not been, so far as I am advised, made public.

Mr. President, Col. Richard W. Thompson was a distinguished and honorable citizen of the State of Indiana. He was a man of the utmost rectitude of character; he possessed in an eminent degree the respect and admiration of all parties and of all classes. There was no man within the limits of the State more beloved than he. When he died, but a few years ago, at the advanced age of nearly 92 years, he bequeathed nothing but the rich heritage of

an honorable name. No stain whatever rested upon it. I believe that the most critical search of the records of the American branch of the canal company during the few years he was associated with it will disclose no act of his which could justly be made the basis of a charge that he had in the remotest possible degree betrayed his trust.

The pending bill appropriates so much money as may be needed to secure the necessary territory belonging to Costa Rica and Nicaragua for canal purposes, and in addition the sum of $10,000,000 for carrying forward the work of construction. The Spooner amendment appropriates such sum as may be requisite to acquire the necessary rights from the Republic of Colombia ($7,000,000 must be paid upon the ratification of a treaty; this amount is subject to change), and also $10,000,000 for forwarding construction, and in addition $40,000,000 for the purchase of the property of the Panama Canal Company. These various sums, amounting to $57,000,000, are to be paid from the Treasury.

According to the Commission, the cost of acquiring and constructing the Panama Canal, not including the cost of obtaining new rights and concessions from the Republic of Colombia, will be $184,222,358. The amount remaining to be expended upon the route after the appropriation of the $57,000,000 contemplated by the Spooner amendment will be, in round numbers, $134,000,000.

Shall that sum be paid from the Treasury from time to time as the work progresses, or shall its payment be made in whole or part from the proceeds of bonds maturing in the future?

I do not believe that the current receipts of the Treasury should bear the entire burden of the cost of the canal. The canal is to be built not only for the present but for future generations. The larger part of the burden should be equitably distributed over a period of years and be gradually liquidated out of the income of the canal, if that should prove to be adequate, and if the income should be insufficient, then it can be discharged by future taxation.

I am a firm believer that it is the wisest governmental policy to avoid incurring obligations which can not be met from the current income; in short, it is a good policy for the Government to pay as it goes. But here is an unusual undertaking; an extraordinary draft is to be made upon the Treasury. It should not be allowed to postpone the many improvements necessary to accommodate the public business and to impose a burden which would make necessary and imperative a considerable annual increase in current taxes. The cost of the work should be distributed over a reasonable number of years by the issue of bonds, so that it may be lightly borne.

We do not, of course, increase the burden upon the people by an issue of bonds for this purpose. The credit of the Government is so high that it can borrow the money at a low rate of interest and leave the money which otherwise would be required in the pockets of the people, at least for the time being. If the canal shall yield in tolls such sums as those who are competent to judge have estimated, a fund may be created for the gradual retirement of the bonds issued for construction without becoming a burden upon the taxpayers of the country, either now or in the future.

Should we pursue the policy of paying from the Treasury as the work of construction proceeds, the present taxpayers would bear the entire burden. They would not, in the nature of the case, be reimbursed from the revenues to be derived from the commerce of all nations when the great work is completed.

May we not, in equity and good conscience, defer payment of a part of the cost of construction by an issue of low interest-bearing bonds from time to time, as may be necessary, and then pay the bonds as they shall mature, in whole or in part, from the tribute which will flow from the commerce of the world when the canal is completed?

I would rather see the canal paid for out of the Treasury as the work progresses and without issuing a solitary bond therefor, but there are so many urgent and proper demands upon the Treasury that I fear it could not be done without imposing an undue burden upon it. Our expanding commerce requires larger appropriations for the improvement and protection of rivers and harbors; our Navy makes increasingly large drafts upon the revenues; the pension roll must be faithfully and punctually discharged—the extension of the rural free-delivery service is no longer an experiment—it has become an obvious and urgent necessity; the erection of public buildings is demanded in the prompt and proper discharge of the public business, and is necessary to avoid large expenditures in the way of rent for inadequate service.

These and many other familiar and necessary demands are pressing upon the current revenues of the Government, and will continue to do so during the progress of the construction of the canal and thereafter. So that it is the part of conservatism that we should make ample provision for the prosecution of the great isthmian enterprise, which is to benefit the future as well as ourselves, without forcing the Government to the alternative of increasing the tax rate or of abridging the work to which I have alluded.

I do not believe in a policy of putting undue burdens upon posterity, but believe for the reasons indicated that we may fairly provide that a just and equitable portion of the cost of the present work shall be paid in the future.

"There are considerations," as the Commission says, "more important than revenue." It may be deemed wise, in the exercise of a broad policy, to reduce the tolls so that they will cover merely the cost of operation and maintenance. If this should be done, the redemption of the bonds would be provided for from the Treasury as readily as payments could be made from that source during the progress of construction.

Provision may be made now for an adequate issue of bonds to prosecute this great national undertaking; or we may provide therefor in the future by appropriate legislation.

Mr. President, yesterday during the very able speech of the senior Senator from Washington (Mr. TURNER) a colloquy occurred, and, as it assumes to state the position of the opposition to the Panama route in a concrete way, I beg to read it:

Mr. CLAY. I beg to interrupt the Senator from Washington to say that if I catch his idea it is this: The old Panama Company was composed of seven or eight hundred thousand stockholders.

Mr. MORGAN. Stockholders and bondholders.

Mr. CLAY. Stockholders and bondholders. They had a charter from the French Government, as I understand the Senator. The old company, after having expended about $200,000,000, completed about one-fifth of the canal, and then the old company failed in business. The new company became the purchaser of the rights, privileges, and franchises of the old company. As I understand the Senator, they agreed in a contract to carry out the terms of the charter of the old company, and not only to complete the canal, but after it was completed they agreed then to pay to the stockholders and bondholders of the old company 60 per cent of their net profits.

I understand that the new company agreed to be bound—in fact, they were bound and are bound—by the terms and conditions of the charter granted to the old company. Now, I understand the Senator's position to be simply this: That if we buy the rights, privileges, and franchises of the new company we are bound to carry out its contract with the old canal company.

Mr. TURNER. The statement of the Senator from Georgia is substantially correct.

Mr. CLAY. In reading the report (and I have read both reports with a great deal of interest) I understand that the charter granted to the old Panama Company provided that all of the machinery used in the construction of the canal should be purchased in France, and all of the raw material used in the construction of the canal should be purchased in France. My understanding is that the new canal company accepted the same terms and conditions in regard to the construction of the canal.

Mr. MORGAN. That was the condition imposed upon the old canal company and the new canal company by an act of the Parliament of France when they were permitted to enter into what was called the "lottery bond scheme."

Mr. CLAY. Then, I will ask the Senator if it is not true that if we buy the charter and all other rights and privilegs of the new canal company the stockholders in the old canal company, saying that the new company owes them certain rights and that they took this property in trust for the purpose of carrying out those rights, and if we accept their privileges and franchises, knowing these facts, would not the Government of the United States be bound in equity to carry out all the terms of the contract with the old company?

Mr. MORGAN. It would be not only bound in equity, but bound in law. However, I will not undertake to explain that, because I am satisfied the Senator from Washington will go over the whole ground.

Mr. CLAY. I beg the Senator's pardon.

Mr. TURNER. I think the Senator from Georgia is entirely correct in his statements.

Mr. President, this seems to me to be an entire misconception of the legal questions involved, an entire misconception of the responsibilities we would assume by the purchase of the property of the new canal company.

The honorable Senators assume that the new company purchased the charter of the old company. It did not. It purchased the property of that company, but obtained its charter under the incorporation laws of France. The United States will purchase no charter. It needs none. It will buy simply and solely the property belonging to the new company, owned and controlled by it under a charter. Nor will the United States be obliged, if it purchase the property of the new canal company, to purchase from France the materials hereafter used in the construction of the canal.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. FAIRBANKS. With pleasure.

Mr. GALLINGER. The Senator from Oregon [Mr. MITCHELL] in his very able argument made use of this language, which attracted my attention at the time:

Here again let me call your attention to a difficulty right at this point. The New Panama Canal Company, which succeeded to the rights of the old Panama Canal Company, rest in part for what they have to sell upon French legislation, and French legislation was to the effect that if that company constructed that canal all the raw materials used in its construction must be of French origin. Query: We become the successors in interests of the New Panama Canal Company, as the New Panama Canal Company became the successors in interest of the old company. If we go on and construct that canal, must we follow this legislation? We are bound by it, are we not? Etc.

I should like to ask the Senator, as a distinguished lawyer, what his view is on that point. It struck me as being a most extraordinary proposition when it was uttered, and if it were true it would be a very troublesome factor in determining my mind on the question that is before the Senate.

Mr. FAIRBANKS. I must dissent from the proposition of the

able and distinguished Senator. I make this statement subject, of course, to correction, but as I understand it a lottery scheme was authorized by act of the French Parliament, under which the old enterprise was to obtain aid. Am I not correct in that?

Mr. KITTREDGE. Yes.

Mr. FAIRBANKS. The act to which I refer is dated June 8, 1888. By it the old company was authorized to issue lottery bonds, and as a condition it was provided that—

All material necessary for the completion of the works shall be manufactured in France.

And that—

The raw material must be of French origin.

The new company is absolutely distinct from the old one. It can not exercise the power to issue lottery bonds. The purchase of French supplies was a condition imposed for the exercise of the lottery privilege.

Mr. GALLINGER. Manufactured and raw.

Mr. FAIRBANKS. Both manufactured and raw; but that was an obligation which does not run with the property. When the old company went into liquidation and its property was transferred under a decree of the court, it passed free of all conditions and obligations of that character which might have theretofore existed against the company.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. FAIRBANKS. With pleasure.

Mr. CLAY. A liquidator in France corresponds to a receiver here, as I understand it.

Mr. FAIRBANKS. Yes; I understand so.

Mr. CLAY. If the property was sold at a receiver's sale by a decree of the court, without any conditions, then the purchaser would get it without any conditions and the old company would have no rights at all. I concede that. But if the property was sold by the old company, and the new company in purchasing the property agreed to carry out certain conditions, to build the canal within ten years, and after it was completed to pay the stockholders and the bondholders of the old company a certain per cent of its net profits, the old company then would have certain rights and privileges, and by reason of the sale it would not lose all of its rights and privileges. Then if we purchased these rights and privileges from the new company, would not the stockholders and bondholders of the old company in equity have some claim against our Government?

Mr. FAIRBANKS. The Senator's question is not pertinent to the particular subject I had under consideration, but I will stop and answer him now. There were conditions at the time of the sale. They were imposed by the court administering the estate of the insolvent company. Is not that true?

Mr. CLAY. My understanding——

Mr. FAIRBANKS. Well, is not that true? The conditions were imposed by a court administering the insolvent company's estate.

Mr. CLAY. I will state to the Senator that I did not so understand from the statement of the Senator from Washington [Mr. TURNER]. If the Senator from Washington was correct, I can not see how the decree passing the title could have any effect whatever. In order to divest the stockholders and bondholders of the old company of their rights and privileges they must have been heard either in person or by counsel. I have never heard of a court that could make a decree divesting any party of his property or of title to his property unless he was heard and made a party in court.

Mr. FAIRBANKS. If the Senator will examine the record, I think he will come to the conclusion I have reached, that all the parties were represented before the court—bondholders and stockholders and miscellaneous creditors. Is it to be supposed for a moment that the court undertook to sell the old property in order that the new company might be organized and put upon its feet and accomplish the purpose which the old one had failed to accomplish, and that it transferred that property subject to all of the obligations of the bondholders and stockholders and miscellaneous creditors to the extent of hundreds of millions of dollars? Is it conceivable that new capital, so essential, would have come in and invested in the new company if the property was burdened with the obligations of the old?

Mr. CLAY. I will simply state to the Senator that the Senator from Washington, in reading a copy of the decree of the court, stated distinctly that the bondholders and stockholders were not parties to those proceedings, and that they were neither represented by counsel nor had they any representative whatever, and they had no notice of the decree. I know nothing about it except what the Senator from Washington stated in his remarks.

Mr. FAIRBANKS. On the contrary, the parties had notice. Notice was given. The Senator will recollect that there was a special act to aid in winding up the affairs of the old company passed July 1, 1893. It was provided by that act, among other things, that ten days' notice at least should be given of decrees tending to alienate any assets of the company. The Senator will find upon an examination of the record that parties did intervene and interpose objections, and they were heard by the court, and the objections were overruled.

Mr. SPOONER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Indiana yield?

Mr. FAIRBANKS. With very great pleasure.

Mr. SPOONER. If the Senator will look at that act he will find that it provided for the conveyance of the property.

Mr. FAIRBANKS. I am much obliged to the Senator for the suggestion. The act expressly provided for the conveyance of the property.

The Panama enterprise was a subject in which the French people were interested. It had been a failure; the property was covered with innumerable bonds, obligations, and charges, and it was necessary that all parties should be brought into court and that the property should be sold clear of all incumbrances and obligations. In no other way could new capital be secured.

What are the rights of the old bondholders and stockholders in the new company to which the honorable Senator from Georgia refers? They are represented by the liquidator. What is he entitled to as the representative of the creditors of the old company? He is entitled to 60 per cent of the net profits of the new enterprise. How did he become entitled to the 60 per cent? Through an agreement entered into by the liquidator and the new corporation, under the clear and specific authority of the court. The point I make to my honorable friend is that the court, still having jurisdiction of the parties litigant and of the liquidator, and having authorized the latter to make the original contract, it can now empower him to modify, annul, or set it aside.

If the Senator, at his convenience, will kindly turn to page 156 of the hearings before the Committee on Interoceanic Canals, Document No. 253, part 1, he will find the decree of the court, and on page 163 of the same document he will find the order of the court confirming the sale.

Recurring to the statement made upon this floor to the effect that the lottery scheme, with its burdens, passed to the new company, I wish to call attention to the testimony of Mr. Lampre, an eminent member of the French bar. On page 49 of the first volume of the hearings before the committee the following occurs:

M. LAMPRE. * * * In 1888 the old company was authorized by the Parliament in France to issue lottery bonds, which it did for the amount of 72,000,000 francs. But the issue was not all taken, you see. Part of it was left in the old company's treasury, because it was not subscribed.

The CHAIRMAN. Is that scheme in existence yet?

M. LAMPRE. Yes; it is in existence.

The CHAIRMAN. The lottery scheme?

M. LAMPRE. Yes, sir.

The CHAIRMAN. It is still in existence?

M. LAMPRE. Oh, yes; a special corporation.

The CHAIRMAN. And the new company has the benefit of it?

M. LAMPRE. No, sir; the new company has nothing to do with it.

The CHAIRMAN. Why has not the new company the benefit of that scheme?

M. LAMPRE. Because it was not transferred to the new company. It was left outside of the transfer.

The CHAIRMAN. It was not transferred?

M. LAMPRE. No, sir.

The honorable Senator from Kansas [Mr. HARRIS], in the course of his very interesting and able speech expressed his unwillingness to question the motives of those who did not favor the Nicaraguan route. To those who know the honorable Senator, this statement was wholly unnecessary, for no one would impute to him an impeachment of the motives of those who might differ with him upon any question before the Senate.

It is unnecessary, it seems to me, that the question of personal motive should be raised, for there certainly is no difference whatever among us with respect to the ultimate object to be attained. The suggestion is made that those who oppose the construction of an isthmian canal are in favor of the Panama route, believing that its consideration will operate at least to further delay the enterprise.

Mr. President, there may be those who oppose any canal and who favor the Panama route for the reason indicated, but that suggestion certainly does not apply to those upon this floor who appear in advocacy of the Panama line. I can not believe for one moment that that motive inspired the Isthmian Canal Commission to recommend the adoption of the Panama route.

I have no doubt that the Commissioners were and are sincerely desirous of seeing an isthmian canal constructed by the United States at an early date, and that they recommended the Panama route because they believed as scientists, as men of large experience, as patriotic Americans, that the adoption of their recommendation would accomplish in the best possible manner the result we have in view.

Mr. President, I am opposed, for the reasons indicated, to the pending bill, and I am in favor of the amendment proposed by the honorable Senator from Wisconsin [Mr. SPOONER]. It seems to me it is well guarded, it is eminently wise and conservative;

and if it be adopted, it will have the result of securing to the United States an isthmian canal.

Senators have raised the question as to our ability to secure an unembarrassed title to the property of the new canal company. I do not believe their contention is well founded, but if I am in error in that view, and if those who believe with me are likewise mistaken, the Spooner amendment safeguards our interests.

Let me in a few words refer to that amendment. The first section provides that the President may acquire on behalf of the United States the property of the New Panama Canal Company at a cost not exceeding $40,000,000.

Section 2 provides that the President may acquire from the Republic of Colombia control of property and rights adequate for the construction and maintenance of the canal and appropriates a sum sufficient to effect this purpose.

Section 3 provides that when the President shall have obtained a satisfactory title to the property of the New Panama Canal Company and has secured the necessary property from the Republic of Colombia, he is authorized to pay the sum necessary to secure the canal property and the requisite concessions from Colombia. Not until the question of title, both from the canal company and from the Republic of Colombia, has been carefully determined does the United States part with a solitary dollar from the Treasury. After satisfactory title has been acquired the Secretary of War is directed to proceed with the work of constructing the canal.

It is further provided by section 4 that if the President shall be unable to secure a satisfactory title to the property of the canal company, and the control of proper concessions from the Republic of Colombia, then he is directed to go forward and secure concesssions along the Nicaragua route, and in the same manner construct a canal upon that route.

I differ with the honorable Senator from Kansas [Mr. HARRIS], that this amendment is intended to defeat the construction of an isthmian canal. It is intended in a frank, straightforward, and intelligent way to secure a canal. The amendment is broad and liberal in its scope and purpose. It is founded upon the undivided judgment of a commission of eminent scientists and experts, patriotic citizens of the Republic.

I have great confidence in the opinion of the distinguished Senator from Alabama [Mr. MORGAN]. There is no one for whom I have higher respect and admiration, and I wish now, as a member of the Senate, to express to him my gratitude for the long years of faithful and efficient work he has given to the cause of an isthmian canal. But, sir, when the question is between following his judgment as to the advisability, the practicability, and the feasibility of the route to be selected or following the judgment of the Isthmian Canal Commission, formed after two and a half years of patient and devoted examination and work, I must beg to follow the opinion of the Commission.

I believe the American people will justify us in that conclusion, no matter what may be the fate of the enterprise in the future. I do believe that after we have spent a million dollars and waited two and a half years for their report it would be utterly inexcusable if we should set their report aside as not worth the paper upon which it is written. That report is here. It means something. It is, sir, in my judgment, the only rational and safe predicate for the action of Congress upon this important subject.

Mr. PERKINS. Will the Senator from Indiana allow me?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from California?

Mr. FAIRBANKS. Certainly.

Mr. PERKINS. I have listened with much interest and instruction to my friend from Indiana. I should like to hear him upon the legal phase of the concession of the Colombian Government to the Panama Canal Company and its successors. He is a lawyer, and a very able lawyer, one of the strongest in the nation. Does he believe that this concession is such that it is for all time a valid one; that we would have egress to the canal from the Pacific and also from the Atlantic, or are the harbors reserved on both the Pacific and the Atlantic?

Mr. FAIRBANKS. I will state the situation with respect to the Republic of Colombia, as I understand it. There is a protocol between the two Governments which is to form the basis of an ultimate treaty. It is all tentative. The terms that are finally to be adopted are the subject of further negotiation.

Mr. MORGAN. I desire to ask the Senator from Indiana a question.

Mr. FAIRBANKS. May I answer the Senator from California first?

Mr. MORGAN. Merely on the question of the protocol. Does the Senator contend that there is a protocol between the United States and Colombia?

Mr. FAIRBANKS. I understand it is equivalent to that. It is a communication from the Republic of Colombia.

Mr. MORGAN. It is a mere draft of a convention, not signed by either party.

Mr. FAIRBANKS. Well, I said it was tentative. I used the word "protocol." It might not have been entirely accurate; I rather think it was not; but I did say that it was intended as the basis of a future treaty.

Mr. MORGAN. That is right.

Mr. FAIRBANKS. I am accurate in that.

Mr. MORGAN. That is right.

Mr. FAIRBANKS. It is the substance we are after, rather than the form. I take that tentative suggestion as an assurance on the part of the Republic of Colombia of her willingness to enter into a suitable convention with the United States granting to this Government proper concessions for the construction of the canal.

Mr. HANNA. And the transfer of the franchises of the canal by Colombia.

Mr. FAIRBANKS. I thank the Senator from Ohio for the suggestion. The Republic of Colombia consents to a modification of its concession to the New Panama Canal Company and authorizes the transfer of the property of that company to the United States.

Mr. PERKINS. As I understand it, there is no perpetual concession, but only one extending for a period of one hundred years, and after fourteen years the same is to be the subject of negotiation; while, as to the Nicaragua Canal route, Nicaragua and Costa Rica have granted perpetual concessions to the Government of the United States.

Mr. FAIRBANKS. But the Senator will understand that this proposed concession of the Republic of Colombia for one hundred years is renewable again at its expiration for another like term, and so on indefinitely.

Mr. PERKINS. I do not wish to embarrass the Senator by questions, but I have asked the question in perfect good faith, because I look upon that, from a layman's standpoint, as one of the vital questions to be considered in connection with both of these routes.

Mr. FAIRBANKS. The Senator gratifies me; he does not embarrass me. We are all seeking to learn the facts, and the facts must speak for themselves. I repeat what I said before, that what Colombia has proposed to do is reasonable assurance that we may hope to be able to secure from that Republic a satisfactory concession.

Mr. President, I shall not further tax the indulgence of the Senate. I have given in a somewhat hurried way the reasons which induce me to favor the construction of an isthmian canal upon the Panama route. The hour of doubt and debate has passed; the time to speak the potential word is here. It is my hope that we may soon enter upon the construction of a highway of vital interest to the commerce of the United States and the world, and which when completed will be one of the most beneficent and notable achievements of the new century.

Mr. MORGAN. As the Senator from Indiana has closed his remarks, I desire to take the floor.

Mr. STEWART. I ask the Senator from Alabama to yield to me for a few moments to allow me to dispose of a motion which has been made to reconsider Senate bill 4848.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nevada?

Mr. MORGAN. I do, provided it be without prejudice to the pending bill.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART. I desire to call up the motion to reconsider the votes by which the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was read the third time and passed.

After the bill was passed, I moved its reconsideration to give the Senator from Texas [Mr. BAILEY] an opportunity to offer an amendment. I now desire that he shall have the opportunity to offer his amendment, and if the Senate considers his amendment of sufficient importance to reconsider the vote by which the bill was passed, let it be reconsidered; otherwise, not. I want to have action on his amendment taken in connection with the motion to reconsider.

The PRESIDENT pro tempore. It will be impossible to do that under parliamentary law. The bill will not be open to amendment until it is before the Senate, and it can not be before the Senate until the vote has been reconsidered by which the bill was passed.

Mr. STEWART. I suppose the amendment might be discussed without actually reconsidering the vote by which the bill was passed.

Mr. BAILEY. I suggest to the Senator from Nevada that it is only a question of a moment to reconsider the vote by which the bill was passed. That can be done, and it will take no more time to do that than it would to follow the course suggested by the Senator.

I want to be frank with the Senator from Nevada. The amendment which I offered, and which was printed, is not the only amendment that I desire to offer, nor the only one which I should have offered had I been in the Senate when the bill was under consideration.

Mr. STEWART. I shall then oppose any motion to reconsider. I ask that the motion to reconsider be overruled and that the Senator be allowed to make any statement he desires in regard to his amendment, but I do not propose to open the bill to general amendment, which will lead to further delay.

Mr. BAILEY. Not for general amendment. There are a few amendments only. One relates to the judgments, and the other relates to that provision in the treaty which requires citizens of one class of towns to pay exactly twice as much for the lots they buy as citizens in another class of towns.

Mr. STEWART. The Senator is mistaken about that.

Mr. BAILEY. If I can not make that clear to the Senator——

Mr. STEWART. I can make a statement which will relieve the Senator's mind.

Mr. BAILEY. Possibly the committee has taken some action on that.

Mr. STEWART. There are two classes of towns, and a different rule applies to each.

Mr. BAILEY. Then, by unanimous consent, possibly we can eliminate that provision.

Mr. STEWART. I am opposed to the reconsideration of the bill, but the Senator can make his showing on the question of reconsideration, and I will reply to it if I feel called upon to do so. I think he will be satisfied that the bill ought not to be reconsidered when he hears my explanation, for I expect to satisfy him.

Mr. BAILEY. The Senator from Nevada and myself agreed about these matters originally, and I see no reason why we should have separated in the meantime. He had the same view that I had about the judgments and the other points. I am prepared to proceed.

Mr. STEWART. If you prefer me to go ahead, I will do so.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. The question is on the motion to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. I will give the Senator from Texas all the advantage of making a fair statement of the case.

Mr. FORAKER. I should be very much obliged to the Senator, and I have no doubt other Senators would, from the inquiries that are passing around here, if he would tell us what the bill is about.

Mr. STEWART. That is what I am about to do.

Mr. FORAKER. And what the question is?

Mr. STEWART. That is what I am about to do.

Mr. JONES of Arkansas. The question is on the motion to reconsider the vote by which the bill to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians was passed.

Mr. STEWART. By the act of 1896—I think that was the date of the act—the Commissioners to the Five Civilized Tribes were authorized to admit to citizenship and make enrollments of certain Indians.

Mr. JONES of Arkansas. The Senator knows so many facts about this thing that I think he misapprehends the question that was asked regarding this matter. I think he ought to explain to the Senate that a few days ago the Senate passed a bill to ratify an agreement made with the Choctaw and Chickasaw Indians about certain matters in their nation, and that after the passage of the bill by the Senate the Senator was told that the Senator from Texas [Mr. BAILEY] had an amendment of which he had given notice and which he intended to offer to the bill when it was pending, and to give the Senator from Texas an opportunity to offer that amendment. The Senator from Nevada filed a motion to reconsider the vote by which the bill was passed. Now the question is whether the Senate will reconsider.

Mr. STEWART. I inquired of the members of the Commission to the Five Civilized Tribes and got a statement of the matter in issue, which I will send to the desk to be read. It will explain the matter as well as anybody can explain it.

The PRESIDENT pro tempore. The letter will be read, in the absence of objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Washington, D. C., June 10, 1902.

SIR: In answer to your inquiry with regard to applications for citizenship in the Choctaw and Chickasaw tribes, and also in other tribes, I have to say:

An act of June 10, 1896, authorized the Dawes Commission to admit to citizenship and to make enrollments in addition to the enrollments made by the tribes themselves. The applications were required to be made within three months from the date of the passage of the act, and the Commission was required to decide all the cases within ninety days after the applications were made. Applications were made in the several tribes by between twenty and thirty thousand people. It was impossible for the Commission to examine with due care such a vast number of applications in the brief period of ninety days.

An appeal was allowed from the decision of the Commission to the United States court in the Indian Territory. There were two courts sitting, one for the Choctaw and one for the Chickasaw Nation. The law required that the appeal should be taken in sixty days from the date of the decision of the Commission. There were in the Choctaw and Chicasaw nations several hundred cases, including about 4,000 claims. The value of the land claimed by them, at present estimated worth, would reach over $20,000,000. The vast number of cases overwhelmed these two court, and the judges were forced to have many of them investigated by referees.

Each of the nations had one counsel, which made due preparation of the appeals an impossibility. Most of the lawyers living in these nations were engaged for the applicants, consequently they were really disqualified for acting impartially as referees; but there were few other lawyers from whom to select referees, therefore the cases were reported by lawyers who themselves had similar causes before the court. The cases were so numerous that the judges were compelled in most instances to rely on the reports of the referees, and were unable to give them such personal attention as their merits required.

These facts have inspired the Indians with distrust, and it must be admitted that such conditions do not commend themselves to the judgment of fair-minded men. The Indians, in fact, are very much dissatisfied, and contend that they were deprived of an opportunity to secure fair hearings in these important matters.

To require the Indians to prove specific acts of fraud or perjury in such a mass of cases which were rushed through in the manner described would deprive them of any fair opportunity to assert their rights. There must have been many cases decided upon inadequate testimony. In fact several hundred names were improperly interpolated into the judgment of the courts, which matter the Commission investigated and reported to the judges, whereupon the courts eliminated them. If the Indians are not allowed to have cases retried where they are able to show affirmatively that the plaintiffs were not entitled to enrollment, they will never be satisfied that justice has been done.

Very respectfully,

TAMS BIXBY.

Hon. WILLIAM M. STEWART,
Chairman Committee on Indian Affairs, United States Senate.

Mr. STEWART. Mr. President, these judgments obtained in the hurried manner in which they were in overloaded courts have been a matter of comment for a long time. The commissioners of the Five Civilized Tribes have at various times been before the committee, and various reasons have been set forth by the chairman of the Commission and others stating that there was no fair judicial determination of these cases.

It will be remembered that the people seeking to be enrolled are all white people. It would be very difficult, I am told, to distinguish them from other white people, but they claim to have Indian blood in their veins. You will see that it affects a vast portion of the property of the tribes. The Indians would not make any treaty until this could be rectified in some way. They finally made a treaty, and in that treaty they put two test questions. The Indians contended that, inasmuch as each tribe had to contribute land jointly, both tribes ought to have been served with notice. They make that test question. Another question that they put up is that the hearing before the court should have been on the papers which were submitted to the Commission. In the treaty, as it came to the committee, if those questions were decided against them they were out of court. The committee have, with the aid of the Assistant Attorney-General, modified those test questions, so that when the cases have been tried and decided, if decided against the claimant, the claimant may still go on with his case. So neither of the test questions will throw him out of court.

The original treaty provided for the cases being tried before certain judges who had not participated in the judgment against the claimants. The judges are overcrowded down there, and if again tried by them it would be a repetition of what has already occurred, and the claimants do not think that they can get justice in that way. So, after a great deal of consultation with the Department, and to make it satisfactory, so that a fair trial could be had, the committee have provided for a court, to last a year or more, to determine these cases, that court to consist of three judges. That will give an opportunity for a judicial determination.

In the amendment of the committee inserting section 32 of the bill it is provided that—

Said citizenship court shall also, upon the final ratification of this agreement, have jurisdiction of suits to annul and vacate judgments of the courts in Indian Territory rendered under said act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations where, in a bill of complaint filed by the two nations jointly or by one of them acting separately and making the other a party defendant, it is charged and made to appear that any such judgment, for any reason other than those hereinbefore specified, as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto, but no such suit can be instituted after the expiration of ninety days after the final decision in the test suit hereinbefore authorized.

So that it is a little more than a new trial. It must be made to appear that injustice has been done.

The amendment of the Senator from Texas is altogether too large. The words he proposes to strike out are these:

for any reason other than those hereinbefore specified, as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto.

And in lieu of those words to insert:

was procured by perjury or fraud on the part of the applicant, his witnesses, or attorneys.

Each tribe had an attorney. They could not look after these cases personally, and they were thrown in, as it were——

Mr. BAILEY. The Senator from Nevada does not desire the Senate to understand that the court was compelled to dispose of these cases within sixty days?

Mr. STEWART. No.

Mr. BAILEY. Only the appeals were to be heard. Does the Senator not know that nearly all of these cases when they came to the court were actually tried?

Mr. STEWART. They were almost all of them tried by referees. The court would not have been able to try 4,000 claims in such a limited time. The most of them were tried by referees. Mr. Bixby and other members of the Commission have been before the committee, and stated that the cases were tried by referees. The peculiarity of these referees was that they were all, or nearly all, attorneys in the Territory.

Mr. BAILEY. If the Senator from Nevada knew those attorneys as well as I do, he would not make that reflection on them.

Mr. STEWART. I do not make any charge against them. There were two attorneys, one for each tribe, and the balance of the attorneys were doing business for the Indians, and of course they were engaged in their own cases. There was such a similarity in all the cases that I doubt if any attorney who was engaged for an applicant was fit to be an impartial referee in any other case.

It was necessary for the applicant to show that he was an Indian and had a right to claim the tribal relation.

Mr. BAILEY. That he had Indian blood.

Mr. STEWART. That he had Indian blood and was also entitled to admission under the arrangement. I understand that some of them might have Indian blood, but they would not necessarily belong to the tribes. Is that not so?

Mr. JONES of Arkansas. Certainly.

Mr. STEWART. In order to be admitted he must not only have Indian blood, but he must belong to the tribe. He must have tribal relations. Such cases are very difficult to try. The idea of disposing of 4,000 cases in a very short time is ridiculous, and they were all to be taken up within sixty days, and only two lawyers to take them up. It was a physical impossibility to try 4,000 cases in sixty days.

As the commissioners say, they discovered afterwards that some 200 names had been unjustly included, and when the commissioners called the attention of the court to it they were eliminated. Nobody will contend under the circumstances that there has been a fair and judicial determination. This has created great dissatisfaction, inasmuch as the people who are claiming are mostly white, and you can hardly pick out one who looks like an Indian. They are bright men, competent men, and able to take care of themselves. The Indians now claim that on this state of facts, showing that these men were unjustly put upon the record, they ought to have the matter tried before a fair court. That is all there is of this question. It has been before the committee for a long time; it has been before the joint committee of the two Houses, and has been referred back and forth to the Department. The Department has been consulted almost every day about it for the last month or two.

At first blush I did not like the harshness of their original treatment. I did not like the idea of the cases being decided on this technical question. I did not think they should be thrown out of court without provision for allowing them a hearing. I did not think they ought to be relegated to any special judges who are overcrowded.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. STEWART. Yes.

Mr. SPOONER. How long ago were these judgments rendered?

Mr. STEWART. They were rendered about two or three years ago, I think.

Mr. BAILEY. Some four years ago.

Mr. PLATT of Connecticut. Practically two years ago.

Mr. BAILEY. The original act was passed in 1896, requiring them to go before the Dawes Commission in sixty days, and requiring an appeal to be taken within another sixty days. We do not complain now of the insufficient time, but that only allowed four months.

Mr. STEWART. There have been applications for a new trial before the Committee on Indian Affairs at every session. It is contended that there was not a fair trial. The cases have all been investigated, but the circumstances were such that they could not have been investigated fully and fairly. I think the committee has been very careful to protect the rights of these parties by giving them an impartial court to be appointed for that special purpose, consisting of three men, and if on technical grounds they have been thrown out, they can go on with their cases. It cuts nobody off, but it says if the Indian can allege and can make it appear that injustice has been done in admitting persons to citizenship under those judgments, they may have another hearing. That is all there is of it.

Mr. SPOONER. May I ask the Senator a question?

Mr. STEWART. Yes.

Mr. SPOONER. Does it require an act of Congress to entitle the tribe to file a bill alleging fraud or injury to an estate?

Mr. STEWART. Of course they can file it, but it will require authority to do it.

Mr. SPOONER. They could file a bill, could they not, under the authority of Congress?

Mr. STEWART. I do not think they could go into the courts without the authority of Congress. We undertook to settle this question by the Dawes Commission. I do not think the Indians can secure redress in any other way than that pointed out. They are our wards. They are not standing on an equal footing with us, and can not do as they please. They are under the control of the Dawes Commission. The only redress they can have is to make it appear that injustice has been done—not merely allege it, but substantiate it by proof. That is the situation, and the amendment of the Senator from Texas would require them to prove fraud and perjury. There might have been no witnesses at all.

Mr. SPOONER. Will the Senator permit me?

Mr. STEWART. Certainly.

Mr. SPOONER. Of course these were judgments?

Mr. STEWART. Well.

Mr. SPOONER. The appeal from the decision of the Dawes Commission to a court was provided for by law.

Mr. STEWART. Yes; to a court.

Mr. SPOONER. And that resulted in a judgment one way or the other.

Mr. STEWART. A judgment?

Mr. SPOONER. A judgment of the court.

Mr. STEWART. An opinion of the court—hardly a judgment the way they were piled in. It would hardly rise to the dignity of a judgment.

Mr. SPOONER. A finding of fact.

Mr. STEWART. A finding of fact.

Mr. SPOONER. A judgment which this bill recognizes as a judgment.

Mr. BAILEY. This bill calls them judgments.

Mr. STEWART. You may call them judgments, but they are practically ex parte judgments.

Mr. SPOONER. The bill so far recognizes them as judgments as to authorize legislation setting them aside.

Mr. STEWART. Yes.

Mr. SPOONER. If they are judgments, and if the Senator is right in his theory that there is no court and no cause of action, I can understand why they should be given a right to file a bill to set aside these judgments upon the ground of fraud—perjury, of course, would be fraud—or perhaps on the ground of mistake. You go beyond that, and include the word "injustice."

Mr. STEWART. Yes.

Mr. SPOONER. What injustice could be done to the tribe except the injustice that resulted from adjudging one to be a citizen and entitled to enrollment who in fact was not?

Mr. STEWART. And they have to show that, too.

Mr. SPOONER. Is that what you mean by injustice?

Mr. STEWART. Yes, sir. That is what it says—by enrolling those who were not entitled to enrollment. That is the injustice.

Mr. SPOONER. It is granting a new trial, then, by act of Congress?

Mr. STEWART. Yes, sir. Suppose it is. This is dealing with the Indians. We are dealing with them as our wards. This is a mode of determining who are members of the tribe. It was begun, but failed to accomplish it. They have not had the chance to have a hearing. The idea of requiring them to bring up 4,000 cases, involving 4,000 questions——

Mr. BAILEY. If the Senator desires to be correct, there are not 4,000 cases.

Mr. STEWART. No; about 1,500.

Mr. BAILEY. One of these cases has a hundred or more persons whose testimony was identical. They were establishing a family ancestry, and the decision of one decided many. There were several hundred cases, as stated here.

Mr. STEWART. There were 1,500 or more cases.

Mr. BAILEY. Here is the letter of the chairman, and it says several hundred cases, involving 4,000 claims.

Mr. PLATT of Connecticut. Mr. President, I should like if I can to make a concise statement of the situation in the Choctaw and Chickasaw nations with reference to these citizenship cases. Of course the title to their lands has been a common title. We are now and have been for some years endeavoring to divide the land among the citizens of the Choctaw and Chickasaw nations. Each has common interests in the lands belonging to both of them. It is not necessary to go into that.

There are, outside of the parties who have been admitted by

the court in the way in which the Senator from Nevada has mentioned, 18,000 acknowledged Choctaw citizens and 6,000 acknowledged Chickasaw citizens. The cases in dispute are 2,800 in the Choctaw Nation and a thousand in the Chickasaw Nation. There is to be divided, if the division is confined to the 18,000 Choctaws and the 6,000 Chickasaw citizens, an average of about 400 acres each. So, as the letter of the chairman of the Commission says, if the rights of the persons who have been declared citizens are acknowledged, they come in for their share of the division, and the land which they would get in the aggregate is estimated as being worth about $20,000,000. It is a large stake to play for. The 18,000 Choctaws and the 6,000 Chickasaw citizens are persons who have lived in the nations. They are understood to be the real Choctaw and Chickasaw citizens.

When it appeared that there was to be a division of lands, a great many new claimants came in. They came in from outside of the nation—from Texas, and from Arkansas, and from surrounding States everywhere—and claimed that they were entitled to Choctaw citizenship; that they were descended from some remote ancestor, and that although, as the chairman says, they were mostly white, they had Indian blood in their veins, and that entitled them under the laws of the two nations to citizenship. They had never claimed citizenship before. Generally speaking they had not resided in the Territory or affiliated with the Indians who constituted those two tribes.

I do not know that I ought to mention a circumstance which I heard of two or three years ago. I do not know whether it is true or not, but it illustrates the flimsiness of a good many of these claims. I was assured that a white man cut a small spot in his hand, pricked a little blood from an Indian's vein, and dropped it into his vein in the presence of two witnesses, who then swore that the man had Indian blood in his veins and they knew it, and that he was thus admitted as a citizen. I do not know whether or not it is a true story.

Mr. BAILEY. Will the Senator from Connecticut permit me?

Mr. PLATT of Connecticut. Certainly.

Mr. BAILEY. Then if that case happened, would not the judgment be set aside under the amendment I have proposed?

Mr. PLATT of Connecticut. Of course it would. I do not know that it is true. I have been led to believe it is. I merely speak of it to illustrate how anxious people were to become Choctaw and Chickasaw citizens when they were playing for stakes, each one of them amounting to three or four thousand dollars.

Now, the facts about these cases as I understand them are these: Originally the Dawes Commission, of which Mr. Bixby is the chairman, under the law was to determine applications for citizenship. All of 4,000 persons, or now 3,800, eliminating 200 whose names were written into the rolls fraudulently, were rejected by the Commission. The Commission admitted many, but rejected 3,800. They appealed from the Commission to the court in the Indian Territory in the two districts. Of course, it was for the interest of the Indian tribes to resist those cases.

It is true, as the chairman said, that pretty much all the attorneys in the two nations had been employed in citizenship cases, and either had citizenship cases pending at the time or had had citizenship cases. So the Indians were reduced in their selection of attorneys to a very few attorneys. Each tribe had an attorney. It was utterly impossible for the attorneys whom the Indians could employ to try those cases thoroughly, and, besides all that, these attorneys advised the Indians that the act was unconstitutional, and for that reason very little defense was made in the court against the admission of these 3,800 people. The Indians thought the act was unconstitutional; and thereupon we passed a law, if I am not mistaken, submitting the question whether the act was unconstitutional or not to some court, and it finally reached the Supreme Court of the United States, and was declared to be constitutional. But it had its effect to prevent the tribes from making such a defense as they might otherwise have made in opposition to the admission of these persons as citizens.

Then, so far as the trials did progress, it was utterly impossible, with the counsel whom they could secure, even if they had not been advised that the act was unconstitutional, to try those cases as they ought to have been tried. They were referred to masters or examiners to take testimony and make report. In many instances those examiners were persons who, having a particular case before them, were employed on behalf of other persons claiming citizenship to get their admission. The result was that all these 3,800 cases were reversed by the examiners, and their report, when it came to the court, was accepted practically without question.

Mr. BAILEY. I will say to the Senator from Connecticut that to my personal knowledge that statement is not accurate.

Mr. PLATT of Connecticut. In what respect?

Mr. BAILEY. To my personal knowledge there were referees' reports rejected, and in many cases there were trials before the judge.

Mr. PLATT of Connecticut. Oh, there were exceptions.

Mr. BAILEY. No; I beg to say that I live within 40 miles of where one of those courts held its sessions, and I have knowledge that it is of some value in a case of this kind.

Mr. PLATT of Connecticut. I can only state what has come to my attention.

Mr. BAILEY. And what has come to the Senator from Connecticut, I will say with all respect to those gentlemen, has come from agents and attorneys of the Indian tribes.

Mr. PLATT of Connecticut. The Indian tribes have an immense stake in this matter.

Mr. BAILEY. But still——

Mr. PLATT of Connecticut. It is not often that we try in the Senate in this offhand way a case involving $20,000,000, as this does.

My information is that while some of the examiners' reports may have been objected to and there may have been trials of some of the cases, generally speaking they passed as matter of course. At any rate the judgments were obtained reversing the decision of the commission and admitting those persons to citizenship.

Immediately there was a protest made, and the Senator from Arkansas thought at that time that the protest had such weight that Congress ought to declare those judgments void. I remember very distinctly that that was his contention at the time. It was two years ago when I first began to hear of it. There were some technical questions as to whether or not the judgments were correct on the ground that notice ought to have been given to both nations when it was given to only one, and that the cases ought to have been tried in a different way from that in which they were by the court.

On the whole, Mr. President, although they are judgments and although my first idea was that Congress ought not to interfere with a judgment, I found here a case where there was no remedy that I knew of, no opportunity for the Indians to contest these cases any further, with a weight of protest and statement which would convince and does convince anyone who listens to it that there has been injustice done to these nations in the decisions.

Then came the question, What were we to do? It was suggested, as the Senator from Texas suggests, that we would give a new trial, or constitute a court, or give some court authority to review those cases where the Indians could prove fraud or perjury. But the circumstances under which those cases were tried would make that a very inadequate remedy; and when I came to consider that the people of these nations were our wards, that they were not as well versed in their rights as citizens of the United States who had been brought up to understand our laws would be, I felt that no harm could be done the claimants by having a retrial of these cases.

I think, Mr. President, if we should not grant it and then these parties should, under the judgments obtained in this way, come in and share lands with these other persons who have always been connected with the tribes, to the extent of $20,000,000 in value, we should always feel that we had not done justice to the Indians of those two tribes.

I do not know that I need to go any further in this matter. If you say simply that there are to be retrials in cases in which the Indians can prove absolute fraud or perjury, you are not going to reach this evil, if it is an evil. The cases will be very few, probably, in which that can be done.

I agree, as the Senator from Wisconsin suggests, that the rule of law is that a judgment is not to be interfered with, or there is not to be a retrial, except in cases of fraud, perjury, or mistake, or for newly discovered evidence, or for some of those things which are understood among white people and our own citizens to be ground for a retrial. But as to these Indians, who were advised that the law was unconstitutional, who manifestly did not make any proper defense against these applications of white people, so far as color is concerned, to come and share with them their rights in the lands and in the tribal funds and in all their possessions, it seems to me we should adopt a somewhat different rule from that which we adopt with reference to our own citizens who have grown up with an understanding of their legal rights and the methods of obtaining them. I think the case has such an obvious injustice as it now stands that we ought to see that justice is done.

Mr. BAILEY obtained the floor.

Mr. MORGAN. If the Senators concerned in this matter will indulge me for a few moments, for my personal convenience I wish to put into the RECORD some papers relating to the canal matter, and then I will yield the floor and they can go on. It will take only a few moments.

Mr. BAILEY. Of course I would not interfere with the convenience of the Senator from Alabama, but the Senator from Nevada is anxious to dispose of this matter and I shall take but a moment or two.

Mr. MORGAN. Will there then be a vote?
Mr. BAILEY. Yes, sir; so far as I am concerned.
Mr. MORGAN. Take a vote this time of the day?
Mr. BAILEY. I think there will be a vote.
Mr. MORGAN. There is not a quorum here. I wish to introduce some papers into the RECORD. The Senator had better let me go on for just a few moments.
Mr. BAILEY. The only trouble about it is that two Senators who have opposed my amendment have presented their views, and if the Senator from Alabama goes on about the canal bill we certainly will not be able to get a vote this afternoon, because there being no vote on that and no vote expected on this, Senators naturally absent themselves. I will agree with the Senator from Alabama to stay here until he does get in the papers.
Mr. MORGAN. I have no power to compel Senators to stay here, and I have no such disposition. I yielded to the Senator from Nevada. I had a right to hold the floor.
Mr. BAILEY. The trouble is that the Senator from Alabama allowed both the Senator from Nevada and the Senator from Connecticut to proceed.
Mr. MORGAN. I will not be amenable to any criticism whatever on the subject. I am trying to do what is fair between gentlemen. The Senator from Nevada told me his matter would take a very few minutes, and here almost an hour has gone.
Mr. BAILEY. I shall take less time than was occupied by the two Senators on the other side.
Mr. President, the question is simply this: There exists in the courts of the Indian Territory something more than 3,000 judgments entitling the plaintiffs in those cases to certain rights as members of the Indian tribes. Those judgments were obtained in the regular and due course of a law which Congress passed authorizing those people to apply first to a commission, which was a tribunal created by Congress, and the tribe or the applicant, if dissatisfied with that judgment, to appeal to the regularly constituted court of the United States for the Indian Territory.
The Senator from Connecticut and the Senator from Nevada would both impress the Senate with the idea that there was a great rush, a great hurry, and consequently a great injustice. All that the Senate needs to do to inform itself that they are misinformed is to compare their statements. The Senator from Nevada and the Senator from Connecticut would both have the Senate believe that everybody who applied was adjudged entitled to citizenship; and yet the statement read by the Senator from Nevada from the chairman of the Dawes Commission asserts that over 20,000 people made applications, while the Senator from Connecticut declares 3,800 of them were successful. I undertake to say that 3,800 out of 20,000 is a small proportion of successful plaintiffs in any kind of litigation.
But after complaining at the haste, he left the Senate to believe, as I should have believed it myself had I not known better, and I therefore questioned the Senator from Nevada, that all these cases had to be appealed in a great hurry and therefore were improperly decided. I call upon the Senator from Nevada to say if there is anywhere anything in this record or in the contention of these Indian tribes that they were defeated on account of an insufficient time for appeal. There is no such contention, but on the contrary their appeals carried their cases properly to the court and they were tried by two distinguished judges.
To declare that those judges awarded judgment and sacrificed the rights of those Indians without a due regard for the law and the facts is an imputation that I have never yet put upon a court and never will without a better reason than has been advanced in this case.
With one of the judges in that Territory I had the honor to serve in the House of Representatives, and I happen to know that he stood for his convictions under circumstances that made others waver. I do not believe that either Judge Townsend, whom I do know, or Judge Clayton, whom I do not know, would have permitted a wholesale injustice against the Indians, and yet the only possible pretense upon which Congress can be asked to grant a new trial in these cases is that those judges were ignorant or were not upright. Is there any message here from the judges that they could not fairly try and decide every case? Not a line.
Let me tell the Senate that when this treaty was first negotiated—negotiated by the Dawes Commission, too—they had a provision in it that no judge in the Indian Territory who had ever decided a case against one of these tribes should be competent to sit in the trial of these cases, thus branding with Congressional suspicion a judge who had felt called upon by his conscience, upon the law and the facts, to decide a case against the Indian.
The Senator from Nevada says the Indians are dissatisfied and distrustful about these judgments. The Indians are always so about everything and everybody. I live near enough to them not to take the extreme view of our honored President, who in his life of Benton says the country has treated them too well, nor yet the idea of my friend, the Senator from Connecticut, who thinks the country has treated them too ill. The truth in this instance as in all others lies between the two extremes. The Indian is neither as bad as some people think he is nor as good as I have heard sentimental people portray him.
The statement that all these cases were tried by referees is also a mistake. Many of them were tried by the judges themselves. The Senator from Connecticut said—and I am familiar with that case—that in one case reported by the referee somebody interlined a number of names. That is true; but it is also true that the court itself, when it came to pass upon it, struck them out, thus showing that in this case, at least, the judge was neither negligent nor overworked. I feel sure that all through this litigation the rights of the Indians have been as well safeguarded as the rights of any other litigants in those courts.
The statement has been made that the Indians thought the law was unconstitutional, and therefore did not attempt to defend these suits. If we accept that as a good ground for a new trial, we will establish a rule of law.
These people contended that the original act was unconstitutional, and they importuned Congress until we gave them authority to institute an appeal. It was tried in the Supreme Court of the United States and decided against them. They then went back to the Territory with full knowledge that the law had been held constitutional by the highest court of the land. They had excellent attorneys. One of the attorneys was a lawyer good enough to be selected by President McKinley as a district attorney for the southern district of the Indian Territory.
Now, Mr. President, that there were frauds committed I have no doubt, and I will be the last man here or elsewhere to attempt to shield a fraudulent judgment against those Indian tribes. But that these Senators are not after the fraudulent judgments alone is made manifest by the fact that they refuse to accept an amendment which authorizes the court to vacate judgments procured by fraud or perjury.
I will tell the Senate what is behind it. There were two judges, as has been stated here, for these respective tribes—Judge Clayton, whose principal session of court was held at South McAlister, in the Choctaw Nation, and Judge Townsend, whose principal session of court was held at Ardmore, in the Chickasaw Nation. It so happened that Judge Townsend took one view of the law and Judge Clayton another view. This agreement originally disqualified both of these judges to try any of these proceedings to annul a judgment, because both of them had decided cases against the Indian tribes, and it is a matter not of suspicion, but conviction, with the Indians that whoever decides a case against them decides it dishonestly.
Mr. PLATT of Connecticut. Was not that provision in consonance with the provisions we make in a great many instances in regard to an appellate court or a court of review, where we provide that a judge who has heard the case below shall not sit in the appeal?
Mr. BAILEY. Of course he would not sit in the particular case which he decided, but it does not disqualify him to sit in another case which he did not decide.
Mr. PLATT of Connecticut. Well, if the cases were practically of the same nature would it not?
Mr. BAILEY. These cases are not practically of the same nature. It is true that many of them involve the same questions, but each case stands upon its own testimony; and while one case might be fully sustained by the testimony the very next one might completely fail.
Mr. STEWART. The committee eliminated all that and provided for an impartial course of procedure. The committee took the matter into consideration and made careful provision as to the agreement, excluding judges, etc.
Mr. BAILEY. That, Mr. President, is true. Judge Townsend, who tried, we will say, half these cases, held to one view of the law. Judge Clayton, who tried the other half, held to a different view. It so happened that many of the cases which were decided in favor of the applicants by Judge Clayton were decided adversely to the applicants by Judge Townsend, and other cases decided adversely to the applicants before Judge Clayton were decided favorably before Judge Townsend. Thus it happens, as it always will when you have two courts trying the same question without any final appeal to a court that can harmonize their conflicting opinions, there were two rules under which these people were adjudicated.
Now, if you establish the one court, consisting, as this bill provides, of three judges, there will be but one rule; and what will happen? If that court adopts the view of Judge Townsend, it must then exclude all of the people admitted upon the opposite view of Judge Clayton, or if it adopts the view of Judge Clayton it must then exclude all of the men admitted under the opposite view of Judge Townsend. The result is that under any view adopted by this new court it must hold that at least half of these applicants are not entitled, as a matter of law, to their judgments.

But mark you, Mr. President, although that court holds that the men who were admitted by Judge Townsend were not entitled, it can not then admit the men who ought to have been admitted by him, under the new court's view of the law; and I declare that this is the very purpose of the vague and indefinite proposition that a judgment rendered by a court of the United States shall be set aside upon a ground that would not be considered on a hearing for a new trial in any court in Christendom. Neither the Senator from Nevada nor the Senator from Connecticut nor any other Senator on this floor will venture to assert that there is a court in the civilized world that would entertain a motion to set aside its judgment upon the vague and indefinite ground that it had done somebody an injustice.

Mr. President, I am willing to go further than cases of fraud. If these gentlemen are seeking to destroy the judgments where there was no trial, I will agree to an amendment authorizing the court to set them aside upon a sufficient showing. Will the Senator from Nevada agree to that?

Mr. STEWART. I could not make an agreement. The language there is the result of the consideration of the joint committee who put it into the bill. The language was thought to be entirely adequate. It provides that they must show that injustice has been perpetrated in admitting persons who are not entitled to be admitted. They have to make that showing because there was no trial or because there was fraud. No matter how it happened, they must show that injustice was done in admitting persons who ought not to have been admitted. I think that, having been tried by the judges who differed from each other as widely as they did, the judgment has not the solemnity that the judgment of a court would have. If one judge decided one way and another another way, it is high time that we should have some tribunal which can reconcile the matter and set it right.

Mr. BAILEY. Did not Congress provide that tribunal at the time? Why require an American citizen to incur the labor and expense of prosecuting his rights before the courts which Congress had established and then say that Congress did not do its duty then and require them to undergo that expense and labor again?

Let me tell the Senator from Nevada that both the judges who tried these cases have been reappointed to their respective positions, and will he ask the Senate to believe—without seeking to introduce any partisanship into this question, will he ask his own side to believe that judges who have been appointed by the one President would have been reappointed by his successor when they had robbed these people of what Mr. Bixby says is $20,000,000 worth of property, and what the Senator from Connecticut says is $7,000,000 worth of property?

Mr. PLATT of Connecticut. I said twenty.

Mr. BAILEY. I understood the Senator to say seven. I will venture to say that $7,000,000 would be a very large estimate.

Mr. PLATT of Connecticut. I took the statement as read as I came into the Senate, I think, from the Secretary of the Interior.

Mr. BAILEY. No, it is not from the Secretary of the Interior, but from Mr. Bixby.

Mr. PLATT of Connecticut. From Bixby, then.

Mr. STEWART. The number of acres is given and it can be figured out.

Mr. BAILEY. Yes, and if it was not for the white people who have gone into that Territory that land would not be worth 50 cents an acre. They have given it the value it possesses. They have gone there in good faith under the law of Congress passed six years ago. They have procured their judgments, and have improved their allotments, and it would be a shameful outrage now to set those judgments—some of them five years old—aside and take the improvements made under the sanction of a judgment of a United States court upon the vague and indefinite allegation that somebody had suffered some sort of an injustice.

Mr. MORGAN. May I have the indulgence of the Senator from Texas for a moment?

Mr. BAILEY. Certainly.

INTEROCEANIC CANAL.

Mr. MORGAN. I wish to state that it has been agreed by the Senators who are engaged on opposite sides of the canal bill that at 2 o'clock on Thursday of next week the bill and amendments shall be taken up and voted on without debate. I ask unanimous consent that that agreement may be made.

The PRESIDING OFFICER (Mr. NELSON in the chair). Senators, you have heard the request made by the Senator from Alabama.

Mr. SPOONER. That means amendments now pending and which may be offered afterwards?

Mr. MORGAN. Yes, sir.

Mr. CULBERSON. I ask that the Chair shall state the suggestion of the Senator from Alabama.

The PRESIDING OFFICER. As the Chair understands the request, it is to this effect: That a vote shall be taken one week from to-morrow at 2 o'clock in the afternoon on the bill commonly called the Nicaragua Canal bill and the pending amendments and all amendments that may be offered at that time.

Mr. MORGAN. Yes.

Mr. KEAN. Without further debate?

Mr. MORGAN. Without debate.

The PRESIDING OFFICER. Without further debate after 2 o'clock. Is there objection?

Mr. PLATT of Connecticut. There is one thing that perhaps ought to be understood, and that is whether it cuts off an opportunity to vote on any amendment which may be pending between now and Thursday a week, or whether all the amendments have to lie until that time before they are voted on. That question always comes up in these unanimous-consent agreements.

Mr. MORGAN. I know it does.

Mr. PLATT of Connecticut. That should be fully understood.

Mr. MORGAN. I would not take a vote on any amendment in the absence of the Senator from Ohio [Mr. HANNA], who is going away on a matter of personal interest to himself. I would have no objection to taking a vote sooner than that time on any amendment that might be offered, except that the amendments offered, with the exception of the one proposed by the Senator from Georgia, are so radical that they mean the adoption of one canal route or the other, particularly the amendment accredited to the Senator from Wisconsin [Mr. SPOONER] reported by the minority of the committee. The amendment of the Senator from Georgia relates only to the agency through which the canal shall be constructed, and I would be willing to take a vote upon that at any time which might be agreeable to the Senator from Ohio, but on the others I would not be willing to vote before 2 o'clock on Thursday because of his absence.

Mr. SPOONER. That is right; but I shall want to offer some amendments to that amendment, not changing the nature of it at all, but perfecting it.

Mr. MORGAN. Of course. The only thing is that we shall commence voting at 2 o'clock and vote on, without debate.

The PRESIDING OFFICER. It is further understood that a vote on all the amendments except one, the amendment of the Senator from Georgia and amendments to that amendment, may be taken at any time prior——

Mr. ALDRICH. It is the other way.

Mr. FRYE. Mr. President, lately in all these unanimous-consent agreements there have been no votes upon amendments between the time when the consent was given and the time which arrived for action. In my judgment it is a great deal better that there should be no votes on any amendments until 2 o'clock on Thursday, if that is the time agreed upon.

Mr. MORGAN. Then I will so frame my proposition.

Mr. SPOONER. That is right.

Mr. MORGAN I will frame my proposition in that way, that there shall be no vote until Thursday at 2 o'clock, and that at that hour the bill and all the amendments shall be taken up and thereafter voted upon without debate.

The PRESIDING OFFICER. The request of the Senator from Alabama, then, is that the final vote shall be taken upon the bill and pending amendments, and all amendments which may be offered, at 2 o'clock on Thursday, a week from to-morrow.

Mr. MORGAN. Beginning at 2 o'clock.

The PRESIDING OFFICER. Beginning at 2 o'clock.

Mr. SPOONER. The amendments are limited to 2 o'clock. I suppose the agreement includes those offered after 2 o'clock and at any time until the final vote.

Mr. MORGAN. Of course; all amendments, either those pending or those that may be offered.

Mr. SPOONER. Until the bill is finally disposed of?

Mr. MORGAN. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The Senate resumed the consideration of the motion of Mr. STEWART to reconsider the votes by which the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was passed.

Mr. CULLOM. I should like very much to have a brief executive session any time within a half hour, if I can get it. I am compelled to leave the Senate before 6 o'clock.

Mr. BAILEY. Of course I desire to accommodate the Senator from Illinois. There is one more phase of this particular question that I desire to discuss. I am inclined to think that even as it stands it is plain enough, and I will consent to take the vote at once. I should like to have an understanding with the Senator from Nevada that if we should vote in the affirmative, then he agrees that the amendment I have offered may be adopted without further objection, and if we vote in the negative, that of course concludes the whole matter.

The PRESIDENT pro tempore. Does the Chair understand the Senator to assent to a vote now?

Mr. BAILEY. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada [Mr. STEWART] to reconsider the votes by which Senate bill 4848 was ordered to a third reading and passed.

Mr. JONES of Arkansas. Mr. President, I wish to take one minute.

Mr. BAILEY. Very well, Mr. President. I will yield to the Senator from Arkansas. It may be that I will desire to say something further.

Mr. JONES of Arkansas. I want to state to the Senate the way this proposition appeals to me.

The Chickasaws and Choctaws were each interested in the land of either nation. Suits were brought for citizenship against one nation or the other, and the other nation was not made a party to it. The Indians have always complained that both nations should have been parties to each of those suits, and that for that reason those judgments ought to be set aside or they ought to have a rehearing on that question. They have contended for that for a long while.

When this agreement came up to be made between the Choctaws and the Chickasaws and the Government to get rid of certain controverted questions between them and the Government, among other things they insisted that they should have an opportunity to have that question passed on by a court. There was another question of procedure in which they thought there ought to be some change. Now, this provision goes into the bill:

For any reason other than those hereinbefore specified—

The ones I have just referred to, where it—

as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto, etc.

The Senator from Texas proposes to strike out those words because it permits either one of these tribes to go before this newly constituted court, and show that injustice has been done in this case or that case or the other, toward these people when citizenship was accorded to any particular man. He proposes to limit these words to cases where they can show that injustice was done by perjury or fraud.

Now, I believe that the appeal ought to be wider than perjury and fraud alone. If these people can go into this court that is to be newly constituted, and can show to the satisfaction of the court that injustice has been done in any particular case, I believe that there should be a reexamination of that case. That is all it means.

The difference between the proposition of the Senator from Texas and the one the committee proposes, and the one I believe is right, is that we propose that this examination shall not be confined to cases where there have been perjury and fraud alone, but where substantial injustice has been done to these people from other causes and they have made it to appear and the court is satisfied of that fact. That is all there is to it.

Mr. BURTON. May I ask the Senator a question before he sits down?

Mr. JONES of Arkansas. Certainly.

Mr. BURTON. I desire to know if the committee is a unit on this proposition.

Mr. JONES of Arkansas. I understood so.

Mr. STEWART. The joint committee is a unit.

Mr. JONES of Arkansas. The joint committee agreed to it.

Mr. STEWART. The joint committee is a unit.

Mr. PLATT of Connecticut. The joint committee of the House——

Mr. JONES of Arkansas. The joint committee agreed to it.

Mr. BAILEY. If Senators are going into the action of the committee, I wish to state that the Senator from Nevada agreed with me that these judgments ought not to be opened in this general and indefinite way, and I positively know that Mr. STEPHENS of Texas did not agree that they ought to have been opened in this way. When the statement is made that the joint committee was unanimous, I have his statement that it is an outrage to authorize judgments to be vacated upon any such vague and indefinite ground.

Mr. STEWART. My first impression was like that of the Senator from Texas, but after investigating it I have come to the conclusion that the report of the committee is right.

Mr. BAILEY. The Senator, of course, understands that I would not go into the question of the committee except for the question of the Senator from Kansas [Mr. BURTON]. The Senator from Kansas knows as well as anybody on this floor that the Indians are pretty well able to take care of themselves, for he was their attorney for quite a while.

Mr. STEWART. The committee acted in modifying the agreement with a view of reaching substantial justice. Having two parties and having it go upon the record—those technical questions under the agreement if decided against the applicant would be final.

Mr. BAILEY. I think the committee's action there is all right.

Mr. STEWART. We worked that out, so that in case of a technical question decided against them they can have a hearing in the court right along.

Then, as to the other trouble, that we should confine the cases to perjury and fraud, there may be other irregularities, but they must be made to appear to the court. It is to be a court of three, and the language is not only that they must allege, but they must make it appear to the court, that injustice has been done in admitting them to citizenship. I think that is a safe provision, and I do not think the results will be very different, because if they make it appear that injustice has been done they must show something substantial, although it might not be actually fraud. Even though it be no fraud it may be such a miscarriage of justice that, under the circumstances, a court would feel bound to intervene. I think there may be many cases of that kind here from the history I get of it.

Mr. BAILEY. Mr. President, the Senator from Nevada reveals the whole trouble in the very last and the apparently unimportant statement he makes, and that is how "he gets it." His whole information comes from the Indians' representatives, some of whom are good people and some of whom are not. I want to be entirely candid with the Senate. One of my neighbors is an attorney in many of these cases. He is as good a man as I ever knew, and as honest a man as any of us. I get most of my information from him, who is interested as an attorney, the same as these gentlemen get theirs from the attorneys of the Indian tribes.

Mr. STEWART. And they are just as reliable.

Mr. BAILEY. I know some Indian attorneys are gentlemen whom I would rely on, but this neighbor's word I would take the same as I would take my own, because I know he is a man of honor, and he tells me most of these cases have been fairly tried.

Now, the appeal I wish to make to the Senate is this: Will you set the precedent of staining the character of your judges? Will you destroy the sanctity of judgments without first making the direct charge that they were procured by fraud? I undertake to say that never before in the American Congress from the foundation of this Government and never before in any other enlightened country was application made to the legislative department for a new trial upon such vague and indefinite grounds as these. These gentlemen are not more anxious to protect the Indians against fraud than I am, and I have proposed an amendment which is ample for that purpose. I will go further, and I will agree to set aside judgments rendered by masters who were attorneys in related cases.

I have made every kind of proposition to these gentlemen. Their whole contention in the beginning was that there had been wholesale fraud and perjury committed. I am opposed to a legislated new trial, but I am willing to waive my general objections to that in favor of the Indians, and I will agree to vest the court in the Indian Territory with the power to set aside every judgment that was procured by fraud or perjury.

Mr. STEWART. You see how vague and indeterminate would be the attempt to prove perjury. Some of these men swear that they are not guilty of perjury. They come in with stories about pedigrees. Most of them are ancient tales that they tell; but you could not convict them of perjury, even if they had been guilty of swearing falsely. It would be an impossibility to convict them of perjury in a case where the pedigree of 4,000 people was involved, all claiming to have Indian blood. It would be entirely useless to attempt to do so, although their statements would be a fraud in the legitimate sense of the term.

The commissioners and officers of the Government have been before the committee session after session, and have given it as their opinion that many of these judgments—the great mass of them—were wrong; that many of the men in whose favor they were rendered were white men, never having been connected with the tribe. That was the opinion of the Commission; and the Commission decided against pretty much all of them on the ground that they were white men and did not belong to the tribe, but the court reversed that decision.

There seems to be a hardship in the matter, but I believe the committee has arrived at about the proper conclusion. Not only has the committee determined it, but the Department has been consulted about a dozen times about it. We went down there with this proposition, and the solicitor of the Department looked it over and thought that under it substantial justice could be obtained.

Mr. BURTON. Mr. President, the Senator from Texas [Mr. BAILEY], in referring to myself, as I have been an attorney at one time for one of these tribes, might leave the impression that I was an attorney at the time these cases were being tried.

Mr. BAILEY. I did not intend to create any such impression.

Mr. BURTON. I want to say that these judgments would not

have been rendered if I had been an attorney in these cases. I was an attorney afterwards. About 2,000,000 acres of land were involved in these cases. I have been surprised at some things the Senator from Texas has said; and that is a kind of quasi testimony here that some of these judgments were rendered regularly. I can not testify as having been present. I was not present when any of the hearings were had. I happened to be counsel for the Chickasaw Nation after these cases were over; I have been down there a good deal, and if there was anybody in that country, white or black or red or any other color, who believed these judgments were valid and just I could not find him.

Mr. BAILEY. The Senator from Kansas was down there as an attorney, and he was not looking for that kind of testimony, as a matter of course.

I thank the Senator from Kansas—if it will not interrupt him—for saying that he was the attorney after these judgments were rendered, because that confirms my statement that they are four or five years old. The Senator has been in the Senate for now more than two years, and of course he has not been an attorney for Indians during that time.

Mr. BURTON. The Senator is mistaken about how long I have been in the Senate. I have been in the Senate since a year ago last March. I have not been an attorney for the Chickasaw Nation since I have been in the Senate.

Mr. BAILEY. Of course not.

Mr. BURTON. But I was the attorney for a short time before that of the Chickasaw Nation.

I want to say just a word in regard to these judgments. As I understand, the counsel for the Indians had assumed that the act was unconstitutional, and advised them in such a way as that practically no trials were had. That is my information.

Mr. BAILEY. I will agree to an amendment authorizing them to open the judgments where there was no trial.

Mr. BURTON. But, Mr. President, it might be very difficult to determine what was a trial. As I said, I understand the bill to propose that substantially these cases shall be heard de novo by a court to be constituted by the treaty.

Mr. STEWART. Where they can show that injustice has been done in admitting persons who are not members of the tribe.

Mr. BURTON. That puts the burden upon the Indian to show that injustice has been done. There were instances where one who was claimed to be an Indian was an Irishman, as I am credibly advised, and others where he was a negro or a citizen who had lived there for years and had paid taxes as an Indian, but had never claimed to be an Indian, as in several cases they were pointed out to me when I was there.

I want to say, in addition to that, that these cases were never heard in such a way, as far as I am advised, to the end that judgment should be rendered, as in ordinary cases at law. If the Indians are required to show that injustice has been done, certainly under all the circumstances this bill ought to pass as it has been reported.

I am perfectly safe in making the statement, so far as the Chickasaw people are concerned, that the dominating influence down there, beginning with Governor Johnson and embracing all the leading Indians, is not to shut out anybody who is a Chickasaw Indian. There is no disposition to do that at all. I have never found in my relations with the Chickasaw Indians a single bit of effort at any time in that direction, and they know better than anybody else who are Chickasaw Indians.

I can not speak so well for the Choctaws, because I do not happen to be acquainted with the governor of the Choctaws. Certainly under the circumstances in which these cases come to us, having first been thrown out by the Dawes Commission—and I will say right here that the Dawes Commission understand the people of the Territory and the relation of the Indians to the white men better than anyone else down there——

Mr. BAILEY. Will it interrupt the Senator if I ask him a question?

Mr. BURTON. Not at all.

Mr. BAILEY. Assuming that the Dawes Commission and the judges are equally honest, equally able, which is the more apt to have rendered a proper decision, the body that tried 20,000 cases in ninety days or the body that tried several hundred cases in two or three years? The Dawes Commission, according to the statement of the chairman, had over 20,000 cases before it, which it had to decide in ninety days, and it decided them by the wholesale. The court had several years in which to try several hundred cases. Assuming that they were equally honest and equally wise, which would be the more apt to render a proper decision?

Mr. HOAR. If I may make one suggestion right there, I wish to say that Henry L. Dawes, of the Commission, is a citizen of my State. Mr. Henry L. Dawes was in this Senate and in the House of Representatives for thirty-six years, and studied the Indian problem during all that time.

Mr. BAILEY. But he did not study Indian genealogy.

Mr. HOAR. He is an honest and a wise man, and I would rather have his judgment on any such question than that of any other single man I know of.

Mr. BAILEY. Rather than that of any court with the testimony before it. I want to say to the Senator from Massachusetts that while he exceeds me in admiration for ex-Senator Dawes, he does not exceed me in respect for him. I believe he is just as honest a man as the Senator from Massachusetts thinks he is; but no honest man could decide 20,000 cases in ninety days, and no commission composed of honest men could do so. The Commission pursued the only course open to them. They could not consider them all, and they rejected them all, leaving them to be decided by the courts.

Mr. BURTON. No one can state, I had almost said a fallacy, or even a truth for that matter, as strongly as my friend from Texas. The facts are that Arkansas and Texas just emptied themselves into the Indian Territory, and it did not take very long to throw most of their cases out.

The members of the Dawes Commission who gave consideration to these cases are just as honest—and I had almost said as able—as our great friend Dawes from Massachusetts. They understand better than anybody else the nature of these fraudulent applications, and they knew good and well that the applicants were not Chickasaw Indians.

The Chickasaw Indians know who are Chickasaw Indians; and they got at the truth of this matter. I do insist that no harm can come to these litigants if they are Chickasaw Indians. They will have no trouble, and no Chickasaw Indian will have any trouble in establishing his claim to his share of this land. If the matter is left where it is now, you have got to prove fraud or perjury; a great many of these cases will fail; and, in my opinion, a very great wrong will be done, provided it goes through in that shape. But I am as well satisfied as I am that I am standing on this floor that if this amendment does go on the bill that treaty will never be ratified by the Choctaws and Chickasaws.

Mr. PLATT of Connecticut. Mr. President——

Mr. CULLOM. If the Senator will allow me, I wish to say that I desire an executive session this evening. I shall be obliged to leave the Chamber in a little while, and if this discussion is to go on at length——

Mr. STEWART. It will not go on long now.

Mr. CULLOM. I should like to have an executive session.

Mr. PLATT of Connecticut. I only wish to make one observation, which I failed to make when I made a statement of this case.

You would suppose that the Choctaw and Chickasaw nations were the persons who were entitled to determine who were entitled to citizenship among them. That would be the natural supposition, but the United States has assumed it and put it in the first place in the hands of the Commission, and in the second place, if an appeal was granted, put it in its own court.

The Choctaw Nation and the Chickasaw Nation have courts, and if this question had been left there they would have decided it for themselves; but now that we take it away from them, take it away from their own courts, they insist that a great injustice has been done. It seems to me we can make no mistake in allowing them to have a review of the case.

The PRESIDENT pro tempore. The question is, Will the Senate agree to reconsider the vote by which the bill was passed?

Mr. BAILEY. One moment, Mr. President. In order to meet every possible suggestion, I am going, if the bill is reconsidered, to substitute the words "false swearing" for "perjury," and add "mistake;" so that if an Indian has lost judgment by any kind of false swearing, or by even an honest mistake, it will give him a new trial.

The PRESIDENT pro tempore. The question is, Shall the vote by which the bill was passed be reconsidered?

Mr. BAILEY. I do not believe that my duty will allow me to suffer this question to be decided without a roll call; and the trouble about that is that it cuts off the Senator from Illinois.

Mr. CULLOM. I suggest to the Senator, if he desires a roll call, that the further consideration of the subject be postponed until to-morrow.

Mr. BAILEY. I am willing.

Mr. STEWART. I would not object to that if we could have an assurance that the matter could be concluded to-morrow.

Mr. BAILEY. I could call for the yeas and nays and then ask unanimous consent that the matter go over until to-morrow.

The yeas and nays were ordered.

Mr. BAILEY. Now, Mr. President, I ask that the matter go over until to-morrow.

Mr. STEWART. I should like to have some understanding that if it is to go over until to-morrow it shall then be disposed of.

Mr. BAILEY. The roll call having been ordered, it will be the first thing in the morning.

Mr. PLATT of Connecticut. The question will still be open to debate. I do not see why there should be such intense haste about deciding a matter which, as I said, involves $20,000,000, as stated

in the letter which was read here, or even $10,000,000. It seems to me it is worthy of thorough discussion.

Mr. STEWART. Very well; let it go over.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 12, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 11, 1902.

CONSULS.

Frank W. Mahin, of Iowa, now consul at Reichenberg, Austria, to be consul of the United States at Nottingham, England.

Silas C. McFarland, of Iowa, now consul at Nottingham, England, to be consul of the United States at Reichenberg, Austria.

COLLECTOR OF CUSTOMS.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland.

SURVEYORS OF CUSTOMS.

James C. Ford, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

Robert A. Ravenscroft, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland.

NAVAL OFFICER OF CUSTOMS.

William T. Malster, of Maryland, to be naval officer of customs in the District of Baltimore, in the State of Maryland.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland.

APPRAISER OF MERCHANDISE.

C. Ross Mace, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

COLLECTOR OF INTERNAL REVENUE.

Phillips Lee Goldsborough, of Maryland, to be collector of internal revenue for the district of Maryland.

MARSHALS.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland.

William L. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri.

POSTMASTERS.

George E. Sapp, to be postmaster at Pecos, in the county of Reeves and State of Texas.

Addison H. Frizzell, to be postmaster at Groveton, in the county of Coos and State of New Hampshire.

W. S. Waite, to be postmaster at Eastman, in the county of Dodge and State of Georgia.

John Beaty, to be postmaster at Waxahachie, in the county of Ellis and State of Texas.

George G. Clifford, to be postmaster at San Antonio, in the county of Bexar and State of Texas.

Gomer S. Williams, to be postmaster at Cisco, in the county of Eastland and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 11, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FUR-BEARING ANIMALS IN ALASKA.

Mr. MCCALL. Mr. Speaker, I ask unanimous consent to file the views of the minority upon the bill H. R. 13387, being the bill relating to fur-bearing animals in Alaska.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to file the views of the minority on the bill the title of which the Clerk will report.

Mr. MCCALL. And I ask that we may have leave to file this at any time to-day.

The SPEAKER. The gentleman couples with his request that he be permitted to file these views during this day.

The Clerk read as follows:

A bill (H. R. 13387) relating to fur-bearing animals in Alaska.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. HAY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAY. To call up a resolution of inquiry which has become privileged.

The SPEAKER. Is it a privileged resolution?

Mr. HAY. Yes, sir; a resolution of inquiry.

The SPEAKER. The Chair is of opinion, however, that the special order will now shut off such a resolution. The Chair has held back requests for unanimous consent and other requests this morning, in order that the committee in charge of the floor may hold it. The rule requires that this be in order immediately after the reading of the Journal on each day. The Chair, therefore, feels compelled under the rule to recognize the gentleman from Michigan.

Mr. CORLISS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. Under this rule the House resolves itself into Committee of the Whole House on the state of the Union without motion. Therefore the House will resolve itself into Committee of the Whole House on the state of the Union, in pursuance of the rule.

PACIFIC CABLE.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LACEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce.

Mr. CORLISS. Mr. Chairman, I would like to inquire just how much time I consumed on yesterday? I understand, one hour.

The CHAIRMAN. Sixty minutes.

Mr. CORLISS. Mr. Chairman, I think I demonstrated yesterday from the evidence of experts that only one cable from our country to Manila at the present time was necessary, because there are two other cables in existence that can be utilized in case of an emergency. I conclusively established the fact, from expert testimony and from parties who are competent to make a bid, that a cable can be built, including cable ships—two of them, and only one is necessary—for less than $10,000,000; and I simply want to call the attention of members to the further fact that Great Britain is building a cable through the Pacific as long as ours will be and the contract is only $8,900,000.

I have conclusively shown from the testimony of experts that this cable can be operated for about $350,000 per annum, not taking into consideration the interest on the capital. Now, you gentlemen do not want to conceive that we are going to have a great army of men employed by the Government through this. There are only five stations embraced within this project. Three experts can operate it twenty-four hours at each station. Fifty men employed will supply the necessary service to operate these five stations. So that it does not require a large number of Government employees. It is a peculiar utility; one that the Government can take hold of without detriment to any other interest in our country.

It does not infringe upon the right or the interest of any American capitalist. Unless the Government undertakes this work—and mark what I say—unless the Government undertakes this work you can not secure the erection of a cable plant upon the California shore, which is as necessary as a battle ship—as necessary as a navy-yard—more so, because there are navy-yards that can, in case of necessity, repair battle ships, but there is no cable plant upon the Pacific coast that can repair a cable during war.

There are no cable ships owned by our Government at the present time that can repair a cable in case it is cut in war or in peace. During the Spanish war our Government was humiliated to the necessity of asking a cable ship that happened fortunately in our waters to go down to Key West and lay a cable from Key West to Dry Tortugas, 60 miles. An English cable ship, at an expense of $70,000, laid 60 miles of cable for our Government. Could you do that if you were at war with Great Britain?

Now, one word with reference to the cable between Hongkong and Manila, and the members here ought to think of that question. I hold in my hand the Washington Post of June 2, in which it is stated, upon the authority of the Commercial Cable Company, that the only cable between Hongkong and Manila had been broken. Do you know that not a word or a message can be sent to our people in the islands of the Philippines, that it is absolutely in darkness so far as cable communication is concerned, and has been since the 1st day of June?

The fact that the Commercial Cab le Company makes this an nouncement shows to you, as it shows to me, that they are the

people in this country in touch with that great corporation. God Almighty, for some cause, has severed that cable as an example to the representatives of our people, showing to them the dangers of interruption of cable communication. Are you aware that the War Department has ordered battle ships to be used as dispatch boats to carry messages from Hongkong to Manila? Of course, we sit here and do not mind anything about it, and yet that costs nearly $2,000 a day. These dispatch boats are running between Hongkong and Manila to carry messages between the officers and soldiers and their friends at home because we have no communication with Manila.

I speak of it for this reason. The Eastern Cable Company have had that cable for many years. They have had exclusive control of the communication from our Government, and, as stated by Mr. Squiers, they have received, on the basis of 40 cents a word, which they charge from Hongkong to Manila, $72,000 a year for the use of that little strand, amounting to $288,000 in four years; and yet they leave this Government in a condition so that the breakage of simply one strand leaves us with no communication with that archipelago with 10,000,000 people upon it.

If they are looking out for the interests of our Government, do not you think they would have placed their cable line in a condition so that they would have fortified against this very accident? I submit whether our Government can afford to be subjected to the control and neglect of such a monopoly.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied one hour and seven minutes.

Mr. CORLISS. At the end of eight minutes more I would like to be notified.

Mr. Chairman, there is this bugbear of government ownership here, and it speaks out on all occasions. I do not blame members for appealing against Government ownership. It is natural, and I am not in favor of the Government going into the ownership of railroads and telegraph lines generally. This is an entirely different thing. It is an absolute necessity. I have in my possession a letter which I will ask the gentleman from Pennsylvania to read, a letter he has from the man who at one time was seeking to get this right—that is Mr. Scrymser. He has constructed 12,000 miles of cable, extending from our country to foreign countries. He desired to construct this cable line, and for some years sought the right to do so.

The Senate passed a bill carrying a specific subsidy to that concern to build this cable line, but the House refused to consider it. Subsequently, in the Fifty-sixth Congress, the Senate passed the Government-ownership bill, providing for the Government to lay a cable from California to Hawaii, and the gentleman from Illinois [Mr. CANNON] was the instrument through which that was defeated in this House. It has caused a loss of more money than the whole cable would have cost. It has cost our Government to send communications to Hawaii by ship more than that cable would have cost, during the Fifty-sixth Congress, had that amendment to the sundry civil bill been permitted to pass this House.

Will you stand here and continue, just because you include something for the Government to do, to hold back the progress of this nation? I want to call your attention to some things that you have done in other bills. At this very session gentlemen on this side of the House voted to put in the river and harbor bill an appropriation authorizing the Government to go into the dredging business, because up in Cleveland they had organized a combination to raise the price of dredging to the Government, and you authorized the Secretary of War to build a dredging machine and go into that business. Do you call that paternalism? You have done another thing.

This very session you have authorized the Government to build its battle ships in the Government navy-yards, and you did so even over the ruling of the chairman of the Committee of the Whole. Do you call that paternalism? Far more than that. There are other matters of the same character that you have authorized the Government officers to take hold of. For instance, you ordered the Secretary of the Navy, in case he could not secure armor plate, to build a factory for the construction of armor plate. My God, gentlemen, if those things are necessary to break down combinations—if such things are necessary to give the Government the right to avail itself of public utilities at a reasonable price, how much more important this measure is to the American people!

I say to you that there is no interest, no capital, no company or organization in our country that will lay this cable except the United States Government, barring the Eastern Cable Company and its American ally.

And now one word and I will conclude. These parties say that they have gone on and made a contract for a cable; that they are going on to do the work. They are acting without authority of law, without regulation of the Government. They asked the President for the necessary authority, and he refused to give it to them, and submitted the question to Congress.

But now I say to you that I have within twenty-four hours received the information that not a solitary foot of the cable proposed to be laid by Mr. Mackay's company from California to Hawaii has yet been made. That information comes to me from a source that is reliable, and I defy Mr. Mackay or any other person to say one foot of that cable has yet been made. This information comes from a man connected with the company that has the contract to make the cable, and his reason for saying that it has not been made is this, that his company has contracts for cables amounting to over 30,000 miles, and therefore they have not reached this cable. They can not make it quicker for our Government than our own plant can.

Is there any need of our turning this matter over to those parties? Is there any haste in it? Are we going to leave the people forever in darkness out there, subject to the dictation of this corporation? God forbid! If the Government be given control of this enterprise, we shall advance our interests in trade, in military power, in national influence, and shall break down monopoly. Turn the enterprise over to these other parties and you block the wheels of progress. I submit for your information a letter from Captain Squier with reference to the Manila-Hongkong cable:

WASHINGTON, D. C., *June 6, 1902.*

Hon. JOHN B. CORLISS,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge your letter of the 4th instant asking for additional information relative to the proposed trans-Pacific cable, namely, "What, in your judgment, is the effect of the present interruption of cable communication between Manila and Hongkong upon our interests in the Philippine Islands and what means may be taken to guard against this danger in the future?"

The Philippine Archipelago is connected to the telegraph system of the world by a single line from Manila to Hongkong, at present interrupted, entirely isolating this archipelago except by commercial steamers or Government dispatch boats.

Ever since the American occupation of the Philippines it has been a matter of deep solicitude to the Chief Signal Officer of the Army and War Department, to protect at the earliest moment, our communications to this archipelago by the laying of at least one additional connection as soon as possible, to prevent total interruption.

The Philippine Archipelago is the only example in the world to-day of a country possessing over eight millions of people, which has not its telegraphic cable communications protected by at least one duplicate line.

Even the British colony of New Zealand has double cable connections to Australia, and before the year is out will have these connections further secured by a third line from Australia to Vancouver, in connection with the British Government trans-Pacific cable.

The only reason why other cables have not been laid connecting the Philippine Islands with the Asiatic coast is the existence of an exclusive concession granted by the Crown of Spain to the Eastern Extension, Australasia and China Telegraph Company, which will not ultimately expire until the 8th of May, 1940, which is held by that corporation to prevent any other corporation or government from landing a cable in the Philippine Islands.

In answer to the first part of your question as to the effect of the present interruption of cable communications between Manila and Hongkong, it appears that the laying of at least one additional cable connecting the Philippine Islands to the Asiatic coast is at the present moment a military and administrative necessity of such weight and possible value as to override all other considerations of any nature, and that such a cable line should be laid at once by this Government.

The possible harm to our interests in the Philippines resulting from telegraphic isolation can not be measured by any ordinary standards.

The quickest dispatch boats require two days to reach Hongkong.

Besides the great damage to our interests from a military, administrative, and political standpoint, from being cut off from the United States, it is of course possible that in case of any extraordinary calamity happening in the Philippines, such as the recent Martinique disaster, a great conflagration in Manila, a severe cholera epidemic, the loss of a troop transport, or a great typhoon, such as the Porto Rico hurricane, the loss and suffering from a humanitarian standpoint might easily prove terrible and, indeed, a national reproach.

The amount of money involved in laying such a cable, therefore, seems of no reasonable consideration.

The second part of your question is:

"What means may be taken to guard against this danger in the future?"

1. Due to existing concessions, the United States Government itself is the only party besides the Eastern Extension, Australasia and China Telegraph Company which can lay such a cable from the Philippine Islands to the Asiatic coast.

2. Since the original concession granted by Spain included not only the Philippine Islands, but other Spanish islands in the Pacific Ocean, such as the Marshall Islands and the island of Guam, and since Spain has disposed of these islands in part to different parties, it must be ultimately a matter for the courts to decide as to what damage may be sustained.

3. The German Government, by the purchase from Spain of the Marshall Islands, which are included in the concession referred to, stands practically in the same position in respect to the connection of these islands to the Asiatic coast under the concession as the United States does in so connecting the Philippine Islands.

4. That the Government of Germany does not acknowledge the force of this exclusive concession with respect to the Marshall Islands is indicated by the terms of an agreement signed at Berlin July 24, 1901, between the German and Dutch Governments, whereby government cables are to be laid connecting the Palaos Islands and Marshall Islands with Shanghai, China, as well as with the Dutch East Indies.

5. That the Government of France does not recognize the force of certain exclusive concessions from the Chinese Government to this same cable corporation for the coast of China is indicated by the fact that recently the French Government has landed a Government cable on Chapel Island, off the city of Amoy, connecting her colonial possessions at Saigon, and later intends to continue such French Government cables to Shanghai, connecting with the Siberian lines under Russian control.

6. Japan has granted an exclusive concession to the Great Northern Telegraph Company, a Danish corporation and an ally of the Eastern Extension Cable Company, which will expire on December 27, 1902, yet which practically extends for a period of ten years thereafter through a special provision contained therein which prevents the Japanese Government itself or any other Government or corporation other than the Great Northern Telegraph

Company from connecting Japan to the Philippine Islands by a submarine cable.

Since Germany has recently entered into an agreement to lay a Government cable from the Marshall Islands so as to connect with Shanghai and France has recently laid a Government cable connecting Saigon to Amoy, it would seem reasonable to presume that this Government can also land a cable on the Chinese coast.

An American Government cable should be laid from the northern part of the island of Luzon—such as at or near Aparri, which now has practically duplicate Government land lines direct to Manila—to Amoy or Shanghai, China.

The distance from Aparri to Amoy is approximately 450 miles, and the distance from Aparri to Shanghai is approximately 800 miles.

Shanghai, at the mouth of the great Yangtze River, is the New York of China. It is and will be the commercial center. A cable from northern Luzon direct to the small island of Gutzlaff, at the mouth of the Yangtze River, would give the Philippine Islands direct telegraphic communication with the present telegraph center of the Far East.

At this point there are duplicate lines to Japan and duplicate or triplicate lines by two routes to Europe. At Shanghai the Northern Telegraph lines via Siberia and the Eastern Company's lines via the Mediterranean and India meet, and these cables land on this small island.

It would appear, therefore, that although the line will be considerably longer, it would be better to lay the line direct to Shanghai for political and commercial reasons, just as the island of Haiti is connected by cable to New York City instead of to the coast of Florida, which would be much shorter.

A cable landing at Amoy on Kulangso Island, now a foreign concession, instead of at Shanghai, would give the strategic advantage of the exclusively controlled communication between our eastern military and naval base at Manila with our proposed coaling station at Amoy by a shorter route, but it would not so directly reach Japan nor give direct telegraph communication with the direct commercial city of China.

Either one of these lines of cable can be laid by this Government at much less expense and saving of time than by any private corporation, since the Government now has in the Philippine waters the cable ship *Burnside*, fully equipped.

The *Burnside* has laid over 1,200 miles of Government cable connecting the different islands of the Philippine group, and has a trained staff which maintains these lines. It would be practically no extra expense to the Government to lay the cable to China, nor any additional expense to maintain it after it is laid, as the *Burnside* is required in Philippine waters to take care of the present interisland system.

This cable can be made at the rate of 200 miles per month by American manufacturers, who have furnished all of the 1,300 miles of cable now in use in the Philippines.

As indicating the necessity for a Government-controlled cable, it is remarked that although the present single cable line has been already interrupted for five days, and General Chaffee has at his command at Manila a fully equipped American Government cable ship capable of repairing this cable as quickly and efficiently as any cable ship in the world, yet because the cable is private property he is powerless to repair it, and the United States Government must wait till the company's repair ship, viz, the *Sharad Osborne*, stationed at Singapore, can be spared for the repair.

Since this same ship also has the care of the company's private cables west of Singapore to India, if she happens to be engaged on distant work at the time of interruption of the Manila line the United States Government has to wait upon private interests until she can be spared.

An analysis of the testimony submitted to the committees of Congress during the past few years having the trans-Pacific cable in charge clearly shows that this same span of cable connecting the Philippine Islands to China and Japan has been, is now, and will remain the pivotal link in the whole enterprise.

It is about the exclusive concessions supposed to control this link and which opens the door to the East that the whole discussion of an American trans-Pacific cable has really revolved.

It is the most important link in the trans-Pacific chain, and since it can be laid by this Government in six months with no additional facilities not now possessed its value as an insurance against further total isolation of the Philippines would be realized in the very near future and during the period of two or more years which the construction of the longer spans across the Pacific will necessarily require.

Very truly, yours,

GEORGE O. SQUIER,
Captain, Signal Corps, United States Army.

Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5094. An act for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

H. R. 8129. An act to amend sections 4076, 4078, and 4075 of the Revised Statutes;

H. R. 11591. An act for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check; and

H. R. 11657. An act allowing the construction of a dam across the St. Lawrence River.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 14046. An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5882. An act granting an increase of pension to Merzellah Merrill; and

S. 6030. An act authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

PACIFIC CABLE.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Alabama [Mr. RICHARDSON] one hour, and more if he needs it; but if he should not consume the hour I reserve whatever may remain.

Mr. RICHARDSON of Alabama. Mr. Chairman, I shall endeavor to consume as small a portion of the time allotted to me as may be consistent with my duty as a member of the Interstate and Foreign Commerce Committee of this House, that reported this bill.

This bill comes before this Committee of the Whole under very peculiar and quite extraordinary circumstances. I dare say that the able speech made by the distinguished chairman of the Committee on Appropriations of this House [Mr. CANNON] was noted yesterday, and its significance was apparent to every gentleman on the floor of the House who listened to it. The statement of the gentleman from Illinois was to the effect that the apparent excess of appropriations at this session of Congress, exclusive of the sinking fund now in the Treasury, was over the estimated revenues for 1903 $51,925,128, and he pointed to various projects and bills now pending before the House that would readily consume that amount.

One of those references was to this bill, which will really and in fact, by the time the Government gets through with this matter, should it undertake the construction of the Pacific cable, reach quite the sum of $20,000,000. I notice in the public prints this morning that another distinguished gentleman on the Committee on Appropriations of this House, the gentleman from Arkansas [Mr. MCRAE], said that up to date we had expended in this Congress $750,000,000. Now, I say, these are peculiar circumstances and surroundings in connection with the bill now under consideration.

My distinguished friend from Michigan [Mr. CORLISS] has said to me in the past, in the discussion of this matter, "How is it possible that you can go for renomination before an Alabama constituency supporting such a monopoly as this commercial cable." I now in reply ask him this question: "How can you go before your Michigan constituency, in view of the small excess in the Treasury and in view of the immense amount of money expended in this Republican Congress (unparalleled in the history of any Congress that has sat no longer than this has) and argue in favor of an additional appropriation for such an enterprise, to be charged up against the Government, when a private company is willing to assume all the responsibility and incur all the expense and risk?" Let him answer that before his Michigan constituency. He will find himself seriously embarrassed.

There is another peculiar state of circumstances to which I wish to direct attention. We are in the midst, Mr. Chairman, of wonderful development, progress, and improvement—physical, governmental, scientific, and otherwise.

If it had been said to any gentleman on this floor twenty-five years ago that one of us could step into the adjoining cloakroom and easily talk with a man 1,000 miles away by telephone, and even identify and recognize his voice, scarcely anyone would have believed it; yet it is a fact; and I say the peculiar circumstances bearing upon a proper and thoughtful consideration of this matter that will necessarily and properly attract the attention of any gentleman who has given this question that full attention which he should, are the extracts that I have put myself to the trouble of collating in order to submit for the consideration of this House. They are in relation to this wonderful wireless telegraph system which Marconi has discovered and is now daily improving. I say that there is no man here to-day who is prepared to say to what extent that system will be a success. I read these extracts as taken from the Century Magazine; some of them as I believe are prepared by Marconi himself.

A certain commercial application of my system has already been achieved. In all seventy ships carry permanent installations, and there are over twenty land stations in Great Britain and on the continent of Europe, besides several in this country. To what further extent the system may be commercially applied is not easy to foretell. My recent successful experiments between Poldhu and St. John's, however, give great hopes of a regular trans-Atlantic wireless telegraph service in the not too distant future.

The grand scientific truth being demonstrated, Mr. Marconi now proposes to perfect the system so that it may be made applicable to commercial uses. It only requires increased power at Poldhu to transmit signals to St. John's. Following upon that, additions to the same force will permit the electric energy to be projected to the uttermost ends of the earth. Mr. Marconi hopes within a few months to be able to transact commercial telegraph business across the Atlantic. * * * Cecil Rhodes and he have already discussed "Marconigraphy" as a means of bringing together the vast distances of the South African Continent.

The system has been found of great service for naval purposes. It is installed on board 37 British war ships. In the late naval maneuvers its efficiency was demonstrated beyond question. Signals were transmitted from ship to ship over a distance of 160 miles. * * * The Italian Navy adopted it at the very first, and the Russian Navy has just announced its determination to follow the same course.

* * * * * * *

Mr. Marconi also believes that his system may become a formidable competitor against the ocean cables. * * * A trans-Atlantic cable represents an initial outlay of at least $3,000,000, besides the cost of its maintenance. A Marconi station can be built for $60,000. Three of these, bringing the two worlds into contact, will cost only $180,000, while their maintenance should be insignificant. * * * Though the first Atlantic cable was laid forty-three years ago, there are now 14 laid along the Atlantic bed, and in the whole world 1,769 telegraph cables, with a total length of almost 189,000 nautical miles, enough to girdle the earth seven times. The total value of the cables can not be easily commuted, but it is known that British capitalists have $100,000,000 invested in cable stock. * * * Cable stocks declined shortly after Marconi's success was announced, and the Anglo-American Telegraph Company restrained him from operating in Newfoundland.

The New York Commercial of Monday, April 7, stated that J. Pierpont Morgan and other financiers closely identified with him were interested in the new Wireless Telegraph Company of America. The company was incorporated under the laws of New Jersey under a capital stock of $6,150,000. Its American rights included the whole of the United States, Cuba, Porto Rico, the Danish West Indies, Alaska, Aleutian Islands, Philippine Islands, Hawaiian Islands, and all waters belonging thereto. Stations are reported to be building at Cape Cod, Cape Breton, and Tampa. Others are to be built on the Pacific coast. By means of these communications will be opened with the Orient and Russia.

In speaking of the new company, Mr. Marconi said:

The parent company is in London. It has sold no stock. It has simply sold the American rights. The two companies will work in harmony. The original London company will carry the controlling interest and cooperate in all matters with the American company. I am to receive $250,000 and 55 per cent of the stock of the new company.

Now, the question that I propound as a business proposition to this Committee of the Whole is, with the lights before us, with the pregnant probabilities that may result from these scientific investigations, are we prepared to say that we can justify ourselves by insisting that our Government under these doubtful and suggestive circumstances should own, build, and operate a cable line at a cost of fifteen or twenty millions of dollars in cash, every cent of which will become utterly useless and fruitless if Marconi's system is a success? Is it not more in accordance with common sense and fidelity to the interests of the great masses of the people whom we represent on this floor to say "No; we will not do that, but we will let this private company that has made a contract and is competent and ready, take that risk?" We can easily then defend ourselves and protect the interests of the people whom we represent. I ask you if in the ordinary affairs and transactions of life that would not be the governing principle with you. If it is, it should control our judgment in this case. Now, I will ask the Clerk to read the extracts which I send to the desk.

The Clerk read as follows:

SEC. 5263. Any telegraph company now organized or which may hereafter be organized under the laws of any State shall have the right to construct, maintain, and operate lines of telegraph * * * over, under, or across the navigable streams or waters of the United States.

SEC. 5266. Telegrams between the several departments of the Government and their officers and agents in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix.

SEC. 5267. The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under * * * this title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 5268. Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Mr. RICHARDSON of Alabama. Mr. Chairman, I called attention to that post-roads act of 1866 because it is the law that governs in this case, and all the conditions and requirements that are enunciated in those statutes have been fully and literally complied with by the company proposing to build this cable. I now ask that the Clerk will read the following contract.

The Clerk read as follows:

This indenture, made this 8th day of February, in the year 1902, between the United States of America (hereinafter designated the "United States Government"), acting through the Secretary of the Treasury, of the first part, and the Commercial Pacific Cable Company, a corporation of the State of New York (hereinafter designated "said company"), of the second part, witnesseth:

That said United States Government has hereby let and rented to said company, and the said company has hereby hired and taken from the said United States Government, an office in the general post-office building at Honolulu, in the Hawaiian Islands, such office to be located in such part of the building and to be of such size as the Secretary of the Treasury may hereafter prescribe, and in consideration of the same, it/said Commercial Pacific Cable Company, hereby covenants and agrees that it will well and truly perform and comply with the following covenants and agreements with the United States of America, to wit: Said company hereby covenants and agrees—

1. To charge not exceeding 50 cents per word for the transmission of messages between San Francisco and Honolulu, and to reduce such rate to 35 cents per word within two years after the proposed cable between San Francisco and Honolulu is in operation. To charge not exceeding $1 per word for the transmission of messages between San Francisco and Manila. To charge not exceeding $1 per word for the transmission of messages between San Francisco and China. To be content to accept from the United States Government half rates for the transmission of governmental messages.

2. To complete and put in operation its submarine cable from the State of California to the Hawaiian Islands on or before January 1, 1903, and to extend and put in operation its said cable from the Hawaiian Islands to the Philippine Islands on or before January 1, 1905, it being understood that unavoidable delays due to the necessity of taking soundings and to failure of contractors to comply with their contracts shall be sufficient excuse for delay on the part of said company, provided said contracts call for the manufacture and laying of said cable to the Philippine Islands on or before January 1, 1905, excepting delays by reason of said soundings, which soundings said company hereby agrees to make within a reasonable time, if the soundings already made by the Navy of the United States are not made accessible to said company.

3. To land said cable on American soil only, it being understood, however, that in case the depth of the ocean around the island of Guam be too great to allow a cable landing on that island, the landing may be elsewhere.

4. To sell the said cable line and the property and effects of said company to said United States Government at any time at an appraised value to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the said company, and one by the four so previously selected.

5. To transmit over its said cable telegrams between the several Departments of the Government and their officers and agents at such rates as the Postmaster-General shall annually fix.

6. To give priority to said govermental telegrams over all other business.

7. Not to receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government.

8. Not to consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates, except to make through rates.

9. To give to the Government of the United States similar privileges to those which by law, regulation, or agreement may be granted by the company to any other government.

10. To allow the citizens of the United States to stand on an equal footing with those of any other country in the transmission of messages over the company's lines.

11. To give precedence to messages in the following order: (*a*) Government messages; (*b*) service messages; (*c*) general telegraphic messages.

12. To keep the line open for business daily while in working order, and subject to the foregoing order of precedence. All senders of messages shall be entitled to have them transmitted in the order in which they are received.

13. If and whenever in the opinion of the Secretary of State an emergency shall have arisen in which it is expedient for the public service that the United States Government shall have control over the transmission of messages by the company's cable, it shall be lawful for the Secretary of State, by warrant under his hand, to direct and cause the company's cable and plant, or any part thereof, to be taken possession of in the name and on behalf of the United States Government, and to be used for the United States Government's service, and subject thereto for such ordinary service as to the said Secretary of State may seem fit, and in that event any person authorized by the said Secretary of State may enter upon the offices and plant of the company, or any of them, and take possession thereof, and use the same as aforesaid.

The Secretary of State may, when he considers such an emergency as aforesaid to have arisen, instead of taking possession of the offices, cable, and plant of the company, or any of them, direct and authorize such persons as he may think fit to assume the control of the transmission of messages by the company's cable, either wholly or partly, and in such manner as he may direct; and such persons may enter upon the company's premises accordingly, or the Secretary of State may direct the company to submit to him or any person authorized by him all telegrams tendered for transmission or arriving by the company's cable, or any class or classes of such telegrams, and to stop or delay the transmission of any telegrams, or deliver the same to him or his agent, and generally to obey all such directions with reference to the transmission of telegrams as the Secretary of State may prescribe, and the company shall obey and conform to all such directions.

In any such case as aforesaid, if the company show that during the exercise of any of the powers aforesaid their receipts from the cable, with respect to which the said powers have been exercised, have been less than their receipts from the same source during a corresponding period on the average of the last three years, the United States Government shall pay to the company as compensation for any loss of profit sustained by the company by reason of the exercise by the Secretary of State of any of the powers hereby reserved, such sum as may be settled between the Secretary of State and the company by agreement, or, in case of difference, may be determined by arbitration, provided always that no such compensation as aforesaid shall be paid; if and so far as the powers hereby reserved to the Secretary of State are exercised for the purpose of preventing direct communication with any of the United States Government's enemies, and save with the consent of the Secretary of State, no such compensation shall be paid; if and so far as the powers aforesaid are exercised for the purpose of preventing indirect or supposed communication with any of the United States Government's enemies or of protecting the interests of the United States Government under the apprehension of impending war.

In estimating such compensation as in the last subclause provided, the arbitrator shall take into account all the circumstances of the case, including not only any such loss as aforesaid, but also any additional profit accruing to the company (whether from the use of the cable so taken possession of or controlled or from any other cables used by them) from the emergency which gave rise to the exercise of the powers aforesaid. And as regards the cable with respect to which the said powers have been exercised the receipts of the company during a period corresponding to that of the exercise of the said powers on the average of the last three years shall be deemed to be the receipts which the company would have taken during the period of the exercise of the said powers had the powers not been exercised.

And said company hereby covenants and agrees that it will vacate the said office at any time upon notice from the Treasury Department, and that in the meantime and until said notice said Commercial Pacific Cable Company will keep the same in good order and repair, without expense or cost to the Secretary of the Treasury.

And said company hereby covenants to and with the United States of America that the United States of America may enforce the above obligations, and each and all of them, by summary action of the Army or Navy or by a bill of injunction to be filed in any court of competent jurisdiction, or by a suit for damages, or by any of said remedies, as the United States of America may deem best.

In witness whereof said Commercial Pacific Cable Company has caused these presents to be executed by its vice president and its seal to be attached by its secretary, and the Secretary of the Treasury has hereunto signed his name the day and year first above written.

[SEAL.] COMMERCIAL PACIFIC CABLE COMPANY,
By GEO. G. WARD, *Vice-President.*

Attest: ALBERT BECK, *Secretary.*

Mr. RICHARDSON of Alabama. Mr. Chairman, I have had read the post-roads act and the contract, the reading of which has just been concluded, to establish clearly and distinctly the foundation upon which this whole case rests. I know that it is contended in some cases that the post-roads act of 1866 does not apply, but by reading that act any gentleman who will carefully scan its meaning will see that it includes the lines across the waters of our Government. It is contended that it does not apply to cables, but that it embraces only land telegrams. Then, if it does not do that, if it does not apply, this private company, the Commercial Pacific Cable Company, has voluntarily assumed and entered into these obligations with the Government, and no man would contend for a moment that the Government, with all of its powers, could not enforce it. You will notice in that contract one remarkable feature, and it is that the Government of the United States can vacate that contract at any time it pleases, but the same privilege is not extended to this private company. Now, I have listened, Mr. Chairman, to a good deal in the way and nature of patriotic pyrotechnics on this floor. Why, my distinguished friend from Michigan [Mr. CORLISS] is not really in his natural and proper rôle, the one that nature generously gave him, unless he is either "dramatic or in some instances quite tragic."

Whenever this cable question comes up he sends out what might be commonly called an "autobiography of himself" to correspondents in advance of his speech. Who prepares that I will not say. That was done in the case of the speech he made on the floor of the House some months since. I hold in my hand a similar speech, written upon "yellow paper," sent out before he took the floor upon this subject, and I have a right to use it, because it was intended for the public. The only different "earmarks" appearing upon this paper from those that I have seen of his so sent out to willing correspondents in the former discussions of this bill is this memoranda:

To be released when CORLISS speaks.

Now, how it got out of its prison, how it escaped from its confinement, who released it, who gave it liberty, I am not prepared to say. At least it is here in my possession, and possession is nine points in the law. In this "advance copy" of his speech my friend takes occasion to talk a great deal about "American manufactures and American ships and American-made cables." That is all right and proper in its place. I have no comment to make upon that, and if I did my motives might be misconstrued; but addressed under these circumstances to the reasoning capacity and the common sense of this House, on a mere business proposition, I say that it ought not to have any force or effect. Why, I do not believe in charging that Mr. Mackay "stole" anything. I am told by gentlemen from California that Mr. Mackay is a man of exceptionally good character. Is there any necessity, in the discussion of this business proposition, to say that any man would "steal" anything? It is unbecoming and ought and will be properly rebuked by this House.

Mr. CORLISS—

I read now from this yellow paper—

dramatically denounced private monopolies of this character and vehemently declared that the private interest now seeking to steal this public franchise was a gigantic octopus, seeking to fasten its tentacles upon American soil for the purpose of sucking the lifeblood from the arteries of human energy, trade, and commerce.

There is not a gentleman on the floor of this House who would not recognize that sentence as properly emanating from and belonging to my friend from Michigan. Here is another one of these dramatic scenes described in this advance yellow circular sheet. This, you must remember, is a paper or speech with singularly complimentary editorial comments that was handed out to the correspondents in advance of the delivery of the speech. I am not saying that a member of Congress has not the right to do that, and no one would say that I have not the right to comment upon it when it is given to the public. Listen to this, as I find it in that advance sheet:

God Almighty, declaimed Mr. CORLISS in conclusion, with dramatic emphasis, seemed to be working in a mysterious way to save the people of the United States from the clutch of this monopoly by breaking the single cable communication between Hongkong and Manila on June 2.

Here we are at this very moment—

He said—

with 8,000,000 of people in the Philippines, our military and civil interests without communication, severed from all the world, and the battle ships of our Navy being used as dispatch boats to carry communications to our people.

I beg, in connection with that, to read what the President of the United States said on a subject related to this only this morning, as published in the Washington Post:

MY DEAR SIR: I beg to thank you for your kind letter of the 31st ultimo, inclosing a memorial of the American Unitarian Association, passed at their annual meeting on May 22, 1902. I am happy to be able to say that the bill which has just passed the Senate will, if enacted into law, enable us to proceed even more rapidly and efficiently than hitherto along the lines of securing peace, prosperity, and personal liberty to the inhabitants of the Philippine Islands. There is now almost no "policy of coercion" in the islands, because the insurrection has been so entirely overcome that, save in a very few places peace, and with peace the "policy of conciliation and good will," obtain throughout the Philippines. There has never been any coercion save such as was absolutely inevitable in putting a stop to an armed attack upon the sovereignty of the United States, which in its last stages became mere brigandage.

With great regard, and assuring you of my hearty sympathy with the purpose set forth in your letter and actuating the members of the American Unitarian Association as regards peace and justice in the Philippines, I am,

Very truly, yours,

THEODORE ROOSEVELT.

I read that communication in connection with the "dramatic expression" of my friend from Michigan invoking the cooperation and aid of this House in passing this bill because and on the ground that the building of the cable is alleged to be a military necessity. But the President of the United States says that peace has been restored there; that prosperity is following rapidly in its footsteps. Why, then, should we pass a bill of this kind, fastening upon the Government the charge of $20,000,000 to build a cable for military purposes when the Chief Executive of our country says that peace reigns in the Philippines?

Now, Mr. Chairman, what is the real proposition in this case? I believe there are only two. One is Government ownership and the other is private ownership. I understand from the gentleman from Pennsylvania [Mr. DALZELL] that an amendment will be offered to this bill—what is known as the Hale bill—providing substantially the very conditions that have been read in that contract, save probably one. I submit that one exception to the business intelligence of this House. It is right and proper that the Postmaster-General shall fix the rates at which the Government messages shall be carried. That is all right. That is in our contract. But listen to this other condition:

And such further conditions and terms as the President may deem proper.

That is the Hale bill, and the objection we make to it is this: I put to you the proposition, if you were about to invest $12,000,000 under a contract that specified the terms, would you intrust that $12,000,000 in the hands of any one single man, it matters not how honorable, how intelligent, how high his position might be in the Government, when he has to prescribe "such further conditions and terms as he may deem proper?"

I say there is not a business man in this House that would invest that amount of money on such uncertain and unsafe conditions and terms as that. That amendment or substitute means, Mr. Chairman and gentlemen of the committee, that no cable will be built from the United States to Manila. I am in favor of a cable, and I believe that the universal sentiment among the members of this House is in favor of building a cable in one way or another, but as business men would you prescribe such terms as those—as the President may hereafter prescribe? I would be unwilling to delegate such powers to the President. Why, that would put it in his power to destroy the capital invested.

Now, I say these are the two propositions that are before this House, and only these. Now, what is this proposition or contract that the Clerk has read. You have heard the contract read. You can not take the most competent and qualified attorney representing the interests of the Government to-day and draw a contract more in favor of the Government and that guards, protects, and safeguards its interest more than that contract does. In addition to that this company has done an extraordinary thing, which I will take occasion to mention. It has received from the manufacturers in England a guaranty of two years for the safe working of the cable when it is laid.

Mr. HOPKINS. Will you allow me a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. HOPKINS. Suppose the bill that is now pending be defeated, is it the opinion of the gentleman that that contract that he has read is of a character that could be enforced by the Government against this company?

Mr. RICHARDSON of Alabama. Thoroughly so.

Mr. HOPKINS. Is the consideration enough on behalf of the Government of the United States to make it a valid binding contract in all of its provisions?

Mr. RICHARDSON of Alabama. Yes; the consideration under the law, I think, would be the benefit of the people. That would be the benefit coming from a governmental standpoint.

Mr. HOPKINS. Could it be enforced against the company itself?

Mr. RICHARDSON of Alabama. I think so, beyond question.

Mr. CORLISS. Let me ask my friend a question.

Mr. RICHARDSON of Alabama. I am going to treat the gentleman differently from the manner in which you treated me. I am going to treat him in the Bible way, that "you should do unto others as you would have others do unto you." I asked you a question while you had the floor and you declined to yield.

Mr. CORLISS. If you do not want to consent, I will not insist.

Mr. RICHARDSON of Alabama. Go along and ask your question, although you would not allow me to interrupt you.

Mr. CORLISS. I do so because the gentleman from Illinois is not as familiar with the facts in this matter as I am. Is not it true that the contract that you have read was submitted to the Attorney-General, and the Attorney-General and the President and no other executive officer has any authority to act for the Government, and that there is no interest and no consideration proposed in it, and therefore it is null and void? Is not that true?

Mr. RICHARDSON of Alabama. I do not so understand.

Mr. CORLISS. It is a question of fact.

Mr. RICHARDSON of Alabama. Is it not a fact, I will put the question to my friend, that you went before the Committee on the Judiciary asking for an injunction in this matter, and that they refused to grant it?

Mr. CORLISS. On the contrary, I asked the Committee on the Judiciary to investigate a charge that I made under the antitrust law, and they said that that was for the Attorney-General. That is the fact in the matter of that investigation. But I say to my friend, and I ask him in all fairness as to this contract that he has read, if it was not submitted to the Attorney-General and the Attorney-General has it at his Department now. Is that not true?

Mr. RICHARDSON of Alabama. Are you through?

Mr. CORLISS. Is not that true?

Mr. RICHARDSON of Alabama. I am going to answer you, although you did not treat me with courtesy and allow me to ask you a question on yesterday when you had an hour of time.

Mr. CORLISS. I want to be fair with you.

Mr. RICHARDSON of Alabama. I want to be fair, and I want to answer your question, but not in the way in which you may dictate it.

Mr. CORLISS. I do not want to dictate anything. Is it not true that the Attorney-General has declined to consider that contract, that the President has declined to consider that contract, because they have no power to act?

Mr. RICHARDSON of Alabama. You are taking up my time and making another speech, and you have already spoken an hour and a half. My understanding of that is this: That the Attorney-General and other officers have refused to interfere in this matter at all. That is what I understand.

Mr. CORLISS. That is right.

Mr. RICHARDSON of Alabama. Whether the contract was merely submitted to these officers and they declined to act on it at all is an immaterial matter, for this Commercial Pacific Cable Company, proceeding under the post roads act of 1866, have entered into a contract under that law and filed it according to that law, and they are manufacturing and really building that cable. That is what they are doing.

I will also say that this cable company that is making this cable over in England guarantees it for two years. There is not a company that ever laid a cable or ever made a cable to be laid that has ever guaranteed it over thirty days. That is the difference you get in it. Now, what the situation is I started to say when my distinguished friend from Michigan interrupted me. Why, it is simply this: Here is a proposition, plain, unvarnished, and easily understood, that this Government is to engage in the cable business, build and own, operate, and use a Government cable from the coast of California to Manila, a distance of 8,000 miles, and the estimate made by those that seem best informed before the committee was that its cost would not fall below $12,000,000, and more likely fifteen millions. It will cost $1,500,000 per year for operating expenses. That is the proof before the committee, and the annual income is only $150,000. That is the annual income that has been estimated.

Now, what is it on the other hand? The Commercial Cable Company, a private enterprise controlled by skillful men, men that have laid over 13,000 miles of cable, men that possess that knack that Admiral Bradford well described before the committee, to build these cables—this company, headed by John W. Mackay proposes, without one dollar of subsidy or aid from the Government of the United States, to build, operate, and maintain this cable line from the coast of California to Manila, in the Philippine Islands, by the 1st of January, 1905—a distance of more than 8,000 miles—in accordance with the terms expressed in their contract, under which every conceivable interest of the Government is carefully guarded and protected. The evidence was shown to you yesterday in the paper I submitted to the gentleman from Pennsylvania [Mr. DALZELL] who these subscribers were, and there were only two Englishmen or foreigners among them, and the balance, or a large majority, were Americans.

Mr. THAYER. Will the gentleman allow me an interruption?

Mr. RICHARDSON of Alabama. Yes.

Mr. THAYER. I heard the gentleman say that the evidence before the committee was that it was demonstrated that it would cost a million and a half dollars per annum to maintain this cable. I would like to ask the gentleman upon what basis that estimate is made?

Mr. RICHARDSON of Alabama. I do not know. I took what the experienced men who were witnesses said before the committee. I have not studied cable manufacture. I am not an expert, but I have learned, as a lawyer, to accept the testimony of credible witnesses, and believe men unless the contrary is shown.

Now, what else is shown about this company, Mr. Chairman? Read the testimony; it is very voluminous; but the prevailing opinion of men who had knowledge and experience and judgment was that there would have to be a duplicate cable in certain contingencies. Why? Because the experience of the world shows that the cables break frequently, and in one instance where a break occurred it took eleven months to repair it, and it cost $500,000 to do it. Now, we are laying ourselves liable to all these things when we venture on Government ownership. Is it not a reasonable proposition that if this Government needs that cable, if there is any necessity for it—and surely, from what the President has said, there is no need of it at present, not from a military standpoint—let them go along and lay the cable? The company asks no subsidy—no aid from the Government. Let them take all the risk of breakage, all the risk of delays, and then, according to this contract, after it is laid, when the Government wants a cable and thinks it needs it, let it do the way we would do in a private affair, and, according to the contract, buy it of them at its appraised value.

Why, gentlemen, I do not see how a business proposition could be made stronger than the mere statement of these facts. That is the condition and those are the terms—take it and buy it. And if war arises, if any emergency occurs so as to make it necessary, let the Secretary of State take possession of the cable and rent it or use it for the Government temporarily and pay what is a fair rental for it. And in addition to that, the Postmaster-General prescribes the rates. What fairer proposition could be made? The Government is protected in every respect.

Mr. SHACKLEFORD. Will the gentleman allow me?

Mr. RICHARDSON of Alabama. Yes.

Mr. SHACKLEFORD. Does the Government prescribe any rate except for Government messages?

Mr. RICHARDSON of Alabama. No; not specifically.

Mr. SHACKLEFORD. Then commerce would have no relief?

Mr. RICHARDSON of Alabama. Oh, commerce has got that protection that underlies everything relating to commerce, competition.

Mr. SHACKLEFORD. Is there any competition now?

Mr. RICHARDSON of Alabama. Not right now; no.

Mr. SHACKLEFORD. Does the gentleman think there will be?

Mr. RICHARDSON of Alabama. Yes. Now, Mr. Chairman, I want to call attention——

Mr. SAMUEL W. SMITH. If it will not disturb the gentleman, I would like to ask him a question.

Mr. RICHARDSON of Alabama. Well?

Mr. SAMUEL W. SMITH. Would the gentleman be in favor of putting the rates in the bill so that we might know what it would cost?

Mr. RICHARDSON of Alabama. That might be a good thing to do.

Mr. SAMUEL W. SMITH. Would the gentleman be in favor of it?

Mr. RICHARDSON of Alabama. Yes; anything, if it can be done consistently with all interest to the company and the people, I would favor it. I am not advocating this matter of private ownership from anything except the very best interests of the public good. I see no objection to the proposition of the gentleman; but I was about, Mr. Chairman, to call attention to a point my friend the distinguished gentleman from Michigan [Mr. CORLISS] labored most earnestly upon. I can not undertake to follow him in all these matters, but in reference to the concession in the Philippine Islands made to other cable companies prior to the Spanish-American war it is a strange thing to me that when he referred to the Attorney-General's opinions he did not get the latest opinion of the Attorney-General upon this direct question. I have it right here before me, and I want to call special attention to it. The gentleman read an opinion yesterday about Cuba, and stated that it was similar in principle to this, but I have the former Attorney-General's (Mr. Griggs's) opinion upon the very question involved in this bill, and it is strange that the gentleman from Michigan did not find it.

It would be idle for me to follow the argument of the gentleman from Michigan on the question, equities, and rights involved in certain concessions granted by Spain to certain cable companies in the Philippines. The same questions arose in Cuba and they were properly referred by Secretary of State to the permanent Government now established in Cuba. But, fortunately for the proper consideration of this important matter, all these questions, complications, and other Spanish rights in the Philippine Islands have been recently considered and passed on by the Attorney-General. Then why waste the time of this House? I know that

the Eastern Extension Company probably controls a greater length in nautical miles of cable lines than any other company in the world. It has connections and through tariff rates and communicates with the world. It would be folly not to make these connections. The Commercial Pacific Cable Company has been negotiating for through rates with the Eastern Commercial Cable Company. It has no such right or connection or traffic arrangement with that foreign company that would exclude any other company from the same privileges and enjoyments. I will read only an extract from the opinion of the Attorney-General. It is to be found in the Opinions of the Attorneys-General, volume 23, page —.

DEPARTMENT OF JUSTICE, *July 27, 1900.*

The concession of the railroad company is similar to that of the cable companies, and I therefore refer to the opinion of the Secretary of War as throwing light upon your inquiries. In accordance with the views and for the reasons therein explained, I am of the opinion that the contracts of concession of the Cuban Submarine Telegraph Company, concerning cable from Habana to Santiago and from Habana to Manzanillo, also the three concessions to the Eastern Extension, Australasia and China Telegraph Company, Limited, concerning cables from Hongkong to Bolinao and from Bolinao to Manila and three cables from Luzon to Panay, Negros, and Cebu islands are not binding as contracts on the United States, Cuba, the Philippines, or other government replacing Spain.

Now, what becomes of all that elaborate legal "card-house" superstructure that the gentleman from Michigan constructed yesterday, apparently so thoroughly to his own satisfaction, when talking about the concessions that created this wonderful monopoly? This opinion has been ratified by the present Attorney-General, the Hon. Mr. Knox. I will not read the whole opinion of Mr. Knox. It is on page 453, same book:

I have examined the reasoning of my predecessor, and do not find it incorrect; neither do I think it necessary to give reasons in addition to those already carefully set forth by him.

And I say to this Committee of the Whole now, that the argument made by the gentleman from Michigan on all this magnified question of concessions has just about as much foundation in truth and in fact as the arguments he has made about the status of Great Britain's cables.

Mr. MANN. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. MANN. As I understand it, the concession to the Eastern Extension Company, giving it and another company the privilege to build in the Philippine Islands, is declared by the Attorney-General not to be binding on the United States Government. Is that the effect of the opinion?

Mr. RICHARDSON of Alabama. Yes; that is the effect of it.

Mr. MANN. If that is the case, would the gentleman be of the opinion that a similar concession granted by China would be held to be binding in international law?

Mr. RICHARDSON of Alabama. A similar concession granted by China or granted by this Government would not apply in the case I have just read.

Mr. MANN. Well, as I understand it, the Eastern Extension Company claims that it has the sole right to land a cable on Chinese shores, and that is one of the main arguments in favor of the Commercial Pacific Company building a cable, it having made arrangements with the Eastern Extension Company. Now, if the concession of the Spanish Government to the Eastern Extension Company for the sole privilege is not good, would not the same reasoning prove that the other concession would not be good?

Mr. RICHARDSON of Alabama. I do not think that I catch the whole purport of your question. I believe that Mr. Griggs and Mr. Knox have stated the law in this case. A similar concession granted by China to the cable company would occupy entirely a different status from the concession granted by Spain in the Philippine Islands.

Mr. MANN. I quite agree with the gentleman from Alabama about that.

Mr. RICHARDSON of Alabama. What else is there in this question? The concessions granted by Spain on the Philippine Islands are not binding on our Government. China is not under our control. You may wander off and put problematic questions to me——

Mr. MANN. I think the gentleman will concede that our committee was substantially all agreed that that concession was not binding upon the Government.

Mr. RICHARDSON of Alabama. Well, I must frankly say that I do not recall what the committee did think about that. I have not charged my mind particularly with matters not acted upon by the committee, and I do not know what they think. I simply and politely say that I am not prepared to speak about what each member of the committee thought.

Now, Mr. Chairman, I call the attention of the committee to some other facts connected with this matter. This question was before Congress, I believe, in the Fifty-sixth Congress; and the Committee on Interstate and Foreign Commerce that had the question under consideration reported against this kind of a bill, and in support of that position made this statement—minority report it is:

The following disadvantages of a Government cable have occurred to the committee, and in the opinion of the committee they are controlling and justify the conclusions now arrived at:

1. The great first cost of establishing a Government trans-Pacific cable system—that is, $15,000,000.
2. The comparatively great annual cost of a Government cable, estimated at $1,500,000.
3. The inability of the United States Government to land and operate a Government-owned cable either in Japan or China.
4. That as a Government cable would not obtain traffic to and from China and Japan, its income would be limited to traffic to and from the Philippines and Hawaiian Islands, which at an outside estimate would not exceed $150,000 annually, while the annual expense would be $1,500,000.
5. That, assuming that a Government cable could reach China and Japan and secure all the business which a private company might develop, still, if the experience of American cable companies in Central and South America is repeated in the Philippines, China, and Japan, as seems probable, 90 per cent of the whole telegraph traffic will be carried on by less than 400 customers, 300 of whom will be foreigners and the balance inhabitants of the United States; so that the proposition to establish a Government cable system would mean a tax amounting to an outlay of $15,000,000 and a large annual expense for the benefit of only 100 Americans and 300 foreign firms and corporations.

That is what they are asking you to do in the passage of this bill, to spend $15,000,000 for the benefit of 300 foreigners and 100 American-born citizens.

Mr. HENRY of Connecticut. When was that report made?

Mr. RICHARDSON of Alabama. In the Fifty-sixth Congress.

Mr. SHACKLEFORD. For what other purpose would foreigners use our cable than to communicate with our people in the interests of commerce?

Mr. RICHARDSON of Alabama. Oh, I can not tell what a man is going to use a cable for, nor you can not either.

Mr. SHACKLEFORD. Is it not manifest that it would be used only in our commercial relations?

Mr. RICHARDSON of Alabama. That may be. I think it would be so. But I am reading just what this committee said about it. They thought over it and deliberated about it, and I do not know whether you agreed with them at that time or not; but they thought over it, and this is the result of their opinion and conclusion, that we would be expending $15,000,000 on the part of this Government to benefit 300 Englishmen and 100 Americans. Now, where is my friend from Michigan [Mr. CORLISS] when he talks so much about foreign English capital and capitalists?

Mr. MANN. Will the gentleman permit a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. MANN. I suppose the gentleman is aware that the committee which reported that also reported in favor of spending $300,000 a year for twenty years to benefit these 100 American citizens, and that some of us did not agree with them or with that idea?

Mr. RICHARDSON of Alabama. The gentleman refers to the subsidy business?

Mr. MANN. Yes.

Mr. RICHARDSON of Alabama. Well, I am opposed to the subsidy myself.

Mr. MANN. The gentleman gives only a portion of the reasoning of the committee.

Mr. RICHARDSON of Alabama. I am reading what practically bears on this economic question, as to whether the Government should own, build, and operate this Pacific cable, and I am not talking about the subsidy of $300,000 or $350,000 or $400,000 a year. I am talking about the practical proposition we have to pass upon as an economic business question. Is it right and proper that this Government should invest $15,000,000 in these uncertainties, when a private company, full of enterprise and full of vigor and full of skill and energy, perfectly competent, stands willing and ready to give every guaranty and safeguard that the Government could ask and go forward and build that cable within the terms prescribed in their contract? That is the question.

Mr. MANN. I do not wish to take the gentleman's time——

Mr. RICHARDSON of Alabama. Not at all.

Mr. MANN. The gentleman read from the committee report in the Fifty-sixth Congress that it would be an annual expense of $1,500,000 to maintain and operate the cable. May I ask the gentleman whether he thinks that it would cost anywhere near that sum for a private company to operate the cable?

Mr. RICHARDSON of Alabama. I believe in all Government enterprises—and I think the gentleman must have had the same experience and made the same observation—it costs the Government more in all instances than it costs individuals.

Mr. MANN. Well, of course the gentleman knows that the operation of a cable is a very simple matter. There are not very many people who can possibly be employed in operating a cable. Now, the committee reported in the last Congress that it would cost a million and a half dollars, and they reported at the same time that the utmost amount of receipts that could possibly be

expected from the cable, counting the increased business, was $583,000. If the gentleman follows the same reasoning, he will find it hard to establish a reason now for a private company to build the cable.

Mr. RICHARDSON of Alabama. I am not engaged in the business to-day of providing the ways and means for this private company to build this cable. They want to build it, and the matter of expense belongs to them, not me. I am engaged in the common-sense business proposition of passing upon this question as to whether it is to the interests of the Government to own and operate this cable or whether we should allow a private company to do it. That is all of it.

The CHAIRMAN. I would state that the hour granted to the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I yield the gentleman ten minutes more on condition that he quit allowing the other side to use his time for speeches.

Mr. MANN. The gentleman is more courteous than usual.

Mr. ADAMSON. I am as courteous as the gentleman from Michigan was yesterday.

Mr. MANN. Less courteous than any other member of the House or himself at any other time. The gentleman is the last man in the House that I supposed would make a break like that.

Mr. ADAMSON. That is not a break. The gentleman from Michigan [Mr. CORLISS] has been speaking for three months here.

Mr. RICHARDSON of Alabama. Mr. Chairman, in answer to all that the gentleman from Michigan said yesterday about what Great Britain had done, I am fortunately in possession of one of the most important books that I could possibly submit to the consideration of this House—England's Blue Book. It is the report made on March 26, 1902, of the Inter-Departmental Commission on Cable Communications, appointed by the Parliament of Great Britain to investigate the relations between cable companies and the Government, and the future policy which the Government should pursue. The gentleman from Michigan [Mr. CORLISS] has voluminously and earnestly pointed us to the example and policy of Great Britain. By his own words he stands condemned. I first quote from the speech of the gentleman of Michigan delivered on the floor of the House on yesterday:

Great Britain, after eight years, concluded to break down the monopoly possessed by an English corporation, the Eastern Cable Extension Company—a corporation that for years has monopolized all this territory. When England found that she was powerless to direct the affairs of this cable company in time of war she appointed a committee and finally, after years of discussion and investigation, ordered this cable laid from Vancouver by way of the Fiji and Fanning islands to New Zealand and Australia.

That was the first break in the monopoly of the corporation to which I refer. That was the cause of the cutting down of the rate to our Government from $2.25 per word to $1.66 per word. It was not done by Mr. Mackay or his influence. Great Britain is a Government that looks into the future. She sets her stakes a hundred years in advance and her statesmen never falter in their onward march, in their tenacity and courage, looking toward her mastery of the sea. The only menace to Great Britain at the present time for the supremacy of the sea is the United States.

We must follow her example or surrender the possibilities of the future. Great Britain has adopted submarine cable as a part of her military power. She paid $60,000,000 in one lump to buy cables that were owned by private companies. She operates to-day 20,000 miles of submarine cables, besides the one that she is building through the Pacific. I have that on authority of General Greely, who certified to the facts.

It will be noted that the gentleman from Michigan says: "We must follow her [Great Britain's] example or surrender the possibilities of the future." She looks into the future and "sets her stakes one hundred years ahead." It is quite probable, I fear, that the testimony of the able commission that made this recent report to the English Government will not be accepted by the gentleman from Michigan:

We are strongly opposed to any scheme for the general purchase of private cables by the State. * * *

It is clear that the operation suggested is one of serious magnitude, even when a reduction is made for the reserve funds in the hands of the companies. Experience shows that the State does not obtain favorable terms for the transfer of property to itself, and that when the transfer is made, there is constant pressure for an increase in the wages of the working staff and for an indefinite reduction in rates. These objections would not be fatal if it were established that submarine cables would be more efficiently managed by the State than by private companies; but no serious attempt has been made to prove this point, and we ourselves are decidedly of a contrary opinion. Many of the cables touch on foreign territory, and it is evident that serious difficulty might arise if the British Government endeavored to work them by its own operators.

As regards the future, we think that the normal policy of this country should be to encourage "free trade in cables," and that departures should only be made from it where strong reasons of national interests exist. We do not desire to discuss the general question how far it is the function of a government to compensate private industries, by subsidies or countervailing duties, for the assistance rendered to their rivals by a foreign state. The case of cable messages is not altogether analogous to that of ordinary commodities. A strategic element enters into the question. We are of opinion that the ruling consideration in such cases must be the interests of the country as a whole; and we think that British companies should not be assisted at the cost of the general taxpayer, or by the sacrifice of strategic advantages to the country at large, unless such assistance is required for the preservation of some national interest—e. g., for the maintenance of a strategic line. (P. 24).

The gentleman from Michigan would have the House believe that Great Britain was really hostile to her private cable companies. This is what the English commission has to say on that subject:

67. We feel it unnecessary to add, on our behalf, any further narrative of the companies' history. Speaking generally, the impression left upon our mind is twofold. We think that they have rendered great service, commercially and strategically, to British interests. With a view, primarily, to their own revenue, but to the great incidental advantage of this country they built up a vast system of cable communications under British management. They obtained concessions from foreign governments and understandings with foreign companies which the Imperial Government could never have secured, and through their efforts submarine telegraphy remained, for the first thirty years of its existence, almost exclusively in British hands. (P. 25.)

Great Britain imposes upon her private cable companies terms similar to the obligations and terms expressed in the contract of the Commercial Pacific Cable Company:

That the line shall be worked subject to the provisions and regulations of the International Telegraph Convention. That the staff shall be composed of competent officers, being British subjects. That the rates charged to the public shall not exceed a specified maximum, and that imperial and colonial government messages shall have priority and be sent at half rates.

That in case of war, rebellion, or other emergency the Government shall have power to take possession of and work the line on its own account for so long as it shall see fit, paying compensation. (P. 23.)

I read again from the same book, from the report of the same commission:

We desire at the outset to say—

Now, I will remark that this bill prescribes the rate of 50 cents a word from San Francisco to Manila and to the Orient—

We desire at the outset to say that we regard all proposals for a very large reduction in existing rates, such as Mr. Henniker Heaton's suggestion of a 1 pence rate to America and Australia (QQ. 2212 and 2245) as quite impracticable. There is little analogy between the case of submarine cables and that (for example) of the penny post. The laying, working, and maintenance of a cable requires the expenditure of a definite and substantial amount of capital, and the carrying capacity secured in return is limited. It must not always be assumed that an increase of traffic is necessarily a benefit to the company concerned. So long as the cable is not worked to its full capacity increase of traffic, unless accompanied by a heavy increase in working expenses, implies an increase in net revenue; but when the increase is so great as to necessitate the laying of a new cable the case is different, and it will be obvious that, at a certain point, a limit is reached beyond which reductions in rates can not possibly be made. Even when the cables of a company are fully occupied messages can not be carried below a rate which will provide for interest on capital, expenses of working, maintenance, and so on. The limit will rise or fall with variations in the cost of materials, etc., and it will be lowered by any new telegraphic discovery or by improvements in methods of working; but at any given moment it is constant. (P. 35.)

The gentleman from Michigan repeats and reasserts a statement that really has no foundation in fact. He has iterated and reiterated so often that Great Britain operates 20,000 miles of submarine cable besides the one she is building in the Pacific. I reproduce the official statement printed in the hearings before the House Committee on Interstate and Foreign Commerce January 9, 1900, in which a summary is given of the cables owned by the nations of the world:

Country.	Number of cables.	Length of cables in nautical miles.	Average length per cable in nautical miles.
Australia	41	214	5.20
Belgium	2	55	27.50
Denmark	73	235	3.20
France	54	5,035	93.24
Germany	58	2,225	34.36
Great Britain and Ireland	135	1,989	14.74
Greece	47	55	1.17
Holland	24	62	2.58
Italy	39	1,061	27.21
Norway	325	324	.99
Portugal	4	115	28.75
Russia	9	231	25.66
Spain	15	1,744	116.26
Sweden	14	90	6.85
Switzerland	2	10	5
Turkey	23	344	14.95
Argentina and Brazil	49	119	2.43
Australia and New Zealand	31	345	11.13
Bahama Islands	1	213	213
British America	1	200	200
British India (Indo-European telegraph department)	111	1,919	17.28
China	2	113	56.50
Cochin China and Tonkin	2	774	387
Japan	70	1,508	21.54
Macao	1	2	1
Nouvelle Caledonie	1	1	1
Netherlands Indies	7	891	127.28
Senegal, Africa-Dakar to Goree Island	1	3	3
Total	1,142	19,883	17.41

It is observed from the above table that Great Britain has 135 cables of a total length of 1,989 miles, or an average length of 14.74 miles. They are all channel or shore lines, and form part of her postal system.

A statement showing in detail the cables owned by private enterprise and by governments is given in the same report, pp. 42–48:

The total length of cables owned by governments is 19,883 miles.

The total length of cables owned by private enterprise is 146,419 miles.

And this report, Mr. Chairman, shows the conditions that Great Britain put upon the cables. The gentleman from Michigan

[Mr. CORLISS] said that Great Britain owned a majority of the stock. I say to you to-day that Great Britain, from the information that I have, does not own a dollar of stock in any of the cables. There is no stock; and in the short channel cables that pass from Great Britain to France it is a known fact that no stock was issued and that they divided their ownership in the middle of the channel, so jealous were they of power and authority, Great Britain on one side and France on the other.

And this commission states absolutely that it is not to the interest of Great Britain in the future to own the submarine cables.

Now, one more thing that I will read. There was a great deal said about a cable altogether American, and that Mr. Mackay or the Commercial Cable Company would not build an all-American cable because it had been developed by Admiral Bradford's survey around Guam where the water is 6 miles deep, the deepest in the world, that possibly a cable could not be laid there; but Admiral Bradford has completed his survey, and he has marked out the course, and here is a letter that I have the privilege of reading, that was addressed to the chairman of the committee [Mr. HEPBURN] which says:

COMMERCIAL PACIFIC CABLE COMPANY,
EXECUTIVE OFFICE, POSTAL TELEGRAPH BUILDING,
253 Broadway, New York, June h, 1902.

Hon. WILLIAM P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR SIR: My cable engineer, Mr. Cuttriss, through your kind offices and the courtesy of Mr. Moody, the Secretary of the Navy, and of Admiral Bradford, has been allowed to examine the charts of soundings on file in the Navy Department, showing that it is feasible to land a submarine cable on the island of Guam in the Pacific Ocean. Mr. Cuttriss has just telegraphed me that these soundings show that such a landing is practicable. This removes the only doubt as to the feasibility of an all-American cable from San Francisco to Manila, and I write this letter to you to state positively that the submarine cable, which the Commercial Pacific Cable Company has agreed to construct, lay, and operate from San Francisco to Manila, will be an all-American cable and will not touch on any foreign island or territory whatsoever. I give you my personal assurance to that effect. The first section of this cable will be in operation in November, 1902, and we expect to be able to arrange for the remaining sections to be completed and opened for traffic during the year 1904.

Yours, very truly, JOHN W. MACKAY, *President.*

Now, there is not a man who knows that gentleman, as I am told, who does not believe absolutely that he will carry out the assurances contained in this letter. And yet it was lustily and tauntingly said that he would not build an all-American cable.

I shall, Mr. Chairman, in the time that I have left, refer to a few other matters concerning this bill. A great deal has been said on the subject of American labor. I am as much in sympathy with American labor as you or anyone else is; but when we go to talking about having an American-made cable carried by American ships under the American flag, all that is for the kind and good purpose of making our patriotism profitable. It is not business. We are here to consider it as a business proposition. Let us find out how much labor enters into the question of making this cable. Twelve per cent of it is the cost of labor and 88 per cent is the cost of material. Fifty per cent of that material consists of gutta-percha, a product coming from distant British islands, that pays 35 per cent tariff to come into this country, and the same product goes into England free, where the cable is made which is contracted for by this Commercial Cable Company. There is so much for copper and so much for jute that goes as a wrapper of the wire. These are facts that gentlemen who talk about protecting labor in this country ought to consider in connection with this matter.

Is it possible that the doctrine of protection can be carried so far as to drive men from the profits and emoluments of private enterprise? I can understand how a Republican can, consistently with the theory of protection and the extending of governmental functions, harmonize a Government cable with the principles of his party, but it is incomprehensible to me to see how a Democrat can do so. The time-honored policy of our party is in favor of economy and the cutting down of Government expenses. This is an inexcusable and extravagant expenditure of public money. It invades the domain of private enterprise.

This bill provides for the payment of 10 per cent advance to the American manufacturer of ocean cables. This is a false pretense. It is a pretended bounty. It is an appeal to the high-tariff policy and sentiments of the Republican party. In such a question as this there should be no politics. This matter of laying a Pacific cable is a hazardous experiment from a pecuniary standpoint. It is a long distance and through deep and unknown waters. I do not hesitate to say that there is not to-day an American company qualified to manufacture cable wire demanded by the importance of this route. The highest degree of skill and the best and finest material is demanded. We have neither in the United States. Great Britain has both. If this be true, then we should not hesitate as to our choice. I repeat that this cable can not be manufactured in our country; but we can not afford to experiment on this matter. The most suitable information on the question as to where the cable should be manufactured is found in the voluminous evidence submitted to the Committee on Interstate and Foreign Commerce. I submit the statement of Admiral Bradford and others. They are certainly competent to advise us on such a subject.

Statement of Admiral Bradford, Chief of the Bureau of Equipment, Navy Department.

The CHAIRMAN. Do you think that the Signal Corps of the Army, with such assistance as they might have from the Navy, have, or could readily have, the facilities for laying this cable?

Admiral BRADFORD. I have no doubt of it, sir. I would advocate, however, that the cable be made and laid by the most experienced cable companies in the world. This is too important and too expensive a job to confide to amateurs. I have always advocated an English made and laid cable, for the reason that the British companies have the experience of the world in this work.

Mr. MANN. In your judgment, it would be safe to acquire or purchase a cable laid by an American company?

Admiral BRADFORD. I do not recommend it, because any company in a work of such magnitude as a cable from the Pacific coast to the Philippines should have previous experience, and there are no American companies with much experience in making long deep-sea cables. On short lines in shallow water American companies might perhaps do satisfactory work.

Mr. CORLISS. Would you not be willing to take the guaranty of a responsible American manufacturer who claimed to have the skill and experience and ability necessary to lay a cable, and with sufficient bond, to lay the cable, and with satisfactory guaranty, say, for three years?

Admiral BRADFORD. Not when I know that there is no company in the United States with experience in making and laying deep-sea cables.

Mr. CORLISS. A gentleman stood here representing an American manufacturing institution and told this committee that he had a plant already in existence with a capacity of 240 miles a month of the best cable in the world.

Admiral BRADFORD. I know of no such plant nor of any company with the necessary experience to do the work under consideration.

Mr. CORLISS. He claims that he has that experience and that he has the best experts in the world in his employ.

Admiral BRADFORD. I do not see any advantage in encouraging the manufacture of submarine cables in this country unless we are going to continue laying them. If we could assure ourselves of a large part of the world's business in cable making and laying, it might be an advantage.

Mr. RICHARDSON. I said they insisted that that proviso should be put in this bill, that none but American manufacturers of cable should be allowed to bid, and that all foreign companies should be excluded. You would not favor that?

Admiral BRADFORD. I would not. If necessary to assist American manufacturers of cables, I should prefer to do it in some other manner. This undertaking is of too great magnitude and too costly to run any risk of failure for want of experience.

Mr. RICHARDSON. You believe that the foreign companies are much more expert?

Admiral BRADFORD. Yes, sir.

Mr. RICHARDSON. And will give us a better cable?

Admiral BRADFORD. Yes. Not that they have any better workmen, but they have the experience. There is a knack about cable making which has been acquired by long experience, and Great Britain has almost a monopoly of this experience.

Mr. COOK. And what is the longest stretch of cable you have ever manufactured?

Mr. HUGHES. Probably less than 200 miles.

Mr. COOK. Have you a cable ship for laying cables?

Mr. SATTERLEE. No, sir. Pardon me; I do not want to be cross-examined by the gentleman if it is to come out of my time.

Mr. COOK. Have you the present manufacturing facilities for manufacturing a cable 8,000 miles long?

Mr. SATTERLEE. We have the manufacturing facilities except we have not the necessary number of machines.

Mr. COOK. What is the longest cable that your company has manufactured?

Mr. SATTERLEE. I do not think it is over 200 or 300 miles.

Mr. MANN. You think the principal object of the Pacific cable is to develop that business?

Mr. SATTERLEE. Yes, sir; because that will put the cable-building industries of this country in such a position that the United States will have that under their control, as they should have.

A great deal has been said by gentlemen about foreigners who own stocks in the Commercial Pacific Cable Company. Of course this is not a legitimate argument, but it is more in the nature of an appeal to prejudice. The gentleman from Missouri [Mr. SHACKLEFORD], our worthy associate on the Interstate and Foreign Commerce Committee, evidently was laboring under a wrong impression about this. I said, in the remarks I submitted on the consideration of the rule in this case, that not more than 10 per cent of the stock of this company was owned by foreigners. I refer to the evidence taken on the hearings before the committee.

Mr. WARD. No. He controls it himself. The English directors, I think, hold only 200 shares—100 shares each. Only about 10 per cent of the stock is owned directly or indirectly on the other side.

Mr. STEWART. Are you an American citizen?

Mr. WARD. No, sir.

Mr. MANN. Is the majority of the stock owned by Mr. Mackay?

Mr. WARD. He controls the majority of the stock.

Mr. MANN. Do you know whether or not he owns the majority of it?

Mr. WARD. He owns a very large amount. He and his friends certainly have the control, and a great majority.

Mr. Chairman, there is one peculiar feature of this controversy which, it seems to me, will explain the activity of certain telegraph and cable interests which two years ago were in favor of a private corporation laying and operating the Pacific cable with a Government subsidy of $300,000 a year and their present advocacy of a cable owned and operated by the United States Government. This peculiar feature of the controversy was brought out at the hearings before the House committee, and it appears that Mr. Baylies, the attorney for the Scrymser interests, and Mr. Clark, the vice-president of the Western Union Telegraph Company, have completely changed front and are now in favor of a Government cable, although they were in favor of a private cable two years ago, and that the reason of this change is that they are

consulting the private interests of their respective corporations rather than the interests of the public. The following are quotations from the hearings before the House committee:

The CHAIRMAN. When you have appeared before this committee on other occasions you were not, my recollection is, in favor of a governmental cable?
Mr. BAYLIES. No, sir; we strongly opposed it.
The CHAIRMAN. At that time you came asking substantially for a contract with the Government that would be in the nature of aid to your enterprise?
Mr. BAYLIES. Yes, sir.
The CHAIRMAN. You now propose, if the Government cable is established, to exercise your right, which you now possess, of the construction of a cable from Manila to China and Japan?
Mr. BAYLIES. If we have the Government's assistance to the extent of breaking up the existing monopoly by building a cable to the Philippines. The money for the rest we propose to supply.
The CHAIRMAN. You are now an advocate of the Government building a link between your other cables that may land in this country and Manila and the cables which you propose to establish between Manila and other points?
Mr. BAYLIES. Yes.
The CHAIRMAN. Then you are still here asking for aid from the Government, but simply in a different form?
Mr. BAYLIES. We are asking its moral support, not its financial aid.
The CHAIRMAN. You ask its financial aid in the construction of the link in the cable that you proposed yourself to build two years ago with a subsidy?
Mr. BAYLIES. Yes.
The CHAIRMAN. So that your attitude of interest is perhaps as great now as then, but simply changed in form?
Mr. BAYLIES. That is also true. We certainly have been working for a great many years to establish a Pacific cable, and this is the only way of doing it.
The CHAIRMAN. So your advocacy of a Government cable now is substantially the same as it was when you opposed a governmental cable two years ago?

From statement of Mr. Thomas W. Clark, vice-president of the Western Union Telegraph Company.

The CHAIRMAN. If I understand your statement, the Commercial Pacific Cable Company now have arrangements by which they could gather up and could distribute general telegraphic business from Manila throughout China and Japan, and so forth?
Mr. CLARK. Yes, sir.
The CHAIRMAN. They have that arrangement now?
Mr. CLARK. As I understand it; yes, sir.
The CHAIRMAN. Then they have an arrangement through the ownership of the Postal Telegraph Company by which they could gather up and distribute messages here in the United States?
Mr. CLARK. Yes, sir.
The CHAIRMAN. You have that also here in the United States?
Mr. CLARK. Yes, sir.
The CHAIRMAN. You do not have that facility from Manila, we will say, or from the Philippine Islands, throughout China and Japan?
Mr. CLARK. Only as the business is apportioned by the Eastern Company now.
The CHAIRMAN. You have no right?
Mr. CLARK. We have no right.
The CHAIRMAN. No right at this time?
Mr. CLARK. No, sir.
The CHAIRMAN. Now, the Pacifice Cable Company propose to put in that missing link at their own expense?
Mr. CLARK. Yes, sir.
The CHAIRMAN. Connecting San Francisco with the islands; and they, you think, would use their company here, in the United States?
Mr. CLARK. Yes, sir.
The CHAIRMAN. To the exclusion of your own?
Mr. CLARK. Yes, sir.
The CHAIRMAN. Now, while they are willing to do all this at their own expense, you object to their doing it unless your own company can be a participant in the advantages of building that cable?
Mr. CLARK. No, sir; I say that a Government cable will serve all a great deal better and give us our share—that is the whole truth of it.
The CHAIRMAN. Then you want some method adopted by which, without any additional expense to you—to your company—you can have these advantages which the other company is willing to pay for?
Mr. CLARK. That is my chief desire; yes, sir.

Mr. Chairman, it is but candor on my part to say that I do not doubt the actual rivaling interests and jealousies of the Western Union Telegraph Company. The testimony just referred to in the hearings before the committee discloses beyond doubt the selfish attitude of the Western Union in this contest. With that rivalry this House has nothing whatever to do. Our business is to get the best arrangement we can for the people out of this conflict between these great rival companies. It is just such competition as that we should welcome. It is competition that will drive the scare crows of octopus monopoly from the legislative pathway of the gentleman from Michigan. I fear that they haunt him in his sleeping hours. It is perfectly patent that the Western Union contemplated the construction of a cable line from Manila to China, provided the Government would build and operate the important link from California to Manila, and thereby, without expense to the Western Union, secure a continuous connection with its trans-Atlantic cable lines.

That, Mr. Chairman, is the source of all the opposition to private ownership. The Western Union said plainly that it would not be willing to risk $12,000,000 in the construction of the Pacific cable line to Manila. The Commercial Pacific Cable Company has declared its willingness to build the cable without one dollar of subsidy from the Government. There it is. I feel confident what the judgment of this House will be on such a proposition.

The gentleman from Michigan has spent much time and labor to convince the House that certain concessions granted by Spain and China before the Spanish-American war to the Eastern Extension Cable Company would be used and appropriated by the Commercial Pacific Cable Company if allowed to build the Pacific cable line, to perpetuate and extend a dreadful existing monopoly enjoyed by the Eastern Company. He says:

Now, what can we do about it? Absolutely nothing, except by the power of the Government of the United States. Under these conditions, fortunately, the right of the Government to lay its own cables was reserved. I will put those provisions in the RECORD, so that you may read them correctly.

So do I say, if the gentleman from Michigan is right, what can our Government do about it? If China has granted an exclusive right to this Eastern Company "to lay and operate cables and telegraph lines in China," how can our Government secure entrance to China with its cable line except with the consent of China and the Eastern Extension Cable Company? The gentleman from Michigan says:

Mr. CORLISS. I was about to reach that question. It has been held by the Supreme Court of the United States in an identically similar case with reference to a land grant in California when we annexed that territory. It has also been held by the Supreme Court of the United States in a ferryboat case under a grant which was held to be perpetual. It has been held in another case that I can refer to that these exclusive grants made by foreign governments before we acquired the territory were binding upon our Government.

According to his own process of reasoning, the conclusion is irresistible that if the Government of the United States should construct and operate the proposed Pacific cable it would be compelled to end at Manila and have no eastern connections for the transmission of messages, unless the Government could make some through-rate arrangement with the Eastern Company—the very company that the Commercial Pacific Cable Company, which is to build this line, has already made an arrangement with to regulate and control "through rates."

What service to our commerce would a cable line be that did not have some arrangement for through rates to other foreign countries? But if the gentleman thought that the Government of the United States and all the world besides were bound by the grant of these foreign concessions, why, I ask him, did he draw the eighth section of his bill, now under consideration, as follows:

SEC. 8. That for the promotion of our commercial and other interests, the Postmaster-General, Secretary of War, and Secretary of the Navy are hereby authorized to enter into negotiations and establish cable communication through existing cable lines or cable lines hereafter constructed.

The significant point or feature in that section of the bill is the words "or cable lines hereafter constructed." The purpose was to authorize the President, in order for the securing of "through rates" to foreign countries—that is, Japan and China—to enter into negotiation with existing cable lines "or cable lines hereafter constructed." It is right there on "the cable lines hereafter constructed" that the great Western Union had anchored its hopes and expectations. How, I ask, would the Western Union have secured "through rates" by reason of connections unless the Eastern Extension Cable Company was reckoned with in some way? The fact is that the opinions which I have read from ex-Attorney-General Griggs, affirmed by Attorney-General Knox, states the law fully that these contracts or concessions, made in the way they were, are not binding as contracts on our Government.

In addition to all that has been said in the way of abuse, vituperation, and intemperate speech about the plain and simple business arrangement that the Commercial Pacific Cable Company has made with the Eastern Extension Cable Company for the transmission of through messages, yet the fact stands out in bold relief that the Commercial Pacific Cable Company has no monopoly or exclusive rights that would prevent or interfere with the establishment of another cable company. That proposition can not be denied.

I have, Mr. Chairman, to the best of my ability, presented the facts bearing upon this important subject as I understand them. I am utterly unwilling to see our Government enter as a competitor with our citizens in the domain of private enterprise. This is a far-reaching and dangerous question. It behooves the Congress to cast behind local considerations and meet this question, as it relates to the cardinal principles of our form of government. No man can predict to what extent this policy of Government ownership will go if once inaugurated. The evils that we now complain of in the multiplying of Federal officeholders will be but a small, gently flowing rivulet to the mighty hungry and thirsty hosts and throngs of officeholders that will gather in the sweeping tide of Government ownership.

Such a policy makes a murmuring, complaining, dissatisfied, and discontented citizenship. It drives peace, prosperity, and contentment from the homes of the masses of the people. It creates that which ought to be condemned by every true-born American citizen—a favored class, a class that would fawn and humbly crawl at the foot of public officers. Yes, Government ownership emancipates independence and manhood from the lives of our people and teaches subservience. Away with it! The Government should have or own nothing but what it gets from the people.

It has no right to snatch from its citizens the opportunity to make a living in legitimate and honest private enterprise. I hope that the result of the action of the House on this bill will be so decisive against it that such legislation will never be asked again.

Mr. ADAMSON. Does the other side desire to occupy some of their time now?

Mr. MANN. In the absence of the gentleman from Michigan, and representing the gentleman, I will ask how much time is there remaining on both sides?

The CHAIRMAN. Forty-six minutes remaining to the gentleman from Michigan.

Mr. MANN. And how much to the other side?

The CHAIRMAN. An hour and ten minutes have been used by the gentleman on the other side.

Mr. MANN. In behalf of the gentleman from Michigan, I yield twenty-three minutes to the gentleman from Missouri.

Mr. SHACKLEFORD. Mr. Chairman, Congress has seldom been called on to determine questions of more importance than the underlying principle of this bill.

That government is best which is least paternal and gives widest scope to individual activity and responsibility. The day that this Republic shall thrust out its paternal hand to relieve the citizen from absolute responsibility for his own success or failure will mark the beginning of the decadence of our race. The greatness of the American people in all fields of human action is but the outgrowth of a system which for multitudinous generations has largely left every man to be the architect of his own fortune—to stand or fall according to the measure of his own efforts and merit.

This Government should not engage in any enterprise which is not authorized by its organic law and which is not also the exercise of governmental functions. No government should go into business for mere profit in competition with its citizens.

Then the first question to be determined is whether or not our organic law authorizes the United States to construct and operate an ocean cable. I contend that it does. The Federal Constitution provides:

> Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

In passing upon this provision the Supreme Court of the United States has said:

> The power of Congress to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges it would be without authority to regulate one of the most important adjuncts of commerce.

Chief Justice Waite, speaking for the court on another occasion, says:

> The electric telegraph marks an epoch in the progress of time. In a little more than a quarter of a century it has changed the habits of business and become one of the necessities of commerce. It is indispensable as a means of intercommunication, but especially is it so in commercial transactions. The statistics of the business before the recent reduction in rates show that more than 80 per cent of all messages sent by the telegraph related to commerce. Goods are sold and money paid by telegraphic orders, contracts are made by telegraphic correspondence, and cargoes secured and the movement of ships directed. The telegraphic announcement of markets abroad regulates prices at home, and a prudent merchant rarely enters upon an important transaction without using the telegraph freely. A telegraph company occupies the same relation to commerce as a carrier of messages that a railroad does as a carrier of goods. Both are instruments of commerce, and their business is commerce itself. They do their transporting in different ways, and their liabilities are in some respects different, but they are both indispensable to those engaged to any considerable extent in commercial pursuits.

These decisions and the provision of the Constitution quoted clearly establish the constitutional right of this Government to construct and operate the cable provided for in this bill.

But it is not enough that the Constitution authorizes the proposed legislation. It should further appear that the construction and operation of this cable by the United States would be the exercise of governmental functions. Francis A. Walker has laid down what seems to me a correct rule for determining what are and what are not governmental functions. He says:

> The line between governmental functions and those which are not is the line between services and offices which tend to become monopolies and those which do not.

Ocean cables not only tend to become, but are already monopolies of the worst character.

Some gentlemen have inveighed against a Government cable because it is what they choose to call Populism. One gentleman declared that arguments in favor of this bill sounded more like speeches in a Populist convention than deliberations in Congress, and he read from a Populist platform to justify what he had said. Because this principle found a place in a Populist platform is no reason why we should oppose it if it is sound. There are many things in Populist platforms which if put into form of law would relieve the people from oppression by the trusts. There are worse people than the Populists, for, be it said to their everlasting credit, they have always raised their voices and cast their votes in favor of relieving the people from monopolies.

Mr. RICHARDSON of Alabama. Will the gentleman from Missouri permit a question?

Mr. SHACKLEFORD. I will.

Mr. RICHARDSON of Alabama. Did the gentleman ever see the doctrine of public ownership in a Republican or a Democratic platform?

Mr. SHACKLEFORD. On that subject I will read to the gentleman from one whose Democracy and statesmanship he will not question. In 1850 Mr. Benton, of Missouri, introduced a bill providing for Government construction and ownership of a great railroad and public highway from the Missouri River to the Pacific Ocean. I will read his own words in behalf of the proposition. He said:

> It is to be national in its form and use, consisting not of a single road adapted to a single kind of transportation, but a system of roads adapted to all kinds of traveling, and all kinds of carrying, free from monopoly and private interests and free from tolls. The construction and jurisdiction of the highway are to both be in the hands of the General Government; and these are the hands in which every public and national consideration would require them to be.
>
> I have demonstrated the nationality of this work, its practicability, and the means in our hands for making it. I do not expatiate upon its importance. When finished it will be the American road to Asia and will turn the Asiatic commerce of Europe through the heart of our America. It will make us the mistress of that trade, rich at home and powerful abroad, and reviving a line of oriental and almost fabulous cities to stretch across our continent—Tyres, Sidons, Palmyras, Balbecs. Do we need any stimulus for the undertaking? Any other nation, upon half a pretext, would go to war for the right of making it and would tax unborn generations for its completion. We have it without war, without tax, without treaty with any power, and when we make it all nations must travel it with our permission and behave themselves to receive permission. Besides riches and power, it will give us a hold upon the good behavior of nations by the possession which it will give us of the short, safe, and cheap route to India.

These, sir, are the words of one of the greatest and soundest Democrats who ever raised his voice in the councils of our great party.

The first telegraph line ever constructed in this country was under an act of Congress providing for Government ownership and operation. When it passed the Senate there was not enough opposition to it to call for an aye-and-no vote. In the Senate at that time were Thomas H. Benton, Rufus King, James Buchanan, John C. Calhoun. All of them either supported the measure or let it pass without opposition. Were these Populists?

Testimony before our committee shows that 25 cents per word would yield a liberal profit upon the amount of money involved in a Pacific cable; yet private corporations have maintained the rate at $2.28 per word. This is an unreasonable and unjust burden upon commerce. It is the duty of Congress to remove this monopoly from our trade. In no other way can such adequate relief be given as by the Government construction and ownership of a cable as provided for in this bill.

The gentleman from Alabama [Mr. RICHARDSON] says that it has been demonstrated that if we had the cable there would be three foreigners use it for every American, and that we ought not to be building cables for foreigners. I believe this is a mistake. I believe as many Americans as foreigners would use it, but even if it be as he says, it would still be no argument against the enterprise. We should want foreigners to use it and the more the better. We should want them to come to the other end of the cable and call us up to negotiate trades for our corn and wheat, our hogs and cattle, our cotton and wool, our minerals and manufactured goods. If the foreigner should use our cable more than we it would be because he needs more of our goods than we do of his. We want to sell him all he needs, and if a cable will promote this end let us build it. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ADAMSON. Mr. Chairman, I will ask if the gentleman from Michigan desires me to use further time now or if he desires to consume some of his time?

Mr. CORLISS. Mr. Chairman, I desire that the gentleman shall conclude the time allotted to his side of the question.

Mr. ADAMSON. I yield ten minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I will state to the gentleman from Georgia that the gentleman from California [Mr. LOUD] granted me five minutes of his time, so that my time will be fifteen minutes.

Mr. ADAMSON. Very well.

Mr. NEWLANDS. Mr. Chairman, it was not my intention to speak upon this bill. I supposed that the very limited time afforded for debate would be entirely consumed by the members of the committee, but the absence of two of the most distinguished opponents of this bill opens an opportunity, and the attacks which have been made upon Mr. Mackay prompts me to avail myself of that opportunity. I am the friend of Mr. Mackay and am proud of his friendship. For many years he was a resident and citizen of the State of Nevada. He there laid the foundation for his great fortune, and during that time won such a reputation for character, ability, integrity, geniality, and forcefulness that to-

day there is no more popular man in that State than John W. Mackay.

The people of that State have followed him with friendship and admiration in his career since, which, starting in that small State, has now extended itself over the entire world in enterprises of a world-wide character. One of the gentlemen, in an expression which he afterwards withdrew, referred to Mr. Mackay as an expatriated American. Another spoke of him as a man who desired to steal something, who desired to steal some advantage in Cuba, who desired to steal a franchise in the Pacific.

Now, I wish to say with reference to Mr. Mackay that no one who knows him would ever question his integrity, his straightforwardness, or his candor, and as to his expatriation, while a portion of his family have lived abroad, everyone who knows him realizes the fact that no more robust American lives; that he resides continuously in this country, only occasionally and for brief periods making trips abroad; that all his enterprises are American and all of them intended to advance American prestige throughout the world.

This miner, starting in Nevada, in an humble way, without means, realizing there by energy, courage, character, and ability, a large fortune, was not content to retire at ease; he sought the world for his arena and soon grappled with one of the greatest organizations in the world—the Atlantic cable combination, composed of two or three companies, whose charges were 50 cents a word. At first he put his rates 15 or 20 cents per word below that of this combination. They sought to drive him out of business by reducing the rate to 12½ cents a word, one-fourth of their previous rate.

He fixed his rate at 25 cents a word and sought to meet the competition there for some time and finally was compelled to reduce it to 12½ cents a word, and then that formidable combination was compelled, after a two years' struggle, to abandon the contest, and the result was that the rate was fixed not at the old rate of 50 cents a word, not at the rate which Mr. Mackay had originally fixed of 35 cents a word, but at the rate he fixed after the combination sought to drive him out, namely, 25 cents a word, and there it remains to-day.

He then started the Postal Telegraph Company enterprise and met Jay Gould in the field of competition, and there he fixed his own rates and maintained them, compelling the Western Union at all competitive points to reduce its rates, and to-day the rates fixed by Mackay and the rates fixed by the Western Union as the result of the competition remain. In no event did he seek by combination with his opponents, as is so often the case, to recoup from the public the losses which he had temporarily sustained. He is not one of those men who have made fortunes by combining enterprises previously hostile and then seeking to fleece the public at large and to draw from them great profits which will counterbalance the losses made during the period of competition.

Mr. CORLISS. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. NEWLANDS. Certainly.

Mr. CORLISS. Is the gentleman aware that a man named Ward represents Mr. Mackay and testified before our committee, and that he admitted that there was an agreement between his company and the other cable companies across the Atlantic whereby the rate of the cable had been raised from 12½ cents to 25 cents per word?

Mr. NEWLANDS. I stated that the rate was finally fixed at 25 cents a word, but that was the rate made by Mr. Mackay, to which the other cable companies were compelled to conform. Mackay's company forced cable rates from 50 to 25 cents a word, just one-half. The old rates have never been restored. No consolidation of lines was effected, as is so often done in order to restore the old rates. Now, I must decline to yield further.

Mr. CORLISS. Well, one moment——

Mr. NEWLANDS. I must decline to yield to the gentleman. I have only a short time, and I can not be diverted from my argument by questions.

Mr. Mackay also built the Haiti cable, and the Government of the United States took possession of it during the late Spanish war. General Greely, authorized by Mr. McKinley to make a contract with that company of $75,000 for the exclusive use of the cable for a month, effected it for $60,000, and had the exclusive control of the offices and the cable during the Santiago campaign, just as the Government of the United States will in the future have the control of the cable that Mr. Mackay now proposes to build to the Philippines whenever the United States sees fit to claim it. Then Mackay sought admission for his lines to Cuba. The gentleman from Michigan characterizes this as an attempt to steal Cuba. It is true that the War Department held that the Western Union had an exclusive franchise in Cuba, but I leave it to the sense of fairness of the House as to whether an endeavor to break an existing monopoly and to give the Cuban people the benefit of reduced rates can be justly called a steal and whether the man who proposes such a public benefit is to be held up as a malefactor. At all events, as the result of Mr. Mackay's attempt rates in Cuba have been reduced one-half, just as his threatened cable to the Philippines has caused a reduction in the rates of cable to the Philippines via Europe of nearly one-half.

Now, Mr. Chairman, we have before us four parties in interest in this controversy. First, we have the American Cable Company, that wants the contract let to American cable manufacturers. Then we have the Western Union Company, which, having formerly been the advocate of a subsidy, of which it expected to be the beneficiary, now refuses to lay a cable itself and seeks to have the Government build it, so that it can cooperate with it at both ends—in America through its present lines and in Asia through lines which it hopes to build. And then we have those who believe in Government ownership. And last we have this existing corporation, the Commercial Pacific Cable Company, an American company, composed of American capitalists, headed by Mr. Mackay, which has already let the contract for its cable, having paid $185,000 upon account, of which cable, I am informed, 1,000 miles have already been made.

Mr. RICHARDSON of Alabama. They have actually paid $500,000 on the contract from the coast of California to Honolulu.

Mr. NEWLANDS. Five hundred thousand dollars. I accept the correction of the gentleman. A company which proposes to make the rate to Manila and China $1 per word where now it is $1.66, and to make the Government rate 50 cents per word, and to surrender control of the cable in case of war, and turn over the cable to the Government if it wants it, at its value, to be appraised by arbitrators.

Now, I wish to say that so far as the American cable manufacturers are concerned I should be glad of any arrangement that would enable this cable to be built upon American soil, but I do not believe in the delay that would follow, for you all know that these cable factories do not exist in this country to-day; that is to say, they have limited plants. It would take a long period of time before they could inaugurate the plants necessary to do this work, and besides that it is admitted that the cost would be at least 10 per cent greater than if the cable is bought in the markets of the world.

As to Government ownership, it is admitted by all that this cable from San Francisco to Manila will cost from twelve to fifteen million dollars. We will put it at the lowest figure, $12,000,000. It is evident, therefore, that the Government will have to expend $12,000,000 at the outset for a single cable. But any man of experience in the cable business knows that a single cable will not do, that a second cable must be laid in order to guard against accident; so that we have in the near future an ultimate expenditure by the Government of the United States of from twenty-five to thirty million dollars.

Now, for what will that expenditure be made? Why, that will be for a cable that connects this country with the Hawaiian Islands, with a population of 125,000 people, and with Manila, with a population of 300,000 people, the commercial city of the Philippine Islands. And it is admitted that the receipts from the Hawaiian and Philippine Islands can not pay the operating expenses of the cable. It is admitted that you must rely upon the commercial business, not simply of the Philippine Islands, but the commercial business beyond—in China, India, and Japan—and that there you must enter into competition with the great cable lines that run from Europe to India and China. So you have a limited income from these sources that are under governmental control, and the Government must enter into a connection with some line at Manila for the purpose of transferring its messages beyond to China, Japan, and India.

Now, upon what company must it rely? Why, upon the company that is intrenched there now—the Eastern Extension Cable Company, which has been referred to—which has a cable from Hongkong to Manila under a franchise granted by the Spanish Government, which the gentleman from Michigan says constitutes an exclusive monopoly. They have that franchise now and they have the line there. It would be a duplication of capital to build another.

If the Government of the United States is not to utilize the very telegraph and cable lines that Mr. Mackay's company proposes to utilize, then the United States will have to build a line of its own from the Philippine Islands to China, Japan, and India, and I ask how the Government of the United States can expect a concession to be made by any other government that would give it the absolute control of both ends of the line. That might be given to a cable company which represents the entire commercial world, but certainly it will never be granted by any self-respecting government to another government, for under it the latter would have exclusive control of the medium of communication—a control which may involve great advantage, both in commerce and in war.

So that if the Government builds this line, unless it is content with local receipts from the Philippine Islands and Hawaii, which will not pay the operating expenses, much less the interest upon the capital invested, it must either build its line with the consent of other governments to China, India, and Japan, or it must use this Eastern Extension Company's line, and then I have no doubt the gentleman from Michigan [Mr. CORLISS] would declaim against having the Government of the United States in partnership with that great eastern extension monopoly, upon which he heaps his denunciation, as the partner in iniquity of Mr. Mackay. A simple business arrangement between the Mackay cable extending from America to Manila, with a cable system extending from Manila to China, Japan, and India and intended to secure quick and cheap communication in the interest of commerce between America and the centers of business in the Orient, is thus held up to reprobation.

Why, Mr. Chairman, the arrangement with the Eastern Extension Company is simply a business arrangement for the purpose of promoting the commerce of the United States and for the purpose of promoting needed communication, and if the Government builds the cable to the Philippines it will have to make the same arrangements unless it buys out the Eastern Extension Company and itself operates the lines to China, Japan, and India.

Now, what is the Pacific Commercial Company? The company organized at first with a capital of only $300,000, because of taxes imposed upon capital in New York, but afterwards enlarged to $3,000,000. They have provided the necessary capital, and now $3,000,000 is behind the enterprise, and a contract has been let for a cable from San Francisco to the Hawaiian Islands, over 2,000 miles, upon which $500,000 has been paid.

Mr. RICHARDSON of Alabama. Will the gentleman permit a suggestion?

Mr. NEWLANDS. Certainly.

Mr. RICHARDSON of Alabama. They have recently furnished a certificate of capital stock of $12,000,000 for this purpose.

Mr. NEWLANDS. And the gentleman from Alabama informs me that they have filed a certificate of increase of capital stock to $12,000,000. Another guarantee of the good faith of this company and of its intention to prosecute this great work vigorously. The very name of John Mackay was a sufficient guarantee of the legitimacy and good faith of the enterprise, and to those who know him no other guarantee is required.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I yield such part of the twenty-five minutes to the gentleman from California [Mr. LOUD] as he desires,

Mr. LOUD. Mr. Chairman——

Mr. ADAMSON. If the gentleman will yield to me for a moment.

Mr. LOUD. Certainly.

Mr. ADAMSON. The gentleman from Pennsylvania [Mr. DALZELL] desires to give notice of an amendment, and I will yield him two minutes before the gentleman from California proceeds.

Mr. DALZELL. Mr. Chairman, I desire to say that at the proper time I propose to offer as a substitute for the pending bill that which I now send to the Clerk's desk and ask to have read for information.

The Clerk read as follows:

A bill to provide for the laying of submarine cables.

Be it enacted, etc., That whenever satisfied by surveys of the Navy Department or otherwise of the practicability of a cable or cables connecting any portion of the United States with any other portion thereof, with its possessions or territories or any of them or with any foreign countries, the President is hereby authorized to grant a license to any responsible person or corporation for the construction and laying of such submarine cable or cables upon such terms and conditions and guaranties as he shall deem to be proper, and the President, when satisfied with the terms, conditions, and guaranties offered, is hereby authorized to permit such cable to be laid: *Provided*, That said license, amongst other things, shall contain a condition that the United States, its officers, agents, and its insular or territorial governments upon the route of any such cable, shall have priority for their cablegrams over all other business, at such rates as the Postmaster-General shall annually fix; and a condition that the United States may purchase the cable lines, property, and effects of the person or corporation licensed as aforesaid, at an appraised value to be ascertained by disinterested persons, two to be selected by the Postmaster-General, two by the person or corporation interested, and a fifth by the four so selected; such value shall not be enhanced by the earnings, good will, or franchises of said person or corporation; and a further condition that the cable or cables to be laid between the United States and its outlying possessions and countries shall be of American manufacture and laid by ships under American registry: *And provided further*, That such American cables shall be first-class in material, construction, equipment, and operation, and can be procured without unreasonable delay.

SEC. 2. That no person or corporation, except such as shall be authorized under the provisions of this act, shall be permitted to lay any submarine cable or cables connecting the United States with its possessions or territories or with any other country.

Mr. LOUD. Mr. Chairman, on yesterday I listened to the reading of a rule submitted to us on this side of the House by those whom we denominate our leaders, setting aside four hours of debate for the consideration of a great fundamental proposition, a new departure on the part of this Government. A few days before we heard a rule coming from that committee giving unlimited time to the discussion of a bill known as the anarchy bill. During my few years in Congress I have learned this one thing—that whenever there is a well-defined, substantially unanimous sentiment in behalf of any measure, then the Committee on Rules permit the House to debate that question to their hearts' content; but when a new great question like this comes up four hours is all you can have.

Mr. DALZELL. Will the gentleman allow me?

Mr. LOUD. Certainly.

Mr. DALZELL. The time limit in the rule reported by the Committee on Rules was the time limit in the resolution which went to the Committee on Rules from the House.

Mr. LOUD. I do not care anything about that.

Mr. DALZELL. Up until the commencement of this debate we have not had anyone before the committee either on this side or the other who has asked for another additional minute than four hours.

Mr. LOUD. I am willing to admit all that. I do not care how much time was asked. What I have said is a statement of fact, and the condition of the presentation to the Committee on Rules can not change a fact.

Now, here within thirty-five minutes of the closing of the debate, the gentleman from Pennsylvania submits to us another proposition which reminds me of the power of the Infinite. The power of the Infinite because it comes from a source we know not of. It is a secret, and hence its power. So with our Committee on Rules, its actions are as dark and secret as the acts ever committed in the dark of the night. They are our leaders, and most of us follow them.

I believe that this is one of the greatest questions that confront this country, because, as I said before, it is a departure from the well-founded fundamental principles that the Government shall not embark in any enterprises which private capital and individuals have heretofore monopolized the field of and are willing to embark in.

I have listened all winter to my dyspeptic friend from Michigan. [Laughter.] I sometimes believe that Desdemona had much to be thankful for; that she never knew that the twentieth century would produce such a lean and hungry Cassius as we have in the gentleman from Michigan [laughter], who has pleaded with us all winter, in season and out of season, for the Government to construct a cable from here to Manila.

Oh, he tells us, as every gentleman does who advocates this bill, that he is against the Government ownership and operation of railroads; that he is against the Government operation and ownership of cables; but in this instance, except in this one instance—now don't laugh, because you remind me of something that occurred some time ago in reference to the man who is the original economist, and who said that if you want to be economical you must be economical in your own district; but if a man has fundamental principles about Government ownership and utilities he has got to be virtuous all the time. It won't do to go around nights, for he may get into temptation.

If it is wrong for the Government to build and operate railroads—and my friend from Pennsylvania quite agrees with me on that subject—if it is wrong to build and operate cables, the same rule must apply in one instance as in the other, because the principle is fundamental.

I have heard this ever since I have been in Congress. I have heard gentlemen stand up here and cry against this extravagance and that extravagance in somebody else's district, but when it comes to the matter in which they are interested, the principle goes to the wind. There has been thrown into this argument something wholly immaterial, not bearing upon this question. Even the gentleman from Pennsylvania [Mr. DALZELL] a gentleman for whom I have as much respect and regard for his uprightness and his honesty and integrity as any gentleman I ever met, had to throw into the arena his poisoned shaft yesterday, that John W. Mackay was an expatriated American. Did the gentleman, and I give him credit for it—did the gentleman from Pennsylvania know the reasons that had put that idea into his head he would have cleaved his tongue out by the roots before he ever would have uttered that sentence.

Mr. Mackay's personality cuts no figure in this question. I do not have the honor of the gentleman's acquaintance, though he has been, however, a resident of my State a great many years. He has accumulated a large fortune by honest toil, and during those days of mining excitement in my State, when the mass of the mining men there were accused of fleecing the masses of the people by forcing stocks up and down, during all that period, where millions and millions were lost and won in a day, was there ever a breath of scandal against John W. Mackay?

He is a legitimate business man; he is engaged in a legitimate business. I understand we have assurance that he proposes to

build a cable to Manila. Now, why not let him build it? Why not let John Smith or Tom Jones or anybody else build a cable to Manila if they want to?

Mr. MANN. Will the gentleman yield for a question?

Mr. LOUD. Yes; if it is only a question.

Mr. MANN. Can the gentleman tell us what the residence of Mr. Mackay now is?

Mr. LOUD. I can not. I suppose the gentleman is a resident of the city of New York, but he may be a resident of San Francisco. I do not know how that is.

Mr. MANN. The gentleman stated that he had been a resident of California so many years, and I wish to say that the certificate of the Commercial Cable Company states that he is still a resident of Virginia City, Nev.

Mr. LOUD. Well, that is immaterial.

Mr. MANN. It seems to me material, as a number of gentlemen have been quarreling about where he resides.

Mr. NEWLANDS. Allow me to say that Mr. Mackay spends a part of the time in New York, a part of the time in San Francisco, and a part of his time in Nevada.

Mr. LOUD. Now, the gentleman from Pennsylvania [Mr. DALZELL] very frankly says that he is against this bill, and he throws in here at the close of this debate a measure that he proposes to support which compels the laying of a line, if it shall be laid, of cable manufactured in American workshops. Yes; that sounds well. I have seen the American flag wrapped around a great many gentlemen in days gone by, and even to-day, in defense of that principle of the protection of American labor and American interest, and I am in favor of it, too, to a reasonable point. Gentlemen from Pennsylvania—not "the gentleman from Pennsylvania," but gentlemen from Pennsylvania—in days gone by have taught us the beautiful principle of protection. It has been the prevailing sentiment of the American nation. But I venture one assertion—that the great State of Pennsylvania has gotten the loaves and fishes and we poor people on the outskirts of civilization have gotten the crumbs that you throw to the birds. Now, let me offer one suggestion to the gentleman from Pennsylvania: There is such a thing as riding protection to death. And let me give you a warning here to-day, before the entire structure comes down on your head, burying you with the rest of civilization: Do not carry protection too far.

Mr. DALZELL. Will the gentleman allow me?

Mr. LOUD. Yes, sir.

Mr. DALZELL. I want to say to him that there is not a State that under the Dingley bill receives anything like the protection that the State of California receives——

Mr. LOUD. That may be.

Mr. DALZELL. And that has been given at the instance, among others, of the gentleman who is now lecturing "the gentleman from Pennsylvania."

Mr. LOUD. I merely make this statement: The gentleman can take his own time (being a member of the Committee on Rules, he can get all the time he wants) to controvert that question. It is a debatable question, and if scientifically debated would take more than four hours. I know the gentleman himself would want three to sustain the position he takes. [Laughter.] I see that the gentleman from Michigan [Mr. CORLISS] said yesterday—and I quote from page 6582 of the CONGRESSIONAL RECORD—

> John W. Mackay was then in the position that I am now.

That was referring to the time that Mr. Mackay was attempting to get the landing of the cable in Cuba; and before that, or later on, the gentleman cited some authority of the Attorney-General to show that we could not grant such concession. I happened to be a member of the Insular Affairs Committee before which that question came up, and I do not think that there is a gentleman present on either side but who will agree with me that the reason the committee did not consider that proposition was because of the solemn pledge we had given to Cuba that ultimately she should have her independence, and that we would protect her as far as we could, and that we would not attempt to determine questions of that kind. That is what the Attorney-General meant in the opinion he rendered—that the United States Government, after our pledge, had no authority or did not see fit to exercise any power to grant a concession to this cable company to land in Cuba. A little later on my friend said: "John W. Mackay was then in the position that I am now." My friend said "Mr. Mackay thought our Government would let him steal a great public utility." Now, what did the gentleman mean by that? He had said, "John W. Mackay was then in the position that I am now," and then he says, "Mr. Mackay thought our Government would let him steal a great public utility."

Mr. CORLISS rose.

Mr. LOUD. No; I will not yield to the gentleman, because he refused to yield yesterday. The gentleman can get in on his own time. I throw out the suggestion, and he can answer it as he sees fit. I do not know what impelled the gentleman to make the statement, or what he was attempting to suggest. I noticed in the paper——

Mr. CORLISS rose.

Mr. LOUD. I refuse to yield.

Mr. CORLISS. I am not asking the gentleman to yield.

Mr. LOUD. Well, you are up. I hope the Chair will make the gentleman sit down and listen to what I am saying.

Now, the gentleman has a great habit of appealing to the Infinite.

The CHAIRMAN. The gentleman from Michigan [Mr. CORLISS] will take his seat. The gentleman from California declines to yield. [Laughter.]

Mr. LOUD. I saw in the Washington Post, which of course is not absolutely authentic, because I have looked over the CONGRESSIONAL RECORD in the gentleman's speech and I can not find the language which the Post uses, but I will have to give the Washington Post credit for this reference to the Almighty——

Mr. LITTLEFIELD. The Post language is the best.

Mr. LOUD. I think so. I do not know whether the gentleman edited it out of his speech or whether he uttered the words or not, but he is reported as follows:

> "God Almighty," said Mr. CORLISS, in conclusion, "seems to be working in a mysterious way to save the people of the United States from the clutch of this monopoly."

Well, I find a part of that language in the RECORD, but in listening to the gentleman this morning—and I do not know what the RECORD will say—I heard the gentleman say [laughter], "God Almighty, in His infinite way, is working in this mysterious way, and He has cut this cable over there between Manila and Hongkong."

Mr. LITTLEFIELD. A sort of divine interposition.

Mr. LOUD. Yes; a divine interposition, in order to bring the people of this country to their senses and to show them that now is the last hour in which they can save themselves from eternal damnation by adopting the Corliss Government cable bill. [Laughter.] Well, now, I do not know much about cables. I do not know much more than the gentleman from Michigan [laughter], who has studied this question ever since he has been a member of Congress with an industry, permit me to say, worthy of a better cause; but I did have occasion in 1899 to go to Europe for the express purpose of investigating the question of postal telegraphs. Now, it is surprising how little the average person knows as he goes along from day to day and has nothing to disturb him. When I first went to London and talked with the postal people there about their postal telegraph system, how it was working, and so forth, I was told, "Oh, excellently." "Making money?" "Yes; making money all the time."

I said, "Let us get at your reports, let us see how much you are making." And if any one of you have followed the debates in the English Parliament for the last two years, you will have seen what a fuss England is now making about the condition that has been existent in their own community and with which they were unfamiliar. I was told that the English postal system was profitable. Well, now, unfortunately, England keeps an accurate account of its different systems, and unfortunately it prints them, too, and they are accessible to everybody. They were accessible at that time to any citizen of England or the world, and their own Parliamentary reports say that ending with the fiscal year in March, 1898, since 1872 England had lost £7,235,897 5s. 4d., which, reduced to American money, would be in the vicinity of $35,000,000. Beginning with a profit when they bought this telegraph system, taking it from a private enterprise, a well-organized system, the first year I think—I am not exact in figures—a profit of £40,000 was returned and the next year a profit of £20,000, and never from that time to this has England made it pay. Let any person examine this report, and it is here in the postal-service investigation——

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. LOUD. Yes; just for a suggestion.

Mr. SHACKLEFORD. I would ask the gentleman if there was in that system a reduction of rates?

Mr. LOUD. Well, yes; I will come to that if you want it. The deficit has increased from £984 7s. 3d., when the reduction was made, and the next year after the reduction was made it was £112,524, some shillings and pence, until in the fiscal year 1898 it had steadily crawled up and was £600,006 12d., continuing to increase since that time.

Mr. WACHTER. What was the proportion of reduction?

Mr. LOUD. The reduction was from a shilling to 6 pence, and England has what they call a cheap postal telegraph system.

Mr. SHACKLEFORD. One other mere question.

Mr. LOUD. I have only a minute or two. I will explain that part of it. They pay in England 6 pence for 20 words, but it includes, as you all know, the address and the signature, and the

average city address in England—more than in this country—will average from 12 to 14 words, so that it costs you in that small, compact country 6 pence for 6 words. Why, I will venture to assert that if the Western Union Telegraph Company or the Commercial Cable Company, or anybody else, could have the monopoly of the telegraph business in New England and the old Middle States they could send telegrams and earn 10 per cent on their investment at 10 cents a message. Yet England, in that small, compact country, is losing now, I am credibly informed, £800,000 a year—nearly $4,000,000 a year—in the operation of a system which is continually deteriorating.

Now, then, with this example before us, with the example of the great nation of England before us in the operation of the telegraph system, I think this House should pause long and well before it embarks upon any enterprise of this kind, especially if anybody else wants to build it.

Now, I have no very serious objections to the gentleman from Pennsylvania's proposition here when he puts on 20 per cent; he wants to give the American manufacturer the advantage of 20 per cent; but let me say this to the gentleman: I believe that this cable company has entered into arrangements to build this cable to Manila, and if the bill of the gentleman from Pennsylvania [Mr. DALZELL] shall pass, it must necessarily hold in the air until one year from now the building of the cable from Hawaii to Manila.

While of course we understand that the great conservative body at the other end of this Capitol will not pass this bill this year, yet it will be held in the air over the heads of gentlemen who have invested their good dollars in this enterprise; and I believe that if this measure be adopted, it will ultimately lead to the defeat of the construction of any private cable to Manila, which I know the gentleman from Pennsylvania [Mr. DALZELL] does not want to accomplish. If no private individual will build a cable to Manila, then this Government will have to build one. Now, the gentleman does not want that.

All I ask of this House is, quoting from the gentleman from Illinois [Mr. CANNON] yesterday, not to take this one bill, but to take all these bills, and cut them off right close behind the ears, and leave the Pacific Ocean open to him who wants to invest his money in the laying of a cable to connect this country with the countries of the East. [Applause.]

I yield back such time as I have, if I have any remaining.

Mr. ADAMSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN (Mr. PERKINS). The gentleman has nine minutes remaining.

Mr. ADAMSON. I yield that time, or such portion of it as he may desire, to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Chairman, the whole force and energy of the American people has lent itself since the Declaration of Independence to the advancement and prosperity of the individual. It has been contrary to the announced policy of the Government and the desire of those framing legislation that any legislation should be passed or anything done to encourage paternalism or centralization in the Federal Government in any way, shape, or form.

The machinery of the Government has been kept as far as possible reduced to the actual needs of carrying on its different branches. One striking instance of this we have in the size and character of the Army of the United States, which until the breaking out of the war amounted to scarcely 25,000 men, and so on right straight along it has been the policy not to interfere with, but to develop, the individual. Had it not been so, and had our Government, as is the case in many of the governments of Europe, absorbed this, that, and the other branch of the industries, such as they have in France, the tobacco monopoly, and in Germany the management and control of the railroads, our industries would not have reached the gigantic proportions which they have, and we would not have produced the great captains of industry who to-day, together with their methods, are the surprise and amazement of the civilized world.

The grand initial policy of the Republican party throughout has been the doctrine of protection; to foster and build up American industries, and it has been the understood principle in both parties in all branches of our Government, Federal, State, and municipal, not to interfere with private enterprise. First, so that the private individual shall have all the encouragement possible, and second, because with the great resources at the back of the Government it was not fair to put a private individual in competition.

Therefore it is that we have all Government work, as far as possible, let out in the shape of contracts; and even the other day we heard here in the House strong argument against the construction of battle ships in Government navy-yards, and I have heard that within the last few days a provision which was inserted in this body for a certain number to be constructed in Government yards has been stricken out in the Senate.

Take the case of the State prisons. In a number of the States there are laws which forbid the manufacture in State prisons of all articles that can compete with the manufactories supported by private individuals. In other States articles manufactured in the prisons, such as shoes, for instance, have to be distinctly stamped, so that the purchaser shall know that he is purchasing an article which comes in competition with a private enterprise.

The Government has always realized that what is manufactured by it or carried on by it necessarily costs more than what is manufactured by a private individual, for it is impossible for the Government to drive its employees in the way in which an individual can. The hours of labor are shorter, the supervision not so strict, and the character of the work often not so efficient, owing to so many departments of the Government being under civil-service rules.

The report of the British commission which had in charge the investigation of the subject of private cables versus Government cables advises strongly against the construction of cables by the Government, except in such cases where the magnitude of the enterprise would practically deter private individuals, unassisted, undertaking the work. While the Government of France has some five thousand and odd miles of cable, at the same time the longest Government-owned cable is only 544 miles, as against the longest private cable which at present exists, which is 3,250 miles.

We have in this bill a proposition for the Government to engage in a branch of work of which they have practically no knowledge and no experience, and here comes in the element of time, which I consider is a great factor. We have a company composed of reputable business men. The company is prepared to enter into a contract with the Government and to accept all the conditions and terms imposed upon it, and prepared to complete the cable within a definite space of time at the cost of not a dollar to the Government, and from the experience which the people of this country have had with this company they must appreciate the fact that they are making this proposition in good faith, for the reason that it was largely owing to the competition which this company developed that the cable rates to Europe are as low as they are at the present time.

One of the reasons advanced by the British Government against the State controlling cables is the complications which might arise upon the landing of a cable upon territory not controlled by the Government. If the present cable was built by the Government it would have to stop at the Philippines, and owing to such complications as I have referred to, could not be extended to China and Japan, which really to the merchants and business people of this country is the strongest possible reason for the construction of the Pacific cable, opening up as it will countless markets for every sort of article manufactured by the different industries of this country.

The question of cost, if the cable is to be constructed by the Government, is a very serious one. It has been estimated, as has been stated, that the cost will not be less than $15,000,000; that the annual fixed charges will not be less than a million and a half of dollars; and, judging from the amount of business which has been done previously between this country and the Philippines, the income would not exceed $600,000, making it a loss to the Government of almost a million annually, and this apart from the expense resulting from accidents and the maintenance of a large force of high-salaried employees, which, of course, sooner or later, would demand to be put in the classified service.

The argument that the Government would be hampered in relation to its military operations and the conduct of its military affairs in case of war, should the cable be constructed by the Pacific Cable Company, falls to the ground, in view of the conditions of the contract proposed by the Pacific Cable Company, which provides that the Government can at any time take possession of the cable at an appraised valuation, or, if it does not purchase the cable outright, can impose a censorship, in case it so desires, and place in charge its own operators.

It is argued against the Pacific Cable Company that it has entered into a tentative agreement with the Eastern Extension Cable Company, which now holds exclusive privileges in the Philippines, Hawaii, China, and Japan. But would it not be rather bad business if, before agreeing with the United States Government to build a cable, they had not made such arrangements as would give them access to the different parts of the country which they propose to reach?

I wish to call attention to the fact that Admiral Bradford, of the Navy Department, has come out very strongly in opposition to the Government building any of these cables. On page 107 of the hearings he was asked by the gentleman from Michigan [Mr. CORLISS]:

Have you had any experience as to American manufacturers of cables?

His reply was:

No. I may say that I have not been a specialist in making and laying. I have a cable under my Bureau between Key West and the Dry Tortugas,

about 60 miles long, and I have made something of a study for twenty-five years of submarine cables for military purposes, but I do not call myself a specialist on such matters.

Mr. CORLISS. Would you not be willing to take the guaranty of a responsible American manufacturer who claimed to have the skill and experience and ability necessary to lay a cable, and with sufficient bond to lay the cable, and with a satisfactory guaranty, say for three years?

Admiral BRADFORD. Not when I know that there is no company in the United States with experience in making and laying deep-sea cables.

Then he was asked in regard to plants, as to whether any existed in this country that were capable of making deep-sea cables. He goes on to say:

I know of no such plants nor of any company with the necessary experience to do the work under consideration.

Now, Mr. Chairman, we have here a company composed of reputable business men, which company is prepared to enter into a contract to build an American cable, which will tend to build up American industries.

In my judgment, this bill should be opposed by both sides of this Chamber—by the Republican side for the reason that it has been the policy of the Republican party since its foundation to encourage and build up a home industry, whether by preventing foreign competition or governmental competition. It should be opposed by the Democratic side of the House and by every conservative Republican on the score of needless extravagance. In view of this fact it is unfair, it is un-American to allow such an enterprise to be interfered with.

Mr. ADAMSON. Mr. Chairman, is my time exhausted?

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Michigan [Mr. CORLISS] has twenty-three minutes remaining.

Mr. CORLISS. I yield that time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the pending bill proposes that the Government of the United States shall construct, or have constructed or laid, a cable across the Pacific Ocean, to be paid for out of the National Treasury. A majority of the Committee on Interstate and Foreign Commerce have reported in favor of the passage of the bill. A very respectable minority of the committee have filed dissenting views, and have urged that the bill be not passed, for the special reason, as set forth, that a private corporation, the Commercial Pacific Cable Company, has now under contract the laying of a cable from San Francisco to Honolulu; and has announced its intention of building the cable connection across the Pacific from Honolulu to Manila and to China. The real question now before the House is whether the Government shall own and operate the cable as an aid to commerce and as a part of the military and naval power or whether the Government shall leave the matter purely to the private capitalists. It may be proper to refer to some of the history of proposed cable legislation in this House.

In the Fifty-fourth Congress a cable bill was reported to the House by the Committee on Commerce, providing for a subsidy to be paid by the Government to the Pacific Cable Company, a distinct corporation from the Commercial Pacific Cable Company. Permit me here to explain that the Pacific Cable Company was organized by Mr. James M. Scrymser, who is the owner of the cables connecting our country with Central and South America, and who is one of the leading cable men of the world. Mr. Scrymser's companies are all on friendly terms with the Western Union Telegraph Company, and they have some kind of a traffic arrangement with the latter company. The Commercial Pacific Cable Company is an offspring of the Commercial Cable and Postal Telegraph Company, the principal owner of which is Mr. John W. Mackay, who is one of the leading financiers of the world interested in cable companies. In one sense, therefore, the Pacific Cable Company may be said to have been organized in the interest of the Western Union, and the Commercial Pacific Cable Company in the interest of the Commercial and Postal Company.

No further action was taken by the House in the Fifty-fourth Congress on the cable bill. I entered in the Fifty-fifth Congress and was assigned to the Committee on Interstate and Foreign Commerce. That committee in the Fifty-fifth Congress reported in favor of a bill granting to the Pacific Cable Company a subsidy of $100,000 per year for twenty years on condition that that company should construct a cable from the United States to Japan and China and should carry messages of the Government of the United States free forever. I joined at that time with the majority of the committee in making a favorable report on the bill. I think now it was an unfortunate thing for the country that that bill was not enacted into law. It never was taken up for consideration in the House, but if it had been made a law the United States would now be in the position to have its Government messages carried for all time across the Pacific for the sum of $2,000,000, distributed in payments for twenty years. As a matter of fact our Government has paid since that bill was reported to the House, in March, 1898, for cable messages to the Far East about two-thirds of this total sum of $2,000,000. It seems to me that the same shortsightedness which is now fighting the present proposition for a Government cable is no wiser now than it was in 1898, when it prevented consideration of the bill at that time.

In the Fifty-sixth or last Congress the same committee reported a bill favorably providing for the payment of a subsidy of not to exceed $300,000 a year for twenty years to a private company which should construct the Pacific cable, and in exchange such company should carry Government messages free during the period of twenty years. That bill provided for public advertising by the Postmaster-General, with the direction that contract for the subsidy should be made with the corporation making the most favorable bid, which should not, however, exceed the subsidy of $300,000 a year. No further action was taken in the House on this bill in the Fifty-sixth Congress. Several members of our committee filed minority views protesting against the payment of this large subsidy to a private corporation and urging that the Pacific cable should be constructed, owned, and operated by the National Government. This bill in the Fifty-sixth Congress was urged by the Pacific Cable Company and the Western Union interests. It was well understood that if the bill became a law Mr. Scrymser's Pacific Cable Company expected to be the beneficiary and to obtain the contract.

It has been quite evident from the start that if any private company should construct the Pacific cable from our shores it must be done by some company which is an ally either of the Western Union or the Postal Telegraph Company or by a combination of both interests. The greatest cable company of the world is the one known as the Eastern Extension Company. It now practically controls the entire cable situation in the Far East. It claims to have exclusive rights for the laying of cable lines on the Philippine Islands, as well as on the coast of China and elsewhere. During the last summer Mr. Mackay, in the interest of the Commercial Cable and Postal Telegraph Company, undoubtedly for the purpose of securing an advantage to that company to the exclusion of the Western Union, obtained some sort of an understanding with the Eastern Extension Company which he considered very favorable, and thereupon announced that he would build a cable across the Pacific, and the Commercial Pacific Cable Company was organized for that purpose.

It is not to be wondered at that the Postal Telegraph Company did not desire that an ally of the Western Union Company should build the Pacific cable and thereby give preference to the Western Union over the Postal on all business with the Far East. Nor is it to be wondered at now that the Western Union Company is very much opposed to the construction of the Pacific cable by an ally of the Postal Telegraph Company, which may shut the Western Union largely out of the Pacific business. I think both of these two great companies have shown considerable diligence in the matter of attempting to construct a Pacific cable.

When it was quite clear that very little cable business would be secured directly from our Government, and before we had acquired the Philippines, with the increase of both military and commercial messages, the Western Union, or its ally, was offering to construct the cable on exceedingly liberal terms. Now Mr. Mackay's company is offering to construct the cable and take its chances. I have no stones to throw at Mr. Mackay or his company. If this Congress shall determine for any reason that it will not direct the construction of a Government cable, then I hope it will deal properly and leniently with this company, the Commercial Pacific Cable Company, and will put no obstructions in their road.

It is desirable that a cable across the Pacific be laid, and I am not in favor of the proposition of the gentleman from Pennsylvania [Mr. DALZELL], which is that this Government shall not build a cable itself, but shall interfere in such a way as will probably prevent Mr. Mackay's company from building a private cable. If our Government does not wish to build the cable itself, it certainly ought to do nothing which will tend to prevent the construction of the cable by a private company, and the conditions which the gentleman from Pennsylvania would impose upon this private company are both onerous and unfair.

I wish to direct the attention of the members for a moment to the large map of the world which is here in front. It was an uncolored copy of Cram's Map of the World, which is the best map published. I have colored it for the purpose of calling attention, in a striking manner, to the ownership in and about the Pacific Ocean. You will see here colored in red the United States and its territories and possessions. You will see colored in blue a portion of the British possessions. China is colored in black, and you will notice that just south of China lies the British territory of India and also territory belonging to France. Immediately south of the Chinese Sea are a large number of islands which belong to Holland, and are colored in green. Easterly are the Caroline and Marshall islands and other islands belonging to the

German Government. East from Australia are several groups of islands belonging to the French Republic, though the great majority of the islands in the South Pacific are colored here in blue, which indicates that they are possessions of the British Government. You will notice that Japan, which is colored in yellow, has territory in islands stretching almost from the Aleutian Islands, or western part of Alaska, down to the southern point of China.

The Pacific Ocean to-day has no cable stretching across it, but it is easily seen from this examination of the map that Great Britain, Germany, France, Holland, Japan, and the United States are contesting for commercial supremacy in the Pacific Ocean, and may at any time contest for military or naval supremacy. Not any of the other countries is so fortunately situated as the United States for the construction of a national cable across the Pacific. The Navy of the United States has made exhaustive surveys for a line of cable, and I direct your attention to the course of the cable, whether it shall be constructed by our own Government or by a private corporation. The route of the cable is shown by the red line on the map across the ocean. The first stretch of the cable will be from San Francisco to Honolulu, a distance of 2,084 knots, or nautical miles, a nautical mile having a length of 6,086 feet as against 5,280 feet for the ordinary statute mile. The average depth of the water from San Francisco to Honolulu is 2,700 fathoms, and the maximum depth 3,200 fathoms.

The next stretch of the cable is from Honolulu to Midway Islands, 1,100 knots, with a maximum depth of 3,000 fathoms. The next stretch is from Midway Islands to Guam, a distance of about 2,280 knots, with a maximum depth over the route selected of 3,382 fathoms. The next stretch is from Guam to the island of Luzon, a distance of 1,372 knots, with a maximum depth of 3,200 fathoms. It is necessary to have landing places and cable stations on the Midway islands and on the island of Guam, for the reason that a cable stretch of over 3,000 knots is too long for very efficient work. A cable stretch of greater length requires a very heavy cable wire in order to obtain efficient electrical transmission, and it then becomes too heavy to lift from the bottom of the sea. The total cable distance from San Francisco to Dingala Bay, on the island of Luzon, is a little less than 7,000 knots, but in laying cable it is necessary to make an allowance for slack or waste, and it is probable that the total length required in order to lay the cable from San Francisco to Luzon will be about 8,000 knots.

The British Government has now under construction the British Pacific cable, which will extend from Vancouver Island, immediately north of the State of Washington, to Australia. The route of the British cable is indicated on the map before us by the blue line. It runs from Vancouver Island to Fanning Island, from Fanning Island to the Fiji Islands, from the Fiji Islands to Norfolk Island, and from there to Queensland. That portion of the cable between Queensland and the Fiji Islands has already been constructed and the entire line has been contracted for. The length of the British cable is 8,272 knots, and the contract price of the cable, laid and guaranteed, is $8,975,000. The longest stretch of the British cable is from Vancouver Island to Fanning Island, a distance of about 3,200 knots, without including "slack" necessary in the laying of the cable. This is a much longer stretch than any on the proposed American cable, and it is so long a stretch that it will seriously interfere with the rapid transmission of messages, as was fully understood and set forth by the commission which reported in favor of the construction of the cable.

Many gentleman here are undoubtedly afraid that the cost of the cable will far exceed any present estimate. Let me reassure such gentlemen. A cable to-day is a staple article. Its cost is not hard to determine. There are three great cable making and laying companies in the world, all located in London. These great companies sell cable lines made, laid, and guaranteed. The price of the English cable, as fixed by the contract for its making and laying, is just about the estimate for that cable, and is also just about the estimated cost for the American cable. The British cable is a few hundred knots longer than the American cable, and there is every reason to believe that our Government could make a contract to-day for the making, laying, and guaranteeing of a cable from San Francisco to the island of Luzon for less than $8,500,000.

The Commercial Pacific Cable Company has made a contract for the making and laying of the cable from San Francisco to Honolulu for $2,224,226. The distance, with slack included, is estimated at about 2,400 knots. This is less than $1,000 per knot, and on the same basis the cost of the cable clear through to the Philippines would be several hundred thousand dollars less than $8,000,000. To this cost must be added, of course, the cost of 5 cable stations on the route, which would be not to exceed the sum of $100,000 or $200,000 for all of them. The only other cost would be to provide the necessary cable-repair ships. Whoever builds the Pacific cable will probably have to maintain two cable-repair ships, one at each end of the line. These repair ships will cost from $300,000 to $500,000 each.

Our Government already owns a cable-repair ship in the Philippines, so that it would not be necessary to provide a new one there if the Government builds the cable. We now own about 1,200 miles of cable between the different islands in the Philippines, which has been laid and is now operated by the Signal Corps of the Army for military and commercial messages; and in connection with our cables there the Army owns and maintains a cable-repair ship which is capable of picking up and repairing any ocean cable.

The total cost, therefore, of a cable from San Francisco to Manila, constructed by the Government or by contract with the Government, would not exceed $9,000,000. This is not much more than the cost of a protected cruiser for the Navy. A Government cable in time of war, and particularly in time when war was imminent or was only threatened, across the Pacific, would be worth more for military purposes than several additional naval vessels of any class.

The officers of the Army and the Navy who have testified before our committee have all urged the ownership of the cable by our Government, for the special reason that it would give to our country a great military and naval advantage in time of proposed or actual war. We passed a naval bill in the House recently of about $80,000,000 for the next year. We passed an Army bill recently of about $100,000,000 for the next year. A Pacific cable owned and operated by our Government would be worth more to us than anything which any $10,000,000 can be spent for in the Army or any $10,000,000 can be spent for in the Navy, or both together. We pour out money on the Army and Navy as though we were dipping water out of the ocean to pour into rat holes.

We spend money for military and naval purposes as freely as though we were drunken sailors, but here is a proposition for a Pacific cable, which will have a value of more than $10,000,000 to the Army in time of war and a value of more than $10,000,000 to the Navy in time of war, and yet about this we hesitate and doubt, because, forsooth, in time of peace we can make some actual use of the cable for commercial purposes. It is true that our Government may seize the cable in time of war, even though constructed by the private company, by the payment of exorbitant sums, as we did in the Spanish war when we paid $2,000 a day for the cable running from New York to Haiti. It is also true that the Government could not seize the cable before hostilities were actually declared, although it might be much more important to have control of it before war was actually declared than afterwards.

But it is urged that it will be a great expense upon the Government to operate a Pacific cable, and the gentleman from Alabama [Mr. RICHARDSON], in his speech against the bill, read from the report of our Committee on Commerce of the last Congress that it would cost the Government $1,500,000 a year to operate a Government cable.

Mr. Chairman, when the majority of our committee made that report two years ago it did not pretend to claim that it would cost the Government substantially any more to operate the cable than it would a private company. The committee in the same report estimated that the gross receipts which might be expected from a Pacific cable between the United States, China, and Japan at a reduced rate of $1 per word would not exceed the sum of $583,000. The extreme silliness of the estimate then made of the cost of operation of the cable, to wit, $1,500,000 per annum, is shown by the fact that the committee thought that the private company could afford to construct such a cable at an annual cost for operation of $1,500,000 and annual receipts which could not exceed $583,000.

It is perfectly evident to anyone that the actual cost of operating a cable is very small. There is nothing to call for much expenditure. On the Pacific cable there will be five stations and a few operators. The expense of the operators and the maintenance of the stations can not be made large. It is not likely that under the most extravagant management the annual expense of operation could equal $150,000.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a question?

Mr. MANN. The gentleman from Alabama knows that I am pressed for time.

Mr. RICHARDSON of Alabama. But the gentleman is talking about us. [Laughter.]

Mr. MANN. I prefer not to yield until later. I will endeavor to anticipate the gentleman's question. In addition to the actual cost of operation there is the cost of maintenance of the two repair ships. It is true we are already maintaining one in the Philippines, but if the cost of both were charged against the Pacific cable it would be about $200,000 a year, as the testimony shows that the estimate for maintaining a cable repair ship is

about $100,000 a year, though my information is that the repair ship now maintained by us in the Philippines costs for maintenance far less than that amount. That makes $325,000 a year. There is no other cost of operation except the possible cost of repairing a break in the cable.

About this no one can tell absolutely, but the private companies constructing a cable of this character would figure upon the possibility of an annual expense for cable repairs of about $100,000 a year. There is far less likelihood of a cable breaking in the Pacific than in the Atlantic Ocean, for various reasons. But a modern cable, well made and well laid, is not at all likely to break, though it may do so. The actual cost of operating the cable, including the maintenance of two repair ships and any breakage, would not exceed $425,000 per year. Of course I have not included in this calculation the saving up of a fund for the renewal of the cable at the end of thirty or forty years, or interest upon the cost of the cable.

But I particularly desire to call the attention of the members of the House to the fact that in the ownership and operation of the cable by its very nature there is but little where private enterprise or ownership can carry on the work any cheaper than the Government can. The proposition before the House now does not require that the Government itself shall make the cable or that it shall lay the cable. It can purchase a cable made and laid. There is no way by which it can cost the Government much more to operate the cable than it will cost the most economical and stingy private company.

I call your attention to the past, present, and prospective future cable rates of the Far East. In his testimony before our committee in January, 1900, Captain Squier, assistant to the Chief Signal Officer of the Army, testified that the commercial rate at that time from Washington to Manila was $2.38 per word, and that the Government rate was $2.25 per word, but that for special messages, which had the right of way, a rate of three times those amounts was charged. He also testified that the rate then from London to the island of Luzon was $2.10 per word; from London to offices in China, $1.35 per word; from London to Japan via the northern or Siberian route, $1.51 per word; via the eastern or Indo route, $1.90 per word.

In January of this year, in his testimony before our committee, Mr. George G. Ward, vice-president of the Commercial Pacific Cable Company, testified that since that company had been organized and had proposed to construct a Pacific cable the rate from Washington to Manila had been reduced from $2.37 per word to $1.66 per word, and that the latter rate was the rate in force at the time he testified. That means the rate to the public. The Government rate is a trifle less, though there is no very substantial difference between the Government rate and the rate for commercial messages. It must be remembered that in cable messages both the name of the sender and the name and address to which sent are included as words to be paid for.

The name and address to which sent naturally constitutes, and under the rules of the cable companies must constitute, at least two words; so that if a message is signed by the sender, as it must ordinarily be, a cable message consisting of one word of message actually constitutes four words in fixing the cost. A cable message from Washington to Manila to-day, therefore, of only one word of message will cost $6.64. It is quite true that in ordinary cable business the cable code is very generally used, so that much can be said with few words, and yet a cable message of a number of words is usually required, and even a message of many words is often necessary. Under the reduced rate of to-day, which is $1.66 per word, a 10-word commercial message from Washington to Manila costs $21.58. The proposition of the Commercial Pacific Cable Company is that it will carry messages between San Francisco and Manila and between San Francisco and China or Japan at the rate of $1 per word. This will make a message of one word cost $4 and a message of ten words cost $13.

Before Mr. Mackay's Commercial Cable Company commenced business across the Atlantic cable messages across the Atlantic cost 50 cents per word. When the Commercial Cable Company opened for business it precipitated a rate war between that company and the Western Union which carried the cost down to 12½ cents per word. At the end of the rate war, by understanding between the Atlantic cable companies, the rate was fixed at 25 cents per word, where it has remained to the present time.

Now, I call your attention to the nature of the cable and the cable business. There is nothing about a cable which wears out through use in sending messages. It is no damage to a cable to operate it continuously to its fullest capacity. Its life is not in any way affected by the amount of traffic transmitted. Its use does not require a heavy fuel expense, nor the wear and tear of machinery, nor even any special extra expense of employees. A cable across the Pacific must have its offices at each end open for business all of the time, and can not even stop for night, because when it is day on this side of the Pacific it is night on the other side. It is true that it will require a few more operators and employees to carry on a very heavy business than it will a very light cable business, but the increase in the cost of operating a cable continuously over that of operating it but a few times during the course of the twenty-four hours of the day is slight and is hardly worth consideration.

In hearings before our Committee on Commerce recently in regard to the regulation of freight rates on railroads, it was testified by one of the leading railroad experts of the country that the present theory of railroad transportation is to secure the largest amount of traffic business on the ground that the fixed charges are the same whether the amount of traffic is large or small, and that a railroad can afford to carry through traffic at lower rates than would produce a net income if the same rates were applied to all traffic. In other words, that a railroad company now endeavors to obtain any traffic not necessarily tributary to its line at some low rate which only needs to exceed the actual operating expense in order to bring a profit to the railroad. If this theory be correct in regard to railroads, it is much more so in regard to a long cable where nearly all of the expenses, both of the fixed charges and of operation, are incurred, even though not so many as a dozen messages per day pass over the cable.

It is pertinent, then, to ask what is the capacity of a single cable. The British Pacific cable now being laid has a core of 552 pounds of copper and 368 pounds of gutta-percha per knot. It is admitted by all parties that the American cable across the Pacific will have substantially the same core of copper, and that the size of the copper core, together with the length of any stretch of the cable, determines the speed of transmission. The pending bill requires that the cable to be laid shall be equal to the transmission of 130 letters per minute one way. This will be substantially accomplished by a core of the size indicated over the longest stretch of the cable, which is between the Midway Islands and Guam. But if we figure the full capacity of the cable at 125 letters per minute one way, that would give, us under the duplex system of transmitting messages each way at the same time, 250 letters per minute.

Of course this would not mean that that number of letters for pay messages could be transmitted during any considerable period, because there is more or less transmission of service messages, etc. The usual estimate for service messages and other dead traffic, waste, etc., is 20 to 30 per cent; but if we make a discount of 50 per cent for full measure it would leave the capacity of the cable at 125 letters per minute, counting both ways. With a little further discount this is equal to 15 words of 8 letters each per minute, 900 words per hour, 21,600 words per day, and 7,884,000 pay words of 8 letters each per year. Captain Squier in his testimony figured the total carrying capacity in paying code words of 8 letters each, allowing 30 per cent for waste, at 11,800,000 words per annum. So that I think it might safely be assumed that my estimate of 7,884,000 words is safe and conservative.

Now, the utmost that the private company proposes to do is to reduce cable rates between our shores and China to $1 per word, charging the same amount for messages to Manila. The private cable companies figure upon the basis that only those persons will use the cable who are compelled for commercial reasons to send business messages without much regard to the cost of the message, though it is true they figure some increased business by reason of the reduction of the rate to $1 per word. It is not likely that the Commercial Pacific Cable Company, if it constructs its private line as now proposed, will reduce the rate below $1 per word.

The officials of that company admit that they have an understanding with the Eastern Extension Company, which now controls the cable business in the Far East. They admit, further, that the American company proposes to depend upon the Eastern Extension Company for its connections between Manila and China and Japan. This is an admission that there will not be any competition. It sufficiently appears from the evidence before our committee that the Commercial Pacific Cable Company has an understanding with the Eastern Extension Company that the former will not compete with the latter for business between Europe and China, so that the Pacific Cable Company will practically only engage in business between America and the Far East. There will not, therefore, be any occasion for competition. If the Government does not build the cable, but leaves its construction and ownership to the Commercial Pacific Cable Company, the rate between San Francisco and the Philippines, China, and Japan will be $1 per word, and it will not be reduced below that amount.

In this matter we are furnished an instructive lesson by the British Government. The British Pacific cable is a trifle longer than the proposed American cable. Its longest stretch, with slack included, will be about 3,600 miles, and this long stretch, which will be the longest cable stretch in the world, is so long that electrical transmissions over it will be very slow. It is estimated by

the experts that more than twice as many words per minute can be successfully transmitted over the American Pacific cable than can be transmitted over the British Pacific cable. The efficiency of the British cable, therefore, is no more than half that of the American line. The actual cost of transmission per message, therefore, over the British line ought to be considerably greater than over the American line, if not, in fact, twice as much. But what are the facts? The British Government proposes to carry messages over the British cable, from one end to the other, for 50 cents per word. The American company proposes to charge a dollar a word for carrying messages an equal distance over a cable which will work twice as rapidly.

Mr. Chairman, I have endeavored to show that the cost of a Pacific cable to be owned by our Government is well ascertained and is not exorbitant; that the cost of operation is small, is about the same for many messages as it is for few, and is not greater if operated by the Government than if operated by a private company.

I am in favor, sir, of a cable owned and operated by our Government, first, for strategic reasons in international complications and in military and naval operations, and, second, for public utility and benefit. I think that the Pacific cable should be operated as a part of our postal system. We carry letters to Alaska and deliver them through great expense to points far away from the sea and from railroad. I have been informed by officials of the Post-Office Department that mail has frequently been carried to Alaska at a cost to the Government of more than $1 per letter when the postage received was only 2 cents per letter.

There are many places in the western portion of our country where mail is carried daily by the Government to post-offices 150 miles away from railroad transportation at a high cost to the Government. In such cases the amount of mail matter carried is very small and the cost per letter is many times the amount of the postage. Long before there were railroads or telegraph lines to our Pacific coast mail matter was carried by the Government to our people in California and Oregon. The cost of carrying that mail matter was many times the amount received by the Government as postage.

But I dare say, sir, that if mail had not been carried by the Government between our Pacific coast and the rest of the Union; if railroads and telegraph lines had not been built across the continent and over the Rocky Mountains by Government aid, the people on the other side of those mountains would have become estranged from the rest of our country, would have formed views and ambitions apart from those of our more Eastern people, and would probably at some time long before this have established a government of their own, which could easily have been maintained by them against our then power. We do not pretend that our post-office system shall be made profitable financially. We have recently introduced on an extensive scale rural free delivery and almost every ounce of mail matter which is delivered in the country by the rural carriers is handled at a considerable loss by Government in excess of the amount of postage paid. The annual deficit in the Post-Office Department would build the entire Pacific cable.

Mr. Chairman, we have before this Congress two propositions pending in regard to the future of the Philippine Islands. The Republican policy contemplates the probability of those islands remaining a possession of the United States—at least for many years to come. The proposition submitted by the Democratic minority here is that while the Philippine Islands shall be guaranteed independence, they shall ever remain under the protecting influence of the United States. Whichever policy may be the one ultimately adopted by our country, it becomes of the utmost importance that the people of this country and the people of the Philippine Islands shall remain on terms of closest friendship and shall be able, by means of easy and cheap communication, to understand and appreciate the feelings, desires, and ambitions of each other.

We are to-day maintaining a form of civil government in the Philippines, and also a considerable army there. The most dread disease which attacks our American people over there, whether in civil or military life, is homesickness. There is practically no news from the United States received or published in the papers in the Philippines. There is, in fact, a great dearth of news in our country in regard to the Philippines. Not only the Government here should be in daily contact with the government over there, but the people in the Philippine Islands, whether native or American, should have a means of cheap daily communication with the people of this country. This is equally important whether we retain the Philippines as a possession or only maintain a protectorate over them.

Mr. Chairman, it is inevitable that there shall be a conflict of civilizations across the Pacific Ocean. In the view of history and civilization China is a sleeping giant. She is likely to be awakened by the pins which are being stuck into her along her eastern coast. Whether when she is really reawakened she will rise as a mighty power in the commerce of the world or whether she will die as a nation and be torn into pieces by the European nations we can not foresee. It is almost inevitable that something like one of these contingencies will occur. Meantime we are grasping for our share of Far Eastern trade. It is our duty to become the controlling military and naval power of the North Pacific Ocean. It is our duty to endeavor to largely increase our commerce with the Far East. The most important feature in deciding these questions will be rapid communication. If the Commercial Company builds its Pacific cable, its rate of charges will prohibit any messages except important Government business or pressing commercial messages.

Now, the proposition which I submit is this: The cable is capable of transmitting 7,884,000 paying words of 8 letters each per annum. If kept continuously in operation, it would amount, at 10 cents per word, to $788,400. This is an amount far in excess of the cost of maintenance and operation. It would be easy to make a classification of the business to a certain extent. Telegraph business is now classified, more or less. There are day messages and night messages, repeated messages, press messages, etc. There is no reason why a Pacific-cable business should not be classified and differential rates established. It would be easy, for instance, to make a rate of 10 cents per word, with an agreement that the message should be carried through as soon as reached in regular order, or say, within one, two, or three days, and it would be easy to make a much higher rate on business which should have the right of way, just as is now done on the present cable business to the Far East.

To carry on business by cable at the present time with the Philippines or with China costs an excessive sum. It will still cost an excessive sum when the rate is put down to $1 per word. It takes now nearly two months to send a letter to Manila and to receive a reply. It will still take nearly two months after the Commercial Pacific Cable Company is doing business if no Government cable is laid. The length of time required in the one case and the excessive expense in the other will greatly retard, if it does not prevent, our obtaining our share of good will, knowledge, and business in dealing with the people of the Philippines and the other people of the Far East. We can afford to build a cable and carry messages over it at the rate of 10 cents per word without losing money. In my opinion, we could afford to do this even if it were done at an annual loss of a few hundred thousand dollars.

I know, sir, that the principal objection to our proposition is that the Government ought not to enter into private business in competition with private concerns. Many gentlemen here fear that if the Government owns a cable it will lead to Government ownership of the telegraph lines and other cable lines. Mr. Chairman, it could only lead to a thought of that thing if the operation by our Government of a Pacific cable should prove most successful. If it did not prove successful, then no one would wish to extend the experiment. If it did prove successful, then that of itself is a sufficient reason for laying the Pacific cable. I have no fear of Government ownership of the railway lines or the telegraph lines. What the future may develop no one can tell, but certainly, as our Government is constituted to-day, it would be the height of folly for the Government to become the owner and operator of the telegraph lines and railroads of the country. And there is not the slightest danger of that during the life of the present generation, whether a Pacific cable be operated successfully by our Government or not. The Pacific cable is sui generis. It stands by itself, much like the proposed isthmian or interoceanic canal, and for much the same reasons.

Mr. Chairman, I have no doubt that when the Government first undertook the transmission of the mails that objection was made to it that the Government proposed to enter upon a business which might better be left to the private mail carriers then in vogue. There may be those who believe that postal matter would be carried better and for less cost to the senders if it were now done by private corporations, but I am not one of those. I do not shrink from this undertaking because it may demonstrate the possibilities of cheap cable communication, and thereby make our people wish the Government to own Atlantic cables. The future development of our country will probably far exceed our present understanding or conception.

That the East will develop greatly is of course assumed, but the great West, Mr. Chairman, will have the greatest development.

When we shall have constructed a canal across the Panama Isthmus; when we shall have stored the waters of the Rocky Mountains and spread them at seasonable periods over the fertile but arid lands of the plains below; when we shall have cheap and rapid communication with our possessions and the peoples of other countries in the Far East; when we shall have trade across the Pacific with the hundreds of millions of people on the other side thereof, whom we now consider barbarians, but who have developed a civilization of a different type, though possibly equal in refinement to our own; when our country shall have lived, not merely

a century and a quarter, but shall have survived and grown in greatness for two centuries—nay, perhaps three—then, sir, the eastern coast of the Pacific, on the other side of the Rockies, will possess the commercial seaports of the world, and in the center of our country, with nerves reaching in responsive touch to every portion of the world, both of the West and the East, will stand the pride of our people, the commercial metropolis of the world, the center of great undertakings, the school of art and refinement, the axis of development, progress, trade, and thought—the city of Chicago. [Loud applause.]

The CHAIRMAN. The time for general debate has expired. The Clerk will proceed to read the bill.

Mr. ADAMSON. I desire to move to strike out the enacting clause. Is that motion debatable?

The CHAIRMAN. That motion will not be in order until after the first section is read.

The first section of the bill was read, as follows:

Be it enacted, etc., That there shall be constructed, maintained, and operated by the United States a submarine cable or cables and connecting land lines from the city of San Francisco, Cal., to the city of Honolulu, in the Hawaiian Islands, and thence to Manila, P. I., by the way of Midway or Wake Island and the island of Guam, or by whatever route may be determined to be the most practicable by the President.

The first amendment recommended by the committee was read, as follows:

In line 5 of section 1 strike out "city of San Francisco" and insert "coast of."

Mr. ADAMSON. Mr. Chairman, I move to strike out the enacting clause. Is it in order to debate that motion?

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves to strike out the enacting clause.

Mr. ADAMSON. Mr. Chairman, in view of the doubt which has been expressed here as to whether the Commercial Pacific Cable Company is actually proceeding with the work undertaken, I ask that two telegrams which I send to the desk be read.

The Clerk read as follows:

LONDON, *June 11, 1902.*

COOK (for HEPBURN), *Washington, D. C.:*

I hereby certify that 1,065 nautical miles of cable, which is to be laid between San Francisco and Honolulu, was manufactured up to yesterday, and that said cable is being made at the rate of 26 miles per day.

G. G. WARD,
Vice-President Commercial Pacific Cable Company.

LONDON, *June 11, 1902.*

HEPBURN, *Chairman, Washington:*

My company begs to inform you that it has already manufactured 1,065 nautical miles of submarine cable which we are to lay between San Francisco and Honolulu for the Commercial Pacific Cable Company, and the balance is being made at the rate of 25 miles per day, and our steamer *Silvertown* will sail with said cable on or about the 1st August next.

ROBERT K. GRAY,
Managing Director of the India Rubber and Gutta Percha Telegraph Works Company.

Mr. ADAMSON. Mr. Chairman, the consideration of this bill has further convinced me that this is another of the "mad dogs" mentioned by the gentleman from Illinois [Mr. CANNON], which ought to have its tail speedily cut off just back of its ears. Therefore I make this motion. Nor is the situation improved at all by the prospect of the scheme proposed by the gentleman from Pennsylvania [Mr. DALZELL]. I do not care to open the question of protection here, but I have always understood that protection was advocated in behalf of developing an industry at home which could not be developed otherwise. The proposition here is "protection run mad," proposing to prostitute the powers and functions of the Government to drive private capital from a legitimate field already occupied.

The same parties are behind both the propositions, respectively offered by the gentleman from Michigan [Mr. CORLISS] and the gentleman from Pennsylvania [Mr. DALZELL]. Before our committee the question was fully ventilated as to paying a bonus to patriotic citizens to induce them to give us the spectacle of their growing rich, one dozen or two people, at the expense of the other 75,000,000, at a bonus of 20 per cent. I not only developed by some of those people that they could build as cheaply, or 10 per cent more cheaply than the foreigners could furnish the material, but when I called their attention to a thing then current in the newspapers, that Irish potatoes were scarce and the farmers were getting a high price for them in the vicinity of Pittsburg, New York, and Philadelphia, and I asked the gentleman insisting on the bonus if they thought it patriotic to ship potatoes over from Europe and eat them at a lower price to keep our farmers from getting a higher price, he did not think my question was in order; it was not pertinent.

Now, Mr. Chairman, no matter which proposition prevails, in either event the necessity for a cable would not be met. Commerce wants a cable right now. It is clearly and conclusively demonstrated beyond all doubt that there is no company here now capable of immediate production of cable which the Army and Navy would accept as good for so long a distance, as testified to by Admiral Bradford; and if it is going to take three or four years to develop a plant, to build up a manufacturing system, to acquire the cable ships, and to lay the cables which would be necessary under either of the schemes of the gentleman from Michigan or the gentleman from Pennsylvania, the necessity would have passed, commerce would have suffered, the uses of the Government would not have been subserved, and we would have committed a tyrannical abuse and have been guilty of the ignominy of having pulled down the powers of government and prostituted them to driving out capital from legitimate enterprise in order to enrich a few selfish people.

I am not misled, nor do I believe this committee is misled, by the balderdash about monopoly. It depends on who is doing the monopolizing. These people want the Government first, they state before the committee, to build to Manila and spend its money to liquidate concessions, so they could have the monopoly from there to China instead of these other people. We contend that this Government ought to keep out of the field. Let everybody who wants to build cables do so, and if we have a hundred there is competition and better business. [Applause.]

Mr. HILL. Mr. Chairman, I did not intend to say a word on this cable question, but I am going to take four or five minutes to speak about it as a business proposition, without any regard to the political side of it, or the Philippine side of it, or anything of the kind. A cable from San Francisco to Honolulu is needed. There are 160,000 people there, and about 3,000 of them are either American citizens or the descendants of people who were connected with American people. It will not pay; it must be run in connection with something else in order to get the money back. Gentlemen, I would rather run a peanut stand on a corner of the Bowery as a matter of profit than to run that cable, if it was given to me, so far as business is concerned.

Now, it will not pay to Honolulu. Everybody in this House knows that, but they have got to have it; we have got to have that connection. Now, you run on to Midway, a rock in the middle of the ocean, uninhabited, and always will be; and you run on still farther to Guam, and you have an island 6 miles wide and 29 miles long, with 6,000 Indians on it who have been there 300 years and who have now 1 per cent of that island cultivated. Their exports last year were $16,000. How much business are you going to get for your cable out of that? Nothing. It is perfectly absurd. As a naval station, by and by, when the Government gets ready to use it as a naval station, it may be instrumental, effectively instrumental, as a part of defense, but as a business proposition there is nothing in it. You go on farther and come to the Philippine Islands, and you have six or eight million people there; probably seven million out of the eight do not know what a telegraph is, do not know what a cable is, and are absolutely ignorant of anything of the kind. You will get some business from the Philippine Islands.

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. HILL. Yes.

Mr. SHACKLEFORD. After you have thoroughly educated those people as you propose to do, will they not transact business?

Mr. HILL. But where is your interest upon the cost of your cable when you get that done? You had better stand to one side and let somebody else build it. When you get to Manila you stop. That is a Government enterprise, and the only hope of anybody getting any return, Mr. Mackay or anybody else, out of this enterprise is by connection with these other companies, unless you go further. Now, I have heard a good deal about the enormously extravagant prices charged for cablegrams. I cabled home from Manila last summer a three-word message for $2.65.

Mr. BUTLER. How many words did the gentleman send? I should like to say to him that I tried to cable there yesterday, and they wanted to charge me a good deal more than that.

Mr. HILL. I sent the address and one word, which was a cipher-code word, just as everybody will do. Nobody is going to undertake to send a speech for the CONGRESSIONAL RECORD in a cable message.

Mr. BUTLER. That depends on the size and length of your pocketbook. I made the attempt yesterday to send a cable message to Manila, and they wanted to charge me $10.86 for five words.

Mr. HILL. The customers of this cable company will use a cable code, of course. I sent all I wanted to send for $2.65. Now, what have you got as a business proposition? You have an absolutely worthless financial enterprise unless you can connect it up with these other lines. Are you going to have the United States Government go into partnership with the Eastern Cable Company? Are you going to have the United States Government go into partnership with the Danish Cable Company?

Now, let me tell you another thing. When you get there you have got the competition of the cable lines around by India and of

new telegraph lines which are constructed overland. I telegraphed overland from Valadivostock to New York for 60 cents a word. I had the choice between that or 90 cents a word around by cable by the East India line. So you have competition there, and where would your Government be, owning that cable, with these competing lines sending messages the other way from Manila? It is an absolutely worthless proposition, gentlemen, for the United States Government to go into under any circumstances whatever. John W. Mackay or some other man can do that, and by going into partnership with those people it will be a legitimate business enterprise, but competition is already established there by two or three different lines. The Russian Government have their own lines across Siberia, and will send messages at a lower rate to-day than they are sent by cable. As I just told you, the rate is 60 cents a word overland from Valadivostock against 90 cents a word by the cable. Figure it out for yourselves. There is nothing in it for anybody unless they can form a partnership with these other people. So if you put your money into this proposition, gentlemen, you will throw it away. [Applause.]

Mr. TOMPKINS of Ohio. Mr. Chairman, being a member of the committee to which this bill was referred, and which committee gave the subject-matter careful and considerate examination, I feel it proper for me to add a few words upon the pending subject.

It has been contended here that the Government, in undertaking such an enterprise as this, must depart from its old moorings and invade a new field for the exercise of governmental powers, and that such exercise would be in conflict with the well-settled policy of government. If I remember correctly what I have read, a great question was discussed a number of years ago in the Senate of the United States by men of no less distinction than Haynes of South Carolina, and Webster of Massachusetts, as to the power of this Government to assist, encourage, and foster commerce between the States.

The power so to do was, to my mind, clearly settled in that great debate. Moreover, the Congress of the United States engaged in constructing the great national pike leading from the East to the West. It is also in consonance with the power of the Government to establish post roads, to carry communications between citizens, and whatsoever may aid and encourage commerce between citizens of the different States Congress has the power to do.

It has also been clearly decided by the Supreme Court of the United States, as shown by the citation offered by the gentleman from Missouri [Mr. SHACKLEFORD], that Congress has the power to construct telegraph lines and to assist commerce in that way. Now, if it has the power to construct telegraph lines between the States, it has the power to construct telegraph lines between its different possessions, even though the water may intervene. It is not a question whether the line shall be upon the land or whether it shall be upon the sea, but the only question is, Will the line connect citizens of the United States and encourage commerce between them?

One of the principal reasons urged in behalf of this bill has emanated from the Executive Department of this Government, and it is based upon the proposition that the United States Government should at all times be in quick communication with its possessions and have control of those lines of communication. England, Germany, and France either have built or are now engaged in extending cables to all their outlying possessions, and this has not been done nor is it being done because those respective governments expect to obtain any profit from the enterprise, but it is for the purpose of enabling the mother government, or those in authority in the seat of government, to be in quick and certain communication with all their citizens and all their possessions.

It has been alleged that it is not a practical enterprise, because the United States can not make any money out of it. Well, I do not understand, Mr. Chairman and gentlemen of the committee, that the Government of the United States ever goes into any enterprise for the purpose of making money. I do not understand that it would engage in mercantile pursuits or the manufacture of different articles for the market in order that profit might inure to the Government.

I understand the sole purpose of the Government to be that of the protection of its citizens, the fostering of their welfare, and encouraging all legitimate enterprises. There has not been a session of Congress since this Government was founded that it has not been necessary for Congress to make an appropriation to meet deficiencies in the Post-Office Department session after session, year after year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORLISS. Mr. Chairman, I ask unanimous consent that the gentleman, who is a member of the committee, may have his time extended ten minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOMPKINS of Ohio. I thank the committee for its indulgence.

We are confronted here, and other members have been, session after session with a deficiency in the Post-Office Department amounting to millions, and nobody ever questions the propriety as to making the appropriation, nor does anybody want to talk of reducing and cutting down the postal system of this Government. Now, what is the difference in principle? Why is the Government authorized to maintain a postal department? Why does it maintain a postal department? In order to facilitate communication between the different citizens of the United States, which is absolutely indispensable to the welfare of our people. Now, it seems to me in principle, in effect, the two propositions are in harmony—that we maintain a postal system in this country and maintain a cable system between this country and our outlying possessions.

Now as to the necessity. I cite to this committee the testimony of Governor Taft, taken before a committee of the House. I will read what he said as a part of my remarks:

Mr. HAMILTON. What, in your judgment, would be the effect upon our interests in the Philippine Islands of the construction of a Government cable connecting them with our country?

Governor TAFT. First, as to the construction of a cable. A cable, of course, would not bring the Philippine Islands physically nearer to the United States, but in the sentiment of the people, in the feeling of the Americans who go there, in every other way than in a geographical sense, it would make the bonds between those islands and the United States stronger and nearer, and it would, of course, greatly strengthen that feeling, too, I think, if the cable were built by the Government. But I want to say that the cable with us is the important point.

We should prefer to have a Government cable, but to lose the cable because of a discussion as to whether you should have a Government cable or a cable by private enterprise would seem to us to be a great misfortune. The question of monopoly is one that we run against constantly, and one in respect to which, of course, we feel very impatient. I prefer not to express an opinion on it, but it is claimed by the Eastern Extension Cable Company that they have such a monopoly that nobody can land a cable in the Philippines without their permission. There is a provision in the contract which, if their construction is right, permit the purchase by the Government from them of that monopoly.

The CHAIRMAN. What do you mean by the Eastern Extension Cable Company?

Governor TAFT. The Eastern Extension Cable Company is the company that owns the Hongkong cable. * * * They have two concessions, and they contend that one of the concessions gives them the right to land a cable anywhere in the islands.

* * * * * * *

Mr. CRUMPACKER. The reasons in favor of a Government cable as against a cable owned by private institutions are in the main political?

Governor TAFT. Yes, sir; of course we should expect that the Government cable would be run by the Government here and not by us. We do not want any such responsibility as that.

Mr. CRUMPACKER. It would serve as a sort of umbilical cord between the islands and the United States?

Governor TAFT. Yes, sir; in case of war it would be important that it should be under Government control. I do not know but that a private cable might be put under Government control in case of necessity or emergency.

* * * * * * *

Mr. HAMILTON. In 1898 this Eastern Extension obtained from Spain an extension of its charter for twenty years, and this extension comprehended the extension of the landing right during the period of twenty years of the cables which might be established to connect all the Spanish possessions in the Pacific Ocean, or to connect them with any other country. Has your attention been called to that?

Governor TAFT. Yes, sir. General Greely told me that the understanding of the Government was excepted out of this grant of monopoly to land a cable from Guam, but it seems that the company claims otherwise, and I have never had occasion to examine into the dispute, because it was not for us to determine. We had not any money to build a Government cable, and we have simply awaited the action of Congress.

Mr. HAMILTON. That would give the Eastern Extension Company the exclusive right to land a cable in the Philippine Islands during that time?

Governor TAFT. Yes, sir.

Mr. HAMILTON. And that would be contrary to our policy.

Governor TAFT. Unless the right was purchased by the Government as the contract contemplates it may.

* * * * * * *

Mr. HAMILTON. I gather from what you say that you would not regard it as advisable for any private interest to have exclusive privileges in the Philippine Islands?

Governor TAFT. We would much prefer to get rid of all monopolies there, but we want the cable, and we want it as soon as we can get it. While, as between the two, we should prefer a Government cable, we much prefer to have a private cable rather than none at all.

So that it is quite apparent from the testimony of Governor Taft, from the recommendations of Presidents McKinley and Roosevelt, that a cable connecting the United States with the Philippine Islands by way of Honolulu is essential to the welfare of our people. It is not a matter of course. It is not a matter of competing between individuals, but to my mind it is a matter of securing to the Government an undisputed and uninterrupted communication between it and all its possessions.

If a cable is constructed under the Pacific Ocean by a private corporation and its landing rights and communications at the other terminals are held between different and foreign companies, I can not conceive by what right this Government could seize

that cable in time of war or in emergency against the wishes of the owners of these connecting cables at the other end. They are under a foreign government, they are upon foreign soil, they are owned by foreign people, and the people of this country have no right to exact or demand any surrender of their rights, however small, should they refuse.

Something has been said about a contract between this Government and a cable company, a corporation organized under the laws of the State of New York. No such contract has been made. An offer has been made to execute such a contract, but I understand that the President and the Secretary of War hold that they have no authority to execute any such contract.

Now, Mr. Chairman, we have in this country, as shown by inquiries made in the Committee on Interstate and Foreign Commerce, two well-established cable-manufacturing plants. They are in operation. One of their officers appeared before our committee and stated that his company was prepared to proceed at once and manufacture a first-class cable that would compare with that manufactured by any other company in the world and furnish it to the Government and let it be laid in the bottom of the Pacific Ocean.

He came there to speak; representing American manufacturers, he came there to appeal to this Congress to foster and encourage an infant industry of the United States, and he said that it would be unfair and unjust to the industry at the head of which he stood if it were denied the right, or the opportunity at least, of furnishing a cable to the United States Government. If we are to protect and foster our citizens in their rights and in their privileges, it seems to me that this certainly falls within the rule, and if American citizens, having American workmen, are prepared to go ahead and make this cable they should be given opportunity to do so.

We are all the time inveighing against monopolies; we are all the time complaining about these great combinations of capital into what are called trusts as being un-American and unfair; and yet there is opposition to this bill, in order that there can be created an absolute monopoly in the cable business between the United States and the Orient. And a monopoly of that character, in times of peace and under the most favorable conditions, might accommodate the people of this country and our Government, yet in times of an emergency, of an exigency, in a time of great importance, that artery of communication between the home Government and our foreign possessions might be severed. [Applause.]

Mr. CANNON. Mr. Chairman, I do not know that I can add anything to the discussion of this question. I have read the bill, I have read the majority report, and I have read the minority report with some care. I have been hearing for some years especially about a cable, and the importance of a cable from the Pacific coast to Honolulu, and since that time the importance of a cable from there to Luzon. I think it is important to have a cable.

I have always been for a cable. The time is not long when gentlemen were agonizing to pay a great subsidy to some company, or to any company, that would build a cable from the Pacific coast to Honolulu—a subsidy of one million, of two millions, and if I am not mistaken in my recollection, three millions, with a subsidy that would run through the years.

I was always opposed to that proposition because I hoped and believed that without waiting too long, perhaps with a small subsidy or none at all, the time would come when we could have a cable laid by the citizens, by private individuals. [Applause.]

Now, I have read the minority report carefully, I may say again. I have talked freely with the chairman of the committee that reported this bill [Mr. HEPBURN]; I have talked with the gentleman from New York [Mr. SHERMAN], and I believe what they say. I do not think anybody disbelieves it. I have not heard anybody dispute that there is a cable company in the United States that have their system practically throughout the length and breadth of our borders, that have perhaps cable lines somewhere down in the Gulf and the Caribbean; that have the money; that have the ships already equipped to lay the cable; that are actually engaged in the manufacture of the cables, and have almost enough made to reach halfway to Honolulu; and without a subsidy, without aid except their own aid, they will lay that cable between this and January 1.

Mr. ADAMSON. By November next.

Mr. CANNON. By November my friend says; but give a little time and make it the 1st of January. If that is so, I do not want this Government to lay a cable to Honolulu at our cost, because I want it as early as it can be given; I want it as early as it can be laid first; and, second, the main thing is the cable; and some gentlemen assure me that this company stands willing to make a bargain that ought to be entirely satisfactory to the United States.

Now, take the other proposition——

Mr. CORLISS. Will the gentleman from Illinois permit a question?

Mr. CANNON. Well, I have only five minutes.

Mr. CORLISS. I will yield the gentleman more time.

Mr. CANNON. Very well.

Mr. CORLISS. With whom can that company now lawfully make a contract?

Mr. CANNON. I asked the chairman of the committee that question, and under the legislation that has already been had I judge that any company has a right to build a cable from an American shore to an American shore. Now then, I might say, with whom did the French company make a contract, or any other company that has laid cables to this country?

Mr. CORLISS. I will answer that question.

Mr. CANNON. I am trying to answer my friend's question. Second, take the contract that they proffer, and if the proper officer of our Government would sign it, I believe, from information received by members who have studied the question, it would be a binding contract.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a suggestion?

Mr. CANNON. Yes.

Mr. RICHARDSON of Alabama. They have made this contract, as the chairman of the committee [Mr. HEPBURN] has stated, under the post-road law of 1866.

Mr. CANNON. Yes. My friend from Alabama is more familiar with the matter than I am. I have not studied this matter carefully; I am not an expert about it. I have got this one fact, that all these years we have waited and have not yet a cable to Honolulu, 2,000 miles away, because we did not want the Government to lay it; because we did not want to pay the two or three million dollar subsidy to lay it, and now I believe the company stands ready to lay it and is constructing it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois be allowed to continue his remarks for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Illinois may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I will tell you if this company lays this cable to Honolulu, there is that much cable laid; then, if they go on farther and lay it to Luzon, there is that much more done. I am informed that this contract can be made, and the gentleman from Iowa assures me that he believes as a lawyer that it is a legal contract and arrangement. I am going to vote for that proposition or for that course that will most certainly bring about that condition. [Applause.]

Now, the gentleman from Pennsylvania [Mr. DALZELL] has offered a substitute. If I could not do any better, I would vote for that substitute. The principal objection that I have to it is, first, that it involves delay at a time when the harvest is ripe and the husbandman is here ready to reap that harvest. I understand—it is so represented—that we have not the ships, we have not the skill, we are not ready to manufacture the cable. And while I am a protectionist—one of the best, I think, in the country—we have arrived at a time when, in our iron and steel industries and many other industries, we pay half as much more for labor (if not in excess of that) than the world's labor receives elsewhere. And to-day we are a greater manufacturing country than Great Britain and France combined.

Now, then, I think the substitute would involve delay. But if that substitute should pass or not this cable can, before the 1st of January next, be laid to Honolulu. Therefore, as this company comes here and, without money and without price and without subsidy, proposes at its own risk to lay this cable and give us reasonable rates, and to let us fix the rates through our official, the Postmaster-General, every year, and fixes also what the commercial rates shall be, I, for one, am ready to shake hands with those who would promote this enterprise, and I would say: "Go on, and by my vote I will not impede your journey or your work."

Therefore I shall vote to strike out the enacting clause of this bill. That is the best thing, I think, that can be done. [Applause.] If that can not be done, it will be time enough to take another step. I am not in favor of the Government of the United States going into building these cables, because the work can be done better by private parties. [Applause.] I want to leave something for private enterprise and the citizen to do. [Applause.] I would not do anything directly by the Government that could be as well done by the citizen. [Applause.] I thank the committee for its attention.

Mr. CORLISS. Mr. Chairman, owing to the importance of this subject, and in view of the position of the gentleman who has just taken his seat, and his influence upon this House, and the wisdom of his conduct in the past, for which I have great respect,

I ask unanimous consent that I may have at least ten minutes in which to answer him.

Mr. HANBURY. I object.

Several MEMBERS. Oh, no.

Mr. HOPKINS. Let him have the time.

Mr. CANNON. I hope the gentleman from Michigan will be allowed the ten minutes.

Mr. CORLISS. I appreciate the views expressed by the gentleman from Illinois, because I know he is sincere in what he says. He has in his charge the Treasury of the United States, and he jealously guards its door. And I sympathize generally with his efforts. Sometimes I find him blinded, perhaps, according to my observation, in the pessimistic condition into which he works himself on some of these great public questions.

Now, this is not a question of money. The American people do not deal with these problems from a financial standpoint. What is the proposition of the gentleman from Illinois? That we shall do nothing here to-day upon this great public question. Now, I have said to this House, the gentleman from Pennsylvania [Mr. DALZELL] has said to this House, the Attorney-General of the United States has stated to the President, and every decision of our courts has sustained the opinion, that there is no power in the Executive to regulate or control the operation of this cable between California and Hawaii.

This corporation, the Commercial Cable Company, submitted to the President what it submitted here in writing. They asked him last December to sign a contract allowing them to lay this cable. He investigated the question, and you know that instead of acting upon it he submitted it to Congress and recommended the consideration of the subject.

Further, recognizing the fact that there is no power in our Executive to regulate that cable between the different portions of our domestic territory, the Attorney-General of the United States drew the bill which, slightly amended, the gentleman from Pennsylvania [Mr. DALZELL] has offered here as a substitute, giving the President power to regulate properly this corporation that is seeking to obtain this public utility.

Now, I ask you, gentleman on this side, whether you will go it blind and give your countenance to a corporation exercising the methods that this corporation has exercised? First, it proposed by a cable message from London last August that they would build this cable under the conditions heretofore imposed upon the cable companies. I have Mr. Mackay's letter to the Secretary of State, duly certified, making that proposition. Then he came back and organized this company.

I know that he has boasted that he did not want Congress to act. He has had his representatives here for the last ninety days lobbying to prevent the consideration of the bill. They are now within the sound of my voice.

Mr. NEWLANDS. Will the gentleman yield for a question?

Mr. CORLISS. No; I prefer not. The gentleman extended the same courtesy to me.

Now, let me go on. The President found he had no authority to regulate this cable, no authority to consider the proposition, no right to regulate tolls, no right to regulate Government messages. He was absolutely without authority, and the Attorney-General prepared the bill in order to give him authority. Now, will you deny to the Executive of this country some power to act in connection with the corporation that is seeking to obtain this utility without authority and in violation, the gentleman from Illinois [Mr. CANNON] should remember, of the condition imposed upon every cable company that has ever laid a cable upon our shores?

John W. Mackay stands for the Commercial Pacific Cable Company and the Commercial Cable Company, and he is seeking to get this cable between California and Hawaii and thence round to China adopted without restrictions and in direct violation of the conditions that were imposed by President Grant upon the French cable which is now operated by Mr. Mackay, or rather by his ally, the Eastern Cable Company. What was that? President Grant found a French company seeking to lay a cable upon our shores in 1869, and it was in its infancy then.

There had been only one cable laid across the Atlantic, and that was by an act of Congress in 1867. President Grant found a cable company trying to land a cable upon our shores, and he investigated it and found that that cable company, the French company, had an exclusive grant from the French Government, giving them exclusive rights in France for a number of years.

What did President Grant do? Congress was not in session, and he took a battle ship and went out into the ocean and said, "You shall not land your cable upon these shores as long as you hold exclusive grants," and he succeeded in preventing them and finally compelled that company to go back to France, abrogate the exclusive franchises they had, and come here with their skirts clear, and then they laid the cable upon our shores, agreeing to maintain the conditions imposed by him, one of which was that they would not combine with any other company for the purpose of establishing tolls. Mr. Mackay, in his proposition, says that he will not combine except for the purpose of communicating through his ally in the Orient, which holds the monopoly.

Mr. CANNON. Will my friend allow me right there?

Mr. CORLISS. Yes; if I have plenty of time.

Mr. CANNON. Has not the President now just as much authority to act as President Grant had then?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may proceed for five minutes.

Mr. HANBURY. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. CORLISS. Then I move to strike out the last word.

Mr. HOPKINS. That can not be done now.

Mr. ADAMSON. Mr. Chairman, I think now that we ought to have a vote, and I ask for the regular order.

Mr. CORLISS. Mr. Chairman, I call for a vote upon the committee amendments.

Mr. HOPKINS. The other takes precedence.

Mr. UNDERWOOD. I make the point of order that a vote upon the committee amendments is not in order at this time.

The CHAIRMAN. The motion to strike out the enacting clause has precedence. While it is doubtful if the effect of the rule under which we are proceeding would not have precluded that motion, no objection was made, and it has been debated. Debate has been exhausted. The gentleman calls for a vote now upon the amendments. They have not been reached.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not in order to vote on the amendments.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. MANN. Mr. Chairman, I raise the point of order that under the rules, which the committee can not change or consent to change, it is not in order to move to strike out the enacting clause until at least after the bill has been perfected.

The CHAIRMAN. If the gentleman from Illinois had made that point of order in time, the Chair thinks, under this special order under which we are proceeding, it would have been well taken.

Mr. MANN. Mr. Chairman, the rule was adopted by the House, if the Chair will permit me——

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. MANN. I submit, Mr. Chairman, that the rights have not been waived by failing to make the point of order when the motion was made, because the rule provides that all matters shall be considered under this rule relating to a Pacific cable, and I hold a motion to strike out the enacting clause, made at the beginning of the consideration of the bill in committee, does not abrogate the rule adopted by the House, which is a superior body to the committee.

Mr. UNDERWOOD. Mr. Chairman, I desire to be heard a moment on that proposition.

In the first place, I contend that the Committee of the Whole having received the motion to strike out the enacting clause, and the point of order not being made against the motion at the time it was made, the Committee of the Whole has waived that proposition; but on the point of order that is made by the gentleman, even if he had made it against the motion to strike out the enacting clause as soon as the motion was offered, I contend that the special rule under which we are operating now does not apply.

I know that at the time of the consideration of the tariff bill in March, 1897, the gentleman from Texas [Mr. LANHAM] made a motion to strike out the enacting clause of the bill. At that time the gentleman from New York [Mr. SHERMAN], being in the chair, held that the motion was not in order under the special rule of the House; but, Mr. Chairman, why was it not in order under the special rule at that time? Because that rule fixed the time for the consideration of amendments in Committee of the Whole. It said that the bill should be taken up under the five-minute rule on the 25th day of March, and consider it for amendment under the five-minute rule from the 25th day of March until 3 o'clock on the 31st day of March of that year, and that then the bill with all amendments that had been adopted by the committee should be reported back to the House; so that the House had specifically, in so many words, determined on what the Committee of the Whole House on the state of the Union should do in that instance, and the House had specifically determined how the committee should consider the amendments, the length of time it should consider them, and when it should report them back.

Therefore the House had instructed the Committee of the Whole what it should do, and it had no power to revoke the order of the House by striking out the enacting clause until the entire bill had been considered, because the House had said that the bill

should be considered under the five-minute rule for a certain length of time. But this rule is not the same kind of a rule that we had in operation then. This rule merely provides that the bill shall be taken up, and, after being considered for four hours in general debate, shall be considered under the five-minute rule, and that any amendment relating to Pacific cables shall be in order.

Mr. MANN. Mr. Chairman, if the gentleman will permit me, I myself am satisfied that the point of order is not good, and I wish to withdraw it, as far as I am concerned.

Mr. CORLISS. Mr. Chairman, a parliamentary inquiry, please. Is it in order to move to lay upon the table the motion to strike out the enacting clause?

The CHAIRMAN. It is not. Without deciding the question as to whether, under the special rule under which we are proceeding, objection would have been in order if it had been made in time, the Chair is of opinion that the point of order not having been made, it is now too late to make it, just the same as in case of the rule forbidding legislation on an appropriation bill, if the point is not made when such an amendment is offered, or until after debate, it comes too late. The Chair therefore holds that the point of order is not well taken.

Mr. MANN. I withdrew the point of order.

The CHAIRMAN. The Chair understood that the point of order was also made by the gentleman from Alabama. That is the reason of the Chair for making the ruling.

Mr. ADAMSON. Let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia [Mr. ADAMSON], to strike out the enacting clause.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. ADAMSON demanded a division.

Pending the division,

Mr. CORLISS demanded tellers.

Mr. DALZELL and others. Let the Chair announce the vote.

The CHAIRMAN. The division was not completed.

Mr. MANN. I ask unanimous consent that the Chairman may announce the vote on the division.

The CHAIRMAN. If there is no objection, the Chair will make the announcement.

Mr. CORLISS. I object. I want tellers.

Tellers were ordered; and the Chairman appointed Mr. ADAMSON and Mr. CORLISS.

The committee again divided; and the tellers reported—ayes 108, noes 71.

The announcement of the vote was received with applause.

Mr. ADAMSON. I move that the committee do now rise and report the bill back into the House with the action of the Committee of the Whole thereon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration under the special order the bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce, and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

Mr. ADAMSON. On the motion that the House concur in the recommendation of the committee I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question now is on concurring in the recommendation of the Committee of the Whole House on the state of the Union.

Mr. CORLISS. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 77, answered "present" 10, not voting 148, as follows:

YEAS—116.

Adams,	Candler,	Driscoll,	Hanbury,
Adamson,	Cannon,	Edwards,	Hay,
Allen, Ky.	Capron,	Emerson,	Henry, Conn.
Bankhead,	Clayton,	Esch,	Hill,
Bartlett,	Conner,	Finley,	Hooker,
Bell,	Cooney,	Fitzgerald,	Hopkins,
Bowie,	Cooper, Tex.	Fleming,	Hull,
Brantley,	Cousins,	Fox,	Johnson,
Breazeale,	Creamer,	Gaines, W. Va.	Kahn,
Bristow,	Crumpacker,	Gilbert,	Kehoe,
Brown,	Currier,	Gillet, N. Y.	Kern,
Brundidge,	Dinsmore,	Graff,	Kitchin, Wm. W.
Burleson,	Dovener,	Green, Pa.	Kleberg,
Burnett,	Draper,	Grow,	Knapp,
Kyle,	Moon,	Robb,	Swanson,
Lacey,	Morrell,	Robinson, Ind.	Tayler, Ohio
Lassiter,	Mutchler,	Rucker,	Thomas, Iowa
Lawrence,	Needham,	Ryan,	Thomas, N. C.
Lessler,	Nevin,	Selby,	Tirrell,
Little,	Newlands,	Shafroth,	Tongue,
Livingston,	Padgett,	Sims,	Underwood,
Loud,	Patterson, Tenn.	Smith, Ill.	Wadsworth,
McCall,	Payne,	Smith, Iowa	Warner,
McClellan,	Perkins,	Smith, Ky.	Warnock,
McLachlan,	Pierce,	Snook,	Williams, Ill.
Maddox,	Reid,	Southwick,	Wilson,
Mickey,	Rhea, Va.	Spight,	Woods,
Miers, Ind.	Richardson, Ala.	Stephens, Tex.	Wooten,
Moody, Oreg.	Richardson, Tenn.	Stevens, Minn.	Zenor.

NAYS—77.

Alexander,	De Armond,	Long,	Scott.
Aplin,	Eddy,	Mahon,	Shackleford,
Babcock,	Fletcher,	Mann,	Shallenberger,
Belmont,	Foster, Vt.	Martin,	Small,
Bishop,	Gardner, Mich.	Mercer,	Smith, S. W.
Bowersock,	Gardner, N. J.	Miller,	Smith, Wm. Alden
Brownlow,	Gibson,	Minor,	Southard,
Burke, S. Dak.	Graham,	Moody, N. C.	Sperry,
Burkett,	Grosvenor,	Morris,	Stark,
Butler, Pa.	Hamilton,	Mudd,	Steele,
Caldwell,	Haskins,	Olmsted,	Sutherland,
Coombs,	Hitt,	Overstreet,	Tawney,
Corliss,	Holliday,	Pearre,	Thayer,
Cowherd,	Howell,	Ray, N. Y.	Tompkins, Ohio
Cromer,	Jackson, Kans.	Reeder,	Vandiver,
Curtis,	Jett,	Reeves,	Vreeland,
Cushman,	Jones, Wash.	Roberts,	Wanger.
Dalzell,	Kitchin, Claude	Robinson, Nebr.	
Darragh,	Lindsay,	Rumple,	
Davis, Fla.	Lloyd,	Schirm,	

ANSWERED "PRESENT"—10.

Ball, Tex.	Foss,	Metcalf,	Wheeler.
Bellamy,	Henry, Miss.	Snodgrass,	
Clark,	Littlefield,	Taylor, Ala.	

NOT VOTING—148.

Acheson,	Dougherty,	Kluttz,	Pugsley,
Allen, Me.	Douglas,	Knox,	Randell, Tex.
Ball, Del.	Elliott,	Lamb,	Ransdell, La.
Barney,	Evans,	Landis,	Rixey,
Bartholdt,	Feely,	Lanham,	Robertson, La.
Bates,	Flood,	Latimer,	Ruppert,
Beidler,	Foerderer,	Lester,	Russell,
Benton,	Fordney,	Lever,	Scarborough,
Bingham,	Foster, Ill.	Lewis, Ga.	Shattuc,
Blackburn,	Fowler,	Lewis, Pa.	Shelden,
Blakeney,	Gaines, Tenn.	Littauer,	Sheppard,
Boreing,	Gill,	Loudenslager,	Sherman,
Boutell,	Gillett, Mass.	Lovering,	Showalter,
Brick,	Glenn,	McAndrews,	Sibley,
Bromwell,	Goldfogle,	McCleary,	Skiles,
Broussard,	Gooch,	McCulloch,	Slayden,
Bull,	Gordon,	McDermott,	Smith, H. C.
Burgess,	Greene, Mass.	McLain,	Sparkman,
Burk, Pa.	Griffith,	McRae,	Stewart, N. J.
Burleigh,	Griggs,	Mahoney,	Stewart, N. Y.
Burton,	Hall,	Marshall,	Storm,
Butler, Mo.	Haugen,	Maynard,	Sulloway,
Calderhead,	Heatwole,	Meyer, La.	Sulzer,
Cassel,	Hedge,	Mondell,	Talbert,
Cassingham,	Hemenway,	Morgan,	Tate,
Cochran,	Henry, Tex.	Moss,	Thompson,
Connell,	Hepburn,	Naphen,	Tompkins, N. Y.
Conry,	Hildebrant,	Neville,	Trimble,
Cooper, Wis.	Howard,	Norton,	Van Voorhis,
Crowley,	Hughes,	Otjen,	Wachter,
Dahle,	Irwin,	Palmer,	Watson,
Davey, La.	Jack,	Parker,	Weeks,
Davidson,	Jackson, Md.	Patterson, Pa.	White,
Dayton,	Jenkins,	Pou,	Wiley,
De Graffenreid,	Jones, Va.	Powers, Me.	Williams, Miss.
Deemer,	Joy,	Powers, Mass.	Wright,
Dick,	Ketcham,	Prince,	Young.

So the recommendation of the Committee of the Whole House on the state of the Union to strike out the enacting clause was agreed to.

The following pairs were announced:

Until further notice:

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. BARNEY with Mr. MCRAE.

Mr. GORDON with Mr. SCOTT.

Mr. BURTON with Mr. BALL of Texas.

Mr. CONNELL with Mr. FOSTER of Illinois.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. SKILES with Mr. TALBERT.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. HEPBURN with Mr. COCHRAN.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. JACK with Mr. SCARBOROUGH.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. LANDIS with Mr. CLARK.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. IRWIN with Mr. GOOCH.

For the session:
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. WRIGHT with Mr. HALL.
Mr. HEATWOLE with Mr. TATE.
Mr. BULL with Mr. CROWLEY.
Mr. SHERMAN with Mr. RUPPERT.
Mr. YOUNG with Mr. BENTON.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. BOREING with Mr. TRIMBLE.
Mr. METCALF with Mr. WHEELER.
For one week:
Mr. STEWART of New Jersey with Mr. KLUTTZ.
Mr. WEEKS with Mr. SHEPPARD.
Mr. EVANS with Mr. HENRY of Mississippi.
Mr. STORM with Mr. PUGSLEY, until Monday.
For this day:
Mr. RUSSELL with Mr. ROBERTSON of Louisiana.
Mr. LITTLEFIELD with Mr. LANHAM.
Mr. BATES with Mr. BELLAMY.
Mr. SIBLEY with Mr. MCANDREWS.
Mr. ACHESON with Mr. BROUSSARD.
Mr. BINGHAM with Mr. BUTLER of Missouri.
Mr. POWERS of Massachusetts with Mr. MAHONEY.
Mr. COOPER of Wisconsin with Mr. POU.
Mr. ALLEN of Maine with Mr. FEELY.
Mr. MCCLEARY with Mr. LEWIS of Georgia.
Mr. HEMENWAY with Mr. GRIFFITH.
Mr. HAUGEN with Mr. DOUGHERTY.
Mr. OTJEN with Mr. MCCULLOCH.
Mr. SHELDEN with Mr. GOLDFOGLE.
Mr. DEEMER with Mr. CONRY.
Mr. BOUTELL with Mr. GRIGGS.
Mr. FORDNEY with Mr. BURGESS.
Mr. BARTHOLDT with Mr. ELLIOTT.
Mr. BEIDLER with Mr. FLOOD.
Mr. BURK of Pennsylvania with Mr. HOWARD.
Mr. BURLEIGH with Mr. LAMB.
Mr. DICK with Mr. HENRY of Texas.
Mr. FOERDERER with Mr. JONES of Virginia.
Mr. GILL with Mr. LATIMER.
Mr. GREENE of Massachusetts with Mr. LESTER.
Mr. HEDGE with Mr. LEVER.
Mr. HUGHES with Mr. MCDERMOTT.
Mr. JENKINS with Mr. MCLAIN.
Mr. JOY with Mr. SULZER.
Mr. KNOX with Mr. GLENN.
Mr. LEWIS of Pennsylvania with Mr. NEVILLE.
Mr. MONDELL with Mr. NORTON.
Mr. PRINCE with Mr. THOMPSON.
Mr. SULLOWAY with Mr. RIXEY.
Mr. VAN VOORHIS with Mr. WHITE.
Mr. WATSON with Mr. WILEY.
Mr. STEWART of New York with Mr. RANDELL of Texas.
On this bill:
Mr. RANSDELL of Louisiana (for) with Mr. BALL of Delaware (against).
Mr. WACHTER (for) with Mr. WILLIAMS of Mississippi (against).
Mr. GILLETT of Massachusetts with Mr. NAPHEN, on this vote.

Mr. BALL of Texas. Mr. Speaker, I find I am paired with the gentleman from Ohio, Mr. BURTON. I voted "aye" and I wish to withdraw that vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BALL of Texas, and he voted "present," as above recorded.

The result of the vote was then announced, as above recorded.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

REPRINT OF A REPORT.

Mr. RAY of New York. Mr. Speaker, part 2 of the report of the Committee on Arid Lands, Report No. 794, which contains the views of the minority, is exhausted. A great many members are asking for it, and I ask unanimous consent that there be a reprint.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the Report 794, part 2, being the minority views on the irrigation bill. Is there objection? [After a pause.] The Chair hears none.

EPHRAIM H. GALLION.

The SPEAKER laid before the House the bill (H. R. 3309) to remove the charge of desertion against Ephraim H. Gallion, with a Senate amendment.

The Senate amendment was read.

Mr. CALDWELL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

REPRINT OF REPORT NO. 1423.

Mr. BOWIE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOWIE. I want to ask unanimous consent to have a reprint of the minority report (No. 1423) in the election case of Horton against Butler. The chairman of the committee, I understand, has no objection.

The SPEAKER. The gentleman from Alabama asks unanimous consent for a reprint of Report No. 1423, part 2, in the case of Horton against Butler. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I rise to ask the gentleman from Alabama a question.

The SPEAKER. That is not in order now.

Mr. MANN. I was endeavoring to get the attention of the Chair.

The SPEAKER. Is it in respect to a matter already disposed of by the House?

Mr. MANN. It has been disposed of, but it had not when I rose.

DISPOSITION OF PUBLIC LANDS.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1901, entitled "An act to supplement existing laws relating to the disposition of lands," etc., be amended by adding thereto the following:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed, out of the proceeds of the sales of town lots in the towns of Lawton, Comanche County; Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon the recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, $150,000; for the town of Anadarko, $60,000, and for the town of Hobart, $50,000: *Provided further*, That the sum of $10,000, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of $30,000 each for the construction of such county court-houses in each town."

The following amendment was recommended by the Committee on the Public Lands:

In line 8, page 1, strike out the words "and directed."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I want to ask the gentleman from Oklahoma a question.

Mr. MADDOX. I reserve the right to object, Mr. Speaker.

Mr. CANNON. As I understand, this bill authorizes the expenditure of this fund in various municipalities?

Mr. FLYNN. Yes. When the Kiowa and Comanche country was opened, Congress provided that instead of opening up the town lots to the general rush, as was customary, they should be sold by auction to the highest bidder and the proceeds should go for the purpose of paying the county expenses, building bridges, roads, etc.

This bill provides, in view of the fact that the receipts from the sales were about four times as much as contemplated, and as every dollar was paid by the people living in these towns, that the purposes for which the money was received may be enlarged so that instead of building a court-house for $10,000 they may build one for $30,000, and, in addition to that, that they may use some of this fund to build schoolhouses in the city and to erect waterworks, etc. There will be no assessment upon property for about a year.

Mr. CANNON. If the gentleman will allow me, there is nothing in the proposition or in the proposed amendment of the original law that in any way makes it necessary for an expenditure from the Treasury, in the event that these sales do not materialize?

Mr. FLYNN. Oh, no; the Government has nothing to do with it. This is our own money. It does not belong to the Government.

Mr. SHAFROTH. The sales have already been made?

Mr. FLYNN. Yes; the sales have been made.

Mr. CANNON. Have the lots been paid for?

Mr. FLYNN. They had to be paid for the day they were purchased.

Mr. SHAFROTH. If the gentleman will allow me, let me say that the Secretary of the Interior has approved of the provisions in this bill, and it was reported unanimously by the Committee on the Public Lands.

Mr. FLYNN. The Government has nothing to do with it. We only want to enlarge the scope of this fund by reason of the enormous receipts. Let me say to my friend from Indiana who had the honor to be our first governor—and, by the way, he was a good one—that these three towns, instead of being open to the rush and everybody get what they could, we changed it so that the people got their lots by auction and they paid for them, and the receipts from the sales of those lots were to be expended for their own county improvement at home. If we had opened it up to the general rush, the lots would have been taken by anybody, and nobody would have received any money; but the sales from these three towns amounted to about $750,000.

Mr. STEPHENS of Texas. I see that the gentleman has named in the bill a definite sum for each town. Is that in accordance with the gross amount received for the lots of that town?

Mr. FLYNN. I aimed to make it about one-third of the gross receipts in each one of the towns.

Mr. STEPHENS of Texas. Has it been done so that it will be distributed fairly?

Mr. FLYNN. Yes; that was the object we had in this bill. It was made to give the towns about one-third of the money they put in, and it is for waterworks and schoolhouses, etc.

Mr. SHAFROTH. I will ask the gentleman a question. Is it satisfactory to the citizens of the various towns?

Mr. FLYNN. O Lord, yes. [Laughter.]

Mr. PAYNE. I would like to ask the gentleman how much does this bill get away with?

Mr. FLYNN. We will spend it all in time.

Mr. PAYNE. I mean this bill.

Mr. FLYNN. That would be a hard question to answer.

Mr. PAYNE. If the gentleman does not like to answer it, very well.

Mr. STEPHENS of Texas. Is it not contemplated to build bridges?

Mr. FLYNN. That is in the original act.

Mr. STEPHENS of Texas. I understand that; but will not the money we are now appropriating be available for building bridges?

Mr. FLYNN. Money is already available for that purpose. The question now is in regard to the construction of court-houses. The original act provided that we should build court-houses to cost not exceeding $10,000. But the receipts have been so large that those people insist that they should have better court-houses. This bill authorizes the erection of court-houses to cost as much as $30,000 each, and waterworks and such other municipal improvements as the municipal authorities and the Secretary of the Interior may agree upon.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was read.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

Mr. FLYNN. I ask that the report on this bill be printed in the RECORD.

There was no objection.

The report (by Mr. FLYNN) is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 4556) entitled "A bill to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc.' approved March 3, 1901," have considered the bill and recommend that it be passed with an amendment striking out the words "and directed," in line 8, page 1.

In the "Act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901, provision was made for the sale of town lots in the three county seats of the counties organized out of the Kiowa, Comanche and Apache, and Wichita and Caddo reservations in Oklahoma which were opened for settlement in August last, and provision was also made for the erection in each of the county-seat towns of a court-house at a cost not to exceed $10,000 each, to be paid for out of the proceeds of the sale of town lots. The residue was to be applied to the construction of bridges, roads, and other improvements in the county. Thanks to the efficient, honest, and capable manner in which the Secretary of the Interior disposed of the town lots, the proceeds from the sales far exceeded the most sanguine expectations of all parties, the net receipts being as follows:

Lawton	$412,355.38
Anadarko	186,910.47
Hobart	130,936.00
Total	730,201.85

The object of this bill is to authorize the Secretary of the Interior to expend certain sums for the construction of public waterworks, schoolhouses, and other municipal improvements in the county seats, and to increase the amount available under the present law for the erection of a county court-house in each of said towns. This money does not belong to the United States, but is held by the Secretary of the Interior in trust for the counties to which it belongs. The bill will not take one cent from the United States Treasury. It merely directs the Secretary of the Interior to use a certain part of the people's money now in his hands for purposes other than those authorized by existing laws.

The committee referred the bill to the Secretary of the Interior for a report, and his views concerning the same are herewith attached.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1902.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, submitting, for such suggestions or information as may be deemed proper to aid the committee in its consideration, a copy of H. R. 4556, entitled "A bill to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc.,' approved March 3, 1901."

In response thereto I inclose copy of a letter from the Commissioner of the General Land Office dated the 27th ultimo, recommending the passage of the bill if amended by striking out the words "and directed," in line 8, after the word "authorized."

I concur in the recommendation that the bill be passed if amended as suggested.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 27, 1902.

SIR: I am in receipt, by departmental reference, for report in duplicate and return of papers, of House bill 4556, amending act of March 3, 1901 (31 Stat. L., 1093), and providing:

"That the Secretary of the Interior be, and he is hereby, authorized and directed, out of the proceeds of the sales of town lots in town of Lawton, Comanche County; Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, $150,000; for the town of Anadarko, $80,000, and for the town of Hobart, $50,000: *Provided further*, That the sum of $10,000, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of $30,000 each for the construction of such county court-houses in each town."

The act of March 3, 1901, provides inter alia:

"The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, plotting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding $10,000, and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior."

The purpose of the amendatory act is to authorize the expenditure of a portion of the funds derived from the sales of lots at the several county seats for the benefit of those towns and to increase the amount available under existing law for the construction of county court-houses.

The act of March 3, 1901, contemplated that the funds derived from the sale of these lots should be devoted to what might be termed "county public improvements" and to the maintenance of the several county governments until that could be provided for by the collection of county taxes. The sum actually derived from said sales at each county seat, exclusive of all expense incident thereto, was far in excess of what could reasonably have been expected or is needed for the purpose contemplated in the act, and it is but equitable that those who contributed, by the purchase of lots, should derive in some measure the accruing benefit, especially as the proposed expenditure will correspondingly be to the interest of the counties in that their revenues will for a time be principally derived from the taxable property of the towns.

I see no objection to devoting the sums named to the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable or to increasing the amount available for the construction of court-houses, and I recommend the enactment of such a law.

The only objection I perceive to the bill under consideration is that it is obligatory upon the Secretary of the Interior to make such expenditures as may be recommended, within the amounts specified in the bill, retaining only control and supervision over the disbursements, without express authority to limit the amount of expenditure for any particular purpose.

The bill, in my judgment, should be amended by striking out the words "and directed" in line 8, after the word "authorized," and if so amended I recommend its passage.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

HENRY BIEDERBICK AND OTHERS.

Mr. SMITH of Kentucky. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

Be it enacted, etc., That the President be, and he is hereby, authorized to cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay expedition, to be enlisted as first-class sergeants of the Signal Corps of the Army and to place them on the retired list of the Army, with the pay and allowances, from and after the passage of this act, of first-class sergeants of the Signal Corps who have been retired after continuous active service of fifteen years.

Mr. MADDOX. Reserving the right to object, I should like to hear some explanation of this bill.

Mr. SMITH of Kentucky. The gentleman from Indiana [Mr. OVERSTREET] will explain.

Mr. OVERSTREET. Mr. Speaker, this measure has been a number of times passed by the Senate and has been several times favorably reported by the House Committee on Military Affairs. There are now remaining but five survivors of the famous Greely expedition to the North. These five survivors are General Greely, now the Chief of the Signal Corps, and the four men named in this bill. These men imperiled their lives in the pursuit of science. For many months they endured the hardships of the frozen North in a manner which has brought praise from the lips of all who have read any account of that expedition. Admiral Schley rescued these men in his expedition which was sent for that purpose, and known as the Lady Franklin Bay relief expedition.

The object of this bill is simply to give to these men the only recognition which remains for a grateful nation to bestow upon those who have imperiled their lives in war or the pursuit of science. All four of these men saw long and creditable service as privates in the United States Army, and every one of them has been broken in health. The bill merely gives them the rank and pay of first-class sergeants of the Signal Corps. It has been strongly urged by General Greely, who was the chief of that expedition, and who has himself been recognized on account of that service by promotions in official position. The bill has been unanimously reported, and, as I have said, has the unqualified indorsement of all who have given it attention.

Mr. MADDOX. These people whom you propose now to put on the pension list, were they civilians or were they enlisted men?

Mr. OVERSTREET. They were enlisted men in the United States Army. They have served terms of nine, twelve, and fifteen years each, and have been retired on account of disability.

Mr. MADDOX. Are they not already drawing pensions?

Mr. OVERSTREET. They are drawing pensions, I think, not exceeding $30. This bill will make a small increase; I do not know the limit, but the amount is small. The rank and recognition are the main objects of the measure.

Mr. MADDOX. What is the real purpose of the bill?

Mr. OVERSTREET. The purpose is to give the only recognition that Congress can give to a band of men who endangered their lives in the pursuit of science. This expedition carried the American flag to the northernmost point it has ever been planted by any scientific expedition. The bill is simply a recognition of their services. It does not carry any money. It authorizes the President to retire them with the rank and pay of first-class sergeants of the Signal Corps. They were privates in the United States Army.

Mr. MADDOX. It does not give them any additional pay?

Mr. OVERSTREET. It retires them with whatever pay their rank may entitle them to—about $40 or $50 a month, according to my understanding.

Mr. MADDOX. Does it give them back pay, too?

Mr. OVERSTREET. Oh, no; not at all. I will say to the gentleman that, under the law, whatever pension they may now be receiving will, as I am informed, be annulled in the event of this rank being bestowed upon them. I hope the gentleman will not object. The bill is entirely meritorious.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

JAMES W. LONG.

Mr. WM. ALDEN SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 282) providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list, for present consideration.

The Clerk read the bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill just read for present consideration. Is there objection?

Mr. MADDOX. I object.

The SPEAKER. Objection is made.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5882. An act granting an increase of pension to Merzellah Merrill—to the Committee on Invalid Pensions.

S. 6030. An act authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas—to the Committee on Interstate and Foreign Commerce.

S. 282. An act providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry and for placing his name on the retired list—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. CALDWELL, for ten days, on account of important business.

Mr. MILLER, for five days, on account of important business.

And then, on motion of Mr. PAYNE (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting copies of judgments in certain cases of the United States *v.* Simon Marks et al.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for road to the national cemetery at Balls Bluff, Va.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting the claims of the States of Ohio and Illinois—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a supplemental report relating to the relations of the State of Texas with Greer County—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of War, transmitting, with other papers, a letter from the Quartermaster-General of the Army, relating to a proposed donation by Mrs. Rachel A. Paxton of a right of way for an approach to the Balls Bluff (Virginia) National Cemetery—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14840) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1898, reported the same with amendment, accompanied by a report (No. 2459); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska, reported the same without amendment, accompanied by a report (No. 2460); which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 12202) for the erection of a monumental statue in the city of Washington, D. C., to Paul Jones, the founder of the American Navy, reported the same without amendment, accompanied by a report (No. 2462); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, submitted the views of the minority of said committee (Report No. 2303, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14813) granting

a pension to William Mennecke, reported the same with amendment, accompanied by a report (No. 2441); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14042) granting an increase of pension to George W. Edgington, reported the same with amendment, accompanied by a report (No. 2442); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12132) for the relief of Allen C. Davis, reported the same with amendments, accompanied by a report (No. 2443); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8542) granting an increase of pension to Parmenus F. Harris, reported the same with amendments, accompanied by a report (No. 2444); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1928) granting an increase of pension to James Wilkinson, reported the same with amendments, accompanied by a report (No. 2445); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1347) granting an increase of pension to Charles H. Webb, reported the same with amendments, accompanied by a report (No. 2446); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6009) granting a pension to Absolum Maynard, reported the same with amendments, accompanied by a report (No. 2447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8005) granting a pension to Samantha A. Newcomb, reported the same with amendments, accompanied by a report (No. 2448); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10325) granting an increase of pension to Joseph Stonesifer, reported the same with amendments, accompanied by a report (No. 2449); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14274) granting a pension to Charles Moyer, reported the same with amendment, accompanied by a report (No. 2450); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13510) granting an increase of pension to James P. Thomas, reported the same with amendment, accompanied by a report (No. 2451); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5752) granting an increase of pension to Thomas D. Utter, reported the same without amendment, accompanied by a report (No. 2452); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6021) granting an increase of pension to Esther D. Haslam, reported the same without amendment, accompanied by a report (No. 2453); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1458) granting an increase of pension to Linda W. Slaughter, reported the same without amendment, accompanied by a report (No. 2454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2703) granting an increase of pension to James S. Myers, reported the same without amendment, accompanied by a report (No. 2455); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1750) for the relief of the heirs of George T. Howard, reported the same without amendment, accompanied by a report (No. 2456); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13420) to pay Velvia Tucker arrears of pension due her father, William N. Tucker, reported the same without amendment, accompanied by a report (No. 2457); which said bill and report were referred to the Private Calendar.

Mr. REEVES, from the Committee on Patents, to which was referred the bill of the House (H. R. 13307) for the relief of Valdemar Poulsen, reported the same with amendment, accompanied by a report (No. 2458); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14656) granting an increase of pension to Charles A. Scott, reported the same with amendment, accompanied by a report (No. 2461); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14995) for the relief of Charles H. Warren, reported the same without amendment, accompanied by a report (No. 2463); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. THOMAS of North Carolina: A bill (H. R. 15041) to authorize the Kingston and Jacksonville Railroad Company to construct a bridge across Neuse River, near Kinston, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: A bill (H. R. 15042) providing for the issuance of a patent to lands occupied by the Sacred Heart Mission, in accordance with agreement made by the United States with the Citizens band of Pottawatomie Indians of Oklahoma—to the Committee on Indian Affairs.

By Mr. IRWIN: A bill (H. R. 15043) to authorize the transportation of distilled spirits to general bonded warehouses and the removal therefrom—to the Committee on Ways and Means.

By Mr. POWERS of Massachusetts: A bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 15044) for the relief of William Kelley's estate—to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 15045) granting an increase of pension to William T. Wright—to the Committee on Pensions.

By Mr. BLACKBURN: A bill (H. R. 15046) granting a pension to Soloman Bauguss—to the Committee on Pensions.

Also, a bill (H. R. 15047) granting a pension to John A. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15048) granting a pension to William M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15049) to correct the military record of William G. Sebastian—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 15050) granting an increase of pension to James Carlyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting a pension to Jackson Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15052) granting an increase of pension to Frederick Rake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15053) granting a pension to Permelia Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) granting an increase of pension to Alonzo Voorhees—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15055) for the relief of Frank P. Murphy—to the Committee on Claims.

By Mr. HEMENWAY: A bill (H. R. 15056) granting an increase of pension to Richard M. Nash—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15057) granting a pension to Eli B. Riggs—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15058) granting an increase of pension to G. N. Crawford—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 15059) granting a pension to Julius Scheuer—to the Committee on Pensions.

Also, a bill (H. R. 15060) granting an increase of pension to Jane L. Fagg—to the Committee on Pensions.

Also, a bill (H. R. 15061) for the relief of E. M. Deaver—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 15062) granting an increase of pension to John Tailby—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 15063) granting an increase of pension to William R. Thompson—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15064) granting an increase of pension to Frederick Shovar—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15065) for the relief of Joshua D. Haskett—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 15067) granting an increase of pension to William S. Thurman—to the Committee on Pensions

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALL of Delaware: Sundry petitions of various posts of the Grand Army of the Republic in the States of Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Montana, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. BROWN: Resolutions of the common council of Milwaukee, Wis., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: Resolutions of Turn Verein, of Bern, Kans., in relation to House bill 12199—to the Committee on Immigration and Naturalization.

Also, petition of Phil Harvey Post, No. 98, Department of Kansas, Grand Army of the Republic, favoring the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Mount Oliver Turn Verein, of Mount Oliver, Pa., in favor of expressions of sympathy for South African Republics—to the Committee on Foreign Affairs.

Also, resolutions of Mine Workers' Union of Elizabeth, Pa., in regard to restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of the common council of Milwaukee, Wis., in favor a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By. Mr. HOWELL: Resolutions of the Trades and Labor Federation of New Brunswick, N. J., in relation to Senate bill 3057, for the enactment of irrigation legislation, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the same body for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petitions of Grove H. Dutton, P. J. Brown, and others, favoring the passage of House bill 8320, increasing the pensions of soldiers who have lost legs or arms in battle—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of the Grand Army of the Republic, Department of Iowa, expressing sympathy and congratulations to the United States Army in the Philippines—to the Committee on Military Affairs.

By Mr. LONG: Paper to accompany House bill 8089, granting a pension to Catherine Pixley—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of Nebraska Bankers' Association, of Omaha, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, resolutions of Millard Turn Verein, of Millard, Nebr., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Lodge No. 384, Brotherhood of Locomotive Engineers, of Lehighton, Pa., favoring the amended irrigation bill and the Senate amendment to the sundry civil bill—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the State League of German Catholic Societies of Pennsylvania, in relation to the Catholic Federation, etc.—to the Committee on Education.

By Mr. RAY of New York: Papers to accompany House bill granting an increase of pension to John Tailby—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany House bill granting increase of pension to William R. Thompson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Papers in support of House bill 14766, granting a pension to Robert P. Baker, a veteran of the Mexican war—to the Committee on Pensions.

Also, papers to accompany House bill 14586, granting a pension to William Tanner—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of Jolma D. Haskett—to the Committee on War Claims.

Also, petition of the heirs of William C. Lewis, deceased, late of Carteret County, N. C., for reference of war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *June 12, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. SCOTT. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. BATE. I should like to have it read this morning.

The PRESIDENT pro tempore. Objection is made, and the Journal will be read.

The Secretary resumed the reading, and after having read for some time,

Mr. FAIRBANKS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. BATE. I will not object now.

There being no objection, the further reading of the Journal was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3309) to remove the charge of desertion against Ephriam H. Gallion.

The message further announced that the House had passed a bill (H. R. 9556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands," etc., approved March 3, 1901, in which it requested the concurrence of the Senate.

The message also requested the Senate to furnish the House of Representatives with a duplicate copy of the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, the same having been lost or misplaced.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of the board of aldermen and common council of Lowell, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 448, International Association of Machinists, of Florence, Mass., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. FAIRBANKS presented a petition of the Epworth League of Portland, Ind., praying for the enactment of legislation regulating the immigration of aliens into the United States; which was referred to the Committee on Immigration.

Mr. TELLER presented a petition of Local Union No. 1970, United Mine Workers, of Williamsburg, Colo., praying for the enactment of legislation limiting the use of the power of injunction; which was ordered to lie on the table.

He also presented petitions of General Shields Post, No. 18, Department of Colorado and Wyoming, Grand Army of the Republic, and of Wadsworth Post, No. 93, Department of Colorado and Wyoming, Grand Army of the Republic, in the State of Colorado, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, and increasing the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Assembly of Pueblo, Colo., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Presbytery of Colorado, praying for the establishment of a psychological laboratory; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Colorado, praying for a reduction of the tax on whisky; which was referred to the Committee on Finance.

Mr. GAMBLE presented a petition of the Commercial Club of Sturgis, S. Dak., praying for the enactment of legislation providing for the reclamation of the arid lands of the West; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Western Washington Woman's Christian Temperance Union, of Columbia City, Wash., praying for the enactment of legislation to

prohibit the sale of intoxicating liquors at immigrant stations; which was referred to the Committee on Immigration.

He also presented a petition of the Trades Council, of Spokane, Wash., praying for the enactment of legislation to protect the rights and liberty of people engaged in industrial disputes; which was ordered to lie on the table.

Mr. PROCTOR presented a petition of Killington Lodge No. 297, Brotherhood of Railroad Trainmen, of Rutland, Vt., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Ministerial Association of Kokomo, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which was referred to the Committee on Immigration.

He also presented a petition of Anthony Wayne Post, No. 271, Department of Indiana, Grand Army of the Republic, of Fort Wayne, Ind., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, and to increase the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

He also presented a petition of Encampment No. 80, Union Veteran Legion, of Indianapolis, Ind., and a petition of George H. Thomas Post, Department of Indiana, Grand Army of the Republic, of Indianapolis, Ind., praying for the passage of a per diem service pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Local Union No. 9370, American Federation of Labor, of Petersburg, Ind., praying for the enactment of legislation limiting the use of the power of injunction; which was ordered to lie on the table.

He also presented resolutions adopted by McKinley Lodge, No. 21, Amalgamated Association of Iron, Steel, and Tin Workers of Elwood, Ind., favoring the relief granted by Congress to the sufferers from the volcanic eruption on the island of Martinique, and also praying that relief be granted to the sufferers of the recent mine disaster at Coal Creek, Tenn.; which were ordered to lie on the table.

Mr. MASON presented a petition of the Personal Liberty League of Rockford, Ill., praying for a reduction of the tax on distilled spirits to 70 cents per gallon, or under; which was referred to the Committee on Finance.

He also presented petitions of Lodge No. 24, Brotherhood of Railroad Trainmen, of Galesburg; of Federal Labor Union No. 8165, American Federation of Labor, of O'Fallon; of the Illinois Mine Managers and Examiners Mutual Aid Association; of the Retal Clerks' International Protective Association of Illinois; of Local Union No. 371, of O'Fallon, and of Local Union No. 705, United Mine Workers of America, of O'Fallon, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction, bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of Local Unions Nos. 151, 9509, 90, 5, 66, 353, 124, 94, 595, 594, 9280, 698, 8659, 8533, 8203, 8321, 9, 440, 8584, 8893, 430, 9420, 385, 499, 166, 442, 163, 31, 33, 34, 56, 35, 4, 29, 8, 169, 135, 152, 94, 5, 8, 10, 21, 20, 14, 15, 18, 12, 181, 156, 164, 141, 496, 479, 461, 448, 418, 416, 790, 733, 719, 661, 644, 633, 604, 381, 568, 904, 903, 894, 841, 807, 803, 80, 70, 65, 62, 58, 54, 41, 80, 94, 63, 304, and 239, of Chicago, Belleville, Springfield, Quincy, Elgin, Danville, Aurora, Metropolis, Salem, Lincoln, Marissa, East St. Louis, Marine, Rockford, Galesburg, Assumption, Peru, Nokomis, Auburn, Alton, Sterling, Paris, Carlinville, Centralia, Blue Island, Champaign, Rock Island, Jacksonville, Ottawa, Waukegan, Joliet, Pekin, Staunton, Kewanee, Sparta, Highwood, Witt, Dixon, Percy, Freeport, Madison, Murphysboro, Herrin, Cairo, Carbondale, Toluca, Bloomington, Evanston, and Marengo, all of the American Federation of Labor, in the State of Illinois, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of sundry mechanics and laborers of Peoria, Ill., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. MITCHELL presented a petition of the Chamber of Commerce of Astoria, Oreg., and a petition of the Commercial Club, of Astoria, Oreg., praying for the enactment of legislation granting pensions to certain officers and elisted men in the Life-Saving Service and their widows and minor children; which were referred to the Committee on Pensions.

He also presented a petition of Local Division No. 305, Order of Railway Conductors, of La Grande, Oreg., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented petitions of Woodworkers' Local Union No. 66, of Portland; of Boiler Makers and Iron Shipbuilders' Local Union No. 72, of Portland; of Bricklayers and Masons' Local Union No. 202, of Baker City; of the Federal Labor Union of Baker City; of the Retail Clerks' Association of Astoria; of Carpenters' Local Union No. 536, of Baker City; of Carpenters and Joiners' Local Union No. 50, of Portland, and of Leather Workers on Horse Goods Local Union, No. 56, of Portland, all of the American Federation of Labor, in the State of Oregon, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Portland Yacht Club, of Portland, Me., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

He also presented a memorial of the Methodist Episcopal Church of Baltimore, Md., remonstrating against the publication by Congress of The Life and Morals of Jesus of Nazareth, by Thomas Jefferson; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6402) granting a pension to Mary J. Adams;

A bill (H. R. 14079) granting an increase of pension to John Miller; and

A bill (H. R. 11638) granting an increase of pension to Samuel Hyman.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BERRY. I move that order of business No. 1646, being the bill (S. 5749) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company, be indefinitely postponed, and that the bill just reported take its place on the Calendar.

The motion was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa, reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 5660) granting a pension to George W. Berry, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12299) granting a pension to William C. Roberts, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7882) granting an increase of pension to John H. Smith;

A bill (H. R. 7906) granting a pension to Martha G. Young;

A bill (H. R. 9366) granting an increase of pension to Peter T. Norris; and

A bill (H. R. 13554) granting an increase of pension to Andrew E. Hicks.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 4957) granting an increase of pension to Stiles L. Acee, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 5883) granting a pension to Martha A. Hollingsead; and

A bill (H. R. 14234) granting a pension to John Williamson.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5019) granting an increase of pension to Hannah E. James; and

A bill (S. 6045) granting an increase of pension to Charles Sprague.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 3653) granting an increase of pension to James W. Poor; and

A bill (H. R. 8644) granting a pension to John W. Thomas.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 8856) granting an increase of pension to Leon King; and

A bill (H. R. 12009) granting an increase of pension to George Baker.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13646) granting an increase of pension to John G. Heiser; and

A bill (H. R. 14087) granting a pension to Lizzie Dunlap.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1931) granting an increase of pension to John Ludwig;

A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird; and

A bill (H. R. 6003) granting a pension to Mary Stone.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 14051) granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 5543) granting to N. F. Thompson and associates the right to erect a dam and construct power stations at Muscle Shoals, Alabama, reported adversely thereon, and the bill was postponed indefinitely.

Mr. NELSON. On behalf of the Committee on Territories, to whom the subject was referred, I report an original bill, in the nature of a substitute, for the bill (S. 4531) to provide for the organization of private corporations in the district of Alaska, and for other purposes, which had been referred to that committee.

The bill (S. 6139) to provide for the organization of private corporations in the district of Alaska was read twice by its title.

CHARLES A. COOKE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6110) granting an increase of pension to Charles A. Cooke, to report it without amendment and to submit a report thereon. This is a very aged and infirm soldier, and for that reason I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Charles A. Cooke, late of Company D, Thirtieth Regiment Maine Volunteer Infantry, and to pay him a pension of twenty-four dollars per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. PAUL'S CHURCH AT FRANKLIN, TENN.

Mr. TALIAFERRO, from the Committe on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill S. 98 entitled "A bill for the relief of the Protestant Episcopal Church of St. Paul, at Franklin, Tenn.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. HAWLEY introduced a bill (S. 6140) for the relief of the heirs of William A. Waite, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 6141) granting a pension to Mary McGowan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 6142) granting an increase of pension to Hosea Knowles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6143) granting an increase of pension to Elvira C. Crompton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6144) to incorporate the Association of Military Surgeons of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 6145) to correct the military record of J. B. Boyd; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MASON introduced a bill (S. 6146) for the relief of Prentiss B. Reed and Lucretia H. Reed Regnier; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. BEVERIDGE introduced a bill (S. 6147) to establish a fish-hatching and fish station in the State of Indiana; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. BARD introduced a bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a joint resolution (S. R. 112) providing funds to enable indigent soldiers to attend the encampment of the Grand Army of the Republic in October, 1902; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County who served in the war for the Union to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. PATTERSON (by request) submitted an amendment proposing to appropriate $7,476 to pay the heirs of Margaret Kennedy, widow and sole executrix of John Kennedy, deceased, for property taken by the Army during the late war of the rebellion, intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GUY N. STOCKSLAGER.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether Lieut. D. H. Jarvis was employed in said Department, in the Revenue-Cutter Service, at Nome, Alaska, in the summer and fall of 1900; and if so, whether he employed Guy N. Stockslager to perform any service; and if he did, what it was, and whether he performed it, the length of time engaged, and the compensation agreed upon, whether the same was reasonable, and whether he has been paid therefor.

STATUE OF MAJ. GEN. WILLIAM J. SEWELL.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives for a duplicate copy of the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, the same having been lost or misplaced; and, on motion of Mr. KEAN, and by unanimous consent, the request was ordered to be complied with.

HOUSE BILL REFERRED.

The bill (H. R. 9556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901, was read twice by its title, and referred to the Committee on Public Lands.

REBECCA J. TAYLOR.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on the 10th instant by Mr. CARMACK, as follows:

Whereas it appears that Rebecca J. Taylor, late a clerk in the War Department, holding a position in the classified service, was, by order of the Secretary of War, discharged from her position on the 7th day of June, 1902: Therefore, be it

Resolved by the Senate of the United States of America, That the Committee on Civil Service and Retrenchment be instructed to inquire and report the reasons for such discharge and whether the same was made in accordance with law.

Mr. PLATT of Connecticut. I move the reference of the resolution to the Committee on Civil Service and Retrenchment.

Mr. BATE. I observe that my colleague, who introduced the resolution, is not present. I think he wanted to have the matter disposed of by the Senate directly, but I presume that the reference suggested is the proper course.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Connecticut that the resolution be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

CUBAN RECEIPTS AND EXPENDITURES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CULBERSON, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a full, itemized statement of all moneys collected and disbursed by the authorities of the United States in Cuba from the military occupation thereof until May 20, 1902.

Mr. PLATT of Connecticut. I asked that this resolution might lie over until to-day. I desire now to make a statement with reference to the information called for, and if the Senate wants to pass the resolution I have no objection.

The Committee on Relations with Cuba were directed by a resolution passed by the Senate to ascertain and furnish the information which is called for by this resolution from the time when we took possession of Cuba on the 1st of January, 1899, to the 30th of April, 1900, a period of one year and four months. The committee discharged that duty and reported to the Senate an itemized account, furnished by the War Department, of all receipts and expenditures during that time, a period of a year and four months, and the volumes in which those accounts are contained are on my desk. Senators will see that there are five volumes.

Mr. GALLINGER. How many pages?

Mr. PLATT of Connecticut. I do not know the number of pages. I do not know that the volumes are paged. This is one of them. [Exhibiting.] They are all of the same character.

So the information asked for has been furnished from the 1st of January, 1899, when the Spanish evacuated, up to the 30th of April, 1900. Of course, that information does not need to be furnished over again by the Secretary of War.

I wish further to state that after we turned over the government to the people of Cuba under its constitution on the 20th of May, the Secretary of war thought he ought to complete a statement of the receipts and expenditures of the Government and military occupation in Cuba, commencing where this leaves off, on the 30th of April, 1900, and extending to the present time, a period practically of two years—a trifle over. He has already commenced that work. To do so it required the employment of 15 typewriters and the renting of 15 unusual typewriting machines, as there were no machines in the War Department which were adapted to that kind of work.

It is questionable whether there is any direct authority for the employment of the new force which is required to complete this work or whether there is authority for the payment of it out of the fund for the payment of temporary employees in the War Department, a balance of which still remains, but the Secretary took the responsibility of starting the work and employing these typewriters, as he could not do it by his ordinary force. They are at work, and some two months, May and June, of 1900 have already been prepared.

I am told that this force of 15 typewriters working thus can probably, when they get thoroughly down to the work, prepare a month's statement of the receipts and expenditures in a week's time. As it will require something like a week to tabulate the information required for a month, and as two months have already been done and twenty-two months remain, it will take the force which has been employed still about twenty-two weeks to prepare this information, which, as I said, the Secretary of War has of his own motion thought he ought to prepare and send to Congress. How the expense of this is to be met is still a problem. I suppose the Secretary will ask for an item to be inserted in the deficiency appropriation bill to enable him to pay the force which is necessary to do this work.

Now, if under the circumstances the Senate desires to pass this resolution, I have no objection whatever.

Mr. CULBERSON. Mr. President, the sole purpose of the resolution was to have presented to the Senate the information to which it refers. Before the Senator from Connecticut took the floor this morning, my attention was called to a letter of the Secretary of War, which appears in the RECORD of June 6, in the proceedings of the House of Representatives, the letter being dated May 31, and addressed to the chairman of the Committee on Military Affairs of the House, in which the Secretary states that it is his purpose to present to Congress, as soon as it is practicable to make it, an itemized statement of all moneys received and disbursed from the 30th of April, 1900, down to and including the 20th of May of this year, and that a large force of clerks was then at work.

Under the circumstances, and not doubting, of course, that the Secretary will present this information as soon as it is possible for him to have the statements prepared, I have no disposition to press the resolution. It may lie on the table subject to call, so far as I am concerned.

The PRESIDENT pro tempore. Is there objection to the resolution lying on the table?

Mr. PLATT of Connecticut. If I can be here when it is called up, I do not object.

Mr. ALDRICH. It had better go to the Calendar.

The PRESIDENT pro tempore. Is there any objection to its going to the Calendar?

Mr. CULBERSON. Let it go to the Calendar.

Mr. ALLISON. I request the Senator from Texas to withdraw the resolution, as I am sure this information is absolutely essential to closing up our affairs in Cuba. We have already secured five volumes of the detailed work of expenditures there, and we should have the account of expenditures completed. I have no doubt that in the deficiency appropriation bill there will be provision made for the payment of the necessary force to complete this work, probably adding seven or eight volumes more to the information we have now.

Mr. JONES of Arkansas. I should like to ask the Senator from Iowa if it is his understanding that it is the intention of the War Department to make a full report showing all the revenues collected by the Government of the United States or by its agencies while it has been in possession of affairs in Cuba and also an account of all disbursements?

Mr. ALLISON. That is the purpose.

Mr. JONES of Arkansas. Showing the source from which revenues were received and where all the money has gone?

Mr. ALLISON. The revenues received and their disbursement—a continuation of what is already partially done.

Mr. JONES of Arkansas. I think that ought to be done. I believe there ought to be a full statement made. I think the Government of the United States owes it to its own self, to its self-respect, and to the opinion of mankind that there should be a full account had of all the money collected in the island of Cuba and what has been done with every dollar of it.

Mr. ALLISON. That will be done, I am sure, from various sources. I hope the Senator from Texas will withdraw the resolution.

The PRESIDENT pro tempore. What disposition shall be made of the resolution?

Mr. CULBERSON. I suggested that the resolution go to the Calendar.

Mr. SPOONER. I move its reference to the Committee——

Mr. PLATT of Connecticut. Let it go to the Calendar.

Mr. SPOONER. Very well.

The PRESIDENT pro tempore. Is there objection to the resolution going to the Calendar? The Chair hears none. It will go to the Calendar.

DECORATION BY THE FRENCH REPUBLIC.

Mr. CULLOM. I ask unanimous consent to call up the bill (S. 6136) to authorize Mr. H. H. D. Peirce, Third Assistant Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic. There will be no objection to it, I think. There are some special reasons why it should be passed to-day, if it can be done.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT of Connecticut. I should like to have some explanation of the bill.

Mr. CULLOM. I was going to state that I will put on file two letters, one from the Secretary of State and the other from Ambassador Cambon, showing the reason why the decoration of Commander of Legion of Honor is conferred upon the Third Assistant Secretary of State. That is all there is to the bill. It simply confers the decoration named on Third Assistant Secretary Peirce, and the explanation is given in the two letters, which I ask may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, June 5, 1902.

Hon. SHELBY M. CULLOM,
Chairman Committee on Foreign Relations.

SIR: I have the honor to ask that in accordance with the provisions of section 3 of the act approved January 31, 1881, permission may be obtained from Congress for the below-mentioned gentlemen to accept certain decorations recently conferred upon them by the Government of the French Republic, and that this Department may be authorized to deliver the same to them.

These decorations are: Commander of the Legion of Honor, conferred upon Mr. H. H. D. Peirce, Third Assistant Secretary of State; Officer of the Legion of Honor, conferred upon Col. Theodore A. Bingham, United States Army; and Officer of the Legion of Honor, conferred upon Capt. R. P. Rodgers, United States Navy.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC IN THE UNITED STATES,
Washington, May 23, 1902.

MR. SECRETARY OF STATE: The minister for foreign affairs at Paris has just sent me, and it gives me pleasure to transmit to you herewith in addition to the letter advising him of his nomination, the insignia of Commander of the Legion of Honor, conferred upon Mr. Herbert H. D. Peirce, Assistant Secretary of State of the United States at Washington.

The diploma will be sent later to Mr. Peirce.

Please accept, Mr. Secretary of State, the assurances of my high consideration.

JULES CAMBON.

Hon. JOHN HAY,
Secretary of State of the United States, Washington, D. C.

[Translation.]

PARIS, *May 10, 1902.*

MR. ASSISTANT SECRETARY OF STATE: It is my agreeable duty to inform you that the President of the Republic, wishing to bestow on you a special mark of his high regard, has conferred upon you, at my suggestion, the cross of commander of the National Order of the Legion of Honor.

I congratulate myself at having been able to enumerate the titles which you possess to this mark of distinction, and I hasten to transmit to you the insignia of the order.

I shall have pleasure in forwarding your diploma later.

Accept, Mr. Assistant Secretary of State, the assurances of my high consideration.

DELCASSE.

MR. HERBERT H. D. PEIRCE,
Under Secretary of State, Ministry of Foreign Affairs of the United States of America.

The bill was reported to the Senate without amendment.

Mr. PLATT of Connecticut. I thought we were going to have some explanation of this matter.

Mr. CULLOM. If the Senator is very anxious about it I hope the letters will be read. Mr. Peirce is Third Assistant Secretary of State and had charge, practically, of the gentlemen from France who came here to attend the unveiling of the statue of Rochambeau. He did a good deal of work and gave great attention to those gentlemen, and the result of it was that the ambassador asked that this title be conferred upon him. That is all there is of the case.

Mr. PLATT of Connecticut. He was not alone in the attention which was shown to the distinguished French visitors who came here.

Mr. JONES of Arkansas. Mr. President, there is so much confusion in the Chamber we are unable on this side to hear what it is that is before the Senate. What is under discussion?

The PRESIDENT pro tempore. The bill authorizing the Third Assistant Secretary of State to accept the decoration of Commander of the Legion of Honor.

Mr. JONES of Arkansas. There was a unanimous-consent agreement day before yesterday or yesterday that to-day, after the morning hour, should be devoted to certain special business, and I do not think there ought to be any violation of these unanimous-consent agreements.

Mr. SPOONER. On what account is the decoration to be conferred?

Mr. CULLOM. On account of his attention to the party of French gentlemen who were here by invitation of the Government to attend the unveiling of the statue of Rochambeau.

Mr. SPOONER. Is the Senator asking unanimous consent for the consideration of the bill?

Mr. CULLOM. Yes, I am.

Mr. SPOONER. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HOAR. I should like to say one word before the subject passes away.

Mr. SPOONER. I withdraw the objection.

Mr. HOAR. This is a mere method of the French Government by which it wishes to express its sense of our courtesy. It selects one of our prominent public officials as a means of making a bow and saying, "I am much obliged to you." It is merely a compliment, and it is but reasonable that the French Republic should be allowed in proper limits to make their own selection and do it in the way they think best. The French Government has received what it regards as a great honor to their people in the statues of Lafayette and Rochambeau and wishes to mark in some courteous fashion its sense of the honor. So it selects one of the representatives of this Government who accompanied its representatives about on their visit here and sends this token. It is nothing but a ribbon to stick in his coat, and I suppose it will not stay there a great while.

The PRESIDENT pro tempore. Shall the bill be engrossed and read a third time?

Mr. SPOONER. I object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar. The Chair lays before the Senate Senate bill 1792.

Mr. MITCHELL. I ask unanimous consent to make a personal explanation.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon? The Chair hears none.

PERSONAL EXPLANATION—ELECTION OF UNITED STATES SENATORS.

Mr. MITCHELL. Mr. President, I regret that I have been detained from the Senate by illness in my family for the last two days. Yesterday when the motion was before the Senate looking to the discharge of the Committee on Privileges and Elections from the further consideration of the joint resolution proposing an amendment to the Constitution of the United States relating to the election of Senators, my pair, the senior Senator from Idaho [Mr. DUBOIS], holding to the same view that I do, voted in favor of discharging the committee, and unfortunately I was deprived of a pair. Had I been here I should have voted with the minority in favor of discharging the committee.

I have the very highest regard, of course, for every member of that committee, especially and particularly for the distinguished chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. BURROWS], but I am of the opinion that when any committee, however distinguished, reaches a point where it confessedly is unable to report either favorably or unfavorably on a proposition the committee ought to be discharged. Therefore, for that reason, had I been here I should have voted to discharge the committee from the further consideration of the joint resolution.

LONDON DOCK CHARGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] offered an amendment for the Senator from Massachusetts [Mr. LODGE]. The proposed amendment will be read to the Senate.

The SECRETARY. It is proposed to insert the following as section 2:

SEC. 2. That this act shall not in any way apply to foreign port charges, lighterage, expense of discharging, or other charges which it is agreed in a written charter party of the whole ship shall be paid by the charterer, consignee, or owner of the goods.

Mr. NELSON. I desire to say about that amendment that it is utterly destructive of the bill. If such an amendment is adopted it destroys the bill altogether, and it ought to be voted down.

Mr. JONES of Arkansas. Let the amendment be read again.

The Secretary again read the amendment.

Mr. PLATT of Connecticut. When this matter was last before the Senate I think the Senator from Maine [Mr. HALE] was addressing the Senate when the hour of 2 o'clock arrived. I did not wish to interrupt him in his remarks, but I would be glad if he or the Senator from Minnesota, who has charge of the bill, would give the specific point, and crystallize, as it were, what is intended to be done by the bill. There is a great deal of literature on this subject, and it is confusing. As I have been able to gather it, it is about this: That by the custom of London there are certain charges which have to be paid after goods are landed on the docks—I may be mistaken, but that is as near as I can get at it—and there is a contention as to who shall pay those charges.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. PLATT of Connecticut. Certainly.

Mr. SPOONER. Certain charges which have to be paid upon cargoes from North Atlantic ports and from none others in the world.

Mr. PLATT of Connecticut. That includes Canada as well as the United States?

Mr. GALLINGER. If the Senator will permit me, I will state that I saw a manifest the other day which was from an entirely different part of the world than North Atlantic ports, where this contract was stamped on the face of it.

Mr. SPOONER. But I have the statement of the Senator from Minnesota and Mr. Choate's report.

Mr. GALLINGER. I saw the document.

Mr. HALE. I will state——

The PRESIDENT pro tempore. The Senator from Connecticut has the floor.

Mr. HALE. I beg pardon.

Mr. PLATT of Connecticut. I yield to the Senator from Maine.

Mr. HALE. I stated the other day in debate that the proposition coming from the Senator from Minnesota [Mr. NELSON] that this method of laying dock charges only applies to goods on vessels from North American ports and was a discrimination against them, is not, as I understand it, a correct statement. I do not mean that the Senator intended to give us an incorrect statement; but we find on investigation that other countries use this clause, and that it is used to a large extent elsewhere.

Mr. SPOONER. Then the Senator has ascertained that since our colloquy the other day?

Mr. HALE. No; I stated the other day one thing I knew then, that the great Oriental and Peninsular Company, one of the largest in the world, uses just such a clause as this from all parts of the world.

Mr. PLATT of Connecticut. Mr. President——

Mr. NELSON. Will the Senator from Connecticut permit me a moment on this point?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. NELSON. I do not desire to interrupt the Senator, but I desire to correct the statement of the Senator from Maine [Mr. HALE] and to reply to the inquiry of the Senator from Connecticut, but I will not interrupt the Senator if it be objectionable to him.

Mr. PLATT of Connecticut. I have not finished my inquiry, and it will only take me a moment to do so.

Mr. NELSON. All right.

Mr. PLATT of Connecticut. I want to know what we are asked to vote for. It is very difficult to ascertain from these reports and from the statements which have been made heretofore; and I want to know whether this is it: That by the custom of London, goods to that port which go over the side of the ship are subjected to some charges which have to be paid by some one? If that be so, then the question is, Who should pay those charges? I had supposed that when goods were delivered that, of course, would naturally terminate the liability of the common carrier; but if by the custom of London the common carrier has to pay these charges, I do not see any reason why he should not incorporate that clause in his bill of lading. I do not know that I get at this exactly. I should like to be informed about it.

Mr. NELSON. The Senator is misinformed upon that point. This bill does not relate to any charges that the steamship companies are required to pay to any dock company. It is merely a charge which they themselves impose for discharging goods from the vessel. By the custom, by the common law, and by the act of Parliament, goods shipped in vessels to the port of London are entitled to free delivery, and the dock companies by their bill of lading, which they have imposed on shipments from North Atlantic ports, have incorporated a clause, which they call the London clause, requiring shippers to pay on their goods, in addition to all other charges, a certain charge to the steamship companies for discharging their cargoes.

Mr. JONES of Arkansas. I should like to ask the Senator a question for information in that connection.

Mr. NELSON. I yield to the Senator.

Mr. JONES of Arkansas. As a matter of fact, when this clause is in these freight bills, when a ship goes to London and discharges its goods from the ship to a lighter, are these charges made or not?

Mr. NELSON. On the dock?

Mr. JONES of Arkansas. No; if the goods are discharged onto a lighter, are the charges made or not?

Mr. NELSON. No, they can not charge then; they have no right to charge; but they can under this London dock clause.

Mr. JONES of Arkansas. That is the question I was asking.

Mr. NELSON. By the common law prevailing in England and by the act of Parliament shippers are entitled to the free discharge of any goods on the dock.

Mr. JONES of Arkansas. I do not think I quite understand the Senator's answer. My question is, if, as a matter of fact, when a steamship has one of those bills of lading with this clause in it, when it arrives at the port of London, are these charges made when it discharges goods to lighters and not on the dock?

Mr. NELSON. Certainly, the charges are made in both cases. The bill of lading which contains this London clause that we are trying to get rid of, provides for just such charges, and the English courts hold that, while by the common law of England and the act of Parliament the shippers are entitled to free delivery and the companies have no right to make this charge, yet inasmuch as the shippers have accepted bills of lading containing permission to make that charge, it neutralizes the law and takes them out of the protection of the law.

The Senator from Maine [Mr. HALE] and the Senator from Connecticut [Mr. PLATT] are misinformed as to another point, and that is that the bills of lading of other steamship lines contain this clause.

Mr. HALE. They contain a similar clause, but of course it is not called the London-dock clause, because that only applies there. They contain, however, the same kind of provision, and the same charges that are made to shippers at London are made by different companies in other quarters of the globe, not only where they go to London, but where they go to Glasgow, Manchester, Bristol, and several other English ports.

Mr. NELSON. There is nothing of the kind in any bill of lading to show it, and the report of Mr. Choate entirely neutralizes that.

Mr. HALE. The Senator from Minnesota is wrong about that.

Mr. GALLINGER. If the Senator will permit me, Mr. President, I will send him a bill of lading for his examination.

Mr. NELSON. I have got that bill of lading published in Mr. Choate's report. The bill of lading which the Senator from New Hampshire [Mr. GALLINGER] sends me is printed in French, and I want to say to the Senator from New Hampshire that I am unable to read it, but the bill of this same steamship company he will find in Mr. Cheate's report, on page 44.

Mr. GALLINGER. If the Senator will permit me, this notice stamped on the face of the bill of lading is not in French:

> The expense of discharging from the steamer and manipulating to be borne by the goods at the rate of 3 shillings 6 pence per 1,000 kilos.

Mr. NELSON. That is not in the port of London, and that is not correct as to that port.

Mr. SPOONER. To what port does that apply?

Mr. GALLINGER. The port of London.

Mr. NELSON. Here is Mr. Choate's report, and I will read from it:

> These charges of the "London clause" are a pure discrimination against the American trade, and do not apply to any other trade in the port of London.
>
> This charge of 1s. 6d. to 2s. 6d. is one which penalizes American goods, as it is not applied in the port of London to goods arriving from any other market; in other words, flour from Russia, the Cape, Australia, or in fact any other market except North America, does not pay this charge, and to that extent American goods of all descriptions (for flour is only one of these) are penalized by this charge.

Mr. Choate states further:

> There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted.
>
> Canadian and American flour is by far the largest import of flour into London, and although other imported flour, such as Hungarian, French, Russian, Australian, Californian, gets free overside delivery, Canadian and American flour is subjected to the "London clause," and besides which, whereas the charge for landing at an uptown warehouse for the purpose of distribution in Canadian and American is 4s. per ton, the charge on other imported flour is 3s. 6d. per ton, so that Canadian and American costs 2s. per ton more to land than other flour.

Mr. HALE. From what is the Senator reading?

Mr. NELSON. I am reading from page 9 of the report of the committee on this bill.

Mr. HALE. Who made the report?

Mr. NELSON. I have read a few lines from the report of the committee itself, and the rest is quoted; the first part from hearings before the committee, and the last two paragraphs from the report of Mr. Choate.

Mr. HALE. Has the Senator read this from Mr. Choate's report:

> The ultimate question must be whether the "dock charges" imposed by the "London clause" are really unjust to the shippers, and on that question an acquiescence of twelve years by the shippers without forcing it upon the attention of the Government has a decided bearing.

I did not hear the Senator read that.

Mr. NELSON. I did not read the whole of it.

Mr. HALE. No; I thought not.

Mr. NELSON. I read a portion of it. That portion which says that there has been an acquiescence in these charges by the shippers is not true. They have been trying for twelve years by negotiation to get rid of these charges.

Mr. HALE. I do not want the Senator to discredit his own witness. He brought Mr. Choate in here.

Mr. NELSON. I am not discrediting him.

Mr. HALE. The Senator says his statement is not correct.

Mr. NELSON. That statement is not correct.

Mr. HALE. That is Mr. Choate's statement.

Mr. NELSON. It is not correct to the extent that the shippers have consented silently to these charges. If Mr. Choate means that they have not applied to Congress before, that is true; but the record shows that they have repeatedly made efforts by negotiation to have the shipowners and the ship combines eliminate these charges.

I have a table here, which was furnished to the committee, from the year 1887 down to 1899, showing the goods imported into the port of London by steamship companies, and out of the total imports into the port of London by steamship companies over 75 per cent of the goods entering that port by water are exempt from this charge, and only the small amount of 25 per cent which comes from America are subjected to this charge. I am sorry that I have taken up the time of the Senator from Connecticut, and I yield to him.

Mr. PLATT of Connecticut. Mr. President, it is always very difficult to understand a technical question relating to trade conditions, and I do not think we ought to jump at conclusions here because some millers and lumbermen, who, I understand, are the only people who are pressing this legislation——

Mr. NELSON. Oh, that is not so.

Mr. PLATT of Connecticut. Who else is pressing it?

Mr. NELSON. The farmers of the Northwest, the wheat and corn producers, and others.

Mr. SPOONER. If they are discriminated against, why should they not press it? Their products constitute a very large part of the export trade of the United States, and if these shippers of flour in the United States are subjected to these charges in London which shippers of flour in other countries are not subjected to in London, why should our people not object to them?

Mr. PLATT of Connecticut. The point I was making was that I have not been able—my reading of this literature has been somewhat hasty—to see that anyone else was complaining.

Mr. ALLISON. I have here a copy of the report, which shows that the flour and the lumber people do not stand alone in their request for this legislation; but we have resolutions of the Minneapolis Chamber of Commerce, of the Toledo Produce Exchange,

of the Chicago Board of Trade, of the Kansas City Board of Trade, of the St. Paul Merchants' Exchange, of the Baltimore Chamber of Commerce, and other commercial bodies. I do not know what bearing that may have, but I should think that some of our own people were interested in this legislation from the character of the bodies who have adopted these resolutions.

Mr. PLATT of Connecticut. They come very near to being from the flour and lumber men, as I understand from listening to what has been referred to by the Senator from Iowa [Mr. ALLISON]. Certainly in reading some of these reports, either of the majority or of the minority, I have seen in them somewhere the statement that the trades particularly interested were the milling and the lumber trades.

I had in mind a sentence half completed proceeding upon that theory when I was interrupted—I do not know whether or not I can recall it now—but I think I was going to say that if these milling and lumber interests were the only ones who were interested in this legislation I thought we ought to be very careful about passing legislation as to matters we really do not know anything about. This is all confusion.

I venture to say there are not three Senators on this floor who understand the matter fully. I myself hesitate about voting in favor of legislation interfering with contracts between shippers and common carriers. That is a matter of contract just as much as any other trade matter is a matter of contract. It seems to me that we ought to be a little careful about legislating here as to how trades should be made and carried on in the United States. That is all there is about this thing so far as I can see, that as to the matter of shipments of flour and lumber we are going to interfere and say what the contracts shall be between the millers and the lumbermen and the shipowners and freighters. It seems to me that is a matter which we can leave to the adjustment of contractual relations just as much as we can leave to such adjustment questions relating to the purchase and sale of goods in the United States. What would be thought if we should be asked here to say that anybody who had anything to sell in the market should only sell it on certain terms and conditions? That is just what we are asked to do here in this matter.

These people are engaged in freighting. We say that they shall not make their own bargains for the freight, but they shall take their freight subject to certain trade stipulations. I think we ought to be a little careful about this, Mr. President. It is commencing a matter of legislation in which we may go very far. To go from the sublime to the ridiculous, we do not know how soon we may be called upon to pass legislation that no man who has a horse to sell shall sell it without a warranty in writing, which would be just as much a subject of national legislation as is this, in my judgment.

Now, I come back to my original proposition, which has not been entirely explained. Something has to be paid for the dock charges or the distribution of goods after they go over the side of the ship in London, as I understand it. I have always supposed that a shipper discharged his obligation when he passed the goods over the side of the ship. If for any reason he is called upon to assume the payment of those charges it seems to me that it is entirely reasonable that he should include them in his freight contract; but if he does not include it in his freight contract, then, as was suggested by the Senator from North Dakota [Mr. MCCUMBER], he would certainly charge more for the freight.

I think we ought to be a little careful about taking up the contentions between shippers and freighters, between people who have things to sell and people who want to buy, and making such things the subject of national legislation. I think I have said all I desire to say about this matter. With my understanding of it, I shall be opposed to this legislation.

Mr. MALLORY. Mr. President, the ordinary rule of commercial law holds the shipowner responsible for the cargo and for all expenses incident to the transportation of the cargo until its delivery. Under that rule, without this London dock clause in the bill of lading the shipowner would not be able to collect from the miller or from the miller's consignee in London this 1s. 9d. per ton charge which is now collected under that London dock clause.

There is a contract, of course. The bill of lading is a contract as well as a piece of evidence, but so far as I have been able to observe as a member of the Committee on Commerce, which has given this subject some investigation, I am inclined to think that the miller of the Northwest is not entirely a free agent on such a contract.

Mr. SPOONER. Not what?

Mr. MALLORY. Not a free agent; that is, he is not at liberty. He is bound, as it were, by the conditions to sign that bill of lading, because if he does not accept the bill of lading with the London dock clause in it his goods will not be shipped. In other words, he is under a species of duress.

It does not do to say that we are interfering with the liberty of contract when we prohibit the insertion of such a clause in a bill of lading, because in reality, under my view and understanding, gathered from the evidence, it is a restoration to the shipper of the freedom which he ought to have to agree to such stipulations as the shipowner chooses to prescribe. These are through bills of lading, as I understand, from Milwaukee or Minneapolis or St. Paul to London, and the goods are shipped from the mill direct through. If that bill of lading is not accepted by the miller it is a question, when those goods get to the eastern terminus of the railroad here, as to when they will be shipped by sea to London.

Mr. President, that being so, while the general rule of law is that the shipowners are responsible not merely for the safe delivery of the cargo, but also for all expenses incident to that safe delivery until the cargo itself is delivered, this London dock clause is an exception to the rule; and unless there is some good reason why that exception should be maintained, it strikes me that Congress is justified in destroying that exception to the rule.

It is contended on the part of the shipowners that this rule is really for the benefit of the miller; that without such a rule as that he would be compelled to pay 4 shillings per ton to the dock owners in London while his goods are being held in storage on the dock after the expiration of twenty-four hours; and when we have such large shipments as we are shipping nowadays in our immense freighters, of 75,000 or 100,000 sacks of flour, it is impossible within twenty-four hours for the consignee to remove them.

Consequently the shipowner says that these 9 shillings and 6 pence which he charges for the keeping of these goods on the dock under shelter for seventy-two hours, is really a benefit to the shipper, because without it the shipper would, after the expiration of twenty-four hours, have to pay 4 shillings instead of 1 shilling and 9 pence. The shipper of the goods, however, says—I do not know what his reason for it is—that he does not agree to that; that he does not see where the benefit comes in; and he insists upon his right that he should be placed upon the same footing as every other shipper from the United States.

Mr. President, I do not think there is any question whatever but that this peculiar practice which prevails in our trade with London is an exception to the general rule and is a distinction adverse to our flour trade—and I will confine it, if necessary, to the flour trade, although it is not necessary to confine it to the flour trade—which is a very large part of our trade with England.

In his report to the Secretary of State upon this subject, Ambassador Choate says distinctly and unequivocally that—

> There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted.

So far as I could gather from the testimony of the witnesses before the committee, this is a rule which prevails in London alone, and does not apply to Liverpool and other ports in Great Britain.

Mr. President, this rule is working very much to the discomfort and disadvantage of the millers, if we are to accept what they say. On the other hand, the shipowners say it works very much to the advantage of the millers. In fact, however, if the rule is abrogated, if this London clause is prohibited, then it seems that the effect of it will be to decrease the charges which the shipper has to pay on his goods from the interior of the United States to London. The other effect upon the shipper and the shipping interest would be that the freight—because it would be charged as freight and paid between our Eastern Atlantic ports or our North Atlantic ports and London—would necessarily go up, and the port of Liverpool and other ports in England would have an advantage over the port of London.

I think that is really the principal reason why there is so much contest over this very reasonable request on the part of the shippers. I do not know that they are going to reap any very great benefit from it, but I think that their demand is a reasonable one. It is in conformity with existing law, and it is in the direction of doing away with a distinction against a particular trade and a particular part of the trade of the United States. Therefore, I think we ought to support the measure.

Mr. HALE. Mr. President, there are several things claimed by the advocates of this bill upon which there is undoubtedly contention. The matter has been considered in the other branch of Congress and a report has been made there by a committee—in fact, two reports. There is a very able report of the minority of the committee having the subject in charge against this whole matter, and nothing has been done following it, because largely of the confusion which exists in men's minds. Pretty much every statement that is made here is countervailed by another statement. The Senator from Minnesota [Mr. NELSON] reads with much satisfaction from our ambassador, Mr. Choate, but when I called his attention to the one distinctive thing in Mr. Choate's report, in which he says that—

> The ultimate question—

The ultimate question—

> must be whether the "dock charges" imposed by the "London clause" are really unjust to the shippers, and on that question an acquiescence of twelve years by the shippers without forcing it upon the attention of the Government has a decided bearing.

Upon that the Senator from Minnesota discredits his own witness, and says that Mr. Choate is wrong. At the present moment, as the Senator from Connecticut [Mr. PLATT] says, I do not believe there are a half dozen Senators here—or three Senators—who really know or understand the scope of the bill. It does not commend itself to anybody on reading it. It is an attempt ruthlessly to put the hand of the Government in and declare that, as between two persons competent to make a trade, such and such a provision shall not be law, although put in the contract. That does not commend itself to any Senator.

There is nothing left but the cry of discrimination; that the United States are discriminated against; that North America is discriminated against, and that that ought not to be. That has been said; and if time permitted we could show repeated cases, one which has been given in terms by the Senator——

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. HALE. Yes.

Mr. NELSON. I want to call his attention and that of the Senator from New Hampshire to a curiosity in connection with this matter.

Mr. HALE. I do not want the Senator now, in what I am saying, to bring in any new matter.

Mr. NELSON. It is not any new matter, but is responsive to this particular point.

Mr. HALE. Go on.

Mr. NELSON. It is the fact that when Mr. Choate in his report stated that this did not apply to any other trade or commerce and was not used by any other steamship lines, it was absolutely true; and when this bill was introduced and was considered by the committee it was absolutely true; but for the purposes of this case, evidently, they have brought in a bill of lading, a new one that never was known before, dated February, 1902, probably brought in here, I do not say by Senators, but brought in by the steamship companies to affect this case and to show that there is another line that charges something else.

Mr. HALE. That is new matter.

Mr. NELSON. This bill of lading is new. The bill of lading that the Senator from New Hampshire had in his hand is dated February, 1902, after Mr. Choate had made his report, after I had introduced the bill, and after the hearings had taken place before the committee.

Mr. HALE. In other words, the Senator says that the introduction of this bill, which is against clauses of this kind, resulted in other companies adopting them.

Mr. SPOONER. For the purpose of affecting this legislation.

Mr. HALE. Is not that rather a strained construction? You can not introduce a clause of that kind in a bill of lading which is not agreed to by both parties. It is entirely blistering the subject to draw that conclusion. It is an absurd proposition that the clause is so bad that the moment it is agitated the companies begin to put it into other bills of lading. It is used by other companies, and the bill—without the Senator being of that order, and he is not; he is outright and direct—is disingenuous in this respect. It does not apply to London and to London alone. The arguments and appeals made here ought not to be very dangerous in the Senate of the United States on the ground that we are discriminated against, because the bill does not apply to the London trade alone. It says:

> Any vessel transporting merchandise or property from or between ports of the United States and foreign ports.

It applies to the whole world. It is not intended to apply to the London trade and the grievances with respect to London. I am going to move to strike out the words "foreign ports" and insert "the port of London;" and the Senator will not agree to that, because that is not his object. The truth is, we do not know what will result from this bill. We do know that it is an absurd bill on its face and that every proposition that has been made in defense of it has been contradicted.

However, prior to moving that amendment I move as an amendment the substitute which I send to the desk. I ask that it be read. If it carries, it will end the business. If not, I shall then move to strike out the words "foreign ports" and insert "the port of London."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

> SECTION 1. That it shall not be lawful for the manager, agent, master, or owner of any vessel hereafter transporting merchandise or property from ports of the United States to the port of London, England, to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property or on the consignee or consignees thereof the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is by the laws, statutes, or customs in force at the said port of London imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, or which charges are contrary to said laws, statutes, or customs; or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by such laws, statutes, or customs; and any or all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.
>
> SEC. 2. That this act shall not apply to any contracts made previous to its passage, and shall take effect on and after September 1, 1902.

Mr. SPOONER. Mr. President, I always find myself more or less in a state of trepidation when I differ with the distinguished Senator from Connecticut [Mr. PLATT] in any argument which he makes in this body. I think to-morrow morning, when the Senator from Connecticut reads in the RECORD what he has uttered in the Senate this morning, he will be inclined to correct some of his statements. That Senator saw no difference between the principle underlying this bill and the proposition in Congress that no horse could be sold in the United States without a warrant.

The sale of chattels by one citizen to another is purely a private matter, and purely a matter of private contract. There is no more similarity between that transaction and the transactions which are attempted to be regulated by this bill than there is—it is difficult to illustrate the difference. It is enough to say that there is none whatever. Does the Senator from Connecticut deny that our Constitution confers upon the Congress of the United States the power to regulate commerce among the States and with foreign nations?

Mr. PLATT of Connecticut. No; I do not deny that.

Mr. SPOONER. Does the Senator deny that the power to regulate commerce among the States and to regulate commerce with foreign nations involves the power to regulate the instrumentalities of commerce?

Mr. PLATT of Connecticut. Not at all, Mr. President.

Mr. SPOONER. And does the Senator from Connecticut find any similarity between that power conferred by the Constitution on the Congress and the power to regulate horse trades?

Mr. PLATT of Connecticut. I do not think I said it was precisely the same thing. What I did say was this, that I thought this was the exercise of a power which we ought not to exercise, and to descend, as I said, from the sublime to the ridiculous; if we are going into this matter we might at last come to the matter of regulating horse trade. That is about what I said.

Mr. SPOONER. The trouble with the Senator's illustration is that there is no earthly connection between the sublime and the ridiculous, as he states it.

It has been the custom of Congress, as it has been the custom of the States, to regulate bills of lading and to protect shippers against fine-print contracts exempting the carrier from the common-law liability. Congress has exercised this power in the Harter Act. Up to the time that act was passed you would find in the bills of lading, you would find in the contracts for the carriage of passengers, in fine print, not to be read by the common eye, elaborate stipulations, covenants, releases, agreements, exempting the carrier from all of the common-law liabilities which attach to the contract of carriage, even exempting the carrier from liability for injuries the result of his own negligence and default.

So Congress passed the Harter Act, prohibiting ocean carriers from inserting in their bills of lading provisions exempting them from the common-law duties and liabilities of the carrier. If that be not entirely competent, if there be anything ridiculous in it, then there is nothing of any worth in that provision of the Constitution of the United States which confers upon the Congress the power to regulate commerce among the several States and with foreign nations.

The Senator from Maine [Mr. HALE] says there are not three Senators in this body who understand this bill or anything about the subject. He may be right about that. But if he is, it is no compliment to the Senate. The bill has been the subject of careful investigation. It was the subject of investigation, by order of the State Department, by the ambassador at London, who made an elaborate report upon it. It has been investigated by committees of this body and of the House. There was a majority report in favor of it in the House. Of course the Senator from Maine discovered stability in the minority report and not the majority report, because the minority report is in harmony with his views. There has been a very careful examination of it here. If Senators know nothing about it, it is because they have not had the time to investigate it.

The Senator says this interferes with the liberty of contracts. That is true in a sense, but it is following innumerable precedents in that respect.

Mr. HALE. Let me ask the Senator if it is not rather an extreme statement to say that there are innumerable precedents?

Mr. SPOONER. No; it is not.

Mr. HALE. There are some. I will ask the Senator further, Does he not think that the fewer cases we have where Congress interferes with parties making contracts the better?

Mr. SPOONER. I am not in favor of paternalism in government. I believe that the laws of a business, as a rule, should be permitted to take their course.

Mr. HALE. Do they not generally work out all right?

Mr. SPOONER. But an exception to that rule always has been,

and very often has to be, in the exercise of the legislative power of the Government to restrain carriers from imposing upon shippers by these complicated contracts.

Mr. HALE. Has not almost everything that has ever been done by legislative intervention touching contracts by carriers been done in relation to efforts to avoid the common-law liability of carriers?

Mr. SPOONER. Partly so.

Mr. HALE. Small-print clauses——

Mr. SPOONER. Yes.

Mr. HALE. Furtively arranged, which interfere with that great general proposition which covers the duties of common-law carriers. Almost everything has been upon that and not upon the mere question of rates and upon a mere question of what shall be paid. That has been left always to the parties themselves.

Mr. SPOONER. The parties themselves hardly ever read these contracts. They are drawn by skillful lawyers. I myself have drawn some of them in years gone by.

Mr. HOAR. That proves what the Senator has just said.

Mr. SPOONER. I thank the Senator from Massachusetts. I am representing another people now.

Mr. HALE. Yes.

Mr. SPOONER. Yes; the people. It is a fact that these fine-print contracts are not and can not in one case out of a hundred be read by the shipper.

Mr. PLATT of Connecticut. The people understand this.

Mr. SPOONER. They understand this when they are squeezed. They understand this when they find they are discriminated against. They understand this when they find it is enforced against no similar cargo from anywhere else.

Mr. HALE. It is.

Mr. SPOONER. I do not know whether it is or not.

Mr. HALE. I know it is.

Mr. SPOONER. The Senator says he does.

Mr. HALE. I have the best proof of it.

Mr. SPOONER. That these bills of lading——

Mr. HALE. Not only that, but a half a dozen other things.

Mr. SPOONER. What are they? Does the Senator refer to this bill of lading?

Mr. HALE. That is only one case.

Mr. SPOONER. Has the Senator ever seen any other such bill of lading?

Mr. HALE. Not lately.

Mr. SPOONER. When?

Mr. HALE. Last winter, when this matter first came up.

Mr. SPOONER. The Senator from Florida [Mr. MALLORY] spoke with absolute accuracy when he said that these contracts are signed in a sort of duress, because if the shipper will not accept the bill of lading, no matter how it is framed, the carrier will not transport the freight. The carrier takes the shipper by the throat, and he must agree to the bill of lading. He need not take the trouble to read it, because it is a mere question whether he will accept it or whether he will allow his products to rot in a depot or warehouse.

Mr. HOAR. May I ask the Senator a question about this matter?

Mr. SPOONER. Certainly.

Mr. HOAR. Perhaps the question has been abundantly answered in the debate, but I have been absent. I was unaware that this subject was coming up, and I have not investigated it as my duty perhaps required me to do. I have a great deal of sympathy, if I am not detaining the Senator too much——

Mr. SPOONER. Not at all.

Mr. HOAR. I have a great deal of sympathy with the argument he has just made. I went through, in my younger days, when I was practicing law, with this whole experience with regard to contracts for life and fire insurance, the tucking in, in the by-laws and in remote places, as the Senator has said, in fine print, of all sorts of clauses that really protected the shipper from any liability whatever in substance; and we cut it all up by the roots in Massachusetts by providing a form for all insurance policies.

Mr. SPOONER. By law.

Mr. HOAR. By law.

Mr. HALE. We have done the same thing in Maine.

Mr. HOAR. Yes. I quite agree it is a proper matter for legislation by Congress to determine whether the carrier shall exempt himself from ordinary common-law liability as to care and so on, and also whether the carrier shall be permitted to pay and charge to the shipper unlawful charges abroad. Now, those two things, which are in this bill, so far as I am at present advised, have my hearty sympathy, but I want to ask the Senator about something where I suppose I misunderstood the Senator from Minnesota, because the bill does not carry out what he says. I refer to the tenth line of the first section, on the second page.

Suppose the dock charge, or the landing, or the weighing, or the sorting charge, whatever you may name it, be a lawful charge in the foreign country, whether it is unreasonable, whether it is a discrimination against us or not. Suppose it to be lawful, so that the goods can not be landed without somebody paying it. Does the Senator think it is just to say that under such circumstances—for instance, under such circumstances as that 50 cents a ton shall be paid, or a dollar per ton, or any other charge on the merchandise there, the payment of which the carrier can not help—the carrier shall charge the shipper just the same, whether the carrier has to pay that burden and can not help himself or not? That is the one thing which troubles me about this bill. Do I make myself clear to the Senator?

Mr. NELSON. Will the Senator from Massachusetts permit me?

Mr. HOAR. Hold on; let me finish. If I have made that question clear to the Senator from Wisconsin——

Mr. SPOONER. I understand the Senator.

Mr. HOAR. Then I will not detain the Senator longer. Does not this bill say in substance to the carrier, "Whether or not you pay a dollar a ton more and can not help yourself, your charge for carriage shall be exactly the same?" And is that just?

Mr. NELSON. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Certainly.

Mr. NELSON. I will say to the Senator from Massachusetts that this bill does not relate to any charge which the steamship companies have to pay.

Mr. HOAR. Look at the tenth and eleventh lines.

Mr. NELSON. I will read.

Mr. HOAR. Let me see.

Mr. NELSON. Let me read.

Mr. HOAR. The bill refers, as I understand it, first, to charges the payment of which is imposed by the laws, statutes, or customs, and, second, to charges which are illegal. In neither case shall the carrier get any more from the shipper.

Mr. SPOONER. I am speaking of the principle and of what seems to me to be an evil which ought to be remedied. So far as concerns the language to which the Senator from Massachusetts calls attention and which I have just read, it seems to justify the criticism which he makes upon it. In other words, it seems to be a provision of law, if this be enacted, prohibiting the carrier from imposing upon the cargo, to be paid by the shipper, charges which are imposed by the law of the country at the port of destination.

Mr. NELSON. No.

Mr. SPOONER. It seems to me, speaking hastily, that it is distinguishable in that respect from the other provisions of the bill which prohibit the carrier from imposing upon the shipper charges which are against the custom or against the law of the country in which is situated the port of delivery. I may be wrong.

Mr. NELSON. The Senator is utterly mistaken.

Mr. SPOONER. Very well; I will listen to the Senator's explanation.

Mr. NELSON. I will read the language of the bill. The language is perfectly plain. It commences at the end of line 5:

Or any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof, the payment of which is by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof——

Mr. SPOONER. Well, now——

Mr. HOAR. Put the word "not" in the eleventh line.

Mr. SPOONER. What follows?

Mr. NELSON. I will read:

Or which charges are contrary to the said laws, statutes, or customs, etc.

Meaning the laws, statutes, or customs of the foreign country.

Mr. SPOONER. Yes.

Mr. NELSON. I read:

Or any clause, covenant, or agreement whereby are impaired the rights or privileges granted to the consignee or consignees of such merchandise or property by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported.

Now, if the cargo, when it arrives at a foreign port, is subject by the laws and customs of that country—by the laws governing that port—to any of the dock charges or to any other charges of delivery that the vessel owner has to pay, this does not relieve the shipper from that charge, and the shipowner has a right to pay it.

Mr. SPOONER. The only question which the Senator from Massachusetts makes is whether or not the word "not" ought not to be inserted before the word "imposed."

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Certainly.

Mr. HALE. The Senator, who is in the habit of reducing things to few words and of arriving at the real point in a controversy, has just made a proposition which will be accepted here in one moment.

Mr. SPOONER. Then I must be wrong.

Mr. HALE. The Senator sometimes——

Mr. SPOONER. If the Senator from Maine would accept the proposition, I am afraid of it.

Mr. HALE. The Senator sometimes is ingenious, but wrong. However, he has just made a proposition that there shall be no exemption in the bill where the rates covered in the charge are provided by law in the foreign country. We do not object to a bill that goes no further than that. Confine this bill to items that are imposed contrary to the law that is in force in other countries and we will take it in one minute.

Mr. SPOONER. Timeo Danaos et dona ferentes.

Mr. HALE. Ah, it is the Senator's own suggestion. I do not want him to be frightened by the earnest manner of the Senator from Minnesota out of a proposition which he himself has made.

Mr. SPOONER. I am not absolutely certain that the language of the bill in that respect is not subject to the criticism made upon it by the Senator from Massachusetts. The language of the bill I have not studied, but I am quite certain that it is not fair that a bill of lading of a cargo of flour or a cargo of lumber (although the Senator from Connecticut for some reason or other would take those products of this country out of account in their relation to foreign commerce) should be subject to charges in London to which cargoes of lumber and cargoes of flour are not subject when coming from Russia or any other country in the world—imposing dock charges upon cargoes from North Atlantic ports which are not imposed upon cargoes from the Gulf ports even.

I do not understand that there is any good reason for this discrimination. It is considered the function of Congress to protect the industries of the United States against discriminations abroad. We have passed over and over again in our tariff laws provisions to confer authority, where governments discriminated against products of the United States, to countervail that discrimination here by an increase of duties or by necessary regulations.

For Senators to say that the millers of the Northwest have no right to come to Congress and object that under duress carriers which we have the power to regulate are imposing charges upon cargoes of flour at the port of London which are not imposed upon cargoes of flour from other ports is a novel doctrine to me.

If it can not cost any more to deliver or discharge a cargo of flour at the docks of London, if it came from the United States or from the North Atlantic ports, than it would cost to discharge the same cargo of flour if it came from any other country, it is a wrong. It is a discrimination that has no foundation in justice, although it may have one in custom.

I have not studied the language of the bill—my friend from Minnesota has—and I am not prepared to say that the words in the eleventh and twelfth lines are aptly drawn, but I am prepared to say that underlying this proposition is a just complaint of our people which the Congress has the power to remedy and which can not be sneered or laughed out of Congress.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. HOAR. Perhaps I am interrupting at the wrong time, but I want to make a suggestion.

Mr. SPOONER. No, sir; at any time.

Mr. HOAR. As I understand the Senator from Minnesota, who is a very careful and thorough lawyer, as I have had eminent reason to know in committee service with him, the bill does not mean as it is drawn what I was afraid it did, to wit, that the carrier can not recover from the shipper, even if the parties agree, certain charges which he can not help paying when he gets there. Of course I do not want to hold the Senator to a statement made in reply when on his feet, but I understand the Senator from Wisconsin to say that he is not as yet quite clear that the bill does not mean what I think it does, and I believe both Senators agree that it ought not to mean what I think it means. The Senator from Minnesota disclaims such a meaning and the Senator from Wisconsin, I understand, agrees that it ought not to mean it.

Now, as far as one vote is concerned, I will vote for the bill if the Senator from Minnesota will put that into language which the Senator from Wisconsin will say means exactly what the Senator from Minnesota says it ought to mean. There can not be anything in making that offer that can be the subject of any possible suspicion. Those two Senators, who are the principal champions of the bill, are agreed that it ought to mean just such a thing as this, and therefore if they will further agree that the language does mean that, for one there will not be any further opposition to the bill from me.

Mr. SPOONER. As I said to the Senator from Massachusetts, I have not studied with care the language of the bill. Custom ordinarily, to have the force of law, is universal in its operation, the facts or the conditions being the same. I do not want to agree that a custom at the port of London that there shall be imposed upon cargoes from the United States certain charges which are not imposed upon the same cargoes from other countries; is a custom which ought to be recognized or protected by our legislation.

Mr. HOAR. No; it is not recognized.

Mr. BACON. Mr. President——

Mr. SPOONER. So, as I said before, rather thinking aloud than otherwise, I have been rather of the impression that the language to which the Senator from Massachusetts has called attention might be framed so as to reach more clearly than it does the evils sought to be arrived at.

Mr. HOAR. If the Senator will frame it so, I will vote for it.

Mr. SPOONER. But the Senator from Minnesota studied this with great care, and I should like to hear his view of this language. I desire to hear what he has to say.

Mr. BACON. If the Senator will pardon me, before the Senator from Minnesota proceeds, it seems to me that the language is not susceptible of the construction placed upon it by the Senator from Massachusetts. I do not think it is. I do not want to interrupt the Senator from Wisconsin unduly, but if he will allow me to make a suggestion I think upon examination he will see that my explanation of it is correct.

There are three things prohibited in this bill. In the first place, there is in the original bill the prohibition against the insertion of any clause which will relieve the carrier from any "loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery" of the property, etc. That is a distinct prohibition of itself. There is no ambiguity about that.

The next one is simply that there shall be no clause inserted by which the carrier shall be relieved of an obligation that the law of the foreign country imposes upon him. That is as plain as language can make it.

Mr. SPOONER. I think the Senator is right about that.

Mr. BACON. It does not go to the extent suggested by the Senator from Connecticut of interfering with the right of parties to make a contract in a particular or a general sense, but it simply says that where the law of the foreign country imposes a certain obligation upon the carrier there shall be no contract made in this country which shall relieve the carrier of that obligation and impose it upon the shipper.

Mr. PLATT of Connecticut. But, Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. Does the Senator from Georgia understand that the law of the London docks imposes any obligation whatever upon the carrier?

Mr. BACON. I do so understand.

Mr. PLATT of Connecticut. I do not understand that it imposes any obligation whatever upon the carrier.

Mr. BACON. That is my information. If it does not, then this can do no harm, because that is all it does. I will read the language to the Senator, and I am sure he must agree with me.

Or any clause—

That is, there shall be no clause imposed of a certain kind; or, in the second place, any clause—

covenant, or agreement whereby there is imposed on any such merchandise or property, or on the——

Mr. PLATT of Connecticut. That is, on "merchandise or property;" not on the carrier.

Mr. BACON. But this is the prohibition against a clause being inserted in the bill of lading—

imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, lifting, weighing, or sorting charges, or charges of any kind for the discharge or delivery thereof—

If it ended there, it would mean that they could not have any clause which imposed any charge for any of that service, but it is qualified by what follows:

The payment of which—

And to this I call the attention of Senators—speaking of these charges which can not be put upon the consignee—

the payment of which is by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported imposed on such manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof.

In other words, where the law of the country imposes that as a charge upon the carrier there shall not be a contract made in this country which shall relieve the carrier of that obligation and impose it upon the shipper. That is all there is in it.

The third class of contract which is prohibited is one which would impose upon the shipper any charge which is unlawful in that country.

There are three distinct classes of contracts which are prohibited. One is against negligence. The other is against a charge which the law of the country imposes upon the carrier. The other is against the imposition of a charge which is prohibited in that country. That is all there is in it. Those are the three.

Mr. HOAR. That is exactly the point. The Senator states it

very fairly and clearly. Suppose, for instance, to take an extreme case, the port of Hamburg should impose on the carrier a tax for bringing the goods into the port equal to his entire freight money. This proposed statute says, as it is, the carrier shall not make a contract with the shipper that if he has to pay to get those goods into port every dollar that he is to receive for carrying them, the shipper shall repay to the carrier any part of it. Now, that is this proposed law, and it is not fair.

Mr. BACON. I think that is not a supposable case. In the first place——

Mr. HOAR. That is the proposed law. We are not even saying that the carrier shall not diminish his freight rates to some extent, but we are saying that in no case shall a great miller in Minnesota, like our old friend Mr. Washburn, or Mr. Pillsbury, or any of those great men, agree with a steamship company that if that company has to pay a certain port charge its rates of freight shall be regulated accordingly by an agreement between the parties. It seems to me that it is prohibiting two able men, both thoroughly understanding what they are about and with their eyes wide open, from making a contract which in itself is absolutely just and reasonable on both sides.

Mr. BACON. The question as to whether or not a contract is reasonable in Hamburg is a question for the Hamburg authorities to settle.

Mr. HOAR. No; this contract is made in this country entirely.

Mr. BACON. I understand that. I am speaking about the law of the contract. The presumption reasonably is that the authorities in Hamburg, if they are the ones who legislate in reference to the matter, will make laws imposing burdens which are just to the carrier. They are the persons to judge of that. In the case of Hamburg, as that is the one cited by the Senator, the authorities pass a law in which they say that when a ship comes into the port of Hamburg the charges of lighterage shall be paid by the carrier.

Mr. HOAR. May I ask the Senator——

Mr. BACON. If the Senator will pardon me and allow me to finish what I was about to say——

Mr. HOAR. What interest has Hamburg in the question whether the carrier or the shipper ought to pay it? All the interest it has is to get it.

Mr. BACON. But they do make laws of that kind; and if they do not do it this bill does not accomplish anything. It does not hurt anybody. If there is no such law, then there is no prohibition against the clause being inserted in the contract. The bill simply proposes——

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON If the Senator will let me finish the sentence, I will yield with great pleasure.

Mr. PLATT of Connecticut. Certainly.

Mr. BACON. This bill simply proposes that where the law of any foreign country imposes a certain obligation upon the carrier the carrier shall not relieve himself of that obligation by making a contract with the shipper that instead of the carrier the shipper will do what the law of that country says the carrier shall do. That is all there is in it. I now yield with pleasure to the Senator from Connecticut.

Mr. PLATT of Connecticut. I am getting more and more into confusion about this matter. I certainly thought I said that there was some charge imposed on the shipper in London, and if I did, I was immediately contradicted by the Senator from Minnesota, who said that there was no charge imposed upon the shipper in London.

Mr. BACON. You mean by law?

Mr. PLATT of Connecticut. By law or by custom, or by anything else.

Mr. BACON. If not by law or custom, it does not mean anything, in my judgment.

Mr. PLATT of Connecticut. If it does not mean anything, we had better not pass it.

Mr. BACON. My information is that the origin of this proposed legislation was the fact that there was such a law existing; that that law was nullified by contracts made in this country, and that the purpose of this proposed law is to prevent the nullification of that law in England which imposes a certain duty upon the carrier in the port of London. If there is no such law, then of course this proposed law is useless.

Mr. PLATT of Connecticut. Then the thing comes down in the mind of the Senator from Georgia to this, that by the law, as it exists in London, these freighters have got to pay certain charges, but we here propose to say that they shall not put into the bill of lading a clause which——

Mr. BACON. Relieves them of it.

Mr. PLATT of Connecticut. Which relieves them of it.

Mr. BACON. That is exactly what I understand to be the purpose of the proposed law. According to the law in England certain charges devolve upon the carrier. By the practice here a contract is made by which the carrier is relieved of that obligation, and it is imposed upon the shipper, and this proposed law intends that that contract shall not be made, but that the parties when they get to London shall have these obligations settled by the law as it exists in London.

Mr. PLATT of Connecticut. And then——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. NELSON. If there is no one ready to speak on the canal bill I ask unanimous consent that we may proceed with this bill.

Mr. HALE. Mr. President, certain matters have come up to-day and I want to have an opportunity to see just what the language of this proposed statute does cover. I think the Senator from Massachusetts is right about it, and that there ought to be the word "not" put in there.

Mr. NELSON. The word "not" would entirely destroy the whole thing.

Mr. HALE. I do not think it would. There is a controversy about that, and I want to look at it. I can not consent to go on now, because I am not ready to consider that subject, which has come up lately. The bill will come up to-morrow morning; and that will be the end of it undoubtedly. But here Senators are at odds about almost everything in the bill. The discussion to-day has brought out new matter entirely. The Senator from Massachusetts, not hostile to the bill, proposes an amendment that even the Senator from Wisconsin thinks is a right and just amendment. The Senator from Minnesota says that it will destroy the bill. I do not think it will. But there is not time now to consider it, and we all want a chance to look at that point which has been raised lately. Therefore I must object to going on at present.

The PRESIDING OFFICER. Obection is made.

Mr. HALE. I shall not object to-morrow morning because I want the bill out of the way.

FOOD ADULTERATION, ETC.

Mr. McCUMBER. Mr. President, I wish to give notice that on next Monday, after the routine morning business, I shall ask for the consideration of the bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

Mr. GALLINGER. Mr. President——

Mr. NELSON. I desire to state to the Senator from North Dakota that that would interfere with the pending unanimous-consent agreement in respect to the London dock clause bill, unless it is disposed of before that time.

Mr. McCUMBER. I understand that it will not displace any bill of which notice has already been given.

Mr. GALLINGER. I also want to suggest that a request that I made has priority even over the bill the Senator from Minnesota has in charge.

Mr. NELSON. I do not understand it in that way. The request was for unanimous consent for last Monday and it went over. The request the Senator now makes is subsequent to the unanimous consent given in respect to the London dock clause bill.

Mr. GALLINGER. I make no request about it. The unanimous-consent agreement will show that the Senator's bill is subject to a previous notice I had made; that is all. I am not going to interfere with the Senator's bill, but I want to reserve my rights.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. HANNA. There is no one representing the Panama side of this question prepared to go on this afternoon. We occupied the time yesterday, and I suppose that to-day the time will be occupied by the other side.

Mr. MITCHELL. I wish to state to the Senator from Ohio that it is the intention of the Senator from Alabama [Mr. MORGAN] to go on to-day. He has been called out of the Chamber for a few moments.

Mr. HOAR. I should like to inquire, before the debate begins, the parliamentary condition of the bill relating to the amendments. What is the pending question?

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. HOAR. Is there any pending amendment?

The PRESIDING OFFICER. None has been offered.

Mr. HOAR. I move the following as a substitute, which I send to the desk. It is another bill, but the clerks will of course modify the beginning of it. I move it as a substitute for the bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire to have the amendment printed and lie on the table?

Mr. HOAR. I desire to have it printed. It was read at length when I introduced it as a separate bill, so that it is not necessary, unless the Senate desire, to have it read at length now.

The PRESIDING OFFICER. The Senator desires to have it printed?

Mr. HOAR. Let it be printed and be the pending amendment.

The PRESIDING OFFICER. It will be the pending amendment.

Mr. MITCHELL. Is it an amendment to the bill reported by the majority of the committee?

Mr. HOAR. It is an amendment by way of a substitute.

Mr. MORGAN. Mr. President, yesterday, after the conclusion of the remarks of the Senator from Indiana [Mr. FAIRBANKS], I took the floor for the purpose of laying before the Senate some papers of importance.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Culberson,	Hoar,	Patterson,
Bard,	Deboe,	Jones, Ark.	Perkins,
Bate,	Dillingham,	Kean,	Platt, Conn.
Berry,	Elkins,	Kittredge,	Platt, N. Y.
Blackburn,	Fairbanks,	McCumber,	Scott,
Burnham,	Foraker,	McLaurin, S. C.	Simmons,
Burrows,	Foster, La.	Mallory,	Spooner,
Burton,	Foster, Wash.	Martin,	Taliaferro,
Clapp,	Frye,	Millard,	Teller.
Clark, Mont.	Gallinger,	Mitchell,	
Clay,	Hanna,	Morgan,	
Cockrell,	Harris,	Nelson,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. MORGAN. Mr. President, it was not my misfortune that a quorum was called for. I am addressing my remarks on this occasion and on this subject to the people of the United States. I am trying with sincere care to furnish the Senate with actual information bearing upon this great question, to which we can not shut our eyes. If Senators ever expect to study any question in the light of the facts that bear upon it and the law that governs it, they are bound to study these facts; otherwise they are bound to come under the condemnation of the people of the United States.

It is a matter of no concern to me whether there is or not a large body of Senators present to listen to what I have to say. It never is. I feel more free to speak in the presence of a few men who are interested in a question and who are willing to give a sincere attention to the arguments and the facts in the case than I am to speak in the presence of a larger collection who have gathered here through some sentiment or some political excitement, in the absence of which the Senate usually dissolves into thin attendance.

On yesterday when I desired to take the floor, and did take the floor, I yielded it to the Senator from Nevada [Mr. STEWART] for the purpose of making an effort for a few moments to get a reconsideration of a bill that seems to have passed under unfortunate circumstances. I then desired to put into the RECORD some official papers of a most important character, which no Senator in this body, whether he is present or absent, can refuse to notice and refuse to study, for they bear directly upon the most important issue perhaps, or at least one of the most important issues, that are presented in this entire case.

I had then received, Mr. President, a letter from Mr. Calvo, who is the minister of Costa Rica, stating the attitude of that Government on this subject as far as he is at present authorized to state it. This communication states the attitude of Costa Rica, which has been very much misrepresented—I do not say purposely, for I think it is done inattentively—by the report of the minority of the committee, which misrepresents the attitude of Costa Rica in this regard. I will now ask that the letter may be read at the Secretary's desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *June 7, 1902.*

MY DEAR Mr. SENATOR: It gives me pleasure to acknowledge the receipt of your letter of the 5th instant and report mentioned therein. In answer thereto, and, in view of the reference made to the concessions granted by my country to the Maritime Canal Company in 1888, whereby my country is considered to be bound by the contract then signed, I will say that the terms of said contract clearly define the obligations of both the contracting parties, and that, without entering into an analysis of this document, it can be readily seen that by its own wording it has expired by limitation. No declaration has been made by my Government in this respect, it is true, but on the other hand no extension of time has been granted thereon.

It is not my purpose to make at the present time any declaration defining the views of my Government on such points, but wish only to present the facts as they are in preservation of the rights involved, which, I may add, as far as Costa Rica is concerned, are all confirmed by the history of the above-mentioned concessions. Nevertheless, you are aware that acting on principles of equity in the pending negotiations of a treaty for the construction of the canal, as proposed in a draft submitted by his excellency the Secretary of State, provision is made for the settlement of any conflicting rights, if any, that may be claimed in this connection.

Moreover, Costa Rica has not granted any other concession to any citizens, corporation, or government for the construction of a canal, or for any other work that may conflict with the pending negotiations with the United States, and therefore my Government was free to sign the proctocol of December 1, 1900, for the construction by the United States of an interoceanic canal through its territory and that of the Republic of Nicaragua.

In regard to said protocol, I wish to say that no better proof can be given of the desire of my Government to stand by its terms than the interest shown in the steps taken to smooth the way for the final negotiation of a treaty for the construction of the Nicaragua Canal—if that route is chosen—as well as by the fact that I am advised by my Government that a proposition with that end in view will arrive soon, of which I have had the honor to inform his excellency the Secretary of State.

With great respect, I have the honor to be, my dear Mr. Senator, yours, very sincerely,

J. B. CALVO.

Hon. JOHN T. MORGAN,
United States Senator.

Mr. MORGAN. Mr. President, the attitude of Nicaragua toward this question is precisely that stated in the letter of Mr. Calvo, with the addition that Nicaragua presented the draft of a convention for the purpose of carrying into effect the obligation that the President of the United States agreed upon with both those States in December, 1900.

I do not choose at this moment, because I want to put some other papers before the Senate, to discuss to any extent the effect of these protocols, as they are called—these agreements—of December, 1900. A more binding, solemn, and complete contract was never entered into between two governments than the protocols of December, 1900, signed, sealed, and delivered between these Governments, and still adhered to and insisted upon, as the Senate sees, in the letter of Mr. Calvo, and also in the letter of Mr. Corea, the minister of Nicaragua, which the Secretary of State has sent officially to this body, and which is printed in the proceedings of the Senate.

Here are those two States insisting upon those agreements as being obligatory upon both those Governments and the United States; but both of those agreements are conditioned upon a single event—not that we will accept the protocols or the agreements by special provision of law, but that we will authorize the President of the United States to acquire the rights from Nicaragua and Costa Rica that are described in those protocols, as they are called, which are absolute agreements.

In the course of my remarks I will take up for discussion somewhat more fully the character of those protocols and the obligations which they impose.

Mr. CULLOM. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. Certainly.

Mr. CULLOM. I infer from the statement of the Senator that he means that by those protocols the Government of the United States is obligated to adopt that route? Does he mean that?

Mr. MORGAN. If the President of the United States is authorized by Congress to acquire those rights, the perpetual and exclusive right to build a canal on that route, then those agreements become obligatory.

Mr. CULLOM. If the Congress of the United States should determine to authorize the President to adopt that route, does the Senator say that those agreements would be in force, but not before?

Mr. MORGAN. They are all dependent upon the condition that the Congress of the United States authorize the President to acquire; not that Congress provides the particular agreement in the form in which it is made, but authorizes the President to acquire those rights as they are described in those protocols.

Mr. CULLOM. What I want to have the Senator state clearly is that the Congress of the United States is entirely free in its legislation to determine what route shall be selected.

Mr. MORGAN. Entirely free. That is my comprehension of the situation; but I want to make some comment upon it that it is proper I should make, so that the Senate may consider it.

There are many things that have been accomplished in this country that we know nothing about and had no hand in at all, and perhaps it is time we were looking into them.

The President of the United States, as the constitutional diplomatic agent of this Government, has got the same rights under the law of nations and under the Constitution of the United States that the crowned head of any foreign government has got or any diplomatic agent has got to make those engagements with foreign countries that are not actually required to be ratified by the

Senate, of which there are a number. We have made many of them, some of them of the highest importance, to two or three of which I shall now refer.

The President might very well have concluded this contract and made it obligatory upon the United States if he had chosen to do it, as it is only the acceptance of a conveyance. He did not choose to do it, but he put in as one of the terms of the contract that the agreements are to become obligatory when Congress authorizes the President to make agreements of that character—not these particular ones, but agreements that contain these powers and rights.

Those cases to which I am referring in my mind for illustration in the situation which we are in and the powers of the President of the United States are, first, those that relate to the arming of ships on the Great Lakes of the North. That was a mere diplomatic agreement until the Senate, I think in order to get out of what we supposed to be a diplomatic difficulty, passed a resolution a year or two afterwards affirming that diplomatic agreement. We have had diplomatic agreements with other foreign countries made final and conclusive by the President of the United States, without Congress knowing anything about them or the Senate pretending to act on them. Perhaps the most notable recent instance of that sort is in the case of China.

Who here in this body ever saw a copy of the agreement signed between the President of the United States and the Government of China or any of the other powers that were collected there for the purpose of disposing of the great questions in respect to the future of the Chinese Empire? Who ever saw a copy of it? Who can repeat it? Who can give the date of it? What was it? You do not know and I do not know. Why do we not know? Because the President made an agreement absolutely conclusive upon the Government of the United States and China by his signing it without our assistance or interference. That is a diplomatic agreement.

What does that agreement carry? I do not know how many millions, but more than twenty millions of bonds that are now due to the Government of the United States bearing interest, and we are collecting interest on them. How we ever got China in debt to us and how it becomes her duty to pay these bonds I am unable to state as a Senator, and so you are all unable to state. I do not complain of it. I think it was right. I think it was within the diplomatic powers of the President to conduct the business with China in that way, and even to decline—he has not declined—even to abstain from informing the Senate or Congress about it. I think it was right and within the range of his diplomatic powers; but at the same time I do not approve of the practice. I think it is a very questionable, and almost, I might say, censurable practice.

Mr. CULLOM. If the Senator will allow me, a report was made. I saw the other day a statement in the newspapers to the effect that the Secretary of State had taken the responsibility of reducing the portion of the debt that comes to the United States by about a million dollars, and that he had also induced the representatives of the different powers to do the same thing.

Mr. MORGAN. Inasmuch as the newspapers furnish the Senate with a great part of its information and many of its opinions and enforce their conclusions upon many of us, it is very well to consult the newspapers as to what is going on in the Government, but I do not know, nor do you, nor does anybody here know.

Suppose China should say: "We will not pay these bonds to the United States Government because the Senate of the United States did not ratify this diplomatic agreement, and your Constitution requires that it shall be ratified by the Senate"—suppose they make that point, I think there would be difficulty in answering it. I would not like to undertake to answer that question if China should make it as to the reduction of the interest as suggested by the Senator from Illinois.

I make no question about it; but I am showing to you what Mr. McKinley might have done when he signed these protocols; that is, instead of referring these proctocols to Congress for ratification he might have made a bargain out and out, and we would have been very glad to have accepted it.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. I yield.

Mr. TELLER. I want to ask the Senator if he thinks that these protocols were properly made, as I understand he does?

Mr. MORGAN. Yes.

Mr. TELLER. Whether they were made under the general power the President has to make, as the Senator thinks, these diplomatic agreements or by virtue of some statute by which we authorized the President to make them?

Mr. MORGAN. The general constitutional power.

Mr. TELLER. Was there any statute authorizing the President to do this?

Mr. MORGAN. No; and if there had been the contract would have been perfectly obligatory. That is exactly what the Hepburn bill now before the Senate seeks to provide, that Congress will authorize him to do it, and when he is so authorized the contract is completed.

Mr. TELLER. I wish the Senator, before he concludes, would just state to us how he distinguishes between a diplomatic agreement and a treaty—what is a proper subject for a treaty and what is a proper thing to incorporate in a diplomatic agreement.

Mr. MORGAN. Mr. President, I believe that is more than any man knows. I do not know, and I have looked into it until I have got pretty nearly dazed, at times, trying to find out the distinction between a diplomatic agreement and a treaty under our Constitution. That is what the Senator means, I suppose.

Mr. TELLER. Of course.

Mr. MORGAN. I notice in the constitution of Colombia here, and in some other constitutions that I have had an opportunity to examine, that the organic law provides a distinction between diplomatic agreements which the executive may complete and a treaty which the executive can not complete; and in those constitutions they draw the distinction upon the line between convention and treaty. The difficulty is in ascertaining what is a convention and what is a treaty.

Mr. TELLER. Mr. President, I suppose the Senator will not object to my stating that we have no such provision in our Constitution?

Mr. MORGAN. Of course, we have none. There is where the difficulty comes in. We have got to judge for ourselves, and we have laid down in our Government so many precedents which I could bring here—we have laid down so many precedents that we have finally reached the ground that the President of the United States has in many instances, notably in the instance of China, the right to conclude, perfect, and execute agreements without referring them to the Senate of the United States.

Mr. TELLER. Or without reporting them to Congress?

Mr. MORGAN. Or without reporting them to Congress.

Mr. TELLER. I do not want to interrupt the Senator, but I should like to enter my objection to that as a statement of American constitutional law.

Mr. MORGAN. The honorable Senator from Colorado has been in this body and in the public service for a great many years and long with the great dominant ruling power. While he has been here these things have been done in season and out of season, and he has made no question or objection. So he does not expect of me as a Democrat in the minority that I shall arraign all the Republican Administrations that have preceded this one in respect to their loose dealing with questions of great and intricate diplomatic concern. I leave that to the Senator to solve for himself.

Mr. President, I desire now to have read at the desk another paper which reached me this morning from the Secretary of State, and in the reading of which the Senate will see, I think, a perfect and full explanation of all the bearings of the case and the reasons why heretofore the Secretary of State has not officially laid it before the Senate.

Mr. MITCHELL. May I inquire of the Senator from whom this communication comes? I should simply like to know.

Mr. MORGAN. These names are so unpronounceable that I can not call them even when I have the text before my eyes, but our consul at Bogota communicated to the Secretary of State certain letters addressed to him by officials of the Liberal party in Colombia relating to this canal.

Mr. MITCHELL. Is this communication from the officials of the Colombian Government to the Secretary of State?

Mr. MORGAN. It depends upon who are the Colombian officials. That is what they claim to be—the representatives of that Government.

Mr. MITCHELL. That is all I want to know.

Mr. TELLER. That depends upon the time when the communication was sent?

Mr. MORGAN. Yes; it depends on who wins in the next fight or who is thrown over in the next contest as to who is the Government there now.

I wish to say one word before the Secretary proceeds. That letter was received and put into the private files, as they are called, of the Department of State. In my request to Mr. Hay to give me information he did not feel at liberty to present these private files until I wrote to him and told him that I had the acknowledgement of the former minister of Colombia at Washington City, whose name is Silva, that this last extension of the concession to the Panama Railroad Company was void because it violated the constitution of Colombia, and that I had the further statement from other sources that in consequence of that that Congress had refused to ratify it; that thereupon the then President, whose name I forget, and his cabinet signed it: and thereupon the Congress of Colombia declared the office of President

vacant and retired to the field for fighting, and they have been at it ever since. They have not settled it yet.

When I informed Mr. Hay that I had these papers I thought I was not asking him to divulge anything at all that belonged to the secret archives of this Government, but public facts relating to public history, and I thought I had a right to them, and I respectfully requested that he should send them to me. On consideration of my letter, Mr. Hay thought I had a right to them, and he sent them to me this morning, and now I ask to have them read at the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Filed under Colombian legation, July 16, 1900.]

WASHINGTON, D. C., *July 16, 1900.*

Hon. J. HAY,
Secretary of State, Washington. D. C.

SIR: While the Republic of Colombia was, as it still is, involved in a civil war, which is perhaps the most formidable and, so far as the revolutionary party is concerned, the most justifiable that the country has ever witnessed, and one in which the most vital interests, both individual and national, of the Colombian people are at stake; while the Republic was passing through this critical and trying period, the New Panama Canal Company succeeded in obtaining from the leader of one of the contending parties—the nominal President of the Republic—a six-year extension of the time allowed to said company for the completion of the work in the canal, which time, according to the contract now in force, expires in October of 1904.

The company, which has already employed in the time originally set for the completion of the work, besides two additional periods granted to it as extensions of that time (twenty-two years in all), had since before December, 1898, been endeavoring to obtain a new extension; and it appears from statements made by the company itself (see p. 33 of its book "The New Panama Canal Company," published by the Evening Post Printing House, New York), that at that time the functionaries that have now granted the new extension had promised it to the company, this new concession, however, being subject (as all others had been) to the ratification of Congress in its coming sessions.

Having made this statement, and recognized the restrictions expressed therein, the company adds, in the book quoted above, that the requisite ratification of Congress was insured beforehand, a declaration the truth of which can not be accepted, relating, as it does, to a country whose government is constitutionally a representative government, in which the sovereign authority is, or is assumed to be, exerted by, and only by, Congress, as the faithful representative and interpreter of the national will and opinion and the supreme judge of the acts of the Executive. Be this as it may, it should be noted that the company was aware, from the time it obtained its concession in 1878, of the fact that only the National Congress might grant or refuse, as well as extend, the concession in question.

It should also be noted that the company was at the same time conducting in Paris a negotiation ad referendum with an agent appointed by the Government as commissioner ad hoc, the result of which was also to be submitted to Congress for its approval; and that the company suddenly withdrew from these negotiations in order to deal with the leader of one of the contending parties, intending to avail itself of the "precarious" condition both of that leader himself and of his party. We may therefore affirm, without offending against either truth or justice, that the company departed from the path of equity, uprightness, and good faith, and ventured on the dark by-ways of unscrupulous dealing, expecting sooner to attain its desired object by means that might perhaps be called shrewd, but not honorable.

Fortunately for Colombia, as well as for the construction of the canal, the Liberal party—more than half the people of the Republic—rose in defense of the rights and interests of the country against the oppressive, and at the same time feeble and decrepit, government of Mr. Sanclemente; and one of its first acts was to protest, through its representatives, against the illegality of the new concession. Those protests have been in due time communicated to the representatives of the company and have been made public through the press, while their force, as the expression of what will soon be the legitimate Government of Colombia, has been strengthened by the great victories won by the revolution on the battlefields.

They seem, moreover, to have deterred the company from delivering the stipulated price to the unauthorized party that illegally conducted the negotiations and closed the contract, and this makes the contract, already void as illegal, void also on account of the company's failure or refusal to pay the amount agreed upon. By this act of the company the new concession becomes nonexisting, and the relations between the company and the Colombian Government remain what they were previously to this unsuccessful attempt at setting aside the general principles of law and justice that should govern all honorable transactions.

Legally, then, the only concession that the company holds from the Colombian Government, and the only one at present in force, is the one that expires within about four years from this date. There is no doubt that this will also be the official decision of the new Government, when it is definitively established; and as soon as that Government is recognized by friendly nations and is unimpeded by armed opposition it will proceed, by legal and constitutional means and making use of its legitimate authority, to contract (in case, of course, that the company fails to fulfill the terms of the present contract, which shall remain in force until the time of its expiration in 1904) for the construction of the canal with the company or companies, government or governments, offering the greatest security and the best guaranty of its or their recognition and respect of the rights of the Republic. It may be that by that time the New Panama Canal Company will have obtained the necessary means for the completion of the work and that that company will have the preference in the granting of a new concession.

As, however, the people and Government of the United States have for some time past been greatly concerned with the construction of an interoceanic canal; as the New Panama Canal Company has offered to this Government (according to accounts published by the American press) some participation in the form and, to the extent that this Government may deem advisable, in the privilege that the company now holds from the Colombian Government, an offer and acceptation which in any case would be in violation of article 21 of the contract of privilege enacted in 1878; as the American Government has sent technical commissions to make a study of the best route for the construction of the canal, and they may decide on the Panama route as the most advantageous; as these studies and investigations may thus lead the United States to take a direct interest in the opening of the canal across the Isthmus of Panama, the possession and control of which has been faithfully and efficaciously guaranteed and insured to Colombia by this country for over half a century—considering all these facts, and also that possibly and probably Colombia will, after the expiration of existing contracts, seek to enter into a contract with the United States, and that in case the New Panama Canal Company shall continue to hold the privilege it may, as it has done heretofore, endeavor to secure the official cooperation, in some form, of the United States, I take the liberty to present to the American Government, through you, and in the name of the Provisional Government of the Republic of Colombia, of which I have the honor to be the authorized diplomatic agent, a translation of the manifesto and letter of protest which on April 20 last was addressed to the Colombian people, to the New Panama Canal Company, and to all whom this subject may concern, by Generals G. Vargas Santos and Focion Soto, president and vice-president, respectively, of the Provisional Government.

I inclose also a translation of the letter that, in behalf of my Government, I sent to the company on the 8th of last May. All these documents have reached the company, and it seems that they have produced the required effect.

I have, sir, the honor to be, yours, very respectfully,

[SEAL.] A. J. RESTREPO.

Mr. FAIRBANKS. What is the date of the letter?

The SECRETARY. "Washington, D. C., July 16, 1900."

Mr. FAIRBANKS. Two years ago.

The PRESIDING OFFICER. Does the Senator from Alabama desire to have read the documents attached to the letter?

Mr. MORGAN. Yes, sir; I wish to have them read.

The Secretary read as follows:

[Copies of the manifesto and official letter, addressed by the Colombian Provisional Government to the Panama Canal Company, under the date April 20, 1900, to protest against the validity of the contract entered into between the Government of Bogota and the aforesaid company in regard to an extension of time granted to the latter.]

THE PANAMA CANAL—MANIFESTO.

Motives that are both legitimate and noble have prompted the Liberal party of Colombia to take up arms in order to insure to the country freedom to establish a régime that will guarantee the progress and the very existence of the Republic, which are to-day threatened by institutions not framed nor sanctioned by the people and by functionaries who have received their authority through absolute disregard of and violent opposition to the will and opinion of the majority of citizens.

Both nature and tradition have impelled the patriotic people of Colombia to rebel against a condition of things in which they are prevented, de jure as well as de facto, from exercising their legitimate natural rights, in which a great party has been deprived of its political freedom, and in which the pacific development of the country has been arrested. It is only after exhausting all peaceable means that war has been resorted to as a last and extreme measure—a dire means, but one dictated and imposed by necessity.

The men that are to-day struggling to recover their rights constitute the Liberal party, and form the great majority of the Colombian people. Anyone who compares the condition, both civil and political, of our people under the system of government that existed in this country for nearly half a century with the conditions created by the so-called regeneration system will no longer take that attitude of contemptuous commiseration with which our civil wars are often regarded by peoples who have already attained that liberty and security after which we are still striving, and he will understand the significance of the present revolutionary movement, which already begins to put an end forever, we hope, to the oppressive government imposed on our unfortunate country.

We, the undersigned, have the honor of being the authorized representatives of the Liberal party, and therefore of the Colombian people; and the following statements and declarations being the faithful expression of the country's will through a Government that will soon be the only recognized Government of the Republic, should carry the weight that always attaches to the utterances of a whole nation.

The contracts that the government of Dr. Manuel Antonio Sanclemente may make, without being legally authorized, therefore neither are nor will be recognized by the revolutionary government.

The President of the Republic, Dr. Sanclemente, is not empowered to make contracts involving national interests without the assent of the legislative body appointed by the people. Whatever is done without that assent is therefore void.

We make these statements mainly to prevent all negotiations relating to an extension of time in the contract now in force with the Panama Canal Company. We concur in and sanction the statements, that on the same subject, has made an authorized representative of the revolution, Dr. Alirio Diaz Guerra, and those that will be made by Dr. Antonio José Restrepo, an agent especially appointed to act for the provisional government in this and other important matters.

The relations between the company and the Republic of Colombia are of a purely civil nature and fall, of course, under the jurisdiction and laws of this country. The present Government is not empowered or authorized by any law whatsoever arbitrarily to alter the terms of the contract now in force.

The Liberal party of Colombia considers it an act of criminal resignation to allow the repudiated government to endanger the future of the country by an imprudent negotiation; and one of the objects of the war in which that party is now engaged is to prevent, or at least oppose, the further sacrifice of the interests of the Republic.

G. VARGAS SANTOS.
FOCION SOTO.

CUCUTA, *April 20, 1900.*

CUCUTA, *April 20, 1900.*

THE PRESIDENT OF THE PANAMA CANAL COMPANY, *Paris.*

SIR: We have been informed that the government of Mr. Sanclemente, whose authority is no longer recognized in this country, and whose very existence will soon cease to be, intends to close, through his agents, the negotiation relating to an extension of the time stipulated in the contract now in force. Although it is to the interest of every concern like the company you so ably represent to inquire into the legal faculties of parties professing to transact business in the name of a whole nation, and although we have no doubt that, in view of the circumstances, that company will abstain from entering into a contract with a government that is not legally empowered for the purpose, but whose acts in matters of this kind are subject to revision by the national Congress, we think it our duty to inform you that the provisional government of Colombia, of which we have at present the honor of being the highest officers, will not approve any alterations in the contract now in force without the assent of the legislative convention that will assemble as soon as the war is over.

Having fulfilled our duty in communicating to you this information, as

well as the manifesto we have issued on the same subject, and which will be made known abroad through the foreign press, we remain, dear sir,

Yours, very respectfully,

G. VARGAS S.,
Supreme Director of the War and Chief of the Liberal Party of Colombia.
FOCION SOTO,
Major-General, Chief of the General Staff.

[Copy of the official letter addressed by Mr. A. J. Restrepo, confidential agent of the Colombian Provisional Government in the United States of America, to the Panama Canal Company, under date May 8, 1900, to protest against the validity of the contract entered into between the Government of Bogota and the aforesaid company in regard to an extension of time granted to the latter.]

NEW YORK, *May 8, 1900.*

Mr. PRESIDENT: On the 3d instant I had the honor to address you a cablegram in the following terms:

PRESIDENT PANAMA CANAL COMPANY, *Paris:*

The extension obtained at Bogota is void. The victorious revolution will not recognize it. Do not deliver your money to the government of Mr. Sanclemente. The coming convention or congress will reject that contract. Will send protest by mail.

RESTREPO,
Representative of the Revolution.

In fulfillment of the latter part of this document I send you the present letter, which is the formal protest of the Provisional Government of the Republic of Colombia, of which I am the authorized representative, against the contract of agreement lately made in Bogota between the government residing at that city and the company that you so ably represent.

It appears from cablegrams received from that capital that the Panama Canal Company has obtained a six-year extension to finish the work in the Isthmus, through certain compensations made to the Colombian Government, among which is mentioned the immediate or early payment to that Government of a large amount of money.

Not having any precise data to form an opinion as to the nature of the contract entered upon, or as to the advantages or disadvantages which would intrinsically accrue therefrom to the contracting parties (matters which, so far as the company is concerned, it is not my place to investigate, while so far as the Government is concerned, such investigation would be foreign to the object of this letter), I shall confine myself to deny, as I emphatically deny, the Government of Mr. Sanclemente the legal faculty to make a contract of this character which shall be final. It is well known that contracts made by persons not legally qualified are in themselves void.

In the sessions of the 1898 National Congress the question was discussed as to the advisibility of legislating with regard to the granting of the extension under consideration, but the discussion gave no practical results, as it led to no final decree and only served to strengthen, if that was possible, the conviction that only the Congress of the Republic might constitutionally and legally decide in one sense or another this delicate point of public administration.

Afterwards the Executive, although knowing from this discussion what the national will and opinion were, decided, not without loud protests from the press of the country, to send to France, before the company, a responsible commissioner to prepare an ad referendum contract on the extension of the expiring concession. It seemed that it was his intention to be able to present to the coming Congress a complete, logical, and luminous document, which would prove the advantageousness of the negotiation, and would make it acceptable to the Colombian people, even to those who had the least faith in the sincerity and commercial reliability of the company, whose previous extensions of time had expired without any benefit to the country or any appreciable progress in the work commenced. The prominence of the commissioner himself, Dr. Esguerra, was adduced by the Government as a guaranty of its sincerity and honorable purpose. The commissioner left, and the country waited with great anxiety.

More than a year elapsed without any news of the mission intrusted to Dr. Esguerra; more than a year of words, interviews, consultations, and procrastinations; and, when the country expected an acceptable solution, it has only received the sad news that its interests have been postponed to other interests not yet known. In October of last year civil war broke out in Colombia and the country was officially declared in a state of siege, whereby the law of the country underwent a partial, but only a partial modification. According to article 121 of the national constitution the President of the Republic became invested with certain extraordinary faculties relating to the war, and about matters of a provisional character directed to the reestablishment of peace and preservation of order. For these purposes, but not for any others, the Executive was invested with such faculties; but even within these limits all measures that it may take, its acts and its decrees, are subject to the subsequent resolutions of Congress.

Owing to the high opinion that was entertained as to Mr. Sanclemente's character, no one in Colombia thought that he would take advantage of the anomalous situation created by the civil war to meddle with forbidden subjects, interrupt a negotiation that was being conducted at Paris in an honest and decorous manner, and, violating all constitution, laws, and principles of morality, undertake the underhand work in which we now know he is engaged.

Such, however, unfortunately has been the case. I know now, and soon the whole of Colombia will know, that the Government of Mr. Sanclemente and his ministers have taken the negotiation off Dr. Esguerra's hands, and that they have made in Bogota an illegal contract without the knowledge of their own commissioner and to the great detriment of the dearest interests of the country.

The provisional government of the Republic, consisting of Gen. Vargas Santos, commander in chief of the revolutionary army, and his chief of staff, Dr. Focion Soto, were informed that something illegal, something of the nature of treason, was taking place in the official regions with respect to the canal affairs. They were apprised from Bogota itself that it was necessary for them to hasten to the defense of interests that were even of more importance than those which they were defending on the battlefield.

It was then that the new government decided to intervene in this matter, which they had thought was guarded against illegal interference, a problem which, in the hands of Dr. Esguerra, would have found a natural and just solution, and would have been subsequently considered by the sovereign authority in a partial spirit and with a liberal mind.

Under the present circumstances, however, in view of the manner and conditions in which that negotiation has been carried out, and seeing that the patriotic anticipations of my constituents have been justified, I hereby protest in their name, in the name of the liberal party of Colombia, and of all the Colombian people, not only against the form in which that negotiation may have taken place, and against its present and future validity, but also against the the presumptive lack of good faith shown by the company, who, with a knowledge of all the facts, has contracted with persons not legally qualified, and has besides ignored the ad hoc commissioner in charge of the negotiations to deal with an insignificant clique, who are on the point of being expelled from the office they have disgraced.

The company attended, through their attorneys, the sessions of the 1898 Congress, in which this matter was discussed. They afterwards began an ad referendum negotiation with the commissioner, Dr. Esguerra, and now the same company are contracting with persons that they know very well have no legal power for that purpose. It follows, therefore, that the company have acted throughout this matter with perfect knowledge of what they are doing, and to-morrow they will have no right to complain or pose as victims.

The Government for whom I have the honor of speaking represents more than one-half of the Republic. It has armies on land and men-of-war on the sea. At present it wages a civilized war against the dishonest and oppressive government that has signed the extension under consideration, and the new government does not, and will not, recognize or approve the suspicious (to say the least) concession that the canal company has just obtained at Bogota.

Whether said new government shall modify the present constitution of the country through a national convention, or whether the extension is to be considered by the ordinary Congress, the company may rest assured that the legislative representatives of the Colombian nation will never give their assent to this transaction.

Being certain that I am faithfully interpreting the wish of my constituents and of the great majority of the Colombian people; being equally certain that the revolution will be victorious in two months at the most, and not wishing the French company to lose any amount of money that they may now deliver to the Government at Bogota, I wish to warn them in time, that they may be on guard against the schemes of the unprincipled clique that surrounds the old President of the tottering régime.

I am of course aware of the fact that governments are considered continuous in their existence and solitary in their responsibilities, and this is no doubt the principle depended upon by the company in its present undertaking. But the company should not forget that there is another principle which in Colombia is recognized as constitutional, namely, the right of revision by a new government of the acts of its predecessors. What was illegal and void under the former can never be legal and valid under the latter. So that if the day of revision comes, as it will undoubtedly come, let not the company allege their ignorance of the true state of affairs nor bring forth expenses already incurred and payments already made.

This letter and the cablegram copied above explain what the actual state of affairs is. Later on Colombia will decide what it is best for her to do. At present it concerns the company, before disbursing their millions, to become posted regarding this important matter.

It is with regret that I have fulfilled this duty, which is not of a pleasant nature. I wish, moreover, to add that one of my constituents has already anticipated me. Dr. Focion Soto has protested from his headquarters, and as soon as that protest reaches me I shall have the honor of forwarding it to you. Dr. Alirio Diaz Guerra, authorized spokesman of the revolution in this country, has also protested through the press against the negotiations made at Bogota. I herein inclose the documents relating to the subject.

As anyone who undertakes to speak for another should produce his credentials, and as the distance does not allow me to do so in the present case, mine are at the company's disposal in Washington, D. C., at the Hotel Cochrane.

I am, dear sir, your obedient servant,

A. J. RESTREPO.

The PRESIDENT OF THE FRENCH PANAMA CANAL COMPANY,
Paris, France.

CONSULAR SERVICE, UNITED STATES OF AMERICA,
Maraibo, April 4, 1900.

Hon. THOMAS W. CRIDLER,
Third Assistant Secretary of State, Washington, D. C.

MY DEAR MR. CRIDLER: I take herewith the liberty to introduce to you Dr. Antonio José Restrepo of Medellin, Colombia.

Dr. Restrepo is a gentleman of high standing in his country and well known to me. He will explain the object of his visit to you personally.

Recommending Dr. Restrepo to your kind consideration, I have the honor to remain, yours, very truly,

E. H. PLUMACHER,
United States Consul.

Mr. MORGAN. Mr. President, the object of the visit of that gentleman to the United States, bearing with him copies of the protests made by the provisional government of Colombia against this canal concession, claimed now by the Panama Canal Company, was to inform our Government, so that we would not predicate our action upon such a basis as that. I suppose, Mr. President, that that was one of the reasons which induced Mr. McKinley to take action of a very decisive and very summary character as between Nicaragua and Costa Rica at a time to which I will refer presently.

I wish to introduce now, without reading them, extracts from the constitution of Colombia, printed as a document by order of the Senate, I believe, or by order of the committee, which I will insert in my remarks for the purpose of sustaining the attitude taken by the provisional government, that the concessions held and operated now by the Panama Canal Company are not valid under the constitution of Colombia.

POLITICAL CONSTITUTION OF COLOMBIA.

Title I.—Of the nation and the territory.

ARTICLE 1. The Colombian nation is reorganized as a centralized republic.

ART. 2. The sovereignty resides essentially and exclusively in the nation, and from it emanate the public powers which shall be exercised within the limits prescribed by this constitution.

ART. 4. The territory, together with the public property therein contained, belongs exclusively to the nation.

Title II.—Of the inhabitants, native and foreign.

ART. 10. It is the duty of all citizens and foreigners in Colombia to live in submission to the constitution and the laws and to respect and obey the authorities.

Title V.—Of the national powers and the public service.

ART. 57. All public authorities shall be limited, and shall perform their respective functions independently.

ART. 58. The lawmaking power shall be vested in a Congress. The Congress shall be composed of a Senate and a House of Representatives.

ART. 60. The judicial power shall be exercised by a supreme court, by superior district tribunals, and by such other tribunals and inferior courts as may be established by law.

Title VI.—Of the assembling and functions of Congress.

ART. 76. Congress shall make the laws.

IV. To regulate the administration of Panama.

IX. To authorize the Government to make contracts, negotiate loans, alienate national property, and exercise other functions within constitutional limits.

XIV. To approve or reject contracts or agreements entered into by the President of the Republic with private persons, companies, or political corporations in which the national treasury is interested if they have not been previously authorized, or if the formalities prescribed by Congress have not been complied with, or if any conditions contained in the law authorizing them have been disregarded.

XVII. To decree the execution or continuance of public works and the erection of public monuments.

XX. To approve or reject treaties entered into by the Government with foreign powers.

XXII. To limit or regulate the appropriation or conveying of public lands.

Title VIII.—Of the Senate.

ART. 98. The Senate shall also be invested with the following powers:

VII. To permit the passage of foreign troops through the territory of the Republic.

Title XI.—Of the President and Vice-President of the Republic.

ART. 118. The President of the Republic shall exercise the following powers in relation to the legislative department:

I. To open and close the ordinary sessions of congress.

II. To convene congress in extraordinary sessions for serious reasons of public convenience and after previous consultation with the council of state.

III. To present to congress at the beginning of each legislature a message on the acts of the administration.

IV. To send at the same time to the house of representatives the budget of the revennes and expenses, and a general account of the budget and the treasury.

V. To give to the houses of the legislature such information as they may call for on affairs not requiring secrecy.

VI. To furnish efficient aid to the houses when they demand it, placing at their disposal, if necessary, the public force.

VII. To cooperate in the enactment of laws, by presenting bills through the medium of the ministers, exercising the right to veto legislative acts, and complying with the duty to approve them, in accordance with this constitution.

VIII. To issue decrees that shall have the force of legislative enactments, in such cases and with such formalities as are prescribed in Article 121.

ART. 120. The president of the Republic, as the chief executive officer of the nation, shall exercise the following power:

X. To direct diplomatic and commercial relations with other powers and sovereigns, to appoint at his pleasure and receive the respective agents, and to negotiate treaties and conventions with foreign powers.

All treaties shall be submitted for the approval of Congress, and the conventions shall be approved by the President, in the recess of the House, a favorable judgment of the ministers of the council of state having been previously obtained.

Title XVIII.—Of the departmental and municipal administration.

ART. 185. The assemblies shall direct and encourage, by means of ordinances and with the resources belonging to the department, primary education and charities, the industries already established and the introduction of new ones, immigration, the importation of foreign capital, the colonization of lands belonging to the department, the opening of roads and navigable canals, the construction of railways, the utilization of forests belonging to the department, the improvement of rivers, matters relating to the local police, the superintendence of the revenues and expenses of the districts, and generally whatever relates to local interests and internal progress.

ART. 188. The property, rights, values, and shares which, by law, or by decrees of the national government, or by any other title, belonged to the late sovereign States, are hereby conveyed to the respective departments and shall belong to them during their legal existence.

The immovable property specified in article 202 is not included in this conveyance.

BOGOTA, *August 4, 1886.*

In further support of that position, I will now read certain parts, in fact all that is in quotation marks, of an interview with Silva, former minister from Colombia to the United States, had on the 20th of March, 1902, and printed in the Commercial Advertiser of New York. I believe it is a respectable Republican paper, is it not? I think it is highly respectable. Mr. Silva was recalled as minister to this Government.

I feel authorized to state that Mr. Silva, being a great lawyer, as I understand he is—that is the information we have about him—was recalled because he held that the concession which extends this right to the Panama Canal Company from 1904 to 1910, six years, is absolutely null and void. Of course a man like that did not serve the purposes of the present Government of Colombia, because they could not raise any more money on his opinion. They were stranded if they did not get rid of Silva. They would have no chance to get a part of the $40,000,000 that we are to pay to the Panama Canal Company, of which they demand a million to be paid to them at once. How many more millions God only knows, or his Satanic Majesty, who, I think, has a good deal more to do with this business than the Almighty.

In that interview—

Señor Silva was shown a dispatch from Washington announcing that his successor, Señor José Vicente Concha, had prepared a statement which he intended to present to the State Department, in which he showed that a clear title to the Panama Canal property could be given.

"I doubt very much," said Señor Silva, "if Señor Concha's arguments will prove conclusive to the State Department. The French company itself is in doubt as to the legitimacy of its rights. In its circular, dated December 26, 1898, occurred the following."

This is from the circular of the Panama Canal Company:

"The concession of the New Panama Canal Company was granted by the Colombian Government by law dated May 28, 1878, extended by law dated December 26, 1890, and by law dated August 4, 1893. The time for the completion of the canal is thereby fixed at October, 1904"—

More than two years from now—

"but in this present month of December, 1898, the Government of Colombia has granted an additional extension of six years to 1910, subject to the formality of ratification by congress when it reconvenes."

Mr. Silva, after making that quotation, proceeds:

The congress met and repudiated this extension granted to the French company by the president of the republic; it refused to ratify the treaty signed by the executive, and adjourned. Since then there have been no sessions of congress, civil war rendering its convocation impracticable. Although in war time the power of the executive is amplified, this contingency had not been provided for, and the statutes are silent on the authority of the president to enter into such an agreement as the extension of the canal concession. Consequently this question will have to be settled before the extension of the French concession beyond 1904 is considered legal.

Besides this there is article 21 of the original contract to consider. This says:

"The concessionaires, or those who in time to come will succeed to their rights, have authority to transfer these rights to other capitalists or financial companies, but they are absolutely forbidden to surrender them or to mortgage them to a foreign government or country."

This is not all.

Says Mr. Silva:

If you read article 22 of the same contract you will see that the concessionaires not only lose their rights if at the expiration of the time allotted them for a construction of the canal the canal is not navigable, but that they also forfeit the bond of 750,000 francs furnished by them, together with the interest on that sum.

Colombia holds their bond for 750,000 francs as security that they will complete this canal. No wonder they are unhappy when they see the dismal condition in which they are placed and that this bond with its obligations is staring these men in the face as a personal and private obligation, not an obligation of a corporation that they can shake off at will and pleasure.

Article 23 specifies, further, that in case of forfeiture of rights the land granted to the concessionaires shall revert to the State, without indemnity of any kind, as well as all buildings, materials, works, and improvements. The only property which would remain in the possession of the concessionaires would be their capital, ships, provisions, and furniture.

They would be like the early Western immigrant. When he wanted to move from one habitation to another, he would rise up in the morning and take a bucket of water, put out the fire, and call his dog, and go and establish his home at another place. That is the shape they are in.

With all this you will readily see that the title which the French company is offering for sale is far from being a clear one. I have urged the drafting of a treaty at Washington between the United States and Colombia—

The only thing we can do, Mr. President—

which I believe would solve the question, but so far no official action has been taken.

Instead of having a treaty between the United States and Colombia, Colombia has thrown us off to deal with a private corporation, and says "make your contract with the Panama Canal Company, not with us." I say, "No, never in the world, because when we make a contract I want somebody who can guarantee the other end of it and make it good, not a bankrupt corporation that plunges $69,000,000, at a single downfall, in order to get $40,000,000 from the Congress of the United States."

Says Mr. Silva, further:

The French minister of foreign relations has had his attention called to articles 21, 22, and 23 of the contract, so that the attempt of the French Canal Company to treat with the United States without first establishing its right to so treat is a strange proceeding, to say the least.

The honorable Senators who represent the minority of the committee say that is a perfectly legitimate act, a very natural thing to do. Mr. Silva says it appears to him to be a very strange act, and so it does to all mankind except the minority of this committee.

In my opinion the Colombian Congress will never ratify the extension of the concession of the French Canal Company to 1910. The Government, by allowing the privilege to expire in 1904, would become possessor of property valued at $40,000,000. I do not see why it should extend this privilege six years when it need not.

Dr. Restrepo—

The man whose writing has been read here this morning—

who represents the Liberals of Colombia, now in rebellion, had this to say on the same question: "The Conservatives are badly in need of money. They realize that the Liberals are becoming a greater menace every day. With the exception of Panama and Colon, we already are in possession of the whole Isthmus. The Government troops want silver for pay instead of the worthless paper money with which they are being paid. Gold is needed for the purchase of arms and ammunition and ships of war. In order to get this gold the Government has hit upon the plan of giving away something worth $40,000,000 for $1,000,000. That is what President Sanclemente got for signing the 1904-1910 extension of franchise which the Congress had refused to ratify."

The Liberals of Colombia notified the French Canal Company that this extension granted upon the sole authority of one man, in spite of the opposition of the entire congress, was not valid, and the State Department at Washington received a note of similar import. In spite of this fact the French company gave $1,000,000 for the signature of Sanclemente. To-day it is beginning to realize that the cause of the revolution will triumph, and that is the reason why it is anxious to sell out before 1904. Señor Silva was replaced probably

because he would not give assurances at Washington that this 1910 extension would be legal.

The present Colombian Government is friendly to France, and is now negotiating for a loan at Paris, so it sent Señor Concha to Washington to smooth over the obstacles in the way of the sale to the United States of the French concession.

"There will be no decision in the Panama Canal matter while the revolution in Colombia is in progress. The State Department is fully aware of all the flaws in the French company's contract, and will not buy a defective title. After 1904 all doubts as to the legitimacy of the contract will have been dispelled. The Liberals will then have triumphed in Colombia and taken possession of the forfeited canal property."

I would not, Mr. President, on account of the suspicions that are always engendered in respect to these interviews, have read that independently of and separately from what I have shown officially this morning from the State Department. That interview informed me of the situation, but I did not present it to the Senate until I knew that I had safe ground to stand on. Now I have established it in a formal way, in protests that have been issued and notified to the Panama Canal Company, notified to the Colombian Government, the opposing government, notified to the United States, that the Liberal party in Colombia, now professing to have, and having, the support of the great majority of that people, will never ratify these agreements that we are bidding $40,000,000 for.

Mr. President, we might as well throw the money into the sea as to appropriate it to this broken-down company that is now speeding to its last moments of existence when it knows that this bribe to Sanclemente of a million dollars, which he paid in gold, is not going to hold good, that they can not realize anything from it, and that the Colombian people after 1904, two years from now, will repudiate the whole thing and claim the property, as they have a perfect right to do.

They commit an act of bankruptcy in falling from $109,000,000 to $40,000,000 in a proposition to sell that property. There is not a bankrupt court in the United States, nor in France, nor in the world that would sustain a sale made by an acknowledged bankrupt or by one who becomes a bankrupt and files his petition for a discharge when he claimed to hold a property worth $109,000,000 and had sold it for $40,000,000.

And yet upon technicalities our learned friends in the minority of this committee insist that that is a valid transaction and binding, not only upon Colombia but upon the clean conscience of this great and noble Republic. I repudiate it. I deny the impeachment against my country, that it is capable of entering into as questionable a contract as that.

Now, Mr. President, I have presented the points I desired to present to show that this contract is not of the value of a last year's bird's-nest. It is void, and not only void, but it is fraudulent, and the Colombian people represented by the Liberal Government repudiate it and give us notice that they intend in future to repudiate it. Are we still to persist in paying $40,000,000 to the Panama Canal Company for a contract that is thus assailed and proved to be not merely void, but fraudulent; for that is what these men charge?

Now, sir, that war is going on. It has been flagrant every day since that transaction took place and since that Congress adjourned. They did resolve before they went out that the presidency was vacant, and thereupon the president of the provisional government assumed that he was in lawful authority. From that day to this he has so contended. He has had his armies in the field and fought heavy battles, in which there have been great losses on both sides.

This controversy in a minor way represents, not in principle, but in the action of the people concerned, that great and terrific controversy in which we were concerned in 1861–1865. They fight with desperate determination, and they are at it to-day. The latest accounts in the newspapers, by telegraph, on yesterday were that the Government, or the Conservatives, as they are called, were attacking the Liberals, who are fortified in Panama, and that those outside the walls had 7,000 troops and those inside the walls had about 4,000. There are ten or twelve thousand men to-day engaged in battle originating out of these unlawful acts, about which we are quietly legislating, with a view of paying a company that have got up the row $40,000,000 for their interference. That is the situation to-day.

There is another fact connected with that war which I want to call to the attention of the American people. I have the honor of being listened to by a faithful and splendid Democrat, almost the only one who is here. The Senate is not my audience. I wish it distinctly understood that I am speaking to the American people, and through them I will speak to the Senate.

I have presented now these facts, but I want to connect another one with it as another cause of the war. Why are these men called Liberals and Conservatives? It is an old political division, commencing on the first outbreak after the revolution in Mexico, and it has followed all the Spanish-American States after their first organization. The revolutions in those different Governments found the bonds of church and state irrevocable in all these Spanish provinces, and they revolted at that. Mexico in consequence of it had 52 presidents in fifty years, and Panama has had about that number of governors in sixty years. There are few States, if any, exempt; perhaps Chile and perhaps Argentina. There are few States, if any, in South America or in North America or in Central America that have escaped this same conflict that is raging to-day in Colombia. The division of parties is the Liberal and the church party, or Conservatives.

I read to the Senate the other day a paper from Pope Leo XIII, a corcordat made with Colombia in 1888. It is in the RECORD here. It is established as a part of the fundamental government of that Republic, not an established church; Leo would not have it that way; but an independent church represented by the Holy See and negotiating in its political capacity with Colombia as an independent Republic. The two governments came to an agreement and made a compact, which is set forth in that concordat.

The establishment of that concordat so long after Panama and Colombia had their struggles to maintain independence was a serious blow at the liberal party in that country. They felt that the liberties for which they had actually been fighting for years and years were to be blotted out by the concordat. There it is in its hideous monstrosity, which permits a man and a woman who are duly married according to the laws of the United States and who have gone to Colombia, either of them, to marry some other person without any judicial decree of separation, if that marriage between them was not celebrated by the authority of the Catholic church; and if the poor woman, for instance, was deserted in this way and the man married another woman in accordance with the rites of the Catholic Church, the only concession to be made at all was that the issue by her should be considered to be legitimate, and he should take care of them until she married again in accordance with the rules of the church.

When you come to education the public schools are not only under the patronage but under the control of the priesthood, and the bishop of each district fixes all the schoolbooks, secular and ecclesiastical.

Not only so, but the Government is pledged that if any man makes a lecture or writes an article or utters an opinion contrary to the tenets of the established church or of the independent church connected with Colombia by the concordat he is liable to criminal punishment, and the Government is bound to punish him and engages to do it. Not only so, but there is a provision that the annual budget shall contain a certain large amount—in one instance it mentions a hundred thousand dollars a year—for the purpose of maintaining the church in that country.

Now, I am presenting these facts to the American people. I do not care what the Senators think about them, but I know the people will take note of it. I know the people of the United States do not want to go to Colombia under a contract which sustains the majesty and superiority of the laws of that State over a canal bill where honorable men, though they may be workmen, may desire to go and conduct their business, or some man may desire to go there and stay for the purpose of maintaining a little shop to make some money for his wife and children. I know that our people are not going to consent, for the purpose of getting a canal, to pay $40,000,000 for the opportunity of placing themselves beneath the yoke of that concordat.

The people will make points upon Senators on either side of this Chamber who undertake to put them and their affairs in that category by an expenditure of $40,000,000 and then deal with a corporation that is denounced by the liberal party, now in arms and fighting around Panama, as being absolutely and unquestionably violative of the constitution of Colombia of 1886.

That is as far as I care to go, Mr. President, in the presentation of that question. So in the very threshold of this legislation we are met by a company that is denounced by more than half of Colombia as a fraud and an outrage and as a conspirator in favor of the church party and against liberal government. Whether it is true or not, what difference does it make? It shows the state of feeling there.

Mr. PLATT of Connecticut. Suppose the Liberals win?

Mr. MORGAN. They say if they win they regard all these concessions as being void.

Mr. SPOONER. If they win and in season do not ratify a treaty, this bill provides for the Nicaragua Canal?

Mr. MORGAN. Yes, Mr. President; but I have rights that belong to me as an American citizen and I do not wish to be compelled to make some disreputable contract with some party in order to get them. I do not think that is a good protocol or frontispiece for our legislation. We are a free people yet, and unless we are bound by some ties that I am unconscious of, we are not bound take this contract, and if it turns out to be a bad one, then claim that we have got a hold on the good one, because we have got the Nicaragua route; but you have not.

Mr. McKinley made a contract with those people dependent on

the fact that Congress would authorize him to acquire that territory from them. If Congress, instead of doing that, authorizes the President to acquire the territory from Colombia, and finds that it can not do it because of the endangered situation of the Panama Canal Company, because of its unconstitutional exaction; if you can not get a title, then when you turn to Costa Rica and Nicaragua they will say, "Excuse us; you would have no dealings with us. You refused to accept the protocol of McKinley. When you found out you could not get a contract with Colombia you wish to stand upon it now. We agreed to make terms with you and you would not do it." That is the situation. By providing that the Government shall first deal with Colombia we throw away all the advantages and rights that Mr. KcKinley put it in our power to acquire from Nicaragua and Costa Rica.

You tie our hands by trying to hunt out and arrange an agreement with Colombia, which at once it is seen we can not make. So when I present questions of this kind to the honorable Senate, I feel that they must realize that there can not be any sound, practical basis for this project or contrivance at all. It must be for delay; I suggest that it can not be for anything else. I am making no question about motives, but I have a right to differ in opinion with others as to the effect of our conduct, and I say that to make this bargain with Colombia under these conditions is inevitably to delay the canal not only in Colombia, but also in Costa Rica and Nicaragua indefinitely, and to put ourselves absolutely in the power of those two Republics, unless we take an army and go down there and drive them out. That is the only alternative presented to us.

There never was a more mistaken piece of legislation than this, and I say that my friend from Wisconsin can not amend it so as to make it right. I know he is not going to insist upon the amendment that has been offered here in his name. I know perfectly well that it has to be modified and has to be reduced in its scope to meet the offer of the church party in Colombia.

Mr. SPOONER. If the Senator will allow me, as he uses my name and says that I will not offer the amendment, does he mean that I am not the author of it?

Mr. MORGAN. I am satisfied the Senator wrote it.

Mr. SPOONER. And the Senator was the author of it.

Mr. MORGAN. Of course.

Mr. SPOONER. And not only wrote it, but devised it.

Mr. MORGAN. But the Senator did not offer it and has not offered it in the Senate.

Mr. SPOONER. But the Senator will offer it.

Mr. MORGAN. I say it has not been offered here by the Senator from Wisconsin, but it has been offered by the minority of the committee who reported it. They want it in one shape; and I suppose when the Senator from Wisconsin comes to put it in the shape to suit himself, after due deliberation, he will put it in in a different shape. So you would have two amendments here. One that the minority of the committee have committed themselves solemnly to in their written report, in which they incorporate the amendment and all the terms it contains. The other is to come.

Mr. SPOONER. I will say to the Senator that in the amendment which I shall offer there will not be any essential change.

Mr. MORGAN. If I could see that—I have been for several days anxiously trying to see it, but it has not been convenient to the Senator to offer it to me—I could form some judgment of my own about it; and I propose to discuss it in the best light I have, and that is entirely by guess. The ingenuity of the Senator from Wisconsin has, I suppose, framed that amendment after all so as to make it harmonious with the proposed treaty with Colombia. That is the way in which I shall have to treat it.

Mr. SPOONER. I will say to the Senator that the amendment which I intend to offer will be an amendment which will conform to the precise terms of the treaty with Colombia.

Mr. MORGAN. If I could just see that I would know what it meant.

Mr. SPOONER. The Senator will know when I have the time to draw it.

Mr. MORGAN. That is a very general statement.

Mr. SPOONER. The Senator will see it as soon as I have an opportunity to prepare it.

Mr. MORGAN. Well, it must be a piece of very intricate work to take so long to complete it.

Mr. SPOONER. I am not so situated that I have nothing else to do except to attend to this canal.

Mr. MORGAN. Neither am I. I have a world of work around me, and I try to do it all.

I am obliged, Mr. President, now to say this about the subject: The Senator assures me that he wants to modify the amendment so as not to make specific, as I understand it, the demand we make of Colombia as the condition of making this forty-million-dollar trade. I want it specific. Before that forty-million-dollar trade came to light and into view they were specific. There was a breath almost of heroism in the amendment that the Senator from Wisconsin offered at that time, demanding perpetual and exclusive rights under the control of the United States in that canal. That accords exactly with our policy; that accords with the policy of the bill before the Senate; that accords with the Hay-Pauncefote treaty, which we discussed here so long, and it accords with the policy announced by various Presidents, beginning with General Grant.

General Grant first made the proclamation of that policy, as I will presently show. This heroic amendment is now being emasculated and has to undergo some surgical treatment, clipping off in one place or another, so as to reduce it down and squeeze it into the provisions of this corporate charter of the Panama Canal Company or of this convention that has been offered by Colombia. Colombia never had anything really to do with it. It was offered by a pretended government there that is staggering on its last feet, and which before the sun sets may be wiped out of existence by defeat at Panama. That is where we are, and all this, Mr. President, to enable us to get a little more breath until we can rise to the magnitude of the occasion and get our consent to accommodate and oblige the American people by doing their will with the money that they pay into their Treasury.

In his address delivered on the 5th and 6th days of the present month the Senator from Ohio [Mr. HANNA] said:

> It is only very recently that the opportunity has come to us to consider other routes.

For the purpose of giving a little more emphasis to that, I will read it again:

> It is only very recently that the opportunity has come to us to consider other routes. For years we talked and wrote about the Nicaragua Canal until it has become a sentiment. It seemed to be the only route across the Isthmus available to this country or to its citizens for the construction of a canal.
>
> Mr. President, I say we have dwelt upon the question of the Nicaragua Canal as a sentiment until we have grown to believe that there was no other route possible or available. Two years ago, when this thought seemed to be forced upon the people of this country with more than unusual interest, owing to the late war with Spain, when the passage of the famous war ship, the *Oregon*, from San Francisco to Cuba called the attention of the world to a feat which had never been equaled by any other vessel, it was an advertisement for our Navy, but at the same time it was an object lesson; and with our fleets divided and scattered broadcast over the world we seemed to be forced as a military necessity to the conclusion that a canal must be built.

Well, that was a heavy pressure, and I was in hopes it would win, but it has not as yet, and will not so long as the railroads can prevent it—never.

The voyage of the *Oregon*, which stands by itself in naval history as the most intrepid and the most wisely conducted of all naval expeditions, began from San Francisco on March 9, 1898, and ended at Jupiter Inlet, Florida, May 24—sixty-one days of anxiety, as keen and distressing as a great nation ever felt.

I wonder, Mr. President, if the supposed, not real, possibility of saving to the United States $5,000,000 by a questionable bargain with a disreputable company will induce the Senate to make this national peril and anxiety again possible.

Mr. FAIRBANKS. Will the Senator permit me to offer an amendment at this point?

Mr. MORGAN. An amendment to the pending bill?

Mr. FAIRBANKS. An amendment to the amendment of the Senator from Wisconsin [Mr. SPOONER].

Mr. MORGAN. Let it be read. I thought the Senator in addressing the Senate yesterday had no amendment to make.

Mr. FAIRBANKS. I offer it as an amendment to the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. Does the Senator from Alabama desire to have the amendment read?

Mr. MORGAN. Yes, I want it read.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Indiana will be read.

The SECRETARY. It is proposed to insert in the amendment of Mr. SPOONER, as section 7, the following:

> SEC. 7. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditures) the sum of $130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue and payable twenty years from such date, and bearing interest, payable quarterly in gold coin, at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.
>
> *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense of preparing, advertising, and issuing the same: *And provided further*, That none of the said bonds shall be sold to pay the sums appropriated in sections 1 and 2 of this act or to pay the sum of $10,000,000 appropriated in section 5 of this act.

Mr. MORGAN. That means, if I understand it, that so far as the $40,000,000 are concerned, they must be paid to France in gold.

Mr. FAIRBANKS. That is appropriated out of revenue now in the Treasury.

Mr. MORGAN. I understand. That means gold.

Mr. FAIRBANKS. Yes, gold. This proposed amendment provides for the difference between the present cash payments and the estimated cost of the canal.

Mr. MORGAN. I understand. That is, the $40,000,000 must be paid in gold, because the Senator from Rhode Island [Mr. ALDRICH], who sits on the right of the Senator from Indiana, would never admit that a payment out of the Treasury of the United States should ever be anything but a payment in gold.

Mr. FAIRBANKS. We are on a gold basis.

Mr. MORGAN. Yes; we are on a gold basis as to the Panama Canal to the extent of $40,000,000. We are on a gold basis as to that, and on a gold basis also as to the $10,000,000 that is appropriated here for the purpose of acquiring the concession from Colombia. Very well, we have got to a gold basis about that, because they need money there very badly, and if you want to get a bargain out of them, this is the time to do it, and they will not have anything but gold.

That is evidenced by the remonstrance which I have read this morning. But when you come to the balance of it, you must build the canal by the issuance of bonds. I am very averse to issuing any more bonds, particularly when we have in the Treasury a plethora of money. I can see no reason in the world for resorting to raising money by the issuance of bonds in this bill, except to delay or defeat the canal. It can not be for anything else. It would have that effect.

I remember when Mr. Bryan was a member of the other House, a gentleman for whom I have the highest respect and in whose judgment and in whose honor and patriotism I have the most perfect confidence. He introduced a bill there to build the Nicaragua Canal, and he proposed to raise the money to build it by the issue of greenbacks. I believe it was a direct proposition to build the canal by the Government. At all events, the money was to be raised by the issue of greenbacks. He came to me with the proposition, and we went to the Marble Room and had a conference about it.

I said to Mr. Bryan "If you can not get nearer to the subject of a canal than that, do not expect me to support the bill. I can not do it. I will not do what I conceive to be an unconstitutional thing even for the purpose of getting a canal." I believe the issue of greenbacks as a legal tender is unconstitutional when it is made for any other purpose than that nest of facts and circumstances that the Supreme Court gathered together in order to enable it to decide that the issue of greenbacks was constitutional as a war measure.

Now, the Senator from Indiana will understand that I must break away from him on this proposition, having broken away from a very dear political friend for a less reason than he furnishes. But why any American citizen should want now to engage in anything that requires the issue of bonds when we have got a Treasury that is overflowing with money, and we do not know what to do with it, I can not understand, unless the Senator proposes by putting on this æolian attachment to this affair he will be able to defeat the whole thing. I am afraid the Senator has some delight in the expectation.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. MORGAN. I yield.

Mr. FAIRBANKS. I regret that my honorable friend from Alabama so misunderstands the purpose of the amendment. It is a very reasonable and natural provision for an extraordinary expenditure which must be made. I shall offer it to the Senator's bill if, unfortunately, the amendment of the Senator from Wisconsin [Mr. SPOONER] should not be adopted by the Senate.

One objection to the Senator's bill is, I think, that he requires the entire cost of the canal by the Nicaragua route, some $180,000,000, to be paid out of the current revenues of the Government. The canal when built will stand for centuries; and I believe it is proper conservatism, I believe it is the wisest statesmanship, to distribute that burden over a reasonable period in the future, instead of imposing it entirely and absolutely upon the taxpayers as the work progresses.

Mr. MORGAN. They expect the canal to make money. The Suez Canal is making 18 per cent on an investment of $150,000,000, and we expect this canal to make money. So far as posterity is concerned, we think we will give them very large percentages of gain from the canal itself; but if we do not we will do a better thing than that for them, we will relieve them from the monopoly of the railroads in charging them unconscionable rates upon their productions, and we will go further than that, we will reduce the canal tolls upon this canal to such an extent and in such a way as that these people will enjoy the advantage of it, and not the officeholders or the men who manage these great concerns.

Mr. FAIRBANKS. I ask the Senator if the commerce of other countries will not pass through this canal?

Mr. MORGAN. Oh, yes; and we will charge them on that.

Mr. FAIRBANKS. Is it not proper that the tolls derived from that canal should go toward paying the expense incurred in building the canal?

Mr. MORGAN. Of course; and that will enable us to reduce the tolls.

Mr. BAILEY. Mr. President, I understand the Senator from Alabama to say that we intend to charge tolls on the canal. For information, I want to ask the Senator if it is not true that we have entered into a treaty which obligates us to allow all the nations of the world to use that canal on precisely the same terms and at the same charges that we do?

Mr. FAIRBANKS. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. MORGAN. I do.

Mr. FAIRBANKS. Will the Senator state what route he refers to as being covered by such treaty provision as that of which the Senator speaks?

Mr. BAILEY. I was directing my question to the Senator from Alabama as to the Nicaragua route.

Mr. FAIRBANKS. Oh, as to the Nicaragua route.

Mr. BAILEY. As to the treaty with Great Britain, I am not sure that it is confined to any specific route. I think it is as to an isthmian canal. My judgment is that we obligated ourselves in that treaty that all the nations of the world observing its terms should use it on precisely the same terms and conditions as we. I remember that was one of the grounds upon which I voted against the treaty.

Mr. MORGAN. I will assume that that is so, yet I do not believe it; but for the sake of the argument, I will assume that it is so, and give the Senator the full benefit of it. Still, what is to prevent the United States, after it has built this canal, from reducing the tolls to a rate that will be a mere figment upon our coastwise trade, or upon any trade that passes through the canal? When we improve rivers and harbors, as we do by the expenditure of many millions annually, we do not propose to recoup ourselves by charging tolls on our rivers and harbors.

Mr. BAILEY. That was not the point of my question. I understood the Senator from Alabama to say that we were going to give our people the full enjoyment of these low rates and we were going to charge on foreign commerce.

Mr. MORGAN. No; I did not say that.

Mr. BAILEY. Then I misunderstood the Senator, because I ventured to make that suggestion. I think we voted to make the votes on the treaty public, and I remember distinctly that one of the grounds upon which I voted against the ratification of that treaty was that after we had built the canal at our expense and taken upon ourselves its defense we then guaranteed to all other nations its use upon the same terms with ourselves.

Mr. MORGAN. Mr. President, if the Congress of the United States ever builds a canal across the American Isthmus that is free from all possible question which may arise here; if we ever get an act of that sort—we will be certainly wiser than we have ever been in any act of Congress I have ever seen enacted as yet.

The Senator from Texas spoke as if I were stating what I would do. Mr. President, I will be in my grave, perhaps, before a mile of this canal is constructed. I think very likely I will.

Mr. BAILEY. I did not mean the Senator from Alabama. I said "we," meaning the United States.

Mr. MORGAN. I am not the United States—far from it.

Mr. BAILEY. I am perfectly aware of that.

Mr. MORGAN. I am on the minority side and in very deep gloom, so far as that is concerned, and likely to remain so if Democrats continue to raise these slight objections against this canal.

Mr. BAILEY. I protest against the Senator from Alabama saying that I am raising any point against him. I simply understood him to make a statement that did not square with my understanding of an existing treaty. The Senator from Alabama ought not to assume that everybody that comes to him for information, knowing his great resources, is opposed to his bill.

Mr. MORGAN. Not by any means. I had in mind some amendments that have been offered here by other Senators when I made that remark. If my remark is offensive to the Senator from Texas, I withdraw it as to him.

If we choose to do so, after we have made this treaty of which the Senator speaks, giving to it the fullest effect that is claimed for it by anybody, can we not rebate in favor of American commerce? Can we not pay it back to our coastwise trade and those steamships or sailing ships according to their tonnage, as we do in a subsidy bill? Can we not do that? We are under no restraint

about this thing that is going to prevent us from taking care of our own people. We are not going to get into any such loop as that.

The Senator from Indiana speaks of this as "my bill." Why, Mr. President, it is the bill of a member from Iowa in the other House [Mr. HEPBURN]. He is entitled to the honor of it. Twice it has passed in his name. It comes from a Republican House to a Republican Senate, and I just happen to be by the courtesy of the Senate the chairman of this committee, because it was one of those placebos thrown out to the minority here to keep them in a good humor with themselves and all the world. That is the only way I happen to be connected with it. So if there is anybody who has less responsibility about it than I have, I do not know who he is.

Mr. HOAR. I am very desirous of introducing a joint resolution for the purpose of having it referred to a committee this afternoon, if it will not interrupt the Senator.

Mr. MORGAN. This is the first time I have had the honor of seeing the Senator on the floor this morning, and I must yield to him.

Mr. HOAR. I was about to rise independent of that.

[The joint resolution introduced by Mr. HOAR appears under the appropriate heading.]

Mr. HOAR. I was about rising, if the Senator will pardon me, as he made an allusion to me of not having seen me before today, to say that he is utterly mistaken if he thinks his assignment to the chairmanship of the Committee on Interoceanic Canals was moved by a desire merely to give a placebo, as he called it, to the Democratic party. The Republican side of the Senate assigned him to that position because they believed him to be one of the greatest living Senators and one of the greatest authorities on one of the greatest subjects with which we have to deal, and, therefore, without any regard to party, we were all delighted to ask him to assume that dignified and honorable post.

Mr. MORGAN. Well, Mr. President, if I have the honor of being the distinguished personage spoken of by the Senator from Massachusetts, one of the greatest of living Senators, I will soon be one of the greatest of dead ones if they do not take off from me some of the burdens which this question puts upon me, and unless that side of the Chamber will make some movement to honor the memory of William McKinley. He is the man who is more responsible for this than I am. There is another man more responsible still, and that is General Grant, the first man who ever inspired me with the idea that such a thing could be done, and I will show it presently.

It was his confidence in the Nicaragua route that was the first lodgment of my faith, and his assurance that the American people would open the canal there that gave wing to bright hopes that I can not abandon. The Fifty-sixth Congress, and again in the Fifty-seventh, the House has asked the Senate to concur in a measure that would prevent the recurrence of this fearful national exposure to dangers of extreme magnitude, such as the *Oregon* encountered. In the Fifty-sixth Congress the Senate sheltered itself behind a cloud of doubt as to the alleged right of Great Britain to prevent the United States from constructing a canal anywhere across the American Isthmus in virtue of the Clayton-Bulwer treaty.

Great Britain had never, in fact, asserted such a right as a practical question, and while the opponents of such a canal were conducting this tempest of false alarms, Great Britain was respectfully but not severely silent.

She was amused at the false alarm and was satisfied with the delay it occasioned in the opening of a canal which was to be the competitor of the Suez Canal.

She had a large investment in the Suez Canal, which yields a dividend of about 18 per cent per annum, besides a value of near 800 per cent profit on her investment, at the current rate, on the Paris Bourse and the London Stock Exchange.

She had an army in Egypt and a fortress at the island of Cyprus that commanded the northern mouth of the Suez Canal at Port Said, and another at Aden that commanded the approach to the southern mouth at Suez, through the Red Sea.

She had no occasion to make any actual assertion of her alleged rights under the Clayton-Bulwer treaty, because they were asserted in the Senate, with alarmed vehemence, by the opponents of any isthmian canal.

In this way such a palsy of fear crept over the Senate that Great Britain had no need to dread its intervention, and it remained at repose in haughty indifference while it contemplated with satisfaction the bickerings in which we were engaged as to the character and extent of her rights in the premises. While this was going on, a quiet, unpretentious event occurred in the Executive Mansion, on December 1, 1900, which satisfied Great Britain that the hour had struck in which the United States would assert its independence of the supposed thralldom of the Clayton-Bulwer treaty.

President McKinley, in the firm quietude of a fixed purpose, saw that the United States could not shake off the incubus of the Clayton-Bulwer treaty so long as it was convenient for the interests of Great Britain and profitable to the monopolists of American transportation between the great oceans that the spook of the Clayton-Bulwer treaty should be kept at work. He had to convince Great Britain that he, at least, was in earnest, and that he firmly and quietly repudiated the right of Great Britain to deny to us the sovereign right to make a contract with Costa Rica and Nicaragua for the exclusive right to build, own, control, and manage a canal between Greytown and Brito, through the San Juan Valley and Lake Nicaragua.

He entered into such a contract with each of those States, in writing and under seal, of which each State retained identical copies.

It is called a protocol, because a part of the contracts relating to future agreements is left open for future negotiations relating to arrangements for their final completion. The leading and substantial parts of these contracts take effect forthwith, without any sort of dependence upon further negotiation or agreement.

They depend on nothing for their complete validity and binding effect except the action of Congress authorizing the President to acquire the rights therein specified, which are described in the language employed in the first sections of the House bill now before the Senate. This language was copied from the Hepburn bill, which was then pending in the House of Representatives, and was soon afterwards passed in that body.

The rights so described in that measure and in these agreements are the foundation or basic rights upon which Mr. McKinley established by agreenment with those States that, the Clayton-Bulwer treaty to the contrary notwithstanding, the United States would, at her pleasure and convenience, construct and exclvsively own, control, operate, and manage a canal through the isthmus, along the Nicaraguan route. The agreements were made to take effect, not upon the specific approval of them by act of Congress, but when Congress should authorize the President to acquire such rights from Nicaragua and Costa Rica.

No money consideration, or other consideration, was named in these agreements.

None was needed to support the validity and obligation of the agreement, for two reasons—first, that a valuable consideration is never made to support contracts or agreements between sovereign powers; and, second, because the action of Congress in granting the power to the President to acquire such rights from these particular States would be a valid, sufficient, and lawful consideration to bind even private persons to the performance of the contract.

So these agreements were of perfect obligation and of immediate effect, whenever Congress, within a reasonable time, shall authorize the President to acquire the rights specifically described in them.

In the former reports of the Committee on Nicaragua Canals, and the Committee on Interoceanic Canals, and in remarks I have had the honor to deliver in the Senate the further effect and bearing of these agreements have been so fully discussed that I will not now take up those features of their provisions.

What I am now concerned in bringing to the attention of the Senate is the fact that Mr. McKinley defied and scouted the Clayton-Bulwer treaty in the act of making these agreements, and thereby, in his quiet way, informed Great Britain of the final stand he had taken as Chief Executive of the United States as to the supposed restrictions of that treaty upon our sovereign rights and duties.

In doing this, and in withholding the official announcement of these agreements to Congress, he made it easy for Great Britain to agree, in the second Hay-Pauncefote treaty, that the Clayton-Bulwer treaty is abrogated.

These agreements won the entire campaign that the transportation monopolists were waging against the United States under the British flag. Can it be truly asserted that when Mr. McKinley made these agreements he made no selection of routes as between Panama and Nicaragua?

It can not be truly asserted. On the contrary, such a statement is palpably misleading.

On the 30th of November, 1900, the Isthmian Canal Commission made their preliminary report to the President, in which they say:

CONCLUSION.

In view of all the facts, and particularly in view of all the difficulties of obtaining the necessary rights, privileges, and franchises on the Panama route—

Notice, if you please—

and assuming that Nicaragua and Costa Rica recognize the value of the canal to themselves and are prepared to grant concessions on terms which are reasonable and acceptable to the United States, the Commission is of the opinion that "the most practicable and feasible route for" an isthmian canal

to be "under the control, management, and ownership of the United States" is that known as the Nicaragua route.

We have the honor to be, sir, with great respect, your obedient servants,

J. G. WALKER,
Rear-Admiral, United States Navy,
President of the Commission.
SAMUEL PASCO.
ALFRED NOBLE.
GEO. S. MORISON.
PETER C. HAINS,
Colonel, United States Corps of Engineers.
WM. H. BURR.
O. H. ERNST,
Lieutenant-Colonel, United States Corps of Engineers.
LEWIS M. HAUPT.
EMORY R. JOHNSON.

The date of that was the 30th of November, 1900. Mark the date, for it closed the era of British domination over American isthmian canal routes through the Clayton-Bulwer treaty. It was the date of the removal of the mask that screened from observation the real purpose of the transportation monopolists who were then concealing their opposition to any canal behind this pretense of British supremacy and British treaty rights.

This preliminary report does not differ from the final report of that Commission in any fact stated nor in any conclusion reached in their final report, made one year later, except that the final report is evidently a conglomerate composed by several minds and collated into a somewhat enlarged and much confused volume, and is by no means so clear as the preliminary report.

Mr. McKinley knew months before that time what that report would be in all its essential features from the exhaustive statements of all the commissioners, made before the Committee on Interoceanic Canals in May, 1900.

Those statements have been printed and reported to the Senate, the Senator from Ohio [Mr. HANNA] being a member of the committee and present at the examinations.

I need not say that he was the near friend of the President. So, at once, on the next day after this preliminary report was submitted to him, Mr. McKinley took final, decisive, and irrevocable action on two vital questions.

He chose the Nicaraguan route for the canal, and agreed to acquire the same from the two sovereign Republics, Nicaragua and Costa Rica, if Congress would authorize him to do so, and he took ground as to the Clayton-Bulwer treaty that it formed no impediment to building a canal, of which the United States should be the sole owner, exclusive of Great Britain and all other countries except Costa Rica and Nicaragua.

In the pressure of all the numerous and vast questions that then presented the more difficult and dangerous problems for his solution this great and patriotic American statesman seized the occasion and the opportune moment to put it in the power of Congress, not of the Senate alone, to fix the location of the canal on the Nicaraguan route, to acquire the broadest concessions for its ownership and control there that we could ask, short of full sovereignty over the canal route, and to notify Great Britain and those masquerading as her champions that the Clayton-Bulwer treaty had become a dead letter.

That was the effect of these protocols, as they are called. That is why they were made.

That great man did not allow a day to elapse after the preliminary report of the Commission was made until he had signed with these two Republics agreements that would bind them to give to us rights that he discovered from that report and from his own observations could not be exerted in Panama without very great risk in many directions if they could be obtained.

He repudiated Panama then, and he adopted Nicaragua then. He combined both of these final results in one act, and at the same time he quietly admonished Great Britain that the President of the United States would sign a binding agreement with these two Republics to have exclusive privileges in this Isthmus for a canal and perpetual privileges there, notwithstanding any interruption that she might seek to impose by the Clayton-Bulwer treaty.

Whatever feeling of disrespect the Senator from Ohio [Mr. HANNA] may have for the ignorance or indifference to duty of the House of Representatives, I suppose he must respect one of the most heroic acts ever performed by a President, Mr. McKinley's great work of settling this canal question. He is gone, but, as it is said of the righteous dead, "His works do follow him."

When he went the prowlers returned to their prey, but they will not succeed in undoing what he has so well done, for it is also said of the works of the righteous man that "they abide forever."

I was very proud, as I have no doubt the Senator from Ohio was, in that period of peaceful confidence in which the House of Representatives was considering the second Hepburn bill, upon the final report of the Isthmian Canal Commission, to join the entire committee in the following just tribute to President McKinley for the work he had done in getting these concessions.

The committee say, in their reports:

The trade winds find their natural channel through the depression of the lakes and the valley of San Juan River, and keep that region free from the pestilence that has its breeding ground at Panama.

The foundations of assured success in the opening of the Nicaraguan Canal have been established in recent events.

In those events William McKinley marched with the American people, at the head of the column, and they marched abreast in the high calling that their fathers had pursued in claiming for themselves the right to rule, in government, according to law.

He led where the people directed, and he laid secure foundations, for the first time, for direct communication between the Atlantic and Pacific coasts of America and between the East and the West Indies.

Holding in patient and just equipoise the great question that has so long disturbed our counsels and has threatened the peace of the country, he has exhausted inquiry and examination through the scientific skill of corps of great engineers, and his judgment settled upon the conclusion that he reached and formulated in the agreements of December, 1900, with Nicaragua and Costa Rica, that require only the action of Congress to complete his last great labor for his country.

Its completion should have been among the greatest of the achievements of the American people in the nineteenth century and the crowning honor of the Administration of William McKinley, for which his desire was so earnest.

In his farewell address to the American people, intended as a greeting but ended by the hand of Providence as a testamentary plea for the peace, prosperity, and glory of his country, President McKinley appealed to the whole country to execute in good faith what he had agreed upon in like good faith, in December, 1900, with Costa Rica and Nicaragua.

When he made that agreement with these twoAmerican sister Republics to "acquire from them control of such portion of the territory now belonging to them as may be desirable and necessary on which to construct and protect a canal," he intended to keep it, unless Congress should deny him the authority to acquire it. It was to that agreement that he referred in his address at Buffalo, when he announced his Presidential policy, and recognized the opening of an isthmian canal as an imperative national duty, and proclaimed as his final injunction that "We must build the isthmian canal, which will unite the two oceans and give a straight line of communication with the western coasts of Central and South Americas and Mexico."

The American people will crown his great memory with a prompt response to his latest admonition.

He did not find the opportunity to close this last link in the chain of great achievements that would bring the East and the West Indies into close touch, with the banners of the liberty of self-government above them, planted by the people who first raised them above this great Republic.

Mr. President, it is a desecration to the memory of that great statesman and good man to say that in making these solemn agreements with Nicaragua and Costa Rica in 1900 he was performing either an act of perfidy or an act that he believed amounted to nothing. There has not been in the whole history of the diplomacy of the United States a more important contract than that, or one made under circumstances of greater solemnity.

It was one to make which Mr. McKinley caught the very moment, the next day after the preliminary report of the Isthmian Canal Commission had been made, and having made that agreement on the next day he sat down in quiet, satisfied that he had done his whole duty by his country, and that he had quietly and in a proper way admonished Great Britain that there was nothing in her case that could terrify or stop him or the American people under his leadership.

From that time forward there was but one thought in his mind, so far as that question is concerned, and that was that he had before him a report, not one report, but many reports, which satisfied his mind that he had made a correct choice in selecting Costa Rica and Nicaragua with whom to make the contract; that he had made it, and that if the Congress of the United States would confer upon him the power the balance of it was already accomplished.

There would be no question of the jurisdiction of the Senate as compared with the jurisdiction of the House left for discussion if Congress would give him the authority he asked. He left it with Congress as to whether or not it would authorize him to make the agreement. In both of those agreements he quoted the very language of the Hepburn bill—the identical language—which bill was then pending in the House of Representatives, in order that the action of the Executive Government might correspond with the recommendation of the House committee; and that measure finally passed into an act of Congress, so far as the House was concerned.

Mr. SPOONER. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. SPOONER. Did President McKinley ever send any of these agreements to the Senate or the Congress for their action?

Mr. MORGAN. He never did. I have explained the reason why he did not.

Mr. SPOONER. Why did he not?

Mr. MORGAN. I have just said, because he did not want to create in the mind of Great Britain the idea that he was breaking down, without proper diplomatic consideration, the relations that were claimed to be held between them. He made his agreement. He kept it in the archives of the State Department. He communicated to his friends the knowledge that the agreement had been made. His Secretary of State authorized me to present it to the Senate in one of its executive sessions.

But Mr. McKinley, with that sort of poise which belonged to him to a degree as great if not greater than any man I ever saw,

knew that if he thrust out that agreement as an Executive declaration of a consummated act, so far as the Executive was concerned, through a message to the Congress of the United States, Great Britain would take it as a declaration on the part of the Executive that law would be employed to abrogate the treaty at a time when Great Britain herself was willing to do it by diplomatic means, as she has, more than once, offered to do.

Mr. SPOONER. If the Senator will pardon me, at the time the protocol was entered into Great Britain had entered into the Hay-Pauncefote agreement and it was pending before the Senate.

Mr. MORGAN. As a matter of course it was pending before the Senate. Mr. Hay at that time, I have no doubt—I can not speak for him, of course—did not wish to influence the independent action of the Senate by showing that the Executive had already taken ground. So he held it back. Do you suppose he kept it back for the purpose of smothering it after it was made and a copy of it had been delivered into the hands of Nicaragua and Costa Rica? Was that like William McKinley?

Mr. SPOONER. The Secretary of State—exactly why he did it I do not know—sent it to the Senator from Alabama, who was chairman of the Isthmian Canal Committee or the Nicaragua Canal Committee or whatever the name of the committee was at that time. But that is a new way for a compact or proposed compact between this Government and another to get to the Senate or to the Congress.

Mr. MORGAN. It was not a proposed compact. An act of Congress had to be passed to make it a compact. Mr. McKinley did not undertake to decide it. He decided it, so far as he was concerned, but he asked still the power of Congress to enable him to do it. That was all.

Mr. SPOONER. He did not send it to Congress; he made no recommendation to Congress; he sent no message to Congress, and the only information that Congress ever had of the existence of the protocols was through the Senator from Alabama.

Mr. MORGAN. Until the last report of the Isthmian Canal Commission, when Mr. Hay communicated it to us officially. It is now officially before the Congress. There is no longer a Hay-Pauncefote question to be disturbed by it. There is now no public exigency that might occur to endanger the country by the presentation of the fact. So he presents it officially to the Congress, and Costa Rica and Nicaragua both officially insist that it is obligatory. When Mr. McKinley selected the language of the Hepburn bill in which to couch those agreements and that bill was pending in the House, he had an expectation that that bill would pass, and he had a right to expect it.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. SPOONER. The protocol was an agreement to negotiate a treaty.

Mr. MORGAN. It was more than that, by a good deal.

Mr. SPOONER. How much more than that?

Mr. MORGAN. It was an agreement which took effect forthwith, whenever Congress should authorize the President to acquire this territorial control, to the extent of naming the termini of the canal, the country through which it should pass, and the exclusive and perpetual right to build, own, and control a canal, on the terms that were described in the Hay-Pauncefote treaty, making the Hay-Pauncefote treaty by reference the true expression of a provision of it.

The fixed provisions of the treaty were such as I have mentioned. Then there was an additional agreement that the countries concerned would enter upon future negotiations and arrange further details for the execution of the great purposes contained in this fixed agreement. That is the situation.

Mr. SPOONER. Of course the protocol provided that when the President was authorized to do so and so, these countries would enter into negotiations for a treaty, as I recollect it.

Mr. MORGAN. The Senator from Wisconsin evidently has not read the protocol, or else he has misunderstood it.

Mr. SPOONER. I have read it.

Mr. MORGAN. It is called a protocol because of the postponement of a part of it for future negotiation.

Mr. SPOONER. I call it a protocol because I have heard the Senator call it that a good many times.

Mr. MORGAN. It is called a protocol in the official account of it. It is a protocol to an agreement. That is what it is. A part of the document is a concluded agreement. Another and subsidiary part is an agreement or protocol for further negotiations, to perfect, in detail, the concluded agreements specified therein.

Mr. SPOONER. The point to which I rose is this: Since then Nicaragua has proposed a treaty with the United States.

Mr. MORGAN. No; only in execution of what is called a protocol. She offers to treat, as she agreed to do, to complete the concluded agreement,

Mr. SPOONER. A tentative treaty.

Mr. MORGAN. She has sent us a draft of a treaty, stating the proposition she is willing to make as to the arrangements necessary to execute it.

Mr. SPOONER. That is a merger pro tanto of the protocol.

Mr. MORGAN. It only makes it stronger. It certainly does not weaken it.

Mr. SPOONER. A thing that is merged in a solemn document ceases to exist in itself.

Mr. MORGAN. Yes. It is difficult to keep up with the refinements of my bright friend the Senator from Wisconsin on law questions. There is not a man in the world who can ask such bright questions that no one can answer, not even himself.

Mr. SPOONER. That is polite, but I will be more polite and will ask the Senator's pardon for interrupting him.

Mr. MORGAN. I will take that back, although it is just.

Mr. SPOONER. I do not think it is just.

Mr. MORGAN. I will state it again, as I have the interest of some Senators fixed on this great act of Mr. McKinley. I am not his champion. I wish there were some great Democrat for whom I had so much respect. I am not his champion or his exponent, but I have an eye upon his conduct that I think is not overzealous to do him justice or to work praise in his favor, but that does not respect the magnificence of his genius in the control of governments. I call attention to it again, as the Senators—some of them—are disposed even to listen to me while I speak.

That agreement made by Mr. McKinley contained two distinct features. The first was a contract to take effect forthwith. That is the language of it. The next was a contract to make a treaty to carry into execution the plan and arrangement necessary to complete the building of a canal. The first contract secured to us the route, the termini, the perpetual and the exclusive right to build the canal and to control and manage it. That took place without one dollar of consideration. No consideration was mentioned, except that the Congress of the United States would authorize the President to make such an agreement, not a specific one, but such a one. That was consideration enough.

The President put into that agreement, as to all parts of it, a condition that Congress should give this authority, because he did not want to exert on his own behalf or in his own right powers that I think were plain enough to enable him to acquire that right, but not to pledge us that we would not go somewhere else if we saw proper. He had not pledged us not to go anywhere else if we should see proper. That part of it is a contract, an agreement, what we call a contract of perfect obligation, no feature of it being left open for future adjustment, no qualification to be made of it hereafter. Based upon that contract is the agreement for a future negotiation.

Therefore the future negotiation is a protocol of agreement in reference to a fixed agreement that is already settled in the contract. It is a new agreement in which each party, of course, is at perfect liberty to bring forward its own terms, but each of them is bound to do what is right. If I engage to sell to the honorable Senator my house, in which I reside, at a fair price, and I make him a deed and he takes possession and comes to me to know what is a fair price, I say "$50,000." "Oh," he says, "what are you talking about? It is not worth $20,000; I can not give it." "Then give me back my deed." "No, sir; I will not do it. I have taken your deed and I have moved in here, and I want you now to take a fair price for that property."

How are we going to fix it? He files a bill in equity for a specific performance, and the court says, through its master commissioner, What is a fair price for this property? And he looks into the question and reports on it, and the chancellor makes the decree and there settles the dispute.

Mr. SPOONER. Mr. President, if the Senator will permit me, I never understood that courts would compel the specific performance of a contract which the parties had not made. In other words, the courts never make a contract for the parties.

Mr. MORGAN. Never at all?

Mr. SPOONER. And specifically enforce it.

Mr. MORGAN. There is no contract made here until Congress gives the President that authority, but the moment Congress gives the President of the United States that authority the contract is obligatory.

Mr. SPOONER. After it is made.

Mr. MORGAN. It has already been made. Mr. McKinley made it, leaving it to Congress to say whether they would give him authority. It need not have been done, but it was his right to do it.

No; do not let us try to get out of an obligation of this kind when the governments we are dealing with honorably come forward and say: "We respectfully insist that the question shall be submitted to Congress. If Congress decides against us, then we are free; but until Congress decides that the President shall not have that authority we are not free. We can not in the presence

of that engagement make a contract with Great Britain, Germany, or France that we will give to them the same privileges that we have offered to the United States, exclusive rights," etc. Why? Because the contract is obligatory until Congress has acted within a reasonable time. That is all of it.

Now, who can cut us loose from these obligations that we are under to Nicaragua and Costa Rica, created by the act of this wise President? Who is going to cut us loose, and how are you going to do it otherwise than by choosing a different route for the canal than Nicaragua? If you choose the Colombian route of course that breaks it all up. That releases Nicaragua and Costa Rica. They can go where they please to make their contract for the building of a canal, and they will be very apt to find customers, plenty of them. They need not go any further than the transcontinental railroads to do that. Out of their $300,000,000 a year they can build the canal without any trouble.

Mr. SPOONER. If the Senator will permit me, suppose that we passed the Hepburn bill or accept the protocol, as he calls it, what would be the status so far as any contract between Nicaragua and Costa Rica is concerned? Would we not be obliged to make a treaty with them to define all the terms and to agree upon the price and to fix——

Mr. MORGAN. It so turns out that HEPBURN had wisdom—I suppose it was wisdom, I do not think it was merely luck—to provide in his bill that the President may acquire these rights.

Mr. SPOONER. But he would have to do it upon an agreement, would he not?

Mr. MORGAN. He would have to do it upon an agreement, but the agreement has been already made and entered into.

Mr. SPOONER. He would have to negotiate an agreement?

Mr. MORGAN. No; I beg the honorable Senator's pardon; the agreement has been made to pass the right and also to make an agreement about it for its complete execution, in detail. He is not lawyer enough to break down that point, learned as he is in the law.

Mr. SPOONER. I do not claim to be very much of a lawyer, but I do claim as a layman——

Mr. MORGAN. I can not admit that you are a layman.

Mr. SPOONER. If I am neither lawyer nor layman——

Mr. MORGAN. I am controverting the position of a very talented and able lawyer. That is what I know about it.

Mr. SPOONER. But has any agreement been made as to the terms on which we would have these concessions from Costa Rica and Nicaragua?

Mr. MORGAN. A perfect agreement is already made, subject to ratification by Congress——

Mr. SPOONER. I am speaking of the protocol.

Mr. MORGAN. Wait a moment. A perfect agreement has been made, subject to the ratification of Congress, as I have stated, to acquire and to concede on the part of these States to the United States the exclusive right to construct, own, and control a canal in perpetual right through a certain demarcation of territory, which we designate by a description of the terminals and also the country through which it shall pass.

Mr. SPOONER. Will the Senator tell me what are the terms agreed upon?

Mr. MORGAN. Why, of course, as to that——

Mr. SPOONER. What are the terms?

Mr. MORGAN. The Senator understands perfectly well that it is expressly reserved in that agreement that there shall be a future negotiation.

Mr. SPOONER. But suppose we did not agree with Nicaragua and Costa Rica, what is our right and where is your remedy? Where is your tribunal to compel specific performance?

Mr. MORGAN. There is no arbiter between governments; and if we have no remedy to enforce a treaty right we had better close up shop and quit pretending to be a world power.

Mr. SPOONER. But we have not yet a treaty that fixes the right.

Mr. MORGAN. But suppose we can not agree on a treaty.

Mr. SPOONER. Then what?

Mr. MORGAN. Then, of course, justice and equity must settle it.

Mr. SPOONER. But where is the tribunal that is to settle it?

Mr. MORGAN. The tribunal is in the power of the nation.

Mr. SPOONER. That means an army?

Mr. MORGAN. Yes; or whatever may be necessary. We have acquired the Philippines from Spain. We have acquired Cuba from Spain, and set Cuba possibly free, with a string tied to it. Suppose Spain should, contrary to that treaty, come and say, "There are a lot of gentlemen in your country who contend that the treaty was unconstitutional and think you had not any right to make it. You were wrong, anyhow, in every possible position, and we take the side of those gentlemen and of some great political party in your country, and say you had no right to make it." The United States would have to correct that impression on the mind of Spain. How would she do it? She would do it by sending a fleet out there to visit her a second time.

Mr. SPOONER. No.

Mr. MORGAN. And that is the only way she has got?

Mr. SPOONER. If the Senator will pardon me——

Mr. MORGAN. How does the Senator from Wisconsin undertake, on this floor, in this great tribunal, to controvert with me about the question as to what are the rights of a State when her treaty obligations and rights are broken or questioned?

The ultima ratio regis is what controls in this matter. There is no tribunal but that, and we make no treaty where that power and method of solving difficulties arising under it does not have a place. I do not care to discuss a point that every tyro and every hornbook student of the law knows all about. I prefer that the Senator would question me on some point that involves more extended learning.

Mr. President, I laid out last night some of the things I wanted to say—nearly all of them—for the purpose of escaping the interruptions that Senators are very apt to make when they get interested in a question, and especially those who make their first study of a question when a man is on the floor advocating it. I do not say that about the Senator from Wisconsin, and I will again recur to my notes.

The Panama Canal Company seems fated to cause convulsions there, to put great nations in a state of disorder, and to draw good men, like the American Committee, and a Secretary of the Navy into questionable enterprises. It tried, with every possible insinuation and flattery, and even ventured on rude and offensive intrusions, to divert Mr. McKinley from his convictions and to change his purpose to build the Nicaraguan Canal. But this is another story which I will hereafter present to the Senate.

When that company of unsavory reputation found that it had reached the end of its tether, it tore loose from all restraint, turned its president out of office, and made the cable hot under the Atlantic in giving to Admiral Walker the information that it had concluded to enrich the United States by dropping its price for its property $69,000,000 at the first pop toward a sale of its magnificent ditch, with all its appurtenances and contingencies of earthquakes, norther, doldrums, yellow fever, Chagres fever, smallpox, leprosy, Monkey Hills, cemeteries, Bohio dams and Culebra cuts, Chagres floods and Chagres droughts, and the most varied and turbulent general assortment of humanity that can be found in the world for recruiting mobs and insurrections.

The falling in of this great combination by a sudden collapse seems to have jarred the Senator from Ohio from the known sturdiness of his business principles.

For the supposed saving of $5,000,000 in the cost of a canal the Senator from Ohio is willing that we should become residuary legatees of this varied and interesting estate, with all the bars sinister on the family escutcheon, and that President Roosevelt, with all the other dangerous political questions with which fate compels him to deal, shall become the executor, with the will annexed, of the New Panama Canal Company and also the administrator de bonis non of the old company.

If the President has any political ambitions, I hope I need not remind him of the Trojan horse, or the gift-bearing Greeks, so much ridden in our political circuses.

In order to get at the true situation of this volcanic eruption in the Panama Canal Company, I must read from his speech what the Senator from Ohio said about it, and his complaint that the House would not delay its action until the canal company had time to turn out its president, wreck the company, get decrees from the French court to legalize what they were going to do, and not what they had done, and to perform the act of felo-de-se without too much precipitation, and to move more in accordance with business methods.

He says, "These brought into this question an entirely new feature that was never considered for one moment in the debate in the House." It seems not to have come through the door of the sheepcot, but by some back way. The Senator says that "through discussions in the newspapers and the gossip in the corridors members of that body came to know something about it and that something new was coming."

That is not surprising, for in this effort to build a canal for the American people something new has all the time been coming, and up to this last intervention by cable, of this mighty sacrifice to prevent Congress from destroying the country by building the Nicaraguan Canal, these new obstructions have not failed to arrive in time to prevent Congress from this reckless delinquency.

I must reserve a special statement of these methods for another time during this debate, as I have much more important matters now to be presented.

That no injustice may be done the Senator from Ohio [Mr. HANNA] I will read the entire context of his remarks as to the

want of consideration by the House of the Hepburn bill. The Senator said in his speech on the 9th of June:

Now, in the consideration of this question, I want to call attention to another fact. Reference has been made here to the fact that the House has already passed the bill known as the Hepburn bill, which was offered, I think, on the second day after the Senate met and placed upon the Calendar. That bill had passed the House (January 9, 1902) a week before this supplementary report was made (January 18, 1902)—

That is, the supplementary report of the Commission—

and passed the House within a few weeks after the first report was made by this Commission (November 16, 1901); and that report was hurried, demand being made on the Commissioners that it must be speedily furnished; and they say that it was a very unsatisfactory report to them as to details.

Ordinarily men of business and of affairs, in going into a venture involving the expenditure of $200,000,000, would go very slowly and would be very certain of knowing just what they were doing.

When the Hepburn bill passed the House of Representatives, I do not believe there were twenty-five men in that body who had ever read that report, brief as it was, and scores of them have told me since that they knew nothing about it, except that they were voting for what they supposed to be a canal. They wanted the Nicaragua Canal, because it had grown into the sentiment of the people. One week after that bill passed, the offer of the Panama Canal Company, agreeing to accept the price which we had put upon their property, $40,000,000, was submitted to Congress by the President with the supplemental report of the Commission.

Then he goes on to express what I have just read.

I have no parliamentary or personal criticism to make as to the propriety of such a statement on the floor of the Senate. But it is an injustice to that great coordinate body that it should be accused of hasty legislation on this or any other question.

It is the common habit to accuse the House of having abandoned its legislative functions into the hands of its Committee on Rules, and that deliberation in that body is a matter of grace and favor on the part of the majority, and is not a matter of right.

They could well retort that the Senate, being a body of the largest liberty in discussion, waters down its debates into a series of orations that seldom partake of the nature of legislative discussions.

But the injustice of the statements I am speaking of consists in its manifest inaccuracy when compared with the recorded facts of legislative history in the discussion of the first and second Hepburn bills in the House.

I have a statement here that shows exactly when those bills were discussed and when passed.

Mr. BURTON. Mr. President, I simply wish to inquire of the Senator from Alabama how much longer he expects to occupy the floor? I make the inquiry with a view of possibly getting in some other business.

Mr. MORGAN. I expect to talk as long on this bill as my judgment convinces me it is right to keep the floor; and I say that out of no disrespect to the Senator. I do not think that I am under any obligation to yield to other Senators in the afternoon hour, when they have all the morning hour in which to take up those bills.

Mr. BURTON. I only made the inquiry.

Mr. MORGAN. I do not know. I do not think it will be long; I hope not, because I am getting somewhat wearied, not in mind or in soul, but in body. I do not weary in trying to do right when I believe I am doing that thing.

The first Hepburn bill in the Fifty-sixth Congress was introduced in the House on the 17th of February, 1900, made a special order on May 1, 1900, passed in the House May 2, 1900.

Now, there was from February to May that that House had to determine this question; longer than we have taken since the report of the Committee on Interoceanic Canals has come before this body, and the report of the minority of the committee did not come before the body until a day or two days before the debate began. We did not know what they were going to say about it.

I was very much in hopes they would agree to vote for the bill of the majority of the committee until I saw that every possible point that could be made, however unimportant, was made, and that, finally, it was supported by an argument of Mr. Cromwell, the ubiquitous and ever-present counsel of the Panama Canal Company. Colombia stands aside and Cromwell takes the helm.

The Hepburn bill, No. 3310, was passed in the present Congress—the bill that is now before the Senate—was reported in the House December 6, 1901, favorably; made a special order December 19, 1901, and passed the House January 9, 1902. It seems seems to me that it would be even longer time than necessary to debate almost any question.

But there has been no economy of time in the House of Representatives on this question. It has not had the fate of a political question of being thrown into the lockup of the Committee on Rules at the pleasure of a political party.

If the hours of labor spent by that large body of men in research and study of this important measure were compared with the hours of labor or in listening to those who have labored to gather and discuss the facts in the wide field covered by this subject, I fear that this free Senate, left to its own free will in all matters, would not compare with the House in its knowledge of the essential and vital facts that enter into even a proper, not to say critical, study of this subject.

The ex cathedra statement of the Senator from Ohio as to this alleged delinquency of the House is gratuitous.

His personal control of men is great, but it should not lead them into unjust and disrespectful accusations against the House of Representatives. I well remember the prophecy of Mr. CANNON on the passage of the first Hepburn bill in the House, and how literally it was verified.

Mr. CANNON said:

Mr. Chairman, the gentleman from Iowa [Mr. DOLLIVER] and the gentleman from Nevada [Mr. NEWLANDS] openly voice what is voiced in conversation all over this side of the House, and I presume all over that side of the House, namely, that if this was the final vote that enacted this bill into law it would not get one-fourth of the members of the House for it. Nevertheless it is proposed to pass it through the House, and the Senate is expected to hang it up until next winter. As I understand it, the legislative branch of the Government consists of the House, the Senate, and the President. Each one has its functions to perform. Whatever other men may think, for one I can not see my duty plain to vote to pass a bill that does not meet my judgment touching a great question like this. Therefore I shall vote against it.

See at what a disadvantage it places the House. First, we go to the country on the eve of a campaign, both sides hurrahing for the Nicaragua Canal, and we say, "Oh, we have passed it through the House. We do not expect it to be enacted at the other end of the Capitol. We pray and hope and expect that they will not pass it as voiced by these gentlemen who speak this afternoon." Who is to be cheated? Are the people to be cheated or do we cheat ourselves touching this matter? I fancy we will not cheat the people.

I fancy that they will know as much about it as we do, and from the standpoint of sound legislation it does not become this great body that directly represents the people to pass its functions over to the other coordinate branch of Congress and say as we send it to them, "Help me or I sink."

Gentlemen may do so if they choose, from pride of opinion or temporary political popularity. I will not do it, whatever the consequences may be to me personally, because I do not believe it is right, and I do not believe it is good politics or just to the House or the people. [Applause and cries of "Vote!"]

And that bill came over to us. I stayed by it day and night, whenever there was a session of the Senate, without intermission, at the expense of my health, and I became very feeble at the end of the session. But thinking I was old enough to die anyway, and that it certainly would send me off, I begged and importuned, I asked unanimous consent, I made motions to take up the bill. They were voted down, but I kept on. The Senator from Ohio voted against consideration, and the bill died while it slept.

The Clayton-Bulwer treaty was hovering over this Chamber like a pall, alarming us with its stage thunderings and lightenings—for that was all there was to it—and threatening clamors. The Senate postponed and postponed and postponed. I followed it along even into the extra session, and made my last speech on that bill in the extra session, calling attention to these same protocols that Mr. McKinley had signed, and insisting that the Senate even then should take up the subject and consider it and pass a resolution, if it could not do anything else in favor of it.

The subject went on in the thoughts of the people. Public attention had been riveted upon it, and it spread through the country, not exactly like wildfire, but it was an inspiration that seemed to take hold of the hearts of men, women, and children. I have had correspondence from men and women from 80 to 90 years of age, down to little girls, asking me for information about this measure.

I have received a great number of letters indicating that the people everywhere are looking anxiously to the work of the Senate and wondering if Mr. CANNON'S predictions as to the fate of this bill in the Fifty-sixth Congress are going to be verified in the Fifty-seventh Congress, and if this bill is to be sent back to the House by the Senate to be strangled because we hold six-year terms and do not have to go to the people as frequently as members of the House do.

No, sir; there never was a House more in earnest and there never was a bill better understood. Not only the old membership of the House, who were here when it was passed in the Fifty-sixth Congress, but the new men who were elected upon their pledges to pass it, have studied this question with even more fidelity than a majority of the members of this honorable Senate. Those members of the House have not got a very long time to work in, and they work with diligence.

They do not take up their time in amusements, outside employments, and cloakroom deliberations. They exercise their talents like a man at work with a machine behind which there is steam power or electrical power that is bound to work the machine while the power lasts and no longer, and so they work with all diligence to make certain the prize of their high calling.

We come to judgment once in six years, and, with good professions of devotion to the people, persuade them to give us one more trial. They will not heed our professions if we again strangle the Hepburn bill at the command of Mr. Hill and other railroad magnates.

So, Mr. President, when I first saw the bill come from the House, in the midst of this tumultuous outcry of joy on the part

of the people that the House had passed it with only 2 votes against it, I was asked by my friends if I did not expect now that it would whirl through the Senate. I said, "No, the Senate is not well disposed to maelstroms and whirligigs; it works deliberately and with a purpose—always with a purpose, sometimes with an inscrutable purpose."

Mr. McKinley has gone. I do not know what influences may have been left behind, but the old French Panama Canal Company, which has not failed to make an impression under all circumstances where it was possible, have omitted no means for the purpose of impressing themselves upon this Government in every form conceivable. That company will be at work again with increased force. Mr. Roosevelt is not known to us through his political experience, except through his party affiliations, and while we have the greatest respect for his courage, his manhood, and his fidelity, we do not know whether he favors this action of the House of Representatives or not. We will see.

It was a long time, Mr. President, before I could convince myself that the drama of the Fifty-sixth Congress would not be repeated in the Fifty-seventh Congress, in the Senate. When this revolution took place in the Isthmian Canal Commission there was great surprise in the country. I did not participate in it. I thought that the members of that Commission desired an opportunity for a new hearing, for there were some members on both sides who did not give an active and cordial support, as I understand, to the report of that Commission.

Some were for it, and there were some against it, but they united in a harmonious report for the sake of the reputation of the family. There were a good many men on that Commission who, I dare say, understand as little about the engineering features of the canal as I myself do. I have no education about it except such as I have derived from listening to men who profess to know what they are talking about. That is all I know about it.

Mr. President, we have got this subject back here in such form that we can legislate, and every man who proposes an amendment to this bill begins his amendment by assuring the Senate and the country that his object is to get a canal; and yet we all know that if we pass the Hepburn bill with any amendment upon it, it is liable to undergo that sort of treatment in the other House which measures have so often received there—to have the key turned in the lock of the Speaker's desk and never to open it until the majority of the Committee on Rules desires that the bill shall come to a vote.

It goes to the Speaker's Calendar; it remains there; and it will take a revolution in that House as against its rules and orders to bring the bill before the House again for consideration—not that the bill has not got the strength, but there is nobody in that House and no combine of men in that House who have the strength to break down the rules so long as the Committee on Rules are against them.

Therefore, if they get the bill before the House with an amendment, it will be done in the nature of a revolution against those rules. So my anxiety has been all the time, inasmuch as I believe the Hepburn bill is a full and wise provision, at least for the present, to secure the great foundation on which we can rest the rights of the American people with absolute confidence.

If there may be, according to the suggestion of anybody, some imperfections in the manner in which this canal is to be built, what an easy task it is, after we have all agreed upon the route and that we will have a canal, to arrange the best possible method for its construction. For instance, I do not know any better method than that of having the Secretary of War to construct or at least to inaugurate it. There is a period of at least two years in the building of either of these canals that must be devoted to establishing a plant to install the work.

What is that? Selecting men to conduct the work, engineers, skilled operatives, men who control labor, men who are organizers, camps, hospitals, supplies, shelter for operatives, machine shops, railways, and all the preliminary work. That will occupy two years for installation upon either of these canals. During that period of time, to whom could we trust these preparatory arrangements better than to the Secretary of War, with his great corps of engineers, from whom he can select picked men to perform these duties under the obligations of official bonds, duties, and oaths? That would be a wise provision to start out with. We may want to change. If we do, we have got to work under a safe plan until we get ready to change it, and we should not try to change it now.

The objections that are made to the form in which this bill is arranged, and the want of proper provision for the conduct of the business after the rights are acquired, reminds me of the lady who belonged to the Ascensionists; and when the day of judgment had been appointed and was coming around, she waked up in the morning and put on her ascension robes, white and beautiful as the driven snow, and went around among her neighbors without a certain part of the headdress on her, called the aureole, in a disordered condition.

They asked what was the matter, why she was not arrayed in such a way as to be received with due courtesy in the Kingdom of Heaven, to which they were all bound upon that ascension day. Well, she said she had tried her best—I think she said her darnedest—to get that aureole to fit, but it would not do so, and so she had concluded that she would not go. [Laughter.]

So there are members here who can not at all be pleased or accommodated with the proper manner of building the canal, and so they conclude they will not vote for the bill because they can not look far to the future and get the machinery of construction fixed up to suit themselves. That sort of a friend of the canal is a very weak brother. He has not got much faith in the canal, and very much less faith in the commands of the people.

Mr. President, I have broken away from the manuscript that I have been plodding through here for the sake of preventing myself from taking up too much time in this debate, and I want to get on to a part of this matter, very brief indeed, and very important, and it will take but a few moments to dispose of it.

Mr. HOAR. Would the Senator rather go on to-night or in the morning?

Mr. MORGAN. I want to go right on now. The Senator is very kind, but I prefer to complete my remarks. It will take but a moment.

Mr. HANNA. I would not interrupt the Senator were it not that I have an engagement. I simply want to give notice that on Wednesday of next week at 2 o'clock I shall again take the floor on this bill.

Mr. MORGAN. Will you speak longer than 6 o'clock? If you intend to go on until 6 o'clock, I will take the floor at 6 o'clock and continue until midnight. I am responsible for this bill and have the right to conclude the argument on the bill, according to parliamentary usage.

Mr. HANNA. I am sorry the Senator raises that question.

Mr. MORGAN. I am bound to raise it.

Mr. HANNA. I explained the fact to the Senator from Alabama that I shall be obliged to go out of the city for two or three days the last part of the week, and having consented to a postponement of the vote until Thursday next, which I hoped would be reached on Saturday afternoon, I certainly want a little time on my return, which will be on Wednesday morning.

I am not particular about closing the debate, but I do think that in view of the situation and the agreement made that the vote shall be taken on next Thursday, I am not asking anything unreasonable when I ask to be allowed an hour or two hours on Wednesday afternoon. I have not the ability or the facility for debate which the honorable Senator from Alabama has.

Mr. MORGAN. The Senator from Ohio is by about twenty-five years a younger man than I am. I have not any doubt about it. Certainly he is twenty-five years more vigorous than I am; and when I asked him the question if he would close by 6 o'clock, he was indefinite about it.

I will now ask unanimous consent of the Senate that on Thursday morning at the close of the routine morning business this bill may be taken up for debate; and, as we take a vote on it at 2 o'clock, that will give me the opportunity to exercise the ordinary privilege of reply.

Mr. HANNA. I have no objection to that.

Mr. PLATT of Connecticut. We might meet earlier on Thursday.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that immediately after the conclusion of routine business on Thursday morning next this bill may be laid before the Senate for its consideration. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. Does "routine business" mean that if a resolution comes over from a previous day that resolution may occupy the time until 2 o'clock? Is that "routine business" in the sense of this unanimous-consent agreement?

The PRESIDENT pro tempore. The Chair does not understand that a resolution coming over in that way is a part of the routine morning business.

Mr. HOAR. Very well.

Mr. MORGAN. Mr. President, the Senator from Ohio [Mr. HANNA] and the Senator from Indiana [Mr. FAIRBANKS] both treat this subject of the Panama Canal as being entirely new, something that had never before been considered.

The PRESIDENT pro tempore. The Senator from Alabama will please allow the Chair one moment. The Chair always announces the close of the morning business before a resolution coming over from a previous day is taken up for consideration. The Chair understands the unanimous-consent agreement is that this bill shall be taken up when the Chair announces the morning business is closed.

Mr. HOAR. What happens, then, to such a resolution as I have referred to? Does that have the same right on the following day? Suppose on Wednesday morning a Senator offers a resolution, another Senator objects to it, and it goes over one day, do I understand the Chair to say that that is not routine business within the meaning of this agreement? Would the Senator who had offered that resolution lose his opportunity to be heard?

The PRESIDENT pro tempore. The Chair thinks he would, unless in the unanimous-consent agreement that was included.

Mr. HOAR. It ought to be understood, then, that a resolution coming over from a previous day should not lose its place for the following day.

Mr. MORGAN. I hope that it will be so understood.

The PRESIDENT pro tempore. If there be no objection, that will be the understanding, and a resolution coming over will hold its place for the next day.

Mr. NELSON. I should like to ask a parliamentary question. What would be the effect of the agreement to take up this bill after the routine morning business upon the agreement now standing as to the shipping bill? Would it displace that?

Mr. MORGAN. I hope not, Mr. President. I hope the shipping bill will be disposed of before that, and I know the Senator does.

Mr. NELSON. If the shipping bill is not disposed of before that time, does this agreement displace it only for that day?

The PRESIDENT pro tempore. Only for that day.

Mr. NELSON. And would it still hold its place after that day?

The PRESIDENT pro tempore. It would, in the opinion of the Chair.

Mr. MORGAN. Mr. President, it has been assumed by the Senator from Indiana [Mr. FAIRBANKS] and the Senator from Ohio [Mr. HANNA], as I remarked a moment ago when I was interrupted, that the Panama Canal question was not duly considered before it was brought here in this proposition to buy the Panama Canal for $40,000,000, and that the offer got here nine days too late for the action of the House of Representatives. The intimation is that if it had got here sooner it would have torn things up by the roots, and the Hepburn bill never would have passed. That is the intimation.

I want to show something about that. In 1874, I believe it was, the Secretary of the Navy appointed Lull to survey the Nicaragua Canal route, and Menocal was the chief surveyor; and in 1875 or 1876 the Secretary of the Navy appointed Lull to survey the Panama route, Menocal still being the chief engineer. The Panama route was examined with great care and particularity, and reported upon, and I have Lull's report on the Panama route here. I suppose all Senators who feel interested in this question have looked at it.

I have just this one thing to say about it. The route that Menocal selected and surveyed and reported upon on that occasion is precisely the route upon which the isthmian canal, if it is ever to be built there, is located—right over the route Menocal pointed out as the route to build the canal. He studied it carefully and reported upon it fully. At that time Admiral Ammen was the chief of the American Canal Exploration, I believe it was called. I forget the name of the Commission. The work was commenced by General Grant.

Admiral Ammen was instructed to examine every route along that Isthmus, from Tehuantepec down to Darien, along with his colleagues. He employed the greatest engineers, and had the whole route thoroughly examined, and it was under that commission that the Menocal survey of Panama was made and reported. The Ammen commission, after two years of careful and very industrious work, came in with their report. General Grant was then in the office of President, and thereupon, when De Lesseps convened his congress of nations in Paris, Ammen and Menocal were sent there to represent the United States. So that the Panama route was not only carefully surveyed and reported upon, but it was taken before that congress, and in the presence of all the able engineers of the world it was discussed.

After that, and after he had gone out of the Presidency, in February, 1881, General Grant wrote a signed article on the construction of the Nicaragua Canal, contributed to the North American Review in February, 1881. I want to read a part of what he said. I want to show this country that a great, wise, thoughtful man had looked through this subject as deeply and as profoundly as we have; and, sir, much more carefully. He had a clearer light upon it than this Senate has to-day; and to show what his decision was, after discussing the advantages of the canal to the American people in the most thoughtful way—very concise and very clear—General Grant proceeds to say:

A continuous coast line, including our Eastern and Western shores, therefore promises an increase of this navigation sufficient of itself to make a canal a matter of the utmost importance to our people.

In view of these advantages the question naturally arises with regard to the most feasible route for the canal, both as regards economy of construction and convenience in use. On this point it would hardly seem as if there were room for controversy. The difficulties which surround the Panama scheme have been so frequently and so forcibly set forth that they need not be elaborately repeated here.

The floods of this region, caused by sudden and immense rainfall, have attracted the attention of the most careless traveler and have perplexed and confounded the scientific engineer in his attempts to provide some method by which to overcome the difficulties which they create. The impassable and unhealthy swamps lying along this route have always been considered unfit for a water course and so destructive to human life that labor and death seemed to have joined hands there. The necessity for long and expensive tunnels or open cuts and for a safe viaduct has added vastly to the expense of the route when estimated, and to the obstacles to be overcome by engineering.

The most careful surveys have always developed a discouraging want of material for construction. The addition of 500 miles to the distance between New York and the ports on the west coast of the United States by the Panama route over that of any other feasible route proposed, and the long and tedious calms which prevail in Panama Bay have never failed to create opposition to this route in the mind of the navigator. The enormous cost of the Panama Canal, moreover, has never been denied.

Considering the engineering difficulties attending the diversion of the Chagres River, and the necessary construction of an artificial lake to hold its floods, together with the tunneling, or open cuts, to which allusion has already been made, the cost of this canal can not be less than $400,000,000, and would probably be much more, including the payment to the Panama Railroad for its concession. No American capitalist would be likely to look for dividends on an investment like this.

Turning from the Panama route, therefore, as one which, when practically considered, has but little to recommend it, either as a commercial convenience or a financial success, we are brought to the consideration of the Nicaragua route, as that to which the attention of the American public is most strongly drawn at this time. The advantages of this route are: The ease and economy with which the canal can be constructed; the admirable approaches to it from the sea, both east and west; the distance saved between Liverpool and the North American ports over that of the Panama route, and the distance saved, also, between New York and other Atlantic cities and the ports of the United States on the Pacific.

Now, Mr. President, I will ask that this document be inserted as an appendix to my remarks, not omitting to publish in the body of the remarks what I have just read.

The PRESIDENT pro tempore. The Chair hears no objection, and the matter will be printed as an appendix. (See Appendix.)

Mr. MORGAN. Here we are presented with the full and clear history of the case. Who has in all this time, in report or speech or otherwise, presented this case to the Senate of the United States in such a clear and convincing light as that strong-minded, level-headed great man, Ulysses S. Grant. Who has done it? Who can answer this strong and true statement?

The Isthmian Canal Commission has not answered it with their doubling and doubts about engineering and other questions. They did not dare to mention it when they came to make their ultimate report. I appeal to that authority which is not only convincing but satisfactory, true, reliable, just. I appeal to it as casting more real light, sensible reflection, and judgment upon this question than any man has been able to cast upon it either in reports of commissions or reports of committees of the Senate or by speeches delivered at these desks.

Was it in time? If the Senator from Ohio and the Senator from Indiana had ever read that report, they would never have said here that the Panama Canal question had had no consideration in this body or in the House, except as a sentiment, until and within such a short time that the House could not and did not consider it.

Is anybody to suppose that the House of Representatives, with its body of great and distinguished men, who have had the leading and chief part in the management and conduct of this Government for so many years—a task that would have defied the genius of any European statesmen—has hastily and thoughtlessly acted upon a great question like this, a question of nations, of the world, and all the generations to come, without having duly considered what it was doing?

I regret, Mr. President, that from the floor of the Senate there should go an accusation against the House of Representatives that it was acting in haste because it did not wait for the coming of some unknown project which was hinted at, as the Senator from Ohio says, in the gossip among the members, in the lobbies of the House, and through the newspapers.

He complains that the House of Representatives, after having listened to Grant and Ammen and a great many men of the highest ability who have ever written or spoken upon a subject like this, did not wait for the coming of something that had been spoken of in the newspapers, in conjectures, and in gossip, as he says, and that has floated about in the lobbies of the House. I leave the Senator and the case at this point for the present. I have some other matters that need to be stated, which I will tell to the Senate when no one else wants the floor.

APPENDIX.

[Senate Document No. 207, Fifty-seventh Congress, first session.]

THE NICARAGUA CANAL.

February 19, 1902.—Referred to the Committee on Interoceanic Canals and ordered to be printed.

Mr. PLATT of New York presented the following article on the construction of the Nicaragua Canal, by Gen. U. S. Grant, contributed to the North American Review in February, 1881.

The construction of a ship canal across the isthmus which connects North

and South America has attracted the attention of governments, engineers, and capitalists, in this country and in Europe, for considerably more than half a century. The allusions to the possibility and importance of such a work made by travelers and scientists, almost from the time when America was discovered down to the day when practical investigations were commenced by the Government of the United States, had left a deep impression on the public mind; and the rapid growth of the American Republic in population and wealth, the increasing commerce between the Atlantic and Pacific oceans, the long, tedious, and dangerous passage from shore to shore around Cape Horn, all tended to strengthen this impression and to establish the conviction that the interest of the American people in the commerce of the world required a water communication, from sea to sea, across the Isthmus of Darien.

It is now more than fifty years since this project first received serious consideration on this continent. Under the Administration of Mr. Adams, in 1825, correspondence and negotiations commenced, which have continued up to the present time. Turning from one government to another for aid in carrying out the scheme, the people of Central America soon arrived at the conclusion that they must look to the United States for the completion of the work, and that to them especially, on account of location and institutions, belonged the right to unite with that State through whose territory the canal might run, in its construction and control.

In 1830, in 1831, in 1835, in 1837, in 1839, in 1844, in 1846, in 1849, in 1858, plans were proposed to the Governments of the United States, England, and France for the commencement of the work, until the breaking out of the civil war in this country presented a more important topic for consideration, and overshadowed all questions relating solely to industrial development and international commerce, and ended in results which have given new and vast interest and importance to every enterprise which can add power to the Republic and advance the prosperity of its people.

Stepping at once into the front rank among the powerful nations of the earth, the United States has entered, as it were spontaneously, upon a career of development almost unparalleled in the history of the world. By the growth of States along the Pacific coast, by the erection of transcontinental lines of railway, by the occupation of new lands, by the opening of new mines, by increasing mechanical and manufacturing enterprises, by the introduction of her products on an amazing scale into the commerce of the world, by her devotion to a system of finance which requires incessant industry among all classes of the people, and the cheapest possible means of intercourse and transportation, the United States has given new and deeper importance to every method by which industry can be advanced and commerce can be promoted.

It is during this short period that the value of even the most expensive highways has been proved, that mountain ranges have been penetrated by costly tunnels, and distant seas have been connected by costly canals, and it has been demonstrated that the most extravagant investments in works of this description are remunerative under the vast commercial ebb and flow which characterizes the present age. Of the necessity for and advantage of intercommunication of every description, therefore, there seems to be no longer a doubt; and it is with this conviction that the United States Government is called on to consider now once more the value and importance of an interoceanic canal on this continent.

Of the advantages of this canal to our industry and commerce it becomes us, therefore, first to speak. In this connection it should not be forgotten that the States of North and South America lying along the Pacific furnish in large abundance those commodities which are constantly supplied with markets in almost every country of Europe. Of guano and niter the trade is immense. From the ports of Chile nearly 400,000 tons of freight are shipped eastward annually. More than 1,000,000 tons of grain are shipped each year from the Pacific States and Territories.

There is no doubt that more than 4,000,000 tons of merchandise find their way from these regions to the East and require water communication in order that they may be shipped economically and profitably; and this is merchandise to which railway transportation across the continent is wholly inapplicable. The great wheat crops of California and Oregon, for instance, find their way to Liverpool around Cape Horn at the freight rate of 50 cents per bushel—a rate which would not carry it by rail halfway to Boston or New York or Philadelphia, to be there shipped to its European destination.

In addition to the commerce of the North and South American ports referred to, there may be estimated also the advantages which would accrue to the trade of Australia and the remote East Indies bound to Great Britain, and which would undoubtedly add 1,000,000 tons to the freight seeking a passage through the canal. When we consider the time and distance saved by the canal for this vast amount of merchandise by avoiding the passage around Cape Horn, and the importance in these days of rapid transit, and of a ready approach to a destined market, we can readily understand the value of the enterprise to producer and shipper and consumer alike.

Leaving out of consideration the dangers and delays of the Cape, we should not forget that by the canal now proposed the distance from New York to Hongkong is shortened 5,870 miles; from New York to Yokohama, 6,800 miles: from New York to San Francisco, 8,600 miles; from New York to Honolulu, 6,980 miles; from Liverpool to San Francisco, 6,065 miles, and from Liverpool to Callao, 4,374 miles; and we need no longer question the value of an interoceanic canal on the Western Continent, as we have long since abandoned all doubt of the value of the Suez Canal to the commerce of the nations of the East.

To Europeans the benefits and advantages of the proposed canal are great; to the Americans they are incalculable. Forming, as a canal properly organized and constructed would, a part of the coast line of the United States, it would increase our commercial facilities beyond calculation. Interfering in no way with the interests of those lines of railway which connect the Atlantic States with the Pacific, but tending rather to stimulate and increase the activity out of which their traffic grows, it would cheapen all staple transportation and add vastly to the ease and economy of emigration from the East to the farms and mines of the Pacific slope.

That a canal will be of great benefit to the commerce of the United States, also, there can be no doubt. Meeting, as we do, a formidable competition in the carrying trade to foreign ports, we find in our coastwise navigation an opportunity for a profitable use of American bottoms, protected by our own commercial laws. A continuous coast line, including our Eastern and Western shores, therefore promises an increase of this navigation sufficient of itself to make a canal a matter of the utmost importance to our people.

In view of these advantages the question naturally arises with regard to the most feasible route for the canal, both as regards economy of construction and convenience in use. On this point it would hardly seem as if there were room for controversy. The difficulties which surround the Panama scheme have been so frequently and so forcibly set forth that they need not be elaborately repeated here. The floods of this region, caused by sudden and immense rainfall, have attracted the attention of the most careless traveler and have perplexed and confounded the scientific engineer in his attempts to provide some method by which to overcome the difficulties which they create.

The impassable and unhealthy swamps lying along this route have always been considered unfit for a water course, and so destructive to human life that labor and death seemed to have joined hands there. The necessity for long and expensive tunnels or open cuts and for a safe viaduct has added vastly to the expense of the route when estimated, and to the obstacles to be overcome by engineering. The most careful surveys have always developed a discouraging want of material for construction.

The addition of 500 miles to the distance between New York and the ports on the west coast of the United States by the Panama route over that of any other feasible route proposed, and the long and tedious calms which prevail in Panama Bay have never failed to create opposition to this route in the mind of the navigator. The enormous cost of the Panama Canal, moreover, has never been denied.

Considering the engineering difficulties attending the diversion of the Chagres River, and the necessary construction of an artificial lake to hold its floods, together with the tunneling, or open cuts, to which allusion has already been made, the cost of this canal can not be less than $400,000,000, and would probably be much more—including the payment to the Panama Railroad for its concession. No American capitalist would be likely to look for dividends on an investment like this.

Turning from the Panama route, therefore, as one which, when practically considered, has but little to recommend it, either as a commercial convenience or a financial success, we are brought to the consideration of the Nicaragua route as that to which the attention of the American public is most strongly drawn at this time. The advantages of this route are: The ease and economy with which the canal can be constructed; the admirable approaches to it from the sea, both east and west; the distance saved between Liverpool and the North American ports over that of the Panama route, and the distance saved, also, between New York and other Atlantic cities and the ports of the United States on the Pacific.

The cost of the Nicaragua Canal has never been estimated above $100,000,000; indeed, Civil Engineer Menocal, whose judgment and capacity have never been questioned, gives the following as his estimate of the entire cost of the work, after long and critical examination:

Western division—from Port Brito to the lake; distance, 16.33 miles; estimated cost	$21,680,777
Middle division—Lake Nicaragua; distance, 56.60 miles; estimated cost	715,658
Eastern division—from lake to Greytown; distance, 108.43 miles; estimated cost	25,020,914
Construction of Greytown Harbor	2,822,630
Construction of Brito Harbor	2,337,739
Total; distance, 181.26 miles; cost	52,577,718

A subsequent estimate, based on more recent surveys made by Mr. Menocal, has reduced this amount to $41,193,839, a reduction of $11,383,879; and by abandoning the valley of the San Juan River in favor of a direct route to Greytown, ascertained to be entirely practicable, the distance is reduced to 173.57 miles, the total canalization being but 53.17 miles.

It is well known that the Suez Canal, and, in fact, almost all great public works, cost far more than the estimates made by engineers. But applying this rule most liberally can not bring the outlay on the Nicaragua route above $100,000,000.

The surveys of this route, made subsequent to those of the other routes proposed, have developed extraordinary facilities for the work. Materials needed for construction are abundant throughout the entire line; the harbors of Brito and Greytown, at the western and eastern termini, are capable of being easily made convenient and excellent. The water supply from Lake Nicaragua is free from deposit and is abundant and easily obtained, the lake itself being the summit level of the canal.

The rainfall is not excessive. The climate during the trade winds is delightful. The country is capable of producing all the subsistence that would be required by the laborers employed in the construction of the canal. The local productions are valuable, and such as constitute many of the most important articles of commerce. In the construction, feeders, tunnels, and viaducts are not necessary. Dependent nowhere on streams, which in the rainy season are irresistibly destructive and in the dry season are reduced to mere rivulets, the canal would always be provided with a uniform and easily controlled supply of water.

A canal constructed on this route and at the estimates before us could not fail to be an economical highway as well as a profitable investment. Estimating the cost of the canal at $75,000,000, a charge of $2.50 for canal tolls and all other charges would give a gross income of $10,000,000 on the 4,000,000 tons upon which former calculations have been based. Deducting from this $1,500,000 for the expenses of maintaining and operating the canal, we have $8,500,000 as the net earnings of the work. Any reasonable modification of these figures would give an encouraging exhibit.

The liberal concessions made by the Government of Nicaragua to the Provisional Interoceanic Canal Society indicate a determination on the part of that Government to make the burthens of the enterprise as light as possible and to leave its government entirely in the hands of the American projectors. While in the Panama concession provision is made for the entry and clearance of vessels at the terminal ports, with the delays and annoyances usually attending such requirements, the Nicaragua concession avoids all interference by custom-house officials, except so far as to prevent smuggling and violations of the customs laws. This concession provides:

"There shall be a free zone upon each bank of the canal of 100 yards in width, measured from the water's edge, it being understood that the lake shores shall never be considered as the margin of the canal. Within this zone no illegal traffic shall be conducted, and the customs authorities will watch and prevent smuggling in accordance with the provisions of article 32 [of the concession]. It is expressly understood that every vessel traversing the canal will, whenever the authorities desire it, receive on board a guard [customs officer] appointed by the Government, who will, in case of discovering their violation, exercise his powers in accordance with the law."

The articles of the concession also provide that the "two ports to be constructed and to serve for entrances to the canal on each ocean are declared to be free and will be recognized as such from the beginning of the work to the end of this concession." While the administration and management of the Panama Canal, moreover, are placed in the hands of an independent company, deriving its powers from a foreign Government, and organized on the plan adopted in the construction of the Suez Canal, the commerce availing itself of the benefits of the Nicarauga Canal is protected by the Government of that country against all extortion.

In article 42 the concession provides that: "It is understood that the company, in the exercise of the powers here conferred, can not make other regulations than such as are necessary for the administration and management of the canal, and before issuing these regulations will submit them to the Government for its approval." In order to protect still further the interests of those using the canal, it is provided that all sums necessary to secure interest on the funded debts, obligations, and shares, not exceeding 6 per cent for interest, and also a sinking fund, shall be reserved; and that "what remains shall form the net gains, of which at least 80 per cent shall be divided amongst shareholders, it being understood, after ten years from the time the canal is completed, the company can not divide amongst the shareholders,

either by direct dividends, or indirectly, by issuing additional shares or otherwise, more than 15 per cent annually, or in this proportion, for dues collected from the canal; and when it is discovered that the charges in force produce a greater net gain they will be reduced to the basis of 15 per cent per year." These provisions indicate not only the confidence of the projectors in their enterprise, but also the determination of the Nicaraguan Government to guard against all possible injustice to the commerce finding a highway there.

That there are other advantages contained in the concession of the Nicaraguan Government, and in the proposed administration and management of the Nicaragua Canal, there should be no doubt in the mind of every American who believes in the power and supremacy of his Government on this continent. The concession is made to Americans, the society is made up of Americans, the corporators are Americans, and the act of incorporation is asked of an American Congress.

Every step of this project recognizes the right of the United States to guard with jealous care the American Continent against the encroachment of foreign powers. To this policy no nation and no cluster of adjacent nations, watchful of their own individual or collective interests, should take exception. It is the foundation of national existence everywhere. An American man-of-war, having on board the greatest naval commander of modern times, pauses for forty-eight hours at the mouth of the Bosphorus to recognize the right of a European power to control the waters of the Dardanelles and the Black Sea.

It can not be supposed for a moment that an American company, incorporated by the American Government, organized on American soil, would have been allowed to construct the Suez Canal, even if it had established a branch of its enterprise in France and placed it under the supervision of a distinguished and representative French official. And so it is with us. The policy laid down in the early days of the Republic, and accepted from that time to this by the American mind, by which the colonization of other nationalties on these shores was protested against, should never be forgotten.

The violation of this policy has always roused the American people to a firm assertion of their rights and cost one American statesman, at least, a large share of the laurels he had won by long and honorable service. The application of this principle even now secures safety and protection to a line of railway spanning the Isthmus and connecting the eastern with the western waters. The assertion of this principle by a treaty made with Nicaragua in 1849 is accepted to-day by all Americans, people and officials, with entire satisfaction.

The rejection of that treaty in order to prevent a collision between the United States and Great Britain, and to preserve unharmed the policy of an administration, is regarded as one of the most complicating and compromising acts of American diplomacy. The accepted and acceptable policy of the American Government is contained in the doctrine announced more than half a century ago by President Monroe.

It is to be found in the attitude assumed by our Government in all the long diplomatic discussion which followed the ratification of the Clayton-Bulwer treaty—a discussion in which General Cass, then Secretary of State, declared an analogous treaty as recognizing "principles of foreign intervention repugnant to the policy of the United States"—a discussion in which by negotiation Great Britain was compelled to recognize the "sovereignty of Honduras over the islands composing the so-called British Colony of the Bay Islands"—a discussion in which the President of the United States "denounced the Clayton-Bulwer treaty as one which had been fraught with misunderstanding and mischief from the beginning."

"If the Senate," said the President to Lord Napier, "had imagined that the Clayton-Bulwer treaty could obtain the interpretation placed upon it by Great Britain, it would not have passed; and if I had been in the Senate at the time it never would have passed." It is in obedience to this policy that the United States has protested against the establishment by Great Britain of a protectorate in Central America, either on the Mosquito coast or on the Bay Islands; and it is in accordance with this policy that President Hayes, in his message of March 8, 1880, declared that:

"The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power or to any combination of European powers. * * * The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

"An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare."

In accordance with the early and later policy of the Government, in obedience to the often-expressed will of the American people, with a due regard to our national dignity and power, with a watchful care for the safety and prosperity of our interests and industries on this continent, and with a determination to guard against even the first approach of rival powers, whether friendly or hostile, on these shores, I commend an American canal, on American soil, to the American people, and congratulate myself on the fact that the most careful explorations have demonstrated that the route standing in this attitude before the world is the one which commends itself as a judicious, economical, and prosperous work.

I have formed the opinions expressed in this article, not from a hasty consideration of the subject, and not without personal observation. While commanding the Army of the United States my attention was drawn to the importance of the water communication I have here discussed. During my administration of the Government, I endeavored to impress upon the country the views I then formed; and I shall feel that I have added one more act of my life to those I have already recorded, if I shall succeed in impressing upon Congress and the people the high value, as a commercial and industrial enterprise, of this great work, which, if not accomplished by Americans, will undoubtedly be accomplished by some one of our rivals in power and influence.

U. S. GRANT.

TERRITORIAL INDEBTEDNESS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 9334) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Territories with an amendment in line 5, after the word "laws," to strike out "of" and insert "in;" so as to read:

That the act of Congress approved July 30, 1886, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," is hereby amended so as to authorize the issuance of bonds by school districts in Oklahoma Territory having a bona fide population of not less than 5,000 persons for erecting necessary school buildings and purchasing the ground for the same.

The amendment was agreed to.

Mr. HOAR. Mr. President, I objected to this bill before on the ground that bonds which were to be sold in the market were valid only on the condition that the amount of the bonds did not exceed the valuation of the school district or whatever was the title of the corporation issuing them; and I think that is a very great defect. It was stated on the floor that there had been quite a number of precedents for acts just of this form, which to my mind makes the thing worse, because it ought to be an invariable rule to have that security for the purchaser of bonds.

But I am informed by members of the committee, especially the Senator from New Hampshire [Mr. BURNHAM], who reported this bill, and who is a very careful lawyer, that whatever may be the weight of that objection, in this particular case there is no substantial doubt that the amount of bonds proposed will come far within the valuation, and that it may be easily ascertained; and for that reason I do not insist any further on the objection, although I beg leave to say to my honorable friend, the Senator from Indiana, that if anybody reports another bill like this and I happen to be here, I shall object to it. I have no doubt, however, the committee, after this discussion, will put in a proper provision in that respect.

Mr. BEVERIDGE. I am very much obliged to the Senator for not objecting further.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes."

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. BURTON. Will the Senator from New Jersey kindly withhold his motion for just a moment, in order that I may secure the passage of a pension bill?

Mr. KEAN. Certainly.

JULIA L. GORDON.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 4067) granting an increase of pension to Julia L. Gordon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia L. Gordon, widow of Jonathan W. Gordon, late major, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 49 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 13, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 12, 1902.

COLLECTOR OF INTERNAL REVENUE.

Benjamin D. Crocker, of Washington, to be collector of internal revenue for the district of Washington

COLLECTOR OF CUSTOMS.

Clarence W. Ide, of Washington, to be collector of customs for the district of Puget Sound, in the State of Washington.

PROMOTIONS IN THE NAVY.

Commander William Swift, to be a captain in the Navy, from the 9th day of February, 1902.

Lieut. (Junior Grade) Roscoe C. Bulmer, to be a lieutenant in the Navy, from the 9th day of February, 1902.

Lieut. Martin Bevington, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902.

Lieut. Robert F. Lopez, to be a lieutenant-commander in the Navy, from the 11th day of April, 1902.

Asst. Surg. Holton C. Curl, to be a passed assistant surgeon in the Navy, from the 14th day of October, 1901.

Lieut. Walter J. Sears, to be a lieutenant-commander in the Navy, from the 17th day of December, 1901.

Lieut. John A. Bell, to be a lieutenant-commander in the Navy, from the 15th day of January, 1902.

Lieut. Commander Edward F. Qualtrough, to be a commander in the Navy, from the 9th day of February, 1902.

Pay Inspector Ichabod G. Hobbs, to be a pay director in the Navy, from the 28th day of April, 1902.

Lieut. (Junior Grade) Walter J. Manion, to be a lieutenant in the Navy from the 11th day of April. 1902.

Lieut. (Junior Grade) George E. Gelm, to be a lieutenant in the Navy from the 11th day of April, 1902.

Asst. Surg. Francis M. Furlong, to be a passed assistant surgeon in the Navy from the 16th day of September, 1901.

POSTMASTERS.

Orange L. Bantz, to be postmaster at Humboldt, in the county of Richardson and State of Nebraska.

Andrew Richmond, to be postmaster at Orleans, in the county of Harlan and State of Nebraska.

Christopher E. Head, to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia.

Thomas J. Helm, to be postmaster at Rome, in the county of Floyd and State of Georgia.

Chester H. Smith, to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska.

Frank McCartney, to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska.

Joel P. Deboe, to be postmaster at Clinton, in the county of Hickman and State of Kentucky.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 12, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BANKRUPTCY LAW.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that what time may be left on Monday next after the disposition of other business and Tuesday be given to the Judiciary Committee. This committee has had no time assigned to it during this Congress, excepting such as we have had incidentally, and my purpose will be, I will say frankly to the House, if we are granted this unanimous consent, to call up and consider the bill H. R. 13679, being an act to amend the act establishing a uniform system of bankruptcy throughout the United States.

The SPEAKER. The gentleman from New York asks unanimous consent that so much of Monday next as is left after taking up matters under suspension of the rules and all of Tuesday be given to the Judiciary Committee for the consideration of matters before that committee, the purpose being especially to call up amendments to the bankruptcy law.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from New York if he will not allow an hour or an hour and a half to the Committee on Interstate and Foreign Commerce for the consideration of a bill that has been under consideration for almost an hour in the House, known as the London landing clause bill? That is unfinished business, and I think it can be disposed of in an hour or an hour and a half, and if he is willing to give that amount of time, I would have no objection to the Judiciary Committee taking the time he asks for.

The SPEAKER. It may be proper in this connection for the Chair to state that the amount of business to take up under suspension of the rules will consume all of Monday. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that Saturday next may be substituted for the transaction of business on the Private Calendar which would be in order on Friday next.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that Saturday next be substituted for Friday next for the consideration of matters on the Private Calendar. Is there objection? [After a pause.] The Chair hears none.

EULOGIES ON THE LATE REPRESENTATIVE OTEY.

Mr. JONES of Virginia. Mr. Speaker, on Tuesday, June 10, an order was entered providing for a session of the House of Representatives on Sunday, June 29, the session to be devoted to eulogies on the late Representative Amos J. Cummings. I ask unanimous consent that that order be so modified that after the conclusion of the eulogies provided for therein eulogies may be pronounced upon the life and character of my late colleague, Maj. Peter J. Otey.

The SPEAKER. The gentleman from Virginia asks unanimous consent to so modify the order in respect to the eulogies upon the life of the late Representative Cummings, to be held on the 29th of this month, that it will be in order to consider similar eulogies upon the life and character of the late Major Otey. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CORRECTION.

Mr. RUCKER. Mr. Speaker, I desire to make a correction of the RECORD. During the debate on the bill for the protection of the President I took occasion to join issue with the distinguished chairman of the committee [Mr. RAY of New York] on his statement of a legal proposition. The CONGRESSIONAL RECORD, on page 6464, contains the following report of the colloquy between myself and the gentleman from New York, which I will ask the Clerk to read.

The SPEAKER. Without objection, the matter referred to will be read by the Clerk.

There was no objection.

The Clerk read as follows:

Mr. RAY of New York. Mr. Chairman, only one word. In all civilized communities there is a distinction made between killing a man with an intent and purpose to effect his death and a killing without any such intent or purpose—an intent to injure where there is no intent to kill, but incidentally or otherwise you go too far and kill. We have maintained a distinction in fixing the punishment in cases of this kind. If a man intends to commit a crime while he is engaged in the commission of a felony, you might hang the offender. He is just as bad as though he had accomplished his purpose. Anyone knows that is true, but the laws of all civilized communities and of all States make a distinction. We have followed that idea, and it is followed in the Senate bill.

If a man only intends to assault the President, and not to kill him, the punishment may be imprisonment for life or a much shorter term, depending on the circumstances. That is left to the discretion of the court, and we believe the courts of this country are so intelligent that they can be trusted to impose the proper penalty when a man is convicted to give him such a sentence as he ought to receive. The distinction between the first section and this one is that the first section puts in the words "knowingly and purposely kill," etc. This section provides for those cases where there is no purpose or intent to kill, but simply an attempt to inflict grievous bodily harm. I may add that there is no State in the Union nor a civilized country on the face of the earth to-day that inflicts anything more than life imprisonment for this offense, except when in the commission of a felony a life is taken.

Mr. RUCKER. The gentleman is mistaken about the law.

Mr. RAY of New York. I am not mistaken. I have taken every statute and have collated them. The man that states to the contrary does not know exactly what he is talking about.

Mr. RUCKER. The gentleman from New York does not know all the law of this country by himself alone. [Laughter.]

Mr. RAY of New York. I understand that, but we have taken all the statutes and compiled them—

Mr. RUCKER. The gentleman's compilation may be all right, but his construction is wrong. I know the universal law is that a man is presumed to intend the usual consequences of his own act, and where he uses a deadly weapon, he is presumed to intend the natural and usual consequences of that weapon.

Mr. RAY of New York. Now, Mr. Chairman, I concede that, and I think that debate on this amendment is exhausted, and I call for a vote.

Mr. RUCKER. Now, Mr. Speaker, if the CONGRESSIONAL RECORD just read contained the language used by the gentleman from New York, then the interruption made by myself would be silly and absurd in the highest degree; because I concede that, as printed in the RECORD, the gentleman's position is correct; but that is not the language used by him. I have obtained from the Official Reporters a transcript of their notes, and this shows that the gentleman has modified his language. I complain of the gentleman's modifying and revising his language so as to place me in an awkward and unjust attitude in the RECORD. The exact language of the gentleman, as shown by the Official Reporters' notes, is this:

Mr. RAY of New York. Mr. Chairman, only one word in answer to the amendment. In all civilized communities there is a distinction made between killing a man with an intent and purpose to effect his death and killing him without any such intent or purpose, but simply intend to injure him where there is no intent to kill, but incidentally or otherwise you go too far and kill him. We have maintained this distinction in fixing the punishment. If a man intends to commit a crime and fails, while he is engaged in the commission of an actual felony, you might say hang him; he is just as bad as

though he had accomplished his purpose. Anyone knows that is true, but the laws of all civilized communities of all States make a distinction according to the intent. We have followed out that idea, and it is followed out in the Senate bill.

If you simply intend to assault the President and not to kill him according to the grievousness of the injury inflicted, it may be imprisonment for life or a much shorter term. That is left to the discretion of the court, and we believe the courts of this country are so intelligent that they can be trusted to impose the proper penalty and when a man is convicted to give such a penalty as he ought to receive. The distinction between the first section and this one is that the first section puts in the words "knowingly and purposely kill," etc. This section provides for those cases where there is no purpose or intent to kill, but simply an attempt to inflict grievous bodily harm. I may add that there is no State in the Union nor a civilized country on the face of the earth to-day that inflicts anything more than life imprisonment for this offense.

Mr. RUCKER. The gentleman is mistaken about the law.

Mr. RAY of New York. I am not mistaken. I have taken every statute and have collated them. The man that states to the contrary does not know what he is talking about.

Mr. RUCKER. The gentleman from New York does not know all the law of this country by himself alone. [Laughter.]

Mr. RAY of New York. I understand that, but we have taken all the statutes and compiled them——

Mr. RUCKER. The gentleman's compilation may be all right, but his construction is wrong. I know the universal law is that a man is presumed to intend the usual consequences of his own act, and where he uses a deadly weapon he is presumed to intend the natural and usual consequences of the use of that weapon.

Now, Mr. Speaker, a comparison of the gentleman's language as printed and as actually delivered shows the modifications which the gentleman made in revising his remarks, and the changes put me in the attitude of controverting a well-recognized principle of law. The gentleman evidently realized that there was some force and merit in the objection I made to his statement of the legal proposition, and he modified his statement so as to avoid the objections made by me. Now, since the gentleman did not do me the courtesy to ask me to withdraw my language in order that he might edit his remarks and place himself in the RECORD as he ought to be placed, as a great lawyer of this House, I insist that the language used by the gentleman ought to go into the RECORD, or else the language used by myself, in courtesy to me, ought to be taken out of the RECORD. I do not care which horn of the dilemma the gentleman takes.

Mr. RAY of New York. Mr. Speaker, the only possible difference between the gentleman and myself is this: When I stated the rule of law on the floor, in the hasty colloquy that was taking place, I stated the general rule. The gentleman took issue with me. It did not occur to me at the moment that I had not stated the exception to the rule. The gentleman said I had not stated the rule correctly, as I understood him, and I took issue with that statement. Now, when I looked over the remarks that were actually made, I found that I had not stated the exception that I should, and in revising my remarks I simply added the exception. I apologize to the gentleman, if he thinks that put him in an unfair situation; but as I say, when I made the statement on the floor, I concede that I omitted to state the exception to the rule. If the gentleman had called my attention to that fact, I would have made the correction at the time.

I understood him to contend that the rule I stated was not the general rule. The gentleman was correct in saying that I did not state the law correctly because I did not add the words stating the exception. I trust that with this explanation no injustice will be done the gentleman. I certainly have for him the very highest regard, not only as a gentleman but as a lawyer, and the whole difference was that in the haste of a five-minute colloquy we were both a little in error; but I will concede that I was more in error than he. Neither of us, I am sure, intended discourtesy or to charge ignorance.

Mr. RUCKER. Mr. Chairman, the gentleman's language when this bill was under discussion was that anyone who took the position I did knew nothing whatever of law; but since his conversion, and since he has to-day so clearly stated the facts and exonerated me from blame, I accept the statement made by him in the spirit in which it is made. [Applause.]

IRRIGATION OF ARID LANDS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report, which I will ask to have read.

The Clerk read as follows:

Mr. DALZELL, from the Committee on Rules, submitted the following report:

The Committee on Rules, to whom was referred the resolution of the House No. 222, have had the same under consideration, and respectfully report the following in lieu thereof:

"*Resolved*, That immediately after the adoption of this resolution it shall be in order to consider in Committee of the Whole House on the state of the Union the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, and consideration thereof shall continue for two days, one of which shall be devoted to general debate and one to debate under five-minute rule and for amendment. At the end of said two days a vote shall be taken. But this order shall not interfere with revenue or appropriation bills or conference reports."

Mr. DALZELL. Mr. Speaker, the rule that has been read at the Clerk's desk is a very simple one. It provides merely for the consideration of the irrigation bill, provides for two days' debate—one for general debate and one for debate under the five-minute rule—and then calls for a vote.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Pennsylvania to yield to me some time, additional, to discuss the proposition involved.

Mr. DALZELL. How much time does the gentleman want?

Mr. ROBINSON of Indiana. I would like, in order to make the argument with some continuity, more time than the gentleman would agree to yield. I suggest that he yield fifteen minutes and that I can possibly get an additional five minutes.

Mr. DALZELL. I yield fifteen minutes to the gentleman.

Mr. ROBINSON of Indiana. Mr. Speaker, to a casual observer of legislation and to those who have only casually looked into the important questions involved it may seem that two or three days' time would be ample for the discussion of the features presented by this bill. But, involving, as it does in one form or another, nearly all the principles of government for which we have stood, involving all the questions of change in the administration of the public lands, involving the abdication by the House of Representatives of its powers over appropriations, involving the constitutional questions of State and national powers, and involving home rule, for State rule is home rule, for which this side of the House for a century has stood, two days' time for the discussion of these questions is not ample to present them to the House of Representatives. It involves the whole field of appropriation, economy in expenditure, wasteful extravagance, special and political influence, jobs and deals, political and legislative.

It involves in government a change of an old and the ingrafting of a new system of laws for the regulation and control of 600,000,000 acres of public domain along untried and experimental paths.

I do not mean that irrigation is an experiment, for it has been successfully and profitably employed by State and private enterprise for ages. But to the Government it is new, experimental, and dangerous.

This change involves the abdication by Congress of its rights and its duties to appropriate money derived from taxation, money derived from the sale of land owned by all the people, and it is a surrender of these rights of the people and this prerogative of Congress to a Federal officer in the expenditure of a mountain of money, the cost of which irrigation projects is variously estimated by experts at from the lowest, $300,000,000, to the highest, $600,000,000, being the reclamation of 60,000,000 acres of irrigable land at from $5 to $10 an acre on the average.

While this estimate of 60,000,000 acres of irrigable land is made, there are yet 540,000,000 in the arid regions, and we may confidently assume, in the light of all past experiences, that the efforts of experts and officers in charge will not be relaxed till the bounty of heaven is exhausted and the flood and snow waters are no more. Cum grano salis is a good rule in passing on preliminary estimates of experts when their hearts are set on a project.

I congratulate the gentlemen of the arid regions, who have a special interest not common to the whole country, on securing consideration for this measure of interest in their districts and States but troublesome and dangerous to every other section of the country.

That it will affect them advantageously and ruinously affect all the rest of us I firmly believe, and think this will be made plain by a reading of the bill and the majority and minority reports. I can not speak in unkindness, but in praise, of Representatives of the States whose stars are fast floating away in the firmament, losing their luster, and preparing to join the milky way, but my constituency can not contribute to its own downfall to rescue them from the gloom that surrounds them, and I claim only the same rights that Representatives always exercise on this floor to protect my people as I have the understanding to perceive and the power to execute. An attempt has been made unjustly and inordinately to control the Democratic Congressional committee and to divert it into an unwarranted and dangerous path, and culminated a brief time ago in a minority acting on some sort of an irrigation resolution.

Mr. SHALLENBERGER. Will the gentleman permit an interruption?

Mr. ROBINSON of Indiana. Much as I desire to continue my argument, I yield to the gentleman.

Mr. SHALLENBERGER. Will you permit me to read to you the Democratic platform?

Mr. ROBINSON of Indiana. I will read it presently, and the gentleman need not do so.

The simple statement of fact carries its own refutation of power and authority, and the resort to that body instead of to a Democratic caucus carries a suspicion to the act if not a condemnation of the measure in support of which this unheard-of procedure was invoked.

When analyzed and the lack of jurisdiction and authority is seen, the mode of promotion understood and the futility of the

attempt is considered, the whole effort vanishes into thin air and has not the force of a feather's weight to control the head, or heart, or the conscience of a single man, as a Democratic pronunciamento.

Straws show how the wind blows and furnish figures of speech, one that was grasped after by the drowning man and the other that broke the camel's back.

For one member among the many whose election I understand it to be the sole object of the committee to secure, I am willing to concede without criticism whatever advantage those who sought this unjustifiable course can gain by the boldness of this attempt from the arid region and the utter futility of the result.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. ROBINSON of Indiana. I have only fifteen minutes.

Mr. HOPKINS. I did not understand what Democratic committee is trying to do this thing.

Mr. ROBINSON of Indiana. Well, the gentleman must read my remarks. I only had yielded to me fifteen minutes by the Republican Rules Committee.

With the attitude of public men on this question so various and so divergent, the one who thinks that politics dwells in this great public question has not the forecast of a political prophet, and will awaken from his reverie to find the powder flashing in the pan, and if the fish does jump it will be from the frying pan into the fire. It will come back to plague us and our successors.

I have deep and settled convictions on the proposition for which this rule seeks consideration. I am impressed with its importance and its dangers as national legislation. It leads us to great national improvement of forests and streams, drilling of deep artesian wells, saving the former from fire and the latter from overflow and percolation. Under bills like this good roads must be built and preserves guarded by the Federal Government. Swamp lands and lake regions and all must come in for their share of Federal patrimony, when the whole matter more properly belongs to the polity of the States.

With favorable consideration of measures like this statesmen will be found drifting away, day by day, from the sacredness and safety of State rule, so strongly supported by so many in years gone by, and new recruits be found in proportion for the dangerous idea of a strong central government sought by so many to-day. The dangers in this legislation does not lurk in but one or but several of the features of this bill, but are manifold and are present in nearly all of its sections.

In this whole scheme of irrigation, too early for consideration now, I find only cause for deep foreboding. There is scarcely a line in the proposition that does not bristle with objections from a Democratic standpoint.

To my Democratic colleagues I say that you may explore the whole field of legislation upon which we have been most conservative and careful and objections repeatedly and forcibly made will be found applicable here.

Two days' time fixed by the rule to consider in its general scope and detail this measure does not furnish time enough to cover with care and pains the vast field opened up for discussion and settlement, embracing as it does so many new and so many old and objectionable features as are presented for our consideration. If there is any Democratic principle embraced in this bill, a careful analysis has failed to disclose it to me. If there is any dangerous principle that we have always fought against not contained in it, I can not now recall what it is. I do not claim to be infallible, of course, and accord to all the same right to think and speak for our party as I claim myself. I only assert now that I do not regard politics as in the bill.

I am sure it is not a Democratic bill, nor would I charge it to be a Republican bill, for I regard too highly many of my friends on the other side. To be entirely frank with the House, I regard it as an arid-land bill and nothing else.

At the beginning of this session the arid-State members in committee assembled properly elected the gentleman from Nevada chairman and proceeded to draft an irrigation bill. The committee was composed of a large majority of Republicans, but politics was submerged to get some irrigation legislation.

The committee, of course, was confronted with platforms and constitutions, national and State. Where they pointed their way, they adopted them; where they run counter, they run over them or passed them by.

They took up first the Republican national platform of 1900, and upon that this bill was drafted and introduced in the Senate. After a little while the bill passed without a division in the Senate, and went to the House Committee on Arid Lands, a majority of whose members are from arid or semiarid States.

The troubles then began. The President was for one kind of irrigation, with national control of canals and water distribution, and the Republican platforms, national, State, and Territorial, and some State constitutions of States affected, were for another kind, with State control of canals and water distribution. The President told the committee that called on him that the Senate bill was not in consonance with his ideas of irrigation; that if the United States built canals it should, to keep the water supply from politicians, control the distribution.

This information seems reliable from newspaper reports.

By looking at the bill you will find a lame, bungling effort to accomplish an impossible blending of the views of the President for national control and the contrary view of platforms and constitutions for State control. This was done in the committee room of the House. This effort makes a hotchpotch of a bill, with crudities and incongruities which, if it were possible, makes it more of a medley than when it left the Arid States Committee.

Thus it is seen that, from a Republican standpoint, it has no political significance and no political character. The effort to make it so in any way is strained and farfetched.

In view of what has transpired, I feel free to state that I named to three members of Congress from the States affected my objections, and in each instance they responded that I had not enumerated one-half of the objections to it.

Now, under these circumstances, with a bill such as this, out in Indiana, where we are in the habit of judging of political effect—you people having come out so often to discuss political matters to us, we have got in the habit of thinking on political matters—if you want to know what we would do with a man that thought such a matter bore a political significance I will tell you. We would elect him constable in some way-back township where he would get no salary, but a fee if he makes an arrest. [Laughter.]

Now, what is the Democratic position upon this subject, the gentleman asks me. Our platform was for an intelligent system of irrigation. What is an intelligent system of irrigation?

Mr. SMITH of Arizona. Will you suggest one?

Mr. ROBINSON of Indiana. I can, in the language of him who was a high priest on irrigation at the time the platform was adopted. Surely it will not be said that this bill is an intelligent system of irrigation, or a Democratic measure. To prove this the bill need only be read. What was before Congress, before the country, or before the convention as "an intelligent system of irrigation?"

Who was the high priest of irrigation in the Fifty-fifth Congress, and what did he say? Who was the apostle to whom all others bowed then? It was the gentleman from Colorado [Mr. SHAFROTH], whom we all admire for his sterling worth.

His was the bill before the country, on the Speaker's table in the House, and it was so meritorious that even Speaker Reed allowed it to pass the outside portals. It was ably reported—the gentleman will admit this—by the gentleman himself from the Committee on Public Lands.

What was its purpose and objects? It gave a million acres to each State to aid it and to aid private enterprise to irrigate.

Let me read what the gentleman said—his judgment on the subject—on this only rational scheme of irrigation then before the House and the country:

> It seems to your committee that one of two courses must be pursued by the United States. Either the National Government must undertake the reclamation of these lands by the construction of reservoirs and canals to impound and lead the water to the lands that are to be settled, or else this Government should transfer these lands to the States, so as to permit them to undertake the work of reclamation.
>
> Of course the people of the arid-land States would much prefer that the work of reclamation should be undertaken by the National Government. They would like to see the National Government construct large reservoirs and canals there, but it is hardly within the range of possibility that the nation will undertake the same. The amount to be appropriated would be so large, the Representatives from the arid States are so few in number, that it can not be expected that the Government would ever enter upon the work of reclaiming these lands.

This was a solemn committee report emanating from the clear head and clean heart of that great champion of irrigation. His name gives force and strength to his reports when he is right, as he was in this case, and he no doubt moved the convention. This new scheme involves the complicated, complex, litigious, and dangerous questions of condemnation of private property in a State jurisdiction by a Federal officer, and which power and property so condemned is to be used in and for another State to irrigate public land not only, but private land as well. To illustrate: Nevada must go to California and invoke all the complicated machinery of law—must wade through the perplexing problems of condemnation and interstate rights or get no water, and this rendered still more difficult by the invoking of the law within a State jurisdiction by a Federal officer for uses not wholly within the State and not exclusively concerning United States land.

Such a conflict and litigation would arise like unto that which might come were the dead to arise and attempt to trace their ancient possessions. This scheme involves the purchase without condemnation by a United States officer from the public land fund belonging to all the people, at exorbitant figures, as it must be when the United States is the purchaser in a State jurisdiction of private property for the uses and purposes I have just named.

It involves the United States Government in the execution of

an enterprise around which will cluster, like banqueters at a feast, those patriotic American citizens, with too many of which we unfortunately are cursed, who are always ready to encourage an enterprise by the Government, however stupendous, because there is something in it for themselves.

It involves the robbery of peoples of self-government in States, and while some speak for them, saying that American citizens will abjectly submit to a surrender of their sovereignty to receive these gifts of the people's lands, and submit to be governed 2,000 and 3,000 miles away, I believe that representatives of other States should save this misguided people from their friends and at once protect the interest of their own States, their own constituents.

It is charged that the land-grant railroads are the principal promoters of this legislation. This is not met with a disclaimer, but by the question, "Suppose they are?" This is a question difficult to answer satisfactorily to all, but for myself, I am unwilling to stand for a proposition embodied in this bill which my party has always stood against; unwilling to promote a system of land grants, either in the land itself or by the Government's increase of value to it, when I remember my party's opposition to the original grants and its vigorous insistence on the forfeitures of lands by the railroad corporations by reason of their refusal to comply with the terms of the grants. Others may see their way clear to go into this conflict with party doctrine, but I can not.

Even if the great railroad interests of these sections do say that the only reasons for this dangerous legislation is to give us the Asiatic trade, for my part I can not see enough of merit in this irrigation proposition from any standpoint to fly me in the face of my party's uniform attitude when it made history on both the subsidizing of railroads by land grants or on expansion, the one the real and the other the claimed reason why the railroad corporations are in favor of the bill.

This bill involves the United States Government in the employment of its machinery of government to force values and utility in land by a stupendous outlay to control the elements by conquering nature's course, thereby exerting government powers in fields that should be exploited and will be exploited by State and private enterprises as fast and as far and as prudently as the needs of the people and localities may require.

It is aimed to deter the slow but steady tide of immigration now setting in from the North to the rich mining fields of Tennessee, Alabama, and the South; to check those who, from my State and others, go South to find your sweet Southern hospitality and reach your blooming fields, and, mingling with you, give a force for the future that no arid region irrigated in the world can compare with the results of this combination, and no States can rank your Southern States in the industrial development thereby produced. [Applause.]

Mr. DALZELL. Mr. Speaker, I now ask for the previous question.

Mr. UNDERWOOD. I hope the gentleman will allow some time to this side.

Mr. DALZELL. How much does the gentleman desire?

Mr. UNDERWOOD. I think there are two gentlemen who want to speak.

Mr. DALZELL. How much time is desired?

Mr. UNDERWOOD. Thirty minutes.

Mr. DALZELL. I yield my colleague on the committee thirty minutes.

Alabama

Mr. UNDERWOOD. Mr. Speaker, I do not desire to detain the House at any great length in the discussion of the rule under consideration or of the bill that this rule proposes to take up for consideration. The rule now under consideration reported by the gentleman from Pennsylvania [Mr. DALZELL] comes before the House with the unanimous report of the Rules Committee. The bill for the reclamation of the arid lands in certain Western States is reported to the House by a majority of the committee which had it under consideration. All of the Democrats on the committee join in the report, and all of the Republicans except two. Both the Democratic and the Republican parties in their last national conventions indorsed the proposition of the United States Government granting aid toward the reclamation of the arid lands of the West.

I differ with the statement of my friend from Indiana [Mr. ROBINSON] when he says that there is something undemocratic in this bill and that it is not in line with democratic principles. The representatives of the Democratic party on the floor of this House, since the beginning of the Government have uniformly concurred in legislation giving the public lands that belong to the Government as bounties to soldiers who had fought in the various wars of our country, and also in giving these lands, or the proceeds thereof, to the States or to State institutions for educational purposes. Our predecessors on the Democratic side of the House have always taken the position that the public lands were a part of the private purse of the nation, and that the proceeds thereof were not subject to the same limitations on the expenditures as were moneys in the Treasury derived from taxation.

The Democratic party has always contended that moneys raised by taxation of the people were a trust fund paid into the Treasury for specific purposes, and that it was a violation of the trust to expend them for other than purely governmental purposes, such as maintaining the machinery of the Government, the maintenance of the Army and the Navy, and such expenditures as were necessary in carrying on the Government of the United States under the powers conferred upon it by the Constitution, but no party, so far as I am informed, has ever contended that this doctrine applied to the moneys received from the sale of the public lands belonging to the nation. Let me enumerate, for a moment, the various dispositions that have been made of the public lands by our Government and at times when the Democratic party was in power in the House of Representatives.

First. Public lands were given as bounties to veteran soldiers and sailors of all wars, from the Revolution down to the civil war.

Second. They were at one time a large source of public revenue, and their proceeds were converted into the public Treasury and used for all governmental purposes.

Third. The proceeds of the public lands were used for maintaining a general land office, and for surveying and preparing the public lands for settlement.

Fourth. Before the days of railroads they were given for the construction of canals, highways, and levees.

Fifth. The sixteenth and thirty-second sections were given to the States for educational purposes.

Sixth. Large amounts of public lands have been given by Congress to various public and private colleges for educational purposes.

Seventh. The proceeds of the sale of public lands have been given to the States to maintain agricultural colleges.

Eighth. Land grants have been given to the railroads to aid in their construction and the opening up and the development of the great West.

It is now proposed to give the proceeds of the sale of the public lands in certain Western States as a trust fund for the purpose of reclaiming the arid lands of those States, and, from a constitutional standpoint, I must say that I fail to draw a distinction between giving the proceeds of the sale of the public lands to education or the lands to soldiers and sailors or to railroads, canals, or companies organized to build levees, and the giving of the proceeds of the sale of the lands in these States to the people in the States in order that they may make their own country habitable. In my judgment, in our doing so, we are only carrying out the purposes for which we originally acquired the public domains. At the close of the war for independence the territory recognized by the King of England as belonging to the thirteen colonies extended from the Atlantic Ocean to the Mississippi River on the west and from the Great Lakes on the north to the Gulf of Mexico on the south and embraced about 830,000 square miles, or 531,000,000 acres. Of this territory at least 404,000 square miles lay west of the Alleghany Mountains and was uninhabited except by the Indians.

In the year 1780 Virginia, New York, Massachusetts, and other States in the Union ceded this western territory to the Continental Congress, and it may throw some light on the present question when we consider under what terms this cession was made and for what purpose it was accepted by the Congress of the thirteen colonies. On the 10th day of October, 1780, shortly after the cession of this territory, Congress passed a resolution that the territory ceded to the colonial government—

> Shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States. * * * That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

This resolution was the corner stone of the Territorial system of the United States and has been recognized as such from that time down to the present day. As stated in the foregoing resolution, the ultimate object to be attained was to convert this vast public domain into States of the Union. The Government accepted the lands for this purpose. In order to carry out this purpose it was necessary to open the land to settlement and induce the people to go there, for you could not have States without having inhabitants. I therefore contend that it was legitimate and in no wise a violation of the terms of our Constitution for the Government of the United States to use these lands, or the proceeds thereof, in any way that would aid in the development of the country and the settlement of the lands.

It was therefore no violation of the Constitution to grant these lands to soldiers on the condition that they settle and develod them, nor to grant certain portions of land as endowments to

schools, as that had a tendency to attract population and develop the country, nor was it a violation of the Constitution to grant these lands to railroads, because without means of transportation it was impossible to develop the country, nor was it a violation of the Constitution to grant these lands to companies or individuals for the purpose of building canals to drain the lands, or erecting levees to prevent the overflow of water, because the doing of both was necessary in order to develop the lands so that they could be used for settlement and home building.

Now, is it going a single step further than we have already gone when we consider the grants for the draining of overflow lands and the raising of dikes and levees to prevent the overflow to say that we will grant these lands or the proceeds derived from the sale of public lands for the purpose of conserving the waters of their torrential streams in order that they may be used to irrigate those lands that are now barren for the lack of rainfall, and make them suitable for agricultural purposes, so that they may attract population and develop the great States and Territories of the West? I think not. In my judgment it is merely in line with the original intention of the fathers that all reasonable means should be used to attract population to the uninhabited lands of the country, in order that they might acquire the necessary population to make them thriving and prosperous States of the Union.

As I stated above, the bill merely proposes to take the proceeds of the sale of the public lands in the 17 arid States and Territories of the West that lie west of the one hundredth meridian of longitude, extending practically to the Pacific Ocean; in other words, embracing largely that territory laying westward of a line drawn through the middle of the Dakotas, Nebraska, Kansas, and Oklahoma. The territory embraced in what is now known as the arid region covers about 600,000,000 acres of land, amounting to at least one-third of the territory of the United States with Alaska excluded. It is admitted that all of this country can not be irrigated, but it is shown by reports of the Government that about 60,000,000 acres of land are subject to irrigation and can be converted into valuable farms. Whereas if nothing is done toward the developing of this country it will remain practically a desert for all time to come.

There is nothing new in the idea of irrigating land for farm purposes. Irrigation goes back as far as the history of civilization. In fact, the first dawn of civilization seems to have originated with people who lived in a country where, to a large extent, it was necessary to resort to irrigation for agricultural development. In the great West the snow accumulates on the Rocky Mountains during the winter. In the spring and early summer it melts, and rivers that are dry in the fall become torrential streams, carrying vast quantities of water to the sea. In a few months this water flows off and the beds of the rivers are dry. There is very little rain in a large portion of this country, and in the fall of the year the crops would perish unless artificial means are used to furnish the necessary moisture in the dry months.

It is proposed by the present bill to take the proceeds of the sale of the lands in these arid States, amounting to something between a million and a million and a half a year, and turn them over to the Secretary of the Interior, as a trust fund with which to build great dams to hold the surplus waters that come down the Western rivers in the spring, and build canals carrying the waters from these dams across to the lands to be irrigated. The small ditches from the canals to the farms are expected to be built by the owners of the land. The proposition is that the lands shall be sold for homesteads at the actual cost of building the dams and canals, the money raised to go back into the trust fund for further development of other lands and the opening of new country to settlement. It is therefore seen that it is not proposed to take any money from the Treasury that is derived from the people by taxation, but merely to grant to them the proceeds of the sale of their own lands in their own States to work out their own development.

It is contended by some that this bill should not pass, because it is opening up farming lands of the West to come in competition with our Eastern and Southern farms. I have no patience with such an argument, for had our fathers pursued such a policy, neither the Middle States nor the Western States would ever have been developed, and besides that it overlooks the fact that these lands are being opened to settlement for all the people, whether they now reside in the East, South, or West. The farm boys in the East want farms of their own. It gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment.

It will provide a place for the mechanic and wage-earner to go when the battle for their daily wages becomes too strenuous in the over-crowded portions of the East. Products raised on these lands must find a market either on the Western coast or in the Orient, as the railroad freights to the East are too great to allow the shipment of ordinary farm products eastward to compete with our own farm lands. A large portion of the arid lands will be used for the raising of fruits and products of the soil that does not come in competition with the farmers of the East. If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations for the purpose of using it for grazing vast herds of cattle.

They will acquire the waterways and water rights for the purpose of watering stock and become land barons. Then it will be impossible to ever convert it into the homestead lands for our own people or to build up the population of this Western country. I believe the passage of this bill is in the interest of the man who earns his daily bread by his daily toil. It gives him a place where he can go and be free and independent; it gives him an opportunity to be an owner of the soil and to build a home. Those are the class of men we must rely on for the safety of the nation. In times of peace they pay the taxes and maintain the Government; in times of peril and strife they are the bulwark of the nation, and it is justice to them that this legislation be enacted into a law. [Applause.]

Mr. SHAFROTH. Mr. Speaker, the speech of the gentleman from Indiana [Mr. ROBINSON] was a very good speech on the merits of the bill, but it did not touch the question which is before the House at the present time. The question is whether we shall give consideration to this irrigation measure, and on that question the gentleman did not utter one word, except that which might be considered as being against the bill in toto. Mr. Speaker, the fact that this measure has been agitated by the people of the United States for many years, the fact that there has been a consensus of opinion among most Americans that something in this line ought to be done, the fact that the great national parties of this country, the Democratic party and the Republican party, have seen fit to place in their platforms planks indorsing a measure of this kind, alone entitle the bill to consideration in this House; and when we take into consideration also the fact that this is a bill which has been enacted by the Senate and comes to the House, we find an additional reason why we should give the measure consideration. So that it seems to me that every single man in this House, whether he be Republican or Democrat, should vote in favor of the consideration of this bill, no matter whether the bill meets his views or not.

The gentleman from Indiana referred to these platforms. I want to call attention to the particular language which is contained in them. The Republican party met in convention at Philadelphia, Pa., a place far removed from any arid lands, it being in a part of the country where rainfall is abundant, and that convention, in response to a general demand, deemed proper to insert in its platform the following declaration:

> In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to irrigate the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

The Democratic convention met in Kansas City. Missouri is not an arid-land State. Yet notwithstanding that fact that great convention adopted a plank in its platform relative to this subject. The language of that platform upon this subject is as follows:

> We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

The gentleman from Indiana says that this is not an intelligent system of irrigation, but refers to a bill which I introduced in the Fifty-fourth Congress, which was a partial measure to let these States do the work of erecting and building reservoirs within their respective limits. Mr. Speaker, when we take into consideration the wording of this platform, it can be seen that it was the intention of that political party in that convention not to indorse that kind of a proposition, because it provided that "said lands shall be held for actual settlers;" and if these lands were ceded to the States by the National Government, I would like to know how the nation could hold them for actual settlers. Consequently the statement which the gentleman makes that they had in mind a bill which I had introduced and which was favorably reported by the Committee on Public Lands is flatly contradicted in the very declaration of the platform itself.

Mr. ROBINSON of Indiana. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. SHAFROTH. I yield for just one question.

Mr. ROBINSON of Indiana. Does not the gentleman know that Congress could provide as a condition precedent to the acceptance of those lands the actual holding of them for the settlers?

Mr. SHAFROTH. Yes; but was there anything provided in that bill that they should hold them for actual settlers? No, sir; not a syllable. Besides, as I stated in the report upon that bill,

it would be better for the National Government to undertake it, but I felt at that time, with the public sentiment against us, that we could not get the relief.

Mr. Speaker, I tried to get consideration of that bill. It is true Speaker Reed recognized me to call up the measure, but objections were made to its consideration; objections even were made to setting a day for its consideration, and those objections were based upon the ground that the United States should not cede lands to the States for any such purpose. It seems that when we get a bill up here to grant lands to the States to be used in reclaiming arid lands, then somebody objects to it and says the National Government should hold and should keep control of the lands so as to give actual settlers the right to locate upon the public domain, and when we report a bill that is in favor of giving to the National Governm ent the power ofconstructing these irrigation works, then we find gentlemen, like the gentleman from Indiana, saying that is not the way to do it, but we should give these lands to the States to be used for that purpose. No matter what position we take we find some people ready to prevent the development of that Western country.

Mr. Speaker, the reasons which the gentleman from Indiana has given against the merits of the bill alone impel me at this time to say a word in relation to the merits of this measure. This bill is one which, if a conservative measure can be considered at all, if a conservative measure with relation to arid lands can be indorsed at all, should receive the approval of this House. The provisions of the bill are in substance that out of the proceeds of the sale of public lands of the arid-land States there shall be created a reclamation fund in the Treasury of the United States, and from that reclamation fund irrigation works shall be built.

After they are completed the cost of the construction shall be divided among the acres of land that can be irrigated from these works, and before anyone can acquire title from the United States to the reclaimed land he must pay into the Treasury of the United States every dollar of the cost of the construction of those works. Talk to me about that being an extravagant measure! Say to me that that is not a conservative measure! Mr. Speaker, it seems to me if any measure on earth could be indorsed, if we are going to develop that Western country in any manner, this is the bill which should meet the approval of every man in this House.

The conditions in the West are simply these: Under the guidance of the gentleman from Pennsylvania [Mr. GROW], a man whom every Western man in this country loves and reveres, the homestead law was enacted. Mr. Speaker, it did not contemplate the settlement of arid lands. It contemplated the settlement of lands that received sufficient precipitation from the clouds to raise ordinary crops. Early in the settlement of the arid region the farmers found that they could take up their 160 acres of public land close to a stream, and by going up a mile or two, dig a ditch and conduct the water, at small expense, to their land, thereby availing themselves of the land laws of the United States with relation to settlement; but those lands in my State have long since been taken up.

The result is that now you can not find any public lands except where it is necessary to go 20 miles up the stream in order to conduct the water thereof to the land. The cost of doing that is more than a hundred times the value of the land. Consequently, it means that no settlement can take place in that country unless some measure is perfected for the completing of large works and reservoirs. Now, Mr. Speaker, that is the condition of that country. It means that development must absolutely stop in agriculture unless we are able to get some legislative relief. It is on that account that this bill has been considered, not only by the West, but even by Eastern people, and has met their approval. A condition confronts us in the West to-day that you gentlemen can not appreciate. It is estimated that this very year 50,000 Americans have gone across the border into Canada for the purpose of locating upon the cheap lands of the Dominion.

Are you going to retain your own citizens here or are you going to prefer the development of Canada to the development of your own country, especially when the development of your own country does not take one dollar out of the Treasury of the United States? Ah, Mr. Speaker, there can be but one answer to that. That flow of immigration from the Western States to Canada has occurred solely because there they can get the benefit of cheap land, which receives sufficient rain to raise ordinary crops, while in the United States the available lands are arid. Let us stand for the development of our own country instead of that of a foreign people.

So, Mr. Speaker, we find that something must be done in this matter; that it is necessary to the development of the West; that it is necessary to the building up of this nation and making it the greatest country of the world.

But, Mr. Speaker, as I see that my time is rapidly passing, that I have only about one minute left, I want to say that this talk as to the merits of the bill is not germane now. The only question now before the House is whether we shall give consideration to this measure. No word has been said against that, and I can not see how any man can justify a vote against consideration of a measure that has received the approval of the President, innumerable chambers of commerce, and a large number of labor organizations, and the express commendation of the great political parties of this country, expressed by resolution in national convention.

Mr. UNDERWOOD. Mr. Speaker, I yield the balance of my time to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Speaker, I had hoped that the House would immediately adopt this rule and that we would proceed to debate the pending irrigation bill pursuant to its terms; but the gentleman from Indiana [Mr. ROBINSON], on the consideration of this rule, has seen fit to arraign his party associates upon this side of the House, his party associates on the Committee on Rules, his party associates on the Committee on Irrigation, his party associates on the Democratic Congressional campaign committee, and has seen fit to assure this side of the House that all these gentlemen have been deceived into the support of a purely Republican policy and a purely Republican measure which has the advocacy and support of President Roosevelt.

Now, I contend, Mr. Speaker, that this is a nonpartisan measure; that it is in harmony with the platforms of all parties in the last campaign; that it is in harmony with the enlightened sentiment of the country, which has gradually been formulating itself upon this subject and which found its expression in the party platforms.

It is also in harmony with the opinion of the Senators and Representatives from the arid and semiarid States and Territories regardless of politics. Every Senator and every Representative from that great region has supported this measure.

Now, the gentleman insists that we have been driven by the President into this report of a Republican measure. Let me give the gentleman the history of this measure. For years the arid States have been insisting upon some action by the Federal Government in reference to the arid public lands, composing as they do in some States 95 per cent of their entire area, and they have been insisting that it is the duty of the Government to prepare these lands for settlement, so that the States in which they are located may become populated.

They urged for a long time the cession of these lands to the States. But Congress, regarding this great public domain as a public trust, not to be lightly turned over to sparsely settled States to be managed according to the judgment or lack of judgment, the discretion or indiscretion, the honesty or dishonesty, the providence or improvidence, of State legislatures, regarding it as a heritage for the entire Union, to be preserved for our unborn millions, has refused in its wisdom a cession to the States. So, at last, after the subject had been debated in and out of Congress for twenty years or more, the two parties in 1896 met in their respective conventions and formulated their expression on this subject, almost identical in terms—certainly identical in spirit.

Both parties declared in favor of the reclamation of these arid lands by the National Government and the holding of such lands for actual settlers, and in so declaring they but followed the general sentiment of the country, which was against any abandonment of its trust by the National Government and its surrender to the States.

As soon as that campaign was over I sought to shape a measure which would be in harmony with the two platforms and in harmony with the general sentiment of the country. At the last session of Congress, and before Mr. Roosevelt came into power, I introduced a bill which was the result of careful study of legislation prior to that time, and of consultation with the Secretary of the Interior, the Secretary of Agriculture, the Director of Geological Survey, the chief hydrographer of the Survey, the chairman of the National Irrigation Association, and other well-informed and experienced men on this subject.

Its purpose was to present a settlement of the entire question, to relieve the Treasury of the United States of any burden and simply to devote the proceeds of the sales of lands in the arid regions to the conservation of flood waters, so as to make the waters available for settlers, who would do the actual work of reclamation. The purpose was to present a comprehensive plan, which would impose no burden on the taxpayers of the country, which would enable the West to reclaim itself, and which would preserve this vast domain for home builders, and save it from concentrated and monopolistic holdings.

And if the gentleman will examine that bill—introduced in Congress before Mr. Roosevelt became President—he will find that it is identical in its provisions, though differing somewhat in phraseology, with the bill which is now before us for consideration. That bill, after its introduction, was presented to a meeting

of Western men, regardless of party—Democrats and Republicans and Populists—and received their approval, and they requested Senator HANSBROUGH, chairman of the Senate Committee on Public Lands, to introduce it in the Senate.

This was all in the short session of the last Congress, and there was not sufficient time to obtain consideration of the measure. Later on, after Mr. Roosevelt came into power, he made a recommendation in his message to this Congress substantially in line with the bill of which I have spoken. Shortly after this the Senators and Representatives from 13 States and 3 Territories, constituting the arid region, met together and appointed a committee of 17, regardless of party, to frame and present for their approval an irrigation measure.

They met and after prolonged meetings lasting over a month they agreed upon a bill, which was later on approved at a general meeting of the Senators and Representatives from the arid and semiarid States, regardless of party; and these Senators and Representatives instructed Senator HANSBROUGH, a Republican, to introduce it in the Senate, and myself, a Democrat, to introduce it in the House, thus securing nonpartisan action. It was referred to the committees of the Senate and House and was reported favorably.

It passed in the Senate by a unanimous vote, and then President Roosevelt, who is entirely familiar with that region and knows its wants, invited in consultation some members of the Irrigation Committee of the House, regardless of party. He was somewhat in doubt as to whether the bill was sufficiently guarded in the interest of homeseekers.

It was a question simply of construction. We all wanted to preserve that domain in small tracts for actual settlers and homebuilders. We all wanted to prevent monopoly and concentration of ownership, and the result was that certain changes were made absolutely satisfactory both to the Executive and to the Irrigation Committee, and intended only to carry out the intentions of both.

And let me say to the gentleman from Indiana, lest he charge that our action was the result of Executive dictation, that these changes were absolutely in harmony with the original bill, which I had introduced before Mr. Roosevelt succeeded to the Presidency, and with the platform of both parties.

Now, the gentleman refers to the Congressional campaign committee of the Democratic party as having assumed a jurisdiction that did not belong to it. Who pretends that the Democratic Congressional committee has a right to bind the conscience and mind of any member of its party on this floor?

But when the Democratic members from the entire region affected, and all the Democratic members of the Irrigation Committee of the House, and the Democratic members of the Committee on Rules were in favor of this measure as one in harmony with the party pledge in the national platform, it was the privilege and right of the Democratic Congressional campaign committee to express its views on the subject, and it did so, without a dissenting voice, in the following words:

Whereas the Democratic platform of 1900 declared as follows:

"We favor an intelligent system of improving the arid lands of the West, storing the waters for the purpose of irrigation, and the holding of such lands for actual settlers:" Now, therefore,

Resolved by the Democratic Congressional Committee, That we regard the pending bill for the irrigation of the arid lands of the West, which devotes the proceeds of the sales of public lands in the arid and semiarid States and Territories to the construction of storage and irrigation works, and makes each project self-compensatory by fixing the cost on the lands to be reclaimed, to be repaid by the settlers in ten annual installments, and also reserves the land so reclaimed for actual settlers and home builders, as complying with the pledge contained in the national Democratic platform, and we therefore favor the passage of said bill as a needed step in the line of domestic development.

I do not pretend for a moment that the action of the Democratic Congressional committee is binding upon any member of this House; but I do say that it is a persuasive utterance, indicating the opinion of Democrats upon this floor and engaged in important party work regarding a measure which has received the sanction of every Democratic member of the Committee on Irrigation and which will, I believe, receive the almost unanimous support of this side of the House.

Now, Mr. Speaker, I regret that the gentleman has raised the cry of party regarding a measure which is nonpartisan and which meets simply the platform requirements of both parties. I regret that we are limited in the time afforded for debate. I do not think the Committee on Rules responsible for that at all. Their intention was to give us three days, but the exigencies of public business required the cutting off of one day.

I wish to say that there is not a man from the arid regions who is not willing to meet the opponents of this measure in the forum of debate, and we appeal to the intelligent judgment of the entire House, and we Democrats on the Irrigation Committee appeal to the intelligent judgment of the members on this side of the House, as to whether this bill is not a wise and comprehensive measure, presenting an intelligent system, without expense to the General Government, for the reclamation of the arid lands, aiding the West to reclaim itself by the machinery afforded by this law, and, above all, holding that vast area for the unborn generations, generations to be born in your States of the East, in your States of the Middle West, and in your States of the South, to be held as a heritage for the entire people, North, South, East, and West, and to be dedicated forever to American home building, the true foundation of the Republic. [Applause.]

Mr. DALZELL. Now, Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STATUE TO THE LATE MAJ. GEN. WILLIAM J. SEWELL.

Mr. PAYNE. Mr. Speaker, I ask for the immediate consideration of the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That the Senate be requested to furnish the House of Representatives a duplicate copy of the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, the same having been lost or misplaced.

The order was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

IRRIGATION OF ARID LANDS.

Mr. MONDELL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

Mr. NEWLANDS. Will the gentleman withhold his motion? I want to ask for leave to print on this debate.

The SPEAKER. The gentleman from Wyoming moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 3057.

Mr. MONDELL. And pending that, Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RAY] may control the time against the bill, and that I may control the time in favor of the bill.

The SPEAKER. And pending that motion, the gentleman asks unanimous consent that he may control the time in favor of the bill, and that the gentleman from New York may control the time in opposition to the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Now, Mr. Speaker, I ask unanimous consent that all who may speak on the bill may have ten days to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Wyoming also asks unanimous consent that all who speak on this bill may have ten days in which to extend remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. MONDELL was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3057, the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

Mr. SHAFROTH. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. MONDELL. Mr. Chairman, this is a most important measure, a measure that is entitled to a very considerable length of time for consideration, but owing to the lateness of the session and the pressure of other public business, those interested in the measure have agreed to accept a rule providing only two days for consideration. It will therefore be necessary to be brief in the remarks which I may make on the subject, in order to give other gentlemen who desire to address the House an opportunity to do so.

A hundred years ago the enlightened statesmanship and prophetic vision of Thomas Jefferson overcame his misgivings as to certain limitations of the Federal Constitution and, illuminating that great instrument by the light of national destiny, constrained him to become the champion of the acquisition of the great province of Louisiana, which nearly doubled the territory under our flag. Then came the settlements and treaties which gave us the country "where rolls the Oregon," and later the uprising of Texas and the war with Mexico, which resulted in completing the expansion of our territory in a compact body westward to the Pacific and from the forty-ninth parallel of north latitude to the Gulf of California.

The greatest internal problem of our first century of national life was that of binding together and bringing into close touch

this tremendously extended and largely undeveloped territory and its widely scattered peoples, and in the accomplishment of that all-important consummation the establishment of a system of intercommunication by land and water was imperative and essential.

As the acquisition of Louisiana and other Western territory was in the face of much misgiving and not a little open protest on the part of some of our statesmen, so the solution of the problems of intercommunication, the importance of which the acquisition of that territory vastly increased, was only accomplished after the modification of certain views of constitutional limitations, and a keen appreciation of the unanswerable logic of our situation gradually led to a general acceptance of that view which not only commended but commanded Government appropriations for the improvement of interstate rivers and waterways and land-grant bonuses and cash loans for the construction of railways to bind together with pathways of steel the widely separated boundaries of the Republic.

In spite of the qualms and questionings of the strict constructionists of other days, I doubt if there dwells within the Republic to-day anyone who doubts the wisdom of that policy, in view of its beneficent results, which gave Government aid and credit to the solution of the problems of land and water communication, the lack of which more than once in our history caused misgivings with regard to our territorial integrity and interposed a serious barrier to our growth and development.

Happily for our people, the acute problems of intercommunication of our first century of national life have been solved. All portions of our country have been brought closely together by water communication, where possible, and by railway and telegraph.

Government aid having blazed the pathway for the iron horse, is no longer needed in that direction, but Government appropriations demanded by our largely increasing internal trade are more lavish than ever for the establishment and betterment of internal waterways and have even been extended to liberal appropriations for the protection of private property along the courses of great streams and for the purpose of furnishing facilities for purely local transportation by water.

IRRIGATION THE PARAMOUNT INTERNAL QUESTION.

As the first century of our national existence has seen the solution of the problems of transportation and intercommunication, the second century presents to us as the paramount internal question that of making available for human use and occupancy the vast areas which the fathers of our territorial expansion, with some misgivings and questionings, but with a patriotic hope which has been fully justified, added to our territory, and which national aid to the construction and betterment of lines of communication have brought together into a closely welded, mutually interdependent, and homogeneous whole.

Up to the time of the acquisition of Louisiana all of our territory was within the humid region, where crops suited to the climate and the soil could be readily produced by the clearing of the forests, and upon our vast extent of prairies in the Mississippi Valley by the turning of the sod and the planting of the seed; but the acquisition of the Western territory brought us face to face with a new problem, that of reclaiming the vast areas of arid lands and making them habitable, though it is true that neither the statesmen responsible for our early expansion or the hardy pioneers who first located in or explored the new region understood or appreciated the practicability or possibility of such reclamation.

Brought face to face with irrigation as crudely practiced by the Indians of the Southwest, and more intelligently by the Spaniards of the Pacific coast, our people regarded it more as one of the curiosities of an extraordinary climate and the peculiar practices of a strange people than an industry worthy of development, and, idle curiosity gratified, it was dismissed from mind as a unique and somewhat useful industry forced by local conditions, the practice of which might properly be left to the Indian and the greaser.

It is perhaps not strange that this should have been so, for of all the great peoples who have at one time or another dominated the earth's surface, established governments, founded institutions and systems of laws the Anglo-Saxon alone in the beginning of his racial development escaped the necessity of applying methods of irrigation to the soil in order to make it productive. The cradle of every other great race has been rocked by the invigorating breezes of an arid climate and lulled by the soft murmur of canal-borne waters; but the Celt, the Briton, and the Saxon occupied a territory watered by the rain of heaven, and not only had no practice, but lacked even legend or tradition of irrigation. On the contrary, they laid down and established a rule of law relative to rights in water essentially fatal to the development of irrigation, a rule peculiar to the race and differing from that of all the balance of the world. In a land of generous downpour, they developed the theory which expressed the idea that the rivers drain the lands, make them fit for cultivation and habitation, and run to the sea; therefore let them run unobstructed and unimpeded, while practically all the balance of the world established laws and customs in conformity with the truth that waters fructify and quicken life; therefore they should be diverted and applied to the soil to redeem the arid and increase the fruitage of the humid lands.

As the time passed, however, and considerable numbers of people were attracted into our arid region by the building of lines of communication, in search of minerals, to engage in stock raising, and other industries, the pioneer was attracted to the necessity as well as the possibility of development by irrigation, and he set about a practical demonstration thereof with characteristic energy. A people bound together by the fervor of a new faith, seeking a home in the Western wilderness, pitched their tabernacle within sight of the waters of the Great Salt Lake, and compelled by the necessities of their situation to begin the systematic development of extensive irrigation projects, by energetic cooperative efforts demonstrated anew what the western world had almost forgotten—that extensive areas may be developed and made to sustain a large population under irrigated agriculture.

THE EARLY DAYS OF IRRIGATION IN THE WEST.

In the early days of irrigation in the West only the waters of the smaller swift-flowing streams were utilized, as from these water was easily and cheaply diverted and applied to the lands of the adjacent valleys. As railroads were built and population pressed forward from the humid regions, attracted by the climate and resources of the country, the mining and trading centers grew into cities and towns and the demand for agricultural products increased. From this increased demand there came slowly an increased knowledge of the agricultural and horticultural possibilities of the region under irrigation, and gradually larger, more difficult, and more expensive enterprises were planned and executed, utilizing not only the natural flow of streams but waters conserved by storage as well, until practically every stream of any size in the arid region has been levied upon to a greater or less extent by the irrigator.

Slow as we were as a people to appreciate and understand the benefits of irrigation when its advantages and its necessity over a large portion of our country became clearly apparent, we took hold of the subject with characteristic energy and enterprise, and long before all of the wonderfully fertile humid lands of the Mississippi Valley had been settled and developed the Western pioneer began the conquest of the desert. Neither physical obstacles nor inherited water laws fatal to irrigation could long withstand his energy or stand in the way of progress. The one he overcame; the other he abrogated or modified, with the result that, taking into consideration the beginning, our progress has been reasonably satisfactory.

Up to this time there have been irrigated in the United States about seven and a half million acres, an area about equal to the combined land areas of New Jersey and Connecticut, or Maryland and Delaware, and distributed as follows:

State or Territory.	Acres.	State or Territory.	Acrer.
Arizona	185,396	North Dakota	5,202
California	1,446,119	Oregon	388,198
Colorado	1,611,271	Oklahoma	2,761
Idaho	602,548	South Dakota	43,010
Kansas	26,497	Utah	639,273
Montana	970,231	Washington	135,936
Nebraska	148,538	Wyoming	606,942
Nevada	504,168		
New Mexico	204,508	Total	7,510,598

This area, while not large as compared with the area which can ultimately be irrigated, is larger than the irrigated area of any other country save that of India. While it is only one-fourth as large as the irrigated acreage of that country, it is one-fourth larger than that of Egypt, where irrigation has been practiced for thousands of years.

WHY THE GOVERNMENT MUST UNDERTAKE THE WORK.

So far our irrigation development has been practically all the result of private enterprise, and in presenting this measure, which proposes certain undertakings by the National Government, the first query would naturally be, Why not continue development as in the past? Why call on the National Government to enter a field which so far has been entirely the theater of individual effort?

In the first place, it should be remembered, as I have stated, that the works so far undertaken have been largely of a simple character, presenting few engineering difficulties and intended only to supply single farms or limited areas of country. Where conditions of soil, climate, markets, and the possibility of producing tropical and semitropical products have seemed to warrant, larger enterprises have been undertaken, and in some

instances these enterprises have been expensive, intricate, and difficult, but unfortunately they have not in all instances been financially successful, owing largely to inability to control the lands watered and to apportion against and collect from them the benefit which they derived from the project.

It is not claimed that the limit of successful irrigation by private enterprise has been reached, nor is it intended by this legislation to usurp the proper and legitimate field of private enterprise, but rather to undertake works of such character and magnitude as under our land system private enterprise can neither successfully nor to the best interests of the people properly undertake. However, while it is hoped that private enterprise will still continue to carry on the work of irrigation reclamation and accomplish much, yet we have reached a point in the development by irrigation—in portions of the West where irrigation is the most needed, where there is the most urgent demand for it, where the irrigated lands will be the most valuable—where public agencies must be invoked before there can be any further considerable harmonious or proper development.

This situation is the result of a number of causes. Any irrigation enterprise to be successful must have a market for its wares. The projector of irrigation works must be assured that the lands proposed to be irrigated will bear the burden of the expense, and where the lands to be irrigated are wholly or largely public lands, subject to entry under laws which do not require reclamation, it is impossible for the private investor to secure this assurance. While the rumor of the probable construction of an irrigating ditch by private enterprise is generally sufficient to cause all the land irrigable therefrom to be immediately entered under the various land laws, unfortunately these entries, in a very great many cases, are not made with the purpose or expectation of purchasing water rights and irrigating the land, but largely with the hope of realizing on the increased value of the land after the construction of the ditch.

In other cases the entryman secures more land than is necessary for the support of his family or than he can afford to buy a water right for, and, the tenure or right of the company or association conveying the water being always limited, the incentive to the settler is to delay the purchase of the right to use water in the hope of making a better bargain later. Under this condition of affairs it is inevitable that the ditch builder should fail to realize a profit, oftentimes lose his investment, or be compelled to the alternative of securing, oftentimes by becoming a party to a violation of the spirit if not the letter of the land laws, title to the lands to be irrigated and applying the water with the hope of afterwards disposing of them.

It is true that the condition of affairs here outlined could be partially overcome by conveying large tracts of land to private individuals on the pledge of their reclamation, but this system, while violating every principle of American land policy, which has always been to provide homes on small farms to actual settlers on the public domain, would be open to the further criticism that it would not result in the reclamation of the land in the majority of cases.

Another serious obstacle to the undertaking of the larger and more intricate irrigation works by private enterprise lies in the fact that private enterprise must always look for a profit on its investment, and where an irrigation enterprise requires a considerable number of years for its complete development, interest charges become a very serious item, while the Government, interested only in the settlement of the lands, can well forego any interest on investments and be content with the return of the principal. Private enterprise, to be successful and command capital, must pay interest on the investment from the start, and thus many an enterprise which might ultimately have proven successful has been a disappointing failure because the first few years after its inauguration it failed to yield returns.

There is a certain class of irrigation works which not only are disappointing when constructed by private enterprise, owing to the difficulty of fixing and collecting the charges upon all the public lands benefited, but which by reason of their effect upon the flow of streams and therefore their importance to a large number of users, oftentimes in different States, should always be under public control. These are the large reservoirs and storage works at the headwaters and along the courses of streams, constructed for the purpose of impounding flood waters with a view of utilizing them to increase the flow of streams in the latter portion of the irrigation season, when under natural conditions they are the lowest—in other words, works to regulate stream flow.

Works of this character should never be in the control of individuals; and while it is exceedingly difficult where the lands benefited by them are largely public lands for private enterprise to secure returns on their investments in this class of work, even if that were possible, they should no more be controlled by individuals or corporations than should the entrance to a harbor or the mouth of a navigable river be so controlled.

It has been suggested that if private enterprise can not properly develop large irrigation systems the work might be undertaken by the respective States. There are many reasons why the States are not so well equipped to carry on this work as the Federal Government. In the first place, were the work carried on by the States, the disposition would be to utilize all of the waters flowing through a State within the State, provided there was no prior appropriation lower down on the stream, regardless of the most beneficial and economical development of the irrigation possibilities of the entire region. Further, the constitutions of some of the States forbid the undertaking of works of internal improvement; and even were the States the proper agency through which to carry on this development, none of the States in the arid region are financially able to do so.

It should be remembered that in the arid region the Government is the owner at this time of from 60 to 92 per cent of all the lands, and it is from the proceeds of the sales of these lands that it is proposed by the bill under consideration to provide for the reclamation of the irrigable portion thereof, and the National Government as the owner of the lands has a source of revenue the States do not possess. The States have no such source of revenue, and with only 8 to 40 per cent of their lands taxable and without large accumulations of wealth and personal property as sources of revenue, it is utterly impossible for them to secure funds with which to inaugurate the work.

The relative amount of lands reserved, subject to entry and in private ownership, in the States and Territories named in the bill are as follows:

State or Territory.	In private ownership.	Reserved.	Subject to entry.	Total.	Amount in public ownership.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Per cent.*
Arizona	5,736,258	18,285,008	48,771,054	72,792,320	92
California	41,857,242	16,063,670	42,049,008	99,969,920	57
Colorado	21,538,185	5,694,161	39,415,814	66,348,160	68
Idaho	9,070,953	1,747,311	42,475,176	53,293,440	83
Kansas	50,309,520	987,875	1,085,315	52,382,720	4
Montana	15,442,762	12,847,531	65,803,307	93,593,600	84
Nebraska	39,140,968	69,642	9,926,670	49,137,280	17
Nevada	3,031,006	5,983,409	61,322,225	70,336,640	96
New Mexico	16,454,495	6,385,181	55,589,124	78,428,800	79
North Dakota	24,583,098	3,370,491	16,956,491	44,910,088	45
Oklahoma	12,962,927	7,157,868	4,653,605	24,774,400	48
Oregon	21,992,596	5,500,821	33,784,023	61,277,440	63
South Dakota	24,534,450	12,802,946	11,869,004	49,206,400	50
Utah	4,537,917	5,487,668	42,515,855	52,541,440	92
Washington	20,069,148	10,764,568	11,913,164	42,746,880	53
Wyoming	6,781,366	7,995,018	47,656,896	62,433,280	90
Total	318,042,901	120,643,168	535,486,731	974,172,800	----------

THE URGENCY OF THE WORK.

Admitting, then, that the proper development of the arid region, under the present conditions, can only be undertaken and accomplished by the National Government, it seems to me that there should be no diversity of opinion as to the duty of the Government in the matter or as to the propriety and advisability of beginning this work in the near future, for I take it for granted that all will admit that it is not in keeping with sound public policy or enlightened statesmanship to delay or retard a reasonable and legitimate development of the agricultural possibilities of the arid portion of our country.

There is a crying need for the beginning of this work at once. In many parts of the West, where there is a demand for homes, private enterprise can go no further until the National Government shall have carried out certain initial works. In other parts of the West the lands are being slowly absorbed by those who are making ineffectual attempts against too great odds to carry on the work of irrigation unaided, or by others anxious to control large bodies of land for grazing purposes, and the work should be inaugurated before this sort of absorption has gone too far. Indeed, the urgency of the inauguration of the work of national irrigation has been apparent to every student of the subject for years, and agitation and effort to that end has, as everyone here knows, been for some time constant and continuous.

THE POLITICAL PARTIES ON IRRIGATION.

The great political parties of the country have not been unmindful of the duty of the National Government in this direction, and have declared in no uncertain terms on the subject, as follows:

REPUBLICAN PLATFORM OF 1900.

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

As the Republican party has a well-earned reputation for the complete and speedy fulfillment of its pledges, we confidently expect that this measure, which is in harmony with the promise

of the party, will receive the support of all the gentlemen on this side of the Chamber.

The Democratic platform of 1900 contains the declaration:

We favor an intelligent system of improving the arid lands of the West, storing the waters for the purposes of irrigation, and the holding of such lands for actual settlers.

Our friends on the other side are to be congratulated on having made one pledge in their last national platform which can be fulfilled with honor to themselves and glory to the country, and therefore I am confident they will all vote for the measure.

THE PRESIDENT ON IRRIGATION.

No American President has ever been more thoroughly conversant with the conditions in and the needs of all portions of our country than President Roosevelt, and certainly none have been more heartily in sympathy with the hopes, aims, and aspirations of our people of all sections than he. In his message to Congress he voiced a statesmanlike breadth of view and indicated a masterful grasp of the great questions before our people for solution. In that notable state paper he gave especial prominence to the question of irrigation, and wrote partly as follows:

It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargment of our present policy of river control, under which levees are built on the lower reaches of the same streams.

* * * * * * *

These irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers, and the cost of construction should so far as possible be repaid by the land reclaimed. The distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves in conformity with State laws, and without interference with those laws or with vested rights.

* * * * * * *

The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent Western competition with Eastern agriculture. Indeed, the products of irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would otherwise not come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the nation.

The present Secretary of Agriculture and the Secretary of the Interior as well have borne testimony to the importance, from a national standpoint, of the questions of the development of the arid West, while scientists, students, business men, organized labor have all voiced their belief in the advisability of the undertaking by the Federal Government of the construction of certain classes of work for the purpose of building up homes and establishing communities in the regions now largely desolate and uninhabited.

At the beginning of the present session of Congress the Representatives from the 16 States and Territories embraced within the arid and semiarid portion of our country, believing that the time was ripe to present to the Congress a comprehensive plan of national undertaking of irrigation enterprise, formed a committee of 17 members, composed of Representatives and Senators from the region referred to, and this committee set about the formulation of a measure for the consideration of Congress. Most careful consideration was given to every detail of the proposed legislation, and after much discussion the measure was formulated and introduced in either House. Criticisms and suggestions were made relative to it, and as to the effect or intent of certain of its provisions, and after further thought and discussion the measure was finally amended in a way satisfactory, it is believed, to all of those favorable to national irrigation legislation and presented for your consideration. In my opinion no measure has ever been presented to this House more carefully thought out, and certainly no legislation has ever been presented to an American Congress which so carefully and faithfully safeguards the interests of the home builder. It is a step in advance of any legislation we have ever had in guarding against the possibility of speculative land holdings and in providing for small farms and homes on the public land, while it will also compel the division into small holdings of any large areas which may be in private ownership which may be irrigated under its provisions.

IRRIGATION NO EXPERIMENT.

In presenting to Congress this irrigation measure we are urging no experiment and exploiting no new theories. While we may have some doubts as to the truth in other fields of the old adage that "there is no new thing new under the sun," no student of irrigation will deny its axiomatic character with regard to that ancient and honorable art, and this applies not only to the central ideal—that of reclamation by irrigation of arid lands—but as well and as forcibly to the principles which underlie this measure, the policies which it outlines, the detail of administration which it provides. There is in it all no new thing. National expenditure, local administration, principles underlying and governing water rights, provisions insuring small individual holdings; all of them have been tested and worked out in widely separated regions under varying conditions since the very dawn of human history.

Twenty-seven centuries before the star above Bethlehem guided the wise men across the plains of Judea the government of the great King Menes built a mighty canal from the Nile and began the vast irrigation system which was the foundation of ancient Egypt's power and glory. Four thousand times has this good old earth swung around the fiery furnace of the sun since King Moreis in the development of that system constructed the first storage reservoir, and on the irrigated lands thus provided was developed that remarkable civilization whose great works are, after the lapse of all the centuries, the wonder of the world. In the very dawn of her history Assyria constructed irrigation works and converted the sterile valleys of the Euphrates and Tigris into fertile fields. Of all the mighty works of ancient Babylon none were so remarkable as her great artificial lakes and her irrigating canals hundreds of feet in breadth and hundreds of miles in length.

Rome carried with her victorious banners the art of irrigation all over the country; she swept from Africa to the British Isles, and built as permanently her water courses as she did her military roads.

The Moors found irrigation one of the established arts when they invaded Spain. Like wise men that they were, they perfected it. No man knows when irrigation was first practiced in India, though the lamentable history of a temporary decline in the practice of the art is written in awful records of famine and starvation. Fortunately later rulers of India have appreciated the fact that in irrigation lay the salvation of the vast population of that land, and nearly seventy-five years ago they began the construction of those great works of irrigation which have entirely put an end to famine in the region irrigated and greatly modified its rigors in all parts of the country.

To enumerate the regions where irrigation is now practiced is practically to name every important populous country on the globe, with the exception of some parts of northern Europe and Asia. Japan, China, Siam, Korea, Ceylon, India, Afghanistan, Turkey, Greece, Italy, Spain, France, Egypt and all the States of Northern Africa, Madagascar, South Africa, Australia, South America, and Mexico. In most of the countries enumerated the story of irrigation runs back to the very twilight of history, and in all of them the principles of irrigation have been more or less successfully worked out and crystallized into custom, regulation, and statute.

NO COMPREHENSIVE IRRIGATION EXCEPT THROUGH PUBLIC AGENCIES.

In all the history of irrigated agriculture, extending over a period of over four thousand years, no complete and comprehensive development by irrigation has been undertaken or accomplished except through public or semipublic agencies. The wisdom of the universal practice of mankind in this respect, under widely differing physical conditions and forms of law and government is abundantly demonstrated by our experience, beginning as it did in purely private undertakings, leading up through a gradual strengthening of the theory of public control of water used in irrigation to a realization of the necessity of public undertaking and control of certain classes of the works of irrigation.

A study of our conditions will convince any well wisher of his country that the beginning of a more systematic development of our arid region has been quite long enough delayed. In the thirty years between 1870 and 1900 we added to our cultivated area at the rate of between five and six million acres per annum. During that period the annual increase in the acreage planted to the three staples of wheat, corn, and oats alone was about three and one-half million acres per annum. For the future, our increases in cultivated area in the humid region of the country will only be such as is brought about by increased demand for agricultural products.

Of the public domain it may be said without fear of successful contradiction that there is left practically no considerable areas of agricultural land capable of producing good crops every year without artificial irrigation. It is true that in some parts of the Northwest there are limited areas of land which when cleared or drained will make fair farming land. There are scattered here and there throughout the arid region favorably situated districts limited in extent where under careful cultivation fair crops of certain varieties of agricultural produce may be grown by what is called dry farming. But these areas are widely scattered, and if we search all of the public domain, outside of Alaska, for land upon which any classes of agricultural crops can be successfully grown by dependence on natural rainfall after expensive preparation or by careful tillage, the sum total of all these lands could not by the most liberal estimate exceed in amount 15,000,000 acres, this being equal to the area which we have been adding to our cultivated lands every three years in the last thirty and the

final searching out, entry, preparation and utilization of the widely scattered tracts comprising this aggregate is a matter not of a few years, but of a generation at least.

The future additions to the farming lands of the country, then, so far as such additions shall come from the public lands, must be almost entirely from lands made available by irrigation.

We are now a nation of 76,000,000 people, increasing at the rate of 1,500,000 annually. When we had less than half our present population it was considered wise to provide opportunities for the establishment of homes on the public land. The wisdom of that policy has been abundantly demonstrated. Now that the fertile humid public lands have been practically all absorbed, to oppose legislation which has for its object the establishment of homes on the arid public domain and provide for our rapidly increasing population is to question the wisdom of the policy which we have hitherto pursued.

In order to meet the arguments and objections which have been offered to the general scheme of Government aid to the arid West, or to this measure in particular, it will be necessary and proper to consider the general plan and scope as well as the detail of the bill under consideration.

THE PROVISIONS OF THE BILL.

The bill (S. 3057) I will discuss in its amended form as presented to the House for its consideration. In the first place, this bill proposes that the proceeds from the sales of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, less the amounts earned by registers and receivers of land offices and the 5 per cent due to States, beginning with the fiscal year ending June 30, 1901, shall be set aside as a special fund in the Treasury, to be called the reclamation fund, to be used in the examination, survey, construction, and maintenance of irrigation works.

The unreserved public lands in the States and Territories named which become the basis of the fund, according to the terms of the bill, amount to about 535,000,000 acres. The proceeds from the sales of lands for the two fiscal years 1901 and 1902, which will be available soon after the passage of the bill, will aggregate something over $6,000,000—a fair sum with which to begin work—and it is estimated that the immediate annual income under the provisions of the bill will be from $2,500,000 to $3,000,000. To be more accurate, the average annual income under the bill for the past three years would have been $2,633,198; the respective amounts for the various States and Territories named in the bill during the fiscal year ending June 30, 1901, have been as follows:

State or Territory.	Fiscal year.	Receipts.	State or Territory.	Fiscal year.	Receipts.
Arizona	1901	$42,586.16	North Dakota	1901	$449,025.43
California	1901	205,030.40	Oklahoma	1901	370,427.13
Colorado	1901	252,277.00	Oregon	1901	364,761.47
Idaho	1901	206,449.94	South Dakota	1901	113,475.22
Kansas	1901	20,182.22	Utah	1901	98,329.22
Montana	1901	367,130.10	Washington	1901	257,046.22
Nebraska	1901	103,040.49	Wyoming	1901	206,863.87
Nevada	1901	9,008.61			
New Mexico	1901	75,091.83	Total	1901	3,140,725.31

The proceeds from the sales of public lands for the fiscal year 1901 were considerably higher than that for 1900, and the receipts for 1900 nearly a million higher than for 1899. The probability is that 1901 marked very nearly the high-water mark of public-land sales, and that the proceeds from the sales of public lands in the future will rather diminish than increase until such time as, under the operation of the bill, payments begin to be made on irrigated lands and from that time on receipts will increase as lands are irrigated and sold.

Section 2 of the bill provides for the making of surveys and examinations of proposed works and for report to Congress relative to same. Section 3 provides for withdrawal from public entry of lands required for any of the irrigation works and also for withdrawal, except from homestead entry of all lands to be irrigated. Section 4 provides for the construction of the works and for the apportioning of the cost of construction among the users of water upon the lands to be irrigated. Section 5 requires the entryman to irrigate his land, defines the terms and conditions under which land in private ownership may be irrigated and of the conditions of payments imposed on the settler on public lands and the water user on private lands. Section 6 provides for the form of local control and care of works by the settlers common in the irrigated country. Section 7 provides means for acquiring lands and water rights where same may be necessary.

Section 8 follows the well-established precedent in national legislation of recognizing local and State laws relative to the appropriation and distribution of water, and instructs the Secretary of the Interior in carrying out the provisions of the act to conform to these laws. This section also clearly recognizes the rule of prior appropriation which prevails in the arid region and, what is highly important, specifies the character of the water right which is provided for under the provisions of the act. Section 9 declares a policy of systematic and harmonious development of the irrigation possibilities of the arid region.

OPERATIONS UNDER THE MEASURE.

Having thus briefly outlined the provisions of the bill, I can perhaps best illustrate its workings by indicating how the Secretary of the Interior, as the agent of the Government under this act, would proceed. Should the bill become a law the Secretary of the Interior would proceed to make preliminary surveys and examinations in various portions of the arid region, utilizing, of course, the surveys which have already been made by the Government. These surveys and examinations would be made with a view of determining the most feasible and practicable projects, as well as those deemed, under all surrounding conditions, to be the most urgent.

The examinations would necessarily be of a variety of projects, including large diversions, and reservoir projects as well as projects combining both diversions and conservation of water. Before the beginning of the survey and examination of a project, or at such time during its progress as seemed advisable, the Secretary of the Interior would withdraw from entry the land required for the irrigation works, and by designation of the lands which it is proposed to irrigate they would be withdrawn from entry except under the homestead law, and become subject to all charges, conditions, and limitations of the act, should the project be constructed.

It having been ascertained that a sufficient supply of water for the irrigation of the lands in question was available and unappropriated and the feasibility of a project having been determined, the Secretary of the Interior would proceed to make the appropriation of the necessary water by giving the notice and complying with the forms of law of the State or Territory in which the works were located. He would then estimate the cost of the proposed works, and having determined upon their construction would advertise for bids for same, and would thereupon give notice of the limit of area per entry under the particular project, which limit under the provisions of the act would "represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question. At the same time notice would be given of the charges to be made per acre upon each entry and upon lands in private ownership which might be irrigated by the waters of the works in question, which charges are to be determined with a view of returning to the reclamation fund the cost of construction, and be apportioned equitably."

The notice above referred to having been given, all entrymen on the lands proposed to be irrigated are bound by its provisions and all entries of the public lands subject thereto. The work of construction having been inaugurated, it is expected that settlers under a project would be able to secure employment thereon and thus support themselves until such times as water was available for their lands and crops could be produced. In order that settlers may have this opportunity of employment, it is provided that no Mongolian labor may be employed upon the works.

Under nearly every project undertaken by the Government there will undoubtedly be some lands in private ownership; and it would be manifestly unjust and inequitable not to provide water for these lands, providing their owners are willing to comply with the conditions of the act; and in order that no such lands may be held in large quantities or by nonresident owners it is provided that no water right for more than 160 acres shall be sold to any land owner, who must also be a resident or occupant of his land. This provision was drawn with a view of breaking up any large land holdings which might exist in the vicinity of the Government works and to insure occupancy by the owner of the land reclaimed.

As to the public lands, the entryman must not only reside upon his claim five years, but he must also irrigate at least half of it and make all the payments required before securing a patent to the same and a water right for its irrigation.

This is the first land law presented to Congress which has proposed the reduction of an agricultural entry to less than 160 acres and which required continuous residence upon the land for five years as a prerequisite to perfection of title.

No law ever presented to any legislative body has been so carefully drawn with a view of preventing the possibility of speculative ownership in lands, and I appeal to the venerable gentleman from Pennsylvania, the father of the House, the gentleman who is responsible for the homestead law, which did more to build up this nation than any law ever written on the statute book, in whose footsteps we have followed in providing a homestead for the arid as he did for the humid lands. I ask him, inasmuch as we have thrown further safeguards around the public lands than he felt necessary in his act, to heartily support this measure.

He made it possible to open up to settlement a limitless area of fair and fertile land, and the settler did not pay a penny for those lands. He gave the settler the opportunity to commute his holdings in twelve months, paying $1.25 an acre to secure full title. We provide that he shall go out on the desert on land now valueless and that he must reside there five years; pay the Government for its expenditure in bringing the water to the vicinity of his land before he can get a title.

Mr. GROW. If the gentleman will allow me, the original homestead act required them to occupy the land for five years.

Mr. MONDELL. I am delighted to know that and to have my attention called to it, because it shows that we have returned to the wisdom of my friend from Pennsylvania; we have returned to the original homestead proposition, and I trust that never more shall we depart from it.

WATER RIGHTS.

The main-line canals having been constructed by the Government, the entryman or landowner would proceed to the construction of such laterals as were necessary for the irrigation of his own tract and the preparation of the same to receive the water. The water having been beneficially applied and payments having been made under the provisions of the bill, the water right would become appurtenant to the land irrigated and inalienable therefrom. The water rights provided by the act are of that character which irrigation experience has demonstrated to be the most perfect.

The settler or landowner who complies with all the conditions of the act secures a perpetual right to the use of a sufficient amount of water to irrigate his land, but this right lapses if he fails to put the water to beneficial use and only extends to the use of the water on and for the tract originally irrigated. These most important provisions of the law prevent all the evils which come from recognizing a property right in water with power to sell and dispose of the same elsewhere and for other purposes than originally intended. This is an advance over the water usages of most of the States, and it is not denied that making water rights appurtenant to the tract irrigated will in some instances work hardship, but it is believed that it is much better to risk the individual hardships which will inevitably occur under a provision of appurtenance than to risk the evils certain to result from unlimited authority to transfer water rights.

Following the usual custom in the arid region, it is provided that when payments are made on a major portion of the lands to be irrigated from any project the management of and maintenance thereof, at their own expense, shall pass to the owners of the land irrigated, under such rules and regulations as the Secretary of the Interior may prescribe, and at this time the Government is relieved from all further expense in the maintenance of the distributing works.

Inasmuch, however, as it is deemed wise, for the present at least, that Congress shall have full control over storage reservoirs and works for the impounding of waters for the reason that works of this class affect a large number of water users—and there is always a possibility of the opportunity and advisability of increasing the capacity of such works—it has been provided that they shall remain for the present under the management and control of Congress, though the probability is that ultimately, when permanently established, it will be deemed wise and advisable to transfer them also to local control.

LOCAL CONTROL OF APPROPRIATION AND DISTRIBUTION OF WATER.

Every act since that of April 26, 1866, has recognized local laws and customs appertaining to the appropriation and distribution of water used in irrigation, and it has been deemed wise to continue our policy in this regard. It is not claimed that the State and Territorial laws relative to the use of water in irrigation are by any means perfect. The mistake was made in the early days of irrigation in some of the States of brushing aside and ignoring the ancient, just, and equitable Spanish and civil laws relative to the use of water and of recognizing beneath the brazen sky of a parched and arid region the theories of water developed in a tight little island soaked in a perennial downpour and enveloped in little less than perennial fog; but in spite of our bad beginning we have made wonderful progress in legislation and in practical rules andusages. The effect of the passage of this bill will be to further encourage improvements in local laws, rules, and regulations. They are now, it is believed, in every State and Territory in the arid region sufficient to fix and guard the rights under this bill.

Nothing is more important in an irrigation system than the character of the water right, and while some of the States in the region in question recognize rights differing from those provided in this act, rights of the character herein provided are recognized as being the best and are fully protected by the local laws and tribunals.

Mr. ROBINSON of Indiana. Mr. Chairman, I do not wish to interrupt the gentleman without his consent, but I should like to ask him two or three questions.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Indiana?

Mr. MONDELL. My time is very short, but I should like to answer the gentleman. What is the gentleman's question?

Mr. ROBINSON of Indiana. One is upon the subject of national or State control.

Mr. MONDELL. I am very glad to answer that.

Mr. ROBINSON of Indiana. I will state both of them at once. The other is as to taking out of the Treasury of the United States, as I contend this bill provides for doing ultimately, of funds set aside for our agricultural colleges.

Mr. MONDELL. Well, I will say to the gentleman, answering his last question first, that the funds for the support of agricultural colleges now come out of the United States Treasury if the proceeds from land sales are not sufficient for that purpose. Provision was made for that in the so-called free-homes bill, for which I hope the gentleman voted.

Now, as to State control over appropriation and distribution of water, I will say to the gentleman that there is no reasonable ground for disagreement on that point. We began to legislate in regard to the use of water in irrigation in 1866. We have legislated continuously along one line. The President in his message declared in conformity with all the legislation which had preceded. The Republican platform declared in conformity with that legislation.

The act of July 26, 1866 (14 Stat. L., 256; R. S., 2239), the first Federal legislation on the subject of rights to the use of water on the public domain, clearly recognized local control over such water in the following terms:

> Whenever by priority of possession rights to the use of water * * * have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same.

The act of July 9, 1870 (16 Stat. L., 218; R. S., 2340), confirmed the provisions of the statute of 1866, as follows:

> All patents granted or preemption or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts.

And the act of March 3, 1877 (19 Stat. L., 377), still further recognizes rights obtained under local laws, and fully recognizes the right of appropriation.

The act of March 6, 1891 (26 Stat., 1095, 1102), grants the right of way through the public land for the construction of reservoirs, canals, and ditches, provided that the privilege granted "shall not be construed to interfere with the control of water for irrigation and other purposes under the authority of the respective States or Territories."

The act of June 4, 1897 (30 Stat., 1136), referring to forest reserves, provides for the use of waters on such reserves "under the laws of the State wherein such forest reserves are situated."

There are several other acts of Congress recognizing the control of the States over the use of waters within their borders; one being the act of March 2, 1897, recognizing the control of the State of Colorado over the waters which might be impounded in a certain reservoir site.

There have been a number of decisions of the General Land Office and regulations issued by the same authority recognizing the doctrine of State control. In the circular of February 20, 1894, on page 169 the following language is used:

> The control of the flow and use of the water is therefore a matter under State or Territorial control.

And in the decision in the case of H. H. Sinclair et al. (18 L. D., 573) it is said:

> The act of March 3, 1891, deals only with the right of way over the public land to be used for the purposes of irrigation, leaving the disposition of the water to the State.

The General Land Office in operating under the desert-land law, recognizes only water rights certified by State authorities.

The Supreme Court has also in several decisions recognized the right of the State to regulate and control the use of water within its borders. And turning to political and administrative declarations we find that the Republican party in its platform of 1900 in its irrigation declaration used the following language:

> Reserving control of the distribution of water for irrigation to the respective States and Territories.

President Roosevelt in his message said:

> The distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves in conformity with State laws and without interference with these laws or with vested rights.

Now, I hope I have answered the gentleman, and I trust he will not interrupt me further, much as I would be pleased to answer him, for my time is limited.

The provisions of the bill in this regard may be considered ideal, and at the same time extremely practical. The settler is provided with the best form of water right, and the protection of this right and the proper distribution among users under these

rights becomes at once a matter of local concern, and the expenditures relative thereto are borne locally.

The provisions of section 9 relative to the distribution of the fund are believed to be wise and equitable. The fund may be used at any point in the arid region, but ultimately each State and Territory which has feasible and practicable projects is to receive the benefit of at least half of the proceeds of the sales of public lands with such State.

It will be seen from this brief statement of the form and character of the proposed legislation that it is simple in its operation; that it is calculated to provide homes on the public domain in small tracts for actual settlers; that it invites no conflict between Federal and State authorities; that it will reduce the size of private holdings in the arid region, and that it will tend to a harmonious development of all parts thereof.

AS TO THE CONSTITUTION.

The measure has been attacked on constitutional grounds. I am not a lawyer; therefore can not claim to be an expounder of the Constitution of the United States. As a layman I venture to express the hope that our Constitution, which, it is held, empowers us to spend hundreds of millions in distant parts of the earth for the benefit of other peoples, does not impose barriers to the development of our own country. I am one of those who believe the Constitution grants us the power as a people to do our duty abroad, though it cost precious blood and countless treasure. I hope that great instrument does not interpose obstacles to a peaceful conquest of the rebellious forces of nature in our own country, particularly when it can be accomplished without cost to our people. This is not a proposition to use the public revenues for the work of developing the arid region. If it were, and in the form of a loan, reimbursable as under the provisions of the bill, I can not understand how it would be any more subject to the objection of being unconstitutional than was Government aid in the building of the transcontinental railways; but there is no necessity of discussing that point, for this is a proposition only to use the proceeds of the sales of certain public lands for the purpose of making other lands salable.

Under the Constitution the Congress has the power to dispose of and make all needful rules and regulations respecting the public lands. It can give away all the public lands or any portion of them or sell and dispose of them in any way it sees fit, and certainly this power includes the power to dispose of the public lands in the manner we propose. Under this legislation we constitute a trust fund of the sales of public lands to be used for the purpose of making other lands habitable, and the authority of Congress to use the proceeds of the sales of public lands for so laudable a purpose has never been, so far as I know, denied or disputed, except by the gentlemen who filed a minority report in opposition to this measure.

THE VIEW CONGRESS HAS TAKEN.

A review of Congressional action in the disposition of the public lands and their proceeds for the past forty years clearly demonstrates two facts: First, that the power of Congress over the disposition of the public lands is plenary; second, that the public lands and the proceeds thereof have been considered, not as a source of public revenue, but as a trust to be used for the settlement and development of the country and for the benefit of the people.

In the past forty years among other dispositions of the public lands have been the following:

		Acres.
Disposed of under the homestead act (approximated)		128,157,074
Grants in aid of railroads and wagon roads:		
Patented up to June 30, 1901	95,399,652	
Estimated grants not patented	45,000,000	
		140,399,652
Grants to States for canal purposes		4,433,073
Grants to States for river improvement		1,406,210
Approved to States as swamp lands June 30, 1901		64,498,757
Grants to States for educational, charitable, penal, and reformatory institutions, for public buildings, public improvements, reclamation, and other purposes		109,100,238
Total		447,995,004
In addition to the above there are swamp-land claims unadjudicated, estimated at about		6,500,000
Total		454,495,004

Congress has not been less liberal in the disposition of the proceeds of the sales of public lands than in the disposal of the lands themselves, and in its action in regard thereto has evidently been guided by the same policy—namely, to treat these sums as funds held in trust for the people, and has made the following disposition of them:

For support of colleges of agriculture and the mechanic arts	$11,602,000.00
Agricultural experiment stations	9,968,734.05
Common schools, internal improvements, and other purposes, 5 per cent on sales	12,100,296.56
Swamp land, cash indemnity	2,036,733.58
Total	35,707,764.59

If Congress has the right, which has never been denied, to give away public lands, with or without stipulation as to their use and final disposition, and to appropriate the proceeds for a wide range of purposes for which it is somewhat doubtful if the funds derived from taxation of the people could be used, it is clear that Congress has the authority, as we propose, to provide for the creation of a trust fund from the proceeds of the sales of public lands and to direct the use of this fund for the purpose of making other public lands salable and useful with a view of transforming deserts into habitable regions and making possible the great increase in the general wealth, power, and prosperity of the country which must follow such development.

The minority report pays a great deal of attention to section 7 of the proposed legislation. In fact, about half of that elaborate report is devoted to a labored effort to prove that the Federal Government has no authority to condemn lands and water rights for the purposes of this act. The gentleman who wrote that report might have saved himself a great deal of trouble. Personally I agree with his contention on that point, but the bill does not contemplate the undertaking which he so elaborately argues is unconstitutional, and if it did contemplate it the question of whether or not it could be done is of relative unimportance.

In some of the arid States land and water rights can be condemned for the purposes contemplated in this bill, and in such States the Secretary of the Interior would have as much authority to condemn as any other individual, and no more. Where the State laws do not recognize the right to condemn property for the purposes contemplated in the act, it will not be condemned, and there is the end of it; but the power to condemn water rights and lands is by no means necessary for the carrying out of this act, and where the power is possessed it would in all probability be very seldom exercised; and where the State laws do not authorize condemnation, and projects can not be carried on without condemnation, those particular projects will not be undertaken, and others, where there is no such obstacle, will.

UNFOUNDED FEAR OF AGRICULTURAL COMPETITION.

One of the alleged arguments used against this measure is that it would be unfair to the farmers of the country because it would increase the acreage of our cultivated lands and the aggregate of agricultural produce, and thus tend to keep down farm values and the prices of farm products. The very statement of this ground of opposition is sufficient to indicate its selfish, narrow, provincial, and unstatesmanlike character. If arguments of this sort had been made by the people of the East against the enactment of the homestead law they might have had some force and justification, for that law opened in competition with the comparatively unfertile lands of the seaboard and the Alleghenies the marvelously rich and fertile lands of the Mississippi Valley, which required only the turning of the sod to produce bountiful crops, and which were granted to the settlers without any payment whatever.

A speech made on the floor of the House early in the session on this subject sounded like a belated protest against the adoption of the homestead policy of forty years ago rather than as an argument applicable to the legislation now proposed, for it came from a gentleman who represents a district which at the time of the passage of the homestead law was almost exclusively agricultural and whose farmers did undoubtedly feel keenly the effects of the passage of the act which opened to free settlement the lands of the Mississippi Valley, but his arguments could scarcely apply to legislation which proposes the gradual development of the irrigation possibilities of a region from a thousand to two thousand miles removed, whose products could by no possibility compete with the products of the farms of his district, but the opening of which would afford opportunity for the farmers' sons of his region to secure a home in the West, not free, as under the homestead law in the Mississippi Valley, it is true, but by the payment through a series of years of the expenditures made by the Government, and thus aid in the development of a great region which will furnish splendid markets for the manufactured products of the region which he represents.

Some opposition has also been voiced to this measure by a gentleman representing a fair and fertile district in the Mississippi Valley, where most of the lands now occupied by his constituents were given them by the Government under the provisions of the homestead law. It seems scarcely fair that a gentleman from that great valley, whose wonderful agricultural development was made possible by the bounty of nature and the beneficence of the Government, whose constituents are now obtaining the best average prices for their products they have ever received, should oppose a measure which, instead of giving fertile and humid lands free to the settler, simply seeks to make it possible for courageous and industrious people to redeem lands now barren, by the laborious processes of irrigation, and the repayment to the Government of its expenditures in bringing water within their reach.

As a matter of fact, the fears of competition of irrigated lands with the farms of the humid portion of our country are entirely without foundation. We have reached the end of rapid increases in cultivated acreage of our farm lands in the humid belt. The average annual increases of 5,000,000 acres of a few years ago has already diminished considerably, while our increases in population grows larger year by year. At present it is about 1,500,000 per annum.

Reclamation by irrigation is a slow process at best, and the increase in acreage is gradual. With all the cheapest and most feasible projects to work upon in forty years, we have irrigated fewer acres than the farmers of the humid region have brought under the plow in several single seasons in the past twenty years.

Assuming that the expenditure by the Government on the projects undertaken under the bill shall average $10 per acre and the fund would only furnish water for from 250,000 to 300,000 acres annually, and this total would only be reached five or six years after the work was inaugurated, should the Government expenditure average less per acre by half the maximum increase would ultimately be half a million acres or one-tenth of our average increase in acreage for the past thirty years.

Even if it were possible to rapidly increase, under the provisions of this bill or by other means, the irrigated area of the country the products of such lands would not and could not successfully compete with the products of the fertile lands of the humid regions. In the first place, the great staples of the country can not generally be so successfully or so cheaply produced under irrigation as by natural rainfall. Little corn is or ever will be grown on the irrigated lands of the West. The production of cotton has never been undertaken and probably never will be to any extent on irrigated lands in the United States. The production of cereals so far in the irrigated portions of the West has not kept pace with the local demand.

If by any possibility there should be any surplus of wheat in this region, it would find its market in the Orient rather than in competition with the wheat of the humid region. The products of the northern half of the arid region will undoubtedly continue to be, as now, very largely alfalfa and other grasses necessary to supplement the pasturage of the surrounding grazing regions in the growth and preparation of live stock for fattening in the corn belt of the Mississippi Valley and crops and products not grown elsewhere or necessary for the partial supply of a local demand. In the southern portion of the region will be grown tropical and semitropical fruits and products to take the place of products of the same character which are now largely imported.

AS TO THE FEAR OF VAST OUTLAY.

The opponents of this measure have claimed that it would lead to a vast expenditure by the General Government, and the most exaggerated statements have been made as to probable aggregate outlay. It should be borne in mind that it is not proposed to take a penny for the work contemplated out of the public Treasury. Provision is made whereby the arid region shall reclaim itself by utilizing the sale of public lands there for that purpose. By no possibility can the expenditures under the bill exceed the proceeds of the sales of the public lands in the region affected by it, and this is not a direct expenditure, but is rather in the nature of a loan, inasmuch as the settler is to pay to the Government the cost of the reclamation of his land, and in this way the money paid out for the construction of the works is returned to the Treasury. It is true that if the bill becomes a law and works satisfactorily, in the course of time a large sum of money will be spent by the Government in the construction of irrigation works, but under the provisions of the bill these sums are to be repaid, so that the reclamation fund, instead of decreasing, will constantly increase. The only actual expenditure under the bill not reimbursable would be certain items of administration, surveys, and examinations of projects the construction of which for one reason or another might not be undertaken.

It is true that the argument is made that while the bill provides for the repayment to the Government of the cost of construction of irrigation works, if the bill were passed members of Congress from the districts and States interested would soon be clamoring for the relief of their constituents from these payments. This argument is founded on a misunderstanding of the conditions in the arid region. It should be remembered that the lands which will be irrigated under Government works will be in the vicinity of large areas of land irrigated by private, cooperative, and corporate enterprise. Those interested in and dwelling upon the lands so irrigated would earnestly protest against the settlers in their own regions and vicinity living under the Government works being relieved from their payments, as that would have a tendency to lower the value of all irrigated lands in the region and work a hardship on them. Further than that, those in one part of the arid region who were waiting for the development of irrigation in their vicinity and who could only hope for such development by the replenishment of the fund, would object seriously to any legislation which would relieve anyone from payments under the bill and thereby delay the inauguration of works in their vicinity.

Let us admit for the sake of argument that no repayments will ever be made by any settler under the works contemplated by this act. In that event, as the expenditures are limited to the sums received from the sales of public lands, there would be no expenditure of moneys raised by taxation. I have called attention to the fact that in forty years we had disposed of, under the homestead law as grants to railways and States, over 450,000,000 acres of land and over $35,000,000 of the proceeds of the sales of land, and these lands were, many of them, rich and valuable; most of them would produce a crop without irrigation; so that if we disposed of the proceeds of the 535,000,000 acres of lands in the States named in this bill for the development of the region we would only be following our policy since 1860.

Private enterprise, stimulated by the work performed by the Government and encouraged to undertakings now impracticable by growth in population and extension of lines of communication, will undoubtedly carry on irrigation development and reclamation in the aggregate more rapidly than will be accomplished by the works constructed under the provisions of this bill.

BENEFITS TO THE SEMIARID AND ADJACENT REGIONS.

The bill provides for the sinking of artesian wells, with a special view to the development of irrigation possibilities by this method in the semiarid region. It is hoped that test wells will demonstrate the existence of extensive artesian basins throughout western Kansas and Nebraska as well as elsewhere in the region. The semiarid States which receive their waters from the arid mountain States will not only have the benefit of all the storage and diversion undertaken with a view of reclaiming lands within their borders, but will also be benefited by every storage and diversion work undertaken and accomplished at the headwaters and along the upper courses of the streams. The storage works will hold back flood waters which would otherwise go to waste or cause destruction, and these waters utilized in connection with the natural flow of the stream for the irrigation of large tracts of land would in a short time convert those tracts, now absolutely dry, into water-soaked areas, the seepage from which returning to the streams would produce a largely increased and uniform flow in the lower courses of the rivers at a time when under present conditions the streams are lowest.

The great value of storage and irrigation at the headwaters of streams has been abundantly demonstrated both in the United States and abroad, and we may confidently expect that the time will come when storage near the headwaters and its use in irrigation along the courses of many of the large streams in the arid and simiarid regions which are now generally dry, or nearly so, in the late summer will entirely change their character and cause them to become perennial streams of uniform flow.

The proposed legislation is of vast importance and will be far-reaching in its effect, for it outlines a plan and inaugurates a policy which it is believed will lead to the reclamation of the arid and the semiarid lands of the West, so far as that reclamation is possible with the available water supply. The total area which may be ultimately reclaimed it is impossible at this time to intelligently estimate, for it will depend largely upon what proportion of the water supply of the region can be conserved and applied to the soil with an outlay per acre which will be warranted by the productive capacity of the land irrigated, and the estimates of the acreage which can be irrigated, varying as they do from 40,000,000 to 75,000,000 of acres, measure the different views as to the expenditure per acre which may be ultimately justified by the demand for, or the value of, irrigated lands.

The reclamation from the desert of these vast acreages which will necessitate the conservation within the arid regions of a large portion of the waters that now run to waste in flood times and winter flows will not only make possible a largely increased population and the addition of vast wealth to our country, but will have a marked effect upon the climate and climatic conditions of all the western portion of the valley of the Mississippi by reason of the tremendously increased evaporation from the irrigated areas and, in my opinion, it is no exaggeration to say that the benefits to the irrigated country will not be greater than those conferred upon the adjacent territory, as the effect of that irrigation in increasing the humidity of the entire region, in cooling the lair of the siroccos that now blow from the arid plains, and thus preventing the present oft-recurring and disastrous droughts.

THE DUTY OF THE GOVERNMENT.

I am of the opinion that an imperative duty devolves upon the American Congress to lend assistance to the development of the great arid and semiarid portion of our country now but sparsely settled, but capable when fully developed of maintaining a large

and prosperous population. In this territory must be found homes for the sons of the farmers of the Eastern and Middle States who may desire to take Horace Greeley's advice to "go West and grow up with the country." In this region lies the best and most hopeful field for an increased market for American manufacturers, not only among those who shall occupy the irrigated farms, but also among the great mining and urban populations which will be established there.

To aid in the reclamation of the desert and in establishing there a home-owning population who will vastly increase the strength and prosperity of the entire nation is not only a most inspiring undertaking, but is a duty which the Government can not escape, which is paramount in importance to every other duty now laid upon the American people. It is a duty which every government since the dawn of recorded history occupying an arid region has recognized and fulfilled. Surely this great and enlightened Government will not be less faithful in assuming its responsibilities in this regard than were ancient Egypt and Assyria, and in the latter days have been the Governments of India, Spain, and Italy.

It should be borne in mind that irrigation is not an experiment; that it was practiced before the dawn of recorded history; that under its practice man first attained a high degree of civilization; that through its efficiency the great nations of antiquity established and maintained their might and glory. Neither is irrigation a new question in the United States. With the exception of India alone, we have a larger irrigated area than any country on the globe. We have met successfully practically every question, legal, financial, and engineering, which irrigation can present; so that there is nothing in the nature of an experiment in the work which it is proposed that the Government shall undertake.

The plan presented for the prosecution of the work proposed is a simple one. It imposes no dollar of taxation upon any American citizen, recognizes the dual character of our Government, and, inviting no conflict of authority, provides a business-like method for the accomplishment of great undertakings and maintains the American principle of small farms under water rights ample and secure. No nation confronted with an imperative duty of far-reaching importance, the fulfillment of which promised to add so much to its strength and dignity, has had presented to it a solution so simple, with such promise of successful outcome.

If he is a public benefactor who makes two blades of grass grow where only one grew before, how fully assured may we be of the gratitude of our countrymen in lending our influence to this legislation which shall make possible the transformation of vast areas now dreary and verdureless into fertile fields yielding the cheering vine and the sustaining grain, which will substitute for the weird cry of the coyote over the lonely wastes the hum of peaceful industry and the sweet tones of village bells.

Plato tells us of the lost Atlantis sunk beneath the heaving bosom of the briny deep, of her stately cities and the perennial verdure of her irrigated fields and vineyards. We have held old Plato a dreamer, but we shall hail him as a prophet, for we shall make his legend a reality; we shall raise the fair and verdant Atlantis not from the oceans, but from the desert's wastes; we shall there renew her irrigating canals, restore her fields and gardens, rebuild her cities, and reflect the fairest legend of the classic past in the splendid reality of a happy future. [Applause.]

Mr. RAY of New York. Mr. Chairman, I am exceedingly sorry to be compelled, from a sense of public duty, to oppose the gentleman's bill, intended, as he intimates in closing, to destroy the coyote on the desert plains of the great West. I think the gentleman has described its purpose very accurately, although he did refer to Plato and said something about restoring gardens and fruitful fields in Egypt and Asia and all that sort of thing. That is all very beautiful and would be all right in the West if the people who are to enjoy the benefits of the scheme of the gentleman were to pay the expense and it were within the legitimate scope of our powers to enact this legislation.

This is a great country indeed. We have nearly eighty millions of people. We have millions of square miles of territory. We have rocky lands, swamp lands, hill lands, and mountain lands. But, in my judgment, the time has not come when the taxpayers and farmers of the East can properly or legitimately be called upon to contribute to the development of farms and farm lands in the great West. The time has not come when they are called upon to consent to the taking by the Government of money that belongs to all the people for the improvement of lands in the States and Territories of the great West. The benefits of such a scheme will inure solely to the people of those States and of those Territories. We all concede, we must concede, that there are millions of acres of arid and semiarid lands in the great West, and perhaps millions of these acres—certainly thousands of these acres—may by irrigation be made productive. No one disputes that.

But the question is when and how shall this be done; at whose expense shall it be done? The scheme is that we take the money derived from the sales of public lands, place them in a fund to be known as an irrigation or reclamation fund, then to enter upon the construction of vast reservoirs for the storage, they say, of surplus waters—that is, in the rainy season they propose to keep back all the surplus waters, then build canals that will carry those waters to various parts of the lands to be irrigated and use them in the dry season for the irrigation of those now desert lands.

Considerable has been said by the gentleman who has preceded me, an advocate of this bill, to the effect that if the scheme is adopted it will give free homes to settlers upon these lands in future years. Free homes! and he claims that it is in accord with the idea of the gentleman from Pennsylvania [Mr. GROW] to provide "free homes." Why, Mr. Chairman, what is this scheme? I have in my hand, and under the liberty to print already given I shall print in the RECORD as a part of my remarks, the history of one of these pet schemes, the pet scheme of the Interior Department, the first one of them to be inaugurated, if I understand the matter correctly, and under it the cost of an acre of land to the settler is to be $21 per acre. In other words, he is to go into Wyoming, I think it is—perhaps I have mistaken the State, but it is in that vicinity. I refer to the Milk River irrigation scheme.

Mr. SHAFROTH. Will the gentleman yield to me?

Mr. RAY of New York. I will surrender my time for a question only.

Mr. SHAFROTH. I want to ask you whether you do not recognize that under this bill the settler gets the land free, because he has got the right to exercise his homestead right, but he pays for the water right?

Mr. RAY of New York. An acre of arid land that a coyote can not live on is not a free home to any human being, and when you undertake on the floor of this House to say that you are conferring a benefit on an American citizen by allowing him to exercise his right to take 160 acres of desert land as a free home you are stating a ridiculous proposition.

Mr. SHAFROTH. You admit that he need not take it unless he wants it?

Mr. RAY of New York. Certainly.

Mr. SHAFROTH. And if he does, he does it for his own advantage?

Mr. RAY of New York. I admit that, and everybody knows it.

Mr. MONDELL. Will the gentleman permit an interruption?

Mr. RAY of New York. No; I can not. I understand your scheme. I have been on the committee for three years. I have heard this wild, improvident scheme discussed in all its aspects—from all its different standpoints. What I am resenting now is the attempt by the promoters of this scheme to get this House to understand and get the country to understand that this bill will give free homes to the surplus population of the United States who are looking for free homes, and to whom, if possible, we ought to give free homes.

Mr. MONDELL. Will the gentleman now yield to me?

Mr. RAY of New York. No; I will not. I did not interrupt the gentleman. Do not take my time. Here is your scheme, and here is your proposition: We are to take the proceeds of the public lands in the first instance, and we have about $6,000,000 on hand, and we are to build reservoirs and dig canals out in the great West to carry the waters from the reservoirs to the arid lands, in some places hundreds of miles distant; in some places over the mountains; in some places you are going to take the water into Canada and then bring it in a roundabout course back into the United States to irrigate land in the United States. This is your scheme, and you can not deny it. The settler may then go, if he sees fit, to this arid land and take up 160 acres of desert or arid lands as a home, and by paying the cost of irrigation have irrigated land. Such a scheme, I pause to say, will lead to international complications and contentions the consequences of which no man can foretell.

The settler is to pay the Government a price for the water rights with which to irrigate his arid land, and the Secretary of the Interior fixes that price or cost. It is left optional with the Secretary of the Interior. He is to fix the amount that the settler is to pay. On the Milk River claim he is to pay, it is supposed, $21 an acre——

Mr. MONDELL. Will the gentleman yield to me?

Mr. RAY of New York. I can not.

Mr. MONDELL. The gentleman does not want to make a misstatement?

Mr. RAY of New York. I can not yield, and I do not yield. I trust my friend will understand.

Mr. MONDELL. I did not think my friend wanted a misstatement to go into the RECORD.

Mr. RAY of New York. No misstatement will get into the RECORD. I love the gentleman from Wyoming, would yield if I could, but "time is fleeting"——

Mr. MONDELL. And the gentleman from Wyoming returns his affection. [Laughter.]

Mr. RAY of New York (continuing). And his efforts to get a benefit for his people out of the public Treasury ought to meet with the same approval over the country at large and from the membership of this House that all schemes of that kind meet, and no greater.

Now, what I intended to say is that under the provisions of this bill certain States and two Territories would get large benefits. No doubt about that. That I concede, but it will be at the expense of the people of other States of this Union. It will be at the expense of the taxpayers of the rest of this country.

Mr. SHAFROTH. I thought the gentleman said the settler had to pay it.

Mr. RAY of New York. I did not say any such thing.

Mr. SHAFROTH. Did not the gentleman say that the settler had to pay this?

Mr. RAY of New York. I did not. Can not the gentleman understand what I said? [Laughter.]

Mr. SHAFROTH. I can not comprehend how you can charge that these people will get the benefit of it and yet at the same time they have to pay for it. I can't understand that.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. RAY of New York. I will not yield. Now let me repeat once more. You may go and take a piece of desert land free. When you have taken your land, if you desire to have irrigation, to have water, then you are to pay over to the Government such a sum of money as the Secretary of the Interior fixes as a proper compensation for the water right.

Mr. SHAFROTH. It says his "proportion of the total cost of construction;" that is the language of the bill.

Mr. RAY of New York. He pays for this in the beginning. The public lands belong to all the people of the United States, the people in all the States, and you propose to take this money, in the first instance, that belongs to all the people, for the construction of these dams and these reservoirs in order that you may build up and render irrigable and productive these lands in certain States and Territories. Now, whatever comes back from the men who take up these lands is not, under this bill, to come back into the public Treasury and to be used for the benefit of all the people, but that money is to be used in the repair of existing and in the construction and extension of other irrigation works; and it is conceded, I may say, in the Committee on Irrigation, and conceded everywhere, that the public Treasury never will get back the cost of construction.

It is conceded that the money never can come back, because the cost of maintenance or the cost of the extension and repairs will use all. Except, some gentlemen claim, that way in the far-distant future, when the present generation and its descendants, their great-grandchilden, and their great-great-great-grandchildren are all gone, there is a possibility that from the revenues of these water rights, revenues derived from the reservoirs, there may be a surplus that will go back into the public Treasury. But that is so far in the future, such a dim vision, that no one pretends to specify the time within a thousand years when a benefit could accrue to the people of the United States.

Now, there is your scheme in the beginning. My first objection to it is that it is unfair; that it is taking the money of all the people to build up one section of this great country, and that it is wrong in principle, sectional, and unwise.

Mr. MONDELL. Just one question.

Mr. RAY of New York. I can not yield, and please do not use my time in this way. Now, another objection is that it puts too much power, it puts a dangerous power, into the hands of the Secretary of the Interior. He is to make the rules and regulations; he is to control this fund. True, he is to report to Congress what he has done and what he is doing, but what will Congress do? What will Congress know about it? It makes him the arbiter of this whole question substantially unrestrained. Of course Congress could step in at any time and interfere and repeal the law and put the power elsewhere. All that I concede. But I do claim that no such power as this ought to be placed in the hands of the Secretary of the Interior. He will have no time to attend to it. The Secretary could not give attention to all the details, and the result will be that in that Department the management of these irrigation works, their construction, the letting of these contracts—and there is no certain limitation upon the power to make these contracts—will pass into the hands of subordinates in the Interior Department, and I believe that it will lead to possible corruption and to scandals. Here is the Milk River project I have referred to:

THE ST. MARY DIVERSION CANAL.

The Secretary of the Interior recommended for construction the St. Mary Diversion Canal in northern Montana. A Senate committee report gives some particulars of the work in contemplation and is singularly silent on others of first importance.

It is proposed to divert water from the St. Mary River by a canal 44 miles long to the South Fork of Milk River. Part of the water can be carried from the point in the natural channel of Milk River out of the United States, through Canada, and, after many miles, back into the United States again, for the irrigation of the lower Milk River Valley.

The other part would be carried through an extension of the canal 46 miles farther to Cutbank Creek, thence through the natural channel of that creek to the Marias River, whence it would be rediverted, together with Marias River water, through another canal 75 miles long.

The total irrigated area is estimated at 522,000 acres, 402,000 dependent on the Marias River and 120,000 on the St. Mary River. The cost of construction of the St. Mary diversion to Cutbank Creek is estimated at $1,623,000; the works on the lower Milk River basin, which can only be available for St. Mary water, at $900,000, a total of $2,523,000, or $21 per acre irrigated, which is more than twice the average cost of irrigation works in the United States. On the other hand, the Marias works are estimated at $977,000, which, for 402,000 acres, would give a rate of $2.43 per acre.

The St. Mary diversion canal involves some stupendous work, and on the showing made may well be considered impracticable from both commercial and an engineering standpoint.

The water of the St. Mary River can not be used in its own drainage in the United States. The Canadians have already developed irrigation works on the stream, and the United States now proposes to divert the water to the injury of the Canadian irrigator. The Senate committee report makes no mention of this international tangle, but seems to gloat over the fact that the Canadians can not redivert the water as it is transported through the Milk River in their territory.

The diversion of water from the St. Mary River is the smallest, the most expensive, and the only complicated part of the enterprise recommended by the Secretary, yet it is marked out as the point of first attack. We wonder why?

STORAGE AND DIVERSION OF THE WATERS OF ST. MARY LAKES, MONTANA.

The St. Mary project is designed to store flood waters in the St. Mary Lakes in Northern Montana and conduct these easterly by a canal cut through the ridges at the head of Milk River. These lakes receive the drainage from the high peaks of the Rocky Mountains, but, instead of continuing easterly across the plains, as do the rivers further south, the waters overflow northerly by St. Mary River to the Saskatchewan River and are lost in Hudsons Bay. The easterly course, which appears to be the original or natural direction for the waters to pursue, has been blocked by the glacial debris left near the foot of the mountains. In this low, irregular country are a number of small streams, most of which are tributary to Milk River. The proposed canal will restore what may be called the original preglacial drainage and allow the waters from the Rocky Mountains to continue eastward down the slope of the country.

Milk River, heading in the low, rolling country east of the foot of the mountains, has a general northeasterly direction, the two principal branches, North Fork and South Fork, uniting after crossing the Canadian line. The stream thus formed flows easterly for 150 miles or more, where it bends to the southward and again returns to Montana, finally emptying into the Missouri River. The broad Milk River Valley in Montana consists of a generally rolling country, adapted to irrigation. The water supply from the river is, however, deficient, owing to the lack of high mountain area at the head waters. The diversion canal, as planned, will restore the mountain catchment area to this stream.

It is proposed to build a low storage dam at a point about three-fourths of a mile below the present outlet of lower St. Mary Lake. This dam will have a maximum elevation of 50 feet above the bottom of the river and will form a reservoir of a capacity of 250,000 acre-feet. This reservoir will serve to hold the flood waters and the supply received from the melting snow in the mountains. The head of the diversion canal will be on the right hand or eastern side of the dam. It will continue down along the right bank of the river for about 7 miles, then turn easterly through a low gap.

The water of the St. Mary River is not used in the United States, but in Canadian territory, 7 miles north of the international line, is a canal completed in 1900. Between the site of the proposed dam at the foot of St. Mary Lake and the head of the Canadian canal a considerable number of large streams discharge into St. Mary River, furnishing an ample supply for the land irrigated in Canada. It is not believed that any international complication can arise concerning water rights, since the water which it is proposed to store and divert occurs wholly within Montana, and it would be impossible for the Canadians to store and utilize this flood water, even if needed in their canal.

The length of the proposed St. Mary Canal, from its head on St. Mary River to the North Fork of Milk River, is 27.4 miles, and the cost of construction, including dam and head gates and the drop at the North Fork, will be $687,000.

ESTIMATED COST OF ST. MARY DAM AND CANAL TO NORTH FORK OF MILK RIVER.

Dam	$22,000
Tunnel at head	12,000
Head gates	10,000
Head to Spider Lake excavation	245,100
Spider Lake to drop, North Fork excavation	288,400
Drop, North Fork	16,040
Two sets of waste gates on line	4,000
	597,540
Engineering and contingencies	89,460
Total	687,000

The canal has been planned to carry 1,200 cubic feet per second, and the amount of acreage to be reclaimed is estimated at 120,000 acres of public land, which would have a probable value of $35 per acre, or $4,200,000, and would sustain a population of 20,000. By storage in the lower Milk River Valley the area of reclaimed land, including the use of Milk River, can be increased to 300,000 acres.

The extension of the canal from North Fork to South Fork and turning it into this latter stream will have certain advantages over the plan for stopping the canal at the North Fork. The total cost of the canal, from the head to the South Fork of Milk River, will be $1,173,000, and its length will be 43.8 miles.

ESTIMATED COST OF ST. MARY DAM AND CANAL TO SOUTH FORK OF MILK RIVER.

Dam	$22,000
Tunnel	12,000
Head gates	10,000
Head to Spider Lake	245,100
Spider Lake to North Fork of Milk River	288,400
Two sets of waste gates	4,000
Siphon, North Fork	67,000
North Fork to South Fork Milk River	360,800
	1,009,300
Contingencies	109,000
Engineering	54,700
Total	1,173,000

If the water is turned into either the North or the South Fork of Milk River, it first finds its way into Canada before it can be used in the lower basin. The valley proper of Milk River in Canada is comparatively narrow and has little irrigable land, so that any proposition on a large scale must contemplate using the high bench of lands above.

Milk River in Canada, from the junction of the North and South Forks downstream, has a very slight fall—not more than 2 feet to the mile—and a canal of 100 miles or more in length would be necessary before the water could be brought to the upper benches. It is not, therefore, considered feasible to divert the waters from Milk River in Canada. In case this should ever be attempted it is entirely practicable to keep the water in American territory by an extension of the canal from the South Fork to the Marias River. The canal from the South Fork could be carried around the ridge between the basin of this stream and that of the Marias drainage, and after running for a distance of about 46 miles from South Fork it could be turned into Cutbank Creek. The cost of construction from the head to this point will approximate $1,623,000, and the distance will be 90 miles. The canal has not yet been located from the South Fork to Cutbank Creek, and the latter figure of cost is a rough estimate.

The water could then be allowed to continue down the natural channel of this stream and the Marias for 100 miles or more, when it would be diverted from the latter near the mouth of Willow Creek, and in the course of about 75 miles turned into Big Sandy Creek, a tributary of Lower Milk River. This plan keeps the canal in the United States territory for its entire course until it reaches Lower Milk River, where the water can be most advantageously used. The total cost, from the head on St. Mary River to Big Sandy Creek, by the Marias diversion, is placed at $2,600,000. This location has not been surveyed, however, and the above estimate, together with those that follow, are simply roughly approximate.

Plans have also been considered for a secondary system of storage reservoirs in the Lower Milk River basin.

If this plan is adopted of turning the water of St. Mary Lake into the South Fork of Milk River, allowiug it to continue down through Canada, and then utilizing it through the secondary storage system in Lower Milk River Valley 300,000 acres can be reclaimed at an estimated cost of from $7 to $9 per acre.

In the complete development of the system, including the utilization of St. Marys and Marias waters and the construction of the secondary storage systems, about 500,000 acres can be reclaimed at a cost not to exceed $10 per acre.

Three public documents have been issued, in which reference has been made to the St. Marys canal project in Montana. They are—

(*a*) Hearings before the Committee on the Public Lands, House of Representatives, January 11-30, 1901.

(*b*) Report No. 254 of the Senate Committee on the Reclamation of Arid Lands, 1902.

(*c*) A condensed statement taken from the report on the St. Marys canal project.

The last has recently been given publicity, and is, in many respects, a remarkable document. Its opening paragraph indicates that it is the intention not only to "commit the Government," as Mr. Maxwell puts it, to the construction of an irrigation canal in Montana, but to complete the work of nature in accordance with the ideas of the Geological Survey—"To restore what may be called the original pre-Glacial drainage and allow the waters from the Rocky Mountains to continue eastward down the slope of the country."

There is no occasion to be surprised at the bold proposition; the only wonder is that, having found fault with nature for disturbing the course of the waters of the St. Marys River, it is not also proposed to twist the Rocky Mountains a little farther round so that the waters of the Belly River and other minor streams that rise in the United States and flow north into Canada may also enjoy the privilege of continuing easterly across the plains as do the rivers farther south—south of that imaginary line termed the "international boundary."

The third paragraph gives some details of the work of storage proposed, as distinct from that of diversion, following upon the opening words: "The St. Mary project is designed to store flood waters in the St. Mary lakes." This is evidently a new feature of the scheme, as in 1901 Mr. Maxwell stated before the Committee on the Public Lands (see p. 51): "In northern Montana the principal project is not a water-storage plant." The dam is stated to have a maximum elevation of 50 feet above the bed of the river. Farther on the cost of this structure is stated at $22,000, which strikes the ordinary mind as a remarkably low figure for any character of structure of the dimensions quoted in the locality in question.

The fourth paragraph contains the first public admission that the Canadians use the waters of the St. Mary River for irrigation purposes. Has there been any reason for this peculiar silence in the past? It is stated that "between the sites of the proposed dam at the foot of the St. Mary Lake and the head of the Canadian canal a considerable number of streams discharge into St. Mary River, furnishing an ample supply for the land irrigated in Canada." Is it likely that the United States is in possession of information as to the supply needed by Canada, the land now irrigated or that can be irrigated from the St. Mary River? Particular attention is called to the next sentence: "It is not believed that any international complication can arise concerning water rights, since the water which it is proposed to store and divert occurs wholly within Montana, and it would be impossible for the Canadians to store and utilize this flood water even if needed in their canal."

The waters of the Rio Grande River north of the Mexican boundary occur wholly within Colorado and New Mexico, yet so apprehensive is the United States of international complication arising with Mexico that injunctions have been maintained for some years against private corporations in New Mexico proposing to store and utilize the flood waters of the Rio Grande. The assertion that "it would be impossible for the Canadians to store and utilize the flood waters" is not supported by the submission of details, and it is probably as unfounded as the following statements regarding the character of Milk River in Canada: "Milk River in Canada, from the junction of the North and South Forks downstream, has a very slight fall, not more than 2 feet to the mile, and a canal of 100 miles or more in length would be necessary before the water could be brought to the upper benches." The fall of Milk River in Canada at the point referred to and for some distance downstream is at least three times that stated, and water can be applied to land for irrigation purposes within one-fifth of the distance stated, if not to "the upper benches," certainly to an area capable of absorbing all the water proposed to be diverted by this work.

The alternative proposition of carrying the water to the South Fork of the Milk River and thence to the Marias River, and thence through 100 miles of that stream, and thence by a canal 75 miles long to Big Sandy Creek, and thence, and so forth and so on, to the Milk River Valley, is, of course, still open. Leaving out of consideration the length of Big Sandy Creek through which it is proposed to carry the water to Milk River and the distance in Milk River itself before the lands to be irrigated are reached (neither of which lengths are stated), the water will have traveled 265 miles between the point of diversion and the point of initial application to irrigation uses.

There is no parallel to effective transportation of water for use in irrigation in any works over such a distance before use within the United States nor, one might boldly venture to assert, anywhere else. It is not to be suggested in that connection that simply because that has not been done before it can not be done at all, but it can be set up with assurance, supported by the results of the investigations of the United States Department of Agriculture and the experiment station of the Agricultural College of Colorado, to quote no other sources, that at the end of such mileage a net duty of 100 acres per cubic foot per second will not be obtained. That assertion will be so conclusive to even the merest tyro in irrigation as to need little evidential support. It will always be a marvel that such a contention could possibly be made.

By this route, the report goes on to say, "the total cost from the head on St. Mary River to Big Sandy Creek, by the Marias diversion, is placed at $2,600,000." That does not include the additional sum of $300,000 estimated for "the cost of secondary system of reservoir sites with their supply canals to the Lower Milk River basin?" This cost of $2,600,000 would be applied to the irrigation of 120,000 acres of land, a rate of $21.66 per acre. There are sundry references to the ultimate expansion to 200,000 acres at a "cost of from $7 to $9 per acre," and to 500,000 acres at a cost not to exceed $10 per acre. There is, however, absolutely no reference anywhere to the source of the additional water supply to care for the additional territory. The provision of 250,000 acre-feet at St. Marys Lake is one item only; there can be no more than the acreage due to 1,200 cubic feet irrigated until the connecting canal is enlarged to the capacity needed for the greater area.

Nowhere is provision made for the cost of such enlargement, and if it costs $2,600,000 for the construction to the initial capacity of 1,200 cubic feet per second, there would probably be a proportional cost to 3,000 cubic feet and 5,000 cubic feet. This rate of $21.66 must be considered a high one, even if the area reclaimed is to be estimated at the value of $35 per acre, which, it will be immediately apparent, no settler will be ready to pay to the United States Government for a homestead. The United States census of 1890 gives the average cost of irrigation at $8.15 per acre. On this point reference may again be made to the evidence of Mr. Newell, before the Committee on the Public Lands, House of Representatives, 1901, page 53. In answer to a question by Mr. SHAFROTH, as to the "estimate of cost of such work per acre of reclaimed land," Mr. Newell replied:

"The cost of providing the more accessible reclamation works would at first probably not exceed $5 per acre reclaimed."

It is quite evident, therefore, that the St. Marys project can not be regarded as one of the "more accessible reclamation works."

On page 51, Hearings before the Committee on the Public Lands, House of Representatives, Mr. Newell is quoted as saying:

"By a comparatively short canal, one which does not offer any great engineering difficulties, the headwaters can be taken out and turned into Milk River. * * * The estimates made thus far only include the first 9 miles of the canal. We have not yet been able to complete estimate for the remaining 7 miles."

The changes have been rung on the phrases, "no great engineering difficulties," "no considerable engineering obstacles," etc., while the facts would point to either a false suggestion or a modest effort to minimize the engineering ability that will overcome the obstacles in the event of the construction of this canal.

What are the facts?

Mr. Newell states the length of the canal, in the survey of 1900, as 16 miles from St. Mary Lakes to the North Fork of Milk River, the estimates for 9 miles of which only had been completed. The remaining 7 miles were "roughly approximated." In Report No. 254 of the Senate Committee on the Reclamation of Arid Lands that distance is stated at 27.4 miles. How is the difference accounted for? In the survey of 1900, is it not a fact that the 2 miles preceding the entrance to North Fork of Milk River developed a depth of cutting averaging 90 feet in depth, in itself a work of no inconsiderable engineering difficulty, which the survey of 1901 evidently proposes to avoid by a detour in location, increasing the length of canal from 16 to 27.4 miles, even then involving cutting over 30 feet in depth?

In the survey of 1900 it was proposed to bridge the North Fork of Milk River, in the event of adopting the all-American route, by a flume over 2,000 feet long and 150 feet maximum height, "no inconsiderable engineering difficulty." Not much publicity has been given to the fact; it is not even included in the "condensed statement taken from the report on the St. Mary Canal project," but the survey of 1901 proposes to avoid this flume by the construction of an inverted siphon 2,000 feet long, with an arch of 171 feet, to carry 1,200 cubic feet of water per second. "No inconsiderable engineering difficulty," yet the record of irrigation construction not only in the United States but in the world can be searched to find the parallel of such a structure. Not only will the engineer who designs a structure to successfully fulfill the conditions required be entitled to high rank among his fellows, but he who will complete it for the modest sum of $67,000 must be given preeminence among brilliant constructing engineers.

On the estimates submitted criticisms can not be offered, lacking details; the two items of $22,000 for a dam of 50 feet maximum height and $67,000 for an inverted siphon of 171 feet arch scarcely give evidence of reasonable approximation.

Mr. MONDELL. Mr. Speaker——

Mr. RAY of New York. I beg the gentleman's pardon; I did not intend to disturb him so much. I did not intend to make him so uneasy. I am sorry for it. I apologize.

Mr. MONDELL. I am not uneasy; but I do not want the gentleman to go on making misstatements as to the provisions of the bill.

Mr. RAY of New York. I am stating the truth, substantially.

Mr. MONDELL. The gentleman said that the bill contained no limitation upon the power of the Secretary of the Interior to let contracts.

Mr. RAY of New York. I did not say that unqualifiedly.

Mr. MONDELL. I beg the gentleman's pardon; I understood him to say so.

Mr. RAY of New York. I said that in reality there were none. The bill purports to say that contracts shall be let when there is money in the Treasury in the reclamation fund for the purpose. But it does not expressly limit the power of the Secretary of the Interior in letting contracts to limit the cost to the amount of the money that is in the reclamation fund. It does not say that the amount of money required for the completion of these contracts shall not exceed the amount of money in the reclamation fund at the time the contract is made. And that brings me to my second objection, which is this: We give the Secretary of the Interior full authority to make these contracts; he may, under the provisions of the bill, make a contract the completion

of which will cost a million dollars or five million dollars, when there are only $5,000 in the reclamation fund applicable to the particular work.

Mr. MONDELL. Now the gentleman does not want to have that statement go on record, I hope.

Mr. RAY of New York. That is exactly what this bill will permit.

Mr. MONDELL. Well, I differ with the gentleman, but of course I do not want to take up his time.

Mr. RAY of New York. That is the plain construction. The careful lawyer in looking over the bill can come to no other conclusion.

Now, what will be the effect of that on the Public Treasury? Here is your Milk River scheme, which is going to cost us $21 an acre—$4,000,000 to $6,000,000 to provide the canals and the reservoir to irrigate those lands—there are $6,000,000 in the Treasury; it will take all that money to simply construct the reservoir and to construct those canals and ditches, and to take the water to those lands.

Other sections of the country will be clamoring for a reservoir and a canal; and the Secretary of the Interior, with $6,000,000 on hand, will start in to construct at least three or four different reservoirs, with canals, in different sections of the States named. If he does not do it—if he should not do it, provided this bill becomes a law—he will have such a clamor about his ears that he must resign. The Administration—I do not care whether Republican or Democratic—will have such a clamor from the West that it can not resist. Therefore, to please Nevada, the Secretary will start a reservoir on the eastern slope of California; to please Wyoming there would be established a reservoir somewhere up in the Rocky Mountains; to please Arizona there would be a reservoir established down in that section, and to please Colorado, a reservoir somewhere in that section.

It would not be a year before the Secretary of the Interior would be out of money, because there is only $6,000,000 in the Treasury; and how are you going to get more? Why, sir, this bill provides that the Secretary of the Interior is to withdraw from public sale and public entry all these lands that are irrigable. He may withdraw all the public lands if he sees fit. Therefore the sale of the land is to stop until irrigation reservoirs are completed, canals built, works put in, the land sold, and money begins to come back under the scheme. And that would necessarily be years hence. The result would be that under this bill within two years the Secretary would be without money. We would have reservoirs and canals, two or three or four, more or less, in process of construction in different points in these States. Being without money to complete them—without money to make them useful or protect them, without money to carry out the purposes of the bill—what follows?

Senators and Representatives interested in this scheme will come knocking at the doors of Congress, saying, "You have expended millions to inaugurate this scheme; you have undertaken this work; you have put thousands of dollars into these reservoirs—a million into that one, five hundred thousand into this one, and they are going to ruin, and the Government will lose all that it has invested unless you take hold of the matter now and out of the public Treasury appropriate money to completethis work."

That will be the cry; that will be the claim; and you know what the result will be. You inaugurate in this bill a scheme which within five years will bring Senators and Representatives of all these States named in this bill clamoring in the halls of Congress—lobbying about this Capitol—for an appropriation of money for the purpose of completing these works; and then we will say, "Why, to save this public property we must appropriate money out of the public Treasury."

Mr. SHAFROTH. Does not the gentleman recognize the provision of the bill that the necessary funds for any given work must be available in the reclamation fund, and the Secretary of the Interior can not let any contract without that?

Mr. RAY of New York. Why, Mr. Chairman, if I had been undertaking to rob the Treasury deliberately, I would have drawn the bill in just this way. I would get the Congress committed to it under fair promises and with fair provisions in the bill. I would induce the Government to start a reservoir here, and another there, and another yonder, and would say that with the money derived from the sale of these public lands and deposited in the Treasury this work should go on and be completed. And when the Government is committed to it, then I repeat the cry will come, "There is no money in the Treasury from land sales to complete the work and we must change the law. The land has been withdrawn from sale; no land is being sold; you must not let this work which has been inaugurated, which is in process of construction, go to rack and ruin. In order to save it you must take money out of the public Treasury; you must tax the whole people to save the work that you have commenced."

Now, I have repeated the idea, and I trust gentlemen can comprehend it.

Mr. REEDER. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RAY of New York. Yes.

Mr. REEDER. Does the gentleman mean to say that when we provide in this bill that no construction can be authorized unless the money is in the Treasury that that money will not be in the Treasury when the work is constructed?

Mr. RAY of New York. It does not say——

Mr. REEDER. It does exactly say so.

Mr. RAY of New York. The bill does not say that there must be money in this fund——

Mr. REEDER. You will find it on page 5.

Mr. RAY of New York. That there must be money in this fund sufficient to carry to completion, to put in operation, each one of the irrigation schemes commenced under it.

Mr. THAYER. Can you not leave it to the Secretary of the Treasury?

Mr. RAY of New York, That is the trouble with your bill. Certainly you can leave it to him, and when he has inaugurated these schemes and commenced the expenditure, and he has run out of money derived from public-land sales and the work is only one-quarter or one-half or two-thirds completed and useless, then you can come, as you will in my opinion, clamoring to Congress for an appropriation out of the Treasury to carry this scheme to completion. There is the trouble with the bill, with the whole scheme, there is the danger of it in the first instance. Now, another thing. Who will get the benefit? Does this bill confine the lands to be irrigated by these works to lands taken up by settlers, those who come hereafter upon the public lands in the great West for the purpose of making their homes upon what is now the public domain? Not at all.

The Secretary of the Interior is not restricted in disposing of water rights to selling them to settlers who come upon those lands. A man who purchases of one of these railroad companies—a man who owns land there now—may purchase of the Government a water right. True, the amount of the water right he may obtain is limited, but still he may get it; and so we find behind this scheme, egging it on, encouraging it, the great railroad interests of the West, who own millions of acres of these arid lands, now useless, and the very moment that we, at the public expense, establish or construct these irrigation works and reservoir, you will find multiplied by 10, and in some instances by 20, the value of now worthless land owned by those railroad companies, the title to which they obtained through grants from the Government for building great transcontinental railroad lines. Therefore I can not account for the favor this bill receives in some quarters. Again, it is unfair——

Mr. SHAFROTH. Will the gentleman allow me right there?

Mr. RAY of New York. I will not, with all due deference, and begging the gentleman's pardon, for I have not the time. It is unfair to the farmers of the East, unfair to the farmers of New England, New York, Pennsylvania, Ohio, and other States I might name for the Congress of the United States to take their money, money which belongs to them in common with other citizens of other States, unjust to take that money for the construction of these reservoirs and the promotion of these schemes, which can only in their result build up the particular States and Territories where the works are located and where the canals run.

Mr. HOPKINS. Will the gentleman from New York allow me right there?

Mr. RAY of New York. In a moment. [It will at the public expense build up competition in the great West with which the farmers in the East must contend, and no one will claim for a moment, because they can not justly make the contention, that there is to-day any deficiency of farming lands in the United States. We have broad acres enough; a chance to put to work all who will work.] If there is a surplus anywhere to-day of people who desire to go upon the farm let them come into New York and we can give them a fair chance to purchase a home, a fair chance to till the soil.

Mr. THAYER arose.

Mr. RAY of New York. No; I promised to yield to the gentleman from Illinois. Now, what is the question?

Mr. HOPKINS. I was going to suggest to the gentleman from New York that we have appropriated millions of dollars for the harbor of New York City. Now, that benefits the city of New York as against Boston, as against Charleston, S. C., and other points, and yet the gentleman has voted for that appropriation, has he not?

Mr. RAY of New York. Do you draw any sort of comparison between a scheme to promote interstate and foreign commerce especially, and a scheme to irrigate desert lands within a State of this Union?

Mr. SHAFROTH. The President says they are identical in principle.

Mr. RAY of New York. I have not asked you any sort of a question, my friend. [Laughter.]

Mr. HOPKINS. I desire to say to the gentleman from New York that the same line of argument that is used——

Mr. RAY of New York. Now, I have asked you a question. Answer it. Do you say that there is a parallel——

Mr. HOPKINS. Oh, yes.

Mr. RAY of New York. You do?

Mr. HOPKINS. Yes; and I can show the gentleman——

Mr. RAY of New York. Then I will come to that.

Mr. HOPKINS. I will show the gentleman the parallel right now if he will allow me to make it.

Mr. RAY of New York. I was coming to it, and I will come to it right now. I trust that when my friend gets to be a Senator, as I hope he will, he will again study the Constitution of the United States. Evidently he has been so engaged with his political canvass that he has allowed some of the provisions of that instrument to pass out of his mind. I know that he has read it in the past and that he will read it again in the future. When he does so he will find what he has temporarily forgotten, that the Constitution of the United States gives to the Congress of the United States full and complete power over the subject of interstate and foreign commerce, and under that clause of the Constitution we have the right—we have always exercised it, we always will, and we always ought to exercise it—to promote commerce between the United States and foreign countries by improving and keeping open our rivers and harbors. But the irrigation of our public lands for sale to private owners neither promotes the general welfare of the United States nor protects nor promotes interstate or foreign commerce in the constitutional sense.

Mr. SHAFROTH. Will the gentleman——

Mr. RAY of New York. Oh, why do you so constantly disturb me?

Mr. SHAFROTH. I just want to read the provision of the Constitution to which you refer, to show you that it does not bear the interpretation you put upon it.

Mr. RAY of New York. Do not show how disturbed you are. Please be quiet.

Mr. SHAFROTH. Well, I should like to have you yield when you are discussing the question.

Mr. RAY of New York. I must not give away all of my time. It is limited.

Mr. SHAFROTH. But here is the constitutional provision.

Mr. RAY of New York. Under the provision relating to interstate and foreign commerce we improve the harbor at Chicago, we improve the harbor at Duluth, we improve the harbor at Charleston, at Boston, Philadelphia, and hundreds of other points.

Mr. SNODGRASS. Mr. Chairman, we are very much interested in this question, and we should like to hear what the gentleman is saying.

Mr. RAY of New York. I think if every gentleman will listen to what I am saying, there will be no difficulty in my being heard. And I wish to say to you that it will pay you to listen. I have studied this subject carefully, and I have some information to give you. It is correct information. I will cite you some authorities, and if you will study them you will see that you can not constitutionally support this measure, and that it can not be executed, if it is written upon the statute book, never.

Through the ports of New York, Boston, Charleston, Philadelphia, and New Orleans, maintained and kept open largely at the public expense, we take the pork from Illinois and the other States, we take the wheat and corn that grow upon the broad prairies of the great West and carry them out upon and over the ocean and to foreign markets. Were this not done you of the West could not reach the European markets. We do it under special authority of the Constitution. I will not enlarge upon that idea, but where do you find warrant in the Constitution of the United States——

Mr. MANN. Will the gentleman yield for a question?

Mr. RAY of New York. Certainly.

Mr. MANN. Does the gentleman contend that the power to improve rivers and harbors is derived from the power in the Constitution to regulate interstate and foreign commerce?

Mr. RAY of New York. Why, of course you could exercise under the general-welfare clause if you desired or preferred to do so.

Mr. MANN. I always supposed it was under the general-welfare clause.

Mr. RAY of New York. There has been a great deal of contention among constitutional lawyers as to whether it comes under the general-welfare clause or under the other I have mentioned.

Mr. MANN. I wish simply to get the opinion of the gentleman, because he has studied the subject and is well informed.

Mr. RAY of New York. Well, I will say, as the Supreme Court have said, and I can cite you to a dozen cases, that if it is not justified under the one clause of the Constitution—that is, the general-welfare clause—it is justified under the other. If it is not justified under the one it is under the other, taking the two together. You will find that judges and lawyers differ about it, but to-day it is conceded by everyone that the constitutional power exists.

Mr. HOPKINS. I suppose my friend will concede——

Mr. RAY of New York. Do not use up all my time, please. You simply seek to divert me from my argument.

Mr. HOPKINS. I beg your pardon.

Mr. RAY of New York. There are none so blind as those who will not see and do not desire to see.

Mr. HOPKINS. That is what I have been thinking for a long time.

Mr. RAY of New York. Now let me proceed. I say we have no constitutional power or right to enact this bill. I will print some of the authorities, because I have not time to read them now.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman from New York has occupied the floor thirty minutes.

Mr. RAY of New York. I can only use a few more minutes. In a case to which I will invite attention, Missouri *v.* Illinois and the sanitary district of Chicago—is the gentleman familiar with that case?

Mr. HOPKINS. I think I know it quite as well as my friend.

Mr. RAY of New York. Do not compare your knowledge. I simply inquired if you know of the case.

Mr. HOPKINS. I have read it.

Mr. RAY of New York. I concede that the gentleman from Illinois for legal knowledge, for acumen, for general intelligence, for health, for beauty, far exceeds the "gentleman from New York." [Laughter and applause.]

Mr. HOPKINS (rising). I thank you.

Mr. RAY of New York (continuing). I concede all that. I asked him, "Are you familiar with that case?" The principle enunciated is what I call your attention to, and to dozens of other cases. I ask gentlemen who read the minority views, which I had the pleasure to prepare—of course I could not prepare minority views such as would have been prepared by the gentleman from Illinois if he had been on my side of the question and on the committee, but I did just as well as I could to read that case. I took every case in the books on condemnation by the General Government, and on page 8 of the minority views you will find the cases, leading cases, where the Government of the United States has exercised the power of eminent domain.

Now, I call your attention to our constitutional power in regard to our public lands—and our fathers when they wrote that instrument wrote wisely. They knew what they were doing; they knew what they intended to do. They were opposed to the feudal system. They were opposed to having large tracts of land owned by a few people in this country, opposed to having the ownership of land in the hands of few persons, as was the case in England. They wanted the land to be held by the people. They knew we owned a vast tract of land beyond the Ohio River; that it belonged to the people of this nation. They undoubtedly foresaw that not far in the future we would own other lands, as we have. They knew that we were a sovereign nation. They knew that we had all the powers of a sovereign nation. They knew we could do what we wished with our own. They knew that as a sovereign power we could sell or rent our public lands; that we could improve our public lands, and that we could build upon those lands homes and fences, houses and barns; as a sovereign power that we could rent them to our citizens for farming and other purposes.

They knew all that, and look to the debates of Congress and look to the debates of our fathers when they framed the Constitution and you will find that what I say is true—they opposed the ownership of all the land by a few persons. Now, what did they do? Did they say we could do anything with our public lands we saw fit? Not at all, but in defining the power of Congress over these public lands they restricted our power. Here is what they said: "The Congress shall have the power to dispose of and make all needful rules and regulations respecting territory or other property." "Shall have the power to dispose of." Why limit it to disposition? There is no lawyer on this floor who does not know that if I give you power of attorney to dispose of my land you have the power to sell; that you have no power to rent and no power to improve it in any respect. When our fathers wrote those words "dispose of" they put them in because the words were restrictive of the powers we otherwise should have possessed.

Mr. FINLEY. Will the gentleman permit me to ask him a question?

Mr. RAY of New York. Just for a moment.

Mr. FINLEY. Does the gentleman admit the power to tax?

Mr. RAY of New York. Tax what?
Mr. FINLEY. In the Territories.
Mr. RAY of New York. Tax the public lands?
Mr. FINLEY. Tax anything.
Mr. RAY of New York. It never has been considered whether the Congress of the United States can tax public lands of the United States or not.
Mr. FINLEY. Not the public lands, but everything.
Mr. RAY of New York. I think it would be ridiculous to entertain such an idea.
Mr. FINLEY. Imports and other things.
Mr. RAY of New York. I can not yield further; I am not to be diverted from my argument by questions such as that.
Mr. FINLEY. I heard your argument here a year ago.
Mr. RAY of New York. I am not yielding for a speech now. Please do not interrupt.
Mr. FINLEY. Well.
Mr. RAY of New York. I can not yield for that purpose. Our fathers put that in as a restriction. But now let us come to another proposition, which immediately follows that. We never have exercised any further or greater power than that. Gentlemen on the committee, colleagues of mine for whom I have the highest regard and respect, have said, "Why, we survey our public lands." True. The power to survey is incidental to the power to dispose of. The power to survey must be exercised in order that we may intelligently dispose of our public lands. Will any gentleman here claim for an instant that we have the right, that the Congress of the United States has the right or the constitutional power to authorize some person, at the public expense, to go upon the public lands and take off the stones, where they are stony; plow them; fertilize them, where they need fertilization; build fences; build barns; build houses; lay them out in farms, and then rent them to A, B, or C; rent them to those who desire to come from the Eastern States and have a home at a cheap rental? Does any gentleman contend that?
Mr. SHAFROTH. Do you want an answer?
Mr. RAY of New York (continuing). There is no one but knows in his heart and good judgment that we have no such power as that. And our fathers when they framed and adopted the Constitution knowingly put those words "disposed of" in there, and so limited the power of Congress. They put them there to prevent the United States of America from ever reverting to the feudal system which prevailed in England, Germany, and in the old countries from which they fled. Read the history of the United States. Read the history of the American people and you will see that what I say is correct.
Mr. LITTLEFIELD. Will the gentleman allow me a question?
Mr. RAY of New York. Yes; if it is only a question, and a short one.
Mr. LITTLEFIELD. It is very short. Can the gentleman find anything in the Madison debates that indicates that the fathers gave any such meaning to this clause as the gentleman now suggests? I have read them with great care on another proposition, but I do not recollect of seeing it.
Mr. RAY of New York. It was discussed when the Constitution was framed. The question was discussed, and I can point you to three or four different books where the question was discussed and the purpose of it. It is referred to by Professor Fiske.
Mr. LITTLEFIELD. But he was not one of the fathers.
Mr. HOPKINS. And not a very good constitutional lawyer, either.
Mr. RAY of New York. No; he was not one of the fathers, but he was one of the writers. He wrote ably and intelligently about the fathers and about the history of New England and the United States, and he gives us a great deal of information on the subject, and he refers us to authorities which are useful. We are now coming to the other provisions of the bill. In order to irrigate in Nevada they must condemn lands and water in California. The gentleman from that great State of 38,000 people, about one-fifth as many people as I have in my congressional district, says that in a few years if they can not have irrigation and they lose the irrigation they have now Nevada will dry up.
Mr. LITTLEFIELD. Will the gentleman permit me a question?
Mr. RAY of New York. I can not keep yielding in this way.
Mr. LITTLEFIELD. I simply wanted to ask the gentleman this question. I would like to hear him on the question whether or not this bill involves a public use.
Mr. RAY of New York. I am coming to that, but here are gentlemen every little while asking me questions and trying to divert me. I will come to that question as rapidly as I can. The gentleman from Nevada says in effect, not words, that Nevada, or a large portion of it, can, at the public expense, be made to blossom like the rose if the Eastern taxpayers are willing to pay for the improvement and give up their share of the public moneys derived from the sale of public lands. "Well," we say, "is there water in Nevada? Is there water there that you can apply to the irrigation of the arid land?" "No." "Where will you get the water?" "We propose to go into the State of California, on the eastern slope of her mountains, and there, if they will not give or sell it to us, we propose to condemn the right to take the head waters of those streams, conduct that water into the State of Nevada to use for irrigation purposes. If need be, we will take it against the will of the State of California and then distribute it over the arid lands of Nevada for the purposes of irrigation."
Gentlemen who favor this bill propose that the Government shall go up into the foot hills of the Rocky Mountains for a supply of water, and if the State will not surrender the right to the Government to store and dam up these head waters of the streams, they propose to go into the State courts and condemn these water rights for the purpose of irrigation; not in the State where they propose to irrigate, but in Colorado they propose to condemn lands and water rights to irrigate arid lands in Nebraska or Kansas, or it may be in some States farther north. They are going to take and condemn water and water rights in one State, store the water for purposes of irrigation in some other State, or in two or three States. What does the proposition lead to? It leads to this question: Has the General Government of the United States power, in the exercise of its sovereign rights, to go into a State and condemn water or water rights, store that water, and then conduct that water where they please for the purpose of irrigating arid lands belonging to the Government for purposes of sale to private owners?
If we have that power, then the General Government has the power to go into every State of this Union, to go to the headwaters of the Mohawk River, to the headwaters of the Hudson River and store those waters, divert them into Lake Ontario, divert them into a canal that shall flow across the State of Massachusetts and empty into Boston Harbor. If they have that right, they may take the headwaters of the Ohio River, divert those waters into some stream that shall empty into the Potomac River or the Chesapeake Bay. You may say to me, gentlemen, if you please, that such a scheme is impracticable. That I might concede, but that is not the question; it is a question of power, and I say that constitutionally, in my judgment, it can not be done. Now, let me tell you why.
Mr. MONDELL. Will the gentleman allow me?
Mr. RAY of New York. No; I can not yield.
Mr. MONDELL. But the gentleman has got a bogy man that is not in the bill.
Mr. RAY of New York. I have got no bogy man.
Mr. MONDELL. Whereabouts does the gentleman find any such provision as he is arguing? Whereabouts in the bill is there anything that attempts to give the Federal Government any right to condemn or to take any water right or do anything which an individual could not do? Will the gentleman point out any place or any provision for the Federal Government to do anything that I could not do if I owned the public land?
Mr. RAY of New York. Do you say there is nothing in this bill that provides for condemnation?
Mr. MONDELL. The bill provides explicitly that even an appropriation of water can not be made except under State law.
Mr. RAY of New York. Let me see. There is one great trouble with the bill——
Mr. MONDELL. The gentleman having argued the other side of the question, would now take the opposite ground.
Mr. RAY of New York. I do no such a thing.
Mr. MONDELL. The gentleman must adopt one or the other view; he can not adopt both.
Mr. RAY of New York. Now, when the gentleman gets into a condition of rest I will read the bill.
But I must not forget to state to the House one other provision of this bill which I had passed over in my haste, and that is that wherever the water does not fall out of the heavens and they do not find it anywhere on the surface of the earth they are going to sink artesian wells. So that they are going to construct reservoirs and then sink artesian wells and pump water out of the earth and store it therein at the public expense. Why, sir, up in New York and Pennsylvania and New England we have to dig our own artesian wells. And that is one ground of complaint that I have against this bill—that it does not propose at the public expense to sink any artesian wells for Pennsylvania and New York and New England farmers. Now, let me read section 7 of the bill:

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose.

This is the unconstitutional provision to which I refer. It can not be enforced. I refer to my report, which I will print as a part of my remarks, as it contains all the authorities.
And still the gentleman who reported this bill and who has made an hour's speech in favor of it, says there is not anything

of that kind in the bill. I do not blame him for being confused. In the Fifty-fifth Congress they introduced a bill of this character. I was on the committee, and I prepared a report against it. In the Fifty-seventh Congress they introduced another bill, and I condemned it; and then they undertook to improve it, and introduced another bill. I condemned that also. And then the Senate bill came over here and they changed that. I do not wonder at the confused state of the gentleman's mind and that he has forgotten to an extent that they have in this bill a provision which purports to confer upon the Secretary of the Interior power to condemn water and water rights for the purpose of carrying out this scheme.

Mr. MONDELL. Wherever the State law gives him authority to do so.

Mr. RAY of New York. But it does not say so. The trouble is that the bill does not say so.

Another thing. No State law does, no State law can—I do not care who may frame it—give any power of condemnation of private property unless it be for a public use.

And now I come to a question propounded to me by the gentleman from Maine.

Mr. BELLAMY rose.

Mr. RAY of New York. Let me answer the gentleman from Maine. I trust the gentleman from North Carolina will not interrupt me in a legal argument.

I affirm that the use proposed by this bill is not a public use and you can not make it a public use. What is a public use? Something that is for the benefit of all the people of the sovereignty. In a State it is a public use if it is for the benefit of all the people of the State. In saying this I do not mean that all the people must use it, but all the people must have a right in it—must have a right to have the beneficial use of it. Then the use must be continuous in its nature. Now, let me read from Cooley's Constitutional Limitations. Cooley has always been supposed to be good authority. He remains good authority with me. He remains good authority with the Supreme Court of the United States, because they hold the same doctrine that he does. Now let me read:

Nor could it be—

He is stating the right of eminent domain, and what is a public use—

Nor could it be of importance that the public would receive incidental benefits such as usually spring from the improvement of lands or the establishment of prosperous private enterprises. The public use implies a possession, occupation, and enjoyment of the land by the public at large or by public agencies; and a due protection to the rights of private property will preclude the Government from seizing it in the hands of the owner and turning it over to another on vague grounds of public benefit to spring from the more profitable use to which the latter may devote it.

That quotation is exactly in point. Let us see what you propose to do. For the purpose of a public building—for the purpose of supplying Washington city, which is on the public domain or territory under the seclusive jurisdiction of Congress, with water for all the people to drink—for the purpose of building a courthouse for the United States, or for a public park for the people, or for the purpose of a national cemetery, as at Gettysburg, where all the people may go, where all the people may admire, where all the people have the right to share the benefits, the General Government may condemn the land. Those uses are a public use and for a public purpose, but that is not the purpose here. What do you propose to do?

Now, follow me carefully. Build great reservoirs for the storage of water, build canals, take the water to the arid lands for the irrigation thereof, and distribute that water for the purpose of irrigating this public land. Is the United States to keep that land? Is the United States Government to use that land? No. The moment your irrigation works are constructed and your water stored, you say that private individuals may come upon that land that is to be irrigated, that they may take the land in plots not exceeding 160 acres, I think it is. They are to become the owners of that land and have an interest in that water right, and that such private owners, after a little, shall control the water rights. The land to be irrigated and to be benefited is to pass to private ownership, into private hands. So we irrigate, not for the public, but for speculative purposes, for the purpose of bringing settlers.

Mr. GILBERT. What private property has been taken in the process?

Mr. RAY of New York. Why, the bill proposes to go to the headwaters of streams and wherever they see fit and condemn land and condemn water rights for the purpose of storage, to be carried through canals to arid lands. Now, if we were to keep those lands and the United States were to run them, till them, and rent them, then this would be a public use.

Mr. GILBERT. And those running streams——

Mr. RAY of New York. Oh, but that is not the proposition. We are to sell those lands.

Mr. GILBERT. But those running streams in the States are not private property.

Mr. RAY of New York. That depends altogether on the character of the stream, and the very fact that they are not private property repels the idea of condemnation; and when not public property—most of these small streams are not—we can not condemn for such a use as is proposed, and now the objection comes in. In some instances we are going to take the springs, the small streams that supply the big rivers, divert the water to the irrigation of arid lands far distant, and deprive the adjacent land owners of the water. The large rivers are public streams, in which we have a right as a government under our interstate and foreign commerce powers, under the Constitution; but in the small streams and little springs and rivulets and all that we have no right except to keep them open and undefiled and not interfered with, in order that interstate commerce may not be interrupted or obstructed. May this Government deprive an owner of land of water for his farm in order to irrigate the farms to be sold or given by the Government to others?

Mr. LITTLEFIELD. What are the rights of riparian proprietors in that vicinity?

Mr. RAY of New York. The rights of riparian owners in Colorado and the mining States are different from what they are in the East, South, and other sections. The riparian rights of the Government of the United States exist under the common law as the Supreme Court applies it and is the common-law rule, which is that you may take water in these public streams and divert it temporarily for the use of the owner along their banks, and then you must restore it. That is not the rule in the mining States, but it is the rule of the Government, except as the General Government recognizes the rule adopted in those States in the States.

In Colorado and in California and some of those States, by virtue of necessity, they recognize a different rule. They say that the first appropriator of the water, to the extent of the appropriation, has the right to it as against all comers, so that if a dozen men came and started their mines and took all the water in the stream, all the water there was in a river, and some one came later and established himself lower down, he had no right and has no right in the water, because of the prior appropriation. Now, I have not time to go further into details, but I point out in my report the wide difference in the rules. So, you see, here you have a proposition right in the face of the law, right in the face of the decision of the Supreme Court of the United States, as to riparian rights.

Mr. MONDELL. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Will the gentleman yield?

Mr. RAY of New York. Oh, I can not.

Mr. MONDELL. Just one question.

Mr. RAY of New York. Where you propose to take the water and land of private persons, condemn it for an alleged public use, a use that is not a public use, for the reason that we do not propose to keep these lands when we have provided irrigation for them, we exceed our constitutional powers. We can not execute that part of this proposed law. We propose to sell the land and water rights to private owners. Therefore, as I have stated in the minority views, this is not a public use, and I cite a dozen cases proving it.

Mr. MONDELL. Mr. Chairman, will the gentleman allow me to ask him one question right there?

Mr. RAY of New York. I decline to yield. I now call attention to another phase of this controversy. That is this: The State of Colorado, in the exercise of what she claims to be her sovereign rights, has diverted for purposes of irrigation in Colorado the head waters of one or more of our great streams.

Mr. GILBERT. Would the reservoir be public property?

Mr. RAY of New York. The reservoir itself, if constructed on public land, would be public property, of course.

Mr. BELL. If the gentleman will allow me——

Mr. RAY of New York. I can not yield to the gentleman.

Mr. BELL. I should like to suggest to the gentleman——

Mr. RAY of New York. I do not want your suggestion at this time. Now, when I have declined to yield, please let that end it. You know that my time is limited.

The CHAIRMAN. The committee will be in order. The Chair trusts gentlemen will not interrupt the speaker without his permission.

Mr. RAY of New York. Now, I have just come to the statement of the case, and I want the House to understand it. In the State of Colorado the legislature, claiming the right to irrigate the arid lands of that State, has diverted the headwaters of one or more great rivers that naturally flow into and through the State of Kansas. They have substantially made one or more of these rivers dry at certain seasons of the year, so that the people of Kansas do not find water in the stream for agricultural purposes, nor for purposes of irrigation in Kansas. What has the

State of Kansas done? She has brought suit in the United States Court against the State of Colorado to enjoin her from thus diverting, retaining, and using, for purposes of irrigation, the water that the God of nature designed should run through the State of Kansas.

The State of Colorado demurred to the complaint and the case came to the Supreme Court of the United States, where the demurrer has been overruled, the court thus holding, in effect, that Colorado has no such right to divert and withhold those waters for the irrigation of her own arid lands to the detriment of Kansas. We had better await the final decision of that case before enacting a law of this kind.

The God of nature made the great Mississippi River run from its headwaters in Lake Itasca through to the Gulf of Mexico, and when we formed this Republic we did not take away from the citizens of Mississippi the right to have those waters run down to the Gulf forever, and Congress can not take away or interfere with the right. And so with the headwaters of the Missouri River. We can not store them or take them away or interfere with that right. Why? Because they run through States of this Union that we have recognized as States, that we have ordained as States, and to which we have given the rights of sovereign States.

I read here some comments in cases and on the principle involved, by C. F. Randolph, of the New York bar.

PART SECOND.—III.

KANSAS *v.* COLORADO.

THE CASE STATED.

30. The bill of complaint in Kansas *v.* Colorado recites that the Arkansas River rises in Colorado, runs a long course therein, and then traverses Kansas in a course of 310 miles. It alleges that the State of Colorado itself, and many persons acting under its authority, are even now diverting such quantities of water for irrigation purposes "that no water flows in the bed of said river from the State of Colorado into the State of Kansas during the annual growing season, and the underflow of said river in Kansas is diminishing and continuing to diminish."

But be it noted that for diversions under existing grants no relief is sought in the present suit. The gravamen of the bill is the allegation that Colorado intends to maintain the present diversion by renewing grants as they expire by limitation, and to increase it by new irrigation works, both public and private. And the bill asserts that if the diversion continues to increase the bottom lands of the Arkansas Valley in Kansas "will be injured to an enormous extent, and a large part thereof will be utterly ruined, and will become deserted and be a part of an arid desert."

31. Colorado demurs to the bill for ten specific causes. The seventh and tenth allege defects in pleading, and are not material to this general discussion. The first six causes present the objection that the bill does not disclose a controversy between States within the meaning of the Federal Constitution. It is contended that any injury resulting from the acts complained of creates, at most, a controversy between persons in Colorado who actually divert water, and persons in Kansas who suffer from the diversion.

A like contention was made in Missouri *v.* Illinois, where a State sued on account of threatened depreciation of the quality of waters used by its citizens, a case not substantially different from a threatened diminution of supply, but the court said, "That suits brought by individuals, each for personal injuries threatened or received, would be wholly inadequate and disproportionate remedies requires no comment;"[1] and this ruling is even more pertinent here, for in the Missouri case a multitude of suitors would at least have found a single defendant in the drainage canal corporation, while here a multitude must essay the difficult, if not impossible, task of apportioning liability among a multitude of defendants in Colorado. Conceding that a State can not properly implead another when adequate relief is otherwise obtainable, it is not perceived that the case at bar should be dismissed on this grounds, and so we pass on to the question whether Kansas and Colorado are actually in controversy.

32. Kansas first alleges injury to a small tract of land, the site of a State reformatory. Here is a proprietary interest on account of which the State may bring suit, but, assuming for the moment the liability of Colorado, judgment on this score alone would be a techinal victory for Kansas of little value. It would be intolerable to enjoin Colorado from bringing vast tracts of arid land into cultivation merely to enable Kansas to raise vegetables on a reformatory farm.

The real motive of the suit lies in the allegation of damage threatened to a large section of territory held in private ownership. To avert this damage Kansas comes into court as a political corporation asserting a right to protect its community. If it be argued that as a State can not collect debts due its citizens from another State[2] it can not defend their landed interests, the sufficient answer in the case at bar is that the nature and magnitude of these collective interests make their preservation a matter of public concern. And, if the support of precise authority be required for this statement, it may be found in Missouri *v.* Illinois, where the court said:

"It is true that no question of boundary is involved, nor of direct property rights belonging to the complainant State. But it must surely be conceded that, if the comfort and health of the inhabitants of a State are threatened, the State is the proper party to represent and defend them. * * * The health and comfort of the large communities inhabiting those parts of the State situated on the Mississippi River are not alone concerned, but contagious and typhoidal diseases introduced in the river communities may spread themselves throughout the territory of the State. Moreover, substantial impairment of the health and prosperity of the towns and cities of the State situated on the Mississippi River, including its commercial metropolis, injuriously affects the entire State."[3]

33. Beyond the public and private lands specified, there is really involved in this suit an interest which we hope the Supreme Court will place definitely among the rights of a State maintainable in interstate suits, a peculiar public interest in water, wholly independent of any private interest or right therein that may happen to be vested by local law, and which is not limited by the use actually made of water through diversion, but is defined so broadly that it will embrace even the maintenance of climatic conditions due to the presence of water. Always a State should be competent to assert this interest, except, of course, where it must yield to Federal power in respect of navigation.[4]

[1] 180 U. S., 240.
[2] Supra, sec. 11.
[3] 180 U. S., 241.
[4] Infra sec. 34.

I conclude that the pleadings in the case at bar present a controversy between States. Kansas properly complains as well in its political as in its proprietary capacity; Colorado is properly impleaded, because the diversions of water complained of are and can be effected only through State authorization.

THE GOVERNING PRINCIPLE.

34. Kansas and Colorado are now joined in controversy, and it is material to determine the governing rule. This inquiry necessitates an appreciation of some elementary principles of the law of waters affecting States of the Union both in their domestic administration and in their relations to the Federal Government and to other States. Of the first case it is sufficient to say that, of course, State control over waters in respect of persons and property within its jurisdiction is determined by State laws.

Whatever may be the power of a State in respect of waters it must be exercised in subordination to that Federal authority derived from the commerce clause of the Constitution.

"The jurisdiction of the General Government over interstate commerce and its highways," says the Supreme Court, "vests in that Government the right to take all needful measures to preserve the navigability of the navigable water courses of the country, even against any State action."[1]

But in discussing the law of waters suitable to the great arid region of the United States, we should leave this peculiar Federal interest in suspense. In this region irrigation is so vital, navigation, generally speaking, so negligible, that the Federal Government is willing to permit, nay, it should be eager to encourage the one with little regard for its effect on the other. And the Government loses nothing by this partiality, for should a State actually divert waters to the injury of navigation, it may intervene. Indeed, it appears that in acts of Congress permitting States to authorize the cutting of ditches through public lands the privilege does not carry a right to impair navigation.[2]

35. Regarding the position of a State in respect of waters on public lands of the United States that may happen to lie within its borders the Supreme Court says:

"In the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its waters, so far, at least, as may be necessary for the beneficial uses of the Government property."[3]

But the question remains whether these public lands are so intimately connected with the sovereign, as distinguished from the proprietary interests of the United States, as to lie beyond the reach of the State's eminent domain. Personally I am of the opinion that these lands are not inevitably beyond the expropriating power of the States for all purposes.[4] I can conceive of cases where the public needs of a State should be held superior to the proprietary interests of the United States. But the point has not been determined by the Supreme Court,[1] and it is not necessary to discuss it here.

36. Coming to the measure of control over waters which one State can maintain against another, we find that in the case at bar Colorado arrogates the right to utilize every drop of water in that section of the Arkansas River basin lying within the State, regardless of the effect upon Kansas. This position is not merely a legal inference coming from the filing of a demurrer, and thus admitting technically the truth of the facts alleged in the bill of complaint. It is affirmed in the following causes of demurrer:

"Eighth. Because the acts and injuries complained of consist in the exercise of rights and the appropriation of water upon the national domain in conformity with and by virtue of divers acts of Congress in relation thereto. Ninth. Because the constitution of the State of Colorado declaring public property in the waters of its natural streams and sanctioning the right of appropriation was enacted pursuant to national authority, and ratified thereby at the time of the admission of the State into the Union."

So far as the eighth cause refers to present diversions of water it is to be noted that the suit of Kansas is not aimed at any irrigation interests in Colorado which may be defined as "vested," and in this discussion we shall not consider at length such interests in either State, being concerned chiefly with the public matter in controversy.

So far as the eighth cause insinuates that Congress, in authorizing diversions of water on the public domain, confers upon a State a right exclusive against other States, it must be objected that Congress does not, indeed it can not, thus exalt one State to the detriment of another. And the same objection rebukes the claim, advanced in the ninth cause of demurrer, that Congress, by approving the constitution of Colorado, has consecrated a right in the State to withhold water from its neighbors.

Stripped of all support from Federal statutes, which, I repeat, can not be invoked by one party to an interstate controversy as giving it legal advantage over another, it is perceived that Colorado is really insisting that this dispute between two States shall be determined by the law of one—that the constitution and statutes ordained by the people of Colorado for their own governance shall be accepted by the Supreme Court as the ruling law in a suit brought by Kansas. This position is untenable, as I have shown.[5]

37. Kansas opposes to Colorado's claim of monopoly what we may call a local theory of law, as distinguished from the general theory we shall consider later. This local theory is introduced by the statement that the land lying in Colorado and Kansas and drained by the Arkansas River and its affluents was brought within the domain of the United States partly by the Louisiana treaty and partly by treaty with Texas; that this land was included in the Territory of Kansas; that later a part was included in the State of Kansas and the remainder in the Territory, afterwards the State, of Colorado.

It is alleged that under the sovereignty of the United States the land became subject to the common law, and especially to the general rule that every riparian owner is entitled to the continued natural flow of a stream. And it is argued that when a section of United States territory is once subjected to this common-law rule the subsequent drawing of State lines across it leaves the old rule still effective as between the new States.

Even assuming that this argument would lead to a just decision in the case at bar, I am not sure that it would furnish a rule applicable throughout the Republic.

Suppose that after the Territories of New Mexico and Arizona are admitted to statehood a controversy like Kansas *v.* Colorado should arise between them, and it was found that the common-law rule did not prevail in that section of country prior to the admission of the States. Should the complaining State fail for this reason? If so, there is no uniform rule for the determination of interstate controversies in respect of waters. Yet a uniform rule is certainly desirable, and I believe that it is imperative, for the reason that the constitutional equality of the States requires that each subject of controversy shall be determined by a general principle of law, so that like rights and duties shall be attributed to each State.[6]

38. What general principle should the Supreme Court announce as the governing rule in Kansas *v.* Colorado?

[1] U. S. *v.* Rio Grande Irrigation Co., 174 U. S., 703.
[2] See U. S. *v.* Rio Grande Irrigation Co., 174 U. S., 706.
[3] U. S. *v.* Rio Grande Irrigation Co., 173 U. S., 703.
[4] See The Law of Eminent Domain, sec. 59.
[5] See Van Brocklin *v.* Tennessee, 117 U. S., 161.
[6] Supra, sec. 26.

"The unquestioned rule of the common law," says the court in a recent case, "was that every riparian owner was entitled to the continued natural flow of the stream. * * * While this is undoubted, and the rule obtains in those States of the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule, and permit the appropriation of the flowing waters for such purposes as it deems wise."[1]

In several States and Territories this common-law rule has been superseded by what is called "the doctrine of appropriation," the gist of which seems to be that the first comer may divert as much water from a stream as is necessary for the development of his mining or agricultural lands, whether these are adjacent to the stream or not, and later comers acquire rights in the order of priority.

The court will find no proper rule in a strict adherence to either of these doctrines. Approval of the common law might bar a State from a reasonable use of water for irrigation. Approval of the law of prior appropriation would encourage interstate races for water prizes, contrary to the fraternal purpose of the Federal compact. Furthermore, this law might permit a lower State to assert against an upper one a right to receive only so much water in a stream as is actually diverted from the stream. Such a rule would be unfair, even in the arid regions. In the country at large it would be most mischievous, because it ignores, among other things, the utility of streams for the transportation of logs, as natural drains, and their influence on climate.

39. From these inadequate theories of domestic law we turn to international law.

Complaints by one nation against another on account of diversion of water are not unknown. Our State Department has complained to Great Britain of an obstruction to the flow of a stream in Maine caused by acts committed in Canada, and to Mexico of the diversion of the waters of the Rio Grande.[2] Mexico has complained of diversion on this side of the boundary, and our Senate has under consideration the appointment of a commission to discuss international water rights with Canada.

The interesting point in such cases is the invocation of the principle of a common right in international water courses. In respect of navigation this right has long been asserted by enlightened jurists, and throughout the greater part of the civilized world it is now either respected on principle or secured by agreement. Serious diversions of international streams have been too infrequent, perhaps, to excite much attention, but were such a case brought to arbitration the tribunal would surely refuse to announce, as a principle of international law, that an upper State is entitled to divert all the water from a stream. It would probably affirm the right of the State to divert a reasonable quantity, subject always to the paramount interest of navigation.

40. The physical and political conditions which make the irrigation of our arid region so difficult an undertaking are nowhere paralleled in a civilized country more closely than in Australia, where, indeed, the union of the colonies under the constitution of the new Commonwealth was partly inspired by the desire to refer intercolonial disputes over waters to a common authority.[3] A learned commentator on the Australian constitution says:

"The consideration of the extent of the restriction imposed upon the Parliament of the Commonwealth by section 100[4] of the constitution involves the consideration of the question of the power of a State to authorize the diversion of the waters of a river flowing through it, or a diminution of their quality, to an extent which would affect the rights of riparian proprietors in another State.

There is not any restriction directly and expressly imposed by the Constitution upon the several States in respect of their use of the rivers of the Commonwealth for the purposes of conservation or irrigation, but it would be an anomalous result if each State has the power under the Constitution to divert the water of a river for the benefit of the residents of the State, or to diminish the quantity of it, to the detriment of the residents of another State, whether the river is navigable or not, and that the Parliament of the Commonwealth can not for any purpose that would be beneficial to all the States, or to a majority of them, do the same thing. It has already been stated that the imposition of the restriction imposed on the Parliament of the Commonwealth by section 100 implies that in the absence of any such restriction Parliament would have a larger power to control the use of the waters of the rivers of the Commonwealth than that which the Constitution has conferred upon it; and the terms in which the restriction is imposed indicate that such larger power would be exercisable by the Parliament of the Commonwealth as a part of its legislative power with respect to trade and commerce between the States and with other countries. But the Constitution has not conferred any legislative power upon the States with respect to such trade and commerce; and the power of the Parliament of the Commonwealth with respect to that matter is from the nature of the power necessarily exclusive.

If the several States were so many independent nations, any interference in one of the States with the waters of a river that flowed through that State and another State to an extent that would produce any damage to the riparian proprietors in the other State would be a matter of international complaint, for which redress in the last resort would be sought by war.

"But the States of the Commonwealth are constituent parts of the same nation, and any act on the part of any one of them which inflicts injury on the residents of another State of the Commonwealth, and which would be a matter of international complaint if the two States were separate and independent nations, is a matter for redress in the high court of the Commonwealth under the provision of the Constitution which confers upon that court jurisdiction in all matters between States. It has been decided by the Supreme Court of the United States of America that under the provisions of the Constitution of that country which extend the judicial power of the United States to 'controversies between two or more States,' one State may file a bill in equity against another State to determine the question of a disputed boundary. Under the Constitution of the Commonwealth the high court has clearly jurisdiction to determine a similar dispute between two States of the Commonwealth, and it must as a logical sequence have jurisdiction of the question whether any portion of the territory within the boundaries of one State can be deprived of all that makes that portion of its territory valuable by the aggressive legislation of another State."[5]

The words I have italicized seem to anticipate for the high court of Australia a broader jurisdiction than our Supreme Court possesses,[6] and if this anticipation be realized it will be because the States of Australia are of lesser dignity than ours. In point of law the commonwealth of Australia is a colony of Great Britain, formed by the union of several colonies and receiving its constitution from the British Parliament, while sovereign States adopted our Constitution, reserving important powers to themselves. But the last sentence of Judge Clark's comment suggests a question within the jurisdiction of our Supreme Court; and I think it admits of but one answer.

Assuming that this question is involved in Kansas *v.* Colorado, the court should announce, as a general proposition of law, that one State can not maintain against another a right to divert all the water of an interstate stream within its dominions, and go on to complete an equitable rule for the enjoyment of interstate waters by declaring that, presumably, each riparian State may divert a portion. Thus the principle of proportional rights, commended by international law to independent sovereigns, will be adjudged to be the general rule between our States. This rule is not reducible to a practical formula. How it shall be applied in a given case, whether, peradventure, it shall be found applicable at all, will depend upon the result of a thorough investigation of the relative resources and needs of the States in controversy, for the equitable purpose of the rule would be defeated were its applications invariably treated as purely mathematical problems. The equitable right may differ widely from the mathematical proportion.

METHOD OF RELIEF.

41. Kansas prays that the State of Colorado be restrained from authorizing any person or corporation to divert water from the Arkansas River, except for domestic use; from granting any larger use, or any renewal of present irrigation privileges, and from constructing and operating irrigation works on State account.[1] In fact, the Supreme Court is asked bluntly to enjoin the legislature of Colorado from passing laws of a certain description.

Fortunately we need not inquire how the court would attempt to muzzle a State legislature or punish disobedient legislators for contempt.[2] Should the court decide that a further diversion of water will inflict an injury on Kansas, it can grant relief without impairing the sovereignty of Colorado, even if the legislature should be tempted to disregard the decision.

Conceding that an injunction against the State of Colorado could not be directed specifically to its legislature, it would nevertheless pave the way to adequate relief.

Our courts are incompetent to prevent the passage of an act by a sovereign legislature. This incompetency is common to courts the world over. But they are competent to declare a passed act to be no law. This competency is unique and is due to our peculiar custom of confiding to the judiciary the power of determining the obligations of constitutions.[3] The Supreme Court would not stretch its powers by ignoring statutes passed by Colorado in contempt of a decision stigmatizing them as violative of the constitutional equality subsisting between it and another State. And then the court could prevent any State official or private person from diverting water under the pretended authority of an act.

This coercion of the servants or grantees of the State need not attaint its dignity in any forbidden manner. A court that has given judgment in ejectment against the commandant of a United States military station and cemetery at the suit of a claimant, despite the protest of the Federal Government,[4] will find a way to prevent a person in Colorado from bringing water into a ditch.

Relief for the complainant in the case at bar seems to require no more serious intervention in State affairs than was contemplated in Missouri *v.* Illinois. As the court there denied the power of a State legislature to authorize a nuisance to property in a neighbor State, so here it may deny the power to authorize what is, in effect, a trespass upon such property. In Missouri *v.* Illinois, the court said:[5]

"We are dealing with the case of a bill alleging in express terms that damage and irreparable injury will naturally and necessarily be occasioned by acts of the defendants, and where the defendants have chosen to have their rights disposed of, so far as the present hearing is concerned, upon the assertions of this bill."

And in that case the demurrers were overruled and leave given to the defendants to file answers to the bill. If the case of Kansas *v.* Colorado takes this course the principle of proportional rights in interstate waters will be established, leaving the question as to its application in the case at bar to be determined in further proceedings.

41*a*. The greater part of sections 30-41 were substantially finished when, on April 7, the Supreme Court gave its opinion in Kansas *v.* Colorado, and I let them stand because, while the court overrules the demurrer of Colorado, it suspends judgment, not only on the merits of the case, but on the main questions of law. Chief Justice Fuller says:

"Applying the principles settled in previous cases, we have no special difficulty with the bare question whether facts might not exist which would justify our interposition, while the manifest importance of the case and the necessity of the ascertainment of all the facts before the propositions of law can be satisfactorily dealt with lead us to the conclusion that the cause should go to issue and proofs before final decision. * * *

"Without subjecting the bill to minute criticism, we think its averments sufficient to present the question as to the power of one State of the Union to wholly deprive another of the benefit of water from a river rising in the former, and, by nature, flowing into and through the latter, and that, therefore, this court, speaking broadly, has jurisdiction.

"We do not pause to consider the scope of the relief which it might be possible to accord on such a bill. Doubtless the specific prayers of this bill are in many respects open to objection, but there is a prayer for general relief, and under that, such appropriate decree as the facts might be found to justify, could be entered, if consistent with the case made by the bill, and not inconsistent with the specific prayers in whole or in part, if that were also essential. Taylor *v.* Insurance Company, 9 How., 390, 406; Daniell, Ch. Pr. (4th Am. ed.), 380. * * *

"Sitting, as it were, as an international, as well as a domestic tribunal, we apply Federal law, State law, and international law, as the exigencies of the particular case may demand, and we are unwilling, in this case, to proceed on the mere technical admissions made by the demurrer. Nor do we regard it as necessary, whatever imperfections a close analysis of the pending bill may disclose, to compel its amendment at this stage of the litigation. We think proof should be made as to whether Colorado is herself actually threatened to wholly exhaust the flow of the Arkansas River in Kansas; whether what is described in the bill as the "underflow" is a subterranean stream flowing in a known and defined channel, and not merely water percolating through the strata below; whether certain persons, firms, and corporations in Colorado must be made parties hereto; what lands in Kansas are actually situated on the banks of the river, and what, either in Colorado or Kansas, are absolutely dependent on water therefrom: the extent of the watershed or the drainage area of the Arkansas River; the possibilities of the maintenance of a sustained flow through the control of flood waters; in short, the circumstances, a variation in which might induce the court to either grant, modify, or deny the relief sought or any part thereof.

[1] Supra, sec. 25.
[2] Wharton's International Law Digest, sec. 20.
[3] Bryce, Studies in History and Jurisprudence, 306.
[4] "The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation."
[5] Judge A. Inglis Clark, Studies in Australian Constitutional Law, p. 110.
[6] Supra, sec. 19. Compare Professor Moore's Observations, supra, sec. 32*a*.

[1] Supra, sec. 40.
[2] Supra, secs. 28, 29.
[3] The courts of the Commonwealth of Australia have power to invalidate acts of the federal and state legislatures for repugnancy to the constitution, but the conditions are not precisely the same as those under which our courts act, Australia being, in theory of law, still a dependency of Great Britain.
[4] U. S. *v.* Lee, 106 U. S., 196.
[5] 180 U. S., 248.

"The result is that, in view of the intricate questions arising on the record, we are constrained to forbear proceeding until all the facts are before us on the evidence.

"Demurrer overruled, without prejudice to any question, and leave to answer."

IV.—Comprehensive Irrigation.

42. The affirmance of a right in each State traversed by an interstate stream to a reasonable use of its waters might of itself somewhat embarrass the further irrigation of arid lands by afflicting States with uncertainty in the face of a substantial yet unascertained limitation upon their powers of diversion.

It is to be hoped that this embarrassment will be sufficiently serious to compel the adoption of means whereby the reasonable apportionment of water among the States of the arid region shall be effected under a comprehensive system of irrigation for which science must present the plans and law provide for their execution. While understanding that no scheme, however admirable in theory, is likely to remove all interstate differences regarding the use of water in an arid region, it should be possible to devise a system that will impound the available supply and distribute it with approximate fairness.[1] A system broad and far-reaching in conception, looking ultimately to the utilization of all available waters, and taking no account of State lines except in the important matter of apportionment.

43. The first question of law in regard to the system is whence shall come the power to authorize it. Not unnaturally there is some disposition to turn to the Federal Government. As the proprietor of vast tracts of arid land within the States, and as the ruler of Territories which should be included within the system, the direct interest of this Government is very great, to say nothing of its general concern in the opening of new regions to settlement.

But the system will necessarily affect property within State jurisdiction, and the Federal Government is incompetent to enter a State and override its laws in order to promote irrigation. The implications of the Constitution do not confer upon Congress any power in respect of State waters except in the matter of navigation.

Perceiving the inability of the Federal Government to invade a State and distribute its waters, and realizing the inability of the States to secure an equitable apportionment of water by independent action, we are led to inquire whether the requisite authority for comprehensive irrigation may not be derived from a compact between the States interested, in which the Territories, or the United States as their representative, shall join. In Article I, section 10 of the Constitution, we read:

"No State shall enter into any treaty, alliance, or confederation * * * No State shall without the consent of Congress * * * enter into an agreement or compact with another State or with a foreign power."

The distinction between the "treaty, alliance, or confederation" absolutely forbidden, and the "agreement or compact" conditionally permitted is not obscure. The United States will not tolerate an imperium in imperio, or any combination of States against other States, or any connection between a State and a foreign country. But compacts not compromising the supremacy of the United States over the several States, or the equality of the States among themselves, may be made with the consent of Congress. And it seems that in some cases this consent need not be given in advance, as where the "agreement relates to a matter which could not well be considered until its nature is fully developed," and sometimes, indeed, consent may be established by implication.[2]

Compacts or agreements between States have occasionally been made, and usually deal with boundary questions. But there is no reason why States should not combine to secure a more equitable enjoyment of a common interest in water than is attainable by independent action, and I venture to outline a plan whereby this object may be realized.

44. Let the States and Territories interested make a compact creating a public corporation for the promotion of irrigation. This corporation shall be charged, at all events, with the planning, constructing, and maintaining of a comprehensive system, and with the general apportionment of water among the several parties to the compact. But it may appear that the local distribution of a State's share will be best administered at the State's discretion, leaving it free to utilize public or private agencies acting under its own laws and customs.

The governing body of the corporation must be impartial as between the States, and this requisite suggests that the power of appointing its members be conferred upon the Federal Government, which shall select them from nonresidents of the States interested.

The governing body must be inspired by the best scientific knowledge, and this points to the selection of some of its members at least from the corps of scientists and engineers in the Federal service. Each State should have a representative near the governing body for purposes of suggestion and consultation.

Considerations of economy and of normal development require that the work of actual construction shall be gradual, but surveys should be made at once for a system adequate to collect and conserve the whole supply of water available for irrigation, and locations for reservoirs and arterial canals be preempted by acquisition, if on private, by reservation, if on public land.

45. The powers of the corporation would depend, of course, upon the compact and upon such ancillary State and Federal legislation as might be advisable, and any suit at law involving their exercise would be justiciable in the Federal courts. One power, however, should be specially remarked even in this brief sketch—the eminent domain. States wherein irrigation is deemed of vital importance are wont to authorize the expropriation of land for the necessary works, and the Supreme Court has sustained State tribunals in treating this as a taking for public use.[3]

The power of expropriation must be enjoyed by the corporation in question, and it must emanate from the States, because the Federal Government is not empowered to exert its eminent domain in a State except for Federal uses. Now, it is settled that a State can neither lend its eminent domain to promote the public uses of another State, nor exert it in another to promote its own, for each person holds his property subject only to the needs of his own sovereign. Yet the corporation must be free to locate irrigation works and provide for the distribution of water, regardless of State lines; for example, it may be advisable to build a reservoir in Colorado and utilize the water in Kansas. At first blush this might seem irregular, but, comprehending that each reservoir and canal is but a section of a great system intended to distribute to each State a fair proportion of interstate water, not otherwise obtainable, it is perceived that there is really no question of expropriation for foreign use; there is a joint exercise of the eminent domain by several States for the common benefit.

Some years ago I inquired "whether an undertaking considered as a whole may not be a public use common to two States, so that joint and interdependent grants of the eminent domain may cure deficiencies incident to independent grants."[1] Such a possibility is plainly contemplated in the following observation of the Supreme Court regarding a supposed case calling for a joint use of State powers, including, in all probability, the eminent domain:

"If the bordering line of two States should cross some malarious and disease producing district, there could be no possible reason, on any conceivable public grounds, to obtain the consent of Congress for the bordering States to agree to unite in draining the district, and thus removing the cause of disease."[2]

In case the exigencies of the system demand the appropriation of private irrigation works here and there, these may be taken on payment of just compensation.

46. I shall not consider now the problems of finance, or the practical rule for the just apportionment of water, or the method of dealing with vested rights in private works of irrigation and with the public domain of the United States, but we may anticipate that a disinterested corporation of comprehensive scope and power will handle all vexatious questions with greater skill than can be applied under present conditions, which, if report be true, too often encourage a rough contest for water. My interest in the practical side of irrigation is satisfied for the present by a very broad suggestion of method for effectuating the principle of proportional rights in interstate waters which, I trust, will yet be declared by the Supreme Court in Kansas *v.* Colorado.

V.—General Conclusions.

47. The principle of proportional rights in interstate waters is of far-reaching importance. We Americans are coming to realize, what has long since impressed itself in crowded countries, that consumption tends to press more and more seriously upon very important national resources. We are beginning to perceive that prevision and thrift must replace the hand-to-mouth habit so naturally acquired by a small community scattered through a vast and rich domain, and so difficult to shake off as the community increases. Among all our resources water is unique. It is necessary to our existence; for some of its utilities there is no possible substitute; it is the only one that distributes itself.

Evidently a resource of such transcendent value and peculiar distribution may be of interstate concern in various ways. The Supreme Court has already recognized a State's interest in the quality of interstate waters by denying the right of another State to authorize their pollution to the danger point.[3] Regarding the quantity of water, it may be decided some day that States traversed by an interstate stream have an interest in the conservation of its supply that will enable a lower State to restrain an upper one from permitting the depletion of its sources through the wasteful cutting of forests. But be this as it may, actual diversion by an upper State to an unreasonable and injurious extent should be preventible through interstate suit, whether the object of diversion be the irrigation of arid lands, as in Kansas *v.* Colorado, or the supply of cities, or the creation of hydraulic power.

48. Conversely, it is quite as important that an upper riparian State should be entitled to effect a reasonable diversion of water. While it may be prevented from abusing a natural advantage by diverting all the water, the use of this should not be prohibited altogether. Upper States must not be barred from taking a reasonable advantage of their situation in order that the lower States may enjoy an opportunity to divert the entire natural flow.

To illustrate the general subject, let us consider the case of Pine and Muller *v.* The City of New York, just decided by the United States Supreme Court.[4] The Byram River is a small stream, the west branch of which rises in New York, the east in Connecticut.

These branches meet at a point in Connecticut, whence the stream runs a short course to Long Island Sound. The city, acting under the authority of the New York legislature, has nearly completed a dam across the west branch, a few hundred feet from the Connecticut line, for the purpose of impounding and diverting water to the use of its inhabitants. The city admits that at certain times, perhaps, all the water above the dam will be diverted, leaving the stream to be supplied from the east branch and from such water of the west branch as may rise below the dam. The plaintiffs own land on the main stream, which will suffer substantial injury by reason of the diversion.

They could not agree with the city in regard to compensation. They refused to go to the New York courts for an assessment of damages under the New York statutes, and filed a bill for injunction in the circuit court of the United States. The injunction was granted;[6] it was affirmed by the circuit court of appeals,[5] and the case was brought to the Supreme Court on certiorari. The court found that the plaintiffs had not been diligent in asserting their rights, but had allowed large expenditures to be made on a work of great public concern without due protest. For this reason it remanded the case to the circuit court in order that the plaintiffs' damages, if any, might be ascertained. After damages shall have been assessed, either in equity or, if the plaintiffs prefer, by a jury, the city upon paying them will be entitled to divert the water. If it does not pay within a fixed time it will be enjoined.

49. The disposition of Pine *v.* New York made it unnecessary for the court to decide the interesting questions of law argued, but it said, speaking by Justice Brewer:

"We assume without deciding that, as found by the circuit court, the plaintiffs will suffer substantial damage by the proposed diversion of the water of the West Branch. Also, without deciding, we assume that, although the West Branch above the dam and all the sources of supply of water to that branch are within the limits of the State of New York, it has no power to appropriate such water or prevent its natural flow through its accustomed channel into the State of Connecticut; that the plaintiffs have a legal right to the natural flow of the water through their farms in the State of Connecticut, and can not be deprived of the right by and for the benefit of the city of New York by any legal proceedings either in Connecticut or New York; and that a court of equity, at the instance of the plaintiffs, at the inception and before any action had been taken by the city of New York, would have restrained all interference with such natural flow of the water."

If the above statement presents the mature opinion of the court, it is conceivable that a single riparian proprietor in one State may retard the growth, if not menace the health of a great city in another State by preventing access to a supply of water which may be the only one available from an economic, perhaps even from a physical standpoint.

May such a hardship be avoided by holding that the property right of the riparian owner is merely in the water itself, and not in its flow; and that,

[1] Mr. F. H. Newell, of the United States Geological Survey, says that private enterprise "has already built irrigation works sufficient to utilize nearly the whole available flow of the streams in the arid regions during the irrigation season. Further progress in irrigation can only come through the storage of flood waters in reservoirs" (Irrigation in the United States, p. 405). In regard to the volume of these floods President Roosevelt says in his message of December 3, 1901: "The western half of the United States would sustain a population greater than that of our whole country to-day if the waters that now run to waste were stored and used for irrigation."

[2] See Virginia *v.* Tennessee, 148 U. S., 521.

[3] Fallbrook Irrigation District *v.* Bradley, 164 U. S., 112.

[1] The Law of Eminent Domain, sec. 29.

[2] Virginia *v.* Tennessee, 148 U. S., 518.

[3] Missouri *v.* Illinois, 180 U. S., 208.

[4] April 7, 1902.

[5] Pine *v.* N. Y., 103 Fed. Reporter, 337.

[6] 112 Fed. Reporter, 98.

therefore, while this water is in an upper State it may be taken for public use by that State? If so, the owner is simply in the position of a nonresident whose property is subject to expropriation in the State where it lies, or, as we should say here, where it is caught, and he must submit to the rule of that State's laws. This view was advanced by Judge Wheeler, of the circuit court of appeals, who said in a dissenting opinion in Pine *v.* New York:

"The defendant has done nothing in question here outside the State of New York. The deprivation of water complained of was wholly within that State, and if the plaintiffs have any rights in the water taken they exist in that State and were subject to and were taken under the eminent domain of that State."

I do not think the Supreme Court should approve or does approve Judge Wheeler's proposition. On the contrary, I think that the assumptions of the court in Pine *v.* New York, which I have quoted, must be accepted as positive affirmations of law. It must be understood that when a private suitor is quick to defend his interests the court will neither override the common law in respect of riparian rights, nor revolutionize the theory of the eminent domain by permitting one State to condemn property in another, even to prevent the embarrassment of a great community by a stubborn individual.

Yet, when we contemplate the fraternal relation of the States, and the welding of their people into a single nationality by a common allegiance, it is inconceivable that any one of these States should be barred from making a use of water, thoroughly reasonable from any standpoint and vitally important from its own, by a citizen in another State who chooses to oppose his petty interest. In my opinion such a hardship can be avoided by invoking the principle of proportional rights in interstate waters which I have endeavored to establish.

If a State be pressed by reasonable necessity to divert water from an interstate stream and find its purpose likely to be balked by persons in a lower State, let it file an original bill in equity against that State for the ascertainment of its proportional right.

In adjudicating this interstate suit the court will be free to apply the principles of international law[1] and will ascertain, approximately, the share of the complainant State in the stream. The interstate controversy will then be determined. But the court may deem it inequitable to allow the complainant to take its share, apportioned with respect to the board requirements of States, without regard to private interests in the lower State.

For I am not prepared to say that when the rule of proportional rights is applied to a stream by allowing to the upper State—for example, one-third of the volume—it should be presumed that a riparian proprietor in the lower State was never entitled at common law to but two-thirds of the actual flow, the other third having come by grace. Generally speaking, I prefer to consider an interstate water suit as a method for relieving a public emergency and laying down a rule for public guidance with the least possible disturbance of established private interests in either State, and this view is justified on broad principles of public policy. If, therefore, the Supreme Court finds that persons in the lower State will be deprived of property by the diversion of water, it may order an assessment of damages and their payment by the complainant State before it exercises its rights.

While the result will be that private property in one State is, in fact, taken for public use in another, there will be no technical violation of the law of eminent domain. The case will be not unlike an international negotiation culminating in a treaty, wherein private interests are subordinated to public exigencies with this difference, perhaps, that here the persons affected may be assured of receiving full compensation.

50. By the preservation of sources, the storing of flood waters, and, always, by economy of use the supply of waters should be conserved in the regions where the demand is large and increasing. But, however strictly these practices shall be followed, interstate water controversies in other sections of our country than the arid region and for other purposes than irrigation are not improbable. We should anticipate their adjustment by the principle of proportional rights, equitably applied in each case with regard to the facts.

NEW YORK, *April-May, 1902.*

Mr. MARTIN. Will the gentleman yield?

Mr. RAY of New York. Certainly.

Mr. MARTIN. In that very case to which the gentleman refers, Kansas *v.* Colorado, is it not true that the Supreme Court of the United States, in sustaining that demurrer, have said they have done so pro forma, in substance?

Mr. RAY of New York. My friend is all wrong——

Mr. MARTIN. And have they not committed themselves?

Mr. RAY of New York. My friend is all wrong.

Mr. MARTIN. I have not asked my question yet.

Mr. RAY of New York. They did not sustain the demurrer at all. They overruled it.

Mr. MARTIN. I was not through with my question when you presumed to answer it.

Mr. RAY of New York. They did not sustain the demurrer; they overruled it.

Mr. MARTIN. That is what I intended to say. In overruling the demurrer, did not the Supreme Court in substance declare that in so doing they did not commit themselves upon the question as to whether one State has the right to withhold the waters that otherwise in this arid country would pass through a State below, but that they considered that the questions involved are of such importance that there ought to be an answer in the case and the facts thoroughly investigated? Is not that the purport of the decision?

Mr. RAY of New York. They have stated in substance that they are not to be considered as having passed on the rights of the States or the law of appropriation of waters for irrigation purposes. Now, let me call your attention to another case.

Mr. MANN rose.

Mr. RAY of New York. I desire to yield to my friend from Illinois.

Mr. MANN. I was going to ask very much the same question, whether the Supreme Court had passed upon the merits?

Mr. RAY of New York. Not absolutely nor finally.

Mr. MARTIN. No, they did not at all.

[1] See supra, secs. 25, 26, 39, 40.

Mr. RAY of New York. They did not sustain the demurrer, but they overruled it, and they say that the question should be tried on the merits; but they plainly intimate that if the statements of the bill of complaint are true, then the State of Kansas has a cause of action.

Mr. MARTIN. The reason I interrupted the gentleman——

Mr. RAY of New York. Oh, that is all right.

Mr. MARTIN. Was because the conclusion that you drew in your argument was that they had thereby virtually held——

Mr. RAY of New York. The conclusion I drew from it is this: That when the Supreme Court of the United States have a demurrer presented to them for consideration, if they find in the complaint no cause of action, they will sustain the demurrer. If they find a probable cause of action, they will overrule it.

But now let me invite your attention to another case that arose between citizens of the State of Connecticut and the city of New York. It is referred to in the remarks of Mr. Randolph quoted. There is a stream rising in the State of New York, two branches of it, which flow east, both passing from New York into the State of Connecticut. There were farmers in Connecticut all along the banks of that stream who have used that water ever since the State of Connecticut has been settled—that is, they and their predecessors in title.

The city of New York went to that stream in the State of New York—one branch—and built a dam some years ago, thus damming up that water and preventing the farmers of the State of Connecticut and the mill owners having the use of it. These farmers brought suit against the city of New York. They brought suit in the circuit court for an injunction to restrain the city of New York for thus holding back and damming and diverting that water, claiming that it had no right to prevent its flow into the State of Connecticut. The circuit and district courts held with these farmers in Connecticut. The case was appealed to the Supreme Court of the United States. The Supreme Court of the United States reversed the district and circuit courts, but upon this ground, mind you: That the landholders in Connecticut by their own laches had permitted the city of New York to erect the dam, expend large sums of money, and take that water; and therefore they had assented to the diversion and could not at this late day ask for an injunction; but in the plainest kind of terms, through Justice Brewer, who, I think, wrote the opinion—and you will pardon me if I err in that—held in the plainest kind of terms, as I read it, that if they had moved in time, before a large amount of money had been expended—in other words, if they had not in effect assented—they could have restrained the construction of the dam and the diversion and appropriation of the water by the city of New York.

Mr. LITTLEFIELD. Did they hold that New York could, by paying damages, take the water?

Mr. RAY of New York. The opinion in the case says that the farm owners in Connecticut had practically consented and must now be content with damages.

Mr. LITTLEFIELD. That involves laches.

Mr. RAY of New York. Yes.

Mr. LITTLEFIELD. And did the court hold that New York City could have exercised the right of eminent domain and have taken the water?

Mr. RAY of New York. They plainly intimated that she could not, and if you will look at Mr. Randolph's remarks you will find the case and the statement of the court. Of course you will understand the time is limited and I have taken more than I intended to, and I promised to yield time to others.

The CHAIRMAN. The gentleman has only thirty minutes remaining.

Mr. RAY of New York. I have carefully read all the law applicable to this case. I say the bill is unjust and unfair to the farmers of the East. I say it is an unwise and improvident scheme. I say that it is a very dangerous power to put in the hands of the Secretary of the Interior, and that there will be scandal. I say that the revenues, the moneys derived from the sale of public lands, would prove insufficient to carry out this scheme, and that within three years, certainly within five years, those interested would be appealing here to Congress to appropriate money out of the public Treasury with which to carry on and complete this scheme.

I say that the bill is incapable of execution because unconstitutional. I have pointed that out. I say again that you can not condemn these rights. I say again that we have no right under the Constitution to enter on this scheme, and I invite, in that connection, your attention to the points and cases that you will find in my minority report, and I will add to my remarks the views of the minority which contain quotations and a reference to all the cases.

Some one will say that the courts of the State of California have declared that irrigation is constitutional. So it is in the State, under the sovereignty of the State, and under her constitution, and why? She has the right to pass a law, as New York

has, or any State, to clear up swamp lands for the public health, or wherever there is a mass of arid lands she may provide irrigation for them for the reasons stated in the case to which the report referred to calls special attention. The cases are different, the grounds of jurisdiction different.

Now, gentlemen who have presented this bill and spoken for it say that the President of the United States is for this bill. I do not know whether he is for this bill or not. If he is for it to-day, I do not believe he will be for it when he understands it. When the House bill was reported from the Committee on Arid Lands I read in the newspapers that the President was against the bill and that he had sent for several Senators and Representatives and declared in advance that he would not sign it. I take no stock in such reports as that. I love the President of the United States as a friend, as a patriotic citizen of the Empire State. I respect him and revere him as President of the United States, but I do not believe that the time has come when he sends for members of either House and tells them, as he sees a bill reported from a committee, "You must not pass that. If you do, I will veto it;" or You must pass that; you must do this or do that."

I do not believe it and you can not make me believe it. He may have his ideas. In his message he favored irrigation. Some one may have misled him into some sort of an indorsement of this scheme, but when it comes to the point where he understands it, and the consequences of writing it into a law, and the unconstitutional features of it, as he will, a different question will be presented.

I say to this House that I oppose this bill for the reason stated, and because I believe it to be unconstitutional. There is no gentleman in this House, or in the Senate, or in all this broad land, who would do more than I to support the Administration now dominant at the White House; that would do more to hold up the hands of the President than would I.

I am a Republican; I desire to carry out the principles declared and the promises of the Republicans made in convention, but no Republican national convention has ever indorsed this scheme. They have said they were in favor of irrigation. What they meant by that is what Republican conventions always mean, and that is, a wise law, well considered, one bringing the greatest good to the greatest number. We will do all that at the proper time, under proper conditions, and above all we will do it with reference to the rights and interests of all who dwell under the American flag, and without violating the Constitution of the United States. [Loud applause.]

Mr. Chairman, I annex the report referred to.

[House Report No. 794, Part 2, Fifty-seventh Congress, first session.]

IRRIGATION AND RECLAMATION OF ARID LANDS.

The undersigned members of the Committee on Irrigation of Arid Lands can not agree with the majority of the committee, and are opposed to the bill in its present form and also to the general scheme proposed thereby as dangerous, unfair, impossible of execution, and unconstitutional.

THE SCHEME.

The general scheme of this bill (H. R. 9676) is to take the proceeds of the disposition of all public lands in the thirteen States and three Territories named in the bill (and there is little public land belonging to the United States elsewhere), excepting only the 5 per cent thereof set aside by law for educational and other purposes, and create therewith a special fund in the Treasury which is to be known as the "Reclamation fund," and such fund is to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the States and Territories named, and for the payment of all other expenditures provided for in the act.

In case the receipts from the sale and disposal of public lands not included in this bill are insufficient to meet the requirements of existing law for the support of agricultural colleges in the States and Territories, such colleges are to be supported from moneys in the Treasury derived from other sources. Thereby education is subordinated to irrigation; intelligence to money.

The Secretary of the Interior is authorized and directed to make examinations and surveys for and to locate and construct irrigation works for the storage, diversion, and development of waters, including artesian wells: in his discretion to withdraw from public entry the lands required for the irrigation works contemplated, to let contracts for the construction of such work, and fix the charges for water rights, which are to be apportioned equitably.

When the Government has irrigated tracts of land, and the same have been sold with water rights, and a major portion of the lands irrigated has passed to private ownership, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization, etc., as may be acceptable to the Secretary of the Interior; but the title to and the management and operation of the reservoirs and of the works necessary for their protection and operation are to remain in the Government.

The bill also provides that if in acquiring water rights, building reservoirs, etc., it becomes necessary to acquire any rights or property the Secretary of the Interior is authorized to acquire the same by purchase or condemnation and to pay therefor from the reclamation fund.

The bill also provides that nothing in the act shall be construed as affecting or interfering with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, but that State and Territorial laws shall govern and control in the appropriation, use, and distribution of the waters made available by the works constructed under the provisions of the act. It is not proposed to give a free home to anyone, or to extend any benefit to a citizen of the United States, or to all similarly situated.

THE SCHEME IS UNFAIR.

The bill does not provide what particular arid lands are to be irrigated, nor does it provide for the location of the irrigation works. The whole fund may be used in and for the benefit of any one State or any one Territory. All may be used in Nevada or in New Mexico or in Arizona, and the arid lands in the other States and Territories may go entirely unbenefited by the provisions of this act.

It has been stated that the proceeds of sales of public lands during the fiscal year ending June 30, 1901, amounted to the sum of about $4,000,000, but that the average receipts are between $1,000,000 and $2,000,000 per annum.

It is clear that the receipts from the sale of public lands will not justify the construction of adequate irrigation works, canals, etc., in all the States and Territories named.

It is also clear that if the proceeds of the sales of our public lands are to be devoted to irrigation, adequate provision should be made for all the States and Territories having arid lands susceptible of irrigation,

It is manifestly unjust and unwise to take the proceeds of public lands in one State and use them for irrigation in another State.

Nor is this criticism of the bill in any respect shaken by the insertion of the "plea in mitigation," section 9, and which reads as follows:

"SEC. 9. It is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such proportion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event within each ten-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid."

This section is a mere declaration of Congressional policy; it is not binding on the Secretary or intended to be, and was inserted to placate the opposition to the unfair provisions of the bill. It is declared to be the duty of the Secretary to expend a major portion of the proceeds of the sale of public lands in each of said States and Territories therein "so far as the same may be practicable and subject to the existence of feasible irrigation projects" therein. As the Secretary is made the creator and sole judge of the feasibility of all irrigation projects, it is not probable that he will create one in a locality not desirable to him however feasible it in fact might be or appear to others. But there is an exception to this declaration defining the duty of of the Secretary which nullifies all that goes before.

He may use the whole fund in one State or one Territory, and is to restore enough money to the other States or Territories within ten years (if he has it) to give these States or Territories the benefit of a trifle more than one-half the proceeds of its own public lands, but such declaration of duty is "subject to the conditions as to practicability and feasibility aforesaid." This provision comes out at the same hole that it entered, without accomplishing anything. In fact, it is meaningless, although it "sounds well." The sum and substance of the proposition is that the Secretary of the Interior is to expend the whole fund in his own discretion in such locality, State or Territory, as in his judgment presents practicable and feasible locations and projects. Of all this he is sole judge, jury, attorney, and executioner.

THE SCHEME IS UNWISE AND IMPROVIDENT.

It is asserted that if the proceeds of the public lands are wisely used in the construction and operation of suitable irrigation works, including reservoirs for the storage of water, artesian wells for pumping water out of the earth, and ditches and canals for conducting water from place to place, that millions of acres of unproductive land will be made fertile and opened up to settlement, thus providing homes for millions of people. It can not be doubted that millions of acres of land in the States and Territories named may be made productive by suitable irrigation works, provided an ample and continuous water supply can be obtained.

It is admitted that Nevada lacks the water necessary to make her arid and desert lands available, but it is proposed to have the General Government go into the State of California and appropriate the waters there, by purchase or condemnation, and conduct them into the State of Nevada for irrigation purposes. This part of the scheme, standing by itself, is so vast and expensive and involves so many complicated legal questions that the thoughtful man will hesitate long before seriously entertaining the proposition. California has arid lands of her own and use for all the waters within her State, both above and beneath the surface. It is not probable that this great State will ever consent or submit to have her waters, whether public or private waters, diverted to the State of Nevada. We deny that there is any power in the Government of the United States to condemn lands or water rights in one State for the use and improvement for sale of lands situate in another State, even when the lands in that other State belong to the General Government.

If the State of California should consent to part with her lands having a water supply, or should the private owners consent to part with theirs, an adequate compensation being paid, it is probable that the proceeds of the sale of our public lands would be exhausted in obtaining water rights at the very inception of the enterprise. It was suggested on the hearings had before the committee in the Fifty-sixth Congress that these arid lands should be turned over to the States, and that the States, respectively, should proceed to irrigate their own lands, constructing the works, artesian wells, reservoirs, etc., necessary for that purpose. The reply to this proposition was that States had undertaken but had abandoned these irrigation schemes because not profitable. If experience has proved that irrigation is not beneficial to the State, upon what theory will the General Government undertake a scheme so vast and expensive that the ordinary mind is staggered at its mere contemplation?

The proposition to furnish water by means of artesian wells constructed by the General Government is plausible, but does not meet our approval. Such wells are sometimes successful, but often unsuccessful. We do not believe that a sufficient supply of water for irrigation purposes on an extensive scale can be obtained by such means in any arid-land region. No one can, approximately even, correctly estimate the cost of such an enterprise. It is quite true that vast reservoirs may be constructed at or near the headwaters of large streams into which the water may be gathered and stored during the rainy season; that this water by means of ditches and canals may be carried long distances and made available at various points for irrigation purposes.

The cost of constructing, maintaining, and operating one of these reservoirs may be estimated; but any estimate will be far from the actual expense. If the Government commences the construction of such reservoirs at different points and the proceeds of sales of public lands are exhausted before they are completed and put in operation, a demand will immediately be made for an appropriation out of the public Treasury on the plea that the Government having gone into the business of irrigation and having expended millions for incompleted work such works must be preserved and completed in order to be of any value whatever. Such pleas are usually successful, but the result would be either that the Government must abandon its incomplete work or tax all the people for the benefit of a locality.

If we add millions of acres of productive land to our national possessions we shall surely diminish the value of the present farming lands throughout the Union, and we shall open new areas in the far West to compete in production with the farmers in the South, East, and middle West. The people in these sections will not consent, and ought not to consent, to pay from the public Treasury for the construction of such public works, which, even if successful, will work injury to their interests.

Our present agricultural lands are not so overcrowded or so unproductive that we need to enter on this scheme in order to feed or accommodate the people of this nation, even should the population double in the next fifty years. We are now producing and exporting millions of dollars' worth of farm products each year.

Nor should we open up these lands for the purpose of encouraging immigration. The time is at hand when immigration should be limited and discouraged rather than encouraged.

DANGEROUS POWERS GRANTED.

It is conceded that if this bill is enacted into law the Secretary of the Interior will have the absolute disposal of at least $6,000,000 now on hand, with about $3,000,000 added each year thereafter until the sale of irrigated lands commences, when the sum will be much larger.

No sane man desirous of promoting the growth and prosperity of our whole country and of making permanent our institutions of free government will consent to the placing of this immense sum of money and the power of appropriation or expenditure thereof at the disposal of any one man in times of peace. In the mad scramble for this money corruption would run riot. The Secretary of the Interior has not the time to see to the honest distribution and application of this money, and the whole matter would necessarily be left to the management of irresponsible subordinates. Civil service has been so extended that the Secretary of the Interior will be powerless to name the subordinates who will apply and expend the fund, and the Civil Service Commission is not responsible to anyone, and by the enactment of this bill Congress abrogates its power.

IT IS A RAILROAD PROJECT.

Nor is the proposition in this form inspired or approved by the people of the States and Territories in which these public lands are situate. The land-grant railroads are behind this scheme and the real beneficiaries. These roads run through these arid lands and semiarid regions, and they own vast tracts of these lands. The construction of these irrigation works and reservoirs at the public expense will inure to their benefit, for it will bring their lands into the market at twenty times their present value. In our judgment the Congress of the United States will be false to its trust if it sanctions a scheme the benefits of which are largely, at least, to be reaped by these railroad corporations.

These corporations inspire opposition to the plan of turning the public lands over to the States, leaving irrigation to State expense and State control and interstate agreement. The Secretary of the Interior is not only to expend all this money in the construction of these works without restraint, but he is to select the location and to determine their extent and character, control them when constructed, and fix the price and extent of water rights sold to settlers on what he may deem "equitable" principles.

The unwisdom of conferring all this power, of surrendering all this property, and of opening wide the doors to treasury "looting" is apparent.

IMPOSSIBLE OF EXECUTION.

In order to gain control of lands and water rights now in private ownership for the purpose of making fertile and more valuable for sale, not use, by the United States, the arid lands of the United States, it is proposed to condemn the desired lands and water rights when necessary. The theory is that un der the provisions of this bill the Government of the United States may enter a State and condemn the lands or the water rights and privileges of citizens of that State, and then divert such waters (both surface and underground waters) into vast reservoirs, into new channels, and into other States and Territories, where such waters did not before flow, for the purpose mentioned, on the theory that such diversion and application is a public use.

Even if such power of condemnation for the purpose mentioned exists in the General Government, which we most emphatically deny, it is readily seen that such a scheme involves not only the purchase or condemnation of lands and water rights, at the head of streams, but may necessitate the purchase or condemnation of every foot of soil and every water right for hundreds of miles from the source to the mouth of such streams excepting only those now owned by the Government. To absorb, confine, or divert the headwaters of a stream and use them for the irrigation of arid lands, thus depriving the owners below of the natural flow and necessary use of such waters, is a proposition so startling that we may well pause and inquire as to our constitutional power, as well as the cost of the water rights, which would run into the millions and might exhaust the fund, as is readily seen.

Every owner of a water right already appropriated, and to the full extent of the appropriation, is entitled thereto and is the owner thereof, and he can not be deprived of the same except by purchase or lawful condemnation proceedings for some public purpose on due compensation being made.

The sovereignty of the State extends to and over every foot of land within her borders, including the shores and soils under the navigable waters, and such State only can exercise the right of eminent domain over them.

The law on this subject is well stated by Pomeroy in his work on riparian rights, section 31:

"SEC. 31. *Jurisdiction of State and United States distinguished.*—It should be observed in this connection that the United States Government has no power whatever to prescribe for its grantees any general rules of law concerning the use of their lands, or of the lakes and streams to which they are adjacent, binding upon its grantees of portions of the public domain situated within a State, and becoming operative after they have acquired their titles from the Federal Government. The power to prescribe such rules, forming a part of the law concerning real property, belongs exclusively to the jurisdiction of the States. Over its public lands situate within a State the United States has only the rights of a proprietor, and not the legislative and governmental rights of a political sovereign. Even with respect to the navigable streams within a State the powers of the Federal Government are limited, and a fortiori that is so with respect to streams which are unnavigable.

"In the great case of Pollard's Lessee *v.* Hagan the authority of the United States over its public lands within a State was thus defined by the Supreme Court: 'When Alabama was admitted into the Union she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States. Nothing remained in the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State, except in cases in which it is expressly granted. * * * In the case of Martin *v.* Waddell the present Chief Justice, in delivering the opinion of the court, said: "When the revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution." To Alabama, then, belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States.' Recognizing the power of the United States over such navigable streams for the purpose of regulating commerce, the court adds: 'The right of eminent domain over the shores and the soils under the navigable waters belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it.' * * *

"Summing up its conclusion, the court said: 'First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively; secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; thirdly, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.'"

Congress has no right of eminent domain in territory purchased of France and Spain. (Pollard *v.* Hagan, 3 How., U. S., 212.)

The right of eminent domain can not be exercised within a State by the United States for a purpose not incident to some power delegated to the General Government. (Kohl *v.* United States, 91 U. S., 367; Cherokee Nation *v.* Southern Kan. R., 135 U. S., 641; United States *v.* Fox, 94 U. S., 315; Van Brocklen *v.* Tennessee, 117 U. S., 151; Shoemaker *v.* United States, 147 U. S., 282; United States *v.* Gettysburg Elec. R., 160 U. S., 668.)

In the light of the adjudicated cases the provision in the bill authorizing the condemnation of lands is plainly unconstitutional.

The State has ample power to control all waters and lands within its boundaries by the exercise of the right of eminent domain, a power the General Government does not possess except in a limited degree and for purposes of which this is not one. Not possessing the power of eminent domain for the purposes of his bill, having no power over lands heretofore conveyed by it or by the States, how is the United States to obtain possession or control of streams rising outside its lands, passing through them, and then through lands of private individuals below? May it retain and store such waters and appropriate them to its uses without the consent of the owners below? Clearly not. There are places where private ownership alternates with public ownership. How shall the Government of the United States obtain the right to cut ditches, dig canals, etc., through these lands? Irrigation may be, and is, a public purpose so far as the State and its interests are concerned, but not as to the United States. The only power it has over these waters and lands underneath is under the interstate-commerce clause of the Constitution. No one can claim that irrigation has any connection with interstate commerce.

Having under the Constitution full power over post-offices and post-roads, the United States may condemn lands for public buildings and grounds. So for military purposes may the power be exercised. But the relation of the General Government to the public lands is as mere owner, proprietor. It can not condemn the lands of private owners to promote schemes for increasing the value of public lands or promoting settlement thereon. The General Government will therefore, if this bill or any similar bill becomes a law, find itself hampered at every step, unable to carry any plan into successful operation, and will, as already stated, subject itself to claims, many of them just, involving millions of dollars, for the unlawful interference with water rights and privileges.

When a State is admitted into the Union, the sovereignty of the United States over every foot of soil in the State is at an end (unless expressly reserved), and that of the State becomes paramount. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., pp. 526-527). Thereafter the United States, as to the public lands, has only the rights of an owner, subject to the sovereignty of the State. (Same case.)

NOT A PUBLIC USE.

The use proposed by this bill is not a public use unless Congress has the constitutional power to improve the Government lands for the purpose of making them more salable, bring a higher price in the market, and in so doing is carrying out a governmental purpose and executing a power conferred by the Constitution for the benefit of all the people.

That Congress may pass laws authorizing the acquiring of lands by condemnation proceedings for a public use of the United States is not denied.

Here the use contemplated is the acquiring of lands and water rights which are to be improved and then sold again to private individuals and used for private purposes, or used for storage purposes, the property (water) collected from such water rights and stored to be sold to private individuals and corporations and all for purposes of speculation or supposed gain, not to the public Treasury, but to the State, by increasing its population, productive power, and taxable property.

There is no gain to the public Treasury, for the proceeds of sales are to go into the construction and maintenance of the irrigation works; no benefit to the United States, unless it be in the promotion of the interests and growth of a State or of a few States to the possible and probable detriment of the many.

The water and water rights condemned are not to be kept and used by the General Government, but sold again for private use. Under the guise of condemning lands and water rights for a public use, the use of the public, we, in fact, propose to condemn them for purposes of sale and appropriation to private use. The works themselves, in the main, and the control and distribution of the water is expressly made subject to State laws, and hence to State control. Private use thereof is the ultimate object, the public use being temporary and for speculative purposes.

The right of eminent domain has never been exercised by the General Government for any such purpose. It has exercised it in the following instances:

Burt *v.* Merchants' Ins. Co. (106 Mass., 356), for a post-office; Kohl *v.* United States (91 U. S., 367), for United States courts; United States *v.* Jones (109 U. S., 513), to improve water communication between the Mississippi and Lake Michigan; United States *v.* Great Falls Manuf. Co. (112 U. S., 645), for supplying Washington with water; In re League Island (1 Brewster, 524), for a navy-yard; Gilmer *v.* Line Point (18 California, 229), for a fort; Reddall *v.* Bryan (14 Maryland, 444), for waterworks for Washington; Orr *v.* Quimby (54 N. H., 590); United States *v.* Chicago (7 How., 135), for military purposes. See also Constitution, Art. I, sec. 8; Fort Leavenworth *v.* Lowe (114 U. S., 525); U. S. *v.* Gettysburg Elec. Rwy. Co. (160 U. S., 668), for marking battlefield of civil war.

The power of the General Government to exercise such right for the purpose mentioned in this act is denied by authors of recognized ability.

There is a difference between the powers of the Federal Government and the powers of a State government in acquiring land within that State by the exercise of the right of eminent domain. This difference is thus expressed in Cooley's Constitutional Limitations, sixth edition, page 645:

"As under the peculiar American system the protection and regulation of

private rights, privileges, and immunities in general belong to the State government, and those governments are expected to make provision for the conveniences and necessities which are usually provided for their citizens through the exercise of the right of eminent domain, the right itself, it would seem, must pertain to those governments also, rather than to the Government of the nation; and such has been the conclusion of the authorities.

"In the new Territories, however, where the Government of the United States exercises sovereign authority, it possesses, as incident thereto, the right of eminent domain, which it may exercise directly or through the Territorial government; but this right passes from the nation to the newly formed State whenever the latter is admitted into the Union. So far, however, as the General Government may deem it important to appropriate lands or other property for its own purposes, and to enable it to perform its functions—as must sometimes be necessary in the case of forts, light-houses, military posts or roads, and other conveniences and necessities of the Government—the General Government may still exercise the authority as well within the States and within the Territory under its exclusive jurisdiction, and its right to do so may be supported by the same reasons which support the right in any case; that is to say, the absolute necessity that the means in the Government for performing its functions and perpetuating its existence should not be liable to be controlled or defeated by the want of consent of private parties, or of any other authority."

It may be said that if such lands are made productive, hence made more beautiful, the public taste will be gratified, the people generally made more proud of their country, and that therefore the general welfare will be promoted. Says Cooley (Cooley's Constitutional Limitations, 4th ed., p. 664):

"It may be for the public benefit that all the wild lands of the State be improved and cultivated, all the lowlands drained, all the unsightly places beautified, all dilapidated buildings replaced by new, because all these things tend to give an aspect of beauty, thrift, and comfort to the country, and thereby to invite settlement, increase the value of lands, and gratify the public taste; but the common law has never sanctioned an appropriation of property based upon these considerations alone, and some further element must therefore be involved before the appropriation can be regarded as sanctioned by our constitutions.

"The reason of the case and the settled practice of free governments must be our guides in determining what is or is not to be regarded a public use, and that only can be considered such where the government is supplying its own needs or is furnishing facilities for its citizens in regard to those matters of public necessity, convenience, or welfare which, on account of their peculiar character and the difficulty—perhaps impossibility—of making provision for them otherwise, it is alike proper, useful, and needful for the Government to provide."

In Wilson *v.* The Blackbird Creek Marsh Company (2 Peters (U. S.), 245, 250, and 251), Marshall, C. J., says:

"The act of assembly by which the plaintiffs were authorized to construct their dam shows plainly that this is one of those many creeks passing through a deep, level marsh adjoining the Delaware, up which the tide flows for some distance. The value of the property on its banks must be enhanced by excluding the water from the marsh, and the health of the inhabitants probably improved. Measures calculated to produce these objects, provided they do not come into collision with the powers of the General Government, are undoubtedly within those which are reserved to the States."

It follows that the power of condemnation for such a purpose rests solely in the State.

The right of eminent domain can not lawfully be exercised unless the property taken is to remain in the possession, occupation, and enjoyment of the public or of the Government for the public use. Says Cooley (Const. Lim., p. 530, 531, 3d ed.):

"Nor could it be of importance that the public would receive incidental benefits, such as usually spring from the improvement of lands or the establishment of prosperous private enterprises. The public use implies a possession, occupation, and enjoyment of the land by the public at large, or by public agencies; and a due protection to the rights of private property will preclude the Government from seizing it in the hands of the owner and turning it over to another on vague grounds of public benefit to spring from the more profitable use to which the latter may devote it."

The proposition is reduced to this, that the United States being the owner of large tracts of arid lands, situate within certain States over which it has no rights of sovereignty, but only those of private ownership, and having the constitutional right to "dispose" of them, and being desirous of disposing of them at a profit, and being also desirous of increasing the population and prosperity of the said States, and providing homes (not free, but for pay) for and intending to sell such lands to private owners for agricultural purposes, asserts the right to enter such States and condemn the lands and water rights owned by the individual citizens of such States for the purpose of constructing reservoirs, canals, ditches, etc., in which to gather and store, and through which to convey water to its arid lands wherever situated for the purpose of irrigating them and making them more productive and consequently more salable.

In short, an individual owner (and that is the interest of the United States), for his own indirect benefit and possible profit, proposes to condemn the lands of others for his own use on the plea that, as the use to which he proposes to put the condemned lands will ultimately benefit large numbers of people in certain States, including his own and those attracted thither, such use is a public use—that is, a use for the benefit of all the people of the Union—and that the lands are, in fact, condemned for a public purpose. On such a plea the United States may pass laws to condemn the lands of one citizen to enlarge the dooryard of another, if by so doing it improves the neighborhood and attracts population and increases values.

On such a plea the United States may engage in buying and selling lands situate within a State for mere profit, and then condemn adjacent property on the grounds stated. The United States is not a dealer in real estate and has not the constitutional power to become such; it is not a real estate improvement society and has not the constitutional power to become such. The objects and purposes mentioned are not governmental objects or purposes. Nor is the principle of public use involved because the United States, the owner of such lands, is also the lawmaking body.

The Government as owner must be regarded as an individual. As well might the legislature of a State pass laws to condemn the lands of others for the improvement of the individual properties of its members as for the United States to pass laws to condemn the lands of others for the improvement merely of its own, when such improvement is for purposes of sale, not use by or for all the people.

Nor should we lose sight of the fact that if the United States may enter a State and condemn and take water rights, both above and beneath the surface (beneath by means of artesian wells), and carry such waters outside the State, it may in so doing drain and render arid and unproductive the remaining lands in the State, and the owners thereof and the State will be powerless to prevent.

For if the purpose be a public use of the United States, and it has the right of condemnation for such a purpose, then its will in such regard is superior to the power of the State, for its sovereignty whenever and wherever it exists is "supreme." (Tennessee *v.* Davis, 100 U. S., 257; Martin *v.* Hunter, 1 Wheat., 363; In re Neagle, 135 U. S., 61-62; Ex parte Siebold, 100 U. S., 571-594.)

"The United States is a Government with authority extending over the whole territory of the Union, acting upon the States and the people of the States. While it is limited in the number of its powers, so far as its sovereignty extends it is supreme. No State government can exclude it from the exercise of any authority conferred upon it by the Constitution * * * or withhold from it for a moment the cognizance of any subject which that instrument has committed to it."

The danger and unwisdom of conferring such power, even if it can lawfully be done, is apparent.

The irrigation and improvement of lands within a State (including the public lands of the United States) is a matter peculiarly within the jurisdiction and province of such State in the exercise of its sovereign powers, and to its will must the United States bow so far as its public lands situate therein are concerned when not held for governmental purposes, such as military reservations, post-office sites, etc. As to these it is a sovereign, but as to its public lands it is a mere owner or proprietor, as we have seen. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 526-527; Pomeroy Riparian Rights, sec. 31.)

THE BILL IS UNCONSTITUTIONAL.

Thus far we have presented only the unconstitutionality of those provi sions in the bill providing for the condemnation of lands and water rights situate within a State.

The bill is also unconstitutional because the Congress of the United States has no power to provide for the irrigation improvement of its public lands situate within a State—probably not those situate in a Territory.

As the provisions of the bill providing for irrigation within a State are not separable from those providing for irrigation within a Territory (if that may constitutionally be done), but the whole subject is embraced in general language, and the good (if any) is only separable from the bad by construction, not by striking out words, the whole bill is unconstitutional. (United States *v.* Harris, 106 U. S., 629, 637, 642; United States *v.* Reese, 92 U. S., 214; Baldwin *v.* Franks, 120 U. S., 685-686.)

"To give effect to the rule that when part of the statute is constitutional and part is unconstitutional, that which is constitutional will, if possible, be enforced, and that which is unconstitutional will be rejected, the two parts must be capable of separation, so that each can be read by itself. Limitation by construction is not separation."

The bill is unconstitutional because the improvement of public lands for sale is not a governmental purpose or an object for which the Government was established or the nation founded, nor is it incidental thereto. It is not necessary to the preservation of the Government or to the discharge of governmental functions.

Second. The Constitution confers no such power, expressly or by implication.

Third. The Constitution in express terms designedly limits the powers of Congress over our public lands to the disposition thereof and the making of needful rules and regulations respecting same.

Will anyone contend that a law of Congress providing for the survey and fencing of the public domain within a State (and where the sovereign power of the State prevails) into farms and the planting of trees and the erection of farm buildings, etc., thereon, and the payment for such improvements out of the public treasury (or from the proceeds of sales thereof) and the sale of such farms to individuals for purposes of agriculture would be constitutional? Is a nation formed or a government of its people provided for any such purpose?

The Constitution neither refers to nor expressly mentions any such power. That power exists if the constitutional power to pass this bill exists.

When the Constitution was framed and adopted the United States owned vast tracts of public lands called "territory" (sec. 3, Art. IV). As owner it might improve, or use, or rent, or sell. It could do either or all.

But in dealing with the subject the fathers of the Republic, in their wisdom, foresaw what might be attempted, to wit, perpetual Government ownership of lands and a system of governmental landlordism—feudalism—the General Government engaged in improving and renting its lands for agricultural purposes and thus holding the citizens within Government control and subjection without interest in the soil. A feudal tenure to lands without ownership is thus defined by Blackstone:

"The fundamental maxim of all feudal tenure is this: That all lands were originally granted out by the sovereign and are therefore holden of the crown."

Opposed to such a system and designing to prevent its establishment, our fathers wrote into the fundamental law of the land a provision limiting and restricting the powers of the General Government and of Congress over its own public lands, viz (section 3, Article IV, Constitution):

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

The ordinary and legal powers of the Government as an owner were expressly limited and restricted, so far as Congress is concerned, to the "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." These words were carefully selected and designedly, deliberately, and wisely used for a purpose which ought to be respected by the Congress of the United States.

The power to dispose of lands does not include as incident thereto the power to improve or even repair, and it has been universally so held. A power of attorney to sell and convey lands does not include the power to repair or to improve. We may care for them, preserve them, survey and plot them, sell off the timber, and lease the mining lands in the Territories, for this is but a disposition of the ores and metals therein, and if in so doing we incidentally improve such lands we do not violate the Constitution.

But when we enact a law the sole purpose of which is to improve and make productive arid and unproductive lands for the purpose of sale, we have departed from our constitutional right and are exercising a power impliedly denied to Congress. That power which is not expressed or necessarily implied is as positively denied to Congress as though expressly prohibited. Such powers are reserved to the States or retained by the people.

See tenth amendment to the Constitution.

Martin *v.* Hunter's Lessee (1 Wheat., 326).

Gibbons *v.* Ogden (9 Wheat., 187).

And when a power is conferred by language defining it and bounding it, that is excluded which is not in terms included.

There is no doubt in our minds that the Constitution by plain implication denies to Congress the power to provide for the general improvement of the public lands intended for sale, not use, by the Government with the object of making them more productive and consequently more marketable.

Control over interstate commerce is expressly given to Congress by the Constitution, but without any such warrant the Congress of the United States now proposes (if it enacts this bill into law) to assume control of all interstate waters above and beneath the surface, and, if not interstate in their natural flow, to make them so, so far as necessary, for the purpose of irrigating its arid lands and so making them marketable.

DANGERS OF SUCH POWER.

Under this bill the Secretary of the Interior (if provided with money enough) may divert the headwaters of the Missouri River into the State of Utah or Idaho or of Nevada. If such power of diversion for the purpose of irrigating arid lands exists, the navigability of public rivers may be seriously impaired, if not destroyed.

The supposed right and power of the Federal Government to irrigate public lands for sale will come in direct conflict with the power expressly granted by the Constitution to control and maintain interstate commerce, and which power and interest shall prevail in controlling the water rights of the Far West will depend upon a muster of forces in the Congress of the United States. If power to appropriate and control those waters for both purposes really exists, it is self-evident that no Congressional action should be taken which will or may impair the navigability of streams upon the lower waters of which great towns have sprung up, relying for their prosperity on the natural and unobstructed flow of the streams themselves and noninterference with the watersheds, springs, and small streams which feed these great waterways.

The power of the Secretary of the Interior under the provisions of this bill is not limited to the collection and retention of surplus waters. He may collect and retain the headwaters of rivers at all seasons without restraint and, while artificially watering lands now arid and unproductive, destroy thousands of farms in now fertile regions or deprive their owners in the summer season or the dry season of their water supply for farm animals and even ordinary household uses. To confer such a power on the Secretary of the Interior, if we can, is unwise and will involve the Government in endless expense and claims for damage and destroy more property by far than the value of all the irrigated lands.

THE WELFARE CLAUSE.

But it is contended that section 8 of Article I of the Constitution confers the necessary power.

"The Congress shall have power * * * to provide for the common defense and general welfare of the United States."

It is contended that any act or expenditure that adds to the productiveness and consequently to the value and salability of the public lands within a State conduces to the general welfare, and that consequently the irrigation of our arid lands at the public expense is authorized by the Constitution.

Just how the expenditure of millions of dollars of the public funds, not a penny of which is to be returned to the Treasury of the United States for the use or benefit of the people, for the improvement of the public lands will promote the general welfare is not exactly apparent. Concede for the sake of the argument that the lands will be more valuable, more desirable, more salable, and will be more speedily settled when irrigated, still it is a conceded fact that under the provisions of the bill not a penny of pecuniary profit will accrue to the people of the United States. In a pecuniary sense there is a dead loss to the people of a sum variously estimated at from one to ten billions of dollars. It may be more, but can not be less.

It is contended that eventually the money will come back to the Government; that at some time the arid lands will all be irrigated, and that the expense of construction will cease, but that the income from sales of water rights, or of rights to use water, will go on perpetually, and that by and by a fund will accumulate and be at the disposition of Congress for the benefit of all the people. This contention is overthrown by the provision of the bill which requires all proceeds of water and water rights to be paid into the reclamation fund and used for "maintenance" of the works as well as construction. All must concede that the maintenance will be as costly, nearly, as the original construction and that constant repairs will be necessary as long as irrigation is maintained. The income from use (even could the United States control such income) would fall far short of maintaining such a vast system of reservoirs and canals and ditches.

We can discover no way by which the "general welfare" of the United States is to be conserved under the operation of the provisions of this bill in a pecuniary sense. The mere addition of more productive soil, more production, more population, more consumption, more sources of taxation, etc., in certain localities and within States to that we now have and enjoy will hardly be claimed to promote the general welfare or to constitute an object for which we may tax the whole people of the nation. It may be said that if such lands are made productive, hence made more beautiful, the public taste will be gratified, the people generally made more proud of their country, and that therefore the general welfare will be promoted. Says Cooley (Cooley's Constitutional Limitations, 4th ed., p. 664):

"It may be for the public benefit that all the wild lands of the State be improved and cultivated, all the lowlands drained, all the unsightly places beautified, all dilapidated buildings replaced by new, because all these things tend to give an aspect of beauty, thrift, and comfort to the country, and thereby to invite settlement, increase the value of lands, and gratify the public taste; but the common law has never sanctioned an appropriation of property based upon these considerations alone, and some further element must therefore be involved before the appropriation can be regarded as sanctioned by our constitutions. The reason of the case and the settled practice of free governments must be our guides in determining what is or is not to be regarded a public use, and that only can be considered such where the Government is supplying its own needs, or is furnishing facilities for its citizens in regard to those matters of public necessity, convenience, or welfare which, on account of their peculiar character and the difficulty—perhaps impossibility—of making provision for them otherwise, it is alike proper, useful, and needful for the Government to provide."

In Wilson *v.* The Blackbird Creek Marsh Company (2 Peters (U. S.), 245, 250, and 251) Marshall, C. J., says:

"The act of assembly by which the plaintiffs were authorized to construct their dam shows plainly that this is one of those many creeks passing through a deep level marsh adjoining the Delaware, up which the tide flows for some distance. The value of the property on its banks must be enhanced by excluding the water from the marsh, and the health of the inhabitants probably improved. Measures calculated to produce these objects, provided they do not come into collision with the powers of the General Government, are undoubtedly within those which are reserved to the States."

It would seem clear from this that the power to improve lands and add to their value and beauty must be within those reserved to the States generally as to all lands within the State and not one conferred upon or surrendered to the General Government, even as to lands owned by the General Government, for the powers of Congress over same are limited, as we have seen, by the Constitution.

In Fallbrook Irrigation District *v.* Bradley (164 U. S., 112) it was held that under the constitution and laws of California (which must control) irrigation of the arid lands of California within that State authorized thereby is a public purpose. (See pp. 160, etc.) But this falls far short of intimating that the Government of the United States may constitutionally appropriate money to construct works to irrigate its arid lands situated within a State, which lands are to be irrigated for sale, not use, by the Government.

The State being the sovereign and having the inherent power to condemn lands for a public use, and the purpose being to improve the lands of all for retention and use by the people, the common and perpetual good of the State and all its people, it was properly held the law of California was valid and irrigation a public use for which property might be condemned.

CONFLICTING PROVISIONS.

Just how the provisions of this bill, if enacted into law, are to be carried into effect is a problem no member of this House can solve and one that no court can ever elucidate.

By section 6 it is provided that when the payments for a major portion of the lands irrigated from the waters of "any of the works" constructed are made, "then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby" under "such form of organization as may be acceptable to the Secretary of the Interior." "*Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government."

The water will be in the reservoirs which can not operate otherwise than through the ditches, canals, etc., connected therewith, and hence all the irrigation works, canals, ditches, etc., will be necessary for their "operation."

Thus far the management and operation of these works are given to only two different parties: First, to the owners of the land who first purchase irrigated lands, giving those who purchase later no will in the matter at all; and second, to the Government of the United States (and which Government for the purposes of this bill is reduced to the Secretary of the Interior). Whose will is to control in case of disagreement is not stated.

But section 8 now comes in and still further complicates the matter. That section says:

"SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, but State and Territorial laws shall govern and control in the appropriation, use, and distribution of the waters rendered available by the works constructed under the provisions of this act: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right."

It is conceded on all hands that it will be utterly impracticable and usually impossible to have the reservoirs containing the water located in the same State with the land to be irrigated and some considerable portion of the irrigation works connected with and fed from such reservoirs. It is conceded that reservoirs, or at least the water supply, for irrigation in Nevada must be located in California. California by her laws will control the "appropriation" of the water, for it is in that State, and will also determine when and in what quantity the reservoirs shall discharge such water, but Nevada may control the "distribution" when such waters as California sees fit to part with arrive in that State, and also the "use" thereof.

Then again, says the bill, the right to the use of water in reservoirs owned (both water and reservoirs) by the United States, but the appropriation of which is governed by the laws of California and the distribution and use of which is governed by the laws of Nevada, "shall be appurtenant to the land irrigated" (which land is owned and controlled by citizens of the State of Nevada), and "beneficial use shall be the basis, the measure, and the limit of the right." These questions of the right to the use and of beneficial use of these stored waters must be determined by the laws of the United States, and in case of dispute by the courts of the United States, for Federal laws grant them, while by the first part of the section the control, appropriation, use, and distribution of water used in irrigation is to be governed by Territorial or State laws administered in the State or Territorial courts, as the case may be. The entryman in Nevada must look to the United States for his right to water, to California for his water, and to Nevada for his right to use and distribute it.

As to lands within a State, Congress can pass no valid law making these water rights appurtenant to the land, for this is legislation as to real estate (relating to the law of real property) situate within a State and subject to its sovereignty and any laws it sees fit to pass. (See Pomeroy on Riparian Rights, sec. 31, already quoted.) The owner of real estate, in selling it, can confer no benefits nor impose any restrictions running with and connected with the enjoyment of such land that are not subject to the laws of the State in which the land is situated, the State being sovereign.

Again, to be clear, the United States as to its public lands in a State is only an owner with the rights of private ownership, the same as those of an individual. When territory is admitted into the Union as a State, the sovereignty of the United States is surrendered to the new State and the sovereignty of the State attaches and becomes paramount as to every foot of soil, unless expressly reserved to the General Government, and subject to the right of that Government to condemn for a public use of the United States necessary to the performance of its governmental functions or to its preservation.

Hence the provision in this bill that such water rights shall be appurtenant to the land and that beneficial use shall be the basis, the measure, and the limit of the right is unquestionably unconstitutional.

The unwisdom of the Federal Government in undertaking this irrigation scheme is thus plainly demonstrated. If, in the future, the welfare of the nation demands such works and the States find themselves unable to irrigate the lands within their respective jurisdictions, the necessary power to enter States and condemn water rights and lands and bring them all under Federal control can be given by the adoption of a constitutional amendment. But present conditions are not imperative, and there is no constitutional power to enact this bill or enforce its provisions.

The expenditure of millions of dollars, the possible necessity for the expenditure of other millions, for the direct purpose of making public lands productive and marketable, and the indirect purpose of adding to the wealth and prosperity of a few of the forty-five States, is a project calling for most serious thought and careful consideration. This we have given the subject, with the result stated, and we must therefore oppose the bill reported from the committee.

GEO. W. RAY.

I concur in the opinion that there is a total want of authority in Congress to pass the bill in question, or, in fact, any bill providing for national irrigation. But if Congress had the power, and it was generally conceded that the subject of national irrigation was one worthy of the attention of Congress, it would, in my judgment, be impossible to enter upon the proposed plan, because it embraces more than one State and the Federal Government would have to enter each State upon the same terms as a private individual or corporation, entirely divested of its sovereignty, and would have no power to purchase or condemn property needed for the enterprise held by persons other than the Federal Government; would be subject to the varying laws of the differeet States; would have no right to interfere with water courses to the detriment of private ownership or the rights of the States in the same.

My judgment is not based on the narrow doctrine of the rights of the States as against the Federal Government, but upon the broad proposition that the proposed plan is entirely outside of the powers of Congress and impossible of execution.

JOHN J. JENKINS.

[Mr. TONGUE addressed the committee. See Appendix.]

Mr. TIRRELL. Mr. Chairman, allusion has been made, I think by every speaker who has preceded me, to the position of the dominant political parties of this country upon the measure now before the House. I know that some upon this floor have during this session of Congress intimated that the planks of party platforms should be followed in the breach as well as in the observance, but I am one of those who believe that the planks of the dominant political parties of our country are the crystallization of the opinions of the country upon the industrial and commercial conditions in which the people are interested; that they are not the ebullitions of embryotic statesmen or the profound deductions of some politician at the midnight hour. They are not to be disregarded. When we accepted our nominations, we accepted them agreeing to stand by them. We argued them before the people. We were elected upon the strength of them, and we pledged our constituents that we would, if possible, see enacted into law the principles which they represent.

Therefore, I say that, unless this measure, which is in accordance with the platforms of the two great political parties of the country, is either extravagant, ineffective, illegal, or unconstitutional, we are in duty bound to see to it that it is enacted into law. Therefore, before I proceed to speak upon the merits of this bill I desire to call the attention of the House to the objections which have been raised and which have more or less been referred to by those who have preceded me and which are embodied in the elaborate report of the minority of this committee. The chief of these objections is that, while the Government owns its public lands, it can only dispose of them so that all the proceeds of the sale go to the Treasury of the United States and can only be expended for general governmental purposes.

The gentleman from New York, if I understood his position distinctly, laid down the doctrine that so limited was the sovereignty of this country over its own property that it could not put a fence around its own public lands; that it could not remove a bowlder from them; that it could not cut down a tree upon them; that it could not make a road through them; that it could do nothing with them; that they must lie a Desert of Sahara for all time to come, because under the present condition of things it is absolutely impossible that they can be utilized for any general purpose by the people of the country.

Now, to see whether that is the case, I ask you to examine the report of the chairman of the Judiciary Committee and see if in that report there is one decision which substantiates the position he takes. There is no law to back it up. He makes the assertion and then he passes on to consider a different principle of law, to which I shall allude in a moment. Whereas, if the gentleman had taken the CONGRESSIONAL RECORD for last Tuesday he would have seen in that RECORD an opinion of the Attorney-General of the United States, to which I will now briefly advert, which contradicts every principle he laid down here in regard not only to the ownership of our public lands, but to their disposition. This opinion is backed up by authorities which are cited, and this opinion and these authorities go to show that the United States in its sovereign capacity has as absolute control over its public lands as any ordinary property owner under the common law. Let me call your attention to one or two sentences from that opinion as illustrating the position which I am now taking. All these statements are backed up by references to decisions of the Supreme Court of the United States.

> The term "territory" as here used is merely descriptive of the kind of property and is equivalent to the word "lands."

I call your attention, gentlemen, to this principle of law laid down by the Attorney-General:

> The Government has, with respect to its own lands, the right of an ordinary proprietor to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as any private individual may deal with his farming property.

If a private individual can not improve and irrigate his own farm, then all ideas in regard to the ownership of property are futile. Later the opinion goes on to say:

> This is so manifestly the correct doctrine that the whole question authorizes the proposition that as to the public lands within a State the Government has all the rights of an individual proprietor supplemented with the power to make and enforce its own laws for the assertion of those rights and for the disposal and full and complete management, control, and protection of its lands.

I can not on this point cite any more cases in substantiation of this principle, because my time is exceedingly limited. Therefore, I pass on to the second objection, which the minority report makes, drawn by the distinguished gentleman from New York [Mr. RAY]. The gentleman devotes four pages of his report to the citation of what he claims to be the law bearing upon this point, that this bill ought not to pass because the United States has not the power of condemnation of private property, and that private property must be condemned for the successful establishment and carrying out of these irrigation works.

Mr. RAY of New York. Will the gentleman permit me?

Mr. TIRRELL. No; my time is so limited that I can not do it. I have only twenty minutes and I have a great deal to say. I want to say to the gentleman that if he had taken the pains to look up the facts as to whether any private lands at all would have to be taken for these projects that he has taken to look up cases which do not have any bearing upon the question, he would have ascertained, as I have ascertained—from the Geological Survey—that there are over 400 sites as to which the expense has been determined, the amount of water which can be used, and what will have to be done to carry the water to the arid lands. Four hundred of those sites have now been thoroughly examined and the expense ascertained, and I am informed by those in authority, by the Geological Survey, that not one of these sites will require the condemnation of any private land for years to come, and only a few under any circumstances.

And even where private lands would have to be condemned they inform me that by a slight change and some additional expense the location can be made different and the condemnation of any private lands whatever avoided.

But does not the gentleman know, after the examination of the authorities, that it is not necessary that the United States should condemn private property in order to carry out the completion of its works? For three-quarters of a century the lands acquired by the United States were acquired by the condemnation of the States themselves and then turned over by the States to the Federal Government. The site upon which the Boston post-office has been constructed within thirty years is upon lands which were condemned by the Commonwealth of Massachusetts and then conveyed to the Federal Government. Does anyone believe, if any of this land should have to be condemned, that the State which would receive by its condemnation unbounded wealth in the future in the development of their arid lands into arable lands would hesitate for one moment to cooperate with the United States and condemn all that may be necessary?

Does the gentleman believe that if there was a strip of private property necessary to the completion of this work that it would not at once, without money and without price, be conveyed? Any combination of private owners would offer their land to the Government without any compensation whatever, because these lands as they are now held are absolutely worthless, while if the irrigation was completed it would make the contiguous lands of the property owners valuable in the future.

Let me quote from some of the authorities given in this minority report, that you may see, from the very cases selected to prove their proposition, they are not sustained:

> Cherokee Nation *v.* Southern Kansas Railroad Company (135 U. S., 656): Whatever may be the necessities or conclusions of theoretical law as to eminent domain or anything else, it must be received as a postulate of the Constitution that the Government is invested with full and complete power to execute and carry out its purposes. * * * All lands are held subject to the authority of the General Government to take them for such objects as are germane to the execution of the powers granted to it.
>
> United States *v.* Gettysburg (160 U. S., 668): Any act of Congress which plainly and directly tends to enhance the respect and love of its citizens for the institutions of his country, and to quicken and strengthen his motives to defend, and which is germane to and intimately connected with and approximate to the exercise of some one or all of the powers granted by Congress, must be valid and the proposed use come within such description. * * * The power to condemn for this purpose need not be plainly and unmistakably deduced from any one of the particularly granted powers; any number of these powers may be grouped together, and an inference from them all may be drawn that the power claimed has been conferred.
>
> Luxton *v.* River Bridge Company (U. S., 153): Whenever it becomes necessary for the accomplishment of any object within the authority of Congress to exercise the right of eminent domain and take private lands, making just compensation to the owners, Congress may do this with or without a concurrent act of the State in which the land lies.
>
> Cooley on Constitutional Limitations, 522: If the public interest can in any way be promoted by the taking of private property, it must rest in the wisdom of the legislatures whether the benefit to the public will be of sufficient importance to render it expedient for them to exercise the right of eminent domain.
>
> United States *v.* Railroad Bridge Company (6 McLain, 517) and Illinois Central Railroad Company (20 Law Reporter, 630): Held that the United States, acting through Congress, has the right of eminent domain for all purposes incidental to the exercise of the power conferred by the Constitution and such as exist by necessary implication.

There is a long array of authorities absolutely asserting that the Federal Government has the right to condemn lands wherever it may be necessary for the carrying out of any of the powers specified in the Constitution or incidental thereto, whether it be for the common defense or for the general welfare.

Without citing further from this long list of authorities, all upon one side of this question, I claim that if the gentleman rests his case upon the elaborate discussion which he has made in his report upon the condemnation of private lands for the public use, then he is resting his case upon an absolutely false ground. The last ground argued by the minority is that this use of water is not a public use, and the bill is therefore unconstitutional. This has been well answered by the gentleman from Oregon, who has raised the question of public use. If the gentleman from New York had examined the authorities thoroughly, as he ought to have done, he would have found an opinion of the

Supreme Court of the United States, asserting that the use of water is a public use, and no State west of the Mississippi has ever decided otherwise.

And I desire to quote here what Judge Hare says, one of the greatest commentators of the Constitution. He calls attention to a very interesting feature of this whole discussion, namely, that, owing to the principles of our constitutional law, it is almost impossible for the courts of the United States to decide this question, since it is primarily a question for the legislature and not for the courts. He speaks of Monroe's recantation, contained in the message above referred to, and says that it was, like that of Madison, of the earlier date—

a virtual adoption of the Hamiltonian theory, that the power of the Congress over the Treasury is in effect absolute as to the appropriation of money for any object which in their judgment will conduce to the defense of the country or promote its welfare. Such, in fact, has been the practice since the Government went into operation, and the right can scarcely be questioned in the face of a usage which will soon extend through an entire century.

Mr. MANN. Will the gentleman yield for a short question?

Mr. TIRRELL. I do not know that I can. I would state to the gentleman from Illinois I have only twenty minutes.

Mr. MANN. It may be in the line that you are stating. If 400 sites can be acquired without condemnation of private land, why not strike that feature out of the bill?

Mr. TIRRELL. I think the bill would be just as strong, if my opinion is correct, if that were stricken out as if it were in, from the information I have received from the Geological Survey.

Mr. MANN. Why not strike it out, then?

Mr. TIRRELL. Because it may be needed in time to come in a few cases, and it does not do any harm. There is ample authority of law and of fact to keep it there.

Mr. RAY of New York. Will the gentleman allow me an interruption?

Mr. TIRRELL. I must decline to yield, for I have only twenty minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAY of New York. I want to know if you intend——

The CHAIRMAN. The gentleman declines to yield.

Mr. RAY of New York. I am appealing to the gentleman to see whether he will yield to me.

Mr. TIRRELL. I do not propose to yield, because my time is so limited.

Mr. RAY of New York. You do not mean to misrepresent me? You do not mean to state that I said the Government had no power to condemn lands for any purpose?

Mr. TIRRELL. We will have to stand upon what the gentleman says, as reported in the RECORD, and I stand by what I understood him to say.

Mr. RAY of New York. Oh, well, I will answer the gentleman later, when he insists on misrepresenting me and does it purposely.

Mr. TIRRELL. I do not wish to be so foolish before this highly intelligent body of gentlemen here as to willfully make a misstatement.

Mr. RAY of New York. Why do you not answer it?

Mr. TIRRELL. I have not the time to do so. If water is a public use; if the Federal Government can make all necessary rules for the regulation and management of its own property; if it can provide for the common defense and general welfare, all of which is asserted in the Constitution, there is little left to argue on this ground. I advise the opposition to go back to the fundamental sources from which they drew their legal inspiration and turn to Kent's Commentaries, volume 2, page 532, and read the following:

The reason of the case and the settled practice of every government must be our guides in determining what is and what is not to be regarded as a public use, and that only can be considered such where the government is supplying its own needs or is furnishing facilities for its citizens in regard to those matters of public necessity, commerce, or welfare which, on account of their peculiar character and the difficulty, perhaps impossibility, of making provision for them otherwise, it is proper, useful, and needful for the government to provide.

BENEFITS RATHER THAN INJURES THE NEW ENGLAND FARMER.

I desire to call attention to another section of this bill, inasmuch as I believe I am the only Eastern member on the Committee on Irrigation, certainly the only one from the northeastern section of the country with the exception of the gentleman from New York.

In the early part of this session the gentleman from Pennsylvania advanced an argument against this bill to which I wish to advert. While I admire his versatility, ability, and genial qualities, I can not agree with his economic statements relative to this subject. They are not substantiated by the results of the examination of the agricultural data of either Massachusetts, Pennsylvania, or the Eastern States generally, to which he referred. He realizes, as all realize, that when the arid lands of this country are irrigated they will rival in richness and productiveness the most favored lands of ancient Egypt. Indeed he asserts that 1 acre will produce as much as 6 acres of average land in the States of the middle West.

From this he draws the gloomy conclusion that previous development of the great West has forced down the valuation of farm lands in the Eastern States 50 per cent, with a corresponding decline in farm products. He asserts that for thirty-five years the farmers have seen a decline in value year by year of the old homestead. That now, just as prosperity begins to dawn upon the Eastern farmer, this irrigated-land tyranny threatens to strike him down. Competition must be suppressed. The productive acreage of the country must be curtailed. No more farms must be given by the Government to the American farmer. Those arid plains must remain undeveloped. The Eastern farmer must be protected, until far off in the indefinite future when divisions and subdivisions of Eastern farms, developed to their best capacity, no longer afford homes or sustenance adequate to our population, we shall be forced to open up these lands by some such plan as this.

Surely, as one living in an Eastern State, surrounded by Eastern farmers, if the gentleman from Pennsylvania has correctly stated the facts, I ought to be the last one to stand here to vote for a measure which will reduce my neighbors and friends to poverty and distress.

So I had a curiosity to make an examination into the agricultural data of Massachusetts to see whether his statements were substantiated by the actual facts. I find that in Massachusetts, whose total area is 8,040 square miles, 4,917, or 61.2 per cent, are included in farms. The total number of farms in the State are 37,715. The increase of farms in the last decade in Massachusetts is 9.7 per cent. The value of farms in every county in Massachusetts increased, except in the county of Dukes, which is a small island in the Atlantic Ocean. The number of farms in 1900 exceeded the number of farms ten years ago by 3,341. The total value of live stock increased 11.2 between 1890 and 1900. The average gross income per acre for all the farm lands in the State was $10.81. There is an average ownership of 103 farms to every 100 owners. All of these farms, with the exception of a very few, report an income, and those very few are run by wealthy men for pleasure, and no income is reported from them at all.

Now, the agricultural data of Pennsylvania has not been prepared by the Census Department, and I was only able to obtain a few figures. But I find that the statement of the gentleman from Pennsylvania will hardly stand the test of examination. The value of farm products in Pennsylvania in 1899, as compared with 1889, show an increase of $24,978,432, or 20 per cent increase in value during the last ten years.

Now, lest I may be considered as having selected Eastern States making the most favorable showing, I want to call your attention to the banner State for abandoned farms, New Hampshire, as showing the trend of agricultural development in the eastern section of the country. Out of its 5,640 square miles included in farms, 1,300 are embraced in the White Mountain region, which has a rocky and unproductive soil. Indeed, it is only near the coast and river valleys that the soil is very fertile. The islands, without skillful and energetic management, can not successfully cultivate either vegetables or cereals. Since 1850 there has been a decrease in acreage under cultivation. The New Hampshire farmer realized that wheat and corn could not be raised amid rocks and bowlders in competition with the Western farmer; that he must make a readjustment of farm methods; that the intensive cultivation of small areas of the most fertile soil must supersede the general cultivation of the land; that the cultivation of cereals must be abandoned, and dairy, poultry raising, market gardening, and fruit take their place.

While this evolution has occurred, the total farm acreage in fifty years has increased only 6.4, and unimproved land has increased to a marked degree; yet the total value of farm property has increased since 1850 $19,410,073, of which over 25 per cent, or $5,634,520, must be credited to the last ten years. The value of farm products in 1899 was 54.4 greater than 1889. An examination of farm valuations in detail shows a like satisfactory comparison, demonstrating that the New Hampshire farmer, meeting the requirements of evolution in farm production the West has created, has by attention to the local demand which a rapidly increasing urban population has brought about enriched himself in fields in which no rival can compete and in which he was never more secure or indispensable.

No, the New England farmer does not confine his vision to the few acres which surround his ancestral home by the slopes of the New England hills or along the rivers where his farm is located. [Applause.]

He looks beyond the artificial boundaries which separate his from contiguous States to the fertile prairies of the West, even to the Rocky Mountains, near which the arid lands are located. He knows that the prosperity of one section of his country is reflected to every other; that every section is bound together by an

indissoluble chain, one link of which can not be weakened without imperiling the whole; that where the manufacturing interests of the East are depressed the markets for Western products are curtailed, and when the crops of the West fail our manufacturers find a limited demand for their woolens, cotton goods, boots and shoes, machinery, and implements among the Western farmers.

The great home market, first of all, must be protected in accordance with the doctrine long maintained in New England, and our whole country is that market, for our transportation charges are so low and our freight facilities so great, unhampered by taxation or restrictions, that for trade purposes every State is as one domain.

PROVIDES FOR OUR SURPLUS POPULATION.

There is another matter of inestimable importance to the New England farmer, laborer, and merchant. For years a tide of immigration, like a great billow, has been rolling in upon our shores. On an average for twenty years, yearly, nearly half a million foreigners have settled here. I append herewith the figures as furnished by the Immigration Bureau:

Number of immigrants arrived in the United States each year from 1882 to 1901, both inclusive.

Period.	Immigrants arrived.	Period.	Immigrants arrived.
Year ending June 30—		Year ending June 30—	
1882	788,992	1892	479,663
1883	603,322	1893	439,730
1884	518,592	1894	285,631
1885	395,346	1895	258,536
1886	334,203	1896	343,267
1887	490,109	1897	230,832
1888	546,889	1898	229,299
1889	444,427	1899	311,715
1890	455,302	1900	448,572
1891	560,319	1901	487,918

In 1891 487,918 immigrants settled in the United States; of this number, 148,686 had no occupation, 54,753 were farm laborers. For the first four months of this year 233,087 arrived—an increase of 51.3 per cent over the same period for 1901. The number arriving in May surpassed any previous May in our history, indicating that the number this year will exceed even the banner year of 1882. I append another table, indicating for the last four years the countries from which they came:

Countries.	1898.	1899.	1900.	1901.
Austria-Hungary, total	39,797	62,491	114,847	113,390
Belgium	695	1,101	1,196	1,579
Denmark	1,946	2,690	2,926	3,655
France	1,990	1,694	1,739	3,150
Germany	17,111	17,476	18,507	21,651
Greece	2,339	2,333	3,771	5,910
Italy, continental	58,613	77,419	100,135	135,906
Netherlands	767	1,029	1,735	2,349
Norway	4,938	6,705	9,575	12,248
Poland	4,726			
Portugal	1,717	2,054	4,232	4,165
Roumania	900	1,606	6,459	7,155
Russia and Finland	29,828	60,982	90,787	85,257
Servia, Bulgaria, and Montenegro				657
Spain	577	385	355	592
Sweden	12,398	12,797	18,650	23,331
Switzerland	1,246	1,326	1,152	2,201
Turkey in Europe	176	80	285	387
United Kingdom	38,022	45,181	48,237	45,546
Total	217,786	297,349	424,700	469,237

What becomes of this vast swarm of people, exceeding each year the population of two of the New England States, any one of the three new Territories which, by the vote of the House, we admitted to statehood, as well as many States west of the Mississippi. They are diverted to the great manufacturing States in the North Atlantic division of the country. Sixty-five per cent of them are congested into New York, Philadelphia, Chicago, Boston, and our manufacturing cities and towns. They crowd out the American wage-earner from the avocations through which he has earned his livelihood. Unaccustomed to the luxuries and content with a tithe of the necessities of life which the American laborer has enjoyed, able to exist on a portion of the wage paid to the American citizen, he has superseded him to a large degree in unskilled work, driven him from his Eastern home, sent him to the undeveloped West, and forced him to the homesteads a generous Government has given.

What shall be done in view now of the scarcity of farm lands for homesteaders in America? Can we divert this foreign population to where competition will not strangle the American wage-earner and place it where new fields await development? How are we going to do it? I remember watching the chairman of the Immigration Committee while he was waiting like "patience on a monument smiling at grief" for his bill to be brought up. It is true that we attached to that bill an educational test, which I heartily approved and voted for, but remember that a bill with such a provision has been for months slumbering at the other end of the Capitol. We have never had an immigration law that was restrictive. They have simply prohibited the landing of idiots, the insane, and those who, by physical incapacity, would be a charge upon the public. I am in favor of drastic measures on this subject, but have little hope of seeing them enacted into law. So I favor this bill, under which the intelligent, progressive, loyal, and patriotic American can have opened up for settlement lands capable of supporting 30,000,000 people and provide employment for our surplus labor until some enactment by which intelligent and assimilative immigration, not detrimental to the laboring people of this country, can be secured.

SURPLUS PRODUCTS FOR OUR ORIENTAL TRADE.

So generally have the humid public lands been entered upon that land values in sections of the West have already advanced to over $20 an acre, and it is said that 25,000 American citizens have left Wisconsin, Minnesota, and adjoining States to open up farms in Canada during the past year. While the reclamation of the arid lands protects and creates a home market, it will also furnish our surplus products for the oriental trade, whose expansion has been marvelous during the last decade. These lands are a thousand miles nearer the Pacific than they are to the Atlantic coast. Our interoceanic railroads bring them into close communication with the Pacific ports. We can form no conception without an examination of the strides our oriental trade is making. The tonnage of San Francisco in 1900 was 3,025,969, an increase in one year of 348,444 tons.

Ten years ago Seattle did not have a steamer leaving her port for the Orient. To-day there are four regular lines from that city. The wheat exports of Puget Sound have increased 5,000 per cent in twenty years and 500 per cent in ten. Its tonnage in 1900 was over 2,277,000, and the total imports and exports nearly $30,000,000. The exports to Japan have increased since 1881 from 6 to 17 per cent of the total trade of that country, and the United Kingdom, our chief rival in that trade, which supplied over 52 per cent of those imports in 1881, furnished but 20 per cent in 1901. Our exportations to that country have multiplied 240 times in this period, and we now stand second in foreign commerce there among the nations of the world. The demand for shipping facilities on the Pacific coast has swamped the resources of every transportation company.

Six new steamers will enter the Pacific coast Orient trade this year, capable of carrying 575,000 tons of freight a year. It must be remembered that the Orient can not increase its own food production to any great extent. The limit of agricultural development appears to have been reached in Japan and China. Even in Siberia, which has been supposed to be a fertile country adapted to wheat, it is found that climatic conditions are an insuperable obstacle to successful agriculture, and travelers mark upon the banks of the Amur the great stacks of American wheat and flour. Even now a famine is blighting that country, and while their mines, fisheries, and forests teem with wealth, the necessaries of life must be imported, and should be largely imported from the United States. We occupy the vantage ground. No nation is so well equipped and so accessible as our own. Study the manifest of a Pacific steamer. Observe the enormous quantity of canned goods, dried fruits, and provisions—indeed, all that the arid lands reclaimed would produce—and the problem of the disposition of a surplus or any competition even with Western farms is solved. The market is found, a market but just opening its doors to American trade, a market where hundreds of millions are buyers, to pour their gold into our country to benefit and enrich our people. The development of the country! Home building for the people!

There are in all about 60,000,000 acres of arid lands capable of reclamation, a territory as large as that of the States of Iowa and Illinois combined. It is estimated that about 20,000,000 acres will be reclaimed directly by the Government and 40,000,000 acres by private effort. These lands are distributed over 13 States and 3 Territories and extend from Canada to Mexico. On an average, it is thought that 500,000 acres can be added to our irrigated lands yearly, requiring thirty years for the completion of the work. There is no direct charge upon the Treasury, inasmuch as the cost is to be defrayed from the sale of the lands and water rights attached thereto. They are of little value now, from 20 to 40 acres being required to raise a steer, which 1 irrigated acre will be sufficient to accomplish.

This is no new and experimental project. Irrigation has been successfully undertaken for many centuries. India affords a striking illustration of its beneficent results; not the methods of

the natives, employed until a recent period, utilizing only the excess water of the rainy season, but its conservation and equable distribution in times of drought. During the British domination of one hundred and twenty years, 22 famines, caused by cessation of rain and consequent failure of crops, have desolated the country. In the Behar famine of 1873–74, 750,000 laborers were employed in relief work for nine months, 450,000 persons received gratuitous relief daily for six months, and the Government was subjected to an expense of nearly $30,000,000. In 1877, in Madras, 1,131,000 were relieved, and in 1896–97 34,000,000 were affected, and 2,200,000 daily were fed by the Government for one year. In the famine of 1900 the loss of life above the average was 1,236,855, and more than $30,000,000 were expended for personal relief.

In 1865 irrigation for the first time seems to have been attempted to meet the crisis soon to come; not formulated on the crude devices of the natives, but carried out under the administration of experts appointed for that purpose. It accomplished much, but disappointed expectations until the storage and reservoir systems contemplated by this bill were inaugurated. Then, in one famine year in one district alone, the products raised amounted to four times the value of the entire capital involved, and 800,000 immigrants from congested districts were supported on an area of irrigated land of 1,353,000 acres, besides the aid afforded to those beyond. Lord Curzon said, in his budget report of 1900:

I want to be sure that no sources of water supply or water storage are neglected in this country.

Claus Spreckels is not a name to conjure by, nor can his personality be held up for imitation, yet as a captain of industry he has given us an object lesson in irrigation. He went to Honolulu, secured the ear of King Kalakaua, and made arrangements with the planters to control their product. Sugar planting in Hawaii is very expensive; all the land has to be irrigated. He found 10,000 acres of apparently worthless sand which he leased for a trifle from the King. He dug a canal 21 miles long with 30 tunnels cut through solid rock and brought water to these lands at an expense of half a million dollars. He organized the Hawaiian Sugar and Commercial Company, whose estate on the island of Maui is the largest sugar plantation in the world. It covers 40,000 acres and has an unbroken stretch of cane fields 15 miles long and several miles wide. It is irrigated by two ditches—the one 40 miles and the other 20 miles long, and carrying between them over 100 cubic feet of water per second. From this plantation alone 60,000 tons of sugar are yearly produced.

Six million five hundred thousand acres of arid lands in this country have been brought into the market by irrigation, the larger portion in the State of California. Southern California, where irrigation prevails, is a veritable paradise, whither the great tide of American travel flows as the frosts and snows chill our Northern lands. Here under the cloudless skies, fanned by balmy winds, amid the perfume of flowers and sheltered by waving palms, the traveler lingers. But longer lingers in memory the orange groves waving around him, with their golden fruit, and the vine-clad deserts blossoming like the rose, where a few short years ago the wolf stole across the sands. So irrigation has transformed that land, and likewise will the lands this bill will reach, building up the country beyond "the dreams of avarice" in what is indeed the wealth of a nation; but better than all, in peoples and municipalities, where homes reign, and integrity, patriotism, honor, and the decalogue are inculcated in the rising generation.

And soon or late a time will come
When witnesses that now are dumb
In grateful eloquence will tell
From whom the seed here scattered fell.

[Applause.]

Mr. OLMSTED. Mr. Chairman, it is a matter of great regret to me that I find myself compelled to vote, as I feel I must, against this measure in which I find so many of my friends on this floor interested. My remarks to-day, however, will be limited to a few desultory observations upon an entirely different subject.

I have endeavored, Mr. Chairman, to not only take a lively interest in all that occurs on the floor of the House, but also to read carefully the legislative record. My labors in that regard are not quite up to date, and so it is that I have just reached page 4621, upon which I find, commencing the somewhat remarkable speech made by my friend from Washington [Mr. CUSHMAN], who I am glad to observe is now present, as he always is, attending to the wants of his constituents.

A committee engagement did not permit me to hear his speech, but I have read a great deal about it in the newspapers and have read it carefully in the RECORD. There is matter in it which calls for most serious consideration, not only from me, but from every member of this House. Some of his statements have caused me to look about to see where, under the rules and practices of the House, I and other members stand.

The gentleman asserts that no matter how meritorious a measure may be he is utterly powerless to bring any bill or measure to a vote, and that all of us are in the same predicament. He blames the rules of the House, the Committee on Rules, and the Speaker. He says: "We have adopted a set of rules in this body that are an absolute disgrace to the legislative body of any republic," and that in electing a Speaker, "We put a club in the hands of some one else to beat us to death." He has behind him, he says, "an honest but infuriated constituency," demanding that he shall secure for them certain legislation.

You have all heard the conundrum, "What is the result when an irresistible force encounters an immovable body?" The gentleman from Washington has not fully answered that, but has shown the result of getting mixed up with such conditions, for it appears from his statement that he, standing between the irristible body of his "honest but infuriated constituency" and the immovable body comprising the rules of this House, Committee on Rules, and Speaker, the impact has left him "thinner than a canceled postage stamp."

He tells us that we are all "a lot of human midgets and legislative Lilliputians," bound down by the rules and our prostrate bodies sat upon by the Speaker, who uses the Committee on Rules as a club with which to beat out our few remaining brains. He threatens us that, to use his own words, "unless there is a change in the manner in which this body is run, I will give you a life-size imitation of an incipient revolution" right here "under the Dome of the Capitol."

Now, all this is becoming very serious. If the gentleman from Washington is right in his premises, perhaps we had better join with him and start a legislative Mount Pelee eruption right here in this body that will cover with dust, ashes, and red-hot oblivion the rules of the House, the Committee on Rules, and the Speaker himself, so that he shall no longer, as the gentleman says, "bestride the narrow world like a Colossus," while we poor "human midgets and legislative Lilliputians" "walk under his huge legs and peep about to find ourselves dishonorable graves."

But if the gentleman from Washington is wrong, then let us do what we can to protect ourselves, the rules, the committee, and the Speaker from the molten lava of his inflammatory and combustible oratory.

Mr. Chairman, an old-time preacher with an old-time use of pronouns addressed his congregation thus: "I will take as my text this morning the verse of Scripture, 'For the devil he goeth about like a roaring lion seeking whom he may devour,' and I will divide my discourse into three heads: First, 'Who the devil he is;' second, 'What the devil he is roaring about,' and, third, 'Who the devil he is seeking to devour.'"

I do not mean, Mr. Chairman, to compare my genial and distinguished friend from Washington to any character mentioned in the Scriptures. It is not necessary to inquire who he is, as everybody knows him and appreciates his ability and his wit. But as he did not particularly specify, I have had some curiosity to know just what he and his "honest but infuriated constituency" were roaring about.

I find upon a hasty examination that my modest friend, who styles himself a "legislative Lilliputian," has succeeded in having passed through this House at this session the following items for the benefit of his district:

For the purchase and installation of machine tools at navy-yard at Bremerton, $50,000.

Naval station, Puget Sound, additions and extensions, $748,500.

For purchase of site for naval magazine at Puget Sound, erection of buildings, etc., $50,000.

For construction plant, naval station, Puget Sound, $75,000.

For machinery plant, Puget Sound Navy-Yard, $125,000.

For a public building at Seattle, the cost of which was originally fixed at $250,000, afterwards increased to $750,000, he has succeeded in getting $900,000 through the House.

Public building at Spokane, $60,000.

Public building at Tacoma, $60,000.

Mr. MERCER. Will the gentleman correct his statement right there? It should be $100,000 for Spokane and Tacoma each. [Laughter.]

Mr. OLMSTED. The increase was made in the Senate. I am not referring to what Senators may have done, but what the gentleman himself has accomplished right here in this House and under these rules.

Mr. MERCER. Well, he labored very hard to bring that about.

Mr. LITTLEFIELD. Was all this before or after the gentleman from Washington made his speech?

Mr. OLMSTED. I think before. [Laughter.]

Improving Olympia River, $25,000.

Improving Tacoma Harbor, $75,000.

Improving Grays Harbor, $50,000.

Improving New Whatcom Harbor, $25,000.

Improving waterway connecting Puget Sound with Lakes Union and Washington, $160,000.

Improving mouth of Columbia River, Oregon and Washington, partly in Washington, $500,000.

Improving Upper Columbia and Snake rivers, $25,250.

Improving Columbia River at Three Mile Rapids, to be paid out of former appropriation, amount not stated.

Improving Cowlitz and Lewis rivers, $9,500.

Mr. LACEY. The gentleman will allow me to ask how much the gentleman from Washington would have got if there had not been any rules? [Laughter.]

Mr. OLMSTED. I am coming to that.

Improving Puget Sound and tributaries, $15,000.

Improving Swinomish Slough, $30,000.

Improving Okanogan and Pend Orielle rivers, $10,000.

Four private pension bills, giving, respectively, $20, $25, $30, and $40 per month.

Now, Mr. Chairman, the whole State of Washington does not pay into the Federal Treasury as much revenue as the Ninth district of Pennsylvania, in which I live.

Mr. JONES of Washington. What "gentleman from Washington" is referred to as getting all these things?

Mr. OLMSTED. I am referring to the gentleman's colleague [Mr. CUSHMAN].

Mr. JONES of Washington. Did I have anything to do with it? [Laughter.]

Mr. OLMSTED. I infer not, because the gentleman's colleague said in his speech—I quote from the RECORD—

> I represent a Congressional district comprising the entire State of Washington, a Congressional district with half a million people in it.

[Laughter.]

His remarks led me to forget that there were two of you. But there is glory enough for both in the accomplishments I have stated.

Now, if one "legislative Lilliputian," or even two, bound down by the rules and sat upon by the Speaker, can accomplish all that in one session, what under heaven would a full-grown legislative giant accomplish? I tremble when I think of the condition of the Federal Treasury if the rules were unloosed, the Committee on Rules discharged, the Speaker beheaded.

Mr. LESSLER. Right behind the ears.

Mr. OLMSTED. Close behind the ears, as the gentleman suggests; his revolution successful, the Committee on Rules abolished, and the gentleman from Washington in position to call up and pass his own bills at his own pleasure.

Now, most of those appropriations were secured how? By the aid of this much-abused Committee on Rules, which took up those bills out of their order from the Union Calendar, brought them in here, sustained by the majority of the House, and put them through for the great benefit of the gentleman from Washington, his constituents, and his district. What would he have accomplished had he not been bound down by the rules and sat upon by the Speaker?

Mr. LITTLEFIELD. What is the aggregate?

Mr. OLMSTED. I can hardly stop to contemplate so large an amount. [Laughter.] Now, what is his constituency infuriated about? What more do they want? Why all this roaring? I have had occasion to look and see what bills, without referring to his colleague, the one gentleman from that district has offered. I find they are 93 in number and for the following purposes among others:

First, to establish a mint at Tacoma, $200,000; providing also for the appointment of a superintendent at $3,000 and two lesser officials at the trifling salary of $2,500 each, to be appointed by the President, presumably upon the suggestion of the author of the bill. I am told that the Secretary of the Treasury says that the mint is unnecessary, and that if it were necessary, $200,000 would not build it.

Now, further, the gentleman would like a public building at Tacoma to cost $750,000; to increase the limit of cost for the public building at Seattle to $1,000,000.

To establish light-house and fog signal at Burrows Island, Washington, $15,000.

To establish light-house and fog signal at Burrows Island, $15,000, and fog signal at Battery Point, $6,000.

To establish fog signal at Battery Point, $6,000.

To establish dwelling for keeper of fog signal at Robinson Point, $4,000.

To authorize new building at New Dungeness light station, Washington, $4,500.

Appropriating $1,500 for the expense of determining "the best available locality in Oregon or Washington at which to establish a biological station for the investigation of questions affecting aquatic life and the fishery interests of the Pacific coast, and to report thereon at the next session of Congress," when undoubtedly an appropriation will be asked for the said biological station.

To increase the limit of cost of light-house and fog signal at Browns Point, Washington, $9,200.

To establish life-saving station near Cape Flattery, Washington.

Increasing compensation of district superintendents in Life-Saving Service to $2,500 each.

Directing Secretary of Treasury to pay $415.12 to Eben Pearce, of Tacoma.

Providing for a public building at Olympia, Wash., at an expense of $200,000.

Authorizing payment of $2,062.51 to Patrick Buckley, Indian agent at Tulalip, Wash.

To establish gas buoys at five different points, at $3,000 each.

Appropriating $2,222.08 to Raymond O. Williams and $200.54 to Joseph A. Springer.

To establish light-house and fog signal at Muckateo, Wash., $2,000.

A resolution authorizing Secretary of War to cause survey to be made "for the purpose of reporting upon the probable cost and advisability of constructing a portage railway near Celilo, in the State of Washington."

A resolution authorizing Secretary of War to ascertain and report "the probable cost and advisability of dredging a single continuous channel to deep water in the Chehalis River."

To order $3,000 paid to Thomas Hayne, of Washington.

Appropriating $73,000 to Peter Larsen.

To establish a military post at Tacoma, $150,000.

Authorizing the Secretary of War to purchase the Isham shell and Tuttle's thorite, $100,000 for the patents. Whatever thorite may be, I have never heard that the Secretary of War in his report, nor the President it his message, has indicated any pressing public need for those articles, even at the trifling expense of $100,000 for the patents.

Now, after all that, and notwithstanding his own capacity in that direction, my friend wants to establish five "gas buoys" at an expense of $3,000 each, and finally introduces a bill "to promote a conference to formulate a universal language," appropriating $5,000 for the expense thereof. [Laughter.] I understand that the language is to be one in which all the members of the House may speak at the same time, each upon his own bill, which will be necessary when the rules are abolished. [Laughter.]

Now, what are any of us to gain by destroying the rules? Why, the gentleman says—I read from the RECORD:

> We need to restore this House to the great patriotic plane on which the founders of the Republic placed it, where every individual member on this floor stands upon an equal and exact plane with every other (except the Speaker, I assume, who will have no plane and no power at all). The way this House was intended to be run by the mighty men who conceived and fashioned our constitutional Government was that the members of the House were to inform the Speaker what legislation they intended to take up, and not that the Speaker should inform the members what legislation he would permit them to take up.

Well, now, let us see what "the mighty men who framed our constitutional Government" did say. In the first place, Mr. Jefferson, who ought to know something about it, says in the preface to his Manual:

> The Constitution of the United States, establishing a Legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate has accordingly formed some rules for its own government; but these going only to few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising either under their own rules or where they have provided none. This places under the direction of the President a very extensive field of jurisdiction, and one which if irregularly exercised would have a powerful effect upon the proceedings and determination of the House.

And yet that is just where our friend wants to place us, without any rules, going right back to the mighty framers of the Constitution, and putting all the power in the hands of the Speaker. Why, no Speaker for half a century has had any such power as the Speakers had in those early days.

And as to the rules, Mr. Jefferson quotes approvingly Mr. Onslow, whom he styles the ablest speaker of the House of Commons, as saying that there is nothing that tends so much to put power into the hands of administration as neglect or absence of rules.

Now, did those mighty men who framed our Government leave in the hands of the individual members the right to call up their bills? Here is what Jefferson says, and he ought to know better, perhaps, than the gentleman from Washington. He says in his Manual:

> The Speaker is not precisely bound to any rules as to what bills or other matters shall be first taken up, but it is left to his own discretion, unless the House on a question decides to take up a particular subject.

That is where the mighty framers of our constitutional Government placed the matter, and that is where the gentleman from Washington [Mr. CUSHMAN] thinks he wants it put back; or rather

he did not think that was where they had left it. He had evidently never investigated. If he puts it back where they left it, he will leave it wholly in the power of the Speaker to call up any bill he pleases, unless by some united action the majority of the House calls for some other bill.

We do not leave that unbounded power and discretion in the hands of the Speaker. The present rules provide an Order of Business. Rule XXIV, page 285 of the Manual, says:

1. The daily order of business shall be as follows:
First. Prayer by the Chaplain.
Second. Reading and approval of the Journal.
Third. Correction of reference of public bills.
Fourth. Disposal of business on the Speaker's table.
Fifth. Unfinished business.
Sixth. The morning hour for the consideration of bills called up by committees.
Seventh. Motions to go into Committee of the Whole House on the state of the Union.
Eighth. Orders of the day.

Now, so far as I can determine, sifted out and boiled down, the complaint of the gentleman from Washington [Mr. CUSHMAN] is that we do not go into the Committee of the Whole House on the state of the Union for the consideration generally of bills on the Calendar often enough to suit him. Well, that is not the fault of the Speaker. We have a rule on that subject. Section 5 of Rule XXV provides that—

5. After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative, it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

Now, my friend has probably not been watching his opportunity, because several times other gentlemen have gotten the House into Committee of the Whole on the state of the Union during this session, notably my venerable colleague from Pennsylvania [Mr. GROW].

But there are other reasons why we do not go into committee as often as the gentleman from Washington would like, as often as I would like, as often as other members having bills upon that Calendar would like? And why is it? Why, Mr. Chairman, it is because the great appropriation bills, carrying in the aggregate nearly a billion of dollars, are privileged. It is because all revenue bills, raising revenue to run the Government, are privileged. Contested-election cases and certain other matters are, by the rules of the House, privileged.

Therefore, when the chairman of one of these committees calls up one of those bills and asks to go into Committee of the Whole House on the state of the Union it takes precedence over the motion of my friend to go into Committee of the Whole House for the consideration of his particular bill which is not privileged. And is not that right? Is it not just as important that these great appropriation bills shall be carefully considered and four or five million dollars of unnecessary appropriations lopped off here and a few more there as it is that we shall take up time in considering a two-hundred-thousand-dollar appropriation for an unnecessary mint at Tacoma or Seattle? Will not all agree that it is necessary that these bills must be privileged?

And then, again, the Committee on Rules, just as it has done to-day, brings in a rule to take up some bill in which a great body of members are interested, to take it up out of its order and consider it just as we are considering this bill, just as we considered the oleomargarine bill, the river and harbor bill, and a dozen other bills that I could mention, which are all more important than some private bill.

Therefore they take precedence and they shut us out. But is not that as it should be? If it is not right, any gentleman—even when the chairman of the Committee on Appropriations presents a privileged appropriation bill—any gentleman can raise the question of consideration, and if the majority of the House do not want to consider it, they can vote not to take it up. When my colleague from Pennsylvania [Mr. DALZELL] brought in this resolution this morning, the gentleman from Washington [Mr. CUSHMAN] or any other gentleman could have raised the question of consideration, and it could have been put aside had a majority so desired.

If the majority of the House want to take up that mint bill which he desires, to pacify his "infuriated constituency" all he would have to do, if a majority was with him, would be to refuse to consider any other bill and then, under the rule, the Speaker would be bound to recognize a motion to go into Committee of the Whole upon the Union Calendar generally. The trouble is that the majority is not with the gentleman. Is there any wrong in that? I remember that upon one occasion, just before his bill was reached, a majority of the committee determined to rise. That was not the fault of the rules nor of the Speaker nor of the Committee on Rules. If anybody was at fault it was the majority of this body, which must always have its way.

The gentleman from Washington says:

I have seen this body adjourn three and four days at a time when the Union Calendar was freighted with hopes of voiceless millions. No, sir; it does not lie in the mouth of this body or any member of it to say that it is lack of time. It is lack of inclination and not lack of time that ails this body.

Well, that is a complaint against the whole body. If it adjourns, it is not because of the rules, nor of the Speaker, nor of the Committee on Rules. It must be on account of the desire of the majority of the members to adjourn.

We can not act on every bill. If every gentleman had offered as many bills as has the gentleman from Washington there would be a grand total of 33,394. As a matter of fact more than 14,000 have been offered at this session. It would take ten years to carefully consider and fully debate all these bills, while the life of one Congress is only two years. Why, my friend has nothing to complain of.

The gentleman from Illinois, the chairman of the great Committee on Appropriations, served here for twenty years before he got through a bill for his own district; and yet my friend has got through all these appropriations in one session. He can not expect to get everything at this session. He and his colleague have done wonders already. I think that his "infuriated constituency" can not do better than keep him here the balance of his life if he is willing to serve, for no man who came before him and no one who will come after can do more than he and his colleague [Mr. JONES] have accomplished.

Mr. MANN. Is this intended to circulate in his district? [Laughter.]

Mr. OLMSTED. There is no objection. [Laughter.]

That debate is not entirely curtailed here is evidenced by the fact that the gentleman himself covered eight broad double-column pages in the RECORD, covering a wide range of topics, as witness the large-typed subheads of subjects as we find them in the RECORD. First, I find that he spoke upon the subject of the "Rules of House;" second, "Reciprocity;" next, "What William McKinley said;" then "Declarations of Republican national platforms;" then "What Blaine said." The next head is "An overproduction of sugar," and the next "An overproduction of wheat," and the next "Our duty to Cuba." Then comes "Duty to the child;" then "What we are willing to do for Cuba." The next head is "PAYNE'S reciprocity—Democratic free trade." The next head is "GROSVENOR." The next large head is "Abusing GROSVENOR." [Laughter.] And then the next head is "The beaters of tom-toms." And, finally, "The heart of Bruce." [Laughter.]

Now, there seems to be unlimited debate. Who says this is not a deliberative body? I do not find that the pages of the legislative record have decreased in number since the present rules were adopted. Some of them were adopted many, many years ago, and some of the most important in the Fifty-first Congress. A comparison of the results of legislation under the old rules and the present ones, compiled by Mr. Wakefield, our tally clerk, I find in the Calendar of March 4, 1901, the last day of the Fifty-sixth Congress. It appears that the Forty-ninth Congress, sitting three hundred and thirty days, passed 424 public acts, 1,031 private acts, and 266 joint resolutions—a total of 1,721.

The Fiftieth Congress, sitting four hundred and twelve days, passed 570 public acts, 1,257 private acts, and 269 joint resolutions, a total of 2,096. That was under the old rules. The last, or Fifty-sixth Congress, under the present rules, with our present Speaker and present Committee on Rules, sitting only one hundred and ninety-seven days, passed 443 public bills, 1,498 private acts, and 567 joint resolutions, a total of 2,498.

That is to say, the Fifty-sixth Congress, under the present rules, present Speaker, and present Committee on Rules, sitting two hundred and fifteen days less than the Fiftieth Congress, under the old rules, passed 402 more bills and joint resolutions, and sitting thirty-three days less than the Forty-ninth Congress passed 777 more bills and joint resolutions. Certainly the gentleman from Washington will gain nothing by destroying the present rules and going back to the old ones.

He makes some complaint about unanimous consents. Now, our present Speaker, when elected to that exalted position, did not lose any of his rights as an individual member of this House. When unanimous consent is asked for, he has the same right as any other member to object and thus prevent the consideration of a bill out of order.

Looking at it from another standpoint, when a number of members are pressing to be recognized to make motions for unanimous consent, as the presiding officer, he must select the one who shall be recognized. Every member has several bills for the passage of which he would like unanimous consent. We can not

all be recognized at once. There is not time in the session nor in the life of a Congress to consider all of our bills.

Looking over the RECORD I find that during the last Congress the gentleman from Washington was recognized four times to call up bills by unanimous consent. If there was any discrimination it was in his favor, not against him. He got more than the average recognition. The RECORD discloses also that during the last Congress more bills were by unanimous consent taken up out of order than at any previous Congress for many years. No rule can be framed that will make it possible for every man to have all his bills considered when the volume is so great and the life of a Congress so short.

All things being equal, the older and more experienced members of any organization or body of men have always greater influence. It has been so from the beginning of the world; in every State legislature, in every railroad board, in every school board, and in every other organization throughout the country and throughout the world. Naturally the older and more experienced members of this House, on either side, do have more power and influence than those of us who have seen shorter service.

I am not one of the older members, having been here but one term longer than the gentleman from Washington himself. It is not in my province to defend the rules of the House. I am not wedded to them. If any better ones can be suggested, let us adopt them. But the attacks upon them are always made in the plural—in the aggregate. The gentleman from Washington has not designated any particular rule that he would like changed. They are manifestly the best rules for the prompt dispatch of business that have yet been devised, and yet there may be room for improvement.

Neither am I called upon to defend the Committee on Rules. It is composed of members, of both political parties, of long service and acknowledged wisdom in legislative affairs. That the resolutions they bring in are those that meet the approval of the majority of this body is evident from the fact that they are almost invariably accepted and adopted.

I find also that there is generally little, if any, difference of opinion between the Democratic and Republican members of that committee as to what particular bill shall be taken off of the Calendar and presented for the consideration of the House. It is wholly unnecessary for me or anybody else to defend the Speaker from attack. He needs no defense. For fairness and impartiality his record is absolutely unimpeachable.

No man can truthfully say that he has ever unfairly or improperly used the power which we have placed in his hands. He merits and possesses our confidence to-day, even more fully than when we first addressed him as "Mr. Speaker." No doubt he would be glad if every member could have a chance to have all his bills considered, but he owes a greater duty to all of us than he does to any one of us, and a greater duty to the people of the United States.

Furthermore, like ourselves, he is bound by the rules. He is a splendid Speaker, able, alert, and fearless in the discharge of the duties of his great office, wielding that club of which the gentleman speaks very gently, and far more ready to pat my friend from Washington upon the back than beat him to death with it.

Let the gentleman from Washington be patient. He has already accomplished much. His honest constituency has no excuse for remaining infuriated. I implore him to withhold his threatened revolution. He has already promised not to tear down the Republican party. When he delivers his promised speech "printed on asbestos paper" and "tied to a hand grenade for safe distribution," let him deal gently with the rules, the Committee on Rules, and the Speaker. Let him bear in mind the motto which, it is said, was once suspended over the heads of the orchestra at a ball in a Western mining camp: "Don't kill the fiddlers; they are doing the best they can." [Great laughter and applause.]

Mr. SHALLENBERGER. Mr. Chairman, the extent of our country to which this legislation directly applies is limited to 13 States and 3 Territories. The lands to be actually irrigated are but a very small fractional part of the vast area of that western empire which lies beyond the Missouri River. But the influence of this legislation upon the prosperity and welfare of the Republic will be as wide as our national domain. There are several phases of this subject which are open for discussion. There is its legal or constitutional limitations, its practical application or technical side, and its business or commercial aspect.

I am myself entirely satisfied as to the constitutionality of this measure and I shall leave the discussion of that phase of the question to the members of the House who are learned in the law, as that will probably influence your judicial opinions, but I shall confine my remarks to a discussion of the commercial and business side of the matter as to how it will affect the material interests of your constituents at home, as that is what will determine your votes. And I do not criticise, but rather compliment, those members who are opposing this bill if they think that its results will be prejudicial to the interests of those who sent them here.

I have learned in my short service in this House that no matter what we may say here upon this floor, that in the cloakroom or in the public press our votes upon all questions not involving human rights are accounted for as being determined by the way in which they affect the welfare of our constituents. In its last analysis this is purely a business question, and members will vote for or against it from the standpoint of its effect upon values in their respective districts.

This is entirely an American question, and I congratulate Congress and the country that after legislating for months upon questions concerning Cubans and Filipinos—all sorts and kinds of peoples from Porto Rico to Timbuctoo—that at last we have before us a matter which comes right home to the interests of the American people themselves—a question which means more to the progress and growth of this country, to its commercial greatness and its material welfare, to its prosperity and its national glory than all the other questions that we have had before us in this Congress all summed together.

The effect and value of a development of a nation's resources by means of irrigation is perhaps better understood by almost any of the older civilized nations of Europe than by ourselves. Civilization and irrigation were born together, in the arid regions surrounding the Mediterranean Sea and amid the dry highlands of western Asia and India. Because irrigation is the most scientific form of agriculture, it required a certain degree of development in civilization before man could apply it to nature. But in America our civilization is not indigenous, but transplanted from across the seas.

The first touch of its progress was upon the humid shores of the Atlantic, and it has pressed steadily westward, always finding, until very recently, sufficient lands watered by the rains from heaven to amply supply the inborn spirit of commercial expansion and development that has ever been the dominant motive in American advancement and growth. It is only in the last decade that we have come to realize that our lands which are watered by rainfall alone are already occupied, and that from this time forward the effort of the economist and statesman must be to increase the productiveness of those lands which now form the basis of our great agricultural wealth, and, second, to make possible by irrigation the use of those that now lie barren and unproductive.

Because of a misunderstanding as to the actual conditions which surround the development of irrigation in the West, the water supply, the climatic conditions, the labor problem, the markets, the means of transportation, and the character and quality of the crops produced, there are a number of objections urged against any plan whereby the Government shall permit the Western States to practically work out their own salvation upon the irrigation question, with but a trifling expense to the General Government; for that is what this bill seeks to accomplish.

I have studied diligently to determine what is the real source of the opposition to this measure, and both from conversation with other members and from the speeches of those who have spoken upon this floor against the general principle of irrigation development in the West, such as that made by the distinguished gentleman from Pennsylvania [Mr. SIBLEY] and others, I have come to the conclusion that nearly all of it is based upon the fear of disastrous competition from the agriculturists of the irrigated country with those farmers who live in the humid regions of the Mississippi Valley and further east.

There seems to be a belief that the stoppage of the development of the West will have a tendency to raise the value of farm products in the country eastward of the Mississippi River by limiting production, and thereby also enhancing the value of Eastern farm lands. This is the modern trust idea, developed into a national agricultural movement and is the dominant motive and principle that underlies all combinations in restraint of trade, and against which we are all professing to be prodigiously opposed, from the President in his Executive Mansion at the other end of the avenue down to the commonest Congressman in this House.

Carried to its complete reduction and logical conclusion by our forefathers, this idea would have precluded the desirability of any development or expansion of our domain west of the Allegheny Mountains. This policy is narrow and sordid, and has nothing to commend it in the past experience of this country or any other nation. How much more glorious and in keeping with the experience of these United States in the past is that principle of national political economy which teaches that trade and commerce between the different portions of our great common country has been the chief factor in our continued advancement in national wealth and prosperity; that as one portion of our country develops

its possibilities of wealth and commerce all other sections of this great Republic grow with it, and as the sun and the stars have each a glory of their own, so the different portions of our great commercial empire producing those crops and commodities peculiar and profitable to itself which, all united into one great stream of American trade and commerce, have made our wealth and prosperity the wonder and the admiration of the world.

The people yet hunger for lands upon which to build, by industry and toil, free American homes for themselves and for their children. As evidence of this fact we have only to remember how Oklahoma filled up almost as if by magic when once the Government gave the homeseeker permission to enter her borders. Open up a new Indian reservation and there will be a thousand applications for every homestead. Already numbers of our best class of American citizens, our young and vigorous farmers, finding themselves unable to gain a foothold for an independent home here upon our own soil are emigrating into Manitoba, Alberta, and the Northwest Territory and are becoming subjects of Edward VII.

The development of the Western irrigated farms can never depreciate the value of Eastern farm lands, because of reasons which are founded upon facts and not upon mere suppositions or theories. First, because the areas which can ever be irrigated in the arid regions of America are very limited and are scattered in isolated valleys over an extent of country equal to more than half of the entire United States outside of Alaska. Like oases in the desert, they dot the great Rocky Mountain divide from Manitoba to Mexico and from the eastern slope of those great mountains, which are aptly termed the roof of the world, westward to the Pacific Ocean.

The demands of the country contiguous to these productive spots will always greatly more than absorb their possibilities of production. In spite of all that the irrigated country can ever raise in fruits, in grains, and grasses, the growth of the cities of the West, of her mining and live stock industries, will always make her an active and profitable market for the products of the Mississippi Valley, which is, and always will be, the granary of the American continent.

This is no idle statement, but is based upon the actual experience and known conditions existing in that country. Corn, oats, and wheat are as high priced in the Rocky Mountain regions to-day as they are east of the Allegheny Mountains, although only three hundred miles eastward of the foothills of the Rocky Mountains—in eastern Nebraska and Kansas and western Iowa and Missouri—these grains are produced cheaper than in any other place in the world.

The irrigated farms, because of the immense labor that must be put forth to irrigate and redeem them, the expense of the application of water, and the known fact that the cost of labor on an irrigated farm amounts to from three to five times that of a farm in the humid regions, precludes any possibility of the irrigated farm being anything but a high-priced farm. The labor cost alone upon some of the irrigated farms of the West and Southwest amounts to $35, and even $40, per year per acre. But very few crops can be profitably raised at such an enormous expense, and they are only profitably raised when the price of the crop is correspondingly very high.

It is absolutely impossible that any of the great staples of the farms of the Mississippi Valley, or of the South or of the East, can ever be raised by irrigation and sold successfully in competition with the farmers of the humid regions. Even at the high price which these products command in the arid regions of the West, because of their limited supply, the profits from the irrigated farms can not be compared with those of the farms of the Mississippi Valley for the same amount of labor expended.

The irrigated farm lands, being very high-priced lands, can in no wise affect the values of the lands to the eastward of them, as did the sale by the Government of the rich lands of the Mississippi Valley and the great plains beyond at $1.25 per acre affect the values of the farm lands east of the Allegheny Mountains. The great cost of labor and of the water and the quality of the soil make the intensive style of farming absolutely essential to profitable agriculture in that arid region, and would always preclude any danger to the Eastern farmers from competition with the products of irrigated farms, did not climatic conditions also absolutely forbid it.

The most sanguine irrigationist can never hope that by that means we can ever raise a sufficiency of the products peculiar to that soil to supply the home demand alone. The development of our agricultural resources in those distant regions is not with any object of finding markets for their surplus products in the Eastern States. We need it all there where it shall be grown to support our mining and mineral industries, our growing cities, and our mighty herds of live stock.

The possibilities of our future mining and mineral development and the increase of our population rest for their support upon the products of the farm. All the great cities of the Rocky Mountain country must draw their supplies of food from them, and the labor necessarily incident to the successful operation of the great mines in the mountains can only be obtained by cheapening the cost of living to a reasonable figure. The irrigated valleys will simply be great centers of agricultural activity which will sustain and make possible the growth of our live stock, mining, and lumber industries.

The danger of competition from an irrigated country to a great, rich, and fertile country like the Mississippi Valley, which receives its supply of rainfall from the free hand of nature, is absolutely chimerical and has no foundation in fact, in possibility, or in business experience. But general statements and broad comparisons of conditions only lead to superficial understanding of questions. It is only by coming into actual contact with things and learning the details of an enterprise by experience that we learn anything that is of actual value to us.

Let me illustrate: I remember that when I started eastward for this capital I waited with great interest the hour when I should enter the historical confines of the great State of Pennsylvania, because my people had settled there amid her mountains almost two hundred years ago, and I had often heard my father tell of the riches and glories of that grand old Commonwealth. I had been told by a gentleman in whom I had great confidence that in the southwest corner of that State was centralized more productive capacity and material wealth than in any other spot on earth; that there was built up that collossal fortune that has spread libraries all over these United States and has made its owner almost despair that in spite of his utmost endeavors he will yet be disgraced by dying rich, and which has finally culminated in the most stupendous industrial combination ever known to man—the United States Steel Corporation.

But when I looked out of the car window on a dreary November morning and caught my first glimpse of Pennsylvania soil and saw her bleak and barren hills, her rocky valleys, her stony farms and her rivers red from the wash of her clay and sand, I said to myself no wonder my father left this cheerless region as soon as he was able to travel alone and sought the fruitful and fertile soil of Illinois; and the thought came to me that if I were to bring a steer from the green pastures of beautiful Nebraska and turn him out to fatten upon these mountains I would never dare to look a steer in the face again. [Laughter.] But that was only my provincialism asserting itself.

I had judged the situation with a superficial eye. I was a son of the prairie, born on the level stretches of Illinois and reared on the great plains at the foothills of the Rocky Mountains, and when the train soon dashed into the limits of that great center of titanic industries and commercial activity—the city of Pittsburg—and then out and across the hills and down those historic valleys and rushing rivers where great manufacturing cities are strung one after another along her railroads like beads upon a string, I began to understand what it was that made all these seeming worthless and barren lands so valuable, and how completely dependent upon these centers of industry the rest of the people of that great Commonwealth are, and to know why she is indeed and in truth the Keystone State, second in population and wealth among all the States of the Union; and when I think that these distinguished gentlemen, who represent Pennsylvania upon this floor, would tell us that all this industrial activity, this world of wealth, this great home market has been made possible because a kindly Government has given a fostering care to her manufacturing industries, and know that her products find their chief outlet not to the East, but to the South and West, the thought comes to me that it ill beseemeth a Pennsylvania Representative to protest against legislative encouragement to Western enterprise and development.

And, Mr. Chairman, what the manufacturing cities along the water courses of Pennsylvania and the East are to that country so will the irrigated valleys and plateaus be to the mountain and plain regions of the great West and Southwest. They will be the centers of commercial activity and development, both in material wealth and in higher civilization, which will ultimately make for the advancement of that great region and the whole nation as well. [Applause.]

How narrow and petty seem all these policies of commercial foot binding and provincial isolation when once we come to know by business experience the utter folly of it all. I have said that concrete illustrations of actual facts beat all the glittering generalities in the world of rhetoric. Let me give you an illustration of something that has come under my personal observation, of something that I know of the effect of the development of a single industry in the arid regions. The people of the State where I live will get no direct benefit from this measure.

If any farmers can be hurt by competition it is the farmers of

Nebraska and Kansas, who, by reason of their proximity to the irrigated country, must be the first to feel the effect of this development. But our people live out in the West where the horizon is big. We grow grain cheaper than any people upon earth. We make pork and beef cheaper than you of the East can do. It is we who have hammered down the price of your Eastern products by our competition, but we now ask you to help us to find a marker for our surplus products to the Westward and give you the only relief that is possible to you, because in competition with your high-priced lands we can meet you and undersell you if you force us to accept no other market.

But we are on the very edge of this coming development and we already feel its touch and thrill and know what it means. But for my illustration. At the eastern base of the foothills of the Rocky Mountains flow a number of goodly streams all rolling down through the plains of Nebraska to the sea. Along these rivers in Colorado are some of the oldest and best developed irrigation systems in the United States.

Colorado is second only to California in the extent and magnitude of her irrigation development, and there we may logically look for practical examples of what irrigation will do when it is highly specialized. The early settlers along the Cache Le Poudre, the Big Thompson, and the Platte rivers, who took Horace Greeley's advice and went West, like all other immigrants from Eastern States, attempted first to raise the grains and grasses which were common in the humid States from whence they came; but experience is a great teacher, and they soon found that the soil and climate there were especially adapted to the production of the potato, and presently the reputation of the Greeley potato, which took its name from the principal colony at Greeley, Colo., named in honor of the great New York editor, was known the length and breadth of the land over wherever "spuds" were bought and sold, and all potatoes grown by irrigation in the Western country came to be known by the generic name of "Greeleys."

But the continual cropping of the Colorado farm with wheat and potatoes exhausted it as rapidly as the same treatment exhausts the lands of Pennsylvania or Virginia, and something had to be found to renew the quality of the soil or their entire industry was ruined. So these intelligent farmers turned their attention to finding some sort of clover that could be profitably grown in that country—that wonderful leguminous plant so invaluable to the farmer because it has the unique quality of storing the soil with the nitrogenous matter so essential to the growth of other plants while yet producing a valuable crop itself.

They found this plant for which they were seeking in the alfalfa clover or lucerne, now so commonly grown throughout the West and Southwest wherever irrigation is practiced. Alfalfa clover is in some ways the most wonderful forage plant which the intelligent agriculturist has yet learned to utilize in this country. Under the conditions that exist in the irrigated regions in eastern Colorado, which I am describing, this plant produces three and four crops of hay each season that is richer in protein—the flesh-forming chemical ingredient of grains and grasses—than any other forage plant of which we know.

This alfalfa made a perfect crop for the purpose of rotation and renewing the soil for the further production of potatoes and wheat, but because of its enormous productive capacity it looked for awhile as if the alfalfa would become a drug on the market because, with the great amount of open range at that time available to stock growers, the cattle yet rustled upon the buffalo grass and found sufficient rations for the style of stock growing that was then prevalent in the country. But the farmers did not feel that they could afford to grow the alfalfa only as a means of fertilizing their fields.

Some other market must be found for the hay. An enterprising farmer, who knew something about sheep and how to feed them, conceived the idea of buying up a bunch of Mexican or Colorado lambs, shipping a carload of cheap corn from Nebraska, putting the lambs into a feed lot, and feeding them upon alfalfa hay and Indian corn. In the spring, when these lambs were finished to his satisfaction, he loaded them into a car and shipped them to the city of Chicago, consigned them to a commission merchant whom he knew, who offered them for sale.

The lambs were fat and the buyer from one of the big packing houses in the city liked their looks and bought them. They killed out exceedingly well and after being well cooled in a refrigerator they were sent to one of the uptown markets, where a caterer from one of the high-priced hotels in that great city came looking for some choice spring lambs and was shown these carcasses from the far-off foothills of the Rocky Mountains.

They looked good to him, and he bought and took them to the chef of that great hotel, who served them up as roast lamb should be served, garnished with green peas, with the juices of the lean and the fat leaking all over and down its sides, and, finally, they were served upon the table, and then the hour had come when a Chicago epicure was to first experience the delights of tickling his palate with a choice morsel of an alfalfa-fed lamb; and I have searched through history and literature to find another gastronomic epoch as important as this, and I can find only one that compares with it, which is the one so graphically described by Charles Lamb in his "Dissertation upon roast pig," when Bobo, the son of Hoti, first stuck his scorched fingers in his mouth and tasted the divine essence of the roasted cracklings of a baked pig; and like the celestial youth when he tasted the pig, or Oliver Twist with his mush and milk, those who first tasted of this Colorado lamb asked for more, and so the chef sent the caterer back to the market for more lambs.

And the man in the market went back to the packing house for more of those lambs for his customer, and because in every packing house a complete record is kept of every purchase, the manager was able to ascertain the name of the commission man from whom he bought these lambs. The commission man was told to buy more of them if he could find them, and he looked in his account sales and found the name of the shipper and that the lambs came from Fort Collins, Colo., a name then unknown to fame, but now known wherever good sheep or good mutton is prized by men.

And the commission man wrote to the farmer in Colorado to ship him more sheep like his first shipment, if he had them, and he would pay him the top market price. And the farmer told his neighbors of his profitable experience, and they grew more alfalfa, and bought more lambs, and bought more corn, and fed more sheep, and shipped them to Chicago and to all the markets of the East, and made more money; and the business grew and grew until they could not find the lambs in Colorado to supply their feed lots; and they scoured the whole Rocky Mountain country over to find them; and other irrigated regions took up the lamb-feeding business, until it has affected very profitably the sheep industry of the entire nation, and I do not know how many lambs were fed in the vicinity of Fort Collins in the winter of 1901 and 1902, because I have been here at Washington and have not sought the information, but in the winter of 1900 and 1901 there were 500,000 lambs fed in the territory tributary to that town, consuming over 5,000,000 bushels of corn, purchased from the farmers of the Missouri Valley, and that is only one center of the sheep-feeding industry, which has rapidly extended from the irrigated valleys of Montana, through Wyoming, Utah, Nebraska, and Kansas, wherever alfalfa can be grown and corn be purchased at a price that is not prohibitive.

The sheep and lamb feeders of the irrigated regions of the West have sustained upon a profitable basis the sheep industry of the nation. Millions upon millions of sheep in that country were formerly grown for wool alone, but the sheep feeder has changed all that. The carcass is now more profitable than the pelt, and in spite of the fact that wool has steadily declined, the price of sheep on foot has continued to advance, and the mutton makers of the irrigated regions of the West are responsible for it all.

The sheep feeders of those regions competing against each other for the lamb crop of the mountain country, that holds two-thirds of the flocks of the entire continent, advanced the price of lambs $1 per head, and made sheep growing universally profitable throughout the West. The increasing demand for better sheep and more of them, especially for the combined mutton and wool producing breeds, made an enormous demand for the pure-bred stock from Ohio, Kentucky, Tennessee, Illinois, New York, and other Eastern States, and added millions upon millions of dollars to the value of sheep wherever they are grazed in this country. If indeed the sheep has a hoof of gold, as tradition tells, it was fittingly found by the American farmer in the irrigated valleys of the greatest gold-producing State of the Union, the State of Colorado.

And what the farmers of the irrigated region have done for the sheep growers of America they are rapidly doing for the cattle-growing industry as well. The day of the great range herds is past. The grass is so eaten off each year that the cattle can no longer rustle and live through the long winters without being fed grains or grasses that are grown and harvested by the labor of man. There is no grass left in all that great Western country that will make beef except in Montana and in portions of Wyoming and South Dakota, and the cattle and sheep men are already fighting for the control of that region like dogs over a bone.

Western ranching is rapidly becoming a feed-lot proposition. The cows and the calves must be fed during the winter or there is no profitable growth or increase. They are already consuming millions of bushels of grain bought from the farmers of the Missouri Valley, but only a tithe of what they will consume in the near future. It is the inevitable evolution of the cattle-growing business throughout the West.

Already they are competing with the Eastern markets for the corn and oats of western and central Nebraska and Kansas, and in a few years, in the natural course of development that must go

on there, if you will assist us, they will remove from competition with the Mississippi Valley the great bulk of the corn from the cheap lands west of the Missouri River that now is the most potent factor in the control of the prices of the grain markets of this country.

And the fact that the cattle must be kept in smaller herds and handled in a much more expensive manner and upon high-priced feed requires that the quality of those cattle must be greatly improved in order to make their production profitable with all this added expense, and the ranchmen of the western country have been scouring the whole eastern portion of the United States for blooded cattle to improve their herds, and have added millions of dollars of value to the herds of all those regions, and they are the very backbone and foundation of the high prices for cattle that your producers of fine stock have been receiving for the last four or five years. So much for the scarecrow of competition from irrigated lands with the older settled regions of the country.

Instead of irrigation bringing competition to you of the Mississippi Valley and eastward, it will take away from you the competition that has been the hardest for you to meet—that of the cheap but productive farms west of the Missouri River, by furnishing the people in those regions a new and better market close at home.

Make our cheap lands high priced because of making us a market farther west and you will do the one thing that will do more than all others combined to make secure the high price of your own farm lands. But so much for the Western country as a market for your agricultural products. Let us look for a moment at what these States and Territories that are asking for this legislation have done and are doing by way of providing markets for the products of your manufactories and your mines in the East, and thereby offering greatly increased opportunities for your laboring men who toil in them and who operate them.

This is a commercial age, and ours the greatest commercial nation in all the world to-day. We must have markets to maintain our supremacy or our prosperity falls. The battle of the future will not be fought by armies for conquest and empire, but rather by the peaceful emissaries of trade to control the markets of the world. The nation will not be the most powerful that has the greatest enlisted armies or the most powerful battle ships upon the seas, but the one which, because of her commercial greatness, shall control the wealth of the world.

I do not wish to inject any politics into this discussion, nor will I, but we have been reaching out after markets across the Pacific Ocean and spending many millions of dollars in the attempt to, so we profess, in some way improve the condition of the people in the Philippine Islands. No matter how we may differ upon this question in general, I think we will all agree that they do not at present seem to appreciate all the expenditure in money and in effort we are putting forth in their behalf.

I am opposed to extravagance and waste in appropriations of public funds, but I am willing to say if we must expend hundreds of millions of money, taxed from the pockets of our own people, I would rather spend it here at home in the interest of the American people to provide free homes and opportunities for American citizens than to spend it on the other side of the world upon a people who do not seem to love us, who do not love the flag, and who would never rise to defend it in its hour of peril. [Applause.]

Mr. Chairman of the Appropriations Committee, if you will give us in the West a little of the money that you spend so freely in other portions of this country and in other portions of the world as well, we will build for you broader and better and closer markets than any you can find beyond the seas. We will build up a nation of men better than any you can find upon the other side of the world, because they will be white men, men of the mountains and men of the plains, men who will buy your goods and fight your battles for you, men who can ride far and shoot straight, men who will be the foundation of this nation's prosperity and credit in time of peace and the bulwark of her honor and glory in time of war. [Applause.]

Give us the opportunities for expansion and development offered by this legislation, and it will not be necessary to compel our appreciation of these blessings by a display of military power. [Applause.]

Let me give you a few figures by way of comparison of what we have already accomplished in that Western land in providing a market for you at your very doors. The commerce of the United States, both in imports and in exports, with the Philippine Islands in 1901 amounted to $5,427,706. The entire trade of those islands with all countries, both in exports and imports, in 1901 amounted to $55,500,000. Our entire export trade with all Asia and Oceania, including China and Japan, amounted in 1901 to $87,000,000.

The surplus products of the State of Nebraska alone, products that we sold to other States in exchange for products bought from them, amounted in 1901 to $225,555,160.89, as shown by the report of our bureau of labor and industry for that year, amounting to more than double that of all of our exports to the entire Orient with its 800,000,000 people. Yet, Mr. Chairman, the State which I have the honor to represent in part upon this floor contains a population of only a little over 1,000,000 of people. One million against 800,000,000, but the 1,000,000 people are white men and American citizens, and that tells the whole story. [Applause.] And we expended 90 per cent of that surplus with the people of the other portions of this Republic in the payment for goods and the settlement of our obligations, and the 10 per cent of profit upon it we deposited in our home banks, where it was immediately redeposited in your Eastern banks, and forms to-day a portion of the basis of credit upon which you carry on your commercial transactions; so you practically receive the benefit of it all.

This nation sold to the other people of the world of her manufactured products in 1901 the enormous sum of $412,000,000 in value. The surplus products of Nebraska, Kansas, and Colorado, only three of the thirteen States that are asking for this legislation, amounted in 1901 to over $775,500,000. You sold us goods for all of that which you did not receive in settlement of our prior debts to you. The surplus products of Nebraska, Kansas, Oklahoma, Colorado, and South Dakota amounted in 1890 to almost $900,000,000 in value, and yet the entire population of those five Commonwealths was only 3,877,570 in 1900.

Where else in all the world can you find a market that is of such value to you at present or offers such possibilities in the future, and which is absolutely all your own? The question is, Is the American Congress to-day big enough and broad enough to assist us in opening up the greatest natural opportunities and advantages yet left for national development in any place in all the world?

Mr. Chairman, this question is greater than the Philippine question, greater than the Cuban question, greater than the isthmian canal question, because of its great benefits and the magnificent opportunities that shall flow from it. It means the best markets and the best homes for the best nation on earth, and all the happiness and the prosperity which shall follow in its train shall be the common heritage of the American people, and nothing can take it from them. [Applause.]

This legislation appeals to me especially, because it is in the interest of our great agricultural population—a class of people who receive little enough consideration from the American Congress. No matter how much we may boast of our manufacturing and mining wealth, the growth of our cities, and our financial greatness, yet, in the finality, the farmer is the foundation of us all.

Like Atlas of old, he bears the very business fabric of the nation upon his back, and though at times bowed down by weight of woe because of panics or disasters which others bring upon the country, yet after the storms have rolled by if we will but let the farmer get his broad shoulders underneath our commercial structure once more and give him but a moiety of profit in his business, a little of the legislative justice to which he is entitled, he will stand again erect and in his rising he will lift us all. [Loud applause.]

Mr. MONDELL. I move that the committee do now rise.

Mr. LANHAM. Mr. Chairman, just a word. In the Fifty-second Congress, ten years ago, I had the honor to be chairman of the Select Committee on Irrigation of Arid Lands in this House. There were pending before that committee numerous bills relating to irrigation, and also concerning the reclamation of arid lands. After long deliberation the committee reached the conclusion that the proper solution of this question was the cession of the arid lands to the different States and Territories in which they were situated. Accordingly we reported a bill to that effect. I wish, as a part of my remarks and by way of my contribution to this debate, to reproduce in the RECORD the report then submitted and the bill then proposed.

The report and bill are as follows:

The Select Committee on Irrigation of Arid Lands in the United States, to whom was referred the bill (H. R. 6790) for the reclamation of the arid lands of the United States, and for other purposes, report the same to the House and recommend its passage.

Sundry bills, resolutions, memorials, and petitions have been referred to this committee during the present Congress relating to the subject of irrigation and the proper disposition of arid lands, the general trend of which has been favorable to the proposition of relegating these lands and the problems involved to State and Territorial control and administration.

The greater number of them has been of a general character, while others have been of local application, but all have been marked with the same distinct feature and uniform object, discovering a noticeable concurrence of opinion upon a subject-matter of vast public importance.

The vacant public domain of the United States, exclusive of Alaska, the Cherokee Strip (not yet opened to settlement), and certain other lands now claimed by Indians, is estimated by the report of the Commissioner of the General Land Office at 579,664,683 acres, surveyed and unsurveyed, in approximately equal proportions. The principal amount of this land is situated within what is known as the arid region, embracing the greater portion of the territory west of the ninety-seventh meridian of longitude, and contained

chiefly within the boundaries of the States and Territories named in the bill to which, respectively, it is proposed that cession shall be made by the United States.

According to the estimates of Government officials the arid region, including the semiarid plains, embraces 1,340,000 square miles. Of this about one-fourth lies in the Great Plains region east of the Rocky Mountain, which is principally arable land; another fourth is embraced in the Rocky Mountain belt, not more than one-third of which is arable; three-eighths lies in the Great Basin and Plateau region between the Rocky Mountains and Sierra Nevada, about one-half of which is arable; while the remaining one-eighth is embraced in ranges of the Sierras, and is in the main rocky and unsusceptible of cultivation. It is estimated that about one-fourth of the arid region is composed of rocky or mountainous nonarable land.

Major Powell, Director of the Geological Survey, has expressed the opinion that 100,000,000 acres of this arid region can be redeemed by irrigation through the utilization of stream waters.

Mr. Newell, as shown in Census bulletins, estimates that 70,000 acres of land are now irrigated in the semihumid plains region, and that about 4,000,000 acres are irrigated in the arid region proper. It can not be stated with accuracy what amount of irrigable lands yet remain unreclaimed.

The greater portion of the land proposed by the bill to be ceded is in its present condition of little practical value, but is capable of being appreciated beyond computation by processes of irrigation; but to accomplish its reclamation and successful development will require long time, careful treatment, and great expenditure of money. It is now comparatively an arid waste, forbidding to the home seeker, though fraught with untold possibilities. This land, urged by the necessities of our mighty civilization—the demands of our large and constantly increasing population for homes—the necessary development of its latent, though incalculable resources, cries out for redemption from its now unprofitable condition.

It is not in keeping with the progress of the age, the growth and dignity of our country, and the wants of our people that it should remain in its present unproductive condition. It must be rendered habitable. It can not, and ought not to, remain a perpetual wilderness and destitute of useful results. Either the United States must sooner or later accomplish its reclamation by direct appropriations from the Federal Treasury, by the construction and maintenance of irrigation works and the operation of the multiplied and manifold agencies for its development, or, failing so to do, it must leave it to the States and Territories within which it is embraced, in their own way to work out that salvation which is possible.

If the Federal Government is to do this work it may well take notice that the ultimate demands upon its Treasury will be enormous, far beyond any present accurate calculation, but certainly at an expense far in excess of anything it has yet encountered for any specific object of internal improvement, reaching even billions of dollars. Nor can the point be overlooked and ignored that if the National Government shall undertake the execution of this immense enterprise it must perform that function in an impartial and comprehensive manner; it can not afford to lavish its expenditures on any favored locality, but it will be constrained, in all fairness and propriety, to treat the distinct, special, and local problems of reclamation in a suitable way wherever they may arise, as well in one State or Territory as another.

To do all that will be expected of it, and that the exigencies will require, will be simply impossible of accomplishment. Nor is it believed that the taxpayers of the country remote from the arid region will be induced to consent to the outlay necessary for such a purpose. When the magnitude and far-reaching consequences of such a proposition are considered and understood in all their phases, it is reasonable to assume that thoughtful, prudent, and economic men will conclude that the General Government, essaying this object, has a work upon its hands from which it may well pray deliverance, if that deliverance can be had in a manner consistent with sound public policy, just to the whole people, advantageous to the people most directly concerned, and upon their voluntary acceptance of the burden and assumption of the responsibility involved.

If the General Government, with full knowledge of the colossal undertaking, will covenant with our Western people to go ahead with the enterprise, and prosecute the same to a successful conclusion, no serious objection is likely to be interposed by the States and Territories in the arid region. The immediate beneficiaries of such bounty would doubtless enter no protest. But the people of those States and Territories, recognizing the prevailing sentiment and realizing fully all the difficulties which encompass the situation, have reached the conclusion that the General Government will never do this work. They despair of any such prospect.

It would prolong this report too much to attempt an elaborate and detailed review of all the National Government has already done, the labor and money it has expended, the investigations it has conducted, the explorations it has made, the reconnoissances it has projected, the differentiations of irrigable lands it has disclosed, and the useful information and scientific data it has furnished in relation to the subject of irrigation and the reclamation of arid lands.

It has maintained bureaus. It has employed experts. It has made surveys, topographic and hydrographic. It has measured rainfall. It has gauged streams. It has defined catchment and drainage areas. It has located reservoir sites. It has investigated storm waters and their utilization, torrential flows and their conservation, the waters upon the earth and the waters under the earth, conditions of climate, the best methods of cultivating the soil by irrigation, and the agricultural results and possibilities which follow. It has even bombarded the skies and sought through explosives to wring waters from the reluctant clouds.

It has experimented in every field and quarter where any promise was offered for valuable result. It has sent out special and select committees, who have visited and examined the uttermost parts of the country in search of useful knowledge as the basis of appropriate legislation; it has created and organized committees in both Houses of Congress, which have spent months of time in hearing and yet longer periods in deliberations; it has furnished exhaustive reports, compilations, statistics, and suggestions; it has printed books, published volumes containing information, foreign and domestic, and issued instructive maps; it has invested all sources of research; it has reserved from settlement certain irrigable lands, and then again it has reopened the lands to occupancy which it had formerly segregated; it has experimented in legislation, as well as scientific examination, until it would seem that the era of education is completed and that the processes of national instruction may be discontinued without serious detriment to the Government.

It is not intended to underrate the importance and value of the great body of the work done by the Government in this connection; on the contrary, it must be conceded that much of it has been exceedingly useful and will be beneficially appropriated in the future. It has served to initiate careful inquiry and has apprised the people of what has been and may be accomplished in this and other countries. It has stimulated them by the wonderful solicitations to development and rewards to investment of effort and capital which it has discovered.

Why should the Government desire to longer retain proprietorship of this arid region? Why, for that matter, should it now have a vast domain of unappropriated public land? It only holds lands as a trustee and until they can be suitably settled and occupied, and is presumptively interested only to the extent that actual bona fide settlers may be accommodated. It is not supposed that it wants to retain them in order that they may be donated to corporations or given away as subsidies. Enough of that has already been done. Its administration of the land system in the past has not escaped severe censure.

The most valuable and desirable part of the public lands has long since been disposed of, and the time has come when the inducements to actual settlers upon the remaining portion must be supplemented by such development as will render it desirable for homes.

It must be tickled with water before it will smile in fertility and attraction to the homesteader, and yet the Government wants it to be occupied. The moment any settler perfects title to his homestead the Government cheerfully makes its transfer, and that settler becomes a citizen of the State wherein his land is situate, adding his taxable values to the State and his contributions to its material prosperity, maintaining his dual citizenship of the State and the United States. If the Government retains public lands for actual settlers, it is but a delusion, unless those lands are put in such condition as to make settlement possible. Having parted with its best lands, shall it continue to hold the refuse, when it is apparent there will be but few, if any, takers?

Is it economical for the Government to continue the administration of the arid lands and support the expensive machinery and supervision therewith connected in consideration of the proceeds derived from the sales of such lands for homestead purposes? Is not the outgo greater than the income from the standpoint of actual settlement? There is not likely to be any material diminution in the cost of such administration, while there is a comparative present exhaustion and will be a continued future limitation of lands available for actual occupancy, and must be a corresponding decrease of the amounts of money received from the sales of such lands.

It would seem that the Government is now engaged in a losing business from this point of view and that such loss will continually enlarge and grow more serious by pursuing the existing policy, until all the supposed heritage in these lands will have been absorbed and consumed by the cost of their administration. In this view of the case it would appear advisable for the General Government to relieve itself of the embarrassment under which it labors, if it can find some competent authority willing to assume the responsibility and to which the matter can be legitimately committed.

Attention is invited to that portion of the last Report of the Commissioner of the Land Office under the title of "The irrigation of the public lands," and especially to the following recommendation:

"A wiser plan, it seems to me, would be the transfer of the land and water to the direct control of the States, subject to such limitations and restrictions as would insure the reclamation of the land by the States and the transfer of title from the State in the first instance to actual settlers in quantity not exceeding, say, 160 acres of land to each settler."

Notice is also directed to his statement in the same connection in relation to the previous granting of "swamp lands" by the General Government and the unsatisfactory experience which ensued, as a sufficient argument in response to the alleged danger of the policy involved in the cession contemplated by the provisions of the bill now reported.

After a careful review of the whole question, we have arrived at the conclusion that the General Government will be benefited—that it will gain rather than lose by the proposed cession; that it will gain in the speedy reclamation of and settlement upon these lands; that it will gain in the acquisition and increase of a strong and self-supporting Western population; that it will be benefited in the opportunity that will be afforded for an outlet for its present and prospective millions of landless and homeless people, who now crowd, and will in future overflow, its dense and more populous Eastern States; that additions to popular well-being and prosperity will ensue; that fresh stimulus will be given to the States and Territories immediately interested to earnest endeavor for their own development; that local self-government, in all the problems involved, will assert its forces; that civilization will be advanced; that rich, waving fields and comfortable homes will make glad the solitary places which now abound in this dormant and unproductive region.

What will, what can the Government lose? What citizen, what State will begrudge their proportionate contribution of the heritage remaining in this fragment of the public domain to the people who are to redeem it? What sacrifice to either will be involved in surrendering these now barren wastes and hills and mountains? They will not go to aliens, but to our own people. It is worthy of notice that no serious protests from any Eastern State against the objects sought to be accomplished by this bill have found their way to your committee, notwithstanding the long time they have had the subject under consideration, and the public notice which has been given concerning the character of the measures upon which they have been deliberating.

We have been forcibly impressed with the conviction that suitable legislation upon this subject is imperatively demanded and can not well be longer postponed. Our conclusion is that the only solution of the question will be found in ceding these lands to the States and Territories. That this policy will ultimately prevail we confidently predict.

Can the States and Territories administer the trust which it is proposed to commit to their hands? Will they do so wisely and well? It is not contemplated that the burden shall be forced upon them. Their voluntary acceptance must precede the actual cession. It will be left to them, in their own sovereign capacity, to determine for themselves as to whether they will receive the grant.

We are led to believe that they will accept, with the conditions and reservations defined and stipulated. The Western people, almost with one accord, have united in asking this cession; they have signified their purpose and desire through legislative memorials; through the expression of large and representative conventions; through the resolutions of the great irrigation congress held at Salt Lake City in last September, composed of delegates from ten States and two Territories, and through numerous petitions from different parts of the country. That they are in earnest about the matter there seems to be no room for doubt.

A sufficient answer to the inquiry as to the ability and competency of the States to deal with this question is the fact that they are States, clothed with all the paraphernalia of statehood, invested with the power and charged with the responsibility of conducting their own affairs and conserving the liberties, property, and happiness of their people. If they can not be safely trusted in all that concerns the well-being of their citizens within the sphere of State legislation, then their existence as States is a blunder and a reproach and they ought to be remitted to mere dependencies upon the Federal Government. They are presumed to be intimately conversant with their own immediate necessities and conditions, and confidence must be reposed in the virtue and intelligence of their people.

If their legislatures are accessible to corrupt compassings, the responsibility will rest upon the people who choose them. If the voters of a State can make a wise selection in the case of a member of Congress, no reason is perceived why they can not exercise the same judgment in the election of a State legislator. Western men, as a rule, reflect as high types of real manhood, in all its better elements, as adorn American character in any quarter of the Union. They are heroic, patriotic, energetic, and self-reliant, and can

be depended upon for the performance of all the duties and obligations which devolve upon them.

If an illustration be required of the capacity of a State to administer its land system without supervision or interference upon the part of the General Government, the State of Texas, with its immense area, will furnish an instructive example. It has held out its own encouragement to immigration; it has invited capital in its own way; it has granted its lands at its own pleasure, both in preemptions in aid of education and for internal improvement; it has issued its own patents and exercised, without restraint, its own judgment in the disposition of its public domain.

It is content with its own management and would revolt at interference. It retained its lands when it entered the Union, without limitation or restriction upon its powers of administration and disposition. It is proud in its sovereignty of the soil and has demonstrated its ability to regulate its own affairs and execute its own land policies. It may be well argued that, with all the experience of the past and the benefits to be derived from the many lessons which that experience will afford, the States to which the cession may be made will prove themselves equal to the task they undertake. There is no apparent hazard in allowing them to make the experiment.

The objection which may be urged against the cession to the Territories before they are admitted as States of the Union, the doubt that the people would act wisely in the discharge of the trust, that the legislation on the subject might be reckless, and thus defeat the object to be attained, is largely met by pointing to the success which has attended the irrigation and reclamation of arid lands in the Territory of Utah. Irrigation in the United States by white men began in Utah in 1847, and has proved a most gratifying success under wise and conservative legislation, based largely upon actual experience. The waters have been so distributed and utilized by the settlers as to produce the very best results. Considering the scarcity of water and the vast area irrigated, there have been comparatively few conflicts over water rights.

The showing in the recent United States census of agricultural development gives a fair conception of what has been accomplished in that Territory. Crops were raised by irrigation in the census year ending June 30, 1890, on 263,473 acres, or 411.68 square miles, a trifle over five-tenths of 1 per cent of the entire area of the Territory. The aggregate number of farms was 10,757, and of these 9,724, or about nine-tenths, depended on irrigation, the remaining tenth being either stock ranches or farms in the northern end of the Territory, where the climate is less arid, or situated so high on the mountain sides that crops can be raised by what is known as "dry farming."

The irrigated farms in Utah are small, averaging from 20 to 30 acres each. It has not been the policy of the people of Utah to encourage the acquisition of large bodies of land, and the monopoly of water has been impossible. The laws were made to encourage and protect the settlers. The small holder had an equal opportunity for his proportionate share of water with the large holder. "The greatest good to the greatest number" is the prevailing idea and has always been strictly enforced. Water rights are considered sacred, and no theft is regarded more despicable than the theft of water in the irrigating season; no misdemeanor is more quickly or severely punished.

A people who in the past, under the most adverse circumstances, have done so much to reclaim the arid lands, who have turned what had been considered deserts into fruitful fields, may be trusted to manage the arid lands within their borders; besides the power will still remain in Congress to disapprove any legislation which the Territories may enact. These considerations would seem to remove any serious apprehensions in regard to making cession to the Territories. It has not been thought advisable to impose too many restrictions upon freedom of action by the States and Territories which may accept the provisions of the bill; all necessary power and discretion ought to be left with them.

The quantum of land that may be disposed of to any person, corporation, or association is limited to 160 acres. This, it was believed, would have the effect of preventing monopolies and syndicates from securing possession of large bodies of these lands to the detriment of the rest of the people, and might serve as a restraint upon rash legislation in this respect should the same be attempted.

The mineral lands are reserved to the United States. These lands have not been distinctively classified, and the special localities where minerals may exist can not be satisfactorily designated, but must be left in a great measure to the discoveries of prospectors. From the nature of the case it is impossible to specify the extent of these lands. They are usually found in mountainous localities unsuited to agriculture. It is not believed that material confusion and conflicts of jurisdiction are likly to arise in consequence of this reservation. Some advantage may result by the General Government's maintaining a uniform system of mining laws, applicable alike to all the States and Territories.

The forests and timbered lands are included in the cession. The following extract from the memorial of the Salt Lake City irrigation congress is a strong statement of the relation of the forests to the subject of irrigation, and presents, in brief, cogent reasons for embracing these lands in the grant:

"No mention is made in the resolutions of the congress of the preservation of the forests, but the subject is too intimately associated with that of irrigation to be divorced. The coniferous trees, such as constitute the timber growth on the mountain and elevated plateaus of the West, are exceedingly inflammable, and when once fire is communicated to them a vast destruction of values ensues. The loss from this cause, measured by the stumpage value of the timber alone, may be estimated without extravagance at $100,000,000 per year. The Federal Goverment has made some efforts to arrest this destruction, but wholly without success.

"It is from the States, or local agencies created by the States, that protection must be sought. To the settlers the preservation of the forests is a matter of grave importance. They are dependent upon them for fuel, fencing, and building materials; but this is by no means the limit of their interest. The forests on the mountain tops are the chief conservators of the waters that are to irrigate the valleys below. With their destruction the reclamation of the arid land ceases to be a problem and becomes an impossibility. An efficient and just system of preserving the forests from destruction by fire and applying them under proper restrictions to the use of settlers can not be otherwise provided and administered than by the States."

These are not the only reasons which support the proposition, but are deemed sufficient for the purpose of this report and to serve as a basis for more extended future discussion.

The committee, in their deliberations, have not overlooked the difficulties in the matter of interstate waters—the possible exhaustion, for irrigation purposes, of the waters of streams rising in and flowing through and from one State to another State or Territory before they reach the boundary line which divides them. They have realized the trouble involved in equitable distribution and prior appropriation of such stream waters, as well as the conflicting interests which may arise. Illustrations and object lessons in this connection, both of an interstate and international character, have not been wanting. These difficulties and conflicts, in the opinion of the committee, can not be removed nor obviated in any satisfactory manner by legislative enactment.

One State may possess natural advantages as to water and otherwise, which have not been provided for its adjoining neighbor, nor can the fortunate possessor of such natural advantages be debarred from the reasonable and necessary enjoyment which they afford. No legislation can equalize these conditions; nor is it probable that one State, knowing its natural advantages, would enter into any agreement with its less-favored neighbors which might involve the surrender or diminution of its existing superior conditions. Voluntary arbitration of differences are improbable, and appointive commissions could not adjust the inequalities.

There are periods of scarcity of water in these interstate streams, as well as flood times, attributable to natural causes. In the one case, the supply is wholly inadequate to the necessities of any considerable number of settlers upon their courses, even near the sources; in the other case, there is such a superabundance as to be even dangerous and destructive in localities remote from the sources. Statutes can not regulate these conditions, nor can interstate agreements control them. It will require more work and greater expenditure upon the part of some of the States and Territories than others to conserve and utilize the waters necessary for irrigation. More artificial agencies, such as constructing reservoirs, impounding storm waters, building dams, restraining and diverting torrential flows, and boring artesian wells, will have to be employed by one State or Territory than another, dependent upon its peculiar situation and environments.

Irrigation conveys the idea of supplementing and relieving natural wants by artificial means. The less favor nature has extended any given State or locality in affording it permanent water supply, the greater will be the burden to be overcome and the more exertion and expense will be required to cure the defect. Each State and Territory affected by the bill will, it is believed, better understand and more thoroughly appreciate its own peculiar condition and the specific problems which require solution, than it will be possible for Congress to do, and when it accepts the cession proposed it will do so with full knowledge of the responsibility assumed; it will take the grant cum onere, and upon its wise administration of the power conferred will depend its own prosperity and future success.

The lands which will be ceded if the bill becomes a law and its provisions are accepted by all the States and Territories therein named will amount to 558,141,374 acres, less whatever number of acres may have been taken up since the estimate in the report of the Commissioner, dated September 23, 1891, and deducting also the mineral lands, which, for the reasons before stated, can not be differentiated nor their extent determined, and are distributed as follows:

	Acres.
Arizona	55,061,005
California	52,299,499
Colorado	42,167,080
Idaho	33,781,851
Kansas	799,078
Montana	74,872,769
Nebraska	11,490,436
New Mexico	54,893,679
Nevada	53,689,524
North Dakota	16,135,440
Oklahoma	3,502,406
Oregon	39,220,151
South Dakota	14,085,394
Utah	35,428,987
Washington	20,401,691
Wyoming	50,842,434

It is deemed unnecessary to attempt any further analysis of the bill at this time. It is here subjoined for examination in connection with this report.

"*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That, subject to all rights, inchoate or perfected thereto, all the lands of whatever nature or description and rights thereto, including water rights, now belonging or appertaining to the United States, lying and being situated in the States of Nebraska, Nevada, South Dakota, North Dakota, Montana, Washington, Oregon, Wyoming, Idaho, Colorado, Kansas, and California, and in the Territories of New Mexico, Arizona, Oklahoma, and Utah, severally, with full and complete jurisdiction thereover, be, and are hereby, granted, ceded, and confirmed to said several States and Territories, the grant to each of said States and Territories to be of the lands contained within its present boundaries and territorial limits.

"And the President of the United States shall issue letters patent for the same to the said several States and Territories in this section designated whenever and as any of said States and Territories shall by an act of its legislature accept the disposition of the lands as herein provided, within the time hereinafter specified. This act shall in no manner affect any of the lands held by the United States for parks, naval, military, or other public purposes, nor any Indian lands, nor lands held in trust for or for use by Indians, nor mineral lands, nor shall it apply in any manner to the Territory of Alaska.

"SEC. 2. That the governors of the Territories of Utah, Arizona, Oklahoma, and New Mexico shall, within a reasonable time after the passage of this act, call special sessions, if need be, of their several legislatures, to take into consideration and pass upon the provisions of this act and the questions herein submitted to them, and may from time to time call such other sessions of their respective legislatures as may be rendered necessary; and the benefits of this act shall not accrue to any State or Territory which shall not have accepted the provisions thereof within four years from its approval.

"SEC. 3. That as soon as practicable after the issuance of letters patent to any State or Territory herein mentioned, for the lands therein situate, and from time to time thereafter as occasion may require, it shall be the duty of the Secretary of the Interior, at the expense of the United States, to cause to be delivered to the proper authorities of such State or Territory all maps, records, books, and papers, or certified copies thereof in case it may be necessary to retain the originals in the General Land Office, which may be necessary to such State or Territory for the proper control, administration, and disposition of such lands.

"SEC. 4. That no State or Territory accepting the cession of lands as herein provided shall in any case sell, lease, or dispose of said lands in greater quantity than 160 acres to any one person, corporation, or association, nor shall any such State or Territory in any manner impair or abridge the homestead privileges now granted to soldiers and sailors under the land laws of the United States."

The CHAIRMAN. The gentleman from Wyoming moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill S. 3057 and had come to no resolution thereon.

UINTAH RESERVATION, UTAH.

Mr. SUTHERLAND. Mr. Speaker, I call up the following privileged resolution.

The Clerk read as follows:

House resolution No. 238.

Resolved, That the Secretary of the Interior be, and hereby is, instructed and directed to transmit to the House of Representatives the results of the recent surveys and examinations of the agricultural lands and water resources of the Uintah Indian Reservation in Utah.

The question was taken, and the resolution was agreed to.

GNADENHUTTEN SPECIAL SCHOOL DISTRICT.

Mr. SNOOK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 11742) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district.

Be it enacted, etc., That lots 68 and 69 in the town of Gnadenhutten, Ohio, are hereby granted in fee simple to the Gnadenhutten special school district of Gnadenhutten, Tuscarawas County, Ohio.

The amendments recommended by the committee were read as follows:

In line 4 strike out the words "granted in fee simple" and insert the word "quitclaimed;" and in line 6, after the word "Ohio," insert the words "subject to the disposition and control of the board of education of said district."

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to inquire of the gentleman, reserving the right to object, what there is about the disposition of this land?

Mr. SNOOK. Mr. Speaker, I call this bill up for my colleague [Mr. CASSINGHAM], who is absent, and the facts are these; In 1824 the General Government ceded to the village of Gnadenhutten, in Ohio, two lots to be used for school purposes. They immediately built a schoolhouse on these lots. They were used until 1896, when the houses became too small and the space too limited for the uses of the village, and they had to buy a larger space of ground and build another school. The question is whether or not full title was ceded to the village when the land was ceded; and now they want this bill placing the equity of the Government in the special school district, so that they can sell the land.

Mr. PAYNE. This is to confirm the title.

Mr. GROSVENOR. Was there any limitation in the original grant?

Mr. SNOOK. It was for school purposes. They want it for a public school.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments offered by the committee.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SNOOK, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPRINT OF A BILL.

Mr. SCOTT. Mr. Speaker, I ask for a reprint of the bill (H. R. 8735) to apply a portion of proceeds of sale of public lands to the endowment of schools or departments of mining and metallurgy, etc., and the accompanying report.

The SPEAKER. The gentleman from Kansas asks for the reprint of a bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SOLOMON P. BROCKWAY.

Mr. GIBSON. Mr. Speaker, I wish to call up a conference report.

Mr. DALZELL. Has it been printed formerly?

Mr. GIBSON. It was printed several days ago.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the sum proposed by the Senate insert "twenty-four;" and the Senate agree to the same.

HENRY R. GIBSON,
A. B. DARRAGH,
Managers on the part of the House.
P. J. McCUMBER,
JOSEPH SIMON,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement was read, as follows:

Statement of House conferees to accompany conference report on H. R. 10545.

The House fixed the rate of the pension at $30 per month. The Senate reduced this rate to $20 per month. The conference report fixes the rate at $24 per month.

HENRY R. GIBSON,
A. B. DARRAGH,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

GEORGE W. BARRY.

Mr. GIBSON. I present another conference report and ask that the statement only be read.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the reading of the report be omitted and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The bill (H. R. 9544) granting an increase of pension to George W. Barry passed the House at $20. The Senate amended the same by striking out $20 and inserting $16.

The result of the conference is that the House recedes from its disagreement to the amendment of the Senate and agrees to the same, leaving the bill as it passed the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
RUD. KLEBERG,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. GIBSON, a motion to reconsider the several votes by which the conference reports were agreed to was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11657. An act allowing the construction of a dam across the St. Lawrence River;

H. R. 5094. An act for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

H. R. 3309. An act to remove charge of desertion against Ephraim H. Gallion;

H. R. 11591. An act for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check; and

H. R. 8129. An act to amend sections 4076, 4078, and 4075 of the Revised Statutes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4777. An act to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.; and

S. 5062. An act to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 11052. An act granting a pension to Nelson Johnson;

H. R. 7076. An act granting an increase of pension to Leath Gilliland;

H. R. 11495. An act granting a pension to Mary A. Bailey;

H. R. 3241. An act granting an increase of pension to Hinkley G. Knights;

H. R. 3678. An act granting an increase of pension to John Washburn;

H. R. 2606. An act granting an increase of pension to Albert H. Steifenhofer;

H. R. 11686. An act granting a pension to Eleanore F. Adams;

H. R. 5186. An act granting a pension to John Conter;

H. R. 3910. An act granting a pension to Dennis J. Kelly;

H. R. 13450. An act granting an increase of pension to Henry Hunt;

H. R. 13217. An act granting an increase of pension to Thomas W. Dodge;

H. R. 11812. An act granting an increase of pension to Martin Boice;

H. R. 11252. An act granting an increase of pension to Edwin M. Gowdey;

H. R. 7704. An act granting an increase of pension to Christianna Leach;

H. R. 3733. An act granting an increase of pension to Israel Haller;

H. R. 6030. An act granting an increase of pension to William G. De Garis;

H. R. 11249. An act granting an increase of pension to Katharine Rains Paul;

H. R. 9290. An act granting a pension to Frances L. Ackley;
H. R. 8003. An act granting an increase of pension to Louisa M. Macfarlane;
H. R. 2430. An act granting a pension to Lizana D. Streeter;
H. R. 10819. An act for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees;
H. R. 5273. An act granting an increase of pension to James Van Zant;
H. R. 13296. An act granting an increase of pension to Francis Scott;
H. R. 13613. An act granting an increase of pension to Charles G. Howard;
H. R. 10773. An act granting a pension to Archer Bartlett;
H. R. 10752. An act granting a pension to Harriet T. Milburn;
H. R. 8924. An act granting an increase of pension to George W. Mathews;
H. R. 11831. An act granting an increase of pension to John W. Acker;
H. R. 14241. An act granting an increase of pension to Peter Dugan;
H. R. 14184. An act granting an increase of pension to Andrew J. Fogg;
H. R. 13398. An act granting an increase of pension to George G. Sabin;
H. R. 14146. An act granting an increase of pension to John Murphy;
H. R. 12797. An act to ratify act No. 65 of the twenty-first Arizona legislature;
H. R. 1741. An act granting an increase of pension to Griffith Evans;
H. R. 5984. An act granting an increase of pension to William H. Van Riper;
H. R. 9496. An act granting a pension to Forrest Andrews;
H. R. 351. An act granting an increase of pension to Robert Carpenter;
H. R. 11599. An act to redivide the district of Alaska into three recording and judicial divisions; and
H. R. 14380. An act to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for purchase of a steam launch for the penitentiary at McNeil Island, Washington—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for rental of temporary quarters at Springfield, Ill.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for purchase of a dictionary of the Spanish language—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5741) granting a pension to Martha E. Kendrick, reported the same without amendment, accompanied by a report (No. 2464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5506) granting an increase of pension to Clayton P. Van Houten, reported the same with amendment, accompanied by a report (No. 2465); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3292) granting an increase of pension to Henry Loor Reger, reported the same without amendment, accompanied by a report (No. 2466); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4190) granting a pension to Fredereka Seymore, reported the same without amendment, accompanied by a report (No. 2467); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5856) granting an increase of pension to Elizabeth A. Turner, reported the same with amendment, accompanied by a report (No. 2468); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 332) granting an increase of pension to Louisa A. Crosby, reported the same without amendment, accompanied by a report (No. 2469); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4183) granting an increase of pension to Oceana B. Irwin, reported the same without amendment, accompanied by a report (No. 2470); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1205) granting a pension to Isabella H. Irish, reported the same without amendment, accompanied by a report (No. 2471); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14732) granting an increase of pension to Grace M. Read, reported the same with amendment, accompanied by a report (No. 2472); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9611) for the relief of Maria M. C. Smith, reported the same with amendment, accompanied by a report (No. 2473); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6332) granting a pension to Michael Conlon, reported the same with amendment, accompanied by a report (No. 2474); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14182) granting an increase of pension to Susan B. Lynch, reported the same with amendments, accompanied by a report (No. 2475); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13634) granting an increase of pension to Helen Olivia Leckie, reported the same with amendments, accompanied by a report (No. 2476); which said bill and report were referred to the Private Calender.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 931) granting a pension to Huldah A. Clark, reported the same with amendments, accompanied by a report (No. 2477); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 4337) providing for the safety of persons on waters under the jurisdiction of the United States, reported the same adversely, accompanied by a report (No. 2478); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. NEEDHAM: A bill (H. R. 15068) providing for the resurvey of certain townships in San Diego County, State of California—to the Committee on the Public Lands.

By Mr. MERCER: A joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902—to the Committee on Public Buildings and Grounds.

By Mr. HAY: A resolution (H. Res. 301) as to expenditures of money in the island of Cuba—to the Committee on Insular Affairs.

By Mr. DALZELL: A resolution (H. Res. 302) providing for

continuation of index of reports of House committees—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COUSINS: A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 15070) granting an increase of pension to Solomon Denny—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15071) granting a pension to Louisa M. Sippell—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 15072) granting a pension to Eliza J. Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15073) granting a pension to Minerva Hunt—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 15074) granting an increase of pension to George F. White—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 15075) granting an increase of pension to Ransom D. Pratt—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 15076) granting a pension to Mary E. Mahan—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 15077) for the relief of the heirs of John Hamilton, deceased—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 15078) granting an increase of pension to Hiram Prussia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15079) granting a pension to Catherine Lenihan, now Hairsine—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 15080) granting a pension to Phœbe B. Colton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15081) for the relief of George W. Buxton—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 15082) granting a pension to Samuel Goodwin—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 15083) authorizing the President of the United States to nominate Capt. Charles Edgar Clark, United States Navy, to be a rear-admiral of the senior grade on the active list—to the Committee on Naval Affairs.

By Mr. SLAYDEN: A bill (H. R. 15084) granting an increase of pension to James H. Powell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Petition of numerous citizens of Buffalo, N. Y., and vicinity, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of West Side Woman's Christian Temperance Union, of Buffalo, N. Y., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Resolutions of the Board of Trade of Providence, R. I., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Resolutions of the Board of Trade of Providence, R. I., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COWHERD: Papers to accompany House bill relating to the claim of George W. Buxton—to the Committee on Claims.

Also, papers to accompany House bill granting a pension to Smith B. Nunn—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of a committee of the Pure Oil Company, of Pittsburg, Pa., protesting against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 202, Brotherhood of Carpenters and Joiners, Pittsburg, Pa., favoring the amended irrigation bill and the Senate amendment to the sundry civil bill—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the State League of German Catholic Societies of Pennsylvania, in relation to the Catholic Federation, etc.—to the Committee on Education.

Also, resolutions of Mine Workers' Union No. 1234, of Tarentum, Pa., in regard to restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GREEN of Pennsylvania: Remonstrance of the General Synod of the Reformed Church of the United States against the publication of the so-called Jefferson Bible—to the Committee on the Library.

By Mr. HOWELL: Petition of the common council of Hoboken, N. J., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Turn Verein of New Brunswick, N. J., against some provisions of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MCCALL: Memorial of Charles Francis Adams, Andrew Carnegie, C. Schurz, Edwin Burritt Smith, and Herbert Welsh, for the appointment of a committee of Congress to proceed to the Philippine Archipelago to investigate the conditions there, and for other purposes—to the Committee on Rules.

By Mr. MIERS of Indiana: Paper to accompany House bill 14425, granting an increase of pension to Henry W. C. Miller—to the Committee on Invalid Pensions.

Also, petition of Post No. 196, of Jasonville, Grand Army of the Republic, Department of Indiana, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Papers to accompany House bill granting increase of pension to James H. Powell—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Petition of 12 citizens of Ohio County, Ky., to accompany House bill 10768, for the payment of property lost in the war of the rebellion—to the Committee on War Claims.

By Mr. STEELE: Petition to accompany House bill 12251, for reimbursement of Ephraim Clendenning, William Mussellman, and Jacob R. Miller, bondsmen of Isaiah W. Eurit, late postmaster at Macy, Ind., together with 14 affidavits, praying for reimbursement by reason of loss incurred on account of the negligence of others and through no fault or neglect on the part of the bondsmen—to the Committee on Claims.

By Mr. WACHTER: Petition of Mahlon Hamilton, heir of John Hamilton, deceased, for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. WILCOX: Resolution of the Chamber of Commerce of Honolulu, H. I., asking permission to J. W. Mackay, of the Commercial Cable Company, to lay electric cable between the mainland and the Territory of Hawaii—to the Committee on the Territories.

Also, resolutions of the Chamber of Commerce and Merchants' Association of Honolulu, asking the United States to grant aid to the Territory for the payment of claims caused by burning of a part of the city of Honolulu to eradicate the bubonic plague in 1900—to the Committee on Claims.

By Mr. YOUNG: Petition of the Pure Oil Company, of Pittsburg, Pa., in opposition to the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *June 13, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 4103) granting a pension to William C. Hickox;

A bill (H. R. 8794) granting an increase of pension to Henry I. Smith;

A bill (H. R. 9544) granting an increase of pension to George W. Barry; and

A bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway.

The message also announced that the House had passed a bill (H. R. 11742) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.;

A bill (S. 5062) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brooks, subject to the approval of the Secretary of War;

A bill (H. R. 3309) to remove the charge of desertion against Ephraim H. Gallion;

A bill (H. R. 5094) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

A bill (H. R. 8129) to amend sections 4076, 4078, and 4075 of the Revised Statutes;

A bill (H. R. 11591) for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check; and

A bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Iron Molders' Local Union No. 51, of Evansville, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 301, Order of Railway Conductors, of Seymour, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented the petition of William H. Covell, of Providence, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which was referred to the Committee on Immigration.

Mr. MASON presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by the people, and also praying for the repeal of the tariff on meat; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Trades and Labor Council of Streator, and a petition of Local Division No. 235, Order of Railway Conductors, of Freeport, in the State of Illinois, praying for the passage of the so-called Grosvenor anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

Mr. ELKINS presented a petition of sundry citizens of West Virginia, praying for the enactment of legislation providing for the erection of a monument at New Martinsville, in that State, to perpetuate the memory of James Morgan and Morgan Morgan; which was referred to the Committee on the Library.

Mr. HARRIS presented a petition of Parson Lodge, No. 298, International Association of Machinists, of Parsons, Kans., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. McLAURIN of Mississippi presented a petition of the Epworth League of the Metropolitan Methodist Episcopal Church, of Washington, D. C., praying for the enactment of legislation to regulate the immigration of aliens into the United States, and also to prohibit the sale of intoxicating liquors at immigrant stations; which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of the selectmen of Winthrop, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post Roads.

ALLEGED ILL TREATMENT OF AMERICANS IN ECUADOR.

Mr. MASON. I ask unanimous consent to have printed in the RECORD a short article showing the illegal imprisonment of American citizens in Ecuador. I ask that it be printed, omitting the head lines. It is very short and will make less than a column.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

[By Jos. Ohl.]

WASHINGTON, *June 3, 1902.*

Damages aggregating many thousands of dollars are to be claimed of the Government of Ecuador for the illegal imprisonment and the ill treatment in many other respects of citizens of the United States.

Former United States Senator Thurston, of Nebraska, and former Congressman John S. Wise, of New York, represent several of the claimants, and the allegations upon which these claims are based reveal a state of affairs in the Republic on the west coast of South America which may call for strenuous action by the United States Government.

American citizens have, it is alleged, been thrown into the filthy jails of the Republic on charges of the most trivial nature; have been held under the disgraceful peon law at the will of petty magistrates from whose action there is no appeal; have had their lives jeopardized and their health broken—the sole purpose, apparently, being to force from them the payment of blackmail.

One man has been under treatment at the Providence Hospital in this city, his constitution a wreck, his chances for life apparently small, because he was cast into one of the jails of Ecuador and was given no opportunity for a hearing on his case and no chance to communicate with the American authorities. Several other well-known Americans who have suffered at the hands of the Ecuadorian officials are now in this country and have placed their cases in the hands of the attorneys mentioned, in the hope that by demanding redress through the officials of this Government the Ecuadorian Government may be forced to respect the rights of Americans m the future.

Up to 1898 there were but few Americans in the country, but in that year an Anglo-Saxon Company closed a contract with the Government of Ecuador to extend the railroad—then in operation from Guayaquil to Chimbo, a distance of 55 miles—from Chimbo to Quito, the capital, a distance of about 250 miles. The enterprise involved the expenditure of millions and the employment of thousands of men. The president of the company, the general manager, and nearly all the officers and contractors are Americans.

Labor was difficult to obtain, and the J. P. McDonald Company, which contracted with the syndicate to build the road, imported from 4,000 to 6,000 Jamaicans and a few hundred Porto Ricans. As is generally the case in works of this kind, there was more or less friction and there were controversies among the Americans themselves and between the Americans and the natives.

Americans who are familiar with conditions in that country charge that a more ignorant, tyrannical, and corrupt set of rascals could not possibly be found than the police officials, or many of them. There have been many complaints of outrages committed by these officials upon Americans, but so far no redress has been obtained except that in one or two instances the magistrates have been dismissed. Most of the Americans have, from motives of policy, endured these wrongs in silence, but now several of them propose to seek compensation for their sufferings.

One of these is John W. Conner, a citizen of Knoxville, Tenn., and a man of prominence. He was a delegate to both of the national conventions which nominated Mr. McKinley. At one time he held a good Government position in Porto Rico, but he resigned that to take a railroad contract under the McDonald Company. A dispute with some of the native transporters of merchandise, which is carried over the mountains in Ecuador on the backs of mules and Indians, resulted in his being arrested by the police magistrate of Alausi and thrown into a filthy jail without even the formality of a trial. Mr. Conner's description of these jails shows them to be pest holes of filth and disease beyond anything that the people of the United States can imagine. As the amount involved was small, and as Conner was willing to submit to almost anything rather than incur the risk of disease in that pest hole, he paid what was demanded and was released after a short incarceration. He is now suing for illegal imprisonment.

Mr. M. J. Bolan is a native of Springfield, Ohio, a railroad contractor and a gentleman who enjoys the respect and esteem of those who know him. Something of his troubles has become known through the cabled reports from Guayaquil, and the vigorous action of the late consul-general, Mr. De Leon, in forcing the authorities to release him from jail. This was only accomplished, however, after he had been illegally imprisoned for nearly four days. Bolan was a foreman, or camp boss, for one of the subcontractors, Mr. Shea. Two natives, who claimed that Shea owed them money for procuring peons to work on the road, entered into a conspiracy with a police magistrate of Alausi named Merchan to force Bolan to pay the money claimed or to extort it from the railroad company. Early in December this magistrate had Bolan thrown into jail on a charge of refusing to pay the sums claimed by his coconspiraters. Bolan claimed that he was merely an employee of Mr. Shea, which was a fact, and it was shown that Mr. Shea had made no contract of the kind claimed.

Nevertheless Bolan was thrown into jail on the judgment of Magistrate Merchan, who held that he owed the two natives 2,400 sucres, the sucre being nearly 50 cents American. He was released on bail after his first arrest, but was later taken by a squad of soldiers and cast in jail under the order of the magistrate that he stay there until the sum was paid. The magistrate, under the law, did not have jurisdiction in cases involving more than 160 sucres, but that made no difference in the result. It seems that the magistrates, who are usually men of no standing or qualification for a judicial office, can not be appealed from. Under the so-called peon law their power is absolute. Even the president of the Republic can not pardon one of their victims. He must pay the amount adjudged against him or submit to perpetual sentence in one of the vile prisons.

Bolan was finally permitted to remain at liberty to employ a lawyer or consult with the company. He went to Victoria and appealed to the American consul-general. Mr. Perry Allen, an American lawyer now in Ecuador, but a resident of Washington, was engaged to represent him. Bolan went to Guayaquil and there was rearrested and thrown into jail. After he had been imprisoned seventy-seven hours his release was effected by Consul-General De Leon. A third, fourth, and fifth attempt was made to arrest him and take him to Alausi in chains, but De Leon refused to give him up. It was only after the consul-general had threatened to cable for a war ship that the authorities permitted Bolan to leave the country.

It was for his strenuous action in this case that the Ecuador authorities declared De Leon persona non grata. This seems to be a favorite method resorted to by some of the South American republics to get rid of a diplomatic representative of another government who insists in securing protection for American citizens. Bolan suffered seriously, both in pocket and in health, by the action of the Ecuadorian officials, and says that but for Consul General De Leon he might have died in jail. He was ill for two weeks or more with fever while refugeeing at the consulate.

A number of other outrages were from time to time perpetrated upon Americans. An explosion occurred at one point of the work on the railroad and a workman was killed. The American in charge, a Mr. Regan, was arrested and taken to prison in Chimbo with a rope around his neck. On his arrival, after a 25-mile tramp through mud knee deep, he was put in stocks formed of heavy timbers and iron bars. He was kept in prison several days, was denied a hearing, but was finally released without even a charge having been brought against him.

D. C. Stapleton, vice-president and general manager of a mining company, who is a friend of Speaker HENDERSON, was thrown into jail by the judge, a barefoot, half-naked negro, who told him there was no charge against him, but that the friends of the judge, other negroes and half-breeds, clamored for his imprisonment. He was kept in the unspeakably foul jail one night and part of the following day, the jail being surrounded by a howling mob crying out, "Kill the Gringo." Their animosity was due to Stapleton's

having refused to have certain business dealings with them. He was finally released without trial.

Some idea of life in Ecuador can be gathered from the experience of the wife of the Spanish minister. She is an Italian lady and a devout member of the Catholic Church. After being out for a walk or a ride, she went into a church at Quito with her hat on. In Italy ladies enter churches with their hats on, but in Quito they do not. Wholly unaware of this edict of custom, she went into the church wearing her hat. A fanatical woman rushed up to her, struck her a severe blow in the face, tore her hat from her head, the hat pin inflicting a deep wound. The incident naturally created a great sensation, but the assailant of the minister's wife escaped discovery. Not long ago the lives of the American missionaries were threatened by a mob. General Alfaro, then president, furnished them a guard and put down the demonstration by threatening the archbishop that he would be held responsible if any harm accrued to the persons or property of the missionaries.

Of all the cases of Americans, that of Leonard Selser presents the best evidence of the terrible results following incarceration in the jail of Ecuador. That they are pest holes of indescribable filth and loathsome disease seems to be clearly demonstrated by his experience.

Selser is a native of Minnesota. He and two companions became involved in a difficulty with a citizen in which they got the better of it. All, it seems, had been drinking some. They were pursued by the police and beaten and mangled in a most shocking manner. Selser received three machete cuts over his head. In self-defense he shot and mortally wounded one of his assailants. He was thrown into jail, where he was insensible over twelve hours. Despite his wounds and desperate condition physically, he was kept in chains, hand and foot, eighteen days and then taken to Guayaquil, where he was imprisoned nearly ten months without preliminary trial. A prominent attorney of Ecuador, a native of the country, furnishes this description of the jail in which Selser was confined for ten months without being given the preliminary hearing guaranteed by the code:

"Within each cell there are barrels of excrement; the prisoner is never allowed to breathe fresh air in the courtyard, and never knows what a bath is. In the poisoned air of a damp cell and in an exasperating climate like that of this city, the most robust person may contract a mortal disease after thirty days' confinement. A judge who wants to assassinate an accused has only to delay the procedure and extend it indefinitely or eternally."

Selser was not allowed to communicate with the American officials, and it was not for about ten months after his arrest that the consul-general learned of his plight. By that time his condition was so pitiful and the representations of the consul-general were so strenuous that the officials became scared and allowed Selser to go aboard the cruiser *Philadelphia*, which had been sent to Ecuador to investigate the complaints of Mr. De Leon. The man was taken on the *Philadelphia* as far as Panama, and, by the aid of the sailors on that ship, who raised a purse for him, he got to New York. He is now a physical wreck. He went into prison a robust man: at Panama he weighed only 112 pounds, and he is now in a very feeble condition, from which he may never recover.

The persecutions inflicted upon Americans have, in a number of cases, been under the guise of the peon law, which is denounced by Americans as one of the most disgraceful that stains the statutes of any nation. While technically this law can not apply to cases of alleged indebtedness of foreigners, the petty magistrates seem to have arbitrarily so applied it. That was done in the Bolan case and in several others.

This peon law was enacted when slavery was nominally abolished to give the landowners absolute control of the bodies and, it would seem, the souls of the laborers, relieving them of all the responsibility that ownership of slaves would involve, but at the same time giving them the profit and advantage to be derived from the labor of the serfs so long as they are able-bodied.

It is asserted that Southern slavery, in its worst form, under the most brutal overseer, was a boon and blessing compared to this peonage system in Ecuador.

It is under this peon law that Bolan and other prominent Americans have been cast into the jails by magistrates from whose decisions there is no appeal under the law of Ecuador, no matter how corrupt the magistrate may be or how shocking to justice is his decision.

ELECTION OF UNITED STATES SENATORS.

Mr. GALLINGER. Mr. President, I have heretofore submitted two lists of references relative to the election of United States Senators by the people. It is found upon examination that in these lists some omissions were made, and I now submit a list corrected and extended to June 12, 1902, also the principal documents relative to the same subject and introduced in Congress during the same period of time. I move that the papers be referred to the Committee on Printing.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 168) for the relief of Riley Moutrey, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 6117) for the relief of George Lea Febiger; and

A bill (S. 6004) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, etc.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3817) for the relief of Isabella Ray McGunnegle, widow of the late Lieut. Commander Wilson McGunnegle, United States Navy, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

A bill (S. 3766) for the relief of Simeon Motz, Nathaniel Robbins, and William J. Sloan;

A bill (S. 3829) for the relief of B. F. Moody & Co., or their legal representatives; and

A bill (S. 4044) for the relief of J. G. Vincent.

Mr. WARREN. I report adversely 17 several bills and 1 joint resolution, and ask that they be postponed indefinitely, because the subject-matter contained therein has been provided for in other enactments.

The bills and joint resolution were postponed indefinitely, as follows:

A bill (S. 242) for relief of heirs of Philip C. Rowe;

A bill (S. 243) for the relief of the Atlantic Works, of Boston, Mass.;

A bill (S. 1023) for the relief of George L. Merrill;

A bill (S. 1599) for the relief of the State of California;

A bill (S. 3905) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.;

A bill (S. 3906) for the relief of the trustees of the German Evangelical Church of Martinsburg, W. Va.;

A bill (S. 4090) authorizing the Secretary of the Treasury to ascertain, allow, and pay the claims of certain States for all moneys by them advanced and actually paid or assumed to aid the General Government in maintaining the national defense when carrying on the war of the rebellion;

A bill (S. 3941) for the relief of the Winchester and Potomac Railroad Company;

A bill (S. 4059) for the relief of George B. Caldwell, as administrator of Hamlin Caldwell, deceased;

A bill (S. 3924) to refer to the Court of Claims the war claims of the State of New Hampshire;

A bill (S. 93) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.;

A bill (S. 240) for the relief of heirs of Philip C. Rowe;

A bill (S. 241) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively;

A bill (S. 926) for the relief of William A. Starkweather;

A bill (S. 41) for the relief of St. Charles College;

A bill (H. R. 1795) for the relief of Jeronemus S. Underhill;

A bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.; and

A joint resolution (S. R. 11) to refer certain claims of the States of Ohio, Indiana, Illinois, and Michigan to the Court of Claims for adjudication.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 14144) granting an increase of pension to Fannie S. Cross, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5970) to amend an act entitled "An act to incorporate The National Florence Crittenton Mission," reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on the District of Columbia, to whom was referred the bill (S. 5922) to authorize the Potomac Western Railroad Company to construct a railroad through the Arlington Reservation, and over, upon, and through certain streets and reservations in the District of Columbia, and over and upon the new highway bridge across the Potomac River, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6079) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia, reported it without amendment, and submitted a report thereon.

G. G. DAVISSON.

Mr. McCUMBER, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3830) entitled "A bill for the relief of G. G. Davisson," now pending in the Senate, together with all the accompanying

papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BENTON L. PHILLIPS AND OTHERS.

Mr. TALIAFERRO, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 4040, S. 4692, and S. 4694) entitled, respectively, "A bill for the relief of Benton L. Phillips," "A bill for the relief of Homer W. Styron," and "A bill for the relief of James W. Adams and of the estate of Solomon N. Adams," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

N. W. JONES AND MARY A. PAYNE.

Mr. McLAURIN of South Carolina, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 3863 and S. 3814) entitled "A bill for the relief of N. W. Jones" and "A bill for the relief of Mary A. Payne," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MASON introduced a bill (S. 6149) amending the civil-service law; which was read the first time by its title.

Mr. HOAR. If the bill be not a long one I should like to have it read.

The bill was read the second time at length, and referred to the Committee on Civil Service and Retrenchment, as follows:

Be it enacted, etc., That the civil-service laws and rules are hereby amended so that all honorably discharged soldiers who served in any war in the United States Army shall be eligible for appointment to the positions of messengers, watchmen, skilled laborers, laborers, or doorkeepers without passing an educational or any other test, and that said honorably discharged soldiers shall have the preference for such appointments: *Provided*, That they are of good character and possess the ordinary qualifications that apply to such positions outside of the existing civil-service rules.

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. MONEY introduced a bill (S. 6150) for the relief of the estate of Augustus Catchings, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 6151) granting an increase of pension to Henry E. Burton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6152) granting an increase of pension to Cornelia M. Clagett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6153) granting an increase of pension to William Lowe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6154) to authorize the erection of a monument at New Martinsville, W. Va., in memory of James Morgan and Morgan Morgan; which was read twice by its title, and referred to the Committee on the Library.

Mr. FOSTER of Washington introduced a bill (S. 6155) granting an increase of pension to William Markle; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6156) for the relief of Augustin Walsh; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 6157) creating a national board of pardons; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6158) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BEVERIDGE introduced a bill (S. 6159) granting an increase of pension to Theodore O. Winans; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6160) granting a pension to James M. Moore; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a joint resolution (S. R. 114) providing for the laying of pneumatic tubes in the District of Columbia; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. FORAKER submitted sundry amendments intended to be proposed by him to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the Government of Porto Rico; which were referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

HAWAIIAN INVESTIGATION.

Mr. MITCHELL. I submit a resolution which I ask may be read and referred to the Committee on Pacific Islands and Porto Rico.

I desire to state in this connection that if the committee should be raised, as proposed by the resolution, I wish it understood that I could not serve on the committee, even if I were appointed. I have other engagements for the summer, and therefore I am to be relieved from the suspicion of any effort on my part to get up a committee for the purpose of a summer outing. I ask that the resolution be read and referred.

The resolution was read, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate, inquire into, and ascertain the general condition of the islands of Hawaii, the administration of the affairs thereof, the area, condition, quality, and value of the public lands, the leasing, selling, or disposing thereof, and to make such recommendations as may be deemed necessary; to investigate and ascertain the area, condition, quality, and value of the crown lands, the rents, issues, or other revenues or proceeds received therefrom since January 17, 1893; whether or not the former queen of said islands now possesses any legal or equitable right, title, or interest in or to the same; the granting of franchises or other privileges, the question of immigration, the condition of labor therein, and to inquire into and report upon all other necessary matters pertaining to the executive, legislative, judicial, educational, tax, school, financial, and other systems thereof.

For the purposes aforesaid said committee, or a subcommittee thereof appointed by the chairman, shall have power to send for persons and papers, to visit the islands, to administer oaths, to sit during the recess of Congress; and said committee shall report at the beginning of the next session of Congress the result of its investigations, the expenses of said investigation to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER. By whom was it offered?

The PRESIDENT pro tempore. By the Senator from Oregon [Mr. MITCHELL].

Mr. HOAR. I desire to ask the Senator from Oregon to consent to a modification of the resolution, to which I have no doubt he will agree.

Mr. MITCHELL. In what respect?

Mr. HOAR. I will state it. After the reference to an investigation of the queen's title to lands I should like to insert:

Or whether said queen has any claim against the United States, legal or equitable, by reason of having parted heretofore with her title therein.

Mr. MITCHELL. I accept that modification.

Mr. HOAR. I want to have that authority included.

Mr. MITCHELL. I simply desire to bring the whole matter to the attention of the committee.

Mr. ALDRICH. What is the amendment?

The PRESIDENT pro tempore. The resolution will be read as proposed to be amended.

Mr. HOAR. I understand that it is a modification of the original resolution.

The PRESIDENT pro tempore. The resolution will be modified as follows——

Mr. MITCHELL. I accept the amendment.

Mr. COCKRELL. I hope it will appear in the RECORD as accepted by the author of the resolution, and not passed upon by the Senate.

Mr. MITCHELL. Certainly; because I desire to have the whole matter come before the committee.

Mr. COCKRELL. I am willing to have it come in as part of the inquiry proposed without having been adopted as an amendment in the Senate.

Mr. MITCHELL. Certainly.

The PRESIDENT pro tempore. As modified by the Senator from Oregon, the resolution will be referred to the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER. I wish to make a parliamentary inquiry. I do not know what the practice is in such matters. The resolution will go, I suppose, to the committee, and then after the committee shall have acted it would have to go to the Committee on Contingent Expenses.

Mr. GALLINGER. If the committee act favorably.

The PRESIDENT pro tempore. If favorably acted upon it would then go to the Committee on Contingent Expenses.

Mr. PLATT of Connecticut. There has been so much confusion in the Chamber that I have not been able to understand what the resolution is. I wish the first part of it might be reread.

The PRESIDENT pro tempore. It will be read as modified.

The Secretary proceeded to read the resolution, and read as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate, inquire into, and ascertain the general condition of the islands of Hawaii——

Mr. PLATT of Connecticut. Is there a provision in the resolution that they are to visit the islands?

The PRESIDENT pro tempore. There is.

Mr. PLATT of Connecticut. I hope the committee will not report back any such resolution.

The PRESIDENT pro tempore. The resolution has gone to the Committee on Pacific Islands and Porto Rico.

Mr. MITCHELL. It is not the time now to discuss it.

REBECCA J. TAYLOR.

Mr. BERRY. Mr. President, I desire to make a motion to reconsider the vote by which the resolution introduced by the Senator from Tennessee [Mr. CARMACK] in regard to Miss Taylor was referred on yesterday to the Committee on Civil Service and Retrenchment. The Senator from Tennessee went away day before yesterday, and asked me to request the Senate that the resolution retain its place upon the table. I was called out of the Chamber and was not present at the time it was referred, and I ask now that the vote may be reconsidered so that it may be placed on the table and that the Senator from Tennessee may hereafter have an opportunity to make some remarks on it.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the vote by which the resolution in relation to a Miss Taylor, offered by the Senator from Tennessee [Mr. CARMACK], was referred to the Committee on Civil Service and Retrenchment be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. BERRY. I ask that the resolution lie upon the table, subject to the call of the Senator from Tennessee.

The PRESIDENT pro tempore. The Senator from Arkansas further asks that the resolution lie upon the table, subject to the call of the Senator from Tennessee.

Mr. HOAR. What resolution is it?

The PRESIDENT pro tempore. A resolution relating to the discharge of a Miss Taylor from the Government service.

Mr. PLATT of Connecticut. I have no objection to that course. If the Senator calls it up, I shall be very glad to be present, and if I am absent I hope some of the pages will notify me.

The PRESIDENT pro tempore. It is so ordered, as requested by the Senator from Arkansas.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. From the Committee on Appropriations, I report back with amendments the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, and I also submit a brief report explaining the nature of the amendments. I desire to give notice now that at the earliest practicable moment, consistent with other pressing business of the Senate, I shall ask for the consideration of the bill. If an opportunity should occur to-morrow, I will be glad to call it up some time to-morrow. I do not wish to interfere with the necessary debate upon the canal bill, but if there should be an opportunity I shall be glad to call it up to-morrow morning.

Mr. NELSON. I trust the Senator——

Mr. ALLISON. One moment further. I ask that 500 extra copies of the bill with the amendments may be printed for the use of the Senate.

The PRESIDENT pro tempore. The bill will be placed on the Calendar. The Senator from Iowa asks that 500 additional copies may be printed. Is there objection? The Chair hears none, and it is so ordered.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART. I give notice that in case the Choctaw treaty bill is reconsidered I will offer what I send to the Chair as a substitute for section 32.

Mr. BAILEY. Let me suggest to the Senator from Nevada that we consider the vote reconsidered, so that he may offer the amendment, because I take it that he is not willing to stand on the bill in its present shape.

Mr. STEWART. No, I will not do that. I will simply have the amendment printed. It is a substitute for section 32, about which there is controversy.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. In lieu of section 32 of the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, insert the following:

SEC. 32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein.

The PRESIDENT pro tempore. The amendment will lie on the table, and be printed.

Mr. NELSON. Is the morning business closed?

The PRESIDENT pro tempore. The morning business is not concluded. Is there further morning business?

MAIL BOX FOR RURAL DELIVERY.

Mr. TILLMAN. Mr. President, when the Post-Office appropriation bill was under consideration I offered an amendment requiring the Postmaster-General to purchase at Government expense, and furnish, at a cost not exceeding 50 cents, a rural free-delivery mail box to those who may have use for such a box. The Senate accepted the amendment, but in the committee of conference, the House members objecting to the Senate amendment, I agreed, at the suggestion of the chairman of the Committee on Post-Offices and Post-Roads of the Senate, to the following substitute:

The Postmaster-General is hereby directed to investigate and report to Congress as soon as possible the advisability and practicability of purchasing and adopting a uniform metal lock box at a price not to exceed 50 cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost.

I hold in my hand Senate Document No. 378, of this session of Congress, which is the report of the Postmaster-General upon this question in obedience to the clause of the Post-Office appropriation act which I have just read. In substance, the report goes on to show that, after due advertisement and examination by a commission appointed by the Postmaster-General, there were 12 or 14 boxes offered rather in the line of information to the Post-Office Department than as answering any bid, because the notice was given that the Postmaster-General had no authority to purchase any boxes. He had no money appropriated for that purpose, and he was merely trying to obtain the information as to whether such a box could be found or manufactured at the price named.

The 3 boxes selected out of the 14 submitted as coming nearest to the requirements of the Department were sent to the Committee on Post-Offices and Post-Roads, and one of them is here. [Exhibiting.] This box is offered to the Post-Office Department at 49 cents. It is made of sheet steel riveted, is a substantial and apparently durable box, has a lock which will turn anybody but a thief, and to all intents and purposes, so far as I can judge, it would answer every purpose. But the Post-Office Department objects to it, because, in the judgment of the commission, the lock is exposed to the rain and snow, and might get clogged up so that it could not be unlocked, and the sheet steel is too thin. Senators will readily observe that that could be remedied by a little flange, which could be fastened on in front, so that all I desire to call your attention to is the fact that we are in reach, or very nearly in reach, of a 50-cent box for rural free routes.

Mr. CULLOM. If the flange that you speak of is put on it will just about make it cost 50 cents.

Mr. TILLMAN. Well, I do not know anything about that. I am not dealing with those special features. I am merely trying to call the attention of the Senate to three or four grave matters connected with rural delivery.

The last Post-Office appropriation bill carries nineteen and a half million dollars for free delivery in cities, and everyone who goes about two blocks on any of our streets in this city, or any other city where free delivery obtains, will see fastened to some lamp post or other post a receptacle where mail is received, and the mail carriers come around sometimes in the larger cities seven or eight times a day to gather up and deliver mail, and at least twice a day they go to every home to deliver mail; so that the denizens of the towns are receiving their mail at their doors and are enabled to deposit letters which they want to go into the mail with very little trouble or loss of time.

Now, when the rural delivery for the country people was begun I was very skeptical as to its feasibility or possibility. I thought that, owing to the scattered character of the inhabitants of the country, the farmers living segregated, it would be so costly that it would be impossible to make it self-sustaining or anywhere near self-sustaining. I am on record here as predicting that it would cost $200,000,000 to give even partial service to the farmers. I still think that if we were to reach out into the back country, into those regions which are thinly populated, to carry mail to every man in the country, or even 95 or 97 per cent of them, we would have an enormous expense. But rural delivery in the more thickly populated parts of the country has grown so much in popularity and has induced the taking of daily papers and an increase in the

consumption of stamps for letter writing to a point that, having started that with very small appropriations four or five years ago, the last bill carries with it an appropriation of $7,500,000 for free rural delivery. The people of the country who have heretofore had only weekly or semiweekly or triweekly mails are now getting daily mails. I feel satisfied that there will never be any return to the old system. In other words, I stand here and assert as my belief that the free rural-delivery business will expand and grow until the appropriation will exceed that for city free delivery, and we will in time reach 95 per cent of the people of the country east of the Mississippi River and in those agricultural States west of it out of the arid region.

The present system of supplying boxes is this: Under a regulation of the Post-Office Department the patrons of the rural free-delivery routes are compelled to buy from one of fourteen manufacturers. Those manufacturers have submitted samples of their boxes, and have had them adopted. No man can receive a letter on a rural free-delivery route unless he has put up somewhere along the route a box conforming to the requirements of the Department.

Mr. GALLINGER. Can the Senator state approximately what those boxes cost?

Mr. TILLMAN. They run from $1.25 to $3. I have had letters sent to me from numerous quarters complaining of the onerous burden of being compelled to buy from this combination, or this monopoly thus created by the Post-Office Department as a wrong that ought not to be submitted to; and it was with a view to obtaining relief for the people of my country as well as others—because the most strenuous opposition to this matter came to me from New York—that I offered the amendment to the Post-Office appropriation bill requiring the Post-Office Department to buy boxes, stating that I believed they could be bought at 50 cents each, and I have here a verification of my prediction.

Mr. GALLINGER. If the Senator will permit me, I was about to say that I have noticed these apparently expensive boxes along the roadside in the country towns of my own State, and it frequently occurred to me that there might be a cheaper box that would answer every purpose. I am glad the Senator has taken up the subject.

Mr. TILLMAN. I am glad to have the cooperation of the Senator from New Hampshire, and I am sure there is no Senator in this body who is not ready to cooperate if we can clearly demonstrate the feasibility and desirability of anything that will relieve the farmers of the country.

Mr. ALLISON. Will the Senator state the character of the other two boxes he has not brought in here?

Mr. TILLMAN. One is a painted box and the other is an iron box without either paint or galvanizing.

Do not understand me as being here as the champion of this special box. I am only endeavoring to get the Senate to require the Post-Office Department to buy some box—any box—that will come up to the conditions and that can be furnished to the people cheaply.

Mr. ALLISON. It never occurred to me that the Senator was the champion of any particular box, but I understood the Senator to say that out of 14 boxes presented only 3 were sent to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN. As approaching the conditions required by the Department.

Mr. ALLISON. This particular box being one?

Mr. TILLMAN. This is one.

Mr. ALLISON. What were the prices of the other two?

Mr. TILLMAN. About 45, 47, or 49 cents.

Mr. ALLISON. They were all cheap boxes?

Mr. TILLMAN. All cheap boxes which come within the limit, or very near the limit. The price of this box I have here is 49 cents.

Having this matter very much at heart, I visited the Post-Office Department yesterday morning, and had a conference with the First Assistant Postmaster-General, Mr. Wynne, who has this matter in hand. After talking over the whole subject with him, the Department claiming that this box was made of too thin metal; in other words, that the sheet steel ought to be thicker, and that there ought to be at least some arrangement on it to shed off the water and to prevent the ice and snow from getting into the lock, and that the lock is inferior—to all of which I made no objection. Mr. Wynne wrote me at my request a letter which I have here, and which I will read and have published in the RECORD:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT FREE-DELIVERY SYSTEM,
DIVISION OF CITY DELIVERY,
Washington, June 12, 1901.

HON. B. R. TILLMAN, *United States Senate, Washington, D. C.*

SIR: Replying to your personal request of this morning, I have the honor to transmit to you a copy of the report of the committee appointed by the Postmaster-General to report upon a plan of boxes for rural free delivery.

This report has not yet been promulgated because it was approved by the Postmaster-General about the time Congress directed him to obtain information concerning the advisability and practicability of supplying lock boxes at 50 cents each.

This report will not be promulgated until some action is taken in regard to the 50-cent box proposition. As I stated to you this morning, it is my opinion that a suitable box, including lock, can not be supplied for 50 cents. However, if Congress sees fit to raise the limit of price 15 or 20 cents and will provide the necessary appropriation to purchase boxes, this Department will promptly carry out the desire of Congress.

Very respectfully,
R. J. WYNNE,
First Assistant Postmaster-General.

Since talking with you, and considering the matter carefully, I have suggested an additional amount of 15 to 20 cents, instead of 10 to 15 cents, to be on the safe side.

A. W. MACHEN.

In that connection I want to call the attention of the Senate to another idea which has occurred to me in thinking over and investigating this subject, and it is this: Considering that it is settled that the rural free-delivery system is here to stay, is it not desirable, in fact, will it not in the near future become necessary that the Government itself furnish these boxes and put them at the necessary points along the routes in order to supply the demands of the patrons, and, if need be, charge a reasonable rental or let the donation go the same as it does to the people of the cities, where a carrier delivers letters to the recipient, and the mail boxes are furnished for the reception of the mail within easy reach of every citizen?

If you say that the cost of furnishing ten or twenty million boxes shall be thrown on the patrons—I can not tell how many there will be—but every free rural route will take something like 100, some more and some less, according to whether the country is thickly or thinly settled, but, on an average, I think it will take 100 boxes to every route, as I am informed by the Department that would mean doubling the cost of these boxes and furnishing a box at a cost of $1 or $1.25. You might throw the protection of the law around those boxes as the property of the United States, and they are for the use of the citizens of the United States. We already have in the Post-Office appropriation bill a punitive provision, punishing anyone for interfering with the mail in a private box. I am merely calling attention to the fact that if the Government itself shall supply these boxes, making them of such durable character that the life of the boxes will be ten, or fifteen, or twenty years, it would be an advance in the direction of economy, rather than making each individual patron buy a box from private individuals, as is now the case, at from $1.25 to $3; or if this new idea which I am advocating shall go into effect, that the individual shall buy his own box from the Government at 50 or 70 cents, according to the limitation fixed by Congress.

I am not prepared to offer anything more than these suggestions to the Committee on Post-Offices and Post-Roads. I do not want to have the appearance of intermeddling with the business of that committee, but I am so much interested in this matter of furnishing boxes to the farmers at a reduction on the present exhorbitant prices that I thought it worth while to bring this matter to the attention of the Senate, with a view to asking the Post-Office Committee to take the matter up immediately and to suggest some amendment to the law, which may go on some of the appropriation bills—the Post-Office appropriation bill having gone through—to which we can attach it as an amendment, because it is doubtful whether we can get a separate individual bill through both Houses at this session. I want to ask the Committee on Post-Offices and Post-Roads to consider the matter in the light of the facts I have presented and in the light of the report of the Post-Office Department, which is here submitted and will be printed, showing they are now standing still and looking to us.

The Department in this report submits some specifications as to the boxes which can be made by anybody anywhere and sold the same as any other private manufactured article is, by merely complying with the conditions prescribed by the Government. If you will consider for a moment that if the matter is left to private parties to manufacture these boxes to sell to individuals, it involves a large army of drummers or salesmen; it involves a commission.

I have here a letter from the manufacturers of this box, which says that the cost of this box, which they offer to the Government at 49 cents in wholesale lots, carload lots, would be $1.50 to the consumer if they had to provide the machinery of the sale and distribution. They say they could not afford to sell it for less. If you will consider for a moment that by requiring the Department to ship these boxes free to distributing depots in each State, in charge of the postmaster at such point, and then distributing them through the mail cars to the initial point where the rural route is to begin, the expense could not be more than 6, or 8, or 10 cents for each box, and it is seen at once that the saving to the farmer which would follow such a system must appeal to every Senator.

I have two letters received two or three days ago from a friend

in my little home town of Trenton, where two rural routes go into effect on the 1st of July. He said to me:

We have been waiting to see what is to become of your amendment. We have tentatively made a bargain for boxes to go on our route, to be purchased privately. These boxes are the best that we could get, at least the only ones we feel able to buy, and they cost $1.25 each.

You see at once that that little town, or the community around it, are now compelled to pay $150 additional expense over and above what the Government could supply these boxes to these people for if this system which I am advocating were put in force.

I will publish the letter of the Briscoe Manufacturing Company, who are the makers of the box I have exhibited to the Senate. I also ask that the report of the Post-Office Department, which accompanies the letter from Mr. Wynne, which I just read, may go into the RECORD.

The papers referred to are as follows:

BRISCOE MANUFACTURING COMPANY,
Detroit, Mich., May 24, 1902.

Hon. BENJAMIN R. TILLMAN,
Senate Annex, Washington, D. C.

DEAR SIR: In compliance with your request, we send to you a mail box designed for the rural delivery service, being of the same design as submitted by us to the Post-Office Department and examined by the commission which was appointed by the Postmaster-General.

This box is made of black sheet steel, and is galvanized after it is made, making it practically as of one piece, and is of such dimensions and material as a commission appointed by the Postmaster-General in March last decided, after due deliberation, was the right thing for this service.

The price we named on the heaviest box we submitted to the commission which met last week (which was, in fact, a gauge heavier than the sample we send you) was 49 cents each, crated, f. o. b. place of manufacture, or Detroit, Mich.

In response to the advertisement, there were 14 bids. We made the lowest bid on light boxes, and the only galvanized box made of such weight of material and dimensions as was recommended by the commission as suitable was presented by us.

In fact had it not been for the bid we made we feel sure that the commission recently appointed would necessarily have had to report that no suitable galvanized box had been presented, and it would, we contend, be a crime upon the patrons to sell them a box which had not been galvanized. Therefore, had it not been for our action the probability is that the status of supply of mail boxes would have remained practically as it has been during the last year.

We have always contended that the method of supplying these boxes by the manufacturers in the way that has been previously done was wrong for the following reasons:

1. It obliges the manufacturer to maintain and support an expensive selling organization.

2. It obliges the manufacturer to support a system for the distribution of the boxes after the orders are taken.

3. The manufacturers not being able to definitely know where or what the market for boxes is going to be, they are never able to manufacture with that foresight or economy that would be possible under a more definite policy.

4. There are of course numerous losses of accounts which have to be considered in the price, as also the expense of maintaining a credit system.

The box which we have offered to the Department at 49 cents each is a better box in weight, material, and workmanship than many that have been sold at from $1.50 to $2, and in fact the cost of selling and distributing is such under the present system that this same box would have to be sold for $1.50 to the farmer—that is, providing the manufacturer has to maintain the present expensive method of selling and distributing.

As to the lock on the boxes we submitted, it is thoroughly practical in our estimation. We have used it for several months on boxes that we have been selling, and it has given good satisfaction. At the same time, should the Department desire, we can work up the same material into a lock made on the same principle in any form that will be satisfactory to them. We contend that it is not necessary to have a bank lock on these boxes, as the mail remains in them but a short time, and the box is generally in plain sight of the patron at all times.

It is our opinion that if anyone intended to steal the mail from one of these boxes, or from any rural-delivery box, they would unfasten the box from the post and take along the box, mail and all, rather than take the additional time that it would require to pick or break the lock. It is our intention, however, to make the latch and wearing parts of the lock of tempered steel, in order that they may give longer service than the lock shown on sample.

We offered in our bid to furnish a bond for any amount satisfactory to the Department for faithful performance and to furnish references or a certified check as evidence of our responsibility, both financial and mechanical.

We have a complete metal-working plant, stamping works, and galvanizing works, and are perfectly responsible and able to make all the boxes that may be required for this service.

As we have gone to considerable expense and have worked hard to equip ourselves to produce this article and have shown that a satisfactory 50-cent box is possible, we think that fair play should dictate that the advertisement was intended to mean that should a satisfactory box be presented, those presenting it should have that consideration which the lowest and satisfactory bids are usually entitled to.

Yours, truly,
BRISCOE MANUFACTURING COMPANY,
Per BENJ. BRISCOE, *President.*

WASHINGTON, D. C., *April 10, 1902.*

The POSTMASTER-GENERAL.

SIR: We have the honor to submit our report, in accordance with the following order:

Ordered, No. 341, That William E. Annin, special agent in charge of the western division, rural free-delivery service; W. B. Gaitree, supervisor district No. 3; Charles Lynn, supervisor district No. 4; A. W. Wills, postmaster, Nashville, Tenn., and W. H. Marigold, postmaster, Bridgeport, Conn., be, and the same hereby are, appointed a committee to meet at Washington, D. C., on April 1, 1902, to consider the question of the supply of letter boxes to be used on rural free-delivery routes, and to submit to me such recommendations as they may have to offer, more particularly in reference to following points:

First. Should the Department continue to designate boxes and require that only such boxes shall be used on rural-delivery routes?

Second. Should the Department prescribe a standard of size and shape, durability, and material of construction, and permit the erection by patrons of any box which conforms to the conditions laid down?

Third. Should the Department permit the erection by patrons of any box they may desire to select without any limitation or restriction?

All necessary expenses incurred by the committee shall be paid from the appropriation for rural free-delivery service for the fiscal year ending June 30, 1902.

H. C. PAYNE, *Postmaster-General.*

The committee met in the city of Washington April 1, and has held daily sessions since.

From the wording of the order directing them to consider the question "of the supply of letter boxes to be used on rural free-delivery routes" and to submit to yourself such recommendations as they may have to offer, the committee deem it their duty to examine carefully all boxes presented to them, and to consider their merits and demerits prior to arriving at any question of policy with reference to the three points more particularly designated in the order.

In addition to the 14 boxes designated by the prior commission, 60 were examined and considered by the committee under practically the same rules as those laid down by the commission of 1901, and presented in the report of the First Assistant Postmaster-General for the fiscal year 1901-2.

Patient hearings were given to all inventors, promoters, or representatives of manufacturers of boxes, and a large correspondence in connection with some of the samples were considered and placed on file. A list of the boxes examined is appended herewith.

Your committee, after careful consideration of the specific questions of the departmental order in connection with previous examination of individual boxes and consideration of the arguments of representatives of boxes, and aided very materially by the reports of special agents and route inspectors written in answer to the departmental circular, have unanimously reached the following conclusions:

1. That the present policy of the Department in designating individual boxes and in requiring that only such boxes shall be used on rural free-delivery routes should not continue.

2. That it will be to the best interests of the service that a standard of size, durability, and material of construction should be prescribed by the Department, and that patrons be permitted to erect any box conforming to the specifications hereinafter prescribed.

3. That the erection by patrons of any box desired, without any limitation or restriction, should not be permitted by the Department.

The existing policy of box designation by the Department, while a material advance upon the policy which permitted the erection of any receptacle for the collection and delivery of rural mail, has evidently not proved entirely satisfactory to the Department, inventors of rural free-delivery boxes, or to the patrons of rural free-delivery routes. While the greatest care was taken by the previous commission to afford wide scope in the selection of rural free-delivery boxes, both as to material and price, the limitation of boxes in number has not, unnaturally, caused dissatisfaction among those whose boxes were either rejected, or who since that time have not had the opportunity to present them for examination and approval. Patrons of routes in various parts of the country, distant from factories manufacturing the designated boxes, complain of the expense of transportation and the added cost of freight or express rates from factory to home.

It is believed by your committee, after a most careful consideration of the letters of the files of the Department from special agents and route inspectors conversant with the conditions throughout the country, that the best interests of the service will be subserved by prescribing a standard for a rural box which can be manufactured in all parts of the country, under rigid specifications providing for durability, security, and accessibility. Such a policy on the part of the Department, it is believed by your committee, will remove many of the complaints and criticisms not now infrequently heard in connection with the manufacture and sale of rural free-delivery boxes. A healthful competition will be everywhere stimulated. Patrons of routes will be given a wide choice of boxes, which will meet the requirements of the service and which can be selected according to the taste and means of the purchaser. The possibility of combinations of manufacturers in maintaining prices and dividing territory will be absolutely obviated, and the complaints of the difficulty in obtaining boxes ordered from factories in time for installation on routes far distant will cease.

The committee had before it several experts in the manufacture of metals, and their testimony aided materially in the drafting of specifications with regard to the proposed standard.

The committee found it inadvisable to recommend any particular devices or inventions as auxiliaries of boxes, many of which presented were most ingenious, and reached the conclusion that such devices in connection with signals and locks should be left to the choice of patrons of rural routes selecting boxes upon which the same were employed.

SPECIFICATIONS.

All square or oblong boxes shall be made of not less than 20 standard gauge sheet iron or sheet steel, and galvanized, the edges of which shall be supported or strengthened either by folding the metal back upon itself or by riveting to the edges band iron or steel at least one-sixteenth inch in thickness and at least one-half inch in width, or by wiring with at least No. 10 gauge wire; provided, if a box be made of a heavier material than 20 gauge, the above requirements as to reinforcements need not be observed.

Circular, semicircular, or rounding boxes shall be made of not less than 22-gauge iron or steel; provided, however, that should boxes be made of black iron or steel, and galvanized after they are made, they shall not be made of lighter than 24 gauge. Circular, semicircular, or rounding boxes shall have the openings made so that there shall be no unsupported edges; and edges must be strengthened by either corrugating, bending, curling, or wiring with No. 10 gauge wire, or by folding the metal back upon itself, or by supporting by riveting to such edges band iron at least one-sixteenth inch in thickness and at least one-half inch in width.

WORKMANSHIP.

All boxes must be made in the best workmanlike manner, and there must be no joints depending solely on solder to hold the different parts of the box together, but all joints must be either seamed, curled, or riveted. Covers, lids, or encasements shall be hinged or pivoted in a strong, substantial manner, and edges of same shall extend down or lap over the mail-holding compartment for a sufficient distance, so that when closed it will thoroughly protect the mail from rain, snow, or dust under all circumstances. All exposed parts, such as rivets and hinges, must be galvanized.

SIZE.

The dimensions of rural free-delivery boxes shall be, if a square or rectangular box, not less than 18 by 6 by 6 inches; if cylindrical, not less than 18 inches long and 6 inches in diameter, the capacity to be not less than 488 cubic inches.

ACCESSIBILITY.

Experience has shown that boxes of side or top openings character are more readily accessible than end-opening boxes, and that end-opening boxes are not desirable.

INSPECTION.

Individuals or firms who propose to manufacture rural mail boxes shall submit a sample of the box or boxes, together with a sample of the material of which the box is to be composed, to the special agent in charge of the division in whose territory he may reside, and in whose territory the factory may be located, for inspection and approval. If said box or boxes shall be found to conform to the requirements and specifications of the Department, the manufacturer shall be directed to stencil in a conspicuous place on the said box or boxes the words, "Approved by the Post-Office Department," and the date of such approval.

If upon a route inspection of said box or boxes it shall appear that a box or boxes have been erected that do not conform to the standard as approved by the Department, such box or boxes shall be condemned and shall be replaced at the expense of the manufacturer with a standard box, and without cost to the patrons; and the manufacturer shall be notified to supply the additional box or boxes without cost to the patrons. Upon failure to comply with this requirement, the approval of the Department for said box or boxes shall be withdrawn.

No rural carrier shall deliver mail into or take mail from any box erected after the 1st of July, 1902, on the line of his route that has not been officially approved by the Post-Office Department.

No box of whatever shape shall be painted until after the inspection of sample box at division headquarters, and all boxes of whatever character must be absolutely secure against the weather.

GENERAL RECOMMENDATIONS.

We respectfully recommend that the order promulgated by the Postmaster-General prohibiting postmasters and carriers from acting as agents for the sale and distribution of rural mail boxes be rescinded, experience having shown that the best results have been obtained on routes wherein the postmaster and carriers have cooperated in the equipment of the routes.

Whatever the character of the box erected, it is of the highest importance that it be properly installed on the route. Reports of route inspectors have shown almost uniform carelessness throughout the country in the location of boxes, which, in many instances, are so placed as to delay the carrier in his work and to prevent easy access to their contents. As a condition precedent to the collection and delivery of mail on a rural route the box should be so placed as to be accessibe to the carrier without dismounting from his vehicle.

After investigation of the question of the protection thrown around rural mail boxes by the operation of departmental order, and after consultation with the law officers of the Department, it was deemed advisable by the committee to call upon the Postmaster-General, and through him upon the Assistant Attorney-General for the Post-Office Department, to draft an amendment to the pending Post-Office appropriation bill, giving statutory protection to rural mail boxes erected under the designation and approval of the Department, and protection to the life and person of the carrier while engaged on his route in the discharge of his duty.

A constant cause of friction and complaint in the installation and inspection of rural routes has been found in the difficulty often experienced in securing qualified officers for the administration of oaths. It was deemed advisable, therefore, to recommend an amendment to that effect, which was drafted and laid before the Post-Office Committee of the Senate, that hereafter special agents, route inspectors, and examining inspectors in the rural free-delivery service shall be authorized and empowered to administer oaths to carriers and other persons employed in said service, or in connection with any business relating to the same. The incorporation of this suggestion into law will relieve carriers selected and bonded from charges of jurat fees, and will also greatly facilitate the work of special agents, route inspectors, and examining inspectors.

Owing to numerous complaints that the discontinuance of fourth-class offices, postmasters of which under the law are empowered to administer oaths required to be made by pensioners and their witnesses in connection with pension vouchers, had caused in instances great inconvenience to pensioners on rural routes living at considerable distances from an officer qualified to administer an oath, it was deemed advisable to recommend an amendment to the post-office bill, empowering rural carriers to administer any and all such oaths in connection with the execution of pension vouchers.

An amendment covering the above-named points was drafted by the Assistant Attorney-General for the Post-Office Department, and submitted to the Senate Committee on Post-Offices and Post-Roads, a copy of which amendment is hereto appended.

Respectfully submitted.

WILLIAM E. ANNIN, *Chairman.*
W. B. GAITREE.
CHARLES LYNN.
A. W. WILL.
W. H. MARIGOLD.

Mr. TILLMAN. I ask that the Post-Office Committee take this matter up and suggest some provision of law which will give relief to these people in the country who are clamoring for it and who are justly entitled to it.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. The morning business is closed.

Mr. GALLINGER. Mr. President——

Mr. NELSON. I call for the regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. MASON] is entitled to the floor.

Mr. MASON. Mr. President, I want to call the attention of the Senator from South Carolina [Mr. TILLMAN] and the Senate to the recommendation of the Postmaster-General upon this subject. The following provision was contained in the Post-Office appropriation bill for the coming fiscal year:

The Postmaster-General is hereby directed to investigate and report to Congress as soon as possible the advisability and practicability of purchasing and adopting a uniform metal lock box at a price not to exceed 50 cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost.

That was offered as a substitute for the amendment offered by the Senator from South Carolina.

This is a new enterprise in this country, and of course all new things have to take their opportunity for growth by experience. The Postmaster-General, having invited bids under that provision of the law and after an examination of the sample boxes sent to him, makes this report:

I respectfully submit that the rural free-delivery service, which has now so far developed that there will be on the 1st of July, 1902, between nine and ten thousand rural routes in existence, each route requiring on an average nearly 100 rural boxes, will be better advanced by placing this service on a high level and requiring a durable and suitable box at a low cost, which can be obtained by general competition such as provided in this report rather than by the Government undertaking to purchase a cheap, insecure, and unsuitable box to distribute to patrons at cost.

The Postmaster-General also says:

I venture to suggest to the Congress that the bids submitted in response to the advertisement above referred to were very generally based upon an understanding that the Department would order at least 1,000,000 boxes to commence with. This would require an immediate appropriation by Congress of $500,000, and probably an equal amount would have to be appropriated for the cost of transportation from the places of manufacture to the offices of the postmasters by whom these boxes would be distributed to the patrons, and who would be expected to collect from them the cost.

Mr. President, competition is the order of the day; it is competition against cooperation, and this is one of the questions that the Senator from South Carolina delights to discuss. The great danger is in allowing one manufacturer to absolutely monopolize this business, to have the Government itself undertake to furnish boxes, something which they have done in the cities. The Senator very properly calls attention to the fact that we have letter boxes in which to deposit the letters we send, but if anyone living in a city desires a box at his residence for his private use to receive his mail he must purchase one of his own.

On this proposition I think the Postmaster-General is doing very well. The Department when this service began limited it to three different boxes. Other people then began to manufacture. I believe in the State of Illinois alone there are three or four different people who manufacture these letter boxes. They want a chance to furnish and sell these boxes to the people.

It seems to me that the Postmaster-General, upon reflection, will simply say that the boxes shall be of certain dimensions and of a certain quality, and then there will be no hardship if all the manufacturers of the United States are permitted to compete in the customary manner.

A man manufacturing in South Carolina can sell to the people there better than he could sell to those in Illinois. He would have the advantage of transportation as against the cost of transportation on boxes that would be sent to South Carolina by manufacturers in Illinois; and so with the manufacturer in Illinois in furnishing boxes for that State as against the South Carolina manufacturer.

There is no bill now, so far as I know, on which an amendment of this character can be placed to make the appropriation for this year. I am willing, so far as I am concerned as chairman of the committee, to offer every opportunity to the Senator if he can show any better plan than that presented by the Postmaster-General. I shall be very glad to introduce, or, if the Senator will introduce, I shall be glad to support such a bill as he desires; but I do not think that at the present time we can drive the manufacturers out of business, except we were to say that we would make an absolute monopoly, so that all these middlemen we are talking about, these agents who get commissions, shall be dispensed with; that we will drive them all out of business and afford one man an opportunity to manufacture these boxes; that the Government, in order to drive them all out of business, shall use its power to buy and to sell at cost.

As to the first boxes put out I heard a great deal of complaint; but now if you attempt to establish a free rural-delivery route, I am told by the people that you will receive printed circulars describing the boxes of at least from 14 to 20 different manufacturers offering their boxes.

Mr. TILLMAN. Mr. President, the Senator from Illinois [Mr. MASON] did not listen to me closely, or he would have heard, I think, because I certainly intended to say it if I did not, that the paper which I presented from the Post-Office Department contained the very recommendation of which the Senator now speaks. In other words, that the Post-Office Department, unless Congress shall instruct it to do otherwise, is providing, in an order which is already drawn up, but not yet promulgated, that there shall be a specified box, a box corresponding to certain specifications and dimensions, to be made anywhere by anybody, and sold to any one where the box is required to be used on free rural routes.

Mr. MASON. What is the objection to that?

Mr. TILLMAN. The objection is this, that in at least half of the States of this Union there are no manufacturers who can manufacture these boxes cheaply, and the people of those States will have to pay the additional expense involved in the transportation from the manufacturing centers in the North and East, where these boxes can be manufactured cheaply, to the remote regions, as well as a commission on them; whereas the United States can distribute them at a cost of not exceeding 10 or 15 cents per box, and we have from these very manufacturers, whose box

I have exhibited here, a statement that they can not afford to sell these boxes privately for less than $1.50. There is the difference. I am in favor of saving that. Take my community, where there are 200 boxes to be put up in the next two weeks, and $250 is going out from those people to be paid for the boxes they will need. The Government could, under the scheme I am advocating, supply these at $100, or at most $140, and save those people the difference while supplying a better and more desirable box.

The ones to be bought will be rotten or rusted out in three or four years, whereas the Government could supply a substantial box at the cost it has been shown it can be done at, not exceeding 70 cents; and the First Assistant Postmaster-General, who is in charge of this special work, has written me to that effect. He recommends it. The Postmaster-General is obliged to depend upon his subordinates and lieutenants to make recommendations. He merely signs these reports which are sent up to him from below as the action of the Department, but he is responsible for them; and, knowing that his subordinates have dealt with him with absolute fairness and have done what they thought best, he adopts their views. Why shall not the Government supply these boxes at cost the same as it supplies stamps and other post-office supplies?

I am not so much in favor of paternalism—and the Senator had to drag that in as a kind of side-wipe at me because I am a little unorthodox upon some things—but I am for the paternalism that deals with absolute impartiality with all the people of the country; which does not take money out of one man's pocket and put it into another man's pocket under special legislation. That is the kind of paternalism I am objecting to.

I have presented the proposition—and the Department recommended it—that if we will let them have an appropriation with which to begin business, they will supply boxes of a substantial and proper character, with a good lock, at not exceeding 70 cents, made by some of these 12 or 15 manufacturers; and if it is not done some fifteen or twenty million farmers are going to be mulcted to pay for these boxes under private competition and the cost of distribution. I do not know how many million dollars will be saved to these people by the plan I propose. Why should we not have the Government adopt the scheme? Suppose somebody comes along and offers to supply these boxes for 40 cents or 30 cents, why not let the Government accept that offer? I do not see why we should create a monopoly and not have open competition. You merely specify that you want a box with a certain thickness of steel, that you want it well made, you want it of certain dimensions, you want it galvanized and with a good lock, and if one man can manufacture a box cheaper than another, let him get the job. That is my contention.

Mr. GALLINGER. Mr. President——

Mr. TILLMAN. Before I leave the subject, if the Senator from New Hamsphire will pardon me a moment——

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. It does not come under the head of morning business.

Mr. TILLMAN. I understand that, Mr. President, but I am sure that no one will object to my asking the Senator from Iowa [Mr. ALLISON] whether or not he is willing to have some amendment, which will provide for the money necessary to set this business in motion, to go either on the deficiency bill or some other appropriation bill with which he has to deal. I understood him as being friendly to this idea; and if the plan I propose is shown to be practicable and desirable, I trust he will consent that it may go upon some appropriation bill.

Mr. ALLISON. Mr. President, I am friendly to the general idea of the Senator from South Carolina [Mr. TILLMAN], which is that the cheapest and most useful boxes shall be supplied on the rural free-delivery routes of our country, and that the necessary legislation be provided, if further legislation be needed on this subject, as I understand from the Senator it is. I am not, however, now prepared to say that I would be in favor of the Government of the United States buying these boxes and distributing them, although the arguments of the Senator are very persuasive in that direction. What I meant to say to him was that in a matter of so much importance, as this seems to be, by unanimous consent of the Senate a provision might be inserted upon some appropriation bill, if there is any difficulty in passing a separate measure.

The Postmaster-General appears to suggest an appropriation for this purpose. I should think that even that would not be necessary, as we have already appropriated, as I understand, a large sum for rural free delivery, and it could easily be provided, if the ideas of the Senator from South Carolina shall prevail in the Senate, that so much of that appropriation as might be necessary should be applied to rural free-delivery boxes.

Mr. TILLMAN. I wish to ask right there if the Senator will give us his opinion as to whether it will not be permissible to allow the Postmaster-General to use some of the funds at his disposal, just merely as a loan, for as soon as the boxes are manufactured and distributed, the money comes right back and goes into the post-office fund, and the Government is not out a nickel?

Mr. ALLISON. I understand. Just one word more, Mr. President. We have a Committee on Post-Offices and Post-Roads—one of the most eminent committees of this body—which is charged with this subject, and I should think that that committee would deal with it, if it be necessary to deal with it, in order to meet some of the difficulties that have been discovered during the session of Congress. I do not wish to enter into any arrangement that would interfere with the mature consideration and deliberation of that committee upon the subject.

Mr. TILLMAN. I was not for a moment endeavoring to trap the Senator from Iowa or trying to get him to make any promise. I was merely asking whether or not, if the Post-Office Committee came in here with some recommendation involving new legislation, that the point of order would not be made by him, and that other things being equal, if the plan was practicable and desirable, he would not make the point of order, but that he would support the proposition with his vote. That is about what I understood was the Senator's position on this subject. Neither he nor I want to attempt to bulldoze or to press unduly the Post-Office Committee in this matter. I have simply been interested in it because of the fact that the people of my country are very poor and many of them have written to me asking whether or not they are going to be allowed to buy these boxes from the Government at this reduced price. It can be readily seen that it will be a great saving to the farmers throughout the country if this thing is done. That is the reason why I press the Post-Office Committee to take the question up. If they do not see proper to move in the matter, I shall not press it any further at this session. The matter has been presented in so clear and convincing a light that no fair-minded man can refuse to consider it. I sincerely trust the Post-Office Committee will take the matter under consideration and promptly report something that will give relief.

DISTRICT TELEPHONE SERVICE.

Mr. GALLINGER. Mr. President, pursuant to previous notice, I move that the Senate proceed to the consideration of the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. STEWART. Mr. President, this bill is far-reaching in its consequences. It really gives to one corporation the privilege to use the entire District for telephone purposes. That may be right. I do not believe that more than one company can successfully operate here. I do not believe any other company can be organized. But Congress having taken that position, it assumes the responsibility to see to it that the charges are reasonable. There has been a good deal of controversy about reasonable charges in this connection. While I shall not oppose the passage of the bill, I wish to give notice now that at the commencement of the next session I shall offer a resolution requiring the Committee on the District of Columbia to make a thorough investigation as to telephone charges and to recommend such modifications of the law, if they shall be necessary, as will result in furnishing telephone service in the District at reasonable rates. That responsibility rests absolutely upon Congress when it gives the entire District to one company.

Mr. GALLINGER. Mr. President, I am very glad the Senator from Nevada says he will offer a resolution to direct the Committee on the District of Columbia to make a thorough investigation as to the question of rates. That question does not arise in this bill at all. I will say to the Senator that a gentleman representing the Chesapeake and Potomac Telephone Company, knowing I had reported this bill, called on me three days ago, requesting me to do that very thing, saying that the company wished it done. I assure the Senator that if he will move in the matter at the beginning of the next session a thorough investigation will be made.

Mr. President, the committee have reported three or four inconsequential amendments, which I now ask may be disagreed to. This is a House bill, and I think it desirable not to amend it.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the amendments reported by the Committee on the District of Columbia be disagreed to. Is there objection? The Chair hears none, and the amendments are disagreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 11742) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district was read twice by its title, and referred to the Committee on Public Lands.

ISTHMIAN CANAL.

Mr. STEWART. I wish to give notice that on Tuesday next, upon the calling up of the Isthmian Canal bill, I will take the floor to make some remarks upon it.

MORIARTY SUBMARINE BOAT.

Mr. McCUMBER. I move that the statements before the Committees on Naval Affairs of the Senate and House of Representatives of Clarence W. De Knight, counsel, and Thomas J. Moriarty, president of the Newport Manufacturing Company and inventor of the Moriarty submarine boat, be printed as a document.

The motion was agreed to.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART. I desire to give notice that to-morrow morning, immediately after the routine business, I will call up the Choctaw agreement and attempt to have it disposed of. It has been hanging along. I wish to give the notice now, so that I may be recognized to move to take it up after the routine business to-morrow is disposed of.

LONDON DOCK CHARGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. HALE].

Mr. NELSON. Two amendments were offered by the Senator from Maine. One was offered last Saturday. There was a vote on it, but it was not disposed of. I have sent for the Senator from Maine.

Mr. PLATT of Connecticut. What is the pending amendment? Let it be reported.

The PRESIDENT pro tempore. The Chair is endeavoring to find out.

Mr. PLATT of Connecticut. When the Chair succeeds in his undertaking I hope it may be reported to the Senate.

The PRESIDENT pro tempore. The Senator from Maine offered a substitute for the bill, but before the substitute was offered he submitted an amendment to the text, and of course the amendment of the text has precedence. The clerks do not seem to be able to find the first amendment.

Mr. HOAR. I should like to move an amendment to the text. If it is not in order now, I will give notice of my intention to offer it, and let it be printed. It is to add at the end of the original bill what I send to the desk.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay or for compensation for any service which he may agree to render.

EXECUTIVE SESSION.

Mr. PROCTOR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-seven minutes spent in executive session the doors were reopened.

ISTHMIAN CANAL.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

TRADE RELATIONS WITH CUBA.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States; which was read, as follows:

To the Senate and House of Representatives:

I deem it important before the adjournment of the present session of Congress to call attention to the following expressions in the message which in the discharge of the duty imposed upon me by the Constitution I sent to Congress on the first Tuesday of December last:

"Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed, to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desired, that she should stand, in international matters, in closer and more friendly relations with us than with any other power; and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being."

This recommendation was merely giving practical effect to President McKinley's words when, in his messages of December 5, 1898, and December 5, 1899, he wrote:

"It is important that our relations with this people [of Cuba] shall be of the most friendly character and our commercial relations close and reciprocal. * * * We have accepted a trust, the fulfillment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. * * * The greatest blessing which can come to Cuba is the restoration of her agricultural and industrial prosperity."

Yesterday, June 12, I received by cable from the American minister in Cuba a most earnest appeal from President Palma for "legislative relief before it is too late and [his] country financially ruined."

The granting of reciprocity with Cuba is a proposition which stands entirely alone. The reasons for it far outweigh those for granting reciprocity with any other nation, and are entirely consistent with preserving intact the protective system under which this country has thriven so marvelously. The present tariff law was designed to promote the adoption of such a reciprocity treaty, and expressly provided for a reduction not to exceed 20 per cent upon goods coming from a particular country, leaving the tariff rates on the same articles unchanged as regards all other countries. Objection has been made to the granting of the reduction on the ground that the substantial benefit would not go to the agricultural producer of sugar, but would inure to the American sugar refiners. In my judgment provision can and should be made which will guarantee us against this possibility without having recourse to a measure of doubtful policy, such as a bounty in the form of a rebate.

The question as to which, if any, of the different schedules of the tariff ought most properly to be revised does not enter into this matter in any way or shape. We are concerned with getting a friendly reciprocal arrangement with Cuba. This arrangement applies to all the articles that Cuba grows or produces. It is not in our power to determine what these articles shall be, and any discussion of the tariff as it affects special schedules or countries other than Cuba is wholly aside from the subject-matter to which I call your attention.

Some of our citizens oppose the lowering of the tariff on Cuban products, just as three years ago they opposed the admission of the Hawaiian Islands, lest free trade with them might ruin certain of our interests here. In the actual event their fears proved baseless as regards Hawaii, and their apprehensions as to the damage to any industry of our own because of the proposed measure of reciprocity with Cuba seems to me equally baseless. In my judgment no American industry will be hurt, and many American industries will be benefited by the proposed action. It is to our advantage, as a nation, that the growing Cuban market should be controlled by American producers.

The events following the war with Spain and the prospective building of the isthmian canal render it certain that we must take, in the future, a far greater interest than hitherto in what happens throughout the West Indies, Central America, and the adjacent coasts and waters. We expect Cuba to treat us on an exceptional footing politically, and we should put her in the same exceptional position economically. The proposed action is in line with the course we have pursued as regards all the islands with which we have been brought into relations of varying intimacy by the Spanish war. Porto Rico and Hawaii have been included within our tariff lines, to their great benefit as well as ours, and without any of the feared detriment to our own industries. The Philippines, which stand in a different relation, have been given substantial tariff concessions.

Cuba is an independent Republic, but a Republic which has assumed certain special obligations as regards her international position in compliance with our request. I ask for her certain special economic concessions in return; these economic concessions to benefit us as well as her. There are few brighter pages in American history than the page which tells of our dealings with Cuba during the past four years. On her behalf we waged a war of which the mainspring was generous indignation against oppression, and we have kept faith absolutely. It is earnestly to be hoped that we will complete, in the same spirit, the record so well begun, and show in our dealings with Cuba that steady continuity of policy which it is essential for our nation to establish in foreign affairs if we desire to play well our part as a world-power.

We are a wealthy and powerful nation; Cuba is a young Republic, still weak, who owes to us her birth; whose whole future, whose very life, must depend on our attitude toward her. I ask that we help her as she struggles upward along the painful and difficult road of self-governing independence. I ask this aid for her because she is weak, because she needs it, because we have already aided her. I ask that open-handed help of a kind which a self-respecting people can accept be given to Cuba for the very reason that we have given her such help in the past. Our soldiers fought to give her freedom, and for three years our representatives, civil and military, have toiled unceasingly, facing disease of a peculiarly sinister and fatal type with patient and uncomplaining fortitude, to teach her how to use aright her new freedom. Never in history has any alien country been thus administered with such high integrity of purpose, such wise judgment, and such single-minded devotion to the country's interests. Now I ask that the Cubans be given all possible chance to use to the best advantage the freedom of which Americans have such right to be proud and for which so many American lives have been sacrificed.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 13, 1902.*

The PRESIDING OFFICER. The message will be printed and referred to the Committee on Relations with Cuba.

Mr. BAILEY. Is it in order to make a motion for the reference of the message?

The PRESIDING OFFICER. It is.

Mr. BAILEY. I believe I will not do it, but I feel inclined to move to refer the message to the Republican caucus. [Laughter.]

The PRESIDING OFFICER. The Chair is not aware that there is any Senate committee of that name.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of April, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "act to

provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 13, 1902.*

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-five minutes spent in executive session the doors were reopened.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I wish to give notice that to-morrow morning, after the routine morning business, I shall ask the Senate to consider the District of Columbia appropriation bill, which was reported by me to-day from the Committee on Appropriations.

ISTHMIAN CANAL.

Mr. KITTREDGE. I give notice that on Monday next at 2 o'clock I shall ask leave of the Senate to submit some remarks on the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. CULLOM. I desire to give notice that some time on Monday or Tuesday of next week I shall submit some remarks on the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. BAILEY. I ask unanimous consent that the motion to reconsider the vote by which the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was passed, shall be taken up for consideration during the morning hour on Friday, June 20, 1902, and that it shall not interfere with the consideration of appropriation bills or the bill commonly known as the London dock clause bill.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that the motion to reconsider the vote by which the Choctaw and Chickasaw Indian treaty bill was passed be taken up for consideration during the morning hour on Friday of next week, not to interfere with appropriation bills or the bill known as the London dock clause bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 14, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1902.

CONSUL.

August Casimir Wolff, of Warsaw, to be consul of the United States at Warsaw, Russia, vice Angus Campbell, whose commission has been revoked.

PROMOTIONS IN THE NAVY.

The following-named surgeons in the Navy to have the rank of lieutenant-commander from the 3d day of June, 1902:

John M. Edgar.

Philip Leach.

The following-named passed assistant surgeons in the Navy to have the rank of lieutenant from the 3d day of June, 1902:

Middleton S. Elliott.

Frank L. Pleadwell.

Dudley N. Carpenter.

Daniel H. Morgan.

James C. Pryor.

The following-named paymasters in the Navy to have the rank of lieutenant-commander from the 8th day of June, 1902:

John S. Carpenter.

Livingston Hunt.

John A. Mudd.

George W. Simpson.

Harry R. Sullivan.

Samuel L. Heap.

Chaplain Sylvester D. Boorom, to have the rank of captain in the Navy from the 8th day of February, 1902.

Chaplain William H. I. Reaney, to have the rank of commander in the Navy from the 8th day of February, 1902.

Chaplain John B. Frazier, to have the rank of commander in the Navy from the 28th day of May, 1902.

The following-named assistant naval constructors in the Navy to have the rank of lieutenant from the 3d day of June, 1902:

Stuart F. Smith.

William G. Groesbeck.

Civil Engineer Ulysses S. G. White, to have the rank of captain in the Navy from the 6th day of April, 1902.

Civil Engineer Robert E. Peary, to have the rank of commander in the Navy from the 6th day of April, 1902.

Civil Engineer Richard C. Hollyday, to have the rank of lieutenant-commander in the Navy from the 6th day of April, 1902.

INDIAN AGENTS.

John Jensen, of Oklahoma, to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland Agency in Oklahoma, his term having expired. (Reappointment.)

William H. Smead, of Montana, to be agent for the Indians of the Flathead Agency in Montana, his term having expired. (Reappointment.)

GENERAL APPRAISER OF MERCHANDISE.

Byron S. Waite, of Michigan, to be general appraiser of merchandise, to succeed Charles H. Ham, resigned, to take effect August 1, 1902.

POSTMASTERS.

J. P. Murphy, to be postmaster at Bamberg, in the county of Bamberg and State of South Carolina. Office became Presidential January 1, 1899.

Henry J. Ritchie, to be postmaster at St. Augustine, in the county of St. John and State of Florida, in place of Henry J. Ritchie. Incumbent's commission expires June 13, 1902.

Sewell P. Wood, to be postmaster at Farmington, in the county of Fulton and State of Illinois, in place of Sewell P. Wood. Incumbent's commission expired March 22, 1902.

William W. Moss, to be postmaster at Logansport, in the county of Cass and State of Indiana, in place of Jehu Z. Powell. Incumbent's commission expired March 4, 1902.

A. S. Hazelton, to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa, in place of Irving M. Treynor. Incumbent's commission expired March 10, 1902.

Joseph A. Schmitt, to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas, in place of Joseph A. Schmitt. Incumbent's commission expired May 19, 1902.

James A. Trotter, to be postmaster at Vassar, in the county of Tuscola and State of Michigan, in place of William H. Stark. Incumbent's commission expired March 16, 1902.

Isaac R. Huggins, to be postmaster at Palmyra, in the county of Marion and State of Missouri, in place of Isaac R. Huggins. Incumbent's commission expires June 13, 1902.

E. N. Allen, to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska, in place of William D. Pruitt. Incumbent's commission expired May 5, 1902.

Claude L. Wilson, to be postmaster at Little Valley, in the county of Cattaraugus and State of New York, in place of Milan J. Brown. Incumbent's commission expires June 13, 1902.

Vernon A. Kent, to be postmaster at Westfield, in the county of Chautauqua and State of New York, in place of Vernon A. Kent. Incumbent's commission expired June 2, 1902.

John B. Elliott, to be postmaster at Greenfield, in the county of Highland and State of Ohio, in place of John B. Elliott. Incumbent's commission expired May 5, 1902.

William G. Richards, to be postmaster at Hillsboro, in the county of Highland and State of Ohio, in place of William G. Richards. Incumbent's commission expired May 5, 1902.

Simon Frankle, to be postmaster at Chicora, in the county of Butler and State of Pennsylvania, in place of Simon Frankle. Incumbent's commission expired May 11, 1902.

John M. Benedict, to be postmaster at Centralia, in the county of Lewis and State of Washington, in place of John M. Benedict. Incumbent's commission expired May 5, 1902.

Charles A. Long, to be postmaster at North Bend, in the county of Dodge and State of Nebraska, in place of Charles A. Long. Incumbent's commission expired May 17, 1901.

Mary E. Bell, to be postmaster at Portland, in the county of Middlesex and State of Connecticut, in place of George C. Bell, deceased.

Gould D. Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut, in place of Hiram Jelliffe, deceased.

George Y. Walbright, to be postmaster at Stroud, in the county of Lincoln and Territory of Oklahoma, in place of Isaac W. Rush, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1902.

MARSHAL.

Thomas B. Reid, of Wisconsin, to be United States marshal for the eastern district of Wisconsin.

POSTMASTER.

T. B. Olshausen, to be postmaster at El Paso, in the county of El Paso and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 13, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

WILLIAM C. HICKOX.

Mr. SULLOWAY. Mr. Speaker, I call up the conference report on the bill (H. R. 4103) granting a pension to William C. Hickox, and I ask that the reading of the report be omitted, and the statement only be read.

The SPEAKER. Without objection, this course will be pursued.

There was no objection.

[The report will be found in the Senate proceedings of June 9.]

The Clerk read the statement, as follows:

The bill (H. R. 4103) granting a pension to William C. Hickox passed the House at $24. The Senate amended the same by striking out $24 and inserting $12.

The result of the conference is that the House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment as follows:

In lieu of the sum proposed by the Senate insert "sixteen."

C. A. SULLOWAY,
S. W. SMITH,
J. A. NORTON,
Managers on the part of the House.

The report was agreed to.

On motion of Mr. SULLOWAY, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

HENRY I. SMITH.

Mr. RUMPLE. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, and I ask that the reading of the report be omitted and that the statement only be read.

The SPEAKER. Without objection, this course will be pursued.

There was no objection.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "forty."

J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

A. G. FOSTER,
J. R. BURTON,
E. W. CARMACK,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The bill (H. R. 8794) granting an increase of pension to Henry I. Smith passed the House at $60. The Senate amended by striking out $60 and inserting $30.

The result of the conference is that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "forty."

J. N. W. RUMPLE,
ELIAS DEEMER,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. RUMPLE, a motion to reconsider the last vote was laid on the table.

IRRIGATION OF ARID LANDS.

Mr. MONDELL. Mr. Speaker, under the rule adopted yesterday, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 3057.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of Senate bill 3057. Under the order of the House the Clerk will proceed to read the bill by sections.

The Clerk read the first section as follows:

That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act: *Provided*, That in case the receipts from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Mr. GROSVENOR. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, strike out lines 8 to 20 inclusive, and insert in lieu thereof the following:

"But no part of the proceeds of sales of public lands required to carry into full effect the provisions of the act of August 30, 1890, entitled 'An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862,' shall be so set apart or diverted to such irrigation fund."

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to be allowed to address the committee for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to be allowed to address the committee for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, the provisions in the bill to which my amendment is aimed points out to the committee the fact that this bill proposes not only, in my judgment, a great national wrong to be perpetrated on the farming community of the entire United States, but it proposes, in addition to that, to undermine and destroy the value of the provision made by the act of 1862 for the establishment of what was called agricultural colleges in the various States of the Union. Members of the House of Representatives may as well understand that if they pass this bill not only will they do a wrong, which I will intimate later on, in regard to the great farming interests of the United States, but they will destroy or paralyze, or substantially render nugatory, the appropriations by Congress for the agricultural colleges for all the States of the Union.

Here is a direct draft made by the railroads on the only resource of these colleges to put into a mortgage in perpetual recurrence of each year the proceeds of the sales of the public land from which hitherto the agricultural colleges have received their support, not only through annual appropriation made directly, but through the support of experimental stations which we all understand.

Now, it may be said that there is a provision in this language which I propose to strike out that if the proceeds of the sales of public lands are not sufficient, then the agricultural colleges shall be supported out of the Treasury of the United States. That, therefore, is equivalent to putting an appropriation for this irrigation purpose indirectly and immediately as a permanent annual charge on the Treasury of the United States, and it is without any limitation of amount, without any estimate of how much it will cost, without any limitation of when it shall cease, and it is simply prying open the door of the Treasury of the United States and the insertion of a crowbar that prevents it ever being closed against this claim. I will not pursue this branch of the question any further, but I wish to take as my text a single paragraph of a circular letter sent out by the farmers of the East, and I commend the gentleman from Massachusetts [Mr. TIRRELL] to study the agricultural interests of the section of the country he represents. This is dated at Ithaca, N. Y., and is the result of the concurrent action of the farmers of the Eastern States:

There has never been during the history of the United States a question before Congress so detrimental to the interests of agriculture in general—so degrading to farming as a business—as the irrigation scheme now contemplated at Washington. It is proposed to irrigate vast tracts of Western land at the expense of the Government, thus adding to the public domain millions of acres of high class farming lands, to be given away to foreigners and others under the homestead act.

Mr. Chairman, the people of the United States gave to actual settlers and as a subsidy to the great transcontinental railroad lines a vast empire of public lands. While the farmers of the East, while the farmers of the great Middle States, while the farmers in every State westward to the Missouri River were honestly plodding under adverse circumstances and buying the land upon which they were operating, the Government was giving away this vast territory to actual settlers in furtherance of the great republican idea of establishing cities and towns and States away out on the public lands.

It is said now that a vast quantity of that land is not as good as it was supposed it might be—not even fit to be a gift from the people of the United States to the people who have settled out there. Now, what is this proposition in concrete? It is to make those lands become the invincible competitor of the farmers of Illinois, of Indiana, of a large part of Kansas, and all the way

east of that part of the Union—their invincible and unconquerable competitor because of the fertility that is to be added to their soil.

And how is that to be done? It is to be done by going back to the people who gave away that land in common with the people of the whole country and compelling them by a system which I believe to be scarcely understood by a majority of the people of the country—compelling them now to create a competition with the farms that people on this side of the Missouri River have bought and paid for that will at once lesson the value of these lands and largely enhance the value of the other lands.

No wonder that these great railroad lines are here in mighty force to carry this measure through, for millions of acres of this land are still owned by the railroad companies. It was given to them as an absolute gift, for there was not one of them that ever expended a dollar of money in set-off against a subsidy of the public lands that was given to these transcontinental railroads of the United States. And now they come and say, "You have given us this land; you have given us this subsidy of money; now put four, five, or six times the value into that land by taxing the people of this country for the money to do it indirectly, and then we will show you a competition, such as the eloquent gentleman from Nebraska described last night, that will crush the farming industry of the entire great central West and East."

I have no objection to the growth of the West; I glory in it.

Mr. MIERS of Indiana. Can the gentleman state the number of acres now owned by railroads and other corporations?

Mr. GROSVENOR. I can not; but it is a vast quantity. It ought to be easily ascertainable; and I wish I had the information at hand.

It is safe to say that the passage of this bill and the execution of this law will increase those railroad lands to four times their present value. And for what; and why? Some gentlemen stand on this floor occasionally and talk about an "infant industry" of beet sugar. If this scheme can be carried into practical operation I would not give 5 cents on the dollar ten years hence for all the beet-sugar stock this side of the Missouri River. What is the evidence that has been taken this year before the Committee on Ways and Means? Why, sir, the evidence is that the beet-sugar men of Utah and California and Colorado can manufacture beet sugar to-day almost a cent a pound cheaper than can be done without the application of irrigation.

Mr. TONGUE. Will the gentleman yield for a question?

Mr. GROSVENOR. Certainly.

Mr. TONGUE. We are, I believe, paying about $100,000,000 (are we not?) annually to foreign nations for sugar. Now, do I understand that the gentleman from Ohio would regard it as a great calamity if we should be able to produce that sugar in what is now the arid region of the United States, on land that is now worthless?

Mr. GROSVENOR. I have no objection to it. I would uphold the interests of sugar, and I would not vote to take the differential duty off refined sugar for the purpose of destroying the beet industry of the United States either, and I did not do it. I hope the time will come when we can produce $100,000,000 worth of sugar and go into the export business. But I am not willing to tax the farmers of my district and my State to take these railroad lands and all these lands and convert them into sugar-producing lands.

I add the following:

IRRIGATION SCHEMES OF THE WEST.

[By Gilbert M. Tucker, editor of the Country Gentleman. Read before the annual meeting of the New York State Farmers' Congress, at Albany, in February, 1900, and published in the annual report of the New York State Agricultural Society for the same year.]

The fact that innumerable bills having for their object the irrigation of Western lands at the expense of the Government are now before Congress is responsible for the republication of this paper, which presents strong and convincing arguments against the Government's carrying out any such line of policy. As a United States legislator you will be called on to consider these unjust and abominable measures, and you are asked to peruse this article carefully and to weigh the arguments presented in an impartial and unprejudiced manner before casting your vote.

When a dog is about to lie for a nap, you will notice that he is very apt first to go through a perfectly useless and seemingly unmeaning performance hardly in character with his wonderful sagacity, which so closely approximates the intelligence of man. He turns round and round two or three times in a little circle, his head about touching his tail. Why does he do it? Simply because his savage ancestors, thousands of years ago, living in forests undergrown with brush and weeds, noticed that they were more comfortable in their hours of repose if they first constructed in this manner a rough nest or bed. The turning round was to level the plant growth and smooth it down into a sort of mattress.

What was at first a perfectly reasonable and commendable procedure, taken under the guidance of something very closely resembling intelligent thought, came in time to be instinctive—that is to say, it was and is performed under an unthinking impulse; and the instinct became ultimately so fixed in the race, so runs in the doggish blood, one may say, that it dominates the actions of the remote descendants of those early canine creatures to-day. The dog continues to perform, without necessity, sense, or purpose, on a soft carpet or smooth wooden floor the operation which his far-away ancestors performed with very good reason in the rank undergrowth of their native forests. The practice goes right on, centuries after changing circumstances have utterly destroyed its original value.

Similar occurrences of the persistence of superannuated practices are very frequent through the whole domain of animal life; and man is not exempt. Many ideas and beliefs once sound continue to influence human life long after they have entirely lost all application and fitness to a later environment, and have therefore become at least useless, in many cases positively detrimental to posterity.

Such ideas and beliefs, inherited from past generations and still cherished, without reflection or consideration of altered circumstances, dictate to a lamentable extent the policy that governs in our time the management of the public domain, still the property of the people.

Time was, say a couple of centuries ago, or even not quite so far back as that, if you like, when every foot of extension of the civilized occupation of this country back into the wild interior, every increase in population not positively vicious, was in many ways a real and solid gain to the people of the American provinces. Occupying as our forefathers did but a narrow strip of land along the Atlantic coast, with only inchoate manufactures, very slow and uncertain communication between different sections, and agriculture not much more than adequate to provide for very modest living, the one thing that was wanted before all others was development of the nation. The father of a large family of stalwart sons and daughters was most distinctly a public benefactor.

As the children moved westward, bringing into cultivation acre after acre of new soil, and thus supplying better and better the needs of a growing population and enlarging the material resources of the common stock, they were laying broad and deep the foundations of the future greatness of the nation, and every pioneer deserved a godspeed from all well-wishers for mankind. If any central authority had at that period exercised effective control over the unoccupied lands that stretched off, seemingly without limit, to the west, it could not possibly have done a better thing for all concerned than to facilitate by every means within its power the taking up of these lands as fast as possible by anybody who could be induced to occupy and cultivate them. Pioneering and homesteading were philanthropic occupations of the very first order of necessity and merit.

But it must never be forgotten that the circumstances of the seventeenth century in this country were radically different from those that surround us at the dawn of the twentieth, and that many lines of public policy once eminently laudable have become obnoxious and dangerous as times change.

When a baby weighs 10 pounds it has just one alternative before it—grow or die. When, in after years, the 10 pounds has become 200 the condition of affairs is changed; further increase is suggestive rather of dropsy than of growth. The behavior most suitable to the infant nation, just stretching its unformed limbs and not yet quite certain what sort of creature it will grow to be, becomes in the highest degree absurd and detrimental when maturity has been attained and the former infant has reached the understanding and the enjoyment of the powers of manhood. Of this obvious fact, in its relation to a rational management of the public domain, sight has largely and most unfortunately been lost by the American people.

We go on hurrahing for every increase that successive censuses show in our population, with very little consideration of the quality of the people that have been added—in our agricultural area with very little consideration of its actual value to the nation—and, above all, in our production of crops, without any consideration at all of the profit of growing them or the real financial condition of the men who are feeding half the world. We go on turning round and round like the dog merely because our ancestors did so, and we take it for granted that that must be the proper thing. To sum it all up in a nutshell: Time was when every enlargement of our agricultural area conduced to the general welfare; such enlargement does not conduce to the general welfare now—quite the reverse. All the same we go on tranquilly permitting if not actively encouraging such enlargement and felicitating ourselves on that which is really, though insidiously, bringing upon us a train of appalling evils.

Before endeavoring to indicate definitely what some of these evils are and the ponderousness of the weight that they are throwing upon our financial prosperity, let me make a plain statement of the speed and energy with which the Government is dissipating and worse than dissipating our priceless heritage of cultivable lands, the property of the nation at large, and transforming what ought to be a blessing into a veritable curse.

According to the reports of the General Land Office down to July 1, 1899, the latest available, the average rate of alienation of our public lands for the decade last preceding that date was nearly 11,500,000 acres per annum, which is approximately 1,000,000 acres per month, over 31,000 acres per day, about 1,300 acres per hour, more than 21 acres per minute, or say 1 acre every three seconds, day and night, Sundays and holidays all included. Let us try to picture to ourselves what these figures mean. They mean that more than 17,000 square miles, an area considerably larger than one-third of the State of New York, is given away, practically given away, every year of our lives; nearly 1,500 square miles, considerably more than the State of Rhode Island, every month that passes; more than 2 square miles every hour.

Imagine yourselves standing at the boundary, if there were such a boundary, between the land now the property of individuals and that which still belongs to the nation at large and seeing that boundary moving before your eyes into the Government possessions at such a rate of speed that the latter were steadily shrinking, hour after hour, day after day, year after year, at the rate of 21 acres per minute! Such is the rapidity with which we are energetically squandering our most inestimable possession. Our property burns our pocket, as they say of a spendthrift's money, and it seems that we shall never rest easy until we have dissipated the whole.

Now, of course you will say at once, "Well, well, but we are not giving the land away; the National Treasury gets something for it; and besides, we are developing the country. What in the name of common sense is land good for, arable land, if not for civilized man to cultivate? We are giving homes to the homeless of all the world. There is no grander chapter in the history of mankind than the filling up of our great Western territory with industrious, intelligent, free, and happy people."

Let us consider these points.

The return that the Government receives from the average of all its agricultural land parted with, year after year, comes to so little more than enough to pay for the actual expenses of marketing it that this return may be left out of the question. And then it must be borne in mind that with the rapid increase of population in this and other countries and the consequent constant increase in the demand for food, it is perfectly certain that these wild lands of ours will be worth very much more, will actually command a much higher value in cash, if held and sold only on business principles, during the time of each successive generation than during the time of that which last preceded it. We are forcing upon a market already fearfully oversupplied the property for which the future is positively certain to bring a vastly increased demand at vastly higher prices than can now be secured for it. For all practical purposes, the lands are given away.

But we are furnishing homes to the homeless and developing the country! A great many birds have been caught with that chaff. A farm is primarily a factory, only incidentally and accidentally a home. Keep that distinction very clearly and sharply in mind, I pray you. Of course the owner may live on the premises; so may the owner of a cotton mill. But in every respect in which the occupancy of new farms at the far West affects the interests of the

present owners of the property out of which they are carved—the people of the United States—each new farm is to be considered entirely as a new factory, entering directly into competition with those now established.

And as to developing the country: The long life of the passion for accomplishing that very indefinite feat is a straight case of the dog's turning round before he lies down because his ancestors discovered that the practice under the circumstances then surrounding them conduced to their well-being. A century ago, no doubt, the country needed development; but, great heavens, what is the haste to develop it further just now? Are we not numerous enough, strong enough, as a people? Could any nation on earth dream of invading our territory?

What in the world are we gaining, what can we possibly gain, by this frantic, breathless haste to develop, to fill up our whole country with people, any and every kind of people, foreigners very largely, the offscourings of the earth in no small part?

Whoever has leaned on the forward rail of a westbound Atlantic steamer and watched for a while the immigrants on the steerage deck below, as I have done many times, must pray earnestly for the day when America shall most definitely go out of the business of offering an asylum to the downtrodden of every clime. What does it profit us? For my own part, I think the development, the filling up, is going on far too rapidly to be a healthy process; and I am very sure that the not inconsiderable fraction that comes to us yearly from abroad is something that we could very, very well manage to dispense with.

And now for what is, after all, the one main point of practical interest. How are we injured—we, the farmers of the Eastern States, and the classes that depend directly upon the farmers of the Eastern States for prosperity—in what way, definitely and exactly, are we injured by the liberality of the Government in giving away its wild lands—our wild lands—as fast as possible to anybody and everybody that will take them?

In the first place of course one thinks naturally of the competition of the products of the new farms in the markets of the world. I am inclined myself to the opinion that the injury in this direction is rather less than might be supposed, and that it is, in fact, very far from being the darkest element of the problem. The growth of population must of itself take care of the increased production in part. The new farmers need an infinity of things that they can not possibly produce. That helps manufactures; manufactures require workmen; workmen must eat; and thus the established farmers of the older regions will find a certain increase in the demand for their products, making up, in part, for the new supply thrown upon the market by their increasing competitors. And then, again, the price of breadstuffs is very largely governed by the yield of crops abroad and the occurrences of every kind that take place in foreign countries. Wheat may bring a high price, though the American crop be immense; it may go begging, though our fields yield the scantiest return.

Still, of course it is patent that on the whole every new State in an agricultural region will for a long time export a considerable surplus of foodstuffs of some sort, and thus act distinctly, to a certain extent, in bearing down the market price. Most assuredly, after making all allowances, the competition of the new regions in selling just what we want to sell is a danger and an injury that must be taken into the account. But that is only the beginning.

A second channel of mischief is the absorption by the free lands of the men and women who ought to supply, and in the normal condition of things would supply, an abundance of labor, at moderate wages, for established farmers. The demand for trustworthy farm help, at prices that farmers can afford to pay, is left largely unsatisfied—to the injury of the farming interest, and perhaps most of all to the overburdening of the wife of the small farmer with tasks of which hired servants should greatly relieve her—by the facility with which the persons who ought to supply it can go West and become farmers on their own account, your property and mine being freely offered them for that purpose. Why should anybody work for you, except perhaps at extravagant compensation, when the Government is willing and anxious to make him a landed proprietor himself, without money and without price?

Nor is it farm labor alone that is drawn away from its natural homes by the recklessness of Uncle Sam in giving everybody a farm. A class of people better off financially go West also and take their money with them, the class among whom the farmer looks for tenants if he wishes to let his property, for purchasers if he wishes to sell. Why should a man of some means hire your farm or buy it if he can get one of his own for nothing, grow up with the country, and presently land in Congress and go to making laws for you and the rest of us?

Now notice, please, how these three wrongs converge to drain the very lifeblood of the established farmer who has bought his farm and paid for it, or (still worse) owes something on it. The value of his crops is reduced by unfair and illegitimate competition; the supply of labor that he needs is minimized and therefore its price enhanced, and the class among whom he ought to be able to find tenants or purchasers is immensely restricted. The same malign influences act, of course, on all his brother farmers.

Their profits, like his, are immensely diminished, and many of them, like him, are offering their farms to anybody who will pay a good rent or buy at a reasonable value. Thus an unnatural and intensely pernicious competition is set up—set up by our own Government, mind you, for which we pay—between farmers of the older States, for the disposal of their property. So, of course, the value shrinks; the farmer falls out of the rank in the social scale that he ought to hold, because his property has so little money value; for, say what you will, a man's standing in society is regulated very largely by his supposed financial means. And if he wants to borrow money on his farm, he finds not only that it will be valued far below what would be normally a reasonable sum, but also that lenders are rather loth to advance money on farm security at all, because the sale of such property is slow and uncertain.

It is maddening to think of. The American farmer ought to be the most independent being on earth, and one of the most envied. Of all property in this country, a farm ought to be the most desired and the quickest in demand. There should be a dozen would-be purchasers or tenants bidding against each other for every farm that there is supposed to be a chance to get. Farm mortgages should be the most sought for of all investments, and the interest should be reduced, by competition of lenders, to about half of what now has to be paid, while the amount that can easily be borrowed should be about twice what it is now.

It is all very well to blame the farmers of the older States for bad management when they fail to make money, and hoot at the idea that "farming don't pay." The marvel is that it pays as well as it does; the glory of the Eastern farmer is that he can make headway at all, with this horrible burden on his back.

Now, consider the equities of the case. This is no sort of a sectional plea, no setting up of one part of the country or one class of our people as entitled to any kind of special favor from the Government or special protection from competition. Not a bit of it. Nothing like it. The simple fact is just this: The public lands belong to the people at large, and it is distinctly opposed to the interest of the people at large that any more of them should be brought into cultivation, because our great basal industry, the industry on which all other American industries depend, is agriculture, and agriculture is depressed, its profits reduced, by every increase of our cultivated area.

Finally, what is to be done about it? It is too late now to hope for repeal of the homestead laws and similar out-of-date legislation in time to do much good. Ten years ago next October, when the journal with which I have the honor of being connected began the first regular attack that has ever been made on our outgrown and now suicidal national policy of dealing with the public domain, a very large area of arable land was still the property of the nation, and the work of giving it away, to the unspeakable injury of the owners, might well have been arrested. But I am sorry to say that it was then, as it very largely still is, quite impossible to rouse the class most directly interested—the farmers of the older States—to any sort of energetic action for the protection of their own well-being. Farmers' organizations, as a rule, have devoted themselves to all sorts of rainbow chasing, or have frittered away their energies on matters deserving enough, perhaps, but of very trifling consequence in comparison with the immense importance of attacking the one great evil.

Very few individual farmers could be induced to call up the matter in granges or similar bodies, or even to interview their own representatives in Congress and urge them to action. Considerably more than a hundred millions of acres—just think of it, a hundred millions of acres—have been given away since then, with hardly an audible protest from the class who were daily robbed and impoverished by the operation, until now it is almost within bounds to say that there hardly remains a desirable homestead in any State washed by the Mississippi or its affluents; and they are scarce anywhere. As the last Yearbook of the Department of Agriculture says, "all the best parts of the public domain have been appropriated, and comparatively little good agricultural land remains open to settlement." One might think we were within sight of the beginning of the end of the mischief, and might hope now for a slow improvement, the supply of wild land being nearly exhausted, while our population is increasing by leaps and bounds.

Lay not that flattering unction to your soul. We are merely entering upon a second stage in the work of spoliation. Animated by an intensely selfish and narrow desire for the so-called development of their own States and Territories at the expense of the great body of the nation, the people of the far West are raising in increasing volume, year by year, a demand for the irrigation of the immense area of arid lands now the property of the United States, that at least a hundred million acres more may be brought into the market to compete with your property and postpone to the indefinite future the time when the possessor of a good farm shall be, as he ought to be, an object of general envy. The demand for this outrageous robbery of the people takes two forms. The plot at first was to induce Congress to irrigate this vast area at the national expense—at your cost and mine—that it might be rendered attractive to new competitors in our own industry and divided among them. This scheme of open robbery, however, was a little too barefaced to be very dangerous. Nobody could help seeing that it was just like asking Congress to build factories and give them to any impecunious but enterprising applicant that came along—imagine what our manufacturers now in business would say to that! This plan, therefore, is not, just at present, pressed very actively, though still rearing its horrid front, in some form, during every session.

But another scheme has been devised, to which it is hoped there will be less objection. It is simply for the National Government to give, give out and out, all our arid lands to the States and Territories in which they happen to lie, in order that the local authorities may do the irrigating themselves. Just think of it! These lands are the property of all the people, just as much the property of the farmer in the northeast corner of Maine or at the extremity of the Florida peninsula, as of the people who live around them; five-sixths of all our population are east of the Mississippi and Missouri; and yet it is seriously proposed—yes, vehemently urged—that their ownership in the lands referred to be taken from them by force and given to the handful of people in the newer regions, these people themselves being chiefly the beneficiaries of the previous injustice of the Government under that miserable old homestead law, that the property may be used directly and actively to the injury of the present owners. It is difficult to speak with patience of a proposed iniquity like that.

If some of our Montana friends who are doing their best to bring it about were owners of valuable lots in Boston which they preferred to keep vacant until a growing demand should bring an increase in their selling value, and the Bostonians living round these lots should endeavor to seize them, under color of developing Boston and providing homes for the homeless, one can imagine the indignation of the owners and the opinion they would express of the conscienceless rapacity of the plotters. The shoe is on the other foot; it is not their ox that is gored; and the plotting and scheming goes bravely on.

This brings us directly to the answer to the question—no matter about the past—what is now to be done? Just exactly this: Let every man of you resolve to exert himself in all proper ways (and there are many) to kill every bill that comes before this present session of Congress and every future session for the irrigation under any pretense of the arid lands or for the giving of them away to the States in which they lie. You can accomplish infinitely more than you perhaps suppose if you will use your power.

The editorial pages of the Country Gentleman will keep you constantly informed of every one of these miserable bills as it comes up, giving definitely the number on the Calendar, the name of the introducer, and the committee to which it is referred. Let every man who hears me sit down then, immediately, and write a personal letter to his Senators or to his Representative, according as the bill makes its appearance in the Senate or in the House, and also to the chairman of the committee having it under consideration, invoking his active opposition. Let him ask all his neighbors to do the same. Let him see that his grange, or any sort of agricultural union with which he may be affiliated, adopts ringing resolutions of protest, and that the secretary sends copies to the Representative and the Senators. God helps those who help themselves. If the farmers of the East permit the far-Western schemers to pursue their course of determined spoliation, enriching themselves, indirectly perhaps, but not the less really, at your expense and mine, the farmers of the East must expect conditions increasingly unfavorable, year after year, decade after decade, for themselves and for their children; must expect that increasingly severe and unintermitted toil will yield increasingly meager returns, and must expect themselves to descend gradually but steadily in the social scale till there shall be none so poor to do them reverence. In time, no doubt, a century or two perhaps, conditions must change again, as our increasing population makes larger and larger demands for food, while the supply of land on which it can be raised becomes proportionally smaller.

But there is no earthly need to postpone the beginning of this recovery to an indefinite epoch in the uncertain future. Let the farmers of the East put forth but a mere fraction of the power which they most properly hold, if they would only use it, over our national legislation, to stop this tremendous and tremendously cruel and unjust competition by the beneficiaries of our own Government, and especially to strike at this hydra of an irrigation scheme in all its phases whenever it appears, and the possible prosperity of the vague future may be realized within our own time in a solid financial return for that form of labor which most deserves the triple boon of a bright and hopeful youth, a contented mind at maturity, and a competence with honor in declining years. Not, of course, that any legislation or the absence of any legislation can of itself make all farmers prosperous, any more than any legislation or the absence of any legislation can of itself make all men honest and prevent cheating. But although legislation is often impotent for good, it

is always, if unwise or unjust, almost omnipotent for evil; and at the present time unwise and unjust legislation creates the one only cloud in the otherwise bright sky of American husbandry. To prevent the enactment of unwise and unjust laws, having for their sole purpose the enrichment of a comparatively restricted section of the country at the expense of all the rest—this is the one paramount duty of the hour.

THE IRRIGATION SCHEME—SHALL CONGRESS DO THE FARMERS A GREAT WRONG?

[By Frank Sherman Peer, author of Soiling, Ensilage, etc.]

The following articles were published in the Country Gentleman January 16, 23, 30, and February 6, 1902. They are published in pamphlet form for free distribution at the request of many prominent grangers and agriculturists throughout the country.

Farmers' clubs, the Grange, Farmers' Institute workers, or anyone interested in the subject may procure copies by inclosing stamps to prepay postage. As many copies will be forwarded to any address as can be sent through the mails for the stamps received. Address W. W. Van Slyke, Lock Box 475, Ithaca, N. Y.

To the United States and State legislators:

Permit me to call your attention to the following pages, which in justice to agriculture you are earnestly invited to carefully consider. It is hoped you will use your influence in behalf of your overworked and underpaid constituents.

While the Government gives real protection and assistance to all manufacturing and trade industries, it keeps giving away millions of acres of land annually for farming purposes until overproduction has depreciated farming lands fully 50 per cent in value, and agriculture as a business has become little better than unremitting toil.

To the farmer:

There has never been during the history of the United States a question before Congress so detrimental to the interest of agriculture in general, so degrading to farming as a business, as the irrigation schemes now contemplated at Washington. It is proposed to irrigate vast tracts of Western lands at the expense of the Government, thus adding to the public domain millions of acres of high-class farming lands to be given away to foreigners and others under the homestead act.

The author appeals to you to do everything in your power to defeat any such action.

ITHACA, N. Y., *March 27, 1902.*

AN APPEAL TO EVERY EASTERN FARMER.

EDITORS COUNTRY GENTLEMAN: The greatest question before the Eastern farmer to-day is the enormous depreciation in the value of farming lands, while the taxes on the same in most States have gone higher and higher.

Why have the farms in New York State been depreciated 50 per cent in value during the last ten years? The cause is overproduction, and the reason there is an overproduction is because the United States Government, that is supposed to be an arm of defense for all our people and a foster mother to every industry under the flag, has been setting up thousands and tens of thousands of immigrants and others yearly in the farming business.

Competition has thus become so keen that there is nothing left for an Eastern farmer to do but to work himself and his family as a foreigner does or let his farm on shares to an immigrant, who, because he is willing to live half-fed and half-clothed, without books, papers, or recreation for himself, or education for his children, can compete with men of the same class who have their farms given to them by the Government.

CONTRACT LABOR.

Look at it! The Government will not permit a farmer to say to a foreigner: "Come over here; I will give you a job drawing manure." No; the foreigner would be transported to the country from whence he came, and $2,000 fine and imprisonment would be the farmer's penalty for violation of the law. At the same time, the same Government says to the same transported immigrant: "Come back here, and Uncle Sam will give you a job; not only that, will set you up in business. If you will only come, you shall have 160 acres of land free and clear from all incumbrance." Back comes the transported foreigner, virtually under contract with the Government, while the farmer who offered him a job at drawing manure looks on through prison bars.

We have for years smarted under this humiliation, this degrading of our business, but we saw an end of the free-gift lands and lived and hoped that when it was all gone farming in the East would once more hold up its head and again become an industry that our children would be pleased to follow. Alas for all such hopes if this Western land-irrigation scheme goes through, as it surely will unless the East fights it tooth and nail from now on.

While I feel like apologizing for using disrespectful language toward the Government we all love so well, I feel that the time has come when sentiment must no longer stand in the way of judgment and truth. We (the Eastern farmers) have been looking at this glaring injustice like a barnyard fowl being submissively lifted from his perch, while he blinks with admiration at the glimmer of the candle held in his face.

I wish to show how it looks to the man who has seen the value of his farm depreciate 50 per cent within the last ten years on account of overproduction in the West, while the taxes this year are 20 per cent higher than they were ten years ago.

Our Government, in giving away an average of over 6,000,000 acres a year to foreigners for the last ten years, has not only reduced the value of our farms by half, but has degraded agriculture as a business almost to a level with these same ignorant foreigners, whom our Government has been setting up in the farming business by the tens of thousands every year, while, as I said before, farming in the Eastern States, generally speaking, is little better than unremunerative toil.

THE GOVERNMENT IN THE LOTTERY BUSINESS.

It was therefore with sadness and a feeling of additional humiliation that we saw our Government go into the lottery business last summer, so that it might dispose of a vast number of acres in a hurry. The Government of the United States has a fine and imprisonment for any man who would attempt to establish a lottery business. But the same Government goes into the enterprise, and the prizes it offers are 160 acres of land. The Government itself turns the wheel of fortune, and 150,000 foreigners and others are, in the space of two days, added to the list of producers of farm products, and, consequently, to a still further depreciation of all farm property in the Eastern States.

I defy anyone to produce from the history of the United States such a disgraceful piece of business by the Government at Washington toward any industry under the flag. A hundred Senators, a thousand Congressmen, unite in saying that agriculture is the foundation of national prosperity. At the same time they are heedless of the fact that what the Government is doing for the West it is taking from the East.

A PROFLIGATE GOVERNMENT.

There was a time when our Government could give away lands to foreigners, or anyone who wanted them, without injury to any other man; but that day has long since passed. Still the Eastern farmers have submitted without a word, believing the free-gift lands of the West would, in the hands of our profligate Government, soon be disposed of, while the cities would go on increasing, and in time prosperity would once more return to agriculture, when, lo! up comes this Western irrigation scheme, that proposes to create or redeem millions of acres of the arid plains of the West by irrigating them at a cost of millions of dollars; that there may be provision made for another million immigrants and others to go into the business of farming, largely at the expense of the Eastern farmer, who is to pay the taxes that make the scheme possible.

It was only by a hair's breadth that the entering wedge for the fulfillment of this plan failed to be driven into the river and harbor bill at the last day's session of the past Congress. It is bound to come up again during the present session, and with renewed strength. The only hope of its defeat is the united and concentrated efforts on the part of the farmers of the Eastern States. There was never in the history of the Patrons of Husbandry such an opportunity for that body to make itself useful to itself, and to demand of the Government at Washington that protection it professes to award to every citizen and every industry under the Stars and Stripes.

President Roosevelt, in a speech that he made while traveling through the West last autumn, as later in his message, gave the promoters of this irrigation scheme to understand that he was in favor of appropriating Government funds for the purpose of irrigating large tracts of Western lands.

President Roosevelt is, first and above all else, a genuine sportsman; therefore play fair, and fair play is with him a cardinal virtue. That President Roosevelt has committed himself to such a scheme merely shows that he has not been in possession of the facts. It is for the grange and every individual farmer of the Eastern States to see to it that this question is thoroughly and forcibly brought to the notice of every Senator and Representative at Washington, and to the President as well. Heretofore the scheme has been kept in the dark until the last moment, when the attempt has been made to railroad it through as a rider on some other bill. Judging from the past, this question will be kept very quiet, and the same tactics will surely be resorted to this season as last; and the silence on the question at Washington should arouse the grange to the greatest activity and without delay.

GOVERNMENT-MADE FARMERS.

As a rule the United States Government may not go into a business enterprise of any kind that comes into competition with private enterprises. There is at least one exception to this rule. The Government is in the business of making farmers on a gigantic scale; it turns them out by the tens of thousands every year. This might not be so bad, if in setting up these agriculturists the Government was able to produce good ones. The majority of Government-made farmers are a disgrace to the calling, as I shall presently attempt to show.

About a year ago I was standing in the streets of Antwerp, Belgium, when my attention was called to a great procession coming down the street, headed by a tall, well-dressed man. "What's the crowd," I asked a gentleman as we stepped aside to let them pass.

"They are going to the ship," he replied. "Twelve hundred of them go from here every Saturday."

"Where are they going," I asked.

"To America."

"To America! The Lord have mercy upon us! Can not these people find work at home?"

"Well, not much; we are very pleased to see that class going away."

"I should think you would be," I replied, as we moved into the center of the road for a better quality of air. A drove of cattle would have been rose water in comparison. I have been in Holland and Belgium for three weeks, and so well were the people dressed, so clean and modern were all their streets, that the emigrant question had not entered my mind until this drove came tramping along, with all their worldly goods in sheets, pillowcases, and red bandanas, headed for the wharf—destination, America.

"Who is that fellow," I inquired, "that seems to be the leader?"

"Oh, that is the ship's agent. He goes out every week and collects a cargo. He gets about a dollar per head for running them in."

"What inducement does he offer them?" I asked, thinking of the contract-labor law.

"Oh, he tells me that the United States Government will give them a farm of 160 acres out West and that Eastern bank agents will give them money to build a house and barn on it; that agricultural machine agents will let them have all the tools they require, and take their notes for them.

"He tells them they only need money enough to get to where the Government has a farm to give them. Their passage to New York costs $15, and for $10 or $15 more they are taken in special trains to where Uncle Sam stands ready to keep his part of the contract, and give them 160 acres of land as a reward for coming to America and an outlay of $25 or $30 to get there. Then he tells them of the wonders of the great West, exhibits photographs of farms owned by emigrants who have preceded them but a few years, etc. In this way he and his assistants are able to 'round up' 1,000 to 1,200 converts who are willing to go. This goes on week after week the year round."

DON'T HAVE TO KNOW ANYTHING TO FARM IN AMERICA.

As he spoke I felt the blood getting hot within me at the thought of the hundreds of formerly well-off American farmers who had given up the struggle, let their farms to foreigners, their children forsaking the homestead because it could only be made to pay by the most slavish toil. "Going to America to farm, are they?"

"Well, that is the great inducement the agent offers them," was the reply.

"Do these men know anything about farming?" I inquired.

"Not one in fifty," my informer said; "but that doesn't matter, you don't have to know anything about farming to farm in America."

"Don't have to know anything about farming to farm in America!" Fancy, if you can, the state of my mind at hearing this! It was the first time in my life that I was ever ashamed to confess that I was an American citizen and an American farmer. "Don't have to know anything about farming to farm in America!" I confess I was ashamed to let that stranger know I was a citizen of a country that was the dumping ground for the human rubbish of every other country in the world, China excepted, and to think our country was coaxing tens of thousands of this class every month to our shores, and, as this gentleman said, principally a class that the country whence they came "are very pleased to see taking their departure," and the inducement that is used by shipping agents, which amounts to a Government agency in collecting a weekly cargo, is the promise of a farm.

Under what obligation, I ask, is our Government to invite, yes, coax over to this country the lowest class from all nations and set them up in the farming business in competition with our farmers, who are already driven almost to bankruptcy because of the competition, largely of this very class? The gentleman told the truth. A man with a thimbleful of brains is quite good enough to become an American farmer, at least in the eyes of our Government. Farmers these immigrants are not. They do not know the first

principles of agriculture; but that is no matter; that does not enter into the contract at all. They need not know a pitchfork from a shovel plow. All the Government seems anxious about is to get rid of 160 acres of land. As long as the fellow looks like an immigrant and smells like an immigrant, that is quite qualification enough for the Government, and if he will live like an immigrant and work like one, that is all the money lenders and machine agents care to know.

LAND PIRATES.

Of course they will go on robbing the soil of its fertility, for they have the power to destroy without the knowledge to redeem. Farmers they are not; they are only a lot of land robbers. Many of them have looted the fertility of a good 160-acre farm the Government has given them in one State and have gone on to another—a lot of land pirates, living on the fatness of the soil and leaving to posterity a farm robbed of its fertility.

"They don't have to know anything about farming to farm in America." Of course these Government farmers are mortgaged up to their eyes, but that makes them no less our competitors. The railroads carry their products past our doors to the seaboard about as cheaply as we can deliver them there ourselves.

Only a few years ago, when there was little room abroad for the Western wheat surplus, and these Government farmers were so numerous that competition was keen among themselves even on land that had been given them, they jumped eagerly at the idea of paying their mortgages with 50-cent dollars. Now, if they could induce the Government to irrigate their lands for them, they would indeed be in clover.

FARMING IN THE EASTERN STATES.

"But how about Eastern farmers?" I asked one of these Westerners who was talking the irrigation scheme.

"Oh," he replied, "farming has gone to the devil in the Eastern States, anyway. All that country is good for now is to raise chickens and garden sass. Come out West, if you want to see farming. We are the people. The agriculturists of this country are in the West. We are going," he continued, "to have the grandest thing on earth when we get that irrigation scheme working. York State won't be knee-high to a grasshopper as an agricultural State after that." Then he went on to tell me of the great canals and dams and reservoirs, and the wonderful crops that were going to supply the world, etc.

"What is it going to cost," I asked, "to build these great irrigation canals?"

"Oh, we want about $100,000,000 for a starter—for a starter, mind you."

"Where do you expect to get the money?"

"From Washington, my boy, from Washington! You just look sharp and you will see something drop before this session of Congress ends."

And so we did. It dropped on the river and harbor bill the last day, in the afternoon, but the excrescence was fortunately cut off, though at the cost of the defeat of the whole bill.

PROTECTION FOR FARMERS.

Protection, indeed! Look about in these days, when every factory, every machine shop, and every mill is running full time, and many of them night and day, under the beneficent effects of a high protective tariff—and what is there in it all for the farmer? It is true he is selling a little more, and some things at better prices than he received during the panic, simply because there are more laborers earning money now to buy with; but the benefits that agriculture is receiving during these years of unprecedented prosperity are but the reflection of borrowed light from the other industries. We are regaled by statistics showing that when wheat advances 3 cents per bushel it adds to the income of the American farmers about $4,000,000.

It seems like a large sum; farmers must be getting rich; but when it is divided among the lot there is hardly the price of a ready-made pair of shoes in it for each. The probabilities are that 90 per cent of the wheat grown east of the Mississippi is even now grown at a loss.

What does it signify to say that the farmers are making $100,000 this year, when they lost double that amount last year? The price of farming lands is the only condition by which to judge of the prosperity of agriculture, and that has been steadily on the decline since 1870, until in these days there is little or no market for a farm. What, then, becomes of all this agricultural prosperity that the politicians are telling us about? Who wants to buy a farm? No one. Who wants to sell a farm? Everyone.

FARMING IN THE FIFTIES AND NOW.

It is the purpose of this article to contrast the conditions of agriculture in the State of New York to-day with what it was in the fifties.

I speak of farming before 1860, because after that there was an unnatural boom in agriculture, owing to the war, and this may be said to have lasted for about ten years. In 1870 or 1872 agriculture had returned to its normal condition, or to about the same level that it occupied in the latter part of the fifties. I wish to show that while all other industries in the United States have and are to-day receiving protection from foreign competition by the Government at Washington, the Government public-land policy since 1870 has been such that agriculture has had less than no protection at all. It is true that there is a protective duty on agricultural products coming from Canada; but all that is saved to the American farmer by tariff protection is lost ten times over by the Government's setting up from fifty to a hundred thousand foreigners annually in the business of agriculture since 1870. This policy, which continues to this day, is ruinous to the farming interests. While the Government saves for the American farmer a little at the vent, the same Government lets everything free at the bung. For every dollar the Government saves the farmer in the East by protection it gives away 160 acres of land to a foreigner in the West.

GENTLEMEN FARMERS OF THE FIFTIES.

I wish to show you the farmers of the fifties as I knew them, and to contrast them and their circumstances with the farmers living on the same farms to-day, surrounded, as they are, with all the improved machinery, with better freight rates, and enlarged markets. There was in Wayne County, N. Y., in the fifties a community or neighborhood of some 18 or 20 farmers, living within a radius of 2 to 3 miles, that left on my mind an indelible impression of what it meant then to be a farmer. These men owned farms of 100 to 150 acres. Many of them had themselves helped to clear them of forests or stumps left by the axes of their fathers. My recollection of them, however, is during the latter half of the fifties. There was not a man of the number that I could mention who pretended to do a day's manual labor on his farm. They might help to "strike a furrow" or lend a hand in a hurrying time, but, as a rule, my recollection of them is that they were a lot of gentlemen farmers.

The majority of them went about their farms, cane in hand, dressed in a "claw-hammer" or frock coat, with brass buttons. They wore white shirts, high standing collars, and broad silk or satin stocks; their boots were well cleaned or greased every morning from a skillet of tallow that was always kept standing on the stove for that purpose. These farmers not only went about their farms with the air of gentlemen, but they dressed like gentlemen, looked and talked like gentlemen, and acted like gentlemen.

I am not saying that a man can not work his own farm and be a gentleman. I am giving you my impression of these farmers as I thought of them at the time, and for that matter ever since. The words "gentleman farmer" was used in those days as it still is in England—meaning a man who owned and lived on his farm and managed the business part of it, while the labor was performed by hired help. These gentleman farmers had no other business besides their farms. They drove into town to sell their crop, and again to see it weighed and to collect the money. Their sons and daughters were sent to school and also to college, and these gentleman farmers themselves would compare favorably with an equal number of the most cultivated gentlemen in Wayne County to-day, regardless of occupation.

GRUBBING FARMERS OF THE NINETIES.

Two years ago I visited this same neighborhood. I saw there men working these same farms, who had all they could possibly do to make both ends meet, assisted by patented machinery, of which the farmers of the fifties never dreamed, having to work, toil, slave. What I saw there on those farms, compared with the way the gentlemen farmers of the fifties lived, was enough to sadden one's heart for all time. I saw men on farms of 100 to 150 acres, that represented an investment of $10,000 to $15,000, working as no slave was ever asked to work, dressed as only the commonest laborers dress, their wives in calico gowns, hardly presentable to the members of their own family, with no help in the kitchen except the farmers's own daughters. The shabby carpets, the empty libraries, the general absence of books and papers, was an ominous contrast to the former wealth of those homes in these respects, as I knew them in the fifties.

Here, only a little over thirty years ago, the master and mistress of a home I visited entertained the bishops of the church, legislators from Washington, and men of distinction in law and medicine. From here their daughters went to school or college, as did the sons and daughters of their neighbors, returning with parchments from Lima, Geneva, Philadelphia, and New York City. Here they lived amid a houseful of laughter, music, and good cheer. Where in former years a farmer walked about his broad acres overseeing his workmen, now plods the owner, with weary steps, in the furrow, and follows, at a shambling gait, his manure cart to the fields, and this on a farm that has cost him $12,000. The owner of this farm, at the time of my visit, was doing the work himself of two hired men, toiling from 4 a. m. until 8 p. m., and his wife and three children were that very day at a neighbor's picking berries by the quart to earn money. They had to do this to make both ends meet. The whole family were dressed like tramps, not a smile on their faces, all mirth gone out of their souls, and all hurrying on to a premature grave.

Have I overdrawn this picture? I wish you might say I had. But look about you, reader, and see how many farmers you can count in your neighborhood (solely dependent on their farms for every cent of income) and how many out of twenty are making 6 per cent on their investment? No merchant would be content with that. How many are making more than enough each year to pay their hired help, who has nothing invested, and their taxes?

WHY FARMERS' SONS AND DAUGHTERS ARE LEAVING THE FARM.

The worst feature of the general depression in agriculture remains to be told. The farmers' sons and daughters refuse to remain on the farm. There is nothing in it, and away they go to town and city. One grand old gentleman farmer, a relic of the fifties, told me, with the tears coursing down his dear old face, that his three sons and only daughter had all left him.

Not one of them would take the farm and work it as a gift.

A foreigner was working the place on shares, and will soon be living in the $10,000 home that was built in anticipation of making the farm attractive for his own kith and kin. But who can blame these sons and daughters for leaving the farm? Not I. Selling peanuts on the street corner has more independence in it than a hundred-acre farm where the taxes and hired help run off with all the earnings, leaving the owner and his wife to work for their board and clothes. A boy sees a merchant in town with half the capital, or less, invested in business that his father has in the farm, and the merchant and his family appear well dressed, prosperous, and happy, while his own father and mother are slaves.

So it has come about that on the 20 farms I have been speaking of over half are worked on shares by foreigners. Why by foreigners? Simply because a foreigner is willing to slave as his Western immigrant competitors do and can. It is, as I said before, because the Government policy of giving away millions of acres every year to foreigners has reduced farming as a business in the Eastern States, if not over the whole country, almost to an immigrant farmer's level, and therefore nearly, if not quite, to the state of peasant farming in the old country.

Thus our farms have depreciated 50 per cent in value, which means a loss of hundreds of millions to New York State alone. Thus has it come about that farmers' sons and daughters are driven from the farm, and their fathers and mothers are left to toil at lower wages than the commonest laborer receives for the commonest piece of work and no invested capital.

The Eastern farmer and his wife have suffered all this to make the West great in a hurry, and while they toil and slave to try to get ahead the Government at Washington keeps setting up foreign competitors against them by the tens of thousands. What do you think would happen in this country, reader, if the Government should begin setting up foreigners in the manufacturing business? The manufacturers would be up in arms in a hurry, and their arms would be charged with powder and shot.

But, do you say, "This would be different?" Not at all. The difference is only in degree, not in kind, and agriculture has, I believe, $20 invested in the State for every $1 that is in a factory.

Is not a farmer as much a manufacturer as a man who owns a woolen mill? Certainly he is. His sheep under his management convert grass into wool, while under the management of the manufacturer wool is converted into cloth. If it is wrong for our governors to set up foreigners in competition with one business, it is equally wrong to establish them in any other business.

WHERE THE BLAME LIES.

I have, in a former article, spoken of the Government's error in adopting an outrageous public-land policy; but I must be fair and place the blame of the present condition of things where it belongs, and that is largely upon the farmers themselves. We have never asked the Government to alter its public-land policy, and we ought to know by this time that there is little accomplished at Washington unless some one is there to present and work for it.

I know how the farmers of the country feel in this matter. They feel that they have all that they can manage at home and that the question is too big. Again, there is among farmers a feeling that the questioning of anything that Uncle Sam does savors of disloyalty. One remembers perhaps that his father or his great-grandfather was an immigrant, and he hesitates to put anything in the way of any other man, and finally he has consoled himself with the idea that the Government in its mad haste to squander the public domain, would ultimately come to the end of its tether; and, taking it altogether, he has bowed his head to the yoke, and hope, the farmers' sheet-anchor, has kept him from crying out. But with this Western land-irrigation monster

staring him in the face, he has come to the conclusion, let us hope, that forebearance is no longer a virtue, and he is beginning to inquire what can be done, and how shall he go about it. What precedent is there as a guide or encouragement to him that his petition will be noticed at Washington?

UNITED WORKMEN.

Let us see. A few years ago there was organized a society of laboring men in this State. They sent a delegation to Albany to ask that contract prison labor be abolished, because they alleged it was unfair to them as workmen that the State government should keep men in employment; that the labor these convicts did belonged to them. The result was that although this labor organization represented no invested capital and paid no taxes as does the farmer, contract prison labor fell like a tree to the woodman's ax.

CHINESE LABOR.

Again, a few thousand people of the United States out of as many millions, sent word to Washington that the Chinaman was working so much cheaper in San Francisco than American laborers could afford to work that they wanted him shut out. They said: "These Chinamen are willing to live on rats and rice; they have become so numerous that wages are going down." Forthwith up goes the Chinese wall, not around the city of San Francisco or the great State of California, but around the whole United States—a wall so high that Mr. John can not even look in. If a ship with a Chinese sailor on board lands in any port of the United States, the Government has men on board that ship day and night to see that the Chinaman does not set foot on American soil.

Here we have a parallel case with the one under discussion; but in comparison to the injury that the Government-made farmers have done to agriculture as a business, to say nothing of the depreciated value in farming lands, this Chinese question is as a few thousand Californians are to the 77,000,000 of people living in the United States.

CONTRACT LABOR.

Again, the "United Workmen" went to Washington and said to Uncle Sam: "This foreign contract-labor business is an injury to our interests. Contractors go or send abroad for a carload of immigrants who are willing to work for less than we are getting. These immigrants are willing to live on what in our families goes to waste. We don't want them here competing against us. We have our homes to pay for, and our homes, as well as the labor of our hands, are cheapened by letting such immigrants in. We want this foreign contract labor stopped."

"Why, certainly, of course," Uncle Sam replied; "very glad you called my attention to the fact"—and contract immigrant labor was no more.

GOVERNMENT CONTRACTS WITH FOREIGNERS.

What comparison, may I ask, is the harm to this country of a few hundred foreigners coming over here to dig sewers and build railroads when laborers are scarce, to the 25,000 to 50,000 immigrants the Government coaxes over here yearly to make farmers of them? I call your attention to the fact that in all these cases the point made is identically the same that the farmer must make. A precedent has therefore been established that makes the farmer's demands unanswerable. A city contractor may not say to a foreigner: "I will give you 60 cents a day if you will come over here to work." But the Government may and does keep saying to the same immigrant: "I agree to give you 160 acres of land if you will come over here;" and it does not even require the immigrant to work for it. It is true the gift lands of the West, in the hands of the Government, are narrowing down, and must ultimately come to an end; but there are millions and millions of acres yet in the hands of the great railroad corporations that can be bought for a dollar or less per acre.

LAND SPECULATORS AND MONEY LENDERS.

But the Western land speculators and the bank agents who have fattened by the Government's land policy see their trade on the wane, and to keep themselves in the market they have concocted the scheme to have the Government spend hundreds of millions to reclaim arid plains, which means the making of another million of immigrants into farmers without money and without price.

If I mistake not, this irrigation scheme is going to be the last straw. The worm will turn at this. If not, then must agriculturists of the Eastern States become slaves to unremitting toil that the immigrant may continue to have a 160-acre farm given to him and the land speculators and money lenders continue to fatten. I have spoken plainly. I have meant to be only fair and just. Let me admonish you, my fellow-farmers, that if this scheme is to be defeated, you, every one of you, must move and move now. If you belong to the Grange, have that body send a petition to your Congressmen and to your Senators. If you do not belong to any farm organization, write a letter yourself to your Congressman or circulate a petition in your neighborhood. You can at least do something. Do it. Do not neglect it, or the Lord have mercy on all farmers and on farming for the next hundred years to come.

When you make this demand for justice and right, insist that in the future no Government land shall be disposed of for less than $10 per acre, and that when there is a demand for it at that price the Government may sell it to actual settlers and to no others, and that the money received for the same be devoted to agricultural schools and colleges. And do not neglect to say that if there is to be any irrigating scheme going on at the expense of the Government, there is more need of its being done for the farmers in the Eastern States that have had their business practically ruined already that the West might prosper, than there is of spending the money in the West, where a man may still have a farm for the asking.

Mr. NEWLANDS. Mr. Chairman, I yield five minutes to the gentleman from Nebraska, Mr. BURKETT.

Mr. GROSVENOR. Mr. Chairman, I believe I have, under the order of the House, the right to extend my remarks in the RECORD.

The CHAIRMAN. Under the order of the House the gentleman has the right to extend his remarks in the RECORD. The gentleman from Nebraska, Mr. BURKETT, is recognized.

Mr. BURKETT. Mr. Chairman, I do not know that I can conclude just what I have to say in five minutes. I therefore ask unanimous consent to conclude my remarks. I think possibly ten or fifteen minutes will be sufficient.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that he may proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKETT. Mr. Chairman, I have listened for a day to the discussions upon this bill and it might be well for us, before we lose ourselves in a good many proposed amendments, to get back and consider this proposition from a practical standpoint. It has been developed from the discussion that west of the one hundredth degree of longitude in the United States there is a territory that in extent is a mighty empire. Its plains are covered with nature's beautiful carpet, its hillsides are clothed in forests, its valleys are rich, and its mountains are filled with precious metals.

In acres and square miles it equals the whole of Europe, as some one said; its natural resources, if properly husbanded, would sustain a population twice that of the United States, has also been asserted, and yet in all that vast domain the reclaiming hand of man has scarcely touched. Here and there, perhaps, a venturesome son of the East has gone and reared for himself a habitation, or an occasional uncovering of the treasures of nature in the bosom of the earth has builded a city, but in the main that country remains to-day as we found it an hundred years ago. There it lies, unknown and barren, only waiting the hand of man to reclaim it. It is estimated that in that region there are a hundred million acres—equal to three States the size of Iowa, as large as all New England—that can be irrigated. I think of what that means to the homeless people of America in the overcrowded centers of population. I think of what it means to the young men of succeeding generations, the opening up of that great territory. I think of what it means as a market for the manufactories of this country.

I dare not estimate the value to those States in particular, and to the whole of the United States in general, of the provisions of the bill that is now under consideration. One hundred million acres of land. Every foot of it level, fertile, and productive soil. It will make homes for a million and a half of families, and sustain a hundred millions of people. It will make new mining projects possible. It will give forage to additional thousands of cattle that will pasture the adjoining hills. In short, it will plant west of the Missouri a mighty empire, rich, powerful, and prosperous, under the American flag, loyal to American institutions of government, devoted to the United States and her interests, and patriotic for the upbuilding and development of the old Republic that we all love so well.

Sirs, in supporting the bill for national aid to irrigation I do it in behalf of the thousands of homeless children in the United States, in behalf of the toiling masses who go home at eventide to a fireside that is not their own. Aye, sirs, for the many of old and young who, if called to a reckoning now, have not a foot of soil that they can call home. I speak in behalf of the wage-earner, that his opportunities may be multiplied as new territory is opened up and new industries established. I speak for the manufacturer, ever alert for new markets. I speak for the farmer and the farmer's son, who, pinched and crowded in the old homestead, are asking for an opportunity to help build up another State, as they have their own. I speak for the miner who delves the mountains in his hazardous and perilous undertaking to replenish the treasury of the world, that he may be surrounded by civilization and assured of the necessaries of life. I speak as a Western man, thoroughly alive to the needs of the West and anxiously intent upon her upbuilding and development. And yet I would not permit local interest to deter me from doing, or to drive me into doing, that which I conceive to be inimical to the best interests of the whole commonwealth.

This country is one homogeneous whole; one socially, politically, and commercially. The things that make for one make for all. To be sure, some particular legislation may be of more benefit to one locality than to another, but what helps materially one community injures none in the end.

I have supported a protective tariff all my life, perhaps on some things from which I drew no direct personal benefit, but as I protected some industry and builded up somewhere a labor market for idle hands I have helped indirectly every citizen in the United States. The things that are for the betterment of mankind anywhere in this Republic of ours are for the good of the whole of it.

For a hundred years we have been pushing out into unknown territory and reclaiming it for the benefit of our people. George Washington, in his time, surveyed lands and pushed settlements across the Allegheny Mountains. The Ohio Valley was settled, and in due time the rich valleys of the Mississippi and of the Missouri were invaded and reclaimed for the benefit of humanity. Onward and across the Missouri, up the valley of the Platte, went the outriders of the nation, taming and subduing, civilizing and reclaiming, as it were, from wild nature the soil and the elements for man's good purposes. Countless treasure we have expended in surveying and exploring every step of the way. We speak of this expense, and yet, sir, every step from the Atlantic as we have moved on across the continent, we have been expending the money of the Treasury of these United States. We have bought out the rights of the Indians; we have assisted railways; we have builded highways and canals; we have improved our rivers and our harbors; we have established post-offices and erected public buildings. Yet, sirs, there can be found in all the length and breadth of this land no man to criticise that work,

for a nation can have no loftier motive for its acts than to encourage home building for its people.

This bill that we now have before us is only another step in this direction. It looks only to the harnessing of another element that heretofore the people of this nation have not reckoned with, and making it do duty for man's well being. I call the attention of the gentleman from Ohio [Mr. GROSVENOR] to this. If the blasting out of the rock in New York Harbor in aid of commerce owned and controlled by private enterprise is a governmental function; if extending aid to the great transcontinental transportation companies that opened up and made accessible the Western half of our country and brought the Golden Gate in touch with the Eastern marts of commerce was a governmental function, then to my mind the subduing of the mountain torrent for man's use, thus bringing together the water and the soil, is not only a governmental function, but it is a governmental duty.

I have stood by the Platte River in the springtime, as the snow waters from the mountains, extending from hill to hill across a broad and fertile valley, rushed on to the ocean, a raging torrent, a mighty engine of destruction. I have watched where that river pours itself a great sea into the Missouri, and from thence I have listened day by day to the dreadful tales of misery, suffering, and pestilence that it carried to the people all along the way as it hurried itself to the Gulf. I have read the "Break in the dike," and have learned of the peril which awaits thousands of people, and of the destruction so inevitable to millions of property, because, sir, that mighty beast of the springtime, that roaring, raging torrent goes on uncurbed. I have looked up to see how much money we have been expending to protect the banks of the Mississippi River in Mississippi and Louisiana from floods, and I find that over forty millions of dollars have been appropriated to the Mississippi River Commission alone.

Now, sir, that is a dreadful picture of suffering, of want and desperation there in certain seasons of the year. But just stop and turn your eyes if you can, to another picture that we might draw. It is higher up the stream. It is nearer the fountain head and of a different nature, but it is no less dreadful. It is in western Nebraska, Kansas, Wyoming, and Montana during the month of August. The sun is shining forth his fairest. His rays are delving their deepest and are warming the tiniest roots of vegetation. All nature, save in this one particular, seems to be vieing with itself to make plenty and happiness in the land, but there is lacking of moisture. Through man's neglect it has been permitted to waste. Those streams once torrential are now dry and there is not water to supply the land. The ground bakes. The verdure writhing in the sun curls and twists its life away. Sirs, the thought must come to you, as it has so often come to me, surely there never was intended to be such waste in nature. That water which only a few months before, in its anxious rush for an early playtime in the ocean, had destroyed so much of life and property was intended for better purposes and should have been restrained from going until it performed its mission. If it had been held back in the springtime and turned loose now how the flooded districts down there would have appreciated it then, and how the parched districts would appreciate it now. From this all comes the injunction that man must husband the resources of nature for his own betterment and edification.

The value of a stream for irrigation purposes is measured by its flow at its lowest stage. A stream might run bank full nine months out of the year and half as much during the other three, but it would be estimated for irrigation purposes only by its lowest point. Streams that go tearing down the valleys in April, May, and June, leaving death and destruction in their wake, are contracted to little rivulets in July and August. If the Government can aid in storing the water that goes to waste in the spring, either by dams or reservoirs, and turn it loose in the critical months, and thus raise the lowest mark of the river, the value for irrigation will be increased. This is the object of the bill that is now under consideration.

The pending bill is not extravagant in its terms. It does not call for large drains from the Treasury. In fact, it only asks that money coming from the sale of lands in those States in which irrigation is necessary shall be set aside for irrigation purposes, or to quote its language:

> That all moneys received from the sale and disposal of public lands, * * * including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in the (named) States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the reclamation fund, to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the States and Territories and for the payment of all other expenditures provided for in this act.

It then provides how the work shall be prosecuted; how the Secretary of the Interior shall make examinations and surveys for and locate and construct irrigation works for the storage and development and diversion of waters.

This is not too much to ask of the Government, in our opinion. Those States simply ask that the money coming from them be used in them. They do not ask that the money be given to the States for the States to expend. The bill does not call for any cession to the States of the Government holdings. The Government shall retain every acre, dispose of it when and as it sees fit, and collect every dollar and expend every dollar of the proceeds. In short, we ask that the Government shall improve its own property in those States only to the limit of the income it derives from the same property. No fairer bill was ever presented for the consideration of Congress. We have expended money by the millions in river and harbor improvements that was collected in taxes from the whole country. The West has paid her share uncomplainingly. She has realized that harbors must be built that her products may go to market. Money and property have been granted for the extension of the many great means of commerce. Certainly, then, it is not too much to ask that the Government improve its own property for its own good and the welfare of every American citizen.

There may be faint hearts in this as there are in all great undertakings. To some the project may seem so large as to be alarming. To some who have traveled from the Missouri River to the Pacific the task may seem not only an endless one, but an impracticable one. But to those it may be said that all the land in those States can never be reclaimed. The mountains and the hills can not be reached. It is the fertile valleys that is contemplated and that should be made to blossom with the productions of man's handiwork. Neither is it intended or expected that the work of reclaiming the arid lands shall be accomplished in a year, nor perhaps in our lifetime. It is not best, perhaps, that it should. The work should go on only so fast as the land is needed for the actual home builder. Every safeguard has been thrown around the bill to make it impossible of speculation. Water rights are limited, acquisition of land is limited in amount, and the bill specially provides that—

> Beneficial use shall be the basis, the measure, and the limit of the right.

I might say in passing, for the benefit of those who are unfamiliar with the real origin of this particular bill, that it is the combined judgment of men who have given time and attention to the subject, or perhaps, to better express it, that it is the compromise of contending opinions upon the question. It is the bill of the united West. It perhaps is not exactly anyone's bill. It goes further than some would have gone in some particulars, and on the other hand falls very far short of where others would have it go in other particulars. Some thought that the Government should, on its own account, without regard to any particular source of the money expended, proceed to irrigate and reclaim the West.

That there should be Federal construction and control not only of the reservoirs, but over the great ditches and the laterals; that the water should be furnished to the individual. Others believed that the Government should do nothing more than conserve the waters and turn it into the stream at the proper seasons, to be appropriated as the water now is appropriated. The result is a harmonizing of the two ideas, while preserving the strongest features of each. The Government probably could not undertake to distribute the water to the user, for conditions of water use will vary in different localities. The law that would be appropriate in one community or in one State might not be adequate in another condition. Distribution should be left to individual enterprise, and in the main should be regulated and controlled by State laws and by State boards of engineers.

On the other hand, States could not undertake the work of conservation of water for the reason that the water might be in one State and the land to be reclaimed might be in another. The rivers may, as they actually do, rise in the mountains of California, while the lands to be irrigated are down on the plains of Nevada. The source of water may be on one side of the watershed and the irrigable lands may be on the other side of it and in another State. Thus an irrigation proposition may or may not be coextensive with State lines. Topography has not always controlled in making our geography, but geography is quite as much a question to be solved in irrigation as is topography. Political divisions must be reckoned with, for State lines have been established more often by parallels of longitude and latitude than by mountain crests and physical conditions.

Then, too, land in one State may be irrigated for one-half what it could be irrigated for in another State from the same water supply. Economy demands that the general supervision should be of common origin. The Federal Government is of right and necessity the great arbiter.

I remember the other day of hearing a very pleasant and scholarly gentleman, and a very valuable member of this House, stand

up and say that he spoke for the farmers of his State against this irrigation measure. He asked, Where is humid America to profit by this bill? But I do not believe his mature reflections will sustain his position. The gentleman from Ohio [Mr. GROSVENOR], who has just spoken this morning, opposes irrigation, as he says, because it is an injustice to the man who owns a farm farther east. But, sirs, I ask the gentleman from Ohio, is it an injustice to the many, many times more men who own no farms at all? Let the gentleman from Ohio go home and tell the laboring men of his district why he should legislate to send up the price of land for the man who owns a farm and not give the man who owns no land at all any chance whatever at a parcel of the bosom of mother earth.

I deny that it will in any way injure the landowner. But, sirs, if it did build up for him a competitor without a compensatory consumer, I ask when in the history of this great national legislative body did we become the special protectors and guardians of the man who hath to the exclusion and detriment of the man who hath not? [Applause.] Let me ask the gentleman from Ohio, is it an injustice to the man of moderate means to develop territory and open up and make available more land for settlement? Is it an injustice to the manufacturers of his district who have sent in here thousands of petitions that they may have more markets for their wagons and their corn plows, their reapers and thrashers, and their furniture? Is it an injustice to the labor that constitutes three-fourths of those manufactured articles? Is it an injustice to the railroads that he spoke of that have pushed across the continent into those barren wastes, full of faith and confidence in the Government to reclaim its own land for its own people in due time?

The labor organizations of this country have asked for the passage of this bill. The manufacturers have asked for it, and from every State have come the petitions asking for the enactment of a law along these lines. The American Federation of Labor indorse it. Every member, perhaps, in this House has had a letter and a copy of the resolutions passed by the National Building and Trades Council. The following organizations, among many, indorse it:

The United Mine Workers of America,
The Chicago Federation of Labor,
The Illinois State Federation of Labor,
The National Business League,
The National Board of Trade,
The National Association of Manufacturers,
The National Association of Agricultural Implement and Vehicle Manufacturers,
The National Association of Wagon Makers,
The New York Manufacturers' Association, and
The National Association of Merchants and Tailors.

I find there have been introduced only this morning resolutions asking for the passage of an irrigation law from the following organizations:

The New England Shoe and Leather Association,
The Commercial Club of St. Paul,
The Central Labor Union, of Hartford, Conn.,
The United Brotherhood of Carpenters and Joiners of Pittsburg,
The Trade and Labor Federation of New Brunswick, N. J., and
The Brotherhood of Locomotive Firemen of Lehighton, Pa.

And if we would search the records of this session we would find that every member of this House has introduced a resolution from some portion of the people of his district asking for this legislation.

Let me call the attention of gentlemen of this House to the fact that the demand for this legislation does not come from the West alone. There are too few of us out there to make this mighty clamor. We may be noisy, but we are not numerous, and you do us too much honor when you give to us the credit for this mighty wave of public clamor. Follow it back to its source. You may get your wires crossed, but trace the current back and you will find it originating in the factories and in the mills, in the labor organizations, and in the farmers' institutes. That is where this clamor is coming from. Sirs, at noon hour with his fellows and at evening with his family around his fireside the man without a home is talking of this very proposition. It may carry little of hope to him individually, for his circumstances may be such that he can not avail himself of it, but there is a boy and a girl, the pride of his eye, the devotion of his heart, the objects of his love, whom he longs to see installed in a home of their own. In his reveries there comes to him the environs of nature, the freedom of breath, the fullness of strength, the boon of health, and he indulges no fonder hope than that such pleasures and opportunities may come to his offspring.

Men of the East, make no mistake in measuring public sentiment in your community. I have here petitions from almost every town in the length and breadth of this land. They have been filed with the Committee on Irrigation. They come from the manufacturers everywhere and the labor organizations. So, I say, make no mistake in measuring the public sentiment in your community. A man with a horse may be the only man who can ride, but he can not darken covetous eyes, and he will never be able to take away the desire of other people to ride. But I deny that irrigation will injure any farmer anywhere. Irrigation does not mean one single bushel of grain in competition with the farmer of Ohio and Pennsylvania, in my judgment. This is true, first, because the man on irrigated land could not afford it, and second, because the markets could not afford it. Let me explain more at length. No man can farm irrigated land and supply water artificially and compete with another who farms land supplied with moisture by nature. Some one may suppose they can, and say they raise so much more that it pays, but, sirs, it will not stand competition. If it did, why is there not irrigation in humid territory? On the one hand nature supplies all the elements, on the other one must be added by man.

Staple products in Ohio and Pennsylvania that are produced at a profit would be raised at a loss on irrigated lands. If irrigated lands are made profitable, something specially adapted to those conditions must be raised. Hence those things that need much water for maturity or those things that mature quickly and produce many crops each season only are produced. Thus we find citrus fruits and alfalfa are the principal crops of irrigated lands. Every ear of corn and every spear of oats that will ever be planted on these lands thus reclaimed will be consumed in that region. Aye, more than that. They will be consumed on the very ground where they are raised. Nothing of cereals will be shipped out; but, on the other hand, much will need to be shipped in. A man who owns and manages a grain elevator in eastern Nebraska told me last summer that in two years he had shipped little of oats or corn East. Most of it had gone into Wyoming or Montana, where irrigation had made more men and more horses and more cattle. It has added a market to us in Nebraska. Our farmers are not afraid of it, and why should you of Ohio and New York and Pennsylvania, a thousand miles away, be alarmed?

As those valleys are irrigated and more fodder is produced for winter feeding, more cattle will pasture in the hills adjoining. This also means more people in that vicinity, more towns and villages, and this means a larger market, not only for the farmers' products, but for everything that is produced by the brain or muscle of man. I have gone across the continent; I have gone into the irrigated regions of Wyoming and Montana, Utah and Colorado, and the things there used all come from the East. There are no manufactories to speak of in arid America. The wagons, the planters, the plows, the harness, and the saddles, aye, the furniture in their houses, all comes from this side of the one hundredth meridian of longitude. I have seen the trade-mark of a Wisconsin firm on their wagons, of New York and Massachusetts manufacturers upon their clothing. The great saddles they rode in were made down in eastern Nebraska or farther East.

Some gentlemen from the grand old "Keystone" State oppose this bill, but let me call their attention to what some of the strongest and most influential of the press in the country and located in Pennsylvania say right in this line. First, I read from an editorial in the Philadelphia Inquirer of a recent date on the subject "For the irrigation of the arid lands:"

> Only one argument against this legislation has ever been seriously advanced, which is that its effect would be to intensify the already sharp competition against which the Eastern farmer is obliged to contend. There is very little force or merit in that objection. In the first place it would be difficult to prove that the Eastern farmer would be in the slightest degree affected, and even if he were that would be no reason why a work of national benefit should not be undertaken. An enforcement of the same reasoning would have nipped the national expansion in the bud.
>
> The irrigation of the arid West is an improvement of the greatest importance, whose inception has already been delayed too long. It is gratifying to know that there is a present prospect of its early realization.

I also have here an article from the Philadelphia Press, a part of which reads as follows:

> There are always vital considerations against a new departure like this that should be carefully weighed before the decisive step is taken. There is, however, one objection made to the irrigation bill that we can not respect. It is urged in the minority report, and it is elaborated and insisted upon by Congressman SIBLEY, of this State, in opposing the bill. It is that it is unjust to Eastern farmers for the United States to add millions of acres of productive lands to our national possessions and thereby "diminish the value of the present farming lands throughout the Union."
>
> This is an old argument. It was used by the mossbacks of one hundred years ago against every proposition to develop our then Western territory beyond the Alleghenies and to improve the means of communication between the East and West. It was used as an argument against the Louisiana purchase, which added millions of acres of productive land to the national domain. The theory of this class of objection is that the greater the country, the larger the area of its productive land, the poorer each individual farmer must be. A single oasis in an enormous unproductive desert would be the ideal happy land for such people.
>
> We do not believe that any considerable number of Eastern farmers are so ignorant as to be influenced by such arguments. If he who makes two blades of grass grow where one grew before is a public benefactor, then is not a government an enormous benefactor to its people if it changes waste lands into blooming gardens and fruitful fields and adds so much to our productive territory that the United States, which is already producing enough to feed itself and a part of Europe, shall become the granary of the world?

How much more time have I, Mr. Chairman?

The CHAIRMAN. Three minutes.

Mr. BURKETT. Something has been said here about the competition that will come to the Eastern farmer, and I wanted to refute the argument somewhat. I should liked to have gone into that matter further. But, sir, let me close now with this one thought: The people of this country are pushing out for markets. That entire region is a market for the products of humid America, and in turn they ask us to take only their gold for money and their cattle to fatten; neither of which is competition for an Eastern farmer—the one he can not and the latter he would not. For it is more profitable to make cattle ready for market in the East than it is to produce them.

Agricultural America is the market place for manufacturing America. Ohio and Pennsylvania find markets for their manufactured wares in the Mississippi and Missouri valleys. We want to give them still more territory. We want markets. We have gone around the word in quest of markets. Markets! markets! has been the watchword of the Republican party ever since it raised its head in the cradle of liberty for the protection and betterment of mankind. We have protected home markets and have sought out new ones abroad. We have sent American consuls into every capital in the world to look up markets. The English lord dines on corn-fed beef from the valleys of the Ohio and the Missouri instead of Southdown mutton exclusively. Our American hog has marched triumphantly up the streets of Berlin—I believe he does have to carry with him a certificate of cleanliness and good health, but then he goes just the same. We have expended untold millions to develop markets for American products. We have sent Old Glory around the world on a mission of mercy and civilization. We will keep it there for those two good reasons, and incidentally we hope it may help our Eastern trade.

But, sirs, I ask you, is Asiatic trade better than trans-Mississippi trade? Would you rather sell a wagon, my friend from Wisconsin, in China than in Colorado? Would you, my friend from Ohio, where you make good bridges, would you rather sell a bridge in Egypt than in Wyoming? Would you, my Pennsylvania friend, prefer making engines and railroad iron for Russia and England and Jerusalem than for Utah, Montana, California, Wyoming, Kansas, and Nebraska?

Gentlemen, this question of irrigation must be met. Governmental aid must come and it will come. The Government owns the lands and upon them there are collectible no taxes for State purposes. The entire revenue from these lands goes into the Federal Treasury, and I believe it is the duty of the Government to help reclaim them, at least to the extent of revenue derived from them. The pending bill provides for no more and it could ask for no less. It is an important measure to the West, but it is even more so to the East. What people are out there can live, but, sirs, if the country is to be settled up and become of any value to the East, some such measure as this must pass. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Indiana. Mr. Chairman——

Mr. REEDER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. REEDER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana is recognized in favor of the pending amendment.

Mr. ROBINSON of Indiana. I ask unanimous consent that I may have ten minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON of Indiana. Mr. Chairman, some reference has been made to the influences prevailing in favor of this measure. I challenge the advocates of this bill to show that the principal promotion is not by the great railroads of the Northwest. Look in your mail of this morning. See the speech of James J. Hill, president of the Great Northern Railway Company, delivered June 4 in Chicago, and read its statements for proof. Read the discussion and statements appended by the gentleman from Nevada a few days ago, and tell me if the railroads are not the principal promoters of this measure.

Mr. SHAFROTH. Will the gentleman yield to me for a moment?

Mr. ROBINSON of Indiana (continuing). I only need to cite a synopsis of the address of Mr. Hill, at Chicago, on commercial expansion:

Part of the railroads in building up the country—Their property bound up with that of the people they serve—Powers of the Interstate Commerce Commission—Danger of additional powers suggested—Railroads helping to capture for America the commerce of the Orient—Combination of capital needed—Law now to control the only dangerous trusts—Irrigation needed to enlarge the public domain.

So, from all the discussion, tracts, and public documents, every one that lifts up his head as a specialist on irrigation shows that the great railroad combinations are the promoters of this bill. The gentleman from Ohio [Mr. GROSVENOR] has presented an amendment which seeks to save the agricultural colleges of every State of the Union from the attempt made by irrigation projectors to destroy them altogether.

Among the active promoters of this colossal undertaking we find the proverbial—the good, the bad, and indifferent.

The land-grant subsidized railroads—submerging the mainspring of their action, the increase of the value of their land subsidy—urge as a principal reason for it that it will furnish products for our expanding trade in the Orient, and thereby, of course, arguing that it will not adversely affect the farmers of other States.

An argument for trade expansion in Asia now from a political standpoint is an argument for territorial expansion in the Philippines. It does not require a careful observer of political events to discern the effect of the Government going out of its way, at a great expense, fitting these lands for culture to aid in the exploitation of China and the Orient; but how will you explain to the farmers of your States, whose only protection against these new fields forced open by irrigation at their expense is the railroad charge levied against them when they seek to get their products to the place of competition?

As stated by General GROSVENOR, it forecloses any future endowment of agricultural and mining colleges of States in the only way it can safely and constitutionally be done—out of the public-land fund. Each of the State colleges now receives out of the public-land fund, under the so-called Morrill Act of 1890, $25,000 per annum, and for agricultural experiment stations, under the act of 1887, each State receives annually out of this fund an additional $15,000.

A bill introduced this session by the gentleman from Ohio [Mr. GROSVENOR] was recently favorably reported from the Committee on Mines and Mining by the gentleman from Kansas [Mr. SCOTT] giving an additional sum of from $10,000 to $20,000 to the respective State colleges to promote agriculture and mining.

This measure has the support of our college presidents, our State agricultural societies, and the International Mining Congress, all of whom have sent us petitions earnestly asking us to secure its passage.

Mr. BARTLETT. Will the gentleman from Indiana yield to me right there?

Mr. ROBINSON of Indiana. I must first yield to the gentleman from Colorado. I will yield to both gentlemen later on.

PURDUE UNIVERSITY, PRESIDENT'S OFFICE,
Lafayette, Ind., April 3, 1902.

Hon. J. M. ROBINSON,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of March 29, in which you inquire particularly as to the possible benefits to Indiana of the passage of the bill creating schools of mines and mining, I would say, as I pointed out in my previous letter, this would enable Purdue to establish a school of mines and mining by providing for instruction in all of the subjects specially required in such a school, while utilizing the equipment and instructors which we already have for the teaching of such subjects as mathematics, physics, chemistry, drawing, shop practice, etc. In effect, it would give the State the benefit of a fully equipped school of mines, which would otherwise cost a large sum to establish, but which under these conditions could be had at a total additional cost of from $10,000 to $15,000 per annum.

Now, as to the value to the State of such a school: It would enable us to train young men in the science and technology relating to the exploration and development of such very important industries to the State as depend upon its resources in the way of coal, building stone, oil, gas, cement, and clay, which, next to the farming lands, are the most extensive and most valuable interests of the State. I think there can be no doubt but that the intelligent training of men for these particular industries will react to the benefit of the State. Moreover, the establishment of such a school will, under the terms of the bill, enable us not only to train students as indicated, but also to carry on research, make analyses, and publish results free for the use of the citizens of the State.

Very respectfully,

W. E. STONE, *President.*

INDIANA STATE BOARD OF AGRICULTURE,
Indianapolis, Ind., February 1, 1902.

This is to certify that at regular meeting of the Indiana State board of agriculture, held at the statehouse in Indianapolis, at which all the members were present, the following resolutions were introduced by Hon. Mason J. Niblack, seconded by Mr. David Wallace, and unanimously adopted, to wit:

"Whereas the acts of Congress of 1862, 1887, and 1890, establishing and aiding colleges and agricultural and mechanical arts, and agricultural experiment stations in the various States of the Union, have resulted in such usefulness to the productive industries of the country; and

"Whereas in our own State of Indiana the benefits of this legislation, as demonstrated by the work of Purdue University, have been exceptionally great:

"*Resolved by the Indiana State board of agriculture*, That the bill now pending in Congress, known as H. R. 8375, proposing to enlarge the field of usefulness of the land-grant colleges by establishing in them departments of instruction and research in mining, forestry, agricultural engineering, etc., has our strongest indorsement and approval, and that this body requests the Senators and Representatives from Indiana to give the same their active support.

"*Resolved*, That the secretary of this board be instructed to transmit to each Senator and Representative from Indiana a certified copy of these resolutions."

A true copy.

CHAS. DOWNING, *Secretary.*

THE UNIVERSITY OF KANSAS,
DEPARTMENT GEOLOGICAL SURVEY,
Lawrence, January 25, 1902.

DEAR SIR: At the fourth annual meeting of the International Mining Congress held last July at Boise City, Idaho, a resolution was unanimously adopted memorializing Congress to make an appropriation for the establishment and maintenance of mining schools, or mining departments, in the several States and Territories of the Union. A committee on legislation was appointed to present the matter to Congress. This committee begs leave to submit a few thoughts germane to the subject.

First. For more than forty years it has been the policy of the Federal Government to assist State educational institutions by the establishment of State universities and State colleges of agriculture and mechanic arts, and subsequently by establishing the agricultural experiment stations which are now supported by annual appropriations.

The passage of this bill will not only cut off any future endowment of our colleges, but in a few years' operation it will be found to have effectually, by the force of circumstances, destroyed all bounty to them from the national source, except it be granted by a direct appropriation out of the United States Treasury.

This method will always be deemed unwise, and I believe unconstitutional, the constitutionality of which action is at least a question not yet satisfactorily settled in view of the recent upheavals on constitutional construction. This bill, drafted exclusively in favor of its irrigation objects, shrewdly provides that irrigation shall be on the safe side of the question, and makes the fund for its promotion out of the sale of public lands, leaving our agricultural and mineral colleges to the doubtful expedient of running counter to a strong sentiment and constitutional construction and getting their money by a direct appropriation from the United States Treasury if by reason of the depletion of the fund by arid-land projects it shall be found insufficient to supply our State colleges.

This bill affects us all adversely who are outside the arid sections. It is no more selfish in us to claim a cordial and continuing support of our splendid agricultural and mineral colleges of our States. Let us have a use of our public lands at home. They tell us they are legislating for our people. We are satisfied with the legislation we have already with the funds of thousands that we receive for our colleges from the sale of public land, and with the continuing appropriations which are bound to come to us if you do not destroy, for your own selfish benefit, the source of its supply.

We do not need the legislation that you propose in the great work our State colleges are doing to equip competent men to develop our agricultural resources and the products of our mines. You strike a blow at the heart of our established systems and you ask us to pull down the pillars of the temples in which we live and thrive and flourish.

Last year, out of the sale of public land, we drew from the fund of the United States, which you seek to divert, $1,200,000 for our colleges, and the additional sum of $720,000 for experimental work in agriculture and mining. In this way all get a benefit from the land that belongs to all.

Mr. NEWLANDS. Does not the bill first provide——

Mr. ROBINSON of Indiana. I must yield first to the gentleman from Colorado and then to the gentleman from Georgia, and then I will yield to the gentleman from Nevada.

Mr. SHAFROTH. Will the gentleman yield to me now?

Mr. ROBINSON of Indiana. No; I can not.

If the Government, by unusual and expensive means and experiments, is to go out of its way to control utilities and lands, and laws and powers of States too weak to rule themselves, I would think the power could as well be used and exercised for the building of good roads throughout the States, for the reclamation of swamp and lake lands in the States, and my section will furnish a field for this, where I can promise more land reclaimed for a less cost to the United States Government than can be found in the provisions of this bill. But, sir, the people of Indiana will not forfeit their State prestige by asking for it, and we will not ask you to expand the "general-welfare" clause to grant it, living and abiding in the hope that we may never surrender the powers and rights of our State by supplicating for this unheard of and doubtful Federal benefaction.

By the joint action of legislatures of Indiana and Illinois we reclaimed untold thousands of acres of land, and I commend the strength and virtue of these two legislatures to my friends as an evidence of concert of action by States in needed improvements. Counties by joint action drain thousands of acres of waste land, as your land will be watered when the needs and demands enforce the action. It is a confession of impotency in State government or lack of virtue in legislatures to ask the Federal Government to take charge of the polity and administration of State affairs.

Mr. Chairman, it is a measure deflecting immigration from the Southern States, to which it is going now, and sends it to States to the lands of which are to be added this value by this unconstitutional and dangerous measure. Now, I will yield to the gentleman from Colorado for a question.

Mr. SHAFROTH. I want to call the attention of the gentleman to what he was stating at the time I interrupted him.

Mr. ROBINSON of Indiana. I recollect it perfectly well. I hope the gentleman will make his question short.

Mr. SHAFROTH. The gentleman stated the promotion of this matter was by the railroads, and I want to ask the gentleman whether or not he thinks there was any railroad influence that had its influence upon the delegates of the Republican and Democratic national conventions that made them indorse the measure that was put into those platforms.

Mr. ROBINSON of Indiana. I stated yesterday that the gentleman's bill and report providing for cession of lands to States was the only measure before those conventions, and that those conventions well might have had his proposition before them, as it was the only one before the Congress.

Mr. SHAFROTH. I want to say to the gentleman that——

Mr. ROBINSON of Indiana. The gentleman can make his explanation in his own time. Now I will yield to the gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I am interested in the effect that this bill and this amendment will have on the matter proposed, and on the agricultural colleges and the experimental stations. I do not want to take the gentleman's time, but I do want information. I want to know if this bill passes without some express provision in it like that offered by the gentleman from Ohio, what will be the effect on the agricultural colleges and its experimental stations? I know the gentleman from Indiana can make it clear.

Mr. ROBINSON of Indiana. This irrigation bill provides, from line 8 to line 20, page 2:

That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Mr. BARTLETT. Suppose there is this deficiency, and it becomes necessary to provide for agricultural colleges, and Congress is to make the appropriation, it rests upon the will of Congress when proposed as to whether it will make that appropriation or not.

Mr. ROBINSON of Indiana. Yes; but Congress has refused to make appropriations directly out of the public Treasury for projects like this, as it has always refused to make appropriations, many millions of which could be used for good roads and the reclamation of swamp lands, of which I have many in my district.

Mr. NEWLANDS. Now, will the gentleman yield to me?

Mr. ROBINSON of Indiana. I will.

Mr. NEWLANDS. Is the gentleman aware that ever since the passage of the act providing for agricultural colleges appropriations for these colleges have been made out of the general Treasury, and that——

Mr. ROBINSON of Indiana. Hold on; that is one question.

Mr. NEWLANDS. Let me complete my question.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROBINSON] has expired.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. NEWLANDS. Well, we shall object to that.

Several MEMBERS. Oh, no.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes more. Is there objection? The Chair hears none.

Mr. NEWLANDS. Now, Mr. Chairman, I want to ask——

Mr. ROBINSON of Indiana. I heard the gentleman's first question.

Mr. NEWLANDS. I ask the gentleman whether it is not a fact that when the Oklahoma free-home bill was passed, the agricultural colleges were solicitous regarding their existence; and that danger was guarded against, just as it is in this bill, by the insertion of a provision that if there should be any deficiency in the proceeds of the sales of the public lands, the deficiency should be made up out of the public treasury. Now, is the gentleman aware that the agricultural colleges have had a committee here during this winter, and that that committee has been in conference with us with respect to the shape of this provision, and that they are absolutely satisfied with it?

Mr. GROSVENOR. Allow me to state that I am the author of the bill referred to, and the friends of that bill are not in favor of this bill. They are afraid that the effect of this bill will be to destroy the possibility of any further aid to the agricultural colleges.

Mr. NEWLANDS. The gentleman is speaking of a bill with

which we are not now concerned—a bill which has not yet come up.

Mr. GROSVENOR. Mr. Chairman——

Mr. ROBINSON of Indiana. I hope the gentlemen will not take up my time.

Mr. GROSVENOR. I will secure additional time for the gentleman.

Mr. ROBINSON of Indiana. The gentleman from Nevada was about to object to an extension of my time for five minutes, so I hope this interruption will not result in my losing the time I am now entitled to.

Mr. GROSVENOR. This bill provides—

The deficiency, if any, in the sum necessary for the support of said colleges shall be provided from money in the Treasury—

When? When some Congress sees fit to make the provision out of the Treasury. That is all.

Mr. ROBINSON of Indiana. That is the provision I read.

Mr. NEWLANDS. Does the gentleman from Ohio deny my statement that the agricultural colleges are satisfied with this bill?

Mr. GROSVENOR. I do. The Ohio State University is protesting against this bill.

Mr. ROBINSON of Indiana. Now, will the gentleman from Nevada [Mr. NEWLANDS] be kind enough to listen to my answer to his three questions? In form, the appropriation may be made out of the general fund; in fact, the provision is to be made effective and constitutional by providing that the money shall come out of the funds derived from the sale of the public lands, which has always been the result.

Now, in reference to the gentleman's third question, let me say that the committee is not agreed as to this matter, nor is the college committee satisfied with this emasculating provision in the form presented.

In the hubbub I have forgotten the second question of the gentleman. Will he repeat it? I will yield to him for that purpose.

A MEMBER. It was about Oklahoma.

Mr. ROBINSON of Indiana. Yes; in reference to Oklahoma; the gentleman may say what he pleases on that subject, and if it is borne out by the record I will admit it. I am not one of those narrow men who would submerge all the interests to one idea or one measure. I am not one of those who would look straight ahead at only a single interest, at the risk of others important. I believe, as a Democrat and as a patriot, that we ought to admit as States the three Territories. I stood up for that proposition here, waiving the question of irrigation, because there were other considerations which more than counterbalanced that. But if you pass this irrigation bill, I believe that it will send those three Territories in their hope for statehood into gloomy darkness for ten or twenty years to come.

Mr. BURKE of South Dakota rose.

Mr. ROBINSON of Indiana. I yield to the gentleman.

Mr. BURKE of South Dakota. Will the gentleman state how long, in his opinion, there will be sufficient proceeds from the sale of these public lands to make good these appropriations to agricultural colleges unless something be done to reclaim the remaining portions of our public domain?

Mr. ROBINSON of Indiana. The statements of the gentleman from Kansas [Mr. SCOTT] favoring the additional appropriation proposed by the bill of the gentleman from Ohio [Mr. GROSVENOR] for these great and meritorious objects show the amount of money now derived from that source; and this measure would consume the entire fund.

I do know that the Land Office has run behind at times and in funds as an institution of the Government. I do know that they are promoting this measure in order to save their jobs and get new ones for others. I do know that it will not be very many years that this fund can be provided for the support of our colleges. But I believe the people are willing to surrender their rights, if it comes in the usual course of events, if they have any, with respect to direct appropriations from the public Treasury, rather than pretend that they are doing good to all our people by creating lands at a cost of $10 an acre to be purchased by the poor people of our country. Categorically, I do not know exactly, is my answer to the gentleman's question as to the time that the funds for colleges will run out unless irrigation is provided for.

Those of course are favoring it who in official departments and bureaus are specialists—specialists of the arid and irrigation variety, good men and wise, but nevertheless specialists—and they have labored exclusively, sedulously, and unremittingly to secure its success. They have trod the straight and narrow pathway, looking neither to the right nor to the left, but straight ahead, with but a single hope and ambition—its ultimate success.

Others in official life outside of Congress follow closely along who have expectation of promotion for themselves or preferment for others, and these are no inconsiderable force.

I was never so forcibly reminded of the charge of the Light Brigade as when it become known that I was opposed to this bill as untimely, unwise, and injudicious. They have flooded us with public documents and discussions that Congress unwisely, in my judgment, gave them the power to inflict upon us.

I exclude, of course, in referring to "promotion," representatives of constituencies who are working for their people, as I work for mine. I applaud their efforts. If they get two score votes on this floor from States unaffected by the special interest involved, they will be entitled to the best crown of glory for their achievements.

This bill involves in large measure immigration—whether we shall adopt a remedy complete and loudly called for by the very interest, labor, for the ills to which you say this is a panacea—for the evils complained of.

By shutting out the great hordes of immigrants from Japan and from the south and east of Europe, who come not to make good citizens for a generation or two, but to lower the scale of wages and living and to eat out the substance of our people and desirable immigrants from the north and west of Europe, you at once divert the argument for more public land of all its force and strength. I see in this legislation an opening up for and an encouragement of those undesirable classes from Japan, the Philippines, and from the south and east of Europe, too many of whom already abound and who are driving out American labor on the Western coast.

The gentleman from Nevada is, as he should be, for Nevada against the world. In all things and at all times he has been her faithful and able representative. He has accomplished for her all that could be accomplished, and none has done more for his constituency.

But his task is difficult, and I am reminded of a picture of Atlas with the world on his shoulders, and see a parallel of the gentleman with Nevada on his shoulders, heavy in land, but light in people. But how can he ask us to give up our interests to serve her exclusively? A Republican has proclaimed through the press, if he is properly quoted, that all the Democrats are favorable. Announcements like this may have emanated from this side, but I doubt it, for it has no foundation in fact, and it bears a suspicious resemblance to an attempt to bunco and frighten both sides by a political dream or hobgoblin that exists nowhere in the realm of politics or on the floor of the House.

Mr. NEWLANDS. Mr. Chairman, I wish to address myself to the amendment presented by the gentleman from Ohio, the purpose of which is to defeat the bill. The gentleman from Ohio proposes to amend the first section of this bill, which provides that the receipts from the sales of public lands in the arid region, comprising thirteen States and three Territories, shall be set apart in the Treasury as a reclamation fund for the construction of irrigation works, by striking out the following proviso:

Provided, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, * * * the deficiency, if any, in the sum necessary for the support of said colleges shall be provided from any moneys in the Treasury not otherwise appropriated.

And inserting in lieu thereof the following:

But no part of the proceeds of sales of public lands required to carry into full effect the provisions of the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provision of an act of Congress approved July 2, 1862," shall be so set apart or diverted to such irrigation fund.

Now, gentlemen, what will be the effect of this amendment? Its effect will be to make all agricultural colleges a charge upon the receipts of the public lands of the arid region. The receipts from that region now aggregate nearly $3,000,000 annually and as the appropriations for the agricultural colleges amount to about $1,000,000 annually, and the amount which would be used for irrigation under this bill will be reduced, if the gentleman's amendment is carried, to less than $2,000,000 annually.

This is upon the assumption that all the humid public lands outside of the arid and semiarid States will soon be disposed of and that the sales of the future will be made only in the arid and semiarid region.

HOW AGRICULTURAL COLLEGES ARE SUPPORTED.

Now, we all know that the original legislation regarding the agricultural colleges provided that the annual allowance should come from the proceeds of the sales of public lands, but, as a matter of fact, no special fund in the Treasury was made of the receipts of the sales of public lands, and it has been the custom of Congress to make annual appropriations for the agricultural colleges from the General Treasury.

This custom will doubtless continue even when the entire public domain is disposed of, for I take it for granted that the Congress of the United States will support these agricultural colleges out of the public Treasury after the land funds are exhausted just as

it has been supporting the Agricultural Department, the experiment stations, the Bureau of Soils, the Bureau of Animal Industry, the Geological Survey, the Coast and Geodetic Survey, and other scientific branches of the Government, and they will do it under the general-welfare clause of the Constitution, which permits almost any legislation that is for the benefit of the country at large.

We all know that the area of the public domain has been greatly diminished in the humid States; that all lands which are watered by the heavens either have been or are being taken up by settlers, and that the public lands in the humid region will soon be exhausted. If, then, the agricultural colleges should remain dependent upon the proceeds of the sale of public lands they will shortly be without revenue, for the bulk of the public domain now lies in the arid region, and it is almost worthless. It will be worthless to the agricultural colleges, it will be worthless to the Government, it will be worthless to the States, and it will be worthless in every sense unless this work of reclamation is commenced. So that these lands constitute no valuable asset of that fund unless the very work of reclamation contemplated by the act is done.

Now, what have we done to secure the future of these agricultural colleges? Why, when the Oklahoma free-homes bill came up, several years ago, and it was proposed to turn over millions of acres to settlers without imposing upon them even the charge which was paid for the lands to the Indian tribes, the agricultural colleges, fearing that their appropriations would be endangered, appealed to Congress to protect them, and the result was that with the consent of both sides of the House, a provision was inserted in the Oklahoma free-homes bill similar to the one inserted in this bill, that if at any time the proceeds from the sales of public lands should be insufficient to meet the requirements for the support of the agricultural colleges, the deficiency, if any, should be made up out of the general Treasury, so we have already legislation protecting the agricultural colleges—they are already fastened upon the Federal Treasury—and it is only excess of caution which requires any provision protecting them in this bill. They are already protected for all time.

THE MINING SCHOOLS.

I wish to say on behalf of the Irrigation Committee that its members have been in communication with a committee of five appointed by the agricultural colleges to take care of their interests in Congressional legislation and to secure additional legislation for mining schools in connection with them. This committee has been here urging Congress to provide for a school of mines in every State in the Union and for an appropriation of $10,000 annually for this purpose, to be gradually increased until it should reach $20,000 annually, and the bill which they have urged provided in terms that this appropriation should be a charge upon the proceeds of the sale of public lands.

I myself have held frequent conferences with them, and the gentleman from Wyoming [Mr. MONDELL] has held frequent conferences with them. We stated to them that while we were friendly to the organization of mining schools by national legislation, we could not, in the interest of the arid region, permit any diminution of the fund required for the reclamation of arid land, and while we were willing to make these mining schools a charge upon the public lands outside of the arid region, we were opposed to any measure which would enable them to absorb the proceeds of the sales in the arid region, essential as they are to its development.

We came to an agreement with them, and the agreement was that they should make their bill simply a charge upon the proceeds of the sales of public lands outside of the arid region. As a result of our agreement the friends of the mining-school bill and the friends of the irrigation bill have very generally signed a petition to the Committee on Rules asking that a time be fixed for the consideration of the mining-school bill with an amendment eliminating from their support the proceeds of the sales of public lands in the arid region and making them a charge upon public lands in the humid States only.

I am assured—we have all been assured—that the representatives of the agricultural colleges are satisfied with the provisions of this bill. They have uniformly assured us that they are in favor of an irrigation bill for the development of the West, and I have no reason to doubt their sincerity. Now, this mining-school bill was introduced by the gentleman from Ohio [Mr. GROSVENOR] and it was favorably reported by the Committee on Mines. The gentleman from Ohio has referred to this bill, and I have no doubt the agricultural colleges would like to have it passed, and I am in favor of it in its modified form.

I am in favor of making appropriations to these mining schools out of the Federal Treasury. I believe that the organization of mining schools will be sanctioned by the general-welfare clause of the Constitution. I can not conceive any reason why appropriations for such schools intended to advance, develop, and promote the mining interests of the country should not be as legitimate a subject of national legislation as the Agricultural Department, as the Bureau of Soils, as the experiment stations, as the Geological Survey. The fact is that the mining schools can be incorporated with these departments, and particularly with the Geological Survey, and the two can be so interrelated as to be of a vast advantage in the development of the country.

The public lands owned by the Government are largely mining lands. Their property development depends upon scientific knowledge as well as practical experience. If the agricultural and commercial development of the country is a legitimate subject of national legislation there is no reason why the mining development should not be, and these schools form an essential part of such development. If brought into cooperation with the Geological Survey they will be in touch with the mines of every part of the Union, and thus the experience of the developed part may become available for the undeveloped part.

But it is unnecessary to go into the question of the mining schools now. That will be a matter of future legislation, and I hope the proposed bill, amended as agreed, will be passed. The only question now before us is whether the agricultural colleges are protected by this bill, and I insist that they are; that they are by this bill and the Oklahoma free-homes bill made a charge upon the general Treasury, and that it is as proper to make them a charge upon the Federal Treasury as the Agricultural Department and the scientific bureaus. And if this is denied, I insist upon it that the proceeds from the sale of public lands have been accumulating in the public Treasury for years, and that if they are put together they will be sufficient for the support of the agricultural colleges for an hundred years.

So that, even assuming that the agricultural colleges are entirely dependent upon the proceeds of the sales of public lands, and there is no constitutional sanction for their support from the taxation of the country, I insist upon it that there are funds in the Treasury amply available for this purpose.

EXTENT OF POSSIBLE IRRIGATION.

Mr. BARTLETT. Will the gentleman permit an interruption at this time?

The CHAIRMAN. Does the gentleman yield?

Mr. NEWLANDS. Yes.

Mr. BARTLETT. I desire to ask the gentleman from Nevada if he can tell us how many acres of arid lands there are, how many acres of public lands, and how many that are not, so that we can form some idea of how much this fund will eventually be?

Mr. NEWLANDS. Mr. Chairman, I will state to the gentleman that so far as the arid region is concerned there are in all 600,000,000 acres of land, mountain and valley land. Of these 600,000,000 acres, probably one-half or more is so high above the general level of water in the streams that it can not be reached by water diverted from the streams. Then besides only a small portion of the land within reach of the streams can be irrigated, because of insufficiency of water. You must recollect that the streams in that region are fed from the snows of the mountains and that these snows are limited both in area and depth.

It is estimated that only one-tenth of the arid region is reclaimable, and it will take fifty or one hundred years to do that. Some idea of the time that will be taken can be derived from the fact that thus far in a period of fifty years only 7,500,000 acres have been irrigated by private enterprise. It is estimated, therefore, by the officers of the Geological Survey and by the State irrigation engineers and other competent men that of the whole 600,000,000 acres of public land now existing in the arid region only 60,000,000 acres are reclaimable. Sixty million acres means a space equal to that occupied by the States of Iowa and Illinois, or the single State of Colorado.

AGRICULTURAL COMPETITION.

Now, when you reflect that during the last fifty years we have not only opened up the States of Missouri, Kansas, Nebraska, the two Dakotas, Minnesota, and Wisconsin, and that we did all this when our population was much less than it is now, you can form some idea of how small the agricultural competition of the future will be as compared with the agricultural competition of the past. In addition to this you must recollect that the products of that region are different from the products of the Mississippi and Ohio valleys. The wheat and corn of the Mississippi and Ohio valleys will be bought by the people of the arid region for food for themselves and for fattening their cattle.

Already the States of Kansas, the two Dakotas, and Nebraska find a considerable part of their business in supplying the arid region with corn, and so their product goes now to the West, to the arid region, instead of to the East in competition with Iowa, Missouri, and Illinois. With the development of the arid region, the increase of the mining development, and the increase of the business of fattening cattle there will be an enlarged

market for the products of the Mississippi and Missouri valleys instead of a lessened market. That this is so is demonstrated by the fact that the Representatives from the two Dakotas, Kansas, and Nebraska, the States nearest the arid region, and the most likely to be injured, if there should be injurious competition, are in favor of the development of the arid region. They know that that development means the prosperity of their region, not its injury.

Mr. BARTLETT. You do not ask to take any other money except that arising from the sale of those very lands?

Mr. NEWLANDS. We do not propose to take anything except the proceeds of the sale of public lands in the arid and semi-arid region, composed of 13 States and 3 Territories. We propose in this way that the West shall reclaim itself without calling upon the Federal Treasury, though I claim that the development of the public domain is as legitimate a charge upon the public treasury as any other measure relating to the public welfare.

Mr. SLAYDEN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. NEWLANDS. Yes.

Mr. SLAYDEN. Is there any other means of increasing the value of those arid lands except by irrigation?

Mr. NEWLANDS. None whatever, and the Government itself must make these waters available; no one else can, for no one else has the capacity to do it. The owner of this vast public damain, whoever it is, must do the work, and unless the Government rids itself of ownership by granting this great public domain to some corporation, it must go on with the work. Should the Government grant these lands to corporations, it would absolutely abrogate the trust it holds for the entire people. No greater outrage could be effected.

LAND MONOPOLY.

We have not felt in this country the evils of land monopoly. Lord Macauley said we never would experience the test of our institutions until our public domain was exhausted and an increased population engaged in a contest for the ownership of land. That will be the test of the future, and the very purpose of this bill is to guard against land monopoly and to hold this land in small tracts for the people of the entire country, to give to each man only the amount of land that will be necessary for the support of a family—not more than 80 acres in the southern part of the arid region and not more than 160 acres in the northern part, where cultivation is less intensified. Convey this land to private corporations and doubtless this work would be done, but we would have fastened upon this country all the evils of land monopoly which produced the great French revolution which caused the revolt against church monopoly in South America, and which in recent times has caused the outbreak of the Filipinos against Spanish authority.

STATE CESSION.

Nothing can be accomplished by conveying this land to the States. The State lines are arbitrary lines, not drawn with reference to the watersheds, but arbitrarily by the surveyors, straight north, south, east, and west. Were these States so bounded that each could compose an entire watershed, with all its tributaries, then it would be possible to cede all the public domain to the States with the expectation of some just and proper result, but a river, with all its tributaries, may reach into four or five States. Scientific reclamation requires conservation regardless of State lines. The lands for reclamation may be in one State, bounded by arbitrary lines, and the work of conservation of the waters necessary for the reclamation of its arid land may have to be done in another.

HYPOCRISY OF "STATE CESSION."

And right here upon the question of State cession, let me ask how the opponents of this bill, who are endeavoring to defeat its operation by withdrawing from the reclamation fund such portion of the receipts from the sales of public lands as is necessary to support the agricultural colleges, can justify themselves by insisting upon State cession as preferable to the provisions of this bill?

Every man who has been endeavoring to defeat this bill by enlisting the friends of the agricultural colleges against it has also stated in the course of his argument that he would be in favor of ceding these lands to the States; and yet cession to the States will cause the agricultural colleges the loss of these receipts just as much as they will be lost to the agricultural colleges under this bill. Nothing can more clearly demonstrate the hypocritical character of the opposition to this bill on the part of those who profess friendship for the agricultural colleges than the demand that these lands should be ceded to the States, and that, too, without substituting the support of the General Treasury.

WILL KILL THE BILL.

I wish to emphasize that the adoption of this amendment will kill this bill, and that the very purpose of the amendment is to defeat it. This will not be the only amendment intended to kill this bill. Those opposed to this measure are prepared to offer many amendments, their purpose being to delay the consideration of this bill under the rule that has been adopted, knowing well that if this House adjourns to-day without final action the bill will be dead, and I appeal to the friends of the bill to vote down the amendment, put a limit for debate upon every amendment, and drive this bill through to a successful issue.

So far as this side of the House is concerned, I am glad to know that it has almost its unanimous support. It is true that the gentleman from Indiana [Mr. ROBINSON], a Democrat, has arraigned his party associates in regard to this bill, which has the unanimous support of the Democratic members of the Irrigation Committee, the support of the Democratic members of the Committee on Rules, and the approval of the Democratic Congressional Campaign Committee, and which meets the demand of the Democratic party itself, declared in unequivocal terms in the platform of 1900.

I am glad to know that he stands almost alone on this side of the House in opposition to the bill. I stand as he does, as all this side does, against this expensive system of expansion which has involved the country in an expense of nearly $600,000,000 in a war of subjugation against a foreign people desirous of independence, and I had hoped that he would stand with his party in favor of domestic development as against foreign subjugation and growth by conquest, but the gentlemen on the other side of the House who oppose this bill are guilty of even greater inconsistency.

The leaders on that side—the men charged with the responsibility of party action—have been and are heartily opposed to this bill, and if this bill is to be carried it is to be carried against their opposition by the friends of irrigation in both parties. How amazing the inconsistency of these gentlemen! After spending nearly a billion of dollars in a war of perfidy and foreign conquest, they cry economy regarding domestic expenditures. They would expand the empire; they would dwarf the Republic.

They favor the demand for millions of expenditure in support of an army of conquest in the Orient; they give heed to a demand for millions of dollars for buying the lands of the friars in the Philippines in order to present them to the Filipino people, and yet they turn a deaf ear to the demands of this country, whose people by hundreds and thousands, the bone and sinew of the land, are now seeking homes in the public domain of Canada, and they deny this country the reasonable and just development essential to its welfare and the welfare of the unborn millions of the very States which they represent.

What would have been thought of Alexander Hamilton, the great leader of New York in the early days of the Republic, had he opposed the development of the country beyond the Alleghanies upon the ground that the farm competition would be disastrous to the interest of the farmers of New York? What would have been thought of Benjamin Franklin had he in his day taken the view that the prosperity of the farmers of Pennsylvania demanded that a limitation be put on the development of that country?

What would have been thought of the sturdy pioneers who drove their way through the Alleghenies into the forests and fields of Ohio, Illinois, and Iowa had they said: "We have now undisturbed possession of this portion of the public domain; let us stand firmly against the development of any other part?" What would have been thought of them had they selfishly opposed the development of Missouri, Nebraska, the Dakotas, Michigan, Wisconsin, and Minnesota?

And yet to-day the leading Representatives of New York, Pennsylvania, Ohio, Illinois, and Iowa, occupying positions of power and influence on the majority side of the House, are actively and vigorously opposing the development and settlement of the arid West. Is it economy that controls them? How, then, could they favor the exemption of the Cuban people from about $7,000,000 annually in duties which otherwise would go into the Federal Treasury and pay their part of the Federal expenditures?

They eloquently spoke for magnanimity to Cuba, and yet they stand for injustice, illiberality, and indifference as to the wants and requirements of one-third of their own country—the wants and requirements of the people of numerous States brought into being by the act of the Federal Government and only lacking population because the Federal Government has neglected its duty with reference to its own domain and has refused to do the necessary and essential work for the conservation of the great water supply required for its settlement and population.

But time will not permit a lengthy argument, and I can only appeal to those who stand in sympathy with the development of the West to vote down this amendment which, in my judgment, is absolutely disastrous to the bill and which is intended to destroy it. Our time is short. Let us push this bill through, voting down all amendments, however specious, until we reach a triumphant conclusion.

Mr. MONDELL. Mr. Chairman, this amendment is an attempt to defeat the bill by stampeding the House, by raising a bogy man, by attempting to frighten members who are interested in the agricultural colleges and the schools of mechanic arts into believing the revenues for the support of these institutions are in danger. There are no gentlemen on the floor of this House more interested in the agricultural colleges and the schools of mechanic arts than the gentlemen on the Committee on Irrigation, and that they are interested in those schools is indicated by the fact that in order that there might be no question relative to the funds for the support of those schools, out of an abundance of caution we reenact in this legislation a provision now upon the statute books and now protecting those schools and colleges.

When the so-called free-homes bill was under discussion here it was opposed by certain gentlemen interested in the agricultural colleges on the ground that to relieve the settlers from the payments on their lands would reduce the revenues from the sale of public lands, and possibly endanger the revenues of the agricultural colleges; and in order to quiet those fears, in order that there might be no question but what the necessary revenues should continue to flow to those colleges, there was written into that bill the following provision, in chapter 479, acts of the Fifty-sixth Congress. And I want the House to notice that we have written into this bill almost the exact language of the free-homes bill, as follows:

That in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress approved August 13, 1890, for the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts—

And so forth—

such deficiency shall be paid by the United States.

Mr. RAY of New York. May I ask you a question right there?

Mr. MONDELL. Yes; I will yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY of New York. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Wyoming be extended five minutes. Is there objection?

There was no objection.

Mr. RAY of New York. It is true that you say here that if the funds provided by the sale of lands are not sufficient to carry on the irrigation schemes and also to sustain these schools, that then these schools shall be maintained out of other moneys in the Treasury not otherwise appropriated.

Mr. MONDELL. I beg the gentleman's pardon. We do not say exactly that, though that is the purport of the provision.

Mr. RAY of New York. I beg pardon, but you do, or else I misread. Let me see:

Provided, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section——

Mr. MONDELL. Other than those realized from the sale and disposal of lands referred to in this section.

Mr. RAY of New York (reading):

are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories under the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Mr. RAY of New York. Now, supposing that Congress at some future day should see fit to abandon these colleges to their fate; supposing that Congress should refuse to appropriate the money. Then they would have to close their doors, would they not? In other words, does not this bill in a certain contingency throw these colleges and schools upon the mercy of Congress?

Mr. MONDELL. I do not think it does. The gentleman voted for the free-homes bill, I believe, which contains the same provision that this bill contains and made the agricultural colleges a charge upon the public Treasury as this bill does, providing there are not sufficient proceeds from the sale of public lands to provide for them. That is what this bill does, and that is what the free-homes bill did.

Mr. GROSVENOR. Will you allow me? Do you hold that it is imperative that Congress shall make that appropriation?

Mr. MONDELL. I hold that the appropriation is made by this legislation.

Mr. GROSVENOR. That it is a national appropriation—of how large a sum?

Mr. MONDELL. Of the amount provided in the original legislation—$25,000 per annum for each State and Territory, I think. I want to call the gentleman's attention to this fact, that when the agricultural colleges and schools of mechanic arts and experiment stations were costing upward of $1,500,000 per annum, and the net proceeds of the sale of public lands was a less sum per annum, the agricultural colleges and schools of mechanic arts received their funds without this legislation and without the free-homes legislation.

As a matter of fact, these appropriations have always been made out of the Treasury of the United States without any inquiry being made by the Treasury officials whether there was a sufficient sum received from the sale of public lands to pay them.

Mr. GROSVENOR. Then the only difference here is that you will take away the fund from which normally they were to derive their support and push them over to the charity of Congress.

Mr. MONDELL. Well, if the gentleman wants to call it the charity of Congress, very well. What the gentleman wants to do, I understand, is this: That the arid West shall support the agricultural college of his State; that Nevada lands shall support the agricultural college in New York; that Wyoming's lands shall support the agricultural college in Pennsylvania. Now, the House has already passed on this question in the free-homes bill. The House has already provided that if the sale of public lands other than those derived from certain sources will not meet the requirements of agricultural colleges, then this fund shall come from the National Treasury, and these funds have been coming from the National Treasury.

Now, gentlemen, we do not pledge all the public lands to irrigation in this bill. There will remain about 367,000,000 acres of public lands from which funds for the support of the agricultural colleges may be derived. The proceeds of the public lands outside of the States and Territories named in this bill last year were over $600,000, not enough at the present time, I grant you, to provide for the schools and colleges, but I have no doubt but what the funds from this source will increase. But, gentlemen, what do we propose by this legislation? We ask not that any American citizen shall be taxed for the reclamation of the West. We simply ask that the public lands of that great region shall be pledged for the reclamation and development of that region.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I ask for the regular order.

The CHAIRMAN. The gentleman from Alabama makes the point that debate upon this amendment is exhausted. The Chair sustains the point of order.

Mr. CANNON. Is there not a pro forma amendment pending?

The CHAIRMAN. There is not.

Mr. CANNON. I would like to hear the amendment read again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. CANNON. I suppose that amendment is subject to amendment.

The CHAIRMAN. The amendment is subject to amendment.

Mr. CANNON. I fancy I can offer an amendment by which I can get five minutes.

Mr. SHAFROTH. I ask unanimous consent that the gentleman be given five minutes.

Mr. REEDER. I shall object to that, unless other gentlemen may be recognized.

Mr. HOPKINS. I move that all debate upon the pending paragraph and amendments shall be closed in ten minutes.

The CHAIRMAN. The gentleman from Illinois moves that debate upon the pending paragraph and amendments be closed in ten minutes.

Mr. DALZELL. Mr. Chairman, that is hardly a fair proposition. There has only been one amendment offered to this paragraph up to the present time, and there are many other amendments to be offered, and they ought to be understood.

Mr. HOPKINS. Has the gentleman any amendment to offer?

Mr. DALZELL. I have.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

Mr. HOPKINS. I withdraw it.

Mr. UNDERWOOD. I call for the regular order, which is not debatable.

The CHAIRMAN. The gentleman from Illinois was recognized to offer an amendment to the amendment and is now preparing his amendment. The Chair does not feel like cutting him off from offering the amendment when he has not had an opportunity to do so.

Mr. CANNON. Mr. Chairman, I will ask if a pro forma amendment is in order?

The CHAIRMAN. A pro forma amendment is in order.

Mr. CANNON. Then I move to strike out the last word.

Mr. Chairman, I must confess that I have not the knowledge of this bill that a Representative ought to have to fully discuss it in detail, and I find myself compelled to make an opinion as to the

general merits of the proposition. Very generally we follow committees. There is a majority and a minority report here. Now, as I am advised at the present I stand ready to vote against the passage of this bill. I am inclined to think, if I understand it, that I stand ready to vote for this amendment. Let us see if I understand it. The bill devotes or appropriates all the public lands in the States mentioned for irrigation.

Mr. TONGUE. Except those devoted to school purposes.

Mr. RAY of New York. I beg pardon of the gentleman. He knows that it takes those devoted to school purposes also, in that provision, except the 5 per cent excepted.

Mr. CANNON. Well, I understand now that there are certain exceptions—5 per cent that pertain to the existing States that are not affected, and the school lands have been held unaffected, and if they are not selected, then the 5 per cent of the proceeds of the public lands granted to the States, they are not affected.

Mr. MONDELL. There is another; that is, the local land office fees are paid.

Mr. CANNON. Oh, certainly; that does not amount to anything. Now, then, I understand that many years ago legislation was enacted that devoted from the proceeds of the sale of the public lands $25,000 annually to each agricultural college. How many there are I do not know; certainly 45, I take it; there may be 45, and probably will be more. That is in the nature of a mortgage, in one sense of the term, upon these particular lands, the public lands, that belonged to all the people when the legislation was had, practically in perpetuity for this purpose. It was thought wise to devote it to the agricultural colleges, because they had to do with agriculture. Congress years ago thought it wise to make this mortgage upon these lands in perpetuity, as I understand it.

This bill without the amendments put that charge practically upon the Treasury of the United States and relieves the public lands from that burden. It is true it does not affect the public lands in Alaska, and perhaps here and there other public lands, but substantially all the public lands that would produce a revenue are, by the proposed legislation, relieved from this mortgage that Congress put upon them to sustain the agricultural colleges. Now, I do not think it makes any difference to the agricultural colleges. I want to be square because the bill puts that charge directly upon the Treasury of the United States and relieves the public lands from that.

That brings me to another question. I rather think I shall vote for this amendment. I am content to let that charge rest there, and if this bill should pass, let them have for the purpose of this fund the proceeds of the public lands after the burden has been borne for the agricultural colleges.

Mr. MORRIS. What is the amount?

Mr. CANNON. From one million to twelve hundred thousand dollars per annum. Now, then, I wish I had it in my power to devise some machinery that would give every one of these States all these public lands, and allow each State to work out its own salvation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MONDELL. I ask that the gentleman be allowed five minutes more.

The gentleman from Wyoming asks that the gentleman from Illinois may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. It is a great extent of country. It contains forests, mines, mineral lands, plains, deserts, streams, and a small percentage of land that can be irrigated. The gentleman from Wyoming says from thirty-five to seventy-five million acres. I assume the latter figure is correct; that if all the water was fully utilized in the States mentioned it would probably be sufficient to irrigate 75,000,000 acres of land, and the estimate is that it will cost $10 an acre to make the reservoirs and the ditches, and that the settler will have to level the land and make the little irrigation ditches that would utilize the water. Ten dollars an acre, exclusive of this work by the settler, would make $750,000,000. It will some time be done. If I had my way about it, I would let this problem work itself out. As the population increases in the older States, as it becomes for the interest of the men to push out to make them new homes and reclaim these lands, they will do it as we have settled the balance of this country, guided by good brains, by the strength of the right arm of industry. I would rather it would be worked out in that way.

But let me come down to the exact thing I am afraid of. In the very inception of this bill it removes the charge of a million dollars a year upon these lands and puts it upon the Treasury.

Mr. BARTLETT. In addition to that there is $720,000 for experimental stations.

Mr. CANNON. Very well; perhaps I have got it too small. In the very inception I will assume that it is $1,000,000; in twenty-five years that is $25,000,000. Now, then, we could get along and let the Treasury bear that burden, but it is claimed by the gentlemen that all they want is their land, if the bill is passed, devoted to reservoirs and irrigation, and that they will work out their salvation. But before they can start this annual burden of from a million to twelve hundred thousand dollars is put on the Treasury.

That charge is a direct grant in this indirect way. Now, what I apprehend, and I would like to hear from my good friend from Wyoming [Mr. MONDELL] and my good friend from Nevada [Mr. NEWLANDS] and my good friend from Colorado [Mr. SHAFROTH] upon this subject. I apprehend that twelve months will not pass by until, by the aid of almost one-third of another body coming from the arid and semiarid States, at the other end of the Capitol, and the Representatives here, reenforced by transcontinental roads, reenforced by people who have got something to sell and develop—I am fearful they will come for a direct grant from the Treasury, possibly reimbursable from the sale of these lands, by which in the end we are to shoulder up, modestly speaking, $750,000,000 for this work, running through the years.

Now, I may be wrong about it. I would be glad to hear from the gentlemen I mentioned a moment ago whether in point of fact this is not a mere entering wedge——

Mr. NEWLANDS. Would the gentleman like an answer now?

Mr. CANNON. I yield first to my friend from Wyoming [Mr. MONDELL] the balance of my time to answer that question. If I had the time I would be glad to yield to the gentleman from Nevada [Mr. NEWLANDS] and my friend from Colorado [Mr. SHAFROTH], because we are now getting at the very kernel of this contest. I want to know what we are voting for; and I would like for these gentlemen to speak up and tell us what they think about it.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Chairman, I have listened to what the gentleman from Illinois [Mr. CANNON] has said, and without attempting to answer him I want to say that I am in favor of this bill being passed, I am in favor of this bill being voted on, and I want to say to the men who stand here from the West, or from the South, or from other parts of the country, who want this bill to pass, that if you do not get a vote on this day your bill is dead. We have spent an hour in debating one paragraph. If 5 o'clock should come and there should be no quorum here and this House should adjourn without this bill being disposed of, then under the rule your bill is dead. I say to you, therefore, if we do not expedite this bill, if we spend the entire day in talking about it, you will never pass the bill.

Now, if the agricultural colleges——

Mr. DALZELL. The gentleman will allow me to say that the special rule provides for a vote to-day whether the bill be read through or not.

Mr. UNDERWOOD. It does not fix the hour.

Mr. DALZELL. It provides that "at the end of two days"——

Mr. UNDERWOOD. No; it says that the bill shall be considered under the five-minute rule for two days——

Mr. CANNON. I should like to know how this matter stands.

Mr. UNDERWOOD. I would ask my friend on the Committee on Rules [Mr. DALZELL] whether he will agree that the debate on this bill, if not concluded sooner, shall conclude at 4 o'clock and the bill be reported to the House with the amendments?

Mr. DALZELL. So far as I am concerned, I should be perfectly satisfied with that course; but the rule provides that—

At the end of said two days a vote shall be taken.

That is irrespective of the question whether the bill has been read through or not.

Mr. UNDERWOOD. But we must finish the bill before we can report it to the House, and if we should lose a quorum this evening how could we report it to the House? To-morrow the bill would not be in order.

Mr. DALZELL. We could report it to the House under the rule, and it is specially provided that a vote shall be taken. The only danger that the gentleman runs at all is the danger of having no quorum; but there is no danger from protracted debate.

Mr. UNDERWOOD. If the bill is not voted upon to-day it will be dead.

Mr. DALZELL. That is true; but it will be voted on to-day.

Mr. UNDERWOOD. Now, as to the agricultural colleges, I simply want to say that the funds now derived from the sale of the public lands, irrespective of that portion derived from the sale of public lands in the arid-land States, are sufficient to-day to support the appropriations for the agricultural colleges and the experimental stations. There is no question that the funds thus derived are ample to-day and will be ample for some time in the future. Of course, there is a day coming in this country when all of the public lands will be disposed of, and you will derive no more revenue from the sale of the public lands for the support of the agricultural colleges. Of course, that day will be, to a small extent, expedited if you give this land for a particular purpose.

Mr. MADDOX. Does this bill take anything from the agricultural-college fund?

Mr. UNDERWOOD. Not anything, so far as the present day is concerned.

Mr. MADDOX. Will it in the future?

Mr. UNDERWOOD. Of course, as I said a moment ago, at some day in the far-distant future all the public lands will be sold, and therefore there will be no proceeds from the public lands to go to any agricultural colleges. That day may be fifty years hence or it may be a hundred years; but the day will come.

Mr. CLARK. And that would be the case if this bill were never passed.

Mr. UNDERWOOD. Yes; that will ultimately happen, whether this bill becomes a law or not.

Mr. DINSMORE. I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] a question—one which I proposed to ask the gentleman from Illinois [Mr. CANNON]. As I understand, this bill provides nothing to take any revenues from the sale of public lands outside of the arid districts in the States mentioned.

Mr. UNDERWOOD. Not a thing.

Mr. DINSMORE. What I want to be informed upon, if the gentleman knows—and if not, I would like some of these gentlemen of the arid West to tell us—is if there are to-day any public lands in that region open for settlement which do not have to be irrigated to make them salable for farming purposes?

Mr. UNDERWOOD. From my information on the question——

Mr. SHAFROTH. They are all arid.

Mr. UNDERWOOD. If the gentleman will allow me, my information is that there is a very small portion of these lands that is open to homestead settlement. There is a large proportion of them that can be used for stock herding and stock raising, but those lands are usually used without being acquired from the Government. They are used by trespassers, and the only lands that the stock owners buy are the lands along the stream. That covers the water front, and then they go on pasturing their herds on the public lands, so in the present condition of those lands very little money will ever be derived from the sale of them for school purposes or any other purpose, but if this bill works out, and you go on and build these reservoirs, and you sell the lands that are adjacent to the reservoirs, and the money comes back into the fund, ultimately, if the scheme works out and is correct, you will have finished all the reservoirs and you will have your fund left that can be used for school purposes, and the only way you will get a fund out of these arid lands for the carrying on of the appropriations for these schools is in that way.

Now, Mr. Chairman, I move that all debate on this paragraph and pending amendments be now closed.

The CHAIRMAN. The gentleman from Alabama moves that all debate on the paragraph and pending amendments be now closed.

Mr. HEPBURN. Mr. Chairman, it seems to me that that is rather ungracious in the gentleman, in view of the fact that the gentleman has occupied so much of the time, to thus cut off everybody else.

Mr. UNDERWOOD. I have occupied five minutes, and the paragraph has been debated for an hour and a half.

Mr. DALZELL. We ought certainly to have an opportunity to explain the amendments that we offer.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama, that all debate on the paragraph and pending amendments be now closed.

Mr. DALZELL. Mr. Chairman, I move to amend that by striking out the word "paragraph" and leaving the word "amendments"—to close debate, in other words, on the amendments now pending.

The CHAIRMAN. The gentleman from Pennsylvania moves to amend the motion of the gentleman from Alabama so that debate on the pending amendments to the amendment be now closed.

Mr. SHAFROTH. Mr. Chairman, I move as a substitute for that that all debate on this paragraph close in ten minutes. We have got to get along, or else we can not get a vote on the bill.

Mr. UNDERWOOD. On the paragraph and amendments?

Mr. SHAFROTH. Yes; on the paragraph and all amendments, that debate close in ten minutes.

Mr. DALZELL. Mr. Chairman, I suggest to the gentleman that that is not fair, to close debate in that way on amendments.

Mr. SHAFROTH. The gentleman has admitted that if we do not get a vote on this measure to-day we are lost.

Mr. DALZELL. The gentleman has said expressly that you are bound to get a vote under the rule. It is specially provided for, and I do not believe that the gentleman will make any greater progress by choking off debate.

Mr. SHAFROTH. The gentleman concedes that if there is no quorum here we could not get a vote, and then the gentleman concedes as a matter of fact that our measure is lost. It seems to me it is nothing but fair that the time be limited, and ten minutes seems to me to be fair. I do not want any of the time.

The CHAIRMAN. The gentleman from Colorado moves, as a substitute for the amendment of the gentleman from Pennsylvania to the motion of the gentleman from Alabama, that all debate on pending amendments and the paragraph be closed in ten minutes.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RAY of New York. I call for a division.

Several MEMBERS. It is too late.

The CHAIRMAN. A division is demanded.

Mr. SHAFROTH. Mr. Chairman, I make the point of order that the Chair had announced the decision before the division was demanded.

The CHAIRMAN. The Chair will state that he heard some one calling for a division, but he did not see anyone standing.

Mr. SHAFROTH. Mr. Chairman, I will withdraw the point of order.

The committee divided; and there were—ayes 81, noes 33.

So the substitute was agreed to.

The CHAIRMAN. The question is on the substitute as amended.

The substitute as amended was agreed to.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. SHAFROTH. I said I would not use the time. If any gentleman wishes to use it he can do so.

Mr. DALZELL. Mr. Chairman, under the order just made I shall not have an opportunity to say anything about an amendment that I propose to offer. So I will send the amendment up now, and say what I would say otherwise if I had the opportunity.

The CHAIRMAN. The amendment will be read for information in the time of the gentleman.

The Clerk read as follows:

In line 4, page 1, after the word "lands," insert "less the cost and expense of the administration and management thereof."

Mr. DALZELL. Now, Mr. Chairman, I have no desire to make remarks at any great length upon this bill. I simply desire to enter my protest in a public manner against its passage, a protest that I feel, however, will be unavailing.

This bill, in my judgment, violates all our previous notions as to the limitations of Federal power and all our theories as to the functions of the Government. It proposes to overrun State lines, to pay no attention to them; to supply Nevada, for instance, with water from California. It proposes even to overrun the boundaries of the United States. I find here a project for building a reservoir up somewhere in the mountains, the water to be carried across the United States line to Canada for 44 miles and back again into the United States.

Now, as I say, the bill violates all our previous notions as to Federal and international limitations. But in addition to that, it is unfair. Gentlemen say, "Why, this is a fair bill, because we are asking for nothing but what is our own;" and yet if I read the first paragraph of this bill aright, you will find that all the money paid into the Federal Treasury from the disposition of desert lands in the arid and semiarid States is to be turned over to the reclamation fund, while all the rest of the States are to be generously permitted to pay the expenses of administration and management of these same lands. Now, my amendment is intended to carry out what these gentlemen claim to be a fair construction of this bill—that the reclamation fund shall be only that which belongs to those States.

But, above all that, I agree with the gentleman from Illinois [Mr. CANNON] that this bill is simply an opening wedge to unlock the doors of the Treasury. We know what will happen in the future by what has happened in the past. Some years ago we passed a law generously giving to the agricultural colleges the proceeds of the public lands. We did that because we said, "This money is not the result of taxation. It is a sort of pocket-money fund belonging to the entire people, and we can devote it to any purpose that we see fit, and we can devote it to no better purpose than the educating of the young people of the country in agricultural pursuits."

What has been the result? No sooner does that fund begin to decrease than the parties who plausibly asked for the passage of the act in the first place come to Congress, and upon their demand Congress puts upon the statute book a law that relieves that fund and imposes the expense of maintaining these agricultural colleges upon the Federal Treasury.

Just so here; these gentlemen say now, plausibly, "Oh, it is only the fund arising from the sale of the arid lands that we want." But the fund arising from the sale of the arid lands will

be a decreasing fund from this day forward, and it will not be long until we find that these same gentlemen will come to Congress and say, "Why, look at this great national work that we have undertaken. We are just in the midst of it. Are you going to allow the money heretofore expended to go to waste? Give us an appropriation from the Federal Treasury." And the result will be that this whole stupendous and extravagant scheme, involving an unlimited sum of money, will be settled upon the American people and paid out of general taxation.

Let me call your attention to a fact that must be fresh in the memory of many of you. Within four years the very gentlemen who are here to-day asking for this legislation said in your presence that it was impossible to believe that the United States Government would ever undertake this as a national scheme because of its immense cost, and yet because of the petitions that the gentleman from Nebraska [Mr. BURKETT] speaks of, coming from laboring organizations and the like, carefully manufactured and artificial public opinion, because of this worked-up sentiment, because of the industry of these gentlemen favoring this scheme, we find them here to-day, not asking that the States shall undertake this, not thinking it is an impossibility for the Federal Government to undertake it, but saying it is right and proper that this legislation should pass, and this great burden be placed on the shoulders of the taxpayers of this country.

Mr. REEDER. Mr. Chairman, I feel safe in saying to-day that no subject has been brought to the attention of Congress in recent years which bears so strongly and in so many ways on the future welfare and prosperity of our nation as does the subject we consider to-day. It is a subject so far-reaching and important in its influences as to cause its votaries to seem visionary to those who have given the subject but a casual consideration. But when the facts are known the feasibility of the project becomes apparent, though its magnitude has made us slow to grasp its tremendous possibilities of benefit to the whole people of the country.

A NEW HOMESTEAD LAW.

The question, in fact, is whether we shall enact a new homestead law which will be applicable to the vast area of arid public lands which remain unsettled, and which can not be settled until in some way water is brought within reach of those who seek homes on these lands.

The lands which are available for settlement under the old homestead law are practically exhausted, and yet the Government still owns two-thirds of the whole Western half of the United States—a territory embracing over 600,000,000 acres of land. The estimates of the area which can be reclaimed vary from 60,000,000 to 100,000,000 acres. Beyond a doubt the area is so large that if it were opened up for settlement opportunities would be created for our people who are without homes to get homes on the land for many years to come. No greater obligation could rest upon us than to see that such opportunities are afforded. No more beneficent law was ever enacted by Congress than the homestead law, and it comes in very bad grace for those who enjoyed the opportunities which it created to object now to continuing its benefits to others. We should see to it that every citizen of our country—every boy who has grown to manhood—who wants a home on the land should be able to get it so long as there remains any public land which can be made available for settlement.

CONDITIONS IN THE ARID REGIONS.

One of the difficulties to be overcome in bringing about a correct understanding of this question in the public mind arises from the fact that so few of our people as a whole are familiar with the natural conditions that exist in the West. They do not realize that unless the Government does adopt the national reclamation policy that we are urging that great region must and will always remain a desert. It can never be reclaimed either by the States or by private enterprise. We are face to face, then, with the proposition that the National Government must do it or that it must remain undone.

The States have not the financial resources and the experiments which have been made under the Carey Act, which granted a million acres to each State on condition only that it be reclaimed and settled, have demonstrated that the States are unable to cope with the problem.

The great rivers which will supply the water for the reclamation of this immense area of arid lands are interstate navigable streams. As Captain Chittenden has shown in his report on reservoir sites in Wyoming and Colorado, the streams which rise in those two States either flow through or border upon 17 different States and Territories. Reservoirs must be built in one State to furnish water for lands in another. Large interstate canals must be built crossing State boundaries and irrigating lands in both States. The great canal to take water from the Grand River for lands in both Colorado and Utah is an instance. The National Government alone can solve these interstate problems.

THE CREATION OF A COUNTRY.

The fact is, the carrying out of this new national policy for transforming our own arid region into a fertile and populous part of our national territory is just as much a national duty and just as much a national function as was the building of the great dikes of Holland. It is actually the creation of a new country, where nothing could exist unless the Government, as a great national undertaking, made the territory reclaimed habitable for man, so that population and everything that goes to make up a government could be brought into being. The sea would still be flowing over great areas of the richest and most fertile parts of Holland if the Government had not built the great dikes which now protect those lands from being submerged by the ocean.

In our case the situation is the same in principle. The limit of development by private capital has been very nearly reached. No private schemes can ever cope with the gigantic task of storing the floods of the Missouri, the Columbia, the Colorado, and the other great rivers of the West that now carry such immense volumes of water to waste in the ocean. These facts are well known to all who have studied the conditions in the West. They are the final conclusions of the Government itself as the result of investigations extending over more than a quarter of a century.

LANDS NEEDED FOR HOMES.

Anyone who thinks the time is not ripe for the reclamation by the Government of the arid region is blind to what is happening around him. No one would contend that these arid lands should be opened up for settlement unless the people needed them for homes. But there is not the slightest doubt that they are needed, and what would happen if they were opened up for settlement under the homestead law? Look at what has happened in Oklahoma. It has been well christened the Homestead State, for it is ready for statehood. In a little over ten years a Commonwealth of 400,000 people has grown up where was before that only a few Indians; and this has resulted in this incredibly brief period of time because the lands of Oklahoma were opened for homestead settlement and there was such a rush to secure these homes that when the lands were opened there was a great rush to occupy them. The recent opening of the Kiowa Reservation is familiar to all. There 160,000 homeseekers gathered to get a chance to draw lots for a home, when there were only 13,000 chances and less than one in ten could secure the coveted bit of land.

MIGRATION TO CANADA.

Now that Oklahoma has been taken up, we see this land-hungry horde steadily moving across the line into Canada. We are losing in this way our very best class of citizens. The sturdy energy which they will devote to the development of that inhospitable region under a foreign flag had far better be kept at home. Give these men who are going into Canada the opportunity they should have to develop the arid region of our own country, and they will do it instead of going to Canada and expatriating themselves.

In a recent interview Mr. J. A. Haslam, of Winnepeg, one of the largest landowners of Canada, stated that 50,000 Americans will move from the United States this year to northwest Canada.

The St. Louis Globe-Democrat recently said editorially:

> The movement of American farmers across the line into Canada's western territory is an argument in favor of reclaiming the lands in the arid region of the United States. These farmers would prefer to stay in their own country if the attractions for them seemed to be anything near so great as they are in Canada's Pacific domain. Canada there has millions of acres of wild land which can be got at a low price, and many Americans are among the persons who are taking it up. Of course, the throwing open of the big Indian reservations which are soon to be put on the market will absorb thousands of those homeseekers, but irrigation would do far more in this direction.

INCREASING POPULATION.

Another reason why we should begin the great work of reclaiming our arid lands for settlement is that our population is increasing so rapidly that it will not be possible to reclaim lands fast enough to keep pace with the increase of our population. We have now over 76,000,000 and in a little over thirty years we will have 150,000,000. In an address at Denver, Colo., on October 10, 1901, Hon. Lyman J. Gage, then Secretary of the Treasury, predicted that "fifty years from now the country will have a population of 190,000,000 people."

Now what are we going to do with all these people?

The question is one that must be answered. We know that if the arid region were reclaimed we could take care of this rapidly increasing population in the West as it overflowed from the congested centers of the East and in that way avoid the dangers which would result from the great overcrowding of the Eastern centers of population which will result unless this safety valve is provided.

A FLOOD TIDE OF IMMIGRATION.

We have not only to provide for the increase of our own population, which has already attained such vast proportions, we must provide also for a rapid influx of foreign immigrants. Their number is greater now than ever before. They are coming to our shores by the hundreds of thousands, notwithstanding all

the restrictions we have placed on immigration. Now, if we continue to let these people crowd into our cities as they are doing now, they are a menace to our institutions and to our social peace. Anyone who will go through the foreign quarter of New York will be convinced that instead of improving they degenerate under the vile influence of the slums, and each year adds to the dangers from this class of our city population.

Another fact which should be borne in mind is that this horde of immigrants coming into our country, if they remain in places already thickly settled, are a detriment to our working people, because they compete for employment with them, and, being accustomed to a lower standard of living with fewer comforts, their competition must inevitably tend to reduce the wages and mode of life of our own laboring classes. There is no way to avoid this competition or to guard against the dangers of the congestion of these immigrants in our great Eastern cities except to get them out on the land in the Far West. If that can be done, they will build up prosperous communities, just as the immigration from Sweden and Norway has contributed so largely to the upbuilding of Minnesota and the Dakotas.

BENEFITS EVERY CLASS OF OUR PEOPLE.

When we look at the matter from a broad national point of view we see that every class of our people will be benefited by the creation of new communities in the arid region. Every new settler creates a demand for all the manufactured articles that he must use to cultivate his land, to stock his farm, to furnish his house, and to clothe himself and his children. When we look at the internal commerce and markets for our Eastern manufacturers which have been created by the 7,500,000 acres of land which have been reclaimed by private enterprise, we can form some idea, by comparison, of the enormous markets which would be furnished by the reclamation and settlement of the many millions of acres which can only be reclaimed by the action of the Government. In his message to Congress President Roosevelt said:

> In the arid region it is water, not land, which measures production. The western half of the United States would sustain a population greater than that of our whole country to-day if the waters that now run to waste were saved and used for irrigation. The forest and water problems are perhaps the most vital internal questions of the United States.

This new population could be built up just as fast as the irrigation works could be constructed, and no possible extension of our markets into foreign countries could be developed so rapidly or be so valuable to American manufacturers as the rapid development of markets through the increase of population and wealth in the arid region of the West as the result of the carrying out of the policy inaugurated by the bill now under consideration.

EMPLOYMENT FOR LABOR.

The benefits which would result to the laboring classes of our country are clearly apparent. The increased demand from the West for the products of Eastern factories would stimulate production in every branch of industry in the East. The mines, the furnaces, the rolling mills, the transportation companies, and every factory which transforms the raw material into the finished product would respond by increased activity and the rapidly enlarging demands for its products. This would all mean an increased demand for labor of every kind and throughout every locality in the East where either the raw materials are produced or where the factories are themselves located.

Not only this, but it is conceded by all thinking men that the comfort and contentment of our laboring classes depend upon keeping open opportunities for all who want them to get homes on the land. As Carlyle said:

> Ye may boast o' yer dimocracy, or any ither 'cracy, or any kind o' poleetical rubbish; but the reason why your laboring folks are so happy is that ye have a vast deal o' land for a verra few people.

The creation of the opportunity for millions of new home builders to get a parcel of the public domain would draw off the surplus of unemployed labor in the East in any period of hard times, and in this way act as a safety valve and preserve stable conditions beneficial to both labor and capital. It would relieve us of the greatest danger to our social stability which confronts us to-day—the danger arising from the possible throwing out of employment of a multitude of men in some period of business depression, such as we passed through a few years ago. In such times as that strikes and riots are inevitable, and we have had experience enough in the past to show their danger.

We have been told here to-day that it would injure the Eastern farmer if the arid region is reclaimed in the manner now proposed.

That idea is based upon a complete misconception of the proposed plan and ignorance of the conditions that exist in the West. Certainly no one would claim that it would benefit the farmers of the New England States or of New York or Pennsylvania if we should blot out or destroy every farm in the United States from the Allegheny Mountains to the Pacific Ocean. It is quite true that if that were done there would be a decrease of our agricultural productions, and in that sense less competition with these Eastern farmers. But no man could be found who would contend for the moment that the destruction of the farms of the Middle West would help the farmers of New York or Pennsylvania. The reason is plain. The best market the farmers of the Eastern States have to-day is in the great cities and centers of population which have been built up around our manufacturing industries. If those were wiped out the condition of the Eastern farmer would be sad indeed, and just as it would injure the Eastern farmer to destroy the farms that exist in the West to-day so it would benefit him to increase the agricultural development of the arid region. There are many reasons for this, in addition to the fact that it would stimulate Eastern manufacturing industries and the home market of the Eastern farmer.

The staple farm products can not profitably be produced on irrigated land except for local consumption. The cost of labor in farming by irrigation necessitates the intensive culture of small farms and a diversity of products to make the industry profitable. A great local market would be built up around every irrigated section by the development of mining, lumbering, and all the other varied industries of the West.

The reclamation of the arid region would necessarily be slow. The construction of the great irrigation works—reservoirs, dams, and canals—would necessitate the investment of large sums of money, the employment of labor, the utilization of the materials for construction, and the growth of many local industries, before a drop of water could be made available for the cultivation of the land. The development of the country would be symmetrical, all these industries growing up together, so that the local demand would be steadily created in advance of irrigation development.

The great staple product of the Middle West is corn. The reclamation of the arid land would make a market for the corn grower of the Middle West. Corn can not be raised in the arid region as a profitable commodity, but alfalfa can and will be raised. And the stock which is thus raised will be shipped as feeders to the corn States, and there the farmer who has raised the corn will feed it to them and put them in condition for the market.

In the extreme Northwest, in Wyoming, Montana, Idaho, and Washington, it may be possible, where water is very abundant and works can be cheaply constructed, to raise more wheat than will be required for local consumption, but the demand for American flour in Asia already far exceeds the available supply, and every pound of wheat raised in the arid region which is not consumed locally will be made into flour for shipment to the Orient.

I quote the following from the Modern Miller, of St. Louis, May 31, 1902:

> The flour exported from the Pacific coast goes to all quarters of the globe. Of the 3,000,000 barrels exported last year, however, more than 2,000,000 were shipped to China. It is upon the Chinese market that the Pacific coast miller will depend for his future. Up to ten years ago this market absorbed only about 500,000 bushels of wheat, but wherever flour has once got a foothold the Chinese never again return to their rice. Every day sees the flour market in China expand, and it will be but a short time until the consumption of flour in that country is limited only to the capacity of the Chinamen to buy or the American farmer and miller to produce.

Large areas of this reclaimed land, more especially in the Southwest, will be devoted to the raising of semitropical, citrus, and deciduous fruits, which will not in any way compete with the products of the Eastern farmer. Take southern California as an illustration. It sends East annually over $10,000,000 worth of fruit products. The railroad cars which haul this fruit East do not come back empty. They carry carload after carload of the products of our Eastern factories and goods of all kinds from the stores of our Eastern jobbers, which are used by the people of southern California. The money which the people of the East pay for the fruit is returned to them in this way, and finds its way into every channel of trade and commerce in the East, and a large share of it into the pockets of the Eastern farmer, who feeds the operatives in all the great factories of the East.

CONTROL OF THE MISSOURI RIVER FLOODS.

As everyone knows, we are spending year after year millions of dollars to control the floods of the Missouri and Mississippi rivers. If the waters which now run to waste in the winter and spring months and carry destruction in their pathway from Montana to the Gulf were stored back in great reservoirs and canals, the flow of the Missouri River could be so regulated that the winter flow would be lessened and the summer flow increased for navigation and the difficulty of keeping the channel of the Mississippi open for navigation would be materially lessened.

I desire to quote here from an article which appeared in the St. Louis Mirror of May 20, 1902, which was as follows:

IRRIGATION AND NAVIGATION.

> In view of the established scientific relations between their respective projects, it is singular that the advocates of irrigation and the extensive reclamation of arid lands and the friends of deep-water navigation from the Great Lakes to the Gulf of Mexico have not come together in some plan of

mutual benefit. River navigators, engineers, and contractors who have struggled with the seemingly simple problem of establishing a uniform channel between St. Louis and New Orleans will tell you that the paucity of water in the late summer and dry autumn is not the salient feature of the problem which has interminably confronted and defeated them. Odd as it may seem, it is the wealth of water which rushes into the great waterways during the spring thaws and rains which effect the destruction of navigable channels established by hard work and long periods of accurate figuring.

In other words, the almost annual floods which rush into the Missouri, the Mississippi, the Arkansas, and other lesser tributaries of the projected waterway carry with them such a power of destruction, such a mass of silt, clay, sand, timber, and other erosions, that it is almost impossible to resist their advance or combat their deposits. A deep-water channel—deep, but comparatively narrow—could be easily maintained if the flood water did not wash into the rivers tons of earth and forests of trees, which, at the subsidence of high water, loom in the face of the most skillful engineers in the shape of sand bars, snags, and even unexpected courses. Setting aside the incredible destruction accomplished by the periodical floods which have devastated the lower valleys, is it not apparent that the annual defeat of the best engineering skill is sufficient to prove that the waste waters which thunder annually to tide water are the chief enemy to deep navigable channels from the Lakes to the Gulf? But when it is remembered that these destructive floods, marked by waste and desolation, have come thundering through a region which is absolutely starving for water, how imminent seems the suggestion that the reclamation of arid lands is not only supplementary but necessary to the local problem of deep-water inland navigation.

The fights which St. Louis lobbyists and friends of river improvement have fought and lost in the cause of inland appropriations would never have been lost if their demands had been reenforced by the common interests of the dwellers of Eastern or Western arid regions. Is it not apparent that the same general law which may compel the conversion and distribution of the aqueous yield of mountains and plateaus in the high arid regions would lessen the unmanageable, destructive, and wasteful flow of waters in the lower valley during the flood periods? "Give us a normal, constant flow of commensurate volume," say the best engineering experts of the world, "and we will fix a permanent channel from St. Paul on the Mississippi and from St. Joseph on the Missouri, and we will establish a navigable channel to the tide waters of the sea." What could better conspire to this end than a unity of interest between the advocates of irrigation, the friends of river and harbor appropriations, the exporters, and the shippers of all that vast and incomparable domain which stretches almost from the Allegheny Mountains to the crest of the Rockies? "Local interests" is what has always defeated all past efforts for river appropriations and for Federal provisions for irrigation. Here is the chance and now is the time for the advocates of both measures to get together. The reclamation of arid lands is eminently a question of national polity.

OUR BEEF SUPPLY.

We have read and heard a great deal within the last few months about the beef supply of the country. There is no doubt that our population is increasing more rapidly in proportion than our production of beef, and unless some relief is found for this situation it is only a question of time when instead of having beef for food our laboring classes will have to live on black bread, as they do in Europe, and meat will be a luxury with them. There is no occasion for allowing any such condition to arise. If the irrigable lands of the one State of Montana were reclaimed, that single State could produce more beef in one year than the whole arid region produces to-day. There is not a doubt in the world about that. It takes from 20 to 40 acres of average dry range to support 1 steer for a year, and 1 acre of irrigated alfalfa will carry a steer for four hundred days. If the irrigable arid public lands are reclaimed and divided up among small farmers who will irrigate their lands and raise alfalfa for stock, we can increase our beef supply as fast as our population increases for many years to come, and all danger of a beef famine will be passed.

There is no objection raised to this proposed plan being undertaken by the Government which is a sound objection.

We have been told that the Government, which is the owner of these lands, should not reclaim them itself, but should cede them to the States. It is a sufficient answer to that to say that many State grants have been already made of different amounts of land and for different purposes, and the experience of the past has demonstrated beyond any question that the States can not be safely intrusted with the reclamation and settlement of these lands. No matter what conditions might be imposed on such a grant, schemers and speculators would find some way of manipulating the State legislatures and getting control of the lands in large tracts which would retard settlement.

Another objection urged is that the reclaiming and settlement of the West will benefit the railroads. There is nothing that we can do to promote the welfare and prosperity of the whole people that will not benefit the railroads. The settlement of Illinois has undoubtedly benefited the railroads of Illinois, and the settlement of the West will benefit the railroads of the West; but it will benefit everybody else at the same time, and I think we have not yet reached such a stage of blind prejudice in this country that we are willing to forego benefiting the whole people because the railroad companies would participate in the benefit. Nothing is more widely disseminated than the money which is paid as the cost of transportation. It makes employment for the men who operate the roads, for the men who build the roads, for the factories that make everything for use in construction or operation—rails, rolling stock, terminal depot buildings, and everything else.

Again, we are told that we are beginning a raid on the Treasury. This objection is entitled to the least consideration of any of them. Under the plan of this bill the proceeds from the land are to be set aside as a fund for the construction of the irrigation works, and the investment in each irrigation system is to be repaid by the settlers who get the land, and every dollar invested comes eventually back to the Government. Not a dollar of tax is imposed on any Eastern farmer or Eastern citizen. It is only justice to those arid and semiarid States that the proceeds realized from their resources should be devoted to the reclamation of these vast uninhabitable wastes until communities can be created there which will be a basis for State taxation and provide for the expenses of the governments of these Commonwealths.

In some of the Western States more than three-fourths of the entire area of the State is Government land contributing no revenue to the State, and yet the State has to maintain law and order over the entire region. The only way to provide a permanent revenue for the State is to bring about the reclamation and settlement of the land. The only way that that can be done is for the National Government to do it, and this bill provides a conservative and sensible plan for accomplishing it

I believe that the proceeds from the sale of the public lands will be increased by the carrying out of the plan provided for in this measure. Wherever new areas are irrigated and communities built up, railroads will be built, mines will be opened, lumber will be needed, and mineral lands, timber lands, oil lands, and grazing lands will find purchasers, whereas otherwise there would be no demand for them.

The idea that the charges upon the land for the construction of the irrigation works will be finally remitted by the Government is another wrong conception. The settlers on these lands will be getting water from the Government works each year, and during the time they will be paying for their water rights they will much prefer that the Government should continue in charge of the system. And, more than this, the whole sentiment of the West will oppose any diminution of the fund, because the general development of that great country will be speeded by maintaining the fund intact and getting it back for reinvestment from each system of works that is built.

But even if it were so—which I deny—that the Government would not get back its investment from the land itself, it will get it back many times over in the form of revenues from the population created upon these arid lands. We have collected an annual revenue of as high as over $700,000,000 from 76,000,000 people—nearly $10 apiece for every man, woman, and child in the United States. If we were to carry to its full fruition the great project under consideration, the result would be a population in the Western half of the United States equal to the whole population of the country to-day, and the Government could collect in revenue from that population during each two years more money than it would ever be called upon to expend for the reclamation of the arid region.

Generally we say that statesmen are born about forty or fifty years before their time. We say to you that these gentlemen who are opposing this bill were born one hundred years too late. [Laughter.] If they had wanted to save this great expense to the Government, they should have been born one hundred years ago. They should have set up bars or guards all along the Allegheny Mountains. They should have prevented the people from coming West at all. They should have prevented the settlement of the Mississippi Valley. They should have prevented the Louisiana purchase. They should have prevented the passage of the homestead law. They should have prevented us from acquiring the lands which were ceded by Mexico. They should have prevented us from getting Washington and Oregon and Idaho. They should have prevented the annexation of Texas. Had they lived one hundred years ago they might have been regretting that Columbus had discovered America. If they are right now, it would be better for the country lying east of the Mississippi River if we could destroy everything between the Mississippi River and the Pacific Ocean. But, unfortunately for them, it is too late to do that. They should have been born one hundred years ago so that they could have prevented all that great Western region from being acquired or settled. In the interests of the Treasury they should have kept you from crossing the Allegheny Mountains. That is what they should have done. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired. Debate is closed on the pending amendment.

Mr. CANNON. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAY of New York. I demand a division on that, Mr. Chairman.

The committee divided, and there were—ayes 35, noes 75.

So the amendment was rejected.

The CHAIRMAN. Does the gentleman from Pennsylvania offer an amendment? If so, he will send it to the desk.

Mr. UNDERWOOD. I call for the regular order.

Mr. STEELE. Did not he offer the amendment?

The CHAIRMAN. He did not offer it.

Mr. STEELE. I offer it.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 4, page 1, after the word "lands," insert "less the cost and expense of the administration and management thereof."

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. DALZELL. Division, Mr. Chairman.

The committee divided, and there were—ayes 35, noes 69.

So the amendment was rejected.

Mr. DALZELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend as follows: At the end of line 7, page 2, add the following:
"*Provided*, That from such receipts shall be first deducted the pro rata share of the expense of the public-land service, based upon receipts and expenditures."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction, as well as of those which have been completed.

Mr. RAY of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 2, section 2, lines 24 and 25, strike out the words, "including artesian wells."

Mr. RAY of New York. Mr. Chairman, I desire to have this House understand what we undertake to do if we enact this bill into law. You are not content with taking the waters on the face of the earth for the purpose of irrigation, but, if you can not get waters from springs, lakes, rivers, and creeks and bring them to the arid lands, taking them away from other sections of the country and other States, you propose to go into the business of sinking artesian wells, expending money in large sums for that purpose. I understand that the gentlemen from Kansas are all in favor of this scheme. Why should they not be? The State of Colorado has appropriated and taken the waters of the great rivers that rise in Colorado and flow through Kansas. Kansas has arid lands and semiarid lands. She can not get the water from the natural streams to irrigate them, and she has sued Colorado. She may or may not succeed in her litigation. She comes here and wants us to furnish the water to supply the place of that which an irrigation scheme up in Colorado has taken away from them.

What do you propose by this bill? What is urged here by gentlemen in regard to supplying Kansas and other States with water? That we sink artesian wells. It is a conceded fact, it is alleged under oath by the officers of Kansas, that they do not have in their State and can not obtain water for irrigation purposes from rivers, springs, or small streams. The only way Kansas can get it is by sinking artesian wells. That is experimental work. We may sink an artesian well that will cost $500, $5,000, or $15,000. We may sink a well and get some water, but will we ever get enough in this way to irrigate the arid land in Kansas? I doubt it. I think this a waste of money. I claim and assert that it is not only a waste of money, but that it is a foolish scheme, and that it ought not to be retained in this bill.

Mr. TONGUE. Will the gentleman permit a question?

Mr. RAY of New York. Yes; if it is a short one.

Mr. TONGUE. Is the gentleman aware of the fact that Congress is annually providing by expenditure from the Treasury for doing this thing, and that this bill relieves the Treasury and puts the burden on the arid-land fund?

Mr. RAY of New York. I am aware that the Congress of the United States is not doing anything of the kind. I am aware that the Geological Department in the West is doing some experimental work.

Mr. TONGUE. Who appropriates the money?

Mr. RAY of New York. Oh, the Congress of the United States is appropriating the money for this experimental work; but thus far it has proved a foolish expenditure of money and a useless undertaking. It is so conceded. Before the Arid Lands Committee I made the inquiry why it is the States having arid lands do not irrigate them themselves, why they did not carry on the work; and the answer was, by a gentleman who knows the facts, that they had tried it, and that it does not pay. Still the Representatives of these States come here, and you gentlemen seem to be inclined to authorize a scheme already demonstrated to be impracticable—that has failed in the States. The gentleman who wrote the majority report on this bill has admitted, and he can not deny it now, that the reason the States can not carry on this work successfully is that they do not have the money, that they have not the wealth with which to do the work, and therefore they appeal to Congress.

My good friend knows that the proceeds of these arid lands will never fully establish, construct, and put in operation these irrigation projects. My good friend knows that it will not be five years before these States will be here asking money to preserve these works. The following from the Journal of Commerce sheds some light on the subject and demonstrates the unwisdom of the scheme:

IRRIGATING AND LOOTING.

The purposes of the irrigationists have been exposed. There never was any doubt that their project was a scheme for using public money to increase the value of private property. The original irrigation bill did not show this and surprise was expressed at the moderation of that measure. But having won some degree of public confidence by their apparent conservatism, the representatives of the arid States have since amended the bill into the shape in which they wish it. One of the amendments is a clause inserted in the bill providing that "State and Territorial laws shall govern and control in the appropriation, use, and distribution of the waters rendered available by the works constructed under the provisions of this act."

To ascertain the full significance of this amendment it is necessary to go to the Report of the Secretary of Agriculture: "A few States have enacted enlightened codes of water laws, * * * but there are other States where investors in irrigation works and incoming settlers must depend on what they see, or on the statements of other settlers, in determining what is their prospect for securing the water supply needed in irrigation. Neither of these sources of information can be relied upon. * * * The chaotic and conflicting records of claims (in California), the uncertain limitations on riparian rights, and the failure to protect all rights by the public division of the water supply in times of drought has been a source of anxiety to the user and of expense and loss to the not less worthy owner of ditches and canals. The marvelous natural advantages of the State have been sufficient to offset these drawbacks, but the larger and better use of water in the future is dependent upon their removal. Especially is this true if the Government is to construct irrigation works. Under present conditions no one knows who would control the water made available by public funds. No one knows whether the needy user or the speculative holder of a water title would reap the benefits of this expenditure. The report on irrigation in Utah, soon to be published by this Department, shows with equal clearness the need of laws to insure stability and justice in the distribution of the water supply. These reports will be followed by similar investigations in other arid States."

The language of the President is: "With a few creditable exceptions the arid States have failed to provide for the certain and just division of streams in times of scarcity. Lax and uncertain laws have made it possible to establish rights to water in excess of actual uses or necessities, and many streams have already passed into private ownership, or a control equivalent to ownership. * * * Ultimately it will probably be necessary for the nation to cooperate with the several arid States in proportion as these States by their legislation and administration show themselves fit to receive it." The President contemplates the extension of national aid after the States have corrected their water laws; the representatives of the States propose to take the money at once and to affirm the whole mass of local legislation.

It is this chaotic mass of legislation and local custom which the irrigation bill, as the representatives of the arid States have amended it, will affirm and perpetuate. Secretary Wilson says that "no one knows who would control the water made available by public funds. No one knows whether the needy user or the speculative holder of a water title would reap the benefit of this expenditure." There is no doubt, however, that the advocates of the irrigation scheme know pretty well who would benefit by the affirmation of the local laws. It is not for public benefit that the irrigationists have put up the money for a periodical and two offices and a series of annual conventions. They have a pretty definite idea of what they are after.

Our Washington letter shows that the dimensions of the raid on the Treasury are five or ten million dollars a year for many years. The estimate of the Industrial Commission, which entered into this scheme with injudicious and unjudicial enthusiasm, put the total at $15 an acre for 20,000,000 acres, or $300,000,000; but while some irrigation costs less than $15 an acre a good deal costs over $20. The President tells us that $200,000,000 of private capital is already invested in irrigation works and several States have made extensive improvements in that line. The most expensive and least remunerative parts of the work will be left for the United States to do.

All the irrigation that is profitable will be done by private enterprise, and the lands benefited will pay the cost, as they should. The irrigation that will not pay should not be done at all. The Government has no business to raise the value of land held by private owners $20 or $50 an acre and get back indirectly and after a long time only a part of the cost of the improvement.

Mr. George H. Maxwell, representing the National Irrigation Association, has repudiated the bill in its present shape on the ground that "every open opponent of national irrigation will hail it as a confirmation of the charge that the whole movement is a scheme of speculators and land grabbers to loot the National Treasury for private profit."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHAFROTH. Mr. Chairman, I move that debate close on the pending paragraph and all amendments in ten minutes.

Mr. RAY of New York. Oh, do not let us do business in that way. I have another amendment which I desire to offer at the end of the paragraph.

Mr. SHAFROTH. Well, make it fifteen minutes.

The CHAIRMAN. The gentleman from Colorado moves that all debate on this pending paragraph close in fifteen minutes.

The question was taken; and on a division (demanded by Mr. RAY of New York) there were—ayes 60, noes 14.

Mr. ROBINSON of Indiana. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana makes the point of no quorum. The Chair will count. [After counting.] One hundred and twenty-one members present, a quorum. The ayes have it, and the motion is agreed to.

Mr. MONDELL. Mr. Chairman, I would not occupy the time of the House at this stage of the bill were it not for the fact that the gentleman who just preceded me [Mr. RAY of New York] has said that I have admitted that we were asking the National Government to undertake this work because the States can not undertake it, or have failed in the attempt to do so. I do not know when I said anything of that kind. I do not recall that I ever said anything of the kind. If I did, it must have been in my dreams.

It the first place, Mr. Chairman, the States have never undertaken the work of irrigation to any considerable extent, and for a number of reasons, the first of which is that the States in the arid region own comparatively little land. The second place—and this is the reason I stated yesterday as the most potent one why the States can not undertake this work—is that the Government owns practically all the land in the arid States. In the State in which I live there is only 4 per cent of the land in the hands of private owners, including corporations. Ninety-six per cent of all the land pays no tax. Upon 4 per cent of our land we must support our institutions. And now the gentleman says that a State so situated ought to be able to irrigate the Government arid lands.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. MONDELL. Certainly.

Mr. HEPBURN. Did not the State of Wyoming receive all of the sixteenth and thirty-second sections——

Mr. MONDELL. Yes; they received them.

Mr. HEPBURN. And the sixteenth and thirty-second sections made more than 6 per cent of all the lands in the State, and with the other land grants made nearly 8 per cent of all the lands of Wyoming owned by the State.

Mr. MONDELL. Does not the gentleman also understand that the school lands—sections 16 and 36—may be mountain tops, may be nonirrigable; that as the irrigable valleys are narrow, only an infinitesimal percentage of the school lands in place can ever be irrigated? Further, the constitution of my State prohibits the State from undertaking any work of internal improvement.

But the Government is the owner of this great domain; the Government controls this great area, and we simply ask that the Government use the proceeds of the sales of the land there for the purpose of making the irrigable land fit for cultivation and habitation; and then we propose that the settlers on those lands shall do—what? Not what the settlers in the Mississippi Valley did, secure their lands ready for crops without money and without price, but that they shall pay to the Government every dollar of its expenditure in bringing water to their land, and, in addition to that, the great cost of building laterals, of leveling the land, and preparing it for irrigation.

Mr. ROBINSON of Indiana. Did not the gentleman's State avail itself of the provisions of the Carey act granting a million acres to the State, and thereunder has not that State irrigated 60,000 acres?

Mr. MONDELL. The State did; and I will say to the gentleman, as a proof of what the Government may do under this bill, that my State has in a small way under the Carey act been quite successful and will continue the work under that act after this act is passed.

Now, Mr. Chairman, the gentleman from Illinois [Mr. CANNON] appealed to me as to whether or not it was probable that the proceeds of the sales of the public lands would develop the irrigation possibilities of the arid region. I believe they will. I believe that we shall receive sufficient funds from the sale of the public lands in that region to carry on all of the irrigation work that it is necessary the Government should undertake to carry on. I believe that the fund of two and a half to three million is sufficient for the present and that the fund will be augmented as the irrigated lands are sold, so that we shall have enough to carry on the work as rapidly as lands are required for settlement.

The people of the West accept this measure as the settlement of that question. We opposed the amendment offered by the gentleman from Pennsylvania because it would not leave us a sufficient sum for the reclamation of our country; but if our lands are pledged to their own reclamation we believe that the arid West will reclaim itself, without the cost of a penny to any American citizen. We can not, of course, bind future Congresses, nor can we bind ourselves as to what we shall deem it our duty to advocate in the future. We now believe the fund we provide will be sufficient for the purposes intended, and certainly no direct appropriation will be granted from the Treasury unless Congress shall in its wisdom see fit to do so. If we do our duty here to-day and pass the bill, we can trust future Congresses will do theirs. [Applause.]

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, if I were not one of the most amiable and polite men in this House, I would take the liberty of saying that the proposition involved in this bill is the most insolent and impudent attempt at larceny that I have ever seen embodied in a legislative proposition. These gentlemen simply do what? They ask us, in the language of the gentleman from Nebraska [Mr. BURKETT], to give away an empire in order that their private property may be made valuable.

Mr. MONDELL. Will the gentleman yield for a question at this point?

Mr. HEPBURN. I would rather not.

Mr. MONDELL. I would like to ask the gentleman a question about his own State, as to whether or not the great State of Iowa was not given away?

Mr. HEPBURN. No, sir.

Mr. MONDELL. I lived on a homestead there when I was a boy.

Mr. HEPBURN. No, sir; the great State of Iowa was not given away. Even the lands that were granted to the railways the people of Iowa paid for by having to pay for the double minimum on the alternate acres, and the homestead act was not passed, the gentleman ought to know, until 1862, and Iowa had been taken up before that, and you could almost number the homesteads granted to people of Iowa on your fingers.

Mr. MONDELL. I wish to call the gentleman's attention to the fact that as a boy I lived on a homestead in Iowa, grew up on a homestead in Iowa, and I know of four Iowa counties that were settled in two years under the homestead act.

Mr. HEPBURN. Oh, the gentleman is certainly mistaken. There was no such condition of public lands in the State of Iowa in 1862, when this act became a law. He is mistaken about it. Even the swamp lands that were given to Iowa we had to reclaim and did reclaim. The people did it. I undertake to say that of the 7,000,000 of acres——

Mr. REEDER. Will the gentleman permit a question?

Mr. HEPBURN. I would rather not. The 7,000,000 of acres that have been taken up in the State of Wyoming are the lands that are now capable of irrigation; they are the lands that can be irrigated, and this proposition is that we shall give away the proceeds of 550,000,000 of acres of land in order that the present owners in the State of Wyoming and in other States shall have their lands reclaimed at public charge. That is the proposition, and you gentlemen know it, and that is what you are after. I remember that the gentleman from Nevada [Mr. NEWLANDS] has said that there would not be more than a few millions of acres that would be capable of irrigation. Another gentleman has said that the land along the streams had been taken up. That is true. We know that. The lands along the streams are the lands that are level and that are susceptible of irrigation, and those are the lands that are to be the beneficiaries of this immense grant. Besides, Mr. Chairman, if that was not true I would be opposed to this bill. To-day from 20 to 25 per cent of the agricultural products of the United States are a surplus, so far as our own home consumption is concerned, and we are compelled to go abroad for a market.

Mr. REEDER. Will the gentleman permit a question?

Mr. HEPBURN. I would rather not. I have told the gentleman so. I do not want to be impolite, but I want to use my five minutes. It seems that five-minute periods are getting pretty scarce in the timidity of you gentlemen. We have got this surplus. Every new farm increases that surplus. That surplus goes abroad, enabling the foreign purchaser to fix the price, and the foreign price fixes the price here at home, and I say with great deference that, in my judgment, any gentleman who comes from the great producing agricultural States is mistaken when he, by his vote here, assumes that his constituents are after more of this ruinous competition. When the time comes that these agricultural lands are needed, then is the time for their reclamation.

Let the people who are to be the beneficiaries then reclaim them, as we have had to do in the other States. That is wise. Again, here this proposition appropriates four and one-half millions of dollars. Why, gentlemen say that it is simply the proceeds of the lands, that they go into the Treasury, they become a part of the common fund. There is no difference, except for the speciousness of it, between a direct appropriation and the appropriation of the proceeds of the public lands. We might as well put our hands into the Treasury and take it out as to adopt this circuitous method.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. Mr. Chairman, I wish to say that if this bill is a fraud, as charged by the gentleman from Iowa [Mr. HEPBURN], it is unfortunate that every officer of the Government of the United States whose duty it has been to study this question is a party to that fraud.

Capt. Hiram M. Chittenden, of the Engineer Corps of the United States Army, recently said that this work was as legitimate a

duty of the Government as it is for it to dredge harbors and build light-houses. The Hydrographer of the United States has insisted for years that every great nation having arid land has been compelled to reclaim it through public funds, and that we should reclaim ours.

The Director of the Geological Survey has been one of the mainstays in pressing the passage of this bill, contending that it is a public duty and would be a great public benefit.

The Industrial Commission recently appointed by the President declared that this is a public duty and insisted that the Government should build one or more large reservoirs or diversion works at once along the exact lines of this bill; and it reported such a recommendation to Congress, which was signed by Hon. Albert Clarke, chairman, of Boston; Hon. BOIES PENROSE, Senator from Pennsylvania; Hon. THOMAS R. BARD, a Senator from California; Hon. J. J. GARDNER, a member of Congress from New Jersey; Hon. THEOBOLD OTJEN, a member of Congress from Milwaukee; Hon. William Lorimer, an ex-member of Congress from Chicago; Hon. John M. Farquhar, an ex-member of Congress from New York; Hon. Thomas W. Phillips, an ex-member of Congress from Pennsylvania; Hon. J. L. Kennedy, of the District of Columbia; Hon. Charles H. Litchman, from New Jersey, and Hon. D. A. Tompkins, of North Carolina, all lifelong Republicans.

The Secretary of Agriculture says if they will pass this bill and not disturb the sugar tariff that he will soon teach the agriculturists to grow the $100,000,000 worth of sugar that we now import from abroad.

The Secretary of the Interior asserts in his report that it is necessary that we begin the building of these reservoirs that our homeless population may secure homes.

The President of the United States says that it is an imperative duty that these reservoirs be built.

Now, the gentleman from Iowa [Mr. HEPBURN] talks as though the surplus of agricultural products was a detriment to our trade. The many good crops that we have had in the last three or four years have made our prosperity. Are you looking at the stock boards daily? What is the stock report from New York yesterday?

NEW YORK, *June 12, 1902.*

The stock market relapsed to-day into a torpid condition, and dealings fell off about one-third.

Now, why does it say they fell off one-third?

The reaction in the market was largely due to the better appreciation of the decrease in the coming wheat crop.

Was this slump in the stock market because it was feared that we would not have sufficient wheat for home consumption? No. The fears are that we will not have the usual millions of surplus bushels to keep our labor, our railroads, our farmers, our shipowners, our elevator companies busy, and will not be able to keep the great balance of trade in our favor.

Does not every man who thinks observe that nearly three-fourths of our great export trade is from the farm and from the range? Whenever the field is cut short hard times come, labor is idle, steam cars and ships stand still. Whenever crops are cut short, distress is felt everywhere. With all that may be said about the beef trust and its evil methods, the recent rise in beef was occasioned, in part at least, by the short corn crop of last year. Scarce corn made high corn. High corn made high beef. Whenever you cut down the crop you cut down prosperity, and raise prices to the consumer, and lessen the amount of work to be done, and lower wages and consumption. I live across the main range of the great Rocky Mountains in Colorado. We do not produce corn, but we consume it. We do not manufacture, but we buy many manufactured goods. We do not corn-feed beef cattle, but we grow many of them and ship them to the corn States to be fed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. BELL. Mr. Chairman, our friends talk about this injuring the Middle West. We have heard the gentleman from Iowa [Mr. HEPBURN] before. He has declared upon this floor that he would never, while a member of this House, vote for the opening of a single acre of land while we had a surplus food product from our farmers. These great surplus products are what made Kansas, Nebraska, and Iowa the most prosperous agricultural States in this Union for three or four years last past. They not only shipped East, but to the phenomenal discoverers of gold in Cripple Creek, Leadville, and other parts of the West.

Train loads of corn have been going to the top of the Rocky Mountains and over onto the Pacific side ever since the mining camps have been thrifty, and the corn of Kansas, Iowa, and Nebraska in the last four or five years has been coming into that mountain country in train loads for the sheep feeders. The nights are too cold for us to grow corn. We in that region have been the best customers the farmers of those States have had, and we will quadruple this market if you will permit us to do so. My friends speak of the overproduction of agriculture. That is nonsense. America must supply the shortage of the earth. I settled in a little valley where we thought a few years ago that we were planting a surplus of hay, alfalfa, fruit, and raising a surplus of honey bees. We found we had as good a fruit region as any in California. We had as good bee and cow pastures as could be found anywhere. The timid sold out and left, because they thought we would have a dreadful surplus. The moment it was announced that we could furnish a train of cars loaded with honey, cattle, or fruit, buyers came from New York, Chicago, St. Louis, Omaha, and Minneapolis for our products. We sell them now much easier than when we had one-fifth of the products. So it is with our world's trade. The world buyers go where the largest surplus productions are to be found. England went to Missouri and the Mississippi Valley to buy her mules for the South African war because of the great stock this valley carries. The basis of our prosperity is our great agricultural productions, and the stability of our institutions depends upon the home owners. They are interested in the country because they own a part of it. They will lay down their lives in defense of their firesides. The homeless millions struggling for a mere existence can well stand off and say that "whoever takes possession we are no worse off; we have no interest in the country except in its miseries."

The home builders have ever been the most humane, the most inexpensive and successful governors. Every government of earth having any considerable amount of arid land has reclaimed it for the home builders. England is now putting tens of millions into damming and reservoiring the Nile and has expended hundreds of millions in India. England has made this pay. Australia is reclaiming her arid domain for the home builders. An agent of this Government cites our efforts to reclaim our arid lands by private capital as a dismal failure.

The home has ever been esteemed as the basis of the government. It is the great humanizer and civilizer of the world. We are spending hundreds of millions of dollars in trying to build up happy homes for alien peoples. Can anyone doubt the good-sense policy advocated by this bill in lending to the home maker a few millions to enable them to help themselves. Some members sneer at this home appeal for help for our own homeless and with a party spirit worthy of a better cause eagerly vote hundreds of millions to ameloriate the conditions of alien races in foreign lands. We may be lampooned by those fraught with sectional prejudice as mendicants and thieves for supporting this bill, but no Republican leader, however revengeful, will deny that we are in most respectable company, as we are gallantly led by a Republican President, by a Republican Secretary of the Treasury, by a Republican Secretary of Agriculture, by a Republican Director of the Geological Survey, by a Republican Hydrographer, by a Republican Superintendent of Forestry, by the engineers of the Government, and by every man whose duty it is to study these questions for the benefit of all the American people. [Applause.]

Mr. RAY of New York. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RAY of New York. I ask unanimous consent for three minutes right here in connection with this amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may address the committee for three minutes. Is there objection?

Mr. UNDERWOOD. I wish to state that I do not propose to object to the gentleman from New York, but that I do propose hereafter to object to any further extensions of time; and I desire to make that announcement now.

There was no objection.

Mr. RAY of New York. In presenting the amendment now under consideration I stated that the gentleman from Wyoming in effect, has said that the main reason why the States did not undertake this irrigation and why they should not undertake it, is a lack of funds and ability. The gentleman says he does not know where or when he said that, if he has said it. I desire to refresh his recollection and the recollection of the House. I hold in my hand the report of the committee, drawn by the gentleman.

Mr. MONDELL, from the Committee on Irrigation of Arid Lands, submitted the following report.

And on page 3, he says:

It has been suggested that inasmuch as the States control the waters used in irrigation and have the highest possible interest in the development of the territory within their borders, they should undertake such works as are beyond the reach or scope of private enterprise. The answer to this is that it is utterly impossible for the States in the arid regions to undertake this class of work to any considerable extent, owing to lack of funds with which to carry them on, if for no other reason.

That is what I referred to. I may have inaccurately stated the language before, but not the idea.

Mr. MONDELL. I ask that I may have two minutes to continue the reading of my report at the point where the gentleman from New York left it off.

Mr. UNDERWOOD. I hate to object to the gentleman from Wyoming, but I gave notice that I would do so.

Mr. MONDELL. I withdraw my request. I will print the matter in the RECORD.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to section 2, which the Clerk will again report.

The amendment was again reported.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAY of New York. Let us have a division, Mr. Chairman.

The committee divided; and there were—ayes 16, noes 70.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior shall, at the time of giving the public notice provided for in section 4 of this act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this act; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than 40 nor more than 160 acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, That the commutation provisions of the homestead laws shall not apply to entries made under this act.

The committee amendments were read, as follows:

In lines 7 and 8 strike out the words "at the time of" and insert in lieu thereof the word "before."

In line 13, after the word "act," insert the following: "And the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry."

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment to the amendment of the committee.

The CHAIRMAN. The Chair will suggest that the committee amendments be first disposed of. The Clerk will report the first amendment.

The Clerk read as follows:

On page 3, lines 7 and 8, strike out the words "at the time of" and insert the word "before."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Tennessee offers the following amendment to the amendment.

The Clerk read as follows:

Line 14, page 3, beginning with the word "at," strike out all down to and including the word "to," in line 16, and insert in lieu thereof the words "and shall at the same time."

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 3, lines 14, 15, and 16, strike out the words "at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to" and insert in lieu thereof the words "and shall at the same time."

Mr. MONDELL. Mr. Chairman——

Mr. SHAFROTH. Mr. Chairman, I move that all debate on this section and amendments thereto close in ten minutes.

The CHAIRMAN. That motion is not in order until debate has commenced.

Mr. PADGETT. Mr. Chairman, I shall take but a moment to call attention to the amendment. The provision as it now is has a hiatus or a time between the publication or the public notice provided for in the first part of the paragraph and the time that the Secretary is directed to withdraw the lands from entry as provided in that portion to which I offer the amendment. During that interval of time the lands are liable and susceptible of entry and can be taken up by speculators. If this amendment which I have offered prevails, the Secretary is required to make both publications at the same time, and to withdraw the land from entry, except under the homestead laws, at the time when he makes the first publication, so the speculators will not have an opportunity to enter the lands contemplated for irrigation, and in that way it will be reserved for homestead entry. The opportunity for speculators to take advantage of the first publication and enter all the lands susceptible of irrigation under the provisions of this law will be destroyed by the adoption of this amendment.

Mr. MONDELL. Mr. Chairman, the gentleman's amendment, instead of accomplishing the purpose which he says that he seeks to accomplish, I think would have quite the opposite effect. The bill provides that before the time of giving the public notice, etc., the public lands to be irrigated shall be withdrawn, so that under the provisions of the bill public lands can be withdrawn at any time. The moment the Secretary of the Interior has an idea of undertaking a survey for the irrigation of any tract, the lands to be irrigated can be withdrawn, and under the bill will be withdrawn. And, further than that, the Secretary of the Interior has the power, without this legislation, to withdraw public lands from entry at any time, and has recently withdrawn 2,000,000 acres from entry in Montana, pending the beginning of this survey.

A parliamentary question, Mr. Chairman. I understand the gentleman from Colorado moved that all debate on this section and amendments close in ten minutes.

The CHAIRMAN. The gentleman from Colorado did not make such a motion.

Mr. MONDELL. Then I make that motion now—that all debate on the pending paragraph and amendments close in ten minutes.

Mr. SHAFROTH. I move to amend that, and that all debate close in five minutes on this paragraph and all amendments.

Mr. ROBINSON of Indiana. I hope the gentleman will make it ten minutes.

The CHAIRMAN. The gentleman from Wyoming moves that debate close on the pending paragraph and amendments in ten minutes, and the gentleman from Colorado moves to amend that by making it five minutes.

Mr. UNDERWOOD. Mr. Chairman, I move as a substitute that all debate on the pending paragraph and amendments thereto now close.

The CHAIRMAN. The gentleman from Alabama moves as a substitute that debate on the paragraph and the pending amendments now close.

Mr. RAY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAY of New York. As I understand the matter, one gentleman made a motion that all debate close in ten minutes, and to that an amendment was moved that all debate close in five minutes. Now, while that motion with that amendment is pending the gentleman from Alabama, with his usual courtesy, takes the floor and assumes that these other gentlemen are not entitled to be heard and makes an independent motion.

Mr. UNDERWOOD. I made the motion, Mr. Chairman, as a substitute.

The CHAIRMAN. The Chair will state the question. The gentleman from Wyoming moved that all debate on the paragraph and pending amendments thereto close in ten minutes, and to that the gentleman from Colorado [Mr. SHAFROTH] moved an amendment that all debate close in five minutes, and then the gentleman from Alabama [Mr. UNDERWOOD] moved a substitute to close debate at once. The question is on the amendment offered by the gentleman from Colorado to perfect the original motion by the gentleman from Wyoming that all debate close in five minutes on the paragraph and the amendments thereto.

Mr. ROBINSON of Indiana. A parliamentary inquiry, Mr. Chairman. Is the motion debatable?

The CHAIRMAN. The motion is not debatable.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the substitute for the original motion, proposed by the gentleman from Alabama.

The question was taken, and the substitute motion was agreed to.

The CHAIRMAN. The question now is on the original motion as amended by the substitute.

The question was taken, and the motion as amended was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT] to the committee amendment.

The Clerk will report the amendment.

The amendment was again read.

The question was taken, and the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is now on the committee amendment.

The question was taken, and the committee amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JOY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr.

PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12865. An act regulating the use of telephone wires in the District of Columbia.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 9334. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6110. An act granting an increase of pension to Charles A. Cooke; and

S. 4067. An act granting an increase of pension to Julia L. Gordon.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives a duplicate engrossed copy of the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, in compliance with its request.

RECLAMATION OF ARID LANDS.

The committee resumed its session.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding 10, in which such charges shall be paid and the time when such payments shall commence, the said charges to be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned according to benefits. After giving the public notice aforesaid the Secretary of the Interior shall cause to be let contracts for the construction of the necessary works, in whole or in part, providing the funds therefor are available in the reclamation fund. In all construction work eight hours shall constitute a day's work, and no Asiatic labor shall be employed thereon.

The Clerk also read the following committee amendments:

Strike out all of section 4 and insert the following as section 4:

"SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in whole or in part, providing the necessary funds therefor are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon."

The CHAIRMAN. The Chair will state the status of the section. The committee reports a substitute for the section. Amendments to the original section of the bill will of course be first in order, and then amendments to the substitute.

Mr. RAY of New York. Mr. Chairman, I could not hear the statement of the Chair as to what would be first in order.

The CHAIRMAN. A substitute for the original section is reported by the committee. The Chair states that amendments to the original section, if there are any, will be first in order, and after that amendments to the substitute.

Mr. SHAFROTH. Mr. Chairman, I move that debate on the paragraph and amendments close in ten minutes.

The CHAIRMAN. The Chair will remind the gentleman from Colorado [Mr. SHAFROTH] that the motion to close debate in the committee can not be made until the debate has commenced.

Mr. SHAFROTH. Debate has commenced.

The CHAIRMAN. The Chair and the gentleman disagree. The gentleman from Ohio [Mr. SNOOK] is recognized.

Mr. SNOOK. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. SNOOK] to the substitute.

The Clerk read as follows:

In lines 8 and 9, on page 5, strike out "in whole or in part," and in line 9 strike out the word "therefor," and insert in line 9, page 5, after "fund," the words "for the entire completion thereof."

Mr. SNOOK. Mr. Chairman and gentlemen of the committee, the part of section 4 which I seek to amend now reads as follows: That upon the determination of the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in whole or in part, providing the necessary funds therefor are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigated under such project. If amended will read as follows: "That upon the determination of the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of same, providing the necessary funds for the entire completion thereof are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigated under such project."

It has been claimed by the friends of this bill in every part of the debate so far as I have heard that they do not intend, or at least they have intimated that they do not intend, to fasten upon the Government as a permanent policy the making of appropriations from year to year for the purpose of reclaiming these lands.

It was urged against this bill by the able gentleman who made the minority report that this section, as reported by the committee, would permit the commencement of these works, and that after they were commenced these people would come to Congress and say, "You have now invested a large sum of money in commencing these works; we do not want to see that money lost by the decay or falling down of the work; and we would like to have Congress make a permanent appropriation."

I have offered this amendment so that the Secretary of the Interior can not commence the work of reclamation or of building these reservoirs or dams until there is in this fund named in the bill sufficient money to wholly complete each project upon which he is about to enter.

It seems to me that if the gentlemen who favor this bill are in earnest in their declarations or intimations they should be in favor of putting into the measure this amendment to provide that the Secretary of the Interior can not enter upon this work until he has in hand the money on which to draw to fully complete the work.

To my mind the most dangerous part of this measure is that, as I believe, it commits this Government to the permanent policy of making an appropriation of from five to ten million dollars a year in the future for the reclamation of arid lands.

I heard the gentleman from Illinois [Mr. CANNON] challenge the gentlemen who were urging this measure to rise in their places and say to this Congress that they did not intend to come to future Congresses and ask for these direct appropriations. But the silence which has followed that challenge has been death like. No man who is in favor of this bill has yet said in this debate that he does not intend to ask in the future that this country shall be bound to a general policy of permanent appropriations to carry on this work, although without committing themselves they would like us to so understand until the vote is taken on the adoption of the bill. I think, Mr. Chairman, that is the worst feature of the bill, and for that reason this amendment of mine ought to be adopted.

But there are many other reasons why I oppose the adoption of this measure as a whole. The district which I have the honor to represent in this body is made up largely of low, level lands. They were originally covered with vast forests. When the farmer came to that country in search of a home he was confronted at the outset with the almost insurmountable task of felling and clearing away these forests.

This was accomplished only by the most incessant and severe toil. When he had cleared away the forest he found that his land was so level that at many seasons of the year it was wholly covered with water, so that it was impossible to raise a crop. At first he had no money with which he could pay for the drainage of his lands. He was compelled to rely on his own resources. So he hitched his horses to the plow and scraper and constructed the outlet ditches necessary to commence the work of drainage. Soon he was enabled to raise small crops, and he began at once to burden himself with taxation in order to raise further means to carry on the work. He then found that if he would be at all successful he would be compelled to arrange a complete system of drainage by placing tile drains in the land at intervals of eight rods apart.

He has accomplished all this by his own efforts. And every acre so improved has cost him in labor and money from twenty to forty dollars. As a result of this sacrifice he has had the satisfaction of knowing that he has developed and built up one of the richest and most productive agricultural districts in the world. I believe that the difficulties with which he was confronted were fully as great as those which confront the home seeker in the arid regions. He overcame all these difficulties unaided and alone. He never received, yea, more than that, he never asked, for a cent of Government aid.

And now you propose to tax him and the fruits of his unaided toil to build up a great farming section where products will be raised to compete with those that he raises on the farm that he has made tillable without any assistance on the part of the Government whatever.

I do not oppose the irrigation of the arid lands, and believe that they should be brought under cultivation as all other lands have been. I can not, however, believe that this is a just measure, and while I do not have time to make an extended argument against the bill, I desire to briefly sum up the reasons why, in my judgment, the measure should not be adopted, even though my amendment should be agreed to.

First. It is not what it or its friends pretend it is. During the course of this debate the claim has many times been made that it carries no direct appropriation, but seeks only to use the proceeds of the sale of the public lands. However, the terms of its first provision will eventually take from the States of this Union the money that has annually heretofore gone to support their agricultural colleges, amounting each year to the sum of $1,200,000, also the annual appropriation for the maintenance of agricultural experiment stations, amounting to $720,000. This sum of $1,920,000 has heretofore been provided for from the proceeds of the sale of public lands, and the provisions of this section will leave these institutions for their support to a direct appropriation from the public Treasury. Thus it will be seen that the measure owes its existence to this provision providing for a direct appropriation from the public funds.

Second. Its advocates are not sincere when they argue that it does not create a public charge, for the reason that they refuse to permit an amendment confining the entire expense of inaugurating and operating the scheme to the fund arising from the sale of the public lands named in the bill.

Third. Its principles are in direct conflict with the teachings of my party, that the people of the States shall be left, as far as possible, to develop their own industries.

Fourth. Several of its provisions are in conflict with the Constitution.

Fifth. Guarded by few and indefinite regulations, it lodges in the Secretary of the Interior a most dangerous discretion.

Sixth. It undoubtedly commits the Government to the policy of making a direct appropriation from the public Treasury at the expense of the people of the whole country for the benefit of a single section.

Seventh. It will create a horde of new Government officers and employees, who like all that have gone before will never be called on to abdicate their office or employment.

Eighth. In the selection of sites for the various improvements it gives the Secretary of the Interior a power to exercise favoritism that will prove to be most troublesome and dangerous.

Ninth. It launches the nation in a great business enterprise, far from the seat of government, in the carrying out of which our experience has shown us there will be great waste and corruption.

In conclusion, I desire to say there is but one safe course for the nation to pursue, and that is to favor no State, no people, and no section, but render equal justice to all. [Loud applause.]

MESSAGES FROM THE PRESIDENT.

The committee rose informally; and the Speaker having resumed the chair, several messages in writing from the President of the United States were communicated to the House by Mr. B. F. BARNES, one of his secretaries.

The SPEAKER. If there is no objection, the Chair will lay these messages before the House now.

Mr. UNDERWOOD. I object.

The SPEAKER. Objection being made, the Committee of the Whole will resume its sitting.

IRRIGATION OF ARID LANDS.

The Committee of the Whole resumed its session (Mr. TAWNEY in the chair).

Mr. MONDELL. Mr. Chairman, I move that debate on this section and all amendments close in ten minutes.

Mr. SHAFROTH. I move to amend that motion by substituting fifteen minutes for ten minutes.

Mr. RAY of New York. Let me say a word.

The CHAIRMAN. The Chair will state the question. The gentleman from Colorado moves to amend the motion of the gentleman from Montana by making the time in which debate shall be closed fifteen minutes.

Mr. RAY of New York. Mr. Chairman, as a member of the Committee on the Irrigation of Arid Lands I made the report of the minority against this bill. I have several amendments which I desire to offer. I have two amendments to this section, then another amendment which is to strike out section 7. I have asked the gentlemen not to limit debate at this time. In defiance of that request they seek to cut off all debate.

Mr. MONDELL. Does the gentleman want unlimited debate?

Mr. RAY of New York. If you will allow the time to run on until I have had an opportunity to offer those two amendments and to speak on each of them for five minutes, I shall not have another word to say until we come to section 7, which I wish to strike out; and if I fail in that, I shall have but little further to say in opposition to the bill.

Mr. SHAFROTH. You can have five minutes on those amendments when we come to section 7.

Mr. RAY of New York. But these two other amendments——

Mr. UNDERWOOD. I demand the regular order.

The CHAIRMAN. The regular order is demanded. The question is on the amendment of the gentleman from Colorado, to amend the motion of the gentleman from Wyoming so as to provide that the debate on the pending section and amendments be closed in fifteen minutes.

The question being taken, there were—ayes 73, noes 6.

So the amendment of Mr. SHAFROTH was agreed to.

The amendment of Mr. MONDELL as amended was then adopted.

The CHAIRMAN. Debate on the pending section and amendments will close in fifteen minutes.

Mr. LITTLEFIELD and Mr. RAY of New York rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LITTLEFIELD. Mr. Chairman, I would like to be recognized next, because I have an amendment that I would like to submit.

Mr. RAY of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 9, strike out the word "therefor" and insert the following: "to fully complete and put into operation such irrigation project;" so it will read: "That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in whole or in part, providing the necessary funds to fully complete and put in operation such irrigation project are available in the reclamation fund."

The CHAIRMAN. The Chair will state to the gentleman from New York that his amendment will have to wait until the pending amendment is disposed of. The question is on the amendment offered by the gentleman from Ohio.

On the request of Mr. HOLLIDAY, without objection, the Clerk again reported the amendment.

The question was taken, and the amendment was rejected.

Mr. RAY of New York. Mr. Chairman, I understand from the gentleman in charge of the bill, my colleague on the committee, that the gentleman from Maine [Mr. LITTLEFIELD] has an amendment on the same subject, which I understand him the committee will accept. I would like to have it reported, in order that I may know whether it covers the point.

The CHAIRMAN. Without objection, the Clerk will report the amendment for the information of the committee.

The Clerk read as follows:

Strike out, in line 9, page 5, at the beginning of said line, the words "whole or in part" and insert in lieu thereof the words "in such portions or sections as it may be practicable to construct and complete as parts of the whole project;" and strike out, in line 9, the word "therefor" and insert in lieu thereof the words "for such portions or sections."

Mr. HOPKINS. There is no objection to that, is there?

Mr. MONDELL. There is no objection.

Mr. LITTLEFIELD. I understand the committee will accept the amendment which I will offer, and perhaps that will facilitate matters.

Mr. HOPKINS. Mr. Chairman, I ask for a vote on that.

The CHAIRMAN. The gentleman from New York offered an amendment; and if he withdraws that and the amendment of the gentleman from Maine is offered in lieu thereof, it will then be before the committee for consideration.

Mr. RAY of New York. Mr. Chairman, it may be a little informal, but before I yield the floor or withdraw my amendment I would like to hear from the gentleman from Maine as to the effect of his amendment. I will withdraw mine if satisfied that his accomplishes the purpose I desire to accomplish by the amendment which I sent to the desk.

Mr. LITTLEFIELD. Mr. Chairman, the purpose of my amendment is simply this: It provides for the construction of irrigation works in portions or in sections, and requires that there shall be on hand reclamation funds enough to take care of each successive portion or section of the whole project, to obviate this proposition, which is a very serious one, that they might embark upon an expensive part and spend only a part upon that before they embark upon another and then come to Congress asking an appropriation for the balance in order to preserve the money already invested. This requires them to construct it piecemeal, by sections or portions, and they can not proceed with the contract until they have got money on hand to do it with. Do I make myself plain?

Mr. RAY of New York. Now, Mr. Chairman, I desire to say to the House that that does not cover a most serious objection to this bill from one standpoint. That is from the standpoint of those who believe it to be constitutional; and I desire to state why. The bill as it now reads authorizes the Secretary to commence this work and let contracts for the construction of the

same in whole or in part, providing the necessary funds therefor are available in the reclamation fund, the word therefore referring to a part. So he can let a contract for the construction of the mere foundation of a reservoir, then spend all the money in the fund, and then come to Congress and appeal for money from the general Treasury to complete that project, on the plea that it is necessary in order to preserve the work already begun.

The amendment of the gentleman from Maine [Mr. LITTLEFIELD] does not correct that evil. The amendment I send to the desk does correct it, because it provides in terms that there must be money enough in the reclamation fund to complete each project before the Secretary of the Interior is authorized to let a contract for the construction of the works made necessary by the adoption or the approval of that particular scheme. Therefore I insist on a vote upon my proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. RAY].

The amendment was rejected.

Mr. LITTLEFIELD. Now I offer my amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment, which has been reported.

Mr. LITTLEFIELD. Which is agreeable to the committee and the authors of the bill.

Mr. SHAFROTH. We have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD].

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the committee as amended.

Mr. PAYNE. Mr. Chairman, I think there is a little more time for debate on this.

The CHAIRMAN. Ten minutes more time. The gentleman from New York [Mr. PAYNE] is recognized.

New York

Mr. PAYNE. Mr. Chairman, the bill has been stripped of all its subterfuges. The pretense was that no money was to come out of the Treasury for the purpose of irrigating these arid lands. It was all to be paid from the proceeds of the sale of the lands in these States and from the money that was collected of the people who entered upon the lands as settlers. That was the scheme which seemed to catch a good many members of the House. They thought it was a scheme to bring in a good many million acres of land without any expense to the country. Of course they did not stop to think that the three million or more dollars of money that comes into the National Treasury every year from this source for general purposes was to be taken and used in the first instance for the payment of these irrigation works. It will diminish the revenue by that much and increase the taxes upon the rest of the people of the United States by the amount of money that formerly came into this fund and was useful for general purposes.

Then, as we progressed, a motion was made by the gentleman from Ohio [Mr. GROSVENOR] to amend the bill so as to reserve the college land grants, or the grants from the sale of lands for the benefit of the colleges. I notice that every gentleman who advocates this bill voted against that amendment, which was simply notice to the people of the House and the people of the country that the claim that this irrigation was to cost nothing was a mere subterfuge. It was not fair to the House or fair to the people of the country.

Mr. GROSVENOR. Moreover, if the gentleman will allow me, it was a direct and deliberate slaughter of the future of the agricultural colleges, and everybody understands it.

Mr. PAYNE. Oh, no; these gentlemen intend to vote that money out of the Treasury for the colleges. No member of this House in favor of this bill can justify himself in the idea that this is not like a direct appropriation from the Treasury of the United States and a direct tax upon the people of the United States.

Then a motion was made to amend the bill so that the expenses of administration should come out of this fund, and these gentlemen said no. One of them said, in answer to my inquiry, that it was provided in another section of the bill, and while he was looking it up and trying to find it, another one said no, it was not provided in another part of the bill; but the difficulties were so great in separating these expenses that it could not possibly go in as an amendment, and therefore they must vote it down.

Now, what does that mean? If this bill shall pass—and, by the way, these were the answers made to the gentleman from Illinois [Mr. CANNON], when he asked if it did not entail upon the people of this country an expense of $750,000,000? The answer was, by the vote of every man who favored this bill, to saddle this expense of the agricultural colleges, and to saddle the expense of administration, by taxation, upon the people of this country. And this is the only response I have heard to that inquiry. The most zealous and the most enthusiastic champions of this bill will admit that it will cost at least $750,000,000. Another said $800,000,000. These are the guesses now. What will the reality be? Who can say? Is my good friend who sits in front of me, the chairman of the committee [Mr. MONDELL], able to say what it will cost the people of the United States? Why, I met a gentleman who represents a New Jersey farming district, who said he went out home the other day and drove along the road, and the farmers stopped their plows and their teams in the middle of the furrow and came out to him and said, "Do not vote for that irrigation bill, because it means to put a tax upon us to furnish lands for somebody else."

Now, gentlemen, if you intend that this money shall come out of the Treasury and the taxpayers of the United States, why not say so? You have got votes enough to pass your bill, evidently. Why not be honest with the people of the United States and say so, and let us understand what the proposition is? You know it will come out of the Treasury of the United States. Every dollar of this fund that is diverted comes out of the Treasury of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I would like to have two minutes more, and then I will not bother the committee any more.

The CHAIRMAN. The time for debate closes in five minutes.

Mr. MONDELL. I ask unanimous consent that the gentleman may be allowed two minutes.

Mr. UNDERWOOD. I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. PAYNE. Do I understand the gentleman from Alabama to object?

Mr. UNDERWOOD. I notified the committee some time ago that I would object to further extensions of time.

Mr. GLENN. Mr. Chairman, before entering upon an argument as to the merits of national aid to irrigation I feel it my duty to answer, in some measure at least, the objections made on yesterday by the gentleman from New York [Mr. RAY]. His principal objection seemed to run to the constitutionality of the bill under consideration. Without attempting to cite any constitutional authorities, as I think it wholly unnecessary, the gentleman having already committed himself in that he admitted that it was within the prerogative of Congress to improve rivers and harbors, especially if the improvements were to be made to the harbor of New York. Why should the Government make such improvements? I answer, because by so doing it is providing facilities for transportation of the various products of the United States, thus creating wealth. Apart from transportation there is no wealth, and I can not conceive that any article of manufacture or product of forest or farm or of the mine, outside of the local use of such articles or products, can possess the least value, and no value can be created for such articles or products until means of transportation are created, so as to convey these articles to some other point for exchange. Now, if transportation gives value and creates wealth for the nation, it is right for the Government to create and improve everything that will facilitate the creation of wealth. If the irrigation of 55,000,000 acres of land will increase its value to the extent suggested by the gentleman—that is to say, from ten to twenty times its original value—then is it not true that irrigation of the arid lands will increase the national wealth, and is it not therefore right and most eminently proper under the Constitution for the Government to inaugurate a system by which the wealth of the nation will be so greatly augmented?

Another objection was that railroad companies owning large areas of arid lands would be great beneficiaries. For reply to this I have only to say, if the statement of the gentleman from New York be true, and I believe it is a fact, is it not true that each private owner, whether it be an individual, a copartnership, association, or corporation, will be subject to the same rules and regulations as the individual settler or homesteader, and will have to pay the same price for the water per acre-foot? If railroad companies shall be benefited thereby, is it or not true that is because of the increased value or wealth? And if this be true, then it is a proper enterprise for the Government to undertake, and certainly comes within the constitutional powers of Congress, as much so, at least, as to improve rivers and harbors out of the National Treasury, the propriety of which and absolute necessity for which are admitted by all thinking men.

Mr. Chairman, in presenting this question a mere statement should be and would be sufficient to commend irrigation to each and every member of this body, if each and all were familiar with the territory and its possibilities, known as the arid regions lying west of the one hundredth meridian, and comprising all that area included in the States of California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and the Territories of Arizona, Oklahoma, and New Mexico.

In order to more fully comprehend the situation, we must first remember that the United States Government is the owner of about 600,000,000 acres of land, of which about 55,000,000 are supposed to be susceptible of reclamation, the greater portion of which is absolutely worthless in its present arid condition, and

to improve this condition and give such lands value, irrigation must be resorted to, and the United States Government only can make this improvement. If an individual owned these lands and had the financial ability to convert this worthless waste into good farms, from which he could derive immense revenue, and should fail to do so, the world would pronounce him an improvident fool; and were he a trustee, equity would hold him responsible for his gross mismanagement and conduct in care of the estate. Now, it is not true that the Government holds these lands as trustee in trust for all the people, and if good business methods should obtain with the individual, why should not the people demand of this Government the exercise of the same correct business principles?

The Government owns the watersheds and the lands; the flowing streams, to the extent of their flowage capacity, have been appropriated by the people and no further reclamation can obtain until some method of conserving the waters of those streams, which, under present conditions, run to waste during winter and springtime, is inaugurated. Now, with water in abundance convenient to the lands upon which it could be used, is it not and would it not be in perfect accord with good business methods to reclaim these lands, place settlers thereon, and thus give value to the lands and homes to the settlers who anxiously await the advent of the national irrigation morn?

Mr. Chairman, the cost of constructing reservoirs, should the Government undertake it, is, so to speak, making one hand wash the other; that is to say, the lands in the arid belt must be the source from which all revenues for the purpose of making the improvements, such as dams, reservoirs, and canals, must be derived.

The bill under consideration provides that the moneys arising from the sale of public lands within the arid region may be used for this purpose. It therefore follows that the arid lands must reclaim themselves without depending on any other source for revenue for said purpose. Then, if irrigation of these public lands without cost to the Government will render millions of acres of land susceptible of being converted into beautiful homes, increasing the wealth of State and Government, why should any objection to the bill under consideration obtain. This bill was formulated by the members of both Houses representing the arid States and Territories, critically examined and passed upon by the committee of the Senate and agreed to by that body, carefully examined and favorably reported by the committee of this House, recommended by the President of the United States, and advocated by both the Democratic and Republican parties in national conventions assembled in the year 1900, the Republican party adopting as a part of its platform the following sections or paragraphs, to wit:

> In pursuance of the constant policy of the Republican party to provide free homes in the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of waters for the irrigation of the respective States and Territories.

The language of the Democratic platform on this subject is as follows, to wit:

> We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

These are the two planks respectively contained in the platforms of said parties, and promulgated to the people of the United States, and held out as the articles of faith of the respective parties, advocated by campaign speakers of both parties, and adopted by the people of the United States at the polls in November, 1900. Now, each and every member of this House, elected as a Democrat or Republican or as indorsers of said platforms, or either of them, from a moral standpoint is bound to carry out the will of the electors by whose votes each and every one of us has the honor of being a member of the greatest legislative body on earth, of the greatest country on earth; and a failure to stand by and carry out a principle so clearly expressed in each of the said platforms should meet with a fitting rebuke at the polls at the next election.

Mr. Chairman, gentlemen may ask, Is irrigation by the Government necessary? I answer yes, for the following reasons:

The overcrowded condition of the population in the East in nearly every department, especially that of farming, demands that a safety valve whereby this condition may be relieved should be created. Farmers, young and old, all over the Eastern, Central, and Southern States are looking to the arid regions for homes, the supply in the vicinity of each having been long since exhausted. The West is the only region to which each of those longing to lead a rural life upon his own freehold can look with any degree of hope. Will you blast this hope or will you grapple with the situation, and by your votes say to these ambitious home lovers and home builders, behold, we have stayed the flood waters of the mountain streams that the desert may become covered with verdure, that you and your posterity may own and till, holding the same as an eternal heritage?

It is also necessary to provide some means of relieving the North Atlantic States from the great influx of foreign immigrants. The number of immigrants who have arrived in the United States within the four months ended April 30, 1902, is nearly double that of either of the two preceding years; that is to say, the number of immigrants who arrived in the United States during the first four months of 1900 is 149,994; for the same period in 1901, 154,042, and for the same months in 1902, 233,087. This last rate continued throughout the year would make a total increase for the year of 699,261. This immense increase annually will sorely tax the assimilative powers of the United States to their very utmost extent, for these people must find employment in the East or South, or go West and enter the agricultural arena and begin the fight for existence, or, failing in these, turn tramp and become a menace to the lives and property of the people.

It is also necessary to foster irrigation for the reason that making of an increased and increasing number of homes in the arid region will create a necessary additional market for a large portion of all products of the Eastern, Central, and Southern factories; a million settlers or homesteaders means a million consumers, besides their families. The South furnishing the cotton and products of the mill, the great empire of New York will find a growing market for her textiles, furnishing goods, gloves and mittens, leather and leather goods, publications, paper, musical instruments, refined sugars, carpets and rugs, hosiery and knit goods, hats, worsted goods, and various other articles; Massachusetts would experience an increased and increasing demand for the products of her cotton mills and shoe factories; Pennsylvania will have to increase the capacity and output of her iron and glass works; Virginia will find it necessary to increase her acreage of tobacco and the capacity of her factories; Kentucky will experience a new and growing demand for her tobacco, hard woods, and the products of her wagon and plow factories; Ohio, Illinois, and Michigan will have to rise earlier and work later to meet the demands of this new empire for the products of these States, respectively; so each and every State east of the one hundredth meridian will be a beneficiary of this national enterprise.

It is also necessary for the United States Government to inaugurate this system, because it is a well-known fact that the range of the arid regions is so diminishing annually as to endanger the stock business of that section, upon which a large portion of the Eastern people are dependent as a source of meat supply, it being only a question of time when the stock raisers can no longer depend upon the range, and they will have to resort to the irrigated lands to sustain their stock or retire from business. The latter course, if adopted by them, would result in such a diminution of the meat supply as to place the American laborer on a par with his foreign competitor, who boasts of his occasional financial ability to supply his family with meat one meal per week and more frequently one meal per month.

It is also necessary to increase the acreage of the arid lands, for in this way only can we prevent the meat supply from being so greatly diminished as to make the stock industry susceptible to the machinations of the trusts, which without compunction rob the consumer and gloat over their success in victimizing all classes of people regardless of their financial condition. The golden hoof has been eulogized by celebrated writers for centuries in poetry and song, and while this character may obtain in some sections of the country, the golden hoof in the West or arid sections is a destroyer of nature's covering for the lands which, denuded of their verdure year by year, augment the desert waste, which, thus unprotected, becomes heated and dry and is an increasing menace to the States east of and adjacent to the arid belt. In these arid wastes the simoon is born, which, rising, is carried by the winds into more favored regions and becomes a blighting sirocco, withering and destroying all vegetation in its pathway.

It is also necessary to encourage the mining industry by the inauguration of national irrigation. Mines containing only low-grade ore, which can not now be profitably worked because of their remoteness from food supply, would, under a development of the now arid lands, add greatly to the output of the mines, the annual product of which, according to the latest authentic reports, amounts to $1,000,000,000. This would give employment to thousands of now idle men, and would become a benefit to every other industry in the United States, in that these miners would consume and necessarily have to purchase the products of every other industry.

Mr. Chairman, I have been informed, whether credibly so or not, that Eastern and Southern farmers oppose this measure on the ground that they can not successfully compete with the Western farmer. In this they are mistaken, for the Western farmers are so handicapped by the long haul from West to East that they can not afford to ship anything to the East except cattle, sheep, and the metals from the mines, and so far as sheep and cattle are concerned, the demands for meat and the immense

supply heretofore furnished by the Western ranges being gradually and surely diminished each succeeding year, admonish us that the destruction of the range means a great diminution in the supply of meat from that source, and that if the people of the East desire to eat meat, irrigation must furnish the Eastern deficit in the very near future.

Irrigation, instead of being an injury to the Eastern and Southern farmer, will prove of incalculable benefit to them, in that we are informed by the most recent census statistics that the agriculturists of the country furnish the manufacturers with products equal in value to nine-tenths of the cost of all factory products. Conceding this to be true, any increase in consumers would of necessity create additional demands for manufactured products, which in turn would require an additional number of men to increase the output commensurate with such demands, and the Eastern and Southern farmers would have to supply products equal to nine-tenths of the cost of the additional factory products. Thus it is seen that the farmer and manufacturer are mutually dependent on each other, and that any improvement in the one works an advantage to the other. In other words, the farmer is largely dependent on the factory for the market for the products of the farm, whereas the manufacturer is dependent on the farmer to the extent of all necessary farm products with which to conduct his business and largely dependent on the farm for a market for the products of the factory. In this the Eastern, Central, and Southern farmers will have the advantage of being the greatest beneficiaries, in that they will furnish an amount equal to the cost of nine-tenths of all factory products, a demand for which will be created by the reclamation of the arid region, it being a well-established fact that when the farmer is prosperous it means prosperity for all other industries.

Mr. Chairman, the assertion may be made that irrigation by national aid is an experiment that may prove detrimental to the interests of this Government. For reply to this I am happy to say that reclamation of arid lands has long since passed the experimental stage and exists now, and has existed for nearly four thousand years, as a fixed fact, and that it will prove beneficial requires only the formulation of the plans and construction of reservoirs and canals. The farmer with his laterals will furnish the proof which will demonstrate the great benefit arising from this enterprise. Two thousand and eighty-four years before the singing of the morning stars lulled to repose our infant Redeemer irrigation was being successfully conducted in and on the lands adjacent to the Nile. Lake Mares, a reservoir 50 miles in circumference, was constructed, some historians affirm, by King Marias. Others affirm that it was constructed by Amenunhet the Third two thousand and eighty-four years before the birth of the meek and lowly Nazarene. This gigantic reservoir served a twofold purpose—that is to say, when the Nile was at flood and danger of overflow seemed imminent to the lands below the aqueduct, the surplus waters were run into the reservoir and thus prevented overflow. The waters thus conserved were thus held until the Nile became low and drought threatened the farms. Then the waters were released, the lanes were watered, the soil, responding yielded, up the various products of garden and field in great abundance.

Sesostris, who reigned in Egypt in the year 1491 B. C., is said to have had a great number of canals constructed for trade and irrigation, which canals were so numerous that it is estimated that they would convey nine-tenths of the water of the Nile for domestic use and irrigation, leaving but one-tenth of the stream flowing into the Mediterranean Sea. When General Agathocles, a Syracusan, with his army invaded Egypt, he wrote that the African shore was covered with gardens and large plantations and numerous canals by which the lands were watered. Fifty years later Polypus drew a similar picture of this successful farming and gardening by means of systematic irrigation. To protect the great city of Babylon from the overflowing of the Euphrates, a reservoir 42 miles in circumference and 35 feet in depth was constructed, to conserve the flood waters which in the dry season were conducted onto the lands, whereby the devastation by drought of that region was prevented. The Phœnicians were celebrated for their skillful and systematic manner of applying water to the lands for the purposes of irrigation.

Rome, at one time martial mistress of the world, was in Nero's time supplied with water by means of nine separate aqueducts, aggregating 255 miles in length, which delivered, according to estimates, 173,000,000 gallons of water daily. Irrigation was introduced into France by the Romans. The Nismes conduit was constructed nineteen years before Bethlehem was immortalized by the birth of Christ. This conduit delivered to the people for domestic use and to the lands for irrigation 14,000,000 gallons of water daily. China dates its early irrigation enterprises far back into remote antiquity, while numerous tanks, dams, canals, aqueducts, pipes, and pumps in Assyria, Mesopotamia, and Ceylon are evidences of an early civilization, having a more perfect knowledge of irrigation than they have ever been credited with. In fact, the historian tells us that irrigation methods antedate the most authentic history of this system of utilizing waters for reclaiming arid lands. Respecting irrigation, Cato, two hundred years B. C., wrote very intelligently about the benefits and advantages of applying water for purposes of irrigation of farm lands.

Japan is also noted for its magnificent and extensive irrigation system, and it is estimated that at least two-thirds of the 12,500,000 acres of land under cultivation, by which the population consisting of 41,000,000 of souls is sustained, are rendered fertile and productive. Even the islands of the sea, that is to say, Madagascar, Madeira, Java, and Sicily, and the island of Lombeck utilize the waters for purposes of irrigating the lands, and rely upon this system to sustain the farm and garden. Italy in the valley of the Po has engaged in irrigation since the early ages, and as late as the year A. D. 1895 the bulk of farm products in that country was the result of irrigation. Spain, since Roman and Moorish times, has engaged and is now conducting successfully and promoting irrigating systems whereby about 6,000,000 acres of land are being regularly and successfully cultivated. In India this system is said to be more extensive than in any other part of the world. From Lahore, in the northwest, to Calcutta, in the southeast, a distance of nearly 1,400 miles and covering a territory not less than 100 miles wide, a larger portion of the lands is cultivated by irrigation. The great dam at Bhutan, which supplies the Nira canals, is 4,067 feet long and 130 feet high, by means of which the waters are conserved and through these canals conveyed onto said territory for purposes of irrigation. It is also estimated that in this region 6,000,000 acres of land are annually served with water, the flowage of 300,000 shallow wells; thus it is demonstrated that wells may be resorted to as a possible means of reclaiming arid lands.

Mr. Chairman, we now turn from the Old World to the New and find that the practice of irrigation by the people of the Orient, in ancient as well as modern times, has, in a great measure, obtained and now obtains in the Occident. Mr. Prescott, in his Conquest of Peru, tells us that in Peru waters for irrigation were carried by means of canals and subterranean aqueducts on a noble scale; one of said canals traversed the district of Condesynos and is estimated to be 500 miles in length. The Argentine Republic, according to most authentic reports, has had and now has 1,759,600 acres of land under irrigation. The Spaniards were greatly surprised when they invaded Mexico to find that irrigation was extensively and very successfully conducted. In Colorado, New Mexico, and Arizona, and extending through Mexico and Central America and on into Peru, are found remains of what was once a most thorough system of utilizing the waters for reclamation of arid lands and are evidence of an early civilization in those sections of country. On both slopes of the Andes, long before occupation of that country by the Spanish and Portuguese, irrigation is shown to have flourished, as is demonstrated by prehistoric works which are found in those sections of country.

In the United States irrigation was introduced by the Mormons under Brigham Young in 1847, and the wisdom and great business ability of this man as a leader are demonstrated by the great State of Utah in all her resources of every character. Under his guidance and direction the sagebrush plain and the rugged mountain side have been transformed into beautiful farms, gardens, orchards, homes, and magnificent cities, and this has been brought about alone through the application of the methods of irrigation. Yet this great inland empire has hardly been touched. From Utah this system radiated to the States of Idaho, Montana, Nevada, California, and the Territories, to which system is due the wealth of said States and Territories, but this has taxed the ordinary flowage susceptible to appropriation by the individual to its utmost extent, and further development and improvement is impossible without a conservation of forest and stream, so as to furnish additional waters for extending to unreclaimed lands the blessings of irrigation.

Mr. Chairman, the next query that may be made by gentlemen of this House is this: Is it possible to compensate the reclamation fund by distributing the cost of constructing reservoirs, canals, conduits, and dams among the purchasers or homesteaders? And for reply to this query, will say I sincerely believe that but few, if any, of the many investments will fail to reimburse the fund, and that, taken as a whole, the proceeds of the sale of lands under all the reservoirs will more than reimburse the reclamation fund; and this fund, when reimbursed, will be enabled to construct additional reservoirs, the cost of which will again be replaced by the sale of lands under these new and additional reservoirs. Thus will the fund revolve until all available waters shall have been exhausted, and the original amount will at the close of this great work remain in the Treasury Department, subject to the disposition and will of some future Congress.

I have made these assertions because I am fully acquainted with the systems of irrigation now in use in my own and adjoining

States. In my State I know of my own knowledge that hundreds of people have secured good homes and profitable farms at a very nominal cost to the individual. In most cases the cost to the rancher for water for his homestead has not cost to exceed $5 per acre, and this was paid in work by a man, or man and team, at a time when they could not utilize their labor on the farm. It would be difficult to determine the exact cost of irrigation per acre in the United States for the reason that most of these improvements have been made by contributions of labor. In foreign countries wherever the governments have inaugurated this system we have been furnished by the historian with actual cost of construction of the various reservoirs and canals. The principal ones noted by me in a most thorough search are as follows:

The Upper Ganges system in India consists of 890 miles of main canals with 3,700 tributaries, 17 immense dams, and serves 1,205,000 acres of land, the total cost of which is estimated at $14,644,000, or $12.15 per acre. The lower Ganges system consists of 531 miles of main canals, 1,854 distributaries, and serves 620,000 acres, the total cost of which was $7,000,000, or $11.29 per acre. In the Bombay Presidency, in the year 1889, out of 915,000 acres under the canals, 839,000 acres were irrigated by a system which cost $10,792,000, or $12.86 per acre. In the Punjab district the works constructed in the twelfth century, or 700 years ago, are still in use. The West Jumna Canal cost up to 1890, $8,000,000. This system embraced 84 miles of main canal, 1,110 distributaries, and served 2,000,000 acres, the average cost per acre being $4.

In France 13 different canals and reservoirs along the river Loire have been constructed, at a cost of 41,460,000 francs, and the lands thereunder increased by reason of said improvements from $44 to $300 per acre. In the Indus Valley 1.479 miles of canals, etc., were constructed, at a cost of $7,872,000, and serves 1,148,000 acres of land. The cost of said improvements per acre was $6.82. This includes the Labour branch, covering 522,000 acres. In the Maras Presidency, as reported by Richard J. Hinton, there is a population of 31,000,000 souls. This presidency has constructed a system which serves 6,000,000 acres and cost $32,488,000, or $5.41 per acre. In Denmark there are 145 miles of canals, which in 1890 carried 22,000 second-feet of water, the principal part of which was used and to be used in the reclamation of the desert of Julland, and while the historian fails to give total cost and acreage, he affirms that the lands by reason of this system advanced in value $80 per acre.

At the meeting of the Trans-Mississippi Congress, in 1901, Mr. O'Donnell gave a history of irrigation in the Yellowstone Valley, which is substantially as follows:

This valley in 1884 was an alkali desert, supporting only the buffalo and antelope. The area of this valley was estimated at 60,000 acres, all of which was comparatively worthless, which was reclaimed by means of a system which cost $250,000, or $4.16 per acre. On this small area are nine school districts and schoolhouses; it maintains a pay roll of $275,000 per annum, the aggregate value of the property at this time being estimated at $6,000,000, all of which has been the result of a disbursement of $4.16 per acre. A number of estimates have been made by the Geological Survey for reservoirs and dams along Kings River in California, one of which reservoirs, to be formed by a dam at Dusy Meadows—dam estimated at 120 feet in height, to be built of loose rock, with a storage capacity of 16,850 acre-feet—will cost, if constructed, $538,860, or $32 for each acre.

At Longs Meadow, on the same river, it is estimated that the cost of constructing irrigation works will be $28 per acre-foot. At Clarks Valley, on the same river, a reservoir with dam 85 feet high, storage capacity of 120,199 acre-feet, to cost $1,331,025, or $11.05 per acre-foot; but should this dam be made 105 feet instead of 85 feet in height, the storage capacity would be increased to 217,196 acre-feet at an estimated cost of $2,206,822, or $10.15 per acre. The Pine Flat reservoir, on the same river, to consist of a dam 140 feet high, will have a capacity of 78,197 acre-feet and is estimated to cost $1,750,000, or $22.38 per acre. These estimates seem very large, but when contrasted with the uses to which these lands may be put—that is to say, for the purpose of growing citrous fruits and grapes—the value of the land thus improved is much greater than ordinary agricultural land, orange lands frequently selling at from $200 to $400 per acre.

The San Carlos reservoir in Arizona, estimated to cost $1,040,000, will serve 100,000 acres at an average cost per acre-foot of $10.40. While these estimates as to the improvements along Kings River and also in Arizona exceed $10 per acre-foot, there are numerous long narrow valleys among the Rockies which can be irrigated at a cost of from $2 to $3 per acre, which, in my judgment, would bring the average cost of all the reservoirs down to less than $10 per acre.

Mr. Chairman, gentleman may ask, Will the people purchase and settle up these lands if reclaimed? To this we answer that twice the amount—nay, more than is susceptible to irrigation—would be eagerly sought after and filed upon immediately upon its being placed on the market. Mr. J. D. Whelpley states that on the opening of the Kiowa Reservation 167,000 people filed applications, whereas only 13,000 could be accommodated, thus showing that 154,000 people were turned away disappointed and made to follow against their wills a business other than farming. It is also shown by statistics within reach of everyone present that about 50 per cent only of the lands filed upon since 1862 to date have ever been patented—that is to say, of 1,345,000 filings, only 637,000 have ever been carried into patents.

The total number of acres covered by these filings is 180,000,000, whereas 86,000,000 acres only have been patented. This is largely due to the fact that the first settlers appropriated all of the available flowage of the various streams, thus exhausting the spring and summer flow of those streams, resulting in an abandonment of over 700,000 filings, which would now represent, had water been made available by the Government by conserving the waste waters of winter and early spring, about 700,000 farms—beautiful homes, with church spires gleaming everywhere—while villages, towns, and magnificent cities, with all incident industries, would decorate this now barren and almost worthless territory. Now, if 700,000 persons have been disappointed by failure to secure homes in the past, is it possible for us with a constantly and rapidly increasing population to form any idea as to the number of home seekers who in the future will meet like disappointments? But it would be safe to say that the number may be reckoned by millions instead of thousands, and we are confronted with the fact that with this constantly increasing demand for lands there will be a constantly decreasing supply until the whole area is exhausted.

Mr. Chairman, the arid region will not only furnish lands for the home lover and an opportunity for the home builder, but it also furnishes a climate so free from malarial conditions that diseases indigenous to lower altitudes are seldom known. The nights are almost invariably cool in a large part of this section, so that man, wearied by the labors of the day, enjoys a peaceful rest and rises in the morning invigorated for the duties of the day. Here also is a country to be enjoyed by the invalid who desires to escape the unbearable heat of the city or lower altitude, while located in this vast domain are hot springs innumerable, so celebrated for their medicinal properties and curative powers that I am inclined to believe that these were the fountains of youth to discover which Ponce de Leon made an unsuccessful search, of which he knew by tradition only, while we know that those traditions have become historic facts.

Mr. Chairman, in conclusion, my duty compels me to say that if we wish to expand the business of the factory by creating a market for its products; if we wish to relieve the overpopulated condition of the Eastern States; if we wish to conserve our population and prevent a large portion of it from migrating to other countries; if we wish to make valuable 55,000,000 acres of land now valueless; if we wish to construct a safeguard against Eastern drought; if home building is but another name for upbuilding of the nation, as has been asserted, and wisely too, by the President of the United States; if we would reduce the taxes of the arid West by doubling the acreage of cultivated land, we must, to accomplish these results, adopt the methods provided for in this bill as our only hope, that hope which the poet so beautifully described when he said:

Eternal hope,
When yonder spheres sublime
Pealed their first notes
To sound the march of time,
Thy joyous youth began,
But not to fade,
When all your sister planets have decayed;
When wrapt in flames,
The realms of ether glow,
And heaven's last thunder
Shakes the world below,
Thou, undismayed,
Shalt o'er the ruins smile,
And light the torch
At nature's funeral pile.

[Loud applause.]

The CHAIRMAN. The question is on the committee amendment as amended.

Mr. RAY of New York. Mr. Chairman, I have another amendment to this amendment that I desire to offer.

The CHAIRMAN. The gentleman will send up his amendment and it will be reported to the committee.

Mr. RAY of New York. Mr. Chairman, I understand that debate on this section is closed.

The CHAIRMAN. Debate is closed.

The Clerk read as follows:

At the end of section 4, page 5, line 25, add the following:

"And no contract for the construction of any irrigation works, reservoir, canals, or ditches shall be made until such proposed contract shall have been reported to and approved by Congress."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes appear to have it.

Mr. RAY of New York. I call for a division.

The committee divided, and there were—ayes 24, noes 70.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the committee as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the word "irrigable."

In lines 10, 11, and 12 strike out the words "and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land."

[Mr. HEMENWAY addressed the committee. See Appendix.]

Mr. SHAFROTH. I move that all debate on this section and all amendments thereto be closed in ten minutes.

The CHAIRMAN. The gentleman from Colorado moves that debate on the pending section and amendments thereto be closed in ten minutes.

Mr. MONDELL. I move to amend that motion and that debate close in five minutes.

Mr. SHAFROTH. I accept that.

The CHAIRMAN. The gentleman from Wyoming moves to amend by providing that debate shall close in five minutes.

The question was taken, and the amendment to the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Colorado as amended.

The question was taken, and the motion was agreed to.

Mr. MONDELL. Mr. Chairman, I now yield four minutes to the gentleman from Illinois [Mr. MANN].

Mr. ROBINSON of Indiana. I make a point of order on that.

Mr. CLARK. Mr. Chairman, how did the gentleman from Wyoming get hold of that ten minutes to yield?

The CHAIRMAN. There are but five minutes, and the Chair does not think the gentleman from Wyoming is entitled to yield. The gentleman from Illinois, Mr. MANN, is recognized. [Laughter.]

Mr. MANN. Mr. Chairman, I do not think I should have taken up the time of the committee at this stage of the proceedings if it had not been for the splendid speech of my friend from Indiana [Mr. HEMENWAY]. I do not agree with him that the proposition in this bill means that the arid lands shall be irrigated at the expense of the pockets of the farmers of Indiana and Illinois. I happen to be one of the farmers of Illinois myself [laughter], and I trust the gentleman from Indiana is one of the farmers of Indiana. [Laughter.]

Under this bill there is no provision that any of the money paid into the Treasury by the farmers of Indiana and Illinois shall be used for the irrigation of the arid lands. It is proposed by the bill, substantially, that money derived from the arid lands themselves shall be used to make them irrigable.

Mr. HEMENWAY. Does not that money belong to the United States Treasury?

Mr. MANN. That is very true. The lands belong to the United States Treasury, but the lands as they are now are valueless. They will pay for themselves. But let me call the attention of the gentleman from Indiana to a proposition which he might have objected to in the House.

We recently gave away all the lands in Oklahoma, lands which belonged to the Government and to the people, lands which were valuable, lands which, if they had been sold for their real value, would have put money into the pockets of the farmers of Indiana and Illinois, or saved money to their pockets; and yet there was no man in this House so small minded as to object to the provision of these people going out into the lands of the West and taking them upon the same terms that the farmers of Indiana and the farmers of Illinois obtained their lands from the Government.

Mr. HEMENWAY. Does the gentleman from Illinois want the farmers of the arid lands to take the same line that the settlers of Indiana and Illinois did when they got theirs?

Mr. MANN. Oh, the gentleman's question answers itself. The proposition before the House shows what is desired, but the farmers of Indiana obtained their land from the Government by the grace of the Government and not in return for the payment of the value of the land. They paid practically nothing for the land.

Most of them received land for a nominal sum or for no sum at all. These lands in Indiana and Illinois belonged to the people of the country who lived to the east at that time. The people of the East, with large-minded ideas, with a splendid conception of the possibilities of the West and of the country, urged their citizens to take the lands in the West, and to-day the people of the East, with still large-minded conceptions of the possibilities of the West, propose to make the arid lands of the West bloom and blossom with the splendid results of industry. [Applause.]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: *Provided*, That when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

The following amendment was recommended by the committee:

On page 5, after the word "to," in line 22, insert "and the management and operation of."

Mr. JONES of Washington. Mr. Chairman, no measure fraught with greater moment to the country has been before this Congress. The stability of a republican form of government depends much upon the prosperity, contentment, and happiness of its people. Distress, discontent, and poverty are the enemies of good government and the breeders of anarchy and disorder. Any measure which tends to promote prosperity and happiness by benefiting any considerable number of citizens without injury to others should certainly meet with most favorable consideration at the hands of the lawmaking body.

The very essence of this bill is home building. This is its aim, purpose, and object. If it will not do this, it should be defeated. If it will do this, then the reason for its defeat must be strong and convincing. The home is the unit of our Government. It is the real source from which springs our strong and intense love for our country and its institutions. Along with the desire for liberty and the right to worship God according to the dictates of their own conscience which impelled the Pilgrim Fathers to dare the dangers of a trackless sea and face the terrors of an unknown land there was also the strong hope of building homes for themselves. From that day to this we have been a home-making people. To own in his own right a plat of ground, however small; to live in his own cottage, however humble, and to sit at his own fireside with his wife and children around him has been the acme of the heart's desire of the true American.

The man who owns a home is a better man, a truer citizen, a more loyal American than he who owns none. Take the renter from the farms of the East, where the products of his labor goes to enrich another; take the laborer from the crowded tenements of the cities, where his family lives in squalor and distress, and place him on a part of our national domain with the hope of its being his own some time; let him have room to breathe the pure mountain air and drink in the unpolluted sunlight of God's blue sky, and the seeds of anarchy and lawlessness will shrink and die, while love for family and country will well up in the heart and grow stronger and stronger from day to day.

The flag of freedom will take on a better and a grander meaning to him. Its waving folds, its starry field of azure hue, and its gleaming bars will be pregnant with hope and meaning, and instead of hating he will love, instead of cursing he will praise, instead of forsaking he will protect and defend with his life. The home is the citadel of our nation, the inner fortress of our defense, the bulwark of our institutions, and the hope of our liberties.

Truly did President Roosevelt sum up the fruits of this bill when he said:

Our people as a whole will profit, for successful home-making is but another name for the upbuilding of the nation.

A NONPARTISAN MEASURE.

It is a matter of congratulation that this measure can be considered free from partisanship. It is not a political question and politics has cut no figure in its preparation and report. It is a

bill framed in accordance with the demands of all political parties. The Republican party in its last platform declared:

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

And the Democratic platform said:

We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation and the holding of such lands for actual settlers.

While this measure has not been specifically indorsed, it is believed by those who framed it to be in accordance with those platforms. It was drafted by those who are acquainted with irrigation and who are familiar with the conditions existing in the arid-land States. At the beginning of this session of Congress a committee of 17, of which I had the honor to be a member, was appointed from the different States and Territories interested in this matter to prepare a bill. This committee worked long and laboriously, and after much discussion, many compromises, and most careful consideration, this bill was unanimously agreed upon. The committee was made up without regard to politics, and in the discussion and preparation of this measure politics received no consideration whatever. It may not be—doubtless is not—a perfect measure, but we believe that it is as nearly perfect as can be secured. The defects in a proposition like this will appear only when its application is attempted, and whatever defects do appear can be, and doubtless will be, remedied by further legislation.

AN ADMINISTRATION MEASURE.

While it is true that this is not a political subject or bill, it is, nevertheless, what may be called an Administration measure. President Roosevelt, in his message to Congress, took strong grounds in favor of national aid for irrigation. He is the first President who has urged the matter in a message to Congress, and this has been one of the great factors in concentrating public sentiment upon this subject. It gave a wonderful impetus to the cause. His position is very pronounced. The subject is not referred to in his message in a merely passing way, but is given much prominence, and he discusses the matter with clearness and force, such as has not been surpassed by anyone. Our ears still ring with the arguments of the able statesmen and leaders of this House that we should stand by the Administration, even though we may not approve the measure it advocates.

While I am not one of those who think that simply because the President recommends a matter it should be passed, because I believe in the existence of the three coordinate branches of the Government and that it is the duty of the President to recommend and the duty of the legislative branch of the Government to investigate and legislate in accordance with what they deem best for the interests of the country, even though it may not be in accord with the recommendations of the President, yet those who speak so often about standing by the Administration in all things certainly should be the last ones to oppose a measure of this character, and therefore we confidently expect that those able statesmen who have grown gray in the service of their country and whose loyalty to the party and to the Administration can not be questioned will cheerfully unite in support of a measure which is so heartily indorsed and urged by the Administration

CONSTITUTIONALITY.

We are met at the threshold of the discussion of this bill with the same objection that has met every great question in the past; with the same obstacle that has been in the way of every upward and onward growth of our nation since its foundation; with the same reason that would dwarf, throttle, and destroy our national life and progress—it is unconstitutional. How often have we heard that cry! What great measure has ever been presented for our country's welfare that has not been met with this objection? The pathway of our national progress to glory and greatness is strewn with the fragments of constitutional objections.

A protective tariff, under which our home industries have been fostered and developed until we are able to supply our own markets and also reach out for the markets of the world; under which the farmer has secured a market for his produce at fair and remunerative prices; under which the manufacturer has been able to sell his products and develop and broaden his industries, and under which the laborer of the country has had his wages maintained at a scale nowhere equaled was unconstitutional. The national banking system of this country was pronounced unconstitutional. The inauguration of the system of internal improvements that has done so much for the building up of commerce and the country was unconstitutional.

The limitation placed on the extension of slavery was unconstitutional. The salvation and preservation of the Union itself was declared to have been done through unconstitutional means. The issuance and redemption of the greenbacks was unconstitutional. The throttling of polygamy at the very threshold of the national capital was unconstitutional. The growth of the nation in the acquisition of Hawaii, Porto Rico, and the Philippines was unconstitutional. But, notwithstanding all this, the nation still lives, the Constitution still lives, and the zenith of our nation's glory has not yet been reached.

The Constitution, instead of being an instrument to strangle and destroy national growth and development, is the very soul and life of the nation in expanding and broadening as the necessities of civilization and development demand. The extent of our greatness has not yet been measured. With relentless power these constitutional quibbles have been and will be brushed aside, that our nation may grow and develop into the great Republic, the admiration and hope of mankind, the exemplar and the ideal of all liberty-loving people. That this objection to the bill under consideration will meet the same fate we do not doubt, and should the question ever come up for consideration before the Supreme Court, there can be no question but that its decision will add life and not death to the Constitution.

The President well said in his message:

It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control under which levees are built on the lower reaches of the same streams.

Is it true that the Government is so tied by this fundamental law that it can not improve its own property, that it can not care for its own? The mere statement of such a proposition would seem to be sufficient for its refutation.

The main purpose of this bill is to reclaim worthless property of the Government and make it valuable. The Government has constructed levees along the Mississippi River. Why? Ostensibly to aid commerce; primarily to protect farms and lands from destruction by overflow. Not public lands, either, but private lands. If the Government can do this, why can it not turn water onto its dry and worthless lands to make them valuable and productive? The Government has granted swamp lands to the States upon the condition that they will reclaim them. If it can do this, can it not provide for the irrigation and watering of its own lands in its own way and by the exercise of its own power?

The Government has granted millions of its public domain directly to railroad companies in order that roads might be built across the continent. Some there be who condemn this policy and yet no one can cross this continent and not realize the immeasurable benefit that has been brought to the nation by the construction of these roads, and no one can see the almost insurmountable difficulties encountered and overcome and not appreciate that aid of this kind was necessary to secure the early construction of these roads. What was the object of these grants? Not for the benefit of the corporation or the individual but for the benefit of the nation, for the growth and development of the people, and for the settlement and development of the public domain of the country.

If the Government can do this, if it can turn this property over to private individuals in order that its public domain may be settled, can it not take the proceeds of the sale of its public domain and use them in reclaiming these public lands? There are those who advocate the granting of a subsidy for the building up of the merchant marine. Some of those who advocate such a measure are opposed to this bill. I am in favor of the building up of the merchant marine, and I am in favor of a subsidy, if that will place the American flag upon the seas, but if we can use money of the Government for such a purpose—and I believe we can—surely the Government can use its money for reclaiming its own lands. If it can improve property of others, it certainly can improve its own. If it can pay others for improving its own property, it certainly can improve this property itself.

What is the Government? Is it not the instrument of the people? The people are not for the Government, as some seem to think, but the Government is for the people, and I believe that under our Constitution any measure that results in great good to a great number of our people and tends to make the people happier, more prosperous, and more contented will find warrant under the Constitution. If we can expend millions in aid of commerce, we certainly can expend a few millions to create commerce.

We are not without authority in support of the constitutionality of this measure. It passed the Senate with scarcely a dissenting vote. It was discussed and considered by that body, which contains some of the best constitutional lawyers of the day, and I am satisfied that if they had had any doubts as to its constitutionality those doubts would have been expressed, and I believe that we can confidently resolve the doubt, if any there be, in favor of this measure upon the authority of SPOONER as against JENKINS, and HOAR as against RAY.

PROVISIONS OF THE BILL.

Many have an erroneous idea as to the provisions of this bill and the amount of money that will be expended thereunder, and also as to the cost to the Government itself. What is the bill? What are its terms?

The moneys received from the sale and disposal of public lands in Oregon, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming are placed in a fund called the reclamation fund, after deducting the amount necessary for the agricultural colleges and the fees and commissions of registers and receivers.

Out of this fund the National Government proceeds to construct and maintain the irrigation works provided for in the bill, which are simply the reservoirs and main-line canals. I do not attempt to disguise the fact that this is just the same in the first instance as if the money were paid into the United States Treasury and then appropriated direct by Congress. But this is not all. Whenever a Government work of reclamation is commenced or concluded, and a person takes up land to be irrigated from this work, in addition to complying with the requirements of the homestead law he must also pay to the United States Government the estimated cost of reclaiming his land.

In other words, the Government gets its money back. This payment, it may be said, however, goes into the reclamation fund to be reexpended. This is true, but whenever the Government ceases to construct irrigation works and all the land is taken and paid for the fund is entire and can be turned back into the General Treasury, so that in the end the Government will receive all of its expenditures, except, probably, such amount as may be expended for maintenance. In other words, the effect of this bill is simply to provide for a loan upon the part of the Government, without interest, in constructing these irrigation works.

It is also provided that all irrigation works constructed by the Government other than reservoirs shall pass to the owners of the lands irrigated thereby, to be maintained at their expense whenever the major portion of the land irrigated has been paid for. Consequently the only permanent expense to the Government will be from the management and operation of the reservoirs constructed and the works necessary for their protection and operation.

Home building is insured, because no one can acquire this land without living on it for five years. There can be no speculation or monopoly, because, in addition to the five years' residence, no homesteader can take more than 160 acres, and in many cases he can take no more than 40 or 80 acres. There is an absolute guarantee of home building and certain protection against land monopoly.

WORLD'S IRRIGATION.

Irrigation is not a new thing. It dates far back toward the dawn of history. Indeed, we may not be far wrong in assuming that the Garden of Eden was watered by a system of irrigation under divine control, and it may be that one of the duties placed upon Adam and Eve was to look after the ditches furnishing water for the various flowers and trees and vegetables that grew in that beautiful garden. No doubt the grapes grown in the Land of Canaan were grown under irrigation, and the children of the Land of Nod no doubt cultivated irrigated farms. The many remains of huge tanks, dams, canals, aqueducts, and other implements used in the transmission of water in Egypt, Assyria, Mesopotamia, India, Ceylon, and Italy prove that the ancients knew much of hydraulics and applied that knowledge to the fructification of their fields.

Authentic history affirms that Lake Mœris was constructed two thousand and eighty-four years before Christ for the purpose of regulating the inundations of the Nile, and under the reign of Sesostris, one thousand four hundred and ninety-one years before Christ, in Egypt a great number of canals were cut for trade and irrigation; and it is said that the first canal to connect the Red Sea with the Mediterranean was designed by him and afterwards completed under the Ptolemies. The irrigation canals of Egypt are so numerous that it is estimated that not more than one-tenth of the water which enters Egypt by the Nile finds its way to the sea. The Assyrians seem to have been equally advanced in skill and ingenuity in developing irrigation systems along the otherwise desert valleys of the Euphrates and Tigris.

Indeed, the existence of the great and populous cities which history tells us flourished in Assyria, Egypt, and these other ancient countries can not be accounted for except on the basis that the country was artificially watered. To-day in Egypt the débris of ancient cities and habitations is dug up and used as a fertilizer upon lands devoted to agriculture. What a strange commentary upon the mutations of time. It is thought that the same country in Egypt now inhabited by 5,000,000 people was, during the time of the Pharaohs, inhabited by 20,000,000. Nearly every country of the Old World furnishes evidence of the existence of irrigation works. Some of them are of prodigious and amazing extent, and the ruins of many towns and cities are silent witnesses, telling most graphically of the importance of these great works.

The Nahrawan Canal in Assyria was over 400 miles long, with a width varying from 250 to 400 feet. It served not only as the great distributer of water to the fields along its banks, but also as a great highway of commerce and was a piece of engineering skill hardly equaled by anything of its kind in these days of great engineering feats. In China irrigation has been practiced for thousands of years, and some of her canals are the most stupendous ever constructed. The great Imperial Canal has a length of over 650 miles. It is used not only for irrigation but also for transportation. We need not go to the Old World, however, for ancient irrigation.

In our own country and in South America the remains of ancient irrigation works are to be found. Even in portions of the arid country, which we to-day ask the Government to assist in reclaiming, are found the remains and banks of ancient ditches constructed by people of whom we know but little, and proving to us that this barren country was once inhabited by a prosperous and progressive people. The ruins of ancient towns and irrigating canals through Mexico and South America evidence an early civilization, perchance surpassing that of the present day. When the Spaniards invaded Peru they were astonished at the wonderful and stupendous irrigation works constructed in that country, one of these being between four and five hundred miles in length.

It is difficult to determine the area under irrigation, but according to the statements of Wilson the following estimate is given:

The total area irrigated in India is about 25,000,000 acres; in Egypt, about 6,000,000, and in Italy, about 3,700,000 acres. In Spain there are 500,000 acres; in France, 400,000 acres, and in the United States, 4,000,000 acres of irrigated land. This means that crops are grown on 40,000,000 acres which but for irrigation would be relatively barren or not profitably productive. In addition to these, there are some millions more of acres cultivated by aid of irrigation in China, Japan, Australia, Algeria, South America, and elsewhere.

The estimate for the United States should be placed at about 7,500,000 acres at the present time. In Japan about 8,000,000 acres are irrigated; in Australia, several hundred thousand acres; in South America, three or four million acres. So that we may roughly estimate about 75,000,000 acres in the world to-day under irrigation; in other words, about the amount which, it is thought, can be brought under cultivation by national irrigation in this country.

POSSIBLE AMOUNT TO BE RECLAIMED AND COST.

How much land will be reclaimed under this bill? To this question no definite or certain answer can be made. Estimates vary from 35,000,000, to 100,000,000 acres. In my judgment, 50,000,000 acres is a reasonable estimate of the lands that can be directly reclaimed through irrigation enterprises; there may be more, there may be less. If this amount should be reclaimed it would mean much to the nation. This would be equal to a body of land of over 78,000 square miles in extent, or nearly twice the area of Pennsylvania, and much larger than the State of Illinois.

About one-third of our national domain is a desert, producing naught but sage brush, grease wood, and cacti, fit only for grazing purposes, and much of it unfit for that. The greater portion of this vast territory never will be habitable, but the lands upon which water can be placed may be made as productive as the Garden of Eden itself. What can be done by irrigation is no longer a matter of speculation in this country. Private capital and private industry already have demonstrated its beneficent results. Already 7,500,000 acres have been reclaimed and made to blossom as the rose. Valleys and plains which never knew life save that of the jack rabit, the coyote, chipmunk, lizard, and horned toads are now habitations of thousands of happy and prosperous people, and cities and towns have sprung up as if by magic.

The success of further development by private capital is most doubtful. In fact, many of these enterprises in the past have been far from remunerative to the original promoters, although of incalculable benefit to the settlers, the State, and the nation. In my own county several irrigation enterprises were put through, but the original promoters were thrown into bankruptcy and the ditches into the hands of receivers. This, I am informed, has been the result in many other portions of the country. To supplement the work of private capital is the object and purpose of this bill.

The State and Territories named have an area of 1,522,145 square miles, or 974,172,800 acres, or one-third of the area of the United States, exclusive of Alaska. Of this amount a little over one-half, or 535,486,731 acres, is public land and subject to settlement and entry under the land laws of the United States. Much of this land is rough and mountainous and unfit for anything but grazing, and the remaining portion is absolutely valueless without irrigation. The first settlers, naturally, located in the valleys and along the streams. Private enterprise constructed the ditches which could be constructed at the least cost and which

would cover the most land and bring the best returns. The population of these States and Territories is 7,745,291, and of this Kansas and Nebraska have about one-third, or 2,536,795.

With 50,000,000 acres irrigated and with the influence that this will exert upon the remaining portion, we may expect a wonderful increase in the population of this Territory. This land will be farmed most intensely, and probably will be equal in productive power and supportive ability to three or four times the same amount of land in the East. It also must be remembered in this connection that this Western country is surpassingly rich in everything that goes to make a populous territory, except in agricultural lands. It has unlimited mining resources; the greatest forests in the United States are found here, and along the coast the commercial facilities are unrivaled.

If the mining, manufacturing, and commercial industries are supplemented by agriculture the center of population of this country will continue to move westward, and it is not extravagant to estimate a population in this Western country within the next fifty years of twenty-five or thirty millions of people; in fact, I believe this to be a very conservative estimate. In my judgment also the irrigation of this amount of land, which is about one acre out of every ten of the arid and public lands, would not be limited in effect to lands actually irrigated, but there would be a marked effect upon the remaining portion. It would seem almost inevitable that there would be more moisture in the air, and, consequently, more precipitation.

The result of this would be the improvement of the grasses, the improvement of vegetation upon the remaining lands, and grazing would be much more extensive and profitable than at the present time. The hot winds of Kansas and Nebraska and other Middle States doubtless are largely the product of these vast, dry, hot, arid plains. If large areas are irrigated, instead of taking moisture from the air they will give out moisture, and these hot, death-laden winds will be softened and laden with health and life for man, beast, and crops. Furthermore, the irrigation of these lands does not mean simply a farm house on every 40 or 160 acres of land, but along with the farms and the mines and the manufacturing will come villages, towns, and cities. Railroads and telegraph and telephone lines will be brought into operation. Schoolhouses will be constructed, church steeples will pierce the sky, and civilization will flourish and develop where before was the solitude of the dead.

What will be the cost of this work to the Government? This is a very pertinent question, and one that can not be very definitely answered. We may get some idea, however, if we consider the cost of works already constructed in other countries, because the amount of difficulties to be encountered, the obstacles to be overcome, and the character of the work is substantially the same in all countries.

In Richard J. Hinton's report to the Senate the following facts are given as of the year 1890. In the Madras Presidency, in India, the irrigation works up to 1890 involved an investment amounting to $32,480,000, and the acreage watered was estimated at 6,000,000, or an average cost of a little over $5 per acre. This, as I understand it, included not only the main canals but also numerous laterals. The Upper Ganges system has 890 miles of main canals with 3,070 distributaries and 17 great dams, and cost $14,644,000. The number of acres served was 1,205,000, making the average cost per acre a fraction over $11.

In the Bombay Presidency the cost of the public canal is placed at $10,792,000 and the number of acres to be irrigated was 915,000, or an average cost of a fraction over $11 per acre. In Punjaub and Sind provinces the total expenditure for irrigation purposes is represented by $36,400,000, covering about 6,000,000 acres, or an average cost of $6 per acre. About one-half of this land, however, is irrigated each year. In the Indus Valley about 1,148,000 acres are irrigated, and the cost of the works up to 1890 had reached $7,872,000, or about $7 per acre.

These figures will indicate that the cost of the works proposed under the present bill will not be so large as estimated by some. It is proposed under this bill that the Government shall construct only the reservoirs and the main works, or main canals. Experience has shown that this is the least cost in reclaiming lands. I believe that many have an erroneous idea as to the extent of the Government work proposed. It is not proposed that the Government shall actually reclaim the lands; it simply constructs the reservoirs, or main line canals, so as to make the water available; the settler must do the remainder. He must build the ditches that lead the water from the reservoirs to and onto his land; he must build the ditches that lead the water from the main line canals to and onto his land; he must clear the land; he must level it and then construct the irrigating ditches to distribute the water over the land. The expense of this is very great.

As illustrating it, and as illustrating the difference in value of the land before the settler does anything to improve it and afterwards, I will give the cost of land under a large irrigation canal in my own county. Lands that are under the ditch, as we say—that is, lands that can be irrigated from the ditch—in their raw state and without any water right are worth from $5 to $10 an acre. The water right sells for $25 an acre, and this means that the water is brought within at least a half mile of the land to be irrigated, and this requires the construction of many lateral ditches from the main canal by the company itself, which is not contemplated by this bill on the part of the Government. This makes the land with the water right cost, or worth, from $30 to $35 an acre.

After the land is leveled and the lateral ditches constructed, distributing water over the land, and it is seeded to grass, it is worth from $75 to $100 an acre, and the increase in value represents very largely the actual expenditure of the farmer in putting his land to crop. From this it will be seen that the very least of the work in reclaiming is done when the Government constructs the reservoirs and main canals. The greater part must be done by the settlers themselves, and if it costs the Government $300,000,000 or $350,000,000 in the construction of its works, it means that in the reclamation of the lands the settlers will expend at least an equal amount and probably much more.

It must not be overlooked, however, that the amount to be advanced by the Government is limited to the proceeds of the public lands. It may be one, two, or three millions a year. A pitiful sum when we realize that we are to-day spending twenty-five or thirty millions a year for river and harbor improvements without hope or expectation of repayment, while in this case there is an express provision for the reimbursement of the Government.

PRIVATE ENTERPRISE CAN NOT TAKE UP THESE PROJECTS.

There are but few irrigation projects now within the possibility of private capital. Private activity does not take up any enterprise which does not offer with reasonable certainty a fair profit on the capital invested. As I already have said, the experience of irrigation companies heretofore has not been encouraging, the original promoters having made nothing, but, on the contrary, they have lost largely upon their investments. This makes capital doubly cautious. The very nature of these enterprises makes them uninviting. There must be a very great outlay before any income whatever is received. The work must be continually looked after at considerable expense whether the water is used or not.

It takes considerable time to prepare the land to be used for irrigation, and the men who take up lands are usually poor and with little capital. They develop their lands slowly, and if the water rights are purchased, the purchase must be made on long time at low rates of interest. If the water is rented and not purchased, it is rented only for the land actually cultivated, and as a result full returns do not come in for several years, and the recurrence of hard times in nine cases out of ten will bring loss and bankruptcy to the enterprise. Another difficulty is that most of the lands under such an enterprise are public lands, and these lands constitute no source of income until they are settled upon. The Government does nothing to improve the lands, buys no water rights, rents no water, and, therefore, a great portion of these lands would bring in no income whatever.

The only way that private capital could irrigate these lands would be for the Government to turn them all over to some great company. This, of course, would not be thought of for one minute. But, it is said, why not turn the lands over to the States. This is not practicable, because the States would be limited in their operations within their own boundaries. They have no revenues to be used in engaging in these enterprises, and in many of them the lands to be reclaimed would be very limited in area. Practically the same objections apply to the States taking charge of these lands as applies to the investment of private capital now. The only practical way is for the Government, as a great landowner, to do this work.

The Government does not desire a profit on its investments. The Government has never gone into a money-making scheme, and never will. Hard times would not interfere with the progress of the work. The moneys and revenues of the Government are sure. If it begins an enterprise, its continuance does not depend upon the condition of the money market or upon the prosperity of the country, nor is the matter of profit any concern. In reality, the great benefit to the Government comes from the building of the homes themselves and not from the money it receives directly. Even if the Government did not receive any direct return from the land, if a large number of prosperous homes are established the resulting benefit to the community, the county, the State, and the Government well repays for the outlay.

One of the great canals in Spain cost $4,000,000, while the produce earned by the administration of the canal amounted to only $7,400, and yet it is stated that—

The business, however, far from being ruinous for the State, has largely compensated the outlay by creating great sources of wealth which deliver up to the public treasury a good part of their income.

Make valuable that which is valueless and you enrich the nation. Increase the homes of the country and you make stronger the pillars of government. Increase the taxable property of the country and you lighten the burdens of taxation to the people and make more certain the income for schools, city, county, State, and national purposes.

OBJECTIONS TO THE BILL.

Some oppose this bill and allege that it will injure the farmer of the East and Middle West. In their zeal and intense desire for his welfare they become eloquent in portraying the sterling honesty and stalwart independence of the farmer and they agonize over his toils and woes. No one admires the farmer more than we who urge this bill; no one sympathizes more than we; none realize more that he is one of the great mainstays of our national existence than do the advocates of this bill. We believe that he and his industry constitute the basic element of our national perpetuity and prosperity. We have worked on farms and know the toils and beauties of the farmer's life, although we may not have been such great farmers as our friends from Pennsylvania [Mr. SIBLEY], Indiana [Mr. HEMENWAY], Ohio [Mr. GROSVENOR], and New York [Mr. PAYNE].

We have not yet forgotten the days spent from early morning until late twilight behind the plow and handling the dusty hay in the hot and stuffy mow. The most vivid memories that we now have of the farmer's life are the sound of the voice that drove away sweet sleep at 4 o'clock in the morning and the groaning of the cows as they grumblingly left their warm beds on frosty mornings that we might warm our bare feet. Yes, we know something of the farmer's life, and we would do nothing to make the burden heavier; but, on the contrary, we would do all we can to make it lighter.

This bill is not for the benefit of farmers like those in this House, who own their broad acres, but who do not put the hand to the plow, swing the ax, or handle the hoe. The gentleman from Pennsylvania [Mr. SIBLEY] is a great farmer and does not need this bill, and I am frank to say that it is not primarily for his benefit.

The great object of this bill is to furnish homes for the homeless and farms for the farmless. The renters of Indiana, Ohio, and Illinois, and laborers crowded in the tenements of the large cities are the ones for whom this bill holds out relief. I know that in Illinois the farm lands have reached exorbitant prices, and, in order that the owner may receive a tolerable percentage on a high valuation, the poor renter toils and sweats from early morning until fading twilight. He works sixteen hours a day, eight or more of which go to enrich and support his landlord. He barely makes a living for himself and family.

There are thousands of laborers in our Eastern cities whose toil brings in only enough to maintain a miserable existence for themselves and their families. Day after day the fruits of their labor go largely to enrich another. For these laborers and these renters there is but little hope for the future. There is but little hope of gratifying the great desire of every American heart—that is, the desire to have a home. To this class of people this bill offers hope. It comes as a harbinger of better days and of a better life. It offers to them a portion of God's footstool as their own and gives them the hope of an existence in which they can breathe the pure air and absorb the pure sunlight of heaven and expand and grow and develop into better men and into better citizens.

We should not look at this bill from the sole standpoint of dollars and cents, of appropriations and expenditures. It has a grander purpose and I believe there will be a grander result. The great result from this bill will be the happy homes that will be built in our own country and more loyal citizens to our flag and the principles it represents. To take the fruits of one's toil and give to another, to work from day to day and eke out a mere miserable existence for oneself and family, to live without hope of bettering one's condition, is not conducive to noble manhood or loyal citizenship.

A few years of such a life stifles and smothers the desire for something better, for something nobler, and instead of happy, loyal, and contented citizens there are discouraged, discontented, and disloyal citizens. Why? Those who live this way are without hope of anything better. For them there is no happiness; the Government means nothing to them except the agent of oppression; the flag means nothing except the emblem of tyranny. Such a condition breeds anarchy and anarchists, disorder, and revolution. The foundations of our State rest upon the home builders and the home owners, and the more of these we have the firmer the foundation, and any bill that will make more homes and more home owners will do much to solve the social problems of discontent that agitate all countries, and that are the natural product of poverty and a congested population. Its beneficent results can not be measured in dollars and cents. Manhood, patriotism, love for family, and love for country flow from such a measure, and are infinitely more to be desired than the few dollars we propose to spend.

Objection is made to the bill because it is not demanded by the needs of the present age. Never before have there been so many of our people looking for homes, and where else could they look but to the westward and to the north? As the western sun was the guide to those early pioneers who crossed the plains and scaled the mountains to find homes along the peaceful shores of the Pacific, so to-day are the homeless looking westward and northward with hope and anticipation. Last year over 12,000,000 acres of the public domain were taken by the home seeker and home builder. This was not choice land, but it probably was the pick of that which was left. Log huts have been built with their mud chimneys.

The little garden patch has been cleared and cultivated; a few cattle have been turned out upon the hills to graze, and, though the prospects may be dark, or would seem so to you and me, yet in many homes on this 12,000,000 acres of land the star of hope twinkles brightly and the spirit of liberty reigns exultant with home and independence in fruition. These settlers are better men, more loving husbands and fathers, and more loyal citizens than they were in the East or Middle West.

Thousands are going from Iowa and other States of this nation to the north, to take up lands and build up homes beneath a foreign flag.

Sir Wilfrid Laurier, of Canada, said a few days ago:

I hope to have an opportunity while in England to devise some plans for the greater encouragement of emigration to Canada. Emigration from the United States, I am glad to note, is increasing every year. Fully 50,000 have gone from this country across the border during the last three years, and we will be glad to have all the fifty thousands more she can send.

This is not because they love our country less, but because there are more and better opportunities of securing homes and happiness in Canada. Let us keep them with us; let us satisfy their hopes and furnish them homes in our own land and beneath our own flag.

Not needed by the present age? The rush to Oklahoma and the crowds around the borders of every Indian reservation just before they are opened to settlement is answer sufficient and, it seems to me, shows conclusively that there is to-day a great demand for lands and that a measure of this kind can not be passed too soon in order that the congested populations of the East may find an outlet. Five hundred thousand immigrants are landing on our Eastern shore every year. They must be cared for. If they stay in the cities they simply add to the growing discontent. This is a condition that must be met, and I know of no better way than to furnish homes.

Objection is made to this bill because its benefits will be enjoyed by the few. We are almost daily appropriating thousands, yes millions, which directly benefit the few. Your millions for rivers and harbors primarily benefit a comparatively few of the people of this country, and yet we do not object to the expenditure on this account. We of the West have been cheerfully and uncomplainingly voting year in and year out in favor of the expenditure of millions of dollars of no direct benefit whatever to us.

Year in and year out we have been bearing our share of the taxes looking toward the building up of different sections of our country. We are broad minded enough to believe that any measure that is of benefit to any considerable number of our people, or that is of any considerable benefit to any section of the country, is a benefit to the whole, and many times the indirect benefit far outweighs the direct benefit. Such will be the effect of this bill and the policy thereunder. Again objection is made, and it is alleged that the farmers of the East will meet with increased competition, and an attempt is made to arouse their opposition on this account.

The gentleman from Indiana [Mr. HEMENWAY] says it will be a great injury to the farmers of Indiana, because it will bring increased competition with their products. The gentleman from Ohio [Mr. GROSVENOR] claims that it will be an injury to the farmers of Ohio, and he read from a circular issued by the farmers of the country, protesting against the passage of this bill, because they thought they would be taxed for the benefit of the farmers who would increase competition with their products. The same cry comes from Illinois and Iowa.

This is not true. This bill is a bill for the benefit of the East and of the Middle West. Your sons and your daughters are the ones that will make homes in this far-off country. Do you care nothing for them or their future happiness and prosperity? If they are benefited and their condition improved, will that not be a benefit to you and to your part of the country? But what is there in this cry of competition? Nothing. As a matter of fact, the people of the East will be relieved from the competition of the Middle West and the people of the Middle West will have increased markets for their products. Why do I say this? Because the products that will be raised on the lands to be reclaimed under this bill are not the products that are raised in Iowa, Kansas, or Ohio, or Indiana.

We do not raise corn and wheat on irrigated lands. They are

farmed too intensely for such crops to be profitable. What do we raise in this section? In the northern section we raise alfalfa, hops, fruits, and vegetables, while in the southern section we have oranges, lemons, olives, grapes, etc. Every additional family placed in this section of the country furnishes an addition to the markets for the products of Iowa and of Kansas. We ship our corn from those States.

If you place one, five, six, or ten million more people to the westward of these States they will have a market for their corn that they can get in no other way and relieve the farmers of Ohio and Indiana from that much competition, because the farmers of Illinois, Iowa, Kansas, and Missouri are the competitors of the farmers of Ohio and other Eastern States, and if you furnish them a new market to the westward the market to the eastward is relieved to that extent, so that if this bill results in the settlement and development of the Western country, instead of furnishing competition for the farmers of the Middle West it will furnish them a market, and instead of furnishing competitors for the Eastern farmers it will result in the extension of their markets.

It seems to me that a little thought, a little reasoning, and a little judgment exercised in considering this bill will show the utter fallacy of the fears expressed on behalf of the people of the East and the Middle West. Why is it that the Secretary of Agriculture, who hails from Iowa, and the Secretary of the Treasury, who also hails from Iowa, are heartily in favor of this bill? It is because that, with broad-sighted, vision they behold the great benefits that will accrue to their section of the country by reason of the development of the country farther west and the location there of a great population. They see nothing in this bill except good for the farmer of the East and the Middle West.

What other benefits would accrue? The possibilities of irrigation in the way of increasing the population is something amazing. Irrigated lands must necessarily be cultivated in small tracts and in a very careful manner. This means many homes and a dense population. In Egypt there is a population of 543 to the square mile, and yet it is estimated that the same territory in ancient times sustained and had a population of 20,000,000 of people, or nearly four times that of to-day, and to-day the land of that country is fertilized by the débris and remains of ancient cities, and the farmer, turning the soil with his plow, frequently discloses evidences of that ancient civilization which was the greatest of its day.

If we reclaim 50,000,000 acres under this bill, it would be equivalent to about 78,000 square miles of compact territory. Should this be settled as thickly as Egypt there would be a population of 42,354,000. We do not anticipate such an increase, however, as this as the result of irrigation, although it will not be at all surprising to see such a population in the States covered by this bill within the next fifty years, because it must be remembered that in addition to the wonderful resources created by the reclaiming of these worthless lands there also would be the development of almost inexhaustible resources of timber, mines, and commerce.

That vast territory has wonderful resources for the development of commerce, manufacturing, and mining. All it needs is a corresponding development in agriculture, and let me say here that the population that is certain to find its home in this country will be almost, if not entirely, sufficient to consume all of the products raised in that territory in addition to taking the products of the States of the Middle West. With 40,000,000 people westward of Iowa, Kansas, and Nebraska—yes, with 20,000,000 of people—Americans, living as Americans live, what a wonderful market there would be for the other portions of the country. Its magnitude can hardly be measured. It can not be measured except by estimating the market furnished by 20,000,000 people in the East. What an impetus would be given to the manufacturing industries of the Eastern States.

Every manufacturer and every laborer of the East especially should be heartily in favor of this bill, because almost every home built up in that country will furnish an additional market for the products owned or manufactured and means an extension of and an increased demand for labor.

I live at North Yakima, a city of 5,000 people. It is one of the most beautiful cities in the Northwest and is the center of an irrigated district. Twenty years ago the valley in which it is located was an absolute desert, covered with sagebrush. To-day it is a garden spot of beautiful homes, and contented and prosperous people have taken the place of the desert.

Are we of any benefit to the East? Go into our stores. They are filled with your products. There is your clothing of all kinds, your furniture of all kinds, your hardware of all kinds, your machinery of all kinds, your musical instruments of every kind and character, your groceries of nearly every kind, and many other products of your factories and mills. Your labor was employed in their production. Our money went to you in their purchase, and so it will be with all of the towns and cities that may grow up in this Western country.

You seek the markets of the world and are devising every way and every means to secure them. We complain because we do not have the ships of our own in order to transport our products to foreign lands and to bring the products of foreign lands to this country. The gentleman from Ohio is perfectly willing to pay out of the public Treasury several millions of dollars a year to a few of our citizens in order to develop an American merchant marine, in order that the American flag may fly at the masthead of the fleets of the world, so that our own ships may carry our own products to every port and to every clime.

I am most heartily in favor of such a policy. I believe in it; I believe that the benefits to come from it far exceed the payment of the few million dollars even to a few individuals, and I am perfectly willing to join hands with my friend from Ohio in promoting this policy, because I believe that the benefits from it will redound to the wealth, to the honor, and to the glory of our common country.

But while we are so anxious about this, it seems to me that there is more reason in the expenditure of a few millions of dollars a year for the building up and development of a far greater and a more permanent market at home, for the inauguration of and the carrying on of the policy that will cause the erection of thousands of houses and cottages around whose firesides will cluster people in whose hearts the love of our institutions and our flag will grow brighter and stronger day by day, and whose wealth, whose strength, and whose lives are ready to be offered up in support of the principles of liberty and justice and in defense of the honor of our flag and our country.

I venture to say that there is no measure that this Congress can pass or has passed that will result in such universal benefit as will come from this measure. It will benefit every section of the country. It will benefit every occupation and every industry in the land. One million American farmers in our own land will furnish a better market for our own products than a million of foreigners, and many millions of American farmers will furnish a market far exceeding even the stupendous market that we now have. But you are so afraid of our competition, why not stop foreign competition? We are importing millions of products that we should and can produce ourselves.

During the last five years the imports of agricultural products to this country have averaged over 50 per cent of the total amount of imports. In 1901 we imported $391,931,051 of foreign agricultural products. Why should we not produce these products in our own land? Are they such as we can not produce? Let us see. We import over $90,000,000 worth of sugar. We can and we ought to produce all this sugar in our own country; and in this connection the gentleman from Ohio protests against the passage of this bill because it will injure the beet-sugar industry of the Middle States, and he says it will reduce the price of sugar 1 cent on the pound.

Suppose it does this, how many million of people in the East would this benefit? How many millions of the consumers of sugar would be glad to have a reduction of 1 cent a pound on sugar? But would it injure even the beet-sugar industry? No; because it would simply take the place of the cane sugar that we import into this country. It probably would paralyze the sugar trust, but it would not injure the producers of beets, and would be welcomed as an extension of the beet-sugar industry in this country.

We imported hides and skins to the value of over $48,000,000. Pass this bill, and in a few years on the mountain sides and plains of the western part of this country we will raise all the cattle and sheep necessary to supply not only our own markets with meat, and thereby destroy the beef trust, but also the hides and skins necessary for home consumption. We will supply the market which is now supplied by foreigners to the extent of over $12,000,000 in wool, $16,000,000 in tobacco, over $3,000,000 in lemons, over $4,000,000 in seeds, and over $3,000,000 in vegetables.

But they say this bill taxes the farmers of the East and the Middle West for the benefit of the few, and they appeal to the Representatives on this floor and ask them, "Do you want to vote upon your constituency a tax for the benefit of others?" I deny that this bill means an additional taxation upon the farmers of this country; the very terms of the bill itself meet this objection. The expenditures under this bill are not made out of the Treasury of the United States. The fund is made up only of the proceeds of the sales of public lands in the arid States.

These moneys will be paid in by those who go to that country and take up the land, and any man who takes up land under one of these irrigation enterprises must pay for the land an amount equivalent to a proportionate part of the cost of the work. Oh, but you say, this is simply another way of taking the money out of the Treasury because, as this money does not go into the General Treasury, its place will have to be filled by means of another appropriation. This is true so far as the ordinary receipts derived from the sale of public lands is concerned for the time

being, but this reclamation fund is growing all the time, and when the last irrigation work is complete and all the lands taken up and paid for, the fund will be ready to be turned back into the General Treasury. In other words, the Government makes a loan of the ordinary receipts from the sale of public lands and receives it back without interest.

You can not make the farmers of the East and Middle West believe that under such a system they are taxed very heavily for the benefit of others. Oh, but you say, after you get this work started you will go to Congress and ask that the settlers be relieved from making their payments, and have it done by direct appropriation from the Treasury. That is a proposition that will be met when it comes up. If Congress should decide that it was for the best to do this, it probably would be done, but it will rest with the representatives of the people, and I want to say, and I believe I speak for every member from the arid States urging the passage of this bill, that we do not have any intention of asking Congress to be relieved in this way. We believe in the terms of this bill, and we believe that they can and will be carried out to the letter.

But even if this contention were true, it would be no greater objection to the bill than it would be to many others that this Congress passes. As has been said, we appropriate millions of dollars every year for the improvement of the harbors of the country, and yet we never think of taxing these amounts up to the communities and the harbors and the industries that are benefited by these direct appropriations. The farmers of the country are never appealed to to defeat these bills because it means taxation for the benefit of some one else.

If a plea of this character were to be given force and effect scarcely any bill carrying an appropriation would pass Congress, and our industries, our business, and our improvements would be paralyzed, and instead of this being one of the most progressive and greatest nations of the earth it would be the weakest. Absolutely no objection has been urged to this bill upon its merits that has any foundation whatever in fact or in reason, and the intelligence of the people of this country will approve in unmistakable terms the enactment of this bill.

No valid objection can be urged against this bill. In the end it will cost the Government comparatively little. No additional burden by way of taxation or otherwise will be placed upon the people of any section of the country. It will bring no additional competition to the farmers of the East or the middle West. On the contrary, it will relieve some sections of the country from the competition of other sections and will tend to displace foreign agricultural products in our own markets.

The Almighty in His infinite wisdom made this great continent for the habitation of a mighty people. The eastern and middle portion has a fertile soil, a humid climate, and has been well adapted for the development of all those industries that are necessary to the well being of a great and prosperous nation. Along the western shores there is an abundance of rainfall, wonderful commercial facilities, and inexhaustible supplies of minerals and timber. Between these two sections lies a vast territory of lofty mountains, barren plains, and desert valleys. Upon barren wastes the sun of centuries has been beaming from cloudless skies, storing in wonderful abundance fertility and energy, while the rain and the snow of the mountains has ever rushed to the sea in mountain torrents unheeding the thirst of the parched earth.

The soil is fertile beyond comparison, the waters abundant, but unapplied. It would appear that the work of bringing soil and water together has been left as one of the great problems to be solved by this great people. The time has come for action, and man must take up the work and bring the elements of earth and air together.

As in many of the tales of the Arabian Nights the touch of the magic wand alone is needed to bring release to the beautiful princesses and great nobles from the vilest shapes and conditions, so all that is needed here is the magic touch of air and earth to bring forth the richest products of the soil and cause the founding of cities, towns, and villages. Only in fairy tale and story is there fitting simile to the wonderful transformation that will occur in arid America.

Pass this bill and you make "the waste places glad" and "the desert to blossom as the rose." The wealth of the nation will be increased by making valuable that which is to-day valueless. Hope will dethrone despair and cheerful confidence displace discouragement in thousands of hearts among the toilers of the land. The solitude of the desert will give way to the sweet music and hum of industry, and the great American Sahara will be succeeded by fertile fields.

Pass this bill and its beneficent influences will lighten the burdens and gladden the hearts of our people of every class and condition, largely solve the social problems of discontent that agitate our cities, strengthen the fibers of the nation, kindle anew the fires of patriotism almost smothered by poverty and distress, and give new impetus to that onward march of civilization that has been the wonder of the nineteenth century, and that will be the glory of the twentieth. [Loud applause.]

Mr. SHAFROTH. I move that all debate on the section and all amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. ROBINSON of Indiana. Mr. Chairman, in the Fifty-second Congress the solicitude of that body on the subject of irrigation caused the appointment of a special committee on that subject, composed of Mr. LANHAM, of Texas; Mr. Clancy, of New York; Mr. Bretz, of Indiana; Mr. Gorman, of Michigan; Mr. Coolidge, of Massachusetts; Mr. Dixon, of Montana; Mr. Simpson, of Kansas; Mr. Pickler, of South Dakota; Mr. Randall, of Massachusetts; Mr. Curtis, of New York; Mr. Sweet, of Idaho, and Mr. Caine, of Utah, who reported in favor of a measure which will be found on page 7158 of the RECORD (proceedings of yesterday), and which I think will be found is a basis for a rational system of irrigation. I desire this House to have an opportunity to vote upon that proposition, and for the information of the House, I ask the Clerk to read amendments which I propose to offer, so as to make it conform in phraseology to suit the changed conditions—Utah, then a Territory, having been admitted as a State.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"*Be it enacted, etc.*, That, subject to all rights, inchoate or perfected, thereto all the lands of whatever nature or description and rights thereto, including water rights, now belonging or appertaining to the United States, lying and being situated in the States of Nebraska, Nevada, South Dakota, North Dakota, Montana, Washington, Oregon, Wyoming, Idaho, Colorado, Utah, Kansas, and California, and in the Territories of New Mexico, Arizona, and Oklahoma, severally, with full and complete jurisdiction thereover, be, and are hereby, granted, ceded, and confirmed to said several States and Territories, the grant to each of said States and Territories to be of the lands contained within its present boundaries and Territorial limits.

"And the President of the United States shall issue letters patent for the same to the said several States and Territories in this section designated whenever and as any of said States and Territories shall by an act of its legislature accept the disposition of the lands as herein provided, within the time hereinafter specified. This act shall in no manner affect any of the lands held by the United States for parks, naval, military, or other public purposes, nor any Indian lands, nor lands held in trust for or for use by Indians, nor mineral lands, nor shall it apply in any manner to the Territory of Alaska.

"SEC. 2. That the governors of the Territories of Arizona, Oklahoma, and New Mexico shall, within a reasonable time after the passage of this act, call special sessions, if need be, of their several legislatures to take into consideration and pass upon the provisions of this act and the questions herein submitted to them, and may from time to time call such other sessions of their respective legislatures as may be rendered necessary; and the benefits of this act shall not accrue to any State or Territory which shall not have accepted the provisions thereof within four years from its approval.

"SEC. 3. That as soon as practicable after the issuance of letters patent to any State or Territory herein mentioned, for the lands therein situate, and from time to time thereafter as occasion may require, it shall be the duty of the Secretary of the Interior, at the expense of the United States, to cause to be delivered to the proper authorities of such State or Territory all maps, records, books, and papers, or certified copies thereof in case it may be necessary to retain the originals in the General Land Office, which may be necessary to such State or Territory for the proper control, administration, and disposition of such lands.

"SEC. 4. That no State or Territory accepting the cession of lands as herein provided shall in any case sell, lease, or dispose of said lands in greater quantity than 160 acres to any one person, corporation, or association, nor shall any such State or Territory in any manner impair or abridge the homestead privileges now granted to soldiers and sailors under the land laws of the United States."

Mr. ROBINSON of Indiana. Mr. Chairman, suiting the phraseology to the changed conditions, I shall offer that at the proper time as a substitute. I will not further occupy the attention of the committee.

The CHAIRMAN. The Clerk will read the next section of the bill.

Section 7 was read, as follows:

SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and the United States circuit or district courts of the district wherein such property is located shall, concurrently with the courts of the State or Territory, have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice. And in all such condemnation proceedings in the United States courts the practice, pleadings, forms, and modes of proceedings in causes arising under this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State or Territory within which such circuit or district court is held, any rule of the court to the contrary notwithstanding.

The amendment reported by the committee was read, as follows:

In lines 20 to 23, page 7, strike out the words "and the United States circuit or district courts of the district wherein such property is located shall, concurrently with the courts of the State or Territory, have jurisdiction of proceedings for such condemnation." And in lines 4 to 11, on page 8, strike out "And in all such condemnation proceedings in the United States courts the practice, pleadings, forms, and modes of proceedings in causes arising under this act shall conform, as near as may be, to the practice, pleadings,

forms, and proceedings existing at the time in like causes in the courts of record of the State or Territory within which such circuit or district court is held, any rule of the court to the contrary notwithstanding."

Mr. RAY of New York. As an amendment to the amendment of the committee, I move to strike out section 7.

The amendment of Mr. RAY of New York was read by the Clerk.

Mr. RAY of New York. Mr. Chairman, I do not know that I care to say much more on this subject after what I said yesterday. One thing I will add now is that one of the best lawyers who ever sat in this House as a Representative, and he happens to be a Democrat, came to my committee room this morning and handed me a brief on this same subject and which contains some authorities that I had not happened to see, denouncing the whole proposition as unconstitutional and mere folly. I now offer this amendment to give the lawyers of the House a last chance to redeem themselves, to give them a chance to record their votes on the common-sense side of this proposition.

When this bill is written on the statute books and the Government of the United States undertakes to exercise this power, and somebody resists it and the courts denounce it as unconstitutional, you will say to yourselves, "Oh, was I simple enough to vote for such a proposition as that?" Avail yourselves of the opportunity and vote for this amendment and then refuse to vote for such a bill and such a proposition as is contained in this bill.

Mr. SHAFROTH. Mr. Chairman, I move that debate on the pending section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Colorado moves that debate on the pending section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. MARTIN. Mr. Chairman, it is, I understand, one of the unwritten rules of this House that new members, like the children of our Puritan forefathers, are expected to be seen, but not heard. The vital importance of the pending measure, coupled with the fact that for twenty years or more, living in the West, I have witnessed the regeneration of portions of our arid and semiarid empire by the magic process of irrigation, is my apology, if apology be necessary, for taking part in this debate.

The State of South Dakota, represented by my colleague [Mr. BURKE] and myself, as regards this subject of irrigation is a fair epitome of the entire nation. One-third of our State is a second edition of Iowa, with a rainfall of from 25 to 30 inches annually, and growing regular and bountiful crops. Another third has a rainfall of from 20 to 25 inches, and is a natural dairy country, which industry is generally established and very prosperous. The remaining third of our State, with the exception of the Black Hills mountain range, which is rich in mineral products and has ample growth of forest and forage and a generous water supply, is by nature a stock country, the grasses being less luxuriant than in the other portions of the State, but very nutritious, and adapted to sustain large numbers of stock in both winter and summer. No portion of our State is arid, but perhaps one-third might be classed as semiarid, and can be vastly improved by artificial irrigation. We are interested in this proposed legislation for the same reasons that the people of the entire country are interested in it. Our State is very prosperous under present conditions. We come, therefore, not as paupers or mendicants seeking a bounty from the Government, but as citizens of a common country supporting a great industrial policy which we believe entitled to favorable consideration in the legislative councils of a great nation.

I find, as a rule, that the men who are opposing this proposed legislation have had no opportunity to fully investigate its merits. Those who have become familiar with practical irrigation—whether they reside in the East or the West—are generally supporting this measure. There has been a great advance in public sentiment upon this question in recent years, until it is well understood throughout the country that this is one of the most important subjects for the consideration of Congress.

The Chicago Record-Herald, in an editorial on January 26, 1902, said:

> The question is now at the doors of Congress. It is in a large sense greater even than the issue of the isthmian canal. It must affect more people, build more for the nation, bring more lasting prosperity than any question now uppermost in the councils of the nation.

And the Chicago Inter-Ocean has recently declared:

> The future of arid America is the greatest and most momentous problem before the American people to-day.

No one who has never witnessed it can realize the marvelous transformation that takes place when the life-giving waters from the mountain streams are turned upon the thirsty but fertile plains. A good illustration may be observed in the Salt River Valley in Arizona. This is an extensive valley with fertile soil, but without regular rainfall, and therefore naturally devoid of vegetation; a portion of it has been reclaimed by diverting the waters of the Salt River. The lands thus reclaimed are now sustaining a population of 50,000 people, including the thriving city of Phœnix, and present an agricultural picture of great profit and rare beauty. You may there see side by side in striking contrast, the heated desert and the blooming and blossoming fields. A section line or a township line will divide these contrasted conditions. On the one side, the lands having no water privilege will be as dry and barren as a public highway; on the other side, the lands reclaimed by irrigation are fruitful orange groves, and alfalfa fields growing four and five crops per year.

The bill provides that all moneys received from the sale and disposal of public lands in certain Western States and Territories shall constitute a "reclamation fund" to be used under the direction of the Secretary of the Interior for the construction of reservoirs and main canals for the purpose of storing the flood waters of our Western streams and using them upon the arid public lands. It provides that the public lands to be reclaimed by this process can be taken only by homestead settlers in quantities of not more than 160 acres each; that each settler may acquire a water privilege to the extent of the acreage of his homestead and that he shall pay for this water privilege in 10 annual installments his proportionate amount of the cost of the construction of the reservoir and main canal. Provision is also made for sale of like water privileges for not to exceed 160 acres each to actual residents who may already have lands that may be tributary to such reservoirs. As payments shall be made for these water privileges the amounts will pass to the reclamation fund to be used in the construction of other reservoirs and canals.

The bill is drawn exclusively for the protection of the settler and actual home builder, and every possible safeguard is made against speculative ownership and the concentration of the lands or water privileges into large holdings. In prosecuting the purposes of the proposed act the Secretary of the Interior is required to proceed in conformity with the laws of the State or Territory where the lands may be situated and the water appropriated, and vested rights can not be interfered with. Provision is made that as far as practicable the major part of the receipts from the public lands in each State and Territory shall be expended in the construction of reservoirs and canals in the particular State or Territory from which such receipts are derived. The bill was prepared after careful deliberation by a committee of 17 Senators and Representatives from the Western States and Territories. It was afterwards considered with great thoroughness by the committees of both the Senate and the House.

The Government still owns about 600,000,000 acres of public lands, not counting Alaska. Of this, about 50,000,000 acres are embraced in forest reserves and about the same amount are forest lands outside of the reserves. One hundred million acres more are included in Indian reservations, military, and other public reservations, leaving, practically, 400,000,000 acres, a large portion of which is arid and semiarid lands. It is estimated that 75,000,000 acres of this may be reclaimed by using water that is now going to waste. The plan is to store the flood waters that come from the melting snows and heavy rains of the spring which now run in a flood of destruction from the mountains to the Gulf of Mexico and to the Pacific, and distribute them over the valleys and plains during the season of summer drought.

It is asked, Why must this task be undertaken by the National Government? Why can not this be accomplished by private capital and private enterprise? The reason is plain. We have wisely adopted a public-land system which permits the public land to be taken only by individual settlers in small quantities, and generally under the homestead law. The policy of the Government is to build up communities of many settlers with small holdings, and not to encourage the prosecution of agriculture by large corporations. In this day of colossal enterprises private capital could reclaim arid lands at a great profit, providing the land and water could be owned and managed by private capital on a large scale.

Under present conditions large private capital may construct reservoirs and control the water supply, but can not acquire and operate the lands. The interests of the water corporation and the settler do not coincide. The result is that there will be constant friction between the corporation and the settlers as to rates and privileges, and the relation is not satisfactory to either. Such water companies have often failed. On the contrary, I have never known an instance of failure where the settler has taken out his own water right, or where several settlers have united and taken a water right for their common benefit. Such instances are common and have created some of the most valuable property interests in the West.

But the opportunities to take water by this method of direct appropriation are practically all utilized. The remaining opportunities are confined to large streams remote from the lands to be irrigated—or to constructing large storage reservoirs to save the flood waters. The expense of such enterprises is too great to be undertaken in the first instance by the settler who is struggling to build for himself a home. The only alternative is for

the Government to construct these works in the first instance, in the interest of the settler, or to abandon our public-land system and turn the public domain over to the operations of private capital. In this alternative there can be no doubt as to our public duty. No wiser piece of legislation was ever placed on our statutes than the homestead law. The public domain should be preserved for the home builder.

The opponents of this proposed legislation are laboring under some very serious misunderstandings of the real conditions involved and the real purposes of this legislation. The distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. RAY], who prepared the minority report against the bill, has said, on page 14 of the report:

> Just how the expenditure of millions of dollars of the public funds, not a penny of which is to be returned to the Treasury of the United States for the use or benefit of the people, for the improvement of the public lands will promote the general welfare is not exactly apparent. Concede for the sake of the argument that the lands will be more valuable, more desirable, more salable, and will be more speedily settled when irrigated, still it is a conceded fact that under the provisions of the bill not a penny of pecuniary profit will accrue to the people of the United States. In a pecuniary sense there is a dead loss to the people of a sum variously estimated at from one to ten billions of dollars. It may be more, but can not be less.

The bill in terms provides that each settler shall pay his portion of the cost of reclaiming the lands, thus creating an increasing reclamation fund. When the task of reclamation is entirely completed this fund will be available to the Treasury of the United States for general purposes. The gentleman says there will be a "dead loss" of "from one to ten billions of dollars," and that "it may be more, but can not be less." There is quite a large margin between one and ten billions of dollars; but the gentleman does not appear to have figured close enough to inform us whether the expenditure authorized under the bill might be more or less than one billion or ten billions. The fact is that the appropriation authorized by the bill is limited to the receipts from the sale of public lands in the particular States and Territories where these reservoirs and canals are to be constructed. No charge is made by the Government for lands which are entered under the homestead law. The receipts therefore come chiefly from lands disposed of under some other of the public-land laws. Experience has shown that the receipts from year to year average about 33⅓ cents per acre for the lands disposed of, counting in the homestead acreage with the rest.

As I have already stated, we have left only about 400,000,000 acres of unreserved public lands, and if this could all be disposed of at the average rate of 33⅓ cents per acre it would create a fund of about $133,000,000. A very large proportion of this acreage, however, is composed of arid lands which can not be reclaimed by reason of the inadequate water supply. It can not reasonably be expected that more than 100,000,000 acres of this domain can be disposed of within the next fifty years, if at all, which would create an aggregate fund of about $33,000,000. This is probably the outside limit of what can be available under the present bill, and falls far short of either one billion or ten billions of dollars.

Again, the author of the minority report, on page 16, declares:

> It is conceded on all hands that it will be utterly impracticable and usually impossible to have the reservoirs containing the water located in the same State with the land to be irrigated and some considerable portion of the irrigation works connected with and fed from such reservoirs.

This statement also is based upon an utter misapprehension of the facts. There are few, if any, cases in which the reservoirs can not be constructed in the state where the lands are to be reclaimed. The flood waters that are to be saved in almost every instance now run to waste in the natural water courses through the particular States where they will be utilized under this bill. Nevada presents the only instance of which I am aware where it may be necessary to conduct a water supply beyond the natural watersheds of those regions. That particular instance may raise some important legal questions. Under this bill the Secretary of the Interior can not interfere with vested rights or violate the State laws. It will be necessary, therefore, in the particular case referred to for the Secretary to adjust all possible conflicts before commencing construction.

The arguments advanced against this bill are twofold: First, legal—questioning the constitutionality of the measure; and, second, sectional—based upon the fear of serious competition with farmers of the Eastern and Middle States. The force of the constitutional objection is largely lost so far as the present bill is concerned, for this is not an appropriation of money directly, but of lands or, rather, their proceeds. The appropriation of public lands for educational and other purposes has been a common subject of legislation. The minority of the committee concede that the Government might grant these same lands to the States and allow them to reclaim and sell them, but deny that the Government has power to sell the public lands and use the proceeds to reclaim other lands for the occupancy of home seekers of the nation. The constitutional objection to the present bill has become, therefore, a question of form rather than substance.

The legal argument of the gentleman from New York [Mr. RAY] is divided into two parts—first, an assault upon section 7 of the bill, which authorizes the Secretary of the Interior, when necessary to carry out the purposes of the bill, to acquire property rights by purchase or condemnation; and, secondly, the gentleman contends that the whole legislation proposed is unconstitutional.

This section 7, while an important one, is by no means the most important in the bill. It is drawn identically upon the plan of the general statute of eminent domain of August 1, 1888, which provides the manner in which officers of the United States, when it becomes necessary, may acquire property in furtherance of any public improvement.

It should be read in connection with section 8, which is in the nature of a limitation upon this section. Section 8 provides that the Secretary of the Interior, when proceeding under this act, must proceed in conformity with the State laws. It therefore makes, taking the two sections together, simply an instruction to the Secretary of the Interior to invoke the aid of the State laws upon the subject of eminent domain where necessary. Practically it will probably be but seldom enforced. The bill, however, would be very lame without it. I shall print with my remarks a memorandum of authorities upon the legal propositions involved in this discussion, but will not refer to them at length here.

The power of eminent domain is a necessary incident of sovereignty and is always so recognized. There is no specific grant of this power in the Constitution. The only reference to it is of a negative character in the fifth amendment to the Constitution, where it is provided that private property shall not "be taken for public use without just compensation." There was no Federal statute upon the subject until August 1, 1888—ninety-nine years after the adoption of the Constitution. The Federal Government, however, has always exercised this power, and its authority to do so has been repeatedly declared by both the Federal and State courts. For eighty years after the adoption of the Constitution the Federal authority uniformly exercised the power of eminent domain in condemnation proceedings through the medium of the State courts; but since 1880 condemnation proceedings on behalf of the General Government have been prosecuted in both State and Federal courts, according to convenience.

The subject of irrigation in the arid and semiarid States and Territories is commonly held to be a matter of public policy. The statutes of these States provide for the condemnation of reservoir sites and rights of way for canals, where necessary, in aid of persons or companies who are seeking to reclaim the arid or semiarid lands. The question whether the sovereignty of eminent domain for the purpose of promoting irrigation enterprises upon the public lands is in the State or Federal Government is unimportant. If in the State, the Government, as a landowner in the State, may apply to the State court as any other landowner may do. If the sovereignty is in the General Government, it may employ its own courts, or the courts of the State, with its consent, to administer the Federal authority.

The position of the Government as to its lands and water within the States is that of a private landowner. It has at least the same privileges as any other landowner to appropriate water for the irrigation of its lands. It may have more rights than the individual, and probably has, by reason of the constitutional authority to dispose of public lands and to provide for the general welfare. If so, it has sovereign power within a State to the extent necessary to execute this authority.

Most of the Government lands can be reclaimed without appropriating private property and especially without interfering with irrigated property, for the purpose is to utilize flood waters or other waters not now appropriated. Irrigated property must not be taken to the injury of irrigation rights now vested. Not only is this prohibited by the bill, but it would not be allowed under the general law of eminent domain—as one railroad company can not take property required by another railroad company for its operation. Interests of a similar nature must be harmonized.

The question of eminent domain as a separate proposition is not of serious importance. It all depends upon the constitutional authority to reclaim the arid lands. If there is no authority, Congress could not authorize the Secretary of the Interior to do it. If there is authority, the Government's authority is supreme, and eminent domain may be exercised in either Federal or State court. So the whole proposition really turns upon the other question which is raised as to whether or not the storage of flood waters and the reclamation of arid lands is a public purpose authorized by the Constitution. We claim it is.

It is conceded that the United States is a government with limited powers prescribed by the Constitution. An act is unconstitutional when against express provision of the Constitution, or when not included in an authority of the Constitution, either expressed

or implied. The particular provisions which we claim authorize the legislation now under consideration are the following:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. (Article IV, section 3, paragraph 2.)

The Congress shall have power to * * * provide for the * * * general welfare of the United States. (Article I, section 8, paragraph 1.)

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof. (Article I, section 8, paragraph 18.)

The authority "to dispose of" lands is a broad authority—much broader than to sell or transfer. Under this authority the Government may sell lands. It may also survey, mark the boundaries, lease or give away the public lands. The authority "to dispose" of the public lands carries with it power to do what acts are reasonably necessary in order to place the lands in condition that they may be disposed of. The Government may preserve and improve the public lands and make them more valuable or useful. Can not it uncover the mineral ledges in its mining regions, protect, preserve, and cultivate its forests, or bring water upon its vast acres that they may be sold? Otherwise the arid lands could never be disposed of.

The Government owns vast tracts of land which the Constitution says it may dispose of. It owns water to water these tracts. The land is valueless and useless without the water upon it; but it is contended that the Government is powerless to bring the water to the land that it may be made valuable and sold and for the benefit of the people. A nation powerless to so act for the welfare of its people would be a weak nation indeed.

Ownership and proprietorship in lands give the right to improve and sell them, inherently. The owner has a right to use his property and to do what is necessary to make it useful. This applies to the Government as well as to an individual, simply as the owner of large areas of land—without the express authority to dispose of it. Individuals may buy the arid lands of the Government and then reclaim them by irrigation under the laws of the State. Why can not the Government, merely as a landowner within the State, do the same as an individual—reclaim its own lands by irrigation projects under the State laws? Where does the individual acquire greater rights than the Government regarding lands which each may own within the State?

The power to provide for the general welfare of the entire people is one of the peculiar and important powers intrusted to Congress by the Constitution. To "promote the general welfare" was one of the purposes of forming the Constitution as set forth in the preamble. What purposes are public purposes, so that their advancement will promote the general welfare is a subject which has often been considered by the State and Federal courts. The important cases upon this subject are cited in my brief. Judge Cooley, in his work on Constitutional Limitations, page 533, says:

The Government also provides court-houses for the administration of justice, buildings for its seminaries of instruction, aqueducts to convey pure and wholesome water into large towns; it builds levees to prevent the country being overflowed by the rising streams; it may cause drains to be constructed to relieve swamps and marshes of their stagnant water; and other measures of general utility in which the public at large are interested and which require the appropriation of private property are also within the power where they fall within the reasons underlying the cases mentioned.

The precise question as to whether the irrigation of the arid lands of the country is a public purpose has been frequently considered by the courts, and in every case the point has been decided in the affirmative. In Lewis on Eminent Domain (section 202) the proposition is thus stated:

SEC. 202. Irrigation.—The construction of canals, conduits, and other works to convey or store water for irrigation in localities where the rainfall is insufficient or too uncertain for agricultural purposes, and which are for the use of all those capable of being supplied by them upon terms which may be regulated by law, would seem to be a public use within the meaning of the Constitution. Egypt was wholly dependent upon such works for its bountiful crops, and the principle is not unlike that which applies to public drains for the reclamation of low lands.

The question was passed upon by the Supreme Court of the United States in the case of Fallbrook Irrigation District *v.* Bradley (164 U. S., 112). It was claimed that the irrigation statute of the State of California (which permits taxation and proceedings in condemnation of private property in aid of general irrigation) was in violation of the constitution of the State of California, and also in violation of the Constitution of the United States. The Supreme Court in deciding the case not only followed the decisions of the supreme court of California sustaining the legality of the statute, but proceeded further and disposed of the case independently of the California decisions on broad principles of constitutional law. I read from the decision of the court:

Irrigation is not so different from the reclamation of swamps as to require the application of other and different principles to the case. The fact that in draining swamp lands it is a necessity to drain the lands of all owners which are similarly situated goes only to the extent of the peculiarity of situation and the kind of land. Some of these swamp lands may not be nearly so wet and worthless as some others, and yet all may be so situated as to be benefited by the reclamation, and whether it is so situated or not must be a question of fact. The same reasoning applies to land which is, to some extent, arid instead of wet. Indeed, the general principle that arid lands may be provided with water and the cost thereof provided for by a general tax or by an assessment for local improvement upon the lands benefited seems to be admitted by council for the appellees. This necessarily assumes the proposition that water used for irrigation purposes upon lands which are actually arid is used for a public purpose, and the tax to pay for it is collected for a public use, and the assessment upon lands benefited is also levied for a public purpose. Taking all of the facts into consideration, as already touched upon, we have no doubt that the irrigation of really arid lands is a public purpose and the water thus used is put to public use.

The gentleman from New York concedes that this case necessarily determines that the irrigation of arid lands is a public purpose within a State; but claims that the case falls short of deciding that irrigation is a public purpose so far as the General Government is concerned. Of course, until the General Government shall pass an act authorizing the construction of national irrigation works, the question of authority to do so can not be passed upon directly by a Federal court. I submit, however, that there is no distinction in principle between the State and General Government upon this question as to whether the irrigation of arid lands is a "public purpose."

In either case the legislation will be sustained upon the principle that the public generally are interested in the reclamation of the arid lands of the country, and the general welfare is promoted thereby. The public interest is not confined to or limited by the invisible lines that mark the boundaries of States. The public lands especially belong to the people of the whole country, and a bill that proposes to reclaim the public lands is for the benefit of the people of the whole country.

Certain classes of objects or purposes may belong either to State or national authority, such as State forts or Federal forts, State roads or Federal roads, State court-houses or Federal court-houses, State irrigation or Federal irrigation.

The power to improve public lands resides somewhere. It is not in the States; they have no interest in them. It is not in the people; they have no interest, except indirectly through the Government. The power is in the United States, which has title and possession, and it may improve them for the general welfare of the whole country.

The various acts of Congress appropriating moneys to irrigate lands on Indian reservations are justified by the same authority as the present bill. The power to regulate commerce with the Indian tribes (Constitution, Art. I, sec. 8) does not cover it. I know of no specific authority in the Constitution except the general-welfare clause. It may be for the general welfare of the United States to aid the Indian tribes in the art of self-support. It is certainly in furtherance of the general welfare that the nation shall multiply the facilities by which each industrious citizen can make a home for himself and his family.

A nation is interested that its people shall be healthful, educated, and prosperous. Works that tend to the public health, public education, and public prosperity are public works. The storage of spring flood waters is a great national enterprise, to save destruction in the lower Mississippi and to refresh the thirsty lands in the Northwest. One purpose is as truly public as the other. The fact that private property may be benefited indirectly by the operations of the Government does not in either case lessen nor destroy the character of the works as public works.

Government aid to irrigation has been common for ages in other countries in which irrigation is a common necessity. Is our modern nation less able from lack of constitutional power or financial ability to project important enterprises of national irrigation than were ancient Egypt and Assyria, or than are modern Spain and Italy, and Great Britain in her gigantic irrigation projects in India?

The chief opposition to this bill has been based upon the fear of competition with the Eastern farmer. The first speech of this session on the subject of irrigation was made by the gentleman from Pennsylvania [Mr. SIBLEY]. He argued that the measure is a serious menace to the farmers of Pennsylvania and other Eastern States. The gentleman from Iowa [Mr. HEPBURN] has reminded us that our farmers now produce more than we consume; that we are exporting agricultural products each year, and concludes, apparently, that the expansion of agriculture should be checked. It seems to me that these views are narrow and ill-advised.

I have taken some pains to investigate the possible competition with Eastern agriculture from this movement. In 1901 there were in the United States 84,204,100 acres in corn cultivation, yielding 2,105,102,516 bushels. It is estimated that this bill will create a reclamation fund of $2,500,000 annually, and that it will cost $10 per acre to reclaim the arid lands. If this be approximately correct we can reclaim 250,000 acres per year. If this were all devoted to the cultivation of corn and should produce at the same rate as our present cornfields, it would increase the corn product, as compared to our present crop, in the proportion of 1 bushel to 336 bushels. It is like adding another bucket of water to Lake Michigan and expecting an overflow. The same year we

had 43,519,125 acres in wheat and raised a crop of 522,229,505 bushels. Upon the same basis of calculation, if we should devote the lands reclaimed each year to wheat growing we would add to the wheat crop annually 1 bushel for every 174 bushels now produced.

But of course we could not devote the entire reclaimed land to both wheat and corn the same year. As a matter of fact, these arid lands are not adapted to the growing of wheat, corn, and other cereals on a large scale. The conditions of altitude and climate where these lands are situated are such that they will never compete with the farm lands of humid regions in producing cereal products for the American and foreign markets. In the south the chief product will be tropical and semitropical fruits and in the north alfalfa and other hay forage to support in winter the herds of live stock which feed upon the ranges in summer. The vegetable and cereal products of that region will be entirely consumed locally by the new towns and cities that will spring up in the vicinity of these new settlements and by people engaged in the mining industry.

These new settlements will prove a great benefit to the manufacturing districts of the Eastern and Middle States by creating additional markets for their products. Our best market in America is our home market. Our foreign market is for our surplus. The more that we can consume at home the better it is for the manufacturer and for the farmer who lives close to the factory, and has his home market in feeding the laborer engaged in the factory. Ask your manufacturers where they have found the best markets for their products, and they will tell you they have found it in the developing communities of the Western States. As a rule, the Western people are liberal buyers. The new settlements of the West must be supplied with manufactured articles from the States to the east of us—saddles, harness, wagons, plows, implements of all kinds, furniture, cloth fabrics; in fact, everything except what they eat, and much that they eat.

If the opening of new lands for American homes would reduce somewhat the price of farm products, that is no sufficient argument against it. If 1 bushel of wheat or corn is raised in Iowa, another in South Dakota, and as a result the price of the Iowa bushel is lowered 1, 2, or 3 cents a bushel, that is no argument against raising the bushel in South Dakota. The nation has 2 bushels instead of 1, and the combined wealth of the nation is increased thereby. Adam Smith's definition of national wealth was a nation's ability to sustain population, and no better definition has yet been found.

America now produces vastly more than she consumes. Yankee ingenuity, supplemented by the superior skill of the American laborer, has invaded the markets of the world. We now export annually about one-third of our manufactured agricultural products. But that is no reason for closing our factories or abandoning our farms. The phenomenal balance of export trade in favor of the United States in recent years is one of the most important factors in the nation's increasing wealth. This growing export trade is bringing independence to the American farmer and is multiplying the comforts and conveniences of the American laborer. State lines are not barriers to our common progress. They are purely imaginary and invisible lines, as invisible as the meridians that mark the passing out.

The marvelous industrial progress of recent years could not have been accomplished if each State had been jealous of the other. Our progress has been made by developing the nation as a whole. The prosperity of California is the prosperity of Massachusetts and of every State lying between. The nation is greater than any of its parts. We have one flag, one people, one country, and one destiny. The statesman who builds on a narrower plan has not yet caught the inspiration of the day and generation in which we are living. He has not yet heard the inimitable music to which the industrial hosts of America are marching to the peaceful conquest of the commerce of the world.

The opening of new lands to settlement is not for the benefit of the people now living in these Western States, but for the home seekers of every city and county throughout the Union. Last year about 3,000,000 acres of land were opened to homestead settlement in Oklahoma. Settlers flocked to these lands from every State in the Union. Only 13,000 entries could be made. There were 70,000 applicants for these entries, or more than 5 settlers for each claim that could be taken.

The unit of American greatness is the American home. The strongest anchorage of the nation is that which ties each man and his family to one spot of earth called home. In times of public storm and stress it holds the nation firmly and safely upon its foundations. Each new American home creates a new life center of good citizenship, from which may radiate the influences that promote the best things in the life of the State and the nation.

Our homestead law was adopted in 1862. The nation was in civil war and in serious financial straits at the time. The temptation was great to sell our public lands at the highest price obtainable. The Congress, led by the gentleman from Pennsylvania [Mr. GROW], whose venerable presence is still spared to us to lend dignity and wisdom to the councils of this body, wisely concluded to adopt the broader policy. Congress then decided to encourage the home seeker to build up settlement, and that the nation would reap its reward in the greater national benefits that come from permanent and prosperous communities. Verily, it was "bread cast upon the waters," and we are finding it "after many days."

This legislation is in the interest of the home seekers of the overcrowded cities of the Eastern and Middle States. They are the beneficiaries as well as the present residents of the arid and semiarid States. As President Roosevelt has well said in his first message to Congress:

> Our people as a whole will profit, for successful home making is but another name for the upbuilding of the nation.

It has been repeatedly stated in this debate that this bill proposes to tax the East for the benefit of the West. The bill proposes to tax nobody. It proposes to devote public lands, which belong to the people of the whole country, to the development of other public lands, which will continue to belong to the people of the whole country until disposed of. The people living in these particular States certainly have as great interest in these lands as people living outside of these States. We do not claim that they have any other or greater interest.

Mr. Chairman, I desire to say that it seems to me most unfortunate that this debate has assumed as it has progressed a sectional aspect. Our country is entirely too great, this bill and what it seeks to accomplish is entirely too national, to have its merits clouded by partisan or sectional debate. The truth is that the statesmen of America in planning for the future invariably fall short of the reality as the future is unfolded in the achievements of our country. Ninety-nine years ago all of the vast territory to which this legislation refers was purchased for $15,000,000, which seemed an amount so large that it staggered the statesmanship of a century ago. Jefferson and Madison and Livingstone were criticised, and epithets were attached to them because of their work in that regard, and yet what has the future developed? The future has developed that 12 States have already been carved out of that Louisiana territory, and there are still three Territories remaining.

One of those States, Missouri, pays into the Treasury of the United States every twelve months in internal revenue a sum larger than the entire Louisiana territory cost. These arid and semiarid States alone that will be most immediately affected by this bill pay into the Treasury of the United States under the internal-revenue laws each twelve months all that the Louisiana territory cost. The new Commonwealth of South Dakota, which my colleague and myself here represent, produced in cereals, live stock, minerals, and other products in the last year $113,000,000, nearly eight times as much as the Louisiana territory cost, and so I beseech you gentlemen of the intermediate States and of the East to take a national view of this proposition and do not confine your horizon for American achievements to the limits of a State alone.

Mr. TONGUE. I would inquire of the gentleman, Mr. Chairman, how much of that $113,000,000 are expended in the East for manufactured goods?

Mr. MARTIN. A large amount of it, but that has been touched upon. It is urged against this bill that it is a Western measure. I deny that it is a Western measure alone. It is a national measure; but, gentlemen, worse things might be said against any piece of Congressional legislation than that it would benefit the West of this country. [Applause.] One hundred years ago all there was of this Republic was thirteen States down along the Atlantic seaboard. The indomitable spirit of enterprise and adventure which has made American civilization great among the civilizations of the earth seized upon our forefathers, and the long train of white movers' wagons began the ascent of the eastern slope of the Alleghenies, and moved on to take possession of the fertile sections of the central Mississippi and Ohio Valley States.

Fifty years ago the Western man crossed the Missouri River, traversed the great plains, scaled that mightiest and noblest of mountain ranges, the Rocky Mountains and the Sierra Nevadas, and proceeded to the conquest of the Pacific slope. Think what has been the progress of the country from that moment until now!

Championed by the immortal Lincoln, our first transcontinental railroad was constructed, connecting the Western and Eastern oceans. From that time forth "the West" and "the East" have been mere relative terms. Any place between New York and San Francisco is West, and any place between San Francisco and New York is East.

The center of population is gradually approaching the east bank of the Mississippi River. It will eventually correspond with the geographical center of the United States.

During the last half century the West has produced $4,000,000,000 in gold and silver and made it possible to maintain our

currency on a specie basis, and now to maintain the gold standard in common with the best commercial nations of the world. The little county in which I live has produced one hundred millions of gold, and will continue its contribution of more than ten millions per year.

The West makes no apology for being. It is the natural offspring of the East and the South. Heroes of the Revolutionary war settled the fertile valleys of Ohio, Kentucky, Indiana, and Illinois; surviving heroes of the war of the rebellion cast their fortunes in the States and Territories of the intermountain West. Sons of the old North and the old South, the differences of their ancestors forgotten or forgiven, are united heart to heart and shoulder to shoulder in the material, intellectual, and moral upbuilding of this new world. The splendid stock has not degenerated by transfer to these new fields. The developing citizenship of that region is what may be expected when we remember its ancestry. Measured by the tests of intelligence and patriotism, it compares favorably with other portions of the Union. If you will consult the recent census, and from our 45 States select the 20 States that show the lowest percentage of illiteracy you will find that 12 of the 20 are States included in the provisions of this bill. When the recent test of patriotism was upon us in the Spanish-American war, the West responded in full measure of quantity and quality.

New home making upon the public lands under the present conditions has about reached its limit. The only way to considerably enlarge this privilege is by conserving the water torrents that now run their course of waste and destruction and pouring them upon the thirsty but fertile plains and valleys of the West. So reclaimed these lands will support a large population and will relieve our overcrowded cities. Let us signalize the opening years of this new century by adopting a broad national policy that will insure to every industrious American for another half century, at least, an opportunity to establish a home of his own and to enjoy the added independence and higher citizenship that come to himself and his family from its possession. [Applause.]

Memorandum of legal authorities upon constitutionality of the bill.

EMINENT DOMAIN.

No direct grant of the power of eminent domain is given in the Constitution; it follows as incidental to other powers therein granted and has an incident of sovereignty. (United States *v.* Gettysburg Electric Railway Company, 160 U. S., 681; United States *v.* Jones, 109 U. S., 513, 518.)

The United States has power of eminent domain so far as it is necessary to exercise the powers conferred upon it by the Constitution, and may exercise it in its own courts. (Kohl *v.* United States, 91 U. S., 367, 372; Cherokee Nation *v.* Southern Kansas Railway Company, 135 U. S., 641, 656; Shoemaker *v.* United States, 147 U. S., 282; United States *v.* Gettysburg Electric Railway Company, 160 U. S., 668, 679; Trombley *v.* Humphrey, 23 Mich., 471, 476, 479.)

The Federal Government may use the machinery of the State courts to appropriate private property for public use. (United States *v.* Jones, 109 U. S., 513, 520; Reddall *v.* Regan, 14 Md., 444; Orr *v.* Quimby, 54 N. H., 590; Gilmer *v.* Lime Point, 18 Cal., 229; Railroad Company *v.* Lowe, 114 U. S., 531, 532; Burt *v.* Insurance Company, 106 Mass., 356; Lewis Eminent Domain, sec. 203.)

The extent to which property shall be taken for public use rests wholly in legislative discretion. (Shoemaker *v.* United States, 147 United States, 282, 298; United States *v.* Gettysburg Electric Railway Company, 160 U. S., 668.)

GENERAL-WELFARE CLAUSE.

When Congress declares that a purpose is a public purpose its judgment will be respected by the courts unless the claim be palpably without reasonable foundation. (United States *v.* Gettysburg Railway Company, 160 U. S., 680; Gilmer *v.* Lime Point, 18 Cal., 252.)

In the following cases various objects are held to be public purposes:

United States *v.* Great Falls Manufacturing Company, 112 U. S., 645. (Water for the city of Washington.)

Reddall *v.* Regan, 14 Md., 444. (Water for the city of Washington.)

Gilmer *v.* Lime Point, 18 Cal., 229. (Military fort.)

Kohl *v.* United States, 91 U. S., 367. (Site for public building in the city of Cincinnati.)

Cherokee Nation *v.* Southern Kansas Railway Company, 135 U. S., 641, 656. (Right of way for railroad.)

Shoemaker *v.* United States, 147 U. S., 282. (The Rock Creek Park.)

United States *v.* Gettysburg Electric Railroad Company, 160 U. S., 668, 679, 681, 682. (Tablets and monuments memorial of the battle of Gettysburg upon the theory that it would tend to the cultivation of patriotism among the people.)

United States *v.* Jones, 109 U. S., 513, 520. (A canal to connect Green Bay with Wisconsin River.)

Orr *v.* Quimby, 54 N. H., 590. (United States Coast Survey.)

Railroad Company *v.* Lowe, 114 U. S., 531, 532. (Military fort.)

Burt *v.* Insurance Company, 106 Mass., 356. (Post-office and treasury building.)

Lewis, Eminent Domain, § 203. (Miscellaneous purposes.)

Cooley on Constitutional Limitations, page 532. (Mill sites, highways, turnpikes, canals, wharves and basins, ferries, drainage of swamp lands, and water for cities and towns.)

Cooley on Constitutional Limitations, page 533. (Court-houses, buildings for seminaries of instruction, water for towns, and levees to prevent damage from floods.)

The reclamation of arid and semiarid lands is a public purpose, justifying taxation and authorizing the use of the laws of eminent domain. (Lewis, Eminent Domain, § 202; 10 Enc. Law (2d ed.), p. 1084, citing cases in Arizona, California, Colorado, Montana, Nebraska, Nevada, and Oregon; Fallbrook Irrigation District *v.* Bradley, 164 U. S., 151.)

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from New York [Mr. RAY] to strike out section 7.

The motion was rejected.

The Clerk read as follows:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, but State and Territorial laws shall govern and control in the appropriation, use, and distribution of the waters rendered available by the works constructed under the provisions of this act: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The following committee amendments were read:

After the word "irrigation," in line 16, insert "or any vested right acquired thereunder."

Strike out all of lines 17, 18, 19, and 20 and insert in lieu thereof the following: "and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any land owner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof."

Mr. HEPBURN. Mr. Chairman, I appreciate what was said by the gentleman who has just taken his seat about the character of the men who settled this country, up, at least, to the margin of the Missouri River. Of course they are entitled to a great deal of credit, but I should like to remind the gentleman that they went into that wilderness and subdued it with their own means. They bought what they had and they own in that way, as the result of their own toil, all that they have. They did not come to the Government as mendicants, under a specious and false pretext, to get the Government to improve their lands.

I want to call the attention of gentlemen to the contributions that some of these States will make to this fund. Take the State of Nevada, for instance, and appropriate every dollar from the proceeds of the sales of public lands, and how far will that go toward the creation of this reservoir fund? Last year the Government received from the sale of lands from the State of Nevada $9,300. What the cost of administration that you have exempted from this fund amounted to I do not know; but I imagine there is a deficit as against the Government and that the contributions of Nevada are nil to this fund. So with the State of Wyoming.

Mr. NEWLANDS rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Nevada?

Mr. HEPBURN. I prefer not to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. HEPBURN. The gentleman from Wyoming [Mr. MONDELL] is exceedingly liberal with other people's money. What will the State of Wyoming contribute to this fund? The whole of the sums received for the sale of public lands last year was $188,000, and of that from mineral lands, from stone lands, and from coal lands, $113,000; so that less than $75,000 would be contributed to this fund.

Mr. SHAFROTH. Will the gentleman yield there?

Mr. HEPBURN. I prefer not to. The gentleman is exceedingly solicitous that men upon this side shall not talk, and therefore I do not choose to yield the little time that I can filch from his zeal to answer his questions.

I insist now, as I have before, that this is a thinly veneered and thinly disguised attempt to make the Government, from its general fund, pay for this great work—great in extent, great in expenditure, but not great in results. There can not be extraordinary results from it, in my judgment. Certainly there can be no return to the General Government. The lands that are to be affected by it, I again say, are in private hands. They are not Government lands; they are lands that you own now, and you are trying to compel the General Government to improve your lands. It is a spectacle that never has been presented before to the American people. Every one of you knows that these sums realized from the sale of public lands are covered into the Treasury of the United States as a part of miscellaneous receipts. They are a part of the common treasure. The only difference is that you will interrupt them in their passage and lay your hands of spoliation upon them before they get into the Treasury. That is all. It is none the less a filching from the common fund. [Applause.]

Mr. MERCER. Mr. Chairman, I congratulate this House and the country upon the fact that at last Congress is ready and willing to do something for irrigation. For a great many years the honest, industrious citizenship of Westland has been appealing to the National Government for relief, but not until to-day has the appeal received any definite recognition. At first only a few tillers of the soil, ardent lovers of agriculture, who by experience and practical demonstration knew the value of water to arid and semiarid lands, began the agitation; but as years grew on apace and the Republic became educated to the belief that irrigation was not only practicable but profitable, the small band of irrigation teachers swelled into a multitude until to-day there is not a

State or Territory in the Union where enthusiastic advocates of irrigation are not preaching and practicing the theory. We are now requested to pass this legislation by boards of trade as well as by farmers; by merchants as well as by agricultural societies; by labor organizations as well as by commercial bodies and banks.

The demand has become so general that it must be heeded by Congress, and I expect when the vote is taken to-day a very large majority of the members of this House will vote for the bill. It is not a political or partisan question, for people of all parties ask it. The national platforms of the two great political parties in 1900 declared in no uncertain tone in favor of the Government, by suitable legislation, reclaiming arid and semiarid lands and holding the same for actual settlers.

Note the plank in the Republican national platform:

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

Democratic:

We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

For years prior to 1900 the Senators and Members of Congress representing States and districts containing lands subject to reclamation by irrigation, by voice and pen sought Government recognition, and by State and interstate organizations impressed upon the Government and the people of the country the importance of this legislation, and, last but not least, the President of the United States, Theodore Roosevelt, who, by ranch life in the Dakotas and by travel through arid lands, is fully qualified and competent to pass upon this question, brought the subject to the attention of Congress in that remarkable state paper his message when the Fifty-seventh Congress first convened in session; and allow me to pause long enough to say that President Roosevelt, by this recognition of irrigation, is more responsible than anyone else for the law we are about to enact, for without his suggestions, advice, and influence I fear the friends of irrigation would have followed a forlorn hope. By his action he has earned the lasting gratitude of the patriotic people of the great West, and his political future is safe in their hands.

I quote from his message:

Public opinion throughout the United States has moved steadily toward a just appreciation of the value of forests, whether planted or of natural growth. The great part played by them in the creation and maintenance of the national wealth is now more fully realized than ever before.

Wise forest protection does not mean the withdrawal of forest resources, whether of wood, water, or grass, from contributing their full share to the welfare of the people, but, on the contrary, gives the assurance of larger and more certain supplies. The fundamental idea of forestry is the perpetuation of forests by use. Forest protection is not an end of itself; it is a means to increase and sustain the resources of our country and the industries which depend upon them. The preservation of our forests is an imperative business necessity. We have come to see clearly that whatever destroys the forests, except to make way for agriculture, threatens our well-being.

The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.

The forests alone can not, however, fully regulate and conserve the waters of the arid region. Great storage works are necessary to equalize the flow of streams and to save the flood waters. Their construction has been conclusively shown to be an undertaking too vast for private effort. Nor can it be best accomplished by the individual States acting alone. Far-reaching interstate problems are involved; and the resources of single States would often be inadequate. It is properly a national function, at least in some of its features. It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.

The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams, the water should be turned freely into the channels in the dry season to take the same course under the same laws as the natural flow.

The reclamation of the unsettled arid public lands presents a different problem. Here it is not enough to regulate the flow of streams. The object of the Government is to dispose of the land to settlers who will build homes upon it. To accomplish this object water must be brought within their reach.

The pioneer settlers on the arid public domain chose their homes along streams from which they could themselves divert the water to reclaim their holdings. Such opportunities are practically gone. There remain, however, vast areas of public land which can be made available for homestead settlement, but only by reservoirs and main-line canals impracticable for private enterprise. There irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers, and the cost of construction should, so far as possible, be repaid by the land reclaimed. The distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves, in conformity with State laws and without interference with those laws or with vested right. The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves and as will stimulate needed reforms in the State laws and regulations governing irrigation.

Irrigation was known to the inhabitants of the East thousands of years ago. Even in America, before the time of Columbus, irrigation ditches were dug. In Egypt, India, China, and Japan the people centuries ago knew the benefits of irrigation and indulged in it to a greater extent in proportion to the population than do the inhabitants of those countries to-day. There, as here, however, the system of ditches, canals, and dikes increased with the population and wealth of the country. In Egypt irrigation was and is a necessity. Without it there can be no crops, and hence no people. Last summer I had the pleasure of traveling many miles along the banks of the Nile, and I saw a practical demonstration of irrigation which would convince even my good friend, the gentleman from New York [Mr. RAY], that, Constitution or no Constitution, the scheme was practical, profitable, and a good thing for the country—miles and miles of ditches and canals; a multitude of people happy and contented as they planted a crop which they knew would grow and be harvested; water in plenty, under absolute control and proof against eternal sunshine. I saw immense storage reservoirs, constructed by British capital at a cost of millions of dollars, strong enough to stand storm and age and large enough to hold all the water needed to irrigate the country in that vicinity whenever moisture becomes a necessity. I saw the benefits of irrigation in India, China, and Japan, without which countless millions would starve and industry and enterprise go into bankruptcy. Much could be said about irrigation in other lands, but my time is limited and you are anxious for a vote.

What is irrigation? My friend Mr. NEWLANDS, the distinguished member from Nevada, who, by the way, should be a happy man this day, as he has been one of the firm friends of irrigation from the start, has given you his idea of its definition, and I am so well satisfied with it that I incorporate it here:

Irrigation is practiced only in arid and semiarid countries where the rainfall is either entirely lacking or is insufficient to raise crops. In our arid region there is a heavy deposit of snow during the winter on the mountains. This snow melting forms streams, which are torrential in the spring and early summer, but dry, or nearly so, later in the season. For irrigation the water is taken out of such streams by canals and ditches and distributed over the land. The difficulty is that the water is abundant when it is least needed and scant when it is necessary to mature the crop. The aim, therefore, is to store in reservoirs the water that runs to waste during the flood season. To do this the various watersheds must be treated in a scientific way. The ground must be accurately surveyed and located so as to store the greatest quantity of water at the most available places. The idea is that the Government should do the primary work of constructing the reservoirs and larger canals, so that the water may be brought within the reach of those who are to settle on the public lands and use it in their reclamation and cultivation.

Storage enables the utilization of a greater amount of the torrential waters in irrigating the arid plains, as the stored waters supplement the torrential waters later on and ripen the crops, which would otherwise be burned by the hot sun. Storage involves the treatment of an entire watershed in a scientific way, regardless of State lines. The problem is to maintain an equal and sustained flow of the streams, so that the torrential waters may be kept from flowing to waste and may be conserved and let into the stream when the natural supply is exceedingly limited. Very large rivers have numerous tributaries, with their sources in the snows of the mountains. The more water there is stored the greater the extent of the torrential waters that can be utilized in irrigation, for storage guarantees the service of water when it is most needed, and settlers can safely take out the torrential waters in the spring and bring larger areas of land under cultivation when they feel assured that the stored waters will come on later in a period of drought and furnish the crops with the needed moisture.

Why is irrigation a necessity? When our forefathers came to America they settled along the coast line of the Atlantic Ocean, and as population increased settlements moved westward. In time the fertile lands of America became peopled and gradually increased in price. When farm lands in New England became too valuable they were sold, and the sons and daughters in search of cheaper lands invested their money in the Middle West, while the farmer of Ohio and Illinois sent his children to States farther West. We now have 80,000,000 people in America. The choicest farm lands have been tickled with the hoe until they have laughed their holders into fortunes or into a desire to sell a small farm for a large one, in order that they may obtain large acreage for a small price. But no farmer will sell good land with the expectation of continuing in the agricultural business unless he is assured of other lands suitable to his wants.

To-day in order to do this he must go to Canada and buy cheap lands or have arid or semiarid lands irrigated and invest in them. I regret to say that because we have delayed recognizing irrigation thousands of splendid American citizens have sold their valuable farms in the West for from $50 to $100 per acre and moved to Canada, where they were offered land for $5 and $6 per acre, good wheat land to be sure, but incomparable to the semiarid lands of Nebraska when under irrigation, not to mention the loss of American citizenship. No, my friends, let us keep our boys at home by irrigating millions of acres in the great West as a habitation for them. This legislation will not injure the farmers of New England and the East, and President Roosevelt has explained this better than I can do it.

In his message to Congress President Roosevelt pointed out clearly the reasons why the Eastern farmers will not be injured by further irrigation development in the West, when he said, "The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi valleys brought prosperity to the Atlantic

States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent Western competition with Eastern agriculture. Indeed, the products of irrigation will be consumed chiefly in upbuilding local centers of mining and other industries which would otherwise not come into existence at all. Our people as a whole will profit, for successful homemaking is but another name for the upbuilding of the nation."

The principal objection raised by the opponents to this measure is its expense and unconstitutionality. These opponents do not complain of the expense authorized by this bill, but say that to continue the work authorized by this legislation will bankrupt the Government. Why borrow trouble? If this legislation meets the expectations of its friends, in a very short time it will be self-sustaining. If, on the other hand, all we hope for comes to naught and the scheme proves to be impracticable, a future Congress can very easily repeal this legislation. The gentleman from New York [Mr. RAY], who leads the fight on this floor against irrigation, admits in his report that irrigation will make productive millions of acres. I quote from page 4:

It is asserted that if the proceeds of the public lands are wisely used in the construction and operation of suitable irrigation works, including reservoirs for the storage of water, artesian wells for pumping water out of the earth, and ditches and canals for conducting water from place to place, millions of acres of unproductive land will be made fertile and opened up to settlement, thus providing homes for millions of people. It can not be doubted that millions of acres of land in the States and Territories named may be made productive by suitable irrigation works, provided an ample and continuous water supply can be obtained.

He also admits, on page 5 of the same report, that irrigation will enhance the value of all lands irrigated.

The construction of these irrigation works and reservoirs at the public expense will inure to their benefit, for it will bring their lands into the market at twenty times their present value.

In these admissions he destroys his own case unless his view of the Constitution, always the last stand of a man who does not know his subject, protects him. Daniel Webster knew the Constitution, could expound it to the satisfaction of patriots, if not always to courts. I refer my friend to the following:

Hayne had asked, "What interest has South Carolina in a canal in Ohio?" Webster replied:

"Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States not as separated, but as united. * * * In whatever is within the proper sphere of the constitutional power of this Government we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains and lines of latitude to find boundaries beyond which public improvements do not benefit us. * * * Sir, if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing as I do that the power of Government extends to works of that description, if I were to stand up here and ask what interest has Massachusetts in a railroad in South Carolina, I should not be willing to face my constituents."

In all frankness let me say to my constitutional friends that the Supreme Court of the United States represents all the people when it comes to construing the Constitution, and very seldom does that body of learned jurists agree upon constitutional constructions. In nearly every case brought before that tribunal, where constitutional grounds are discussed, able counsel, representing opposite sides, argue with vehemence and sincerity in favor of their respective propositions, and the court finally settles the point by a majority vote. I am in favor of granting to my friends upon this floor who throw the Constitution at us so often a place with the minority, and the friends of irrigation will take their chances with the United States Supreme Court as a body if after the passage of this act it becomes necessary to test its constitutionality.

In conclusion, I am proud of the fact that the entire delegation from Nebraska—two Senators and six Members of Congress—has been foremost in the fight for irrigation, and I rejoice that a Republican President and a Republican Congress have given this legislation to the people. [Applause.]

The gentleman from Wyoming [Mr. MONDELL], in charge of this bill on the floor of the House, so admirably describes the location of arid and semiarid lands in America and the acreage to be reclaimed that I quote from his report to the House on S. 3057:

The thirteen States and three Territories named in the bill contain 974,172,800 acres of land, or 1,522,145 square miles, a little more than one-half of the entire area of the United States exclusive of Alaska. Of this territory, 318,042,901 acres are in private ownership, 120,643,168 acres are reserved for various purposes, and 535,486,731 acres, or a little over one-sixth of the entire area of the country exclusive of Alaska, are subject to entry under the various land laws.

Of the States named, Kansas and Nebraska contain no lands which, strictly speaking, are arid, though nearly one-third of the Western portion of each State is semiarid, and a considerable portion of these semiarid lands are susceptible of irrigation. The amount of land remaining in public ownership in these States is comparatively small—in Nebraska about one-tenth and in Kansas a considerably smaller proportion.

Over one-third of North and South Dakota are within the arid and semiarid belt. The portions of the States of Oregon and Washington lying west of the Cascade Range have a humid climate, while the portions lying east of the range, comprising considerably over one-half of the territory of the two States, are arid or semiarid. In California arid and semiarid conditions exist over two-thirds of the State, while nearly one-third of Oklahoma is semiarid in c racter The other States and Territories named in the bill are wholly within the arid region, and, except within limited areas affected by local conditions, agriculture can only be successfully carried on within their borders under irrigation.

Of the public lands subject to entry in the region referred to, but an infinitesimal portion has sufficient rainfall to produce with reasonable certainty the ordinary agricultural crops without irrigation. It is true there are some areas of timbered lands in Washington, Oregon, and Idaho which, when cleared, will produce crops without irrigation, and here and there throughout the entire region small detached tracts which, by reason of local conditions favorable to precipitation and retention of moisture, will yield fair returns of certain classes of farm products, but these areas, taken altogether, are so comparatively limited in extent as to constitute relatively unimportant factors in the agricultural development of the region or the nation.

A very considerable portion of these lands is rough, rocky, and mountainous and of very little value for any purpose. A still larger portion will never be of any value except for grazing purposes, while the area which is possible of reclamation by irrigation is comparatively small.

In forty years of unwearying effort the American pioneer has irrigated in this region about 7,500,000 acres of land. The acreage under irrigation at this time in the States and Territories affected by the bill is approximately as follows:

Irrigated acreage by States and Territories.

	Acres.		Acres.
Arizona	185,396	North Dakota	5,202
California	1,446,119	Oregon	388,198
Colorado	1,611,271	Oklahoma	2,761
Idaho	602,548	South Dakota	43,010
Kansas	26,497	Utah	629,273
Montana	970,231	Washington	135,936
Nebraska	148,538	Wyoming	606,942
Nevada	504,168		
New Mexico	204,508	Total	7,510,598

AMOUNT OF LAND WHICH MAY BE IRRIGATED IN THE FUTURE.

As to the amount of land which may ultimately be reclaimed by irrigation, estimates have been made all the way from 35,000,000 to 70,000,000 acres. This seeming divergence of opinion is more apparent than real, as the amount of the estimate depends upon whether it is made with reference to the distant future when all available water supplies will be utilized, some of it at a cost which under present conditions would be entirely prohibitive, or is made on the basis of the area which may be irrigated at a cost warranted by present conditions or such as are likely to obtain within the next two or three decades. From the latter standpoint the smaller acreage above stated is undoubtedly abundantly high, while looking into the distant future, when a vast increase of population will warrant large expenditures and we have learned to practice the greatest economy in the use of water in irrigation, the larger figure is probably not an excessive one to measure the area which will ultimately be irrigated in the arid and semiarid regions of the United States.

Of the 16 States and Territories named in the bill, in all save 4 more than half of their area is owned by the National Government. In half of them Uncle Sam owns 85 per cent of all the land, while in 4 less than 8 per cent of all the lands are in private ownership and taxable, as shown by the following table:

State.	In private ownership.	Reserved.	Subject to entry.	Total.	Amount in public ownership.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Per cent.*
Arizona	5,736,258	18,285,008	48,771,054	72,792,320	92
California	41,857,242	16,063,670	42,049,008	99,969,920	57
Colorado	21,538,185	5,624,161	39,115,814	66,348,160	68
Idaho	9,070,253	1,747,311	42,475,176	53,293,440	83
Kansas	50,309,530	987,875	1,085,315	52,382,720	4
Montana	15,442,762	12,347,531	65,803,307	93,593,600	84
Nebraska	39,140,968	69,642	9,926,670	49,137,280	17
Nevada	3,031,006	5,983,409	61,322,225	70,336,640	96
New Mexico	16,454,495	6,385,181	55,589,124	78,428,800	79
North Dakota	24,583,098	3,370,491	16,956,491	44,910,088	45
Oklahoma	12,962,927	7,157,868	4,653,605	24,774,400	48
Oregon	21,992,596	5,500,821	33,784,023	61,277,440	63
South Dakota	24,534,450	12,802,946	11,869,004	49,206,400	50
Utah	4,537,917	5,487,668	42,515,855	52,541,440	92
Washington	20,069,148	10,764,568	11,913,164	42,746,880	53
Wyoming	6,781,366	7,995,018	47,656,896	62,433,280	90
Total	318,042,901	120,643,168	535,486,731	974,172,800	

It will be readily understood that with no source of revenue for the irrigation of these lands except ordinary taxation and with but a small portion of their lands taxable the States can not by any possibility secure funds to carry on reclamation.

Mr. SHAFROTH. I move that all debate on this paragraph and amendments close in five minutes.

The motion was agreed to.

Mr. RANSDELL of Louisiana. Mr. Chairman, it is said that a fellow-feeling makes us wondrous kind. I live along the bank of the Mississippi River, in that great region which is annually visited by devastating floods, and I presume the fact that I have entirely too much water in my region of country makes me sympathetic for those who have no water.

Now, Mr. Chairman, it seems to me a little bit ungenerous on the part of the gentleman from Iowa——

Mr. HEPBURN. I just want to remind the gentleman that he is proposing to kill the goose that lays the golden egg. If they stop the water up at its source the gentleman will have no pretext for the usual expenditure down in his bailiwick.

Mr. RANSDELL of Louisiana. Mr. Chairman, I am surprised at the profound ignorance of the hydraulics of the Mississippi River displayed by the gentleman from Iowa, who has been making us speeches about that river for many years. In a

recent speech, when the river and harbor bill was under discussion, he fell into several egregious errors about the commerce and navigability of the river which I had the honor to correct, and now he would have us believe that the waters from the arid States, if impounded in reservoirs, would materially diminish the floods of the lower river and render unnecessary the usual expenditures in my bailiwick. This error would be pardonable in some men—and, indeed, many others share it with Mr. HEPBURN—but from the man who year after year raises his powerful and eloquent voice in opposition to the Mississippi River and does his utmost to prevent any expenditure of public money thereon I think it is absolutely without any excuse or justification.

What is the truth of this matter? Why, sir, the floods on the lower river are caused by waters from the Ohio River and its great tributaries, the Tennessee and the Cumberland; second, by heavy rains in the central valley; third, by the Upper Mississippi; fourth and least, by the Missouri River east of Kansas City. The effect of the melting snows of the Rocky Mountains is inappreciable, and what water there is from that source comes after the dangerous spring floods have subsided. Do not take my word for this, but examine the report of Humphrey and Abbot on the Mississippi River, pages 384 et seq.; also Bulletin E, Department of Agriculture, for 1897, pages 46 et seq.; also Appendix PP to Annual Report of the Chief of Engineers for 1898, pages 2862 et seq.

Humphrey and Abbot say that the only practicable site for reservoirs, to be of any real benefit in restraining the floods in the lower river, is in the Ohio River basin, as the character of basins of the Upper Mississippi and Lower Missouri is such that the reservoir system is impracticable in them. Bulletin E is an exhaustive study of the floods of the Mississippi River, their causes, etc., and was prepared by Mr. Park Morrill, under the direction of Mr. Willis L. Moore, Chief of the Weather Bureau. All of the great floods of the past twenty-five years are carefully studied from the actual and very complete data of the Bureau, and a perusal of same will convince even Colonel HEPBURN that the author's conclusions are correct. He says:

It is, of course, conceivable that a flood should occur in the Lower Mississippi from heavy precipitation over any of the great contributary basins. In these floods of the past quarter century we do not, however, find the western tributaries playing an important part. The great source of floods is the Ohio basin, with its steep slopes from the crest of the Alleghanies, upon which fall the heaviest rains of spring, at a time when the normal rise of the Lower Mississippi brings the river almost to the danger line from Cairo to the Gulf. In the greatest floods we also find that heavy rainfall over the great swamp region that extends along the Mississippi from the mouth of the Ohio to the Gulf of Mexico is an important factor. Third in importance as a factor in producing floods is the Upper Mississippi, which, while never discharging a volume sufficient to produce of itself a flood, yet, rising later than the Ohio, serves to prolong the high water and thus to increase the overflow.

Thus, according to this author, the western tributaries have not been an important factor in the floods of the past twenty-five years and are not enumerated by him in assigning their causes.

An authority equally as high as Messrs. Humphrey and Abbot and Moore and Morrill is Lieut. Col. Hiram R. Chittenden, Corps of Engineers, United States Army, who made an elaborate study of the Mississippi and Missouri River floods in connection with an examination for reservoir sites in Wyoming and Colorado. He is a strong friend to irrigation of the arid lands by Government aid, and had the facts warranted it, would have been delighted to show that reservoirs would diminish floods. In Appendix PP, above mentioned, he says:

Few people have any adequate conception of either the origin or the magnitude of great floods like those on the Lower Mississippi. It is a common error to think that they come largely from the melting snows in the mountains, yet the floods of the Mississippi nearly all come at seasons when the flow from the mountains is very small. In the greatest known flood of the Mississippi at St. Louis, that of 1844, a large part of which came from the Missouri, the latter stream was found by pilots to be in low-water stage above Sioux City. On the occasion of the late heavy flood in the Mississippi, when at its maximum stage, the Arkansas carried practically no water across the Kansas-Colorado line, the Platte did not run above 2,000 cubic feet per second at North Platte, Nebr., and the Upper Missouri and Yellowstone were both in low-water stage. The floods of the Mississippi do not come from this direction. They are formed by the heavy rains in the low regions east of the ninety-eighth meridian, and very largely come from east of the Mississippi itself. The great controlling element, in fact, in all the lower river floods is the Ohio river.

The magnitude of these floods also depends very largely upon fortuitous combinations of the floods in its tributaries. No single flood from any one of these tributaries, except the Ohio, can produce serious consequence in the main river. But if two or more of them discharge excessive floods in the main stream simultaneously, then it is that great disasters follow. Very fortunately, nature has caused these flood waves to arrive generally at different periods, and the more disastrous combinations are not of frequent occurrence.

It is apparent, therefore, that a reservoir system which should exercise any appreciable influence on the lower-river floods must embrace the three great upper tributaries, and particularly the Ohio.

I think, therefore, Mr. Chairman, that in supporting this bill for restraining the floods of my great river I am not killing the goose that lays the golden egg. I am not stopping those floods at their source, and so far as this bill is concerned I will have the same excuse as of old for the usual expenditures in my bailiwick.

I place my support of this measure on entirely different and, I hope, higher grounds than self-interest.

Our Government is owner of 600,000,000 acres of land in the arid regions, 74,000,000 of which can be irrigated. It has the same right to improve its property that any private owner has. Being a large proprietor of worthless land which brings no revenue and is worse than useless in its present condition, it would seem the part of wisdom to improve this land and have it settled by thrifty people who will be an honor and help to our country.

This is what any prudent business man would do, especially if he could operate on a plan which would not require him to draw on his other resources, but was such that the land would improve itself. If this be true of an individual it must be true of the Government, because its inherent powers over its own property are certainly as great as those of one of its citizens. If we seek for special constitutional warrant for this bill it is found in the general welfare clause of Article I, section 8 of our Constitution and in section 3 of Article IV, which says that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

But if we concede that Congress has the right to do this, is such action wise and proper at this time? The plan of the present bill is to dedicate all the public lands in the arid and semiarid States to irrigation except 5 per cent of the proceeds of sale of same, which is reserved for education. Where can we find a precedent for such action? In the grant or donation of 197,000,000 acres of public land to the railroads of the country to aid in their construction. Of this amount 35,000,000 acres were forfeited by subsequent legislation, leaving unforfeited 162,000,000, of which 96,683,201.1 acres have been patented, and 65,316,798.82 acres are yet unpatented.

You will get some idea of the magnitude of these railroad grants by reflecting that the entire area of the great State of New York contains only 31,468,800 acres, and that New York, Pennsylvania, Ohio, and Maryland combined contain only 94,499,200 acres, or over 2,000,000 acres less than have actually been patented to railroads, without considering the additional 65,316,798.82 acres which they have a right to patent. This total area, given as a free donation to the railroads, is greater than six States the size of Ohio, and more than twice as great as can ever be irrigated in the entire West.

I believe these railroad grants were wise and that they resulted very beneficially to our Union. But for them the development of some of our most prosperous States would have been slow and painful in the extreme, and where there are now populous cities and fertile fields the coyote and buffalo would roam in freedom over their native heath. It was necessary to give these vast tracts, equal in area, as I have shown, to six times the size of Ohio, in order that the other portion of the public domain might become valuable, in order that cheap homes might be found for the sturdy immigrants flocking to our shores, and for the strenuous boys and girls of our Eastern cities and farms, and in order that we might span our continent and connect the oceans of the Orient and Occident with bands of steel. Much objection was urged at the time to these grants, but I believe it is now generally conceded that no better use could have been made of our public lands.

Another precedent is in the vast swamp-land grants given to 15 of our States, amounting to 60,115,714.08 acres. This would be an average of 4,000,000 acres to each State if divided equally. My own State of Louisiana received 9,132,018.94 acres of these swamp lands, and Florida received 17,162,798.52, making for the two States 26,294,817.46 acres, or nearly one-half of the whole. And why was the Government so liberal to Louisiana and Florida? Were these two States favorite children who were receiving undue shares of the parental estate? By no means. The land was given because it was swamp land and worthless to the Union, and it was hoped that the States would reclaim it and render it valuable.

Louisiana spent enormous sums in levee building to protect its lands from overflow of the Mississippi River, and as the levees were completed much of this swamp land was reclaimed and sold, the proceeds thereof going to build new levees, which in turn protected other lands. The first swamp grant to Louisiana was in 1849, over half a century ago. The process of land reclamation is still going on actively, and will continue to go on for many years before the wise and benevolent purpose of the Government in donating this land to Louisiana shall have been accomplished. Certainly no man can question the wisdom of this grant, because this land was utterly unfit for homesteads or for any purpose whatsoever in the hands of the National Government, and the State was enabled to reclaim it only by a vast expenditure of money. The reclamation process was very slow, having already lasted over fifty years; but it was not as slow, in my judgment, as irrigation will be.

To my mind there is great similarity between these railroad

grants of lands, practically worthless until the roads were constructed; the swamp lands, actually worthless until reclaimed by heavy expenditures, and the arid lands of the West, which are now barren wastes and will remain so until redeemed by irrigation. If the policy was wise and constitutional in one case, it will be in the other. These arid lands have no value to the Government now, and, unless they are irrigated, will always be worthless. I consider that in dedicating all the public lands in these 13 States and 3 Territories to the redemption by irrigation of the 74,000,000 acres susceptible of redemption, the Government will be acting as a farseeing, prudent business man.

It is true that there are about 600,000,000 acres of public lands in these States and Territories, but only 74,000,000 acres, according to the Geological Survey and Secretary of the Interior, can ever be redeemed and made suitable for agriculture. Some of the remainder is valuable for its minerals and for grazing. There is no danger of vast quantities of cheap land being thrown on the market, as once happened in the early days of the development of our great Middle West. Irrigation is at best a very slow and expensive business. All that the Government would do in most places would be to construct reservoirs to impound the waters. This would cost an average of $4 to $5 per acre, which would be a charge on the land benefited and would have to be repaid by the settler at the rate of one-tenth annually for ten years.

In addition, the settler would have to level his land and excavate irrigation ditches to convey the water from the river or reservoir to his land, and this cost would be $15 to $20 per acre additional, so that every acre of his land would cost him at least $20, or an average probably of $25. This presents a very different situation from that of the homesteader on the fertile plains of Iowa, Wisconsin, and Minnesota, for example, who got the finest land on earth absolutely free of cost. Of course, the rush to those lands was great and rapid, but $25 per acre is a different thing. Moreover, even if money could be found at once to construct these vast reservoir dams, it would take many years to complete them and put the lands in condition for profitable irrigation.

The process will be a slow and tedious one. The man who gets the benefit of these reservoirs will pay out three dollars for every dollar paid by the Government, and he will not have a soft snap by any means. I sympathize with him, for I live where the Government pays to keep the water of the Mississippi from flooding our lands and destroying us, and we have to pay more than two dollars for every dollar of Uncle Sam for the same purpose. We are gradually getting protection and our lands are coming into the market—some 20,000,000 acres in the overflowed area—but no one dreads our competition, as all realize the slowness of our growth and the costly sacrifices we are forced to make for our lands. Our brethren in the irrigation area will have a similar burden at the outset, and their progress will be slow.

One very important consideration in this bill which does not apply to the railroad and swamp land grants is this: As public lands are sold in the arid region the proceeds thereof are to be used by Government officials to construct reservoirs for impounding the water in localities where it will do the most good, and the lands irrigated by each particular reservoir are to be charged with the cost of same. To illustrate let us assume that reservoir "A" costs $500,000 and irrigates 100,000 acres. That will be $5 per acre, and when the homesteader settles on this land he must pay for it $5 per acre in addition to the usual fees under the homestead laws. If any of this 100,000 acres happens to belong to individuals when the reservoir is constructed, it will be charged $5 per acre before any water can be used. This price is paid in ten annual payments of 50 cents per acre, so that it is not especially burdensome. Thus all expense of the reservoirs will be refunded to the Government, which will eventually receive back every dollar expended.

Mr. Chairman, from whatever point of view this bill is considered it is wise and just, in my opinion, and I sincerely hope it will pass. [Loud applause.]

Mr. STEPHENS of Texas. I offer the following amendment.

The Clerk read as follows:

Amend by adding to end of line 5, section 8, page 9, the following:

"*Provided further*, That Congress shall, for the purpose of equitable distribution, have the absolute jurisdiction and control of the previously unappropriated waters of the rivers and streams flowing past, through, or from any State or Territory of the United States into, through, or past any other State or Territory and necessary for the purposes of navigation or irrigation and to which waters others have rights by prior appropriation."

The CHAIRMAN. There are three committee amendments pending that will have to be disposed of before action upon this amendment can be taken. The question is on the adoption of the amendments of the committee.

Mr. STEPHENS of Texas. Is debate closed?

The CHAIRMAN. Debate is closed, by order of the committee, on this section; and the question is now on the committee amendments.

The question was taken, and the committee amendments were agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Texas.

Mr. RODEY. On that I want to be heard.

Mr. STEPHENS of Texas. I ask unanimous consent——

Mr. SHAFROTH. Regular order!

The CHAIRMAN. Debate has been closed by order of the committee. The question is on the amendment offered by the gentleman from Texas.

Mr. STEPHENS of Texas. I ask unanimous consent to explain it.

Mr. SHAFROTH. Regular order!

Mr. RODEY. I ask every member to vote against that amendment. It is just an outrage upon New Mexico.

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Insert a new section, to be known as section 9:

"SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior, in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event within each ten-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid."

Mr. RAY of New York. Mr. Chairman, I do not suppose those who favor this bill will pay any attention to propositions to perfect or amend. If the bill goes through that seems to be all they want, regardless of consequences to follow. Allow me to call attention to section 8 in connection with section 9. What laws are to govern and apply in the execution of this bill? The laws of the State in which the water, in which the reservoirs, or in which the canals may be? Do gentlemen know of any two States in this Union that have like laws? We are to take water in California and store it there. That water is to be controlled by the laws of California. A canal from that reservoir is to run into the State of Nevada, and the State laws of the State of Nevada are to control the canal and water when it gets there. And so in some other State like Wyoming you store the waters in one State and the laws of that State control the waters while there. The water is carried into and through another State and the laws of that State control while it is there. The water runs into a third State, where it is to be distributed in irrigating the land, and the laws of that third State control the distribution, and yet gentlemen think that it will be practicable to put this bill into operation. It can not be done under this bill as it stands.

The United States Government surrenders all control. Congress surrenders all control. The laws of the several States are to control. I simply point this out to you, gentlemen, because when this law is written on the statute book it will be impossible of execution until amended and changed. Any lawyer who studies all of these peculiar provisions will be astounded at its impracticability and conflicting provisions.

I have no idea that these amendments to the Senate bill, which have been adopted by the House committee in order to avoid insuperable objections which have been presented, will be adopted by the Senate. The Senate will have a substitute. It will have something to put in the place of this, because I believe that it is now agreed, both by the majority of the Senate and the majority of the House, that in any event this robbery or looting of the Treasury of the United States must be authorized before this Congress adjourns. [Applause.]

Mr. SUTHERLAND and Mr. NEWLANDS rose.

The CHAIRMAN. The gentleman from Utah——

Mr. SHAFROTH. Mr. Chairman, I move that debate on this section and all amendments thereto be now closed.

Mr. PAYNE. Mr. Chairman, I make the point of order that the Chair had already recognized the gentleman from Nevada.

The CHAIRMAN. The Chair had already recognized the gentleman from Utah.

Mr. SHAFROTH. Will the gentleman from Utah make the motion?

Mr. SUTHERLAND. Mr. Chairman, I move that all debate on the pending section be closed in five minutes.

The CHAIRMAN. The gentleman from Utah moves that all debate on the section and the pending amendment be closed in five minutes.

Mr. STEELE. Mr. Chairman, this is a very important question, and I move to make it fifteen minutes.

The CHAIRMAN. The gentleman from Indiana moves to amend by making it fifteen minutes.

Mr. HEPBURN. Mr. Chairman, I move to amend by making it seconds.

Mr. SUTHERLAND. I accept the amendment offered by the gentleman from Iowa. [Laughter.]

The CHAIRMAN. The gentleman from Utah moves that debate on the pending section and amendments be closed in five minutes, and the gentleman from Iowa moves to amend by making it thirty seconds. The amendment is accepted by the gentleman from Utah, and the question is on the motion of the gentleman from Utah as amended.

The question was taken, and the motion as amended was agreed to.

Mr. SUTHERLAND. Now, Mr. Chairman, I will take advantage of the general leave to print. [Laughter and applause.]

The CHAIRMAN. The Clerk will read the next section.

The Clerk read as follows:

SEC. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Mr. TONGUE. Mr. Chairman, has the House voted on the proposed amendment?

The CHAIRMAN. The committee has voted on all the committee amendments, and at the close of debate will vote upon the section which has just been read.

Mr. SHAFROTH. This is section 10, is it not?

The CHAIRMAN. The Chair is informed that what the Chair supposed was section 9 of the bill was really a committee amendment, and the vote will have to be taken on that first, so that the question is on agreeing to section 9.

Mr. RAY of New York. Mr. Chairman, I raise a point of order. We have passed that section and gone to section 10 without adopting the amendment, and section 10 has been read and is being debated, and I insist that it is now too late to go back and amend section 9 after we have passed to section 10, which has been read and an amendment proposed and debate has commenced upon it.

Mr. HOPKINS. Mr. Chairman, that objection is obviated from the fact that the Chair supposed, when it directed the Clerk to read section 10, that section 9 had been adopted. Of course the Chair has a right to correct his own error.

The CHAIRMAN. The Chair was under the impression that it was a regular section of the bill, and having been read, was adopted. The Chair is now informed that it was a committee amendment. The Chair does not think the gentleman from New York can take advantage of a wrong impression of the Chair as to the character of the provision.

Mr. RAY of New York. I beg the pardon of the Chair. I have the highest respect for the Chair, but it is no more a mistake of the Chair than it is a mistake of any member of the House or of the friends of this bill. I insist that members of the House—— [Cries of "Regular order!" "Regular order!"]

The CHAIRMAN. The committee will be in order. This amendment is a committee amendment submitted by the committee, and the Chair thinks that it was his duty to put the amendment without attention being called to it. But under the impression that it was a part of the bill, and was agreed to when read, the chairman directed the Clerk to read section 10. The question now is on agreeing to the committee amendment.

Mr. RAY of New York. I rise to a parliamentary inquiry. My inquiry, Mr. Chairman, is, Does the Chair hold that it has the power now, under present conditions, without unanimous consent, to go back to section 9 (I believe that is the section) and put the proposed amendment to a vote? Does the Chair hold that?

The CHAIRMAN. The Chair holds that it having been passed by an error of the Chair, and under a misunderstanding or misapprehension, the committee can go back—can return to the amendment and vote upon it.

Mr. RAY of New York. Does the Chair hold that the committee can go back?

The CHAIRMAN. Can go back and vote upon it.

Mr. RAY of New York. Without unanimous consent?

The CHAIRMAN. Without unanimous consent.

Mr. RAY of New York. Well, I enter my protest.

Mr. HEPBURN. Mr. Chairman, the debate, I believe, was not closed on the ninth section?

The CHAIRMAN. The Chair will state that upon that paragraph debate was closed on motion of the gentleman from Utah as amended by the gentleman from Iowa.

Mr. HEPBURN. I believe that was the eighth section.

The CHAIRMAN. It was the ninth, as the Chair is informed by the Clerk. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. COWHERD. Now, Mr. Chairman, have I the floor on section 10?

The CHAIRMAN. The gentleman from Missouri is recognized, and, as the Chair understands, moves to strike out the last word.

Mr. COWHERD. Mr. Chairman, I feel in this matter very much like the gentleman from Indiana, that this bill is going to pass and that I want to get on record in regard to it before it does pass. But differing from him, I wish to be recorded in its favor; and it is so very seldom that we on this side of the House have an opportunity to speak in favor of a measure which passes that I do not want to lose this rare opportunity.

I have been very much interested in the pleading of the distinguished farmer from Ohio [Mr. GROSVENOR] and the distinguished farmer from New York [Mr. PAYNE] that we should not bring more land into competition with the lands of the farmers in their districts. Why, Mr. Chairman, how long has it been since the cry was made for the farmers up in New England that they would be ruined by competition with the rich agricultural lands of the West? Yet the New England farmer, having been brought into competition with the farmer of the West, promptly abandoned those rocky hillsides upon which you had to shoot the corn into the crevices with a Gatling gun and cultivate it with a diamond drill [laughter], and went into other business; and he has been lending money to the farmer of the West ever since. [Laughter and applause.] He went into the business of passing tariff bills and legislating for the New England farmer; and while in New England the hours of labor are limited to eight, and he needs only half that time to make a living, out West we have to work fourteen hours every day in order to get enough to eat and to pay our interest to the New England farmer who has been lending us money. [Laughter.]

These gentlemen need not be solicitous in regard to the farmers of their own country. I have no doubt that should the farming of their region prove unprofitable (which it will not) the distinguished farmer from New York can pass the bill of which he is the author and which is now pending before the committee of which the farmer from Ohio is chairman, which will take about $180,000,000 out of the pockets of the people of this country for the benefit of an industry of the East. Yet these gentlemen rise and tell us what a heinous offense it is if the people of this country are taxed—and, mind you, the bill does not propose that—some four or five million dollars for the purpose of reclaiming 60,000,000 acres of land out West and benefiting untold millions of settlers.

Now, Mr. Chairman, I have no sympathy with the narrow views of those who hold that any part of this country can be greatly benefited without that benefit inuring to every acre of every State in the Union. We are not 45 warring principalities, with adverse interest, striving to build up this industry and to tear down that. But whenever you bring prosperity—how many times have those gentlemen on the other side of the Chamber hammered this doctrine into us—whenever you bring prosperity to any section of the country you bring it to every other section. You can not produce a tree full of blushing peaches yonder in Wyoming or plant with pineapples an acre of the everglades of Florida but that the farmers and merchants of my section will both divide the fruit and divide the prosperity. But, Mr. Chairman, I stand here, not to represent the interests particularly of the semiarid and the arid States. However great may be our affection for those people, I am for this bill because it is for the advantage of the people I represent on this floor. Out there in Missouri and in those lands that the gentleman from Iowa represents—and I was surprised to hear him opposing the measure—out there we have the most fertile soil that lies under God's shining sun.

But we suffer from two extremes—first, flood, and second, drought. Last year we had a drought which careful men estimated cost the farmers in the Middle West more in three months than they lost during all of the four years of the devastating civil war. We have every spring a flood that takes away thousands upon thousands of acres of land—and the gentleman from Nebraska [Mr. BURKETT] has told us of it in this Chamber more eloquently than I could ever hope to tell—that goes rushing down the valley of the Missouri, destroying the farms and the crops and pouring its silt and its flood into the Mississippi and carrying the besom of destruction clear to the Gulf. Store these waters at the fountain source, store them in the mountains, distribute them over those arid and semiarid lands, and what will be the result? In the first place, you will stop the floods; in the next place, as they are distributed through these lands that now lie there glistening in the sun, gathering up the sun's rays, heating the air so that the passing breeze becomes a simoon sweeping on to our destruction—water these lands and instead of the simoon of the desert, burning and blistering our crops, there will come the healing and the healthful winds, bringing with them the bountiful rains. [Applause.] I am in favor of this bill, both for the benefit of the arid lands and for my own State. It only means that the Government shall use the money it derives from the sale of these lands to make salable lands now worthless, to make fertile lands now sterile, and to give homes to people now homeless.

Mr. SUTHERLAND. Mr. Chairman, it is safe to say that in its final results no bill of a public nature has come or is likely to come before the present Congress which is more important than the irrigation bill now under consideration. It proposes the expenditure in the aggregate of a large sum of money, and it proposes ultimately and in the aggregate the addition of a large body of land to the cultivatable area of the United States, but the expenditure of the money does not contemplate any attack upon the general Treasury; the reclamation of the land does not contemplate any sudden or violent addition to the farms of the country.

WHAT THE BILL PROPOSES.

We propose to take the money derived from the sale of the public lands in the sixteen arid-land States and Territories and create a fund to be used for the purpose of rendering this land useful and habitable. In these sixteen States and Territories there are 600,000,000 acres of public lands. After fifty years of effort upon the part of the people there has been cultivated and irrigated only about 7,500,000 acres. The smaller streams have been appropriated and diverted to the last drop. Private enterprise has constructed many canals from the larger streams and many reservoirs for the impounding of the flood waters. The time has arrived, however, when practically nothing more can be done in the direction of an increase of the water supply and the consequent increase in the area of cultivated lands without the aid of the National Government.

WORK OF THE WESTERN PIONEER.

The public lands in this country available for agricultural purposes are being rapidly exhausted. The limit of new settlement has been nearly reached. The Western pioneer, that picturesque and splendid figure of the forties, the fifties, the sixties, the seventies, and the eighties, is already of the past, because there are no new worlds for his restless feet. The tide of immigration which more than a generation ago swept beyond the Missouri up the colossal heights and down the somber canyons of the Rockies, across the sage-brush plains of the Great Salt Lake Basin, over the Sierras to the perpetual summer of the Pacific coast, met the Western ocean and was rolled back to the Missouri again, filling in its ebb and flow every nook and cranny of that great rainless empire where water could be found to redeem the desert.

The pioneer was splendidly independent. He asked help of none. He lobbied for no appropriation. He found himself face to face with the problem of creating a home from the raw elements about him. He threw down the gauge of battle to the forces of nature. He made his attack with the courage of creative genius. He asked no questions; sought no truce. He toiled under the pitiless sun from the beginning of spring to the middle of autumn. His back was bent and his hands were seamed and calloused with the labor of the conflict.

With his few imperfect tools he builded dams, excavated canals, constructed ditches, plowed and cultivated the soil. He transformed the mountain valleys—dry and desolate—into green fields and leafy orchards. In the beginning his eye beheld nothing but the monotonous and unsmiling gray of the sage brush. The soil was parched and barren. He tickled it with the plow and gave it the stream to drink, and made it laugh in golden ripples to the autumn breezes.

It is a marvel that, unaided, he did so much. It would be a miracle if, unaided, he had done more.

THE MORMON PIONEERS THE ORIGNAL IRRIGATORS.

The first irrigators upon American soil were the Mormon pioneers of 1847. After a toilsome march, lasting many weeks, across the Great Plains, on July 24 of that year they entered the valley of the Salt Lake. What is to-day, in my judgment, the most beautiful valley in all the world was then a barren, unproductive desert. Not a green thing was to be seen save the sparse growth of willows and cottonwoods which fringed the banks of the streams.

The Mormon people, with that courage and persistence and industry which has always characterized them, entered upon what appeared to be a hopeless task. In the early years their struggles were pathetic. Time and again the task to which they had set themselves appeared to be hopeless, but with grim determination they struggled on. Their reward finally came.

The visitor of to-day beholds the valley transformed and glorified by irrigation. About the beautiful city, with its wide streets, its running, limpid streams, its flower gardens, its orchards, its splendid and imposing temple, its shimmering spires, splendid institutions of learning, its business houses, commodious and comfortable homes, and everything which goes to make up the modern city, lie rich lands in checkerboards of varying shades of green. It is a living argument in favor of this bill, a magnificent illustration of what may be done when idle water is united with idle land. The story of the conquest of Utah is so simply and yet so graphically told by one of the pioneers of 1847, Hon. George Q. Cannon, formerly delegate in this House from the Territory of Utah, in his remarks before the National Irrigation Congress at Denver in September, 1894, that I can not forbear quoting them and preserving them in the records of this debate. He says:

Forty-seven years ago I crossed the plains in company with companions who were then seeking homes in the far West. I did not occupy so prominent a position in the community as has been represented, because I was but a youth 20 years old, but I was then, as I am now, deeply interested in the future of this Western country. I felt that there was a great future for it, and then to me, as with all those who traveled at that time, it was so different to all the old conditions under which we lived that it seemed like a new world. We entered Salt Lake Valley, that is, I and the party I accompanied, about eight weeks after the pioneers, headed by Brigham Young, had entered the valley. That band conisted of 143 men and 3 women. We followed them, and traveled with women and children in considerable number, there being some 2,000 all told in the different companies.

THE LUXURY OF POTATOES.

The pioneers had already planted a few seeds and made some attempt at irrigation, but as they landed the latter part of July (the 24th it was), it was very difficult to do anything except to preserve the seed. That seed was very carefully cared for and husbanded, and from that seed the seed potatoes (that was the first vegetable introduced into Utah) sprung. But it was not until 1849 that any of us, unless it was through curiosity, tasted potatoes. We preserved the seed so carefully that we did not dare to eat potatoes. In 1848, after planting our grains and vegetables, we found that to obtain the food we needed we could not depend upon rains, but would have to water the land from the streams, and as we did not have the scientific friends that we have with us now to do it in a scientific manner, we went at it as best we could, and took out water by the simplest means in our reach, and we were successful in raising at least a part of a crop. After our grain had been sown and our fields looked promising, black crickets came down by the millions and devoured our crops. I have seen fields of wheat look as promising as they could in the morning, and by evening they would be as bare as the palm of a man's hand—devoured by these crickets.

For a time it seemed that everything we had planted would be destroyed, and you can well imagine the precariousness of our position. California was on our west 800 miles distant; to the east was no settlement nearer than the Des Moines River in Iowa, and a few settlements perhaps in upper Missouri, so that we were entirely dependent upon that food which we had brought in our wagons. That supply was so limited that we had to deal it out with the utmost care. Food was weighed by the ounce and limited to every individual, and no one could eat more than his share of the allowance that was divided for the week's supply.

I was a growing boy, and I had never worked so hard as we had to do then. My allowance of food, therefore, was not sufficient for my wants and I was continually hungry during that winter. It seemed to me that I was hungry to the ends of toes and fingers.

THISTLE TOPS AS FOOD.

When spring came the thistles began to grow in the neighborhood of our fields. Our oxen were thin, and we could only use them in plowing until about the middle of the afternoon. Then we would go around and gather thistle tops for greens. It is a fact that the distention of the stomach caused by eating these thistles allayed our hunger, and having milk, which our cows began to give freely, we soon grew fat.

The crickets, to which I have alluded, destroyed a great many fields, and it seemed for a while that they would devour everything that was planted. I had no responsibility upon me, but I have often since thought of the wonderful courage which the men who had families depending upon them exhibited under these circumstances. I can recall no expressions of fear or discouragement. Every man appeared to feel that he would stay there, no matter what the consequences might be. But relief came to us, and to us who lived in Utah at that time it appeared like a direct interposition of Providence to save us.

Sea gulls came by hundreds and thousands, and before the crops were entirely destroyed these gulls devoured the insects so that our fields were entirely freed from them. Since then, whenever I see a boy pointing a gun at a gull I feel that I want to knock his gun up. The bird has become sacred to me. Since then Salt Lake has become the habitat of this bird. After these gulls came, I have gone along our water ditches in the morning and have seen quantities of small piles of crickets which the gulls had eaten and vomited up. By disgorging themselves in this way each bird must have devoured immense quantities.

The dryness of the country at that time was something dreadful. It seemed as though the land was dead. This was forcibly brought to my mind by seeing a grave dug soon after we reached the valley. The spot is now one of the most populous parts of Salt Lake City, and is very fertile, but at that time it seemed as though the ground had not been saturated for ages. One of the first ditches that was dug was taken out of the creek near where the large cooperative store now stands, which some of you ladies and gentlemen who have visited Salt Lake may remember. This ditch was dug to convey the water to the fort, in which the people then lived, which was about half a mile distant, and the ground was so thirsty that it took two days for it to run that distance.

THE UTAH OF TO-DAY.

Great and happy results have followed the system of irrigation. I can say to-day that Utah is proud to have the opportunity of participating in a congress of this character. We feel that the questions to be brought before this congress are of the greatest importance, not only to this portion of America but to the entire Union. Every man in this entire Republic ought to be interested in the questions which will be discussed, I hope, so freely and profitably in our congress. It is a matter which affects not only the West, but the East, and in fact it may be said to affect humanity, and everything should be done in our deliberations to reach united action, so that whatever we determine upon will be acceptable to the whole people and to the Congress of the United States.

I am glad that these deliberations are likely to take a wide scope. I would like to see every person take an interest in irrigation, whether he lives in the arid regions or the heaven-watered regions, and I hope every delegate will have the opportunity to express himself with the utmost freedom, that we may reach not only unity of sentiment, but unity of action.

We in Utah have proved that the small holdings are the best for the people. Our pioneers when they went into that country arranged in the first place that men at the head of a household should receive a city lot. The city was divided into blocks of 10 acres, containing 8 lots of 1¼ acres each. I remember applying for a lot, and was told that I was not a married man and could not have the land. Outside the city the first lots were 5-acre lots, later 10-acre lots, and later 20-acre lots. Mechanics were each expected to draw at least 5 acres, and if their families were large enough they could draw 10 acres. It was not a law, but a regulation. These regulations were adopted so that no man should monopolize land. Every man in the community could have a

sufficient quantity to enable him to raise what he wanted, but could have no land for speculation.

The people of Utah have been in dread of a tax for water. They do not think it is necessary. We have proved that water can be taken out and be used by the poor man without being taxed for it when the people are united and make a proper combination of effort. We have proved this, and also that large tracts of land are not necessary for the public good.

What has been done in the valleys of Utah may be done elsewhere, and the question is presented to the broad-minded men of this country whether the great sage-brush plains of the arid region shall be permitted to remain waste and unproductive, whether the great rivers and flood waters shall continue to flow idly to the sea, or whether we shall unite them and make homes for the people. That the consummation which we seek is one devoutly to be wished no one will deny.

OBJECTIONS ANSWERED.

No one will for an instant contend that to add to the wealth-producing area of this country millions of acres of productive lands is an unwise thing to do. The contention arises over the proposition to have this work undertaken by the National Government.

As proposed by the bill under consideration, however, there should be on the part of any reasonable person no objection to this. This bill does not propose to take a single dollar from the Treasury. It does not impose a dollar of taxation upon a single citizen. It simply devotes these at present valueless and barren lands to their own redemption. I shall not take up the time of the House to enter upon a discussion of the details of the bill. I shall content myself with making a brief reply to some of the objections which have been urged against it. These objections in the main are to be found embodied in the minority report made by the gentleman from New York [Mr. RAY] and in his speech of yesterday.

NO CORRUPTION OR WASTE PROBABLE.

One objection urged is that it attempts to vest in the Secretary of the Interior large and dangerous powers and places in his hands for distribution immense sums of money, and it is feared that this will result in wholesale corruption, misapplication, and waste of money.

The millions of dollars which are appropriated every year by the Congress of the United States for the improvement of rivers and harbors, for public buildings, and for other purposes must of necessity be expended under the direction of officers of the United States. I will undertake to say that in the main they are expended with the utmost honesty, care, and discretion. Among the high officers of this Government—the President and his immediate advisers, the members of the Cabinet—no matter what party has been in power in the United States, we have had, thank God, none but patriotic and honest men. I am not afraid to trust any man who is worthy to be called to fill the high office of Secretary of the Interior to honestly expend this money. It may be true that there will be occasional unwise expenditures of money, just as it is true that there is every year unwise and needless expenditure of money under the appropriation for the improvement of rivers and harbors, but in the main the money will be spent wisely. In the aggregate and in the long run it will be spent in such a way as to bring about the best results. We should not permit ourselves to be diverted from doing a wise and great work like this by the fear that occasional mistakes will be made.

NOT A RAILROAD, BUT A HOME-MAKING SCHEME.

Another objection that is made is that this is a railroad scheme to enable the land-grant railroads to have their lands benefited by irrigation works, at public expense, and then sell them at enormous prices. Such a claim is absurd on its face. The bill expressly provides that the public lands which may be irrigated by the works to be constructed are subject to entry only under the homestead laws of the United States, in tracts not exceeding 160 acres. It also forbids any person to acquire a right to irrigate more than this quantity of land, and requires actual residence upon the land. The railroad lands are not held in vast bodies, but are in alternate sections, and it is not to be expected that settlers who may procure public lands free of charge will pay extravagant prices for railroad lands immediately adjoining them.

In any event this bill is essentially a home-building and home-making proposition. It effectually excludes everything in the nature of a land monopoly, and it is an exceedingly narrow criticism of such a measure that while doing a work so beneficial that we shall incidentally enable somebody to make some money. Such a view would sweep from our statute books every protective law which we have, because, while protection elevates and dignifies the masses of the people, it also enables great corporations to prosper as well.

POWER OF EMINENT DOMAIN CONSTITUTIONAL.

It is also objected that the bill confers upon the Secretary of the Interior the authority to condemn lands and water rights, and it is said that the General Government has not the constitutional power to exercise the right of eminent domain for such purposes, and that if it had, its exercise would result in taking from private owners water rights which they already have and depriving individual States of the opportunity to irrigate their own unproductive lands.

Now, it is first to be observed that the bill does not attempt to confer the right to condemn other water rights. Its language is that where—

> In carrying out the provisions of this act it becomes necessary to acquire any rights or property the Secretary is authorized to acquire the same by purchase or condemnation.

No lawyer would contend that under this bill the vested rights of an individual to water could be taken for the purpose of giving it to some other individual or individuals. The bill does not intend anything of the sort. The Secretary must proceed in the condemnation proceedings under the laws of the State.

No State recognizes the right of condemnation of the vested rights of an individual in water for the use of other individuals. The rights and property which are permitted to be condemned are rights of way for the construction of canals, and lands for the building of reservoirs. In other words, what is contemplated is the condemnation of the means by which the storage and distribution of surplus waters may be effected, and not the condemnation of an accrued water right. That this is true is so apparent from the mere reading of the bill that any extended discussion of it, in my judgment, would be a waste of time.

But it is said that the Federal Government has no power to exercise the right of eminent domain for such purposes. Elsewhere in the minority report it is contended that the Federal Government has no constitutional power to expend money for the purpose of reclaiming its lands at all, but it is admitted that if such power exists, then the power of eminent domain necessarily follows. I shall undertake to show a little later on that the general constitutional power does exist, which, according to the admission of the minority report, will demonstrate the existence as a necessary corollary of the right to condemn.

But the General Government may exercise this power by reason of its proprietorship of the lands. Being the proprietor and owner of a vast amount of land in the various States, it has the right under the laws of those States to do whatever any other proprietor might do. Every one of these arid-land States, by express statute and often by provision of its constitution, declares that the irrigation of lands is a public use, and that the right of eminent domain may be exercised therefor.

Take, as illustrative, my own State of Utah. In the first State legislature of 1896 a law was passed which I had the honor of introducing, which declares in so many words that the cultivation and irrigation of the soil is a pursuit in which all are interested, and from which all derive a benefit; and the irrigation of land is declared to be for the public use, and the right of eminent domain may be exercised in behalf thereof.

Under well-settled rules what may be a public use in one State may not be in another. The extent and importance of the industry is to be considered. It was held in Nevada in an early case, where the subject is treated with great learning, that the mining industry being the paramount industry of the State, upon which the body of the people directly and indirectly in great measure depended, the condemnation of lands for mining purposes was a public use. These statutes in the various arid-land States have been upheld as valid wherever they have come before the courts. Under them the right of eminent domain may be exercised by the citizen for the condemnation of rights of way for canals, ditches, and reservoirs. Indeed, in the absence of all statutes it may be very well argued that the right would exist.

The old doctrine of riparian rights, one of the fixed rules of the common law, has no application to the arid region. It has been abolished by express statute in many States, but it is held in other States to be as effectually abolished in the absence of statute. Such a rule can have no application to the arid region where the diversion of water from the streams, even to the last drop, is of imperious and overwhelming necessity, and so it was early held that the reason upon which the doctrine of riparian rights was founded having ceased, the rule itself ceased with it.

In view of this necessity for the diversion of water, it may be well insisted that the right to convey water across the lands of another exists in the absence of statute. As was well said by the supreme court of Colorado in the case of Schilling *v.* Rominger (4 Colo., 100):

> Primarily, where the climatic conditions are such as exist in Colorado, the right to convey water for irrigating purposes over land owned by another is founded upon the imperious laws of nature, with reference to which it must be presumed the Government parts with its title. And although a patent may be silent in regard to conditions which, if expressly named, could have no greater force, it can not be asserted that therefore they do not exist. Subject to regulation by statute and resting upon the law of nature, it is conceived that the right to convey water over another's land is inseparable from the enjoyment of the land which the United States conveys to its grantees. This right passes with the land as a necessary incident.

But even if it were true that the Federal Government has no authority to exercise the power of eminent domain, that affords no reason for voting against this bill. If the court should determine that that particular provision of the bill is inoperative and if it were necessary in some particular enterprise to make use of private property, and the Government could not acquire the title by purchase, then it would simply result in the failure of that enterprise. Everybody knows that substantially all the unappropriated waters rise in the mountains upon public lands. The reservoirs which are to be constructed for the purpose of impounding the surplus waters will be constructed upon the public domain, so the main canals which it may be necessary to construct will almost always be on the public domain. It will rarely become necessary to make use of private property in connection with these works.

I have, speaking for myself, no doubt whatever as to the validity of this provision in the bill, but if it should turn out that this view is a mistaken one, the effect upon the general scheme is of so little consequence that it is scarcely worthy of consideration.

DOES NOT AFFECT VESTED RIGHTS.

It is further objected that the power of the Secretary is not limited to the retention of surplus waters. I have already undertaken to show that it is. When a citizen has made an appropriation of water for a beneficial use, it becomes his property as fully and completely as the land which he holds by patent from the United States. This bill does not attempt to confer upon the Secretary of the Interior the power to deprive him of his vested rights. It would be absolutely void and worthless if it did.

NO CONFLICT BETWEEN NATIONAL AND LOCAL CONTROL.

But it is said that the bill contains conflicting provisions; that it contemplates a divided control; that as soon as a major portion of the lands to be irrigated under any particular enterprise has been paid for, the control, the management, and operation of the irrigation works shall pass to the owners of the lands, but that the title to and the management and operation of the reservoirs and works necessary for their protection shall remain in the Government. The two provisions are absolutely distinct and are absolutely consistent.

The title and control of the reservoirs themselves and the works incident to their maintenance, namely, the dam and headgates, remain in the General Government precisely the same as the ownership of a navigable lake or a river remains in the public, but the canals and the lateral ditches by which the water is diverted and applied to the land are under the control, ownership, and management of the users of the water just as the canals and ditches taken from a public lake or public river would be under their control, and no more confusion can result in the one case than has actually resulted in the other.

But it is said, further, that the laws of the State or Territory relating to the control, appropriation, and use of the water are not to be interfered with, and this will result in still further confusion. The confusion is in the mind of the objector and not in the bill. No more confusion will result from the use of these waters under the local laws and regulations of the State than have resulted by the use of other waters or property.

The fact that the title to a lake is in the public, the title and ownership and control of the canals leading from it is in the proprietors of the water, and that the appropriation and use of the water is under the State law has never resulted in any sort of confusion. On the contrary, if the appropriation and use were not under the provisions of the State law the utmost confusion would prevail. The full domination and complete ownership of a tract of land is in no manner injuriously affected, because its title must be acquired and disposed of and it must be occupied and held under and in accordance with the law of the State.

COMPETITION WITH EASTERN FARMERS.

The most unworthy objection that is urged to this bill is that it will bring more lands under cultivation in the West which will come into competition with the farmers of the East. It is the old appeal to selfishness in a new form. It is the old song of the mossback set to new music. It is the same old narrow cry based upon the same old narrow reasons that made the illiterate freighter of the "forties" object to the railroad and the locomotive for fear of the competition with his mules and horses, and that caused the sailmaker to look upon Robert Fulton as a public enemy. The objection, in the exact language of the minority report, is as follows:

If we add millions of acres of productive land to our national possessions we shall surely diminish the value of the present farming lands throughout the Union, and we shall open new areas in the Far West to compete in production with the farmers in the South, East, and Middle West. The people in these sections will not consent, and ought not to consent, to pay from the public Treasury for the construction of such public works, which, even if successful, will work injury to their interests.

Such an objection is particularly unworthy upon the lips of a Republican who has been taught that the unceasing development of all our resources is the very gospel of his party. No man need fear the effect of developing the natural resources of this country.

I commend to the minority of the Irrigation Committee that famous quotation from English literature, the words of Dean Swift:

And he gave as his opinion that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together.

If he who makes two blades of grass to grow where there was only one before is better than a politician, surely the nation which causes two fruitful farms to flourish in the desert where before there was only one is entitled to our highest praise. There is an old and homely proverb of the poor, based upon the simple faith of humble folk, that God never sends mouths into this world without food to fill them. My own observation is that the converse of that proposition is more nearly accurate—that God never sends food into this world without mouths to consume it. So long as children in the great tenement districts of our great cities continue to go in tears to supperless beds; so long as the gaunt figure of famine continues to affright the millions of India and Russia, there is no fear of any excessive production of food stuffs in this country. Reduced to its last analysis, it is not only a selfish but a shameless argument.

But aside from the selfishness and narrowness of the argument there is absolutely nothing in it. When the facts are understood it will be seen that the lands can not be brought under cultivation so rapidly or in such bodies as to constitute the slightest menace to the Eastern farmer.

The arid West has an area greater in extent than that of the original thirteen States, but its physical characteristics are such that under the most favorable conditions not a tithe of the lands can ever be brought under cultivation. My own judgment is that it is an extravagant estimate to say that more than 60,000,000 acres can ever be supplied with water, and this can be done only in the course of more than half a century.

It is estimated that the income from the sale of public lands will be about $2,000,000 per annum. The labor of constructing these storage reservoirs and the works incident thereto is necessarily one which will occupy many years. The sites are to be surveyed, selected, designated, plans are to be drawn, and after that the works themselves constructed. With a comparatively small amount in the hands of the Secretary of the Interior at any one time, there can, of course, not be many of these enterprises under construction at the same time. After the works are constructed, the lands themselves are to be taken up and to be prepared for tillage. All this consumes time, and much time.

It is perfectly safe to say that, under the most favorable conditions imaginable, after the work shall be begun these lands can not be brought under cultivation in a greater quantity than one-half a million acres per annum. There is no menace in this to the farmers of the East. This quantity of land will only partially take the place of the vastly larger quantity that has been added to the cultivatable area by the location upon lands in the humid region and upon available lands in the arid region in the past.

The settlement of this class of lands is now almost at an end. The lands to be taken up under the provisions of this bill will not begin to equal in quantity that which has been taken up heretofore under the public land laws. The farming in the arid region is necessarily of an intensive character. It does not pay the agriculturist of Utah to own vast areas of lands which he is compelled to irrigate foot by foot. He must of necessity cultivate small farms and make the very most possible out of his crops. He therefore cultivates the sugar beet and other crops which can be utilized in his immediate vicinity.

He is at a great distance from the general market and can not compete with the Eastern farmer, first, on account of the freights, and, second, because he can not raise his crop so cheaply. One of the great crops of the arid region is to-day and will continue to be alfalfa, which supplements the range grasses for cattle feed. This is a crop which does not in the slightest degree come into competition with the Eastern farmer.

I do not think even the farmers of the East object to an increase in our beef cattle. Certainly the market for this product which we have to-day would be better for a considerable addition. The more cattle we raise in the West the less trouble you will have with the beef trust in the East.

THE BILL IS CONSTITUTIONAL.

Another objection which is urged to the bill is that it is unconstitutional. This objection is strenuously insisted upon by the distinguished gentleman from New York [Mr. RAY], chairman of the Committee on the Judiciary. If such an objection came from the mouth of a less able man it would not be worthy of a moment's notice. When other reasons fail—when other arguments are seen to be weak—the Constitution is appealed to. It is the dernier ressort of the legislator who thinks he is opposed to a measure, but who does not exactly know why. The objector paraphrases the rule laid down by Hoyle, "When in doubt, play the Constitution."

The minority report insists that under the Constitution Congress is given the power to dispose of and to make all needful

rules and regulations for the territory and other property of the United States. It is said that this is the limit of our power. We may dispose of the lands, but we may not improve them. Our friends have gone back to the days of Jefferson and Calhoun for their political arguments. Jackson himself never insisted upon a more narrow construction of the Constitution. We of this day and generation have been taught that it is not necessary that the Constitution should confer in express and precise terms the authority for doing a particular act. We understand that there are implied powers in the Constitution. A general grant of authority having been made, the means by which it is to be carried out are left to the judgment of Congress.

CONSTITUTION TO BE BROADLY CONSTRUED.

The Constitution was not made for the farmers, the fishermen, and the hunters of the thirteen original States alone. It was never intended to chain the hands of future generations of millions of restless workers in the manifold pursuits of forty-five, soon to be forty-eight, sovereign States by the strict and literal interpretation of its general language. The fathers gave us the Constitution written in broad and comprehensive terms. They pointed out to us the ultimate results which we were permitted to accomplish, but they left to the future Congresses the power to determine by what means these results should be brought about.

So long as those means are not prohibited by the express language of the Constitution and are, in the judgment of Congress, reasonably adapted to the accomplishment of the results which are permitted, they are constitutional, and are so recognized by all sound constitutional lawyers. In other words, the Constitution declares *what* we may do, but not *how* we shall do it. The framers of that instrument drew upon the canvas certain broad, general lines, leaving it to the lawmakers of the future to fill in the details of the picture. The Constitution gives Congress the authority to regulate foreign and interstate commerce. This is the ultimate thing which we are permitted to do. How we shall do it, when we shall do it, is left to the wisdom of Congress.

We appropriate vast sums of money for the improvement of the Mississippi River; we build great locks in the Sault Ste. Marie; we dredge the harbors at New York and Boston, all under this general grant of power to regulate commerce. We go further than this. We have improved rivers and streams where it is the merest pretense to say that any useful purpose of navigation was subserved. It simply furnished water for the operation of flour mills somewhere or protected lands from overflow. Under the general grant of power to dispose of and make all needful rules and regulations for the territory and other property of the United States, in my judgment we have the authority to put these lands in a condition to be disposed of.

In the public lands of the United States, as it has been many times decided, the Federal Government is both a sovereign and a proprietor. In its sovereign capacity it may protect the lands and punish trespassers by imprisonment. As a proprietor it may sell, withhold from sale, or give away the lands. It is the owner and proprietor of these lands, but being also a sovereign, it is its duty as proprietor to deal with them in the highest and best way for the benefit of the people. If the lands are barren, unproductive, useless, so that they can not be made of benefit to the people, can not be disposed of without improvement but may be made valuable and a vast benefit to the entire people by improvement, is it possible that this sovereign power by the strict letter of the Constitution is bound to condemn this vast domain to perpetual aridity?

UNDER STRICT CONSTRUCTION BILL IS CONSTITUTIONAL.

But, in my judgment, it is not necessary to antagonize the position that our authority is limited strictly to a disposition of these lands. What we propose by this bill is to dispose of the lands. It will not be disputed—it has been repeatedly determined, not only by the courts but by the uniform practice of the legislative department—that the power of Congress to dispose of the public lands is plenary. We may give them away upon certain conditions to individuals, as in the homestead laws.

We may give them to private corporations under certain conditions, as in the Pacific railroad grants. We may cede them to the States with or without conditions, as in the various enabling acts by which the territories were admitted into the Union. We have a right to grant the public lands within any State directly to the State, upon condition that the proceeds shall be used for the maintenance of common schools. We have done so repeatedly. We have the power to grant every foot of the public lands in these thirteen arid States to those States respectively, upon condition that the proceeds arising from their sale shall be devoted to the building and maintenance of irrigation works. Thus far there can be no question. No one will dispute it.

If we can thus dispose of the lands directly for irrigation purposes, upon what theory can it be contended that we may not first convert the lands into money and dispose of the money directly arising from their sale for the same purpose? But to insist that we may dispose of a thing directly but may not convert that thing into something else and then dispose of that something else is the cheapest and most idle sort of quibbling. If I empower my friend to dispose of a horse—to sell, to give away, to hire it—in short, to do with it what he likes, and he chooses first, to convert the horse into money and then dispose of the money, is he not strictly within my grant of power?

The plain statement of some propositions are their own best refutation, and this, in my judgment, is one of them, and I shall not discuss it further.

NEW ENGLAND OBJECTIONS.

Mr. Chairman, the objections which are urged to the passage of this bill in the House are duplicated outside. A few years ago in that center of culture and refinement and correct pronunciation, but of occasional general misinformation, the city of Boston, some learned professor insisted that if the irrigated area of the West received any considerable addition it would result in increasing the severity of the winters in New England. His idea seemed to be that the result upon the climate would be about equivalent to moving New England up to Labrador.

Last summer, when this subject was again being discussed by the country, another gentleman, probably also a professor, took the position that the intense heat which prevailed throughout the New England States was occasioned by the irrigation in the arid region. He demonstrated it by learned and labored arguments.

We are therefore blamed for the extreme of winter cold and summer heat as well. We are the modern giant killer, who warms his fingers and cools his porridge with the same breath. We bring about exactly contrary results by the same means.

These are samples, though they may not be very fair samples, of the reasons that have been urged against the further extension of the irrigated area.

THE BILL IN HARMONY WITH REPUBLICAN PRINCIPLES.

Mr. Chairman, I can not believe that any considerable opposition will be made to this bill upon the Republican side of this Chamber. The party which gave us the homestead law, under which millions of comfortable homes have been established upon the public domain, will not halt when the opportunity is presented of duplicating that splendid achievement. Some gentlemen say that sometime we should pass some such law as this, but that we should not pass it now. I beg them to remember that "he gives twice who gives quickly." The work which is to be done under this bill is not the work of a year or of ten years, but of half a century. If it is to be *done sometime*, it should be *begun now*.

The Republican party has presented to it by this bill an opportunity which comes to it at rare intervals—to lay the foundation for another monument to its genius and foresight. Surely it has not lost the ability to look into the future and see how splendid a monument it will be. The millions of people who shall inhabit that region in years to come will not fail to remember with gratitude the party whose generous action made it possible for them to do so.

We have written in our platform a distinct pledge to pass legislation of this character, and the Republican party has always gone with the unerring flight of a rifle bullet from promise to performance. Year after year and decade after decade it has gone steadily on with scarcely an interruption from achievement to achievement. It has written across the South, "Restored and reunited." It has made the Atlantic seacoast musical with the hum of machinery. It has filled Pennsylvania, Ohio, and West Virginia with the smoke and flame of industry and the rumble of rolling cars. It has spread upon the Great Lakes of the North a commerce mightier than that which plows the seas. It has given the Middle West a home market for its products, the greatest and the surest and the richest the world has ever seen. Only the great Arid West remains to be cared for.

For more than half a century she has stood there among her lofty peaks and her vast solitudes slowly, painfully, but patiently working out her own destiny, pouring into the lap of the East the mighty stream of her gold and silver to fructify and keep alive the fields of commerce and labor and industry. It is, after all, a little thing which she is asking now. Only that she may be permitted to use her own resources for her own redemption.

I appeal to you, my colleagues of the majority, to give it to her, not grudgingly, not reluctantly, not with doubt and suspicion, but with open hand, generously and unreservedly, as becomes a a great party, and let us write across the face of the desert, "Increase and multiply." [Applause.]

Mr. SHAFROTH. Mr. Chairman, I move that debate on this section and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Colorado moves that debate on the pending section and amendments thereto close in five minutes.

Mr. HOPKINS. Mr. Chairman, I move to amend that by making it thirty seconds.

The CHAIRMAN. The gentleman from Illinois moves to

amend by making it thirty seconds. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Colorado as amended by the amendment of the gentleman from Illinois.

The question was taken, and the motion agreed to.

Mr. SHAFROTH. Mr. Chairman, the bill under consideration provides that the proceeds arising from the sale of public lands in the arid-land States and Territories shall be used by the Secretary of the Interior as a fund for the purpose of constructing reservoirs and irrigation works for the reclamation of the public arid lands.

It further provides that after the construction of such irrigation works the cost thereof shall be divided among the acres to be irrigated, and before title can be obtained for the land from the Government the proportionate cost must be paid in ten annual installments.

It further provides that the homestead laws shall be applicable to all of the lands to be irrigated, provided the settler pays the proportionate cost of construction of the irrigation works.

The reclamation of the arid lands of the West has been agitated for many years, and has at last culminated in the provisions of the pending bill. I wish to discuss the question involved therein, first, as to the necessity for action of this character; second, as to why the National Government should act; and, third, the result of such action.

I. NECESSITY FOR ACTION.

The homestead laws of the United States were framed to apply to those lands which receive sufficient precipitation of water to raise ordinary crops. They did not contemplate settlement upon arid lands, although they could be and were made applicable to arid lands in the early history of the West. The homesteader could then locate upon 160 acres lying contiguous to a stream and by constructing an irrigating ditch from the stream a short distance above conduct water for irrigation to his land, but all such lands have now been settled, and the only lands open to the homesteader are far removed from the streams and so situated that it would take many miles of ditching to tap the streams sufficiently high to bring water to the lands. The cost of getting water to such lands is more than a hundred times the value of the land, and hence beyond the possibility of the ordinary settler.

The natural flow of water in the streams in the arid West has already been appropriated, and hence there is left only the storm and winter waters, which can be stored in reservoirs and when needed in summer used for irrigation purposes. Inasmuch as the flood and winter waters, which now go to waste, constitute about four-fifths of the entire flow in the streams, it can readily be seen that their storage and utilization could reclaim about four times the area which is now under irrigation in the arid region. As nothing but disaster can come to the man who locates a homestead upon the arid lands beyond the limits of irrigation, and as the cost of bringing water to such lands is far beyond his or the combined means of settlers without capital, it can readily be seen that the limit of development in agriculture has about been reached in the arid region unless some such measure as this is enacted into law.

The necessity for such action is apparent also from the fact that many Americans are now moving to British Columbia for the purpose of taking advantage of the cheap public lands of that province open to settlement. It has been estimated by a reliable Denver paper that 50,000 Americans have gone to Canada this year for the purpose of availing themselves of the benefit of the cheap public lands there located.

The necessity for some action of this character is so universally conceded that the great political parties in national convention assembled have declared in favor of the reclamation of the arid lands by the National Government.

Unless we wish no development in the arid region of the West, unless we are willing that the people of the United States should seek other lands, unless we are willing that our people should develop foreign countries, unless we are willing that our natural greatness shall be dwarfed, we must enact some measure of this character for the development of that vast territory lying west of the one hundredth meridian, which constitutes nearly one-half of the area of the Union.

II. WHY THE GOVERNMENT SHOULD ACT.

Since the natural flow of the streams in the arid region has already been appropriated, it is impossible for a settler to reclaim Government land. The cost of constructing a reservoir and conducting the water stored therein to his land would be so enormous compared to the value of his settlement that it becomes an impossible task. As settlers are always poor, a combination of them would be equally unavailing.

The reason private corporations have not made a success of irrigation enterprises is because they have never been able to control both the water and the land. The Government land not being open to location by a corporation, such companies have not been able to acquire land and thus receive the benefit which follows from the application of water to land. As the Government has the title to the land, and desires that it should be occupied by the actual settlers, almost the only way success can be attained is by the Government constructing the reservoirs and disposing of the land and water to the settlers.

The National Government owes a duty to the State which does not seem to be appreciated by many of the members of this House. The United States has never acquired territory for the purpose of holding perpetual title thereto, except those small tracts of land used for governmental purposes. The object of the United States in the purchase of territory has always been the acquisition of political sovereignty and the incidental benefits which arise in the increase of wealth and population, which in the end yield enormous sums in taxation.

Inasmuch as it is the law that all property of the United States shall be exempt from State and county taxation, it can readily be seen that a great wrong is perpetrated against the State if the Government holds in perpetuity lands within the limits of the State, and a great wrong is perpetrated if the settlement laws are so framed that they are not applicable to the arid region and therefore produce no settlement of such public lands.

It is recognized that generally thirty years' exemption from taxation equals the value of the land. It can therefore be seen that in the fifty-five years' exemption from taxation of Government lands in the West the States have suffered a loss of nearly double the value of the lands.

The State and county governments of that region are compelled to levy taxes on the lands in private ownership far in excess of what would be required if the Government's lands were liable to taxation.

It is not right to the State and county governments of that region that they should maintain government over all of those lands, patrol the same, establish roads and bridges over the same, and yet receive no return from the proprietor of three-fourths of the lands. Ninety-six per cent of the real estate of the State of Nevada is public lands. You can readily see that as 4 per cent of the lands must bear all the burdens of State, county, and school government, while 96 per cent of the lands are free from taxation, the law produces a great injustice to the State of Nevada. The same injustice in a less degree is perpetrated against every other State in the West.

On account of this condition, it is plain that the United States Government owes a duty to the States, not to hold in perpetuity its lands, not to refuse to make settlement laws that are applicable to that region, but to proceed to put its lands in such condition that as much of the public domain as possible may be irrigated and become producing farms, so that the States may get some return in taxation for the State and county governments extending over the same.

The National Government also owes a duty to its own people to give them the opportunity of building homes. There is no factor that enters so much into the creation of good citizenship as the home. Its influence for good is far-reaching in its consequences. To convert its absolutely worthless land into fertile farms, by which millions of its citizens can live in comfort, is the highest duty of the Government of the United States.

It is not fair that the West should be compelled to contribute for the enormous river and harbor improvements, for the building of great fortifications on the seaboard, and for the construction of the costly battle ships and cruisers of the nation, without receiving in some way appropriations that will assist its development.

The river and harbor improvements are worth nothing to the West. The fortifications, battle ships, and cruisers are not for our protection. The combined armies of the world, even if they could effect a lodgment on our coast, could never penetrate into the interior of our country. But we do not begrudge the expenditures for the proper protection of our seacoast cities, nor for the development of our ocean and river commerce. But you should recognize that when you get so much in the way of appropriations for the East you should be willing to give us something for the development of our own States, which will result in far greater benefit to the nation at large than ten times the amount expended in the improvements of rivers and harbors. For these reasons, it seems to me, the Government should act.

III. RESULT OF ACTION.

West of the one hundredth meridian there are 600,000,000 acres of public arid lands. These lands are practically worthless unless they can be reclaimed for agricultural purposes. When reclaimed they become the richest and most productive lands in the world. The converting of lands that are worthless into farms that produce more bountifully than any wilds known is bound to result

in the building up of great States with great population and with enormous wealth.

It is estimated by the Geological Survey that 60,000,000 of acres of this arid and worthless land can be reclaimed by the construction of reservoirs, as contemplated in this bill. The converting of 60,000,000 acres of worthless land into that number of acres of the most fertile land in the world, with its increase in productive power from nothing to rich yield, is sure to produce a marvelous development in that region. It has been estimated by the Geological Survey that the lands so reclaimed are capable of supporting a population of 50,000,000 of people.

Fifty millions of Americans, contented and happy, upon lands yielding bountiful crops, will be a marvelous result when you consider that the lands are now the home of the prairie dog and coyote. What a market for the Eastern manufacturer will these 50,000,000 people make, with their enormous consuming power. Such a trade will be worth more to the manufacturers of the East than the entire trade of the Orient with all the world.

How shortsighted it is to attempt to acquire and develop territories occupied by alien races, with very little consuming ability, when we have such a promising field within the borders of our own country.

WHAT COMPETITION WILL BE CREATED.

It has been contended by the gentleman from Iowa [Mr. HEPBURN] that the products from the lands reclaimed will come in competition with those of the farmers of the Middle West, and therefore the bill should not pass. Where would Iowa be to-day if the Government had not pursued a liberal policy with relation to the settlement of the lands of that and other Western States? It has given to the people of those States the opportunity to take up lands for nothing, or at nominal figures, which required no expenditure to speak of to develop into productive farms.

Was it not a wise policy upon the part of the National Government to so frame its land laws as to develop the State of Iowa? Would not people of the East have been justified by fear of competition to have retarded settlement in Iowa by illiberal land laws if they are justified now by apprehension that competition will arise between the farmers of the arid region and those of the East? The Government can not afford to dwarf any portion of her domain.

But, sir, on account of the high freight rates existing between the arid region and the Eastern market, it is to the interest of that section to principally raise crops that will not compete with the farmers of the Middle West.

The great crop of that region is alfalfa hay, which is too bulky to be shipped, which is fed on the farm to cattle, which in turn are shipped to the cornfields of Kansas and Nebraska for fattening before being further shipped to the packing houses for beef. Over one-half of the value of the agricultural crops of Colorado is from the production of alfalfa. Of the $16,970,588 of agricultural products raised in Colorado, the sum of $8,159,279 was from alfalfa.

The tendency in the arid West is to raise those commodities which can be consumed at home or which do not come in competition with products of the East, because it is to the interest of the farmers there so to do. The people of my State are now increasing enormously the production of sugar beets, which are manufactured into sugar in the localities where they are raised, the sugar being sufficiently valuable to warrant the payment of freight rates to the East. In other portions of the arid region oranges, lemons, olives, and grapes are raised, and although they are shipped East they do not compete with the products of the Eastern farmers.

The three great staple products of the United States are corn, cotton, and wheat. Very little corn can be grown in the arid West, because of the cool nights that prevail there, caused by the altitude of that region. Not only warm days, but warm nights are essential to the development of corn, and it is impossible to produce corn to any extent without these conditions.

No cotton whatever is raised in that Western country for the same reason. It takes heat to produce cotton, and it is not there in sufficient degree.

We raise in the arid region some wheat, most of which is consumed at home, but some of which is shipped to the East. What is the extent of the competition which that wheat makes? Everyone recognizes as to a commodity which we export from our shores that the price of that which is exported fixes the price of all which is consumed in our country. The price of the exported commodity can not be less than the home price, because if less there would be a loss on every shipment. Under such conditions there is always a world's market that determines the price of such a product, and the world's price is fixed with relation to the demand for and supply of that product in the entire world.

It is recognized that the world's market for wheat and cotton is in Liverpool, England. In any part of the United States one can ascertain the price of wheat or cotton by deducting from the Liverpool price the charges of transportation to that market.

It can readily be seen, therefore, that what competition may be created by the raising of wheat by irrigation under the development produced by this bill will not be in the proportion which the amount raised in the arid region bears to the amount produced in the other States of the Union, but will be in the proportion which the amount raised in the arid region compares to the total amount produced in the entire world, and hence the competition created by growing a world's product must be infinitesimal. There is no more competition against the Eastern or Middle West farmers in the raising of wheat in the arid region than there is in the production of wheat in Canada. Both have to seek the Liverpool market for the price, and in the fixing of that world's price it is immaterial whether the wheat comes from the arid region, from Canada, from Argentina, or from India.

How foolish it would be for this country, in fear of competition among ourselves, to retard the development of the arid region of our own country while the development of Canada and other countries is progressing with rapid speed, and when the competition caused by the foreign wheat would be just as great as the competition produced by the raising of wheat in the arid region.

Although the result in the development of the West from the provisions of this bill will in the far future be great, yet it is bound to be very slow. All public works of the Government are constructed slowly, and consequently the area reclaimed each year relative to the acreage in the humid climate of our country is bound to be infinitesimal.

It is for these reasons, Mr. Chairman, that I am in favor of the passage of this bill. There is an absolute necessity for action in the reclamation of these arid lands. The Government is the only agency through which this action should be taken.

The result of such action is bound to make the arid part of the United States in the future not only one of the richest, but one of the most populous portions of our glorious Union.

Mr. NEEDHAM. Mr. Chairman, the consideration of this measure marks an epoch in the legislative history of our country, among the most important, especially as to internal policies, in the whole history of the nation.

The President, in his last annual message to Congress, was entirely justified, in my opinion, when he stated: "The forest and water problems are perhaps the most vital internal questions of the United States." We have had much to do and to say, during the last few years, relative to our nation's policies abroad, and while I do not wish to in any way minimize the importance of these external policies, still I confess to a feeling of gratitude that we are now considering a question which means so much to the internal growth and development of our country.

For years Western members of Congress have been working in season and out of season to bring to the consideration of both branches of Congress the question of irrigation in its national aspects. These efforts were looked upon by a great many people as futile, and ofttimes with ridicule, and by but few with much hope of ultimate success. However, when the two great political parties in their national platforms of 1900 adopted planks favorable to the national irrigation movement, the first great step was taken. The Republican platform adopted at Philadelphia upon this subject reads:

> In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

The Democratic platform reads:

> We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

These declarations, made by the two great political parties of the country in their last national conventions, should not be, Mr. Chairman, by members upon either side of this Chamber lightly considered. These declarations were deliberately made. They were made as the result of a movement which had been going on for a number of years and which had increased in power until it had compelled national recognition. I can not but assume that the members of both political parties occupying seats upon this floor will give to the declarations of their party conscientious consideration with a view to meeting its demands and promises.

The second great step in this movement—and I speak now particularly of the movement looking toward legislative recognition—was when the President, in his last annual message, treated so fully and ably of this great question. I wish to commend the language of the President to the most careful consideration of every individual who may have any doubts whatever upon the policy of the United States entering upon this subject. I do not believe that there was ever crowded into so short a space an argument so cogent and reasons so forcible for the enactment of the legislation under consideration as are contained in the message of the President, and I will append as a part of my remarks that portion of the message referred to.

Mr. Chairman, the two principal arguments urged against the present bill are, first, that the bill itself is unconstitutional, and, second, that it will so increase the arable area of the United States as to disastrously affect the farmers of the East. There are other arguments urged against this legislation, but the two just named are those particularly relied upon by its opponents to bring about its defeat.

As to the first argument—that is, that it is unconstitutional—it is appropriate to say that this argument has been brought forth against every measure that was ever proposed that contemplated a departure in legislation from fixed policies theretofore followed. The argument that a specific measure is unconstitutional is one of the most familiar heard upon this floor. It is invoked by those who are opposed to legislation probably the most frequent of all arguments. It is a scarecrow set up before timid minds to deter action and to postpone consideration.

The claim that a specific measure or that the inauguration of a proposed policy is unconstitutional is one of the stock arguments of technical minds and hairsplitting constitutional lawyers. One thing is sure, and that is that there is at least doubt upon this subject. The policy itself is wise, is beneficial, is necessary; and conceding, for the sake of argument, that there is doubt of its constitutionality, what objections can the opponents of this measure raise to its enactment into law? If it is unconstitutional, it will be so declared. But we do not for a moment admit that the measure is unconstitutional. From the foundation of the Government Congress has enacted legislation for which there can be found no express warrant in the Constitution. As has already been said in this debate, if the interpretations of the strict constructionists are to be followed, we would have no power to organize and maintain an Agricultural Department, no power to maintain experimental stations or farms, no power or warrant in the Constitution to measure streams, none to investigate the various forms of plant and animal life. If we are to accept the ideas of those who take the narrow constitutional view, Congress has no power to establish a Geological Survey, no authority to improve rivers and harbors, no warrant for the examination and classification of our public lands, and yet Congress has been doing all these things for years.

Congress has power to dispose of and to make rules and regulations respecting the territory of the United States, and it has power to promote the general welfare. If by the inauguration of a system of legislation we can better dispose of the territory of the United States—its public lands—we are warranted in believing that we are within our constitutional powers. But, Mr. Chairman, if the making arable of 70,000,000 acres of the public lands now worthless, uninhabited, and practically barren of both animal and plant life is not a promotion of the general welfare, then I am at a loss to understand what the National Legislature can undertake to do that would to a greater extent carry out this express warrant of the Constitution. The reclamation of this 70,000,000 acres of the public domain is not confined in its effect to this area alone, but it adds immensely to the wealth and producing capacity of the area immediately adjoining. That is to say, the result of this policy will bring into greater use the whole arid region.

The 70,000,000 acres which it is estimated can be brought under irrigation will be used in intensified farming, and being used in connection with the balance of the public domain not capable of actual reclamation will immeasurably promote the wealth and population of the whole arid and semiarid region of the United States, a section of our country which, exclusive of Alaska, occupies one-third of the territory of the country. If the settling up of one-third of the area of the United States; if the making of homes out of territory of the United States now practically uninhabited; if the division of this vast territory into small farms upon which will be American citizens contributing their share of the taxes to the States and to the country; if the inauguration of a policy which will bring about these results is not a promotion of the general welfare, then I am at a loss to understand what action could be taken by this body that would in a greater degree carry out this express warrant of the National Constitution.

Now, as to the second principal argument against the enactment of this legislation—that is, that its adoption will increase the arable area of the United States to such an extent as to injuriously affect the farmers of the East. It is difficult for me, Mr. Chairman, to have any patience with those who bring forth this argument. It is unworthy this great legislative body. I can not understand how any intelligent legislator will seriously urge it. An analysis of this contention will show its absurdity. If the bringing of further land within our national domain into competition with the Eastern farmers would have seriously affected them, then the acquisition of the Northwest Territory, every acre of which is in a humid climate, fertile and immensely productive, was a blunder; and the purchase of the Louisiana territory, bringing as it did the whole Mississippi Valley under our dominion, an empire afterwards erected into prosperous and fertile States, was a still greater mistake. The addition of these immense tracts to our national territory opened up profitable markets for the people of the East, tended immeasurably to diversify our industries, giving to the East an immense impetus to the growth of manufacturing industries, the West being given over particularly to agricultural pursuits, thus creating an interchange of commodities between the two sections mutually advantageous and profitable.

In the light of history, will anyone contend that the bringing under the flag of the Northwest Territory and the Louisiana purchase was in any way inimical to the interests of the Eastern section of our country? The mere statement of this argument, Mr. Chairman, it seems to me, shows its absurdity. If it had any foundation whatever it would be equally as sensible for us to contend that our country would be better off to-day—more prosperous—if it were still composed of the thirteen original colonies.

The farming lands of the Northwest Territory and of the Louisiana purchase are somewhat similar to the farming lands of the East. The products of the soil of these three sections are to a more or less extent similar. Therefore, as a matter of fact, these sections necessarily compete with each other. But, Mr. Chairman, the land which will be brought under cultivation in the arid and semiarid region, if the bill under consideration passes, is very dissimilar to that of our Eastern farms.

The products of land raised by irrigation are necessarily of a different class and character from the products raised from land without irrigation. Therefore, the land which will be brought under cultivation by this measure will be much less in competition with the farms of the East than any lands that have heretofore been added to our farming domain. Products of the West raised by means of irrigation are largely fruits, vegetables, and alfalfa. Alfalfa is used, of course, exclusively for feed for stock, especially cattle. There is confessedly not a sufficient supply of beef cattle to meet the legitimate demands of our country. The same is true of fruit and vegetables; so that upon the face of matters it is seen that of the principal products which will come from the irrigated lands of the West the supply is unequal to the demand. Therefore, the slightest analysis of the question conclusively shows that the fear of the Eastern farmers that the opening up of lands in the West to farming by means of irrigation will bring them into injurious competition with them is utterly unfounded, and I suggest in all candor that their representatives upon this floor should resort to some argument more worthy of consideration.

Then, again, Mr. Chairman, so far as the staple products are concerned that are raised in the West, especially on the Pacific coast, they have never come into competition with similar products raised in our country east of that section. For years California, until irrigation became more general, was one of the leading wheat-producing States of the Union. Yet our wheat never came into competition with the Eastern wheat farmer, because the wheat raised on the Pacific coast has mostly thus far found a market in Europe. Liverpool has always been the market of the California wheat farmer. The broad Pacific will always be the pathway upon which will be carried the staple products of the Pacific coast and the Far West. The sailing vessel can carry these products much cheaper to the markets of Europe and Asia than can the iron horse to the markets of the eastern portion of our country, and thus eliminate all fear of competition in these products. Up to this time the chief market of the Pacific coast for its staple products has been Europe, but the markets of Asia and the Orient are becoming more and more inviting; their possibilities can hardly be overestimated. These markets naturally belong to the Pacific coast, to our Western farmers.

The impression that eastern Siberia has large tracts of fertile land whose products threaten oriental competition with the agricultural products of the Pacific coast is not founded on fact. Americans who have lived in that country for years and who have made a study of its resources and American consular officers familiar with eastern Siberia unite in the statement that that vast region is not adapted to successful wheat culture and that any fear of competition in agricultural products may be dismissed from the American mind.

In the advance sheets of the Consular Reports, No. 1278, issued by the Bureau of Foreign Commerce under date of March 1, 1902, Richard T. Greener, American commercial agent, writing from Vladivostock, Siberia, under date of December 31 last, says:

> At present there is no great demand for American machinery. The market is well stocked, crops are bad, money is scarce, the Government is closing down on credit, and the condition of the Siberian peasant farmer is deplorable. Efforts are being made to teach the peasant how to farm. In the United States the foreign immigrant learns by every day example rather than by theory. The Siberian peasant is not used to severe and unremitting labor. He has few wants and many holidays. Lately some highly colored reports have reached us from America as to what Siberia was capable of doing in an

agricultural way. It is suggested that American flour mills on the Pacific coast will soon be closed in consequence of the millions of acres here ready to be devoted to cereals. An uncertain climate, imperfect machinery, and unreliable labor are not factors for successful competition with the United States.

Notwithstanding the cheap transportation offered emigrants and the development of virgin soils, famine seems a periodical visitor, and it is here to-day. The central governments are literally besieged with clamors for bread, for medicine, for work, grain, hay—anything. Tomak, Perm, Kerson, Yaronej, Khalkinsk, all join in this demand. It is safe to say that the United States need have no immediate fear of competition from this quarter, whether it be in grain or machinery, canned goods or cotton goods, production of gold or building of ships.

Mr. Greener has been stationed at Vladivostock for several years and speaks authoritatively of local conditions.

In advance sheets of Consular Reports, No. 1353, Henry B. Miller, American consul at Niuchwang, Manchuria, referring to the growing popularity of American flour, writes as follows, under date of March 4, 1902:

The result of the year's trade shows that American flour is increasing in popularity even in this great grain-producing country, where corn, wheat, millet, and beans grow to perfection. The first considerable shipment of flour to this port was in the year 1899, when the quantity imported amounted to 104,854 haikwan taels ($75,547). The following year, on account of the troubles in China, this amount was increased to 231,957 haikwan taels ($167,171). This greatly augmented importation, due to the abnormal conditions, led to the prediction that there would be a considerable falling off in future imports, but the amount brought in during the year 1901—176,821 haikwan taels ($129,243)—indicates that the Chinese desire for American flour has become permanent, and that it will continue to be imported in increasing quantities.

It will be seen that two strong facts stand out clearly: First, the inability of eastern Siberia to compete with Americans in the oriental trade for food stuffs; second, the growing popularity of American flour in Manchuria.

It will therefore be conceded, I take it, that the demand of Europe and the Orient for the staple products of our Western and Pacific coast section is ample to absorb the whole surplus.

Then again, Mr. Chairman, the growth of the irrigated area of the United States shows a decrease in the production of staple products. Two of the foremost products of the great Middle West are wheat and corn. Now, I take it that the State of California probably shows as much progress in the matter of irrigation as any other State in the Union, and our State shows a decrease during the last ten years in the amount of wheat and corn raised.

The census statistics show that in the State of California the acreage in wheat from 1889 to 1899 decreased 5.5 per cent, while the acreage in corn shows the large decrease of 23.3 per cent. There is also in this State, relatively, a large decrease in the number of bushels of these products produced during this decade, there being over 4,000,000 bushels less of wheat produced in 1899 than in 1889, and about a million less bushels of corn produced between said years. While this large decrease, which necessarily will probably become greater and greater as the irrigated area increases, particularly in the amount available for shipping, there will be a corresponding increase in the acreage planted and output of fruits, vegetables, and alfalfa. I will append to my remarks, without taking the time to read, some tables of the last census which further illustrate just what I have referred to.

Now, Mr. Chairman, I have attempted to show, within the short time at my disposal, first, that the present bill is not unconstitutional; and, second, that it will not injuriously affect the interests of the East.

What are the provisions of the bill under consideration? Briefly, it provides that all moneys received from the sales of public lands in the States and Territories in the arid and semiarid regions, excepting the 5 per cent set aside by law for educational purposes, shall be reserved and set aside as a special fund to be known as the "reclamation fund," to be used in the examination and survey, and for the construction and maintenance of irrigation works. The Secretary of the Interior is directed to make examinations and surveys for and to locate and construct irrigation works and pay the cost thereof out of this fund. He is to report to Congress at the beginning of each session the results of such examinations and surveys, giving estimates of costs of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and also all facts relative to the practicability of each irrigation project.

Before letting contract or giving notice of intention to enter upon the work of any particular project the land necessary for the irrigation works, as well as that which is susceptible of irrigation from said works, is to be withdrawn from settlement, except that the latter is open to settlement only under the homestead law, in tracts of not less than 40 or more than 160 acres. When the necessary amount is available in the reclamation fund the contract for the completion of the project which is deemed practicable may be let, at which time the limit of area, per entry, which the Secretary shall deem necessary for the support of a family upon the lands in question, also the charges which shall be made per acre upon said entries, and also upon lands held in private ownership which may be irrigated from said project, and the number of annual installments, not exceeding 10, which shall be paid with a view to returning to the reclamation fund the estimated cost of the construction of the project, shall be apportioned equitably. Those desiring to use the water made available must be actual bona fide residents on such land, and the right to such use of water under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the measure and the limit of the right.

This in brief covers the principal features of the bill. It does not take from the Treasury directly any money. It provides an automatic method in probably as safe and simple form as can be devised. The time is ripe for the entry upon this legislation.

Private enterprise has done much in the line of irrigation in the West. Our States also have given much thought and attention to this important question, but, as the President states in his message, in effect, there are enterprises that are too vast for private effort, and again:

Nor can it be best accomplished by the individual States acting alone; far-reaching interstate problems are involved, and the resources of single States would often be inadequate. It is properly a national function, at least in some of its features.

This bill deals with the problem in its national features. It is an experiment along practical lines, and, in my judgment, does not of necessity commit the Congress of the United States irrevocably to this policy if it should not prove a success. It can be abandoned should experience require it. The possibilities of a broad policy of national irrigation are so great, the area of our country to be affected so vast, that I believe we owe it to the nation to inaugurate this policy without further delay.

APPENDIX A.

[From President's message to Congress, December, 1901.]

The forests alone can not, however, fully regulate and conserve the waters of the arid region. Great storage works are necessary to equalize the flow of streams and to save the flood waters. Their construction has been conclusively shown to be an undertaking too vast for private effort. Nor can it be best accomplished by the individual States acting alone. Far-reaching interstate problems are involved; and the resources of single States would often be inadequate. It is properly a national function, at least in some of its features. It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.

The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams the water should be turned freely into the channels in the dry season to take the same course under the same laws as the natural flow.

The reclamation of the unsettled arid public lands presents a different problem. Here it is not enough to regulate the flow of streams. The object of the Government is to dispose of the land to settlers who will build homes upon it. To accomplish this object water must be brought within their reach.

The pioneer settlers on the arid public domain chose their homes along streams from which they could themselves divert the water to reclaim their holdings. Such opportunities are practically gone. There remain, however, vast areas of public land which can be made available for homestead settlement, but only by reservoirs and main-line canals impracticable for private enterprise. These irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers, and the cost of construction should, so far as possible, be repaid by the land reclaimed. The distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves in conformity with State laws and without interference with those laws or with vested rights. The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves, and as will stimulate needed reforms in the State laws and regulations governing irrigation.

The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent Western competition with Eastern agriculture. Indeed, the products of irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would otherwise not come into existence at all. Our people as a whole will profit, for successful homemaking is but another name for the upbuilding of the nation.

The necessary foundation has already been laid for the inauguration of the policy just described. It would be unwise to begin by doing too much, for a great deal will doubtless be learned, both as to what can and what can not be safely attempted, by the early efforts, which must of necessity be partly experimental in character. At the very beginning the Government should make clear, beyond shadow of doubt, its intention to pursue this policy on lines of the broadest public interest. No reservoir or canal should ever be built to satisfy selfish personal or local interests, but only in accordance with the advice of trained experts, after long investigation has shown the locality where all the conditions combine to make the work most needed and fraught with the greatest usefulness to the community as a whole. There should be no extravagance, and the believers in the need of irrigation will most benefit their cause by seeing to it that it is free from the least taint of excessive or reckless expenditure of the public moneys.

Whatever the nation does for the extension of irrigation should harmonize with and tend to improve the condition of those now living on irrigated land. We are not at the starting point of this development. Over two hundred millions of private capital has already been expended in the construction of irrigation works, and many million acres of arid land reclaimed. A high degree of enterprise and ability has been shown in the work itself; but as much can not be said in reference to the laws relating thereto. The security and

value of the homes created depend largely on the stability of titles to water; but the majority of these rest on the uncertain foundation of court decisions rendered in ordinary suits at law. With a few creditable exceptions, the arid States have failed to provide for the certain and just division of streams in times of scarcity. Lax and uncertain laws have made it possible to establish rights to water in excess of actual uses or necessities, and many streams have already passed into private ownership, or a control equivalent to ownership.

Whoever controls a stream practically controls the land it renders productive, and the doctrine of private ownership of water apart from land can not prevail without causing enduring wrong. The recognition of such ownership, which has been permitted to grow up in the arid regions, should give way to a more enlightened and larger recognition of the rights of the public in the control and disposal of the public water supplies. Laws founded upon conditions obtaining in humid regions, where water is too abundant to justify hoarding it, have no proper application in a dry country.

In the arid States the only right to water which should be recognized is that of use. In irrigation this right should attach to the land reclaimed and be inseparable therefrom. Granting perpetual water rights to others than users, without compensation to the public, is open to all the objections which apply to giving away perpetual franchises to the public utilities of cities. A few of the Western States have already recognized this, and have incorporated in their constitutions the doctrine of perpetual State ownership of water.

The benefits which have followed the unaided development of the past justify the nation's aid and cooperation in the more difficult and important work yet to be accomplished. Laws so vitally affecting homes as those which control the water supply will only be effective when they have the sanction of the irrigators; reforms can only be final and satisfactory when they come through the enlightenment of the people most concerned. The larger development which national aid insures should, however, awaken in every arid State the determination to make its irrigation system equal in justice and effectiveness that of any country in the civilized world. Nothing could be more unwise than for isolated communities to continue to learn everything experimentally, instead of profiting by what is already known elsewhere. We are dealing with a new and momentous question in the pregnant years while institutions are forming, and what we do will affect not only the present but future generations.

Our aim should be not simply to reclaim the largest area of land and provide homes for the largest number of people, but to create for this new industry the best possible social and industrial conditions; and this requires that we not only understand the existing situation, but avail ourselves of the best experience of the time in the solution of its problems. A careful study should be made, both by the nation and the States, of the irrigation laws and conditions here and abroad. Ultimately it will probably be necessary for the nation to cooperate with the several arid States in proportion as these States by their legislation and administration show themselves fit to receive it.

APPENDIX B.

[Agricultural and irrigation statistics of the State of California, from Bulletin No. 164, Census Bureau, Twelfth Census of the United States.]

A "farm," as defined by the Twelfth Census, includes all the land, under one management, used for raising crops and pasturing live stock, with the wood lots, swamps, meadows, etc., connected therewith. It includes also the house in which the farmer resides, and all other buildings used by him in connection with his farming operations.

The farms of California, June 1, 1900, numbered 72,542, and had a value of $707,912,960. Of this amount $77,468,000, or 10.9 per cent, represents the value of buildings, and 630,444,960, or 89.1 per cent, the value of land and improvements other than buildings. On the same date the value of farm implements and machinery was $21,311,670, and that of live stock $87,303,325. These values, added to that of farms, give $796,527,955, the "total value of farm property."

Farms and farm acreage, 1850 to 1900.

Year.	Number of farms.	Number of acres in farms.				Per cent of farm land improved.
		Total.	Improved.	Unimproved.	Average.	
1900	72,542	28,828,951	11,958,837	16,870,114	397.4	41.5
1890	52,849	21,427,239	12,222,839	9,204,454	405.1	57
1880	35,934	16,593,742	10,669,698	5,924,044	461.8	64.3
1870	23,724	11,427,105	6,218,133	5,208,972	481.7	54.4
1860	18,716	8,730,034	2,468,034	6,262,000	466.4	28.3
1850	872	3,893,985	32,454	3,861,531	4,465.6	.8

INCREASE IN THE NUMBER OF FARMERS IN CALIFORNIA.

From 1850 to 1900 the population of California increased from 92,597 to 1,485,053, or sixteenfold, while the number of farms increased from 872 to 72,542, or over eightyfold. In other words, from 1850 to 1900 the number of farms, and hence the number of persons operating them as owners or tenants, increased faster than the population. This statement applies also to the decades, 1850 to 1860, 1870 to 1880, and 1890 to 1900.

Acreage and production of cereals 1849 to 1899.

PART 1.—ACREAGE.

Year.[a]	Barley.	Buckwheat.	Corn.	Oats.	Rye.	Wheat.
1899	1,029,647	395	53,930	153,734	62,925	2,683,405
1889	815,995	664	70,303	57,569	27,413	2,840,807
1879	586,360	1,012	71,781	49,947	20,281	1,832,429

PART 2.—BUSHELS PRODUCED.

1899	25,149,335	7,835	1,477,093	4,972,356	524,451	36,534,407
1889	17,548,386	10,388	2,381,270	1,463,068	243,871	40,869,337
1879	12,463,561	22,307	1,993,325	1,341,271	181,681	29,017,707
1869	8,783,490	21,928	1,221,222	1,757,507	26,275	16,676,702
1859	4,415,426	76,887	510,708	1,043,006	52,140	5,928,470
1849	9,712	----	12,236	----	----	17,328

[a] No statistics of acreage secured prior to 1879.

The following table gives the statistics of the principal crops of 1899:

Acreages, quantities, and values of the principal farm crops in 1899.

Crops.	Acres.	Unit of measure.	Quantity.	Value.
Corn	53,930	Bushels	1,477,093	$700,894
Wheat	2,683,405	do	36,534,407	20,179,044
Oats	153,734	do	4,972,356	1,700,397
Barley	1,029,647	do	25,149,335	10,645,723
Rye	62,925	do	524,451	251,486
Buckwheat	395	do	7,835	3,945
Kafir corn	20,218	do	420,452	193,244
Flaxseed	904	do	12,610	10,559
Clover seed	----	do	14,409	67,550
Grass seed	----	do	1,113	1,847
Hay and forage	2,239,601	Tons	3,035,982	19,436,398
Tobacco	27	Pounds	23,490	4,352
Hemp	500	do	620,000	45,000
Hops	6,891	do	10,124,660	925,319
Broom corn	1,669	do	1,146,000	40,506
Peanuts	433	Bushels	15,461	12,650
Castor beans	7	do	125	250
Dry beans	45,861	do	658,515	1,022,586
Dry pease	2,014	do	57,299	70,633
Potatoes	42,098	do	5,242,596	2,637,528
Sweet potatoes	1,607	do	239,029	135,612
Onions	2,207	do	514,859	296,671
Sugar beets	41,242	Tons	356,535	1,550,246
Miscellaneous vegetables	30,194	----	----	2,562,161
Chicory	78	Pounds	135,500	4,260
Sorghum cane	140	Tons	[a] 6	10
Sorghum sirup	----	Gallons	8,671	3,778
Small fruits	6,353	----	----	911,411
Grapes	[b] 133,362	Centals	7,214,334	[c] 5,622,825
Orchard fruits	[b] 340,978	Bushels	22,692,770	[d] 14,526,786
Tropical fruits	[b] 119,836	----	----	7,219,082
Nuts	----	----	----	1,442,675
Forest products	----	----	----	1,722,840
Flowers and plants	672	----	----	580,646
Seeds	1,673	----	----	121,896
Nursery products	2,914	----	----	558,329
Miscellaneous	----	----	----	156,473
Total	7,025,515	----	----	95,365,712

[a] Sold as cane.
[b] Estimated from number of trees or vines.
[c] Including value of raisins, wine, etc.
[d] Including value of vinegar, cider, etc.

California, with its varied topography, soil, and climate, offers an interesting field for the study of irrigation. No other State produces such a variety of crops, and in no other State have agricultural lands, as such, reached the selling price of the semitropical fruit orchards of southern California. Except in a few localities there is not, in California, the absolute necessity for irrigation that exists in most other Western States and Territories. On nearly all of the lands that are irrigated some crops will grow, in ordinary seasons, without artificial application of water. The more valuable crops, however, usually require irrigation, and with it the yield of all crops is increased greatly. An irrigation system is an insurance against crop failure in years of drought.

The following table is a comparative exhibit by counties of the number of irrigators and the acreages irrigated in 1889 and in 1899:

Number of irrigators and acres irrigated, with percentages of increase, by counties, 1889 and 1899.

Counties.	Number of irrigators.			Acres irrigated.		
	1899.	1889.	Per cent of increase.	1899.	1889.	Per cent of increase.
The State	25,675	13,732	87	1,446,114	1,004,233	44
Alameda	101	----	----	2,532	----	----
Alpine	33	31	6.5	4,391	2,680	63.8
Amador	137	221	[a] 38	1,167	3,136	[a] 62.8
Butte	455	372	22.3	7,332	5,478	33.8
Calaveras	143	57	150.9	1,476	582	153.6
Colusa [b]	62	93	38.7	2,995	7,525	[a] 41.8
Glenn [b]	67	----		1,382	----	
Eldorado	295	425	[a] 30.6	3,387	4,318	[a] 21.6
Fresno [c]	2,459	1,400	84.2	283,737	105,665	190
Madera [c]	120	----		23,152	----	
Inyo	362	209	73.2	41,026	46,242	[a] 11.3
Kern	653	370	76.5	112,533	154,549	[a] 27.2
Kings [d]	780	----	74.6	92,794	----	6.6
Tulare [d]	1,467	1,287		86,854	168,455	
Lake	45	68	[a] 33.8	523	958	[a] 45.4
Lassen	313	293	6.8	49,634	55,819	[a] 11.1
Los Angeles	4,066	1,843	120.6	85,644	70,164	22.1
Mariposa	66	90	[a] 26.7	574	730	[a] 21.4
Merced	520	231	125.1	111,330	32,309	244.6
Modoc	467	402	16.2	78,016	80,110	[a] 2.6
Mono	97	94	3.2	59,202	43,523	36
Monterey	88	21	319	6,675	891	649.2
Nevada	283	318	[a] 11	4,003	3,990	.3
Orange	1,558	1,039	50	41,549	31,816	30.6
Placer	518	431	20.2	10,308	7,430	37.8
Plumas	187	186	.5	28,423	34,196	[a] 16.9
Riverside [e]	1,737	----	----	32,947	----	----
San Bernardino [e]	1,854	1,521	126.5	37,877	37,907	80.6
San Diego [e]	1,041	524		16,022	10,193	
Sacramento	425	146	191.1	12,409	1,718	622.3
San Benito	166	77	115.6	2,870	905	217.1
San Joaquin	414	84	392.9	18,466	2,254	719.3
San Luis Obispo	78	----	----	1,137	----	----
Santa Barbara	182	47	287.2	3,218	396	712.6

Number of irrigators and acres irrigated, with percentages of increase, by counties, 1889 and 1899—Continued.

Counties.	Number of irrigators.			Acres irrigated.		
	1899.	1889.	Per cent of increase.	1899.	1889.	Per cent of increase.
Santa Clara	1,129	184	513.6	40,097	6,686	499.7
Shasta	686	475	44.4	16,159	13,662	18.3
Sierra	98	86	14	13,603	14,499	[a]6.2
Siskiyou	594	302	96.7	49,108	31,567	55.6
Solano	29	----	----	2,805	----	----
Stanislaus	221	42	426.2	17,505	3,370	419.4
Tehama	209	116	80.2	11,512	7,169	60.6
Trinity	170	140	21.4	4,710	3,186	47.8
Tuolumne	185	100	85	1,381	1,285	7.5
Ventura	353	134	163.4	11,935	3,347	256.6
Yolo	167	39	328.2	5,161	1,602	222.2
Yuba	181	122	48.4	2,477	2,852	[a]13.1
All other counties	350	112	212.5	3,834	1,019	276.3
Indian reservations	64	----	----	242	----	----

[a] Decrease.
[b] Glenn organized from part of Colusa in 1892.
[c] Madera organized from part of Fresno in 1893.
[d] Kings organized from part of Tulare in 1893.
[e] Riverside organized from parts of San Bernardino and San Diego in 1893.

Number of irrigated farms compared with total number of farms, and irrigated acreage compared with total improved acreage, June 1, 1900.

Counties.	Number of farms.			Improved acreage.		
	Total.	Irrigated.	Per cent irrigated.	Total.	Irrigated.	Per cent irrigated.
The State	72,542	25,675	35.4	11,958,837	1,446,114	12.1
Alameda	2,787	101	3.6	226,118	2,532	1.1
Alpine	37	33	89.2	4,391	4,391	100
Amador	560	137	24.5	48,936	1,167	2.4
Butte	1,179	455	38.6	302,029	7,332	2.4
Calaveras	575	143	24.9	41,402	1,476	3.6
Colusa	582	62	10.7	358,227	2,995	.8
Eldorado	759	295	38.9	45,481	3,387	7.4
Fresno	3,290	2,459	74.7	786,337	283,737	36.1
Glenn	529	67	12.7	355,781	1,382	.4
Inyo	424	362	85.4	43,740	41,026	93.8
Kern	1,098	653	59.5	324,031	112,533	34.7
Kings	932	780	83.7	262,148	92,794	35.4
Lake	723	45	6.2	41,414	523	1.3
Lassen	555	313	56.4	133,266	49,634	37.2
Los Angeles	6,577	4,066	61.8	518,744	85,644	16.5
Madera	523	120	22.9	277,721	23,152	8.3
Mariposa	381	66	17.3	14,003	574	4.1
Merced	999	520	52.1	613,376	111,330	18.2
Modoc	638	467	73.2	122,647	78,016	63.6
Mono	112	97	86.6	65,238	59,202	90.7
Monterey	1,850	88	4.7	373,605	6,675	1.8
Nevada	522	283	54.2	24,898	4,003	16.1
Orange	2,388	1,558	65.2	236,847	41,549	17.5
Placer	1,076	518	48.1	121,063	10,308	8.5
Plumas	267	187	70	57,351	28,423	49.6
Riverside	2,340	1,737	74.2	216,033	32,947	15.3
Sacramento	1,392	425	30.5	327,159	12,409	3.8
San Benito	907	166	18.3	168,698	2,870	1.7
San Bernardino	2,350	1,854	78.9	96,920	37,877	39.1
San Diego	2,698	1,041	38.6	229,791	16,022	7
San Joaquin	1,966	414	21.1	652,923	18,466	2.8
San Luis Obispo	1,813	78	4.3	412,356	1,137	.3
Santa Barbara	1,149	182	15.8	202,982	3,218	1.6
Santa Clara	3,995	1,129	28.3	290,285	40,097	13.8
Shasta	1,221	686	56.2	86,540	16,159	18.7
Sierra	141	98	69.5	26,687	13,603	51
Siskiyou	931	594	63.8	181,029	49,108	27.1
Solano	1,151	29	2.5	344,058	2,805	.8
Stanislaus	951	221	23.2	622,700	17,505	2.8
Tehama	1,055	209	19.8	269,693	11,512	4.3
Trinity	272	170	62.5	14,144	4,710	33.3
Tulare	2,212	1,467	66.3	546,289	86,854	15.9
Tuolumne	457	185	40.5	36,461	1,381	3.8
Ventura	1,269	353	27.8	174,419	11,935	6.8
Yolo	1,214	167	13.7	351,213	5,161	1.5
Yuba	483	181	37.5	154,013	2,477	1.6
All other counties	12,925	350	2.7	1,150,406	3,834	.3
Indian reservations	287	64	22.3	5,244	242	4.6

In the ten years ending with 1899 the number of irrigators in the State increased from 13,732 to 25,675, or 87 per cent, and the area irrigated from 1,004,233 acres to 1,446,114 acres, or 44 per cent. Of the total improved acreage in 1900, 12.1 per cent was reported as irrigated, but the area actually irrigated was much greater than reported. In many localities large areas which are of little value without water and upon which water has not been directly applied, have been made fertile by the seepage from neighboring irrigated land. In most cases the enumerators did not report such land as irrigated, but correspondence established the fact that extensive areas were benefited in this way.

[Mr. BURKE of South Dakota addressed the committee. See Appendix.]

Mr. ROBINSON of Indiana. Mr. Chairman, the proposition that was read to the House at my request a short time ago I now propose as a substitute, and ask that it be read by the Clerk.

Mr. SHAFROTH. Wait until we get in the House.

The CHAIRMAN. The gentleman from Indiana offers the following as a substitute for the bill, which the Clerk will read.

Mr. SMITH of Arizona. Mr. Chairman, I make the point of order that it has already been read.

The CHAIRMAN. It was read in the gentleman's own time for the information of the House, but was not offered at that time.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the reading of it at this time be dispensed with.

Mr. ROBINSON of Indiana. I hope the gentleman will not consume all the time of the House.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the reading of the substitute at this time be dispensed with. Is there objection?

Mr. ROBINSON of Indiana. I object.

The CHAIRMAN. Objection is made.

Mr. TONGUE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TONGUE. Should not the vote be taken first on the committee amendment changing the number of the section?

The CHAIRMAN. That is merely to change the number of the section, and under the rule of the House the Clerk is authorized to do that without the vote of the committee. The Clerk will read.

The Clerk again read the substitute offered by Mr. ROBINSON of Indiana.

Mr. ROBINSON of Indiana. Mr. Chairman, I only desire to say that this is a bill——

The CHAIRMAN. Debate is not in order.

Mr. ROBINSON of Indiana. I beg the Chair's pardon.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Indiana.

Mr. RAY of New York. Mr. Chairman, I rise to a parliamentary inquiry. By what process of reasoning or by what rule is debate closed on a substitute?

The CHAIRMAN. In the opinion of the Chair debate is not closed on the substitute.

Mr. SHAFROTH. Mr. Chairman, I move that debate on the substitute close in five minutes.

Mr. RAY of New York. The gentleman from Indiana started in to speak on the substitute offered by him, and was informed by the Chair, as I understood the Chair, that debate was not in order. I may be wrong, but I understood the Chair to so state.

The CHAIRMAN. The Chair was under the impression that this was offered as an amendment to the last section of the bill, and therefore that debate was not in order. It was offered as a substitute, and debate is in order. The motion to close debate can not be entertained until debate has begun. The Chair recognizes the gentleman from Indiana [Mr. ROBINSON].

Mr. TONGUE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TONGUE. I raise the point of order on the proposed substitute that it is not germane.

Mr. HEMENWAY. I call attention to the fact that the gentleman from Indiana [Mr. ROBINSON] was debating the substitute before the point of order was made, and was taken off the floor by the Chair.

The CHAIRMAN. The Chair holds that the substitute is in order.

Mr. ROBINSON of Indiana. Mr. Chairman, this proposition, with the change made necessary by the fact that Utah has since been admitted as a State, is the fruit of the labors of a special committee appointed in the Fifty-second Congress to investigate the subject, and it proposes what I consider a foundation for a rational and reasonable system of irrigation if the States and Territories avail themselves of the grant. It was elaborately reported upon by the gentleman from Texas [Mr. LANHAM] and his committee, and it presents in a concrete and careful form the proposition to cede to the Territories and States the lands within their borders, to permit them, with the aid of private irrigation enterprise thereby encouraged, to irrigate these lands and these sections and States asking for legislation.

Mr. SHAFROTH. I move that debate close in five minutes.

Mr. MONDELL. I move that debate close on this section and all amendments at once.

Mr. SHAFROTH. I accept that.

The CHAIRMAN. The gentleman from Wyoming moves that debate on this section and amendments be now closed.

The motion was agreed to.

Mr. MONDELL. I move that the committee do now rise and report the bill——

The CHAIRMAN. The question must first be taken on the substitute.

Mr. MONDELL. Certainly.

Mr. RAY of New York. Mr. Chairman, a point of order. The gentleman from Wyoming has just moved that the committee do now rise.

Mr. MONDELL. I withdraw the motion.

Mr. RAY of New York. I renew it.

The CHAIRMAN. The Chair will state that the simple motion that the committee rise would be in order; but the gentleman from Wyoming made a motion that the committee rise and report the, bill with the sundry amendments, favorably to the House, and that is not in order pending a vote upon the substitute. The question is on the substitute offered by the gentleman from Indiana [Mr. ROBINSON].

The question being taken, the substitute was rejected.

Mr. MONDELL. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MONDELL. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, they will be submitted by the Chair in gross.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. RAY of New York. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 55, answered "present" 18, not voting 132, as follows:

YEAS—146.

Adams, Pa.	De Armond, Mo.	Littauer, N. Y.	Selby, Ill.
Allen, Ky.	Dinsmore, Ark.	Livingston, Ga.	Shackleford, Missouri
Allen, Me.	Dougherty, Mo.	Lloyd, Mo.	Shafroth, Colorado
Ball, Tex.	Eddy, Minn.	Long, Kans.	Shallenberger, Nebr.
Bartholdt, Mo.	Edwards, Mont.	McCulloch, Ark.	Sims, Tenn.
Bell, Colo.	Esch, Wisc.	McLachlan, Calif.	Skiles, O.
Bellamy, N. C.	Finley, S. C.	McRae, Ark.	Slayden, Texas
Bishop, Mich.	Fletcher, Minn.	Mann, Ill.	Smith, Ill.
Boutell, Ill.	Fox, Miss.	Martin, S. Dakota	Smith, Iowa
Bowersock, Kans.	Gaines, W. Va.	Mercer, Nebr.	Smith, Ky.
Bowie, Ala.	Gibson, Tenn.	Metcalf, Calif.	Sperry, Conn.
Brantley, Ga.	Gilbert, Ky.	Mickey, Ill.	Spight, Miss.
Breazeale, La.	Glenn, Idaho	Minor, Wisc.	Stark, Nebr.
Bristow, N. Y.	Graff, Ill.	Mondell, Wyo.	Stephens, Tex.
Brown, Wis.	Griffith, Ind.	Moody, Oreg.	Stevens, Minn.
Brownlow, Tenn.	Griggs, Ga.	Morris, Minn.	Sutherland, Utah
Brundidge, Ark.	Henry, Conn.	Moss, Kentucky	Tawney, Minn.
Burgess, Tex.	Henry, Miss.	Needham, Calif.	Tayler, Ohio
Burke, S. Dak.	Hitt, Ill.	Neville, Nebr.	Taylor, Ala.
Burkett, Nebr.	Holliday, Ind.	Newlands, Nevada	Thayer, Mass.
Burleigh, Maine	Hooker, Miss.	Norton, O.	Thomas, Iowa
Burleson, Tex.	Hopkins, Ill.	Padgett, Tenn.	Thomas, N. C.
Burnett, Ala.	Howard, Ga.	Pierce, Tenn.	Thompson, Ala.
Calderhead, Kans.	Hughes, W. Va.	Randell, Tex.	Tirrell, Mass.
Candler, Miss.	Hull, Iowa	Ransdell, La.	Tongue, Oregon
Clark, Mo.	Irwin, Ky.	Reeder, Kans.	Underwood, Ala.
Clayton, Ala.	Jack, Pa.	Reeves, Ill.	Vandiver, Missouri
Cochran, Mo.	Jackson, Kans.	Reid, Ark.	Warner, Ill.
Conner, Iowa	Jett, Ill.	Richardson, Ala.	Wheeler, Kentucky
Coombs, Calif.	Johnson, S. C.	Richardson, Tenn.	Wiley, Ala.
Cooney, Mo.	Jones, Wash.	Robb, Missouri	Williams, Ill.
Cowherd, Mo.	Joy, Mo.	Roberts, Mass.	Williams, Miss.
Cromer, Ind.	Kahn, Calif.	Robinson, Nebr.	Woods, Calif.
Curtis, Kans.	Kehoe, Ky.	Rucker, Missouri	Young, Pa.
Cushman, Wash.	Kern, Ill.	Rumple, Iowa	Zenor, Indiana
Dahle, Wisconsin	Kitchin, Wm. W.	Ryan, N. Y.	
Davis, Fla.	Lawrence, Mass.	Scott, Kansas	

NAYS—55.

Barney, Wisc.	Deemer, Pa.	Jones, Va.	Ray, N. Y.
Bartlett, Ga.	Draper, N. Y.	Knapp, N. Y.	Rhea, Va.
Bates, Pa.	Driscoll, N. Y.	Kyle, Ohio	Rixey, Va.
Bingham, Pa.	Fleming, Georgia	Landis, Indiana	Robinson, Ind.
Brick, Ind.	Flood, Va.	Lewis, Pa.	Showalter, Pa.
Bromwell, O.	Gardner, Mich.	Maddox, Georgia	Sibley, Pa.
Burk, Pa.	Gardner, N. J.	Mahon, Pa.	Snook, Ohio
Butler, Pa.	Gillet, N. Y.	Moon, Tenn.	Southard, Ohio
Cannon, Ill.	Gillett, Mass.	Olmsted, Pa.	Southwick, N. Y.
Capron, R. I.	Haskins, Vermont	Palmer, Pa.	Steele, Indiana
Cassel, Pa.	Hay, Va.	Parker, N. J.	Stewart, N. Y.
Cassingham, O.	Hemenway, Ind.	Payne, N. Y.	Van Voorhis, Ohio
Crumpacker, Ind.	Hepburn, Iowa	Perkins, N. Y.	Warnock, Ohio
Dalzell, Pa.	Howell, N. J.	Pou, N. C.	

ANSWERED "PRESENT"—18.

Adamson, Ga.	Kitchin, Claude N. C.	Meyer, La.	Tate, Georgia
Cousins, Iowa	Kleberg, Texas	Miers, Ind.	Wooten, Texas
Currier, N. H.	Lanham, Texas	Overstreet, Ind.	Wright, Pennsylvania
Dovener, W. Va.	Lewis, Ga.	Smith, Wm. Alden Mich.	
Haugen, Iowa	McCleary, Minn.	Snodgrass, Tenn.	

NOT VOTING—132.

Acheson, Pa.	Babcock, Wisc.	Beidler, Ohio	Blackburn, N. C.
Alexander, N. Y.	Ball, Del.	Belmont, N. Y.	Blakeney, Md.
Aplin, Mich.	Bankhead, Ala.	Benton, Missouri	Boreing, Ky.
Broussard, La.	Gaines, Tenn.	Lindsay, N. Y.	Robertson, La.
Bull, R. I.	Gill, Ohio	Little, Ark.	Ruppert, N. Y.
Burton, Ohio	Goldfogle, N. Y.	Littlefield, Maine	Russell, Tex.
Butler, Mo.	Gooch, Kentucky	Loud, Calif.	Scarborough, S. C.
Caldwell, Tex.	Gordon, Ohio	Loudenslager, N. J.	Schirm, Mo.
Connell, Pa.	Graham, Pa.	Lovering, Mass.	Shattuc, Ohio
Conry, Mass.	Greene, Mass.	McAndrews, Ill.	Shelden, Mich.
Cooper, Tex.	Green, Pa.	McCall, Mass.	Sheppard, Texas
Cooper, Wis.	Grosvenor, Ohio	McClellan, N. Y.	Sherman, N. Y.
Corliss, Mich.	Grow, Pa.	McDermott, N. J.	Small, N. C.
Creamer, N. Y.	Hall, Pa.	McLain, Miss.	Smith, H. C.
Crowley, Ill.	Hamilton, Mich.	Mahoney, Ill.	Smith, S. W.
Darragh, Mich.	Hanbury, N. Y.	Marshall, N. D.	Sparkman, Florida
Davey, La.	Heatwole, Minn.	Maynard, Va.	Stewart, N. J.
Davidson, Wisc.	Hedge, Iowa	Miller, Kans.	Storm, N. Y.
Dayton, W. Va.	Henry, Tex.	Moody, N. C.	Sulloway, N. H.
De Graffenreid, Tex.	Hildebrant, Ohio	Morgan, Ohio	Sulzer, N. Y.
Dick, Ohio	Hill, Conn.	Morrell, Pa.	Swanson, Va.
Douglas, N. Y.	Jackson, Md.	Mudd, Md.	Talbert, S. C.
Elliott, S. C.	Jenkins, Wisc.	Mutchler, Pa.	Tompkins, N. Y.
Emerson, N. Y.	Ketcham, N. Y.	Naphen, Mass.	Tompkins, Ohio
Evans, Pa.	Kluttz, N. C.	Nevin, Ohio	Trimble, Kentucky
Feely, Ill.	Knox, Mass.	Otjen, Wisc.	Vreeland, N. Y.
Fitzgerald, N. Y.	Lacey, Iowa	Patterson, Pa.	Wachter, Md.
Foerderer, Pa.	Lamb, Va.	Patterson, Tenn.	Wadsworth, N. Y.
Fordney, Mich.	Lassiter, Va.	Pearre, Md.	Wanger, Pa.
Foss, Ill.	Latimer, S. C.	Powers, Me.	Watson, Ind.
Foster, Ill.	Lessler, N. Y.	Powers, Mass.	Weeks, Mich.
Foster, Vt.	Lester, Georgia	Prince, Ill.	White, Kentucky
Fowler, N. J.	Lever, S. C.	Pugsley, N. Y.	Wilson, N. Y.

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. GRAHAM with Mr. GOLDFOGLE.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. FOSTER of Vermont with Mr. POU.

Mr. CONNELL with Mr. FOSTER of Illinois.

Mr. HILL with Mr. LEWIS of Georgia.

Mr. MARSHALL with Mr. WILSON.

Mr. GILL with Mr. SULZER.

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. FORDNEY with Mr. BURGESS.

For this session:

Mr. DEEMER with Mr. MUTCHLER.

Mr. MORRELL with Mr. GREEN of Pennsvylvania.

Mr. WANGER with Mr. ADAMSON.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. BOREING with Mr. TRIMBLE.

Mr. SHERMAN with Mr. RUPPERT.

Mr. HEATWOLE with Mr. TATE.

Mr. WRIGHT with Mr. HALL.

Mr. BULL with Mr. CROWLEY.

For one week:

Mr. STEWART of New Jersey with Mr. KLUTTZ.

Mr. WEEKS with Mr. SHEPPARD.

Mr. STORM with Mr. PUGSLEY.

For this day:

Mr. HAMILTON with Mr. MAHONEY.

Mr. SULLOWAY with Mr. LESTER.

Mr. BABCOCK with Mr. MCANDREWS.

Mr. TOMPKINS of New York with Mr. WHITE.

Mr. ACHESON with Mr. BANKHEAD.

Mr. BLACKBURN with Mr. BUTLER of Missouri.

Mr. DARRAGH with Mr. COOPER of Texas.

Mr. DICK with Mr. CREAMER.

Mr. FOWLER with Mr. FEELY.

Mr. EVANS with Mr. HENRY of Texas.

Mr. PRINCE with Mr. BROUSSARD.

Mr. FOERDERER with Mr. ELLIOTT.

Mr. HEDGE with Mr. LAMB.

Mr. JENKINS with Mr. MCDERMOTT.

Mr. KNOX with Mr. LASSITER.

Mr. PATTERSON of Pennsylvania with Mr. LATIMER.

Mr. POWERS of Massachusetts with Mr. LEVER.

Mr. SCHIRM with Mr. MCLAIN.

Mr. SHELDEN with Mr. SMALL.

Mr. MCCLEARY with Mr. LINDSAY.

Mr. LOUD with Mr. LANHAM.

Mr. BLAKENEY with Mr. GOOCH.

Mr. BALL of Delaware with Mr. WOOTEN.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

On this question:

Mr. LESSLER with Mr. KLEBERG.

Mr. NEVINS with Mr. SHATTUC.

Mr. HENRY C. SMITH with Mr. PEARRE.

Mr. DOVENER with Mr. BEIDLER.

Mr. MIERS of Indiana with Mr. WATSON.

Mr. LACEY with Mr. LITTLE.

Mr. MILLER with Mr. CALDWELL.
Mr. ALEXANDER with Mr. GORDON.
Mr. LITTLEFIELD with Mr. VREELAND.
Mr. CORLISS with Mr. OVERSTREET.
Mr. GREENE of Massachusetts with Mr. CURRIER.
Mr. DOUGLAS with Mr. TALBERT.
Mr. MUDD with Mr. SWANSON.
Mr. MOODY of North Carolina with Mr. WADSWORTH.
Mr. WM. ALDEN SMITH with Mr. GROSVENOR.
Mr. WACHTER with Mr. EMERSON.
Mr. COOPER of Wisconsin with Mr. PATTERSON of Tennessee.
On this vote:
Mr. BURTON with Mr. CLAUDE KITCHIN.
Mr. HAUGEN with Mr. BELMONT.
Mr. SAMUEL W. SMITH with Mr. SCARBOROUGH.
Mr. COUSINS with Mr. CONRY.
Mr. OTJEN with Mr. BENTON.
Mr. HANBURY with Mr. FITZGERALD.

The result of the vote was then announced, as above recorded.

On motion of Mr. MONDELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CUBAN RECIPROCITY.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered printed, and referred to the Committee on Ways and Means:

To the Senate and House of Representatives:

I deem it important before the adjournment of the present session of Congress to call attention to the following expressions in the message which, in the discharge of the duty imposed upon me by the Constitution, I sent to Congress on the first Tuesday of December last:

"Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desired, that she should stand in international matters in closer and more friendly relations with us than with any other power, and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being."

This recommendation was merely giving practical effect to President McKinley's words, when, in his messages of December 5, 1898, and December 5, 1899, he wrote:

"It is important that our relations with this people (of Cuba) shall be of the most friendly character and our commercial relations close and reciprocal. * * * We have accepted a trust, the fulfillment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba, yet to arise from the ashes of the past, must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. * * * The greatest blessing which can come to Cuba is the restoration of her agricultural and industrial prosperity."

Yesterday, June 12, I received, by cable from the American minister in Cuba, a most earnest appeal from President Palma for "legislative relief before it is too late and [his] country financially ruined."

The granting of reciprocity with Cuba is a proposition which stands entirely alone. The reasons for it far outweigh those for granting reciprocity with any other nation, and are entirely consistent with preserving intact the protective system under which this country has thriven so marvelously. The present tariff law was designed to promote the adoption of such a reciprocity treaty, and expressly provided for a reduction not to exceed 20 per cent upon goods coming from a particular country, leaving the tariff rates on the same articles unchanged as regards all other countries. Objection has been made to the granting of the reduction on the ground that the substantial benefit would not go to the agricultural producer of sugar, but would inure to the American sugar refiners. In my judgment provision can and should be made which will guarantee us against this possibility; without having recourse to a measure of doubtful policy, such as a bounty in the form of a rebate.

The question as to which, if any, of the different schedules of the tariff ought most properly to be revised does not enter into this matter in any way or shape. We are concerned with getting a friendly reciprocal arrangement with Cuba. This arrangement applies to all the articles that Cuba grows or produces. It is not in our power to determine what these articles shall be; and any discussion of the tariff as it affects special schedules, or countries other than Cuba, is wholly aside from the subject-matter to which I call your attention.

Some of our citizens oppose the lowering of the tariff on Cuban products, just as three years ago they opposed the admission of the Hawaiian Islands, lest free trade with them might ruin certain of our interests here. In the actual event their fears proved baseless as regards Hawaii, and their apprehensions as to the damage to any industry of our own because of the proposed measure of reciprocity with Cuba seem to me equally baseless. In my judgment no American industry will be hurt, and many American industries will be benefited by the proposed action. It is to our advantage as a nation that the growing Cuban market should be controlled by American producers.

The events following the war with Spain and the prospective building of the isthmian canal render it certain that we must take in the future a far greater interest than hitherto in what happens throughout the West Indies, Central America, and the adjacent coasts and waters. We expect Cuba to treat us on an exceptional footing politically, and we should put her in the same exceptional position economically. The proposed action is in line with the course we have pursued as regards all the islands with which we have been brought into relations of varying intimacy by the Spanish war. Porto Rico and Hawaii have been included within our tariff lines, to their great benefit as well as ours, and without any of the feared detriment to our own industries. The Philippines, which stand in a different relation, have been given substantial tariff concessions.

Cuba is an independent Republic, but a Republic which has assumed certain special obligations as regards her international position in compliance with our request. I ask for her certain special economic concessions in return, these economic concessions to benefit us as well as her. There are few brighter pages in American history than the page which tells of our dealings with Cuba during the past four years. On her behalf we waged a war, of which the mainspring was generous indignation against oppression, and we have kept faith absolutely. It is earnestly to be hoped that we will complete in the same spirit the record so well begun, and show in our dealings with Cuba that steady continuity of policy which it is essential for our nation to establish in foreign affairs if we desire to play well our part as a world power.

We are a wealthy and powerful nation; Cuba is a young Republic, still weak, who owes to us her birth, whose whole future, whose very life, must depend on our attitude toward her. I ask that we help her as she struggles upward along the painful and difficult road of self-governing independence. I ask this aid for her because she is weak, because she needs it, because we have already aided her. I ask that open-handed help, of a kind which a self-respecting people can accept, be given to Cuba, for the very reason that we have given her such help in the past.

Our soldiers fought to give her freedom; and for three years our representatives, civil and military, have toiled unceasingly, facing disease of a peculiarly sinister and fatal type with patient and uncomplaining fortitude, to teach her how to use aright her new freedom. Never in history has any alien country been thus administered with such high integrity of purpose, such wise judgment, and such single-minded devotion to the country's interests. Now, I ask that the Cubans be given all possible chance to use to the best advantage the freedom of which Americans have such right to be proud and for which so many American lives have been sacrificed.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 13, 1902.*

LOUISIANA EXPOSITION.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered printed, and referred to the Committee on Industrial Arts and Expositions:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of April, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory, etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 13, 1902.*

The PRESIDENT:

Referring to Senate Document No. 71, Fifty-seventh Congress, first session, the undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Congress, copy of a communication from the president of the Louisiana Purchase Exposition Commission, furnishing, in pursuance of section 11 of an act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory, etc., approved March 3, 1901, a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of April, 1902.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, June 11, 1902.

LOUISIANA PURCHASE EXPOSITION COMMISSION, ST. LOUIS,
Helena, Mont., May 19, 1902.

SIR: In conformity with the requirements of section 11 of an act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," we have the honor to report for and in behalf of the Commission the receipts and disbursements of the exposition for the month of April, 1902, as shown by the annexed statement of the treasurer of the exposition company, submitted by Walter B. Stevens, secretary. The balance of $1,104,035.73 is ample to provide for the immediate requirements of the company.

Hon. David B. Francis, president of the exposition company, has informed the Commission that the city of St. Louis has advertised for bids for the sale of bonds of the city aggregating $5,000,000, for the purpose of securing that sum of money for delivery to the exposition company as contemplated by the act of Congress. For your information we herewith inclose copy of the advertisement. We are advised that the bonds will meet a ready sale at the rate of interest prescribed, and it is therefore reasonable to conclude that the proceeds of the sale of bonds will be placed in the treasury of the company in the near future.

Yours, respectfully, THOS. H. CARTER, *President.*

Attest:

JOSEPH FLORY, *Secretary.*

The PRESIDENT.

Disbursements of the Louisiana Purchase Exposition Company for the month of April, 1902.

Grounds and buildings	$57,807.45
Exhibits department	13,367.75
Press and publicity department	4,223.07
Ceremonies and entertainment of guests	146.31
Foreign exploitation	12,021.41
Domestic exploitation	3,142.28
Postage	1,160.00
General office expenses	4,213.14
Rent	510.00
Furniture and fixtures	701.78
Secretary's office	1,394.46
Police department	370.51
Legal department	324.85
Medical department	323.50
Supply department	341.80
Concessions department	116.16
Treasurer's office	325.22
Insurance	138.97
Total	100,023.66

WALTER B. STEVENS, *Secretary.*

Statement of receipts and disbursements of the Louisiana Purchase Exposition Company, as shown by the report of the treasurer, for the month of April, 1902.

Balance on hand April 1, 1902, as per statement made to National Commission	$1,123,943.39
Receipts on account of subscriptions to capital stock during month of April	80,716.00
Receipts and balance	1,204,659.39
Amount paid out during month of April	100,623.66
Balance on hand May 1, 1902	1,104,035.73

TOTAL RECEIPTS AND DISBURSEMENTS.

Total receipts to May 1, 1902	$1,806,616.49
Total disbursements to May 1, 1902	702,580.76
Balance	1,104,035.73

WALTER B. STEVENS, *Secretary.*

SENATE BILL REFERRED.

Under clause 2 Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6110. An act granting an increase of pension to Charles A. Cooke—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9544. An act granting an increase of pension to George W. Barry.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2921. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, on the retired list of enlisted men of the Army.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 11591. An act for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check;

H. R. 11657. An act allowing the construction of a dam across the St. Lawrence River;

H. R. 8129. An act to amend sections 4076, 4078, and 4075 of the Revised Statutes;

H. R. 3309. An act to remove charge of desertion against Ephraim H. Gallion; and

H. R. 5094. An act for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894.

TERRITORIAL INDEBTEDNESS.

The SPEAKER laid before the House the bill (H. R. 9334) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc., with Senate amendments.

The Senate amendments were read.

Mr. FLYNN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

PERSONAL REQUESTS.

By unanimous consent, leave was granted Mr. SMITH of Kentucky to withdraw from the files of the House, without leaving copies, papers in the case of Stephen Camplin, Fifty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, leave of absence was granted to Mr. COOMBS, for ten days.

And then, on motion of Mr. PAYNE (at 5 o'clock and 2 minutes), the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12706) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across Monongahela River, in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 2480); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 2481); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township, reported the same without amendment, accompanied by a report (No. 2482); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14802) for the purchase of real estate, for revenue and customs purposes, at Wilmington, N. C., reported the same with amendment, accompanied by a report (No. 2485); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river, reported the same without amendment, accompanied by a report (No. 2486); which said bill and report were referred to the House Calendar.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 12003) to enable the county of Luna, in the Territory of New Mexico, to create certain indebtedness, and for other purposes, reported the same without amendment, accompanied by a report (No. 2487); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States relative to internal-revenue tax on fermented liquors, reported the same with amendments, accompanied by a report (No. 2488); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14923) for the appointment of five additional constables in the Indian Territory, reported the same without amendment, accompanied by a report (No. 2489); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 282) providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list, reported the same without amendment, accompanied by a report (No. 2483); which said bill and report were referred to the Private Calendar.

Mr. WILLIAM W. KITCHIN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1634) to remove the charge of desertion against Thomas Cordingly, reported the same with amendment, accompanied by a report (No. 2484); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9879) for the relief of John Richards, reported the same with amendment, accompanied by a report (No. 2490); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9419) for the relief of Joseph Fields, reported the same with amendment, accompanied by a report (No. 2491); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CASSEL: A bill (H. R. 15085) making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the Spanish-American War Veterans, the insignia or rosette of the Military and Naval Order of the Spanish-American War, or the official decorations of Spanish-American war societies—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 15086) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park—to the Committee on the Public Lands.

Also, a bill (H. R. 15087) to amend section 2461 of the Revised Statutes of the United States—to the Committee on the Public Lands.

By Mr. GREENE of Massachusetts: A bill (H. R. 15089) to amend section 4452 of the Revised Statutes of the United States relating to appeals from decisions of supervising inspectors of steamboats—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: A bill (H. R. 15090) to establish a judge-advocate's corps in the United States Navy—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HENRY C. SMITH: A bill (H. R. 15088) providing for the payment of $137 to Hugh A. Ernst for services rendered overtime and use of typewriter in the Bureau of Immigration, in the Treasury Department—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 15091) granting a pension to Emma A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15092) granting a pension to George Henderson—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 15093) granting an increase of pension to Henry Pierpoint—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 15094) granting a pension to Susan T. Bunch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15095) for the relief of Archie B. Forbess—to the Committee on War Claims.

By Mr. BURK of Pennsylvania: A bill (H. R. 15096) for the relief of Albert C. Engard, chief engineer, United States Navy, retired—to the Committee on Claims.

By Mr. COOPER of Texas: A bill (H. R. 15097) for the relief of the legal representatives of T. L. Walker, deceased—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 15098) granting a pension to Mary E. Horton—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 15099) granting an increase of pension to William H. Piker—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 15100) granting an increase of pension to James B. Taylor—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 15101) for the relief of the First Baptist Church, Suffolk, Va.—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 15102) granting a pension to Ellis Hickam—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 15103) granting an increase of pension to Simon Hausmeier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15104) granting a pension to Martha J. Kellogg—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15105) to refer the claim against the United States of Elizabeth Haden to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 15106) granting an increase of pension to Margaret F. Harris—to the Committee on Pensions.

By Mr. ZENOR: A bill (H. R. 15107) granting a pension to Harriet S. Packard—to the Committee on Invalid Pensions.

By Mr. JOY: A resolution (H. Res. 303) to pay John Douglass for services rendered as laborer in the Doorkeeper's department—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Memorial of the auditor-general of the Commonwealth of Pennsylvania explanatory of House bill 14763—to the Committee on War Claims.

By Mr. BELL: Petition of Colorado Forestry Association, for increase of appropriation for timber ranges—to the Committee on the Public Lands.

Also, resolutions of Wholesale Liquor Dealers' Association of Colorado, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURKETT: Protest of citizens of Pittsburg, Pa., against the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Resolutions of the Portland Yacht Club, of Portland, Me., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNELL: Protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. COUSINS: Resolutions of the Twenty-eighth Annual Encampment, Grand Army of the Republic, Department of Iowa, approving the conduct of the United States in the war with Spain, the insurrection in the Philippines, and in China, and supporting and congratulating our soldiers in the Philippines—to the Committee on Insular Affairs.

By Mr. CROMER: Resolution of McKinley Lodge, No. 21, Elwood, Ind., Amalgamated Association of Iron, Steel, and Tin Workers, urging Congress to appropriate money during this session for the destitute widows and minor children of the persons killed in the Coal Creek disaster of the State of Tennessee—to the Committee on Appropriations.

By Mr. DALZELL: Protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Journeymen Barbers' Union of Hoboken, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Petition of numerous citizens of Tennessee, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolutions of the board of aldermen of Boston and the city councils of Malden and Lowell, Mass., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GREEN of Pennsylvania: Resolutions of Central Trades and Labor Council of Allentown, Pa., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL: Petition of Journeymen Barbers' Union of Hoboken, N. J., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KERN: Resolutions of Mine Workers' Union No. 304, Belleville, Ill., favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. LACEY: Papers relating to setting aside certain lands in South Dakota as a public park, to be known as Wind Cave National Park—to the Committee on the Public Lands.

By Mr. MIERS of Indiana: Paper to accompany House bill granting a pension to Ellis Hickam—to the Committee on Invalid Pensions.

By Mr. MOON: Paper to accompany House bill No. 14933, granting an increase of pension to Lewis Gross—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Papers to accompany House bill 14775, granting a pension to Conrad G. Boehme—to the Committee on Invalid Pensions.

By Mr. YOUNG: Memorial of the auditor-general of the Commonwealth of Pennsylvania explanatory of House bill 14763—to the Committee on War Claims.

SENATE.

SATURDAY, *June 14, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GUY N. STOCKSLAGER.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 12th instant, certain information relative to the employment of Lieut. D. H. Jarvis in the Revenue-Cutter Service at Nome, Alaska, in the summer and fall of 1900, and the employment by him of Guy N. Stockslager, etc.; which, on motion of Mr. COCKRELL, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9334) to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, etc.

The message also announced that the House had passed with amendments the bill (S. 3057) appropriating the receipts from

the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2921) to place Henry Bieberbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army; and

A bill (H. R. 9544) granting an increase of pension to George W. Barry.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of sundry citizens of the District of Columbia, praying that an appropriation be made providing for the completion of the pavement on Fourth street NE., between V and W streets, in the city of Washington; which was ordered to lie on the table.

Mr. FAIRBANKS presented the petition of Frederick Prinfogle and sundry other citizens of Liberty, Ind., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Ministerial Association of Portland, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations and also for the restriction of immigration; which was referred to the Committee on Immigration.

Mr. STEWART presented a petition of Humboldt Lodge, No. 607, Brotherhood of Locomotive Firemen, of Winnemucca, Nev., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 5939) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, and defining the qualifications of electors in said Territory, reported it with amendments.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 4944) to establish a chaplaincy in connection with the United States jail, Washington Asylum, Reform School, Georgetown Almshouse, and Industrial Home School, District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HEITFELD, from the Committee on the District of Columbia, to whom was referred the bill (S. 5590) regulating the use of parking, sidewalks, and roadways in the city of Washington, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 4826) for the relief of holders and owners of certain District of Columbia special-tax scrip, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4118) to abolish estates of courtesy and dower in the District of Columbia, to provide for the custody of the persons of children under 14 years of age, to regulate the descent and distribution of the estates of intestates, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 5191) for the relief of holders and owners of certain District of Columbia special-tax scrip, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10824) granting an increase of pension to George E. Bump;

A bill (H. R. 1745) granting an increase of pension to Marvin Chandler;

A bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson;

A bill (H. R. 1090) granting a pension to James E. Bates; and

A bill (H. R. 3517) granting an increase of pension to Stephen Harris.

Mr. FORAKER, from the Committee on Interstate Commerce, to whom was referred the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Indian Affairs, reported an amendment providing for the survey of Walker River Reservation, Nev.; the Uintah Reservation, Utah; the Spokane Reservation, Wash., etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred, with the accompanying paper, to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced a bill (S. 6161) providing for the election of a Delegate from the Indian Territory to the House of Representatives of the United States, and defining the qualifications of electors in said Territory; which was read twice by its title, and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 6162) granting an increase of pension to David Bussard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 6163) for the relief of J. W. Smart; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6164) for the relief of B. G. Chandler; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6165) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," and so forth; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLAY introduced a bill (S. 6166) for the relief of R. F. Powell, administrator of George R. Powell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 6167) authorizing the President of the United States to nominate Capt. Charles Edgar Clark, United States Navy, to be a rear-admiral of the senior grade on the active list; which was read twice by its title, and referred to the Committee on Naval Affairs.

ADMISSION OF CUBA.

Mr. ELKINS. I introduce a joint resolution, and ask that it be read and lie on the table. I wish to submit some remarks on it at an early day.

The joint resolution (S. R. 115) providing for the admission of the Republic of Cuba into the Union as a new State was read the first time by its title, the second time at length, and ordered to lie on the table, as follows:

Resolved, etc., That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Cuba may be erected into a new State, to be called the State of Cuba, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions and with the following guaranties, to wit: First, the constitution of said State, with the proper evidence of its adoption by the people of said Republic of Cuba, shall be transmitted to the President of the United States, to be laid before Congress for its final action on or before the 1st day of January, 1904. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Cuba, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Cuba, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

And be it further resolved, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Cuba as an overture on the part of the United States for admission, to negotiate with that Republic: then

Be it resolved, That a State, to be formed out of the present Republic of Cuba, with a republican form of government and with Representatives in Congress, shall be admitted into the Union by virtue of this act on an equal footing with the existing States as soon as the terms and conditions of such admission shall be agreed upon by the Governments of the Republic of Cuba and the United States; and that the sum of $100,000 be, and the same is hereby, appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession either by treaty to be submitted to the Senate or by articles to be submitted to the two Houses of Congress, as the President may direct.

SURVEY OF ISTHMUS OF DARIEN.

Mr. SCOTT. I introduce a joint resolution, and ask that it be read and lie on the table. I shall call it up at some future day.

The joint resolution (S. R. 116) providing for a survey of the Isthmus of Darien for canal purposes was read the first time by its title, the second time at length, and ordered to lie on the table, as follows:

Resolved, etc., That the Secretary of War is hereby authorized and directed on the application of the parties in interest, if such application is made before the convening of Congress in December, 1902, to make a detail of a proper

officer or officers of the Corps of Engineers of the Army to superintend and direct a survey upon the Isthmus of Darien, for the purpose of verifying the surveys already made for interoceanic canal at the narrowest part of the isthmus, and to report to Congress on the character of ground that said canal would have to be built over, the quality and strength of the rock in the range of mountains through which tunnel would have to be bored, and whether or not the rock so located is sufficiently strong to carry the weight of the tunnel without requiring lining, and all other facts in connection with this short route: *Provided*, That at the time such application is made the parties desiring the verification of the surveys and other facts, as set forth, shall deposit with the Secretary of War such sum of money as, in the judgment of the Secretary of War, shall be sufficient to pay the expenses of making such survey and a report thereon, except the pay and allowances according to law that are allowed to officers so detailed to superintend such work and surveys.

MISSOURI VOLUNTEERS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a statement showing the various classes of Missouri volunteers, militia and home guards, that were in service during the civil war, the designations of the organizations composing them, and the laws, orders, and regulations under which they were raised; also what organizations or classes of these troops are recognized by the War Department as having been in the military service of the United States, and what organizations or classes are not so recognized.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the District of Columbia appropriation bill, being House bill 14019, report No. 1919.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14019) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, that the bill be read, and that the amendments of the committee may be considered when they are reached as the reading proceeds.

The PRESIDENT pro tempore, The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLISON. Before proceeding with the bill, it has been suggested to me by Senators interested in the isthmian canal measure that inasmuch as the time has been fixed for a final vote on Thursday next we agree that on and after Monday the Senate shall meet at 11 o'clock, there being a number of Senators who desire to debate the bill in the meantime.

Mr. HALE. Including Monday?

Mr. ALLISON. Including Monday.

Mr. MORGAN. From Monday to Thursday, inclusive.

Mr. CULLOM. Beginning on Monday?

Mr. MORGAN. Beginning on Monday.

Mr. HOAR. I wish the Senator would omit Monday. It makes a difference of but one hour and it would be an inconvenience to some Senators to come here at 11 o'clock on Monday.

Mr. MORGAN. Since the agreement was made of a day for taking the final vote on the canal bill a number of gentlemen who I did not know would want to speak, and I had no idea of it, have told me that they desire to be heard upon that measure. I see that they are to be excluded unless we can have a little longer time for our sessions from Monday until Thursday. That is my reason for making the request. I hope the Senator from Massachusetts will not object.

Mr. HOAR. I shall not object. I merely made the suggestion.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate meet at 11 o'clock on Monday, Tuesday, Wednesday, and Thursday of next week.

The motion was agreed to.

Mr. ALLISON. I ask that the reading of the bill may be now proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," in the appropriation for "Executive office," on page 2, line 19, before the word "computer," to insert "civil engineer or;" in line 23, before the word "dollars," to insert "two hundred;" on page 3, line 6, before the word "hundred," to strike out "two" and insert "four;" in the same line, after the word "dollars," to strike out "clerk, $720" and insert "two clerks, at $720 each," and in line 15, before the word "dollars," to strike out "sixty-eight thousand eight hundred and twenty-four" and insert "sixty-nine thousand nine hundred and forty-four;" so as to read:

Civil engineer or computer, $1,500; 2 clerks, at $900 each; clerk, who shall be a stenographer and typewriter, $900; messenger, $480; janitor, $1,200; steam engineer, $900; 3 firemen, at $480 each; 2 elevator operators, at $360 each; 3 watchmen, at $480 each; 2 laborers, one of whom shall also act as messenger and substitute elevator operator, at $365 each; 2 laborers, at $360 each; property clerk, $1,600; deputy property clerk, $1,400; 2 clerks, at $720 each; messenger, $600; inspector of plumbing, $2,000; 7 assistant inspectors of plumbing, 1 at $1,200, and 6 at $1,000 each; 5 members of the plumbing board, at $900 each; harbor master, $1,200; in all, $69,944.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the word "dollars," to strike out "two assistant assessors, at $1,600 each," and insert "assistant assessor, $2,000; assistant assessor, $1,600;" in line 20, before the word "hundred," to strike out "two" and insert "five;" and in line 23, before the word "hundred," to strike out "forty-two thousand nine" and insert "forty-three thousand six;" so as to make the clause read:

For assessor's office: For assessor, $3,500; assistant assessor, $2,000; assistant assessor, $1,600; * * * clerk to board of assistant assessors, $1,500; messenger and driver, for board of assistant assessors, $600; in all, $43,600.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to insert:

For salaries and expenses of the excise board, $5,500, to be expended as now provided by law: *Provided*, That all receipts from liquor licenses in the District of Columbia shall be paid into the Treasury of the United States to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

That for all purposes of assessment and collection of taxes upon personal property in the District of Columbia, the act of Congress approved March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the year ending June 30, 1878, and for other purposes," as amended by specific acts of Congress, is hereby declared in full force and effect and to have been continuously so in force since its enactment; and that the board of assistant assessors created under the act of Congress approved August 14, 1894, be, and they hereby are, clothed with the duties and powers of the assessors mentioned in said first-named act, and, under the direction of the assessor, they shall for the fiscal year beginning July 1, 1902, and subsequent fiscal years, assess personal property for taxation as required by law; and said board of assistant assessors, together with said assessor, are hereby constituted a board of equalization, appeal, and review of the assessments of personal property; and hereafter said board shall, between the 1st day of September and the 31st day of October in each year, hold daily sessions for the purpose of equalizing the assessments theretofore made by them and of hearing and determining any and all appeals from the valuations theretofore made by them: *Provided*, That the tax on personal property shall be due, payable, and collected as now provided by law: *Provided further*, That each national bank, as the trustee of its stockholders, through its president, secretary, or cashier, shall make the like returns and pay the same taxes as other corporations are required to do in said first-named act: *And provided further*, That the assessor, and the three members of the board of assistant assessors, authorized by the act approved August 14, 1894, whose salaries are herein appropriated for, shall, within ten days after January 1, 1903, be appointed by the President for a term of three years each, except that the terms of each of the three members of the board of assistant assessors shall terminate as follows: One each year, to be determined by lot among the three members of the board first appointed.

The amendment was agreed to.

The next amendment was on page 6, line 21, after the word "dollars," to insert "assistant cashier, $1,400;" on page 7, line 1, after the word "dollars," to insert "two coupon clerks, at $900 each;" and in line 3, before the word "hundred," to strike out "sixteen thousand two" and insert "nineteen thousand four;" so as to make the clause read:

For collector's office: For collector, $4,000; deputy collector, $1,800; cashier, $1,800; assistant cashier, $1,400; bookkeeper, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; clerk and bank messenger, $1,200; two coupon clerks, at $900 each; messenger, $600; in all, $19,400.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the words "and so forth," to insert "with authority to employ clerks of this and other offices after office hours;" so as to make the clause read:

For extra labor for preparation of tax-sale certificates, and so forth, with authority to employ clerks of this and other offices after office hours, $800.

The amendment was agreed to.

The next amendment was, on page 7, line 9, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" in line 10, after the word "dollars," to strike out "clerk, one thousand six hundred dollars," and insert "two clerks, at one thousand six hundred dollars each;" in line 12, before the word "clerks," to strike out "three" and insert "two;" in line 18, before the word "dollars," to strike out "five hundred" and insert "eight hundred and fifty," and in the same line, after the word "dollars," to insert the following proviso:

Provided, That when differences arise in the rendition, examination, or settlement of the accounts of the disbursing officer of the District of Columbia which would seem to render necessary the suspension or disallowance of any item in said accounts, the Treasury Auditor shall notify the auditor of the District of Columbia, who shall be authorized to present in explanation such facts or arguments as may, in his opinion, tend to the prevention or removal of such suspension or disallowance. When the auditor of the District of Columbia is in doubt as to the legality of an account or voucher for payment upon which he is required to act, he may apply to the Comptroller of the Treasury for a decision upon the question involved, and that officer shall render the same, and the decision so rendered shall govern the accounting officers of the Treasury in subsequently passing upon the account aforesaid. The auditor of the District of Columbia shall continue to prepare and countersign all checks issued by the disbursing officer, and no check involving the disbursement of public moneys by the disbursing officer shall be valid unless countersigned by the auditor of the District of Columbia.

So as to make the clause read:

For auditor's office: For auditor, $3,600; chief clerk, $2,250; bookkeeper, $1,800; 2 clerks, at $1,600 each; 2 clerks, at $1,400 each; 3 clerks, at $1,200 each; clerk, $1,000; messenger, $600; disbursing officer, $2,500; deputy disbursing officer, $1,500; in all, $22,850: *Provided*, That when differences arise in the rendition, examination, or settlement of the accounts of the disbursing officer of the District of Columbia, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 13, to increase the appropriation for salary of clerk in the office of sealer of weights and measures from $900 to $1,000, and in line 14, to increase the total appropriation for the maintenance of the office of sealer of weights and measures from $5,980 to $6,080.

The amendment was agreed to.

The next amendment was, on page 9, line 23, to increase the appropriation for the salary of computing engineer in the engineer's office from $2,750 to $3,000; on page 10, line 18, to increase the appropriation for salary of the superintendent of sewers in the engineer's office from $2,750 to $3,000, and on page 11, line 6, to increase the total appropriation for the maintenance of the engineer's office from $67,012 to $67,512.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "dollars," to insert "clerk, $1,400; clerk, $1,200;" in line 7, after the word "dollars," to insert "temporary clerk hire, $600," and in line 8, before the word "dollars" to strike out "five thousand" and insert "eight thousand two hundred;" so as to make the clause read:

Department of insurance: For superintendent of insurance, $2,500; examiner, $1,500; clerk, $1,400; clerk, $1,200; clerk, $1,000; temporary clerk hire, $600; in all, $8,200.

The amendment was agreed to.

The next amendment was, on page 13, line 14, to increase the appropriation for such additional employees as may be required in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salaried officer from $12,000 to $15,000, and, in the same line, to increase the total appropriation for the maintenance of the surveyor's office from $16,800 to $19,800.

The amendment was agreed to.

The next amendment was, on page 14, line 7, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" in line 8, before the word "thousand" to strike out "seven" and insert "nine;" and in line 9, before the word "dollars," to strike out "nine thousand five hundred" and insert "twelve thousand;" so as to make the clause read:

For binding, $3,000; fuel, lighting, fitting up building, and other contingent expenses, $9,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 15, line 1, to increase the appropriation for contingent expenses of the government of the District of Columbia from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 15, line 11, after the word "horses," to insert "for supervision or inspection purposes;" line 13, after the word "harness," to insert "for said purposes;" and in line 16, after the word "repair," to insert "or unless the Commissioners of the District of Columbia shall certify that such expenditures are necessary for the proper supervision and inspection of the work called for by such appropriation;" so as to make the clause read:

No part of the money appropriated by this act shall be used for the purchase, livery, or maintenance of horses for supervision or inspection purposes, or for the purchase, maintenance, or repair of buggies or carriages and harness for said purposes unless the appropriation from which the same is proposed to be paid shall specifically authorize such purchase, livery, maintenance, and repair, or unless the Commissioners of the District of Columbia shall certify that such expenditures are necessary for the proper supervision and inspection of the work called for by such appropriation; and all horses, buggies, or carriages owned or maintained by the District of Columbia shall, so far as may be practicable, be provided for in stables owned or operated by said District.

The amendment was agreed to.

The reading was continued to line 10, on page 16.

Mr. ALLISON. In line 9, before the word "hundred," I move to strike out "two" and insert "five;" so as to read:

For rent of office for department of insurance, $540.

The amendment was agreed to.

The reading was resumed. The next amendment was, on page 16, after line 11, to insert:

For rent of office for superintendent of property, $480.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to insert:

To enable the register of wills to complete the work of comparing, correcting, and reproducing certain records, or will books, in his office, including clerical service, purchase of books, and necessary equipments, $2,500.

The amendment was agreed to.

The next amendment was, at top of page 18, to insert:

For fireproof book shelves and file cases in the office of the recorder of deeds, to be expended by the Superintendent of the Capitol, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to insert:

For glass to protect the portraits of Henry Clay, President Jackson, and W. W. Corcoran, and for regilding the frame of the latter, $150.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

For enlargement of fireproof file case (surveyor's office), $600.

The amendment was agreed to.

The next amendment was, on page 18, after line 8, to insert:

For photolithographing certain old maps (surveyor's office), $300.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

For resurvey of Beatty & Hawkins addition to Georgetown (surveyor's office), $2,000.

The amendment was agreed to.

The next amendment was under the head of "Improvements and Repairs," on page 18, line 23, to increase the appropriation for assessment and permit work from $140,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

For paving South Capitol street and Delaware avenue, from B street to C street south, $15,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 5, to insert:

For paving North Capitol street, from R to T streets, $15,400.

The amendment was agreed to.

The next amendment was, on page 20, after line 7, to insert:

For paving S street NW., from North Capitol street to Second street, $14,600.

The amendment was agreed to.

The next amendment was, on page 20, after line 9, to insert:

For paving P street NW., between Twentieth and Twenty-second streets, $6,400.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

Opening alleys: The unexpended balance of the appropriation of $40,000 made in the deficiency act approved March 3, 1893, for opening, widening, and extending alleys in the District of Columbia, under the provisions of "An act to provide for the opening of alleys in the District of Columbia," approved July 22, 1892, is hereby made available for opening, extending, widening, and straightening alleys and minor streets under the provisions of sections 1608 to 1616, inclusive, of the Code of Law for the District of Columbia, and an additional sum of $25,000 is appropriated from the revenues of the District of Columbia for the same purpose; and all moneys collected for so opening, widening, and straightening alleys and minor streets shall be repaid and credited to this appropriation.

The amendment was agreed to.

The next amendment was, on page 22, line 18, to increase the appropriation for completing paving of Connecticut avenue, Le Roy place to Wyoming avenue, from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to insert:

For Joliet street west from Wisconsin avenue, macadamize, $7,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

For Providence street, Brookland, macadamize, $5,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

For R street, Florida avenue to Massachusetts avenue, pave, $6,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to insert:

For Nebraska avenue, grade and regulate, $2,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 6, to insert:

For Blagden avenue, macadamize, $3,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

For Reno road and Emerson street, grade and improve, $3,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 10, to insert:

For Kramer street, Sixteenth to Seventeenth streets, pave, $5,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 12, to insert:

For Kenesaw avenue, entrance to Zoological Park, grading (and the Commissioners of the District of Columbia are authorized to adjust the lines of the streets at this locality so as to afford an entrance to the Zoological Park upon good and satisfactory grade, with authority to exchange with the owners of the abutting property any land now within the lines of said streets that may be necessary to accomplish said purpose: *Provided*, That no expense is incurred thereby by the United States or the District of Columbia), $10,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to insert:

For Pennsylvania avenue extended, grade, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

For Eleventh street extended, grade and improve, $15,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

For New Hampshire avenue, Whitney avenue to Seventh street (Brightwood avenue), grade and macadamize, $13,500

The amendment was agreed to.

The next amendment was, on page 24, after line 5, to insert:

For Erie street, Champlain avenue to Sixteenth street, macadamize, $2,500.

The amendment was agreed to.

The next amendment was, on page 24, after line 7, to insert:

For Rhode Island avenue, Florida avenue to First street, pave, $25,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

For Connecticut avenue extended, grade and macadamize, $10,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 11, to insert:

For Wisconsin avenue and Thirty-seventh street, grade and improve, $15,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 13, to insert:

For Concord street, Brookland, Thirteenth to Queen's Chapel road, grade and improve, $2,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

For Messmore street, from Columbia street to Erie street, grading, $1,500.

The amendment was agreed to.

Mr. ALLISON. By direction of the committee, I move to insert, on page 24, after line 17:

For Seventh street, Bunker Hill road, Michigan avenue, Rhode Island avenue, grade and improve, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 17, to insert:

For Thirty-seventh street and other streets in Burleith subdivision, grade and pave, $3,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

For Wyoming avenue west of Connecticut avenue, pave, $4,300.

The amendment was agreed to.

The next amendment was, on page 24, after line 21, to insert:

For Mintwood place, grade and pave, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 23, to insert:

For Fourteenth street from its present terminus to the northern limit of the Saul tract, grade and macadamize, $40,600: *Provided*, That no portion of the said sum shall be expended until all the land for the extension of said street within the limits named, according to the highway extension plans, be dedicated to the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

For Kansas avenue, in Petworth subdivision, from Trenton to Utica streets, grading, regulating, and macadamizing, $2,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 8, to insert:

For Decatur street from Florida avenue to Massachusetts avenue, paving with asphalt, $12,000.

The amendment was agreed to.

The next amendment was, on page 25, line 11, to increase the total appropriation for construction of county roads and suburban streets from $55,500 to $262,400.

Mr. ALLISON. I move to amend the amendment by striking out "two" before "thousand" and inserting "seven;" so as to read:

In all, $267,400.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading was resumed. The next amendment was, on page 26, after line 9, to insert:

Repairs to Aqueduct Bridge: For construction of pier No. 5 of the Aqueduct Bridge across the Potomac River at Georgetown, D. C., to be expended under the direction of the Secretary of War, $65,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 14, to insert:

Highway bridge across Potomac River: Section 12 of the "Act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracts, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, is hereby amended by striking out therefrom the words "two years" and inserting in lieu thereof the words "four years," and the limit of cost for the bridge across the Potomac River therein provided for of $568,000 is hereby increased to $996,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to insert:

ANACOSTIA RIVER FLATS.

For a survey and outline map of land owned by the United States, comprised within what is known as the flats of the Anacostia River, from its mouth to the boundary line of the District of Columbia, $5,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, and the Attorney-General is authorized and directed to examine and report upon the nature of the title to lands embraced within said flats.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 27, line 25, after the word "for," to strike out "continuing" and insert "completing;" on page 28, line 3, before the word "thousand," to strike out "fifty" and insert "fifty-two;" so as to make the clause read:

For completing the construction of the east side intercepting sewer, between Twenty-second and A streets NE. and Twelfth street SE., now under contract, $52,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to insert:

For construction in part of trunk sewer to serve the western part of Georgetown, $20,000; and the Commissioners of the District of Columbia are authorized to enter into contract for the whole work at a cost not to exceed $42,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

For continuing the construction of the Arizona avenue sewer, $75,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 15, to insert:

For constructing in part the B street and New Jersey avenue trunk sewer, $250,000; and the Commissioners of the District of Columbia are authorized to construct said sewers where necessary across lands belonging to the United States, and as soon as practicable thereafter the excavated portions of said lands shall be restored to their original condition from the appropriation made for the sewer construction.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

For fencing James Creek Canal, $2,000, to be immediately available; and the Commissioners of the District of Columbia are hereby authorized to lease for periods not exceeding one year the public space bordering on said canal for commercial use; all revenue to be derived from this source to be paid into the United States Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 30, line 5, to increase the appropriation for sprinkling, sweeping, and cleaning streets from $190,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the appropriation for cleaning snow and ice from cross walks and gutters from $1,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 31, line 6, after the word "be," to strike out "immediately," and in line 7, after the word "available," to insert "from the 15th day of May, 1902," so as to read:

Bathing beach: For all necessary expenses of removing to and establishing the bathing bach on the inner basin near the present bathing beach site, to be available from the 15th day of May, 1902, $4,000, etc.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 32, line 19, to increase the appropriation for general supplies, repairs, new batteries, and battery supplies, telphone rental, purchase, etc., from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 32, line 25, to increase the appropriation for placing wires of fire-alarm telegraph and police telephone service under ground in existing conduits, including cost of cables, etc., from $8,000 to $9,000.

The amendment was agreed to.

The next amendment was, on page 33, line 10, before the word "twenty," to insert "not less than;" so as to make the clause read:

For extension of police-patrol system, including purchase of not less than 20 new boxes, purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, $5,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 13, to insert:

For one four-dial four-number manual transmitter for fire-alarm office, $5,250.

The amendment was agreed to.

The next amendment was, on page 33, line 18, after the word "items," to strike out "on plans of and," and in line 20, before the word "dollars" to strike out "three thousand eight hundred" and insert "four thousand;" so as to make the clause read:

For raising roof of building occupied by fire-alarm headquarters, and for remodeling cabinetwork, new floor, and other necessary items, to be supervised by the inspector of buildings, $4,000.

The amendment was agreed to.

The next amendment was, on page 34, line 5, before the word "thousand," to strike out "one hundred and eighty-five" and insert "two hundred;" in line 6, before the word "dollars," to strike out "eighteen" and insert "twenty;" in line 9, before the word "cleaning," to insert "and;" in the same line, after the word "cleaning," to strike out "purchasing, and expenses of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures;" in line 20, before the word "that," to strike out "*And provided*" and insert "*Provided further;*" in line 21, before the word "thousand," strike out "fifteen" and insert "twenty;" in line 24, after the word "above," to insert "and not less than sixty candlepower;" in line 25, before the word

"dollars," to strike out "twenty-five" and insert "thirty," and on page 35, line 2, after the word "paragraph," to insert:

And provided further, That section 3 of the act relating to the sale of gas in the District of Columbia, approved June 6, 1896, is hereby amended by striking out the word "twenty-five" and inserting in lieu thereof "twenty-two."

So as to make the clause read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery and other necessary items and services, $200,000: *Provided*, That no more than $20 per annum for each street lamp shall be paid for gas and no more than $20 for oil, lighting, extinguishing, repairing, painting, and cleaning under any expenditure provided for in this act: *Provided*, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: *Provided further*, That before any expenditures are made from the appropriations herein provided for the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 5 cubic feet of gas per hour: *Provided further*, That not more than $20,000 of said appropriation may be expended for lighting, extinguishing, repairing, painting, and cleaning public lamps of a higher candlepower than those provided for above, and not less than 60 candlepower, which lamps shall not cost to exceed $30 per lamp, and shall otherwise be subject to the restrictions of this paragraph: *And provided further*, That section 3 of the act relating to the sale of gas in the District of Columbia, approved June 6, 1896, is hereby amended by striking out the word "twenty-five" and inserting in lieu thereof "twenty-two."

The amendment was agreed to.

The next amendment was, on page 35, line 9, before the word "dollars," to strike out "sixty-six thousand six hundred and fifty-six" and insert "eighty-five thousand;" in line 11, before the word "dollars," to strike out "seventy-two" and insert "eighty-five," and in line 18, after the word "Washington," to insert the following proviso:

Provided, That the Commissioners of the District of Columbia are hereby authorized to permit the erection of poles and the stringing of overhead wires thereon outside of the fire limits and east of Rock Creek for electric lighting purposes only.

So as to make the clause read:

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding $85,000: *Provided*, That not more than $85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to permit the erection of poles and the stringing of overhead wires thereon outside of the fire limits and east of Rock Creek for electric lighting purposes only.

The amendment was agreed to.

The next amendment was under the head "Washington Aqueduct," on page 36, after line 2, to insert:

For preliminary surveys for additional conduit from Great Falls, $8,000.

The amendment was agreed to.

The next amendment was, on page 36, line 9, before the word "hundred," to strike out "six" and insert "one million two," and in line 12, after the word "work," to insert "to final completion within the shortest practicable time;" so as to make the clause read:

Toward establishing a slow sand filtration plant, and for each and every purpose connected therewith, including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War, $1,200,000, to be available immediately and until expended: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary for prosecuting the work to final completion within the shortest practicable time, or the materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,768,405, including the amount herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, under the head of "Increasing the water supply," on page 36, after line 19, to strike out:

For fence around reservoir grounds, to cost not exceeding $5,000; walks, ditches, and drains on reservoir grounds; house over west shaft, and fencing; and for fencing, grading, and clearing at Champlain avenue shaft; in all, $12,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 36, after line 24, to insert:

For iron fence around reservoir, to cost not exceeding $27,000; for fencing, cleaning, grading, and improving the public grounds pertaining to the Washington City reservoir and the shafts of the Washington Aqueduct tunnel; for necessary gatekeepers' dwellings, and for structures needed to protect the west shaft and the intake and Congressional Springs at the Washington City reservoir; in all, $67,240, to be available immediately and until expended.

The amendment was agreed to.

The next amendment was, under the head of "Rock Creek Park," on page 37, line 12, to increase the appropriation for care and improvement of Rock Creek Park from $2,500 to $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 37, line 19, after the word "superintendents," to insert "who shall also, under the direction of the superintendent of public schools, superintend the night school;" in line 22, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" in line 24, after the word "each," to insert "one stenographer, $900," and on page 38, line 2, before the word "and," to strike out "eighteen thousand six hundred" and insert "twenty thousand;" so as to make the clause read:

PUBLIC SCHOOLS.

For officers: For 7 members of the board of education, at $500 each, $3,500, not more than $1,750 of which shall be used during the first half of the fiscal year; 1 superintendent of public schools, $4,000; 2 assistant superintendents, who shall also, under the direction of the superintendent of public schools, superintend the night schools, at $2,750 each; 1 secretary, $2,000; 1 clerk, $1,400; 2 clerks, at $1,000 each; 1 stenographer, $900, and 1 messenger, $720; in all, $20,020.

The amendment was agreed to.

The next amendment was, on page 38, after line 6, to insert:

For eight supervising principals, at $2,200 each.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "For," to strike out "eleven" and insert "three;" so as to make the clause read:

For three supervising principals, at $2,000 each.

The amendment was agreed to.

The next amendment was, on page 38, line 17, before the word "Normal," to insert "white;" in the same line, after the word "School," to strike out "Number one;" in line 18, before the word "Normal," to insert "colored," and in the same line after the word "School" to strike out "Number two;" so as to make the clause read:

For principal of white Normal School and principal of colored Normal School, two, at $1,600 each.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to insert:

For director of music, director of drawing, director of physical culture, director of cooking, heads of the departments of shopwork, mechanical drawing, English, and mathematics, in Manual Training School No. 1, and 2 heads of departments in the high school, 10 in all, at $1,400 each.

The amendment was agreed to.

The next amendment was, on page 39, line 4, before the word "principals," to strike out "five" and insert "six;" in the same line, after the word "buildings," to insert "and 1 assistant director of drawing, 7 in all;" so as to make the clause read:

For 6 principals of buildings, and 1 assistant director of drawing, 7 in all, at $1,300 each.

The amendment was agreed to.

The next amendment was, on page 39, line 7, after the word "For," to strike out "director of music, director of drawing, assistant director of drawing, director of physical culture" and insert "director of sewing;" in line 9, before the word "teachers," to strike out "two" and insert "three;" in line 10, after the word "teachers," to strike out "instructor in shopwork, assistant instructor in ironwork, instructor in free-hand drawing, fourteen" and insert "twelve;" in line 12, before the word "principals," to strike out "ten" and insert "twenty-five;" and in same line, after the word "buildings," to strike out "thirty-five" and insert "forty-three;" so as to make the clause read:

For director of sewing, 3 teachers of manual training, 2 normal-training teachers, 12 high-school teachers, and 25 principals of buildings, 43 in all, at $1,200 each.

The amendment was agreed to.

The next amendment was, on page 39, line 18, to reduce the number of teachers at $1,000 each from 99 to 79.

The amendment was agreed to.

The next amendment was, on page 40, line 22, to increase the total appropriation for teachers from $917,875 to $925,675.

The amendment was agreed to.

The next amendment was, on page 41, after line 6, to strike out:

For night schools for pupils not over 21 years of age, and teachers of night schools may also be teachers in the day schools, $6,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 9, to insert:

For teachers of night schools, $10,000, and teachers in the day schools may be employed in this service at a rate of compensation not to exceed $1.50 per night each.

The amendment was agreed to.

The next amendment was, on page 41, line 15, to increase the appropriation for contingent and other necessary expenses for night schools from $500 to $1,000.

The amendment was agreed to.

The next amendment was, on page 41, line 16, to increase the appropriation for kindergarten instruction from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 17 to insert:

For medical inspectors: For 11 medical inspectors of public schools, at $500 each, $5,500: *Provided*, That said inspectors shall be appointed by the Commissioners only after competitive examination, and shall have had at least five years' experience in the practice of medicine in the District of Columbia, and shall perform their duties under direction of the health officer and according to rules formulated from time to time by him, which shall be subject to the approval of the board of education and the Commissioners.

The amendment was agreed to.

The next amendment was, on page 42, after line 4 to insert:

For janitors and care of buildings and grounds: For superintendent of janitors, $1,200.

The amendment was agreed to.

The next amendment was, on page 44, line 11, to increase the total appropriation for janitors and care of buildings and grounds from $82,106 to $83,306.

The amendment was agreed to.

The next amendment was, on page 44, line 16, to increase the appropriation for repairs and improvements to school buildings and grounds from $55,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

For repairing and renewing heating and ventilating apparatus, $12,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to insert:

For grading, filling, paving, draining, and inclosing school yards and adjacent parking surfaces, $5,000.

The amendment was agreed to.

The next amendment was, on page 45, line 2, after the word "therewith," to insert: "including $5,000 for Manual Training School No. 1 and $5,000 for Manual Training School No. 2," and in line 4, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, including $5,000 for Manual Training School No. 1 and $5,000 for Manual Training School No. 2, $20,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 11, to insert:

For purchase of pianos for new school buildings at an average cost not to exceed $225 each, $2,500.

The amendment was agreed to.

The next amendment was, on page 45, line 23, to increase the appropriation "for text-books and school supplies for use of pupils of the first eight grades who at the time are not supplied with the same," etc., from $45,000 to $52,500.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

For the purchase of a site for the construction of a Business High School building, $75,000, and for the preparation of plans and specifications for such building, $2,500, or so much thereof as may be necessary; in all, $77,500, the cost of said building not to exceed $175,000.

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert:

For one new 4-room building for manual training (School street), $15,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 2, to insert:

For reconstructing Henry School in the second division, for the use of Normal School No. 1, $26,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 5, to insert:

For one eight-room building in the second division, in the vicinity of Henry School, $65,000.

The amendment was agreed to.

Mr. ALLISON. On page 47, after line 7, by direction of the Committee on Appropriations, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 47, after line 7, it is proposed to insert:

For four-room addition to Brookland School, $25,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 7, to insert:

For purchase of lot to rear and west of Western High School, $7,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 9, to insert:

For purchase of part of lot 5, square 796, for additional playground for Giddings School, $1,944.

The amendment was agreed to.

The next amendment was, under the head of "Metropolitan police," on page 48, line 9, to increase the number of privates of class 1 at $900 each, from 45 to 60; in line 10, to increase the number of privates of class 2 at $1,080, from 230 to 250; and on page 49, line 1, to increase the total appropriation for the maintenance of the Metropolitan police, from $697,960 to $733,060.

The amendment was agreed to.

The next amendment was, on page 49, line 18, to increase the appropriation "For miscellaneous and contingent expenses, including the purchase of new wagons," etc., from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 22, to insert:

For erection of station house and stable in southeast Washington on site of present fifth precinct and furnishing same, $30,000.

The amendment was agreed to.

The next amendment was, on page 50, line 14, to increase the total appropriation "for miscellaneous expenses of the Metropolitan police" from $44,185 to $79,185.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 50, line 17, after the word "For," to insert "superintendent, $2,400;" in line 18, after the word "dollars," to insert "one assistant chief engineer, $1,400;" in line 19, before the word "assistant," to strike out "three" and insert "two;" in line 21, before the word "dollars," to insert "two hundred;" in line 22, before the word "dollars," to insert "two hundred;" in line 23, before the word "dollars," to insert "two hundred," and on page 51, line 6, before the word "hundred," to strike out "forty-seven thousand two" and insert "fifty thousand four;" so as to make the clause read:

For superintendent, $2,400; chief engineer, $2,000; 1 assistant chief engineer, $1,400; 2 assistant chief engineers, at $1,200 each; clerk, $1,200; fire marshal, $1,200; machinist, $1,200; 25 foremen, at $1,000 each; 14 engineers, at $1,000 each; 14 firemen at $900 each; 6 tillermen, at $900 each; 26 drivers, at $900 each; 170 privates, at $840 each; 25 watchmen, at $600 each; and 1 laborer, at $480; in all, $250,480.

The amendment was agreed to.

The next amendment was, on page 51, line 8, to increase the appropriation for repairs to engine-house from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 51, line 9, before the word "new," to insert "for;" in line 10, before the word "thousand," to strike out "four" and insert "ten;" so as to make the clause read:

For repairs to apparatus and for new appliances, $10,500.

The amendment was agreed to.

The next amendment was, on page 51, after line 14, to insert:

For rent, $480.

The amendment was agreed to.

The next amendment was, on page 51, line 20, to increase the total appropriation "for the maintenance of the fire department" from $60,000 to $71,480.

The amendment was agreed to.

The next amendment was, on page 51, line 23, before the word "first-class," to strike out "extra;" and in line 24, before the word "dollars," to strike out "seven hundred and fifty;" so as to make the clause read:

Increase fire department: For exchange for or purchase of three first-class steam engines, $15,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 4, to insert:

For site, house, and furniture for engine company in the southwestern section of the city, $25,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 7, to insert:

For house and furniture for truck company in the southeastern section of the city, to be located on land owned by the District of Columbia, in square 925, $22,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 11, to insert:

That the unexpended balance, amounting to $1,300, of the appropriations heretofore made for the house, lot, and furniture for a truck company in Columbia Heights is hereby authorized to be used for completing the stable in the rear of No. 8 engine house on North Carolina avenue between Sixth and Seventh streets SE.

The amendment was agreed to.

The next amendment was, on page 52, line 19, to increase the total appropriation "for the increase of the fire department" from $21,750 to $68,000.

The amendment was agreed to.

The next amendment was, under the head of "Health Department," on page 52, line 22, after the words "dollars," to insert "chief inspector and deputy health officer, $1,800;" in line 24, before the word "sanitary," to strike out "fourteen" and insert "thirteen;" on page 53, line 3, before the word "dollars," to strike out "one thousand six hundred" and insert "two thousand;" in line 5, before the word "hundred," to strike out "two" and insert "five;" in line 17, before the word "sanitary," to strike out "four" and insert "six;" in line 18, before the word "of," to strike out "one" and insert "two;" in the same line, after the word "be," to strike out "a veterinary surgeon" and insert "veterinary surgeons;" in line 20, after the word "laws," to insert "and the regulations relating thereto;" in line 21, before the word "hundred," to strike out "nine" and insert "one thousand two," and in line 22, before the word "hundred," to strike out "forty-three thousand nine" and insert "forty-eight thousand eight;" so as to make the clause read:

For health officer, $3,500; chief inspector and deputy health officer, $1,800; 13 sanitary and food inspectors, at $1,200 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $2,000; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,500; inspector of marine products, $1,200; chief clerk and deputy health officer, $1,800; clerk, $1,400; 4 clerks, 2 of whom may act as sanitary and food inspectors, at $1,200 each; 2 clerks, at $1,000 each; clerk, $600; messenger and janitor, $600; pound master, $1,500; laborers at not exceeding $40 per month, $1,920; ambulance driver, $480; sanitary and food inspector, who shall be a veterinary surgeon, $900; 6 sanitary

and food inspectors, 2 of whom shall be veterinary surgeons, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, at $1,200 each; in all, $48,800.

The amendment was agreed to.

Mr. ALLISON. In behalf of the committee, I move to amend, on page 53, line 7, by striking out "$1,800" and inserting "$2,200;" so as to read:

Chief clerk and deputy health officer, $2,200.

The amendment was agreed to.

Mr. ALLISON. At the close of the clause, in line 22, on page 83, I move to change the total by striking out "$48,800" and inserting "$49,200."

The amendment was agreed to.

The next amendment was, on page 54, after line 19, to insert:

For the necessary traveling expenses of sanitary and food inspectors while traveling outside of the District of Columbia for the purpose of inspecting dairy farms, milk, and other dairy products, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 55, line 20, after the word "dollars," to insert "deputy marshal, $1,000;" and in line 24, before the word "thousand," to strike out "twenty" and insert "twenty-one;" so as to make the clause read:

For the police court: For two judges, at $3,000 each; clerk, $2,000; two deputy clerks, at $1,500 each; two deputy clerks, at $1,200 each; one deputy clerk, to be known as financial clerk, $1,500; deputy marshal, $1,000; three bailiffs, at $900 each; janitor, $540; engineer, $900; assistant janitor, $450; one baliff, $600; in all, $21,840.

The amendment was agreed to.

The next amendment was, on page 56, line 23, to increase the appropriation "for the salaries of 10 justices of the peace" from "$2,000 each" to "$2,400 each," and on page 57, line 1, to increase the total appropriation "for the salaries of the justices of the peace" from "$22,500" to "$26,500."

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to strike out:

Hereafter the District of Columbia shall not be required to pay fees to the clerk of the supreme court of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 57, line 18, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" so as to make the clause read:

Hereafter the salary and compensation of the clerk of the supreme court of the District of Columbia shall not exceed $4,000 per annum; and the excess of fees received by him above said salary, after defraying therefrom the necessary expenses of his office, shall be paid into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," on page 59, line 11, after the words "District of Columbia," to strike out "Deputy marshal, $900; engineer," and insert "Engineer;" and in line 18, before the word "hundred," to strike out "thirteen thousand eight" and insert "twelve thousand nine;" so as to make the clause read:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; 3 watchmen, at $720 each; 3 firemen, at $720 each; 5 laborers, at $480 each; and 7 assistant messengers, at $720 each; in all, $12,960, to be expended under the direction of the Attorney-General.

The amendment was agreed to.

The next amendment was, on page 59, line 21, to increase the appropriation "for the salary of the warden of the jail" from $2,000 to $2,250.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 60, line 6, after the word "dollars," to strike out "inspector, $720," and insert "two inspectors, at $720 each;" in line 9, before the word "hundred," to strike out "two" and insert "four;" and in line 11, before the word "dollars," to strike out "six thousand two hundred and forty" and insert "seven thousand one hundred and sixty;" so as to make the clause read:

Board of charities: For secretary, $3,000; clerk, $1,000; stenographer, $720; messenger, $600; two inspectors, at $720 each; traveling expenses, $400; in all, $7,160.

The amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 60, line 19, to increase the appropriation "for the salary of the principal overseer at the Washington Asylum" from $1,000 to $1,200; in line 20, to increase the appropriation for the salary of the engineer at the Washington Asylum from $600 to $660; in line 24, to increase the appropriation for the salaries of five watchmen from $365 each to $480 each; on page 61, line 1, to increase the appropriation for the salary of night watchman from $548 to $660, and in line 20, to increase the total appropriation "for the maintenance of the Washington Asylum" from $25,275 to $26,222.

The amendment was agreed to.

The next amendment was, on page 63, line 18, to increase the appropriation for the salary of "four teachers of industries at the Reform School for Girls" from $250 each to $300 each; in line 19, to increase the appropriation for the salary of the engineer at the Reform School for Girls from $480 to $600; in line 21, to increase the appropriation for the salary of the assistant engineer at the Reform School for Girls from $360 to $420; and in line 23, to increase the total appropriation "for the maintenance of the Reform School for Girls" from $6,385 to $6,765.

The amendment was agreed to.

The next amendment was, on page 64, after line 5, to insert:

For erecting and furnishing, including every expense connected therewith, a plain and substantial brick building, to contain necessary quarters for the male employees and additional storerooms for the general purposes of the school, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, to increase the total appropriation "for the maintenance of the Reform School for Girls" from $16,385 to $21,765.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 65, after line 4, to insert:

For procuring plans and specifications for a new Freedmen's Hospital building, to be erected on the grounds of the present hospital, and to cost not to exceed $150,000 complete, $5,000.

The amendment was agreed to.

The next amendment was, on page 65, line 9, to increase the total appropriation for medical charities from $54,000 to $59,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 22, to insert:

To aid in the reconstruction and completion of the building for the National Homeopathic Hospital, $25,000: *Provided*, That before any part of said amount is paid the Commissioners of the District of Columbia shall certify that the sum of $25,000 in money has been raised privately to be expended for the purpose of said reconstruction.

The amendment was agreed to.

The next amendment was, on page 66, after line 6, to insert:

For necessary alterations and improvements required for better protection of building from fire, $1,458.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 67, line 8, to reduce the appropriation "for board and care of all children committed to the guardianship of the Board of Children's Guardians by the courts of the District," etc., from $39,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 67, line 9, to reduce the total appropriation "for the maintenance of the Board of Children's Guardians," from $58,600 to $54,600.

Mr. ALLISON. In line 9, on behalf of the committee, I move to amend the amendment by striking out "$54,600" and insert "$66,600."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 67, after line 10, to insert:

To enable the Board of Children's Guardians to contract for the care and maintenance of sixty wards of the board at the Hart Farm School, at the rate of $200 per annum each, $12,000.

Mr. ALLISON. I ask that that clause, instead of coming in after line 10, on page 67, may be transposed and come in after line 8, on the same page.

The PRESIDENT pro tempore. That change will be made in the absence of objection.

The amendment was agreed to.

The next amendment was, on page 67, after line 24, to insert:

For completion of the enlargement of girls' cottage and dormitories, in addition to the appropriation of $5,000 made for the enlargement of girls' cottage in the "act making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes," which is hereby continued and made available during the fiscal year 1903 for this purpose, $3,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 8, to strike out:

For the care and maintenance of children, under a contract to be made with the National Association for the Relief of Destitute Colored Women and Children, by the Board of Children's Guardians, not to exceed $9,900.

And in lieu thereof to insert:

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repair, $9,900.

The amendment was agreed to.

The next amendment was under the head of "Militia of the District of Columbia," on page 72, line 1, before the word "that," to strike out "*And provided*," and insert "*Provided further*," and in line 12, after the word "troops" to insert:

And provided further, That section 49 of "An act to provide for the organization of the militia of the District of Columbia," approved March 3, 1889, shall be construed as covering all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general."

The amendment was agreed to.

The next amendment was, under the head of "Extension of High-Service System of Water Distribution," on page 73, after line 2, to strike out:

A reduction of 10 per cent on all of the foregoing sums herein appropriated for specified salaries, and for all other objects, except for interest and sinking fund on the funded debt of the District of Columbia, shall be made, and no greater amount than 90 per cent of any of said foregoing sums, except that for interest and sinking fund, shall be expended or obligated for expenditure unless there shall have been enacted by Congress on or before July 1, 1902, a law imposing for the fiscal year 1903 and thereafter a tax on personal property in the District of Columbia other than that owned by the United States.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 73, line 21, after the word "dollars" to strike out "two clerks, at $1,400 each," and to insert "one clerk, $1,600; one clerk, $1,400," so as to make the clause read:

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, $1,800; one clerk, $1,600; one clerk, $1,400; two clerks, at $1,000 each; chief inspector, $936; eight inspectors, at $900 each; messenger, $600.

The amendment was agreed to.

The next amendment was, on page 74, line 12, to increase the total appropriation for the distribution branch of the water department of the District of Columbia from $30,666 to $30,866.

The amendment was agreed to.

The next amendment was, on page 75, after line 4, to strike out section 2, as follows:

SEC. 2. That the Commissioners of the District of Columbia shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year 1903 than they make on the appropriations arising from the revenues, including drawback certificates of said District.

And to insert in lieu thereof the following:

SEC. 2. That until and including June 30, 1903, the Secretary of the Treasury is authorized and directed to advance on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as provided by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia: *Provided*, That all advances made under this act not reimbursed to the Treasury of the United States on or before June 30, 1903, shall be reimbursed to said Treasury from time to time out of the surplus revenues of the District of Columbia, beginning July 1, 1903, together with interest thereon at the rate of 2 per cent per annum until so reimbursed.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert as a new section the following:

TAXATION OF REAL ESTATE.

SEC. 4. That hereafter all real estate in the District of Columbia subject to taxation, including improvements thereon, shall be taxed 1½ per cent upon the assessed valuation thereof, and whenever a subdivision of any portion of said real estate is made and recorded with the surveyor of the said District, the board of assistant assessors of said District are hereby authorized and directed to reassess said property so subdivided, and the tax on said reassessment shall be due and payable at the semiannual payment of taxes next following said reassessment.

That hereafter property used for educational purposes that is not used for private gain shall be exempt from taxation, and all other property used for educational purposes shall be assessed and taxed as other property is assessed and taxed.

That in all cases where assessments of benefits for street extensions in the District of Columbia have been, or may hereafter be, levied, or assessed, payment of the same shall be made in five equal annual installments, with interest at the rate of 4 per cent per annum until paid: *Provided*, That the accounting officers of the District, in making payments of awards for damages, shall first deduct the amount of the assessment for benefits.

The amendment was agreed to.

The next amendment was, on page 77, after line 15, to insert as a new section the following:

TAXATION OF PERSONAL PROPERTY.

SEC. 5. That in order to provide revenues to meet the appropriations made by this act and appropriations to be hereafter made to provide for the expenses of the government of the District of Columbia, it is further enacted: That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to appoint, to take effect July 1, 1902, two competent persons, at annual salaries of $3,000 each, who, with the assessor of the District of Columbia as chairman, shall compose a board of personal-tax appraisers for said District of Columbia. Said appraisers shall have been bona fide residents of the District of Columbia for at least five years prior to the date of their appointment, and, under the direction and supervision of the said assessor, they shall assess personal property in said District as follows:

That hereafter the assessor of the District of Columbia, or his successor in office, shall annually cause to be prepared a printed blank schedule of all tangible personal property and all general merchandise or stock in trade, owned or held in trust or otherwise, subject to taxation under the provisions of this section, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank, setting forth that the foregoing presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be. When said schedule is ready for delivery, notice thereof shall be given by the assessor by advertisement for three successive secular days in one or more of the daily newspapers published in said District, and a copy of said schedule shall be delivered to any citizen applying therefor at the office of the assessor.

Every person, association, corporation, firm, or company in said District liable to taxation hereunder, and every association, company, executor, administrator, guardian, or trustee holding personal property in trust liable to taxation hereunder, shall, within thirty days after the last publication of said advertisement, as aforesaid, fill out the proper blanks in said schedule with a full and true statement, as in this section hereinbefore required, and make and sign an affidavit to the truth thereof, as aforesaid, before the assessor or one of the other members of the said board of personal-tax appraisers, and the members of the said board are hereby authorized to administer such and all oaths in connection with their duties as assessor and appraisers without charge, or before any person authorized by law to administer oaths; and the address in the District of Columbia of the person, corporation, or company making affidavit shall in each case be given below his, its, or their signature, and thereupon said board of personal-tax appraisers, or any one of the members thereof, shall assess said property at its fair cash value, and enter the same in the columns upon said blanks provided for that purpose, and the amount thus ascertained shall be entered upon the books for taxation for the fiscal year beginning July 1, 1902, and each fiscal year thereafter: *Provided*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall fail to make and deliver to the assessor or one of the said appraisers, within thirty days after the last advertisement of the notice hereinbefore required, the schedule of his or its said personal property, owned, held in trust, or otherwise, as provided for in this section, then the said board of personal-tax appraisers hereinbefore provided for shall without delay, from the best information they can procure, make an assessment against such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, to which they shall add 5 per cent thereof: *Provided further*, That if the said board of personal-tax appraisers be not satisfied as to the correctness of the return of personal property made by any person, firm, association, corporation, company, administrator, executor, guardian, or trustee, said board may reject said return, and said board, or any one of the members thereof may, from the best information he or they can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just; and notice of the rejection of the sworn return shall be given to the party interested by leaving the same at the address given in said return, and in all such cases there shall be a right of appeal from the action taken by said appraisers to the board of personal-tax appeals, hereinafter provided for, or to their successors in office, within fifteen days after delivery of said notice of rejection as aforesaid: *And provided further*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall make a false affidavit touching the matters herein provided for, he or they shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided by section 858 of the Code of the District of Columbia.

PAR. 2. On all tangible personal property, assessed at a fair cash value (over and above the exemptions provided in this section), including vessels, ships, boats, tools, implements, horses and other animals, carriages, wagons, and other vehicles, there shall be paid to the collector of taxes of the District of Columbia 1½ per cent on the assessed value thereof.

PAR. 3. Dealers in general merchandise of every description shall pay to the collector of taxes of the District of Columbia 1½ per cent on the average stock in trade for the preceding year.

PAR. 4. Hotel companies and the proprietors of hotels shall pay to the collector of taxes of the District of Columbia 1½ per cent on the assessed value of their furniture.

PAR. 5. Each national bank as the trustee of its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, and telephone companies, through their proper officers, shall make affidavit to the board of personal tax appraisers on or before the 1st day of August in each year as to the amount of its or their gross earnings for the preceding year ending the 30th day of June, and shall pay to the collector of taxes of the District of Columbia 4 per cent per annum on such gross earnings. The real estate owned by each national or other incorporated bank, and each trust, gas, electric lighting, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street railroad companies shall continue to pay the 4 per cent per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 1½ per cent on premium receipts, as provided by section 650 of the Code of the District of Columbia.

PAR. 6. All companies who guarantee the fidelity of any individual or individuals, such as bonding companies, shall pay to the collector of taxes of the District of Columbia 1½ per cent of their gross receipts in the District of Columbia.

PAR. 7. Savings banks paying interest to their depositors shall, through their president or cashier, make affidavit to the board of personal-tax appraisers on or before the 15th day of July in each year as to the amount of their surplus and undivided profits, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1½ per cent on the amount of their surplus and undivided profits on the 30th day of June preceding.

PAR. 8. The capital stock of all corporations, other than those herein provided for, organized in the District of Columbia or under the laws of any of the States or Territories of the United States chiefly for the purpose of and transacting business within the District of Columbia, except those exempted by the laws relating to the District of Columbia, shall be appraised in bulk at its fair cash value by the board of personal-tax appraisers, and the corporation issuing the same shall be liable for the tax thereon according to such value, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1½ per cent on the assessed valuation thereof; but from the assessed valuation of such capital stock shall first be deducted the value of any and all real estate owned by such corporation in said District, which real estate shall be separately taxed against said corporation: *Provided*, That nothing in this act contained shall be construed to include newspaper, real estate, and mercantile companies, which by reason of incorporation receive no special franchise or privilege; but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed.

PAR. 9. The following personal property shall be exempt from taxation:

First. The personal property of all library, benevolent, charitable, and scientific institutions incorporated under the laws of the United States or of the District of Columbia.

Second. Libraries, schoolbooks, wearing apparel, articles of personal adornment, all family portraits, heirlooms, and art collections.

Third. Household property and other belongings in use in any dwelling house of the value of $1,000.

PAR. 10. That said two appraisers hereinbefore provided for, with the assessor of the District of Columbia as chairman, shall compose a board of personal-tax appeals, and as such board of personal-tax appeals shall convene in a room, to be provided therefor by the said assessor, on the 15th day of November in each year, and public notice of the time and place of such meeting shall be given by advertisement for two consecutive secular days in two daily newspapers published in the District of Columbia. It shall be the duty of the board of personal-tax appeals, between the date of convening and December 15 of each year, to hear all appeals made by any person or persons against the assessments made by the board of personal-tax appraisers and to

impartially equalize the value of said personal property as a basis for assessment.

Any two members of the said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman shall be selected. They shall be empowered to diminish or increase such assessments as they may believe to have been returned at other than their true value to such amount as, in their opinion, may be the value thereof, and the action of said board in such cases shall be final. Said appraisers shall also perform such other official duties as may be required of them by the assessor of the District of Columbia: *Provided*, That in case the appraisers shall fail to complete any of the duties in this section to be by them performed within the time provided therefor the taxation provided by this section shall not by reason thereof be invalid; but such appraisers shall proceed with all reasonable diligence to complete such duties, and their acts shall be valid as if performed within the time fixed therefor. If, at any time within any current year, property subject to taxation under the provisions of this section shall have been omitted from assessment, said board of personal-tax appraisers shall immediately proceed to assess the same for the then current year, giving notice in writing to the persons or corporations so assessed, who shall have a right of appeal within ten days from date of said notice.

PAR. 11. That when the taxes on personal property due and payable in each year shall not be paid on or before the 1st day of June, then and in that event the collector of taxes of the District of Columbia, or his deputy, may distrain sufficient goods and chattels found within the District of Columbia and belonging to the person, firm, association, corporation, company, administrator, executor, guardian, or trustee charged with such tax to pay the taxes remaining due, under the provisions of this law, from such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, together with the penalty thereon and the costs that may accrue; and for want of such goods and chattels said collector of taxes may levy upon and sell at auction the estate and interest of such person, firm, association, corporation, company, administrator, executor, guardian, or trustee in any parcel of land in said District; and in the case of the levy on any estate or interest in land the proceedings subsequent to sale thereof shall be the same as now provided by law in the case of sales for arrears of taxes against real estate; and in the case of distraint of personal property or the levy upon real estate as aforesaid the collector of taxes shall immediately proceed to advertise the same by public notice to be posted in the office of said collector and by advertisement, three times within one week, in one or more of the daily newspapers published in said District, stating the time when and the place where such property shall be sold, the last publication to be at least six days before the date of sale, and if said taxes and penalty thereon, and the costs and expenses which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall not be less than ten days after said levy or taking of said property, the collector shall proceed to sell at public auction in his office, to the highest bidder, such property, or so much thereof as may be needed to pay such taxes, penalty, and accrued costs and expenses of such distraint and sale. Said collector shall report in detail, in writing, every distraint and sale of personal property to the Commissioners of the District of Columbia or their successors in office, and his accounts in respect to every such distraint or sale shall forthwith be submitted to the auditor of the District of Columbia and be audited by him. Any surplus resulting from such sale over and above such taxes, costs, and expenses shall be paid into the Treasury, and upon being claimed by the owner or owners of the goods and chattels aforesaid shall be paid to him or them upon the certificate of the collector of taxes stating in full the amount of such excess.

PAR. 12. That all taxes levied under the foregoing provisions of this section shall be due, payable, and collectible at the same time and times as the general tax on real estate in said District, and shall be subject to the same penalties for nonpayment thereof until distraint or sale as hereinbefore provided.

PAR. 13. That private banks or bankers not incorporated shall pay a tax of $500 per annum. Every person, firm, company, or association not incorporated having a place of business where credits are opened by the deposit or collection of moneys or currency subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes or where stocks, bonds, bills of exchange or promissory notes are received for discount or for sale, shall be regarded as a private bank or banker.

PAR. 14. General brokers shall pay a tax of $500 per annum. Every person, firm, company, or association not incorporated (except insurance and real-estate brokers acting as such) that solicits business from the general public by advertisement or otherwise, and that purchases, sells, or negotiates for others securities, shares, stocks, bonds, exchange, bullion, coin, money, bank notes, or promissory notes, or that deals in futures on market quotations of prices or values on merchandise, shares, stocks, bonds, or other securities, or accepts margins on prices or values of said shares, stocks, bonds, merchandise, or securities, shall be deemed a general broker: *Provided*, That the Washington Stock Exchange, through its president or treasurer, shall pay to the collector of taxes of the District of Columbia a sum equal to $500 per annum in lieu of tax on the members thereof: *Provided further*, That any broker who is a member of a regularly organized stock exchange located outside of the District of Columbia and transacting a brokerage business therein, shall pay a sum equal to $100 per annum to the collector of taxes of the District of Columbia: *And be it further provided*, That if any person or firm shall have paid the tax in this section provided for banks and bankers, such person or firm shall not again be taxed as a broker or brokers.

PAR. 15. Note brokers shall pay a tax of $200 per annum. Every person, firm, company, or association not incorporated (except private banks and bankers) that loans money on promissory notes without real estate or collateral security or advances money on personal property as security without possession of said personal property shall be deemed a note broker.

PAR. 16. The taxes for said private banks and bankers, general brokers, and note brokers shall be paid to the collector of taxes of the District of Columbia, and shall date from the 1st day of July in each year and expire on the 30th day of June following. Said taxes shall date from the 1st day of the month in which the liability begins, and payment shall be made for a proportionate amount.

PAR. 17. Any person or persons violating any of the provisions of this section shall be liable to a penalty of not exceeding $500 for each offense, said penalty to be imposed, upon conviction in the police court of the District of Columbia, as other fines and penalties are imposed, and said court is hereby invested with jurisdiction thereof; and in default of the payment of said penalty the person or persons so convicted shall be imprisoned, in the discretion of the court, not exceeding six months.

PAR. 18. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to appoint a clerk and assistant clerk to said board of personal-tax appraisers at annual salaries of $1,400 and $1,000 each, and three inspectors at annual salaries of $1,200 each, all of whom shall perform such duties as may be assigned to them by the chairman of said board; and to pay the salaries of the two personal-tax appraisers, the clerk and assistant clerk to said board, and the three inspectors aforesaid for the fiscal year beginning July 1, 1902, and $6,000 for books, stationery, printing, and other incidental expenses, including the hire of temporary clerks, not to exceed $1,000, the sum of $18,000 is hereby appropriated.

Mr. McCOMAS. I should like to have some information with respect to this amendment. I have looked over the printed bill, and I have failed to discover any provision which in imposing a personal tax in the District, 7 miles square, arranges for the exemption of people who are taxed in their States and who may under this procedure be taxed here also.

Mr. COCKRELL. Oh, no.

Mr. McCOMAS. I have not yet found in the bill any provision, which ought to be included, so that it may have flexible operation and provide that persons who are taxed in the States should not be taxed here, inasmuch as they would then be taxed twice.

Mr. COCKRELL. The bill does not tax anybody in that way. It does not cover that class of cases. We had that especially in view, and there is no attempt to double tax anybody.

Mr. McCOMAS. Of course there is no such attempt——

Mr. COCKRELL. And it does not do it either.

Mr. McCOMAS. But suppose a man is taxed here on the 1st of June, and taxed in his State on the 1st of May or the 1st of July, what then?

Mr. ALLISON. What particular item, for illustration, can the Senator give wherein there is possible taxation of the character which he states?

Mr. McCOMAS. I am asking for information.

Mr. ALLISON. I do not think there is any provision in this bill anywhere——

Mr. COCKRELL. There is no effort in that line.

Mr. ALLISON. Which will tax any property outside of the District of Columbia. The proposition is to tax tangible property found here.

Mr. McCOMAS. It should be taxed here.

Mr. ALLISON. It should be taxed here.

Mr. McCOMAS. And there is no personal tax upon persons who come from the various States, making double taxation in respect of their property.

Mr. ALLISON. Not that I know of.

Mr. McCOMAS. Such a system would lessen population and retard the growth of the capital.

Mr. ALLISON. We have endeavored to make the taxes rest as lightly and gently as possible upon all the people who dwell here and to tax no one else.

Mr. McCOMAS. The Senator from Iowa introduced a bill, Senate bill 5897, proposing a tax upon banks and trust companies at the rate of 2 per cent on their annual gross earnings. This amendment makes it 4 per cent on the annual gross earnings.

Mr. ALLISON. Will the Senator allow me to say one word in respect to the bill which I introduced? When the Committee on Appropriations found that it was necessary for the committee to deal with the matter of taxation, a number of most respectable gentlemen residing in the District presented to me a bill upon the subject, and I introduced it by request, with a view of having it printed so that I could read it, not desiring to go through that vast amount of manuscript. But I will say to the Senator that not many of the suggestions of that bill are embraced in the amendment.

Mr. McCOMAS. The tax imposed is 4 per cent upon the gross earnings. Is that right?

Mr. ALLISON. Four per cent upon the gross earnings.

Mr. McCOMAS. And it applies to banks, trust companies, railroads, electric-lighting companies, all alike?

Mr. ALLISON. It applies to all of them.

Mr. McCOMAS. Is a discrimination made between local enterprises and foreign companies doing business here? As I gather from a hasty reading of this bill, the tax upon foreign insurance companies, bonding companies, and the like, doing business here, is a tax upon the actual receipts here of the companies in their business? Is that right?

Mr. ALLISON. So far as insurance companies are concerned, we have not interfered with the tax levied upon them by the law passed last year.

Mr. GALLINGER. The insurance law.

Mr. ALLISON. An insurance law covering all insurance taxation.

Mr. McCOMAS. Foreign companies doing business here are taxed what upon their actual business?

Mr. ALLISON. Foreign companies doing business——

Mr. McCOMAS. Either loaning money or doing other business.

Mr. ALLISON. Foreign companies who are here, having their chief place of business here, are taxed 1½ per cent on their capital.

Mr. McCOMAS. On their capital?

Mr. ALLISON. On their capital.

Mr. McCOMAS. On their whole capital?

Mr. ALLISON. On their whole capital, if this the habitat or location of the company.

Mr. McCOMAS. Then it is not a foreign company.

Mr. ALLISON. It may be chartered elsewhere——

Mr. McCOMAS. You mean a company chartered elsewhere, but having its principal office here?

Mr. ALLISON. Yes; having its principal office here.

Mr. McCOMAS. If the chairman will bear with me, under the general law, I think perhaps under the code, existing trust companies, for instance, pay the District of Columbia in lieu of personal taxes 1½ per cent on their gross earnings for the preceding year.

Mr. ALLISON. That we change to 4 per cent.

Mr. McCOMAS. Four per cent; and that applies uniformly to trust companies, national banks, electric lighting, gas, telephone companies, and all?

Mr. ALLISON. It applies to all of them.

Mr. McCOMAS. And they are satisfied with that taxation?

Mr. ALLISON. Most of them are, I think. There was some little opposition from the banks, but there is no real objection.

Mr. McCOMAS. As the tax is imposed upon the gross earnings the amount of capital is not concerned.

Mr. ALLISON. It is not concerned.

Mr. McCOMAS. You tax them upon their real estate and gross earnings.

Mr. ALLISON. Yes. Their gross earnings are small and the taxation is small. We have endeavored to deal with these corporations justly, as far as we could, without oppressing them.

I move, on behalf of the committee, to insert the following proviso on page 89, at the end of paragraph 15, line 15:

Provided, That exception shall be made of cooperative associations whose business is restricted to the members of such association.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair so lay before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. ALLISON. I ask unanimous consent that the unfinished business may be informally laid aside until we finish the pending appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business may be temporarily laid aside until the bill under consideration is completed. Is there objection? The Chair hears none.

The next amendment of the Committee on Appropriations was, on page 90, after line 23, to insert as a new section the following:

LICENSE TAXES.

SEC. 6. That no person shall engage in or carry on any business, trade, profession, or calling in the District of Columbia for which a license tax is imposed by the terms of this section without having first obtained a license so to do. Applications for licenses shall be made to the assessor of the District of Columbia, and no license shall be granted until payment for the same shall have been made. Every license shall specify by name the person, firm, or corporation to which it shall be issued, the business, trade, profession, or calling for which it is granted, and the location at which such business, trade, profession, or calling is to be carried on. Licenses granted under the terms of this section may be assigned or transferred on application upon the conditions applicable to granting the original licenses, and the assessor shall issue a certificate of such assignment or transfer upon the payment to the District of Columbia of a fee of 50 cents therefor. All licenses and transfers issued or granted shall be signed by the assessor of the District of Columbia and impressed with the seal of his office.

PAR. 2. That when more than one business, trade, profession, or calling for which a license is herein prescribed shall be carried on by the same person, the license tax shall be paid for each such business, trade, profession, or calling.

PAR. 3. That all licenses issued shall date from the 1st day of November in each year and expire on the 31st day of October following, except as hereinafter provided. Licenses issued at any time after the beginning of the license year shall date from the 1st day of the month in which the license was issued and end on the last day of the license year above prescribed, and payment shall be made of the proportionate amount of the annual license tax: *Provided*, That in cases where the tax is less than $5 per annum the license shall terminate one year from the 1st day of the month in which the license was issued.

PAR. 4. That no person holding a license under the terms of this section shall willfully suffer or allow any other person chargeable with a separate license to operate under his license.

PAR. 5. That all licenses granted under the terms of this section must be conspicuously posted on the premises of the licensee. Said licenses shall be accessible at all times for inspection by the police or other officers duly authorized to make such inspections. Licensees having no located place of business shall exhibit their licenses when requested to do so by any of the officers above named.

PAR 6. That no person shall set up, operate, or conduct any business or device by or in which any person, animal, or living object shall act or be exposed as a target for any ball, projectile, missile, or thing thrown or projected, for or in consideration of profit or gain, directly or indirectly.

PAR. 7. That apothecaries or druggists shall pay a license tax of $5 per annum. Every person who sells patent medicines, or manufactures, compounds, sells, or dispenses medicines by prescription or otherwise from a located place of business shall be regarded as an apothecary or druggist.

PAR. 8. That auctioneers shall pay a license tax of $100 per annum. Hereafter the provisions of the act of Congress entitled "An act to prevent fraudulent transactions on the part of commission merchants," approved March 21, 1892, shall be applicable to all licensed auctioneers, their agents and employees.

PAR. 9. That commission merchants shall pay a license tax of $40 per annum. Every person, firm, or corporation that acts as agent for others in negotiating sales or purchases of goods, wares, or merchandise, live stock, produce, etc., or negotiates freights for railroads, ships, or vessels, or for the shippers or consignees of freights carried by railroads, ships, or vessels, shall be regarded as a commission merchant.

PAR. 10. That cattle dealers shall pay a license tax of $15 per annum: *Provided*, That one person only shall be entitled to do business under each license. Every person who makes a business of trading, buying, or selling horses, cattle, sheep, or hogs shall be regarded as a cattle dealer.

PAR. 11. That proprietors or owners of hacks, coaches, omnibuses, carriages, wagons, and other passenger vehicles for hire shall pay license taxes as follows: Vehicles drawn by one animal, $6 per annum; autovehicles, automobiles, electromobiles, or other horseless vehicles by whatever name called, and vehicles drawn by more than one animal, $12 per annum. Licenses issued under this section shall date from July 1 in each year. The driver of every licensed passenger vehicle, while transacting business as such driver, shall wear conspicuously upon his breast a badge numbered to correspond with the license of his vehicle. The badge shall be furnished by the District of Columbia and a tax of 50 cents shall be charged therefor in addition to the amount of the vehicle license.

PAR. 12. That proprietors or owners of livery stables shall pay license taxes as follows: For stables containing fifteen stalls or less, $25 per annum, and $1 per annum additional for each stall in addition to fifteen: *Provided*, That nothing in this paragraph shall be so construed as to exempt livery-stable keepers from paying additional license taxes for operating any description of vehicles occupying the public stands.

PAR. 13. That proprietors or owners of establishments where autovehicles of any pattern, description, or motor power whatsoever are kept for hire or are kept or stored for others, for profit or gain, shall pay a license tax of $25 per annum for 15 vehicles or less, and $1 additional for each vehicle in addition to 15: *Provided*, That nothing in this paragraph shall be so construed as to exempt the owner of any vehicle using the public stands from paying the additional license tax provided in paragraph 11 of this section.

PAR. 14. That persons, firms, or corporations operating vehicles for hire or for the transportation of passengers in the District of Columbia with sufficient regularity to enable the public to take passage therein at any point intermediate to the stable or stand of such vehicle, or operate such vehicle over a route sufficiently definite to enable the public to ascertain the streets and avenues on which such vehicle can be found en route, shall pay license taxes as follows: For each vehicle with a seating capacity not to exceed 10 passengers, $6 per annum; for each vehicle with a seating capacity exceeding 10 passengers, $12 per annum. No license shall be issued under the terms of this paragraph without the approval of the Commissioners of the District of of Columbia.

PAR. 15. That real estate brokers or agents shall pay a license tax of $50 per annum. Every person who sells, or offers for sale, as the agent for others, real estate, wherever located, including mining and quarry property, or who makes or negotiates loans thereon, or who rents houses, buildings, stores, or real estate, or who collects rents for others, shall be regarded as a real estate broker or agent: *Provided*, That the practice of a profession in connection with the real estate business shall not exempt any person from the requirements of this paragraph who would otherwise be liable hereunder.

PAR. 16. That persons, firms, corporations, or associations transacting the business of the purchase or sale of securities, stocks, shares, or certificates, based upon an estimated value after a lapse of a certain period of time, or who undertake to guarantee the holder of said securities, stocks, shares, or certificates certain sums of money based upon investments after the lapse of a certain time, or who promise to divide with the holders or investors of said securities, stocks, shares, or certificates, or with the heirs or assigns of such holders or investors, any profit which may accrue from their investments at maturity, shall pay a license tax of $100 per annum: *Provided*, That this paragraph shall not apply to any fire or life insurance company or building association allowed to transact business as such in the District of Columbia.

PAR. 17. That railroad ticket brokers shall pay a license tax of $25 per annum.

PAR. 18. That caterers or purveyors to residents, tenants, or sojourners in flats, apartment houses, or similar structures, or who serve meals or refreshments, as defined in paragraph 20 of this section, to casual visitors, or who serve customers with food or refreshments on orders, shall pay a license tax of $10 per annum.

PAR. 19. That victualers, owners of restaurants, oyster houses, cookshops, ice-cream parlors, dairy lunches, or eating houses, by whatsoever name designated, where food, meals, or refreshments are served to transient customers, to be eaten on the premises where sold, shall pay a license tax of $18 per annum: *Provided*, That this paragraph shall not apply to the proprietors of hotels nor to private boarding houses where board and lodging are provided by the week or month.

PAR. 20. That owners, lessees, or managers of theaters having a stage and movable scenery used for the purpose of acting, performing, or playing any play, farce, interlude, opera, or other theatrical or dramatic performance, or any scene, section, or portion of any play, farce, burlesque, or drama of any description, for gain, shall pay a license tax of $100 per annum: *Provided*, That licenses may be granted for theatrical performances for one week on the payment of $20, and for less than one week on the payment of $10: *And provided further*, That the proprietors of buildings, other than theaters, where exhibitions, lectures, or entertainments of any description are conducted for gain shall pay a license tax of $100 per annum; or for lesser periods as follows: Three dollars per day, or $10 for the first week, and $5 for each subsequent consecutive week: *And provided further*, That for entertainments, concerts, or performances of any kind given in church premises or private residences where the proceeds are intended for church or charitable purposes, and where no rental is charged, no license tax shall be required.

PAR. 21. That every person who exhibits paintings, pictures, or works of art, or makes industrial, mechanical, agricultural, food, or floral exhibitions, including cattle and poultry shows, freaks and museum attractions, side shows, and all other lawful exhibitions not otherwise provided for, shall pay a license tax of $3 per day, or $10 for the first week and $5 additional for each subsequent consecutive week, and for an annual license the tax shall be $100.

PAR. 22. That persons conducting concerts, entertainments, or balls to which an admission fee is charged, directly or indirectly, shall pay a license tax of $3 for each day or night.

PAR. 23. That proprietors or owners of any circus shall pay a license tax of $200 per day.

PAR. 24. That owners or lessees of grounds used for horse racing, tournaments, athletic sports, baseball, football, polo, golf, and kindred games, or where feats of horsemanship are performed, to which admission fees are charged or which are used for profit or gain, directly or indirectly, shall pay a license tax of $20 per week or $5 per day.

PAR. 25. That owners or lessees of grounds or premises used for picnics or lawn fêtes, or resorts where theatrical or musical attractions or other amusements are presented, to which admission fees are charged or which are used for profit or gain, directly or indirectly, and which are not taxed under any other paragraph of this section, shall pay a license tax of $3 per day or $10 per week and $5 additional for each subsequent consecutive week, or for an annual license a tax of $100.

PAR. 26. That owners or lessees of buildings used for skating rinks, fairs, carnivals, or amusements not otherwise provided for in this section shall pay a license tax of $3 per day, or $10 for the first week and $5 additional for each subsequent consecutive week, or for an annual license a tax of $100.

PAR. 27. That owners or lessees of shooting galleries, fencing schools, public gymnasiums, places where firearms of any description are used, or schools

where the art of self-defense is taught shall pay a license tax of $12 per annum: *Provided*, That no place of business or shooting gallery where firearms are to be used shall be licensed until the inspector of buildings for the District of Columbia shall furnish a certificate that suitable precautions have been taken for the public safety by the erection of iron shields and such appliances as in his judgment may be necessary: *And provided further*, That before such license shall be issued the proprietor shall furnish to the assessor of the District of Columbia the written consent of a majority of the occupants and residents on the same side of the square or block in which the proposed gallery is to be located, and also on the confronting side of the square fronting opposite to the same. The major and superintendent of police is hereby authorized to prescribe the caliber of firearms and kind of cartridges to be used in such licensed places.

PAR. 28. That proprietors or owners of apparatus or machines known as merry-go-rounds, flying horses, or similar devices for amusement shall pay a license tax of $12 for the first week and $10 for each subsequent consecutive week, or $3 per diem: *Provided*, That license therefor may be refused in the discretion of the Commissioners of the District of Columbia.

PAR. 29. That proprietors or owners of slot or automatic machines, so called (telephones excepted), by which objects, pictures, or figures are presented to public view or musical or vocal exhibitions are automatically given on the deposit of money or metal, or where a pecuniary consideration is received for the use of said apparatus or machines, shall pay a license tax of $2 per annum for each machine or apparatus: *Provided*, That on the payment of a license tax of $50 per annum the number of machines at any one location shall not be limited: *And provided further*, That no license shall be issued for less than $2.

PAR. 30. That owners or managers of Turkish, Russian, or medicated baths shall pay a license tax of $50 per annum.

PAR. 31. That owners or managers of massage establishments shall pay a license tax of $50 per annum: *Provided*, That no license shall be issued under this paragraph without the approval of the major and superintendent of police.

PAR. 32. That mediums, clairvoyants, soothsayers, fortune tellers, palmists, or phrenologists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of $50 per annum: *Provided*, That no license shall be issued without the approval of the major and superintendent of police.

PAR. 33. That hucksters or produce dealers at large shall pay a license tax of $18 per annum for each vehicle used in the conduct of their business. Licenses issued under this paragraph shall date from April 1 in each year. Every person who vends or sells fresh, smoked, or salt fish, meats, oysters, clams, shellfish, poultry, game, butter, eggs, vegetables, fruits, berries, candies, nuts, groceries, or produce of any kind from a vehicle of any description shall be regarded as a huckster. Every driver shall be furnished with a badge corresponding to the number of his license, which shall be worn conspicuously while transacting business, and a similar number on metal shall also be furnished him which shall be attached to his vehicle: *Provided*, That no license shall be required of any person bringing to and selling at the several markets produce of his own raising: *And provided further*, That raisers of produce shall not be exempt from the license tax imposed unless they sell such produce at the several markets or by the wholesale in cart, wagon, or carload lots.

PAR. 34. That fuel hucksters shall pay a license tax of $5 per annum for each vehicle used in the conduct of their business. Every person who vends or sells fuel, oils, gasoline, wood, coal, and so forth, from house to house from vehicles of any description shall be regarded as a fuel huckster.

PAR. 35. That peddlers shall pay a license tax of $18 per annum. Licenses issued under this paragraph shall date from April 1 of each year, and one person only shall be entitled to operate thereunder. Every person who vends or sells from house to house miscellaneous articles of merchandise or personal property of any description, either as a foot peddler or selling from a vehicle, shall be regarded as a peddler.

PAR. 36. That brewers or manufacturers of fermented liquors of any description for sale, and brewers' agents, shall pay a license tax of $250 per annum: *Provided*, That agent's license under this paragraph shall only authorize the licensee to conduct his business with the goods of the brewer represented by such agent: *And provided further*, That a licensed brewer's solicitor, whose business is confined to soliciting orders for his principal, shall not be liable for the license tax provided for in this paragraph.

PAR. 37. That distillers shall pay a license tax of $250 per annum.

PAR. 38. Section 8 of "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, is hereby amended by striking out therefrom the words "The fee for a wholesale license shall be $250 per annum, and for a barroom license $400 per annum," and inserting in lieu thereof the words: "The fee for a wholesale license shall be $300 per annum, and for a barroom license $800 per annum."

PAR. 39. That billposters and persons engaged in the business of painting or placing signs or advertisements on land, buildings, billboards, fences, or other structures in the District of Columbia visible from a street or other public space shall pay an annual tax of $20 before engaging in said business. No person shall place, exhibit, maintain, or continue any advertisement or poster except upon such land, houses, buildings, billboards, fences, or other structures as the Commissioners of the District of Columbia may, in their discretion, authorize in writing for that purpose. The said written authority shall only be granted in resident streets upon application made in writing and signed by a majority of the residents on the side of the square in which said display is to be made and also the side of the confronting square: *Provided*, That nothing in this paragraph shall apply to persons who advertise a business, exhibition, or entertainment on the premises where the same is conducted, nor to signs relating to the sale, rent, or lease of lands when the sign or advertisement is on the land referred to in the said sign or advertisement. Any person violating any of the provisions of this paragraph shall, upon conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than $200, and after conviction of any such violation the offender shall be liable to a further fine of not more than $10 for each and every day thereafter that said violation of law shall continue.

PAR. 40. That owners or lessees of any buildings, structures, or tanks used for the storage of any description of inflammable oils in quantities exceeding five barrels shall pay a license tax of $10 per annum and shall have the approval of the fire marshal before license is granted.

PAR. 41. That owners or lessees of laundries operated otherwise than by hand power shall pay a license tax of $20 per annum. Owners or lessees of laundries operated by hand labor shall pay a license tax of $10 per annum.

PAR. 42. That proprietors or owners of intelligence offices, information bureaus, registries, or employment offices, by whatsoever name called, shall pay a license tax of $10 per annum.

PAR. 43. That dealers in second-hand personal property (books excepted) shall pay a license tax of $40 per annum. Every person who buys, sells, trades, exchanges, or deals in old gold, silver, jewelry, precious stones, iron, metals of all kinds, cordage, tentage, hides, pelts, glass, rags, paper, ordnance, ship chandler's stores, junk, furniture, clothing, or second-hand personal property of any description shall be regarded as a second-hand dealer.

PAR. 44. Pawnbrokers shall continue to pay to the collector of taxes of the District of Columbia $100 for license, and be subject to the regulations prescribed by existing law.

PAR. 45. Keepers of billiard, bagatelle, jenny lind, and pool tables, shuffleboards, or any table upon which legitimate games are played within the District of Columbia for public use, or for profit or gain, shall continue to pay to the collector of taxes of the District of Columbia $12 per annum license for each table and be subject to the provisions of the act of Congress approved February 25, 1897, entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes."

PAR. 46. That any person violating any of the provisions of this section shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than $500 for each offense, and in default of payment by imprisonment not exceeding thirty days, in the discretion of the court, except as otherwise provided in this section.

PAR. 47. That for the purposes of this section the word "person" shall signify and include firms, corporations, companies, associations, executors, administrators, guardians, or trustees; the word "agent" shall signify and include every person acting for another; the word "merchandise" shall signify and include every article of commerce, whether sold in bulk or otherwise; the word "dealers" shall signify and include every person engaged in selling or offering for sale any description of merchandise or property. Words of one number shall signify and include words of both numbers, respectively, and words of one gender shall signify and include words of every gender, respectively: *Provided*, That nothing in this section shall be interpreted as repealing any of the police or building regulations of the District of Columbia regarding the establishment or conduct of the businesses, trades, professions, or callings herein named.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. MCCOMAS. I wish to ask the chairman or some member of the committee about the provision for auditor's office. It is the proviso on page 7. Does the proviso contemplate that the auditor of the District of Columbia shall be able to suspend the action of the Commissioners in any case in the operation of their office where he is in doubt as to the legality of a voucher for payment for service done under the act of the Commissioners while it is being done, before it is done, and that ruling then shall be final upon the auditor of the Treasury? Do not the Commissioners require flexibility in their office? They must take some responsibility to have some things done. Is it intended that the auditor can veto and stop an act of the Commissioners because he has a doubt and then go to the Treasury and get a ruling from the Treasury auditor, and then the Auditor of the Treasury shall be bound by that hasty ruling, if thereafter he thought it was good and had said it was bad, or if thereafter he found it to be bad and had then said it was good, so that he could not still allow or reject the payment? It seems from the reading of the proviso——

Mr. COCKRELL. Does not the Senator remember that the Comptroller of the Treasury, not the Comptroller of the Currency, is the sole arbiter in all these matters?

Mr. MCCOMAS. I do, and I stated that in my question in substance.

Mr. COCKRELL. The Auditors for the departments have a right to confer with the Comptroller in advance of their decision of controverted questions, and he is required, under the law, to give an opinion to them. This places the auditor of the District of Columbia in the same position, so that there will be no controversies and no disallowed claims. It is only to make the two work harmoniously together. The Comptroller would suspend all these accounts any way, if he decided that they had no authority, and so it is better to know in advance. It works more harmoniously and smoothly. There is no overriding of the Commissioners or overriding of anybody else. It is done simply to make the machinery work more smoothly and to enable the District Commissioners and the auditor to act more advisedly themselves.

Mr. MCCOMAS. Would it not happen if, for instance, the Commissioners were proceeding to have the streets cleaned, that the auditor of the District might have doubts in respect to the expenditure for some reason——

Mr. COCKRELL. It could not refer to a question of that kind. It is only as to whether the law authorizes the expenditure of money. That is all. It does not have anything to do with any other controverted question. It is only in regard to the settlement of accounts. The auditor has no jurisdiction over those other accounts anyway. This, as I said, simply refers to the method of adjusting the accounts. It is for the purpose of getting the decision of the Comptroller of the Treasury in advance as to whether they will be allowed to spend a certain amount of money for doing a particular kind of work.

Mr. MCCOMAS. I understand, if they are proceeding, for instance, to do the work of street cleaning the auditor may have some doubt about the expenditure. Mr. Petty is an experienced man, I know. He applies to the Treasury Department for information. Now, the Treasury authority by this act is bound to be of the same mind when he comes to pass upon the vouchers that he was when applied to by this auditor.

Mr. COCKRELL. Certainly.

Mr. ALLISON. That is the law.

Mr. MCCOMAS. It is the law.

Mr. COCKRELL. That is the law.

Mr. MCCOMAS. In respect to the particular inquiry made by the auditor of the District, if the auditor of the District says to

the Commissioners, "I have gone to the Treasury to ask a ruling upon this point, and under that ruling, if you proceed to spend this money, you can not have an allowance for that expenditure," thereupon the Commissioners must say, "We can not proceed to make the expenditure."

Mr. COCKRELL. It is the same way with the Secretary of War and the same way with the President. It is the same way with the head of every other Department and every other officer of the Government. I could give the Senator a number of instances where a Comptroller has decided against the Secretaries where they proposed to do certain work. The auditor submitted it to the Comptroller and the Comptroller decided they could not do it, and that was the end of it. As a matter of course, it is the end of it when that is done. It is the end of it in the whole administration of the Government.

Mr. McCOMAS. Is it true in the administration of the General Government that no disbursement of public money is valid unless countersigned by the auditor?

Mr. COCKRELL. Oh, no. He has to pass upon it, and after the money has been expended he says whether the officer who expended it shall be allowed credit for it.

Mr. McCOMAS. That is right.

Mr. COCKRELL. Frequently an officer is in doubt about whether he will get credit for a certain item or not. He submits it to the Auditor and the Auditor submits it to the Comptroller, and if the Comptroller decides that he will not credit him for it he does not do it. That is the only way.

Mr. McCOMAS. That has been the practice for years.

Mr. COCKRELL. It has been the practice for years.

Mr. McCOMAS. I, myself, am quite familiar with that practice here.

Mr. COCKRELL. The proviso on page 7 brings the District of Columbia in harmony with that provision.

Mr. McCOMAS. But there is here an added feature. It frequently happens that the Engineer Commissioner or the Commissioner in charge of the schools or police asks whether if a certain disbursement were made he would receive credit in settling for the District with the Treasury.

Mr. ALLISON. I do not understand that to be the case. The money is already expended.

When the auditor of the District of Columbia is in doubt as to the legality of an account or voucher for payment upon which he is required to act, he may apply to the Comptroller of the Treasury for a decision upon the question involved.

If the Comptroller shall advise him that he can audit favorably that account, then when his accounts come to the accounting officers of the Treasury there is the opinion of the Comptroller as to what they shall do.

Mr. McCOMAS. I see that is the purpose of that clause.

Mr. ALLISON. If he has any doubt about an account that is presented to him for audit where the money has been expended he can then ask the Comptroller, as any other auditor or any other head of a Department now, whether, the money having been expended in a particular way, the account will be audited. The decision of the Comptroller is binding.

Mr. McCOMAS. So far as the chairman of the committee has stated, this is an effort to legalize what for many years, as many of us know, has been the custom of these officers when in doubt, not only in the Departments, but in the District of Columbia, to endeavor to obtain informal information from the Treasury Department whether a certain disbursement was such that it would be allowed by the Comptroller. The Chairman has answered as to the part which he has read. Between lines 8 and 13 it is provided that—

The auditor of the District of Columbia shall continue to prepare and countersign all checks issued by the disbursing officer, and no check involving the disbursement of public moneys by the disbursing officer shall be valid unless countersigned by the auditor of the District of Columbia.

Mr. President, it will often be the case that a Commissioner about to expend money here, and in doubt whether or not he will receive credit in settlement with the Treasury, may want advance information, and the part of the section read by the distinguished chairman of the Committee on Appropriations makes legal what has been a practice for years by the Commissioners of the District of Columbia and their auditors.

But this provision goes still further, and puts absolutely in the power of the auditor, who might have an honest doubt, a capricious doubt, who might have an errant construction, to say, "I will not sign any check because I have a different construction of the statute," not simply in the case where he has, under the prior law, applied to the Comptroller of the Treasury for information in advance, but absolutely without limit, it is said, in these lines, that he can refuse to sign any check, and a disbursing officer's check can not be paid unless the auditor says so.

I think in trying to do what has been stated by the distinguished Senator from Missouri [Mr. COCKRELL] and by the distinguished chairman of the committee [Mr. ALLISON] you perhaps have gone far enough when you go to line 8. I have had twenty years' observation of these matters in the other House, here, and in the city of Washington. You add lines here which make the auditor of the District of Columbia an absolute autocrat. You say that no check involving the expenditure of public money by the disbursing officer shall be valid unless countersigned by the auditor of the District of Columbia.

At present you have a very conscientious, faithful, and experienced auditor; but I am inclined to think the Commissioners of the District of Columbia should have some power in respect of their administration. You have put lines in this provision which will interfere with the work of each of the Commissioners. For instance, the Engineer Commissioner has contracts for existing work on bridges, streets, and everything of that kind, and it is provided here that no money shall be paid without the assent of the auditor, that those matters shall stand still; and they must stand still if the auditor says he will not countersign a single check. This will cause injury to many people who have contracts or undertakings with this Government, which make them look first to this man, and not to the comptroller, who has a prior right to approve these disbursements. He can make a ruling which will be binding hereafter.

You further say, after unnecessary words, that this auditor shall be required to countersign these checks. Of course he ought to do it. But you say there shall be no disbursements unless the checks are countersigned. I think there ought to be some control of this discretion. I think you ought to say, where he has applied in good faith to the Comptroller and has ascertained that the Comptroller will not allow the account, that in such case he may have ample discretion to refuse to pay, and in case he does refuse to pay, then he is authorized to stop the disbursement, and when he does stop it by refusing to countersign, that shall stop the procedure in respect to that matter. You ought not, however, to give him that broad power contained between lines 8 and 13, which makes him, without limitation upon his action, without any limitation upon his discretion, able to say "I will not countersign a check," and if he will not countersign a check the machinery must stop in that particular direction or in as many directions as he may conclude that he will exercise that very great and unrestricted power.

Mr. COCKRELL. There is no danger in the provision, I assure the Senator, but great benefit.

Mr. McCOMAS. I am on the side of the Senator. I am in sympathy with any measure which will prevent the wrongful payment of money, and you do a good thing when you send the officer to the Comptroller and let his doubts be confirmed by the Comptroller; but in such cases you give him authority, absolutely without any other control, to refuse to countersign the check for the disbursing officer.

Mr. ALLISON. If the Senator will allow me a moment, these paragraphs have no special connection with each other. There is a District disbursing officer and a deputy disbursing officer. The Commissioners of the District are authorized to make requisitions upon the Treasury for considerable sums of money, up to $200,000. Now, the disbursing officer, who gives, say, a bond of $25,000, or whatever it may be, oftentimes has in hand large sums of money. These sums of money can be paid out by him from day to day in cash, but where he draws a check that check has to be countersigned by the auditor in order to keep run of these disbursements. It is really a check upon the disbursing officer in addition to the bond, and it is a valuable one.

Mr. COCKRELL. If this system had been in force in the Census Office, we should not have had the scandal we recently had there. That is the very thing that this provision is intended to prevent.

Mr. McCOMAS. I am in entire sympathy with the purpose, but I want the experienced Senators on the committee to consider whether this provision would not be more flexible by providing that in such cases, if in doubt, the auditor shall apply to the Comptroller, and if the Comptroller says "Do not pay; I will not pass it," then the auditor shall have the absolute power to say "I will not countersign the check," and the check will not be paid without the countersigning of the auditor; but you use language here broader than you mean, and you get into trouble by making the auditor autocratic and by taking from the Commissioners their larger responsibility.

Mr. COCKRELL. There can be no possible danger from this provision.

Mr. McCOMAS. I think that what has been stated is possible to occur, but I shall not make any motion to amend the provision.

Mr. ALLISON. On behalf of the committee, I offer an amendment, to come in on page 3, after line 15, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, after line 15, it is proposed to insert:

That every person who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever

from any person for giving, procuring, or aiding to give or procure any office, place, or promotion in office from the Commissioners of the District of Columbia or from any officer under them, and every person who, directly or indirectly, offers to give or gives any money, property, or other valuable consideration whatever for the procuring or aiding to procure any such office, place, or promotion in office, shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court shall be punished by a fine not exceeding $1,000 or imprisonment in the jail for not more thon twelve months, or both, in the discretion of the court.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment to come in on page 25, after line 10, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 25, after line 10, it is proposed to insert:

For Quincy street NW., from Twenty-ninth street to Pierce Mill road, opening, grading, and regulating, $5,000: *Provided*, That all the land necessary therefor is conveyed to the District of Columbia and dedicated to public use.

The amendment was agreed to.

Mr. ALLISON. In consequence of the amendment just made, I move to change the total of the appropriations for "Construction of county roads," on page 25, line 11, to $272,400.

The amendment was agreed to.

Mr. ALLISON. On page 26, after line 9, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 26, after line 9, it is proposed to insert:

MASSACHUSETTS AVENUE BRIDGE.

For raising the grade of roadway and the wing walls and culvert on line of Massachusetts avenue across Rock Creek, between Belmont road and the United States Naval Observatory grounds, $10,000.

The amendment was agreed to.

Mr. ALLISON. Those are all the amendments the committee have to offer.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RECLAMATION OF ARID LANDS.

Mr. HANSBROUGH. I ask that the amendments of the House of Representatives to the bill known as the irrigation bill may be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands; which were:

On page 3, lines 7 and 8, to strike out the words "at the time of" and insert the word "before."

On page 3, line 13, after the word "act," to insert:

And the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry.

Strike out all of section 4 and insert:

SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

On page 4, line 18, after the word "total," to insert "irrigable."

On page 4, line 25, after the word "landowner," to insert "and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land."

On page 5, line 22, after the word "to," to insert "and the management and operation of."

On page 6, line 6, to strike out all after the word "purpose," down to and including the word "condemnation," in line 9.

On page 6, line 14, to strike out all after the word "Justice," down to and including the word "notwithstanding," in line 21.

On page 6, line 25, after the word "irrigation," to insert "or any vested right acquired thereunder."

On page 7, to strike out lines 1, 2, 3, down to and including the word "act," in line 4, and to insert:

And the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

To insert as a new section the following:

SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

And to change "section 9" to "section 10."

Mr. HANSBROUGH. I move that the Senate concur in the amendments of the House of Representatives.

Mr. WARREN. Mr. President, I agree to that proposition, merely wishing to say in passing that there will undoubtedly be some corrective legislation necessary to follow. I should be glad to see some changes made now, but to propose them would necessitate a conference and delay, therefore I forbear. I consider the measure a good one as far as it goes, and I hope the motion of the Senator from North Dakota may prevail.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota [Mr. HANSBROUGH], that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. HANNA. The senior Senator from Wisconsin [Mr. SPOONER] has been called out of the city, and I wish to announce that he will speak on the canal bill on Tuesday next.

Mr. MORGAN. Mr. President, I avail myself of the few moments that precede a more solemn exercise for the purpose of putting into the RECORD certain facts and tables which I desire that Senators shall have the opportunity of examining between now and Monday. I think it my duty as chairman of the committee to present these facts. I have not attempted from the beginning of this case to make a discussion of it. I have only attempted to present and to call the attention of the Senate to the facts, in order that they might see all the bearings of the entire situation; and in order to have an opportunity to get through with my brief statement I have reduced it to writing.

It is not denied by anyone, on the contrary, it is admitted by everybody, including the entire membership of the Isthmian Canal Commission, that in changing their previous recommendation of the Nicaragua route, twice repeated in their reports to the President of the United States, they did not change a fact in any statement or a figure in any calculation they had made in their former statements. Everything stood and still stands just as that Commission reported it, except the bid of the Panama Canal Company for the sale of its belongings and concession.

The only change that has been made in the situation was made by the Panama Canal Company. It offered to reduce the price of its property from $109,000,000 to $40,000,000, which reduction would make the cost of the Panama route $5,630,704 less than the Nicaragua route, according to the estimates of the Commission.

Whether we can save that sum by accepting the Panama Canal is the actual proposition, and the only one on which the Isthmian Canal Commission have based their change of recommendation in favor of Nicaragua to a recommendation in favor of the Panama route.

With them the entire question was the alleged saving of $5,630,704 in the construction of the canal, and the annual difference of $1,300,000 in the maintenance and operation of the canals.

If these two estimates are plainly incorrect on the face of their final report as to the value of the property offered to the United States by the Panama Canal Company, these commissioners are so discredited as to the value of their opinions on the financial features of the transaction that they can scarcely claim the immunity from question and criticism that is too often claimed and too little deserved by men who are called experts.

I am willing to concede that six members of that Commission are expert engineers and that they can with some degree of confidence state opinions, as experts, that rest on scientific calculation,

or conjecture, or supposition, when facts fail to give them any actual support.

In the matter now before the Senate we are called upon to give a most indulgent license, almost a poetic license, to such opinions, in order to justify their conclusions that a canal can be safely located and operated with a dam at Bohio, on the Chagres River, and as to several other vital questions. But because these engineers may be able to create unknown facts and unprecedented results from such facts by a mental process, whether it is logic, without a major and minor proposition, or is a scientific dream, it does not follow that they can raise the actual value of the property, in spite of their own statements of facts and figures, by any expert engineering process. When they attempt that we must deny to them any expert superiority that overrides arithmetic and common sense.

I will assume that the value of the canal property that is offered for sale to the United States is not what it cost the Panama Canal Company to create it but the value of the work that is there to show for itself, measured by cubic yards, and estimated at a just and fair rate of cost, for excavation, haul, and embankment. The unit of prices adopted by the Commission for all earthwork remaining to be done settles the price of what has been done by the Panama Canal Company.

This is the only way that Congress can treat this cost price of the property so as to deal justly with taxpayers. To leave such a question to be decided by the caprice of engineers because they are experts in that science is to surrender the good of the country to their ideas of generous dealing, without reference to legal or moral justice. In this case it is a concession to the capricious injustice; that is, simply favoritism.

That Commission made the estimate of the earthwork done by the Panama Canal Company in its present condition at $22,895,028. Then they proceeded to add 20 per cent to that sum for contingencies, and they again add 10 per cent for contingencies on top of contingencies, which they designate as omissions. They charge the United States 30 per cent on their own estimates to cover the doubts, it seems, of their measurements, if any were in fact made.

They had plenty of time and money to make accurate measurements of the work for which we are to pay, but they made none.

If we had to pay as high a rate for their doubts and omissions about the Bohio Dam, the canal would cost a fabulous sum.

These contingencies and omissions run through the entire account on that celebrated page 103 of their report. They are even added "contingencies" to the cost of the railroad stock, which they estimate at par of its face value, and for the maps and records for which the United States is charged $2,000,000.

Then we are required to pay the Panama Canal Company $300,000 for a railroad diversion made for their convenience, when the railroad will have to be removed from the line from which it was so diverted, and that second removal is charged to us in the account at the sum of $1,267,500.

The second removal must be made so as to pass around what will be Lake Bohio, if it is ever created.

All this romance of arithmetical computation is called "an engineer's method of estimating the value of property" to be purchased for the United States.

It all looks to me more like an effort to pad the sum we are to pay the Panama Canal Company until it reaches the round sum of $40,000,000, of which a large part is only a benevolent contribution.

The generosity of the Commission in dealing with financial questions is not strictly entitled to be considered as the dealing of experts on questions of finance, I beg leave to say.

What is to be done in the distribution of the $2,000,000, with 10 per cent added for contingencies and omissions, that we are to pay for maps and records, I have no means of ascertaining. As to that we are left alone to conjecture. There is no schedule of the precious works of art.

Some of the engineer officers of the Panama Canal Company have been very active for two years past in lecturing through the larger cities of the United States in opposition to the Hepburn bill and in the severe disparagement of the Nicaragua route.

Several of those lectures have been sent me by mail, and I have even had the honor to receive calls from the gentleman who has led in these exercises, until recently, when that exalted branch of business has been turned over to some of the most distinguished members of the Isthmian Canal Commission.

Yesterday I found on my desk, in the Senate, the elegant and costly pamphlet I hold in my hand, which was written by that gentleman, and is entitled "Comparative Characteristics (construction and operation) of Panama and Nicaragua, prepared by Philippe Bunau-Varilla, formerly chief engineer of the Panama Canal Company."

I have seen nothing so elegant in letterpress and illustration, unless it is the edition of the report of the minority of the Committee on Interoceanic Canals, placed upon our desks, which is handsome enough to be the repository of the argument of the first-class New York railroad lawyer whose opinion is added to that report to give it the weight of his approval. I refer to Mr. Cromwell, who, it is said, has saved many a wrecked railroad company through his great skill as professional osteopathist—a legal bonesetter for railroad companies—as to some of which he is credited with having broken their bones a second time, to the great increase of his reputation and his income.

The diagrams of lines and circles in this great work of the former engineer would be more convincing if he had told us by what process he ascertained their length and the degree of the curvature. If he can convince the Senate that the Isthmian Canal Commission has projected, approved, and recommended such a canal line as he has depicted in his illustrations he will totally discredit the entire Commission and drive us to the sea-level plan on which this great engineer-lecturer wasted so much of his time and genius while he was chief engineer of the Panama Canal Company.

He is also a stockholder in the company, and was finding great fault with M. Hutin as to his management. Hutin was too stiff and deliberate. Mr. Philippe Bunau-Varilla wanted small investment and quick returns.

If, added to his other labors, he had a part in engineering the slump in the price of the property from $109,000,000 to $40,000,000, of which $2,000,000 is for maps and literature, with 10 per cent added for contingencies and omissions, it would be sad to think that his masterpiece of deception should not be paid for out of the map and literature fund that we are invited to tax our people to pay by passing the Spooner substitute before the Senate.

But I suppose it is none of our business who is to get the $40,000,000 when we get rid of it. We appear to be out for a sharp bargain, and will be satisfied if we can get the property and escape responsibility for the application of the funds by the alleged trustee with whom we are dealing. It may be too late in this era of business principles to grow spasmodic over appearances, for it is now commonly said "that nothing succeeds like success."

But in comparing the cost of the two canals in dollars and omitting such questions as the value of numerous lives and the transfer of our commerce, by driving our sailing ships around Cape Horn and dedicating the Panama route, to the exclusive use of the great companies that own the great steamers, I will state, in calculations that I believe to be sound and correct, that the Panama Canal is by far the most costly route to the people. I will take the padded estimate of $40,000,000 without reduction and add to it the cost of concessions and of maintenance on both routes and the length of voyages by each route and the time consumed in passing through each canal, and I will take the period of one hundred years for the time to be covered by the calculation.

I take one hundred years as a period of calculation, because the proposed lease by Colombia is obligatory for that period. With this explanation, I will proceed to present the calculations of the cost of the respective canals on the basis I have just stated. It can not be changed except to the advantage of the Nicaragua route.

I now present tables showing the cost of construction of each canal, as estimated by the Isthmian Canal Commission:

First.—The cost of construction of each canal, as estimated by the Isthmian Canal Commission.

Estimated cost of Panama Canal, with $40,000,000 added	$184,233,358
Estimated cost of Nicaragua Canal	189,864,062
Difference in favor of Panama	5,630,704

Second.—The items of the computed value of the work done on the Panama Canal by the Panama Canal Company, showing the actual estimated value of each item and the percentage on each item allowed under the head of contingecnies.

Computed value of work done on Panama Canal	$21,020,386.00
Computed value of work done on Chagres diversion	178,186.00
Computed value of work done on Gatun diversion	1,396,456.00
Computed value of railroad diversion (4 miles)	300,000.00
Total	22,895,028.00
Contingencies, 20 per cent	4,579,005.00
Total	27,474,033.00
20 per cent of work done ($21,020,386)	4,204,077.20
20 per cent Chagres diversion	35,637.20
20 per cent Gatun diversion	279,291.20
20 per cent railroad diversion (4 miles)	60,000.00
Total for contingencies	4,579,005.60

Third.—Deduct the computed value of these items, without the percentage for contingencies, from $40,000,000, and it shows the balance as follows:

Estimated cost of Panama Canal	$40,000,000
Estimate of work done, and the Chagres, Gatun, and railroad diversions	22,895,028
Difference	17,104,972

Fourth.—When the amount is stated as above, compute the interest for one hundred years at 3 per cent, and the interest on $40,000,000 for one hundred years, and it shows the difference as follows:

Interest on $17,104,972 (difference), at 3 per cent, for 100 years	$51,314,916
Interest on $40,000,000, at 3 per cent, for 100 years	120,000,000
Difference	68,685,084

Fifth.—Computed interest at 3 per cent on the cost of the Panama Canal, as estimated by the Commission, for one hundred years and for eighty-six years.

Estimated cost of Panama Canal	$184,222,358
Interest, at 3 per cent, for 100 years	552,667,074
Interest, at 3 per cent, for 86 years	475,293,620

The eighty-six years dates from the period allowed as to each canal, as the time when they will be completed, being fourteen years.

Sixth.—Computed interest on the estimated cost of the Nicaragua Canal, at 3 per cent, for one hundred years and for eighty-six years.

Estimated cost of Nicaragua Canal	$189,864,062
Interest, at 3 per cent, for 100 years	569,592,186
Interest, at 3 per cent, for 86 years	489,849,206

Seventh.—Computed interest on $40,000,000 for one hundred years and on $7,000,000 for the same period.

Interest on $40,000,000 for 100 years, at 3 per cent	$120,000,000
Interest on $7,000,000 for 86 years, at 3 per cent	21,000,000

This $7,000,000 is the cash payment demanded by Colombia to cover the lease, at $500,000 per annum, during the fourteen years of construction.

Eighth.—Rental of the Panama Canal, at $500,000 per annum, for eighty-six years, and of the Nicaragua Canal, at $35,000 per annum, for one hundred years.

Rental of Panama Canal, at $500,000 per annum, for 86 years	$43,000,000
Rental of Nicaragua Canal, at $35,000 per annum, for 100 years	3,500,000
Total	46,500,000

Ninth.—Computed cost of maintenance for each route, as estimated by the Isthmian Canal Commission for eighty-six years, and the difference.

Estimated cost of maintenance, Nicaragua Canal, for 86 years	$283,800,000
Estimated cost of maintenance, Panama Canal, for 86 years	172,000,000
Difference	111,800,000

Tenth.—On the above basis, I state the cost of each route at the end of one hundred years:

NICARAGUA CANAL.

Estimated cost	$189,864,062
Interest, at 3 per cent, for 86 years	489,849,186
Rental, at $35,000 per annum, for 100 years	3,500,000
Maintenance for 86 years	283,800,000
Total	967,013,248

PANAMA CANAL.

Estimated cost	$184,233,358
Interest, at 3 per cent, for 86 years	475,293,620
Rental, at $500,000 per annum, for 86 years	43,000,000
Interest on $7,000,000 for 100 years	21,000,000
Maintenance for 86 years	172,000,000
	895,526,978
Interest, at 3 per cent, on $40,000,000 for 14 years	16,800,000
Total, Panama	912,326,978
Total, Nicaragua	967,013,248
Difference	54,686,270

Deduct from the above balance the following:

Railroad diversion	$300,000	
Interest for 100 years	900,000	
Contingencies, at 20 per cent	4,579,005	
Interest for 100 years	13,737,015	
Maps and records	2,000,000	
Interest for 100 years	6,000,000	
Total		$27,516,020
Difference in cost in favor of Panama		27,170,250

Calculating separately every item in all this great account with interest at 3 per cent, on both sides of the account, 3 per cent for Nicaragua and 3 per cent for Panama, it foots up at the bottom, at the end of a hundred years, upon that basis, $27,170,250, in favor of Panama. That is assuming that all of the statements and all of the calculations made by the Isthmian Canal Commission are proper.

To offset this sum in the dealings of one hundred years, the Nicaraguan route has the entire patronage of the sailing ships and the following items of advantage in the saving of time and money to all navigators that use that canal.

The foregoing figures are the same that the Isthmian Canal Commission has included in its estimate of the cost of the construction and maintenance of the canals and the price of the concessions, including interest, on the items of cost as above stated.

They show that at the end of one hundred years the difference of cost will be $54,686,270 in favor of Panama, if the estimates on page 103 of the report of the committee are adopted. If the railroad diversion, maps, and contingencies are omitted, the difference will be $27,170,250. If the interest is computed for one hundred years on the round sum of $40,000,000, that item will amount to $160,000,000. The actual sum stated by the Commission as the value of all the canal property and the multiplied contingencies is $39,956,836, not $40,000,000. The interest on this sum for one hundred years is $119,970,508, a difference of $11,072,656 in one hundred years. This loose calculation is a gift to the Panama Canal Company of this great sum, when the computation is extended over one hundred years, and reduces the difference in the cost of the routes to $9,109,594.

Mr. President, I have prepared certain tables which I will introduce at this point, which show one advantage in the tolls of the steamer trade alone in favor of Nicaragua that in one hundred years would wipe out this sum of $27,170,250 ten times over:

The average of the distance, by each route, for steamers between New York, Key West, and New Orleans, on the Atlantic side, and San Francisco, and ascertain, in miles, what the difference is.

	Miles.
Distance from New York to San Francisco via Panama	5,484
Distance from New York to San Francisco via Nicaragua	4,907
Distance from San Francisco to Key West via Nicaragua	3,835
Distance from San Francisco to Key West via Panama	4,395
Distance from San Francisco to New Orleans via Nicaragua	4,107
Distance from San Francisco to New Orleans via Panama	4,697
Distance greater, New Orleans to San Francisco via Panama	590
Distance greater, Key West to San Francisco via Panama	588
Distance greater, New York to San Francisco via Panama	587
Average greater via Panama	588

Average greater distance via Panama, in time, 2 days and 10 hours.

Average greater via Panama, in time, for round trip, 4 days and 20 hours, and 1,176 miles.

Estimating the average cost for 10-knot steamers at $150 per day, what is the difference in running expenses of a steamer on a round trip, going to San Francisco or the North Pacific?

Cost of 10-knot steamer from New York to San Francisco via Nicaragua, 20 days and 10 hours, at $150 per day	$3,062.50
Cost of same via Panama, 22 days and 20 hours, at $150 per day	3,425.00
Cost of round trip via Nicaragua	6,125.00
Cost of round trip via Panama	6,850.00
Difference	725.00

The difference in time between the Nicaragua and the Panama canals is equal to 9.5 per cent in favor of Nicaragua. So that in the same time there 100 steamers are passing through Panama 109.5 would pass through Nicaragua.

	Miles.
Distance from Brito to Panama	577
Distance from Greytown to Colon	543

Speed of vessels (steam and sailing) estimated at 10 knots per hour.

Estimating the average burden of steamers at 2,000 tons, how many steamships would have to pass through either canal to pay $8,000,000 in tolls, at $1 per ton, in one year?

The number of steamships averaging 2,000 tons each required to pass through either canal annually to pay $8,000,000 in tolls, at $1 per ton, equals 4,000 ships.

If 4,000 steamers are destined to North Pacific ports in one year, they will gain per trip $362.50 each in expense of passage via Nicaragua as against Panama, which would equal $1,460,000.

If 4,000 steamers sailing from New York to the west coast of South America via Nicaragua will save a distance of 543 miles, the difference between Greytown and Colon, equal to two days and six hours, at $150 per day, this will be $337.50 additional expense per ship; which will, for 4,000 ships, equal $1,350,000. This is the amount the Commission estimates as annually greater for maintenance of the Nicaragua than the Panama Canal.

A sailing ship of 1,000 tons burden from New York to San Francisco, assuming the same speed to be made (10 knots per hour) and the sailing directions of the Hydrographic Office to be observed:

From San Francisco to New York via Panama (allowing 10 days delay in the doldrums), 32 days and 20 hours, at $75 per day	$2,462.50
The same estimate via Nicaragua	1,531.25
Difference in favor of Nicaragua	961.25
Difference on 8,000 ships per year of 1,000 tons each	7,690,000.00

The same vessels bound for the western coast of South America, allowing the same number of days for both in the doldrums, via Nicaragua, two days and six hours, at $75 per day, saving by reason of difference in distance from Greytown to Colon of $168.75.

Now, it is here clearly shown that while 100 vessels are passing through the Nicaragua Canal, in the same time 90 would pass through the Panama Canal on a voyage from New York, Key West, or New Orleans to San Francisco as the initial and destined points. On steamers of 2,000 tons each this would show a difference of 20,000 tons, which, at $1 per ton, will equal $20,000 in favor of Nicaragua tolls over the Panama.

Again, it shows that the Panama could not accommodate more than two or three vessels on the canal at the same time. Calling the Nicaragua 183 miles, it would appear safe for 20 vessels to be on the canal at the same time. The opportunity for berth room in Lake Nicaragua is an immense advantage in passing a fleet through that canal.

Vessels via Panama would be obliged to wait at both ends of the canal for their chance to get through, while the Nicaragua route would be able to hold all ships that would be liable to want passage at one time, even if it were a great fleet of war ships. These conditions, in connection with the fact that Nicaragua is farther east and north (and seven-tenths of commerce will be north and not south of Nicaragua), the econmics in saving of time and money to the carrier is a consideration of vital importance.

So, on the calculations I have made, with perfect fairness and perfect correctness I am sure, based upon the estimates of the Isthmian Canal Commission, the supposed advantage in favor of the Panama route is wiped out by various items of profit that we will acquire by sailing ships going through the Nicaragua route and also by the time required between San Francisco and New Orleans, Key West, or New York, which three points indicate the average distance which would be sailed by a steamer or by a sailing ship between the coast of the Atlantic and the coast of the Pacific.

I do not care now, Mr. President, to go further into this subject than to reproduce a statement which I made at a former day of this session on the subject of the maintenance of the canal. There is a remarkable history, which I have stated in what I am about to put into the RECORD, about the ascertainment of the cost of maintenance. The Commission seem to have had a great struggle with themselves about it and got into such confusion, such entanglement, that they finally refused to report any items that comprised the estimate. They have made this report here, with all this vast array of appendixes, without presenting to Congress, and to the engineers of the world, the items upon which they base this extravagant and utterly unsupported charge for the maintenance of both canals.

How did that happen? It happened by the Commission adopting the wholly extravagant idea that they would organize for this canal when it was built and while it was being built a form of government which would be quite sufficient for a State, and much larger, very much larger, in its expenses than the State of Alabama, or, I believe, any other State, except some of those States like Illinois or Pennsylvania or New York or Massachusetts, that have large cities located within their boundaries.

This top-heavy grandeur in their estimates, I am glad to say, does not fall within the rules that substitute expert opinions for facts and rational conclusions in business matters.

Congress can not entertain the thought that an isthmian canal is to be run at a cost that would be extravagant for a European principality. But there seems to be nothing that is too grand or romantic for engineers in the way of spending public money.

They began this grand plan by creating a supervisory commission to reside in Washington City, to consist of seven members and to have salaries of $10,000 a year each. They are not required to visit the canal at all, but are to be located here for the purpose of making appointments to offices in the canal work and for the purpose of revising or supervising what is being done on the canal through reports made to them by whom? By the president of the canal, who is to have for his cabinet a number of officers, engineers, medical officers, lawyers, and navigators, all of whom are to receive very extravagant allowances. When they come to foot it up, it is a very great sum.

How do they seem to have distributed that between the two canals? They give no rule. They give us no sort of guide for the distribution of it, but I can conceive of no other way in which they could have made the distribution except by the mileage of the canal. Inasmuch as it is 183 miles across at Nicaragua and 47 or 49 miles across at Panama, the difference in cost of maintenance was estimated and regulated, it seems to me, by that one single fact. But I want to know why it is, and I want the Senate to answer the question when we get through this debate and come to voting, that the great Commission could not afford to make anything but a rough, round estimate for which they gave never one single item on which their judgment was based.

This is the point where the injustice to Nicaragua is inflicted in the calculations of the Isthmian Canal Commission. This is even worse than the padding out of the $40,000,000 to be paid to the Panama Canal Company for contingencies mounted upon contingencies like compound interest; and for literature and maps like those that Monsieur Bucan-Varilla has so kindly laid upon our desks to prove the utter incompetency of the Isthmian Canal Commission.

When we look at the Great Soo Canal, the Kiel Canal, the Manchester Canal, and the Suez Canal, and when we come to compare the cost of maintenance of those diffenent canals with the cost they have estimated here, we find they conduct those canals for one-third of the money that is charged here. It is the evident purpose of the Isthmian Canal Commission to make a great government for the canal, in which millions and millions of the money of the people of the United States shall be spent, instead of going to work like business men and ascertaining what would be a reasonable cost for the maintenance of the canal.

Now, I will ask leave to insert in my remarks what I have heretofore said to the Senate on the same subject, and I do it because I do not wish to repeat the tables I gave on that occasion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the matter will be printed in the RECORD. (See Appendix.)

APPENDIX.

[From Mr. Morgan's speech of April 17, 1902.]

THE COST OF MAINTENANCE AND OPERATION OF THE CANALS.

I will allude to the expenses charged to the respective routes for operating expenses and the maintenance of way, to add only a few observations that need to be made.

Under this head there are no items given in the report of the Isthmian Canal Commission as to which a computation can be made in order to test the accuracy of their estimates, or the cost of maintaining and operating any other canal as an approximate criterion.

The cost of maintenance, per mile, of the Suez Canal is $13,000; of the Kiel Canal, $8,600, and of the St. Marys Canal from $46,000 to $60,000 per mile.

The St. Marys Canal is only 1½ miles long and has all the advantages of concentration. At the rate of $1 per ton, its income during the eight months it is open during the year would be more than $30,000,000. It is the force employed in handling the traffic in the open months that costs so heavily.

The basis of these estimates was discussed by the Commission, but it was not given in their final report, because it was not agreed upon. It was produced by Colonel Ernst, on his examination, and is found in his deposition on pages 687 to 698 of the hearings.

The scheme of government is elaborate, even grand, and is quite ample in officials and salaries for the government of a commonwealth. It consists of a supreme board of control, at Washington, and an engineering department, A, with a governor at a salary of $15,000, and the other salaries are correspondingly high for five other departments.

The risk of life in the climate of Panama may excuse this extravagance for that canal, but it is without justification for Nicaragua. The following summary of these items will show the great magnitude of this plan:

THE SALARIES OF FIVE MEMBERS OF THE SUPREME BOARD OF CONTROL AND THEIR SUBORDINATES IS NOT GIVEN.

Annual cost of maintenance of both canals.

ANNUAL COST OF MAINTENANCE, NICARAGUA CANAL.		ANNUAL COST OF MAINTENANCE, PANAMA CANAL.	
Salaries, etc., of governor	$39,300	Salaries, etc., governor	$39,000
Engineering department, A:		Engineering department, A:	
268 employees	187,780	170 employees	128,640
Plant	397,400	Plant	211,600
Supplies	100,000	Supplies	50,000
7½ per cent depreciation	620,532	7½ per cent depreciation	407,372
Total	1,305,712	Total	797,612
Transit department, B:		Transit department, B:	
390 employees	346,160	158 employees	142,840
Plant	320,500	Plant	150,000
		Supplies for locks	9,000
		Lights on locks	4,500
		Maintenance of railroad	45,000
Total	666,660	Total	351,340
Medical department, C:		Medical department, C:	
84 employees	70,980	74 employees	64,860
2 launches	5,000	2 launches	5,000
Supplies	50,000	Supplies	35,000
Total	125,980	Total	104,860
Finance department, D:		Finance department, D:	
15 employees	27,200	14 employees	26,800
Supplies	500	Supplies	500
Total	27,700	Total	27,300
Law department, E:		Law department, E:	
13 employees	18,200	8 employees	14,800
Supplies	500	Supplies	500
Total	18,700	Total	15,300
Police department, F:		Police department, F:	
443 employees	500,800	213 employees	241,100
30 horses, at $250	7,500	40 horses, at $250	10,000
Supreme control in United States	100,000	General expense in United States	100,000
Total	608,300	Total	351,100
Grand total	3,350,000	Grand total	2,024,174

The law department of Panama is put at $15,300, for providing the legal regimen for 35,000 resident people, while it is put at $18,700 at Nicaragua, where not more than 2,000 people now reside.

The police department is put at $251,100 at Panama, where there are 35,000 unruly people to control, and at $508,300 at Nicaragua, to control a scattered population of 2,000, quite orderly and peaceable people.

The finance department is put at $27,700 at Nicaragua and $27,300 at Panama. The amount of money to be received in tolls is supposed to be the cause of this discrimination against Nicaragua of $400 of the expenses.

The medical department is made to cost $125,000 at Nicaragua, in a healthy country, and 13 medical officers, 6 stewards, 36 nurses, and 18 laborers are provided, while the total cost of the medical department at Panama is $104,860, with 7 medical officers, 3 stewards, 12 nurses, and 6 laborers at emergency hospitals, and 5 medical officers, 2 stewards, 20 nurses, and 10 laborers at the regular hospital. The difference of $20,620 per annum is made in favor of Panama, where the pestilential character of that region is described as "fever hole" by General Alexander, and is known of all men to be a region where the yellow fever and chagres fever have their habitat, from which they are never absent. It is so in each of the departments of this proposed government, which seems to have been created to form a basis for the calculation of maintaining an isthmian canal and then retired from observation for future use.

THIS STATELY PROGRAMME FOR WORKING A CANAL AS IF IT WAS A KINGDOM IS RESPONSIBLE FOR THESE TREMENDOUS ESTIMATES OF EXPENSES.

It is in this programme that the idea had its origin that $2,024,174 was required for maintenance and operation of the canal at Panama and that $3,350,822 is required for the canal at Nicaragua. The difference of $1,326,664 is ample to operate either canal, if we accept the experience of the Suez Canal, the Sault Ste. Marie Canal, or any other canal between great bodies of water.

It is impossible to know or safely to conjecture by what rule or principle the Isthmian Canal Commission fixed the charges of maintenance and operation of the canal at Nicaragua or compared them with those of the Panama Canal. For engineering, police, sanitation, and general contingencies their estimate of the cost of construction of the canal is $31,644,010. This evidently includes all the plant that is needed for these purposes, and for a canal completed and equipped. Then they add other sums for plant, for the maintenance of all the canal purposes, for keeping the canal in good order, and for vessels and other appliances needed for such service.

The contingencies charged to the Nicaragua Canal are $558,470 in this plan of government, and those charged to the Panama Canal are $337,362, a difference of $221,118 annually, while the steam tugs, inspection steamers, dredges, pile drivers, tugs, scows, pilot boats, naphtha launches, canoes, and saddle horses, which in their nature can not be reasonably expected to be resupplied each year, are charged at full cost, which is very great, for each year, as if they would all disappear after a single year of service.

These estimates, which are far too extravagant and are so loosely made, and these salaries and pay rolls, which are very expensive, account in great part for the charge of $3,350,822 to the Nicaragua Canal for maintenance and operation, when the Chief of the Bureau of Statistics, in December, 1900, said in an official bulletin of that date:

> There are no locks on the Suez Canal, but the channel is through drifting sand for a great part of its length. The entrance to the harbor of Port Said, on the Mediterranean, intercepts the drift of sand discharged from the Nile and carried along the coast by the easterly current. The navigation in which steamships can make full speed if they choose is longer than the entire length of the Suez Canal. The line of canalization on land at Nicaragua is 53.50 miles, only about half that of the Suez Canal, and only 6 miles longer than the Panama Canal, all of which is artificial canal.
>
> Suez has 100 miles of navigation through an artificial channel, and Panama has 47 miles, while Nicaragua has 63 miles of artificial channel and 120 miles of river and lake navigation in which there are no locks. On this state of facts it is impossible that any reason can be stated why it should require $18,310 per mile to maintain 183 miles of canal, of which only 63 miles is of actual canalization, when the cost per mile of the Suez Canal is $13,000, and that canal is dug entirely through the desert sands, which blow into it and make constant dredging necessary to keep it open.

That is the official statement of your Government, which knocks the estimate of the canal commissioners into dust. Nobody is responsible for that but your Government.

It is beyond all reason and experience that the more than 100 miles of deep water on the route of the Nicaragua Canal, where there is no lock and where a dredge will never be used, should be charged annually with $1,741,400 for cost of maintenance and operation. It is on this absurd conjecture that this erroneous calculation has been made. When this sum of $1,741,400 is subtracted from the estimate of $3,350,822, made by the commissioners, it still leaves $1,611,422 to be applied to maintenance and operation, which is still more than is expended annually on the Suez Canal for those purposes by the sum of $311,422, which is more than the estimates of the Isthmian Canal Commission for operating and taking care of the locks, with 20 per cent added for contingencies.

The uncertainty of the situation as to the cost of maintenance and operation of the canal, created by this effort to fabricate a great and expensive system for its government and control, has introduced into this subject an element of doubt and confusion of a serious character.

It would not have existed if the commissioners, at the time they made this report, had been confronted with the $40,000,000 proposition of the Panama Canal Company. They then had no doubt that this company was acting sincerely in the statement that $109,000,000 was the sum, below which, they would not sell the ditch, the maps, and the railroad stock, with the right, without objection from them, to purchase new concessions from Colombia; and they had no special reasons for closely estimating the cost of maintaining and operating the canal, as to which there must always be a margin of doubt.

The effort was made, on a plan of great amplitude, to institute a very costly government for the canal, but it failed in committee, and was not sent to the President with their report, and it is this abortive scheme that is now presented as the estimate of great engineers, carefully made, as to the difference of the cost of maintenance and operation as between the two routes.

The number and salaries of the official corps, the cost of the plant, to be renewed annually, and the contingencies, have no actual relation to the experience of governments in respect of other canals. They are arbitrary suggestions, and are not calculations based on facts that are even alluded to as supporting the plan.

The following statements in the deposition of Colonel Ernst sufficiently explain the situation:

> The CHAIRMAN. About what is the population of Panama?
>
> Colonel ERNST. About 20,000, I think.
>
> The CHAIRMAN. And about how much in Colon?
>
> Colonel ERNST. About five or six thousand.
>
> The CHAIRMAN. Is there any considerable number of French citizens or people located in Panama or Colon permanently?
>
> Colonel ERNST. Well, I fancy not. Of course, most of the people that we saw were French. They were the officers of the canal company, but I do not think there are many outside of those officials.
>
> The CHAIRMAN. Are there many French residents in that part of the country, in those cities?
>
> Colonel ERNST. I did not see any.
>
> The CHAIRMAN. In the sanitation that is necessary on the Panama route, would you feel that it was safe without including the city of Panama and the city of Colon?
>
> Colonel ERNST. No; I can not say that I think it would be safe.

The CHAIRMAN. How far is the city of Panama from the line of the canal as it is dredged from the bay there?

Colonel ERNST. It is about 3 miles.

The CHAIRMAN. That would be included in the canal limits, if they were 3 miles wide?

Colonel ERNST. I certainly would prefer that they should be included.

The CHAIRMAN. Would you not think that it was absolutely necessary to include it in order to preserve the sanitation, or whatever results might come from sanitation, on the Panama route?

Colonel ERNST. I think the result would undoubtedly be better with it. It is a question of degree. You certainly could not have the same sanitary state there without that city as you can with it.

The CHAIRMAN. That would apply equally well to Colon?

Colonel ERNST. Yes; but Colon is nearly all owned by the Panama Railroad Company, and if you buy that you buy the city.

The CHAIRMAN. Well, I think that is a legal question. Suppose, however, that we bought it and got the title to all the property that had passed through the hands of the railroad company and under concessions from Colombia, it would be still necessary to have the control of it in order to accomplish this sanitary purpose?

Colonel ERNST. I think so.

The CHAIRMAN. Well, it would be also necessary to have the control of it for police purposes?

Colonel ERNST. Yes, sir.

The CHAIRMAN. What sort of a population is there at Colon and at Panama?

Colonel ERNST. Well, I could not say that it was a very high order of population. I did not come into very close personal contact with it. I would say, however, that they were a rather low order of people, a great many of them. Of course there are some respectable people there.

The CHAIRMAN. A very mixed population?

Colonel ERNST. Yes, sir.

The CHAIRMAN. They are a turbulent people, too, are they not?

Colonel ERNST. I would say they are; yes, sir.

The CHAIRMAN. Hard to manage?

Colonel ERNST. They are fighting and quarreling all the time; yes, sir.

The CHAIRMAN. And they are insurrectionary?

Colonel ERNST. Yes, sir.

The CHAIRMAN. We have had several occasions when we have had to send ships of war down there with marines aboard in order to preserve the peace and save the property that the French people have got on that Isthmus, and also to protect and guarantee the sovereignty of the Republic of Colombia over the State of Panama. That is in our treaty.

Colonel ERNST. Yes.

The CHAIRMAN. Now, in making up your estimate of the maintenance of the Panama Canal, the current expenses of maintenance and preservation and protection, etc., I suppose you took all of those elements into consideration?

Colonel ERNST. Yes.

The CHAIRMAN. Did you include the sanitation and the police control of the city of Panama, with 20,000 inhabitants?

Colonel ERNST. We did not in terms. The way we did that was to draw up an organization for the management of the canal, a separate board of control here in this country consisting of 5 members, a governor on the Isthmus with his staff and office, and then provide for 6 departments, the engineering department, with all its various assistants and appliances and the material required; the transit department, having charge of the regulation of dues and the transit and management of all pilots and all that sort of thing, and the light-houses; the medical department, charged with the quarantine regulations, the general hospitals, and the hospital supplies, the subordinate hospitals, and sanitary inspection; the police department, and a law department, and a finance department.

We had all those worked out in detail, and the medical department was charged mainly with the hospitals and subhospitals and the sanitary inspection and the quarantine service. Now, we allowed a force necessary for that, without taking into account any great city.

The CHAIRMAN. You took into account the men who were connected with the operation of the canal?

Colonel ERNST. Yes.

The CHAIRMAN. And the railroad?

Colonel ERNST. And the railroad. The general hospitals, which would be some little way off, probably, from the canal.

The CHAIRMAN. But you made your estimate on the number of men that would probably be employed in the navigation and management of the canal and railroad?

Colonel ERNST. Yes.

The CHAIRMAN. You did not include in it the citizenship of these cities?

Colonel ERNST. No, sir.

The CHAIRMAN. Could you name here the appendix that contains those estimates? We have been very much at a loss to find out about them.

Colonel ERNST. We did not publish those, because it is purely theoretical; we felt that we could not defend every estimate of it. We felt that there were errors both ways. You can conceive of the difficulty of getting up of such an organization at a desk for a great work like that, which must actually be tested and corrected in practice. I mean it must be adjusted. There are many of those items that we felt would err, some on one side and some on the other, and we thought that they would correct each other; but doing it the same for both lines we thought it was a fair comparison.

The CHAIRMAN. You made a comparison in your own minds, based upon facts that you yourselves had observed on the line or had learned from other sources, but you did not make up an itemized statement and balance sheet between the cost of maintenance on the one route and the other?

Colonel ERNST. Oh, yes; we went through this organization for both canals. Of course the Nicaragua Canal had the same general control. The governing board in this country would be the same as for the Panama and also the governor and his staff on the Isthmus would be the same and the chiefs of these departments would all be the same. Now, when it came to the number of posts you would have to have for police force, there would be more on the Nicaraguan than on the Panama. We would have to have more engineering divisions.

The CHAIRMAN. What I wanted to get at is whether the items were put down on the list.

Colonel ERNST. Oh, I have got them all, and I would be very glad to show them to you. I have not got them here to-day, but I can bring them if you wish to see them.

The CHAIRMAN. They were not published?

Colonel ERNST. No.

The CHAIRMAN. I would be very glad if you will furnish us with them, because we have had a great difficulty in getting at the items of the estimate.

Colonel ERNST. It is one of those things that we are perfectly aware is open to attack, because they are approximations, but they are identical for the two lines.

The CHAIRMAN. You will furnish them to us?

Colonel ERNST. Yes.

The CHAIRMAN. Then I will not go any further into that question.

Additional statement of Col. Oswald H. Ernst:

The CHAIRMAN. Did you get the paper I referred to?

Colonel ERNST. Yes; here it is.

The CHAIRMAN. I would like very much to have this go into the record. It may become very important if the canal should be built.

Colonel ERNST. It is very carefully gotten up. The reason we did not publish it is because there are undoubtedly errors in it. Estimates are too high in some respects and too low in others. We thought they would correct each other. The comparison, however, is a fair one. It is the same for both canals. It is a study to which we devoted a good many weeks. It is as follows:

TENTATIVE ORGANIZATION FOR THE MAINTENANCE AND OPERATION OF THE CANALS.

I. NICARAGUA CANAL.

Supreme control to rest in a board of five members, located in Washington. The duties of the board will be:

1. To make regulations for the government of the canal, including the tariff of charges, navigation rules, police and sanitary rules, and, in short, all rules required for the operation and maintenance of the canal.

2. To make or approve all appointments, the salary of which equals or exceeds $100 per month.

3. To make or approve all contracts.

4. To audit all money accounts before transmitting them to the Treasury Department.

The annual expenses of the board may be placed at $100,000.

Organization on the Isthmus.—The general control to be vested in a governor, having his headquarters at Greytown, where the general offices will be located.

The administration will be divided among six departments, viz:

A. Engineer department, charged with all the maintenance and improvement of the canal, including the repair shops and storehouses, and the repairs of public buildings; also with the location and sale or rental of lands.

B. Transit department, charged with the navigation of the canal, the assessment of dues, the service of the ports, including light-houses, and the operation of telegraph and telephone lines.

C. Medical department, charged with the hospital and other medical service, including port, quarantine, and sanitary inspection service.

D. Finance department, charged with the collection of dues, payment of salaries, and management of the funds.

E. Law department, charged with the supervision of such minor courts as may be established and with all legal matters.

F. Police department, charged with the preservation of order and with the management of the armed force required for that purpose.

The governor.—The governor will issue orders to the heads of departments, will make reports to the board of control, and conduct all correspondence with that board, and will make frequent inspection of all parts of the canal. Attached to his office will be a secretary, two clerks, two messengers, and one small inspection steamer, the latter to be available for other officials when not required by the governor.

Annual expense of governor's office.

Salaries:	
Governor	$15,000
Secretary	5,000
Clerks, 2 at $1,500	3,000
Messengers, 2 at $400	800
Inspection steamer	15,000
Office supplies	500
Total	39,300

A board of five members in Washington, for the government of the Philippine Islands, with salaries corresponding with those of the Isthmian Canal Commission of $60,000 a month, would be quite as safe and useful as this proposed board would be for the government of an isthmian canal and probably more expeditious in getting through with their work.

No salaries are named for this supreme board of control, and the only precedent we have on that point is that it would cost not less than $60,000 each year.

The estimated contingencies of $558,470 for the Nicaragua route and $337,362 for the Panama route, in all $895,832, included in the cost of this plan of canal government, would safely cover the estimate of $60,000 and provide living salaries for the five members of the board of supreme control, and still leave enough to pay the salary of the governor, at $15,000 per annum, and his official staff, and for a steamer for their use, which is summed up at $39,300 per annum. The total annual expense of the supreme board of control and of the governor's executive department is not to be less than $783,000 in the plan proposed for the government of the canal. This plan, although it was not adopted, is the actual basis of computation of the cost of the maintenance and operation of this canal.

Yet it is no hazardous venture to assert that, with a good, honest, industrious, and reliable engineer at the head of the enterprise, this array of salaried officials could be dispensed with far more safely than they could be employed in the conduct of the work.

It has required the estimates that were made for this novel, extravagant, and dangerous plan of canal government to support the estimates of the Commission for the maintenance and operation of these canals, which have no support in the actual experience of any other canal in the world.

An argument against the Nicaragua Canal based on such estimates has no just support in fact and no sanction in the history of any other canal.

I beg the attention of Senators to a careful consideration of these estimates and the failure of the Isthmian Canal Commission to furnish, in their report, even the data on which they are based. It is in these estimates and in the inflation of the value of the property they advise us to buy from the Panama Canal Company

that is alone to be found their last report in favor of Panama after they made two reports against and a solemn statement to a committee of the Senate of the same import.

SPANISH WAR CLAIMS.

Mr. TILLMAN. If there is nothing else pressing at the moment, I should like to have unanimous consent to call up the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc. It is an omnibus claims bill in which a good many citizens of my State are interested. The chairman of the committee, the Senator from Wyoming [Mr. WARREN], was going to call it up, but he left the Chamber temporarily. I should like to ask unanimous consent to call it up and have it passed. I do not think there is any objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Claims with amendments.

The first amendment of the Committee on Claims was, under the head of "Florida," on page 3, after line 2, to insert:

To J. H. May, $500.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the word "seventeen," to strike out the name "Montgomerty" and insert "Montgomery;" so as to make the clause read:

To J. R. Montgomery, $17.50.

The amendment was agreed to.

The next amendment was, on page 3, line 20, before the word "dollars," to strike out "eighty-five" and insert "one hundred and twenty-five;" so as to make the clause read:

To J. W. Golden, $125.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

To S. Seisel, $10.

The amendment was agreed to.

The next amendment was, under the head of "Iowa," page 5, after line 19, to insert:

To George Spaulding, $25.

The amendment was agreed to.

The next amendment was, on page 5, after line 20, to insert:

To Mrs. S. Clark, $162.

The amendment was agreed to.

The next amendment was, on page 9, line 15, before the name "Williams," to strike out the letter "T" and insert "F;" so as to make the clause read:

To James F. Williams, $90.

The amendment was agreed to.

The next amendment was, on page 12, line 10, before the word "three," to strike out the name "Benzier" and insert "Brenizer;" so as to make the clause read:

To F. L. Brenizer, $300.

The amendment was agreed to.

The next amendment was, on page 12, line 14, before the word "cents" to strike out "five" and insert "fifty;" so as to make the clause read:

To Belle V. Brant, $6.50.

The amendment was agreed to.

Mr. CLAY. I desire to ask the Senator in charge of the bill if there is a claim in it in favor of W. A. Huff, of Macon, Ga.

Mr. WARREN. There are some 300 claims embraced in the bill, and I should have to refer to the bill to ascertain.

Mr. CLAY. I have just received a telegram stating that there was a claim of that kind in the bill, and asking me to have it stricken out.

Mr. WARREN. The clerks can look at the claims under the headline of "Georgia." I will say, while the clerks are searching for it, that this bill is composed alone of such claims as have been certified here from a board in the War Department, as provided by law.

Mr. CLAY. I understand; but Mr. Huff, who would be the beneficiary, has telegraphed me requesting that the item be stricken from the bill.

The PRESIDENT pro tempore. Will the Senator from Georgia repeat the name?

Mr. CLAY. W. A. Huff.

The PRESIDENT pro tempore. The Secretary will read what he finds on the subject.

The Secretary read as follows:

To W. A. Huff, $304.

Mr. CLAY. If it is in order, I move to strike out that item.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CONSIDERATION OF UNOBJECTED PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I now renew my request that the Senate proceed to the consideration of unobjected pension cases and bills to correct military records.

Mr. HOAR. For what length of time does the Senator ask that such bills shall be considered?

The PRESIDENT pro tempore. There is a notice given for a special purpose at 4 o'clock.

Mr. GALLINGER. Yes; notice for a special purpose has been given at 4 o'clock. I thought it very likely that it would take pretty nearly all of the time up to that hour.

Mr. HOAR. Very well; I shall not object to the request of the Senator from New Hampshire, but I should like to say that the anti-injunction bill, so called, a measure which has been very carefully considered by the Committee on the Judiciary, and which has been the subject of a good deal of interest in many parts of the country, should at some time be considered. I should have called it up this afternoon if I could have obtained the floor before the Senator from New Hampshire did, had the Senator from Connecticut [Mr. PLATT], who has taken some interest in it on the committee, been present. I therefore simply give notice now, without objecting to the request of my honorable friend, that I shall take some convenient time to ask the Senate to consider it.

Mr. WARREN. I wish to ask the Senator from New Hampshire to yield to me for a moment.

Mr. GALLINGER. I have not yet obtained consent.

Mr. CULBERSON. With reference to the request of the Senator from New Hampshire, I hope he will make the request so as to apply to the entire Calendar and not confine it to pension and war-record cases.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases and bills to correct military records. Is there objection? The Chair hears none.

Mr. NELSON. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Minnesota if the bill he desires to call up does not occasion debate.

A. M. DARLING, ADMINISTRATOR.

Mr. NELSON. I ask unanimous consent to call up the bill (S. 587) for the relief of A. M. Darling, administrator. It will not take any time; it is a very short bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $1,974 in full to A. M. Darling, of Douglas County, Minn., for depredations committed on the property of the late Andreas Darling, in 1862, by the Sioux Indians, of Minnesota, which amount shall be charged against and deducted from the forfeited annuities of said Indians now held by the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRISCILLA R. BURNS.

Mr. WARREN. I wish to call up a bill which was partly considered the other day. I think it was read. It is Senate bill 4517, and it is early on the Calendar.

The Secretary read the bill (S. 4517) for the relief of Priscilla R. Burns; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $7,987 to Priscilla R. Burns, widow of the late Gen. William W. Burns, deceased, in full payment of the balance due him for royalty on 3,195 tents used by the United States Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KATIE A. NOLAN.

Mr. GALLINGER. I promised to yield to the Senator from Texas for a bill which he says will not occasion debate.

Mr. CULBERSON. I ask for the present consideration of the bill (S. 4308) for the relief of Katie A. Nolan.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Katie A. Nolan, of San Antonio, Tex., $800, in full of the difference of pay due to her as a stamp clerk at the post-office at San Antonio, Tex., between the salary actually received

by her and the amount of salary to which she was entitled by law from July 1, 1889, to July 1, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The first pension bill on the Calendar will be proceeded with.

WILLIAM F. BOWDEN.

The bill (H. R. 13178) granting a pension to William F. Bowden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Bowden, late of Company K, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK W. WILLEY, ALIAS WILLIAM F. WILLEY.

The bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick W. Willey, alias William F. Willey, late of United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. DEVITT.

The bill (H. R. 10794) granting a pension to Thomas H. Devitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Devitt, the helpless and dependent son of Thomas Devitt, late of Company D, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA B. SHURTLEFF.

The bill (H. R. 13063) granting an increase of pension to Julia B. Shurtleff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia B. Shurtleff, widow of Edward S. Shurtleff, late acting master, United States Navy, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA B. S. MANNIX.

The bill (H. R. 13683) granting an increase of pension to Ella B. S. Mannix was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella B. S. Mannix, widow of Daniel Pratt Mannix, late captain, United States Marine Corps, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORIAN V. SIMS.

The bill (H. R. 5146) granting an increase of pension to Florian V. Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florian V. Sims, widow of Alexander Sims, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month, and $2 per month additional on account of the minor child of the soldier until such child shall have arrived at the age of 16 years, in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES S. CURTIS.

The bill (H. R. 8476) granting an increase of pension to Moses S. Curtis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses S. Curtis, late of Company E, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $14 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. MILLER.

The bill (H. R. 2615) granting an increase of pension to Charles E. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Miller, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA L. FERRIER.

The bill (S. 3180) granting a pension to Emma L. Ferrier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the letter "a;" in line 7, after the word "gunner," to strike out "in the;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Ferrier, widow of William A. Ferrier, late gunner, United States Navy, and pay her a pension at the rate of $12 a month.

The amendments were agreed to.

Mr. GALLINGER. In the last line I move to strike out "a" and insert "per;" so as to read "per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT G. SCROGGS.

The bill (H. R. 6890) granting an increase of pension to Robert G. Scroggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert G. Scroggs, late assistant surgeon One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS FINEGAN.

The bill (H. R. 10172) granting an increase of pension to Thomas Finegan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Finegan, late second-class fireman, U. S. S. *Housatonic*, United States Navy, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. BICKERSTAFF.

The bill (H. R. 14118) granting a pension to Mary C. Bickerstaff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Bickerstaff, widow of William J. Bickerstaff, late of Company E, Twelfth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE REARDON.

The bill (H. R. 14012) granting a pension to Fannie Reardon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie Reardon, widow of Patrick Reardon, alias Patrick Dunn, late of Company B, Second Regiment New York Provisional Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. ANGEVINE.

The bill (S. 2283) granting an increase of pension to William F. Angevine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Angevine, late captain Company K, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. BROWN.

The bill (H. R. 12774) granting an increase of pension to John M. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Brown, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and Company C, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. M'CARTER.

The bill (H. R. 8109) granting an increase of pension to William H. McCarter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. McCarter, late of Company D, Third Regiment New Jersey Volunteer Infantry, and Company A, Thirty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUTHER G. EDWARDS.

The bill (H. R. 14359) granting a pension to Luther G. Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther G. Edwards, late landsman, U. S. S. *Lancaster*, United States Navy, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHARINE W. CLARKE.

The bill (S. 5076) granting an increase of pension to Katharine W. Clarke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the second time, to strike out "the late;" and in line 7, after the word "surgeon," to strike out "of the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine W. Clarke, widow of Henry K. Clarke, late surgeon Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET TISDALE.

The bill (H. R. 10255) granting a pension to Margaret Tisdale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Tisdale, the former widow of Moses C. Bartlett, late of Company B, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN BECKWITH.

The bill (H. R. 13378) granting an increase of pension to Edwin Beckwith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin Beckwith, late of Company K, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA ELIZABETH HENCH.

The bill (S. 3238) granting a pension to Martha Elizabeth Hench was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Elizabeth Hench, widow of George Hench, late of Company I, Thirty-sixth Regiment Pennsylvania Volunteer Emergency Militia, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MEALEY.

The bill (S. 3644) granting a pension to James Mealey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Mealey, late of Company K, Third Regiment West Virginia Volunteer Infantry, and Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Mealey."

JOSEPH A. KERBEY.

The bill (S. 5239) granting an increase of pension to Joseph O. Kerbey, alias Joseph A. Kerbey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Kerbey, late second lieutenant, Signal Corps, United States Army, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph A. Kerbey."

CHARLES E. PETTIS.

The bill (H. R. 11327) granting an increase of pension to Charles E. Pettis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Pettis, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. H. DAVIS.

The bill (H. R. 6414) granting an increase of pension to William W. H. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. H. Davis, late colonel One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PIERSON L. SHICK.

The bill (H. R. 8780) granting an increase of pension to Pierson L. Shick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pierson L. Shick, late of Company G, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GIBBONEY F. HOOP.

The bill (H. R. 8457) granting an increase of pension to Gibboney F. Hoop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gibboney F. Hoop, late surgeon Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL HAYES.

The bill (H. R. 6847) to correct the record of Michael Hayes was considered as in Committee of the Whole. It proposes to correct the military record of Michael Hayes, late of Company H, Sixty-ninth New York Infantry Volunteers, and to grant him an honorable discharge from such organization and remove the charge of desertion standing against him as a member thereof. But no pay, bounty, or other emoluments shall become due or payable by virtue of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH JACOBS.

The bill (S. 4121) granting a pension to Elizabeth Jacobs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments in line 7, after the word "Massachusetts," to insert "Colored Volunteer," and in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Jacobs, widow of Stephen Jacobs, late of Company B, Fifth Regiment Massachusetts Colored Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB SMITH.

The bill (H. R. 12976) granting an increase of pension to Jacob Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Smith, late of Company G, One hundred and seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH J. EAGON.

The bill (H. R. 9710) granting an increase of pension to Elizabeth J. Eagon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth J. Eagon, widow of Lafayette A. Eagon, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN W. RICE.

The bill (H. R. 884) granting an increase of pension to Ellen W. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen W. Rice, widow of Francis G. Rice, late second lieutenant Company I, First Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORRIN J. WELLS.

The bill (H. R. 5315) granting an increase of pension to Orrin J. Wells was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orrin J. Wells, late of Company I, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

NELSON CHURCHILL.

The bill (H. R. 8698) granting an increase of pension to Nelson Churchill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Churchill, late of Company D, Twenty-second Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER S. STEPHENS.

The bill (H. R. 12130) granting a pension to Christopher S. Stephens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher S. Stephens, late of Captain Chapman's company, New Mexico Mounted Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD G. WATKINS.

The bill (H. R. 7922) granting an increase of pension to Richard G. Watkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard G. Watkins, late ordinary seaman, United States Navy, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. BONHAM.

The bill (H. R. 13321) granting an increase of pension to John S. Bonham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Bonham, late of Company K, First Regiment California Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES AUSTIN.

The bill (H. R. 13017) granting an increase of pension to James Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Austin, late of Company B, Fourth Regiment California Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER W. OAKLEY.

The bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer W. Oakley, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RUFUS V. LEE.

The bill (S. 1666) granting an increase of pension to Rufus V. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rufus V. Lee, late of Company B, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SWAN.

The bill (H. R. 5145) granting an increase of pension to Thomas Swan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Swan, late chief bugler, Twelfth Regiment New York Volunteer Cavalry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN WALKER.

The bill (H. R. 12312) granting a pension to Susan Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Walker, the former widow of James H. Crysler, late of Company B, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LESSIG.

The bill (S. 2306) granting a pension to William H. Lessig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lessig, late lieutenant-colonel Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Lessig."

MARIA V. STADTMUELLER.

The bill (S. 3423) granting an increase of pension to Maria V. Stadtmueller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria V. Stadtmueller, widow of Charles Stadtmueller, late of Companies A and H, Fifth Regiment United States Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

Mr. GALLINGER. Before the word "dollars," I move to strike out "twelve" and insert "sixteen;" so as to read "at the rate of $16 per month."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Maria V. Stadtmueller."

JOHN A. EVELAND.

The bill (H. R. 12408) granting an increase of pension to John A. Eveland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Eveland, late of Company G, Ninetieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD M. KELLOUGH.

The bill (H. R. 12724) granting an increase of pension to Richard M. Kellough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard M. Kellough, late of Company D, Sixty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON L. WILSON.

The bill (H. R. 12047) granting an increase of pension to Jackson L. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson L. Wilson, late of Company E, Third Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID HAM.

The bill (S. 5758) granting an increase of pension to David Ham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Ham, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. SULLIVAN.

The bill (S. 4454) granting an increase of pension to John D. Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Sullivan, late of Company C, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving, the same to be paid to him without deduction or rebate for former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARMAN SCRAMLIN.

The bill (H. R. 6871) granting an increase of pension to Harman Scramlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harman Scramlin, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ESEK B. CHANDLER.

The bill (H. R. 6991) granting an increase of pension to Esek B. Chandler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Esek B. Chandler, late principal musician Fifty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL BROWN.

The bill (H. R. 954) granting an increase of pension to Rachel Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel Brown, widow of James Brown, late major Seventieth Regiment Ohio Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BRADSHAW.

The bill (S. 3315) granting an increase of pension to George W. Bradshaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Bradshaw, late of Company K, First Regiment Kentucky Volunteers, war with Mexico, and Company F, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY WEAVER.

The bill (S. 3715) granting an increase of pension to Henry Weaver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Weaver, late of Company F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL VOLZ.

The bill (S. 4493) granting an increase of pension to Michael Volz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Volz, late of Company G, Nineteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. DICK.

The bill (S. 4811) granting an increase of pension to John W. Dick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Dick, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN REVLEY.

The bill (H. R. 3263) granting an increase of pension to John Revley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Revley, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $14 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. C. TAYLOR.

Mr. PETTUS. The bill (H. R. 5550) for the relief of W. C. Taylor is a small bill which has just been passed over. I should

like to have it called up and considered now by unanimous consent, if the Senator from New Hampshire will allow me.

Mr. GALLINGER. I will yield to the Senator from Alabama for that purpose.

The Secretary read the bill; and by unanimous consent the Senate as in Committee of the Whole proceeded to its consideration. It proposes to pay to W. C. Taylor, of Mobile, Ala., $2,000 as compensation for the loss of the steel barge *Ora* while in service of the Government during the late war with Spain, on a voyage between Mobile, Ala., and Santiago de Cuba, said loss having been caused by defective and insufficient towlines and the absence of any crew on board the barge to look after her safety, all of which occurred without any fault on the part of the owner of the barge, the said W. C. Taylor, of Mobile, Ala.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL L. MALLICOAT.

The bill (H. R. 3323) granting a pension to Daniel L. Mallicoat was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "ten" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel L. Mallicoat, late captain Company N, Greene County, Mo., Home Guards, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY RUNNELS.

The bill (H. R. 1478) granting an increase of pension to Henry Runnels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Runnels, late captain Company E, Eighteenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN B. TODD.

The bill (H. R. 13946) granting an increase of pension to Stephen B. Todd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen B. Todd, late captain Company D, Eighth Regiment Kansas Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORANGE SELLS.

The bill (S. 5901) granting an increase of pension to Orange Sells was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "captain;" in line 7, before the word "Volunteer," to insert "Ohio," and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orange Sells, late captain Company D, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. BANTA.

The bill (S. 4251) granting an increase of pension to William C. Banta was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Banta, late lieutenant-colonel Seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. RICHARDSON.

The bill (H. R. 945) granting an increase of pension to William W. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Richardson, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH D. M'CLURE.

The bill (H. R. 8026) granting an increase of pension to Joseph D. McClure was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. McClure, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC M. PANGLE.

The bill (H. R. 9717) granting a pension to Isaac M. Pangle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Pangle, late of Company A, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

Mr. GALLINGER. Let that amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. CRAWFORD.

The bill (H. R. 9164) granting an increase of pension to John H. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Crawford, late of Company D, One hundred and first Regiment Ohio Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. CAMPBELL.

The bill (H. R. 3768) granting an increase of pension to John W. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Campbell, late regimental quartermaster Seventh Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. DICKEY.

The bill (H. R. 3770) granting a pension to James E. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Dickey, late of Captain McClintock's company, Kentucky Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. ROBERTSON.

The bill (H. R. 11865) granting an increase of pension to John A. Robertson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Robertson, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORATIO N. WHITBECK.

The bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Whitbeck, late lieutenant-colonel Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY A. LIPPS.

The bill (H. R. 11493) granting a pension to Mary A. Lipps was considerd as in Committee of the Whole. It proposes to place

on the pension roll the name of Mary A. Lipps, widow of George W. Lipps, late of Company K, Fortieth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY J. RAILEY.

The bill (H. R. 13081) granting an increase of pension to Anthony J. Railey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony J. Railey, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANGELINE H. TAYLOR.

The bill (H. R. 11115) granting a pension to Angeline H. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angeline H. Taylor, widow of William Taylor, late major Fortieth Regiment Indiana Volunteer Infantry, and to pay to her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE B. FARNHAM.

The bill (H. R. 6186) granting a pension to Carrie B. Farnham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie B. Farnham, widow of Wilson H. Farnham, late of Company F, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND B. APPLETON.

The bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund B. Appleton, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. WHITE.

The bill (H. R. 13675) granting an increase of pension to George W. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. White, late of Company D, Fourth Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC GIBSON.

The bill (H. R. 11711) granting an increase of pension to Isaac Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Gibson, late major Second Battalion, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. BADER.

The bill (S. 5747) granting an increase of pension to James E. Bader was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Bader, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MELINDA HEARD.

The bill (S. 5659) granting an increase of pension to Malinda Heard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melinda Heard, widow of John A. Heard, late of Captain Jones's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Melinda Heard."

WILLIAM WARNER.

The bill (H. R. 10899) granting an increase of pension to William Warner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Warner, late of Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA M. GIHON.

The bill (S. 6015) granting an increase of pension to Clara M. Gihon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out the letter "a;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara M. Gihon, widow of Albert L. Gihon, late medical director, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SHAW.

The bill (H. R. 12284) granting an increase of pension to George W. Shaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Shaw, late of Company C, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES F. GRAY.

The bill (H. R. 3677) granting an increase of pension to James F. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Gray, late of Companies G and I, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE O. PHILLIPS.

The bill (H. R. 3500) granting an increase of pension to Kate O. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate O. Phillips, widow of Joseph A. Phillips, late surgeon Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JESSE M. PECK.

The bill (H. R. 12409) granting an increase of pension to Jesse M. Peck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse M. Peck, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. CORNISH.

The bill (H. R. 3986) granting a pension to Martha A. Cornish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Cornish, widow of James M. Cornish, late of Company G, Tenth Regiment New

York Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA C. HAWKS.

The bill (H. R. 7986) granting a pension to Clara C. Hawks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara C. Hawks, the former widow of William M. Ball, late of Company H, Second Regiment Missouri Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BORTLE.

The bill (H. R. 5328) granting an increase of pension to Samuel Bortle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Bortle, late of Company E, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA GOTTWEIS.

The bill (H. R. 292) granting a pension to Henrietta Gottweis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta Gottweis, dependent stepmother of Frederick Koenemann, late of Company F, Second Regiment Missouri Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED HATFIELD.

The bill (H. R. 1466) granting a pension to Alfred Hatfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Hatfield, late of Company I, Twenty-third Regiment Missouri Volunteer Infantry, and to pay him a pension of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID T. BRUCK.

The bill (H. R. 3262) granting an increase of pension to David T. Bruck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David T. Bruck, late hospital steward, Fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT WATTS.

The bill (H. R. 5877) granting a pension to Robert Watts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Watts, late of Company H, Third Regiment United States Volunteer Engineers, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA TOWNER.

The bill (H. R. 14374) granting a pension to Samantha Towner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha Towner, widow of Justin D. Towner, late captain Company B, Twelfth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. GILLAM.

The bill (H. R. 10954) granting an increase of pension to Mary J. Gillam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Gillam, widow of James Gillam, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE FUSSELMAN.

The bill (H. R. 14052) granting an increase of pension to George Fusselman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Fusselman, late of Company E, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. CONRAD.

The bill (H. R. 13691) granting an increase of pension to James M. Conrad was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Conrad, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA WORDEN.

The bill (S. 4211) granting an increase of pension to Asa Worden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa Worden, late major, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES OLSON.

The bill (H. R. 12305) granting an increase of pension to Charles Olson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Olson, late of Company K, Fifteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per mouth in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY M. WILLIAMS.

The bill (H. R. 7353) granting a pension to Nancy M. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy M. Williams, widow of Thomas B. Williams, late surgeon, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. SHEARER.

The bill (H. R. 2192) granting an increase of pension to Benjamin F. Shearer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Shearer, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WALL.

The bill (H. R. 13423) granting an increase of pension to Elizabeth Wall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Wall, widow of John T. Wall, late of Company D, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. MAXWELL.

The bill (H. R. 2470) granting an increase of pension to Charles P. Maxwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles P. Maxwell, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. SCHOTT.

The bill (H. R. 5866) granting an increase of pension to William P. Schott, alias Jacob Schott, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Schott, alias Jacob Schott, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID VICKERS.

The bill (S. 6008) granting an increase of pension to David Vickers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Vickers, late major, Fourth Regiment New Jersey Volunteer Infantry, and major and inspector-general, United States Volunteers, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDGAR A. STANLEY.

The bill (H. R. 9463) granting an increase of pension to Edgar A. Stanley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar A. Stanley, late of Company I, Fourth Regiment Maine Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA M. MILLER.

The bill (S. 3365) granting an increase of pension to Eliza M. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Miller, widow of James H. Miller, late first lieutenant Company H, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL DOUGHERTY.

The bill (S. 5431) granting a pension to Daniel Dougherty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private," and in the same line, after the word "company," to strike out the letter "B" and insert "D;" so at to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Dougherty, late of Company D, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM JOHNSTON.

The bill (S. 2545) granting a pension to William Johnston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Johnston, late of Company G, One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and Company D, Forty-ninth Regiment Pennsylvania Volunteer Emergency Militia, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL THOMAS.

The bill (H. R. 10178) granting an increase of pension to Daniel Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Thomas, late seaman, United States steamships North Carolina, Potomac, and Sabine, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY E. HOLBROOK.

The bill (H. R. 8781) granting a pension to Mary E. Holbrook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "former," to strike out "the:" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Holbrook, former widow of Frank Wyman, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. Let that amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE M. SCHOFIELD.

The bill (H. R. 12770) granting an increase of pension to Carrie M. Schofield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie M. Schofield, widow of Walter Schofield, late of Company I, Ninth Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. STOTT.

The bill (S. 4827) granting an increase of pension to George W. Stott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "Eighty-fourth" and insert "Eighty-ninth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Stott, late of Company I, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA N. GRINSTEAD.

The bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa N. Grinstead, widow of John J. Grinstead, late of Company B, Twelfth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANN CONRAD HAAS.

The bill (H. R. 5018) granting an increase of pension to Johann Conrad Haas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johann Conrad Haas, late of Company B, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay to him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET S. TOD.

The bill (H. R. 14224) granting an increase of pension to Margaret S. Tod was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret S. Tod, widow of Samuel B. Tod, late sergeant, Company E, Sixteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. ADAMS.

The bill (H. R. 6402) granting a pension to Mary J. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Adams, widow of John Adams, late of Company A, First Regiment Maryland Volunteer Infantry, and to pay her a pension of $12 per month, such pension, however, to cease upon proof that said John Adams is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MILLER.

The bill (H. R. 14079) granting an increase of pension to John Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Miller, late of Company G, Fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BERRY.

The bill (S. 5660) granting a pension to George W. Berry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "private;" in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" and in line 9, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Berry, late of Company H, One hundred and sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Berry."

JOHN H. SMITH.

The bill (H. R. 7882) granting an increase of pension to John H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Smith, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA G. YOUNG.

The bill (H. R. 7906) granting a pension to Martha G. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha G. Young, mother of John G. Young, late of Battery A, Utah Light Artillery, war with Spain, and to pay her a pension of $12 per month, such pension to cease in the event of the allowance of a pension to the former widow of the said John G. Young to cover any period subsequent to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. ROBERTS.

The bill (H. R. 12299) granting a pension to William C. Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Roberts, late of Company H, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETER T. NORRIS.

The bill (H. R. 9366) granting an increase of pension to Peter T. Norris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter T. Norris, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW E. HICKS.

The bill (H. R. 13554) granting an increase of pension to Andrew E. Hicks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew E. Hicks, late of Company D, Second Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STILES L. ACEE.

The bill (S. 4957) granting an increase of pension to Stiles L. Acee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stiles L. Acee, late of Loyall's Independent Company, Georgia Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE STOKES.

Mr. TILLMAN. Mr. President, I ask that the resolutions from the House of Representatives in memory of Dr. STOKES, late a member of that body, may be laid before the Senate.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 26, 1902.*

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. J. WILLIAM STOKES, late a member of the House of Representatives from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. TILLMAN. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions submitted by the Senator from South Carolina will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. J. WILLIAM STOKES, late a Representative from the State of South Carolina.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to the memory of the deceased.

Resolved, That as an additional mark of respect to his memory the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. TILLMAN. Mr. President, the Senate and the House of Representatives, forming as they do component parts of the legislative branch of the Government, work together in all things where the making of laws is concerned. This intimate relationship necessarily brings the members of the two bodies into close and friendly contact and many lasting friendships have had their origin in a committee room of the Capitol.

Therefore it is that the custom has grown up for both Houses to take cognizance of the death of a member of either and to pay due respect to the memory of a dead comrade. The feeling is somewhat akin to that of attending the funeral of a fellow-soldier who has died. His immediate associates attend the last sad rites, but the members of the other companies also attend the funeral, and so when a Senator dies the House takes part on a subsequent day in paying respect to his memory, just as the Senate performs the same duty in regard to a dead Representative.

The Senate pauses in its labors to-day out of respect to a member of the lower House—a man not known to very many Senators, but one whose character and worth were most highly appreciated by those of us who were acquainted with him. J. WILLIAM STOKES, a citizen of South Carolina, and a member of Congress for six years preceding his death, was called to his long rest on 6th day of July, 1901. He was a member-elect to the present Congress, and had served the people of his district with distinguished ability and zeal during his Congressional career.

The facts of his personal and political history have already been set forth in the eulogy pronunced by Mr. A. F. LEVER, his successor in the House, on the 26th of April last, and they will appear in the memorial volume, and as the rehearsal of that record in this presence would be but a repetition, I shall not dwell upon it. I prefer to speak of my dead friend rather from the point of view of a colaborer in a common field and to give some estimate of his character as a man than deal with the subject from the standpoint of the biographer. Owing to the fact that he had left South Carolina immediately after his graduation from the Washington and Lee University, of Virginia, and remained away, following his chosen profession as a teacher, until 1889, I had no knowledge of him in his earlier manhood.

I shall always recollect the first time I met him. It was at the "March convention" of the farmers' movement in the city of Columbia in 1890. He was on the committee to draft a platform, and his thorough insight into all the public questions then agitating the people of South Carolina and his earnest, zealous purpose to present those issues in the best light and frame the demands for reform which were pulsating in the hearts of our people, so as to minimize opportunities for attack and assure so far as practicable the support of all those in sympathy with our purpose, made him a marked member of the convention.

South Carolinians ordinarily are very jealous of outsiders, and Dr. STOKES's long absence from the State in the case of some men would have made it impossible that he should have exerted any influence; but his modesty and the clearness and force with which he presented his ideas and argued any moot question, silenced any jealous mutterings, and from the first he became a leader in the movement in South Carolina to reform the State government just as he was soon after among the most prominent men in the Alliance movement in the State, which had for its purpose the securing of reforms in the National Government.

While he was not an eloquent speaker, he was forceful and logical, and his arguments always carried with them weight, if not conviction. Though he was my junior by seven years, his temperament was so calm and judicial that I always listened to his opinions with deference, and very rarely differed with him on public questions. From the first day we met in March, 1890, to the day of his death there was cooperation growing into the warmest friendship and closest political alliance. In looking back now over those years of arduous labor performed together, I recollect not one single incident which produced bitterness or distrust; and after our entrance upon the national arena, he in the other end of the Capitol and I in this, we were thrown together much more intimately than had been possible previously, and the admiration which his clear and forceful mind had excited was succeeded by most cordial and warm friendship. The better he was known the more he was loved and respected.

It was in this intimate association that I came to understand and appreciate the higher and nobler side of the man—not but what all of his attributes were high and noble, but I allude more particularly to his home life and to his chivalrous and almost idolatrous attachment to the noble woman who had won his love. It was in the home and in the company of his wife that Dr. STOKES shone in his most admirable light. Having no children of his own, he was always stealing the heart of some child with whom he came in contact, and my own little ones learned to love him and to run to meet him on his frequent visits with that ardor and abandonment of joy which a child alone knows how to exhibit.

In the art of winning his way to the hearts of children he was not surpassed by any man I have ever known, and no student of human nature will ask any higher tribute to his character. Children do not love those who are selfish and mean; and, guileless themselves, they are not easily deceived in their estimate of men and women. I would sooner trust the intuition and instincts of a child than depend on the judgment of a grown person where character and goodness are in question.

A man of the most refined manners, Dr. STOKES was a favorite with all those who came to know him intimately; so while the men respected him for his manliness of principle and high character, the women were his admiring friends because of his chivalry and deference to their sex, while the children loved him for his kindliness and sympathetic interest in all of their little affairs.

It would be improper to invade the sacred precincts of his desolate home, but the devotion which bound him to his wife, the romantic idealized love, so to speak, with which he regarded her, made the separation of those two who were certainly "one twain," the more heartrending. I can not offer any consolation to that widowed heart that will assuage its longing, but it would not be improper, perhaps, to say to her that he is only gone before, and waits longingly for her coming, and she should try to win comfort out of the sad consciousness that—

'Tis better to have loved and lost,
Than never to have loved at all.

The world can not give any compensation for her great loss, but she is surely happier or will be happier if she will look at it from this point of view till the time shall come for their reunion.

In looking over my friend's life in its results I am forcibly reminded of that sad truth contained in Gray's lines:

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour;
The paths of glory lead—but to the grave.

Dr. STOKES was young in years; had scarcely reached the meridian of life. His public career had hardly begun, and the equipment furnished by years of study and extensive reading had promise of rich fruition. He had grown upon the people of our State during the twelve years since his return among us, and while the bitter strife which marked the period of his entry on the political arena had left some scars on other breasts, they seemed to have left none on his own.

The shafts of envy and malice had fallen hurtless, and his worth and high character had so impressed themselves on the people that in his last election he was unopposed by any competitor, and those who had at one time been his most bitter antagonists had been won to be warm friends, or acquiescent opponents, who had no ill for him. In the zenith of his fame and height of his usefulness he has been stricken down. We can not understand why these things are so; we can not lift the veil to find out why such a man should be taken and so many thousands less useful and less worthy should remain. We can not realize why the cords of love and devotion which bound him to life should have been snapped so ruthlessly.

The journey of life is full of these mysteries. We come into the world unbidden, or rather without having been consulted; we are hurried hence, often without warning and suddenly, without any power of resistence. We come and go like shadows and we know not why these things are so. Life is a battle from beginning to end, and the grave is the only place of rest. We are all hastening to it, and many are unconsciously very, very near its brink.

It is philosophical to think about death calmly, but the law of life makes us shun and dread it and put off to the very last the thought of the time when we shall bid adieu to this active scene. By common consent, all men, both ancient and modern, civilized and uncivilized, heathens and savages, have refused to accept death as an "unending sleep." The idea of annihilation is so abhorrent that the human soul recoils with terror from such an ending. Tennyson has most beautifully expressed the feeling of mingled fear and hope pulsating in our hearts when he says:

Oh, yet we trust that somehow good
Will be the final goal of ill;
To pangs of nature, sins of will,
Defects of doubt, and taints of blood.

That nothing walks with aimless feet;
That not one life shall be destroyed,
Or cast as rubbish to the void,
When God hath made the pile complete.

That not a worm is cloven in vain;
That not a moth with vain desire
Is shriveled in a fruitless fire
Or but subserves another's gain.

Behold we know not anything;
I can but trust that good shall fall
At last—far off—at last to all,
And every winter change to spring.

* * * * *

Strong Son of God, immortal Love,
Whom we that have not seen Thy face,
By faith, and faith alone, embrace,
Believing where we can not prove;

Thou wilt not leave us in the dust;
Thou madest man he knows not why;
He thinks he was not made to die;
And Thou hast made him: Thou art just.

In that blessed reunion to which every human soul looks, in the bright hereafter, "When the wicked cease from troubling and the weary are at rest," may our friend and his loved ones left here be reunited; and may we all so live that when we come to die we shall have as few sins to answer for as the man in whose memory we speak to-day. His was indeed a noble and pure life, and in all my dealings with men I have never known one who more deserved to have it said of him—

And thus he bore without abuse
The grand old name of "gentleman."

Mr. MCLAURIN of South Carolina. Mr. President, death is always an unwelcome visitor and generally surprises us in the midst of the duties and schemes which are engrossing our lives. A noble and useful life is often ended in the heyday of its success and prosperity. It is well that it is so, for if we were permitted to control our mortal destiny we could never conveniently fix a time when we would travel to that "bourn from whence no traveler returns."

It is passing strange that we have the courage, energy, and persistency to pursue so hopefully the aims of this life, when we are so constantly reminded that at any moment the "silver cord may be loosed and the golden bowl broken."

The inspiration of hope obscures the shadow of the grave and impels us forward upon our earthly careers. Without this "death on the pale horse" would at every moment cross our pathway and overwhelm us with gloom.

But with all of our fears of death there is mixed a fixed belief in the immortality of the soul and that after the struggles and cares of this life there is "rest for the weary." Revealed religion teaches us that death is but the exit from this life into an

everlasting heaven of unalloyed happiness. By its clear light alone can we see that man's mission in this world is to build and progress, to lift himself from a high to a higher plane of existence, and to constantly take into his soul and life more of that justice and charity which are to be his divine estate in the great beyond. Some day this great battle that has raged in the breast of each, between our brute natures and our immortal souls, will be over and our discordant natures brought into harmony with the spirit that controls all things in this great universe, and then, if we have made a good fight, the immortal spirit rises triumphant over mortal flesh, and, looking toward heaven, finds the burden easy and the upward pathway filled with light.

The death of Dr. J. WILLIAM STOKES, the Christian gentleman, the useful citizen, and faithful Congressman, in the meridian of his life work and the midst of his public duties, makes us all feel that he lived as he should have lived and that his translation from this life of care and sorrow was to one of rest and happiness in the unending future.

Dr. STOKES was the idol of the agricultural classes in South Carolina. They loved him; they trusted him; they honored him, and they now revere his memory. He came from their ranks and rose to high position in the State, and by their unswerving confidence and influence was transferred from the arena of State to the wider sphere of national politics. In every position in which he was placed he was true to his people and to the principles of which he was a living exponent.

When the Alliance movement materialized into a compact and influential organization he was one of the leaders in South Carolina, and by his aggressiveness and fidelity to its principles contributed largely toward making it the controlling factor in State politics. He was placed at the head of the State organization, and under his leadership it became a great educator of the masses, inspiring a spirit of independence of thought and action, which to some extent at least destroyed party tyranny and gave, in a measure, political freedom to the people.

The Alliance movement may have given rise to many "isms" in the politics of this country, and it has been derided as demagogery of the vilest type, but it is an undeniable fact that in the South it awakened the slumbering masses and gave to them freedom from party shackles, and created a wider interest in national affairs. In South Carolina it removed barriers which had existed for years between classes, broke down the traditions of a century, and delivered the people from the oligarchical rule which had controlled the material and political destiny of the State from the close of the Revolutionary war.

It was a part of the new era of progress in directing attention to needed reforms, and to the importance of developing the material resources of the State. Dr. STOKES, in the beginning, was one of the guiding spirits in this popular uprising, and well may he have felt that his life's work had left its enduring impress upon the fortunes of his native State. As a public man Dr. STOKES was pure, modest, and faithful to his creed of principles. He was candid and open in all he did, as firm as adamant in his convictions, and full of an unselfish patriotism.

His straightforward and manly course commended him to public confidence, and made him hosts of friends who continued him in Congress for several terms.

As a Representative, he was content to be a working rather than a speaking member. In committee and departmental work he was industrious and faithful. No request from a constituent was ever neglected nor his interest allowed to suffer if Dr. STOKES could prevent it. His most conspicuous work in Congress was in connection with the establishment of rural mail service. His whole soul and energies were in this work, because he felt that this would be to the masses another step in the great educational work commenced by him as president of the State Alliance. The record of Dr. STOKES in Congress will always stand as a testimonial to his faithfulness as a Representative not only to his own constituency, but to the country people everywhere.

As a private citizen Dr. STOKES was generous and loyal, ever ready to make sacrifices for the comfort and happiness of others. In whatever position he was placed he never failed to follow his convictions as to right and duty. He was a gentleman in the highest sense of the term, honorable, cultivated, and refined; all of his instincts were high, and elevating to those who came into contact with him.

His people mourn his loss and will ever keep in remembrance the shining virtues and unselfish life which made J. WILLIAM STOKES a truly good man, a useful citizen and Representative.

The PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from South Carolina [Mr. TILLMAN].

The resolutions were unanimously agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, June 16, 1902, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 14, 1902.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Almighty God, our Heavenly Father, for this day, which we hail with grateful hearts as the anniversary of the birth of our national ensign, a day set apart by a grateful people in commemoration of its victories and achievements, for we realize that the prosperity, intellectual, moral, and spiritual growth of our people, past and present, may be measured by their devotion to the flag. And we most fervently pray that the lesson of this day may sink deep into the hearts of the growing generation, that their loyalty, devotion, and love to Old Glory may be increased, that the principles which it represents may live forever. In the name of Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

CERTAIN BONDS OF THE TERRITORY OF NEW MEXICO.

Mr. RODEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of the thirty-fourth legislative assembly of the Territory of New Mexico, entitled "An act providing for additional buildings for the New Mexico Military Institute at Roswell," approved February 20, 1901, and the act of the same assembly and session entitled "An act providing for additional buildings for the New Mexico Insane Asylum at Las Vegas," approved March 21, 1901, and the act of the same assembly and session entitled "An act to provide for the issue of bonds for the New Mexico College of Agriculture and Mechanic Arts," approved March 21, 1901, be, and each of said acts hereby are, approved, ratified, validated, and confirmed.

The SPEAKER. Is there objection?

Mr. HEPBURN. Mr. Speaker, I would like to have some explanation of this.

Mr. RODEY. The explanation is this: Congress in 1898 gave New Mexico a grant of land for the benefit of its common schools and other educational institutions. This act of Congress granting these lands provided that the same might be leased and the rentals used for the benefit of the institution for which the grant was made. Now, some of these institutions are greatly in need of additional buildings for the use of the institution, and the Territory of New Mexico passed an act permitting the issuance of bonds secured by the lands which were granted to the Territory, and made provisions for turning the rentals toward the payment of interest on the bonds, and this bill is to ratify those acts of the legislative assembly. The bill has been considered by the committee and has been reported by the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROBINSON of Indiana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COST OF CIVIL AND MILITARY GOVERNMENT IN THE PHILIPPINES.

Mr. HAY. Mr. Speaker, I rise to move for the discharge of the Committee on Insular Affairs from a resolution, No. 236.

The SPEAKER. Does the gentleman call it up as a privileged motion?

Mr. HAY. Yes.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, directed to transmit to the Speaker of the House of Representatives a statement showing the amount of money expended by the United States Government since the 1st day of May, 1898, for the cost of the army serving in the Philippine Islands, for the maintenance of both the military and civil governments of said islands, for the transport service maintained between this country and the Philippine Islands, for the maintenance in the War Department of the Insular Bureau, and for any other purpose connected with the occupation and possession of the Philippine Islands by the United States.

Mr. CRUMPACKER. Mr. Speaker, I move to lay the motion of the gentleman from Virginia on the table.

The SPEAKER. The gentleman from Virginia calls up resolution No. 236 and moves to discharge the Committee on Insular Affairs from the consideration of the same. The gentleman from Indiana moves to lay that motion on the table. The question is on the motion of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. HAY) there were—ayes 54, noes 46.

Mr. HAY. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and at the conclusion of the roll call,

The SPEAKER said: The roll call shows—yeas 93, nays 67, answered "present" 12—not a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will bring in members.

Mr. CLARK (having voted in the negative). Mr. Speaker, I wish to change my vote, if it can be done now; if not, I will wait until it can be done.

By direction of the Speaker, the Clerk again called the name of Mr. CLARK, and he answered "present."

Mr. KAHN (who had voted in the affirmative). I find that I am paired with the gentleman from New York [Mr. BELMONT]. I desire to withdraw my vote and be recorded "present."

Mr. BOUTELL (who had voted in the affirmative). Mr. Speaker, I desire to withdraw my vote and be recorded "present."

Mr. GILLETT of Massachusetts (who had voted in the affirmative). I desire to withdraw my vote and be recorded "present."

The following-named members, who did not answer on the roll call, appeared, and upon their request, were marked "present:"

Mr. BENTON, Mr. MIERS of Indiana, Mr. WATSON, Mr. SCOTT, Mr. SHERMAN, Mr. TONGUE, and Mr. MICKEY.

The roll call, as finally made up, was as follows:

YEAS—90.

Allen, Me.	Darragh,	Jones, Wash.	Reeves,
Aplin,	Dovener,	Joy,	Roberts,
Barney,	Draper,	Knapp,	Rumple,
Beidler,	Emerson,	Kyle,	Shattuc,
Bowersock,	Esch,	Lawrence,	Showalter,
Brick,	Fletcher,	Littauer,	Smith, Ill.
Bristow,	Gaines, W. Va.	Long,	Smith, Iowa
Bromwell,	Gardner, Mich.	McCleary,	Southard,
Brown,	Gibson,	Mann,	Sperry,
Burk, Pa.	Gillet, N. Y.	Metcalf,	Steele,
Burke, S. Dak.	Graff,	Mondell,	Stevens, Minn.
Burkett,	Hamilton,	Moody, N. C.	Stewart, N. Y.
Calderhead,	Hedge,	Moody, Oreg.	Sulloway,
Cannon,	Hemenway,	Morris,	Sutherland,
Capron,	Henry, Conn.	Needham,	Tawney,
Connell,	Hepburn,	Overstreet,	Thomas, Iowa
Cooper, Wis.	Hildebrant,	Palmer,	Tirrell,
Cromer,	Hopkins,	Parker,	Vreeland,
Crumpacker,	Hughes,	Patterson, Pa.	Wanger,
Currier,	Hull,	Payne,	Warnock,
Curtis,	Irwin,	Pearre,	Woods.
Dahle,	Jack,	Ray, N. Y.	
Dalzell,	Jenkins,	Reeder,	

NAYS—66.

Adamson,	Fleming,	Lloyd,	Shafroth,
Allen, Ky.	Flood,	McCulloch,	Shallenberger,
Bartlett,	Gilbert,	McRae,	Sims,
Bell,	Glenn,	Maddox,	Slayden,
Bellamy,	Griffith,	Miers, Ind.	Smith, Ky.
Brantley,	Hay,	Moon,	Snook,
Breazeale,	Jackson, Kans.	Padgett,	Spight,
Brundidge,	Jett,	Patterson, Tenn.	Stark,
Burleson,	Johnson,	Pierce,	Thayer,
Burnett,	Jones, Va.	Reid,	Thomas, N. C.
Cassingham,	Kern,	Rhea, Va.	Underwood,
Cochran,	Kitchin, Claude	Richardson, Ala.	Wheeler,
Cowherd,	Kleberg,	Richardson, Tenn.	Williams, Miss.
De Armond,	Lanham,	Robb,	Wooten,
Dougherty,	Lassiter,	Robinson, Ind.	Zenor.
Edwards,	Lester,	Rucker,	
Finley,	Livingston,	Shackleford,	

ANSWERED "PRESENT"—25.

Ball, Tex.	Gillett, Mass.	Mickey,	Tongue,
Benton,	Henry, Miss.	Pou,	Watson.
Boutell,	Kahn,	Scott,	Williams, Ill.
Burgess,	Ketcham,	Sherman,	Wright.
Clark,	Lewis, Ga.	Skiles,	
Dinsmore,	Loud,	Snodgrass,	
Foss,	McClellan,	Tate,	

NOT VOTING—170.

Acheson,	Davey, La.	Heatwole,	Meyer, La.
Adams,	Davidson,	Henry, Tex.	Miller,
Alexander,	Davis, Fla.	Hill,	Minor,
Babcock,	Dayton,	Hitt,	Morgan,
Ball, Del.	De Graffenreid,	Holliday,	Morrell,
Bankhead,	Deemer,	Hooker,	Moss,
Bartholdt,	Dick,	Howard,	Mudd,
Bates,	Douglas,	Howell,	Mutchler,
Belmont,	Driscoll,	Jackson, Md.	Naphen,
Bingham,	Eddy,	Kehoe,	Neville,
Bishop,	Elliott,	Kitchin, Wm. W.	Nevin,
Blackburn,	Evans,	Kluttz,	Newlands,
Blakeney,	Feely,	Knox,	Norton,
Boreing,	Fitzgerald,	Lacey,	Olmsted,
Bowie,	Foerderer,	Lamb,	Otjen,
Broussard,	Fordney,	Landis,	Perkins,
Brownlow,	Foster, Ill.	Latimer,	Powers, Me.
Bull,	Foster, Vt.	Lessler,	Powers, Mass.
Burleigh,	Fowler,	Lever,	Prince,
Burton,	Fox,	Lewis, Pa.	Pugsley,
Butler, Mo.	Gaines, Tenn.	Lindsay,	Randell, Tex.
Butler, Pa.	Gardner, N. J.	Little,	Ransdell, La.
Caldwell,	Gill,	Littlefield,	Rixey,
Candler,	Goldfogle,	Loudenslager,	Robertson, La.
Cassel,	Gooch,	Lovering,	Robinson, Nebr.
Clayton,	Gordon,	McAndrews,	Ruppert,
Conner,	Graham,	McCall,	Russell,
Conry,	Green, Pa.	McDermott,	Ryan,
Coombs,	Greene, Mass.	McLachlan,	Scarborough,
Cooney,	Griggs,	McLain,	Schirm,
Cooper, Tex.	Grosvenor,	Mahon,	Selby,
Corliss,	Grow,	Mahoney,	Shelden,
Cousins,	Hall,	Marshall,	Sheppard,
Creamer,	Hanbury,	Martin,	Sibley,
Crowley,	Haskins,	Maynard,	Small,
Cushman,	Haugen,	Mercer,	Smith, H. C.
Smith, S. W.	Sulzer,	Tompkins, Ohio	Weeks,
Smith, Wm. Alden	Swanson,	Trimble,	White,
Southwick,	Talbert,	Vandiver,	Wiley,
Sparkman,	Tayler, Ohio	Van Voorhis,	Wilson,
Stephens, Tex.	Taylor, Ala.	Wachter,	Young.
Stewart, N. J.	Thompson,	Wadsworth,	
Storm,	Tompkins, N. Y.	Warner,	

So (a quorum having voted) the motion of Mr. CRUMPACKER to lay on the table the motion of Mr. HAY was agreed to.

The following pairs were announced:

For the session:

Mr. YOUNG with Mr. BENTON.
Mr. KAHN with Mr. BELMONT.
Mr. BULL with Mr. CROWLEY.
Mr. WRIGHT with Mr. HALL.
Mr. HEATWOLE with Mr. TATE.
Mr. SHERMAN with Mr. RUPPERT.
Mr. BOREING with Mr. TRIMBLE.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. DEEMER with Mr. MUTCHLER.
Mr. METCALF with Mr. WHEELER.

Until further notice:

Mr. LANDIS with Mr. CLARK.
Mr. SKILES with Mr. TALBERT.
Mr. GORDON with Mr. SCOTT.
Mr. WARNER with Mr. CALDWELL.
Mr. TIRRELL with Mr. CONRY.
Mr. BOUTELL with Mr. GRIGGS.
Mr. FORDNEY with Mr. BURGESS.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. POWERS of Maine with Mr. GAINES of Tennessee.
Mr. KETCHAM with Mr. SNODGRASS.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. DAYTON with Mr. DAVEY of Louisiana.
Mr. GILL with Mr. SULZER.
Mr. MARSHALL with Mr. WILSON.
Mr. HILL with Mr. LEWIS of Georgia.
Mr. FOSTER of Vermont with Mr. POU.
Mr. GRAHAM with Mr. GOLDFOGLE.
Mr. BURTON with Mr. BALL of Texas.
Mr. FOSS with Mr. MEYER of Louisiana.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

For two weeks:

Mr. WEEKS with Mr. SHEPPARD.

For one week:

Mr. STEWART of New Jersey with Mr. KLUTTZ.

Until June 18:

Mr. EVANS with Mr. HENRY of Mississippi.
Mr. TAYLER of Ohio with Mr. BOWIE.

Until Monday:

Mr. STORM with Mr. PUGSLEY.

For this day:

Mr. BALL of Delaware with Mr. BANKHEAD.
Mr. BARTHOLDT with Mr. BROUSSARD.
Mr. BINGHAM with Mr. CREAMER.
Mr. BISHOP with Mr. BUTLER of Missouri.
Mr. BURLEIGH with Mr. COONEY.
Mr. BLACKBURN with Mr. COOPER of Texas.
Mr. CONNER with Mr. DAVIS of Florida.
Mr. COOMBS with Mr. ELLIOTT.
Mr. CORLISS with Mr. FEELY.
Mr. COUSINS with Mr. FOX.
Mr. CUSHMAN with Mr. HENRY of Texas.
Mr. DICK with Mr. HOWARD.
Mr. DOUGLAS with Mr. KEHOE.
Mr. FOERDERER with Mr. WILLIAM W. KITCHIN.
Mr. GREENE of Massachusetts with Mr. LAMB.
Mr. GROSVENOR with Mr. MCDERMOTT.
Mr. GROW with Mr. LATIMER.
Mr. HAUGEN with Mr. LEVER.
Mr. HITT with Mr. LINDSAY.
Mr. HOLLIDAY with Mr. MCLAIN.
Mr. HOWELL with Mr. MAHONEY.
Mr. KNOX with Mr. MICKEY.
Mr. LACEY with Mr. NEVILLE.
Mr. LESSLER with Mr. NORTON.
Mr. LEWIS of Pennsylvania with Mr. RANDELL of Texas.
Mr. LOVERING with Mr. RANSDELL of Louisiana.
Mr. MAHON with Mr. RIXEY.
Mr. MARTIN with Mr. ROBINSON of Nebraska.
Mr. MILLER with Mr. SCARBOROUGH.
Mr. MINOR with Mr. SELBY.
Mr. NEVIN with Mr. STEPHENS of Texas.
Mr. WACHTER with Mr. SMALL.
Mr. OTJEN with Mr. SWANSON.

Mr. PRINCE with Mr. THOMPSON.
Mr. SIBLEY with Mr. VANDIVER.
Mr. SAMUEL W. SMITH with Mr. WHITE.
Mr. VAN VOORHIS with Mr. WILEY.
Mr. SCHIRM with Mr. FOSTER of Illinois.
Mr. WADSWORTH with Mr. WILLIAMS of Illinois.
Mr. SHELDEN with Mr. NEWLANDS.
Mr. LITTLEFIELD with Mr. LITTLE.
Mr. ADAMS with Mr. DINSMORE.
Mr. MUDD with Mr. HOOKER.
Mr. ALEXANDER with Mr. RYAN.
Mr. BABCOCK with Mr. MCANDREWS.
Mr. GILLETT of Massachusetts with Mr. NAPHEN.
Mr. SOUTHWICK with Mr. CLAYTON.
Mr. BUTLER of Pennsylvania with Mr. GOOCH.
Mr. ACHESON with Mr. MAYNARD.
Mr. WM. ALDEN SMITH with Mr. CANDLER.
Mr. HANBURY with Mr. FITZGERALD.

The result of the vote was announced as above stated.

GENERAL DEFICIENCY BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes; which was read a first and second time, and, with the acompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BENTON. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Missouri reserves all points of order upon the bill.

Mr. CANNON. Mr. Speaker, I desire to give notice that at an early day in the coming week, the first opportunity I can get, I will ask the House to consider the bill.

CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES AT VALDOSTA, GA.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga., and to transfer certain counties from the northern to the southern district of said State.

The Clerk read the bill and accompanying amendment thereto.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. LESTER. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from Georgia [Mr. LESTER].

Mr. FLEMING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FLEMING. Inasmuch as this objection was not anticipated, I wish to ask if the Chair will entertain a motion to suspend the rules and put the bill on its passage?

The SPEAKER. That is not a parliamentary inquiry. This is not suspension day.

MINNEAPOLIS, SUPERIOR, ST. PAUL AND WINNIPEG RAILWAY COMPANY.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River; which I will ask the Clerk to read.

The Clerk read the bill at length.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

FEES OF UNITED STATES MARSHALS IN THE INDIAN TERRITORY.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2769) to fix the fees of the United States marshals in the Indian Territory, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in felony cases before United States commissioners for preliminary examination, and in all cases in the district courts, whether arising under the laws of the United States or under the statutes of Arkansas, as made applicable to the Indian Territory, section 829 of the Revised Statutes of the United States shall be applicable to the services rendered by United States marshals and their respective deputies in said Territory, notwithstanding the decision of the Comptroller of the Treasury in re United States Marshal Hammer, dated October 12, 1900, and all deductions and disallowances made by the accounting officers under the said decision of the Comptroller of the Treasury of the United States shall be allowed, except so far as the marshals have been reimbursed for the amounts of such deductions and disallowances; but before any item of such deductions or disallowances shall be allowed, proof satisfactory to the Auditor for the State and other Departments shall be made that the amount of such item has not been reimbursed to the marshal.

SEC. 2. That all witnesses in felony cases before United States commissioners, and all witnesses in civil and criminal cases in the district courts of said Territory, shall be entitled to the fees provided in section 848 of the Revised Statutes of the United States, except that clerks and other officers of the United States shall be entitled to the compensation provided in section 850 of the Revised Statutes of the United States.

SEC. 3. That all acts and parts of acts in conflict with this act are hereby repealed.

The amendments recommended by the committee were read as follows:

Strike out all after the word "Territory," in line 10, page 1 of the bill, down to the word "and," in line 13, page 1 of the bill, and on page 2, line 1, the word "said," and add after the word "decision," in line 1, page 2 of the bill, the words "of the Comptroller of the Treasury of the United States."

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection?

Mr. CANNON. Mr. Speaker, I will inquire what committee this bill is before?

Mr. CLAYTON. It comes from the Judiciary Committee, with a unanimous report.

Mr. CANNON. I would ask the gentleman, Mr. Speaker, what its effect is, in a word?

Mr. CLAYTON. The effect of it is to make sections 829 and 848 of the Revised Statutes applicable to the Indian Territory. Under the law as it now stands the United States marshal and the deputy marshals of the Indian Territory receive their fees and compensation as fixed in Mansfield's Arkansas Digest, which are payable to officers in that State for performing similar services there under State process, and witnesses in the Indian Territory are compensated under the same Arkansas law, which is made applicable to the Indian Territory.

The Attorney-General, every judge in the Indian Territory, and every district attorney says that on account of the inadequacy of those fees of the deputy marshals and of the fees to witnesses it is impossible to properly execute the criminal laws of the United States in the Indian Territory. Particularly is it true in the case of larceny, the stealing of cattle and horses, for under the Arkansas law, which is now the law covering the compensation in those cases in the Indian Territory, the witness gets only 50 cents a day for the attendance upon the commissioner's court and gets no mileage. If the gentleman from Illinois will do me the honor to examine the report that I had the honor to draw, he will find there a letter from the Attorney-General recommending the passage of this bill.

Mr. CANNON. Then the Department of Justice is in harmony with the proposed legislation?

Mr. CLAYTON. It is, and I may say, without violating any committee secrets, that this bill was drafted by the Department of Justice.

Mr. CANNON. And the committee are unanimous?

Mr. CLAYTON. Unanimously in favor of it.

Mr. CANNON. It will, however, somewhat, and properly so, increase the expenses.

Mr. CLAYTON. It will, but that is necessary for the efficient administration of the law. The bill simply equalizes the pay of marshals and witnesses in the United States courts of the Indian Territory with the compensation of marshals and witnesses in the United States courts in the States and other Territories.

Mr. CANNON. And it affects marshals and witnesses only?

Mr. CLAYTON. Marshals and witnesses.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

UNIFORM REGISTRATION OF BIRTHS AND DEATHS.

Mr. CRUMPACKER. Mr. Speaker, by order of the Select Committee on the Census, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The joint resolution (H. J. Res. 184) requesting State authorities to cooperate with the Census Office in securing a uniform system of death registration was read, as follows:

Whereas the registration of deaths at the time of their occurrence furnishes official record information of much value to individuals; and

Whereas the registration of deaths, with information upon certain points, is essential to the progress of medical and sanitary science in preventing and restricting disease and in devising and applying remedial agencies; and

Whereas all of the principal countries of the civilized world recognize the necessity for such registration and enforce the same by general laws; and

Whereas registration in the United is now confined to a few States as a whole, and the larger cities, under local laws and ordinances which differ widely in their requirements; and

Whereas it is most important that registration should be conducted under laws that will insure a practical uniformity in the character and amount of information available from the records; and

Whereas the American Public Health Association and the United States Census Office are now cooperating in an effort to extend the benefits of registration and to promote its efficiency by indicating the essential requirements of legislative enactments designed to secure the proper registration of all deaths and the collection of accurate mortality statistics, to be presented to the attention of the legislative authorities in nonregistration States, with the suggestion that such legislation be adopted: Now, therefore,

Resolved, etc., That the Senate and House of Representatives of the United States hereby expresses approval of this movement and requests the favorable consideration and action of the State authorities, to the end that the United States may attain a complete and uniform system of registration.

Amend the title so as to read: "Joint resolution requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration."

The following committee amendments were read:

After the word "of," in the first line of the second paragraph of preamble, insert the words "births and."

After the word "deaths," in the fifth line of the sixth paragraph of preamble, insert the words "and births."

In the sixth line strike out the word "mortality" and insert the word "vital."

Amend the title by inserting after the word "of" the words "births and."

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, as I caught it, this is a concurrent resolution.

The SPEAKER. A House joint resolution.

Mr. CRUMPACKER. It is in the form of a joint resolution, but it is a mere request.

Mr. RICHARDSON of Tennessee. I wish to reserve the right to object.

The SPEAKER. The Chair understands.

Mr. CRUMPACKER. The bill was prepared in the Census Office. Its object is to call the attention of the various States to the importance of establishing uniform registration laws, with a view of collecting statistics upon vital questions.

Mr. RICHARDSON of Tennessee. What registration laws?

Mr. CRUMPACKER. Mortuary statistics, for the registration of births and deaths by the States. It is a simple request, and the only virtue of the resolution is to give this subject the prominence that it is entitled to in the collection of vital statistics, in order that the census work may be made of more value.

Mr. RICHARDSON of Tennessee. The gentleman will pardon me. It is almost impossible to get a correct understanding of a resolution from hearing it read at the desk; but it occurred to me that the resolution itself does not define its object. It simply provides for a registration, but does not say of births or deaths. The resolution itself had better be reported again.

Mr. CRUMPACKER. The resolution does not purport to provide for anything, but it merely calls the attention of the States to the want of uniform and efficient registration laws, and asks that the States establish efficient laws for the collection of vital statistics, in order that the Census Bureau, in that important department of its work, may have records and may have access to reliable sources of information. That is all. It is a simple request to the States. It does not purport to establish anything.

Mr. RICHARDSON of Tennessee. I would like to have the resolution read. Not the preamble, but the three or four lines of the resolution.

The SPEAKER. Without objection, the resolution will be again reported.

The resolution was again read.

Mr. RICHARDSON of Tennessee. That says a "uniform system of registration," and that is all it says. Now, the preamble is not what is enacted, but the resolution is enacted.

Mr. CRUMPACKER. The law requires the Census Office——

Mr. RICHARDSON of Tennessee. The resolution is what becomes a law, not the preamble. The resolution provides for a system of registration. It does not say whether a registration of voters, or of births and deaths, or of crime, or marriages, or anything else. I think it is a very poorly drawn resolution, if I may venture to make an expression of that kind.

Mr. CRUMPACKER. I think the gentleman misapprehends the purpose of the resolution. It does not purport to establish any system at all, but simply calls the attention of the country to the lack of uniformity in collecting vital statistics.

Mr. RICHARDSON of Tennessee. The resolution calls for it.

Mr. CRUMPACKER. It does not call for anything, but simply requests the States to adopt proper laws in order that the Census Office may have access to a source of information that is reliable, so that its reports may have some value. It simply increases the facilities of the Census Office to collect this class of statistics, and it only requests the State legislatures to establish those laws. It does not purport to do that.

Mr. CANNON. My friend will allow me. Is it anticipated, if this resolution should pass, that copies of the act will be mailed to the governors of 45 States, or is it anticipated that this resolution is to lay the foundation for sending 45 lobbyists to attend 45 State legislatures to promote legislation?

Mr. CRUMPACKER. There is no question of any additional foundation for this facility, and it does not authorize anything of that kind. Now, the facts are these: In many of the States of the Union there is absolutely no law providing for registering vital statistics, and everyone who is acquainted with the value of statistics recognizes the value of information of this kind. It is, under present conditions, impossible to get this class of statistics. It is in the line of mortality statistics, and in order that there may be a better and more uniform movement and a more perfect public service.

The law directs the Director of the Census to collect this class of statistics, and now he is compelled to go out wherever mortality statistics are registered and collect them as best he can. The Census Office thought that a resolution of this kind might lead the States to investigate the question and establish a uniform system of collecting vital statistics in order that the office might with greater facility and at less expense collect reliable information upon these topics, and that is the only purpose and only effect of the resolution. It simply requests the States to investigate the question and provide for the collection of vital statistics in order that the Census Office may collect them with greater facility and accuracy and less cost to the Government.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER. Objection is made.

BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. BRUNDIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 6030.

The SPEAKER. Does the gentleman ask to call up a Senate bill?

Mr. BRUNDIDGE. The House bill was 14780, but the same bill has passed the Senate.

The SPEAKER. But the Senate bill does not seem to be here.

Mr. BRUNDIDGE. It has passed the Senate.

The SPEAKER. It has not been reported from the committee. The House has no power to act upon a Senate bill unless the original bill is here in some shape.

Mr. BRUNDIDGE. I simply desire to substitute the Senate bill for the House bill.

The SPEAKER. If the gentleman will wait until the original Senate bill can be obtained from the Committee on Interstate and Foreign Commerce, the Chair will recognize the next gentleman.

Subsequently,

The SPEAKER. The Chair will state that the bill (S. 6030) called up by the gentleman from Arkansas is now at the desk. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas.

The bill was read at length.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the consideration of the bill just read and consider the same now. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BRUNDIDGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

House bill 14780, on the same subject, was ordered to lie on the table.

RELATING TO THE ALLOWANCE OF EXCEPTIONS.

Mr. THOMAS of Iowa. Mr. Speaker, I ask unanimous consent for the consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 14919) relating to the allowance of exceptions.

Be it enacted, etc., That section 953 of the Revised Statutes be so amended as to read as follows:

"SEC. 953. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, or by reason of his resignation or removal, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion, and allow and sign said bill of exceptions,

then he may, in his discretion, grant a new trial to the party moving therefor."

SEC. 2. That this act shall apply to all causes now pending, and to all causes pending for hearing upon motion for new trials, and to all causes pending for the allowance of a bill of exceptions.

The amendments recommended by the committee were read, as follows:

Add immediately after the word "Statutes," in the third and fourth lines of the first page of the bill, the following words: "as amended by chapter 717 of the acts of the first session of the Fifty-sixth Congress."

At the end of the bill an additional section be added as section 3, as follows:

"SEC. 3. That the provisions of this act are extended to and shall apply to the Territorial courts and to the courts of the district of Alaska."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. THOMAS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. THOMAS of Iowa. Mr. Speaker, I am directed by the Committee on the Judiciary to move that House bill 12717, upon the same subject, be laid on the table.

There was no objection, and it was so ordered.

LEVI H. COLLINS.

The SPEAKER laid before the House the bill (H. R. 13278) granting an increase of pension to Levi H. Collins, with Senate amendment, which was read.

Mr. SULLOWAY. I move concurrence in the Senate amendment.

The motion was agreed to.

FRANKLIN SNYDER.

The SPEAKER also laid before the House the bill (H. R. 7679) granting an increase of pension to Franklin Snyder, with Senate amendment, which was read.

Mr. SULLOWAY. I move concurrence in the Senate amendment.

The motion was agreed to.

WESLEY BRUMMETT.

The SPEAKER also laid before the House the bill (H. R. 12420) granting a pension to Wesley Brummett, with Senate amendment, which was read.

Mr. SULLOWAY. I move to concur in the Senate amendment.

The motion was agreed to.

MARY E. CULVER.

The SPEAKER also laid before the House the bill (H. R. 12828) granting a pension to Mary E. Culver, with Senate amendment, which was read.

Mr. SULLOWAY. I move concurrence in the Senate amendment.

The motion was agreed to.

PERSONAL REQUEST.

By unanimous consent leave of absence was granted to Mr. FOSTER of Vermont for three days, on account of important business.

PRIVATE CALENDAR.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for consideration of bills on the Private Calendar under the special order for to-day.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House, with Mr. CAPRON in the chair.

WILLIAM F. RANDOLPH.

The first business on the Private Calendar was the bill (H. R. 11258) granting a pension to William F. Randolph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Randolph, late a pilot by appointment of Admiral Porter, and served as such for the United States Navy on the Ohio and Mississippi rivers from the 20th day of October, 1862, to the 3d day of August, 1865, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "of William F. Randolph, late pilot, United States Navy, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA MAY HOGAN.

The next business on the Private Calendar was the bill (S. 4710) granting a pension to Anna May Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna May Hogan, widow of John Hogan, late of Company C, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN R. CURRY.

The next business on the Private Calendar was the bill (H. R. 14024) granting an increase of pension to John R. Curry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Curry, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM H. THOMAS.

The next business on the Private Calendar was the bill (S. 5402) granting an increase of pension to Hiram H. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram H. Thomas, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

TIMOTHY DONOHOE.

The next business on the Private Calendar was the bill (H. R. 14355) granting an increase of pension to Timothy Donohoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Timothy Donohoe, late of Company B, Sixty-ninth New York Volunteer Infantry, to $18 a month in lieu of any pension now being received by him.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Donohoe, late of Company B, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER J. OSTERHAUS.

The next business on the Private Calendar was the bill (S. 3567) granting an increase of pension to Peter J. Osterhaus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter J. Osterhaus, late major-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN D. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 14136) granting an increase of pension to John D. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Thompson, late of Company M, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY BRECKONS.

The next business on the Private Calendar was the bill (S. 4783) granting an increase of pension to Mary Breckons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Breckons, widow of Edward R. Breckons, late second lieutenant Company F, One hundred and

twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CLARENCE D. HESS.

The next business on the Private Calendar was the bill (H. R. 13411) granting an increase of pension to Clarence D. Hess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarence D. Hess, late of Company G, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA F. SHILLING.

The next business on the Private Calendar was the bill (S. 3041) granting an increase of pension to Emma F. Shilling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma F. Shilling, widow of John Shilling, late first lieutenant Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. WHIDDEN.

The next business was the bill (H. R. 14273) granting a pension to John H. Whidden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Whidden, late a soldier in Company A, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a soldier in" and insert in lieu thereof the word "of."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYNTHIA J. SHATTUCK.

The next business was the bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia J. Shattuck, widow of George F. Shattuck, late captain Company B, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. JOSEPH.

The next business was the bill (H. R. 9691) granting an increase of pension to James H. Joseph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Joseph, late of Company D, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES BARRETT.

The next business was the bill (S. 5141) granting an increase of pension to Charles Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Barrett, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. CHEDESTER.

The next business was the bill (H. R. 13848) granting an increase of pension to James H. Chedister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Chedister, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Chedister" and insert in lieu thereof the word "Chedester."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to James H. Chedester."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY FLORENCE VON STEINWEHR.

The next business was the bill (S. 1184) granting a pension to Mary Florence Von Steinwehr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Florence Von Steinwehr, widow of Adolph Von Steinwehr, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY THOMAS.

The next business was the bill (H. R. 10214) granting an increase of pension to Henry Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Thomas, late of Company G, One hundred and thirtieth Regiment of Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Indiana," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. M'NAIR.

The next business was the bill (S. 896) granting an increase of pension to James E. McNair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. McNair, late first lieutenant Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDD LODGE.

The next business was the bill (H. R. 13722) granting a pension to Edd Lodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edd Lodge, of Eskota, Tex., for services performed and disabilities incurred during the civil war, and to pay him the sum of $20 per month beginning January 1, 1890.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edd Lodge, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH WHITTY.

The next business was the bill (S. 5227) granting an increase of pension to Elizabeth Whitty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Whitty, widow of Edward P. Whitty, alias Park Whittemore, late of Company M, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of

$12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Edward P. Whitty, alias Park Whittemore, until he reaches the age of 16 years.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. CLIFTON.

The next business was the bill (H. R. 2483) granting a pension to James A. Clifton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Clifton, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES F. SMITH.

The next business was the bill (S. 5214) granting an increase of pension to Charles F. Smith.

Mr. SULLOWAY. I move that this bill be laid aside to be reported to the House with the recommendation that it lie on the table. A similar bill has passed the House and the Senate.

The motion was agreed to.

JOHN J. SOUTHERLAND.

The next business on the Private Calendar was the bill (H. R. 13598) granting a pension to John J. Southerland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Southerland, late of Capt. Michael M. Gilbreath's company of Alabama scouts and guides, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Alabama," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS G. LATOUR.

The next business on the Private Calendar was the bill (S. 2048) granting an increase of pension to Lewis G. Latour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis G. Latour, late of Company H, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN S. BOGARDUS.

The next business on the Private Calendar was the bill (H. R. 636) granting an increase of Pension to Benjamin S. Bogardus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Bogardus, late of Company H, One hundred and seventieth Ohio Volunteer Infantry, and pay him a pension at the rate of $50 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Ohio," insert the word "Regiment."

In same line, before the word "Volunteer," insert the words "National Guard."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

In same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS M. M'ADAMS.

The next business on the Private Calendar was the bill (S. 4934) granting an increase of pension to Francis M. McAdams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. McAdams, late of Company A, Tenth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM W. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 11979) granting an increase of pension to William W. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Anderson, late of Company F, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD N. GOFF.

The next business on the Private Calendar was the bill (S. 2050) granting an increase of pension to Edward N. Goff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward N. Goff, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JULIA M'CARTHY.

The next business on the Private Calendar was the bill (H. R. 11485) granting a pension to Julia McCarthy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Julia McCarthy, widow of Timothy McCarthy, late private, Company H, Sixth United States Infantry.

The amendments recommended by the committee were read, as follows:

In line 5, strike out the word "general."

Strike out all of line 7, and insert in lieu thereof the following: "of Company G, Sixth Regiment United States Infantry, and pay her a pension at the rate of $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN S. HARROWER.

The next business on the Private Calendar was the bill (S. 2289) granting an increase of pension to Benjamin S. Harrower.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Harrower, late captain Battery G, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH MOTE.

The next business on the Private Calendar was the bill (H. R. 10876) granting an increase of pension to Joseph Mote.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of $60 per month in the pension of Joseph Mote, late a private in Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Mote, late of Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. RAYMOND.

The next business on the Private Calendar was the bill (S. 5650) granting an increase of pension to William R. Raymond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Raymond, late of Company K, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM A. HENDERSON.

The next business on the Private Calendar was the bill (H. R. 10005) granting an increase of pension to William A. Henderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of William A. Henderson, late of Company C, Second North Carolina Regiment Mounted Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "North" and insert in lieu thereof the word "Regiment."

In line 7 strike out the words "Carolina Regiment Mounted Volunteer Infantry" and insert in lieu thereof the words "North Carolina Volunteer Mounted Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDGAR T. CHAMBERLIN.

The next business on the Private Calendar was the bill (S. 5466) granting an increase of pension to Edgar T. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar T. Chamberlin, late of Company H, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN BRUFF.

The next business on the Private Calendar was the bill (H. R. 14477) granting a pension to John Bruff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bruff, late of Company, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the words "unassigned recruit."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES IRVINE.

The next bill on the Private Calendar was the bill (S. 5007) granting an increase of pension to James Irvine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Irvine, late of Company G, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JASON E. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 7013) granting an increase of pension to Jason E. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason E. Freeman, late of Company E, First Regiment Vermont Volunteers; Company H, Sixteenth Regiment Vermont Volunteers, and of Company C, Sixth Regiment Vermont Volunteers, and pay him a pension of $50 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "Jason E. Freeman, late of Company C, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LIZZIE I. RICH.

The next business on the Private Calendar was the bill (H. R. 3825) granting an increase of pension to Lizzie I. Rich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie I. Rich, widow of William H. Rich, late of Company I, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension of $30 a month in lieu of that she now receives.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the word "Company" and insert in lieu thereof the word "Companies."

In line 7, before the word "Thirty-first," insert the words "and B."

In line 8 strike out all after the word "pension" and all of line 9 and insert in lieu thereof the following: "at the rate of $12 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WASHINGTON T. FILSON.

The next business on the Private Calendar was the bill (H. R. 5920) granting a pension to Washington T. Filson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington T. Filson, late a commissioned officer of the grades of captain and lieutenant in various military organizations operating in behalf of the United States in the late civil war in the vicinity of Caldwell County, Mo., and elsewhere in the State of Missouri, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out all after the word "Filson."

Strike out all of lines 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "late captain, Independent Company Caldwell County Missouri Home Guards, and pay him a pension at the rate of $12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID B. WOOD.

The next business on the Private Calendar was the bill (H. R. 13547) granting a pension to David B. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. Wood, late of Capt. Thomas Gaskin's company, of Col. James B. Mulky's organization of the Indiana Legion, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "of Col. James B. Mulky's organization of the."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HORACE FOUNTAIN.

The next business on the Private Calendar was the bill (H. R. 12563) granting an increase of pension to Horace Fountain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace Fountain, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE KERR.

The next business on the Private Calendar was the bill (H. R. 3745) granting an increase of pension to George Kerr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Kerr, late of Company G, Fifth Ohio Volunteer Infantry, and of Company A, Eighty-third Ohio Volunteer Infantry, war of the rebellion, and pay him a pension of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Kerr, late of Company G, Fifth Regiment Ohio Volunteer Infantry, and first lieutenant Company A, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE HEINZMAN.

The next business on the Private Calendar was the bill (H. R. 305) granting an increase of pension to George Heinzman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Heinzman, late of Company B, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN WHITE.

The next business on the Private Calendar was the bill (H. R. 5869) granting an increase of pension of Benjamin White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin White, late of Company E, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID S. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 5907) granting a pension to David S. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of David S. Taylor, formerly pensioned by certificate No. 849972, subject to the provisions and limitations of the pension laws, and pay him a pension equal to that heretofore paid him.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David S. Taylor, late first assistant engineer ram *Mingo*, Ellet's ram fleet, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M'ARTHUR.

The next business on the Private Calendar was the bill (H. R. 8447) granting an increase of pension to John McArthur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McArthur, late brigadier and brevet major-general, United States Volunteers, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McArthur, late colonel Twelfth Regiment Illinois Volunteer Infantry and brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BAILEY W. SMALL.

The next business on the Private Calendar was the bill (H. R. 12026) granting an increase of pension to Bailey W. Small.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bailey W. Small, late first lieutenant Company K, Fourth Indiana Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Bailey" and insert in lieu thereof the word "Baley."

In the same line strike out the word "Fourth" and insert in lieu thereof the words "Seventy-seventh Regiment."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the words "Volunteer Infantry."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELSON BROWN.

The next business on the Private Calendar was the bill (H. R. 12039) granting an increase of pension to Nelson Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Brown, late of Company G, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. ADAMS.

The next business on the Private Calendar was the bill (H. R. 12921) granting an increase of pension to Mary E. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Adams, mother of Charles C. Lemert, late a private of Company A, Seventy-sixth Regiment New York Volunteer Infantry, and pay her the sum of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Mary E. Lemert, now Adams, dependent mother of Charles C. Lemert, late of Company A, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. CROSSER.

The next business on the Private Calendar was the bill (H. R. 13457) granting an increase of pension to John S. Crosser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Crosser, late a private of Company C, Ninety-seventh Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 7, before the word "Ohio," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH S. MESS.

The next business on the Private Calendar was the bill (H. R. 13468) granting a pension to Joseph S. Hess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph S. Hess, late drummer, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hess" and insert in lieu thereof the word "Mess."

In same line strike out the word "drummer" and insert in lieu thereof the word "musician."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY HUNTERSON.

The next business on the Private Calendar was the bill (H. R. 14140) granting an increase of pension to Henry Hunterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Henry Hunterson, Company B, Eighty-eighth Pennsylvania Volunteer Infantry (whose certificate number is 423,464), and to pay him a pension at the rate of $30 per month from and after the passage of this act in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hunterson, late of Company B,

Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN COMINS.

The next business on the Private Calendar was the bill (S. 4300) granting an increase of pension to Ann Comins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Comins, widow of Job Comins, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OTIS A. BARLOW.

The next business on the Private Calendar was the bill (S. 3997) granting an increase of pension to Otis A. Barlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otis A. Barlow, late of Company B, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL J., CHRISTOPHER, AND JANE VICKERS.

The next business on the Private Calendar was the bill (S. 3032) granting a pension to Samuel J., Christopher, and Jane Vickers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Samuel J. Vickers, Christopher Vickers, and Jane Vickers, invalid and dependent children of Thomas Vickers, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay them jointly a pension at the rate of $12 per month, said pension to cease and determine only upon the death of the last survivor.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN M. WHEELER.

The next business on the Private Calendar was the bill (S. 5206) granting an increase of pension to John M. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Wheeler, late principal musician Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JEMIMA M'CLURE.

The next business on the Private Calendar was the bill (S. 5065) granting a pension to Jemima McClure.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jemima McClure, widow of James R. McClure, late of Company L, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said James R. McClure, until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

BETSEY GUMM.

The next business on the Private Calendar was the bill (S. 4064) granting an increase of pension to Betsey Gumm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Gumm, widow of Peter H. Gumm, late of Company B, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY J. MOORE.

The next business on the Private Calendar was the bill (H. R. 14206) granting a pension to Mary J. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Moore, widow of James E. Moore, late of Troop B, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ADELAIDE G. HATCH.

The next business on the Private Calendar was the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide G. Hatch, widow of John P. Hatch, late colonel Second Regiment United States Cavalry and brigadier-general United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARA W. M'NAIR.

The next business on the Private Calendar was the bill (S. 1225) granting an increase of pension to Clara W. McNair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara W. McNair, widow of Frederick V. McNair, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET BELL.

The next business on the Private Calendar was the bill (H. R. 13612) granting a pension to Margaret Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Margaret Bell, widow of James Bell, late retired list, Company F, Seventh Regiment Infantry, and pay her a pension of $20 per month, subject to the conditions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "retired list" and substitute therefor the word "of."

In line 6 strike out "F" and insert "E," and after the word "Regiment," in same line, insert "United States."

In line 7 strike out "of twenty" and substitute therefor "at the rate of twelve."

In lines 7 and 8 strike out "subject to the conditions and limitations of the pension laws" and insert in lieu thereof "and $2 per month additional on account of the minor child of said James Bell until he reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. MILLER.

The next business on the Private Calendar was the bill (H. R. 1456) granting a pension to William G. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Miller, late of Captain Harris's company, Georgia Volunteers, Creek war, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Creek," insert "Indian."

In line 8 strike out "twenty" and insert "eight."

In line 6 change "Harris's" to "Harris'."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN F. POOK.

The next business on the Private Calendar was the bill (H. R. 11286) granting a pension to Ellen M. Pooke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen M. Pooke, widow of Samuel H. Pooke, late captain in the United States Navy, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting a pension to Ellen F. Pook."

In line 6 change "Ellen M. Pooke" to "Ellen F. Pook," and in the same line change the spelling of the deceased officer's surname to "Pook;" in line 7 strike out "in the."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. E. SCOTT.

The next business on the Private Calendar was the bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. E. Scott, widow of James H. Scott, late Company ——, private (Capt. Robert Sledge's company), —— Regiment, Indian war 1836, Volunteer Infantry, and pay her a pension of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "James H. Scott," in line 6, and substitute the following: "late of Captain Sledge's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. HUCKELBERRY.

The next business on the Private Calendar was the bill (H. R. 14312) granting an increase of pension to John W. Huckelberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Huckelberry, late of Company D, Fourth Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and substitute therefor the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTIN GREELEY.

The next business on the Private Calendar was the bill (H. R. 13297) granting a pension to Martin Greeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Martin Greeley, late of Company B, Ninth Regiment United States Infantry, and pay him a pension at the rate of —— dollars a month.

The amendment recommended by the committee was read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws," and in the blank space at the end of line 6 insert the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. RUGGLES.

The next business on the Private Calendar was the bill (H. R. 10394) granting a pension to William H. Ruggles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Ruggles, late a private of Company H, First Regiment Pennsylvania Volunteer Infantry, and Battery G, Second Regiment United States Artillery, war with Spain, at the rate of.

The amendments recommended by the committee were read, as follows:

Strike out of lines 8 and 9 the words "at the rate of," so as to leave the rating to be fixed according to the provisions and limitations of the general pension laws.

Also amend by striking out of line 6 the words "a private."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. CHALFANT.

The next business on the Private Calendar was the bill (H. R. 6005) granting a pension to James A. Chalfant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Chalfant, late of Company B, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "B, Sixth" and substitute therefor "F, Eighteenth."

In line 7 strike out "Volunteer."

In line 8 strike out "twenty-four" and substitute "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. AITKEN.

The next business on the Private Calendar was the bill (H. R. 10329) granting a pension to Mary E. Aitken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Aitken, mother of Thomas F. Aitken, late of Company K, Fourteenth Regiment New York Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JULIA LEE.

The next business was the bill (H. R. 12902) granting a pension to Julia Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Lee, the mother of George D. Lee, formerly a private in Company B, Eleventh United States Infantry (war with Spain), at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "the."

In lines 6 and 7 strike out "formerly a private in" and substitute therefor "late of."

In line 7, after the word "Eleventh," insert "Regiment."

Strike out all in the bill after the word "Infantry," in line 7, and substitute therefor the words "war with Spain, and pay her a pension at the rate of $12 per month,"

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN P. EVANS.

The next business was the bill (H. R. 2497) to correct the military record of John P. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so amend the record of John P. Evans, late of the Sixth Regiment Kentucky Volunteer Infantry, as to show that he was honorably discharged.

The amendment recommended by the committee was read, as follows:

Add after the word "discharge," in line 6, the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM HARIG.

The next business was the bill (H. R. 6405) removing the charge of desertion from the record of William Harig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on the said rolls and records against William Harig, late private in Company C, Thirty-fourth Kentucky Volunteer Infantry, in the civil war, and grant him an honorable discharge.

The amendment recommended by the committee was read, as follows:

After the word "discharge," in line 9, add the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAPPA KING.

The next business was the bill (H. R. 6968) for the relief of Cappie King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to pay to Miss Cappie King, daughter of John W. King, of Eureka, Ill., a pension at the rate of $30 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cappa King, helpless and dependent daughter of John W. King, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Cappa King."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE BROSNAN.

The next business was the bill (H. R. 9016) granting an increase of pension to Jane Brosnan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Brosnan, widow of

Timothy Brosnan, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "pension," insert the words "at the rate."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHNIKEN L. MYNATT.

The next business was the bill (H. R. 14784) granting a pension to Johniken L. Mynatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johniken L. Mynatt, late of Capt. Gideon H. White's company, National Guards of East Tennessee, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. PETERS.

The next business was the bill (H. R. 14701) granting a pension to Mary A. Peters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Peters, widow of Augustus C. Peters, late second lieutenant in Company K, Sixteenth Maine Infantry Volunteers.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "in."

In same line, after the word "Sixteenth," insert the word "Regiment."

In same line strike out the word "Infantry."

In line 8 strike out the word "Volunteers" and insert the words "Volunteer Infantry, and pay her a pension at the rate of $15 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MONORA STIMSON.

The next business on the Private Calendar was the bill (H. R. 6970) for the relief of Monora Stimson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mrs. Monora Stimson, widow of Capt. Charles P. Stimson, late captain of Company I, Forty-sixth Regiment of Illinois Volunteer Infantry, a pension at the rate of $20 per month, from and after the passage of this act, in lieu of any pension which she may now receive.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Monora Stimson, widow of Charles P. Stimson, late captain Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Monora Stimson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY P. MACLOON.

The next business on the Private Calendar was the bill (H. R. 4170) granting an increase of pension to Henry P. Macloon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry P. Macloon, late of Company K, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Henry P. Macloon, late second lieutenant Company K, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUMAN FULLER.

The next business on the Private Calendar was the bill (H. R. 14478) granting a pension to Luman Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luman Fuller, late of Company C, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT H. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 14416) granting an increase of pension to Albert H. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Phillips, late of Company A, Thirty-fourth Regiment Illinois Veteran Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Veteran."

In line 8 strike out the word "forty," and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES M. GRAINGER.

The next business on the Private Calendar was the bill (H. R. 13943) granting an increase of pension to Charles M. Grainger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Grainger, late lieutenant of Company B, Eighty-eighth New York Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Charles M. Grainger, late first lieutenant Company B, Eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM A. HOBER.

The next business on the Private Calendar was the bill (H. R. 13463) granting an increase of pension to Hiram A. Hober.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram A. Hober, late of Company H, Eighty-sixth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Hiram A. Hober, late of the Twelfth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JONATHAN WALBERT.

The next business on the Private Calendar was the bill (H. R. 13367) granting an increase of pension to Jonathan A. Walbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan A. Walbert, late of Company F, Seventy-second Regiment Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A."

In line 7, after the word "Regiment," insert the word "Pennsylvania."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Jonathan Walbert."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMOS W. MARSH.

The next business on the Private Calendar was the bill (H. R. 13373) granting an increase of pension to Amos W. Marsh.

Mr. SULLOWAY. Mr. Chairman, the person named in the bill (H. R. 13373) just reported is dead. I move to lay the bill on the table.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

SAMANTHA YANT.

The next business on the Private Calendar was the bill (H. R. 6656) granting a pension to Samantha Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha Cox, widow of Thomas Cox, late of Company D, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Samantha Yant, former widow of Thomas Cox, late of Company D, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Samantha Yant."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALONZO CARPENTER.

The next business on the Private Calendar was the bill (H. R. 3982) granting an increase of pension to Alonzo Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Carpenter, late of Company I, First Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company F, One hundred and eighty-fifth Regiment New York Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JENNETT STEWART.

The next business on the Private Calendar was the bill (H. R. 14377) granting a pension to Josephine Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Stewart, permanently helpless and dependent child of Alfred Stewart, late a private in Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month, payable to her legally constituted guardian.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Jennett Stewart, widow of Alfred Stewart, late of Company L, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Josephine Stewart, on whose account the pension of Jennett Stewart is increased, the pension of said Jennett Stewart shall continue only at the rate of $8 per month from and after the date of death of said helpless child."

Amend the title so as to read: "A bill granting an increase of pension to Jennett Stewart."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM JANES.

The next business on the Private Calendar was the bill (H. R. 9807) granting an increase of pension to Hiram Janes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Hiram Janes, late of Company A, First Winconsin Heavy Artillery, and pay him a pension at the rate of $50 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Janes, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADELL AUGUSTA STEWARD.

The next business on the Private Calendar was the bill (H. R. 6031) granting a pension to Adell Augusta Steward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adell Augusta Steward, and pay her the pension heretofore granted to Ira Steward, late of Company D, Thirteenth New York Heavy Artillery, by certificate No. 311441.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to Adell Augusta Steward, the former wife of Ira Steward, late of Company D, Thirteenth Regiment New York Volunteer Heavy Artillery, upon her properly executed voucher, and out of the pension due or to become due from and after the passage of this act to said Ira Steward, the sum of $12 per month during the period of said Steward's imprisonment: *Provided*, That said Adell Augusta Steward shall not remarry during the imprisonment of said Ira Steward."

Amend the title so as to read: "A bill authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

R. SHERMAN LANGWORTHY.

The next business on the Private Calendar was the bill (S. 1132) granting an increase of pension to R. Sherman Langworthy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. Sherman Langworthy, late of Company B, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL RIDINGER.

The next business on the Private Calendar was the bill (S. 2375) granting an increase of pension to Daniel Ridinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Ridinger, late of Company A, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY W. TRYON.

The next business on the Private Calendar was the bill (S. 2051) granting an increase of pension to Henry W. Tryon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Tryon, late first lieutenant Company G, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. THOMAS.

The next business on the Private Calendar was the bill (S. 7) granting an increase of pension to William H. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSHUA WEAVER.

The next business on the Private Calendar was the bill (S. 2653) granting an increase of pension to Joshua Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Weaver, late of Company D, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWIN YOUNG.

The next business on the Private Calendar was the bill (S. 5924) granting an increase of pension to Edwin Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Young, late of Company A, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES F. WOODFORD.

The next business on the Private Calendar was the bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Charles F. Woodford, late a private of Company I, One hundred and first Regiment New York Volunteer Infantry, so as to remove the charge of desertion and grant him an honorable discharge.

The amendment recommended by the committee was read, as follows:

After the word "discharge," line 7, insert: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. SLAYDEN. Mr. Chairman, it was my intention to call to the attention of the committee the first bill of this character which was reached on the Calendar this day, but I was called out for a few moments, and during my absence two of those bills were passed. This bill is one like many that have been before the Committee on Military Affairs this year, the purpose of which is to falsify the records of the War Department, or, as it is called, to correct the record of that Department, and to this class of bills I feel it to be my duty to interpose every possible objection.

I want to say to the gentleman in charge of these pension bills that it has not been and is not my purpose to try to interfere with the passage of bills from his committee, concerning the particular merits of which I confess myself in almost entire ignorance; and if he is willing to pass over bills of this character I shall not take advantage of the fact that there is to-day a limited attendance in the House and shall not interpose the objection which otherwise I shall feel myself compelled to interpose to prevent the passage of these desertion bills.

The CHAIRMAN. Does the gentleman from Texas move that the bill be passed over?

Mr. SLAYDEN. I do.

Mr. PAYNE. I am very sorry that the gentleman did not stay out a minute or two longer. I think this is the first bill I have ever had up in this House to remove a charge of desertion. Of course the gentleman is aware that there are general laws under which these corrections of military records have been made and charges of desertion removed. I think this is a meritorious case. I am sorry that the gentleman feels it his duty to come in just at this moment.

Mr. SLAYDEN. I am very sorry, Mr. Chairman, that I was called out for the moment or two required to pass the two others which were passed. I have spent weeks in the aggregate in the consideration of these bills this year, and I confess that the more I investigate them the more I am convinced that the general powers lodged in the officials of the War Department have been more than adequate, more than liberal, and I do not believe that there ought to be any special legislation of this class. I have no desire so make myself objectionable to the distinguished gentleman from New York, but I simply conceive it to be my duty to interpose every possible parliamentary objection to the passage of these bills. If gentlemen want to call these bills up when there is a full House here and discuss them on their merits——

Mr. PAYNE. Of course the gentleman knows that this bill can not be called up with a full House, and if he objects to it, it defeats the bill.

Mr. SLAYDEN. I prefer to have the bill passed over.

Mr. PAYNE. Inasmuch as the gentleman did not enforce his objections to the other bills, I suggest that he let this go.

Mr. SLAYDEN. It was merely owing to the accident of my absence from the hall for ten minutes.

Mr. MANN. Can not the gentleman absent himself again?

Mr. SLAYDEN. I should like to accommodate the gentleman from New York, but my determination to oppose the passage of these desertion bills is unalterable. I move that the bill be passed over.

Mr. ROBINSON of Indiana. Mr. Chairman, inasmuch as the gentleman has stated his attitude on these bills, I think it is only due to the members of the House who are besought to secure legislation of this class to state if there are any bills for the removal of charges of desertion or for the correction of military records that he will permit to pass the House.

Mr. SLAYDEN. Oh, yes, Mr. Chairman, there is one from the State represented by the gentleman who has just taken his seat, which I call to mind now, which, I believe, has special merit, and which, I think, should be passed; but I think all these bills ought to be considered by a quorum.

Mr. ROBINSON of Indiana. In view of the fact that the objection of one member will be sufficient to stop all legislation upon these different classes of bills, I think it is due to the House that the gentleman should state at some time at least in detail the class of bills which he considers meritorious and what class he considers unmeritorious, so that we can answer the inquiries of our constituents.

Mr. SLAYDEN. The gentleman understands perfectly well that I do not control the workings of this House; that it is impossible for me to do that.

Mr. ROBINSON of Indiana. No; but we never have a quorum on these days.

Mr. SLAYDEN. He must know that if an objection is interposed it will require a quorum to proceed with legislation; and I believe that more than 99 per cent of the legislation of this character is so irredeemably vicious that it is my duty to interpose every possible parliamentary objection to the enactment of this class of legislation. Now, I do not say that I am opposed to every single bill that is considered and reported from that committee. I have supported some of them in the committee.

Mr. ROBINSON of Indiana. The gentleman misunderstands me. By reason of his service on the committee——

Mr. SLAYDEN (continuing). Why not pass over this bill and go on with pension legislation?

Mr. ROBINSON of Indiana. The gentleman misconstrues my position. By reason of his knowledge of the bills that are before his committee he could give us an idea as to what he deems meritorious and such as he deems unmeritorious in his opinion, and then we would know what we should write to our constituents. I think the gentleman ought to give us some idea as to what will pass.

Mr. PAYNE. Mr. Chairman, of course I do not wish to delay the passage of these bills, and I would like this bill to go over without prejudice. I want to say, however, for the benefit of the gentleman from Texas, I could not help wondering where the gentleman was two weeks ago when one of these bills was upon the Calendar, introduced by my colleage from New York, who sits upon that side of the Chamber, which was reported adversely from the Committee on Military Affairs, when an objection of this kind would have defeated the bill. I think some one might have called him out ten minutes at that time.

Mr. SLAYDEN. It gives me pleasure to state to the gentleman that I voted against that bill.

Mr. PAYNE. Yes; but the gentleman did not interpose any such obstructive tactics as he does now. Of course he knows there is no quorum here, and there can not be a quorum. If the gentleman insists upon his course the bill will simply have to go over with others perhaps beyond this session of Congress. The gentleman knows that two weeks ago he could have done the same with the other bill, but he seems for some reason not to have done so. I ask that the bill may be passed over without prejudice.

Mr. SLAYDEN. The gentleman from New York entirely misapprehends my position. The other bill was acted on in the committee in my absence, and I opposed it in the House, notwithstanding the solicitation of the gentleman he refers to.

Mr. PAYNE. The gentleman knows that a single objection in the Committee of the Whole would have defeated that bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the bill under consideration be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

JOSEPH ROBERTSON.

The next business on the Private Calendar was the bill (H. R. 12155) granting an increase of pension to Joseph Robertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Robertson, late of Company K, First and Fourth Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Robertson," insert the letter "W."
In line 6, after the word "Fourth," insert the word "Regiments."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN E. DUNCAN.

The next business on the Private Calendar was the bill (H. R. 1531) granting an increase of pension to Susan E. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Susan E. Duncan, widow of A. P. Duncan, late colonel of Fourth Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that which she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and

directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Duncan, widow of Alender P. Duncan, late lieutenant-colonel Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. B. MAHAN.

The next business on the Private Calendar was the bill (H. R. 13150) granting a pension to J. B. Mahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. B. Mahan, invalid son of Dempsy Mahan, late of Company B, Third Regiment Arkansas Volunteer Cavalry and pay him a pension at the rate of $16 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of James B. Mahan, helpless and dependent son of Dempsey Mahan, late of Company B, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 14837) granting a pension to John H. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Roberts, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN W. CRAINE.

The next business on the Private Calendar was the bill (S. 6040) granting an increase of pension to John W. Craine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Craine, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBERT M. SCOTT.

The next business on the Private Calendar was the bill (H. R. 14098) granting an increase of pension to Albert M. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert M. Scott, late of Company B, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREEMAN R. GOVE.

The next business on the Private Calendar was the bill (H. R. 13690) granting a pension to Freeman R. Gove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeman R. Gove, late of Company K, Fourth Vermont Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fourth," insert the word "Regiment."

In line 7, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "A bill granting an increase of pension to Freeman R. Gove."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN J. CROSS.

The next business on the Private Calendar was the bill (H. R. 13324) granting an increase of pension to John J. Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John J. Cross, late a member of Company H, Eighth Regiment Indiana Cavalry, in the war of the rebellion, from $12 to $50 per month, subject to the conditions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Cross, late of Company H, Eighth Regiment Indiana Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DUDLEY CARY.

The next business on the Private Calendar was the bill (S. 5140) granting an increase of pension to Dudley Cary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dudley Cary, late of Company D, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE RIDDLE.

The next business on the Private Calendar was the bill (H. R. 14381) granting an increase of pension to George Riddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Riddle, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the work "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. FLEMING.

The next business on the Private Calendar was the bill (H. R. 1274) granting a pension to Mary E. Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Fleming, widow of John P. Fleming, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "fifteen."

In line 9, after the word "month," add the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary E. Fleming."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNIE FROST.

The next business on the Private Calendar was the bill (S. 5263) granting a pension to Fannie Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Frost, widow of Robert Frost, late of Company B, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY HALE.

The next business on the Private Calendar was the bill (H. R. 12103) granting an increase of pension to Henry Hale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hale, late a private of Company D, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. REILLEY.

The next business on the Private Calendar was the bill (S. 3552) granting a pension to John A. Reilley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of John A. Reilley, late of Company B, First Battalion Fremont's Rangers, Missouri Home Guards Volunteers, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

NEWTON W. ELMENDORF.

The next business on the Private Calendar was the bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf, late of Company C, Sixth Regiment Pennsylvania Reserves, and Company E, One hundred and ninety-first Pennsylvania Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Newton W. Elmendorf, late of Company C, Sixth Regiment Pennsylvania Reserves, and Company E, One hundred and ninety-first Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of what he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Newton W. Elmendorf, late of Company C, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Newton W. Elmendorf."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EBERHARD P. LIEBERG.

The next business on the Private Calendar was the bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eberhard P. Lieberg, late of Company H, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HESTER A. FARNSWORTH.

The next business on the Private Calendar was the bill (S. 5080) granting a pension to Hester A. Farnsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Farnsworth, dependent mother of Edward Farnsworth, late of Company C, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ALEXANDER CURD.

The next business on the Private Calendar was the bill (H. R. 9402) granting a pension to Alexander Curd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Alexander Curd, of Wilmore, Ky., late a private in Company B, Twentieth Kentucky Volunteer Infantry, during the war for the suppression of the rebellion, who was honorably discharged from the service, and who is now totally blind and utterly destitute, and pay him a pension from and after the passage of this act at the rate of $70 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Curd, late of Company B, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Alexander Curd."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. EVERITT.

The next business on the Private Calendar was the bill (S. 5302) granting an increase of pension to John H. Everitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Everitt, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM BURKE.

The next business on the Private Calendar was the bill (H. R. 3304) granting a pension to William Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Burke, late a private in Company K, One hundred and fifteenth Regiment Illinois Infantry, and pay him a pension of $24 per month in lieu of the pension he is now drawing.

The amendments recommended by the committee were read, as follows:

Strike out lines 6 to 9 and insert "of William Burke, late of Company K, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William Burke."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

QUEEN ESTHER GRIMES.

The next business on the Private Calendar was the bill (S. 4764) granting an increase of pension to Queen Esther Grimes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Queen Esther Grimes, widow of William H. Grimes, late of Company H, Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABNER D. RUTHERFORD.

The next business on the Private Calendar was the bill (H. R. 4952) granting a pension to A. D. Rutherford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of A. D. Rutherford, late a member of Company F, Sixth Tennessee Infantry Volunteers, subject to the provisions and limitations of the general pension laws, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner D. Rutherford, late of Company F, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Abner D. Rutherford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAGGIE L. REAVER.

The next business on the Private Calendar was the bill (S. 4912) granting an increase of pension to Maggie L. Reaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie L. Reaver, widow of Henry A. Reaver, late of Company C, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. MATHEWS.

The next business on the Private Calendar was the bill (H. R. 2243) granting an increase of pension to George W. Mathews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Mathews, late of Company H, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "fourteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT LEMON.

The next business on the Private Calendar was the bill (S. 4509) granting a pension to Robert Lemon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Lemon, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN WRIGHT.

The next business on the Private Calendar was the bill (H. R. 14067) granting an increase of pension to John Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wright, late of Company K, One hundred and eighth Regiment New York Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM KELLEY.

The next business on the Private Calendar was the bill (S. 2265) granting an increase of pension to William Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kelley, late of Companies A and B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. NALLEY.

The next business on the Private Calendar was the bill (H. R. 11171) granting relief to Elizabeth A. Nalley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Nalley, and to pay her a pension of $20 a month as the permanently helpless and dependent daughter of William H. Nalley, late sergeant in the Mexican War and captain of Metropolitan Rifles in late war of the rebellion.

The amendments recommended by the committee were read, as follows:

Strike out lines 6 to 10 and insert "name of Elizabeth A. Nalley, helpless and dependent daughter of William H. Nalley, late captain Company A, Fifth Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Elizabeth A. Nalley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET BRENNAN.

The next business on the Private Calendar was the bill (H. R. 14687) granting a pension to Margaret Brennan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Brennan, widow of the late Robert Brennan, of the Sixty-ninth (Engineer) Regiment New York State Militia, and pay her a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Margaret Brennan, widow of Robert Brennan, late of Captain Quinlan's Engineer Company, Sixty-ninth Regiment New York State Militia Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LILLIE V. BALL.

The next business on the Private Calendar was the bill (H. R. 9154) granting a pension to Lillie V. Ball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the name of Lillie V. Ball, of Baltimore, Md., widow of Charles Henry Ball, late second assistant engineer, United States Navy, and late first assistant engineer in the United States Revenue Marine Service, deceased, to be placed on the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension of $25 per month in lieu of any pension which she may now receive or to which she may be otherwise entitled by law.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillie V. Ball, widow of Charles H. Ball, late second assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lillie V. Ball."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANSON GREENMAN.

The next business on the Private Calendar was the bill (H. R. 13621) granting an increase of pension to Anson Greeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anson Greeman late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Greeman" and insert in lieu thereof the word "Greenman."

In line 8 strike out the words "seventy-two" and insert in lieu thereof the words "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Anson Greenman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN DOWNING.

The next business on the Private Calendar was the bill (H. R. 8023) granting an increase of pension to John Downing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Downing, late of Company E, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. CLARKE.

The next business on the Private Calendar was the bill (H. R. 14774) granting a pension to John C. Clarke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Clarke, late private, Company K, Sixty-ninth Regiment New York State Militia, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 7 strike out the words "State Militia" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HERMAN J. MILLER.

The next business on the Private Calendar was the bill (H. R. 14814) granting a pension to Herman J. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman J. Miller, late of Company L, Eleventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

EDMOND LIKES.

The next business on the Private Calendar was the bill (H. R. 12745) granting an increase of pension to Edmond Likes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmond Likes, late of Company F, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of twenty-four dollars per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL J. BYRNES.

The next business on the Private Calendar was the bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Byrnes, late of Company D, Thirty-fifth Regiment of Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. BARRETT.

The next business on the Private Calendar was the bill (H. R. 14592) granting a pension to Benjamin F. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Barrett, late of Company I, Third Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," add the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin F. Barrett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REBECCA L. CHAMBERS.

The next business on the Private Calendar was the bill (H. R. 14836) granting a pension to Rebecca L. Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca L. Chambers, widow of William B. Chambers, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA A. RICKARDS.

The next business on the Private Calendar was the bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Eliza A. Rickards, widow of William Rickards, late colonel of Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Rickards, widow of William Rickards, jr., late colonel Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALVIN W. CLARK.

The next business on the Private Calendar was the bill (H. R. 9988) granting a pension to Calvin W. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin W. Clark, late of Company G, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Calvin W. Clark."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS M. BEEBE.

The next business on the Private Calendar was the bill (H. R. 10964) granting an increase of pension to Francis M. Beebe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Beebe, late of Company G, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES J. WILSON.

The next business on the Private Calendar was the bill (H. R. 13815) granting an increase of pension to James J. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of James J. Wilson, late a member of Company E, Eighty-seventh Regiment Illinois Infantry, in the war of the rebellion, from $12 to $50 per month, subject to the conditions and limitations of the pension laws.

The bill was ordered to be laid aside with a favorable recommendation.

ANNE M. LUMAN.

The next business on the Private Calendar was the bill (H. R. 13617) granting a pension to Anne M. Luman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Anne M. Luman, widow of Theodore L. Luman, late lieutenant Company E, Second Maryland Potomac Home Brigade, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anne M. Luman, widow of Theodore Luman, late first lieutenant and adjutant, Second Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Anne M. Luman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY J. MARKEL.

The next business on the Private Calendar was the bill (H. R. 2409) granting a pension to Mary J. Markel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Markel, widow of John Markel, late private Company E, Fifty-third Regiment Pennsylvania Volunteer Infantry.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 8, after the word "Infantry," insert the words "and pay her a pension at the rate of $8 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 11579) granting an increase of pension to John A. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of John A. Wright, late of Company F, Eleventh Iowa Infantry Volunteers, at the rate of $40 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Wright, late of Company F, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAMBERT JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 5960) granting an increase of pension to Lambert Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lambert Johnson, late of Company F, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Johnson" and insert in lieu thereof the word "Johnston."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Lambert Johnston."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILY S. BARRETT.

The next business on the Private Calendar was the bill (H. R. 3672) granting a pension to Emily S. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily S. Barrett, mother of William H. Barrett, late of Company F, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "mother," insert the word "dependent."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. YOUNG.

The next business on the Private Calendar was the bill (H. R. 3513) granting an increase of pension to James W. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Young, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WARREN C. PLUMMER.

The next business on the Private Calendar was the bill (H. R. 12056) granting an increase of pension to Warren C. Plummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Warren C. Plummer, late first lieutenant Company C, Fifteenth Maine Regiment Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren C. Plummer, late first lieutenant Company C, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN Q. A. RIDER.

The next business on the Private Calendar was the bill (H. R. 14421) granting an increase of pension to John Q. A. Rider.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Q. A. Rider, late first lieutenant of Company E, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN D. BINFORD.

The next business on the Private Calendar was the bill (H. R. 9153) granting an increase of pension to J. D. Binford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. D. Binford, late of Company C, Second Regiment Iowa Cavalry Volunteers, at the rate of $36 per month, said pension to be in lieu of the one he now receives.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of John D. Binford, late of Company C, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John D. Binford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY V. SCRIVEN.

The next business on the Private Calendar was the bill (H. R. 13565) granting a pension to Mary V. Scriven.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Scriven, widow of Gardner R. Scriven, who served as a medical officer on the staff of Gen. H. M. Judah and Gen. E. H. Hobson in the campaign against Morgan through the State of Ohio in 1863, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "who served," and all of lines 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "late acting surgeon, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELSON W. WADE.

The next business on the Private Calendar was the bill (S. 4709) granting a pension to Nelson W. Wade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson W. Wade, late of Company G, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM D. STITES.

The next business on the Private Calendar was the bill (S. 1980) granting an increase of pension to William D. Stites.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Stites, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS HANNAH.

The next business on the Private Calendar was the bill (S. 1981) granting an increase of pension to Thomas Hannah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Hannah, late of Company F, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM MENNECKE.

The next business on the Private Calendar was the bill (H. R. 14813) granting a pension to William Mennecke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Mennecke, late of Company C, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. EDGINGTON.

The next business on the Private Calendar was the bill (H. R. 14042) granting an increase of pension to George W. Edgington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Edgington, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALLEN C. DAVIS.

The next business on the Private Calendar was the bill (H. R. 12132) for the relief of Allen C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the name of Allen C. Davis, late of Company G, One hundred and thirteenth Illinois Infantry Volunteers, be placed on the pension roll of the United States at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen C. Davis, late of Company G, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PARMENUS F. HARRIS.

The next business on the Private Calendar was the bill (H. R. 8542) granting an increase of pension to Parmenus F. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Parmenus F. Harris, late of Company I, One hundredth Regiment of Ohio Volunteer Infantry, and pay him a pension of $30 per month in lieu of the amount he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Parmenas F. Harris, late of Company I, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES WILKINSON.

The next business on the Private Calendar was the bill (H. R. 1928) granting an increase of pension to James Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilkinson, late of Company F, Ninety-third Regiment New York Infantry Volunteers, and pay him a pension of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In same line, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. WEBB.

The next business on the Private Calendar was the bill (H. R. 1347) granting an increase of pension to Charles H. Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Webb, late of Company B, Second California Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, after the word "Second," insert the word "Regiment."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABSOLUM MAYNARD.

The next business on the Private Caiendar was the bill (H. R. 6009) granting a pension to Absolum Maynard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absolum Maynard, late of Capt. Thomas Dawson's independent company Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "Dawson's" and insert in lieu thereof the word "Damaron's."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMANTHA A. NEWCOMB.

The next business on the Private Calendar was the bill (H. R. 8005) granting a pension to Samantha A. Newcomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha A. Newcomb, widow of Arrian Newcomb, late of Company D, Sixty-sixth Ohio Volunteer Infantry, and pay her a pension of $12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the word "widow," insert the word "former."

In line 7, before the word "Ohio," insert the word "Regiment."

In line 8, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH STONESIFER.

The next business on the Private Calendar was the bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Stonesifer, late of Company I, Eighty-seventh Pennsylvania Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, after the word "seventh," insert the word "Regiment."

In line 7, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES MOYER.

The next business on the Private Calendar was the bill (H. R. 14274) granting a pension to Charles Moyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Moyer, private, Company L, Fifteenth Pennsylvania Cavalry; adjutant Seventy-third Pennsylvania Infantry; captain Company F, Seventy-third Pennsylvania Infantry, war of the rebellion, and pay him a pension at the rate of $50 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Charles Moyer, late captain Company F, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES P. THOMAS.

The next business on the Private Calendar was the bill (H. R. 13510) granting an increase of pension to James P. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Thomas, late of Company I, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS D. UTTER.

The next business on the Private Calendar was the bill (S. 5748) granting an increase of pension to Thomas D. Utter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Utter, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ESTHER D. HASLAM.

The next business on the Private Calendar was the bill (S. 6021) granting an increase of pension to Esther D. Haslam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther D. Haslam, widow of Thomas Haslam, late second lieutenant Company K, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LINDA W. SLAUGHTER.

The next business on the Private Calendar was the bill (S. 1458) granting an increase of pension to Linda W. Slaughter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Linda W. Slaughter, widow of Benjamin F. Slaughter, late surgeon, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES S. MYERS.

The next business on the Private Calendar was the bill (S. 2703) granting an increase of pension to James S. Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Myers, late of Company F, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES A. SCOTT.

The next business on the Private Calendar was the bill (H. R. 14656) granting an increase of pension to Charles A. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Scott, late private in Companies M and F, Eighteenth New York Cavalry, and pay him a pension of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "private in" and insert in lieu thereof the word "of."

In line 7, after the word "Eighteenth," insert the word "Regiment."

In same line, before the word "Cavalry," insert the word "Volunteer."

In same line, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA E. KENDRICK.

The next business on the Private Calendar was the bill (S. 5741) granting a pension to Martha E. Kendrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Kendrick, widow of William H. Kendrick, late second lieutenant Capt. E. E. Mizell's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CLAYTON P. VAN HOUTEN.

The next business on the Private Calendar was the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clayton P. Van Houten, late captain Company D, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY LOOR REGER.

The next business on the Private Calendar was the bill (S. 3292) granting an increase of pension to Henry Loor Reger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Loor Reger, late of Company K, Eleventh Regiment United States Infantry, war with Mexico, and Company H, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDEREKA SEYMORE.

The next business on the Private Calendar was the bill (S. 4190) granting a pension to Fredereka Seymore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredereka Seymore, widow of George Seymore, late of Company F, Twentieth Regiment United States Infantry, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of each of the minor children of the said George Seymore until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. TURNER.

The next business on the Private Calendar was the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Turner, widow of James A. Turner, late of Company B, Fourth Regiment United States Artillery, Seminole Indian war, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "sixteen" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA A. CROSBY.

The next business on the Private Calendar was the bill (S. 332) granting an increase of pension to Louisa A. Crosby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa A. Crosby, widow of Pierce Crosby, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OCEANA B. IRWIN.

The next business on the Private Calendar was the bill (S. 4183) granting an increase of pension to Oceana B. Irwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oceana B. Irwin, widow of John Irwin, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISABELLA H. IRISH.

The next business on the Private Calendar was the bill (S. 1205) granting a pension to Isabella H. Irish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella H. Irish, widow of Joseph E. Irish, late post chaplain, United States Army, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GRACE M. READ.

The next business on the Private Calendar was the bill (H. R. 14732) granting an increase of pension to Grace M. Read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace M. Read, widow of Frank D. Read, late lieutenant, junior grade, monitor Monadnock, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "junior grade, monitor Monadnock."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA M. C. SMITH.

The next business on the Private Calendar was the bill (H. R. 9611) for the relief of Maria M. C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Maria M. C. Smith, as widow of Charles H. Smith, late assistant surgeon, United States Army, war with Mexico, at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria M. C. Smith, widow of Charles H. Smith, late assistant surgeon, United States Army, war with Mexico, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Maria M. C. Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL CONLON.

The next business on the Private Calendar was the bill (H. R. 6332) granting a pension to Michael Conlon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Conlon, dependent father of John Conlon, deceased, late of Company D, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "dependent" and "deceased."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN B. LYNCH.

The next business on the Private Calendar was the bill (H. R. 14182) granting an increase of pension to Susan B. Lynch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan B. Lynch, widow of George Lynch, late second lieutenant of company commanded by Captain Irby, First Regiment Alabama Volunteer Infantry, Mexican war, and pay her a pension at the rate of $12 per month in lieu of any pension she may now be receiving.

The amendments recommended by the committee were read, as follows:

In lines 6, 7, and 8 strike out "late second lieutenant of company commanded by Captain Irby, First Regiment Alabama Volunteer Infantry, Mexican war," and substitute therefor "late of Captain Irby's company, First Battalion Alabama Volunteers, war with Mexico."

In line 10 strike out "any pension she may now be" and insert in lieu thereof "that she is now."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HELEN OLIVIA LECKIE.

The next business on the Private Calendar was the bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Olivia Leckie, widow of Henry Leckie, late of Company E, Third Regiment Louisiana Volunteer Infantry, Mexican war, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "Mexican war" and substitute therefor "war with Mexico."

In line 8 strike out "sixteen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HULDAH A. CLARK.

The next business on the Private Calendar was the bill (H. R. 931) granting a pension to Huldah A. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Huldah A. Clark, widow of William L. Clark, late of Company B, First Indiana Infantry, Mexican war, and pay her a pension of $12 a month.

The amendments recommended by the committee were read, as follows:

In line 4, after the words "pension roll," insert "subject to the provisions and limitations of the pension laws."

In line 6, after the word "First," insert "Regiment," and in the same line change "Mexican war" to "war with Mexico."

In line 7 strike out "of twelve" and insert in lieu thereof "at the rate of eight," and in the same line change "a month" to "per month."

Mr. MIERS of Indiana. Mr. Chairman, it is as much the duty of every citizen of the Republic to teach patriotism as that of the minister of the gospel to inculcate the teachings of the lowly Nazarene. The Republic is founded on knowledge, patriotism, and the spirit of the Golden Rule. I know of no more appropriate or better way of teaching patriotism than for Congress on the days set apart for the consideration of special pension legislation to recall the deeds of valor and acts of heroism endured by the heroes of our wars, and by sending a ray of sunshine and hope to some old battle-scarred veteran by increasing his pension, not as a mere gratuity or charity, but in recognition of the debt of gratitude this great nation owes to the defenders of the Republic.

On this anniversary day of the birth of our flag it is especially fitting. One hundred and twenty-five years ago to-day Betsy Ross, of Philadelphia, at the request of George Washington, gave to the world our Stars and Stripes, the most beautiful emblem of all the nations of the earth. In this National Capital, the home of the flag, it has a peculiar significance. It is the symbol of our union, the record of our progress, the message of fair play and independence. "It is the emblem of patriotism, the winding sheet of our heroes, the ornament of their graves, the bright prophecy of our future glory." Let us with the school children of the nation tell the old, old story of the birth of the American Republic and our flag, and may she ever wave as the emblem of peace, prosperity, and the recognition of human liberty and the patriotism taught by our fathers. [Loud applause.]

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. I move that the committee rise and report to the House the various bills acted on, with the action thereon by the Committee of the Whole.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON reported that the Committee of the Whole on the Private Calendar, having had under consideration certain private bills, had directed him to report them back with the recommendation that House bill 13373 and Senate bill 5213 be laid on the table, and that various other bills of the Senate and the House be passed with or without amendments, as respectively recommended.

Mr. SULLOWAY. I ask unanimous consent that the previous question be ordered upon these various bills, with or without amendments, as respectively reported, to their final passage, except the two bills recommended to be laid on the table.

There being no objection, it was ordered accordingly.

PENSION BILLS, ETC., PASSED.

The House proceeded to the consideration of the bills reported from the Committee of the Whole House; and House bills of the following titles, reported from the Committee of the Whole without amendment, were taken up, ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 11979. A bill granting an increase of pension to William W. Anderson;

H. R. 10329. A bill granting a pension to Mary E. Aitken;

H. R. 14837. A bill granting a pension to John H. Roberts;

H. R. 14098. A bill granting an increase of pension to Albert M. Scott;

H. R. 14814. A bill granting a pension to Herman J. Miller;

H. R. 12745. A bill granting an increase of pension to Edmond Likes; and

H. R. 10964. A bill granting an increase of pension to Francis M. Beebe.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 11258. A bill granting a pension to William F. Randolph;

H. R. 14024. A bill granting an increase of pension to John R. Curry;

H. R. 14355. A bill granting an increase of pension to Timothy Donohue;

H. R. 14136. A bill granting an increase of pension to John D. Thompson;

H. R. 13411. A bill granting an increase of pension to Clarence D. Hess;

H. R. 14273. A bill granting a pension to John H. Whidden;

H. R. 9691. A bill granting an increase of pension to James H. Joseph;

H. R. 13848. A bill granting an increase of pension to James H. Chedister (title amended);

H. R. 10214. A bill granting an increase of pension to Henry Thomas;

H. R. 13722. A bill granting a pension to Edd Lodge;

H. R. 2483. A bill granting a pension to James A. Clifton;

H. R. 13598. A bill granting a pension to John J. Southerland;

H. R. 636. A bill granting an increase of pension to Benjamin S. Bogardus;

H. R. 11485. A bill granting a pension to Julia McCarthy;
H. R. 10876. A bill granting an increase of pension to Joseph Mote;
H. R. 10005. A bill granting an increase of pension to William A. Henderson;
H. R. 14477. A bill granting a pension to John Bruff;
H. R. 7013. A bill granting an increase of pension to Jason E. Freeman;
H. R. 3825. A bill granting an increase of pension to Lizzie I. Rich;
H. R. 5920. A bill granting a pension to Washington T. Filson;
H. R. 13547. A bill granting a pension to David B. Wood;
H. R. 12563. A bill granting an increase of pension to Horace Fountain;
H. R. 3745. A bill granting an increase of pension to George Kerr;
H. R. 305. A bill granting an increase of pension to George Heinzman;
H. R. 5869. A bill granting an increase of pension to Benjamin White;
H. R. 5907. A bill granting a pension to David S. Taylor;
H. R. 8447. A bill granting an increase of pension to John McArthur;
H. R. 12026. A bill granting an increase of pension to Bailey W. Small (title amended);
H. R. 12039. A bill granting an increase of pension to Nelson Brown;
H. R. 12921. A bill granting an increase of pension to Mary E. Adams (title amended);
H. R. 13457. A bill granting an increase of pension to John S. Crosser;
H. R. 13468. A bill granting a pension to Joseph S. Hess (title amended);
H. R. 14140. A bill granting an increase of pension to Henry Hunterson;
H. R. 14206. A bill granting a pension to Mary J. Moore;
H. R. 13612. A bill granting a pension to Margaret Bell;
H. R. 1456. A bill granting a pension to William G. Miller;
H. R. 11286. A bill granting a pension to Ellen M. Pooke (title amended);
H. R. 13449. A bill granting an increase of pension to Mary A. E. Scott;
H. R. 14312. A bill granting an increase of pension to John W. Huckelberry;
H. R. 13297. A bill granting a pension to Martin Greeley;
H. R. 10394. A bill granting a pension to William H. Ruggles;
H. R. 6005. A bill granting a pension to James A. Chalfant;
H. R. 12902. A bill granting a pension to Julia Lee;
H. R. 2497. A bill to correct the military record of John P. Evans;
H. R. 6405. A bill removing the charge of desertion from the record of William Harig;
H. R. 6968. A bill for the relief of Cappie King (title amended);
H. R. 9016. A bill granting an increase of pension to Jane Brosnan;
H. R. 14784. A bill granting a pension to Johniken L. Mynatt;
H. R. 14701. A bill granting a pension to Mary A. Peters;
H. R. 6970. A bill for the relief of Monora Stimson (title amended);
H. R. 4170. A bill granting an increase of pension to Henry P. Macloon;
H. R. 14478. A bill granting an increase of pension to Luman Fuller;
H. R. 14416. A bill granting an increase of pension to Albert H. Phillips;
H. R. 13943. A bill granting an increase of pension to Charles M. Grainger;
H. R. 13463. An act granting an increase of pension to Hiram A. Hobert;
H. R. 13367. A bill granting an increase of pension to Jonathan A. Walbert (title amended);
H. R. 6656. A bill granting a pension to Samantha Cox (title amended);
H. R. 3982. A bill granting an increase of pension to Alonzo Carpenter;
H. R. 14377. A bill granting a pension to Josephine Stewart (title amended);
H. R. 9807. A bill granting an increase of pension to Hiram Janes;
H. R. 6031. A bill granting a pension to Adell Augusta Steward (title amended);
H. R. 12155. A bill granting an increase of pension to Joseph Robertson (title amended);
H. R. 1531. A bill granting an increase of pension to Susan E. Duncan;
H. R. 13150. A bill granting a pension to J. B. Mahan (title amended);
H. R. 13690. A bill granting a pension to Freeman R. Grove (title amended);
H. R. 13324. A bill granting an increase of pension to John J. Cross;
H. R. 14381. A bill granting an increase of pension to George Riddle;
H. R. 1274. A bill granting a pension to Mary E. Fleming (title amended);
H. R. 12103. A bill granting an increase of pension to Henry Hale;
H. R. 5758. A bill granting an increase of pension to Newton W. Elmendorf, late of Company C, Sixth Regiment Pennsylvania Reserves, and Company E, One hundred and ninety-first Pennsylvania Volunteer Infantry;
H. R. 12700. A bill granting an increase of pension to Eberhard P. Lieberg;
H. R. 9402. A bill granting a pension to Alexander Curd (title amended);
H. R. 3304. A bill granting a pension to William Burke (title amended);
H. R. 4952. A bill granting a pension to A. D. Rutherford (title amended);
H. R. 2243. A bill granting an increase of pension to George W. Mathews;
H. R. 14067. A bill granting an increase of pension to John Wright;
H. R. 11171. A bill for the relief of Elizabeth A. Nalley (title amended);
H. R. 14687. A bill granting a pension to Margaret Brennan;
H. R. 9154. A bill granting a pension to Lillie V. Ball (title amended);
H. R. 13621. A bill granting an increase of pension to Anson Greeman (title amended);
H. R. 8023. A bill granting an increase of pension to John Downing;
H. R. 14774. A bill granting a pension to John C. Clarke;
H. R. 10263. A bill granting an increase of pension to Daniel J. Byrnes;
H. R. 14592. A bill granting a pension to Benjamin F. Barrett (title amended);
H. R. 14836. A bill granting a pension to Rebecca S. Chambers;
H. R. 1530. A bill granting an increase of pension to Eliza A. Rickards;
H. R. 9988. A bill granting a pension to Calvin W. Clark, late of Company G, Thirtieth Regiment Illinois Volunteer Infantry (title amended);
H. R. 13815. A bill granting an increase of pension to James J. Wilson;
H. R. 13617. A bill granting a pension to Anne M. Luman (title amended);
H. R. 2409. A bill granting a pension to Mary J. Markel;
H. R. 11579. A bill granting an increase of pension to John A. Wright;
H. R. 5960. A bill granting an increase of pension to Lambert Johnson (title amended);
H. R. 3672. A bill granting a pension to Emily S. Barrett;
H. R. 3513. A bill granting an increase of pension to James W. Young;
H. R. 12056. A bill granting an increase of pension to Warren C. Plummer;
H. R. 14421. A bill granting an increase of pension to John Q. A. Rider;
H. R. 9153. A bill granting an increase of pension to J. D. Binford (title amended);
H. R. 13565. A bill granting a pension to Mary V. Scriven;
H. R. 14813. A bill granting a pension to William Mennecke;
H. R. 14042. A bill granting an increase of pension to George W. Edgington;
H. R. 12132. A bill for the relief of Allen C. Davis (title amended);
H. R. 8542. A bill granting an increase of pension to Parmenus F. Harris (title amended);
H. R. 1928. A bill granting an increase of pension to James Wilkinson;
H. R. 1347. A bill granting an increase of pension to Charles H. Webb;
H. R. 6009. A bill granting a pension to Absolum Maynard;
H. R. 8005. A bill granting a pension to Samantha A. Newcomb;
H. R. 10325. A bill granting an increase of pension to Joseph Stonesifer;
H. R. 14274. A bill granting a pension to Charles Moyer;
H. R. 13510. A bill granting an increase of pension to James P. Thomas;
H. R. 14656. A bill granting an increase of pension to Charles A. Scott;
H. R. 14732. A bill granting an increase of pension to Grace M. Read;

H. R. 9611. A bill for the relief of Maria C. Smith (title amended);
H. R. 6332. A bill granting a pension to Michael Conlon;
H. R. 14182. A bill granting an increase of pension to Susan B. Lynch;
H. R. 13634. A bill granting an increase of pension to Helen Olivia Leckie; and
H. R. 931. A bill granting a pension to Huldah A. Clark.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 4710. An act granting a pension to Anna May Hogan;
S. 5402. An act granting an increase of pension to Hiram H. Thomas;
S. 3567. An act granting an increase of pension to Peter J. Osterhaus;
S. 4783. An act granting an increase of pension to Mary Breckons;
S. 3041. An act granting an increase of pension to Emma F. Shilling;
S. 5424. An act granting an increase of pension to Cynthia J. Shattuck;
S. 5141. An act granting an increase of pension to Charles Barrett;
S. 1184. An act granting a pension to Mary Florence Von Steinwehr;
S. 896. An act granting an increase of pension to James E. McNair;
S. 5227. An act granting an increase of pension to Elizabeth Whitty;
S. 2048. An act granting an increase of pension to Lewis G. Latour;
S. 4934. An act granting an increase of pension to Francis M. McAdams;
S. 2050. An act granting an increase of pension to Edward N. Goff;
S. 2289. An act granting an increase of pension to Benjamin S. Harrower;
S. 5650. An act granting an increase of pension to William R. Raymond;
S. 5466. An act granting an increase of pension to Edgar T. Chamberlin;
S. 5007. An act granting an increase of pension to James Irvine;
S. 4300. An act granting an increase of pension to Ann Comins;
S. 3997. An act granting an increase of pension to Otis A. Barlow;
S. 3032. An act granting a pension to Samuel J. Christopher and Jane Vickers;
S. 5206. An act granting an increase of pension to John M. Wheeler;
S. 5065. An act granting a pension to Jemima McClure;
S. 4064. An act granting an increase of pension to Betsey Gum;
S. 1132. An act granting an increase of pension to R. Sherman Longworthy;
S. 2375. An act granting an increase of pension to Daniel Ridinger;
S. 2051. An act granting an increase of pension to Henry W. Tryon;
S. 7. An act granting an increase of pension to William H. Thomas;
S. 2653. An act granting an increase of pension to Joshua Weaver;
S. 5924. An act granting an increase of pension to Edwin Young;
S. 6040. An act granting an increase of pension to John W. Craine;
S. 5140. An act granting an increase of pension to Dudley Cary;
S. 5263. An act granting a pension to Fannie Frost;
S. 3552. An act granting a pension to John A. Reilley;
S. 5080. An act granting a pension to Hester A. Farnsworth;
S. 5302. An act granting an increase of pension to John H. Everitt;
S. 4764. An act granting an increase of pension to Queen Esther Grimes;
S. 4912. An act granting an increase of pension to Maggie L. Reaver;
S. 4509. An act granting an increase of pension to Robert Lemon;
S. 2265. An act granting an increase of pension to William Kelley;
S. 4709. An act granting a pension to Nelson W. Wade;
S. 1980. An act granting an increase of pension to William D. Stites;
S. 1981. An act granting an increase of pension to Thomas Hannah;
S. 5748. An act granting an increase of pension to Thomas D. Utter;
S. 6021. An act granting an increase of pension to Esther D. Haslam;
S. 1458. An act granting an increase of pension to Linder W. Slaughter;
S. 2703. An act granting an increase of pension to James S. Myers;
S. 5741. An act granting a pension to Martha E. Kendrick;
S. 3292. An act granting an increase of pension to Henry Loor Reger;
S. 4190. An act granting a pension to Fredereka Seymore;
S. 332. An act granting an increase of pension to Louisa A. Crosby;
S. 4183. An act granting an increase of pension to Oceana B. Irwin; and
S. 1205. An act granting a pension to Isabella H. Irish.

Senate bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, and the bills as amended were ordered to a third reading, read the third time, and passed:

S. 3320. An act granting an increase of pension to Adelaide G. Hatch;
S. 1225. An act granting an increase of pension to Clara W. McNair;
S. 5506. An act granting an increase of pension to Clayton P. Van Houten; and
S. 5856. An act granting an increase of pension to Elizabeth A. Turner.

BILLS TABLED.

The following bills having been reported from the Committee of the Whole with the recommendation that they lie on the table, the recommendation of the committee was concurred in:

S. 5214. An act granting an increase of pension to Charles F. Smith; and
H. R. 13373. A bill granting an increase of pension to Amos W. Marsh.

HIRAM A. HOBER.

The next business reported from the Committee of the Whole was the bill (H. R. 13463) granting an increase of pension to Hiram A. Hober.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and passed.

The SPEAKER pro tempore. The question now is on the passage of the bill.

Mr. SIMS. On that, Mr. Speaker, I demand a division.

The House divided; and there were—ayes 18, noes 0.

So the bill was passed.

On motion of Mr. SULLOWAY, a motion to reconsider the various votes by which the several bills were passed was ordered to lie on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4067. An act granting an increase of pension to Julia L. Gordon—to the Committee on Invalid Pensions.

DAVID M. M'KNIGHT.

Mr. DARRAGH. Mr. Speaker, I call up the conference report on the bill (S. 3992) granting an increase of pension to David M. McKnight. I ask that the reading of the conference report be dispensed with, and that the statement only be read.

The SPEAKER pro tempore. The gentleman from Michigan presents a conference report and asks that the reading of the report be dispensed with, and that the statement be read. Is there objection?

There was no objection.

The statement was read. (For conference report and statement, see proceedings of the House of June 10.)

The conference report was agreed to.

On motion of Mr. DARRAGH, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. SULLOWAY (at 3 o'clock and 42 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting, reported the same without amendment, accompanied by a report (No. 2492); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 2493); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, reported a bill of the House (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, accompanied by a report (No. 2494); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13171) to ratify and confirm an agreement with the Creek tribe of Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 2495); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, reported the same with amendment, accompanied by a report (No. 2496); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 14644) for the erection of an equestrian statue to the memory of Baron Steuben at Washington, D. C., reported the same with amendments, accompanied by a report (No. 2497); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—to the Union Calendar.

By Mr. RICHARDSON of Tennesee: A bill (H. R. 15109) to place all articles and commodities manufactured and controlled or produced in the United States by a trust or trusts on the free list, and to reduce the rate of duty on any article or commodity manufactured in the United States and sold in a foreign country more cheaply than in the United States—to the Committee on Ways and Means.

By Mr. MOODY of North Carolina: A bill (H. R. 15110) to establish a United States commissioner's court at Pryor Creek, Ind. T., and for other purposes—to the Committee on the Judiciary.

By Mr. JOY: A bill (H. R. 15111) for the purchase of the original Houdon life cast bust of George Washington—to the Committee on the Library.

By Mr. BARTLETT: A resolution (H. Res. 304) requesting information from the Secretary of War—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills andresolutions of the following titles were introduced and severally referred as follows:

By Mr. APLIN: A bill (H. R. 15112) granting a pension to Matilda Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15113) granting an increase of pension to John Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15114) granting an increase of pension to Alonzo F. Canfield—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 15115) granting an increase of pension to James Kenny—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 15116) granting an increase of pension to John B. Ross—to the Committee on Invalid Pensions.

By Mr. JETT: A bill (H. R. 15117) granting a pension to Benjamin Garland—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 15118) granting an increase of pension to Robert Bowman—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15119) for the relief of Mrs. A. P. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 15120) for the relief of the estate of Benjamin Adams, deceased—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 15121) for the relief of John C. Ray, assignee of John Gafford—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: A bill (H. R. 15122) for the relief of J. W. Smart—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15123) for the relief of the Baptist Church of Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. RUMPLE: A bill (H. R. 15124) granting a pension to Jacob Shaeffer—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 15125) granting an increase of pension to James R. Slayton—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June 16, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

LAND OFFICE MAPS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting certain information authorized by the joint resolution (H. J. Res. 197) relative to the printing of United States maps prepared in the General Land Office; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3992) granting an increase of pension to David M. McKnight.

The message also announced that the House had passed with amendments the following bills:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; and

A bill (S. 5866) granting an increase of pension to Elizabeth A. Turner.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 7679) granting an increase of pension to Franklin Snyder;

A bill (H. R. 12420) granting a pension to Wesley Brummett;

A bill (H. R. 12828) granting a pension to Mary E. Culver; and

A bill (H. R. 13278) granting an increase of pension to Levi H. Collins.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 7) granting an increase of pension to William H. Thomas;

A bill (S. 332) granting an increase of pension to Louisa A. Crosby;

A bill (S. 896) granting an increase of pension to James E. McNair;

A bill (S. 1132) granting an increase of pension to R. Sherman Langworthy;

A bill (S. 1184) granting a pension to Mary Florence Von Steinwehr;

A bill (S. 1205) granting a pension to Isabella H. Irish;

A bill (S. 1458) granting an increase of pension to Linda W. Slaughter;

A bill (S. 1980) granting an increase of pension to William D. Stites;

A bill (S. 1981) granting an increase of pension to Thomas Hannah;

A bill (S. 2048) granting an increase of pension to Lewis G. Latour;

A bill (S. 2050) granting an increase of pension to Edward N. Goff;

A bill (S. 2051) granting an increase of pension to Henry W. Tryon;

A bill (S. 2265) granting an increase of pension to William Kelley;

A bill (S. 2289) granting an increase of pension to Benjamin S. Harrower;

A bill (S. 2375) granting an increase of pension to Daniel Ridinger;

A bill (S. 2653) granting an increase of pension to Joshua Weaver;

A bill (S. 2703) granting an increase of pension to James S. Myers;
A bill (S. 3032) granting a pension to Samuel J. Christopher and Jane Vickers;
A bill (S. 3041) granting an increase of pension to Emma F. Shilling;
A bill (S. 3292) granting an increase of pension to Henry Loor Reger;
A bill (S. 3552) granting a pension to John A. Reilley;
A bill (S. 3567) granting an increase of pension to Peter J. Osterhaus;
A bill (S. 3997) granting an increase of pension to Otis A. Barlow;
A bill (S. 4064) granting an increase of pension to Betsey Gum;
A bill (S. 4183) granting an increase of pension to Oceana B. Irwin;
A bill (S. 4190) granting a pension to Fredereka Seymore;
A bill (S. 4300) granting an increase of pension to Ann Comins;
A bill (S. 4509) granting an increase of pension to Robert Lemon;
A bill (S. 4709) granting a pension to Nelson W. Wade;
A bill (S. 4710) granting a pension to Anna May Hogan;
A bill (S. 4764) granting an increase of pension to Queen Esther Grimes;
A bill (S. 4783) granting an increase of pension to Mary Breckons;
A bill (S. 4912) granting an increase of pension to Maggie L. Reaver;
A bill (S. 4934) granting an increase of pension to Francis M. McAdams;
A bill (S. 5007) granting an increase of pension to James Irvine;
A bill (S. 5065) granting a pension to Jemima McClure;
A bill (S. 5080) granting a pension to Hester A. Farnsworth;
A bill (S. 5140) granting an increase of pension to Dudley Cary;
A bill (S. 5141) granting an increase of pension to Charles Barrett;
A bill (S. 5206) granting an increase of pension to John M. Wheeler;
A bill (S. 5227) granting an increase of pension to Elizabeth Whitty;
A bill (S. 5263) granting a pension to Fannie Frost;
A bill (S. 5302) granting an increase of pension to John H. Everitt;
A bill (S. 5402) granting an increase of pension to Hiram H. Thomas;
A bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck;
A bill (S. 5466) granting an increase of pension to Edgar T. Chamberlin;
A bill (S. 5650) granting an increase of pension to William R. Raymond;
A bill (S. 5741) granting a pension to Martha E. Kendrick;
A bill (S. 5748) granting an increase of pension to Thomas D. Utter;
A bill (S. 5924) granting an increase of pension to Edwin Young;
A bill (S. 6021) granting an increase of pension to Esther D. Haslam;
A bill (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas;
A bill (S. 6040) granting an increase of pension to John W. Craine; and
A joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
A bill (H. R. 305) granting an increase of pension to George Heinzman;
A bill (H. R. 636) granting an increase of pension to Benjamin S. Bogardus;
A bill (H. R. 931) granting a pension to Hulda A. Clark;
A bill (H. R. 1274) granting an increase of pension to Mary E. Fleming;
A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;
A bill (H. R. 1456) granting a pension to William G. Miller;
A bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards;
A bill (H. R. 1531) granting an increase of pension to Susan E. Duncan;
A bill (H. R. 1928) granting an increase of pension to James Wilkinson;
A bill (H. R. 2243) granting an increase of pension to George W. Mathews;
A bill (H. R. 2409) granting a pension to Mary J. Markel;
A bill (H. R. 2483) granting a pension to James A. Clifton;
A bill (H. R. 2497) to correct the military record of John P. Evans;
A bill (H. R. 3304) granting an increase of pension to William Burke;
A bill (H. R. 3513) granting increase of pension to James W. Young;
A bill (H. R. 3672) granting a pension to Emily S. Barrett;
A bill (H. R. 3745) granting an increase of pension to George Kerr;
A bill (H. R. 3825) granting an increase of pension of Lizzie I. Rich;
A bill (H. R. 3982) granting an increase of pension to Alonzo Carpenter;
A bill (H. R. 4170) granting an increase of pension to Henry P. Macloon;
A bill (H. R. 4952) granting a pension to Abult D. Rutherford;
A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf;
A bill (H. R. 5869 (granting an increase of pension to Benjamin White;
A bill (H. R. 5907) granting a pension to David S. Taylor;
A bill (H. R. 5920) granting a pension to Washington T. Filson;
A bill (H. R. 5960) granting an increase of pension to Lambert Johnston;
A bill (H. R. 6005) granting a pension to James A. Chalfant;
A bill (H. R. 6009) granting a pension to Absolum Maynard;
A bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
A bill (H. R. 6332) granting a pension to Michael Conlon;
A bill (H. R. 6405) removing the charge of desertion from the record of William Harig;
A bill (H. R. 6656) granting a pension to Samantha Yant;
A bill (H. R. 6968) granting a pension to Cappie King;
A bill (H. R. 6970) granting an increase of pension to Monora Stinson;
A bill (H. R. 7013) granting an increase of pension to Jason E. Freeman;
A bill (H. R. 8005) granting a pension to Samantha A. Newcomb;
A bill (H. R. 8023) granting an increase of pension to John Downing;
A bill (H. R. 8447) granting an increase of pension to John McArthur;
A bill (H. R. 8542) granting an increase of pension to Parmenus F. Harris;
A bill (H. R. 9016) granting an increase of pension to Jane Brosnan;
A bill (H. R. 9153) granting an increase of pension of John D. Binford;
A bill (H. R. 9154) granting an increase of pension to Lillie V. Ball;
A bill (H. R. 9402) granting an increase of pension to Alexander Curd;
A bill (H. R. 9611) granting a pension to Maria M. C. Smith;
A bill (H. R. 9691) granting an increase of pension to James H. Joseph;
A bill (H. R. 9807) granting an increase of pension to Hiram Janes;
A bill H. R. 9988) granting a pension to Calvin W. Clark;
A bill (H. R. 10005) granting an increase of pension to William A. Henderson;
A bill (H. R. 10214) granting an increase of pension to Henry Thomas;
A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;
A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;
A bill (H. R. 10329) granting a pension to Mary E. Aitken;
A bill (H. R. 10394) granting a pension to William H. Ruggles;
A bill (H. R. 10876) granting an increase in the pension to Joseph Mote;
A bill (H. R. 10964) granting an increase of pension to Francis M. Beebe;
A bill (H. R. 11171) granting a pension to Elizabeth A. Nalley;
A bill (H. R. 11258) granting a pension to William F. Randolph;
A bill (H. R. 11286) granting a pension to Ellen F. Pook;
A bill (H. R. 11485) granting a pension to Julia McCarthy;
A bill (H. R. 11579) granting an increase of pension to John A. Wright;

A bill (H. R. 11979) granting an increase of pension to William W. Anderson;
A bill (H. R. 12026) granting an increase of pension to Baley W. Small;
A bill (H. R. 12039) granting an increase of pension to Nelson Brown;
A bill (H. R. 12056) granting an increase of pension to Warren C. Plummer;
A bill (H. R. 12103) granting an increase of pension to Henry Hale;
A bill (H. R. 12132) granting an increase of pension to Allen C. Davis;
A bill (H. R. 12155) granting an increase of pension to Joseph W. Robertson;
A bill (H. R. 12563) granting an increase of pension to Horace Fountain;
A bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg;
A bill (H. R. 12745) granting an increase of pension to Edmond Likes;
A bill (H. R. 12902) granting a pension to Julia Lee;
A bill (H. R. 12921) granting an increase of pension to Mary E. Lemert, now Adams;
A bill (H. R. 13150) granting a pension to James B. Mahan;
A bill (H. R. 13297) granting a pension to Martin Greeley;
A bill (H. R. 13324) granting an increase of pension to John J. Cross;
A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert;
A bill (H. R. 13411) granting an increase of pension to Clarence D. Hess;
A bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott;
A bill (H. R. 13457) granting an increase of pension to John S. Crosser;
A bill (H. R. 13463) granting an increase of pension to Hiram A. Hober;
A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;
A bill (H. R. 13510) granting an increase of pension to James P. Thomas;
A bill (H. R. 13547) granting a pension to David B. Wood;
A bill (H. R. 13565) granting a pension to Mary V. Scriven;
A bill (H. R. 13598) granting a pension to John J. Southerland;
A bill (H. R. 13612) granting a pension to Margaret Bell;
A bill (H. R. 13617) granting an increase of pension to Anne M. Luman;
A bill (H. R. 13621) granting an increase of pension to Anson Greenman;
A bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie;
A bill (H. R. 13690) granting an increase of pension to Freeman R. Gove;
A bill (H. R. 13722) granting a pension to Edd Lodge;
A bill (H. R. 13815) granting an increase of pension to James J. Wilson;
A bill (H. R. 13848) granting an increase of pension to James H. Chedester;
A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger;
A bill (H. R. 14024) granting an increase of pension to John R. Curry;
A bill (H. R. 14042) granting an increase of pension to George W. Edgington;
A bill (H. R. 14067) granting an increase of pension to John Wright;
A bill (H. R. 14098) granting an increase of pension to Albert M. Scott;
A bill (H. R. 14136) granting an increase of pension to John D. Thompson;
A bill (H. R. 14140) granting an increase of pension to Henry Hunterson;
A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch;
A bill (H. R. 14206) granting a pension to Mary J. Moore;
A bill (H. R. 14273) granting a pension to John H. Whidden;
A bill (H. R. 14274) granting a pension to Charles Moyer;
A bill (H. R. 14312) granting an increase of pension to John W. Huckelberry;
A bill (H. R. 14355) granting an increase of pension to Timothy Donohoe;
A bill (H. R. 14377) granting an increase of pension to Jennette Stewart;
A bill (H. R. 14381) granting an increase of pension to George Riddle;
A bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds;
A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips;
A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider;
A bill (H. R. 14477) granting a pension to John Bruff;
A bill (H. R. 14478) granting an increase of pension to Luman Fuller;
A bill (H. R. 14592) granting an increase of pension to Benjamin F. Barrett;
A bill (H. R. 14656) granting an increase of pension to Charles A. Scott;
A bill (H. R. 14687) granting a pension to Margaret Brennan;
A bill (H. R. 14701) granting a pension to Mary A. Peters;
A bill (H. R. 14732) granting an increase of pension to Grace M. Read;
A bill (H. R. 14774) granting a pension to John C. Clarke;
A bill (H. R. 14784) granting a pension to Johniken L. Mynatt;
A bill (H. R. 14813) granting a pension to William Mennecke;
A bill (H. R. 14814) granting a pension to Herman J. Miller;
A bill (H. R. 14836) granting a pension to Rebecca L. Chambers; and
A bill (H. R. 14837) granting a pension to John H. Roberts.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

The bill (H. R. 14919) relating to the allowance of exceptions was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River was read twice by its title and placed on the Calendar.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Iron Molders' Local Union No. 99, of Bridgeton, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the Burlington County Retail Liquor Dealers and Hotel Keepers' Protective Association, of Mount Holly, and of sundry citizens, all in the State of New Jersey, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented petitions of the Lincoln Club, of Paterson, and of Journeymen Barbers' Local Union No. 381, of Hoboken, in the State of New Jersey, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented a petition of the Tri-City Labor Congress, of Clinton, Iowa, praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of directors of the Citizens' National Bank, of Davenport, Iowa, praying for the enactment of legislation reducing the limit of population for reserve cities to 25,000 instead of 50,000; which was referred to the Committee on Finance.

He also presented a petition of Wesley Harding Post, No. 384, Grand Army of the Republic, Department of Iowa, of New London, Iowa, praying for the enactment of legislation to modify and simplify the pension laws; which was referred to the Committee on Pensions.

He also presented petitions of United Mine Workers' Local Union No. 201, of Brazil; of United Mine Workers' Local Union No. 1721, of Hilton; of Esther Lodge No. 352, Brotherhood of Railroad Trainmen, of Estherville, and of Local Union No. 553, United Mine Workers of America, of Centerville, all in the State of Iowa, praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

Mr. CLAY. I present a memorial of the Chamber of Commerce of Atlanta, Ga., and also a memorial adopted by the Atlanta Freight Bureau, of Atlanta, Ga., remonstrating against what is known as the Elkins bill, legalizing the pooling of freight. I ask that the memorials be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the memorials were referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Memorial adopted by the directors of the Atlanta Chamber of Commerce June 13, 1902.

Whereas Senator ELKINS has introduced in the United States Senate a bill which legalizes pooling of freight by the railroads of this country, which we believe would be greatly to the disadvantage of both shippers and producers: Therefore, be it

Resolved, That the directors of the Atlanta Chamber of Commerce are opposed to the passage of said bill, and the secretary is instructed to write our Senators and Representatives in Congress, asking them to use their best efforts for the defeat of the measure.

Resolved further, That the secretary be instructed to communicate this

action of the directors to other boards of trade and commercial bodies in this section and request them to take the same action.

Memorial adopted by the Atlanta Freight Bureau June 10, 1902.

Whereas, our attention having been called to a bill now pending in the United States Senate known as the Elkins bill, the purpose of which being to legalize pooling of freight by the railroads of this country, which we believe would be greatly to the disadvantage of both shippers and producers: Therefore, be it

Resolved, That the Atlanta Freight Bureau is opposed to the passage of said bill, and its traffic manager is hereby instructed to write Senators A. O. BACON and A. S. CLAY and Congressman L. F. LIVINGSTON, requesting them to use their best efforts toward the defeat of said bill.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. CLAPP. I present a paper, being a publication by Dr. Arthur MacDonald, specialist in the United States Bureau of Education, Washington, D. C., on the study of man and abnormal man with reference to bills to establish a laboratory for the study of the criminal, pauper, and defective classes. By mistake a part of the matter was omitted in Senate Document No. 400, this Congress, and I move that a reprint of that document be ordered and that this additional matter be included.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 3354) for the relief of G. W. Ratleff, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, reported it with an amendment.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, submitted a report to accompany the amendment heretofore reported by him from that committee and referred to the Committee on Appropriations proposing to appropriate $1,000,000 to pay in part the judgments rendered under act of the legislative assembly of the Territory of Hawaii by the Fire Claims Commission of that Territory for property destroyed in the suppression of the bubonic plague in that Territory in the years 1899 and 1900, intended to be proposed to the general deficiency appropriation bill.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners, reported it without amendment.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom were referred the amendments of the House of Representatives to the bill (S. 3653) for the protection of the President of the United States, and for other purposes, to report them back and recommend that the Senate nonconcur in the House amendments, and ask for a conference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate nonconcur in the amendments of the House of Representatives to the bill and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate: and Mr. HOAR, Mr. FAIRBANKS, and Mr. PETTUS were appointed.

BILLS INTRODUCED.

Mr. MCENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6168) for the relief of the estate of Joseph Gradengo, deceased;

A bill (S. 6169) for the relief of Alphonse Meuillon;

A bill (S. 6170) for the relief of Lucien Meuillon;

A bill (S. 6171) for the relief of Martin Guillory;

A bill (S. 6172) for the relief of Jean Baptiste Lazare;

A bill (S. 6173) for the relief of the estate of Alexander Lemelle, deceased; and

A bill (S. 6174) for the relief of the estate of Rigobert Lemelle, deceased.

Mr. BLACKBURN introduced a bill (S. 6175) for the relief of the legal representatives of Warren Mitchell, deceased; which was read tiwce by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6176) for relief of Mrs. A. E. Hardin; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 6177) to provide for holding an exposition in the city of Chicago from August 14 to September 14, 1902, for the purpose of endowing the Home for the Aged and Infirm Colored People, and showing the progressive growth of the negro since emancipation; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. QUARLES introduced a bill (S. 6178) to amend secttion 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902; which was read twice by its title, and referred to the Committee on the Census.

Mr. MALLORY introduced a bill (S. 6179) granting a pension to Green W. Hodge; which was read twice by its title, and referred to the Committee on Pensions.

DONATION OF CONDEMNED CANNON.

Mr. CLAPP. I introduce a joint resolution and ask that it be read.

The joint resolution (S. R. 117) authorizing the Secretary of War to deliver to Acker Post, Grand Army of the Republic, of St. Paul., Minn., 2 condemned cannon and 16 cannon balls for ornamenting burial grounds of deceased soldiers in that city, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, 2 condemned cannon and 16 cannon balls to Acker Post, No. 21, Department of Minnesota, Grand Army of the Republic, St Paul, Minn., for the purpose of ornamenting burial grounds of deceased soldiers in said city.

Mr. CLAPP. I ask that the joint resolution may lie on the table.

The PRESIDENT pro tempore. Should it not be referred to the Committee on Military Affairs?

Mr. CLAPP. Let it lie on the table. I would rather get the views of the Department at once, and then it can be taken up. It is a small matter, and there can be no question about it if the Department recommends it. If that can be done I should prefer that it be not referred to the committee.

The PRESIDENT pro tempore. The ordinary way is for the committee to refer it to the Department and the committee receives a reply, and then reports the bill.

Mr. CLAPP. I have found by experience that I can do that myself in about half the time.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the joint resolution may lie on the table. Is there objection? The Chair hears none.

PAYMENTS FROM CUBAN FUNDS.

Mr. TELLER. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Whereas it seems impracticable to prepare during this session of Congress an itemized statement showing the collection and disbursement of all funds for the whole period of the military occupation of Cuba; and

Whereas it is important that a statement be now made of the accounts hereafter named: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A full itemized statement of all payments made out of Cuban funds to any persons or corporations, if any, for the purpose of promoting "reciprocity" between the United States and Cuba, at any time during the military occupation of Cuba by the United States, and whether such payments were authorized or approved by the Secretary of War.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. Let it go over.

The PRESIDENT pro tempore. It will go over under the rule.

JOHN H. LAUCHLY.

Mr. DEBOE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

WM. J. DEBOE,
N. B. SCOTT,
PARIS GIBSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
RUD. KLEBERG,
S. W. SMITH,
Managers on the part of the House.

The report was agreed to.

DAVID M. M'KNIGHT.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3992) granting an increase of pension to David M. McKnight, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the sum proposed, insert "twenty-four;" and the House agree to the same.

J. H. GALLINGER,
WILLIAM J. DEBOE,
Managers on the part of the Senate.
A. B. DARRAGH,
E. S. HOLLIDAY,
Managers on the part of the House.

The report was agreed to.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

CLARA W. M'NAIR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1225) granting an increase of pension to Clara W. McNair; which was, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. TALIAFERRO were appointed.

CLAYTON P. VAN HOUTEN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; which was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TURNER were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 3800) to grant certain lands to the State of Idaho;

An act (S. 4071) granting an increase of pension to George C. Tillman; and

An act (S. 4927) granting an increase of pension to Hattie M. Whitney.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2497) to correct the military record of John P. Evans; and

A bill (H. R. 6405) removing the charge of desertion from the record of William Harig.

The bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 14919) relating to the allowance of exceptions was read twice by its title, and referred to the Committee on the Judiciary.

MISSISSIPPI RIVER BRIDGE IN MINNESOTA.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota to build and maintain a railway bridge across the Mississippi River, which was read twice by its title.

Mr. NELSON. There is a similar bill on the Calendar of the Senate, and I ask that this bill may take the place of the bill on the Calendar.

The PRESIDENT pro tempore. Without reference to a committee?

Mr. NELSON. Yes. There is a Senate bill exactly like it on the Calendar.

The PRESIDENT pro tempore. Does the Senator know that the House bill is identical with the Senate bill?

Mr. NELSON. It is an identical bill. I know it.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that instead of House bill 15004 being referred to a committee, it may take the place of an exactly like measure, the bill (S. 6079) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River, reported from the Committee on Commerce and now on the Calendar. Is there objection? The Chair hears none, and it is so ordered, and Senate bill 6079 will be indefinitely postponed.

LONDON DOCK CHARGES.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 1792.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

Mr. MCCUMBER. Mr. President, the last time this matter was before the Senate, those in favor of the bill desired the opponents to give some reason so that we could see what opposition, if any, the companies have against the proposed measure. I have listened to the arguments during the several days the bill has been before the Senate, but I confess I have heard nothing whatever as a defense to the proposition made by the bill brought in by the Senator from Minnesota.

We have been passing around the hat here for several days for a single fact in opposition to the proposition which is made. The conservative Senator from Connecticut [Mr. PLATT] simply bases his opposition upon the ground that we should go slowly; that we should be careful; that we might be infringing unlawfully upon the right to make contracts. In this he seems to be seconded by the Senator from Maine [Mr. HALE], but there has been nothing given to us from which we could see that we are running on dangerous ground or that we are liable to bring up any matter that will be harmful to the interests even of the companies themselves.

Mr. President, I can not see that this measure affects the question of the liberty of contract in any way whatever. It is one of the most common propositions in the world that any sovereign state or government has a right to determine what acts are against the public policy of that state. We have done it in our navigation laws before. I see no reason why we can not do the same thing in reference to them to-day. In every one of our States we have laws declaring what may be lawful in warehouse contracts, declaring what shall be unlawful in reference to provisions relative to public warehouses. We have the same even in reference to attorneys' charges, so that in most of our States it is unlawful in foreclosures of mortgages and otherwise to contract for a higher than a certain rate or percentage upon the amount involved.

Mr. President, Congress has supervisory power over interstate commerce and over foreign commerce. In its supervisory powers it certainly has authority to determine what is a discrimination. Congress is met to-day with these conditions. Here are certain companies that will take a load of lumber from, say, Duluth, through the lakes, through the North Atlantic ports to London and make certain charges over and above the freight charges. Another ship of the same company will take another load of lumber to Liverpool and they will not make those charges. Not only that, but the same company may send one of its vessels down to the Gulf ports and take another load of lumber from there and they will make no charges. Not only that, but we are met with a proposition which I do not understand is denied, that they will take lumber or grain to some ports and make no charges whatever for delivery, while when they take it to the port of London, although they load it on lighters and there is not one cent of expense in addition connected with it, they will nevertheless make a charge.

Mr. President, this bill simply prohibits that from being done. It prohibits it on the ground that it is the duty of Congress to prevent discrimination in ocean freight rates, and if this is not a discrimination I certainly would be pleased to have any Senator here explain to me what other mild name he would give to it. If it is a discrimination in our foreign commerce, there is no question about the right of the Government to deal with it, and, having that right, it seems to me but just and proper to make an absolute prohibition against it.

I should like to have anyone explain any sound reason why these freights, which are a discrimination between different ports of the United States and which are a discrimination between different foreign ports, in reference to our goods that are taken there, should not be eliminated from all contracts pertaining to ocean transportation. If there is any good reason to be given, I believe the Senate would like to hear it. If there is not, I certainly should feel disposed to vote for the proposition that is contained in the bill.

Mr. NELSON. Mr. President, I desire to repeat some of the things I have stated before. We come before the Senate asking for this relief in behalf of the shippers and producers of this country. I will state the grounds for our demand that relief be given.

First. By the general rules of maritime law the charge of

freight or the contract of affreightment, as it is called in legal parlance, the freight paid, covers not only the carriage of the goods, but their delivery. This is the general rule of maritime law applying in all cases. But by the custom and law prevailing at the port of London this matter is further strengthened and emphasized by the fact that under the law and regulations governing that port consignees are entitled to a free delivery of the goods on board of lighters and boats in the river, and if the steamship company, for their own convenience, instead of discharging the cargo direct by the side of the barges and lighters, see fit first to place it on the dock and then from the dock back into lighters again, in that case the law still provides that they must do it without any special charge.

As I stated before, there is something peculiar about the port of London. In all other ports when goods are landed on the dock from steamship companies they are carried away by land carriage. But in the port of London, which I may in brief say is a water port, of the goods landed on the docks the bigger share of them are immediately put back on barges and lighters for distribution in the city. The report of Mr. Choate as well as the hearings before the committee show that upwards of 75 or 76 per cent of all the goods discharged on the docks are taken immediately back on barges and lighters for distribution.

This charge of the steamship companies that they impose is not for the handling of the goods on the dock. It is for discharging the goods on the dock and putting them back on the lighters. If the goods are left on the dock by the steamship company and not put back into lighters, then they are subject to a charge of the dock company, and this bill does not interfere with that matter at all. If the consignment of flour, lumber, corn, oats or anything is discharged and left on the dock and not put back into barges and lighters it becomes subject to the charges of the dock company, which vary according to the commodity from 3s. 6d. up to 5s. a ton.

This bill does not propose to meddle with that. We simply insist that for the service of discharging cargo from the vessel on the dock and there back on the lighters the steamship companies shall not insist and claim an arbitrary and fixed charge. We say that that service is a part of the freight for which they are paid when they are paid for carrying the cargo. All we ask is to be put upon a footing of equality with all other consignments of goods by water to the port of London. Over 76 per cent of the goods entering the port of London by steamship companies are not subject to this charge. It is only found in the bills of lading of the steamship companies plying in the North Atlantic trade; that is, the ports of the Atlantic. It does not include even the Gulf ports.

If this clause was not inserted in the bills of lading that charge could not be enforced in London; the consignee or shipper would not be subject to the charge. But their courts over there hold that because the bill of lading contains that clause it overrides the common law and the act of Parliament, or, as the court puts it, they contract themselves outside of the common law and the act of Parliament.

The Senator from Connecticut [Mr. PLATT] said the other day that people ought to have the liberty to make such contracts as they see fit. As a general proposition I agree to that—there ought not to be any rule or regulation interfering with them; but where there is a combination among all the steamship lines plying in this trade, an ironclad trust or combination, the shippers are entirely helpless. They have got to accept that bill of lading or retain their goods. They are utterly and entirely at the mercy of the steamship companies.

We have many instances where the courts or where Congress turns in to relieve people against such combinations. Under the general power given Congress to regulate commerce, Congress has the power to regulate the instrumentalities of commerce. We have as much right to say in this instance, as we did at the time the Harter law was enacted, that these contracts shall not be valid. In the Harter law we forbade them to insert clauses in the bill of lading exonerating themselves from liability for their own negligence or the negligence of their servants. We said that a bill of lading containing any such exemption should be null and void, and here we ask that a bill of lading containing this London clause shall be null and void; that is, the London clause itself, not the rest of the bill of lading. We are applying exactly the same measure of relief, acting upon the same constitutional theory and on the same constitutional ground, as we did in the case of the Harter law.

It was not seriously contended before the Committee on Commerce, in fact, it was not intimated, that we had not the constitutional right and power to pass this legislation.

I want to call the attention of the Senator from New Hampshire [Mr. GALLINGER] to one fact. When this bill was before the Committee on Commerce—and I think it was there in all from first to last over two months, and we had a great many hearings—nothing of the kind was insisted upon as the Senator himself insists upon. I remember very well the other day how indignant the Senator got because the Senator from Arkansas intimated that the friends of the steamship companies had been very active in this matter. The Senator from New Hampshire got up very warmly and insisted that no one had approached him on the subject. The Senator was mistaken about one fact, and in that he was quite excusable. He was mistaken in the fact that there had been no hearings or no arguments made in behalf of the shipping interests before the committee.

Evidently—and I say it without intending to reflect on the Senator from New Hampshire in the least—evidently somebody has handed him that bill of lading which he brought here before the Senate. Who it was I do not know. There is one peculiarity about that bill of lading. It is in French. It is dated the 1st or 2d of February, 1902. It is in print and then diagonally across it in a rubber stamp, in purple, they have got a signed clause in similitude of the London clause. That is brought in here at this time, when we heard nothing of the kind before the committee. There was no intimation in any hearing before the committee that there was any such bill of lading used by the Oriental Steamship Company; but it is brought in here through the Senator from New Hampshire. I do not refer to this for the purpose of criticising the Senator. I know he is acting in good faith. I have not the least bit of fault to find with him. I only refer to this matter incidentally. I think, with all due respect to the Senator, he has been imposed upon, and that that bill of lading has been fixed up for the occasion, because we never heard of it before.

Mr. GALLINGER. Mr. President——

Mr. NELSON. But I acquit the Senator, as I said, of any intentional purpose here in this case to mislead the Senate. I think he is badly misled, as I was, and the rest of us.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I am somewhat astonished at the statements of the Senator from Minnesota. I would ask the Senator if he has any proof whatever that that bill of lading is not a legitimate bill of lading and that the impress on the face of it is not a genuine impress. The Senator intimates that there has been some fraud perpetrated. Mr. President, it is easy to make a charge of that kind. I should like to ask the Senator if he has the least earthly proof to sustain the allegation of fraud.

Mr. NELSON. My proof is only circumstantial. What proof has the Senator that that rubber-stamp clause on it is a genuine thing? I say to the Senator from New Hampshire that my circumstantial evidence is this: That the steamship companies were represented by their agents and attorneys—able men—and they covered every point of the case. He will find that in no case did the Oriental Steamship Company make any such claim as is claimed by this bill of lading.

Now, I do not want the Senator from New Hampshire to misapprehend me. I am not criticising him or finding any fault with his conduct in the matter—I think he has acted in good faith in the matter—but I am simply giving my candid opinion on that subject.

I see that the Senator from Massachusetts [Mr. HOAR] is not here, but I shall refer to nothing personal, so that it does not make any difference. The Senator from Massachusetts offered an amendment the other day which would absolutely destroy the bill. It would take the heart out of it. Every friend of this measure who believes in giving us relief ought to vote down that amendment. The Senator in that amendment insists, among other things, that there are expenses which the steamship company incurs in discharging the cargo that ought to be open to contract and an agreement to be paid.

What would the Senator from Massachusetts think if, upon a consignment of goods from Boston to Springfield of railroad freight, the railroad company were to impose an extra charge for placing the goods on the depot platform and also delivering them back into the carts and drays? They might just as well insert in the bill of lading of freight carried by railroads a clause requiring the shipper to pay a given amount of freight from Boston to Springfield, and then an additional amount for landing those goods on the platform and for delivering them from the platform of the railroad depot back into the train or the conveyance that takes them away.

We ask for this legislation, Mr. President, to be put exactly on a par with the other countries in the port of London. That is all the relief we ask in this case. Why should American products and American goods be penalized in the port of London? Why should the steamship companies oppose this if it was not because there is, to use a slang phrase, a big rake-off in it?

Mr. President, I shall not take up the time of the Senate any further than simply to state that the two amendments, the one offered on behalf of the junior Senator from Massachusetts [Mr.

LODGE] and the one offered by the senior Senator from Massachusetts [Mr. HOAR], are utterly destructive and would destroy this bill. If those amendments should be incorporated in the bill, they would render it utterly useless. They would utterly destroy all the vitality and force of the bill, and it would give no relief in the cases where relief is desired.

Mr. HOAR. Mr. President, I do not want to delay so important a measure at this late stage of this important session, but I wish very much that it might not be disposed of until my colleague returns. My colleague will be here, I suppose, to-day. He has conferred with very important interests in this matter in Massachusetts which are affected by the bill. I gave such attention to it as I did the other day because of my colleague's absence. I undertook to look into the matter and spoke to him about it and found he was looking after it. He went away quite overworked. As the Senate knows very well, he has had charge of very important matters indeed during the session. I suggest that the bill go over until to-morrow. I see there are but three Senators in their seats on one side of the Senate and very few on the other.

Mr. NELSON. Mr. President, I trust this bill will not be delayed. The bill has been on the Calendar since early in March. I have for three months persistently tried to get consideration for it, and I trust we can dispose of the bill in some way this morning.

The PRESIDENT pro tempore, The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GALLINGER rose.

Mr. HOAR. I made the request. I know it is pretty unreasonable to ask a Senator when a bill is once up to displace it in any way. If it is going to be debated, I will not press the request. I thought it might be debated to-morrow instead of to-day.

Mr. GALLINGER. I rise simply to say, Mr. President, that I have had no disposition to obstruct the consideratian of this bill. I think there is a great deal of misinformation about it, and I confess myself to not fully understanding what is aimed at in this measure. I think it ought to be discussed further on both sides. The Senator from Maine [Mr. HALE], who is not present——.

Mr. CULLOM. He is here.

Mr. GALLINGER. I beg pardon. That, then, obviates the necessity of my saying what I was going to submit. The Senator from Maine has I think, more particularly knowledge of the matter than some of the rest of us, and as he has offered some amendments I hope that they will be carefully considered.

I have only this to say: That the Senator from Minnesota, in season and out of season, has contended, and contended this morning, that this measure relates only to the port of London. Now, Mr. President, the Senator from Maine has offered an amendment restricting the measure to the port of London. I will ask the Senator from Minnesota if he is prepared to accept that amendment?

Mr. NELSON. Which amendment?

Mr. GALLINGER. Restricting it to the port of London, the amendment the Senator from Maine offered two or three days ago.

Mr. NELSON. I want to be as candid with the Senator as though I was in a camp meeting among Christian brethren. I have not anything to conceal. The only place we aim to get relief at in this case is against these iniquitous charges in the port of London.

Mr. GALLINGER. Mr. President——

Mr. NELSON. I wanted to make an explanation. I thought the Senator was through.

Mr. GALLINGER. I shall be glad to get it. I asked the Senator the question, whether he is prepared to accept the amendment of the Senator from Maine.

Mr. NELSON. I was going to make a statement on that subject, but if the Senator is not through I will yield to him.

Mr. GALLINGER. I shall be glad to yield for that purpose.

Mr. NELSON. I was going to state to the Senator the difficulties I have in mind. There are two things that occur to me in reference to the matter. First, would a bill of that kind, limiting it expressly to one port by name, be constitutional and valid? Would it not be held as a species of special legislation that could not be sustained by the courts?

Now, while the bill is general in its terms, not naming any particular port, it is special in this, that it defines certain classes of conditions, and aims to get relief against certain conditions that exist nowhere else except in the port of London. It aims to protect shippers against the imposition imposed by steamship companies such as are imposed by the London clause and nowhere else. It does not aim at any other case, I will say. I have looked into this matter, and I do not know of another port in the world, and none was brought to the attention of the committee, as you know, Mr. President, where the law and conditions are the same as in the port of London.

Now, another matter. This amendment limiting it to the port of London simply contains that provision. As it is incorporated in the bill it becomes a part of the Harter law. Section 5 of that law contains a limited penal clause providing for a fine in case they violate the law.

Let me ask the Senator from New Hampshire if he would be willing to admit that section of the Harter law in here as supplemental to this? I will read it. I want to say further, and I submit it to the consideration of the lawyers of the Senate, if a law limiting it in express terms to the port of London is constitutional and valid, that will be satisfactory to me. I should have no objection to limiting it to the port of London. This legislation does not aim at any other port at all.

The Harter law, to which this bill is amendatory, has the following section:

SEC. 5. That for a violation of any of the provisions of this act the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding $2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

Now, that is a part of the Harter law. The Harter law, as the Senator from New Hampshire remembers, prohibits their inserting certain clauses in the bill of lading and puts in that penalty. In the form in which the bill is it becomes a part of the Harter law and that section 5 would apply, but if you have it in an independent form, as this amendment is offered, it would not apply and there would be no penal clause to it.

Mr. GALLINGER. I will say for myself, in answer to the interrogatory of the Senator from Minnesota, I am quite willing to have that penal clause attached to the amendment offered by the Senator from Maine, and I trust the Senator from Maine will agree to it. The purpose of the amendment is not to amend the Harter Act, which relates to an entirely different subject, but to have an independent measure denying to a steamship company the right to put this covenant or agreement in their bills of lading as relates to the port of London.

I am very fully satisfied myself, Mr. President, that if that is done the men who are now complaining through the Senator from Minnesota will be glad to make terms within twelve months with the steamship companies, because it is a well-known fact that the large steamship companies can not unload as the small steamships used to do, and there will necessarily be charges that will be more onerous, in my judgment, upon the shippers than the shipper has to pay under that covenant or agreement.

I think it is proper that there should be a penal clause attached to the amendment the Senator from Maine has offered to the bill, and I certainly will cordially agree to it if the Senator from Maine will agree to it.

Mr. PLATT of Connecticut. Mr. President, my attention was diverted for a moment. I did not understand the proposition which was made by the Senator from Minnesota about a penal clause.

Mr. NELSON. I did not make any definite proposition. I said that if the bill is amended that penal clause ought to be put in. I still doubt the constitutional validity of an act that would expressly name one port.

Mr. PLATT of Connecticut. It seems to me that there is a very great difference between the Harter Act, if I understand what that is, and this proposed act, and I think that difference was recognized the other day in the remarks of the Senator from Wisconsin [Mr. SPOONER]. The Harter Act, if I understand it, was to compel the freighters or shipowners to observe the obligations to which common carriers are subject under the common law, and if they violate those, I can see the propriety of a penal section.

But this measure, I imagine, is entirely outside of that. It does not touch the question of the obligations of common carriers under the common law, but is with reference to a contract made between the shippers and the shipowners. I should think it would be going a good ways to say that they should not make a certain contract with regard to the disposition of goods after they get them to London and then impose a severe penalty upon them if they disregard it. I do not think that the two cases are similar or parallel.

Mr. HALE. Mr. President, by reason of the colloquy between the Senator from Massachusetts [Mr. HOAR] and the Senator from Wisconsin [Mr. SPOONER], I may say, as resulting from a flashing out from the contact of the two minds, the Senator from Massachusetts prepared a very reasonable amendment and offered it.

Certainly I can not see how anybody desiring to do nothing more than what is fair can object to the amendment offered by the Senator from Massachusetts. It simply, as I understood it when read, provides that the shipowner may include in his contract, which the shipper shall pay, all charges that the shipowner is obliged to pay in London or in a foreign port. Certainly it will be going very far, as is contended for on the part of the advocates of this bill, to say that there shall not be put into this contract

between the two parties a provision that the shipowner may provide a contract for the shipper paying what the shipowner is obliged to pay in a foreign port, and yet, as I understand it, when the Senator from Minnesota was appealed to, and his attention was called to the reasonableness of this amendment, he said it would destroy his bill. Well, then, clearly the bill is an extreme, a drastic, and an unreasonable bill. If it is a bill that will not stand such a provision, if it is a bill that will not stand an amendment so reasonable as that, then it is a bill that never ought to pass. I should like to ask the Senator from Minnesota, who has drawn the bill, if he can give the Senate any reason why the shipowner shall not be allowed to put into his contract a provision that the shipper shall pay to him what the shipowner has to pay in a foreign port?

Now, listen:

Provided, That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay, or for compensation for any service which he may agree to render.

I repeat that I should like to have somebody tell me, and tell the Senate, why, in a case of contract between two parties, each of whom is presumed to be able to take care of himself, the shipper consenting to a clause of this kind should not have it enforced? Why should we declare that a provision of that kind is against law and can not be enforced?

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield?

Mr. HALE. The Senator from Massachusetts [Mr. HOAR] suggests to me that this is not a case of our protecting somebody who is not capable of looking out for himself; it is not a case of protecting an innocent, unwary man who can not and does not read fine print; but it is a case of contract made between two sets of men, either of whom are as sharp, as keen, and as capable of caring for their own interests as any set of men in the United States. I will pit the millers and lumbermen of the West against the shipowners of the Atlantic coast. They do not need additional protection because of their innocence. They are not poor men. They do not come here in forma pauperis. They are entirely capable. They are doing an immense business and making great profits. The freight upon flour between Minneapolis and London has been cut down one-half within ten years, and the shippers have got the benefit of it. Their exports from here and their importations into London have increased nearly 50 per cent during that time. They do not come here to us under an atmosphere of misfortune and under a showing that entitles them to a statute that says in terms that when certain provisions are put in the contract and agreed to they shall not be enforced.

Again I say I should like to have somebody state why this provision should not not be incorporated:

That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay, or for compensation for any service which he may agree to render.

Mr. NELSON. Mr. President, I will just make one remark in response to that statement. All the legitimate charges involved in the matter of discharging the cargo can be included in the contract of affreightment with the steamship company.

Mr. HOAR. If the Senator will just put that in the bill, that will be sufficient.

Mr. NELSON. That is the principle of general maritime law, and I am surprised that the Senator from Massachusetts does not understand it.

Mr. HOAR. I suppose we both understand it. I was just trying to get some light from my honorable friend from Minnesota about this matter, and I will say to him——

Mr. NELSON. Let me state my own view of this matter, and you can then state yours.

Mr. HOAR. If the Senator will put into his bill what he has just stated to be the universal practice of maritime law, that will remove the whole difficulty.

Mr. NELSON. There is no sense in the Senator's suggestion, with all due respect to him. We do not interfere in this bill at all in the matter of contracts. They can make any contract they wish. If I want to ship a carload of lumber or a carload of wheat or a carload of flour, there is nothing in this bill to prevent the steamship company from exacting any rate of freight they please. We do not interfere with that. But it is a principle of maritime law that when you hire a steamship company to carry your goods from port to port the contract of affreightment includes the delivery and discharge of that cargo, and any reasonable charges that the steamship companies are entitled to make for discharging they can include in their freight charges.

Now, let me ask the Senator from Massachusetts—I will put a case, as the Senator was not in the Chamber when I spoke this morning—what would he think of a railroad company carrying a carload of freight from Boston to Springfield at a certain given charge if the railroad company should insert a Springfield clause in the bill of lading, so that in addition to the freight the consignee shall pay a certain fixed charge for delivering the goods from the cars to the platform of the depot and from the platform of the depot back into the car and carrying them away? That is exactly a parallel situation. The railroad company in their freight charges do this very thing. So in this case any expense entailed in discharging the cargo by the steamship companies they can include in their freight. There is nothing in the least to hinder that in this bill. Any charges they have to pay for hiring men to discharge the cargo or anything of that kind they can make a part of the contract of affreightment, and there is nothing in this bill to prohibit them from doing so. What we ask is that whatever charges are made shall all be included in this item of freight, so that when we send goods from this country to London we know what the freight is, and that is the end of it. This bill does not interfere with the matter of freight at all. That will be left as free as it is to-day. We do not interfere with it in the least.

We ask for the passage of this bill, because if this charge is made a part of the freight it will be subject to competition and fluctuate with the rate of freight. It is now an arbitrary and fixed charge, varying from 1s. 9d. to 2s. 6d. a ton in addition to the freight. They have raised it two or three times, and have threatened once more to raise it; and against this charge we object.

Mr. MITCHELL. If the carrier can cover the London terminal charges by increasing the freight charges, what benefit would the shippers derive if the dock charges were included as a part of the freight?

Mr. NELSON. At present it is not subject to any competition whatever. It is an arbitrary and fixed charge, and there is no competition about it; but if it is made a part of the entire freight charge, there is competition, and the consignee or the shipper has the benefit of it.

Mr. HALE. There is the same competition now.

Mr. NELSON. There is no competition now. What competition is there about the London dock clause?

Mr. HALE. Any company may say, if they choose, "We will adopt this clause, which has been in existence for years and has worked well, and we will charge so much less freight."

Mr. NELSON. It works well for the steamship companies, but it does not work well for the shippers.

Mr. HALE. The question of the Senator from Oregon [Mr. MITCHELL] was a pertinent one.

Mr. NELSON. I have answered it.

Mr. HALE. But your answer is that there is some competition now on freight.

Mr. NELSON. There is no competition under the London clause. It is an arbitrary and fixed charge.

Mr. HALE. But there is a competition on freight.

Mr. NELSON. Very well.

Mr. HALE. If there ever was competition on freight there is competition now.

Mr. NELSON. But there is no competition now under this London dock clause. The steamship companies made a combination, refused to receive goods, and refused to issue bills of lading unless that London clause was inserted. The lumbermen and millers can not build steamship lines of their own.

Mr. HALE. There is competition with these half dozen lines from Boston, New York, and Portland that are shipping flour. The Boston people can say, "We do not want to interfere with this general proposition, with this settled policy, with this London dock clause fixing the charges for unloading freight over side on to lighters and barges; we do not want to disturb that; we have carried your freight for so much less than the New York companies have carried it, enough less to offset the London dock charge," and if there is any competition now there will be just as much then. We will have to deal with the same men the Senator speaks of, the millers and the lumbermen of the West, as we have now; and there will be no more competition than there is now. The same men who make the agreements will hold to them then just as they do now.

I think the Senator's bill does not proceed on any broad ground, but on the one single ground that he desires to get this strong language agreed to, and he invokes the aid of Congress to protect men who, so far as I know, have always been well able to take care of themselves. They will not get a penny's benefit out of this bill if it is passed.

Mr. NELSON. Then why do you oppose it, if there is no profit in it for the shipowner?

Mr. HALE. I oppose it because for twelve years this arrangement in London has worked admirably to everybody. Instead of throwing the whole business open to the charges of dockmen, lightermen, bargemen, and everybody else, it is all concentrated at one place and paid by one party, and the ship going out and coming back will be three days quicker under this clause than she will be if it is repealed and she is thrown upon the mercy of everybody.

There is no over-side unloading now, as there used to be, and there ought not to be. There is a regular dock charge, which has been fixed, and if it were repealed the millers and lumbermen would be anxious to have it restored.

Mr. McCUMBER. Let me ask the Senator a question.

Mr. HALE. Certainly.

Mr. McCUMBER. Take a ship going into the port of Liverpool. Would she not be three days quicker in going to and returning from that port? Those charges do not have to be paid in that port.

Mr. HALE. They do. They do not call them London dock charges, but they are of the same nature.

Mr. McCUMBER. Then I have misunderstood the matter.

Mr. HALE. The Senator is wrong about that. They have the same charge at Liverpool, at Manchester, at Bristol, and at some other ports. They are precisely alike, although they are not called London dock charges.

Mr. NELSON. The Senator is utterly mistaken. There was nothing of that kind shown in the evidence before the committee.

Mr. HOAR. Mr. President, it seems to me the point is a very simple one, and the answer to my honorable friend's contention is a very simple one. He says why do they not have on the railroad from Boston to Springfield a provision that the railroad company may make Springfield charges in discharging the freight from the trains. The answer is that we control Springfield. That would be under United States law if it were interstate commerce, and under the law of the Commonwealth if it were State commerce.

Mr. NELSON. May I ask the Senator a question?

Mr. HOAR. Certainly.

Mr. NELSON. Do we not control, under the commerce clause of the Constitution, the matter of contracts made in this country?

Mr. HOAR. Certainly.

Mr. NELSON. Then can we not prevent the insertion in these bills of lading of a contract to pay the London dock charges?

Mr. HOAR. I understand all that. I hope the Senator will wait a moment and let me state my proposition. We do not control London. We can not say by act of Congress that when an American ship gets to London she shall not have to pay a certain dock charge, whether it is local or general. If the owner of the steamship has got to pay that dock charge, he is entitled to be reimbursed. That my honorable friend agrees to. There may be cases where a cargo of flour is taken in ballast—and we had to take a great many cargoes coming this way in ballast, cargoes of Italian marble and similar products, in former times—there the shipowner would get actually nothing from the shipper, though he would have to pay the dock charges; and he ought to be reimbursed. Now, my honorable friend says, "But you ought to put that in the freight." I agree to all that; but make your freight charge include it.

Mr. NELSON. If the Senator will allow me——

Mr. HOAR. I am answering the Senator's question, and I will answer it with his permission.

Mr. NELSON. I want to say to the Senator that there is no prohibition in this bill against including that in the freight.

Mr. HOAR. That is what I am myself saying, that there is nothing in this bill including it in the freight; and the Senator asks, Is not that fair?

Mr. NELSON. The Senator from Massachusetts misunderstands me.

Mr. HOAR. No.

Mr. NELSON. I say there is nothing in this bill prohibiting them from including it in the freight.

Mr. HOAR. What I meant to say was that there is nothing in this bill prohibiting the shipowners from including it in the freight. My honorable friend says, why is not that fair? The answer to that question of his is because the matter is contingent; it applies to one port, but does not apply to another; it depends upon an authority in London which we can not control, and therefore it is not fair to all shippers to have included a charge in the freight which the steamship owner may have to pay or may not; the only fair thing is to say that if he has to pay it, he shall be reimbursed, and if he does not have to pay it, he shall not be reimbursed. That is what we are contending for.

When I called his attention to that point and said if the steamship company has to pay this charge they ought to be reimbursed, my honorable friend from Minnesota said: "Certainly; my bill does not prevent that." Then the Senator from Wisconsin [Mr. SPOONER], a most excellent lawyer, who replied to some things which the Senator from Connecticut [Mr. PLATT] had said against the bill, looked at the bill and said he was afraid the bill does prevent that; that it does not mean what the Senator from Minnesota thinks it does. So the Senator from Minnesota agrees that his bill ought to have the exact principle for which I contend, and he thinks he has got it in now, but the Senator from Wisconsin says it is not in now. Therefore, all we want is to have the bill say clearly that it does mean just what my friend from Minnesota thinks it means, and what the Senator from Wisconsin thinks it does not mean. All I desire is to have it appear that if the owner of a steamship has to pay lawful charges or to employ lawful services he shall be reimbursed, and if he does not have to pay them he shall not be reimbursed.

Is it not fairer to allow the parties to agree to that than it is to say you shall make a charge in all cases which shall cover that, whether you have to pay these charges or not? That is all there is between us two.

Then there was some suggestion, which the Senator from Maine [Mr. HALE] very well answered, why we do not want fine print clauses in a contract of this kind which the parties do not understand. There is a great deal of sense in that suggestion, because such clauses are often found in contracts of life insurance with poor people and in contracts of fire insurance on the dwelling houses of poor people; but it is a very different thing when you come to these contracts with the great millers and shippers of grain in my honorable friend's part of the country—the Washburns, the Pillsburys, and the other gentlemen whose names are familiar to my friends here. They are the sharpest, wisest, most proficient, and most successful business men on the face of the earth. The idea of putting Mr. William D. Washburn or Mr. Pillsbury under guardianship and saying that they shall not be permitted to make a contract with a steamship company to carry a cargo of flour to Liverpool for so much, and saying "if you have to pay for certain wharf charges, you may charge that in addition." The idea of putting either of those gentlemen under guardianship, and saying he shall not be permitted to do that. While I will not say that anything my honorable friend says is not wise, I will say that I have heard him say a great many wiser things than that in the course of my acquaintance with him.

Mr. NELSON. I will ease the mind of the Senator from Massachusetts on one point, and that is as to Mr. Pillsbury, who has got beyond the realm of guardianship, and is now, I hope, in the realms of bliss.

Mr. HOAR. If he has got beyond the realm of guardianship and into the realms of bliss, he is not now in favor of this bill. I am quite sure of that.

The PRESIDENT pro tempore. There was an amendment offered to the bill by the Senator from Massachusetts [Mr. HOAR] which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following proviso:

Provided, That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay, or for compensation for any service which he may agree to render.

Mr. HALE. That is all right. I shall withdraw the other amendment so that this one may be voted upon.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR], which has been read. [Putting the question.] The "noes" appear to have it.

Mr. HALE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. KEARNS (when his name was called). I am paired with the Senator from Montana [Mr. GIBSON] and the Senator from Arkansas [Mr. BERRY], is paired with the Senator from Maryland [Mr. McCOMAS]. We have transferred our pairs, so that the Senator from Maryland will stand paired with the Senator from Montana, and the Senator from Arkansas and myself are at liberty to vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MITCHELL (when his name was called). I have a general pair with the Senator from Idaho [Mr. DUBOIS], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 9, nays 36, not voting 43; as follows:

YEAS—9.

Aldrich,	Gallinger,	Hoar,	Platt, Conn.
Burnham,	Hale,	Kean,	Wetmore.
Frye,			

NAYS—36.

Allison,	Deboe,	McLaurin, Miss.	Platt, N. Y.
Bacon,	Fairbanks,	McLaurin, S. C.	Quarles,
Bate,	Gamble,	McMillan,	Quay,
Berry,	Harris,	Mason,	Scott,
Blackburn,	Heitfeld,	Millard,	Taliaferro,
Burrows,	Jones, Ark.	Morgan,	Teller,
Clapp,	Kearns,	Nelson,	Tillman,
Cockrell,	Kittredge,	Perkins,	Turner,
Cullom,	McCumber,	Pettus,	Vest.

NOT VOTING—43.

Bailey,	Dietrich,	Hansbrough,	Penrose,
Bard,	Dillingham,	Hawley,	Pritchard,
Beveridge,	Dolliver,	Jones, Nev.	Proctor,
Burton,	Dryden,	Lodge,	Rawlins,
Carmack,	Dubois,	McComas,	Simmons,
Clark, Mont.	Elkins,	McEnery,	Simon,
Clark, Wyo.	Foraker,	Mallory,	Spooner,
Clay,	Foster, La.	Martin,	Stewart,
Culberson,	Foster, Wash.	Mitchell,	Warren,
Daniel,	Gibson,	Money,	Wellington.
Depew,	Hanna,	Patterson,	

So Mr. HOAR'S amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOOD ADULTERATION, ETC.

Mr. MCCUMBER. I move that the Senate proceed to the consideration of the bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Manufactures with an amendment in the nature of a substitute.

The Secretary proceeded to read the amendment.

Mr. JONES of Arkansas. I wish to ask what is before the Senate and how it is before the Senate?

The PRESIDENT pro tempore. This bill is before the Senate as in Committee of the Whole, it having been taken up on the motion of the Senator from North Dakota.

Mr. JONES of Arkansas. It has been taken up on motion?

The PRESIDENT pro tempore. It has been taken up on motion.

Mr. PLATT of Connecticut. What is its present condition?

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole, and the amendment reported by the Committee on Manufactures is being read.

The Secretary resumed and concluded the reading of the amendment, which is to strike out all after the enacting clause and insert in lieu thereof the following:

That for the purpose of protecting the commerce in food products and drugs between the several States and in the District of Columbia and the Territories of the United States and with foreign countries the Secretary of Agriculture shall organize in the Bureau of Chemistry of the Department of Agriculture a food and drug division and such other divisions as may be necessary to properly conduct the work of said Bureau. The Bureau of Chemistry shall have the direction of the chemical work of the Department of Agriculture and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and shall also be charged with the inspection of food and drug products, as hereinafter provided in this act. The Secretary of Agriculture shall make necessary rules and regulations for carrying out the provisions of this act, under which the Chief of the Bureau of Chemistry shall procure from time to time, or cause to be procured, and analyze, or cause to be analyzed or examined chemically, microscopically, or otherwise, samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from a foreign country, or intended for export to a foreign country. The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act and to make such publication of the results of examinations and analyses as he may deem proper.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated, mixed, misbranded, or imitated foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 3. That the Chief of the Bureau of Chemistry shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, duly authenticated by the analyst under oath.

SEC. 4. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 5. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal and external use. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 6. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form approved by the Secretary of Agriculture, as published in his rules and regulations, signed by the manufacturer or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts, to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this act. It shall be the duty of the Secretary of Agriculture, either directly or through the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this act.

SEC. 8. That every person who manufactures or produces for shipment

and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender, or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession. And in the presence of such dealer and an agent of the Department of Agriculture, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the Department of Agriculture.

One part shall be left with the dealer, one delivered to the chief of the Bureau of Chemistry of the Department of Agriculture, and one deposited with the United States district attorney for the district in which the same is taken. Said manufacturer, producer, or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the Department of Agriculture the sample in the hands of the district attorney may be analyzed at the expense of the said manufacturer or dealer by a third chemist, who shall be appointed by the president of the Association of Official Agricultural Chemists of the United States, and the analysis shall be conducted, if so desired, in the presence of a chemist of the Department of Agriculture and a chemist representing the dealer, and the whole data obtained shall be laid before the court.

SEC. 9. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 10. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated, the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

Mr. MCCUMBER. On behalf of the committee, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment which will be stated.

The SECRETARY. After the word "definition," in line 21, page 19, strike out the words "fourth of this section" and insert in lieu thereof the words "first of misbranded articles of food in this section;" so as to read:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

The amendment to the amendment was agreed to.

Mr. MCCUMBER. On page 20, line 21, after the word "to," I move to strike out the word "fix" and insert in lieu thereof the words "determine what are the highest;" so as to read:

It shall be the duty of the Secretary of Agriculture to determine what are the highest standards of food products, etc.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

Mr. MCCUMBER. Mr. President, I do not desire to make any further remarks upon this bill, except to call attention to one or two objections that have been made to it and to give a very short explanation of it.

This bill, I desire to say, has the approval of the Secretary of Agriculture and the Agricultural Department. Section 1 provides that the Bureau of Chemistry, which is already established in the Department of Agriculture, shall be organized into a pure food and drug bureau, or a division in that Bureau shall be organized which shall be known as the bureau of food and drugs. It also provides that this division is to inspect food and drug products either for the manufacturer or for the Department in the prosecution of its labors. It also provides that the Department of Agriculture may publish the results of its examinations.

We then come to section 7, to which there was some slight objection before the committee, but when we got through with our labors I received letters from those firms who had appeared in opposition to the bill, and I do not find any of them urging any objection whatever to the bill now as amended.

By section 7 the Secretary of Agriculture is to determine what are the highest standards—that is, if advisable, he is to make the determination. He fixes no standard absolutely, but that bureau is simply to determine for the information of the public what are the highest standards of food products, and also to determine the wholesomeness of preservatives and substances which are usually added to foods.

Now, how is he to do this? He is to call to his assistance the Chief of the Bureau of Chemistry, and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and not less than five physicians or experts (three of whom shall be from the Medical Department of the Army, the Navy, and the Marine-Hospital Service), and not less than five experts, to be selected by the Secretary of Agriculture, skilled in physiological chemistry, hygiene, and also experts in food, commerce, and manufactures. These experts are compelled to confer with and consult all duly accredited representatives of all food industries.

It also provides that the Secretary of Agriculture is to fix and determine these high standards——

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. MCCUMBER. With pleasure.

Mr. GALLINGER. If the Senator will permit me, as he is explaining this section, I should like to ask him what the Association of Official Agricultural Chemists is. Is it a voluntary association?

Mr. MCCUMBER. I wrote to the Department of Agriculture, which recommends this bill, for just the information the Senator desires, and I will read its statement:

The Association of Official Agricultural Chemists grew out of a movement inaugurated by Mr. H. J. Redding, now director of the Georgia Agricultural Experiment Station, who induced Hon. J. T. Henderson, commissioner of agriculture of the State of Georgia, to call a meeting of the agricultural chemists of the United States in May, 1880. This meeting was held in Atlanta and adjourned to meet later in the season, in Boston, in connection with the American Association for the Advancement of Science. This meeting took place in August, 1880.

A tentative plan of cooperation was agreed upon in these meetings, but for some reason the organization lapsed and no further meetings were called until the spring of 1884, when another meeting of agricultural chemists was held in Atlanta. This meeting adjourned to meet in Philadelphia, where, on September 8, 1884, a formal organization of the agricultural chemists took place, which has remained unbroken to the present time.

This organization was at once taken under the auspices of the United States Department of Agriculture, and since that period has been recognized as an important branch of the agricultural work of that Department. The proceedings of the association are published as bulletins of the Bureau of Chemistry of the Department, and the chief of that Bureau has been the permanent secretary of the association since 1889.

The constitution of the association contains, among others, the following provision:

"Chemists connected with the United States Department of Agriculture or with any State or national agricultural experiment station or agricultural college or with any State or national institution or body charged with official control of the materials named in section 1 shall alone be eligible to membership."

The clause of section 1 referred to relates to the investigation of fertilizers, soils, cattle foods, dairy products, and other materials connected with agricultural industry.

A list of the members who have attended the meetings of the society is found on pages 14 to 16 of Bulletin No. 57 of the Bureau of Chemistry of the Department of Agriculture. A historical sketch of the association up to 1899 is found in the same bulletin, pages 16 and following.

The association represents practically every chemist occupying any official position in the United States connected in any way with agriculture or agricultural products. The study of foods, both for man and beast, has been one of the chief functions of this association, and in order to secure definite and reliable ideas in regard to the composition of foods the association several years ago appointed a committee on food standards, a highly representative body, including members from every part of the United States who are experts on food investigations. The chairman of this committee, thus officially constituted and recognized as an official or employee of the Government, and holding as he does a commission from the Secretary of Agriculture, as special agent to study foods, is designated in this bill as one of the members of the commission to study the composition of foods, food standards, and the effect of preservatives, coloring matters, and other substances added to foods upon the health. The qualifications and credentials of such a member as this are of the highest character. The present chairman of the committee on food standards is Dr. William Frear, chemist and assistant director of the agricultural experiment station of Pennsylvania.

I think that answers the query of the Senator from New Hampshire concerning this association, and I have read it so that he may understand it quite fully.

Mr. GALLINGER. I notice that in addition to the chairman of that association and the Chief of the Bureau of Chemistry 5 physicians are to be appointed, 3 of whom are in the service and 2 of whom are not in the service, and 5 experts. Twelve distinguished scientists are to have charge of this matter of determining the standards of food, etc. But I do not find any provision in the bill for paying those men. I will ask the Senator from North Dakota how they are to get pay for their services. These five experts will be very high-priced men, and presumably the two

physicians, in addition to those who are in the service, are to be high-priced men. I take it the chairman of the association, the chief of the bureau, and the agricultural chemists will likely want some additional pay, and I do not find any provision in the bill for paying them. Perhaps there is some provision that I have overlooked.

Mr. McCUMBER. In answer to that I will say that those who are selected from the Army, the Navy, and the Marine-Hospital Service are persons who are already making a study of just the particular matters which will be important information to be given to the Secretary of Agriculture, and I suppose that the payments they are receiving now will compensate them for this additional service. In other words, they have a right to call upon these parties for this additional service.

Mr. GALLINGER. I had reference to the others, I will say, Mr. President.

Mr. McCUMBER. The others, who are to be selected by the President, I presume, will be paid out of the funds which are voted for the Agricultural Department for general deficiency purposes. I do not understand that these other five would be required to be called in on every occasion, but they may be called in to give advice. I presume that there is sufficient revenue and sufficient funds in the Department of Agriculture to pay them, as it now pays numerous assistants who are not specially provided for in any bill.

Mr. GALLINGER. I ask the Senator if that will likewise apply to the provision in section 1, where the Secretary of Agriculture is "authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act?"

Mr. McCUMBER. He has a right to employ them generally for the purposes of the Agricultural Department under the law as it now stands. I do not understand that this will add very materially to the expenses of the Department. In fact, I am informed by the Department that it will not, that they are already employing these chemists over the country, and they can utilize them for this purpose.

Mr. GALLINGER. Have we given the Secretary of Agriculture authority to employ an indefinite and unlimited number of chemists, inspectors, etc? If we have, I think it is rather an extraordinary stretch of authority to put in the hands of any head of a department.

Mr. McCUMBER. He is authorized at the present time to employ under the present law, as I understand it, such chemists as may be necessary. That he is doing. The Secretary of Agriculture has not abused the privilege that has been conferred upon him by the law in any excessive employment of chemists, and, as I said, I am informed they can use the same chemists they are now using throughout the country without any additional expense.

Mr. JONES of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. With pleasure.

Mr. JONES of Arkansas. I am not familiar with this bill. I have not had an opportunity to understand its details. I find in section 7 this provision at the beginning of the section:

> That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable.

Mr. PLATT of Connecticut. That has been changed.

Mr. McCUMBER. That has been changed by striking out the word "fixed." It reads:

> To determine what are the highest standards of food products.

Mr. JONES of Arkansas. When that determination is made, what is the result of the bill?

Mr. McCUMBER. Nothing, except that it is for the general information of the public. As I have stated before, section 7 may be entirely stricken out without in any way affecting the general character of the bill. Section 7 provides for the dissemination of general knowledge pertaining to pure and perfect foods. That is its object, and it has no further object.

Mr. PLATT of Connecticut. May I ask right on this point, is it supposed that the Secretary of Agriculture, in the way provided here, is going to fix and determine what is the best article of food that is sold and publish it to the United States. For instance, we have heard a great deal about baking powder. Is he to determine and tell us what is the best baking powder? There is a variety of such articles. Is he to fix and determine and publish to the country which is the best of all the different articles of food product which are pure? It is a pretty large power to place in the hands of any one man to advertise the food products of any concern in the United States as being the best products made in the United States.

Mr. McCUMBER. In answer to the query of the Senator I would say that that is not the intent nor any fair construction of the bill. In fact, we have sought to avoid anything of that kind.

Mr. JONES of Arkansas. How does section 7——

Mr. McCUMBER. If the Senator will pardon me a moment, I do not know that it increases the power given to the Secretary of Agriculture beyond what it is now. He can already determine what is the best kind of flour, what is the character of the best ingredients, and what a pure flour should contain. He can already determine what ought to be the highest standard, the different chemical constitutents of the highest character of, for instance, corn meal or of buckwheat flour. It is the same with sirup and the same with sugar. It does not add in any way to his present power in the dissemination of knowledge which he has already given to the public upon those matters.

Mr. JONES of Arkansas. I should like to ask the Senator how section 7 now reads. I think he said the provision that the Secretary shall fix the standard of food has been changed.

Mr. McCUMBER. It was done simply because there was a misunderstanding. The word "fixed" seemed to carry with it the idea that if a standard was determined to be a high standard everything else must come up to that or it would be illegal; and there is nothing of that kind in the bill.

Mr. JONES of Arkansas. I wanted to understand how the Senator proposes to change the section he says has been changed. I should like to know how it has been changed.

Mr. McCUMBER. It has been already changed.

Mr. JONES of Arkansas. How?

Mr. McCUMBER. By striking out the word "fixed," so as to read:

> That it shall be the duty of the Secretary of Agriculture to determine what are the highest standards of food products, when advisable.

Mr. JONES of Arkansas. It seems to me, then, that the question asked by the Senator from Connecticut is decidedly pertinent. If the Secretary of Agriculture is to determine which are the best classes of food there will be tremendous power in the hands of the Secretary of Agriculture in determining between rival manufacturers which has the best product.

Mr. McCUMBER. I suppose the Secretary of Agriculture may determine, and it would properly be his duty to determine, whether certain ingredients, even in baking powders, were injurious. If, after calling in all these experts, they decide that certain ingredients in baking powder are injurious to the health of the public, I suppose that some persons might suffer as a result of that decision, if, as a matter of fact, their food products when examined did not come up to that standard, or did contain ingredients injurious to the health of the people.

That is one of the objects of the bill. It is that the Secretary of Agriculture may determine with all of these, the best experts in the United States, what are the highest standards, and then all manufacturers will come up to that standard as near as possible. It does not make any of their products illegal, but all may be shipped from one State to another State.

Mr. PLATT of Connecticut. It does not make their products illegal, but suppose——

Mr. McCUMBER. I meant that it does not make the sale of them illegal.

Mr. PLATT of Connecticut. But suppose the Secretary of Agriculture, assisted by this board that he chooses of high medical officers and the association of expert chemists, and all that, should come to the conclusion that Pillsbury flour was the best flour in the United States and so advertise it. They immediately, if they got such a judgment as that, would advertise it, if the Secretary did not. They would say, "Our flour has received the sanction of this great board, which is provided by the Government, as being the best flour in the United States."

Mr. CULLOM. And comes up to the highest standard.

Mr. PLATT of Connecticut. And comes up to the highest standard. Would not that practically give them a tremendous advantage over all other flour manufacturers who might be producing flour which in some degree perhaps did not come up to the very highest standard? Now, take the matter of cereals.

Mr. McCUMBER. I can explain that, Mr. President.

Mr. PLATT of Connecticut. In just a moment. I want to take the matter of cereals. Here are a great many cereals—hundreds of them. Suppose that the Secretary of Agriculture with this board, which is provided, after laborious consideration and hearings, which are provided for here, shall determine that the best standard cereal in the United States is "H. O."

Mr. GALLINGER. Or Postum Cereal.

Mr. PLATT of Connecticut. Or Postum Cereal, or some of those foods which are advertised and sold. What a tremendous advantage that gives to the manufacturers of those foods! Ought we to put any such power as that into the hands of anyone.

Mr. McCUMBER. That is not all the way this bill works. Let me explain to the Senator. What will the Department of Agriculture determine, if they determine anything? They will determine what is the highest standard of flour. How will they determine it? They will simply say that a high standard of flour will be a flour that contains such a percentage of starch, such a percentage of gluten, such a percentage of lime, such a percentage

of water, etc., including all the ingredients, that a flour of that kind is most easily digestible, that it can be assimilated with the least injury to the system. They make that announcement after obtaining the best data that they can secure over the country. If any manufacturer has a flour that comes up to that standard, or nearest to that standard, naturally he would have an advantage. It is very probable that he would have an advantage, but it is right that he should have. That is what the public desire. If one flour is better than the other the public have a right to know that it is better than the other, and if——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MCCUMBER. I do not understand that there will be any one ready to speak on the unfinished business before 2 o'clock.

Mr. MORGAN. There are two or three.

Mr. CULLOM. I am up now for that purpose.

Mr. MCCUMBER. Will the Senator from Illinois yield to me for one moment?

Mr. CULLOM. Certainly.

Mr. MCCUMBER. I ask unanimous consent that this bill may be taken up and considered without limitation of debate after the routine morning business until disposed of.

Mr. ALDRICH. I object.

Mr. BATE. Mr. President, I object.

Mr. MORGAN. I shall be obliged to object to that request unless it is fixed after Thursday, because I find a number of Senators desire to be heard on the canal bill, which, of course, is a very important matter. So I shall be compelled to ask the Senate to take up the bill immediately after the routine morning business.

Mr. MCCUMBER. I shall be pleased to except the canal bill or any bill in the line of appropriations that it may be desired to take up in the morning hour.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. BATE] objected without any limitation.

Mr. BATE. And I object to continuing the discussion. Let the regular business be proceeded with.

Mr. MCCUMBER. I desire to give notice that after the routine morning business to-morrow morning I shall ask that the pure-food bill be considered.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MALLORY. Before the Senator from Illinois proceeds I desire to offer an amendment to the amendment of the Senator from Wisconsin [Mr. SPOONER]. I ask that it be read and printed. It is very brief.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 4, line 4, after the words "Sec. 4," strike out all down to and including the word "terms," in line 9, and insert in lieu thereof the following:

That should the President be unable, within six months after the approval of this act, to obtain for the United States, on reasonable terms, a satisfactory title to the property of the New Panama Canal Company and such control of and jurisdiction over the necessary territory of the Republic of Colombia, mentioned in sections 1 and 2 of this act, including the right to perpetually maintain and operate the Panama Railroad.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. CULLOM. Mr. President, I venture to give my views upon this subject with some degree of hesitation, first, because I dislike very greatly to differ with the distinguished Senator from Alabama, who for many years has been giving especial attention to the great question of securing an isthmian canal connecting the two oceans; and second, I have not forgotten that in 1894 I had the honor to deliver a brief address in this Senate in favor of what was then the only route that was considered, namely, the Nicaraguan route. I favored the construction of the canal through Nicaragua, not because I believed it was the best route that could be secured for such a canal, but because at that time it seemed to be the only practicable route over which the United States could construct the canal.

The Panama route was not then under discussion or consideration. A private French corporation had long before secured concessions from Colombia for the construction of a Panama canal, and such canal was actually being excavated. I did not suppose then, and do not think now, it would have been possible for the United States to have purchased the rights and concessions of the French corporation. Hence, as I have stated, there was only one available route over which the United States could construct a canal. So, Mr. President, with this explanation, I do not feel embarrassed by the fact that I advocated the Nicaragua route in 1894, and that I am now of the opinion that the Panama route is the most feasible one. If for any reason it is found that we can not secure a satisfactory title to the Panama route, then I am in favor of constructing the canal through Nicaragua.

I shall now proceed to the discussion of the question as to which of these routes we shall adopt. We are brought face to face at last with the proposition whether we will construct a canal at all, as both routes are now at our disposal and there is no longer excuse for delay.

QUESTION NOT A POLITICAL ONE.

Both political parties have indorsed the great work of constructing an isthmian canal. The Democratic party, in national convention assembled, indorsed the Nicaraguan route. The Republican party at its last national convention favored the construction of an isthmian canal. There is therefore no partisanship involved in this question. We are to perform a deliberate and unbiased duty in determining, in the interest of the success of the canal and in the interest of the American people, which route shall be selected.

HISTORY OF THE PROPOSED ISTHMIAN CANAL.

For years following the discovery of America it was thought that there was a natural strait across the Isthmus connecting the Atlantic and Pacific oceans. Columbus searched for such a strait and died in the belief that it existed, and until 1540, so generally was it believed that there was a natural waterway connecting the Atlantic and Pacific oceans through Central America, that it was so represented on all maps of the Western Hemisphere. Charles V of Spain early recommended to the Cortes the investigation of the Panama country with a view to the construction of a ship canal, but under his successor, Philip II of Spain, all efforts looking to the construction of a ship canal were abandoned, as Philip believed that the natural barrier was placed there by God and should not be removed by man. After Latin America threw off the yoke of Spanish rule, Bolivar, in 1825, took steps to have the Isthmus of Panama surveyed for the construction of a canal. The Panama route, over which it is now proposed to construct the canal, soon became an important highway of commerce, and has continued to be such for more than 400 years.

The United States early took an interest in an interoceanic canal. So far back as 1825 the subject was considered by that great statesman Henry Clay, then Secretary of State. The Republic of Central America first entered into a contract for the construction of a canal with an American citizen, A. H. Palmer, of New York, but Palmer was unable to raise the funds and the contract lapsed. In 1835 it was suggested by Central America that the United States construct the canal, and Presidents Jackson and Van Buren sent agents to Central America for the purpose of investigating possible routes, but without result.

In 1846 a treaty was entered into with New Granada (Colombia), which secured for the United States the right of transit across the Isthmus, and by which the United States guaranteed the neutrality of the Isthmus and of the canal if constructed.

In 1849 a concession was granted by the Nicaraguan Government, known as the Vanderbilt concession, to certain citizens of the United States for the construction of the canal, which was afterwards abrogated; but it was on account of this concession and certain claims of Great Britain to the territory at the terminus of the proposed canal which led to the signing of the old Clayton-Bulwer treaty of April 19, 1850, between the United States and Great Britain, by which the signatory parties joined in guaranteeing the neutrality of the canal when constructed by private capital. That treaty remained in full force and effect until the present session of Congress, when it was formally abrogated by the Hay-Pauncefote treaty. For more than half a century the Clayton-Bulwer treaty, negotiated with the belief that the canal would soon be constructed, proved an effective barrier against the construction of such a canal. Different attempts were made to abrogate it. By many it was thought not to be binding upon the United States, but these questions were happily set at rest by the ratification of the second Hay-Pauncefote treaty.

The Vanderbilt contract was in 1856 revoked because of noncompliance with its terms.

In 1848 New Granada entered into a contract with the Panama Railway Company, under which contract the Panama Railroad was constructed across the Isthmus, and was put in operation in 1855.

General Grant, in 1869, in his first annual message to Congress, called attention to the subject of an interoceanic canal connecting the Atlantic and Pacific oceans through the Isthmus of Darien, and stated that instructions had been given to our minister to Colombia to obtain authority for a survey by this Government, in order to determine the practicability of such an undertaking, and a charter for the right of way to build by private enterprise such a work, if the surveys proved it to be practicable. Further explorations were made, and in 1872, pursuant to a resolution of Congress, the President appointed an interoceanic canal commission, which spent some years in investigation, and finally, in 1876, reported in favor of the Nicaraguan route. As usual, however, no action was taken by Congress upon the report.

Under the Administration of President Arthur a treaty was negotiated with Nicaragua for the construction of the canal by and at the sole cost of the United States through Nicaragua. This treaty was in direct conflict with the Clayton-Bulwer treaty. It was not ratified during the Arthur Administration, and was immediately withdrawn by President Cleveland for reexamination, and in his first annual message to Congress he stated that he would not resubmit it to the Senate, stating, in part:

> Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own. * * *
>
> Therefore I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of the opinion that any scheme to that end, to be considered with favor, should be free from the features alluded to.
>
> Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection with the foreign state whose responsibilities and rights we would share, is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national policy or present means.

The Maritime Canal Company obtained concessions from Nicaragua for the construction of the canal, and that company was incorporated by act of Congress of February 20, 1889, and in June, 1889, the preliminary work for the construction of the canal was commenced by the Nicaragua Canal Construction Company, a Colorado corporation, who had entered into a contract with the Maritime Canal Company for the completion of the Nicaragua Canal. A couple of million dollars was spent by the company, but finally in 1893 the work was abandoned and the property forfeited to the Government of Nicaragua under the terms of its contract. Congress had been appealed to for aid by this company, and bills to that end were considered by Congress, but never became laws.

However, on March 2, 1895, an appropriation of $20,000 was made for the purpose of ascertaining the feasibility and cost of the construction and completion of the Nicaragua Canal. A board of three engineers was constituted by this act, to be appointed by the President, one from the Corps of Engineers of the Army, one from the Navy, and a civil engineer from private life, to make the surveys and examination necessary for such ascertainment. Said board was personally to visit Nicaragua, and make its report before November 1, 1895. The President appointed Colonel Ludlow, Civil Engineer Endicott, and Alfred Noble a board of engineers to make the investigation.

On October 31, 1895, this Nicaragua Canal Board submitted its report, which contains much valuable information and a large number of profiles of the proposed route, but which recommends that further investigations should be made, as, owing to the lack of funds and the short length of time at the disposal of the Board, a complete and thorough investigation was not possible; that for obtaining the necessary data for the formation of a final project eighteen months' time, covering two dry seasons, and an expenditure of $350,000 "will be required."

On June 4, 1897, $150,000 were appropriated for the purpose of continuing surveys and examinations of the Nicaragua route, and the President was authorized to appoint a commission, consisting of one engineer from the Corps of Engineers, one naval officer, and one engineer from civil life, to complete plans for the entire work of the construction of such Nicaragua Canal.

The President appointed as members of this Nicaragua Canal Commission Rear-Admiral Walker, Col. O. M. Carter (succeeded by Colonel Hains), and Prof. L. M. Haupt.

This Commission made its report on May 9, 1899, in which they concluded as follows:

> After giving due weight to all the elements of this important question, and with an earnest desire to reach logical conclusions, based upon substantial facts, the Commission believes that a canal can be built across the Isthmus on this route for a sum not exceeding that stated in the estimate.

Namely, $118,000,000. Professor Haupt estimated that it would cost $134,818,308.

It must be remembered that neither the Nicaragua Canal Board of 1895 nor the Nicaragua Canal Commission of 1897 were appointed to consider the Panama route. These Commissions were appointed for the purpose of reporting as to the Nicaragua route.

In 1899 the present Isthmian Canal Commission was appointed, under and by virtue of an act of Congress, to investigate both the Panama and Nicaragua routes; to which Commission and its report and recommendations I shall refer at length hereafter.

PENDING MEASURES FOR THE CONSTRUCTION OF THE CANAL.

There are three propositions now pending before the Senate for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The first bill, being the so-called Hepburn bill, which has twice passed the House, and has been favorably reported by the Committee on Interoceanic Canals of the Senate. This bill authorizes the President to acquire from the States of Costa Rica and Nicaragua control of such portions of territory as may be desirable and necessary on which to excavate and construct a canal from a point near Greytown, in the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, and appropriates $10,000,000 toward the project therein contemplated. This is the Nicaraguan canal bill.

The second bill is in form an amendment or substitute for the Hepburn-Morgan bill, having been introduced by the senior Senator from Wisconsin, and has been considered and reported adversely by the Committee on Interoceanic Canals. This amendment strikes out all after the enacting clause of the Hepburn-Morgan bill and authorizes the President to acquire, at a cost of $40,000,000, all property, etc., of the Panama Canal Company, of France, etc., providing a satisfactory title to said property can be obtained. It also authorized the President to acquire from Colombia, upon such terms as he may deem reasonable, control of sufficient territory for the construction of the canal. It then provides that the President shall direct the Secretary of War to excavate and construct, utilizing to that end, so far as practicable, the work heretofore done by the New Panama Canal Company, of France, a ship canal over what is known as the Panama route.

Section 4 provides that if the President is unable to obtain for the United States a satisfactory title to the property of the Panama Canal Company, and such control of the territory from the Republic of Colombia within a reasonable time and upon reasonable terms, that the President, after having first obtained similar control of the necessary territory from Costa Rica and Nicaragua for the construction of the canal, shall direct the Secretary of War to excavate and construct a ship canal over what is known as the Nicaragua route.

The third bill, which has been introduced as a substitute for the Spooner amendment by the senior Senator from Massachusetts, directs the President to cause to be excavated a canal from the Atlantic to the Pacific oceans by such route as may be selected by him, giving him authority to employ such agencies and obtain such advice as he shall find necessary, etc., and appropriating $10,000,000 to carry out the project therein contemplated.

This third bill gives to the President the whole discretion in the selection of a route. It gives to him more than executive authority. It confers upon him a power which should be exercised by Congress alone. The President, with this great responsibility upon him, would be very slow in making a selection. He would be called upon to consider routes which are no longer seriously considered. After years of investigation, I think all necessary information is now before Congress to enable us to make a proper selection. The Nicaragua and the Panama routes are now the only ones thought to be practicable. Congress should not shirk its responsibility. The time of the Executive is already sufficiently occupied with duties properly and legitimately executive, and to throw this great responsibility of the selection of a route for the construction of a canal costing $200,000,000, and possibly more, would be unfair to the Executive, and would be giving him responsibility which he has not sought and does not desire.

If the Spooner substitute is adopted the President will have placed upon him the responsibility of seeing to it that the Panama Canal Company conveys to the United States a satisfactory title and the making of a treaty with Colombia, securing to the United States the control of the necessary territory, which is as much responsibility and discretion as the President should be called upon to exercise, and any treaty negotiated by the President will be sent to the Senate for its consideration, touching the matters of jurisdiction and the zone of territory through which the canal may run.

The bill which passed the House, providing for the construction of the canal via the Nicaragua route, and the Spooner substitute, providing first for the construction of the canal via the Panama route, and if that is not practicable, then via the Nicaragua route, are now under consideration.

THE TWO ROUTES.

It seems to be pretty well settled that the Nicaragua and Panama are the only practicable routes for the construction of an interoceanic canal. There is much to be said in favor of both routes. We have for so many years been of the opinion that it would be impossible for the United States to secure title to the Panama route (that route having been in the hands of a private French corporation) that we had ceased giving the Panama any attention, and the popular idea has been the canal via Nicaragua and Costa Rica, and hence we have all, perhaps, been a little prejudiced in favor of Nicaragua.

I believe there are many convincing reasons why the Spooner substitute should be passed, and why the canal should be constructed over the Panama route, if a good title can be obtained

from the Panama Canal Company and the Government of Colombia. The principal reason on which I base my preference for the Panama route is the recommendation and reports of the recent Isthmian Canal Commission.

THE PANAMA ROUTE AND THE REPORTS OF THE COMMISSION.

Many measures have been considered by Congress looking to the construction of an isthmian canal via the Nicaragua route, either at the sole cost of the United States or by Government aid to private individuals. It was not until 1899, however, that any plan for a thorough investigation of both the Panama and Nicaragua routes was provided. In that year an item was inserted in the river and harbor appropriation bill appropriating $1,000,000, to be disbursed under the order of the President, for the purpose of defraying the necessary expenses of a complete investigation of any and all practicable routes for a canal across the Isthmus of Panama, particularly to investigate the two routes known, respectively, as the Nicaragua route and the Panama route, with a view of determining the most practicable and feasible route for such canal, together with the approximate and proper cost of constructing a canal. On the 10th day of June, 1899, the President appointed Rear-Admiral Walker; Lieutenant-Colonel Ernst; Colonel Hains; Civil Engineers Haupt, Noble, and Burr; Hon. Samuel Pasco; Prof. Emory R. Johnson, and Lieut. Commander S. A. Staunton a commission to investigate the various routes across the Isthmus, pursuant to the provisions of this act.

The Commission entered upon its duties immediately, and on November 30, 1900, made its preliminary report to the President. I shall refer to these reports seriatim, as I come to them. The work was divided by the Commission into an investigation of (1) the Nicaragua route; (2) the Panama route; (3) other possible routes; (4) the industrial, commercial, and military value of an interoceanic canal; (5) rights, privileges, and franchises. Thirty-one working parties were organized and sent into the field, 20 into Nicaragua with about 150 engineers and assistants, 5 into Panama with about 20 engineers and assistants, and 6 into the Darien country with about 50 engineers and assistants, making a force of about 250 sent from the United States, besides about 600 laborers and others employed in the different countries.

The Commission studied the reports and other writings upon the Nicaraguan route, visited Paris for the purpose of making a thorough study of all the details, maps, profiles, etc., of the Panama Canal scheme from its inception, visited the Kiel Canal, Germany, the North Sea Canal, Holland, the Manchester Canal, England, for the purpose of studying those canals. The Commission then visited Central America and reviewed the work done by the Maritime Canal Company, which at one time commenced the construction of the Nicaraguan Canal, and actually excavated about one-fourth of a mile, but finally abandoned the entire work and forfeited the property to the Nicaraguan Government. The Commission visited Panama and inspected the work of the Panama Canal Company. They found about 2,000 workmen engaged in the excavation of the Panama Canal, and found a railroad in full operation, which they valued at $7,000,000. The Commission visited other possible routes in the Darien country, but concluded that the Panama and Nicaragua were the only feasible routes. The preliminary report concludes:

The estimated cost of building the Nicaragua Canal is about $58,000,000 more than that of completing the Panama Canal, leaving out the cost of acquiring the latter property * * *

The New Panama Canal Company has shown no disposition to sell its property to the United States. Should that company be able and willing to sell, there is reason to believe that the price would not be such as would make the total cost to the United States less than that of the Nicaragua Canal.

II. The Panama Canal after completion would be shorter, have fewer locks, and less curvature than the Nicaragua Canal. The measure of these advantages is the time required for a vessel to pass through, which is estimated for an average ship at twelve hours for Panama and thirty-three hours for Nicaragua.

On the other hand, the distance from San Francisco to New York is 377 miles, to New Orleans 579 miles, and to Liverpool 386 miles greater via Panama than via Nicaragua. The time required to pass over these distances being greater than the difference in the time of transit through the canals, the Nicaragua line after completion would be somewhat the more advantageous of the two to the United States, notwithstanding the greater cost of maintaining the longer canal.

III. The Government of Colombia, in which lies the Panama Canal, has granted an exclusive concession, which still has many years to run. It is not free to grant the necessary rights to the United States, except upon condition that an agreement be reached with the New Panama Canal Company. The Commission believes that such agreement is impracticable. So far as can be ascertained the company is not willing to sell its franchise, but it will allow the United States to become the owner of part of its stock. The Commission considers such an arrangement inadmissible.

The Governments of Nicaragua and Costa Rica, on the other hand, are untrammeled by concessions and are free to grant to the United States such privilege as may be mutually agreed upon.

In view of all the facts, and particularly in view of all the difficulties of obtaining the necessary rights, privileges, and franchises on the Panama route, and assuming that Nicaragua and Costa Rica recognize the value of the canal to themselves and are prepared to grant concessions on terms which are reasonable and acceptable to the United States, the Commission is of the opinion that "the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States, is that known as the Nicaraguan route."

This is the first report made by this commission of nine.

Mr. MITCHELL. They made their report in 1899.

Mr. CULLOM. They made their report in 1899, I think.

Mr. MITCHELL. A preliminary report.

Mr. CULLOM. Yes; a preliminary report in favor of the Nicaragua route. I want it distinctly understood that from reading all these separate reports the Commission was all the time under the impression that they could not get the Panama Canal on reasonable terms.

Mr. MITCHELL. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). Does the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. Certainly.

Mr. MITCHELL. The question of the price at which the Panama concern could be bought, it seems to me, does not cut any figure in determining the question as to which is the better route.

Mr. CULLOM. Certainly not.

Mr. STEWART. What authority had this Commission to negotiate with either of the Governments through whose territory the canal would pass, or with the Panama Company? I thought they were to examine the routes and give us the engineering facts. I do not like their diplomatic reports. They seem to me to be bunglesome.

Mr. CULLOM. The Commission were not negotiating. They were simply endeavoring to ascertain, as they did finally ascertain, the fact that the Panama Canal Company was willing to sell out at a price which they thought the Government of the United States ought to give.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. CULLOM. Certainly.

Mr. FAIRBANKS. I will ask the Senator from Illinois if in the act authorizing this Commission it was not expressly provided, among other things, that it should ascertain the price at which the Panama Canal could be purchased?

Mr. CULLOM. Unquestionably. It was the duty of the Commission to run down every fact connected with both routes, and this they did.

Mr. MITCHELL. There is nothing in the act and nothing in the instructions of the President which authorized them to negotiate with the Panama Canal Company.

Mr. FAIRBANKS. I will ask the Senator from Oregon, if the Senator from Illinois will allow me, if one of the essential facts in determining the cost of constructing the canal would not be the price at which the work already done could be obtained from the Panama Canal Company?

Mr. CULLOM. The Commission could do nothing about it unless they could come to some definite understanding as to what they could get the property for; otherwise their whole mission, so far as one route was concerned, would have been a failure.

On November 16, 1901, the Commission made its second report to the President. This report is a most minute one, covering all the phases of an interoceanic canal. The Commission again recommended the Nicaraguan route as the most feasible as the situation actually stood then. But we must examine these conclusions to see why that route was recommended.

The Commission, in this report, concluded that the selection of the most feasible and practicable route must be made between Nicaragua and Panama. It reviewed the water-supply features, and concluded that they were satisfactory on both lines; that it would be necessary to construct a dam to obtain a sea level on both routes, and that both dams were practicable; that the present transportation facilities were inadequate on the Nicaragua route, while there was a railroad now in operation along the entire length of the Panama route; that there were no harbors at either end of Nicaragua, while there are such harbors at both ends of Panama; that, although with the completion of the harbors as planned one route would have little the advantage of the other, the chances are in favor of Panama; that, owing to the absence of harbors and railroads, the period of preparation at Nicaragua would be twice that at Panama, namely two years. The Commission estimated that the Nicaragua Canal could be constructed in eight years, with probable delays, while the Panama Canal could be constructed in ten years, with less probability of delay.

I am giving, Mr. President, all the facts on both sides of this controversy as I gather them from the different reports. So far as I am concerned, I am not pleading especially for any particular route except as I seem to be led to do so by an examination of both sides of the question.

The entire length of the Nicaraguan route from sea to sea would be 183 miles, while the total length of the Panama route would be 49 miles. The cost of constructing the Nicaragua Canal would be $189,864,062, while the cost of constructing the Panama Canal would be $144,233,358. The estimated annual cost of maintenance and operation of the Nicaragua Canal would be $3,300,000, while

the estimated annual cost of maintenance and operation of the Panama Canal would be two millions, or $1,300,000 annually less. The Panama route would be 134.57 miles shorter than the Nicaraguan route. The Panama route has less summit elevation for locks and 26.44 miles less curvature.

I want to say that I have been influenced in my conclusions and my judgment as to what I ought to do by the general proposition that the Panama Canal would be nearer the sea level than would the Nicaragua Canal, and the Panama Canal would have less curvature and would be only about one-fourth as long as a canal at Nicaragua. It has seemed to me that the shorter the canal was the surer the ships which had to use it would be to get through without accident. So putting these facts side by side, I could not resist the conclusion that it would be safer to build the canal at Panama.

The estimated time for vessels to pass through the Nicaraguan route is thirty-three hours, while for the Panama it is twelve hours.

My honorable friends say it takes longer to get to the entrance to the Panama Canal. That is true. You have the advantage on that score, as I have already shown. About a day could be saved by the Nicaragua over the Panama route between our Pacific and Atlantic ports, and two days between our Gulf ports and north Pacific ports. Between Atlantic ports and the west coast of South America the Panama route would be two days shorter, and between the Gulf ports and the west coast of South America the Panama route would be one day shorter. The construction of the Panama Canal would be along a highway of commerce in use for three hundred years, a railroad having been in operation more than fifty years. The construction of the canal via the Nicaragua route would be along a new route.

Existing conditions indicate hygienic advantages at Nicaragua, although equally effective sanitary measures must be taken in both cases. The Republics of Nicaragua and Costa Rica are untrammeled by existing conventions or treaty obligations, and are free to grant the United States the necessary concessions, while Colombia has already made concessions to the New Panama Canal Company, and if the canal is constructed via Panama these concessions must be removed before the United States could obtain proper title. The Commission stated that the total amount for which the Panama Canal Company offered to sell its canal property to the United States is $109,141,500, which would make the Panama Canal cost vastly more ($63,000,000) than the Nicaragua. The Commission estimated that the value of the Panama Canal Company's property was but $40,000,000. The Commission concludes its second report by saying:

> There are certain physical advantages * * * in favor of the Panama route, but the price fixed by the Panama Canal Company for sale of its property and franchises is so unreasonable that its acceptance can not be recommended by the Commission.
>
> After consideration of all the facts developed by the investigation made by the Commission and the actual situation as it now stands, and having in view the terms offered by the New Panama Canal Company, this Commission is of the opinion that the most practicable and feasible route for an isthmian canal is that known as the Nicaragua route.

This is the second finding in favor of the Nicaragua route.

Mr. FAIRBANKS. Will the Senator from Illinois allow me to interrupt him for a moment?

Mr. CULLOM. Certainly.

Mr. FAIRBANKS. The Senator from Nevada [Mr. STEWART] a few moments ago interrupted the Senator from Illinois and questioned the propriety of the Commission's negotiating for terms of purchase of the canal. I wish to read, bearing upon that point, just a paragraph of the act under which the Commission was appointed:

> And the President is further authorized to investigate and ascertain what rights, privileges, and franchises, if any, may be held and owned by any corporations, associations, or individuals, and what work, if any, has been done by such corporations, associations, or individuals in the construction of a canal at either or any of said routes, and particularly at the so-called Nicaragua and Panama routes, respectively; and likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route.

Mr. CULLOM. Unquestionably the authority was given to the Commission to do everything that could be done to find out in any way legally what the conditions surrounding each route were and which route, in their judgment, was the better.

On January 18, 1902, the Commission made its third report to the President, in which it communicated an offer by the Panama Canal Company to transfer all its property on the Isthmus and in Paris for $40,000,000. The Commission stated in reference to this offer:

> The advantages of the two canal routes have been restated. There has been no change in the views of the Commission with reference to any of these conclusions then reached, but the new proposition submitted by the New Panama Canal Company makes a reduction of nearly $70,000,000 in the cost of a canal across the Isthmus, and with this reduction a canal can be constructed at Panama for more than $5,500,000 less than through Nicaragua. The unreasonable sum asked for the property and rights of the New Panama Canal Company when the Commission reached its former conclusion overbalanced the advantages of that route, but now that the estimates by the two routes have been nearly equalized the Commission can form its judgment by weighing the advantages of each and determining which is the more practicable and feasible. * * * It must be assumed by the Commission that Colombia will exercise the same fairness and liberality if the Panama route is determined upon that have been expected of Nicaragua and Costa Rica.
>
> After considering the changed conditions that now exist and all the facts and circumstances upon which its present judgment must be based, the Commission is of the opinion that the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States is that known as the Panama route.

RECOMMENDATIONS OF THE COMMISSION HAVE NOT BEEN INCONSISTENT.

Now, Mr. President, I have quoted at length from the various reports of the Isthmian Canal Commission for the purpose of showing that the recommendations of that Commission have been perfectly consistent, and that the Commission has not "changed base," as is popularly supposed. In every report they clearly pointed out the advantages of the Panama route, but in the preliminary report the Panama Canal Company had shown no disposition to sell its property at all, and the Commission had to recommend the Nicaragua route. In the second report the canal company asked such an exorbitant price that the Commission could not recommend the Panama route over the Nicaragua route, when it would cost $60,000,000 more to build the canal by the Panama route. In the third report, when the Panama Canal Company offered to sell its property at the estimate which the Commission placed as its actual value, the Commission at once recommended the Panama as the most feasible and practicable route.

In addition, we have the sworn testimony of Commissioners Walker, Noble, Morison, Hains, Burr, and Ernst before the Committee on Interoceanic Canals, stating substantially that the Panama route is the best, and that they would have recommended that route in their first and second reports had the Panama Canal Company offered to sell its property for $40,000,000 in the first place.

Admiral Walker said:

> I think that the engineering features of the Panama route are better than those of the Nicaragua route, although both routes are feasible. I think if the French company had come forward with a direct offer and a reasonable offer for their property, the report itself would have been in favor of the Panama route.

Commissioner Noble said:

> On the basis of equal cost of the two routes, my preference would be for the Panama Canal.

Commissioner Morison said:

> Well, I can only speak for myself in that respect. I never should have signed any report recommending the Nicaragua route in preference to the Panama route except on the ground that I felt that the United States could not afford to be held up by a French organization.

Commissioner Hains said:

> If it had been a question of mere practicability and feasibility, uncoupled with anything else, I should have said that the Panama route was the most feasible; but coupled with this other condition, and seeing no prospect of getting a transfer, my idea was that the only practicable route was the Nicaragua route.

SANITARY CONDITIONS OF PANAMA.

It has been stated that the Panama route is "unhealthy," and that the completion of the canal via that route will result in terrible loss of life. But the testimony of members of the Isthmian Canal Commission does not entirely substantiate that statement. Admiral Walker testified that, while there was great loss of life in building the Panama railroad, and when they first went to work on the canal there was a good deal of sickness, the surface material from which this sickness is supposed to come has been largely removed, and of late years it is as healthy as anywhere in a tropical country; that as it stands to-day Nicaragua is a healthier route because there is no work of that kind being done and very few people to get sick, but when you get to turning up the ground there will be sickness there, as there would be anywhere.

Commissioner Noble testified:

> As far as present conditions are concerned—that is, present sanitary conditions—I think the advantage is altogether in favor of Nicaragua. When work is undertaken on either route the conditions will be less favorable, owing to the stirring up of the mud in the swamps and the soil; stirring up the soil anywhere increases the sickness beyond doubt. I should think that as the unfavorable conditions developed the aggravation would be greater, perhaps, in Nicaragua than in Panama, and what the total result would be under the new conditions I am not by any means certain, though I think the advantage would still be with Nicaragua.

Commissioner Morison:

> I think the diseases at Panama are very largely due to artificial conditions. The Isthmus of Panama has always been an unhealthy place. It has been inhabited for four hundred years, and I think you may say that there is not a water pipe or sewer on the whole Isthmus. * * * I think we know now how to handle the sanitary conditions at Panama. The first thing to do on the Isthmus is to get a supply of good water, and next dispose of sewage. With these two conditions met, three-fourths of the sickness on the Isthmus will disappear.

Commissioner Burr:

> I do not think there is any difference between the two routes (so far as health conditions are concerned) that is sensible. There is at Panama a great deal of sickness, but this is a line of continuous population from one ocean to the other. * * * On the Nicaragua route there is nobody there to be sick. * * * I believe that if a large force of laborers were put upon the Nicaragua Canal for its construction, and there were brought into that country the seeds of disease that have been brought into Panama, there

would be practically the same conditions to deal with at one place as in the other. It is equally malarial, naturally. The death rate of Nicaragua at Managua and other towns is appallingly high.

VOLCANOES AND EARTHQUAKES.

But there is another material fact why the Panama route should be selected, and that is the danger to the canal, if constructed through Nicaragua, from volcanoes. The terrible lesson which we have witnessed in the recent destruction of St. Pierre, by a volcano long supposed to be extinct, will not soon be forgotten by the world. There are said to be many volcanoes in the vicinity of the Nicaragua route, most of them supposed to be extinct. The fact is the whole Isthmus between North and South America is a volcanic region—perhaps the most noted volcanic region in the world. There are three volcanoes in Lake Nicaragua itself, one or two of which are still said to be active. As I understand it, there are no volcanoes near enough to the Panama route to be considered dangerous. These volcanoes within the vicinity of Nicaragua, or in Lake Nicaragua, may never become actively destructive, and again they may. This is not within human knowledge to foretell. But the fact that there are one or two active volcanoes in Lake Nicaragua should have very great weight in the selection of the Panama route.

Both Nicaragua and Panama are subject to earthquakes, but in neither country has any great destruction resulted from them. The Isthmian Canal Commission concludes that there is very little danger from earthquakes, the works of the canal being underground, the dams being low, with broad and massive foundations.

The dangers from volcanoes and earthquakes are of course merely speculative. In either route there seems to be danger from earthquakes; but by selecting the Panama route we can, at least, avoid the possible danger from volcanoes. However, if it is found that we can not obtain a good title from the Panama Canal Company or the Government of Colombia, we will go ahead with the construction of the canal along the Nicaragua route, and take whatever risk there may be from volcanoes. The two routes being equally dangerous in some respects, the whole country being a volcanic region, we should first attempt to construct so great a work in the least dangerous portion of a dangerous country.

CONGRESS SHOULD BE GOVERNED BY RECOMMENDATION OF COMMISSION.

Mr. President, it seems to me that our action in the selection of a route should rest largely with the recommendation and report of the Isthmian Canal Commission. I confess that if I myself believed the Nicaragua route was the better, I should hesitate very greatly before I would throw my judgment against that of a commission composed of such men as reported in this case. The integrity of the members of that Commission has not and can not be successfully questioned. Among the members of the Commission are able and experienced engineers and Army officers, selected by the late President, not on account of any political reasons, but on account of their ability alone, having no possible interest in any particular route.

That Commission was created by act of Congress to make this investigation and report. We appropriated a million dollars to secure that investigation and report. That Commission has spent more than two years in making as thorough an investigation of the Isthmus, and of both the Nicaragua and Panama routes, as it was possible to make. That Commission has made a unanimous report in favor of the Panama route, and I can not see how Congress can now very consistently select any other route, especially when that report and recommendation are sustained by convincing and unanswerable reasons.

THE PANAMA ROUTE SHOULD BE SELECTED.

We are called upon to choose between a route 183 miles long and one 49 miles long; between a route costing $189,000,000 and one costing one hundred and eighty-four millions; between a route which will annually cost $3,300,000 to operate and maintain and one that will cost two millions to operate and maintain; between a route that will take but twelve hours to navigate and one that will take thirty-three hours; between a route that has been a highway of commerce for three hundred years and one that has never been used; between a route the entire length of which there is now in operation a ralroad worth $7,000,000 and a route with no transportation facilities.

I think, Mr. President, for all these reasons, that the Panama route should be selected.

Now, Mr. President, I have gone over the reasons why I think the Panama route is preferable to the Nicaragua route. Notwithstanding, however, any superiority which Panama possesses over Nicaragua, there remain two absolute conditions which must be complied with to the entire satisfaction of the United States before the Panama route is finally selected, even if Congress shall legislate in favor of the Panama route. These two conditions are:

I. The Panama Canal Company must convey to the United States a satisfactory title.

II. A convention must be entered into with Colombia giving to the United States permission to construct the canal through Panama, and a satisfactory control of it when constructed.

If either of these conditions can not be complied with the Panama route should be rejected.

TITLE OF THE PANAMA CANAL COMPANY.

As to the first condition, namely, the conveyance of a satisfactory title to the United States by the Panama Company, the Panama Canal Company must not only do this, but it must be made absolutely sure at the same time that there can be no possible legal right for a claim on the part of the stockholders of either the old or new Panama Canal Company against the United States on account of the transfer of the property of that company to the United States. I wish to emphasize that statement. So far as I am concerned I want it distinctly understood that whatever route we agree upon there must not be, if I can help it, any future trouble in reference to it. We must have a clear title and must not be annoyed for the next hundred years by claims from Paris or anywhere else.

I assume that the Panama Canal Company can convey a satisfactory title to its property to the United States. The title of the Panama Canal Company has been very elaborately discussed in the report of the Committee on Interoceanic Canals of the Senate. The majority of the committee argued that the Panama Canal Company can not convey a satisfactory title to the United States, while the minority maintained that it can.

I do not think it is necessary that we should enter into a discussion of that question now, because if the Spooner amendment is adopted, that title, whatever it may be, will be given a close, careful, and exhaustive examination by the responsible law officers of the Government before the offer of the Panama Canal Company is accepted. If the title is found not to be satisfactory for any reason whatever (and this is left largely within the discretion of the President), then the offer of the Panama Canal Company will be rejected and the President will direct that the canal be constructed by the Nicaragua route, providing, of course, a satisfactory arrangement can be made with Nicaragua.

PROPOSED TREATY WITH COLOMBIA.

As to the second condition, namely, a satisfactory treaty with Colombia, I desire to say generally that the country through which this canal is constructed, whether it be Panama or Nicaragua and Costa Rica, must give to the United States such jurisdiction and control over the zone of territory through which the canal shall run as will positively preclude any interference or control by either of those countries. The United States must have the control and protection of its canal.

I do not apprehend that there will be much difficulty about securing a satisfactory treaty with Colombia. The relationship between the United States and Colombia has always been exceptionally friendly. By the treaty of commerce of 1846 between the United States and Colombia, the United States was given the right of transit across the Isthmus of Panama upon any modes of communication then in operation or that might thereafter be constructed, including a canal, if such a work should be constructed, on the same terms and conditions as citizens of Colombia, or New Granada, as it then was. The United States, by this convention, guaranteed the neutrality of the Isthmus and the canal, should one be constructed.

Colombia has recently signified its willingness to grant the most liberal concessions to the United States.

In a note to the Secretary of State, dated March 31, 1902, the Colombian minister, speaking in behalf of his Government, assures us that—

> If the people of the United States evince an earnest desire that their Government apply its energy and Treasury to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work; extend facilities in all the ports of the Republic for cooperation in the work of the enterprise, relinquish her proprietary and usufructary rights in the Panama Railway, and, lastly, forego a fixed participation in the proceeds of the canal, confining her demands to fee of annuity for the price of the zone, the revenues of the railway and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

The minister from Colombia has submitted a memorandum of points to be embodied in a convention for the construction and management of the canal.

That proposed convention stipulates for the transfer of the property of the New Panama Canal Company to the United States. It provides that the United States shall have the exclusive right to excavate, construct, maintain, operate, control, and protect a maritime canal, and also the same rights for the construction, maintenance, operation, control, and protection of railway, telegraph, and telephone lines, canals, dikes, dams, reservoirs, and such other auxiliary works as may be necessary and

convenient for the construction, maintenance, protection, and operation of the canal. It gives to the United States the use of a zone of territory along the route of the canal, 5 kilometers in width on either side thereof, for a term of one hundred years, renewable at the option of the United States for periods of similar duration.

I shall not go over in detail this memorandum. If we find that it is not correct in all its details, and that it will in any way hamper the United States in our control and protection of the canal, we can amend it; and whatever those amendments may be, if they are reasonable and fair, I do not believe we will have any difficulty in inducing Colombia to accept.

As was stated in the letter of William Nelson Cromwell, general counsel for the New Panama Canal Company, speaking for the minister of Colombia in reference to the proposed convention:

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner, the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

The United States, in my opinion, will have very little trouble in securing practically any reasonable concessions that we may desire from Colombia. Colombia, of course, wants an interoceanic canal constructed through Panama, and she certainly must appreciate now that she can never hope to obtain such a canal until a great country like the United States, with unlimited capital at its disposal, shall undertake to construct it. It is therefore to her interest to give the United States all the concessions we may desire, and we shall certainly never spend these millions of dollars unless we can obtain a treaty satisfactory in every respect.

PROPOSED TREATIES WITH NICARAGUA AND COSTA RICA.

Protocols between the United States and Nicaragua and Costa Rica were signed on December 1, 1900, by which Costa Rica and Nicaragua, respectively, agreed with the United States to enter into negotiations with the United States to settle the plan and the agreements in detail found necessary to accomplish the construction of a ship canal via Costa Rica and Nicaragua, and to provide for the ownership of said canal when the President of the United States is authorized by law to acquire control of such portion of the territory of Nicaragua and Costa Rica, respectively, as may be necessary on which to construct such a ship canal. These protocols were signed when the first Hay-Pauncefote treaty was pending in the Senate, and both provide that the course of said canal and the terminals thereof shall be the same that were stated in that treaty. A draft of a proposed convention with Nicaragua has been agreed to, and is found in a report submitted by the Senator from Alabama on May 26, 1902.

By this proposed convention with Nicaragua, the United States is leased in perpetuity the exclusive right to construct, own, and operate a ship canal through the territory of Nicaragua, and the United States guarantees in perpetuity the sovereignty, independence, and territorial integrity of the Republic of Nicaragua.

If the canal is constructed over the Nicaragua route, the United States will be obligated to pay to Nicaragua $6,000,000 in cash, and an annual rental of $25,000 in gold for the possession of the territory perpetually leased.

In addition to this, it appears from an extract of a message from the President of Costa Rica that the United States must pay to Costa Rica in cash $1,500,000 for the use of such portion of the territory of that country for canal purposes (whether we will be required to pay rent thereafter does not appear), and that Costa Rica will have to amend her constitution before she can enter into the proposed treaty with the United States. Costa Rica is, therefore, not in a position to enter into treaty with the United States, and may not be able to amend her constitution for several years, if at all.

From a report presented by the Senator from Alabama, it would appear that we will have to pay Costa Rica $1,000,000, and $10,000 annually as rent.

COMPARISON OF RENT TO BE PAID BY THE UNITED STATES.

So, Mr. President, if the canal is constructed over the Nicaragua route, we must pay immediately in cash $7,500,000 to Nicaragua and Costa Rica and $25,000 annually to Nicaragua, and perhaps some rent to Costa Rica.

If the canal is constructed by the Panama route, it appears from the proposed convention with Panama that we will immediately be obliged to pay to Colombia $7,000,000 in cash, and fourteen years thereafter a fair and reasonable annuity. In other words, we must pay $7,000,000 in cash, no rent for fourteen years, and thereafter a fair and reasonable annuity, to be agreed upon three years before the expiration of said fourteen years, said annual rental to be fixed once in each one hundred years. If the parties are unable to agree as to said annuity it is to be determined by arbitration. The proposed treaty with Colombia further provides:

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia, and also the advanced payment of $7,000,000, and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

So, Mr. President, if we accept the Panama route, our first payment will be $500,000 less than if we accept the Nicaragua route. What will be our annual rental for the use of the Panama territory can not now be determined, but the conditions of the proposed treaty with Colombia are such that we are amply protected against being compelled to pay an unreasonable or exorbitant rent.

Mr. HARRIS. Will the Senator from Illinois allow me?

Mr. CULLOM. Certainly.

Mr. HARRIS. Has the Senator taken into consideration the necessity also for supplying the cities of Panama and Colon with waterworks, which is required by the Colombian Government?

Mr. CULLOM. I believe the suggestion of a treaty requires that, and if we should agree to it it might cost us something additional. But all this, so far as an absolute agreement is concerned, will be for future consideration, first, by the President and the Administration in making the agreement, and after that it will come to the Senate for consideration and approval or amendment, as we see proper. I merely narrate the cash payments——

Mr. HARRIS. The other is immediately contemplated.

Mr. CULLOM. The other, of course, would come in for consideration, and I have no doubt if it should be agreed that we should supply those cities with water it would be a very easy thing to do with our facilities.

Mr. HARRIS. It is not at all any easy thing.

Mr. CULLOM. It is not an easy thing? The Senator from Kansas is an engineer and has been upon the property, and I have not. I supposed it would not be a difficult thing, but whatever it is, if it is agreed to by the Government, we will adhere to it.

I assume that we will have to pay greater annual rent for the Panama route than for the Nicaragua, but in this connection we must not lose sight of the fact that it will cost us annully $1,300,000 more to operate and maintain the canal via Nicaragua than via Panama.

CONCLUSION.

For the reasons I have given I am in favor of the adoption of the SPOONER amendment, which insures the construction of the isthmian canal, first, by the route that I believe to be the best one, namely, the Panama, and if not via that route then by the only available remaining route, the Nicaragua.

Mr. President, I have given my views in connection with the historical statement of facts in relation to the canal. I have done it not as a partisan of one line or the other. I merely assert as my conclusion, which will govern the casting of my vote, that we are safer in adopting the Panama route than we would be in adopting the other, because you will get a shorter route, less liable to become involved or in trouble; and it is more feasible for vessels to go through the Panama route, because it will take so little time to get through. Altogether, it seems to me that we ought to adopt that route.

Mr. KITTREDGE. Mr. President, it is not my purpose to discuss the relative merits of the Panama and Nicaragua routes. The fact that the Isthmian Canal Commission unanimously recommended the adoption of the Panama route presents an argument unanswered and unanswerable. This recommendation covers all matters of construction, including the Bohio Dam, which the Senator from Kansas has seen fit to criticise. Nor is it my purpose to discuss, at this time, at any rate, the legal questions involved in the title of the New Panama Canal Company. The records of the French courts and the French laws before the Senate and the testimony before the committee of Senator Pasco, a member of the Commission charged with the special duty of investigating this subject, establish the sufficiency of that title. I have nothing to add to the statement of the views of the minority of the subcommittee on legal questions, which I signed. I propose now to point out only certain other matters of the highest importance which have been overlooked or misapprehended.

In all the discussion of the question of the route to be chosen for an isthmian canal, both in Congress and outside of it, there has been, on the part of the advocates of the Nicaragua route, an extraordinary assumption that if that route should be selected the necessary concessions from Costa Rica and Nicaragua were assured, the work of construction could be begun without delay and no legal questions or complications would be met. It has also been assumed that the Commission's estimate of the cost of the Nicaragua Canal covered every item of expense, as it does in the case of the Panama Canal, and that the difference of about $5,000,000, shown by the Commission between the cost of the two canals, represented the total additional expense which we should incur if we adopted the Nicaragua route.

The Senator from Washington, starting with this assumption, even attempted to go further and to show that it was the estimates for Panama which did not cover all items of expense.

These assumptions are clearly erroneous. They must be corrected and the true situation must be understood before we can be in a position to appreciate properly the relative advantages of the two routes, with respect to concessions, legal difficulties, cost, and the time within which a canal by either route may be begun and may be completed. In fact, as the documents before the Senate show, in respect of all these matters the situation is far clearer, simpler, and plainer as to the Panama route than as to the Nicaragua route, and a canal by the latter route will cost not merely five, but an indefinite number of millions more than at Panama.

At Panama the whole route lies within the territories of one State—the Republic of Colombia. A form of treaty has been submitted by the Government of Colombia, not as a finality, but as a basis for negotiation, and we have no reason to doubt that, with the readiness which that Government has shown, a satisfactory treaty can be finally made. This will settle, by one instrument, everything concerning concessions and control, and there is no reason to expect any delay in reaching a result.

There has been criticism of the terms of the treaty proposed by Colombia which must receive consideration in any final negotiations. But two things must be borne in mind. One is that any treaty before it becomes a finality must be submitted to the approval of the Senate, and therefore neither this body nor the United States can be considered committed to any terms of a mere proposal which has not been so submitted. The other is that this proposal of Colombia was made without her being able to obtain any information from any authorized officer or agent of this Government of its desires or expectations.

In a letter to the Secretary of State by the counsel of the New Panama Canal Company of March 31, 1902, prepared at the request of the Colombian minister and submitted with the treaty, he says, for the minister:

> But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

And in his own letter of the same date the minister says, upon the question of the sum to be paid, which was so much a subject of concern to the Senator from Washington:

> Colombia has no lust of unjust gain through the construction of a canal in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. (Senate Doc., May 16, 1902.)

The Secretary of State has taken the position always that, in advance of authority from Congress, he could not even negotiate upon the subject; he could only receive and transmit to Congress whatever proposals or suggestions Colombia chose to make. The submission of this form of convention under such circumstances is a proof of Colombia's good will, and the accompanying communications show the liberal spirit in which she is prepared to take up the subject whenever any officer of this Government is authorized to negotiate. More she could not do, and it is impossible from her action to infer anything but the most reasonable desire to satisfy our just requirements. And if we make a treaty with Colombia we have no other power to consider and no other agreement to obtain.

Upon the Nicaragua route the situation is very different. There we must deal with two countries—Nicaragua and Costa Rica. It has been recognized that our control must extend over a belt at least 3 miles in width on each side of the axis of the canal. For a long distance in the eastern part of the route the projected canal lies either in the San Juan River, which there forms the boundary between Nicaragua and Costa Rica, or so near it that the 3-mile strip to the south of the canal will lie wholly, or almost wholly, in Costa Rican territory. The very foundations of the Conchuda Dam, the key to the whole eastern division of the canal, must be laid half in Costa Rican soil, and the construction of that dam will flood great areas of Costa Rican territory.

Of the 54 sluice gates required in connection with the dam, 32 are to be in Costa Rica, and the Commission says:

> A portion of the dam across the river and the swamp on the Costa Rica side, for a total distance of 731 feet, will consist, below low water, of caissons placed close together, with the joints between them sealed. * * * Core walls extend 100 feet farther on the Costa Rica side and 240 feet on the Nicaragua side. (Rept., November 16, 1901, p. 158.)

It has been necessarily recognized by everybody that a treaty with Costa Rica is as essential as one with Nicaragua, and that without treaties with both these countries the construction of the canal can not be even begun.

Nicaragua, like Colombia, has submitted a proposed form of treaty. It is not as complete as that submitted by Colombia, and contains unsatisfactory provisions, to which I shall refer hereafter—provisions which, if they are not changed, open up a prospect of almost limitless expense to this Government. But we should, no doubt, consider this proposed Nicaraguan treaty as only tentative, like that proposed by Colombia, and should expect that reasonable modifications of the terms proposed may be obtained, as well as satisfactory provisions upon points not covered.

With Costa Rica the case is very different. Not only has she proposed no terms but she has expressly stated her total inability to enter into any treaty without an amendment to her constitution. By an official communication to this Government (Sen. Doc., May 16, 1902) Costa Rica says:

> In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there shall be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

Whether a constituent assembly would ever be called by the Government of Costa Rica for this purpose we do not know. They do not offer nor apparently intend to call one, at any rate, at present. What action such an assembly would take can be only matter of conjecture. The Government of Costa Rica, unlike those of Nicaragua and Colombia, makes no proposals and holds out no hopes. They say simply that they can make no treaty and enter into no negotiations now.

Thus the route of the Nicaragua Canal is blocked by an impossible barrier—a barrier which may be removed, indeed, but which is none the less a positive bar while it remains, and of the removal of which there is no present prospect. Even were the Government of Costa Rica ready at once to take steps to remove this obstacle it is obvious that a long time must elapse before the constitution of that country could be amended, even supposing that the people are willing to amend it, and this amendment would be but the prelude to negotiations between Costa Rica and this country, which would, in any case, be necessary before a treaty could be made.

As matters stand, no treaty can be made, no negotiations can be begun, even, and we must wait until the constitution of Costa Rica has been amended before we can so much as learn the disposition of that country toward the plan.

None of the Senators who have spoken in favor of the Hepburn bill has referred to this statement of the inability of Costa Rica to enter into negotiations. The Senator from Alabama based his contention that the way was clear in respect of treaties for the Nicaragua Canal upon two protocols signed in December, 1900—a year and a half ago—by the ministers of Nicaragua and Costa Rica, respectively, and the Secretary of State of the United States. Apparently he overlooked the fact that Nicaragua had formulated, to some extent, by her expectations, and that Costa Rica had declared her inability to comply with her protocol. It is therefore the more necessary to direct the attention of the Senate to this situation.

The Costa Rican protocol of 1900 is as little to the purpose now as any other obsolete agreement. Nothing has ever been done under it, and the Government of Costa Rica has declared that it is constitutionally unable to carry it out. We can not undertake to compel that Government to violate the constitution of the country; we can not interfere in its domestic affairs and force it to amend its constitution or call a constituent assembly; we can not seize upon its territory by force and occupy it in spite of its laws.

Nor is the protocol of 1900 of any value. Taken at its utmost it only requires Costa Rica to "enter into negotiations." Suppose that Costa Rica did this, and thus complied strictly with the protocol. We should finally reach the same point of constitutional inability, and the negotiations would be without result. What should we do then? It can not be supposed that we should use force—should go to war, yet we must either do that or abandon the canal, or await the good pleasure of Costa Rica in dealing with us.

Nor can we complain if the Government of Costa Rica abides by the rules of her constitution. Even if they were willing to do otherwise, what virtue would there be in any treaty in the execution of which the officers of that Government exceeded their constitutional powers? It would be no treaty, and from it we neither ought to acquire nor could acquire any rights.

But we need not consider that question, for no such treaty will be made. Costa Rica will not even negotiate. Therefore the fact is that we can not obtain the concessions requisite for the construction of the Nicaragua Canal, and so far from that route being open to us, it is absolutely closed. At Panama, on the other hand, the way is open for negotiation with every prospect of a satisfactory result.

The utmost effect of the protocols of December, 1900, concerning the Nicaragua route, were they still in force and of binding validity, would be that the two countries whose consent is necessary to the use of that route would negotiate concerning the rights which we require. That condition exists now respecting the Panama route, where Colombia is ready to negotiate. It does not exist respecting the Nicaragua route, where one of the countries without whose consent we can not proceed is absolutely unable even to discuss the question of permitting us to do so.

If the Senators from Kansas and Washington had been aware of this situation they surely would not have advocated the passage of the Hepburn bill. Both Senators dwelt much upon the desirability of avoiding delay, and the Senator from Kansas, in answer to a question of the senior Senator from South Carolina, said that he understood that ample concessions could be had from Costa Rica. The Senator had been misinformed. Had he known the fact that no concessions of any kind can be had from Costa Rica, it must have modified his views. Both Senators expressed an ardent wish for an isthmian canal in the shortest possible time. With that wish I sympathize. It is my own. But it can not be gratified by selecting a route where no canal can now be built and excluding the only route where a canal can be built at once.

It is the plain fact which we must look in the face, of which we are warned and of which all the country will, sooner or later, become aware, if it is not aware now, that to pass the Hepburn bill can have absolutely no other effect than to delay indefinitely the construction of an isthmian canal. I desire to call the attention of the Senate to the fact that to pass that bill will be a perfectly futile proceeding; it will direct the President to do what we know that he can not do, and will mean simply that there shall be no canal. This is not matter of argument or inference, but of plain, indisputable fact, officially known, and for that reason, if for no other, I am against that bill.

The assumption of the supporters of the Nicaragua route is, therefore, as I have said, the exact opposite of the real fact. The Panama route, where they have assumed that difficulties exist with regard to a treaty, presents no such difficulties; the Nicaragua route, where they have assumed that no such difficulties exist, is absolutely closed to us by an obstacle which is, for the present at least, insuperable.

Equally the reverse of the fact is the assumption that legal questions and complications exist at Panama to any unusual or extraordinary extent, and that no such questions exist at Nicaragua.

At Panama there are no concessions whatever except those of the New Panama Canal Company and the Panama Railroad Company, which we shall acquire if we adopt that route. All the property which we are to purchase there belongs to the New Panama Canal Company, and came to it by purchase under authority of court from the receiver of a dissolved corporation, in a way which is clear and simple and presents no difficulties. The receiver has been authorized by the court to join in the conveyance for further assurance. Of course the law officers of the Government will examine the title to this property critically, as they would do in the case of any other purchase by the United States. But the title is all of record; it comes through court proceedings, the validity of which is easily determined and can be speedily and with certainty passed upon.

Mr. MITCHELL. The Senator does not mean to be understood in the statement he makes that the New Panama Canal Company is the owner of all the property on the Isthmus of Panama which it undertakes to sell to us? He does not mean to be understood as including in that statement the Panama Railroad?

Mr. KITTREDGE. I certainly do; that is, all the stock of the Panama Railway Company but a very small minority of the stock.

Mr. MITCHELL. Is it not a fact, though, that the New Panama Canal Company is not the owner of the railroad, but is simply the owner of a majority of the stock in the railroad?

Mr. KITTREDGE. That states the case precisely. The New Panama Canal Company owns, in round numbers, 69,000 out of the 70,000 shares of stock of the Panama Railroad Company.

Mr. MITCHELL. But the Panama Railroad Company was organized under a charter of the State of New York, and it is to-day managed and controlled by a board of directors having their office in New York, and residing there. The company has not been changed. The road is owned by the company, and, as the Senator states, all the interest the new Panama Canal Company has is simply a control of the stock.

Mr. KITTREDGE. The fact is——

Mr. MITCHELL. So if we purchase this property we undertake to purchase 69,000 shares of the stock of the Panama Railroad Company. I desire to suggest to the distinguished Senator now speaking whether, in his judgment, the United States can take and own stock in a railroad company.

Mr. KITTREDGE. If the United States can construct a canal, it can do all that is necessary to accomplish that purpose, including the purchase of stock in the Panama Railway Company, which is necessary in order to successfully build and construct and operate the canal.

Mr. MITCHELL. I suggest to the Senator that the question as to whether the Government of the United States can take and hold and own stock in a private corporation is one that is entirely separate and distinct from the question as to whether the Government can build a canal.

Mr. KITTREDGE. If the Senator from Oregon has any trouble on that score, there is a very easy method pointed out by the statutes of the State of New York by which all the difficulties he suggests may be remedied. The statutes of the State of New York, cited in the views of the minority, point out a very easy and speedy way by which that corporation can be dissolved, and in that way, if in no other, can title to the Panama Railway Company be secured.

Mr. MITCHELL. I simply desired to have the facts before the Senate.

Mr. KITTREDGE. No real defects have been suggested; everything appears regular and in accordance with the practice of courts everywhere, and at any rate no long time can be required for the law department of the Government to satisfy itself upon all points. When this has once been done, all legal questions are disposed of. The title of the New Panama Canal Company is the only matter to be considered, and its examination will be speedy and simple. Since, moreover, the New Panama Canal Company already owns nearly all the lands which will be required in any way in the construction of the canal, there is no prospect of any subsequent legal questions of any importance.

At Nicaragua, on the other hand, the legal questions are intricate, numerous, and troublesome.

In the first place, absolutely none of the land needed will become ours at once. In the proposed treaty with Nicaragua this Government is to be given free right of way through public lands and to be allowed, at its own expense and upon paying for them, to condemn the lands of individuals and corporations which it may need. While much of the canal line east of the lake lies through a wilderness, yet it is obvious that in the more than 110 miles of the route, exclusive of the lake, many parcels of property of individuals must be taken. Nor can we even guess how much of the unimproved land may be claimed or held by others than the Government of Nicaragua. Plainly an indefinite amount of litigation and number of legal questions will arise here.

As to lands in Costa Rica, since the country declares itself unable even to negotiate for a treaty, nothing can be said, except that this fact makes it impossible for the United States to procure the necessary lands in that country in any manner, at any time, at any cost.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. CLAY. Do I understand the Senator to contend that it is utterly impossible to get a good title to a strip of land through Costa Rica on which to locate this canal, and that Costa Rica will have to amend her constitution in order to enable us to get a good title? Is that correct?

Mr. KITTREDGE. My contention is that Costa Rica is constitutionally unable at the present time to make any treaty or to enter into any negotiation; and that is clearly stated in her official communication to this Government of recent date. My argument, based upon that official fact, is that, for the present at least, so far as the Nicaragua route is concerned, we are unable to proceed.

Mr. CLAY. Is it not true that the minority of the committee recommend that in the event we can not get a good title to the Panama route, after an investigation by the law Department of the Government, we proceed at once to construct a canal on the Nicaragua route? The bill of the minority that the Senator is supporting provides, as I understand it, that if we can not get a good title to the Panama route, we shall proceed at once to construct a canal on the Nicaragua line.

Mr. KITTREDGE. Always assuming, of course, that we can secure the necessary foundation—the right to construct a canal through Costa Rican and Nicaraguan territory.

Mr. MITCHELL. If the Senator will allow me, is it not a fact that the Nicaraguan Government has given assurance to the Secretary of State that the difficulties to which the Senator refers will be put out of the way in a very short time?

Mr. KITTREDGE. There has been, so far as I know, no official declaration to that effect. It is stated that there is private correspondence to the effect that they are willing to negotiate after we have selected a route. That is as far as they have gone, and as far as I know anyone who advocates the Nicaraguan route has ever claimed that Costa Rica has gone.

Mr. MITCHELL. That is as far as any of them have gone.

Mr. KITTREDGE. Officially Costa Rica says she is constitutionally unable to proceed even to negotiate a treaty which will give us the right to pass through her territory in the construction of a canal or otherwise.

Mr. CLAY. How long will it take Costa Rica to amend her constitution?

Mr. KITTREDGE. That is a matter purely of conjecture, and one of the things which I think ought to cause the advocates of the Nicaraguan route to pause and give it serious consideration.

But the legal questions connected with the acquisition of the necessary lands for the canal, important and complicated as they are, are of less importance than those arising from the concessions already existing or asserted to be existing, which, if maintained, would still further impede and complicate, if not prevent, the construction of the Nicaragua Canal, at any rate until some means has been found of removing them.

Three concessions have been granted which would affect the construction of the canal:

First. The Pellas concession.

Second. The Atlas concession.

Third. The Maritime Canal Company's concession.

The Pellas concession was granted by Nicaragua on March 26, 1877. It gave an exclusive privilege for the navigation of the San Juan River and Lake Nicaragua by steam. It was transferred, through various holders, to the Atlas Steamship Company, an English corporation, and is now owned by the Carribean and Pacific Transit Company, a subsidiary corporation of the Atlas Company. There can be no question that the construction of the Nicaragua Canal would involve a violation of this concession. It expires, it is true, in November, 1904, but this would involve a delay such as the advocates of the Nicaragua Canal so much deprecate, and which we must all desire to avoid, of more than two years.

The Atlas Company holds a concession from Nicaragua for the exclusive navigation of the Silico Lagoon and the exclusive right to build railways and tramways along the lower San Juan for thirty years from September 30, 1897—that is, until September 30, 1927. This contract was not to be an obstacle to contracts which Nicaragua might make relative to the opening of an interoceanic canal. Whether this phrase means that no such contracts, though impairing the concession, shall give a right to compensation, or whether it means that the holders of the concession can not prevent the making and carrying out of such contracts, but may claim compensation for injury sustained by them, are questions of importance and of no easy solution. Yet they must be settled before we can know where we stand or what we must pay in respect of any concessions granted us by Nicaragua.

But far more important and serious than the Pellas or Atlas concessions are those of the Maritime Canal Company.

The Maritime Canal Company of Nicaragua was chartered by act of Congress of February 20, 1889. It acquired from the Nicaragua Canal Construction Company exclusive concessions from Nicaragua and Costa Rica, to run for ninety-nine years from the opening of the canal to commerce, for the construction through the territories of the two Governments of a ship canal connecting the Atlantic and Pacific oceans. This concession had been originally obtained by A. G. Menocal, an engineer formerly in the service of this Government, and had been by him transferred to the construction company.

Out of more than $22,000,000 of stock issued by the company only about $1,000,000 was issued for cash. About $3,200,000 was issued for work done, as were also bonds to the amount of $1,855,000. These facts appear by the report of the company to the Secretary of the Interior of November 30, 1901.

The company proposed to construct a canal according to plans of Mr. Menocal, but these plans, made without sufficient investigation, were radically defective and impossible of execution. They comprised a dam at Ochoa which three separate commissions—the Ludlow board of 1895, the Nicaragua Commission of 1897, and the Isthmian Canal Commission of 1899—have pronounced impossible; and a basin where walls were to be be formed in part of a supposed range of hills which does not exist, and in part of embankments greater than any ever built for such a purpose at places where the Isthmian Commission found the soil so soft that a gas pipe sank of its own weight for 80 feet. These things illustrate the manner in which the company set about its work.

Work was begun, however; dredges were brought from Colon, part of the line was cleared, some service railway built, and a short stretch of canal partially excavated in the swamp near Greytown. In 1893 the construction company failed and was wound up; construction wholly ceased and has never been resumed, and whatever either company had of property in Nicaragua was substantially abandoned.

In 1895 this Government appointed a board of engineers, under the presidency of Colonel Ludlow, to examine the situation. Lack of time and money prevented a thorough investigation, but the board disapproved the Menocal plan and recommended a different route and fuller investigation.

In 1897 the Government appointed the Nicaragua Canal Commission, under Admiral Walker. This Commission surveyed the route, confirmed the views of the Ludlow board, and recommended substantially the route adopted by the Isthmian Canal Commission, whose reports are before us.

In 1899, the company having abandoned its work for six years, the Government of Nicaragua announced that its concession would become forfeited for failure to complete the canal within the time required. Against this the company protested and requested arbitration under the terms of the concession. Nicaragua consented and named two arbitrators, but a dispute arising as to the arbitrators named by the company, the arbitration never proceeded. On August 10, 1900, Nicaragua proceeded, under the claim of forfeiture of the concession, to take possession of the property of the company in Nicarauga which would belong to it in case of forfeiture, and has since retained this property or disposed of it at its pleasure. Against this action the company protested to the Secretary of State of the United States, on October 23, 1900. This protest it renewed in its reports to the Secretary of the Interior for 1900 and 1901. The Secretary of State, in a letter to the Minister of the United States to Central America, on December 28, 1899, had expressed the opinion that the position of the company on the question of the selection of arbitrators was justified, but no action appears to have been taken on the company's protests of October, 1900, nor does the company appear to have pressed its claims further than by filing its protest.

If, then, the action of Nicaragua in declaring the Maritime Canal Company's concession forfeited was invalid, we, if we took a concession from that Government and constructed a canal on that route. should be acting in direct violation of exclusive rights owned by a corporation chartered by Congress. Whether the concession was really forfeited is plainly a difficult legal question. This question must be met and answered before our title can be clear, and the complication which it causes is serious.

It is true that by Article X of the treaty which it has proposed Nicaragua covenants and guarantees to the United States that there is no outstanding concession "which in any manner encumbers or conflicts with the lease and the rights and privileges hereby granted," but we have the very terms of these concessions before us in the appendix to the report of the Isthmian Canal Commission. They are not equivocal, except, perhaps, as to the effect of the provision of the Atlas concession that it shall not be "an obstacle" to contracts for an interoceanic canal. We may judge them for ourselves, and we shall be only preparing the way for future complications if we proceed relying upon a covenant of Nicaragua which we know beforehand not to be in accordance with the fact.

The Maritime Canal Company had also a concession from Costa Rica which has never been declared forfeited. If that country could or would grant us a concession otherwise, how can it do so, or how could we accept the concession, with this other earlier and exclusive concession, owned by a corporation of the United States, outstanding?

I am aware that before the committee the secretary of the Maritime Canal Company and the president of the Nicaragua Company—a successor of the Nicaragua Canal Construction Company, but which never has done anything and does not apparently intend ever to do anything in the way of construction—urged the adoption of the Nicaragua route, while still claiming that the Maritime Canal Company's concessions are valid. But both of them stated that they expected compensation to the amount of millions from this Government, if it did so, and while the secretary of the Maritime Canal Company expressed a willingness to leave the amount of their compensation to the good feeling of Congress, he expressly disclaimed all authority to speak for the company or for anyone but himself.

Nor is this all. Article XI of the proposed treaty submitted by the minister from Nicaragua is as follows:

> Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

The meaning of this provision in the light of the existing circumstances is not doubtful. The United States is to guarantee the correctness of Nicaragua's proceedings respecting the Maritime Canal Company. If those proceedings were unjust, if Nicaragua has oppressed our citizens, we are to pay for it. Should the views of our Secretary of State and of the Maritime Canal Company prove to be correct, the United States must bear the burden of the wrongful acts of Nicaragua and must respond in damages because a foreign country, against our protest, has wrongfully deprived an American company of its concessions and its property.

No doubt the Maritime Canal Company will find the United States a better debtor than Nicaragua. No doubt it will be convenient for it to have the advantage of the opinion of the Secretary of State in its favor in pressing its claims against this Government. But while it may be natural that Nicaragua, in granting a new concession, should require protection against claims arising out of the old one, it can not be possible for this Government to assume such a position as that in which this article of the proposed treaty would place it. I do not forget that modifications of the proposed treaty may be possible. I desire only to

point out the purpose of the existing provision as it is framed—a purpose which might be obscure were not the circumstances known—and to note how it has been framed at once to shift the responsibility for Nicaragua's action from that country to the United States and to improve the prospects for the Maritime Canal Company's obtaining substantial sums from this Government.

Mr. SPOONER. Is the Senator able to advise me whether that treaty was negotiated in Nicaragua or negotiated here?

Mr. KITTREDGE. It was negotiated in this country.

Mr. SPOONER. By whom?

Mr. KITTREDGE. I am unable to state.

Mr. SPOONER. By the State Department?

Mr. KITTREDGE. I think by the State Department; but by just whom I am unable to say.

And this liability, it must be observed, is exclusive of and in addition to any liability which we may incur by our own action if we infringe exclusive concessions which are finally held to be still valid.

Thus it is plain, I believe, that the second of the assumptions of the advocates of the Nicaragua route is also the opposite of the fact, and that while the legal questions at Panama are few and simple those at Nicaragua are numerous, complicated, and serious. They open up a prospect of almost interminable dispute and litigation, and even if we could obtain the requisite concessions for that route they must cause delay which can not now be estimated, unless we should be prepared to proceed, leaving them unsettled, and so to plunge into the labyrinth without knowing how nor when nor where we shall emerge.

I come now to the third of the assumptions of the Nicaragua advocates—that concerning the cost of the two canals. I do not propose to criticise or analyze the details of the estimates. These have been made by the distinguished experts of the Isthmian Canal Commission and I do not question their correctness. At any rate I shall not set myself up as a superior authority upon such points.

The Senator from Washington said that "every commission ever appointed in this country, every man of scientific attainments who has ever studied this question, has declared" that a canal by the Nicaragua route "can be constructed as cheaply, to say the least, as by any other route." I do not know upon what the Senator based this statement. No commission appointed in this country ever examined the question of comparative cost of routes, except the Isthmian Canal Commission, and that Commission certainly reported that, even omitting from consideration vast items of expense for the Nicaragua route which do not exist for the Panama route, the Nicaragua Canal would cost $5,000,000 more than the Panama Canal. I have not learned of any commission which has expressed such an opinion as the Senator mentioned. Neither do I know who the men of scientific attainments can be to whom he referred. Certainly none appeared before the committee to say that the Nicaragua Canal could be built as cheaply as the Panama Canal, nor have I heard any such opinions quoted from any man who can be called "of scientific attainments."

Certainly the Senator from Kansas holds no such opinion, though he stands with the Senator from Washington in advocating the Nicaragua Canal. On the examination of Admiral Walker before the committee the Senator from Kansas took occasion expressly to disclaim any such opinion, and said to the witness, "I hope, Admiral, you did not understand my questions yesterday as indicating that the total cost of the Nicaragua line was less than the cost of Panama." (S. Doc. 253, pt. 2, p. 504.) We have had the contrary opinion expressed also by the members of the Isthmian Canal Commission, whose scientific attainments are well known, and I can not but think that the Senator has been misinformed upon the subject.

Nor can I accept the changes which the Senator undertook to make in the estimates of the Commission for the purpose of showing that the Nicaragua Canal would be less costly to build than the Panama Canal. In order to reach this result he added to the Commission's estimates items and amounts for which I have not been able to find justification in the evidence before the Senate.

In the first place he added $2,356,700 for the Alhajuela dam. But the Commission does not propose to build a dam at Alhajuela. This the Senator admits, but he deduces from the report that the Commission considered a dam there as a possibility at some time, and therefore he treats it as part of the cost of original construction. It seems to me that the Commission may be trusted to understand their own plans and that we have no right to add to their figures the cost of a structure which they do not intend to erect, and consider unnecessary.

Next the Senator added $1,000,000 for a temporary dam at Bohio. This he did upon testimony of Admiral Walker, who expressly disclaimed any knowledge upon the subject, but who was not sure that the estimates provided for this. Had the Senator carried his investigation into the testimony of Mr. Noble, one of the Commission, he would have found the following with reference to the Bohio dam:

Senator HAWLEY. What is the estimate of the cost of it?
Senator HARRIS. $8,000,000, I believe.
Mr. NOBLE. $6,400,000 for the Bohio dam?
Senator HARRIS. I was going to ask you with regard to the cost of a temporary dam which, as perhaps you know, has been stated here, was not included in that estimate.
Mr. NOBLE. I find that an allowance of half a million dollars was made for a temporary dam in the estimates. (Senate Doc. 253, part 2, p. 711.)

Colonel Ernst also testified to the inclusion of the cost of the temporary dam in the estimates, and upon his examination the following occurred regarding the amount:

Colonel ERNST. We estimated it at $500,000.
The CHAIRMAN. Do you think that is enough?
Colonel ERNST. I think so. (Senate Doc. 253, part 2, p. 677.)

The very basis upon which the Senator from Washington placed this item of $1,000,000 is gone and that item also is erroneous.

The Senator further undertook to add to the Commission's estimate for the Panama Canal the sum of $3,486,918 for the bonded indebtedness of the Panama Railroad Company. But the testimony of Admiral Walker and Mr. Morison of the Commission is to the effect that the railroad will earn during the period of construction, from purely commercial business, enough to more than pay off all this debt.

Admiral Walker's testimony is as follows:

Senator HARRIS. We would be buying a great deal which would not be essential to the canal, as far as that is concerned.
Admiral WALKER. I don't know about that, Senator. I think that all that property would be used and used to great advantage.
Senator HARRIS. Well, in addition to the valuation which you put upon that property of $7,000,000, there are financial liabilities in other directions which are liable to run up the price materially.
Admiral WALKER. No; the financial liabilities are not great, and would soon be paid off in the natural course of events. With that railroad, you know, goes also the Panama Steamship Line, with all of its property. It belongs to the railroad and is a part of the railroad property.
Senator HANNA. Is it not true that during the time of the construction of the canal it would be fair to suppose that the net earnings of the railroad property would pay off all of these outstanding obligations, which were paid in the shape of construction, and more, too?
Admiral WALKER. Oh, yes; much more.
Senator HARRIS. Those net earnings are simply charged to the construction of the canal. It is taking money from one pocket and putting it in another.
Senator HANNA. Oh, no; excuse me.
Senator HARRIS. You mean in the transportation of freight for outside parties not relating to the canal?
Senator HANNA. Yes; because that is largely, almost entirely, the business of the last few years, when the canal has simply been under construction with a very moderate force; the net earnings of the railroad company from its legitimate business for which it was built show a very large earning capacity, which would pay off all these bonds and leave a large surplus to the credit of the purchase money.
Senator HARRIS. My idea would be, and I would like to have the admiral's opinion as to that, that when the full force is put at work and the railroad is here and there diverted and is occupied with the enormous work of construction, that there would be comparatively little opportunity for the operation of the road as a freight road for outside parties.
Admiral WALKER. Oh, it would undoubtedly be run as a commercial road, just as it is now. There is no reason why it should not be. That is, the through line between Panama and Colon would be run as a commercial road.
Senator HARRIS. That would necessarily require the construction of an amount of additional track, which would be used for the other purpose.
Admiral WALKER. Not much additional track, as it is very largely in place now. The track would have to be shifted from time to time, of course, as the work progressed. The tracks for canal work would not interfere with the main line of road.
Senator HARRIS. Then it would require constant change?
Admiral WALKER. Yes; the tracks for canal work; but that would be the case under any circumstances during construction of the canal.
Senator HARRIS. And that would interfere more or less with its operation as a commercial road.
Admiral WALKER. They are using it for both purposes, and have been all the time. The canal work does not interfere with its work as a commercial road in any way. With a stronger force at work it would simply be run more after the manner of a large road. There would be more trains on it. There are now two passenger trains a day each way.
Senator HARRIS. In this estimate, of course, the railroad does not cover any of the trackage or property which is used in the cuts and on the Panama Canal itself?
Admiral WALKER. The track in the cuts and that kind of thing belongs to the canal people.
Senator HARRIS. Separate from the other?
Admiral WALKER. Yes.
Senator HARRIS. How about the motive power?
Admiral WALKER. They have their own locomotives and their own cars.
Senator HARRIS. They do not use the locomotives of the railroad for any such purpose?
Admiral WALKER. No, sir; they have their own. They have a large number of locomotives down there. (S. Doc. 253, pt. 2, pp. 444, 445.)

Mr. Morison's testimony is as follows:

Senator HARRIS. That being the case, do you think it is reasonable for us to pay $140,000 a mile for the Panama road?
Mr. MORISON. Yes, sir; all things considered, I do. The Panama Railroad holds something more than itself. It has something more than a railroad. The company have a good deal of other property, and they will earn a great deal of money from commercial business during the construction of the canal, whichever canal is built. They will not earn anything after the canal is completed.
Senator HARRIS. Do you think that the amount they would earn in the construction of the canal and the doing of this work would more than pay off the indebtedness which now hangs over them?
Mr. MORISON. Yes; I do.
Senator HARRIS. There is a considerable indebtedness aside from the stock which hangs over that road?

Mr. MORISON. I think the indebtedness is stated in detail in the supplemental report of the Commission. I think it is correct. (S. Doc. 253, pt. 2, p. 571.)

These estimates are confirmed by the statement of the net earnings of the railroad given by Mr. Drake, the vice-president of the company (S. Doc. 253, pt. 1, p. 257), nor have they been contradicted or questioned. Under these circumstances the Commission could not properly have treated a bonded debt which the earnings of the property will pay before the canal can be finished as an additional item of cost. It is not that, and I can not suppose that the Senator from Washington would have so treated it had his attention been called to the evidence which I have quoted.

The Senator suggested also that $1,000,000 should be added for the price of 50,000 shares of the stock of the New Panama Canal Company, which he supposed we should be bound to pay to the Republic of Colombia, under the form of treaty proposed by that country. But, waiving the point that this whole proposed treaty is subject to amendment, nothing in it justifies such a view. The provision in question is found in Article I, by which Colombia grants to the New Panama Canal Company leave to sell to the United States. That article is as follows:

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company, with the exception of the public lands situated outside of the zone hereinafter specified, now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

It is obvious that this imports no obligation on the part of the United States, but is merely a saving clause for the purpose of preserving Colombia's rights as a shareholder in the company and to avoid any implication that by consenting to a sale it relinquished those rights also. The company may sell, but Colombia retains her shares and requires them to be redeemed by the company out of the purchase price or otherwise. The United States has nothing to do with this and nothing to pay. This item, too, of the Senator's additions to the cost of the Panama Canal is unsupported by the facts before us.

There remains, out of the grand total of $8,283,418 which the Senator thought should be added to the cost of the Panama Canal, only the sum of $439,800, which he assigned as the purchase price of the 1,466 shares of Panama Railroad stock held by others than the New Panama Canal Company. The basis upon which he has made up this amount is confessedly conjectural. I shall not undertake to put conjecture against conjecture, though I can not agree with the Senator's estimates. I am not sure that we shall ever have to pay anything for those shares, nor what we will have to pay, if we do pay anything. But, allowing his estimate on this head to stand, the result would be that, instead of the Nicaragua Canal costing $5,630,704 more than the Panama, it would cost $5,190,904 more. He would have brought the difference in favor of Panama down to nearer $5,000,000, and for that difference in so large a sum it is hardly worth while to dispute.

But I think that I have shown beyond contradiction that none of the other sums by which he proposed to swell the cost of the Panama Canal can be justified, and that the Isthmian Canal Commission committed no error in not including them. His thesis that the Nicaragua Canal is the cheaper is disproved. But I desire to point out that the Commission did not profess to include certain items of cost in their estimate for either route, and to show how this fact affects the final totals given for the cost of either canal. The question is one intimately connected with these other questions of treaty and law which I have been discussing, and it is for this reason that I refer to it here.

At Panama, as I have said, there are no concessions but those which we shall acquire if we adopt that route. Substantially all lands required in any way in connection with the canal are already owned by the New Panama Canal Company and will be included in the sale to us. Therefore if, as the Commission has done, we add to the purchase price of $40,000,000 the sum of $142,000,000 required to complete the work, we shall have the true total of the cost of that canal.

But at Nicaragua this is not so. The Commission confined itself in both cases very properly to estimates for the cost of construction and materials—the matters with which they were familiar as experts. They assumed that we had the land and a clear concession, and told us what it would cost to build the canal under those circumstances. They did not undertake to say anything of the cost of clearing away conflicting concessions or of obtaining the land on which to locate the canal. These things, no doubt, they considered not within their province. They are, however, within our province. We must consider them and we can not reach a rational decision without doing so.

At Panama we shall have the lands needed; at Nicaragua we must buy them.

The Senator from Washington assumed that the lands needed must be bought upon both routes; but if he had examined the supplementary report of the Isthmian Canal Commission he would have found that the New Panama Canal Company already owns substantially all the lands required, which would pass to the United States under the proposed sale (p. 4). Had he further examined the records of the Isthmian Canal Commission he would have found them in possession of elaborate maps, showing in detail the lands along the canal line owned by the canal company, the railroad company, the Government, and private owners, from which also this appears. Therefore, the situation is not the same with respect to lands at Nicaragua and at Panama, and so much of his argument as depends upon this assumption falls to the ground.

At Nicaragua, as I have said, we must buy what land we need, which is not unappropriated public land, and must pay for it. Does anybody know what we must pay for it? We know that the entire canal route between the lake and Brito is claimed by the Maritime Canal Company by title which would not be affected even if the forfeiture of their concession was valid. Their secretary testified before the committee that they bought and paid for it. Along other parts of the route private lands must be taken for the canal or works connected with it or be flooded among the immense areas which will be submerged by the back water from the dams to be erected. The treaty proposed by Nicaragua gives us the right to occupy the public lands without payment, but by Articles III and V of that treaty we must pay for all lands of private persons or corporations. We have not the least means of forming any idea of what this will mean to us in cost, except that we know that we must pay for all the land we need west of the lake. How much we must pay for and how much we shall get without payment east of the lake we can not even guess. No lands have been withdrawn from entry, so far as we know, and there will be apt to be very little government land on the canal line when we proceed to construct it, should we do so.

The Senator from Alabama has taken the position that Nicaragua could make no grants or sales of land to private persons after entering into the protocol of December 1, 1900, but I am wholly at a loss to know upon what that position is based. The protocol, which is, after all, but a mere memorandum between ministers and has never received any confirmation from either country, does not profess even to bind Nicaragua to anything but to negotiate when the United States is ready to do so. There is not a word in it of anything else. It does not even require Nicaragua to give us free use of the lands which shall not have been appropriated by private persons when final arrangements are made.

How it can be so construed as to bind her not to sell or grant lands on the canal route in advance of definite negotiations I can not understand. The proposed Nicaraguan treaty requires the United States to pay for all lands owned by private parties "at the date of this convention" (Article V), and this is conclusive evidence that that country intends to continue to grant lands until the treaty is actually signed. Whatever lands are held by private persons along the line, whether granted before or since December, 1900, we must buy. How many millions all this will cost us we can not estimate. We can know and we do know that it will add millions to the estimated cost of the Nicaragua Canal, but of the amount to which this additional expense may run we can have no idea.

In addition to all this are the sums which we must pay to clear away existing concessions. Shall we wait two years for the Pellas concession to expire? If not, we must open our pockets again to dispose of that. Are the holders of the Atlas concession to have damages? That is one of the legal questions to be settled, but it is hardly reasonable to suppose that their business can be destroyed and their property rendered valueless without compensation. What this will mean in money can not be estimated now. Finally comes the claim of the Maritime Canal Company, and this we can estimate in part at least.

The Maritime Canal Company will have against us two claims, if we adopt the Nicaragua route and if Article XI of the treaty proposed by Nicaragua remains unaltered. One of these claims will be against the United States directly for violation of the company's alleged concession. This claim the company had already formulated in 1898. At that time a bill was pending looking to this Government becoming chief shareholder of the Maritime Company, compensating it for what work it had done and guaranteeing its bonds. The company then (as appears from Senate Document No. 289, Fifty-fifth Congress, second session) estimated its expenditures, with interest, at $7,000,848.97. It proposed to surrender its rights for $7,000,000 in stock and $4,500,000 in 3 per cent bonds guaranteed by the United States. The stock could be canceled by the United States at any time on payment of par and

accrued interest at 3 per cent per annum. As the bonds with the guaranty of the United States would be worth more than par, the total face value of the securities to be issued, $11,500,000, would not equal the cash value of the compensation which the company claimed.

Before the committee the secretary of the Maritime Company and the president of the Nicaragua Company stated that they expected at least the amount expended with interest. This, as I have said, amounted, on the company's computation, on June 1, 1898, to $7,000,848.97. A simple calculation shows that the company's claim on this account on June 1, 1902, would amount to $8,541,757.66. This is wholly exclusive of the additional amount of $4,500,000 which the company claimed in 1898. If this claim, too, be still made the company would look to the Government to pay them more than $13,000,000 if the Nicaragua route be adopted.

It is true that in 1898 the Senate passed a bill limiting the company's compensation to $5,000,000, but the bill never passed the House; it was never accepted by the company and we have no warrant for saying that the company would have accepted it. All that we know is that the Maritime Canal Company has stated its claim upon a basis which would make the amount at this date $13,000,000.

This is wholly outside of its claim against Nicaragua which we are to assume if we accept Article XI of the proposed Nicaraguan treaty. How much these would be we can not even conjecture. Even if the company were to waive all claims against the United States, which it has shown no real intention of doing, this claim against Nicaragua would still remain, and no one can question that, in any case, many millions would be demanded of this Government by the company in one form or another. I express no opinion of the validity of these claims. The former of them has received a sort of sanction by the passage of the bill of 1898 by the Senate. The latter claim has received, also, a sort of sanction by the adoption of the company's protest against the action of Nicaragua by the Secretary of State. I can not believe, however, that if the Nicaragua route be adopted the Maritime Canal Company will fail to obtain, on one ground or another, more or less millions—perhaps many millions—from the Treasury of the United States.

The company's attitude is not to be mistaken. It began its work on a crude, imperfect, and, as we now know, impossible plan. Out of $22,000,000 of stock, it issued only about $1,000,000 for cash. It did some work in the first four years of its existence, and then ceased, and for nine years has made not the slightest attempt to construct a canal. In its annual reports it attributes its inaction to the Government surveys of 1895, 1897, and 1899, which it says produced uncertainty about the route. When the first of these surveys was made work had already been abandoned for two years, a fact which sufficiently disposes of this excuse; but no such excuse could ever serve, for had the company itself been proceeding upon a feasible plan, no number of surveys could have affected it. The real trouble was that its plan was impossible, and therefore it did not proceed.

When Nicaragua declared its concession forfeited in 1900, the company had done no work for seven years; its property on the canal line had been allowed to go to ruin and decay; it was plain that the company could never build its canal and did not intend to spend any more money in that way. But the sentiment for a canal at Nicaragua was strong then in the United States. While the company had no power nor desire to build a canal, it did desire to hold its concessions, for if the United States should adopt the Nicaragua route these exclusive rights of the Maritime Company would bar the way, and it could obtain compensation for abandoning what it could not itself use. Therefore they protested against the forfeiture. Though two years have passed, they have only protested. They have not actively sought an opportunity of resuming work. They do not wish to resume work.

They wish only to hold their concessions as a means of getting millions from this Government.

And for what should we pay these millions, if we did pay them? For nothing. The Isthmian Canal Commission says:

> Nearly all the property of the Maritime Canal Company, including dredges, boats, tugs, etc., has gone to ruin, except the railroad and the 4,350 feet of partially constructed canal. The buildings now standing are in bad condition. Some of them in 1897 were capable of being repaired, and were used by the employees of the Nicaragua Canal Commission and later by the employees of the Isthmian Canal Commission.
>
> Practically none of the property would have any value to-day in the construction of a canal, except possibly the canal excavation made from Greytown to Lagoon inland, and this would be of value only as a part of a channel for the diversion of the San Juanillo River.

The concessions of the Maritime Canal Company are of no value to this Government; such limited rights will not suffice for our purposes. It has, as we have seen from the Commission's report, no other property of value. So that we shall be called upon to pay these large sums without the United States receiving value therefor to the amount of a penny.

The Senator from Washington minimized these claims of the Maritime Canal Company. He declared them not legal claims, but only founded on broad equities and such as we need never pay if we did not choose. He asserted that the forfeiture of the Nicaragua concession was unquestionably valid and regular, that the company would not press any claim in any case, and that it could not amount to more than four or five millions at most.

But the Senator does not take into account the fact that the Maritime Canal Company has also an exclusive concession from Costa Rica which has never been declared forfeited, but which we must violate if we build the Nicaragua Canal. He declares that the forfeiture of the Nicaraguan concession was perfectly regular, but we must remember that the Secretary of State had as little difficulty in coming to an exactly opposite conclusion. He says that there can be no legal claim in any case, but I can not agree, nor do I think that the Senate can agree, that, if we build a canal where the company has a valid, existing, conclusive concession, there will not be a claim on the part of the company of the most strictly legal character. That will be the situation in Costa Rica if she ever lets us build the Nicaragua-Costa Rica Canal at all. It will be the case in Nicaragua if the Maritime Canal Company's view and the Secretary of State's view of the company's rights there prove to be correct.

The Senator says that the company will press no claim, but the very testimony which he read in support of that statement contains strong assertions of the existence of the claim and a sense of its justice, and in answer to the very question as to the company's intention, the witnesses expressly disclaimed authority to speak except for themselves. To me the testimony seemed clearly to indicate that a claim would be sure to be made. The witnesses certainly were at pains to avoid any statement that it would not.

Finally, the Senator asserted that the claim would only amount to four or five millions. Four or five millions is not a mere trifle, especially when it would be, as in this case, absolutely thrown away without return of any sort. But the Senator paid no attention to Mr. Miller's statement, which, nevertheless, he quoted, that he thought the company should have that amount, at least, with interest. I have shown that this means not four or five millions, but between eight and nine millions, and that this is a minimum which, according to the company's previous demands, means really more than thirteen millions.

Surely such a situation should require us to pause. We can not at all know what the Nicaragua Canal will cost—into many millions. We do know what the Panama Canal will cost. We know the Panama Canal to be the better and more useful as well as the cheaper canal. We know that we can begin at once the work upon the Panama Canal, but we do not know when, if ever, we can begin the Nicaragua Canal.

Mr. HARRIS. If the Senator from South Dakota will permit me, I should like to ask him if he does not recall the testimony of Lyman E. Cooley as to the possibility of letting a contract for the construction of the Nicaragua Canal at the estimate placed upon it by the Commission, and whether he does not regard that as some indication?

Mr. KITTREDGE. I much prefer to rely upon the estimates, judgment, and conclusion of the Isthmian Canal Commission to the judgment even of a man of Mr. Cooley's standing, who went down there simply and solely for the purpose of looking it over for a construction company.

Mr. HARRIS. He said that his company would be willing to construct it at the figures estimated by the Canal Commission. He did not controvert the Commission's figures at all.

Mr. KITTREDGE. He certainly said that, but the Senator from Kansas surely misapprehends the point I am making, especially upon this branch of the case. It is that not only will we be compelled to expend the amount estimated for the actual construction of the canal but we will be compelled to expend many millions in relieving the proposed route from existing concessions, and acquiring by purchase or condemnation lands necessary for the construction of the canal along that route, and that is the uncertain amount, and that will cost many millions which even we can not estimate.

I have listened to the debates in this Chamber and I have read the pamphlets and discussion in the press, but I have never yet heard one single reason given for preferring the Nicaragua route, except that, measured in miles, it makes a shorter route between certain ports of the United States; and this fallacious argument is, I believe, answered by the considerations stated in the views of the minority of the Committee on Interoceanic Canals, and which show that, while shorter in miles, that route is for nearly all ports longer in time. For what reason, then, that route is so zealously advocated I am at a loss to conceive.

In common with the other members of the minority of the committee, I desire an isthmian canal, the best canal, and in the shortest possible time. I have no prejudice in favor of either route, but I have been led to the conclusion which I have reached by as careful and impartial a consideration of the case as I could

give it. Upon the engineering questions I am content to rest upon the report of the eminent engineers of the Isthmian Canal Commission, and if I rejected their opinion I should have to act in a matter foreign to my own pursuits without advice, for we have no other opinions but theirs. Upon questions of navigation the statements of sea captains submitted by the Senator from Ohio seem to me conclusive. I have no sufficient knowledge and experience of such matters to put against theirs. Upon the questions of concessions and legal difficulties I have found the way open at Panama and absolutely barred at Nicaragua.

Having thus become convinced by the opinions of experts, upon whose advice I must necessarily rely, that the Panama Canal will be the better and more useful as well as the cheaper canal, and having satisfied myself that only by that route is the immediate construction of an isthmian canal possible, I shall vote for the amendment proposed by the Senator from Wisconsin. By the adoption of that amendment only I most firmly believe can we realize the desire of the country that the canal be built without delay and that it be the best possible canal.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I ask the Chair to lay before the Senate the Army appropriation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill indicated by the Senator from Vermont, which will be stated by title.

The SECRETARY. A bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903.

Mr. PROCTOR. I move that the Senate recede from its amendment numbered 13, insist upon its other amendments, and ask for a full and free conference with the House thereon.

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate recede from its amendment numbered 13, which will be stated to the Senate.

Mr. FORAKER. Before any action is taken upon the motion of the Senator from Vermont, I should like to learn from the Senator what, if anything, has been accomplished by the committee appointed upon the subject of the message sent to the Senate by the House?

Mr. PROCTOR. The amendment I move to recede from is amendment No. 13, in which we struck out the language that has ordinarily been used, as follows:

Temporary buildings at frontier stations: For the construction of temporary buildings and stables, and for repairing public buildings at established posts.

We inserted in lieu thereof:

The construction and repair of such permanent or temporary buildings at established posts as the Secretary of War may deem necessary.

The effect of our amendment was to do away with the provision of the statute which limited any expense to $20,000 under the barracks and quarters and made it available the same as the military post fund.

Mr. FORAKER. I am perfectly familiar with that. What I made inquiry about was whether there has been any report by the committee appointed by the Senate to confer with another committee, if the House should appoint one, in regard to the message sent to the Senate by the House, instructing the Senate as to the rules of the House and the right of the Senate to make amendments to bills that the House had passed.

Mr. PROCTOR. The chairman of that committee is present and can speak for the committee. There has been no report made. This motion takes no cognizance whatever of the action of the House.

Mr. GALLINGER. It yields to the contention of the House, though, does it not?

Mr. PROCTOR. It yields to the contention of the House in regard to one amendment and puts the other two which are objected to into conference.

Mr. FORAKER. The House, as I remember it, asked for a full and free conference as to all except three amendments.

Mr. PROCTOR. All except one amendment.

Mr. FORAKER. All except three, I think. I think the House asked for a full and free conference, but instructed their conferees not to confer as to three amendments which the House specified.

Mr. PROCTOR. That is correct.

Mr. FORAKER. Yes.

Mr. PROCTOR. But by this action we take no cognizance at all of their action in the matter. We merely recede from one of the three amendments—amendment No. 13.

Mr. CULLOM. There are other amendments in the bill not disposed of.

Mr. PROCTOR. Oh, yes; there has been no conference. No amendment has been disposed of.

Mr. FORAKER. I supposed that before the Senate took any action providing for the appointment of conferees we would have a report as to the message sent us by the House. I may be unwise in insisting upon taking further notice of that message. It does seem to me that we ought to know that it is disposed of and out of the way before we proceed to have any conference about this bill. I do not think we ought, before there has been an appointment of conferees and a conference, to yield any of the amendments, especially those in controversy.

May I ask the Senator whether or not it is the opinion of the committee appointed by the Senate to consider this message from the House that we should take this action in respect to the pending bill, yielding as to this amendment and asking for a conference as to the other two amendments?

Mr. PROCTOR. This action which I have proposed has no reference whatever to the message and resolution of the House.

Mr. PETTUS. I desire to know whether the Senator from Vermont speaks for the committee or for himself in making this motion.

Mr. PROCTOR. Not at all for the committee of conference that was appointed. The Senator from Wisconsin [Mr. SPOONER] will speak for that committee. I merely speak as a member of the Committee on Military Affairs in charge of the bill.

Mr. PETTUS. Mr. President, I insist that there has been no committee of conference appointed at all on the bill.

The PRESIDENT pro tempore. There has been no conference committee appointed yet. The Senator from Vermont moves that the Senate recede from the amendment which will be read.

The SECRETARY. On page 22, line 9, the Senate struck out the words:

Temporary buildings at frontier stations: For the construction of temporary buildings and stables and for repairing public buildings at established posts.

And in lieu thereof inserted the following:

The construction and repair of such permanent or temporary buildings at established posts as the Secretary of War may deem necessary.

The PRESIDENT pro tempore. The question is on agreeing to the motion to recede.

Mr. FORAKER. I think the Senate ought to know before we act on the motion whether or not anything is to come from the committee of conference that we appointed. If the committee of conference that we appointed will report that they are unable to accomplish anything in the direction it was hoped they might accomplish something, then that is one situation; but if they have not yet completed their labors, it is another. I do not like to see any such action as this taken so long as that committee is still in existence and empowered to act with respect to the message.

Mr. SPOONER. Mr. President, that committee, which has no relation whatever to the bill—it is not a conference committee on the bill——

Mr. FORAKER. Oh, of course, I well understood that it is not a committee of conference on the bill, but it is a committee of conference, as I expressed it, on the message, and it was generally understood, if not determined, by the Senate that we would not ask for a conference nor yield to the request for a conference until the committee of conference on the message had concluded its labors. I simply wanted to know whether its labors had been concluded.

Mr. SPOONER. The labors of the committee of conference have not been concluded, and I am not prepared at this time to make a report. The committee will later report and, I think, a a very clear view of it, and I believe the Senate will undoubtedly agree with its view.

The method which the Senator from Vermont is now pursuing is one which, as he said, he pursues as chairman of the committee which has in charge this bill. It involves no appointment of a conference committee by the request of the House, but the Senator had concluded that the Senate ought to recede from one or perhaps two of its amendments——

Mr. PROCTOR. Only one.

Mr. SPOONER. From one amendment, and ask the House for a conference. That was the course suggested by the Senator from Massachusetts [Mr. HOAR]. While the committee appointed as a conference committee to confer on the message has no relation to the course which is pursued by the Senator from Vermont, it, perhaps, is as wise a way at this time as can be adopted to facilitate the passage of the bill, which involves a vast appropriation and is very much needed.

Mr. FORAKER. I am sure, if the Senator will allow me to interrupt him, he will appreciate why I express myself as I do. When the conference committee on the message was appointed it was hoped that their labors might result in our having an opportunity to have a conference on all the questions of difference between the two Houses. Now, the chairman having the bill in charge makes a motion which involves a surrender of at least one of those questions. I was hoping that we would not have to surrender any of them unless we might see fit in conference to do so, and I wanted the conferees on the part of the Senate to

have the privilege of going into conference unrestrained by any of the restrictions that are imposed by the message from the House.

Mr. SPOONER. We had a very full and frank and kindly conference—we have had several of them—and while I do not think anything would be gained by making a statement at this time about it, the committee thought they could discover that there was no disposition to insist unduly or to create friction. I think it is wiser to allow the committee to proceed a little longer in this matter.

Mr. FORAKER. One chief purpose I had in interrupting was to learn from the chairman of the committee of conference on the message whether or not this motion did meet with his approval. If, in his opinion, we are not likely to get the result we hoped we might arrive at, then I am prepared to consider this proposition, if it is deemed by the chairman wise to take this action.

Mr. SPOONER. I do not hold myself at all responsible for this action. If it is agreeable to the Senate that the conference committee shall be permitted to continue its labors, I expect that it will ultimately make a report upon which the Senate will undoubtedly act.

Mr. FORAKER. I was hoping we might get that before the bill was disposed of, so that we would have the benefit of the Senator's labors in connection with this measure.

Mr. PROCTOR. I will state for the information of the Senator from Ohio that the two amendments that were included in the instructions of the House are by this motion left for a full and free conference, at our request. We take no action whatever upon their message or resolution. I trust, and have reason to think, that the adoption of this motion will lead to a satisfactory result; and I hope the Chair in his wisdom may appoint the Senator from Ohio [Mr. FORAKER] as one of the conferees on the bill.

Mr. FORAKER. Mr. President, the Senator from Ohio does not want to be appointed a conferee on any bill where he can not have a full and free conference, and that is the very point in controversy. I am willing to undertake to discharge any duty that may be imposed upon me, but if I am appointed to the discharge of a duty I want to know that I am at liberty to discharge it. To be frank about it, I do not care to be a conferee if I am to meet the conferees from the other House who are instructed in advance prematurely and unqualifiedly not to confer. We might as well make up our minds to do without a conference if that is to be the course of parliamentary procedure.

Mr. PROCTOR. The Senator will see that amendments 14 and 15, which are the ones he perhaps has had a special interest in, we insist upon. We ask for a full and free conference upon those amendments.

Mr. FORAKER. I have not any special interest in any one of the amendments. I was on the committee that reported them; I am familiar with all of them; I believe in all of them; I think every one of them ought to be adopted, and I should like to have a conference that will admit of my undertaking to persuade the conferees on the part of the House that they ought to agree with us about them. That is all I care to say on that point.

If I may be allowed to make an inquiry, in view of what the Senator has said, has he any assurance that we will be allowed to confer about the other two amendments?

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I address the inquiry to the Senator from Vermont, if the Senator from South Carolina will pardon me for just a moment. I ask the question in view of his statement as to what he has reason to believe. Has he assurance that we will be allowed to confer about the other two amendments? Under all the circumstances I feel warranted in making that inquiry.

Mr. PROCTOR. That is a question I hardly think I ought to answer in full and directly, but I have reason to believe that we can have a satisfactory conference on the other two amendments.

Mr. FORAKER. I shall not press the inquiry further.

Mr. TILLMAN. Mr. President, I may not be in full possession of the facts, but from the debate on this matter at various times, to which I listened, I got the impression that either the Senate Committee on Military Affairs had persuaded the Senate to adopt amendments which it had no right to do, or that the House had treated the Senate in a very arbitrary and discourteous manner.

I understood from the debate that there was a sufficient desire on the part of Senators here to maintain our just rights and our dignity to refuse to let the House have its way, and we appointed a committee of three by a concurrent resolution to confer with such committee as the House might appoint to consider the relative rights of the two Chambers and the proper method of procedure.

I may be mistaken as to what I understood, but that at least was the impression I received. If I am in error I would be glad for some one to give me some light or to correct my error.

I see the senior Senator from Massachusetts [Mr. HOAR] here. He had something to say about this matter, and was particularly anxious that the Senate should not surrender its dignity and right. But, according to my understanding of this procedure—and it is a very extraordinary one—the committee which we appointed marched up the hill with banners flying and then, like the King of France, marched down again; and the Senate does not seem to have any rights which it intends to have the House respect.

Now, either we went beyond our proper sphere and invaded the rights of the House or the House has gone beyond its sphere and invaded our rights. I confess I am a little mixed as to which is the aggressor or which is the criminal in this business; but I must say that I think it would be more dignified if the committee, which we appointed after so much discussion, had come in and made a report that they found that the Senate was in error and had transcended its authority; that the Military Committee of the Senate had no right to recommend and get incorporated in the bill the amendment about which we are discussing.

If that is the situation, and the action of the Senator in charge of the bill is a confession that that committee have been in error and that they want to get out of it in this way, of course I have no right to object. I thought we had appointed a dignified and able committee to protect our rights and see that the House treated us with fairness and courtesy and if necessary to let this bill fail rather than surrender any of our rights. If I am mistaken I should like to have somebody give me some information on it.

Mr. FORAKER. I wish to inquire of the Senator from Vermont what is the objection to our asking for a conference upon all differences? Why should we now in asking for a conference yield one of the questions of difference?

Under the circumstances it seems to me that we are justified in asking for a conference as was proposed by the senior Senator from Massachusetts. I think his motion was exactly the motion that ought to have prevailed when this question first arose. I think it is the motion that ought to prevail now, and I would be glad if he would renew it as a substitute for what has been proposed. Then we can go into conference, and if we think one of these amendments ought to be yielded we can yield it there, and yield it in a way that does not involve any sacrifice of dignity or self-respect. It does seem to me that we can not do it in the presence of such a message as that which was sent to us.

If the Senator from Massachusetts is not disposed to renew his motion, I will renew it as a substitute for the one made by the Senator having the bill in charge.

Mr. HOAR. It seemed to me that if the Committee on Military Affairs were not bellicose enough to fight for the rights of the Senate it hardly became a civilian to do it; so I did not press my motion; but if the Senator from Ohio will renew it I shall gladly vote for it.

Mr. FORAKER. I am a member of the Committee on Military Affairs, and while I do not feel at all bellicose—to use the word employed by the Senator from Massachusetts—I do feel that there is an important question here, involving the dignity of the Senate. We acted upon it a few days ago, appointing a committee to confer with a like committee of the House on the message which they sent to us, which was certainly a most unusual and extraordinary communication for one House to send to another.

I do not think the situation has been changed one whit, but that it has been made a great deal worse when, two weeks after that committee was appointed, they come into the Senate and tell us that they are still in conference with the House committee; that they have not concluded their labors; that nothing has yet been accomplished, and it is proposed that we shall now, without any conference, recede from one of the questions about which the House, by its message, gave instructions not only to its conferees, but also to the Senate. I am not disposed to do it. I am bellicose enough for that. If the Senator from Massachusetts is not disposed to renew his motion, I will, if I can resurrect it from the RECORD, make it as a substitute for the motion of the Senator from Vermont, and take the sense of the Senate upon it.

Mr. ALLISON. Mr. President, I understand that the committee having the matter in charge relating to the respective rights of the two Houses are not ready to report. They have had, as the chairman stated a moment ago, several very agreeable and pleasant conferences on the subject, but they have not reached any conclusion. Now, in the face of that situation, the Senator from Vermont, in charge of this important bill, in a degree holds out the olive branch. I suppose he does that realizing that the 30th of June will arrive very soon.

Mr. HOAR. I should like to ask the Senator which end of the olive branch is presented to the Senate, the end which is the rod or the end which is the leaf?

Mr. ALLISON. Well, either end. I shall not go into details on that subject. I used that little metaphor perhaps improvidently.

Mr. TILLMAN. Mr. President——

Mr. ALLISON. But now, if the Senator will allow me just a moment, the Senator from Vermont having charge of this bill, and the 30th of June arriving quickly, comes in and says to the Senate that it is not worth while for us to hold this Army bill up between the two Houses so that there will be no appropriations for the Army after the 30th of June, but that we shall at least as respects one of these amendments recede from our contentions. I suppose from his observations, although they were rather delicate and somewhat obscure, he has a right to anticipate that this little proffer that he makes to the other House will be accepted by them in turn; that they will agree to this conference; that we will go in with the bill, important as it is; that the controversy arising out of the mistakes of the House or the assertions of the Senate, whatever it may be, will be dealt with carefully and considerately, and that we will have a full report as to our rights and as to the rights of the House.

I see no great trouble in adopting the suggestion of the Senator from Vermont. I do not think we fall very far short of our duty in doing so and endeavoring, if possible, to secure the passage of this important bill.

Mr. TILLMAN. Before the Senator from Iowa takes his seat I should like to ask him if the action of the Senator in charge of the bill, instead of being the offer of an olive branch to the members of the House, is not the running up of a white flag? If the Senate was wrong why is not the Senate decent and honorable enough to say so, and to say so in plain terms and not dodge out of it in this way?

Mr. ALLISON. The matters relating to details of legislation are necessarily to a degree compromises. We may have been right or the House may have been right and we wrong. We have possession of the bill. Suppose the House had possession of the bill and this controversy was going on between the two Houses, would they not be very likely to make some effort to extricate themselves from the difficulty? Yet it is not a difficulty of the Senate, but a difficulty of the House as well, as we happen to have the bill, they can not take up this question in the House.

Mr. GALLINGER. They created the difficulty.

Mr. ALLISON. Very well; they created the difficulty, and with the thermometer as it now is, I for one am somewhat anxious that we shall go on as rapidly as we can, preserving our honor and not showing the white flag, if we can avoid it, and settle the question as respects this appropriation bill. The committee appointed on the part of the Senate to confer, an able committee as it is, is still in existence, as its chairman has informed us, having had some pleasant interviews and expects to have more. It will finally bring in here a report which will vindicate the honor of the Senate, if it needs vindication, which I do not believe.

Mr. TILLMAN. If the Senator will permit me, should the bone of contention be taken from the possession of the committee by the Senate surrendering its contention and therefore we facilitate the gracious consent of the House to the passage of this bill, if that would not be an ignominious surrender I do not know what you would call it. Why not let the committee discuss the whole proposition as it was submitted to it after a week's debate here? The Senate considered calmly and deliberately without any passion or heat what its just rights were. Motion after motion was made, and finally the motion of the Senator from Alabama [Mr. PETTUS] prevailed for the appointment of this committee, not in the ordinary way, but by a special resolution calling the attention of the House to the fact that this committee was appointed to consider the differences on the Army appropriation bill and the relative rights of the two Houses and the proper method of proceeding with that difference.

Mr. ALLISON. I understand that this committee is considering the question as to whether the House have a right, in the first instance, to instruct their committee and thereby prevent a full and free conference. On that question now they are not ready to report, and they may not be ready for some days. I do not think there is any great humiliation in our proposing to recede from one amendment. In fact, I think we ought never to have adopted it.

Mr. TILLMAN. I agree to that probably, but why not agree to recede from all three?

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield?

Mr. ALLISON. I have said all I desire to say.

Mr. FORAKER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I yield to the Senator. I am only trying to get at the real situation here, the true inwardness, so to speak, of this remarkable condition.

Mr. FORAKER. I do not want to prolong this contention or to keep Congress in session unduly, but it may be remarked in this connection, in answer to what the Senator from Iowa said, that the thermometer is no higher at this end of the Capitol than it is at the other end. We can stay here as long as the other House can.

Mr. ALLISON. I am not sure about that, but I suppose it is true.

Mr. FORAKER. However, I do not want to speak as though such an issue as that indicates might come to pass. I think this is a matter that ought to be proceeded with in an orderly way, a way consistent with the dignity and honor and self-respect of the Senate. I think inasmuch as the committee, which we appointed to confer with a like committee from the House on the message sent us by the House, is not yet ready to report, and inasmuch as it is desired to proceed here, that we should, instead of commencing by surrendering one of the controverted propositions, simply ask that the House will grant a full and free conference on all the amendments made by the Senate to this bill. I think if they will yield as to two of them, they can with equal propriety yield as to all three of them.

In asking the House to give us a conference upon all three amendments, we are not asking anything more than that which we are clearly entitled to. Therefore I send to the Secretary's desk and ask to have read a motion which I offer as a substitute for the motion made by the Senator from Vermont.

The PRESIDENT pro tempore. The motion proposed by the Senator from Ohio will be read.

The Secretary read as follows:

Resolved, That the Senate insist upon its amendments to the bill, and ask a full and free conference with the House thereon.

The PRESIDENT pro tempore. The motion to recede will take precedence of that.

Mr. FORAKER. A motion to recede?

The PRESIDENT pro tempore. Yes; because it brings the two Houses one step nearer together.

Mr. FORAKER. Is not that rule only applicable after conference committees have been appointed? The Senate passed with amendments a bill that was sent to us by the House of Representatives. The bill has been, with those amendments, returned to the House. The House has refused to concur, and has sent us a message, in which it is stated that it has refused to concur; that it has appointed conferees, and has instructed them not to confer as to three amendments that were adopted by the Senate, but to confer as to all the other amendments. The Senate was manifestly unwilling to act upon such a message as that from the House. The Senate was willing to have a full and free conference, but not willing to have a conference that is less than full and free.

The Senator from Vermont, in offering the motion he made a while ago, did, it is true, provide that one of these controverted propositions should be receded from and requested the House to grant us a conference as to the other two. What I propose is, first, before asking for a conference as to the two, that we ask for what the Senate is manifestly entitled to have—a full and free conference as to all of the amendments. I have no interest in any one of the amendments, except only as every Senator here is interested; but I have a great deal of interest in the great, general, broad proposition that underlies this whole proceeding.

Mr. TILLMAN. I rise to a point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. TILLMAN. I want to know if it is in order and whether a Senator has the power, acting by himself, without any conference with his colleagues on the committee, to make this motion to recede at this stage of the proceeding?

The PRESIDENT pro tempore. The Chair has not the slightest doubt about its being in order.

Mr. SPOONER. The Senator from South Carolina ought to remember that the Senator from Vermont does not make this motion as a member of the conference committee which was appointed on the message from the House of Representatives.

Mr. TILLMAN. Does he make it as a member of any conference committee?

Mr. SPOONER. He makes it not as a member of any conference committee, but he makes it as a Senator on the Committee on Military Affairs who had this bill in charge.

Mr. TILLMAN. He makes it as an individual?

Mr. SPOONER. Yes, sir; he makes it as the Senator who has this bill in charge. This bill was not committed to a conference, and never has been sent to a conference. The committee on the message of the House of Representatives expect to report later, and I hope they will be able to report in a manner satisfactory to the Senate; but, like all matters of this sort, which generate more or less feeling, we can not get it settled in a moment. From the fact that we are not making any report at this time it must not be understood that we are at all willing to yield the dignity or the rights of the Senate; but each House is a part of the legislative department, and we must cooperate in doing business if we expect to get along in a courteous and gentlemanly way. The

motion made by the Senator from Vermont does not emanate at all from the committee.

Mr. TILLMAN. How can the Senator say that he is not a member of the committee?

Mr. SPOONER. I am not a member of the committee.

Mr. TILLMAN. You are not a member of the committee of conference?

Mr. SPOONER. Certainly I am; but this does not come from that committee.

Mr. TILLMAN. The Senator from Vermont is a member of that same committee and the Senator from Colorado is a member of the committee.

The PRESIDENT pro tempore. Senators will please address the Chair and observe the rules.

Mr. SPOONER. I guess the Senator from South Carolina has put me out of order now. I do not know.

The PRESIDENT pro tempore. No; the Senator from Wisconsin has the floor.

Mr. SPOONER. The Senator from Vermont is not only a member of this committee, and he has participated with us in most of our conferences, but he is also a member of the Committee on Military Affairs, which has the bill in charge, and that Senator reported the bill from that committee. He sees fit to make this motion. His motion does not in any wise interfere with the jurisdiction of the committee of conference or conclude the Senate on that matter.

Mr. HOAR. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his question of order.

Mr. HOAR. My question of order is that the Army bill is not before the Senate. Perhaps a statement of the situation will show that I am wrong in my facts. It is true that a motion to recede precedes a motion to insist and to ask for a further conference, but you have first to get the bill before the Senate. The conference committee, if I am correctly informed at the desk—and if not my point of order does not lie—have not reported. The Senator from Vermont gets up and makes a motion that the Senate recede from a certain amendment on some bill which is now before a committee of conference.

Mr. SPOONER. If the Senator will pardon me a moment, this so-called conference committee is not a committee appointed to consider the bill.

Mr. HOAR. I am not speaking of the committee of which the Senator from Wisconsin is chairman, but I am speaking of the committee for which the Senator from Vermont has acted as the representative with reference to this bill.

Mr. SPOONER. There has been no conference committee appointed on the bill.

Mr. HOAR. Has the Nicaragua bill, which was pending before the Senate, been displaced by vote of the Senate and the Army bill taken up for consideration?

Mr. SPOONER. Temporarily.

Mr. HOAR. That could not be done except by unanimous consent or by vote of the majority to displace the canal bill. I rise to a question of order, Mr. President, that the motion of the Senator from Vermont is not in order and is not properly before the Senate.

The PRESIDENT pro tempore. The Chair overrules the point of order. The bill was sent from the House of Representatives to the Senate with the request that there be a conference. It is now before the Senate. At the request of the Senator from Vermont, the Chair laid the bill before the Senate.

Mr. HOAR. Then I suppose that laying the bill before the Senate is merely a matter of information, unless the Senate have agreed to take it up. You can not displace a pending measure in that way. It is a very serious proposition if at any time when the Senate has voted to engage in the consideration of a measure and that measure is pending it may lose its place by having some request from the other House laid before the Senate, taken up, and debated. We may debate this question six weeks if the Senate has a mind to do so.

The PRESIDENT pro tempore. The Secretary will read clause 5 of Rule VII.

The Secretary read as follows:

5. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. HOAR. Very well.

Mr. TILLMAN. There was no "motion so made." We had no vote, but merely a request was made.

The PRESIDENT pro tempore. The Senator from Vermont asked unanimous consent.

Mr. HOAR. Do I understand, then, that the construction given to that rule by the Chair is this: That if the Clerk of the House of Representatives brings over here, when some measure is pending on which we have agreed to vote at a certain time and debate is going on, a dozen bills, each one of those bills in succession may be laid before the Senate and a vote demanded on any motion; twenty motions may be made, and if they are made one after another and the yeas and nays are called the pending business, however important, may be dispensed with until that time?

The PRESIDENT pro tempore. The Chair always lays before the Senate every message that comes from the House of Representatives.

Mr. HOAR. That I understand; but I understand that is a matter ordinarily of information and not to displace the pending business. If the position of the Chair is as I understand it, there is a weapon in regard to the delay of pending business in the power of any Senator, it seems to me, of a most important and dangerous character.

Mr. FORAKER. Mr. President, putting it in a difierent way, the question arises whether or not when a bill brought from the House is laid before the Senate it is in order for a Senator to suspend the pending business under consideration by moving an amendment and then proceeding to discuss it, and when that amendment has been disposed of, proceeding with other amendments one after another indefinitely, discussing them, and thus consuming the whole day. Is that in order?

Mr. ALDRICH. A bill which comes from the House of Representatives is not amendable under our rules without a reference, except by unanimous consent.

Mr. FORAKER. A bill which has just come from the House of Representatives is about to be amended if the proposition of the Senator from Vermont should prevail. He moves, if I understand him, that we recede from an amendment which we have made to the bill, thus restoring the original text. That is an amendment to the bill as it passed the Senate.

Mr. ALDRICH. A motion to recede is undoubtedly in order where there is a disagreement between the two Houses; but the Senator from Ohio said a motion to amend the bill.

Mr. FORAKER. I am speaking of this as the equivalent in parliamentary effect of a motion to amend whether it is in parliamentary name or not.

Mr. ALDRICH. The course followed in this case has been the course always followed in the Senate within my recollection. The Presiding Officer lays messages from the House of Representatives before the Senate, and a motion to recede from an amendment is always held to be in order.

Mr. TILLMAN. Mr. President, this bill was sent over here about three weeks ago, and along with it came a message notifying us that the House had instructed its conferees not to confer about certain amendments. That was such an extraordinary proceeding that the Senate took no action. It was debated here for several days at various times, and finally the Senate passed a resolution appointing a committee of three to confer with a like committee on the part of the House about the differences between the two Houses on the Army bill, if I recollect the phraseology.

Mr. SPOONER. No; if the Senator will pardon me, it was to confer with the House on the message from the House.

Mr. TILLMAN. On the message of the House about the Army appropriation bill.

Mr. SPOONER. Not on the bill.

Mr. TILLMAN. That is only a roundabout way to get at the bill at last.

Mr. SPOONER. No; we were not dealing at all with the amendments.

Mr. TILLMAN. No; it was to deal with the question of the House sending us such a message, which in effect precluded the Senate from any action except to subside and surrender. That is the point; and it is a question now, to my mind, as to whether we had any right to put those amendments on or whether the House had any right to send us such a message. That is all.

So far as the merits of the controversy are concerned, they do not enter into the question—I mean whether these amendments ought to remain in the bill or go out of it. I presume the Senate, if it could get hold of the matter, would vote them out; but the point at issue, as I understand it, is whether we shall surrender our right to amend a House bill.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. TILLMAN. Mr. President, I have not given up the floor yet. I will yield, with pleasure, but I do not yield in that kind of style.

The PRESIDENT pro tempore. The Chair thought the Senator from South Carolina had yielded the floor. Does the Senator yield to the Senator from Vermont?

Mr. TILLMAN. I do.

Mr. PROCTOR. Mr. President, I am willing the Senator shall finish, or I will make a brief explanation now.

Mr. TILLMAN. I am perfectly willing to let the Senator make his explanation.

Mr. PROCTOR. The motion I made entirely ignores the message of the House and the resolution of the House that is before

the committee which was appointed by the Senate, of which the Senator from Wisconsin [Mr. SPOONER] is the chairman. It entirely ignores that, and leaves that whole matter to the Senate to deal with as it shall see fit.

The motion I made was to recede from this first amendment, leaving the other two, to which the House objected, for a full and free conference. My reason for moving to recede from that amendment is because it is in contravention of an existing statute, and so I thought it was indefensible. While I thought the amendment would have been, if agreed to, a wise and a good one, I thought it strictly indefensible, and, while not surrendering the right of amendment, that it would put us in a much better position to recede from that amendment, which is plainly in contravention of existing law.

Mr. TILLMAN. Do I understand the Senator from Vermont to stand up here and, in cold blood, tell us that we have not the right to amend any bill as we please; and is this anything more than an amendment to existing law?

Mr. PROCTOR. I did not say any such thing.

Mr. TILLMAN. You said it was indefensible.

Mr. PROCTOR. I say I do not think it wise to insist, but wiser to recede from an amendment which really is not defensible.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. The Senator——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. I want to say a word in answer to the remark made by the Senator from Vermont about the character of this amendment to the effect that it is indefensible. The question to which he refers in that connection was under consideration in the Committee on Military Affairs. It is true that there is a statute that places a limitation upon the amount that may be expended for the character of buildings that this money is to be devoted to the construction of; but it was the unanimous opinion of the committee, the Senator from Vermont included, that Congress had a right in passing this bill to amend that statute; that it was not necessary for us to repeal that statute; but that we could overcome the effect of it properly and legitimately by a simple provision that in this case this money should be expended in the way here pointed out.

The Senator says that the amendment, otherwise than that it is in conflict with that statute, is a wise and just measure, in his opinion. There can not be any question in my mind but that it is a wise and just measure. We did not pass it because any Senator wanted that there should be any such appropriation of money, but because we were advised of conditions that could not be met otherwise than by such an appropriation of money, and when our attention was called to the statute limiting the amount, we proceeded to legislate, recognizing, as the Senator from South Carolina [Mr. TILLMAN] has just suggested, that it is competent for this Congress to enact a law that will be a repeal or that will override that statute to which reference is made.

It can not be said justly that this amendment is indefensible because it is in conflict with a provision of the existing statute. Nobody presumed so to characterize it in committee. I have no special interest in the amendment; I am perfectly willing that it may go out if it should be thought, after proper consideration of it by those deputed to consider it, that it ought to go out. I have no objection to the conferees striking it out, but I do object to the House striking it out and telling us to strike it out, and sending us a message to the effect that our amendment is indefensible, that it is in violation of the rules of the House, and that we must not commit such a violation of the rules of the House, because they can not any longer tolerate such a practice as that by the Senate of the United States.

It did not seem to me that it would take any longer than the House had an opportunity to recede from that kind of a proposition that it would recede from it; but after a committee, a polite and diplomatic and capable committee such as this body appointed, has been negotiating with a like committee of the House for two or three weeks, they have come in here and said all they can do is to report progress; that they have had a number of very pleasant and agreeable meetings, but they have not reached a conclusion. Thereupon, the Senator from Vermont takes the floor and moves that we recede from one of the amendments—an amendment in which I have no interest personally, and I do not care whether it stays in the bill or not, though I voted to put it in because I thought the public good required that it should go in, and every other member of the committee thought that the public good required that it should go in.

I for one am willing to stay here until the thermometer is higher than it now is before I will yield to any such thing. Therefore it is that I am not making any point of order. I am perfectly willing that the vote shall be taken now or at any other time, and therefore it is, while I am perfectly willing that the Senator from Vermont shall make his motion now, I want also to make my motion, and if it does not get any other vote it will get mine. My own feeling about the matter will at least have been respected whether anybody's else feeling is or not.

Mr. TILLMAN. Mr. President, unless I misconstrue the merits of this question, it is not whether we shall retain either one of these three amendments in the act as it shall become a law, but it is a question of whether the Senate will demand and make the House finally surrender to the right of the Senate to amend a House bill. We have been subjected to a message from the House that we have put something on the Army bill which we had no right to put on, which is contrary to law, and, to use the language of the Senator from Vermont, is indefensible, and that the House will not tolerate such insolence on our part. That is the whole sum and substance of the situation.

I for one will vote with the Senator from Ohio that the Senate has the right to amend any bill that the House sends over here. If we find we are wrong in our amendment, I am for taking it off; but until I know that we are wrong I do not propose to be monkeyed out of it in this sort of fashion.

Mr. HOAR. Mr. President, I desire to call the attention of the Senate to this question of order, and if necessary, though I do not want to do it, I will take an appeal for the purpose of making it debatable; or perhaps the Senate will allow me to state my view without that formality.

This is certainly one of the most important matters regarding the rights of the Senate and the orderly course of debate. Clause 5 of Rule VII reads:

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives.

The matter must be sent to the Senate by the President or by the House of Representatives—

and any question pending at that time shall be suspended for this purpose. Any motion so made—

That is, made to take up the particular matter by any Senator—

shall be determined without debate.

There is nothing in the rule that requires that any other motion in regard to the subject shall be determined without debate, or when it shall be determined, but only the matter of laying it before the Senate.

Now, Mr. President, what has happened in regard to this matter? What brought it up—a message from the House or a motion, may I ask the Chair?

The PRESIDENT pro tempore. A message from the House of Representatives.

Mr. HOAR. A message from the House of Representatives. That message from the House of Representatives is that the House nonconcur in some amendments of the Senate. That we know. That has been laid before the Senate. Does the Chair rule that that brings before the Senate the measure, displacing or suspending existing business, whether it takes one week or six weeks to dispose of it, and that any matter which the House has sent over here may be in turn taken up, debated, and disposed of by a final vote of the Senate?

The PRESIDENT pro tempore. The Chair holds that a motion made by any Senator that the Chair lay such a matter before the Senate is in order.

Mr. HOAR. Very well; then all that is pending now, according to the Chair, is a motion to lay the matter before the Senate.

The PRESIDENT pro tempore. No; the Senator from Vermont asked that the bill be laid before the Senate by unanimous consent. He did not make the motion, and the Chair immediately responded by laying it before the Senate, no objection being made to the request.

Mr. HOAR. Was that done by unanimous consent, or under the authority of the Chair?

The PRESIDENT pro tempore. By unanimous consent, as the Chair understood it.

Mr. HOAR. I did not give any consent, and I did not hear the question asked for unanimous consent.

The PRESIDENT pro tempore. No attention was given by any Senator to the request of the Senator from Vermont.

Mr. HOAR. The Chair did it in the Chair's right to lay it before the Senate for information? Now, does the Chair hold that any motion which the Senator from Vermont may make, it having been laid before the Senate under the right of the Chair, is to be determined without debate, or only the motion to take it up?

The PRESIDENT pro tempore. Only the motion to take it up.

Mr. HOAR. Very well. Then the matter is before the Senate, and a motion to recede is in order and debatable.

The PRESIDENT pro tempore. It is.

Mr. HOAR. Does that displace the existing business?

The PRESIDENT pro tempore. It is a matter for the Senate to determine, whether it is in conflict with the unanimous-consent agreement, by which the unfinished business is to have the floor from time to time. It is not for the Chair to determine.

Mr. HOAR. Then we have, at least so far as the ruling of the

Chair goes, got the statement made that another matter than the canal bill is now lawfully before the Senate, subject to all parliamentary motions and debatable?

The PRESIDENT pro tempore. Yes. The Chair under that rule has no doubt, and he never has heard it questioned up to the present time, that any matter laid on the table from the President of the United States or from the House of Representatives might at any time suspend existing business and be laid before the Senate on request of any Senator. And the Chair was just about, before this came up, to lay before the Senate, at the request of the Senator from Massachusetts, a message from the House of Representatives in order that it may be disposed of.

Mr. HOAR. Will the Chair be good enough to do that now?

The PRESIDENT pro tempore. The Chair will do so with great pleasure immediately after this matter is disposed of.

Mr. HOAR. I should like to have the Chair do so now.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. HOAR. I have not yielded the floor.

The PRESIDENT pro tempore. The Chair begs pardon of the Senator from Massachusetts.

Mr. TILLMAN. Will the Senator from Massachusetts yield to me for one minute?

Mr. HOAR. I want to get the parliamentary condition settled.

Mr. TILLMAN. I wish to give the Senator some information. He was not in the Chamber when this began.

Mr. HOAR. Very well.

Mr. TILLMAN. I wish to state that the Chair, as I recollect, was asked by the Senator from Vermont to lay the Army appropriation bill before the Senate. He did not ask unanimous consent. There was no mention made by the Chair about unanimous consent. There was not any motion to take it up. It was simply brought forward and laid before the Senate by the Chair at the simple request of the Senator from Vermont, without any of the formalities which I have mentioned. Now, that is the fact.

The PRESIDENT pro tempore. It is. That is a correct statement.

Mr. HOAR. The Chair had a right to do that under the rule. But we have not any unanimous consent. Under the right given to the Chair by the rule he laid this matter before the Senate; and the next proposition, as I understand, is that any motion in order upon that bill as it stands is in order and debatable. That is the ruling, if I correctly understand the Chair.

Mr. PROCTOR. Mr. President, it did not occur to me when I made the motion that it would lead to debate. I thought it the only practicable way to get out of the unfortunate condition we were in, and I am sure it is not any surrender. The whole question of comity between the Houses is still before the Senate. It is entirely aside of that.

But I dislike to have this matter take the time of the Senate from the canal bill. The Senator from California [Mr. PERKINS], I believe, is ready to speak, and I ask that this matter may be laid aside.

The PRESIDENT pro tempore. It will lie on the table.

Mr. ALDRICH. Mr. President, just a single word in response to the remark made by the Senator from Massachusetts [Mr. HOAR] as to the rights of this bill. This bill is entitled to rights not only from having been laid before the Senate as a part of a message from the House of Representatives, but because it was a report of a conference committee.

Several SENATORS. No.

Mr. ALDRICH. The Senator from Vermont, I understand, although I was not listening to the debate, made a report from the conference committee that they had been unable to agree.

Several SENATORS. No.

Mr. PROCTOR. The Senator from Wisconsin is chairman of the committee having the matter in charge.

The PRESIDENT pro tempore. The bill was sent to the Senate from the House of Representatives, with the request for a conference.

Mr. ALLISON. The House asked for a conference. It is privileged in that respect.

Mr. ALDRICH. It is privileged in that respect. In every sense it was privileged to be laid before the Senate. The question of consideration could undoubtedly have been raised by the Senator from Massachusetts when it was laid before the Senate, and unless the Senate voted to proceed to the consideration of the bill it could not have been amended. And the question having been once raised——

Mr. HOAR. The Senator will pardon me. My object in dwelling on the point of order and making it clear is this: I understood the Chair in the beginning to hold that the rule that any motion so made should be determined without debate applied to all motions and not merely to the motion to take it up.

The PRESIDENT pro tempore. The Chair did not so state.

Mr. HOAR. I must have misunderstood the Chair in that particular. That being so, I do not know that there is any controversy between the Senator from Rhode Island and myself on the general proposition. Then the only question which would come up now, so far as I can see, is whether there is any unanimous consent involved.

The PRESIDENT pro tempore. The question of consideration can be raised even on a conference report.

Mr. ALDRICH. Unquestionably. My contention is that in the absence of objection the Chair was entirely right——

Mr. HOAR. Certainly.

Mr. ALDRICH. In laying this message before the Senate, and the Senator from Vermont was entirely right in making the motion to recede.

MARSHALS IN THE INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes; which were, on page 1, line 10, to strike out all after "Territory" down to and including the word "hundred," in line 13; on page 2, line 1, to strike out the word "State;" and on page 2, line 1, after the word "decision," to insert "of the Comptroller of the Treasury of the United States."

Mr. HOAR. Those amendments are the merest formal and verbal amendments, not changing the legal effect of the bill in the least. I hope they will be concurred in.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. PERKINS obtained the floor.

Mr. MITCHELL. Would not the Senator from California prefer to go on in the morning?

Mr. PERKINS. It is immaterial to me.

Mr. PLATT of Connecticut. There are others who wish to speak to-morrow.

Mr. MITCHELL. I ask unanimous consent of the Senate that the Nicaragua Canal bill may be proceeded with immediately after the conclusion of the morning business to-morrow.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the unfinished business may be proceeded with immediately after the completion of the routine morning business. Is there objection?

Mr. McCUMBER. I object.

Mr. FORAKER. What is the request?

The PRESIDENT pro tempore. Was objection made?

Mr. McCUMBER. What is the request?

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the unfinished business may be proceeded with immediately after the completion of the routine morning business.

Mr. McCUMBER. For how long a time?

Mr. GALLINGER. For the next three days.

The PRESIDENT pro tempore. For the remaining days until the bill is voted upon.

Mr. McCUMBER. The Senator from Oregon limited his request to to-morrow.

Mr. MITCHELL. I will modify the request.

Mr. McCUMBER. I shall not object as to to-morrow.

Mr. MITCHELL. I make the request, then, for to-morrow.

Mr. McCUMBER. For to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and the order is made for to-morrow.

Mr. MITCHELL. Yes.

Mr. PERKINS. Do I understand that I will have the floor in the morning immediately after the morning business is concluded?

The PRESIDENT pro tempore. The Chair now recognizes the Senator from California, and will recognize him to-morrow morning.

Mr. GALLINGER. Mr. President, I desire to give notice that to-morrow I will submit some remarks on the unfinished business immediately following those of the Senator from California.

REGISTRATION OF VESSELS.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was on page 1, line 7, after the word "company," to insert "or by an individual or individuals;" in line 11, after the word "behalf," to

insert "or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals;" on page 2, line 1, after the word "vessel," to strike out "by such company;" and in line 3, after the word "company," to insert "when such vessel is owned by a corporation;" so as to make the section read:

SEC. 4139. Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel.

The amendment was agreed to.

The next amendment was, on page 2, line 11, after the word "company," to insert "or by an individual or individuals;" in line 15, after the word "behalf," to insert "or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals;" in line 18, after the word "vessel," to strike out "by such company," and in line 19, after the word "company," to insert "when such vessel is owned by a corporation;" so as to make the section read:

SEC. 4314. Previous to granting enrollment and license for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SANTA FE PACIFIC RAILROAD COMPANY.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DOLLIVER. I desire to offer certain amendments, mainly of a verbal character. They are indicated on the paper which I send to the desk.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendments proposed by the Senator from Iowa will be stated.

The SECRETARY. In section 2, page 2, line 24, after the word "Arizona," insert "respectively;" in the same line, after the word "of," insert "main;" in line 25, after the word "Territories," insert "respectively;" on page 3, line 4, after the word "sold," insert "and the rolling stock used thereon, but excepting;" in line 6, after the word "tax," insert "as to each Territory;" in line 8, after the word "until," strike out "the said Territories, or either of them" and insert "it shall;" and in line 9, after the word "as," strike out States and insert "a State;" so as to read:

That from and after the passage of this act the said Santa Fe Pacific Railroad Company, its successors or assigns, shall pay an annual tax at the rate of $175 per mile to the Territories of New Mexico and Arizona, respectively, for each mile of main track in said Territories, respectively, the same to be apportioned among the counties of said Territories in which said railroad is located according to the mileage in each county, respectively, and said taxes shall be in lieu of all other taxes on said property hereby authorized to be leased or sold and the rolling stock used thereon, but excepting the land-grant lands and shops, as hereinafter otherwise provided, and the payment of the said tax as to each Territory shall be made on or before the 1st day of December of every year after 1902 until it shall have been admitted into the United States of America as a State, etc.

The amendments were agreed to.

Mr. MORGAN. I think the Senator who called up the bill had better make an explanation of it. Some Senators seem to be in doubt as to what it means.

Mr. DOLLIVER. Mr. President, this is a bill to authorize the Santa Fe Pacific Railroad Company, which runs from Albuqurque to a point just within the borders of California, to sell or lease its property and franchises to the Atchison, Topeka and Santa Fe Railroad Company. The Santa Fe Pacific Railroad Company is the successor of the old Atlantic and Pacific Railroad Company. The Atchison, Topeka and Santa Fe Company now owns and has for many years owned all of the bonds and all of the stock of this company, and this bill is to authorize a nominal transfer of the property and franchises of the company to the real owner, for the purpose of avoiding the duplication of officers and the maintenance of a separate line of railway where no such corporation is needed.

This authority has been given by the State of California and, as I am informed, the State of Kansas, and the action of Congress in the matter is necessary only because the line of this railway, which is and has for many years been a part of the main track of the Atchison, Topeka and Santa Fe, lies within the Territories of New Mexico and Arizona.

I will say also that the Delegates from both those Territories have approved of this legislation and are anxious to have it enacted. I will say, in addition, that it was so entirely free from objection that it passed the House of Representatives by a unanimous vote.

Mr. PETTUS. I should like to have the Senator explain why it is that it is necessary to state how much tax shall be paid.

Mr. DOLLIVER. That was done as a special fayor to save the Territories of New Mexico and Arizona from a controversy about taxes with this company, and the railroad company agreed to it, although it raises the tax which they are now paying, I think, $50 a mile.

Mr. PETTUS. What are the taxes now paid a mile?

Mr. DOLLIVER. I think $125 a mile, and this raises it to $175 a mile by agreement between all the parties interested. It saves an ugly controversy, and I think the rate imposed is adequate.

Mr. PETTUS. Has not the law heretofore been that the Territory should tax as it saw fit?

Mr. DOLLIVER. I believe that is true. I think under the charter, however, this road was entirely exempt from taxes within those Territories. I am so informed by a gentleman who is very familiar with the Territory of Arizona.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent to call up the bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River.

The PRESIDING OFFICER. The Chair is informed that this bill came over to-day from the House.

Mr. NELSON. And it was substituted on the Calendar for a similar Senate bill.

The PRESIDING OFFICER. The bill is not at present in possession of the clerks. The Chair is informed that it has gone to the printer.

DONATION OF CONDEMNED CANNON.

Mr. HOAR. I am authorized by the Senator from Vermont [Mr. PROCTOR] to move that the Committee on Military Affairs be discharged from the further consideration of the joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers, and I ask that the joint resolution be put upon its passage. I am authorized by the Senator from Vermont to make the motion. It is a copy precisely of the bill just passed in regard to the monument in the State of New Jersey.

Mr. BERRY. I should like to inquire of the Senator from Massachusetts how long the joint resolution has been before the Committee on Military Affairs?

Mr. HOAR. The joint resolution was introduced last Thursday and referred to the Committee on Military Affairs. It has been examined by the Senator from Vermont [Mr. PROCTOR], who authorized me to make this motion. I am going away, and I desire very much to get the bill through. It is an exact copy of the bill just passed in regard to the monument of the late Senator from New Jersey, General Sewell, and such a bill, I believe, invariably, as a matter of course, if the condemned cannon are in the possession of the Department, is always passed on request.

Mr. BERRY. I make no objection to it. I was just a little curious to know about discharging the committee by order of the Senate. It has not been customary unless they had charge of the measure for a great while.

Mr. HOAR. I want very much to get it through the House this week if I can.

Mr. BERRY. Certainly; I do not object.

The PRESIDING OFFICER. If there be no objection, the Committee on Military Affairs will be discharged from the further consideration of the joint resolution, and it will be read.

The joint resolution was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. After the words "Worcester County," in line 9, I move to insert "Massachusetts."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers."

EXPENDITURES IN CUBA.

Mr. PLATT of Connecticut. I present a communication addressed to me by the Secretary of War, transmitting a statement of receipts and expenditures in Cuba for the months of May and June, 1900, and also requesting that an appropriation of $10,000 be made to enable the War Department to continue the preparation of the report of expenditures in Cuba since April 30, 1900. I move that the communication be referred to the Committee on Appropriations, to be considered in connection with the general deficiency appropriation bill.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 17, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 16, 1902.

REGISTER OF LAND OFFICE.

Charles A. Blake, of South Dakota, to be register of the land office at Huron, S. Dak., his term having expired. (Reappointment.)

POSTMASTERS.

Caleb S. Brinton, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania, in place of Charles F. Humrich. Incumbent's commission expired January 31, 1902.

Frederick Brunhouse, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in place of John S. Weaver. Incumbent's commission expired January 14, 1902.

MEMBERS OF BOARD OF CHARITIES.

Simon Wolf, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1902. (Reappointment.)

Charles P. Neill, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1902. (Reappointment.)

CONSUL.

Joseph E. Proffit, of West Virginia, to be consul of the United States at Pretoria, South Africa, vice Adelbert S. Hay, resigned.

PROMOTION IN THE NAVY.

Capt. Charles E. Clark, to be advanced seven numbers in rank and to be a rear-admiral in the Navy, from the 16th day of June, 1902, to take rank next after Rear-Admiral Henry Glass and to be an additional number in the grade of rear-admiral.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 16, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, June 14, was read, corrected, and approved.

ORDER OF BUSINESS FOR THURSDAY NEXT ET SEQ.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin asks for the present consideration of a resolution which the Clerk will report to the House.

The Clerk read as follows:

Mr. COOPER, chairman of the Committee on Insular Affairs, submits the following request for unanimous consent:

That immediately after the reading of the Journal on Thursday, June 19, and each day thereafter until and including Thursday, June 26, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2295.

That general debate on said bill shall continue for five days.

That after Thursday, June 19, and during the continuance of this order, the House shall meet each day at 11 o'clock, and at 5 o'clock on each day a recess shall be taken until 8 o'clock for evening sessions, which evening sessions shall continue not later than 10.30 p. m., and be devoted to debate only on said bill.

That on Wednesday, June 25, the House in Committee of the Whole shall immediately proceed with the consideration of the said bill under the five-minute rule; that consideration of the text of the Senate bill for amendment shall be waived, and the Committee of the Whole shall proceed to consider, for discussion and amendment by sections the substitute amendment proposed by the Committee on Insular Affairs: *Provided, however*, That at any time amendments may be offered on behalf of said committee to any part of said substitute amendment.

That at 4 o'clock on Thursday, June 26, the Committee of the Whole shall rise and report said bill and all pending amendments to the House, and thereupon the previous question shall be considered as ordered upon the bill and all pending amendments thereto, including one amendment in the nature of a substitute to be offered by the minority of the Committee on Insular Affairs, to final disposition without intervening motions.

That leave is hereby granted to all members speaking on said bill to extend their remarks in the RECORD.

Provided, That this order of the House shall not interfere with the consideration of appropriation or revenue bills, conference reports, or Senate amendments to House bills. If, however, the consideration of any such bills or reports consumes an hour or more of the time of the House on any day during the continuance of this order then the time for the consideration of the bill S. 2295 and the time for reporting the same to the House by the Committee of the Whole shall be correspondingly extended. Such extension of time to apply to the debate under the five-minute rule.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say to the House——

Mr. RICHARDSON of Tennessee. The right to object is reserved, of course.

The SPEAKER. The Chair understands.

Mr. COOPER of Wisconsin. That this resolution has the unanimous approval of the Committee on Insular Affairs.

Mr. HILL. I desire to reserve the right to object.

The SPEAKER. Is there objection?

Mr. HILL. As I understand the rule, it provides for action on the bill without any amendment except such amendments as are proposed by the committee. Am I correct?

The SPEAKER. That is not the effect of the rule at all.

Mr. HILL. Will it be in order to move an amendment to the substitute, so far as the coinage provisions are concerned, under the rule?

The SPEAKER. If it is reached in Committee of the Whole, it will be.

Mr. DINSMORE. Is it not the effect of the resolution that the substitute shall be open only to amendments of the committee?

Mr. GAINES of Tennessee. That is the way I understood it, and that is why I want to inquire about it.

Mr. COOPER of Wisconsin. That is not the effect of the rule. Mr. Speaker, I call the attention of the House to the phraseology of the rule:

That on Wednesday, June 25, the House, in Committee of the Whole, shall immediately proceed with the consideration of the said bill—

That is, the Senate bill—

under the five-minute rule; that consideration of the text of the Senate bill for amendment shall be waived, and the Committee of the Whole shall proceed to consider, for discussion and amendment, by sections, the substitute amendment proposed by the Committee on Insular Affairs.

The effect of that is to bring the House to the immediate consideration, under the five-minute rule, of the bill reported by the Committee on Insular Affairs of the House for amendment by sections.

When the committee amendments are disposed of the bill shall be taken up and voted on at 4 o'clock.

Provided, however, At any time amendments may be offered on behalf of said committee to any part of said substitute amendment.

Mr. RICHARDSON of Tennessee. Let me ask the gentleman if the effect of that proposition is not to enable the Insular Committee, if it sees fit to do so, to have amendments pending during the entire two days that the bill is open for amendment under the five-minute rule, engrossing the entire time, so that other amendments can not be offered.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say to the gentleman from Tennessee that nothing is further from the intention of the Committee on Insular Affairs than the course indicated by the gentleman.

Mr. RICHARDSON of Tennessee. Now, then, I accept that statement.

Mr. COOPER of Wisconsin. Speaking for myself, as chairman of the committee, if I may be permitted to control the conduct of affairs on behalf of the committee, nothing of that kind will be tolerated.

Mr. RICHARDSON of Tennessee. I accept that; therefore I shall not object, inasmuch as the minority members of the Committee on Insular Affairs have agreed to this rule; but I do desire to say that there is a serious objection to a rule with this provision, that at the end of two days, at the hour fixed by this rule, the bill must be reported from the Committee of the Whole House to the House of Representatives and a vote taken. Now, suppose at that hour the completion of the bill has not been had in the Committee of the Whole; in other words, suppose that the committee has not completed the reading of the House bill, under

the five-minute rule for amendments. If the rule is agreed to, it must be reported, and possibly one-half of the bill not read in the Committee of the Whole under the five-minute rule. Now, that is not right.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say for the information of the gentleman from Tennessee that that view of the situation was all discussed in the Committee on Insular Affairs. There are many sections of the bill to which there will be no amendment offered, which is perfectly apparent on reading the bill, such as to confirm the acts of the President in appointing the Commission and confirming laws passed by the Commission.

Mr. RICHARDSON of Tennessee. I have no doubt that is true.

Mr. COOPER of Wisconsin. There are, however, some sections to which amendments will undoubtedly be offered.

Mr. RICHARDSON of Tennessee. I hope the consideration of the bill will be completed under the five-minute rule in the two days, but I do not believe that we should have agreed—that the committee should have agreed—to a proposition which brings us arbitrarily to a vote at a given hour, whether we have completed the reading of the bill or not for amendment. But I shall not object.

Mr. COOPER of Wisconsin. The objection of the gentleman from Tennessee is applicable to every rule brought in here on the part of the Committee on Rules.

Mr. RICHARDSON of Tennessee. Oh, no. We ought not to have had a rule that did not provide for completing the reading of the bill under the five-minute rule. We ought to complete it. That is the proper way.

Mr. COOPER of Wisconsin. I will say to the gentleman it is the unanimous opinion of the minority of the committee that two days under the five-minute debate, beginning at 11 o'clock in the forenoon, would suffice to complete the bill by sections for amendment.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. GAINES of Tennessee. I understood from the reading of the rule, and evidently several of my colleagues so understood, that no amendment would be allowed to the bill at any time unless offered by members of the Insular Committee. Is that so?

Mr. COOPER of Wisconsin. The gentleman misapprehends the purpose entirely.

Mr. GAINES of Tennessee. I am glad that I misunderstood it.

Mr. UNDERWOOD. I wish the gentleman would yield to me.

Mr. COOPER of Wisconsin. Certainly.

Mr. UNDERWOOD. Mr. Speaker, I wish to say that the reason I will not object to this rule, although there is good reason, is because the minority members of the Insular Committee have agreed to accept the rule as it is. The rule, it is true, may be used by the majority of the Committee on Insular Affairs to prevent any amendment being offered which this House or individual members may wish, if they desire to do so, by consuming the entire two days on committee amendments.

The rule provides that the committee may offer as an amendment to the whole bill a bill that is satisfactory to the minority of this House, to be voted upon, and therefore we on this side of the House have an opportunity to offer what we believe is a fair solution of this proposition. It has been nearly four years since the United States has had control of the Philippine Islands. We have been governing them by military government, by arbitrary rule, by czar-like power, and this is the first opportunity that the Republican party has given in this House for us to come to a proposition where we can offer an amendment to govern them by civil authorities. The rule, so far as we are concerned, provides that we may offer our substitute; and I believe that the minority members of the Insular Committee were correct in accepting this proposition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

REBECCA J. TAYLOR.

Mr. GILLETT of Massachusetts. Mr. Speaker, on behalf of the Committee on Reform in the Civil Service, I present a report on privileged resolution No. 295, and I move that the same lie on the table.

The Clerk read the resolution, as follows;

Resolved by the House of Representatives of the United States of America, That the Secretary of War be, and is hereby, respectfully requested to communicate to the House of Representatives the causes and reasons for the dismissal of Rebecca J. Taylor from her position in the classified service in the War Department, if not incompatible with the interests of the public service.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts, that the resolution lie on the table.

Mr. SHALLENBERGER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 85, answered "present" 14, not voting 143; as follows:

YEAS—109.

Allen, Me.	Eddy,	Kahn,	Rumple,
Aplin,	Emerson,	Ketcham,	Scott,
Beidler,	Esch,	Knapp,	Shattuc,
Bingham,	Evans,	Kyle,	Sherman,
Bishop,	Fletcher,	Lacey,	Showalter,
Blackburn,	Foerderer,	Lawrence,	Sibley,
Bowersock,	Foss,	Lessler,	Smith, Ill.
Brick,	Foster, Vt.	Lewis, Pa.	Smith, S. W.
Bristow,	Gaines, W. Va.	Long,	Southard,
Brown,	Gibson,	Loud,	Sperry,
Burk, Pa.	Gillet, N. Y.	Martin,	Steele,
Burke, S. Dak.	Graff,	Metcalf,	Stevens, Minn.
Burkett,	Grosvenor,	Mondell,	Stewart, N. J.
Burton,	Grow,	Moody, N. C.	Stewart, N. Y.
Calderhead,	Hamilton,	Moody, Oreg.	Storm,
Cannon,	Haskins,	Morris,	Sulloway,
Capron,	Hedge,	Needham,	Sutherland,
Conner,	Hemenway,	Olmsted,	Tawney,
Cooper, Wis.	Henry, Conn.	Otjen,	Tompkins, Ohio
Cousins,	Hepburn,	Palmer,	Tongue,
Crumpacker,	Hill,	Parker,	Van Voorhis,
Currier,	Hitt,	Patterson, Pa.	Vreeland,
Curtis,	Hopkins,	Payne,	Wachter,
Dalzell,	Hughes,	Pearre,	Warnock,
Darragh,	Hull,	Perkins,	Woods.
Dick,	Jenkins.	Powers, Me.	
Dovener,	Jones, Wash.	Ray, N. Y.	
Draper,	Joy,	Reeder,	

NAYS—85.

Allen, Ky.	Fleming,	McCleary,	Sims,
Ball, Tex.	Fox,	McCulloch,	Small,
Bartlett,	Gaines, Tenn.	McRae,	Smith, Ky.
Bellamy,	Gilbert,	Maddox,	Snodgrass,
Bowie,	Goldfogle,	Mickey,	Snook,
Brantley	Griffith,	Miers, Ind.	Spight,
Breazeale,	Hay,	Minor,	Stark,
Bromwell,	Henry, Miss.	Moon,	Stephens, Tex.
Burleson,	Hooker,	Norton,	Swanson,
Burnett,	Howard,	Randell, Tex.	Thayer,
Butler, Mo.	Jackson, Kans.	Reid,	Thomas, N. C.
Candler,	Johnson,	Richardson, Ala.	Thompson,
Cassingham,	Jones, Va.	Richardson, Tenn.	Underwood,
Clayton,	Kitchin, Claude	Rixey,	Vandiver,
Cooper, Tex.	Kitchin, Wm. W.	Robb,	Wheeler.
Cowherd,	Kleberg,	Robinson, Ind.	Wiley,
Davis, Fla.	Lanham,	Rucker,	Williams, Miss.
De Armond,	Lester,	Ruppert,	Wooten,
Dinsmore,	Lewis, Ga.	Ryan,	Zenor.
Dougherty,	Little,	Selby,	
Edwards,	Livingston,	Shackleford,	
Fitzgerald,	Lloyd,	Shallenberger,	

ANSWERED "PRESENT"—14.

Adamson,	Loudenslager,	Padgett,	Skiles,
Boutell,	McClellan,	Pierce,	Tirrell.
Burgess,	Mann,	Pou,	
Gillett, Mass.	Mercer,	Roberts,	

NOT VOTING—143.

Acheson,	Dayton,	Kluttz,	Ransdell, La.
Adams,	De Graffenreid,	Knox,	Reeves,
Alexander,	Deemer,	Lamb,	Rhea, Va.
Babcock,	Douglas,	Landis,	Robertson, La.
Ball, Del.	Driscoll,	Lassiter,	Robinson, Nebr.
Bankhead,	Elliott,	Latimer,	Russell,
Barney,	Feely,	Lever,	Scarborough,
Bartholdt,	Finley,	Lindsay,	Schirm,
Bates,	Flood,	Littauer,	Shafroth,
Bell,	Fordney,	Littlefield,	Shelden,
Belmont,	Foster, Ill.	Lovering,	Sheppard,
Benton,	Fowler,	McAndrews,	Slayden.
Blakeney,	Gardner, Mich.	McCall,	Smith, Iowa
Boreing,	Gardner, N. J.	McDermott,	Smith, H. C.
Broussard,	Gill,	McLachlan,	Smith, Wm. Alden
Brownlow,	Glenn,	McLain,	Southwick,
Brundidge,	Gooch,	Mahon,	Sparkman,
Bull,	Gordon,	Mahoney,	Sulzer,
Burleigh,	Graham,	Marshall,	Talbert,
Butler, Pa.	Green, Pa.	Maynard,	Tate,
Caldwell,	Greene, Mass.	Meyer, La.	Tayler, Ohio
Cassel,	Griggs,	Miller,	Taylor, Ala.
Clark,	Hall,	Morgan,	Thomas, Iowa
Cochran,	Hanbury,	Morrell,	Tompkins, N. Y.
Connell,	Haugen,	Moss,	Trimble,
Conry,	Heatwole,	Mudd,	Wadsworth,
Coombs,	Henry, Tex.	Mutchler,	Wanger,
Cooney,	Hildebrant,	Naphen,	Warner,
Corliss,	Holliday,	Neville,	Watson,
Creamer,	Howell,	Nevin,	Weeks,
Cromer,	Irwin,	Newlands,	White,
Crowley,	Jack,	Overstreet,	Williams, Ill.
Cushman,	Jackson, Md.	Patterson, Tenn.	Wilson,
Dahle,	Jett,	Powers, Mass.	Wright,
Davey, La.	Kehoe,	Prince,	Young.
Davidson,	Kern,	Pugsley,	

So the motion to lay the resolution on the table was agreed to.

Mr. ADAMSON. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. WANGER, and I desire to change my vote from "no" to "present."

Mr. COOPER of Texas. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat and listening for his name when it should have been called?

Mr. COOPER of Texas. I was.

The SPEAKER. And failed to hear it?

Mr. COOPER of Texas. I did.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. COOPER of Texas, and he voted "no" as above recorded.

Mr. SIBLEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat, listening, and failed to hear his name when it should have been called?

Mr. SIBLEY. I was listening and failed to hear it.

The Clerk called Mr. SIBLEY's name, and he voted "aye" as above recorded.

The following pairs were announced:

For the session:

Mr. WANGER and Mr. ADAMSON.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. IRWIN with Mr. GOOCH.
Mr. YOUNG with Mr. BENTON.
Mr. BULL with Mr. CROWLEY.
Mr. WRIGHT with Mr. HALL.
Mr. HEATWOLE with Mr. TATE.
Mr. BOREING with Mr. TRIMBLE.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. DEEMER with Mr. MUTCHLER.
Mr. COOMBS with Mr. DAVEY of Louisiana.

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.
Mr. JACK with Mr. FINLEY.
Mr. MILLER with Mr. LEVER.
Mr. SKILES with Mr. TALBERT.
Mr. WARNER with Mr. CALDWELL.
Mr. TIRRELL with Mr. CONRY.
Mr. FORDNEY with Mr. BURGESS.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. GILL with Mr. SULZER.
Mr. MARSHALL with Mr. WILSON.
Mr. BROWNLOW with Mr. PIERCE.
Mr. BARNEY with Mr. MCRAE.
Mr. CONNELL with Mr. KLUTTZ.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. MANN with Mr. JETT.
Mr. BOUTELL with Mr. GRIGGS.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. LANDIS with Mr. CLARK.

For this day:

Mr. WATSON with Mr. WHITE.
Mr. THOMAS of Iowa with Mr. PATTERSON of Tennessee.
Mr. MAHON with Mr. NEWLANDS.
Mr. LOVERING with Mr. NEVILLE.
Mr. LITTLEFIELD with Mr. MAHONEY.
Mr. LITTAUER with Mr. MCLAIN.
Mr. HOWELL with Mr. LATIMER.
Mr. KNOX with Mr. MCDERMOTT.
Mr. HOLLIDAY with Mr. LAMB.
Mr. HAUGEN with Mr. KERN.
Mr. HANBURY with Mr. KEHOE.
Mr. GARDNER of New Jersey with Mr. GLENN.
Mr. GARDNER of Michigan with Mr. FLOOD.
Mr. DOUGLAS with Mr. ELLIOTT.
Mr. CUSHMAN with Mr. COONEY.
Mr. BATES with Mr. COCHRAN.
Mr. BALL of Delaware with Mr. BELL.
Mr. ALEXANDER with Mr. BANKHEAD.
Mr. OVERSTREET with Mr. RANSDELL.
Mr. POWERS of Massachusetts with Mr. ROBINSON of Nebraska.
Mr. PRINCE with Mr. SCARBOROUGH.
Mr. SHELDEN with Mr. SHAFROTH.
Mr. WM. ALDEN SMITH with Mr. SLAYDEN.
Mr. MERCER with Mr. HENRY of Texas.
Mr. ADAMS with Mr. GORDON.
Mr. MUDD with Mr. LASSITER.
Mr. ACHESON with Mr. BRUNDIDGE.
Mr. SOUTHWICK with Mr. BROUSSARD.
Mr. BINGHAM with Mr. CREAMER.
Mr. CORLISS with Mr. FEELY.
Mr. SMITH of Iowa with Mr. PADGETT.
Mr. SCHIRM with Mr. FOSTER of Illinois.
Mr. BABCOCK with Mr. MCANDREWS.

On this vote:

Mr. CREAMER with Mr. LINDSAY.
Mr. ROBERTS with Mr. BELMONT.
Mr. TAYLER of Ohio with Mr. BOWIE, until Wednesday.
Mr. GILLETT of Massachusetts with Mr. NAPHEN, until the 12th.
Mr. BUTLER of Pennsylvania with Mr. RHEA of Virginia, until Thursday.
Mr. WEEKS with Mr. SHEPPARD, for two weeks.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire unanimous consent to call up from the Speaker's table the naval appropriation bill.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. What is the object?

Mr. FOSS. My object is to ask unanimous consent that the House nonconcur in the Senate amendments and ask a conference.

The SPEAKER. The Chair hears no objection to taking up these amendments. The question now is on the request of the gentleman from Illinois, that the House nonconcur in the Senate amendments, and ask for a conference with the Senate. Is there objection?

There was no objection.

The SPEAKER announced the appointment of Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana as conferees on the part of the House.

AMENDMENTS TO INDIAN APPROPRIATION ACT.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass with an amendment Senate resolution No. 105.

The joint resolution (S. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, was read as amended, as follows:

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of 80 acres to each head of a family and 40 not allotted to Indians or used or reserved by the Government, or occupied for school purposes, shall be opened to exploration, location, occupation, and purchase under the mining laws.

In addition to the allotment in severalty of lands in the Walker River Indian Reservation in the State of Nevada, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of 80 acres to each head of a family and 40 acres to each other Indian, and no more. The grazing land selected and set apart as aforesaid in the Uintah Indian Reservation for the use in common of the Indians of that reservation shall be equally open to the use of all Uncompahgre Indians receiving allotments in said reservation of the reduced area here named.

In so far as not otherwise specially provided, all allotments in severalty to Indians, outside of the Indian Territory and Oklahoma Territory, shall be made in conformity to the provisions of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and other general acts amendatory thereof or supplemental thereto, and shall be subject to all the restrictions and carry all the privileges incident to allotments made under said act and other general acts amendatory thereof or supplemental thereto.

The item of $70,064.48 appropriated by the act which is hereby supplemented and modified, to be paid to the Uintah and White River tribes of Ute Indians in satisfaction of certain claims named in said act shall be paid to the Indians entitled thereto without awaiting their action upon the proposed allotment in severalty of lands in that reservation and the restoration of the surplus lands to the public domain.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. SHERMAN]——

Mr. RICHARDSON of Tennessee. I hope the gentleman will recognize the gentleman from Arkansas [Mr. LITTLE] to control the time in opposition to the motion.

The SPEAKER. The time will be controlled on the one side by the gentleman from New York [Mr. SHERMAN] and on the other by the gentleman from Arkansas [Mr. LITTLE].

Mr. SHERMAN. Mr. Speaker, this is the same resolution that I attempted a week or two ago to have passed by unanimous consent, and to the consideration of which objection was made. The resolution relates to provisions of the Indian appropriation act, which were inserted as amendments in the Senate after it had left this House. To those provisions the House conferees objected as a whole, and also objected to certain parts of them as they were finally agreed upon. But it became necessary for the House conferees to concede what the Senate conferees demanded

in order to reach an agreement, as it is frequently necessary for the conferees of the one House or the other to yield to those of the other.

After the conference report had been agreed to in both Houses and the bill had gone to the President, a conference, at which I was not present, was held between certain of the conferees and the President of the United States, at which the President raised certain objections to these amendments, and in order to meet the objections of the President this resolution was prepared. It was a concession by the Senate conferees and the Senate, a recession from the position they had taken when the amendments were originally passed and when the conference report was finally agreed to.

The resolution is so plain in its terms that I need not recite its provisions. What it amounts to is this: The Senate has receded from the position which it took originally and which its conferees thereafter took when the conferees met, and the Senate has agreed to this recession and now the House is asked to coincide.

Mr. RICHARDSON of Tennessee. What evidence have we that the Senate has agreed to recede?

Mr. SHERMAN. They have passed this resolution.

Mr. RICHARDSON of Tennessee. This is a Senate resolution?

Mr. SHERMAN. Certainly.

Mr. RICHARDSON of Tennessee. They have agreed, then, to recede from their amendments and passed this resolution?

Mr. SHERMAN. That is the position exactly.

Mr. RICHARDSON of Tennessee. As I understand the gentleman, the President, notwithstanding his objections to the Indian appropriation bill, approved it with these obnoxious provisions in it.

Mr. SHERMAN. Well, I think he approved it with the expectation, if not the understanding, that this resolution would be passed. It had passed the Senate when he signed the appropriation bill.

Mr. RICHARDSON of Tennessee. Was there any contract to that effect?

Mr. SHERMAN. Oh, certainly not. No individual could make a contract for the House. I say the bill was approved with that expectation. The Senate had passed this resolution; and when the President told me he would approve the Indian appropriation bill, I frankly told him that I believed the House would agree to the resolution. I did not undertake to make any such agreement on the part of the House by any manner of means; I simply stated my belief.

Mr. RICHARDSON of Tennessee. This is the third joint resolution, is it not, which has been passed to amend the Indian appropriation bill since it was passed?

Mr. SHERMAN. The second.

Mr. RICHARDSON of Tennessee. This is the third, if I mistake not.

Mr. SHERMAN. No; a resolution did come in here before, but it never passed; and it is embodied in this resolution. Resolution No. 2 is embodied in this. It never did pass the House.

Mr. RICHARDSON of Tennessee. But this is the third effort to amend that act?

Mr. SHERMAN. The gentleman is right. This is the third effort to change the bill as originally passed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman if he can give us the assurance now that this is the final one?

Mr. SHERMAN. Mr. Speaker, I can give the gentleman my assurance that this is the last one I shall offer.

Mr. RICHARDSON of Tennessee. Then, as I understand it, this makes the bill satisfactory to the President.

Mr. SHERMAN. I understand so. Mr. Speaker, I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Yes.

Mr. STEPHENS of Texas. I will ask the gentleman if he will agree to an amendment in line 8, page 3, adding the word "Oklahoma"——

Mr. SHERMAN. That is included in the resolution as it has been read.

The SPEAKER. The gentleman from Arkansas [Mr. LITTLE] is recognized.

Mr. LITTLE. Mr. Speaker, the pending resolution within itself is unobjectionable as far as I am concerned, and has been explained by the gentleman from New York [Mr. SHERMAN] as I understand it. The original objection to the passage of this resolution, so far as it emanated from myself, was inspired by the hope that the President would see his way clear to veto the appropriation bill. I was encouraged in that hope by a statement that appeared in one of the city papers—whether authorized or not I do not know—that the President was objecting to the concessions made to the lessees on the Uintah Reservation. I believe that the President ought to have vetoed the original bill on that account. I hoped that that objection, added to the provisions covered by this resolution, would inspire him to do that, which I believed to be a very proper thing for him to do.

I believe the ratification of the leases and privileges given to the Florence Mining Company can not be justified on any ground. They have made no investitures; they simply get that which ought to belong to the public generally when this reservation is opened. For that reason, and having no further opportunity or hope of securing that result, I do not feel justified in going further in opposition to this particular resolution. I regret very much that the President in his wisdom did not see proper to put his pungent pen against that bill and expose what I believe to be the infamy wrapped up in the Florence Mining Company lease and the Raven Mining lease. These two companies get a vast concession. They are practically, as I believe, one company, as I have been led to believe since the passage of the original bill. The presidents are the same, the secretaries are the same, and I think the companies are the same; that is, the same in interest, if not the same in name. I believe it is a bad precedent, I believe it is unholy, I believe the requirement of these leases, as I indicated before in my remarks, can be tracked with infamy from their very beginning up to this very morning, and I do not believe that Congress ought to have approved the measure; and when it did approve the bill with these provisions in it, I believe the President ought to have vetoed it, and I regret he has not done so.

Mr. SUTHERLAND. Mr. Speaker, does not the gentleman know that if this reservation had been thrown open, without any provision giving the Florence Mining Company any preferential rights, the Florence Mining Company being acquainted with the reservation property, knowing exactly what they wanted, having the same right to go into the reservation and make locations as any other citizen, which locations would be unlimited in number, whatever is granted to it under this bill is nothing more than a formal concession? In other words, that the Florence Mining Company or their agents, knowing exactly what they wanted to locate, would be naturally put in a better situation to take advantage of the provisions of this bill with respect to locating mining claims than anybody else and would get these 640 acres anyhow. In view of that, I want to ask the gentleman whether he thinks the President of the United States or this House ought to stand in the way of opening a great reservation like that to settlement rather than to give this company what is a mere formal concession to go there and locate 640 acres of land, which they probably would locate anyhow?

Mr. LITTLE. I will be pleased to answer the gentleman. I will say that the very suggestion he makes is one of the strongest possible arguments against the policy of giving permits to prospect and locate leases on Indian reservations.

Mr. SUTHERLAND. I agree with the gentleman. The leasing system is absolutely indefensible.

Mr. LITTLE. I know that the gentleman agrees with me. I know that the gentleman agrees with me that this is as dirty as it can be, if he would but acknowledge it. You want the reservation open. I think it ought to be opened, and in these leases, as written, the very provision reserving to Congress the right to negotiate with these Indians upon the reservation, instead of giving these direct concessions by this law—I admit they are in possession of information they could use when the reservation is opened. Other people may be in possession of that information, but I would not give them this absolute right for more than a year to go in there and locate their claims in advance. If they have the information, which they have gotten, as I believe, infamously, in a large measure, they would have to use that information when that reservation was opened according to the forms of law, and I would not give them an additional year until October, 1903, to go on and further prospect that reservation and increase the advantages that they have over other people.

But that question is behind us, and knowing my friend as I do I verily believe he agrees with me generally that these leases are unfortunate—that it would have been better for the reservation and better for the country if they had never been made—and it would be better for Congress if they had never been approved; but believing as he does, and as many do, that it would be impossible to secure the opening of this reservation and the consent of these Indians in any other way except by ratifying these agreements, I can see why he is willing to take the dose whether it tastes very well or not. That is the situation. These companies hold up the Government, that is what they do. We understand that it is impossible to secure the consent of these Indians under the influence of these lessees in any other way except to recognize their right. I would not do that.

I now yield five minutes to my friend from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, in addition to what the gentleman from Arkansas [Mr. LITTLE] has said, I wish to say that I am further opposed to this bill because it will permit

the grazing lands in these reservations to be leased to cattle men or to anyone else who will lease them. We had a sample of that kind of work by the Secretary of the Interior in Oklahoma. The act of June 6, 1900, opening part of that Territory, excepted and reserved 480,000 acres of land for grazing purposes for the Indians, to be used by the Indians for grazing purposes.

Mr. SUTHERLAND. Do I understand the gentleman to say that this resolution permits the leasing of lands?

Mr. STEPHENS of Texas. It will permit that to be done by the Secretary of the Interior. He can usurp that power as he did in Oklahoma. It is the same language as we find in the bill of June 6, 1900, and the Secretary of the Interior will find the same authority, and we will find that these reservations set apart by this resolution to these Indians for grazing purposes will be leased by the same Secretary of the Interior to cattle men within sixty or ninety days, as they did in Oklahoma.

Mr. SUTHERLAND. But I call the attention of the gentleman to the language of the resolution, that the Secretary of the Interior shall—

Select and set apart for the use in common of the Indians—

Mr. STEPHENS of Texas. That is the exact language which you will find in the Oklahoma bill, and the Secretary can lease these Indian lands in the same way that he did those lands, and he will lease them to white men for grazing purposes, and to parties who should not have them, just as he did in the Oklahoma case.

Mr. SUTHERLAND. But it proceeds further—

for the use in common of Indians of that reservation, such an amount of nonirrigable grazing lands therein, at one or more places, as will serve the requirements of said Indians for the grazing of live stock.

That means the grazing of their own live stock.

Mr. STEPHENS of Texas. If the gentleman will turn to the Oklahoma bill—the law of June 6, 1900—he will find the exact language copied into this bill. The Secretary of the Interior construed that law to mean that he had the right to set apart agricultural lands for grazing purposes and to lease them for grazing to two or three white men, which he did. He located this reservation on Red River, on the very best agricultural lands in that Oklahoma Indian reservation, fronting that river for 30 miles, and then he leased it to two millionaire cattlemen, who have it in their possession to this day.

He did that over the written protest of the entire Texas delegation in Congress and also in the Senate, and Senator Chilton and I presented the protest to him with our objections, calling his attention to the same language that is in this bill here; but that did not deter him and did not stay his hand, and to-day that magnificent territory of 400,000 acres of agricultural land is in the possession of a few millionaire cattlemen in Oklahoma.

I warn the gentlemen from Utah and Washington now that if this resolution passes they will meet with a like fate in the reservations of their own States. There is no restriction upon the amount of land that can be set apart as grazing lands by this resolution. In the case of Oklahoma the bill provided that but 480,000 acres should be set apart for grazing purposes. In this bill the amount is unlimited.

If the Secretary of the Interior sees fit to do so, he can set apart every acre of these reservations for grazing purposes; but, mind you, the Indians will not get the grazing lands. It will be the white men who want and will lease those lands, as has been the case, as I have stated heretofore, in Oklahoma.

Mr. SUTHERLAND. In the Oklahoma case there was no provision that the Secretary of the Interior should set aside nonirrigable lands.

Mr. STEPHENS of Texas. That said "pasture lands."

Mr. SUTHERLAND. But in this bill it says "nonirrigable lands," which means mountain lands which can not be used for agricultural purposes.

Mr. STEPHENS of Texas. The Oklahoma bill used the term "pasture lands," and this says "nonirrigable lands." Now, as we understood that bill of June 6, 1900, at the time it was passed, and as the members of Congress who protested against setting apart the agricultural land on Red River as pasture lands understood it, we did not suppose it would permit the Secretary of the Interior to set apart the best farming lands in the country; but before we left Washington, before the adjournment of Congress in 1901, we ascertained that he intended to set apart agricultural lands and leave the grazing lands to be opened for settlement, and we framed a protest against the setting it apart on Red River adjoining Texas. But he overruled that protest and leased these cattlemen this agricultural land exactly where they wanted it, at their own instance, and I believe at their request. They took possession of it and have had it from that day until this.

Not only that, but 40,000 acres of good farming land were set apart by him near and adjoining the town of Duncan, a town of 2,000 inhabitants, and begining not more than a mile west from that town. It was ascertained by the merchants of that town that certain cattlemen had combined together for the purpose of getting that 40,000 acres. These merchants raised a common fund and presented a bid themselves. They bid more than the cattlemen for the land. They have now leased it out to farmers for farming purposes. These lands were agricultural lands and the very best land in that part of the reservation.

These farmers now have it, and the citizens of that town, the merchants and business men of the town of Duncan, were forced to lease these lands to prevent having a cow pasture in front of the town. Here is a bill with the same provision as that bill, that will permit the Secretary of the Interior, under the guise of turning the land over to the Indians for grazing purposes, to lease every inch of these Utah and Washington Indian reservations to cattlemen or sheepmen for grazing purposes. I warn the gentlemen from Utah and from Washington that the same may be their fate.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution with the amendment incorporated therein.

The question was taken, and (in the opinion of the Chair, two-thirds having voted in favor thereof) the rules were suspended, and the resolution was passed.

PENSION OF REMARRIED WIDOWS.

Mr. MIERS of Indiana. Mr. Speaker, by direction of the Committee on Invalid Pensions, I ask to take up the bill 12141, to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Indiana, by direction of the Committee on Invalid Pensions, moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901.

Be it enacted, etc., That section 4708 of the laws of the United States governing the granting of Army and Navy pensions, be, and the same is, amended to read as follows:

"SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the acts of June 27, 1890, and May 9, 1900, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the acts of July 14, 1862, March 3, 1873, and March 19, 1886, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to restoration under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease."

SEC. 2. That the provisions of this act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries, or disease contracted during the period of their military and naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage.

SEC. 3. That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this act.

The SPEAKER. The question is on suspending the rules.

Mr. GAINES of Tennessee. I would like to ask the gentleman what is the object of the bill. It is a very long bill. I demand a second.

Mr. MIERS of Indiana. The act of March 3, 1901——

Mr. GAINES of Tennessee. I demand a second.

The SPEAKER. The gentleman from Tennessee demands a second.

Mr. MIERS of Indiana. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. MIERS of Indiana. Mr. Speaker, the act of March 3, 1901, attempted to place all remarried widows of soldiers who had drawn pensions who were the wives of soldiers during the soldiers' service when they became widows again upon the pension roll. It was found in the execution of the law there were two classes excluded that were meant to be included when the act was passed. The two classes are, first, if during the period of second widowhood there were minor children who drew a pension of $2 a month

during their minority, they are excluded from this act, although they are widows and dependent. The purpose of this act is to amend the act of 1901, so that the widow who was the wife of the soldier during his service, notwithstanding the minor children may have drawn a pension for a time. may, if she is now in necessitous circumstances, be placed on the pension roll the same as other widows. The purpose of this law is not to grant any new right. It only allows all widows who were the war wives, if again widows, to be relieved notwithstanding remarriage.

Mr. GAINES of Tennessee. Now, what provision is there in this bill which says that she must be in dependent circumstances?

Mr. MIERS of Indiana. The only amendment we propose is that any widow who was the living wife of any officer or enlisted man in the Army, Navy, or Marine Corps, etc., in the United States. Now we add officer, enlisted man, or other person in the Army, Navy, etc. It simply brings in the widow, notwithstanding the children may have drawn pensions.

Mr. GAINES of Tennessee. Will my friend please read that part of the bill—I have not one, and no one about me seems to have a copy—which says that the widow on the second occasion must be in necessitous circumstances to be eligible to this pension?

Mr. MIERS of Indiana. If I had the act of March 3, 1901, I could do so.

Mr. GAINES of Tennessee. She may marry a millionaire, and because she becomes a widow a second time she is eligible to pension.

Mr. MIERS of Indiana. This is simply the general law. Besides, the act of March 3, 1901, was passed on the theory that a woman who stayed at home and cared for the family, kept the children together, awaiting news from the battlefields of the South, was doing as great and patriotic an act as her husband who was the soldier, and has as good a standing for pension as the soldier himself.

Mr. GAINES of Tennessee. Suppose that she marries a second time, and she marries an absolutely rich man, and he dies and leaves her rich. Now, under this law what is to prevent her from obtaining a pension the same as if she were dependent?

Mr. MIERS of Indiana. Under the general law she is precluded, and I think by the terms of this bill—I will read the bill a little later as to that provision—but so far as I am concerned, I would not care if the woman who stayed at home and endured the hardships while her husband was in the service; I would not care if she was as rich as Crœsus, I would give her the pension. The law does not consider the financial condition of a soldier under the general law, and I think should not in the case of the war wife. She should have a standing of her own.

Mr. GAINES of Tennessee. I do not think the Government owes her a cent or ought to pay her a cent.

Mr. GROSVENOR. I think no such condition as the gentleman from Tennessee suggests can arise. In the first place, if she was pensioned originally because of the death of her husband, caused by his service, the pension would only be the small pension of a widow under those circumstances. If she is pensioned as a dependent in the first instance, it would be only $100 a year, as I understand the law. It only reinstates her for the small amount, in any event, and as for the large amount, if she has an income beyond $250 a year, she could not be pensioned under this law.

Mr. GAINES of Tennessee. The gentleman from Ohio says she is "pensioned in any event." I hope the gentleman does not mean to state exactly that.

Mr. GROSVENOR. I did not say she was pensioned in any event. I said in any event she would only be pensioned for the amount she was pensioned in the former adjudication, and if she had an income of more than $250 a year this law would not reinstate her at any sum.

Mr. GAINES of Tennessee. One more question—and the gentleman from Indiana knows that I am sincere in my questions——

Mr. MIERS of Indiana. Certainly.

Mr. GAINES of Tennessee. Is there anything in the existing law or the proposed law preventing the widow of a soldier, who is a second time a widow, although she may be independent, although she may be rich upon the death of her second husband, is there anything here to prevent her from receiving a pension under this bill or in the existing law, as much so as a widow who is absolutely penniless?

Mr. MIERS of Indiana. Simply the provision of the general law, unless I find the provision in the present bill. This law provides as a cure for that provision that if the widow remarries she shall be dropped from the pension roll. The act of 1901 provides that if she again becomes a widow by the death of her husband, or if she is divorced without any fault on her part, she may be placed on the pension roll as she was before. That is the general law. It simply replaces her as she was before.

Mr. GAINES of Tennessee. Under existing law, suppose the widow of a soldier is absolutely independent, is she pensionable?

Mr. MIERS of Indiana. If her husband died of disease or wounds which occurred in the service, from injuries received in the service, she would be pensionable at the rate of $12 a month if he was a private, $14 if he was a lieutenant, and $17 if a captain, etc.

Mr. GAINES of Tennessee. Suppose she married a millionaire?

Mr. MIERS of Indiana. If her husband died of disease incurred or injury received in the line of service, she would be pensionable.

Mr. GAINES of Tennessee. If he died and left her a millionaire, she is pensionable?

Mr. MIERS of Indiana. Yes; and so is any widow if her husband died of disease incurred or injury received.

Mr. GAINES of Tennessee. And this law continues that law?

Mr. MIERS of Indiana. Provided she becomes a widow and was his wife during the time of his service, yes, sir; and should do it.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question.

Mr. MIERS of Indiana. I will yield to the gentleman.

Mr. LACEY. Does this proposed amendment cover this case: Where a widow otherwise eligible has never been put on the pension roll by reason of failure to furnish the testimony, and after remarriage her second husband died, can she now be restored or placed on the pension roll, where she never was?

Mr. MIERS of Indiana. Not under the act of March 3, 1901, but this bill is for that purpose.

Mr. GROSVENOR. That legislation is now complete.

Mr. LACEY. Well, now, as to the minor and helpless child who has never been placed on the roll—does the bill cover that class?

Mr. MIERS of Indiana. No.

The SPEAKER. The Chair would like to call the attention of the gentleman from Indiana to the fact that when the Chair asked him if there was any amendment to the bill the gentleman said no. The Chair finds on page 3, section 2, line 14, a committee amendment, and the Chair thinks that possibly the gentleman overlooked it.

Mr. MIERS of Indiana. Mr. Speaker, the Chair is right; I did overlook it for the moment.

The SPEAKER. If there is no objection, this will be included in the gentleman's motion.

There was no objection.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman one question.

Mr. MIERS of Indiana. I will yield to the gentleman.

Mr. LOUD. At the top of page 2 you have provided that any widow who was the lawful wife of any officer or enlisted man or "other person" in the Army. Why do you put in the words "other person?"

Mr. MIERS of Indiana. Let me read a little from the report:

Upon the adjudication of claims arising under this law of March 3, 1901, it was found that the words "of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States" excluded from the benefits of that act a very worthy class of widows, namely, the widows of those mentioned in paragraphs 2 and 3 of section 4693, Revised Statutes, which paragraphs read as follows:

"SEC. 4693. The persons entitled as beneficiaries under section 4692 are as follows:

* * * * * * *

"Second. Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gunboat or war vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated, while in the line of duty, for procuring his subsistence by manual labor.

"Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or nonenlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874."

The result of the omission, therefore, was that the widow of a State militiaman, nonenlisted person, master of a gunboat, or pilot, etc., who was the wife of such person during the war of the rebellion and who died of wounds or injuries received while serving with any regularly organized military or naval force of the United States, and who was pensioned up to the date of her remarriage, had no title to restoration to the roll under the act of March 3, 1901, for the reason that the act as passed included only the widows of officers and men of the military or naval establishment of the United States, as mentioned in paragraph 1 of section 4693.

To rectify this omission the bill proposes to amend said act of March 3, 1901, by inserting on page 4 of said bill, in line 13, the words "or other person," and on page 2, in line 1, the words "as described in," and by inserting on same page, lines 2 and 3, the words "paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States."

Another class of widows was deprived from the benefits of the act of March 3, 1901, namely, those who remarried and had never been on the pension roll by reason of the provisions of the act of March 3, 1865.

The organic act of July 14, 1862, gives to the widow of a soldier a clear title to pension from the date of the death of her husband to the date of her remarriage, but the act of March 3, 1865, provided that in the case of the remarriage of a widow without any payment of pension to her to which she might

have been entitled, pension for the minor child or children shall begin from the date of the death of the soldier.

This act of March 3, 1865, applied no matter whether the widow had or had not a claim pending at the time of her remarriage.

In order to provide for this class of widows, a new section has been added to the act of March 3, 1901, as provided for on page 3, from lines 9 to 15, which reads as follows:

"SEC. 2. That the provisions of this act shall be extended to those widows otherwise entitled whose husbands died of disease contracted during the period of their military and naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage."

Relief will thus be afforded after adding the words "wounds, injuries, or" after the word "of," on page 3, in line 10, to these widows, and they will be placed upon the same basis as other widows under the act of July 4, 1862; the act of March 31, 1865, which deprived them of pension, having been repealed by the act of July 27, 1868.

Notwithstanding this repeal of the act of March 3, 1865, these widows can not now apply for pension from the date of death of their husbands to the date of their remarriage, for the reason that a pensionable period does not exist, pension having been paid to the minor child or children from the soldier's death.

Up to June 30, 1901, but 3,258 applications had beed filed under the act of March 3, 1901, and of this number quite a large percentage was rejected owing to the omissions in said act which this bill proposes to correct.

The bill is reported back with the recommendation that it pass after the same shall have been amended as follows:

On page 3, in line 10, after the word "of," insert the words "wounds, injuries, or."

Now, under the act of March 3, 1901, the widow of any person serving on a gunboat as pilot, engineer, etc., was not included in that language, so the Commissioner of Pensions held. The purpose here is to include that class of widows on the same footing, because of the fact that their husbands received their injuries or died by reason of wounds in the line of service. We thought such a widow just as meritorious as other widows who had been included. Such widows are recognized under other sections of the law, and we thought that the war widow—the wife of the soldier while he was in the service—ought to be included as well as the others. That is the purpose of this bill.

Mr. LOUD. Does the gentleman contend that this bill applies only to the widows of those killed in the service?

Mr. MIERS of Indiana. Unless they were mustered. There is a class of widows under the general law who have not remarried receiving pensions, although their husbands were not actually mustered, by reason of section 4693 of the Revised Statutes, as set out in the report, who are entitled to and do draw pensions. This bill will apply to them, and the original act of March 3, 1901, meant to include them. But when we come to apply that law we find by the language used in the act of 1901 she is excluded, and we seek to put her on the same footing with the other widows who were wives at the time the service of the soldier was rendered.

Mr. LOUD. I will ask my question again, as the gentleman did not understand it. He assumes that this act applies only to the widows of those killed in battle.

Mr. MIERS of Indiana. I do not assume that; but under the present law, where there was no actual muster, it made no difference whether the husband was killed in the line of battle or while in action on a gunboat or in service as a pilot, engineer, etc., the widow draws a pension. We are now seeking to amend the existing law so that if the husband was in the line of service, although not actually mustered in, and was killed, the widow shall be placed upon the same footing as all other widows under the general law, and shall be restored to the pension roll. That is all that this bill does.

Mr. LOUD. If I understand the gentleman's answer, then, in order to take in a few the committee has brought in a bill here broad enough to take in everybody.

Mr. MIERS of Indiana. The law of March 3, 1901, undertook to take in all the widows who had been wives during the service of their husbands.

Mr. LOUD. Widows of officers and enlisted men.

Mr. MIERS of Indiana. Yes. But when the Commissioner came to apply the act of March 3, 1901, he holds that she is not included. Section 4693 we thought ought to apply to such as again become widows, in view of the fact that that section gives such widows before they are remarried a pensionable standing, and they being excluded unless this amendment be made, the law now excludes a widow who had been the wife during the service of her husband, although that husband was killed in battle. Under the existing law such a widow is not entitled to be placed back on the pension roll. We have undertaken to place back on the pension roll all women who were the wives of soldiers during their service.

Mr. LOUD. Not only soldiers, but teamsters, carpenters, etc.

Mr. MIERS of Indiana. No, sir.

Mr. LOUD. I am willing to contest that point with the gentleman.

Mr. MIERS of Indiana. Section 4693 does not put the widows of teamsters on the pension roll. It does not place anyone on the pension roll except those mentioned in the section, and that section is quoted in the report, and the committee desires that the war wives shall be entitled to the benefits of section 4693.

Mr. LOUD. But the language is qualified in the report, and it is not qualified in the bill. It is the bill that is to become a law, not the report.

Mr. MIERS of Indiana. We do make the qualification in the bill.

Mr. LOUD. Where is it? I would like to find it. I would like the gentleman to explain to the House who may be included by the language "any other person?"

Mr. MIERS of Indiana. I ask the gentleman to read section 4708, as recited in the bill.

The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease.

That is the law.

Mr. LOUD. Now read the proviso.

Mr. MIERS of Indiana (reading):

Provided, however, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support—

That answers the question of the gentleman from Tennessee [Mr. GAINES], which I was not able to answer at the moment—

other than her daily labor, as defined by the acts of June 27, 1890, and May 9, 1900.

So that this bill applies only to such as are dependent as defined by law.

Mr. GAINES of Tennessee. Where is that? From what part of the bill is the gentleman reading?

Mr. MIERS of Indiana. Page 2, line 14, and the following lines: 16, 17, and 18.

May 9, 1900, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the acts of July 14, 1862, March 3, 1873, and March 19, 1886.

Mr. GAINES of Tennessee. What is the number of the bill the gentleman is reading?

Mr. MIERS of Indiana. No. 12141; the bill now being considered.

Mr. LOUD. Let me ask the gentleman to refer back to line 7, and define what the words "shall hereafter" mean where they occur in the line as "shall hereafter be placed on the pension roll?"

Mr. MIERS of Indiana. Now, to illustrate: A widow who remarried before she was placed on the pension roll is entitled to a pension during the period of her widowhood, if she was a war widow, and is placed on the pension roll during the period that she was entitled to, whether that was six months or six years. If she is now placed on the roll under that section, she will be entitled to her pension by reason of the fact that she was a widow during the service, if this bill passes.

Mr. LOUD. Well, I thought I understood the section.

Mr. MIERS of Indiana. In other words, as I said a moment ago, we intend to make it broad enough to put all the women who were wives during the service on the same plain as if they had not remarried, provided they are widows and dependent. Any other wife, the wife of a soldier who was not a wife during the war, if she remarries is out, but if she was the wife during the service and then remarries she is entitled to go back on the roll by reason of the terms of this bill. This bill has nothing covered in it, and but the one purpose, and, I submit, is most meritorious.

Mr. LOUD. Now, Mr. Speaker, it is very hard to understand a bill of this kind or a bill of any kind from a casual reading from the desk. Hence I have questioned the gentleman who has charge of this bill as closely as I could in order that I might understand what he understands this bill to mean. I can not place any other construction upon this bill, after hearing the gentleman explain it, line by line almost, than that this proviso here, as explained by him, in line 7, refers to any widow hereafter placed on the pension roll who is the widow of any other person, and I do not believe there is a person in the world who can take that section and place any other construction than that upon it.

Mr. RAY of New York. Mr. Speaker, will the gentleman permit me?

The SPEAKER. Does the gentleman yield?

Mr. LOUD. Yes.

Mr. RAY of New York. The gentleman is under a misapprehension.

Mr. LOUD. I hope so.

Mr. RAY of New York. If he will listen to me, I think I can make this matter to plain to him. Under the pension law as it

stands the widows of the enlisted officers and men of the Navy and privates of the Army may draw a pension under certain conditions, provided the husband was killed in the service or died of disease or disability contracted in the service. If they remarry they lose their pension or right to a pension, as the case may be. In addition to that the general law included and includes another class of widows, to wit, the widows of masters of gunboats, pilots, engineers, or sailors or other persons not regularly mustered—now mind, not mustered—serving upon any gunboat and disabled by wound or injury received or otherwise incapacitated while in the line of duty.

Now, the words "other persons" refer explicitly to those who were in the service, who were as a rule entitled to be but had not been regularly mustered, and they were incapacitated in the line of duty while acting as a soldier, doing the duty of a soldier, or a similar duty as mentioned. Now, when the Committee on Invalid Pensions in 1900, I think it was, reported their bill for the restoration to the pension roll of the widows who had remarried, they did include by the language of the bill the widows of those regularly enlisted and mustered, but by an inadvertence they left out certain remarried widows, those who were entitled to pensions by reason of being the widow of a man not regularly mustered but who was disabled or wounded while in the actual service of his country, viz, widows of masters of gunboats, pilots, engineers, etc., as described by me, and the reason for writing that in the law originally was that a great many soldiers and sailors went into the service and performed duties, but it so happened that they were not at a place where they could be mustered. Some of them were killed, some of them were wounded before they were mustered into the service, and it included another class of people, namely, the widows of masters, pilots, engineers, etc.; and an illustration of one class we had up at Gettysburg—I believe it not to be merely traditional—the case of a man like John Burns——

Mr. LOUD. Mr. Speaker, I am afraid my time is about run out.

Mr. RAY of New York. I beg the gentleman's pardon. Suppose the man shouldered his musket and went into battle, and suppose he was shot down while fighting for his country. His widow would be included under the general law. So if injured and he died as the result of his wounds——

Mr. LOUD. I do not care anything about that. The worthy cases ought to be taken in, but everybody should not be taken in.

Mr. RAY of New York. This bill will not take in everybody.

Mr. LOUD. I think it will.

Mr. RAY of New York. It will only take in the widows of those men who were wounded or disabled while actually fighting for their country or who received disabilities in service, and they are included because there were cases where they did the duty of a soldier before they were mustered in or were in discharge of duties not requiring a muster. I appeal to the gentleman from Indiana if I have not stated the case correctly.

Mr. MIERS of Indiana. Yes. Now, if the gentleman from California will allow me——

Mr. LOUD. I have only two or three minutes remaining.

Mr. MIERS of Indiana. This has been administered by the Commissioner of Pensions for two years. Neither he nor anyone else claims that it will take in everybody, but he simply claims that it excludes those who might be drawing pensions under the other section.

Mr. LOUD. Will the gentleman show me the present law that uses the words "any other person?" If he had shown me that a long time ago I would not have raised any objection. But no; the gentleman refers to the law which says:

Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered—

That enumerates them.

Mr. RAY of New York. Read right on—

or any other person not regularly mustered, serving upon any gunboat or war vessel of the United States, disabled by any wound or injury received, or otherwise.

Mr. LOUD. That is your present law, yes; and you propose to go beyond that.

Mr. MIERS of Indiana. No; that does not apply to the widow of such a man, and we simply make it apply to her. If the law is to apply to any person who was not mustered, if the husband died in the line of service, what is the use of mentioning gunboats, pilots, or engineers, and so forth? Why not simply say the widow of any person who died in the line of service, and so forth?

Mr. LOUD. One of the first questions I asked the gentleman was if this applied to any other class of persons than those whose husbands died in the service, and the gentleman said "yes."

Mr. MIERS of Indiana. I said "no."

Mr. LOUD. That is where the gentleman misled me. He said "yes."

Mr. MIERS of Indiana. I said "no."

Mr. LOUD. I hope the gentleman will look at his remarks, because I was paying close attention, and that is the way I understood him.

Mr. MIERS of Indiana. I beg the gentleman's pardon; and if I said "yes," then I beg leave to revise my remarks.

Mr. LOUD. Because I am very free to say that I do not care how a person was killed, whether he was regularly mustered or not. Hence that was one of the first questions I asked, and the gentleman went on to say "yes."

Mr. MIERS of Indiana. I am very sorry if I misled the gentleman.

Mr. RAY of New York. Did you use the words "killed in the service?"

Mr. LOUD. Yes.

Mr. RAY of New York. That would be incorrect.

Mr. MIERS of Indiana. Yes.

Mr. LOUD. Or who died as the result of it.

Mr. RAY of New York. Either killed in the service or who lost his life because of disabilities contracted in the service, either disease or wounds.

Mr. LOUD. I did not ask the gentleman the whole question, but he understood the question evidently.

Mr. RAY of New York. I do not think he understood your meaning.

Mr. LOUD. If that was the intent of the law, that is what I wanted to find out. I will say that I have no objection to pensioning anybody who lost his life as the result of the service, whether regularly mustered in or not.

Mr. RAY of New York. I will pledge the gentleman my honor as a gentleman and a lawyer that this bill will not go further than the gentleman from Indiana [Mr. MIERS] has stated, and as I, too, have stated it. It is designed to restore those entitled but for a remarriage and limits the restoration to those whose income does not exceed $250 per year, as I read and understand it. It goes no further.

Mr. LOUD. Well, I hope not.

Mr. GAINES of Tennessee. Mr. Speaker, the gentleman from Indiana has stated, and the distinguished jurist and member from the State of New York [Mr. RAY] has just stated, that this bill could not possibly "go any further than it already goes." That is too true, Mr. Speaker. The gentleman from Indiana has stated that it takes in all the widows, whether they are millionaires or paupers.

Mr. MIERS of Indiana. Oh, no.

Mr. GAINES of Tennessee. That is the language of the gentleman. I will go by the Official Reporter's notes of the statement, and I think they will bear me out.

Mr. MIERS of Indiana. I said so far as I was concerned I would be willing that it should go that far, but this bill does not.

Mr. SMITH of Arizona. That is what the gentleman said—that he would be willing.

Mr. GAINES of Tennessee. The gentleman, then, would be willing to pension the widow of a soldier of the Army of the United States, even though she herself was a millionaire.

Mr. MIERS of Indiana. I would to the same extent that her husband if he had lived would be entitled to a pension. If a soldier received an injury, he is given a pension. Now, if his widow fought at the other end of the line, and took care of the family, and waited for the returns from the battle field, I would place her on the same footing, as far as I am concerned.

Mr. GAINES of Tennessee. Then, I am not surprised that the pension question is one that agitates the public mind of this whole country. Nobody objects—I am sure I do not, nor is there a man in this Honse or out of it who objects—to a dependent soldier or a dependent widow of an honorably discharged soldier drawing a pension—not one.

Mr. MIERS of Indiana. Will the gentleman allow me to interrupt him?

Mr. GAINES of Tennessee. No; I have not time to yield further. Here, Mr. Speaker, is the distinguished gentleman from Indiana saying that he is willing to increase the pension roll, notwithstanding the fact that there are thousands and thousands of persons who are justly entitled to pensions who are not pensioned at all. Why one man has been kicked out of the Pension Office because he tried to keep the pension list down and make it a roll of honor and keep it to just limits, and sent clear out of the country, and yet here is the distinguished gentleman from Indiana standing upon the Democratic side of the House saying that he is willing to agree to pension a widow who in her own right and title is a millionaire. At the same time we have widows above the Ohio and below it who have no pension at all, and who are knocking Friday after Friday and day after day and year after year to get their pensions given to them by Congress or to get an inadequate pension raised up to the standard it should be raised.

Mr. MIERS of Indiana. Will the gentleman permit a question?

Mr. GAINES of Tennessee. No; I decline to yield. I have not

time. Now then, Mr. Speaker, I appeared before this same committee from which this bill comes a few days ago, pursuant to a voluntary arrangement made with the gentleman from Ohio [Mr. BROMWELL], when we were to take up the question of increasing the limit, which is inadequate, of the Mexican pension law, but I got no hearing. The distinguished gentleman from Indiana said over two years ago, upon the floor of this House, that he was in favor of increasing the rates allowed to the old Mexican soldier. Yet the distinguished gentleman knows that only those who have been stricken from the roll have been restored, and the law stands unchanged by this Congress.

The Senate bill was sent here by the distinguished Senator from Arkansas [Mr. JONES], and it sleeps in the committee of which the distinguished son of Indiana is an honored member. Nothing has been done with that, nothing has been done with the bill I introduced along the same line, and I was not given even a chance to be heard.

Mr. MIERS of Indiana. Will the gentleman allow me to be heard there?

Mr. NORTON. That is not in our committee.

Mr. MIERS of Indiana. That is before the Committee on Pensions.

The SPEAKER. The gentleman from Indiana will wait until consent is given for him to interrupt the gentleman speaking.

Mr. GAINES of Tennessee. I yield to the gentleman.

Mr. MIERS of Indiana. Your bill is pending before the Committee on Pensions.

Mr. GAINES of Tennessee. Yes, Mr. Speaker, it is "pending." It is sleeping in its pendency. It is sound asleep, and I am trying to get my Democratic friends——

Mr. MIERS of Indiana. Mr. Speaker, the gentleman should distinguish between the Committee on Pensions and the Committee on Invalid Pensions. His bill is before another committee.

Mr. GAINES of Tennessee. Where is it sleeping?

Mr. MIERS of Indiana. Mr. LOUDENSLAGER is chairman of the Committee on Pensions. Why are you abusing my committee?

Mr. GAINES of Tennessee. If you are not guilty, I will take it all back. I am beating along the bushes pretty close. I went before the latter committee, and they were too busy pensioning other widows to pay attention to those who were penniless. I was denied a hearing for the poor penniless old Mexican soldier, tottering about the brink of the grave, possibly a pauper's grave, and yet they were and they are denied a hearing. The old Mexican soldier is denied a hearing in this great Congress, and yet the distinguished gentleman would pass a law pensioning millionaires. My friend, I believe, now corrects the statement and says that this bill does not so provide. If it did I should vote against it. But, Mr. Speaker, I say that it is time for Congress to call a halt upon the pensioning of those who are not disabled and dependent. Among our earliest pension laws provision was made not to pension those who simply were wounded, but those who were incapable of making a living, and now it has got to be that simply because a woman is a widow of a soldier of a war forty years ago, regardless of her temporal affairs, she is pensioned, and I take it the same thing would apply to the soldier himself.

Now, the law which my friend from Indiana and my friend from New York and other members of the House by their silence on this occasion advocate here is to provide a pension for those who, although being disabled or wounded, are absolutely able to live without it, while for those who were not only wounded and disabled by their wounds, but in old age are practically upon the paupers' list, nothing or insufficient amounts are provided.

In the name of economy, in the name of justice, in the name of the soldier himself, who would have the pension roll a roll of honor instead of being, as it is, one of suspicion, who would have economy administered and absolute justice, I do say that I do not believe from what has been said and what has been done that absolute justice is meted out to those who are pensioned nor to those who are denied an adequate pension of the Mexican soldiers.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question was taken, and (in the opinion of the Chair two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PENSIONS OF MAIMED EX-SOLDIERS.

Mr. SULLOWAY. Mr. Speaker, by direction of the Committee on Invalid Pensions, I call up the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, and ask that the rules be suspended, the amendments proposed by the committee be adopted, and the bill passed.

The SPEAKER. The gentleman from New Hampshire, by direction of the Committee on Invalid Pensions, calls up the bill S. 4850, and moves that the rules be suspended, the adoption of the amendments reported by the committee, and the passage of the bill as recommended. The Chair will here state that it is not the duty of the Chair to ask if a second is demanded. It is the privilege of any member to demand a second.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, from wounds, injuries, or disease originating prior to August 4, 1886, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of $40 per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $46 per month; that all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $55 per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $60 per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of $100 per month: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That the pensions of all persons who served one year or more in the Army or Navy of the United States, and who, under the act approved June 27, 1890, and the acts amendatory thereof, are drawing or hereafter shall be entitled to draw a pension at the rate of $12 per month, and who are or shall become so disabled from injuries or disease as to require the frequent and periodical aid and attendance of another person, shall be increased to $30 per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability and made subsequent to the passage of this act.

Mr. LOUD. Mr. Speaker, I demand a second.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLOWAY. Mr. Speaker, this is what is known as the maimed soldiers' bill, with amendments proposed by the Committee on Invalid Pensions. There are four classes of pensioners the pensions of which it is proposed to increase. First, there is a provision to increase the pension of those who have lost one hand or one foot, or been totally disabled in the same, from $30 to $45 a month, or an increase of $180 a year. That was the Senate proposition. That would take an appropriation of $605,000, in round numbers. There are 3,363 of that class of pensioners. Your committee thought, while dealing fairly with that class, that an increase of $10 a month instead of $15 a month, which would increase the pension from $360 to $480 a year, would be about as near a level as we could carry it when compared with other pensioners. That would be $403,000, or $200,000 less than the Senate provided for.

The next is where the pensioner has lost an arm at or above the elbow, or a leg at or above the knee, or has been totally disabled in the same. The Senate bill provided an increase from $30 to $60 per month. There are 2,357 of that class on the roll. The Senate proposition would require an appropriation of $395,000. We thought an increase of $10 a month, or $120 a year, to that class of pensioners, making their pension $552 a year, would be as far as we ought to go, and the Committee on Invalid Pensions recommended an amendment to that effect.

The third proposition is to take those who have lost an arm at the shoulder joint, or a leg at the hip joint, or so near the shoulder or hip joint as to prevent the use of an artificial limb. The Senate proposition provided an increase of $180 a year. There are 1,724 of these pensioners on the roll, which would require an appropriation of $310,320. In that class we thought an addition of $10 a month, increasing the pension from $540 to $660, was as far as we were warranted in going, and we recommend an amendment of that character. That makes a reduction of something over $104,000 in annual appropriations on that class.

The fourth provision is to increase the pension of those who lost one hand and one foot or have been totally disabled in the same. There are only 17 of these now on the rolls, and the appropriation is very small. The difference in amount in what is asked for by the Senate bill and what is recommended by the Committee on Invalid Pensions is $416,530 in favor of the Government and against the pensioners.

Mr. LOUD. The gentleman means between the Senate bill and what is proposed by the amendments by the gentleman's committee?

Mr. SULLOWAY. Yes.

Mr. LOUD. The gentleman means down to section 2.

Mr. SULLOWAY. The aggregate of appropriation in the Senate bill would be $1,314,696.

Mr. LOUD. Per annum?

Mr. SULLOWAY. Yes; that would be the increase under the Senate provision. Ours is an increase of $898,176, making a difference of $416,520.

Mr. MANN. The gentleman, in making the estimate of the decrease, does not include section 2?

Mr. SULLOWAY. No; I am coming to that. There is one little feature of this bill that I did not mention. They who have lost both hands now receive $100 per month. There are seven or eight left who have lost both feet. Those are receiving $72 per month; and while the proposition was to increase all classes of the maimed soldiers, your committee thought and recommend that the pension for those who have lost both feet should be increased from $72 to $100 a month. That was a proposition not contained in the Senate bill.

Mr. LOUD. I would like to ask a question in regard to section 2.

Mr. SULLOWAY. I am coming to that.

Mr. LOUD. If it will not disturb the gentleman too much, I would like to ask the question now. I see that a man under the act of 1890 draws $12 a month, and if he is subsequently disabled, becomes permanently helpless, so that he requires the periodical attendance of some person, is entitled to $30 a month.

Mr. SULLOWAY. He might under certain conditions, but not quite so broadly as you state it.

Mr. LOUD. If disabled under the general law, so as to draw $12 a month, and subsequently, by disease contracted in the Army or by old age or otherwise, he requires nursing part of the time, he is not entitled to $30 a month. In other words, a man under the act of 1890 gets a better pension under certain circumstances than the veteran would get under the old law.

Mr. SULLOWAY. I do not agree to that by any manner of means.

Mr. LACEY. I am asking whether that would not be the effect?

Mr. SULLOWAY. I do not admit that it would be.

Now, I want to say that 25 per cent of all the bills reported by our committee during this Congress for those who were soldiers have been bills increasing to $24, $30, or more pensions of men who were blind or paralytics or total wrecks. I want to say that during the Fifty-sixth Congress and the Fifty-seventh, up to this day, there has never been a voice lifted in this Hall against a single one of those claims.

This section to which the gentleman from Iowa calls attention is not exactly the act of 1890. That required only ninety days' service. This section requires service of a year and requires also an adjudication by the Pension Bureau that the soldier is a total wreck. In these cases the soldier is receiving $12 a month; he is blind or disabled or in some way a total wreck. He comes here, or somebody for him, asking for a special act, and you grant it in every instance.

In my judgment the estimate here is an excessive one. I do not believe you can to-day look over your districts, gentlemen, and find in each district two men in the condition I have stated—blind and total wrecks—for whom you have not introduced bills and who have not been provided for by special acts. Yet this estimate is based upon the theory that there are 10 such men in each of your 300 districts. Adopting that estimate as correct for 300 districts, and taking into consideration our reduction upon the Senate proposition and taking into consideration also the fact that the pension asked is $30 a month, we would by this proposed amendment add only $231,000 to the bill as it came from the Senate.

I believe section 2 to be very meritorious. I believe it will relieve Congress of these special acts to a very large extent. The bill last up will relieve us of applications that have been coming to us in behalf of women who were the wives of soldiers during the war and who have since remarried and thereby lost their pensions. We shall no longer have to deal with cases of that kind. Now, if this section should become a law, we shall have relieved the class to which I have referred. I believe it is our patriotic duty to adopt this legislation. I believe this appropriation ought to be granted. I hope and trust there will not be a voice or vote on this floor against it.

The SPEAKER. Does the gentleman from New Hampshire [Mr. SULLOWAY] reserve the balance of his time?

Mr. SULLOWAY. Yes sir. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. LOUD. Mr. Chairman, before proceeding with my remarks, I will ask the gentleman from New Hampshire one question: Who gave him the estimate of the cost of section 2? I would like to know where that estimate came from.

Mr. SULLOWAY. I stated that we went on the assumption that there are 10 disabled old soldiers in each of the 300 Congressional districts.

Mr. LOUD. The Pension Department has made no estimate of that kind?

Mr. SULLOWAY. No sir.

Mr. LOUD. Mr. Speaker, the House of Representatives, I might say, is "up against it." Section 2 of this act is proposed to be enacted into law for the benefit of all men who served one year in the Army; and presumably it takes the place of the individual or personal measures which are brought up here on every other Friday. The gentleman from New Hampshire says that the House has passed time and again, without the protest of a single individual, cases of this character. That may be true as to all except myself; yet the gentleman knows that I have constantly protested and that I protest to-day.

Mr. SULLOWAY. I am very ready to admit that fact.

Mr. LOUD. I have stated, too, and the gentleman has heard me, that I do not believe any man has a claim upon the Government simply from the fact that he may have been a soldier. The denial of any such principle is with me fundamental. If a man has received an injury in the service of his country, then, as I have said many times before, I believe the whole country should be taxed to make reparation as far as possible for what he has suffered in defense of his country. The Senate bill, I will say, meets no objection at my hands. If a man has lost an arm or a leg or both arms or both legs, there is not money enough in the world to replace what has been taken away from him. But when you enter the field of pensioning at the rate of $30 a month every man who was in the service for one year, it is something that we do not owe and something that the good soldiers of this country do not ask.

The gentleman says this will cost about $230,000 a year. Sir, I make this assertion, that every man who was in the service for one year will be entitled to a pension of $30 a month for some period before he shall die.

Mr. SULLOWAY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. LOUD. Certainly.

Mr. SULLOWAY. Why not every soldier now at $12 a month? The gentleman says every one of them will be pensioners at $30 a month. If that is possible, why not every one of them pensioners at $12 a month? That is the limit now.

Mr. LOUD. I do not know that I fully understand the gentleman.

Mr. SULLOWAY. The proposition of the gentleman is that every soldier at some time will reach the maximum of the amount of pension allowed.

Mr. LOUD. Thirty dollars.

Mr. SULLOWAY. Why not every soldier to-day at the maximum receiving $12 a month, if that is a fact? Is human nature going to change?

Mr. LOUD. Because they have not reached that period yet. They are getting there fast enough, if the gentleman will only wait. As a matter of fact, in the Pension Office, with those who ask for a pension, who are of a certain age, it is assumed that senility exists, and the man is pensioned, and substantially it is not erroneous. In fact, when a man has reached the age of 65 or 70 years the presumption is that he is entitled to $12 a month, and it is right, too, because he has passed that period when he is able to work. The gentleman of course has endeavored to put a stopper on here by the use of the words "frequent" and "periodical." Well, how long "frequent" is or how long "periodical" is I do not know. Some of them are quite long.

Mr. SULLOWAY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. LOUD. I yield to the gentleman, certainly.

Mr. SULLOWAY. Those words are as old as pension legislation.

Mr. LOUD. Oh, I know that.

Mr. SULLOWAY. They are well understood.

Mr. LOUD. But they only have a construction in the minds of a jury, and they oftentimes differ about it. I have great sympathy for the gentlemen who are agonizing for the old soldier. If the old soldier did not have any votes, I am afraid we would not agonize for them quite so much. I can not tell how much this act will cost, but it may cost $20,000,000 a year.

Mr. BURLESON. It probably will.

Mr. LOUD. Now, I will say again, that any man who requires the attention of anybody, it may be once a month, it may be once in six months, or once in a year, under the terms of this law, will be entitled to a pension of $30 a month. The gentleman from New Hampshire [Mr. SULLOWAY] makes a note as though that were not true.

That is the way I construe the language "frequent and periodical." If the House wants to pass the legislation, that is for it to determine. It is a hard question on the eve of a campaign, too, because there is not any one of us who wants to lose the soldier vote, and it is unfortunate, to say the least, that the committee has, just preceding the election, brought in a bill which embarrasses, to say the least, some members of Congress. It does not embarrass me any; not a particle. I shall vote against it. I should have voted against the act of 1890, because it was wrong in principle, enunciating my principles as I have here, and as are well known, which I think is a well-grounded principle.

I say, where a man has lost anything in defense of his country, his country should reimburse him, but where a man has served in the Army—we will say, in the year 1847—and in 1902, by reason of age, by reason of natural infirmities, requires a little attention once in a while, then I say it is nonsense that the Government can seek to reimburse him for his one year's service by paying him $30 a month.

Of course that may be perhaps an extreme illustration, but what the theory is that prompts legislation of this kind I can not see, because it replaces nothing. It does not seek to replace anything, because a man's living forty years after the war is prima facie evidence that he has lost nothing in defense of the flag. Mr. Speaker, I reserve the balance of my time.

Mr. NORTON. Mr. Speaker——

The SPEAKER. From whom does the gentleman get his time?

Mr. NORTON. From the chairman of the committee.

The SPEAKER. How much time does the gentleman yield?

Mr. SULLOWAY. I can not yield much, but I would ask that everyone have leave to print on this measure for ten days.

The SPEAKER. There is no such order of the House to that effect.

Mr. SULLOWAY. I yield three minutes to the gentleman from Ohio.

Mr. NORTON. Mr. Speaker, I have listened to the gentleman from California. I was considerably surprised, and yet not so much so either, for on all occasions when he undertakes to disturb the serenity of this House or create suspicion he accuses his fellow-members of being afraid of the vote of their constituents. There is something behind this measure, and there is something in the patriotism of the American people that does not care for such threats as those offered by the gentleman from California [Mr. LOUD]. This bill is just, is honest, and ought to be passed. The maimed soldier is the man who has suffered every hour of his life from the very moment of his wound.

I say here and now that the physicians and surgeons of the country will bear me out in the statement that any man who has lost an arm or leg enjoys no peace and sees no hour of rest. This bill is not to take $20,000,000 out of the Treasury; the statement is untrue. The estimates are fair and honest and honorable, and to insinuate that members upon this floor are voting for this measure to secure votes is an insinuation against the patriotism, the honesty, and the purposes of American citizens. [Applause.] I hurl back the insinuation, and I state to the gentleman, soldier as he was, that he must have been heartless upon the field, as he is heartless upon the floor, to charge that the soldier comes here begging you for favors. He comes here demanding only what is right, and this committee have been honest and fearless in their efforts to do the right thing. This bill will relieve Congress; yes, and it will not only relieve them, but it will relieve the old soldier who has been waiting month after month and year after year and going to his grave without a settlement of his case and waiting for the action of Congress.

Mr. Speaker, I wish I had time to exploit the provisions of this bill. I look upon it as just and honest. A moment ago the gentleman from Tennessee [Mr. GAINES], who has been recuperating his energies in the South, who has come back here to speak upon a measure of which he knows nothing, betrayed his ignorance by charging the Committee on Invalid Pensions with smothering bills. He said, too, that another measure which was reported by this same committee provided for the pensioning of millionaires. That is not so. It provided for the pensioning of widows having incomes of only $250 a year. I trust that no other man upon this floor will dare to open his mouth against this measure or to utter an insinuation that a member of Congress upon this floor has fallen so low as to vote away the public money for the benefit of undeserving men in order to secure votes. [Applause.]

Mr. SULLOWAY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I presume that if this bill covered no other cases except those of men who have lost arms or legs or feet or hands, then there would not have been a single voice raised in opposition to it. I understood the gentleman from California [Mr. LOUD] to say that he would support any measure within reasonable bounds to compensate the man who had lost his leg or his arm.

Mr. LOUD. That is right.

Mr. GROSVENOR. My colleague from Ohio [Mr. NORTON] has well said what we all know, that these men not only suffer every hour of their lives, but that that suffering grows in intensity as age creeps on. If you take off from the human frame an arm, however well it may have healed up, the agony is there, the memory is there, the suffering is there, and as age comes on I think the increase here provided is small enongh.

But the gentleman opposes another proposition, and wishes to know what there is behind it that justifies the increase up to $30 a month for men now drawing a maximum of $12 under the law of 1890. The provision of the bill is well drawn. It is not subject to the criticisms that my friend from California [Mr. LOUD] has made. It provides only for "frequent and periodical conditions" that require an attendant. To take a soldier who fought for his country, and dress him and undress him and feed him and move him about, does not need any interpretation, it seems to me. If the disability had been incurred in line of duty, he would be entitled under the law, as it exists to-day, to $72 a month; although I agree with the gentleman that there is a difference in the phraseology of the law, and it doubtless will have a different interpretation at the hands of the administering power of the Government.

Mr. SULLOWAY. There are 107,000 of these cases.

Mr. GROSVENOR. I am told by the chairman of the committee that there are 107,000 of these men.

Mr. SULLOWAY. That were pensioned under the act of 1890.

Mr. GROSVENOR. Drawing now only $12 a month. Now the gentleman wants to know what is back of this. I will put it in a very few words, for I have not the eloquence, when it comes to talking about soldiers, that some gentlemen have, but I will tell you what I think is the underlying proposition. If any man with an honorable discharge, who bore the flag of his country to victory and brought it home in honor, is in such a condition that because of any event in his life he may become a charge upon charity or an inmate of the poorhouse, I believe the American people will justify an appropriation of money out of the public Treasury to insure that man, in all these periodical attacks of whatever the disease may be, that he shall not be consigned to poverty and starvation. [Applause.]

I believe that there is patriotism enough on both sides of the House to say that they resent it as a stigma and disgrace that a man who bore arms on either side of the great conflict, or any man who has been honorably discharged, shall go to the poor house. Thank God the States of this Union have done their duty on this subject, and now comes the committee with an intelligent report to the House of Representatives, and they have asked the House of Representatives to respond to the great heart, soul, and patriotism of the American people. I do not believe there will be any votes against this bill. [Applause.]

The SPEAKER. The gentleman from New Hampshire has two minutes remaining.

Mr. SULLOWAY. Question.

Mr. LOUD. I yield five minutes to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, my objection to this bill chiefly lies to section 2—the one that increases pensions from $12 a month under the act of 1890 to $30 a month simply upon the certificate of the board of surgeons that the pensioner requires frequent and periodical attendance of another person. I want to ask the gentleman in charge of the bill, or some one else who can answer, whether this refers to the local board or the board of surgeons here in the Department?

Mr. CALDERHEAD. I think if the gentleman will read the bill he will find that it can only refer to the local board.

Mr. SIMS. I so understood it. Now, I want to say this: It has often come under my observation when persons apply for a pension or an increase and were ordered for examination before a local board it has said, "You are entitled to $24, $30, or $36 a month," and when this pension application comes before the Pension Bureau they give a pension of $8, $10, and $12, and then the applicant claims he has not been given what the local board recommended and wants increase by private act.

The local boards in my country are very sympathetic, and make the most liberal statements in reference to the trouble, disease, wound, or whatever the disabilities of applicants are. I want to say, so far as my own country is concerned, I think it would be a very easy matter to convince these local boards that it takes frequent and periodical attendance when it tends to increase the pension from $12 to $30 a month. I think this section ought to go out of the bill or the bill ought to be defeated. Having heard the two distinguished gentlemen from Ohio, General GROSVENOR and Mr. NORTON, upon this bill, I remember to have heard them here on one memorable occasion, when the eloquence of their words were unsurpassed, when they were describing the utter helplessness of the distinguished soldier, Gen. Americus V. Rice, when they represented that his condition was so terrible that he was always suffering. They stated a condition of suffering of the general that almost brought tears to the eyes of the members of this House, and as a result of their eloquence a bill was passed giving him a pension of $100 a month.

It came to my knowledge a few days afterwards that this distinguished soldier was drawing a salary exceeding $2,000 a year at that very time as an employee in the Census Office. It was represented that his condition was such that he was absolutely unable to do anything, and would need constant personal attention. A few weeks ago I had occasion to go to the Census Bureau for

some purpose, and was pleased to see General Rice there discharging his duties; not dead, and I was glad of it. Because, from the pathetic statements made by the two gentlemen from Ohio more than a year ago, I did not think that distinguished soldier could live so long. I was glad to see him still able to discharge his duties. I have no objection to his being employed.

I think that preference should be given to those who have served in the Army. But we ought to have the facts presented to us when we consider a bill. Here we found that this man was represented as being in such a condition that he was utterly helpless, and it did seem to me a little strange to see him discharging the important duties of an important position more than a year later. Now, I want to say that when we consider these appeals from members of Congress, and act upon them in such a way, with the neighborly feeling and comradeship that will exist with local boards, it will be a very easy matter to say that every one of these men who are now drawing $12 a month will need periodical and frequent personal attention of another person. I think this section ought to go out of the bill or the bill be defeated. I hope the gentleman will consent to an amendment striking out this section.

The SPEAKER. The question is on suspending the rules, agreeing to the amendments, and passing the bill as amended.

The question was taken.

Mr. SIMS. Division, Mr. Speaker.

The House divided, and there were—ayes 95, noes 18.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

LEAVE TO PRINT.

Mr. SULLOWAY. Mr. Speaker, I desire to ask unanimous consent that members may have leave to print remarks in the RECORD on the bill just passed.

The SPEAKER. Within what length of time?

Mr. SIMS. I object.

The SPEAKER. Objection is made.

HAWAIIAN SILVER.

Mr. SOUTHARD. Mr. Speaker, I move to suspend the rules and pass the bill S. 2210, with the committee amendments.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass Senate bill 2210 with sundry amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates.

Be it enacted, etc., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than $500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

SEC. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the Government of Hawaii, or with any person desiring to make such exchange, for coins of the Government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

SEC. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than $50, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

SEC. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the 1st day of January, 1904, and not afterwards.

SEC. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the 1st day of January, 1905, and after said date it shall be unlawful to circulate the same as money.

SEC. 7. That nothing in this act contained shall bind the United States to redeem any silver certificates issued by the goverment of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this act for the recoinage of Hawaiian silver.

SEC. 8. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Mr. SHAFROTH. Mr. Speaker, I demand a second.

Mr. SOUTHARD. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. SOUTHARD. Mr. Speaker, this bill involves a single simple proposition. It proposes the retirement of the silver coin in Hawaii and its replacement by the subsidiary silver coin of the United States. It proposes to do for Hawaii practically what was done for Porto Rico in the act of March 12 or April 12, 1900. The conditions are somewhat different, of course. In Porto Rico their silver was worth at that time only about 50 cents on the dollar, and the act authorized the taking of that money at 60 cents on the dollar.

The Hawaiian silver coinage has always circulated at par, and this bill provides that it shall be received by the officers of the United States Treasury at par and replaced by the subsidiary coinage of the United States. All of the coinage of the Hawaiian Islands was done under the act of 1883. All of their silver coins were coined during the years 1884, 1885, and 1886, and during that period of time about $1,000,000—I think exactly a million dollars—was coined in silver coin. There were 500,000 silver dollars, $350,000 in half dollars, $125,000 in quarter dollars, and $25,000 in dimes. This constituted the total coinage of the Hawaiian Islands, and the proposition is, as I have already stated, to retire this silver coinage and replace it by the subsidiary silver coinage of the United States.

Mr. CRUMPACKER. Will the gentleman from Ohio yield for a question?

Mr. SOUTHARD. Certainly.

Mr. CRUMPACKER. How does the Hawaiian silver coin circulate in Hawaii—at par?

Mr. SOUTHARD. Yes, sir; at par, and always has done so.

Mr. CRUMPACKER. If the Federal Government should receive this coin at par and recoin it into subsidiary coin, it would lose how much on the dollar?

Mr. SOUTHARD. Under the provisions of this bill there will be a slight gain to the Treasury of the United States.

Mr. CRUMPACKER. Could not the Federal Government go into the market and buy bullion and make an equivalent amount of subsidiary coin for 50 per cent of the par value of Hawaiian silver coin now?

Mr. SOUTHARD. This silver coin has always circulated at par.

Mr. CRUMPACKER. I know, but could not the Government now go into the market and buy bullion and coin subsidiary coin and save at least 50 per cent of what it would if it took the Hawaiian coin at par and recoined it into subsidiary coin?

Mr. SOUTHARD. I suppose the Government could buy bullion and replace that coin more cheaply than it could by taking the coin at par, but it would be manifestly unfair to the people of the Hawaiian Islands.

Mr. CRUMPACKER. Yes, but will it not be manifestly unfair to the people of the United States if they take this coin at gold par and recoin it into subsidiary coin, when they could get the equivalent in bullion at one-half the amount of money?

Mr. SOUTHARD. Every dollar of this coin is circulating at par and is a legal tender in the Hawaiian Islands.

Mr. CRUMPACKER. Who made it a legal tender?

Mr. SOUTHARD. The government of Hawaii.

Mr. CRUMPACKER. What relation does the United States bear toward it?

Mr. SOUTHARD. The United States Government has become responsible no further than it assumed responsibility in the organic act.

Mr. CRUMPACKER. Did it provide for the maintenance of the Hawaiian silver coin on a par with gold?

Mr. SOUTHARD. It does not expressly, but the Hawaiian silver coin is maintained at a par value with gold.

Mr. CRUMPACKER. Does the act of Congress make it legal tender?

Mr. SOUTHARD. No further than that they are legal tender by reason of circulating at par in Hawaii. The act of Congress does not make the coins of Hawaii legal tender.

Mr. CRUMPACKER. I do not see why we should take these coins at par and recoin them into subsidiary coin when we could make the equivalent amount of money by buying bullion. It would be a generous act to Hawaii, I admit, but directly against the interests of the people of the United States.

Mr. SOUTHARD. Let me ask the gentleman a question. Would the United States take a single dollar of Hawaiian money and replace it with less than the value of that which it took?

Mr. CRUMPACKER. What is the object of taking it if it will circulate in Hawaii on a par with gold? What is the object of it?

Mr. SOUTHARD. I will state two or three objects. One object is to have a uniform currency. Another object is that while favorable conditions exist to-day, they may not always remain as they are in the Hawaiian Islands. It is something that is universally desired by the people of Hawaii. It is something which is desired by our own Government. So far as I know, everybody wants it. The bill passed the Senate, as I understand, without

any division. It is a unanimous report from the Committee on Coinage, Weights, and Measures. So far as I know, there is no objection from any source in any of the provisions of this bill. The Hawaiian coin has a limited circulation, and it doubtless would be to the advantage of Hawaii to replace their coin by that of the United States.

All it costs the Government is the expense of coinage, and the Government will be more than reimbursed by what, in discussing the bill in the Senate, was called the seigniorage; that is, the gain which will come to the Government by reason of the coinage of 500,000 silver dollars and replacing them by an equal amount in half dollars.

This bill, as I have said, came from the Senate, and, as announced, it has been amended. It was referred to the Secretary of the Treasury, and he made a single suggestion. The original bill provided that the expense of collecting these coins, bringing them to this country and taking them back to Hawaii, should be borne equally by the Hawaiian Territorial Government and by the United States. The Secretary of the Treasury made the suggestion that it would be impracticable to divide this expense, and he suggested that as the Treasury would receive some gain by reason of the coinage of the 500,000 silver dollars, the bill should provide that the expense of bringing the money here and taking it back should be borne by the Treasury of the United States.

That suggestion is carried out in two amendments which are presented in this bill. Section 2 has been stricken out and a new section substituted, and an additional section has been added to the Senate bill appropriating $10,000 for the purpose of defraying the expenses of this transportation. In my judgment this expense will be very small. But there will be some expense and some provision should be made for it. That is the suggestion embodied in the two amendments I have mentioned.

Mr. CRUMPACKER. Was this coin maintained at par with gold before the acquisition of the Hawaiian Islands?

Mr. SOUTHARD. It was.

Mr. CRUMPACKER. By what means—by limiting the amount?

Mr. SOUTHARD. I have never been able to see just why it was maintained at par. In the first place, as already observed, the silver coinage was in a very limited amount.

Mr. CRUMPACKER. It was coined by the Government.

Mr. SOUTHARD. Coined by the United States.

Mr. CRUMPACKER. It was coined by the Hawaiian government, I believe.

Mr. SOUTHARD. Yes; coined by the Hawaiian government, but coined at San Francisco at the United States mint. The fact remains, I presume, that it is largely the use of this coinage that keeps it at par. Of course, the larger amount of money circulating in Hawaii is American money. Its limited quantity, legal-tender quality, and its use, everything connected with it—this situation has served to keep it at par. It always has been at par, and it is now circulating at par.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAFROTH. Mr. Speaker, I am opposed to the passage of this bill for the reason that I do not see any necessity for interfering with the money that now exists in Hawaii. Hawaii has about $500,000 in what is termed Hawaiian dollars. They contain the same quantity of silver as does the American dollar—412½ grains, nine-tenths fine. On those silver dollars the Hawaiian government has issued silver certificates, so that a large part—two-thirds or three-fourths, or it may be four-fifths—of the silver dollars have had silver certificates issued upon them.

These dollars are as perfect dollars as the United States dollars. They were coined by our mint. They were just as carefully coined as any of our own coins. Consequently there is no occasion on account of bad coinage to substitute dollars of our own or to substitute subsidiary coin.

In the next place, the subsidiary coin of Hawaii was also coined by our Government, and these subsidiary coins contain exactly the same number of grains of silver as the corresponding coin of the United States. These coins all circulate at gold valuation, although there is no gold reserve behind them. Consequently there is no question here of these coins being at or going to a discount. Although some fears have been expressed by some people in this regard, no one has ever offered to sell one of these coins at a discount of so much as a half of 1 per cent.

Now, my judgment is that if we let this question alone it will solve itself. The passengers on every vessel that lands at Honolulu carry away as souvenirs some of this silver money. Almost everyone on the steamer I was on collected and retained some of the coins of those islands. I am sure I did. I have not any doubt the time will come when these Hawaiian coins will actually be worth more in the market as souvenirs than their face value in Hawaii.

Mr. GILBERT. How many are there?

Mr. SHAFROTH. Five hundred thousand of the dollars and some less of the subsidiary coin—probably $450,000 of subsidiary coin.

Now, I can not see any reason why the Government of the United States should be put to the expense of transporting from the Hawaiian Islands this money, melting it down, and recoining it into exactly corresponding amounts of United States money. This is not the same problem as that we had in Porto Rico, because there they had a different kind of coin, not containing the same number of grains of silver or bearing any relation to our money whatever, but the coins of Hawaii are identical with ours and they are identical in purchasing power as our money. If you wanted to, you might pass a law giving the Hawaiian coins the legal-tender powers in the United States which they possess there, which would make uniformity, but there is no complaint that these coins will not pass, there is no complaint that they do not have free circulation.

Now, Mr. Speaker, it seems to me the passage of this bill will cause a useless expenditure of money. Besides, this bill provides that the Hawaiian dollars shall be coined into subsidiary coin. Now, it is true that the dollar is not full legal tender in Hawaii. It is true it is limited to ten or twenty dollars, I forget which, but the power exists in Hawaii of issuing silver certificates upon those silver dollars in denominations of more than $1, and the result of it is those silver certificates constitute principally the circulating medium of the islands. Now, to provide that these dollars shall be melted down and replaced by subsidiary United States coin is evidently going to interfere somewhat seriously with the currency there.

Their five-dollar and ten-dollar certificates will unquestionably be affected, and this bill proposes to supplant them with subsidiary American coin. I do not see that any good purpose can be subserved by that. The silver coins pass current. They are not at a discount. Some people have thought they might go to a discount, but anyone who knows the commerce of those islands, who knows you can pay with these coins dues to the government, taxes upon lands and other property in the islands, and debts contracted must be satisfied that they can not go to a discount.

Mr. SOUTHARD. Will the gentleman yield?

Mr. SHAFROTH. Yes, sir.

Mr. SOUTHARD. Suppose the gentleman were trading with this country and had $100,000 of Hawaiian silver. Would the gentleman just as soon have it as American silver?

Mr. SHAFROTH. I do not understand the gentleman.

Mr. SOUTHARD. Supposing the gentleman were a banker over there and had accumulated $100,000 of Hawaiian silver?

Mr. SHAFROTH. Yes.

Mr. SOUTHARD. Would the gentleman as soon have it as American silver?

Mr. SHAFROTH. Why, I think the rate of exchange would be identically the same. They never had any difficulty in dealing with us before they were admitted as a part of this country.

Mr. SOUTHARD. Supposing the gentleman wanted to use that in this country, can the gentleman imagine conditions under which that would not be as valuable?

Mr. SHAFROTH. I will tell the gentleman what would be a good deal better than that and would not cost anything, and that is to give those coins legal-tender power in the United States the same that they possess in Hawaii. That would answer the purpose without any melting of these coins, and without recoining them into subsidiary coin.

Mr. SOUTHARD. Does not the gentleman think that we ought to have uniformity in our currency system?

Mr. SHAFROTH. I think uniformity should exist if it can be obtained at a reasonable cost.

Mr. GAINES of Tennessee. There is a very practical uniformity now.

Mr. SHAFROTH. There is practical uniformity in the number of grains of silver contained in each piece.

Mr. GAINES of Tennessee. They both circulate exactly alike.

Mr. SHAFROTH. Exactly. You never ask when you are in Hawaii whether it is Hawaiian coin or coin of the United States. Now, Mr. Speaker, one of the reasons why I oppose this bill is because it melts down these dollars and makes subsidiary coin out of them, and I do not think that is right, although these dollars have not the full legal-tender quality that our American coins have.

Mr. SLAYDEN. If the gentleman will permit a suggestion, I would say that no other dollar is substituted, but subsidiary coin is substituted.

Mr. SHAFROTH. It substitutes subsidiary coin, according to the terms of this bill. Now, there is another question which is raised by the gentleman from Indiana [Mr. CRUMPACKER]. I do not know whether there is any duty resting upon us contained in the agreement of annexation between Hawaii and this Government to replace their money with ours. If there is it ought to be complied with. But if the United States is to coin

$1,000,000 in subsidiary coins for circulation in Hawaii it can buy the bullion at half what it will take to purchase the Hawaiian coins. If according to the terms of annexation it is the duty of Hawaii to take care of her issues of money and we to take care of our coins, which have always been in circulation there, then to pass this bill will be to make a gift to that Territory of $500,000. Now, I do not know whether there is an obligation or not. If there is it ought to be complied with.

Mr. GAINES of Tennessee. What sort of an obligation does the gentleman refer to?

Mr. SHAFROTH. I do not know whether we agreed to take care of these coins or not.

Mr. GAINES of Tennessee. We did not. There is no such provision in the treaty.

Mr. SHAFROTH. I do not know whether we did or not. If we did, we ought to do it, no matter whether it costs $500,000 or $10,000,000.

Mr. GAINES of Tennessee. We simply continued the existing laws in force, which made these dollars legal tender.

Mr. SHAFROTH. I wish to say in conclusion that this bill involves silver coins of the value of about $950,000, $500,000 of which are in dollars, and of which $450,000 are hypothecated for the redemption of silver certificates, issued in denominations, I understand, from $5 up. The balance is in subsidiary coin, containing identically the same number of grains of silver that our corresponding coins contain, and known as quarters, halves, and dimes, exactly the same as ours.

They all circulate in Hawaii at a par with our coin, one being freely exchanged for the other. The cost of transporting this coin from Hawaii to San Francisco and coining it into subsidiary coin of American money and the reshipment back will amount to a considerable sum. The expense is entirely unnecessary and will disturb their circulating medium. You can not substitute subsidiary coin for their large silver certificates without producing a redundancy of small money and a shortage of large money. Besides, I am absolutely opposed to the melting of silver dollars for the purpose of coining into subsidiary coins. For these reasons I am opposed to the passage of this bill.

How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman has nine minutes remaining.

Mr. SHAFROTH. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. MADDOX. Before the gentleman does that I wish to ask him who suffers the loss of the $450,000?

Mr. SHAFROTH. That loss will be suffered by the United States.

Mr. MADDOX. It will?

Mr. SHAFROTH. In this way: It could buy the bullion out of which to make this corresponding amount of subsidiary coin for $400,000 less than it could take up the Hawaiian coins and melt them down.

Mr. ROBINSON of Indiana. Who gets the revenues from the Hawaiian Islands?

Mr. SHAFROTH. Some of the revenues our Government gets and some the Territory itself gets.

Mr. ROBINSON of Indiana. But a vast amount collected from Hawaii goes into the United States Treasury.

Mr. SHAFROTH. Yes, some; but I do not know the amount.

Mr. HILL. We are responsible for this anyway. We can not help ourselves.

The SPEAKER. The gentleman from Tennessee [Mr. GAINES] is recognized for five minutes.

Mr. GAINES of Tennessee. Mr. Speaker, I do not know that I shall use that much time; but I want to say that on my way home from the Orient we stopped at Honolulu, and there, as elsewhere, I made it my duty to investigate matters that would be pertinent to our action here in Congress. Therefore, I at once riveted my attention on the money question, knowing that we had had that question up in Congress and would have it up again.

I found that the Hawaiian money passed pari passu with the American money; that the Hawaiian dollar passed just as freely as the American dollar; that there was no objection whatever from anybody to allowing the money to remain just as it is.

Mr. SNODGRASS. I should like to ask the gentleman the authority for this Hawaiian money.

Mr. GAINES of Tennessee. I was just about to state that the "existing" laws of Hawaii were continued when we annexed Hawaii, and the "existing" law of Hawaii made this money, as I recollect it, a full legal tender.

Mr. HILL. Up to $10.

Mr. GAINES of Tennessee. Well, say $10; but my recollection was that it was full legal tender.

Mr. SNODGRASS. Was that by the terms of the treaty?

Mr. GAINES of Tennessee. Yes; the "existing" law of Hawaii made this money legal tender, and it has remained so by the statute of annexation and is so now, and that is the law of that land now.

Mr. SNODGRASS. It is a part of the law of the United States?

Mr. GAINES of Tennessee. Yes, as stated. The statute of annexation continued the existing Hawaiian laws, which laws made the Hawaiian dollar a legal tender. I regret the hearings have not been printed. My recollection is the ex-collector of United States revenue there said that it was a full legal tender, but if it was only for 5 cents I say that in Hawaii these coins passed freely. It was taken by everybody as freely as American money. There was no difficulty with anybody in taking the money. I asked them if there was any trouble and they said "no." The bankers, who get their money in small amounts, said they did not want any change in the money made, and said it was good enough for them; so with the street car men and merchants. The gentleman from Connecticut states it only passes as legal tender up to $10. He may be correct.

I so understood the answer to the question asked when we had the hearings, and the gentleman who deposed at the time made a statement, which is a part of his testimony, in respect to the law; but it seems the testimony has not been printed, so I am not definite about that. But this money is absolutely acceptable to everybody. It is acceptable to the Government of the United States; it is acceptable to the Hawaiian government; it is acceptable to the capitalists there; acceptable to the street car men, and to the laborers of that country.

Will you pray tell me what right and what justice there is in grinding it up into subsidiary coins at the expense of somebody, the Government of the United States at least, if not those now holding this money? Hence it is a matter of business, is a matter of economy, is a matter of justice to those people who hold this money not to change it. They sustain the loss.

Why, everybody over there is paid in this money. I changed my money, and in a few minutes I had my pockets full of it, and I had no trouble with it. Why should you, then, strike down this money? Why should it be ground into subsidiary coin, that has a limited tender, when there is no complaint; when it is in the pockets of the people and the laborers, and they are not complaining? I say there is no wisdom, no justice, nor right in doing so, and hence it is that I object to the whole proposition. Let it alone, and let it do, as it is, full legal-tender money duty for everybody.

Mr. SOUTHARD. How much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. SOUTHARD. I yield to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, if I can have the attention of the House for a few moments while I explain this bill I believe that every man on this floor will vote for it. The government of Hawaii under the old system had coined a million dollars of silver. It is all subsidiary. It has no legal-tender power in excess of $10. The bill is purely a business matter. It has passed the Senate unanimously. Senator TELLER, of Colorado, made a speech in favor of the bill, and there was no opposing vote when the bill passed the Senate early in the session. It has not only passed at this session, but it passed at the last session.

Now, the facts in the case are simply these: Under the old government a million dollars of subsidiary coin was coined. The dollar was subsidiary, with tender limited to $10. The only difference between that dollar and ours is this: While theirs corresponded with ours in fineness and in size it does not correspond in its legal-tender quality. We are responsible for them. We have to take them anyway, and it is simply a question of whether we will have two kinds of coin. It can be bought at a discount and sold at the bullion rates if the banks refuse to accept it in any future transaction. It can not be refused on existing transactions, but they can draw notes or documents saying that in the future only American coin shall be received.

Now, the Post-Office Department of the Government says, "What are we going to do with these two kinds of money in circulation? If the banks refuse to take it we shall have to take it in unlimited quantities." I have here a letter sent to me from the Post-Office Department only a few days ago, asking information as to what they were to do. It was signed by Mr. Wynne, the First Assistant Postmaster-General, inclosing a letter from the postmaster at Honolulu, by which you will see the position in which the Government, not the people of Hawaii, is placed from the fact that the Government is called on to take it.

Mr. HOPKINS. Will the gentleman permit me to ask him a question?

Mr. HILL. Certainly.

Mr. HOPKINS. Is this money received by the Government for customs dues?

Mr. HILL. It is legal tender up to $10.

Mr. HOPKINS. If our Government receives it at its face value, does the gentleman believe that it would be depreciated in any private transaction?

Mr. HILL. Why, certainly I believe it would. It had only legal-tender quality for $10.

Mr. HOPKINS. If the Government receives it at par value, it will go everywhere.

Mr. HILL. Why does not a Mexican dollar go as far in Mexico? But why argue theoretically on a business proposition of this kind?

Mr. GAINES of Tennessee. Does not the gentleman know it is full legal tender between this Government and the people?

Mr. HILL. Its legal-tender quality is limited to the sum of $10.

Mr. GAINES of Tennessee. Does it not go up on all sorts of contracts between the people there?

Mr. HILL. Do you suppose anybody would take this in amounts of more than $10.

Mr. GAINES of Tennessee. That is an evasive answer to my question.

Mr. HILL. It does not.

Mr. GAINES of Tennessee. It is accepted by everybody there.

Mr. HILL. It has no legal function outside of $10.

Mr. GAINES of Tennessee. But it is received over there for all amounts.

Mr. HILL. Not in this coin.

Mr. GAINES of Tennessee. I was there, and it was accepted for all duties.

Mr. HILL. In this country?

Mr. GAINES of Tennessee. Not in this country, but in that country.

Mr. HILL. The following is the letter:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
DIVISION OF THE POSTAL MONEY ORDER SYSTEM,
Washington, D. C., June 2, 1902.

SIR: In connection with the matter of the redemption of coin of Hawaii, upon which subject some legislation is pending, please find herewith, for your information, a copy of a letter from the postmaster at Honolulu, Hawaii, of date of the 20th ultimo.

It would seem that the subject is one well worthy of prompt attention.

Respectfully,
R. J. WYNNE,
First Assistant Postmaster-General,

Hon. E. J. HILL,
Chairman Committee on Banking and Currency,
House of Representatives.

HONOLULU POST-OFFICE, *Honolulu, H. I., May 20, 1902.*

Hon. FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

SIR: With further reference to my letter of November 13 last, in re Hawaiian silver coin, I would again call your attention to the fact that some of the bankers here are again agitating the advisability of not receiving Hawaiian coin.

One bank here has deposited in its vaults about $200,000 silver, about four-fifths of which is Hawaiian, which they claim can not be sent to any other part of the United States in payment of debts, leaving about only one-fifth American silver available for that purpose.

While there is no threat made that they will refuse Hawaiian silver, there is a hint given that they may do so, in which case this office would have to do the same,

About the first of each month a great proportion of this coin is shipped to the various plantations to pay off the employees, but by the middle of the month it finds its way back to Honolulu again, considerable of it through the post-office, and is soon piled up in the banks as before.

I submit the above facts in order that the Department may be aware of the conditions that exist here, and perhaps take some immediate action before it is taken up here with perhaps serious results to the community.

Respectfully,
JOS. M. OAT, *Postmaster.*

Now, gentlemen, that is all there is of it. We can not help ourselves.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. HILL. I ask unanimous consent for one minute more.

Mr. SHAFROTH. I yield one minute to the gentleman.

Mr. HILL. There is only this about it—we have got to take it, either through the custom-house or the post-office. We will make $15,000 by recoining it into our own money.

Mr. GAINES of Tennessee. If that is the case, how will it bankrupt the United States to coin silver money? [Laughter.]

Mr. SOUTHARD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes, and the gentleman from Colorado has two minutes.

Mr. SHAFROTH. Mr. Speaker, in reply to the gentleman from Connecticut, I will say that it seems to me that because a bill may pass the other body without a contest is no reason why it should pass this body. In my judgment there is no substantial reason for the passage of this bill. These coins circulate at par and contain the same number of grains of silver as the American coins. They will take care of themselves if you let them alone.

All of the tourists that go to Hawaii take away a number of them to keep as souvenirs. In time they will consume the entire circulation, and it will not cost the Government one penny. If there was no other reason than that, it seems to me the bill should not pass.

Besides, there are $500,000 upon which silver certificates have been issued in denominations of five and ten dollars. If you are going to substitute subsidiary coin you will inconvenience the people of Hawaii. Subsidiary silver coin is not as convenient as bills of five and ten dollar denominations in large transactions. The fact that the United States Government receives this silver coin in payment of duties to the Government, the fact that the Territorial government receives them in payment of all taxes—municipal and county—ought to convince anyone that there is no danger of them going to a discount, or that any of this money will go to a discount.

To recoin this money, to bring it to the United States and melt it down and recoin it into coins of precisely the same number of grains as exists in our money, will involve the expenditure of a considerable sum. If there is no obligation resting upon the Government to redeem it, if Hawaii was to take care of her money and we were to take care of ours, you can readily see that the Government of the United States will lose $450,000 by recoinage, because it can buy one million of bullion in the market and coin it into subsidiary coin by the payment of $450,000. If there is any obligation I would not allow that to weigh one particle.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. SOUTHARD. Mr. Speaker, the gentleman admits his whole case away when he says that the coins circulate under different conditions. Two coins circulating under admittedly different conditions will at some time be of varying value. It can not possibly be otherwise, and when he says that he should oppose a law making an Hawaiian dollar unlimited legal tender, he admits his whole case. It is for the purpose of keeping $500,000 more silver in circulation that the gentleman takes the position that he does. So far as we know, the gentleman and one or two others are the only ones who have interposed any objection to what is proposed in the bill. The people of Hawaii are all in favor of it. Our Treasury Department is in favor of it.

Mr. SHAFROTH. Have you any petitions?

Mr. GAINES of Tennessee. The gentleman from Ohio says that the people of Hawaii are in favor of it. Where does he get his information?

Mr. SOUTHARD. If the gentleman from Tennessee had read the report in this case, he would not ask that question.

Mr. GAINES of Tennessee. Well, as I have not the report here, I ask the gentleman the question. I deny that the people of Hawaii do want it.

Mr. SOUTHARD. I get it in part from a letter of S. M. Damon, published in the report. I get it also from other sources. This is legislation uniformly demanded, it is something that everybody wants, and the bill ought to pass without objection. Mr. Speaker, I ask for a vote.

The SPEAKER. The motion is to suspend the rules and agree to the amendment and pass the bill as amended.

The question was taken; and the Speaker announced that the ayes had it.

Mr. SHAFROTH. Mr. Speaker, I demand a division.

The House proceeded to divide.

Mr. SOUTHARD (before the announcement of the vote). Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded by the gentleman from Ohio.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 71, answered "present" 13, not voting 153; as follows:

YEAS—114.

Alexander,	Darragh,	Ketcham,	Reeves,
Allen, Me.	Deemer,	Kyle,	Roberts,
Aplin,	Dick,	Lacey,	Robinson, Ind.
Barney,	Dovener,	Lawrence,	Rumple,
Bartholdt,	Draper,	Lessler,	Scott,
Bates,	Driscoll,	Lewis, Pa.	Shattuc,
Bishop,	Eddy,	Long,	Sherman,
Boutell,	Emerson,	Loud,	Showalter,
Bowersock,	Esch,	Loudenslager,	Sibley,
Brick,	Evans,	McCleary,	Smith, Ill.
Bristow,	Foerderer,	McLachlan,	Smith, S. W.
Bromwell,	Gibson,	Martin,	Southard,
Brown,	Gillet, N. Y.	Mercer,	Sperry,
Burk, Pa.	Graff,	Metcalf,	Steele,
Burke, S. Dak.	Grosvenor,	Minor,	Stewart, N. J.
Burkett,	Grow,	Mondell,	Stewart, N. Y.
Burton,	Hamilton,	Moody, N. C.	Sutherland,
Calderhead,	Hedge,	Moody, Oreg.	Tawney,
Cannon,	Hemenway,	Moss,	Thomas, Iowa
Capron,	Henry, Conn.	Olmsted,	Tompkins, Ohio
Cassel,	Hepburn,	Otjen,	Tongue,
Conner,	Hill,	Overstreet,	Van Voorhis,
Cousins,	Hopkins,	Palmer,	Vreeland,
Cromer,	Hull,	Patterson, Pa.	Wachter,
Crumpacker,	Irwin,	Payne,	Wadsworth,
Currier,	Jenkins,	Perkins,	Warnock,
Curtis,	Jones, Wash.	Powers, Me.	Woods.
Cushman,	Joy,	Ray, N. Y.	
Dalzell,	Kahn,	Reeder,	

NAYS—71.

Ball, Tex.	Fleming,	Little,	Shafroth,
Bartlett,	Flood,	Lloyd,	Shallenberger,
Bell,	Gaines, Tenn.	McCulloch,	Sims,
Bellamy,	Gilbert,	McRae,	Slayden,
Brantley,	Glenn,	Maddox,	Snodgrass,
Breazeale,	Griffith,	Mickey,	Snook,
Brundidge,	Griggs,	Miers, Ind.	Spight,
Burleson,	Hay,	Moon,	Stark,
Burnett,	Henry, Miss.	Neville,	Stephens, Tex.
Candler,	Hooker,	Norton,	Swanson,
Cassingham,	Howard,	Ransdell, La.	Thomas, N. C.
Clayton,	Jackson, Kans.	Reid,	Thompson,
Cochran,	Jones, Va.	Richardson, Tenn.	Underwood,
Cowherd,	Kitchin, Claude	Rixey,	Vandiver,
Davis, Fla.	Kitchin, Wm. W.	Robb,	Williams, Miss.
De Armond,	Kleberg,	Rucker,	Wooten,
Dougherty,	Lanham,	Ryan,	Zenor.
Edwards,	Lewis, Ga.	Selby,	

ANSWERED "PRESENT"—13.

Adamson,	Fitzgerald,	McClellan,	Pou.
Benton,	Gillett, Mass.	Mann,	
Bowie,	Johnson,	Padgett,	
Dinsmore,	Landis,	Pierce,	

NOT VOTING—153.

Acheson,	Fletcher,	Lester,	Scarborough,
Adams,	Fordney,	Lever,	Schirm,
Allen, Ky.	Foss,	Lindsay,	Shackleford,
Babcock,	Foster, Ill.	Littauer,	Shelden,
Ball, Del.	Foster, Vt.	Littlefield,	Sheppard,
Bankhead,	Fowler,	Livingston,	Skiles,
Beidler,	Fox,	Lovering,	Small,
Belmont,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Bingham,	Gardner, Mich.	McCall,	Smith, Ky.
Blackburn,	Gardner, N. J.	McDermott,	Smith, H. C.
Blakeney,	Gill,	McLain,	Smith, Wm. Alden
Boreing,	Goldfogle,	Mahon,	Southwick,
Broussard,	Gooch,	Mahoney,	Sparkman,
Brownlow,	Gordon,	Marshall,	Stevens, Minn.
Bull,	Graham,	Maynard,	Storm,
Burgess,	Green, Pa.	Meyer, La.	Sulloway,
Burleigh,	Greene, Mass.	Miller,	Sulzer,
Butler, Mo.	Hall,	Morgan,	Talbert,
Butler, Pa.	Hanbury,	Morrell,	Tate,
Caldwell,	Haskins,	Morris,	Tayler, Ohio
Clark,	Haugen,	Mudd,	Taylor, Ala.
Connell,	Heatwole,	Mutchler,	Thayer,
Conry,	Henry, Tex.	Naphen,	Tirrell,
Coombs,	Hildebrant,	Needham,	Tompkins, N. Y.
Cooney,	Hitt,	Nevin,	Trimble.
Cooper, Tex.	Holliday,	Newlands,	Wanger,
Cooper, Wis.	Howell,	Parker,	Warner,
Corliss,	Hughes,	Patterson, Tenn.	Watson,
Creamer,	Jack,	Pearre,	Weeks,
Crowley,	Jackson, Md.	Powers, Mass.	Wheeler,
Dahle,	Jett,	Prince,	White,
Davey, La.	Kehoe,	Pugsley,	Wiley,
Davidson,	Kern,	Randell, Tex.	Williams, Ill.
Dayton,	Kluttz,	Rhea, Va.	Wilson,
De Graffenreid,	Knapp,	Richardson, Ala.	Wright,
Douglas,	Knox,	Robertson, La.	Young.
Elliott,	Lamb,	Robinson, Nebr.	
Feely,	Lassiter,	Ruppert,	
Finley,	Latimer,	Russell,	

So (two-thirds not voting in favor thereof) the motion was not agreed to.

The following additional pairs were announced:

Until further notice:

Mr. HASKINS with Mr. JOHNSON.

For this day:

Mr. BLACKBURN with Mr. BUTLER of Missouri.

Mr. HITT with Mr. GOOCH.

Mr. JACKSON of Maryland with Mr. ALLEN of Kentucky.

Mr. COOPER of Wisconsin with Mr. HENRY of Texas.

Mr. BURLEIGH with Mr. FOX.

Mr. FOWLER with Mr. RICHARDSON of Alabama.

Mr. STEVENS of Minnesota with Mr. RANDELL of Texas.

Mr. SULLOWAY with Mr. RUPPERT.

Mr. STORM with Mr. SMITH of Kentucky.

Mr. TOMPKINS of New York with Mr. THAYER.

Mr. NEEDHAM with Mr. WILLIAMS of Illinois.

Mr. PEARRE with Mr. WILEY.

On this vote:

Mr. KNAPP with Mr. DE GRAFFENREID.

Mr. ADAMS with Mr. DINSMORE.

Mr. BEIDLER with Mr. COOPER of Texas.

Mr. FOSS with Mr. LIVINGSTON.

Mr. HANBURY with Mr. FITZGERALD.

Mr. HUGHES with Mr. LESTER.

Mr. GRAHAM with Mr. GOLDFOGLE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4957. An act granting an increase of pension to Stiles L. Acee;

S. 5660. An act granting a pension to George W. Berry;

S. 4827. An act granting an increase of pension to George W. Stott;

S. 2545. An act granting a pension to William Johnston;

S. 5431. An act granting a pension to Daniel Dougherty;

S. 3365. An act granting an increase of pension to Eliza Miller;

S. 6008. An act granting an increase of pension to David Vickers;

S. 4211. An act granting an increase of pension to James M. Conrad;

S. 6015. An act granting an increase of pension to Clara M. Gihon;

S. 5659. An act granting an increase of pension to Malinda Heard;

S. 5747. An act granting an increase of pension to James E. Bader;

S. 4251. An act granting an increase of pension to William C. Banta;

S. 5901. An act granting an increase of pension to Orange Sells;

S. 4811. An act granting an increase of pension to John W. Dick;

S. 4493. An act granting an increase of pension to Michael Volz;

S. 3715. An act granting an increase of pension to Henry Weaver;

S. 3315. An act granting an increase of pension to George W. Bradshaw;

S. 4454. An act granting an increase of pension to John D. Sullivan;

S. 5758. An act granting an increase of pension to David Ham;

S. 3423. An act granting an increase of pension to Maria V. Stadtmueller;

S. 2306. An act granting a pension to William H. Lessig;

S. 1666. An act granting an increase of pension to Rufus V. Lee;

S. 4121. An act granting a pension to Elizabeth Jacobs;

S. 5239. An act granting an increase of pension to Joseph O. Kerbey, alias Joseph A. Kerbey;

S. 3644. An act granting a pension to James Mealey;

S. 3238. An act granting an increase of pension to Martha Elizabeth Hench;

S. 5076. An act granting an increase of pension to Katharine W. Clarke;

S. 2283. An act granting an increase of pension to William F. Angevine;

S. 3180. An act granting an increase of pension to Emma L. Ferrier;

S. 5944. An act granting an increase of pension to Frederick W. Wiley, alias William F. Wiley;

S. 4308. An act for the relief of Kate A. Nolan;

S. 4517. An act for the relief of Priscilla R. Burns;

S. 587. An act for the relief of A. M. Darling, administrator; and

S. 1792. An act to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property;"

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;

H. R. 9366. An act granting an increase of pension to Peter T. Norris;

H. R. 7906. An act granting a pension to Martha G. Young;

H. R. 7882. An act granting an increase of pension to John H. Smith;

H. R. 14079. An act granting an increase of pension to John Miller;

H. R. 6402. An act granting a pension to Mary J. Adams;

H. R. 14224. An act granting an increase of pension to Margaret S. Tod;

H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;

H. R. 10767. An acting granting an increase of pension to Louisa N. Grinstead;

H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;

H. R. 8781. An act granting a pension to Mary E. Holbrook;

H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;

H. R. 2470. An act granting an increase of pension to Charles P. Maxwell;

H. R. 13423. An act granting an increase of pension to Elizabeth Wall;

H. R. 2192. An act granting an increase of pension to Benjamin F. Sheurer;

H. R. 7353. An act granting a pension to Nancy M. Williams;

H. R. 12305. An act granting an increase of pension to Charles Olson;

H. R. 13691. An act granting an increase of pension to James M. Conrad;

H. R. 14052. An act granting an increase of pension to George Fusselman;
H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
H. R. 14374. An act granting a pension to Samantha Towner;
H. R. 5877. An act granting a pension to Robert Watts;
H. R. 3262. An act granting an increase of pension to David T. Bruck;
H. R. 1466. An act granting a pension to Alfred Hatfield;
H. R. 292. An act granting a pension to Henrietta Gottweis;
H. R. 5328. An act granting an increase of pension to Samuel Bortle;
H. R. 7986. An act granting a pension to Clara C. Hawks;
H. R. 3986. An act granting a pension to Martha A. Cornish;
H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
H. R. 3677. An act granting an increase of pension to James F. Gray;
H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
H.R.12976. An act granting an increase of pension to Jacob Smith;
H. R. 6847. An act to correct the record of Michael Hayes;
H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
H. R. 6414. An act granting an increase of pension to William W. H. Davis;
H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
H. R. 10255. An act granting a pension to Margaret Tisdale;
H. R. 14359. An act granting a pension to Luther G. Edwards;
H. R. 8109. An act granting an increase of pension to William H. McCarter;
H. R. 12774. An act granting an increase of pension to John M. Brown;
H. R. 14012. An act granting a pension to Fannie Reardon;
H. R. 14118. An act granting an increase of pension to Mary C. Bickerstaff;
H. R. 10172. An act granting an increase of pension to Thomas Finegan;
H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
H. R. 1478. An act granting an increase of pension to Henry Runnels;
H. R. 5550. An act for the relief of W. C. Taylor;
H. R. 3263. An act granting an increase of pension to John Revley;
H. R. 954. An act granting an increase of pension to Rachael Brown;
H. R. 6991. An act granting an increase of pension to Esek B. Chandler;
H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
H. R. 12724. An act granting an increase of pension to Richard M. Kellough;
H. R. 12408. An act granting an increase of pension to John A. Eveland;
H. R. 12312. An act granting a pension to Susan Walker;
H.R.5145. An act granting an increase of pension to Thomas Swan;
H. R. 13017. An act granting an increase of pension to James Austin;
H. R. 13321. An act granting an increase of pension to John S. Bonham;
H. R. 7922. An act granting an increase of pension to Richard G. Watkins;
H. R. 12130. An act granting a pension to Christopher S. Stephens;
H. R. 8698. An act granting an increase of pension to Nelson Churchill;
H. R. 884. An act granting an increase of pension to Ellen W. Rice;
H. R. 10899. An act granting an increase of pension to William Warner;
H. R. 11711. An act granting an increase of pension to Isaac Gibson;
H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
H. R. 6186. An act granting a pension to Carrie B. Farnham;
H. R. 11115. An act granting a pension to Angeline H. Taylor;
H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
H. R. 11493. An act granting a pension to Mary A. Lipps;
H. R. 11865. An act granting an increase of pension to John A. Robertson;
H. R. 3770. An act granting a pension to James E. Dickey;
H. R. 3768. An act granting an increase of pension to John W. Campbell;
H. R. 9164. An act granting an increase of pension to John H. Crawford;
H. R. 9717. An act granting a pension to Isaac M. Pangle;
H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
H. R. 945. An act granting an increase of pension William W. Richardson;
H. R. 6890. An act granting an increase of pension to Robert O. Scroggs;
H. R. 2615. An act granting an increase of pension to Charles E. Miller;
H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
H. R. 5146. An act granting an increase of pension to Florian V. Sims;
H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
H. R. 10794. An act granting a pension to Thomas H. Devitt;
H.R.13178. An act granting a pension to William F. Bowden; and
H. R. 9463. An act granting an increase of pension to Edgar A. Stanley.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12299. An act granting a pension to William C. Roberts;
H. R. 10178. An act granting an increase of pension to Daniel Thomas;
H. R. 3500. An act granting an increase of pension to Kate O. Phillips;
H. R. 12284. An act granting an increase of pension to George W. Shaw;
H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;
H. R. 3323. An act granting a pension to Daniel L. Mallicoat;
H. R. 6871. An act granting an increase of pension to Harman Scramlin;
H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;
H. R. 5315. An act granting an increase of pension to Orrin J. Wells;
H. R. 3641. An act for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, etc.; and
H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3653) for the protection of the President of the United States, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. FAIRBANKS, and Mr. PETTUS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the bill (S. 3992) granting an increase of pension to David M. McKnight.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. FOX, for ten days, on account of important business.

Mr. RHEA of Virginia, for one week, on account of important business.

Mr. KLUTTZ, for one week, on account of serious illness in his family.

PRISON-SHIP MARTYRS AT FORT GREENE, BROOKLYN, N. Y.

Mr. McCLELLAN. Mr. Speaker, by authority from the Committee on the Library, I move that the rules be suspended and that the amendment to House joint resolution No. 6, in relation to a monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., submitted by the committee, be agreed to, and that as amended the resolution be agreed to.

The SPEAKER. The gentleman from New York, by direction of the Committee on the Library, calls up House joint resolution No. 6, and moves that the rules be suspended and that the amendments be agreed to, and the resolution as thus amended be passed. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 as a part contribution to the erection of said monument in Fort Greene Park, in the borough of Brooklyn, city and State of New York: *Provided, however*, That said sums shall not be payable until there has been raised, by private subscription and by public appropriations as aforesaid, sums aggregating an additional $100,000: *And provided further*, That said moneys shall not be paid for the erection of a monument, plans for which shall not have been approved by the Secretary of War of the United States and the governor of the State of New York and mayor of the city of New York; and the said moneys shall be expended under the joint supervision of the said Secretary and said governor and said mayor.

Mr. CLAYTON. Mr. Speaker, I demand a second.

Mr. McCLELLAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. McCLELLAN. Mr. Speaker, the purpose of this resolution is an appropriation of $100,000 as a part contribution to the erection of a monument to the memory of the so-called prison-ship martyrs at Fort Greene Park, Brooklyn, N. Y. The State of New York has already appropriated $25,000 and has authorized the city of New York to appropriate $50,000, and there have been raised $25,000 by private subscriptions; in all, $100,000. The appropriation authorized in the resolution does not take effect until the other $100,000 has been paid in.

During the Revolutionary war nearly 20,000 naval and military prisoners, confined in hulks anchored at Wallabout Bay, the present site of the United States navy-yard, Brooklyn, N. Y., died because of the cruelties they suffered at the hands of their British jailers. They were buried on the shore near the hulks. In 1808 they were given Christian burial by the Tammany Society or Columbian Order, and in 1873 they were moved to Fort Greene Park, where they now lie. Similar resolutions or bills have been reported to the House in the Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, and the Committee on the Library is unanimous in thinking that it is only right that the resolution should be agreed to.

The resolution was introduced by my colleague, the gentleman from New York [Mr. FITZGERALD], who has labored unceasingly for the success of this patriotic project, with which his name will always be most appropriately associated. I yield five minutes to my colleague [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, unless further explanation is needed I will not occupy the time of the House, but will ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. McCLELLAN].

The question was taken; and two-thirds having voted in favor of the motion, the amendment was agreed to, and the resolution as amended passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 10, 1902:

H. R. 12085. An act providing for the completion of a light and fog signal station in the Patapsco River, Maryland.

On June 13, 1902:

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 7034. An act for the relief of Navajo County, Ariz.;

H. R. 8786. An act ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona;

H. R. 12346. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado;

H. R. 11599. An act to redivide the district of Alaska into three recording and judicial divisions; and

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida.

On June 14, 1902:

H. R. 12797. An act to ratify act numbered 65 of the twenty-first Arizona legislature;

H. R. 10819. An act for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees;

H. R. 8129. An act to amend sections 4076, 4078, and 4075, of the Revised Statutes; and

H. R. 14380. An act to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

On June 1, 1902:

H. R. 11591. An act for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate pay check.

ABRAHAM LINCOLN.

Mr. McCLEARY. By direction of the Committee on the Library, I move that the rules be suspended and that the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, be passed.

The SPEAKER. The gentleman from Minnesota calls up the bill S. 5269, by direction of the Committee on the Library, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of State, and the Secretary of War be, and they are hereby, created a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 3. That the said commission shall report the result of their action to Congress as soon as practicable after a decision has been reached.

Mr. CANNON. Mr. Speaker, I ask for a second, but I am willing that one should be considered as ordered.

Mr. McCLEARY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. McCLEARY. Mr. Speaker, it seems almost unnecessary to present any argument in favor of this Senate bill. It is thirty-seven years since the spirit of Abraham Lincoln took its flight, and in the capital city of the nation there is no worthy memorial of his great life. The bill provides for a commission, to consist of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House, the Secretary of State, and Secretary of War, to secure plans and a design for such a monument. There is no authority to do further than to secure these designs and submit them to the Congress for its approval or disapproval.

Mr. CLAYTON. Mr. Speaker, I have not read the bill, but I would like to inquire of the gentleman where it is proposed to erect this monument?

Mr. McCLEARY. In the city of Washington.

Mr. RICHARDSON of Tennessee. Does it provide that it shall be erected on a Government reservation or have we to purchase some location?

Mr. McCLEARY. That is not provided in the bill.

Mr. RICHARDSON of Tennessee. So far as I am concerned, I can see no objection.

Mr. McCLEARY. I will say to the gentleman that in all probability this memorial will be erected on a Government reservation.

Mr. RICHARDSON of Tennessee. I did not catch the names of the commissioners who were to select the plans. Will the gentleman read them?

Mr. McCLEARY. The commission is to consist of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House, the Secretary of State, and the Secretary of War, and the authority granted the commission is simply to secure plans and a design.

Mr. CLAYTON. How much does the bill carry?

Mr. McCLEARY. Twenty-five thousand dollars.

Mr. SLAYDEN. Suppose that the four members of this commission divide equally, how can a design be chosen?

Mr. McCLEARY. These commissions usually consist of four members.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to ask the gentleman from Minnesota [Mr. MCCLEARY] if it has been decided as to what inscription will be placed on this monument? If not, I suggest to gentlemen on the other side that Abraham Lincoln really believed in the Declaration of Independence, a fact which the gentlemen on the Republican side of this House have possibly forgotten.

Mr. CANNON. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Illinois, or does the gentleman from Illinois take the floor in his own time?

Mr. CANNON. Either way; I do not care in whose time it is. I should be glad to ask the gentleman a question.

Mr. MCCLEARY. I yield to the gentleman.

Mr. CANNON. Has the gentleman any matter in his mind as to where this monument or memorial is to be located?

Mr. MCCLEARY. Nothing further than that it is to be located in the city of Washington.

Mr. CANNON. The reason I ask is that, in common with every other member of this House, I believe, I am in entire harmony with the erection of a memorial, in the city of Washington, to perpetuate the name and life of Abraham Lincoln, and I hope and believe that this memorial, when erected, will be a proper one. The sum of $25,000 is appropriated merely for plans. I judge from that that it is to be a proper monument. That amount expended in architects' fees in the erection of a building would indicate a total expenditure of half a million dollars. Now, I am not going talk about the expenditure. I am satisfied it will be what it should be, considering all the circumstances and the character of that man.

But I am a little desirous to ask my friend a question or two. We have had lately a lot of plans by a Commission known as the Parking Commission. The Senate of the United States begot upon itself a Commission, and has devoted from its contingent fund the sum of $50,000 to enable this Commission to fructify, and over here in the Library of Congress, without any authority of law, a cuckoo's egg, occupying one great side of the library, are models which show the work of this self-begotten child. How long these models are to stay there I do not know. Shown upon that model are splendid avenues, memorial bridges, and a great many other things. And, if I am not mistaken, down near the old Naval Observatory is a place reserved for a memorial to Abraham Lincoln. Am I correct?

Mr. MCCLEARY. I am not prepared to say that the gentleman is not correct, because that has nothing to do with this case.

Mr. CANNON. Well, yes and no. Let us see whether it has or not. I am not going, by my action, without at least a word of inquiry, to have the patriotic sentiment that abounds in 80,000,000 people used to put a monument where it ought not to be. Now, if I supposed that this memorial was to be builded down near the old Naval Observatory and used to make an argument in favor of building a memorial bridge, and that the memorial was to stand there through all time, right upon the bank of that river and close to the flats, where the monument itself would take fever and ague, let alone a living man, I should object. If this $25,000 is to be expended for plans, and the whole thing is to be worked out in connection with a site of that kind, then I should try to see if we could not apply some remedy. If, on the contrary, it is to work out plans that will fit a proper location, why then I am entirely content, and for that reason I have asked my friend these questions.

I notice that the Secretary of War, the Secretary of State, the chairmen of the Library Committees of the House and of the Senate make up the Commission. I am with my friend for a memorial. I am against anything—and I want to set this back fire now—I am against anything that will work out anybody's plans or anybody's schemes that will not place that memorial where all the people will and must see it when they come to Washington. Why, we used to have a statue erected as a memorial of Adjutant-General Rawlins down a little bit southwest of the War, State, and Navy building. It stood there, lonesome and silent, except as the occasional explorer—one in ten thousand—would inquire about it and hunt it up, until finally Congress directed that it be moved up to Eighth or Ninth street and Pennsylvania avenue, so it would not be lonesome.

Now, that is about all I wish to say about it. I wanted to say this much, without offending the feelings of anybody, and in view of this scheme, in view of the birth of this unnatural child, born not in lawful legislative wedlock, I wanted to say that much by way of protest against the action on the part of this Commission in failing to do its duty and giving us the location and its recommendation that ought to be had. [Applause.]

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Is he in favor of this motion to suspend the rules and pass the resolution? I could not tell after listening to his speech.

Mr. CANNON. Am I in favor of it? Yes.

Mr. RICHARDSON of Tennessee. All right.

Mr. CANNON. I shall vote for it; but I wanted to say this much, and I hope my good friend in charge of this bill, the Representative from Minnesota, will say what he has to say if he thinks anything I have said has anything of injustice in it touching this Commission, and if he does not, then I shall vote for this bill; and, if I am spared when its report is made, I shall be at perfect freedom to contest the confirmation of that location, if, in my judgment, the contest ought to be made. But I take time by the forelock. Now, the question of the location of a monument means much to the monument itself. What would suit a monument in low ground would not suit a monument in high ground. What would suit it in a populous place, where the men, women, and children would see it almost daily, or where all the citizens would see it in a great city, would mean one thing; if one was hid away where one in ten thousand in a great city would not see the monument, that would be another thing. While I do not desire to be hypercritical, it seems to me apt that I should indulge in this much language about it.

Mr. MCCLEARY. Mr. Speaker, the gentleman from Illinois will appreciate the fact, of course, that even if this bill passes and "the gentleman from Minnesota" becomes one of the members of this commission, I would have no authority at this time to speak in such a way as to bind that commission. I can simply say this, in reply to the inquiries of my friend from Illinois, that this bill was introduced in the Senate by Senator CULLOM, and my understanding is that his purpose in introducing it was simply to get a proper memorial here to him whom all the people, North and South, of all parties, want to see thus honored. Now, if that commission makes a report that is not satisfactory to the House, the House has full recourse. At this time I can say only that this bill provides for a commission. I can not tell what the action of that commission will be.

Mr. RICHARDSON of Tennessee. Will the gentleman yield to me for a minute?

Mr. MCCLEARY. Certainly.

Mr. RICHARDSON of Tennessee. So far as I am concerned, Mr. Speaker, I believe that this resolution or some such resolution should pass; but I do submit that the form of the resolution is wrong. I do not believe that there is a gentleman on this side of the House who does not believe that the Government of the United States should erect a proper memorial to the memory of Abraham Lincoln; but I do not believe that the resolution should have been so framed as to provide a commission composed of four members of the majority party and no member of the minority party in this House or in the United States.

The memory of Abraham Lincoln belongs exclusively to no party. If it were possible for either party to claim that it specially honored him for his love of our country and its peculiar institutions, then at this period in our history that claim might be set up by this side of the House. But there is no politics in this measure, and there should be no politics. The commission should have been fairly divided between the two sides and the different parties. I trust there will be no objection, however, to the passage of the resolution. [Loud applause.]

Mr. MCCLEARY. In answer to the gentleman from Tennessee, and I appreciate the spirit in which the suggestion of the gentleman has been made, I would say that this commission is framed without any thought of politics. This is the first time that politics ever came into my mind in connection with it. It provides that the commission shall consist of the chairmen of the committees having this subject in charge, and the Secretary of War, who has general custody of the public grounds, and the Secretary of State to fill out the commission. There was absolutely no thought of politics in it. There is no one who believes for a moment that there is anybody on either side of the House who does not approve of the general proposition, and so far were we from all thought of politics that it never occurred to us that anybody would raise the question.

Mr. WILLIAMS of Mississippi. Yet it is true they will all be Republicans.

Mr. MCCLEARY. It is true, but it is simply because of their official stations. Mr. Speaker, in view of the suggestion of the gentleman from Tennessee, I ask unanimous consent that the bill be amended, and that he himself—the gentleman from Tennessee [Mr. RICHARDSON]—be added to this commission. [Loud general applause].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have a right to be heard on this matter.

The SPEAKER. The gentleman will suspend until the Chair puts the request. The gentleman from Minnesota asks unanimous consent that he be permitted to amend the bill so as to include the gentleman from Tennessee. Is there objection?

Mr. RICHARDSON of Tennesssee. Now, Mr. Speaker, I appreciate fully the motive which prompts the gentleman from Minnesota to make this request, prompted, as I believe he was, by the able gentleman from Illinois. I think in the main his request is a proper one, but I do not think he ought to have applied it to myself in view of what I have said on the floor. While I appreciate the distinguished honor which the gentleman wishes to confer upon me and the spirit in which his suggestion has been received by the House, I must decline and ask the gentleman to substitute the head of the minority of his committee, who is a member on this side of the House, as a member of that commission. I think that is fair and right.

Mr. McCLEARY. Mr. Speaker, in offering the suggestion I did I tried to carry out the spirit of my friend's remarks a moment ago, and he was selected because he is the leader of the Democratic side and, therefore, by reason of his official position, it was entirely proper. [Applause.] I trust that the gentleman's modesty may not be permitted to debar us from having his distinguished services upon that commission. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the resolution as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the resolution as amended was agreed to.

SURVIVORS OF CERTAIN INDIAN WARS.

Mr. LOUDENSLAGER. Mr. Speaker, I move to suspend the rules and take up the bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, agree to the amendment recommended by the committee, and pass the bill.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules, take up Senate bill 640, and that as amended it do pass.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That the provisions, limitations, and benefits of the act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same are hereby, extended, from the date of the passage of this act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre River Indian war of Illinois of 1827; the Sac and Fox Indian war of 1831; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848, on the Pacific coast; the Florida wars with the Seminole Indians from 1842 to 1858, inclusive; the Texas and New Mexico Indian war of 1849 to 1856; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853, inclusive, and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

Mr. WADSWORTH. Mr. Speaker, I would like to hear some explanation in regard to this bill, and therefore I demand a second.

Mr. LOUDENSLAGER. I ask, Mr. Speaker, that a second may be considered as ordered.

There was no objection.

Mr. LOUDENSLAGER. Mr. Speaker, this bill simply extends the benefits of the act of July 27, 1892, to the wars named in the act which follows the precedents of all the service-pension acts from the formation of this Government, including no wars where not less than forty years has passed since they closed.

This proposed legislation, if enacted into law, would follow the line of every precedent established since the war of the Revolution. That war covered a period from 1775 to April 11, 1783. The act which gave them a service pension, or rather a dependent service pension, was passed in 1818, and in 1832, forty-nine years after the close of the war, the first service-pension act was passed by this Government relating to the service of the Revolutionary war. The survivors of the wars of 1812 and the Indian wars and the Mexican war were all given service pensions by acts passed forty years after the close of these wars.

There are two or three wars mentioned in this measure which were considered to be pensioned by Congress when they passed the act of 1892, but they were excluded by virtue of the dates not covering that period.

Mr. WADSWORTH. Can the gentleman give any idea of the cost of this measure?

Mr. LOUDENSLAGER. The number of beneficiaries under the act as reported by the Commissioner of Pensions about two and one-half years ago was something like 7,600, and the term of expectancy was about seven and one-half years, and the total amount of the first payment was $730,000, or a total payment of about $5,000,000 for the whole period. That, by recent communication from the Pension Department, has been reduced to a total number now estimated of about 6,400, and the first payment on the bill would be about $100,000 less than the amount I have given. So that the total amount will be about a million dollars or a million and a half less than the amount estimated two and a half years ago.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. LOUDENSLAGER. Certainly.

Mr. CLAYTON. I want to know if this bill comes from the gentleman's committee with a unanimous report?

Mr. LOUDENSLAGER. It does.

Mr. LESSLER. Did I understand the gentleman to say that the number of beneficiaries amounted to 67,000?

Mr. LOUDENSLAGER. I said 6,700.

Mr. LESSLER. These beneficiaries must be over 80 years old.

Mr. LOUDENSLAGER. I do not know. I know we have a number of pensioners of the war of 1812 and, I think, of the Revolutionary war.

Mr. SNODGRASS. Mr. Speaker, will the gentleman allow me an interruption?

Mr. LOUDENSLAGER. Certainly.

Mr. SNODGRASS. We have been furnished with measures for the increase of pensions of Federal soldiers and other wars occurring prior to that of 1860. Why is it that some provision has not been made for the Mexican soldiers? I know there are several bills pending before that committee, and I want to ask the gentleman if we can not expect within a few days, or at least before Congress adjourns, that the gentleman from that committee will report one of those bills to remove at least the restriction against the Mexican soldiers drawing $15 a month, which is the maximum service dependent pension now granted them by law.

I know several efforts have been made by various members of this House to secure a removal of some of those restrictions against the Mexican soldiers getting that maximum sum of $15 a month. I am satisfied if such a bill was reported it would be passed by this House almost unanimously. I want to ask the gentleman if his committee will not report one of those bills before this session closes?

Mr. LOUDENSLAGER. Of course, Mr. Speaker, I can not make any promises as to what that committee will do. According to the statements made, there are only a few of those people remaining whom the gentleman seeks to benefit. But I can say to him that a large amount of time of that committee has been consumed in this and the previous sessions in considering cases on the line that he has suggested. Most all of our time is taken up in the consideration of claims that come from that section of the country. And so pressed are we with those private matters urged by members that we hardly have time to consider other measures. I believe, however, that the committee will in the very near future take up the matter referred to and give it consideration.

Mr. SNODGRASS. May we not expect it during the life of this session?

Mr. LOUDENSLAGER. That I can not say, for I have not consulted with the committee in regard to it, and I do not desire to anticipate their action. I can say very frankly that we have arrived at that period of the session when it is very difficult to get the attendance of a quorum of the committee. By unanimous consent of the House I desire to publish the following résumé of service-pension legislation:

Mr. BELLAMY. Has the gentleman or the committee any estimate of the number of troops that were engaged in the various Indian wars?

Mr. LOUDENSLAGER. Mentioned in this bill?

Mr. BELLAMY. Yes, sir; and if so, what is the estimate of the annual appropriation that will be necessary to meet the pensions for those wars?

Mr. LOUDENSLAGER. I have made that statement once to the House.

Several MEMBERS. We did not hear it.

Mr. LOUDENSLAGER. It is in the report.

Mr. CLAYTON. It is very fully given there.

Mr. LOUDENSLAGER. I ask a vote on my motion.

The question being taken on the motion of Mr. LOUDENSLAGER to suspend the rules and pass the bill, with the amendments of the committee, the motion was agreed to, two-thirds voting in favor thereof.

Mr. LOUDENSLAGER. I ask unanimous consent that a statement, which I send to the desk, bearing upon the bill just passed, may be published in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The statement is as follows:

Memoranda to accompany S. 640, extending the benefits of the Indian war service pension act of July 27, 1892.

The proposed legislation, if enacted into law, would simply follow a line of precedents begun after the war of the Revolution. That war covered the period from April 19, 1775, to April 11, 1783, and thirty-five years later, viz, March 18, 1818, what was practically a service-pension act, but with dependent features, was passed as follows:

"That every commissioned officer, noncommissioned officer, musician, and private soldier, and all officers in the hospital department, and medical staff, who served in the war of the Revolution until the end thereof, or for the term of nine months or longer at any period of the war, on the Continental establishment, and every commissioned officer, noncommissioned officer, mariner, or marine, who served at the same time, and for a like term in the naval service of the United States, who is yet a citizen of the United States, and who is or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension, shall receive a pension from the United States; if an officer, of $20 per month during life; if a noncommissioned officer, musician, mariner, marine, or private soldier, of $8 per month during life."

Fourteen years later, viz, June 7, 1832, the same being forty-nine years after the war of the Revolution closed, a purely service-pension act was passed granting pensions to all those who had not been provided for by the foregoing dependent service-pension act, as follows:

"Each of the surviving officers, noncommissioned officers, musicians, soldiers, and Indian spies who shall have served in the Continental Line or State troops, volunteers, or militia at one or more terms a period of two years during the war of the Revolution is authorized to receive the amount of his full pay in said line according to his rank, but not exceeding in any case the pay of a captain in the said line, such pay to commence on the 4th day of March, 1831, and shall continue during his natural life; and any such officer, noncommissioned officer, musician, or private, as aforesaid, who shall have served in the Continental Line, State troops, volunteers, or militia a term or terms in the whole less than the above period, but not less than six months, shall be authorized to receive during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years as his term of service did to the term aforesaid, to commence from the 4th day of March, 1831.

"The officers, noncommissioned officers, mariners, or marines, who served for a like term during the Revolutionary war shall be entitled to the benefits of this act in the same manner as is provided for the officers and soldiers of the army of the Revolution."

By subsequent enactment the benefits of the act of June 7, 1832, were extended to invalid pensioners of the war of the Revolution as an additional allowance to that received for disabilities incurred in the service.

By enactments of 1836 and 1837 the benefits of the foregoing service-pension act of 1832 were extended to the widows of officers and men of the war of the Revolution if they were the wives of such officers and men during the period of their service, and by still later enactments the limitation as to date of marriage was extended, and finally, by act of July 29, 1848, removed entirely.

WAR OF 1812.

The next service-pension act to be passed by Congress related to the war of 1812. The period of that war was from June 18, 1812, to February 17, 1815, and fifty-six years later, viz, February 14, 1871, an act was passed (see sec. 4736, Rev. Stat.) providing that all officers and enlisted men who served sixty days in the Army or Navy of the United States in said war should receive a pension of $8 per month, if not otherwise pensioned at a similar or higher rate, and the provisions of this act were also extended to the widows of those who had died. Subsequently, by an act of March 9, 1878, the period of service necessary to give title was cut down to fourteen days.

MEXICAN WAR.

The Mexican war began April 24, 1846, and ended May 30, 1848, and in a little less than thirty-nine years thereafter the act of January 29, 1887, was passed, granting pensions for sixty days' service in said war. The rating fixed in that act was $8 per month for survivors and widows alike, but subsequently, under an act approved January 5, 1893, the rating was increased to $12 dollars per month for those survivors who were in destitute circumstances and unable to earn a support by manual labor.

WAR OF THE REBELLION.

This war covered the period from April 15, 1861, to May 9, 1865, and twenty-five years later, viz, June 27, 1890, an act was passed similar in its provisons to the Revolutionary dependent service-pension act of March 18, 1818, above referred to. The act of June 27, 1890, provided that honorable service for ninety days or more in the war of the rebellion should entitle a survivor to a pension, if disabled from causes not due to vicious habits, the pension to be rated from a minimum of six to a maximum of twelve dollars per month, according to the degree of disability, and widows were granted $8 per month, if in dependent circumstances and married the deceased soldier or sailor prior to the passage of the act.

INDIAN WARS FROM 1832 TO 1842, INCLUSIVE.

By an act of July 27, 1892, thirty days of honorable service in the Black Hawk war, the Creek war, the Cherokee disturbances, and the Florida war with the Seminole Indians, embracing the period from 1832 to 1842, inclusive, entitled a survivor to a pension of $8 per month and the same rate to the widows of those who had died, and the proposition contained in this bill is to extend the benefits of this act to all recognized Indian wars in which the United States was engaged prior to the civil war; and as the last of these wars occurred in 1856, the period of time since they closed is now about forty-six years.

STATE, TERRITORIAL, AND PROVISIONAL TROOPS.

In respect of the classes of soldiers to be benefited there is a departure in this bill from the usual provisions contained in recent service-pension laws in that, in addition to those beneficiaries who served for thirty days or more in the service of the United States, those who served under State, Territorial, or provisional authorities are provided for. This feature of the act is safeguarded, however, by the proviso that where there is no record of enlistment or muster into service of the United States in any of the wars mentioned in the act, the recognition of the service by the United States by the payment by the National Government for the service rendered shall be accepted.

This provision is made because many of the veterans benefited by the bill, particularly those of Washington and Oregon, were emergency men, and were called into the service as the exigency arose, there frequently not being time, with the slow and meager methods of communication of those times, for a United States mustering officer to reach the locality where hostilities were under way, and the conditions were entirely different from any now likely to arise in any part of the country. It is argued, and with good reason, that the recognition of the services of these veterans by the Government in paying for their services is a sufficient recognition of the fact that they were in the service of the United States, and, as stated above, the act provides a safeguard against the possibility of granting pensions to purely State militiamen, whose services are not a matter of governmental record and were not recognized by the Government with pay.

Mr. LOUDENSLAGER. I ask unanimous consent that all members desiring the privilege may have permission to print remarks in the RECORD on the bill just passed.

A MEMBER. For how many days?

Mr. LOUDENSLAGER. For five days.

The SPEAKER. Is there objection?

Objection was made.

MONUMENT TO GEN. HUGH MERCER.

Mr. WOOTEN. I move to suspend the rules and pass, with the amendment reported by the Committee on the Library, the bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monumant to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected.

The bill as amended by the Committee on the Library was read, as follows:

Whereas the Congress of the United States, on the 8th day of April, 1777, agreed to the erection of a monument to the memory of Gen. Hugh Mercer, at Fredericksburg, in the State of Virginia, and prescribed an inscription to be placed thereon; and

Whereas up to this time nothing has been done toward carrying into effect the action then taken: Therefore,

Be it enacted, etc., That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection, at Fredericksburg, in the State of Virginia, of a monument to the memory of Gen. Hugh Mercer, upon which shall be inscribed these words: "Sacred to the memory of Hugh Mercer, brigadier-general in the Army of the United States. He died on the 12th of January, 1777, of the wounds he received on the 3d of the same month, near Princeton, in New Jersey, bravely defending the liberties of America. The Congress of the United States, in testimony of his virtue and their gratitude, have caused this monument to be erected;" which said sum shall be expended under the direction of the Secretary of War, or such officer as he may designate, and in such sums as the work may require from time to time: *Provided*, That the city of Fredericksburg, or the citizens thereof, shall cede and convey to the United States such suitable site as may, in the judgment of the Secretary of War, be required for said monument.

The question being taken on the motion of Mr. WOOTEN, it was agreed to (two-thirds voting in favor thereof); and the bill, with the amendment reported by the Committee on the Library, was passed.

TRANSPORTATION OF GOVERNMENT SUPPLIES TO THE PHILIPPINES.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to suspend the rules and pass, with the amendment reported by the Committee on Military Affairs, the bill (H. R. 14441) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportion of Government supplies to the Philippines across the Pacific Ocean.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized, in his discretion, to accept the lowest and most suitable bid offered, after inviting competition as required by law, for transporting Government supplies, when necessary, across the Pacific Ocean to and from the Philippines in American-built ships when ships owned by the Government are not available: *Provided*, That such bid does not exceed by 10 per cent the lowest bid offered for transporting such supplies in foreign-built ships.

Mr. CLAYTON. I demand a second.

Mr. STEVENS of Minnesota. I ask unanimous consent that a second be considered as ordered.

Several members objected.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] and the gentleman from Minnesota [Mr. STEVENS] will take their place as tellers.

The House divided; and the tellers reported—ayes 77, noes none.

Mr. RICHARDSON of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER (having counted the House). There are 129 members present—not a quorum.

Mr. UNDERWOOD. I move that the House adjourn.

The question being taken, there were on a division (called for by Mr. UNDERWOOD)—ayes 41, noes 81.

Mr. UNDERWOOD. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered, only 19 voting in favor thereof.

So the motion to adjourn was rejected.

The SPEAKER. There being no quorum present, the Doorkeeper will close the doors and the Sergeant-at-Arms will bring in absent members to answer to their names. The question is on seconding the motion to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that the rule requires that the seconding of a motion to suspend the rules must be by tellers. There is no provision in the rule for calling yeas and nays on seconding a motion to suspend the rules. On the contrary, the rule expressly provides that the vote shall be taken by tellers.

Now, it seems to me the Chair can only count by tellers to

ascertain whether the House will second the motion to suspend the rules. I do not know where the authority comes from to call the yeas and nays on such a question.

The SPEAKER. Tellers were duly ordered in this case. The Chair admits that the question raised by the gentleman from Tennessee is not without difficulty. But a rule of the House requires that when a quorum fails to appear the doors shall be closed and members brought in. On another occasion the Chair held that that rule would apply in a case of this kind. Therefore the Chair overrules the point of order.

The question was taken; and there were—yeas 106, nays 66, answered "present" 12, not voting 167; as follows:

YEAS—106.

Alexander,	Dayton,	Kahn,	Powers, Me.
Allen, Me.	Deemer,	Ketcham,	Ray, N. Y.
Barney,	Dick,	Knapp,	Reeder,
Bartholdt,	Dovener,	Kyle,	Reeves,
Bishop,	Draper,	Lacey,	Roberts,
Boutell,	Driscoll,	Lawrence,	Rumple,
Bowersock,	Eddy,	Lessler,	Sherman,
Brick,	Emerson,	Lewis, Pa.	Showalter,
Bristow,	Evans,	Long,	Sibley,
Bromwell,	Fletcher,	Loud,	Smith, Ill.
Brown,	Foerderer,	Loudenslager,	Southard,
Burk, Pa.	Gibson,	McCleary,	Sperry,
Burke, S. Dak.	Gillet, N. Y.	McLachlan,	Steele,
Burkett,	Graff,	Martin,	Stevens, Minn.
Burton,	Grosvenor,	Mercer,	Stewart, N. J.
Calderhead,	Grow,	Metcalf,	Stewart, N. Y.
Cannon,	Hamilton,	Minor,	Sutherland,
Capron,	Haugen,	Moody, Oreg.	Tawney,
Cassel,	Hedge,	Morris,	Thomas, Iowa
Conner,	Henry, Conn.	Needham,	Tongue,
Cousins,	Hill,	Norton,	Van Voorhis,
Cromer,	Hitt,	Olmsted,	Vreeland,
Crumpacker,	Hopkins,	Overstreet,	Warnock,
Currier,	Hull,	Palmer,	Watson,
Cushman,	Irwin,	Patterson, Pa.	Woods.
Dalzell,	Jones, Wash.	Payne,	
Darragh,	Joy,	Perkins,	

NAYS—66.

Ball, Tex.	Green, Pa.	Miers, Ind.	Slayden,
Bartlett,	Griffith,	Moon,	Small,
Bell,	Griggs,	Neville,	Snodgrass,
Bellamy,	Hay,	Randell, Tex.	Snook,
Brantley,	Hooker,	Ransdell, La.	Spight,
Breazeale,	Howard,	Richardson, Ala.	Stark,
Brundidge,	Jackson, Kans.	Richardson, Tenn.	Stephens, Tex.
Burnett,	Kitchin, Claude	Rixey,	Thomas, N. C.
Candler,	Kitchin, Wm. W.	Robb,	Thompson,
Cassingham,	Kleberg,	Robinson, Ind.	Underwood,
Clayton,	Lanham,	Rucker,	Vandiver,
Cochran,	Little,	Ruppert,	Wiley,
Cowherd,	McCulloch,	Ryan,	Williams, Miss.
De Armond,	McRae,	Shackleford,	Wooten,
Edwards,	Maddox,	Shafroth,	Zenor.
Fleming,	Meyer, La.	Shallenberger,	
Gaines, Tenn.	Mickey,	Sims,	

ANSWERED "PRESENT"—12.

Benton,	Foss,	Landis,	Padgett,
Bowie,	Gillett, Mass.	McClellan,	Pierce,
Fitzgerald,	Johnson,	Mann,	Tate.

NOT VOTING—167.

Acheson,	Douglas,	Knox,	Robertson, La.
Adams,	Elliott,	Lamb,	Robinson, Nebr.
Adamson,	Esch,	Lassiter,	Russell,
Allen, Ky.	Feely,	Latimer,	Scarborough,
Aplin,	Finley,	Lester,	Schirm,
Babcock,	Flood,	Lever,	Scott,
Ball, Del.	Fordney,	Lewis, Ga.	Selby,
Bankhead,	Foster, Ill.	Lindsay,	Shattuc,
Bates,	Foster, Vt.	Littauer,	Shelden,
Beidler,	Fowler,	Littlefield,	Sheppard,
Belmont,	Fox,	Livingston,	Skiles,
Bingham,	Gaines, W. Va.	Lloyd,	Smith, Iowa
Blackburn,	Gardner, Mich.	Lovering,	Smith, Ky.
Blakeney,	Gardner, N. J.	McAndrews,	Smith, H. C.
Boreing,	Gilbert,	McCall,	Smith, S. W.
Broussard,	Gill,	McDermott,	Smith, Wm. Alden
Brownlow,	Glenn,	McLain,	Southwick,
Bull,	Goldfogle,	Mahon,	Sparkman,
Burgess,	Gooch,	Mahoney,	Storm,
Burleigh,	Gordon,	Marshall,	Sulloway,
Burleson,	Graham,	Maynard,	Sulzer,
Butler, Mo.	Greene, Mass.	Miller,	Swanson,
Butler, Pa.	Hall,	Mondell,	Talbert,
Caldwell,	Hanbury,	Moody, N. C.	Tayler, Ohio
Clark,	Haskins,	Morgan,	Taylor, Ala.
Connell,	Heatwole,	Morrell,	Thayer,
Conry,	Hemenway,	Moss,	Tirrell,
Coombs,	Henry, Miss.	Mudd,	Tompkins, N. Y.
Cooney,	Henry, Tex.	Mutchler,	Tompkins, Ohio
Cooper, Tex.	Hepburn,	Naphen,	Trimble,
Cooper, Wis.	Hildebrant,	Nevin,	Wachter,
Corliss,	Holliday,	Newlands,	Wadsworth,
Creamer,	Howell,	Otjen,	Wanger,
Crowley,	Hughes,	Parker,	Warner,
Curtis,	Jack,	Patterson, Tenn.	Weeks.
Dahle,	Jackson, Md.	Pearre,	Wheeler,
Davey, La.	Jenkins,	Pou,	White,
Davidson,	Jett,	Powers, Mass.	Williams, Ill.
Davis, Fla.	Jones, Va.	Prince,	Wilson,
De Graffenreid,	Kehoe,	Pugsley,	Wright,
Dinsmore,	Kern,	Reid,	Young.
Dougherty,	Kluttz,	Rhea, Va.	

So a second was ordered.

The Clerk announced the following additional pairs:

For the day:

Mr. JENKINS with Mr. DE GRAFFENREID.

Mr. OTJEN with Mr. HENRY of Mississippi.

Mr. HEMENWAY with Mr. WHITE.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present adoption of the following resolution, which I will send to the Clerk's desk and ask to have read.

The SPEAKER. If there is no objection, the Clerk will report the resolution.

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I have no objection to the resolution being read.

The Clerk read as follows:

Resolved, That at 5 o'clock p. m. Tuesday, June 17, and Wednesday, June 18, the House take a recess until 8 o'clock p. m. and then remain in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from the Committee on Indian Affairs, and no other business shall be in order during such sessions.

Mr. WILLIAMS of Mississippi. Mr. Speaker, that will conflict with other business. Any request for a night session to consider nothing but Indian bills would conflict with another matter. I understand there will be a night session for debate on the Philippine bill.

Mr. SHERMAN. This does not interfere with that. This is before that takes effect.

Mr. WILLIAMS of Mississippi. I have no objection.

Mr. CLAYTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Alabama demands the regular order. A second having been ordered, the Chair recognizes the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, this bill hardly merits the importance given to it by the gentleman on the other side of the House. It provides, in substance, that the supplies of the War Department may be, in the discretion of the Secretary of War, transported from the United States to the Philippine Islands in vessels built in this country, after the Government shall have exhausted its supply of available ships belonging to it. The bill provides that the Government shall first use all of its available transport service for carrying supplies of the War Department to the Philippines; that after that the Secretary, in his discretion, may use vessels built in this country, providing the rates for such service shall not exceed 10 per cent above the amount that is charged by foreign vessels for similar service.

Under the provisions of the statute passed by this Congress in March of this year, the navigation laws of this country will be extended to the Philippines on the 1st day of July, 1904. After that date all navigation between the United States and the Philippines must be in American vessels, so that at the most this bill would be available but two years. There is always a certain amount of Government supplies that must be transported in private vessels. Much of the supplies—in fact, the great bulk of the supplies—is carried in Government transports, but for reasons of safety the War Department has found it necessary to carry supplies, like munitions of war, hay, forage, and supplies of that sort, in private vessels, on account of danger to life that there would be if they were carried in troop transports, so that there is always a small amount of tonnage necessary to carry these supplies to the Philippines.

The statement before the Committee on Military Affairs was to the effect that next year the War Department estimated that about 70,000 tons will be carried in private vessels. Heretofore quite a large amount has been carried in private vessels. After this most of the supplies will be carried in Government vessels. There are 14 transports now available, and probably 70 per cent of the great bulk of supplies will be carried in these transports; but this small amount, probably about 70,000 tons, must be carried in private vessels. The Quartermaster-General reports that at present freight rates are available on the Pacific at $4.50 a ton, from Puget Sound to the Philippines. If this 10 per cent additional be necessary, which may not be necessary to use as a discrimination in favor of American vessels in case there be competition of American ships, there would then be a maximum of about 50 cents per ton discrimination on about 70,000 tons a year for two years.

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. RICHARDSON of Tennessee. Is it not true that the Quartermaster-General declined to recommend the passage of this bill?

Mr. STEVENS of Minnesota. He did not make any recommendation one way or the other.

Mr. RICHARDSON of Tennessee. Did he not in writing decline to recommend it?

Mr. STEVENS of Minnesota. The Quartermaster-General in his report stated specifically that he declined to make any recommendation because it was a matter of public policy not in his

province, but the Secretary of War strongly recommended the passage of the bill.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLAYTON. Is the passage of this bill necessary in order to increase the efficiency of the public service?

Mr. STEVENS of Minnesota. Yes; I think it is. I was just coming to that.

Mr. CLAYTON. Will you explain how it is that a proposition simply to give American ships 10 per cent more for doing the same service than foreign-built ships would receive can increase the efficiency of the public service?

Mr. STEVENS of Minnesota. I shall be very glad to explain that if the gentleman will give me my own time. The reasons why this bill will increase the facilities, it seems to me, are as follows: Within the last year there have been quite a number of ships constructed in this country that are available for service between the Pacific coast and the Philippines. At the present time there is no regular line of communication by private vessels between the Pacific coast and the Philippines. There are two or three lines which have informed the committee that with this slight encouragement they would start direct lines of communication between the United States and the Philippines, preparing for the extension of our navigation laws two years hence. After that time there will certainly be these direct lines.

Mr. CLAYTON. May I ask the gentleman——

Mr. STEVENS of Minnesota. Just one moment more. In the meantime, during these two years, these gentlemen are willing to take their chances and send their ships directly from the United States to the Philippines, providing they have some encouragement like this. There will be a probable loss, but it will give direct service for passengers and mails and freight, and direct service is always an advantage to the Government as well as to private interests.

Mr. CLAYTON. May I ask the gentleman a question now?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLAYTON. Is not this, then, after all your explanation, simply a homeopathic dose of the ship subsidy?

Mr. STEVENS of Minnesota. Now, I will answer that. As the gentleman knows, I am not in favor of the bill before the Committee on Merchant Marine and Fisheries, but I am in favor of this bill because we know it certainly will accomplish something, and it directly causes the establishment of from one to three lines of communication between the United States and the Philippines right away, and gives this Government an opportunity to send its freights, passengers, and mails more quickly and more cheaply than would otherwise be the case. It may or may not cost the Government anything, because the competition of the several lines will furnish a supply of steam and sailing vessels adequate to supply all the necessities of the Government.

Mr. CLAYTON. May I ask the gentleman another question?

Mr. SLAYDEN. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Texas [Mr. SLAYDEN] who addressed the Chair?

Mr. STEVENS of Minnesota. I would like to yield to my colleague on the committee, the gentleman from Texas.

Mr. SLAYDEN. I would like to ask my friend if this is not directly in the interest of one steamship line, the boats of which are now being built?

Mr. STEVENS of Minnesota. I would say that I do not think it is. There are at least three lines which have informed us that they can have ships available for this service; and I will state that much of the freight that would be sent under the provisions of this act would be sent by sailing vessels. I refer to such freight as forage and lumber and heavy material of that kind, which would not use steamship lines at all.

Mr. SLAYDEN. Were you not told that it was for the benefit of certain American lines to operate between Seattle and the Philippines and the Orient?

Mr. STEVENS of Minnesota. The committee was informed——

Mr. SLAYDEN. Now, if that is true, does the gentleman believe that these people are going to abandon the project of running a line of steamers across the Pacific if this bill should fail to pass?

Mr. STEVENS of Minnesota. I will answer the gentleman frankly. There were two large steamships built in Baltimore recently. One has already been completed and the other is not yet launched, as I understand. These ships were designed as tramp steamers. A concern known as the Boston Steamship Company conceived the idea of an Asiatic line from Puget Sound, and either hired or purchased or acquired these vessels, and propose to start a line. Whether or not it will be extended to the Philippines depends on whether or not it will be profitable.

Part of the consideration for the starting of these lines will depend on whether they can get any considerable amount of Government business. Now, it seemed to the Committee on Military Affairs and to the Committee on the Merchant Marine that it would be a benefit to this country, that it would be a benefit to the Government service, to have that line from Puget Sound, to have another line from San Francisco, and to have another line from New York directly to the Philippines; and they all three will probably be started with encouragement like this.

Mr. CLAYTON. Now, Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLAYTON. Then, I understand from all of your statements that foreign-built ships can now be had to carry this hay and lumber that you speak of—notwithstanding the enterprise of of the gentleman from Iowa [Mr. Hull] in the lumber business over there—that ships can be had there that will carry this freight that you speak of without giving this extra 10 per cent to American ships?

Mr. STEVENS of Minnesota. There are always some ships available for business in every part of the world, but I will state to the gentleman that if this bill is passed the amount of discrimination provided in this bill may or may not be required. Not a cent of it may be required under the circumstances if sufficient competition be had, and from reports of the Quartermaster-General and Commissioner of Navigation such supply of vessels will be available. On the other hand, it may be possible that this 10 per cent in the maximum may be required.

Mr. CLAYTON. I hope the gentleman will be entirely frank, as he seems to be.

Mr. STEVENS of Minnesota. I think I have been.

Mr. CLAYTON. Then the proposition would be to pay American ships 10 per cent more for the same service than we could get foreign ships to do that service for.

Mr. STEVENS of Minnesota. I am frank to say I am willing if necessary——

Mr. CLAYTON. I am not discussing that. I am simply stating a question of fact.

Mr. STEVENS of Minnesota. Let me complete my answer to the gentleman. I am willing, if necessary for the purpose of establishing a direct line of communication between our country and the Philippines, during the next two years, to pay an additional 10 per cent. It may or may not be necessary after that. The gentleman should know that a line of communication between the United States and the Philippine Islands must be established; that foreign vessels could not afford it, since they could continue in business only two years, and that precludes any direct service except under our flag, and it strikes the committee, under the circumstances, that it would be an advantage to have this line commence right now, and we can well afford, if necessary, to give $35,000 this year for that purpose.

Mr. CLAYTON. And this is a proposition to pay $35,000 for the privilege of letting it go in American ships.

Mr. STEVENS of Minnesota. At the maximum. It may not cost a cent. It may cost $35,000 a year for two years.

Mr. CLAYTON. Do you not think that it would be better to save that $35,000 for the taxpayers rather than give it to the shipowners?

Mr. STEVENS of Minnesota. My impression is if we could have our ships employed between the United States and the Philippine Islands for the purpose of carrying our mail, passengers, and freight it is well worth $35,000 a year.

Mr. CLAYTON. I do not agree with the gentleman.

Mr. STEVENS of Minnesota. I reserve the balance of my time.

Mr. COCHRAN. Would not the passage of this bill serve notice on the foreign shipowners that in competition with the American ship henceforth they must expect to have 10 per cent added on the bid made by the American ships?

Mr. STEVENS of Minnesota. I do not think it would make any difference with the bids of any foreign ships; whenever it would pay the foreign ships would do the business, if their bids be 11 per cent less than bids of American ships.

Mr. COCHRAN. Does not the gentleman think the American ship would get the 10 per cent more in the bidding?

Mr. STEVENS of Minnesota. I think this would be the effect: The foreign ships only would bid that much less, and we would get our freight at that much less rate; so that in the end it would not cost the Government one single cent more, and possibly less, by the passage of this act.

Mr. COCHRAN. Would not they retire the foreign ships?

Mr. STEVENS of Minnesota. Not at all. It would just have the contrary effect of reducing freight. The quantity of ships, domestic and foreign, is ample for all sorts of competition.

Mr. COCHRAN. Then this is to get reduced rates instead of increasing them.

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. STEVENS of Minnesota. Certainly.

Mr. BROMWELL. I would like to ask the gentleman from Minnesota how this proposed subsidy—because that is what it amounts to—is compared to the ship-subsidy bill.

Mr. STEVENS of Minnesota. Mr. Speaker, this hardly amounts to the dignity of a name. It appears from a communication received from the Quartermaster-General that he can get freight at $4.50 a ton. Ten per cent of that would be 45 cents a ton.

Mr. BROMWELL. How does that compare with the ship-subsidy bill?

Mr. STEVENS of Minnesota. It might average about 10 per cent.

Mr. BROMWELL. Then would it not be better for these people to wait until we pass the ship-subsidy bill and give them the benefit of the ship subsidy?

Mr. STEVENS of Minnesota. They would be perfectly willing to take whatever assistance they can get out of this bill and at once commence their direct service.

Mr. ROBINSON of Indiana. I would like to ask the gentleman whether these ships are to be manned by American labor.

Mr. STEVENS of Minnesota. Certainly; under an American register the warrant officers must all be American citizens.

Mr. ROBINSON of Indiana. How about the seamen? That was the point of my inquiry.

Mr. STEVENS of Minnesota. There is no law providing as to them unless they come in under the term "officers."

Mr. COCHRAN. Then, in fact, the seamen will be Chinamen.

Mr. STEVENS of Minnesota. I desire to reserve the balance of my time.

The SPEAKER. Does the gentleman from Alabama desire to be recognized in his own right?

Mr. CLAYTON. I do. I yield now to the gentleman from Texas five minutes.

Mr. SLAYDEN. Mr. Speaker, it is very unpleasant to me to see so good a man as the gentleman from Minnesota supporting so vicious a bill. The only merit of this proposition is the fact that the gentleman from Minnesota is supporting it. It is nothing but another form of the ship-subsidy bill. It is a plain, frank proposition to take money out of the Treasury of the United States and vote it into the treasure box of private shipowners.

Now, Mr. Speaker, I am in favor of the citizens of this country doing business. I am opposed to the theory of having the Government doing business that its citizens can do. I am as much opposed to the Government conducting a shipping business as to the Government conducting the business of laying cables and owning telegraph lines.

As soon as it can be done in the interest of economy and not impair the efficiency of the service I shall favor the sale of all Government transports and favor reliance upon private shipping for the transportation of military stores.

I would give the citizens all the freedom possible in the development of commercial enterprises. But I am not in favor and I can not support any measure which undertakes to do in a single instance what the majority of this Congress has not the courage to do wholesale. The ship-subsidy bill has not been brought in here for consideration in this House and probably will not be brought in, but this is exactly the same principle, a direct application to a few individual owners of the theory of the Hanna-Payne bill.

Now, this bill provides:

That the Secretary of War is authorized, in his discretion, to accept the lowest and most suitable bid offered, after inviting competition as required by law, for transporting Government supplies, when necessary, across the Pacific Ocean to and from the Philippines in American-built ships when ships owned by the Government are not available.

Now, without desiring to cast any reflection at all upon the Secretary of War or the officials of the War Department, with all of whom my relations are pleasant and cordial and for whom I have the most profound respect, I desire to say that in my judgment this leaves with these gentlemen a dangerous power. Somebody will be called upon to pass upon the question of availability, and I apprehend that when there is a powerful corporation, able to contribute and perhaps willing to contribute to the campaign fund, able and willing to promote the interests of any Administration, I do not care what it may be or who are its officers, the officers who are to determine the question of availability will not have so clear a vision of what constitutes availability as they might have.

This is admitted to be for the interests of lines already established or lines for which steamers are now being constructed, and I can not persuade myself that any corporation now operating steamships or owning steamships plying the Pacific Ocean will abandon them if this bill fails to pass. I believe it is an unjust and improper tax, and I believe it should not and can not pass this House.

Mr. CLAYTON. Mr. Speaker, it is not necessary to make any long argument for or against this bill, but a simple statement of the facts puts the whole matter before the House, so that those who favor it and those who oppose it can readily understand the measure. It is represented that in certain cases the Government requires the services of vessels belonging to private persons for transporting certain provisions and supplies, such as hay and the like to the Philippine Islands, the Government transports not being suitable or not being wholly adequate for that purpose.

That is one fact. The next fact is that the extra vessels required for this service can be had under existing law at reasonable rates and without the passage of this bill. I believe the report shows what that rate is and will continue to be. The other material fact in this case is that after bids shall have been received by the Secretary of War from the owners of these private vessels for the performance of this extra service—that is, service that it is impossible or inexpedient for the Government transports to perform—then the Secretary of War is authorized not merely to give the preference in awarding the contract to the American-built vessels, but he is authorized to pay them 10 per cent more for the same service than foreign-built vessels shall have bid.

Ten per cent more than the American vessel, perhaps, is paid now for doing that work. I have stated the proposition. You can not differentiate it from a bounty or subsidy. Your can not differentiate it from a gratuity to an American vessel for doing the same work that can now be done, and that can be done in the future, without the payment of this extra 10 per cent.

The gentleman said this prepares the way for an American line. Mr. Speaker, this prepares the way for the ship-subsidy bill. It is a ship-subsidy bill. This is the beginning of ship subsidies. This is the first bill on that line, and any man who votes for this proposition might as well, in my judgment, go the whole way and vote for the Hanna-Payne ship-subsidy bill when it comes before this House.

The principle underlying them is the same, and the one can not be distinguished in principle from the other. I hope that gentlemen on this side who believe in paying out the public money for public purposes only and not for the enhancement of private enterprises will vote down this proposition. I repeat, Mr. Speaker, that this is a homeopathic dose of ship subsidy. Let the $35,000 per annum, with probable increase, be saved to the people's Treasury. I now yield five minutes to my colleague, Mr. UNDERWOOD.

Mr. UNDERWOOD. Mr. Speaker, I see from the report of the committee that in the fiscal year 1901 there was transported from the United States to the Philippine Islands in United States Government vessels 80,000 tons, in United States private vessels 27,000 tons, and in foreign vessels 192,000 tons.

Now, in 1901 we paid for transporting the freight to the Philippine Islands $3,570,447 to foreign vessels. That to private vessels of the United States we paid $1,350,000. Now, I do not know how much more freight is to be carried next year than was carried last year, or how much less freight; but if this bill had applied to the transportation of goods from this country to the Philippine Islands for the year 1901, and by this means we had foreign vessels out of competition, or had simply let them carry the freight they carried at that time and saved the 10 per cent additional to private vessels of the United States instead of the amount of $34,000, as suggested by the gentleman in charge of this bill, the private vessels of the United States would have received under this bill for that year $100,000 more for the freight they carried than they actually received; because it is needless to say that when you have had foreign vessels actually carrying at least two-thirds of the trade and American vessels carrying only one-third, competition in the years past has regulated the freight rate, and that is the basis on which the freight is being carried to-day. But whenever you say that 10 per cent more shall be received by American vessels than by foreign vessels, then as to that proportion of the freight the American ship is carrying it will receive the additional 10 per cent, because every shipowner knows the profit at which he can afford to carry freight and at which his rival can afford it, and necessarily if he is to receive a bonus so far as concerns the freight he can carry he will bid 9 or nearly 10 per cent more than he thinks his competitor can carry for, and then the competitor will have only the surplus freight.

That is all there is in this matter. This is not a bill to provide ships for carrying this material, because during the height of the late war, when we were rushing troops to the front, when we demanded every ship that we could get to carry our supplies and troops, we got them. The exigencies of the occasion do not require more vessels to-day than they did then.

What, then, is the result? The only result is that you propose by this legislation to say that you will pay the shipowner for carrying freight to the Philippine Islands 10 per cent more next year than you paid last year.

Why should you do so? Is there any good reason why the American shipowner should receive more for carrying freight next year than he did last year? He carried it last year; he competed last year with the foreign ships; and he carried so much of

our merchandise to the Philippine Islands as the profit of the trade justified him in carrying. Of course he will carry next year, if you leave the situation alone, just such amount of the freight as the profit of the business will justify him in carrying, and no more.

Now, if this is a bill to build up shipping on the Pacific coast, why does not the gentleman from Minnesota say so? But you can not build up shipping in a day. If that is the purpose, is this measure going to stay on the statute books for all time? It seems so from the way the bill is drafted. From now until the dawn of eternity are we to go on paying to American shipowners 10 per cent more than the amount they would receive in the natural and orderly course of business? There is no reason for it. Those ships are thriving or they would not be in business; and if the business justifies it there will be other ships built to continue and take up this business. If the business does not justify it——

[Here the hammer fell.]

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. CLAYTON. I yield two minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, of course two minutes are altogether inadequate for the expression of my opinions upon this bill. I believe it is a ship-subsidy bill on a small scale. If we can pass a bill of this kind, I do not think there is any limitation whatever upon the expenditure of the public money. This is a proposition simply to take money derived from taxation of the whole people and bestow it as a gratuity upon a certain shipping class. If that can be done, there is no limitation upon the expenditure of the public money at all. That is all I have to say about the question. I shall take great pleasure in voting against this bill.

Mr. CLAYTON. I yield four minutes to the gentleman from Missouri [Mr. COCHRAN.]

Mr. COCHRAN. Mr. Speaker, not one of us but has considered the vast sum paid by our people to foreign shipowners and the figure this item cuts in the balance of trade between the United States and the Old World. Mere casual consideration of these figures must lead to the conclusion that American ownership of ships is far more important than the country in which ships may be constructed.

To have our shipping owned in the United States, so that all the profit growing out of the traffic between our country and other countries would inure to Americans, would have a tendency to rectify the adverse balance of trade which, first and last, has been quite inconvenient.

I suppose, also, we have heard all the argument made—and it has great force—that with a large merchant marine, we would have constantly in training the seamen necessary to meet any emergency in manning our war ships. Nobody can deny that this argument has great force. Nothing in any plan to subsidize ships, thus far brought forward, has had any reference to either of these propositions. At this time, when the Congress has under consideration a bill to subsidize American ships, that prince of the household of the "captains of industry," J. Pierpont Morgan, is spending most of his time in Europe for the purpose of effecting a consolidation of shipping interests, foreign and domestic, so that foreign capitalists may participate in the benefits of such a measure.

Whenever the question arises in such a way as to affect labor—American labor—objection is made. We find gentlemen on this floor insisting that there must be no prohibition of the employment of Chinamen as seamen on our commercial vessels. So that neither American labor nor American capital is considered by the authors of these subsidy bills.

You can not name a single syllable in this bill which would prevent foreigners—a London corporation with an American directory of five or six people—from owning every ship that is to sail between our ports and the Philippine Islands. It is altogether certain, taking the history of our great railroad system as a criterion, if we shall subsidize our ships and make them sufficiently profitable, a favorite on the London Stock Exchange will be "American shipping bonds," "American shipping stocks," and probably a greater amount of these securities will be held abroad than in the United States. Thus the profits of the shipping we are to build up with subsidies will continue to go to foreigners.

There is absolutely nothing in any of these measures having any object except to enable the international money syndicate, the stock jobbers of the capitals of this country and foreign countries, to reach into the Treasury of the United States and take money out that they have not earned. The real cause of the financial cataclysms and disasters which have afflicted this generation is the partnership existing between London, New York, and Boston during the building of the transcontinental lines. Some would tell you these lines were built with foreign capital. I deny it. None of the great arterial roads of this country were built with foreign capital. They were built with domestic bonds, domestic subsidies, and after they were built they were consolidated by international stock jobbers, who straightway loaded them down with watered securities.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. CLAYTON. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The gentleman has four minutes remaining.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object to this bill for two reasons, each one of them fundamental in its character, in my opinion. First, I believe that it is the duty of the Government always, and in this case as much as in any other, to procure the performance of public service at the least possible expense to the public Treasury, and therefore at the least possible cost to the taxpayers, who keep the public Treasury replete with money. My second objection grows out of what was said by the gentleman from Minnesota [Mr. STEVENS]. He told us that if this bill were passed it would result in the creation and operation of two or three shipping lines from ports of the United States to the Philippine Islands. If that is true, Mr. Speaker, then the effect of this bill would be to create just that much more vested interest, dependent for its prosperity, if not for its very life, upon the permanent retention of the Philippine Islands.

I am very desirous of seeing the American people left free to consider and pass upon the great and vital question as to whether we shall or shall not permanently retain the Philippine Islands as a part of American territory, free as far as possible from financial, corporate, and other influences. I am very desirous to see us do nothing which shall result in creating great vested interests, which shall render it more and more difficult every day for us to cut loose from Asiatic territory and from oriential populations. It seems to me that that is the vital objection to this bill, because if we do pass it and if these lines are created we have called into being just one more interest to confuse and to corrupt the jury which is to pass upon this question, namely, the American voter—to bribe, in other words, a part of the jury by making it to their personal interest, whether it is to the public and national interest and interest of the perpetuity of our institutions or not, to remain permanently in control of the Philippine Islands. That is all I wanted to say, Mr. Speaker.

Mr. STEVENS of Minnesota. Mr. Speaker, how much time have I left?

The SPEAKER. Six minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, this is certainly a very small bill to create such a furor. It is a bill of considerable importance, however. I do not care to say very much about it, because I realize that under the rule if our Democratic friends vote solidly against the bill, even though the Republican members vote solidly for it, the bill will fail, since it requires a two-thirds vote for its passage under the rules as we are now acting.

It seems to me that the figures cited in this report and the figures read by the gentleman from Alabama [Mr. UNDERWOOD] would show us that some good should result from this bill, and that our pride as Americans should lead us even to sacrifice a little, even a few dollars, in order to secure the carrying of American supplies, especially of Government supplies, in American vessels. Last year, as he read, we paid to the owners of foreign-built ships over $3,500,000 for the carrying of Government supplies. The year before we paid over $3,000,000 also. We paid to the owners of the vessels built in our own yards only a little over $1,000,000.

Now, I want to say to the members of this House that so far as I am concerned I would be willing to pay the 10 per cent, even in my own private business, in favor of American industries, in favor of the products of American labor, in favor of the encouragement of American producers, in preference to foreign labor and foreign products, and I believe that the Government could well afford to pay even 10 per cent, if it were necessary, in the carrying of its own supplies in the vessels of its own citizens, thereby encouraging its own labor and its own capital to that extent. But it does not follow that under this bill the Government would pay 10 per cent more. American vessels are competing in bids with foreign-built ships, and if the American vessel comes within 1 per cent of the bid of the foreign-built ship, as it now is, the Secretary of War has no discretion.

He must award the contract to the foreign-built ship; but under this bill, if an American vessel bids within 1 per cent, then he has discretion to allow the home vessel to carry the goods. Should he not have such discretion? It seems to me that every loyal American citizen and everyone who desires to see our own industries prosper—to see our goods transported under the American

flag—would be willing to pay 1 per cent, 2 per cent, 5 per cent, or even 10 per cent more in order to secure this business for our own people, and that is all that this bill does. If they do not bid within 10 per cent, then it goes to the foreign-built ships. If they bid within 10, 7, 5, 3, or 1 per cent, then they get the contract, and they ought to have it.

The gentleman from Tennessee asks whether the Quartermaster-General recommended this bill or not. He does not in this report, but I violate no confidence when I say that the Quartermaster-General personally is heartily in favor of this proposition, and the Secretary of War says he "warmly approves" it. As the gentleman from Minnesota [Mr. STEVENS] has said, this bill may mean the spending of a small additional sum by the Government, and it may mean the expenditure of not one cent additional. The benefits accruing from it will far exceed the outlay. There is a scarcity of American ships on the Pacific now. There are many building that with the least encouragement will go into the trade. With the Government supplies to transport and with the other business that will come they can make regular sailings to and from the Philippines and the Pacific coast. Even if the Government should pay a little more, the increased competition will lower freight rates to our own citizens. This is a benefit that should not be overlooked.

This bill affects the entire Pacific coast alike. No one city has an advantage over another by reason of the terms of this bill. If any line is contemplated by reason of the going into effect of our navigation laws in 1904 this bill will hasten this rather than retard. If any city has not the ships I am sure it would rather the trade should be done in our own ships than by those of foreigners. The simple proposition seems to me to be "Do we prefer our own Government to transport its own supplies under a foreign flag and in foreign ships, thereby employing foreign labor and capital, rather than in our own ships, under our own flag, and employing our own capital and labor, even if it costs a few cents more?" You may vote for the foreign ship; I will vote for the American ship, and I have no fears of the verdict of the American people on such a proposition. [Applause.]

Mr. STEVENS of Minnesota. Mr. Speaker, just one suggestion. As the gentleman from Washington [Mr. JONES] said, this bill does not amount to much. The Army has been reduced from forty-five or forty-six thousand men in the Philippines to twenty thousand next year.

Mr. HULL. Reduced from 62,000 men.

Mr. STEVENS of Minnesota. As the chairman of the Military Affairs Committee corrects me, the Army has been reduced from 62,000 men in the Philippines down to 20,000 next year. The supply of horses has already been mainly transported. The Department last year has finished a large freight ship, the *Samoa*, so that nearly all the freight will go by the Government lines.

The freights have been reduced from $7.39 per ton last year to about $4.50 per ton at the present time; so that all it will amount to during the next year will be, as I said, about 70,000 tons, according to the best estimate that can be made, and a discrimination may be allowed of about 50 cents a ton. Now, this small additional amount may or may not be necessary, according to the conditions of competition. Not 1 cent may be necessary, but if it is necessary, and if it results in starting one line or two lines or three lines to the Philippines—whether those islands are to remain with us permanently or not is not the question—if it results in starting one line or two lines or three lines to the Philippines, it seems to me that this money will be well expended. Now, Mr. Speaker, I ask for a vote.

Mr. SHAFROTH. I would like to ask the gentleman a question.

Mr. STEVENS of Minnesota. Yes.

Mr. SHAFROTH. The gentleman says most of the freight will be carried by Government vessels.

Mr. STEVENS of Minnesota. Yes.

Mr. SHAFROTH. Do you know whether it is the policy of the War Department to sell the transports or not?

Mr. STEVENS of Minnesota. No, sir; not a word has been said on that subject.

Mr. SHAFROTH. I notice that two vessels—the *Buford* and the *Grant*—have been advertised for sale.

Mr. STEVENS of Minnesota. Nothing has been said before the committee on that subject.

Mr. SHAFROTH. You do not know anything about the policy of the Government on that subject?

Mr. STEVENS of Minnesota. The policy of the Government for the next year, at least, will be to retain all the vessels that can be used for the Government business.

Mr. CLAYTON. You say this bill authorizes the payment of this extra 10 per cent if necessary. I should like to know of the gentleman if he ever knew of a case where anybody was authorized to draw a cent out of the Treasury that the money was not drawn out?

Mr. STEVENS of Minnesota. Yes; I know of a great many cases, and this may be one of them.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to suspend the rules and pass the bill.

The question being taken,

The SPEAKER said: In the opinion of the Chair, the bill has failed to receive a two-thirds affirmative vote.

Mr. STEVENS of Minnesota. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 78, noes 66.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was lost.

Mr. PAYNE. I yield to my colleague.

BILLS FROM COMMITTEE ON INDIAN AFFAIRS.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the resolution which I handed up a moment ago.

The Clerk read as follows:

Resolved, That at 5 o'clock p. m. on Tuesday, June 17, and Wednesday, June 18, the House take a recess until 8 o'clock p. m., and then remain in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from the Committee on Indian Affairs, and no other business shall be in order during such sessions.

Mr. CANNON. I hope the gentleman will modify that motion so that we can complete the deficiency bill.

Mr. SHERMAN. I am willing to accept any suitable suggestion.

Mr. CANNON. The gentleman understands that we have only Wednesday for the deficiency bill.

Mr. SHERMAN. Say we do not say the recess shall be taken at 5 o'clock.

Mr. PAYNE. Make it not to interfere with appropriation bills.

Mr. CANNON. I would rather not.

Mr. SHERMAN. I am entirely willing that the gentleman may fix it that the House take a recess at some time. Will you fix the time?

Mr. CANNON. I do not want gentlemen to suppose that we are within an hour of adjournment.

Mr. PAYNE. Suppose he says it shall not interfere with the consideration of appropriation bills.

Mr. SHERMAN. When the House is ready to adjourn, it will take a recess, and there shall be a session from 8 o'clock.

Mr. PAYNE. Make it this way: "*Provided*, That this order shall not interfere with the consideration of general appropriation bills."

Mr. SHERMAN. That is entirely satisfactory.

The SPEAKER. Without objection, the gentleman modifies his resolution so that it will read as follows:

Resolved, That at 5 o'clock on Tuesday, June 17, and Wednesday, June 18, the House shall take a recess until 8 o'clock p. m., and then remain in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from Committee on Indian Affairs, and no other business shall be in order during such sessions: *Provided*, That this order shall not interfere with the consideration of general appropriation bills.

Mr. CANNON. That does not make it any better. Then we would have to take a recess at 5 o'clock.

Mr. RICHARDSON of Tennessee. That forces the recess at 5 o'clock.

Mr. SHERMAN. I want to modify that suggestion—that the House take a recess until 6 o'clock.

Mr. CANNON. But suppose we want to go beyond 6 o'clock.

Mr. PAYNE. Let it be that on the second day the House shall take a recess after the completion of the appropriation bill.

Mr. SHERMAN. I will modify the resolution so as to strike out the entire question of the hour of taking a recess and provide that there shall be a session from 8 o'clock until 10.30 for the purpose of considering bills reported from the Committee on Indian Affairs.

Mr. CANNON. Not to interfere with appropriation bills.

The SPEAKER. Without objection, the gentleman will be permitted to make the following change in his motion, which the Clerk will report.

The Clerk read as follows:

Resolved, That on Tuesday, June 17, and Wednesday, June 18, the House shall hold evening sessions, beginning at 8 o'clock p. m. and remaining in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from the Committee on Indian Affairs, and no other business shall be in order during such sessions.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution.

Mr. CANNON. Just for the sake of asking a question, I demand a second, and ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois demands a second, and asks unanimous consent that the second may be considered as ordered.

Mr. CANNON. I want to ask the gentleman from New York what is the nature of the business to be brought up?

Mr. SHERMAN. Mr. Speaker, the business of greatest importance is the Creek and Cherokee treaties, the failure of the

ratification of which at this session would very materially delay the completion of the work of the Dawes Commission. There are some other treaty bills and some other minor legislative matters, some involving appropriations and some of them that do not. But the gentleman realizes that in an evening session of that kind it will practically require unanimous consent to pass anything, so that I think there is no possible danger of the Treasury being looted or obnoxious and vicious legislation being enacted.

Mr. CANNON. I think that in the matter of the ratification of treaties with the Indians there ought to be a full House, and not tired.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman whether these treaties to be considered include the treaty with the Mississippi Choctaws?

Mr. SHERMAN. Yes.

Mr. SHAFROTH. Would it not be well to let these bills be considered in Committee of the Whole at night, and then be called up for consideration in the House?

Mr. SHERMAN. Mr. Speaker, I think this is an order which everybody understands in effect means that we can only pass such legislation as would pass by a unanimous vote. We can not hope to have a quorum. When we pass this resolution all gentlemen realize that there will not be a quorum, and anybody can prevent any legislation they desire—any single individual. There can be no doubt about that.

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken; and (in the opinion of the Chair two-thirds voting in favor thereof) the rules were suspended and the resolution was passed.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13278. An act granting an increase of pension to Levi H. Collins;

H. R. 12420. An act granting a pension to Wesley Brummett;

H. R. 12865. An act regulating the use of telephone wires in the District of Columbia;

H. R. 12828. An act granting a pension to Mary E. Culver;

H. R. 4103. An act granting a pension to William C. Hickox;

H. R. 8794. An act granting an increase of pension to Henry I. Smith;

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway;

H. R. 7679. An act granting an increase of pension to Franklin Snyder; and

H. R. 9334. An act to amend an act to prohibit the passage of special or local laws in the Territories to limit Territorial indebtedness, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3057. An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands;

S. 6030. An act authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas;

S. 3992. An act granting an increase of pension to David M. McKnight; and

S. R. 105. Joint resolution supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appriate committees as indicated below:

S. 4308. An act for the relief of Katie A. Nolan—to the Committee on Claims.

S. 587. An act for the relief of A. M. Darling, administrator—to the Committee on Indian Affairs.

S. 1792. An act to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property"—to the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert R. Veitch, administrator of estate of Septimus Brown, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, relating to the printing of United States maps and to a report and joint resolution of the House relating thereto—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14898) relating to jurisdiction on appeals in the court of appeals of the District of Columbia and transcripts on appeals in said court, and to quiet title to public lands, reported the same with amendment, accompanied by a report (No. 2555); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4982) granting an increase of pension to John Fler, reported the same without amendment, accompanied by a report (No. 2498); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2409) granting an increase of pension to John A. Rotan, reported the same without amendment, accompanied by a report (No. 2499); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5052) granting an increase of pension to Gilbert Barkalow, reported the same without amendment, accompanied by a report (No. 2500); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1743) granting an increase of pension to Cornelia F. Whitney, reported the same without amendment, accompanied by a report (No. 2501); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4494) granting an increase of pension to Oscar Van Tassell, reported the same without amendment, accompanied by a report (No. 2502); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1193) granting an increase of pension to Jane M. Meyer, reported the same without amendment, accompanied by a report (No. 2503); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4088) granting an increase of pension to Henry Jennings, reported the same without amendment, accompanied by a report (No. 2504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5361) granting an increase of pension to Martha A. Johnston, reported the same without amendment, accompanied by a report (No. 2505); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3668) granting a pension to Hulda Milligan, reported the same without amendment, accompanied by a report (No. 2506); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1801) granting an increase of pension to James K. Van Matre, reported the same without amendment, accompanied by a report (No. 2507); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5500) granting an increase of pension to Angus Cameron, reported the same without amendment, accompanied by a report (No. 2508); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3505) granting an increase of pension to Matthew B. Noel, reported the same without amendment, accompanied by a report (No. 2509); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5648) granting an increase of pension to Frederick Bulkley, reported the same without amendment, accompanied by a report (No. 2510); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2109) granting an increase of pension to Charles C. Davis, reported the same without amendment, accompanied by a report (No. 2511); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3341) granting an increase of pension to Robert H. Busteed, reported the same without amendment, accompanied by a report (No. 2512); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5782) granting an increase of pension to Lucy A. Turner, reported the same without amendment, accompanied by a report (No. 2513); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2638) granting an increase of pension to David O. Carpenter, reported the same without amendment, accompanied by a report (No. 2514); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5534) granting an increase of pension to Abbie C. Bremner, reported the same without amendment, accompanied by a report (No. 2515); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2056) granting an increase of pension to David J. Newman, reported the same without amendment, accompanied by a report (No. 2516); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4141) granting an increase of pension to John Cook, reported the same without amendment, accompanied by a report (No. 2517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5491) granting an increase of pension to John R. Sandsbury, reported the same without amendment, accompanied by a report (No. 2518); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3493) granting an increase of pension to Charles W. Rose, reported the same without amendment, accompanied by a report (No. 2519); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 959) granting an increase of pension to William H. Green, reported the same without amendment, accompanied by a report (No. 2520); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4727) granting an increase of pension to Isaac Rhodes, reported the same without amendment, accompanied by a report (No. 2521); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3819) granting an increase of pension to William A. P. Fellows, reported the same without amendment, accompanied by a report (No. 2522); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4393) granting an increase of pension to William M. Hodge, reported the same without amendment, accompanied by a report (No. 2523); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4348) granting an increase of pension to James Thompson, reported the same without amendment, accompanied by a report (No. 2524); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5321) granting a pension to Rebecca H. Geyer, reported the same without amendment, accompanied by a report (No. 2525); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5882) granting an increase of pension to Merzellah Merrill, reported the same without amendment, accompanied by a report (No. 2526); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3506) granting an increase of pension to Stanley M. Caspar, reported the same without amendment, accompanied by a report (No. 2527); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3781) granting an increase of pension to George A. Mercer, reported the same without amendment, accompanied by a report (No. 2528); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5893) granting an increase of pension to Willie Thomas, reported the same without amendment, accompanied by a report (No. 2529); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5913) granting a pension to Cherstin Mattson, reported the same without amendment, accompanied by a report (No. 2530); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2935) granting a pension to Joanna Rommel, reported the same without amendment, accompanied by a report (No. 2531); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3212) granting a pension to Ellen A. Sager, reported the same without amendment, accompanied by a report (No. 2532); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5719) granting an increase of pension to Sidney N. Lund, reported the same without amendment, accompanied by a report (No. 2533); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2542) granting an increase of pension to L. D. Trent, reported the same with amendments, accompanied by a report (No. 2534); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8254) granting an increase of pension to John R. Curry, reported the same with amendments, accompanied by a report (No. 2535); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8247) granting an increase of pension to Francis M. McCoy, reported the same with amendment, accompanied by a report (No. 2536); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8175) granting an increase of pension to John W. Covey, reported the same with amendments, accompanied by a report (No. 2537); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14789) granting a pension to David Brobst, reported the same with amendments, accompanied by a report (No. 2538); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10858) granting an increase of pension to John H. Dittman, reported the same with amendments, accompanied by a report (No. 2539); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13262) granting an increase of pension to James M. Spencer, reported the same with amendment, accompanied by a report (No. 2540); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14373) granting an increase of pension to W. H. Loyd, reported the same with amendments, accompanied by a report (No. 2541); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14957) granting an increase of pension to Mathias Custer, reported the same with amendments, accompanied by a report (No. 2542); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11694) granting an increase of pension to Dennis F. Andre, reported the same with amendment, accompanied by a report (No. 2543); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11289) granting a pension to Elizabeth M. Sale, reported the same with amendment, accompanied by a report (No. 2544); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12474) granting a pension to Levin W. Bothum, reported the same with amendment, accompanied by a report (No. 2545); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11699) granting a pension to Mary E. Morgan, reported the same with amendment, accompanied by a report (No. 2546); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11280) granting an increase of pension to Henry J. Feltus, reported the same with amendment, accompanied by a report (No. 2547); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11494) granting a pension to Henrietta A. Buell, reported the same with amendments, accompanied by a report (No. 2548); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7851) granting a pension to Jennie H. Cramer, reported the same with amendments, accompanied by a report (No. 2549); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5057) granting an increase of pension to Alfred J. Isaacs, reported the same with amendments, accompanied by a report (No. 2550); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 714) granting an increase of pension to Frederick Hart, reported the same with amendment, accompanied by a report (No. 2551); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4179) granting a pension to Romantus Lake, reported the same with amendments, accompanied by a report (No. 2552); which said bill and report were referred to the Private Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1949) to authorize the Secretary of the Navy to appoint G. H. Paul a warrant machinist in the Navy, reported the same without amendment, accompanied by a report (No. 2554); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SCOTT: A bill (H. R. 15126) for the relief of ex-Union prisoners of war—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15127) to refund to the State of Texas the sum of $50,875.53, the same being the amount due the State of Texas in the adjustment of claims relating to the transfer of Greer County, Oklahoma Territory, from the State of Texas to the United States—to the Committee on Claims.

By Mr. STEELE: A concurrent resolution (H. C. Res. 56) to print a Congressional directory—to the Committee on Printing.

By Mr. BURKE of South Dakota: A resolution (H. Res. 306) requesting information from the Attorney-General—to the Committee on Appropriations.

By Mr. JOY: A resolution (H. Res. 307) for the payment of $250 for additional clerical services rendered the Committee on Accounts—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 15128) to reward certain Sioux Indians for the rescue of white captives and their compensatory payment of ponies—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 15129) granting an increase of pension to Ira Bacon—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 15130) granting an increase of pension to Mahlon M. Lucky—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 15131) granting an increase of pension to Luther St. John—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15132) for the relief of Serenus Kilbourne—to the Committee on Military Affairs.

By Mr. MICKEY: A bill (H. R. 15133) granting an increase of pension to William H. H. Westbrook—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 15134) granting a pension to Chancy Akin—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 15135) granting an increase of pension to Hiram Bundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15136) granting an increase of pension to Benjamin F. Lambert—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 15137) granting a pension to Clark J. Hogoboom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15138) granting a pension to Mary J. Chenoweth—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15139) for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of M. J. McMillin and 4 other citizens of Carlton, Colo., in favor of House bill 6565, for the marking and tagging of manufactured fabrics—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Resolutions of the Southern Kansas Millers' Club, favoring the adoption of such reciprocal treaties as will place the millers of America on an equal commercial basis with foreign competitors—to the Committee on Ways and Means.

By Mr. BROMWELL: Petition of numerous citizens of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to Ira Bacon—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers to accompany House bill 3489, granting an increase of pension to Beckwith A. McNamar—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of Jewelers' Association and Board of Trade, New York, in favor of House bill 13679, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. HANBURY: Papers to accompany House bill 14479, granting an increase of pension to Lewis Leavens—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of the Woman's Christian Temperance Union of Forreston, Ill., in favor of the Shattuc immigration bill—to the Committee on Immigration and Naturalization.

By Mr. KETCHAM: Petition of 36 citizens of Redhook, N. Y., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of Mine Workers' Union No. 671, of Seevers, Iowa, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the board of supervisors of Wayne County, Ill., in favor of House bill 8325—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: Resolutions of the Portland Yacht Club, of Portland, Me., in favor of a law to pension men of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Oregon: Paper to accompany House bill for the relief of Chang Akin—to the Committee on Pensions.

By Mr. OTJEN: Resolutions of the common council of Milwaukee, Wis., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Tennessee: Petition of Richard P. Perkins, of Crawford County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Resolutions of the selectmen of the town of Winthrop, Mass., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolution of the Jewelers' Association and Board of Trade, urging the passage of House bill 13679, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. RYAN: Resolutions of the East Buffalo Live Stock Association, of Buffalo, N. Y., favoring a bill to authorize

the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Jewelers' Association and Board of Trade of New York City, favoring the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Kentucky: Papers relating to the claim of Rebecca Spencer for board and attention given to sick soldiers and for feeding soldiers during the civil war—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: Resolution of St. Paul Turnverein, in favor of the South African republics—to the Committee on Foreign Affairs.

By Mr. SUTHERLAND: Petition of D. L. Sprague and other citizens of Utah, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WRIGHT: Resolutions of Pomona Grange, No. 7, of Susquehanna County, Pa., favoring House bills 3521 and 3575, to enlarge the jurisdiction of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 17, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. Mr. President, I desire to give notice at this time that on Thursday next, after the conclusion of the voting upon the Nicaragua Canal bill, I shall move to discharge the Committee on Territories from the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and that the Senate shall proceed to the consideration of the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and Seminole war;"

A bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same; and

A bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress, on the 8th day of April, 1777, should be erected;

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows; and

A joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands;

A bill (S. 3992) granting an increase of pension to David M. McKnight;

A bill (S. 3060) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas;

A bill (H. R. 4103) granting a pension to William C. Hickox;

A bill (H. R. 7679) granting an increase of pension to Franklin Snyder;

A bill (H. R. 8794) granting an increase of pension to Henry I. Smith;

A bill (H. R. 9334) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes;

A bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway;

A bill (H. R. 12420) granting a pension to Wesley Brummett;

A bill (H. R. 12828) granting a pension to Mary E. Culver;

A bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia;

A bill (H. R. 13278) granting an increase of pension to Levi H. Collins; and

A joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented resolutions adopted at a mass meeting of citizens of Ticonderoga, N. Y., favoring the purchase by the United States Government of the old forts at Ticonderoga and Crown Point in that State; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation providing that eight hours shall be the maximum work day in all trades and employments; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of the Illinois State Agency, of Chicago, Ill., praying for the enactment of legislation providing for the final adjustment and settlement of the swamp-land indemnity due the State of Illinois under the act of Congress approved March 3, 1855; which was referred to the Committee on Public Lands.

He also presented a resolution adopted at the Fifth International Congress of Criminal Anthropology, held at Amsterdam, Holland, favoring the establishment of psycho-physical laboratories for the practical application of physiological psychology to sociological and abnormal or pathological data, etc.; which was referred to the Committee on Education and Labor.

He also presented petitions of the International Association of Machinists, American Federation of Labor, of Springfield; of the International Association of Machinists, American Federation of Labor, of East St. Louis, and of the International Association of Machinists, American Federation of Labor, of Batavia, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. WELLINGTON. I present a memorial of the general assembly of Maryland relative to the use of Maryland granite in the construction of the United States custom-house at Baltimore, in that State. I ask that the memorial be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

The memorial was referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD, as follows:

Joint resolution No. 3.—Joint resolution of the general assembly of Maryland, requesting the Secretary of the Treasury of the United States Government to require the use of Maryland granite in the construction of the United States custom-house at Baltimore, Md.

Whereas a new custom-house is to be constructed by the United States Government at Baltimore, Md., and

Whereas the State of Maryland produces as fine and durable a granite as there is produced elsewhere: Be it

Resolved by the general assembly of the State of Maryland, That the Secretary of the Treasury of the United States Government be, and he is hereby, requested to require that in the construction and erection of the United States custom-house at Baltimore, Md., granite stone produced from the quarries of the State of Maryland be used.

Be it further resolved, That the secretary of state be, and he is hereby, authorized to transmit a copy of these resolutions, under the seal of the State, to the said Secretary of the Treasury of the United States, and to each of the Senators and Representatives now in Congress from this State.

Witness our hands February 19, 1902.

NOBLE L. MITCHELL,
Speaker of the House of Delegates.
JOHN HUBNER,
President of the Senate.

THE STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, John Walter Smith, governor of the State of Maryland, and having control of the great seal thereof, do hereby certify that the foregoing is a

true copy of joint resolution No. 3, of the general assembly of Maryland of 1902.

Witness my hand and the great seal of Maryland.

Done at the city of Annapolis on the —— day of ——, in the year of our Lord 1902.

JOHN WALTER SMITH.

By the governor.
[SEAL.]

WILFRED BATEMAN,
Secretary of State.

Mr. WELLINGTON presented resolutions adopted by sundry citizens of Baltimore, Md., at a mass meeting held under the auspices of the Polish National Alliance in that city on May 5, 1902, favoring the erection of a monument to the memory of Brig. Gen. Casimir Pulaski; which were referred to the Committee on the Library.

Mr. DRYDEN presented a petition of the Trades and Labor Federation, of New Brunswick, N. J., praying for the enactment of legislation providing for the irrigation of the arid lands of the West; which was ordered to lie on the table.

He also presented a petition of the Burlington County Retail Liquor Dealers and Hotel Keepers' Protective Association, of Burlington, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wayland, N. J., praying for the repeal of the duty on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented petitions of Jersey City Harbor No. 6, American Association of Masters and Pilots of Steam Vessels, of Hoboken, and of Enterprise Harbor No. 2, American Association of Masters and Pilots of Steam Vessels, of Camden, in the State of New Jersey, praying for the enactment of legislation granting pensions to certain officers and men in the Life-Saving Service, etc.; which were referred to the Committee on Pensions.

He also presented a petition of Newark Lodge, No. 240, International Association of Machinists, of Newark, N. J., praying for the passage of the so-called eight-hour law; which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Methodist Episcopal Church of Bordentown, and of the Christian Endeavor Society of the Presbyterian Church of Vineland, in the State of New Jersey, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of Hotel Waiters and Cooks' Local Union No. 337, of Trenton; of the common council of Hoboken; of the board of fire commissioners of Hoboken; of the McKinley Club of Elizabeth; of the Edward L. Brown Post, No. 44, Department of New Jersey, Grand Army of the Republic; of the Lincoln Club, of Paterson; of the board of water commissioners of Hoboken; of Journeymen Barbers' Local Union No. 381, of Hoboken; of the Trades and Labor Federation of New Brunswick, and of Plumbers' Local Union No. 168, of Hoboken, all in the State of New Jersey, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of New Jersey; of sundry citizens of Tenafly, Haddon Heights, Atlantic Highlands, Elwood, Closter, Daretown, Elizabeth, Hamburg, Toms River, Paterson, Dover, and Island Heights; of the Woman's Christian Temperance Union of Aron; of the Woman's Christian Temperance Union of Bridgeton, and of the Woman's Christian Temperance Union of Junction, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and at immigrant stations; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented the petition of John H. McFarland and 52 other citizens of Boundary, Ind., praying for the passage of the so-called immigration bill; which was referred to the Committee on Immigration.

Mr. LODGE. I present a memorial of a committee appointed at a recently held meeting of persons, irrespective of party, interested in the policy pursued by the United States toward the Philippine Islands and the inhabitants thereof, and also the condition of affairs in those islands. I ask that the memorial be printed in the RECORD and referred to the Committee on the Philippines.

There being no objection, the memorial was referred to the Committee on the Philippines, and ordered to be printed in the RECORD, as follows:

BOSTON, *June —, 1902.*

The honorable the Senate and the House of Representatives of the United States:

The undersigned would respectfully represent that they are a committee appointed at a recently held meeting of persons, irrespective of party, interested in the policy pursued by the United States toward the Philippine Islands and the inhabitants thereof. As such they were instructed to investigate the condition of affairs connected therewith, and take such subsequent action as might seem expedient. Having, to a certain extent, performed this duty they now submit the following

MEMORIAL.

It is not our present purpose to discuss any controverted questions connected with events which have recently taken place in the Philippine Islands, or to call in question the policy which either has been pursued by the United States or which it is proposed to pursue in regard to these islands or the inhabitants thereof. In the performance of the duties imposed upon us these matters have to a greater or less extent engaged our attention, and the results at which we arrive may not improbably be brought to your notice at some future time. Certain facts, however, which seem to us of much import are not open to dispute. To these, and the conclusions to be drawn from them as to us the exigency seems great and immediate, we now respectfully invite your attention.

It is apparent that, as an outcome of the policy and course of action hitherto pursued, which may or may not have met the approval of those we represent, certain things have resulted:

The United States, as a nation, has assumed charge of communities of Asiatic descent, occupying many islands of an archipelago at a great distance from our nearest continental possessions. Those communities, numbering millions, are of a race wholly distinct from ourselves, with other traditions and habits, speaking foreign, and, in many cases, unknown tongues. The acquisition of the Philippine Islands and their inhabitants, while imposing on us treaty obligations, has been followed by prolonged warlike operations marked by acts of fierce resistance, not quickly overcome, on the part of the Filipinos, and by military severities on our part of a character unprecedented in our annals. Those islands are now held by us partly under military law and partly under civil authority, but in absolute subjection. In the course of this mixed administration of affairs no inconsiderable degree of friction has existed, and apparently still does exist, between our military and civil representatives. Such could, indeed, hardly be avoided. In the prosecution of military movements the establishment of camps of concentration for the inhabitants of large districts has been thought expedient; and the people of those districts of both sexes and all ages thus gathered from their homes and usual vocations have therein been compelled to live, with sanitary results concerning which only very indefinite information has been received. In the course of military operations also large regions have been devastated, towns have been burned, and the food supply of the country destroyed. It has hence resulted that when the inhabitants have been returned from the camps of concentration to their former places of abode they have found their shelters gone and the means of subsistence greatly impaired or wholly lacking. It is known that the epidemics usually and, indeed, inevitably, incident to such a state of affairs are now raging in the islands, though only very partial statistics as respects mortality are made public, if, indeed, they are in any wise obtainable. Extensive districts inhabited by our dependents have thus been scourged and are now stricken with war, famine, and pestilence.

For the people thus afflicted, whether excusably or otherwise, America stands responsible. That responsibility can not be evaded. Those people have, moreover, no means of communicating directly with us. Removed by the width of an ocean, they are unable to make their situation known, whether to ask for aid and relief or to obtain redress of grievances, if such exist. They have not been invited, perhaps, not even permitted, to speak unless they seemed to approve of our doings. But they are still our subjugated dependents. To us, and to us only, can they look, and from our decision they have no appeal.

Such being, as we understand, the undisputed facts, we desire, respectfully, to represent that the Congress of the United States, as the supreme lawmaking authority, is of necessity the grand inquest of the American people. It alone possesses the power necessary adequately to deal with a situation such as now exists. The inquiry at present being carried on by one of your honorable bodies has unquestionably been productive of valuable results—results the far-reaching importance of which, both to the people of this country and to the Filipinos, it would, in our judgment, not be easy to exaggerate. But that inquiry has also demonstrated to us—and we think must have satisfied all careful observers of its course—that no inquiry instituted in this country, and carried on under similar limitations, can possibly meet full present requirements.

It is plain that, at best, only odds and ends of evidence, stray scraps of information not always of unquestioned authenticity, are forthcoming or obtainable; the dependent communities are not represented; one side, in a conflict of races, debarred from testifying, remains, and must remain, substantially unheard, where not in a measure dumb. To reach any satisfactory results inquisition must be made on the spot and among the people concerned—the dependents of the United States, our so-called subject races. Under these circumstances did we ourselves, the undersigned, representing an unrecognized constituency and clad with no official authority, undertake to go out to the Philippine Archipelago, or to send there a committee of our number, we would have no power to gather evidence, to elicit facts, or to prescribe remedies. We could at best appear merely as volunteers, and, as such, would probably be ordered at once to return whence we came. It would be altogether otherwise with those coming from the Congress of the United States, and members of it. Its delegates would represent the full dignity, authority, and power of the American people. To them every source of information would be accessible, while their mere presence would vastly improve the situation.

The facts being thus, we respectfully ask, on behalf of ourselves and those we represent, that the Congress of the United States will forthwith provide for the appointment of a committee of investigation of its own number, to proceed at the earliest practicable moment to the Philippine Archipelago, and there enter upon such an investigation as will cause the people of the United States to feel assured that full information is being elicited, that all grievances will be considered, that any measures necessary to the protection and a reestablished prosperity of our dependents will in due time be instituted, and that, in the light of the fullest possible knowledge of facts and conditions, the American people may form their judgment of the policy so far pursued, as well as that to be adopted for the future.

We further desire to point out a full precedent for the appointment of such a joint Congressional committee of inquiry. In the year 1865, at the close of our civil war, when a state of affairs not altogether dissimilar to that in the Philippine Archipelago existed in the so-called Confederate States, cognizance was taken of the fact, and Congress, by a concurrent resolution of December 13, acting as the grand national inquest, appointed such a committee as is now suggested. Composed of six members on the part of the Senate, and nine members on the part of the House of Representatives, William Pitt Fessenden, of Maine, was chairman on behalf of the former, and Thaddeus Stevens, of Pennsylvania, on behalf of the latter, while among those composing the committee were James W. Grimes, Jacob M. Howard, Reverdy Johnson, E. B. Washburne, Justin F. Morrill, Roscoe Conkling, and George S. Boutwell. The committee thus composed then made, as respects the region which had constituted the so-called Confederacy, an investigation similar in character to that we now ask for as respects the Philippine Archipelago.

We would accordingly petition your honorable bodies that such a joint special committee be now provided, and that it be of sufficient size to command public confidence by containing representatives of both parties and advocates of all different lines of policy, to the end that full information may

be elicited and the greatest possible volume of variant light shed upon the duties and obligations which this people have had forced upon them or voluntarily assumed.

We would further respectfully request that this committee be so constituted as to enable it to cover the entire field of investigation within the limited time at its disposal. To make this possible it should be accompanied by a body of experts, military and civil, representing the medical, sanitary, industrial, and other scientific phases involved in the great and complex problem to be considered, and upon which the committee will be called intelligently to pass.

On the spot, and in this way only, we submit, can the American people be properly and fully advised as to the duties and obligations now imposed upon them. As a portion of the people, realizing those obligations and impressed with a not undue sense of the responsibility which has been incurred, we submit this memorial, and ask for it your early and favorable consideration.

CHARLES FRANCIS ADAMS.
ANDREW CARNEGIE.
By C. F. A.[a]
C. SCHURZ.
EDWIN BURRITT SMITH.
HERBERT WELSH.

Mr. FRYE presented resolutions adopted by the Maine Medical Association, at Portland, Me., favoring the establishment of a sociological laboratory; which were referred to the Committee on Education and Labor.

He also presented the petition of James Selden Cowdon, praying that all reservoirs in the city of Washington be abolished, and for the location of a filtration plant at a point beyond Cabin John Bridge, Maryland; which was referred to the Committee on the District of Columbia.

He also presented resolutions of the Fifth International Congress of Criminal Anthropology, adopted at Amsterdam, Holland, favoring the establishment of psychological laboratories; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4905) authorizing the President to nominate Lieut. Commander Arthur P. Osborn to be a commander on the retired list of the Navy, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 11890) granting an increase of pension to James Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6481) granting an increase of pension to Millen McMillen; reported it with an amendment, and submitted a report thereon.

Mr. WELLINGTON, from the Committee on the District of Columbia, to whom was referred the bill (S. 4779) relating to the office of the secretary of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 85) to amend the highway extension plans of the District of Columbia, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4815) to grant certain lands to the South Platte Canal and Reservoir Company, reported it with amendments, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," reported it with amendments, and submitted a report thereon.

CONSULAR REPORTS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed the usual number of copies of the message from the President of the United States transmitting reports from the consular officers of the United States, giving an account of each consulate and consular agency, showing the principal industries and exports, the surrounding climatic conditions, the general cost of living, and similar information, in response to Senate resolution 594, Fifty-sixth Congress, second session.

[a] Signature authorized by cable.

BILLS REFERRED TO COURT OF CLAIMS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate bills Nos. 2142, for the relief of the legal representatives of J. J. Abrahams, deceased; 205, for the relief of the Allaire Works, of New York; 6013, for the relief of the Atlantic Works; 204, for the relief of Hannah E. Boardman, administratrix of William Boardman, deceased; 1181, for the relief of the estate of James Brown, deceased; 209, for the relief of the legal representatives of George M. Clapp, of the Washington Iron Works; 1309, for the relief of Everett B. Curtis, administrator of John J. Curtis, deceased; 5, for the relief of the legal representatives of Paul Curtis, deceased; 879, for the relief of the executors of James B. Eads, deceased; 3737, for the relief of the legal representatives of Gardner & Lake; 1671, for the relief of the Globe Works, of Boston, Mass.; 3843, for the relief of the legal representatives of Hillman & Streaker; 6051, for the relief of Amos L. Allen; 3705, for the relief of Harrison Loring; 5008, for the relief of the legal representatives of Edward Lupton, deceased; 906, for the relief of the legal administrators of Daniel McLeod, deceased, of the South Brooklyn Works; 904, for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased; 1217, for the relief of the legal representatives of Neafie & Levy; 1564, for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; 347, for the relief of Poole & Hunt; 2693, for the relief of the legal representatives of Pusey, Jones & Co., of Wilmington, Del.; 207, for the relief of George W. Quintard, of the Morgan Iron Works; 1186, for the relief of Kate Reaney Zeiss, administratrix of William B. Reany, surviving partner of the firm of Reaney, Son & Archbold; 633, for the relief of the legal representatives of John Roach, deceased; 703, for the relief of George T. Sampson; 4104, for the relief of the legal representatives of Jeremiah Simonson, deceased; 3186, for the relief of Thomas Stack; 4972, for the relief of the estate of F. Z. Tucker; 1091, for the relief of the Portland Company, of Portland, Me.; 3738, for the relief of the estate of George W. Lawrence, deceased, and 6043, for the relief of James F. Secor, surviving partner of Secor & Co., be referred to the Court of Claims for findings of fact under the provisions of the act of March 3, 1887 (such findings to include any facts bearing upon the question of the loyalty or disloyalty of claimants during the war; any ascertainment by a board or boards of officers authorized by the Secretary of the Navy of how much the vessels of war and steam machinery mentioned in said bills cost the contractors over and above the contract price and allowance for extra work; what, if any, sums have been paid to claimants on account of such additional cost; what evidence has been filed in said court as to the causes of such increased cost), and report to the Senate in accordance with section 14 of said act.

Mr. WARREN. I have prepared a report in the matter of certain war vessels built in 1862 and 1865 to accompany the resolution just reported by me from the Committee on Claims, referring to the Court of Claims for findings of fact 31 several bills representing claims against the United States on account of the building of certain boats and machinery for the same, including a reprint of the findings of the Selfridge and Marchand boards. I move that the matter be printed as a report coming from the Committee on Claims.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 6180) for the relief of the estate of Solomon Smith, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 6181) for the relief of Matilda M. Fairex, administratrix of the estate of Daniel Fairex, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 6182) granting an increase of pension to Lila L. Egbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6183) granting an increase of pension to Susanna V. Wells; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 6184) granting a pension to Henry J. Hardy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 6185) for the relief of Thomas D. Ruffin; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 6186) granting an increase of pension to John F. Wildman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6187) granting an increase of pension to William H. H. Cain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. TALIAFERRO submitted an amendment proposing to increase the appropriation to pay the Independent Line Steamers, of Tampa, Fla., in full settlement of all claims against the United States for damages to the steamer *Manatee* from $624.18 to $1,344.18, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on the Library:

A bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected; and

A joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

The bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows, was read twice by its title and referred to the Committee on Pensions.

ELIZABETH A. TURNER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner, which was in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. TALIAFERRO were appointed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, which were, on page 3, line 2, after the word "into," to insert "the," and after the word "service" to insert "of the United States."

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

MONUMENT TO ABRAHAM LINCOLN.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5269), entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States," which were, on page 1, line 5, after the word "State," to strike out "and," and in line 6, after the word "War," to insert "and Representative JAMES D. RICHARDSON."

Mr. WETMORE. I move that the Senate disagree to the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. WETMORE, Mr. HANSBROUGH, and Mr. VEST were appointed.

INCREASED PENSIONS FOR LOSS OF LIMBS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same, which were, on page 1, line 6, after the word "duty," to insert "from wounds, injury, or disease originating prior to August 4, 1886;" in line 8, to strike out "forty-five" and insert "forty;" in line 11, to strike out "fifty" and insert "forty-six;" on page 2, line 1, after the word "joint," to insert "or where the same is in such a condition;" in line 2, to strike out "or are totally disabled in the same;" in line 3, to strike out "sixty" and insert "fifty-five," and in line 6, after the word "month," to insert:

And that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of $100 per month: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That the pensions of all persons who served one year or more in the Army or Navy of the United States, and who, under the act approved June 27, 1890, and the acts amendatory thereof, are drawing or hereafter shall be entitled to draw a pension at the rate of $12 per month, and who are or shall become so disabled from injuries or disease as to require the frequent and periodical aid and attendance of another person, shall be increased to $30 per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability and made subsequent to the passage of this act.

Mr. GALLINGER. Mr. President, this is a bill which passed the Senate a little while ago increasing the pensions of the maimed soldiers of the country. The other House not only amended it in the matter of rates, but has made it apply only to soldiers who received their disabilities prior to the Spanish war. The House has likewise attached an amendment to the bill increasing from $12 to $30 per month the pensions of soldiers under the act of June 30, 1890, who had one year's service and who required the periodical attendance of another person.

I will say, that it may be understood by Senators and by the soldiers of the country, that the amendments destroy the purpose of the bill and that in all human probability no legislation on this subject will be had at the present session of Congress.

I move the reference of the bill and amendments to the Committee on Pensions.

The motion was agreed to.

PAYMENTS FROM CUBAN FUNDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. TELLER, as follows:

Whereas it seems impracticable to prepare during this session of Congress an itemized statement showing the collection and disbursement of all funds for the whole period of the military occupation of Cuba; and

Whereas it is important that a statement be now made of the accounts hereafter named: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A full itemized statement of all payments made out of Cuban funds to any persons or corporations, if any, for the purpose of promoting "reciprocity" between the United States and Cuba, at any time during the military occupation of Cuba by the United States, and whether such payments were authorized or approved by the Secretary of War.

Mr. TELLER. The junior Senator from Connecticut [Mr. PLATT], who asked that the resolution might lie over, is not present.

The PRESIDENT pro tempore. Shall it lie on the table, subject to the call of the Senator?

Mr. TELLER. Yes; I suppose that is the course he really wanted to have taken.

The PRESIDENT pro tempore. The Chair hears no objection to the request. The resolution will lie on the table, subject to the call of the Senator from Colorado.

ORDER OF BUSINESS.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. For what purpose does the Senator rise?

Mr. STEWART. To speak on the Nicaragua Canal bill.

The PRESIDENT pro tempore. The Senator from California [Mr. PERKINS] was recognized last night and is entitled to the floor.

Mr. STEWART. I had given notice before.

Mr. PERKINS. The notice of the Senator from Nevada upon the Calendar says 2 o'clock.

Mr. STEWART. No; I said immediately after the morning business.

The PRESIDENT pro tempore. The Calendar shows that the Senator gave notice that at 2 o'clock he would address the Senate.

Mr. STEWART. Very well.

UNITED STATES PRISONERS.

Mr. HOAR. I should like, with the leave of the Senator from California, to have a bill passed to which there will be no objection. It is the bill (H. R. 14411) to regulate the commutation for good conduct for United States prisoners. It has passed the House and was drawn in the Attorney-General's Department. I should like to ask the Senate to put it on its passage. It is a humane bill that ought to be acted on.

The PRESIDENT pro tempore. Does the Senator from California yield for that purpose?

Mr. PERKINS. I will yield if the bill does not invite discussion.

Mr. HOAR. If it does I shall withdraw it at once.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HOAR. With the leave of the Senator from California I should like to make one statement about the bill which has just passed.

I received a great many communications from different parts of the country saying that it ought to apply to cases of prisoners sentenced heretofore, and undoubtedly that would be quite desirable, but there was a very serious doubt in the minds of members of the committee of the constitutional power of Congress to pass a bill of that sort which should apply to sentences heretofore

imposed. Therefore the committee thought it unwise to include such a provision.

SALARIES OF POST-OFFICE CLERKS.

Mr. MASON. I ask unanimous consent for the consideration of the bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second class, simply for the purpose of having an amendment made, and then having the bill reprinted as amended.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MASON. I move to amend, in section 1, on page 2, line 4, by striking out the word "may," before the word "be," and inserting "shall;" so as to read:

Who, at the date of July 1, 1902, shall be receiving a salary less than $1,000 per annum.

The amendment was agreed to.

Mr. MASON. I now ask that the bill may be printed as amended, and I give notice that to-morrow morning I shall ask for its consideration.

The PRESIDING OFFICER (Mr. McCOMAS in the chair). If there be no objection, an order will be made to reprint the bill as amended.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. PERKINS. Mr. President, the Pacific coast States are especially interested in the construction of an isthmian canal that will connect the waters of the Pacific with those of the Atlantic. For thirty years or more this subject has been uppermost in the minds of the people of the Pacific coast States. They believe the construction of such a canal would place our people and the products of our lands more easily in the markets of the world, thus saving a voyage around Cape Horn of 15,000 miles or a journey across the continent.

The consensus of opinion, I think, has been in favor of the Nicaragua canal. The concessions that have been made by the Nicaraguan Government have been liberal and generous. Those of the Costa Rican Government I never heard questioned until yesterday, when the distinguished Senator from South Dakota [Mr. KITTREDGE] advanced, to my mind, the first view that under the constitution of the Republic of Costa Rica they were prohibited from making a concession for building a canal through their territory. If that is true, Mr. President, the legal minds of our country have been laboring under an erroneous impression. But be that as it may, the remarks that I propose to make this morning are intended to show the advantages, as I understand them, of the Nicaraguan route over that of any other route that is known. It possibly will be shown that the San Blas or Darien route or the Tehuantepec route or some other route has peculiar natural advantages over any other route when there is a probability of a law being enacted that will enable this Government to acquire jurisdiction to construct a canal.

FEW ADVANTAGES IN THE COLOMBIAN TREATY.

If, as the Senator from South Dakota has stated, the constitution of Nicaragua does not give that country a right to make this concession to the United States, certainly the memorandum of the convention that is proposed between the United States and Colombia, which has been sent to Congress by the Secretary of State, does not give us many advantages in Colombia. While the Senator was delivering his very able speech yesterday I took occasion to look over this protocol or draft of a convention which it is proposed to enter into between these Governments. That between the United States and Nicaragua is clear and forcible; there is no ambiguity in it; it is concise and to the point. It says the Republic of Nicaragua leases in perpetuity for all time to the United States the exclusive right to construct, own, and operate a ship canal through the territory of Nicaragua to connect the Atlantic and Pacific oceans. There are no strings tied to that provision. It is clear and concise and to the point. The provision follows that we are to pay a certain sum of money per annum for this privilege for a certain length of time.

What does this suggested treaty with Colombia propose to do? I looked at it yesterday while the distinguished Senator was making his speech. I view it only as a business man. I venture to say if the Senator were my counsel seeking a franchise in my State for the right to build a turnpike road or to construct a ferry or bridge across a river upon which I might collect the tolls, he would say, "You can not accept any such proposition as there is in this memorandum."

SOME OF THE DISADVANTAGES.

What does it do, Mr. President? It goes on, first, to provide that Colombia shall cease to receive $250,000 per annum for the privileges which we are to inherit of the Panama Railroad Company. It goes on further to state that we shall pay $7,000,000. The conditions under which we shall make the payment are clear; there is not any ambiguity in it, but when it comes to fixing the rates for the privilege of a canal through the State of Colombia it is quite a different story.

It impresses me as a business man, as I gave it a cursory reading yesterday, that there is not a lawyer in the Senate who would advise one to accept a franchise and spend any money under the privilege of that franchise, thinking he had something from a county or State that was of value, because there is no limit for the rate of payment. It simply provides that three years before the expiration of the fourteen years they shall fix a reasonable annuity, and there shall be taken into consideration the present price of the usufruct of the railway, as well as the compensation that is to be stipulated for the use of the zones for the additional administrative expenses that the construction of the canal will impose upon Colombia, and also the advance payment of $7,000,000 and the comparative cost and conditions upon which the United States reasonably would be expected to acquire concessions satisfactory to it in respect of any other canal.

But how does it fix those rates, Mr. President? It goes on to provide that there shall be two representatives from the State of Colombia, two representatives from the United States, and if they can not agree, which of course they would not, then the fifth arbitrator is called in, and it is provided that—

The president of such high commission shall be the president, for the time being, of the International Peace Tribunal of The Hague, and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article, shall be binding upon the contracting parties.

THE HAND OF THE FOREIGNER.

That virtually places the fixing of the rate of compensation per annum that the United States shall pay for its canal, the right of operating it through the State of Colombia, if we acquire the Panama route, at the rental the president of The Hague Peace Conference shall name. He lives 3,000 miles or more away from the United States; he has no common interest with us; and yet by memorandum of the treaty that is to be made he virtually fixes the rate. He can confiscate that railroad or canal and all that we have expended there, and we have no rights whatever in it according to the memorandum of this convention.

If these rates are not satisfactorily adjusted, then Article XXVI provides that—

all the concessions granted by this convention shall be forfeited, and all the works, principal and accessory, machinery, and properties of the canal shall become the property of the Republic of Colombia, and the same Republic shall recover its actual rights over the Panama Railway without any obligation to return any of the sums that it may have received in conformity with this convention.

In any ordinary franchise there is a provision made that the rates of toll shall not be less than to pay a certain sum per annum upon the investment therein made. There is no such limitation here. The rate fixed can be whatever the president of The Hague Peace Conference may name, and we are virtually in his power. As I said, it may result in a confiscation of the property.

I was surprised when I gave a cursory reading to this document yesterday to see that the interests of the United States were in no way protected by this proposed treaty, and I can not, therefore, as a business proposition, seriously consider such a measure. I would not as an individual or as one representing a private company or corporation, and surely as one of the representatives in part of a great State I can not cast my vote in favor of a measure that leaves every dollar invested by the United States there virtually in the hands of the president of The Hague Peace Tribunal, which might amount, as I said before, to a virtual confiscation of every dollar we put in the property.

PANAMA ENTAILS POLITICAL AND FINANCIAL DIFFICULTIES.

But, Mr. President, some canal we are all in favor of. There is no doubt as to the necessity of an isthmian canal or as to who shall build it. It is to be built, and built only by the United States. The only question remaining to be solved is that relating to the route to be selected. We have hitherto looked only to the route across Nicaragua; but now, unfortunately, that route which all of us formerly looked upon with more than doubt has been brought forward as an alternative, and we are compelled to make choice between Nicaragua and Panama. At first glance it will appear to many, doubtless, that there is not much difference in availability, but I think that a careful study of the problems presented by the Panama scheme which has been proposed by the Isthmian Commission will result in a decision in favor of the Nicaragua route.

In my opinion, to take hold of the Panama scheme, which has had as its principal characteristic from the beginning fraud of the most gigantic kind, will involve this country in political and financial troubles that may be far-reaching and disastrous. We are asked to give to the French canal company $40,000,000 for a 50-mile railroad, old machinery, and plans, and for the right

to utilize the excavations which it has made at a cost to the French people of about $260,000,000 in cash.

It will be noted that the sale of the property and assets of the old company to the new was upon the express condition that the property and rights thus transferred should revert to the estate of the old company in liquidation upon default in the completion of the canal within the time fixed in the concession. It will also be noted that the old company has a claim upon the new of 60 per cent of the surplus income after paying all expenses, charges, and stipulated dividends, the sum thus paid to be properly distributed by the liquidator. It will still further be noted that this agreement, according to the statement of the New Panama Canal Company, in Senate Document No. 188, Fifty-sixth Congress, first session, page 31, was by private contract.

FRENCH PEOPLE HAVE AN INTEREST IN PANAMA.

The persistency with which M. Hutin, president of the New Panama Canal Company, pressed on the Isthmian Commission a claim to a share in the profits of the canal after completion would seem to have in view this obligation. It was only at the last moment that it was dropped.

We could, I believe—

Wrote M. Hutin to Admiral Walker—

continue to maintain that our claim is just and well founded.

But he finally announced that—

we are now prepared to relinquish totally our claim to a share in the eventual profits of the management of the canal, having in mind that this surrender constitutes on our part an act of conciliation, which must be taken into account during the discussion of our other propositions.

This claim of a share of the profits, as well as the provision for the return to the old company of its property and assets, in case the canal was not completed in accordance with the concessions, is in the interests of the stockholders of the old company, who number 600,000 or 700,000 French citizens.

Mr. MITCHELL. Eight hundred thousand.

Mr. PERKINS. I am on the conservative side, and I shall endeavor to be so in all the statements I make.

Mr. MITCHELL. I will say to the Senator that the figure I state is the testimony of the representative.

Mr. PERKINS. The value of the property, assets, etc., can be returned to them through the purchase money given for them by the United States, so their interests are protected as to that, but the price of their consent to this transfer of property to the new company was the 60 per cent interest in the canal earnings, from which they were to partially recoup themselves for the losses they had sustained. I think it may be questioned whether a private contract thus entered into for the benefit of half a million or more Frenchmen can be abrogated by the president of the new canal company. Through this agreement the stockholders of the old company are given an interest in the profits of the completed canal. It is part of the assets of the old company and, it would seem to me, can not be transferred to the United States without furnishing good ground for an action to recover. If such ground exists, it is not improbable that the French Government would be able, by championing the rights of so many of its citizens, to very greatly embarrass the United States in the prosecution of the work of building the canal, even if it did not ultimately enforce its claim of an interest in the undertaking.

LOSS THROUGH THE PANAMA RAILROAD.

The United States must purchase the stock of the Panama Railroad Company, which will require the expenditure of $7,000,000. All of it must be bought or the United States will have partners in the canal enterprise. At present the new canal company holds all but 1,100 shares, these latter being owned in this country and in Europe. Whether they can be secured by the United States at a reasonable figure is very doubtful. The owners hold the key to a very important position, and will not, it is likely, yield it for a payment of a mere par value. What they would exact from such a rich interested party as the United States can only be conjectured. If they offered to sell, it is sure that they would demand a large sum—far greater than the United States would pay. As it would not be policy to begin work until the shares were secured, negotiations to that end would be continued indefinitely, to the corresponding delay of construction.

Supposing, however, that the United States secured all the shares at par. Their cost would be $7,000,000, but with them it would also assume obligations as follows: Mortgage bonds, bearing 4½ per cent interest, $2,504,000; sinking-fund subsidy bonds issued to the Colombian Government, bearing 6 per cent interest, $996,000. Total, $3,500,000, less cash assets, $438,569.33, held January 15, 1902. Supposing the incredible, that these assets should remain practically at that figure when the canal is purchased by the United States, the latter will be under obligations of nominally $3,000,000. But it will be noted that the bonds bear a very high rate of interest—higher than the holders can obtain in other investments. They will not, therefore, sell at par; they will demand more; they will undoubtedly deem that, to secure the interest they are now receiving, they must receive as much as, at 3 per cent, will bring them this sum. The sinking-fund subsidy bonds, therefore, will be held for $1,992,000 and the mortgage bonds at $3,756,000. This will make the total indebtedness $5,748,000, bringing up the cost of the Panama Railroad to the United States to $12,748,000. But there must be a diversion of this railroad, which the Commission estimates will require the expenditure of $1,267,500. The Panama Railroad, therefore, would actually cost the United States $14,015,500.

WHERE $13,000,000 WILL GO.

But the Commission says that the earnings of the railroad during the construction of the canal will be so great that its indebtedness can be easily paid. It is of interest to know, however, who would pay these increased earnings. The increased work, outside of hauling food and clothing for laborers employed, would be that incident to the construction of the canal, and of course the United States would be the one from whom the charges would be collected. If the earnings of the road, which belong to the United States, have to be paid out in settlement of the road's indebtedness, it is clear that this indebtedness is paid by our Government. The Commission's assumption, therefore, that the debts of the road will not have to be paid by the United States is without foundation. The Government must stand ready to pay the whole sum represented by the bonds.

But, says the Commission, "After the completion of the canal its commercial profits will probably cease, but it will have a value incidental to operating the canal." That value can not be more than the cost of constructing 50 miles of railroad, which, at the very liberal estimates of $40,000 per mile, will amount to $2,000,000. All the rest of the expenditures on account of the road will be a total loss to the United States, and this loss will aggregate nearly $13,000,000.

But, assuming for the sake of argument, that there will be no financial or political complications by purchasing the French excavations, the question remains, Is the Panama route preferable to or even as good as that through Nicaragua? It seems to me that there is good evidence that the Panama route is far from the best. The questions presented have been studied by United States engineers and naval officers, and convincing arguments against Panama have been made.

COMPARISON OF THE TWO ROUTES.

In his report of the problems relating to interoceanic communication by way of the American Isthmus, made by Lieut. John T. Sullivan, U. S. N., in 1883, in response to a resolution adopted by the Senate of the United States, adopted at a time, I think, when ex-Senator Chandler was Secretary of the Navy, he reports the following disadvantages of the Panama route. This is not what I say, but what a distinguished naval officer reported to our Government:

(1) The prevailing calms of Panama Bay.
(2) Want of materials for the purposes of construction.
(3) The large annual rainfall.
(4) Character of some of the swamp lands on certain portions of the line.
(5) A doubt as to the sufficiency of the water supply at all times.
(6) The unhealthfulness of the country.
(7) Greatly increased cost by the necessity for purchasing at a high figure the right of way from the Panama Railroad Company.

Against these disadvantages are placed the advantages of the Nicaragua Canal, as follows:

(1) It is in a favorable geographical position, being in the region of the trade winds, and is especially favorable to the United States.
(2) A canal constructed here will cost less than half as much as by any other route.
(3) It passes through a country rich in resources and already sufficiently developed to subsist the construction force. * * * There is an abundance of good stone, but it is not suitable for dimension stone. It will answer very well for concrete. There is plenty of limestone, and the kilns now in operation produce an excellent quality of lime suitable for hydraulic works. Bamboo, which would be useful in the works connected with the restoration of Greytown Harbor, can also be obtained in the country.
(4) It offers no engineering difficulties that are not easy of solution at a moderate expense. The difficulties to be encountered are such as are met with and overcome in all engineering works of this kind.
(5) It is a fresh-water canal, and will perform an important office in cleaning the bottoms and boilers of vessels passing through the canal.
(6) It offers splendid facilities for dockage and repairs on Lake Nicaragua, and it is not improbable that Patterson's grand scheme of establishing a distributing center for the commerce of the world may find its realization on the shores of Lake Nicaragua.
(7) All materials needed for the construction of the canal are close at hand.
(8) All plant can be conveyed by water communication already established and for which no royalty is to be paid. Between the lake and the Pacific several passable roads exist, and whatever other roads might be required over this short distance can be readily made at inconsiderable cost.
(9) The mean annual rainfall is comparatively small.
(10) The important physical feature of the route is the existence of Lake Nicaragua. It is not only capable of supplying twenty times the volume of water which the commerce of the world would require in the lockage of vessels, but receiving the drainage of 10,000 square miles of country, distributes the flood waters of that area over its superficies of 2,800 square miles, and thus relieves the San Juan Valley from extensive floods.

THE PANAMA ROUTE CAN NOT BE USED BY SAILING VESSELS.

These are some of the economic advantages of the Nicaragua Canal, as set forth by an impartial officer of the United States

Navy. From a strictly maritime point of view, the advantages of Nicaragua are made equally plain.

Lieut. Frederick Collins, U. S. N., made, in 1880, before the Select Committee of the House of Representatives on the Oceanic Canal, the following statement relative to the winds and their relation to sailing vessels to and from the termini of the proposed Nicaragua and Panama canals:

No less person than Lieutenant Maury, "the father of the Physical Geography of the Sea," is said to have proclaimed that even if the Isthmus of Panama were to be divided by a convulsion of nature, it could never become a highway for sailing vessels on account of these unfavorable winds, calms, and currents.

It is certainly true that the prevailing meteorological conditions and oceanic currents in the vicinity of the west coast of the Isthmus of Panama are exceedingly unfavorable for either the approach or departure of sailing vessels.

In 1872 I had occasion, under directions from the Bureau of Navigation, to make a close examination of this subject, the results of which were published in Commander Selfridge's report of his surveys on the Isthmus. As a result of these investigations I was led to conclude that, comparatively speaking, no great difficulty need be experienced in getting from the vicinity of the Bay of Panama to a place where good winds might be found. A considerable detour from the most direct route would be necessary in most cases, it is true, but a careful computation gave only ten days as the average time that would be consumed in getting a sufficient offing to secure good winds, provided the correct route was pursued.

Now, ten days can hardly be considered a sufficiently formidable loss of time to preclude the use of the Isthmus route by sailing vessels, were it open. Indeed, in comparison of the time that would be saved on most voyages, ten days are a bagatelle. But if ten days can be saved by one Isthmus route that must be lost by another, then it becomes a matter of vital interest. And if in the comparison of two routes it can be demonstrated that one of them will bring our east and west coasts nearer by ten days than another, it appears to me that this fact alone would be sufficient to decide us in our choice.

I propose now to demonstrate beyond the possibility of denial, by a consideration of the winds and currents of the Pacific Ocean, that the Nicaragua route will give even a greater gain than that as compared with Panama or any route south of Panama on a voyage from New York or New Orleans to San Francisco.

LIEUTENANT MAURY'S SAILING DIRECTIONS.

Lieutenant Maury made an extensive examination of the subject and found that, in leaving the Bay of Panama for the North Pacific coast, a sailing ship must either proceed directly west, if the most favorable wind is found, but usually must shape her course south and make her westing south of the equator. In his sailing directions he says:

If he can get west here with a good breeze, he should crack on, and when his good wind fails him steer south again. * * * Therefore, in coming out of the Bay of Panama, and after crossing 5° north in any season, make a southwest course if the wind will allow. If the wind be southwest, brace up on the starboard tack; if it be south-southwest, stand west if it be a good working breeze. But if it be light and baffling, with rain, know that you are in the doldrums, and the quickest way to get clear of them is by making all you can on a due south course.

DIFFERENCE IN TIME IN FAVOR OF NICARAGUA.

Lieutenant Collins then explained to the committee the courses that must be taken by sailing vessels from the western termini of the Panama and Nicaragua canals to reach San Francisco. Comparing the distances and times, the result as given by him is as follows:

	Miles.	Days.
Panama to San Francisco	5,350	37
Nicaragua to San Francisco	3,240	23
Difference in favor of Nicaragua	2,110	14

On the return the difference in favor of Nicaragua is not so marked, but varies from five to six days. Lieutenant Collins then says:

The foregoing figures speak for themselves. They show that a canal at Nicaragua will bring New York or New Orleans nearer to San Francisco by nineteen days than will a canal at Panama or any of the proposed routes south of Panama. What other argument can be necessary to show the direction in which American interest lies?

A comparison of routes to other ports of the Pacific, while perhaps of less importance, is so interesting that I will ask your patience while I state briefly the results, without going into details.

To China, Manila, or Japan the difference in favor of the route from Nicaragua over that from Panama is 800 miles and five to six days.

To the Sandwich Islands the difference in favor of Nicaragua is 1,100 miles and seven to eight days.

To India, Batavia, Australia, and New Zealand the difference in favor of Nicaragua is 400 miles and two to three days.

Returning from China, Manila, Japan, or the Sandwich Islands the difference in favor of Nicaragua is 600 miles and four to five days.

Coming, now, to a comparison of routes to ports on the west coast of South America, we might naturally suppose that here the Nicaraguan route would be at a marked disadvantage as compared with Panama; but, curiously enough, such is not the case. A comparison shows that even to Valparaiso or Callao there is a difference of 200 miles and one to two days in favor of the route from Nicaragua over that from Panama. On the return from these places we find the sole instance in which the route to or from Nicaragua appears at a disadvantage, the difference being about 500 miles and four days, this time in favor of Panama.

All the foregoing distances are given in nautical miles, which contain 6,080 feet each, while the ordinary or statute mile contains but 5,280.

The foregoing results have reference to sailing ships, and the saving for steamers will not be nearly as large, amounting, in fact, only to the direct distance between the two Pacific termini. This is about 650 miles, and as it would be gained both ways, it would amount in the round trip to San Francisco to a saving of 1,300 miles, which in a 10-knot steamer would be a matter of five days.

AN EMPHATIC STATEMENT.

In a letter to Captain Pim, royal navy, Lieutenant Maury has this to say as to the comparative merits of the Panama and Nicaragua canals, still quoting Lieutenant Collins:

"The great importance of one or more good commercial highways across Central America being admitted, the whole question of route resolves itself pretty much into a question of cost of construction and facility of ingress and egress by sea to and from the opposite termini; the latter is an affair of winds and currents, and their influence is powerful. Panama has the advantage of land transit; Nicaragua has the advantage in winds, terminal ports, and climate. The first is obvious, but to place the latter in a clear light some little explanation is necessary. * * * I have spoken of the calm belt about the equator. Panama is within its range. * * * It is difficult to convey to any one who has never experienced these calms an idea of the obstinacy with which they vex navigation. We are all familiar with calms at sea which last for a few hours, or even a day, but here they last for days and weeks at a time. I have known vessels going to or from Panama to be detained by them for months at a time. * * * On one occasion the British Admiralty, wishing to send one of their vessels into the Arctic Ocean from Panama in time to save the season, had her towed by a steamer through this calm belt and carried 700 miles out to sea before she could find a breeze.

"These remarks apply to the approach and departure by sea to or from the Pacific terminus of any route across the Isthmus of Panama or Darien, and even with greater force to the Atrato and others on the South American side of Panama. In short, the result of my investigations into the winds and currents of the sea, and their influence upon the routes of commerce, authorize the opinion which I have expressed before and which I repeat, namely: If nature, by one of her convulsions, should rend the Continent of America in twain and make a channel across the Isthmus of Panama or Darien as deep, as wide, and as free as the Straits of Dover, it would never become a commercial thoroughfare for sailing vessels, saving the outward bound and those that could reach it with leading winds. * * *

"We come now to the Nicaragua routes. * * * It is to this part of the Isthmus that we must look for a route that shall best fulfill the present requirements of commerce. * * * Vessels under canvass would in the main do the fetching and carrying for the Nicaragua route, which for reasons already stated they can not do for Panama. The aggregate amount of this trade is immense, and it is neither accommodated for Panama nor Panama for it. * * * You will observe at a glance that the Isthmus of Panama or Darien is, on account of these winds and calms, in a purely commercial point of view, the most out-of-the-way place of any part of the Pacific coast of intertropical America."

"The foregoing quotations from this eminent authority," says Lieutenant Collins, "certainly substantiate fully the deductions that I have already drawn from my own investigations. Better than that, they prove that my prejudice in favor of Nicaragua, if I have any, has not led me to overstate the case in its favor, but that, on the contrary, in my desire to keep within indisputably safe bounds I have greatly understated it."

WHY SAILING VESSELS DO NOT USE THE SUEZ CANAL.

It has been claimed by some critics that sailing tonnage would not figure appreciably in the traffic of an isthmian canal, and that in consequence the matter of winds may be disregarded in selecting the best location. This assertion is based, in the first place, on the fact that no sailing vessels, practically, have used the Suez Canal. If they will not use the canal at Suez, it is urged, they will not use an isthmian. It is a fact that no sailing vessels have passed through the Suez Canal since 1874, except during the time of the Turko-Russian war, in 1877–78, when a few sailing ships came through from Calcutta with Indian troops. But it appears from the report of United States Consul-General Long at Cairo that there is a very good reason why sailing vessels will not use the Suez Canal. He says:

The absence of sailing vessels in the canal is explained by the difficulties of navigation in the Red Sea. The extraordinary number of sailing vessels lost in the Red Sea (which is full of dangerous reefs and shoals) during the years 1872-73 seems to have effectually discouraged further attempts.

Thus it is evident that dangers to navigation in the Red Sea prevent sailing ships from using the short cut to the Orient, and not any disadvantages presented by the canal itself. Were it not for the difficulties of approach to and departure from the canal, it would be used as universally as it is by steam vessels.

So it would be in the case of a canal at Panama. The difficulties and dangers that would be experienced by sailing ships in the Gulf of Panama would prevent them from ever using a canal through the Isthmus at that point. So this class of tonnage would have to be eliminated from the consideration of the earnings of the enterprise. And that the loss in earnings would be very great there can be no doubt, when we consider how great a proportion of the trade of the Pacific to and from the Atlantic States and Europe is now carried in sailing ships. For the port of San Francisco alone the arrivals and departures of ocean-going sailing vessels equal or exceed those of steam vessels in the same trade.

SAILING TONNAGE OF SAN FRANCISCO.

In 1898 there were 494 arrivals of sailing ships, aggregating 530,092 tons, against 330 steam vessels, aggregating 592,865 tons; while the clearances were 419 sailing vessels, of 464,153 tons, against 331 steam vessels, aggregating 567,547 tons. In previous years the proportion of sailing vessels and tonnage is the same or greater, so that it is safe to say that for this port (and the same can be asserted for the other Pacific ports of the United States) the sailing tonnage in foreign trade equals the steam tonnage. In the grain-carrying trade of this port alone over 200 sailing vessels are employed each year, and there is no likelihood that the number will be diminished, for the sailing vessel is the most economical carrier of this kind of freight. And as wheat is carried from the Pacific coast almost exclusively to Europe, it will

be at once seen that a canal at Panama would prevent its use to fully 500,000 tons of shipping in the wheat trade alone, which would only too readidly take the short cut through a canal at Nicaragua. Taking account of other than the grain trade, it is probable that the selection of the Panama route would prevent fully 1,000,000 tons of sailing ships from using the isthmian canal. Not only would the canal lose yearly a very large amount in tolls, but a very considerable commerce of the world would not be benefited by the canal. Its object would be only half accomplished.

When the great resources of our Pacific States, from Mexico to Alaska, are more fully developed; when, as in the case of California, instead of nine persons to the square mile, as we have now, the number shall have increased, as it will increase in the next decade, to twenty or thirty persons to the square mile, our products for export will double or quadruple in value, and so in that proportion will the demand for vessels to transport our surplus to foreign countries be increased.

WHY THE SAILING VESSEL WILL STAY.

But it is sometimes argued, and it has been so argued upon this floor again and again, that the sailing ship is going out of use, and so need not be given much consideration. But those who are interested in maritime affairs know that the day of the sailing vessel is not yet closed, and will not be while the free winds from heaven blow to fill her sails. The ports of the world, especially those of the Pacific, are filled with the tall masts of sailing fleets. There are trades and routes from which they can not be driven, and new designs, and such class of ships, barks, and five and six masted schooners, are contributing to the maintenance of the sailing tonnage of the world. By means of these new designs the cost of operation is being constantly reduced and an element of economy introduced into the ocean carrying trade. With a canal through Nicaragua which could be used by such vessels, an impetus would be given to this class of ocean carriers, especially to those engaged in trade between the Atlantic and Pacific coasts of North, South, and Central America. The result would be a lower average of ocean freight rates than would be the case were the Panama Canal built, excluding from this trade vessels moved by wind power, the very cheapest motive power known in the world. Commerce, therefore, would be benefited more by the Nicaragua than by the Panama route.

GREAT LOSS IF SAILING VESSELS CAN NOT USE THE CANAL.

Prof. Lewis Haupt, a member of the Isthmian Canal Commission, is distinctly and emphatically of the opinion above set forth. Professor Haupt not only gave this phase of the question particular attention as his part of the work of the Commission, but came to it with the great advantage of having served on two previous commissions which studied the problems involved in an isthmian canal. He has been over both routes. Although he signed the report of the Isthmian Canal Commission which gave a verdict in favor of Panama, he did so for these reasons, as stated to the Senate Committee:

> I beg leave to say that while conceding to the wishes of the majority and signing a report in order to make it unanimous, and so, if possible, to secure legislation at this session, I still feel and did then that there were certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route which gave it a decided preference over the Panama route.
>
> In this, of course, I do not consider the cost of the concessions, nor especially the cost of constructing the canal, but I think the others are of so preponderating weight as to overbalance any difference in the latter two items. The economic advantage is, a priori, the most important factor in the operation and utility of an interoceanic waterway, and that is briefly summed up in the report of the Commission by the statement that the Nicaragua Canal possesses an advantage between home ports of one day for all north-bound commerce—that is, whether it be of European or American origin, or whether it has its destination in the Orient or North Pacific ports—and for all Gulf ports it would save about two days.
>
> I have made an estimate of that saving, based upon the average cost of moving vessels of about 3,000 tons capacity, which I have figured at about $250 a day. Some of these vessels have cost as high as $1,000 a day to operate and maintain, and some of them as low as $100 a day; but taking it at that average and estimating on a basis of 10,000,000 tons, of which, say, 75 per cent is north bound, the economy on that basis would amount to about $950,000 a year on steam alone. But as a large percentage would be carried by sail if this route be opened, the economy would probably be 50 per cent more, or about $1,000,000.

PANAMA AWAY FROM THE PATH OF COMMERCE.

Professor Haupt further testified that the Panama route is directly away from the path of commerce, or nearly at right angles to it, so that every mile of the canal is a detour from the direct line of traffic, which is—

> a violation of a sound engineering and economic principle, while every mile of the Nicaragua route is in the line of or is near the line of traffic as it is possible to place it. So that the difference in the length of the route which is urged as an objection to the Nicaragua route is in reality no objection whatever.

The only fault that I find with Professor Haupt is that he signed the majority report of the Isthmian Canal Commission. If I had a conviction, as I have, that the Nicaragua Canal route is the best and the most economical route I would do just what I am doing to-day. I would give the best reasons I could why we should adopt it. I would be consistent, as I was when I first espoused it twenty or thirty years ago, when I was president of the Chamber of Commerce of San Francisco. My course would be northeast until I was satisfied that some other course was the proper one to steer. I think the Professor has permitted the opportunity for a good bargain to influence him, if I may say so. He is like Mrs. Toodles, who could not go into a store without buying something if it was cheap. So I think the Professor was fascinated with the apparently cheap price at which the Panama Canal, which had cost so much money, although the work which had been done is of no practical value, could be purchased. He thought it was a great bargain, and so he permitted his convictions that the Nicaragua route was the best to be influenced by the chance of a good bargain, and he joined with the majority of the Commission in recommending its purchase because it had cost so much and we could get it so cheaply.

Mr. FAIRBANKS. If the Senator will permit me, does he think that the testimony of a man who holds such unstable opinions would be of any value upon this subject?

Mr. STEWART. I should like to inquire, if that be so, why spend so much money on such a project as that of the Panama Canal?

Mr. FAIRBANKS. We are not proposing to spend this money upon his present opinion.

TONNAGE EQUALLY DIVIDED BETWEEN SAIL AND STEAM.

Mr. PERKINS. In answer to my friend from Indiana, I would say if nature has not given us in the Nicaragua route all these great advantages, why is it that my friend from Indiana and so many of his associates try to raise so many objections against it and urge us to buy the Panama Canal route, a scheme which was conceived in iniquity? As to the work that has been done there, it is of no practical benefit whatever, so far as the construction of a canal is concerned. I will show later on, I think, if figures amount to anything, that it is an impracticable thing to build a dam there. We can damn the proposition, but whether we can dam the Chagres successfully and have a lake that will remain there during the dry season and will not wash away in the wet season is a question.

As to the total tonnage of the United States, Professor Haupt states that it is about equally divided between sail and steam, so that to benefit ocean commerce to the greatest extent the canal must be suited to the use of both kinds of ocean transportation. He confirms the opinion given above that the sailing ship will hold its own because of the greater economy in operating them, and instances as proof of this the rapid increase of large six and seven masted vessels of schooner rig.

I want to say to my distinguished friend from Indiana that to a layman—and I only speak from a layman's standpoint—his conclusions remind me very much of decisions I have heard rendered in courts. The judges reasoned splendidly; their arguments were all on my side of the case, but when they drew their conclusions they decided against me. Their arguments were good, but they decided differently from the way they reasoned. So it seems to me with Professor Haupt in this case. He reasons splendidly for the Nicaragua route, but he signs, with the majority of the Commission, on the other side.

THE ROUTE OF A SAILING VESSEL FROM PANAMA.

The Atlantic Refining Company, of Philadelphia, proposes to carry its oil in sailing vessels. Coal and all cheap material needed in manufactures are carried in this way, and will doubtless always be. For all of this traffic the Panama Canal would be prohibitory, for the reasons before set forth. In discussing this phase of the question Professor Haupt called attention to the fact that a sailing vessel going out of Panama Bay in order to make the best time to San Francisco would have to sail south to or near the Gallapagos Islands, on the equator, then west 1,500 miles in order to take advantage of winds and currents.

I want to say to my friend from Indiana that I have been becalmed in the doldrums about 5° south of the equator for six weeks, when there was not wind enough there to fill the sails, and we brailed them up in their gaskets to the mast. For six weeks we remained there in the doldrums, as I have said, with hardly a breath of air, certainly with not enough wind to create what we call a cat's-paw, with the water as smooth as glass.

It has been stated to me by residents of Panama—

Professor Haupt testified, confirmed by the consular reports, in which it is printed—

> that vessels have been longer in getting out of the bay and reaching their port of destination—Valparaiso or San Francisco—than the time required to sail from New York via Cape Horn.

He said the usual time is two or three weeks getting out of the bay, and he related an experience of the captain of the Pacific Mail steamer *Golden Eagle*, who, on leaving Panama, passed a sailing vessel 40 miles from that port, bound in, and after making the round trip to San Francisco and back, found the same vessel, on his return, still 10 miles from Panama, and still bound in.

HUNDREDS OF MILES OF TOWING PROPOSED.

Towing would not bring with it any advantage, for even to tow a sailing vessel outside of Panama Bay would require twice the towage needed through the Nicaragua Canal, and then she would not be in a position to catch favoring tides and currents. If such vessel were towed 130 or 150 miles from Panama, making the length of towage equal to that through the Nicaragua Canal, it was asked by Senator HARRIS if this extra towing would not be sufficient to get the vessel out to sea, to which Professor Haupt replied:

That is true in part, and yet when the vessel gets 130 to 150 miles out she has not got as good winds or as favorable currents as if she were at Brito, some 300 or 400 miles farther, because all the time that she is being towed she is moving southwardly or away from the line of her traffic and must sail back if northbound. The geographic position is such that it is a detour which ought to be avoided, and this is possible by the other route. I think that covers the question raised by Senator HARRIS as to the physical conditions with this closing remark, that inasmuch as we are building a canal for all classes of vessels, that the factor of using sail ought to be very carefully considered, and in that respect I believe firmly that the Nicaragua Canal is greatly preferable to one at Panama.

Under such conditions of navigation, it can readily be seen by those least experienced in nautical affairs that no sailing ship would venture the passage by the Panama Canal. The Bay of Panama would kill this traffic for the canal as surely as the Red Sea has killed it for the canal at Suez. I submit that there is no economic consideration which has been or can be raised in connection with the choice of routes for an isthmian canal which would justify the Congress of the United States in deliberately choosing a route which would drive from it nearly one-half of the traffic which is waiting to take advantage of a canal, and which could and would use the alternative route.

THE ENGINEERING PROBLEM.

Considering the two canal routes from the point of view of the engineering problems presented and the manner in which it is proposed to solve them, the conclusion is inevitable that the Nicaragua route should be selected by the United States. Where grave doubt exists as to the efficacy of the plans adopted for one route, while there is acknowledged to be absolute certainty in the case of the other, there can, it seems to me, be no hesitation in choosing the route from which the element of doubt is eliminated.

It is acknowledged that the Bohio Dam is the vital point of the Panama Canal. It is absolutely necessary in order to obtain a supply of water for navigation. It therefore should be constructed in such a manner as to render it safe beyond the shadow of a doubt, and to do this considerations of economy should not be too closely regarded. It is evident that in the case of the Conchuda Dam of the Nicaragua route the Commission has not done so. The dam there proposed is built of stone on a rock foundation and firmly anchored by running it 200 feet or more into the hills on each side. The site selected by the Nicaragua Canal Commissioners at Boca San Carlos was condemned by the Isthmian Commission for the reason that at that site the greatest depth of rock upon which the dam foundation must be laid was 120 feet. At the Conchuda Dam the greatest depth is 82 feet. "This question of depth of foundation," says the Isthmian Commission, "is very important, because the foundations will probably have to be placed by the pneumatic process, and the depth (82 feet) is well within that at which the foundations of many bridge piers have been built by the same method." I think that this dam, constructed as planned by the Isthmian Commission, will be exposed to no danger of injury from any cause; but I do not think the Bohio Dam can be so considered.

THE BOHIO DAM.

In the first place, the Commission says that "for reasons of economy" an earth dam has been selected for Bohio. As it is even more vitally necessary to Panama than the Conchuda Dam is to Nicaragua, from the fact that it collects the necessary water, while the Conchuda Dam simply regulates an already inexhaustible supply, it is hard to see why economy should be exercised in its case and not in the other, unless for the purpose of making a favorable showing for the Panama route. The Bohio Dam is twice as long as that at Nicaragua and 85 per cent higher, making its vertical section 3.70 times as large. If the Panama Dam were constructed of the same material as that at Nicaragua, it would cost $15,000,000, even if the dam itself were no thicker. Being higher and longer, safety would demand thicker masonry, and its cost would thereby be increased. If it were made only 20 per cent thicker, the total cost would be $18,000,000, which would wipe out the difference in cost in favor of the Panama route and make the cost of the Nicaragua Canal less than that of Panama by a round $6,000,000.

But an earth dam having been determined upon, let us see whether it is as satisfactory as its importance in connection with the canal demands.

The Technical Commission, which made exhaustive studies of the problem for the New Panama Canal Company, and the International Commission, composed of 14 engineers of world-wide reputation from France, Germany, England, Russia, Colombia, and the United States, agreed upon a plan for the formation of a lake at Bohio. This lake was to be made by the construction of an earthen dam 1,286 feet long and a maximum height above the surface of the river of 67 feet, impounding a lake of 21½ square miles. The extreme height from the bottom of the foundation was fixed at 93½ feet. In this plan it was proposed to have a second dam at a higher level at Alhajuela, to serve as a first regulator of the Chagres floods, and to prevent them from entering Bohio Lake furiously, as the "total volume of the freshets would certainly produce currents detrimental and dangerous to navigation."

WHAT EMINENT ENGINEERS THINK.

The omission of the dam at Alhajuela would necessitate the—

increase of several meters more in height [of the Bohio Dam], a scheme unanimously looked upon as overbold.

Again, in another part of the report, the commissioners state that—

this solution [of a second dam] is the only one meeting the conditions for regulating the freshets without giving the Bohio Dam such proportions as are considered too bold.

And again:

Considering the importance of that structure in relation to the safety of the canal itself, it was deemed that here, more than anywhere else, it was necessary to be very cautious, and consequently the maximum elevation of 20 meters (65.5 feet) was fixed upon as that of the level of the lake to be formed by the building of the Bohio Dam. * * * Such is the result to which we are led in considering direct feeding through the Chagres if we do not wish, in determining the proportions to be given to the main structure of that plan, to deviate from the prudent rules which the commission consider as absolute.

In the light of this report of 14 of the most eminent engineers of Europe and America, can not the plan of the United States Isthmian Canal Commission be considered too bold? Is there not room to question the soundness of their decision and an opportunity given for the entrance of doubt as to the stability of the dam proposed by it at Bohio, and its efficacy at all times should it stand?

THE BOHIO DAM TOO BOLD A SCHEME.

In the first place, the United States Commission has increased the length of the dam from 1,286 feet to 2,546 feet, has raised its crest from 67 feet to 100 feet, and its total height from the bottom of the foundation from 93½ feet to 228 feet, while the pressure of water against it is raised from about 65 feet to 92 feet. Here is a structure which indeed the commission of engineers would undoubtedly condemn as far "too bold." Not only is the limit of perfect safety in height above river level, as established by them, exceeded by 49 per cent and the depth of water by 37 per cent, but the length of dam is doubled, making the pressure of water against it 2.74 times as great. And to retain this great lake an earthen dam is proposed of proportions which eminent engineers condemn as "too bold," while at Conchuda a solid stone dam, firmly anchored in abutting hills, is required to hold in check simply a pool less than a third as wide and not so deep. Besides this, in the case of the Bohio Dam 310 feet of the core must be laid by the pneumatic process at a depth of 128 feet below the sea level, a depth not hitherto attempted, I am informed. There is thus a doubt as to the ability to lay at this depth a structure of such a character as to meet all the requirements of the case.

And more than this. It is very doubtful whether the Bohio Dam, as planned by the Isthmian Commission, will, even if satisfactory as to strength and durability, accomplished what is expected of it. It will be remembered that the commission of engineers made a second dam at Alhajuela a necessary part of the plan of a lake at Bohio. In this, says the commission—

would be stored the volume of water necessary for the water supply and operations of the canal during periods of deficiency in the natural output of the Chagres, and that portion of the excess of the freshets which must be retained in order to restrict the oscillations of Bohio Lake to its strictly necessary limit, and thus avoid too great fluctuations of its surface.

A SECOND RESERVOIR NECESSARY.

The United States Isthmian Canal Commission, while omitting the second reservoir from its plan, has in view its contingency, and acknowledges that it will be necessary when the traffic of the canal exceeds 10,000,000 tons per year. Even our own Commission, therefore, states that at some time this second big dam must be built at Alhajuela, while the European and American experts contend that it must be constructed at the same time as the Bohio Dam, in order to insure unimpeded navigation of the canal. That it must be built, therefore, is certain, the only question being that of date. Its cost, in consequence, must be taken into account in estimating the total cost of the canal to the United States. No estimate is given by the Isthmian Commission, but as that body advises a stone dam it is probable that its cost will be at least that of the structure at Conchuda, or over $4,000,000. By that sum, then, must the cost of the canal to the United States be increased, and still further augmented by the cost of a railroad to the site of the dam, which, at $75,000 per mile, would cost $750,000, or a total of $5,000,000 for the additional water supply

Added to this must be the cost of additional lands required for the Bohio Dam and spillway, which the Isthmian Commission in its report of January 18 says are necessary. The estimated cost of these lands is not given, but will of necessity be considerable and must be added to the cost of the Panama Canal as given by the Commission.

Mr. President, I might go on and give my own views and experience in the construction of dams for the storage of waters, for I have had some very considerable experience in that line, but I deem it much better to offer the testimony of these experts, who have given this subject-matter their personal and careful consideration, than to criticise their mode of constructing a dam and discuss the probability of its being able to withstand the great freshets and the great fall of water from the heavens in that country.

MEMBERS OF THE COMMISSION UNCERTAIN AS TO THE FEASIBILITY OF THE BOHIO DAM.

The opinion as to the uncertainty attending the construction of the Bohio Dam is borne out by the testimony of the members of the Isthmian Canal Commission before the Senate Committee on Interoceanic Canals. Admiral Walker gave evidence that everything, so far as a canal is concerned, depends on the stability and efficiency of that dam. Here is an extract from the testimony on that point:

Senator HARRIS. Mr. Morison not only objects to the cost, but he has some apprehension with regard to the construction of the dam [at Bohio]. He says it involves "novel and untried features. Few engineers even among those who feel that they could construct it would be ready to say in advance how the work would be done. The difficulties taken in connection with the climate and other surroundings are enormous."

Admiral WALKER. Yes; it will be a difficult work.

Senator HARRIS. He also speaks in another place in this article of the extreme difficulty of getting the work of the caissons at the bottom and making the foundation water-tight. In fact, he says here, "The design involves the extension of pneumatic work to unprecedented depths, involving special details in making the joints between the caissons," and it is owing to his doubt, apparently, of the success of the work that he strongly recommends the other plan.

Admiral WALKER. I think he agreed that the work could be done, but he thought there would be a large saving of money in building a different style of dam, and that the style of dam which he advocated would be a sufficiently good one. It was a question of seepage—of how much water would go under the earth dam which was proposed by the French engineers and that which is proposed by Mr. Morrison, whether enough would go under to make it dangerous.

Senator HARRIS. The fact is with regard to the Bohio dam that the future of that is just as much an unknown quantity as the future of the dam at Conchuda?

Admiral WALKER. I should say it was more of an uncertain feature. It is a greater work and a more difficult work to build. The Conchuda dam I look upon as practically settled.

Senator HARRIS. So that we know no more about the possibilities and contingencies at Bohio than we do at Conchuda; in fact, less?

Admiral WALKER. We know less about the contingencies at Bohio, but that is the only point in the whole line about which we are at all uncertain.

Senator HARRIS. But that is the vital point.

Admiral WALKER. That is the vital point. Yes, it is vital to the canal, because the safety of the canal depends on the integrity of the dam in both cases. * * * I know of nothing along the Panama line which is not well within engineering precedents with the exception of the dam at Bohio, which is a very large work and would have to be carefully considered.

THE CONCHUDA DAM IS SAFE AND PRACTICABLE.

From this evidence before the committee it thus appears that Admiral Walker considers the Conchuda Dam, on the Nicaragua route, as practically settled. No question regarding its safety or efficacy can be raised. But it is wholly different in the case of the one vital point on the Panama route—the Bohio Dam. Engineer Morrison, a member of the Commission, intimates that few engineers feel that they could construct it, but that if undertaken the difficulties would be enormous. As an alternative he proposed a dam of a type which the Commission regarded unsafe. So these two advocates of the Panama route can not agree on a practicable and safe dam for that route.

And here another member of the Commission testified as to the difficulties if not impracticability of the Bohio Dam. Professor Haupt, before the Senate committee, emphasized the importance of this dam to the canal, stating that the integrity of the entire line depends on the ability to build and maintain it. But he had grave doubts as to the possibility of doing so, pointing out the fact that the experience in sinking caissons in bridge work 110 feet, which it is claimed has been done, gave no ground for belief that a concrete wall could be laid at a depth of 128 feet. The character of the work to be done is entirely different, as he thus explained before the Senate committee:

CHARACTER OF WORK AT BOHIO.

Mr. HAUPT. A bridge pier is usually composed of only one isolated structure placed upon bed rock or other suitable material, whereas in this case there are a series of those structures which must be placed in juxtaposition, and then the space between them outside of this bell or caisson must be filled in and made impermeable. Otherwise the dam will leak at the bottom under the pressure, and that is the serious part of this question.

These caissons are supposed to be placed as nearly contiguous as possible, and then the spaces between them are filled in by "fillers," or what might be called dowels, set in grooves between the caissons. If the grooves do not come exactly opposite, there is difficulty in getting those spaces closed, and the whole space between the ends of the abutting caissons must be filled thoroughly with concrete or impermeable material, although concrete is not entirely impermeable. * * *

In the drawings shown for the Bohio Dam, in studying it critically recently, I noticed the caissons are not shown as going entirely to rock through their whole base, but one edge of them only rests upon the rock and the other edge on sand.

Senator HAWLEY. When you speak of rock do you mean granite?

Mr. HAUPT. It is the kind of rock met at that particular place; the borings show hard rock. I do not remember the character of it. It may be a hard limestone. The caissons must be sunk farther really than the depth to the surface of the rock, because if one edge touches on the edge of a sloping rock that must be excavated and the whole bed be leveled off for the entire length of each of the caissons.

Senator HARRIS. Do you mean to say that the Commission did not provide for an excavation to level bearings of each caisson?

Mr. HAUPT. That is what the drawings show. I was surprised to find it so. In the case of the Panama Dam it is not, as it is in this case at Nicaragua, where the caissons are shown as penetrating the line of rock throughout their whole lengths; but at Bohio the print shows that the bottom line is half in rock and half in earth. Of course that would be a failure, and it is probably an oversight on the part of the draftsmen which has escaped the criticism of the committee having it in charge. I presume, however, that the estimates are based upon the sinking of those caissons into the rock and the leveling off of the bed for a bearing.

Senator FOSTER. Are there any such unknown or uncertain elements entering into the construction of the Nicaragua route?

Mr. HAUPT. No; there are not.

Senator HARRIS. There really is no point along the entire Nicaragua route—no question which is not well within the limitation of ordinary, you may say, engineering experience?

Mr. HAUPT. That is correct; yes, sir. There are three possible dam sites, either of which would be better than that one, on the Nicaragua route. Each dam site is better than that. The San Carlos dam site is better, and so is that at Ochoa; so is the present Conchuda, and it is possible by further boring that we may find a still better site.

INSUFFICIENT DATA AT BOHIO.

Professor Haupt read to the committee the final report of the Commission, a description of the borings made at Bohio, which shows that sufficient data was not secured as to the physical conditions of the foundation on which the dam must rest, lack of which data introduces an element of uncertainty that, added to the defective structure of the core-wall foundation, will condemn the Commission's plan in the eyes of any impartial engineer.

It is essential—

Says Professor Haupt—

that the gorge be absolutely sealed by this core wall, and that involves the fundamental idea that the foundations shall be so placed on solid rock as to prevent seepage.

This fundamental idea has been carried out at Conchuda, but not at Bohio.

Mr. Morison, in his testimony before the Senate committee, acknowledged that there were uncertainties in regard to the practicability of the Bohio Dam as planned by the Commission.

If—

He said—

you come right to the facts, I do not consider that the solution of the dam given by the Commission was the wisest one.

NEW AND UNTRIED PROBLEMS.

Colonel Hains, in his testimony, speaking of the Bohio Dam, in answer to the question whether he thought the dam as planned by the Commission a safe one, said:

I do not think that the question of the best type of dam for that place has been definitely settled. * * * You see these borings came in very late, and we got up that plan for that dam; but before any dam is built down there I suppose the engineer that undertakes it would want to take a thousand more borings.

Senator HARRIS. I have one more general question that I wish to ask you. Is there any engineering work on the Nicaragua line that is not easily within the limits of present engineering experience and knowledge?

Colonel HAINS. On the Nicaragua?

Senator HARRIS. Yes.

Colonel HAINS. I think not.

Senator HARRIS. There is no work there, either in the way of dams or locks or cuts, that involves any new and untried problems?

Colonel HAINS. No, sir.

Senator KITTREDGE. Is there on the Panama?

Colonel HAINS. I don't think there is in Panama unless it is this dam.

Senator HARRIS. Well, I thought we had discussed that, and I will put the additional question and refer to what Mr. Morison says. Mr. Morison thought it involved "new and untried problems," the construction at this dam.

Colonel HAINS. Yes.

Senator HARRIS. And you agree with that?

Colonel HAINS. Yes; I agree with that.

Colonel Ernst, in his testimony, said that the Conchuda Dam as planned by the Commission "is a much easier dam to build and a better dam than the Bohio Dam."

General Abbott testified that the plan of the Commission for the Bohio Dam "approaches the limits of uncertainty."

Whatever more evidence there may be as to the uncertainty surrounding the practicability of the Bohio Dam as planned by the Commission, it seems to me that sufficient evidence has been adduced from members of the Commission itself to render it certain that the Congress of the United States should not adopt the Commission's recommendation. On the other hand, there can be found, I think, no word of criticism of the plan proposed for the Conchuda Dam. It is practicable and safe, presenting no engineering work that is not within the experience of engineers. With this evidence before the Senate I do not see how it can select the Panama route. Common prudence will forbid it from investing nearly $200,000,000 of the people's money in an undertaking

where the vital part of the work presents so much uncertainty and fails even to inspire confidence in those who planned it.

STEAMSHIPS CAN GO THROUGH THE NICARAGUA CANAL UNDER THEIR OWN STEAM.

An effort has been made to show that the Nicaragua Canal as planned would be less available for shipping than that at Panama on account of more curves and sharper curvatures. But Admiral Walker, when questioned by the Senate committee, testified that there would be no difference between the routes in this respect. Vessels can pass through both canals without difficulty, as appears from the following testimony:

Senator HANNA. Do you think that any large ship—the maximum-sized ship—operating in this canal could go around these bends without the aid of a tug? I mean steamship or otherwise.

Admiral WALKER. I think they would go without a tug by both canals.

Senator HANNA. Could they make all the turns?

Admiral WALKER. I think so.

Senator HANNA. Suppose the wind was blowing pretty hard?

Admiral WALKER. If there was a strong breeze, it might occasionally cause some trouble. By the Nicaragua line there would at times be a considerable current from the lake to the Conchuda Dam; with a strong wind blowing and a strong current they might have difficulty without a tug, but under ordinary circumstances I think they would go through without difficulty.

Senator HARRIS. Did not the Commission work out this question of curvature in detail in such a manner as to show clearly that no curvature is estimated in this work which would involve any difficulty in a vessel passing through there?

Admiral WALKER. I think there are no curves that would involve any particular difficulty ordinarily. Of course, with a strong wind blowing or with a strong current, a large ship might get into some trouble.

Senator HARRIS. That might happen anywhere on either route.

Admiral WALKER. Yes; but both routes are practically good enough for steamers to pass through with their own power.

DIFFERENCES OF CURVATURE IN THE CANALS.

Although in the matter of curvatures there is a considerable difference in favor of Panama, this difference is equalized on the Nicaragua route by making the canal wider at the turns. Admiral Walker testified that this widening was made in every case. He also stated that there is one curve on the Panama route that is sharper than any on the Nicaragua route. But as planned, according to the Isthmian Commission, a vessel can go through the Nicaragua Canal as safely and as easily as it can through that at Panama. On this score there can be no choice between the two routes. This is the opinion of the Commission. In this connection it must be remembered that on the Nicaragua route there are only 73.78 miles of canalization against 36.41 at Panama, the rest of the route being slack-water river navigation for 39.37 miles and 70.51 miles of lake navigation. The slack water of the river, whose channel is straightened by cutting through points of land, is really an arm of the lake through which there is discharged 76,000 to 63,000 cubic feet of water per second against an average annual discharge of only 3,200 cubic feet per second for the Panama Canal. With twenty times as much water over the San Juan arm of the lake as is available for the Panama Canal, and with unlimited water in the lake itself, it is easily seen that the navigation of 110 miles of the Nicaragua route will be virtually only a part of the voyage, and that comparison with Panama is possible—only 73.78 miles against 36.41 miles for Panama—considering the 13 miles through Lake Bohio as lake navigation. But, as before stated, the Commission is of the opinion that there is no ground for choice between the two routes on this score.

SOME MISLEADING DATA.

There have been introduced as an argument in favor of the Panama route the replies of navigators to a set of questions purporting to give conditions to be met with in navigating the two canals as planned. When we consider the nature of the data on which the questions were based, not much wonder may be felt at the character of the answers, for the data in the two most important cases were misleading, unintentionally no doubt, but still misleading. These ship captains were asked concerning the difficulties of navigating the Nicaragua Canal, with "over ten curves more than twice as sharp as those on the Panama route." Now, a curve that is twice as sharp as another is one which has only one-half the radius, which is a very serious matter, and it can not occasion surprise if the ship captains chose the ten curves with twice the radius of the short ones. But the fact is that the shortest curves on the Nicaragua route are not by any means twice as sharp as the sharpest on the Panama line, leaving out of consideration the curve from the harbor at Colon, which is by far the sharpest on either line.

Leaving this out of the case, then, the shortest curve on the Panama route is found to be of 6,243 feet radius, while the shortest on the Nicaragua route is 4,045 feet, approximately two-thirds of the radius of the Panama curve. The sharpness of the curves thus stand to each other in the proportion of three-thirds for Panama to two-thirds for Nicaragua, which makes the Nicaragua curve just one-third sharper than the Panama instead of twice as sharp. Thus, the actual curvature being in the proportion of four-sixths instead of three-sixths, the captains were questioned upon the basis of a curvature just 25 per cent sharper than actually exists.

Now, there are nine more curves of under 6,000 feet radius, running from 4,175 to 5,927 feet on the Nicaragua route, all of greater radius than that referred to above, to be compared with this short curve on the Panama route, so that the error of data becomes progressively more flagrant as we proceed through the canal. In fact, the proposition placed before the captains is so widely misleading that the answers that they gave on the comparative difficulties of navigation have no material bearing on the conditions as they will exist when the canal is constructed.

WHY THE EVIDENCE OF CERTAIN NAVIGATORS IS NOT CONCLUSIVE.

On another very important point the data placed before them was equally misleading. Here is the question that was asked them:

Consider both canals open and yourself bound from New York to San Francisco in a sailing ship, using the Nicaragua Canal you would have to be towed through the entire length—187 miles.

Through the Panama Canal you would also be towed 47 miles. By keeping your tug which would take you through the Panama Canal and letting it tow you straight out to sea 140 miles, you are out of the calm belt and have wind, having towed the same distance only as you would to have gotten through the Nicaragua Canal.

In view of all the conditions, winds, curves, calms, etc., governing each route, which canal would you use.

The answers are unanimously for Panama.

But are the conditions fairly stated here? I respectfully submit that the evidence is that when you get 140 miles away from Panama you are no more likely to catch a breeze than you are at Panama itself, where, in the days of the stampede to the California gold diggings, passengers on sailing ships in Panama harbor saw steamers leave on the run to San Francisco and return therefrom before they could find wind enough to start on their journey to the land of gold. Lieutenant Maury states, regarding the calms within whose range Panama lies, that he has known vessels going to or from Panama to be detained by them for months at a time. He says, as previously stated:

On one occasion the British Admiralty, wishing to send one of their vessels into the Arctic Ocean from Panama in time to save the season, had her towed by a steamer through this calm belt and carried 700 miles out to sea before she could find a breeze.

It is evident that the captains, in answering the above questions, assumed when it was erroneously said that they would find "wind" 140 miles out that a fair wind up the coast was meant. This, however, is practically never found. As will be seen from Lieutenant Maury's sailing directions, the only two courses open are to sail south—usually to the equator—about 600 miles, and then work westward for about a thousand more. Under such circumstances it is easy for even a landsman to see that there is no ground whatever to choose the Panama instead of the Nicaragua route, as from Brito a sailing ship is almost sure to at once catch a breeze and bear away on her course. You know, Mr. President, that there the trade winds prevail, and in this longitude, for certain seasons of the year, those winds blow continuously, and the vessel at that point receives the trade winds. The answers of the captains, therefore, to these hypothetical questions must be taken with as many grains of salt as exist in the element on which they make their living.

Mr. HARRIS. Will the Senator from California allow me?

Mr. PERKINS. Certainly.

Mr. HARRIS. I will state that the chart submitted by the Hydrographic Bureau shows clearly the state of facts which the Senator from California suggests, that the hundred and forty miles towage would practically amount to nothing in reaching the trade winds.

Mr. PERKINS. I will say to the Senator that before he came into the Senate I read the sailing directions which were given by Lieutenant Maury, author of the theory of winds and currents of the ocean and a world-wide acknowledged authority upon the subject-matter. I think, as the Senator has stated, there can be no question as to the correctness of the position which he takes.

HEALTHFULNESS OF THE TWO ROUTES.

As to the healthfulness of the two routes there seems to be no room to question the very great superiority of Nicaragua. In its report the Commission did not indicate a preference, contenting itself with calling attention to the fact that during work on the maritime canal in Nicaragua the health of the working force was good, while the mortality at Panama was notorious. Colonel Hains testified that in regard to sanitary conditions the advantages are decidedly in favor of Nicaragua. Mr. Noble also thought that the advantages would be on the side of Nicaragua. Admiral Walker said that people would be more likely to contract sickness on the Panama line because the Isthmus has been a highway for hundreds of years, while on the Nicaragua route there have been practically no inhabitants. The consensus of opinion on this point is clearly and emphatically in favor of Nicaragua, and, as has been testified by engineers, the question of healthfulness of climate has a very important bearing on the cost of the work. There can be no question about the fact that

because of the health conditions the canal at Panama will cost from 25 to 50 per cent more than at Nicaragua.

In respect to military advantages I do not think there can be any question as to the superiority of the Nicaragua route. This is acknowledged by Colonel Hains, who points out the fact that it is the shorter line between the two coasts of the United States.

In industrial and commercial value Colonel Hains is also of the opinion that Nicaragua has the advantage. In this opinion I think everyone will concur, for it is well known that there is an opportunity for development of a large and rich adjacent country, under favorable climatic conditions, whereas the condition of the Isthmus of Panama, after the years during which it has been a highway of travel, is practically no better developed than when it was a possession of Spain.

THE QUESTION OF TIME OF CONSTRUCTION.

Another advantage of the Nicaragua route, as planned, is the time necessary for construction—only eight years against ten for Panama—with the chances in favor of reducing the time on the former route and none on the latter, where the conditions to be met are as fully known as is possible in advance of further actual work. The Commission has figured very closely on Panama, but very liberally on Nicaragua. The chances of a reduction of time for the latter are far greater than for the former. In fact, all the greatest difficulties of the Nicaragua route are known, but it is doubtful if, in spite of all the work done at Panama, all difficulties of that route have been realized. This is a point which has been raised by Mr. Lyman E. Cooley, the eminent engineer who constructed the Chicago drainage canal, and who has personally examined both isthmian routes. He puts the situation very tersely. I consider Mr. Lyman E. Cooley one of the best engineering authorities in this or any other country. The Chicago drainage canal, to my mind, is one of the great achievements of this generation. The work has gone along quietly, with no display, with no talk, and yet the economy with which it has been done and the stability with which the canal has been constructed confer the highest encomiums upon those who have directed its work. Mr. Cooley says:

> And there is another element of doubt also as to whether the Frenchmen have not been up against a real problem as to whether it really was all steal and all incompetence, and whether Americans are at least twice as honest and twice as competent, or three times as honest and three times as competent, or somewhere in that ratio. It depends on where you draw the line as to honesty and competency between Americans and Frenchmen.
>
> If, in the aggregate, an American in honesty and competency be worth six Frenchmen, then the last estimate stands. If he is only worth four, you have got to add 50 per cent [to time and cost].

MORE OF NICARAOUA'S ADVANTAGES.

Another advantage of the Nicaragua route is the greater likelihood that material reductions in cost of construction can be made there than on the Panama route, owing to the extremely liberal estimates which the Commission has made and the greater number of points where in future reduced expenditures may on further examination be found possible.

Still another advantage of the Nicaragua route is the lower lift of the locks, the highest on this route being 37 feet against 45 at Panama, the latter being not only beyond engineering precedents, according to Professor Haupt, but exposed to greater deterioration if constructed. Besides this, two 45-foot locks in a flight, making a practically continuous lift of 90 feet, would be far more liable to injury from earthquakes than the single lower lifts on the Nicaragua route.

The Commission estimates that the cost of maintenance of the Nicaragua Canal will be $1,300,000 per year more than that of Panama. But with this estimate Professor Haupt does not agree. He testified before the Senate committee that the difference would not exceed $900,000. But it is probable that this excess can be materially reduced, as it would undoubtedly be found necessary to add to the expenses incident to the Panama route the interest on an entirely new set of hospital buildings, as it is not probable that competent American physicians and surgeons would consent to place new patients in the existing structures, which are, and for years have been, infected with yellow and pernicious malarial fever. The extravagance of the police department is obvious. This is placed at $508,300 per annum at Nicaragua and $251,000 at Panama, a difference in favor of Panama of $257,200, or more than one-half. All the figures given are increased by a 20 per cent contingency. Adding this to the Nicaragua estimate of $508,300, we have for police at Nicaragua $609,960 annually. In the Philippines each United States soldier (including officers) is estimated to cost $1,500 per annum, and the cost at Nicaragua should be rather smaller than greater. On this cost the Nicaragua route will need 406 police force! An energetic man would guarantee, I think, an efficient service with 75 men—50 on eastern and 25 on western division—in time of peace. In war time an army might be needed to aid at either route.

THE ARGUMENT BASED ON COST OF MAINTENANCE.

This, I think, is a fair sample of, to say the least, the very liberal estimates of the Commission as to the cost of maintenance. That they are liberal, indeed, for the Nicaragua Canal is evident from the letter of Mr. Cooley, which was read here the other day by Senator TURNER. Mr. Cooley states—and the statistics given by him are convincing—that the cost of maintenance would, on a liberal estimate, vary from $1,100,000 to $1,500,000 per year, or less than one-half the Commission's estimates.

But even assuming that the difference in maintenance is $1,300,000 in favor of Panama, should it be considered an argument in favor of that route? I think not, for the reason that from the Panama route are barred all sailing vessels, which could and would use the Nicaragua route. What this means is clearly set forth by Mr. Cooley in his testimony before the Senate committee. He there said:

> We will assume that a vessel can steam 3,000 miles for a dollar a ton. That is about the way of reckoning it when rates are running normally. On long routes it is something better than that. On a sailing route between San Francisco and Liverpool or Portland and Liverpool on wheat it is, say, a third of a mill per ton per mile. If you can save 500 miles, you save a sixth of a dollar on every ton of freight that is going through there. If it is 7,000,000 tons, that is $1,200,000 a year. Now, you have got $10,000,000 capital to your credit on account of saving this 500 miles, and you have got $1,200,000 a year in saving on the total traffic on the cost of running it by the shorter route. This is an offset against the excessive estimates for cost of operation and maintenance.

It is perfectly clear that the extra tonnage gained through sailing vessels would, in tolls, more than make up for the difference in maintenance of the Nicaragua Canal, while the direct gain to commerce would be immense. The low rate by sailing vessel via Nicaragua would develop to an enormous extent the trade in coal, lumber, cotton, iron, and all bulky and cheap commodities, leading, in turn, to the rapid increase in the number of sailing ships. The trade in oil alone, which, as has been pointed out, is being transferred from steamships to sailing vessels, would be a very important feature of the Nicaragua traffic. All the wheat and flour shipments to Europe would go via Nicaragua by sail. In fact, the possibilities of the Nicaragua route and their relation to commerce far outnumber those of a canal by the Panama route, compared with which the less cost of maintenance of the Panama Canal would be a mere bagatelle.

NEARER TO ASIA BY NICARAGUA.

Not the least of the benefits which the Nicaragua route would confer upon Atlantic coast commerce would be the fact that it would place our Atlantic ports from 377 to 579 miles farther within the Asiatic zone of competition with Europe than would the Panama route. In the sharp competition which we shall have from Europe in Asiatic markets this 500 miles more or less is important. How important may be realized from the fact that when China buys from the world's markets as much per head as does Japan now—about $3—she will buy products worth $1,200,000,000. Every mile saved in transportation will give us a larger share of the vast trade which the Orient is about to develop. If we have no canal at all, we shall have little share, comparatively, in Oriental commerce.

AN EMINENT ENGINEER'S OPINION.

I do not think that the case can be more concisely summed up than it is in a letter to me by the distinguished engineer of the Chicago drainage canal, Mr. Lyman J. Cooley, who not only has had more practical experience in canal construction than any American engineer, but who has critically examined both the Panama and Nicaragua routes. He writes:

> 1. As planned, I consider the Nicaragua Canal to be the safest. It has no tandem locks, the Conchuda Dam is less formidable than the one at Bohio, and the cuttings are less menacing on account of length and depth.
>
> 2. The estimates are more closely figured for Panama. The Commission in effect so states.
>
> 3. The actual cost (including purchase price) is more likely to exceed the estimates for Panama on account of health conditions. The work in Nicaragua can be done for the estimate by a syndicate on its own plans, as I have outlined in my testimony. What the cost will be under a different organization can not be judged until the programme and the men who are to execute it are known.
>
> 4 and 5. The water supply at Nicaragua can not be questioned. The discussion of the matter has arisen through an endeavor to regulate the lake level too closely. The supply provided at Panama is admitted to be inadequate for a large traffic, and is to be supplemented at a future time by a dam or dams in the upper Chagres basin. The water supply at Panama can probably be made sufficient for all future needs, though I am unable to say what would be the results of an extremely dry year. I do not regard the water supply for Panama as at all comparable to that for Nicaragua.
>
> 6. As designed, the Bohio Dam is not as safe as the Conchuda Dam. (See testimony as to dams.)
>
> 7. There is more money in the canal at Nicaragua for the contractor at the figures of the Commission. This would be especially true if the contractor can substitute an equivalent canal at Nicaragua; no material change can be made at Panama.
>
> You will note that I refer to an equivalent canal. I believe the eastern division at Nicaragua can be treated differently and thus facilitate construction, shorten time of passage, and reduce the cost of operation and maintenance.
>
> Aside from technical questions, I believe that the Nicaragua route is greatly superior, for the following reasons:
>
> 1. It is much shorter to 75 to 90 per cent of the trade in which we are interested.
>
> 2. The healthfulness is greatly superior, both for construction and for operation and maintenance.
>
> 3. The country has large natural resources, and is capable of inhabitation by white men, as much so as the Gulf coast of the United States.

4. Military security is insured by a population of our own citizens rather than by fleets and fortifications.

5. It is available for sailing ships, for which the Panama route is practically prohibitive.

6. It is most nearly an extension of our coast line, and no foreign nation can hereafter construct a canal within these limits, as they might if we built at Panama.

7. The Panama route is tainted by scandals and queered by failures, which make it a disheartening enterprise from engineering and contracting standpoint.

8. The Nicaragua route has been accepted and advocated on its merits for twenty-six years before the American people, and has always been admitted as superior for a lock, even by the Frenchmen prior to their failure.

9. It is a diplomatic mistake to now assume that the recent French project is really the meritorious plan and then proceed to force a distasteful bargain on the French shareholders and virtually the French people.

10. The dignity of the United States requires that it abide by the uniform determination of its engineers ever since the Commission of 1876.

I trust that the foregoing covers sufficiently the points which you have raised. You are at liberty to make such use of this letter as you may see fit in the interest of the common welfare.

THE VOLCANO QUESTION.

The only argument which at this time can, it seems to me, receive any consideration whatever, is that which makes use of the fear inspired by the recent volcanic disturbances at Martinique and St. Vincent. Those terrible manifestations of volcanic energy are used by the friends of the Panama route to excite the imagination to picture the destruction of Nicaragua. Attention is called to the fact that there are volcanoes in Nicaragua and Costa Rica, and it is therefore asserted that a canal located there would be liable to be overtaken by the fate which befell St. Pierre. They are dotted all over the maps here [indicating], showing us that at any moment the slumbering volcano may belch forth and destroy this canal if it is constructed. Those volcanoes have increased and come into active operation to an alarming extent within the past few months, while this canal bill has been under consideration, and calculated to excite the fear of those who have read of the frightful occurrences in the island of Martinique.

But attention is not called to the fact that the volcano nearest to the line of the canal is 16 miles distant, and that whatever destructive results might follow an eruption could be only through accompanying earthquakes. And this subject of earthquakes was exhaustively studied by the Isthmian Canal Commission, which, in its report, states that—

The entire Isthmus between North and South America (including Panama) is a volcanic region. * * * No portion is exempt from earthquake.

The Commission found for points on the line of the Nicaragua Canal a record of 14 earthquakes, only one of which, in 1844, caused serious injury. At that time Rivas, 4 miles from the canal line, was almost destroyed and damage was done at Greytown. The volcano nearest to the line of the canal is 16 miles from Rivas. The other volcanic cones vary from 40 to 200 miles distant.

THE HISTORY OF THE CITY OF RIVAS.

But, the Commission points out, Rivas has had a continuous existence since a period antedating the conquest. At Panama the Commission found a record of 28 earthquakes—twice as many as along the whole Nicaragua route. Of these, 12 occurred in the years 1882, 1883, and 1884. The most destructive one occurred in 1621, when Panama was destroyed. The next in severity was in 1882, when the front of the cathedral at Panama was thrown down, the canal headquarters building cracked, the track and roadbed of the railroad thrown out of line, and the masonry of three or four bridges and culverts damaged. At Las Cruces the church was thrown down; at Colon some lives were lost and crevasses were opened, while the Jamaica telegraph cable was broken. The Commission then goes on to say:

The effect of the undulations of the earth's surface upon any structure increases with the height of the structure above the ground. A force which would leave the foundation intact might throw down a high wall.

The works of the canal will nearly all of them be underground. Even the dams are low compared with the general surface of the country, and with their broad and massive foundations may be said to form part of the ground itself, as they are intended to do. The locks will all be founded upon rock. It does not seem probable that works of this kind are in any serious danger of destruction by earthquakes in a country where lofty churches of masonry have escaped with a few minor injuries.

It is possible and even probable that the more accurately fitting portions of the canal, such as the lock gates, may at times be distorted by earthquakes, and some inconvenience may result therefrom. That contingency may be classed with the accidental collision of ships with the gates and is to be provided for in the same way, by duplicate gates.

It is possible also that a fissure might open which would drain the canal, and if it remained open might destroy it. This possibility should not be erected by the fancy into a threatening danger. If a timorous imagination is to be the guide, no great work can be undertaken anywhere. This risk may be classed with that of a great conflagration in a city like that of Chicago, in 1871, or Boston, in 1872.

It is the opinion of the Commission that such danger as exists from earthquakes is essentially the same for both the Nicaragua and Panama routes, and that in neither case is it sufficient to prevent the construction of the canal.

On this point Professor Haupt, in his testimony before the Senate committee, said:

As to the question of seismic disturbances I would only add that it has been shown by students of seismology that the presence of active volcanoes act as a safety valve for internal disturbances, and the number of craters along through Nicaragua and Costa Rica being quite large, it affords a vent for any internal stress of the earth, and therefore there are fewer injurious earthquakes in that section of the world than at Panama or elsewhere, and I was very much surprised, in studying that subject, to find that the percentage of earthquakes was lower in Nicaragua than in almost any other portion of the world. Now, we have had some earthquakes in this country recently, one in St. Louis and one in Oregon, and many in California, so that, so far as that goes, it shows that there need be little anticipation of trouble from that source.

A SCIENTIST'S EVIDENCE AS TO SEISMIC DISTURBANCES.

Prof. H. Pittier, a resident of Costa Rica, who has given the subject most careful study, made a report to the United States Canal Board in 1895 concerning earthquakes in Costa Rica and Nicaragua, in which he says:

Although the whole of the main mountain range which runs from the shores of the lake of Nicaragua to the southern boundary of Costa Rica is probably of igneous origin, it may be asserted that the volcanic phenomena are in their latest period of activity, as seems to be generally the case all throughout Central America. Instead of the 20 volcanoes given for Costa Rica by Montessus de Ballore in his work, Tremblements de terre et éruptions volcaniques au Centrale-Amérique (Dijon, Eugène Tobard, 1888), there are in reality only four peaks or small mountain groups still showing signs of activity, viz, Miravalles, Poas, Irazú, and Turialba. There is not a single active crater south of a line going along the railway and main road from Limon to Puntarenas. I do not know of any record of an eruption of the Miravalles since the times prior to the conquista. The Poas is a geyser subject to great variations in the intensity of its manifestations. The last eruption of Irazú, which took place in 1888–89, was altogether insignificant.

Turialba is probably the most recent and most lively of our fire mountains. From May, 1864, to the end of February, 1866, it kept throwing at intervals an enormous amount of cinders or volcanic sand, which was carried as far as the Pacific coast by the trade wind. When I visited Turialba, in 1879, I only found a large chimney opened in the wall of an old crater, and through which escaped continuously a hissing column of sulphurous steam. But all through the surrounding region there were scattered evidences of far more active phenomena.

Since the foundation of our meteorological observatory good series of seismic observations have been taken at San Jose, and it is well to note here that, according to them, most of the shocks seem to be propagated in an undulatory way and in such a direction as to allow it to be supposed that they derive their origin in the volcanoes of Poas and Irazú. However, in the actual state of our knowledge concerning the Costa Rican seismology, it would not be prudent to draw any positive conclusion as to that point.

As to the geological age of our volcanoes it can be asserted that the more ancient among them are posterior to the middle of the secondary period and that their greater activity took place posterior to the Pliocene epoch. * * *

I took every pains to find an instance of shocks having been felt at Limon or in the settlements along the Sarapiqui and San Carlos rivers during that period, but persons of sound judgment and perfect honesty, most of them foreigners, who lived for years in those places could not refer to even a single case. Therefore, I consider it a safe conclusion to say that these seismic disturbances were almost invariably limited to the Cordillera and its immediate vicinity. * * *

Considered by themselves only earthquakes can not, in my opinion, be taken as a serious obstacle to the building of canals or railways in these countries. But it is not so when they occur in connection with the copious rains which characterize our climate. In itself the rain is a dangerous element, which penetrates the soil, loosens the clay or argillaceous strata, and very often produces considerable landslides. The soil may be soaked with water without giving way, but a sudden seismic shock can easily bring on a catastrophe. However, the general topography of the zone crossed by the western division of the canal, as far as my knowledge of the region allows me to state, does not seem to admit the possibility of easy movements of the superficial strata, and, moreover, the rain is much less in the Isthmus between Lake Nicaragua and the Pacific Ocean than on the eastern slope, as may easily be seen in the last paper of Professor Harrington on Central American Rainfall.

NO GROUND FOR CHOICE.

The recent report that there has been, within a few months, activity of Nicaraguan volcanoes and destruction of property by earthquakes at the upper end of Lake Managua, of which great use has been made by the friends of the Panama route, proves to have been without the slightest foundation. President Zelaya, of Nicaragua, telegraphed, under date of June 1, to Minister Luis F. Corea that "the news published about recent eruptions of volcanoes and earthquakes in Nicaragua are entirely false." And letters from United States Minister Merry, at San Jose de Costa Rica, recently received, state that there have been no earthquake shocks whatever along the line of the Nicaragua route for the past two months, while there have been several along the line of the Panama Canal. This information is confirmatory of the observations of the Isthmian Canal Commission, that earthquakes are more frequent at Panama than in Nicaragua. That danger from seismic disturbances are no greater at Nicaragua than at Panama may, I submit, be accepted as proved, as far as it is possible to bring proof to bear upon this subject.

The Commission is decided in its opinion that there is no choice between the two routes on account of danger from earthquakes, which, should they occur, would, in its opinion, be likely to inflict little if any damage to a canal. And this view of the matter is strengthened, rather than weakened, by the experience of Martinique and St. Vincent, where a canal situated 16 miles from Mount Pelee or La Souffrière would have met with no serious injury, if, indeed, it received any. Direct injury from an eruption, such as was occasioned at St. Pierre, which is only a few miles distant from the summit of Mount Pelee, is impossible at any point on the line of the Nicaragua Canal, for, as before stated, the nearest volcano is at least 16 miles away. Martinique and St. Vincent leave the canal question just where it was before. There is, therefore, no valid reason for the Commission to change its views on this subject. Whatever danger

there might be to a canal in either location is from an earthquake, and, in the opinion of the Commission, there is in this respect no choice in routes.

THE FRAUDULENT CHARACTER OF THE PANAMA SCHEME.

The Panama scheme was conceived in fraud, and fraud has marked every succeeding step in its development. Should the United States, through misguided action of Congress, purchase what remains of an enterprise which has been a financial and moral curse to France, it will be found that the people of this country have been the latest victims of a swindle of gigantic proportions, whose inception preceded the famous International Canal Congress held in Paris in 1879. I think it is important at this time to go back to the beginning and to show what were the first moves in this great financial game.

After the completion of the Suez Canal its success caused French enthusiasts to turn their attention to that other great need of commerce—a canal to join the Atlantic and Pacific. All schemes proposed were submitted to De Lesseps, and all were encouraged. But it was not until men with prominent names came forward that he gave his sympathy and cooperation. Who these men were, why they proposed the scheme, and how it was adopted by the Paris congress is thus told in a report made in 1880 by W. E. Johnston, delegate of the American Geographical Society to that congress:

These men were Messrs. Wyse, Turr, and Bixio. Lieutenant Wyse, of the French navy, is a son of a former English minister at Athens, and his mother was a Princess Bonaparte, of the Roman branch of the family. General Turr is a Hungarian, and married Lieutenant Wyse's second sister. M. Bixio was a brother of the Minister Bixio of the provisional government of 1848. He died of fever on the Isthmus.

These gentlemen, backed by some bankers and personal friends, made their first visit to the Isthmus three years ago and examined one of the Atrato routes. They came back sick, reported unfavorably, and after some months' consultation, in which M. de Lesseps took a large part, it was decided that Lieutenant Wyse should return to the Isthmus and look at the Panama route, with the view of making that the affair on which they were finally to settle and as the affair to which the public in France would be most likely to subscribe.

The survey was made—how imperfectly was afterwards shown in the congress by the abandonment of all the figures, and of even the plan—the party returned to Paris, and last winter the plan of campaign of putting through the Wyse scheme was organized.

An international congress was to be called, so as to give authority to the scheme; M. de Lesseps was to preside at the congress and issue the invitations, and as the President had the right to constitute the congress as he saw fit, enough French members of the right sort were invited to counterbalance any opposition that might manifest itself. So far as Lieutenant Wyse and party were concerned, they sought first to reimburse themselves for the losses already sustained and for which they were responsible to certain bankers and friends, and this they hoped to do by forming a new company which would assume the responsibilities they had incurred.

This was the origin of the famous congress. It was not, as you see, a very high-toned affair; it was not intended that it should be. The object was to get out of an old debt by creating a new one, to be shouldered by some one else. The digging of a Panama canal was a very distant and very problematic affair.

But it turned out that the congress became a very serious and very grave affair. As eminent engineers from foreign countries began to arrive the hope of carrying out the prepared programme diminished. The great satisfaction which was at first manifested at the prospect of having a large and respectable gathering soon gave place to sad reflections and sad surmises. The arrival of the two eminent American authorities, Messrs. Ammen and Menocal, was a death blow to their hopes, and although those two gentlemen were treated with the greatest consideration, it was felt by the leaders that their coming was a disaster and that a new base of operations would have to be adopted.

There is nothing, in fact, more curious in the history of caucuses than the evolutions of this congress.

Not only was the president of the congress named in advance, but so also were the officers and the committees, and even the work the committees were to perform. Nothing, it was intended, was to be left to hazard. At the first meeting, at which were present the 136 members and above 300 spectators interested in the subject, nothing was done or allowed to be done but the reading of the names of the members, the names of the committees and their presidents, and an indication of the work they were to do.

The first meeting did not last an hour. No one had a word to say but the president and secretary, and this very summary way of treating the distinguished guests who had come a long way to the "study" of the interoceanic canal project was climaxed at the end by the president hastily adjourning the meeting with the remark: "Gentlemen, we are going to rush this thing à l'Américaine; we shall get through by next Tuesday."

Thus not only was the congress packed and manipulated so as to run through hastily and without fail the imperfect and impossible scheme of Lieutenant Wyse, but the most distinguished and honorable experts from all parts of the world were invited to give the scheme their aid and to cover it with their responsibility.

It was hardly dignified, therefore, for men holding the high rank of government delegates to take their seat in a congress which had been gotten up for a certain limited and well-defined object, and in which no proposition outside the programme stood the least chance of adoption.

THE CANAL CONGRESS OF 1879.

Mr. Johnston then states that the facts and figures given by Admiral Ammen and Mr. Menocal were a revelation to the congress, which was thereupon compelled to take some serious consideration of the question. During the discussion which followed, one of the delegates, M. Spement, declared that if De Lesseps's plan of a sea-level canal was impossible, "we must go to Nicaragua." Mr. Johnston then continues:

We were now brought face to face with the singular spectacle of a congress which had become serious and honest, and which saw its way clear to the truth, and yet which was obliged to remain dishonest and carry out the original plan, no matter by what means.

The reason of this singular anomaly is easily understood. M. de Lesseps, Lieutenant Wyse, and the bankers behind them, were pledged to the Panama route, and could not adopt another. That was the French route. They had been long manufacturing enthusiasm for that route. The bankers and the public would not give a cent to any route that was not patronized by M. de Lesseps and Lieutenant Wyse. So that to abandon that route was to abandon entirely for France the glory of cutting the interoceanic canal, and that was not to be thought of for a moment.

They have been claiming, as I have already told you, for years the monopoly of this question; they claimed all the knowledge on the subject, and to back out now would be to lose all the money they had engaged in the scheme, all the money they expected to gain, which was a mountain, and to lose their popularity besides. The congress would have been dissolved without a decision rather than to have adopted another than the French route.

But how was this accomplished? M. de Lesseps's galloping congress was adjourned for several days; we heard no more of rushing the thing through à la Américaine; they had to stop to change their base. Lieutenant Wyse, with such of the engineers as were pledged to this scheme, went to work in secret committee and labored night and day till they elaborated a new plan to cover, as they thought, the objections of Mr. Menocal, and with, of course, a much higher figure of costs. The committee having in charge the estimates on the probable receipts and expenditures of the canal were instructed by the president to try and make the receipts cover the new estimate of costs, which they did with the greatest ease.

Again the American engineers, backed this time by overwhelming arguments of Sir John Hawkshaw, showed that the plan was still defective; and again the congress was adjourned to give time to the Wyse secret committee to get up new figures and a new plan. The congress, which started off on a gallop, had first dropped into a trot, and was now at a walk. And all to allow Lieutenant Wyse to prepare estimates on difficult details which he had never studied on the ground, and which, therefore, were only theoretical.

The majority of the engineers lost their interest in the proceedings from this moment, and became simple lookers-on, while the meeting relapsed back into its original character of a congress for the benefit of Lieutenant Wyse and his party.

The assembly was now in a crisis. On the one side were the engineers; on the other the business men and the spectators. It looked at one time as if the Congress if called upon would have voted for the plan of Mr. Menocal by Nicaragua. The charter of Mr. Wyse from the Colombian Government exacts the building of the canal by the most economical route, and to build it by the dearest route is a violation and a forfeiture of the charter. But these difficulties, which were pointed out to the Congress, no longer stopped the proceedings. The Wyse party had now offered their ultimatum, which was an open cut without locks and with deversoirs, or side canals, the whole to cost $250,000,000 and to pay in receipts $18,000,000 a year. At this point M. de Lesseps made a long speech. * * *

The effect of this speech was enormous. The American engineers had shown that the Panama route, principally on account of the annual fall of 12 feet of rain, was impossible; that it never could be finished if commenced, nor made to pay a dividend if finished. It was all to no purpose. Lieutenant Wyse and his committee had but to retire to their consultation room to find at once in their own heads the figures necessary to head off Mr. Menocal's estimates. It was the game of "I see you and go you one better," played by men who had no cards, but plenty of money.

HOW THE BAIT WAS TAKEN.

Mr. SPOONER. What game is that?

Mr. PERKINS. This is the language of the representative from the Geographical and Geological Society at the convention in Paris. It is an enigma to me. I have a slight knowledge of French. His report is made in English. The explanation of the game of cards I leave to some one who has made a study of that branch of science, of which Mr. Johnston was evidently an expert.

Mr. Johnston then describes the plan of voting by which measures were taken to secure a decision in favor of the scheme. The result of this vote was 74 ayes to 62 nays and refusals to vote, out of a total of 136 registered delegates. Commenting on this, Mr. Johnston says:

An analysis of the final vote will show that the able engineers who came to the congress with their minds free from prejudice and with a desire to arrive at the truth are either to be found among the absentees or among those who abstained from voting.

Thus, as the majority for the Wyse scheme was small, as the neutral experts were opposed to it, and as the congress from beginning to end was manipulated in the interest of that scheme, it may be said that, in an international point of view, the decision of the congress was no decision at all and that it is without force and not binding.

A SCHEME TO PAY PRIVATE DEBTS.

Thus was this vast undertaking inaugurated for the purpose of enabling several prominent Frenchmen to pay their debts to French bankers. Its result is well known. A company was organized, and realized from the sale of stocks and bonds $260,000,000. The items of receipt and expenditure, now a matter of court record, show that there was actually expended by the old company on the Isthmus $156,400,000.

But after the expenditure of this vast sum on the Isthmus itself, and the dissipation of $100,000,000 more in various ways with which the promoters of the scheme were doubtless well satisfied, it was found that the actual work of constructing a canal had only really begun.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Maryland?

Mr. PERKINS. Certainly.

Mr. McCOMAS. Was that 156,000,000 francs or dollars?

Mr. PERKINS. I reduced it to dollars, as we are more familiar with dollars, although all know the commercial value of the French franc. When, therefore, more money was needed, it was not forthcoming, and the company had to go into insolvency. This ended the first step in this stupendous scheme.

A NEW PHASE OF THE SCHEME.

But there were 600,000 or more Frenchmen who had contributed the vast sums that had so rapidly disappeared, and a clamor

arose. The only thing to do was to form a new company, raise more money, and, if possible, complete the work. A new company was formed, to which the receiver of the old company, on its behalf, was a party, subscribing thereto, as did also, under compulsion, a considerable number of persons who were charged with having secured in a manner not too honest a considerable part of the $260,000,000 contributed by the French people, who were to have 60 per cent of the net profits of the canal. The sum of $13,000,000 in cash was secured by the new company, principally from those who had been charged with swindling the old one, and work was again begun on the Isthmus in accordance with new plans based on fresh surveys and examination of the ground. With the new company a new survey of the route became necessary, as it had been developed that practically nothing was known of the engineering difficulties.

A technical commission was appointed, composed of the most eminent engineers of Europe and the United States. The sea-level plan was at once abandoned, and surveys made for a canal with locks. It is reasonable to suppose, in view of the exigencies of the case and the absolute necessity for a report assuring construction at a not exorbitant cost, that the difficulties were minimized to the limit of safety under the need of a low cost of construction to induce subscriptions to the enterprise. It is these surveys which our own commission has practically adopted, with the exception of the Bohio Dam, in which case it has made plans which far exceed the limits of safety imposed by the technical commission. For the data obtained under such conditions, I will say parenthetically, the commission advises the United States to pay $2,000,000. But the difficulties developed proved to be so great that no more funds could be raised, and work had to be stopped. There was here a loss to the subscribers of questionable financial reputation and to bankers who backed them, and it became a question as to how to recoup themselves.

THE UNITED STATES TO BE DRAGGED IN.

Nothing having a chance of success presented itself, except a sale of the whole unsavory mess to the United States. No other scheme has been proposed; no other plan could be devised whereby they could recoup themselves from a financial point of view, except selling this gigantic fraud to the United States. We all know how their offer was reduced from $109,000,000 to $40,000,000, and how, in order to secure the latter sum, the rights of the hundreds of thousands of Frenchmen who originally contributed, were sacrificed as far as an expression of willingness to do so can effect that result—not an expression by the people themselves who had put their money into it and who have subscribed to the stock, but by their trusted agents who were engineering the scheme. If the scheme proposed be successful, the suspected swindlers of the old company will get back the money they were compelled to subscribe to the new, and the United States will be brought face to face with half a million or so of Frenchmen who clearly have some rights in the matter, with an undertaking on our hands to complete for $144,000,000 a work on which the actual expenditure of more than $156,000,000 has made but a good beginning. This is the Panama scheme, pure and simple, and it means just this: Adopt the Panama route, and, in my opinion, no isthmian canal will be constructed by the United States.

Mr. STEWART obtained the floor.

Mr. MITCHELL. Mr. President——

The PRESIDING OFFICER (Mr. McCOMAS in the chair). Does the Senator from Nevada yield to the Senator from Oregon?

Mr. STEWART. I do.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deboe,	Kean,	Perkins,
Allison,	Dillingham,	Kittredge,	Pettus,
Bacon,	Dolliver,	McComas,	Platt, N. Y.
Bard,	Dryden,	McCumber,	Pritchard,
Bate,	Fairbanks,	McEnery,	Quarles,
Berry,	Foraker,	McLaurin, Miss.	Scott,
Blackburn,	Foster, Wash.	McLaurin, S. C.	Spooner,
Burnham,	Frye,	McMillan,	Stewart,
Burrows,	Gallinger,	Mallory,	Teller,
Burton,	Gamble,	Mason,	Warren,
Cockrell,	Harris,	Millard,	Wellington,
Cullom,	Hawley,	Mitchell,	Wetmore.
Daniel,	Jones, Ark.	Morgan,	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present, and the Senator from Nevada will proceed.

Mr. STEWART. Mr. President——

Mr. MORGAN. Will the Senator from Nevada allow me to offer some papers?

Mr. STEWART. In connection with the pending matter?

Mr. MORGAN. Yes.

Mr. STEWART. I yield to the Senator for that purpose.

Mr. MORGAN. I have here an extract from the works of Mr. Calvo on Costa Rica, and a communication from Mr. Corea, the minister of Nicaragua, on subjects relating to this debate, which I ask to have read at the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

COSTA RICA.

Religion.—There was a concordat between Costa Rica and the Holy See, but the same was declared inconvenient for the nation and denounced in 1885.

The great majority of Costa Ricans being of Catholic faith, the Government protects that religion and contributes to its support with sums from the national treasury.

The constitution only establishes tolerance of other religions, but deep in the hearts of all Costa Ricans are implanted the principles of liberty in matters of conscience, in which each one should be guided by his own idea of right.

Religious freedom advanced considerably from the year 1842, not only as to laws, but as to tolerance in all classes of people. In that year cemeteries were provided for non-Catholics, and in 1847 a Protestant congregation was in existence. The present tolerance for other beliefs is obvious in the fact that the first church built in Central America, consecrated to a religion different from that of the country, stands to-day in San Jose, Costa Rica, no more than 125 yards from the great Catholic cathedral.

Public instruction.—The constitution provides that elementary instruction of both sexes is obligatory, free, and provided for by the Government. The immediate supervision shall be for the municipality, the supreme inspection for the executive.

Every Costa Rican or foreigner is free to give or receive instruction in institutions which are not maintained at public expense.

The instruction given at public schools is laic.

The efforts have been great and sustained to advance education, and it is to be remarked that all those in office, through the different administrations that have come one after another, have constantly shown the greatest and most laudable interest in the matter, and always maintaining a system in harmony with modern ideas.

Laws.—Costa Rica was the first of the Central American Republics to effect complete emancipation from the Spanish and colonial laws and one of the first countries of Latin America to provide herself with laws in harmony with new mode of political being and with the progress of civilization.

In the penal code, in effect since 1880, the death penalty is abolished, as well as other humiliating and cruel punishments, and in 1886 there was promulgated a new civil code, in which are prominent the civil marriage, divorce, and civil liberty of woman.

Matrimony is perpetual, and has for its objects procreation and mutual support. It corresponds to the civil authority alone to act and decide on any demands relative to divorce and separation, as well as nullity or any other question relative to matrimony.

The rights of faith and property are strictly observed and have never been infringed upon in Costa Rica, nor have retroactive laws been framed.

The sacredness of correspondence, the right to meet in bodies and and to petition, the right of habeas corpus, the liberty of the press, all are guaranteed by the constitution.

Foreigners enjoy every civil right without being admitted to citizenship or being compelled to contribute heavy sums. Admission to citizenship may be applied at any time and will be granted on same principles as in most civilized countries, after one year's residence. Settlers are not obliged to become naturalized citizens nor to pay forced contributions. They can carry on business and manufacture, possess real estate, buy and sell, navigate the rivers and coasts, and, subject to the laws, may exercise freely their religious creeds, marry, and dispose of their property by will.

Facts.—Costa Rica has always been distinguished by her strenuous efforts in the pursuits toward modern progress and by the unity of race and love of peace and labor which are characteristic traits of her patriotic children.

As a natural cause of all what precedes, it is a fact, well known, that Costa Rica has not to-day, nor ever had at any time, claims presented to her for damages or injuries caused by arbitrary acts or measures on the part of her judicial or military authorities against the citizens of other nations. Far from it, she opens her gates to them and freely gives them full liberty to enjoy and secure for themselves the treasures of her soil. (From J. B. Calvo's works on Costa Rica.)

LEGACIÓN DE NICARAGUA,
Washington, D. C., June 17, 1902.

Hon. JOHN T. MORGAN,
United States Senate.

DEAR SENATOR MORGAN: I have just received your letter of the 16th instant in which you ask me for an official statement concerning the truth of the assertion "that the Government of Nicaragua has been making sales or grants of public lands within a zone of 6 miles—3 miles of the center line of the canal route located by the Isthmian Canal Commission—and that such lands have been so disposed of since the date of the agreement between Nicaragua and the United States, dated December 1, 1900."

In answer I may say that there is no foundation in truth for such an assertion. Under the agrarian laws of Nicaragua the Government to dispose of public lands must first issue a decree, and the only decree issued by President Zelaya after December 1, 1900, is the one dated September 27, 1901, a copy of which I inclose. This, no doubt, is the one that has been misquoted, because it mentions the Atlantic coast.

In article 5 of this same decree you will see that the officers who are affected by it are the governor of Bluefields, capital of the department of Zelaya, otherwise known in time past as the Mosquito Territory, and the governor of the Comarca of Cabo de Gracias á Dios, which lies along the extreme northeastern coast of Nicaragua and north of the department of Zelaya.

The proposed route of the canal runs through the Comarca of San Juan del Norte and the department of Chontales on the Atlantic side and the department of Rivas on the Pacific side. The shortest distance between any point along the proposed route and any point within the department of Zelaya, which lies closest, is 40 to 50 miles.

Therefore no decree has been issued by President Zelaya since December 1, 1900, affecting the public lands within the 6-mile zone, and consequently no land has been sold or granted by the Government within the said zone.

You are at liberty, as you request, to make such public use of this information as you may deem proper.

I have the honor to remain, with sincere respect, yours, etc.,

LUIS F. COREA.

Mr. MORGAN. There is also a translation taken from the Diario Oficial, Managua, which I ask to have printed without reading.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The paper referred to is as follows:

[Translation. Taken from the Diario Oficial, Managua, September 27, 1901. Department of finance and public credit.]

The President of the Republic, considering that in the tract of lands which are not denounceable in the Atlantic litoral there exist numerous farmed lands which the Government is in duty bound to advance and protect for the security of landed property and to facilitate the acquisition of the right of possession of these lots of land, in conformity with the decree of July 6, 1899, resolves:

ARTICLE 1. To allow the actual possessors of public lands in the tract which has not been denounced in the eastern coast of the Republic to acquire the right of property of the lots which they may have cultivated or marked off.

ART. 2. The petition shall be filed before the governors of Bluefields or of Cabo de Gracias á Dios, according to the jurisdiction in which the land may be located, within precisely three months from the date of the publication of the present resolution; the petitioner being obliged to express in his petition the boundaries, the kind of agricultural pursuits in which he has engaged, and the number of manzanas cultivated.

ART. 3. The officials referred to will secure information from two suitable witnesses to prove whether the land has really been cultivated or marked off, and when this information is complete they will order it to be published by proclamations, inserting one in the newspaper of Bluefields. In case that there has been no opposition, after twenty days have elapsed they will award the land to the party interested, who must previously deposit its value in the corresponding subtreasury within the eight following days, complying with everything else relating to the agrarian law in force until they obtained the grant of the title.

ART. 4. After the term referred to in article 2 has elapsed, or the eight days to which the foregoing article makes reference, and the deposit has not been made, the possessors will be considered as lessees, and will pay annually in advance the rent hereinafter expressed.

ART. 5. The governors of Bluefields and of Cabo de Gracias shall appoint engineers who will form the registry of the survey of lands, which in future may be possessed by lease according to this enactment; the expense of measurement and marking off of each lot being payable by the interested parties.

ART. 6. While the measure is being made said officials shall procure information, by means of witnesses, to ascertain which lots of cultivated or marked off land have not been procured by right or title according to article 2, and the approximate extent of each one of them. Having obtained full information in regard to this matter they shall notify the possessors that they are considered as lessees, cautioning them in the same act that they have to deposit the value of their lease within fifteen days.

When a possessor of public lands be considered as lessee because he has not paid the deposit within eight days referred to in article 3, the term for the payment of the lease will be reckoned from the following day after the expiration of the eight days.

ART. 7. If after the measure has been made it is ascertained that the number of manzanas is in excess of that which has served as base to fix the rent, the parties interested shall pay the difference in the corresponding subtreasury; and in case of excess it shall be discounted in the following payments.

ART. 8. If, after the possessors have been notified that they are lessees, any one of them contends right of property or any other real right to the land and appeals or brings up opposition without presenting a title in due form and registered, he is obliged to accompany a certification of the deposit of the value of the rent to get a hearing.

ART. 9. The price of each manzana will be the following:

If it is suitable for breeding live stock	$5.00
If it is suitable for agriculture	8.00
If for agriculture besides being comprised in a zone of 2,000 varas broad along the margins of navigable rivers for large vessels	10.00

For each manzana of irrigable land $2 in excess will be paid.

ART. 10. The value of the lease will be:

For each manzana of land suitable for grazing live stock	1.50
For each manzana of land suitable for raising live stock or for agriculture	2.50
For each manzana of land suitable for raising live stock, if it is comprised in a zone of 2,000 varas broad along the margins of navigable rivers for large vessels	3.00

ART. 11. The governors of Bluefields and of Cabo de Gracias á Dios will notify at once the department of finance each time that a petition is filed before them, according to article 2, and of the acts they may issue considering as lessees the actual possessors of land, according to article 6, expressing in either case the limits, the kind of agricultural pursuit, and the number of manzanas of the lot.

Be it communicated. Managua, September 20, 1901. Zelaya. The minister of finance—Zelaya, R.

Mr. STEWART. Mr. President, the climate of Panama is practically prohibitory of a canal at that locality if any regard is to be paid to human life. I have heard it asserted in this debate that the climate of Panama is as good as that of Nicaragua. Of course those who have made that assertion are ignorant of the facts. Climates in the Tropics are comparatively healthful where they have a sea breeze. Some of the tropical islands are as healthful as any part of the world; but in places in the Tropics where there is no wind there must be disease.

The doldrums of Panama Bay are known to all navigators. I myself saw in the winter of 1849–50 vessels lying in Panama Bay which had been there for months. After my arrival in California I met persons who left New York and sailed around the Horn and arrived there before the passengers in the ships I left at Panama reached San Francisco. Vessels were frequently compelled to remain at Panama for six or eight months at a time before they could sail away. That bay is so situated that during certain seasons of the year they have no winds. Besides, vessels are compelled to sail as much as a thousand or fifteen hundred miles before they can get out of the bay and strike the trade winds to enable them to go either north or south.

It is only during the few months of the year that a favorable breeze prevails. During the rest of the time there is no breeze in Panama and no wind at all. Sometimes they have tremendous rains there, but it is during only certain seasons of the year that they have any breeze whatever.

I knew something about Panama before the railroad was built. I crossed the Isthmus first in 1849. I went up the Chagres River in a canoe, and I have seen that river a good many times. The chief surgeon of the company which built the Panama Railroad was a friend of mine, an old schoolmate, by the name of Stephen Rogers. My friend Rogers was chief surgeon during the whole construction of the road. Of the first party of men who went down there from New York he told me not one was able to do two weeks' work.

A very large number died, and the balance were taken back to New York. The company then got Chinamen, thinking they could stand any climate. The Chinamen died almost as rapidly as the white people. It was perfectly shocking to hear of the number of Chinamen who died there, according to his account. The company then took natives of the Isthmus and tried to get them to work, but they could not stand digging up the soil. They were poisoned by it and had to quit, and the railroad company was almost in despair.

Then they tried negroes from Jamaica, who were in the habit of working in tropical soil, and they served pretty well. They built the railroad. I saw them upon the Isthmus after the road was built. They were great big, fine fellows physically. They did pretty much all of the work that has been done on the Panama Railroad and on the Panama Canal. White men can not live and work there. Any man living there has death staring him in the face all the time, and the reason why it is worse at Panama than in any other tropical place on earth is because there is less wind there during a long season of the year. There is nothing to carry away the malaria. There is nothing to give the inhabitants fresh air. The most dismal place on earth is Panama during the six or eight months when there is no wind blowing. I verily believe we will sacrifice more lives than the canal is worth if we build the canal at Panama.

After I came into the Senate, Senator Conness, of California, offered a resolution, directing the Secretary of the Navy to furnish a report of surveys across the Isthmus. In response to this demand, Rear-Admiral C. H. Davis reported, in July, 1866:

There does not exist in the libraries of the world the means of determining, even approximately, the most practicable route for a ship canal across the Isthmus.

That was the short report he made.

Nothing further was done in the matter until General Grant was elected President, and called Commodore Ammen to Washington and placed him at the head of the Bureau of Navigation.

I recollect that circumstance very well. President Grant sent for Mr. Conness and myself, who were interested in it before he did this, and discussed the matter. He was very much interested. He had been over the Isthmus.

Congress had voted the money for the surveys and a commission was appointed in 1872 to report upon the several results of the different expeditions that had already been or were to be sent out at the expense of the Government.

Previous to the election of President Grant there had been sporadic examinations under governmental authority of different routes extending over a period of many years.

The following is a list of the canal lines and of the work done upon them by the American naval officers:

1. Capt. R. W. Shufeldt made an instrumental reconnoissance of the Isthmus of Tehuantepec in 1872.

2. Commander Chester Hatfield, in 1872, and Commander E. P. Lull, in 1872 and 1873, made an examination, survey, and definite instrumental location of an interoceanic canal from the vicinity of Greytown, or San Juan del Nicaragua, via Lake Nicaragua, and thence via the Rio del Medio and Rio Grande to Brito.

3. Commander E. P. Lull made an examination, survey, and definite instrumental location for a canal from Navy Bay to Panama in 1875.

4. Commander T. O. Selfridge in 1870 examined and surveyed a route from the Gulf of San Blas toward the river Chepo; and Commander E. P. Lull in 1875 made further reconnoissances from the waters of the Chepo toward the Gulf of San Blas.

5. Commander T. O. Selfridge in 1871 drew several tentative lines from Caledonia Bay to the waters of the Secubti and Morti, which are tributaries to the Chucunaque.

6. Commander Selfridge examined the Du Puydt line between Tuyra and Atrato via the Tanela River.

7. Commander Selfridge examined the Gogorza route via Atrato, Cacarica, Tuyra, and Cue rivers in 1871.

8. Lieut. Frederick Collins in 1875 examined and located a route by way of the Napipi and Doguado rivers.

Besides the above there was—

9. An inspection of the Nicaragua and Atrato routes, made in 1874 at the request of the Secretary of Navy, by Maj. W. McFarland and Capt. W. H. Heuer, both of the United States Corps of Engineers; Prof. H. Mitchell, United States Coast Survey; Gen. Jacob Ammen, and Mr. D. S. Walton, civil engineer.

The different reports of these expeditions, covering a period of five years, are to be found in several thick volumes. The report of Commander Shufeldt, on Tehuantepec, is printed as Senate Executive Document No. 6, Forty-second Congress, second session.

The report upon the survey of Darien, by Commander Selfridge, was published in 1874 by the Navy Department.

The result of the Hatfield and Lull explorations were printed as Senate Executive Document No. 57, Forty-third Congress, first session.

The reports of explorations and surveys for the location of canals through

the Isthmus of Panama, or by the valley of the Nipipi River, by Commanders E. P. Lull and F. Collins, were published conjointly in Washington in 1875.

Finally, the reports of Major McFarland, General Ammen, and Professor Mitchell, of the commission of reinspection of 1874, were sent to the Senate by President Hayes in April, 1879; but, with the exception of that of Professor Mitchell, which will be found in the annual report of the Coast Survey for 1874, Appendix 12, they have not been printed in full.

All these reports are exhaustively reviewed by Admiral Ammen, in his most important work entitled "The American Interoceanic Ship-Canal Question," 1880; and also by Lieut. J. T. Sullivan, in his Problem of Interoceanic Communication, published by order of the Bureau of Navigation, Washington, 1883, to both of which works we are much indebted.

The Commission was composed of Andrew A. Humphreys, brigadier-general and Chief of Engineers of the United States Army, etc.; C. P. Patterson, Superintendent United States Coast Survey; and Daniel Ammen, commodore and Chief of the Bureau of Navigation.

This Commission was an abler commission than any other that was ever organized to investigate the interoceanic route across the Isthmus. It is not any disparagement of the present Commission to say that the Commission composed of these men was abler than any other. These men were conspicuous during the war.

They had been over the route and knew something about it. General Grant felt a deep interest in it. These men made actual surveys and did a great work. I have talked with them about the hardships of contending against the terrible jungles through which they had to cut their way. They cut their way across all these routes, making but a few rods a day. There is not one of the routes named through which the officers of the Army and Navy have not plowed their way with accurate surveys.

This Commission was appointed in 1872. The survey began before that. As soon as Grant was inaugurated he had the surveys commenced. He appointed a Commission to follow it up. Here is the report of the Commission; it is very short; it was sent to Congress by President Hayes April 18, 1879 (Senate Executive Document No. 15, Forty-sixth Congress, first session), but the surveys had been continued all through Grant's Administration:

WASHINGTON CITY, *February 7, 1876.*

THE PRESIDENT OF THE UNITED STATES:

The Commission appointed by you to consider the subject of communication by canal between the waters of the Atlantic and Pacific oceans, across, over, or near the Isthmus connecting North and South America, have the honor, after a long and careful and minute study of the several surveys of the various routes across the continent, unanimously to report:

1. That the route known as the "Nicaragua route," beginning on the Atlantic side at or near Greytown; running by canal to the San Juan River; thence following its left bank to the mouth of the San Carlos River, at which point navigation of the San Juan River begins, and by the aid of three short canals of an aggregate length of 3.5 miles reaches Lake Nicaragua; from thence across the lake and through the valleys of the Rio del Medio and the Rio Grande to what is known as the port of Brito, on the Pacific coast, possesses, both for the construction and maintenance of a canal, greater advantages and offers fewer difficulties, from engineering, commercial, and economic points of view, than ony one of the other routes shown to be practicable by surveys sufficiently in detail to enable a judgment to be formed of their relative merits, as will be briefly presented in the appended memorandum.

The data for the conclusions of the Commission will be found in the reports of the various surveys and examinations made under the direction and auspices of the Navy Department, copies of which are transmitted herewith.

A statement relating to these surveys and examinations, with a brief account of the characteristic features of the routes, will be found in the accompanying memorandum prepared by the Commission.

We have the honor to be, with high respect, your obedient servants,

ANDREW A. HUMPHREYS,
Brigadier-General, Chief of Engineers, U. S. A., etc.
C. P. PATTERSON,
Superintendent United States Coast Survey.
DANL. AMMEN,
Commodore and Chief of Bureau of Navigation.

Three greater names for purposes of this kind can not be found in this or the former generation. They were men of high character, very cautious, very learned, who had given this subject very careful examination, In this memorandum they give a description of the Nicaragua route and the Panama route. Their description of the Nicaragua route is found on pages 4 and 5 of the above-named document, which I will insert in my remarks without reading:

THE NICARAGUA ROUTE.

Commander E. P. Lull, United States Navy, with a corps of junior officers and Civil Engineer A. G. Menocal, made the survey of this route. The summit level is designed to be 107.62 feet above the two oceans, the surface of Lake Nicaragua being maintained at the highest water mark by a dam at Castillo.

Two harbors must be constructed, one at or near Greytown, the other at Brito, on the Pacific.

The eastern division is 108.5 miles long, of which 42 miles is canal, extending from the proposed harbor on the eastern coast to and along the San Juan River to the mouth of the river San Carlos, at which point slack-water navigation of the San Juan begins, and, by the aid of three short canals, having an agggegate length of 3.5 miles, around the proposed dams in the San Juan (four in number), reaches to Lake Nicaragua, a distance of 63 miles of slack-water navigation.

The four dams alluded to are located as follows, with dimensions as given:

No. 1. Castillo, 940 feet long, 21 feet high.
No. 2. Balas, 1,196 feet long, 31.9 feet high.
No. 3. Machuca, 824 feet long, 34 feet high.
No. 4. San Carlos, 1,000 feet long, 31 feet high.

Ten lift locks are required, of an average lift of 10.76 feet each. They are all located on hard ground, and only at one location are two locks placed together.

Different parts of the San Juan River, utilized by means of dams for slack-water navigation, must be deepened by dredging, and to a small extent excavated in rock.

Owing to the great extent of Lake Nicaragua (2,800 superficial miles, to be further increased through the Castillo dam), which receives the silt of the watersheds that drain into it, the flow of water in the river is nearly equalized throughout the year, so as effectually to prevent floods or freshets. This is an important consideration in its bearing upon the construction and the maintenance of the interoceanic canal works. The watersheds, too, bordering on the upper San Juan, by reason of the trends of the San Carlos and other rivers, are shown to be of limited extent, and do not seriously affect the rise of the San Juan. The water supply is sufficient for any possible contingency.

A later reconnoissance shows that a shorter and better location of the lower portion of the eastern division can undoubtedly be found.

The middle division comprises the lake navigation, a distance of 56.5 miles, with channels of approach at either end requiring dredging and other work.

The western division, extending from Lake Nicaragua to Brito, is 16.33 miles long, and requires 10 lift locks, 1 tide lock, and a new channel for a part of the Rio Grande.

The deepest cutting is through a mere crest, 730 feet in height, and the excavations are not of extraordinary magnitude on this division.

The Commission has derived much advantage from the reports of Maj. Walter McFarland, Corps of Engineers, United States Army, Gen. Jacob Ammen, and Prof. Henry Mitchell, of the United States Coast Survey; reports based upon reliable information and personal observation in their inspection of the country and of various points on the line as located.

Whatever differences may exist between the reports of Civil Engineer Menocal and those of the gentlemen referred to, it is conceded that the surveys are sufficient to make an approximate estimate of the amount and character of the work necessary to construct the canal.

The questions relating to the enlargement of the works deemed necessary by Major McFarland, the construction of more extensive harbors, the relative cost of labor and material there as compared with the rates in our country, as well as the determination of the best location possible, will doubtless engage the careful attention of those concerned in its construction.

Respecting the magnitude of the harbors, it is to be remarked that on the west coast the port of San Juan del Sur would serve as a convenient port to await entrance to the canal, the actual distance apart being about 5 miles.

The sea is usually so smooth and bad weather so unusual that vessels can anchor off Brito itself, in the open sea, to await the opportunity of entering the canal. Gales of wind are almost, if not wholly, unknown in that region, and squalls are off the land, in no degree endangering the safety of a vessel at anchor off the coast. Nevertheless a heavy ocean swell rolls in, rendering ample breakwaters necessary to secure smooth water at the entrance to the canal.

More difficulties exist on the eastern coast, and a smooth anchorage would be desirable for vessels awaiting transit. But even there the anchorage, although disagreeable without shelter, would be regarded as safe. Here, as on the west coast, it is requisite that the entrance to the canal should have smooth water, which can only be secured by the construction of ample breakwaters.

Respecting the length of locks proposed (400 feet), the canal should be built for the class of vessels best adapted to extended navigation, which class would in general follow the routes of prevailing winds. Extreme length should be discouraged as well for a true economy as for safety of passengers. Vessels of exceptional length can go, as now, through the Straits of Magellan.

No doubt exists as to the entire practicability of constructing an interoceanic ship canal via Lake Nicaragua. If the work were conducted with ability and honesty, it could be completed within a moderate period of time and at a cost that would prove commercially profitable by the payment of tolls, moderate when compared with the loss of time, wear and tear, deterioration of cargo, insurance, etc., that belong to voyages via Cape Horn or the Straits of Magellan. The cost of construction of the canal and harbors, with all their necessary adjuncts—locks 400 feet in length and 26 feet depth of water—may be set down as at least $100,000,000.

They dispose of the Panama route in a short paragraph, which I will read:

THE PANAMA ROUTE.

At the request of the Commission, for reasons previously stated, the honorable Secretary of the Navy caused a careful instrumental survey of this route to be made in the vicinity of the line of the Panama Railroad.

The proposed route is 41.7 miles long; has a summit level of 123.7 feet (surface of canal above the ocean); requires a dam and feeder 10.5 miles long; a retained dam at Obispo station; an aqueduct across the Chagres River; a deep cut at the summit level 4.81 miles long, with a mean depth of 102 feet and greatest depth of 197 feet; the construction of the lift locks necessary to overcome the summit level, and, what is common to all of the routes, the construction of harbors on each coast. The deep cut would probably be subject to landslides, from which the Panama Railroad has suffered seriously, and the canal would be exposed to serious injury from flood. The excavation of the deep cut, involving the handling and transport of millions of cubic yards of materials, is of itself a very great undertaking, especially in such climate as that of the Isthmus.

The cost of the whole work, including that necessary in the harbor of Panama and at Aspinwall, is estimated to exceed by nearly 50 per cent that of the Nicaragua route.

They proposed to construct a canal, the only possible one, with a cut less than 200 feet deep. They said that was difficult on account of the sliding character of the land. Anybody can see that who has seen the soapstone slipping the railroad down and the amount of work they have to do to keep up the railroad. But they did not propose to go down with a cut 300 feet by any means. They did not propose to build a dam down there and raise the water. They propose to go high up on the river, build a dam, run a tunnel through the mountain, and bring the water in that way. That kind of a canal would be possible. But it would have to be at a greater elevation than at Nicaragua, and it would cost a great deal more.

Such a canal would be possible at Panama, but it would not answer the demands of an interoceanic canal. A cut 7 miles long and 300 feet deep, as is now proposed, must be a failure. No power on earth could prevent the slide of land on both sides from closing up the canal unless it was arched all the way. The

kind of rock met with in constructing the Panama Railroad showed how a canal would be affected.

But the greatest obstacle, which I will discuss further on, is to control the Chagres River by means of the proposed Bohio Dam. The surveys and explorations upon which the report of the Commission above quoted was based were made by engineers of the very highest character and with more care and diligence than any other interoceanic survey. There have been no such examinations made since Commodore Ammen's work was done. Other people of more or less reputation and more or less industry have made some surveys, but no complete surveys have been made under Government authority since Grant's Administration.

Mr. MORGAN. The Senator from Nevada means the Lull surveys?

Mr. STEWART. The surveys made by Lull, Menocal, and others whose names appear in the list I have given.

After the Government of the United States had examined all the routes and officially determined that Nicaragua was the best route, a Frenchman by the name of M. Lucien Napoleon Bonaparte Wyse went to Panama and obtained from the Colombian Government a concession to build the Panama Canal. There was no study or investigation of the route previous to the concession. One M. Reclus had spent on the isthmus fourteen days in April, 1878, between the 2d and 16th of that month. These were all the surveys required for the De Lesseps great enterprise, or, more properly speaking, great swindle.

Before organizing or attempting to float a company De Lesseps called what he denominated a congress to meet in Paris to determine the best route. He fixed the number of delegates and stocked the congress in advance. De Lesseps himself made several orations, and among other things he said:

I will not enter into the scientific question. I will only ask the technical commission to tell us precisely what would be the expense of a canal à niveau (sea level); what estimates can be made of that expense, and especially what the cost will be in future (after construction) for canals à niveau (sea level) or for those with locks. Governments can encourage such enterprises; they can not execute them. It is the public, then, on whom we must call; and when you come before them they will ask of you (if it is a canal with locks) what will be the expense in the future.

I will express my opinion. I consider that a canal with locks would retard navigation. From the experience we have had at Suez, a ship must not now be delayed. There are a thousand Philistines there who can load a ship of 400 tons in an hour. It is to be remembered also that it cost a ship of a thousand tons 2,000 francs for every day's delay. I have often been consulted on this subject. I have always replied by dispatch that ships must not be delayed in their passage. They are informed that it will be well for them to wait the rise of the tide when they can not be sure of their being able to steer satisfactorily. (The Panama Canal, Rodrigues.)

Don Manuel M. Peralta asked the following question:

The American scientific commission decided on the Nicaragua route, since it was demonstrated that the Panama route was impossible. Is there no ground for taking its decision into consideration?

M. DE LESSEPS. The Government declared that there was no impossibility for a canal with locks, and that it could not assert that a canal à niveau (sea level) was impossible. The Government, in its fairness, was absorbed in one idea only.

De Lesseps would not consider a canal with locks. He wanted a sea-level canal for his swindling purposes. A man who would advocate a sea-level canal across the Isthmus without ever having visited that part of the world or having a survey made by anyone else ought not to be trusted. He wanted a sea-level canal for the purpose of getting money from the public, as he acknowledges in the speech above quoted.

The appointment of the committee to select a route discloses the scheme of De Lesseps. Persons who had never seen the Isthmus served his purpose better than intelligent engineers who had examined it. He wanted a favorable report for a sea-level canal at Panama and he took means to secure it.

The vast sums which De Lesseps robbed the people of in floating his new scheme show why he wanted a report for a sea-level canal with which to deceive the people. Rodrigues gives us the expenses of the formation of the Panama Company as follows:

As to the "expenses which M. Ferdinand de Lesseps has been forced to incur in order to arrive at the formation of your company," the commissioners reported as follows:

"In the first place there are the expenses for the first issue made in 1879; for the propaganda which preceded the formation of the syndicate of that subscription; the outlay made on account of the different expeditions sent to the Isthmus, and finally the expense with the recent issue of 590,000 shares, including placarding, advertising, postage, the transportation and the centralizing of funds, the expenses with the personnel, as well as all commissions due to the bankers, intermediaries, and promoters, not only in France, but abroad. The total under this head amounts to 10,801,577 francs 5c., which represent 1.8 per cent of the total capital necessary for building the canal.

"To that sum * * * we must add the remuneration stipulated as profit for the members of the international syndicate which was kind enough to make advances of considerable funds necessary for the formation of your company, sums which would have been lost by them had the public failed to respond to their appeal. That remuneration amounts to 11,800,000 francs. * * *

"There is still an agreement made with the American financial group which has charged itself with the task of representing the company's interest in the United States. * * * Such agreement brings us a liability of six annual payments, as follows: 3,100,000 francs soon after the organization of the company; 1,400,000 francs payable one year after; and five payments of 1,500,000 francs at the end of each of the five following years. Such expenses should appear in your annual budgets."

Such was the report of the first finance committee of the Panama Canal Company.

Mr. PLATT of Connecticut. How many in all?

Mr. STEWART. In another place it is summed up here.

Mr. ALDRICH. What is the Senator reading from?

Mr. STEWART. I am reading from Rodrigues's History of the Panama Canal, which is said to be authentic. He copies it from the company's reports. There is no doubt about this being accurate, because it is taken from the public reports:

Such was the report of the first finance committee of the Panama Canal Company. The poor 16,000 women and other shareholders were called upon, not only to pay £400,000 for the concession—

But also to defray the expenses of the first fiasco of M. de Lesseps and the "propaganda that preceded" it—that is to say, the "international congress," the lecturing tour of M. de Lesseps, the bribing of newspapers, the "technical commission," and travels of M. de Lesseps to the Isthmus and to America, and commissions due to intermediaries of all classes. Then besides that there were commissions due to the "international syndicate"—greedy and useless middlemen. As to the American syndicate, it is one of the most shameful corruption funds ever recorded in the history of financial enterprises.

Imagine this expenditure of £480,000, so that a few men in New York might represent the company in America and cooperate with it when requested. To that fund is due the success which attended M. de Lesseps' invitation to the then Secretary of the Navy of the United States to accept the presidency of the syndicate, and no respectable bankers should ever have participated in that costly fraud upon the shareholders of the Panama Canal Company, as three firms in New York did. These men are challenged to show that they ever did anything for the company except lend their names, so that here in Europe M. de Lesseps might say that "America was all right." The three houses deserve the hearty reprobation that will be visited some day upon all who have intrigued and plotted to obtain the money from the poor French people. The corruption fund is in New York still; it is doing its work of bribery and of systematic chicanery; and the Americans, who are considered so shrewd, whose press claims to throw light on all the dark corners of finance, have been bearing this insult to their good sense with singular equanimity.

This was written some time ago. It was not written since this matter came up.

Imagine now a company in England formed on the basis of the Panama Canal, paying £904,000 for preliminary expenses, besides £480,000 for an American corruption fund, altogether £1,384,000, not including £400,000 for the concession! The total amount called on the shares up to this time has been £5,000,000, and yet out of that sum nearly £1,800,000, or 30 per cent, was spent at once on, or set aside for, the concession and preliminary expenses!

Mr. PLATT of Connecticut. When was that written?

Mr. STEWART. This book was written in 1885, when the matter was fresh. It was not written for this purpose.

Of course the whole scheme, the pretended international conference, was gotten up to determine which was the best route, when our surveyors and engineers in this country had already determined it and everybody knew which was the best route.

The concession was obtained by Wyse, who was a friend of De Lesseps, and was undoubtedly either his agent or his partner. One million eight hundred thousand pounds, or nearly $9,000,000, paid for a concession that cost nothing, and preliminary expenses incurred to deceive the people, stamp De Lesseps as a high-class criminal. He certainly can not be styled a petit thief.

Who will contend that De Lesseps was acting in good faith? If he was acting in good faith, why would he not examine the route before he entered upon the enterprise? If he thought he had an honest enterprise, why did he take from the people $9,000,000 to advertise it and deceive his victims? He made his congress decide in favor of a sea-level canal. For what purpose was this done? He himself stated:

In order to get the money of the people.

The outcome of this miserable business was a miserable failure. The money spent for propaganda and that spent on the canal did no good. Why should it be contended that the miserable swindlers who are convicted of the Panama deal are more worthy of confidence as to which is the best route than the Commission appointed by President Grant, which made its report based upon actual surveys, and which Commission was composed of the ablest and best men in the Navy? The Walker Commission was the most comfortable one that ever visited the Isthmus of Darien. It spent over a month in Paris and fifteen days at Panama. It tells us in its report:

On the 9th of Agust, 1899, the Commission left New York for Paris, where the New Panama Canal Company opened to its members its records, maps, plans, and profiles, and the results of the surveys made and the data collected by it and the old Panama Canal Company. Mr. Maurice Hutin, the director-general, Mr. L. Choron, the chief engineer, and other officers of the company received the commissioners with great courtesy and were ready at all times to assist them in making a study of this route in all its aspects. A special meeting of the Comité Technique was also called to give the Commissioners such oral explanations as they might desire, some of its members coming from distant parts of Europe for the purpose.

While in Europe the Commission also visited and examined the Kiel Canal in Germany, the North Sea Canal in Holland, and the Manchester Canal and Liverpool docks in England, and returned to New York on the 29th of September.

They were gone fifty days, and they spent about a month in Paris. What did they go there to get? What results? The results of a failure. When we already had surveys that were accurate and were made by disinterested parties, why did the Commission go to Paris to get information from the Panama Company of its failure. They presented no plan. Our commissioners would not accept Panama, although they were there. Let us see how much time they spent at Panama.

As the disturbed conditions in Colombia rendered it inadvisable for the Commission to attempt to meet the President at Bogota, the State Department, at the request of this Commission, communicated with the Colombian authorities through the United States minister there, and asked that a representative of the Government be appointed to meet the commissioners when they reached the country and give them such information and assistance relative to their mission as he conveniently could. In accordance with this request, Mr. J. T. Ford, the consulting engineer of the Republic in technical matters connected with the Panama Canal, was assigned to this duty. He met them in his official capacity on their arrival at Panama, courteously expressed an entire willingness to aid them in their investigations, and accompanied them from day to day upon their visits to different points upon the canal line and elsewhere during their stay upon the Isthmus.

Fifteen days were spent in the department of Panama, during which an investigation of the route from sea to sea was made, as had been done in Nicaragua. The work was greatly facilitated by the local officers of the New Panama Canal Company, who placed two houses in Colon at the service of the commissioners, furnished a special train each day to take them from point to point as the work progressed, permitted them to use their maps and plans, informed them as to the work then going on, accompanied them in their inspection of the line, and exhibited to them the plant and materials purchased by the old canal company for construction purposes, much of which was stored in sheds and warehouses at different points on the Isthmus. During this period the commissioners went over the entire line of the canal from Colon to Panama, and examined the sites for the different auxiliary works. This included a trip to the upper waters of the Chagres, in the Alajuela region, and they returned in boats, so as to have an opportunity of seeing the river.

Now, this is the investigation they made. It was just a junketing tour, and they were entertained at both ends. It has been suggested that that could not possibly influence them. Why did the officials of the company entertain them and treat them if they could not influence them? There was nobody to entertain them on the Nicaragua route, but they were nicely entertained on the Panama route. It may not have had any influence, but why have these entertainments and give them wine to drink and nice things to eat and all that kind of thing if it did not mean anything? I know that is often done. Members of Congress and others get those attentions when their influence is desired.

These entertainments may not have influenced our commissioners. I hope they did not. Something appeared to have unsettled their understanding, for they were first in favor of the Nicaragua and subsequently in favor of the French. If their reasons for the change satisfy them, I do not think the public will enjoy much of that satisfaction. Although they were unable to state with certainty that a canal can be built at Panama on the plan they propose, still they advise the Government of the United States to make an effort to place itself in the position of the New Panama Company. The new company has a contract with the old to build a canal in ten years and give the old company 60 per cent of the proceeds. Instead of building the canal and carrying out its contract with the old company, the new company proposes to sell to the United States for $40,000,000. It is too absurd for argument to contend that the new company has any power to sell anything unless the United States is willing to be substituted for the new company, build the canal, and give the old company 60 per cent of the proceeds after it is built. No legal quibbling can satisfy plain men that the new company can sell out the old.

But, to make it appear plausible, it is proposed to turn the negotiations over to the President. If he can find any person or corporation who can make title to the United States, he is required to buy out the assets of the De Lesseps swindle and proceed to spend the money of the United States in an effort to construct a canal at Panama. No doubt the President, with unlimited command of money, could buy out the thousands of French victims. He could undoubtedly buy out the knowing ones at his own price if he could satisfy them that they could get no more; but the thousands of ignorant victims, whose hopes have been excited by the glowing promises of the new company, will be harder to deal with, and it would undoubtedly take him years to perfect the title.

But if he will take time enough to satisfy all parties in interest that $40,000,000, or half that sum, is all the United States will pay, he can get the title at his own price, and it might be possible to commence the doubtful, if not impossible, undertaking of building a canal at Panama within the next six or seven years.

The criticism of the title of the Nicaragua Canal is hardly worth discussing. Both Costa Rica and Nicaragua want the canal, and there is no danger of any failure on their part in making title to the United States sufficient for the purposes of the canal for a moderate subsidy in money.

The Hepburn bill providing for the construction of the canal at Nicaragua has passed the House twice in response to a strong popular demand. The passage of that bill by the Senate would end the matter, and the construction of the canal would be commenced at once. It seems unfortunate, after the United States at great expense has ascertained that the Nicaragua route is the best route, that the work of the commission appointed by Grant and the numerous surveys made during his eight years in the White House should be turned down and held for naught, and that the casual observations of the Frenchmen Wyse and M. Reclus for fourteen days should be treated as a demonstration of the superiority of the Panama route over all others, for that was the only investigation made by De Lesseps previous to proclaiming to the world the feasibility of a sea-level canal at Panama. Am I harsh in my conclusion that a sea-level canal was not De Lesseps's paramount object, when it is shown by the record of the Panama swindle that he and his coconspirators pocketed the sum of nine millions in launching the enterprise? How much more they took unto themselves while the work was progressing on the canal must be left to the imagination.

But suppose the President succeeds in buying the French title. He will have the Colombian Government to deal with. Does anybody suppose that that Government will not find ways and means to extort money from the United States when it is ascertained that the French title has been bought and the President is compelled to comply with any demands that Colombia may make?

The United States has for the last hundred years felt a lively interest in an isthmian canal, and it has been asserted over and over again that this Government must exercise a controlling influence over any canal, whoever might build it.

Why did not the United States protest effectively against the De Lesseps canal? There were two obvious reasons:

1. From the surveys and explorations made during Grant's Administration it was not believed that it was practical to build a canal at Panama. The possible canal at that point suggested by Grant's commission, if it could be built, would be of doubtful utility.

2. Because the reckless and blind extravagance of the De Lesseps Company, proceeding as it did to spend money without an adequate examination, or without any examination at all, soon disclosed the fact that there was no bona fide intention on the part of the manipulators to construct a canal at Panama.

It is conceded that whatever route is adopted for a lock canal there must be a lake or reservoir to supply the same with water. Nicaragua has a natural water supply. The Walker Commission says, on page 257 of their report:

> The investigations made in connection with the regulations of Lake Nicaragua have demonstrated that that lake affords an inexhaustible water supply for the canal by that route.

Speaking of Panama in the same connection and on the same page, I quote as follows from the report:

> The initial proposition, on the other hand, for the Panama route is to form Lake Bohio so as to yield a water supply for a traffic of 10,000,000 tons, which can be supplemented when needed by an amount sufficient for more than four times that traffic, by means of the Alajuela reservoir. For all practical purposes this may be considered an unlimited supply for the Panama route. So far as the practical operation of a ship canal is concerned, therefore, the water-supply features on both lines are satisfactory.

The Bohio Dam is not yet constructed, and the testimony before the committee shows that nobody now living knows positively whether it can be constructed or not. It is proposed to sink caissons 130 feet below sea level. When this shall have been accomplished the race of men furnishing the laborers will be largely diminished. If it is possible for a human being to stand the air pressure 130 feet below the sea level at Panama, everbody doubts it, and no member of the Commission was able to find reasons to remove his own doubts.

I do not remember the exact height of the proposed Bohio dam. I ask the Senator from Alabama what is the whole height of that dam? I know how far they have got to go down to put in their caisson.

Mr. MORGAN. It is 190 feet.

Mr. PLATT of Connecticut. From the ground up?

Mr. STEWART. To the bedrock it is about 130 feet.

Mr. MORGAN. One hundred and twenty-seven feet.

Mr. STEWART. It is pretty near 130 feet. I have seen the Chagres River when it was mad, and it is the most terrible stream I ever saw. Right at the Isthmus, in the doldrums there, the rain comes down like a cloudburst, and the river rises with such rapidity that you are compelled to run to get out of the way of it. I climbed up on the crags quite a distance to get away from it. I was afraid it would catch me. It was rising so fast that you could see it rising as the flood came down. When the flood commences you have at once to seek shelter in order to get away from it. I have never seen anything in my life like the rainfall in that country. It is now proposed to build a dam there, where you have to contend with the disadvantages of such a river and such a climate.

Our engineers—Ammen, Humphreys, and Patterson—did not propose to build a dam at the point the Walker Commission now recommend. The Grant Commission proposed to sink a cut less than 200 feet deep instead of 300, as proposed by the Walker Commission, and to carry the canal over the Chagres River instead of damming that river. The Grant Commission proposed to supply the canal with water by going up the Chagres River and constructing lakes or reservoirs and taking the water therefrom through a tunnel—an aqueduct into the proposed canal. Even then the Grant Commission suggested that it would be very

difficult to maintain a cut of the depth proposed by that Commission on account of the sliding character of the material through which the cut must be constructed.

I am aware that it is argued that there has been a great advance in engineering since the Grant commission made their report, but the engineers who testified before the committee admitted that engineering had not yet advanced far enough to furnish examples or parallels of the proposed Bohio dam. I have seen no satisfactory solution of the difficulty suggested by the Grant commission of preventing slides filling the cut, which has to be at least 300 feet deep. There is nothing in the evidence or the report of the Walker commission to show that a cut 300 feet deep in the sliding material on the Panama route can be kept open. Science has not sufficiently advanced to solve that problem, unless it is proposed to make a cut several miles in width. It does not appear that there is anything in the surveys or maps of the bankrupt French company so far in advance of modern discoveries in science as to demonstrate the feasibility of either the cut or the Bohio dam. The Walker commission must have an idea that there is some occult knowledge in the refuse of the Panama failure or they would not suggest the payment of $2,000,000 for surveys and plans which nobody proposes to follow.

If there was nothing else objectionable in the negotiations of the Walker commission but the proposition to pay $2,000,000 for the French surveys, a prudent man would hardly employ that commission to negotiate for rat traps, much less to act as agents of the United States in transactions involving millions.

The great lake at Nicaragua, which the committee say contains an inexhaustible supply of water, already exists. It has about 800 square miles of watersheds and 200 square miles of lake surface. All the reports show that the water supply is abundant. There is a lake which is already made; it requires no impossible dam to create it.

There is no engineering proposition connected with the Nicaragua route the like of which has not been heretofore accomplished. Some of the work may be difficult, but all of the work to be done has a parallel elsewhere. Everybody knows that a canal can be built there.

At Panama you would have to make a water supply by the construction of a dam, the possibilities of which are an unknown quantity. It is suggested that a temporary dam must be built while the principal dam is being constructed. No one has demonstrated that there is time enough in the dry season to construct even a temporary dam. When the floods come, whether the design be for a temporary dam or a permanent structure, if it is not completed, it will go with the first flood. It never occurred to the Grant Commission, after years of careful surveys and investigation, to build a dam at Bohio, but they regarded the plan suggested by them as even doubtful by reason of the sliding character of the material through which the cut they proposed must have been constructed. No one contends that there is no possibility of failure of the Walker Commission plan either in keeping open the cut or constructing the Bohio dam. Still Senators insist that the Nicaragua route must be abandoned, where no untried engineering difficulties exist, and the Panama route adopted, where no one can state with certainty that a canal is possible. Certainly what is proposed by the Walker Commission is far beyond engineering experience.

I am unwilling to surrender a certainty for an uncertainty. I do not believe that a canal at Panama will ever be built. I fear the effect of the amendment. I do not charge anyone with such intention, but I very much fear that if the amendment is adopted it will defeat any canal during the present generation, and perhaps for all time.

Mr. PLATT of Connecticut. Why?

Mr. STEWART. Because if you abandon the Nicaragua route and adopt the other, before you proceed very far with the work you will find that it will have to be abandoned, and there will be no canal.

The people have looked for the building of a canal at Nicaragua for many years. After the examinations which were made under the direction of General Grant were published throughout the United States the people settled down to the conviction that the Nicaragua route is the one that should be selected for a canal. That has been understood; and every year in the platforms of both political parties the building of a Nicaraguan canal has been advocated.

The people do not speak of any other canal, and if you should now select this other route it will be regarded by the people as an abandonment of an isthmian canal. They know what the effect will be. They know that Panama is a pest hole and the worst place on earth. They know there is no wind there to blow away the miasmatic poisons engendered there, and they know that Americans can not live there. The people of the West, and particularly of California, who have passed over the Panama route know what a terrible place it is. They know that nobody can go there and live. On the contrary, at Nicaragua a breeze nearly always prevails, and it is a healthy country. Americans will go there and cities will be built. There is no climate on earth as bad as the particular spot where it is proposed to locate the Panama Canal. This results not only because it is in the Tropics, but because there is no air stirring, and the want of air is death to the navigation of sailing vessels. But that is not the worst of it—it is death to human life. Where you can have a breeze in the tropics there you can have health, but you can not have it without air. It is worse than a dungeon as far as air is concerned. It has been said that Panama is so sickly because so many people have crossed it and it has been used so long. There are many places that have been used a good while that are not sickly. I do not think the use of land or the use of a country makes it sickly.

In the agreements concerning Panama we are to take care of the sanitary conditions. We have not money enough to make Panama healthy. It can not be done. If you would go there in the seasons when the wind does not blow, you would see what a condition the people are in and how they suffer, and you would appreciate the terrors of living in such a place. I do not wonder that France wants to get rid of the Panama Canal. Of course these fellows want to make money out of it; but do you believe if it had been a practical scheme and could be developed under French engineers that the canal would not have been built by France, even after the French people had been robbed of $10,000,000 in floating the company? Even after all that occurred, if the French engineers had said, "Here is a perfectly practical scheme; we can build this canal and you can get your money back," the French Government would have proceeded with the building of that canal. Do you believe that France, which is a strong nation, would ever have abandoned that work if the French Government had believed it feasible? No; it is only because they got reports from their engineers that it was an impossible thing that the French Government abandoned the enterprise.

Mr. PLATT of Connecticut. Will the Senator permit me?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. The Senator seems to think $40,000,000 is a great deal more than the Panama Canal is worth.

Mr. STEWART. I do not think it is worth a cent.

Mr. PLATT of Connecticut. Then, why will the stockholders in France have a right to complain if they are getting this immense price for the work already done there?

Mr. STEWART. Because they will not get any of it. These fellows are going to sell them out. I think, as a principal, I would have the right to complain if my servant sold my horse and took the money himself.

Mr. PLATT of Connecticut. Will not the liquidator protect the stockholders?

Mr. STEWART. No; I do not think the liquidator has agreed to do that. This company is going to get $40,000,000 for a contract they have to build a canal; and, if they build it, they will have 40 per cent interest, and somebody is going to get swindled. If you could see how crooked that company has been from the beginning, how much swindling has been committed, and read the criminal records and see how many have gone to jail, you would not want the United States subrogated to any rights in that canal. The United States ought not to be subrogated to any of the rascality connected with that canal. The company had ten millions to start with, nearly five hundred thousand of which was spent in this country, and there has been great scandal about the expenditure. Why was it spent here? Why was $10,000,000 spent for the purpose of a propaganda? I tell you that the thing is too rotten for us to negotiate with, particularly when we are to get something we do not want and get something that has been condemned by our engineers.

No man dare say that Ammen, Patterson, and Humphreys, who reported on the various interoceanic canal routes, were not eminent engineers and that they acted on ample information secured by many careful, practical engineers of the highest character. President Grant was an enthusiastic advocate of an interoceanic canal. Abundant appropriations were made, and the investigation of the various routes occupied nearly all of his eight years in the White House. I watched the progress of these surveys, and, as I passed over the Isthmus frequently, I had some personal knowledge of the conditions and know that the Nicaragua route was selected, not from any personal interest or prejudices, but because it was demonstrated by the surveys and investigations made during General Grant's Presidency that it was the best, if not the only practical route. The report of Grant's Commission established that fact and the American people accepted it as final.

It is not shown that the Walker Commission have made an adequate survey of the Panama route. They have made no report and show no plan which will convince anyone that the cut of 300 feet they propose can be kept open. They show no plan of a dam which they dare say is practicable. Their statements about

the climatic conditions are wide of the mark. Anyone need not visit the Isthmus to know that Panama must always be an unhealthy place when they are informed by all navigators and by the inhabitants of the Isthmus that there is no breeze in the Bay of Panama for months together that will fill a sail. When the sun comes out after one of the rains, or rather cloudbursts, that occur, the steam goes up from the land and the whole Isthmus is a cauldron of poisonous vapor. On the other hand, the reason why Nicaragua is a healthy place is because they have constant breezes from either ocean, which purify the atmosphere and make it a most healthful and delightful place of residence.

After De Lesseps had decided without examination to build a sea-level canal for the purpose of robbing the subscribers, he visited this country to corroborate on his return what he had said while he knew nothing of the subject. No attention was paid to him in this country except what was bought with the $2,400,000 spent in New York to manipulate public opinion in this country and to prevent opposition. He called on the President and was told that whenever a canal was built across the Isthmus the United States expected to have a controlling interest in it.

If the De Lesseps scheme had been regarded as practicable, it would have required more than $2,400,000 to have bought the silence of the United States. The attempt to build the canal by extravagant expenditures on an impossible route did not materially interest this Government. How different the attitude of the United States when the question of the Nicaragua Canal was under consideration. Men in the Senate went so far as to intimate a willingness to involve this country in war with England to protect that route. Why were the American people so zealous that they would fight England for the Nicaragua route, while they were indifferent to the proceedings of the French on the Panama route? The reason was that the Grant Commission, who had examined all the routes, pronounced the Nicaragua route the best, and in fact the only practical route. And the same commission had condemned the Panama route.

I met people almost every day on the Pacific coast or in New York who had passed over the Panama Railroad while the De Lesseps company was engaged in wasting the money of the victims of that colossal swindle, and they invariably gave it as their opinion that the French would never build the canal and did not believe that they had any serious intention of doing so.

When the bubble burst and thousands of poor Frenchmen who had lost their money were forced to realize the great swindle, Americans looked on in pity rather than in anger. The French courts of justice considered every extenuating circumstance, but were compelled to condemn and imprison the leading characters in the swindle.

But we are told that the Walker Commission has settled everything. It is no disparagement to the Walker Commission to say that in character, learning, and ability it was not equal to the Grant Commission composed of Humphreys, Patterson, and Ammen. Besides, the Walker Commission got its information in fifteen days on the Isthmus, riding in Pullman cars and dining sumptuously in houses provided by the new company who were offering a canal they did not own for sale for many millions of dollars. Who would put such an examination under such circumstances against the examination of the commission appointed by Grant which was occupied for years in surveys and explorations? Nothing has been offered by the Walker Commission to shake the conclusions of the Grant Commission. But the Walker Commission, with nothing showing the practicability of the Panama route to offer, asks the United States to pay $2,000,000 for the discarded maps and surveys of the De Lesseps swindle.

I appeal to Senators before they decide that Panama is to the extent of $40,000,000 the better route to compare the reports of the two commissions and the character of the men. I beg leave to again read the report of the Grant Commission as to which is the better route:

WASHINGTON CITY, *February 7, 1876.*

THE PRESIDENT OF THE UNITED STATES:

The Commission appointed by you to consider the subject of communication by canal between the waters of the Atlantic and Pacific oceans across, over, or near the Isthmus connecting North and South America, have the honor, after a long, careful, and minute study of the several surveys of the various routes across the continent, unanimously to report:

1. That the route known as the "Nicaragua route," beginning on the Atlantic side at or near Greytown, running by canal to the San Juan River; thence following its left bank to the mouth of the San Carlos River, at which point navigation of the San Juan River begins, and by the aid of three short canals of an aggregate length of 3.5 miles reaches Lake Nicaragua; from thence across the lake and through the valleys of the Rio del Medio and the Rio Grande to what is known as the port of Brito, on the Pacific coast, possesses, both for the construction and maintenance of a canal, greater advantages and offers fewer difficulties from engineering, commercial, and economic points of view than any one of the other routes shown to be practicable by surveys sufficient in detail to enable a judgment to be formed of their relative merits, as will be briefly presented in the appended memorandum.

The data for the conclusion of the Commission will be found in the reports of the various surveys and examinations made under the direction and auspices of the Navy Department, copies of which are transmitted herewith.

A statement relating to these surveys and examinations, with a brief account of the characteristic features of the routes, will be found in the accompanying memorandum prepared by the Commission.

We have the honor to be, with high respect, your obedient servants,

ANDREW A. HUMPHREYS,
Brigadier-General, Chief of Engineers, U. S. A., etc.
C. P. PATTERSON,
Superintendent United States Coast Survey.
DANL. AMMEN,
Commodore and Chief of Bureau of Navigation.

I was familiar with most of the officers making these surveys. In addition to their written reports they frequently described to me the great difficulties and hardships they experienced in getting through the jungles on the various routes. Their task was no easy one. It was the most difficult and arduous labor ever imposed upon officers of the Government, but the task was well performed, on foot, making actual surveys; not in palace cars with luxuriant lodgings, in palaces built with French money, or in social dinings and winings in the gorgeous saloons of Paris.

The people of the United States, whether for good or evil, desire the Nicaragua Canal. They are satisfied with the reports made on that route. They are satisfied with the Nicaragua route, more particularly because no adverse report has ever been made by any engineer of respectability. Even the Walker commission, with all its French surroundings and leanings, tell us that the Nicaragua route is perfectly practicable, and that there is no engineering difficulty the like of which has not been overcome. Their doubts all relate to the construction of a canal on the route that they advise the United States to purchase for $40,000,000.

I would not grieve over the $40,000,000 wasted if I did not believe that the turning down of the Nicaragua route will delay, if not permanently prevent, the construction of any canal.

Mr. GALLINGER. I will say to the Senator that if he will examine the platform of the last Republican convention he will notice that its recommendation is for an interoceanic canal.

Mr. STEWART. Yes; but I hope at that time the Republican convention was not anticipating Walker's report.

Mr. GALLINGER. Possibly they were anticipating what is going to happen.

Mr. STEWART. Yes; the Nicaragua Canal bill which has passed the House at two sessions may be sidetracked for the abandoned scheme of the French swindlers. When the people of the United States ask for a canal on a feasible route in a delightful climate and country they may be given the opportunity to buy an impossible route with $40,000,000 in a climate as destructive to human life as the Black Hole of Calcutta.

Mr. GALLINGER. If the Senator from Wisconsin wishes to go on at the present time, it is rather immaterial to me whether I speak on this bill now or not——

Mr. SPOONER. I yield with pleasure to the Senator.

Mr. GALLINGER. I will speak very briefly, if at all.

Mr. SPOONER. I can speak at another time.

Mr. GALLINGER. Mr. President, for many years I have believed that a canal connecting the waters of the Atlantic and Pacific oceans was a commercial necessity, and I have been equally impressed heretofore with the belief that the Nicaragua route was preferable to any other. That belief was strengthened when the Isthmian Canal Commission, in its preliminary reports, favored Nicaragua, but when the same Commission, after a careful reconsideration and review of the case, including the amended offer of the New Panama Canal Company, expressed a preference for the Panama route, my views were sufficiently changed to lead me to carefully investigate the matter, which I have done, with the result that I am now thoroughly of opinion that the Panama route is the one that ought to be selected.

My impression is, Mr. President, that the people of New Hampshire have reached the same conclusion, at least I infer so from letters received on that subject, three of which I will read, two of them being from accomplished engineers.

The first letter is from Mr. E. R. Brown, president of the Strafford Savings Bank, of Dover, N. H. He is an educated gentleman of large business experience, whose views are entitled to serious consideration.

Mr. Brown says:

STRAFFORD SAVINGS BANK,
Dover, N. H., January 6, 1902.

DEAR SIR: I sincerely hope that the Senate will give the Panama route for the canal full consideration. I am in favor of this route for the following reasons: It has fewer locks and requires less time in transit, and may be made a sea-level canal. The annual cost of maintenance is much less. It has good harbors. It is not in the earthquake region. These are only a few among many reasons why it should be preferred over the Nicaragua route, but my main reason is that if the Panama route is selected there will never be a second canal cut to trouble us, or at least for many years, while if the Nicaragua route is taken the Panama Canal will be completed before many years by some company or nation.

Very truly, yours,

E. R. BROWN.

HON. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

The next letter is from an old gentleman in the State of New Hampshire, Mr. Samuel Webber, of Charlestown, who in his

early years was engaged in engineering projects. He is now retired from active service, and notwithstanding he is advanced in years he keeps abreast of the times and has taken great interest in the matter of an interoceanic canal. I give the part of his letter which refers to that project:

CHARLESTOWN, N. H., *June 9, 1902.*

MY DEAR DR. GALLINGER: I wrote you some two years since to "go slow" on the isthmian canal, and the time is now coming for a move. From an engineer's view of the matter, I decidedly favor Panama. We can see pretty plainly what is to be done there, but we can not see bottom on the Nicaragua project, and I think it would be as likely to cost four hundred millions as not.

The objection to a dam at Bohio, on the Panama route, are not half those to the one at Ochoa, on the Nicaragua plan, judging from the reports you have sent me, and the shorter route and less time in transit dispel the climatic objections which are urged. I am decidedly in favor of Mr. HOAR'S bill, if the financial arrangements with the French and Colombian interests can be made satisfactory and secure. I speak as a hydraulic engineer of some experience.

Yours, very truly, SAML. WEBBER.

The third letter is from Prof. Robert Fletcher, who is the director of the Thayer School of Civil Engineering at Dartmouth College, a gentleman of remarkable attainments and of a very wide knowledge on matters of civil engineering. He says:

HANOVER, N. H., *January 7, 1902.*

Hon. J. H. GALLINGER,
United States Senator from New Hampshire.

MY DEAR SIR: Allow me to address you on a matter of large public interest, on which you will probably have to take action before long as a member of the Senate. Hoping that this may not appear impertinent, it is proper to give the reason for venturing this expression of opinion.

The question is that of the isthmian canal. It is proper to state that I have been a close student of this question for some fifteen years; that the late president of the Maritime Canal Company, Hon. Hiram Hitchcock, was a friend and fellow-townsman; that a number of graduates of this institution were engaged for some years on the surveys prosecuted in Nicaragua by that company; that a lamented colleague was a member of ons of the engineering commissions which made a review of the plans of the aforesaid company; that I have carefully studied the reports of the various commissions that have investigated the Nicaragua Canal scheme, having received copies of the published atlases and documents from both sides, and that on the basis of this prolonged investigation it appears to me that, as an engineering proposition, the Nicaragua Canal scheme should receive little consideration, in view of the accomplished results and the favorable conditions and possibilities at Panama.

It is easy to see by a careful perusal of the recent report of the last Commission that consideration of the engineering features alone would have compelled a report in favor of Panama; but that political considerations, questions of concessions, etc., rendered it inexpedient to allow questions of construction purely to determine the decision. Now, without assuming to be able to weigh these other considerations, it would appear that ultimately the question must be viewed in the light of common sense, and as to all conditions and contingencies from the engineering standpoint.

In view, then, of all the advantages and assured results gained at Panama, the reliable estimates for the future, based on perfected plans, and the large amount of the world's resources already sunk there, it would appear not much less than a stupendous folly to abandon all that and to begin at a new point on a route nearly four times as long, with higher summit levels, nearly double the amount of lockage, three times the amount of curvature, and a confessedly much greater cost of operation ultimately, with problems of unknown magnitude to be worked out, involving probably unsuspected additions to the cost. After weighing all these facts it would appear to an unprejudiced observer that some way must be found to do away with all political and legal obstacles and objections, and reduce the question to its lowest terms as a strictly engineering proposition.

Permit me to say that this expression, which you may judge obtrusive, is not prompted by any person or any interest whatsoever, but by the simple desire of an impartial student to see the great enterprise of piercing this continental barrier accomplished in the best way and along the line of least resistance.

Yours, very respectfully,

ROBERT FLETCHER,
Director Thayer School of Civil Engineering.

Mr. President, I do not propose to take the time of the Senate in discussing many matters connected with this subject which have already received careful attention by Senators on both sides of the question. Suffice it for me to say that my investigations have fully persuaded me that there is much greater danger from earthquakes and volcanoes on the Nicaragua than on the Panama route. A country that prints a picture of a volcano on its postage stamps must not find fault with us if we conclude that there is danger from seismic disturbances in that latitude.

NICARAGUA MORE EXPENSIVE.

Again, I am persuaded that the Nicaragua route will be much more expensive, including the cost of maintenance, than the Panama. If it be true, as the Commission asserts and as has been alleged over and over again in this debate, that it will cost $1,350,000 more annually to operate the Nicaragua than the Panama Canal, it follows that the real difference in cost in favor of Panama will be $72,500,000 instead of $5,000,000, an item that is certainly worth saving.

GREATER CURVES ON NICARAGUA.

That the curves on the Nicaragua are more numerous and troublesome than on the Panama route is admitted by all, and it is a very serious question whether the navigation of the Nicaragua Canal will be at all possible in the night. My investigations on that point leave me in doubt, which no one has seemed able to clear up. Mr. Morison, admittedly one of the leading engineers of the world, gives it as his opinion that night transit for large ships will not be possible on the Nicaragua line.

THE QUESTION OF TIME.

As to the matter of time, I do not find that the contention of the advocates of the Nicaragua route is sustained, even assuming that transit through both canals is placed on an equality; that is, that no advantage shall be claimed for Panama in the matter of night transit. The total length of the Nicaragua Canal, as shown by the report of the Isthmian Canal Commission, is 183.66 miles, and of the Panama Canal 49.99 miles. On the Nicaragua route ships will float in deep water on Lake Nicaragua for a distance of 41.78 miles, and on the Panama route the same advantage will be had for a distance of 7 miles on Lake Bohio. This will leave 141.88 miles of canal navigation on the Nicaragua line and 41.09 miles on the Panama route.

A careful calculation by experts gives the average time for a ship to pass through the Nicaragua Canal as sixty-four and one-half hours, and for the Panama Canal twenty-one hours, being forty-three and one-half hours in favor of Panama.

The Isthmian Canal Commission gives the distance from the termini of the Panama route to New York and San Francisco, respectively, as 498 nautical miles in excess of that by the Nicaragua route.

A calculation will show that any steamer having a speed of 11½ miles per hour will cover that extra distance in the time gained by passing through the Panama Canal, and it is equally certain that Panama is the shorter route to New York and San Francisco for all steamers having a speed of over 11½ knots.

The distance between the Gulf ports and San Francisco to the termini of the Panama route is fixed by the Canal Commission as 700 miles greater by Panama than by Nicaragua. That means that a steamer will have to make 16.1 knots per hour to overcome the increased distance in the forty-three and one-half hours that Panama gains in the transit of the canal.

It follows that from the North Pacific to New Orleans the Panama route is longer for slow steamers, about the same for medium-speed steamers, and shorter for fast steamers. From the North Pacific to New York the Panama route is about the same for slow steamers; it has the advantage for medium-speed steamers and a decided advantage for fast steamers. From the South Pacific to New Orleans and New York the Panama route seems to have the advantage for all kinds of vessels.

Thus it will be seen, Mr. President, that the bugbear as to the increased time of the Panama route vanishes when the additional time required to pass through the Nicaragua Canal is taken into account.

HEALTH CONDITIONS.

But, Mr. President, I did not intend to go into a general discussion of the subject, and will not do so, preferring to leave that to other Senators. My chief purpose in participating in the debate at all is to endeavor to point out that the allegations made against the Panama route on the point of unhealthfulness are not borne out by the record. I do not mean to say that the country which will be traversed by the proposed Panama Canal is a healthy country, but I do wish to be understood as saying that many of the statements made on that point in this debate are contradicted by testimony of the highest possible character.

As an illustration of the extreme statements made, I will cite one that was repeated by the usually accurate Senator from Kansas, when speaking in behalf of the Nicaragua route, which was that every tie on the Panama Railroad represented a human life. That statement has done service for many years as an argument in behalf of the Nicaragua Canal, but evidently no one has taken the trouble to investigate its correctness.

Why, Mr. President, the absurdity of the statement is found in the fact that if every laborer employed on that railroad had died, the number would have fallen 50 per cent short of the ties that were laid. So we will pass that by as a bit of extravagance that has gained credence because of its frequent repetition.

The Senator from Alabama, in a lengthy speech delivered in this Chamber on the 17th of April last, devoted much time to a consideration of the climatic and health conditions of the Isthmus of Panama. He searched both ancient and modern history for material, and I am bound to confess that he presented quite an array of statements to sustain his contention. The Senator also has placed in the RECORD extracts from a book by Wolfred Nelson, entitled "Five Years at Panama," which extracts deal largely with the unhealthfulness of that country.

The Senator from Alabama quoted Mr. Colné as saying that the sum of $680,000 was expended for medicine from 1881 to 1890. As the Senator has denounced with eloquence and vigor the robberies and frauds committed by those who expended the money of the old Panama Canal Company, I wonder he did not assume that very likely these figures were greatly in excess of the real expenditure for medicines. Certain it is, Mr. President, that if that amount of money was spent for medicine the unusual mortality can in part be accounted for on other grounds than that of climatic conditions.

The Senator from Alabama also quoted from the testimony of General Abbot as to the large mortality among the Chinese coolies, but I note in the extract taken from General Abbot's testimony that he says:

The excessive death rate was due, doubtless, not only to the climate, but also to the conditions and to the various races that were tried. It was not then known that the heavy work should be done by negroes. I have no idea—

Said General Abbot—

that anything like the mortality then encountered will be repeated on any isthmian line.

Commander Lucien Young's deposition was also used by the Senator from Alabama. Commander Young was very emphatic in his condemnation of the health conditions of the Isthmus of Panama, and to fortify his position he declared that—

So far as yellow fever is concerned, I would rather be in Havana than in Panama.

I wonder that it did not occur to the distinguished Senator from Alabama, when he introduced that testimony into his speech of two months ago, to call attention to the fact that in a few months yellow fever was stamped out in Havana by simple methods well known to the medical profession of the present day, which methods are as applicable to Panama or Colon as to Havana or any other city where yellow fever has heretofore found a habitat.

The simple, plain truth is that the Panama Railroad was built and the construction of the Panama Canal commenced without any adequate means having been provided to safeguard the health of the people. The soil was disturbed and innumerable disease germs were thus set free, precisely as they will be if the Nicaragua Canal shall be built; but it is safe to predict that if either canal is constructed the health authorities of this country will see to it that every known scientific expedient is put in operation to protect the workmen from contracting disease, and that every possible hygienic and sanitary law will be invoked in their behalf, and that means an entirely different condition of things from what prevailed when the Panama Railroad was constructed.

THE OTHER SIDE OF THE STORY.

Now, Mr. President, I propose to give the other side of the story, which has not, as yet, figured in this discussion.

It has been my privilege to intimately know two men who spent many years on the Isthmus, and with whom I have frequently talked about the climatic and health conditions. Those men have frequently assured me that there is no more danger there from epidemic or contagious diseases than in any other tropical climate, and they asserted that there was very little danger, if proper precautions were exercised. Sustaining this view, I chanced to see in the Washington Post a short time ago the following:

"There is nothing in all this talk about the bad climate of Panama," said Mr. F. Mutis Duran, of that city, at the Shoreham last night. "It is true that many deaths from fever occurred when the first canal company was at work in Panama, but the deaths were the result of the carelessness of the men. Frenchmen came to a tropical climate and thought they could live there just as they were accustomed to live in Paris. They stayed out in the night air, and paid no attention to the laws of health. If they had done the same thing in any other tropical country they would have died.

I have lived in Panama sixteen years, and know what I am talking about. All my life has been spent in tropical countries, and I know that the climate of Panama is as good as the climate of Cuba. There are fevers in the Tropics which must be guarded against all the time. If the United States decides to build the Panama Canal, it will be found that a little care will be all that is necessary to protect workmen against the maladies peculiar to the Tropics.

That seems to be good testimony, which I commend to those who have found nothing but disease and death in the climate of Panama.

Indeed, Mr. President, this very day a citizen of New Hampshire who is thoroughly familiar with conditions on the Isthmus assured me that the soil along the line of the Panama Canal has almost entirely been removed, thus minimizing future dangers from disease necessarily engendered by soil disturbance, and the same gentleman assured me that there are 10,000 well-acclimated laborers immediately available for work on the canal—men who are practically immune to the climatic diseases of the Isthmus.

Mr. President, medical men know that there will be sickness and death in the construction of an interoceanic canal no matter which route is adopted, but in my opinion there will be little difference between Panama and Nicaragua. I have in my hand an interesting book entitled "Notes on the Nicaragua Canal," by Henry Isaac Sheldon. It is an able plea for a canal by the Nicaragua route, and every possible argument is presented in behalf of the author's views, yet in an addenda to his book he is forced to modify his statements regarding climatic diseases as follows:

Some objections have been offered to the views contained in the first edition of this volume as to the favorable climatic conditions in Nicaragua which in fairness should now be mentioned. In discussing the subject with me, men of experience, conversant with the effects of excavation in Alabama and other Southern States, when extensive local construction was in progress, have insisted that it will be impossible to conduct canal construction in Central America without encountering a great deal of malarial fever. I give also the comments of Sir Leader Williams, made in London in July, 1897:

"Your views about the health of the men when working in Nicaragua are too cheerful. Wherever earth has been made by decaying vegetation, and you turn that earth up to the sunlight, fever germs will escape, and you will have malaria. These germs hold their life indefinitely, like the grains of wheat for centuries in the hands of the mummy in Egypt. I had fever among the men when digging the Manchester Canal, and that was in the heart of England. Your engineers and your contractors must expect sickness in the construction camps in Nicaragua, and suitable allowance for it should be made in all the estimates and contracts."

Mr. President, the Senator from Alabama introduced some extracts from the testimony of Gen. Henry L. Abbot, which I beg to supplement with other statements made by that same distinguished gentleman. In his testimony before the Senate Committee on Interoceanic Canals, March 4, 1902, General Abbot said:

There are two other subjects which I think are worthy of the attention of the committee—the health question and the river Chagres.

Nobody claims that the climate of Panama or of any tropical region is conducive to health for natives of more northern climes, but the dangers and difficulties at Panama have been enormously exaggerated, and I thought it might be interesting for the committee to have some absolute statistics on which they could depend. When I was at the Isthmus I visited Dr. Lacroisade, who is the medical director of the new canal company hospital at Panama, an admirable hospital built on a high hill back of the city, with fine buildings, and with the Sisters of St. Vincent de Paul as nurses.

We saw Dr. Lacroisade and we got from him, in tabular form, a statement covering the whole subject, so far as the canal records go. These statistics are printed in France, but probably they are not known in this country, and I brought them and should like to make them a part of my testimony.

These statistics begin in 1881, when the old company began the work, and extend from that time down to June 30, 1898, when Dr. Lacroisade made the report for us. Since that date I have taken the figures from the annual reports of the board of directors to the general meeting of the company, so that everything I offer is strictly official. * * *

I ask unanimous consent to place the table in the RECORD without reading. It is a very interesting table and I trust Senators will examine it.

The PRESIDENT pro tempore. The Chair hears no objection, and the table will be printed in the RECORD.

The table is as follows:

Official health statistics of the Panama Canal.

Year.	Effective force employed.	Percentage of disease.			Percentage of mortality.		
		Diseases of Europe.	Diseases due to climate.	Total.	Diseases of Europe.	Diseases due to climate.	Total.
1881	928	21.02	42.02	63.04	1.94	4.74	6.68
1882	1,910	18.85	47.64	66.49	2.21	4.39	6.60
1883	6,287	23.24	42.62	65.86	2.20	4.46	6.66
1884	17,615	27.58	36.95	64.57	2.58	4.08	6.66
1885	15,215	11.93	49.14	61.07	1.73	3.79	5.52
1886	14,935	14.01	42.88	57.89	1.67	3.43	5.10
1887	16,217	21.82	39.25	61.07	2.22	3.99	6.21
1888	13,725	12.17	40.46	52.63	1.81	2.54	4.35
Means	10,854	18.83	42.75	61.58	2.05	3.92	5.97
1889	1,826	.....	.....	.....	.....	.....	.....
1892	[a]800	.....	.....	.....	.....	.....	.....
Means	971	.....	.....	49.68	.....	.....	2.88
1895	1,225	.....	.....	49.95	2.05	.89	2.94
1896	2,715	.....	.....	39.91	2.08	.84	2.92
1897	3,980	.....	.....	51.85	1.99	1.00	2.99
First half 1898	3,630	.....	.....	48.70	1.98	.82	2.80
1898–99[b]	.....	.....	.....	.....	.....	.....	.....
1899–1900	2,200	.....	.....	.....	2.68	.09	2.77
1900–1901	2,000	.....	.....	.....	2.20	.30	2.50
Mean	2,792	.....	.....	47.60	2.16	.66	2.82

[a] About.

[b] "This year continues to show reduced disease and death rates, both climatic and total."

Mr. GALLINGER. General Abbot continues:

Dr. Lacroisade's conclusions, after a residence of many years on the Isthmus, are the following:

"The Central American negroes, and especially those of the West Indies, resist its effects best, owing to their better endurance of the direct rays of the sun, to their relative immunity from malarial influences, and to their absolute immunity from the yellow fever. Hindoos, Chinese, and native Africans suffer more and, engaged in hard work, yield readily to beriberi, of which they have brought the germs. Europeans can resist the climate on condition of abstaining from severe manual labor."

"Of 254 officers and agents sent by the old company between January 1, 1881, and August 31, 1883, and thus exposed to the early conditions, 40 died, indicating a percentage per annum of 7.20. Of the 89 agents sent by the new company in the first three and a half years only 3 died." He attributes the undoubted improvement of health on the Isthmus to better accommodations of the laborers, to better drainage, and especially to the fact that the excavations have reached a level below the poisonous emanations of decaying organic matter. The period of serious sickness always to be expected at the beginning of extensive excavations in tropical regions has already been passed at Panama.

"The logical deduction from these facts and figures is that the excessive mortality due to disturbing virgin soil in the Tropics remains to be encountered in Nicaragua, but has been gone through with at Panama, and we may now assume that a normal state of health will prevail there if proper sanitary regulations are enforced. The following figures from a recent official report of Major Gorgas, M. D., upon the health of Havana sustains this view. The average death rate for eleven years was 48 per thousand; the maximum was, in 1897, 106 in a thousand. The minimum was in 1900, when 21 per thousand died. During 1901, 19.56 per thousand died, which the Doctor says 'compares very favorably with leading civilized countries.'"

I wish to add that it does compare very favorably with leading civilized countries. I find that in the District of Columbia for the ten years from 1892 to 1901, inclusive, the death rate was

21.83. The highest was 24.74 and the lowest 19.48. Yet in Havana, where in 1897 there was a death rate of 106 in a thousand, after modern methods were employed to get rid of conditions that give rise to infectious and malarial diseases, the percentage ran down to 19.58, or equal to the lowest death rate in the District of Columbia for the past ten years.

The Senator from Ohio [Mr. HANNA] interrogated General Abbot as follows:

Right there, General, I understand that your judgment is confirmed by these figures and these data, that in the construction of the Nicaragua Canal you would have to go through pretty much the same conditions, in the turning up of the soil, until you reach a depth below which malarial diseases will be induced.

General ABBOT. I have very little doubt of it. The Commission state the same belief in their report; and I think that anyone who is familiar with work in tropical regions knows that as soon as the surface soil is disturbed extensively diseases which did not exist before are likely to be developed. I remember very well in the early days when Illinois was considered a terrible region for chills and fevers.

Senator HANNA. It was, too.

General ABBOT. But that has passed away with the settlement and occupation of the country. I will now give the best information I have been able to obtain on the subject of diseases and death in recent times on the railroad. I will read an extract from a letter from the second vice-president of the Panama Railroad, Mr. Drake: * * *

"I write concerning the mortality in recent years among the employees of the Panama Railroad, to say that upon careful investigation we find that we have a monthly average of 286 men upon our gold pay roll, mostly foreign, about equally divided as to color, and that among the white employees from the United States, resident on the Isthmus during the last five years, there have been 12 deaths from various causes; none, however, from yellow fever, and 1 by suicide." * * *

That gives nine per thousand. Mr. Drake further writes:

"We have an every monthly silver pay roll of 1,450 men, mostly colored, in constant service, which, as the time is divided into half days, is drawn from a force of fully 2,500 men. During the same period of five years there has been no serious epidemic in this force, or abnormal mortality. From among this force there are always patients in the company's hospital on account of disease or accident numbering from 5 to 20, but there are no records in this office as to the exact number of deaths."

It is interesting to note that in November, 1898, almost four years prior to the date of this testimony, General Abbot contributed an article to the Forum, from which I will read a paragraph or two:

The health of the personnel formerly caused trouble, coolies and other races not well suited to hard labor under a tropical sun being employed. With negroes from the British Antilles little difficulty is now experienced. This matter was carefully investigated during the inspection last spring, American engineers and employees on the canal and the Panama Railroad being questioned, the fine hospital near Panama, where the company provides for its sick, being visited, and the views of the medical officers and of the Sisters of Charity, acting as nurses, being obtained. All agreed that the dangers resulting from the climate have been much exaggerated. The surgeon in charge of the hospital, Dr. Lacroisade, who has resided on the Isthmus since 1887, after presenting full statistics covering the sick reports for the past year of a force of about 3,800 agents and laborers under employment, said:

"Among the diseases attributable to the climate the most numerous are simple marsh fevers, which have not occasioned a single death. Two diseases only belonging to the epidemic type have appeared—the beriberi, of which there is no longer any question (it was imported with negro laborers brought from Africa as an experiment and disappeared when they were sent back), and yellow fever. The latter, after having been absent from the Isthmus for at least six years, was imported in 1897 and continued about six months, from March to August, when it again disappeared after very light ravages (only six deaths).

"Thus it can not be considered that this pest is really epidemic on the Isthmus. From the other infectious epidemics, such as variola, typhoid fever, diphtheria, etc., the Isthmus appears to be almost entirely exempt. From the foregoing we may conclude that life on the Isthmus scarcely incurs more dangers than elsewhere, even for Europeans who, after the blacks of the British Antilles, appear to resist the climate best. Residence here would, then, offer nothing alarming were it not for a constant feeling of fatigue and uneasiness due to a temperature always high and an atmosphere saturated with moisture."

There appears, therefore, to be no danger—

Says General Abbot—

of serious mortality in the construction of the canal, if due care be taken to benefit by past experience in selecting the laborers.

I find in the report of the minority certain conclusions reached by them from the testimony taken before the committee, a paragraph or two of which I will read:

As to the comparative healthfulness of the regions traversed by the two routes, we consider the advantages in favor of the Panama. The distance is short, being traversed daily by the railroad within a space of three or four hours; the country is open and occupied by man, and the worst conditions of construction are now over. The enormous loss of life on the Panama line occurred at a time twenty years ago, in the first days of canal construction, but continuous work and the natural operations of nature have made the conditions quite free from former perils and now reasonably safe under proper hygienic conditions. The hospital service of the Panama Canal was extravagantly complete, but furnishes unparalleled conveniences and service of this character. The United States, however, will now get the benefit of this lavish but humane use of money.

The mortality records of the company are kept with the the accuracy of a government service, and in the official statement submitted by General Abbot it is conclusively shown that the conditions of health upon the Isthmus are now reasonably safe and not at all unusual or disturbing. At Nicaragua, on the contrary, in a country never traversed by man except for brief survey, the disturbance of the virgin soil is likely to be followed by mortality such as that which prevailed upon the Isthmus of Panama upon the opening of the canal works there, now happily past at the latter place.

From the testimony given before the committee I will read a few paragraphs:

Senator HANNA. Some consideration has been given to the health of the respective localities. It is claimed, and I presume it is true, that during the time of the construction of the Panama route there has been a great deal of sickness from fever and from other causes along the route of the Panama Canal. Has that been entirely owing to the fact that it is a more unhealthy part of the Isthmus than any other?

Admiral WALKER. I don't know that it is. The Isthmus was very unhealthy in the early days. There was a great loss of life in building the railroad, and when they first went to work on the canal there was a good deal of sickness; but the surface material, from which the sickness is supposed to come, has been largely removed, and of late years it has been as healthy there as anywhere in a tropical country.

Senator HANNA. Is it not likely that in the construction of the Nicaragua Canal, working a large force, turning up the surface of the soil, and in dredging, that malarial conditions conducive to fevers would arise?

Admiral WALKER. Certainly. As it stands to-day Nicaragua is a healthier route, because there is no work of that kind being done and very few people to get sick, but when you get to turning up the ground there will be sickness there, as there would be anywhere.

Mr. NOBLE. As far as present conditions are concerned—that is, present sanitary conditions—I think the advantage is altogether in favor of Nicaragua. Now, when work is undertaken on either route the conditions will be less favorable, owing to the stirring up of the mud in the swamps and the soil; stirring up the soil anywhere will increase the sickness beyond a doubt.

Senator HANNA. On the Nicaragua route?

Mr. NOBLE. On the Nicaragua route or anywhere else. I wish to state that when extensive work was undertaken on the Croton watershed for the water supply of New York some years ago—a peculiarly healthful situation, one would think—there was a great deal of malaria, although it had not been known before.

I should think that as the unfavorable conditions developed the aggravation would be greater, perhaps, in Nicaragua than in Panama, and what the total result would be under the new conditions I am not by any means certain, though I think the advantage would still be with Nicaragua.

Mr. MORISON. I think the diseases at Panama are very largely due to artificial conditions. The Isthmus of Panama has always been an unhealthy place. It has been inhabited for four hundred years, and I think you may say that there is not a water pipe or a sewer on the whole Isthmus. The city of Panama has never had so bad a reputation for sickness as Santiago de Cuba, and we know what has been done at Santiago de Cuba. I think that we know now how to handle sanitary conditions at Panama. * * * The first thing to do on the Isthmus is to get a supply of good water. There is plenty of good water on the Isthmus, but the people do not have it; and the next thing is to dispose of their sewage. With those two conditions met, three-fourths of the sickness on the Isthmus will disappear.

Colonel HAINS. In regard to sanitary conditions, I think the advantages are decidedly with Nicaragua. The men that we had employed in Nicaragua, some of whom were there for a couple of years, were sick very little. There was very little sickness among them. I do not think the health of the men in Nicaragua was as poor as you would find it in many places in the United States.

Senator HANNA. How would it be when you commenced your digging and stirring up the primitive soil and the decayed vegetation.

Colonel HAINS. Well, there is generally an impression that it will create different conditions. I am inclined to think that the conditions even then will be in favor of Nicaragua, because on the east side, where the most troublesome work and the great mass of the work is, the rains are so heavy. While these rains are detrimental to construction, I think they are beneficial so far as hygienic considerations are concerned, and I think so far as the considerations of sanitary conditions are concerned the advantages are with Nicaragua.

The CHAIRMAN. Well, Panama, according to testimony here, is a very much more unwholesome climate than Nicaragua?

Mr. BURR. I do not think so, Mr. Chairman?

The CHAIRMAN. Well, taking the facts as they exist—not conjectures, but the facts as they exist, the data we have—did you come to the conclusion that Nicaragua was more unhealthy than Panama?

Mr. BURR. No; not more. I do not think there is any difference between them that is sensible. There is at Panama a great deal of sickness at the present time, many deaths, and there have been in the past; but it is a line of continuous population from one ocean to the other and with one or two great centers of population. It is situated upon converging currents of travel along which many people from infected places are constantly passing.

There is absolutely nothing done there that makes for public health, and you have the natural results of the constant presence of yellow fever and other tropical fevers and ailments belonging to such conditions, whereas on the Nicaragua route there is nobody there to be sick. The Nicaragua route from Greytown to Brito is practically an uninhabited country. There is a small population at Greytown, and steamships call there occasionally, and there is a little business, but it is practically shut off from the outside world.

The little place of Castillo, approximately halfway from Greytown to the lake, has a few people, constituting an isolated population. Fort San Carlos has a small population. I suppose that perhaps 500 people at each one of those places would probably cover all the inhabitants. Outside of that there is nothing in the way of population on the whole route from the Caribbean Sea to the Pacific; but there have been dreadful epidemics of yellow fever in Nicaragua in times past, as at Leon. From the accounts given of it there can be little or no doubt that it was yellow fever, and they have at Managua at the present time fevers which I was assured by Dr. Donaldson, the United States consul, are yellow fever, or something just as bad. * * *

I believe that if a large force of laborers were put upon the Nicaragua Canal for its construction, and there were brought into that country the seeds of disease that have been brought into Panama, there would be practically the same conditions to deal with at one place as in the other. It is equally malarial, naturally. The death rate of Nicaragua, so far as anybody can know anything about it, at Managua and other Nicaraguan towns, is appallingly high. In fact, Dr. Donaldson himself had to move out of the house in Managua, where he was living with his family, up into the suburbs on higher ground in order to save himself from illness.

Colonel ERNST. The healthfulness of the Nicaragua line is better than that of the Panama line, but I am not at all satisfied that we can not very much improve the state of affairs on the Panama line with our modern appliances and with the lessons that we have been taught, the necessity of it, and I would not venture to go into the Nicaragua line without taking equal precautions. I think it is absolutely necessary to have a rigid sanitary system there, with a police system to enforce the rules, and to introduce a copious water supply and take all the sanitary precautions that are necessary in those unhealthy countries. They are both unhealthy; there is no doubt about that.

I find likewise in the testimony given before the committee that Mr. Edward A. Drake and Mr. Charles Paine gave some interesting facts. They have been in charge of construction work on the Isthmus for many years. Mr. Drake said:

We have a gold pay roll and a silver pay roll. The gold pay roll represents the employees who are selected here and sent down there, who reside there,

with their families, in the company's quarters. And I should like to say, and I should like to have it recorded, that, although much is said of the nonsalubrity of the Isthmus, during the last five years we have had among that colony of our employees, among those whom we sent there, but twelve deaths.

The CHAIRMAN. Twelve deaths among your employees?

Mr. DRAKE. Among our employees sent from the United States. We have a total of gold pay-roll employees sent from here and on the Isthmus of 338.

I will pause, Mr. President, to say that a death rate of 12 out of a total of 338 in the period of five years is a remarkably small death rate for any city in the United States.

Mr. MORGAN. That was only on the gold pay roll, though.

Mr. GALLINGER. Yes; but it is a remarkably low death rate for any class of people anywhere. Mr. Drake, who was a responsible man, testifies that it is a fact.

Mr. PAINE. Those are on the gold pay roll?

The CHAIRMAN. And how about the silver pay roll?

Mr. DRAKE. The silver pay roll represents the natives. There are 338 on the gold pay roll, and among them we have had 12 deaths in the last five years, and only part of these due to climatic causes.

The CHAIRMAN. How about the silver pay roll?

Mr. DRAKE. The silver pay roll is made up of natives. There are 1,387 of them. It is made up of Jamaicans and of people who live in the Tropics, and very naturally are exempt from diseases due to the climate.

The CHAIRMAN. What is the proportion of death among them?

Mr. DRAKE. We have not that record. That is not furnished to us.

Mr. PAINE. There have been no epidemics since I have been there.

Mr. DRAKE. I have been connected with the railroad for fourteen years, and during that time we have had no epidemics.

The CHAIRMAN. You have kept no record of deaths on the silver pay roll?

Mr. DRAKE. The silver roll are natives. It would be keeping the statistics of the towns there. It is easy to obtain, but they live there. We employ them and discharge them, and there is a constant coming and going.

I find further along in the testimony that the chairman asked Mr. Paine:

Have you any statement of the health of your employees, the railroad employees, including the hirelings, the day laborers?

Mr. PAINE. We have no health reports with regard to any of our silver employees; that is, the men who are paid in silver, the natives and Jamaicans that we have there, except such as are in our hospital. We have a report every week showing the condition of the hospital, and generally we have from three to six or seven black men in the lower ward.

The CHAIRMAN. They are the silver men?

Mr. PAINE. They are the black men.

The CHAIRMAN. The silver men are on your silver roll?

Mr. PAINE. Yes.

The CHAIRMAN. They are the day laborers?

Mr. PAINE. Yes; that is, a force of—well, last month we had——

Mr. DRAKE. One thousand three hundred and seventy-eight.

Mr. PAINE. Those are the days' work—1,378 men continuously for a month. That would mean one-half more men who are really employed: that is, they only work about half time, less than half time, I should say, that the Jamaicans average. We have a force of 300 men paid in gold, and very often there are none of them in the hospital, and sometimes there are as many as five at once. I do not remember any instance where there were more.

Again, Senator KITTREDGE asked Mr. Paine:

What about the general sanitary condition all along the Panama Railway?

Mr. PAINE. There has never been any epidemic since I have been connected with the company; no epidemic of any kind. They have had yellow fever in Panama among the troops, but I do not know of a single instance of yellow fever among our men, among our employees, or among those of the canal company, except one, and that was a doubtful case. He was our agent at La Boca and Panama—Captain Beers. He had had yellow fever before, and he said that he did not have it at this time, but his physician pronounced it yellow fever, seemingly because it was convenient. That is the only case I have ever known among our employees.

The engineer in chief of the Panama Canal Company condensed much truth in a few words when he said in a recent publication:

The passage through the Nicaragua Canal, which will last a day and a half if navigation is possible during the night (a thing which many competent men consider impossible), and which will last three days if navigation is really impossible at night, will bring passengers and crew into contact with the land, and this will facilitate the communication between ships and shore of different diseases, such as smallpox, cholera, yellow fever, etc. The sanitary regulations, quarantine, etc., will cause other risks of detention that ships would not have in a short canal like that of Panama, which can be traversed between sunrise and sunset.

Mr. President, nothing has come to my attention which so completely demolishes the statements of those who have been trying to make it appear that Panama is a pest hole and Nicaragua a salubrious climate as an article in the Medical News of January 4, 1902, from the pen of George A. Soper, Ph. D., of New York City. Dr. Soper is known among scientists as a man of remarkable attainments, and his views on questions of sanitary science carry great weight. Dr. Soper's article is somewhat long, but its great importance will be a sufficient excuse for placing it entire in the RECORD.

Mr. MORGAN. Has the Senator seen the reply of Dr. Stubbert, who was the surgeon of the Maritime Canal Company, to that article?

Mr. GALLINGER. I will say that I have not.

Mr. MORGAN. It is a very powerful refutation of it.

Mr. GALLINGER. I wish it might have been furnished to me. I know Dr. Soper very well by reputation. He stands very high among the scientists of the country. He has a reputation to sustain, and he has given the country the benefit of this article which has had very great weight on my mind on the question of the relative healthfulness of Panama and Nicaragua. Dr. Soper does not make extravagant claims for Panama, but he seems to have given due weight to every available fact connected with the subject, and his conclusions are a complete refutation of many assertions made in this debate.

I will not read the entire article, but will ask permission to put it in the RECORD. I hope Senators will read it. It will be seen from it that Dr. Soper finds very little difference in the relative healthfulness of the two proposed routes, the advantage, however, being with Panama.

SANITARY ASPECTS OF THE PANAMA AND NICARAGUA CANALS.

[By George A. Soper, Ph. D., of New York.]

The Isthmian Canal Commission, appointed June 19, 1899, to investigate the practicability and feasibility of various projects for constructing a ship canal across the Central American isthmus, have submitted their report to the Congress of the United States. While the matter stands before the representatives of the people and a final choice between routes is still open, it is of interest to inquire from a disinterested standpoint into the conditions which make for and against health in the countries and along the routes which are under consideration.

Upon the question of liability to, or immunity from, disabling diseases rests the problem of labor, and all persons are agreed that the greatest difficulty to be encountered in the construction of the canal will be the procurement of an adequate supply of laborers and the preservation of their health and efficiency. In view of this fact, it is rather curious that the exhaustive report of the Isthmian Canal Commission should not have discussed the question of health more thoroughly. In their report of 263 pages less than a page and a half is devoted to hygiene, and in the 40 appendices which accompany the report there is no discussion of the subject presented.

Not only is the question of health a factor to be considered in the construction of the canal, but when the canal is completed the rôle of this great waterway in promoting or endangering public health will be a subject of immense commercial importance.

General description of the American Isthmus.—The Central American Isthmus in the most extensive meaning is about 1,400 miles long, and extends from the seventy-seventh to the ninety-fifth meridian of longitude and from the eighth to the eighteenth parallel of latitude. The ninth degree of latitude nearly bisects the route of the proposed Panama Canal, while the eleventh parallel cuts that of Nicaragua.

The general direction of the Isthmus is from southeast to northwest, the first 600 miles to the eastward being comparatively small in width. It varies from a minimum of barely 30 miles to a maximum of 120 miles. The land is of volcanic origin and consists of mountain ranges which unite the Andes on the south with the great chain of mountains which extend along the western border of the United States. Below the mountains are many plateaus, plains, and small stretches of land, some of which are but slightly elevated above the level of the sea. The most available routes for a canal across the Isthmus are considered to be the Nicaragua and Panama lines, which would have a length of 183.66 miles and 49.09 miles, respectively.

Most observers writing on the health conditions natural to the low lands of the Isthmus describe the region as unhealthy to the natives and peculiarly fatal to Europeans. Since the period of the Spanish conquest many attempts have been made to colonize Central America, but the foreigners of Spanish extraction are the only ones who have been able to withstand the climate with even a tolerable degree of success. The natives are described as inferior in the social scale, of a wan, sallow tint, with softness and puffiness of the tissues, poverty of the blood, extra large development of the stomach, and with a tendency toward congestion of the liver and speen.

This is accompanied by a state of languor, dullness of the intelligence and of the entire nervous system. Near the sea and along the lines of the proposed Panama and Nicaragua canals much of the land is low and comparatively flat, with sluggish water courses and all the characteristics of a tropical vegetation. Putrid emanations from decomposing organic matters prevail everywhere, and their deleterious effects, considered not as agencies of specific diseases, but more particularly as unwholesome gases, are evident.

The physiological effects often observed in the Tropics prevail on the Isthmus. The large amount of moisture which prevails in the air lessens evaporation from the skin and lungs, and this condition, with the continuous heat, shows its effect in loss of appetite, depression of spirits, and in disorders of the kidneys, stomach, and intestines. In new arrivals the body heat may reach an excess of 1° F. above normal, and frequently exceeds the temperature of the outside air. As a rule, however, the atmosphere is much warmer. This causes the metabolic processes, which in northern climates turn a part of the food materials into heat, to be reversed, and the vital functions are then called upon to neutralize the excess of heat received in order to maintain the body at a normal temperature.

This throws additional work upon the excretory organs, which, under other conditions, would be concerned in throwing off only a portion of the products of the food absorbed. The excess of work and alteration of functions described are important predisposing causes of disease as are the following physiological effects of hot, moist climates: A reduction of the pulse rate, decrease in respiratory action, diminution in the number of red blood corpuscles, increase in perspiration, reduction in saliva, gastric and pancreatic juices and bile.

Health conditions along the Panama route.—At Panama the seasons are divided into two tolerably well-defined periods—the dry or winter and the wet or summer seasons. By this accidental concurrence of the seasons of maximum moisture and maximum heat, the humidity and effluvia from marshes and swamps reaches its greatest possible amount.

For 55 per cent of the time the winds blow from the northeast and northwest, and 35 per cent of the time from the southeast and southwest.

The dry season includes the months of January, February, March, and April, the rainy season occupying the remaining eight months of the year. During the dry season the average temperature at Colon for six years, 1882-1887, was 79.5° F., with a monthly maximum of 90.9°, which occurred in January, and a monthly minimum of 68.4°, which was recored for the same month. During the rainy season the maximum average temperature for any month occurred in October, with a record of 91.9° F. The minimum of temperature for any month of the year was 66.9° F., for August.

The hourly variation in temperature is greatest during the dry season, when the change is, on an average, 7° F. between 4 p. m. and 7 a. m. each day. In the rainy season this difference is 5° F.

The humidity at Colon in 1881 was, on an average, 86 per cent during the rainy season and 77 per cent during the rest of the year. Only limited data are available concerning humidity, but the probability is that it is very high at most points on the Isthmus. As the climate of this insular country depends partly upon the influence of the sea, the temperature of the water of the Atlantic Ocean and that of the Pacific is interesting. On the line of the Panama Canal the temperature of the Atlantic is generally 9° F. higher than the Pacific in February, with a difference of 1° F. in September. At Colon the mean temperature of the ocean is nearly that of the air, 79.9° F.

The barometric pressure is very uniform, especially in the dry season, from which it appears that severe storms are uncommon; yet northers occur occasionally and severe hurricanes have been known on the Atlantic coast.

As a result of fifteen years' records at Colon, the annual precipitation in inches which was measured reached a maximum of 154.89, with a minimum of 116.36 and a mean of 130.20. Rainfall records for four years at Panama show a maximum of 84.73 inches, a minimum of 45.59 inches, and an average of 63.77 inches per year. At Culebra the records for three years showed the rainfall per year varied from 64.25 to 98.97 inches.

As to the forms of disease most commonly met with, Griswold says that four-fifths of all sickness at Panama are due to fevers. Severe bilious fevers, congestive fevers, and Chagres fever are not uncommon. According to Buel, the most sickly period is September, October, and November, during which time dysentery is very common, as is also a high degree of bilious fever which, in malignity and fatality, falls little short of yellow fever. Foreigners seldom, if ever, acquire the same immunity from local diseases as that enjoyed by the natives; they are frequently attacked by febrile disorders, and in the interim suffer from the depressing and debilitating effects of the climate. In March, April, and May fevers are at their minimum. Dysentery is common at the end of the rainy season and at the beginning of the dry season. Phthisis is prevalent among the natives, especially along the coasts. According to Wallis, "smallpox, yellow fever, and paludal fevers in their infinite varieties and forms are never absent in these intertropical regions, where they are truly endemic." Nelson, after an experience of five years at Panama, gives his approval of the statement long made with reference to the Isthmus, that it is the "Grave of the European." It has also been called the "Pest-house of the Tropics," and Bigelow says that here truly "life dies and death lives."

In the contracts let by the old Panama Canal Company the latter was compelled to supply the labor. The total population of Panama was estimated at not above 150,000, and as many thousand workmen were required for the work upon the canal, it was necessary to import labor from abroad. In the effort to supply the demand, many laborers were brought from the island of Jamaica, but of these many soon fell sick and died, and a large number of the remainder left the work to escape a similar fate. Other workmen came from Cartagena, the British Antilles, and the Lower Mississippi Valley. Of all the labor employed, the most hardy workers, as regards ability to endure hardship and resist disease, were a tribe of Indians from the Magdalena River.

The sickness and loss of life among the men engaged at work upon the canal has been variously stated. Davidson declares that of a force of 7,000 men, the company reckoned that about 1,000 men were always in hospital. From other sources we learn that the sickness and death rate among the laborers were very high. In Panama and its vicinity 37 engineers out of less than 100 are said to have died during the months of March and April, 1882. An observer declares "there was not a single French engineer who had been able to attend to the work beyond one year and a half, although the contract called for two." In September, 1884, it is said the canal company buried 654 officers and men. There were many sanitary abuses when the canal work was first begun, and the method of charging the contractors for the care of the men in hospital no doubt caused the laborers to be kept at work when they should have been under medical care.

The health conditions, as officially reported by French authorities, do not show the high mortalities from diseases incident to the climate which have been indicated by travelers and other independent observers. But Heffenger declares that it was impossible for him to gain access to the health records of the Panama Canal Company and that the impression gained by him after investigating the matter privately was that the public reports were garbled and incorrect. Dr. Heffenger states that he was informed by a leading physician of Panama that in the first eleven months during which preliminary work on the canal was under way, 65 officers and 800 men died of disease.

It is recorded by Liddell that of 382 patients treated by him between the middle of June and the succeeding May, 250, or more than two-thirds, were suffering from remittent fever with bilious, gastric, or enteric complications. Referring to the importation of labor for the Panama Railroad, Liddell says that the services of laboring men from the United States could not be counted on for three successive months. Before the end of the second month one-half the force was on the sick list or enfeebled by sickness already sustained.

In this connection it is interesting to note that the Panama Railroad Company, which has had fifty years' experience, along the line of the Panama Canal grants to its white employees from the United States two months' vacation every year.

The route of the Panama Canal follows low-lying valleys from the Atlantic terminus to a point within a few miles of the Pacific. Here, at what is known as the Culebra ridge, there is a section of several miles of mountain through which a deep excavation must be cut. It is probable that a large number of laborers would have to occupy the position for eight years. Next in importance are excavations and other work between Culebra and the Pacific.

There is a considerable diversity in the engineering problems connected with the Panama route, but the labor would be comparatively concentrated. Swamps, with the rank vegetation peculiar to the Tropics, abound along most of the line. To the cost of construction the Isthmian Canal Commission has added 20 per cent to cover engineering, police, sanitation, and general contingencies. The same percentage has been allowed for the Nicaragua route. How much would be devoted to sanitation is not stated.

Health conditions along the Nicaragua route.—Some 280 miles north of the Atlantic entrance to the proposed Panama Canal is the city of Greytown, the eastern terminus of the projected route of the Nicaragua Canal. Topographically, the country traversed by the line of the Nicaragua Canal consists of a great central, basin-like depression, inclosed by coastal mountain ranges, whose peaks occasionally attain a height of from 5,000 to 7,000 feet. The Central Basin is occupied by two great lakes, the waters of which flow eastward through valleys which open diagonally to the Atlantic Ocean.

The central depression descends to the Pacific through a short and narrow valley in the western coast range. The route is marked by swamps, lagoons, and river bottoms heavily overgrown with rank tropical vegetation. By far the largest share of the estimated cost of constructing the Nicaragua Canal is allotted to that part of the line which lies east of the lakes. Here are located extensive river and harbor improvements, several locks, and the Conchuda Dam, whose site is between Ochoa and Lake Nicaragua. It is thought that the canal would be eight years in building.

Much less is known about the climate and health conditions of Nicaragua than Panama. According to all sources of information, the temperature is fairly uniform throughout the year. The report of the Isthmian Canal Commission just published states that the thermometer seldom reaches 95° F. nor falls below 70° F. The humidity is usually high, particularly on the eastern slope. As recorded for several stations in 1898 the humidity was never below 58 per cent and generally above 80 per cent. It has been declared that the locality is beyond the cyclonic disturbances of the West Indies and that heavy storms are rare, yet authentic accounts exist which show that northers and other similar atmospheric disturbances have occurred at infrequent intervals along the Atlantic coast. The northeast trade winds predominate.

Rainfall records show that there is no definitely wet nor dry season on the eastern slope, but in the region of Lake Nicaragua and on the west coast there is a distinct dry season from about the 1st of December to the middle of May, during which rain seldom falls. During the dry season the prevailing winds blow from the Atlantic coast and the moisture contained in the atmosphere is precipitated before it reaches the central and western watersheds.

The rainfall at the Atlantic end of the Nicaragua Canal route is the heaviest yet recorded for the American continent. The annual rainfall at Greytown averages 260-270 inches and has twice reached nearly 300 inches. Points at which rainfall was noted in 1900 were: Greytown, 266.10 inches; Ochoa, 158.83 inches, and Fort San Carlos, 89.34 inches. In 1898 the rainfall at San Juan (Greytown) was 201.64 inches; Ochoa, 170.84 inches, and Brito, the Pacific terminal, 94.88 inches. The heaviest recorded fall of rain in a short period occurred at Lake Silico, November 4, 1899, when 10.5 inches fell in six hours, an average of 1¾ inches per hour. On the same date 12.48 inches of rain fell in twenty-four hours at Greytown. A fall of four or more inches per day is not uncommon.

It is the testimony of disinterested observers that both coasts of Nicaragua are malarious, with a considerable amount of suffering from malarial cachexia and enlargement of the spleen. Dysentery is one of the severe diseases of the country. A prevalence of fever of the pernicious type has been noted, particularly in the western portion of the country. The fever is generally hepatic, and jaundice and hematemesis are usually present. The mortality from pernicious fever is very high. As this disease carries so many of the characteristic symptoms of yellow fever, Stitt declares that able physicians frequently pronounce the two diseases to be identical.

Among the diseases not epidemic but prevalent, may be mentioned those of an enteric nature, affections of the liver, such as hyperemia and tropical abscess, intermittent and remittent fevers, and pulmonary tuberculosis. The climate of the lake region is said to be particularly unfavorable to persons suffering from phthisis. The yearly reports made by the Maritime Canal Company of Nicaragua to the Secretary of the Interior of the United States, convey the impression that the health of the employees engaged upon the canal construction was satisfactory. About 1½ per cent of those actually in hospital died, including the patients who were admitted for the treatment of accidental injuries. About 51 per cent of all cases of sickness were fevers; there were no deaths from enteric diseases, and only two-thirds of 1 per cent of the cases in hospital died of diseases contracted in the country.

Commenting upon the records of the Maritime Canal Company, the Isthmian Canal Commission of 1899-1901 observes that "These operations, however, were of a preliminary character, employing but a limited number of men. It is probable that when 10,000 or 20,000 men are assembled, and the rank soil is being turned up over a widely developed line of works, the experience will be different." There is very little impartial or antagonistic criticism available concerning the health conditions which obtained at the works of the Maritime Canal Company, for very little attention has been given to this project except by Americans who have long been prejudiced in its favor.

Comparison between the Panama and Nicaragua routes.—A comparison of the conditions which make for and against health along the proposed lines of the Panama and Nicaragua canals may be summed up conveniently under the two following heads:

I. Which route would probably be freer from disease during the work of construction?

II. Which canal would be more favorable to health after it was built?

In discussing these topics it will be convenient to note some of the most unfavorable conditions common to both routes and suggest very briefly means by which the rates of sickness and death may be kept as low as practicable.

I. *Health conditions during construction.*—The greatest difference in climate between the lines of the Panama and Nicaragua canals is in rainfall. Panama has a dry season of four months with a rainy season of eight. No rain at all falls during the winter months, and in the rainy season the precipitation occurs mostly as heavy showers which come on in the afternoon.

On most of the Nicaragua line, particularly at the site of the great dam and about Grey Town, rain falls throughout the year. The immediate effect of the constant rain in Nicaragua is to keep laborers and others exposed to the elements in a drenched condition. Wet clothes taken off at night are put on damp the next morning, and worn so through the day. Sleeping garments removed after a night's rest are placed in rubber receptacles so they may be dry at night. The effect upon health of this constant wetting may be imagined. It is not reasonable that the human system should be able to long stand the debilitating effects which the wet apparel produces. Diseases of the respiratory organs, rheumatism, and fevers are consequently invited by the climatic conditions which occur between the lakes and the Atlantic terminus of the Nicaragua Canal. The western part of the route appears to be very similar to the Panama country so far as climate is concerned.

The range of temperature, so far as the records at hand indicate, is somewhat greater at Nicaragua than at Panama. Daily changes of temperature, however, do not seem to be quite so marked. The humidity is higher, and the soil, by reason of a greater length of low swampy territory along the Nicaragua line, makes the northern route less acceptable than the Panama Canal would be from this standpoint of health.

There is little difference in the nature of the diseases which are indigenous to the countries along the two routes. The history of the Panama Canal country is a black one, but in considering the records of sickness along this route, it must be remembered that grave sanitary errors were committed from the beginning, and that unfavorable accounts, arising probably in some cases from commercial and national prejudices, have been collecting for a long time. The situation is very different with respect to Nicaragua. The country is comparatively new, and no such damage to its reputation has occurred. If it is said that but little disease can be charged against Nicaragua, the reason is probably because little experience of any kind has been had there.

From the evidence at hand it is inferred that dysentery, malarial, and other fevers are as much at home under the conditions of climate and soil which exist at Nicaragua as they are at Panama, and that smallpox and many minor tropical diseases are probably endemic in both countries. The climate in each case predisposes the native and foreigner to sickness and favors the progress of the worst diseases which may be brought into the country.

The ordinary habits of the natives and visitors who stay any length of time on the Isthmus are not calculated to increase bodily vigor and natural resistance to disease. Carelessness to exposure, indifference to obvious dangers of diet, lack of proper attention to bodily irregularities, and a strong appetite for spirituous liquors are conditions which render the people of the Isthmus especially liable to disease.

Following the precedent established by the Suez Canal enterprise and adopted by the promoters of the Panama and Nicaragua canals, a department of health will in all likelihood be organized. The work which will naturally come before this sanitary organization will include the procuring and protection of pure-water supplies, and the prompt and permanent disposition of the daily wastes, which will occur among the thousands of laborers who will be gathered together in camps and settlements. The housing and provisioning of the men will no doubt form a division of the work, as will be the regulation of their hours and habits of toil and recreation. Medical inspections will be required in order to detect the presence of diseases and insanitary conditions, and hospitals, with branches along the line, will be necessary to care for those who will inevitably suffer from accident and sickness. If an arrangement can be made by which the physical condition of the

laborers is examined, and perhaps vaccination practiced, before they are allowed to embark from their home ports for the works, the subsequent labor of the sanitary organization will be greatly lightened.

The type of physique which has been found most able to resist the unhealthful conditions of the climate of the Isthmus closely approaches the best types already found there and in the neighboring islands and on the Gulf coast of the United States. The foreigner least susceptible to disease in these tropical countries is a man of medium stature, square frame, dark complexion, thick skin, and mature age.

II. *Health conditions after completion of the canal.*—The health conditions which are likely to obtain at the canal after its completion are worthy of consideration, since a large population will probably gather along the route and an immense amount of traffic will pass through the great waterway. Tributary to the Nicaragua route there is a naturally rich and extensive country which would be opened up to traffic. On the line of the Panama waterway the country is rugged, sparsely settled, and much less productive. At the present time the population along the Nicaragua route is slight, and cities near its terminals are not yet built. At Panama a railroad which has been established for fifty years nearly parallels the line of the canal. Two well-established cities are situated at the ends of this route.

After the canal is built, infectious diseases will almost inevitably be brought to the people of the Isthmus by the large amount of traffic which will result. Vessels will come from the cholera centers of Hongkong, Calcutta, Bombay, Madras, Singapore, and the Straits Settlements; from the plague foci of China, India, and Japan, and from the yellow-fever ports of Brazil, Mexico, and those islands of the West Indies which lie between 61° and 85° west longitude.

Comparing the two routes across the Isthmus from this standpoint, it is plain that the Panama Canal has a very marked advantage over the line which would pass through Nicaragua. It is much shorter. Ships in transit would be able to pass from ocean to ocean by the Panama Canal in twelve hours, while by the Nicaragua Canal thirty-three hours would be consumed. It may be urged that communication with the land in either case could be avoided, and that an efficient sanitary police could effectually protect the people and shipping against mutually communicating disease.

Unfortunately, further thought shows that this would be a difficult matter. The temptation for sailors and others to seek the relaxation of a few hours on shore in the middle of a long voyage and under conditions of a peculiarly alluring nature while the ships are slowly passing through the locks and narrow reaches of the canal is not to be denied. If to this temptation is added the certainty of being able to overtake vessels by railway after a night's debauch it is not clear how the Isthmus can certainly be prevented from becoming a focus of disease as well as a focus of trade.

It is extremely important that this great highway of commerce should be kept entirely free of epidemics of infectious diseases, for the burdens which would be put upon shipping in the event, for example, of cholera becoming prevalent along the canal would go far to offset the advantages to be gained by making the short cut from ocean to ocean; nor would the fact that a vessel had loaded her cargo at a healthy port relieve her from suspicion of carrying disease. It is doubtful if the quarantine officers of any healthy city would admit to pratique a vessel which had passed a day and a half in an infected country, whether the original ports of departure of that ship had been in a healthy condition or not.

Another effect which the opening of the canal is liable to have upon public health will be that due to the improved chances of carrying disease between ports which will be brought nearer together by the canal. The southern ports of the United States and the Pacific coast will be brought in much closer contact with the unhealthy cities of South America and the East by the opening of a transisthmian canal. The obvious remedy here is the cleaning up of these unhealthy centers; but meanwhile the insanitary condition of many of the ports of trade, both in the United States and South America, makes the danger dependent upon a closer and more extensive traffic among them.

SUMMARY OF CONCLUSIONS.

The principal conclusions reached in the foregoing inquiry may be conveniently brought together in the following categorical order:

1. Both the Panama and Nicaragua routes pass through a country which is extremely unfavorable to health.
2. The climate of Nicaragua and Panama differ chiefly with respect to rainfall, the precipitation on the Panama route being distinctly the less unfavorable to health.
3. Considerations of soil, topography, and the nature of the engineering work to be done are in favor of Panama. Fewer men would be required; they would be concentrated, and hence their health could be more easily protected.
4. There is practically no difference in the nature of the diseases to be anticipated, nor in the precautions to be taken to protect health in either case.
5. After construction the difficulty of controlling health conditions along the line would be greater on the Nicaragua route.
6. The shorter Panama route would cause passing vessels to be exposed to the possibilities of infection for a much briefer interval. The danger of communicating diseases to and from the Isthmus is fairly represented by the difference in time which it would take ships to pass from ocean to ocean by the two routes.
7. The likelihood of the canal becoming a disease focus, thus interfering with commerce, by requiring all healthy ports to quarantine against ships passing the Isthmus, is much greater in the case of Nicaragua than Panama.
8. Although the Panama health records are much darkened by heavy losses of life by disease, this is not to be construed as evidence of the existence of conditions favoring a greater immunity from sickness along the Nicaragua line. More lives have been lost at Panama because more lives have been unnecessarily exposed. The experience of Panama is to be taken as a warning of conditions which are liable to be repeated on either route.
9. Whichever canal is selected extraordinary care will be required to maintain satisfactory health conditions during construction and after completion of the work.
10. Plans and preparations in detail for the organization of an efficient sanitary and medical department should be made as early as possible, so that the measures necessary for the prevention of disease may be carried on in harmony with the engineering projects.

REFERENCES.

1. Report of the Isthmian Canal Commission, United States Senate Document No. 5 A, Fifty-seventh Congress, first session.
2. Boyland, G. H. Independent Practitioner, Vol. I, No. 7, 1880.
3. Munson. Military Hygiene. New York, 1901.
4. Abbott, H. J. Monthly Weather Review, Vol. XXVII, No. 5, 1899.
5. Ommany and Collinson. Royal Geographic Society, December, 1867.
6. Griswold, C. B. The Isthmus of Panama. New York, 1852.
7. Buel, William P. Am. Jour. Med. Sci., Vol. XXXI, 1856.
8. Wallis, D. Q. Report of State Board of Health of Louisiana, 1882.
9. Nelson, Wolfred. Five Years of Panama, 1889.
10. Engineering, London, April 2, 1886.
11. Bigelow, Hon. J. Address before Chamber of Commerce of the State of New York, 1887.
12. Davidson. Geographical Pathology, 1892.
13. Canal de Panama, Rapport de la Commission, 1889.
14. Heffengen, A. C. Boston Med. and Surg. Jour., Vol. CVI, No. 16, 1882.
15. Liddell, J. A. New York Jour. Med., Vol. VIII, 1852.
16. United States Geological Survey, 20th Annual Report, Part IV, 1898-1899.
17. Report of the Nicaragua Canal Commission, 1897-1899.
18. Pim and Seaman, Panama, Nicaragua and Mosquito. London, 1867.
19. Stitt, E. R. Report Surgeon-General United States Navy, 1895.
20. Watson, J. M. Jour. Med. Sci., Edinburgh, Vol. XV, 1852.

Now, Mr. President, on this matter of health conditions in Panama and Nicaragua I have only to add that the United States Government is fully equipped with a service that will care for these malarial and infectious diseases wherever they exist under our control. We have stamped out yellow fever in Santiago de Cuba. We have stamped out yellow fever in Havana, a city that one of the witnesses of the Senator from Alabama pictured as being as bad as Panama. We have stamped out these epidemics wherever they have prevailed in our own country; and in my opinion we are fully prepared, if we construct a canal either along the Nicaragua or the Panama route, to stamp out the diseases which proved so disastrous to human life when the Panama Railroad was constructed, at which time all the laws of life and health were absolutely disregarded.

INTERESTING STATISTICS.

Mr. President, in connection with this subject it is interesting to recall the fact that in former years, before it was thought necessary to have clean streets, good sewerage, pure water, and efficient medical supervision, fearful epidemics of yellow fever and cholera were not unknown to Northern cities.

In 1699 yellow fever raged in Philadelphia, and again in 1762.

In 1793 5,000 deaths occurred in Pennsylvania from yellow fever.

In 1792 the same disease carried off 1,792 people in Philadelphia, and in 1798 3,645 deaths occurred from the same scourge in that city.

In the years 1702, 1790, 1794, 1795, 1798, 1805, 1822, and 1867 yellow fever prevailed in New York City, some years to an alarming extent.

In 1832 there were 4,000 deaths from cholera in New York City, and in 1849 3,000 deaths. The same year there were 2,000 deaths from cholera in Buffalo, 5,080 deaths in Boston, and the epidemic raged in Michigan, Wisconsin, Pennsylvania, Missouri, Tennessee, and Illinois.

Those scourges are now unknown to the Northern States, and they are practically stamped out in the South, just as they can be in Nicaragua or Panama.

But, Mr. President, I have taken more time than I intended to, and I leave the subject for the consideration of others, contenting myself with the closing remark that the great natural advantages of the Panama route should not be abandoned because of the false cry that has been raised as to health conditions along that line. The preponderance of testimony refutes the arguments that have been made on the other side, and justify us in the conclusion that the climatic conditions of Panama are not such as should deter this Government from selecting that route as the most feasible one for an interoceanic canal.

Mr. MORGAN. Mr. President, if Panama has been the subject of a false cry about its healthfulness, it is the worst slandered country in the world, because I have never yet heard a person speak about it, I have never seen a newspaper that wrote about it that did not say it was the unhealthiest country in the world. The Senator from New Hampshire [Mr. GALLINGER] may have entirely overturned all that history has recorded on that subject, but I think I must content myself on that point by referring to the unanimous opinion of mankind, a judgment based on facts that are absolutely unanswerable, perhaps one of the leading and best authorities being Baron von Humboldt, who said it was the only place where, for fifty years, yellow fever had appeared at any isthmian port, and where it was continuous and immovable. We know that that is so.

Mr. President, I do not wish to appear in this debate as frequently as I am compelled to do, but a great amount of care, labor, and responsibility have been thrown upon me, and I am compelled in honor and in conscience to bring forward for the consideration of the Senate the facts which have not appeared in the history of this measure, except in certain papers and records that have been submitted here and in the testimony of witnesses, without proper arrangement.

I desire this evening to bring forward for discussion a situation that has been created by the act of the President of the United States. The last time I was on the floor I read a statement from General Grant, after he was President, which showed that he had made a very careful examination of both these routes, taking up the report made by Humphreys, Ammen, and others, to which the Senator from Nevada [Mr. STEWART] referred this morning. His statement on that subject, it occurred to me, contained as

much good sense as was ever contained in any proposition made by mortal man, and it is not at all unnatural that we should attribute such sensible things to General Grant.

Mr. President, I claim to have a proper respect for the solemn diplomatic acts, pledges, and agreements of our Presidents, without reference to the politics of their supporters or my political antagonisms toward them. It is on this basis that I rest the hope and the belief that the action of President McKinley in the conduct of a great and dangerous imbroglio in China, and the conclusion he reached of which we know little, officially, is honorable, just, correct, benevolent, wise, and patriotic. I have equal respect for the motives and the conduct of President McKinley in obtaining the agreements from Costa Rica and Nicaragua in December, 1900, that are called protocols, which have only been laid before Congress officially within a month past.

I honor him for the correct, just, benevolent, wise, and patriotic terms of those agreements and for the friendly regard for our sister Republics, Costa Rica and Nicaragua, in which those agreements had their origin, and for the splendid and intrepid statesmanship that inspired them. A more trying and difficult group of questions was never dealt with or answered in the clear mind and true heart of a courageous man than was settled in this simple act of quiet, firm, and wise resolve by President McKinley.

The first question in that difficult problem was: "Shall a canal be opened through the American isthmus or shall the effort be abandoned?" The answer was: "It shall be opened."

"At what place?" was the next question. The answer was: "Through the valley of the San Juan River and Lake Nicaragua." "Who shall construct, own, and control the canal?" The answer was: "The United States."

In what way and by what authority shall the right be obtained to do these acts that are little less than sovereign? The answer was, "By agreement with the sovereign Republics that own the country. They are our younger sisters, and in the sense of the protection we owe them through our national relations toward them they deserve our most respectful consideration, our most honorable care, our most neighborly assistance in the one great work which alone can bring these great Republics within reach of the distant coasts of the Atlantic and the Pacific, a work which the Creator has provided them the opportunity to accomplish—through lakes and rivers that only a slight diversion will cause to flow to the westward, as they now flow to the eastward, and connect the two oceans—without the strength to do the work."

The last and most trying question that arose was, Who shall prevent or hinder the performance of this plain duty?

To that question it was the soul of the American President that responded, not alone his wisdom or his courage. "No nation under the sun shall prevent us," was the answer of President McKinley.

While the Senate and Congress were in strenuous debate as to the true line of duty toward Great Britain in this connection, Mr. McKinley settled it by agreements with these States, then he signed, sealed, and delivered, to become effectual when Congress should give its consent. He did not, as the Spooner amendment does—I speak of the one before the Senate—first declare that Congress shall decide on the route, and it shall afterwards be ratified by the Senate, acting on a treaty by a two-thirds vote. As to the Executive, the lines of duty were fixed in those agreements. The President believed that Congress should authorize them to be made. I fully agree with the President.

There were still other embarrassments that he encountered. The chief of these was the artful, persistent, and intrusive overtures and supplications of the Panama Canal Company, assisted by its powerful allies, the transcontinental railroads. The entire group, in one solid agreement, which included all the railroads from the Canadian Pacific to the Panama Railroad, brought all their power to bear upon the President, and have never ceased their opposition to these agreements. He stood firm while life lasted.

Further on in my observations I will trace the insidious course of the Panama Canal Company, that never pursued any course which did not leave in its trail the marks of disaster and the stain of discredit. Mr. McKinley knew its odious history as well as any man that lived, and he despised it as thoroughly. He learned these things from the watchful scrutiny that was his habit and is the safeguard of all honest public servants. He had studied the report of the committee of which Hon. John R. Fellows was the chairman, dated March 3, 1893, made to the House, of which Mr. McKinley was then a member, and he knew the story of peculation and bribery and of the monopolistic agreements of the Panama Canal Company, laid bare in that document, and how its most distinguished promoter had stated his anxiety to quickly obtain and earn his salary by "putting the Nicaraguans on their backs," as he declared.

That was while De Lesseps was in the full tide of his glory and was permitting hundreds of millions of French money to be squandered in corrupt contracts. And it was during the time that the American committee of the Panama Canal Company were the dispensers of French money in Washington. Mr. McKinley had even been worried and badgered by Cromwell and other agents of that company by letters thrust upon him that I will presently read to the Senate.

He knew of the passage of the bills in the Senate for the construction of the Nicaragua Canal and of the hearings and report of the Hepburn committee to the House of Representatives, in January, 1899, in which the whole subject of the merits of the Panama Canal was gone into, and he knew of the passage of the Hepburn bill in the House, in May, 1900, from which he copied the very language of the agreement of December, 1900.

He knew of the report of the Senate Committee on Interoceanic Canals, of May 16, 1900, of which the Senator from Ohio was a member, and that the committee denounced the Panama Canal Company in the terms which I will now quote and in other censures of like character.

That committee reported thus:

This manifest purpose of this company to interfere with legislation, by asking the President to inform Congress of a state of facts, as alleged, of which Congress is "presumably without knowledge," is an insult to the intelligence of Congress. It is an insolent invitation to the President to control the action of Congress so that they shall not act upon bills reported by committees in both Houses and "to be acted upon in the House of Representatives May 1 and May 2, 1900, having for their purpose the adoption by the Government of another isthmian canal route, without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899."

It is a spectacle that is, happily, without precedent, that this foreign corporation, acting in a foreign country and without any recognition even of the honesty of its dealings, while it has all the time been the subject of distrust by our Government, should ask the President to "advise the Congress of the facts of the case" for the purpose of opposing Congress in declaring and enforcing the public policy of our people and Government.

A bill that the House had agreed to consider on the 1st and 2d days of May, 1900, is severely censured by this speculating corporation, because its passage would destroy the hope of that company of unloading a failing enterprise upon the United States under its proposal of February 28, 1899, which is again renewed in this letter.

Aside from the fact that said proposal contains suggestions that provide for the robbery of the stockholders of the "old company" and the violation of the decrees of the courts of France, it proposes a direct violation of the statutes of Colombia, enacted in granting the concessions to that company, and a breach of our treaty of 1846 with Colombia, which binds us to guarantee the sovereignty of that territory over the State of Panama.

The President has never answered said overture, nor has he responded to the suggestions and requests contained in the letter from Sullivan & Cromwell of April 30, 1900, but the Secretary of State has sent that letter to the chairman of the Committee on Interoceanic Canals in a communication as follows:

DEPARTMENT OF STATE, *Washington, May 14, 1900.*

Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals,
United States Senate.

SIR: I have the honor to inclose herewith copy of a letter addressed to the President by Messrs. Sullivan & Cromwell, general counsel for the New Panama Canal Company, expressive of the desire of the company that no action be taken by Congress upon the subject of an interoceanic canal between the Atlantic and Pacific oceans until the Isthmian Canal Commission, constituted under the act of March 3, 1899, shall have completed its investigations and inquiries and reported to the President.

The company's letter of February 28, 1899, referred to by Messrs. Sullivan & Cromwell, is printed on page 41 of Senate Document No. 188, Fifty-sixth Congress, first session, but a copy is herewith inclosed for more convenient reference.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

(Inclosures:) Letters from Sullivan & Cromwell, February 28, 1899, and April 30, 1900.

The committee made further declarations in that report which will be a source of pride to its members while they live and will do them honor in their graves. They say:

As the question of the building of the canal is not dependent upon any doctrine relating to the freedom of the seas, or its neutrality, or its use as a feature of military strategy, delay in its construction, which may be fatal to its success, should not be the policy of Congress.

Delay in construction can not possibly advance the settlement of any question as to the use of the canal after it is completed.

Such questions are convenient pretexts for delay on the part of those who oppose the work of the construction, ownership, and control of the canal by the United States because they own competitive routes of interoceanic transportation, or by those who wish to place the control of this vast source of wealth and power in the hands of syndicates of private persons; but the duty of Congress, in response to the will of the people so universally expressed, is that we should provide the means for instituting this great work, and that we should enable the President, as the Chief Executive and as the head of the diplomatic department, to proceed to do what is needful and proper to be done to inaugurate the canal. This bill provides such authority, yet it makes the President subject to the future power of Congress or the Senate, as he may find it best to proceed by agreement or by treaty in its execution.

The attitude of the American people, as it is presented in this bill, is at once proud, independent, self-reliant, and honorable, while it is properly considerate of all international obligations that may be justly demanded of our Government. It declares the right that belongs to our great Republic to provide for the general welfare of our people in the way that Congress shall provide, without nervous apprehension that any nation will find in our action any just ground of complaint or any reasonable criticism of the decisive promptitude of our determination.

There is no actual cause for such apprehensions, and the indulgence or the expression of them does not comport with the past history or the character of our people.

Believing that all other nations will regard our course in pursuing this vital duty to our country with the consideration that is due to the pressure

of this great subject upon the attention of Congress, our true and self-respecting line of action is clear. It is that Congress will now provide the means and the authority for constructing a ship canal in Nicaragua and Costa Rica, with their consent, and leave it to the President, under the Constitution, to deal with any questions of a diplomatic sort that may be made by other nations in the progress of his work.

Our plainest duty, after this bill becomes a law, is to agree with Nicaragua and Costa Rica as to the terms on which they will concede to the United States the right to build, own, and control a canal through their territories, and to arrange with them the terms and conditions under which the canal shall be used by the contracting powers and by other nations. When these conditions are thus settled by the powers that have the first and best right to settle them, a basis will be established on which further negotiations can be conducted with all other powers as to the privileges they shall enjoy in the use of the canal.

Until this is done no such just basis can exist.

Mr. McKinley did not wait for the passage of the first Hepburn bill to accept this suggestion in this statement of the committee. He proceeded in advance of it to secure the necessary rights from Costa Rica and Nicaragua, by the agreements of December 1, 1900, and which, when they are obtained, fix every right positively, but leave the details, the plans, and the compensation, if any, to be determined by treaty with these powers upon the basis of that agreement. That is what we ought to do now and ought to have done long since. Colombia has never proposed to make such an agreement with us, and she can not possibly propose to do it, because her constitution requires that any contract that she makes with a foreign government shall be first authorized by her congress.

Whatever the Senator from Ohio may think of Mr. McKinley, I feel deeply grateful to him for having taken his line of action in December, 1900, in precise accord with the foregoing declarations of the committee, even to the copying of the text of the Hepburn bill into the agreements with Nicaragua and Costa Rica, in December, 1900.

After that report was made, and up to the date of the report of the minority of the committee made on the 31st day of May, 1902, which was signed by the Senator from Ohio, that committee has uniformly and earnestly supported and defended the wise and patriotic course of Mr. McKinley in signing the agreements of December, 1900, with Costa Rica and Nicaragua, without any hint of dissent.

What reason or occasion can now be found for abandoning and scouting this great act is more than I possess the power to discern, and no reason is stated by the minority of the committee. The Senate has found it necessary and proper to rely upon the judicial fairness of the reports of its committees in order to get along with the public business. When objections exist of a grave character to a diplomatic agreement such as this, signed, sealed, and delivered between the parties, it is due by any committee or any part of a committee that departs from that agreement to state some reason for it.

Until this minority report came in no one questioned the propriety or the binding force of those agreements, or that Mr. McKinley was trifling with so serious a matter when he made them. What has aroused this new and sudden opposition to these honorable agreements I can not quite understand.

The facts that enter into the proper consideration of this great canal question are so numerous that it is scarcely possible in a report to present them in detail or even approximately. The Senate, unless it finds that its confidence is betrayed, is ready to accept the conclusions of its committees as presenting the honest opinions of their membership, at least for what they are worth.

As no dissent has ever been expressed by a member of the committee of this action of President McKinley in making these agreements with Costa Rica and Nicaragua, and it has been often referred to and commented upon in its reports, it seems to me that it is entitled to the respect of the members of the committee, however it may be regarded by others.

The Hepburn bill confirms those agreements, while the Spooner substitute destroys them.

When history makes up its records of the acts of the contemporaries of William McKinley, it will be found that no true Democrat has helped to destroy this wise, brave, and patriotic deed, performed in the quiet manner that is always characteristic of true greatness.

Mr. President, when the Committee on Interoceanic Canals reported the House bill now before the Senate, the drafts of the conventions proposed for our consideration by Colombia, Nicaragua, and Costa Rica had not been sent to Congress, and the committee, after earnest effort to ascertain what would be the cost of the concessions of the respective Governments, failed to gain that information. Consequently it had no basis of fact as to the cost of the two canals on which it could make a recommendation.

The result was that the committee made no report except to recommend the passage of the House bill, for reasons that are aside from the cost of the concessions and are far more important, which have been stated to the Senate without dissent in the previous reports of the committee. So the committee reported the bill to the Senate, along with the hearings and without repeating its former reports, the conclusions of which the evidence on the hearings still more fully sustained.

The Senator from Massachusetts [Mr. HOAR] afterwards offered a bill which was referred to the committee and was carefully considered.

In the meantime the proposed convention of Colombia and Nicaragua and a statement of the attitude of Costa Rica had been sent to Congress for information by the Secretary of State.

It was then possible to have a view of the subject that would include nearly every possible phase of the question of the choice of the routes, and the committee was enabled on Mr. HOAR'S bill to state its reasons more fully for recommending the Nicaragua route. In doing this the committee made some comments on the attitude of Colombia and Nicaragua, as it is shown by their drafts of the proposed convention, which I do not now propose to repeat. But I respectfully ask that Senators will examine them.

Since December, 1900, the Committee on Interoceanic Canals have earnestly and carefully urged the passage of the House bill, of which Hon. William P. Hepburn is the author, because of its wise adaptation to the existing conditions at the time it was offered, and its still more appropriate application to conditions as they now exist.

That bill provides for the conditions on which the "protocols" of December, 1900, as the agreements were called, are to become fully obligatory, and this is its vital principle and most essential provision. If there are imperfections as to any matter of administration, they can be corrected hereafter without endangering the provisions for creating the canal.

These agreements fully define the obligations that Costa Rica and Nicaragua are ready to assume and execute as to a canal on the Nicaragua route, and the Hepburn bill accepts them as they are stated in these protocols. Such acceptance is a final disposition of several points in the situation that can not be settled with Colombia, under her constitution, except by act of her Congress to authorize the making of such an agreement.

The chief of these agreements are the definition of the canal route and canal zone, the terminals, and the perpetual and exclusive ownership and control of the canal. Other important matters are settled by those agreements finally, and the further details of the plan of execution are left to be arranged by future negotiation.

The passage of the Hepburn bill will create final relations with Costa Rica and Nicaragua on these points, which are vital to the canal. The passage of the Spooner bill would only authorize the President to open negotiations with Colombia, and will, if it is not amended, adopt the draft of the proposed convention at least as a guide to the President in acquiring canal rights in Colombia.

The report of the committee on the bill of Senator HOAR states its reasons for refusing to recommend the convention proposed by Colombia, and again presents reasons for the passage of the Hepburn bill, which the committee has heretofore on three or more occasions presented with unanimous concurrence. The committee has all the time stood firmly united upon the support of this great and wise policy of President McKinley, and the majority of the committee still adheres to it.

The minority abandon it in the statement of their views submitted to the Senate, and advise that Congress will direct the President to make an agreement with Colombia for canal concessions, and with the Panama Canal Company for the property it claims to own in connection with the Panama Canal and the Panama Railroad. This is done without pointing out the way by which such an agreement is possible to be made with Colombia under present conditions, or is even probable in the future. If Colombia is honest and respectful to the comity between nations in diplomatic intercourse, her draft of a convention is a sincere declaration of her attitude, otherwise it is only a discreditable finesse.

The adoption of the Spooner substitute is a repudiation of McKinley's great agreements with Costa Rica and Nicaragua, which will necessarily release those States from any obligation to comply with them and must create a bad state of feeling toward us in those Republics instead of the sincere and honorable regard they have always had for the United States.

They will deeply feel the rebuff and will not again be willing to have the United States approach them on this subject, as Mr. McKinley approached them with earnest and honorable importunity only to be snubbed by Congress when some glittering fraud is presented to tempt our cupidity and to provide $40,000,000 as the pay of its contrivers.

Unless we are ready to perform our duty to the people of the United States, sword in hand and in defiance of the world's scorn and its combined powers, we will not get an isthmian canal by an adroit bargain with a corporation that renounces the control of the State under whose laws it has its existence. We had better follow the advice of Ammen, Grant, Frelinghuysen, and Harrison, and the solemn agreements of McKinley, rather than lay

aside an honorable and just course of dealing to follow the Panama Canal corruptionists, and the church party in Colombia by furnishing them money to oppress the liberal party there and to cut the throats of innocent people.

It is these people, in wicked combination, that the Spooner amendment compels us to deal with, in giving an offensive rebuff to Nicaragua and Costa Rica, and in utter abandonment of the agreements made with them by President McKinley.

The committee has been right in each of its unanimous reports in support of those agreements, and the majority are still right in adhering to them, while the minority are wrong in repudiating them.

The Senate has been fully informed as to the character of Panama as a region of pestilence, the Senator from the granite hills of New Hampshire to the contrary notwithstanding, the constant and unceasing nursery of death from climatic diseases, and that this condition is beyond remedy unless we can change the climate and prevent the tides that purge the oceans and make the bays of Panama and Colon the dumping ground of their excrement.

The evidence is full, complete, unquestionable, and as irrevocable as history on the subject of the pestilence that has its summer and winter home at Panama.

The Senate is also fully informed as to the character of the population in the region of the Panama Canal; that it is not homogeneous; that it contains every variety of the human family, except the best varieties; that it is the theater of insurrection, internecine warfare, mob rule, and pillage, and has been so for more than sixty years; that it is under the pall of the concordat of 1886, which divorces people at their option who have been married according to civil law in any country, if the ceremony was not performed by a Catholic priest, and punishes whoever may speak or write in condemnation of that church or its priesthood, and controls the schools and the text-books from which the children are taught, whether the books are secular or religious.

The Senate knows that the civil war that has raged for three years in Colombia was largely provoked by that infamous concordat and by the frauds of the Panama Canal Company, and that the Colombian Congress has not assembled since it dissolved in 1898, in consequence of its refusal to extend to that company a further lease of life for six years. You can no more gather a congress in Colombia, sir, to sit there voluntarily, than you can find a hundred men who are willing to go to the jail in this city and stay there for a year. They will not risk their lives to get to the capital. You can not have a congress there until the present revolution is ended.

The Government of Colombia is now a simple dictatorship; and that is what we are asked to go down there and make a treaty with. Well, we should have to hold it up after we made the treaty; we should have to spend more money to stiffen them to stand by the treaty than we would have to expend in buying out this fraudulent, corrupt Panama Canal project.

I hope the Senate realizes the danger of undertaking to construct and maintain a canal in that country or the indefinite delay of waiting until the animosities have died out which have been excited by such conditions and are so bitter and so bloody.

The Senate is bound to see that the alliance between the church-party *government* and the Panama Canal Company is formed for the purpose of furnishing money to that government to repress the insurrection of the Liberal party and to pay off and discharge the corruptionists who have wrecked the old canal company and now propose to expire and in its last will and testament to sell the body of the new company to the anatomists for the dissecting table.

But if this is not enough to forbid us from fostering this alliance for the benefit of the transcontinental railways, I believe that we will at least halt in this line of action when we examine into the heavy exactions made by the railroads upon our suffering people under positive agreements between these companies and the Panama Railroad Company for the express purpose of such exactions.

The proofs are all in the records of Congress. They are complete, and no one questions them. I will only delay the Senate while I make a few quotations from the contracts, sworn statements of witnesses, and committee reports, that establish these abuses.

I read:

APPENDIX A.

[House Report No. 2615, Fifty-second Congress, second session.]

The Committee on Rules, to whom were referred the resolutions heretofore introduced by Mr. Fellows and Mr. Geary, respectively, reported the same back with the recommendation that the resolution herewith submitted be adopted in lieu thereof, viz:

I will append this entire report to my remarks lest some Senator might have it to say that I had garbled the record. I have need to refer, though, only to parts of it. The part I now omit to read relates to the duties of the committee. The committee say in their report:

The Panama Railroad is a corporation under the laws of New York, and its directory and the rights of ownership of its shares are governed by the laws of that State.

Something our honorable friends on this floor omit to notice entirely, that after we get through with the Panama Company and Colombia we have to go to New York and get an act of the legislature to authorize the United States to become the full owner of the company.

Your committee being instructed to ascertain whether any sums of money were expended by the Panama Canal Company, or its promoters, for the purpose of preventing opposition in this country to the plans of said canal has done its utmost in the limited time before the end of the present Congress to investigate this matter.

It has been unable thus far to trace directly or indirectly the expenditure of any money whatever in a corrupt way to influence the legislative or executive action of the United States Government. It may be that no investigation, however prolonged, after this lapse of time could be efficient in making such discovery, even if such corrupt use of money was made; but this is the subject of which your committee does not desire authoritatively to express its opinion that further investigation would be entirely fruitless.

Certain facts in relation to the expenditure of money on the part of the canal company, however, are distinctively proven.

In the year 1879 the original subscription to the stock of the Panama Company was opened in France, of which country the canal company, by its technical name of the Universal Interoceanic Canal Company, is a corporation. The original subscription was an entire failure, and great weight must be given to the opinion that it was a failure principally on account of the distrust as to the attitude of the United States toward this canal project which was universally entertained in Europe.

It is a fact too well known to have required testimony to be offered that the entire tone of the executive branch of this Government during the Administration of President Hayes, and the entire current of our diplomatic correspondence was one of intense loyalty to the idea that not merely no foreign government, but no foreign corporation indirectly supported or controlled by any foreign government, should ever obtain any right to construct a canal across the Isthmus. In fact, during the two years preceding the close of the Hayes Administration the correspondence of our Government was kept within ordinary diplomatic courtesy of protest on this subject only by the belief, which results have proved to be well founded, that the canal constructed on the plans and ideas of De Lesseps and his associates was an idle dream, practically hopeless of accomplishment.

It seems clear that the promoters of the canal company saw that no success would attend their efforts to obtain subscriptions in Europe unless the public opinion of America on this subject should either be modified or that the people of Europe should be persuaded that the public opinion of the American people had been modified. De Lesseps visited this country in the winter of 1879-80, and a single instance will show how determined the promoters of the canal were, whatever was the popular opinion in this country, that Europe should be persuaded that it was not hostile to the canal. On the very day of De Lesseps's arrival in Washington President Hayes sent his message to Congress affirming in strong terms the position of his Administration as to the Monroe doctrine in its broadest acceptation.

That message as it appeared in the press was translated to De Lesseps, and his answer was characteristic and immediate. To the amazement of his American friends, who had translated him this message, he at once telegraphed to Paris that the President's message had guaranteed the neutrality of the Panama Canal. This seemed to be the beginning of a great change in the tone of the press of Paris and of France, and from the time of De Lesseps's visit to this country there seemed to be an assurance that America was not hostile, but, on the contrary, very friendly to the enterprise. It was after the return of De Lesseps to France that the decision was made that an American committee of men of prominence whose solid names would be a guaranty of the financial stability of the enterprise should be selected.

I have papers—which I will produce in the Senate if anyone wishes me to do so—showing that Mr. De Lesseps in a colloquy in Paris with the Colombian minister boldly asserted that he was ready to throw off his garments and take up arms for the purpose of fighting for Colombia against the United States, shortly after the time that he was here making these representations to our people.

The report continues:

The object of this is perfectly clear. It was to give a widespread public impression that American capital, in the persons of some of its most respectable agencies, with ramifications, correspondents, and connections in every financial center of all localities in the United States, was backing the enterprise, and that Americans intended to become shareholders in the canal. It was intended first by the gentlemen who were selected to compose this committee to choose General Grant to lend his name to this enterprise to give to this American committee not merely financial weight, but the patriotic glory of a great name at the head of it, so as to impress the American people with its international or binational character.

General Grant having declined, it was clear that the next best thing to do was to secure the name, as chairman of this committee, of some gentleman widely known, of political experience and position, and, if possible, one whose orthodoxy in the past in relation to the Monroe doctrine would make his support of the canal project all the stronger in the eyes of the American people. The American committee, by mutual agreement, under suggestions from the financial agents of the canal company in Paris, had already been composed of the great banking houses of J. & W. Seligman, Drexel, Morgan & Co., and Winslow, Lanier & Co., of New York.

Each of these houses was to designate one of its members to form the American committee, and the then Secretary of the Navy, Hon. R. W. Thompson, was decided upon as chairman, and in the autumn of 1880 the offer was made to him, through J. & W. Seligman, to leave the Cabinet and assume the title of the chairman of the American committee, with a salary to be paid at not less than 125,000 francs.

The house of Seligman & Co., of London, in which the New York banking firm of J. & W. Seligman were interested, had been the financial agents of the Navy Department during the Hayes Administration, and personal acquaintance between the Seligmans and Mr. Thompson had been the consequence.

Testimony has been taken showing that this action on the part of the Secretary of the Navy was a great disappointment and surprise to Mr. Hayes, and he so expressed himself to others than Mr. Thompson.

It is clear that the whole tone of the Administration had been suspicious of and hostile toward the enterprise into which Mr. Thompson was willing to go, and it is perfectly clear that had not Mr. Thompson been a member of that Administration, no controlling reason existed for his selection as chairman of a committee intrusted, or supposed to be intrusted, with such great financial and commercial responsibilities.

Mr. Thompson tendered his resignation early in December, 1880, and it was formally accepted by the President a few days thereafter.

The truth is, Mr. Thompson tendered his resignation because the President demanded it, and it was accepted in five minutes or five seconds after President Hayes was informed of his becoming the chief promoter and president of this American committee to carry out De Lesseps's plan. This may be rugged history, but I think there is a great deal of credit in it toward Mr. Hayes.

I think the honorable President of the Senate, perhaps, was on the committee which heard the statement of De Lesseps when he declared that he was for a sea-level canal, and that if a lock canal was to be thought of Nicaragua was the only location.

It is significant of the controlling reasons for the haste in which this matter of Mr. Thompson's resignation from the Cabinet was concluded by him, that we find him writing, on December 16, that arrangements should be made that his salary should begin on the 20th of December, in order that his friends might "be assured that his position was fixed beyond a peradventure," and that a promise to this effect "would satisfy his friends and put the Nicaraguans on their backs."

Who were "the Nicaraguans" to whom Mr. Thompson referred? They were the men who had hopes merely that some future day might inaugurate a Nicaraguan Canal—hopes inspired by the confidence they had in the judgment of General Grant and in the honest, sincere, yes, severe fidelity of men like Humphreys and Ammen, who made the surveys there during six years to determine which was the best route, and who had decided in favor of Nicaragua. That was all they had to do.

To "put the Nicaraguans on their backs" meant to nip the whole Nicaraguan idea in the bud and to prevent any American Congress from having the audacity to back up the opinions of these men that Nicaragua was a better route than Panama. Here in the galleries I have seen them day after day watching these proceedings, and they are here now looking upon us, the successors of the men who started this arrangement that caused poor Mr. Thompson to lose reputation—I am afraid to lose it all—for he had an honorable reputation.

The committee proceed:

It was at this time that the Forty-sixth Congress appointed a special committee to examine and report on interoceanic routes. At the same time the Committee on Foreign Affairs was charged with the examination and report upon the so-called "Crapo resolution," as to whether the Panama Canal project was a violation of the Monroe doctrine or was detrimental to American interests.

In the Senate the Burnside resolution to a similar effect was under consideration.

Your committee repeat that it has not found any evidence to show that any corrupt or improper means were used to stifle the investigation or the discussion of these resolutions. In fact, in spite of the arguments of Mr. Thompson and the counsel employed by him to assist, the Crapo resolution was reported back to the House in a somewhat modified form, but with a report ringing with true American patriotism, and a manly, yet conservative assertion of the Monroe doctrine as it is generally understood in the United States.

The select committee on interoceanic routes also made a report strongly supporting the idea that the United States should control all transit over the Isthmus, at least in so far as to prevent any European or non-American nation from having a preponderating influence. But it will be remembered that it was at the short session of the Fortieth Congress, with a change of administration coming on the 4th of March, that these reports were made, as the present one will be, just at the close of the session, and your committee can see reasonable ground for the belief that these resolutions and reports were not acted upon simply from the general apathy of the House and the stress of other business at the close of the session.

Your committee find that for the next three or four years Colonel Thompson was exceedingly vigilant in watching the legislation of Congress and most active and able in his efforts and influence to postpone the consideration of any legislation, either directly or indirectly, tending to work an injury to the cause of the Panama Canal Company. He appeared before committees, House and Senate, personally and by printed arguments and briefs.

These, he thinks, had great weight in the defeat of the Nicaragua Canal plans in whatever shape they came up, but it is not clear that, outside of this, he had anything directly to do with the shaping of public opinion in this country or bringing about what seems to have been an apparent acquiescence, or at least an indifference, on the part of the press and the people. So far as the testimony goes, the work of the American committee was altogether done by Mr. Thompson, and consisted of supervising purchases for a part of the time for the construction of the canal, and this persistent, watchful, and successful supervision of the legislation of the United States.

I hope that these visitors who are here in the galleries every day have not the right to represent Mr. Thompson's ghost while they sit here and carry on that same work. Sometimes I am a little doubtful about it. Some things go on in the Senate, of which I am informed, although I do not know, which look very queer.

The members of the American committee other than himself were supposed by Mr. Thompson to have received no compensation whatever except their commission as bankers and brokers in obtaining subscriptions and furthering the sale of the stocks and bonds of the canal company and in the handling and transmission of the very large amount of money spent in this country for the purchase of supplies of various kinds.

It was the object of the committee to see that to as great an extent as possible the purchase of supplies of raw material, of machinery and tools should be made in the United States as an aid to make it appear that America had no hostility but every reason to look with a friendly eye on this enterprise. The total amount of money for purchases of this kind passing through the single house of J. & W. Seligman and distributed to American trade was upward of $40,000,000, and that house is not able to say that no further accounts of money came through other banking houses to be spent in America for similar ends. This, however, was all spent by purchasing agents of the canal company, and their vouchers for their purchases were forwarded to Paris for approval.

There was one thing, however, which struck the only three salaried officers of the Panama Canal Company whose testimony we have been able to get as an entire surprise. This fact is that these three banking houses named above received, apparently for the loan of their names and for nothing else to this enterprise, the immense sum of 6,000,000 francs, or $1,200,000; $400,000 apiece, or $50,000 a year, was paid these houses without the knowledge of the chairman of that committee, who all the time supposed that he was the important factor in this enterprise, and was himself receiving only half of that sum annually.

In fact, two years before the canal company went into liquidation it is in evidence that Mr. Thompson voluntarily reduced his salary by one-half—that is, to $12,500—remaining in complete ignorance that the other members of the committee, of which he was still chairman, were still each receiving $50,000.

Mr. Thompson must have been overcredulous and too confiding to deal with men who were exploiting this organized fraud.

These banking houses state they had no specific duties to render in return for these subsidies; that they had no employment or interest to effect the sale of canal stock or bonds, and that, in fact, practically none were sold in the United States. What influence was exercised upon the financial public opinion of the United States by the names of these three great banking houses, what indirect credit and popularity was given to the enterprise through their numerous correspondents and connections throughout the country, is perhaps impossible now to estimate, but to effect this was the object of the formation of this American committee; a committee which testifies that it had no regular meetings, and some members of which were never present at a meeting or knew whether any minutes were ever kept by the committee, while each of these houses was receiving $400,000.

This fact, if it is a measure of the general conduct and management of the Panama Canal Company, may possibly explain why it was compelled to go into liquidation as soon as it did.

There is another thing which shows the French estimate of the character of the American people, which seems to be that any sum of money that you shake at the Americans will cause them to do whatever you want done, if it is large enough.

That has been exemplified here when the drop was made from a hundred and nine millions to forty million dollars at one fall; when some $5,000,000 is held out before this august Senate as a reason for changing the policy of this Government and discrediting all the vast number of men who have advocated and testified in favor of the Nicaragua route and entering into a questionable bargain with a corrupt company. I am not misquoting, misstating, or exaggerating anything about this. They believe we are capable of it, and when this substitute is passed they will think they know it in their own judgment, and the American people will believe it.

The only specific matter the three banking members of the American committee seem to have had in charge and to have accomplished was the purchase of the stock of the Panama Railroad Company by the canal company at a price more than double what it had been quoted in the market for two or three years previous to the beginning of these negotiations. This stock had been selling from $140 to $150, and the result of the negotiations and contract of sale was that the Panama Canal Company purchased 68,500 shares out of the 70,000 shares of stock, at a price of $291—$250 a share for the stock, $41 and some cents on each share for certain "assets" of the railroad company, the nature of which is not very clear.

As to the second part of the resolution referred to your committee, relating to the situation in the past few years and at present of American commerce upon the Isthmus, your committee feels that it has obtained all the evidence needed to establish certain facts beyond controversy.

This was an American corporation, the controlling interest of it purchased by the Panama Canal Company.

On the 1st of February, 1878, the Pacific Mail Company, a corporation organized under the laws of New York, owning and running steamers between New York and Aspinwall on the Atlantic, and between Panama and San Francisco on the Pacific, together with certain intermediate Central American and Mexican ports, made a contract for fifteen years with the Panama Railroad Company, also a corporation under the laws of New York. At that time there was no showing that there were any foreign stockholders in either of these two corporations.

This contract provided that the Pacific Mail should have the exclusive right "to bill freight through" from New York to San Francisco, and vice versa, over the Panama Railroad, and all freight offered by others between these points could not be "billed through," but would have to pay local rates on the isthmus railway. The sum paid for this was to be a lump sum of $75,000 a month to the railroad company, which, by modification, was afterwards lowered to $55,000 a month.

Corresponding every time.

A remarkable fact about this contract is that it was the result of a contract made before that time between the Pacific Mail Company and the Transcontinental Railway Pool, as at that date the Association of Transcontinental Railways was called.

As I have read—

That was a contract whereby the Transcontinental Railway Pool, embracing all of the roads between the Missouri River and the Pacific seaports and covering entirely all railway traffic between the Atlantic and Pacific seaboards, several of which had received large donations of public lands and the bonds of which the United States Government was guaranteeing, paid the Pacific Mail the sum of $90,000 a month, which was afterwards reduced to $75,000 a month, for the consideration that the Pacific Mail would carry only 1,200 tons a month of freight each way between New York and San Francisco, and on that freight would allow the transcontinental pool to fix the price and rate to be paid.

That was the upshot of the contract, although the form was a reservation of space for 1,200 tons a month for the exclusive benefit of the Transcontinental Railway roads—whether the steamers sailed full or half empty.

After the passage of the interstate commerce law had compelled the dissolution of the so-called "pool," a transcontinental railway association was formed, which, under some name or other, is still in existence; and down to the present time the Pacific Mail, subsidized by the Government in a large amount each year, has been allowing the transcontinental railways to fix the rates and limit the traffic over its line.

These two contracts were so far practically parts of one and the same that the amount paid the Panama Railroad monthly was fixed with regard to that paid to the Pacific Mail by the transcontinental roads, and when the latter was lowered from $90,000 a month to $75,000 the former was lowered from $75,000 to $55,000. The object of this is frankly stated by the officers of both

the transcontinental roads and the Pacific Mail; it was to maintain rates above the level to which they would fall if free competition between these several routes had continued.

When we pass the Spooner amendment in favor of the Panama route we will cut off every sailing ship in the United States from all possible access in competition with the steamers, and that same arrangement will be instituted again by the Senate, not under a contract such as that Pacific Mail contract, but by legislation.

It seems to be certain that a very large, if not an absolutely controlling, interest in the stock and directory of the Pacific Mail Company is owned by individuals and estates very largely interested in the stock and directory of the transcontinental roads; and it is proven that the same individuals composing a majority of the directory of the Pacific Mail composed a majority of the directors present at the meeting of the Panama Railroad Company's directory at which the contract between the Pacific Mail and the railroad company of February 1, 1878, was ratified and executed.

That this system has for fifteen years been diminishing commerce between New York and San Francisco across the Isthmus is not denied. It is stated, as a justification that the Transcontinental Railway Association, controlling, as it did, under these contracts, the prices and traffic of the Pacific Mail, used the latter as an active factor to defeat—

There we come to it—"used the latter as an active factor to defeat"—

the competition of sailing-vessel traffic around Cape Horn, and thus were able to maintain the rates of the railroad companies as against that of sailing-vessel competition.

If a contract of this kind was necessary at that time to prevent competition of sailing vessels around Cape Horn, what will be the case when we have dug a canal and consecrated it to steamers, a canal that is an absolute prohibition upon sailing ships? What will be the consequence?

The motive is the same, but the inducement is very much greater with the transcontinental railroads and the great steamship companies that wish also to get rid of this sailing competition through the Panama Canal. Sir, I would not under any conditions disable a great American industry like that for the accommodation of any friend or any man who ever lives in this world. We can not honorably do it.

It is obvious that this did not tend to increase American shipping or tend to the encouragement of the merchant marine of the commerce of the United States.

It seems to your committee that this state of things can not be beneficial to the general interstate trade or commerce of the United States, nor can it see that it is of any particular benefit to our trade with foreign countries. It is stated that this arrangement between the Pacific Mail and the Transcontinental Railway Association came to an end in December last, which is just about the time that negotiations between the Panama Railroad Company and the Pacific Mail as to a renewal of the former contract seems to have fallen through.

And it is likewise in evidence that the final check to the attempts at making a new contract between the Panama Railroad Company and the Pacific Mail was given by the following letter to the vice-president of the railroad company from the controlling member of the executive committee of the Pacific Mail, who is also universally recognized as one of the controlling influences of the transcontinental railways:

C. P. HUNTINGTON, 23 BROAD STREET,
New York, December 28, 1892.

CHARLES COUDERT, Esq.,
68-70 William street, N. Y.

MY DEAR SIR: Herewith I return memorandum that you gave me on Monday. Of course this would not do, but it does seem to me as though there could be such a contract made as would be largely beneficial to both interests.

Yours, truly, C. P. HUNTINGTON.

Whatever be the case in the last sixty days, it is perfectly clear to your committee that the Panama Railroad Company has for fifteen years been prevented by these arrangements from being a competitor with the transcontinental railway lines.

Your committee recommends that whenever, under provisions of the act of March 3, 1891, "for ocean mail service and to promote commerce," the Postmaster-General shall enter into contract with any line of vessels, a clause shall be inserted in said contract to the effect that if said steamship line shall enter into any combination or arrangement with competing lines of traffic the result of which is to diminish traffic or raise or maintain rates of freight on American commerce, foreign or domestic, over what free competition would effect, that said contract may be terminated forthwith by the Postmaster-General.

Your committee regrets, so far as the ownership of nearly all the stock goes, that the control of any American corporation, as the Panama Railroad is, should be held in foreign hands, particularly in the hands of the liquidator or receiver of another corporation, also foreign-appointed by foreign judicial authority and subject to foreign judicial supervision. It fails to see, however, that any law, treaty stipulation, or contract obligation has been violated by the purchase of these railroad shares by the Panama Canal Company, or that as yet any discrimination has been attempted against American commerce or any injustice practiced thereon on account of such foreign ownership of this stock.

If that committee of the House had had the benefit of the testimony that came before the Committee of the Senate on Interoceanic Canals, they would have come to a different conclusion, because the Committee on Interoceanic Canals have presented proof of a number of contracts. The testimony shows them. The testimony of the secretary of the Panama Railroad Company sets out the terms of the contract intended to monopolize the carrying trade of all countries, as far as possible, carried across the isthmian railway in competition with the interest of the commerce of the United States. Thus are we bitten by the adder that we have brought to our fireside in the winter time in a log that was frozen.

On another occasion, having no reference to canals, but to transcontinental railroads, Mr. Huntington was a witness on a committee that I had the honor to be a member of. He was under oath and I asked him the following question:

Your guaranty appears to be that the gross earnings upon through freight and passengers between New York and San Francisco to be provided to this steamship company by the railroad companies shall be $75,000 per month. These railroad companies constituted the Transcontinental Association?

Mr. HUNTINGTON. Yes.

Senator MORGAN (reading from the contract):

"All the gross earnings of said steamers from through business between New York and San Francisco each way shall go to and belong and be payable to said party of the first part or credited upon its said guaranty to said steamship company. In consideration of said guaranty of said party of the first part the said Pacific Mail Steamship Company promises and agrees that it will, at its own cost and expense, dispatch and run from the port of New York for Aspinwall not more than three nor less than two through steamers per month, and not more than three nor less than two steamers connecting therewith from Panama to San Francisco, and from the port of San Francisco or Panama not more than three nor less than two through steamers per month, and not more than three nor less than two steamers connecting therewith from Aspinwall to New York, and that said steamship company will permit said party of the first part to fix the rates at which all their freight between New York and San Francisco and of passengers shall be transported by the vessels of the steamship company from the port of New York to San Francisco, and from the port of San Francisco to the port of New York, and will furnish room on each of said steamers from New York and San Francisco, respectively, and their connecting steamers for the transportation of and will transport from New York to San Francisco and from San Francisco to New York all and only such passengers and such freight as may be obtained under rates fixed by said party of the first part to an amount as to freight not exceeding 600 tons of 2,000 pounds each in case it runs two steamers per month, and 400 tons in case it runs three steamers per month upon any one steamer, the intent being * * * that the steamship company shall carry monthly an average of 600 tons per vessel in case two steamers per month are run or a monthly average of 400 tons per vessel in case three steamers per month are run.

* * * * * * *

"The understanding and intention of this agreement is that the party of the first part shall, through agents appointed by itself, have entire and exclusive control of all the other business of the said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed by the party of the first part and by its consent, it being understood that said control shall be exercised through the established agencies of said steamship company."

Now, Mr. Huntington, without going through this paper, it appears to be a contract under which the party of the first part, representing several railroad companies, has a right to fix the freight upon a certain amount of tonnage on each of those vessels?

Mr. HUNTINGTON. Yes; that is it.

Senator MORGAN. Which was the largest amount—occupying nearly the entire carrying capacity of the ship. The object of that was to be enabled, in competition with those steamships, to keep up the rate of charges on your railroads and on the railroads represented in this agreement without cutting.

Mr. HUNTINGTON. Yes; the object was to make us able to get paying rates.

Senator MORGAN. And this arrangement between the railroad companies represented by Mr. Smith and the steamship company represented by Mr. Gould put it in the power of Mr. Smith and of the roads he represented to fix the rate of freights both on the steamship line and on the overland lines to any figure they saw proper?

Mr. HUNTINGTON. Any price that was fair and right.

Senator MORGAN. He was not controlled in any way by that consideration.

Mr. HUNTINGTON. We could not raise the rates upon grain tonnage, which is a low-priced tonnage, and which goes around Cape Horn.

Senator MORGAN. It goes that way now?

Mr. HUNTINGTON. Yes; tonnage where the cost per pound is small.

Senator MORGAN. Was not the effect of this arrangement to put all the freight south of San Francisco, going and coming, under the control of these particular railroads?

Mr. HUNTINGTON. It extended over the whole coast. The Northern Pacific reached Seattle, the Union Pacific reached Portland, the Oregon and California reached Tehama Bay, and the Atchison and Topeka ran to San Diego.

Senator MORGAN. How did it happen that this combination of railroads and steamship lines found it expedient to abandon their contract?

Mr. HUNTINGTON. I suppose it was on account of the cutting of rates. That is why these agreements have always gone up.

Senator MORGAN. Cutting of rates by whom?

Mr. HUNTINGTON. By some of the railroad lines.

Senator MORGAN. Not by some of those included in the agreement?

Mr. HUNTINGTON. I think so. If they had all agreed upon a fair rate, and had all held to it, it was a very fair and proper thing to have done. I did not have much to do with the making of that agreement.

Senator MORGAN. The companies that came into the agreement—some of them—broke away from it?

Mr. HUNTINGTON. I assume that, because notice was given to withdraw from the agreement.

Senator MORGAN. The withdrawal was not caused by competition from the Canadian railroads or from the Northern Pacific?

Mr. HUNTINGTON. No; the Northern Pacific was in the agreement, and I think the Canadian Pacific was in it.

Senator MORGAN. Then it was not competition from that quarter?

Mr. HUNTINGTON. It may have been. There was a screw loose somewhere.

Senator MORGAN. It was not the competition from the companies that were outside of the agreement, but from those that were inside, that caused you to have to break it up?

Mr. HUNTINGTON. I should say so.

Senator MORGAN. Did the Panama Railroad have anything to do with causing you to throw up this agreement?

Mr. HUNTINGTON. I think not.

Senator MORGAN. Did not that railroad company raise the rates for transportation across the Isthmus?

Mr. HUNTINGTON. The Isthmus rates we had nothing to do with.

Senator MORGAN. Did not the Panama Company notify you, or notify Mr. Smith, that it would no longer be bound by that agreement?

Mr. HUNTINGTON. I think not.

Senator MORGAN. And that they would levy their usual charges?

Mr. HUNTINGTON. I think not.

Senator MORGAN. And was not the result of it that you had a lawsuit in New York about it?

Mr. HUNTINGTON. No; we never had a lawsuit about it.
Senator MORGAN. Was not a suit in contemplation?
Mr. HUNTINGTON. That was on an old contract of 1872; not for San Francisco business at all, but on the west coast of the coast of Mexico and with the small republics south of it.
Senator MORGAN. That was a different contract?
Mr. HUNTINGTON. Yes.
Senator MORGAN. How long did that 1872 contract run?
Mr. HUNTINGTON. I think it ran some twenty years.
Senator MORGAN. Who had that contract?
Mr. HUNTINGTON. It was between the Pacific Mail Steamship Company, by Col. W. Park, I think, on the one side, and the Panama Railroad Company on the other. I do not know who its president was.
Senator MORGAN. Was the Central Pacific interested in that contract which ran for nearly twenty years?
Mr. HUNTINGTON. No; none of the Pacific roads had anything to do with it?
Senator MORGAN. That was a contract for the purpose of keeping down competition?
Mr. HUNTINGTON. Not between San Francisco and New York. As I remember, they gave a certain price over the isthmus—a certain price per month.
Senator MORGAN. So that neither the Central Pacific or the Southern Pacific had any connection with that agreement?
Mr. HUNTINGTON. Not at all. It was before the Southern Pacific was commenced. It was in 1872.
Senator MORGAN. Did you make your money back which you paid to this steamship company—$75,000 a month?
Mr. HUNTINGTON. I suppose so.
Senator MORGAN. You heard no complaint about not making it back?
Mr. HUNTINGTON. I never heard any. It seemed a proper thing to do to get fair rates.
Senator MORGAN. How much money, in the aggregate, was paid to this steamship company presided over by Mr. George J. Gould during the continuance of this contract?
Mr. HUNTINGTON. Seventy-five thousand dollars a month, and it ran about three years. That would make $2,700,000.
Senator MORGAN. You collected that, of course, out of the people of California?
Mr. HUNTINGTON. If we did the business we collected our freight upon it. We always do so before we deliver the goods.
Senator MORGAN. So that the loss of that sum fell upon them?
Mr. HUNTINGTON. I do not understand that there would be a loss in paying honest freights on goods.

A cutting of rates by whom? He answered by some of the railroad lines, and then he proceeded to state that he thought this was a perfectly right and fair transaction so far as the people of the United States were concerned, because after all they were not made to pay more freight than they ought to have paid any way.

The most humiliating and repulsive feature of this entire situation, to the people of the United States, is the direct, constant, and offensive intrusion of the Panama Canal Company into the legislation of Congress, the hearings of committees, the deliberations of canal commissions, and the frequent presentation of letters of advice, and remonstrance to the Secretary of State, and to the President, rebuking the conduct of the House of Representatives, and its ignorance.

The accusation of the ignorance of the House of Representatives has been so harped upon by the agents of the Panama Canal Company that it has grown into a bad habit, into which the Senator from Ohio [Mr. HANNA] has fallen, inadvertently, of course.

Two leading characters have had charge of this campaign of false pretenses and misrepresentations—M. Hutin and Mr. Cromwell, who is general counsel for this company, and has a large experience in the hospital treatment of infirm corporations.

M. Hutin is aggressive and quick to seize upon and misunderstand the attitude of his diplomatic antagonist, and becomes testy when he is foiled and resorts to misrepresentation to drive his adversary into a corner. When he is defeated he breaks away from the contest and takes a dignified and defiant attitude, as he did when Admiral Walker refused to be placed in the attitude of making an offer to purchase the Panama Canal. He had made no such offer, and so informed M. Hutin in unmistakable terms.

Thereupon, M. Hutin appealed to the President in a long and formidable address, taking care to omit from his statement of facts the most important letter that Admiral Walker had written.

Thereupon, M. Hutin, more in anger than in sorrow, left the country and went to Paris. He was in bad shape to face the storm that came upon him when the House passed the second Hepburn bill, now before the Senate. When it broke upon him he stood by the $109,000,000 which was the value of the canal and railroad property as it had been appraised, and refusing to join the set that intended to capture the $40,000,000 for their own purposes, they turned him out of office and determined to become voluntary bankrupts, but to reserve the $40,000,000 from their schedule of their assets.

M. Hutin disappeared when his scheme failed, but Mr. Cromwell followed the sinking ship and kept a sharp lookout for the salvage.

As soon as the Panama Canal Company found they could not induce Frenchmen to put up the money to complete the canal that had caused France so much trouble and mortification of spirit, to say nothing of the vast sums that the Panama Canal Company had filched from the French people of the middle classes, they turned to the United States a second time and put their case in the hands of a lawyer.

De Lesseps, when he made a like resort to the United States, in a like emergency, opened the money chest of the old company and paid more than $4,000,000 into the hands of the American committee and dismantled a Presidential Cabinet.

He worked high diplomacy, sustained by a plethora of money, and failed to get our Government snared in his trap.

The new company could not hope to succeed in open efforts to purchase leading characters after De Lesseps had failed so disastrously.

In the meantime Congress was moving toward the point we had finally reached, of the exclusive ownership and control of a canal by the United States, to be paid for by appropriations from the Treasury, and the only hope left to the New Panama Canal Company was to sell out to the Government.

To accomplish this feat was the loved task of Mr. Cromwell. This new movement, which was made indispensable by the flat refusal of the French people to be a second time victimized, required adroit manipulation, and no one was so adroit as Mr. Cromwell.

He also had a keen appreciation of the innocent humor of the little Sunday-school girl, who, being asked to recite a Bible story, said: "The Bible does not tell stories. It tells the truth. It says that a lie is an abomination unto the Lord and an ever-present help in time of need." [Laughter.]

Mr. Cromwell opened his campaign of deception as to facts and concealment as to motives by giving to the President information of the excellent condition and bright prospects of the New Panama Canal Company.

To do this, in an official way, he sent a letter to the President, dated Paris, November 18, 1898, signed by "J. Bonnardel, the president of the board of directors," and certified by the secretary of the company, Ed. Lampre, that distinguished counsel who came over here to give us his testimony as to what French law means, and he was examined before the committee.

No description of this letter would do justice to its apparent innocence, which is only the veneer of its crafty diplomacy. I will ask leave to insert it in the RECORD. It is a most remarkable piece of adroit diplomacy. There is nothing like it that I have ever seen in any lawyer's brief before.

Mr. MITCHELL. It is from Lampre?

Mr. MORGAN. Certified by Ed. Lampre.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). The Chair hears no objection, and the letter will be inserted in the RECORD.

The letter referred to is as follows:

[Translation.]

[Compagnie Nouvelle du Canal de Panama, 7 Rue Louis le Grand, Paris. Capital, 65,000,000 francs.]

PARIS, *November 18, 1898.*

To the PRESIDENT OF THE UNITED STATES.

SIR: The New Panama Canal Company believes it to be its duty to respectfully submit the following statement:

It is common knowledge that in 1889 the Compagnie Universelle du Canal Interoceanique de Panama, the old company, fell into financial difficulties after about one-third of the canal had been finished. The rights of that company then passed judicial administration. A liquidator (receiver) was appointed by the judgment of the civil tribunal of the Seine under date of the 4th of February, 1889. During his administration (1889–1894) and with the authorization of the court, the greatest care was taken to preserve and maintain the work already done, and a prolongation was obtained from the Republic of Colombia of the time stipulated for the completion of the canal, thus preserving the rights of the company under its concession in their entirety.

In view of the advanced state of the work on the canal, and the considerable sum (at least $150,000,000) actually expended for canal work properly so called, and for installations and plant, the logical conclusion followed that the very large capital invested would be protected through a reorganization of the affairs which took place successfully in the month of October, 1894. At that time and with this object in view the undersigned company was organized under the general laws of France.

The company is a commercial association, formed exclusively upon private capital, and has no connection, alliance, or relation whatever with any government, except the relations established by the concessions which it holds from the Republic of Colombia. The board of directors of the company is an entirely new board and composed of gentlemen of independent positions, having no official relation with the old Panama Company, and for the most part identified with large financial and commercial enterprises.

Pursuant to judicial sale, authorized by the court as aforesaid, the undersigned company in 1894 became the sole owner of all the canal works, plant, material, concessions, and other property of the old company. The title of the undersigned to this property is therefore unquestionable, and has been officially recognized by the Government of Colombia.

Surveys had been made by the old company, but the new company, while making use of them, would not be bound by their conclusions. The board of directors resolved at the start to examine and study anew all the questions involved, making use of the most recent improvements in material and of the advances made in engineering.

It is needless for us to enumerate the difficulties and enormous expense involved in the choice of a definite plan for the execution of this work, which is one of the greatest undertakings of our time.

Different plans, equally practicable but varying in probable cost, have been studied. Many months have been spent in preparing, studying, and revising them. This work has not been done hastily and superficially. Engineers, chosen specially for their professional ability, have studied the question in all its details—technical, climatic, physical, geologic, and economic.

Though the skill of its own technical staff is worthy of the highest confidence, the undersigned company, out of abundant caution and in order to place beyond criticism the final conclusions, caused to be appointed an International Technical Commission, composed of engineers selected from different

nationalities, a course which assures to the company the benefit of the widest possible experience, the severest judgment, and the most independent conclusions. The International Technical Commission is composed as follows:

M. Robaglia, president, inspector-general of roads and bridges (retired).
M. Bouvier, chairman, inspector-general of roads and bridges (retired).
General Abbot, United States Engineer Corps.
M. Castel, inspector-general of mines (retired).
M. Daymard, chief engineer of La Compagnie Transatlantique.
M. Fargue, inspector-general of roads and bridges (retired).
M. Fteley, chief engineer of the Croton Aqueduct, New York City.
M. Fulscher, private counselor to the minister of public works of Prussia, formerly technical director of the work of the Kiel Canal.
M. Hersent, civil engineer.
M. Hunter, chief engineer of the Manchester Canal.
M. Koch, councilor of public works of Germany; director of Technical Academy of Darmstadt; formerly member of the Imperial commission of the Kiel Canal.
M. Jules Martin, inspector-general of roads and bridges (retired).
M. Skalskowski, formerly director of the department of mines to the minister of agriculture and lands of Russia.
M. Sosa, chief engineer, Colombia.

As to all statistical and economic questions the new company established a special commission, presided over by M. Paul Leroy-Beaulieu, the eminent economist and a member of the Institute of France.

It is certain that the members of these two commissions are the most distinguished and able men in their professions. No one of them would compromise his reputation and his honor, acquired by a long life of eminent services, by formulating conclusions upon unfounded, incomplete, superficial, or uncertain information.

By the closest study of the subject; by actual inspection of the works of the canal, made by several of its members; by full discussion and by frequent exchange of views; by subjecting every problem to the critical judgment of all, thus obtaining the most varied opinions; by all the methods and with all the care which the most advanced technical experience could suggest, this eminent commission of engineers has reached a unanimous conclusion, which has been officially communicated to this company, and upon which this company is pursuing the work of construction. These conclusions, signed by every member of the commission, establish the entire feasibility and practicability of completing the canal.

We do not doubt that you will be interested to learn the essential features of our plans, which have been prepared with so much labor and care, and confirmed by four years of continuous study.

1. The old company had already substituted for the proposed sea-level canal a system of locks. This principle, with important modifications and improvements, has been adopted by the new company.
2. The length of the canal from ocean to ocean is 45 miles.
3. The locks will not exceed four on each slope of the divide; all locks will have a rock foundation, and all will have double lock chambers.
4. There is nothing in the physical conditions on the Isthmus to prevent a change from a canal with a system of locks to a sea-level canal should the latter seem desirable in the future.
5. The time of passage from ocean to ocean will be less than a day.
6. The harbors situated at either extremity (Panama and Colon) are not artificial harbors; they are natural harbors, safe and satisfactory, needing but slight improvement. This fact is known to all the world, thanks to commerce, which for almost fifty years has made use of the Panama route (the Panama Railroad).
7. Two-fifths of the work on the canal has been actually constructed; the remaining three-fifths is in a fair way of completion. During the last four years three or four thousand workmen, on an average, have been employed in working on the canal.
8. The company's concessions are unquestionable. The Republic of Colombia has given to the enterprise its cordial and sincere cooperation.
9. The existence and operation of the railroad, long established on the proposed line of the canal, greatly facilitates its construction.
10. No construction is planned which is not fully justified by practical experience.

Formerly the greatest difficulties were:

(*a*) The control of the floods of the Chagres River; and
(*b*) The excavation of the Culebra Cut.

The manner in which each of these difficulties is to be surmounted is shown with the greatest detail in the report of the technical commission, which we have the honor to present to you.

The condition of the new company is equally satisfactory. Its assets, including the work actually done on the canal, the buildings, the machinery, the material on hand, exceeds in value 500,000,000 francs, or $100,000,000, which valuation has been made by a special commission, of which the former director of the National Academy of Roads and Bridges of France was chairman. The company has no mortgage or bonded indebtedness. The property is free from all incumbrance. The company has no other debts than monthly pay rolls. Its cash reserve is largely in excess of its actual needs.

The undersigned company also invites your attention to the provisions of its concession, particularly articles 5 and 6, which reserves all rights to the Government of the United States secured by the treaty with the Republic of Colombia signed in 1846 and ratified in 1848.

We have the honor to be, your obedient servants,

J. BONNARDEL,
The President of the Board of Directors.

Certified by the secretary of the company.

ED. LAMPRE.

Mr. MORGAN. Mr. Cromwell saw Mr. Hay and notified him of the coming of this missive. The ship was slow on its voyage, and Mr. Cromwell wrote Mr. Hay on November 28, 1898, as follows:

Mr. Cromwell to Mr. Hay.

NEW YORK, *November 28, 1898.*

DEAR SIR: Referring to the interview which you accorded me on Friday last and to your gracious assurance that you would give audience to the director-general of the New Panama Canal Company and ourselves in connection with the presentation to the President of the communication which the New Panama Canal Company is about to make to the Government, I beg leave to advise you that by reason of the severe prevailing storm *La Touraine* was delayed in arrival until to-day, and that we shall therefore not be able to translate the documents and prepare them for presentation before Wednesday.

I will advise you further of our coming, keeping in mind the preference which you indicated, that the hour of conference be about 11 o'clock in the forenoon.

I have the honor, etc.,

WM. NELSON CROMWELL,
American Counsel for New Panama Canal Company.

That was the introductory signal. This note magnifies the missive into the importance of a great state paper and its presentation into the dignity of a solemn State function. What was the alleged purpose of all this parade? Only to give information of the splendid condition and happy prospects of the New Panama Canal Company?

Your lordship sees me as I profess to be, in happy state and prepared, it would seem, to defy future adversities. But, knowing your sweet benevolence, I am here to honor your virtues by an early appeal to them if it should otherwise be, and to bespeak your hospitality. Not to house a mendicant, for I have no rags of beggary about me, but to welcome a gentleman of honor, should misfortune touch me with its envious bolt.

Mr. Cromwell seems to have been sitting for his picture when the playwright was thus describing a beggar's petition, disguised as a boastful assertion that he had no need of help.

Why should he then declare that this company was independent of France and had no relations to or connection with that Government? It was because the lawyer saw the danger in that point and wished to prevent the question from being made, as to the relations of France with this company.

Why did he venture on the gratuitous falsehood that this company became "the sole owner of all the canal works, plant, material, concessions, and other property of the old company," and that "the title of the undersigned is therefore unquestionable and has been recognized by the Government of Colombia?" Both of these statements were false. But what interest could the united statements serve if it was not the purpose of Cromwell when the letter was written to dispose of the canal property to the United States?

Cromwell knew that otherwise Mr. Hay could have no interest in this spectacular advertisement of the canal.

Why should he add the false statement that "the condition of the new company is equally satisfactory; that the company has no mortgage or bonded indebtedness; the property is free from all incumbrances; the company has no other debts than monthly pay rolls; its cash reserve is largely in excess of its actual needs."

These statements are apparently so gratuitous and so foreign to any interest of the United States in the subject that the presentation of them would be a ridiculous parade of boastful nonsense if there was no other design except to give information to the United States.

The covert meaning of this approach to the President is found in the last paragraph of his diplomatic epistle, as follows:

The undersigned company also invites your attention to the provisions of its concession, particularly Articles V and VI, which reserves all rights to the Government of the United States secured by treaty with the Republic of Colombia signed in 1846 and ratified in 1898.

A most remarkable declaration was that. What does it mean that he would essay to inform the President of the United States that the rights of the United States under the treaty with Colombia were reserved by contract? Why should he do it?

I will read the next letter of Mr. Cromwell to Mr. Hay, which shows an outbreak of Congress against the President of Colombia on account of this canal, which resulted in the adoption of a resolution by the House of Representatives, the office of President vacant.

This letter darkly hints at the real purpose of Cromwell's allusion to Articles V and VI of our treaty with Colombia. He sends another preliminary telegram to notify Mr. Hay of what is coming, a premonition of its great importance.

Mr. Cromwell to Mr. Hay.

[Telegram.]

NEW YORK, *December 5, 1898.*

Am writing you to-day concerning the cable from Consul-General Hart published Saturday. It is evident that the limited purpose and nature of the measure referred to is not fully reported from Bogota, and is given undue significance.

WM. NELSON CROMWELL,
Counsel New Panama Canal Company.

He always signs his name in full.

Mr. Cromwell to Mr. Hay.

NEW YORK, *December 5, 1898.*

MY DEAR SIR; I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

Upon my return I learned through Director-General Hutin (who had preceded me to New York) that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal under a communication which the company had addressed to the Government. in the form of which I inclose you a translation.

You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable an even deeper cut to be made (and which would reduce the number of locks to four), but which reduction would of course require more time than the plan adopted.

You will note that the bill proposed to confer power upon the Executive, and this happened to arise under extraordinary political conditions in Bogotá. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant, and refusing to recognize the qualification of the President before the supreme court.

We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which we have no doubt their minister at Washington would fully confirm to you.

Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

I have, etc., your obedient servant,

WM. NELSON CROMWELL,
Counsel New Panama Canal Company.

If Senators, when they come to read this, will refer to the last clause of the letter which I have quoted, they will see what this man was driving at.

The treaty of 1846–1848 bound the United States to protect Colombia in the ownership and sovereignty over Colombia. It also bound us to protect the transit across the Isthmus.

The Canal Company fancied that it saw in this revolt, which is still flagrant, the opportunity to turn over the canal to the United States, so that, in protecting the canal, it would be protecting its own property.

It was a bold movement of the reckless lawyer to involve the United States in a war, if need be, to get rid of this property by selling it, or an interest in it, to the United States. This ugly device was received in silence by Mr. McKinley, and Mr. Cromwell was thrown upon his ingenuity to arrange another coup.

On the 21st of December, 1898, Mr. Cromwell informed Mr. Hay that the Government of Colombia (which means the President) had signed the extension of the concession until 1960.

This, of course, united the interests of Colombia and the Panama Canal Company in supporting the war of the President, at the head of the church party, against the Liberals, for which the canal company paid him $1,000,000 French gold to carry on the war. It was an extraordinary transaction. They had to put up with it when they paid him a million dollars in gold, and they paid it to get the President to sign this last concession, which is the basis of their title to-day, a part of it, after Congress had refused to ratify it and declared the presidency vacant because the President had signed the concession for a million dollars. That is the crowd that we are asked to shake hands with by treaty.

After that transaction Colombia was plunged into civil war. They are still fighting, and if we purchase the property of the canal company we must take the war along with the property, or if we do not buy ourselves into the conflict of arms the Liberal party will never forgive us for paying $1,000,000 to the church party to furnish them the sinews of war.

But to follow Mr. Cromwell. When he found that he could not inveigle the United States into the dishonorable scheme of capturing the canal and railroad, because we had engaged to protect them, and that to own them would be the easiest way to protect them, the canal company then broke up the peace and unity of the Colombian Government, as I have shown from admissions in his own letter, by buying the consent of the President to sign an extension of the concession that Congress had refused to ratify. There is where that Government went to pieces; that is the rock on which it broke, and it stays there yet.

The French people were still unwilling, notwithstanding this extension, to put any more money into the canal, and he again approached the President of the United States with a proposition for the joint ownership of stock in the New York or New Jersey corporation, under the title of the New Panama Canal Company of America.

To accomplish this project it was becoming, in his opinion, to boast more loudly than ever of the wealth and power of his company, and also to make a side lick at its rival, the Maritime Canal Company. That letter carries its own interpretation, and it will be seen, as it is read, that it is the last bid of a desperate gambler in corporation stocks.

On the 28th of February, 1899, Mr. Cromwell addressed the following letter to the President:

Messrs. Sullivan & Cromwell to Mr. Hay.

NEW YORK, *February 28, 1899.*

DEAR SIR: We beg leave to hand you herewith a copy of the communication which this day has been addressed to the President.

We are, etc.,

SULLIVAN & CROMWELL,
General Counsel.

Mr. Hutin and Messrs. Sullivan & Cromwell to the President.

NEW YORK, *February 28, 1899.*

SIR: 1. The New Panama Canal Company has never proposed and does not seek any appropriation or financial aid from the Government of the United States in the completion of its canal.

What a heroic outburst of independence that is!

2. It places its canal works on the Isthmus of Panama subject to the examination of this Government, or any special commission through whom it may be desired to make such examination, and will facilitate in every possible way any such desire of the Government.

3. The Government will find that fully two-fifths of the canal works are already constructed; that continuously during the past four years from 3,000 to 4,000 men, under a large force of engineers, have been and are now actually engaged upon its works; that all technical and physical problems have been solved by the eminent "International Engineering Commission," whose report of November 18 last is before you; that the canal is undoubtedly feasible and the harbors at both ends natural harbors and entirely satisfactory.

They say nothing about the eight millions it will take to fix the harbor at Colon.

That its concessions are perfect and unquestioned, and that the relations of the United States to the canal are especial and superior by reason of the "special and remarkable advantages" secured to it by the treaty of 1846 between the United States and Colombia, and which rights, whatever they may be, were scrupulously respected, observed, and confirmed in the concessions of Colombia to the Panama Canal Company, under which the canal is being completed.

4. While the New Panama Canal Company does not seek any financial aid from the Government, it recognizes the national sentiment in favor of acquiring some pecuniary interest in any canal connecting the Atlantic and Pacific oceans. Therefore, the New Panama Canal Company declares that if, as the result of any such investigation, the Government of the United States adopts the Panama route, the company, if the Government so desires, will reincorporate under the laws of the State of New York (under the laws of which State the Panama Railroad Company has existed for nearly fifty years), or of some other State of the Union—

It turned out to be the fate of New Jersey to receive that compliment—

subject to the provisions of its concession, and vest its concessions and property in such corporation. It will also in said event accord to the United States such representation in its board of directors, and such opportunity to acquire an interest in its securities, as may be permitted by its concessions, which, of course, must be scrupulously observed.

And further, if the United States should desire to perpetuate or enlarge its existing rights and privileges, acquired under said treaty of 1846—

That means if they should undertake to take the Panama route in order to protect it—

the company will conform to such supplemental treaty as may be entered into between the United States and Colombia.

We beg leave to say that yesterday, at a public hearing accorded us by the Committee on Rivers and Harbors of the House of Representatives, we submitted to the chairman and gentlemen of that committee a communication to the foregoing purport, and have the honor to be,

Your obedient servants,

MAURICE HUTIN,
Director-General of the New Panama Canal Company.
SULLIVAN & CROMWELL,
General Counsel, New York City.

And on March 11, 1899, M. Hutin sent the following letter to the President:

Mr. Hutin to the President.

COMPAGNIE NOUVELLE DU CANAL DE PANAMA,
45 Wall Street, New York City, March 11, 1899.

To the PRESIDENT:

Referring to the act of Congress approved on the 4th instant, respecting an investigation of the Panama and Nicaragua canals, the New Panama Canal Company, as one of the subjects of the inquiry, respectfully invites attention to its communication addressed to you December 2, 1898, and to its subsequent offers to the honorable Secretary of State, and finally to its official proposition of February 27 last, all of which contain the proffer and urgent invitation that the President or Congress make the fullest investigation of the canal works, plans, seven concessions, and status of the New Panama Company; and it also refers to the official report upon the canal made by the International Technical Commission November 16, 1898, and placed in your hands by us on December 2 last.

The said act of Congress is therefore in full accord with our repeated offers and our warmest desires.

We again most respectfully renew our proffer of the fullest investigation and our offer of all the facilities to that end. But the subject is of such transcendent consequence to the United States, to the people of the world as well as to ourselves, that we venture, with due respect, to submit this our petition that any commission designated to aid you in making the investigation and comparison contemplated by the act of Congress be composed of gentlemen of the widest experience, of exceptional character and unquestioned professional standing, and who are not embarrassed by public commitals or previous records favorable or unfavorable to either one or the other project and who have not heretofore served upon any canal commission.

The New Panama Canal Company does not present or suggest any name for membership of any commission. Its only petition is that the selection be of gentlemen whose conclusion will at once command public confidence, fully relying upon its ability to satisfy fair and impartial investigation of the merits of its canal.

THE NEW PANAMA CANAL COMPANY,
By MAURICE HUTIN, *Director-General.*
SULLIVAN & CROMWELL, *General Counsel.*

What does that mean? Walker and Haupt and Hains had been appointed by the President upon the Nicaragua Canal Commission and had made their report adverse to this company, and here the New Panama Canal Company come in and make their bow to the President of the United States, and politely suggest to him that they think it would be very much better that he should not appoint any gentleman who has been upon any former commission, and the President forthwith appointed all three of them on the next commission. That was his way of answering such insolence.

Mr. Cromwell then proceeded, in New Jersey, under the general laws of that State, to take out a charter for the proposed company to carry out his offer to the President. It would require a long recital to set forth the wild absurdity of its alleged powers.

It is impossible to conceive of any law paper that is more grotesquely absurd. One is left in doubt, after reading this charter, whether it could have been intended as a serious proposition,

Some reference to the dates of Congressional proceedings will account for the frantic activity of Cromwell in pushing these schemes on the attention of the President and the House Committee on Interstate and Foreign Commerce and select committees, and on an Isthmian Canal Committee; and Mr. Lampre and General Abbot admit that the purpose was to defeat legislation in favor of the Nicaragua Canal.

General Abbot was a member of the Comité Technique that made the report on the 2d of December, 1898, which was sent to the President, that Mr. Cromwell adopted as the basis of his seductive letters to the President, and he is still in the employ of the New Panama Canal Company and was summoned by the opposition to the House bill to testify on the hearings before the committee. He appeared on the 4th day of March, 1902, and on cross-examination he testified as follows.

Mr. President, I shall not detain the Senate by reading that, but I will merely state the substance of it, which is that General Abbot, who had been in Paris with M. Hutin and M. Choron, the chief engineer of the company, took ship immediately and came here and went before the Hepburn committee of the House. After a most excruciating experience in trying to refresh his memory he arrived at the conclusion, after coming here, that the object was to prevent legislation in favor of the Nicaragua Canal.

M. Choron's testimony is set out here, not in full, but all that relates to the subject is to the same effect, and I will ask leave to insert that and the other testimony in my remarks without reading.

The PRESIDING OFFICER. If there be no objection, the request of the Senator will be complied with. The Chair hears no objection, and it is so ordered.

The testimony as given by General Abbot is as follows:

The CHAIRMAN. Were you the only member of the committee that was retained in the service of the company?

General ABBOT. As far as I know, I am; I do not know.

The CHAIRMAN. You were employed immediately, were you?

General ABBOT. Yes; I had been doing work for the company in Paris, in studying this Chagres problem. I had done a good deal of work in that way as a member of the Comité Technique, and had written a number of memoirs on the subject in the line of my duty. Being interested in keeping up the record of the Chagres River to date, the company wanted that work continued.

The CHAIRMAN. Do you recollect about what time in 1900, what month and what date, you arrived in New York from Paris?

General ABBOT. I arrived in New York from Paris late in October.

The CHAIRMAN. 1900?

General ABBOT. Yes.

The CHAIRMAN. You must have been here before that, because you testified on the 17th of January, 1899, before the committee of the House of Representatives.

General ABBOT. That was a special matter, for which I crossed from Paris and returned as soon as I had given my testimony.

The CHAIRMAN. You came over on purpose to give your testimony?

General ABBOT. We came over—we were summoned before the committee, and the company wanted me to appear here, inasmuch as I understand the English language, and to be present at the hearings.

The CHAIRMAN. Were you summoned in Paris or here?

General ABBOT. I really don't know. I had no summons individually at all. I simply came at the request of the company with its other officers to present the facts.

The CHAIRMAN. Well, that request was made in Paris?

General ABBOT. I really do not know. All I know about it came from the company. I did not receive any request from the committee of Congress.

The CHAIRMAN. You received the request in Paris?

General ABBOT. From the company, certainly.

The CHAIRMAN. And you crossed the ocean so as to attend before the committee of the House of Representatives?

General ABBOT. I was not so informed. I was informed by the company that they would be very glad if I would accompany their delegation to the United States to assist them in presenting their case to the Government, and I came over with that object.

The CHAIRMAN. Were you then a member of the Comité Technique, or were you employed by the company in any other capacity?

General ABBOT. I was a member of the Comité Technique at that time.

The CHAIRMAN. After you went back in March, your labors terminated on that committee, and you were then employed by the company as a consulting engineer?

General ABBOT. Yes; in the latter capacity since about the middle of 1900.

The CHAIRMAN. Did you remain in France or come here?

General ABBOT. I remained in France for three or four months and then I came here.

The CHAIRMAN. What was the particular business on which the company sent you to the United States?

General ABBOT. I do not understand the question.

The CHAIRMAN. What was the particular business on which the company sent you to the United States?

General ABBOT. If you mean in 1899, it was to assist their officers in presenting the case clearly before the Government.

The CHAIRMAN. Have you been engaged in that from that time to this?

General ABBOT. No.

The CHAIRMAN. What other work have you done for the company here?

General ABBOT. I have reduced the notes, the monthly records of the Chagres River, and of the meteorological observations, forwarded from Panama. They are forwarded from Panama to me here, and they come, of course, in the form of undigested material. I study them and deduce from them the daily discharges, etc., of the Chagres River at Alajuela, Gamboa, and Bohio, etc. I put the information into such form that it can be used for engineering purposes, and forwarded one copy of it to Paris and the other copy I have been forwarding to the Isthmian Canal Commission. That is all my connection with the company here.

The CHAIRMAN. Well, at the time you appeared here as a witness Mr. Choron also appeared?

General ABBOT. Yes.

The CHAIRMAN. He was then the chief engineer of the company, was he not?

General ABBOT. He is now.

The CHAIRMAN. And Mr. Cromwell appeared?

General ABBOT. Mr. Cromwell was the leading counsel of the company.

The CHAIRMAN. And Mr. Curtis appeared?

General ABBOT. Mr. Curtis is a partner of Mr. Cromwell.

The CHAIRMAN. Those were all the witnesses that were brought before that committee of which Mr. Hepburn was the chairman?

General ABBOT. I gave my testimony, if I recollect rightly, on that matter.

The CHAIRMAN. What particular reason was there for that assemblage of witnesses here just at that time?

General ABBOT. The reason was simply this, as I understand it: The Panama Company had no intention whatever of completing its canal otherwise than by the usual method of raising the funds up to the time of the Spanish-American war. They were thoroughly familiar with the problem in Nicaragua; they knew that no private company could possibly compete with the Panama Company, and they made no attempt to make known what they were doing on the Isthmus. They were working as a private company in their line of business, because they had no fear of any private company operating in Nicaragua.

But as soon as the *Oregon* went around the Horn and this great enthusiasm arose in America for an isthmian canal, a new possibility was presented to the company—the possibility of the United States Government building a parallel canal, which would have a bad effect on their interests in two respects; first, by rendering it more difficult to raise funds from private sources, with a probability of having to compete with a great Government running a parallel line; and, secondly, because the company would need some 15,000 or 20,000 of those West Indian negroes to complete the work. The American company would demand a like number of laborers, and there would consequently be a competition which would raise the price of labor and also increase the cost of the construction of the canal.

For those reasons the company decided that it was important to inform this Government officially as to what they had done and what they were doing, so that the changed conditions at Panama should be understood here, and that our Government should understand how much better a canal could be made via Panama than via Nicaragua. This knowledge, perhaps, might induce our Government to reconsider the route, and perhaps to take stock or in some other manner assist the company in its great enterprise and thus assure the construction of the best possible canal, and not the canal through Nicaragua.

To accomplish this object it was necessary to present the facts fully before the Government, and that was the object of the company when Mr. Hutin came here and presented a copy of the report of the Comité Technique to the President within a month after it was signed. From that time on the company has desired that the United States Government should know what it is doing, and should appreciate its claims, that Panama offers the best possible route for the isthmian canal.

The CHAIRMAN. Now, you got here and you testified on the 17th of January, 1899?

General ABBOT. Yes; about that date. I do not have the exact date in mind.

The CHAIRMAN. You left Paris some time before that?

General ABBOT. I left Paris just before that and came directly here.

The CHAIRMAN. You came in company with Mr. Choron?

General ABBOT. Yes.

The CHAIRMAN. And who else?

General ABBOT. M. Hutin. I think those were the only officers of the company.

The CHAIRMAN. You came here on purpose to make a statement before the committee in the House of Representatives?

General ABBOT. M. Hutin asked me to come here with them, as neither of them speak English and they thought that I could understand the technical questions better than they could, perhaps; and they therefore wished me to come with them and assist them in presenting the case to the United States Government.

The CHAIRMAN. On the 21st day of January, 1899, a bill had passed the Senate of the United States for the purpose of aiding this Maritime Canal Company by a vote of 48 to 6.

General ABBOT. I had forgotten that fact. In fact, I do not know that I ever knew it. I had nothing to do with those matters.

The CHAIRMAN. But your company knew about it?

General ABBOT. I do not know. Perhaps they knew it.

The CHAIRMAN. And thereupon your delegation set out to come to the United States?

General ABBOT. Not at all in connection with that, sir.

The CHAIRMAN. Why do you say so when you do not know?

General ABBOT. Because I know very well that it was the passage of the *Oregon* around Cape Horn that first suggested the idea.

The CHAIRMAN. When did the *Oregon* go around Cape Horn?

General ABBOT. In the early days of the Spanish war. I can not give you the exact date. The popular excitement caused by it in connection with an isthmian canal put an entirely new face on the question in the United States. People who had up to that time been lukewarm afterwards became enthusiastic advocates of the canal.

The CHAIRMAN. I understand you to say that practically your mission from Paris in the company of those two gentlemen, coming to Washington, had relation to the passage of the *Oregon* around Cape Horn, and not relation, so far as you know, to the passage of a bill in the United States Senate, by a vote of 6 to 46, to aid the Maritime Canal Company?

General ABBOT. If I knew about that vote at the time I have forgotten it. It had nothing to do with my coming, so far as I was concerned. I simply came to assist these gentlemen in the presentation of technical matters before the Government. It had become very important to the company to have the United States Government know what they were doing, owing to the interest in a canal caused by the passage of the *Oregon* around the Horn.

The CHAIRMAN. Did that company at that time propose to sell this canal to the United States?

General ABBOT. I do not think they wanted to do it.

The CHAIRMAN. Did they try to get a loan from the United States?

General ABBOT. No. As I understood the idea of the company, they wanted the United States to do with them what England did with the Suez Canal. England opposed, as we all know, with the utmost violence the construction of that canal. When they found that they could not stop it, they then, through one of the most brilliant diplomatic strokes that Disraeli ever directed, bought up the reserve stock of the Khedive.

Rumor has it that Disraeli paid £5,000,000 for what is now worth £20,000,000 and what has paid large interest ever since. I imagine that the idea of the company was that the United States might be willing to guarantee their bonds on stock security and a controlling vote on the board of directors, the company being reincorporated in America, and in that way it could raise funds and thus prevent competition with a parallel route. That was my idea. I did not get that understanding officially, but I inferred that.

General ABBOT. The company did not come with any idea of enlightening the Congress of the United States on the matter. They came here to prevent the serious injury to their interests which would result from the Government of the United States starting a parallel line at the time when they

were about trying to raise funds for the completion of their works, and also to prevent a probable rise in the price of labor by the construction of two canals at the same time.

The CHAIRMAN. Now, I want you to listen to that last answer which you made and see if you have stated what you desire.

The last answer made by General Abbot was repeated to him.

General ABBOT. That is my understanding, but I do not represent the company in expressing it. It is my honest belief.

The CHAIRMAN. What company do you refer to, or what line do you refer to there as a parallel line?

General ABBOT. The Nicaragua line.

The CHAIRMAN. Then you came for the purpose of persuading the Government of the United States not to build the Nicaragua Canal?

General ABBOT. We came to let the United States Government see what their true interest was—full knowledge of the facts would be the best thing for the United States as well as for the company.

The CHAIRMAN. Are you not here now for that same purpose?

General ABBOT. I am here to-day because I was summoned by you.

The CHAIRMAN. No; I did not. Mr. HANNA summoned you.

General ABBOT. Well, Senator HANNA. I am here under orders.

The CHAIRMAN. Are you not brought here for the purpose of doing that same thing—that is, preventing the Government of the United States from selecting the route parallel to the Panama route?

General ABBOT. That is a question for Senator HANNA to answer.

M. Lampre, the general secretary of the Panama Canal Company, testified as follows:

The CHAIRMAN. What was the actual purpose and object of the letter to the President of the United States and the letters and telegrams of Cromwell, attorney, given with the message of the President of February, 1900? What was the actual purpose and object of the letter to the President of the United States of the 18th day of November, 1898?

Mr. LAMPRE. As far as I can recollect, the purpose was to lay the whole subject before the United States; and at the time we stated that should the United States abandon the idea of constructing the Nicaragua Canal we were ready to reorganize under the laws of this country and to organize an American corporation to complete the Panama Canal, which we thought the best route and still think the best route. That is why we laid the whole subject before the United States at the time.

The CHAIRMAN. In addition to this cheerful picture of the resources of the company, these letters boast of the conciliation of Colombia, and that the entire feasibility and practicability of completing the canal is established by the members of two commissions who were the most distinguished men in their professions. Why did not a canal that was so well fortified in its appeal to public confidence obtain the money to complete it by subscriptions among the French people who had already sunk $250,000,000 in it and only had the ditch, the buildings, the machinery, and the material on hand to show for this expenditure?

M. LAMPRE. Just as I told you, Senator, on account of the contemplated building by the United States of the Nicaragua Canal.

COMPAGNIE NOUVELLE DU CANAL DE PANAMA,
45 Wall Street, New York City, March 11, 1899.

To the PRESIDENT:

Referring to the act of Congress approved on the 4th instant respecting an investigation of the Panama and Nicaragua canals, the New Panama Canal Company, as one of the subjects of the inquiry, respectfully invites attention to its communication addressed to you December 2, 1898, and to its subsequent offers to the honorable Secretary of State, and finally to its official proposition of February 27 last, all of which contain the proffer and urgent invitation that the President or Congress make the fullest investigation of the canal works, plans, seven concessions, and status of the New Panama Company; and it also refers to the official report upon the canal made by the International Technical Commission November 16, 1898, and placed in your hands by us on December 2 last.

The said act of Congress is therefore in full accord with our repeated offers and our warmest desires.

We again most respectfully renew our proffer of the fullest investigation and our offer of all the facilities to that end. But the subject is of such transcendent consequence to the United States, to the people of the world as well as to ourselves, that we venture, with due respect, to submit this our petition that any commission designated to aid you in making the investigation and comparison contemplated by the act of Congress be composed of gentlemen of the widest experience, of exceptional character and unquestioned professional standing, and who are not embarrassed by public committals or previous records favorable or unfavorable to either one or the other project and who have not heretofore served upon any canal commission.

The New Panama Canal Company does not present or suggest any name for membership of any commission. Its only petition is that the selection be made of gentlemen whose conclusion will at once command public confidence, fully relying upon its ability to satisfy fair and impartial investigation of the merits of its canal.

THE NEW PANAMA CANAL COMPANY,
By MAURICE HUTIN, *Director-General.*
SULLIVAN & CROMWELL, *General Counsel.*

Did that letter receive the approval of your company?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Then you proposed to dictate to the President of the United States whom he should not appoint on that board?

M. LAMPRE. We did not propose to dictate anything. We asked what we thought we would like to get.

The CHAIRMAN. Is not this a plain dictation: "You shall not appoint any one who has been a member of the board heretofore?"

M. LAMPRE. We did not propose to dictate anything, but only expressed our sincere desire as to that. We would not presume to dictate anything to the United States.

The CHAIRMAN. That particular feature of this case, followed by another, led me to suppose that we might expect any overture from your company that might be brought to our attention without respect to whether it was one that we ought properly to consider or not. That is the impression made on my mind, and I want to be frank in stating it to you. Any explanation necessary to be made about that, of course, is in order.

M. LAMPRE. I have nothing to say to that.

The CHAIRMAN. I notice here that Mr. Boyard, under the date of Paris, January 6, 1900, says: "Board of management has resigned."

M. LAMPRE. Yes, sir.

The CHAIRMAN. That is the new corporation?

M. LAMPRE. No, sir; the board of management may resign and new directors are appointed; that does not change the corporation at all with us.

The CHAIRMAN. I did not say that it changes the corporation.

M. LAMPRE. I understood you to say it was a new corporation.

The CHAIRMAN. I said the board of management of the new corporation. The next intervention of your company was of the 30th day of April, 1900. That was at the time the Hepburn bill was under consideration, and a day had been set aside as stated in the letter here, which I will enter in the record, but I will not read all of it, unless you want me to read it.

M. LAMPRE. No.

The letter referred to is as follows:

"WASHINGTON, *April 30, 1900.*

"The PRESIDENT:

"Permit us to refer to the communication addressed to you on February 28, 1899, by the Compagnie Nouvelle du Canal de Panama, and of which we attach a copy for your convenience.

"Three days after the above communication (and which was similar to that addressed to the River and Harbor Committee of the House, Hon. Theodore E. Burton, chairman) Congress enacted the law of March 3, 1899.

"Under the powers of said act the President appointed the 'Isthmian Canal Commission,' composed of Rear-Admiral John G. Walker, Hon. Samuel Pasco, Mr. Alfred Noble, C. E.; Mr. George S. Morison, C. E.; Gen. Peter C. Hains, Prof. William H. Burr, C. E.; Gen. Oswald H. Ernst, Prof. Emory R. Johnson, Mr. Lewis M. Haupt, C. E.

"In addition to its examination of all other possible isthmian routes the Isthmian Canal Commission has made an exhaustive examination of the plans and status of the company at Paris, where the records of twenty years are preserved, and also personally has examined upon the Isthmus of Panama the actual canal and canal works of the company and the feasibility of its undertaking, and at this time is further verifying surveys, plans, and specifications with a force of 700 to 800 men in the field.

"The Isthmian Canal Commission has not yet made its report to the President, and, as we are advised, has not yet completed its investigations and inquiries upon the technical and other subjects covered by the said act of March 3, 1899, nor has the President yet communicated to Congress his recommendations in the premises.

"In all these investigations concerning the Panama Canal the company has made to the Isthmian Canal Commission the fullest exposition and explanations, without reserve or exception, upon every aspect of the subject concerning which the Commission has desired information, and also has delivered to the Commission full and detailed plans, maps, and specifications of the company for the complete excavation and construction of the Panama Canal and canal works. These documents are great in volume and value, and represent the expenditure of a vast sum, as well as the results of many years of study in their original preparation.

* * * * * * *

"The company has avoided any action or course which might by the Government be deemed inconsistent with its said communication of February 28, 1899.

"All this the company has done in full reliance upon the avowed purpose of the Government (as embodied in the act of March 3, 1899) of thoroughly and exhaustively investigating and reporting upon all possible isthmian canal routes, and in the reasonable expectation that in the meantime no action would be taken upon the subject by the Congress of the United States inconsistent with the expressed purposes of said act.

"On the contrary, however, and presumably without knowledge of the foregoing facts, measures have been introduced in Congress and are to be acted upon in the House of Representatives May 1 and May 2, 1900, having for their purpose the adoption by the Government of another isthmian canal route, without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899.

"We therefore respectfully request that the President advise the Congress of the facts of the case.

"We have the honor to be, your obedient servants,

"SULLIVAN & CROMWELL,
"*General Counsel Compagnie Nouvelle du Canal de Panama.*"

The CHAIRMAN. It is stated here:

"On the contrary, however, and presumably without knowledge of the foregoing facts, measures have been introduced in Congress and are to be acted upon in the House of Representatives May 1 and May 2, 1900"—

Those are the dates that were set apart by unanimous consent or by the rule of the House for the consideration of what was called the Hepburn bill, the same bill that was passed by the House the other day—"having for their purpose the adoption by the Government of another isthmian-canal route, without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899.

"We therefore respectfully request that the President advise the Congress of the facts of the case.

"We have the honor to be, your obedient servants,

"SULLIVAN & CROMWELL,
"*General Counsel Compagnie Nouvelle du Canal de Panama.*"

Were they authorized to make that communication?

M. LAMPRE. Most likely they were. I do not know about it. I have no recollection of that at all.

The CHAIRMAN. I was very much in hopes that the company did not know anything about it.

M. LAMPRE. I do not know; I can not tell.

M. BŒUFVÉ. Is it not countersigned by M. Hutin?

The CHAIRMAN. No; but it is signed by Sullivan & Cromwell, general counsel of the company.

M. LAMPRE. He must have acted under the general powers he had as counsel of the company.

The CHAIRMAN. Very good; that binds the company?

M. LAMPRE. I can not say that it does not. I do not know as to that.

The CHAIRMAN. It is addressed to the President of the United States, in the name of the Panama Canal Company, requesting the President of the United States to communicate certain facts by a message—he could not do it in any other way—to the House of Representatives or to Congress upon the statement here that "on the contrary, however, and presumably without knowledge of the foregoing facts, measures have been introduced in Congress, and are to be acted upon by the House of Representatives May 1 and May 2, 1900, having for their purpose the adoption by the Government of another isthmian canal route"—

That is, the Nicaragua route—

"without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899."

That of course is an intervention on the part of these attorneys with the proper privileges and duties of a House of Congress.

M. LAMPRE. I do not know. The letter is not familiar to me. I could hardly presume to answer.

The CHAIRMAN. I did not suppose it was. I wanted to direct your attention to it. That now is the latest intervention which has been made here for the purpose of interrupting, deferring, preventing action by Congress on this great subject and free choice on the part of the Congress and the people of the United States as between the two canal routes of Nicaragua and Panama, or upon the question whether they will build any or have anything to do with either of them.

Mr. MORGAN. Mr. President, these statements establish positively that all the movements of Mr. Cromwell, from the beginning of his conduct of affairs of the company in the United States, were directed to the purpose of defeating the Nicaraguan Canal movement, whether by the Government or by the Maritime Canal Company. If the Nicaraguan Canal could be defeated, the way was open to the Panama Canal, and in any event they had a paying property in the Panama Railroad.

The extraordinary folly and presumption of his letter to the President of the 28th of February, 1899, was intended to show the President that if Congress was willing to accept stock in a canal company he would remove the Panama Canal Company bodily from France and put all its assets into a New Jersey corporation and give the United States the privilege of becoming a stockholder and of appointing directors in the New Panama Canal Company of America.

The later letters, which I have just read, show that when Cromwell failed to ensnare the President with his New Jersey corporation scheme, he attacked the lion in his den and made direct and almost open war on the Nicaragua Canal bill, reported to the House in the Fifty-sixth Congress, and passed by the House on the 2d of May, 1900, by a very strong majority.

The bill was delayed in the Senate until the Fifty-sixth Congress expired, and Mr. Cromwell had a rest from active operations.

In the Fifty-first Congress Mr. Sherman made a report from the Committee on Foreign Relations in favor of the Nicaragua Canal. He made a second report in the Fifty-second Congress.

In the Fifty-third Congress Mr. MORGAN made a like report from the Committee on Foreign Relations.

In the Fifty-fourth Congress Mr. MORGAN made a like report from the Select Committee on the Construction of the Nicaragua Canal.

In the Fifty-fifth Congress Mr. MORGAN made a like report from the select committee, and the bill passed the Senate on the 21st day of January, 1899, by a vote of 48 yeas to 6 nays. A previous vote had been taken on one of these bills. It passed the Senate by a vote of 11 majority. For the last bill the Senator from Ohio [Mr. HANNA] voted. On the first occasion he was not here.

This action of the Senate put Mr. Cromwell in the state of agitation that caused him to address his first letter to the President, on the day of which I have read to the Senate.

In October, 1895, Ludlow's report in favor of the Nicaragua Canal was made to the President, and on June 1, 1896, the Committee of the House on Interstate and Foreign Commerce made a searching examination into the entire subject and reported a bill to construct a canal on the Nicaraguan route.

On the 17th of January, 1899, the House committee, of which Mr. HEPBURN was chairman, began a full and searching examination of the whole subject of the canal.

Mr. William Nelson Cromwell was the first witness to be examined, and he took charge of the French forces as general in chief, legal counsel, diplomatic functionary, orator, and witness for the Panama Canal Company.

He produced General Abbot, who was examined at great length, and Mr. Choran, chief engineer of the Panama Canal Company, who was also examined at great length and made a supplemental statement of 10 pages of printed matter in behalf of Panama.

Mr. Fteley made a written statement covering 33 pages of printed matter in small type.

Mr. Cromwell was assisted by Mr. Curtis in conducting the examinations and both broke in with their statements when it was found necessary.

The witnesses for Nicaragua on that occasion were Alexander T. Mason, Hiram Hitchcock, and Lewis M. Haupt. The committee made no report on the Senate bill, but took a bold departure from the policy of Government aid to the Maritime Canal Company and adopted the policy of ownership, construction, and complete control of a canal by the United States, and the first Hepburn bill was accordingly reported to the House on the 7th day of December, 1899.

In the meantime, on December 1, 1900, President McKinley had entered into agreements with Costa Rica and Nicaragua which he knew would close the controversy and shut off Mr. Cromwell's intrusions into legislation relating to the canal.

The President passed to his new and greater estate believing that he had settled the canal question, if Congress would authorize the President to acquire the right to do so from Nicaragua and Costa Rica.

He understood the reasons for the choice he made as well as any man who has survived him, having been fully informed by Mr. Cromwell and other agents of the Panama Canal Company as to every fact and plea and finesse and misrepresentation they had to make. It is a shameful reflection on Mr. McKinley to say that he did not have the opportunity to understand the Panama route when he chose the Nicaragua route.

But what respect has Mr. Cromwell, or anyone who is opposed to any canal, for the decision made by Mr. McKinley, when the occasion is again presented for further delay and final defeat of the will of the American people at the behest of the great railroads?

In the opening of this Congress the House again took up the Hepburn bill and passed it. Cromwell was, for the first time, belated by nine days' interval of time.

The Senator from Ohio has graphically depicted the sad period, but Cromwell rose to the occasion and opened a new campaign. I refer only to what the record discloses of his action. I would not dare to follow him when he is not on the surface.

His next appearance was, as counsel for the Panama Canal Company, in the rôle of chief negotiator for Colombia, in formulating the draft of the proposed convention that is before the Senate as the expression of the purposes of Colombia as to the granting of canal rights to the United States.

He puts another letter into the diplomatic files, which is to stand as the key of interpretation of the convention in any future misunderstanding that may occur. It is sent to Congress as part of the Colombian draft of a convention.

When we wish to know what that convention means we must refer to this letter.

It is attended with a disgusting cajolery and sycophancy that only too well indicates that it is intended to mislead Congress.

Mr. Cromwell's final appearance, in the open, is his letter of indorsement and explanation appended to the report of the minority of the committee. Why was he not called before the committee, as Mr. Pasco was, to swear to his opinions, if they are so important? It is plain enough for common comprehension that Mr. Cromwell could not afford to appear to support his attack upon the Nicaragua route.

The friends of Nicaragua could not call him as a witness without indorsing him, and could not compel him to disclose professional secrets to the disadvantage of his clients.

The Cromwellian phase of the situation is not likely to commend the Panama Canal Company or its ditch to the favor of the American people.

Mr. President, I have now shown the circumstances under which this matter has been brought before the Congress and before the Senate to-day, and I have shown how the discerning eye of the President and of the chairman of the Committee on Interstate and Foreign Commerce of the House saw through this pretender, trapped him as he came along with his cajolery and his seductive offers, and how they have disregarded him.

But it seems, Mr. President, that we can not shake him off. I presume he is in the gallery now, listening to me. He has been here all the time during this debate. The word "Panamaist" in Paris to-day is as much a synonym of a scoundrel as any word that was ever invented to define a bad character in our provincialism. I do not foresee what the result may be if we take up that corporation and do what Colombia says, "Go to them first and deal with them, settle with them, and then come to us."

Sir, I propose that if the Government of the United States has to deal in respect of property with any foreign person it shall find at least some authorized diplomatic agent to stand up in company with our diplomatic agent, to bind a government, to bind somebody beside a private individual or corporation in a contract which relates to the affairs of the whole world.

Why shall we go into a diplomatic correspondence or a dicker with the Panama Canal Company in order to do that which is provided for in the Spooner amendment at the round sum of $40,000,000? If we are to take it, why is not our agent permitted to have some judgment about its actual value? Why is the round sum put up, and why is it provided that more or less shall not be given as the price of it?

Mr. President, without reference to its connection with Nicaragua or any other thing or anybody else, it appears to me that the Government of the United States was never put into such a humiliating position as it will be in when our agents go to M. Hutin, or whoever may be the new president, the man put in in order to make the forty-million-dollar bid, and make an arrangement with him to discuss what he proposes to do in selling the property to the United States. The proposed treaty requires that we shall settle with that company, the company being authorized by Colombia to do it, before we go to Colombia for the purpose of obtaining concessionary rights to go through the State of Colombia with a canal.

The Panama Canal Company can not be a party to a diplomatic agreement with the United States. If it turns out that, by fraud, or through our mistake, we are cheated out of money, that we are deceived, what remedy have we? We have merely to turn our backs and walk off from a transaction with which we had no business to have anything to do.

If, however, the Government of Colombia will come forward and say, "We think the property is worth $40,000,000, and you can

have it for $40,000,000, which we will distribute, and another million dollars," (which they have put into the treaty and which is not in the $40,000,000, to be paid at once for its ownership of stock in the Panama Canal Company), "and seven millions advance payment for fourteen years of rent at $500,000 a year for a canal while you are building it, we will guarantee you against France, guarantee you against the creditors of the Panama Canal Company, although some of them are American citizens" (for there are a number of them in the United States); "we will guarantee you against all the speculators and peculators" (who have been running through the market to pick up the bonds since we have been at work about it); "we will guarantee you against the women and the children who have no representation in this matter, and whose rights have been cut down by legal technicality or mistake" (they can not guarantee us against the abuse of our own character by accepting a proposition surrounded with such evidences of frightful wrong and injustice), then we might say, "We will accept your proposition, it being extremely beneficial to us and better than any we ever dreamed we could get. We will accept your proposition for the reason that we can hold you to your bargain. If it turns out otherwise, and some court in France, or in Colombia, or in the United States, or elsewhere should hold in favor of one of these little innocent children, that they had a right of lien upon the property, you, Colombia, are bound to make it good to us."

But as we have nobody to deal with but this corporation, the Panama Canal Company, that is now in articulo mortis, it is a very bad outlook for the United States. It is a degrading, a cheapening, and a bad outlook for the United States to engage in any such transaction. We have no business committing the honor of this country to any such transaction. Senators may find in acts of friendship that they think they owe to leading Senators or others in this country some excuse for accepting such a situation, but I have no such responsibilities and no such inducements to lead me from what I consider to be the path of duty; and I will not consent that this Government, after an experience that has been disagreeable in the past, shall have any dealings with the Panama Canal Company. Let that company deal with Colombia, with the consent of France, and let Colombia at least offer us a title that is warranted to be free of all incumbrance.

APPENDIX.

[House Report No. 2615, Fifty-second Congress, second session.]

INVESTIGATION OF PANAMA CANAL.

March 3, 1893, laid on the table and ordered to be printed. May 9, 1900, ordered reprinted by the Senate.

Mr. Fellows, from the Special Committee to Investigate the Panama Canal Company, etc., submitted the following report.

The Committee on Rules, to whom were referred the resolutions heretofore introduced by Mr. Fellows and Mr. Geary, respectively, reported the same back with the recommendation that the resolution herewith submitted be adopted in lieu thereof, viz:

"*Resolved*, That a special committee of five be appointed by the Speaker to investigate and report as to what sums of money, if any, were expended by the Panama Canal Company, or its promoters, directly or indirectly, for the purpose of preventing opposition in this country to the plans of said company, or securing acquiescence in America thereto, and what disposition was made of such sums; and generally as to the situation of affairs upon the Isthmus so far as American commerce seeking transit across the same may be concerned; and also as to the contracts and relations between the Pacific Mail Steamship Company and the Southern Pacific Railroad Company, the Transcontinental Railroad Association, and other railroads; and as to what contracts or other collusive arrangements have been made by said companies whereby the traffic by way of the Isthmus of Panama has been suppressed or diminished; and as to whether said steamship company, by virtue of said contracts or otherwise, has been practically absorbed by or subjected to the control of said railroad companies; and as to whether the business which it was the design of this Government to foster by the sums granted to said steamship company, through mail contracts or otherwise, has been thereby diverted from the Isthmus of Panama and the Panama Railroad Company to such transcontinental companies; and as to whether such acts are detrimental to the interests of American maritime commerce and the producers, manufacturers, and merchants of the United States; and if such abuses are found to exist, by what means the same can or should be suppressed, and as to whether the further grant of said sums to said steamship company should be withdrawn. Said committee shall have the power to send for persons and papers and administer oaths, and the expenses incurred in said investigation shall be paid out of the contingent fund of the House, and said committee shall have leave to sit during the sessions of the House in Washington or elsewhere."

Your committee, to which was referred the foregoing resolution, finds itself confronted with the fact that this session will close within a few days and that some report is demanded during the very last week of an expiring Congress.

The matters referred to in the resolution are so varied and distinct in their nature that while the committee finds itself able authoritatively to report on certain of the subjects contained in it, feeling confident that the true facts have been thoroughly disclosed, as to other matters referred your committee does not feel that same confidence, and should the House desire further investigation of some of the subjects embraced in this resolution your committee does not feel justified in saying that no ground for such action exists.

Your committee has not felt itself compelled to go through the great mass of diplomatic papers and correspondence which has accumulated during the present century between various foreign powers and the United States on the subject of transit across the Isthmus of Panama. Your committee has examined the matter sufficiently to be able to say that as far as the treaty of 1846 with New Granada is concerned, and so far as the concession granted to and contracts made with the present Panama Railroad corporation, there is no clear ground for the assertion that any exclusive right to cross the Isthmus was ever in terms granted, or by implication secured, either to an American corporation or to citizens of the United States, to the exclusion of citizens of any other country.

The original concession to Howland and Aspinwall was simply the transfer of the concession theretofore given to a French corporation, which concession had been surrendered back to the Government of New Granada. The rights of the Panama Railroad Company are simply those conveyed to it by Howland and Aspinwall, affirmed and modified only by subsequent contracts with the Government of New Granada. There does not seem to be any ground, so far as the evidence adduced before this committee goes, for the claim that the Government of New Granada or the United States of Colombia has ever guaranteed that the United States shall control the transit, or place any limitation on the legal rights of shareholders in the railway company or restriction in the nationality of the owners of its stock.

The Panama Railroad is a corporation under the laws of New York, and its directory and the rights of ownership of its shares are governed by the laws of that State.

Your committee being instructed to ascertain whether any sums of money were expended by the Panama Canal Company or its promoters for the purpose of preventing opposition in this country to the plans of said canal, has done its utmost in the limited time before the end of the present Congress to investigate this matter. It has been unable thus far to trace directly or indirectly the expenditure of any money whatever in a corrupt way to influence the legislative or executive action of the United States Government. It may be that no investigation, however prolonged, after this lapse of time could be efficient in making such discovery, even if such corrupt use of money was made; but this is the subject of which your committee does not desire authoritatively to express its opinion that further investigation would be entirely fruitless.

Certain facts in relation to the expenditure of money on the part of the canal company, however, are distinctively proven.

In the year 1879 the original subscription to the stock of the Panama Company was opened in France, of which country the canal company, by its technical name of the Universal Inter-Oceanic Canal Company, is a corporation. The original subscription was an entire failure, and great weight must be given to the opinion that it was a failure principally on account of the distrust as to the attitude of the United States toward this canal project which was universally entertained in Europe.

It is a fact too well known to have required testimony to be offered that the entire tone of the executive branch of this Government during the Administration of President Hayes, and the entire current of our diplomatic correspondence, was one of intense loyalty to the idea that not merely no foreign government, but no foreign corporation indirectly supported or controlled by any foreign government, should ever obtain any right to construct a canal across the Isthmus. In fact, during the two years preceding the close of the Hayes Administration the correspondence of our Government was kept within ordinary diplomatic courtesy of protest on this subject only by the belief, which results have proved to be well founded, that the canal constructed on the plans and ideas of De Lesseps and his associates was an idle dream, practically hopeless of accomplishment.

It seems clear that the promoters of the canal company saw that no success would attend their efforts to obtain subscriptions in Europe unless the public opinion of America on this subject should either be modified or that the people of Europe should be persuaded that the public opinion of the American people had been modified. De Lesseps visited this country in the winter of 1879-80, and a single instance will show how determined the promoters of the canal were, whatever was the popular opinion in this country, that Europe should be persuaded that it was not hostile to the canal. On the very day of De Lesseps's arrival in Washington President Hayes sent his message to Congress affirming in strong terms the position of his Administration as to the Monroe doctrine in its broadest acceptation.

That message as it appeared in the press was translated to De Lesseps, and his answer was characteristic and immediate. To the amazement of his American friends, who had translated him this message, he at once telegraphed to Paris that the President's message had guaranteed the neutrality of the Panama Canal. This seemed to be the beginning of a great change in the tone of the press of Paris and of France, and from the time of De Lesseps's visit to this country there seemed to be an assurance that America was not hostile, but, on the contrary, very friendly to the enterprise. It was after the return of De Lesseps to France that the decision was made that an American committee of men of prominence whose solid names would be a guaranty of the financial stability of the enterprise should be selected.

The object of this is perfectly clear. It was to give a widespread public impression that American capital, in the persons of some of its most respectable agencies, with ramifications, correspondents, and connections in every financial center of all localities in the United States, was backing the enterprise, and that Americans intended to become shareholders in the canal. It was intended first by the gentlemen who were selected to compose this committee to choose General Grant to lend his name to this enterprise, to give to this American committee not merely financial weight, but the patriotic glory of a great name at the head of it, so as to impress the American people with its international or binational character. General Grant having declined, it was clear that the next best thing to do was to secure the name, as chairman of this committee, of some gentleman widely known, of political experience and postion, and, if possible, one whose orthodoxy in the past in relation to the Monroe doctrine would make his support of the canal project all the stronger in the eyes of the American people.

The American committee, by mutual agreement, under suggestions from the financial agents of the canal company in Paris, had already been composed of the great banking houses of J. & W. Seligman, Drexel, Morgan & Co., and Winslow, Lanier & Co., of New York. Each of these houses was to designate one of its members to form the American committee, and the then Secretary of the Navy, Hon. R. W. Thompson, was decided upon as chairman, and in the autumn of 1880 the offer was made to him, through J. & W. Seligman, to leave the Cabinet and assume the title of the chairman of the American committee, with a salary to be paid at not less than 125,000 francs.

The house of Seligman & Co., of London, in which the New York banking firm of J. & W. Seligman were interested, had been the financial agents of the Navy Department during the Hayes Administration, and personal acquaintance between the Seligmans and Mr. Thompson had been the consequence.

The only testimony obtainable as to the reasons which induced Mr. Thompson to consent to take this step is his own recollection of what was in his mind at that time. He states that after he decided on this step he notified the President of his intention and that the President acquiesced in it; and his resignation, under these circumstances, caused no severance of the personal friendly relations between them. This may be true, but it is difficult to see what the President could have done to show any want of acquiescence when one of his Cabinet tendered his resignation and explained that it was to assume a position of great apparent financial responsibility and importance, with a salary three times greater than he received as head of the Navy Department.

Testimony has been taken showing that this action on the part of the Secretary of the Navy was a great disappointment and surprise to Mr. Hayes, and he so expressed himself to others than Mr. Thompson.

It is clear that the whole tone of the Administration had been suspicious of and hostile toward the enterprise into which Mr. Thompson was willing to go, and it is perfectly clear that had not Mr. Thompson been a member of that Administration no controlling reason existed for his selection as chairman of a committee intrusted, or supposed to be intrusted, with such great financial and commercial responsibilities.

Mr. Thompson tendered his resignation early in December, 1880, and it was formally accepted by the President a few days thereafter. It is significant of the controlling reasons for the haste in which this matter of Mr. Thompson's resignation from the Cabinet was concluded by him, that we find him writing, on December 16, that arrangements should be made that his salary should begin on the 20th of December, in order that his friends might "be assured that his position was fixed beyond a peradventure," and that a promise to this effect "would satisfy his friends and put the Nicaraguans on their backs."

It was at this time that the Forty-sixth Congress appointed a special committee to examine and report on interoceanic routes. At the same time the Committee on Foreign Affairs was charged with the examination and report upon the so-called "Crapo resolution," as to whether the Panama Canal project was a violation of the Monroe doctrine or was detrimental to American interests.

In the Senate the Burnside resolution to a similar effect was under consideration.

Your committee repeat, that it has not found any evidence to show that any corrupt or improper means were used to stifle the investigation or the discussion of these resolutions. In fact, in spite of the arguments of Mr. Thompson and the counsel employed by him to assist, the Crapo resolution was reported back to the House in a somewhat modified form, but with a report ringing with true American patriotism, and a manly, yet conservative assertion of the Monroe doctrine as it is generally understood in the United States.

The select committee on Interoceanic routes also made a report strongly supporting the idea that the United States should control all transit over the Isthmus—at least in so far as to prevent any European or non-American nation from having a preponderating influence. But it will be remembered that it was at the short session of the Fortieth Congress, with a change of administration coming on the 4th of March, that these reports were made, as the present one will be, just at the close of the session, and your committee can see reasonable ground for the belief that these resolutions and reports were not acted upon simply from the general apathy of the House and the stress of other business at the close of the session.

Your committee find that for the next three or four years Colonel Thompson was exceedingly vigilant in watching the legislation of Congress and most active and able in his efforts and influence to postpone the consideration of any legislation either directly or indirectly tending to work an injury to the cause of the Panama Canal Company. He appeared before committees, House and Senate, personally and by printed arguments and briefs.

These, he thinks, had great weight in the defeat of the Nicaragua Canal plans in whatever shape they came up, but it is not clear that, outside of this, he had anything directly to do with the shaping of public opinion in this country or bringing about what seems to have been an apparent acquiescence, or at least an indifference on the part of the press and the people. So far as the testimony goes, the work of the American committee was altogether done by Mr. Thompson, and consisted of supervising purchases for a part of the time for the construction of the canal, and this persistent, watchful, and successful supervision of the legislation of the United States.

The members of the American committee other than himself were supposed by Mr. Thompson to have received no compensation whatever except their commission as bankers and brokers in obtaining subscriptions and furthering the sale of the stocks and bonds of the canal company and in the handling and transmission of the very large amount of money spent in this country for the purchase of supplies of various kinds. It was the object of the committee to see that to as great an extent as possible the purchase of supplies of raw material, of machinery and tools should be made in the United States as an aid to make it appear that America had no hostility, but every reason to look with a friendly eye on this enterprise.

The total amount of money for purchases of this kind passing through the single house of J. & W. Seligman and distributed to American trade was upward of $40,000,000, and that house is not able to say that no further accounts of money came through other banking houses to be spent in America for similar ends. This, however, was all spent by purchasing agents of the canal company, and their vouchers for their purchases were forwarded to Paris for approval.

There was one thing, however, which struck the only three salaried officers of the Panama Canal Company whose testimony we have been able to get as an entire surprise. This fact is that these three banking houses named above received, apparently for the loan of their names and for nothing else to this enterprise, the immense sum of 6,000,000 francs, or $1,200,000; $400,000 apiece, or $50,000 a year, was paid these houses without the knowledge of the chairman of that committee, who all the time supposed that he was the important factor in this enterprise and was himself receiving only half of that sum annually.

In fact, two years before the canal company went into liquidation it is in evidence that Mr. Thompson voluntarily reduced his salary by one-half—that is, to $12,500, remaining in complete ignorance that the other members of the committee, of which he was still chairman, were still each receiving $50,000. These banking houses state they had no specific duties to render in return for these subsidies; that they had no employment or interest to effect the sale of canal stock or bonds, and that, in fact, practically none were sold in the United States.

What influence was exercised upon the financial public opinion of the United States by the names of these three great banking houses, what indirect credit and popularity was given to the enterprise through their numerous correspondents and connections throughout the country is perhaps impossible now to estimate, but to effect this was the object of the formation of this American committee, a committee which testifies that it had no regular meetings, and some members of which were never present at a meeting or knew whether any minutes were ever kept by the committee, while each of these houses were receiving $400,000. This fact, if it is a measure of the general conduct and management of the Panama Canal Company, may possibly explain why it was compelled to go into liquidation as soon as it did.

The only specific matter the three banking members of the American committee seem to have had in charge and to have accomplished was the purchase of the stock of the Panama Railroad Company by the canal company at a price more than double what it had been quoted in the market for two or three years previous to the beginning of these negotiations. This stock had been selling from $140 to $150, and the result of the negotiations and contract of sale was that the Panama Canal Company purchased 68,500 shares out of the 70,000 shares of stock, at a price of $221—$250 a share for the stock, $41 and some cents on each share for certain "assets" of the railroad company, the nature of which is not very clear.

It may not be out of place to state that in pursuance of this purchase these "assets" were sold to be bought by a "syndicate," and that syndicate was composed of Messrs. J. & W. Seligman; Winslow, Lanier & Co., and Drexel, Morgan & Co., who had been managing the purchase of the Panama Railroad stock on behalf of the canal company. These negotiations and the price paid for this stock by the canal company, however, may not come within the strict purview of the resolution of Congress.

As to the second part of the resolution referred to your committee, relating to the situation in the past few years and at present of American commerce upon the Isthmus, your committee feels that it has obtained all the evidence needed to establish certain facts beyond controversy. On the 1st of February, 1878, the Pacific Mail Company, a corporation organized under the laws of New York, owning and running steamers between New York and Aspinwall on the Atlantic, and between Panama and San Francisco on the Pacific, together with certain intermediate Central American and Mexican ports, made a contract for fifteen years with the Panama Railroad Company, also a corporation under the laws of New York. At that time there was no showing that there were any foreign stockholders in either of these two corporations.

This contract provided that the Pacific Mail should have the exclusive right "to bill freight through" from New York to San Francisco and vice versa over the Panama Railroad, and all freight offered by others between these points could not be "billed through," but would have to pay local rates on the Isthmus railway. The sum paid for this was to be a lump sum of $75,000 a month to the railroad company, which, by modification, was afterwards lowered to $55,000 a month.

A remarkable fact about this contract is that it was the result of a contract made before that time between the Pacific Mail Company and the Transcontinental Railway Pool, as at that date the Association of Transcontinental Railways was called. That was a contract whereby the Transcontinental Railway Pool, embracing all of the roads between the Missouri River and the Pacific seaports, and covering entirely all railway traffic between the Atlantic and Pacific seaboards, several of which had received large donations of public lands and the bonds of which the United States Government was guaranteeing, paid the Pacific Mail the sum of $90,000 a month, which was afterwards reduced to $75,000 a month, for the consideration that the Pacific Mail would carry only 1,200 tons a month of freight each way between New York and San Francisco, and on that freight would allow the transcontinental pool to fix the price and rate to be paid. That was the upshot of the contract, although the form was a reservation of space for 1,200 tons a month for the exclusive benefit of the Transcontinental Railway roads—whether the steamers sailed full or half empty.

After the passage of the interstate-commerce law had compelled the dissolution of the so-called "pool," a transcontinental railway association was formed, which, under some name or other, is still in existence; and down to the present time the Pacific Mail, subsidized by the Government in a large amount each year, has been allowing the transcontinental railways to fix the rates and limit the traffic over its line. These two contracts were so far practically parts of one and the same that the amount paid the Panama Railroad monthly was fixed with regard to that paid to the Pacific Mail by the transcontinental roads, and when the latter was lowered from $90,000 a month to $75,000 the former was lowered from $75,000 to $55,000. The object of this is frankly stated by the officers of both the transcontinental roads and the Pacific Mail; it was to maintain rates above the level to which they would fall if free competition between these several routes had continued.

It seems to be certain that a very large, if not an absolutely controlling, interest in the stock and the directory of the Pacific Mail Company is owned by individuals and estates very largely interested in the stock and directory of the transcontinental roads; and it is proven that the same individuals composing a majority of the directory of the Pacific Mail composed a majority of the directors present at the meeting of the Panama Railroad Company's directory at which the contract between the Pacific Mail and the railroad company of February 1, 1878, was ratified and executed.

That this system has for fifteen years been diminishing commerce between New York and San Francisco across the Isthmus is not denied. It is stated, as a justification, that the Transcontinental Railway Association, controlling, as it did, under these contracts, the prices and traffic of the Pacific Mail, used the latter as an active factor to defeat the competition of sailing-vessel traffic around Cape Horn, and thus were able to maintain the rates of the railroad companies as against that of sailing-vessel competition. It is obvious that this did not tend to increase American shipping or tend to the encouragement of the merchant marine or the commerce of the United States.

It seems to your committee that this state of things can not be beneficial to the general interstate trade or commerce of the United States, nor can it see that it is of any particular benefit to our trade with foreign countries. It is stated that this arrangement between the Pacific Mail and the Transcontinental Railway Association came to an end in December last, which is just about the time that negotiations between the Panama Railroad Company and the Pacific Mail as to a renewal of the former contract seems to have fallen through. And it is likewise in evidence that the final check to the attempts at making a new contract between the Panama Railroad Company and the Pacific Mail was given by the following letter to the vice-president of the railroad company from the controlling member of the executive committee of the Pacific Mail, who is also universally recognized as one of the controlling influences of the transcontinental railways:

C. P. HUNTINGTON, 23 BROAD STREET,
New York, December 28, 1892.

CHARLES COUDERT, Esq.,
68-70 William Street, New York.

MY DEAR SIR: Herewith I return memorandum that you gave me on Monday. Of course this would not do, but it does seem to me as though there could be such a contract made as would be largely beneficial to both interests.

Yours, truly,

C. P. HUNTINGTON.

Whatever be the case in the last sixty days, it is perfectly clear to your committee that the Panama Railroad Company has for fifteen years been prevented by these arrangements from being a competitor with the transcontinental railway lines.

Your committee recommends that whenever, under provisions of the act of March 3, 1891, "for ocean mail service and to promote commerce," the Postmaster-General shall enter into contract with any line of vessels, a clause shall be inserted in said contract to the effect that if said steamship line shall enter into any combination or arrangement with competing lines of traffic the result of which is to diminish traffic or raise or maintain rates of freight on American commerce, foreign or domestic, over what free competition would effect, that said contract may be terminated forthwith by the Postmaster-General.

Your committee regrets, so far as the ownership of nearly all the stock goes, that the control of any American corporation, as the Panama Railroad is, should be held in foreign hands, particularly in the hands of the liquidator or receiver of another corporation, also foreign-appointed by foreign judicial authority and subject to foreign judicial supervision. It fails to see, however, that any law, treaty stipulation, or contract obligation has been violated by the purchase of these railroad shares by the Panama Canal Company, or that as yet any discrimination has been attempted against American commerce or any injustice practiced thereon on account of such foreign ownership of this stock. The restrictions and injuries American trade and

commerce have sustained have been laid on them by American citizens controlling various other American corporations, and it is not a pleasing subject to contemplate.

Your committee can not refrain from calling attention to what seems an obvious deduction from the facts shown, that it is to the interest of the United States that the American people should absolutely control some [illegible] let across the Isthmus at some point, which shall be used for the benef[illegible] of American trade in general as an open and continuous competitor, affording no opportunity for entangling subsidies from great competing lines or chance of falling into the grasp of any monopoly through stock manipulation.

JOHN R. FELLOWS,
Chairman.
T. J. GEARY.
JOSIAH PATTERSON.
H. HENRY POWERS.
BELLAMY STORER.

Mr. QUARLES obtained the floor.

Mr. MORGAN. Will the Senator from Wisconsin allow me?

Mr. QUARLES. Certainly.

Mr. MORGAN. I promised the Senator from Wisconsin [Mr. SPOONER] that I would ask the Senate to agree that the pending bill should be taken up after the routine morning business to-morrow. He was not feeling very well and did not wish to occupy the latter hours of the evening speaking. I also ask permission to take the floor for the Senator from Wisconsin.

The PRESIDING OFFICER. If there be no objection to the request, it will be so ordered.

Mr. MORGAN. Have I unanimous consent for the other order?

Mr. SCOTT. I wish to ask the Senator from Alabama if there are not other Senators who have given notice, and whose notices are on the Calendar, that they wish to speak to-morrow?

Mr. MORGAN. That will be a question between the other Senators. If there is objection, I will not try to secure the order; but it was my suggestion that the Senator from Wisconsin should be relieved in this way. I did not suppose anybody would object. At all events, I will ask that the Senate proceed to the consideration of this bill to-morrow at the conclusion of the routine morning business.

The PRESIDING OFFICER. The Senator from Alabama asks that the Senate proceed to the consideration of the unfinished business to-morrow at the conclusion of the morning business. Is there objection to that request? The Chair hears none, and it is so ordered.

Mr. HOAR. The request was "at the conclusion of the routine morning business."

Mr. MORGAN. After the routine morning business.

The PRESIDING OFFICER. That was the request of the Senator from Alabama.

Mr. BACON. Mr. President, a few days since I presented to the Senate two amendments to the pending measure, one intended to be proposed to the amendment offered by the Senator from Wisconsin [Mr. SPOONER] and the other an amendment to the original bill. Each of these amendments is identical; in other words, one is the same as the other, and is intended to be ingrafted upon whichever measure shall be adopted by the Senate. Since offering those amendments certain amendments have been suggested by various Senators, and I have recast them. I ask that they be reprinted in order that they may be available for examination by Senators.

The PRESIDING OFFICER. The Senator from Georgia asks that the amendments he has heretofore offered, and which have been recast by him, be reprinted for the use of the Senate. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. BACON. I desire that one of the amendments shall be read now, in order that it may be in a position where Senators may conveniently see it. The Secretary will begin at the important part, which is the only part I desire read.

Mr. ALDRICH. I suggest that it be printed in the RECORD without being read.

Mr. SCOTT. It is late; let it be printed.

Mr. BACON. That is sufficient.

The amendment referred to is as follows:

Amendments intended to be proposed by Mr. BACON to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, viz:

On page 2, line 3, strike out the words "Secretary of War" and insert in lieu thereof the words "Isthmian Canal Commission hereinafter authorized."

On page 2, lines 10 and 11, strike out the words "Secretary of War" and insert in lieu thereof the words "Isthmian Canal Commission under the direction of the President."

On page 3, line 6, strike out the words "Secretary of War" and insert in lieu thereof the words "said Isthmian Canal Commission subject to the approval of the President."

On page 3, at the end of line 9, after the word "defenses," insert the words "or any part thereof."

Add an additional section to said bill, to be known as section 7, as follows:

"SEC. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve during the pleasure of the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four, at least one shall be an officer of the United States Army and at least one other shall be an officer of the United States Navy, the said officers, respectively, being upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive as their compensation the sum of $10,000 per annum, and such additional allowances for actual expenses incurred as may be allowed by the President in his discretion.

"In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army, at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by said Commission, subject to the approval of the President. The official salary of any civil or military officer of the Government appointed or employed under this act shall be deducted from the amount of salary or compensation fixed under the terms of this act. Said Commission shall in all matters be subject to the direction and control of the President and shall make to the President annually and at such other periods as may be required either by law or by the order of the President full and complete reports of all their actings and doings and all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress or either House of Congress such information as may be required either by act of Congress or by the order of either House of Congress."

The President shall cause to be provided and assigned for the use of the said commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. I am directed by the Committee on the Census, to whom was referred the bill (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, to report it without amendment.

I desire to say that it is intended solely to add one word which was carelessly omitted from the permanent census act. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that section 4 of an act of Congress entitled "An act to provide for a permanent Census Office," approved March 6, 1902, shall be amended by inserting, after the word "watchmen" and before the words "and charwomen," where the same occur in section 4, the words "unskilled laborers."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUNDING OF CERTAIN TAXES.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898. The bill has the unanimous approval of the Committee on Finance, and I think it will cause no discussion whatever.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

The first amendment was to add as a new section the following:

SEC. 2. That the Secretary of the Treasury, under rules and regulations to be prescribed by him, be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, sums paid for documentary stamps used on export bills of lading, such stamps representing taxes which were illegally assessed and collected.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 3. That in all cases where an executor, administrator, or trustee shall have paid, or shall hereafter pay, any tax upon any legacy or distributive share of personal property under the provisions of the act approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments thereof, the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, upon proper application being made to the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed, so much of said tax as may have been collected on contingent beneficial interests which shall not have become vested prior to July 1, 1902. And no tax shall hereafter be assessed or imposed under said act approved June 13, 1898, upon or in respect of any contingent beneficial interest which shall not become absolutely vested in possession or enjoyment prior to said July 1, 1902.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 4. That taxes which shall have accrued before the taking effect of the act of April 12, 1902, entitled "An act to repeal war-revenue taxation, and for other purposes," and since July 1, 1900, upon securities delivered or transferred to secure the future payment of money, are hereby remitted.

The amendment was agreed to.

Mr. SCOTT. I should like to ask the Senator from Rhode Island a question. He says this is a bill which the House has passed?

Mr. ALDRICH. It is a House bill, passed by the House of Representatives.

Mr. SCOTT. And is recommended by your committee?

Mr. ALDRICH. Yes; it is recommended by the unanimous vote of our committee.

Mr. SCOTT. It is very sweeping.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes."

NATIONAL APPALACHIAN FOREST RESERVE.

Mr. BURTON. I desire to have unanimous consent for the consideration of the bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," after the routine morning business on Saturday. I do not think it will take long to debate it.

Mr. BATE. I should like to hear the Senator's request?

Mr. BURTON. It is that the bill be taken up for consideration at that time.

Mr. BATE. Simply for consideration?

Mr. BURTON. Yes, sir. The agreement I ask for is not to interfere with conference reports, appropriation bills, or any notices that have heretofore been given.

Mr. ALDRICH. If this is to be a continuing order, I shall be obliged to object to it. As I stated the other day, it seems to me at this time of the session it will not do for us to take up bills for consideration for an indefinite period.

Mr. BURTON. I will not ask that it shall be a continuing order, because I think the Senate will be ready to vote upon the bill after very brief consideration. There have been several speeches made upon the bill; it has had attention called to it, and I think Senators are ready to vote.

Mr. ALDRICH. I shall not object to its being considered in the morning hour of the day named by the Senator from Kansas.

Mr. BURTON. After the routine morning business on Saturday.

Mr. ALDRICH. Yes; in the morning hour of that day only.

Mr. BURTON. Yes.

The PRESIDING OFFICER. The Chair understands it to be a request for unanimous consent that the bill named by the Senator from Kansas be made the order of business at the conclusion of the routine morning business on Saturday morning.

Mr. BATE. Not to affect any other business for which notice has been given.

Mr. ALDRICH. And for consideration during the morning hour of that day only.

The PRESIDING OFFICER. For consideration during the morning hour of Saturday only. Is that the understanding?

Mr. ALDRICH. It is.

The PRESIDING OFFICER. The Chair so understands it. Is there objection? The Chair hears none, and that order is made.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. BURTON rose.

Mr. ALDRICH. I withdraw the motion if the Senator from Kansas desires to make a request.

Mr. BURTON. I shall be glad if the Senate will be so kind as to pass a bill for me. It is the bill (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route. It is a bridge bill, drawn in the usual form, which has been referred to the War Department and reported by the Committee on Commerce.

Mr. SCOTT. It is after 6 o'clock.

Mr. KEAN. It is a very long bill.

Mr. SCOTT. It is a very long bill.

The PRESIDING OFFICER. There seems to be objection.

Mr. BURTON. Very well; I will not urge it.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 18, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 17, 1902.

REGISTERS OF LAND OFFICES.

Daniel Arms, of Butte, Mont., to be register of the land office at Missoula, Mont., vice Elmer E. Hershey, whose term will expire July 8, 1902.

William R. Dunbar, of Washington, to be register of the land office at Vancouver, Wash., his term having expired. (Reappointment.)

INDIAN AGENT.

William R. Logan, of Helena, Mont., to be agent for the Indians of the Fort Belknap Agency, in Montana, vice Morris L. Bridgeman, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 17, 1902.

CONSUL.

Joseph E. Proffit, of West Virginia, to be consul of the United States at Pretoria, South Africa.

REGISTER OF LAND OFFICE.

Charles A. Blake, of South Dakota, to be register of the land office at Huron, S. Dak.

POSTMASTER.

Henry J. Ritchie, to be postmaster at St. Augustine, in the county of St. John and State of Florida.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 17, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMPILATION AND INDEX OF REPORTS OF COMMITTEES.

Mr. JOY. Mr. Speaker, I desire to present, by direction of the Committee on Accounts, House resolution No. 302.

The Clerk read as follows:

Resolved, That there be prepared, under the direction of the Committee on Accounts, a continuation of the compilation and index of the reports of the committees of the House, for the use of said committees, from the Forty-ninth to the Fifty-sixth Congresses, inclusive, uniform with the compilation up to the Forty-ninth Congress, the cost of the preparation of said compilation and index not to exceed $3,000, to be paid out of the contingent fund of the House.

The resolution was agreed to.

JANITOR FOR COMMITTEE ON ELECTIONS NO. 2.

Mr. JOY. Mr. Speaker, I also, by direction of the committee, ask consideration of House resolution No. 289.

The Clerk read the resolution, as follows:

Resolved, That the chairman of the Committee on Elections No. 2 is hereby authorized to appoint a janitor to said committee room, to be paid out of the contingent fund of the House at the rate of $60 per month, during the present Congress, until otherwise provided for by law, payment hereunder to date from December 1, 1901.

The following amendment was recommended by the committee:

In line 5, after the word "the," insert the words "session of the."

The amendment was agreed to.

The resolution was agreed to.

MABEL CRUMP CURTIS.

Mr. JOY. Mr. Speaker, I also present House resolution No. 182, from the same committee.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House be, and he hereby is, authorized and directed to pay to Mabel Crump Curtiss, out of the contingent fund of the House, the sum of $750 for services rendered as clerk to her father, the late Hon. Rousseau O. Crump, of Michigan, from April 1 to October 15, 1901.

The following substitute resolution was recommended by the committee:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Mabel Crump Curtis the sum of $100 for services rendered as clerk to the late Representative-elect from Michigan from April 1 to April 30, 1901, inclusive.

The amendment was agreed to.

The substitute resolution was agreed to.

R. E. WALKER AND J. K. DUNCAN.

Mr. JOY. Mr. Speaker, by direction of the Committee on Accounts, I also call up House resolution 275.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Appropriations is hereby authorized to provide in the general deficiency appropriation bill as follows:

To pay the conductors of the elevator in the House wing of the old Library space of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum, from March 5, 1901, to June 30, 1902, inclusive, as follows: R. E. Walker, $132.49; J. K. Duncan, $132.49; in all, $264.98.

The resolution was agreed to.

JOHN DOUGLAS.

Mr. JOY. Mr. Speaker, I also present from the Committee on Accounts House resolution No. 303.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Appropriations is hereby authorized to provide in the general deficiency appropriation bill for the payment of $116 to John Douglas for services as laborer in the Doorkeeper's department during the second session of the Fifty-sixth Congress.

The resolution was agreed to.

PROTECTION OF THE PRESIDENT.

The SPEAKER laid before the House the bill (S. 3653) for the protection of the President of the United States, and for other purposes, with the disagreement of the Senate to the House amendment and a request for a conference.

Mr. RAY of New York. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RAY of New York, Mr. OVERSTREET, and Mr. LANHAM.

PERSONAL REQUEST.

By unanimous consent, leave was given to Mr. LANHAM to withdraw from the files of the House the papers accompanying bill H. R. 7271, for the relief of Mrs. M. L. Baker, no adverse report having been made thereon.

ARTICLE VII, TREATY BETWEEN THE UNITED STATES AND SPAIN.

Mr. RAY of New York. Mr. Speaker, to-day was set apart to consider bills reported from the Judiciary Committee. We have several bills which we would like to get through; but before calling up the bankruptcy bill there is one other bill which I desire to take up because it is important. I call up the bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, etc."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 13, chapter 800, second session Fifty-sixth Congress, is hereby amended by striking out the words therein contained and inserting in lieu thereof the following:

"SEC. 13. That the Commission is hereby constituted a court of the United States; and an appeal to the Supreme Court shall be allowed on behalf of the United States from all judgments of the Commission adverse to the United States and on behalf of the plaintiff in any case where the matter in controversy exceeds $3,000. All such appeals shall be taken within ninety days after the judgment is entered or within ninety days after the passage of this act, and shall be allowed under such regulations as the Supreme Court may direct."

The following amendment, recommended by the Commission, was read:

Amend by striking out all of section 13 and inserting the following:

"SEC. 13. Said Commission being an inferior court of the United States, an appeal to the Supreme Court of the United States in matters of law shall be allowed on behalf of the United States from all final judgments or awards of the Commission adverse to the United States, and on behalf of the petitioner in any case where the amount in controversy exceeds $3,000. All such appeals shall be taken within ninety days after the final judgment or award is entered or within ninety days after the approval of the act, and shall be allowed and prosecuted under such rules and regulations as the Supreme Court of the United States may prescribe."

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AMENDMENT OF BANKRUPTCY LAW.

Mr. RAY of New York. I now call up the bill H. R. 13679, being the bill to amend the bankruptcy law.

The Clerk proceeded to read the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

Mr. CLAYTON (interrupting the reading). Mr. Speaker, I suggest to the gentleman from New York [Mr. RAY] that we dispense with the first reading of the bill. I should like to have some agreement——

Mr. RAY of New York. I quite agree with the gentleman in his suggestion, and therefore ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. This is practically the second reading of the bill. The regular order of proceeding in the House does not call for any subsequent reading.

Mr. CLAYTON. I want to have an agreement with the gentleman about the time to be occupied in debate.

Mr. RAY of New York. The Judiciary Committee has other bills that we want to get through, and we shall have no other day at this session for the business of that committee; and to-day we shall have to suspend our proceedings at 5 o'clock. I suggest therefore that we have two hours' debate on this bill——

Mr. CLAYTON. Two hours of general debate?

Mr. RAY of New York. That the gentleman from Alabama [Mr. CLAYTON] control one hour and that I control the other. My understanding is that the gentleman from Alabama desires to bring to a vote in this House a proposition to repeal the bankruptcy law. Now, instead of taking up time in moving the previous question and trying to cut off that proposition, I suggest it be agreed that that amendment be offered now and considered as pending, and that at the expiration of two hours we take a vote on that amendment, and then take a vote on this bill.

Mr. CLAYTON. If I understand the gentleman, his proposition is to have two hours' general debate, he to control one hour and I the other, and that at the expiration of two hours I shall be permitted to offer——

Mr. RAY of New York. You might offer it now.

Mr. CLAYTON. That I be permitted to offer House bill 4579, to repeal the bankruptcy law, and that we have a vote on that proposition.

Mr. LANHAM. I hardly think it would be proper to accede to that suggestion, for the reason that the proposition stated by the gentleman from Alabama may be open to a point of order.

Mr. CLAYTON. I will say to the gentleman from Texas [Mr. LANHAM] that it will be difficult for us to reach an agreement unless on the line suggested by the gentleman from New York.

Mr. GOLDFOGLE. Is it proposed to shut off the right to offer amendments to the pending bill?

Mr. CLAYTON. That will be the effect if we adopt the substitute repealing the existing law.

Mr. GOLDFOGLE. But suppose we do not adopt the substitute, will the suggestion made by the gentleman from New York cut off the right to offer amendments?

Mr. LANHAM. I wish to suggest to the gentleman from New York not to estop himself from the right to raise a point of order upon the proposition to repeal the existing law.

Mr. RAY of New York. That amendment can be offered and considered pending, but subject to the point of order.

Mr. CLAYTON. No, sir; I did not understand the gentleman's proposed agreement to be that at all. The suggestion of the gentleman from Texas——

Mr. RAY of New York. Well, you do not desire to have anybody waive the point of order?

Mr. CLAYTON. I want the gentleman to agree that we shall have a vote upon this amendment. I do not think it subject to a point of order.

Mr. LANHAM. That is a matter to be yet determined.

Mr. CLAYTON. But at the same time I want to economize time. I do not care to go through the process of arguing a point of order upon that proposition. It is in the interest of economy of time that we should have a vote upon the proposition.

Mr. RAY of New York. Well, then, suppose we make this arrangement—I ask gentlemen to listen carefully—that we debate this bill for two hours, the gentleman from Alabama to control one hour and I one hour; that at the expiration of two hours it shall be in order for the gentleman from Alabama to move his amendment; then let the point of order be passed upon, and then take a vote on the bill.

Mr. GOLDFOGLE. When the gentleman speaks of taking a vote on the bill, does he mean that we are to take that vote without giving opportunity to offer amendments?

Mr. RAY of New York. Will the gentleman repeat his inquiry?

Mr. GOLDFOGLE. Do you mean to afford an opportunity——

Mr. RAY of New York. Later on——

Mr. GOLDFOGLE. To offer amendments?

Mr. ROBINSON of Indiana. The gentleman from New York [Mr. RAY] does not mean to waive the reading of the bill?

Mr. CLAYTON. I understand the proposition of the gentleman from New York to be that we shall have two hours of general debate on the bill, he to control half the time and I the other half. I suggest to him that we make the time three hours—an hour and a half on each side. We shall have ample time.

Mr. PAYNE. I suggest to the gentleman that his proposition does not expedite matters. There is really no "general debate" in the House. The bill is in the House, and must be so considered. Debate on any amendment is in order, subject, however, to the previous question, which may be called at any time. If a majority of the House should support the call for the previous question, that, of course, will cut off all debate. An agreement to restrict "general debate" to two hours or three hours does not amount to anything, unless you cut off all debate.

It does not expedite business at all.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman from New York [Mr. PAYNE] a question?

Mr. PAYNE. Mr. Speaker, yes; if my colleague will permit it.

Mr. RAY of New York. Certainly.

Mr. BARTLETT. Mr. Speaker, I desire to know in what situation the bill will be with reference to making amendments to the reported bill. For instance, I desire to offer an amendment which I have ready.

Mr. PAYNE. I will say to the gentleman, as I understand it, after the bill has been read it is open to amendment with any point of it by any gentleman who gets the floor.

Mr. LANHAM. All amendments, however, subject to the point of order.

Mr. PAYNE. Certainly, but it is open to the offering of amendments. Mr. Speaker, I want to suggest a little further. I understand this is a short bill; and if the reading of the bill is dispensed with at this time, it means that the bill shall not be read at all in the House, and I hope that will not be insisted upon. I think the bill ought to be read.

Mr. CRUMPACKER. Mr. Speaker, this is a very important bill, I think; and if we have not the time to give it sufficient consideration to-day, we ought not to undertake it. I shall object to anything that will shut off the right to offer amendments to the House bill; and if the time is put in the control of the gentleman from New York and the gentleman on the other side [Mr. CLAYTON], there will be no opportunity.

Mr. RAY of New York. Mr. Speaker, I call for the regular order.

Mr. BARTLETT. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman will state it.

Mr. BARTLETT. Is it too late to make the point of order that this bill should be considered in the Committee of the Whole? I undertook to get the floor when the reading of it was started, but I was unable to do so.

The SPEAKER pro tempore. The Chair will state that this bill is now being considered under an order of the House.

Mr. RAY of New York. Mr. Speaker, I call for the reading of the bill.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That clause 15 of section 1 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, be, and the same is hereby, amended so as to read as follows:

"(15) A person shall be deemed insolvent within the provisions of this act whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, or which is exempt from being taken on execution under the laws of the United States or of the State or Territory in which the proceedings in bankruptcy were begun, shall not, at a fair valuation, be sufficient in amount to pay his debts."

Mr. DE ARMOND. Mr. Speaker, at this point I rise to make a parliamentary inquiry. If an amendment is to be offered to this provision, must it be offered now?

The SPEAKER pro tempore. The Chair will state to the gentleman that the regular order is to read the bill through. After the bill has been read through, amendments may be offered to any part of it by any gentleman who gets the floor for that purpose. The Clerk will continue the reading.

The Clerk read as follows:

SEC. 2. That clause 5 of section 2 of said act be, and the same is hereby, amended so as to read as follows:

"(5) Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services;"

SEC. 3. That clause 4, subdivision a, of section 3 of said act, be, and the same is hereby, amended so as to read as follows:

"or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for or been put in charge of a receiver or trustee, under the laws of a State or Territory, or of the United States."

SEC. 4. That section 4 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 4. WHO MAY BECOME BANKRUPTS.—a Any natural person and any unincorporated company owing debts shall be entitled to the benefits of this act as a voluntary bankrupt."

"b Any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits shall be entitled to the benefits of this act as a voluntary bankrupt, on petition of an officer or stockholder of such corporation, duly authorized at a meeting of stockholders held for that purpose by the vote of a majority in amount of the total stock of the corporation."

"c Any natural person, except a wage-earner, or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits, owing debts to the amount of $1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under State or Territorial laws, may be adjudged involuntary bankrupts."

"d The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

SEC. 5. That subdivision b of section 14 of said act be, and the same is hereby, amended so as to read as follows:

"b The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of accounts or records from which such condition might be ascertained; or (3) obtained property on credit upon a materially false statement in writing made by him to any person for the purpose of obtaining credit, or of being communicated to the trade or to the person from whom he obtained such property on credit; or (4) made a fraudulent transfer of any portion of his property to any person; or (5) been granted or denied a discharge in bankruptcy within six years; or (6) in the course of his proceedings refused to obey any lawful order of or to answer any material question approved by the court."

SEC. 6. That section 17 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 17. DEBTS NOT AFFECTED BY A DISCHARGE.—a A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for frauds, or obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity."

SEC. 7. That subdivisions a and b of section 18 of said act be, and the same are hereby, amended so as to read as follows:

"a Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpœna, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within ten days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a week for two consecutive weeks, and the return day shall be not more than twenty days after the first publication."

"b The bankrupt, or any creditor, may appear and plead to the petition on or before the return day, or within such further time as the court may allow."

SEC. 8. That subdivision a of section 21 of said act be, and the same is hereby, amended so as to read as follows:

"a A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this act: *Provided*, That the wife shall not be so examined except as to business transactions to which she is or has been a party, and she may be examined to determine that fact."

SEC. 9. That subdivision b of section 23 of said act be, and the same is hereby, amended so as to read as follows:

"b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt whose estate is being administered by such trustee might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b, section 67, subdivision e, and section 70, subdivision e."

SEC. 10. That subdivision a of section 40 of said act be, and the same is hereby, amended so as to read as follows:

"a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of $20 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 50 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1 per cent commissions on all moneys received and paid out by the trustee, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition."

SEC. 11. That subdivision a of section 48 of said act be, and the same is hereby, amended so as to read as follows:

"a Trustees shall receive for their services, payable after they are rendered, a fee of $10 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which they have administered such commissions on all moneys received and paid out by them as may be allowed by the courts, not to exceed 10 per cent on the first $500 or less, 5 per cent on the next $1,000 or part thereof, 3 per cent on the next $8,500 or part thereof, and 1 per cent on such moneys in excess of $10,000. In the event of the confirmation of a composition after the qualification of a trustee, the court may allow such trustee not more than one-half commissions on the moneys or property received by him."

SEC. 12. That subdivision g of section 57 of said act be, and the same is hereby, amended so as to read as follows:

"g The claims of creditors who have received preferences, voidable under section 60, subdivision b, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable, under section 67, subdivision e, or section 70, subdivision e, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances."

SEC. 13. That subdivisions a and b of section 60 of said act be, and the same are hereby, amended so as to read as follows:

"a A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required or permitted, or, if not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property transferred.

"b If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had

reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

SEC. 14. That subdivision a and clause two of subdivision b of section 64 of said act be, and the same are hereby, amended so as to read as follows:

"a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, except such taxes as are a lien on a homestead claimed by or set off to him as exempt from being taken on execution, in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax, the same shall be heard and determined by the court.

"(2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered by the efforts and at the expense of one or more creditors, the reasonable expenses of such creditors in so doing."

SEC. 15. That subdivision e of section 67 and subdivision e of section 70 of said act be, and the same are hereby, amended by adding at the end of each such subdivision the words:

"For the purpose of such recovery any court of bankruptcy as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, sl all have concurrent jurisdiction."

SEC. 16. That said act is also amended by adding thereto a new section, section 71, to read as follows:

"SEC. 71. That the clerks of the several district courts of the United States shall prepare and keep in their respect.ve offices complete and convenient indexes of all petitions and discharges in bankruptcy heretofore or hereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to receive for such certificates the same fees as now allowed by law for certificates as to judgments in said courts: *Provided*, That said bankruptcy indexes and dockets, as well as the indexes of judgments in the several courts of the United States, shall at all times be open to inspection and examination by all persons or corporations for the purpose of transcription or otherwise without any fee or charge therefor."

Mr. RAY of New York and Mr. BARTLETT rose.

Mr. BARTLETT. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York, in charge of the bill.

Mr. BARTLETT. I want to offer an amendment.

The SPEAKER pro tempore. The Chair thinks the gentleman will have an opportunity later.

Mr. RAY of New York. The gentleman will be recognized at the proper time.

Mr. BARTLETT. Mr. Speaker, I would like to make a parliamentary inquiry at this point.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. I desire to know when will be the proper time to offer an amendment to this bill under the rules. I understood the Chair, in answer to an inquiry from myself, to state that when the bill was read amendments were in order.

The SPEAKER pro tempore. That is correct. Whenever the gentleman gets the floor he can offer an amendment, but the Chair has recognized the gentleman in charge of the bill, the gentleman from New York [Mr. RAY].

Mr. LACEY rose.

Mr. RAY of New York. Mr. Speaker, I call for order.

Mr. LACEY. Mr. Speaker, I desire to make a parliamentary inquiry. I would like to know whether by the permission of these amendments, or the waiving of the question as to these amendments, that will prevent the calling up of the committee amendments later on. There is one committee amendment that I am very much concerned in, and that is the proposition to repeal the bankruptcy law.

Mr. RAY of New York. Mr. Speaker, I believe I have the floor.

Mr. LACEY. I have the right to make a parliamentary inquiry and have been recognized to do so.

The SPEAKER pro tempore. The Chair will state to the gentleman from Iowa that there are no committee amendments.

Mr. LANHAM. Yes; they are all committee amendments.

Mr. LACEY. There are a number of committee amendments, Mr. Speaker, and then there is an amendment proposed by the minority of the committee.

Mr. RAY of New York. Mr. Speaker, I desire to say——

The SPEAKER pro tempore. There are no committee amendments, so far as the Chair knows, and the minority amendment will have to be offered in the individual capacity of an amendment. The gentleman from New York is recognized.

Mr. RAY of New York. Mr. Speaker, I desire to state that this is a legal proposition, a business proposition, and it is not one where those discussing it may indulge in flights of oratory or story telling, but where we must talk as business men on a business matter. I trust I may talk to the House in a business way, and have the attention of the members while I do this, because it is a subject in which the people, the business interests of this country, are interested, as they are interested in any other question affecting their business interests. The present bankruptcy law was approved and went into operation on the 1st day of July, 1898, and has been in operation since that time. The law provides in its terms that returns shall be made to the Attorney-General of the United States, and that he shall have a man in his office whose business it is to investigate the operations and workings of the bankruptcy law and to make his report.

In a few moments I will read from that report in order that you may know the opinion of the Attorney-General of the United States and of the Department of Justice. During the last session of the last Congress I, as chairman of the Committee on the Judiciary, over which I have the honor to preside in this Congress also, received from all over the country communications recommending certain changes in the bankruptcy law. For the reason that one of the important questions involved was before the Supreme Court of the United States for its adjudication, it was deemed wise to await the decision of that court before Congress should take any action in the matter.

However, in order that I might test the temper of the country, that I might know the opinion of the business interests of the country, I caused to be sent out about 20,000 inquiries to the leading lawyers, judges, and business houses all through the United States asking whether or not they desired to have the bankruptcy law retained or repealed; whether they deemed it best for the interests of the country to have a uniform bankruptcy law or to have none, and to leave these matters to the adjudication of the various States. I also asked these gentlemen to make inquiries of their business friends and to communicate their information, to state their approval or disapproval of a bill which I introduced in the House during that session and a copy of which was sent to them. I also asked them to give suggestions as to other amendments that might be deemed wise or advisable to make.

In reply I received over 16,000 answers from all over the United States—from the Pacific coast, from the South, from the West, from the East.

I have those replies. The letters speak for themselves. They are not printed circulars, but they are letters written by men of the classes I have named. Over 90 per cent insist upon the retention of the bankruptcy law upon the statute books. About 7 per cent favor a repeal, but all said that if not repealed they wanted the amendments proposed by the bill. About 3 per cent of those who did not favor the retention of the law absolutely said, "Amend the law and then retain it." So that less than 8 per cent of those who replied to this challenge sent out all over the United States favored a repeal of the law. The same answer comes from all sections of the country and from all business interests, I may say.

Now, what does the Attorney-General say in regard to this law? You will find his views on pages 389, 390, and 391 of his report for the year 1901. I quote from this report as follows:

[Excerpt from Exhibit U, Report on Bankruptcy Matters, by E. C. Brandenburg, in charge of bankruptcy matters, contained in report of the Attorney-General for 1901.]

NOVEMBER 15, 1901.

The ATTORNEY-GENERAL.

SIR: The present law "establishing a uniform system of bankruptcy throughout the United States," which was enacted July 1, 1898, has now been in force a little more than three years, this being longer than the operation of either the act of 1800 or 1841, and but eight years shorter than the act of 1867, which remained in force about eleven years notwithstanding its many inherent defects. The causes attending the repeal of the earlier laws are well known and need here no comment. The present law has materially profited by the experience gained under the earlier laws, and as a consequence contains the good features of all while avoiding many of their weak points. * * *

THE PRACTICAL OPERATION OF THE LAW.

The past year discloses the fact, as was anticipated in the earlier reports upon the practical operation of the bankruptcy law, that the number of voluntary petitions would shortly decrease in view of the belief that a good proportion of those filed during its earlier operation were those of old insolvents seeking to avail themselves of its advantages by securing a discharge coextensive with the limits of the United States. The present report shows that but 17,015 voluntary petitions were filed, which is more than 3,000 less than were filed during either of the two preceding year's operation of the law. It may be safely said that these reports are a fair criterion of business conditions, and the fact that more persons have not seen fit to take advantage of the law is clearly indicative of the continued business prosperity which has prevailed for the past few years. * * *

Several important opinions construing the law have been rendered during the past year by the Supreme Court of the United States. The most important and far-reaching is that of Carson, Pirie, Scott & Co. *v.* The Chicago Title and Trust Company. In this case the question involved was as to whether or not a creditor who had received a payment on account was obliged to surrender the same before proving his claim for the balance, and the Supreme Court by a vote of 5 to 4 held that this should be done. As this decision reaches the very foundation of our commercial credit system it has received considerable criticism pro and con, and various recommendations have been suggested with reference to amending the law in this respect. While the feeling is almost universal that this provision of the law should receive the attention of Congress, yet a difference of opinion exists, even among the commercial community, as to what the amendment should be.

A bill was introduced in Congress by Representative RAY suggesting various amendments of the law, all of which have received the most careful and detailed attention on the part of the merchants of the country as well as various legal associations, and on the whole, if enacted, would materially strengthen the weak points which the practical operation of the law has developed, with the result that the United States would have one of the most equitable bankruptcy laws, so far as all classes, debtor and creditor, are concerned, that exists in any country on the globe.

While it is, perhaps, not in the province of this Department to make recommendations, yet it is suggested that if Congress decides to undertake the extensive amendment of the law then the Ray bill would certainly remove

most of the weak points which the practical operation of the law has developed.

If, however, Congress does not intend to make such extensive amendments, but prefers that they should be limited, then it seems to us that, as recommended in our previous reports, section 14, with reference to the question of discharges, should be amended by making it more difficult to secure a discharge on the part of a dishonest debtor. Secondly, that section 23, which was held by the Supreme Court in the case of Bardes *v.* Hawarden Bank to restrict the trustee in instituting suit for the recovering fraudulent transfers or preferences to the State court unless by consent of the defendant, be amended by giving the Federal court jurisdiction of such actions without the consent of the defendant. This will result in substituting the much more expeditious machinery of the Federal court, in which bankrupt matters are entitled to priority, for that of the State court, in which the action of the trustee is more or less dependent upon the grace of the court, it being recognized that Congress has no authority to impose any jurisdiction upon a State court, and that therefore it lies within the power of such courts to delay such proceedings or entertain or refuse jurisdiction, as they see fit. * * *

It might be suggested in this connection that the fees as now allowed by the law are reduced to a minimum, and that in order to maintain the high standard of the referees, many of whose abilities are unsurpassed and whose attainments might in another line demand a greater return, the fees should be revised so that they shall receive compensation commensurate with the amount of labor and skill required of them. Many of these referees are the peers of the judges of the Federal bench, and to secure a proper administration of the law such men should be retained in office. It would therefore seem wise that Congress should amend the law by fixing their fees at some reasonable amount, and thus avoid the serious conflict now arising whereby one judge construes the law liberally relating to the question of fees and allows a number of miscellaneous charges, realizing that the referee is underpaid and expecting through this means to some extent compensate him for his labors, while the judge in an adjoining district may be a strict constructionist and allow nothing except such as is specifically provided by the law. This results in great hardship, and Congress should make the fees uniform instead of leaving them to the discretion of the various courts.

That the bankruptcy law is meeting with approval on all hands is best attested by the fact that the American Bar Association in its recent convention in Denver, and the National Association of Credit Men at its convention at Buffalo, and other organizations have by resolution reiterated their belief in the advantages of the law and recommended that it be kept upon our statute books. There are, of course, isolated cases where exception is taken, but when sifted it usually develops that such opposition grows out of its operation in some way working injuriously to an individual, and not because the law is not advantageous to the community of the United States as a whole.

In other words, here is the deliberate statement and opinion of the Attorney-General of the United States, after examining the law, after watching its operations and workings for nearly three years, and after studying this bill—here is his deliberate opinion that with these amendments we shall have the most just and equitable bankruptcy law of any nation on the face of the earth.

Now, I wish to say in that connection that there is no civilized nation on the face of the earth, doing great business and having great commercial interests, that does not have a bankruptcy law on its statute books. And with the growth and development of this great nation, with our close connections by telegraph, telephone, and railroad, Chicago is the immediate neighbor of New York City; Boston and San Francisco sit side by side in the commercial world. A few moments, and they confer with each other; and it is therefore of importance to manufacturing, mercantile, and business interests of every character that we have some uniformity of law in this regard.

When the bankruptcy bill was introduced by the gentleman now Speaker of the House I was at his right hand, and we considered it in the Fifty-fifth Congress and brought it in here and asked its enactment. Some of the great rich business firms of the country opposed it. They said they were able to take care of themselves; that they could and did employ lawyers in all the States, in all the great cities, and that they could take care of themselves; that they understood the divers laws of the various States; but to-day nearly all of those large firms advocate these amendments and the retention of the law upon the statute books. That demand is here in the shape of thousands of telegrams and letters.

Now, Mr. Speaker, I desire to call the attention of the House for a few moments briefly to what this bill does. It has been reported to the House now for some months. I have sent out thousands and thousands of copies of the bill—at one time over 10,000 copies—and I asked criticism; I asked suggestions of lawyers, merchants, mercantile firms, business men, North, East, South, and West, and no substantial amendment to the bill has been suggested from any source.

Now, I claim no credit for this bill. It is the work of the best judges, the best lawyers, the best practical business men in the United States from all sections of the United States. Before I introduced it, it was submitted in all quarters, to bar associations, to mercantile associations, manufacturing associations; and laboring men associations were called together and considered the bill, and their amendments and suggestions were agreed to; and it was only when the bill had been made satisfactory to all, when they all agreed to it and said that it was just, equitable, and proper, then only was it introduced by me in the shape in which it is now presented to the country. Now, what does this bill do?

Mr. Speaker, permit me to ask the Chair at the expiration of half an hour to call my attention to the time, so that I may yield the floor.

The first amendment will make the law more uniform and equitable by providing that where insolvency is the question at issue assets claimed to be exempt shall not be counted in ascertaining the aggregate of the debtor's property.

The second amendment simply authorizes what is now done by the courts; that is, it authorizes the court to allow additional compensation when the business of a bankrupt is conducted for a limited period by the receiver, marshal, or trustee in the interest of the creditors.

The next amendment makes the equivalent acts of a general assignment by an insolvent person, a voluntary accounting of an insolvent partnership by action brought by one of the partners, and an application for a receivership of an insolvent corporation each acts of bankruptcy. This makes the law more uniform and will reduce many of the inequities now practiced on creditors.

The next amendment simply provides that those corporations which can now be adjudged involuntary bankrupts may become voluntary bankrupts on the petition of an officer or stockholder duly authorized at a meeting called for that purpose by a vote of the majority in amount of the total stock of the corporation, and adds mining corporations to those now covered by the law.

As a safeguard and to prevent injustice it is provided by a further amendment that the bankruptcy of a corporation shall not release its officers, directors, or stockholders as such from any liability under the laws of a State or Territory or of the United States. That is, if these officers or any of them by wrongdoing or violating the law of the State have incurred any liability they are not to be discharged from such obligations or liabilities.

The next amendment, section 5 of the bill, makes definite and certain the purpose of the law as it was framed, to wit: That the words "in contemplation of bankruptcy" mean a present or future state of insolvency and purpose to take advantage of the law. The amendment is necessary because the courts have held that the words "in contemplation of bankruptcy" mean with a view to the actual filing of a petition, and therefore many men have been discharged who ought not to have been, because it was impossible to prove that they committed the fraudulent acts mentioned at a time when they had in mind the filing of a petition in bankruptcy, although they did have in mind a present or future state of insolvency and committed the acts for the purpose of defrauding their creditors.

This amendment also provides four additional grounds for refusing a discharge in bankruptcy: (1) Obtaining property on credit on materially false statements; (2) making a fraudulent transfer of property; (3) having been granted or denied a discharge in bankruptcy within six years, and (4) having refused to obey the lawful orders of the court or having refused to answer material questions approved by the court. No person who has been guilty of any of these fraudulent acts should be discharged, and a person who has refused to obey the order of the court ought not to be discharged, and it is quite clear that no person should have the benefit of the act as a voluntary bankrupt oftener than once in six years. Some men in some of the large cities have made bankruptcy a profession, and it is proposed by the amendment to stamp out these practices.

Now, as to the amendment that the courts may allow certain officers when they take the property of an estate into their custody additional compensation for that extra work. Under the law as it stands now the court frequently puts a bankrupt's property in the hands of a receiver. In order to have it taken care of, it requires a large expense to the estate, whereas if we have this provision of the law, it will lessen the expense of the Administration of the bankrupt law.

Mr. GILBERT. Will the return of no property found be conclusive of the insolvency under the amendment?

Mr. RAY of New York. Oh, we do not change the law in that regard at all.

The next amendment provides that liabilities for frauds, etc., as described in the act shall not be released by the discharge. As the law now is these liabilities must have been reduced to judgment or else the bankrupt is discharged. This amendment is in the interest of justice and honest dealing and honest conduct. This amendment further provides that a discharge in bankruptcy shall not release the bankrupt from liability for alimony due or to become due the wife, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation. It seems to the committee, and this is the universal sentiment, that the bankrupt ought not to be discharged from liabilities of this description.

The next amendment shortens the time for joining issue in involuntary cases. The expeditious disposition of an estate in bankruptcy is what all creditors desire, and this amendment is in the interest of all parties and simply prevents undue delay.

The next amendment permits the wife to be examined as a witness as to business transactions to which she is or has been a party. In some of the States the wife may now be examined the

same as any other witness. In other States she can not be, and this amendment, carefully guarded by a proviso, simply allows her examination as to business transactions to which she has been a party. To this there can be no reasonable objection.

The next amendment is in the interest of the speedy settlement of bankrupt estates. It has been held that actions to recover property belonging to the estate and fraudently withheld or disposed of must be brought in the local courts. In great cities this works a practical denial of justice, as the calendars of the State courts are many times years behind, and it is conceded that in the city of New York a case can not be reached for trial in less than from two to three years after the action is brought, unless for some reason it is preferred.

The next amendment gives a larger fee to the clerk. It is conceded on all hands that the present fee is so small that the clerk can not afford to do the work required of him. The increase given by this amendment is very small, indeed, and can not be reasonably objected to.

The same remarks apply to the next amendment.

The next amendment, section 12 of the bill, is the most important of all. Under the holding of the Supreme Court of the United States in Pirie *v.* Chicago Title and Trust Company (182 U. S., 438), that section 60, subdivision a, is a definition of a preference, it followed that payments made in good faith and other bona fide transactions after actual insolvency, though in due course of trade and business and without knowledge or reasonable cause to believe that a preference was intended, must be, under section 57 g, surrendered before a creditor who received such a payment could prove the balance of his debt. This was never intended by the framers of the law, and it works obvious injustice and is the source of 99 per cent of the objections to the law. The amendments proposed by section 12 of the bill and the other sections remedy all this.

The next amendment puts the four months' clause in subdivision a instead of subdivision b, and where it ought to be. As the law now stands, a preferential mortgage may be given and the creditor preferred, by withholding it from record four months, be able to dismiss the trustees' suit to recover the same, although it was recorded within the four months' period.

The next amendment simply provides that the trustee shall not be compelled to pay the accrued taxes on the homestead set-off to the bankrupt from the balance of the estate.

The further amendment to section 64 of the act simply provides that the creditor may be allowed the reasonable expense of reclaiming property illegally transferred or concealed.

The next amendment is in line with the others, providing concurrent jurisdiction in the State and United States courts, and is in the interest of a speedy settlement of estates.

The last amendment is one generally demanded, and is in the interest of all persons who deal with property. It requires the clerks to prepare and keep indexes of all petitions and discharges in bankruptcy and to issue certificates in relation thereto when required. It also requires that these be kept open to inspection and examination. It is frequently desirable to know whether a person has filed a petition in bankruptcy, and also whether he has been discharged, and it is many times impossible within a reasonable time to ascertain these facts in the absence of convenient indexes.

Annexed hereto is a more complete analysis of these proposed amendments, useful and convenient to the lawyer, and in same attention is called to the decisions of the courts relating to the amended sections.

In proper cases and under proper restrictions those who have been unfortunate in business should be released from their debts on surrendering all their property to their creditors. But the law should be so framed as to prevent injustice and improper and indiscriminate discharges, and should also prevent its being availed of by the professional bankrupt or the dishonest debtor.

The involuntary features are most commendable, for through their instrumentalities fraudulent and unjust preferences are prohibited and there is greater confidence in the business world. Much of the faultfinding with the bankruptcy law has come from those who, having claims against some insolvent person, have been unable to collect for years (and these persons knew that they could not collect), but they have seen the debtor discharged under the bankruptcy law and have seen him reenter the business world, and by the exercise of his talent and industry become a valuable factor in the business world. These debtors could never have thus reentered business had it not been for the bankruptcy law, and this fact the creditor overlooks. He seems to think that but for the bankruptcy law he would have been paid under this improved condition of the debtor.

That dishonest men do avail themselves of the law and by fraud and perjury secure discharges can not be denied, but these instances are very rare, and when we contrast the great army of honest and industrious men who have been put upon their feet through the instrumentalities of the bankruptcy law with the very few dishonest persons who have been discharged under it, we must all concede that the law is wise and productive of great good and ought to be retained, and amended when experience shows that amendments are necessary in the interest of the business world.

Then we have found by experience another thing which I desire to call more particular attention to, because it is important, gentlemen, and that is that we have in some of the great cities and business centers of the United States men who make it a business to run in debt and then take advantage of the bankruptcy act. In some cases within two years a man has taken advantage of the law twice, and in another locality, I think, in less than three years a man had taken advantage of it twice and was seeking an opportunity to take advantage of it a third time. Therefore it is that we amend the law and provide that no man shall take the benefit of this law oftener than once in six years, and that will cut off that class of men that we may characterize as professional bankrupts.

Then again, we found that in the construction of the law that has been put upon it the grounds provided for refusing a discharge from bankruptcy are not ample, and therefore we have added several, and you will find in the bill a provision in section 5 amending section 14, giving additional causes for refusing a discharge in bankruptcy.

Mr. SHALLENBERGER. We have State laws providing for the administration of insolvent State banks. I would like to ask the gentleman whether this would make any change in reference to that matter?

Mr. RAY of New York. It might in certain cases, but not necessarily so.

Mr. SHALLENBERGER. Would they be under the control of the Federal authority?

Mr. RAY of New York. They might, but not necessarily so. Now, again, Mr. Speaker, coming to subdivision a and b, division 18, that merely expedites the closing up of an estate. That is all it does. We go along further—and I will not take the time to deal at length with all the little verbal changes which have no particular effect on the law; they are simple and easily understood. One other provision: In the great cities like New York and Chicago, if you can find and seek to recover property which has been transferred in fraud of the bankrupt act in the State court, we find the settlement of the estate, in some cases, may be postponed three or four years because of delays in the State courts by reason of the immense business done in these courts. Therefore, in the interest of both the debtor and the creditor class, in the interest of speedy disposition of these questions—matters that arise in bankruptcy—we give the United States courts concurrent jurisdiction in these cases. This is recommended by all the lawyers, all the judges, all the business men everywhere. It can do no harm, and it can meet with no objection from any gentleman unless he is absolutely opposed to the Federal court having jurisdiction in any case whatever.

Now I come to the most important amendment of all included in this bill.

Mr. GILBERT. If the gentleman will pardon me, I understood him to say that this included unincorporated companies. If a company has no existence, no entity, will the discharge in bankruptcy operate to relieve the members of the company in those cases where they have no charter, for instance?

Mr. RAY of New York. It would release them from their debts and liabilities, except any liability they had incurred in an official capacity in having represented the company as an officer.

Now, one of the most important amendments, and it is perhaps the most important amendment, and is necessary under this condition of facts. Under the law as it now stands, and under the interpretation put upon it by the Supreme Court, it was held that if A is doing business with B, if A gives credit to B to an extent of $20,000, for instance, and B has paid nothing on account, but has made his purchases at different times of different items from time to time, the debt is all due and past due although the items of credit were given at different times. Now, A says to B: "Before I give you any further credit you must pay on account." So B pays to A $15,000 of the $20,000 on account. It is paid in good faith, it is received in good faith, it is applied in good faith. It was paid on a debt past due, with all the items past due.

Now, gentlemen, ought not that to be retained? Is not that an honest payment whenever made, paid and received in good faith? But the court held, giving construction to the act as it stands, that if A on the faith of that payment should give credit for $10,000 more the same day, so that B then owed $15,000 instead of $20,000, then if B should happen through some unforseen circumstances to go into bankruptcy within the next four months, that before A can prove up his debt for $15,000 he must return the

$15,000 paid to him and received by him in good faith. Now, have I made that plain to the gentleman from Illinois?

Mr. HOPKINS. I think you have to me.

Mr. RAY of New York. I tried to make it plain so that all business men can understand it; we have so framed this bill that lawyers, judges, and men everywhere say we have corrected the evil. Justice will be done.

So that if A is giving credit to B and the debt is due or past due, and B pays money on account of that debt in good faith and that money is received in good faith—if there is no dishonesty in the transaction—then the creditor may go on in case of bankruptcy and prove up the balance of his debt. And that is as it ought to be.

Mr. HOPKINS. That is perfectly clear to me. But the question which I wanted to put to the gentleman was in regard to the bankruptcy of a partnership. Suppose that the gentleman from New York and the gentleman from Indiana [Mr. CRUMPACKER] form a partnership under the name of RAY & CRUMPACKER. Suppose that the gentleman from New York is worth $100,000 in his own right and the gentleman from Indiana is worth a similar sum in his own right. But suppose the partnership assets amount to only $20,000. Now, can the members of that firm come in and get a discharge in bankruptcy as a partnership without affecting the individual interests of either?

Mr. RAY of New York. No; we could not do that unless the partnership were a limited one. We do not propose to permit an association debt to be discharged in that way. We do not propose to allow a discharge until the property of the individual members of the firm has been exhausted, unless it be a case where, under the laws of the State, the partnership liability has been limited. We do not undertake to interfere with the laws of any State in that regard.

Now, Mr. Speaker, will you kindly inform me how much time I have occupied?

The SPEAKER pro tempore. The gentleman has occupied twenty-six minutes.

Mr. LESSLER. I should like to ask the gentleman this question: In his report it is stated:

> It is not thought expedient at this time to attempt to frame a clause specifying what transactions are protected.

Would it not be wise to insert something of that kind in this bill?

Mr. RAY of New York. We have done so fully, and the judges and lawyers of the country say that the matter is fully covered; that every business interest is protected.

Mr. LESSLER. Would it not be better covered if you would put in a proviso that bona fide transactions are protected?

Mr. RAY of New York. That is covered now in express words. The gentleman from Massachusetts [Mr. POWERS] conferred with leading lawyers and judges of his section. I conferred with leading lawyers and judges of New York. Gentlemen from Chicago, St. Louis, San Francisco, New Orleans, Charleston, S. C.; Richmond, Va., and all through the North and South say that the section as now amended will do just exactly what we claim it will do, and they approve the bill.

Now, I add a careful analysis of the bill:

ANALYSIS OF BILL TO AMEND BANKRUPTCY LAW.

Section 1: Amends clause (15) of section 1 of the law so that where insolvency is the question at issue assets claimed to be exempt shall not be counted in ascertaining the "aggregate of his (the debtor's) property," thus doing away with an injustice growing out of the new definition of insolvency in States that allow large exemptions. (See In re Baumann (Tenn.), 96 Fed., 946.)

Section 2: Designed to permit the allowance of extra compensation to trustees when they do more than merely collect and distribute (as, for instance, when they are ordered to continue a going business for a considerable period of time), their fees being now limited by section 48 to commissions on dividends to unsecured creditors. (See In re Epstein (Ark.), 109 Fed., 879, and the cases cited.)

Section 3: Intended to bring about the result that the equivalent acts of (1) a general assignment by an insolvent person, (2) a voluntary accounting of an insolvent partnership by action brought by one of the partners, and (3) an application for a receivership of an insolvent corporation shall each be acts of bankruptcy, instead of the first (1) only, as now. Besides making the law more uniform, this change will reduce to a minimum present notorious inequities practiced on creditors through in-the-family accountings and directorial receiverships under State laws. (See In re Empire Metallic Bedstead Company (New York), 95 Fed., 957; Id., on appeal, 981, and subsequent cases uniformly holding the same doctrine.)

Section 4: Amend section 4 of the law by (1) providing that those corporations which can now be adjudged involuntary bankrupts may, on a vote of stockholders representing a majority of the stock, petition for voluntary bankruptcy, (2) adding mining corporations to those that are affected by the law, and (3) affirmatively declaring that the bankruptcy of a corporation shall not release its officers, as such, from any liability created by law.

The first (1) restores that portion of the first paragraph of section 37 of the bankruptcy law of 1867 which permitted business corporations to file voluntary petitions, with, however, some additional restrictions for the protection of stockholders—a change the necessity of which is emphasized by the prevailing tendency in important commercial States to supersede partnerships completely by small corporations.

The second (2) is made necessary by the uniform holdings of the courts that mining corporations, which are of primary importance in some parts of the country, are not among those now enumerated in section 4 b. (See In re Chicago-Joplin Lead and Zinc Co. (Mo.), 104 Fed., 67; McNamara *v.* Helena Coal Co. (Ala.), 5 Am. B. R., 48; In re Keystone Coal Co. (Pa.), 6 Am. B. R., 377.)

The third (3) is merely precautionary—that there may be no doubt about the effect of the discharge of a corporation. (See In re Marshall Paper Co., 102 Fed., 872.)

Section 5: Modifies one of the present objections to a discharge and adds four new objections.

It has been uniformly held under the present law that "in contemplation of bankruptcy" (sec. 14 b, 2) means with a view to the actual filing of a petition, and not merely a present or future state of insolvency. (In re Holman (Iowa), 92 Fed., 512; In re Carmichael (Iowa), 96 Fed., 594; In re Morgan (Ark.), 101 Fed., 932.) This has made this objection to a discharge practically valueless. The amendment drops this element of proof out, as well as two or three other words, which are either tautological or unnecessary.

The very general complaint that the present law lets too many rogues escape from their debts—that it is weak in its discharge features—is met by four additional objections, carefully selected from a multitude of suggestions made.

The first (3) is almost identical with that proposed by S. 1035, Fifty-fifth Congress, first session (section 51 b (3), the Lindsay bill), and adopted by the House substitute. (See CONGRESSIONAL RECORD, Fifty-fifth Congress, vol. 31, p. 2099, sec. 13 b, 3.)

The second (4) is a rephrasing of an objection to discharge found in section 29 of the law of 1867, and "transfer," now including "conveyance," "mortgage," "payment," etc., means the same thing. In effect it is the same as section 51 b (4) of the Lindsay bill and as section 13 b (4) of the House substitute, above.

The third (5) will put an end to the possibility of debtors going through bankruptcy every month. The new period, six years, is an average arrived at from the suggestions received. (Compare Report of National Asssociation of Referees in Bankruptcy, published in March, 1900, for other ways of solving this problem.)

The fourth (6) is intended to meet a defect which grows out of decisions that, following Counselman *v.* Hitchcock (142 U. S., 547), declare that the protection afforded a bankrupt by the last clause of section 7 a (9) does not amount to the immunity guaranteed by the fifth amendment to the Constitution. (See In re Rosser (Mo.), 96 Fed., 305, and compare In re Marx (Ky.), 102 Fed., 676.) The suggestion that the immunity clause inserted in the interstate-commerce law and held constitutional in Brown *v.* Walker (161 U. S., 591) be also inserted here is met by the objection that such clause would in effect grant pardon in advance to bankrupts called to testify, and might result in a general amnesty to all bankrupts amenable to punishment under section 29. A discharge is a boon, not a right. He who asks it should tell what he knows of his assets and his past dealings. If he does not, the discharge should be denied him. It is thought that this new objection to discharge will accomplish much that would be accomplished by the clause in the interstate-commerce law, without amounting to freedom from criminal prosecution, too.

Section 6: The changes in section 17 of the law are to settle questions arising from antagonistic decisions of the court and to exclude beyond peradventure certain liabilities growing out of offenses against good morals from the effect of a discharge. (Compare a similar amendment to the English act of 1883 by section 10 of the amendatory act of 1890.)

The substitution of "liabilities" for "judgments in actions" makes the clause broader. Now claims created by fraud but not reduced to judgment are discharged. Neither the claim nor the judgment should be. (Compare In re Rhutassel (Iowa), 96 Fed., 567, with In re Lewenson (N. Y.), 99 Fed., 73.)

The reasons for the other changes are too patent to require statement. (As to the dischargeability of alimony, compare In re Houston (Ky.), 94 Fed., 119, with In re Nowell (Mass.), 99 Fed., 931; of judgments for seduction, In re Sullivan (N. Y.), 2 Am. B. R., 30, with In re Freche (N. J.), 109 Fed., 620; of judgments for criminal conversation, In re Tinker (N. Y.), 99 Fed., 79, with Colwell *v.* Tinker (N. Y.), 6 Am. B. R., 434.)

Section 7: It is conceded that too much time was given by the law for the joining of issue in involuntary cases, and that the law was silent as to the method and time of service where the bankrupt had absconded. As changed, section 18 provides for a short service by publication, and not only shortens the time within which a debtor personally served must appear and plead, but provides that time to plead shall expire when time to appear does, and not ten days later, as now. All this is in the interest of the rapid administration of asset cases and the consequent reduction of expenses.

Section 8: Intended to make a wife, who is often the depositary of property belonging really to the bankrupt, a compellable witness in every State as to certain transactions to which she is or has been a party. Without her evidence it is sometimes practically impossible to trace property. Neither principle nor policy entitles her to her privilege when the transaction under investigation is a business one between her and her husband. For evils growing out of section 21a, as now phrased, see In re Jefferson (Wash.), 96 Fed., 826; In re Fowler (Wis.), 93 Fed., 417.

Section 9: Under the law of 1867, the Federal and State courts had concurrent jurisdiction of suits to recover property fraudulently or preferentially transferred. Bardes *v.* Bank of Hawarden (Iowa), 178 U. S., 524, has so construed section 23b of the law as to deny such jurisdiction to the district courts, save with the consent of the proposed defendant. In commercial centers this amounts to a denial of justice, the calendars of the State courts being years behindhand; while, growing out of Bardes *v.* Bank, have come decisions which have crippled the administration of the law to a marked degree. (See In re Ward (Mass.), 5 Am. B. R., 215; Mueller *v.* Nugent (Ky.), 105 Fed., 581; this latter, however, recently reversed by the Supreme Court.) There is a very general demand for a return to the policy of the law of 1867. Were it not for section 23b, section 2 (7) would probably confer ample jurisdiction on the district courts. The change in section 23b proposed by the bill simply excepts from the operation of it all suits which can, under the specific words of the law, be brought to recover property, and this merely by referring to the three sections under which alone such suits can be brought. To remove all doubt, also, sections 13 and 16 of the bill confer concurrent jurisdiction of all such suits on the State courts and the Federal district courts, by adding appropriate words to each of the three sections—section 60b, section 67e, and section 70e.

Sections 10 and 11: These changes in section 40 and section 48 are in response to the very general opinion that the referees and trustees are not now adequately paid. The filing fee of each officer is doubled, making the deposit required at the inception of bankruptcy proceedings $40 instead of $25. It is thought this will prove sufficient in all no-asset cases. Since, under the law, it has been quite uniformly held that the commissions of these officers must be computed on moneys paid out by way of dividends only, this species of compensation has in the large majority of cases amounted to little. The change suggested rests on the analogy of the State laws, which reckon the commissions of executors, receivers, etc., on moneys received and paid out, and is fairer. The other changes are in the line of increasing efficiency and the securing of the best talent for the important work committed to these officers. Thus, the large commissions to trustees in small cases, that they may have greater

incentive to search for and recover property, and the 50-cent filing fee for referees, as probably the fairest way properly to compensate them for the great amount of extra work in hearing contests on claims, etc.

The collection of this filing fee in advance seems to be permitted by the rules in many districts, though without apparent sanction of law. The suggested amendment ratifies this practice, which has not proven burdensome, while removing the chief objection to it—the requirement that the fee be paid as a condition of filing a claim at all—by requiring that such fee be paid as a cost of administration. The trustee is also given the same commission in composition cases as is the referee. This was an oversight when the law was framed.

Section 12: Pirie *v.* Chicago Title and Trust Company (182 U. S., 438), having held that section 60a is a definition of "preference," it necessarily followed that payments and other bona fide transactions after actual insolvency, though in due course of trade and without knowledge or reasonable cause to believe that a preference was intended, must be, under Section 57g, surrendered before a creditor who received such a payment could prove the balance of his debt. This was not what was intended by the framers of the law. There is a very urgent and widespread demand for such an amendment as will obviate this menace to trade.

The Ray bill (H. R. 4310) attempts to do this, but leaves a loophole in that only voidable preferences, as defined in section 60 a and b, must be surrendered, whereas some fraudulent transfers (section 67e and section 70e) might be retained and the debt still proven. This clause, section 57g, has therefore been modified by adding words referring specifically to creditors who have received an advantage, void or voidable, under section 67c or section 70e. There are no other sections in the law which provide for suits to recover back from creditors or other persons property (which includes money) improperly transferred. The change results, therefore, in that only those payments or transfers which could be recovered back by suit must be surrendered under section 57g. This change will also settle the animated and unfortunate controversy over the meaning and effect of section 60c; compare In re Keller (Ia.), 109 Fed., 118, where a district court refuses to follow a court of appeals, in McKey *v.* Lee (Ia.), 105 Fed., 923; also In re Dickson (Mass.), 111 Fed., 726, wherein a circuit court of appeals apparently refuses to follow the Supreme Court in Pirie *v.* Chicago Title and Trust Co., above.

It is not thought expedient at this time to attempt to frame a clause specifying what transactions are protected (compare section 49 of the English act of 1883 for such a clause) or to change the so-called definition of insolvency. The simpler the changes in the present law the fewer will be the controversies in the courts; and especially in a question which, like this, is at the root of our credit system, the less the disturbance of business.

Section 13: Section 60 a and b is amended in three ways:

First, by replacing the four months' clause in a, where it was in the Lindsay bill, instead of in b, as now, and where a casual reading of the law indicates it should have been left. (See In re Jones (Mass.), 4 Am. B. R., 563, for the far-reaching result of this transposition.)

Second, by adding to a a clause which shall be equivalent to that found in section 3 b (1). It seems that as section 60 a now stands, a preferential mortgage may be given, and the creditor preferred, by withholding it from record four months, be able to dismiss the trustee's suit to recover the same, though the paper was actually recorded within the four months' period. (See In re Wright (Ga.), 96 Fed., 187; In re Mersman (N. Y.), 7 Am. B. R., 46.)

Third, by adding the clause as to jurisdiction of suits previously explained under section 9.

Section 14: Where homestead exemptions are allowed, it has been held that a bankrupt may insist on the trustee paying the accrued taxes on the homestead set off to him. (See In re Tilden (Ia.), 91 Fed., 500; contra, In re Veitsch (Conn.), 101 Fed., 251.) This is an injustice to creditors which calls for amendment. That suggested will accomplish the desired result.

It frequently happens that the action of individual creditors in suing, as, for instance, by creditor's bill before the bankruptcy, inures to the benefit of the trustee; and almost as frequently that, through the efforts of certain creditors, property is recovered after the bankruptcy begins. It is only fair that their disbursements, by which all creditors have profited, should be accounted for to them. The change in section 64b (2) would accomplish this.

Section 15 adds the clause on jurisdiction of suits to sections 67a and 70e, previously explained under section 9.

Section 16 provides for indexes, etc.

Mr. Speaker, I yield the floor to the gentleman from Alabama [Mr. CLAYTON].

Mr. RICHARDSON of Alabama. Before the gentleman from New York takes his seat, I should like to ask him what construction the committee has given to the familiar words "in contemplation of bankruptcy?"

Mr. RAY of New York. Let the gentleman read my report, and he will see what the courts have stated about that and what we undertake to say here.

Mr. RICHARDSON of Alabama. I understand what the courts have said. The courts have always contended that the phrase referred to a petition in bankruptcy.

Mr. RAY of New York. I again ask the gentleman to read my report. I must not take any further time now. I have commented on that matter in my report.

Mr. RICHARDSON of Alabama. I am simply asking for information.

Mr. RAY of New York. Well, is it any worse for you to read the report than for me to stand here under pressure and state what it contains?

Mr. RICHARDSON of Alabama. Probably I should understand the matter better from your explanation than by reading the report.

Mr. RAY of New York. Well, I will come around and explain it to the gentleman from Alabama while other gentlemen are speaking. I want to be polite, but I must decline to yield further.

Mr. Speaker, I now reserve the balance of my time, and yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. I understand that I am to have an hour in my own right.

Mr. RAY of New York. Certainly; I reserve the balance of my time.

Mr. CLAYTON. I do not want to take any of the gentleman's time, but desire to occupy my own.

Mr. RAY of New York. That is right.

Mr. CLAYTON. Mr. Speaker, I send to the Clerk's desk and ask to have read the following amendment which I shall offer:

The Clerk read as follows:

Amend by striking out all after the enacting clause and insert the following in lieu thereof:

"That the act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' be, and the same is hereby, repealed: *Provided*, That nothing herein shall in any way affect proceedings under said act begun prior to the taking effect of this act, and this act shall take effect ninety days after the approval thereof."

Mr. CLAYTON. Mr. Speaker, I endeavored to listen to the gentleman from New York as best I could and to hear some good reason for the retention of the present bankruptcy law. I was unable, however, to gather from his statement or argument any reason for the retention of that law except as he contended that it is a popular measure.

That proposition, Mr. Speaker, is open to very serious doubt. It is true that the gentleman sent his circular letters broadcast through the country for the purpose of getting replies from people who favored the retention of this law, and he received to some extent what he sought to get when he started out. Greenleaf in his work on evidence comments on that sort of testimony. He remarks in substance, if I recollect aright, that when a man starts out with the avowed purpose of proving a given thing, he will generally by hook or crook get what he seeks, and come back and say, "I have proved it; I have the evidence."

That sort of testimony is worth very little. Mr. Speaker, against those letters that he has gathered I interpose the history of the bankruptcy legislation in this country, the short life of the first bankruptcy law of two years, the short life of the next one, I believe of three years, the short life of the bankruptcy law of 1867 of eleven years, following disasters of the great civil war.

The present bankruptcy law has been in operation about three years, so that while this country has existed under a constitutional government for about one hundred and fourteen years, only about twenty years of that time have we had a bankruptcy law in operation. The people have never favored a permanent bankruptcy system. They do not to-day favor one. I dare say that nearly every letter which the gentleman received had some criticisms or objections to this law.

I venture to say, Mr. Speaker, that hardly any given number of business men can agree altogether on the defects of the existing bankruptcy law. It is begging the question to say that there is a popular demand for the retention of this law. How have the people been canvassed? Do people whom the gentleman wrote to represent the 80,000,000 of American people? We do not know whether they are even a fair sample

Mr. Speaker, we can judge of the unpopularity of this bankruptcy system by citing the fact that in this Congress some six or seven bills have been introduced for its repeal, by citing the fact that nearly every letter that a member of Congress has had from his constituents has said either that this law ought to be amended in certain respects or that it ought to be repealed. Many have said that it ought to be repealed entirely. This bill brought here by this committee is a confession of the inadequacy and the unpopularity of the present bankruptcy law.

The Judiciary Committee has had this subject under consideration for months, and what has been the result of their labors? The net result has been to make the bankruptcy law, so far as unfortunate debtors are concerned, more rigid and more stringent and to increase the fees of Federal officials. The proposition is embodied in this bill to enlarge the fees of referees, receivers, clerks, marshals, and others. The bill will show what fees are enlarged and what commissions increased.

Mr. BARTLETT. Clerks and referees.

Mr. CLAYTON. And the clerks and others. This committee's work has been formulated into this bill which seeks to make the present law more oppressive against the unfortunate debtor, seeks to make it more a collection agency, seeks to make it more an engine of tyranny against the man who is laboring under a load of debt, and then the next shining virtue written on almost every page of the bill is an increase of the fees of these Federal officeholders.

Now, if I had the time to take up the bill section by section I could point out the harsh features of it and demonstrate how the features increasing the pay for the purpose of adding to the fees of these Federal officials are everywhere apparent in the bill. From this bill the minority dissent. The minority dissent because they say that if there was ever a demand for this bankruptcy law that that demand has been met, that if there was any necessity for it the time for it has passed, and this bill which seeks to amend it is for the avowed purpose of closing the avenues more and more to unfortunate debtors.

The gentlemen who advocate this bill say that it is for the purpose of preventing fraud and dishonesty on the part of debtors.

Our reply to that is that if you seek to prevent fraud and dishonesty under the bankruptcy law on the part of unfortunate debtors the best way to do is to repeal the original law, which is essentially bad, and then you will stop all the frauds and dishonesty which have grown up under the law.

Mr. Speaker, I have offered the amendment which has been read by the Clerk, and at the proper time I shall ask its consideration. It seeks to repeal the whole law. If that amendment shall be adopted, repealing the law, then a further examination of the details of this bill will be unnecessary, but if it shall not prevail, then during the progress of this debate the gentleman from Missouri [Mr. DE ARMOND] and the gentleman from Georgia [Mr. BARTLETT] and myself and others will undertake to discuss the details of this bill and demonstrate why it should not be supported.

I call the attention of the House to the expensiveness of the present bankruptcy law, and I invite the attention of the gentleman from New York to this. You will notice from this bill that the fees of referees and others are doubled, and in some cases the allowances are more than doubled. They are increased in some cases from $5 to $10 and in other cases from $10 to $20, and so on; and in passing I might remark that it was the looting of insolvent estates by Federal officials under the act of 1867 that made that law odious, and that finally led to its repeal.

I hazard the prediction here now that if this act is not repealed the fees of these officials will be increased from time to time until this bankruptcy law will become a scandal and a disgrace to the statute books of our country. Now, what is the necessity for this bankruptcy law? I ask my good friend, the next governor of Texas [Mr. LANHAM], to answer this.

I ask him to stand up and indict the people of his State, to stand up and indict the people of Alabama, to stand up and indict the people of New York and say that a State government and the people of a State are not just as honest, just as capable of administering the estates of insolvent people as Federal officials are.

It is contended that because the Federal Constitution permits a uniform bankruptcy system we must, under that authority, depart from the ideas that the fathers had when they framed that Constitution. They had in contemplation the condition of unfortunate people who had come from the Old World to this country debt ridden, and who had been put into prison and had suffered such hardships as only a Dickens could describe in his fascinating writings. They had in mind the case of Georgia, now a great State, where the grant to Oglethorpe permitted him to take a colony of debt-ridden people and free them from debt and let them start anew in life.

But this is a new idea which has been grafted upon this constitutional provision—the idea that the unfortunate debtor is of secondary consideration; that he amounts to little or nothing, except as a victim, or, at least, that he plays the second fiddle in the bankruptcy court; that the great creditor, or, in the language of the gentleman from New York [Mr. RAY], the business people, are of the first and paramount importance.

We have heard that sort of talk all over this country, and gentlemen conjure with the name of the business man when they want to throw sand in your eyes and deceive you as to a proposition. Those on the debtor side of this question are business men, too. They have some right to be heard and are entitled to some consideration in our legislation.

Now, Mr. Speaker, will any man here, will any Democrat here, say that his State can not administer justice, can not prevent dishonesty, can not make men do right, can not distribute assets as well as the Federal courts can?

If so, let him stand up and confess that the Democratic doctrine of faith in the State, of leaving it in the full exercise of all its reserved powers, in the full control of regulating the domestic relations, of punishing fraud, of punishing larceny, of punishing all sorts of crime, let him confess that his whole doctrine of State rights is an error and that State government is a failure and turn to the Federal Government and to the Federal courts to help the States where they are unable to execute and perform their duty of the greater part of the governing business of the people.

Let the advocates of this bill go further and stand on this floor and advocate an anti-polygamy law. Let him go just a step further and advocate a Federal law fixing uniform hours of labor in the private manufactories of the people in the States, State regulations to the contrary notwithstanding.

Mr. Speaker, the only difference between this case and the case of the antipolygamy proposition and the uniform Federal labor law for the States is that there is constitutional authority for a uniform bankruptcy system and there is no constitutional authority or grant for the others.

But the majority of the committee say our State laws are inadequate, that our State courts aid "in-the-family receiverships," and that under our State chancery courts and equity courts permit estates to be stolen.

I deny that assertion. The State laws are administered just as honestly and just as faithfully as the Federal courts can administer laws, and the administration of the State courts is more economical. Now, I ask the great business man from New York to listen to a business proposition from a man who does not pretend to be a great business man nor a profound constitutional lawyer, one so profound that he never made a mistake in his life.

I have examined the reports of the Attorney-General since this law has been enacted, and I call this to the attention of you, my fellow-laborers, representing poor people, representing business people, representing the whole country, not merely the representatives of such men as the Thurbers, who for a consideration go out and send letters broadcast through the country to influence "the leaders of thought." I am not addressing myself to such "leaders of thought" who will pay any attention to such circulars.

The gentleman from Georgia [Mr. BARTLETT] the other day showed me a circular letter that had been sent out, requesting that letters and petitions be sent in here to Congressmen to influence them on this bill; all proper enough, but let us understand the source from whence they emanate.

Now, as I said, I have examined the reports of the Attorney-General since this law has been in effect. The act of July 1, 1898, did not permit the operation of the voluntary feature until the 1st day of August, 1898. It did not permit the operation of the involuntary feature of the law until the 1st day of November, 1898. Hence the report of the Attorney-General for 1898 has little or no information on the subject. But for the following three years I have extracted this information from his reports.

I find that in 1899-1901 the total assets in voluntary and involuntary cases were turned over to the bankrupt courts in amount of $105,906,716.63, the total assets turned over to the courts to be administered—these courts that some say are so much more honest and just and fair than are the State courts; that out of this $105,000,000 and upward of assets dividends were paid in 1899, 1900, and 1901 to the total amount of $6,513,530.57. Total dividends of a little upward of $6,000,000 were paid out of total assets of upward of $105,000,000.

I find further that these total dividends of upward of $6,000,000 were paid at a total cost during these years of $2,890,616.79. The court officials got about 45 cents or 46 cents for every dollar that was paid in dividends. In other words, I go out and collect for you. You turn me over $105,000,000 of assets. I am a faithful and honest collector; I come back with $6,000,000 out of a total of $105,000,000, and give you that, and I take about $3,000,000.

I give you $2 and take $1. What has become of the difference between the sum total of three millions of cost and fees and the six millions of dividends and the item of $105,000,000 of assets? What has become of that, in this honest administration of insolvent estates, the reports do not show. I here give in detail the assets, dividends, fees, and costs for the years I have mentioned.

Mr. STEWART of New Jersey. Will the gentleman yield to me for a minute?

Mr. CLAYTON. Certainly.

Mr. STEWART of New Jersey. The $105,000,000 was the appraised value of the assets?

Mr. CLAYTON. No.

Mr. STEWART of New Jersey. Has the gentleman got the selling price?

Mr. CLAYTON. I have the report. It does not say that it is the appraised value, or the selling, or what. It is put down as assets. It is the value of the assets of the estates, so far as the report shows. Well, of course if it is the appraised value, taking the case of an administrator, would not the administrator, in case the estate was appraised, have to account for the appraised value of the estate or to show reasons for so great a discrepancy?

Mr. STEWART of New Jersey. That is, the debts are appraised at their face value.

Mr. BELLAMY. In a bankruptcy proceeding, in the schedule of assets returned, do not you have to put the nominal value, and what you are speaking of is the nominal value?

Mr. CLAYTON. The reports do not say, and it is not my understanding that it is that way; but that is not the question. The gentleman is sticking in the bark about assets. What I am after is that no court ought to make you pay a man one dollar for collecting two for you.

Mr. BARTLETT. I have a case in point.

Mr. CLAYTON. The gentleman from Georgia, when it comes to details, is prepared to show how these estates are maladministered. He will give you the individual instances which he has extracted from the reports of the Attorney-General. I now submit a statement showing the total assets, total dividends, total fees and costs, and total liabilities in the voluntary and involuntary bankrupt cases in all the bankrupt courts in the United

States for the years 1899, 1900, and 1901. These figures are taken from the reports of the Attorney-General for the years named.

ASSETS.

1899:	
Involuntary cases	$11,701,713.43
Voluntary cases	37,863,090.90
1900:	
Involuntary cases	13,433,209.45
Voluntary cases	33,098,771.22
1901:	
Involuntary cases	2,534,266.79
Voluntary cases	7,275,664.84
Total	105,906,716.63

DIVIDENDS.

1899:	
Involuntary cases	$783,871.41
Voluntary cases	1,338,660.30
1900:	
Involuntary cases	513,481.92
Voluntary cases	703,363.00
1901:	
Involuntary cases	1,423,249.25
Voluntary cases	1,750,894.69
Total	6,513,520.57

FEES AND COSTS.

1899:	
Involuntary cases	$90,429.81
Voluntary cases	376,462.53
1900:	
Involuntary cases	82,188.20
Voluntary cases	406,141.24
1901:	
Involuntary cases	366,923.39
Voluntary cases	1,568,471.61
Total	2,890,616.79

LIABILITIES.

1899:	
Involuntary cases	$23,207,181.77
Voluntary cases	355,949,336.48
1900:	
Involuntary cases	27,179,001.20
Voluntary cases	264,979,152.45
1901:	
Involuntary cases	11,316,689.03
Voluntary cases	162,635,658.22
Total	845,267,019.15

How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed twenty-six minutes.

Mr. CLAYTON. After I shall have consumed four more minutes I should be pleased if you would inform me.

Now, Mr. Speaker, briefly as to some features of this bill. This bill seeks to say that no unfortunate debtor shall be discharged in bankruptcy oftener than once in six years. Now, it is claimed that this provision for the discharge of debtors is abused; that men avail themselves of it too frequently. If this be true, our answer is that the law can be repealed, so that he can not be discharged.

Then again, Mr. Speaker, nearly every crime under the laws of the United States—and there are no crimes against the United States except those denounced in the Federal Constitution and statutes—nearly every one of them is barred by statutes of limitations of less than six years; and yet this beneficent bankruptcy law is not only to take into its process a man and brand him with bankruptcy—almost a criminal appellation—but it tells him after he is so branded he shall labor under the burden of debt and under that infamy for six years before he can get another discharge, although he may have been forced into bankruptcy proceedings by his creditors and have made a clean showing and established his honesty? You sequester his estate and give him no discharge if he has had a discharge within six years. This is benevolence with a vengeance.

However meritorious your case may be, you must wait until the expiration of six years to get another discharge. Mr. Speaker, this bill also revives the provision of the bankruptcy law of 1867 allowing corporations to go into voluntary bankruptcy. I do not remember that when this bill was under discussion it was even attempted to include a corporation in the provisions of the law which allows them to take advantage of voluntary bankruptcy proceedings.

If I am not mistaken, it was then refused to give such privileges to corporations. This Congress ought not now to accord that privilege to corporations. That was one of the features that helped to condemn the law of 1867. If a corporation has made a failure; if it has been exploited by adventurers and it fails, it ought to end, and ought not to have the benefit of a discharge in bankruptcy.

Mr. STEWART of New Jersey. If the gentleman will pardon me, I want to ask him if he thinks we fulfill the constitutional injunction when the voluntary and involuntary features are not joined?

Mr. CLAYTON. Yes; Mr. Webster, if I recollect right, when the bankruptcy law of 1841 was under discussion, answered that direct question, and gave it as his opinion that we could create a uniform bankruptcy system and make it apply to voluntary cases only. It has always been my understanding that you could make a uniform system of bankruptcy and let it be simply a voluntary bankruptcy proceeding. I believe that is the law now. You know that the lack of uniformity in the exemption laws of the different States and various other differences do not render a bankrupt act nonuniform in the constitutional sense. I refer the gentleman to In re Beckerford, 4 N. B. R., 203, and to 1 Dill., 45. Again I cite him to the cases holding that distinction between natural and artificial persons does not render a bankruptcy act nonuniform (1 N. B. R., 387, and 95 F. R., 637). And, again, the uniformity required by the Constitution is geographical and not personal in the sense of being alike applicable to all members of society. The Constitution requires uniformity in administration only (In re Jordon, 1 N. B. R., 180).

Now, Mr. Speaker, there are other features in this bill that I would like to take up and discuss and point out, but in the time allowed I will not be able to fully criticise the bill in detail unless we have an opportunity under the five-minute rule. I now yield such time as he may desire to the gentleman from Missouri [Mr. DE ARMOND]; but first I will yield to the gentleman from Georgia two minutes to offer an amendment.

Mr. BARTLETT. Mr. Speaker, I would like to have the Clerk read an amendment which I have to section 3.

The SPEAKER pro tempore. The Chair deems it his duty to state to the gentleman from Alabama that if he yields for the purpose of offering an amendment he will lose the floor.

Mr. CLAYTON. Well, Mr. Speaker, if that is the ruling of the Chair I do not think the gentleman from Georgia will insist.

Mr. BARTLETT. Certainly not.

Mr. CLAYTON. Then I yield to the gentleman from Missouri such time as he desires and reserve the balance of the time that is not used. But before doing so I submit the views of the minority of the committee:

VIEWS OF THE MINORITY.

When the existing bankruptcy act was reported by the Committee on the Judiciary to the House on December 16, 1897, the minority of the committee said:

"We do not believe the bill, * * * with the extensive powers it confers on the Federal courts, is a wise and just measure or one that should be passed."

And now we submit that trial and experience have demonstrated the manifold imperfections of the act, and that many cases of injustice have come from its operation, so that we are now asked to make the amendments proposed in this bill, H. R. 13679.

It is doubtless true that the financial depression of 1893 and the years immediately following furnished many instances where it seemed that the unfortunate condition of debtors justified relief to them through the medium of a uniform system of bankruptcy. Doubtless in many cases State insolvency laws were inadequate because of the constitutional inhibition against the State to pass any law impairing the obligation of contracts, as well as the limitation upon the power of the State precluding it from enacting any law of extraterritorial force.

It was argued, in effect, on this floor and in the report of the committee in favor of this act, that "the provisions of this bill (now the bankruptcy law) carry bankruptcy legislation into the domain of humanity to our debtors and creditors," and also that the shortcomings and imperfections and the excessive cost bills of the former bankruptcy laws had been remedied in the act which we are now called upon to either amend or repeal. The very able report above referred to, filed in behalf of the existing law by Mr. HENDERSON (now the Speaker) in the Fifty-fifth Congress, contains a full history of bankruptcy legislation in this country.

The first bankruptcy law lived from April 4, 1800, to December 19, 1803; the second lived from August 19, 1841, to March 3, 1843, and the third lived from March 2, 1867, to September 1, 1878. The fourth bankruptcy law, now under consideration, was approved July 1, 1898. We mention this to show that while our country has grown in wealth and population as no other country every did in the world's history, yet from the adoption of the Constitution to this good hour, a period of about one hundred and fourteen years, we have had bankruptcy laws at different times covering altogether about twenty-five years. Whether all of the reasons that led to the enactment of former bankruptcy laws obtained in the case of the present one, or whether all the reasons for their repeal are pertinent in the present case is perhaps immaterial

It seems to be a correct statement to say that the American people have not heretofore favored a permanent bankruptcy system, and we do not believe that they now favor it. We do not believe that such laws, however wisely framed, and although allowable under the Constitution, are a credit to any people or age. Such a law is a menace to the honest, conscientious, painstaking merchant wherever located and without regard to the magnitude of his business. We call attention to the fact that the present act is the most drastic and oppressive law, so far as the unfortunate debtor is concerned, that has ever been enacted, and we shall hereafter invite attention to some of the proposed amendments, which would make this law more harsh, and in our opinion more indefensible.

Under this law, as it is proposed here to amend it, the rights of honest and unfortunate debtors who are forced into bankruptcy are minimized, and these debtors are assumed to be guilty of acts hardly short of criminal. They can not obtain relief from their creditors, who have forced bankruptcy upon them, without being first subjected to possible harsh treatment, as harsh as exacting creditors and shrewd collection lawyers can devise. Even when relieved, they are branded with the almost criminal appellation of "bankrupt," and a large part of their assets have been uselessly dissipated in fees and costs.

As a virtue, it is said that some of the amendments to the present bankruptcy law seek to make it impossible for the dishonest debtor to get relief from his debts through bankruptcy. If this is as it should be (and about that we make no dispute), then the dishonest debtor can certainly be deprived of all opportunity of undeserved relief by a repeal of the bankruptcy law, thus leaving him liable for his debts, as he would be without the provisions of this bill, seeking to make his discharge impossible.

That the retention of the present bankruptcy law is in accord with a general demand is a doubtful question, even in the minds of some of those who

here and now advocate the permanent retention of the law, may be inferred from the fact that the chairman of the committee, who filed the report in behalf of the present bill, amendatory of the act, sent many copies of a circular letter to people in different parts of the country, as his report states, in which he asked the recipients of the letters to say, among other things, whether the present bankruptcy law should be amended, left as it is, or repealed.

It may be that nearly all the circular letters were sent to wholesale merchants and jobbers, bankruptcy lawyers, referees in bankruptcy, and other court officials interested in the cost features of the bankruptcy law. In his report the chairman does not tell us how many or how few replies he received to his circular letter. He assures us that only 10 per cent of the replies received opposed the retention of the law. In coming to his conclusion as to the popularity of the measure, it may be that the chairman was largely convinced by the silence of the people addressed, as we are led to believe by his statement in the circular letter that—

"In case you (the recipient of the letter) do not return this paper as requested, it will be assumed that you are satisfied with the existing conditions under the present national bankruptcy law."

We have not been told that the unfortunate debtor's side was presented. The man who has gone voluntarily into bankruptcy and made an honest showing has been, in some degree, considered in this legislation; but it does seem to make the unfortunate debtor, who has been put into involuntary bankruptcy when he was conducting a going business, and who thereby has had his business, credit, and character ruined, subject to every inquisitorial method and harsh measure that commercial lawyers and hard-hearted creditors can suggest.

The drastic provisions of this bill show that in the minds of at least some of its promoters every involuntary bankrupt is deemed to be a thief and a scoundrel from the very inception of the proceedings against him. The resort to this unusual remedy is tantamount to an indictment against the unfortunate debtor. It is no answer to say that he may have a jury trial, under certain conditions, and thereby have his innocence established. He has already been ruined and branded, and there is no adequate remedy, no reparation. But what cares the rapacious creditor for the ruin of a hundred honest men, so that he may at some time catch one dishonest man and force him to disgorge assets that should be applied to his just debts?

The debtor class is entitled to some consideration in bankruptcy legislation. We can very well understand why some wholesale dealers and jobbers, bankruptcy lawyers, referees, trustees, marshals, and clerks of courts might desire the retention of the present bankruptcy law, and favor certain amendments. We think it fair to say that some wholesale dealers and jobbers favor such retention and some of the amendments proposed, because they would like to use the law more and more as a collection machine, and we can understand why referees and others who are interested in the fees from the bankrupt estates desire the enactment of these amendments, increasing their compensation.

But we submit that these should not be our controlling reasons, however just may be some of these demands or suggestions, when we are called upon to legislate for the whole people. Even the improvement of a system essentially bad is not as good as its abolishment. If we ought to be slow about relieving unfortunate debtors and hedge about with many restrictions possible relief to them, as this bill proposes, we ought to be equally slow about conferring new and harsh remedies upon exacting creditors through the medium of extraordinary powers given to the Federal courts and court officials whereby any of the debtor class may be unjustly oppressed or harassed.

We ought to legislate with the idea uppermost in our minds that the creditor class in our country is not as a rule more honest and just and more to be trusted with power and authority than the debtor class, and that the interests of the one are no more worthy of legislative consideration than those of the other.

Let us examine some of the provisions of the pending bill. The first amendment proposed in this bill shows that the committee sympathizes with the tendency manifested by the friends of the bankruptcy law to make it more and more drastic so far as the debtor is concerned, and to render him more and more at the mercy of his creditors through the medium of new and extraordinary remedies.

It is true that this first amendment adverted to, recognizing as it does that the divergence in the exemption laws of the respective States does not render the bankruptcy law nonuniform, as has been settled by repeated adjudications, yet its avowed object is to avoid the effect of the inequalities of the exemption laws of the different States.

The purpose of this amendment is to put every debtor who is allowed exemptions under the State laws, in case his solvency is in question, upon the same footing, as would be in the case of a debtor in a State having no exemption law, or in a case where the debtor owns no homestead. In other words, this is an effort in some degree, and for at least one purpose, to nullify the effect of the exemptions which the State has given to her citizens. We are not in favor of a Federal statute minimizing or avoiding in any degree the effect of State exemption laws.

The creditor has no right to complain that the State, in its wisdom and for the purpose of preventing the possibility of one of its citizens or his family becoming a public burden, has exempted certain property from the payment of debts. The creditor knew this law of the State and its possible effect, and he extended credit in the light of such knowledge, and he has no right to complain when business misfortune overtakes his debtor. It is a step in advance of any definition heretofore given to insolvency to say that the homestead and personal property exemptions in a bankruptcy proceeding, which may have been thrust upon an unwilling and honest debtor, shall not be reckoned when the debtor is made the victim of this harsh involuntary process.

Every State in the Union, and all the Territories, have provided some sort of exemption laws, and the wisdom of the same ought not to be impeached indirectly by a Federal statute declaring in effect that an honest debtor shall not be given credit for common prudence in providing a necessary home for himself and his family. The creditor has no right to complain of injustice growing up out of the exemption laws of any State.

Sections 2, 10, and 11 of the pending bill increase the fees of the court officials, and are in line with the exorbitant charges that rendered the administration of the bankruptcy law of 1867 scandalous and odious; and we predict that the compensation here demanded will be followed from time to time by like demands as long as the bankruptcy law stands. It is a well-known fact that the referees in bankruptcy now have a national association, and it may not be too much to say that increase of compensation, whether right or wrong—and any man can persuade himself that his pay is inadequate—is with them the "paramount object of patriotic desire."

In regard to section 3 of the bill, we do not subscribe to the statement made by the committee in respect thereto, that in the States there are "present notorious inequities practiced on creditors through in-the-family accountings and directorial receiverships under State laws." We believe that under State laws the administration of justice is as wise and as good as can be had under Federal statutes and through Federal courts.

We do not believe it proper to give to corporations the right to go into voluntary bankruptcy, which this bill proposes to do. If a corporation has made a failure it ought to go out of business; it ought to end. We think that a provision allowing a corporation the privilege of voluntary bankruptcy will be subject to great abuse.

Section 5 of the bill interposes new obstacles to the discharge of the involuntary bankrupt. The report says a discharge is a boon, not a right. We dissent from this view. As long as there is a bankrupt law an unfortunate and honest debtor is entitled, as a matter of right, upon proper showing, to a discharge from his debts.

Section 7 interferes with the settled policy of some of the States and makes the wife an involuntary witness in certain transactions. We submit that these States have the right to regulate their domestic affairs, and have a right to refuse to make the wife a witness in any case against the husband, if the lawmakers of the State believe that such a course is most conducive to harmonious family relations.

Even if we were to concede, though we do not, that there ought to be a limit to the right of the debtor to discharge, we affirm that one discharge in six years is carrying the restriction too far, especially in case a man is made an involuntary bankrupt and shows that he is entitled, under the narrow provisions of this law, to a discharge. In all cases we believe that the bankrupt, voluntary and involuntary, ought to be discharged as often as he makes the showing required by the act.

Most crimes against the United States are barred by statutes of limitation of less than six years. If debtors are to be forgiven at all, there is no reason for being less generous to them than to criminals.

While we have urged objection to some of the amendments proposed in the pending bill, we think there are other reasons why the bill should not pass.

We believe that the public interests will be subserved by the repeal of the present bankruptcy law. Five bills for this purpose have been introduced in the House at the present session of Congress, and two for the same purpose have been introduced in the Senate.

It will be remembered that when the bankruptcy act was under consideration in the Fifty-fifth Congress the amendment to limit its operation to two years was adopted, and that subsequently this limitation was defeated by a very narrow majority vote.

We do not believe that there is any necessity or any general public demand for the longer retention of the law. It has tended to burden the Federal courts with much litigation, which we believe could be just as well conducted by the courts of the different States. We believe that the people of the various States favor and uphold just and honest laws, and that the State courts administer justice as honestly, faithfully, and efficiently as do the Federal courts. Bankruptcy laws and other unnecessary Federal legislation, creating new civil remedies and new penal offenses, are unnecessarily burdening the Federal courts, and the administration of public justice is not bettered thereby.

We submit House bill 4574, as a substitute, and recommend its passage, it being in the following words:

"A bill to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898.

"*Be it enacted, etc.*, That the act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' be, and is hereby, repealed: *Provided*, That nothing herein shall in any way affect proceedings under said act begun prior to the time this act takes effect."

H. D. CLAYTON.
W. H. FLEMING.
DAVID A. DE ARMOND.
D. H. SMITH.

Mr. DE ARMOND. Mr. Speaker, I am one of those who believe that a bankruptcy law to be fair and useful must have a limited existence; and that it ought to have no existence whatever except at stated intervals, when the general condition of the country is such that, for the relief of those who are overwhelmed by debt, some means beyond those which ordinarily exist should be supplied.

I do not believe in a bankruptcy law the main object and purpose and office of which are to enable the creditor to bear down more heavily upon the debtor, thus giving him less opportunity of taking care of himself and escaping bankruptcy. Hence, I was opposed to the passage of this bankruptcy law when it was adopted some four years ago, and I believe the time surely has arrived—no matter how necessary and proper the law may have been thought then—I do not think it was necessary or proper in its present form, but passing that, I believe that surely the time has now arrived when the bankrupt law ought to be repealed.

We are now to consider the question whether this bankrupt law shall be retained upon the statute book as a permanent feature of our jurisprudence, or whether it is better to repeal it and allow the people to get along, as during most of the history of our country they have got along, without a bankrupt law.

Aside from the question of whether the entire law is to be repealed, I believe the effect of the passage of this bill will be to make bad worse. This bill, as I think will be evident to anyone who studies it and ought to be evident to anyone who reads it attentively and compares it, even superficially, with the existing law, is designed for the purpose of "perfecting" the law, as they call it, from the standpoint of the capitalistic class of the country, and not from the standpoint of the insolvent debtors or those who may become insolvent under its operation.

One effect of it will be to transfer more surely the business of the several communities of the country to the centers of population, to the great money centers of the country. The legislation is distinctly against the interests of the local business men and the local professional men and is distinctly in the interest of those who are congregated in the large cities and are powerful through accumulated wealth in the metropolitan business and professional life. The banker and the lawyer and the business man in the small country place, the comparatively small place, will be sacrificed for the benefit of the mightier banker, the greater lawyer, and the wealthier business classes in the great cities of the

country. That is the inevitable tendency, and, with all due deference to those who support the bill (and I am not questioning the motives of anybody), it seems to me that if they have studied it carefully it must be their conscious purpose to accomplish that. Because whatever this bill will accomplish must be in the contemplation of those who are favoring its passage, so that they must be held to desire to accomplish that which its passage will accomplish.

One provision is to increase the fees of the officers called into being by the bankruptcy law, as well as the others who are its official beneficiaries. There is no necessity whatever that the increase be made. This increase is distinctively for the benefit of this office-holding class, created by this law in large part, the functions of others largely increased by it, and in no sense is it in the interest of the unfortunate debtors of the country.

Mr. LANHAM. I wish to ask my friend whether he does not believe that the greatest demand for amending the present bankruptcy law comes from this source which he has just described—from official persons who are interested in the increase of fees and costs of administering bankrupt assets?

Mr. DE ARMOND. I have no doubt that every one of these officials who will be benefited by this bill directly as an office-holder is lending the benefit of his valuable counsel and influence to persuade the Congress of the United States that it is very essential for the public good that he be better taken care of than he is under the existing law.

Mr. LANHAM. Does not the gentleman think that the clamor for the amendment of the existing law comes from that source?

Mr. DE ARMOND. I have no doubt that these gentlemen are very influential factors in it. It is perfectly natural that they should be.

Mr. LANHAM. I wish to say that I thoroughly agree with my friend in his opposition to any increase of the costs in administering these bankruptcy assets.

Mr. BARTLETT. Is it not the fact that the agitation for the increase of these fees of referees was started by a gathering or association of the referees of the United States bankruptcy courts held last summer, and that they are very largely the class who have agitated the question and have brought the petitions here in favor of this amendment of the law?

Mr. DE ARMOND. I think, Mr. Speaker, that is true. But however this bill originated, and whoever is behind it, and whoever is most influential in the movement, I wish to say, in passing, that one object of the proposed legislation is, and one certain effect of it will be, to increase the fees and emoluments of those who administer the law, to the very great gratification, no doubt, of each and every one of them.

Another effect will be to change the law of evidence in some States where the wife is not a competent witness in any affair of a civil nature in which the husband is interested as a party. Why is this done? It is done because the class of people adverse to the bankrupt fancy they can get some benefit out of it, not because the unfortunate debtors of the country, seeking relief through a bankruptcy law, believe it will be of any benefit to them, or are asking that the change be made.

The truth is—and it may all be said in one word on this point—there is not a line in this amendatory bill that is suggested by any agency or any interest in the United States that represents or is connected in a beneficial way with the debtors of the country who may avail themselves of a bankruptcy law.

Now, one of the provisions of this amendatory bill is that insolvents shall be denied relief in bankruptcy proceedings oftener than once in six years. It is said that in many instances persons have made an industry of going into bankruptcy—have acquired credit, absorbed what they could gather from unsuspecting creditors, and then plunged into bankruptcy, wiped out the old score, and by aid of a little perjury (which to them I suppose amounts to little) have gone away with the fruits of their evil doings.

All agree that as to those people—as to those who go into voluntary bankruptcy corruptly and dishonestly, for the purpose of defrauding their creditors—there ought not to be that relief which comes from a discharge in bankruptcy. The very fact that this rascally use and abuse of the bankrupt law frequently occurs, as no doubt it does, is at once an impeachment and condemnation of the law itself. Everybody knows—all experience has demonstrated—that bankruptcy laws are abused, and that many seek their aid, not as bona fide unfortunate debtors seeking relief from debts which they can not pay, but as scoundrels to cover up and save property which by scoundrelly acts they have gathered from unsuspecting creditors, managing under even the best of bankruptcy acts to escape the liability which otherwise would rest upon them. That is one of the reasons why bankruptcy laws should never exist except for a short period of time, as emergency legislation for an emergency. They will always be abused; some men, too many men, always will make an industry of abusing them. Such is the business of certain fraudulent bankrupts, the bankrupts who, as a way to wealth, go into bankruptcy for what they can make out of it.

How about the other bankrupt—the honest but unfortunate debtor, the venturous man, if you please, the misguided man—who through bankruptcy proceedings is relieved from the obligation of his debts and engages in business again, and who, perhaps through bad management, perhaps through misfortune, is again overwhelmed with financial disaster and again thrown into a bankruptcy court, and when his assets are administered asks for his discharge so that he may begin again; is he freed from the burden of debts which he can not pay? There is an "improvement" here providing that if a man has been once discharged or denied a discharge in bankruptcy within six years there can be no discharge for him. No matter how honest he may have been, no matter how meritorious his case, the mere fact that he has been in the bankruptcy court and has been discharged or been denied a discharge within six years bars him from being relieved again in the same way.

His position may be that of a man who says, "You put me into the bankruptcy court once; I have gone through and been discharged. I believe I can get along without further relief of this kind. I do not want to go into your bankruptcy court any more." But he is to have nothing to say about it. Additional provisions are added by this bill under which he can be thrown into involuntary bankruptcy. He is helpless then, his credit gone, his business taken away—he is lost, it may be within a year, it may be within five years of his former discharge in bankruptcy—if this bill passes as it now is the man thrown into bankruptcy involuntarily will be denied a discharge solely upon the ground, if all other reasons for his discharge coexist, that he was or was not discharged before within six years.

To my mind that is an abomination. Who suggests it? Where does it come from? It comes from the collecting agency, from the men interested in oppressing instead of relieving the poor; it comes from those who would make worse the condition of the unfortunate, instead of from any who would relieve from financial misfortunes.

The general course of the law is to be interfered with in a great many ways. For instance, among other things, the trustee is required to-day to pay the taxes upon the bankrupt estate. With care and prudence now they provide in this bill that the taxes upon the homestead and other exempt property, whatever it may be, shall not be paid out of the bankruptcy fund.

In other words, here is a man crowded into bankruptcy. He believes he can swim, he believes he can go through the storm, can escape what some men regard as the reproach of being adjudged a bankrupt; every part of his property is taken possession of, except that which is absolutely exempt under the law. It may be that he has been carrying a pretty heavy load and has, in developing all his available means to the payment of his debts, allowed taxes to accumulate to a considerable extent upon that very property which is exempt; namely, the shelter for wife and children, the food upon which they are to live, the household furnishings which are absolutely essential to their existence.

Now, if this amendatory bill shall be passed, if this "reform measure" be enacted to "perfect the law," if this "reform" shall be made, then, after there is taken from the involuntary bankrupt all but that which is absolutely exempted by the law and which can not be reached, with nothing to pay taxes except by the sacrifice of that which it is the policy of the law to preserve—not particularly for his benefit, but for the benefit of helpless women and children—his condition will be pitiable indeed. The shelter for wife and child may be swept away by the tax collector, because not a penny of his estate, be it great or small, is to go toward the payment of those taxes.

The fact is that at every point where an officer in bankruptcy, where the agent of a large collecting establishment, where the powerful who make wealth out of the oppression of the poor, where these believe that the screws can be put a little tighter, believe that the weight can be made a little heavier, believe that the burden can be made a little harder to bear, believe that the slavery of debt can be made a little more complete—everywhere that any of these "reforms" can be accomplished according to the ingenuity of those who have studied them well and apprehend them fully, this bill provides for the case.

I have not time to go through all these amendments embodied in this bill. They can be summed up, in a general way, under two or three heads. One is to increase the fees and emoluments of officers. Here is an instance: The trustee is paid now a percentage on what he distributes. Is that harmful to the creditor or the debtor? He is to be paid under this revised bill—this "reform measure," this measure that "perfects" the law—a percentage upon what he handles; and so it goes clear through. Ten-dollar fees are to be doubled.

There are additional grounds of bankruptcy found and put into this bill, lest by chance some unfortunate debtor might escape the

net of the reformer Shylock. The notice necessary to be given when a petition is filed against an involuntary bankrupt under the law as it now exists is too long. It is shortened—hurry them to the gallows. Why stop? Why pause? Swift and complete let your progress be. Shorten the notice; hurry the execution! Now, what is the object of that? What man can conceive of an object in it, except that which is beneficial to the powerful agency which forces the bankruptcy, and may be prejudicial, and probably will be, to the helpless victim of the proceedings?

To enumerate, here are some of the additional obstacles to a discharge in bankruptcy: The great object is first to make it easier and swifter and surer to force into bankruptcy anybody you choose to put there. Next, to limit still further the victim's prospect for relief. There is no protection for the man wrongfully thrown there. If he is involved in debt, if he is in embarrassed circumstances financially, he is ruined by the filing of the petition. They have made swifter and more secure the course of the man who assails him, and less to hope for is left to the unfortunate.

These are some of the additional things that bar the bankrupt from relief.

(3) Obtained property on credit upon a materially false statement in writing made by him to any person for the purpose of obtaining credit, or of being communicated to the trade or to the person from whom he obtained such property on credit; or (4) made a fraudulent transfer of any portion of his property to any person; or (5) been granted or denied a discharge in bankruptcy within six years.

Having been denied a discharge within six years, thrown into bankruptcy again after six years from the day a discharge is granted, after six years from the day a discharge is denied there may be a hope for the hapless bankrupt, but during the six years, whether he rests under the disability of being a bankrupt without a discharge, or whether he was discharged during the six years, though he may be thrown into bankruptcy never so wrongfully, though he may be made to suffer never so cruelly, though the outrage upon him may be unparalleled, there is no discharge for the six years anyhow for the doomed wretch. His doom may be awful, but there is to be no escape from it. Honesty, helplessness, good faith, misfortune, charity, humanity—nothing saves him! The six years' limit absolutely bars him.

Not only that. The phraseology of the law is to be further amended in regard to this matter of discharge. The way of the helpless bankrupt must be made hard indeed. Not only are these conditions imposed, but there is a change of the existing phraseology. Under the existing law a fraudulent intent is to some extent necessary, as witness this provision:

Or with a fraudulent intent to conceal his real financial condition, and in contemplation of bankruptcy, destroyed, concealed, or failed to keep books of account.

By this bill the word "fraudulent" is taken out of that, the word "true" is taken out of it, and the words "in contemplation of bankruptcy" are taken out of it, narrowing it just as much as possible. And that "reformed" provision bars from a discharge. And so it goes, from beginning to end of this bill.

I will not dwell upon another feature of the bill before us, though in my judgment hours would hardly suffice for all the words of condemnation which it merits. I refer to the provision for enabling corporations to become voluntary bankrupts and to be discharged as such from the obligation of their debts and liabilities.

Let him pretend who will that he yearns for a bankruptcy law for the relief of insolvent debtors, his proposal to give acquittances to corporations must ever raise doubts in my mind as to whether he is entirely sincere or as to whether his diagnosis of his own motives has been scientific enough to furnish him with a full measure of enlightenment.

Permit corporations to become voluntary bankrupts, and thus to be freed from the burden of their debts, and you open wide the door to fraud. Thus may a corporation be wrecked, to the great injury of its innocent stockholders, and thus may the innocent creditors of a corporation be undone.

Honest corporations, honestly managed, need no bankruptcy law. Dishonest corporations and corporations dishonestly managed deserve none.

When a corporation is swamped the wreck may be deserted and another corporation may be created; but it is quite another thing to desert a man when he is swamped, for your laws can not create another man at will. This provision lacks charity in appearance as it does humanity in fact.

The law which is so framed as to deny relief oftener than every six years, if at all, to poor, suffering men, while it is prodigal in its helpfulness to man's creature, the corporation, no doubt merits corporate benedictions, but I believe it deserves to be accursed for its inhumanity to man.

The whole question, Mr. Speaker, is a very simple one. It is, first, whether four years of this bankrupt law are not enough; whether there ought not to be a repeal of the law and an absolute prevention, by the repeal, of the fraudulent practices of those who resort to the bankrupt courts for the purpose of obtaining discharges in order to conceal and keep and preserve safe what they have stolen; whether there ought not to be a repeal in order to protect those who are the victims of those others who would oppress; whether there ought not to be a repeal of the law so that the people may do their business, collect their debts, have their financial and their personal confidences and security back in their own communities, where they are known and pass for what they are; whether the law should not again be so that friend may help friend in distress without himself being held guilty—without the friend being guilty of an act of bankruptcy in attempting or accepting with gratitude an act of humanity.

As it is now, a man in straitened circumstances applying to his neighbor for aid, and the neighbor lending the aid with the assurance that he will be protected if bad comes to worse, is committing an act of bankruptcy. To go to a friend and rely upon friendship, to render the offices of friendship to a friend in distress, is now to stand stamped as a criminal; and they are by this bill adding to the "criminality" of a generous act and increasing the penalties. And so the question next is, Should this bill be passed?

Mr. POWERS of Massachusetts. I should like to ask the gentleman from Missouri this question: Suppose the bankruptcy act were repealed, what relief, then, would the debtor have? I take it that the only relief he could have must be under the insolvency law of his State, and that would not relieve him from oppression by creditors residing outside the State, would it?

Mr. DE ARMOND. I have heard of no demand on the part of the debtors anywhere for the relief that a continuance of the bankruptcy law will give.

Mr. POWERS of Massachusetts. Do you understand that any State insolvency law can relieve a debtor in a State from a claim that is held outside of the State?

Mr. DE ARMOND. Oh, no.

Mr. POWERS of Massachusetts. So that without a national bankruptcy act, the debtor would have no relief except such relief as he can get in the State in which he resides?

Mr. DE ARMOND. And by arrangement with his creditors; of course, I understand that.

Mr. POWERS of Massachusetts. But if he could not make an arrangement with his creditors outside, he could not get the relief.

Mr. DE ARMOND. Of course not. If the very worst that is possible should come to him without the bankruptcy law, he would be no worse off than he would be for six years under this amended bill, provided he had ever been through bankruptcy. You condemn him for six years absolutely, while in the States and under the old law he has some hope from the mercy or the generosity or the business sense of his creditors; but from this ironbound, ironclad, oppressive, outrageous law he would have absolutely none. The door of hope would be shut.

Mr. POWERS of Massachusetts. Just one more question. Do you know of any State where an insolvency law ever existed that permitted a debtor to go through insolvency oftener than once in six years?

Mr. WILLIAMS of Mississippi. Why, yes.

Mr. DE ARMOND. Oh, yes.

Mr. SMITH of Kentucky. A great many of them.

Mr. DE ARMOND. All the debtor asks under the insolvency law of a State is that his estate be distributed, and it is distributed under the law.

Now, Mr. Speaker, I call attention to the amendment offered by the gentleman from Alabama, the amendment to strike out.

The SPEAKER pro tempore. The gentleman from Alabama has offered no amendment.

Mr. DE ARMOND. Do I understand the Chair to say that the gentleman from Alabama has not offered the amendment?

The SPEAKER pro tempore. He has not offered it.

Mr. DE ARMOND. Then I offer that amendment, to strike out all after the enacting clause and insert the matter that is at the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the enacting clause and insert the following in lieu thereof:

"That the act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' be, and the same is hereby, repealed: *Provided*, That nothing herein shall in any way affect proceedings under said act begun prior to the taking effect of this act, and this act shall take effect ninety days after the approval thereof."

Mr. RAY of New York. Mr. Speaker, I desire to reserve a point of order on that.

The SPEAKER pro tempore. The gentleman from New York reserves the point of order against the amendment.

Mr. DE ARMOND. Had we not just as well dispose of the point of order?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. DE ARMOND. I did not understand the statement of the Chair.

The SPEAKER pro tempore. The point of order will be reserved, unless the gentleman insists on its being made at once.

Mr. DE ARMOND. Of course I have no objection to that. Mr. Speaker, I do not understand what the point of order is. I understand that one was reserved, but I should like to know what it is.

Mr. RAY of New York. Are you through now?

Mr. DE ARMOND. I was just asking for information. I am now upon the question of the amendment.

Mr. CLAYTON. Mr. Speaker, I want to reserve the unused time.

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. CLAYTON. I do not understand the situation. I want to reserve the unused time that I yielded to the gentleman from Missouri.

The SPEAKER pro tempore. That is four minutes.

Mr. DE ARMOND. I offered an amendment, and I desire to know what is the point of order.

The SPEAKER pro tempore. The gentleman has not used all the time by four minutes. The gentleman offers an amendment, upon which he is entitled to the floor.

Mr. DE ARMOND. I want to know what the point of order is.

Mr. LANHAM. That it is not germane to the bill, which is a proposition to amend certain sections of the law. If I understand the amendment, it is to repeal the existing law—all law on the subject of bankruptcy.

Mr. BARTLETT. What is the point of order?

The SPEAKER pro tempore. The point of order is that the amendment offered by the gentleman from Missouri is not germane to the pending bill.

Mr. STEWART of New Jersey. Before the gentleman from Missouri goes into that question I want to ask him——

Mr. DE ARMOND. One moment. Mr. Speaker, as this is a very important matter, I think we might just as well have it decided here. I desire to hear what gentlemen have to say upon that question and dispose of it. If the gentleman who raises the point of order, Mr. Speaker, does not desire to be heard, I would like to say a word or two upon the question.

The SPEAKER pro tempore. Does the gentleman from New York desire to be heard upon the point of order?

Mr. RAY of New York. I reserved the point of order. I supposed that we would dispose of that at a later time.

Mr. DE ARMOND. I think that we had better pass on it now, and then we will know what to do.

Mr. RAY of New York. I have not my copy of the rules before me. The Speaker, the gentleman now in the chair, is a skilled parliamentarian, and for me to talk parliamentary law to him would seem to be a unique performance—a performance I do not care to indulge in, to any great extent at least. But it does seem to me a common-sense idea that the proposition here to amend certain specified sections of the bankruptcy law—a general law containing a great many sections, being a complete law, a complete act in itself—is not amendable by a proposition to repeal the entire law, wipe it out of existence; that entire repeal should not be in order on the proposed amendment; that it should not be germane to the bill which the committee has presented to the House and which the House is now discussing and is to pass upon. We do not propose by this amendment to change the entire law; we do not propose to modify or enlarge the entire law. Repeal has nothing to do with our propositions, which are presented from the committee, but it is a proposition entirely disconnected therewith and inconsistent. A proposition to wipe out of existence a law which we propose to improve, which we propose in certain respects to amend and make more perfect, is not amended by repealing the law. This question may have been passed upon many times. I have not had time to examine it; but it does seem to me as an original proposition that it can not be germane to the bill now before the House.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman a question in that connection. Does not the pending bill repeal certain features of the bankruptcy law?

Mr. RAY of New York. Not at all. It does not expressly repeal a single sentence or word in it.

Mr. CLAYTON. May I interrupt right on that?

Mr. WILLIAMS of Mississippi. In just so far as an amendment goes it is a repeal of some of the features of the present bankruptcy law.

Mr. RAY of New York. It does not repeal anything. It is an addition to some extent, and it is in an addition making more clear and explicit the provisions of the law.

Mr. WILLIAMS of Mississippi. Permit me to continue the interruption a moment. Your bill now pending does amend features in the present bankruptcy law?

Mr. RAY of New York. Certainly; that is the purpose of it.

Mr. WILLIAMS of Mississippi. Now, then, it is not possible to amend an existing law without repealing or qualifying certain features of the existing law.

Mr. RAY of New York. I do not agree with the gentleman at all in that statement.

Mr. WILLIAMS of Mississippi. Let me finish the question.

Mr. RAY of New York. That might be in the way the amendment was made, and it would depend upon the amendment in my judgment.

Mr. WILLIAMS of Mississippi. Is it possible to amend existing law except in one of two ways—either by limiting or by extending the capacity and operation of the existing law? Is there any other way to amend a law?

Mr. RAY of New York. That could be done by addition to, without a repeal of, any part.

Mr. WILLIAMS of Mississippi. Can you amend a law without either adding to it or taking from it?

Mr. RAY of New York. Well, I do not know that you could. I do not think you could amend it unless you either add to it or take from it.

Mr. WILLIAMS of Mississippi. And then, unless it was an idle pretense, any amendment adds to or takes from the existing law. Is it not true that your pending bill in certain features adds to and in certain other features takes from the existing law? And if it be true that the pending bill is pro tanto a repeal either by addition or by subtraction of existing law, is not a further addition or further subtraction always germane to the addition or subtraction sought to be enacted?

Mr. RAY of New York. Mr. Speaker, by simply adding to existing law you do not repeal it at all. Now, by taking one provision away you might, to a certain extent, repeal that particular provision, but you would not repeal the law.

Mr. CLAYTON. May I interrupt the gentleman one minute? I do not think he remembers one feature of this bill or he would not have answered one question by the gentleman from Mississippi the same as he did. The gentleman from New York said that this bill did not repeal any part of the existing law.

Mr. RAY of New York. It does not in terms, does it?

Mr. CLAYTON. This report on page 2 says:

> The next amendment, section 5 of the bill, makes definite and certain the purpose of the law as it was framed, to wit, that the words "in contemplation of bankruptcy" mean a present or future state of insolvency and purpose to take advantage of the law.

Now, as I understand it, this bill strikes out from the original law these words: "in contemplation of bankruptcy."

Mr. RAY of New York. Oh, no; the gentleman is mistaken.

Mr. CLAYTON. What is the change?

Mr. RAY of New York. Look at the bill. Of course, in some respects we do strike out words and add some words, making a broader meaning. In terms we do not repeal any section.

Mr. CLAYTON. You do not have to repeal a whole section; you can repeal provisions by implication.

Mr. RAY of New York. I understand all that. We will not go into refinement. What I intended to say in reply to the gentleman was that we do not in terms repeal any section or any portion of any section. We do change some language and add some language, and you could not make an amendment without doing that.

Mr. CLAYTON. But you do repeal some provisions in the existing law.

Mr. RAY of New York. I do not concede that; I have denied it.

Mr. LANHAM. In every instance where an amendment is suggested these words were implied: "And the section is hereby amended so as to read as follows," and there is no purpose to interfere with the general body of existing law.

Mr. RAY of New York. That is it.

Mr. WILLIAMS of Mississippi. I find in the gentleman's report, on page 5, the following language——

Mr. RAY of New York. I wish the gentleman would not take up time unnecessarily unless it is for the purpose of instructing the occupant of the chair. I do not want him to ask me questions on parliamentary law, because I am not competent to answer them; to ask many questions of one knowing no more than I do about it would be a ridiculous performance. But I will answer the gentleman's question the best I can.

Mr. WILLIAMS of Mississippi. I find on page 5 of the report this language:

> Section 5 modifies one of the present objections to a discharge and adds four new objections.

Mr. RAY of New York. I have stated repeatedly, and now if the gentleman has not heard me, let me state it so he can hear. We do add to this bill, but I deny that the addition or provision repeals existing law.

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me, thus far I have read his own language and have not asked a

question. Now, the question I want to ask is this: If in the pending bill you deny a discharge upon four new grounds, which, under the existing bankrupt law, could be granted, then why is not it germane to extend by amendment the objections which you have in the bill extended to a discharge?

Mr. RAY of New York. So that nobody could be discharged.

Mr. WILLIAMS of Mississippi. Of course not. Your present bill now pending denies to a man, who, the day before the passage of the bill, could have been discharged, the right to be discharged; and why is it not germane to add to that list men who, prior to the passage of the law, could be discharged, but afterwards could not be discharged, not in a few categories but all categories?

Mr. RAY of New York. If that was the general tenor and purpose of our bill that would be germane, but that is not what you propose. You are proposing to wipe out of existence the entire law. You do not propose to add to causes that are grounds for a refusal to discharge.

Mr. BELLAMY. I would like to ask the gentleman a question. There are 70 sections in the bankrupt law?

Mr. RAY of New York. I think so.

Mr. BELLAMY. Your bill simply proposes to amend certain sections of the bill?

Mr. RAY of New York. Seven or eight of them, I think; possibly more.

Mr. BELLAMY. And the rest are left intact?

Mr. RAY of New York. Yes.

Mr. BELLAMY. It does not affect the whole bill?

Mr. RAY of New York. The general purpose of the law is unaffected by the general proposition of our bill.

Mr. BARTLETT. I desire to be heard on the point of order for a minute or two.

The SPEAKER pro tempore. The gentleman from New York is on the floor.

Mr. CLAYTON. Can not anybody be heard in opposition to the gentleman's parliamentary proposition?

Mr. RAY of New York. So far as I am concerned, I do not think I can throw any light upon the question at all. The present occupant of the chair is an experienced parliamentarian, who was studying parliamentary law before I came to Congress, and I have made no study of it at all. I have picked up some things, surely, but bow to the occupant of the chair. I am perfectly willing to leave the question to the present occupant of the chair. Of course, on this question——

Mr. WILLIAMS of Mississippi. The gentleman ought to tell us what his argument is, so that we can answer it.

Mr. RAY of New York. Mr. Speaker, it is almost impossible to speak a sentence in the presence of certain of my respected colleagues—gentlemen for whom I have the highest regard—without interruption. It does seem to me as if they were trying to fool away the time. Now, as I understand—if I am incorrect, the Chair will please correct me—as I understand, without interfering with the general debate we are discussing simply the point of order.

The SPEAKER pro tempore. That is correct.

Mr. RAY of New York. If that be so, I will yield the floor. There is nothing more of interest that I can say on the subject.

Mr. BARTLETT. Mr. Speaker, I wish to address myself for a minute or two to the point of order only, and I do so with some reluctance because of the well-known fact that the present occupant of the chair is well versed in parliamentary law; much more so than I am, and therefore I content myself with making a suggestion and citing some precedents, to which I ask the attention of the Chair.

We ought to come back to the question, What is it we have under consideration? This bill proposes to amend the bankruptcy law by providing certain amendments to it which materially change the present law on that subject and which in effect virtually repeal certain provisions now existing.

Let me refer to one important particular in which this proposed bill absolutely repeals a certain section of the existing bankruptcy law. We know that in the present law it was provided by an amendment in the House on a vote which changed the bill known as the Henderson bill as reported from the Judiciary Committee, and but for which change I doubt very much if that bill could have become a law at all—a provision requiring that all suits brought by trustees of a bankrupt to recover property which had been conveyed by the bankrupt prior to his bankruptcy should be brought in that court alone which would have had jurisdiction if no bankruptcy had taken place. That is an express provision of the existing bankruptcy law—a provision inserted by the House in 1899 by an amendment offered on the floor of the House and advocated most strenuously, as I remember, by the gentleman from Iowa [Mr. LACEY].

Now, because of the fact that the Supreme Court of the United States since the passage of that bill has decided that a United States court has no jurisdiction to hear and determine cases for the recovery of property which was conveyed by the bankrupt prior to his adjudication, and therefore where the parties are both citizens of the same States, the State court has the sole jurisdiction and a United States court has no jurisdiction; because of that decision, this bill proposes to repeal absolutely that section of the bankruptcy law by declaring that the United States courts in such cases shall have concurrent jurisdiction with the State courts. Under the present law, as construed by the Supreme Court of the United States, the State court has sole jurisdiction unless the United States courts acquire jurisdiction by reason of the fact that the parties are citizens of different States.

This bill absolutely provides that a trustee, whether he be a citizen of the same State or a citizen of a different State from the party whom he proceeds against, may bring his suit in the Federal court. In this way that very material and important provision of the existing bankruptcy law, which was inserted in this House and without which it could not have passed the House, is proposed by the bill now before us to be repealed.

Now, the amendment offered by the gentleman from Missouri [Mr. DE ARMOND], which seeks to repeal that entire bankruptcy act, is offered in the nature of a substitute, and it is a well-known principle of parliamentary law that the opponents of a measure may offer as an amendment in the nature of a substitute a proposition which entirely changes the character of the pending bill to such an extent that even those who advocate the bill in its original form may not vote for it. I ask the attention of the Chair to a sentence which is to be found on page 736 of the Manual:

A new bill may be ingrafted by way of amendment on the words of "Be it enacted," etc.

And reference is made to Hinds's Manual, 1046, with a reference also to Mr. Jefferson's Manual, which is accepted as authority in this House unless the rules of the House expressly provide otherwise. From Jefferson's Manual, page 187, I read the following:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves (2 Hats., 79; 4, 82, 84). A new bill may be ingrafted by way of amendment on the words "Be it enacted," etc. (1 Grey, 190, 192).

So that, Mr. Speaker, when we come to a proposition that substitutes one provision for another we are supported by the well-settled principle of parliamentary law that the opponents of a measure, if they have the numerical strength, may ingraft upon the enacting clause of the pending measure a substitute which entirely changes the effect of the measure.

Now, I submit, Mr. Speaker, that this substitute is germane for the reasons that I have endeavored to convey to the Chair, because it repeals the entire bankruptcy law, and the bill before us, while it does not use the words "is hereby repealed," in effect does repeal, and the words are not what make a law, exactly, but the effect that is to be had.

Mr. LANHAM. May I ask the gentleman from Georgia a question?

Mr. BARTLETT. Yes.

Mr. LANHAM. What is the object of this bill?

Mr. BARTLETT. Which bill?

Mr. LANHAM. This bill that we have now before us.

Mr. BARTLETT. The object of this bill I think might well be stated to be an effort to turn the Federal courts into a collection machine for various creditors.

Mr. CLAYTON. And to increase the fees of officers.

Mr. LANHAM. That is not an answer from a parliamentary standpoint. I say, What is the object of this bill—what is the purpose of it?

Mr. BARTLETT. The purpose of this bill is to amend, add to, or take away from certain provisions of the existing bankruptcy law. I think that every one of the amendments adds to it. The gentleman from New York, who made the report——

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman permit a suggestion at this point?

Mr. BARTLETT. Yes.

Mr. WILLIAMS of Mississippi. An addition to an addition or a subtraction from a subtraction is always germane.

Mr. BARTLETT. Yes; I should think so.

I do not desire, Mr. Speaker, to detain the House any longer. I desire to say that in my judgment, from the examination I have made of the parliamentary law by which we are guided, from the usage of parliamentary bodies in permitting substitutes to be offered, which, though they may have a different purpose in view than the authors of the bill intended, though they may destroy the purpose of the bill, yet we have a perfect right to offer, and I submit that this is entirely germane. [Applause.]

Mr. CLAYTON. Mr. Speaker, the gentleman from New York [Mr. RAY] advocates, and the committee has offered, the pending bill, entitled "A bill to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898." Now, that is the title of the bill—to

amend that act. Let us examine the amendments and see if the amendment which I have read in my time and which has been offered at my suggestion by the gentleman from Missouri [Mr. DE ARMOND] is not entirely germane to this bill.

The bill is to amend the bankruptcy act. It does not say and it is not restricted in substance to amendment by way of addition only. The body of the bill shows that its effect and its object is to amend the bankruptcy law in more than one respect. It amends it, Mr. Speaker, by adding new provisions to the original bankruptcy law. It amends it by subtracting from the provisions of the original bankruptcy law.

It amends it by adding to it the power of the bankruptcy court to make a man's wife a witness in a bankruptcy proceeding. That is an addition, pure and simple. It subtracts from the law which gives a man the right to a discharge in bankruptcy as often as he can make a proper showing. Under this bill that right is taken away or not allowed except once in six years. It subtracts from the right of the bankrupt and says he shall not be discharged except once in six years.

Then again, Mr. Speaker, another change in the law. Turn to section 17 of the bankruptcy law, and it reads as follows:

SEC. 17. Debts not affected by a discharge: a. A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are judgments in actions for frauds or obtaining property, etc.

By section 6, on page 4 of the bill, this section 17 is amended so as to read as follows:

SEC. 17. Debts not affected by a discharge.—a A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for frauds, or obtaining property, etc.

In the law the words "judgments in action" are used, and the bill amends that provision by striking out those words and inserting "liabilities." Every lawyer knows what "judgments in action" means. It is a term of well-ascertained legal meaning. It has a restricted meaning. It is not as large a term in meaning as the word "liabilities." The words "judgments in action" in the original law are stricken out and the word "liabilities" is substituted. This is one amendment.

So I say, Mr. Speaker, that this bill, both directly and by implication, adds to the original act and subtracts from the original act. Now, every time you make an addition or a subtraction from a law you repeal that law pro tanto. The difference between this bill to repeal a part of the law and this amendment to repeal the whole law is not a difference of principle.

A repeal pro tanto is a repeal different from a repeal in toto in the fact that it is less in extent only. The same principle underlies both. This bill certainly, in the respects that I have named and in others, repeals pro tanto, so far as each one of those amendments is concerned, the original law. This substitute which the gentleman from Missouri [Mr. DE ARMOND] has offered repeals the law in toto. There is no difference in principle.

Mr. WILLIAMS of Mississippi. The sections of the original law must be considered as germane to one another.

Mr. CLAYTON. Yes; as said by the gentleman from Mississippi, the sections of the original law must be considered as germane one to the other.

Mr. LANHAM. Will my friend allow a suggestion?

Mr. CLAYTON. Certainly.

Mr. LANHAM. My friend is a member of the Judiciary Committee.

Mr. CLAYTON. Yes; I have the honor to serve on that committee with the distinguished next governor of Texas.

Mr. LANHAM. I thank the gentleman. He very thoroughly understands the objects and purposes of this bill. He was present in the committee, I suppose, when those amendments were considered.

Mr. CLAYTON. Yes.

Mr. LANHAM. Now, was it not utterly foreign to the purpose of the committee, in presenting these amendments, to suggest any idea of repealing the existing law on the subject?

Mr. CLAYTON. I think not. I think it was the purpose manifested in almost every line of this bill to repeal very essential parts of the original law, and that is exactly my position, that you intend by this bill to repeal essential and vital parts of the original law. I specify some of them, to wit, the right of a man to avail himself of its operation for a discharge whenever he pleases; to strike out the words "judgments in action" and substitute the word "liabilities," which is a larger word. And in other respects you intend to repeal vital and essential parts of the original law, and to add other provisions.

Mr. LANHAM. Was it not intended by the committee that the original law should stand?

Mr. CLAYTON. As amended, certainly; and your amendments go only a part of the way toward repeal. My amendment goes the whole way.

Mr. WILLIAMS of Mississippi. It is not a question of intent.

Mr. CLAYTON. You go halfway and I go the whole way. That is the difference. Now, Mr. Speaker, I believe I have said all I desire to say on this point of order.

Mr. RAY of New York. Mr. Speaker, it does seem to me that the last argument adduced by the gentleman from Alabama, as applied to his colleague from Texas [Mr. LANHAM], ought to convince the Chair that this proposed amendment is not germane. It ought also to be convincing to the Chair that hereafter every time it is proposed to amend a law we should not be compelled to vote on a proposition to repeal it, but I shall be content to have the decision of the Chair, and I now ask the Chair to decide the point of order so that we may go on with business.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, the point that I want to make, and that I want the Chair to listen to, is this: The different sections of the existing bankruptcy law are, parliamentarily speaking, germane to one another. That, I take it, is a proposition which can not be disputed. Sections 2, 3, 21, and 23 of the existing bankruptcy law are germane to one another, in the contemplation of the Chair, viewing questions affecting the existing law, and must necessarily be.

Now, then, if a bill is brought into the House modifying and repealing pro tanto or in toto a single one of the sections of the existing bankruptcy law, and if an amendment were offered to the amendment (because the new bill is in the nature of an amendment to the existing law), going a bit further or stopping a bit short, or modifying the amendment of a section of existing law by restricting the meaning of the amendment, or going a bit further and adding to it by still further restricting the operation of existing law by amending or repealing the next section in the bankruptcy law, the Chair would undoubtedly rule that that amendment to the bill would be germane. For example, if this bill repeals section 2 of the existing bankruptcy law, and an amendment were offered to it likewise to repeal section 3, I take it there would be no dispute.

Now, then, if that be true, why can not there be added to section 3, section 4, section 5, section 10, or sections 20 or 25, or all the sections of existing laws clear out to the end of the bill? Or, in other words, when a bill is offered in the shape of an amendment to existing law, the effect of which bill is to repeal in toto a single section of the existing law, or to repeal pro tanto a part of a single section of the existing law, why is not the offering of an amendment to that amendment (regarding this bill as an amendment) a complete repeal pro tanto of a given section or a repeal in toto of a given section germane? And why is not an amendment to that amendment to continue the repeal of the existing law which has taken the shape of repealing in toto one section of the existing law to another section germane? And if germane that far, why not germane clear on through to the end of the bill, or, rather, to the end of the repeal of existing law?

Mr. BARTLETT. Let me make a suggestion to my friend. Is it not a fact that this amendment offered by the gentleman from Missouri is virtually a limitation of time as to the existing bankruptcy law as it now exists or as it may be amended to-day?

Mr. WILLIAMS of Mississippi. I think so.

Mr. BARTLETT. Then, if it were germane to the bankruptcy bill, the original limit of time which was to exist as was done in 1800, why is it not germane to amend by limiting the time in this instance?

Mr. WILLIAMS of Mississippi. I think it is; especially as this bill itself changes certain limitations of time.

The SPEAKER pro tempore. The bill before the House is a bill "to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898." To that bill the gentleman from Missouri offers an amendment which the Chair will ask the Clerk to report again.

The Clerk read as follows:

Amend by striking out all after the enacting clause and insert the following in lieu thereof:

"That the act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' be, and the same is, hereby repealed: *Provided*, That nothing herein shall in any way affect proceedings under said act begun prior to the taking effect of this act, and this act shall take effect ninety days after the approval thereof."

The SPEAKER pro tempore. To this proposed amendment the point is made that it is not germane.

It is apparent from even a casual examination of the bill that it is a general amendatory bill. Section 1 relates to clause 15 of section 1 of the existing bankruptcy law; section 2 relates to clause 5 of section 2 of the existing bankruptcy law; section 3 relates to clause 4 of subdivision A of section 3 of the bankruptcy law; section 6 relates to section 17, and section 10 relates to section 40, and so on, skipping from section to section throughout the entire law, without regard to the particular relation of these sections to each other. In other words, 16 sections in all of the 70 sections of the bankruptcy law are here sought to be amended, or more than one-fourth of the entire law.

While the Chair has been unable to find any precedents on this question, it has deduced some general principles from former decisions that throw some light upon it. In the Fifty-first Congress it was held that to a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was not germane. The bill in question was an amendment to a general land-forfeiture bill fixing the time when the original act should take effect, and the amendment offered was an amendment providing for the method of classification of the lands described in the original act, so as to determine the character of the land selected by the railroad. The decision, which was made by Speaker Reed, was upon the ground that the bill related only to one certain specific point and did not involve the general features of the bill sought to be amended.

Substantially the same principle was recognized by Speaker HENDERSON in a case where amendments were offered of a general character to the Senate joint resolution providing for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 24, 1900. The same distinction was there drawn between the germaneness of an amendment which was offered to a bill having a single purpose and an amendment to a bill covering several purposes or one general subject. On the other hand, but illustrating the same general principle, recently in the discussion on the omnibus statehood bill it was held by the gentleman from Indiana [Mr. HEMENWAY], the Chairman of the Committee of the Whole, that an amendment offered to include the Indian Territory was germane, because the pending bill related not to one particular Territory but was a general statehood bill, including Oklahoma, New Mexico, and Arizona.

Had the bill been to admit a State the amendment would not have been in order, but it being a bill to admit States the subject of admission generally made the amendment competent. In the light of the principles thus announced, the Chair is inclined to think that any amendment that would be germane to the law sought to be amended would be germane to the pending bill.

It needs no argument to show that it would be competent to amend the pending bill, disposing of it section by section. For example, section 1 may be amended by striking out the words "amended so as to read as follows" and by substituting the word "repealed;" so that the section would read: "That clause 15 of section 1 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, be, and the same is hereby, repealed."

The same method may be followed in the case of each and all of the sections of the bill in their order. And this process, in the opinion of the Chair, may be made to reach to other paragraphs of the bankruptcy law than those specifically referred to in the pending amendatory bill, because all the sections of the bankruptcy law are germane to each other.

For example, it would be in order to amend the bill by adding additional sections amendatory of sections of the bankruptcy law not referred to in the bill.

If this be so, then it would be equally in order to amend the bill by adding additional sections repealing sections of the bankruptcy law not referred to in this bill. If this process of reasoning be correct, then it is clear that by resort to the method suggested the entire bankruptcy law may be repealed by indirection. As it is, one of the purposes of parliamentary rules is to provide for the most direct method of disposing of legislation, and as by the process described the effect intended by this amendment can be reached, the Chair is of the opinion that the amendment must be germane, and therefore overrules the point of order.

Mr. CRUMPACKER. Mr. Speaker, I desire to offer an amendment and to be recognized in my own right.

Mr. CLAYTON. Mr. Speaker, I believe I have four minutes remaining of time that was unused, and which I reserved.

The SPEAKER pro tempore. The gentleman is right; but he can not take another gentleman off the floor. The Chair would like to ask the gentleman from Georgia whether his amendment has been offered or merely was read for information?

Mr. BARTLETT. I had the amendment read at the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 10, page 5:

"*Provided*, That no person who has been adjudged a bankrupt upon his own petition shall be discharged from any of his debts until he shall have turned over to the proper officer, for the benefit of his creditors, all property that may be allowed him under the laws of any State or Territory in excess of $2,000 in value."

Mr. CRUMPACKER. Mr. Speaker, it is exceedingly difficult under our peculiar system of government to have a general bankruptcy law that will operate with perfect equality and fairness throughout the country. There are 45 different systems of collection laws, and a national bankrupt law should fit into the local collection laws as far as possible. In view of the incongruities among the various collection systems throughout the country, it is exceedingly difficult, if not absolutely impossible, to have a general bankrupt law that will operate with that degree of fairness and uniformity that is necessary to make it a complete and permanent success.

In relation to exemptions under the bankrupt law as it exists now the bankrupt can withhold from his creditors of the property he is entitled to under the local exemption laws and still be discharged from his debts. In the State of Pennsylvania the debtor is only entitled to $300 exempt from execution. In Indiana it is $600. In North Dakota it is $6,500. In Iowa, Kansas, and in a number of other States there is absolutely no limitation upon exemptions in point of value. I was talking with my friend from Iowa [Mr. LACEY] not an hour ago, and he stated an instance in the State of Iowa where a man on his own petition went into bankruptcy and obtained a discharge and held a homestead free and safe from his creditors which was worth $250,000 at least.

Now, this disparity of favor ought not to exist, and the amendment I propose simply provides that the debtor who goes into a bankrupt court on his own petition shall not receive a discharge from his debts until he has surrendered all of the property that the State exemption law gives him in excess of $2,000 in value. The philosophy of large and liberal exemptions is that the debtor holds the property given him exempt from sale or execution as a sort of a trust fund; that it constitutes a working capital stock which may be used by the debtor to earn means with which to pay off his debts. It is, in a sense, a trust fund held by the bankrupt for the benefit of the creditors. The present law allows him to keep this trust fund absolutely and discharges him from his debts.

Mr. UNDERWOOD. Will the gentleman allow me an interruption?

Mr. CRUMPACKER. Certainly.

Mr. UNDERWOOD. In some States—for instance, Alabama—the debtor is allowed to waive this exemption. Now, under this amendment of the gentleman from Indiana, if the debtor should waive all his exemption to his creditors, would he not still be allowed to retain a thousand dollars?

Mr. CRUMPACKER. This amendment simply limits the amount that may be claimed under the State law. The bankrupt can not claim more than the State law gives him; but the provision is that he shall not be discharged from his debts if he keeps more than $2,000 worth of property under the terms of any State law. That is the only effect of the amendment.

Mr. TAWNEY. If I understand the gentleman's proposition, it is to repeal the State law in so far as it allows an exemption to a debtor of $2,000.

Mr. CRUMPACKER. No; and it is limited to petitions in voluntary bankruptcy.

Mr. TAWNEY. It would in effect repeal any such provision of the State law.

Mr. CRUMPACKER. Oh, no.

Mr. TAWNEY. Do you not deprive the bankrupt of the benefit of the laws of his State, provided those laws give him as an exemption of more than $2,000 worth of property?

Mr. CRUMPACKER. The amendment does that. But it gives him the option of taking his discharge and giving up everything except $2,000 or of availing himself of the munificent provision of the exemption laws of some of the States and foregoing his discharge. He can not be relieved of his debts and hold a fortune under exemption laws at the same time. He can not have his discharge and keep the fund that has been allowed to remain in his hands on the theory that it is a trust fund to be used for the purpose of accumulating other property with which to pay off his indebtedness.

Mr. TAWNEY. Allow me one more question. Suppose that a little merchant in one of the smaller towns or cities is allowed under State law as an exemption his homestead, valued, we will say, at $3,000. You propose by this amendment to take that homestead away from him, to dispose of it, and turn the $1,000 over for the benefit of his creditors, and allow him to retain the $2,000 in cash?

Mr. CRUMPACKER. We do not. We simply say to him, "If you keep the $3,000 that the State law gives you, you can not have a discharge upon your own voluntary petition." It does not operate where the proceeding is compulsory. But the bankrupt can not have a discharge upon his own petition if he holds more than $2,000 from his creditors, many of whom may not be worth half that much.

Now, Mr. Speaker, I have occupied more time than I had intended. I think my amendment ought to prevail. It is in the interest of uniformity, justice, and equality. There is no reason in justice why a debtor should be compelled to turn over all but $300 in Pennsylvania in order to secure a discharge from his debts and a debtor in Iowa be allowed a quarter of a million and go free of his obligations.

Mr. RAY of New York. I yield ten minutes of my remaining time to my colleague from Massachusetts——

Mr. CRUMPACKER. I rise to a parliamentary inquiry. What becomes of our amendments? When will they be voted upon?

The SPEAKER pro tempore. They can be voted on at once.

Mr. CRUMPACKER. I suggest that the amendments be held up until we get through with the debate.

Mr. RAY of New York. I understood that the amendments were simply to be offered as we went along, without being voted on; and I had thirty minutes of my time remaining.

The SPEAKER pro tempore. If no gentleman desires to address himself to the pending amendment, the Chair will put the question now.

Mr. LANHAM. When are we to vote on the proposition of the gentleman from Missouri [Mr. DE ARMOND]?

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas that the bill must first be perfected before we can vote on the amendment of the gentleman from Missouri. The Clerk will again report the amendment of the gentleman from Indiana [Mr. CRUMPACKER].

The amendment was again read.

Mr. DE ARMOND. I would like to be heard for a moment on that amendment.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. DE ARMOND. Mr. Speaker, I think this amendment should not be adopted. I believe that it is exclusively a matter for the States to determine what the exemption of the citizens should be; and that matter having been determined in each State according to the judgment of the law-making power, and apparently to the satisfaction of the people living there, the same exemption law ought to apply, I think, in the administration of the bankruptcy law. I think the amendment ought not to be adopted.

Mr. BELLAMY. Mr. Speaker, if I interpret aright the sentiment of the people of our Union on the subject of the bankrupt law, there is no clamor for its repeal, but a strong desire on the part of the people that it should be improved and simplified.

There is no provision in the Constitution that has engendered and fostered commercial and social intercourse among the people of the several States more than that giving to Congress the right to regulate commerce among the several States, and the next provision in the powers of Congress following the regulation of commerce is that giving to Congress the right to pass a uniform system of bankruptcy. This power was essentially a necessary sequence in order to protect equally and equitably the commerce that would follow.

At first the commerce between the original thirteen States was small and confined to a few towns on the seaboard which interchanged as the centers of commerce their products with like towns in other States. But this commerce has grown, and from an inconsiderable beginning the internal commerce of the country has increased to something like 20,000,000 carloads, consisting of country produce, manufactured articles, coal, iron, and other merchandise. The farmer and trucker that sends his produce into another State, the merchant that deals in merchandise, the manufacturer that makes the products of his mills are alike interested in knowing that when they have sold their property that they will get a return of money at the price at which their articles are sold, and if, perchance, there be a failure that no person will have a preference in the settlement of the debtor's estate over them, but that they will have an equitable, pro rata division of the assets. If the insolvent laws of the various States of the Union were the same, there would be no necessity for a bankrupt law, unless it be for the release of an insolvent debtor.

In the Union to-day the States of Arkansas, Georgia, Illinois, Maryland, Mississippi, New Hampshire, New York, North Carolina, Texas, and Louisiana permit a failing debtor to prefer a creditor, while all the other States prohibit preferences. A farmer in the country, situate remote from a town, frequently, as I know in an experience of a number of years at the bar, has been awakened out of a state of imaginary security to find that his money, loaned to a person at a distance, is in jeopardy. The person has made an assignment of his property for the benefit of his creditors. Some home creditor is preferred, and his debt, equally as honest, made a general or unpreferred claim. And in 90 per cent of the instances the preferred debt absorbs the assets, and there is nothing left for the unpreferred claim. Now, in equality there is equity, and I fail to see any difference whatever from a moral standpoint between honest debts due to a creditor, whether they be for money borrowed or property purchased.

The retention of the present law therefore makes uniformity in the laws for the distribution of the estates of insolvent debtors, and effects a just and equitable settlement of said estates. It compels fairness where frequently a debtor has a disposition to be unfair. Another reason that I favor the retention of the bankrupt law is that I believe that the existence has a deterrent effect on fraudulent failures. As is well known to those who have been engaged in the practice of the law, litigation resulting over failures has discovered or uncovered a large per cent of fraudulent transactions. When the present bankrupt law was first being discussed, in 1896, the failures in the United States were 1.31 per cent of the number of business concerns. It failed to pass. Again agitated in 1897, the failures became 1.26 per cent; in 1898, 1.10 per cent, and just as soon as the law became effective immediately the failures dropped to 0.81 per cent, where it practically continues up to the present time.

I do not agree with the gentleman from Georgia [Mr. BARTLETT] that the administration of the bankrupt law is more expensive than the administration of the State law of assignments. After a very considerable experience in observing the comparative operation of both laws, I assert that the administration of an estate of any considerable size is much more economical under the bankrupt law. Under the State laws the commission allowed a trustee is generally 5 per cent on receipts and disbursements, while under the bankrupt law the trustee is allowed 3 per cent on amounts up to $5,000, 2½ per cent up to $10,000, and 1 per cent on amounts of $10,000 or over.

So the administration is beneficial not only to the creditor, but to the unfortunate debtor, who is the person primarily to be benefited by it.

I hope, therefore, that the law will not be repealed until the country can be heard from and it is made clear and unmistakable that its repeal is demanded.

The question being taken, the amendment of Mr. CRUMPACKER was rejected.

Mr. BARTLETT. Mr. Speaker, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 2 by adding after the word "services," in line 10, page 2, the following:

"In all applications for the appointment of receivers to take charge of the property of a bankrupt, the party applying for such receiver, before such receiver is appointed, shall be required to execute a bond, with good and sufficient security, to be approved by the clerk, and file the same with the clerk of the court, obligating himself to pay to the party proceeded against all costs and damages which may accrue by reason of the appointment of such receiver in the event it shall be finally determined that such receiver should not have been appointed: *Provided*, That no receiver shall be appointed to take charge of the assets of an alleged bankrupt until notice has been given for at least ten days of the application for such receiver to the alleged bankrupt, and until a hearing shall have been had upon such application.

"*And provided further*, That receivers appointed to take charge of and administer property in cases of bankruptcy shall be paid no greater fees as compensation than the following, exclusive of the necessary expenses that may be allowed by the courts, to-wit: As full compensation for their services, $100, and from the assets which may have been administered by them, where the sums received and paid out by them do not exceed $5,000, 5 per cent of such sums; and where the sums received and paid out by them exceed $5,000, 3 per cent of such sums: and no other or greater fees or allowances shall be paid or allowed such receivers for any service whatever."

Mr. BARTLETT. Mr. Speaker, to a permanent system of bankruptcy I am opposed. I do not believe we should have a permanent system that provides for either voluntary or involuntary bankruptcy, or for both. I do not believe we should have a permanent system of bankruptcy which permits the debtor to be discharged from his debts or one embracing the features of involuntary bankruptcy which allows the creditors of the country to use the courts of the United States as a collecting machine to oppress unfortunate debtors and to harass them through such machinery. I am opposed to a permanent system of voluntary bankruptcy, because I believe that contracts should be kept and that the Government should not hold out to the citizen any inducement to engage in business or to undertake obligations which he knows if they are not met by him may be paid by a certificate of discharge in bankruptcy.

Frugality, industry, and honesty should be encouraged by the law, and while I believe that there have occurred periods in our history which fully justify the enactment of bankruptcy laws authorizing unfortunate and honest debtors to surrender their property and be discharged from their debts that they may be put upon their feet again and become good and serviceable citizens, yet when such occasions have passed and opportunities have been given for the relief of honest and unfortunate debtors, the reason for the law having ceased, the law should no longer exist.

The State courts are ample for the protection of creditors in the collection of debts. The framers of the Constitution did not intend that the United States courts should be open to every creditor, regardless of citizenship, to collect his debts by harsh and quasi criminal methods. The increased cost and expense of suits and proceedings in the United States courts over those in the State courts are and always have been so great and so expensive that in the history of our country no permanent system of bankruptcy has been permitted to endure. The present system is no exception to the rule, and therefore I am opposed to the one we have at

present, as I was opposed to the system which was enacted in 1867, and which for seven years was administered.

The result of the investigation of the administration of the two systems will convince any fair-minded man that both were operated not for the purpose of collecting the debts of the creditors and relieving the honest and unfortunate debtor from his financial distress, but that the result of the administration of the system has operated to benefit only the officers of the Federal courts, registers, assignees, receivers, etc., and that the effects of the debtor have found their way chiefly, not to the creditor to whom they were due, but to the pockets of these officers, and therefore the repeal of the bankruptcy law of 1867 was demanded and had. The present system is following fast in the footsteps of the former, and while the demand for its repeal may not be presently heeded, I have no doubt but the abuses which admittedly exist in its administration will soon lead the people to also demand its removal from the statute book.

I desire briefly to call attention to the history of some bankruptcy legislation.

The bankruptcy laws of England, when first enacted, contained no feature of voluntary bankruptcy. We find that as early as in the reign of Edward I, in 1305, laws were passed in England offering special remedies to merchants against debtors, and in 1542, during the reign of Henry VIII, the bankruptcy procedure was introduced. Lord Coke speaks about the bankruptcy law as having been of foreign origin, introduced into England for the purpose of aiding in the collection of debts. In the reign of Queen Elizabeth a provision was introduced so that only merchants and traders could become bankrupt.

In 1705, during the reign of Queen Anne, provision was made for the first time for the discharge of bankrupts upon their appearing and answering all questions truthfully. This was the beginning of the feature which relieved the bankrupt from his debts. In 1825, during the reign of George IV, the voluntary feature was introduced, and from that time on bankruptcy was to be equally at the service of the debtor and the creditor. It became a method by which the poor but honest debtor might receive relief from his debts, even against the wishes of his creditor.

In 1861 the distinction between debtors and those who were traders and those who were not was done away with, and relief was given to any debtor who would deliver up his goods to his creditor in the bankruptcy proceeding, so that to-day the English bankruptcy law is applicable to all persons, and to discharge every debt may be procured in a voluntary as well as an involuntary proceeding.

Mr. Madison, in the Federalist, declared that a system of national bankruptcy was both proper and expedient, the theory of the bankruptcy law being that whenever an unfortunate debtor is unable to pay his debts in full it is not just that one or a few of his creditors should be paid in full and others receive nothing, but that his estate should be divided ratably amongst them, and that if the debtor is unfortunate, and honestly so, and delivers all to his creditors, it is only proper that he should be permitted to begin life anew freed from his old debts.

This is done, not with any disregard for contract debts, which are held sacred by the Constitution, but it is justified on the theory that every member of society is needed, and that if the person who is at the mercy of the creditor, weighed down with debt, is freed from his burden he may retrieve his reputation and become a valuable member of society, whereas if his earnings and acquisitions are always to be the prey of the voracious creditor he will not be disposed to work and acquire properly the earnings.

The various States have passed and have in force laws upon the subject of insolvency and insolvent debtors; but since the decision of the Supreme Court of the United States made in the case of Sturgiss *v.* Crowninshield (4 Wheaton, 143), no State can relieve the debtor of his debt, even after he has delivered up all of his property.

The first bankruptcy law which we had in this country was passed in 1800. It contained a provision for involuntary bankruptcy only, and continued in force for only two years. The next law was passed on August 12, 1840, following the panic of 1837. That panic, as is well known, was caused by the contraction of the currency, forced by the action of the United States Bank in calling in its loans to retaliate upon the people for the action of President Jackson, who had throttled and strangled that great money monopoly by refusing to approve the bill to recharter it, and by removing the deposits. This law contained both a voluntary and an involuntary feature, but it became so unpopular, raised so much opposition and indignation at the hands of the people, that it was repealed on March 3, 1843, by the same Congress that enacted it.

It has been suggested by some that a bankruptcy bill which did not contain both the voluntary and involuntary features would not comply with the provisions of the Constitution which permit Congress to pass uniform laws on the subject of bankruptcy. An investigation of this subject will show that when the act of 1840 was introduced, and afterwards passed, an effort was made to pass a law which contained only a provision for voluntary bankruptcy, and we find the distinguished Senator from Massachusetts, Mr. Webster; Mr. Clay, of Kentucky; Mr. Crittenden, from Kentucky; Mr. Calhoun, from South Carolina, and other great statesmen supporting a proposition which provided only for voluntary bankruptcy.

On the 18th of May, 1840, Mr. Webster addressed the Senate upon the bankruptcy bill, a bill having been introduced establishing a uniform system of bankruptcy; and this bill and other bills upon the subject having been referred to the Judiciary Committee, that committee reported to the Senate a bill which provided for voluntary bankruptcy only. It contained no provisions by which creditors on an alleged act of bankruptcy might proceed against their debtors with a view to subject them and their property to the operation of the law. It did not look to the coercion by the creditor of his debtor into involuntary bankruptcy.

This was the first time that this characteristic of a bill on the subject of bankruptcy had been introduced which contained only a voluntary feature, and in that respect it differed from the former bankrupt laws of the United States and from the English bankrupt laws. The bill as it came from the committee provided for voluntary bankruptcy only. It was supported by Mr. Webster, and he, in his speech on the 18th of May, discussed distinctly the proposition: Can Congress pass a law providing for voluntary cases only; that is, cases in which the proceedings originate only with the debtor himself? On this subject he declared:

> The bill which has been reported by the committee provides for voluntary bankruptcies only. It contains no provisions by which creditors on an alleged act of bankruptcy may proceed against their debtors with a view to subject them and their property to the operation of the law. It looks to no coercion by a creditor to make his debtor a subject of the law against his will. This is the first characteristic of the bill, and in this respect it certainly differs from the former bankrupt laws of the United States and from the English bankrupt laws.
>
> The bill, too, extends its provisions not only to those who, either in fact or in contemplation of law, are traders, but to all persons who declare themselves insolvent or unable to pay their debts and meet their engagements, and who desire to assign their property for the benefit of their creditors. In this respect, also, it differs from the former law and from the law of England.
>
> The questions, then, are two:
>
> First. Can Congress constitutionally pass a bankrupt law which shall include other persons than traders?
>
> Second. Can it pass a law providing for voluntary cases only—that is, cases in which the proceedings originate only with the debtor himself?
>
> But now, sir, I come to a very important inquiry. The Constitution requires us to establish uniform laws on the subject of bankruptcy, if we establish any. What is this uniformity, or in what is it to consist? The honorable gentleman says that the meaning is that the law must give a coercive power to creditors, as well as a voluntary power to debtors; that this is the constitutional uniformity. I deny this altogether. No idea of uniformity arises from any such consideration. The uniformity which the Constitution requires is merely a uniformity throughout all the States. It is a local uniformity, and nothing more. The words are perfectly plain, and the sense can not be doubted.
>
> The authority is to establish uniform laws on the subject of bankruptcies throughout the United States. Can anything be clearer? To be uniform is to have one shape, one fashion, one form; and our bankrupt laws, if we pass them, are to have one shape, one fashion, and one form in every State. If this be not so, what is the sense of the concluding words of the clause, "throughout the United States?" My honorable friend from Kentucky, Mr. Crittenden, has disposed of this whole question, if there ever could be a question about it, by asking the honorable gentleman from New Jersey what "uniform" means in the very same clause of the Constitution where the word is applied to rules of naturalization; and what it means in a previous clause where it declares that "all duties of impost shall be uniform throughout the United States."

Again, on the 5th of June, 1840 (Congressional Globe, vol. 8, p. 444), Mr. Clay, of Kentucky, made a motion to strike out the involuntary part of the bankruptcy bill. This motion was supported by Mr. Webster, both in argument upon the floor of the Senate and by his vote upon the subject of the constitutionality as well as the justice and propriety of a bill which provided only for voluntary bankruptcy. In advocating the amendment offered by Mr. Clay, Mr. Webster said:

> It seems to be agreed by all the friends of any bankrupt bill that there shall be a provision for voluntary bankruptcy. The question now is whether there ought to be also a compulsory power or a power on the part of creditors to subject their debtors in certain cases to the operation of the law.
>
> It is well known that the bill introduced by me contained such a power, and I should still prefer to retain it. But I do not think this of so much importance as some other gentlemen, and I should cheerfully support a bill which did not contain it if by so doing I could contribute to the success of the general measure. In truth, on this question and on many others my vote will be governed by a desire to make the bill acceptable to others.
>
> Now, sir, the argument for the compulsory clause is that without this power the creditors have no security; that the bill is a one-sided measure, a measure for the benefit and relief of debtors only, quite regardless of the just rights of creditors. All this I deny. I maintain, on the contrary, not only that there is just security for the rights of creditors under the voluntary part of the bill, but that that part of itself and by itself is of the highest value and importance to creditors. This proposition takes for granted what I have no doubt will be found true, that persons in insolvent circumstances will generally become voluntary bankrupts; and, in the second place, I maintain that very little value is added to the security of creditors by the compulsory part of the bill. These are points on which I propose now particularly to address the Senate, and, with its patience, I hope to make them clear.
>
> The immediate motion before the Senate, Mr. President, does not justify

a further extension of my observations on this part of the case. My object has been to prove that this bill is not one-sided, is not a bill for debtors only, but is what it ought to be, a bill making just, honest, and reasonable provisions for the distribution of the effects of insolvents among their creditors; and that the voluntary part of the bill alone secures all these principal objects, because, in the great and overruling motive of obtaining a discharge, it holds out an inducement to debtors who know themselves to be insolvent to stop, to stop seasonably, to assign honestly, and to conform in good faith to all the provisions intended for the security of their creditors.

From 1843 until 1867 we had no law upon the subject of bankruptcy. In 1867 a bankruptcy law was passed to meet the conditions that followed the destruction of property occasioned by the war of 1861 and to relieve distressed debtors who had been financially overwhelmed by the results of the war. I know something of the administration of that law. I know the records of the bankruptcy courts show that under this law as it was administered the estates of bankrupts were wasted; that both creditor and debtor were robbed by means of exorbitant fees of registers in bankruptcy and court costs and by the wasting the estate in expenses.

I know that men in my own State grew rich upon the fat fees and plunder that they filched out of the estates of bankrupts under that law. I can not, therefore, in the face of the history of the administration of these former laws and the manner in which they have been enforced and the demand of the people which has always followed for their repeal, vote to longer continue a measure having for its main purpose, not the relief of unfortunate debtors, but the enforcement of the claims of the creditors against the debtors, and that, too, by new and harsh methods, which absolutely places the small retail merchant at the mercy of his wholesale merchant creditor; nor can I give my consent to the various amendments proposed in this bill which have for their purpose the giving to the creditor additional remedies to oppress the unfortunate debtor and to defeat the purpose of the bankruptcy law to relieve the unfortunate class of our citizens who may become overwhelmed by debt.

I have not the time to discuss in detail the amendments proposed. If the law is to remain permanently on the statute book, then I think it wise that we should amend it, but not on the line on which most of the amendments contained in this bill proceed.

The gentleman from Missouri [Mr. DE ARMOND] has forcibly called the attention of the House to the harshness and severity of some of the amendments. I desire to call attention to some of them.

I agree with the committee and the chairman in his report that the amendment contained in section 12 of the bill is very important and should be adopted. I can not conceive how it should be either the law or that it is just that where a debtor makes payments in good faith, in due course of trade and business, to his creditor, without any knowledge on the part of the creditor that such debtor is insolvent, that such bona fide transactions should, after the insolvency, if it occurs within four months after such bona fide payment, be held to be a preference and that the creditor should surrender such payment before he can prove his debt in bankruptcy for the balance of his claim.

I do not believe that such was intended by the framers of the law, and I am convinced that it is an injustice to the creditor and to the debtor and that this defect in the law should be remedied. I am aware that the Supreme Court of the United States, in the case of Piere *v.* Chicago Title and Trust Company (182 U. S., 438), decided that such payments made in good faith by a debtor, insolvent at the time, to a creditor who was not aware of such insolvency, was a preference. In view of that decision, I am willing to remedy it by a change of the law, as proposed by the committee, if the bankruptcy law is to continue in force.

I am earnestly opposed to the change in the general policy of the law, as proposed in section 8 of this bill, which is as follows:

A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee of the judge of any State court to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under this act.

I oppose this amendment because it proposes to drag the wife of the bankrupt before the court and subject her to an examination, not as a witness, but as a party. Such examination of the wife and the compelling her to appear as a witness against her husband in proceedings that may subject him to punishment by the court, which may result in denying him his discharge, which proposes to break down and destroy that confidential relationship which should always exist between the husband and the wife, and which has been recognized by the law always as sacred, would contravene all the principles of law upon this subject and override that public policy uniformly adopted and upheld by the courts which forbids confidential communications between husband and wife to be divulged in court.

So particular have the courts been about this that these communications between husband and wife have been held so sacred and inviolable that neither death nor divorce can destroy it. The rapacity of the creditor goes far indeed when it demands such changes in the universal law. Some of the law writers have said that this rule has been so universal and uniform that no one would ever propose to abolish it. The uniform rule is that such evidence is excluded because it contravenes sound public policy.

On this subject see 1 Greenleaf, sections 333, 346, and 354.

While courts have sometimes differed, the better opinion is as I have stated. (1 Greenleaf, sec. 345; 2 Taylor on Evidence, sec. 909, 909a, p. 590; id., p. 621, and American notes.)

I abstract from Greenleaf and Taylor the following well-settled and accepted principles of law on this subject:

Communications between husband and wife belong to this privileged class of communications, and are therefore protected independently of the ground of interest and identity, which precludes the parties from testifying for or against each other.

The happiness of the married state requires that there should be the most unlimited confidence between husband and wife; and this confidence the law secures by providing that it shall be kept forever inviolable; that nothing shall be extracted from the bosom of the wife which was confided there by the husband. (1 Greenleaf, sec. 254.)

The law excludes or dispenses with some kinds of evidence, on the ground of public policy, because it is thought that mischiefs would more probably result from requiring or permitting their admission than from wholly excluding them.

The first class of subjects protected from disclosure consists of communications between husband and wife. * * * This rests on the obvious ground that the admission of such testimony would have a powerful tendency to disturb the peace of families, to promote domestic broils, and to weaken, if not to destroy, that feeling of mutual confidence which is the most endearing solace of married life. (2 Taylor on Evidence, sec. 908, p. 589.)

This proposed amendment to the bankruptcy law utterly contravenes this well-settled doctrine of public policy, and will have the effect that it will visit upon the head of the wife of the unfortunate debtor the shame and mortification of being dragged before the United States bankruptcy courts and made to disclose these confidential communications between her and her husband, which, under the wise policy of the law, have heretofore been held sacred and inviolable. Not only does this bill and the system proposed to be perpetuated under it seek to bring shame and contumely upon the unfortunate husband, but also to disgrace the wife. Against such a monstrous proposition I enter my most earnest protest.

For the enunciation of the American doctrine on this subject see 2 Taylor on Evidence, p. 622 et seq.; Castello *v.* Castello, 41 Georgia, 187.

I now offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 2 by adding after the word "services," in line 10, page 2, the following:

"In all applications for the appointment of receivers to take charge of the property of a bankrupt the party applying for such receiver, before such receiver is appointed, shall be required to execute a bond, with good and sufficient security, to be approved by the clerk, and file the same with the clerk of the court, obligating himself to pay to the party proceeded against all costs and damages which may accrue by reason of the appointment of such receiver in the event it shall be finally determined that such receiver should not have been appointed: *Provided*, That no receiver shall be appointed to take charge of the assets of an alleged bankrupt until notice has been given for at least ten days of the application for such receiver to the alleged bankrupt, and until a hearing shall have been had upon such application.

"*And provided further*, That receivers appointed to take charge of and administer property in cases of bankruptcy shall be paid no greater fees as compensation than the following, exclusive of the necessary expenses that may be allowed by the courts, to wit: As full compensation for their services, $100, and from the assets which may have been administered by them, where the sums received and paid out by them do not exceed $5,000, 5 per cent of such sums; and where the sums received and paid out by them exceed $5,000, 3 per cent of such sums; and no other or greater fees or allowances shall be paid or allowed such receivers for any service whatever."

The gentleman from Alabama [Mr. CLAYTON] has called attention to the fact that the expenses and commissions paid under this system, as shown by the report of the Attorney-General, have amounted to from 45 to 46 per cent of the amount of the estates distributed in dividends. He compiled and submitted the following statement in support of his assertion, which, with his permission, I insert:

	1899.	1900.	1901.	Total.
ASSETS.				
Involuntary cases..	$11,701,713.43	$13,433,209.45	$2,534,266.79	$105,906,716.63
Voluntary cases....	37,863,090.90	33,098,771.22	7,275,664.84	
DIVIDENDS.				
Involuntary cases..	783,871.41	513,481.92	1,423,249.25	6,513,520.57
Voluntary cases....	1,338,660.30	703,363.00	1,750,894.69	
FEES AND COSTS.				
Involuntary cases ..	90,429.81	82,188.20	336,923.39	2,890,616.79
Voluntary cases	376,462.53	406,141.24	1,568,471.61	
LIABILITIES.				
Involuntary cases ..	23,207,181.77	27,179,001.20	11,316,689.03	845,267,019.15
Voluntary cases	355,949,336.48	264,979,152.45	162,635,658.22	

I desire to call attention to the fact that in different States of the Union and in different districts of the same State there is a

great variance in the expenses, commissions, etc., paid out by the court for the same kind, amount, and class of services. An examination of the report of the Attorney-General for 1901, to be found on pages 394 to 401, inclusive, will demonstrate this.

I submit the following statement, in parallel columns, showing the expense of administering the present system of bankruptcy in the States of Kentucky and Massachusetts. I place them in parallel columns that the vast difference in the expenditures in the courts of the two States may attract the attention of the public and that they may realize the vice of a system which permits in one court such a large amount to be paid out for expenses and in another so reasonable an amount to be paid:

Voluntary cases.

KENTUCKY.		MASSACHUSETTS.	
Number of cases	394	Number of cases	1,250
Dividends	$57,785.99	Dividends	$302,278.20
Set apart	62,555.00	Exemptions	135,182.00
Priorities	88,663.00	Priorities	376,605.00
Expenses	67,355.51	Expenses	51,827.48

Involuntary cases.

Number of cases	22	Number of cases	40
Assets	$309,633.84	Assets	$119,895.01
Dividends	10,432.97	Dividends	57,224.41
Exemptions	8,075.00	Exemptions	1,915.00
Priorities	11,300.00	Priorities	50,074.00
Expenses	83,179.98	Expenses	3,060.01

In the case of Kentucky there were paid out in dividends and priorities in voluntary cases the sum of $146,448.99, and the expenses were $67,355.51.

In the case of Massachusetts there were paid out in dividends and priorities $678,883.20, and the expenses were $51,827.48.

So that it required nearly $16,000 more to pay out to creditors in Kentucky $146,448.99 than it required to pay out $678,883.20 in Massachusetts.

In the cases of involuntary bankruptcy it will be noted that for paying out in dividends and priorities the sum of $21,732.97 it required $83,179.88 in expenses.

In Massachusetts, for paying out in involuntary cases the sum of $107,298.41 it required only $3,060.01 in expenses.

Such disparity in the costs and expenses paid out by the courts in these two States is enough to alarm the public and to require either that the law should be abolished or that it should be so amended as to correct such glaring evils.

And so an examination of the report of the Attorney-General will show that this law is used in many States mainly to pay the assets of the bankrupt's estate not to the creditors, but to court costs, expenses, etc.

I call attention now to the administration of this law in the State of Georgia and to the following statement taken from that report:

Report of bankruptcy cases in the State of Georgia for the year ending September 30, 1901.

VOLUNTARY CASES.

Northern district (194 cases):		Southern district (125 cases):	
Assets	$85,706.53	Assets	$76,937.91
Liabilities	1,085,573.45	Liabilities	972,938.33
Dividends	12,162.50	Dividends	658.85
Priorities	44,528.00	Priorities	8,720.00
Fees, commissions, expenses, etc	11,160.71	Fees, commissions, expenses, etc	6,497.25

INVOLUNTARY CASES.

Northern district (15 cases):		Southern district (17 cases):	
Assets	$44,395.57	Assets	$37,001.67
Dividends	35,254.60	Dividends	2,556.55
Priorities	4,383.00	Priorities	194.00
Fees, commissions, etc	1,752.10	Fees, commissions, etc	2,384.55
In one case:		In one case:	
Paid out	39,637.60	Paid out	2,750.55
Expenses	1,752.10	Expenses	2,384.55
Leaving	37,885.50	Leaving	366.00

It will be observed from this statement that in the northern district, for paying out in dividends and priorities in voluntary cases the sum of $56,690.50, the expenses were $11,160.71; while in the southern district, for paying out the sum of $9,378.86, the expenses were $6,497.25.

It will be further noted that for paying out the sum of $39,637.60 in involuntary cases in the northern district of Georgia the expenses were $1,752.10, while in the southern district of Georgia for paying out the sum of $2,750.55 in involuntary cases the expenses were $2,384.55.

The following is a statement of bankruptcy cases in the southern district of Georgia since the last report of the Attorney-General:

Voluntary cases (85):		Involuntary cases (13):	
Assets	$25,391.06	Assets	$18,224.85
Dividends	724.10	Dividends	658.86
Priorities	3,631.00	Priorities	10,201.00
Expenses	4,888.03	Expenses	1,826.39

Mr. Speaker, in order to show the enormous expense to which the people of this country have been put in the administration of the bankruptcy law under the present system in some of the bankruptcy courts, I have directed the attention of the House to the report of the Attorney-General and to a statement of my own compiled from that report for 1901. The difference in the reports of the administration of this law in the States of Massachusetts and Kentucky, in the matter of the payment of fees, commissions, etc., is so wide and glaring that it is startling. The cold figures demonstrate that in the one State (Massachusetts) the administration has been economical and cheap and in the other (Kentucky) it has been extravagant and expensive.

Mr. GAINES of Tennessee. Mr. Speaker, I would ask the gentleman how he accounts for that?

Mr. BARTLETT. I can not on any other ground account for it except that there are judges who do not regard the law and who divide up the estates of debtors and creditors to receivers and officials.

Mr. GAINES of Tennessee. Who are the judges?

Mr. BARTLETT. I have here an illustration from the State of Georgia, taking the two districts, one the northern and the other the southern. The last report of the Attorney-General shows that the administration of one is economical, in the other that the fees, commissions, etc., are extravagant. In the southern district, in which I live—I beg to read from the report of the Attorney-General for 1901—that there, in cases of voluntary bankruptcy, they have paid out to creditors in dividends and to pay priorities $9,370; and in order to pay out that to the creditors the officials of the courts and the receivers and others were paid $6,497.25 for fees, commissions, and expenses.

In the very same State, amongst the same people, the same character of cases, the same character of claims, and the same kind of people to administer them, in one part of the State—in the northern district—the expenses amounted to 4⅓ per cent in involuntary cases and 16½ per cent in voluntary cases, and in the other—the southern district—they amounted to 47 per cent in cases of involuntary and 41 per cent in voluntary bankruptcy.

It is because of these abuses, it is because of the fact that very little at most is realized for creditors, and the officers of the courts, the receivers, and others who are appointed to administer the estates under this law receive for services, costs, etc., the money that should be paid to the creditor, and would be paid under the State laws and State court administration, that I have offered this amendment, with the purpose of correcting in some measure these evils and abuses.

In fact, such abuses, such extravagance in cost of administration, have been the result; such has been the experience of the people under the administration of every bankruptcy law which has remained upon the statute books for any length of time.

Mr. Speaker, I wish I had time to go into the details of this bill and the proposed amendments; but I must content myself with what I have said. This bill and the existing bankruptcy law might well be termed a law neither to aid the creditor to collect his debt nor to relieve the honest debtor from his burdens, but to aid those who make fortunes out of both. Mr. Speaker, Dickens, in his celebrated work Bleak House, called the attention of the English people to the abuses that existed in the chancery court, and I beg in conclusion to quote what he said:

> This is the court of chancery; which has its decaying houses and its blighted lands in every shire; which has its worn-out lunatic in every mad house, and its dead in every churchyard; which has its ruined suitor, with his slipshod heels and threadbare dress, borrowing and begging through the round of every man's acquaintance; which gives to moneyed might the means abundantly of wearying out the right; which so exhausts finances, patience, courage, hope; so overthrows the brain and breaks the heart that there is not an honorable man among its practitioners who would not give—who does not often give—the warning: "Suffer any wrong that can be done you rather than come here."

So I say to this House, so I say to the American debtor and the American creditor, under this system of bankruptcy which we have on our statute books and under these proposed amendments that it would be better for them to suffer any wrong rather than to go into these bankruptcy courts. [Applause on the Democratic side.]

Mr. RAY of New York. Mr. Speaker, I understand that the gentleman from Alabama claims four minutes, and I understood the Chair to say that he still has the right to occupy that time.

The SPEAKER pro tempore. That is correct.

Mr. RAY of New York. I desire to say now in view of the lateness of the hour that I hope the gentleman will occupy his time, so that I can complete my remarks.

Mr. BARTLETT. Mr. Speaker, in order to be perfectly frank with the House and the gentleman from New York, I understood when I took the floor that I occupied the four minutes that were credited to the gentleman from Alabama, and so governed myself.

The SPEAKER pro tempore. Under that statement the gentleman from New York [Mr. RAY] is recognized.

Mr. RAY of New York. Now, Mr. Speaker, I desire to yield five minutes to my colleague from Massachusetts [Mr. POWERS].

[Mr. POWERS of Massachusetts addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. POWERS of Massachusetts. I ask unanimous consent to extend my remarks in the RECORD.

Mr. BARTLETT. I desire to present a like request.

The SPEAKER pro tempore. The gentleman from Massachusetts and the gentleman from Georgia ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAY of New York. I offer an amendment suggested by my friend from Alabama.

The SPEAKER pro tempore. The question first is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question being taken, the Speaker pro tempore announced that the noes appear to have it.

Mr. BARTLETT demanded a division.

The Committee divided; and there were—ayes 38, noes 80.

So the amendment was rejected.

Mr. RAY of New York. Mr. Speaker, I move the previous question——

The SPEAKER pro tempore. The amendment offered by the gentleman from New York will now be reported by the Clerk.

The Clerk read as follows:

SEC. 72. *Provided*, That when the bankrupt in any State has waived his right to claim his exempt property to his creditors, the bankruptcy court shall not set apart to him this exemption as against said creditors.

Mr. RAY of New York. That is not the amendment I offered. I beg pardon; I could not hear.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. UNDERWOOD. I would like to explain this amendment.

Mr. PAYNE. Has the amendment been fully reported, Mr. Speaker?

Mr. RAY of New York. May I ask to have it read again?

The SPEAKER pro tempore. Where does the gentleman want this amendment to come in the bill?

Mr. RAY of New York. The seventh section, I think.

The SPEAKER pro tempore. Does the gentleman want the amendment to come in section 72 of the bankruptcy law?

Mr. UNDERWOOD. Seventy-two.

The SPEAKER pro tempore. Seventy-two of the bankruptcy law. Then it will be section 17, an additional section of this bill.

Mr. UNDERWOOD. Yes, sir.

Mr. RAY of New York. Has that amendment been read?

The SPEAKER pro tempore. The amendment has been read.

Mr. RAY of New York. Now, Mr. Speaker, I desire to say that I hope that amendment will be agreed to. It is just and proper. Now, I move the previous question on the bill and all the pending amendments to its final passage.

Mr. CLAYTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLAYTON. I wish to know the status of the amendment which I offered and had read in my time, and which was offered subsequently by the gentleman from Missouri [Mr. DE ARMOND].

The SPEAKER pro tempore. The amendment will be disposed of after the text of the bill has been perfected. The Clerk will again report the pending amendment.

The Clerk read as follows:

Insert as a new section:

"SEC. 17. That said act is also amended by adding thereto a new section, as follows:

"'SEC. 72. *Provided*, That where the bankrupt in any State has waived his right to claim his exempt property to his creditors the bankruptcy court shall not set apart to him this exemption as against said creditors.'"

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. RAY of New York. Have I not the right to demand the previous question on the bill and amendments? I have done so.

The SPEAKER pro tempore. The gentleman from New York asks for the previous question.

Mr. BARTLETT. Is the amendment offered subject to debate? I am opposed to the amendment.

The SPEAKER pro tempore. The gentleman from New York has the floor and has demanded the previous question on the bill and amendments to its final passage.

The question was taken on ordering the previous question; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DE ARMOND. Division.

The House divided; and there were—ayes 88, noes 57.

So the previous question was ordered.

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from New York.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. UNDERWOOD. I call for a division.

The House divided; and there were—ayes 76, noes 55.

So the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment of the gentleman from Missouri, in the nature of a substitute.

Mr. RAY of New York. May I have that amendment reported again?

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amend by striking all out after the enacting clause and insert the following in lieu thereof:

"That the act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States' be, and the same is hereby, repealed: *Provided*, That nothing herein shall in any way affect proceedings under said act begun prior to the taking effect of this act, and this act shall take effect ninety days after the approval thereof."

Mr. CLAYTON. I demand the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken: and there were—yeas 66, nays 137, answering "present" 9, not voting 139; as follows:

YEAS—66.

Adamson,	De Armond,	Livingston,	Sims,
Allen, Ky.	Dinsmore,	McCulloch,	Small,
Ball, Tex.	Dougherty,	Maddox,	Smith, Ky.
Benton,	Edwards,	Miers, Ind.	Snodgrass,
Bowie,	Fleming,	Norton,	Spight,
Brantley,	Gaines, Tenn.	Padgett,	Stark,
Breazeale,	Gilbert,	Randell, Tex.	Stephens, Tex.
Brundidge,	Griffith,	Ransdell, La.	Taylor, Ala.
Burkett,	Griggs,	Reid,	Thomas, N. C.
Burleson,	Hay,	Richardson, Ala.	Thompson,
Burnett,	Jones, Va.	Richardson, Tenn.	Underwood,
Candler,	Kern,	Rixey,	Wheeler.
Cannon,	Kitchin, Claude	Robb,	Wiley,
Cassingham,	Kitchin, Wm. W.	Robinson, Ind.	Williams, Miss.
Clayton,	Kleberg,	Rucker,	Zenor.
Cousins,	Lester,	Selby,	
Davis, Fla.	Little,	Shackleford,	

NAYS—137.

Acheson,	Esch,	Long,	Ruppert,
Adams,	Evans,	Loud,	Ryan,
Alexander,	Fitzgerald,	Loudenslager,	Schirm,
Allen, Me.	Fletcher,	Lovering,	Scott,
Bartholdt,	Foerderer,	McCleary,	Shattuc,
Bates,	Foss,	McClellan,	Sherman,
Beidler,	Gaines, W. Va.	McLachlan,	Showalter,
Bellamy,	Gardner, Mich.	Mahon,	Sibley,
Bingham,	Gibson,	Mann,	Slayden,
Bishop,	Gillet, N. Y.	Metcalf,	Smith, Ill.
Boutell,	Goldfogle,	Meyer, La.	Smith, S. W.
Brick,	Graff,	Mickey,	Snook,
Bristow,	Green, Pa.	Minor,	Southard,
Bromwell,	Grosvenor,	Moody, N. C.	Sperry,
Brown.	Grow,	Moody, Oreg.	Stevens, Minn.
Burk, Pa.	Hamilton,	Moon,	Stewart, N. J.
Burke, S. Dak.	Hanbury,	Morgan,	Stewart, N. Y.
Burleigh,	Hildebrant,	Morris,	Storm,
Burton,	Hill,	Moss,	Sulloway,
Capron,	Hitt,	Needham,	Sutherland,
Cassel,	Holliday,	Nevin,	Tawney,
Cochran,	Hopkins,	Olmsted,	Thayer,
Cowherd,	Irwin,	Otjen,	Tirrell,
Cromer,	Jenkins,	Overstreet,	Van Voorhis,
Crumpacker,	Jones, Wash.	Palmer,	Vreeland,
Currier,	Joy,	Parker,	Wachter,
Curtis,	Kahn,	Patterson, Pa.	Wadsworth,
Dalzell,	Ketcham,	Payne,	Wanger,
Deemer,	Knapp,	Perkins,	Warnock,
Dick,	Kyle,	Powers, Me.	Watson,
Douglas,	Lamb,	Powers, Mass.	Wilson,
Dovener,	Lanham,	Ray, N. Y.	Woods.
Draper,	Lessler,	Reeder,	
Eddy,	Lewis, Pa.	Reeves,	
Emerson,	Lindsay,	Roberts,	

ANSWERED "PRESENT"—9.

Bartlett,	Haugen,	Mercer,	Pou.
Bell,	Johnson,	Pierce,	Tate,
Burgess,			

NOT VOTING—139.

Aplin,	Driscoll,	Jett,	Rhea, Va.
Babcock,	Elliott,	Kehoe,	Robertson, La.
Ball, Del.	Feely,	Kluttz,	Robinson, Nebr.
Bankhead,	Finley,	Knox,	Rumple,
Barney,	Flood,	Lacey,	Russell,
Belmont,	Fordney,	Landis,	Scarborough,
Blackburn,	Foster, Ill.	Lassiter,	Shafroth,
Blakeney,	Foster, Vt.	Latimer,	Shallenberger,
Boreing,	Fowler,	Lawrence,	Shelden,
Bowersock,	Fox,	Lever,	Sheppard,
Broussard,	Gardner, N. J.	Lewis, Ga.	Skiles,
Brownlow,	Gill,	Littauer,	Smith, Iowa
Bull,	Gillett, Mass.	Littlefield,	Smith, H. C.
Butler, Mo.	Glenn,	Lloyd,	Smith, Wm. Alden
Butler, Pa.	Gooch,	McAndrews,	Southwick,
Calderhead,	Gordon,	McCall,	Sparkman,
Caldwell,	Graham,	McDermott,	Steele,
Clark,	Greene, Mass.	McLain,	Sulzer,
Connell,	Hall,	McRae,	Swanson,
Conner,	Haskins,	Mahoney,	Talbert,
Conry,	Heatwole,	Marshall,	Tayler, Ohio
Coombs,	Hedge,	Martin,	Thomas, Iowa
Cooney,	Hemenway,	Maynard,	Tompkins, N. Y.
Cooper, Tex.	Henry, Conn.	Miller,	Tompkins, Ohio
Cooper, Wis.	Henry, Miss.	Mondell,	Tongue,
Corliss,	Henry, Tex.	Morrell,	Trimble,
Creamer,	Hepburn,	Mudd,	Vandiver,
Crowley,	Hooker,	Mutchler,	Warner,
Cushman,	Howard,	Naphen,	Weeks,
Dahle,	Howell,	Neville,	White,
Darragh,	Hughes,	Newlands,	Williams, Ill.
Davey, La.	Hull,	Patterson, Tenn.	Wooten
Davidson,	Jack,	Pearre,	Wright,
Dayton,	Jackson, Kans.	Prince,	Young.
De Graffenreid,	Jackson, Md.	Pugsley,	

So the amendment was rejected.

The following pairs were announced:
For the session:
Mr. WANGER with Mr. ADAMSON.
Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. BOREING with Mr. TRIMBLE.
Mr. HEATWOLE with Mr. TATE.
Mr. WRIGHT with Mr. HALL.
Mr. BULL with Mr. CROWLEY.
Mr. YOUNG with Mr. BENTON.
Mr. DAYTON with Mr. MEYER of Louisiana.
Until further notice:
Mr. LANDIS with Mr. CLARK.
Mr. JACK with Mr. FINLEY.
Mr. TAYLER of Ohio with Mr. BARTLETT.
Mr. HASKINS with Mr. JOHNSON.
Mr. CONNELL with Mr. KLUTTZ.
Mr. BROWNLOW with Mr. PIERCE.
Mr. GILL with Mr. SULZER.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. FORDNEY with Mr. BURGESS.
Mr. TIRRELL with Mr. CONRY.
Mr. WARNER with Mr. CALDWELL.
Mr. SKILES with Mr. TALBERT.
Mr. FOSTER of Vermont with Mr. POU.
Mr. MILLER with Mr. LEVER.
For this day:
Mr. BOWERSOCK with Mr. SCARBOROUGH.
Mr. SOUTHWICK with Mr. LLOYD.
Mr. GRAHAM with Mr. MAYNARD.
Mr. HENRY C. SMITH with Mr. DE GRAFFENREID.
Mr. HEMENWAY with Mr. COOPER of Texas.
Mr. HAUGEN with Mr. GOOCH.
Mr. MORRELL with Mr. JACKSON of Kansas.
Mr. LITTLEFIELD with Mr. WOOTEN.
Mr. MONDELL with Mr. SHAFROTH.
Mr. RUSSELL with Mr. JETT.
Mr. TOMPKINS with Mr. LEWIS of Georgia.
Mr. BABCOCK with Mr. MCANDREWS.
Mr. TONGUE with Mr. WILLIAMS of Illinois.
Mr. THOMAS of Iowa with Mr. VANDIVER.
Mr. WM. ALDEN SMITH with Mr. WHITE.
Mr. SMITH of Iowa with Mr. SWANSON.
Mr. SHELDEN with Mr. SHALLENBERGER.
Mr. PRINCE with Mr. PUGSLEY.
Mr. PEARRE with Mr. PATTERSON of Tennessee.
Mr. RUMPLE with Mr. NEWLANDS.
Mr. MUDD with Mr. NEVILLE.
Mr. MARTIN with Mr. MUTCHLER.
Mr. LITTAUER with Mr. MAHONEY.
Mr. HULL with Mr. KEHOE.
Mr. LACEY with Mr. LATIMER.
Mr. MARSHALL with Mr. MCLAIN.
Mr. LAWRENCE with Mr. MCDERMOTT.
Mr. TOMPKINS with Mr. CREAMER.
Mr. KNOX with Mr. LASSITER.
Mr. HUGHES with Mr. HOWARD.
Mr. HOWELL with Mr. HOOKER.
Mr. HEPBURN with Mr. HENRY of Texas.
Mr. HEDGE with Mr. GORDON.
Mr. GREENE of Massachusetts with Mr. GLENN.
Mr. GARDNER of New Jersey with Mr. FOX.
Mr. DRISCOLL with Mr. FOSTER of Illinois.
Mr. DARRAGH with Mr. FLOOD.
Mr. CUSHMAN with Mr. ELLIOTT.
Mr. CORLISS with Mr. FEELY.
Mr. COOPER of Wisconsin with Mr. COONEY.
Mr. CALDERHEAD with Mr. BUTLER of Missouri.
Mr. BLACKBURN with Mr. BROUSSARD.
Mr. BALL of Delaware with Mr. BANKHEAD.
On this vote:
Mr. HENRY of Connecticut with Mr. HENRY of Mississippi.
Mr. CONNER with Mr. BELMONT.
Mr. FOWLER with Mr. BELL.
Mr. MERCER with Mr. ROBINSON of Nebraska.
Mr. GILLETT of Massachusetts with Mr. NAPHEN, until the 12th.
Mr. BUTLER of Pennsylvania with Mr. RHEA of Virginia, until Thursday.
Mr. WEEKS with Mr. SHEPPARD, for two weeks.

Mr. BARTLETT. Mr. Speaker, I voted "aye" on this question. I observe I am paired with the gentleman from Ohio, Mr. TAYLER. I therefore desire to withdraw my vote and be recorded "present."

The result of the vote was announced as above stated.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

Mr. CLAYTON. I ask that there be general leave to print for five days on the amendment to the bankruptcy law.

Mr. RAY of New York. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. SHERMAN. It is understood that the speeches shall relate to the subject?

The SPEAKER pro tempore. The request was for leave to print speeches on the bankruptcy law.

There was no objection and leave was granted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 10299. An act authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes; and

H. R. 11725. An act to amend section 4139 and section 4314 of the Revised Statutes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14411. An act to regulate commutation for good conduct for United States prisoners.

The message also announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

S. R. 113. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers.

UNITED STATES COURTS IN GEORGIA.

Mr. RAY of New York. I call up the bill which I send to the desk.

The bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga., and to transfer certain counties from the northern to the southern district in said State, was read, as follows:

Be it enacted, etc., That the southwestern division of the southern judicial district of Georgia is hereby established, to be composed of the counties of Baker, Berrien, Brooks, Calhoun, Charlton, Clinch, Coffee, Colquitt, Decatur, Dougherty, Echols, Irwin, Lowndes, Mitchell, Thomas, Ware, and Worth, of the southern district of Georgia, and of the counties of Early and Miller, of the northern district of Georgia, which are hereby attached to said southern district and made a part of said southwestern division of said southern district.

SEC. 2. That a term of the circuit court and of the district court for the southern district of Georgia shall be held at Valdosta, in said State, on the second Mondays in June and December in each year; and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If, in the opinion of the court, it shall become necessary, a deputy clerk may be appointed.

SEC. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 4. That prosecutions for crime or offenses hereafter committed in any of the counties of the southwestern division shall be cognizable within such division; and all prosecutions for crime or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district courts of either district or division from which the counties constituting this division have been taken, and which would, if instituted after the passage of this act, be required to be brought in the southwestern division of said district, may be transferred by consent of all parties to said southwestern division of said district and there disposed of in the same manner and with like effect as if the same had been instituted therein; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the southwestern division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 6. That in all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the southern district of Georgia such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provision hereinbefore contained, issued in either of said divisions, may be served or executed in either or all of said divisions.

SEC. 8. That this act shall be in force from and after the 1st day of January, A. D. 1903.

SEC. 9. All acts and parts of acts inconsistent herewith are hereby repealed.

The amendments reported by the Committee on the Judiciary were read and agreed to, as follows:

Add at the close of section 2, on page 2, the following proviso, to wit:
"*Provided, however*, That suitable rooms and accommodations are furnished

for the holding of said courts free of expense to the Government of the United States."

Add after the word "parties," in line 5, page 3, section 5, the following words, to wit, "or by order of the court."

Mr. RAY of New York. Mr. Speaker, if it be in order, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend H. R. 12205 by striking out all of section 1 after the enacting clause, ending with line 2, and substitute therefor the following:

"That the southwestern division of the southern judicial district of Georgia is hereby established, to be composed of the counties of Berrien, Brooks, Charlton, Church, Coffee, Colquitt, Decatur, Echols, Irwin, Lowndes, Mitchell, Thomas, Ware, and Worth of the southern district of Georgia."

Amend caption by striking out the words "and to transfer certain counties from the northern to the southern district in said State."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

CONTROL AND MANAGEMENT OF PENITENTIARIES.

Mr. RAY of of New York. I call up the bill (H. R. 14410) to provide for the control and management of United States penitentiaries, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the control and management of all United States penitentiaries be, and hereby are, vested in the Attorney-General, who shall have power to appoint all officers and employees necessary for the conduct of said penitentiaries, and for the safe-keeping, care, protection, and discipline of prisoners confined therein. He shall also have authority to promulgate such rules for the government of the officers and employees of said penitentiaries, and prisoners therein confined, as he may deem proper and necessary.

SEC. 2. That persons convicted of crimes against the laws of the United States and sentenced to imprisonment in a penitentiary may be confined in any one of said United States penitentiaries on the designation thereof by the Attorney-General. Nothing in this act is intended to interfere with existing legislation relative to the confinement of persons convicted by courts-martial and sentenced to terms of imprisonment in a penitentiary. The Attorney-General may, in his discretion, transfer to any one of said United States penitentiaries from prisons or penitentiaries in any State or Territory persons undergoing sentence of imprisonment imposed by the United States courts.

SEC. 3. That the transportation of persons convicted of crimes against the laws of the United States in any State, District, or Territory, and sentenced to terms of imprisonment in a United States penitentiary, and their delivery to the warden or keeper thereof, shall be by the marshal of the State, District, or Territory where such convictions may occur: *Provided*, That such transportation and delivery from the District of Columbia, if any, shall be by the warden of the jail of that District; that the actual expenses of such marshal or warden of the jail in the District of Columbia, including transportation and subsistence, hire, transportation and subsistence of guards, and the transportation and subsistence of the convict or convicts, be paid, on the approval of the Attorney-General, out of the proper funds.

SEC. 4. That convicts in said United States penitentiaries may be employed in the manufacture of articles and the production of supplies for said penitentiaries, and in the manufacture of supplies for the Government, and in the care and cultivation of the prison grounds and farms, the construction and completion of prison buildings, and on stone, brick, and wood work connected therewith, and for this purpose may be employed anywhere on the prison grounds or reservations, and at adjacent stone quarries, when necessary, under proper guard.

SEC. 5. That every prisoner when discharged from said United States penitentiaries shall be furnished by the warden or keeper with transportation to the place of his conviction or place of his bona fide residence in the United States, and if the term of his imprisonment shall have been for six months or more he shall also be furnished by the warden or keeper with suitable clothing and $5 in money.

SEC. 6. That convicts in said United States penitentiaries who have or may become insane may be transferred to the Government Hospital for the Insane at Washington, D. C., under the same rules and regulations governing the case of insane United States prisoners confined in State or Territorial prisons.

SEC. 7. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The following amendments reported by the committee were read and agreed to:

Before the words "bona fide residence" in section 5, page 3, line 12, insert the word "his."

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WETMORE, Mr. HANSBROUGH, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TALIAFERRO as the conferees on the part of the Senate.

PUNISHMENT OF UNITED STATES PRISONERS.

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 7206) providing for the punishment of United States prisoners for crimes committed while confined in State penal institutions.

The bill was read, as follows:

Be it enacted, etc., That hereafter when any prisoner confined in any State prison or reformatory, under or by virtue of a sentence of any United States court, shall commit, or be charged with the commission of, any crime against the laws of the State in which said prison or reformatory is situated, said prisoner shall be turned over to the proper State authorities for trial, and if the sentence of the State court is either death or imprisonment for life, said prisoner shall at once be sentenced and said judgment executed. If the judgment of said State court shall be for imprisonment for a term of years said prisoner shall be remanded by the State court back to the prison or reformatory whence said prisoner was obtained, there to serve out the sentence of the United States court, after which time he shall be turned over to the State authorities in order that he may serve out the judgment of the State court.

SEC. 2. That all laws in conflict with the provisions of this act are hereby repealed, and this act shall take effect from and after its passage.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

That whenever any prisoner confined in any State prison or reformatory within a State, under and by virtue of a sentence of any court of the United States to imprisonment for a term less than life, has committed or shall commit any crime against the laws of any State of the United States the punishment for which by the laws of such State is death or imprisonment in the State prison, and such prisoner has been or shall be indicted therefor, he may be turned over to the proper State authorities for trial on the requisition of the governor of such State, accompanied by satisfactory proof of the facts and designating the officer or officers to whom such surrender is desired, in case such requisition is approved and such surrender is directed by the Attorney-General of the United States; and if such prisoner is convicted in the State court, and the penalty imposed thereby is either death or imprisonment for life, he may be sentenced and the judgment executed by the State authorities. If such prisoner is acquitted, or if convicted and the penalty imposed by said State court is less than death or imprisonment for life, he shall be immediately remanded by the State court to the prison or reformatory whence obtained, there to serve out the sentence of the United States court less the diminution of time hereinafter provided, after which he shall be surrendered to the State authorities to answer the judgment of the State court.

The officers of the State having the custody of such prisoner shall deliver and surrender him at the place of his confinement to the authorities of the prison or reformatory from which he was obtained: *Provided*, That in no case shall a prisoner so surrendered for trial be admitted to bail by any State official, State court, or any judge or justice thereof: *Provided further*, That nothing in this act contained shall be construed as an absolute surrender of the custody of such prisoner by the authorities of the United States, but the actual custody of the United States may be immediately resumed and asserted whenever the purposes of this act are accomplished: *Provided further*, That in case a pardon shall be granted such prisoner by the authorities of either the State or of the United States in the exercise of their power and jurisdiction, then such prisoner shall be immediately subject and surrendered to the authority and proper officials of the other, as the case may be: *Provided further*, That no such prisoner shall be surrendered to the authorities of a State under the provisions of this act until such State has provided by law for the detention and surrender of such prisoner to the authorities of the United States in case of his acquittal, pardon, or sentence on conviction to any punishment less than death or imprisonment for life, and has also provided by law that no such prisoner so surrendered shall be admitted to bail by any court of the State or any judge or justice thereof or any other official of the State.

SEC. 2. That whenever a prisoner heretofore or hereafter convicted and sentenced to imprisonment for a crime heretofore committed is surrendered to the authorities of a State under the provisions of this act for trial under the State laws the time during which he is held in custody by the State authorities shall be deemed and shall count as part of the term of imprisonment imposed by the United States court, and the term of his actual imprisonment in such State prison or reformatory, as the case may be, shall be diminished accordingly, but any person hereafter convicted and imprisoned for the commission of any crime hereafter committed shall be held and imprisoned for the full term imposed by the court of the United States, without deduction or diminution of time on account of being surrendered to and held in custody by a State court under and pursuant to the provisions of this act.

The amendment was agreed to.

Mr. GROSVENOR. I assume that this bill is all right, but I should like to hear some explanation of it.

Mr. RAY of New York. Mr. Speaker, I will gladly explain the matter, and I can do so in two minutes.

While the substitute just read is quite long, it was made necessary by the conditions. A prisoner convicted under United States law is generally confined in a State prison. At present there is no method by which such a prisoner can be taken from the authorities of the United States while so confined and tried for an offense committed against the State. Now, it happened down in Kentucky that a United States prisoner serving an imprisonment for a few years in a State institution murdered his keeper.

There is no way by which he can be tried and convicted of that murder. We would have to wait eight or ten years, and then the witnesses might be dead. Now, it is proposed to have some special legislation covering such cases. I went to work and drew a bill, and submitted it to some of the best lawyers in the House,

to cover such cases, which would permit the taking from these State institutions, convicted and confined under jurisdiction of the United States, a prisoner and his trial where he commits a greater offense. Such a bill needs careful provisions, you see, to prevent escape; it needs careful provisions as to confinement and return and custody and what shall be done with him after he is tried by the State and convicted or acquitted. Of course, we provide that if the punishment prescribed by the State is death, then the State takes his life. If the punishment is imprisonment for life, the State may keep him; but if it is for any less time, then we provide he shall be returned to the United States to serve out his sentence, and then the United States shall turn him over to the State. It is a very carefully prepared bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time. and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER. At this stage the Chair takes occasion to state that he appoints Mr. OLMSTED, of Pennsylvania, to preside during the evening session.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 14892) relating to jurisdiction on appeals in the court of appeals of the District of Columbia, and transcripts on appeals in said court, and to quiet title to public lands, which I ask to have read.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction on appeal from the final decision or order of the Secretary of the Interior in all cases rejecting an application for a patent to land claimed under any of the land laws of the United States is hereby given to and vested in the court of appeals of the District of Columbia. Appeal to such court shall lie whether the rejected application for patent be ex parte or whether such rejection be the final decision or order of and in the Interior Department made in a contest for a patent to land between opposing parties claiming the same land: *Provided*, That nothing in this act shall be construed to give the right of appeal when a patent to the land in question has in fact issued to any party.

SEC. 2. That the transcript on appeal shall consist of the application for the patent, if ex parte, and the proof made in support of the application in the Interior Department, which transcript shall be certified to by the said Secretary of the Interior Department with the official seal thereof attached. If said appeal be taken from a final decision or order of the Interior Department rejecting an application for patent by either party in a case of contest therefor between two or more opposing parties, then the transcript shall be prepared by appellant and shall contain the appellant's application for patent, and the proof in the Interior Department in support thereof deemed necessary by appellant, which said transcript shall be printed and a copy thereof served on appellee, who, if not satisfied with said transcript so served on him by appellant, shall have the right to print and file in the appellate court, within thirty days after such service of appellant's transcript on him, or within the time fixed by the court, a supplemental transcript deemed by appellee to be necessary to fully present the case on appeal and his rights therein. No appeal shall be taken from a final decision or order of the Interior Department rejecting an application for a patent made and entered of record and promulgated more than one year prior to such appeal. When an appeal is taken in a contested case, the parties to said contest may stipulate what the record on appeal shall contain, and such stipulation shall be filed with and be a part of the record on appeal. Appeals shall not be allowed under this act from any decision made prior to January 1, 1902.

SEC. 3. That when an appeal is taken to the court of appeals of the District of Columbia as hereinbefore provided, the appellant shall give notice thereof to the Secretary of the Interior, and shall also file in the office of the clerk of said court of appeals, within thirty days, his reasons of appeal sufficiently set forth in writing.

SEC. 4. That the court shall, before hearing such appeal, give notice to the Secretary of the Interior of the time and place of the hearing, and on receiving such notice the Secretary of the Interior shall give notice of such time and place to such parties as are interested therein, and the Secretary of the Interior may, if he so elects, furnish the court with the grounds of his decision fully set forth in writing and touching all the points involved by the reasons of appeal.

SEC. 5. That the court shall hear and determine such appeal and revise the decision appealed from at such early and convenient time as the court may appoint, and the revision shall be confined to the points set forth in the reasons for appeal; and the court shall also have jurisdiction on such appeal to adjudge the rights of the parties to a patent, and to apportion the costs of appeal between the parties as to the said court seems just; and after hearing and deciding the case the court shall return to the Secretary of the Interior a certificate of its proceedings and decision, which shall be entered of record in the office of the Secretary of the Interior, and shall govern the further proceedings in the case. If the court, on such appeal, shall adjudge that the appellant upon the record as presented is entitled to a patent, the Secretary of the Interior shall issue such patent on the appellant filing in the office of the Secretary of the Interior a copy of the adjudication and otherwise complying with the requirements of law: *Provided always*, That an appeal shall lie from the court of appeals of the District of Columbia to the Supreme Court of the United States.

SEC. 6. That any person claiming title, either legal or equitable, by compliance with any law of the United States for disposal of the public domain, to any public lands the record title of which is in the United States, which the Land Department refuses to recognize, may institute against the United States in the Court of Claims, and prosecute to final decision, any suit that may be necessary to settle the same: *Provided*, That no such suit shall be brought for causes now existing, where the final decision of the Land Department was made prior to January 1, 1902, at any time after the expiration of six months after the passage of this act, nor, for causes hereafter arising, after six months from the final decision of the Land Department upon such claim, and suits hereunder not brought within such time shall be forever barred.

SEC. 7. That all such suits shall be by petition in the nature of a bill in equity, and shall be conducted and determined in all respects, except as herein otherwise provided, according to the rules and principles of equity, practice, and jurisprudence in the courts of the United States; and for the purpose of this act the Court of Claims is hereby invested with the jurisdiction and powers exercised by courts of equity so far as it may be necessary to give relief in any suit which may be instituted under the provisions of this act.

SEC. 8. That notice of every suit authorized by this act shall be executed by the delivery of a true copy thereof, with a copy of the petition, to the Attorney-General, whose duty it shall be for and in behalf of the United States to demur to or answer the petition therein within thirty days after the service of such process upon him, unless the court shall for good cause shown grant further time for filing the same.

SEC. 9. That if two or more parties claiming the same lands under different rights shall institute separate suits under the provisions of this act, such suits shall be consolidated and tried together, and the court shall determine the question of title, and grant all proper relief as between the prospective claimants as well as between each of them and the United States. If the court decide in favor of any claimant, both as against the United States and other claimants, it shall so decree, and proceed by proper process to put such successful claimant in such possession of such portion thereof as he may be thus found to be entitled to, and upon the filing of a certified copy of such decree with the Secretary of the Interior he shall cause a patent to be issued to the party in whose favor such decree shall be rendered for the lands therein adjudged to him: *Provided*, That either party may, within ninety days after rendition of any final judgment or decree in any suit authorized by this act, carry such suit by appeal to the Supreme Court of the United States, which court is hereby vested with full jurisdiction to hear and determine the same on such appeal, in the same manner and with the same effect as in cases of appeal in equity causes from the circuit courts of the United States: *And provided further*, That in case the judgment or decree of the Court of Claims in any such suit shall be adverse to the United States, the Attorney-General shall prosecute such appeal within the time above described; and the taking of an appeal from any such judgment or decree shall operate as a supersedeas thereof until the final hearing and judgment of the Supreme Court thereon.

The committee amendments were read, as follows:

Strike out sections 6, 7, 8, and 9.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

FEES OF JURORS IN UNITED STATES COURTS.

Mr. RAY of New York. Mr. Speaker, I now call up the bill (S. 4769) to fix the fees of jurors in the United States courts, which I will ask the Clerk to read.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act the per diem pay of each juror, grand or petit, in any court of the United States shall be $3 a day instead of $2 a day, as now provided by law.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

SOCIETY OF THE ARMY OF SANTIAGO DE CUBA.

Mr. RAY of New York. Mr. Speaker, I now call up the bill (H. R. 11656) to incorporate the Society of the Army of Santiago de Cuba, which I will ask to have read.

The Clerk read as follows:

Be it enacted, etc., That William R. Shafter, J. Ford Kent, and John C. Bates, of the United States Army; G. Creighton Webb, of New York, in the State of New York; Lyman W. V. Kennon, Charles Morton, Samuel B. M. Young, Samuel S. Sumner, Wallace F. Randolph, Joseph Wheeler, Adna R. Chaffee, Alfred C. Sharpe, Philip Reade, and James T. Kerr, of the United States Army; John Jacob Astor, of New York, in the State of New York; Hamilton S. Hawkins, of the United States Army; Adelbert Ames, of Lowell, in the State of Massachusetts; Chambers McKibbin and Eugene D. Dimmick, of the United States Army; and Charles Dick, of Akron, in the State of Ohio, officers and members of the council of The Society of the Army of Santiago de Cuba, and their associates and successors, be, and they are hereby, incorporated and made a body politic and incorporate in the District of Columbia by the name of "The Society of the Army of Santiago de Cuba," for patriotic, historical, and educational purposes, to record the history and conserve the memory of events of the campaign which resulted in the surrender on the 17th day of July, 1898, of the Spanish army, the city of Santiago de Cuba, and the military province to which it pertained; and by that name it may sue and be sued, plead and be impleaded in any court of law or equity, and may have and use a common seal and change the same at pleasure.

SEC. 2. That the said corporation shall have the power to take and hold personal estate and such real estate, to the amount of $50,000, as shall be necessary and proper for the promotion of the purposes of said corporation, which shall not be divided among the members of said corporation, but shall descend to their successors for the promotion of the objects aforesaid.

SEC. 3. That said corporaton shall have a constitution and regulations or by-laws, and shall have the power to amend the same at pleasure: *Provided*, That such constitution and regulations or by-laws do not conflict with the laws of the United States or of any State.

SEC. 4. That said corporation may hold its meetings in such places as said incorporators or their successors shall determine, and shall report to the Congress, through the Secretary of War, such portions of its meetings and transactions as its officers shall deem to be of general public interest.

The committee amendments were read, as follows:

On page 2, line 8, after the word "campaign," insert the words "of the Army and Navy of the United States."

On page 3, after the word "determine," in line 5, strike out all of line 5, 6, and 7.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

ADDITIONAL COMMISSIONERS AND CONSTABLES IN THE INDIAN TERRITORY.

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 14923) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the judge of the United States court of the western district in the Indian Territory is hereby authorized and empowered to appoint three additional United States commissioners for said district, who shall have their headquarters established and be located at Sapulpa, Wagoner, and Okmulgee, in the Creek Nation; and the judge of the northern district of the Indian Territory is hereby authorized and empowered to appoint two additional United States commissioners, who shall have their headquarters established and be located at Pryor Creek and Nowata, in the Cherokee Nation. Said commissioners shall hold office for four years from the date of their appointment and until their successors are appointed and qualified. Said commissioners shall have the same qualifications, duties, powers, and jurisdiction, and shall receive the same compensation as are now provided by law for other United States commissioners in the Indian Territory. The judge of said district shall, by order of court, fix the metes and bounds of each of the commissioner's districts for said judicial district, and he shall also fix the times when and the places where each of said commissioners in said district shall hold his regular terms of court.

SEC. 2. That all cases pending in commissioners' courts at the time of the passage and approval of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," shall be transferred to the commissioner's court herein provided for nearest the residence of the defendant, which shall have the same jurisdiction and shall try the same as if originally brought in that court.

SEC. 3. That the judge of the western district in the Indian Territory is hereby authorized and empowered to appoint a constable for each of the three commissioners herein provided for in the western district of said Territory; and the judge of the northern district of the Indian Territory is hereby authorized and empowered to appoint a constable for each of the two commissioners herein provided for in the northern district of said Territory, each of which constables shall hold office for a term of four years from the time of his appointment and until his successor is appointed and qualified. The qualifications, duties, and powers, and the compensation of said constables shall be the same as that now provided by law for other constables in the Indian Territory.

SEC. 4. That all persons now residing in the western judicial district who have heretofore been appointed and commissioned notaries public in the Indian Territory, and whose terms of office have not yet expired, are hereby empowered and authorized to continue to act as such notaries public until the expiration of the term for which each was appointed.

SEC. 5. That this act shall take effect from and after its passage and approval.

Mr. RAY of New York. Mr. Speaker, I am inclined to think that we ought to have unanimous consent to consider that bill in the House as in Committee of the Whole. While I do not think there will be any objection to this, still it does make in a way a charge on the Treasury, because it creates these new officers in the Indian Territory.

The SPEAKER. The Chair thinks that the special order allows the gentleman to bring it up in the House.

Mr. RAY of New York. Very well. All I desire to say to the House is that this matter was submitted to a subcommittee of the Judiciary Committee, of which Mr. WARNER, of Illinois, was chairman. Careful consideration was given to the necessity of these officers. The subcommittee made investigations and were satisfied that these new additional officers should be given. Every member of the committee was of that opinion. The report was unanimous.

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

Mr. RAY of New York. I yield.

The SPEAKER. To whom does the gentleman from New York yield?

Mr. RAY of New York. I yield to my colleague [Mr. CLAYTON].

Mr. CLAYTON. I simply want to add to the statement made by the gentleman from New York the further statement that I have had several letters from different people—business men, merchants, and lawyers in the Indian Territory—saying that the passage of this measure is essential and in the interest of public justice. I indorse the statement of the gentleman that this measure has received the unanimous approval of the Committee on the Judiciary.

Mr. RAY of New York. Mr. Speaker, I yield to the gentleman from Iowa [Mr. LACEY].

The SPEAKER. How much time does the gentleman yield?

Mr. RAY of New York. Whatever time the gentleman needs.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] is recognized.

Mr. LACEY. Mr. Speaker, I simply want to say that frequent requests for the passage of a bill of this kind have come to various members of the Committee on Indian Affairs; but as that committee has no jurisdiction of the question, of course it could not take any action. The necessity for the bill, however, is very evident.

Mr. RAY of New York. You do not question the necessity?

Mr. LACEY. Oh, no; I have no doubt of it.

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. RAY of New York. Certainly; five minutes, or such time as the gentleman desires.

The SPEAKER. The gentleman from Indiana is recognized for five minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, I shall not interpose any objection to the passage of this bill, because any legislation for these benighted people of the Indian Territory is like a breath of fresh air in a charnel house. I ask this opportunity to present to the House again the state of anarchy that prevails in the Indian Territory. One hundred thousand school children there are neglected by Congress in our failure to pass some law providing for their education. At present there is an absence of all law on the subject outside of towns.

The insane of the Indian Territory are transported to the asylum across the Potomac River here because there is no law providing for their care or for the security of the people who might be injured by reason of their violence.

Only three days ago a representative of the Indian Territory in the city of Washington was asked by the authorities there to consult the various departments of the United States Government to see if some means could be provided for the care of a violent insane man. The result of the inquiry and effort was that no law could be found to cover the case, and he was advised by the very authorities who should provide or recommend legislation that the insane man had better be shipped to some sister State and there be cared for. Twenty-five of those insane from the Indian Territory are to-day at St. Elizabeth's, the only place where they can be cared for and protected.

Three hundred thousand people of the Indian Territory have no law for their government to-day. No law for schools, for institutions, for highways and bridges. Congress has denied to these people the legislation necessary for their proper government. I only desire to emphasize this fact, thinking that perhaps at some time we may secure the remedy which has been so long desired by these people and legislation that American citizens surely deserve.

Mr. LITTLE. Mr. Speaker, if the gentleman from New York will yield for a moment, I desire to ask him a question. If I remember correctly, constables in the Indian Territory have no power to appoint deputies. That being true, I would suggest whether it would not be wise to give them the power to appoint at least one deputy with the approval of the judge.

Mr. RAY of New York. It would not be wise to do that here without consideration. If that is a matter of wisdom and the gentleman will present it to the Judiciary Committee, we will consider it carefully, but to do such a thing here in the haste of legislation would be unwise.

Mr. LANHAM. It can be considered in the Senate on an amendment.

Mr. RAY of New York. Yes; as my colleague suggests, it can be offered as an amendment to the bill in the Senate.

Mr. LITTLE. I have no objection to the pending bill. I have no doubt it ought to be passed, but there ought to be some other provisions.

Mr. RAY of New York. Such matters ought not to be acted on hastily without consideration in the committee.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

SUPPRESSION OF TRAIN ROBBERIES.

Mr. RAY of New York. Mr. Speaker, I call up House bill 11412, for the suppression of train robberies in the Territories of the United States and other places, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That any person who within any State or Territory of the United States, or other place subject to the jurisdiction thereof, obstructs or derails or makes an assault upon any railroad train, railroad cars, or railroad locomotive operating within such State, Territory, or place, and upon which the United States mail is carried or which is engaged in interstate commerce, for the purpose and with the intent to commit murder, robbery, or any other felony, upon said train, cars, or locomotive, or upon or against

any person or persons lawfully on said train, or cars, or locomotive, shall be punished as follows: If the death of any such person is effected or thereby caused, such offender shall suffer death; if death is not caused, he shall be imprisoned not less than five nor more than twenty years.

SEC. 2. That any person who attempts to commit the offense mentioned in section 1 of this act shall be imprisoned not less than one nor more than ten years.

SEC. 3. That any person who aids, abets, or incites another to commit either of the offenses mentioned in sections 1 or 2 of this act shall be deemed a principal offender.

SEC. 4. That upon the trial of a person charged with the violation of this act it shall not be necessary to prove, nor shall it be deemed material to a conviction, that the defendant or defendants intended to effect the death of or to rob or commit a felony upon or against any particular person, but it shall be deemed sufficient if it is proved to the satisfaction of the jury that as a result of such unlawful act some person or persons had been killed, robbed, or injured, as the case may be, or that such act was committed with the design to commit any crime.

The amendments recommended by the committee were read, as follows:

On page 1, line 5, after "an," insert "unlawful."

On page 1, lines 7 and 8, strike out "and upon which the United States mail is carried or."

On page 1, line 9, strike out "for the purpose and" and insert in lieu thereof the following: "or which is operating within a Territory of the United States."

On page 1, from lines 10, 11, and 12, strike out the following: "upon said train, cars, or locomotive, or upon or against any person or persons lawfully on said train, or cars, or locomotive," and insert in lieu thereof the following: "or who with such intent makes an unlawful assault upon any person lawfully on such train, cars, or locomotive."

On page 1, line 13, strike out the word "such."

The section will then read as follows:

"That any person who within any State or Territory of the United States, or other place subject to the jurisdiction thereof, obstructs or derails or makes an unlawful assault upon any railroad train, railroad cars, or railroad locomotive operating within such State, Territory, or place, which is engaged in interstate commerce, or which is operating within a district or Territory of the United States, with the intent to commit murder, robbery, or any other felony, or who with such intent makes an unlawful assault upon any person lawfully on such train, cars, or locomotive, shall be punished as follows: If the death of any person is effected or thereby caused, such offender shall suffer death; if death is not caused, he shall be imprisoned not less than five nor more than twenty years."

Mr. SMITH of Kentucky. Mr. Speaker——

Mr. RAY of New York. How much time does the gentleman want?

Mr. SMITH of Kentucky. I would like to have considerable time on this bill. This is a very important bill.

Mr. RAY of New York. We have only a few minutes remaining.

Mr. SMITH of Kentucky. This bill is too important to be rushed through in that time, and I hope it will not be insisted upon.

Mr. RAY of New York. I will take but two minutes to explain the bill, and then I will yield to the gentleman from Kentucky five minutes, and then I shall be inclined to call for a vote.

Now, this bill involves just this, nothing more and nothing less: This country of ours, in some sections, has been infested for years with train robbers, who have carried on their operations somewhat in the Territories and to a very large extent in the sparsely populated States, or in those parts sparsely populated on the frontier. The States have so little real interest in this class of criminals where the crime has been committed away from civilization that if they have acted at all it has been after a reward has been offered by the United States or by the suffering railroad or express company for the capture of these robbers. In the meantime the criminals have disappeared, and if no reward has been offered then the State has done nothing; and as the United States has been powerless to do anything, no effort has been made to capture these train robbers.

Now, if we can add to the power of the States the power of the General Government the two will act together in the suppression of these train robberies, and where the offense is committed so far from real civilization that the State does not feel like taking hold of it the United States Government will take hold of it, and we will be sure to wipe out this business of robbing and holding up trains. Now, what is the objection to it, gentlemen? The sole and only objection comes from our friends on the other side, who are sticklers for State rights. They contend we are invading a power that belongs to the State and conferring it on the Federal Government. In other words, that the Federal Government has no right and should not exercise the right to enact a law against murder and robbery upon an interstate train or a train carrying the mails.

The SPEAKER. The two minutes of the gentleman have expired.

Mr. RAY of New York. There is the objection. Now I yield five minutes to the gentleman from Kentucky.

Mr. SMITH of Kentucky. Mr. Speaker, I desire to be recognized in my own right.

The SPEAKER. That can not be done while the gentleman from New York has the floor. He is entitled to one hour.

Mr. SMITH of Kentucky. Then I will let the gentleman get through, and then I will ask to be recognized.

Mr. RAY of New York. I move the previous question on the bill and amendments to its final passage.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. RAY of New York. Division, Mr. Speaker.

The House divided; and there were—ayes 65; noes 55.

Mr. SMITH of Kentucky. Tellers, Mr. Speaker.

Tellers were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from New York [Mr. RAY] and the gentleman from Kentucky [Mr. SMITH].

The House again divided; and the tellers reported—ayes 72, noes 52.

Mr. SMITH of Kentucky. I make the point that no quorum has voted.

Mr. BARTLETT. I make the point that there is no quorum present.

Mr. LANHAM. Mr. Speaker, pending that, I move that the House do now adjourn.

The SPEAKER. That is in order, of course.

Mr. RAY of New York. I demand the yeas and nays.

Mr. PAYNE. A parliamentary inquiry.

The SPEAKER. The Chair understands that the gentleman from Texas moves that the House do now adjourn.

Mr. PAYNE. A parliamentary inquiry. Under the rule that was adopted last night if this motion to adjourn is adopted, still we can have an evening session, the rule providing that the evening session shall be had at 8 o'clock this evening.

Mr. LANHAM. Then I change my motion and move that the House take a recess.

The SPEAKER. The Chair thinks that is the better form, although the rule provides for an evening session to commence at 8 o'clock. If the gentleman from Kentucky would withdraw his point of no quorum there can be no objection made to that.

Mr. SMITH of Kentucky. I withdraw the point for that purpose simply.

The SPEAKER. The gentleman from Texas moves that the House take a recess until 8 o'clock.

Mr. RAY of New York. Mr. Speaker, what becomes of my demand for the yeas and nays?

The SPEAKER. That will take care of itself. [Laughter.]

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2470. An act granting an increase of pension to Charles P. Maxwell;

H. R. 6402. An act granting a pension to Mary J. Adams;

H. R. 292. An act granting a pension to Henrietta Gottweis;

H. R. 8781. An act granting a pension to Mary E. Holbrook;

H. R. 7986. An act granting a pension to Clara C. Hawks;

H. R. 6186. An act granting a pension to Carrie B. Farnham;

H. R. 7353. An act granting a pension to Nancy M. Williams;

H. R. 5328. An act granting an increase of pension to Samuel Bortle;

H. R. 2192. An act granting an increase of pension to Benjamin F. Shearer;

H. R. 9366. An act granting an increase of pension to Peter T. Norris;

H. R. 5145. An act granting an increase of pension to Thomas Swan;

H. R. 6414. An act granting an increase of pension to William W. H. Davis;

H. R. 7922. An act granting an increase of pension to Richard G. Watkins;

H. R. 6890. An act granting an increase of pension to Robert G. Scroggs;

H. R. 5146. An act granting an increase of pension to Florian V. Sims;

H. R. 3677. An act granting an increase of pension to James F. Gray;

H. R. 3263. An act granting an increase of pension to John Revley;

H. R. 6991. An act granting an increase of pension to Esek B. Chandler;

H. R. 3770. An act granting a pension to James E. Dickey;

H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;

H. R. 5877. An act granting a pension to Robert Watts;

H. R. 3986. An act granting a pension to Martha A. Cornish;

H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;

H. R. 5550. An act for the relief of W. C. Taylor;

H. R. 7882. An act granting an increase of pension to John H. Smith;

H. R. 8698. An act granting an increase of pension to Nelson Churchill;

H. R. 3262. An act granting an increase of pension to David T. Bruck; and

H. R. 7906. An act granting a pension to Martha G. Young.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 7679. An act granting an increase of pension to Franklin Snyder;

H. R. 8794. An act granting an increase of pension to Henry I. Smith;

H. R. 12828. An act granting a pension to Mary E. Culver;

H. R. 12420. An act granting a pension to Wesley Brummett;

H. R. 12865. An act regulating the use of telephone wires in the District of Columbia;

H. R. 13278. An act granting an increase of pension to Levi H. Collins;

H. R. 4103. An act granting a pension to William C. Hickox;

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway; and

H. R. 9334. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6008. An act granting an increase of pension to David Vickers—to the Committee on Invalid Pensions.

S. 5901. An act granting an increase of pension to Orange Sells—to the Committee on Invalid Pensions.

S. 5758. An act granting an increase of pension to David Ham—to the Committee on Invalid Pensions.

S. 5747. An act granting an increase of pension to James E. Bader—to the Committee on Invalid Pensions.

S. 5660. An act granting an increase of pension to George W. Berry—to the Committee on Invalid Pensions.

S. 5659. An act granting an increase of pension to Melinda Heard—to the Committee on Pensions.

S. 5431. An act granting a pension to Daniel Dougherty—to the Committee on Invalid Pensions.

S. 5076. An act granting an increase of pension to Katharine W. Clarke—to the Committee on Invalid Pensions.

S. 4957. An act granting an increase of pension to Stiles L. Acee—to the Committee on Pensions.

S. 4827. An act granting an increase of pension to George W. Stott—to the Committee on Invalid Pensions.

S. 4811. An act granting an increase of pension to John W. Dick—to the Committee on Invalid Pensions.

S. 4454. An act granting an increase of pension to John D. Sullivan—to the Committee on Invalid Pensions.

S. 4251. An act granting an increase of pension to William C. Banta—to the Committee on Invalid Pensions.

S. 4211. An act granting an increase of pension to Asa Worden—to the Committee on Invalid Pensions.

S. 4121. An act granting a pension to Elizabeth Jacobs—to the Committee on Invalid Pensions.

S. 3715. An act granting an increase of pension to Henry Weaver—to the Committee on Invalid Pensions.

S. 3644. An act granting an increase of pension to James Mealey—to the Committee on Invalid Pensions.

S. 3365. An act granting an increase of pension to Eliza M. Miller—to the Committee on Invalid Pensions;

S. 3315. An act granting an increase of pension to George W. Bradshaw—to the Committee on Invalid Pensions;

S. 3238. An act granting a pension to Martha Elizabeth Hench—to the Committee on Invalid Pensions;

S. 2545. An act granting a pension to William Johnston—to the Committee on Invalid Pensions;

S. 2306. An act granting an increase of pension to William H. Lessig—to the Committee on Invalid Pensions;

S. 2283. An act granting an increase of pension to William F. Angevine—to the Committee on Invalid Pensions; and

S. 1666. An act granting an increase of pension to Rufus V. Lee—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HEATWOLE obtained an extension of his leave of absence for one week, on account of sickness.

The motion to take a recess was then agreed to.

And accordingly (at 5 o'clock p. m.) the House was declared to be in recess until 8 o'clock this evening.

AFTER THE RECESS.

The recess having expired, the House resumed its session, with Mr. OLMSTED, Speaker pro tempore, in the chair.

The SPEAKER pro tempore. Under the special order this evening's session is devoted exclusively to the consideration of bills reported by the Committee on Indian Affairs.

SALE OF SITES FOR MANUFACTURING PLANTS, ETC., IN INDIAN TERRITORY.

Mr. SHERMAN. Mr. Speaker, I first call up the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The Clerk read the bill, as follows:

Be it enacted, etc., That the chief executive officer of any one of the Five Civilized Tribes in the Indian Territory may, with the approval of the Secretary of the Interior, and upon such terms and conditions as said Secretary may prescribe, sell and convey, in tracts not exceeding 40 acres, or a quarter of a quarter section, at any one place, such lands adjoining or in the vicinity of a town site in that nation, as may be desired for the establishment and operation of a manufacturing or industrial plant which will tend to encourage the cultivation of the lands held by the tribe or its members, or which will promote the general welfare of the community.

The proceeds of any such sale shall be paid to the Secretary of the Interior and be by him covered into the Treasury of the United States to the credit of the tribe and shall be disbursed as other funds of the tribe upon the dissolution of the tribal government. Where the lands so sold and conveyed are occupied and improved by any member of the tribe he shall be compensated for his right of occupancy or improvements out of the proceeds of the sale in such manner as the Secretary of the Interior may direct. As to lands in the Choctaw or Chickasaw Nation, such sale and conveyance must be made by the chief executive officers of the two tribes acting together, and the proceeds of the sale shall be credited in the Treasury to the two tribes according to their respective interests. After allotment has been made of the lands of any tribe desired for the establishment or operation of such plant, the sale and conveyance thereof may, during the period when alienation is otherwise prohibited or restricted, be made by the allottee in the manner and subject to the restrictions herein prescribed, instead of being made by the chief executive officer of the tribe.

Mr. SHERMAN. Mr. Speaker, I suggest that the report be read, as it states what the bill is in as few words as I can state it myself.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, beg leave to submit the following report and recommend that said bill do pass without amendment:

The title of the act correctly describes its object, which is to promote the sale and purchase of additional tribal properties adjoining or near town sites for the use of manufacturing or industrial plants. The object of the bill is to encourage the entrance of such industries into the Territory, and thus promote its material interests.

Mr. STEPHENS of Texas. Mr. Speaker, I have an amendment which I wish to offer.

The Clerk read as follows:

On page 2, after the word "tribe," in line 18, insert the following:

"The clerk of the United States court for the southern district shall appoint deputy clerks for the courts at Tishomingo and Ada; that in addition to the places now provided by law for holding court in said district, court shall be held at Duncan, and all laws regulating the holding of court shall be applicable to Duncan."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

RATIFICATION OF AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 12597) to ratify and confirm an agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

The Clerk read the bill, as follows:

Whereas the Kansas or Kaw tribe of Indians of Oklahoma Territory has submitted the following proposed agreement to Congress, with the request that the same be accepted, ratified, and confirmed, to wit:

AGREEMENT OF THE KANSAS OR KAW INDIANS OF OKLAHOMA TERRITORY AMONG THEMSELVES RELATIVE TO THEIR TRIBAL LANDS AND FUNDS, AND MEMORIAL TO CONGRESS.

This agreement and memorial of the Kansas or Kaw Indians, entered into on behalf of said Indians by Wah-shungah, Wah-moh-o-e-ke, Forrest Chouteau, Mitchel Fronkier, William Hardy, Akan Pappan, and Gen. W. E. Hardy, duly authorized to represent said tribe by a vote of a majority of the adult members thereof, at a general council held for the purpose of selecting representatives to enter into this agreement and memorial, witnesseth:

SECTION 1. The roll of the Kansas or Kaw tribe of Indians, as shown by the records of the United States in the office of the United States Indian agent at the Osage Indian Angency, Oklahoma Territory, now in charge of said tribe, as it existed on the first day of December, 1901, and all decendants born between December first, 1901, and December first, 1902, to persons whose names were on said roll on December first, 1901, is hereby declared to be the roll of said tribe, and to constitute the legal membership of said tribe, and the lands and money of said tribe shall be divided among the members of said tribe, as shown by the roll made up, as directed herein, and the lands and moneys of said tribe shall be divided among said members as hereinafter provided.

SEC. 2. All lands belonging to said Kansas or Kaw tribe of Indians located in the Territory of Oklahoma, except as herein provided, shall be divided among the members of said tribe, giving to each his or her fair share thereof, in acres, as follows:

First. There shall be set aside to each member of said tribe, as shown by

the roll of membership December first, 1901, and their descendants born between that date and December first, 1902, one hundred and sixty (160) acres of land for an homestead, which shall be nontaxable and inalienable for the period of twenty-five years from the first day of January, 1903, except as hereinafter provided. Where the members of said tribe have already selected their homesteads of one hundred and sixty acres, the same are hereby confirmed, and the members who have not selected their homesteads shall do so within thirty days after the ratification of this agreement; and if any member fails to make such selection within said time, then it shall be the duty of the United States Indian agent in charge of said tribe to make the selection for such member or members: *Provided*, That selections of homesteads for minors shall be made by his or her parents, and the selections of homesteads for others than minors, who are unable for any reason to make their selections, shall be made by the United States Indian agent in charge of said tribes: *Provided further*, That in case there are any children born to members of said tribe between the ratification of this agreement and the first day of December, 1902, selection shall be made for them within thirty days after their birth, and all selections must be made on or before January first, 1903.

Second. After each member has selected his or her homestead the remaining lands in Oklahoma Territory belonging to said tribe, except as herein provided, shall be divided equally, in acres, among said members, giving to each, as nearly as practicable, the same number of acres of farming and grazing lands, and the share of each member shall be given to him or her as near as possible to his or her homestead selections. The lands, other than the homestead, set aside to each member shall be free from taxation as long as the title remains in said member, but in no event to exceed twenty-five years, and the same shall not be sold or encumbered in any way before the expiration of ten years from the date of the deed to said member, except as herein provided and with the approval of the Secretary of the Interior, and it shall be his duty to carefully investigate each sale or transaction before he approves the same: *Provided*, That the lands of minors shall be inalienable during their minority: *Provided further*, That all selections and allotments made under this agreement shall conform to existing surveys of said reservation in tracts of not less than eighty (80) acres.

SEC. 3. It shall be the duty of the United States Indian agent, the clerk in charge of the Kaw subagency, together with a committee of three members of the tribe, to be selected jointly by the agent, clerk in charge, and the council of the tribe, to divide the surplus lands among the members of the tribe, in accordance with this agreement.

SEC. 4. In selecting his or her homestead a member shall not be permitted to select lands already selected by another member of said tribe, unless such other member is in possession of more lands than he and his family are entitled to under this agreement; in such case, the member in possession shall have the right to make the first selection.

SEC. 5. The Secretary of the Interior shall furnish the head chief of said tribe deeds, properly filled out, for the conveyances herein provided for, and said head chief shall thereupon, and in the presence of the agent in charge of said tribe, proceed to execute said deeds, and when the same are executed they shall be delivered to the United States Indian agent in charge of said tribe, and it shall be his duty to see that said deeds are properly delivered to the members entitled to the same: *Provided*, That a separate deed shall be given to each member for the lands conveyed as a homestead: *Provided further*, That if, for any cause, any member of said tribe is unable to receive his or her deed, then it shall be the duty of such United States Indian agent to see that such deed is properly recorded with the register of deeds for the county in Oklahoma Territory to which the Kansas Reservation is attached.

SEC. 6. All deeds shall be approved by the Secretary of the Interior, which approval, and the signing of the same by the head chief, shall operate as a relinquishment to the individual member of all the right, title, and interest of the United States and of the Kansas or Kaw tribe of Indians (as a tribe) in and to the lands embraced in his or her deed. All disputes between the members of said tribe as to the right of possession in the selection of homesteads shall be adjudicated and settled by the United States Indian agent in charge of said tribe, subject to the approval of the Commissioner of Indian Affairs.

SEC. 7. There shall be set aside and reserved from selection or allotment one hundred and sixty (160) acres of land, including the school and agency buildings, to conform to the public survey, which said one hundred and sixty (160) acres of land said tribe cedes to the United States, including the improvements; and the United States agrees to maintain a school for the education of children of Indian blood at said place for the period of ten (10) years, and as much longer as it deems necessary, the land and improvements to be subject to final disposition by Congress. Said land shall be exempt from taxation. There shall be reserved from allotment twenty (20) acres of land, including the present cemetery, to be used as a cemetry, and the same shall be exempt from taxation. There shall be reserved from allotment eighty (80) acres, including the dwellings now used by agency trader and other buildings at said agency not used by the employees of the Government, which said eighty (80) acres shall be set aside as a town site, which shall be surveyed and laid off into town lots.

The lots in said town site are to be sold at public auction to the highest bidder, under such rules and regulations as may be prescribed by the Secretary of the Interior, and the proceeds of said sale, after deducting the cost of the survey and sale, shall be placed in the Treasury to the credit of said Indians: *Provided*, That the Secretary of the Interior may reject any and all bids for such town lots: *Provided further*, That if any member of said tribe is in possession of any town lot or lots, and has any building and other improvements thereon, he shall have the right to purchase one lot seventy-five (75) feet wide by one hundred and sixty (160) feet deep, including his or her improvements, at such price as the council of said tribe may fix on the lots, exclusive of improvements: *Provided*, That the lots unsold shall be exempt from taxation as long as the title remains in the tribe.

SEC. 8. The funds of said tribe, including the one hundred and thirty-five thousand dollars ($135,000) due said tribe under the treaty of June 14, 1846 (see Ninth U. S. S., page 842); the Kansas school fund, amounting to twenty-seven thousand one hundred seventy-four dollars and forty-one cents ($27,174.41) (see 21st U. S. S., page 70), and the Kansas general fund, amounting to twenty-six thousand nine hundred seventy-eight dollars and eighty-nine cents ($26,978.89), derived from the sale of lands in Kansas and all other moneys now due, or that may be found to be due said Indians; all money that may be received from the sale of their lands in Kansas, the money received from the sale of town lots in Oklahoma Territory, as hereinbefore provided, and all money found to be due to said tribe on claims against the United States, shall be segregated and placed to the credit of the individual members of said Kansas or Kaw tribe of Indians on a basis of a pro rata division among the members of said tribe, as shown by the roll of membership of said tribe, as provided, on the first day of December, 1902, said credits to draw interest, as now authorized by law, at the rate of five (5) per centum per annum, and the interest that may accrue thereon shall be paid annually to the members entitled thereto, except in cases of minors, in which cases the interest shall be paid annually to the parent until the child for whom the interest is so paid arrives at the age of twenty-one (21) years: *Provided*, That if the Commissioner of Indian Affairs becomes satisfied that the interest and payment of any minor is being misused or squandered, he may withhold the payment of such interest. In case of minors whose parents have died the interest shall be paid to the legal guardian, as above provided: *Provided*, That the amount placed to the credit (together with the accrued interest) of each member of the tribe of the age of twenty-one (21) years may be paid to such member in ten (10) equal payments, one payment each year: *Provided further*, That if the Secretary of the Interior deems it advisable, he may pay to any member of said tribe, over the age of twenty-one years, the full amount of the principal and interest that may be credited to such member: *Provided further*, That the sum ascertained to be due said tribe shall be segregated as soon as possible after December 1, 1902: *Provided further*, That when the children whose shares have been placed to their credit shall arrive at the age of twenty-one (21) years, before the expiration of ten (10) years from the date of the ratification of this agreement, then the share due such member or members may be paid to them at the annual payments after they arrive at the age of twenty-one (21) years in equal amounts, so that such share will be fully paid at the expiration of said ten years; and where such children arrive at the age of twenty-one (21) years at or after the expiration of said ten years, then the full amount due such member may be paid to them at the next annual payment after they arrive at the age of twenty-one (21) years: *Provided further*, That the Secretary of the Interior may withhold any of the payments provided for in this section if, in his judgment, it would be to the best interest of the member entitled to said payment to do so: *Provided further*, That the Secretary of the Interior shall offer at public sale all tracts or parcels of the Kansas trust and diminished reserve lands, within the State of Kansas, belonging to said Kansas or Kaw tribe of Indians, for which no application has been filed under the provisions of existing laws in relation thereto. Such lands shall be offered for sale by advertisement for not less than thirty (30) days, in two newspapers in the proper land district, one of which shall be published in Morris County, Kansas, and by posting in the local land office notice for the same period, and, upon the day named in such notice, such lands shall be sold for cash to the highest bidder at not less than the price fixed by law.

SEC. 9. That all funds remaining to the credit of or found to be due from the United States to any member of said tribe, at his or her death, shall be paid to his or her heirs under the laws of the Territory or State in which such member resides at the date of his or her death.

SEC. 10. The Secretary of the Interior may, in his discretion, at the request of any adult member of said tribe, issue a certificate to such member authorizing him to sell and convey any or all lands deeded him by reason of this agreement, and may pay such member at the next annual payment his or her pro rata share of the funds of said tribe, if, upon consideration and examination of the request, the said Secretary shall find said member to be fully competent and capable of managing and caring for his or her individual affairs: *Provided*, That upon the issuance of said certificate, the lands of such member, both homestead and surplus, shall become subject to taxation, and such member shall have the right to manage and dispose of such property the same as any other citizen of the United States, and upon the issuance of said certificate and the payment of the funds due him or her such member shall be dropped from the rolls of said tribe.

SEC. 11. That the adult heirs of any deceased Kansas or Kaw Indian, whose selection has been made or to whom a deed has been issued for his or her share of the lands of said tribe in Oklahoma Territory, may sell and convey the lands inherited from such descent; and, if there be both adult and minor heirs of such inherited lands, then such minors may join in a sale thereof by a guardian duly appointed by the proper court of the county in which said minor or minors may reside, upon an order of such court made upon petition filed by such guardian; all conveyances made under this provision to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

SEC. 12. All claims, of whatever nature, which said Kansas or Kaw tribe of Indians may have or claim to have against the United States shall be submitted to a commission to be appointed by the Secretary of the Interior from the officers or employees of his Department for investigation, consideration, and settlement; and the United States shall, without delay, render to said tribe of Indians a complete accounting of all moneys agreed to be paid to said tribe to which said tribe may be entitled under any treaty or act of Congress. If the settlement of the claims of said tribe submitted to said commission (and the accounting) is satisfactory to said tribe, the amount found due shall be placed to the credit of the members of said tribe, according to the terms of this agreement, within one year after the report of said commission is made. But if the settlement of the claimsof said tribe or the accounting is not satisfactory to said tribe, or if they are satisfactory and Congress fails to appropriate the money to pay the same within one year after the report of said commission and the accounting, then the said tribe of Indians shall have two years from the date of the report and accounting in which to enter a suit in the Court of Claims, with the right of appeal to the Supreme Court of the United States, by either party, for the amount due or claimed to be due said tribe from the United States under any treaties or laws of Congress, or for the misappropriation of any of the funds of said tribe or the failure of the United States to pay the money due the tribe. And jurisdiction is hereby conferred upon said United States Court of Claims to hear and determine all claims of said tribe against the United States and to enter judgment thereon.

If the question is submitted to said court, it shall settle all the rights, both legal and equitable, of both the said Kansas or Kaw tribe of Indians and of the United States. The claims submitted to the commission may be submitted by one or more petitions, to be filed by said tribe with said commission. If an action is brought in the Court of Claims, it shall be presented by a single petition, making the United States party defendant, and shall set forth all the facts on which the said Kansas or Kaw tribe of Indians bases its claim or claims against the United States, and the said petition may be verified by the agent or attorney of said tribe, upon information or belief as to the existence of such facts, and no other statements or verification shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence.

SEC. 13. The said Kansas or Kaw Indians hereby memorialize Congress to ratify and confirm this agreement and to make provision for carrying it into effect: *Provided*, That if any material amendments are made in this agreement by Congress the same shall not become effective until such amendments are approved by a majority of the adult members of the Kansas or Kaw tribe of Indians.

Be it enacted, etc., That the said agreement be, and the same hereby is, accepted, ratified, and confirmed with the following amendments: Strike out section 13 and change section 14 so as to read section 13.

Amend the title so as to read: "A bill to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes."

Mr. SHERMAN. Mr. Speaker, while this is described as a treaty, it is in fact a memorial presented to Congress by the Kaw Indians. It imposes no burdens whatever, directly or indirectly, upon the Treasury. It provides for the distribution amongst

themselves of all their funds and all their lands. That is substantially all that it does. The Commissioner of Indian Affairs, in an elaborate report, which I will print in the RECORD, says:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 1, 1902.

SIR: The office is in receipt of a letter from O. A. Mitscher, esq., United States Indian agent, Osage Agency, Okla., dated February 21, 1902, transmitting an agreement and memorial of the Kansas tribe of Indians of Oklahoma Territory relative to their tribal lands and funds, signed by Wah shun gah, Wah mo o e ke, Forrest Chouteau, Mitchel Fronkier, William Hardy, Akan Pappan, and Gen. W. E. Hardy, who were elected at a tribal meeting held on February 1, 1902, as representatives of the Kaw tribe of Indians, to enter into an agreement for a division of their lands and for the distribution of their funds and to make arrangements for the sale of all tracts and parcels of trust and diminished reserve lands of the Kaw tribe within the State of Kansas, said representatives being fully authorized to represent the tribe in all matters mentioned in the agreement.

In submitting the agreement, Agent Mitscher states that the Kaw tribe of Indians at present numbers 217 persons, of which number 76 are adults, 65 of whom signed the credentials of the above-mentioned representatives; that the agreement they present represents the unanimous wish of the tribe, and he feels convinced that their action is well advised and that they are prepared to assume the responsibilities contemplated; that under tribal conditions individual effort is at a discount; that tribal inheritance leaves no incentive for accumulation of property by an individual member, and the result is directly opposite to the end desired to be reached; that instead of making the Indians independent and self-supporting, tribal relations and a community of interest tend to dependence, carelessness, indifference, shiftlessness, and downright laziness; that the tribe contains only about five families of full-blood Indians, the remainder being more or less mixed bloods and fully competent to manage their own affairs; that the full bloods are fairly intelligent, and with the restrictions and safeguards provided in the agreement, he thinks they will get along very well. He heartily concurs in the action the tribe has taken for a settlement of their relations with the Government, and states that in his judgment it will redound greatly to their advantage.

Briefly, the agreement fixes the roll of Kaw Indians and determines who shall participate in the division of the lands and a distribution of the funds; provides for the selection of a homestead by each member of the tribe, which shall be inalienable and nontaxable for twenty-five years, except as in the agreement provided; for an equitable division of the remaining lands among the members of the tribe, the lands to be alienable only as therein provided and to be free from taxation as long as the title remains with the Indians, which in no event shall exceed twenty-five years; for the execution of deeds to the individual members of the tribe by the head chief, the deeds to be properly prepared for his signature by the Secretary of the Interior; that the execution of the deeds as therein provided shall operate as a relinquishment to the individual members of all the right, title, and interest of the United States and the Kaw tribe in and to the lands; for the reservation of 160 acres for school purposes, the school to be maintained by the United States for at least ten years, the lands to be subject to final disposition by Congress; for the reservation of 20 acres as a cemetery and 80 acres as a town site, the lots to be disposed of as therein provided; for the segregation of the tribal funds and for a pro rata division of the same among the members of the tribe, the payment to be made as in the agreement provided; for the disposition at public sale of the remaining unsold tracts of Kaw trust and diminished reserve lands in the State of Kansas; for the issuance by the Secretary of the Interior, in his discretion, of certificates of "competency" to adult members of the tribe authorizing them to sell and convey their lands, the lands to become taxable after the issuance of such certificates; for the sale of inherited lands; for the settlement and determination by a commission to be appointed by the Secretary of the Interior of all claims which the tribe has against the United States, with the right of appeal to the Court of Claims in case the accounting and settlement is not satisfactory, with the further right of appeal to the Supreme Court; for the placing of the members of the tribe under the supervision and control of the superintendent of the Kaw school after the delivery of the deeds. The Indians memorialize Congress to ratify and confirm the agreement and to make provision for carrying the same into effect.

The agreement is in entire harmony with the views of this office as expressed in its last two annual reports. The Indian must ultimately be thrown upon his own resources, and this agreement proposes to do this for the Kaw tribe. As a whole this tribe is probably as nearly ready for this step as any tribe in the country. It will be noticed, however, that the agreement does not propose to throw them upon their own resources immediately, but in such manner as to protect the rights and interests of the less competent Indians. The most important object to be attained in the elevation of the Indian race is to remove them from a state of dependence—dependence upon the Government and dependence upon tribal association. They must be individualized and treated with individually. Tribal organization and tribal association must be broken up, and each member of the tribe must learn to act for himself. The common ownership of property is not an incentive to individual effort, especially among noncivilized races. This community of interest leads to idleness and shiftlessness, with their accompanying evils.

The agreement proposes the abolishment of tribal organization and an equal division of the lands and an equal distribution of the tribal funds. This is in line with the new policy which must be adopted in dealing with the Indian if he is to be made self-supporting and to become a useful member of the community in which he lives. This step is the more important from the fact that the Indians of the Kaw tribe have reached this conclusion themselves without the intervention of this Department and with no urging from it. The office most heartily recommends the acceptance and ratification of the agreement.

There are 100,137 acres in the Kaw Reservation. On the basis of 220 members, this would give to each member of the tribe approximately 455 acres. The tribal funds approximately amount to $189,151.30. This would give each member of the tribe about $860.

The agreement and accompanying tribal authority are transmitted herewith, with the recommendation that they be submitted to Congress for action by that body.

Very respectfully, your obedient servant,

W. A. JONES,
Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman a question. I see that this treaty or bill provides for the selling of a portion of these lands.

Mr. CURTIS. There are 500 to 1,000 acres belonging to the Kaw tribe of Indians remaining in Morris County, Kans., which have not been disposed of under the treaty of 1859, and the Government is authorized to dispose of that land for the Indians. It is really a small amount of land, and this bill authorizes its sale at public auction, and that is all.

Mr. UNDERWOOD. Does it provide that the title shall not pass until the land is paid for?

Mr. CURTIS. The title does not pass until the lands are paid for. They will be sold at auction in small tracts and they will no doubt be paid for at once.

Mr. UNDERWOOD. But suppose that after this legislation, while the land is occupied by homestead settlers, after they get on to it, they say that the Government must pay the Indians for the property and the people who are on the land will get it for nothing.

Mr. CURTIS. No; this land will be sold outright, and the free-homestead law will not apply.

Mr. SHERMAN. They are not buying anything of the Indians. We are simply authorizing them to distribute their property and offer for sale this small portion of land, which is not contiguous to their reservation.

Mr. UNDERWOOD. The proceeds of the sale go directly to the Indians and do not come into the Government Treasury.

Mr. MADDOX. I should like to hear the gentleman from New York explain the twelfth section of this bill. It seems to be a one-sided affair. I do not know why there should be a commission at all if the report of the commission is to be accepted provided it is satisfactory and repudiated if not satisfactory. Under such conditions why have a commission at all?

Mr. SHERMAN. I will ask the gentleman from Kansas [Mr. CURTIS] to explain that matter.

Mr. CURTIS. This section is in regard to a small claim which the Kaw Indians have against the Government and which the tribe is perfectly willing to leave to a commission; but as the commission is to be composed of Government officers alone it was thought by the Department that the Indians should have the right to appeal to the Court of Claims if the finding of the commission should not be satisfactory. As will be seen by the reading of the twelfth section, the whole matter is left to a board of officers of the Government, to be selected by the Secretary of the Interior. I doubt if the gentleman from Georgia [Mr. MADDOX] ever before heard of a case of this kind. The section meets the hearty approval of the Interior Department and the section was carefully gone over by the officers of that Department.

Mr. MADDOX. The section reads thus:

All claims, of whatever nature, which said Kansas or Kaw tribe of Indians may have or claim to have against the United States shall be submitted to a commission to be appointed by the Secretary of the Interior from the officers or employees of his Department for investigation, consideration, and settlement; and the United States shall, without delay, render to said tribe of Indians a complete accounting of all moneys agreed to be paid to said tribe to which said tribe may be entitled under any treaty or act of Congress.

If the settlement of the claims of said tribe submitted to said commission (and the accounting) is satisfactory to said tribe, the amount found due shall be placed to the credit of the members of said tribe, according to the terms of this agreement, within one year after the report of said commission is made. But if the settlement of the claims of said tribe or the accounting is not satisfactory to said tribe, or if they are satisfactory and Congress fails to appropriate the money to pay the same within one year after the report of said commission and the accounting, then the said tribe of Indians shall have two years from the date of the report and accounting in which to enter a suit in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, etc.

Now, why not provide that the claim shall be paid by the Government, and if the Government does not pay it there shall be the right to sue?

Mr. CURTIS. The gentleman understands that Congress sometimes refuses to pay claims after they have been allowed, and if provision is not made for the bringing of a suit, the parties may never get the money.

Mr. MADDOX. I am aware of that; I do not base any objection on that ground; but I can not understand why we should provide for a commission with the proviso that if the finding of the commission be satisfactory to these Indians it shall be accepted, but otherwise they shall have the right to appeal.

Mr. CURTIS. The chances are that the finding will be satisfactory. The Indians would not have agreed to the appointment of a commission of Government officers if they had not had confidence that their findings will be acceptable.

Mr. MADDOX. I am not going to object, but it seems to me this provision of the bill is not a proper one and ought not to be here.

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER pro tempore. Without objection the proposed amendment to the title will be considered as agreed to.

There was no objection.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

HEIRS OF MARY CLARK AND FRANCIS CLARK.

Mr. SHERMAN. I now call up the bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to Benjamin Clark, the father and sole heir of Mary Clark and Francis or Jenny Clark, deceased, late of Oklahoma Territory, for the northwest quarter of section 17 in township 13 north, of range 8 west, of the Indian meridian, in said Territory, and the northwest quarter of section 26 in township 11 north, of range 8 west, of the Indian meridian, in said Territory, said patent to issue in lieu of a patent issued to said Francis or Jenny Clark May 20, 1892, for said first-described tract, and a patent issued to said Mary Clark on the 6th day of May, 1892, for the last-described tract; each of said patents being trust in their character and issued under the provisions of the act of Congress approved February 8, 1887, as amended by the act of March 3, 1891, said allottees being members of the Cheyenne or Arapahoe tribe of Indians, children of said Benjamin Clark, and each of them being unmarried and without issue and dying intestate.

SEC. 2. That said lands when so patented shall be subject to taxation under the laws of the Territory of Oklahoma.

The amendments reported by the committee were read, as follows:

In line 5, page 1, strike out "Benjamin Clark, the father and sole heir," and insert "heirs."

In line 9, same page, strike out "northwest" and insert "northeast."

On page 2, strike out, in lines 10, 11, and 12, the words "children of said Benjamin Clark, and each of them being unmarried and without issue and dying intestate.

Mr. SHERMAN. I will ask the gentleman from Oklahoma [Mr. FLYNN] to state what this bill is.

Mr. FLYNN. Mr. Speaker, Ben Clark is a white man who married a Cheyenne woman. They had one child. When the Cheyenne and Arapahoe reservation in Oklahoma was allotted the wife and child of Clark received allotments. Since that time both have died, and under the law Clark is their legal heir. There is a trust, however, on the land. When the land was allotted to the Indians, it was provided that no patent should issue for twenty-five years. I introduced a bill authorizing the Secretary of the Interior to issue a patent to the father, Mr. Clark, but the suggestion was made at the Department that the patent should issue to the heir or heirs of these two Indians who had died, which was acceptable to me. All that this bill does is to remove the twenty-five-year restriction and to provide for the issue of the patent to this white man, if he is the heir, who had married the woman and was the father of the child.

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

KIOWA, COMANCHE, AND APACHE INDIAN RESERVATIONS.

Mr. SHERMAN. I now call up the bill (H. R. 103) to open for settlement 480,000 acres of land in the Kiowa, Comanche, and Apache Indian Reservation, Oklahoma Territory.

The bill was read.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Texas [Mr. STEPHENS], who reported the bill, to make a statement with reference thereto.

Mr. STEPHENS of Texas. Mr. Speaker, on June 6, 1900, Congress passed an act opening for settlement about 4,000,000 acres of land in the Comanche, Kiowa, and Apache reservations, in Oklahoma. The bill passed the House, and in the Senate was amended so as to reserve 480,000 acres out of their reservation for pasturage purposes for the Indian. This land has been set apart in portions of that reservation where it should not, in my judgment, have been set apart, as it includes agricultural lands, and not the grazing lands of the reservation. The treaty made between the United States and the Indians, made, I believe, in 1892, provided that when the lands were opened for settlement allotments should be made to the Indians. This bill now opens this 480,000 acres of pasture land under the act of June 6, 1900.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Texas a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. UNDERWOOD. I understand from the gentleman's statement that when this land was originally open for settlement there was a certain portion reserved for the Indians?

Mr. STEPHENS of Texas. Four hundred and eighty thousand acres for pasture.

Mr. UNDERWOOD. That was in conformity to the treaty made with the Indians?

Mr. STEPHENS of Texas. No; that was in addition to the treaty. The Indians had agreed by treaty to take 160 acres and throw open the rest. These additional 480,000 acres give them 160 acres of pasture land in addition to 160 acres of the treaty-allotted land, and this was done at the instance of the Senate. The Senate insisted that it was necessary that the Indians should have a large amount of land to pasture their stock upon, and this bill now simply carries into effect the original treaty with the Indians.

Mr. UNDERWOOD. Have the Indians petitioned? Are they petitioning here for the sale of this land?

Mr. STEPHENS of Texas. There has been no protest whatever filed, and this bill carries out the original agreement entered into in 1892 between the Indians and the United States Government.

Mr. UNDERWOOD. Who is in possession of that land now?

Mr. STEPHENS of Texas. It is in the possession of and leased to cattlemen.

Mr. UNDERWOOD. There is nothing here to show that the Indians are satisfied to have this done or that any communication has been had with the tribes as to this legislation at all.

Mr. STEPHENS of Texas. No; I think not. I do not think they have been consulted about it. I will state that it is very necessary that this land should be opened up for settlement, because it is in the possession of cattlemen and it should be in the possession of the farmers. It is a drawback to that entire country.

Mr. UNDERWOOD. It belongs to these Indians, and it was set apart for them.

Mr. STEPHENS of Texas. Only for grazing purposes, temporarily. It was a temporary arrangement.

Mr. UNDERWOOD. And they have not been consulted, or there is nothing here to show that they have been consulted.

Mr. STEPHENS of Texas. The gentleman is wrong in that.

Mr. UNDERWOOD. I mean since that law was enacted and Congress set it apart and it became their land.

Mr. STEPHENS of Texas. That reservation was merely a temporary agreement with the Indians to allow these pasture lands to remain unallotted. Now, by this bill, we want to throw it open to settlement.

Mr. UNDERWOOD. Who is going to get the benefit of this land?

Mr. STEPHENS of Texas. The Indians get the benefit of it. One dollar and twenty-five cents an acre will be paid by the settlers, which is covered into the Treasury, and the Indians will get the benefit of that.

Mr. UNDERWOOD. Who is getting the benefit of the pasturage now?

Mr. STEPHENS of Texas. The Indians do. The cattlemen are getting the use of it, but of course they pay lease money.

Mr. UNDERWOOD. The gentleman says there is nothing here to show that the Indians want this done.

Mr. STEPHENS of Texas. In the original treaty they agreed that they would take 160 acres of land and sell the remainder of their reservation.

Mr. UNDERWOOD. Since Congress amended their treaty and fixed a different status there is nothing here to show that the Indians are satisfied.

Mr. STEPHENS of Texas. They were not called upon to make any treaty at all. It was a mere gratuity, I presume, a mere donation of grass lands to the Indians on the part of Congress for grazing purposes.

Mr. UNDERWOOD. As I understand it, Congress proposed to sell the balance of this land. All this land belonged to the Indians. The whole 4,000,000 acres belonged to the Indians until Congress legislated in 1900.

Mr. STEPHENS of Texas. The treaty of 1892, as I have stated several times, constituted that agreement. They were to take an allotment of 160 acres of land. That has been set apart and allotted to them. The bill further set apart 480,000 acres of land for pasturage purposes. Now it is desired by this bill to open that pasture land to settlement and let the Indians have their money for it—$1.25 per acre.

Mr. FITZGERALD. If the gentleman will permit me, the intention was that these Indians should use this land for pasturage. Instead of that the Secretary of the Interior has construed the act to give him the right to lease these lands to cattlemen, and he has done that, and the Indians are not getting the advantage from the lands which it was intended they should get.

Mr. UNDERWOOD. How much an acre did they lease it for?

Mr. STEPHENS of Texas. I do not know what the price is now. I think the original leases were for 10 cents an acre. They are getting more for the land now. I do not know how much.

Mr. UNDERWOOD. Under this bill does this money go to the Indians or go into the Treasury?

Mr. STEPHENS of Texas. It goes into the United States Treasury and is then paid to the Indians.

Mr. UNDERWOOD. Under this law of 1900, the law under which the land was sold, will the Government of the United

States have to pay the Indians and then the settlers get the land free?

Mr. STEPHENS of Texas. No; the settler pays a dollar and a quarter an acre for the land, and then the money goes to the Indians.

Mr. UNDERWOOD. What I want to find out is if there is any provision here that will make this money, if the land is sold, go directly to the Indians without the United States Government being an intervening party?

Mr. STEPHENS of Texas. No; it has to be paid through the regular channel. It goes into the Treasury and through the Treasury to the Indians, under the act of June 6, 1900.

Mr. MADDOX. It is just the same law that has prevailed all the time with reference to other reservations?

Mr. STEPHENS of Texas. Certainly.

Mr. MADDOX. But have we not since then, by the passage of the free-homes bill, made this land free to the settlers, so that the Government has to pay the Indians while receiving nothing from the settlers?

Mr. STEPHENS of Texas. That has not been done in this case in these reservations. It has been done heretofore in Oklahoma, but not with reference to the Comanche and Kiowa reservations.

Mr. MADDOX. When this treaty is ratified, that is, when this act is passed, does it not throw these lands open, and put them in exactly the same position that the others were which we did grant free?

Mr. STEPHENS of Texas. I think not.

Mr. MADDOX. Say, for instance, this land is open now to settlement. Will it not be in exactly the same position and the same situation as the other land in Oklahoma? We purchased this land and promised to pay for it, and the Government has paid for it, but the Government has thrown the land open to settlers and the settlers get it free.

Mr. STEPHENS of Texas. Congress could do that. It could give the Indians a dollar and a quarter an acre and not require the settlers to pay for the land; but that has not been done on any part of these reservations. It has not been done for several years. The Arapahoes and Cheyennes, I think, were the last Indians whose reservations were so thrown open, and the people who went onto their lands got it for nothing; but it is not proposed to do anything of that kind here. It is proposed that the settlers on this land shall pay a dollar and a quarter an acre for it, and that the Indians shall get the money.

Mr. MADDOX. In the case of these other reservations they did not suppose anything of that sort, but afterwards the land was thrown open to settlers free. The question is now, Are you not putting this in exactly the same situation, to make the Government responsible for this?

Mr. STEPHENS of Texas. I think not.

Mr. MADDOX. That is the question I should like to hear you upon.

Mr. UNDERWOOD. I would like to ask the gentleman from Texas if they are willing to accept an amendment providing that the moneys arising from the sale of this land shall be set apart in the Treasury as a separate fund belonging to these Indians, and that no title shall pass to any portion of that land until that portion which is sold is paid for.

Mr. STEPHENS of Texas. I do not see at what point in the bill such an amendment could be placed.

Mr. UNDERWOOD. It certainly is a germane amendment to the bill. I think an amendment of that kind could be prepared if the gentleman was willing to accept it. It could come in as a new section. It could be added as section 3. "Provided that the money received from the sale of this land shall be set apart as a separate fund to go to these Indians, and no title shall be passed to any portion of the land or to that portion which is sold until the purchasers have completed all their payments." Now, if that is all the gentleman wants, if he wants the sale of the land for the benefit of the Indians, I think that amendment would accomplish that purpose.

Mr. STEPHENS of Texas. There is a provision in the law of June 6, 1900, beginning in line 20, on page 4:

And provided further, That the money arising from the sale of said lands shall be paid to said Indians in the same manner as was provided in the said act of June 6, 1900.

Mr. UNDERWOOD. I have not got that act, so I can not read it.

Mr. STEPHENS of Texas. You will find this provision on page 4 of the act of June 6, 1900:

And provided further, That should any of said lands allotted to said Indians or opened to settlement under this act.

Mr. UNDERWOOD. Right there is where I understand is what I wanted to remedy if I could. That is a general provision of law now, and that money under the old law, and under this agreement or contract made with the Government agents, whatever has been paid has gone to the general fund in the Treasury, and then if the land was opened to free homestead entry, why then the Government of the United States had to pay the Indians, if it was ever paid for at all, instead of the settler.

Mr. STEPHENS of Texas. I find a provision in this bill covering the objection you have made—on line 11, page 4:

Provided, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting his final proof.

Mr. UNDERWOOD. What I ask the gentleman to accept is an amendment to keep this money as a separate fund for these Indians. I think the time has come when, if we are going to open up these rich Indian reservations for settlement, that we ought to set apart this money as belonging to the Indians, and to be held in a separate fund by the Government for the Indians.

Mr. STEPHENS of Texas. This does that. If the gentleman will read lines 23 and 24 he will see this language:

And provided further, That the money arising from the sale of said lands shall be paid to said Indians in the same manner as was provided in the said act of June 6, 1900.

That act provided that it should be covered into the Treasury and paid out to the Indians. You certainly would have the Government supervise the sale of the lands and pay the money out to the Indians, as we do under this bill.

Mr. UNDERWOOD. As I understand it, this act merely provides that this land shall be sold as all land has been sold before.

Mr. STEPHENS of Texas. No; it is to be sold under the act of June 6, 1900, and this act provides:

That the money arising from the sale of this land shall be paid to said Indians in the same manner as was provided in the said act of June 6, 1900.

Mr. UNDERWOOD. I will ask my friend from Texas what objection can there be to providing in this bill that this money, the proceeds of the sale of this land, shall be set apart as a separate fund belonging to the Indians?

Mr. STEPHENS of Texas. Because it is already provided for here in this bill in direct language, as follows:

Provided, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting his final proof.

Then, also, in lines 23 and 24:

That the money arising from the sale of said lands shall be paid to said Indians in the same manner as was provided in the said act of June 6, 1900.

It is thus set apart as a separate fund.

Mr. UNDERWOOD. Under the act and kept separate?

Mr. STEPHENS of Texas. Certainly.

Mr. UNDERWOOD. Well, if that is so, I have nothing further to say.

Mr. CANNON. I want a minute about this to see if I understand, and if I do understand it I am against it. I recollect when this legislation was had in 1900 for us to open these reservations for settlement. There was pending a treaty that was tried to be ratified. A great railroad company had surveyed these lands, and there were multiplied thousands of people who wanted to go in there and make homes, and between the railroad people and the desire of people to make homes and the pending treaty Congress went to work to throw open the reservation—legislate.

And it was a mighty hard time for legislation with us. I was not on this committee, nor either of them, nor on the conference committees, but I recollect that as a member of the House I had more or less knowledge about it, and it was through great tribulation that this legislation was finally had; and the friends of the red men in the Senate put upon us—and when I say upon us I mean the United States—some pretty severe restrictions.

They ratified the treaty, paid the Indians for the land, and then after they paid the Indians for this 480,000 acres of land they turned around and gave it to him to be held in common. I see the gentleman from Oklahoma is present. He is more familiar with these matters than I am, but that is the way I recollect it, and the gentleman from Oklahoma will correct me if I am wrong.

Now, two years have not passed away, the reservation is open, the people have gone in there, the Indian lands have been allotted, and these 480,000 acres are held in common for the benefit of the Indians after the United States has bought the Indians off and given it back to them to be held in common. Now, what is the proposition, if I understand it, in this bill? It is to authorize the homesteading of this land, and it must be paid for at the rate of $1.25 an acre, and that $1.25 an acre is to go to the Indians.

I asked somebody what the land was worth, and he said, "Oh, five to seven dollars an acre." It is good land. Mind you, the Indians got the land in common; 480,000 acres. True, it was a hard bargain, as I noted heretofore, but he holds it in common by the action of the Congress of the United States. Now, how are you going to get it out of the Indian? Why, this bill just takes it out of him. Not a Cæsarian operation, but a drastic operation, without asking the Indian a word about it. It takes the Indian's land—480,000 acres—that he owns under an act of Congress, without his consent, throws it open to settlement, makes the bargain for two, when the merest tyro in the law

understands that it takes two to make a bargain. Here one man makes the bargain, namely, the United States, and sells it at $1.25 an acre.

Now, then, I undertake to say, if I am correct about this—and the gentleman from New York [Mr. SHERMAN], who is the chairman of this committee, and the gentleman from Oklahoma [Mr. FLYNN] and the gentleman from Texas [Mr. STEPHENS] will correct me if I am incorrect—I undertake to say if we enact this legislation and the title of this land, which is worth $5 an acre, is so conferred, in God's chancery and in man's chancery the United States is responsible for the difference between $1.25 an acre and five or six or seven dollars an acre.

Now, with all due respect, if I am right about this it is time to call a halt. I am getting pretty tired of the United States dealing in homestead lands and Indian lands and arid lands down in that section of the country. In my short time I have seen the United States Government mulcted twenty-five or thirty million dollars—extinguishing the title and then giving them, by Executive order, another reservation, and extinguishing the title and paying for it, and then throwing it open to homestead settlement to be paid for at $1.25 per acre, and then giving it for free homes. Let us call a halt, and I know of no better place to call it than upon this bill for the reasons I have indicated.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The question was taken, and the Speaker pro tempore announced that the noes had it.

So the House refused to order the bill to be engrossed.

AGREEMENT WITH CREEK TRIBE OF INDIANS.

Mr. SHERMAN. Mr. Speaker, I now call up bill H. R. 13171, and I ask unanimous consent to substitute for that the Senate bill 4923, to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes. It is a similar bill, with very few minor changes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to substitute for the House bill the Senate bill 4923. Is there objection? [After a pause.] The Chair hears none.

The Clerk, proceeding to read the bill, read as follows:

9. If the rolls of citizenship provided for by the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall have been completed by said commission prior to the ratification of this agreement, the names of children entitled to enrollment under the provisions of sections 7 and 8 hereof shall be placed upon a supplemental roll of citizens of the Creek Nation, and said supplemental roll when approved by the Secretary of the Interior shall in all respects be held to be a part of the final rolls of citizenship of said tribe.

Mr. CURTIS. I offer the amendment, which I send to the desk.

The Clerk read as follows:

On page 6, after line 15, add the following:

"*Provided*, That the Dawes Commission be, and is hereby, authorized to add the following persons to the Creek roll: Nar wal le pe se, Mary Washington, Walter Washington, and Willie Washington, who are Creek Indians, but whose names were left off the roll through neglect on their part."

Mr. LITTLE. I would like some explanation of this amendment.

Mr. CURTIS. I will ask to have read a letter explaining why the adoption of this amendment is asked. It is a letter from the Dawes Commission, approved by the principal chief of the nation.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., June 4, 1902.

Hon. CHARLES CURTIS, *Washington, D. C.*

DEAR SIR: I desire to call attention to some needed legislation in the matter of the application of certain Indians now residing in the Creek Nation who claim citizenship as Creeks by virtue of their blood and residence in said nation.

These Indians, for whom it seems no provision is made, are part Creek and part Shawnee; they do not appear on any of the Creek rolls, neither have they been given allotments in the Shawnee country. They have resided in the Creek Nation for several years, but it seems that they have never made any effort to be placed on the rolls of the Creek Nation prior to this time.

I would suggest, in the event that you deem such action proper, that an amendment be made on the floor of the House to the pending Creek agreement which shall provide by name for the enrollment of the following: Nar wal le pe se (female), Mary Washington, Walter Washington, and Willie Washington, who are the Creek citizens herein referred to.

Yours, truly,

TAMS BIXBY, *Acting Chairman.*

Approved.

P. PORTER, *Principal Chief.*

Mr. CURTIS. That is approved by the chief of the tribe as well as by the Dawes Commission.

Mr. UNDERWOOD. As I understand, this proposition is to thrust these people into the ownership of land in that country by naming them in this bill.

Mr. CURTIS. These Indians were entitled to enrollment had they applied at the proper time, before the rolls were closed, but they neglected to do so. The principal chief of the nation representing the nation, and the Dawes Commission representing the Government say that these three or four people are entitled to enrollment. I have offered this amendment at the suggestion of the representative of the Government of the United States and the representative of the Creek Nation.

Mr. UNDERWOOD. As I understand the proposition, a roll was made up in a sort of judicial way to determine who were the heirs of this proporty. The parties claiming interest therein had their day in court in which to apply for enrollment. Now, the gentleman proposes to legislate into this enrollment some people who were not placed there under the original law. I do not mean to say that this may not be a just proceeding, but I ask the gentleman from Kansas this question: If Congress undertakes to legislate people into property rights by this class of legislation, where are we to stop?

Mr. CURTIS. Congress would not generally do that; but in a case where the proceeding is recommended by the Commission representing the Government, and by the principal of the nation, it seems to me no harm can be done. If the gentleman objects, however, I will withdraw the amendment.

Mr. LITTLE. I should like to know whether there is any dispute about the citizenship of these Indians?

Mr. CURTIS. None in the world. They belong to the two tribes—the Shawnees and the Creeks. As the gentleman knows, it has been the practice in our legislation to allow these people to select which tribe they would join. They have not selected the other tribe, and now they come in and ask to be admitted to this tribe.

As I have already said, this proposition has met the approval of the chief of the nation and of the Dawes Commission.

Mr. McRAE. Why did not the Dawes Commission admit them?

Mr. CURTIS. The time for closing the roll had already passed before these Indians made their application. If any gentleman says that he objects to this proposition I will withdraw it.

Mr. UNDERWOOD. I will only ask the gentleman this question: Does he know these people?

Mr. CURTIS. I do not; I have no information about the matter, except what comes from the officers of the Government and the chief of the tribe.

Mr. UNDERWOOD. Does the gentleman know whether these are full-blooded Indians or whether they are white people——

Mr. CURTIS. I do not know anything on earth about the matter, except what is stated in the letter which has been read.

Mr. UNDERWOOD. Then I ask the gentleman to let this proposition go over. I think it is a dangerous amendment.

Mr. CURTIS. I withdraw the amendment.

The Clerk, continuing the reading, read the following:

11. In all instances of the establishment of town sites in accordance with the provisions of the act of Congress approved May 31, 1900 (31 Stat. L., 231), or those of section 10 of the agreement ratified by act of Congress approved March 1, 1901 (31 Stat. L., 861), authorizing the Secretary of the Interior, upon the recommendation of the Commission to the Five Civilized Tribes, at any time before allotment, to set aside and reserve from allotment any lands in the Creek Nation not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed, or be in process of construction, in or through said nation prior to the allotment of lands therein, any citizen who shall have previously selected such town site, or any portion thereof, for his allotment, or who shall have been by reason of improvements therein entitled to select the same for his allotment, shall be paid by the Creek Nation the full value of his improvements thereon at the time of the establishment of the town site, and 10 per cent of the net proceeds arising from the sale of that portion of the land within the town site so selected by him, or which he was so entitled to select; and this shall be in addition to his right to receive from other lands an allotment of 160 acres.

Mr. CURTIS. I offer an amendment to make this bill correspond with the bill reported by the House committee. It is an amendment suggested by the Interior Department and was inserted in the House bill by the committee.

The Clerk read the amendment, as follows:

On page 7, after the word "site," in line 25, insert:

"Under rules and regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That such citizens may purchase any of said lands in accordance with the provisions of the act of March 1, 1901 (31 Stat. L., 61): *And provided further*, That the lands which may hereafter be set aside and reserved for town sites upon recommendation of the Dawes Commission as herein provided shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, and not to exceed 640 acres for each town site."

The amendment was agreed to.

The Clerk read as follows:

16. Lands allotted to citizens hereunder shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the deed therefor, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment 40 acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear.

Selections of homesteads for minors, prisoners, convicts, incompetents, and aged and infirm persons, who can not select for themselves, may be made in the manner herein provided for the selection of their allotments, and if for any reason such selection be not made for any citizen it shall be the duty of said Commission to make selection for him. The homestead of each citizen

shall remain, after the death of the allottee, for the use and support of children born to him after May 25, 1901, but if he have no such issue then he may dispose of his homestead by will, free from the limitation herein imposed, and if this be not done, the land embraced in his homestead shall descend to his heirs, free from such limitation, according to the laws of descent herein otherwise prescribed. Any agreement or conveyance of any kind or character violative of any of the provisions of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity.

Mr. CURTIS. Mr. Speaker, I move the following amendment:

On page 9, line 18, strike out the word "hereunder."

I would state that allotments are not made under this treaty, but under the treaty of 1901, and that word should be stricken out.

The Clerk reported the amendment.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken and the amendment agreed to.

Mr. CURTIS. Mr. Speaker, I have another amendment:

On page 10, line 8, strike out the word "herein."

The Clerk reported the amendment.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken and the amendment agreed to.

The Clerk read as follows:

17. Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is reenacted to read as follows:

"During the continuance of the tribal government Creek citizens may rent their allotments, when selected for strictly nonmineral purposes, for a term not to exceed three year, but without any stipulation or obligation to renew the same. Such leases for a period longer than three years and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise.

"Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Creek Nation and grazed on lands not selected for allotment by citizens, the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Creek lands."

Mr. STEPHENS of Texas and Mr. CURTIS rose.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. STEPHENS of Texas. Mr. Speaker, I have an amendment which I wish to offer; but I suppose the committee amendment, if the gentleman from Kansas has another, takes precedence.

Mr. CURTIS. Mr. Speaker, I offer the following amendment:

Strike out, on page 11, line 4, the words "when selected."

The Clerk reported the amendment.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken; and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I would ask the gentleman from Kansas if he has not another committee amendment as to the length of the leases that may be made. I think we changed it from three to five years, with a provision that grazing leases should not exceed one year.

Mr. LITTLE. Mr. Speaker, I would suggest to the gentleman from Kansas that the amendment agreed to by the committee in in the House bill limits the grazing leases to one year, the agricultural leases to five years, and the mineral and other leases for a longer time, only subject to the approval of the Secretary of the Interior.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to go back to section 16.

Mr. LITTLE. Had we not better finish section 17 while we are at it?

Mr. CURTIS. I would suggest to the gentleman that I will take care of that later.

The SPEAKER pro tempore. The Chair will state that this is a proceeding in the House, and not in the Committee of the Whole. It will be in order to offer an amendment at any time after the entire bill has been read.

Mr. CURTIS. Then I will go back at that time.

Mr. FITZGERALD. Mr. Speaker, I call the gentleman's attention to the fact that there is another committee amendment to the section that we are now considering.

Mr. CURTIS. Mr. Speaker, I understand that, but I would like to explain that this is the Senate bill which has been just called up, and the members of the committee have had but three or four minutes in which to compare it. I have not had time to go through it all, and I will suggest that I will go back after the bill has been read.

Mr. FITZGERALD. It is page 15 of the House bill.

Mr. LITTLE. Mr. Speaker, I would suggest to the gentleman from Kansas that he simply offer section 17 of the House bill as a substitute for the pending section. I think it would be difficult to arrange the several other amendments.

The SPEAKER pro tempore. The Chair will state that it is not regular to read the bill by sections in the House in this way. The proper way is to read the bill entirely through.

Mr. LITTLE. Mr. Speaker, I would suggest that this is a better plan, the way we are doing now, and I ask unanimous consent that we proceed as we have been doing.

The SPEAKER pro tempore. If there is no objection, we will proceed to read the bill by paragraphs or sections for amendment. [After a pause.] The Chair hears no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I will now call for the reading of the amendment which I offer.

The Clerk read as follows:

After the word "same," in line 7, page 11, insert the words "and agricultural leases heretofore made in good faith for a fair consideration to the allottees are hereby validated for a period not exceeding five years from the date of the ratification of this agreement."

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas that the part of the bill to which that amendment applies has not yet been reached.

Mr. STEPHENS of Texas. I thought it had. Then let it be considered as pending.

Mr. FLYNN. Mr. Speaker, I notice these leases are ratified, but there is no provision here with reference to the approval of any of them by the Department. I do not know whether the matter came up in the committee or not. I have no objection whatever to the ratification, but I think there should be supervision of this matter by the Secretary of the Interior. I want to add, after the word "years," in line 5, the section now reading—

During the continuance of the tribal government Creek citizens may rent their allotments when selected, for strictly nonmineral purposes, for a term not exceeding—

The amendment said—

five years for agricultural lands.

I want to add—

subject to the approval of the Secretary of the Interior.

Mr. LITTLE. If the gentleman from Oklahoma will permit, I think if he will read the provision as amended by the committee, it covers that point, and I would like to offer as a substitute for this section the section as amended by the House committee.

Mr. FLYNN. Let us have that read. I will withdraw my amendment for the present.

The SPEAKER pro tempore. The Clerk will read the proposed amendment.

The Clerk read as follows:

Substitute for section 17 of the Senate bill the following:

"17. Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is reenacted to read as follows:

"'Creek citizens may rent their allotments, when selected for strictly nonmineral purposes, for a term not to exceed one year for grazing purposes only and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same. Such leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes, and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise.

"'Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Creek Nation and grazed on lands not selected for allotment by citizens, the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Creek lands.'"

Mr. CURTIS. Mr. Speaker, I move to amend the amendment by striking out the words "when selected," in lines 4 and 5.

The SPEAKER pro tempore. One moment. The gentleman from Texas [Mr. STEPHENS] offered an amendment to this section. The gentleman from Arkansas [Mr. LITTLE] offers a substitute for the section. The amendment of the gentleman from Texas is first in order. Does the gentleman from Kansas [Mr. CURTIS] desire to offer an amendment to the amendment offered by the gentleman from Texas?

Mr. STEPHENS of Texas. I withdraw the amendment for the present. After the substitute is read, then I will offer my amendment, if the substitution is made.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STEPHENS] withdraws his amendment.

Mr. CURTIS. Now I move to amend the substitute by striking out the words "when selected," in lines 4 and 5.

The SPEAKER pro tempore. The gentleman from Kansas moves to amend the substitute offered by the gentleman from Arkansas by striking out the words he has indicated?

Mr. CURTIS. The words "when selected."

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Kansas [Mr. CURTIS] to the substitute.

The amendment to the substitute was agreed to.

The SPEAKER pro tempore. The question is upon the substitute offered by the gentleman from Arkansas [Mr. LITTLE].

Mr. FLYNN. One moment, Mr. Speaker.

Mr. ZENOR. I desire to offer an amendment to the substitute.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment to the substitute, which the Clerk will report.

Mr. ZENOR. After the word "otherwise," in line 13, on page 15 of the House bill.

The Clerk read as follows:

Insert after the word "otherwise," in line 13 of the substitute, the following:

"But agricultural leases heretofore made in good faith, and for a fair consideration to the allottee, are hereby validated for the period of five years from the ratification of this agreement."

Mr. ZENOR. I will say, Mr. Speaker, that this amendment is substantially, if it is not verbatim, a copy of the amendment offered by the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. It is the same amendment. I intended to reoffer that, but I will accept the amendment.

The SPEAKER pro tempore. The question is upon the adoption of the amendment offered by the gentleman from Indiana [Mr. ZENOR].

Mr. LITTLE. Mr. Speaker, I do not think that amendment ought to be adopted. The committee considered that question quite thoroughly. It was considered not only by the committee of the House, but by the joint committee of the two Houses, and it was on due consideration by them rejected.

It is a matter of common knowledge in that country, and known at least to some members of the House, that there are leases and indirect sales of various kinds which have been made in that country upon these lands, when the treaty under which they were made declared that they should not be made for exceeding one year. That was the written law, and I do not believe Congress ought blindly, simply by a blanket ratification, to approve leases that it does not know anything about, and does not provide any way at all to determine. When the leases were made, they were made in the face of the law, and by those who knew the law. I hope the House will not adopt the amendment.

Mr. UNDERWOOD. I would like to ask my friend from Arkansas what is section 2117 that they propose to strike out?

Mr. LITTLE. That refers simply to the cattle tax on cattle imported into the Territory, and has nothing to do with the question under discussion at all. This is just simply a proposition to come here and ask Congress to say that all bona fide agricultural leases shall be ratified for a term of five years.

I have understood that there are three or four hundred thousand acres of land leased by various companies, probably some of them bona fide, some entirely speculative, with a provision in many of them for a release of them from year to year, making it equivalent to a title; some with an agreement to sell, and the Lord knows what else; so far as I am concerned, I do not think Congress in this way ought to ratify and agree to any such agreement.

I do not believe a man in the House has seen any of these leases. I have not seen one of them, and to say that all bona fide agricultural leases shall be approved for a term of five years when they were made under a law authorizing a lease of one year, I think this is simply a blind leap in the dark, calculated to do irreparable injury, because we do not know what we are doing. It has been so thoroughly considered by the committees of the Senate and the House, acting separately and jointly, and also the bill having passed the Senate, without amendment in the Senate, I do not think it ought to be pressed on this occasion.

Mr. ZENOR. Mr. Speaker, I differ with my distinguished friend from Arkansas in his view of the subject of this amendment. In the first place, I think it is perfectly apparent, or at least sufficient evidence appeared before the committee reporting this bill, that the Creek Indians are intelligent, civilized, and amply able to take care of themselves, and it seems to me that any such restriction placed upon them in the management of their lands should not be made.

When we began the allotment of these lands of the Chickasaws and the Choctaws, a provision was made in the treaty with the Chickasaw and the Choctaw nations that those tribes should be permitted to lease their lands for a term of five years, and I can not see any reason why the same rule should not prevail when you come to apply the law and establish rules and regulations in regard to the allotments made to the Creek Indians.

Again, Mr. Speaker—and I think that the members of the committee will bear me out in this statement—a large number of leases have been made and entered into between the allottees and certain white people who have gone into that country since the ratification of the treaty of May, 1901. Now, these leases are not, I insist, made, as the gentleman from Arkansas insists they were, in defiance of law. They were made in pursuance of an agreement ratified in the original treaty, and these leases are to-day binding leases.

Now, then, the business interests of the Creek Nation is hampered by reason of the fact that you impose limitations upon the allottees, the Indians, when you make allotments to him and then when the segregations have been made of their land that they shall have no right to lease them for more than one year. That is the provision here so far as grazing purposes are concerned.

Now, it can be well understood, gentlemen, how it retards the development of that country and how it prevents business men giving credit to the allottees, the owners of this land, where they can not execute a lease to a white man, the man who has gone into that Territory to take a farm and lease lands to develop the Territory, with a view of putting improvements upon it. He can not afford to take a lease for one year.

Going to live on the land, he is bound to improve it to such an extent as to make it profitable to him; and with a one-year lease he can not afford to do it. There are a great many white men who have gone into this country and improved these lands, and yet there is a provision made in respect to the leasing of grazing lands that it shall be simply for one year. What is the purpose of allotting these lands to the Indians? One hundred and sixty acres are allotted to each one of these Creek Indians, and as a general rule there are about five to a family, which makes about 800 acres of land allotted to each head of a family in the Creek Nation.

Now, it is perfectly apparent that the Indian can not cultivate 800 acres of land and make it profitable, and it is absolutely an impediment to the people down there and prevents the development of that country. There ought to be some provision giving to the allottees the right to lease the land in such a way as would permit it to be profitable to the person leasing the land and enable them to put improvements upon it and enable them to get credit with their merchants and business men with whom they do business; and these men ought not to be prejudiced by unreasonable restrictions imposed upon the right of allottees to make and enter into leases of their lands for a reasonable term.

Under the original agreement, Mr. Speaker, there was no restriction placed upon the owners of these allotments with reference to their power to renew or enter into an obligation to renew a lease, and under the provisions of this amendment there are such restrictions, and they can not agree in the lease to renew the lease. Under the original agreement ratified by Congress there was no such restriction placed upon the owners of these allotments, and therefore a man that entered into a lease should be protected; and it seems to me no prejudice could result to the Indians, no prejudice to the allottees, but an absolute benefit will be derived all along if they want to ratify the lease.

Mr. BURKE of South Dakota. May I ask the gentleman a question?

Mr. ZENOR. Certainly.

Mr. BURKE of South Dakota. What would be the effect of this amendment proposed by you upon leases now in existence that will terminate in six or twelve or even three months?

Mr. ZENOR. I do not think it would result in any increase or lengthen the term of the lease that was in existence at that time.

Mr. BURKE of South Dakota. But your amendment ratifies them for five years.

Mr. ZENOR. For five years.

Mr. BURKE of South Dakota. Even if they had only three months to run?

Mr. ZENOR. Yes. I am not advised on the subject of the different leases made by these allottees, but if you adopt my amendment, and the supplemental agreement now proposed to Congress for ratification shall be ratified by the council of the Creek Nation, and they consent to the agreement as ratified by Congress, then it would be a binding contract and would have the effect of extending the leases for five years.

Mr. CURTIS. Mr. Speaker, I hope the amendment will be voted down. The question was thoroughly discussed before the joint committee of the Senate and the House, and the amendment was voted down by the joint committee. It was considered by the House committee and voted down, and, as the gentleman from Arkansas well says, we know nothing about these leases. It seems to me it would be very unwise for Congress to approve, for a period of five years, leases that it knows nothing about.

Mr. LITTLE. Let me ask the gentleman this question: Can the gentleman give any idea as to about how much of that country is covered by these wild-cat leases?

Mr. CURTIS. I am informed by the people living down there that there are from five to seven hundred thousand acres of land covered by these leases. Of course I have no personal knowledge of the matter, and know nothing about it except the information from the people down there.

Mr. LACEY. How many leases, if the gentleman knows, are there on one lot?

Mr. CURTIS. I understand there are as many as three leases on one piece of property.

Mr. LACEY. And which would we validate by this amendment?

Mr. LITTLE. It would be difficult to tell which one we would ratify.

Mr. MORRELL. Mr. Speaker, I might say in regard to the leases that were lately entered into between the Secretary of the Interior and the Indians at Standing Rock Reservation, that a great deal of opposition was developed by the Indians and those in authority at that reservation. All these leases of grazing lands bring at once the Indian into opposition with the herder and the grazer. It creates opposition between the two, and it brings the source of contamination close to the home of the Indian.

As in the case of the Standing Rock Reservation, the lands that were selected to be leased under the lease were not those that were approved of by the Indians, but, on the contrary, they gave to the lessors or those who entered into the leases the very best lands, and took them away from the Indians, so that they could not make their livelihood by entering into the business of grazing and raising of cattle. On that particular reservation there are to-day, standing on the books of the agency, 250 self-supporting Indians simply through the result of their own efforts in raising cattle and grazing on that reservation.

Those Indians were willing to come before the Secretary of the Interior and were willing to have their lands allotted in severalty, provided they were paid what was owing to them by the Government; they would not wait until the time which was stipulated, provided their land was not leased. They had their personal representatives here, and I went with them to see the Secretary of the Interior and to see the President of the United States, who listened carefully to what they had to say. But it seems that the leases were practically settled and signed before they had an opportunity to speak.

Therefore, from my knowledge of it, which includes some personal knowledge of the reservation, because I have visited it on several occasions, I think any indiscriminate leasing of the Indian lands ought not to be authorized unless we have the names of those who desire to lease the lands, the terms of the lease, and the fact as to whether or not the lessors are responsible for the obligations that they are about to enter into. Unless we have those facts placed before the House we should not authorize the leasing of any of these lands on any of the reservations.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Indiana [Mr. ZENOR].

The amendment was rejected.

Mr. FLYNN. On line 7 of the bill there is this provision, to which I wish to offer an amendment:

For grazing purposes only, and for a period not exceeding five years for agricultural purposes.

I move to amend by adding to this clause the words "subject to the approval of the Secretary of the Interior." This is customary in all leases made by Indians.

The SPEAKER pro tempore. Is this amendment presented as a substitute for the amendment of the gentleman from Arkansas?

Mr. FLYNN. It is.

Mr. LITTLE. Does the gentleman think it necessary to insert that provision? I hardly think so, in view of the terms of the lease.

Mr. FLYNN. The gentleman will see that further on it is provided that leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise. In no Indian reservation in the United States, so far as I know, where the land has been allotted or where it is under the control of the Government, can a lease be made for any period of time without the approval of the Secretary of the Interior.

Mr. LITTLE. My recollection is that in the Choctaw and Chickasaw country, under the treaty with those Indians leases can be made for five years without such approval.

Mr. FLYNN. I do not think so.

Mr. LITTLE. That is my recollection, though I do not make the statement positively.

Mr. CURTIS. That is correct as to the Choctaws and Chickasaws.

Mr. LITTLE. The provision here is framed partly in analogy with that arrangement.

Mr. FLYNN. All right. If the committee are satisfied, it will suit me. I withdraw the amendment.

The SPEAKER pro tempore. The question is upon the substitute offered by the gentleman from Arkansas [Mr. LITTLE].

The substitute was agreed to.

The Clerk, continuing the reading, read the following:

16. Lands allotted to citizens hereunder shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the deed therefor, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment 40 acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear.

Mr. CURTIS. I move to amend by striking out, in line 22, page 9, the words "deed therefor" and inserting in lieu thereof the words "approval of this supplemental agreement."

Mr. ZENOR. I move to amend the amendment by substituting in lieu of the words "approval of this supplemental agreement" the words "ratification of the original agreement in May, 1901."

I will state the purpose of this amendment. In the original treaty there was a provision that the deed could be made to the allottees after five years from the date of the ratification of that treaty. That was the original agreement between the Indian tribe and the Government of the United States. Now, the proposition of the gentleman from Kansas [Mr. CURTIS] is to change the date on which the deeds are to be made. This change of date was not suggested by the Indian council or by the Indian tribe. It is a suggestion evidently coming from the Interior Department itself.

Now, it can well be understood that deeds issuing from the Government issue at irregular and different times, and under the provision proposed, there will be no fixed date from which deeds made to these allotments shall run. There ought to be a fixed time. If the ratification or the approval of the agreement be fixed upon as the date, it is a postponement of the date for one year after the time agreed upon between the Creek tribe and the Government of the United States. The date at which these Indians were to receive title to these lands was at the expiration of five years from the ratification of the original treaty made in May, 1901.

I think it but fair to the parties that the date fixed upon for the making of these deeds should be in accordance with the agreement between the Indian tribe and the Government, and that there should be no postponement of this date; that the titles should take effect five years after the date originally agreed upon. It is for the interest of the business people down in that Territory that the date originally agreed upon shall be adhered to.

According to all the information that I have, a proposition such as that embraced in the amendment of the gentleman from Kansas is regarded by the people in that Territory as detrimental to business interests and to the development of the particular tribe in that Territory. I therefore offer my amendment to the amendment of the gentleman from Kansas.

Mr. CURTIS. The statement made by the gentleman from Indiana [Mr. ZENOR] in regard to the first treaty is correct; but I hope the amendment which the gentleman has offered to my amendment will be voted down and my amendment adopted; because the amendment I have submitted is the amendment which was agreed upon by the full Committee on Indian Affairs at its last meeting.

It was not suggested, as the gentleman says, by the Indians, nor was it suggested by the Department; but some member of the committee—I know not whom, or if I did know I have forgotten whom—suggested that some date ought to be fixed. If it be put from the date of the deeds, the deeds naturally being made on different dates, thus there would be no uniformity.

Therefore the date was agreed to by the committee, and, as I understand it, the vote was unanimous in fixing it from the ratification of the treaty. I therefore hope the amendment to the amendment will be voted down and that the amendment as offered by myself will be agreed to.

Mr. ZENOR. Mr. Speaker, I will ask my colleague whether it is not his understanding that since the ratification of the original treaty of May, 1901, some of these deeds have been issued to the allottees?

Mr. CURTIS. Not a single deed has been delivered.

Mr. ZENOR. They have been issued by the Interior Department?

Mr. CURTIS. You might say no. They have been prepared, but they are in the hands of the Government officers and not a deed has been delivered.

Mr. ZENOR. To any of the allottees?

Mr. CURTIS. Not a single deed, is my information.

Mr. ZENOR. I have had some information to the effect that perhaps some of these deeds have been delivered by the Department.

Mr. CURTIS. Not one.

The SPEAKER pro tempore. The amendment offered by the gentleman from Indiana [Mr. ZENOR] is rather a substitute than an amendment. The question is upon the substitute offered by the gentleman from Indiana for the amendment offered by the gentleman from Kansas.

The question was taken, and the substitute was rejected.

The SPEAKER pro tempore. The question now is upon the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. CURTIS. Mr. Speaker, I offered an amendment, which is in the hands of the Clerk, on page 6, at the end of line 15, and I desire now to call the attention of the gentleman from Alabama [Mr. UNDERWOOD] to the following note which I have received from the chairman of the Dawes Commission. He says:

These people are desperately poor, full-blooded Indians, who do not speak a word of English.

Mr. UNDERWOOD. Mr. Speaker, all I asked the gentleman in regard to the matter when it was up before, was as to whether they were full-blooded Indians. I do not know these other people. I think it is a dangerous proposition to open up these lists in the Dawes case. I know the gentleman from Kansas, and I am entirely willing in such a matter to rely on his opinion, and if he thinks, as I stated before, or if he is willing to state to the House that these are full-blooded Indians and an injustice will be done them if they are not put in the bill, I will withdraw all objection.

Mr. CURTIS. I make the statement upon the authority of the chairman of the Dawes Commission. He says they are full-blooded Indians.

Mr. LITTLE. Mr. Speaker, I would say that that is satisfactory to me.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment agreed to.

The SPEAKER pro tempore. The question now is upon the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, which I will ask the Clerk to read.

The Clerk read as follows:

MISSISSIPPI CHOCTAWS.

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, may, at any time within six months after the date of the final ratification of this agreement, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of the final ratification of this agreement may be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after the date of the final ratification of this agreement.

Mr. STEPHENS of Texas. Mr. Speaker, I offer the following as a substitute for section 32 of the bill.

Mr. CURTIS. Mr. Speaker, I would ask the gentleman if he would not just as soon wait until the bill is read, and then let us commence at the first of the bill and start with that.

Mr. LITTLE. I would suggest to the gentleman that outside of the controverted point, when we get through with these we can agree on the ordinary amendments in bulk.

The SPEAKER pro tempore. The gentleman from Texas offers the following substitute, which the Clerk will read.

The Clerk read as follows:

SEC. 32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein.

Mr. STEPHENS of Texas. Mr. Speaker, I believe this has been substantially agreed to.

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Texas.

The question was taken; and the substitute was agreed to.

Mr. McRAE. Mr. Speaker, I propose the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Strike out the following words, in lines 6 and 7, on page 32: "The final ratification of this agreement" and insert the folowing: "Their identification as Mississippi Choctaws by the said;" so that it will read as follows: "May at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement."

Mr. McRAE. Mr. Speaker, it is perfectly apparent to those who will think for a moment that this amendment ought to be adopted. It is hard indeed to understand why sensible men should negotiate a treaty that might be construed to defeat the very objects of it. If these words remain as they are in the treaty now, we might have this kind of a case: A Mississippi Choctaw applies for identification.

His application is continued, as these applications have been continued practically up to date. There are thousands of them pending to-day before the Secretary of the Interior. If this treaty remains as now proposed, the Mississippi Choctaw is required within six months after the date of final ratification to become a bona fide settler; and yet if he dares go into the Territory before he is identified, he is an intruder.

I have in mind people in my district whose ancestors took land under the fourteenth article of the treaty of 1830, and these people are as much entitled to participate in the lands owned by the Choctaws as anybody. But under the right guaranteed to them by Article XIV of the treaty of 1830 they have seen fit to remain in the States. They have, however, a right at any time to go there.

This provision seeks to preserve that right. Yet, while their application for identification is pending, and while they can not get a decision upon it, you tell them by this new treaty that they must get in within six months after the ratification, although the ratification may come long before the identification paper is issued. Now, if the purpose is to give these people six months after they know that they have a right to be there, then why not say so?

Mr. CURTIS. May I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman from Arkansas yield to the gentleman from Kansas?

Mr. McRAE. Yes.

Mr. CURTIS. I did not catch the wording of your amendment. How much time is given by your amendment to these Mississippi Choctaws in which to file their applications?

Mr. McRAE. I was not dealing with the question of applications, because those I have named have already filed theirs, but this provision requires them to get into the Territory within six months after ratification. I say it should be within six months after they know that thay have a right to be there.

Mr. CURTIS. You give them six months after identification?

Mr. McRAE. Yes; instead of after the ratification. Then the second amendment would give them the same time you propose, one year after identification, to make bona fide improvement. It seems to me that unless the purpose is to get the advantage of the people whose rights you seek to protect, that there should be no objection to this amendment; because, I take it, that is the intent of this provision.

Yet the words adopted may be construed to defeat a pending application, or the applicant must take the risk of going in there without authority; and I want to say that in the case of these people whom I have in mind, they have applied to the Secretary of the Interior to know whether after the application has been filed they have a right to go and select land, and the answer has been, "You must determine that question yourselves," and they are referred to the Dawes Commission. These applications have been pending for years——

Mr. CURTIS. Mr. Speaker, I should like to suggest to the gentleman that I do not believe there is any objection on this side to his amendment, if he will allow it to come to a vote.

Mr. McRAE. Certainly.

The SPEAKER pro tempore. The question is on the adoption of the amendment offered by the gentleman from Arkansas [Mr. McRAE].

The amendment was agreed to.

Mr. McRAE. I also propose the following amendment.

The Clerk read as follows:

Strike out the following words, in lines 9 and 10, on page 32: "The final ratification of this agreement may" and insert the following: "Their said identification as Mississippi Choctaws shall."

The SPEAKER pro tempore. The question is upon the adoption of the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. Speaker, upon this section I desire to offer the following amendment——

Mr. WILLIAMS of Mississippi. Before that is offered——

Mr. CURTIS. I will withdraw the amendment for a minute.

Mr. WILLIAMS of Mississippi. I understand that is in addition to the section as it stands.

Mr. CURTIS. That is right.

Mr. WILLIAMS of Mississippi. Now, on line 17 of the section as it stands I move to insert the words "twelve months subsequent to;" so that it shall read:

The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after twelve months subsequent to the date of final ratification.

Mr. CURTIS. I should like to ask the gentleman to make that six months. We want to close this matter up.

Mr. WILLIAMS of Mississippi. Very well; I will make it six months.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Kansas to withdraw his amendment temporarily?

Mr. CURTIS. Yes; temporarily.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. Now, the gentleman from Kansas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 41 by adding thereto, as a part of the last sentence, the following:

"and in the disposition of such applications all full-blood Choctaw Indians who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not of the full blood."

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to offer an amendment to the amendment.

The SPEAKER pro tempore. The gentleman from Mississippi offers the following amendment to the amendment.

The Clerk read as follows:

And the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of removal to the Indian Territory of full-blood Mississippi Choctaws and other Mississippi Choctaws duly identified under the provisions of this agreement.

The SPEAKER pro tempore. The question is upon the adoption of the amendment to the amendment.

Mr. WILLIAMS of Mississippi. Now, I want to say a few words upon the amendment to the amendment.

The SPEAKER pro tempore. The Chair will have to ask the gentleman to suspend. The special order under which we are proceeding this evening expressly directs that this session shall not extend beyond 10.30 p. m. That hour having arrived, the House stands adjourned until 12 o'clock noon to-morrow.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, reported the same without amendment, accompanied by a report (No. 2556); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, reported the bill of the House (H. R. 15144) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, accompanied by a report (No. 2563); which said bill and report were referred to the House Calendar.

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year, reported the same with amendments, accompanied by a report (No. 2566); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3371) removing the charge of desertion from the name of Jacob Bowman, reported the same without amendment, accompanied by a report (No. 2562); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4572) to grant an honorable discharge from the military service to Charles H. Hawley, reported the same without amendment, accompanied by a report (No. 2564); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, reported the same with amendment, accompanied by a report (No. 2565); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 4224) to reimburse John Waller, postmaster at Monticello, N. Y., for moneys expended in carrying the mails, reported the same without amendment, accompanied by a report (No. 2567); which said bill and report were referred to the Private Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8130) for the relief of the Miami Indians of Indiana, reported the same without amendment, accompanied by a report (No. 2568); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15071) granting a pension to Louisa M. Sippell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LANHAM: A bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year—to the Committee on the Judiciary.

By Mr. COWHERD: A bill (H. R. 14141) fixing the rates for telephones in the District of Columbia, and providing for the enforcement of the same—to the Committee on the District of Columbia.

By Mr. BELL: A bill (H. R. 15142) requiring corporations doing interstate business to file reports with the Secretary of State, and for other purposes—to the Committee on the Judicary.

By Mr. MANN (by request): A bill (H. R. 15143) concerning the rights, privileges, and immunities of passengers traveling on or by any mode of conveyance engaged in interstate communication or commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 15144) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896—to the House Calendar.

By Mr. WILEY: A bill (H. R. 15145) to fix the fees of jurors and witnesses in attendance upon the United States courts in Alabama—to the Committee on the Judiciary.

By Mr. OLMSTED: A resolution (H. Res. 309) providing for the employment during the last ten days of the session of four bicycle messengers—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 15146) for the relief of Priscilla R. Burns—to the Committee on Claims.

By Mr. BRICK: A bill (H. R. 15147) granting an increase of pension to Abraham E. Clark—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 15148) for the relief of heirs of Sylvia Cannon—to the Committee on War Claims.

By Mr. MAHON: A bill (H. R. 15149) to revoke sentence and establish the military record of Capt. George G. Lovett, Company K, One hundred and eighty-seventh Regiment Pennsylvania Volunteers, war of rebellion of 1861 to 1865—to the Committee on Military Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 15150) granting an incrense of pension to Ellen Sheehan—to the Committee on Invalid Pensions.

By Mr. SCHIRM: A bill (H. R. 15151) granting an increase of pension to Chancy Baker—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15152) granting a pension to William T. Edgeman—to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 15153) granting an increase of pension to Susan De Lamor—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of the East Buffalo Live Stock Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: Papers to accompany House bill for the relief of the heirs of Sylvia Cannon, of Tupelo, Miss.—to the Committee on War Claims.

By Mr. CASSINGHAM: Petition of the Westminster Presbyterian Church, of Wooster, Ohio, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of La Crosse County, Wis., for the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of the Jewelers' Association and Board of Trade, urging the passage of House bill 13679, amending the bankruptcy law—to the Committee on the Judiciary.

Also, protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Petitions of B. Fischer & Co., Einstein, Wolff & Co., Schefer, Schramm & Vogel, Yale & Towne Manufacturing Company, Schiefflin & Co., New York Board of Trade and Transportation, the Crockery Board of Trade, and the Jewelers' Association and Board of Trade, all of New York City, favoring the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of Atlantic Coast Marine Firemen's Union and Cooper's Union No. 2, of New York City, for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Papers relating to charges and specifications preferred against Capt. George G. Lovett, of Company K, One hundred and eighty-seventh Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. NEVILLE: Paper to accompany House bill granting a pension to Franklin Peale—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to Andrew Anderson—to the Committee on Invalid Pensions.

By Mr. WACHTER: Petition of Polish Society, No. 487, of Baltimore, Md., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

SENATE.

WEDNESDAY, *June 18, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALLISON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PUBLIC BUILDINGS.

Mr. ALLISON. I ask that the Chair may lay before the Senate the concurrent resolution passed some days ago by the House of Representatives respecting the sundry civil appropriation bill.

The PRESIDENT pro tempore laid before the Senate the concurrent resolution; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *June 7, 1902.*

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill (H. R. 13123) are authorized to consider and recommend the inclusion in said bill of necessary appropriations to carry out the several objects authorized in the "Act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

Mr. ALLISON. I ask that the concurrent resolution may be considered now.

The concurrent resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

Mr. HALE. I ask the Senate, upon an important report, to go into executive session for three or four minutes. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

MISSOURI VOLUNTEERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 14th instant, a statement showing the various classes of the Missouri volunteers, militia, and home guards that were in service in the civil war and the laws under which they were raised; also what classes of such were recognized by the War Department as being in the military service of the United States; which, with the accompanying papers, was ordered to lie on the table, and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4769) to fix the fees of jurors in the United States courts.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; and

A bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 3653) for the protection of the President of the United States, and for other purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. OVERSTREET, and Mr. LANHAM managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCLEARY, Mr. CANNON, and Mr. BENTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7206) providing for the punishment of United States prisoners for crimes committed while confined in State penal institutions;

A bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes;

A bill (H. R. 11656) to incorporate the Society of the Army of Santiago de Cuba;

A bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga.;

A bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

A bill (H. R. 12764) amending an act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, etc.;"

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;

A bill (H. R. 14410) to provide for the control and management of United States penitentiaries, and for other purposes;

A bill (H. R. 14898) relating to jurisdiction on appeals in the court of appeals of the District of Columbia, and transcripts on appeals in said court, and to quiet title to public lands; and

A bill (H. R. 14923) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 292) granting a pension to Henrietta Gottweis;

A bill (H. R. 884) granting an increase of pension to Ellen W. Rice;
A bill (H. R. 945) granting an increase of pension to William W. Richardson;
A bill (H. R. 954) granting an increase of pension to Rachel Brown;
A bill (H. R. 1466) granting a pension to Alfred Hatfield;
A bill (H. R. 1478) granting an increase of pension to Henry Runnels;
A bill (H. R. 2192) granting an increase of pension to Benjamin F. Shearer;
A bill (H. R. 2470) granting an increase of pension to Charles P. Maxwell;
A bill (H. R. 2615) granting an increase of pension to Charles E. Miller;
A bill (H. R. 3262) granting an increase of pension to David T. Bruck;
A bill (H. R. 3263) granting an increase of pension to John Revley;
A bill (H. R. 3677) granting an increase of pension James F. Gray;
A bill (H. R. 3768) granting an increase of pension to John W. Campbell;
A bill (H. R. 3770) granting a pension to James E. Dickey;
A bill (H. R. 3986) granting a pension to Martha A. Cornish;
A bill (H. R. 5018) granting an increase of pension to Johann Conrad Haas;
A bill (H. R. 5145) granting an increase of pension to Thomas Swan;
A bill (H. R. 5146) granting an increase of pension to Florian V. Sims;
A bill (H. R. 5328) granting an increase of pension to Samuel Bortle;
A bill (H. R. 5550) for the relief of W. C. Taylor;
A bill (H. R. 5866) granting an increase of pension to William P. Schott, alias Jacob Schott;
A bill (H. R. 5877) granting a pension to Robert Watts;
A bill (H. R. 6186) granting a pension to Carrie B. Farnham;
A bill (H. R. 6402) granting a pension to Mary J. Adams;
A bill (H. R. 6414) granting an increase of pension to William W. H. Davis;
A bill (H. R. 6847) to correct the record of Michael Hayes;
A bill (H. R. 6890) granting an increase of pension to Robert G. Scroggs;
A bill (H. R. 6991) granting an increase of pension to Esek B. Chandler;
A bill (H. R. 7353) granting a pension to Nancy M. Williams;
A bill (H. R. 7882) granting an increase of pension to John H. Smith;
A bill (H. R. 7906) granting a pension to Martha G. Young;
A bill (H. R. 7922) granting an increase of pension to Richard G. Watkins;
A bill (H. R. 7986) granting a pension to Clara C. Hawks;
A bill (H. R. 8026) granting an increase of pension to Joseph D. McClure;
A bill (H. R. 8109) granting an increase of pension to William H. McCarter;
A bill (H. R. 8457) granting an increase of pension to Gibboney F. Hoop;
A bill (H. R. 8476) granting an increase of pension to Moses S. Curtis;
A bill (H. R. 8698) granting an increase of pension to Nelson Churchill;
A bill (H. R. 8780) granting an increase of pension to Pierson L. Shick;
A bill (H. R. 8781) granting a pension to Mary E. Holbrook;
A bill (H. R. 9164) granting an increase of pension to John H. Crawford;
A bill (H. R. 9366) granting an increase of pension to Peter T. Norris;
A bill (H. R. 9463) granting an increase of pension to Edgar A. Stanley;
A bill (H. R. 9710) granting an increase of pension to Elizabeth J. Eagon;
A bill (H. R. 9717) granting a pension to Isaac M. Pangle;
A bill (H. R. 10172) granting an increase of pension to Thomas Finegan;
A bill (H. R. 10255) granting a pension to Margaret Tisdale;
A bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead;
A bill (H. R. 10794) granting a pension to Thomas H. Devitt;
A bill (H. R. 10899) granting an increase of pension to William Warner;
A bill (H. R. 10954) granting an increase of pension to Mary J. Gillam;
A bill (H. R. 11115) granting a pension to Angeline H. Taylor;
A bill (H. R. 11327) granting an increase of pension to Charles E. Pettis;
A bill (H. R. 11493) granting a pension to Mary A. Lipps;
A bill (H. R. 11711) granting an increase of pension to Isaac Gibson;
A bill (H. R. 11865) granting an increase of pension to John A. Robertson;
A bill (H. R. 12047) granting an increase of pension to Jackson L. Wilson;
A bill (H. R. 12130) granting a pension to Christopher S. Stephens;
A bill (H. R. 12305) granting an increase of pension to Charles Olson;
A bill (H. R. 12312) granting a pension to Susan Walker;
A bill (H. R. 12408) granting an increase of pension to John A. Eveland;
A bill (H. R. 12409) granting an increase of pension to Jesse M. Peck;
A bill (H. R. 12724) granting an increase of pension to Richard M. Kellough;
A bill (H. R. 12770) granting an increase of pension to Carrie M. Schofield;
A bill (H. R. 12774) granting an increase of pension to John M. Brown;
A bill (H. R. 12976) granting an increase of pension to Jacob Smith;
A bill (H. R. 13017) granting an increase of pension to James Austin;
A bill (H. R. 13063) granting an increase of pension to Julia B. Shurtleff;
A bill (H. R. 13081) granting an increase of pension to Anthony J. Railey;
A bill (H. R. 13178) granting a pension to William F. Bowden;
A bill (H. R. 13331) granting an increase of pension to John S. Bonham;
A bill (H. R. 13378) granting an increase of pension to Edwin Bechwith;
A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall;
A bill (H. R. 13554) granting an increase of pension to Andrew E. Hicks;
A bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton;
A bill (H. R. 13675) granting an increase of pension to George W. White;
A bill (H. R. 13683) granting an increase of pension to Ella B. S. Mannix;
A bill (H. R. 13691) granting an increase of pension to James M. Conrad;
A bill (H. R. 13946) granting an increase of pension to Stephen B. Todd;
A bill (H. R. 14012) granting a pension to Fannie Reardon;
A bill (H. R. 14052) granting an increase of pension to George Fusselman;
A bill (H. R. 14079) granting an increase of pension to John Miller;
A bill (H. R. 14118) granting a pension to Mary C. Bickerstaff;
A bill (H. R. 14224) granting an increase of pension to Margaret S. Tod;
A bill (H. R. 14359) granting a pension to Luther G. Edwards; and
A bill (H. R. 14374) granting a pension to Samantha Towner.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the Iron Trades Council, representing 4,000 skilled laborers employed in the shipyards of the Risdon and Union Iron Works, of San Francisco, Cal., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. SCOTT presented a petition of sundry citizens of West Virginia, praying for the repeal of the anti-injunction law; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Wool Growers' Association of North Yakima, Wash., praying for the adoption of certain amendments to the bill authorizing land-grant railroads now holding alternate sections of Government land received from the Government to consolidate their holdings, etc.; which was referred to the Committee on Public Lands.

Mr. CLAY presented a petition of Carpenters' Local Union No. 256, of Savannah, Ga., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of Forest City Harbor, No. 36, American Association of Masters and Pilots of Steam Vessels, of Savannah, Ga., praying for the enactment of legislation granting pensions to certain officers and men in the Life-Saving Service; which was referred to the Committee on Pensions.

He also presented a petition of the Atlanta Freight Bureau, of Atlanta, Ga., praying for the passage of the so-called Nelson-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions adopted by the National Business Men's League, favoring the early construction of an isthmian canal; which were ordered to lie on the table.

He also presented the petition of A. W. Southwick and 19 other citizens of Millville, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country, and also to prohibit the sale of intoxicating liquors at immigrant stations; which was referred to the Committee on Immigration.

He also presented the petition of C. O. Bailey and 49 other citizens of Newburg, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country and also to suppress anarchy; which was referred to the Committee on Immigation.

He also presented petitions of the Board of Selectmen of Westboro, of the Board of Selectmen of Winthrop, of the Board of Selectmen of Attleboro, of the City Council of Cambridge, of the Board of Selectmen of Middleboro, and of the Board of Selectmen of Plymouth, all in the State of Massachusetts, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Rockland, Me., praying for the enactment of legislation granting pensions to certain officers and men in the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a petition of the Department of Illinois, Grand Army of the Republic, of Chicago, Ill., praying that the perpetuation and care of the Vicksburg Military Park may be continued; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Physical Culture Association, of Washington, D. C., praying that certain instructions may be given to the contractor for dredging the tidewater canal at Chesapeake Beach, Md.; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2035) to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of rear-admiral on the active list, reported it with an amendment striking out the preamble.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13052) granting an increase of pension to Charles K. Batey; and

A bill (H. R. 14098) granting an increase of pension to Albert M. Scott.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 6100) to establish a representative form of government for the citizens of the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes, reported it with amendments.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 4556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on the District of Columbia, to whom was referred the bill (S. 4569) to amend section 58 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, reported it with amendments, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden; and

A bill (H. R. 2598) granting an increase of pension to Adrian M. Snyder.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time, reported it without amendment, and submitted a report thereon.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed as a document the certain omissions to the list of references relative to the election of United States Senators by the people, the same corrected and extended up to date of June 12, 1902, as submitted by the senior Senator from New Hampshire, and as comprehended in his motion to the Senate of June 13, 1902.

JAMES B. MAHAN.

Mr. GALLINGER. I desire to call the attention of the Senator from Arkansas [Mr. BERRY] to the bill I am about to report. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 13150) granting a pension to James B. Mahan, to report it without amendment.

Mr. BERRY. The party named in the bill is absolutely dependent. He has both legs off. I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of James B. Mahan, helpless and dependent son of Dempsey Mahan, late of Company B, Third Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WALTON ROSS.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 6104) to restore to the active list of the Navy the name of John Walton Ross, to report it favorably without amendment.

Mr. BATE. I ask for the present consideration of the bill just reported by the Senator from California. It will take but a moment.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President, by and with the advice and consent of the Senate, to appoint John Walton Ross, surgeon, United States Navy, retired, to the active list of the Navy as a medical director (an additional number), not in line of promotion, and to retain his present longevity (from the date of his original commission as surgeon in the Navy), said officer having tendered his services to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 6188) to purchase a painting of the several ships of the United States Navy, known as the "Squadron of Evolution" and entitled "Peace;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

He also introduced a bill (S. 6189) for the relief of the estate of Samuel Lee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6190) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. HEITFELD introduced a bill (S. 6191) granting an increase of pension to Samuel L. Thompson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 6192) granting an increase of pension to Austin H. Patterson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6193) granting an increase of pension to Otis M. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6194) granting an increase

of pension to Thomas W. Stuart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6195) to correct the military record of Thomas J. Morman; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $2,000 to purchase from the estate of Mrs. Ben: Perley Poore the copyright of the publication entitled "The Political Register and Congressional Directory," by Ben: Perley Poore, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $5,000 for the improvement of Mount Rainier National Park, Washington, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. MCMILLAN, and Mr. COCKRELL were appointed.

ADELAIDE G. HATCH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch; which was, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. DEBOE, Mr. BURTON, and Mr. GIBSON were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 17th instant approved and signed the following acts:

An act (S. 1037) granting an increase of pension to Helen A. B. Du Barry;

An act (S. 2975) granting an increase of pension to Levi Hatchett; and

An act (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.; and

An act (S. 5062) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7206) providing for the punishment of United States prisoners for crimes committed while confined in State penal institutions;

A bill (H. R. 11656) to incorporate The Society of the Army of Santiago de Cuba;

A bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga.;

A bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, etc.;

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;

A bill (H. R. 14410) to provide for the control and management of United States penitentiaries, and for other purposes;

A bill (H. R. 14898) relating to jurisdiction on appeals in the court of appeals of the District of Columbia, and transcripts on appeals in said court, and to quiet title to public lands; and

A bill (H. R. 14923) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory.

The bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

REBECCA J. TAYLOR.

Mr. CARMACK. Mr. President, I wish to call up the resolution I introduced several days ago concerning the discharge of Miss Rebecca J. Taylor from the classified service.

The PRESIDENT pro tempore. The Senator from Tennessee calls from the table the resolution which will be read to the Senate.

The Secretary read the resolution submitted by Mr. CARMACK on the 10th instant, as follows:

Whereas it appears that Rebecca J. Taylor, late a clerk in the War Department, holding a position in the classified service, was, by order of the Secretary of War, discharged from her position on the 7th day of June, 1902: Therefore, be it

Resolved by the Senate of the United States of America, That the Committee on Civil Service and Retrenchment be instructed to inquire and report the reasons for such discharge and whether the same was made in accordance with law.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. CARMACK. Mr. President, I do not desire to make any extended remarks upon this question. I introduced this resolution because it appeared to me to involve a question of very considerable importance, not so much to the lady who seems to have been made the victim of the resentment of the powers that be, but because of its importance to a just and orderly and lawful conduct of the civil service of the Government.

On the 7th day of June, Miss Rebecca J. Taylor, a clerk in the War Department, in the classified service, received notice in the form of the following order:

WAR DEPARTMENT,
Washington, D. C., June 7, 1902.

Rebecca J. Taylor, clerk at $840 per annum in the Office of the Adjutant-General (temporary roll), is hereby discharged, to take effect this date.

By order of the Secretary of War:

JOHN C. SCHOFIELD, *Chief Clerk.*

That was all. It was simply a very plain, very curt, and very peremptory note of dismissal from the service.

Section 8 of rule 2 of the civil-service rules reads as follows:

No removal shall be made from the competitive classified service except for just cause and for reasons given in writing, and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer and of the order of removal shall be made a part of the records of the proper department or office; and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office.

It is true, sir, that there has been a subsequent modification of this rule by order of the President. That modification reads as follows:

Now, for the purpose of preventing all such misunderstandings and improper constructions of said section, it is hereby declared that the term "just cause," as used in section 8, Civil Service Rule II, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service; and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal.

Approved.

THEODORE ROOSEVELT.

WHITE HOUSE, *May 29, 1902.*

Now, Mr. President, if this modification was made for the purpose of reaching an antecedent offense committed by Miss Taylor and of putting the rule in such form that she could be discharged under it for some offense committed prior to the modification of the rule, then it deserves all the odium that properly attaches to an ex post facto law.

This modification seems to have been intended to practically nullify the old rule that was made by President McKinley, and to a very large extent it does so; but there is one part of the rule which still remains, that part of it which requires that the reasons for removal shall be in writing; that notice shall be given; that the person accused shall have a copy of such reasons and be allowed a reasonable time for personally answering the same in

writing. That still remains; it is still the law; and if in this case no charge has been made against Miss Taylor, if there has been no specification of any misconduct, of any fault, of any neglect of duty or inefficiency in the performance of duty, and if no reasons were given for her removal, then this law has been plainly and palpably and flagrantly violated.

Now, sir, it does not appear in the correspondence in reference to this case that there has been any charge made or that any notice has been served upon Miss Taylor, or any reasons given to her for her removal, or any opportunity to answer a charge thus formally made.

It is true that some days before her discharge a letter was addressed to her, asking whether or not she was the writer of a certain newspaper article, and her attention at the time was called to this rule.

Mr. President, that is not a compliance with either the letter or the spirit of the plain and mandatory provisions of this rule, which contemplates a formal written charge, clearly and explicitly stating the offense that has been committed, the reason why removal is contemplated, and an opportunity on the part of the person accused to make answer in the form of a denial or explanation or any other defense he may see proper to make.

The reason for this rule does not begin and end with its application to any particular case. It is required here that a—

Copy of such reasons, notice, answer, and of the order of removal shall be made a part of the records of the proper department or office.

It is intended to be a precedent. It is intended to be a rule for the future or an authoritative interpretation of some rule. It is intended to serve as a warning and instruction to all other clerks in the civil service of the Government, and it is, therefore, very important that the offense shall be clearly and explicitly stated, not only for the benefit of the person accused, but for the benefit of all other civil-service employees, in order that they may know what the offense is and govern their own conduct accordingly.

I say no offense has been charged in this case. Miss Taylor was simply asked, "Did you write a certain newspaper article?" By no reasonable construction whatever can that be interpreted to mean an accusation.

But suppose that, for all intents and purposes, simply asking the question, "Did you write a certain newspaper article?" was an accusation, a charge that she did write that newspaper article, is that any intelligent compliance with the spirit and meaning of this rule? Is it intended to mean that the writing of a newspaper article is an offense? Is that what is meant?

We must assume that it was not simply the writing of a newspaper article, but that there was something in the nature or in the contents of the article, although that is not stated. We have to gather it from inference, or just as a mere matter of common sense.

No man in this Chamber and no man in the United States can clearly and distinctly define, from the papers in this case, the offense for which Miss Taylor was discharged. It is not said she was accused of writing a certain newspaper arricle. Wherein is the offense? Is it something contained in the article? Is it something in the nature of the article, or is it simply the writing of an article for a newspaper?

Some of the extreme advocates of civil-service reform have contended that persons in the classified service should refrain from the discussion of all questions of party politics. Was it upon that theory that Miss Taylor was discharged? Was she discharged because she undertook to discuss a question of party politics without reference to the side she took in the controversy? No man can take this correspondence and say whether she was discharged simply for writing a newspaper article, and because the War Department does not permit its employees to write articles for the newspapers, or whether she was discharged for discussing a question of current party politics, or because there was something offensive contained in the article, or whether she was simply discharged because she took the wrong side of the Philippine question from the Administration point of view. What was it?

Suppose, Mr. President, she had written an article eulogizing the President and the Administration's policy. Suppose she had eulogized his Philippine policy. Suppose she had justified and defended all the atrocities that had been perpetrated in the Philippine Islands. Suppose she had defended and excused Smith. Suppose she had defended the use of torture and the wholesale burning of towns, and suppose she had said, with respect to these things, that such coercion "was absolutely inevitable in putting a stop to an armed attack upon the sovereignty of the United States." Suppose she had excused torture and the desolation of an entire province and the killing of little children. Suppose she had coupled with that the most vindictive and intemperate abuse and denunciation of all who opposed the policy of the Administration. Suppose she had said that United States Senators ought to be hanged for opposing and criticising the conduct of the war in the Philippine Islands. Would she have been discharged for that? No man can know; no man can tell.

I believe the idea that will be conveyed to every other person in the civil service will be that it is not safe for any such clerk or any such employee to dissent from or criticise the policy of the Administration. I do not believe that the effect of that action will be to deter anybody at all from speaking as freely and as abusively and as intemperately as he may please of the opponents of the Administration.

So I say there is no interpretation of any rule to be drawn from this act of the War Department. No man can tell, no Senator can say to-day, for what particular offense this lady was discharged, and no clerk in the War Department will know how to govern his conduct in the future by reason of her dismissal except to refrain from expressing opinions contrary to the views and policy of the Administration.

Mr. President, I have some extracts from the report of the Civil Service Commission when President Roosevelt was a member of that Commission. The report of 1889-90 contains the following:

In the departmental service at Washington the figures show that the question of politics has been practically eliminated in making removals; for the last seven years the law as a whole has been faithfully and honestly observed. * * *

The Commission takes this opportunity to reiterate, however, its belief that, in cases where a removal is made, the appointing officer should give the accused man a chance to be heard in his own defense, and should be required to file in writing a full statement of his reasons for making the removal, such statement to be made public, if the accused so desire it.

* * * * * * *

EFFECTS OF INVESTIGATION.

A study of the above figures illustrates a fact which we have already repeatedly observed and commented on, namely, that where an appointing officer makes an excessive number of removals, or in any way disregards or evades the law at his office, he thereby demoralizes his successors and makes t di fficult to hold the latter to a strict accountability.

GREAT IMPROVEMENTS BROUGHT ABOUT BY THE MERIT SYSTEM.

It can not be too often reiterated that while the law may not work with ideal perfection, actual experience for seven years has shown that it produces on the whole a better governmental administration than does the patronage system. Moreover, what is more important, it immeasurably betters the tone of political life by making the mass of Government employees simply what they purport to be—that is, public servants and not adherents of the party in power, organized into disciplined bodies for its support, and straining every effort to secure its continuance and supremacy. It is noteworthy that the officers and bureaus which show the best results in giving an honest, efficient, and economical administration are precisely those in which the civil-service law has been most faithfully observed.

The merit system is the American system, the unaristocratic system, and no system could be less American and more undemocratic than the patronage system which it supplants.

CHAS. LYMAN,
THEODORE ROOSEVELT,
HUGH S. THOMPSON,
Commissioners.

(Civil Service Report, 1889-1890.)

I have some other extracts here which I will not read, but will ask to have printed with my remarks in the RECORD.

Under the spoils system the theory is that politics belong especially to the officeholders. Under the merit system the theory is that politics belong to the people, and that the people are quite capable of managing their own affairs without interference and dictation on the part of those who may have been chosen to serve the whole people in merely administrative positions.

* * * * * * *

While one of the main purposes of the law is to improve the public service, yet this can hardly be considered its main object. Its principal object is to remove from American politics the degrading influence of the patronage system.

* * * * * * *

The whole patronage system is inimical to American institutions; it forms one of the gravest problems with which democratic and republican governments have to grapple.

* * * * * * *

The merit system improves the governmental service as a mere administrative machine, and is of incalculable good in our political life. The cause of civil-service reform—that is, the cause of honest government and decent political life, the cause of Abraham Lincoln's "plain people"—as against the cause of that most noxious body, the oligarchy of professional officeholders and officeseekers, must go forward. There can be no halt, no truce. The bulk of the officers of the Government are purely administrative business officers. The post-officers, for instance, should, properly speaking, have nothing whatever to do with politics. The duty of the postmaster, postal clerks, and letter carriers is merely to see that the mails are expeditiously and safely delivered. The appointment and retention in office of each one should depend solely upon whether, in doing his duties, he serves the whole people, without distinction of parties, well and faithfully. His position should depend in no way upon his party predilections, for his capacity to perform his duties has not the slightest reference to his opinions upon the tariff, the currency, or any other of the great questions upon which parties divide.

There are properly very few of the offices in the gift of the Government which are really political in character after we pass below the highest, such as members of the Cabinet and the ministers to foreign countries. The duties of the bulk of Government officials have or should have no reference whatever to politics, and they should be divorced entirely from politics. No question before the American people to-day is so important as this question of working a thorough and radical reform of the civil service by separating it entirely from partisan politics, for no other reform so vitally affects the most important of all questions, the securing a pure and honest and an upright government.

CHARLES LYMAN,
THEODORE ROOSEVELT,
HUGH S. THOMPSON,
Commissioners.

(Civil Service Report, 1890-91.)

In the Civil Service Report for 1891–92, signed also by Theodore Roosevelt, we have the following:

The Commission has throughout the year steadily endeavored to raise still higher the standard of obedience to law.

In the civil-service report for 1893–94 is the following:

While the civil-service law does not in terms regulate dismissals from the service, it does provide a system for appointment upon merit in which consideration ofs politics and religion find no place, being excluded in definite and specific terms. This being the case with reference to appointments to the service, it follows as a logical sequence that politics should and rightfully can have nothing to do with continuance in and exit from the service. Unfortunately in many cases the facts have been otherwise, and the Commission is fully convinced that to some extent religious and political considerations will influence dismissals until there is a requirement of law or rule that not only shall the reasons for dismissal be made a matter of record, and be made known to the person to be dismissed, but that he also be given an opportunity to be heard in his own defense.

In this line is a practice lately introduced by the Postmaster-General in the postal service. In the circular introducing the new practice he says: "For the purpose of avoiding unjust removals of clerks and carriers in the classified service * * * no carrier shall be removed except for cause and upon written charges filed with the Post-Office Department and of which the carrier shall have full notice and an opportunity to make defense." * * *

This is in striking contrast to the practice that prevailed previously in the Post-Office service and that now generally obtains in other branches of the service. So far as results are known to the Commission, the practice introduced by the Postmaster-General is working well and in the direction of security, stability, and efficiency in the service and undoubtedly toward the complete elimination of politics therefrom.

It has been often claimed, and with some show of reason, that any interference with the arbitrary power of removal, even to the extent of requiring reasons to be stated and giving the accused a hearing, would weaken the discipline and impair the efficiency of the service. The Commission has never believed this to be true, but the contrary, and it is convinced that its belief will find a complete justification in the postal service. What promises so well in that service, in the judgment of the Commission, might safely and without fear of evil consequences be applied to all branches of the classified service.

POLITICAL DISCRIMINATIONS.

Partisan feeling and bias often show themselves in the service in discriminations in favor of the adherents of one party and against those of another, not only in the matter of dismissals, but also in connection with promotions and reductions. The most common form of this discrimination in connection with dismissals is to dismiss employees of one political faith for offenses which are allowed to pass unnoticed or with slight reprimand by employees of the opposite political faith.

JOHN R. PROCTER,
CHARLES LYMAN,
THEODORE ROOSEVELT,
Commissioners.

(Civil Service Report 1893-94.)

In the civil-service report for 1896–97—Mr. Roosevelt was not then a member of the Commission—the Commissioners quote the new section added to rule 2—that is the one which has just been modified by President Roosevelt—and they say:

No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of department or other appointing officer and of which the accused shall have full notice and opportunity to make defense.

Relative to this section the report states:

This is one of the most important orders made since the enactment of the law and has met the entire approval of the public. * * * While not impairing the prompt exercise of power of discipline, this amendment guards the service against abuse, lessens the temptation to make improper removals, and affords a just degree of protection to the employee and a greater security and permanence in office during good behavior.

Civil-service report for 1897-98, after quoting said section, states: "This rule is one of the most important ever issued relating to executive civil service, and, after a full year's operation, has met the hearty approval of the public and of most of the executive officers of the Government."

Subsequent reports have emphasized these statements. Here the President of the United States has so modified that rule as to practically nullify it, to practically destroy all its beneficent qualities and all its beneficent effects. The rule has been practically abrogated, except for the one feature which requires that the reason shall be given; so that the person may be discharged for any reason whatever that the appointing officer may choose to assign, except it be for political or religious reasons. In this case the clerk was, in fact, discharged because she wrote an article giving her views on certain political questions.

Mr. President, I have some articles here—some from the Washington Post and one from the Chicago Public—which I wish to put in the RECORD at this time.

The articles referred to are as follows:

[From the Washington Post.]

AT COST OF HER PLACE—MISS TAYLOR USED PEN IN CRITICISM OF PRESIDENT—ATTACKED PHILIPPINE POLICY—SUMMARILY DISCHARGED AT NOON ON SATURDAY AFTER HAVING SOME DAYS BEFORE ADMITTED THE AUTHORSHIP OF AN OBJECTIONABLE ARTICLE—DISMISSAL COMES UNDER LATEST CIVIL-SERVICE RULING.

Miss Rebecca J. Taylor, of the temporary force of clerks of the War Department who were recently placed in the classified service by act of Congress, received notice of her dismissal on Saturday. She was appointed to the position from Minnesota in January, 1899, and was employed in the record and printing division at a salary of $840 per annum. The formal order of dismissal, dated June 7, reached her at noon and took effect at once. It did not permit her to finish the day's work.

Miss Taylor, who is a very talented woman, has been a most earnest opponent of the war in the Philippines and an unsparing critic of our policy toward the natives. She has contributed frequently for two years or more to the page in the Monday issues of the Post devoted to the "Views of the People on Timely Topics." Her communications, which invariably bore her name, were written in good, strong English, and always attracted attention. One of them, a few months ago, dealing with the Philippine situation, was read in the House by a Democratic member and printed in the CONGRESSIONAL RECORD. In addition to her communication to the Post, Miss Taylor about two years ago issued a pamphlet concerning the Philippines, which gave official records in chronological order and was a severe arraignment of the Administration. This publication, like all her writings, gave her name as the author. If it was ever brought to the attention of the President or Secretary of War at that time it was ignored.

CRITICISED THE PRESIDENT'S SPEECH.

The immediate cause of Miss Taylor's discharge was a communication printed in the Post on May 12, in which she took up the President's speech to the Sons of the American Revolution on "The Flag Shall Stay Put." She criticised especially that part of the speech which proposed a toast to our gallant soldiers fighting in the Eastern Tropics. This article from Miss Taylor's pen was regarded by many readers as intemperate, and was roundly condemned, but others—the anti-imperialists sharing the views expressed—gave warm approval to the article.

Miss Taylor, it is understood, was asked several days ago by the chief of her division, by direction of the Secretary, whether she was the author of the communication. This was but a mere official formality, as her name was attached to the article and the authorship was well understood. Her dismissal, however, did not follow at once.

The statement was made last night that the real cause of Miss Taylor's dismissal was a letter she had written to Secretary Root when she was asked whether she was the author of the article in the Post.

It was reported about the Department that the civil-service ruling by the President a few days ago was made expressly to cover Miss Taylor's case, but this is denied. The ruling, it is explained, was made to reach certain employees of the New York custom-house, who are under suspicion, but against whom proof is lacking. It is as follows:

CIVIL-SERVICE RULING.

"Whereas certain misunderstandings have existed in regard to the proper construction of section 8 of the Civil-Service Rule II, which provides as follows:

"'No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer, and of the order of removal shall be made a part of the records of the proper department or office; and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office.'

"Now, for the purpose of preventing all such misunderstandings and improper constructions of said section, it is hereby declared that the term 'just cause,' as used in section 8, Civil-Service Rule II, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service; and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal.

"THEODORE ROOSEVELT.

"WHITE HOUSE.
"Approved, May 29, 1902."

DECLINED TO MAKE A STATEMENT.

Miss Taylor when seen yesterday declined to make any statement, but appeared to be accepting her dismissal philosophically. She would not say whether she intended to take any step to test the right to remove her. Her convictions as to the Philippine war are deep-rooted and will be strengthened, no doubt, by the punishment thus meted out to her. She is an earnest, modest little woman, who is held in high personal esteem by all who know her. She was appointed to the position in the War Department at the instance of Representative MCCLEARY, from whose State she comes, though she is a native of Wisconsin. While he does not approve her Philippine opinions, he does not hesitate to speak of her as a very conscientious woman.

Following is the full text of the article, printed four weeks ago, which led to Miss Taylor's peremptory dismissal:

THE FLAG "SHALL STAY PUT"—PRESIDENT ROOSEVELT'S TRIBUTE TO THE "SPLENDID WORK" DONE IN PHILIPPINES.

EDITOR POST: In the face of the official Philippine horrors that are being disclosed, horrors which have been perpetrated with the knowledge and by the command of the military authorities in the islands, the American people will read with dismay that at the recent banquet of the Sons of the American Revolution the President of the United States, the Commander in Chief of the Army and Navy, "drank to the health of the soldiers and sailors of the present day, who during the last three years have done such splendid work in the inconceivably dangerous and harassing warfare of the Eastern Tropics."

Without an uncivilized mode of warfare during the last three years the "splendid work" could never have been accomplished. The struggle for liberty would still be going on in Samar had not "the soldiers of the present day" done that "splendid work" of creating a "howling wilderness." Are we to interpret the expression of the President as approval of the official barbarities committed in the Philippines the past three years? There is abundant proof that the barbarities began with the war, only increasing in degree, growing "stiffer and stiffer," as General Hughes testified, until the "splendid" work is nearing completion.

If the work done was "spendid," the workers may not be classed as "wrongdoers," subject to punishment. But should such become a political necessity, a Chaffee-Smith-Bell-Hughes-Waller-Funston scapegoat will not appease the sense of justice of the American people. They will demand the political lives of those in authority who place the seal of approval upon the diabolical work these human bloodhounds have accomplished.

What is this "splendid work" that has been done in the Tropics? The glory, if glory it be, died with the booming of Dewey's last cannon. Our Army officers surrendered all claim to honor by carrying on a policy of deception and trickery, which began as soon as the Army disembarked upon Philippine soil. Failing by such means, they have operated under double-distilled Spanish methods until the United States counts more victims in three years than Spain dispatched in three centuries.

Is it "splendid work" to hold up a people and rob them of country and nationality at the point of the bayonet? Is it "splendid work" to turn the cannon upon allies because they decline to yield their inalienable rights? Is it a "splendid work" to sweep thousands from the earth because they take up arms in defense of home and liberty? Is it a "splendid work" to apply the torch to the homes of earth while helpless women and babes and tottering age flee before the flames that blot out those hallowed spots? Is it a "splendid work" to make God's fair isles a "howling wilderness?" Is it a "splendid work" to slay the wounded on the battlefield, to spare no prisoners of war, but to make them a target of a three days' shooting match?

Is it a "splendid work" to choose by lot an innocent person—a prisoner of war—and execute him for the crime of another? Is it a "splendid work" to torture human beings until, racked with pain, writhing in agony, frenzied

with anguish, the will power shattered, they admit anything charged, however false, to gain a moment's respite? Is it a "splendid work" to exterminate a people by murdering noncombatants, "all over 10 years of age," leaving the remnant to the horrors of starvation? All these facts are in evidence. They have been admitted by the official perpetrators. Is this the way "strong men, not weaklings," prove their strength? This is the strength, not of men, but of demons.

Oh, what "splendid work," what valor, what heroism, what magnificent courage "the gallant Americans, wearing the uniform of the American Republic," displayed. How "gloriously have they upheld the most glorious traditions of the past," as, protected by a moving breastwork of enforced Filipino citizens, they swept forward, armed to the teeth, to valiantly battle against those fierce Malay warriors, Filipino boys of 8 and 10 years, come out to defend the honor of their mothers, if, perchance, they escaped the brutal massacre—come forth to avenge the slaughter of their sires and the murder of their brothers, whose lifeblood drenched the soil of their native land. What "inconceivably dangerous and harassing warfare of the Eastern Tropics" was this for "the soldier of the present day."

How flattered must be the survivors of the Grand Army of the Republic, how exalted the military giants "wearing the blue and the gray," how elated the Sons of the American Revolution, whose ancestors fell at Lexington and fought at Bunker Hill, and left the prints of their bleeding feet upon the snows of Valley Forge—what world-wide fame to have their names coupled with "those gallant (?) Americans" disgracing "the uniform of the American Republic" in the Philippines.

Long will Theodore Roosevelt drink to the health of those who wrought the "splendid work" of death ere the spirit of liberty shall be crushed from the souls of the infant heroes of the Philippines, but not till the land is left desolate, not while humanity lives in the American heart, not till the doctrine of the brotherhood of man dies in Christendom, not until God forgets His brown children, will the flag "stay put" on the blood-soaked soil of the Philippines. Eternal shame on such ignoble warfare.

REBECCA J. TAYLOR.

AN ERRONEOUS REPORT.

There is absolutely no truth in the report circulated yesterday that Miss Taylor was dismissed because of a suspicion that she had furnished to Senator Culberson the official record in the Arnold case, which made a suspect of General Miles.

[From the Washington Post.]

CASE OF MISS TAYLOR—RESOLUTION OF INQUIRY IS OFFERED IN CONGRESS—ASKS CAUSE OF HER DISMISSAL—CIVIL-SERVICE ASPECTS OF THE MATTER ATTRACT SOME ATTENTION—COPIES OF THE OFFICIAL PAPERS FURNISHED BY THE DISCHARGED CLERK, WHO FORMALLY ENTERS PROTEST AGAINST TREATMENT RECEIVED.

The case of Miss Rebecca J. Taylor, of Minnesota, who was summarily dismissed from her position in the War Department because, in a communication in the Post, she criticised the speech made by the President to the Sons of the American Revolution, praising the work of our military forces in the Philippines, has been taken up in Congress. Representative Shallenberger, Democrat, of Nebraska, a member of the House Committee on Reform in the Civil Service, after conferring with several of his colleagues, yesterday introduced the following:

"*Be it resolved by the House of Representatives of the United States of America*, That the Secretary of War be, and is hereby, respectfully requested to communicate to the House of Representatives the cause and reasons for the dismissal of Rebecca J. Taylor from her position in the classified service in the War Department, if not incompatible with the interests of the public business."

COMMENT AT THE CAPITOL.

Without discussion the resolution was referred to the Committee on Reform in the Civil Service. Representative GILLETT of Massachusetts is chairman of this committee. It is not unlikely that the resolution will be reported for passage. The case has attracted attention at the Capitol. Some members think that Miss Taylor was dealt with rather too harshly, and others are are of the opinion that it was shortsighted policy to give any attention whatever to her letter, as the contrary action naturally gave the widest publicity to the views she expressed. Generally speaking, the Republican members who made any comment thought that a Government clerk who commented so sharply upon the utterances of the President deserved at least a warning or reprimand. Suggestions have been made that it might be well were Miss Taylor restored to the classified service and suspended for two or three months without pay. This comes from men who fear that the action of the War Department may cause serious criticism.

RECORD IN THE CASE.

It is very evident that Miss Taylor intends to insist upon what she believes to be her rights under the law. She again declined yesterday to make any statement of her intentions, but gave to the press copies of the papers in the case. She said the record would speak for itself. It is as follows:

WAR DEPARTMENT, *Washington, May 27, 1902.*

SIR: The Secretary of War directs that Miss Rebecca J. Taylor, temporary clerk in your office, be called upon for a statement as to whether or not she is the author of the letter published in The Washington Post of May 12, 1902, under the heading "The flag shall stay put," as shown in the accompanying clipping.

If Miss Taylor acknowledges the authorship of this letter, her attention should be invited to section 8 of Civil Service Rule II, and under the provisions of that rule she should be given three days in which to make any explanation or statement in writing that she may desire to submit in regard to the matter.

Very respectfully, JOHN C. SCHOFIELD,
Chief Clerk.

The ADJUTANT-GENERAL,
United States Army.

The chief of the division in which Miss Taylor was employed indorses the foregoing as follows:

Respectfully referred to Miss Rebecca J. Taylor for the report called for by the Secretary of War.

Section 8 of Civil Service Rule No. II, referred to within, reads as follows:

"8. No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer, and order of removal, shall be made a part of the records of the proper department or office, and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office.

"R. P. THIAN.

"ADJUTANT-GENERAL'S OFFICE, *May 28, 1902.*"

ADMITTED THE AUTHORSHIP.

Within the three days allowed her, Miss Taylor returned the paper with this indorsement:

"Respectfully returned, with the information that I am the author of the letter published in the Washington Post of May 12, 1902, under the heading 'The flag shall stay put.'

"Referring to the explanation or statement called for by the Secretary of War, I have the honor to state that not being a temporary clerk, but having been placed within the classified service by act of Congress, having transgressed no civil-service rule, and having received no notice to that effect, nor that 'removal' is 'sought' for 'just cause,' or otherwise, neither any 'reason' therefor, therefore I have not been furnished the conditions upon which to base an explanation or statement; in fact, I am unable to determine the nature of the 'explanation or statement' called for from the communication submitted.

"If the proper authorities will submit 'notice' and 'reasons in writing,' in compliance with section 8, civil-service rule No. 2, I shall be pleased to consider the privilege of 'answering the same in writing,' as permitted by section 8, civil-service rule No. 2.

"I respectfully submit that it is unusual, to say the least, for an individual to plead either innocent or guilty, or to offer a defense when no charge has been preferred.

"Respectfully, REBECCA J. TAYLOR."

On May 29 the President issued the civil-service order relative to section 8, quoted above, as follows:

"Now, for the purpose of preventing all such misunderstandings and improper constructions of said section, it is hereby declared that the term 'just cause,' as used in section 8, civil-service rule 2, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service, and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal."

DISMISSAL AND PROTEST.

This order was published on June 4 and Miss Taylor received notice of her dismissal three days later, as follows:

WAR DEPARTMENT,
Washington, D. C., June 7, 1902.

Rebecca J. Taylor, clerk at $840 per annum in the Office of the Adjutant-General (temporary roll), is hereby discharged, to take effect this date.

By order of the Secretary of War:

JOHN C. SCHOFIELD, *Chief Clerk.*

Yesterday Miss Taylor prepared the following and mailed it to the War Department:

WASHINGTON, D. C., *June 9, 1902.*

The Honorable the SECRETARY OF WAR.

SIR: I have the honor to acknowledge the receipt of your communication of June 7, 1902, purporting to be an order of discharge from the classified service of the War Department. This order does not comply with the provisions of the civil service, rule 2, section 8, as follows:

"No removal shall be made from the competitive classified service except for just cause and for reasons given in writing, and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing."

I was not furnished the "reasons given in writing," explaining the "just cause" for the alleged removal. To this I was entitled, and I therefore protest against this alleged order as illegal.

I hereby declare that I am and at all times since the receipt of said alleged order of discharge have been willing and have held myself in readiness to perform the duties of my office, and that I will report for duty whenever notified.

Respectfully, REBECCA J. TAYLOR.

[From The Public, Chicago, June 14.]

This Executive interpretation seems to have been made to fit the case of Miss Rebecca J. Taylor, a clerk in the merit class of the War Department. Miss Taylor has opinions of her own on the great political, not to say religious, questions of the past four years. She does not believe in imperialism, she does not believe in military conquest and cruelty, and she is not in harmony with the idea of the President that when the flag is put anywhere "it must stay put."

Miss Taylor has not allowed her views on these questions to interfere with her clerical duties at the War Department. No objection whatever is made to her qualifications and performances as a War Department clerk. But it appears that out of office hours, instead of playing ping pong, she wrote articles on the Philippine question which the Washington Post published. One of these articles was reproduced two weeks ago in our miscellany department (page 125). It was a well-considered criticism of President Roosevelt's "stay-put" speech. Not in the slightest degree indicative of unfitness in the writer as a clerk, the article could have given legitimate official offense only upon some "lezé-majesty" doctrine.

But it appears to have given to the President and the Secretary of War such offense, legitimate or illegitimate, that they have chucked—no other word describes it—Miss Taylor out of her clerical chair and into the street. Without a hearing, without a complaint of any kind, without the slightest reference to the Civil-Service Commission, without the observance of any of the safeguards of the merit system, without pretense of conduct prejudicial to her official duties, but simply upon the President's order modifying the civil-service rules, they handed her a notice of dismissal in the middle of the day, and requested her to vacate her desk immediately. If this is in harmony with the merit system of civil service, one might ask how the merit system differs from the spoils system. It is certainly not distinguishable in method.

When civil-service reformers were agitating for the merit system the burden of their argument, as applied to clerkships, was something like this: What the Government needs is a clerk. The clerk's views on public policy makes no difference. Whether he believes in protection or free trade, or in gold or silver or greenback money, does not concern the public service. What does concern the public service is the clerk's efficiency, industry, and fidelity as a clerk. If he is a satisfactory clerk the good of the service demands his retention, no matter how heterodox his opinions may be. The same argument might have been properly extended so as to include just such a case as Miss Taylor's.

It would have been asked what difference it makes how Miss Taylor views the Philippine question, what difference how she views the water torture in the Philippines, what difference how she regards Mr. Roosevelt's "stay-put" speech, what difference how or where she expresses her opinions, provided she expresses them not as a War Department clerk but as a citizen, and does not encroach thereby upon the hours, the energies, or the fidelity which as a clerk she owes to—no, not to Mr. Roosevelt or the Secretary of War, whom she has offended, or the imperialist policy which she condemns, but to the Government that employs her? We are not criticizing Mr. Roosevelt for

thus punishing a Government clerk who has been bold enough to disagree with him publicly on a political question, nor for knocking the backbone out of the merit system by his executive interpretation. He may possibly be right in both particulars. But he can not be right in either and be right also in the civil-service doctrines he professes. Either in his civil-service practice or in his civil-service principles, one or the other, he is wrong.

[The Washington Post, June 14, 1902.]

A LONG STEP BACKWARD.

Is the merit system destined to fatal impairment at the hands of an Administration that was confidently expected to strengthen and expand it? That system is far more dependent upon executive favor than any other feature or branch of the public service. The Pendleton Act of 1883, commonly called the civil-service law, undertook the accomplishment of an extremely delicate and difficult task in prescribing rules and regulations for appointments to and promotions in the civil service.

It was legislation in the executive sphere, for the Constitution placed the whole matter of appointments, promotions, and discharges in the hands of the executive department. Statutory enactments can not nullify constitutional provisions. It was evident at the beginning of agitation for reform in the civil service, long before the advent of Senator Pendleton's bill, that something in the nature of a waiver of executive prerogative would be indispensable to the success of the reform movement. The system inaugurated by the act of 1883 is far more largely a thing of Executive orders than of statutory enactments. Each succeeding President from Arthur to Cleveland, both inclusive, has contributed to the structure, and each has found it more firmly intrenched in popular confidence than did his predecessor.

As defects have been revealed or abuses have come to light, Executive orders have been applied as corrections and generally with a fair degree of success. One of the worst abuses was arbitrary removals from office of persons holding positions in the classified service. No one could question the constitutional right of the President to make such removals. On the other hand, it was clear that the exercise of that right was inconsistent with the theory of the merit system. A partisan Administration, an Administration that contemned the new way and preferred the spoils system, might make a clean sweep of all the Democrats or all the Republicans in the service without violating a letter of the civil-service law. Arbitrary discharges would suffice to run them out, and deft manipulation of the appointing machinery—such as was seen in 1885, when original reformers were running that machinery—would bring in the desired material. To remove this danger President McKinley promulgated section 8 of the Civil Service Rule II, thus:

"No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer, and of the order of removal shall be made a part of the records of the proper department or office; and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office."

On the 29th ultimo President Roosevelt promulgated a ruling which reads thus:

"Now, for the purpose of preventing all such misunderstandings and improper constructions of said section, it is hereby declared that the term 'just cause,' as used in section 8, civil-service rule II, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service; and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal."

A square repeal or rescinding of the McKinley rule would have been more frank and not less destructive than that emasculatory mutilation. There is now no defense whatever against arbitrary removal of either the retail or the wholesale kind. The one great contribution of President McKinley to the merit system is virtually annulled. A long step backward has been taken by an Administration whose face was supposed to be set in the opposite direction.

"LESE MAJESTE"—MISS TAYLOR'S CASE INDICATES THAT EUROPEAN WAYS ARE BEING INTRODUCED.

EDITOR POST: The dismissal of Miss Taylor from public service by order of the Secretary of War is an act of petty tyranny unworthy of our Government and bound to prove a boomerang to the Administration. The idea of warring with a clerk, and a woman at that, for having, in common with other citizens, an opinion! That is not the way to crush criticism. On the contrary, it will increase it and create spmpathy where oblivion would have resulted.

There seems to be a feeling of sycophantic subserviency in certain official circles.

We are still Americans, free born, and claim the inalienable privilege of thinking and expressing the thoughts that lie uppermost. These may not always fit in the grooves and niches of bureaucracy, but they suit many who are patriotic and thoroughly American.

If I were Theodore Roosevelt, President of the United States, I would promptly restore Miss Taylor, and thus win back the good opinion forfeited by her dismissal.

I do not wish to be understood as sympathizing or concurring in the judgment of Miss Taylor. Far from it. I believe in the Army and Navy of the United States; I honestly believe that they have done their full duty, and that the President has eulogized them fairly and justly, and, therefore, we can afford to be generous to opponents and critics and not inaugurate European measures of "lese majeste."

The remedy is a thousand times worse than the disease.

SIMON WOLF.

WASHINGTON, *June 11.*

Mr. CARMACK. Here is a recent interview with Miss Taylor, which I will read:

INTERVIEW WITH MISS REBECCA J. TAYLOR.

Miss Taylor was seen last evening and, being asked if there were any developments in her case, said there was nothing new for publication, and added, "I understand that the Secretary of War is out of the city."

Miss Taylor's attention being called to the President's new ruling on the civil service, issued just prior to her removal, she said, "Yes; there is something peculiar if not amusing about the President's second thought. Now, the old rule says, 'No removal shall be made from the competitive classified service except for just cause and for reasons given in writing.' Finding such a limitation embarrassing just at this time, he issued the order to which you refer, and which reads thus:

"'Now, for the purpose of preventing all such misunderstandings and improper constructions of said section, it is hereby declared that the term "just cause," as used in section 8, civil-service Rule II, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service, and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal.

"'THEODORE ROOSEVELT.'

"Now, to me this order is an enigma. Its meaning is incomprehensible. You see that as something which a clerk has done is supposed to be the cause of removal, it strikes me as being curious that a clerk should be removed for a cause which will promote the efficiency of the service. A clerk's act is at least the alleged cause of removal; therefore if it be admitted that his act promotes the efficiency of the service, he ought to demand retention or immediate restoration, as I do now on the President's own showing.

"For if the efficiency of the service is the thing that is desirable, why should a clerk be removed for a cause which will promote it? I can understand why a clerk might be removed for a cause which hinders the efficiency of the service, which prevents its efficiency, which diminishes its efficiency, which impedes and obstructs its efficiency, which retards its efficiency, which interferes with its efficiency, which precludes and estops its efficiency, which hampers and baffles and trammels its efficiency, which defeats and frustrates its efficiency, which stands in the way of its efficiency, but why on earth should anybody, however strenuous, wish to remove an employee for a cause which promotes the efficiency of the service? Ought not such a clerk to "stay put?" If a clerk ought to be removed for any cause which promotes the efficiency of the service, it seems as if a clerk ought to be promoted for any cause which increases the inefficiency of the service. And then, dear me! His Excellency issued this order "for the purpose of preventing all misunderstandings and improper constructions."

"Now, if I were president—of a college—and wished to expel a girl from one of the lower classes who had criticised me, I would issue an order to effect that purpose so correct and pellucid in its English that it would not say exactly the opposite of what I intended to express."

This is all that I have to say.

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. SPOONER obtained the floor.

Mr. JONES of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. SPOONER. I do.

Mr. JONES of Arkansas. I should like to direct the attention of the Senator from Wisconsin to two points in connection with this proposed legislation on which I should like to hear him express himself in the course of his remarks to-day in such way as he sees fit.

It has been said that when the New French Panama Canal Company acquired the right from the old company to construct a canal, it was done with the understanding that 60 per cent of the profits resulting from the canal were to go to the old company, and that if the United States should construct the canal under the rights to be acquired from the French company, it would do so subject to this burden. I have heard the matter discussed in different ways. My own impression is that there is nothing in it, but I should like to hear the Senator from Wisconsin on that point, if he sees fit to speak on it.

The other point on which I should like to hear the Senator is a charge which has been made for a long while, which I confess at one time made a very great impression upon my own mind—a charge repeated by the Senator from Nevada [Mr. STEWART] yesterday in his speech—that the purpose of the introduction of the Panama scheme into this discussion was not to provide for the building of a canal, but was to prevent the building of a canal. I am very earnestly in favor of a canal being built, and I believe it is the duty of every member of the Senate to vote for the construction of a canal on the best location that can be found. I would vote for no proposition, however, that I thought would impede or retard the building of a canal.

After a commission has been appointed, consisting of nine eminent men, whose duty it was to carefully investigate the ground of both these locations and of others and to report to Congress the facts they ascertained and their opinion—when this commission unanimously report in favor of the Panama Canal, I confess I am not willing to brush aside that unanimous report except for substantial reasons; but I would not vote for that report or for the Panama Canal if there were in my mind any doubt as to the good faith of the movement in favor of building the canal at Panama.

I shall be glad to hear the Senator from Wisconsin discuss these two points, because I think they are exceedingly important in their bearing upon this question.

Mr. SPOONER. Mr. President, I could not discuss this subject at all—and I do not intend to discuss it with great elaboration—without paying attention, which I shall very frankly do, to the matters suggested by the Senator from Arkansas [Mr. JONES].

No one can overstate the importance of the subject. The construction of a canal connecting the two oceans, has been for many, many years the dream of statesmen, and the prayer of mariners. It is a colossal enterprise; and one which I believe the people of the United States, with less division of sentiment than I have ever known upon any other subject, desire shall be inaugurated and carried forward as speedily as consists with the public interest; a great public work to stand forever—as long as the Government stands. And, Mr. President, as the years go on, it obviously is to become more and more important to the country and its commerce, to the world, if the world shall use it, and to the commerce of the world.

He would be a very reckless and bold man who should attempt to set a limit upon what a hundred years from now will be our population, our wealth, and the extent of our commerce; and, Mr. President, no higher or more solemn duty, in my judgment, ever rested upon men in public position—as this work is to subserve not simply the purposes of commerce, but to promote the defense of the nation—than rests upon the Congress to reach the wisest possible conclusion upon this subject. It is too broad to be affected by sectionalism; it is a project of the whole country and of the whole people for all time, and it is not to be belittled, Mr. President, or it should not be, by action governed by mere sentiment, by prejudice, or by assumed local interest.

If there ever was a question to the solution of which ought to be brought the broadest views from a national standpoint, to my mind this is that problem. I have not supposed it could be debated, that what the people of the United States expect of us and demand of us and have a right to receive from us, is the wisest solution of this question, to the best of our ability, unfettered by any extraneous considerations. The people are to build this canal, they are to maintain it, and it is not debatable that they wish, and they are entitled to have the best canal route.

It has seemed to be considered by some Senators evidence of disloyalty to the project of an isthmian canal that an amendment has been offered to this bill, or proposed to be offered to it, projecting into the discussion consideration of the Panama route. In other words, it seems to have been thought novel, rather unjustified, and necessarily, therefore, with ulterior purpose, that the Senate did not find itself ready unanimously to adopt without debate the bill known as the Hepburn bill, which lies upon our table, providing for the construction of the Nicaragua Canal. I am quite unable to find any foundation or justification for that suggestion.

There was a time when, in speaking of an isthmian canal, no one in this country thought of any canal but the Nicaragua Canal.

Mr. MORGAN. That was before Grant's time, then.

Mr. SPOONER. I am speaking within my own experience. They considered all these routes in the past; they considered the Panama route once; they have considered the Nicaragua route, and they have considered other routes, but I have not been able to see that the bewildering collection of statements and opinions and statistics as to the history of all the routes and all the projets of this sort, illumine in any degree the problem which is presented to the Senate. When I was before a member of this body I voted for a bill advocated by my friend from Alabama [Mr. MORGAN] and by Senator Edmunds, of Vermont, under which it was hoped that the Nicaragua Canal would be constructed. When I read that bill from the standpoint of to-day, I wonder how I could have voted for it just as it was drawn. I voted during my present term in the Senate for a bill which was intended to promote the construction of the Nicaragua Canal.

For years the Panama Canal was so enveloped with the thick fog of scandal as not to be perceptible to the people of the United States and as to be considered entirely out of the question. How does it come to us to-day? In 1899 Congress passed a law making it the duty of the President to—

> make a full and complete investigation of the Isthmus of Panama with a view to the construction of a canal by the United States across the same to connect the Atlantic and Pacific oceans; that the President is authorized to make investigation of any and all practicable routes for a canal across said Isthmus of Panama, and particularly to investigate the two routes known respectively as the Nicaraguan route and the Panama route—

What for?—

> with a view to determining the most practicable and feasible route for such canal.

I have never heard that law criticised. I believe it commended itself to the American people as a sensible proposition made in their obvious interest, the inspiration of it being to secure, through adequate investigation by fit men, an examination of the various routes and a report to the President and to the Congress of that route which possessed the greatest relative merit and advantage.

Does anyone say that after the enactment of that law we were only to look at the Nicaragua route; that thereafter the people did not expect us to act upon the report of the investigation inaugurated under our command by the President at an expense of a million dollars? That law was passed in order that there might be presented to Congress a comparison of routes, and in order that Congress might choose for this great work, which is to be perpetual, that one which all in all seems to be the best.

The President did not appoint on this Commission lawyers or laymen. He did not fill it with members of Congress or ex-members of Congress. He did what, of course, it was expected he would do, and what it was his duty to do. He chose experts in the science and practice of engineering—men of skill in that great profession, a profession which, with the lapse of years, has made as great strides in progress as any other. He created this Commission, composed of Rear-Admiral Walker; Hon. Samuel Pasco, an ex-Senator and an able lawyer, who was to perform the functions of a lawyer on this Commission; Mr. George S. Morison; Lieut. Col. Oswald H. Ernst, Corps of Engineers, United States Army; Lewis M. Haupt, C. E.; Alfred Noble, C. E.; Col. Peter C. Hains, Corps of Engineers, United States Army; William H. Burr, C. E., and Prof. Emory R. Johnson, all eminent men.

Is the *personnel* of that Commission criticised? Is it impeached here as to integrity, ability, or engineering skill?

Everybody knew that this problem is one of infinite complication from the engineering standpoint; everybody knew, who thought about it, that the object of this Commission and of its creation was to lay before Congress data and opinions of experts in order that the Congress might proceed conservatively and wisely. The mind of the people then was not focused simply on Nicaragua; they were taking a larger view of this subject; and from the time the Commission was appointed it has not been a question of *a* canal—we all want that—but a question of which route should be chosen. I take it that the people of the United States are determined to have a canal.

If the majority of the Senate believe that the Nicaragua route is the route, they will so vote; if they believe that the Panama route, if it can be obtained, is the better route, they will so vote, each Senator discharging, of course, his own duty and acting, of course, upon his own responsibility.

Mr. President, this Commission went about its work and proceeded with it methodically, with great labor. They went abroad; they studied the general subject of ship canals; they investigated the maps, the profiles, the history, and everything connected with the New Panama Canal Company and its property. They went over the ground on the isthmus. They studied the situation there in every detail as they studied the Nicaragua route in detail.

I propose to make no argument here against the practicability of the Nicaraguan route, for I have offered a substitute for the pending bill, based upon the unanimous recommendation of the Commission, that the Panama route is the better for the United States——

Mr. MORGAN. To which recommendation does the Senator refer?

Mr. SPOONER. The recommendations of both reports are entirely consistent.

Mr. MORGAN. I just wanted to know to which one the Senator referred.

Mr. SPOONER. I will explain that as I go along.

Both reports are entirely consistent; and the proposition which I have made here is that, if the President can obtain satisfactory title to the Panama Canal and the requisite concessions from Colombia, that canal is to be constructed as the Isthmian Canal of the United States; and that if within a reasonable time the President can not obtain a satisfactory title to the property of the New Panama Canal Company, or if he can secure that and can not within a reasonable time secure the requisite concessions from Colombia, and the President can then secure the requisite concessions from Nicaragua and Costa Rica, he is to proceed to construct the Nicaragua Canal.

Mr. MORGAN. If the Senator will allow me to interrupt him——

Mr. SPOONER. Yes.

Mr. MORGAN. If I understand the Senator's statement, his proposition does not confer upon the President any discretion to make a choice between these routes?

Mr. SPOONER. It was not intended to do so, but I will get to that. As the Senator said the other day, criticising the proposition, I say now that it was not intended to confer upon the President the power to select the route. I have not thought it a proper thing to do to put that responsibility upon the President of the United States.

Mr. MORGAN. I agree with the Senator on that, but the whole country and the Senate have been under the impression that the Senator's substitute was intended to confer a discretionary power upon the President, and I am glad he has made the correction.

Mr. SPOONER. Any man who read the substitute would see that that is not true.

Mr. MORGAN. Men do not read things nowadays; they guess at them, and read statements of them in the newspapers.

Mr. SPOONER. I am not responsible for that.

Mr. MORGAN. Neither am I.

Mr. SPOONER. I think Congress ought to choose the route, Mr. President, and I think Congress will choose the route.

Mr. President, I have been diverted a little from the line which I intended to pursue. I think I am perfectly safe in saying that the Commission unanimously, with perhaps one qualification, recommend the Panama route.

Mr. MORGAN. I do not wish to controvert the statement of the Senator while he has the floor, but they have with equal unanimity on three occasions recommended the Nicaragua route before the very same identical facts. There has not been any change in facts or figures except as to the $5,000,000 which the Commission say it will cost less, after we have paid $40,000,000 for the work on the canal, to build the Panama than the Nicaragua Canal. That is the whole question in the case, so far as they are concerned.

Mr. SPOONER. I do not think it is.

Mr. MORGAN. If there is anything else, I have been unable to discover it.

Mr. SPOONER. In the first place, they point out the differences between the canals. Undoubtedly it would be impossible to compare two canals, one of which would not have some advantages over the other. But such a Commission I suppose would do just what the Senate would do or what any agent charged with such a duty would do. He would consider the advantages of each, and take the one which *on the whole* would best subserve the interest for which he was acting, whether it were an individual interest or the popular interest.

The minority report says—and it is sustained, so far as I am able to discover, in almost every particular by the report of the Commission—that the Panama Canal has an advantage in length over the Nicaragua Canal.

Mr. MORGAN. Yes; the Commission have stated all those facts in the first, second, and third reports.

Mr. SPOONER. Certainly. The facts are just the same. The minority state that—

1. It is 134.57 miles shorter than the Nicaragua from sea to sea, being 49.09 miles by Panama, as against 183.66 miles by Nicaragua.

Is that disputed?

Mr. MORGAN. No; but then the Senator will certainly understand, I think, and the Senate will, too, that this Commission and all the French surveys had ascertained these facts. They have not been changed in any respect by the last report. The facts are just the same as they were in the former reports, except as to the $5,000,000.

Mr. SPOONER. I will get to that. Of course, I do not suppose that however many times the Commission went over it, the Nicaragua route would grow any shorter or the Panama route any longer.

Mr. MORGAN. It did grow longer.

Mr. SPOONER. Perhaps there was a more careful measurement.

Mr. MORGAN. No; they did not measure it at all. But still the Panama route grew longer.

Mr. SPOONER. The minority say:

2. It has less curvature, both in degrees and miles, being but 22.85 miles of curvature as against 49.29 on the Nicaragua; and but 771 degrees for Panama as against 2,339 degrees for Nicaragua.

I suppose that is true, and it is manifestly of great importance.

3. The actual time of transit is less, being but twelve hours of steaming by Panama as against a minimum of thirty-three hours of steaming by Nicaragua—that is, of one day of daylight as against three days of daylight.

I suppose that is true.

Mr. MORGAN. I do not admit what you are taking from the minority report.

Mr. SPOONER. I am not asking the Senator to admit anything. I say I suppose it is true.

Mr. MORGAN. I am prepared to controvert it.

Mr. SPOONER. I have no doubt the Senator is prepared to controvert anything in favor of the Panama route.

Mr. MORGAN. I beg pardon. I am only prepared to controvert it upon what the Isthmian Canal Commission have put upon record as the facts. I base my statements entirely upon what they themselves have said, and nothing else.

Mr. SPOONER. It continues:

For the canal must be navigated by day exclusively at first, and, to a great extent, always, especially by large ships, which chiefly will use it. The Commission's plan does not provide facilities for navigation by night.

4. The locks are fewer in number, being but 5 on Panama to 8 on the Nicaragua.

5. The harbors are better, those at the termini of the Panama being good and already used by the commerce of the world, while at the termini of the Nicaragua there are no harbors whatever.

They will have to be made and maintained.

6. The Panama route traverses a beaten track in civilization, having been in use by the commerce of the world for four centuries, while the Nicaragua route passes through an unsettled and undeveloped wilderness.

7. There already exists on the Panama route a railroad, perfect in every respect and equipped in a modern manner, closely following the line of the canal, and thus greatly facilitating the construction of the canal, as well as furnishing a source of revenue, and included in the offer of the Panama Company.

8. The annual cost of maintenance and operation of the Panama Canal would be $1,300,000 less than that of the Nicaragua.

That is the opinion of the Commission, and that, I suppose, is not for one year or ten years or forty years or fifty years, but probably for all time.

9. All engineering and practical questions involved in the construction of the Panama are satisfactorily settled and assured, all the physical conditions are known and the estimates of the cost reliable, while the Nicaragua involves unknown and uncertain factors in construction and unknown difficulties to be encountered which greatly increase the risks of construction and render uncertain the maximum cost of completion.

I suppose it is impossible, so far as the examinations have gone at Nicaragua, to make an accurate estimate of the cost. I have no doubt, from what is stated in this report, that it is not difficult to make an approximately accurate estimate of the cost of the Panama Canal.

Mr. MORGAN. To which report does the Senator from Wisconsin refer—the minority report or the report of the Isthmian Canal Commission?

Mr. SPOONER. The report of the Isthmian Canal Commission.

Mr. MORGAN. Very well.

Mr. SPOONER. In their first report the Commissioners say:

The total amount—

For they were to ascertain for what the property could be acquired; for what concessions outstanding on either route could be bought, and that was all information necessary to be ascertained and reported to the President and Congress—

The total amount for which the company offers to sell and transfer its canal property to the United States is $109,141,500. This, added to the cost of completing the work, makes the whole cost of a canal by the Panama route $253,374,858, while the cost by the Nicaragua route is $189,864,062, a difference of $63,510,796 in favor of the Nicaragua route. In each case there must be added the cost of obtaining the use of the territory to be occupied and such other privileges as may be necessary for the construction and operation of the canal in perpetuity. The compensation that the different States will ask for granting these privileges is now unknown.

There are certain physical advantages, such as A SHORTER CANAL LINE, A MORE COMPLETE KNOWLEDGE OF THE COUNTRY THROUGH WHICH IT PASSES, AND LOWER COST OF MAINTENANCE AND OPERATION IN FAVOR OF THE PANAMA ROUTE, BUT THE PRICE FIXED BY THE PANAMA CANAL COMPANY FOR A SALE OF ITS PROPERTY AND FRANCHISES IS SO UNREASONABLE THAT ITS ACCEPTANCE CAN NOT BE RECOMMENDED BY THIS COMMISSION.

And upon that ground, as I understand their report, they reported in favor of the Nicaragua route.

After that, as is well known, came the offer from the New Panama Canal Company to sell its property to the United States for $40,000,000. This Commission was reconvened, and they again dealt with the subject with reference to that change, a fundamental change, keeping in mind the language of their first report, in the conditions or in the situation.

Mr. MORGAN. That was the only change, was it not?

Mr. SPOONER. Yes; that was the only change.

Mr. MORGAN. Money.

Mr. SPOONER. Yes; the Panama property was still the same property, and the Panama route was still the same route, and the Nicaragua route was still the same. The advantages of one over the other still remained the same. But, in view of the difference in price at which the Panama property could be obtained by the United States, they unanimously recommended the acquisition of the Panama property and the adoption of the Panama route as against the Nicaragua route.

Mr. MORGAN. The Senator will remember, I suppose, if he will allow me to interrupt him for a moment, that one of the commissioners, Mr. Haupt, under oath stated that he had reported in that way under protest?

Mr. SPOONER. All of the commissioners, as I recollect, except Mr. Haupt, testified that but for the question of price they would originally have recommended the Panama route. Am I wrong about that?

Mr. MORGAN. I do not know about Mr. Pasco.

Mr. SPOONER. Mr. Pasco is the lawyer. I am talking about the engineers. I am so old-fogyish myself that I have a notion that the business of the people ought to be done upon the same principles that govern sensible men in the transaction of their own business; and there is no board of directors or assemblage of gentlemen who, considering the embarkation of their private capital in an engineering project, would invest it without securing information and advice from competent engineers. They would not be likely to be influenced by the engineering opinions of lawyers or by the prejudices of laymen.

There is not a business man in the world who, considering a proposition to invest a dollar of his money in an enterprise which involves engineering skill as to location, as to works, as to cost, would entertain it for a moment without the advice of engineers in whose ability and integrity he had confidence. I

know of no better way, I know of no loftier standard, by which a man in public life can transact the public business of this nation.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. SPOONER. Certainly.

Mr. GALLINGER. Is it not probable, if not certain, that in making this last recommendation the Commission had in view not only the fact that the Panama Canal would cost $5,000,000 less to construct, but likewise the enormous difference in cost of maintenance between the two canals?

Mr. SPOONER. Of course. So far as Mr. Haupt is concerned—I am not acquainted with him—I have no doubt he is an intelligent and distinguished gentleman; I do not impeach at all his ability as an engineer, for I have no ground upon which to do it, but I am constrained to say this about Mr. Haupt: That, holding a public position on a Commission charged by the Congress of the United States, through appointment by the President, with reporting to the people after examination and the application of his knowledge and skill as an engineer that route which would best subserve the public interest for which he was acting, he showed some indefensible weakness when he signed a report in favor of the Panama route, being satisfied that the other is better. He said he did it in order to secure unanimity. All I have to say is that I would have thought better of his position if he had stood by his conviction, as I think he should have done, and dissented from the report. But let that go.

What the Senator from New Hampshire says, of course, is true. It is not to be imputed to the Commission, as I read their report, that they changed their recommendation solely because of a difference of $5,000,000 in cost of construction. It is not to be supposed for a moment that they forgot the difference in length; that they forgot the difference in the number of locks; that they forgot the difference in the time it will take to navigate the canals; that they forgot the difference in curvature and in the annual expense of maintenance and operation. They did not forget, I suppose, that a ship could go in the daytime through the Panama Canal and that it would take about three days for it to go in the daytime through the Nicaragua Canal, even with a tug. I suppose they remembered all the advantages—the harbor at either end—which they pointed out as peculiar to Panama as against the Nicaragua route, and they certainly did not forget that at the date of their supplemental report the cost of acquiring the property of the Panama Canal Company, including excavation, etc., had been reduced from $109,000,000 to $40,000,000.

They were disinterested gentlemen. All of them are distinguished in their profession. Admiral Walker is a man who has won by a great career enduring fame. They are not subject to impeachment, and it is not imputed to them that they have acted upon any other motive than a desire to discharge their duty honestly and intelligently and in the public interest; and nobody can impeach them. They point out the advantages of one route over the other; this reduction in price of the Panama Canal property; *and they unanimously recommend the Panama route as the route which should be secured.*

Congress is asked to set aside incontinently that report of distinguished experts and to act in opposition to it in a way; to substitute the judgment of lawyers and laymen; and those of us who are sent here, most of us without experience or skill in engineering, are asked to adopt the plan, not which the Commission recommends, but which we think is better.

I have not been able—although I want a canal, and I want it under this bill, and if we can not secure the Panama Canal I want the Nicaragua route—to cast aside the solemn report and judgment of these experts chosen by President McKinley, carrying on their work under an appropriation of a million dollars, taking abundance of time to do it, and making a report in such detail, and to substitute my own judgment for it. Other Senators may be willing to do that.

I am not able to disregard the report of the Commission and follow the "engineering" lead of the distinguished Senator from Nevada [Mr. STEWART]; and with all my respect for the Senator from Alabama [Mr. MORGAN], and there is no man whom I respect more, I can not follow him in opposition to the recommendation of the Commission. He wishes a canal, and so do I. He prefers Nicaragua; I favor, primarily, Panama. But, Mr. President, I must, in fairness and in justice, place here upon the permanent record of this body my conviction, and it is shared I have no doubt by the country, that the relation sustained by the Senator from Alabama to this subject is immeasurably above the question of route. Upon whatever route an isthmian canal shall be constructed, the Senator from Alabama will forever stand in the memory of the people as the father of the isthmian canal; for, in season and out of season, in sunshine and in storm, unappalled by obstacles and adverse influences, with lofty patriotism and unfaltering purpose, he has, with rare skill, tireless industry, and splendid advocacy, fought for an isthmian canal. When it comes, and it will come, his name will deservedly be identified with it far above that of any other man.

I am not prepared to say, discharging my duty to the people who sent me here, as to this great work, which is to cost so much, which means so much in time of peace and in time of war to this country, that I know as much as to which is the better route from an engineering standpoint as the Commission, nor am I able to say that I can follow any Senator here in his judgment upon that subject as against the judgment of the Commission.

Mr. MORGAN. Will the Senator allow me to interrupt him? I wish to make my acknowledgments to the Senator for his beautiful compliment to me, but I wish to say to him that I have no judgment about this matter and set up none whatever. I am following the Commission in the three reports they made, either of which, I believe, is quite as much entitled to credit as the last one. I do not follow them upon the point that the saving of $5,000,000 is sufficient to overturn all those three reports and cast them aside. I merely follow them in their reports.

Mr. SPOONER. My judgment as a layman, although I would not act upon that alone, commends the conclusion of the Commission to me. One thing of infinite consequence, and you see it on that map, is the difference in the length of the canals. A canal 49 miles long as against one, 183 miles long. The shorter the canal, everyone can see, the better. A canal *through which* a steamship can go *in the daytime*, through which a sailing ship *with a tug* can go in the daytime, between sunrise and sunset, as against one that will require *thirty-two hours!* That is an incalculable advantage. It is an advantage in the matter of *safety*, and because it is an advantage in the matter of safety it is an advantage for all time, too, in the matter of *insurance*.

Panama is farther from some of our ports, measured by miles, but measured by time, so far as the steamship is considered, there is not an appreciable difference. Taking it as an original proposition, I think a man—lawyer or layman—being interrogated as to which canal would be preferable, one through which ships could pass between sunrise and sunset, or one through which it would take three days to pass in daylight, would not hesitate long to say that the former possessed a tremendous advantage.

There is another thing to me, speaking only as a layman, which has commended to me the Panama route since the report of the Commission as against the Nicaragua route, although I want the canal built on that if we can not build it on the other. That point is this: The Panama Canal, however it is built now, the testimony shows, *can be made in the future a sea-level canal. The Nicaragua Canal can not.* It is a mere matter of money. It is so stated in the report of the Commission. It is so stated in the testimony of the experts before the committee.

It may become of infinite importance to the people of the United States "in the long reach of time" to make a sea-level canal of it. Is it worth nothing to adopt the *shorter* canal? Is it worth nothing to have the certainty that in *the future, if the public interest and safety demand it, with the expenditure of the requisite money, this can be made a sea-level canal?* I think it is worth a great deal. Senators may think it is worth nothing.

Mr. MORGAN. That was the report of the Commission—that it was worth nothing and could not be done.

Mr. SPOONER. That is not the report of the Commission.

Mr. MORGAN. And they could not consider it.

Mr. SPOONER. That is not the report of the Commission.

Mr. MORGAN. Yes, it is.

Mr. SPOONER. That is not the report of the Commission. The report rejected it——

Mr. MORGAN. I always so understood it.

Mr. SPOONER. I did not mean rudely to contradict the Senator from Alabama, but I will say that is not as I read it the report of the Commission. They rejected the sea-level plan for present purposes, but if the Senator will turn to page 88 he will find that the Commission say:

> If a sea-level canal be constructed, either the canal itself must be made of such dimensions that maximum floods, modified to some extent by a reservoir in the Upper Chagres, could pass down its channel without injury, or independent channels must be provided to carry off these floods. As the canal lies in the lowest part of the valley, the construction of such channels would be a matter of serious difficulty, and the simplest solution would be to make the canal prism large enough to take the full discharge itself.
>
> This would have the advantage, also, of furnishing a very large canal, in which navigation, under ordinary circumstances, would be exceptionally easy. It would involve a cross section from Obispo to the Atlantic, having an area of at least 15,000 square feet below the water line, which would give a bottom width of about 400 feet. The quantity of excavation required for such a canal has been roughly computed, and is found to be about 260,228,000 cubic yards. *The cost of such a canal, including a dam at Alajuela and a tide lock at Miraflores, near the Pacific end, is estimated at not less than $240,000,000.*
>
> Its construction would probably take at least twenty years. This Commission concurs with the various French commissions which have preceded it since the failure of the old company in rejecting the sea-level plan. *While such a plan would be physically practicable, and might be adopted if no other solution were available*, the difficulties of all kinds, and especially those of time and cost, would be so great that a canal with a summit level reached by locks is to be *preferred.*

But given the practicability of it, Mr. President, in the long years to come, when our population has grown to 300,000,000, and our wealth in proportion, and the commerce of the world, immeasurably increased, is using this canal, as it will do, who shall say that the people of the United States would care whether it cost $200,000,000 or $500,000,000 to turn this canal into a sea-level canal? All I mean to say is this, and to me it is entitled to great significance and influence in favor of the Panama Canal, with its other advantages, that as to it in the time to come, if our people *want to make of it a sea-level canal, they can do so*, when as to the other, *no matter how much they want it, they can not do so.*

There is another thing, Mr. President, which has influenced me somewhat since I first began to read about the Panama Canal within the last two or three years. I think General Abbot's article was the first that led me to study the subject at all. I refer to the fact that it is two-fifths completed, that it is a short canal, and that there is a good harbor at either end of it.

I do not know that it is wise to say what I intend to in the open Senate, and I would not be governed by it if the Nicaragua route were clearly preferable; but if we build the Nicaragua Canal, making of it, as we have by our treaty with England made it, in a sense, a provincial canal (in other words, we are the sole guarantor of its neutrality, with a right to close it against an enemy), with this short, feasible, partly constructed canal, with the work of excavation easily available at any time, in the ever increasing struggle between the commercial nations of the earth for trade, in the jealousies which have always existed and which always will exist between nations, I have feared that the time would come when, not with private money, but through governmental money placed perhaps in corporate hands, this canal would be finished. It is lying there two-fifths done, feasible, short.

It is a continuous invitation, Mr. President, to any hostile influence or power which should desire its construction. It lies there a constant menace to the interests and to the safety in the future of the United States. I have thought it might be completed, and that the day might come when our *Oregon* would go around the Horn again, and an enemy's *Oregon* might go through this short canal. It will be said that if we build the Panama Canal some other government will probably build the Nicaragua Canal.

Mr. MORGAN. I see nothing to prevent it.

Mr. SPOONER. Well, its much greater length than the Panama Canal will tend to prevent it. As it is, with our short canal completed and a competitor, with the unknown factors of cost in it, I hardly think that it would be an inviting project to any other government.

Mr. MORGAN. If the Senator will allow me, there is not an unknown factor in it, because there have been five surveys made, or different estimates by five great engineer corps, and they have all pronounced in favor of each of five different routes.

Mr. SPOONER. There were several Nicaragua route reports, and I think they all differed very much in their estimates.

Mr. MORGAN. They did, because they commenced with a canal 18 feet deep and went down to one of 36.

Mr. SPOONER. Of course all the disadvantages which the Commission indicate in Nicaragua would be obvious to any interest which thought of its construction. Certainly no private interest would ever construct the Nicaragua Canal, because the United States, the richest nation in the world, owning and operating the short canal, would be a competitor and able to open the canal to all the world at rates which would drive into bankruptcy in a moment any private interest that should seek to utilize the Nicaragua route as a competitor.

Mr. MORGAN. If the Senator will allow me, except for the fact, which, as he knows, would be true, that sailing ships can not go through the Panama Canal. Sailing ships can go through the Nicaragua Canal, and sailing ships constitute to-day more than half of the tonnage of the American mercantile marine.

Mr. SPOONER. Of course the Senator says that, and he believes it.

Mr. MORGAN. The facts are here to show it.

Mr. SPOONER. I think sailing ships can go through the Panama Canal.

Mr. MORGAN. They can not get away from there after they go through.

Mr. SPOONER. I think the same tug which takes them through in twelve hours, if it spends the same amount of time required to tug sailing ships through the Nicaragua Canal, will get a sailing ship out of the Panama Canal and through the doldrums.

Mr. MORGAN. They would have to be tugged from three to five hundred miles.

Mr. SPOONER. There is a difference of opinion about that.

Mr. MORGAN. I know there is a difference.

Mr. SPOONER. From three to five hundred miles is a pretty large margin. You can get them out 300 miles anyway during the time it would take to go through the Nicaragua Canal.

Mr. MORGAN. Some of them have been tugged 700 miles.

Mr. SPOONER. A boat would not have to be tugged 700 miles to get out beyond the doldrums at Panama, as I understand it. The Senator said from 300 miles to 500 miles.

Mr. MORGAN. They have been tugged 700 miles, the witnesses state. I do not know anything about it.

Mr. SPOONER. As the Senator from New Hampshire [Mr. GALLINGER] says, we can not get any guarantee from any country about the weather, whether there will be wind or calm. We take our chances on that.

Now, Mr. President, that brings me to the substitute which I have offered, and I will answer the Senator from Arkansas [Mr. JONES]. He used a word which I think must have been inadvertent. He said that it had been charged that the *purpose* of this substitute was to defeat the construction of a canal.

Mr. JONES of Arkansas. I did not charge it, but——

Mr. SPOONER. I did not say the Senator charged it. I have heard it said that that would be its effect.

Mr. JONES of Arkansas. I understood the Senator from Nevada [Mr. STEWART] to distinctly charge the other day in his speech that that was the purpose, and the charge has been made again and again that that was the purpose of this movement. I have heard it a number of times.

Mr. MORGAN. I have never made it.

Mr. JONES of Arkansas. I do not know who made it, but I have heard it made.

Mr. MORGAN. I should like to have the RECORD show who has made such charges.

Mr. JONES of Arkansas. I think the Senator from Nevada [Mr. STEWART] made it in the Senate.

Mr. MORGAN. There is one. Now give others.

Mr. SPOONER. Mr. President, I will not read the substitute. I shall offer some amendments to it, which I have shown to the Senator from Alabama, only one of which, perhaps, would be regarded as other than verbal, and that we can discuss later. As I said in the beginning, the whole theory of this substitute, as I devised it and drew it, and I acknowledge that it is imperfect, was to put before the Senate a bill based upon a broad view of the reports of the Commission.

First. That the Panama Canal is a feasible, practicable canal.

Second. That the Nicaragua Canal is a feasible and practicable canal.

Third. That the Panama Canal is the better canal for the United States to choose for the reasons which I have hastily given, and for others.

Therefore I drew this substitute, so that if a majority of Congress thought it wise to follow the Commission they would enact it or something similar to it, and if we are able to obtain title for $40,000,000 to the Panama property, and a concession satisfactory to the American people from the Colombian Government, it will be the duty of the President of the United States to proceed with the construction of the Panama Canal.

Mr. MORGAN. The substitute was drawn before the Colombia proposition came in?

Mr. SPOONER. Yes, the proposed treaty. But second, with the alternative, that if the President shall be unable to secure a satisfactory title to the property of the New Panama Canal Company, and of course also a *satisfactory concession from Colombia*, then having secured satisfactory concessions from Costa Rica and Nicaragua, it shall be his duty to proceed, using almost the language of the Hepburn bill, and cause to be constructed the Nicaragua Canal.

That is all there is of it, Mr. President. If that were enacted, the President, of course, would endeavor to obtain a satisfactory title to the Panama Canal property. The Senator says it can not be done.

Mr. MORGAN. No; I do not.

Mr. SPOONER. I beg the Senator's pardon if he has not said that.

Mr. MORGAN. I have said this, that so far as the action of the French courts were concerned it can not be done under that act so as to cut off the right of lien and equity of bondholders and stockholders against the property, and Mr. Pasco, when he was testifying before the Senate committee, agrees with it.

Mr. SPOONER. I do not agree with it.

Mr. MORGAN. Very good. I want to state my own position about it. I do not doubt that Colombia has the power to make a full, complete, and perfect title to this property, notwithstanding its concessions to the Panama Canal Company, but I say it is the duty of the United States to deal with that Government in getting rid of these concessions and to have a guaranty from the Government of Colombia that we shall be safe when we get through with the job.

Mr. SPOONER. If it shall be found that the Senator's opinion is sustained, and we can not for the $40,000,000 obtain a satisfactory title——

Mr. MORGAN. I would not deal for one minute with the Panama Canal Company—not for a moment.

Mr. SPOONER. Well, if I want a piece of property and I think somebody can give me a good title to it and we can agree upon the price I will deal with him.

Mr. MORGAN. The Senator has his choice. He pays his money and of course he can have his choice.

Mr. SPOONER. Certainly, I would have to pay my money, but I would be very careful not to pay my money unless I got a good title to the property.

Now, of course, no title could be a satisfactory title within the provision of this substitute which came encumbered with all or any of the claims and liens of the old Panama Canal Company. When the Senator says that any title which can be obtained from the New Panama Canal Company must come burdened with the claims of the old receivership——

Mr. MORGAN. Yes, in the present condition, yes.

Mr. SPOONER. Then, he says, that title can not be obtained under this proposed substitute.

Mr. MORGAN. I do not believe it can, I will say to the Senator.

Mr. SPOONER. Then, *that means the construction of the Nicaragua Canal, and this is not left open in any large degree in the matter of time.* If these people can not make a title which the law officers of the Government and the skillful men whom the President could call to his assistance pronounce to be an absolute title, *within a reasonable* time he is to proceed to the construction of the Nicaraguan Canal, having first obtained, of course, concessions from Costa Rica and Nicaragua.

Mr. MORGAN. I am almost, if the Senator will pardon me, tempted to ask him the question, whether he does not believe that if his substitute is adopted it will result in building the canal at Nicaragua?

Mr. SPOONER. It may.

Mr. MORGAN. What is the Senator's opinion about that?

Mr. SPOONER. I hope we will get title to the Panama property and the necessary concession from Colombia and will build the Panama Canal, because, Mr. President, for reasons which I have given, I think that is the safer and better canal for the United States to build. I am "banking," if I may use that word, on the experts and on the recommendation of the Commission.

I could not persuade myself, Mr. President, in the face of that report, to vote for the Nicaraguan Canal and against the Panama, and get one hundred and fifty or two hundred or three hundred million dollars invested in the Nicaragua and have it prove to have been disadvantageous some day. I would hate to have my people turn to me and say, "Well, you put *your judgment* as to the safer and better canal for the United States against a great body of experts chosen by President McKinley and sent over the ground with abundance of money to investigate with care and skill and report the better route." I am not willing to take that responsibility.

One thing the Senator can be certain of. Every doubt as to that title would be resolved by the President of the United States or any other public officer against the vendor.

Mr. MORGAN. We will get the Nicaragua Canal, if that is to be the case.

Mr. SPOONER. I can not help that. Then the Senator ought to be content. The President never lived who would, being responsible for the abstract of title, pay $40,000,000 of the people's money for a property on which was to be expended hundreds of millions more unless absolutely certain that his Government received a perfect title.

Mr. MORGAN. I suppose it is my duty to judge on the facts whether the title is good or not, instead of referring that question to the President.

Mr. SPOONER. I do not think the Senate of the United States is a body that can deal well with an abstract of title. I rather think——

Mr. MORGAN. If the Senator will allow me, I do not know that the President has any special reputation for dealing with abstracts of title.

Mr. SPOONER. Now, I am surprised at the Senator from Alabama. Does he understand from this that the President himself is to do this thing?

Mr. MORGAN. Well, of course, I do understand that the President of the United States is responsible for it.

Mr. SPOONER. Ah! he is responsible for it; that is true.

Mr. MORGAN. If his conscience is not satisfied and his judgment is not satisfied in adopting the opinions of others, and if he is not guided by an enlightened, scientific, legal investigation of the truth of the situation, I should be afraid to mention the consequences.

Mr. SPOONER. The President or any other public official would be afraid to take a title that he was not certain was good. I have thought it of the utmost folly (I do not hesitate to assert it, and especially in view of this debate here) for Congress to undertake to investigate and decide this question of title, and, although perhaps it is an unwelcome duty to put upon the President, it is really, in a case like this, an executive function.

Mr. MORGAN. Hardly.

Mr. SPOONER. I think it is. The President has an able and experienced Attorney-General. He will have the power under this bill to bring to his aid in France and in this country the highest professional skill which can be found; and the Senator, I think, need not have any doubt that the lawyers who certify, if any shall be found to do it, this title to the President of the United States will be absolutely safe and certain about it. No better safeguard, so far as the title is concerned, was ever put in a law than this will prove to be.

The Senator from Alabama criticised this substitute because it does not contain an inventory of the property which we are to buy. I recollect the Senator, and I voted for it, secured the passage of a bill here once—I think I am not mistaken—under the terms of which some property was to be bought of the Maritime Canal Company. There was not a schedule of it in the bill. I did not think of criticising the bill for that reason.

Mr. MORGAN. My criticism on the bill in that particular is that there is no provision in it for having an inventory made. We take it in the lump.

Mr. SPOONER. The Commission has reported one of the most complete inventories that was ever made of property.

Mr. MORGAN. I can not accept that, because I am satisfied that it is entirely incorrect in some particulars. It is not necessary to discuss it; we did not consider it at all necessary to ascertain that. But if your substitute is carried, there ought to be a provision in it by which an inventory would be submitted by the Panama Canal Company definitely as to what it proposes to sell.

Mr. SPOONER. They have submitted an inventory and the Commission has reported at great length an inventory. I met Admiral Walker a day or two ago and asked him about it. He says they have in their possession from the French company as complete, detailed, and perfect an inventory as ever was made by a company.

Mr. MORGAN. Have we got it here

Mr. SPOONER. Where?

Mr. MORGAN. Here in Congress?

Mr. SPOONER. No. Would you want me to put it in this bill?

Mr. MORGAN. I do not want you to put anything in it, but if you want to make a good bill of it you ought to put it in.

Mr. SPOONER. Then you would have to put in so many mule carts, so many mules, and so many wheelbarrows, etc., *ad infinitum.* It is all idle to criticise this proposition because it does not contain an inventory of the vast property which is to be purchased or to be passed by this purchase, if we make one.

Mr. MORGAN. I am afraid of a lump-sum purchase, paying $40,000,000, no more, no less, for the property without an account of it.

Mr. SPOONER. Of course the sum is lump, but the property is not lump; that is to say, there will be a detailed statement of the property we buy. I think the President and the officers who are to carry this out, especially the Commission who have gone all over this property, both in Paris and on the Isthmus of Panama, having the original invoices or inventories of the property brought from France and which they read in France, will be able to discover whether any property is omitted from it or not. But really, Mr. President, that is not a matter of much consequence here. It is a matter of detail and administration.

Now, Senators have stood here by the hour saying that we can not get any title to this property; Senators, of course, who are in favor of the Nicaraguan route. They assert that with the utmost positiveness. It was asserted by my distinguished friend from Oregon [Mr. MITCHELL], it was asserted by my distinguished friend from Washington [Mr. TURNER], I think it was asserted by my distinguished friend from California [Mr. PERKINS], that we can not get any title to this property. If that is true, *then it means the Nicaragua Canal and without any great delay.*

Mr. PERKINS. If my friend will permit me, Mr. President, I did not say that we could get no title from Colombia; but I did say that in the memorandum or proctocol it is provided that the president of The Hague Peace Treaty Conference shall virtually fix the rate of toll that this Government shall pay to the Republic of Colombia, and that that practically meant the confiscation of every dollar this Government placed in the canal.

Mr. MITCHELL. Will the Senator allow me to make a further suggestion?

Mr. SPOONER. What the Senator from California observed has nothing whatever to do with what I asked him. Is the Senator from Oregon about to make a similar observation?

Mr. MITCHELL. I was about to add a suggestion to the statement of the distinguished Senator from California to this effect, that the time fixed for the determination of this question by the chief minister of The Hague is a time beyond the period when it is supposed the canal will be completed—fourteen years.

Mr. SPOONER. Mr. President, I have not dealt at all, nor do I intend to deal at all, except in a single word, with the tentative treaty which is proposed here by Colombia. It is not satisfactory to me, nor is the Nicaragua treaty quite satisfactory to me. Whichever of these bills is passed, the Hepburn bill or the substitute, I do not suppose that terms which are to bind the Government forever will be entered upon which are not notified fully to the Senate, with opportunity to debate and to amend.

I would not be willing to put a dollar of Government money myself into the construction of a canal unless the term during which our right to control and maintain it is clearly perpetual and the rental adjusted. I would not want it left to be recast by arbitration. Therefore, I have given no attention, so far as the practical question before us is concerned, to that particular phase of this subject any more than to an objection I have, more or less serious, to the proposed treaty with Nicaragua. Before we invest our money in a canal by either route the concession will have to be satisfactory to this country.

Mr. ALDRICH. Will the Senator from Wisconsin allow me one single question?

Mr. SPOONER. Certainly.

Mr. ALDRICH. Does the Senator construe the language of his amendment to mean that no money can be expended by the Government of the United States until a treaty satisfactory to the President has been negotiated with the Colombian Government and that treaty has been ratified by the Senate?

Mr. SPOONER. I do. I do not understand that a treaty can become the law of the land or become anything more than a mere proposition under the Constitution of the United States until it has been submitted to the Senate and ratified by the Senate.

Mr. MITCHELL. Before the Senator leaves that branch of the subject will he answer me a question?

Mr. SPOONER. I will if I can.

Mr. MITCHELL. There are outstanding now, according to the testimony, something over thirteen hundred millions of securities at their par value, in France, including bonds and stocks, and the money that was raised on those securities created the property which it is now proposed to sell to us by the New Panama Canal Company, or most of it. Now, what I want to know is whether the Senator from Wisconsin has considered this question: Assuming, for the sake of the argument, that good and satisfactory title to the property can be obtained, has the Senator considered the possibility, if not, indeed, the probability, of those people who furnished this money assuming the position that we having become the beneficiaries of this property that their money created, coming here before the Congress of the United States by platoons and regiments for years and years to come, and claiming an equitable right against this Government?

Mr. SPOONER. I do not know. I have not considered very elaborately who will come here to Congress.

Mr. MITCHELL. I think it is a very important point to consider in relation to this question.

Mr. SPOONER. I do not think it is. I do not think it is important what people claim from Congress, but I have considered this question, whether they would have any claim whatever upon this property either morally, equitably, or legally, which, under this bill, will have passed to the United States.

Mr. MITCHELL. The old French spoliation claims arising under our treaty with France we had here for a long time.

Mr. SPOONER. We assumed those by treaty.

Mr. MITCHELL. Yes; we assumed them, but they are here yet.

Mr. SPOONER. The Senator ought to be able to—I will not say that, for he is able—but he has forgotten, certainly, that we assumed the payment of those claims in the treaty with France. Does not the Senator see the distinction between that case and this?

Mr. MITCHELL. I admit that it is a stronger case in favor of the old French spoliation claims; but yet what I want to suggest is the probability, which I think exists, that if we buy this property we will be pestered for years and years to come by these people in France who furnished the money with which to construct this canal.

Mr. SPOONER. The Senator might, with just as much propriety, forbear to purchase at a foreclosure sale, in a time of great financial depression, a splendid property for one-fiftieth of what it cost, lest in after years the mortgagor should come to him claiming that he ought to give him something because he had acquired the beneficial interest in a property which the mortgagor had created with his money.

Mr. MITCHELL. This is an entirely different proposition. We are not dealing with an individual here, but we are dealing with a great Government, 800,000 of whose people furnished the money to create this property which it is proposed this Government shall buy.

Mr. SPOONER. We are not dealing with 800,000 people in France, nor 300,000 people, nor 200,000 people, nor 50 people.

Mr. MITCHELL. I think we are.

Mr. SPOONER. The old Panama Canal Company, of course, went down in disastrous financial failure.

Mr. MORGAN. It did not die, however. It is living yet, and has got a liquidator.

Mr. SPOONER. The old Panama Canal Company went down in disastrous financial failure, not only overwhelmed with indebtedness of all sorts, which it could not pay, but having, of course, a large body of stockholders who had lost money in it—the money which they had invested in the stock. It became and was a bankrupt corporation, and the court of France having appropriate jurisdiction took control of its assets under the laws of France, sequestrated them by the appointment of a receiver—because the legal effect there is as it is here—and pronounced a decree *dissolving the corporation, a decree which stands as the law of France to-day as to that company, not only unreversed, but impossible to be reversed.*

Therefore the assets passed into the hands of the liquidator or receiver by the decree of a court having jurisdiction not only of the subject-matter, but of the parties, for it is a French corporation, and the assets of that company are to be disposed of, *not by the 800,000 creditors and stockholders, or any of them, but by the court, just as we dispose of similar matters in the United States, and just as they are disposed of everywhere where justice is administered according to the forms of law.*

Mr. MITCHELL. May I inquire of the Senator what guaranty have we, if any—I do not know that it is necessary—but what guaranty have we, if any, that in case we buy this property this 60 per cent, which the liquidator of the old company is entitled to receive, will be paid over to those stockholders and creditors?

Mr. SPOONER. I will get to that. The Senator seems to be more concerned about the 800,000 French people than he is about his own people here or as to whether this is the route that ought to be adopted.

Mr. MITCHELL. I desire to protect my own people against these claims if possible.

Mr. SPOONER. Yes; but not more than I do. Then the Parliament of France found it necessary to pass an act for the administration of this estate, and they passed an act which, in its legal effect, is very much like our chancery practice and our use of injunctions and restraining orders, in order to enable the court having jurisdiction to wind up the proceedings, to marshal the assets, to preserve the property, and to require all creditors to bring their claims and prosecute their suits in that court. They passed an act signed by Carnot, "done at Marly-le-Roi on the 1st of July, 1893." I will not stop to read it, but I will ask leave to put it in my remarks.

The act referred to is as follows:

AN ACT RELATIVE TO THE LIQUIDATION OF THE UNIVERSAL COMPANY OF THE PANAMA INTEROCEANIC CANAL.

The senate and the chamber of deputies have adopted and enacted, and the President of the Republic promulgates, the following law:

ARTICLE 1. From the date of the promulgation of the present law, all actions now in course of procedure that have been brought by holders of bonds or obligations emitted by the Universal Company of the Panama Interoceanic Canal, or that have been brought by any creditors of the said company, whether against the receiver in his official capacity, or against the directors to enforce their responsibility, or against third parties for restitution, or arising in any other manner whatsoever, are hereby declared discontinued and suspended. The plaintiff may follow up and prosecute said actions only by complying with the requirements of articles 2 and 3 hereof.

All proceedings concerning attachments and execution, even those now in course of enforcement and procedure, against the personal or real estate or property of the said company are likewise discontinued and suspended.

I. BOND OR OBLIGATION HOLDERS' ATTORNEY.

ART. 2. All rights of action, of any character whatever, accruing to owners of obligations emitted by the Universal Company of the Panama Interoceanic Canal, whether against the receiver in his official capacity or against the directors to enforce their responsibility, or for a right to restitution arising from any other cause, shall be enforced and sued on by an attorney or representative appointed for the purpose, on request of the commonwealth's attorney for the jurisdiction of the civil tribunal of the Seine, by a decree in chambers.

In case there should arise a divergence or opposition of interests between the different classes of bondholders one or more special attorneys may be appointed in the manner and form just above provided for. The powers of the attorneys aforesaid may be revoked at the same request and in the same manner. There shall be no appeal from said orders or decrees.

However, any obligation holder shall have the right to enter an action for damages in connection with a criminal matter, or to intervene in proceedings instituted by the attorney or representative aforesaid, doing so at his own expense and cost, without in any way delaying the proceedings or judgment.

Moreover, every obligation holder shall have the power to bring any action, in his individual right and at his own risk and peril, which the attorney shall have refused or failed to enter within one month after he shall have been notified and requested to enter the same.

Suits brought by the attorneys or representatives shall not block the right of action on the part of the company, belonging to the receiver. The attorneys shall have power to call on the receiver for communication of all documents tending to shed light on the truth; their legal residence shall be the jurisdiction within which shall be carried on the winding up or liquidation of the company's affairs; the tax costs arising from the exercise of their official duties shall be defrayed from the credits of the receivership, so far as this may be done without impairing the reimbursement to the latter of the sums which it shall have advanced.

ART. 3. All actions emanating from the receiver or from the attorneys, or from interested parties individually, shall be brought before the civil tribunal of the Seine. Such proceedings as may arise from the distribution of the credits or balance remaining in favor of the company shall be brought likewise before this tribunal. Suits instituted by parties intervening in damages shall remain in the jurisdiction where already the prosecution has been inaugurated.

ART. 4. The attorney shall have full and complete enjoyment of the "judicial assistance privilege" (consisting in the exemption from payment of the usual costs attending a judicial proceeding) in the carrying on of actions and in the executing of verdicts or decisions which he shall have obtained. Likewise he shall enjoy the same in all interventions sounding in damages, and in the case of all recording taxes which might be otherwise exacted. On his request, presented to the commonwealth's attorney, pleaders, advocates, and sheriffs shall be appointed in the manner and form prescribed by article 13 of the law dated January 22, 1851.

However, the "judicial assistance privilege" shall not extend to costs of transportation for judges, for Government officials, or for experts, nor to the latter's fees, nor to witness taxes. As to stamp duties, cost of recording, and court costs in general, the Treasury shall exact them from the debtor only after the payment of such judgment as shall have been obtained by the plaintiff attorney.

ART. 5. The attorney shall have power to compromise or to desist from further action, though he may do so only after consulting with three jurists appointed by the Commonwealth's attorney; and all compromises or withdrawals of actions shall have to be ratified and approved by judicial decree rendered in chambers.

He alone shall be empowered to levy execution on judgments pronounced by the court, or to receive the sums obtained on compromise, whether such compromise have been obtained on his own demand or on that of obligation holders acting in an individual capacity. All sums thus received shall be deposited by him at the deposit bureau, and the receiver shall give him due quittance therefor.

II. THE RECEIVER.

ART. 6. Before proceeding at all to distribute the credits of the company the receiver shall publish in the Journal Officiel and in the Journal Officiel (Commune edition) a notice calling on all parties interested to produce their claims against the company and the proofs thereof within the space of six months, under pain of becoming barred from bringing any action on the said claims.

The production of the claims and the transmission of proofs in support thereof may be made by simple registered letter.

ART. 7. The receiver shall proceed to verify and to admit said claims in the manner and form prescribed by articles 495 and 497, first paragraph of the Code of Commerce.

ART. 8. Should the claim be contested, notice of this fact shall be sent by registered mail to the claimant in question, and the latter shall have a term of three months within which he must institute proceedings before the civil tribunal of the Seine, in order to have his claim adjudicated.

Judgment must be pronounced hereon within the space of one month, as in the case of matter demanding immediate and summary adjudication. An appeal from such decision must be entered within ten days from the notification of said judgment either to the party in person or at his domicile.

ART. 9. The distribution of all dividends arising from an action brought by the company or from actions brought by the attorney or representative of obligation holders, or from any other source whatever, shall be made by the receiver, who alone shall have competency to receive opposition or objections to the same.

ART. 10. All acts tending to alienate any assets of the company, all contracts entailing a transfer or contribution of the whole or of a part of the assets of the concern, emanating from the receiver of the Universal Company of the Panama Interoceanic Canal, shall be subject to the approval or ratification of the civil tribunal of the Seine, who shall, on the report of one of the justices, pass on the question in open court.

ART. 11. All decrees of approval or ratification rendered in accordance with the preceding article shall be published, within a term of ten days, in the Journal Officiel and in the Journal Officiel (Commune edition).

This decree may be attacked by a third party, by the shareholders, by the attorney of obligation holders, and by other creditor of the company, *within a delay not exceeding one month from the date of the publication aforesaid. The civil tribunal shall adjudicate the question within the space of one month*, as in the case of matters demanding an immediate and summary adjudication. *The appeal from such decision must be entered within ten days from the time of notification of said judgment to the party in person or at his domicile.*

ART. 12. The Universal Company of the Panama Interoceanic Canal, the civil, i. e., nontrading company formed for the purpose of redeeming the obligations or bonds of the Panama Canal (issue of March, 1888), and the civil or nontrading company for the redemption of the lottery bonds of the Panama Canal are hereby exempted from the payment of all stamp duties and of all transfer or transmission taxes now due or about to become due on any shares, obligations, or bonds of the said companies.

ART. 13. Beginning with the date of the promulgation of the present law, no limitation in bar of actions in damages shall begin to run against the creditors of the Panama Canal Universal Company until the balance remaining to the credit of the company shall have been realized on and entirely distributed.

ART. 14. Shareholders, subscribers, or buyers of stock, having acquired title to the same before the company was placed into the hands of a receiver, provided they represent at least one-twentieth of the capital stock, may join a common interest and intrust one or more attorneys or representatives with maintaining any action and with representing them in court.

The present law, deliberated upon and adopted by the Senate and Chamber of Deputies, shall be enforced as a law of the State.

Done at Marly-le-Roi, on the 1st day of July, 1893.

CARNOT.

By the President of the Republic:

E. GUERIN,
The Keeper of the Seals, the Minister of Justice.
P. PEYTRAL,
The Minister of Finance.

Mr. SPOONER. They provided for short appeals. They provided for bringing everybody before the court. They provided counsel for all who had not the money to employ counsel—counsel representing the public for the benefit of the bondholders, stockholders, and common creditors. There never was a more generous proceeding in court, because this was a great national affliction and calamity. They provided for individual interventions. They made every possible provision for giving notice and giving hearings. The act is admirable in its construction, and I have no doubt it worked out admirably in administration.

They contemplated, Mr. President, as all this estate had passed from the company and was *in custodia legis* under control of an equity tribunal having the power to deal with it upon general principles of equity that it would be disposed of free and clear of lien, leaving the purchase money a substituted asset to which claims of every kind were remitted, the court having jurisdiction to marshal the assets and adjust priorities, just as we do in this country.

Of course, they contemplated that a new company might be organized—*not a reorganization of the old company*, as we reorganize old railway companies and other corporations which are insolvent—but this property, as much as it had cost, was *worth nothing* unless it was at once sold out for a trifle, or unless some attempt was made through a new corporation to go on with the work. Most of the property was on the Isthmus of Panama. It was held under a concession, which, if not complied with, forfeited it all to the Government of Colombia, and so the law provided as to the receivership:

ART. 10. All acts tending to *alienate any assets* of the company, all contracts entailing a *transfer* or *contribution* of the *whole or of a part of the assets of the concern* emanating from the receiver of the Universal Company of the Panama Interoceanic Canal, shall be subject to the approval or ratification of the civil tribunal of the Seine, who shall, on the report of one of the justices, pass on the question in open court.

Then they provided the details, but without going into that——

Mr. PETTUS. Mr. President, will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. PETTUS. How did that court get jurisdict on

Mr. SPOONER. The court took jurisdiction. The act gave jurisdiction.

Mr. MORGAN. They took jurisdiction. That is right.

Mr. PETTUS. I mean how did the court get jurisdiction over the property?

Mr. SPOONER. The court got jurisdiction over the res, over the property owned by the company.

Mr. PETTUS. But I ask how did they obtain it?

Mr. SPOONER. They obtained it by having jurisdiction of the corporation in insolvency.

Mr. PETTUS. Is that all the information the Senator can give me as to the process by which the court obtained jurisdiction?

Mr. SPOONER. Yes, sir. I have never seen a copy of the original proceedings. Whether ancillary proceedings were instituted in Panama I have not been able to ascertain, nor did I consider it important to ascertain it.

Mr. President, they organized a corporation. The liquidator transferred to the corporation these assets. Part of the contract was that the New Panama Canal Company should go forward with the work of completing the canal, and that as the liquidator of the old Panama Canal Company was to receive, they also transferred the stock of the old Panama Canal Company to the new, which was an asset of liquidation to the New Panama Canal Company. They were to proceed with the construction of the canal and they were to pay to the liquidator, to the receiver, for distribution by the court, 60 per cent of the net profits of this operating the canal.

The articles contemplated that they might find it impossible to go on with the canal, they might find it impossible to raise the money to proceed with its construction—and the articles were affirmed by the court—and provided that if the company concluded for any reason not to proceed with the completion of the canal they should retain the Panama Railway Company stock by paying to the liquidator 20,000,000 francs, and in default of the payment the property should revert to the liquidator.

Mr. MORGAN. That relates to the Panama Railroad Company.

Mr. SPOONER. Yes; and it was the Panama Railway Company's stock that they were to retain if they paid 20,000,000 francs for it.

Then what happened? The New Panama Canal Company, which had no relation except that of a contract relation—not with the old company at all—but a contract relation approved by the court with the liquidator of the old company went on and they paid 2,000,000 francs, I believe, for an extension of the concession. Without that, the old Panama Canal Company and its receivership would have owned nothing on the Isthmus of Panama. The new company expended $12,000,000 in engineering and other work on the Isthmus of Panama.

The court approved the transfer by the receiver to the New Panama Canal Company.

This conveyance by the liquidator of the old company to the new company of all the property of the old company was authorized expressly by the court and by the act of Parliament. Appeals were taken by intervenors, and the court on appeal justified entirely the legality and wisdom of the transaction, and says this of the effect of the act of July 1, 1893, which I have inserted:

That this act, in principle, authorized the receiver to make, under conditions which it fixed, all the efforts and all conversions of assets; and that it

did not intend that creditors should be able to prevent these acts, and that it was for the express purpose of preventing them from doing so that it suspended their suits and executions.

From this there was no appeal.

The charter also authorized the company explicitly to reduce its capital and to dissolve its existence, and it expressly excluded that those interested in the estate of the old company by virtue of the 60 per cent provision should have any control whatever over the new company.

What followed? They could not raise the money. The United States Government appeared in the field to build a canal of its own with its own money, and that meant ruin, of course, to the New Panama Canal Company as a mere private company. There is nothing in the record as to that, but that is obvious to anyone, especially with all the mishaps which had befallen the credit of the old company.

Thereupon this offer—to make it as short as I can—to sell this property to the United States for $40,000,000 was made by the authority of the stockholders of the New Panama Canal Company. In fact, it meant $40,000,000 or nothing; and Senators who entertain such boundless sympathy for the stockholders and bondholders in France forget that this $40,000,000, if paid, goes largely to them as the court of equity shall decree their interest to be; and if it be not accepted, they receive nothing, except the 20,000,000 francs which the new company is to pay for the capital stock of the railway company if it retains it.

Mr. MITCHELL. Will the Senator allow me?

Mr. SPOONER. Yes.

Mr. MITCHELL. This first arrangement between the liquidator of the old company and the New Panama Canal Company was made eight years ago, or about 1894.

Mr. SPOONER. Very well.

Mr. MITCHELL. Does the Senator from Wisconsin understand that the title of the property was transferred at that time to the New Panama Canal Company by the old company?

Mr. SPOONER. Absolutely, through that court.

Mr. MITCHELL. Through the liquidator?

Mr. SPOONER. Through the liquidator, by order of the court.

Mr. MITCHELL. So that the title vested, then, in the New Panama Canal Company?

Mr. SPOONER. Subject to this contract.

Mr. MITCHELL. Let me ask the Senator another question. This New Panama Canal Company is a solvent company, is it not?

Mr. SPOONER. So far as I know; yes.

Mr. MITCHELL. And has always been a solvent company?

Mr. SPOONER. So far as I know.

Mr. MITCHELL. Then I want to know of the Senator from Wisconsin how a French court gets jurisdiction over a solvent corporation which enables it to make an order that will stand anywhere, under any system of jurisprudence, authorizing a solvent corporation to transfer its property?

Mr. SPOONER. There is no receiver of the New Panama Canal Company. That company is not in the French courts, so far as I know; but the liquidator of the old canal company still lives, and is still an officer of the court. When this contract was made with the New Panama Canal Company, by which, under authority of an act of the French Parliament, it became the owner of the property of the old Panama Canal Company by conveyance from the receiver or liquidator by authority of the court, I say that, as a matter of law, the property passed to the new company, subject to this contract to pay 60 per cent of the net profits and free otherwise from all claims and liens of creditors and stockholders of the old company, and subject to a reverter as to the railway property; but so far as the old company's estate is concerned, *it is still in the hands of the court*, and all stockholders and creditors are in that case in that court.

When this new situation came, when this concession, which expires, I think, in 1910, and which had to be taken care of, when the United States came into the field as the intended constructor and owner of an interoceanic canal, it occurred to those very sensible people that they had better get under cover if they could. They proposed to sell to the United States at $40,000,000. Thereupon the *liquidator of the old company* applied to the court which appointed him, and which has jurisdiction of him and of the estate of which he is liquidator, including this contract of 60 per cent of the net earnings, for leave to modify that contract and to join in a sale of this property to the United States——

Mr. MITCHELL. I admit the correctness of what the Senator states, that they can modify that contract, but I deny that that French court or any other court has power to issue an order authorizing and directing a private corporation which is absolutely solvent to transfer its property.

Mr. SPOONER. The Senator is denying something that never happened.

Mr. MITCHELL. Oh, no.

Mr. SPOONER. That is precisely what the court did not do.

Mr. MITCHELL. You are here to-day, as I understand, proposing to buy this property under the authority of an order made by a French court in a matter pending before that court—the property of the old Panama Canal Company.

Mr. SPOONER. I am here to-day, just as the Senator is, trying to do what is right for the American people. He is trying to do what is right, and I am trying to do what is right. Here is where the Senator makes his mistake: The court has made no order directing the New Panama Canal Company to sell or convey its property to the United States for $40,000,000.

The New Panama Canal Company make that proposition by authority of the stockholders, and all that the court has done is to *authorize the liquidator*, who represents the interest of the creditors and stockholders of the old Panama Canal Company in this contract of transfer to the new company, to join in this sale and to save that much for the old Panama Canal Company's creditors and stockholders. It proceeded thus far, as I understand it.

There were applications made to the court, and the court passed an order, after it had been referred to the attorney-general or some public attorney there, authorizing the liquidator to join in the sale and to enter into arbitration with the New Panama Canal Company as to what proportion of this $40,000,000 should be paid to the liquidator for the benefit of the creditors and stockholders of the old company. They are all there, and they have got to fight their claims there, and that is a court of France administering a lawsuit in France, to which citizens of France are parties. That arbitration agreed upon this:

They agreed that the New Panama Canal Company shall retain 2,000,000 francs, I think it was, which had been paid for the concession and not long ago for an extension of it; they agreed that the 20,000,000 francs for the Panama Railway stock, which the New Panama Canal Company retained and included in its offer to sell, should be paid to the liquidator, and they agreed that $12,000,000, which the New Panama Canal Company had actually expended at a low rate of interest, should go back to them, and that twenty-four millions and a fraction of the money and the twenty millions realized from the Panama Railway stock should go to the liquidator. That is the way it stands.

Mr. MITCHELL. Mr. President, I can not altogether agree with that. There is another question right there.

Mr. SPOONER. The Senator does not mean to say that that was an order to the New Panama Canal Company to sell this property? It does not amount to that.

Mr. MITCHELL. The Senator from Wisconsin admits that 60 per cent of this property should go to the liquidator for the benefit of the stockholders of the old company?

Mr. SPOONER. It was to go to the liquidator.

Mr. MITCHELL. Sixty per cent of the $40,000,000 was to go to the liquidator. That matter is pending in the court, and that court is not a court of last resort. When this report of sale is made and this fund is paid into court, as it has to be, I presume, then comes up the question as to what shall be done with it and what order the court shall make. I take it that any person interested either as a shareholder or a security holder in the old company would have a right to go in and make the question in that court. Is that right?

Mr. SPOONER. Yes.

Mr. MITCHELL. If the claim is decided adversely, the claimant has the right to appeal to a higher court in Paris?

Mr. SPOONER. Yes.

Mr. MITCHELL. Now, what I want to know of the Senator from Wisconsin is, does he think it is a very safe or advisable proceeding for us to go on and pay this $40,000,000 for this property, and have all these controversies go on for perhaps ten years?

Mr. SPOONER. We are not going to pay any $40,000,000 until we get a good title.

Mr. MITCHELL. If all that has to be done before we get a good title it will be ten years before the question of good title can be determined.

Mr. SPOONER. The Senator frightens me. [Laughter.]

Mr. MITCHELL. I am glad of it.

Mr. SPOONER. I have recovered. Of course, the Senator knows that we will not pay $40,000,000 for this property without a good title.

Mr. MITCHELL. I hope not.

Mr. SPOONER. I am glad the Senator has even hope. He knows, too, that that must be within a reasonable time. He knows that ten years or five or three years or one year, in all human probability, would not be regarded by the President of the United States as a reasonable time.

Mr. MITCHELL. Mr. President——

Mr. SPOONER. Now wait. Does the Senator think that outside of an insane asylum there is a man in France who would appeal from an order or decree that gives him a share in $24,500,000, and 20,000,000 francs besides, in order to get that reversed, *so that he can get nothing?*

Mr. MITCHELL. I will answer the Senator on that point that some of these men in France, even if they are a little insane,

might be of opinion that, inasmuch as for long months the company insisted that their property was worth $109,000,000 and now they have gone and sold it for $40,000,000, therefore they have been swindled; and they are very likely to come in and make a contest.

Mr. SPOONER. When they will all know that the only purchaser to whom they were trying to sell it at a hundred and nine million dollars is the same individual, Uncle Sam, who is willing to pay $40,000,000?

Mr. MITCHELL. I will not interrupt the Senator any more.

Mr. SPOONER. They will know perfectly well that there is no other purchaser under the sky. I want to say, then, closing on this branch of the case, that I do not see any good reason to doubt that they can furnish a good title.

In the first place, this property can be reconveyed to the liquidator, and no Senator who ever practiced law will say that in such a case the court can not order the liquidator to sell and save as much as possible to the *cestuis que trust*, to the great body of the creditors and stockholders; and no lawyer will deny that such a sale will pass a good title, free and clear of all incumbrances, leaving the creditors and stockholders to contest in the courts over their respective shares to the proceeds of the sale. With the distribution of the money by the court or the time it will take we will have no concern.

It can be done in another way. This corporation, in its articles of organization, as I said, approved by the court, has the right to dissolve without any regard to solvency or insolvency. It has the right, by vote of its stockholders, to dissolve, to cease to exist, to wind up its affairs through a liquidator. I have no doubt—the Senator may have doubt; he does not seem to have doubt about anything relating to Nicaragua, but he has doubts about everything relating to the Panama route—I have no doubt that when the liquidator of the new company is appointed to wind it up under its charter, and the liquidator of the old company, under the authority of the court, joins the liquidator of the new company in a transfer of this property to the United States, it will carry a good title. But if it does not—and there are lawyers in the United States who can ascertain that fact—*then this bill means the Nicaraguan Canal.*

The Senator from Oregon even objected to this purchase because of the infinite stench that surrounded the old company—the odor of corruption and scandal and bribery—and he said, "If we buy this property we will become a participant in all this scandal and fraud and bribery." Did the Senator mean that? I have heard of "covenants running with the land, but I have never heard that principle applied to "odors" and "stenches," and the ill reports of former owners.

The Senator might just as well say that if I buy a rendering establishment, which is very offensive, in order to burn it down and build a residence upon the site, the "smell" would "run with the land," and that I become a participant in the "malodorous" rendering business. He might with just as much propriety say that if I purchase a house which has been used as a gambling house, and pay money for it to erect a church or a hospital upon the site, I become a participant in the business of the former owner. He might just as well say if the Government ownership of—and heaven save the mark—railroads and public utilities gets to be the rule in this country, the Government of the United States could not acquire the Union Pacific because it would become a participant in the scandals of the Credit Mobilier.

If we get that title, a good title, from the courts, we get it clean. We are not buying stock of the old company. We are not buying stock of the new company. We are simply buying *certain physical properties.* If we get a good title to it, we will own it. We will own it by an honest purchase. We will own it for an honest use and a patriotic use, and our title will be as clean as that of the Government to this Capitol.

Mr. MORGAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Certainly. I am about through.

Mr. MORGAN. I beg to refer the Senator to page 175 of Mr. Pasco's deposition, which sets out the latest arrangement that has been made by the court and by the liquidator of the old company and by the president of the new company, by which the contract between the old company and the new is rescinded and changed, the property is conveyed back to the liquidator of the old company, and the liquidator of the old company makes M. Bo, the president of the new company, the agent or attorney to sell to the United States.

Mr. SPOONER. That clarifies it. I was not aware of that.

Mr. MORGAN. I knew the Senator was not.

Mr. SPOONER. I thank the Senator, as I have had occasion to thank him many times for suggestions.

I suggested that in this way it might be done; that the property might be conveyed to the liquidator, the contract with the new company canceled, and then by order of the court the title made from the liquidator to the United States. The Senator from Alabama says that has been done. There are several ways in which it may be done.

Mr. MORGAN. This arrangement, which has been approved by a court in France—they approve everything that comes along—has conveyed all the property back to the liquidator of the old company, and the president and board of directors of the new company are made the agents of the old company to sell it to the United States. That leaves the question whether when it gets back into the old company, as it has gone there, those liens and equities do not attach to it just as if the former contract had never been made. It has been rescinded.

Mr. SPOONER. If that be true, it would not get "back into the old company," it would go to the liquidator, and the court still has the same power that it had before to sell it *free and clear of liens.* The court in the first place had the power to transfer it to the New Panama Company free of the old liens. Otherwise, however, much it might advantage the estate to do so, the court would be powerless—that is not the law anywhere, I think. It would be a beautiful idea to organize a new corporation to carry on a great work with no credit, taking the property from an old, broken-down, bankrupt concern, loaded with all the debts——

Mr. MORGAN. That is why I said, in answer to the question of the Senator from Wisconsin when he asked me if the title could be obtained to this property, "Yes; but not on existing facts." It would have to be changed, because the old contract has been rescinded and the property is now in the hands of the liquidator, and the question of its being sold free of incumbrance has not been mooted or decided. It is an open question which yet remains to be decided.

Mr. SPOONER. There are several open questions that remain to be decided.

Mr. MORGAN. That one is important.

Mr. SPOONER. There are some open questions about Nicaragua that remain to be decided——

Mr. MORGAN. Yes.

Mr. SPOONER. As well as about the concessions which we get from Colombia. There are open questions yet about Costa Rica. We are not to be frightened by open questions. If the property is in the hands of the liquidator the court has the power—every equity court in the world has—to sell it free and clear of liens.

Mr. MORGAN. But the court has never so decreed. That is what I mean. The court has never so decreed.

Mr. SPOONER. Then because the court has not so decreed, the court can not ever so decrees?

Mr. MORGAN. I have not said that.

Mr. SPOONER. If the court can so decree and does so decree, what is the matter with that situation?

Mr. MORGAN. There is nothing the matter with it except it puts the canal under the embarrassment of infinite lawsuits. That is all.

Mr. SPOONER. All those infinite lawsuits would be in France, over the purchase money which as a substituted asset went into the registry of the equity court. The notion that those people, all parties to that suit, represented by counsel appointed by the Government as well as by counsel chosen by themselves, can, after the French court has ordered the liquidator to sell the property free and clear of liens and convey it to the United States, fight over their share of the proceeds in the court where they are, and after the estate is wound up and the distributions are all made and the final decree entered, can run away from their French jurisdiction and come over here and pester my friend the Senator from Oregon is quite absurd.

But, Mr. President, I shall spend no more time on that point. I believe we can get a good title, but if we can not, then it means Nicaragua, and that is what the Senator thinks will happen under my bill.

Mr. MORGAN. What I think we both want.

Mr. SPOONER. I hope the Senator will not say that.

Mr. MORGAN. I mean——

Mr. SPOONER. Because if I agreed with the Senator I would not offer the substitute for all the world.

Mr. MORGAN. I do not mean that the Senator desires the Nicaragua Canal in preference to the other, but that he wants the Nicaragua Canal if he can not get this.

Mr. SPOONER. The Senator is quite right.

Mr. MORGAN. I want it whether we can get the other or not.

Mr. SPOONER. That is the difference. I want the canal just as much as the Senator from Alabama does, and I want, in one way or the other, a bill to be passed here under which we will get a canal. There never was greater need for it than now. The *Oregon* demonstrated one thing to our people, and the "community of interest," which has locked together the transcontinental railroads of this country, will find, better than any legislation, in the years to come a "rate regulator" in this canal, whether it is built at Panama or built at Nicaragua.

The Senator from Alabama has had a good deal to say about these protocols. I do not understand them as the Senator does. He seems to think that we owe something to the memory of President McKinley in our action here with reference to these protocols. What do we get by the protocols? The Senator says we get the right under the protocols to build a canal from the Caribbean Sea to the Pacific Ocean. I say we get no such right under the protocols.

Mr. MORGAN. There is a difference of opinion.

Mr. SPOONER. That is all I mean to call it—a difference of opinion.

Mr. MORGAN. Yes.

Mr. SPOONER. The protocols were entered into while the Commission was investigating under the act of Congress.

Mr. MORGAN. The protocols were entered into by the President the very next day after the Commission made its preliminary report.

Mr. SPOONER. It had not made its full report.

Mr. MORGAN. It had made its preliminary report, which was a better report than it has ever made since or before.

Mr. SPOONER. It was a better report because it was the Senator's way.

Mr. MORGAN. It was. It was a decision in favor of the Nicaragua route, and the report having been made on the 30th day of November, the President on the 1st day of December entered into negotiations with these two Republics and signed and sealed and delivered these papers. I do not consider that they were trash.

Mr. SPOONER. Nobody could ever make me believe that President McKinley intended by these protocols to try to take away from Congress the right to choose the route for an isthmian canal.

Mr. MORGAN. Not by any means, because he expressly in the protocols themselves refers it to Congress.

Mr. SPOONER. Nor to anticipate the final report of the Commission. Now, what is the protocol?

It is agreed between the two Governments that when the President of the United States—

Not to take effect at once. There is a condition precedent to it——

Mr. MORGAN. Of course.

Mr. SPOONER. Which never has happened.

Mr. MORGAN. We are trying to get it to happen now.

Mr. SPOONER. If you get it to happen you will not be any further on so far as the protocol is concerned, in my judgment.

Mr. MORGAN. I beg to say that if we pass the Hepburn bill, that contract is as good as any contract ever signed, sealed, and delivered in the world, and Costa Rica and Nicaragua have both recently and formally and officially signified their adherence to it and their request that Congress may confirm it.

Mr. SPOONER. There are many things formally done on this question that we do not know about.

Mr. MORGAN. I have informed the Senate of it by putting documents into the RECORD covering every word of it.

Mr. SPOONER. What is this?

It is agreed between the two Governments that *when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal* of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte on the Caribbean Sea, via Lake Nicaragua to Brito on the Pacific Ocean, they *mutually engage*—

No grant of any right down to there; is there? Mutually engage to do what?—

to enter into negotiations——

Mr. MORGAN. To do what?

Mr. SPOONER:

to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

It is a mere proposition that when the President is authorized by law to acquire that route, they will enter into negotiations with him as to the terms on which he can get it. Nothing is agreed except to endeavor to agree.

Mr. MORGAN. That is right; but they have already pledged themselves that he shall have the right——

Mr. SPOONER. Where?

Mr. MORGAN. In that protocol.

Mr. SPOONER. No.

Mr. MORGAN. Yes.

Mr. SPOONER. No; I do not find it.

As preliminary to such further negotiations it is forthwith agreed that the course of said canal and the terminals thereof—

As to which this negotiation is to proceed—

shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

That treaty was never ratified, and therefore was never adhered to.

Mr. MORGAN rose.

Mr. SPOONER. I do not make any point on that.

Mr. MORGAN. I hope not, because I put before the Senate in official statements that they make no point at all about the fact that this treaty was not ratified, because the treaty subsequently ratified carries out the agreement so far as they are concerned.

Mr. SPOONER. I fail to see any right granted by Nicaragua in that protocol except the right to negotiate with Nicaragua when the President is authorized to acquire that route. That is the thinnest acquisition of a diplomatic sort upon which to build up a great fabric that I think ever was discovered. Is there any time limit to it?

Mr. MORGAN. A reasonable time necessarily is the limit, for the reason——

Mr. SPOONER. There is no time limit.

Mr. MORGAN. The Senator from Wisconsin would not assert that any nation on earth could be permitted, after that protocol was signed, sealed, and delivered, to interfere and get a similar contract with Costa Rica and Nicaragua. The Government of the United States would not have permitted it.

Mr. SPOONER. I assert that if this substitute is adopted and it is found that we can not acquire the property of the New Panama Canal Company, or if it is found that we can not acquire the requisite concessions from Colombia, this substitute will in that event authorize the President to acquire control of the Nicaragua route and to construct a canal upon it.

Mr. MORGAN. If the Senator will allow me——

Mr. SPOONER. Does the Senator say that the condition precedent will not then have been performed?

Mr. MORGAN. I will say this, that it will not have been performed, because instead of going to Nicaragua and Costa Rica, as that treaty provides, and obtaining the right, we go to Colombia first and try to obtain the right, and thereby we release Nicaragua and Costa Rica from all of that obligation. Mr. McKinley had the right, as he knew perfectly well, to make the negotiation without an agreement by stipulation with Nicaragua and Costa Rica.

Mr. SPOONER. I am sorry——

Mr. MORGAN. The Senator will allow me just one second.

Mr. SPOONER. I beg pardon.

Mr. MORGAN. If we pass your substitute we release Costa Rica and Nicaragua from the obligation which Mr. McKinley had agreed they should be bound by, with which no government in the world could interfere.

Mr. SPOONER. I am sorry the Senator says that it releases Costa Rica and Nicaragua. I do not think it amounts to anything in the world, because they will negotiate with us and we will negotiate with them when occasion requires.

Mr. MORGAN. They are small, and we can assume everything.

Mr. SPOONER. We can safely assume that.

Mr. MORGAN. I am afraid not.

Mr. SPOONER. We contingently, by this substitute, authorize the President to acquire control of the Nicaragua route, and the moment the contingency happens it makes it his duty to acquire control if he can. I contend that this protocol, so far as there is any life in it—I think it was merged when they proposed this treaty here—and I think so far as Costa Rica is concerned it never had any life, for I can not conceive——

Mr. MORGAN. If the Senator will permit me, I will read him an extract from a note which I received a few moments ago from the minister of Costa Rica. He says:

It gives me pleasure to confirm the information given you by telephone that I am instructed by my Government to sign a treaty on the same terms substantially as proposed by the United States.

Mr. Hay proposed it. I suppose he got it all right.

Mr. SPOONER. Have they changed their constitution?

Mr. MORGAN. They must have, because he is instructed by his Government to sign a treaty.

Mr. SPOONER. I do not know anything about this except that I find here——

Mr. MORGAN. I know the Congress is in session, and that question has been up, and I take it for granted they have made the necessary change, if there was any needed. There never was any necessity for a change, in my judgment.

Mr. SPOONER. That may be, but they construe their own constitution.

Mr. MORGAN. The Senator is perfectly right. Now they have made the construction, and that government has authorized its minister here to sign the treaty on this subject that Mr. Hay proposed to them. I suppose Mr. Hay is taking care of the United States pretty well.

Mr. MITCHELL. How late is that?

Mr. MORGAN. It was handed to me a half hour ago.

Mr. SPOONER. Diplomatic notes are coming around so fast

it is difficult to keep up with them. I know that the Secretary of State informed us, under date of May 15, that Costa Rica has decided that before entering into negotiations it was necessary for them to adopt a constitutional amendment, and he referred to the message of President Iglesias, in which the President, when addressing the Congress by message, says:

This committee has discharged its duties in a satisfactory manner touching all the points which in its opinion do not contravene the spirit of our political institutions; in conformity to the provisions of the fundamental code as regards the integrity of the territory and the exercise of sovereignty. In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there should be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized, or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

That is the message of the President to his Congress.

Mr. MORGAN. The Congress of Costa Rica has assembled regularly since that time, and is in session now. I was informed that it had the subject of this provision before it, and it evidently passed the provision and regulated matters so as to conform to the opinion of the Administration, and this note comes to me from Mr. Calvo this morning, while we have been sitting here talking. He says:

It gives me pleasure to confirm the information given to you—

That is, to me—

by telephone that I am instructed by my Government to sign a treaty in the same terms substantially as proposed by the United States.

So that difficulty is all out of the way. We need not worry ourselves about it. I never myself had any concern about it.

Mr. SPOONER. I want to say this to the Senator: I am not mentioning it as against the feasibility of the Nicaragua route.

Mr. MORGAN. No.

Mr. SPOONER. The question as to the Maritime Canal Company's concession is a serious one. The question whether that concession was lawfully forfeited is a serious one.

Mr. MORGAN. That has lapsed entirely.

Mr. SPOONER. Ah, not lapsed.

Mr. MORGAN. Yes; in point of time.

Mr. SPOONER. That does not lapse.

Mr. MORGAN. Yes.

Mr. SPOONER. What I mean by that is this: Of course the time has run, but if the grantor of a franchise upon a condition subsequent by its own act prevented the performance of that condition the condition is gone.

Mr. MORGAN. That was a suit between private persons, where there was a judge to decide between them.

Mr. SPOONER. No; that was a suit between a citizen of the State of New York, as I recollect it, and the State of Texas.

Mr. MORGAN. That may be so.

Mr. SPOONER. Practically.

Mr. MORGAN. Yes; the State might have been a party.

Mr. SPOONER. That was where there was a grant of lands made by the State of Texas to aid in the construction of a railroad——

Mr. MORGAN. Yes; I remember the case.

Mr. SPOONER. Upon condition that within a given time the road should be completed, and before the company could much perform the war for the Union came on and Texas, of course, turned her fortunes with the Confederacy.

Mr. MORGAN. Mr. President, we know that the Maritime Canal Company has neither any more power nor any more right now to proceed under the concession from Nicaragua or Costa Rica than a man who has been dead for years.

Mr. SPOONER. Will the Senator permit me—I am not urging this against the Nicaragua route as an insuperable objection to it. I think if we choose the Nicaragua route we will get that and every other obstacle out of the way. But it is an obstacle. It must be got out of the way. If a franchise is illegally forfeited by the grantor, the time does not run while that illegal forfeiture bears down and breaks down the credit of the holder of the franchise.

The case which I had partly stated when interrupted by the Senator is the case of Davis *v.* Gray, 16 Wall., 203. There, as I stated, the State of Texas had joined the Confederacy. After the war the State provided by its constitution that all the public lands theretofore granted for the benefit of railroads or railway companies should be appropriated to other purposes. The bondholders of the land-grant company filed a bill to prevent the execution of this constitutional provision, as impairing the obligation of the contract entered into between Texas and the railway company, by which the land was granted to aid in the construction of the railroad upon condition, among others, that it be completed within a given time, which time had expired.

They claimed that as the State by joining the Confederacy and going into war had rendered it impossible to perform the condition within the time, that it had lapsed, and that the grant, upon the strict principles of the common law, had become absolute. The Supreme Court fully sustained this contention, and it is the universal principle as to grants between individuals upon condition subsequent. The court held that it applied just as much to a sovereign grantor as to an individual grantor, but that it being an equity suit the court would not enforce the strict rule of the common law but would allow the railway company a reasonable time within which to perform this condition.

Of course the forfeiture of the Nicaragua franchises may turn out to have been valid. In other words, that ground existed at the time for the forfeiture; but that remains yet to be determined.

Mr. MORGAN. I paid no attention to these alleged incumbrances upon Nicaragua and Costa Rica, because the Isthmian Canal Commission were instructed to investigate the subject, and they reported upon it fully and say there is no incumbrance in the way. I thought I could stand on that.

Mr. MITCHELL. I will ask the Senator from Wisconsin in what way it has been suggested that Nicaragua has acted illegally?

Mr. MORGAN. In debate.

Mr. SPOONER. Mr. Hay claims, and the Senator from Alabama claims, in forfeiting this franchise, declaring it void.

Mr. MITCHELL. That was a declaration——

Mr. SPOONER. No; it was an act.

Mr. MITCHELL. That was a declaration in pursuance of a provision in the charter.

Mr. SPOONER. No, sir; it was an act of the Nicaraguan Congress which forfeited it, passed without giving them any hearing at all and in violation of the provision in the charter, and they proceeded to confer the same franchise upon other people. The Senator from Alabama in a report, and it is the law, well sustained by abundant authorities, reported to the Senate that it was unlawful because that thing could not be done without office found or its equivalent, without some judicial ascertainment of the fact. These people are entitled to have their day in court. That will have to be gotten out of the way.

Mr. MORGAN. I am very glad——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. I can not refuse, but I shall be through in a moment.

Mr. MORGAN. Just a moment. I am very glad to make my acknowledgment to the Senator for what he says about my having found one question of law and stated it correctly.

Mr. SPOONER. I have not intimated that the Senator does not usually do that.

Mr. MORGAN. But the Senator omits to notice another proposition that I stated here the other day, and which, of course, qualifies the statement I made at that time, that both Costa Rica and Nicaragua are stockholders in this company, and the question is between stockholders of the Maritime Canal Company, and can not possibly be between the United States and Nicaragua and Costa Rica.

Mr. SPOONER. I did not contend for a moment that the question was between the United States and the stockholders, but if we accept a franchise from the Government while one is outstanding granted to others, unlawfully forfeited, then we have to deal with Nicaragua, and if it is decided that it is a lawful franchise; if the time has not run, as it has not, unless it has been lawfully forfeited, then a grant to the United States or to all the governments of the earth would be powerless in law to destroy that franchise in any court that administers justice. But all that will be worked out.

Mr. President, I must yield the floor. Other Senators are to speak. I have shared the floor cheerfully with all who have sought it, and thus have limited myself to an incomplete discussion of salient phases of this great subject. I wish it might have been otherwise. I do not see any good reason to doubt that we can obtain title and the necessary concessions from Colombia, and I firmly believe that the adoption of this substitute will promote the public good.

Mr. TELLER. Mr. President, I do not intend myself to take more than a few moments on this bill. It is rather a remarkable condition that we are in. We seem to be in great haste to pass a bill authorizing the President of the United States to build a canal somewhere on the Isthmus. It would seem to me at least that we ought to have had a little preparation for this bill. We ought at least to know that we have the authority to build a canal on one of these proposed routes. It seems to me that we have not now. We have not anything from the Nicaraguan Government or from the Costa Rican Government that will allow us to build on that line. Whatever we do there we must still negotiate with those two Governments.

I suppose we are in a little better shape on the Panama route, because we might possibly consider ourselves to be the successor of the French company and go on, perhaps, and yet I believe nobody is satisfied with the arrangement with reference to the Colombian Government, if we are going to build that canal.

Mr. President, that is about the way this question has been handled now for the last fifteen years. It is just about seventeen years since we began to be actively concerned about building a canal somewhere on the Isthmus. We have in that period had several bills before the Senate which have been voted on. I think if one of those old bills was called up and we would look it over, any Senator here now would be astonished that he ever voted for it. I think, like the Senator from Wisconsin, he would be surprised that he had ever given such a vote.

In the first place the canal would not have been good for anything if we had built it. There has not been any proposition here before to build a canal that would at all meet the demands of commerce or anything like it. There was just as much haste, I remember, several years ago to get a vote. We were told then that the American people were demanding a canal, and that we were derelict in our duty that we did not vote for it at once.

Mr. President, I have not any question in my mind but that the majority of the American people who have thought of it expect that at some day we are going to build a canal across the Isthmus; but I do not believe the American people have formed any decided opinion where that canal is to be built, and if you would submit it to them they would determine the question by saying, "We want the best possible route. What route will give us the best canal?"

There is not any sentiment about the Nicaragua Canal, because they have been talking of it for the last fifteen years. They could not talk very much about anything else. The Panama route was beyond our reach. That canal was in process of being constructed by the French people most of the time, and when that enterprise broke down it broke down in such a disastrous way that nobody wanted to touch it for a time at least. Yet there is nothing in its past history that need prevent us from taking that route and building the canal, if it is the best place to build the canal. That is the question for us to determine now.

This canal will be built. It will not be built in the next six months, nor will it be begun in that time. It will be some time before it is begun. There will be time enough to settle the question whether we are to get a good title to the Panama route, if the Senate thinks that is the preferable route, as I have not much doubt it will. It seems to me that that route ought to be selected, and I think we shall be able to get a good title. If not, we will fall back upon what I believe to be the inferior route, the Nicaragua route.

Mr. President, I have not voted for the Nicaragua route, and I have never made a speech in favor of it, yet I have said I suppose a dozen times in the Senate that I knew it was desirable to build a canal some time across the Isthmus and that it would certainly be built. I have myself had a decided opinion in favor of the Panama route from the time the conference met in Europe and determined on selecting that route. The engineers of the world were there, and all agreed that a sea-level canal would be the best; and all the European engineers agreed that the Panama route was the best on which to build it. Our American engineers objected to the Panama route on two grounds. One was its great expense and the other was of course the difficulties which they foresaw in a sea level or any other canal at that point. I think the engineering talent of the world was with the French people when they commenced that canal.

Mr. President, the question for us to determine is, Which route is preferable, which will be the best canal, which will accommodate the commerce of the world most certainly? Several years ago I went over with a great deal of care the difficulties on the Nicaragua route. They are so great that it is with a good deal of hesitation you can say that it is a feasible route. Of course you can spend money enough on any route to build a canal if you want to do so. We are now told that a canal on the Nicaragua route can be built for a little less than $200,000,000. If any engineer will take the data which has been given to us by the Commission and get up here and say he believes it can be built for $189,000,000 I, at least, shall be surprised. There are a great many things not considered in that connection that are to be taken into account; and of course it is a guess when you talk about what it is going to cost. I have heard some engineers say that it would cost $400,000,000. I have heard others say it would cost $500,000,000. Now, that is a guess. It is morally certain, in my judgment, that $200,000,000 will not build either the Panama Canal or the other canal.

When either canal is built there will be difficulties in operating it. One canal would be practically four times as long as the other. I venture now to say that no one here knows what the difficulties to be encountered with the Nicaragua Canal would be. On the other hand, the Panama Canal has so far been under the observation of engineers and there has been so much work done on it that it is hardly possible that any considerable surprise can be met with in building that canal. The dangers such as always confront an engineer when he comes to make his calculations on a great work of this kind have been practically made known, while on the other route we know nothing about them.

There is not any question but that a canal one-fourth as long as the other is a better canal, so far as distance goes, at least. If the Panama Canal was built to-day and the other canal was built to-day, does anyone believe that any considerable portion of the commerce of the world would seek the long canal? Then you ought to consider, what I am afraid we have not considered very carefully, the difficulties that we are to encounter in maintaining the long canal. It is about four times as long, and that there will be more than four times the amount of difficulty I do not suppose any engineer will deny. I believe it is agreed that it will cost $1,350,000 more to maintain it. That is the capitalization of $67,500,000.

Mr. MORGAN. Will the Senator from Colorado allow me?

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. TELLER. Certainly.

Mr. MORGAN. The Senator does not mean that that has been agreed to by the friends of the Nicaragua route?

Mr. TELLER. No.

Mr. MORGAN. We have discarded that idea all the time.

Mr. TELLER. But it is so declared by the Commission; and I believe if you could take the consensus of opinion of the engineering profession of the country they would tell you that that was probably an underestimate instead of an overestimate of the difference between these two routes.

Mr. MORGAN. If the Senator will allow me, I will state that we examined Mr. Harvey, who built the Sault Ste. Marie Canal, and Mr. Cooley, who built the Chicago Drainage Canal, and they differed entirely with regard to this estimate, of which no items were ever furnished by the Commission at all. There is not an item to show the basis of these estimates. On the contrary, the items are kept out of the report.

Mr. TELLER. I do not expect the Senator from Alabama would agree to anything that the Commission determined or anything that any engineer determined which is not in favor of the Nicaragua route.

Mr. MORGAN. Well, I am not quite as blind as that. I am pretty old and I may be pretty blind, but I am not as big a fool as that would make me.

Mr. TELLER. The Senator from Alabama, of course, is very much in favor of the Nicaragua route. It is possible that he sees the difficulties, but I hardly think he sees some that engineers see. The Commission whom we sent out to determine the question as to the route, with the exception of one member, were agreed in the advantages of the Panama route over the other, and I do not think myself that they have exaggerated the advantages at all. I think, on the contrary, they have minimized them. I think myself that the advantages are decidedly greater than even the Commission have stated in their report.

Of course, I understand that the public mind has been attracted to this one canal route simply because, for the last seventeen years, you could not talk about any other. From the time the French commenced their work until a few months ago there was no probability at least that we would be able to secure that canal. We are told by the Commission that while they first reported in favor of building the Nicaragua Canal they reported in favor of it because the Government could not get an opportunity to build on the other line.

Mr. President, I am not an enthusiastic person on this canal. I do not believe it will accomplish as much as a great many people believe, and yet I know very well that there is a sentiment in this country that will demand the building of a canal. I should regret very much to see the American people take an inferior route because of any sentiment or any prejudice that might exist against the other line. I listened to the discussion between the Senator from Wisconsin [Mr. SPOONER] and the Senator from Oregon [Mr. MITCHELL] about the title to the canal. Mr. President, there can be no question about making a perfect and complete title if we want to do so. If that is the best route to build a canal on, we ought to take pains to make title to that route and not to the other.

I know I have been put down as an enemy to the canal. I have said repeatedly that when the Government of the United States got ready to build a canal, and to build it in the right place, and to build the right kind of a canal, I would be glad to give it my vote. I did not vote for a one-horse canal, such as was proposed here a few years ago, when we were told that it could be built for $65,000,000. I do not want now to vote for a canal that has its locks only 740 feet long. I know very well that the locks ought to be a thousand feet long, and they ought to be 100 feet wide. I have every reason myself to believe that if we authorized the building of this canal, that will be the result. It ought to be big enough to take in any ship in the world, and we know now

that there are ships already being built that would not go through a 740-foot lock.

I saw it stated the other day that there are 20 large ships afloat that can not go through the Suez Canal. A few years ago one of the best engineers in the country, an engineer who has now passed away, published a little work on this very question, as to what should be the length of the locks of this canal. He went on to show the growth of the shipping of the world in the last twenty-five years, and he declared that it would be but a few years before we would be building ships a thousand feet long. Every indication is that he was correct in his estimate. But we are not bound by this bill to build locks of any fixed size. Of course the Commission has recommended 740 feet. It will be in the power of the President, I understand, when the Government gets ready to build the canal, to build locks of a thousand feet, if that is the opinion of the engineers of the country, and I have no doubt it will be. I do not object to that now.

I intend to vote for the amendment offered by the Senator from Wisconsin. I am free to say that with my present knowledge I would not vote to build a canal on the Nicaragua route. If I had to make my selection of voting against a bill or voting for that route, I should vote against it. I do not believe it would be ever a satisfactory canal if it was built. I believe the other will have some surprises and some difficulties, but not a tithe of what the Nicaragua route would present. If the Panama Canal is not a success, I shall be morally certain that the other would not be.

Mr. MITCHELL. Mr. President, I offer two amendments intended to be proposed by me to the Spooner substitute for the pending bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. The amendments will be printed and lie on the table.

Mr. HANNA. Mr. President, I stated in discussing this question at an earlier day that I had been led to convictions from facts and proofs furnished which appealed to my judgment and reason. During the time this bill has been before the Senate I have still continued my effort in the direction to secure, if possible, any new light or to confirm what I had already believed. I know there are many things in connection with this question, technically and otherwise, that have not been fully understood by many Senators. I know that many of us are apt to leave to others the investigation of matters of this kind and then depend upon the argument or the reports from which to arrive at our own conclusions.

I have heard statements made during this debate which made me feel called upon to confirm not only statements made by myself, but reports made from the Isthmian Canal Commission. Listening to the arguments on the part of those who talk from a technical standpoint, seeming to raise a questionable doubt as to whether or not the Commissioners themselves might have been mistaken, or, possibly, whether we misunderstood them, led me to make a list of questions and submit them to those within easy reach so that I might have the answers by this time.

We are seeking the truth; we are looking for facts to justify what may be our action, and I know of no better place to look for facts that are reliable and will guide us in that action than to appeal to the men who, under the order of Congress to the President, were selected for their fitness and their ability and their integrity—the Commission appointed by the President of the United States, servants of the people and of the Government—to use their experience, their ability, and their talents to enable us to exercise the best judgment possible upon this all-important subject.

To get that information I thought it best to make the questions simple and direct.

It will be seen that these questions cover the whole range of the debate and are the controlling points in the whole subject. I am sure that Senators will be glad that they were boldly and squarely asked.

What were the answers? These I have only received this morning upon my return to the city. They are written separately and from the respective homes of the gentlemen—Messrs. Walker and Pasco, from Washington; Messrs. Noble, Burr, and Morison, from their separate offices in New York; Colonel Hains, from Baltimore, and Colonel Ernst, from Chicago.

I have grouped the answers of each member in connection with each question, and I will read them to you just as they have come to me. These are my written questions and the exact written answers from each member so addressed. I have the original autograph replies of each of these gentlemen, which I am prepared to submit:

Senator HANNA'S question No. 1. In making the isthmian canal report of January 18, 1902, recommending the adoption of the Panama route, was your decision arrived at only because a cost of purchasing and completing the Panama Canal is less than the cost of constructing the Nicaragua Canal?

Answer of Admiral Walker. The difference in cost of purchasing the rights, property, and unfinished work of the Panama Canal Company and completing that canal and of constructing the Nicaragua Canal had very little weight in causing me to decide in favor of the Panama route.

Answer of ex-Senator Pasco. The mere difference of five or six million dollars between the cost of constructing the Nicaragua Canal and of purchasing the rights, property, and unfinished work of the New Panama Canal Company and finishing the Panama Canal did not control my decision in favor of the report made by the Isthmian Canal Commission January 18, 1902.

Answer of Mr. Noble. I desire to say that in joining in the recommendation of the Panama route by the Isthmian Canal Commission I gave the relative estimated costs by the Panama and Nicaragua routes little weight because they are nearly identical. The smaller relative cost of maintenance and operation and the shorter canal line and consequent risks to ships by the Panama route were the main considerations, the first named being in my opinion the more weighty.

Answer of Mr. Morison. The matter of cost was one and among the least important of several considerations which influenced me. I signed the report of November 16, 1901, with great reluctance and only because I considered the price named by the representative of the French company so exorbitant, coming as it did after a series of procrastinating delays and unsatisfactory correspondence, that it could only be rejected as unworthy of consideration; that in spite of the advantages of the Panama route, the United States Government could not afford to put itself in the position which the acceptance of the terms proposed in behalf of the French company involved.

Answer of Colonel Hains. My decision in determining that the Panama route for an isthmian canal was the best one that could be adopted was not alone because the cost of purchasing and completing the Panama Canal is less than that of constructing the Nicaragua Canal.

Answer of Professor Burr. My decision was not reached for the sole reason that the cost of purchasing and completing the Panama Canal was estimated to be less than the cost of constructing the Nicaragua Canal, although the difference in favor of the Panama route was an element in my decision.

Answer of Lieutenant-Colonel Ernst. It was not.

Senator HANNA'S question No. 2. If not determined by that consideration only, what considerations did determine your decision in favor of the Panama route?

Answer of Admiral Walker. I consider the Panama route superior to that of Nicaragua because it is much shorter, has easier curves, and is consequently safer for shipping; the difficulties of construction are much better known, the land along the route is nearly all owned by the company, the property will come to the United States with a clear title, and therefore there are practically no probabilities of expenses not estimated for by the Commission, while the cost of maintenance and operation is estimated at $1,300,000 less per year than that of a canal by Nicaragua.

Answer of ex-Senator Pasco. The concluding chapter of the report of the Isthmian Canal Commission of November 16, 1901, contains a statement of the engineering, physical, and general advantages of the Nicaragua and Panama routes for an isthmian canal. An examination of this statement makes it manifest that the Commission regarded the Panama route as the most feasible and practicable, but it was not recommended because the New Panama Canal Company, which controlled the route under concessions from the Colombian Government, submitted to the Commission no offer which it deemed reasonable to sell its property to the United States.

After this report was submitted, an offer was made by the company, with the consent of the Colombian Government, which removed this objection and made an entire change in the situation.

The company agreed to sell all of its property, whether on the Isthmus or in Paris, to the United States for $40,000,000. The liquidator, or receiver, who represented the interests of the old company in the property, acting under the authority of the court which appointed him, consented to the sale and I regarded a title from the company and the receiver, approved and confirmed by the court and made with the consent of the Government of Colombia, as valid and sufficient. The price was that fixed by the Commission as the actual value of the property.

The decision arrived at by me was based upon all these considerations: The advantages of the Panama route specified in the report of November 16, 1901; the satisfactory price at which the Panama Canal could be purchased, and the proffer of a title which, when completed according to the plan proposed, would pass all the interests in the property to the United States and make the transfer absolute and complete.

Answer of Mr. Noble. The smaller relative cost of maintenance and operation and the shorter canal line and consequent risks to ships by the Panama route were the main considerations—the first named being, in my opinion, the more weighty.

Answer of Mr. Morison. I considered that the Panama route had advantages over the Nicaragua route in cost of construction, in cost of operation, and in convenience when done, while its use was less likely to lead to local international complications. By substituting a definite and reasonable offer for its previous procastinating and unreasonable methods the French company had entirely changed the situation and placed the United States Government in the position where it could honorably select what was in all other ways the best route.

Answer of Colonel Hains. The considerations that determined my decision in favor of the Panama route are:

(*a*) Shorter length of canal.
(*b*) Fewer and less difficult obstacles to be overcome.
(*c*) A more thorough knowledge of the physical difficulties.
(*d*) The less total amount of curvature.
(*e*) The more moderate degree of curvature—that is, the greater proportionate length of canal that approaches a straight line.
(*f*) The lower summit level. It will be necessary on the Nicaragua route to raise and lower ships to a vertical height of 104 feet, while at Panama the lift is only 82 feet, an advantage of 22 feet in favor of Panama. Moreover, the height could be still further reduced at Panama, but it can not be reduced at Nicaragua.
(*g*) The greater ease with which the level of Lake Bohio can be regulated as compared with Lake Nicaragua. The level of Lake Bohio is regulated automatically and water taken from it for regulation is taken at a distance from the sailing line, whereas in Nicaragua the regulation is necessarily affected by a system of sluices worked by man, and the water, instead of being taken from the lake direct, is taken through a long stretch of river which is used by navigation. This will produce currents in some of the bends, which navigators would prefer to avoid.
(*h*) The largely diminished cost of maintenance.
(*i*) The belief that if the United States builds a canal at Panama a canal in competition would never be built anywhere else.
(*j*) Because the actual time of transit will be less.
(*k*) Because the dangers of temporary obstruction are less in proportion ot the length of the canal.
(*l*) Because a railroad is already constructed and fully equipped.

And that railroad parallels the Panama Canal.

Answer of Professor Burr. My decision was largely, if not chiefly, affected by the substantial preponderance of the physical or engineering advantages

of the Panama route over that in Nicaragua, as set forth in the two reports of the Isthmian Canal Commission.

Answer of Lieutenant-Colonel Ernst. After giving due consideration to the question of cost, my decision in favor of the Panama route was based upon the fact that, in my judgment, it would be the better canal after completion. My reasons for this opinion are that the Panama Canal is shorter, is straighter (that is, has less curvature), and has a lower summit level (that is, fewer locks).

One measure of this superiority is that the time required to pass through the Panama Canal would be twelve hours, while that required to pass through the Nicaragua Canal would be thirty-three hours of continuous steaming, which would probably mean, for large vessels, three days. This advantage counterbalances, in my judgment, the advantage which the Nicaragua Canal possesses in its greater proximity to the United States.

Another measure of the superiority of the Panama Canal is the cost of operation, which is $2,000,000 per annum, against $3,350,000 per annum for the Nicaragua Canal, and another would be, if we could obtain satisfactory figures, the difference in the insurance rates, which would undoubtedly be lower for the shorter canal.

The above are the more important considerations which govern my choice. The minor ones are the present existence of a railroad and a seaport at each end; also the fact that in purchasing the present canal and railroad we would purchase nearly all of the land required for the right of way, making it unnecessary to resort to condemnation proceedings. Both of these considerations will avoid considerable delay in beginning the work, and the latter one may avoid a large addition to the total cost of the canal.

Another consideration is that a sea-level canal in the future is possible on the Panama route and not on the Nicaragua route. And still another is that we know the ground better; that is, our estimates are more reliable at Panama than they are at Nicaragua.

It would, in my opinion, be to the advantage of the United States to buy and finish the Panama Canal even at a cost considerably greater than that of building the Nicaragua Canal, supposing always that we can obtain the necessary rights and privileges from the Colombian Government.

Senator HANNA'S question No. 3. Is it practicable to make the Panama Canal a sea-level canal?

Answer of Admiral Walker. I believe it to be practicable to make the Panama Canal a sea-level canal.

Answer of ex-Senator Pasco. I do not claim to speak with authority upon engineering problems, but I have long been interested in questions relating to canal construction, both before and since my connection with the Commission, and have given them much thought and study. My opinion is that a sea-level canal can be constructed at Panama, but not at Nicaragua.

Answer of Mr. Noble. It is practicable to make the Panama Canal a sea-level route either before or after opening navigation through it, while a sea-level canal is practically impossible by the Nicaragua route.

I want to emphasize the statement of Mr. Noble. We all appreciate the advantages of having a sea-level canal, and it will be possible to change from a lock canal to a sea-level canal on the Panama route, and on that route only.

Answer of Mr. Morison. Yes. In my judgment the actual expenditure required to make the Panama Canal a sea-level canal would not be much more than that required to construct the Nicaragua Canal as a high-level canal. The objection to building the Panama Canal now as a sea-level canal is the time, probably from twenty to twenty-five years, which would be required for its construction.

Answer of Colonel Hains. It is practicable to make the Panama Canal a sea-level canal.

Answer of Professor Burr. It is entirely practicable to make the canal on the Panama route a sea-level canal.

Answer of Lieutenant-Colonel Ernst. It is.

Senator HANNA'S question No. 4. Can this be done after construction as a lock canal?

Answer of Admiral Walker. I believe that a sea-level canal can be made after the construction of a lock canal.

Answer of ex-Senator Pasco. This can be done after its construction as a lock canal.

Answer of Mr. Noble. It is practicable to make the Panama Canal a sea-level route either before or after opening navigation through it.

Answer of Mr. Morison. It can be made a sea level while in use as a lock canal, but at a considerable increase of cost.

Answer of Colonel Hains. This can be done after construction as a lock canal, but in my opinion it never will be, because the disadvantage of locks is not sufficient to pay the cost of dispensing with them.

Answer of Professor Burr. It is also my judgment that it is practicable and feasible to make the canal on the Panama route a sea-level canal at any time in the future if it is constructed at first as a lock canal. This can be done by any one of several plans, one of which at least would involve certain adaptations of the plan for a lock canal to the ultimate change to a sea-level canal. Another plan would not require that adaptation. The first of the preceding plans of procedure would involve an increased first cost of the lock canal with less expenditure in the ultimate change to a sea-level canal, while the second plan of procedure would not necessarily involve any increase in the first cost of the lock canal, but a greater final cost in changing to the sea-level canal.

Answer of Lieutenant-Colonel Ernst. It is.

Senator HANNA'S question No. 5. Is it practicable to make the Nicaragua Canal a sea-level canal?

Answer of Admiral Walker. It is not practicable to build a sea-level canal by the Nicaragua route.

Answer of ex-Senator Pasco. My opinion is that a sea-level can be constructed at Panama, but not at Nicaragua.

Answer of Mr. Noble. A sea-level canal is practically impossible by the Nicaragua route.

Answer of Mr. Morison. No.

Answer of Colonel Hains. It is not practicable to construct a sea-level canal in Nicaragua.

Answer of Professor Burr. It is not practicable to make the Nicaragua Canal a sea-level canal in consequence of its great length, involving enormous cost and a great period of time to construct it on that plan.

Answer of Lieutenant-Colonel Ernst. It is not.

Senator HANNA'S question No. 6. Is the Bohio dam feasible and practicable of construction under the plans submitted by the Isthmian Canal Commission to Congress?

Answer of Admiral Walker. I believe the Bohio Dam to be feasible and practicable of construction as planned by the Isthmian Canal Commission.

Answer of ex-Senator Pasco. I have been present at all the examinations made at Bohio when the Commission visited Panama, and at all the discussions of the Commission upon this subject, and I regard the plans submitted in the report as feasible and practicable.

Answer of Mr. Noble. The Bohio Dam is feasible and practicable of construction under the plans submitted by the Commission.

Answer of Mr. Morison. It is entirely feasible and practicable to construct a dam which, when completed, will conform to the plans of the dam submitted by the Commission. I do not like this plan of a dam, as I consider that it involves unnecessary expense. The assumed necessity of cutting off any possible flow of water through a small deposit of sand and gravel at the bottom of a deep geological valley changes an otherwise simple, inexpensive structure into a costly one. The situation of this dam is absolutely unlike the situation of the Conchuda Dam on the Nicaragua route. The Bohio Dam will be far away from the river in a position where it will be unusually safe from destructive elements. The Conchuda Dam is directly across the San Juan River, where it will be exposed to all the violent hydraulic actions which endanger an overflow dam. The problem of the Conchuda Dam is simple, because it has only one solution, and that it is a solid masonry dam founded on rock. The problem of the Bohio Dam is less simple, because there are several possible solutions and room for difference of opinion as to which is the best. Conchuda is like a railroad through a canyon, where there is but one place to build a difficult work. Bohio is like a railroad across a rolling prairie, where much skill can be shown in selecting the best of several inexpensive lines.

Answer of Colonel Hains. The Bohio Dam, in my opinion, is entirely feasible and practicable of construction under the plans submitted by the Isthmian Canal Commission to Congress. I believe, however, that a less expensive dam is also feasible and practicable.

Answer of Professor Burr. It is entirely feasible and practicable to construct the Bohio Dam under the plans submitted by the Isthmian Canal Commission to Congress without resorting to any untried method or any means not regularly employed in engineering operations at the present day. This statement is based upon my own practical experience in foundation and other subaqueous construction by the use of methods and means contemplated under the plans of the Isthmian Canal Commission.

Answer of Lieutenant-Colonel Ernst. It is. One member of the Commission thinks that a satisfactory dam can be built on a different plan for less money, but he does not question the feasibility of the dam proposed by the Commission.

Senator HANNA'S question No. 7. Is the compressed-air method the only satisfactory, feasible, and reliable method of constructing a core wall down to the rock foundation?

This is the method which the experts on the other side have said is in its experimental stage to a depth below 115 feet, which happened to have been the deepest foundation heretofore required to have been built, and therefore, because it has not been done, they say it can not be done.

Answer of Admiral Walker. The compressed-air method is not the only feasible method of constructing a core wall at the site of the proposed Bohio Dam. There are other methods which I believe to be feasible, such as the freezing method, the dredging through wells method, and perhaps others.

Answer of ex-Senator Pasco. There are other methods which meet the approval of the engineer members of the Commission, and from what I have learned of their success elsewhere, I believe there are other feasible and reliable methods for constructing a core wall down to a rock foundation besides the compressed-air process.

Answer of Mr. Noble. The compressed-air method is the most satisfactory, feasible, and practicable one known for building the core wall from a rock foundation, but there are other methods by which an impervious wall could be built.

Answer of Mr. Morison. I have very great doubts of the practicability of the use of compressed air in the Tropics at the great depths which this plan involves.

Answer of Colonel Hains. The compressed-air method of sinking caissons is not the only satisfactory, feasible, and reliable method of constructing the core wall of the dam proposed by the Isthmian Canal Commission.

Answer of Professor Burr. The compressed-air method is not the only satisfactory, feasible, and reliable method of constructing the core wall.

Answer of Lieutenant-Colonel Ernst. It is not, although I believe it to be entirely satisfactory.

Senator HANNA'S question No. 8. Besides the compressed-air method, are there other satisfactory, reliable, and feasible methods (such as the freezing method, the dredging-through-wells method, or other methods) for the construction of such core walls?

Affirmative answer of Admiral Walker. Included in his answer to question 7.

Affirmative answer of ex-Senator Pasco. Included in his answer to question 7.

Affirmative answer of Mr. Noble. Included in his answer to question 7.

Answer of Mr. Morison. There are many methods available. The well-dredging method has been in use for centuries in India, and has been applied both in India and Australia to sinking foundations beyond the accepted limits of compressed air. The freezing process is comparatively modern, but there is no question whatever of its being applicable to this case. I also believe that the effect of a core wall in cutting off seepage could be obtained very cheaply by grouting the sand and gravel with a paste of Portland cement, forced down under pressure, or possibly by a line of iron sheet piling driven with the use of water at high pressure.

Answer of Colonel Hains. Besides the compressed-air method, there are other satisfactory, reliable, and feasible methods for the construction of such core walls.

Answer of Professor Burr. There are a number of methods besides that of compressed air by which the core wall can be put in place, as indicated by the plans of the Commission, in a satisfactory manner, one well-known method being that of dredging through open wells, or, as it is sometimes called, the open dredging method. The freezing method can also be employed. There are at least two or three practicable and satisfactory methods besides that of compressed air, although it is my judgment that the latter method, properly adapted to the situation at Bohio, is preferable. It can be so used as to keep the pressure of the compressed air materially below pressures heretofore used in that class of work.

Answer of Lieutenant-Colonel Ernst. I have no doubt that either the freezing method or the method of dredging through wells could be successfully applied.

Senator HANNA'S question No. 9. In respect to the effect of earthquakes upon any canal, which structure is the safer one for a dam, viz, a dam constructed entirely of concrete masonry or a dam constructed of earth?

Answer of Admiral Walker. In case of an earthquake of ordinary strength, I believe that both a dam of concrete masonry and one of earth would probably be safe; but in case of an earthquake of extraordinary violence, much would depend upon the direction of the wave movement. It would seem to me, however, that the earth dam would be the safer of the two.

Answer of ex-Senator Pasco. The report of the Commission says, upon the subject of earthquakes in connection with the construction of an Isthmian Canal: "The works of the canal will nearly all of them be under ground. Even the dams are low compared with the general surface of the country, and with their broad and massive foundations may be said to form part of

the ground itself, as they are intended to do. The locks will all be founded upon rock. It does not seem probable that works of this kind are in any serious danger of destruction by earthquakes in a country where lofty churches of masonry have escaped with a few minor injuries." In this I concur.

Answer of Mr. Noble. I consider a properly designed concrete dam, or an earth dam, with a core wall, safe against such moderate earthquakes as may be expected either at Panama or at Nicaragua, and a dam wholly of earth somewhat less so.

Answer of Mr. Morison. I should have no fears of either class of dams in an earthquake, provided it was carefully built and of sufficient horizontal dimensions.

Answer of Colonel Hains. In respect to the effect of earthquakes upon a dam, my opinion is that a dam constructed of earth is safer than one constructed entirely of masonry.

Answer of Professor Burr. It is my judgment that on neither route is there sensible danger of injury by earthquakes to such a substantial engineering work as a great dam, but I consider a dam constructed of earth as less liable to injury than a dam constructed entirely of concrete masonry.

Answer of Lieutenant-Colonel Ernst. An earth dam would undoubtedly be subjected to less danger from an earthquake than a masonry dam.

Senator HANNA'S question No. 10. In view of the recent volcanic disturbances in the West Indies, do you consider that there is danger from volcanic action to the canal by the Panama or Nicaragua routes? If so, please state your views thereon.

Answer of Admiral Walker. No one can foretell the chances of volcanic disturbances, but in view of the recent volcanic outbreaks in the West Indies, I consider the danger from such outbreaks to a canal for the Nicaragua route, which passes through a region of volcanoes—some of them in Lake Nicaragua and near the canal line—as much greater than that by the Panama route, which is far removed from volcanoes, either active or extinct.

Answer of ex-Senator Pasco. There are no volcanoes upon or near the Panama route. The nearest is Chiriqui, in Costa Rica, about 180 miles from Colon, near the boundary line between that Republic and Colombia. In Nicaragua a line of volcanic peaks and craters extends along the western side of the country to within a few miles of the proposed canal line. Several of these are upon or near Lake Nicaragua. An outburst from any of these, such as has occurred at other places, might change the physical features of the lake and adjoining section of country and render it entirely unfit for canal purposes. Such an outburst occurred in Coseguina, one of the volcanoes in this range, in 1835.

In 1880, in Lake Ilopango, about 5 miles east of the capital of the adjoining State of Salvador, an outburst resulted in the upheaval of rocks above the surface of the lake where there had formerly been deep water. A huge column of vapor 1,000 feet high arose from the lake, the island of rocks increased in size, and when the eruption terminated had an area of 5 acres and a height of 160 feet.

While such disturbances might not occur again in this region, they are possible at any time where so many sources of danger of this character exist, for recent experience has shown that volcanoes may become dangerous neighbors even when pronounced by scientists as inactive.

Answer of Mr. Noble. As to danger from volcanic eruptions, the danger must be greater in Nicaragua, where volcanoes exist near the canal line, than in Panama, where there are none; but the danger is too small, even in Nicaragua, to be a serious factor in the choice of routes.

Answer of Mr. Morison. I see no reason to apprehend any danger from volcanic eruptions anywhere on the Panama route. I know of no place in the world where there is more danger of volcanic eruptions than along the Nicaragua route. These eruptions have hitherto occurred under conditions in which we have had very imperfect information about their terrible effect and no reference was made to them in the report of the Commission. The recent disasters in the West Indies in locations where such a thing was certainly no more probable than in Nicaragua have changed this condition. To build the Nicaragua Canal in the full light of what we have just seen at Martinique and St. Vincent would be an act of unparalleled recklessness.

Answer of Colonel Hains. In view of the recent volcanic disturbances in the West Indies, the dangers to a canal from volcanic action are greater on the Nicaragua route than on the Panama route.

Answer of Professor Burr. Inasmuch as there is no volcano either on the Panama route or within 175 miles of it, there can be no danger to canal structures on that line from volcanic action. On the other hand, there are a considerable number of live volcanoes in Nicaragua and Costa Rica, one of which, Ometepe, is within about 10 miles of the Nicaragua route. It may be an open question how much damage would be done to the Nicaragua Canal if Ometepe should be subject to a violent eruption as that which has recently taken place at Mont Pelee, on the island of Martinique, but that danger would exist is beyond question. I do not believe that even such danger would be sufficient either to prevent the construction of the Nicaragua Canal or to necessitate any material change of course involving great cost if no other route were available; but considering this feature of the case only, the Panama route possesses the substantial advantage of being free from all danger of volcanic action.

Answer of Lieutenant-Colonel Ernst. I consider the danger from the direct action of volcanoes extremely remote, so remote that it is to be considered only if necessary to decide between two lines of which all other conditions are exactly equal.

There can be no question in the mind of anyone, I think, that the danger from earthquakes is far greater than that from volcanic overflow. The Commission concluded that the danger from the former was not great enough to prevent the building of the canal. Having satisfied their minds upon that point, they felt it unnecessary to discuss the minor danger in their report. If they could have anticipated that the public mind would be excited on the subject as it has been by the recent occurrences in the West Indies, they would no doubt have said something about it.

There is no volcano within 175 miles of the Panama line, and accordingly there is no danger of direct volcanic overflow for that line.

The volcanoes nearest the Nicaragua line are Ometepe and Madera, the former active and the latter supposed to be extinct, which rise out of Lake Nicaragua, the former about 11 miles and the latter about 6 miles from the direct sailing line laid down in the lake for vessels using the canal. The depth of water on the sailing line varies from 40 to over 100 feet, and between Madera and the sailing line there is a depth of 200 feet. The shortest distance from either volcano to the canal proper is over 13 miles. The sailing line can be altered so that by a slight detour 40 feet depth can be carried past these volcanoes, coming nowhere nearer than 13 miles. Now, he would be a rash man who would say that there can never be an eruption which will fill all this up. All I have to say is that, personally, I believe there is no more danger of that than there is of a volcanic convulsion which will split the Isthmus across from sea to sea and save us the trouble from building the canal at all.

I am not prepared to say that that will never happen, but I should not hesitate to build in anticipation of the one any more than of the other. What has happened in Martinique, if it had happened at Ometepe or Maderia, would not have destroyed the canal. As I read the newspaper accounts, it would have diminished some of the surplus depth in the lake, and perhaps some of the ashes might have been carried as far as the canal itself in quantities sufficient to reduce the depth of that a foot or two, but not more. Business would no doubt have been frightened away temporarily, but the canal itself would have remained essentially intact. If the Nicaragua line was superior to the Panama line in other respects, I should not leave it on account of volcanoes.

Senator HANNA'S question No. 11. By the plans adopted by the Isthmian Canal Commission, and recommended to Congress, is the Chagres River absolutely and safely regulated and controlled?

That is an important question, and a great deal has been said about it.

Answer of Admiral Walker. The plans adopted by the Isthmian Canal Commission provide for regulating and controlling the Chagres with absolute safety.

Answer of ex-Senator Pasco. I believe that the Chagres River can be absolutely and safely regulated and controlled by the plans adopted by the Commission.

Answer of Mr. Noble. In my opinion the plans of the Commission provide absolutely for the safe regulation and control of the river Chagres and leave no serious question in regard to the feasibility or practicability of an isthmian canal by way of the Panama route.

Answer of Mr. Morison. I consider that it is absolutely controlled and regard these plans as one of the most satisfactory solutions that I have ever seen of a problem of this kind.

Answer of Colonel Hains. Under the plans adopted by the Isthmian Canal Commission, the Chagres River is, in my opinion, safely controlled, though I prefer to reduce the effects of freshets by the construction of a dam at Alajuela, thus creating a basin above it into which nearly 50 per cent of the rainfall can be impounded. This will render the control of the Chagres more satisfactory, and there will be no sediment deposited in Lake Bohio from that stream.

Answer of Professor Burr. The plans adopted by the Isthmian Canal Commission, and recommended in its reports, insure absolutely the certain and safe control and regulation of the Chagres River in all its stages, whether in the highest floods or in the driest seasons. This is accomplished by measures so simple that they can not possibly fail or be deranged.

Answer of Lieutenant-Colonel Ernst. It is, absolutely. The topography of the country lends itself to a very beautiful solution of that problem. The control is complete, and, what is better, it is automatic.

Senator HANNA'S question No. 12. Are there any engineering features of the Panama route which are not feasible or practicable, or concerning which there is any serious question?

Answer of Admiral Walker. There are no engineering features by the Panama route which are not practicable and feasible, or about which there is any serious question.

Answer of Ex-Senator Pasco. In my judgment, the engineering features of the Panama route are feasible and practicable. The work is one of vast proportions, but I believe all the difficulties it presents can be overcome.

Answer of Mr. Noble. In my opinion, the plans of the Commission provide absolutely for the safe regulation and control of the River Chagres and leave no serious question in regard to the feasibility or practicability of an isthmian canal by way of the Panama route.

Answer of Mr. Morison. There are no important features of the Panama route which are not feasible and practicable. No great work is ever considered which does not involve several solutions of more than one important problem. This is the case on both routes. The Panama route has been developed almost to the point of absolute construction, and it would be hard to find a work of this magnitude in which there are less elements of doubt.

Answer of Colonel Hains. There are no engineering features on the Panama route which it is not feasible or practicable to overcome, or about which there is any serious question.

Answer of Professor Burr. As indicated in full detail in the reports of the Isthmian Canal Commission, there are no engineering features whatever of the Panama route which are not entirely feasible or practicable, or about which there is any serious question as to their practicability or feasibility.

Answer of Lieutenant-Colonel Ernst. There are none whatever.

I have imposed upon the Senate's time and patience by reading those statements in order that every Senator who has any doubt about the report of the Commission as to the feasibility and practicability of the construction of the Panama or the Nicaragua route can understand that there is none by either route.

Then we come to the simple question for which a canal is construced—that of operation. A great deal has been said with reference to the feasibility of operating sailing vessels through the Panama Canal, owing to the doldrums in Panama Bay. I submitted the other day a report from 82 masters of steamships and sailing vessels, 10 of them masters of sailing vessels who had operated in all parts of the world and knew about the questions which we are discussing. Without a single exception, as the record will show, the reports were favorable to the Panama route. Yet, in the face of the statements of those experts it has been claimed that sailing vessels will be debarred from the use of the Panama route.

Mr. President, I claim that sailing vessels are likely not to use either canal to any great extent, whichever is constructed, because the cost of towage and the cost of tolls will more than overcome the saving of time and will eat into the profits of owners to such an extent that they will have the ships go around the Horn in preference to using certainly the Nicaragua route. I have in my hand a telegram received June 12. I will read it:

> Practically the entire sailing interests, both masters and owners, are unanimous in agreeing that the only route for the sailing vessel is by Panama.
>
> F. S. PENDLETON,
>
> *President Atlantic Carriers' Association, 48 South street, New York.*

I do not know the gentleman. I know there is such an association. The telegram came during my absence and was sent to me of their own volition.

Mr. President, just a word in regard to the operation of sailing vessels. Those who know anything about this question know that to handle a sailing craft of large dimensions in any canal is

a very difficult proposition. We will take the Nicaragua route. Entering the harbor of Greytown, the first thing the ship would have to do would be to secure a tug or two tugs. As it proceeds west through the canalized part of the canal it will be contending with a 3 to 4 knot current; it will be contending with the trade winds, blowing from the east all the time and part of the time across the breast of the canal.

With the sharp curvature and the number of curves, in my judgment it would require two tugs to take a vessel into Lake Nicaragua. If the price of towing is what I estimate it will be, to tow the 186 or 187 miles, or call it 200 miles in round numbers, taking the vessel clear of the harbor, in addition to the tolls required on account of the extra cost of maintaining the canal on the basis of these reports, which is $1,300,000 more than at Panama, the cost would be so expensive to the vessel that in my judgment she would prefer to go around the Horn.

But supposing that is not so, what is the comparative operation of a sailing vessel in going through the Panama and going through the Nicaragua Canal? You start in at Colon with a tug, and it is 47 miles of canal steaming. Call it 50 miles, if you will. The other is 200 miles. The amount of money you would have to pay to take a vessel through the Nicaragua Canal, calling it 200 miles to get clear of the harbor, would at Panama tow the vessel 150 miles out to sea, or a less sum would do it, because one is canal towage and the other 150 miles at Panama would be sea towage, which can be done in half the time, or less, and at half the cost.

But suppose the canal should be free? Suppose there should be no tolls, and simply the question of towage would come in? Then there would be more reason why the sailing vessel would take the shorter canal route and take the route where it could get the best service and the cheapest towage.

The question of insurance mentioned by the Senator from Wisconsin [Mr. SPOONER] is an unknown quantity to estimate, but I want to emphasize the fact, with the knowledge I have about such questions, that with the Suez Canal rule no vessel or cargo would be insured within the limits of the canal, or else the rate would be abnormally high, and as you multiply the chance for accidents and delays by the difference in the distance it makes the rate four times as much by the Nicaraguan as by the Panama route.

The Senator from Alabama raised a question in his first speech with reference to what we were buying for $40,000,000. He made the statement that we had no inventory and therefore knew nothing about what we were getting for our money. The State Department has permitted me to bring here for to-day a volume which contains 15,000 items, being a complete inventory of every particle of machinery and everything else which the Panama Canal Company owned at the time it was made out. I simply produce the volume, which, of course, being a State Department document, is open to the inspection of any Senator, in order that Senators may satisfy themselves.

Now, in arriving at the value of what we are to purchase, I replied to the Senator from Alabama by submitting the report of the Commission as to the articles they enumerate upon which they placed a value aggregating $40,000,000. Everything else was omitted except what was in that statement. But this inventory shows that there are so many houses and hospitals and so much machinery and materials of all kinds, all the real estate of Colon, almost the entire city; all the properties of the railroad, schedules enumerated, estimated as having cost at a very low price to the French company over $25,000,000. That property the Commission ignored in its estimate, not that some of the materials and machinery can not be used, but they simply took the number of cubic yards of excavation that had been made, the stock of the railroad company, and some buildings and other assets there of more importance, and upon them based their figures. This book contains 342 pages, and, as I say, nearly 15,000 items.

Full testimony was furnished by the officers of the railroad company upon the call of the Commission regarding the property of that corporation. The property comprises the railroad across the Isthmus of Panama, which is first class and modern in every respect, with ample locomotives, cars, and other equipment; also a line of three passenger and freight steamships of American registry of approximately 2,000 tons net, with connections with regular steamship service between England, Germany, France, and South and Central American ports; wharves in New York, San Francisco, Panama, and La Boca; also the great pier at La Boca, near Panama, recently completed at a cost of over $2,000,000, and the finest pier on the South American Continent.

Also practically all of the city of Colon, with the annual revenue of about $20,000 from leased property therein.

Also an undivided half interest in the islands of Naos, Culebra, Pereco, and Flamenco, in the Bay of Panama.

Also the right of way in ownership over all the line of the railroad, and all terminal properties at Panama and Colon.

Also the business and traffic and good will of the route.

The total receipts of the railroad company are over $3,000,000 per annum. For fifty years it has continued operation without cessation and without default in a single penny. It has no floating indebtedness, and its cash balances in bank are something less than half a million dollars. Its board of directors is composed almost entirely of American gentlemen of high position in the commercial world.

The Commission fully considered the values of the canal and railroad properties in detail, and as inquiry has been made respecting the actual property we are to receive, I refer you to pages 100 to 103, inclusive, of the Commission's report of November 16, 1901.

The Commission finds this property worth at least the $40,000,000, and I consider this a low estimate. I am justified in that opinion not only by their report but by their statements before the committee, quoted in the minority report, and which show that they all agree that not only was the price reasonable, but it would have been to the advantage of the United States to have paid a much larger sum to have acquired the property.

Some question has been made concerning the allowance by the Commission for contingencies and omissions. As the French company had expended surely over $150,000,000 for this very property (aside from the waste of perhaps $100,000,000 more) and as they had continuously kept up the work and it is in full operation, this figure of $40,000,000 strikes me as very moderate.

But our Government has made even better terms, for it has secured in the offer other items which amount to a number of millions of dollars, and which are not included in the valuations of the Commission. These embrace buildings, land, etc., on the Panama Isthmus constituting the company's private estate, $1,137,000; hospitals at Colon and Panama, $868,500.

Nor does it include the value of an immense amount of machinery, consisting of floating plant, rolling stock, stationary and semi-stationary plant, many surveying and other instruments, office supplies and stationery, surgical and medical outfit, and miscellaneous supplies covering thousands of items and costing originally over $25,000,000. Nor do their estimates include any allowance for right of way, although the necessary lands are included in the offer.

The Panama Canal Company originally paid an enormous sum for these lands, all of which are charged off to profit and loss when taken into consideration by the Commission.

It is not unfair to say that these additional items of property not included in the estimate of the Commission are worth to this Government at least $6,000,000, and I think much more.

Even if the estimate of $40,000,000 be questioned because of certain allowances for contingencies and omissions (although such allowances are reasonable and customary), they are far more than offset by the immense amount of property included in the offer of the French company, but not included in the estimate of the Commission.

We are getting a bargain and we know it.

In the course of this debate remarks have been made connecting with this transaction the name of our late President, and the fear that a wrong impression may be left upon the minds of others as to what he may have done in connection with the canal leads me, I may say almost unwillingly, to introduce his connection with this subject.

As I understand, the Senator from Alabama made the claim that President McKinley had by his act connected himself directly with the choice of one of these routes—the Nicaragua route. I do not care to go into a discussion of that feature of it, except to state what I know to have been his opinion and that which governed him in what he did in connection with the canal. In common with all of us, as expressed not only upon the public platform but many times in his messages to Congress, he favored the construction of an isthmian canal, and in common with all of us he absorbed the sentiment of the Nicaragua route, because at that time no other canal was thought possible to be built by the people of the United State or by the Government of the United States. It was a subject which I discussed with him personally many times, and when this particular time arrived, by his own volition he introduced the subject, immediately following the investigation of the Panama route, I believe it was in 1898.

On November 18, 1898, the report of the Foreign International Commission, composed of the most eminent engineers of England, Germany, Russia, France, Colombia, and the United States, unanimously adopting plans for the completion of the Panama Canal, and showing that it was already nearly two-fifths completed, with several thousand men at work, was officially submitted to President McKinley.

The House persisted in the consideration of the Nicaragua Canal bills, but public hearings were had upon the Panama route sufficient to further advise Congress of the propriety and, indeed, imperative duty of examining the Panama and all other routes.

It was this information which had been furnished from this

source that attracted the President's attention to the fact that while heretofore no other route but the Nicaragua could be considered as available, now another route presented itself. Apparently influenced by that information, he immediately, upon his own responsibility, instituted further investigation, and it was at that time, in personal intercourse with him, that he said to me: "We must not go too fast upon this canal question now. The interest of the country has been aroused, and here is a possible, if not a probable, opportunity for competition, and we do not know and we can not tell now upon which route we may decide to build."

After that Commission had been authorized by an act of Congress, and after he had been given the power to make the appointments, he was even more impressed that plenty of time and due consideration should be given to the subject commensurate with its importance. Again and again I heard him say that the information coming to him with reference to the Panama route and the opportunities which seemed possible as an outcome of adopting it made him feel the responsibilities in the selection of the Commission. I know how long a time he took to secure a knowledge of the men, the experts who were to decide for the people of the United States, under the authority given to him to recommend, in order that not only the personnel, but the ability and integrity of those men should be so far beyond question that their verdict would be acceptable to the people and put upon him the responsibility of adoption.

Mr. HAWLEY. Will the Senator allow me a question? Did not that same Commission decide in favor of the Nicaragua route?

Mr. HANNA. I will answer that in a monent.

Mr. HAWLEY. It needs an answer.

Mr. HANNA. I wish to make another statement, not from the political standpoint nor in an offensive way. I will state that just before the Philadelphia convention President McKinley said to me, "It will not be wise to do as we have done in our platforms heretofore, to announce ourselves in favor of a Nicaragua Canal, because I am just now appointing a Commission to investigate the subject of all the routes, a Commission composed of men whose standing and integrity will make their report almost binding upon me and the country. So whatever their report will be will probably settle the question as to the route."

When the question about the Darien route was brought up, it was through President McKinley that my attention was first directed to it. I was here in Washington late in the spring a year ago when General Serrell, who is the advocate of this route, visited Washington, and, knowing the President, went directly to him and submitted the proposition and the suggestion of that route. He made so much of an impression upon the President that he sent him to me, with a request that I would carry on a further investigation of the matter and ascertain if all the surveys made by General Serrell could be verified. In fact, it was a tempting proposition. It was a sea-level canal by the construction of a tunnel.

The President was just as anxious to have that route investigated as he was to have either the Panama or the Nicaragua route considered, because it was his desire that the best route for a canal should be adopted. But it was ascertained and reported on that the Darien route was impracticable, that the construction of the tunnel was impracticable because of the volcanic status of the mountain, and the further fact that the Panama Canal Company owned the concession which covered the San Blas route.

Mr. SCOTT. Will the Senator allow me a moment?

Mr. HANNA. Certainly.

Mr. SCOTT. When the Senator refers to the Darien route as an impracticable route, I hope he will give it a little more time than I fear he will be able to do in his remarks here to-day. If you want to have a sea-level canal, and one that can be built in a short time and with one-third of the money that any other route would cost, you should take the Darien route.

Mr. HANNA. I want a sea-level canal myself.

Mr. SCOTT. You will get it by the Darien route without doubt, and without a lock or a dam.

Mr. HANNA. I presume that is true. Therefore, Mr. President, I make the statement that if any act of President McKinley has been construed to mean that he had any choice of routes for a canal, or that by any act of his he intended to indicate, or to direct, or to influence any person in that line in the choice of a route, I did not know it.

After the Panama Canal question had been brought to his attention, and from that time until last August, in conversing with him upon the subject many times the feasibility and practicability of the Panama route had grown upon him, as it has upon everybody else upon investigation. What the President wanted, and what we want, is the best canal. In all the arguments which I have heard upon the other side I have heard but very few Senators advocating the Nicaragua route, but those favoring the Nicaragua route have confined themselves to attempting to find some reason why the Panama route is not practicable and feasible.

When it comes to a choice as to physical or operating conditions what facts are to be observed? Do they consider it an advantage to have a canal as long as possible? Is a canal 183 miles long better than one 49 miles long? Are curves an attraction? Is a canal with 2,339 degrees of curvature better, in their opinion, than one with only 771 degrees? Do they believe that it is better to have 8 locks than 5? Do they suppose that because it will take three days to pass through the Nicaragua Canal and only one to pass through Panama therefore the former is better? Are they seeking the most expensive canal to build, and do they think that the $5,000,000 which at the very least it will cost to build the Nicaragua more than it will cost to build the Panama Canal an advantage for Nicaragua? Do they consider the Nicaragua Canal better than the Panama because it will cost $1,300,000 a year more to maintain? Unless they do consider that these things, or some of them, show the Nicaragua to be the better canal, I can not understand the basis for their position.

The Nicaragua Canal, they tell us, is feasible and practicable, and they point to the report of the Isthmian Canal Commission as proof of this. I accept their authority. But the same Commission has also declared the Panama Canal to be in every way superior to the Nicaragua Canal. I accept that statement, too. But the advocates of the Hepburn bill, while insisting that the Commission's report is conclusive on the former point, refuse to consider it of any value on the latter point. All that I can see to their logic is that anything which makes for Nicaragua is right and anything which makes against it wrong.

They will follow no expert of the highest rank, even, if he prefers any other plan to Nicaragua, but will desert him for anybody, no matter who, who expresses the opinion which they wish to hear—one in favor of Nicaragua.

There was a Mr. Cooley cited here the other day as a large contractor and engineer who had visited the Isthmus and made figures, which he refused to disclose, showing that the Nicaragua Canal, upon his statement, could be built for less money than the estimate. I have taken pains to find out about that gentleman. He is an engineer, and I believe a good one. He had to do with the drainage canal at Chicago, but did not complete it. He was elected a commissioner by the people on that canal and served there, but he never had a large contract in his life. So he is not a contractor. He went down to the Isthmus of Panama representing a syndicate in Chicago who wanted to build the canal in case that route was adopted. He made his figures from his own standard and his own estimate, which he declined to contribute to anybody else.

The other expert testimony which has been introduced into this question I cited the other day, that of Mr. Menocal, who was the originator of the scheme of the Maritime Canal Company, which failed, and several other engineers who have submitted their own opinions, by their own volition, I have no doubt, to members of the majority of the committee. If I read all the letters to the Senate that I have had from engineers over this country I think I could furnish a preponderance of testimony. But, Mr. President, I am relying upon the evidence and the testimony of the Board of Commissioners who were selected by President McKinley under the authority of Congress to tell the people of the United States and the Congress which is the best route upon which to construct a canal by the United States.

When the committee went into the investigation I had no idea that other testimony was to be taken except that of the Commission. The Commission had made a partial report, which was in the hands of Congress, and a few days later came their supplemental report, closely upon the passage of the Hepburn bill in the House, which completely changed the whole status and presented the matter in a different light, not only to Congress, but to the people of the United States.

In considering that proposition I understand that it was the duty and privilege of our committee to bring before us the members of that Commission, who were called together again by the order of the President of the United States in order that they might consider the new condition presented by the difference in terms and submit it to him that it might be conveyed to Congress for their information. But instead of confining our inquiry to the members of that Commission, men were sent for from all over the country, and the mass of evidence which has been printed for the use of the Senate is filled with the testimony of men who upon their own statement knew but very little about this subject. I am free to say that I offered no such testimony and I discard all other than that furnished by the experts upon whom we were taught to believe we could rely to guide us to our decision.

Mr. President, I was not only surprised but pained to hear the statement made by several members on the other side that seemed, at least by insinuation, to cast reflection upon this Commission when the appeal was made that Senators should not be led to any

conclusion through their influence or their report. What were they there for? Why did the United States Government spend a million dollars for the purpose of such an investigation? Why did the Commission go to France and examine carefully the drawings and maps and the notes of all the surveys that had been made of the Panama Canal route? Why were there put upon that Commission four distinguished engineers who had served upon the Nicaragua Commission, some of them twice? They went into this work prejudiced in favor of the Nicaragua Canal because they knew that route from long acquaintance, and they knew no other.

Those engineers, confronted by facts and figures, were absolutely convinced against their judgment, and carried with them the additional members, who, following the same examination, had come to the same conclusion upon the technique of this question, and, coming home hurriedly, they made a report that, as my friend from Connecticut [Mr. HAWLEY] says, was in favor of the Nicaraguan Canal. How foolish it is to keep repeating that proposition when it is in print in these reports. Every Senator who has read it knows that in that report they intended to say, and did say, that the Panama route was the best route for a canal, but under the conditions which surrounded it, what they considered the exorbitant methods employed by the president of the the company, M. Hutin, in dickering for it, they put that question aside, but fixed a price which was intended to go where it did go—to the headquarters of the company—as giving their ideas as to what this country could well afford to pay for the franchise.

Now, Mr. President, I am not disposed to criticise anybody upon this floor or anywhere else in the advocacy of a scheme which has grown to be dear to his heart from long and old association. I can appreciate how people can become attached to even a project, and become so absorbed in the success of it as to be prejudiced as against any other competitive line.

I note that this question of an isthmian canal—always called the Nicaraguan Canal by citizens of the United States—has grown to be a sentiment, and that sentiment would probably have ripened into a fact had not the present condition of things come about.

If we had built the Nicaragua Canal when the first efforts were made in Congress, we would have made a mistake. If we had built the second Nicaraguan Canal we would have made a still greater mistake, because on its completion it would have been obsolete; and even now, with all preparations made for a new canal which will carry through it the largest class of vessels extant, it may be too small in another decade. Who can tell?

So when this question is worked out practically I know that the United States Government could well afford an additional allowance of money rather than take the risk of making a canal too small. It can afford to expend an amount of money necessary even to build a sea-level canal, which is only practicable by the Panama route, and when the necessity arises—and I want to impress upon the minds of every man in this body the emphatic statement made by this Commission, every one of them that I have cited, that it is possible, practicable, and feasible—make the Panama Canal into a sea-level canal after it is completed, it requiring only the expenditure of more money.

I made the suggestion the other day that if we built the Panama Canal nobody else would build an isthmian canal like it, but if we finished the Nicaragua Canal it was not an unlikely proposition that some other country or people might seize upon and start to finish the Panama Canal. I believe it was my friend from Kansas [Mr. HARRIS] who quoted what I said and said it was ridiculous that anybody would think of building a canal if the United States Government should build one. The Senator from Alabama [Mr. MORGAN] a day or two ago said the reason why we should build the Nicaragua Canal was that if we built the Panama Canal somebody else would be sure to build the Nicaragua Canal. Those two statements do not jibe.

In closing, Mr. President——

Mr. HOAR. Before the Senator proceeds to close, as he was about to do, I should like to ask his views, which I understand he has not given to-day, upon the propriety of absolutely closing the door against any future consideration of the Darien route by the President or by any public authority.

I am not an expert in this matter and I am not qualified to deal with it, but I am compelled to vote upon it, as are all other Senators here. If I understand the proposition, it is that the Darien route is to be treated as absolutely impracticable, although the shortest, although a route which can be constructed at sea level, although the harbor advantages are excellent at both ends, because the character of the mountain to be penetrated makes tunneling costly and makes the support of the tunnel after it is penetrated so costly that the route is impracticable.

Now, does the Senator from Ohio think it is expedient that the President of the United States should not have the right of availing himself of the advice of his Cabinet and of the best expert assistance in the world to judge of old problems and of new problems that may arise?

I will state my difficulty about it, and it may be that the question is an unwise one. We have got, most of us, to follow somebody. I am pretty well satisfied in general on such things to follow my honorable friend from Ohio, if there was no other authority, but he would disclaim any desire that anybody should take anything on his authority.

Then those of us who are not competent to deal with the great engineering problems ourselves we have have got either to follow a committee of the Senate or of the House, which the Senator from Ohio certainly does not want us to do in this case, because he has been making a very powerful argument to dissuade us from doing that, or we have got to follow the President of the United States, who, as I said, has at his hand the best expert advice in the world. He is the greatest executive officer in the world and has all the engineers in the public service, the Army, the Navy, the Land Office, and the advice of his Cabinet on all legal and other questions. Now, what is the objection to putting into this measure when we pass it the authority for the President to see whether that Darien route is so absolutely impracticable, as the Senator says rather by a smile than by an argument he thinks it is?

Mr. SCOTT. Will the Senator from Ohio allow me just a moment?

Mr. HANNA. Certainly.

Mr. SCOTT. I am very glad indeed to see that the Senator from Massachusetts is beginning to come around, partially at least, to my views as to the Darien route. Early in the session, in February, I introduced a joint resolution asking for an appropriation of $15,000 that this route might be properly investigated and a report had inside of sixty days. That joint resolution was reported back adversely. For the benefit of the Senator from Massachusetts I will state that the Engineer Department of the Government have had the rock this tunnel would have to be bored through examined, and it will carry 19 times the weight that is required to hold up the tunnel.

I think no reputable engineer will say that that tunnel can not be made. Certainly, the subway in New York to-day is a more difficult undertaking, I am told by practical engineers, than the putting of a tunnel through that range of mountains; and I claim this is possible. I introduced a joint resolution the other day authorizing the President to designate engineers to investigate this route without expense to the Government, the fund to be deposited with the Secretary of War to pay every dollar of the expense of investigation, in order to ascertain whether or not this is a feasible route.

In view of that, Mr. President, why will my friend from Alabama [Mr. MORGAN] and my friend from Ohio [Mr. HANNA] insist upon either one of these impracticable routes? They have to come in here and explain about curves, about locks, and about dams, while upon the Darien route we can have a sea-level canal after we have tunneled through the mountains.

Mr. HANNA. You would have a narrow subway.

Mr. SCOTT. You may call it either a subway or a tunnel.

Objection is raised on account of the difficulty of ventilation in that tunnel, and it is said that on that account it would be impossible to use it. That is all nonsense. We can ventilate that tunnel without any trouble. There is no question about that.

Certainly those who claim that the tunneling of this mountain is impracticable have not investigated the subject. I have it from as good engineers as we have in this country that it is entirely practicable. If the Senator from Ohio will pardon me one minute longer, I have had interviews with a gentleman who was for six years consul at Colon, who has been engaged in the coastwise trade on both sides of that Isthmus, who has gone over these routes, who has carried his freight up these rivers in boats, who is thoroughly familiar with the character of the country, and who can be called before this committee at any time, and he has stated to me that there is no man who is familiar with, or who has attempted to familiarize himself with these different routes, but who will say that the Darien route is the proper one on which to locate the canal.

Mr. MITCHELL. Mr. President——

Mr. HOAR. Mr. President, may I ask the Senator from Ohio if he will be good enough to answer my question before this debate goes on? He was kind enough to let me put my question, but nobody seems willing to let him answer it.

Mr. MITCHELL. If the Senator from Ohio will yield to me for a moment, I want to suggest to the Senator from West Virginia [Mr. SCOTT] that I think I can point out a way in which he can have his scheme considered, and it is the only way—that is, for him, and as many Senators as he can get to act with him, to vote against the Spooner amendment, to vote against the Hoar amendment, and to vote against the Hepburn bill. Then the

Senator probably will have an opportunity to have his scheme considered.

Mr. SPOONER. In other words:

"Will you walk into my parlor?" said a spider to a fly.

[Laughter.]

Mr. ELKINS. I should like to say in regard to the proposition submitted by my colleague [Mr. SCOTT] that I believe it is the best one which has yet been presented, and I believe it is the safest. I fully agree with him. I think such a tunnel for a ship canal as would be necessary at Darien can be easily constructed.

Mr. HANNA. Mr. President, replying to the Senator from Massachusetts [Mr. HOAR], I will say that the act creating this Commission gave them authority to examine all the routes on the Isthmus that they thought it worth while to examine. Some criticism was made that they did not go very fully into the examination of this route, but their report shows to the satisfaction of the committee that the volcanic rock, which was the formation of these mountain ranges, was of such a nature that a tunnel to be successfully built would be so expensive that it would be almost impracticable.

There was another reason, which perhaps was a little stronger than any engineering difficulty, and that was that the Panama Canal Company owned those concessions. If we get any concession to build on the San Blas route we have got to go to the Panama Company to get it.

Mr. HOAR. If the Senator will permit me, that may be in the mind of the President an insuperable objection. Is the Senator not willing to allow the President the power to decide whether it is or not, and whether we can get that route?

Mr. HANNA. I might state that personally there is another reason why I have not encouraged the San Blas route, although I was considerably interested in it a year ago and was desirous of finding out all I could about it; but from the mere fact that I had the temerity to make a choice, after the fullest investigation, of the Panama route, I was charged as being opposed to the construction of any canal and that I have only espoused the cause of the Panama Canal in order that I might defeat the construction of any canal. Those charges and those insinuations have not been confined to me, but have been made as to other minority members of the committee. The charge has been made in open Senate, by insinuation, that it was rather curious that all those who seemed to be favoring the Panama route as the best and most feasible route were those who were known to be the opponents of any canal.

Mr. President, as I may not have again an opportunity to state it, I want to say now, in answer to the insinuations which have been made as to myself and my colleagues who have been forced to the conviction that we are right upon the proposition—even against the sentiment and the prejudice we all had originally in favor of Nicaragua—that the Panama route is the best and most practicable for the construction and operation of a canal; that it is a poor cause, and one badly in need of support, that will influence any zealous advocate of Nicaragua to insinuate that any Senator in this body could be influenced or inspired by such motives.

I had felt an interest in this question, Mr. President, because it was a practical one. The operation of canals was one of the few subjects with which in my business life I had become acquainted from experience in all directions. When the Panama route was called to my attention by President McKinley himself, I was asked by him to give it my personal attention and the best efforts of my experience. He made the further request that I should go on the Committee on Interoceanic Canals, that he might have the benefit of what I knew upon these subjects. I never intended to bring that into this debate. I never intended that that name should be conjured with to make votes or to cast back the insinuation that he had violated the dignity of his position and almost his oath of office in attempting to decide in advance of all action of Congress what route should be chosen. He never did so by act or intimation.

Mr. President, other arguments than those must be used by the partisans of the Nicaragua Canal if they expect to break through the defenses and the barricades of facts builded up here by the hands of the most experienced engineers in the United States, if not in the world, the chosen agents of the people and of Congress to guide us in the right direction. Better arguments than those must be used out of which to make capital or to change the opinions of those who are to decide this question. We want to decide it right, not from the standpoint of sentiment or of self-interest, but for the good of the whole people of the United States.

If we make no mistake when this canal shall have been builded it will be a magnificent monument to our country, but if we make a mistake it will be a very doubtful monument to our good sense and judgment.

I hope that all Senators will consider that there has been but one desire on the part of the minority of this committee, and that is to place before them for their information all the facts connected with this question which might influence and guide them to a correct judgment.

APPENDIX.

ANSWERS OF MEMBERS OF ISTHMIAN CANAL COMMISSION AND LETTER OF SENATOR HANNA.

UNITED STATES SENATE,
Washington, D. C., June 10, 1902.

DEAR SIR: I desire to give the Senate the facts concerning the following points which have arisen in the course of the debate in the Senate on the Isthmian canal subject:

1. In making the Isthmian Canal Report of January 18, 1902, recommending the adoption of the Panama route, was your decision arrived at only because the cost of purchasing and completing the Panama Canal is less than the cost of constructing the Nicaragua Canal?
2. If not determined by that consideration only, what considerations did determine your decision in favor of the Panama route?
3. Is it practicable to make the Panama Canal a sea-level canal?
4. Can this be done after construction as a lock canal?
5. Is it practicable to make the Nicaragua Canal a sea-level canal.
6. Is the Bohio dam feasible and practicable of construction under the plans submitted by the Isthmian Canal Commission to Congress?
7. Is the compressed-air method the only satisfactory, feasible, and reliable method of constructing a core wall down to the rock foundation?
8. Besides the compressed-air method, are there other satisfactory, reliable, and feasible methods (such as the freezing method, the dredging-through-wells method, or other methods) for the construction of such core wall?
9. In respect to the effect of earthquakes upon any canal, which structure is the safer one for a dam, viz, a dam constructed entirely of concrete masonry or a dam constructed of earth?
10. In view of the recent volcanic disturbances in the West Indies, do you consider that there is danger from volcanic action to the canal by the Panama or Nicaragua routes? If so, please state your views thereon.
11. By the plans adopted by the Isthmian Canal Commission and recommended to Congress, is the Chagres River absolutely and safely regulated and controlled?
12. Are there any engineering features of the Panama route which are not feasible or practicable, or concerning which there is any serious question?

Will you kindly, in answer, give me the facts.

Yours, truly, M. A. HANNA.

DEPARTMENT OF STATE,
ISTHMIAN CANAL COMMISSION, ROOM 79, CORCORAN BUILDING,
Washington, D. C., June 12, 1902.

Hon. M. A HANNA,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 10th instant and to say:

The difference in cost of purchasing the rights, property, and unfinished work of the Panama Canal Company and completing that canal and of constructing the Nicaragua Canal had very little weight in causing me to decide in favor of the Panama route.

I consider the Panama route superior to that of Nicaragua because it is much shorter, has easier curves, and is consequently safer for shipping, the difficulties of construction are much better known, the land along the route is nearly all owned by the company, the property will come to the United States with a clear title, and, therefore, there are practically no probabilities of expenses not estimated for by the Commission, while the cost of maintenance and operation is estimated at $1,300,000 less per year than that of a canal by Nicaragua.

I believe it to be practicable to make the Panama Canal a sea-level canal.

I believe that a sea-level canal can be made after the construction of a lock canal.

It is not practicable to build a sea-level canal by the Nicaragua route.

I believe the Bohio dam to be feasible and practicable of construction as planned by the Isthmian Canal Commission.

The compressed-air method is not the only feasible method of constructing a core wall at the site of the proposed Bohio dam. There are other methods which I believe to be feasible, such as the freezing method, the dredging-through-wells method, and perhaps others.

In case of an earthquake of ordinary strength, I believe that both a dam of concrete masonry and one of earth would probably be safe; but in case of an earthquake of extraordinary violence, much would depend upon the direction of the wave movement. It would seem to me, however, that the earth dam would be the safer of the two.

No one can foretell the chances of volcanic disturbances, but in view of the recent volcanic outbreaks in the West Indies, I consider the danger from such outbreaks to a canal by the Nicaragua route, which passes through a region of volcanoes, some of them in Lake Nicaragua and near the canal line, as much greater than that by the Panama route, which is far removed from volcanoes, either active or extinct.

The plans adopted by the Isthmian Canal Commission provide for regulating and controlling the Chagres River with absolute safety.

There are no engineering features by the Panama route which are not practicable and feasible, or about which there is any serious question.

I am, very respectfully,

J. G. WALKER,
President of Commission.

DEPARTMENT OF STATE,
ISTHMIAN CANAL COMMISSION, ROOM 79, CORCORAN BUILDING,
Washington, D. C., June 13, 1902.

Hon. M. A. HANNA.
United States Senate, Washington, D. C.

DEAR SIR: In answer to the inquiries contained in yours of the 10th instant upon the subject of the Isthmian canal, I have the honor to submit the following replies:

1. The mere difference of five or six million dollars between the cost of constructing the Nicaragua Canal and of purchasing the rights, property, and unfinished work of the New Panama Canal Company and finishing the Panama Canal did not control my decision in favor of the report made by the Isthmian Canal Commission January 18, 1902.

2. The concluding chapter of the report of the Isthmian Canal Commission of November 16, 1901, contains a statement of the engineering, physical, and general advantages of the Nicaragua and Panama routes for an Isthmian canal. An examination of this statement makes it manifest that the Commission regarded the Panama route as the most feasible and practicable, but it was not recommended because the New Panama Canal Company, which controlled the route under concessions from the Colombian Government, submitted to the Commission no offer, which it deemed reasonable, to sell its property to the United States.

After this report was submitted an offer was made by the company, with the consent of the Colombian Government, which removed this objection and made an entire change in the situation.

The company agreed to sell all of its property, whether on the Isthmus or in Paris, to the United States for $40,000,000. The liquidator, or receiver, who represented the interests of the old company in the property, acting under the authority of the court which appointed him, consented to the sale, and I regarded a title from the company and the receiver, approved and confirmed by the court and made with the consent of the Government of Colombia, as valid and sufficient. The price was that fixed by the Commission as the actual value of the property.

The decision arrived at by me was based upon all these considerations—the advantages of the Panama route specified in the report of November 16, 1901; the satisfactory price at which the Panama Canal could be purchased; and the proffer of a title which, when completed according to the plan proposed, would pass all the interests in the property to the United States and make the transfer absolute and complete.

3 and 5. I do not claim to speak with authority upon engineering problems, but I have long been interested in questions relating to canal construction, both before and since my connection with the Commission, and have given them much thought and study. My opinion is that a sea-level canal can be constructed at Panama, but not at Nicaragua.

4. This can be done after its construction as a lock canal.

6. I have been present at all the examinations made at Bohio when the Commission visited Panama, and at all the discussions of the Commission upon the subject, and I regard the plans submitted in the report as feasible and practicable.

7 and 8. There are other methods which meet the approval of the engineer members of the Commission, and from what I have learned of their success elsewhere I believe there are other feasible and reliable methods for constructing a core wall down to a rock foundation besides the compressed-air process.

9. The report of the Commission says, upon the subject of earthquakes in connection with the construction of an Isthmian canal:

"The works of the canal will nearly all of them be underground. Even the dams are low compared with the general surface of the country, and with their broad and massive foundations may be said to form part of the ground itself, as they are intended to do. The locks will all be founded upon rock. It does not seem probable that works of this kind are in any serious danger of destruction by earthquakes in a country where lofty churches of masonry have escaped with a few minor injuries."

In this I concur.

10. There are no volcanoes upon or near the Panama route. The nearest is Chiriqui, in Costa Rica, about 180 miles from Colon, near the boundary line between that Republic and Colombia.

In Nicaragua a line of volcanic peaks and craters extends along the western side of the country to within a few miles of the proposed canal line. Several of these are upon or near Lake Nicaragua. An outburst from any of these, such as has occurred at other places, might change the physical features of the lake and adjoining section of country, and render it wholly unfit for canal purposes.

Such an outburst occurred in Coseguina, one of the volcanoes in this range, in 1835.

In 1880, in Lake Ilopango, about 5 miles east of the capital of the adjoining State of Salvador, an outburst resulted in the upheaval of rocks above the surface of the lake where there had formerly been deep water. A huge column of vapor 1,000 feet high arose from the lake, the island of rocks increased in size, and when the eruption terminated had an area of 5 acres and a height of 160 feet.

While such disturbances may not occur again in this region, they are possible at any time where so many sources of danger of this character exist, for recent experience has shown that volcanoes may become dangerous neighbors even when pronounced by scientists as inactive.

11. I believe that the Chagres River can be absolutely and safely regulated and controlled by the plans adopted by the Commission.

12. In my judgment the engineering features of the Panama route are feasible and practicable. The work is one of vast proportions, but I believe all the difficulties it presents can be overcome.

Very truly, yours,

SAMUEL PASCO,
Member of Isthmian Canal Commission.

NEW YORK, *June 12, 1902.*

Hon. MARK A. HANNA,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your letter of the 10th instant, I desire to say that in joining in the recommendation of the Panama route by the Isthmian Canal Commission I gave the relative estimated costs by the Panama and Nicaragua routes little weight, because they are nearly identical. The smaller relative cost of maintenance and operation and the shorter canal line and consequent risks to ships by the Panama route were the main considerations, the first named being in my opinion the more weighty.

It is practicable to make the Panama Canal a sea-level route, either before or after opening navigation through it, while a sea-level canal is practically impossible by the Nicaragua route.

The Bohio dam is feasible and practicable of construction under the plans submitted by the Commission. The compressed-air method is the most satisfactory, feasible, and practicable one known for building the core wall from a rock foundation, but there are other methods by which an impervious wall could be built.

I consider a properly designed concrete dam or an earth dam with a core wall safe against such moderate earthquakes as may be expected either at Panama or Nicaragua, and a dam wholly of earth somewhat less so.

As to danger from volcanic eruptions, the danger must be greater in Nicaragua, where volcanoes exist near the canal line, than in Panama, where there are none; but the danger is too small, even in Nicaragua, to be a serious factor in the choice of routes.

In my opinion, the plans of the Commission provide absolutely for the safe regulation and control of the river Chagres, and leave no serious question in regard to the feasibility or practicability of an isthmian canal by way of the Panama route.

Very truly, yours,

ALFRED NOBLE,
Member of Isthmian Canal Commission.

DEPARTMENT OF STATE,
ISTHMIAN CANAL COMMISSION, ROOM 79, CORCORAN BUILDING,
Washington, D. C., June 12, 1902.

Hon. MARCUS A. HANNA,
21 Lafayette Square, Washington, D. C.

DEAR SIR: I have received your letter of the 11th making inquiries concerning certain points which have arisen in the course of the debate in the Senate on the Isthmian canal, and send you the following replies:

Q. 1. In making the last Isthmian canal report of January 18, 1902, recommending the adoption of the Panama route, was your decision arrived at only because the price of purchasing and completing the Panama canal is less than the cost of constructing the Nicaragua canal?

A. The matter of cost was one and among the least important of several considerations which influenced me. I signed the report of November 16, 1901, with great reluctance and only because I considered the price named by the representative of the French company so exorbitant, coming as it did after a series of procrastinating delays and unsatisfactory correspondence, that it could only be rejected as unworthy of consideration; that in spite of the advantages of the Panama route the United States Government could not afford to put itself in the position which the acceptance of the terms proposed in behalf of the French company involved.

Q. 2. If not determined by that consideration only, what considerations did determine your decision in favor of the Panama route?

A. I considered that the Panama route had advantages over the Nicaragua route in cost of construction, in cost of operation, and in convenience when done, while its use was less likely to lead to local international complications. By substituting a definite and reasonable offer for its previous procrastinating and unreasonable methods the French company had entirely changed the situation and placed the United States Government in the position where it could honorably select what was in all other ways the best route.

Q. 3. Is it practicable to make the Panama canal a sea-level canal?

A. Yes; in my judgment the actual expenditure required to make the Panama canal a sea-level canal would not be much more than that required to construct the Nicaragua canal as a high-level canal. The objection to building the Panama canal now as a sea-level canal is the time—probably from twenty to twenty-five years—which would be required for its construction.

Q. 4. Can this be done after its construction as a lock canal?

A. It can be made a sea-level canal while in use as a lock canal, but at a considerable increase in cost.

Q. 5. Is it practicable to make the Nicaragua canal a sea-level canal?

A. No.

Q. 6. Is the Bohio dam feasible and practicable for construction under the plans submitted by the Isthmian Canal Commission to Congress?

A. It is entirely feasible and practicable to construct a dam which when completed will conform to the plans of the dam submitted by the Commission. I do not like this plan of a dam, as I consider that it involves unnecessary expense. The assumed necessity of cutting off any possible flow of water through a small deposit of sand and gravel at the bottom of a deep geological valley changes an otherwise simple, inexpensive structure into a costly one. The situation of this dam is absolutely unlike the situation of the Conchuda dam on the Nicaragua route. The Bohio dam will be far away from the river, in a position where it will be unusually safe from destructive elements. The Conchuda dam is directly across the San Juan River, where it will be exposed to all the violent hydraulic actions which endanger an overflow dam. The problem of the Conchuda dam is simple, because it has only one solution, and that it is a solid masonry dam founded on rock. The problem of the Bohio dam is less simple, because there are several possible solutions and room for difference of opinion as to which is the best. Conchuda is like a railroad through a canyon, where there is but one place to build a difficult work. Bohio is like a railroad across a rolling prairie, where much skill can be shown in selecting the best of several inexpensive lines.

Q. 7. Is the compressed-air method the only satisfactory, feasible, and reliable method of constructing the core wall?

A. I have very great doubts of the practicability of the use of compressed air in the Tropics at the great depths which this plan involves.

Q. 8. Besides the compressed-air method are there other satisfactory, reliable, and feasible methods (such as the freezing method, the dredging-through-wells method, or other methods) for the construction of such core wall?

A. There are many methods available. The well-dredging method has been in use for centuries in India, and has been applied both in India and Australia to sinking foundations beyond the accepted limits of compressed air. The freezing process is comparatively modern, but there is no question whatever of its being applicable to this case. I also believe that the effect of a core wall in cutting off seepage could be obtained very cheaply by grouting the sand and gravel with a paste of Portland cement forced down under pressure, or possibly by a line of iron sheet piling driven with the use of water at high pressure.

Q. 9. In respect to the effects of earthquakes upon any canal, which structure is the safer one for the dam; a dam constructed entirely of concrete masonry or a dam constructed of earth?

A. I should have no fears of either class of dam in an earthquake, provided it was carefully built and of sufficient horizontal dimensions.

Q. 10. In view of the recent volcanic disturbances in the West Indies, do you consider that there is danger to the canal by the Panama or Nicaragua routes from volcanic action? If so, please state your views thereon.

A. I see no reason to apprehend any danger from volcanic eruptions anywhere on the Panama route. I know of no place in the world where there is more danger of volcanic eruptions than along the Nicaragua route. These eruptions have hitherto occurred under conditions in which we have had very imperfect information about their terrible effect and no reference was made to them in the report of the commission. The recent disasters in the West Indies, in locations where such a thing was certainly no more probable than in Nicaragua, have changed this condition. To build the Nicaragua Canal in the full light of what we have just seen at Martinique and St. Vincent would be an act of unparalleled recklessness.

Q. 11. By the plans adopted by the Isthmian Canal Commission and recommended to Congress is the Chagres River absolutely and safely controlled and regulated?

A. I consider that it is absolutely controlled and regard these plans as one of the most satisfactory solutions that I have ever seen of a problem of this kind.

Q. 12. Are there any engineering features of the Panama route which are not feasible or practicable or of which there is any serious question?

A. There are no important features of the Panama route which are not feasible and practicable. No great work is ever considered which does not involve several solutions of more than one important problem. This is the case on both routes. The Panama route has been developed almost to the point of absolute construction, and it would be hard to find a work of this magnitude in which there are less elements of doubt.

I trust that these answers give you sufficiently the facts which you ask for. If not I shall be very glad to give you any further information that I can.

Very respectfully, yours,

GEO. S. MORISON.

CORPS OF ENGINEERS, UNITED STATES ARMY,
OFFICE OF DIVISION ENGINEER, NORTHWEST DIVISION,
Chicago, Ill., June 13, 1902.

Hon. M. A. HANNA,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant (revised) propounding certain questions to which you desire answers. The questions and answers are as follows:

1. "In making the last isthmian canal report of January 18, 1902, recommending the adoption of the Panama route, was your decision arrived at only because the cost of purchasing and completing the Panama Canal is less than the cost of constructing the Nicaragua Canal?"

It was not.

2. "If not determined by that consideration only, what considerations did determine your decision in favor of the Panama route?"

After giving due consideration to the question of cost, my decision in favor of the Panama route was based upon the fact that, in my judgment, it would be the better canal after completion. My reasons for this opinion are that the Panama Canal is shorter; is straighter (that is, has less curvature); and has a lower summit level (that is, fewer locks).

One measure of this superiority is that the time required to pass through the Panama Canal would be twelve hours, while that required to pass through the Nicaragua Canal would be thirty-three hours of continuous steaming, which would probably mean, for large vessels, three days. This advantage counterbalances, in my judgment, the advantage which the Nicaragua Canal possesses in its greater proximity to the United States.

Another measure of the superiority of the Panama Canal is the cost of operation, which is $2,000,000 per annum against $3,350,000 per annum for the Nicaragua Canal; and another would be, if we could obtain satisfactory figures, the difference in the insurance rates, which would undoubtedly be lower for the shorter canal.

The above are the more important considerations which govern my choice; minor ones are the present existence of a railroad and a seaport at each end; also the fact that in purchasing the present canal and railroad we would purchase nearly all of the land required for the right of way, making it unnecessary to resort to condemnation proceedings. Both of these considerations will avoid considerable delay in beginning the work, and the latter one may avoid a large addition to the total cost of the canal.

Another consideration is that a sea-level canal in the future is possible on the Panama route and not on the Nicaragua route; and still another is that we know the ground better—that is, our estimates are more reliable at Panama than they are at Nicaragua.

It would, in my opinion, be to the advantage of the United States to buy and finish the Panama Canal even at a cost considerably greater than that of building the Nicaragua Canal, supposing always that we can obtain the necessary rights and privileges from the Colombian Government.

3. "Is it practicable to make the Panama Canal a sea-level canal?"

It is.

4. "Can this be done after construction as a lock conal?"

It can.

5. "Is it practicable to make the Nicaragua Canal a sea-level canal?"

It is not.

6. "Is the Bohio dam feasible and practicable of construction under the plans submitted by the Isthmian Canal Commission to Congress?"

It is. One member of the Commission thinks that a satisfactory dam can be built on a different plan for less money, but he does not question the feasibility of the dam proposed by the Commission.

7. "Is the compressed-air method the only satisfactory and reliable method of constructing a core wall down to the rock foundation?"

It is not, although I believe it to be entirely satisfactory.

8. "Besides the compressed-air method, are there other satisfactory, reliable, and feasible methods (such as the freezing method, the dredging through wells method, or other methods) for the construction of such core wall?"

I have no doubt that either the freezing method or the method of dredging through wells could be successfully applied.

9. "In respect to the effect of earthquakes upon any canal, which structure is the safer one for a dam, viz, a dam constructed entirely of concrete masonry or a dam constructed of earth?"

An earth dam would undoubtedly be subjected to less danger from an earthquake than a masonry dam.

10. "In view of the recent volcanic disturbances in the West Indies, do you consider that there is danger from volcanic action to the canal by the Panama or Nicaragua routes? If so, please state your views thereon."

I consider the danger from the direct action of volcanoes extremely remote, so remote that it is to be considered only if necessary to decide between two lines of which all other conditions are exactly equal.

There can be no question in the mind of anyone, I think, that the danger from earthquakes is far greater than that from volcanic overflow. The Commission concluded that the danger from the former was not great enough to prevent the building of the canal. Having satisfied their minds upon that point, they felt it unnecessary to discuss the minor danger in their report. If they could have anticipated that the public mind would be excited upon the subject, as it has been by the recent occurrences in the West Indies, they would no doubt have said something about it.

There is no volcano within 175 miles of the Panama line, and accordingly there is no danger of direct volcanic overflow for that line.

The volcanoes nearest the Nicaragua line are Ometepe and Madera, the former active and the latter supposed to be extinct, which rise out of Lake Nicaragua, the former about 11 miles and the latter about 6 miles from the direct sailing line laid down in the lake for vessels using the canal. The depth of water on the sailing line varies from 40 to over 100 feet, and between Madera and the sailing line there is a depth of 200 feet. The shortest distance from either volcano to the canal proper is over 13 miles. The sailing line can be altered so that by a slight detour 40 feet depth can be carried past these volcanoes, coming nowhere nearer than 13 miles.

Now, he would be a rash man who would say that there can never be an eruption which will fill all this up. All I have to say is that, personally, I believe there is no more danger of that than there is of a volcanic convulsion which will split the Isthmus across from sea to sea and save us the trouble of building the canal at all. I am not prepared to say that that will never happen, but I should not hesitate to build in anticipation of the one more than of the other. What has happened in Martinique, if it had happened at Ometepe or Madera, would have destroyed the canal.

As I read the newspaper accounts, it would have diminished some of the surplus depth in the lake, and perhaps some of the ashes might have been carried as far as the canal itself in quantity sufficient to reduce the depth of that a foot or two, but no more. Business would no doubt have been frightened away temporarily, but the canal itself would have remained essentially intact. If the Nicaragua line were superior to the Panama line in other respects, I should not leave it on account of volcanoes.

11. "By the plans adopted by the Isthmian Canal Commission and recommended to Congress, is the Chagres River absolutely and safely regulated and controlled?"

It is, absolutely. The topography of the country lends itself to a very beautiful solution of that problem. The control is complete, and, what is better, it is automatic.

12. "Are there any engineering features of the Panama route which are not feasible or practicable, or concerning which there is any serious question?"

There are none whatever.

Trusting that these answers are sufficiently full to answer your purpose, I remain,

Very respectfully, yours,

O. H. ERNST,
Lieutenant-Colonel, Corps of Engineers, U. S. A.

NEW YORK, N. Y., *June 12, 1902.*

Hon. M. A. HANNA,
United States Senate, Washington, D. C.

DEAR SIR: In replying to your letter of June 11, 1902, addressed to me as a member of the Isthmian Canal Commission, permit me to make the following answers to the various inquiries contained in your letter, each answer corresponding in number to that of each question.

Reply to question 1. My decision was not reached for the sole reason that the cost of purchasing and completing the Panama Canal was estimated to be less than the cost of constructing the Nicaragua Canal, although that difference in favor of the Panama route was an element in my decision.

Reply to question 2. My decision was largely, if not chiefly, affected by the substantial preponderance of the physical engineering advantages of the Panama route over that in Nicaragua, as set forth in the two reports of the Isthmian Canal Commission.

Reply to question 3. It is entirely practicable to make the canal on the Panama route a sea-level canal.

Reply to question 4. It is also my judgment that it is practicable and feasible to make the canal on the Panama route a sea-level canal at any time in the future, if it is constructed at first as a lock canal. This can be done by any one of several plans, one of which at least would involve certain adaptations of the plan for a lock canal to the ultimate change to a sea-level canal. Another plan would not require that adaptation. The first of the preceding plans of procedure would involve an increased first cost of the lock canal with less expenditure in the ultimate change to a sea-level canal, while the second plan of procedure would not necessarily involve any increase in the first cost of the lock canal, but a greater final cost in changing to the sea-level canal.

Reply to question 5. It is not practicable to make the Nicaragua Canal a sea-level canal, in consequence of its great length involving enormous cost and a great period of time to construct it on that plan.

Reply to question 6. It is entirely feasible and practicable to construct the Bohio dam under the plans submitted by the Isthmian Canal Commission to Congress without resorting to any untried method or any means not regularly employed in engineering operations at the present day. This statement is based upon my own practical experience in foundation and other subaqueous construction by the use of methods and means contemplated under the plans of the Isthmian Canal Commission.

Reply to question 7. The compressed-air method is not the only satisfactory, feasible, and reliable method of constructing the core wall.

Reply to question 8. There are a number of methods besides that of compressed air by which the core wall can be put in place as indicated by the plans of the Commission in a satisfactory manner, one well-known method being that of dredging through open wells, or, as it is sometimes called, the open-dredging method. The freezing method can also be employed. There are at least two or three practicable and satisfactory methods besides that of compressed air, although it is my judgment that the latter method, properly adapted to the situation at Bohio, is preferable; it can be so used as to keep the pressure of the compressed air materially below pressures heretofore used in that class of work.

Reply to question 9. It is my judgment that on neither route is there sensible danger of injury by earthquakes to such a substantial engineering work as a great dam, but I consider a dam constructed of earth as less liable to injury than a dam constructed entirely of concrete masonry.

Reply to question 10. Inasmuch as there is no volcano either on the Panama route, or within 175 miles of it, there can be no danger to canal structures on that line from volcanic action. On the other hand, there are a considerable number of live volcanoes in Nicaragua and Costa Rica, one of which, Ometepe, is within about 10 miles of the Nicaragua route. It may be an open question how much damage would be done to the Nicaragua Canal if Ometepe should be subject to as violent eruption as that which has recently taken place at Mont Pelee, on the island of Martinique, but that danger would exist is beyond question. I do not believe that even such danger would be sufficient either to prevent the construction of the Nicaragua Canal or to necessitate any material change of course involving great cost if no other route were available; but considering this feature of the case only, the Panama route possesses the substantial advantage of being free from all danger of volcanic action.

Reply to question 11. The plans adopted by the Isthmian Canal Commission, and recommended in its reports, insure absolutely the certain and safe control and regulation of the Chagres River in all its stages, whether in the highest floods or in the driest seasons. This is accomplished by measures so simple that they can not possibly fail or be deranged.

Reply to question 12. As indicated in full detail in the reports of the Isthmian Canal Commission, there are no engineering features whatever of the Panama route which are not entirely feasible or practicable, or about which there is any serious question as to their practicability or feasibility.

Very respectfully,

WM. H. BURR,
Member of Isthmian Canal Commission.

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., June 13, 1902

Hon. M. A. HANNA,
United States Senate, Washington, D. C.

DEAR SENATOR: I have to acknowledge the receipt of your letter of the 10th instant, and hasten to reply to the several questions propounded therein.

First. My decision in determining that the Panama route for the isthmian canal was the best one that could be adopted was not alone because the cost of purchasing and completing the Panama Canal is less than that of constructing the Nicaragua Canal.

Second. The considerations that determined my decision in favor of the Panama route are:

(a) Shorter length of canal.
(b) Fewer and less difficult obstacles to be overcome.
(c) A more thorough knowledge of the physical difficulties.

(d) The less total amount of curvature.
(e) The more moderate degree of curvature—that is, the greater proportionate length of canal that approaches a straight line.
(f) The lower summit level. It will be necessary on the Nicaragua route to raise and lower ships through a vertical height of 104 feet, while at Panama the lift is only 82 feet, an advantage of 22 feet in favor of Panama. Moreover, the height could be still further reduced at Panama, but it can not be reduced at Nicaragua.
(g) The greater ease with which the level of Lake Bohio can be regulated as compared with Lake Nicaragua. The level of Lake Bohio is regulated automatically, and water taken from it for regulation is taken at a distance from the sailing line, whereas in Nicaragua the regulation is necessarily effected by a system of sluices worked by man, and the water, instead of being taken from the lake direct, is taken through a long stretch of river which is used by navigation. This will produce currents in some of the bends which navigators would prefer to avoid.
(h) The largely diminished cost of maintenance.
(i) The belief that if the United States builds a canal at Panama a canal in competition will never be built anywhere else.
(j) Because the actual time of transit will be less.
(k) Because the dangers of temporary obstruction are less in proportion to the length of the canal.
(l) Because a railroad is already constructed and fully equipped.
Third. It is practicable to make the Panama canal a sea level canal.
Fourth. This can be done after construction as a lock canal, but, in my opinion, it never will be because the disadvantage of locks is not sufficient to pay the cost of dispensing with them.
Fifth. It is not practicable to construct a sea-level canal in Nicaragua.
Sixth. The Bohio dam, in my opinion, is entirely feasible and practicable of construction under the plans submitted by the Isthmian Canal Commission to Congress. I believe, however, that a less expensive dam is also feasible and practicable.
Seventh. The compressed-air method of sinking caissons is not the only satisfactory, feasible, and reliable method of constructing the core wall of the dam proposed by the Isthmian Canal Commission.
Eighth. Besides the compressed-air method there are other satisfactory, reliable, and feasible methods for the construction of such core walls.
Ninth. In respect to the effect of earthquakes upon a dam, my opinion is that a dam constructed of earth is safer than one constructed entirely of masonry.
Tenth. In view of the recent volcanic disturbances in the West Indies, the dangers to a canal from volcanic action are greater on the Nicaragua route than on the Panama route.
Eleventh. Under the plans adopted by the Isthmian Canal Commission the Chagres River is, in my opinion, safely controlled, though I prefer to reduce the effects of freshets by the construction of a dam at Alajuela, thus creating a basin above it into which nearly 50 per cent of the rainfall can be impounded. This will render the control of the Chagres more satisfactory, and there will be no sediment deposited in Lake Bohio from that stream.
Twelfth. There are no engineering features on the Panama route which it is not feasible or practicable to overcome, or about which there is any serious question.

Yours, truly, PETER C. HAINS,
Colonel, Corps of Engineers, U. S. A.,
Member Isthmian Canal Commission.

Mr. HAWLEY. Mr. President, I was interested in some of the statements made before our committee on this subject which have not been referred to. Mr. Plume, one of the witnesses, was asked if he would give us some information concerning the hygiene of the people who worked with him. This question was asked:

The CHAIRMAN. How many hands did you have under you as a rule—about an average?
Mr. PLUME. I had 10 to every section, and a section runs 4 to 5 miles.
The CHAIRMAN. About how many people did the Canal Company have there while you stayed there?
Mr. PLUME. Well, it was estimated that they had 10,000, but I doubt very much if 5,000 were working. The labor is of such a class that it is utterly impossible to get them to work; it is this lazy, good-for-nothing Jamaica labor, and the climate there is so bad that a man can not work.
The CHAIRMAN. Well, now, I want to get at that, and I want you now to be careful in your statements about that. Did you have any trouble in preserving the health of the party under your control—these ten men to a section?
Mr. PLUME. Oh, a great deal, sir.
The CHAIRMAN. What was the average amount of loss per annum, say, during the five or six years you were there, out of your own party, now?
Mr. PLUME. Well, every month or two I would lose a man, perhaps two men. I will explain it to you. If a man gets wet there with the rain he is sure to be sick the next morning. The dew commences to fall at 3.30 o'clock in the afternoon, and if a man gets his clothes wet with this dew and he goes to bed with his clothes on, as sure as he is born he will wake up sick the next morning. I never saw such a climate in all my life, and I have worked in the rice fields of South Carolina, and gracious only knows that is bad enough.
The CHAIRMAN. Can you give the committee some idea of the condition of health of these canal laborers during the time you were in this Isthmus?
Mr. PLUME. When I went there we used to run one train—perhaps it would be a car or two box cars—in the morning out of Colon up to Monkey Hill. Our graveyard is about 5 miles from Colon, on a hill called Monkey Hill, but I had not been there a year when we were up there. Over to Panama it was the same way—bury, bury, bury, running two, three, and four trains a day with dead Jamaica niggers all the time. I never saw anything like it. It did not make any difference whether they were black or white, to see the way they died there. They die like animals.
The CHAIRMAN. Of what disease would they die, if you know anything about it?
Mr. PLUME. There are four most deadly fevers. There is the yellow fever, the pernicious fever, the putrid fever, and the typhoid fever, and the intermittent fever. If the intermittent runs long enough it will turn into typhoid or those other bad fevers. A man will only last three or four days, unless they have pretty quick and pretty severe treatment.
The CHAIRMAN. Did the Panama Canal Company have good shelter for its hands and good hospitals?
Mr. PLUME. Yes; there is no finer hospital on the globe than the one they have at Panama. It is on the side of the Ancon Mountain, which used to be a volcano several centuries ago, and the lava from the volcano went across Panama and out into the bay about a mile. The hospital is a splendid thing. It is said to have cost $5,000,000, and I guess it did. Down in this valley you dig a hole about 2 feet deep and you come to a boiling spring, right under the mountains, and they have engines there pumping water up to this hospital. There is a man in Panama who has a concession to bury people. He opened a graveyard, I suppose 300 feet one way and 400 the other. Every grave is numbered, that they may know who is buried there. In exactly one year after he opened it I drove by there, and there were 1,875 crosses in that burying ground, and that does not count the men that were in the ovens.

It seems they built something which they called ovens, in which they buried the dead, and these ovens were then sealed up.
This witness further said:

Mr. PLUME. That was in the early part of 1887. De Lesseps brought out 57 men there for engineers, chiefs of sections, and for different purposes, clerks. In three months, sir, there were only three of them left. I never saw anything like it in my life. If a man drinks there, he is just as sure to die as he is alive; it is fatal; and here is something very wonderful: I have always noticed if a Frenchman gets one of those fevers he is just as sure to die as he has a hair in his head.

Further on the witness said:

Let me tell you another thing: In 1886 the Panama Canal Company had a meeting. They divided up the Panama Canal into four sections, and they gave three sections out to French contractors, and one section included in the Culebra Cut they gave to a Holland contracting company; a very wealthy company. They came out there and they looked around and fussed about, and they were not there three months before the whole of them left and went back to Holland.

This gentleman further said:

I have no interest in this thing, sir; but I tell you candidly I don't want to see our Government swindled in this operation. I have no choice of route at all, but I do not want to see our Government swindled in or saddled with a thing I know is worthless, and I do not think it is anything but a swindle.

That is all I care to trouble the Senate with, to show that there exists at Panama a most deadly disease, of general prevalence, and that people living in that region are liable to attacks of the worst kind of maladies.

Mr. PETTUS. Mr. President, I desire to make some remarks upon the pending bill. I have listened attentively to the debate when I have been present, and I have read some of the arguments which were made in my absence. This is a subject in which I have been very much interested since I first came to this body. I was interested because one of our first statesmen had been then at work on it for about twenty years, and he had so affected the minds of the people of the State where I live that we all, before I ever came here, were deeply interested in the grand fight that he was making for a canal across the Isthmus for our ships. We were interested in him to the last degree and we were interested in the project, not only on account of the reasons which he had advanced to show that this canal was for the common good of all the people of the United States, and absolutely necessary for the common defense of all the people of the United States, but we got down to the lower level, and we were very much interested in the grand project he was advocating because we saw in it incalculable benefits to our own people.

It is evident that the people of the United States generally want and intend to have a ship canal across the Isthmus, built, owned, and controlled exclusively by the United States. They want no partnership either in the ownership or the government of the canal. They want it in the first place as their own, as a naval necessity, for their own protection against foreign aggression on the Atlantic, the Gulf, and the Pacific Ocean. They need it for their protection and they need it as an economical measure, to save themselves the expense of maintaining two navies—one in the Atlantic and one in the Pacific.

The marvelous trip of the *Oregon* from San Francisco around the continent of South America to Santiago demonstrated our need of the canal, and the people of the United States have plainly shown their determination to build, own, and govern a canal across the Isthmus for the benefit of their commerce, coastwise and foreign. And in this commercial use of the canal they are not only willing, but it is their desire, as they have manifested, to have all the world participate equally with the citizens of the United States in the use of the canal.

All political parties in all sections of the United States have manifested the determination of the people of this country to build, own, and govern this canal for the purposes I have stated; and it is my earnest belief that no party or public man can disregard this demand of the people without experiencing the speedy manifestation of the disapproval of the masses of our people.

Look at the symptoms. All over the United States the public press, which voice public sentiment, with a marvelous unanimity declare in favor of a ship canal across the Isthmus, and daily demonstrate the necessity therefor.

For more than six years Presidents of the United States have been all the while publicly known to favor this great enterprise. And what President could there be, not looking, like Alexander, for the creation of other worlds to conquer, would want a monument grander or more enduring than to have this great work erected to his memory under his Administration? Scientists would have to invent some material more enduring than metal or marble if they would have it outlive such a monument as this.

The Senate of the United States, by a majority of 17 (if I remember the vote correctly), declared in favor of this marriage of the two oceans for protection and for commerce. The House of Representatives of the United States, by a majority of 190, at the present session, gave judgment in favor of the will of the people when they voted on the Hepburn bill. State legislatures have declared in favor of an isthmian canal, and many of them in favor of the Nicaragua Canal. The party platforms have declared in favor of the Nicaragua Canal. Can any Senator tell me in what other manner the sovereign will of the people could be more clearly demonstrated? Every Senator who has spoken on this bill has in substance declared his individual opinion in favor of an isthmian canal for national protection and for domestic and foreign commerce.

SURVEYS.

For years past the Congress has ordered surveys to be made of different routes for a canal across the Isthmus, and the Presidents have caused these orders to be executed; and reports on reports have been made by different commissions of surveys of different routes and of different surveys of the same route. Millions of dollars have been thus expended gathering information on which to construct a canal across the Isthmus. I will mention something of these surveys more particularly hereafter.

OPPOSITION.

I have stated and proved that the people of the United States want and are determined to have a canal connecting the two oceans; but when I speak of "the people" in that broad sense I mean the masses of the people. But I could not truthfully include in this declaration all of the people of the United States, because no man can shut his eyes to the fact that there is a set of men in the United States, owning or controlling vast sums of money of which neither Crœsus nor Solomon ever dreamed, who are opposed to any canal of any kind connecting the two oceans, because, as they believe, such a canal would diminish their vast incomes, present and prospective. These financiers, as they are called, shouted loudest for progress, commerce, and the development of our resources when the Atlantic and Pacific were to be united and brought close together by iron rails, governed and controlled by them and for their personal benefit. To this enterprise the United States loaned its credit most lavishly, and the financiers sang, "Hallelujah!"

Some of this money has been returned to the Treasury of the United States, but not all; a part is still unpaid and probably will remain unpaid forever. We are not grieving over what has been lost, for the United States, though millions of its money and millions of its acres of land went into the coffers of these great financiers, have received wonderful benefits from these iron rails across the continent, in the development of the western portion of our country. We do not even grieve that great fortunes have been made by these wise financiers out of the land and capital furnished by our Government.

But when we study the signs of the times and the conduct of these great men of money in their opposition to other great improvements made necessary for our protection, to guard our coast and to facilitate and extend our commerce, we are tempted to doubt the wisdom of our Government in constructing a macadamized road out of the Treasury of the United States into the coffers of the few. If it had been possible, the wisdom of Congress ought to have devised a plan by which these vast fortunes would have gone to enrich more men of more liberal views as to other vast enterprises devised for the safety and benefit of other citizens of the United States and for making permanent the power of the United States itself.

Jacob wants Esau's heritage, but he is not willing to pay even a mess of pottage for it!

CHANGES.

There is another view of this subject in no wise agreeable to an American patriot if he has been a close observer of the movements of great men in the United States in connection with this vast enterprise. Different commissions, as we have stated, have made different surveys for the construction of this canal, and many reports of such surveys have been made. All of said reports, with one exception, declare in favor of the route across Nicaragua and Costa Rica, varying in special lines of that route. It did seem from these reports that the Government had all the information needed from which to make its selection of a line on which to construct a canal.

The President and the Congress were informed that the line through Nicaragua Lake was safe and practicable for the construction of a permanent canal; that the country through which the line passed was a healthy country, capable of great agricultural development, and that there was no obstacle or difficulty on the line to the construction of a permanent canal which could not be easily overcome by means and methods known to skillful engineers and already practiced by them in other great enterprises of that kind; that there was no part of this line on which engineers had to try some new experiment.

I am not stating the words of the reports, but merely the substance. If the practicability of constructing a permanent ship canal connecting the two oceans by the Nicaragua route could possibly be proved by the surveys and declarations of skillful engineers, it was proved by these reports. Since these surveys were made and these reports made, not only by commissions appointed by the Government, but by other great engineers, no survey whatever has been made of the Nicaragua route so far as we have been informed, but since the last survey of the Walker Commission was made and since that survey was reported to the Congress, a marvelous change has taken place.

It has been claimed in this debate many times that we should act on the advice and findings of the engineers, who are experts, learned on canals and waterways; and on that just proposition the deduction is that, as the last words of the Commission last appointed favor the Panama route, we should adopt that line. This deduction is not just or reasonable, in these:

First. It ignores all that this identical Commission declared in their former reports.

Second. It ignores as of no force all things declared as facts and as opinions in the reports of former official Commissions.

Third. And it ignores and rejects as of no value the surveys and opinions of many of our greatest engineers—Childs, Lull, Menocal, Cooley, Charles T. Harvey, and others.

Certainly we should rely on and act on the facts and on the opinions stated by experts. And if we do so, no one can doubt what our choice should be. Three separate Commissions have declared in favor of the Nicaragua Canal. The last changed its opinion, after its last survey had been made and reported, on a mere proposition from a discredited, if not insolvent, corporation to sell what remains of the Panama Canal to the United States for $40,000,000, which does not include vast sums to be paid to the so-called Republic of Colombia, the amounts to be hereafter ascertained by negotiation and treaty with Colombia.

We were told a few moments ago about the great value of the inventoried property and a book containing the inventory was exhibited. The vast value of that inventoried property was spread out before us as an inducement to go to Panama. Now, let me read what these same individuals, who now want to buy all of that personal property, said about it in their official report.

Mr. MORGAN. From what page does the Senator read?

Mr. PETTUS. I read from the report of the Isthmian Canal Commission, 1899–1901, page 102.

As a general rule, this property shows signs of attention—

Speaking now of the personal property of the Panama Canal Company as they found it—

As a general rule, this property shows signs of attention, and the evidence seems satisfactory that it has been well cared for since the liquidator took charge of it in 1889. It would manifestly be imprudent, however, to fix a value upon any important machine which has been idle that length of time without first actually testing it at work, however neatly painted and sheltered it may now be. Much of the property is ill adapted to American methods, and all of it is now from thirteen to twenty years old, during which period the improvements in this class of machinery have been such that contractors would generally find it to their advantage to buy entirely new machinery of modern pattern rather than attempt to use this of an older class, even if given to them free and in good order.

The locomotives, rails, and cars may be of some service, but their value is doubtful; the locomotives are much lighter than is desirable for economical service; the rails are of a pattern ill fitted to rough use, and the cars have narrow-tread wheels. The cars are probably the best part of the whole outfit. It has seemed to the Commission that in acquiring the Panama Canal the United States should not buy this plant as a whole, and that no special allowance should be made for it in estimating the total value of the property. Its owners may realize something by the sale of portions of it to contractors if the latter find that they can use it to advantage. This valuation is all that the Commission can put upon the plant; it has already appeared in the estimates, since the unit prices have been fixed upon the condition that contractors furnish their own plant.

That much for this parade of an inventory and its great value. It is true, and ought in fairness to be stated, that the Commission do state that the railroad itself is a very valuable property.

I go back now to the experts. But if the Senate should decide this question alone on the opinions of the members of the last Walker commission, without any reference to other history, and without any reference to the opinions of other great engineers, we would be forced to decide it in favor of the Nicaragua route, because all of the members of the last Walker commission reported in favor of the Nicaragua route, and gave most cogent and satisfactory reasons why that route should be adopted.

True it is that afterwards the same Commission reported in favor of the Panama route, but the only reason on which this last preference is based is the difference in the cost of the two routes, estimated by them to be less than six millions in favor of the Panama route. They do not pretend even in that report that the Panama is the safer route. There was no such thing in their report until the Senator from Ohio put in what he called their statement this evening.

But since these contradictory reports were both made by the

last Walker Commission, members of that Commission were examined on oath before the Senate committee in charge of this bill, and they testified on oath, separately, each for himself, and from their testimony it is shown in substance that they had not changed their opinion as to the safety, practicability, or endurance of a canal on the Nicaragua route, or any of the facts stated by them in their report, before the Panama Canal Company made their proposition to sell to the United States. Nor do said commissioners in their testimony before the Senate committee make any substantial change in their statements and opinions in reference to the Panama route, as stated in their report made last fall, before they heard of the proposition to sell the Panama Canal to the United States.

Taken as a whole—I speak of all these reports from one end to the other and the testimony before the committee—all the reports of every sort, including the testimony made by the last Walker Commissioners, prove—

First. That the Panama line passes through an extremely sickly country, but the Nicaragua line passes through a country remarkably healthy for the latitude.

Second. That the distance from our Atlantic to our Pacific coasts by the Nicaragua route is about 500 miles nearer than by the Panama route.

Third. That all the work on the Nicaragua route can certainly be constructed and maintained permanently by skillful engineers by means and modes already well known and heretofore practiced by engineers in enterprises of like character, but that on the Panama route the dam at Bohio, upon which the entire safety and efficiency of the canal depends, involves new and untried problems in engineering.

All these engineers say that a double lift of 45 feet has never been attempted by any engineer on earth. There is a 90-foot raise at one place. As I understand it, this double lift consists of two connected locks. One raises the vessel to the distance of 45 feet and puts it into another, and the other raises it 45 feet—in other words, it raises it 90 feet at the same place—and all the engineers state in these reports that no such thing has ever been done by any engineer on earth. Why, then, is it not an untried problem? It is stated in the very words that it is an untried problem.

Fourth. That on the Nicaragua route there are several safe places on which to construct the principal dam, but on the Panama route there is but one place, Bohio, on which to construct the dam on which the safety of the canal depends, and that involves new and untried problems which engineers have not as yet solved.

Fifth. That the Panama route is within the zone of calms or doldrums, and that it is very difficult for sailing vessels to get into or out of the bay of Panama or Colon at either end of the Panama Canal; whereas the Nicaragua route, including Lake Nicaragua, lies directly within the line of the trade winds, and that this condition on the Nicaragua line is most advantageous for sailing vessels.

Just there, do Senators want to have a canal built only for steamers? Do not Senators know that over 60 per cent of the present commerce of the United States is carried in sailers? I am speaking of vessels of the United States. Over 60 per cent of them are sailing ships, and in some of the other nations the per cent of their sailing vessels is still over 70 per cent.

The Commission of which Rear-Admiral John G. Walker was president has proved these five propositions beyond all doubt, without any reference to the surveys and opinions of other great engineers well acquainted with the two lines. In the report which was completed May 9, 1899, and sent to the President, the Commissioners say, in substance, that they were closely engaged in the work for a period of one year and nine months, and that they spent five days at Panama "in examining the Panama Canal line, the work being done, and the plans, drawings, and data in the office of the company at Panama." And after stating in detail the work that they had done and the particular questions they had decided, they conclude as follows:

> The Commission, after mature deliberation, has adopted and estimated for the route from Brito to Lake Nicaragua, called the Childs route, varient No. 1, and from the lake to Greytown, that is called the Lull route, varient No. 1. This line, leaving Brito, follows the left bank of the Rio Grande to near Buen Retiro, crosses the western divide to the valley of the Lajas, which it follows to Lake Nicaragua. Crossing the lake to the head of the San Juan River, it follows the upper river to near Boca San Carlos, thence, in excavation, by the left bank of the river to the San Juanillo, and across the low country to Greytown, passing to the northward of Lake Silico. It requires but a single dam with regulating works at both ends of the summit level.

Mr. President, I have mentioned what these particular engineers have said partially about these two routes. I want to call the attention of Senators to the fact that if the Panama route was as feasible and as easy and as little expensive as its advocates would have us believe, it is absolutely impracticable on account of the health of the place. Senators talk about remedying the health of a place. You can not do it. Nature fixes it so that it can not be done inside of a cost. You would have to build a wall strong enough to keep the ocean in place before you could ever use such a canal as that for the safe or reasonable benefit of the people.

What is it? Look at the history of the place. A distinguished physician, Mr. Nelson, an Englishman living in Canada, spent five years in Panama, and he gives the most gloomy account possible. I will not read it, but I will state its conclusion. He says the healthy season in Panama is from December to April and the sickly season is from April to December, but that Panama in the healthy season is the sickliest place on earth. Now, that is his judgment of it, and he proves it mathematically by his statement.

These Commissioners speak of it as an unhealthy place. That is one of the objections to it, but it is the mildest form of a statement that they make. My venerable friend from Nevada [Mr. STEWART] spoke of his personal experience at that place. I had some experience there myself. I went through that place as rapidly as a mule could carry me, but I did not go through fast enough to escape the Panama fever, which clung to me like a dead weight for months.

Mr. President, the health of that place was not exaggerated by this Canadian doctor, who lived there in it for five years by methods that he seemed to have learned how to take care of himself at times, though he suffered severely himself. The yellow fever is not always what is called epidemic in Panama, but it is always there. There is not a day in the year that they do not have it. The Panama fever is slower, but almost a sure death. All the malignant types of fever that are ever mentioned are prevalent in that place. Gain and commerce will carry some people there; and they live afterwards—sometimes.

Mr. President, there is a cause there that a man who has no knowledge of medicine, no acquaintance with the sciences of disease can see with his naked eye and know to be the cause. The ordinary tides in the Panama Bay are from 16 to 20 feet. They frequently go up as high as 24 feet. Think of a tide going into a bay with a 16-foot lift. If it ran up against a stone wall it would not do any harm. But that is a very large bay. I do not remember the exact dimensions, but it is over 100 miles around by a good deal.

Mr. MORGAN. It is 100 miles by 60.

Mr. PETTUS. All around that bay from one land point to another land point there is a sand beach about 2 miles wide. When the tide comes in that sand beach is covered all over it and all around the harbor, and the tide throws on the sand beach accumulations from the sea. Seaweed and everything noxious that happens to be in the bay or about it the tide throws up there. The climate is always away up into 80° or 90° and it is always so moist that it can almost saturate a piece of paper that you would lay out in the sun. It is a wet climate; it is a hot climate. All the filth that is thrown on this wide beach lies absolutely exposed to the sun and to this wet atmosphere for twelve hours every day, and it boils this festering stuff and throws it all over the country.

Mr. President, that very thing can not be exaggerated. It is so bad that the United States ought not to invite the world to such a pesthouse. If you examine anybody who has been there and looked at it, who has just seen the bay itself, he would know what was the cause.

Now, how are you going to drain that bay? How are you going to arrange for the clearing of these 2 miles of beach that is covered every day by a 16 to 20 foot tide?

It is true that on the other side the tide is entirely of a different sort. Just think of it! Senators talk about cleaning out and improving the harbor down here at Cuba. To be sure, that can be done. Why? Mr. President, the tide there is hardly ever as much as 3 feet and 9 inches or 10 inches. There is nothing there that you can not protect. If you clean out the bay you have got it cleansed, and I suppose American energy could do that. I have no doubt it would do it. But such a thing as I have described can not be remedied by anything that any legislative body has ever yet prescribed. How are you going to clean such a thing as I have described and keep it clean? It can not be done. These physicians say the beach is the grand cause of the desolation of death which prevails there. To be sure, there are other causes, and very severe ones, but this is the grand cause and the cause under which millions of men have died and have been buried there.

I wish to call the attention of the Senate to one other item about this Panama and Colombia. It is the Republic of Colombia that owns the country we are talking about. That is the name of it, but it is the most peculiar republic in one respect of which I have information. It is a republic without one grain of religious liberty. It is a mongrel population of a most peculiar kind. So far as I have seen or heard the negro is the best part of the population there, with a very few exceptions. I am sorry to say that in my researches about this matter I have come across a very disagreeable fact. We read Washington's Farewell Address. I heard

the Senator from Massachusetts [Mr. LODGE] read it here one day. It was a little inopportune, but he emphasized the words warning us against entangling alliances. Yet if you look into our treaty you will find that we are tied up with this Government of Colombia in the way of guaranteeing their sovereignty. The United States has bargained to do it. I was very sorry to read it.

That country also made a treaty with the Pope, and I will just get the Secretary, if the President please and the Senate consent, to read a short extract from the treaty made with the Pope, and also another item added there, one page of the laws passed by the Colombian Congress to carry out the treaty that they had made, called a concordat, with the Pope. Senators can see what liberty those people have and what class of people in a republic could ever have made such a concordat or enacted laws to enforce it. When you look at the people, Mr. President, you will understand it. The Secretary will please read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CONCORDAT ENTERED INTO BETWEEN POPE LEO XII AND THE REPUBLIC OF COLOMBIA, RATIFIED 1888.

[Extract.]

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right in whatever concerns religion and morals and inspect and revise the text-books in use in the same.

The Archbishop of Bogota shall prescribe the text-books relating to religion and morals to be used in the universities, and to insure uniformity of teaching on those subjects, said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcate ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to the Catholic doctrines, the respective diocesan may withdraw from the offending professors and masters the privilege of teaching any such branches.

A part of the laws passed by Colombia to enforce the concordat are as follows:

"ART. 34. Marriage contracted according to the rites of the Catholic religion of itself annuls (ipso jure) a purely civil marriage previously celebrated by the contractants with other persons.

"ART. 35. For the purely civil effect of the law it acknowledges the legitimacy of children conceived prior to the annulment of a civil marriage by virtue of the provision of the preceding article.

"ART. 36. The man who, having married civilly, marries subsequently with another woman according to the rights of the Catholic religion is obliged to provide maintenance for the first wife and for the children had by her so long as she does not marry according to the Catholic rite."

Mr. PETTUS. Now, Mr. President, that is a picture of the sort of people you are going to have to surround you at Panama and in that Republic of Colombia. They are a Republic, and insist on it that they are a free Republic, and yet no privilege of religious worship is given. There is no privilege of teaching. There is an established faith, and the faith must be conformed to in all the schools. The faith must be upheld. If a man happens to be married according to the rules prescribed by the legislature and to change his mind and is then married the next day or in the next ten years to another woman according to the forms prescribed by the Catholic Church, that operates ipso facto as a divorce. They required him, however, to maintain the children by the first marriage.

Mr. President, I am not speaking of these things to censure the Catholic Church. I have none of the prejudice against that church that we sometimes see exhibited, but I say here, as a Protestant, that no church on earth should ever be allowed to control the liberty of the citizen. Many of the churches have tried it; not the Catholic Church alone. But no church with the civil power has ever allowed any religious liberty. "Oh," my Baptist friends may say, "we never oppressed anybody." And they did not for the best reason in the world—they never had a chance. [Laughter.] But I would not like to hear my Episcopalian friends or my Presbyterian friends say anything about how clean their churches are from all oppression. If you go and look at history on that subject as it is written, you will find that in Scotland as well as in Spain, and in England as well as in other countries, the church that had the civil power crushed out all religious liberty. That being the history of the world, Mr. President, I do not think we ought ever to trust any of the civil power to the church.

I look with the utmost veneration on the man who is trying to obey his Master's will; I say "trying," because the Master says no man does it fully. I look with the utmost veneration upon such a man; but when a man tells me that I have not the right to worship my Master in the form I choose and in the church to which I desire to belong, I do not appeal to the Constitution of the United States, but I appeal to the innate rights of man that no human power can justly or lawfully take away—the law of God itself.

I have been led into this digression on this subject. I only brought this in to illustrate what kind of people we should have to deal with at Panama. Well, next door neighbor to them there is a worse people—the Panama Canal Company. If there is any word which is innocent in itself that indicates the perfection of scientific fraud, that word is "Panama"—the Panama Canal Company—and I have got a sentiment that I do not want the name of the United States connected with that infamy.

Mr. President, I want to call to the attention of the Senate the words of some other great engineers in reference to these two canals. This canal commission was composed in part of great engineers. There were lawyers and sailors and other people upon it; but there were also great engineers upon it. I am not discrediting what they say, but there are other great engineers who have investigated this subject. I want to call attention first to what was said immediately on this subject by one of our great engineers, Lyman E. Cooley. I presume the Senator from Illinois and the Senator from Michigan know who Mr. Cooley is. He is represented as a great engineer; he is represented as the engineer who constructed the Chicago Drainage Canal. He is acquainted with these subjects, and is a man of vast reputation. I suppose he heard what was going on here in the Senate. He heard that there were volcanoes all over the Senate in every direction, and he wrote about the volcanoes and other things. I will read what he says:

To the editor of the Herald:

The violent volcanic eruptions in the Windward Islands, with the appalling loss of life, are being used by the Panama advocates and by canal opponents in general as bases for predicting dire disaster to the Nicaragua Canal.

The nearest volcanic cone to the canal line is Ometepe, in Lake Nicaragua and opposite the Pacific division. The crater is some 12 miles from the lake entrance of the canal, with 8 miles of intervening water, and the first lock is about 20 miles away.

I have seen nothing in the dispatches to indicate that a canal similarly located in respect to Mont Pelee would have been destroyed in the present eruption, though damage might have resulted.

The conditions in the valley of Nicaragua are in no sense parallel to the case at Vesuvius or in the Windward Islands. There are no historical records or traditions and no physical evidence to indicate a similar expectation. We know of nothing in the vicinity of either the Nicaragua or the Panama route equal to the Charleston earthquake, and this would not deter the construction of a canal along this portion of the Atlantic coast. There has been nothing to compare with the series of the New Madrid earthquakes, in 1811-1813, in the very heart of the Mississippi Valley.

POSITION OF THE ROUTE.

The Nicaragua depression lies between two centers of volcanic activity long since past. To the east are the Costa Rica highlands, with its volcanic knot, of which Irazu is the only living cone. To the west are the highlands of Jinotepee, on the northern flanks of which occurred the great eruptions which closed out Lake Nicaragua from the sea, and Masaya is the only cone in this group which has shown any activity in the historic period.

There has been only one volcano there which has shown any activity in the historic period.

An earth fracture with a line of vents appears to lead northwesterly from the Costa Rica knot and terminates in Orosi, before reaching Lake Nicaragua. Orosi is supposed to be extinct. A line of vents also extends southwesterly from Masaya and terminates in the Island of Ometepe, with its two cones—Madera and Ometepe, the latter of which is still alive. The canal route lies in the gap between Orosi and Madera, the two peaks which exhibit the limits of past activity.

There is more evidence at Panama, both in regard to the number and the destructive effect of earthquakes. Old Panama was once destroyed. Since the French operations a crevasse was opened across Colon and the cathedral at Panama was damaged.

The Caribbean Sea is bounded on all sides by formations more or less volcanic in character. The Greater Antilles, the Isthmus, and the coasts of the mainland belong to early Tertiary time. The forces are long spent and the land stable during recent geologic time. The formations athwart the Caribbean Sea, and known as the Windward Islands, are comparatively recent, and seismic forces are still active.

The valley of Nicaragua appears to be the most stable bit of land, and to have suffered less change since its formation than any other region between the two main continents, unless it be the Isthmus of Tehuantepec.

That violent seismic disturbances will never occur in Nicaragua can not be predicted. They are possible anywhere on earth. Two destructive earthquakes have occurred in the United States in one century, and apparently remote from volcanic regions. The ruins of Baalbeck were dislocated by an earthquake in modern times—structures built of stone larger than since used and that go back into tradition before the children of Israel entered the "promised land." Do such remote contingencies cut any figure in insurance rates?

COMPARISON OF PROBABILITIES.

The recorded data of a comparatively short period indicate a greater mathematical probability that Kansas City, or even St. Louis, will be wiped out by a tornado than the evidence along the Nicaragua route indicates that the canal will be destroyed by an earthquake. Direct destruction by volcanic eruption is not within the domain of probability. A new fracture in the earth crust must first open, an event as probable as a new rent in a steam boiler while the old fracture still exists.

The vital structures of a canal are in the earth rather than in the air, and are not subject to the destructive whip-lash action in structures rising high from the ground surface. Canal masonry will be monolithic concrete, and can be made much stronger than masonry of stone blocks, and it can be reenforced at vital points to any extent by incorporating metal; in fact, concrete-metal construction is destined to a great future. Girder lock gates, with broad bearings, can be substituted for the ordinary type. High masonry dams and narrow embankments can be avoided. All this will involve some change in conception and treatment from the official plans, but it can be successfully and economically worked out, as I know from my own experience.

There is nothing in the situation which should deter the construction of a proper canal. No experience warrants the assumption that the canal will be injured throughout by any single disturbance, and the probabilities are that

any very violent action will be quite local and limited to such damage as can be repaired with an interruption of traffic of a few weeks at most. The presumption that such dangers are imminent is not warranted by any known fact on the Nicaragua route.

The danger from flood is more serious. The unexpected has repeated itself in river valleys more often than destructive earthquakes have repeated themselves in the same locality, even in known earthquake regions, and there have been terrible losses of life and property therefrom, many times that due to all known seismic causes. The great equalizing lake of Nicaragua is an insurance in this regard superior to what can be produced at Panama.

The health problem, as concerns human life, is far more potent than either. Epidemic menace, with its attendant losses, is a higher probability than either earthquake or flood in this respect. Panama may be considered truly and actively volcanic in comparison with Nicaragua.

It is easy to indulge in destructive criticisms, to exaggerate and invent difficulties, and to raise doubts. This is the province of the man who wishes to prevent action and vote no. Human progress is due to the man who meets new conditions with new solutions, who can solve doubts rather than raise them, who can vote an intelligent aye.

LYMAN E. COOLEY.

CHICAGO, ILL., *June 4, 1902.*

Lyman E. Cooley, the writer of this letter, is a civil engineer of international note, his specialty being waterways and kindred undertakings, to which he has devoted twenty-four years of his engineering life. He has at different times and in different capacities been professionally identified with almost every deep-water enterprise from the Atlantic Ocean to the Pacific Ocean, through the Hudson River, the Erie Canal, the Great Lakes, the Chicago-St. Louis deep waterway, and the Mississippi and Missouri improvements, and with the Nicaragua or Panama Canal. He has the distinction of having walked over the Nicaragua and the Panama Canal routes. As I have already stated, he was once chief engineer and is now consulting engineer of the Chicago Drainage Canal. His engineering experience has covered a wide field, and he is a profound student in his profession.

Mr. President, in this connection I will state that Mr. Childs made a survey of this route. He was a great engineer. Lull followed him and made a survey, and he was a great engineer. They both declared that the Nicaragua route was perfectly practicable.

I will ask the Secretary to read a very interesting letter addressed to my colleague [Mr. MORGAN] by the great engineer Harvey, who constructed the Michigan Canal. It deals with this subject, and there are some parts of it that are bound to sound on the heart of any American patriot.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

The national interest evidently lies in shortening the distance to be traversed from one of these coast lines to the other as much as possible, and which the isthmian canal will reduce by over 10,000 miles. The Nicaragua route lies nearest the same by about 500 miles sailing distance, so that a round trip involves a saving of 1,000 miles over the Panama route, which means ninety hours or nearly four days' extra time for the average freight steamers and double that for the average sailing vessels. It has been claimed that this is partly counterbalanced by a shorter time of transit through the Panama Canal, but this may be reasonably doubted.

No account is taken in such comparison of the distance to be traversed in the bay of Panama of 120 miles on the west, or in Colon Bay of about 10 miles on the east, to reach an equal offing from the main coast lines for laying northerly sailing courses. By adding these, the Panama route, east and west is a few miles longer than that of Nicaragua, and by the testimony of Commander Young before your committee it appears that both Panama and Colon bays have tortuous channels which require daylight and freedom from fogs to navigate safely. As the section of minimum canal width is about the same in both routes, and the remainder of the Nicaragua route, having the enlarged areas of Nicaragua Lake, and its artificial elongation, will permit of full speed by steamers, and its additional elevation above sea level to be overcome by lockage being less than 20 feet, the alleged saving of transit time on the Panama route practically disappears, and a parity in that respect can be safely assumed for both.

The geographical position of the Panama route, being in the area or zone of calms or doldrums (as stated by several of the witnesses before your committee), practically lays an effective embargo against sailing craft being benefited by it, while the prevalence of reliable trade winds or air currents on the Nicaragua route offers special advantages to sail propulsion.

These facts are brought out so positively in the documentary evidence published by your committee that I need not enlarge upon them, but when coupled with the statement that of the entire marine tonnage of the United States, aggregating by the latest returns 2,095,000 tons, 1,285,000, or over 60 per cent, is sailing craft, the same becomes most momentous. Norway and Sweden have 1,144,000 tons of sail craft to 626,000 of steam, or over 70 per cent.

To rule out such proportions of the national and world's marine would seem a clearly preposterous proposition. To minimize the effect of these considerations it has been asserted that the use of sail craft is on a decline, which portends the almost universal use of steam marine power. But here again facts are against this theory. Improvements are taking place in the construction of sailing vessels which may place them in the lead as the most economical freighters. The old-style square-rigged ships are being supplanted by multiple-masted schooner-rigged vessels of larger dimensions than ever before employed.

Thus, seven-masted schooners of 3,000 and 4,000 tons burden are being built in the State of Maine shipyards, fitted with auxiliary steam engines, effecting a saving of nearly 75 per cent in the number of requisite sailing crew which a square-rigged ship of the same capacity would require. The sending of sailors aloft to "take in sail" in a gale of wind is nearly obsolete. The sails of a modern sailing vessel are now handled by power winches from the deck—a veritable revolution in marine industry, the far-reaching results of which students of such matters will appreciate as radically important in deciding as to the isthmian canal routes, which in one case prohibits and in the other favors the same.

It is well known that the building of sail craft has taken a new start in Germany, where one of some 5,000 tons burden has recently been added to the merchant marine, and that France is offering a bounty to vessels of that kind. This may be the result of far-seeing statesmanship, in view of the economizing of coal consumption, which is fast becoming one of the great industrial problems of this century.

* * * * * * *

RISKS AS TO PERMANENCY AND REPAIRS.

Under this caption the most fundamental points of difference between the Panama and Nicaragua routes come under review. In the case of the former the original plans of Count de Lesseps had the merit of minimizing the risks of serious breaks in the canal proper, except such as might arise in the problem of controlling the Chagres River, but the plans of the new company include the creating of a high-level artificial lake of some 43 square miles area by the interposition of a dam 2,546 feet long, 228 feet high above the bed rock, so far as the latter has been found by boring, the whole to be of earth except a narrow masonry core, intended more to prevent seepage than to prevent superlateral resistance to the rear water pressure. Three dangers might each cause the overthrow of this structure: First, percolation under its base; second, the sudden bursting of restraining reservoir dams farther up in the Chagres River valley; third, seismic disturbances in that locality.

The first two may be averted by engineering skill and unlimited expense, but the latter is beyond human prevention, and this, it seems, is a local menace with startling recent proofs of pendency. The report of the Canal Commission, page 168, reads as follows:

For Panama the records show 28 earthquakes. Of these 12 occurred in the three years 1882-1884. During the earthquake of September 7, 1882, a part of the Cathedral at Panama was thrown down, and the headquarters building of the canal company was cracked. The railroad had its tracks and roadbed in places thrown out of line, and the masonry of three or four bridges and culverts were damaged. At Los Cruces the church was thrown down; at Colon some lives were lost and crevasses were opened and the Jamaica telegraph line was broken.

To this Mr. Haupt adds, in his evidence (page 551), that in 1882 Colon was rent with a seam across the town, and the railroad bridge at Barbacoa was shifted out of position.

These points being in the vicinity of the proposed dam the extraordinary risk to its permanency is at once apparent. Should it give away the eastern section of the canal would be obliterated with a roar and a rush awful beyond description. Not a person between it and Colon would probably be left alive to tell the tale, and ships in the canal might be buried out of sight by the débris or hurled as shapeless wrecks into the ocean.

Having been in the vicinity of the Johnstown dam disaster, and having witnessed the devastation caused by the concurrent breaking of a series of reservoir dams in the Lehigh River Valley, where I have seen canal boats carried out of the canal near the river and landed miles away from its line, with the crew drowned in the flood, I have a very acute dread of such catastrophies from actual observation of their effects.

These occurred in the heart of the old State of Pennsylvania, with engineering ability of the highest grade near at hand. How much greater the danger from like causes in the almost unknown recesses of Panama!

I have examined the testimony of Messrs. Haupt and Plume, in their recent evidence, and in view of the facts they state as to the treacherous nature of the main strata in the vicinity to be relied upon for dam foundations and the imperfect result of the examination of the same by the French engineering corps, my conclusion is that the risk incident to that feature of the Panama route is one that the United States can not afford to assume, much less any contracting syndicate or individual; and for myself I would not, under any probable circumstances, be willing to be connected with it professionally or otherwise. The risk is beyond human assurance, and therefore too great. This conclusion renders consideration of various other difficulties inherent to the Panama route superfluous.

In regard to the Nicaragua route, I find no element of extraordinary risk. The dams upon the east and west slopes can be made earthquake proof beyond all question, and permanent for all time. But it is well to note that Professor Haupt states that as the result of exhaustive examinations of data, he finds that the zone in which the Nicaragua route is located is less disturbed by earthquakes than any other section of like extent on the globe. This presents a most radical and favorable contrast to that of its competitor.

In sanitary conditions the contrast is also remarkably favorable to the more northern route, which is alone a feature of prime importance in the case, as risks to life and health control all others from both a phyiscal and financial standpoint. * * *

NATIONAL PRESTIGE.

The completion of the Nicaragua route upon the lines hereinbefore indicated will be the greatest engineering achievement in the records of the world up to this time, and will form one of the epochs of history. Its exploration was first ordered by the Emperor Charles V, in 1516, in a general way, and in 1529 was actually carried out by Capt. Diego Machua, then in his service. From that date to the present the route has been one of the most prominent projects commanding the world's attention.

If the United States commences and completes it in a creditable manner, it will have all the honor which such result implies.

On the other hand, the Panama route was promoted in France some two decades since, and its not only disastrous but scandalous failure resulted in 1889, the details of which are too well known to need special mention in this connection.

By the evidence of Charles Colné, on page 211, it appears that there were 800,000 individuals who were sufferers from the losses entailed by the grand fiasco. Supposing that the United States bought out the assets of the defunct undertaking at the price of forty millions, now proposed in its behalf; all of those 800,000 persons, with hardly an exception, would insist that this nation had taken advantage of them and forced a sharp bargain in the purchase, and might unite to present claims for allowances with the Government of France as a quasi sponsor for the same.

These sentiments would be transmitted from one generation to another, and the prestige of this nation correspondingly impaired.

Again, if the undertaking were carried through to a successful conclusion, prejudiced historians would assert that to M. de Lesseps belonged the éclat of the initiative, and the lines of cleavage between the failure and the success would be debatable for all time.

Under these conditions, it can be reasonably claimed that, even if the Panama route were a desirable acquisition from an engineering standpoint at the purchase price proposed, the fair name and prestige would be injured to an extent and in a manner for which no monetary consideration would prove an adequate equivalent.

As a representative of ancestors who were among the earliest to establish the social and political framework of this country and to defend its liberty and honor with their lives, I must, as a citizen and individual, protest against its sacrifice of the prestige of a glorious achievement presented on the one hand for the debased and discredited remains of a prior failure on the other.

Mr. PETTUS. Mr. President, there is the opinion of a great engineer, and I desire particularly to call attention to one thing which is there established by his testimony. We have been told

time and again—it has been repeated over and over to-day—about the delays that would occur on the Nicaragua route by reason of a vessel having to stop in the nighttime. These engineers show that there is no difficulty whatever in using the canal at any hour of the day and night, and they particularly call attention to the fact that there are no fogs in that climate to obscure the light which might be given by electricity along the line of the canal the darkest night. The atmosphere is free from fogs.

Mr. President, I do not want to run this argument into the night. I merely wish to ask Senators to consider this project as having been advocated by the people, advocated by both political parties, passed upon by both Houses of Congress, and passed upon by one of them almost unanimously during the present session, passed upon by all of our States almost—all in favor of this particular Nicaragua route. Now, because we have a flash light from a decayed and fraudulent company, an offer to purchase the old canal at Panama, with all its miserable memories, we are abandoning that which the House has sent to us, the Hepburn bill.

If you do not want to defeat a canal—if that is not any part of the purpose, and the Senator from Ohio [Mr. HANNA] assures us, and we are bound to believe him, that that is no part of the purpose—why not go along with the House with your own record, when you had the same information in every respect that you have now, if you leave out the French bargain which has been offered to you? Not a fact has been changed.

You voted for it in substance by 17 majority. Mr. HEPBURN had it passed and sent over here last session. It is true we did not have time to consider it. We were very busy about more important matters, and we never had time to consider it. It has come across my mind—and I might just as well speak it out now—that there was a purpose to defeat any canal at any time to be built by the United States, because it interfered very materially with other business interests. But, Mr. President, if you do not want to defeat any canal at all, why not go along with the House? I do not personally know Mr. HEPBURN, but I have heard a marvelous account of the nerve he displayed at Stone River and Chickamauga, and I do hope to God that there is a large part of that courage left.

During Mr. PETTUS'S speech,

Mr. SPOONER. Will the Senator do me the kindness to yield for a single second?

Mr. PETTUS. Certainly.

Mr. SPOONER. I of course have the right to perfect the substitute which I have proposed to the bill, and I have drawn some amendments to it. I ask that it be printed with the amendments in italics.

Mr. KEAN. Will the Senator also ask to have it printed in the RECORD?

Mr. SPOONER. Very well; I ask to have it printed in the RECORD in the same way.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the order is made.

Mr. SPOONER. I thank the Senator from Alabama.

The amendment as modified is as follows:

Amendment intended to be proposed by Mr. SPOONER to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, viz: Strike out all after the enacting clause and insert the following:

That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding $40,000,000, *all of* the rights, *privileges, franchises*, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all *its* maps, plans, drawings, records, *on the Isthmus of Panama* and in Paris, including *all the capital stock, not less, however, than* 68,863 shares of the Panama Railroad Company, owned by *or held for the use of* said canal company, provided a satisfactory title to *all of* said property can be obtained.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, *exclusive and perpetual* control [in perpetuity] of a strip of land, the territory of the Republic of Colombia, [ten] *not less than six* miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

SEC. 3. That when the President shall have [obtained] *arranged to secure* a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and [the] *shall have obtained by treaty* control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on [a] warrant *or warrants* drawn by the President.

The President shall then [direct the Secretary of War to] cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and [the Secretary of War] *he* shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and [such] *the* control of the necessary territory of the Republic of Colombia *and the rights* mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States [similar] *exclusive and perpetual* control *by treaty* of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, *perpetual* maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall [direct the Secretary of War] *cause* to [excavate] *be excavated* and [construct] *constructed* a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean.

Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from [Greytown to Brito] *ocean to ocean;* and [the Secretary of War] *he* shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; *and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States, are hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.*

The President shall cause such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated *by either route so selected.*

And the Secretary of War is hereby authorized to enter into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefore [may] *shall* from time to time be hereafter made, not to exceed in the aggregate *the additional sum of* $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SALARIES OF POST-OFFICE CLERKS.

After Mr. PETTUS'S speech,

Mr. MASON. I ask unanimous consent to call up the bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes. It was up yesterday.

Mr. KEAN. I move that the Senate adjourn.

Mr. MASON. I hope the Senator will not do that. It will take but a moment. No one objects to the bill.

Mr. DANIEL. I should like to understand it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Jersey, that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, June 19, 1902, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 18, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10172. An act granting an increase of pension to Thomas Finegan;

H. R. 1466. An act granting a pension to Alfred Hatfield;

H. R. 12724. An act granting an increase of pension to Richard M. Kellough;

H. R. 14224. An act granting an increase of pension to Margaret S. Tod;

H. R. 3768. An act granting an increase of pension to John W. Campbell;
H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;
H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
H. R. 14118. An act granting a pension to Mary C. Bickerstaff;
H. R. 2615. An act granting an increase of pension to Charles E. Miller;
H. R. 11865. An act granting an increase of pension to John A. Robertson;
H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
H. R. 12305. An act granting an increase of pension to Charles Olson;
H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;
H. R. 14079. An act granting an increase of pension to John Miller;
H. R. 14052. An act granting an increase of pension to George Fusselman;
H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
H. H. 13423. An act granting an increase of pension to Elizabeth Wall:
H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
H. R. 11493. An act granting a pension to Mary A. Lipps;
H. R. 6847. An act to correct the record of Michael Hayes;
H. R. 10794. An act granting a pension to Thomas H. Devitt;
H. R. 884. An act granting an increase of pension to Ellen W. Rice;
H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
H. R. 9463. An act granting an increase of pension to Edgar A. Stanley;
H. R. 9164. An act granting an increase of pension to John H. Crawford;
H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
H. R. 12408. An act granting an increase of pension to John A. Eveland;
H. R. 11115. An act granting a pension to Angeline H. Taylor;
H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
H. R. 13321. An act granting an increase of pension to John S. Bonham;
H. R. 13017. An act granting an increase of pension to James Austin;
H. R. 954. An act granting an increase of pension to Rachel Brown;
H. R. 11711. An act granting an increase of pension to Isaac Gibson;
H. R. 13178. An act granting a pension to William F. Bowden;
H. R. 10255. An act granting a pension to Margaret Tisdale;
H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
H. R. 945. An act granting an increase of pension to William W. Richardson;
H. R. 14359. An act granting a pension to Luther G. Edwards;
H. R. 13691. An act granting an increase of pension to James M. Conrad;
H. R. 14374. An act granting a pension to Samantha Towner;
H. R. 12976. An act granting an increase of pension to Jacob Smith;
H. R. 12312. An act granting a pension to Susan Walker;
H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
H. R. 1478. An act granting an increase of pension to Henry Runnels;
H. R. 10767. An act granting an increase of pension to Louisa N. Grinstead;
H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
H. R. 14012. An act granting a pension to Fannie Reardon;
H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
H. R. 12774. An act granting an increase of pension to John M. Brown;
H. R. 9717. An act granting a pension to Isaac M. Pangle;
H. R. 13675. An act granting an increase of pension to George W. White;
H. R. 12130. An act granting a pension to Christopher S. Stephens;
H. R. 10899. An act granting an increase of pension to William Warner; and
H. R. 8109. An act granting an increase of pension to William H. McCarter.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6015. An act granting an increase of pension to Clara M. Gihon—to the Committee on Pensions.
S. 4493. An act granting an increase of pension to Michael Volz—to the Committee on Pensions.
S. 3423. An act granting an increase of pension to Maria V. Stadtmueller—to the Committee on Invalid Pensions.
S. 5239. An act granting an increase of pension to Joseph A. Kerbey—to the Committee on Invalid Pensions.
S. 3180. An act granting a pension to Emma L. Ferrier—to the Committee on Pensions.
S. 4517. An act for the relief of Priscilla R. Burns—to the Committee on Claims.
S. 5944. An act granting an increase of pension to Frederick W. Wiley, alias William F. Wiley—to the Committee on Pensions.

LEAVE TO PRINT.

Mr. WILEY. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the bill H. R. 11412.
There was no objection.

SANTA FE PACIFIC RAILROAD.

The SPEAKER laid before the House the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes, with Senate amendments, which were read.
Mr. WM. ALDEN SMITH. I move to concur in the Senate amendments.
The motion was agreed to.
On motion of Mr. WM. ALDEN SMITH, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHALLENBERGER, for ten days, on account of important business.

MOTION TO RECONSIDER.

Mr. CANNON. The gentleman from Alabama suggests that he wants to enter a motion to reconsider and let it be pending.
Mr. UNDERWOOD. Mr. Speaker, by request of my friend from Texas [Mr. STEPHENS], who voted in the negative, I voting in the affirmative, on House bill 53 last night, he desires to have a motion to reconsider pending. Therefore I move, at his request, to reconsider the vote for the engrossment and third reading of the bill.
The SPEAKER. What was the title of the bill?
Mr. UNDERWOOD. It was House bill 53.
The SPEAKER. There was no bill of such number under consideration. Can the gentleman state the title of the bill?
Mr. UNDERWOOD. It is in reference to the Kiowa, Comanche, and Apache Indian reservations.
Mr. CANNON. I will say to my friend that there was no record vote on that. The third reading was denied.
Mr. UNDERWOOD. Well, I am not going to ask for a vote. I merely wish, at the request of the gentleman from Texas, to enter a motion to reconsider.
The SPEAKER. That was House bill 103, to open for settlement 480,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory.
Mr. UNDERWOOD. I make a motion to reconsider at the request of the gentleman from Texas.
The SPEAKER. The gentleman from Alabama enters a motion to reconsider the vote by which the House refused to order the bill to be engrossed.
Mr. UNDERWOOD. And let it be pending.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the District of Columbia appropriation

bill with the amendments by the Senate, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to the amendments of the Senate, and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees on the part of the House: Mr. MCCLEARY, Mr. CANNON, and Mr. BENTON.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I now move that the House resolve itself into Committtee of the Whole House on the state of the Union for the purpose of considering the general appropriation bill; and, pending that motion, I would be glad if I can by unanimous consent fix a time for general debate.

Mr. LIVINGSTON. What time does the gentleman want to close?

Mr. CANNON. As early as possible. Is the gentleman from Tennessee [Mr. RICHARDSON] in his seat?

Mr. LIVINGSTON. I represent him.

Mr. CANNON. I merely wanted to know what arrangement we could make, if he was here, because he had talked with me about it.

Mr. LIVINGSTON. He has just left. He communicated with me.

Mr. CANNON. I will ask the gentleman from Georgia, with the statement that to-morrow we commence under the special order with the insular bill—this bill ought to be completed to-day, and I am going to ask the House to sit until it is completed. Well, now, with that statement, what arrangement can we make as to when we shall close general debate?

Mr. LIVINGSTON. We want about two and a half hours on this side.

Mr. CANNON. We can not agree to that. That would mean five hours' debate if we had the same on this side, and it would take all of the session. Now, at this stage of the session, it seems to me we ought to get along with a less amount of time.

Mr. BARTLETT. The gentleman says "at this stage of the session." Will the gentleman kindly inform us when he expects the session to end?

Mr. CANNON. It shall not be my fault if it does not end before the 4th of July. [Applause.]

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 15108, and pending that——

Mr. CANNON. And pending that, Mr. Speaker, I am trying to arrange about general debate being closed.

Mr. LIVINGSTON. I have stated the time that we wanted. Now, what will the gentleman concede to us? I do not see how we can get along on this side with much less than that. Mr. RICHARDSON, the minority leader, wants an hour or an hour and a half, and I want to secure it for him if I can. If you will give us two hours that will give him an hour or an hour and a half, and I can use the other half hour myself.

Mr. CANNON. Well, if the gentleman from Georgia wants an hour and a half for the purpose indicated we will get through on this side in an hour, and that will make two hours and a half.

Mr. LIVINGSTON. Two hours and a half to this side?

Mr. CANNON. No; an hour and a half for your side and an hour for this side, and I hope we shall not use the whole hour.

Mr. LIVINGSTON. And if you do not, I can get the other half hour? [Laughter.]

Mr. CANNON. Oh, no; the gentleman from Georgia and the gentleman from Tennessee, like all the rest of us, want to get on as rapidly as we can.

Mr. LIVINGSTON. Very well; we will take an hour and a half on this side.

Mr. CANNON. Then, Mr. Speaker, I ask unanimous consent that general debate close in two hours and a half, one hour and a half to be controlled by the gentleman from Georgia and one hour for this side.

The SPEAKER. Not to exceed two hours and a half. The gentleman from Illinois asks unanimous consent that general debate shall not exceed two hours and a half, one hour and a half to be controlled by the gentleman from Georgia and the other hour by the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. CANNON was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. SHERMAN in the chair) for the consideration of the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I now yield thirty minutes to the gentleman from California.

Mr. LOUD. Mr. Chairman, I believe this is the first time since I have been a member of Congress that I have offered remarks not directed entirely to the bill under consideration. And I would not at this time seek to offer remarks of this character if the subject which I propose to discuss had not been substantially a living question before Congress for many years, and in my own State a question that has apparently become paramount to all others in the political field.

I shall discuss, Mr. Chairman, without passion, and without intended malice toward anyone, but with the object of presenting to the House and to the country a fair statement, as I see it, regarding the question of salaries of postal employees. It is a question of interest to the great majority of the House, and it may be that there are some members of the House, and possibly some gentlemen in the country, who do not thoroughly understand the question which has been discussed, though briefly, for a number of years.

There has been for more than ten years some considerable agitation regarding the increase of salaries of post-office clerks, railway mail clerks, letter carriers, and fourth-class postmasters; that including, I believe, all that have made, at least, combined efforts before Congress to increase their salaries, I am one who believes that the Government, in common with all who employ labor, should pay that labor a good living salary. I believe the Government should pay as large a salary as any private individual pays, and no more. The Government service is the best service in this country, as it is in all others. Probably, as matter of fact, a man who works for the Government, if he is to be paid upon the same plane with the rest of the people, should receive a less per diem than he would receive from a private individual. The reason for that is that the Government is a liberal employer. It grants leaves of absence, and its employment is permanent at all times. Whether times be dull or times be good, the Government employee's salary goes on steadily forever. In private vocations you will see the trend of wages is upward and downward, as there may be a demand for labor; but with the Government employee, his salary never goes backward, and is not affected by dull times.

The measure which I shall particularly discuss is the increase of salaries of the letter carriers. I shall discuss it comparatively with the wages paid to 105,000 other postal employees and briefly and comparatively with the wages earned by skilled mechanics throughout the country.

The average salary of the post-office clerk is about $800 per year. The average salary of the railway mail clerk is about $1,020 a year. The average salary of the letter carrier is about $918 a year. The service of the letter carrier, based on the examination for entry and by the Department, is held to be the lowest branch of the postal service. Yet I think I can show to the House that letter carriers receive a greater amount of money in net dollars than any other branch of postal employees as a class.

I said the railway mail clerk received an average salary of about $1,020 and the letter carrier $918; but it must be borne in mind that the railway mail clerk is compelled, by reason of his vocation and his absence from home, to expend at least $100 a year for his meals and his sleeping apartments while away from his domicile. According to the statement of men who are probably more familiar with the subject than I am, the amount is $150 a year. As I said before, the average salary of the post-office clerk is about $800.

Now, the particular agitation is for the increase of the salary of letter carriers to $1,200 a year. What I want to call the attention of the House to is this as a fundamental proposition: If the letter carriers are worth $1,200 a year, a post-office clerk is worth $1,400 a year, and a railway mail clerk is worth $1,600 a year. From that standpoint I propose to discuss this question. I do not believe there is a man familiar with the postal service who will gainsay that fundamental statement.

The salaries of the railway mail clerks are fixed by Congress substantially at every session within a certain maximum. The salary of the post-office clerk is fixed within a certain statutory maximum at every session of Congress. The letter carriers, however, are an excepted class of people, privileged beyond all other Government employees of the United States in this respect, that the letter carriers' salary advances by law irrespective of the merits of the man.

When I offered that suggestion to the president of the Letter Carriers' Association, he said to me, "Why, no; you do not have to advance the letter carrier from $600 to $800 and from $800 to $1,000. You can dismiss him." Well, yes; we can either dismiss him or promote him under the law.

I was at the Post-Office Department the other day and tried to secure some estimate of what a bill on this basis in its effect upon other employees would cost the country; and I asked a gentleman in the office of the Second Assistant Postmaster-General who has something to do with the Railway Mail Service to "give me an estimate of how much it would cost the country if the railway mail clerks receiving, as now, $800 when appointed should be advanced at the end of one year to $1,000 and at the end of another year to $1,200 and at the end of another year to $1,400." "Why," he said, "you do not intend to enact any such legislation as that, do you?" "Well," said I, "that is not what I came here for. I simply want the figures as to how much it would cost." "Why," said he, "legislation of that character would destroy the Railway Mail Service, because the only hope of any service is in holding out hope of promotion to the officer by reason of his individual efficiency."

Mr. WM. ALDEN SMITH rose.

The CHAIRMAN. Does the gentleman from California [Mr. LOUD] yield?

Mr. LOUD. I do not like to do so, for I have only half an hour; but I yield.

Mr. WM. ALDEN SMITH. Does not the gentleman from California think that in his presentation of this question at the present time he is taking a rather unfair advantage of those who favor the bill for increasing the salaries of the letter carriers?

Mr. LOUD. I do not think so, because I am going to present to this House a few fundamental facts which any man can acquaint himself with.

Mr. WM. ALDEN SMITH. But to which we have no opportunity to reply.

Mr. LOUD. Oh, I think you have.

Mr. WM. ALDEN SMITH. If we had your bill or the report of your committee before us, the case would be different.

Mr. LOUD. I think the gentleman or anybody else can reply to my remarks. He can have my time on the Philippine bill if he wants to reply and thinks he can do so.

Now, I say again, Mr. Chairman, that the system of promotion of the letter carrier is absolutely wrong in principle or it is absolutely right in principle; and if right in principle, then these 105,000 other men should be put upon exactly the same plane as the 15,000. That is the only position I propose to take. I submit that if it appears to be the wisdom of Congress to promote post-office employees by law rather than by efficiency, then it is only justice that the 105,000 employees should be put upon exactly the same plane as the 15,000. I do not, however, favor legislation of that character, because I do not believe that a man should receive promotion in this or any other service unless he can show his efficiency year by year. As the gentleman up in the Post-Office Department said to me, "If legislation of that character were put upon the statute books, it would totally destroy the efficiency of the Railway Mail Service." Well, it can not destroy the efficiency of the letter-carrier service, because we have always had that system.

I know gentlemen say that letter carriers' work is all the same. I say there are very few men created either mentally or physically exactly alike. Under existing law, a man seeking the position of letter carrier takes an examination very simple in character—much more simple than the examination for post-office clerk, much more simple than the examination for railway mail clerk—so simple an examination that it is just above the examination for laborer. The carrier is appointed at $600 a year; at the end of a year he gets $800; at the end of another year he gets $1,000. It does not make any difference whether he is a most efficient carrier or whether he be a most ordinary carrier.

Now, let us see whether the work is all alike or not. From 15 to 20 per cent of the letter carriers are collectors. All they do is to open a letter box, take the mail out, put it into a sack, take it to the post-office, and dump it out upon a table; and from personal experience I know that men who are unfitted for carriers, by reason of some conditions, having been tested as carriers and found unfitted to perform that work, are put on as collectors. I know that some men who have physical infirmities, and the men who are old in the service and can not possibly carry a route, are made collectors. Now, what that legislation proposes to do is to pay every one of these men in a city over 75,000 inhabitants $1,200 a year so long as they may live. That will take in this 20 per cent of the force, mind you. Now, you can do it if you want to, but I do not intend that Congress or the country shall do this, if I can prevent it, until they do it with their eyes wide open.

Mr. WM. ALDEN SMITH rose.

Mr. LOUD. Mr. Chairman, I would rather not be interrupted.

The CHAIRMAN. The gentleman declines to yield.

Mr. LOUD. If I had the time, you know I would like to yield. Let us see what this will cost to put these men all on the same basis. The question of cost, of course, is so insignificant that it is hardly worthy of consideration by a great legislative body, yet if the carriers shall be increased to $1,200 per annum, then in order to put the rest of the postal service upon the same basis it will involve an annual expenditure, according to the figures of the Post-Office Department, of about $10,000,000 a year—which I firmly believe is two or three millions of dollars less than it would cost, because they have all figured conservatively in giving the figures to me—thus adding to the salary roll of the Post-Office Department more than $10,000,000 a year.

Oh, I know some people here say, You do not have to do this; you will not have to increase the salary of the post-office clerks; you will not have to increase the salary of the railway mail clerks. But Congress ought to do such an act of justice. Simply because the pressure is greater behind the letter carriers' salary bill than behind any other is no reason why Congress should single them out, because, as I say—and I make the statement without fear of successful contradiction—they receive an average of more net dollars per annum than the 105,000 other postal employees. Well, now, some think thay can make politics out of that. They are trying to do it in my State; trying very hard. I believe every Republican club that has met in my State up to the present time has not alone advocated but substantially demanded that I press to early passage the letter carriers' salary bill as a political proposition. But I say that it is not a political proposition to take 15,000 of the best paid men in the postal service and increase their salaries and leave 105,000 others outside.

Mr. WM. ALDEN SMITH. Mr. Chairman, I hope the gentleman from California will not suggest that that is the inspiration of this bill. There are men here who consider it on its merits, even though he does not.

Mr. GOLDFOGLE rose.

Mr. LOUD. Mr. Chairman, I have the reputation of stating what I want to [laughter], and I will say to the gentlemen, Mr. Chairman, that the chairman of the Appropriation Committee yielded a half hour to me, and I will not have time in that half hour to answer questions.

The CHAIRMAN. The gentleman prefers not to be interrupted.

Mr. LOUD. I hope the gentlemen understand that I court interruption if I have the time. I think I understand the question quite as well as either the gentleman from Michigan [Mr. WM. ALDEN SMITH] or the gentleman from the great city of New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Chairman, I desire to ask a question about it; that is all.

Mr. LOUD. The gentleman knows that questions take up time. I propose to take up some of the questions that have been urged on behalf of the letter carriers as to why they should receive greater compensation at our hands than anybody else. It has been urged that they have to serve four and five years as a substitute. It is false. It never had foundation in fact. Here, according to the Post-Office Department, I find the average term of a carrier serving as a substitute is one year and seven months, given here by cities.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
FREE-DELIVERY SYSTEM, DIVISION OF CITY DELIVERY,
Washington, March 22, 1902.

Hon. E. F. LOUD,
House of Representatives.

SIR: In response to your request of the 15th instant, I have the honor to transmit herewith a statement showing the average length of service of substitute carriers for the last ten years in the twenty largest cities in the United States.

Very respectfully,

J. M. MASTEN,
Acting First Assistant Postmaster-General.

Average length of service of substitute carriers, for the last ten years, at the twenty largest cities in the United States.

	Yrs.	Mo.		Yrs.	Mo.
New York, N. Y	2	2	Pittsburg, Pa	1	6
Chicago, Ill	0	9	New Orleans, La	2	2
Philadelphia, Pa	1	9	Detroit, Mich	1	4
St. Louis, Mo	1	2	Milwaukee, Wis	1	10
Boston, Mass	1	9	Washington, D. C	1	8
Baltimore, Md	2	0	Newark, N. J	1	3
Cleveland, Ohio	1	3	Jersey City, N. J	1	7
Buffalo, N. Y	1	2	Louisville, Ky	1	10
San Francisco, Cal	2	4	Minneapolis, Minn	2	0
Cincinnati, Ohio	1	9	Providence, R. I	1	10

General average, 19 months, or 1 year and 7 months.

A statement was made before the Post-Office Committee not long ago that they had to work every Sunday. It is false. It never had foundation in fact. They do work Sundays, and I will print this table in my remarks to show that they averageon Sundays about one hour and twelve minutes—in some places a little less and in some a little more; but they work either every third Sunday three or four hours or every fourth Sunday, and in no city of the United States are carriers expected or compelled, according to the authority of the Post-Office Department, to work every Sunday, but, the same as post-office clerks, every third or fourth Sunday they go down and take a short shift at work.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPT. FREE-DELIVERY SYSTEM,
DIVISION OF CITY DELIVERY,
Washington, June 4, 1902.

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

SIR: Replying to your inquiry as to the number of hours carriers are required to work on Sunday, I have the honor to submit the following:

Number of free-delivery offices in operation	922
Number at which no Sunday service whatever is required	78

From the data at hand it is estimated that the carriers at the 53 first-class offices, employing three grades, average one hour and twenty-two minutes per carrier each Sunday. At the second-class or smaller offices, employing two grades, the average is one hour and forty-eight minutes per carrier each Sunday, the average throughout the service being one hour and thirty-two minutes.

For your further information I make the following statement relative to the service in New York, Philadelphia, and Chicago:

In New York 575 carriers are employed each Sunday for three hours and twenty-five minutes each. Averaging this among the 1,629 carriers employed in that city we find the average for the entire force to be one hour and twelve minutes per carrier.

In Philadelphia 25 per cent of the delivery carriers are employed every Sunday, so that each carrier is required to report for duty every fourth Sunday and is on duty for three hours.

Thirty-eight per cent of the collectors are on duty for six hours and thirty minutes each Sunday, so that the collectors practically work one Sunday and have two Sundays off, while the carriers work one Sunday and have three Sundays off.

This would make the average for the entire force fifty-eight minutes per carrier each Sunday.

In Chicago the carriers are worked as follows:

Seven hundred and sixty-eight carriers, two hours and thirty-five minutes every second Sunday.

Three hundred and ninety-six carriers, three hours and ten minutes every third Sunday.

Four carriers, one hour and forty-five minutes every Sunday.

Two collectors, one hour and three minutes every Sunday.

Two hundred and one collectors, three hours and thirty minutes every second Sunday.

Twenty-four collectors, four hours every third Sunday.

Forty-four collectors, three hours and thirty minutes every fourth Sunday.

Ten collectors, four hours and thirty minutes every fifth Sunday.

Fourteen collectors, two hours and thirty minutes every seventh Sunday.

Ten carriers do no work.

A careful computation shows that the average for the entire force at Chicago is one hour and twelve minutes per carrier each Sunday.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

Now, it has been urged that the poor carrier is subjected to the blasts of winter and the heat of summer. But let us see. I have had compiled here the length of time that our carrier friends are subjected to the blasts of winter and the heat of summer, and I will insert them in my remarks, which will show that the average time spent out in the blasts of winter and the heat of summer is an average of five hours and fifty-one minutes a day, divided up into three and one-third trips. Part of this time the carrier is in houses and stores, too; but the whole time, from the time that he leaves the office until he gets back to the office, on the average, can not exceed one hour and forty minutes. Think of it, you gentlemen from Minnesota and Wisconsin—subjected to the blasts of winter for an hour and forty minutes at a time!

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
OFFICE OF GENERAL SUPT. FREE-DELIVERY SYSTEM,
DIVISION OF CITY DELIVERY,
Washington, March 18, 1902.

Hon. E. F. LOUD,
House of Representatives.

SIR: Referring to your favor of the 15th instant, asking for certain information relative to the twenty largest cities of the country, I have the honor to inclose herewith statement showing the average time spent by regular letter carriers on their trips, the average number of trips made per carrier, and the office time of the carriers.

It will require considerable time to compile the information regarding substitute carriers, as the computation must be made from the office records. The statement is being prepared, and will be completed and forwarded to you as soon as possible.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

Name of office.	Average time on trips.[1]	Average number of trips per carrier.[2]	Average office time.[3]
	H. M.		*H. M.*
New York, N. Y.	4 58	3⅔	2 57
Chicago, Ill.	6 4	3 3/10	1 55
Philadelphia, Pa	5 19	3½	2 29
St. Louis, Mo	6 6	3⅔	1 44
Boston, Mass	5 36	4 1/10	2 12
Baltimore, Md	5 46	3⅘	2 10
Cleveland, Ohio	5 56	3	2 2
Buffalo, N. Y	5 46	3½	2 9
San Francisco, Cal.	5 41	3⅔	2 14
Cincinnati, Ohio	5 22	3⅔	2 26
Pittsburg, Pa	5 51	3½	2 6
New Orleans, La	6 3	2⅔	1 51
Detroit, Mich.	5 30	2 7/10	2 10
Milwaukee, Wis.	5 56	2⅔	1 59
Washington, D. C	5 45	3½	2 8
Newark, N. J.	5 54	2⅔	1 57
Jersey City, N. J	6 12	3⅓	1 45
Louisville, Ky	5 47	3	1 59
Minneapolis, Minn	5 32	3½	2 21
Providence, R. I	5 58	3	1 56

[1] Average, 5 hours 51 minutes.
[2] About 3½ hours.
[3] Average, 2 hours 3 minutes.

This table also shows the average time worked by the letter carrier. In no city does he work the full eight hours, because it is impossible. If letter carriers happen to be caught in the office after the eight hours expire, oh, they have had lots of mercy on us! They have received four or five or six million dollars for overtime, time that never was worked in many instances, and I know whereof I speak, but simply time spent in the office and other places. And because of that custom, when the gentleman from Buffalo, Mr. Bissell, was Postmaster-General, he ordered the poor letter carriers outdoors in the cold blasts of winter, for which he was criticised by the press of the country. Why did he do it? Because they claimed time while they were toasting their feet against the stove, and the only way he could prevent this accumulation of overtime was by compelling them to leave the office. It is unfortunate that they should be put out in the cold, but if they had to charge the Government for warming their feet, the efficient Postmaster-General thought it was wise that they should go to some other stove where they could not charge the time up against the Government.

Now, I shall insert in my remarks here some tables regarding the income of others than postal employees. I shall insert this table here which has been inserted in tariff speeches, giving the scale beginning in 1840 and running up to 1899, taking 1860 as the base at 100 per cent, and while the claim is that the trend of wages has been upward, I say that in dollars the scale of wages has never yet reached the scale of 1873, the year of the demonetization of silver. I do not know what relation there is between the two, but the per cent of wages had run up then to 167.1. In 1899 it was 162. Of course I know people will say that they were paid in greenbacks, but they were paid in dollars current at that time.

TABLE E.—*Relative wages in the United States from 1840 to 1899, as compared with wages in 1860.*

[The relative wages for the period from 1862 to 1878, inclusive, are based on wages as paid in currency—not in gold.]

Year.	Relative wages.	Year.	Relative wages.
1840	87.7	1870	162.2
1841	88	1871	163.6
1842	87.1	1872	166
1843	86.6	1873	167.1
1844	86.5	1874	161.5
1845	86.8	1875	158.4
1846	89.3	1876	152.5
1847	90.8	1877	144.9
1848	91.4	1878	142.5
1849	92.5	1879	139.9
1850	92.7	1880	141.5
1851	90.4	1881	146.5
1852	90.8	1882	149.9
1853	91.8	1883	152.7
1854	95.8	1884	152.7
1855	98	1885	150.7
1856	99.2	1886	150.9
1857	99.9	1887	153.7
1858	98.5	1888	155.4
1859	99.1	1889	156.7
1860	100	1890	158.9
1861	100.8	1891	160.7
1862	102.9	1892	161.2
1863	110.5	1893	159.6
1864	125.6	1894	157.6
1865	143.1	1895	157.3
1866	152.4	1896	157.4
1867	157.6	1897	159
1868	159.2	1898	158.8
1869	162	1899	163.2

Mr. WM. ALDEN SMITH. The purchasing power of the dollar is larger now.

Mr. LOUD. Oh yes; the purchasing power of the dollar is greater than it was in 1873.

Mr. WM. ALDEN SMITH. That is what we contend.

Mr. LOUD. Of course you contend that, and he is now paid just as many dollars as he was then, with a greater purchasing power. The Government employee is no exception to the rule. He goes on. I will insert in my remarks here some tables prepared by the Commissioner of Labor, showing the income for different trades in the State of Pennsylvania. It was the only State, he said, in which they could furnish me with tables. I will assume that the average wage in the State of Pennsylvania is as great as it is in any State in the United States.

Mr. GOLDFOGLE. That takes in the miners, does it not?

Mr. LOUD. Well, we will see who it takes in. I will assume, however, that the architectural and cast and wrought iron men are not included in with miners. It includes 354 trades. Now, the highest income of any trade was the car-spring manufacturers, who, in the year 1900, had an average income of $783.54. Architectural and cast and wrought iron workers in 1900 were paid $545. In 1892 they were paid $600. You see, this income fluctuates by years. Some trades have gone up and some have gone down, but the letter carrier, as I said before, goes on forever.

Average yearly earnings of employees in 44 industries and 354 establishments in Pennsylvania for the years 1892 to 1900, inclusive.

[From the Annual Report of the Secretary of Internal Affairs of Pennsylvania, 1900, Part III, Industrial Statistics, p. 89.]

Character of industry.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
Architectural cast and wrought iron work	$600.01	$581.70	$500.19	$547.05	$553.71	$550.44	$537.42	$553.34	$545.01
Boilers	419.41	393.67	319.23	364.61	310.13	363.29	368.12	464.53	472.34
Bridges	437.69	425.86	405.31	464.32	397.03	436.94	440.26	419.29	537.92
Car couplers	545.00	493.64	386.96	502.94	446.90	457.32	449.43	496.13	505.06
Car springs	675.36	558.81	459.85	631.36	661.14	553.15	679.73	729.46	738.54
Carbons	520.83	540.00	527.28	571.43	480.00	480.00	480.00	532.63	501.60
Carpets	381.24	368.45	355.30	374.48	341.41	360.88	356.23	373.53	384.69
Cars and car wheels	533.11	502.39	456.65	531.01	479.81	501.87	535.49	553.78	560.44
Chenille goods	411.21	377.93	376.55	387.14	364.13	373.04	356.20	421.29	402.55
Cotton and woolen goods	346.10	310.00	290.19	306.62	286.72	309.46	315.53	323.06	324.05
Cotton goods	384.50	306.30	317.75	332.19	273.27	299.84	323.42	351.08	340.78
Cotton yarns	326.53	306.36	262.90	305.46	288.52	305.92	307.31	329.70	340.32
Engines and boilers	536.72	510.03	528.49	533.66	488.16	458.24	503.87	516.72	526.82
Hardware	388.94	376.59	337.79	371.63	346.14	353.98	339.70	391.42	332.98
Hosiery	261.85	249.64	219.16	259.50	233.41	256.76	251.37	252.76	269.36
Hosiery and knit goods	331.61	303.32	319.67	285.81	232.27	276.78	284.76	312.85	292.02
Iron and steel sheets and plates	633.81	579.19	524.31	560.32	528.67	493.63	521.56	574.18	556.52
Iron forging	650.21	596.95	503.31	524.03	518.62	527.67	547.51	557.84	717.50
Iron foundries and machine works	553.64	495.14	504.53	512.41	495.45	504.03	526.84	537.35	562.36
Knit goods	289.84	262.53	254.93	274.82	234.38	245.16	252.23	287.28	249.69
Locomotives and engines	598.10	560.70	477.72	558.79	528.21	537.76	576.74	594.65	603.22
Malleable iron	516.61	463.11	442.44	505.42	465.11	484.25	490.62	521.83	544.03
Metals and metallic goods	482.84	455.02	450.35	487.02	495.51	470.41	473.88	495.36	514.25
Miscellaneous yarns	389.80	316.07	330.31	358.57	344.51	371.72	339.05	378.27	401.49
Mixed textiles	351.81	308.40	287.86	303.30	295.37	292.18	298.23	315.05	308.02
Nails and spikes	429.19	397.94	334.21	350.18	278.79	346.52	264.96	339.06	350.86
Nuts and bolts	387.17	339.24	372.95	403.13	398.48	347.33	384.69	545.22	434.21
Pianos and organs	336.16	312.24	285.10	349.61	407.87	420.02	425.41	444.19	422.75
Pig iron	477.92	446.14	382.09	483.65	422.61	419.03	447.63	498.24	455.97
Pipes and tubes	430.78	395.98	406.38	444.34	421.15	473.40	477.41	483.52	493.83
Plate and bar	515.53	493.68	401.71	381.86	460.36	460.50	456.30	513.21	432.55
Rolling mills, general product	562.91	547.02	482.65	501.65	513.00	482.30	497.96	605.72	626.82
Rubber boots and shoes	436.25	415.63	366.16	378.65	338.66	276.37	349.43	351.75	348.27
Saws, edge tools, etc	533.68	527.72	444.05	538.62	498.88	465.15	499.74	514.40	530.97
Shipbuilding	550.80	556.49	574.32	567.91	552.52	555.68	490.73	528.09	499.26
Silk, broad goods	247.96	227.45	250.43	234.54	254.56	237.23	244.27	252.49	239.41
Steel	504.87	494.49	459.41	483.78	456.55	474.71	478.66	517.24	598.47
Stoves, ranges, heaters, etc	507.34	496.33	425.06	448.09	431.80	448.97	454.30	487.28	504.71
Tapestry and table covers	420.53	312.98	400.53	382.64	389.07	410.37	390.10	384.80	417.92
Window glass, bottles, and table goods	462.70	368.66	430.73	354.95	391.06	452.19	453.33	456.02	430.97
Woolen goods	350.51	310.19	286.00	313.49	304.88	330.75	334.65	344.42	362.87
Woolen yarns	283.03	291.53	249.61	262.38	306.83	260.71	305.26	307.46	308.39
Worsted goods	362.87	351.18	344.35	352.16	340.08	420.51	418.78	405.76	413.50
Worsted yarns	297.58	299.20	279.20	277.22	236.21	276.54	245.88	285.88	295.95

Mr. MANN. Who compiled those statistics?

Mr. LOUD. They were compiled by the Commissioner of Labor, Mr. Wright, whose letter accompanies the table.

Mr. TAWNEY. Can the gentleman state how the salaries of letter carriers compare with the salaries of railway postal clerks?

Mr. LOUD. I stated at the opening of my remarks that the letter carrier makes to-day more net dollars than the railway mail clerk.

Mr. TAWNEY. What is the relative time employed?

Mr. LOUD. Oh, well, I do not think there is much difference. Of course the railway mail clerks work longer shifts—twelve, fourteen, sixteen, and eighteen hours—but they get the consequent lay-offs. The average time put in by the railway mail clerk is a little less than eight hours, the same as it is by the carrier.

Now I quote from a report made as to Kansas. The trade reports, however, are very meager. I have not picked these out to suit myself; I have only taken such as the Commissioner of Labor furnished me, and have had to accept them. Here is a report of the wages of different wage-earners, by occupations, in the State of Kansas:

Statistics of wage-earners, State of Kansas, by occupation groups, 1900.

Occupation groups.	Average yearly wages.		Average yearly income from all sources.		Average yearly cost of living.		Days unemployed during year.	
	Number reporting.	Amount.	Number reporting.	Amount.	Number reporting.	Amount.	Number reporting.	Days unemployed.
Railway trainmen	105	$947.13	105	$980.08	94	$688.49	72	95
Other railway employees	105	602.70	105	641.27	94	456.51	62	49.6
Building trades	74	487.52	74	520.64	65	375.14	71	93.7
Miscellaneous trades	175	519.54	175	559.47	143	414.29	127	65.3
Farm labor	35	205.81	35	218.95	33	122.35	28	51
All occupations	494	601.07	494	636.32	429	455.23	360	73

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. The gentleman from Illinois said he would yield me more time if I desired it.

Mr. CANNON. I yield fifteen minutes additional to the gentleman from California.

Mr. LOUD. I told the gentleman I would try to get through

in half an hour, if I could. I should like to have more time, so that gentlemen could ask me any questions they desired.

I find, according to this Kansas report, that the yearly income of railway trainmen in the State of Kansas, who are the highest paid men in this country engaged in any mechanical trade, and this includes engineers, conductors, firemen, and brakemen—their average annual income is $980.08.

With the railroad trainmen the same rule is applicable as that to the railway mail clerk. He is absent from home and his expenses, necessarily additional, are the same as the railway mail clerk, which will run from $100 to $150 a year. So that the carrier makes more net money than the railway trainmen of the country. In that table is also included other railway employees whose salaries average $641.27; in the building trade, $520.64. I will also incorporate that in my remarks.

Mr. GILBERT. What document is that?

Mr. LOUD. This is a report from the commissioner of labor in Kansas. It is included in "Bulletin, Department of Labor, No. 38."

I will also file with my remarks the income of the substitute carrier, compiled here from 20 cities. We could not get all of the cities, but I assume the 20 cities are a fair average. The average amount is $390 a year during his term as substitute, which is about $32 or $33 a month from the very time that they begin work.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
FREE-DELIVERY SYSTEM, DIVISION OF CITY DELIVERY,
Washington, March 26, 1902.

Hon. E. F. LOUD, *House of Representatives.*

SIR: Referring again to your favor of the 15th instant asking for information relative to the free-delivery service in the twenty largest cities of the country, I have the honor to submit herewith a statement showing the average annual compensation to substitute carriers for carrier service performed by them.

New York, N. Y	$363.30	New Orleans, La	$350.00
Chicago, Ill	460.00	Detroit, Mich	510.00
Philadelphia, Pa	410.52	Milwaukee, Wis	306.75
St. Louis, Mo	330.00	Washington, D. C	300.00
Boston, Mass	540.00	Newark, N. J	420.00
Baltimore, Md	484.35	Jersey City, N. J	360.00
Cleveland, Ohio	375.00	Louisville, Ky	406.00
Buffalo, N. Y	372.60	Minneapolis, Minn	278.90
San Francisco, Cal	417.00	Providence, R. I	384.70
Cincinnati, Ohio	385.94		
Pittsburg, Pa	347.00	Average	390.00+

Very respectfully,

J. M. MASTEN,
Acting First Assistant Postmaster-General.

Now, I would like to know in what vocation a young man would enter in any commercial house that he would get $32 or $33 the first month or the first year. I have been interested in several boys in my life, and have helped to put them into large commercial houses, where they may be fitted for combat with life, and I find that they get about $20 a month in my country when they go in as boys. Of course there are some men who become carriers after they are 34 years of age and have families, and maintain that it is a very small amount to receive. But let me ask why do they become carriers? Because life has practically been a failure with them in contact with the rest of our people up to that time.

Mr. GOLDFOGLE. When they get very old and infirm, too, they get no pension.

Mr. LOUD. That is true; but our friends, the letter carriers, have been here with a bill for pension. They withdrew that bill for pension of 60 to 75 per cent of full salary, and now only urge a bill to increase the salaries up to $1,200.

Mr. WM. ALDEN SMITH. There is no such proposition as that now.

Mr. LOUD. There is no such proposition as that now, but I will add that, as chairman of that committee for a number of years, what I am saying to the House is in the best of faith to you, and I think the House ought to be informed. They concluded that they would withdraw the pension bill until they got $1,200 a year, and I think no one will contradict or will deny that that is their intent; and, that after they shall have pushed through Congress a bill to pay them $1,200 a year compulsory, whether they be good, bad, or indifferent, whether they carry in the best district in a city or are collectors, then they will come to you for pensions. And then gentlemen talk about all carriers being alike. Why, many times in my city a carrier has come to me and said, "My district is so hard that I can not carry it. I can not do that work."

Many times I have gone to the superintendent and told him that, and he replied, "I will detail carrier 'Smith' for a week;" and when he has done that for a week he has said, "It is the easiest thing I have had." Now, do you ask me if carriers are alike? I say no. If you ever talk about carrier legislation, you should not contemplate paying them all the same salary. I think they ought to be advanced, if advanced at all, a hundred a year on efficiency, and not by law.

Now, I must hurry on. I can not attempt to suggest to this House further what it ought to do. If the House takes up this legislation, it it must do that, let it do an act of justice to all the postal employees, and if you are going to do that, it will increase the salary roll from ten to twelve or fifteen million dollars a year.

Now, then, one more thought about letter carriers and I am done. I want to make this broad statement: While the carriers have used every means in their power to secure the passage of this bill, many means which I have no right or desire to criticise, I say that they have come to Congress with unclean hands, and in a court of equity would have no standing, neither can they have before this legislative body. I have never had any doubt but that Congress would do what its judgment dictated ultimately. The Letter Carriers' Association in 1899 levied an assessment on its members of $10 a head, which assessment would have returned from $120,000 to $150,000. For what purpose? I do not think anybody questions but that that assessment was levied.

Mr. WM. ALDEN SMITH. I have heard it denied.

Mr. LOUD. I will put in my remarks the proof, or I would not have made the statement. I want to say, in justice to the carriers, that they protested, or that a majority of the branches protested. The matter went before the Scranton convention and was referred to the branches, and a majority of the branches protested against the assessment, and yet the assessment was made. In many instances it was paid, and while an offer to return the money was made, some of them, at least, I am informed, have refused to accept the return of that money and it lies subject to order.

In this connection I want the Clerk to read a speech of James Arkison, of Fall River, Mass. Let us see if there is any doubt as to whether the assessment was ever levied, and let us see some of the instruments with which they have worked.

The Clerk read as follows:

[Speech of James Arkison, Fall River, Mass., chairman of the National Association of Letter Carriers, September, 1899.]

Now, brothers, in regard to the financial report read here by the secretary; it was misleading to a great many members. They charge so much to James Arkison, chairman of the legislative committee, and so much to Arkison again, and it is James Arkison all through the report; he is the fellow taking all the money. Let me say to you, we do not see anybody else on that committee, or anything else that is shown in the expenses. One man has got to take the burden, and I am the man who takes it. And whatever you do, if you will stand by the man you elect, the officers and the legislative committee, if any men of this country are brought in to help to do your work, all the expense will be charged to the chairman of the legislative committee; there will be no other person.

If at this convention every man voted that I should disclose the names of the men who have assisted us in legislation, I would not do it for the whole convention. The expense of the committee for the year has been $4,650, and that is less than it has been for the last seven or eight years.

* * * * * * *

This slandering of the national officers has got to stop, or somebody will be brought up with a very short turn. There is a limit to it. I stand ready to face any branch in the country, the officials of the departments, the Supreme Court, or injunctions; but when you trust any work to me and the convention votes for it, I will carry it out under the direction of the officers; and if they say carry it out in secret, all the men in this country can not get me to say anything. They can kick me out. That is all they can do.

Mr. WM. ALDEN SMITH. Does this gentleman belong to the Letter Carriers' Association now?

Mr. LOUD. I will admit that he is not now a member of the legislative committee of the Letter Carriers' Association. I do not know whether he is a carrier or not. And yet Mr. Parsons and this gentleman were continued in office in 1899 after that exposé. They were reelected, I believe, again in 1900, and in 1901, when it was discovered that this legislation had not been accomplished, Mr. Parsons was thrown to the rear, and a new deal was had, and, in my opinion, lack of success more than anything else was the cause of his downfall. Yet let me state that their per capita tax was increased to $2 a man. This legislative fund at that time was abolished, and all of the money went into one fund.

Mr. WM. ALDEN SMITH. Right at that point I think it is due to state, if the gentleman knows, whether the same methods that he condemns and everybody of sense condemns are applied to-day in any way, shape, or form. I do not understand that they are, and if they are not, give them credit for it.

Mr. LOUD. These are very difficult subjects to deal with. I will not make a statement one way or the other. The gentleman from Michigan does not deny any longer that this assessment was levied?

Mr. WM. ALDEN SMITH. No; but I never heard of it before.

Mr. LOUD. Now, I hold in my hand the protest of Branch No. 24, of Los Angeles, and they deserve credit for it. By the way, some one borrowed the one I had. I thought I put it in a safe

place, and I got this one by sending some distance for it. They say:

NATIONAL ASSOCIATION OF LETTER CARRIERS, BRANCH NO. 24,
Los Angeles, Cal., June 7, 1899.

To all branches and members of the National Association of Letter Carriers of the United States, greeting:

In accordance with a series of resolutions passed by Branch No. 24, of Los Angeles, Cal., at the last regular monthly meeting, held June 3, a committee was appointed, whose names are appended hereto, who were instructed to draft an address to all other branches, setting forth the action of this branch in reference to the recent assessment of $10 per capita levied on the membership by the president of the association and the executive board thereof.

* * * * * * *

This assessment, if paid, will aggregate between $120,000 and $150,000, and on and after September 1 next would be at the absolute call and disposal of the executive board, none of whom are under bonds for the safe custody and proper disposition of so large a fund. As we have no legitimate and proper use for so large a sum of money, it would obviously be unwise and unsafe to invite extravagance, corruption, and dishonesty by placing such a sum at the absolute disposal of an irresponsible board of officials—the more so as the national convention will meet in Scranton, Pa., a few days after the assessment becomes due and payable and at the disposal of the executive board. This convention, it may safely be assumed, are much more competent to decide as to advisability of the accumulation of so large a sum than the president and executive board, whose services as officers of the association may terminate at that time.

This branch has reason to believe that the proceeds of $10 per capita assessment are intended to be used corruptly and illegally in influencing Congressional legislation in our favor. The address given here by the vice-president confirms us in this opinion. His address was an argument in favor of using any methods to effect our purpose, that bribery and corruption were universal, and that the use of money liberally was absolutely essential to the securing of legislation in our behalf; that such men as—

I will not mention the names of these people, because they are now living—

were successful men, their prestige not affected unfavorably by their peculiar methods of "doing politics."

We can readily believe that those born and brought up in an atmosphere of political rottenness and corruption such as obtains in New York City and San Francisco should take that view of it.

* * * * * * *

It is already known through an Associated Press dispatch that the Chicago carriers, under the potent influence of the president of the Letter Carriers' Association, have "enthusiastically" voted to raise $200,000 as a fund to be used in effecting legislation to "increase their salaries," the fund to be placed in the hands of the board of trustees who are to "engineer the scheme," as the press dispatch expressed it.

This is a very interesting document.

Mr. PEARRE. May I ask the gentleman whether he lives at San Francisco? [Laughter.]

Mr. LOUD. Oh, yes; that is my home, and the gentleman knew it. I will make this statement, however, which I did not care to make, that the president of the Letter Carriers' Association did say to me that "if this bill is reported from your committee I will enter into an agreement that it shall not be considered at this session of Congress." Now, as to whether they are using these things politically for themselves or not I will leave the gentleman to determine. They elect this fall a president for two years.

Mr. WM. ALDEN SMITH. They are not the only people who postpone important legislation.

Mr. LOUD. Now, then, in conclusion, let me say again that the letter carriers, as a class, receive more net dollars per year than either railway mail clerks, post-office clerks, third or fourth class postmasters, or any class of skilled mechanics. Railway mail clerks' salaries were reduced in 1885, the trend of salaries of post-office clerks being also downward from 1885 to 1897. The Post-Office Department recommended that some action be taken looking to an increase of their salaries, and Congress has responded year by year, but they have not yet reached the scale of the letter carriers, who have never yet received a favorable recommendation from the Department for an increase.

The salaries of all third and fourth class postmasters were reduced 33⅓ per cent in 1885, when postage was reduced from 3 to 2 cents, and no action has yet been taken looking to an increase.

I will not attempt to say whether Congress should increase all along the line the salaries of Government employees who are now annually receiving 25 per cent more than men in like or similar positions in civil life, but I have no hesitation in saying that if action is taken it should be along the whole line, an action that will put all post-office employees upon the same plane, considering, of course, the character and grade of work performed by each.

I can not too strongly condemn a system of compulsory promotions under authority of statute, such as the letter carriers now have, as tending to destroy the efficiency of the postal service. Hope is the guiding star of civilization. Take from man the hope of doing better by his own personal effort and you remove civilization, advancement, and happiness. [Applause.]

Mr. LIVINGSTON. I yield one hour to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Chairman, nearly seven long months have come and gone into the silent past since the present Congress assembled. Now, as we near the close of the session it is eminently proper that some one should review its acts of omission and commission and present to the country a kind of balance sheet of its doings. I regret that some one better qualified than myself has not undertaken to make this accounting.

At the outset I desire to say that it is a source of congratulation at this time to all Democrats, and should be to the whole country, that the Democratic party is now more united, and there is more harmony in its ranks, not only in Congress, but throughout the Union, than at any time within the past eight years. While this is true, there is more of discord and a greater want of harmony in the dominant party in Congress and out of Congress than has existed in that organization for a long period.

It must be borne in mind that the Republican party is now, and has been for nearly six years, in the absolute and supreme control of the Government in all its branches and departments. That is to say, it has had the President and the complete control of both branches of Congress since early in 1897. The power given to a political party by the people of this Republic when, by an affirmative vote, they place it into the full control of the affairs of the country is very vast, almost beyond realization. This vote of power carries with it immense duties and responsibilities. To obtain it platforms are adopted and pledges solemnly and publicly given by the political parties to the electors who make and unmake administrations.

It is therefore never out of place to call upon the party in power for an accounting as to the mode and manner of its execution of the high trust with which it stands solemnly charged. I purpose in the remarks I am now to submit to make some inquiry into the trusteeship of the dominant party for the past six years, and to call upon it for an accounting as to its administration of government.

I admit that I do not make the investigation as a member of the party or the trust now in charge of the government or even as a political friend and ally of the dominant party, but it is better, probably, for the investigation that I am not in partnership with them. A proper investigation can not well be made by a member of that party. Reforms are not usually brought about when conducted within a political organization, and I am here to insist that reforms, radical and far-reaching in their nature and effect, are imperatively demanded.

The party in power was intrusted by the people at the election in 1896 with full governmental control upon express promises given by the party prior to the election. They can not complain if they are asked to be held to a strict fulfillment of those pledges, and if it be shown that they have been derelict in keeping and observing them that they should receive the condemnation which their infidelity to them merits.

In order that there may be no misunderstanding or mistake as to the issue to be joined by myself as against the party in power, I charge at the outset that its record during the past six years is spotted all over with the indelible leprosy of faithlessness to its pledges made to a confiding constituency. It has inexcusably failed in some instances to do what it promised and pledged itself to do if given power, and it has done things it should not have done and for which it should be discredited and voted out of power by the American people. I will endeavor to enumerate some of its violated platform and other pledges solemnly made in order to obtain the reins of government, but for want of time will not be able to refer to all of them.

For some reason we are now, to-day, confronted by a peculiar and novel condition of affairs in Congress in respect to the unfulfilled promises of the party of reasonable trade concessions to Cuba. These concessions they have bound themselves to give that island. Because of discord in the ranks of this party, and a rebellion on the part of certain of its members in this body and in another body not necessary to mention against its trained leaders, these promises and pledges are unredeemed, and the urgent recommendations of the President and the entire Administration to redeem them are disregarded and set at naught.

Mr. TAWNEY. Will the gentleman state when and by whom those pledges were made?

Mr. RICHARDSON of Tennessee. Yes; I will. As I stated, the President has, first in his annual message and then in a special message within the last few days, reminded the party and the country of those pledges.

Inspired by patriotic motives, this side of the House went to the relief of the dominant party and assisted in passing through this body the measure to give trade concessions to Cuba, but we did not do this until there was placed upon it a proper amendment repealing the differential duty on sugar. This amendment injuriously affects the sugar trust, and for this, or some other reason,

deponent sayeth not what, the Republican party refuses to pass the measure and keep its promises and maintain good faith toward Cuba.

In 1896 the party pledged itself to save the country if possible from the gold standard, and reiterated assurances and pledges it had given in its national platforms of 1884, 1888, and 1892 that the party was in favor of bimetallism. It promised with an audacity unparalleled that if intrusted by the people with power it would promote international bimetallism. It totally and ingloriously violated this promise, and instead thereof proceeded to enact legislation committing the country to the single gold standard.

They passed what they called the gold-standard act March 14, 1900, and whether this policy was right or wrong, wise or unwise, I am not now inquiring; I am only saying it was a palpable violation of ante-election pledges. To enact that legislation after obtaining power upon the strength of pledges and promises in direct opposition to that policy was a base violation of the trust committed to their hands and was the building by that party of an enduring monument to its own perfidy and unfaithfulness. The passage of that currency act was in flagrant violation of all their former professions and ante-election pledges, and no election frauds or stuffing of ballot boxes in Philadelphia or elsewhere in all this land is of grosser immorality and more truly deserves the just condemnation of a betrayed people.

In its platform of 1900, when again asking for power and place, it pledged itself to the principles of the gold standard, which it declared it had set up and established in the act of March, 1900, and yet when the battle was on and the conflict was raging between the two great parties that same year, it declared through its chosen chief financial officer and mouthpiece, the Secretary of the Treasury, and many other lesser lights, that the gold-standard act was not safely on the statute books, and that unless he, or someone like unto himself, was kept in his office by a Republican President, that that standard was insecure, and that its blessings might not be enjoyed and made perpetual.

Although they had arrogantly boasted in their platform and on the hustings that "the parity of all our money and the stability of our currency on a gold basis had been secured," this Secretary of the Treasury and other leaders of his party brazenly announced to the voters and the country that "the parity of all the money had not been assured, and that the stability of all the currency on the gold basis" could be destroyed by a Presidential order.

If this latter statement was true, the real financial situation had hardly been changed or modified by the currency act of March, 1900, and thus this boasted act of Congress was proclaimed by the party itself to be a hollow mockery, and must have been passed either to deceive the country or it was evidence of the lack of ability of the party to enact intelligent legislation. They are left to take either horn of the dilemma. The argument made by the Secretary of the Treasury and other leaders of their party again beguiled the sovereign people, and a further lease of political power was given the dominant party.

The scarecrow of some Presidential order overturning the gold-standard act was held up on every stump throughout the campaign, and fervid appeals were made to capitalists, and indeed to all classes, to once more give the dominant party power that this defect, or alleged defect, discovered by the astute Secretary of the Treasury, in the currency act might be corrected and the country saved from irretrievable misfortune and disaster.

It was, therefore, most natural to expect that when the opportunity was again given to the dominant party to cure the alleged defect in the law and an opportunity be given to place the stability of the gold standard beyond the power of destruction by Executive or Presidential orders, that no time would be lost by them in the enactment of such legislation. They promised that if power be continued in their hands, that the gold standard and the parity of all our money would be conclusively established.

Yet when the Congress, Republican in both branches, assembled in December, 1900, just subsequent to the election of that year, although their promise and pledge to cure the defects in the law mentioned were fresh in their minds and in the minds of the American people, they permitted that session of Congress to close without any effort to amend the currency law. And so again, this session of Congress convened on the first Monday of December last, and although we are now near its close, not one line of remedial or alleged remedial legislation of the currency act of 1900 has been enacted. If any such remedial or amendatory act has been considered by the dominant party, or even introduced into Congress, it has been permitted to sleep unnoticed by the powers that be.

The conclusion is therefore inevitable that the party discredits their great financial oracle, the late Secretary of the Treasury, and gives no weight to his alarming prophecy of disaster to the business interests of the country in the event of defeat to that organization. In consideration of these facts and the light of history, may we not charge that when the party, through its Secretary of the Treasury, sounded the alarm I have mentioned, and assumed to rally the people around the financial saviors of the country, his party was simply building another monument, not this time one of perfidy, but one of its twin sister, hypocrisy.

Not having witnessed since the last election any effort to enact legislation to place the gold standard and the parity and stability of all our money beyond the power of Executive disturbance, we may safely assume that in the next campaign we will not be told that there is any danger to be apprehended or injury to come to the country or its business interests from this source, no matter what may be the result of the election. But I will here dismiss this subject.

If I were called upon to name the agency or factor in American affairs at this time most dangerous to our institutions and threatening to their permanency, I would name the trusts. This may seem on casual thought to be an exaggerated statement, but I verily believe it is true. Some idea of the magnitude and extent of the trust business in our country may be had from a recent statement made by James J. Hill, in an address to the Illinois Manufacturers' Association. In this address he said that the capitalization of 183 American corporations, commonly called trusts, is, in round numbers, $5,000,000,000.

I have in my possession a printed list of these combinations which shows that there are more than 290 of them in this country. I believe this list is reliable, and it further shows that the capitalization of these corporations amounts to over $10,000,000,000. If we accept the more conservative of these two statements—that is, that the capitalization of the trusts amounts to $5,000,000,000—it is difficult for one to realize what is meant by the statement. It means that the capitalization of these concerns exceeds the total stock of money of the United States by $2,000,000,000, of Great Britain by nearly $3,000,000,000, and of Germany by about $4,000,000,000.

In other words, the total stock or capitalization of these 183 concerns, accepting Mr. Hill's statement, is more than the entire stock of money of the United States, Great Britain, and Germany combined. It is almost impossible to overstate or exaggerate the immense and almost limitless power they can exert in the forum of politics, in the marts of trade, and in social life. It should be borne in mind, too, that they constitute a new element in our trade and business operations and experience.

That they are a factor to be feared, and one that imperatively demands the strong hand of the Federal Government for control can not be denied, but must be apparent to all persons. If one doubted this, that doubt could be removed when he is reminded that one of these trusts has the power, and only recently exercised it, of extorting more than $1,000,000 in a single month from the consumers of one article of food over and above what would ordinarily have been taken from them, and that of prime necessity to them, in one city of our country.

This was done in Philadelphia, as was freely charged in the newspapers of that city, by an arbitrary raising of the price of beef, and when the state and condition of the meat market did not justify or warrant such increase in price. This is only a single specimen of what they can do, and are doing all the time and everywhere throughout the land. Other instances might be given, but time will not permit. A striking illustration of their marvelous influence and power will be found by consulting the price lists of to-day.

It will be seen from these lists that scores and hundreds of articles, the products of highly protected manufactures in this country, manipulated and controlled by the trust, are made and transported to foreign countries, all freights, duties, and other expenses paid there, where they are sold daily in the foreign market at prices considerably lower than those demanded and received from our home consumers in our home markets. I am not here demanding that these organizations shall be totally suppressed and destroyed by Congressional legislation. It may come to that later in our history. At present there comes up from every village and hamlet of this broad land an irrepressible cry for their government and control.

Congress alone can answer this cry and afford the desired relief. And why should they not be subjected to the domination and control of the Government? If they are not curbed and restrained in their oppressive and heartless commercial greed they will in time absorb all the wealth of the country and defy the power of the Government itself. They do not hesitate even now to make the boast that the life of the public man will be promptly taken by them if he has the temerity to attack them or to raise his voice against them. It can not be successfully denied that they are potent in politics.

I have already said they were of recent origin. This is true, as they were never heard of in our fair and happy land until it was afflicted with the highest protective tariff law ever known in any

land or among any people. That this tariff is their mother we have the sworn testimony of many of their chief beneficiaries. These trust magnates, under oath, freely admit the parentage of the high protective tariff, and confess that without its benignant nursing and coddling they could not exist and would rapidly perish.

I said a moment ago that they were almost all-powerful in politics, and it is charged that they dominate and control the party in power. The strong arm of the Federal Government alone can govern them and stay their progress and stop their intolerable greed and prevent their cruel supremacy in all our markets. Will the Government stretch forth its restraining hand and do these things? What is the Government? At present it is a Republican President, with a Senate and House of Representatives with a large Republican majority in each body.

The power, and the power alone to save, is with the President and the Congress. The appeal for relief is made by a suffering people, but that appeal goes unheeded and is treated not alone with sordid silence but with contemptuous and devilish disdain. When the conditions have become unbearable and fervid appeals crowd thick and fast upon that forum, which alone can afford relief, a deaf ear is turned and the comforting answer is made that we "should let well enough alone."

Let me ask, to whom is it well enough? Surely not to those in one city from whom $1,000,000 is extorted without cause for beef in a single month. The party in power has heretofore recognized, and do now recognize, the evils of which we complain. In its national platforms it solemnly declared against trusts. It sought and obtained power upon an express promise to give relief to the country from their rapacity and unholy greed. I charge here that it has been recreant to that promise and pledge. That there may be no answer made to this grave charge here expressed, that I am mistaken or that I misrepresent that party, I will quote the declaration made by it in its national convention two years ago. I quote literally from their last platform the following words:

> We condemn all conspiracies and combinations intended to restrict business, to create monopolies, to limit production, or to control prices, and favor such legislation as will effectively restrain and prevent all such abuses, protect and promote competition, and secure the rights of producers, laborers, and all who are engaged in industries and commerce.

The language is, "We condemn all conspiracies and combinations intended to restrict business." This is a plain and simple declaration, but we have no evidence that it was made in sincerity. What they condemn in the words just quoted is exactly what these trusts do every day, and for which complaint is made. Who can remedy the complaint? The party alone which so severely condemns it in words.

If their condemnation was sincere why have they not legislated, and why do they not now legislate, to put a stop to these conspiracies and combinations intended to restrict and which do so effectively restrict business. The Republican party alone can apply the remedy, and although that party has been in the supreme and absolute control of all the branches of the Government for more than five years they have not within that time passed a line of legislation to put a stop to the great evil complained of.

No friend or apologist of the trust will deny that they create monopolies, limit productions, and control prices. If for these things they are condemned by the Republican party and by the whole people, I again ask, Why is the remedy not applied? The same platform declared that the Republican party "favored such legislation as would effectually restrain and prevent all such abuses." I again ask if this declaration was true? Was it not simply an ante-election declaration, made alone for the purpose of obtaining votes, and with no intention of enacting restraining legislation?

Again, that platform declared "that the Republican party favored such legislation as would protect and promote competition and secure the rights of producers, laborers, and all who are engaged in industry and commerce." Beautiful words and beautiful sentiment. But instead of being real and full of meaning, they can only be interpreted in the light of experience, as a tinkling cymbal and as sounding brass.

What has the Republican party ever done to remedy the trust evil. The reply comes glibly from some partisan of that party that in 1890 it placed on the statute books the Sherman antitrust law. Is that law sufficient? Why, under that statute these combinations have grown up like mushrooms in a dark cellar. That law has not put out of existence the trusts which had then been formed, nor has it prevented their enormous growth and increase in numbers. It is glaringly defective in its provisions, and should long since have been properly amended.

That act, however, provides for criminal prosecution of those engaged in these unlawful combinations. How many people have been indicted or punished under that law in the twelve years of its existence? How many trusts have been put out of existence by its operations? If it is defective, why has it not been amended and made effectual? Not a line has been added to this act of 1890 by the dominant party, though, as stated, it has been for a long time in the supreme control of the Government, and during which period these concerns have enormously multiplied.

Seeing that they had nothing to fear from Congress, and that no real efforts to stop the robbery of the trusts were being made, they have gone along in the broad open daylight with their nefarious work until nearly all the business of the people has been organized into monopolies and combinations, and the prices of commodities have been fictitiously forced upward to the consumers to the point of ruin, and billions of fictitious capitalization or watered stock in mighty companies have been enabled thereby to realize splendid dividends wrung from a helpless people for the necessary articles that enter into their daily cost of living.

I have referred to the abnormal condition in the meat market, brought about by the machinations of the trusts, and the exorbitant price to which they lifted the price of beef a few months ago. The claim was falsely set up by the trusts as a justification for this outrage that it was due to "the scarcity of cattle." To show conclusively that this was untrue and that there was no foundation for the defense they were falsely making, I call attention to the real facts as to the exports of meat products from this country at the very time they were making the claim that there was a scarcity of cattle here.

The Treasury export tables recently issued show that for the month of March, 1902, the United States exported meat as follows:

Fresh beef	$2,272,759
Salted or cured beef	315,900
Canned beef	465,284
Fresh and salted pork	1,037,572
Hams	2,061,932
Bacon	2,585,610
Total	8,739,357

This table shows that nearly $9,000,000 worth of American meats were sent abroad in the month of March, so that it appears that during this month, according to the contention of the beef trust, there was such a scarcity of cattle that it became necessary to advance the prices of meat to prices that were prohibitory to thousands and tens of thousands of families, and yet it could easily ship out of this country this enormous quantity of meat.

The facts show that the trust shipped this meat to Great Britain and other countries and sold it in their retail markets, and at prices considerably below the prices demanded from home consumers. The price list shows that on April 30 last American beef was selling in London at 14 cents a pound, which was 10 cents lower than the New York price for the same class of beef at that date, and yet Congress enacts no remedial legislation.

The result of the conspiracy to exact tribute from the people upon the beef they were compelled to buy, as shown by the market reports, has been a large falling off in its consumption. The consumers of beef have been compelled to resort to substitutes therefor, but the relief obtained in this way was only temporary, for forthwith the substitutes were cornered and their prices at once raised to exorbitant figures. Some persons resorted to poultry and eggs, but by a well-organized monopoly the retailers who dealt in chickens were forced to pay for them as high as 50 cents per pound.

The fresh eggs which formerly filled the market places now find their way into refrigerator cars and cold-storage depots until consumers are forced to pay the trusts and monopolies higher prices for their daily supply of stale poultry and eggs than ever before in our history. Monopolies like those which were granted by the Crown in France and in England three centuries ago, and which were finally consumed in the heat of popular rage and indignation, are now self-existent in this free country, and they virtually divide every man's beefsteak with him by cutting down the amount of it which he can buy for a dollar.

Conspiracies to raise the prices of the necessaries of life have been crimes at the common law in England for more than two hundred years. It is to be doubted if any European monarch could long maintain his seat on his throne if he allowed a grasping and heartless monopoly like the beef trust to put his people on an allowance of food as our own people are on an allowance to-day.

If the people continue to submit to the existing state of things by continuing the trusts in power in this Government, and fail to make a change in their servants at the ballot box, it would prove that they deserve their fate, and that they ought to be compelled to endure the evils of these combinations. It is absolutely sure that no remedy against the evils of monopoly will be furnished by the monopolists. It is also true that no forms of law can be placed on the statute book which will restrain trusts

so long as the execution of these laws is left in the hands of the trusts.

If we would remedy these bad conditions the appeal for relief must be made, not to the trusts and monopolies, nor to any political party which they can control. The appeal will lie and must be made to the masses of the people who, in their every-day lives, feel the heavy hand of the trust upon their means of subsistence. It must be made to those who realize that the rise in the price of meat, cruelly made by the trusts, is theft from the poor man's dinner plate at home and from his dinner pail when he is at work.

The efficient and natural remedies for the unbearable evils complained of are of comparative easy application. There are two remedies for such evils. The one is through the tariff law and the other through governmental control. It is not necessary to resort to absolute free trade. Nor is it necessary to demand or require a total destruction of corporations. In very many instances corporations are necessary and beneficial agencies of activity, and serve to develop industrial exercise and many business interests. But being the creatures of the sovereign—that is, the artificial person created by law—the sovereign, the creator, may impose the conditions of their existence and place due and proper limits upon their operations. It is not their total destruction or prohibition that is demanded, but their control and government, so that, while being protected and fostered by the Government, neither it nor the people shall be injuriously affected by them.

In 1890, now twelve years ago, it was discovered that the power of the trusts was becoming so great that there should be some restraint placed upon them by Congress, and as a result the act known as the "Sherman antitrust law" was passed. I have already referred to this act. It has failed in its purpose. The necessity for its amendment is apparent and admitted, and yet it has not been amended by the Republican party. The subject was considered, and amendments to that law making it effectual were considered in the last Congress, which, as stated, was Republican in both branches, when the defects in the Sherman Act were fully pointed out and made clear.

The amendments curing the defects and the omissions in that act were then conclusively shown. No one contended that the Sherman Act was sufficient to accomplish the end desired, and no one controverted the fact that the bill then before Congress amending that act, and which was fully considered by the House, if enacted into law, would give relief to the people from the wicked oppression of these trusts.

The mockery and farce of the consideration of the bill for relief was gone through with, and although the people were unanimously in favor of its enactment and their representatives nearly so, it was put to sleep by the dominant party who controlled the Congress. Its passage was defeated by the Republican party. In the meantime "combinations and conspiracies intended to restrict business" have multiplied in number like the locusts of Egypt. The end of this session of Congress, Republican in both branches, is in sight, and yet no measure of relief has been passed or even considered.

Even the efforts put forth by the party in power in the last Congress to pass a repressive measure has not been repeated during this Congress, and it is now too late. Our friends on the other side appear to be paralyzed by their fear of the trust power and influence. They cry out in their dismay and ask, Is not the President and the Attorney-General endeavoring to restrain the trusts by an action in the courts?

This is true, but at the same time they know and admit that the present law under which the President is proceeding is not strong enough, and that the relief desired can not come to the people through the one action against the one beef trust. Congress, as I have repeatedly stated, must enact other legislation, but action is not taken. While the masses are crying for relief, the dominant party is overcome with apathy. They are overtaken with a kind of legislative lethargy, and they are content to make the effort to substitute a dose of Executive strenuosity for Congressional ennui.

In other words, they seem to hope that Presidential perseverance will atone for their absence of legislative energy and activity. Measures to control and govern trusts are pending now in the committees of this House, which if reported by the majority, composed of Republicans in every committee, and taken up and passed would afford speedy relief, if supplemented by the second remedy I would suggest—namely, the reforming, revising, and reduction of the rates of duty prescribed in the present tariff laws.

One of the measures of relief to which I refer is a bill introduced by myself into this Congress amendatory of the Sherman antitrust law. This bill is almost identical in its provision to that passed by the House during the last Congress, and which the Republican majority in that Congress refused to enact in the law, although they permitted it to be passed by the House. This bill is H. R. 14947, and is entitled "A bill to amend an act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890."

As I have already stated, it was believed when this bill was pending before this body, in the last Congress, that if passed it would give relief to the country from the grinding exactions of the trust. We have tendered it again to the majority in this House, and earnestly ask for its consideration and passage at their hands. To the enactment of this or a measure similar in its provision every member on this side of the Chamber stands solemnly committed. We will to-day, and at any hour, give unanimous consent for its passage. Enact this measure into law, and make some reasonable and fair reduction of the rates of duty prescribed in the present tariff law, and I confidently believe no intelligent man would contend that a most effectual check, if not the total suppression of trusts and monopolies, would speedily follow. Beyond all peradventure their power to do evil would be greatly reduced.

The claim is made, however, that the tariff must only be reformed by its friends. Do they not control all the branches of the Government? Their utter failure to reform it shows that the reformation can not be left altogether to its friends. One might as well expect the wolf and the fox to reform themselves and give up their passion for the lamb and the fowl and become respectable and well-behaved denizens of the farm and poultry yard as to expect the ravenous and greedy beneficiaries of high protection to voluntarily surrender any portion of their benefits under the law, or to assist in any reformation of protective rates that reduced their profits.

But I repeat what I stated a little while ago, that it is not necessary to resort to absolute free trade or even to a radical or far-reaching reduction of tariff rates. Time and again during this session of Congress the opportunity has been given the majority party in this House to enact moderate measures that would have afforded immense relief to the country Another one of these relief measures which I had the honor to introduce into this House and which could have been considered on any day of the session that the majority might name is a measure to which I will now call attention.

Even now unanimous consent would be cheerfully given by this side of the House for its consideration. [Applause.] When the opportunity was offered for its consideration in the House, such consideration was refused by the Republican majority. The measure to which I refer is very simple in its provisions, but that it would be effective I believe can not be controverted. That measure provided:

> That when it is shown to the satisfaction of the President and Secretary of the Treasury that articles and commodities are manufactured and controlled or produced in the United States by a trust or trusts, the importation of such articles and commodities from foreign countries shall be free of duty until, in the opinion of the President and Secretary of the Treasury, such manufacture, control, or production shall have ceased.

The proposed measure contained the further provision:

> That when it is shown to the satisfaction of the President and Secretary of the Treasury that any article or commodity which is manufactured in the United States is sold in a foreign country more cheaply than the price at which the same article or commodity is sold in the United States the rate of duty on such article or commodity shall be reduced by the President and Secretary of the Treasury 50 per cent of the present rate, or to such extent as to prevent the continuance of such irregularity and injustice, and remove the indirect tariff bounty which promotes the same.

If it be true, as I have already contended and as has been admitted by many of the beneficiaries of the trusts, that the high protective tariff under which we now live is the mother of trusts, then it can not be denied that if the measures I have mentioned, brief and simple as they are, were placed upon the statute books many of the opportunities that the trusts now avail themselves of to oppress the people and to wring from them exorbitant prices for the absolute necessaries of life would be largely removed if not altogether destroyed.

I can not undertake to mention at this time all the combinations afflicting the body politic, but I do at this point mention one which is among the most unjust and oppressive of all of them. It is the steel trust. This monopoly has become so obnoxious and offensive that even one great leader of the Republicans, Mr. BABCOCK, of Wisconsin, has been constrained by the pressure upon him at home to introduce into this House a measure to give some relief to the people from its exorbitant and iniquitous exactions.

And allow me to inquire when that gentleman, forced as he was to seek some measure of relief, in what direction did he turn? In other words, what relief measure did he propose? Naturally enough, and not strange to say, it was a bill to reduce the tariff on the items of steel and iron and the products thereof as set forth in the metal schedule of the Dingley tariff law. Allow me further to inquire why it is that when a Republican can no longer withstand the pressure upon him by his own people for relief from the burdens imposed unnecessarily upon them by these monopolies

and trusts that the answer to that demand, if met at all, is met by an effort to reduce tariff rates?

It must be because they know that the high protective tariff is the cause of the oppression. Their action in all such cases show more conclusively than if admitted in a hundred declarations that they know that the fountain of their woes is the tariff law. When they can not longer persuade or cajole the voter to sit still and be bled by the beneficiaries of high protection, they seek to satisfy them by the introduction of relief measures reducing the tariff, and they too often pretend that they are earnestly supporting such measures while they let them slumber and die in the pigeon holes of their committee rooms, the morgue of many meritorious measures.

The Republican authors of these measures then return to their too-confiding constituents and meekly claim that they did all they could to obtain relief for them; that they presented the proper bills and had them referred to the appropriate committees, but that under the rules of the House they could not get them considered. They do not tell them that they assisted in making the very rules which prevented the consideration of their measures and that they made them for the express purpose of preventing the consideration of such measures. They not only make the rules, but they enforce them against themselves most rigidly, and yet they return to their outraged constituents and appeal to them to be pacified, and tell them fanciful stories to satisfy them that they had done all in their power to pass their relief measures.

The pressure for some relief from the oppressiveness of the high tariff has become great in many portions of the country, and it has not infrequently found vent even in the conventions that nominate Republican candidates for Congress. Some of these conventions have only recently passed resolutions solemly instructing the nominees to support tariff-reform bills.

And yet, I am sorry to say, after accepting these nominations and winning their seats on this floor by a mock support of the platforms and resolutions upon which they were nominated, they utterly and totally disregard their instructions and ante-election promises. And when the opportunity is often given to them to keep and perform their pledges and vote for the measures of relief demanded by their people and their platforms, they straight forget what manner of men they are, and either vote directly against the measures or evade the issue by having them declared out of order when called up by others under the rules of the House.

To demonstrate clearly that I am not exaggerating this matter, or drawing upon my imagination for facts, I will read to the House a resolution adopted in a nominating convention held not long since:

Resolved, That we favor a revision of the tariff without unreasonable delay which will place upon the free list every article and product controlled by any monopoly, and such other articles and products as are beyond the need of protection.

I am sure that there are gentlemen on this floor who, on hearing this resolution read, would promptly say that it came from some Democratic convention and that it meant the disturbance of business and the utter ruin of the country. It is not out of place for me to call attention to the similiarity of this resolution to the relief measures I quoted a little while ago, introduced into this Congress by myself, and which, I said, if enacted into law would greatly benefit the country.

Can it be true that the placing of such an act on the statute books would bring disaster to our business interests. This resolution was unanimously adopted in a Republican convention in the now Republican State of Wisconsin. It was the convention in the district represented on this floor by Mr. JENKINS, who for several years has been an honored member of this House. It was further declared in that convention that the country had outgrown protection and did not now need high protective rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I should like to conclude.

Mr. LIVINGSTON. How much time does the gentleman require?

Mr. RICHARDSON of Tennessee. I think I could get through in twenty or twenty-five minutes.

Mr. LIVINGSTON. I have only got thirty minutes.

Several MEMBERS. Let him have the time.

Mr. RICHARDSON of Tennessee. I would like to conclude. The nominee accepted the nomination on the resolution I have read, and we welcome him into the rank of tariff reformers. We know and recognize his great ability, and we shall watch with much interest the display of his talents and ability in behalf of tariff reform and reduction whenever the opportunity is offered, and may we not give expression to the hope and confident belief that he will lend us his aid in making an occasion and an opportunity for such a reform and revision?

This gentleman has a distinguished colleague who entered the ranks of the tariff reformers shortly ahead of him. I allude to the chairman of the Republican national Congressional committee, Mr. BABCOCK. On a former day of this session, while engaged in debate, it gave me pleasure to quote the instructions given to him by nominating conventions in his district. The platform made for him by his constituents was very similar to that made for his colleague, Mr. JENKINS.

But the constituents of Mr. BABCOCK have gone even further, and in order that there might be no mistake or misunderstanding as to their wishes they instructed him to support a certain specific reform measure named by them. It is the measure reforming the metal schedule of the Dingly tariff law and reducing the high rates on all iron and steel products.

This measure the gentleman himself had introduced into the House, and lest he might forget to help it along his confiding constituents thought it necessary to beg him to support it. He introduced the bill into the last as well as into this Congress, but I give away no secret when I announce here and now that the records of this House and of the committee to which the measure was referred, and of which the gentleman is himself a member, utterly fails to show that he has ever been desperate in his efforts to have the bill considered either by the committee or by the House itself.

It is not out of place at this late day of the session for the inquiry to be made of him why he has permitted this great relief measure to sleep so quietly in the committee files. In behalf of the people of his district, for whom I now make the inquiry, let me ask why its rest has been so undisturbed, and why he has shown so much complacency in the contemplation of its deathlike slumber? It is a fact which has been published in the daily press throughout the country that every Democratic member of the Ways and Means Committee, in season and out of season, has demanded its consideration.

On April 18 last an opportunity was afforded the House to pass the measure of the gentleman, when it was offered as an amendment to a bill then pending, and which was about to be voted upon. The gentleman from Wisconsin did not then raise his voice in behalf of his own offspring, but hoping that I might have the encouragement and support of that gentleman in an honest effort to pass the measure for which his people were crying and for which they were demanding his efforts, I offered it myself as an amendment to the then pending bill.

No voice came from Wisconsin to help me in my humble efforts to have his pet measure considered. By a timely invoking of the Republican rules of this Republican House by a Republican member my efforts failed, and the people of Wisconsin and other States and communities, overburdened and oppressed by the rates of duty fixed in the metal schedule of the Dingley law, are left to their unhappy fate.

On a former day of this session, when a measure was pending before the House dealing with the revenue laws, efforts were made to enact some of the measures I have mentioned—revising and reducing the tariff rates as now fixed by law—but in every case such efforts failed because the Republican majority voted solidly against every such proposition.

The Democratic party has stood for years as one man urging and demanding the passage of simple measures of relief from tariff taxation. In caucus, and on this floor through its members, authorized to speak for it, it has sought to have considered measures that would reform the customs law, and correct some of its glaring and gross inequalities, but without avail. And now, while we know we can not successfully resist the adjournment of this body, I state here and now that we are not only willing, but anxious to take up at once and consider some of the just and reasonable relief bills I have mentioned, indeed all of them, and we will agree to postpone the day of adjournment until they are finally disposed of.

Let me say, however, the war for tariff reform has reached even higher quarters than those already mentioned by me. The distinguished Speaker of this House has been directly charged in his own State in the public press with "pursuing an opposition and obstruction course in the question of making minor but very desirable readjustments of tariff schedules."

The Speaker was forced to meet this charge, and I hold in my hand a letter written by him on February 6 last to Mr. Funk, who is an ex-speaker of the house of representatives of Iowa, and which letter was published in the papers of that State. In this letter he sets forth his views upon tariff legislation and some other questions. From this published letter—and having been given to the press, it is not out of place to comment upon it here—I quote the following words, namely:

Now, in regard to my position, you have accepted the lies sent out by the press, which is being manipulated in the interest of free trade with Cuba.

Of course I do not know what there was to justify the Speaker in using such strong Democratic language when he made the plain charge that lies on him were being sent out by the press, which he said was being manipulated in the interest of free trade with Cuba. From recent developments it would seem that possibly

the Government itself was particeps criminis in this using of the press about that time in the interest of the reduction of tariff rates to Cuba. These developments assuredly acquit the Democratic party, however, of being guilty of sending out the aforesaid lies. But let all that pass.

It appears that the main charge made against the Speaker of this House out in Iowa was that he was opposing and obstructing the revision and reduction of the rates of duty in some of the tariff schedules. Defending himself from that charge, the Speaker, in his letter of reply, used the following language. I quote him in full, that there may be no mistake or misrepresentation as to his position. He says:

> The third proposition is a revision of the tariff. You may not be aware that under the rules of the House we would be able undoubtedly to pass a bill that might touch a very few items, putting some on the free list or reducing, but while under the rules of the House this might be accomplished, the Senate has no such rules, and there it would probably broaden out into a general revision of the tariff. That all of us dread and fear the consequences of. For instance, I think that we could safely make a reduction on the steel schedule, and a very wise reduction, but there are gentlemen in the Senate who say that while they live that can not be done because of the present law enabling them to sell, even at a loss, to take possession of the foreign markets, and that this is a blessing to the laboring men and extends the commerce and power of the United States into the Old World.
>
> It is not long since the tariff was reduced, and by its friends. Of course conditions are changing year by year, but to say that to reach a few schedules like steel and glass, which I would like to see done, we are warranted in opening up a general revision of tariff laws, I can not see that it is a wise thing to do, and there are very few exceptions in either House of Congress to this view. You know how very emphatically the President pronounced against it in his message to Congress.
>
> You say that I do not know the feeling and the storm that is brewing. I do not understand the situation, probably, you say.

It may be that there was some statement in the letter of his correspondent, Mr. Funk, that provoked our Speaker to the point of losing his equanimity of temper. I do not know what all of the contents of Mr. Funk's letter were, but from a sentence in the Speaker's reply one can easily see and understand that there was at least one highly significant expression used by Mr. Funk, and we may be justified in the conclusion that this was the real provocation to the Speaker. He said to his correspondent, "You say that I do not know the feeling and the storm that is brewing; that I do not understand the situation, probably," etc.

Was it because the Speaker was informed of the unpleasant fact that this storm was brewing in the great Northwest and elsewhere throughout the land that he apparently forgot himself and gave way to this slight manifestation of temper? It will be seen, however, that in his defense the Speaker confessed that it would be wise to revise and reduce some of the schedules of the tariff law, and he proceeded to enumerate them.

This confession having been made most solemnly, why have we not in wisdom made the revision? This concession of the Speaker that the tariff law should be revised is of the extremest significance and importance. It is exactly the contention made by every gentleman on this side of the Chamber. Then, I repeat, why is it we can have no revision? This inquiry stands unanswered in any satisfactory manner. If any answer at all is vouchsafed and any reason given for nonaction on the part of the majority, then the country has the right to pass judgment upon the answer and the reason assigned and determine whether or not they are satisfactory and sufficient.

The Speaker gives the reason, and it is not out of place for me to examine his reason for a moment. He says "that under the rules of the House of Representatives we would be able, undoubtedly, to pass a bill that might touch a very few items, putting some on the free list or reducing; but while under the rules of the House this might be accomplished, the Senate has no such rule, and there it would probably broaden out into a general revision of the tariff. That all of us dread and fear the consequences of."

And thus it is apparent that no revision can be entered upon, although its wisdom is admitted, for the simple reason that the Senate of the United States can not be trusted to make the revision. If it were not unparliamentary in this presence to utter the words and apply them to our coordinate branch of the Congress, I would say poor old Senate.

Many sins of omission and commission have been laid at thy door, but none, perhaps, so grave and so disparaging as to be told from such a source that you can not be trusted to legislate when legislation is demanded and when wisdom requires it. The reason for nonaction having been given from this high source in the dominant party, by one who is authorized to speak for its action and policy, and by one who by virtue of the exalted position he occupies exerts such a commanding influence, it is proper to ask, Is that reason sufficient? Will the country be content with it?

Why can not the Senate be trusted to legislate upon this subject? It is well known that that body has a Republican majority of about twenty-five members. Is it possible that this Republican majority is not to be trusted to legislate upon the tariff? They are trusted under the Constitution to legislate upon all questions coming before Congress. I deny that the reason given for the failure to make confessedly wise and judicious reductions in tariff rates, so urgently demanded throughout the country, is sufficient.

I deny that it is true. I believe that the Senate can be trusted, and I do not believe the country will be satisfied with the reason assigned. Time will not suffice for me to enumerate and point out while on the floor at this time all the broken platform pledges and promises of the majority party. I will mention, however, with brief comment, only a portion of them.

In the national platform of 1900 they declared that if given power again they would enact legislation that would enable the United States to recover our former place among the trade-carrying fleets of the world. They declared that they recognized the fact that we depended upon the foreign shipping for nine-tenths of our foreign carrying, and that this inflicted great loss to the industry of this country.

And yet, if we ask what they have done to recover our former place in carrying trade to foreign lands, the reply is absolutely nothing. What measure do they propose that will have the effect to restore this trade? No one can tell. Are they themselves agreed in Congress upon any such measure? By no means. When the Democratic party controlled the destinies of this country and wrote its laws American ships did the carrying trade of the world, and her masts and banners whitened every sea and were familiar objects at every trade depot on the globe. [Applause on the Democratic side.]

Since the policies of the Republican party have been in force American ships have disappeared from the seas and are almost unknown, and the flag, as the signal of a growing and conquering commerce, has almost disappeared from the ocean. Instead of the flag of trade, and of a broadening and extending commerce, we have grown to worship the flag of war, bloodshed, and even of criminal aggrandizement. I find also in that platform a declaration in favor of home rule, and the early admission to statehood of the Territories of Arizona, New Mexico, and Oklahoma. Yet they are still Territories, and they have knocked in vain for admission to statehood.

Again they declared in their platform in favor of an isthmian canal, which the Democratic party most earnestly favored. Notwithstanding their declaration, the dominant party so controls the situation as to prevent, up to this date, the passage of any measure providing for such a canal.

They declared in favor of the creation of a department of commerce and industry, to be in charge of a secretary with a seat in the Cabinet. This promise and pledge they have failed to keep and make good.

I shall not discuss the foreign policy of the Republican party for want of time. That policy, I say without reservation, has been one of unredeemed promises, of violation of all of the traditions of our Republic, of the improper, unlawful, and scandalous misappropriation and misuse of public moneys, and, upon the whole, a permanent increase of our annual appropriation and expenditures that is wholly inexcusable and unjustifiable.

The total appropriations for all purposes for the support of the Government in all its branches for the year 1898 amounted to:

1898	$485,002,044.72
1899	893,231,615.55
An increase of over $408,000,000.	
1900	674,981,022.29
An increase over that of 1898 of $189,000,000.	
1901	710,150,862.88
An increase over that of 1898 of $225,000,000.	
1902	730,338,575.99
An increase of $245,000,000.	

Thus these four years since the Spanish war show an increase—not total appropriations—over and above the appropriations of 1898 of ten hundred and sixty-seven millions of dollars; more than a billion of dollars of increase! So that if we were to assume that without the Spanish-American war the appropriations would have been about the same, or a reasonable increase, we show that when you take the amount for 1898 there has been an increase in the four years of more than a billion of dollars. And we have no promise that they will grow less.

Mr. Chairman, what have we to show for this immense increase in public expenditures? I will not undertake myself to answer the question, but I shall briefly read to you an answer made by a Republican Senator as to the assets we have accumulated. This is the answer, only slightly changed by me, which he gives for what we have obtained by this colossal increase in our expenditures of more than a billion dollars in four years:

> We repealed the Declaration of Independence. We changed the Monroe doctrine from a doctrine of eternal righteousness and justice, resting on the consent of the governed, to a doctrine of brutal selfishness, looking only to our own advantage. We crushed the only republic in Asia. We made war on the only Christian people in the East. We converted a war of glory to a war of shame. We vulgarized the American flag. We introduced perfidy into the practice of war. We inflicted torture on unarmed men to extort confession. We put children to death. We established reconcentrado camps. We devastated provinces. We baffled the aspirations of a people for liberty.

So says Senator HOAR. [Prolonged applause on the Democratic side.]

Mr. LIVINGSTON. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has six minutes.

Mr. LIVINGSTON. I yield that time to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, I wish to submit a few remarks upon the subject of reform in the civil service, and incidentally I may touch upon some other matters which I think proper for the consideration of Congress at this particular juncture. There are a number of measures in the hands of the Committee on Reform in the Civil Service which, if passed, would have a tendency to materially promote the protection of the rights of the veterans of the civil war in the public service—bills that I believe ought to pass. But so far the majority of that committee have not seemed to be disposed to give Congress an opportunity to act upon them, although I trust they will before this session comes to a close.

I do not wish to pose as the special champion of civil-service reform in this House. I was appointed upon the committee having charge of that especial class of legislation without any solicitation upon my part. I believe that a certain responsibility rests upon me, both as a member of the Civil Service Committee and of this House, to inform Congress of any infraction of the laws or rules which might have a tendency to destroy the discipline of the public service in any department of the Government.

I believe there has been a serious violation of the letter and spirit of the laws of the civil service in the summary dismissal of Miss Rebecca J. Taylor from the classified service in the War Department, and I shall not be deterred in what I shall say because the principal actor in this assault upon the integrity of the civil service is the Secretary of War, who, in my judgment, as the head of a great Department, should have guarded it as the very chiefest jewel in his treasury, or because the immediate victim of its violation is an example of American womanhood dependent upon her own labor for her support.

I make no pretense of being a civil-service reformer; in fact, I have but little use for reformers in general, but I am a believer in fair play; that so long as the laws and rules of the civil service remain in force and effect they ought to be observed with absolute impartiality, and that the head of a great department is as much subject to the limitations which those laws and rules prescribe for him as is the humblest woman in the employ of his department. [Applause on the Democratic side.] I also believe that no matter how exalted or how lowly the position which we hold under the Government, yet we are all its servants; that from the highest to the lowest, whether man or woman, we all stand equal before the laws and before the rules.

None of us so high that we are above the control and regulation of the law, and I hope no one so lowly as to be beneath its protection and support. We are all subject to free and open criticism of our actions and policies and the administration of our respective duties. The civil-service law was enacted and the various rules upon that subject were promulgated by different Presidents from Mr. Arthur down to Mr. McKinley, because it was believed to be in the interests of the public service to protect Government employees from unwarranted interference for political advantage or partisan purposes, and especially to protect them in unrestrained freedom of political and religious thought and expression.

All the constructions of the courts, the messages of the Presidents, and the reports of the Commissioners from time to time show this to be the case. In order to make the rights of the employees under the civil service absolutely certain and secure against all possibility of doubt or misconstruction, President McKinley, in 1896, promulgated section 8 of rule 2, which expressly declared that before a person could be discharged by a department chief, the employee was entitled to have the reasons and cause for such discharge stated in writing, to have three days to reply, and to have the reasons and cause for such discharge and the reply made a part of the record.

That rule stands as the law to-day, although on June 4 President Roosevelt approved a somewhat marvelous modification of that rule, but the essential provisions which I have mentioned were not repealed in the order of June 4 and still remain in force and effect. I believe that under President McKinley's rule and the modifications made in it by the rule approved by President Roosevelt, and according to the evidence furnished by the War Department itself, Miss Taylor was illegally discharged from the employment of the Government. What is the history of this case?

On May 27 the Secretary of War directed that Miss Taylor be asked if she acknowledged the authorship of an article criticising the political policy of the Administration in its conduct of affairs in the Philippine Islands, and her attention was invited to section 8, civil-service rule 2, stating that the provisions of that rule provided that she should have three days in which to file her answer, but the provisions of this rule also specifically state that she is entitled to a written statement of what the particular charge alleged against her consists.

In answer to this letter, which was referred to her, she replied on May 28 that no statement of the cause or reasons had been furnished in compliance with the plain provisions of section 8 of rule 2 and therefore she had not been furnished the conditions upon which to base a statement; that when this was done she would be glad to avail herself of the privilege of replying to the same. On May 29 the President approved a civil-service order which attempted to construe that portion of President McKinley's order referring to cause or reasons of dismissal and stating that nothing in the rule should be construed so as to require an examination or any trial or hearing except in the discretion of the officer making the removal.

In fact, this order, which some have thought was issued to confound this woman and to make possible her official decapitation without it being subjected to unseemly trial and consideration, only makes her position more tenable, as it expressly construes what President McKinley's rule only might be construed by inference to mean—that political or religious expressions are not just reasons for dismissal from the classified civil service.

Why is this case so important? Because it raises the question of just how far one surrenders the right of expression of religious or political opinions to the dictation of officers in the Government whom political accidents may have placed in power. The distinguished Senator from Ohio and chairman of the Republican national committee is reported in the public press as stating this question with his usual terseness, boldness, and good sense when, in commenting upon the reported objection of a member of this House to alleged interference of Federal employees in political affairs in the city of Cleveland, Ohio, he declared that the question was just how far one surrenders his citizenship when he takes employment in the service of the United States.

What privilege that you and I enjoy is to be denied to them? I know it has been charged or insinuated that the President has taken especial interest in this case and attempted to modify the rule so far as to deny to this American woman some of the rights or privileges to which she was entitled under President McKinley's order, so that the manner of her taking off might be more expeditious and more certain, but I can not believe that. I would have to change every idea and opinion that I have formed of our President if I was to believe it.

From all I have read of him I have always believed that he stood for the honor and dignity of American manhood, and especially that he was a representative of Western courage and Western ideas. I know that he won fame and fortune and the Presidency because he enlisted a regiment of Western plainsmen and gave to that regiment a name borrowed from the posters of a Western showman—"the Congress of the Rough Riders of the World;" that he rode into the office of governor of New York as a rough rider, and that Western votes and influence nominated him for Vice-President at the Philadelphia convention; and I believe that he must depend upon Western votes and influence if he is nominated for the Presidency in 1904. But Western men do not war upon women. [Applause on the Democratic side.]

No man from the country where the real rough riders ride would be guilty of changing the rules of a game in order to win the place or injure the reputation of a woman struggling to honestly maintain herself. I do not believe the President had in mind the case of Miss Taylor when he approved the rule to modify the order of President McKinley. It is repugnant to my ideas of American manhood. I believe the President has been misinformed in this case, if brought to his attention at all, and that when it is brought to him in its true status he will order that this woman shall have justice done her and have every opportunity to defend herself, for the very reason that the charge against her is criticism of himself.

I will not believe that any subordinate in the War Department whom, if he should do so—I should hope, for the honor of American manhood and the American Army, that he should remain forever nameless—would be guilty of attempting to have issued an order that would deny any right to an American woman to which she was entitled prior to the issuance of that order and while she was standing before a great department of this Government asking for justice at its hands.

I have only this much more to say upon this subject: If the civil service is to become, as members upon this floor have frequently charged it with being, a plaything and football for politicians for partisan advantage, we ought to have the courage to strike the whole thing from the statute books and return to the old system of piracy and plunder, and to the doctrine that to the victor belongs the spoils, or else do that thing which in my judgment it is our duty to this Government to do, to enact a law so plain in its provisions that he who runs may read, and make it what President McKinley intended his order to be, a bulwark and

shield for defenseless men and women in the employ of this Government against political injustice and oppression. [Applause.]

But, Mr. Chairman, while commenting upon the difficulty that I have experienced in this particular case in obtaining information from the War Department, I will submit some remarks upon the tardiness and reluctance with which that Department has furnished the legislative branch of this Government information for its guidance upon questions affecting the public welfare and to which we are justly entitled as representatives of the people. You will remember that at the commencement of this Congress almost the first bill reported to this House was one to fix the tariff rates between the United States and the Philippine Islands.

The bill recommended and indorsed by the Administration fixed the entire Dingley rate of duty and was so passed by this House, but no sooner was the bill passed than we were informed that the War Department had in its possession a recommendation from the Philippine Commission that the rates of duty between this country and the Philippines ought not to exceed 50 per cent of the rates established by the Dingley bill; and this House had the humiliation of having that bill go over to the Senate to be there reduced in part in compliance with that recommendation and returned to us, and we swallowed it down with a consequent loss of prestige and reputation of the House of Representatives with the country. Again, in February last the head of the Army of the United States was quoted in the public press as stating that the war in the Philippine Islands was being conducted with unusual and marked severity and cruelty. Did the War Department give Congress and the country any information upon this subject? No.

It was constantly quoted as denying that there was any foundation for these charges, and rumors were flying thick and fast that the General of the Army was about to be retired because of circulating such a report. Again the Senate of the United States investigates the subject and brings to light that order issued by a general in command of our Army in the island of Samar which has brought the blush of shame to every American that loves the flag and the honor and glory of the Army that fights under it—that order to make a howling wilderness of that fertile island, slay all above 10 years of age—and that order impelled——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHALLENBERGER. I ask five minutes more to conclude my remarks.

The CHAIRMAN. The House has fixed the limit of debate, and all the time that now remains is under the control of the gentleman from Illinois. The gentleman from Illinois has thirteen minutes remaining.

Mr. LIVINGSTON. I ask unanimous consent that the gentleman may have leave to extend his remarks in the RECORD.

Mr. CANNON. I will yield of my thirteen minutes five minutes to the gentleman. [Loud applause.]

Mr. SHALLENBERGER. That order, Mr. Chairman, I remember, when it was published in the newspapers, impelled the distinguished gentleman from the great State of Pennsylvania to rise in his seat in this House and denounce in stronger language than I can use any who might be responsible for it, and to express the wish that the brave man at the other end of the avenue, in the White House, should not permit its author to disgrace the uniform of his country for twenty-four hours; but the gentleman from Pennsylvania should wish again, as I understand that up to date that general still wears the colors of his country. [Applause.]

Again only a week or so ago this House considered a request to the War Department asking information as to the expenditures of Governor-General Wood, an officer of the United States Army, acting as governor-general through appointment by the executive department—a coordinate branch of this government—as to his conduct and management of affairs in the island of Cuba during our military occupation. To that request the War Department made answer that this information could serve no good purpose, that there was nothing to tell, and that it was only a matter of salary, and that every expenditure of the War Department in the island of Cuba was entirely proper, and that we would be furnished information in good time.

Yet, what is the spectacle presented to the country? In just about a week following this answer, again the Senate, through an investigating committee, brought to light the astonishing fact that the governor-general of Cuba, an appointee of the President of the United States, responsible to the War Department and through it to the people, a man who has been highly honored by this country and by Congress, had taken over $8,000 of money taxed from the pockets of the people of Cuba and without their consent had placed it in a jackpot along with other thousands furnished by the American sugar trust [applause] and put it in the hands of a notorious promoter of legislation in this country to help in driving through Congress a bill which, in the opinion of a majority of the members of this House, was against the best interests of the American people, because a majority of them refused to support the bill subject to the purposes for which that money was expended, and yet they tell us that this is no infringement by a coordinate branch of this Government upon the dignity and privileges of this House; that this action is perfectly proper if, in the opinion of the War Department, it is in the best interests of the people of Cuba.

Great heavens, Mr. Chairman, no wonder the Democrats of this House are only able to overthrow Republican leadership about once a week if the Administration is to have, or has had, access to all the funds of the island of Cuba in order to promote through this House their Cuban legislation; and according to the same principles and same practices, so far as we can know, they have had all the funds of the insular department of the Philippines to promote and drive through this House their Philippine legislation, if in the opinion of the War Department or these military governors it is in the interest of the people of Cuba or the people of the Philippines. [Applause on the Democratic side.]

Where, I ask, do the interests of the people of the United States come in upon these questions? If there is anything that would make me believe the hour of imperialism has struck, it would be because military satraps from conquered colonies are to be permitted to expend the gold taken from their treasuries to promote legislation through the House of Representatives of the United States and to have the members of it sit silent and raise no voice against it. [Applause on the Democratic side.] I have searched through the history of our country and can find no instance that parallels this in its assault upon the dignity and freedom of the Congress of the United States.

Mr. Chairman, political prophecies are dangerous, but in my judgment the Republican party has dug its political grave in the islands of the sea, with the War Department as sexton in chief in this dim funereal business. Republicans, the Cuban question has already split your party in twain, and before you are through with it the Philippine question will blow the halves of your party so far apart that after the next Congressional election you will not be able to even find the pieces. The American people are studying these questions in a sober mood to-day.

The great heart of the nation is always right; it always beats for liberty and for justice. Sometimes it sleeps, and for a while the people may lie supine beneath assaults upon the dignity of their representatives, but they only bide their time. For when again they shall arise in their majesty and might, let those who would despoil the honor and reputation of this fair Republic beware, for no power on earth is more resistless, the very lightning of heaven no more swift to strike, no more sure in its aim, than is the judgment and just condemnation of a great and free people when once aroused. [Loud applause on the Democratic side.]

Mr. CANNON. Now, Mr. Chairman, in the eight minutes that are remaining to me I desire to say that I want to go on with this bill. I want to ask the members of the House to stay here until I finish it. It is necessary to finish it to-day, because to-morrow the insular bill comes up and runs for something near a week, during which time gentlemen will have full opportunity to talk, no doubt.

Mr. Chairman, I want to say one word before we commence to read the bill. I listened with care for almost an hour and a half to the remarks of the gentleman from Tennessee, the leader on the other side of the House, and after listening to him I am here to confess that on this side of the House, and I rather suspect on that side of the House, the millennium has not yet come. [Laughter.] We are not perfect and we do not claim to be. We pull the wagon and we do the work and you find the fault. You have been at that now for over a generation and still we have pulled along. [Laughter and applause on Republican side.]

Mr. RICHARDSON of Tennessee. I thought we helped you pass the great Administration measure through this Congress.

Mr. CANNON. I think we will pull it for a generation more, and still you scold. We can not help it. It does you good, and I do not think it hurts us. [Laughter and applause.]

Great God! Think of it. You had full power under Cleveland. You came in power partially, from time to time, but then you had full power. It is recent—from 1893 to 1897. Do you not wish you could blot out the recollection of the manner in which you exercised it? [Laughter and applause on the Republican side.] And for gall and cheek, with that recent performance, now, when we are doing the best we can—not perfect—meeting every obligation, the country prospering, passed through the war with honor, passed through the war with justice, solving the questions that grew out of that war, and solving them with courage, notwithstanding the criticism and the opposition of gentlemen of your party, still you scold. It is the way of the world. Go on; I do not think you can fool the people.

My friend from Nebraska [Mr. SHALLENBERGER] who has just

talked, is young and hopeful. By and by, when, politically speaking, he has tarried at Jericho until his beard has grown, he will not be so optimistic.

Now, in conclusion, let us move on. In a few days let us adjourn this Congress. We have nothing to apologize for. Peace and prosperity abound with us here and everywhere throughout our borders as never before in the history of civilization. Print your speeches, circulate them, go upon the stump. I will take my chance that when the silent ballot drops in November next you will march up to the same old defeat. [Laughter and applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. KNAPP having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 17, 1902:

H. R. 351. An act granting an increase of pension to Robert Carpenter;

H. R. 1741. An act granting an increase of pension to Griffith Evans;

H. R. 2606. An act granting an increase of pension to Albert H. Steifenhofer;

H. R. 3241. An act granting an increase of pension to Hinkley G. Knights;

H. R. 3678. An act granting an increase of pension to John Washburn;

H. R. 3733. An act granting an increase of pension to Israel Haller;

H. R. 5273. An act granting an increase of pension to James Van Zant;

H. R. 5984. An act granting an increase of pension to William H. Van Riper;

H. R. 6030. An act granting an increase of pension to William G. De Garis;

H. R. 7076. An act granting an increase of pension to Leath Gilliland;

H. R. 7704. An act granting an increase of pension to Christianna Leach;

H. R. 8003. An act granting an increase of pension to Louisa M. McFarlane;

H. R. 8924. An act granting an increase of pension to George W. Mathews;

H. R. 11249. An act granting an increase of pension to Katharine Ranis Paul;

H. R. 11252. An act granting an increase of pension to Edwin M. Gowdey;

H. R. 11812. An act granting an increase of pension to Martin Boice;

H. R. 11831. An act granting an increase of pension to John W. Acker;

H. R. 13217. An act granting an increase of pension to Thomas W. Dodge;

H. R. 13398. An act granting an increase of pension to George G. Sabin;

H. R. 13450. An act granting an increase of pension to Henry Hunt;

H. R. 13613. An act granting an increase of pension to Charles G. Howard;

H. R. 14146. An act granting an increase of pension to John Murphy;

H. R. 14184. An act granting an increase of pension to Andrew J. Fogg; and

H. R. 14241. An act granting an increase of pension to Peter Dugan.

On June 18, 1902:

H. R. 5094. An act for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894; and

H. R. 11657. An act allowing the construction of a dam across the St. Lawrence River.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Secretary of State to have the Great Seal of the United States recut, $1,250.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The distinguished gentleman from Illinois [Mr. CANNON] alluded a minute ago to the fact that the Democratic party came into power in 1893, and trouble in our Treasury arose. I want to say that we did come into power then, and there and then inherited a deficit in the Treasury from a Republican Administration, President Benjamin Harrison's. Hence the Democrats had to issue bonds under a Democratic Administration and used the very bond plates which Charles Foster, Secretary of the Treasury under President Harrison, had ordered made and were made about ten days before the advent of the Cleveland Administration. [Applause.]

Mr. CANNON. Mr. Chairman, I want to say that there has been an hour and a half on the other side and less than an hour on this side devoted to politics. We have had our say, and I want to pass this bill, and I am going to ask the committee to stay with me until I do pass it, and in all kindness and courtesy, from this on, I shall make the point of order on any gentleman on either side of the House that does not discuss the amendment that is pending.

Mr. GAINES of Tennessee. Why, Mr. Chairman, I was not talking "politics." I was talking facts, and nothing but facts, and yet my distinguished friend from Illinois objects. [Applause on Democratic side.] Mr. Chairman, I have said all I desired to say.

The CHAIRMAN. The pro forma amendment of the gentleman from Tennessee will be withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 13150. An act granting a pension to James B. Mahan.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DEBOE, Mr. BURTON, and Mr. GIBSON as conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill (H. R. 13123) are authorized to consider and recommend the inclusion in said bill of necessary appropriations to carry out the several objects authorized in the "act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved June 6, 1902.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6178. An act to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Miscellaneous expenses, Fish Commission," for the fiscal year 1900, $28.29.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 14, after line 7, insert:

"Patapsco River, light station, Maryland: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station within the sums authorized by the acts of August 18, 1894, and June 10, 1902, relating to said light stations."

The amendment was agreed to.

The Clerk read as follows:

Territory of Alaska: For salaries of commissioners, at the rate of $1,000 per annum, whose terms of office extended into the fiscal year 1902, $1,000.

Mr. BARTLETT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding, after the word "dollars," in line 23, page 15, the following:

"For reimbursement of Cuban revenues: To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island by the Secretary of War from the revenues collected by the authorities of the United States during the occupancy of Cuba by the military forces of the United States, to military governor of said island, in excess of the salary of said officer as a brigadier-general in the United States Army, the sum of $25,500."

Mr. CANNON. Mr. Chairman, with great reluctance and with due respect to the gentleman who offers this amendment,

I am compelled to make a point of order against the amendment. There is no law authorizing it, and it is not germane.

Mr. BARTLETT. I could not hear, Mr. Chairman, what the gentleman said. Did he raise a point of order?

The CHAIRMAN. The gentleman raises a point of order against the amendment.

Mr. BARTLETT. I should like to hear the gentleman state the point of order. The mere raising of a point of order does not convey any suggestion as to the ground on which it has been raised.

Mr. CANNON. I will state the matter again. First, the amendment is not germane; second, it is not authorized by any law. I might say more, but that is enough.

Mr. BARTLETT. You can say all you desire. I hope you will not feel restrained by anything except parliamentary law and decency.

Mr. CANNON. That is enough.

Mr. BARTLETT. Mr. Chairman, I submit that this amendment is not in violation of any rule of the House, nor does it change existing law. I find that in the last general deficiency bill, to be found in Statutes at Large, volume 31, page 1015, there was inserted just at the end of the appropriations for the Treasury Department the provision I am about to read—and if it was offered as an amendment upon the general deficiency bill and accepted as such, then a similar amendment ought to be in order now upon this bill, which is a general deficiency bill.

Reimbursement of Cuban revenues: To enable the Secretary of the Treasury to reimburse the revenues of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island heretofore paid from said revenues, $15,786.91.

Further, Mr. Chairman, I beg to say that upon the sundry civil bill at the last session of Congress there was put an amendment authorizing the payment to the Cuban treasury out of the Treasury of the United States of the amount that Rathbone, Neely, and Reeves, the post-office officials appointed by the United States in Cuba, had stolen from the Cuban treasury, but the amendment was lost in conference. I have looked that matter up.

So that this House has on at least one occasion, the occasion I have recited, when the general deficiency bill was under consideration during the last session of the Fifty-sixth Congress, and also upon the sundry civil bill in March, 1901, inserted in the one case a provision which was enacted into law similar to that which I now offer to this bill, and in another case adopted a similar provision which failed in conference.

I submit, Mr. Chairman, that we are here making sundry appropriations to meet deficiencies in the appropriations for the service of the Government, and this proposition of mine is in line with one which the House thought proper to put upon the last general deficiency bill and which became a law, and with another which the House thought proper to put upon the sundry civil bill but which failed in conference.

Mr. Chairman, I do not think the gentleman from Illinois or any other member of Congress ought to rise in his place and object to this amendment upon a mere technicality, when it is an effort to induce Congress to restore to the treasury of the Cuban people, who have just struggled into national existence—whose independence we have aided in securing—money that has been illegitimately, illegally, and in violation of law taken by our Army officers while we occupied that island by our military forces.

Mr. CANNON. I must raise the point of order that the gentleman is not discussing the matter before the House.

Mr. BARTLETT. I am undertaking to do so; and if the Chair will say that I am not, I will yield to the decision with great pleasure.

The CHAIRMAN. The Chair must request the gentleman to confine himself to the point of order.

Mr. BARTLETT. I admit, Mr. Chairman, that in suggesting to the Chair the reasons why this amendment is in order I may have digressed. [Laughter on the Republican side.] Oh, gentlemen, I do not doubt that you desire to laugh this matter down, but it will not be laughed down. You have got to face it sooner or later, and you might as well face it now.

In the cases I have cited payments out of the Cuban treasury by American officers for purposes of our own have been repaid by appropriations upon the general deficiency bill.

I cite—and the gentleman from Illinois will not deny it, I apprehend—that upon the last general deficiency bill an appropriation, to which I call the attention of the House, of $15,786.91 was incorporated in the bill to pay back to the treasury of the Cuban people the amount which had been expended by our officials over there in furnishing to the Secretary of War information relative to receipts and expenditures in that island.

Now, if it were in place upon the last general deficiency bill—and I propose to put it on this general deficiency bill—of course I suggest that it is in order here. What law does it violate, Mr. Chairman? If we pay our debts, if we return to the Cuban treasury the amount that we have either legitimately or illegitimately paid out of that treasury for our own purposes, it will create a deficiency, and if the Secretary of the Treasury, in the administration of the affairs of those people by our military forces and our military governor and the other officers over there, has taken out of the treasury of these people moneys to be used for some object which may or may not be legitimate, then the United States is indebted to the Cuban people and to their treasury to the amount thus expended. And does it take any law for this Government to comply with its obligations in that regard?

I submit, Mr. Chairman, that there is no law which prohibits this amendment upon this bill in this place. I beg again to call the attention of the Chair to the fact that a like appropriation for like expenditures of money from the treasury of the Cuban people was placed in the last general deficiency bill, and I appeal to the gentleman from Illinois [Mr. CANNON] not to make the point of order, even if he believes it is proper to be sustained, because if we have taken the money of these people and paid it over to our officers, Mr. Chairman——

Mr. CANNON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman from Illinois rises to a question of order.

Mr. CANNON. The gentleman is not discussing the point of order.

The CHAIRMAN. The point of order is well taken.

Mr. BARTLETT. Mr. Chairman, I have said all that I desire on the point of order, and I commend to the gentleman and to the country this continued effort on the part of that side of the House to smother all investigation of our dealings with the people of Cuba.

The CHAIRMAN. The Chair is ready to rule. The mere fact that a similar item was contained in some former appropriation bill does not, of course, make in order any particular item.

Mr. BARTLETT. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from Georgia withdraws the amendment, if there be no objection.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter no act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such act shall, in specific terms, declare an appropriation to be made for the purpose or purposes specified in the act.

Mr. MADDOX. Mr. Chairman, I wish to reserve all points of order on that paragraph.

The CHAIRMAN. The gentleman from Georgia reserves the point of order.

Mr. MADDOX. I would like to hear some explanation from the gentleman from Illinois as to what that means.

Mr. CANNON. Mr. Chairman, I will state that it was put in there—and I will say to the gentleman that I think it is subject to the point of order—with the consent of the full committee reporting it to the House. The committee believes it to be good policy that the Congress should know when it made legislation making appropriations, and that they should be specifically made, not by construction of some accounting officer who has the last guess, and who, in my judgment, frequently errs in his guess as to whether words make an appropriation or not, but, as I say, specifically made. It is to enable the Congress, if it should be written into the law, to keep track of the appropriations and expenditures, leaving nothing to the construction. It is the desire of the committee that not a dollar shall be taken from the Treasury unless it be expressly appropriated.

Mr. LIVINGSTON. Mr. Chairman, may I suggest to my colleague that it follows almost the language of the Constitution, and therefore it can not be subject to a point of order.

Mr. MADDOX. I want to ask the gentleman if the acts of Congress have been abused or misconstrued so as to grant appropriations where none was intended?

Mr. CANNON. Well, I do not want to unnecessarily criticise anybody, but there have been some acts of Congress construed as appropriating money which I do not believe Congress intended to appropriate.

Mr. MADDOX. I want to say to the gentleman that if this paragraph is to serve any good purpose, I have no objection. I simply wanted an explanation of it, as I did not understand it. If the committee is unanimous in its opinion that this is a good law, I will withdraw the point of order.

Mr. LIVINGSTON. Mr. Chairman, I would like to say to my colleague that this can not serve any bad purpose, and we thought when we put it there it would serve a very good purpose.

Mr. MADDOX. I am inclined to think so, from the gentleman's explanation. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

At the Southern Branch at Hampton, Va.: For subsistence, including the same objects specified under this head in the sundry civil appropriation act, and for the fiscal year 1902, $10,000.

For household expenses, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1902, $6,000.

Mr. STEELE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 26, after line 21, insert:

"Marion Branch, at Marion, Ind.: For quartermaster and commissary storehouse and repairing old storehouse and constructing fireproof vaults therein for offices, $30,000."

Mr. BARTLETT. I should like to know whether there is any law authorizing this? If there is not, I reserve the point of order. I should like to hear the amendment reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. BARTLETT. I reserve the point of order that there is no law authorizing this.

Mr. STEELE. There is a law authorizing the construction of all these Homes. This item was estimated for, but by an oversight was not sent to the committee in time to be inserted in the appropriation bill. There are no fireproof vaults there at all, and there are not adequate offices for the quartermaster and commissary, offices which have been created by law. These buildings are necessary for the public service to preserve the public records, and are estimated for.

Mr. CANNON. If the gentleman will allow me, I think I can make it plain. The gentleman called my attention to this matter before he offered it. I have no doubt that under the law the amendment is free from the point of order. The gentleman from Indiana [Mr. STEELE] is a member of the Board of Managers, and assures me that this appropriation is necessary for the service of this Home. For that reason I do not object to it.

Mr. LIVINGSTON. Has the gentleman any knowledge of any estimate properly sent up by the Department for this amount of money?

Mr. CANNON. The gentleman from Indiana assured me that the estimate had been made by the board.

Mr. LIVINGSTON. By the board?

Mr. CANNON. Yes.

Mr. LIVINGSTON. But does it come from the Treasury Department?

Mr. CANNON. I do not know whether it be a formal, legal estimate or not, but the estimate is not what gives the jurisdiction.

Mr. LIVINGSTON. I want to know whether the appropriation is necessary. If it is, it should be made. I am not discussing the point of order. I want to know whether the money is necessary. We can only know from a proper estimate.

Mr. STEELE. This is in amount less than has been asked for any other Homes.

Mr. LIVINGSTON. That may be true, but do they need the money?

Mr. STEELE. They need the money.

Mr. LIVINGSTON. Can you tell the House why they need it?

Mr. STEELE. They need it for the construction of these buildings that have been estimated for.

Mr. BARTLETT. I desire to ask the gentleman from Illinois what law there is authorizing these repairs and these new buildings?

Mr. CANNON. Oh, the law establishing the Branch Home at Marion, Ind.

Mr. BARTLETT. Then it comes under the rule that it is a continuing improvement?

Mr. CANNON. I have no doubt on earth that the law authorizes it, I will say to the gentleman.

Mr. BARTLETT. I make the point of order that there is no law authorizing this. Let the Chair decide it.

The CHAIRMAN. The Chair desires to know whether there is now a quartermaster's department at Marion?

Mr. STEELE. There is.

The CHAIRMAN. Where there are at present other buildings?

Mr. STEELE. At present the building that is used is entirely inadequate, and there are no quarters for the officers. It is intended to take the old building and convert it into officers' quarters and construct the necessary vaults therein to protect the public property, and to have a storehouse for storing quartermaster stores and commissary stores in that building.

Mr. LIVINGSTON. If the prior appropriation was a limited one, then this appropriation is not in order.

The CHAIRMAN. What the Chair desires to know is whether there is a plant there now for which this appropriation provides simply an enlargement and extension?

Mr. LIVINGSTON. In addition to that, I want to suggest that the former appropriation was a limited one, and that if so it requires legislation to extend it. If that is true, then the point of order is good against this amendment.

The CHAIRMAN. What the Chair desires to know is as to whether or not this case is on all fours, for instance, with the Naval Academy proposition, where the appropriation was held to be in order by the present occupant of the chair, out of deference, as he stated at the time, to prior decisions?

Mr. CANNON. The fact about it is this: Some time ago a law of Congress was enacted authorizing the construction of a Branch Home at Marion, Ind. The Home has been constructed, is occupied, has barracks, hospitals, and so forth, and so forth. Now, then, at this place no limitation was placed on the Branch Home at Marion whatever. This is to build an additional building as specified in the amendment.

Mr. BARTLETT. May I ask the gentleman from Illinois a question before the Chair rules? How can a proposition of this kind be in order on a deficiency bill? How do you get this on a deficiency bill? How is it germane on a deficiency bill?

Mr. CANNON. It is a general appropriation bill. The rule does not define what exact amendments shall go upon it.

Mr. BARTLETT. Just the will of the gentleman from Illinois.

Mr. CANNON. The will of the majority of the House, under the rules of the House.

The CHAIRMAN. The Chair held in a former Congress in reference to Annapolis Academy that an amendment providing for an additional building there was in order. The Chair stated at the time that he so held in deference to former decisions, not because he would have so held had it originally come before the present occupant of the chair. If there was no other question involved now than the question of the enlargement of the plant, the necessary enlargement, the Chair would be inclined to hold that it was in order, following the precedent established in the Naval Academy case and the cases upon which it was based. But the Chair is inclined to think that the suggestion and point made by the gentleman from Georgia, that it is not in order on a general deficiency bill, is well taken.

Mr. CANNON. Well, I trust the Chair will not make that ruling without examination, because it has been held the other way frequently. The gentleman from New York held the other way on a former occasion.

The CHAIRMAN. The Chair will see if he can find authority directly upon that.

Mr. LIVINGSTON. I would like to suggest, for the benefit of the Chair, that if an increase of salary was attempted in this bill the point of order would lie against it.

Mr. CANNON. Yes; if it was against the law.

The CHAIRMAN. Will the gentleman indicate to the Chair when the ruling was made to which he referred a moment ago? The Chair does not find it in the Digest.

Mr. CANNON. I am informed that in the last Congress, the gentleman from New York [Mr. PAYNE] in the chair, that ruling was made. But it is not necessary, if the Chair will indulge me for a single suggestion. If the Chair will take this bill, "A bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes"—now, then, if the Chair will examine the rule of the House that gives jurisdiction to the committee I think the Chair will not find anything that says exactly what shall go in the deficiency bill or upon the sundry civil appropriation bill.

Mr. LIVINGSTON. Mr. Chairman, I may say to the Chair that the title of the bill settles the question—"making appropriations to supply deficiencies in the appropriations for the fiscal year 1902." This appropriation is not a deficiency; it is not to be expended in 1902, as the gentleman from Illinois himself knows.

Mr. CANNON. And yet my friend stops and omits the words "and for prior years, and for other purposes." That is like unto the man who said he could prove by the Bible there is no God. "Well, prove it." 'Well," he says, "there is no God," and showed it in black and white. "Why," says his friend, "confound you; you have left out the first half of the sentence: 'The fool hath said in his heart, There is no God.'" [Laughter.]

Mr. LIVINGSTON. Well, Mr. Chairman, as the gentleman is playing upon words, I wish to say for his information that we have here the general expression "for deficiencies for the fiscal year." I do not care what the purpose is, it is absolutely to pay the expenses for this fiscal year.

Mr. BARTLETT. I desire to call the attention of the Chair to two decisions. I do not know whether they will add any force to what I have already said. I refer to page 455 of the Manual,

the cases found on pages 2713 and 2716 of the RECORD, second session of the Fifty-sixth Congress.

The payment of an unadjudicated claim, even if the amount be ascertained and transmitted by the head of an executive department, is not in order on a deficiency bill.

Now it might be good, but not on a general deficiency bill. Here is a claim against the Government transmitted; and if it had got votes enough it might have been appropriated for, but in that case they held that although transmitted it was not in order, because that was a deficiency bill. The following paragraph upon the same page of the Manual declares:

It is not in order to appropriate on the deficiency bill for an unadjudicated claim, even though it be transmitted to the House by an executive message.

Now, there is no law authorizing this. It is simply a construction of the law by reason of the fact that a building has been authorized that they can go on and extend it. It occurs to me that it is not in order upon this bill.

The CHAIRMAN. If the Chair may suggest to the gentleman from Illinois, it seems to him that in the preservation of harmony between the bills that this item in all fairness ought to be on the sundry civil bill and not on the general deficiency bill. The Chair is unable to find any ruling which holds one way or the other upon the proposition.

Mr. STEELE. Mr. Chairman, I withdraw the amendment.

Mr. UNDERWOOD. That has to be done by unanimous consent.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. I think there ought to be a ruling,

Mr. CANNON. I will say, so far as the ruling is concerned, I do not accept the ruling, notwithstanding the precedent cited for the ruling, and I think on a thorough discussion and a full examination of the authorities the amendment is in order; but as the gentleman is quite content to withdraw his amendment, I think probably that it may best go that way.

Mr. UNDERWOOD. I withdraw my objection.

Mr. LIVINGSTON. The ruling of the Chair is that it is out of order.

The CHAIRMAN. The Chair will sustain the last point of order raised by the gentleman from Georgia.

The Clerk read as follows:

The repeal of the supplementary acts amendatory of the act of March 3, 1899, enumerated in section 12 of the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," shall not be construed to take effect until the termination of the temporary organization of the office as provided in the last-named act: *And provided further*, That the disbursing clerk of the Census Office may pay out of the census fund on June 30, 1902, to employees of the office who are not to be reappointed on July 1, for whatever leave of absence the Director of the Census may, in his discretion, allow them, not to exceed, however, the annual leave authorized by existing law; such payment to be in addition to the salary due them for services rendered to that date.

Mr. MADDOX. Mr. Chairman, upon that I reserve a point of order as to the latter part of that section.

Mr. CANNON. It is clearly subject to a point of order, but I apprehend that my friend, when he understands it, will not make it.

The CHAIRMAN. Does the gentleman from Georgia reserve his point of order?

Mr. MADDOX. I do.

Mr. CANNON. The gentleman from Georgia knows that a large number of clerks are going out of service on the 30th day of June at the Census Office. Now, many of them go out without having had their leave of absence which they have earned, and this is to enable the Director of the Census to pay them for the leave of absence which they have earned when they go out, and it can not exceed fifteen days.

Mr. MADDOX. Let me ask the gentleman. A number of employees have been discharged from time to time recently, and my understanding is that they have been allowed no leave of absence or even notice, but simply called up to the desk and paid off and discharged. Why is it, now, that these clerks who are to be discharged on the 30th are to be given leave of absence and paid for it, too?

Mr. LIVINGSTON. With the permission of the chairman of the committee, I want to suggest to the gentleman from Georgia that prior to January 1 they had all received their allowance, and wherever they did not take it they were paid for it. This is for the fiscal year, and every single person that has been discharged has had credit for a leave of absence—three days, ten days, or whatever amount it was. Now, then, on June 30, when the temporary organization ceases to exist and the permanent force comes into life, this simply authorizes the Director to do just what he has been doing—to give the people who have not been employed permanently their pro rata share of the annual leave. I hope the gentleman from Georgia will not object, for it is fair, right, and just that these clerks should have it. Those that have been turned out have had it, and those who are left ought to have it.

Mr. MADDOX. I want to ask the chairman of the committee again a question. What I am after is that these employees should all be treated alike and be treated fairly. Is it a fact that these men, who have been discharged from time to time recently, have enjoyed heretofore the leave of absence and been paid therefor?

Mr. CANNON. I am informed by gentlemen sitting around me that they have.

Mr. MADDOX. That is the reason they were not allowed leave of absence and paid?

Mr. CANNON. No; I understand they have had their leave of absence. Those that have been discharged have been allowed the leave of absence or paid for it if they have earned it. The gentleman will see at once that those who serve up to June 30 and go out of service entirely could not be granted a leave of absence. Those who went out on the 1st of June could be granted a leave, and, as I am informed, they have been granted ten days or fifteen days or whatever amount was due them. When they were discharged they were granted leave of absence equivalent to the number of days that was due them and paid for that number of days.

Mr. MADDOX. They are entitled under the law to thirty days in a year, and it is proposed in this bill to pay them for the thirty days that they would be entitled to.

Mr. CANNON. The proportion that they are entitled to.

Mr. MADDOX. That is exactly what I wanted to get at. I wanted to find out whether the employees were all being treated exactly alike and being treated fairly and honestly.

Mr. CANNON. Oh, yes.

Mr. MADDOX. If they are, then I withdraw the point of order.

Mr. CANNON. The gentleman from Georgia withdraws his point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Salaries and expenses, United States courts, Indian Territory: For the payment of the salaries of the clerk, commissioner, and constables authorized by the act approved May 27, 1902, during the fiscal year 1903, and of the commissioners and constables authorized by this act, $16,200: *Provided*, That the judge for the western district of the Indian Territory shall be authorized and required to appoint two additional United States commissioners for said district and a constable for each of said commissioners; and the judge for the northern district of said Territory shall be authorized and required to appoint two additional United States commissioners for said district and a constable for each of said commissioners. Said commissioners and constables shall be located at places designated by said judges, respectively: *Provided*, That each of such judges may, in his discretion, require any commissioner appointed for his district whose headquarters are not permanently fixed by law to hold terms of court at more than one place, and in that case he shall fix the places and times of holding such terms and the length of each term. All laws applicable to the salaries, duties, powers, and responsibilities of other United States commissioners and constables in the Indian Territory shall be applicable to the commissioners and constables appointed under the provisions of this act. This proviso shall be in force from and after July 1, 1902.

Mr. BENTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 9, page 57, after the word "appoint," strike out the word "two" and insert "three;" and in line 12, page 57, after the word "appoint," strike out the word "two" and insert the word "three."

The amendment was agreed to.

Mr. BENTON. Now, Mr. Chairman, I have another amendment which I wish to offer.

The Clerk read as follows:

In line 15, page 57, after the word "at," strike out "places designated by said judges, respectively," and insert "Sapulpa, Okmulgee, and Waggoner in the western district, and Miami, Nowata, and Pryor Creek in the northern district."

Mr. CANNON. Mr. Chairman, I hope that amendment will not be agreed to.

Mr. BENTON. Mr. Chairman, I promised and intended to press this amendment, and to keep my pledge I have presented it. I now withdraw the amendment.

The CHAIRMAN. The gentleman from Missouri withdraws his amendment. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

To pay Herman Gauss, for services as assistant clerk, by detail, to the Committee on Invalid Pensions, $750.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

Amend by adding at the end of line 18, page 13, the words:

And to pay the difference between the salary of said messenger and $2,000 per annum from December 1, 1901, to July 1, 1902, $650.

The amendment was agreed to.

Mr. MADDOX. I move to strike out the last word, for the purpose of asking the chairman of the Committee on Appropriations to explain what is meant in the paragraph just read by the word "detail." Where was this man detailed from?

Mr. CANNON. I have no doubt he was detailed from the

Pension Office, and this paragraph has been inserted, I will say, by virtue of the following authority:

Resolved, That the Committee on Appropriations is hereby authorized to provide in the general appropriation bill for the payment to Herman Gauss of $750 for extra services rendered to the Committee on Invalid Pensions.
Attest:

A. McDOWELL, *Clerk*.

It will thus be seen that this has been put on by direction of the House.

Mr. MADDOX. Is that one of those resolutions that came from the Committee on Accounts and were passed by the House?

Mr. CANNON. I understand so. I have no doubt that is the case, because this is certified to the committee as being the action of the House.

Mr. RICHARDSON of Tennessee. I will say that that is correct. I have here the RECORD for May 28 of last year, page 6430.

Mr. MADDOX. I simply wanted to understand what was meant by "detail." I withdraw the pro forma amendment.

The Clerk read as follows:

To pay the four conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum for the fiscal years 1901 and 1902, $200 each; in all, $800.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 65, after line 2, insert the following:
"To pay the conductors of the elevator in the House wing of the old library space of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum from March 5, 1901, to June 30, 1902, inclusive, as follows: R. E. Walker, $132.49; J. C. Duncan, $132.49; in all, $264.98.
"To pay John Douglas, for services as laborer in the Doorkeeper's department during the second session of the Fifty-sixth Congress, $116."

Mr. Chairman, in explanation of this amendment I will say that I hold in my hand certified copies of resolutions of the House.

Mr. MADDOX. They have been passed on heretofore.

Mr. CANNON. Yes; the same as in the other case.

Mr. MADDOX. How do they differ from the paragraph providing in general terms for conductors of the elevator without mentioning names?

Mr. CANNON. This is for the conductors of the elevator in the House wing of the old library space.

The amendment was agreed to.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after line 2, on page 65, the following words:
"To pay Albert Scott, for services as laborer for eighteen days, from December 2, 1901, to December 19, 1901, $36."

Mr. CANNON. I shall have to reserve a point of order on that.

Mr. RICHARDSON of Tennessee. I want to say to the gentleman from Illinois and to the committee that this colored boy, Albert Scott, was on the roll as a laborer in the last Congress and performed duty as such. When this Congress assembled, having been on the roll during the last Congress as a laborer, he commenced work in the same capacity the day Congress met—the 2d day of December. He did his work faithfully until the 19th day of that month, when a resolution drawn by myself was adopted by the House putting him upon the roll at $50 a month. In drawing that resolution I undertook to frame it so that it would pay him from the day Congress met, the day when he went to work, until the 19th, when the resolution placing him on the roll was adopted. It seems that the resolution as I drew it was not effectual to cover that period of time from the 2d to the 19th of the month. The Comptroller held that the resolution which we passed would be operative only from the day of its adoption, although this colored boy had been at work for 18 days previous.

This amendment of mine may be subject to a point of order. I have not introduced and sent to the Committee on Accounts a resolution for the purpose of paying this man the pitiful sum of $36. If, after this statement, the gentleman from Illinois, or any other gentleman, thinks that this poor colored boy ought not to be paid I am content to let the matter pass.

Mr. CANNON. I have no doubt he ought to be paid. But my friend from Tennessee, I presume, realizes the condition touching these payments. The Committee on Appropriations adopted a rule for this session and the future that it would relieve itself of the great pressure that has heretofore come to us constantly, to put on these appropriation bills provisions for extra pay; and we gave notice to the Committee on Accounts——

Mr. RICHARDSON of Tennessee. This is not a proposition for extra pay.

Mr. CANNON. Well, additional pay.

Mr. RICHARDSON of Tennessee. It is not additional pay. If I had drawn the resolution so as to accomplish what I had intended, it would have passed the House, and those eighteen days would have been covered. But it seems that the resolution as drawn by me was not effectual in the opinion of the Comptroller. I still think that the resolution provided for the pay of this man from the 2d day of December; but the Comptroller has held otherwise.

Now, I do not want to interrupt the gentleman from Illinois; I do not want to violate any rule that he and his committee have adopted, but in view of the fact that the amount involved is only $36 for this poor colored boy, and in view of the statement I have made, I ask unanimous consent that the amendment may be adopted.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the amendment be agreed to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

For compiling, under the direction of the House Committee on Printing, of the constitutions, with all amendments thereto, and of the organic acts and enabling acts of the several States and Territories of the United States, $2,000.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 65, line 4, strike out the word "Printing" and insert the word "Judiciary;" and in line 6 strike out the word "two" and insert the word "one."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after line 7, page 65, the following:
"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and the House, borne on the annual and session rolls on the 1st day of June, 1902, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-seventh Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. MADDOX. Mr. Chairman, on that I reserve the point of order.

Mr. LOUDENSLAGER. Mr. Chairman, I hope the gentleman will withhold his point of order.

The CHAIRMAN. The gentleman from Georgia reserves the point of order.

Mr. LOUDENSLAGER. Mr. Chairman, I wish to say that this may be subject to the point of order, but, in my judgment, it should hardly be made. This matter has been retained in the deficiency bill for many years, and is properly classed as an appropriation, because it has been running on for so long a time that the memory of man runneth not to the contrary. It has become the law and the precedent of the House more in the nature of an appropriation than of any new legislation, and beyond that, we have already in this act appropriated and voted money for certain employees of this House who perhaps are no more entitled to it than those who are provided for in this resolution, and the gentleman from Georgia inquired of the chairman of this committee but a few moments ago, when he raised a point of order, as to whether the sum appropriated provided equally for all of them, and upon the chairman's reply that it did, he then withdrew his point of order. I want to say now to the gentleman from Georgia that this also appropriates equally to all employees, and I hope the gentleman will not press his point of order.

Mr. MADDOX. May I ask the gentleman a question?

Mr. LOUDENSLAGER. Yes.

Mr. MADDOX. Whom have we provided for in this bill?

Mr. LOUDENSLAGER. Some employees of the Census Bureau. We have provided for the elevator men. We have provided for persons who have been attendant on this House.

Mr. MADDOX. Extra pay?

Mr. LOUDENSLAGER. Extra allowance.

Mr. MADDOX. There is nothing here, as I understand it, except that which has been passed by resolution of this House.

Mr. LOUDENSLAGER. I do not understand that those in the Census Bureau were passed by resolution of the House. Were they—I would inquire of the chairman of the committee, Mr. CANNON?

Mr. CANNON. No; the House took no action.

Mr. LOUDENSLAGER. This gives to all equally and alike, and I hope the gentleman will not press his point of order.

Mr. CANNON. They were not employed by the House.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to inquire of the gentleman if these employees are to remain a month after Congress adjourns? Wherein does the extra pay come in?

Mr. LOUDENSLAGER. This is simply an extra compensation for them for the work that they do. It has been in every deficiency bill.

Mr. GAINES of Tennessee. That they have been doing or that they will do?

Mr. LOUDENSLAGER. That they have been doing.

Mr. GAINES of Tennessee. The reason that I interrupted the gentleman was this: I know a lot of these laborers and employees have to stay here a long time after Congress adjourns and work, and I myself have returned nearly a month after Congress adjourned, and when I have come back I have found them working here at that time, and certainly a man ought to be paid for that kind of work.

Mr. LOUDENSLAGER. This is pay for that kind of work.

Mr. GAINES of Tennessee. Well, then, they ought to be paid because they do the work.

Mr. MADDOX. The gentleman says they ought to be paid for that kind of work if they stay here for thirty days. He is probably not aware of the fact that they are paid by the year, and that they will go home, probably, and stay six months, when they do nothing at all, and next year there will be nine months when they will not even strike a lick.

Now, I want to tell you what I think about this business. I have nothing against these employees, that is, some of them, to say the least of it. My judgment, however, is that we have three times as many employees as we need in this House right now. Probably I may be a little extravagant in that statement, but I will say that we have twice as many as we need.

Mr. LOUDENSLAGER. I do not believe the gentleman wishes to make a misstatement, and I desire to say to him that these employees are not all paid annually. Some of them are monthly employees for the session only.

Mr. MADDOX. This resolution covers all of them. It makes no distinction. Probably if it applied only to the session employees——

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Tennessee?

Mr. MADDOX. I will yield to the gentleman.

Mr. GAINES of Tennessee. I was not aware of the fact that they were employed by the year. I thought they were employed by the month, and if they remain here and work an extra month or an extra day, I think they ought to be paid for it.

Mr. MADDOX. It is not extra work nor an extra day. I want to state to this House that just before the adjournment at the last session we had something of a scandal in relation to extra pay for these employees of this House. The House passed a resolution to investigate these matters, and appointed a committee for that purpose. That committee reported to the House. The result of that report was that the Appropriations Committee undertook to pass a law by which they regulated the salary to be paid to each and every employee of this House. It was then understood that we were to have no more pay for extra services. Now, what is the extra month for except extra compensation? What does it mean? It means nothing else.

Now, do you want simply to make a present to these employees? My friend over there [Mr. LOUDENSLAGER] says that we have just provided an appropriation for the Census employees and that we ought to be fair. Those Census employees, as I understand from the chairman of the Committee on Appropriations, are entitled to thirty days leave of absence within twelve months, and it is the intention of these gentlemen to pay them for that leave, whatever it may be. If they have only seven days or five days or six days, they are to be paid for that.

Now, what is the condition with reference to the House employees? If we adjourn in a few days, they have from now until next December leave of absence, and after next March they will have until the following December leave of absence. The Census employees and the other employees in the departments have no such leave; and I take it for granted that these employees in the Census Department and other places work eight hours a day. I will guarantee that there are seventy-five or a hundred men in this House, now employed by the Government, who do not work an hour a day.

Now, Mr. Chairman, I want to say this much. I shall not assume the responsibility in this House to say, if you want to make to these gentleman a present of this extra month, that you can not do so. The responsibility is upon the party on that side of the House for the payment and expenditure of this money. I saw proper to reserve this point of order.

You appointed a committee. That committee was to be continued to investigate the employees of this House and to report thereon. That committee has had one meeting, in which it decided to adjourn subject to the call of the chairman. In other words, the committee decided to watch the operation of the law that had been passed to see what effect it would have. Up to this time we have had no other meeting.

In one sense the responsibility is upon that committee. I now put the gentlemen on the Appropriations Committee on notice that I have reserved the point of order. The responsibility is on you for the expenditure of this money. You can insist upon the point of order, if you want to. I shall not do so.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. CANNON. Mr. Chairman, just a single word. I did not make the point of order and I shall not make it, because the practice has been so long followed, and points of order have been so frequently overruled, that it is evidently the will of the House from year to year to give this extra month's salary, so that in point of fact it may be regarded as a part and parcel of the pay of the employees of the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

The Clerk read as follows:

Refunding to States expenses incurred in raising volunteers as follows:

Mr. SIMS. Mr. Chairman, I wish to make the point of order to the rest of the items on this page, and I want to know whether I shall wait until it is read or make it now?

The CHAIRMAN. It can be made when the section is read.

Mr. SIMS. I want to make it as to each paragraph.

Mr. CANNON. I will ask unanimous consent that from line 11, on page 71, to and including line 24, of page 71, as they are on all fours, that they be read to that point, and that the gentleman may make his point of order to all of them.

Mr. SIMS. That is what I want.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. SIMS. Further, in case the point of order is not sustained, I wish to move to amend each of these items.

Mr. CANNON. I ask unanimous consent also as to that effect.

Mr. SIMS. That is satisfactory.

The CHAIRMAN. The gentleman asks unanimous consent that amendments may be offered to any line in the paragraph.

Mr. SIMS. Yes; that I may offer an amendment to each paragraph.

Mr. OLMSTED. One moment. Does that apply to the amendment of the gentleman only?

Mr. CANNON. To anybody.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To the State of Indiana, $635,859.20
To the State of Iowa, $456,417.89.
To the State of Michigan, $382,167.62.
To the State of Ohio, $458,559.35.
To the State of Illinois, $1,005,129.29.

Mr. SIMS. Mr. Chairman, I make the point of order as to each of these appropriations, that they are not germane to this bill, being a deficiency bill. Each one is an original appropriation, and each of them should properly be referred by bills to the Committee on War Claims, and there are claims for each of these items before that committee undetermined. That is the point of order I wish to make—that they are not deficiency items, and that they are not properly on the deficiency bill.

Mr. CANNON. Mr. Chairman, in my judgment the point of order is not well taken. These are audited accounts for the payment of certain moneys that are due to certain States under the legislation of 1861 and 1862, and under additional legislation which I will read. Legislation approved February 14, 1902:

And the claims of like character.

That is, the items preceding. It was to refund to the States moneys that were expended by the States under the act of 1861, in furnishing troops and clothing them, etc., with which the Chair is no doubt familiar. We appropriated for these items to the State of Pennsylvania, Maine, Rhode Island, and the following legislation is found:

And claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

And then we have the act of 1862 for furnishing the troops and clothing them under that legislation. Then the act of last February, the reopening of the accounts, auditing the claims by the Auditor of the Treasury Department, as provided for in the law, and the certification of the claims as audited claims by the accounting officers of the Treasury, which I have before me, properly certified to Congress, referred by the Speaker to the committee, and now reported upon the deficiency bill as usual in all

audited accounts. It seems to me it is not subject to any point of order; if so, every other audited account is subject to the point of order, and could not go upon this bill or any other bill.

Mr. UNDERWOOD. Mr. Chairman, there is some objection on this side of the House to these claims, and for that reason I suppose my friend from Tennessee made the point of order. I state this simply to show reason, if the point of order is insisted on. As I understand, these are claims of States for money that they paid out to arm the troops during the war, and some of the States have been paid. For instance, New York has been fully paid. New York and the other States up to this time that have been paid have been paid for money that they expended and the interest thereon up to the date of payment. Now, in some of these States that we are appropriating for in this bill I understand that the State borrowed the money and issued bonds and the bonds are not matured.

Now, instead of taking the money out of their State treasury and levying the taxes on their people for that purpose they preferred to borrow it, and instead of borrowing it for a short time they borrowed it for a long time. Now, this appropriation, as I understand it, is not only to pay these States back the money that they have paid out and the interest up to the present day, as we would do any other creditor, but is to pay——

Mr. BINGHAM. That is wrong.

Mr. CANNON. The gentleman is in error. But I want to suggest to my friend that he is upon the merits of the matter and that a point of order is pending. I think there can be no doubt but what the point of order is not well taken.

Mr. UNDERWOOD. I do not agree with the gentleman. I think the point of order is well taken, and I am coming to that right now, if the House will allow me a moment. As I understand the proposition—of course that is a question open for discussion—more is being paid to these States than they have paid.

Mr. CANNON. On the contrary—we want to get at the very facts.

Mr. UNDERWOOD. Certainly.

Mr. CANNON. Exactly the same measure has been paid under this auditing to these States that was paid to the State of New York by the judgment of the Supreme Court of the United States.

Mr. UNDERWOOD. Well, from the information that I have, I will say that it is otherwise. When we come to the case on the floor, the gentleman may convince me that I am wrong. If I am convinced, I will have no objection to the States being paid what is actually due. But on the point of order these cases were all sent to the Court of Claims, like the Southern war claims, and like other claims where other cases are sent to the Court of Claims. For what purpose?

Mr. HEMENWAY. The gentleman is mistaken. These claims have not been sent to the Court of Claims at all. They are claims that were audited, and from the audit an appeal was taken to the Comptroller, properly decided by the Comptroller, and certified to Congress for appropriation. They have never been to the Court of Claims.

Mr. UNDERWOOD. Did not the law authorize them to go there?

Mr. HEMENWAY. They could have been sent there if there had been any question as to the facts, but there was no question as to the facts. They are not on all fours with the cases the gentleman mentions.

Mr. UNDERWOOD. I am answering the gentleman from Illinois when he says that these cases stand on the proposition that the cases were ordered by Congress to go to the Court of Claims.

Mr. LACEY. May I ask the gentleman a question?

Mr. UNDERWOOD. Let me finish my sentence. It puts them in no better attitude than any other claim that was sent to the Court of Claims. If they stand on that basis, Mr. Chairman, then they ought to fall on the same procedure, under the parliamentary law of this House, as any other case does that has been referred to the Court of Claims and comes back here for settlement.

Mr. LACEY. If it be true that the Supreme Court of the United States has held these claims to be valid and legitimate claims against the Government under existing law, then the payment is certainly authorized by existing law, and consequently the point of order is not well taken. Is not that correct?

Mr. UNDERWOOD. No; that has nothing to do with the point of order. What we are striking at is whether the claims are germane to this bill. I do not mean to say that these claims are not germane to something and that some money ought not to be paid to these States. I am not arguing that point. What I contend is this, Mr. Chairman, that if you take it from the standpoint that they have a standing here because they are authorized by law to go to the Court of Claims, then, to follow the procedure followed in all other cases where a judgment from the Court of Claims comes back, it should go to a war claims committee. But if, on the other hand, these cases stand in a position contended for by the gentleman from Indiana that they have been audited, they are not judgments of any court, there is no court here that has ever rendered judgment and certified these cases to the Appropriation Committee. If they stand here on a basis or law by which they were authorized to be audited, I say they have no standing on the general deficiency bill; that the proper place for claims of that kind would be on the sundry civil appropriation bill.

In the first place, Mr. Chairman, we have the order of the House determining the status of these very claims, because bills have been introduced for their payment, and these bills have been referred by the Speaker of the House to the Committee on War Claims. Now, one of the very first propositions that you consider when you go to determine whether a matter is germane or not is what committee it has gone to—what committee has jurisdiction of it. In other words, certainly a matter that would not go to the Appropriation Committee would not be germane to a bill reported to this House from the Appropriations Committee.

The Speaker of this House has determined that question by referring these individual bills to the Committee on War Claims, and not to the Committee on Appropriations. So, thus far, we have a determination that they are not germane. But, if the Committee on Appropriations has any jurisdiction of this matter at all, it certainly only has it on the sundry civil bill, which is intended to carry appropriations of this kind. The deficiency bill is clearly and manifestly a bill for paying claims or deficiencies where Congress, in the original appropriation, fails to appropriate enough money to carry out the original appropriation as carried in some other bill. Now, these claims have no relation to any other matter, because this is the first time Congress has attempted to appropriate in the matter. There is no deficiency existing in reference to these claims, and therefore, necessarily, they are not germane upon a deficiency bill.

I know it has been customary as a matter of unanimous consent to carry a vast number of appropriations of various descriptions on the general deficiency bill. As a matter of fact, this bill itself contains provisions that have gone through here by unanimous consent that would have been defeated if a point of order had been made against them. All the great appropriation bills often carry matters of that kind. But because there are matters carried on these bills which are not germane, that does not warrant anyone in holding that these original appropriations are germane to the bill now under consideration.

Mr. SIMS. Mr. Chairman, I have been desirous to avoid making any statement which might appear to bear upon the merits of the amendment, but it is necessary for me to refer briefly to some circumstances of the present case in order to get at the point of order.

Mr. HEMENWAY. I hope the gentleman will let the Chair determine the point of order.

Mr. SIMS. I wish to make simply a short statement in order to get at the point of order.

The legislation under which these claims have been certified was put on the urgent deficiency bill, which was itself subject to a point of order at that time. The four claims provided for upon the urgent deficiency bill were the claims of Rhode Island, New Hampshire, Pennsylvania, and Maine. Each of those claims had been presented to the Court of Claims, and the court had made a finding. Now, immediately follows this legislation authorizing the accounting officer to audit these claims regardless of the limitations which had been imposed in a former settlement of like claims.

The claims carried in this appropriation were before the Committee on War Claims, of which I am a member. I had an opportunity to investigate the question, and I would have made a point of order against this legislation had I not thought that the settlement of these claims would follow the decision of the Court of Claims. The claim of the State of New York was settled under the decision of the Supreme Court of the United States; the claims of these four States were settled under a decision of the Court of Claims upon cases referred to that court by the very Comptroller who has passed on this claim, and they were audited in pursuance of the decision of the Court of Claims. But when we come to the case of the State of Indiana the Comptroller does not follow the decision of the Court of Claims or of the Supreme Court, as I contend, but he certifies the claim as it appears in this bill for more than double what would have been the amount if it had been audited according to the decision of the Court of Claims rendered since the New York decision and rendered upon a reference by the very Comptroller himself who renders this decision.

Now, the time is very short for the examination of this matter.

There ought to be three or four hours' discussion of these items. There is not an item of detail before the Committee of the Whole in regard to these claims. I have been utterly unable to get any details. I believe that these items are not germane to a deficiency bill and ought to go out. I should like to hear any gentleman explain why these are proper items on a deficiency bill—how they can be construed as constituting a deficiency.

The CHAIRMAN. The statute which has been read in full plainly refers these several claims to the Auditor for reexamination and reauditing, with a view to allowance or disallowance. That has been done, as the gentleman from Illinois states, and the certificate of the Auditor is produced here.

Now, it has been repeatedly held that any audited account—not necessarily the judgment of a court, but any account audited by direction of Congress—is in order on a deficiency appropriation bill. That is this case. The Chair overrules the point of order.

Mr. SIMS. Now, Mr. Chairman, I move to amend lines 13, 14, and 15 by striking out "$635,859.20," and inserting "$287,015.95."

The amendment of Mr. SIMS was read by the Clerk.

Mr. SIMS. Now, Mr. Chairman, we come to a discussion of the merits of the case, and I hope we may have an agreement for something more than the five minutes debate upon this amendment. What I propose to say with reference to one of these States will apply equally to all of them.

Mr. CANNON. The same principle governs these several cases.

Mr. GROSVENOR. All these cases have not been before the Court of Claims. As I understand, the proposition of the gentleman from Tennessee is to set aside the finding of the Auditor and follow the finding of the Court of Claims.

Mr. HEMENWAY. There has been no finding of the Court of Claims in any of these cases.

Mr. SIMS. I suggest that the paragraphs in reference to these several States be considered all together.

Mr. CANNON. It will be very easy to dispose of these other items after the first one has been disposed of. How much time does the gentleman from Tennessee desire for debate?

Mr. SIMS. I do not want a minute more than is necessary to get the matter before the House as clearly as I am able to do it, but the gentleman knows very well that frequently questions are asked and that takes time. I do not know how much time I will want, but I shall take just as little as I can get along with.

Mr. GROSVENOR. Mr. Chairman, I call for the regular order.

Mr. SIMS. Oh, Mr. Chairman, I hope the gentleman from Ohio will not do that.

Mr. GROSVENOR. Mr. Chairman, I want to state that the gentleman from Tennessee always fights every claim that lies north of the Ohio River.

Mr. SIMS. The gentleman does not understand the thing.

Mr. GROSVENOR. I understand the gentleman from Tennessee perfectly.

Mr. SIMS. I know the gentleman from Ohio is fair, and if he understood the situation he would not make that remark, I am satisfied. I am going to ask for unanimous consent——

Mr. GROSVENOR. I shall object.

Mr. SIMS. Oh, let me make the statement, and if you object then I have no objection.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Certainly.

Mr. CANNON. If the gentleman will allow me for a moment, I would ask unanimous consent that debate on all these items—they are all similar—close in forty minutes.

Mr. SIMS. I think that is perfectly satisfactory.

Mr. CANNON. Each side to have half.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate upon these paragraphs and amendments thereto be closed in forty minutes, the time to be equally divided between the two sides, Is there objection to that?

Mr. GROSVENOR. I object.

Mr. CANNON. Then, Mr. Chairman, I make the motion.

The CHAIRMAN. The gentleman from Illinois makes the motion. The Chair will put the motion.

The motion was agreed to.

Mr. SIMS. Mr. Chairman, inasmuch as a remark dropped by the gentleman from Ohio does me a great injustice, I want to state for the benefit of the House just how this matter came to my attention. Separate bills for these items, in three of the States that I now remember, were introduced and referred to the Committee on War Claims, of which I am a member. We to some extent discussed them there, and that is how the matter came to my attention. I want to state further that the State of Kentucky is equally and vitally interested in this matter as any State north of the Ohio River. I want to get simply at what is right, and nothing else; and I do not care where the money goes. There was an act passed by the Congress of the United States in 1861—an act of reimbursement—which is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

The United States Government paid back to those States the exact sum that the State had paid out. As held by former accounting officers of the Treasury, the Government would not, and did not, allow payments made by the States or anything except moneys paid out by the States. They did not allow the States interest upon bonds issued by the respective States by which to procure money for this purpose. Quite a number of years ago the State of New York brought suit in the Court of Claims to recover the sum of $91,000 as interest paid by the State of New York upon short-time bonds issued by that State, by means of which the State raised money to equip the troops, and for the sum of $39,000 for interest due by the State of New York to what was known as the canal fund. The Court of Claims decided that the item of interest on the bond issued by New York for this purpose was a proper charge against the Government, and was not in the nature of interest by the Government to its debtor where no special contract existed.

Of course it is well understood that the Government pays no interest except by special contract or on judgments. The Court of Claims disallowed the canal item. It was taken by appeal to the Supreme Court of the United States; many questions were presented that are not necessary here to discuss, but the Supreme Court of the United States did decide in the New York case that the interest paid by the State of New York to the canal fund or on account of bonds was a proper charge of reimbursement and it was reimbursed and paid. There are four other cases. The claims of the State of Rhode Island, the State of New Hampshire, the State of Maine, and the State of Pennsylvania were referred to the Court of Claims for decision after the New York case had been decided. They were referred by the Comptroller, and I wish to read the letter of reference to the House so that the House will know what the Court of Claims had before it and decided. Here is the Auditor's statement of the matters referred to the court:

WASHINGTON, D. C., *January 14, 1899.*

THE SECRETARY OF THE TREASURY.

SIR:

* * * * * * *

1. Have the accounting officers jurisdiction to entertain, adjust, and settle this claim on its merits, under the decision in the case of The United States *v.* New York (160 U. S., 598)?

(*a*) Is this claim for interest on money borrowed and expended in equipping troops so intimately connected with the principal claims already allowed that the interest claim can be held to have been settled in the settlement of the principal claims on the doctrine that a claimant can not be allowed to split up his cause of action?

(*b*) In view of the long delay in presenting this claim, is it "a stale claim," which the accounting officers should not entertain, adjust, or settle on its merits?

2. If the accounting officers have jurisdiction and should settle the claim, for what time ought interest to be allowed?

(*a*) Where long-time bonds were issued, should interest be allowed to the maturity of the bonds; if not, to what lesser time should it be allowed?

(*b*) Should interest be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure?

3. If the court finds it has jurisdiction to determine the amount due, what amount, if anything, is the State entitled to on the evidence and facts presented?

I transmit all the papers, proofs, documents, etc., pertaining to the claim, as requested.

Respectfully, yours, W. W. BROWN, *Auditor.*

This is the Maine case from which I am reading.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. The twenty minutes have not expired, have they?

Mr. CANNON. The gentleman, as I understand it, controls twenty minutes of the forty.

The CHAIRMAN. That was objected to.

Mr. SIMS. I thought there was a motion made and carried.

The CHAIRMAN. It is beyond the authority of the committee to do anything more than close debate by motion.

Mr. MANN. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. There are $8,000,000 directly and indirectly involved in this matter, and here is the decision of the court. If this House does not want to know the law, and does not want to vote intelligently, there is no use in my occupying five minutes. I

am reading the decision of the court—I am not blowing my own horn.

Mr. CANNON. I again ask unanimous consent that the whole of the twenty minutes in opposition to this provision and for the amendment be under the control of the gentleman from Tennessee.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SIMS. I hope, Mr. Chairman, not to use all of the time. After full consideration of all the questions submitted, the court decided that the accounting officers have jurisdiction to settle the claim in this case, and the same should be adjusted by allowing the State interest as set forth in the findings, from the dates of the several loans made by her on the money found to have been properly expended in organizing and equipping the troops, for which the United States promised indemnity by the act of 1861, up to the date or dates when the Government reimbursed the State for the money so advanced, deducting therefrom the amount of direct tax chargeable against said State as of the date when due and chargeable, to wit, June 30, 1862.

The above is the determination and decision of the Court of Claims in the Maine case, submitted to them by the Comptroller after the New York case had been decided by the Supreme Court, applying the principles as laid down by the court in the New York case.

This is the decision of those five able judges. Their decision is that interest paid by the States may be reimbursed, but that when the United States Government made payments to those respective States, either by way of remission of direct tax or by direct payment, those payments should go as a credit upon the liability of the State against the United States, and stop interest on that amount from the time that it was paid until interest ceased to be paid by the State upon the respective obligations, bonds, or whatever the obligations might be.

The only questions to be considered in this case are these: The contention of the Comptroller, as I understand it, is that the Government is liable to the respective States for the bonds and interest to maturity of the bond, provided the bond ran to maturity. If the State of Indiana or any of these other States had issued bonds running twenty years, and by remission of the direct tax or by direct payment the whole amount up to the time of the payment had been paid before the maturity of the bonds issued by the States; that although the State of Indiana or any of these other States may have had that money in her coffers for ten years, thereby enabling her to buy in her own bonds if they were subject to be called in and paid off, or to be applied to any other State purposes, thereby relieving her citizens of taxes—that although that is the fact, the Government of the United States under the New York decision must pay the bonds with all the interest to maturity, providing the State has paid that much.

I contend, as a matter of justice, that the decision of the Court of Claims case should be followed, and that these should be treated as a matter of partial payments, as a matter of mutual indebtedness between the two, and that the offsets should be treated equitably. Remember, these four decisions of the Court of Claims were rendered after the decision in the New York case and pursuant to it.

Mr. COWHERD. And construing it.

Mr. SIMS. And construing it; and it was referred to them for that very purpose. Under the act of Congress making appropriations for urgent deficiencies for the present fiscal year, approved February 14, 1902, it is provided:

> In refunding to States expenses incurred in raising volunteers, namely:
> To the State of Maine, $131,515.81.
> To the State of Pennsylvania, $689,146.29.
> To the State of New Hampshire, $108,372.53.
> To the State of Rhode Island, $124,617.79.
> And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Repts., p. 598), not heretofore allowed, or heretofore disallowed, by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.

These claims appropriated for in the above act had been submitted to the Court of Claims as an aid, as a guidance to the accounting officers. Now then, the claims of the four States that I have mentioned were settled; audited by the proper accounting officers according to the decision of the Court of Claims construing the New York decision. Four States have received their money and receipted for it under this decision; but when you come to the State of Indiana the Comptroller does not follow the Court of Claims decision, but renders a new decision, or a decision of his own, which doubles the amount by way of interest on all the States yet to be settled, and if adopted in this House there would be due the States that have already been settled with about two million and a half dollars.

There is something more than a million in this bill, and several of the States yet to settle with when their accounts are audited. If we follow the Comptroller instead of following the court, consisting of five judges, who construed and applied the principle decided in the New York case, you will have to pay about $8,000,000 more than you will have to do if you follow the decision of the Court of Claims. New York accepted the decision in her favor and was paid off. Maine, New Hampshire, Rhode Island, and Pennsylvania also. This is the amount due and allowed by the Comptroller of the Treasury under his decision of April 14, 1902.

If this claim had been settled in accordance with the principles announced in the Court of Claims and followed by the Auditor of the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire and Rhode Island, already allowed and paid under the opinion of that court, there would be due to the State of Indiana by the United States for interest and expenses $129,174.05, for discount $150,840, making a total of $281,015.95. Now, each of these claims was followed by a note from the Auditor showing that, with the exception of the Ohio case—which makes but little difference—that it doubles in round numbers this appropriation to follow the Comptroller in his decision made in behalf of the State of Indiana after the Court of Claims had decided four like cases, otherwise following the New York case.

I know how embarrassing it is for any member of Congress to turn down a claim for his own State. It is for gentlemen to take the decision of the Court of Claims as right or that of the Comptroller. The Comptroller had accepted the decision in the case of four States. He has given his argument, and it is quite a strong argument. The distinguished chairman of the Committee on Appropriations is from one of the States interested, Illinois, and the gentleman [Mr. HEMENWAY] who has just spoken is from another of those States, and I am from Tennessee, but I wish in this case to know whether we members of Congress are to overrule the decision of a Court of Claims, the very court we authorized these cases to be referred to, or should we undertake to follow the decision of the Comptroller?

Now, which has the greater weight of authority—the Comptroller or the Court of Claims, the court designated by the very act itself to decide these matters, composed of five judges without interest, directly or indirectly? I am making an argument to get at this matter in the most disinterested way. The Comptroller has decided this according to his own judgment. The Court of Claims is a judicial body. They are more capable of determining and applying the principles of law as settled in the New York case than I am, than Congress is, than the Comptroller is.

Now, I want to say to the gentleman from Indiana [Mr. HEMENWAY] that we are all human in these things; and I will say to the gentleman that as we are all embarrassed in these matters when they come from our own States, that if he finds I bring up a Tennessee case that he does not approve I hope he will help me to put my principles in practice.

I do not mean to in any manner reflect upon the gentlemen whose States are interested, but let us divest ourselves of all these matters of embarrassment as far as possible and follow the best authority in deciding these matters, and this is the court to which these questions have been referred ever since it has been a court. The Government has been very liberal to the States. It has permitted them to be allowed interest, discount, and express charges. If we do not follow the decision in the New York case, then a precedent will be established, and you will have to reopen the whole of the cases that have already been settled, and go along and do the same thing with the other States that have to be settled with hereafter.

I make this appeal for the sake of the Treasury. I am not the watchdog of the Treasury, but when the watchdog, Mr. CANNON, is slightly muzzled by embarrassing interests in his own State, I know he will let me bark for him if I can. [Laughter.] Now, let me tell you the difference in these sums.

Mr. RICHARDSON of Tennessee. What would be the amount due under the gentleman's amendment?

Mr. SIMS. The amounts for these several States, as shown by the bill, are:

> To the State of Indiana, $635,859.20.
> NOTE.—This is the amount found due and allowed by the Comptroller of the Treasury under his decision of April 14, 1902.
> If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department

in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Indiana from the United States on this claim—

For interest and expenses	$135,169.05
For discount	151,846.90
Making a total of	287,015.25

instead of the amount certified.

To the State of Iowa, $456,417.89.

NOTE.—This allowance is based upon the decision of the Comptroller of the Treasury dated April 14, 1902.

If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Iowa from the United States on this claim $229,699.62 instead of the amount certified. (See House Doc. No. 654.)

To the State of Michigan, $382,167.62.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., June 9, 1902.

I certify that I have examined and settled the claim of the State of Michigan for refundment of moneys paid as interest on loans from July 10, 1861, to January 1, 1870, and other expenses incurred in procuring funds to suppress the rebellion during 1861-1865, and find that there is due from the United States the sum of $382,167.62 for interest and discount allowed by the Comptroller of the Treasury for the period from July 10, 1861, to August 20, 1866, in the sum of $255,397.76, and an additional amount found due the State by this office under the decision of the Comptroller of the Treasury dated May 28, 1902, for interest from August 20, 1866, to January 1, 1870, and other expenses in the sum of $126,769.86.

Appropriation: Refunding to States expenses incurred in raising volunteers.

To be reported to Congress under section 2 of the deficiency appropriation act of July 7, 1884.

Payable to: The Governor of the State of Michigan, Lansing, Mich., "when an appropriation shall have been made."

I further certify that if this claim had been settled in accordance with the principles announced by the Court of Claims and followed by this office in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Michigan for interest and expenses $130,725.36, and for discount $32,644.77, making a total of $163,370.13 instead of the amount certified.

F. E. RITTMAN,
Auditor for the War Department.
By E. P. SEEDS,
Deputy Auditor.

To the State of Ohio, $458,559.35.

This is the amount found due and allowed by the Comptroller of the Treasury June 2, 1902. The Comptroller, in his certificate, further states that had this claim been settled by him, applying the principles of the decision of the Court of Claims in the case of the State of Maine (36 C. Cls. R., 53), he would have found due the State of Ohio the sum of $443,145.24 instead of the amount certified.

To the State of Illinois, $1,005,129.29.

Of this amount $774,560.28 was found due by the Comptroller of the Treasury for discount and interest on loans from July 1, 1861, to July 1, 1867, in his decision of June 4, 1902, and an additional amount of $230,569.01 was found due by the Auditor for the War Department for interest from July 1, 1867, to January 1, 1880, under the decisions of the Comptroller of April 14, 1902, and June 4, 1902. If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Illinois for interest and expenses $202,491.81, and for discount $232,605, making a total of $435,096.81 instead of the amount certified.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Will the gentleman from Illinois let me read the items of the other two States?

Mr. CANNON. There will be no trouble about that. If the gentleman's contention is right, the claim of my State will be cut down largely over one-half.

Mr. SIMS. But I want to show the exact figures.

Mr. CANNON. I can not in justice to my colleagues yield any further to the gentleman.

Mr. SIMS. I will ask, then, that I may add these in the RECORD, so as to make the statement complete.

Mr. CANNON. Oh, certainly; put it in the RECORD. Now, Mr. Chairman, I yield ten minutes to the gentleman from Indiana.

Mr. HEMENWAY. Mr. Chairman, I would like to have the attention of the House long enough to brush away the cobwebs which have been thrown around this matter by the gentleman from Tennessee.

Mr. UNDERWOOD. If the gentleman will allow me a question, I want to ask him what is the reason why the disposition of the Court of Claims should not be followed?

Mr. HEMENWAY. Mr. Chairman, there is absolutely no decision of the Court of Claims in these matters, and all this talk about the Court of Claims having decided one of these cases is a mistake. Not one of them was ever before the Court of Claims. Upon the other hand, they have been decided by a court higher than the Court of Claims. They have been decided by the Comptroller of the Treasury, whose decision is final upon all of these audited accounts. And they have been decided by a lawyer whose honesty and ability have never been questioned. He was anxious that Congress should have full information and went to the extent of calling attention to both audits of all these claims, showing the amount due in case his decision was not accepted, and the calculation in the case of the State of Maine accepted.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. HEMENWAY. I decline to yield, Mr. Chairman. Not one of these matters has been to the Court of Claims. In 1861, while the country was in war and could not raise money, it asked the Northern States to raise money and equip the troops and arm them and put them in the field. By legislation the United States agreed to pay the States back the money they expended. Nearly all of the Northern States went to work and raised money, equipped the troops, and put them into the field. Later on, after the war was over, the State of Indiana, the State of Michigan, State of Iowa, the State of Illinois, and numerous other States, the filed their claim for the money they had expended.

The then Comptroller of the Treasury held that the States could only be paid back the principal sum that they borrowed and not the interest that they paid on that sum. For instance, the State of Indiana borrowed $2,000,000 and had to pay some half million dollars as interest in order to discharge that debt. The Comptroller held that the Government could only pay back the principal and not the interest. A number of the States were turned down by the Comptroller at that time.

Time passed, and the claims were barred by limitation.

Mr. LIVINGSTON. Let me suggest that the Attorney-General indorsed the opinion of the Comptroller.

Mr. HEMENWAY. Yes. Then New York filed a claim, and it went to the Comptroller and to the Court of Claims and then to the Supreme Court. The Supreme Court held that the Government should pay to the States every dollar that they paid out in order to discharge that debt. They virtually said this: "Here is a man in distress, and he asks a friend to borrow some money for him. The friend borrowed the money and helped him out. Later on he goes to him and says: 'Here is the principal you borrowed for me.' 'Yes,' he says, 'but hold on; here are four years' interest that has accumulated. I had to pay interest on this principal.' 'Oh,' he says, 'I do not care about interest; here is your principal.'" That was the position that the Comptroller put the Government in, saying to the States, "We, the Government, are going to beat you out of the interest."

Now, how was it with the State of Indiana? I want the House to understand the exact circumstances of the case. Indiana, at the request of the United States Government, during the administration of our great war governor, Oliver P. Morton, borrowed $2,000,000. At that time we were in almost as bad condition financially as the Government of the United States. Our credit was impaired. But upon the urgent recommendation of the Government we issued bonds to the amount of $2,000,000 and sold them for the best money we could get for them. We had to accept a discount.

Many citizens of Indiana bought those bonds. They were issued in denominations of $500, so that patriotic citizens of small means could buy them. They bought them at a discount; but when they came back to get their money many of them refused to accept the discount and accepted the amount they paid; and in this way there was paid back to the State of Indiana over $73,000 of the discount. Indiana gave the Government credit for every cent saved in this way. We commenced paying off those bonds just as soon as the State could raise the money, in order to save the Government every dollar that we could. We only sold bonds as the money was necessary for use, and we redeemed them as rapidly as possible. I will attach a complete statement showing when bonds were sold and when redeemed.

Statement of sale of $2,000,000 Indiana 6 per cent war-loan bonds.

Par value bonds sold under the act May 13, 1861			$2,000,000.00
Received for $200,000 bonds (Schedule 1)		$1,756,670.66	
Received accrued interest on bonds (Schedule 2)		8,880.15	
Total received for bonds		$1,765,550.81	
Interest paid on bonds to November 1, 1861 (Schedule 3)	$7,727.32		
Commission exchange, etc., paid	931.00		
		8,658.32	
			1,756,892.49
Loss on sale of bonds			243,107.51

REDEMPTION OF WAR-LOAN BONDS.

Amount of bonds redeemed	$2,000,000.00	
Paid for redemption (schedule 4)	1,926,502.69	
Profit on redemption		$73.497.31
Net loss on sale of bonds		169,610.20
Interest paid by State on bonds, May, 1862, to May, 1881		469,683.72
Expense of Commission, printing, etc		1,685.39
Amount due the State		640,979.31

SCHEDULE No. 1.—*Statement of proceeds sale $2,000,000 Indiana war-loan bonds.*

Date.	Number and price.	Par value.	Amount received.
1861.			
May 28	125 bonds, Nos. 1-125, at par	$125,000	$125,000.00
June 25	12 bonds, Nos. 126-137, at 87½	12,000	10,500.00
25	50 bonds, Nos. 138-187, at 88½	50,000	44,375.00
25	50 bonds, Nos. 188-237, at 88½	50,000	44,250.00
25	50 bonds, Nos. 238-287, at 87½	50,000	43,937.50
25	25 bonds, Nos. 288-312, at 88	25,000	22,000.00
25	25 bonds, Nos. 313-337, at 88⅑	25,000	22,250.00
25	100 bonds, Nos. 338-437, at 88½	100,000	88,500.00
25	110 bonds, Nos. 438-547, at 88⅑	110,000	97,790.00
July 16	90 bonds, Nos. 548-597, 1801-1840, $500 each, at 85	70,000	59,500.00
24	9 bonds, Nos. 598-600, 1841-1845, $500 each, at 85	5,000	4,250.00
Aug. 10	30 bonds, Nos. 651-680, at 85	30,000	25,500.00
10	30 bonds, Nos. 715-744, at 85	30,000	25,500.00
10	10 bonds, Nos. 692-702, at 85	10,000	8,500.00
Aug. 12	12 bonds, Nos. 681-692, at 85	12,000	10,200.00
12	37 bonds, Nos. 755-790 and 1845, at 85	36,500	31,025.00
12	57 bonds, Nos. 626-635, 703-714, 745-750, 791-815, at 85	57,000	48,450.00
30	66 bonds, Nos. 601-625, 636-640, 821-856, at 85	66,000	56,100.00
Sept. 3	10 bonds, Nos. 641-650, at 85	10,000	8,500.00
5	5 bonds, Nos. 816-820, at 85	5,000	4,250.00
Oct. 10	9 bonds, Nos. 1475-1483, at 83	9,000	7,470.00
12	6 bonds, Nos. 1484-1489, at 83	6,000	4,980.00
18	12 bonds, Nos. 1485-1496, at 83	12,000	9,960.00
23	1 bond, No. 1497, at 83	1,000	830.00
26	6 bonds, Nos. 1498-1503, at 83	6,000	4,980.00
29	14 bonds, Nos. 1508-1521, at 83	14,000	11,620.00
Nov. 5	3 bonds, Nos. 1522-1524, at 83	3,000	2,490.00
12	4 bonds, Nos. 1504-1507, at 83	4,000	3,320.00
Dec. 2	129 bonds, Nos. 1525-1653, at 85	129,000	109,650.00
10	2 bonds, Nos. 1769, 1770, at 83	2,000	1,660.00
11	5 bonds, Nos. 1761-1765, at 83	5,000	4,150.00
12	54 bonds, Nos. 857-910, at 83	54,000	44,850.00
1862.			
Jan. 7	74 bonds, Nos. 1776-1789, 1846-1895, at 85	49,000	41,650.00
22	59 bonds, Nos. 911-968, 1950, at 83 29/100	58,500	48,593.82
28	90 bonds, Nos. 969-1058, at 85 84/100	90,000	77,262.64
Feb. 1	5 bonds, Nos. 1432-1436, at 83	5,000	4,150.00
	90 bonds, Nos. 1059-1148, at 85 84/100	90,000	77,264.58
5	3 bonds, Nos. 1457, 1896, 1897, at 84	2,000	1,680.00
24	4 bonds, Nos. 1458-1461, at 85	4,000	3,400.00
25	10 bonds, Nos. 1382, 1883, 1462-1469, at 83½	10,000	8,333.00
26	8 bonds, Nos. 1437-1444, at 83	8,000	6,640.00
Mar. 1	12 bonds, Nos. 1445-1456, at 85	12,000	9,960.00
10	5 bonds, Nos. 1149-1152, 1951, at 85 86/100	4,500	3,864.12
20	90 bonds, Nos. 1284-1423, 1898-1947, at 85	65,000	55,250.00
28	40 bonds, Nos. 1054-1693, at 85	40,000	34,000.00
Apr. 1	10 bonds, Nos. 1424-1431, 1948-1949, at 85	9,000	7,650.00
3	2 bonds, Nos. 1790-1791, at 85	2,000	1,700.00
8	30 bonds, Nos. 1257-1286, at 84	30,000	25,200.00
9	20 bonds, Nos. 1287-1301, 1694-1698, at 84	20,000	16,800.00
15	10 bonds, Nos. 1699-1708, at 90	10,000	9,000.00
16	5 bonds, Nos. 1709-1713, at 89½	5,000	4,475.00
16	50 bonds, Nos. 1714-1758, 1302-1306, at 89¼	50,000	44,625.00
17	75 bonds, Nos. 1307-1381, at 88	75,000	66,000.00
18	25 bonds, Nos. 1153-1177, at 85	25,000	21,250.00
May 13	3 bonds, Nos. 1178-1180, at 94	3,000	2,820.00
23	1 bond, No. 1181, at 94	1,000	940.00
June 12	150 bonds, Nos. 1952-2051, 1215-1256, 1182-1189, at 94½	100,000	94,750.00
Aug. 14	183 bonds, Nos. 1792-1800, 1190-1214, 2052-2200, at 94	108,500	103,075.00
	Total	2,000,000	1,756,670.66

SCHEDULE No. 2.—*Statement of accrued interest received on sale of Indiana war-loan bonds.*

1861.		
Nov. 5.	Accrued interest on $3,000 bonds	$2.46
12.	Accrued interest on $4,000 bonds	8.00
Dec. 2.	Accrued interest on $129,000 bonds	657.38
10.	Accrued interest on $2,000 bonds	13.33
11.	Accrued interest on $5,000 bonds	34.15
1862.		
Jan. 7.	Accrued interest on $49,000 bonds	547.73
Feb. 1.	Accrued interest on $5,000 bonds	72.50
5.	Accrued interest on $2,000 bonds	41.10
24.	Accrued interest on $4,000 bonds	78.00
25.	Accrued interest on $10,000 bonds	189.04
26.	Accrued interest on $8,000 bonds	153.33
Mar. 1.	Accrued interest on $12,000 bonds	236.71
20.	Accrued interest on $65,000 bonds	1,485.21
28.	Accrued interest on $40,000 bonds	962.50
Apr. 1.	Accrued interest on $9,000 bonds	221.92
3.	Accrued interest on $2,000 bonds	51.32
8.	Accrued interest on $30,000 bonds	785.00
9.	Accrued interest on $20,000 bonds	526.66
18.	Accrued interest on $25,000 bonds	700.69

SCHEDULE No. 2—*Statement of accrued interest, etc.*—Continued.

1862.		
Aug. 14.	Accrued interest on $108,500 bonds	$1,916.76
Apr. 21.	To remainder interest sales Mar. 1-10	21.29
1861.		
Oct. 29.	Interest received on deposit in New York	175.07
	Total	8,880.15

SCHEDULE No. 3.—*Statement of interest, commissions, exchange, expressage, etc., paid on account sale of Indiana war-loan bonds.*

Date.		Interest paid.	Exchange, commissions, expressage, etc.
1861.			
May 28	Interest to Nov. 1, 1861, on $125,000 of bonds	$3,187.50	
July 16	Interest to Nov. 1, 1861, on $70,000 of bonds	1,231.23	$433.77
24	Interest to Nov. 1, 1861, on $5,000 of bonds	81.37	
Aug. 10	Interest to Nov. 1, 1861, on $30,000 of bonds	404.40	
10	Interest to Nov. 1, 1861, on $30,000 of bonds	404.40	8.75
10	Interest to Nov. 1, 1861, on $10,000 of bonds	131.51	
12	Interest to Nov. 1, 1861, on $12,000 of bonds	157.81	
12	Interest to Nov. 1, 1861, on $36,500 of bonds	480.00	
12	Interest to Nov. 1, 1861, on $57,000 of bonds	749.60	135.77
30	Interest to Nov. 1, 1861, on $66,000 of bonds	672.67	
Sept. 3	Interest to Nov. 1, 1861, on $10,000 of bonds	95.34	41.82
5	Interest to Nov. 1, 1861, on $5,000 of bonds	46.03	
Oct. 10	Interest to Nov. 1, 1861, on $9,000 of bonds	31.00	
12	Interest to Nov. 1, 1861, on $6,000 of bonds	18.74	
18	Interest to Nov. 1, 1861, on $12,000 of bonds	25.64	
23	Interest to Nov. 1, 1861, on $1,000 of bonds	1.32	
26	Interest to Nov. 1, 1861, on $6,000 of bonds	4.15	3.75
29	Interest to Nov. 1, 1861, on $14,000 of bonds	4.61	
1862.			
Feb. 1	Commission on $5,000 of bonds		12.50
26	Commission on $8,000 of bonds		20.00
Mar. 1	Commission on $12,000 of bonds		30.00
28	Commission on $40,000 of bonds		37.50
Apr. 1	Premium on exchange on $9,000 of bonds		19.64
16	Commission on $5,000 of bonds		12.50
	Commission on $50,000 of bonds		125.00
18	Commission on $25,000 of bonds		50.00
	Total	7,727.32	931.00

SCHEDULE No. 4.—*Redemption of Indiana war-loan bonds.*

Date redeemed.	Par value.	Amount paid.
1861.		
August 9	$488,000	$432,898.16
December 2	129,000	110,307.38
1862.		
January 8	49,000	42,197.72
August 14	108,500	106,609.43
1864.		
January 9	10,000	10,100.00
April 11	39,000	38,122.50
April 28	5,000	4,912.50
May 14	2,000	1,965.00
June 18	11,000	10,890.00
July 27	10,000	10,000.00
August 11	8,000	8,000.00
September 7	10,000	10,000.00
September 13	18,000	18,000.00
September 15	9,500	9,500.00
November 14	12,000	12,000.00
November 15	55,000	55,000.00
November 19	20,000	20,000.00
November 23	60,000	60,000.00
November 29	10,000	10,000.00
November 30	30,000	30,000.00
1867.		
January 30	101,000	101,000.00
February	117,000	117,000.00
March 12	422,000	422,000.00
May 1	31,000	31,000.00
May 1	8,000	8,000.00
December 5	10,000	10,000.00
1868.		
May 1	3,000	3,000.00
May 2	2,000	2,000.00
June 24	5,000	5,000.00
August 1	5,000	5,000.00
September 8	2,000	2,000.00
November 28	3,000	3,000.00
1869.		
May	3,000	3,000.00
1870.		
August	25,000	25,000.00
1871.		
November	1,000	1,000.00
May	24,000	24,000.00

SCHEDULE No. 4.—*Redemption of Indiana war-loan bonds*—Continued.

Date redeemed.	Par value.	Amount paid.
1872.		
May 23	$10,000	$10,000.00
September 23	5,000	5,000.00
1881.		
May 28	139,000	139,000.00
Total	2,000,000	1,926,502.69

Interest payments on Indiana war-loan bonds.

May 3, 1862	$33,645.00
November 13, 1862	36,765.00
April 29, 1863	36,765.00
October 27, 1863	36,765.00
April 23, 1864	36,000.00
March 11, 1865	35,000.00
May 3, 1865	27,480.00
October 21, 1865	27,000.00
April 27, 1866	25,972.42
October 29, 1866	26,973.67
April 12, 1867	25,440.00
October 12, 1867	8,350.42
May 29, 1868	6,240.00
December 23, 1868	6,300.00
April 16, 1869	6,420.00
October 18, 1869	6,120.00
April 15, 1870	6,450.00
October 31, 1870	5,370.00
October 25, 1871	4,590.00
May 16, 1872	300.00
April 18, 1873	4,170.00
October 24, 1873	4,170.00
April 21, 1874	4,170.00
October 20, 1874	4,170.00
April 20, 1875	4,170.00
October 26, 1875	4,170.00
April 28, 1876	4,170.00
October 28, 1876	4,170.00
April 26, 1877	4,170.00
October 29, 1877	4,170.00
April 27, 1878	4,170.00
October 31, 1878	4,170.00
April 26, 1879	4,170.00
October 29, 1879	4,170.00
May 5, 1880	4,170.00
October 30, 1880	4,178.34
May 28, 1881	5,008.87
Total	469,683.72

In August, 1861, we commenced paying these bonds, and by November 30, 1862, we had redeemed over $1,000,000 of those bonds. Up to that time the Government had not paid Indiana one cent on the debt.

Now, all that the State of Indiana or the State of Illinois or Ohio or any of these States asks is that the Government shall pay back to them just the amount in dollars and cents that they paid out, without one cent of interest.

Mr. COWHERD. I would like to ask the gentleman whether there is not this distinction: That under the decisions rendered by the Court of Claims in the Pennsylvania and Maine cases, following the decision in the case of New York, the Government was allowed to credit its partial payments on the indebtedness, but in the appropriations you make here you charge interest for the entire time, notwithstanding the Government had paid a part of the indebtedness.

Mr. HEMENWAY. Certainly that is not the case. In the Maine case there were a number of partial payments, but as I have shown, in the Indiana case we had actually paid off nearly all the debt before the Government ever paid us a dollar, so that in this case there is no question of partial payments at all. There is no such a question in the Ohio case, and that question arises only to a limited extent in the Illinois case.

When the Government made its last payment to the State of Indiana a limited number of the bonds of the State were unpaid. The State could not call in those bonds at once. And will it be contended that the State should be beaten out of the interest because the State could not call in her bonds? Why, sir, only recently, during the present Administration, the Government of the United States has been buying its own bonds and paying a premium upon them. Do you want to say that because the State of Indiana or any other State could not get the people who held her bonds to give them up at once you are going to beat the State out of the interest which they had to pay?

Now, for thirty-three years, in the case of the State of Indiana, the Government has been owing the State $635,000. There is no question of partial payments involved. Yet for that long time Indiana has been borrowing money and paying interest on it when she could have discharged $635,000 of her debt if the Government had paid her back—not any interest on the money she had paid out but the bare dollars and cents she paid out for the purpose of equipping troops and for the interest on the bonds that she paid. Not one State in this case is asking for a cent of interest.

Mr. GILLETT of Massachusetts. Will the gentleman allow me a question? He has explained this matter to me very satisfactorily except on one point, and that is whether the Government has paid interest after the time when the principal was paid.

Mr. HEMENWAY. Only as I have stated, to a very limited extent. It so happens that in the Maine case a number of partial payments were made.

[Here the hammer fell.]

Mr. CANNON. I will yield the gentleman another minute.

Mr. HEMENWAY. I simply want to answer the question. In the Maine case there were some partial payments made, but, as I have stated, in the Indiana case that consideration does not apply at all, nor in the Ohio case. It applies only to a limited extent in the Illinois and other cases. But in any event would you refuse to pay interest when the State could not take in her bonds?

Mr. GILLETT of Massachusetts. But if she has been getting interest on the Government money should she not make a rebate?

Mr. HEMENWAY. Then, I ask the gentleman, should not the Government pay us interest on the $635,000 that she has owed us for years?

Mr. GILLETT of Massachusetts. Certainly.

Mr. HEMENWAY. We are not asking that, and we have said that it wiped out over and over again any question of partial payments. I simply ask this House to be fair with the State. We are here at this late day, and why? Because it took special legislation to get this matter up, and that special legislation we only secured at this session, and it is only paying back to the States money that she advanced in order to help the Government in a time of distress.

[Here the hammer fell.]

Mr. CANNON. Now, Mr. Chairman, very briefly I want to enlarge a little bit on what the gentleman from Indiana [Mr. HEMENWAY] has said. I have the act of Congress that was passed in 1861 before me. It is as follows:

> That the Secretary of the Treasury be, and is hereby, directed out of any money in the Treasury to pay to the governor of any State, or his duly authorized agents, the costs, charges, and expenses properly incurred by such States for enrolling, subsisting, clothing, supplying, and transporting its troops employed in aiding to suppress the insurrections, * * * to be settled upon by vouchers, etc.

Now, then, the act of 1862 is substantially the same, but covers transactions before the act of 1861 was passed. Now, bear with me a minute. The State of Indiana under that law borrowed $2,000,000 in 1861–62, on twenty years' time at 6 per cent interest, sold the bonds at 15 per cent discount and besides some other expenses. Indiana has paid those bonds, principal and interest; paid them in 1868, or 1869, or 1870.

Mr. HEMENWAY. She had $80,000 paid in 1868.

Mr. CANNON. Very well. She has paid them all, principal and interest. Now, then, the Comptroller of the Treasury, away back years ago, said to Indiana, "You shall have your two millions, you shall have the net amount of money that you got on your two millions of bonds, but you must lose the discount, and notwithstanding you paid twenty years' interest, more or less, you shall not have your interest." Now, the same thing was said to the State of New York in a similar case. New York went to law and finally went to the Supreme Court, and the Supreme Court said by its solemn judgment as follows:

> It is as if the United States had borrowed the money through the agency of the State.

That is, the United States constituted the States its agents to borrow money. It follows that every cent such States were compelled to pay out on account of loans should be reimbursed to them by their principal, the United States, without any deduction or rebate whatsoever.

Now, then, the interest on the twenty-year bonds was not interest. It is principal, and all the decision does and all this $700,000 does is to have the United States pay back to Indiana the balance of the $2,000,000 and the interest up to the time the bonds were paid, none of them being paid after maturity. That was over twenty-five years ago, and the United States has owed Indiana $700,000 under the law as laid down by the Supreme Court, and in justice, and owed it for over a quarter of a century, and not one cent does this appropriation give Indiana for that interest for over a quarter of a century. It only makes Indiana whole on the bonds and the interest that she absolutely paid out, as I say, over a quarter of a century ago. Indiana is the loser. She is out the interest upon that amount for over twenty-five years. I say again that not one cent of interest do we propose to pay by this appropriation.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois a question. If the Comptroller in deciding this case and certifying this amount to the Appropriations Committee did not state and does not now state that if he had followed the decision

of the Court of Claims construing the New York case that the amount would be less than appropriated?

Mr. CANNON. No; what he said was this——

Mr. HEMENWAY. He said he followed the New York case.

Mr. CANNON. Followed the New York case. What next happened? Congress come in and legislated last February that we should follow the audit of the Court of Claims—for the State of Maine? No. The audit of the Court of Claims for the State of Maine said where the United States paid money to the State of Maine, although her bonds were not due, that the State of Maine should take it and apply it on her bonds as if they were due. Now, that is the Court of Claims audit.

Mr. UNDERWOOD. She got the benefit of that in the Treasury.

Mr. CANNON. With that audit what happened? This Congress, this session of Congress, directs that all these claims of States shall be reopened and settled according to what? The New York case decided by the Supreme Court. There is the decision, there is the legislation, and here is the audit, and still that does not give Indiana or Illinois or Ohio or Michigan one cent of interest on the amount that they paid and to which they were entitled under the decision of the Supreme Court twenty-five years ago. Now, with that statement I want to say that in my judgment the decision of the Supreme Court was right, and this audit is right under that decision and under the express direction of this Congress at this session. It is right in God's chancery, it is right in man's chancery, and I ask for a vote upon the amendment. [Applause.]

Mr. COWHERD. Will the gentleman yield for a question?

Mr. CANNON. If my time has not expired, I shall be glad to do so.

Mr. COWHERD. I want to know if it is not a fact that after the New York case was decided, and in accordance with the principles of law there laid down, the Court of Claims passed upon the Pennsylvania and New Hampshire and Maine cases?

Mr. CANNON. On the contrary, they did not, in accordance with the decision.

Mr. COWHERD. Well, they did in accordance with their idea of the decision.

Mr. CANNON. And they did not adjudicate anything. They only audited.

Mr. COWHERD. Did they not distinctly refer to the decision and quote it?

Mr. CANNON. It was directly in the teeth of the decision, and for that reason Congress steps in and says, "We will pay this according to the New York case," which was the Supreme Court case, in the terms which I read here this afternoon.

Mr. COWHERD. I should like to ask the gentleman further if this decision of the Comptroller is not an appeal from an adverse decision of the Auditor, following the Court of Claims.

Mr. CANNON. Oh, the Comptroller is always the last man to pass on an Auditor's account, and he reverses the Auditor three times a week on an average, I should think, and maybe more.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. BINGHAM. Is it proposed to vote on these four paragraphs in gross?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS]. If there be no objection the Clerk will report the amendment.

Mr. SIMS. There are four amendments.

Mr. CANNON. The first one settles them all in principle.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows;

Amend in lines 13, 14 and 15, by striking out $635,869.20 and inserting $287,015.95.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read down to line 6 on page 72.

Mr. BINGHAM (who had been standing during the reading). Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

Mr. SIMS. I offered four amendments, and only one has been voted on.

Mr. LIVINGSTON. It was agreed to vote on one and take that as a decision of the whole.

Mr. SIMS. That is perfectly satisfactory. I did not understand it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

Mr. BINGHAM. My amendment is to come in after line 24 on page 71.

Mr. LIVINGSTON. Too late, Mr. Chairman.

Mr. BINGHAM. I rose for the purpose of claiming recognition, and the Clerk went on.

The CHAIRMAN. The gentleman was standing, but the Chair did not understand for what purpose.

Mr. CANNON. I think you had better go back and let the amendment be offered.

The CHAIRMAN. Under the statement of the gentleman, the Chair will recognize him for the purpose of offering his amendment. The Chair saw the gentleman standing. The Clerk will report the amendment.

The Clerk read as follows:

Insert after line 24, page 71:

"*Provided*, That the like claims of the States of Pennsylvania, Maine, New Hampshire, Rhode Island, or other States for expenses incurred in raising volunteers for the war of the rebellion shall be reopened and reaudited and allowed by the Auditor of the War Department in accordance with the methods of interest calculations adopted by the Comptroller of the Treasury in the settlement of the claims of the States of Indiana, Illinois, Ohio, Iowa, and Michigan, and the said Auditor is directed to reopen the claims of all States not so audited and allow the same according to the method adopted by the Comptroller of the Treasury in the settlements heretofore referred to, notwithstanding the fact that any such State or States have accepted payments on items heretofore allowed them by any Auditor."

Mr. UNDERWOOD. I reserve the point of order, Mr. Chairman.

Mr. BINGHAM. Mr. Chairman——

The CHAIRMAN. There can be no debate upon this amendment. By order of the committee debate is exhausted upon this paragraph and all amendments.

Mr. BINGHAM. Then I ask unanimous consent for five minutes.

Mr. CANNON. I think that ought to be granted.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he be allowed to speak for five minutes. Is there objection?

Mr. GROSVENOR. I want to suggest to the gentleman from Pennsylvania that we should dispose first of the pending amendments offered by the gentleman from Tennessee.

Mr. HEMENWAY. They are all disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. UNDERWOOD. Mr. Chairman, I presume that, if necessary, five minutes will be allowed on this side, and so I do not object.

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] reserves the point of order against the amendment, and the gentleman from Pennsylvania is recognized for five minutes.

Mr. BINGHAM. Mr. Chairman, of course I do not know what the gentleman's point of order is; but I believe the amendment which I have sent to the Clerk's desk is germane to the paragraph just passed under the heading for refunding to States expenses incurred in raising volunteers, because of its relation to the subject under consideration.

This committee within the past five minutes has established, in the sum total allowed for the five States of Iowa, Michigan, Indiana, Illinois, and Ohio, a certain finding and adjustment of accounts on a basis determined upon by the Comptroller of the Treasury.

You have adopted it, and I simply come in and ask that there may be an extension of that act of this committee.

Mr. UNDERWOOD. I understood the gentlemen on that side contended that they were only being settled with now on the same basis that you have been settled with.

Mr. BINGHAM. I am assuming that they are settled upon a different basis as to interest allowances. The claim of Pennsylvania was determined by the Court of Claims in the exact amount allowed in the urgent deficiency bill, approved February 14, 1902. Under the authority of said deficiency bill the Comptroller of the Treasury has determined the claims of the States included in the pending bill, and this committee has approved his findings and interest allowances upon a basis of calculation that will give the State of Pennsylvania a larger allowance than was given in the urgent deficiency bill of February 14, 1902.

This increased allowance will also run to the benefit of other States whose accounts are considered as settled under the Dockery law of 1894. A claim once settled can not be reopened unless by act of Congress. Therefore by your vote in committee five minutes ago you approve a settlement of these five States in the adjustment of interest allowances under the ruling of the Comptroller of the Treasury a larger allowance than other States whose claims are alleged to have been settled, and exclude us from reopening the same because the Dockery law runs.

Permit me to submit that the States that loaned the money to

the Government during the war are entitled to be settled all upon exactly the same basis; and whatever the ruling of the Comptroller is, and you have approved it, I claim that the States included in the deficiency bill on February last and other States settled with prior to that time have the right to have their cases reopened and readjusted on the rulings of the Comptroller accepted by this committee in the claims of States included in this bill.

Mr. RICHARDSON of Tennessee. Will the gentleman from Pennsylvania allow me?

Mr. BINGHAM. Certainly.

Mr. RICHARDSON of Tennessee. Is it perfectly clear that the gentleman is right in that statement? Because, if he is, I agree with him that his amendment ought to prevail, because the States ought to be settled with exactly alike and on the same basis.

Mr. BINGHAM. That is what I claim and all that I claim.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Indiana a few moments ago to say that the claims were not alike, and that the adjustment now for the State of Indiana and these other States was exactly alike and followed the settlement in the case of the State of New York.

Mr. BINGHAM. The State of Pennsylvania is not different from the case of Indiana.

Mr. HEMENWAY. I stated that the settlement in the Indiana case and these cases now being settled was exactly like the settlement in the New York case.

Mr. RICHARDSON of Tennessee. Then why is there any necessity for the amendment offered by the gentleman from Pennsylvania?

Mr. HEMENWAY. The Court of Claims did not follow the New York decision in the settlement of the claims of Maine, Pennsylvania, New Hampshire, and some of the other States. They absolutely refused. If any intelligent man will read that decision and read the New York decision he can see that they did not follow it.

Mr. RICHARDSON of Tennessee. Will the State of Pennsylvania get anything under the amendment offered by the gentleman from Pennsylvania if it is adopted?

Mr. BINGHAM. Yes.

Mr. RICHARDSON of Tennessee. Why, if the settlement is to be the same along the same line?

Mr. HEMENWAY. It will not be along the same line.

Mr. UNDERWOOD rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. UNDERWOOD. I have a point of order pending, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama reserved the point of order. Does he make it?

Mr. UNDERWOOD. I do; I make the point of order, and I desire to discuss it. I suppose there is no question about the point of order being well taken. I wish to state my reasons for insisting on it now. It seems that a little while ago it was contended to the House that we were only paying these claims by these various States according to the decision of the court. The Court of Claims decided the New Hampshire case and the Pennsylvania case was paid according to that decision, and the Court of Claims decided these cases, construing the New York case. That is the reason we contended a few minutes ago that this amendment should not be passed.

Mr. HEMENWAY. Mr. Chairman, in the New York case the Court of Claims decided one way and the State of New York appealed, and the Supreme Court reversed the Court of Claims. That was in the original litigation. Now, then, the Pennsylvania and these other cases went to the Court of Claims after having been reversed by the Supreme Court decision, not on the proposition laid down in that case.

Mr. MANN. They had lawyers, had they not?

Mr. HEMENWAY. The State of Pennsylvania as well as Illinois wants to have the case settled.

Mr. COWHERD. In response to the gentleman from Indiana that the Court of Claims did not follow the New York case, I want to read for his information:

> In the leading case of the United States *v.* The State of New York (160 U. S. Reports, p. 98) the Supreme Court laid down and established certain principles which are applicable to this case and to those of the other States and which control and determine the rights and liabilities of the parties.

The gentleman says that they proceeded to follow it out according to their own idea.

Mr. RICHARDSON of Tennessee. Then the gentleman from Indiana must be wrong.

Mr. COWHERD. There is a difference of opinion between the Court of Claims and the gentleman from Indiana.

Mr. HEMENWAY. I did not hear the statement of the gentleman.

Mr. UNDERWOOD. There is no question but what the New York case was decided, and the Pennsylvania case was considered in the Court of Claims subject to the New York case, and there the amount fixed, and their lawyers, failing to take an appeal, accepted it; that it was within the terms of the New York case. And, now, when these cases were referred to the War Department, the Auditor of the War Department said that under that decision of the Supreme Court in the New York case, in the Pennsylvania case they should receive less than was appropriated here. It was not until it came to the Comptroller that he added this additional amount.

Now, I do not think there is any doubt that the Comptroller went beyond the New York case and beyond the Court of Claims. I am going to insist upon my point of order. I will say to the gentleman that in this case the Senate of the United States may put this appropriation back where it ought to be, and if it does, then Pennsylvania ought to have nothing more; but if the Senate refuses; if it is attempted by Pennsylvania to get any more——

The CHAIRMAN. The Chair is ready to rule.

Mr. UNDERWOOD. One moment. If the Senate refuses then I would be willing to pay Pennsylvania nothing. But I say nothing more should be given than the courts have decided they are entitled to. I insist on the point of order.

Mr. OLMSTED. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] makes a point of order against the amendment proposed by my colleague from Pennsylvania [Mr. BINGHAM]. I am not sure that he stated his point of order; but if so, I was unable to hear it, owing to confusion in the Hall.

Mr. UNDERWOOD. That it is new legislation.

Mr. OLMSTED. By voting down the amendment offered by the gentleman from Tennessee [Mr. SIMS], this House, or rather the Committee of the Whole, has already indicated its intention to allow these items for the States of Indiana, Iowa, Michigan, Ohio, and Illinois.

The amendment simply provides that the accounts of the States of Pennsylvania, Maine, New Hampshire, and Rhode Island shall be adjusted upon the same basis. Whatever parliamentary technicality may be urged against the amendment, in this place and at this time, it is manifestly ungenerous and unfair to put the four States named in the amendment upon any different basis from that enjoyed by the States named in the bill.

I do not understand that there is any great dispute as to the law of the matter. In the case of the United States against the State of New York (160 U. S. Reports, 598), Mr. Justice Harlan, delivering the unanimous opinion of the Supreme Court of the United States, said, commencing on page 621:

> We can not doubt that the interest paid by the State on its bonds, issued to raise money for the purposes expressed by Congress, constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum, as between the State and the United States—that is, became part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State.

This appropriation bill, as it now stands, provides for the payment of the claims of the five States upon precisely that basis. We ask that Pennsylvania, Maine, New Hampshire, and Rhode Island shall be similarly treated. The Comptroller of the Treasury, in his opinion in the Indiana case, says that the Court of Claims was led into error in the Maine case "by adopting the calculation of an accountant, who no doubt is a good accountant, whose figures are no doubt correct, but who has not shown himself possessed of either a legal or an equitable mind." The same observation applies to the Pennsylvania case.

As will appear from Senate Document No. 321, page 29, the adjustment was made "by allowing the State interest from the dates of the several loans made by it to raise money necessary to organize and equip troops, for which the United States promised indemnity by the act of 1861 up to the date or dates when the Government recognized the claims, deducting therefrom the amount of direct tax chargeable against said State as of the date due and chargeable, to wit, June 30, 1862.

I call attention particularly to the phrase "up to the date or dates when the Government recognized the claims for the money so advanced." There was apparently a computation of interest upon the amount advanced by the State up to that time. The decision of the Supreme Court, however, in the New York case is to the effect that the interest paid by a State upon a loan made for the use of the General Government is, as between the State and the Federal Government, to be treated not as interest but as principal, and all the interest that the State had to pay is to be thus treated as principal. The State of Pennsylvania issued bonds payable in ten years, with interest payable semiannually. All the interest that the State had to pay during all those ten years was, as between the State and the United States, to be treated as principal.

But in the Pennsylvania case and also in the Maine case the computation was made by ascertaining how much the State had

borrowed for the General Government, then computing interest on that "up to the date or dates when the Government recognized the claims for the money so advanced." The proper way, under the decision of the Supreme Court, was to ascertain the entire amount expended by Pennsylvania, including not only the principal of the bonds but the full ten years' interest thereon, and treating this aggregate as the principal debt owed to the State by the United States.

From that amount there was properly deductible the direct tax chargeable against the State of Pennsylvania as of June 30, 1862. That is the method of computation approved by the Comptroller of the Treasury and applied to the cases of Indiana, Iowa, Michigan, Ohio, and Illinois in ascertaining the amounts which are appropriated to those States in this bill. That is simple justice as between the United States and the State of Pennsylvania, and between Pennsylvania and the five States named. The same principle applies also to Maine, New Hampshire, and Rhode Island. Pennsylvania borrowed this money at a lower rate of interest than the Federal Government was paying.

In order to sell the bonds she put in a clause exempting them from all State and local taxation. They were mostly taken by our own citizens, so that the State lost for ten years or more the taxation of that much capital otherwise taxable within her borders. For that we make no claim. We ask only to be put upon the same footing as other States, whose response to the call of the Government was no more prompt and whose citizens no more patriotic than our own. I trust that the gentleman will, as a matter of common fairness, withdraw his point of order and allow this amendment to be considered upon its merits.

The CHAIRMAN. This provision is clearly a legislative provision, and the Chair sustains the point of order.

The Clerk read as follows:

For miscellaneous expenses, United States courts, $134.10.

Mr. BOUTELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert after line 21, page 75, the following:
"For payment to John C. White for salary as chargé d'affaires ad interim at Rio de Janeiro, Brazil, from December 23, 1878, to June 30, 1880, $2,030.63."

Mr. LIVINGSTON. I make the point of order on that.

Mr. BOUTELL. I ask the gentleman from Georgia to reserve his point of order long enough for me to ask unanimous consent to insert in favor of this amendment a letter from the Secretary of State, showing on what this claim is based.

Mr. LIVINGSTON. Certainly.

The CHAIRMAN. The gentleman asks unanimous consent to insert a letter which he has indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, February 13, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo in which you request my views in reference to the bill (H. R. 1453) for the relief of John C. White on account of services rendered the Government of the United States as chargé d'affaires ad interim at Rio de Janeiro, Brazil, from December 23, 1878, to March 27, 1879, and from April 11, 1880, to June 30, 1880, inclusive.

The records of the Department of State show that Mr. White was appointed secretary of the legation of the United States at Rio de Janeiro, Brazil, on June 28, 1878, and tendered his resignation of the office on August 8, 1883, and that between those dates, in the absence of a minister, he acted as chargé d'affaires ad interim during the periods mentioned in the bill, viz, from December 23, 1878, to March 27, 1879, inclusive, and from April 11, 1880, to June 30, 1880, inclusive.

Previous to July 1, 1878, and subsequent to June 30, 1880, the law allowed and does now allow compensation to chargés d'affaires ad interim at the rate of 50 per cent of the amount of the minister's salary. But the act of Congress, approved June 4, 1878, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1879, contained the following:

"That hereafter chargés d'affaires ad interim shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations" (vol. 20, Stat. L., p. 92), and omitted, as did the corresponding act of the following year, approved January 27, 1879, any appropriation for such additional compensation.

Consequently, for the periods stated Mr. White received no compensation other than that which the law allowed for his office of secretary of legation, which, deducted from the amounts he would have received as chargé d'affaires ad interim, had the service been performed previous to July 1, 1878, or subsequent to June 30, 1880, makes his claim stand as follows:

By salary as chargé d'affaires ad interim from December 23, 1878, to March 27, 1879, inclusive	$1,565.74	
To salary as secretary of legation from December 23, 1878, to March 27, 1879	469.73	
		$1,096.01
By salary as chargé d'affaires ad interim from April 11, 1880, to June 30, 1880, inclusive	1,335.17	
To salary as secretary of legation from April 11, 1880, to June 30, 1880, inclusive	400.55	
		934.62
Total amount to which Mr. White is entitled if allowance be made for services as chargé d'affaires ad interim for periods stated		2,030.63

Mr. White's is but one of a number of similar claims which my predecessor, the Hon. James G. Blaine, recommended to the favorable consideration of Congress on February 18, 1890 (see House Ex. Doc. No. 225, Fifty-first Congress, first session). It appears, however, that Mr. White's claim for services from December 23, 1878, to March 27, 1879, was omitted from the accounts of claims accompanying that recommendation. This omission was doubtless unintentional, for, as already stated, the records of the Department show that he was during that period chargé d'affaires ad interim.

In connection with the general subject, I have the honor to call your attention to the provision made in the general deficiency act approved March 3, 1899 (Stat. L., vol. 30, p. 1214), for the payment of the like claim of Wickham Hoffman.

In view of the precedent established in his case, and the fact that the claims all stand on the same footing and are equally just and meritorious, the Department is of opinion that they should all receive the same treatment.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Hon. H. S. BOUTELL,
Committee on Claims, House of Representatives.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COWHERD. Mr. Chairman, I usk unanimous consent to return to page 20 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 20 for the purpose of offering an amendment. Is there objection?

Mr. GROSVENOR. Reserving the right to object, I would like to know what the amendment is.

Mr. COWHERD. The amendment I wish to offer is, on page 20, where it treats of telegraph and telephone service. I want to regulate the price of telephones in the District of Columbia.

Mr. GROSVENOR. I do not object.

The CHAIRMAN. The Chair hears no objection, and the Clerk will report the amendment.

The Clerk read as follows:

That from and after the approval of this measure it shall be unlawful for any person or company doing a telephone business in the District of Columbia to charge or receive for telephone service in excess of the rates following, that is to say: For measured service, 3 cents a message when the subscriber's telephone is upon a separate line and 2 cents a message when there are two or more telephones on the same line; for unmeasured or for flat-rate service over a metallic circuit, $50 per annum when there is but one telephone on a line; $40 per annum for each telephone, there being not more than two on a line; and $30 per annum for each telephone, there being two or more on a line, such charge in each case to include use of suitable telephone with necessary equipments and the cost of maintaining the same in good condition for service: *Provided*, That nothing herein contained shall be construed to apply to the rates to be charged for long-distance messages—that is, messages to or from points beyond the District of Columbia—or for the use of telephones on private lines, or any service which has for its purpose communication between telephones not connected with a telephone exchange: *And provided further*, That for the use of extra equipments, such as supplemental or desk telephones, telephone booths, or the like, furnished to any customer in addition to a suitable telephone and its necessary equipment, an extra and reasonable charge may be made therefor: *And provided further*, That where service shall be furnished to any point distant more than 2 miles from any telephone exchange of such person or corporation furnishing such service an extra charge may be made not to exceed 20 per cent of the rates above fixed for each half mile in excess of such 2 miles.

Mr. MANN (before the reading of the amendment was concluded). Mr. Chairman, that amendment has been read far enough to indicate its purpose. I make the point of order that it is not germane and that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. I move that the committee now rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, and had directed him to report the same back with amendments and with the recommendation that the amendments be adopted and the bill as amended be passed.

The SPEAKER. Is a separate vote demanded on any amendment? [A pause.] If not, the Chair will submit the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14411. An act to regulate commutation for good conduct for United States prisoners.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 640. An act to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

S. 5924. An act granting an increase of pension to Edwin Young;
S. 5748. An act granting an increase of pension to Thomas D. Utter;
S. 5741. An act granting a pension to Martha E. Kendrick;
S. 5650. An act granting an increase of pension to William R. Raymond;
S. 5424. An act granting an increase of pension to Cynthia J. Shattuck;
S. 5402. An act granting an increase of pension to Hiram H. Thomas;
S. 5302. An act granting an increase of pension to John H. Everitt;
S. 5263. An act granting a pension to Fannie Frost;
S. 5227. An act granting an increase of pension to Elizabeth Whitty;
S. 5206. An act granting an increase of pension to John M. Wheeler;
S. 5141. An act granting an increase of pension to Charles Barrett;
S. 5140. An act granting an increase of pension to Dudley Cary;
S. 5080. An act granting a pension to Hester A. Farnsworth;
S. 5065. An act granting a pension to Jemima McClure;
S. 5007. An act granting an increase of pension to James Irvine;
S. 6021. An act granting an increase of pension to Esther D. Haslam;
S. 1205. An act granting a pension to Isabella H. Irish;
S. 1458. An act granting an increase of pension to Linda W. Slaughter;
S. 2653. An act granting an increase of pension to Joshua Weaver;
S. 4934. An act granting an increase of pension to Francis M. McAdams;
S. 4912. An act granting an increase of pension to Maggie L. Reaves;
S. 4783. An act granting an increase of pension to Mary Breckons;
S. 4764. An act granting an increase of pension to Queen Esther Grimes;
S. 4710. An act granting a pension to Anna May Hogan;
S. 4709. An act granting a pension to Nelson W. Wade;
S. 4509. An act granting an increase of pension to Robert Lemon;
S. 4300. An act granting an increase of pension to Ann Comins;
S. 4190. An act granting a pension to Fredereka Seymore;
S. 4183. An act granting an increase of pension to Oceana B. Irwin;
S. 4064. An act granting an increase of pension to Betsey Gumm;
S. 3292. An act granting an increase of pension to Henry Loor Reger;
S. 3552. An act granting a pension to John A. Reilley;
S. 3997. An act granting an increase of pension to Otis A. Barlow;
S. 2769. An act to fix the fees of United States marshals in the Indian Territory, and for other purposes;
S. 6040. An act granting an increase of pension to John W. Craine;
S. 7. An act granting an increase of pension to W. H. Thomas;
S. 1132. An act granting an increase of pension to R. Sherman Langworthy;
S. 896. An act granting an increase of pension to James E. McNair;
S. 5466. An act granting an increase of pension to Edgar T. Chamberlin;
S. 332. An act granting an increase of pension to Louisa A. Crosby;
S. 2375. An act granting an increase of pension to Daniel Redinger;
S. 2289. An act granting an increase of pension to Benjamin S. Harrower;
S. 1184. An act granting a pension to Mary Florence von Steinwehr;
S. 2265. An act granting an increase of pension to William Kelley;
S. 2051. An act granting an increase of pension to Henry W. Tryon;
S. 2050. An act granting an increase of pension to Edward N. Goff;
S. 2048. An act granting an increase of pension to Lewis G. Latour;
S. 1981. An act granting an increase of pension to Thomas Hannah; and
S. 1980. An act granting an increase of pension to William D. Stiles.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. CASSEL, for six days, on account of important business.
To Mr. WEEKS, indefinitely, on account of important business.
To Mr. JOY, for two weeks, on account of important business.
To Mr. STEVENS of Minnesota, for five days, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers was granted in the following cases, no adverse report having been made:
To Mr. ACHESON of Pennsylvania, in the case of Joseph Bennett, Fifty-sixth Congress.
To Mr. WILEY, papers in relation to the bill (H. R. 1044) to donate to the State of Alabama the spars of the captured battle ships San Juan D'Austria and Almirante Oquendo.

RECESS.

The SPEAKER. The Chair desires to announce that the gentleman from Pennsylvania [Mr. DALZELL] will preside at the session of the House this evening.

Mr. CANNON. I move that the House take a recess until 8 o'clock.

The motion was agreed to; and accordingly (at 6 o'clock and 20 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session, Mr. DALZELL in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The House is in session this evening, pursuant to a special order, for the consideration of bills reported from the Committee on Indian Affairs.

CHOCTAW AND CHICKASAW INDIANS.

The pending business was the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribe of Indians, and for other purposes.

The pending question was upon an amendment offered by Mr. WILLIAMS of Mississippi to an amendment of Mr. CURTIS.

Mr. WILLIAMS of Mississippi. In connection with my amendment, I merely wish to say that I submitted it to all the members of the committee who were upon the floor, and there is no objection to it. I think it ought to pass.

The question being taken, the amendment to the amendment was agreed to.

Mr. MCRAE. I now move to amend the amendment as amended by inserting between the word "Indian" and "who" the words "and the descendants of any person who received a patent of land under the said fourteenth article of the said treaty of 1830."

The amendment of Mr. MCRAE was read by the Clerk.

Mr. MCRAE. Mr. Speaker, when the treaty between the United States and the Choctaws of September 27, 1830, known as the "treaty of Dancing Rabbit Creek," was made there were many of the citizens of that tribe who were desirous to remain and become citizens of the States and were unwilling to leave their old home and move to the Indian country. On that account and to satisfy them the fourteenth article of said treaty, which is as follows, was inserted:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

It is known that many Choctaws remained in and have become citizens of the States, as they had the right to do under this treaty, and by so doing did not "lose the privileges of a Choctaw citizen." The right of all such in the lands of the tribe was just as secure as if they had removed with the tribe. But if they ever remove, says the treaty, they "are not entitled to any portion of the Choctaw annuity." In every other respect they have and should have the same rights as other members of the tribe if they do move.

The Government Indian agent, Colonel Ward, failed to make a correct list of the Choctaws who sought to avail themselves of the fourteenth article of the said treaty, and it is admitted that what is known as the "Ward register" shows only a small part of the applicants who within six months actually signified their intention of remaining in the States.

Congress, by the act approved March 3, 1837 (5 Stat., p. 180), authorized the appointment of a commission to adjust the claims

to reservations of lands under said fourteenth article of said treaty. And by the act approved August 23, 1842 (5 Stat., 513), another commission was appointed to adjust and provide for the satisfaction of claims under said treaty.

The evident purpose of both of these acts of Congress was to try to do substantial justice to the Choctaws who remained in the States by securing their property rights in the "States" under the fourteenth article of said treaty, and also preserving their rights in the common inheritance in the Choctaw Nation, should they or their descendants desire at any time to move there. Some of the applicants before Colonel Ward received patents for their lands and some did not.

The descendants of Samuel Cobb, one of those who got a patent, reside in my district, and they are among our best citizens. They believe that they have the legal and the just right to share in the Choctaw lands, and they have expressed a desire to move there and assume the burdens and enjoy the privileges of Choctaw citizens. They have applied to the Commission to be identified as Mississippi Choctaws under existing law, and have submitted what appears to be incontrovertible proof that they are the descendants of a Choctaw who received a patent to lands under the said treaty.

Upon this proof I insist that they should be identified without regard to the quantity of Indian blood in their veins. There is no question but that they have Indian blood, but they are not full bloods. The treaty of 1830 made no distinction between the full and mixed bloods, and we should be careful in our efforts to help the full blood not to hurt the mixed blood.

I agree to the idea that all full-bloods should be identified, for I think the fact that they are now full-bloods should be accepted as proof that their ancestors were also Choctaws. But I also insist that where the records of the General Land Office show that a certain Choctaw citizen received a patent to lands under the treaty of 1830 this record should also be received as proof that the party who so received it was a Choctaw and that his or her descendants, upon proof that they are such descendants, should be identified and allowed to make settlement with the view of receiving allotments.

The reason for the rule in one case is just as fair as in the other, and the record is more likely to impart verity. There was no purpose on the part of the United States to preserve the pure Choctaw blood. The question of intermarriage with the whites was not dealt with by Congress, It was left with the tribal government so far as those who moved West were concerned. The Choctaw laws not only permitted but encouraged intermarriage with whites.

As to those who remained in the States, the State laws controlled, and none of them prohibited intermarriage. If, then, Mississippi Choctaws had the right to remain in the States, and had the right to intermarry with the whites, why should the mixed-blood descendants not have all the rights of the full-blood?

Judge Clayton, in the Horne case, decided this very point in the following language:

> That all Mississippi Choctaws and their descendants were entitled, upon their removal to the Choctaw Nation, to all the privileges of a Choctaw citizen, except to the right to participate in their annuities. This right of citizenship being conferred by the treaty, no law afterwards enacted by the Choctaw council can deprive them of that right because it would be in conflict with the treaty which confers that right to them and their descendants, without reference to the quantity of Indian blood. If they are descendants of Choctaw ancestors, it is sufficient. (Ibid., 118.)

Congress, up to this time, has followed the rule laid down by Judge Clayton, and has carefully guarded the rights of the Mississippi Choctaws, and I hope nothing will now be done to impair such rights.

The treaty of 1866 had the following provision in it:

> ART. 13. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws.
>
> *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid, the selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

The act of June 28, 1898, provides that—

> Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior. (Fourth paragraph, sec. 21, act of Congress approved June 28, 1898.)

The act of May 31, 1900, preserves their right to make settlement until the approval of the final rolls by the Secretary.

> That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void. (Indian appropriation act, approved May 31, 1900.)

Mr. CURTIS. Mr. Speaker, I hope the amendment offered by the gentleman from Arkansas [Mr. MCRAE] will not be adopted. The amendment offered by me is offered for the reason it will assist a lot of full-blood Indians who under no circumstances can establish their rights under article 14 of that treaty. Any person who is in possession of a patent can surely establish his rights under the treaty. By the amendment no presumption is raised against the claimants mentioned by the gentleman from Arkansas. If they have the patent and can show that it was given to their ancestors, they will have no trouble in establishing their rights before the Dawes Commission.

Mr. MCRAE. In answer to that, Mr. Speaker, I could with equal force say to the gentleman from Kansas [Mr. CURTIS] that those who are full blood, if they can prove that fact, will have no trouble; but that is the important question with them. You ask for them what I concede is right and proper as a concession for the full blood. Now, I tell you that by the treaty of 1830 there is no distinction between full blood and mixed blood.

Mr. CURTIS. That is true.

Mr. MCRAE. Those who were upon the roll in 1830, when the treaty was made, and who took lands under it, and they could not have gotten lands under that treaty without being on the rolls. It seems to me not unreasonable to ask the Government to accept the presumption fairly implied by its own records and to relieve these people of any further trouble. The committee has invoked this rule for full-blood people who have equitable and just claims, as I believe, and I make no objection to it as to them, but these other people of mixed blood, if you please, whose ancestors got patents, should be treated in the same way, and I shall insist that they shall be protected.

I am informed that only 7 out of 2,000 who have been admitted by the Commission have ever been able to show patents, and yet I speak for a family, I say, in my own district, whose applications have been filed though never passed upon, and if we are going to make a rule of evidence for one class of people I want to do what I can to see that the rights of my constituents are protected, and I only ask for them what you do for the others.

Mr. WILLIAMS of Mississippi. Mr. Speaker, there is one point that the gentleman from Arkansas, I think, has overlooked. That is, that there is no doubt about a full-blood Choctaw being a Choctaw. It is self-evident from looking at him. The committee are afraid, if you open the door, that there are a large number of white people pretending now to be Choctaws or the descendants of Choctaws who will make claims. Wherever they can do what the gentleman refers to there is no doubt of their right under the law as it is now.

Under this very measure now pending, if they can show that their ancestors received patents, show that they are the descendants of the Choctaws, who had received patents in 1830, then they are all right under this agreement; but this presumption was given by the amendment of the committee for the purpose of helping out those who were self-evidently Choctaws—Choctaws in blood, speaking the Choctaw language—who are a very ignorant and illiterate people, and who can not prove anything about their grandfathers or their great-great-grandfathers.

Mr. CURTIS. And in many cases the grandfathers did not take out patents.

Mr. WILLIAMS of Mississippi. In many cases the grandfathers did not take out patents and yet they are there. And by the way, they have retained their racial purity to a greater extent than the Choctaws in the Choctaw territory itself. The great overwhelming majority of them are full-blood Choctaws. I think the distinction between the two cases, and especially the distinction of danger and risk to the Treasury, is very patent.

Mr. MCRAE. But, Mr. Speaker, when the gentleman concedes that all the descendants of those who received patents ought to be admitted, he concedes all that I ask.

Mr. WILLIAMS of Mississippi. I do not concede that.

Mr. MCRAE. I will join you in any effort to keep off from the Indian rolls every man who is not entitled to be there, but when claimants can make this proof by our own records, there ought to be no objection to it. It, in effect, says those who can prove by patents that their ancestors took lands under the treaty are entitled to the presumption that they are Choctaws. There are but few of them not on the rolls.

Mr. WILLIAMS of Mississippi. There are a great many, I will state to the gentleman, who are making claims.

Mr. MCRAE. But they can not prove that their ancestors got

patents. The attorney for the Choctaws tells me that out of 2,000 cases acted upon by the Commission only 7 have shown that their ancestors took patents. Now, when the records show who took patents, that should settle it. They do not show all, perhaps, who were entitled to them, but there is no presumption against those; it is only in favor of those who did.

Mr. WILLIAMS of Mississippi. Does your amendment simply involve those who can show that their ancestors took patents?

Mr. McRAE. Only those who can show that their ancestors took patents; and it seems to me that common fairness to both sides ought to make this amendment agreeable to everybody. The Indians ought to be willing to accept it.

Mr. SHERMAN. Mr. Speaker, let us have the amendment reported again. Perhaps we misunderstood it.

Mr. McRAE. That is all there is in it.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. CURTIS. I withdraw my objection to the amendment.

Mr. WILLIAMS of Mississippi. I misunderstood the intendment of the amendment.

The SPEAKER pro tempore. The question is upon agreeing to the amendment offered by the gentleman from Arkansas [Mr. McRAE] to the amendment offered by the gentleman from Kansas [Mr. CURTIS].

The amendment to the amendment was agreed to.

Mr. McRAE. Now, Mr. Chairman, I offer one other amendment which makes that complete, right at the end of the amendment.

The SPEAKER pro tempore. The gentleman from Arkansas also offers the following amendment:

The Clerk read as follows:

Add to the amendment the following words:
"Or who is not the descendant of a person who received a patent to land under the said treaty."

Mr. McRAE. It is the same thing, except to round out the last part of it.

Mr. LACEY. How would that then read?

The Clerk read as follows:

So that it will read:
"And shall not be invoked by or operate to the advantage of any applicant who is not of the full blood, or who is not the descendant of a person who received a patent to land under the said treaty."

Mr. WILLIAMS of Mississippi. That is all right.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. McRAE] to the amendment offered by the gentleman from Kansas [Mr. CURTIS].

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Kansas [Mr. CURTIS] as amended.

The amendment as amended was agreed to.

Mr. FLYNN. Mr. Speaker, on page 39, line 4, after the words "nineteen hundred," I move to strike out all down to and including the word "agreement," in line 14.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 4, page 39, strike out, after the figures "1900," all of the proviso down to and including the word "agreement," in line 14.

The amendment was agreed to.

Mr. CURTIS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out in line 6, on page 6, after the word "under," the following word, "that," and insert in lieu thereof the word "this."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to withdraw the committee amendment on page 6, in line 19, that I send up to the Clerk's desk.

The Clerk read as follows:

On page 6, line 19, strike out the following words, "after thirty days' notice by the Commission, then."

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to withdraw the committee amendment just reported. Is there objection? [After a pause.] The Chair hears none.

Mr. CURTIS. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

Insert in line 9, page 7, after the word "Nation," the following: "as provided by the terms of this agreement.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

In line 19, page 9, change the word "allottees" to "allottee."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to withdraw the committee amendment on page 35.

The Clerk read as follows:

Disagree to committee amendment on page 35, line 6, which is to strike out the words "member of the Choctaw or Chickasaw Nations" and insert the word "persons."

The motion was agreed to.

Mr. CURTIS. I offer the following amendment, Mr. Speaker.

The Clerk read as follows:

Strike out in line 14, page 39, all after the word "agreement" down to and including the word "tribes," on page 40, line 13.

Mr. CURTIS. I will state, Mr. Speaker, for the benefit of the House, that we strike it out for the reason that a bill passed last night covered the same subject.

Mr. FITZGERALD. That has already gone out on the motion of the gentleman from Oklahoma.

Mr. CURTIS. The motion of the gentleman from Oklahoma did not cover that.

The SPEAKER pro tempore. The gentleman from Kansas moves to amend the committee amendment, as the Clerk has already reported.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

Mr. CURTIS. I move the following amendment.

The Clerk read as follows:

Strike out, in line 7, on page 50, the words "ten days" and insert in lieu thereof the following words: "ninety days."

The amendment was agreed to.

Mr. LITTLE. Mr. Speaker, I desire to ask unanimous consent to withdraw the committee amendment on line 21, page 5 of the bill, and before it is submitted to the House I desire to state that this provision provided for the sale of the surplus lands of the Choctaw and Chickasaw nations. I desire to call the attention of the gentleman from Texas [Mr. STEPHENS] to it, as I believe it was he who offered the amendment, providing that no sale shall be made to any one person of more of this land than 160 acres.

What I want to say, and as I am advised, is that the lands that will be surplus lands in the Choctaw and Chickasaw nations when the allotments shall have been made are mountain lands in the southeast corner of the Territory. As I understand, there are probably 50 miles square in the Kiamishee Mountains. I do not suppose there are 160 acres of agricultural land that could be had together on it. As I understand and believe, and as it is represented to me, if they are restricted to the sale of 160-acre lots, it is practically a denial of sale.

Mr. STEPHENS of Texas. I will ask the gentleman, if you are not going to put some reference in restriction to the sale? Might they not sell a hundred thousand acres of this land, which would be valuable for the timber?

Mr. LITTLE. I suppose that would be a good idea, because it is simply an immense mountain tract. It would make a splendid game preserve, and we have heard a great deal about that here lately. I have been on these mountains to some extent, and have some personal knowledge about them. The fact is, I do not see how we can make a limit and make any fair sale. If there is any mineral in the land, I do not know anything about it.

Mr. STEPHENS of Texas. Will you object to 640 acres, then?

Mr. LITTLE. I will not object; but if the facts are as I understand them, while that will not be as objectionable as 160 acres, if we want to sell the land it is as a large body that the best sale can be made, and it will be left to the discretion of the Secretary. I ask to withdraw the amendment.

Mr. STEPHENS of Texas. I have no objection to that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "until," page 5, "not to exceed 160 acres to any one purchaser."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

Mr. CURTIS. Now, Mr. Speaker, the question is on the committee amendment that has not been acted upon. I ask that they be submitted in gross.

The SPEAKER pro tempore. By unanimous consent, the committee amendments will be submitted in gross. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the committee amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. SHERMAN, the motion to reconsider the last vote was laid on the table.

ALLOTMENTS OF LANDS IN UMATILLA RESERVATION, OREG.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 9501) to provide for the sale of the unsold portion of Umatilla Indian Reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which could not be sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act, except that each purchaser of said lands shall be entitled to purchase one section or any subdivision thereof of untimbered lands, and 160 acres of any subdivision thereof of timbered land, and no more; and that residence or actual occupation by the purchaser of the lands purchased shall not be required.

The following committee amendments were read:

In line 6, on page 1, strike out the first word "could" and insert the word "were," and in the same line strike out the word "be" after the word "not."

In line 1 of page 2 strike out all of the bill after the word "act," and insert the following in lieu thereof:

"*Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements."

The report (by Mr. MOODY of Oregon) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation, having had the same under consideration, beg leave to report it back to the House with the recommendation that, with certain amendments, the bill do pass.

The amendments referred to are as follows:

In line 6, on page 1, strike out the first word "could" and insert the word "were," and in the same line strike out the word "be" after the word "not."

In line 1 of page 2 strike out all of the bill after the word "act," and insert the following in lieu thereof:

"*Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements."

The bill as amended will read as follows:

"A bill to provide for the sale of the unsold portion of the Umatilla Indian Reservation.

"*Be it enacted, etc.*, That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled 'An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes,' shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act: *Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements."

Under the provisions of the act of March 3, 1885 (23 Stat. L., 340), certain lands which formed a portion of the Umatilla Indian Reservation, in the State of Oregon, and improvements existing on certain tracts thereon were sold at auction, in accordance with the provisions and limitations of said act and the amendment thereto by the act of June 29, 1888 (25 Stat. L., 239). In the act it was provided that none of the lands should be sold at less than the appraised value thereof, the appraisement of the same being provided for in said act. The total number of acres appraised and offered for sale was 126,335.46, of which but 33,252.68 acres went under the hammer, thus leaving 93,082.78 acres unsold, and which are unsold to this date.

There was no provision in the act of 1885 that permitted of the disposal of the lands remaining unsold after the public auction, which was held in April, 1891. Various reasons conspired to prevent bidders from buying the lands at the public auction, some of which do not now exist. The unsold lands are chiefly mountainous, being grazing and timbered lands, with a small proportion of good farming lands, much of which, it is believed, can now be sold at the appraised valuation, which ranges from $1.25 to $25 per acre.

Since the reservation was diminished and the sale provided for as aforesaid many persons have settled upon the unsold portions and have been farming them. Neither the Indians, who are entitled to the proceeds from the sale of the lands, nor the Government, in which the title is held subject to the trust, is receiving anything for the lands or their use. By the sale of the lands as provided for in this bill a large quantity of very valuable land would be added to the taxable property of Umatilla County, Oreg., and permanent homes would be provided for a large population.

Under present conditions the occupants of the land can claim no benefit from the county in the way of roads, nor can they secure protection from the State in the quiet occupancy of said land, and the Government can not be looked to for relief in any direction. The effect of the sale provided for by the bill would be to quiet titles and to give the bona fide settler the full protection of the law in securing a home for himself and those who come after him, and would put an end to disputes and controversies over title and occupancy, which now have no forum to which they may be taken and there settled.

The amendment to the bill is designed to fully protect any bona fide settler who in good faith has gone upon these lands with the intent to secure a homestead and who desires to purchase the amount of land allowed to a single purchaser under the original act. Those who have been working portions of the land for the past years and have put improvements upon the land occupied by them should not be dispossessed without an opportunity to first come as a purchaser within the limitations of the law.

It will also be noted that the bill fully protects the rights of the Indians by referring to and being limited by the terms of the original act as to the valuation at which the land shall be sold and the terms of purchase by the private sale herein provided for.

A letter from the honorable Secretary of the Interior and one from the Commissioner of the General Land Office are appended hereto and made a part of this report. The bill has been drawn to conform with the suggestions of the honorable Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 24, 1902.

SIR: Referring to your personal request of the 22d instant, I have the honor to advise you that:

The whole number of acres of the Umatilla Indian Reservation lands in Oregon was 126,335.46 and the total appraised value thereof was $245,624.21.

The number of acres sold at the offering in 1891 was 33,252.68 and the total cash receipts therefor was $220,414.73.

The number of acres remaining unsold, including about 11 acres granted to the Oregon Railway and Navigation Company by the act of October 17, 1898 (25 Stat. L., 559), and for right of way for a ditch or canal granted to the Umatilla Irrigation Company by act of February 10, 1891 (26 Stat. L., 745), is 93,082.78, and the appraised value thereof is $120,560.07. The appraised price of the unsold lands ranges from $1.25 to $25 per acre, or an average price of about $1.30 per acre.

Very respectfully,

BINGER HERMANN, *Commissioner.*

Hon. MALCOLM A. MOODY,
House of Representatives, United States.

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1900.

SIR: Under date of the 6th ultimo you referred to this Department for report thereon for the information of your committee Senate bill 2210, entitled "A bill to provide for the sale of the unsold portion of the Umatilla Indian Reservation." H. R. 8197, having a similar title and identical in terms, has also been referred to this Department by the Committee on Indian Affairs of the House of Representatives for report, and I have the honor in reply to said reference to submit the following:

Sections 2 and 3 of the act of March 3, 1885 (23 Stat. L., 340), as amended by the twelfth section of the act of June 29, 1888 (25 Stat. L., 239), authorized the sale of a portion of the Umatilla Indian Reservation lands, and also the improvements existing on certain tracts thereof, at the appraised value.

In accordance with the law and the instructions approved March 6, 1891, the lands in question were offered for sale in April, 1891, at the agency on said reservation in Umatilla County, Oreg., to the highest bidder at not less than the appraised value, and in no case at less than $1.25 per acre.

The total number of acres appraised was 126,335.46.

The total number of acres sold was 33,252.68.

The total number of acres unsold is 93,081.78.

The act of 1885, supra, does not appear to contain any specific provisions as to the manner of disposing of the lands of said reservation which remained unsold for want of purchasers at the public sale held in April, 1891.

The provisions of these bills being at variance with those of the original act under which the former sale of a portion of these lands was made, and being also a departure from the usual policy of Congress in disposing of unallotted Indian lands, and no reason appearing for such variance or change, I referred the matter to the Commissioner of Indian Affairs on the 20th ultimo and directed him to cause an investigation to be made through the agent in charge of the Umatilla Agency at Pendleton, Oreg., as per instructions in my letter of the 20th ultimo (copy herewith).

I am now in receipt of a letter from the Commissioner of Indian Affairs, dated the 12th instant, inclosing the report of the agent at Pendleton, copies of each of which I inclose herewith.

From the report of the agent it would appear that these lands can now be readily sold in quarter, half, or section tracts; that by selling in half or quarter sections more actual settlers, doubtless, would be benefited; that many of the lands are valuable for agriculture and can be resided on, as is evidenced by the fact that they are now largely occupied by squatters.

It would seem, therefore, that good reason exists for departing from the terms and conditions prescribed in the original act of March 3, 1885 (23 Stat. L., 340), and I have therefore to recommend that in lieu of the pending bill the following be substituted and enacted into law.

"*Be it enacted, etc.*, That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled 'An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and granting patents therefor, and for other purposes,' shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act."

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. J. M. THURSTON,
Chairman Committee on Indian Affairs, United States Senate.

Mr. MADDOX. Mr. Speaker, I want to ask why they do not sell the land at public sale?

Mr. SHERMAN. I was about to say that the original act provided for its being sold at auction, and not one-half of it has ever been sold. The act made no provision how it was to be sold, unless it was taken in that way, and this bill provides that it shall be sold at the appraised value and the money to go into the Treasury for the benefit of the Indians.

Mr. MADDOX. Could it not be sold at public sale?

Mr. SHERMAN. One-quarter of it has been sold and the rest never has been sold. The original act only provided for sale at

public auction. This is to provide that the balance can be sold at the appraised value.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERMAN, the motion to reconsider the last vote was laid on the table.

ALLOTMENT OF LANDS, ETC., OF THE LAC COURTE OREILLE RESERVATION, WIS.

Mr. SHERMAN. Mr. Speaker, I now call up House bill 10698, providing for allotments of lands in severalty to the Indians from the Lac Courte Oreille Reservation in the State of Wisconsin.

The Clerk read the bill, as follows:

Be it enacted, etc. SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding 80 acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September 30, 1854.

The following report (by Mr. BROWN) was read:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10698) providing for allotment of lands in severalty to the Indians of the Lac Courte Oreille Reservation, in the State of Wisconsin, beg leave to submit the following report, and recommend that said bill do pass with the following amendments:

First. That the title of the bill be amended so as to read as follows: "A bill providing for allotment of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin."

Second. That the third line on page 1 be amended by inserting the words "Section one" before the word "That;" so that it will read as follows: "Section 1. That with the consent of the Chippewa Indians of Lake Superior," etc.

Third. Section 2. That the provisions of section 1 of this act shall also, under same terms and conditions, apply to the Chippewa Indians of Lake Superior located on the Lac du Flambeau Reservation, in the State of Wisconsin.

This is a bill providing that, with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin, there may be allotted to each Indian now living on said reservations not exceeding 80 acres of land.

According to the 1900 report of the Indian agent in charge there are 1,154 Indians on the Lac Courte Oreille Reservation—702 allotments, covering 49,040 acres, leaving 20,096 acres unallotted; and according to the same report there are 795 Indians on the Lac du Flambeau Reservation—458 allotments, covering 36,248 acres, leaving 33,655 acres unallotted.

The passage of this bill is recommended by the United States Indian agent in charge of the Indians, the Commissioner of Indian Affairs, and the Secretary of the Interior.

A similar bill, providing for allotments to the Chippewa Indians of the Bad River Reservation, Wis., was approved by the President on February 11, 1901 (31 Stats., 766).

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended.

There is no objection.

On motion of Mr. SHERMAN, the motion to reconsider the last vote was laid on the table.

NAVAJO INDIAN RESERVATION, ARIZ.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States.

Mr. CANNON. Mr. Speaker, let us understand about this.

Mr. SHERMAN. I will yield to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, I want to say that this involves but one farm, which belongs to a man that has lived there for a great number of years. Nothing is involved in this bill except this farm that belongs to the man who has lived there, as I say, for a large number of years, and the reservation was extended over his place.

Mr. CANNON. How much land is involved?

Mr. SMITH of Arizona. Not more than a hundred acres; I do not think there is that much. He has lived on the reservation all these years, and it is recommended by the Department.

Mr. CANNON. Then why not make it specific and provide for his relief? This says, "That all lands claimed by actual settlers or persons."

Mr. SMITH of Arizona. Well, if there are any more in the same condition, where the reservation has been extended over their places by Executive order, the gentleman from Illinois would not raise an objection, would he, and especially where he has lived on the land for such a length of time?

Mr. CANNON. I would not want to discriminate against anybody unjustly, and still I do not want to encourage the establishment of shadowy claims.

Mr. RODEY. Mr. Speaker, I know all about this claim, and it is absolutely just and right.

Mr. CANNON. Very well. I will take the word of two gentlemen that know all about it. I did not.

Mr. LACEY. I have an impression that we passed this bill in the Fifty-sixth Congress.

Mr. SMITH of Arizona. We did.

Mr. LACEY. Did it fail in the Senate?

Mr. SMITH of Arizona. Yes.

Mr. LACEY. I was under the impression that it became a law at that time.

Mr. MORRELL. I should like to have some information in regard to this land-grabbing bill.

Mr. SMITH of Arizona. I will give the gentleman from Pennsylvania the information he asks for as to "this land-grabbing bill." There was a gentleman who twenty years ago, or longer, settled on a desert place in the Territory of Arizona. He "grabbed" some land about the size of a small homestead. Long years afterwards, and when he had invested his all in what he had "grabbed," the Government extended an Indian reservation over his place.

Mr. RODEY. By proclamation of the President.

Mr. SMITH of Arizona. Yes; by proclamation of the President. This man had established his store there and was living in peace and moderate comfort. Now, the Department says that that man ought not to be turned out of that land, which he "grabbed" before the Indians ever had a sign of a claim to it. This is the only case of the kind in Arizona. The Department says that this was a just "grab" on the part of this man. Let me say to my friend from Pennsylvania that I would not try to "grab" land from the Government or from any individual. I am acquainted with the facts in this case, and I know it to be just. The bill is recommended by the Interior Department.

Mr. MORRELL. If the Government has taken from this man what justly belonged to him, then he has a claim against the Government.

Mr. SMITH of Arizona. The Government has not taken it from him; he is still on the land. But he wants his title secured to him.

Mr. MORRELL. That should not dispossess the Indians of their right.

Mr. SMITH of Arizona. It does not do so, because the Indians never had a right there.

Mr. MORRELL. If the Government has done what it had no right to do, then this man's claim lies against the Government and not against the Indians. He has, as I understand, been placed in possession of this land under a law of the Government.

Mr. SMITH of Arizona. My friend does not understand the relation——

Mr. MORRELL. I do understand.

Mr. SMITH of Arizona. My friend does not understand the relation of the Government as to these claims when we make an extension of a reservation over them. We do not necessarily oust the man at once; but he may remain there with a cloud upon his title, which may eventually turn him out. In this case the man has not been turned off the land. He simply wants to have his title made secure to land which he has held these long years. There is no Indian claim involved. The Indians have never made any claim to this land.

Mr. LACEY. I would like to suggest in this connection that since this Cotton bill first came forward there has been a construction placed upon the extension of the Navajo Reservation by Executive order, in an opinion handed down by Assistant Attorney-General Vandeventer and approved by the Secretary of the Interior, holding that President Arthur's order did not include any of the lands that were occupied and claimed at the time of the Executive order, because there was an express reservation to that effect.

Since that controversy arose a determination has been made of record in a proceeding brought by some claimants of mineral lands, the mineral lands being in the possession of the claimants, just as this homestead was in the possession of Mr. Cotton. Possibly there is no necessity since that decision for action at all, but before that decision was rendered the Secretary of the Interior had put the seal of his approval upon this attempt to quiet the title of Cotton and all other parties that have since then purchased.

Mr. MORRELL. Well, then, let Cotton bring his action in the way the others have brought theirs.

Mr. SMITH of Arizona. What action could he bring? He could not sue the Government. He can not sue it; there is no provision for him to sue. If the gentleman understood the hardship of this man, he would not make these objections.

Mr. RODEY. Mr. Speaker, I desire to say for the benefit of the gentleman from Pennsylvania [Mr. MORRELL] that the gentleman who is living on this place was here this winter in the interests of this bill with the gentleman from Arizona [Mr. SMITH]; that I know him and his relatives, and have for twenty years last past; that he is the best friend the Indians have; that there has never been a complaint against him in all the years he was near that reservation before they extended the reservation over him, nor has there been since, as the gentleman from Arizona [Mr. SMITH] has well pointed out; that ever since this controversy has arisen the Department has conceded he has a right to his title, and all this bill is intended to do is to give him that title.

He has never had a complaint against him, and my friend from Pennsylvania will find his record clear, and that he is one of the best friends the Indians have. All he wants is this cloud lifted from his ranch—that is, the title to these lands. The Government has no title now against him; he has all but the fee, and the Indians absolutely never had any at all to the place.

Mr. CANDLER. Will the gentleman tell us, then, how he got possession of it?

Mr. RODEY. He obtained possession of it in the same way that anybody else could. It was vacant lands in Arizona. That is what it was at the time he went there. He went there and opened a store, stayed there for years, and was proceeding to get his title when they extended this reservation by Executive proclamation completely around him, and ever since he has been entitled to his patent, but for some reason he could not get it issued.

Mr. MORRELL. Why?

Mr. RODEY. I do not know.

Mr. CANDLER. Were the Indians ever in possession of it?

Mr. RODEY. Never.

Mr. SMITH of Arizona. The Indian is not being hurt by this.

Mr. CANDLER. How long has he been there?

Mr. RODEY. Twenty years.

Mr. CANDLER. In peaceable and undisturbed possession?

Mr. RODEY. Yes.

Mr. CURTIS. He has been there since 1878.

Mr. SMITH of Arizona. Yes.

Mr. RODEY. He is not a man who injures the Indians; he is their friend. He has the best record I think there can be found in the Department for obeying the law and regulations. There is not a drop of whisky around his place ever sold to Indians.

Mr. SMITH of Arizona. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

MIAMI INDIANS OF INDIANA.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (H. R. 8130) for the relief of the Miami Indians of Indiana, which I will ask the Clerk to read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Miami Indians of Indiana, interest at the rate of 5 per cent per annum upon the principal sum paid said Miami Indians by act of March 2, 1895, from the time said money, due them under treaty stipulations, was taken from their tribal funds and paid to other persons not entitled to it: *Provided*, That the Secretary of the Interior shall identify the Indians to whom payments are made under this act, by correspondence or by data in his Department, and forward to said Indians the several amounts due them by checks or drafts.—

Mr. CANNON. Mr. Speaker, I think we ought to know something about that bill.

Mr. SHERMAN. Mr. Speaker, I suggest that the report be read.

The SPEAKER pro tempore. Without objection, the report will be read, in the time of the gentleman from New York.

There was no objection.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8130) for the relief of the Miami Indians of Indiana, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that there be paid to the Miami Indians of Indiana interest at the rate of 5 per cent on certain sums of money which were paid from their funds to certain persons who were not entitled to any part of said funds. This money was taken from the Miami Indians without their consent and against their protest, and your committee believe that under the circumstances these Indians should be paid interest on the amount of money taken from their funds. The money was taken between the years 1859 and 1867. Just the amount the interest will reach is not known to your committee, but the same will be in the neighborhood of $20,000 and can be computed by the proper accounting officers.

Mr. MADDOX. Mr. Speaker, I would suggest that if the committee can not themselves tell what this is, I do not think we should be expected to know. I would like to have the gentleman give us an explanation.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. STEELE] to explain the bill.

Mr. STEELE. Mr. Speaker, this bill is to reimburse the Miami Indians of Indiana for interest on money taken from the Indians unlawfully during the time the money was kept from them. By a treaty of 1854 it was provided that the Miami Indians should have the interest on $200,000 per year until 1880. The treaty provided that none others than those named in the treaty should participate either in the principal or in the interest. This $200,000 they were to have in 1880, and they were to have the interest on that sum at 5 per cent until that time.

Now, in violation of that treaty, first 67 Indians and finally 138 Indians were added to the roll who were not named in the treaty at all. In 1867 those Indians who were illegally put on the roll were stricken from the roll and the principal, to which those named in the treaty were entitled, was paid back to them. But the interest, to which they were entitled for this period, was not returned to them at all.

Now, this bill provides that they shall have so much of that interest as the Secretary of the Interior shall find belongs to them, and it shall be paid to the Indians directly by the Secretary of the Interior, either by check or draft, so that nobody can have anything to do with it at all except the Indians entitled to it, and the bill only gives them what the Secretary of the Interior shall find they are entitled to. That is all there is to this bill.

Mr. PERKINS. I should like to ask the gentleman a question. What was the rate of this interest?

Mr. STEELE. Exactly the same interest that was provided for in the treaty—5 per cent. It only gives them the same interest that they were entitled to under the treaty and that they would have had if the money had been left alone and not taken away from them.

Mr. PERKINS. Did they receive 5 per cent?

Mr. STEELE. They received 5 per cent on a part of it, but they did not get what is provided in this bill. It is to be given to them if the Secretary of the Interior finds they are entitled to it.

Mr. MADDOX. Mr. Speaker, do I understand that this is a bill to recover interest that is due to Indians?

Mr. STEELE. It is interest that was provided for in the treaty. They were to have interest at the rate of 5 per cent under the treaty.

Mr. MADDOX. Under the treaty?

Mr. STEELE. Yes.

Mr. MADDOX. How do you claim that we owe them anything now?

Mr. STEELE. It belongs to them because the money was taken from them. The principal was paid back to them, but not the interest.

Mr. MADDOX. Who took the money from them?

Mr. STEELE. Indians who were placed on the roll by the Secretary of the Interior in violation of the treaty. Afterwards those Indians who were placed on the roll in violation of the treaty were stricken from the roll, but they had this money and they had the use of it.

Mr. MADDOX. And never returned it?

Mr. STEELE. Never returned it.

Mr. MADDOX. And now you want the United States to make that good?

Mr. STEELE. Certainly; that is exactly what we want, because they are entitled to it. The treaty provided that they should have it. It was a mistake of the Secretary of the Interior in putting other Indians on the roll illegally.

Mr. CANNON. If the gentleman will allow me, I think that is the transaction, judging by the bill, and I am not sure but I have some shadowy recollection about it. This outrage, if outrage it be, was committed in 1867.

Mr. STEELE. Prior to that.

Mr. CURTIS. In 1859.

Mr. CANNON. From 1859 to 1867.

Mr. CURTIS. Yes.

Mr. CANNON. Now, it seems that in 1895 there was legislation by Congress. We reimbursed these Indians by refunding to them the amount that had been wrongfully paid.

Mr. STEELE. Yes; the principal.

Mr. CANNON. That was the action of Congress at that time?

Mr. STEELE. Yes.

Mr. CANNON. And that was received by the Indians?

Mr. STEELE. Yes.

Mr. CANNON. And paid in full satisfaction.

Mr. STEELE. Yes.

Mr. CANNON. If that is so, the transaction is closed.

Mr. STEELE. They did that exactly as they received their annuities every year. They were required to receipt in full each time or get nothing.

Mr. CANNON. Now, Congress considered this nearly a generation after the outrage—if it was an outrage—was committed,

and legislated and paid these men back the money that it was alleged they ought to have received before. The amount was received by the Indians and receipted for in full, and now here comes another chip. I think the matter had better be left as it is.

Mr. PAYNE. I should like to ask the gentleman from Illinois a question.

Mr. CANNON. Yes.

Mr. PAYNE. These Indians being the wards of the nation and the nation being their guardian, do you not think they are entitled to a little more consideration than some white men who have had two or three judgments, which judgments have been paid and receipts taken in full, and yet who come here with claims that are allowed by Congress? Do you not think you ought to treat the Indians a little better than you do the white men?

Mr. CANNON. I will say to the gentleman, let every case stand upon its own bottom; and I would say to the gentleman, if he wants an answer, representing the great Empire State, "Let him that is without sin cast the first stone," and if that is done the gentleman will not cast any.

Mr. PAYNE. If that is so, my friend and no other member of this House will throw a stone at these Indians in this particular case.

Mr. LACEY. The question that is in this case is just exactly like the case of the State of Illinois that we refunded the interest to this afternoon in the deficiency bill.

Mr. CANNON. No; it is not like the State of Illinois or the State of Iowa.

Mr. LACEY. It is just exactly like them; precisely; not only as to the principal amount, but as to the interest.

Mr. CANNON. Congress paid these Indians the principal, and now they are asking for the interest.

Mr. LACEY. Just like Iowa and Illinois.

Mr. MADDOX. Was the claim settled with Iowa and Illinois.

Mr. LACEY. Yes; and receipted for.

Mr. MADDOX. And you come now and get the Government to pay the interest?

Mr. LACEY. It is simply just that we should. These Indians stand upon the same grounds precisely as did Iowa and Illinois on their war claims.

Mr. STEELE. If the Secretary of the Interior does not find that this interest is legally due to these Indians they will not get it.

Mr. CANNON. Oh, well, Mr. Speaker, the Miami Indians are ably represented by the gentleman now, and by wonderfully able representatives for over a generation, and they have had quite as much consideration from the Government as they are entitled to under the agreement made. I think that the treaty spoken of was a liberal treaty, and the men that received this money that gentlemen think ought not to have received it did so in very right, as much as those who are mentioned in the treaty; and after they had received it and appropriated it Congress comes and repays the amount, as it is supposed, in full settlement, in full consideration, and now comes my friend from Indiana and wants the interest.

I will suggest to my friend that I do not think he can pass this bill to-night.

Mr. STEELE. This is not the only outrage that was perpetrated on those Indians in violation of the treaty. It provided that they were to have the land in common, and yet they put them on the tax duplicates and they had to employ attorneys out of their own funds to take their lands from the duplicates. They constantly had to employ attorneys to preserve their rights. I should suppose that the gentleman would be willing to leave it to the Secretary of the Interior.

Mr. CANNON. I will say to my friend, if I were a betting character, I would bet a thousand to one that this short report and this short bill, where the Secretary of the Interior does not dwell about a closed transaction, itself condemns it; and I would not be afraid to make a wager when you get a full report on it that it ought not to pass.

Mr. LACEY. Mr. Speaker, the short report to which the gentleman refers was drawn by myself. The reason the report is short was because yesterday I learned that last night and to-night would be devoted to Indian matters, and this matter has been held up for a month or more in order to get the exact figures of the amount due to these Indians from the Secretary of the Interior. They promised to give the exact figures to the gentleman from Kansas [Mr. CURTIS] who is on the subcommittee with myself, and the matter was held up. The bill is drawn in such a way that it is a matter of computation for the Interior Department if the bill should pass. Approximately the amount is not far from $20,000.

The Government took this money that belonged to the Indians and paid it over to some people who had no title whatever to it. Subsequently it was ascertained that the wrong parties had received the money. The Government then repaid the principal amount of the money to the Indians, but did not pay the interest, as they were under treaty obligations with the Indians to do; and this bill is simply intended to refund the interest in addition to the principal.

Mr. SMITH of Kentucky. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. SMITH of Kentucky. I would like to know the particular reason why the Government did not pay the interest when it paid the principal?

Mr. LACEY. Because the act of Congress was not so drawn. Congress took the matter up and attempted to settle this proposition by paying the Indians back only the principal; in other words, by carrying out a part of their contract and not carrying out the balance to these Indians who are the wards of the nation. We had this afternoon precisely the same question as to the State of Illinois, the State of Indiana, and the State of Iowa. The Government refunded the principal sum due to them without interest.

The Supreme Court of the United States in the New York case said that the State ought to have the interest, and it was refunded to the State of New York. Under that decision Congress, following that, has voted to refund the interest to the States of Indiana, Iowa, and the State of Illinois. Here are some Indians in the State of Indiana who hold valid contracts with the Government to pay them a given sum of money with interest. The Government has paid that contract as to the principal sum, but has not paid the interest. It gave the principal to somebody else who had no title to it. We repaid to them the principal, and now this is a proposition to pay the interest owing to the Indians.

Mr. PAYNE. Mr. Speaker, I would like to suggest to the gentleman that this is a stronger case than Illinois had, because in that case there was a decision of the Comptroller that they were only entitled to so much, and we have overridden that in our legislation this afternoon.

Mr. LACEY. But that was Illinois. [Laughter.]

Mr. PAYNE. We have overridden it by legislation in February, submitted it again to the Comptroller, and he comes in with the report that they are entitled now to interest because of a decision of the court. There is the great State of Illinois, with representatives to look after her, and here are these poor Indians, who never had a judgment against them by any accounting officer or anybody else.

Mr. LACEY. Now, I want to explain the brevity of the report. It had to be hastily drawn yesterday in order to get it before the present session at all, and therefore it was impossible to recite all the facts. The gentleman from Indiana [Mr. STEELE] is familiar with all of them, and he has placed them before the House. Here is a proposition to try and save $20,000 from our wards, to take some money that belongs to the wards of the nation, in order to reduce the expenditures of the United States of America. The reduction of expenditures is a very laudable occupation upon the part of Congress.

There is no question about that; but the reduction ought to be made on something that is not in the nature of a contract obligation on the part of the United States to pay to somebody what ought to have been paid many years ago. I doubt very much the propriety of saving money in this sort of way. Now I will yield to the gentleman from Kentucky.

Mr. SMITH of Kentucky. The gentleman from Iowa compares this case to the case of the States. Now, there is this distinction between them: You say this treaty provided for the payment of interest in express terms.

Mr. LACEY. Yes; of 5 per cent.

Mr. SMITH of Kentucky. There was no such express contract in the act of 1861–1862 in reference to the payment of the war claims of the State, and the Secretary of the Treasury construed these acts that interest was not payable. That is the difference between the two cases.

Mr. LACEY. But Congress has resolved that the moral obligation to refund the interest existed and that it bound us to do it; it bound my friend from Illinois.

Mr. HEMENWAY. Will the gentleman permit me?

Mr. LACEY. Now, I hope my friend from Indiana will not be too strong upon the side of economy after what we have done for Indiana this afternoon.

Mr. HEMENWAY. The gentleman from Iowa said that a moral obligation rested on Congress to return that money. I deny that it was simply a moral obligation. It was a legal obligation, and was so decided by the Supreme Court of the United States and the Comptroller of the United States. I object to the gentleman from New York and others trying to play upon these claims of the States in order to get through some scheme in behalf of the Indians.

Mr. LACEY. Mr. Speaker, I am surprised to hear the gentleman turn against his own constituents in a matter of that kind.

The difference between the Indiana case and this case is that there was an express contract to pay these Indians and it ought to be done. A suggestion was made that attorneys were looking after this matter. I think this is the only claim for compensation before the Indian Committee in which no attorney of any kind was ever brought in. Absolutely nobody ever came here as an attorney, and it was all carried on by correspondence.

Mr. STEELE. Will the gentleman yield to me?

Mr. MADDOX. I would like to have the gentleman yield to me. I am on the anxious bench myself. [Laughter.]

Mr. STEELE. I want to say that I framed this bill so that nobody could get anything out of it except the Indians themselves. I went to the committee and explained the bill and asked them to pass upon it, and if they thought it was right for the Indians to have it to give it to them, and if they did not think it was right to report against them. Is that not the fact, I will ask the gentleman from Iowa?

Mr. LACEY. I am sorry to say that that is the fact; that the gentleman from Indiana, instead of helping the committee to look up the bill, presented all the papers to the committee, and said: "There is the case. Look it up." And the committee has looked it up. I now yield to the gentleman from Georgia.

Mr. MADDOX. I understood the gentleman to say that we ought to pay this interest because the Government promised to pay it by treaty.

Mr. LACEY. I think that is a good reason.

Mr. MADDOX. Does the gentleman think that the Government ought to comply with treaty obligations to the Indians?

Mr. LACEY. Well, I am old-fashioned enough to take that view of it.

Mr. MADDOX. Then why is it that we have continually violated every treaty that we ever made with the Choctaws, the Chickasaws, and the Creek Indians?

Mr. LACEY. Well, that involves too many considerations for me to now discuss. [Laughter.]

Mr. MADDOX. We promised to abide by that treaty as long as grass grew and water ran down hill, and we have not done so.

Mr. LACEY. Well, I do not yield for a discussion of violations of other treaties.

Mr. WHEELER. I would like some information about this bill in order that I may vote intelligently on it. How did the Government come to pay this interest under a mistake?

Mr. LACEY. The gentleman from Indiana [Mr. STEELE] explained that fully, if my friend had done him the honor to listen to him.

Mr. WHEELER. Well, there was a sort of tête-à-tête discussion going on at the time and we could not understand what was said.

Mr. LACEY. The matter was fully explained. The money was paid to parties who were not entitled to it—who were not members of the tribe.

Mr. WHEELER. How came they to pay the money to people who were not entitled to it?

Mr. LACEY. That is a long story.

Mr. WHEELER. Well, tell it briefly.

Mr. STEELE. In violation of the treaty 138 Indians were added to the number named in the treaty. The treaty provided that only those named in the treaty should participate in either the principal or the interest.

Mr. WHEELER. Who added those 138 names?

Mr. STEELE. They were added upon petition of a band of Indians near Fort Wayne who were not entitled to take anything belonging to the 306 Indians named in the treaty.

Mr. WHEELER. How did the Government come to grant any petition like that?

Mr. STEELE. The Lord knows; I do not.

Mr. WHEELER. What officer was in charge of the matter?

Mr. LACEY. The Secretary of the Interior.

Mr. WHEELER. What was his name?

Mr. STEELE. The transaction was so long ago that I do not remember.

Mr. WHEELER. In what year was it?

Mr. STEELE. It was in 1859 when those extra names were first put on the roll.

Mr. WHEELER. When was the effort first made to obtain relief from Congress?

Mr. STEELE. In 1886, I think it was, an attempt was made; it was consummated in 1895.

Mr. WHEELER. How many of those people to whom this interest is proposed to be paid are living to-day?

Mr. STEELE. The money is to be paid to those entitled to it or to their representatives, as determined by the Secretary of the Interior.

Mr. WHEELER. Upon what proof is this relief to be now granted? What proof has the Department that this money was wrongfully paid?

Mr. STEELE. The roll will show it. It is not claimed it was paid.

Mr. WHEELER. Who does not claim?

Mr. STEELE. The Secretary of the Interior. The roll shows who were entitled to be paid.

Mr. WHEELER. Does the treaty recite the name of everyone entitled?

Mr. STEELE. Every Indian who was to participate in this fund signed the roll; it was provided that only those who signed the treaty roll should participate.

Mr. WHEELER. How did it happen that the Government made a mistake in paying the money to people who did not sign the roll.

Mr. STEELE. Nobody can explain that. It was a piece of stupidity.

Mr. MERCER. Perhaps I can explain the matter to the gentleman from Kentucky. This happened, I understand, under Buchanan's Administration. [Laughter.]

Mr. STEELE. I will not say that.

Mr. WHEELER. I do not care whose Administration it happened under. There might be thievery under Buchanan's Administration or under Root's administration. I do not think the gentleman has made out a case sufficient to satisfy the House that this money has been wrongfully paid.

Mr. STEELE. It is a matter of record that those bogus Indians, whose names were placed on the roll by a Secretary of the Interior, and in violation of the treaty, were paid. Their names were stricken from the roll by a Secretary of the Interior, and the interest has not been returned.

Mr. WHEELER. Will the gentleman state what proof there is to show that those names were placed on the roll in violation of the treaty?

Mr. STEELE. The records of the Department show that.

Mr. WHEELER. How does the record show that they are not rightfully entitled?

Mr. STEELE. Because none of them are named in the treaty.

Mr. WHEELER. I am unable to follow the gentleman in his explanation.

Mr. SHERMAN. I ask for the previous question.

The previous question was ordered.

The question being taken on ordering the bill to be engrossed and read the third time, there were on a division (called for by Mr. MADDOX)—ayes 70, noes 19.

Mr. MADDOX. I make the point that there is no quorum present.

Mr. SHERMAN. If the gentleman will withdraw the point I will withdraw the bill.

Mr. MADDOX. With that understanding, I will certainly withdraw the point.

Mr. PAYNE. The previous question has been ordered.

Mr. SHERMAN. The bill can be withdrawn by unanimous consent. I ask unanimous consent.

The SPEAKER pro tempore. The gentleman from New York [Mr. SHERMAN] asks unanimous consent to vacate the vote by which the previous question was ordered and to withdraw the bill. Is there objection? The Chair hears none; and it is so ordered.

RED LAKE AND PEMBINA BANDS OF INDIANS.

Mr. SHERMAN. Mr. Speaker, I call up the bill (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriations to carry the same into effect, which I will ask the Clerk to read.

The Clerk proceeded to the reading of the bill.

During the reading of the bill,

Mr. SHERMAN said: Mr. Speaker, if I may be permitted at this time to interrupt, I desire to withdraw that bill and substitute another for it. I ask unanimous consent to do so.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to withdraw the bill which the Clerk has been reporting. Without objection this will be done.

There was no objection.

CHIPPEWA INDIANS IN THE STATE OF MINNESOTA.

Mr. SHERMAN. Mr. Speaker, I now call up the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, which I will ask the Clerk to read.

The Clerk read the bill at length.

The following amendment, recommended by the committee, was read:

Be it enacted, etc., That section 4 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the

Commissioner of the General Land Office to cause the land so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made and the report, field notes, and plats thereof filed in the General Land Office and duly approved by the Commissioner thereof the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by 40-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this act shall be termed 'pine lands,' the minutes of such examination to be at the time entered in books provided for that purpose, showing which of such lands are pine lands and which are agricultural lands, as hereinafter designated, which reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made lists of all such pine lands and agricultural lands, describing each 40-acre lot or tract thereof separately, and thereupon such lists of lands shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the lists thus made are rejected as a whole, then the Secretary of the Interior shall substitute new lists, and the same or original lists as approved or modified shall be filed with the Commissioner of the General Land Office as the lists of said lands. Duplicate lists of said lands, together with copies of the field notes, surveys, and minutes of examination, shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

"The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of $8 per day for each person so employed, including all expenses.

"All other lands acquired from the said Indians on said reservations, other than pine lands, are for the purposes of this act termed 'agricultural lands.'"

SEC. 2. That section 5 of said act be amended so as to read as follows:

"SEC. 5. That whenever, and as often as the survey, examination, and lists of 100,000 acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of 5 per cent of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That said pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in groups of not exceeding 10 sections in any one bid, which bids may be in addition to the separate bids by sections on the same lands.

"The parties bidding shall accompany each of said sealed bids with cash or certified check for 20 per cent of the amount of the bid for the pine timber on any particular section or groups, according to the highest value as shown by the Government estimate as hereinbefore provided for, and said cash or certified check shall be retained and credited as part payment of the purchase price should the bid be accepted, but should the bid be rejected said cash or certified check shall be immediately returned to the bidder: *Provided further*, That said timber shall not be sold at a price less than $4 per thousand feet board measure for Norway pine and $5 per thousand feet board measure for white pine: *Provided further*, That the Secretary of the Interior may increase said minimum price on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, permit the purchaser of the timber on any Government section or group to erect a mill of a capacity of not less than 40,000 feet board measure of lumber per day, and to manufacture thereat the timber on said Government sections or groups, said mill to be located on said section or group, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding 320 acres of land for mill purposes, for any one purchase, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be disposed of as herein provided for other timber: *And provided further*, That prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in each of the following cities, namely: Minneapolis, St. Paul, Duluth, Winona, and Crookston, Minn.; Chicago, Ill.; Milwaukee, La Crosse, Ashland, Wausau, and Marinette, Wis.; Detroit, Saginaw, Menominee, and Bay City, Mich.; Philadelphia and Williamsport, Pa.; Boston, Mass.; New Orleans, La.; St. Louis, Mo.; Albany, N. Y., and Dubuque, Davenport, and Burlington, Iowa, and in the following trade journals, to wit:

"The Northwestern Lumberman, of Chicago, Ill., and the Minneapolis Lumberman, of Minneapolis, Minn., of the sale of said timber as herein provided to the highest bidder, with the right to reject any and all bids, the first publication of said notices to be at least six calendar months prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description of the lands from which the timber is to be sold, and shall refer intending bidders to the printed lists to be obtained from the Commissioner of the General Land Office or register of the local land office, as provided in section 4 of this act.

"Said notices shall also state in what tracts or parcels the timber is to be sold: *Provided*, That one additional notice calling attention particularly to the date of the sale shall be published thirty days prior to the day fixed for the sale in the first advertisement: *Provided further*, That in cutting the timber on 200,000 acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoshish, which said lands so selected shall be known and hereinafter described as 'forestry lands,' the purchaser shall be required to leave standing 5 per cent of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said 5 per cent to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than 160 acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates 7,000 acres, and in addition thereto 10 sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than 320 acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior.

"Each and every purchaser of timber hereunder shall be required and shall enter into an agreement to cut clean and remove all the merchantable pine timber, whether green or dead, standing or fallen, on each tract, subdivision, or lot covered by his purchase, except on the forestry lands as hereinbefore provided, within such time as the Secretary of the Interior may direct, and under such rules and regulations as he may prescribe, and to cut no timber other than pine, except such as may be absolutely necessary in the economical conduct of the logging operations, and to burn or remove a sufficient amount of the tops and refuse to prevent danger from fire to the timber left standing, under rules and regulations to be prescribed by the Secretary of the Interior, and, when practicable, to employ Indian labor in the cutting, handling, and manufacture of said timber. And each and every purchaser shall be required to give a bond in a sufficient penalty, to be approved by the Secretary of the Interior, for the faithful performance of said agreement and for the observance of the regulations of the Secretary of the Interior concerning the sale, cutting, and removal of such timber.

"Before being removed from the tract from which they are cut, all logs cut hereunder shall be stamped and bark-marked by the logger and numbered and scaled by competent and experienced scalers, to be appointed by the Secretary of the Interior and paid such reasonable salaries as may be fixed by him. Said scalers shall keep in suitable books for reference a record of the marks, also a complete list of the numbers of all logs, with the scale of each log set opposite its number, said scale books to be open to the inspection of the check scaler or to any authorized Government representative at all times; and said logs shall be landed separately from all other logs, and the title to said logs shall remain in the United States for the benefit of the Indians; and said logs shall not be removed from the place of landing until the purchase price agreed upon shall be fully paid to such officer of the Indian Department as shall be designated by the Secretary of the Interior to account for and receive the same. And the Secretary of the Interior may, at the request of the chiefs of said bands or tribes of Chippewa Indians of the State of Minnesota interested in the said timber sales, appoint check scalers to verify and inspect the work of the Government scalers; the said check scalers to be designated by said chiefs and paid out of the funds of the Indians such reasonable compensation as may be fixed by the Secretary of the Interior.

"After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further act, resolution, or proclamation forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the act of Congress approved March 3, 1891, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the 5 per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid.

"As soon as practicable after the passage of this act the Secretary of the Interior shall open to homestead settlement, as herein provided, the lands on all the reservations, or portions of reservations, which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid, which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry lands and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this act as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designating according to Government subdivisions said agricultural lands, not to exceed 15,000 acres of the lands already examined and not to exceed 10,000 acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the forest reserve hereinbefore created.

"There shall be appointed by the Secretary of the Interior one superintendent and such assistants as he may deem necessary, whose compensation shall be fixed by the Secretary of the Interior and for the superintendent shall not exceed $6 per day and for the assistants shall not exceed $4 per day each, while actually employed, and whose duties shall be to supervise the cutting and scaling of the timber sold under the provisions of this act, and to see that the rules and regulations prescribed by the Forester and the Secretary of the Interior are complied with, and generally to perform such services in and about the sale of the pine timber on said lands and the cutting of the same therefrom and the care and protection of all timber on said lands as may be required of them by said Forester and said Secretary.

"The Secretary of the Interior may, in his discretion, authorize the purchasers of timber hereunder to build on the rivers and lakes on or within said ceded lands, under such rules and regulations as he may deem proper, dams, cofferdams, booms, and to make other river and lake improvements necessary to facilitate logging operations: *Provided*, That the parties building such dams, cofferdams, booms, and making other river and lake improvements shall pay the officer whom the Secretary of the Interior shall designate to receive such payments such damages as may be caused on the said ceded lands, such damages to be ascertained and determined in such manner as the Secretary of the Interior may direct.

"All the expenses incurred in carrying out the provisions of this act as to the examining and listing of said lands, and the selling, cutting, and scaling of said timber, shall be paid by the Secretary of the Interior out of the proceeds of the sale of said timber: *Provided*, That no expense arising out of the forestry provision shall be charged to the Indians."

SEC. 3. That section 7 of said act be amended by inserting after the word "lands," in line 1 thereof, the words "and timber."

SEC. 4. That so much of the act of June 7, 1897, entitled "An act making

appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," as authorizes the sale of dead timber, standing or fallen, under regulations prescribed by the Secretary of the Interior, on the Chippewa reservations and ceded lands in the State of Minnesota, is hereby repealed: *Provided*, That nothing herein contained shall be held in any way to affect contracts already entered into and now in force for the sale and cutting of dead timber, standing or fallen, on said reservations and ceded lands.

SEC. 5. That the Secretary of the Interior shall proceed as speedily as practicable to complete the allotments to the Indians, which allotments shall be completed before opening the agricultural land to settlement.

Mr. SHERMAN. Mr. Speaker, I desire to control the time on this bill. I yield to the gentleman from Kansas.

Mr. CURTIS. Mr. Speaker, I offer the following committee amendment, which I will ask the Clerk to report.

The Clerk reported the amendment, as follows:

On page 18, line 11, strike out the word "Minneapolis" and insert the words "Mississippi Valley."

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment to the amendment was agreed to.

Mr. CURTIS. Mr. Speaker, I wish to offer another amendment to the amendment, which I will ask the Clerk to report.

The Clerk reported the amendment, as follows:

On page 20, line 25, after the word "timber," insert the following:

"*Provided* that the Secretary of the Interior shall, upon application, furnish to any persons who may expect to bid, not more than ninety days prior to the date of sale of any pine timber hereinbefore mentioned, a statement of the rules and regulations under which said pine timber shall be cut, and the tops or refuse thereof burned or removed, and of the time within which said timber shall be removed."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the amendment as amended.

Mr. CANNON. Mr. Speaker, one moment; I would like to be recognized.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. SHERMAN. Mr. Speaker, I supposed that I controlled the time. I yielded to the gentleman from Kansas. I am entirely willing to yield to the gentleman from Illinois whatever time he desires. I do not wish the time to get away from me, because we want to have a vote on this bill before the time for adjournment.

The SPEAKER pro tempore. The Chair will state to the gentleman from New York that when he yields the floor for the purpose of an amendment, he yields the floor altogether.

Mr. SHERMAN. Very well.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. CANNON. Mr. Speaker, I yield, as a part of my remarks, time for an amendment to be read for the information of the House, said amendment being proposed by the gentleman from Minnesota [Mr. EDDY]. I yield the time only for information, and as a part of my remarks.

Mr. EDDY. Mr. Speaker, I desire to offer the amendment in my own right, when the proper time comes. I do not think the amendment can be cut off in this manner.

Mr. CANNON. Oh, that is all right. I would inquire what time this session closes, under the order.

The SPEAKER pro tempore. 10.30 o'clock.

Mr. CANNON. Well, I have lots of time. Mr. Speaker, I thought a moment ago, while the gentleman from New York was talking, and perhaps he might think the same thing about me now, that words sometimes darken counsel; but here is a bill which has just been read, consisting of 13 pages of the Senate bill, which were stricken out, and then 13 pages of the House amendment, in all 26 pages. It has been read. I would like to call for volunteers. Here we are, with less than a quorum, after an all-day session, at 9.30 o'clock in the evening. How many gentlemen will stand up and say that they have the sign of an idea of what this bill is about.

Mr. TAWNEY. Mr. Speaker, if the gentleman from Illinois will yield to my colleague, Judge MORRIS, or to any members of the committee, say Mr. CURTIS, I am satisfied that they will be able to explain to the satisfaction of the gentleman from Illinois and to all the other members of this House as to the provisions of this bill and as to the necessities for its passage, both in the interests of the Indians and in the interests of the Government.

Mr. CANNON. Mr. Speaker, I am delighted to know that somebody is prepared to explain, and I should not have taken the floor and been recognized for an hour [laughter] had it not been that with less than a quorum it was proposed to debate this amendment, and I was following the Clerk when he read, and I have glanced over the report, but my eyesight is a little bad, and I began to have a faint idea that somehow or other the timber was to be cut smooth up at the headwaters of the Mississippi River, away up almost to the northern boundary, running down through all our territory and emptying into the Gulf, and recollecting what the gentleman from New York [Mr. WADSWORTH] the chairman of the Agriculture Committee, and other gentlemen have talked about so much here, namely, the great importance for our civilization and salvation, in time, at least, if not in eternity, to preserve at the headwaters of these streams the forests, and understanding how the moss is protected by the trees, and the trees are protected by the water, and the other trees are protected by the shade, and how when the rains of heaven descend—following the eloquent description of the gentleman from Iowa [Mr. LACEY], the chairman of the Public Lands Committee—how they descend and fall and how the leaves and the roots and the trunks hold the moisture in the ground, week in and week out and month in and month out, and how when the dry season comes the water slowly squeezes out and percolates through the roots. [Prolonged laughter.]

Mr. SHERMAN. Mr. Speaker, will the gentleman yield to me for one moment?

Mr. CANNON. In a moment. And as the water feeds down from the headwaters through the counties and the States, and again through the other States, singing as it goes, and rejoicing the frogs and the grasshoppers [laughter], recollecting all this, I begin to be alarmed lest vandals, desiring to speculate upon pine timber, may cut it smooth and throw these agricultural lands open to settlement, when there are few agricultural lands there, and that our civilization is being attacked by the hand of the vandal, and that on account of dry weather our descendants will cry for bread. [Laughter and applause.]

Mr. SHERMAN. Will the gentleman yield to me just for a moment?

Mr. CANNON. Certainly; with pleasure.

Mr. SHERMAN. I think the gentleman from Illinois has at least demonstrated that wherever else the moss grows it does not grow on his back. [Laughter.] I think he has further demonstrated that, musical and rippling as are the waters in the streams he has described, they are less musical than his voice and less rhythmical than his felicity in rolling out words.

But, Mr. Speaker, to get at the merits of this proposition, there is now a law providing for the cutting of this timber at the headwaters of the Mississippi.

Mr. CURTIS. All of it.

Mr. LACEY. Since 1889.

Mr. SHERMAN. There has been such a statute for more than ten years, and in the administration of it fraud has crept in, beyond any question, and the Indians have not received what they should have received for the sale of the timber; and because the Department discovered that it was impossible, as they thought, under the existing law, for the Indians to receive all that they should receive, the Department has asked for an amendment of the statute in the terms provided by this bill, which it is believed can be so administered as to protect the rights of the Indians, and so as to have the timber cut and an honest price paid for it under an honest measurement of the amount. Without going into the details, that is substantially what this bill does.

Mr. MADDOX. Mr. Speaker, may I ask the gentleman from New York a question?

Mr. SHERMAN. Yes.

Mr. MADDOX. Is that law suspended now?

Mr. SHERMAN. It is practically suspended.

Mr. MADDOX. And the cutting of the timber is suspended?

Mr. SHERMAN. Suspended by an amendment to the Indian appropriation bill a year ago.

Mr. CURTIS. Two years ago.

Mr. TAWNEY. But they are still allowed to cut under the dead-and-down timber provision.

Mr. SHERMAN. Yes.

Mr. EDDY. No; that has also been suspended.

Mr. CURTIS. I wish the gentleman from Illinois would yield ten or fifteen minutes to the gentleman from Minnesota [Mr. MORRIS], so that he may explain the necessity of this bill.

Mr. CANNON. I should be delighted to yield to the eloquent gentleman from Minnesota, sure that the House, as we always are, will be entertained, if not instructed, and we are generally both. I yield fifteen minutes to the gentleman from Minnesota.

Mr. MORRIS. Mr. Speaker, I am very much obliged to the gentleman from Illinois for what he has said, and I shall not undertake in any way to equal the eloquent speech which he has already made.

If I understood the speech of the gentleman from Illinois, his principal concern about this bill is that it will denude the land at the headwaters of the Mississippi of the timber thereon, and as to that, everybody in the country is interested. Was that the idea I caught from the gentleman from Illinois?

Mr. CANNON. I think that is something that has percolated through my brain.

Mr. MORRIS. Well, that is just exactly what I thought. I thought it was percolating through the gentleman's brain. [Laughter.]

Now, Mr. Speaker, this bill is the only bill that can be passed that will prevent what the gentleman from Illinois is afraid of. Under this bill there will be a forest reserve of 225,000 acres, and other lands reserved from settlement or sale aggregating about 15,000 acres, making in all an area reserved of nearly 250,000 acres—to be exact, 240,000 acres—right at the headwaters of the Mississippi, and by this bill alone can that be accomplished.

There is now, Mr. Speaker, on the statute book a law under which, if it is enforced, and it will be enforced unless some such law as this is passed (it would be the sworn duty of the Secretary of the Interior to enforce that law unless some such law as this is passed), every acre of the timber land at the headwaters of the Mississippi River will be sold to private parties. And every acre of land that is not pine land will be thrown open to homestead settlement and cleared up by the homesteader. If the lumbermen buy this timber land at the headwaters of the Mississippi River they will cut every stick of pine on it.

They will leave the slashings on the ground and fires will begin in these slashings and burn all the balance of the timber, and then the land will be denuded, indeed. If this bill is passed, only the pine timber on 200,000 acres of the forest reserve will be cut, and 5 per cent will be left for reforestation, and all the balance of the timber will be left on that land, such as spruce, birch, and all the other kinds of timber in that northern climate. On the 15,000 acres, to which I have referred, none of the timber will be cut, pine or any other kind. The Forester of the Agricultural Department will make regulations. He will require the lumbermen to clear up these slashings that bring on the forest fires, and in this way the timber lands at the headwaters of the Mississippi River—nearly 250,000 acres—will be preserved. Now, is that satisfactory to the gentleman from Illinois?

Mr. CANNON. How much land is to be cut over by virtue of this bill?

Mr. MORRIS. I have the figures here. I give them in round numbers. There are in these reservations at the head waters of the Mississippi River, in round numbers, about 650,000 acres. Nearly one-half of that—no, not quite half—one-third of that is not pine land and will under the law be thrown open to settlement by the homesteader, and the balance is pine land, and of that nearly 250,000 acres will be reserved by this bill, after all but 5 per cent of the timber has been cut from 200,000 acres of it.

Mr. CANNON. Is it not reserved now?

Mr. MORRIS. Not one acre of it now. Under existing law, under the law passed in 1889, the Secretary of the Interior is required to hire estimators to go in there and estimate the pine upon the pine lands. When that estimate is made the statute requires that he shall sell that pine land to the highest bidder for cash, and that sells the pine, land and all. The lumberman that buys that land gets it all.

Under this bill the lumberman gets only the pine, and when he cuts the pine off under such rules and regulations as the Agricultural Department may prescribe, he is to remove the tops so as to prevent future forest fires. He has got to leave 5 per cent of the timber standing, and he has got to so cut it that there will be no further danger from forest fires.

Mr. CANNON. Now, there will be 250,000 acres of permanent reservation of these pine lands?

Mr. MORRIS. Yes, nearly; including 25,000 acres of agricultural land reserved in the forest reserve.

Mr. CANNON. Not a foot of that timber is to be cut off?

Mr. MORRIS. All but 5 per cent is to be cut off of 200,000 acres. And as to that which is cut off the refuse from which the fire danger comes has to be removed and destroyed under such rules as the forester of the Department of Agriculture shall prescribe.

Mr. TAWNEY. Five per cent of the pine timber is to be left.

Mr. MORRIS. Nothing but pine timber will be cut out.

Mr. PAYNE. What other timber is there there?

Mr. MORRIS. Spruce, birch, tamarack, and hemlock.

Mr. CANNON. Who is to own this 250,000 acres?

Mr. MORRIS. The Government of the United States will own 225,000 acres and the Indians the balance, the same being held in trust by the Government.

Mr. CANNON. Who owns it now?

Mr. MORRIS. The Indians own it, and the Government is to own it for the Indians.

Mr. CANNON. Hold it in trust for the Indians? What are the Indians to do with it?

Mr. MORRIS. Now, if the gentleman from Illinois will permit me——

Mr. CANNON. Yes.

Mr. MORRIS. The Indians under existing law get only the value of the pine timber that is on the land.

Mr. CANNON. Yes.

Mr. MORRIS. The land goes to the purchaser. Under this bill the land is reserved to the Government of the United States for use as a forest reserve.

Mr. CANNON. How much is the Indian paid for it?

Mr. MORRIS. The Indian is paid what the pine brings. That is all that is paid under existing law.

Mr. CANNON. If he owns both the pine and the land and he sells the pine, and we sell the pine and take the land from him, that is pretty bad.

Mr. MORRIS. Under the existing law that is just what happens. Under this bill, instead of the purchaser getting the land the Government gets the land. Now, that is this law.

Mr. CANNON. We occupy it free from any trust now.

Mr. MORRIS. Free from any trust as to the lands on which the pine is. The trust is as to the pine. I will say to the gentleman from Illinois I think there will be a trust in the United States to pay for the 5 per cent of pine left on the forest reserve, and for the pine on the other 15,000 acres, if it should be added to the forest reserve.

Mr. CANNON. What becomes of the three or four million dollars that the United States have advanced to the Chippewas—reimbursable?

Mr. MORRIS. I will say to the gentleman that if the pine is sold under this bill, my belief is that it will bring somewhere from seven to ten million dollars. Nobody knows how much pine is there. My belief is that it will bring somewhere from seven to ten million dollars, and out of that the amount already paid to the Indians will be reimbursable.

Mr. CURTIS. The estimators sent there by the Government say the timber is worth from fifteen to twenty million dollars.

Mr. CANNON. I want to say to my friend that I was here when this other act was passed providing for the sale of this timber, and I was here through the years when these timber sharps went up there and inspected and measured this land, and these experts that were there four, five, or six years ago, and now, lo and behold, that all goes for naught.

Mr. MORRIS. I want to say to my friend that that is true as the gentleman says, that he was here when that law was passed. Under that law this pine timber was sold on the estimates made by these "cruisers," as we call them up in that country, estimators, and it was found that these estimates were far below the amount of pine on the land. In all the cases, I may say, their estimate was far below the amount of pine, and that is one of the reasons why this bill is to be passed.

As soon as I saw how that was going, seeing that these lumbermen were getting from the Indians $10 worth of pine, perhaps, where they paid $3, I prepared this bill so that instead of the pine being estimated by estimators, the pine should be cut and every log cut that was merchantable, or that they considered merchantable, should be measured by scalers, and the Indians should be paid for every foot of the timber. That is the object of this law.

Mr. CANNON. Some years ago I was up in this region, and I met a good many people up there. Some white people, some Indians, some Minnesota people [laughter], and some not from Minnesota. Now, then while I was there some of the Minnesota people were talking about this magnificent timber and when the United States would be reimbursed. They discussed all these questions that my friend has been talking about, and then one wise old fellow said: "I'll tell you what: Timber is going to be pretty scarce, and Uncle Sam will keep this timber until we want it and then we can get it." Now, I do not know whether there is anything in that or not, or anything of that kind in this bill.

Mr. MORRIS. That is what this bill is intended to prevent.

Mr. CANNON. I am glad to hear it; but in the light of things that have been done, not to speak discourteously of anybody personally, I will remind my friend of the old saying that we heard when we were boys—that hell is paved with good intentions. [Laughter.]

Mr. MORRIS. In answer to that, Mr. Speaker, I will say that I think hell is paved with good intentions, but I think it would be a great sight worse hell if it was not paved with good intentions. Now, do as best we may, all we can do is to do the best we can. I do not know that we will absolutely prevent fraud in this matter, but I do believe that if there is any method under heaven that man can devise which will prevent fraud in the sale of this pine timber the method proposed in this bill will do it.

Mr. CANNON. Now, let me ask one question: Does the gentleman from Minnesota [Mr. TAWNEY] hold that same view?

Mr. TAWNEY. I do.

Mr. CANNON. Does the gentleman from Kansas [Mr. CURTIS] hold the same view?

Mr. CURTIS. I do; and I want to state further that the Secretary of the Interior and all the officers entertain the same view. It was carefully examined by them, and they are in favor of it.

Mr. CANNON. Now, if my friend will allow me, does the chairman of the committee hold the same view?

Mr. SHERMAN. I certainly do.

Mr. CANNON. Now, I want to ask one final question. Does my friend the gentleman from Minnesota [Mr. EDDY] hold that same view? [Laughter.]

Mr. EDDY. I want to say to the gentleman from Illinois that I consider the provisions of this bill infinitely superior to the law now in force. I will say further that I should like to amend the bill in some particulars, but if the gentleman from Minnesota [Mr. MORRIS] and the gentleman from Illinois [Mr. CANNON] occupy all the time, I do not see how I can get an opportunity. [Laughter.]

Mr. CANNON. I should be very glad to know how my friend is to get a chance to talk in my hour unless I yield to him. I just wanted a little experience meeting around here to find out, man by man, as nobody was inclined to explain this bill, what there is in it.

Mr. EDDY. That is what I was trying to find out, too.

Mr. CURTIS. I would like to have the gentleman from Illinois [Mr. CANNON] ask some of our Democratic friends—the gentleman from Arkansas [Mr. LITTLE] and others—what they think about the matter.

Mr. CANNON. Certainly; I should be glad to do so. And I will ask whether the committee is a unit on this matter.

Mr. LITTLE. The committee is a unit on the bill as reported. There is probably some little contention about one amendment; but there is no division of opinion on the proposition that the proposed law is far superior to the existing law, and will be much more beneficial both to the Indians and to the Government.

Mr. CANNON. Now, if I have not accomplished anything else, I have at least secured an expression where it seemed to me a bill was about to be passed that none of us tenderfeet knew anything about; and having taken a poll, I am quite willing, so far as I am concerned, to accept the testimony of these gentlemen, who ought to know and I believe do know; and I am quite content to vote with them. [Applause.]

Mr. SHERMAN. I desire to get a vote some time to-night, yet I do not wish to cut off any amendments. If I may be permitted to yield for an amendment without losing the floor, I would like to do so.

The SPEAKER pro tempore. With the consent of the gentleman from New York [Mr. SHERMAN], the Chair will recognize the gentleman from Minnesota [Mr. EDDY] to offer an amendment and speak upon it.

Mr. SHERMAN. That is satisfactory to me.

Mr. EDDY. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 16 strike out in line 10 the words "only by separate sealed bids" and substitute therefor the words "at public auction to the highest bidder."
At the end of line 16, page 16, strike out the word "seal."

Mr. EDDY. Mr. Speaker, the conditions surrounding these Indian reservations in Minnesota are probably without parallel in any other Indian reservation in the United States. The Indians living on these reservations possess millions of dollars' worth of property, and yet are in a condition of absolute destitution.

Many of them have made considerable progress in civilization and are willing and anxious to work; yet with an abundance of work ready for them, with men standing ready to go in and operate in this timber and furnish them with constant employment and pay them good wages, they are absolutely deprived of the means of subsistence.

It is not necessary for me to go into a detail of the condition of these reservations or to take into consideration the law of 1889. I will say in general terms that I am in favor of this bill. But this proposition to sell this timber under sealed bids is an entire departure from all previous practices of the United States Government, with but a single regulation, and that a regulation not provided for by statute. I refer to the Menomonee Reservation in Wisconsin.

Those gentlemen who have been here at previous meetings of the House when Indian affairs were under consideration have noticed that when any of these numerous bills opening up reservations have come before us they have always provided for a disposal of the property by public auction.

There are four classes of people, Mr. Speaker, who are anxious to purchase and operate in this timber. It must be borne in mind that this pine timber is situated differently from any other pine timber in the country. It is surrounded by farming lands. There is a desire on the part of the farmers to go in there and purchase small quantities of land, to erect temporary mills, and manufacture lumber and sell it to their farmer friends and for their own use in the erection of buildings upon their farmsteads.

The second class of people who desire this lumber are the small loggers. They desire to go in there and purchase perhaps 160 acres, or possibly less, of this pine land, and log it on their own account. The third class of people who desire to control this pine and manufacture the pine are the large lumber corporations of Minnesota, Iowa, Wisconsin, and Michigan.

Now, I am not concerned at all about those corporations. They are perfectly able to take care of themselves under any kind of law that we may enact. They have been able to take care of themselves under any kind of a law that ever has been enacted, and will continue to take care of themselves under any law that will be enacted in the future; but the men whom I am anxious about are the small men.

They not only want the right to bid on this land, but they want the right to know what the other people are bidding and they want the right to raise their own bids, and consequently every one of this class of people—and I have received scores of letters on this question—is anxious to have this timber sold at public sale.

I desire to say in anticipation of the opposition which will be urged against this amendment, namely, the fact that the Secretary of the Interior is very strongly opposed to this amendment, and also that a majority of the Committee on Indian Affairs are opposed to it, but that a very great majority of all of the Minnesota delegation were originally in favor of the public sale, and I want to say further that all the people in the country where this land is situated, or a very large majority of them, are in favor of the amendment, and I want to say when it comes to a matter of the disposition of the pine timber, I think the judgment of the men living in the vicinity of the lands, men who are accustomed to timber operation all their lives, is better than the judgment of the Secretary of the Interior.

I believe that my own judgment, having spent twenty years in the pine woods, is better in the matter of the disposition of pine timber than is the judgment of the Secretary of the Interior, who probably was never in the pine woods in his life. Now, the objection urged against the open bids or the public auction on behalf of the Secretary of the Interior lies in the fact that there will be collusion.

He says that if we have open bids and the public auction there will be no collusion. It is possible that there may be collusion, but every single argument which may be advanced in favor of forming collusion at open public sale can be advanced also as against sealed bids. There will not be more than a dozen different corporations outside of the individual small bidders, among whom no collusion can be formed, bidding on this timber.

I would like to have some one explain to me why these corporations could not get together and make an agreement under sealed bids as well as they could on open bids. There is this difference between the two, that if the bids are sealed they are opened by public officers and no one will ever know under heaven, except the officers and the men who form the collusion, what those bids are.

On the other hand, if we have an open public sale and there is collusion and people do not enter into competition with one another, that combination will be patent to everybody who attends the sale, and practically everybody who is interested will attend the sale. I do not believe that it is good business. I do not believe that there is a person on the floor of this House who, if he wanted to sell his household furniture at auction, would advertise in the papers that he would receive sealed bids for the same.

I believe a better price will be received by public auction, for the simple reason that if I bid $10 a thousand in a sealed bid for a piece of this timber I am absolutely precluded from raising my own bid. Suppose there be a public auction, and suppose a gentleman enters into competition with me at public auction, and I bid $9.50 a thousand for that timber. He bids $10, and thereupon I can raise that to $11, and so on. There is another thing I wish to say.

I do not believe that any transaction of the Government, of any kind or character, should be crowded under the cloak of secrecy. I do not believe we should have any sealed transactions on the part of the Government. I believe that an open and public sale will bring a better price for the timber; I believe it is the only kind of a transaction that will enable the small bidder to stand the slightest show of getting any portion of this timber, and I believe it will be better for all parties concerned. [Applause.]

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BROWN] five minutes.

Mr. BROWN. Mr. Speaker, the question involved in the manner of the sale of the timber under this bill is, in my judgment, one of the gravest importance, and I sincerely believe that if the bill

should be amended in accordance with the proposal of the distinguished gentleman from Minnesota [Mr. EDDY], making the sale at public auction instead of by sealed bids, the force and effect of the bill would be lost.

This bill has been given more time and careful consideration than any other bill which has come before the Indian Committee at this session, and I can say that it has received the unanimous support of the committee in all particulars, with this one exception; and I think when this particular matter was brought before the committee there was but one vote against the sealed-bid proposition.

Mr. EDDY. I should like to call the gentleman's attention to the fact that at the meeting of that committee there were only nine members present, of whom four voted in favor of the bill, two against it, and the balance did not vote.

Mr. BROWN. Well, Mr. Speaker, previous to that time the bill had been considered by the full committee, with the exception of the gentleman from Minnesota [Mr. EDDY], who was absent, and the bill as amended was reported without a dissenting vote.

The committee have relied somewhat on the judgment of the Secretary of the Interior and the Commissioner of Indian Affairs, and at this time I wish to read some extracts from a correspondence which passed between the Commissioner of Indian Affairs and the Secretary of the Interior, and also from a letter addressed to the chairman of the Committee on Indian Affairs by the Secretary of the Interior.

Mr. EDDY. Mr. Speaker, I should like to have the gentleman state before he reads that letter that this was purely voluntary on the part of the Commissioner of Indian Affairs and the Secretary of the Interior, and not at the request of any member of the committee.

Mr. BROWN. I can not say with regard to that, Mr. Speaker, but I presume that it was for the reason that the Commissioner of Indian Affairs is very much in favor of the sealed-bid proposition. The letter from the Commissioner of Indian Affairs in part reads as follows:

WASHINGTON, *June 9, 1902.*

THE SECRETARY OF THE INTERIOR.

SIR:

* * * * * * *

I am advised that the members of said committee who oppose the sale of the timber upon "sealed bids" desire that the words "at public auction" be not eliminated, and that the words above quoted be not inserted in lieu thereof wherever they appear in said H. R. 10789.

I am absolutely and unalterably opposed to the enactment of any legislation the provisions of which will permit or require the sale at public auction of the pine timber on said ceded lands. There can not be a single reason advanced tending to establish that the timber should be sold at public auction which does not with greater force apply to the sealed-bid proposition and show the latter to be a more just, equitable, and business method.

If the timber is sold on sealed bids, the bids will be opened in public, and any interested person who desires to be present will undoubtedly be permitted to do so, as well as will, in all probability, newspaper men and others interested in the welfare of the Chippewa Indians.

If the pine timber is sold on sealed bids, competitive bidders will have no opportunity to ascertain the amount of any bid, while if it is sold at public auction each and every bidder present will know the price offered by every other bidder. If sold on sealed bids, competition is invited. If sold at public auction, competition is stifled and the formation of pools, combinations, and cliques to keep down the prices to be paid is invited and encouraged.

This reference in this letter does away with the suggestion made by the gentleman that the bids would be considered in secret by those who were authorized to receive them for the Government.

The Commissioner further says:

It is the duty of the Government to obtain, for the benefit of the Chippewa Indians of Minnesota, the best possible price for the timber on the ceded lands, and to that end the best mode of obtaining that price should be adopted. I feel positive that the sealed-bid method is far superior in every respect to the public-auction method.

If H. R. 10789 has been or shall be amended, as recommended by this office and the Department, the words "and timber" have been or should be inserted after the word "lands," in line 1, section 7, of the act of January 14, 1889, above quoted.

In view of the foregoing I have the honor to request and recommend that you advise the chairman of the House Committee on Indian Affairs that the Department believes it would be unwise and detrimental to the best interests of the Chippewa Indians of Minnesota to strike from H. R. 10789, wherever they appear, if the bill has been amended, the words "upon sealed bids" and insert in lieu thereof the words "at public auction;" and, further, that if said bill has not been amended by striking out the words "at public auction" whenever and wherever they appear therein and inserting in their stead the words "upon sealed bids" it be done.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

Now, Mr. Speaker, the letter written by the Secretary of the Interior to the chairman of the Committee on Indian Affairs comes out very strongly in favor of sealed bids. In fact, in my judgment, I do not think that the Interior Department would carry the law into effect if it was passed without this provision, for combinations would be formed to keep the price down, and with the powers given to the Secretary of the Interior under this bill he would not sanction sales where fraud could be shown.

The letter from the Secretary of the Interior to the chairman of the Committee on Indian Affairs is as follows:

DEPARTMENT OF THE INTERIOR.
Washington, June 11, 1902.

THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

SIR: I have the honor to transmit herewith a copy of a report of the 9th instant from the Commissioner of Indian Affairs, stating that he has informal information that some of the members of the House Committee on Indian Affairs seriously object to the amendment to H. R. 10789, "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," which was recommended by his office and the Department, and provides that the pine timber on the ceded lands on the various Indian reservations in Minnesota shall be sold "upon sealed bids to the highest bidders, with the right to reject any and all bids."

The Commissioner is strongly opposed to the sale of this timber at public auction; holds that if it is disposed of competition is stifled and the formation of pools, combinations, and cliques to keep down the prices to be paid is invited and encouraged, and believes it would be unwise and detrimental to the best interests of the Chippewa Indians of Minnesota to strike from H. R. 10789, wherever they appear, if the bill has been amended, the words "upon sealed bids" and insert in lieu the words "at public auction." If the bill has not been amended by striking out the words "at public auction," whenever and wherever they appear, he recommends that it be done and the words "upon sealed bids" be inserted in their stead.

The timber cut upon the Menominee Reservation in Wisconsin has for years been sold "upon sealed bids," after due advertisement, and the prices received are believed to have been better than could have been obtained by sale "at public auction." More competition and less chances for combinations, it seems to me, is had by this method, and I concur in the views of the Commissioner and recommend that the sales of this timber be made "upon sealed bids to the highest bidder or bidders, with the right to reject any and all bids," and that the bill H. R. 10789 so provide.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. EDDY. Does the gentleman from Wisconsin mean to say that if this amendment is passed the Secretary of the Interior would refuse to carry out the law?

Mr. BROWN. The Secretary of the Interior has, I understand, on other occasions refused to carry into effect the provisions of certain laws with regard to this same timber, and being as strongly prejudiced in favor of sealed bids as he is, I am of the opinion that this law never would be carried into effect if this provision was put into the bill, as suggested by the gentleman.

The Secretary of the Interior would undoubtedly proceed to advertise the timber, but in my opinion the sales would never be consummated, for the reason that combinations would be formed to keep the price down, the lands would be parceled out to different syndicates and all elements of competition removed, and the prices offered would be so inadequate that the Secretary of the Interior would exercise the authority given him under the terms of the bill and refuse to accept the offers. As a result the question would again be referred to Congress for practical legislation. According to what I deem reliable information, there is approximately 2,000,000,000 feet of pine timber on the Leech Lake Reservation, 300,000,000 on the Red Lake Reservation, and 200,000,000 on the White Earth Reservation, which, at the minimum price named in the bill, should bring to the United States Treasury, for the use and benefit of the Chippewa Indians in Minnesota, from two to twelve and a half millions of dollars.

It seems to me that to put up for sale at public auction the amount of valuable property to be sold after the manner of disposing of a lot of second-hand furniture to the highest bidder is a preposterous proposition. The timber should be sold for what it is worth, and I believe that if the sale is properly handled under the provisions of this bill the Government can realize as much as individuals could with a like amount of property. These Indians are heirs of a vast estate, and the Government is in the position of administrator for them and should proceed on business lines to realize the most possible for them.

In order that the House may be informed as to the provisions of the law which the bill proposes to amend, it might be well to go over the proposed substitute in order to properly explain its provisions. The bill under consideration is reported by the committee as a substitute for Senate bill 4284, and in terms amends what is known as the Nelson Act, which was "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, under which the pine timber belonging to the Chippewas of Minnesota has been partly disposed of for their benefit since that act has been in force.

The Nelson Act has proved to the satisfaction of those who have had the enforcement of its provisions in charge to be entirely inadequate, and has shown conclusively that the interests of the Indians can not be cared for under it. To quote from the Indian agent at Leech Lake, as found in his report to the Commissioner of Indian Affairs, dated August 15, 1899, he said:

Soon after my arrival here Inspector Nesler and Special Agent Jenkins arrived at the agency for the purpose of making an investigation of the conditions existing here, and particularly with respect to the working of the timber operations for the past logging season, which included the logging of dead and down timber only.

A thorough investigation was made by them. As the details will appear

in their own reports, I do not consider it necessary to set forth the results here, further than to say that there were collected and turned over to me for deposit to the credit of the Chippewa Indians $55,713.47 as a result of timber unlawfully cut from the reservations. The collection of this money offers, to those who were not by experience already aware of the fact, evidence that the provisions of the law of January 14, 1889, are impracticable and unbusinesslike when put to the test of actual operation.

Section 1 of the Nelson Act provided for the appointment of three commissioners by the President to negotiate with the Chippewa Indians of Minnesota for the complete cession and relinquishment, in writing, of all their title and interest in and to all the reservations of said Chippewa Indians in Minnesota, except the White Earth and Red Lake reservations, and so much of these two reservations as, in the judgment of the Commission, was not required to make and fill allotments, as provided by this and other existing acts. It also provided for taking a census of each tribe or band of the Indians in order to ascertain whether the requisite two-thirds would yield and give their assent to the relinquishment, and for the purpose of making the allotments and payments which were provided for in the other sections of the act.

Section 2 provided for a bond and oath to be given by the commissioners before entering upon their duties, and also named the compensation which they were to receive.

Section 3 provided that as soon as the cession and relinquishment in accordance with the provisions of section 1 was obtained that all of the Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation, should be removed to the White Earth Reservation, and that allotments should be made to the Red Lake Indians on the Red Lake Reservation and to all other Indians on the White Earth Reservation. It was provided also that such allotments should be made in conformity with the act of February 8, 1887, entitled "An act for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

The bill under consideration does not change the provisions of the first three sections of the Nelson Act in any particular. The committee proposed rather to have the Interior Department pursue its present policy in regard to cession and relinquishment, as well as in making allotments, which we understand is proving satisfactory to the Indians and is regarded by the officials in charge as the best procedure.

The bill, therefore, which is before the House, as far as changes in existing laws are concerned, has to do principally with the disposal of the pine; hence the changes made apply chiefly to sections 4 and 5 of the Nelson Act.

Section 1 of the bill under consideration substitutes for section 4 of the Nelson Act a provision for a survey of the lands, which shall be filed in the General Land Office and approved by the Commissioner, after which the Secretary of the Interior shall appoint a sufficient number of competent and experienced timber examiners, who shall make a thorough examination of the lands by 40-acre tracts. These examiners are to keep accurate minutes of the lands on which pine is located, also of lands where there is no pine. These reports are to be filed with the Commissioner of the General Land Office as a part of the permanent records of his office.

Copies of these lists are to be transmitted to the Secretary of the Interior for his approval. These lists when approved are to be filed with the Commissioner of the General Land Office, and duplicate lists, with copies of the field notes, surveys, and minutes of examination, are to be filed with the register of the local land office of the district where the lands are located, and copies of the lists are to be furnished to any person applying either by the General or local land office.

This section is plain and specific, and if honest and competent examiners are secured should furnish records to the Department which will be extremely valuable in carrying out all of the provisions of the bill.

Section 2 of the pending bill amends section 5 of the Nelson Act in such a manner as to provide in detail for the advertising and sale of the pine timber, the restrictions under which it is to be cut and banked, the manner of scaling in the log, and provision is made for the payment of logs as banked. This section provides that the pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold under separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of the bids; and it further provides that the Secretary of the Interior may also receive bids for groups not exceeding 10 sections in any one bid—that is, he may receive bids in both ways on the same lands—and he is then at liberty to accept whichever bid or bids are most advantageous or will bring the most money for such a tract of 10 sections. It is also provided that a payment of 20 per cent in cash or certified check as a guaranty of good faith shall accompany each bid or bids.

In estimating the value of the timber on any tract of land for sale the Secretary of the Interior can not figure the Norway pine timber at less than $4 per 1,000 feet and the white pine timber at not less than $5 per 1,000 feet. It is also provided that the Secretary of the Interior may permit sawmills to be erected on any tract for the manufacture of the timber on the reservations. This provision was inserted in order to give the Indians employment, if, in the judgment of the Secretary of the Interior, the interests of the Indians would be best subserved by so doing. This section also provides for a wide advertisement of sales in order to secure numerous bidders, and thereby secure competition which will insure the sale of the timber at the highest possible price.

The purchaser is authorized to cut and remove the timber under the direction of the Secretary of the Interior, and must remove as far as possible the liability of fire destroying the timber by burning or removing a sufficient amount of the tops and refuse, which, if left on the ground, would be a constant danger, as most of the fires which have heretofore destroyed standing timber have started and grown into destructive conflagrations by the burning of refuse which was left on the ground after the completion of logging operations.

It is further provided that all the merchantable pine timber, whether the same be green or dead, standing or fallen, shall be logged under rules and regulations to be laid down by the Secretary of the Interior, and that the logs shall be scaled by Scribner's rule for the merchantable lumber they will produce, this record to give the number, mark, and scale in feet of each log. The scale books are at all times to be open to the inspection of any authorized Government representative or to the check scaler to be appointed at the request of the chiefs of said bands or tribes of the Chippewa Indians of the State of Minnesota.

Provision is also made for the disposal of the lands from which the timber is cut and removed. They are to be treated as either forestry or agricultural lands, the forestry lands to be under the supervision of the Forester of the Department of Agriculture and the agricultural lands to be opened to homestead entry in the usual manner. This bill is presented for your consideration as the composite judgment of the Committee on Indian Affairs. There are a few provisions which some members would have preferred to have eliminated and some which others would like to have had incorporated in the bill. On the whole, it is the best we have to offer at this time. We have studied the question carefully and have endeavored to meet the necessities of the case.

In the judgment of the committee, if due diligence is exercised by the authorities in the employment of honest and competent scalers, and if their work is properly supervised under the safeguards provided in this measure, the probability of fraudulent and dishonest scales will be reduced to a minimum, and if frauds are attempted they can and will be speedily detected.

I sincerely trust, Mr. Speaker, that the substitute bill will pass as reported by the committee.

Mr. SHERMAN. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, it seems to me that the question involved in the amendment proposed by my colleague [Mr. EDDY] is a very simple one, and one that every member of the House can very readily understand. There is to be sold for the benefit of the Indians certain property held in trust for them. The question is whether or not it would be more to the advantage of the Indians to have that property sold secretly, by private bids, or sold openly and at public auction.

You will notice on page 15, section 5, or section 2 of the bill—

That whenever, and as often as the survey, examination, and lists of 100,000 acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be sealed under Scribner's rules in the log after being cut.

These bids must be made, these offers to purchase must be made, for the number of feet in the log—the actual number of feet according to Scribner's scale which the log contains—and then the purchaser obtains his property. Under the present law after the estimates were made there was a public sale, at public auction, of 40-acre tracts of timber at so much per thousand feet for the standing timber thereon.

Under that practice there was no doubt a great deal of the timber that was sold for less than it was worth; but it was the fault of the estimators, and was not due to the fact that it was a public sale. Under this bill the proposition is to sell the number of feet in the log after it is cut. Under this provision or amendment they must necessarily pay for every foot of timber in every log that is purchased.

Mr. MONDELL. Under the present law how is the number of feet on the acre determined?

Mr. TAWNEY. Under the present law the number of feet

standing is ascertained by cruisers, as they were called, estimators, who estimate the timber on the ground, and it was upon that estimate the timber has heretofore been sold.

Mr. MONDELL. In 40-acre tracts?

Mr. TAWNEY. In 40-acre tracts.

Mr. MONDELL. So that the highest bidder got the timber, then?

Mr. TAWNEY. The highest bidder got the timber.

Mr. MONDELL. The man who bid the largest lump sum got the tract?

Mr. TAWNEY. Yes. The only question, Mr. Speaker, is whether or not it would be, as I said at the beginning, more to the advantage of the Indian and for the interest of all concerned to sell this property at public sale than at private sale under sealed bids.

In the judgment of the majority of the members of our delegation it will, for then every person has an opportunity to bid and there is open competition in the sale of the property, which, I believe, will result in securing for the Indians much more for their property than can be obtained under sealed bids. For that reason I favor the amendment of my colleague.

Mr. SHERMAN. I yield three minutes to the gentleman from Minnesota.

Mr. FLETCHER. Mr. Speaker, when this bill was brought to the House the Minnesota delegation, every member of the delegation, favored the bill with the proposal for public sale. The bill was amended in the committee to sealed bids by some influences surrounding that committee and some members of the Minnesota delegation with which I am not familiar, not being a member of that committee. They have changed the proposal so as to sell this timber by sealed bids.

Now I recognize that here is ten or perhaps twelve or fifteen million dollars' worth of property to be sold, and, in my judgment, the only fair way to sell this property is to sell it at public auction to the highest bidder. They have provided in this bill that it shall not bring less than $4 a thousand feet for hard pine and $5 for white pine, and reserve the right to reject any and all bids.

I can hardly conceive why any committee, or even the Secretary of the Interior, would want to make a private sale and private sealed bids of property of this kind. In my judgment and understanding, it would be much better for and more to the interest of the people connected with the lumber business, and more satisfactory to me and, I believe, to every member of the delegation in both branches of Congress; and if they were left alone to their own judgment, as they were in the commencement of this bill, they would favor the public sale.

I hope the amendment offered by my colleague will be adopted. I see the chairman of the committee is in a good deal of a hurry, and I will not take up further time. I hope the amendment will be adopted.

Mr. SHERMAN. Mr. Speaker, I now yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I hope the amendment offered by the gentleman from Minnesota [Mr. EDDY] will fail, for it will take all the merit, in my judgment, out of this bill. The great scandal that arose from the selling of the Minnesota Indians' timber came from selling it at public auction.

I have the conference that took place between the Secretary of the Interior and the members of the Minnesota delegation, and the gentleman from Minnesota stated that the chief objection in selling the timber is in selling the timber at public auction. He further stated "I would have him confer these contracts on the highest bidders on sealed bids, reserving the right to reject any and all bids." He said there were four things that ought to go into the bill. One was that timber should be sold on sealed bids.

Now, if the timber of the Chippewas is to be sold for the sole benefit of the lumbermen of Minnesota, then the amendment should prevail. If it is to be sold for the best interests of the people of the entire United States and for the Indians, the provision of the committee should be kept there, and this amendment should be voted down. I hope the House will stand by the committee.

Now, Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the amendment to the committee amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. FLETCHER) there were 22 ayes and 47 noes.

Mr. FLETCHER. I make the point of no quorum, Mr. Speaker.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 36 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for purchase of the butterflies and moths of the late Herman Strecker—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for court-house and jail at Juneau, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Treasury submitting an estimate of appropriation for vaults in public buildings at St. Paul, Minn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for contingent expenses, Department of Justice—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11807) to open for settlement 25,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 2569), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes, reported the same without amendment, accompanied by a report (No. 2581); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians, reported the same without amendment, accompanied by a report (No. 2586); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 4139) to diminish the number of appraisers at the ports of Philadelphia and Boston, reported the same with amendments, accompanied by a report (No. 2587); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4346) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs, reported the same with amendment, accompanied by a report (No. 2588); which said bill and report were referred to the House Calendar.

Mr. SWANSON, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement, reported the same without amendment, accompanied by a report (No. 2590); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 2591); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6110) granting an increase of pension to Charles A. Cooke, reported the same without amendment, accompanied by a report (No. 2570); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5045) granting an increase of pension to Mary A. Moore, reported the same without amendment, accompanied by a report (No. 2571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1944) granting an increase of pension to Ann E. Tillson, reported the same without amendment, accompanied by a report (No. 2572); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5133) granting an increase of pension to Augusta Neville Leary, reported the same without amendment, accompanied by a report (No. 2573); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1929) granting an increase of pension to Peter Tuper, reported the same with amendments, accompanied by a report (No. 2574); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12701) granting a pension to Milton Noakes, reported the same with amendments, accompanied by a report (No. 2575); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13000) granting an increase of pension to M. J. Cohn, reported the same with amendments, accompanied by a report (No. 2576); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12709) granting a pension to Thomas Alton, reported the same with amendment, accompanied by a report (No. 2577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9977) granting a pension to Minerva Robinson, reported the same with amendments, accompanied by a report (No. 2578); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5918) granting a pension to Margaret Fox, reported the same without amendment, accompanied by a report (No. 2579); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10663) granting an increase of pension to Benjamin H. Downing, reported the same with amendments, accompanied by a report (No. 2580); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the resolution of the House (H. Res. 294) referring certain bills of the House to the Court of Claims, reported the same with amendments, accompanied by a report (No. 2582); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 623) granting a pension to Susan Kennedy, reported the same with amendment, accompanied by a report (No. 2583); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13955) granting an increase of pension to Jesse A. McIntosh, reported the same with amendments, accompanied by a report (No. 2584); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 5214) for the relief of the Columbia Brewing Company, of Shenandoah, Pa., reported the same with amendment, accompanied by a report (No. 2585); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13945) granting an increase of pension to Edward T. Durant, reported the same with amendments, accompanied by a report (No. 2589); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8280) granting a pension to James W. Perkins, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CUSHMAN: A bill (H. R. 15154) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

By Mr. PAYNE: A bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes—to the Committee on Ways and Means.

By Mr. CONNER: A bill (H. R. 15156) to complete the investigation of the claims of the Des Moines River land settlers in the State of Iowa—to the Committee on Claims.

By Mr. McDERMOTT: A bill (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties—to the Committee on Labor.

By Mr. JONES of Virginia: A bill (H. R. 15158) to provide for the temporary government and the permanent independence of the Philippine Archipelago—to the Committee on Insular Affairs.

By Mr. SHATTUC: A bill (H. R. 15159) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: A bill (H. R. 15160) to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to conveyances of real estate, and to make said provisions applicable to said Territory—to the Committee on Indian Affairs.

By Mr. STEELE: A resolution (H. Res. 310) providing for employment of a stenographer in office of Journal clerk during remainder of the first session of the Fifty-seventh Congress—to the Committee on Accounts.

By Mr. GIBSON: A resolution (H. Res. 311) for the consideration of Senate joint resolution (S. R. 8) construing the act of June 27, 1890, and for other purposes—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 15161) for the relief of the legal representatives of T. L. Walker, deceased—to the Committee on War Claims.

By Mr. BLACKBURN: A bill (H. R. 15162) to correct the military record of Shadrack F. Brown—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 15163) granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CORLISS: A bill (H. R. 15164) granting a pension to Electa L. Willard—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 15165) to remove the charge of desertion from the military record of John H. McIntyre—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 15166) granting a pension to Enoch J. Evans—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 15167) granting a pension to Patrick Grogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15168) granting a pension to William M. Heaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15169) granting a pension to John Gorden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15170) granting an increase of pension to Timothy Owsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15171) granting an increase of pension to Joseph B. Slaughter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15172) for the relief of William Noble McClelland—to the Committee on Military Affairs.

By Mr. KNAPP: A bill (H. R. 15173) granting an increase of pension to Ellen E. Lee—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15174) to confirm the title to lots 3, 4, and 5, in square 979, in the city of Washington, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: A bill (H. R. 15175) granting an

increase of pension to William H. Bland—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 15176) granting an increase of pension to John Gibson—to the Committee on Invalid Pensions.

By Mr. MCLACHLAN: A bill (H. R. 15177) granting an increase of pension to S. A. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15178) granting an increase of pension to James R. Scarfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15179) granting an increase of pension to Lieut. Horace A. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15180) granting an increase of pension to Eleanore C. Ransom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15181) granting an increase of pension to Ashley A. Youmans—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 15182) granting an increase of pension to Francis W. Seeley—to the Committee on Pensions.

By Mr. APLIN: A bill (H. R. 15183) granting a pension to William Gregory—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 15184) granting an increase of pension to Joseph V. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15185) granting an increase of pension to James Barr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDERHEAD: Resolutions of joint convention of bankers' associations of Kansas, Missouri, Indian Territory, and Oklahoma, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the H. D. Lee Mercantile Company, Salina, Kans., favoring the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kansas State Temperance Union, Topeka, Kans., in relation to a revenue tax from liquor sellers—to the Committee on Ways and Means.

By Mr. CANDLER: Papers to accompany House bill granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CORLISS: Petition of citizens of Detroit, Mich., for the relief of Mrs. Electa L. Willard—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Petition of Post No. 250, of Roselawn, Grand Army of the Republic, Department of Indiana, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of 200 citizens of Chicago, Ill., favoring House bill 7486, for the promotion of the efficiency of the clerical service of the Navy, etc.—to the Committee on Naval Affairs.

By Mr. HAUGEN: Resolution of Dodge Post, No. 132, Grand Army of the Republic, Nashua, Iowa, approving the conduct of the United States in the war with Spain, the insurrection in the Philippines, and in China—to the Committee on Military Affairs.

By Mr. HOWELL: Petitions of Brewery Workers of Trenton; Martin Cooke Association, of Hoboken, and Mineral Mine Workers' Union of Port Oram, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolutions of Iowa State Federation of Labor, protesting against the treatment of mechanics and laborers in the arsenal at Rock Island, Ill.—to the Committee on Military Affairs.

By Mr. KERN: Petition of New Athens Milling Company, of New Athens, Ill., urging Congress to establish reciprocal relations with Germany on finished products—to the Committee on Ways and Means.

By Mr. PALMER: Petition of M. S. Palmer, I. E. Finch, and other citizens of Luzerne County, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Affidavits to accompany House bill 8566, for the relief of Decatur Lodge, No. 52, Independent Order of Odd Fellows—to the Committee on War Claims.

Also, affidavits to accompany House bill 6971, for the relief of Bolivar Lodge, No. 127, of Stevenson, Ala.—to the Committee on War Claims.

By Mr. RUMPLE: Resolution of Iowa State Federation of Labor, relative to labor conditions at Rock Island Arsenal—to the Committee on Labor.

SENATE.

THURSDAY, *June 19, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 282) providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing him on the retired list;

A bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river; and

A joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3442) to correct the military record of John O'Brien;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War, in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 9723) granting an honorable discharge to Levi Wells;

A bill (H. R. 9870) to correct the military record of Reinhard Schneider;

A bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes; and

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of religious, charitable, or educational character, for the environment of art, etc., under the act of June 13, 1898.

The message further announced that the House insists upon its amendments to the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCLEARY, Mr. MCCALL, and Mr. WOOTEN managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the following bills, disagreed to by the Senate, agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the respective conferences on the part of the House:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; and

A bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin;

A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes; and

A joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize

the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

The message also announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committee on Enrolled Bills to correct an error in the enrollment of the title of the joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 7) granting an increase of pension to W. H. Thomas;

A bill (S. 332) granting an increase of pension to Louisa A. Crosby;

A bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

A bill (S. 896) granting an increase of pension to James E. McNair;

A bill (S. 1132) granting an increase of pension to R. Sherman Langworthy;

A bill (S. 1184) granting a pension to Mary Florence von Steinwehr;

A bill (S. 1205) granting a pension to Isabella H. Irish;

A bill (S. 1458) granting an increase of pension to Linda W. Slaughter;

A bill (S. 1980) granting an increase of pension to William D. Stiles;

A bill (S. 1981) granting an increase of pension to Thomas Hannah;

A bill (S. 2048) granting an increase of pension to Lewis G. Latour;

A bill (S. 2050) granting an increase of pension to Edward N. Goff;

A bill (S. 2051) granting an increase of pension to Henry W. Tyron;

A bill (S. 2265) granting an increase of pension to William Kelley;

A bill (S. 2289) granting an increase of pension to Benjamin S. Harrower;

A bill (S. 2375) granting an increase of pension to Daniel Redinger;

A bill (S. 2653) granting an increase of pension to Joshua Weaver;

A bill (S. 2703) granting an increase of pension to James S. Myers;

A bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes;

A bill (S. 3032) granting an increase of pension to Samuel J. Christopher and Jane Vickers;

A bill (S. 3041) granting an increase of pension to Emma F. Shilling;

A bill (S. 3292) granting an increase of pension to Henry Loor Reger;

A bill (S. 3552) granting a pension to John A. Reilley;

A bill (S. 3567) granting an increase of pension to Peter Osterhouse;

A bill (S. 3997) granting an increase of pension to Otis A. Barlow;

A bill (S. 4064) granting an increase of pension to Betsey Gumm;

A bill (S. 4183) granting an increase of pension to Oceana B. Irwin;

A bill (S. 4190) granting a pension to Fredereka Seymore;

A bill (S. 4300) granting an increase of pension to Ann Comins;

A bill (S. 4509) granting an increase of pension to Robert Lemon;

A bill (S. 4709) granting a pension to Nelson W. Wade;

A bill (S. 4710) granting a pension to Anna May Hogan;

A bill (S. 4764) granting an increase of pension to Queen Esther Grimes;

A bill (S. 4769) to fix the fees of jurors in the United States;

A bill (S. 4783) granting an increase of pension to Mary Breckons;

A bill (S. 4912) granting an increase of pension to Maggie L. Reaves;

A bill (S. 4934) granting an increase of pension to Francis M. McAdams;

A bill (S. 5007) granting an increase of pension to James Irvine;

A bill (S. 5065) granting a pension to Jemima McClure;

A bill (S. 5080) granting a pension to Hester A. Farnsworth;

A bill (S. 5140) granting an increase of pension to Dudley Cary;

A bill (S. 5141) granting an increase of pension to Charles Barrett;

A bill (S. 5206) granting an increase of pension to John M. Wheeler;

A bill (S. 5227) granting an increase of pension to Elizabeth Whitty;

A bill (S. 5263) granting a pension to Fannie Frost;

A bill (S. 5302) granting an increase of pension to John H. Everitt;

A bill (S. 5402) granting an increase of pension to Hiram H. Thomas;

A bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck;

A bill (S. 5466) granting an increase of pension to Edgar T. Chamberlin;

A bill (S. 5650) granting an increase of pension to William R. Raymond;

A bill (S. 5741) granting a pension to Martha E. Kendrick;

A bill (S. 5748) granting an increase of pension to Thomas D. Utter;

A bill (S. 5924) granting an increase of pension to Edwin Young;

A bill (S. 6021) granting an increase of pension to Esther D. Haslam;

A bill (S. 6040) granting an increase of pension to John W. Craine;

A bill (H. R. 13150) granting a pension to James B. Mahan; and

A bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of claims certified by the accounting officers of the Treasury for which no provision for their payment has been made by Congress; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the American Association for the Study and Cure of Inebriety, of Hartford, Conn., praying for the establishment of a psycho-physical laboratory in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of Kokomo Lodge, No. 463, International Association of Machinists, of Kokomo, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the Freight Bureau of Atlanta, Ga., praying for the passage of the so-called Nelson-Corliss bill, to enlarge the jurisdiction and powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Freight Bureau of Atlanta, Ga., remonstrating against the passage of the so-called Elkins bill, to legalize pooling of freights by the railroads of the country; which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented petitions of Local Union No. 594, United Mine Workers of America, of Franklinville; of Local Union No. 1517, United Mine Workers of America, of Ashland, of the State of Pennsylvania, praying for the enactment of legislation providing for the adjustment of the difficulty between the mine workers and operators in the anthracite coal regions of Pennsylvania; which were referred to the Committee on Mines and Mining.

He also presented a petition of Allison Brothers Post, No. 144, Department of Pennsylvania, Grand Army of the Republic, of Port Carbon, Pa., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over and increasing the pensions of widows of soldiers to $12 per month; which was referred to the Committee on Pensions.

He also presented petitions of the Methodist Preachers' Meeting, of Philadelphia, Pa.; of the National Temperance Society, of New York, N. Y.; of the Minnesota Total Abstinence Association, of Minneapolis, Minn.; of the congregation of the First Methodist Episcopal Church of Harvey, Ill., and of the Free Methodist Society of Harvey, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were referred to the Committee on Immigration.

He also presented petitions of Russian Local Union, No. 933, of Mount Carmel; of International Bricklayers' Union No 50, of Connellsville; of Journeyman Barbers' Union of Gladerun; of Brotherhood of Locomotive Firemen, Gravity Lodge, No. 407, of

Dunmore; of Vanbergen Lodge, No. 62, Brotherhood of Locomotive Firemen, of Carbondale; of United Mine Workers of Bridgeville; of Local Union No. 160, United Mine Workers, of Shamokin; of Local Union No. 57, United Mine Workers of America, of Glen Lyon; of Local Union No. 665, of Summit Hill; of Mine Workers of Garrett; of Local Union, United Mine Workers of America, of Dudley; of Local Union No. 464, United Mine Workers of America, of Girardville; of Local Union No. 494, United Mine Workers of America, of Colerain; of United Mine Workers of America, Local Union No. 1500, of Mahanoy City; of Local Union No. 1502, United Mine Workers of America, of Parsons; of Local Union No. 507, of Eckley; of Local Union No. 1514, United Mine Workers of America, of Ashland; of Local No. 1507, United Mine Workers of America, of Ashland; of Local Union No. 1535, of Shamokin; of Local Union No. 1583, United Mine Workers of America, of Heckscherville; of Beaver Meadows Local Union, No. 1595, United Mine Workers of America, of Beaver Meadows; of Local Union No. 1596, United Mine Workers of America, of Cumbola; of United Mine Workers of Middleport; of Local Union No. 1599, United Mine Workers of America, of Lorberry; of United Mine Workers' Local Union No. 1611, of Carbondale; of Local Union No. 1627, United Mine Workers of America, of Freeland; of Local Union No. 1638, of Mount Pleasant; of Local Union No. 252, of Mineral Point; of Local Union No. 306, of Oldforge; of Local Union No. 453, of Germantown; of Local Union No. 466, United Mine Workers of America, of Wilkesbarre; of United Mine Workers of America, Local No. 579, of Mount Carmel; of Local Union No. 582, United Mine Workers of America, of Sandy Run; of Local Union No. 653, United Mine Workers of America, of Coalmont; of Local Union No. 801, of Munoon Station; of Local Union No. 808, United Mine Workers of America, of Scranton; of Local Union 863, United Mine Workers of America, of Forrestville; of United Mine Workers of Nanticoke; of Local Union No. 914, United Mine Workers of America, of Kinbury; of United Mine Workers, Local Union No. 917, of Olyphant; of Local Union No. 1010, United Mine Workers of America, of Priceburg; of Local Union No. 1336, United Mine Workers of America, of Menoke; of United Mine Workers of America, Local Union No. 1049, of Shamokin; of Local Union No. 1217, United Mine Workers of America, of Luzerne; of Local Union No. 1311; of Local Union No. 1, United Mine Workers of America, of Hughestown; of Local Union No. 1319, of Fitz Henry; of Local Union No. 1384, of Punxsutawney; of Local Union No. 1687, United Mine Workers of America, of Seek; of Local Union No. 1688, United Mine Workers of America, of Delaware; of Local Union No. 1725, United Mine Workers of America, of Shamokin; of Local Union No. 1731, of Myersdale; of Local Union No. 1740, United Mine Workers of America, of Providence; of Miners' Union, Local Union No. 1773, of Six-Mile Run, United Mine Workers of America; of Local Union No. 1800, of West Decatur; of United Mine Workers of America, of Parkplace; of Local Union of Drane; of Local Union No. 131, United Mine Workers of America, of Coyne, and of Local Union No. 209, of Stockton, all in the State of Pennsylvania; of Local Union No. 1026, United Mine Workers of America, of Coalgate; of Local Union No. 1819, United Mine Workers of America, of Lehigh, and of Local Union No. 1164, United Mine Workers of America, of Savanna, all in the Indian Territory, praying for the enactment of legislation to restrict immigration by forbidding the immigration of persons other than wives and children who can not read; which were referred to the Committee on Immigration.

Mr. HANSBROUGH presented a petition of sundry citizens of Grandin, N. Dak., praying for the enactment of legislation to prohibit legalized vice and the sale of intoxicating liquors in the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. MASON. I present petitions of Sternfield & Danner, A. Santaella & Co., Sutter Brothers, and Berriman Brothers, numerously signed, representing the cigar manufacturers of the city of Chicago, in the State of Illinois, praying for a reduction of the duty on Cuban raw tobacco in the interest of Cuban reciprocity. I ask unanimous consent that it be printed in the RECORD.

Mr. GALLINGER. It will do no good to print it in the RECORD, and I object.

Mr. MASON. The petition should be referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. KEAN in the chair). The petition will be referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12932) granting a pension to Elizabeth D. Harding;

A bill (H. R. 11196) granting a pension to Abbie Bourke;

A bill (H. R. 6823) granting an increase of pension to Allen W. Merrill;

A bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell;

A bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant;

A bill (H. R. 6401) granting an increase of pension to David E. Hall;

A bill (H. R. 6968) granting a pension to Cappa King;

A bill (H. R. 11171) granting a pension to Elizabeth A. Nalley; and

A bill (H. R. 13617) granting an increase of pension to Anne M. Luman.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 4075) granting a pension to Henry R. Gibbs; and

A bill (S. 4528) granting a pension to Corydon Millard.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 5976) granting an increase of pension to Milton Frazier, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submittted reports thereon:

A bill (H. R. 14701) granting a pension to Mary A. Peters;

A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger; and

A bill (H. R. 14355) granting an increase of pension to Timothy Donohoe.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3035) granting an increase of pension to Elias Brewster, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 5038) granting an increase of pension to William H. Hudson; and

A bill (H. R. 7105) granting an increase of pension to Silas Stotts.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6132) granting an increase of pension to Fannie McHarg, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 11436) granting an increase of pension to James H. McKnight; and

A bill (H. R. 13467) granting a pension to Joseph H. Woodruff.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. MCMILLAN, proposing to appropriate $206.02 for burial expenses of Elmer B. Gavett, late lieutenant, Thirty-first Infantry, United States Volunteers, intended to be proposed to the general deficiency appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6467) granting an honorable discharge to Samuel Welch, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report, accompanied by a bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 4960) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 2871) to correct the military record of Edward T. Lewis, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 2974) for the relief of J. V. Worley; and

A bill (H. R. 6703) for the relief of George A. Rogers.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3766) for the relief of Simeon Motz, Nathaniel Robbins, and William J. Sloan, asked to be discharged

from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 5816) granting a pension to Etta A. Whitehouse, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12279) granting a pension to Nancy M. Gunsally;

A bill (H. R. 13352) granting an increase of pension to Charles E. Brown; and

A bill (H. R. 931) granting a pension to Huldah A. Clark.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13650) to correct the military record of James M. Olmstead, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 11453) granting a pension to Catharine Freeman, reported it without amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal., reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6158) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14923) for the appointment of five additional United States commissioners and five additional constables in the Indian Territory, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, reported it without amendment.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy, reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 14042) granting an increase of pension to George W. Edgington, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 2618) granting an increase of pension to Michael Mullin, reported it without amendment, and submitted a report thereon.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6106) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C., reported it with an amendment, and submitted a report thereon.

ISTHMIAN CANAL—COSTA RICA.

Mr. MORGAN. From the Committee on Interoceanic Canals I report a communication from the Secretary of State, and ask that it be read at the desk and laid on the table.

The communication was read, and ordered to lie on the table, and to be printed, as follows:

DEPARTMENT OF STATE,
Washington, June 18, 1902.

Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals,
United States Senate.

SIR: I am requested by the minister of Costa Rica to inform the Committee on Interoceanic Canals that he has been instructed by his Government to make known to that of the United States that the Government of Costa Rica are prepared to take all necessary steps to put themselves in a position to negotiate with the Government of the United States a treaty for the appropriate concessions for an isthmian canal on terms substantially as proposed by the Government of the United States.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

ORDER OF PROCEDURE.

Mr. MORGAN. Mr. President, I ask leave to make a statement to the Senate about the order of business.

Mr. SCOTT. Will the Senator from Alabama yield until I may present a report from the Committee on Pensions?

Mr. MORGAN. Certainly; but I wish to make only a brief statement as to the order of business. I think the Senator from West Virginia may be interested in it.

Mr. SCOTT. Very well.

Mr. MORGAN. On consultation with the Senator from South Dakota [Mr. KITTREDGE], who, in the absence of the Senator from Ohio [Mr. HANNA], has charge of the minority attitude on the canal question, it is understood that unless some Senator desires to speak, of whom I have not heard at all, the Senator from Montana [Mr. CLARK] will take the floor and occupy it for about twenty minutes; the Senator from Iowa [Mr. ALLISON] will follow him for about twenty minutes, and then I shall take the floor to conclude the debate, unless some other Senator wants to come in in the meantime.

I merely wanted to make this announcement. I am much obliged to the Senator for yielding the floor.

BILLS INTRODUCED.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6197) granting a pension to Robert B. Justice;

A bill (S. 6198) granting a pension to Alex. O. Lanier;

A bill (S. 6199) granting a pension to Robert Lisenbee;

A bill (S. 6200) granting a pension to William Brannon;

A bill (S. 6201) granting a pension to Andrew J. Williams;

A bill (S. 6202) granting a pension to Wesley W. Long; and

A bill (S. 6203) granting a pension to Hiram R. Rhea.

Mr. PRITCHARD introduced a bill (S. 6204) granting a pension to Hannah Caroline Peterson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6205) for the relief of Wiley C. Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BURNHAM introduced a bill (S. 6206) granting an increase of pension to William Montgomery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6207) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MCENERY introduced a bill (S. 6208) for the relief of Orther Taylor; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6209) granting an increase of pension to Newton W. Bucknell;

A bill (S. 6210) granting an increase of pension to Harvey Miller; and

A bill (S. 6211) granting a pension to Francis M. Frakes.

Mr. PLATT of New York introduced a bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6213) making an appropriation to pay certain persons for services, materials, and so forth, furnished to the Pan-American Exposition, as per schedule to be filed; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. HANSBROUGH introduced a bill (S. 6214) to amend section 2461 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MONEY introduced a bill (S. 6215) granting an increase of pension to James D. Stewart; which was read twice by its title, and referred fo the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. PENROSE introduced a bill (S. 6217) to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 6218) granting a pension to Sarah G. Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,519.20 to pay Elizabeth L. W. Bailey, of the city of Washington, administratrix of the estate of Davis W. Bailey, deceased, being the amount of the award made in favor of her against the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill; which was

referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate $5,177.90 to pay Henry W. Spray for care, education, and support of Indian children in the Indian school at Cherokee, in the State of North Carolina, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MCMILLAN submitted an amendment proposing to appropriate $7,500 to purchase the entire collection of notes, records, and plats of survey belonging to William J. Latimer and relating to lands in the District of Columbia, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $500 to pay Edwin C. Brandenburg for indexing the code of laws for the District of Columbia, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 to pay John Stewart, civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PENROSE submitted an amendment proposing to appropriate $2,062.06 to pay Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, in full for balance due him as commissioner appointed from civil life on the Navy-Yard Commission, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MASON submitted an amendment relative to the adoption of an amendment to section 1 of an act to extend the free-delivery system of the Post-Office Department, and for other purposes, approved January 3, 1887, as to the employment of letter carriers, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ASSISTANT CLERK TO COMMITTEE.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

ISABELLA BULLOCK.

Mr. CARMACK submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Isabella Bullock, widow of John H. Bullock, late a laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

INVESTIGATION BY INTERSTATE COMMERCE COMMISSION.

Mr. CARMACK submitted the following resolution; which was referred to the Committee on Interstate Commerce:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to investigate and report to the Senate during the month of December next, in such form and to such extent as may be practicable—

1. The rates filed with said Commission by common carriers subject to the act to regulate commerce, and now in force, on import and domestic traffic of like kind carried from ports of entry in the United States to interior points of destination which show material differences in favor of through shipments of imported articles and against shipments of like articles originating at such ports of entry.

2. What, if any, kinds of classes of imported articles have actually been transported at any time between January 1 and July 1 of the present year by common carriers, subject to the act to regulate commerce, at rates from ports of entry in the United States to interior points of destination materially less than the rates contemporaneously charged by such carriers upon the same kinds or classes of articles as domestic shipments from such ports of entry to the same interior points of destination, and whether, if it can be ascertained, the rates actually charged upon both the import and domestic traffic were in conformity with the rates in effect thereon as shown in rate schedules filed with said Commission.

3. Show in said report in connection with any such differences in schedule rates in favor of import and against domestic shipments the tariff or customs duties in force under the laws of Congress upon such import traffic carried at any time during the six months' period above specified; and to enable compliance with this requirement the Secretary of the Treasury is hereby directed to furnish the said Commission, upon its application, a statement showing the tariff or customs duties applicable to such import traffic.

4. Whether in the opinion of said Commission any such differences in rates in favor of import and against domestic shipments operate to produce discriminations and preferences in favor of foreign manufacturers and shippers and against American manufacturers and shippers which ought to be removed, but which can not be remedied by proceedings under the act to regulate commerce; and, if so, in what manner that statute should be amended to prevent such discriminations and preferences.

SHODDY V. PURE WOOL.

On motion of Mr. WARREN, it was

Ordered, That the hearings had before the Committee on Ways and Means, House of Representatives, Fifty-seventh Congress, first session, on Wednesday, May 21, 1902, on the proposed Federal inspection and taxation of imported goods and the proper marking of the same, be printed as a document.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. The Senator from Vermont [Mr. PROCTOR] and myself were absent when the conferees on the part of the Senate were appointed on the Military Academy appropriation bill. The Senator from Vermont requests that he be relieved from that duty and that the Senator from Michigan [Mr. BURROWS] be substituted in his place.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the Senator from Michigan [Mr. BURROWS] will be appointed as a conferee on the bill, in place of the Senator from Vermont [Mr. PROCTOR], excused.

ADULTERATION OF FOOD PRODUCTS, ETC.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same as follows: Page 1, strike out lines 3 to 9, inclusive, and insert: "That no person or persons, company or corporation shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others."

That the Senate recede from its disagreement to the amendment of the Senate numbered 2, which provided as follows: Page 1, line 10, after "persons," insert "knowingly," and agree that said amendment go out.

P. J. MCCUMBER,
JOHN LOWNDES MCLAURIN,
W. A. HARRIS,
Managers on the part of the Senate.
W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

The PRESIDENT pro tempore. Will the Senate agree to the report?

The report was agreed to.

Mr. MCCUMBER. I desired to call the attention of the Senator from Massachusetts [Mr. HOAR] to the action of the conferees in receding from the amendment which was offered by him, so that he might present any further objections, if he has them to submit.

The PRESIDENT pro tempore. The conference report is agreed to.

Mr. HOAR. What is the proposition?

The PRESIDENT pro tempore. It arose on the conference report, which has been agreed to.

INDUSTRIAL PLANTS IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The amendment was, on page 2, line 18, after "tribe," to insert:

The clerk of the United States court for the southern district shall appoint deputy clerks for the courts at Tishamingo and Ada. That in addition to the places now provided by law for holding court in said district, court shall be held at Duncan, and all laws regulating the holding of court shall be applicable to Duncan.

Mr. STEWART. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AGREEMENT WITH CREEK INDIANS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes, which were, on page 6, line 15, after the word "tribe," to insert:

Provided, That the Dawes Commission be, and is hereby, authorized to add the following persons to the Creek roll: Nar-wal-le-pe-se, Mary Washington, Walter Washington, and Willie Washington, who are Creek Indians, but whose names were left off the roll through neglect on their part.

On page 7, line 25, after the word "site," to insert:

Under rules and regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That such citizens may purchase any of said lands in accordance with the provisions of the act of March 1, 1901 (31 Stat L., 61): *And provided further*, That the lands which may hereafter be set aside and reserved for town sites upon recommendation of the Dawes Commission as herein provided shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, and not to exceed 640 acres for each town site.

On page 9, line 18, to strike out the word "hereunder;" in line 22, after the word "the," where it occurs the second time, to

strike out "deed therefor" and insert "approval of this supplemental agreement;" on page 10, line 8, to strike out the word "herein;" in line 24 to strike out down to and including "Creek lands," and in line 20, page 11. to insert:

17. Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is reenacted to read as follows:

"Creek citizens may rent their allotments, when selected for strictly non-mineral purposes, for a term not to exceed one year for grazing purposes, only and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same. Such leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes, and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise.

"Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Creek Nation and grazed on lands not selected for allotment by citizens, the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Creek lands."

Mr. STEWART. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin;

A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; and

A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of December, 1901, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 19, 1902.*

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. SPOONER. Will the Senator from Alabama permit me one moment, not to make any remarks at all?

Mr. MORGAN. Certainly.

Mr. SPOONER. I move an amendment to the bill, to strike out all after the enacting clause and to insert what I send to the desk. It may lie on the table.

The PRESIDENT pro tempore. The amendment will lie on the table.

Mr. HOAR. I desire to have the attention of the Senator from Wisconsin one moment. I should like to move the amendment which I have proposed to the bill, at some time, either before or after the vote has been taken upon his amendment. I do not know at present whether one might be added to the other, but I should like to have it understood that the parliamentary rule that you can not move to amend a substitute or an amendment, which has already been adopted, shall not be applicable. I think it will serve the convenience of the Senate. Suppose the Senator's amendment should be adopted by the Senate as preferable to the bill, then I should like to have the opportunity still to propose mine. I want to put myself on record upon it, and there are other Senators I know who agree with me.

Mr. SPOONER. The Senator's amendment would be in order as an amendment to my proposition, and supersede it, if adopted, would it not?

Mr. HOAR. Yes; but perhaps the Senate might order a vote on the Senator's proposition before my amendment was proposed.

Mr. SPOONER. I do not care for that. If the majority of the Senate is in favor of the Senator's proposition it may be developed as early as possible.

Mr. HOAR. If I can have unanimous consent that my amendment may be moved without being liable to the objection that it is an amendment to matter already adopted I should like it.

Mr. SPOONER. I have no objection.

The PRESIDENT pro tempore. Could not the Senator from Massachusetts offer it as an amendment even though the amendment of the Senator from Wisconsin were adopted? Could he not offer it after the amendment had gone into the Senate?

Mr. HOAR. Possibly; but I am not quite sure. If the amendment goes into the Senate, being adopted in Committee of the Whole, then the same question arises. If I should then offer my amendment the objection would be, "You are proposing an amendment to something already adopted by the Senate, and you can not do it under the parliamentary law." I should like to be able, in spite of the parliamentary rule, if there is no objection, to propose it in the Senate. I think that would be a more convenient way of getting at it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator?

Mr. ALDRICH. I understand the request is that whatever amendment shall be adopted in Committee of the Whole may be modified in the Senate by the amendment of the Senator from Massachusetts.

Mr. HOAR. If the Senate see fit.

Mr. ALDRICH. If the Senate see fit.

Mr. HOAR. Notwithstanding the amendment should have been adopted also in the Senate.

The PRESIDENT pro tempore. The Chair hears no objection to the request made by the Senator from Massachusetts.

Mr. CLARK of Montana. Mr. President, it is not my purpose to enter into a general discussion of the relative merits and demerits of the proposed isthmian routes under consideration in this body; this has been ably done on both sides, but simply to submit a few observations and general deductions from the great mass of data and information that have been presented, which have influenced my mind in arriving at a conclusion as to how I should vote on this important question.

If one-half of the objections that have been urged against both propositions had any foundation in fact, our duty would seem to be plain in rejection of them both.

I am, however, inclined to the belief that lack of study of available information, coupled with more or less prejudice and partiality, and possibly some hostility to every canal scheme, have given rise to considerable exaggeration as to difficulties, and while interoceanic canal construction to successful completion on this continent is somewhat experimental, yet I believe that the consensus of conservative opinion warrants the conclusion that all physical obstacles and engineering difficulties in the one case, and perhaps in both cases, may be ultimately overcome, and that a great waterway of the nations connecting the two mighty oceans may within the next decade of years become a fait accompli.

In the light of the example and successful results which the Suez Canal affords us, viewed from both a strategic and financial standpoint, it is not a matter of great surprise that throughout this nation there has been awakened a keen desire, amounting to an almost universal demand among people of all classes and avocations, that such a canal should be constructed with all possible dispatch.

The people of this country want a canal, and they are determined to have it. You may delay it, but you can not defeat it.

This sentiment has been expressed with great emphasis in nearly all State and national conventions of both great political parties, in memorials of legislatures, in resolutions of chambers of commerce and other commercial, industrial, and financial organizations, and generally by the press all over the land; and any political party that attempts to compass its defeat or purposely delay its construction must surely go down to defeat.

This widespread and deep-rooted purpose of the people is fully reflected in this Congress, and is apparent from the fact that it is well known that there are powerful individual and corporate influences actively at work to resist by every possible expedient the inauguration of this great enterprise.

It is fair to assume that in one or the other, and probably in both Houses of Congress, there are members who in a legitimate and honorable way are somewhat susceptible to such influences, and who, nevertheless, recognizing the force of the prevailing public opinion, have not the courage to openly disregard it by direct opposition to all canal projects.

If I am not misinformed, however, some few Senators have frankly acknowledged that in giving support to the Panama route they could best give expression and force to their desire that no legislation should be accomplished, and I refer to this without for a moment desiring to impugn the motives of a single Senator, for a higher minded, more dignified, or more intelligent body does not exist anywhere on earth, but simply to illustrate the force of public opinion on this subject.

Mr. President, we are confronted here with a display of maps and comparative statistics of construction and operation, with data as to the relative climatic, meteorologic, sanitary, and physical conditions prevailing on the respective routes that are somewhat confusing and perplexing, and when doctors differ it is not always easy for a client or layman to arrive at a correct conclusion; but I feel it incumbent upon myself in the interests of the people whom I have the honor to represent, after a careful study of all available information, to support that project whose more general and important features I believe to be the most feasible, and which at the same time, in consequence of prompt and predominant action in the House of Representatives, seems to have the only chance of being put into execution, feeling the utmost confidence that the details thereof will be satisfactorily worked out, and hence I will support the Nicaragua plan.

Mr. President, I am prompted to this decision likewise because I believe national considerations demand that a canal shall be built, and built as speedily as possible. I consider this project to be so grand, so magnificent, and so powerful as a factor in the enlargement and expansion of the industrial, manufacturing, and commercial interests of this nation that no selfish and subordinate interests should be allowed to stand in the way of its consummation.

I can not believe that its operation would be a disturbing or a prejudicial factor to any corporate or State industries, nor detract from the welfare of any of our cities. On the other hand I believe it will be helpful and contributory to them.

I am aware that the managers of our transcontinental railway systems and some people in our seaport cities are apprehensive of competition and diversion of trade, but I believe they will discover that the canal, when in operation, will create much more business than it will divert from them, and, directly or indirectly, all will reap advantages therefrom.

Mr. President, from all that has been said and written on the subject of concessions and titles and invested rights, I am convinced that the Nicaragua scheme is much less involved than the Panama, and that the local conditions there are more favorable, Its closer proximity to our ports, and freedom from calm belts, which renders it available to sailing vessels, and its healthful climatic surroundings give it advantages which more than compensate for any additional time required in passing through it.

From my observations as to dam construction and knowledge of disastrous loss of life and property in the West by reason of dams giving away that had been constructed by competent hydraulic engineers, but who lacked information as to the character of supporting foundations, I entertain serious misgivings as to the possibility of constructing the proposed dam at Bohio to resist the enormous pressure to which it would be subjected. This has been carefully and fully adverted to in the able speech of the Senator from Kansas, who is a practical engineer. Should it fail, the results would be disastrous, and as this would probably not be determined until the canal would be completed, it would mean absolute failure of the whole project.

One thing may be truthfully said, Mr. President, that no engineers or commissioners have ever pronounced the Nicaragua plan impracticable, and all have concurred in its feasibility. The engineers who were sent down under President Grant's Administration to examine and survey all practicable routes reported the Nicaragua route as preferable to all others. At that time the French company had not taken hold of Panama.

The last Commission reported in its favor without any qualifications whatever touching the price at which the Panama Company's interests might be acquired.

If we accept the Nicaragua route we get it with a clean bill of health, unencumbered with contingent or reversionary interests and without entangling legal complications, and beyond the reach of sanguinary conflicts of a revolutionary and lawless people that will be a continual and probably perpetual menace to property rights in the State of Colombia.

The disastrous experience of the French in their attempt to construct a canal at Panama should serve as a wise example for us. It has been a veritable human as well as financial graveyard, and now it is proposed that we shall undertake to vitalize the hideous wreck.

My experience in life has taught me that only disaster awaits him who attempts to reconstruct upon foundations that have brought havoc and ruin to others. It seems unwise that this nation should undertake to revivify this hideous moribund, whose brief existence has left a heritage of ruin, dishonor, and desolation.

Mr. President, the Panama Canal is a "hoodoo," to be shunned and avoided.

We should devote our energies to the new and clean Nicaragua proposition, which will inspire our people with courage, pride, and hope, and stimulate a speedy completion of an essentially distinctive American enterprise that will command respect for our flag and enlarge our prestige all over this globe. The recent brilliant but tragic exhibition of nature's awful forces which Mount Pelee has displayed has given the champions of the Panama route an opportunity to appeal to timid minds by suggesting possibilities of similar catastrophes on the shores of Nicaragua Lake. There are extinct volcanoes in Montano, Idaho, and other Western States. In Washington and Oregon there are some that show signs of animation. Should all neighboring enterprises be suspended and cities stop building in terror of them?

Cyclones sweep our Western States and leave death and destruction in their pathway. Do the surviving inhabitants abandon their farms and habitations? On the ruins of Herculaneum, destroyed two thousand years ago, stands the city of Portici with 25,000 inhabitants.

The entire isthmus region is subject to seismic disturbances, and so far as the two routes in question are concerned, the honors are perhaps easy, and should it ever occur that one of the old craters so graphically alluded to by the Senator from Ohio should undertake to emulate the example of Pelee, and it should result in the closing of a few miles of canal, it were better to take chances of having to make some repairs once in a thousand or five thousand years than to be subject to the daily and constant death-laden exhalations that issue from the fever-cursed swamps of Panama.

Now, Mr. President, in conclusion I appeal to all those who are about to vote on this proposition, if they have any hope or desire to see any canal built, to support the Nicaragua plan. Pass that bill, and in three days it will become a law, and preliminary arrangements to begin work will commence.

Pass the Panama bill, and all legislation on this subject will be blocked for years and possibly for all time. The eyes of this nation are turned upon this body in anxious expectation to-day. Do not disappoint them. Every consideration of patriotism and of public and national policy prompts the undertaking. It may not inaugurate a new era of prosperity, but it will initiate innumerable new enterprises and give a new impetus to those already established and add new luster to the glory of the nation.

[Mr. ALLISON addressed the Senate. See Appendix.]

Mr. MORGAN. Mr. President, when I become antagonistic in opinion with the Senator from Iowa [Mr. ALLISON], I always feel that I am not only opposed by an honorable and able statesman, one of our greatest men, but that he will present candidly and fairly all of the arguments to sustain his view on any subject that is brought up, and so the country regards him. Notwithstanding the impressiveness with which the Senator has uttered his opposition to the House bill this morning, I do not feel the alarm in replying to him that I would ordinarily feel, for the reason that he has been with me—I remember that very well and am very grateful therefor, too—during many years in the advocacy of the Nicaragua route, and he has found an occasion—I might almost say a temptation—to leave that route and take up the Panama route, and this is his ground of complaint against me, if he has any at all, that I do not follow him in that new departure.

I am entirely satisfied to have had the Senator's recommendation and his vote and his assistance all this time; indeed, I have rejoiced at it. Now, if the Senator and I were differing as to any single material fact, if there was a fact that could be stated about which we differ in arriving at our conclusions, I would feel that I ought to take up that particular fact and discuss it and try to convince the Senate and the honorable Senator that he is mistaken in the fact. But we agree absolutely upon all the facts, every one, which relate to engineering, to the measurement of the canal, the locks, curves, the distance to be traversed, and all that. The Senator draws some deductions from those facts which I think are not sustained by the Isthmian Canal Commission at all. I have not challenged the statements of any of the commissioners. I have not in the slightest degree challenged their character or reputation. I have based my whole action in this matter—I speak of mine; my colleagues on the committee agree with me in that—entirely upon a concurrence in all the statements that the Isthmian Canal Commission have reported to the Congress of the United States during this entire proceeding where they have made any statements of facts.

The issue has come down to a certain point, a single, solitary point, about which I contend that the Senator from Iowa would be a much more important expert than any gentleman on that Commission, and perhaps any gentleman on our own committee,

some of whom are greater experts in finance than any member of the Isthmian Canal Commission. I do not understand that the members of the Commission have any particular reputation as financiers, nor do I understand that the service in which they have been engaged inclines them to ideas of economy in expenditures, either as naval officers or as engineers or as lawyers or as political economists.

So, when the Senate referred this question to the committee, we thought we had something to do. We thought we were at liberty to consider the question, and if we came to a different conclusion upon the question of finance, the question of money, from the Isthmian Canal Commission, that we would not be rebuked for presenting our views on the subject to the Senate. While we perhaps have no right to set ourselves up as experts in finance—I am sure I am not in the slightest degree an expert on finance, except in being very expert in getting rid of the finances that have come to my pocket—at the same time there are Senators on the committee who are experts in finance, and greatly successful, and I would take the judgment of the Senator from New York [Mr. PLATT], who is a member of that committee, before I would take that of any man on the Commission in respect to any financial proposition connected with this subject or any other subject, and so would the people of the United States.

The Senator from Iowa commenced in rather a despondent strain on the subject of raising the money for the canal. I thought it was one of the glories of the American people that we, with absolute security and sincerity, could say that we were the only people in the world who could go into our own Treasury and find the money to build the canal, and I have even been led to suppose by the reports that have come from time to time in regard to the surplus of our receipts over our annual expenditures, the accumulation of money in the Treasury—and the Government is really troubled about getting rid of it at times—that there was no difficulty at all in the future financial propositions in connection with the canal. And I think so yet.

I think the Senator's misgivings in regard to the necessity for issuing bonds are not well founded at all, and if I should tell the honorable Senator that I know an engineer in the United States who can give security, the best in the world, for the completion of this canal, and who is willing to take the contract for $146,000,000, on the plans of the surveys of the Isthmian Canal Commission, perhaps it might surprise him a little. I have no authority to make the statement in open Senate, so as to give the name of the gentleman, but I will inform the Senator from Iowa if he wishes to know who it is. He is a man of the highest character. There is another man who is willing to take the canal and construct it for a ten years' lease of it after the canal is in operation. So I think we are worrying ourselves unnecessarily about the future.

At all events, the canal is going to be some time in construction according to the computations of all engineers on either route. It will take perhaps two years to establish the plant. They all seem to understand perfectly well that a resurvey of the Panama route is absolutely necessary in order to install the American system of canal work. The Commission distinctly report that the machinery and appliances on the Panama Canal now are of no value whatever, and would not be of any value to an American contractor, and that he had better install his plant without reference to them than to take them as a free gift and try to use them.

I was satisfied with that declaration of the Commission, and I thought everybody else ought to be. So the installation of the plant is to be de novo, not to be patched up on the back of something there now. We are to discard all that, and in my opinion if we are wise about it we will burn up those houses and try to get rid of the yellow-fever microbes that are nesting in them, and start with a new lot of cabins or tents, or something of that kind. But that is not a matter of importance.

If it should cost us a thousand million dollars to build the canal it is worth it in a political sense to the United States Government for the purpose of creating that bond of union which nothing else can create—commerce—between the different parts of the American Union. I venture to say that if in 1860–61 the railroad system of the United States had been as complete as now the likelihood is we would not have had that great civil war, because we would have understood each other better and our commerce and our interests would have been more interlaced. There is not a more important politico-economic feature of this whole canal than the bringing of the east and west coasts of the United States into rapid commercial connection.

When we had projected, aided by the United States, that great line of Union and Central Pacific Railroad across the continent and astonished the world with the marvel of its rapid completion, we supposed we had accomplished all that the American Government would ever be expected to participate in or that the people would ever attempt to do in building transcontinental railroads.

Now, how many lines have we across the continent? Six or seven. I do not know how many exactly. But men are now projecting new lines across the continent out of their own private purses and by private combinations, without ever thinking of the United States Government. What is doing this great work? It is the necessity of the situation—not political, but commercial—which causes this enormous increase in the railroads across the continent. They will go on. Others will be built. They will be built with private money. No man will ever be here for the purpose of getting an indorsement of bonds or a grant of land for another railroad. Mr. Hill built the Great Northern Railway, I am informed, without a dollar of assistance from any government whatever, and he is working to defeat any canal that will compete with him.

They will go on and are going on, but the unfortunate part of it is that they are all very close kin to each other, and it is the easiest thing in the world to make combinations with each other—I have proven undeniably that they have made such combinations—and there are a class of people in the United States who have not any money, who have nothing but labor and perhaps land upon which to subsist, who need the assistance of this Government to furnish cheap transportation by waterways to be built by the Government in competition with these great roads, so that the railroads shall not have the absolute monopoly of the transportation of all that passes between the Atlantic and Pacific oceans.

That is the great problem. So I think after stating it I can well say that the Government of the United States could well afford to pay a thousand million dollars to establish a route of this kind if it were necessary to do so. But the waterway we are trying to establish is absolutely cheap. A million dollars a mile has become almost a standard price for the construction of canals throughout the world. The Suez Canal cost that, and the Chicago Drainage Canal cost $1,000,000 a mile. The Manchester Canal cost a little more than that. The Kiel Canal cost still a little more than that, because it was made deeper and wider. But for a canal 30 feet deep and a hundred feet wide I will say a million dollars a mile is the calculation, and it works out right in building canals. It is a hundred and eighty-three miles from Greytown to Brito. The report is a hundred and eighty million dollars to build the canal. If left to private enterprise the man who builds it for that sum will make $30,000,000 clear money on the estimates of the Commission.

So these undertakings, while they are altogether impressive and magnificent in the contemplation of the purposes they will serve, are not at all to be compared with the sort of expense that men have to undergo even to build railroads across the great Rocky Mountains and the Sierras between the Atlantic and the Pacific oceans. If the money it cost to build any one of the great transcontinental railroads was applied to the Nicaragua Canal, or to the Panama Canal, if it can be built at all, which I doubt very much, it would build the waterway on any reasonable plan.

Now, do we owe it to the people of the United States to do this work? Here we voted the other day, sir, for a bill that you, Mr. President [Mr. FRYE], reported to this body. I think it covered about $80,000,000, if I am correctly informed, for the internal waterways of this country, out of which no toll is to be collected from anybody. It is entirely for the benefit of commercial men and producers and manufacturers, and it is the duty of the Government to do it. We are all eager to bestow these moneys upon internal improvements. Why are we startled when we are trying to lay out a line of communication between these oceans for the benefit of the whole body of the people, including the sailing ships, I will take the liberty to observe?

So I do not accept the alarm which the Senator from Iowa seems to feel on this occasion as being very seriously indulged, particularly in a Congress where we vote a billion of dollars, I believe, now at every session. We do not do it because we are unnecessarily extravagant or wasteful. We do not have any jobs. We do not pay, perhaps, in many instances, as large salaries as men ought to have for the work they do. But here is a great and growing country, growing so fast that we can not keep observation of it. A man might almost as well study one of the great planets as the United States for the purpose of accurate information of its movements and its growth and expansion. The most astonishing, and at the same time the most comforting reflection that can be made is that it has no water in it and no wind in it. It is all solid, good work. It comes from our institutions and our people. They happen to be very well suited to each other, and, taken together, are the strongest combination ever made in the world.

So I can approach this question, Mr. President, notwithstanding the alarm of the Senator from Iowa, with quietude and with satisfaction that we are not going to involve the Government of the United States in any extraordinary expense which it can not

meet. We have all the time we want to put up the money, because it is our canal and under our control, and we are building it and we certainly will know how fast we can supply the money for it. It will not be a tax upon us.

Now, one other view of it. Suppose we should try to make the use of this canal that is made of the Suez Canal by Great Britain and by the other stockholders as a money-making investment. Great Britain, not having a majority of the stock, but a large interest, has made an immense sum of money in the purchase of Suez Canal stock. The Suez Canal has declared for the last decade from 15 to 19 per cent net dividends from the income of the canal, after taking out all expenses, and they have been very busy in widening their canal so as to prevent that which will take place at Panama if we build the canal on the present plan.

They are having vessels jammed in there that can not pass each other. They can not get through fast enough. They are spending a great deal of money for that, but here is 15 to 19 per cent during the last decade. What is the stock worth that Disraeli bought at par from the Khedive of Egypt? What is it worth on the Bourse at Paris or the stock exchange in London? It is worth 800 per cent. Take the quotations and you will see how it is. I am not exaggerating anything. It is worth 800 per cent.

When the Sault Ste. Marie Canal rises from 6,000 tons of shipping the first year of its operation to 36,000,000 tons in the last report, with three great parallel railroads to assist in the transportation of the production of a small area of country that uses the canal, we can understand that canals will be needed upon canals in order to accommodate the commerce of this country.

When this twin Mediterranean in the south, divided by Cuba and Porto Rico, has had the opportunity of being settled around its coasts when they are brought in contact with actual commerce, what will be the production? Who can estimate the future productiveness of the great valley drained by the waters of the Mississippi River? That river debouches into the Gulf of Mexico, almost into the mouth of this canal. It is not a poetic license at all, but it is a truth that when this canal is built it will open a new mouth from the Mississippi River into the Pacific Ocean. I will not dwell on that. It is rather an attractive subject to me, but I have other business to attend to this morning which I am obliged to pursue.

Mr. President, this morning I had read the letter from the Secretary of State announcing that Costa Rica had agreed to sign, substantially and without any sort of hesitancy, the convention that Mr. Hay himself prepared and sent there for examination. That paper is here now and is being translated from the Spanish text. The difficulties that Costa Rica has had are simply a construction of her constitution, and I commend to all the gentlemen who have had anything to do with the matter that Costa Rica has so carefully considered whether, in the signing of this paper, they would make any violation of their constitutional law. They have either ascertained that they would not, or else they have made the necessary modification of the constitution. Here is the paper; and as it is the first time it has been in the Senate, I desire the Senate to know the terms upon which Costa Rica is willing to complete the contract she made with Mr. McKinley. I ask that it may be read at the desk.

Mr. SPOONER. Will the Senator allow me? What is the paper?

Mr. MORGAN. It is the paper prepared by Mr. Hay and sent to Costa Rica, and I read this morning the communication from the Secretary of State——

Mr. SPOONER. I remember it.

Mr. MORGAN. Stating that the Costa Rican Government has agreed to accept it, substantially.

The PRESIDENT pro tempore. It will be read.

Mr. MORGAN. I would be glad if Senators would listen to the paper, because it is very important.

The Secretary read as follows:

Canal convention between the United States and Costa Rica. Draft amended February 14, 1902.

The United States of America and the Republic of Costa Rica, being desirous to assure the construction of a ship canal to connect the Atlantic and Pacific oceans, have for that purpose resolved to conclude a convention, and have accordingly appointed as their plenipotentiaries:

The President of the United States, ————;

The President of the Republic of Costa Rica, —— ——,

Who, after communicating to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

The Republic of Costa Rica concedes to the United States the exclusive right to construct, own, and operate a ship canal adjoining or adjacent to or running through any part of the territory of Costa Rica, and to that end leases in perpetuity to the United States the right of entry, occupation, possession, use, and control of such hereinafter-described parts of the territory of Costa Rica as may be used for the construction, maintenance, and operation of said canal, and for occupation, use, and control in connection therewith.

The United States guarantees in perpetuity the sovereignty, independence, and territorial integrity of the Republic of Costa Rica.

No change either in the Government or in the laws or treaties of Costa Rica shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries, that now exists or that may hereafter exist, touching the subject-matter of this convention.

If Costa Rica shall hereafter enter as a constituent into any other government, or into any union or confederation of States, so as to merge her sovereignty or independence in such government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired; and the United States will thereupon be released from all obligations to guarantee the sovereignty, independence, or territorial integrity of the Republic of Costa Rica.

ARTICLE II.

The United States, after the adoption by Congress of legislation to carry this convention into effect, will proceed without delay at its own cost, and without expense to Costa Rica, to construct the canal, on the route which it shall determine to be the most practicable; and it shall have the right to use, without cost, any water, stone, clay, earth, or other material belonging to Costa Rica, on the public domain, that may be needed.

The canal is hereby declared to be a work of public utility.

Neither the Government of Costa Rica, nor any of its authorities, shall obstruct or interfere with the United States either in its preliminary exploration and surveys, or in the work of construction, or in the management, control, repair, and preservation of the canal when completed.

ARTICLE III.

The United States shall have the right to make excavations to such depths and to raise embankments and dam streams to such height as shall in its opinion be necessary for the proper and safe construction, operation, and preservation of the canal, and the control of the waters appurtenant to it, and to those ends shall have the right to use the waters of any lake or stream in the territory of Costa Rica which may be useful to the end in view, and to construct in the territory of Costa Rica any works necessary to accomplish such use of said waters.

If in the construction or operation of the canal or of any works in connection therewith, whether constructed within Costa Rican territory or elsewhere, any lands within Costa Rican territory belonging to the Republic or to private persons should be overflowed, no claim shall be made against the United States on account of those belonging to Costa Rica; nor shall the claim of any private person on account of the overflow of lands be permitted in any manner to hinder or delay the United States in the construction or operation of the canal or of any work in connection therewith; but the United States engages to make compensation in proceedings to condemn such lands for the intended public uses had, as provided in Article V of this convention.

ARTICLE IV.

When the route of the canal shall have been determined, the entire area of land and water to the distance of 5 miles on each side of the center line thereof shall constitute a district to be called the "canal district," which district shall embrace so much of the territory of Costa Rica as may be adjacent to the River San Juan and to Lake Nicaragua and as may lie within a distance of 5 miles from the said center line of the canal. The concession hereby made to the United States includes the right to construct and operate on the territory of Costa Rica within or adjacent to the canal district, and in particular on Costa Rican territory adjacent to the southeastern part of Lake Nicaragua, such railways, telegraphs, telephones, and other auxiliary works and to erect and use such buildings, workshops, and other structures as may be useful in the construction, improvement, operation, repair, and maintenance of the canal.

If by reason of topographical conditions said railways, telegraphs, telephones, or other auxiliary works should at any place unavoidably lie outside the canal district, there shall be included an area 500 feet wide on each side of said railways, telegraphs, telephones, or other auxiliary works; and the said areas, as well as the railways, telegraphs, telephones, buildings, workshops, and other structures, and the lands on which they are situated, shall be considered as a part of the canal and within the canal district for the purpose of this convention.

ARTICLE V.

When the canal district is established the Government of the United States will furnish the Government of Costa Rica with a map showing the limits thereof as established by this convention, and thereupon the right of entry, occupation, possession, use, and control of the lands and waters comprised in such district shall be considered as granted by a lease in perpetuity to the United States for the purposes of the canal.

Areas of land and waters so comprised that form part of the public domain of Costa Rica shall pass into the use and control of the United States without any cost or charge. If any areas of land or waters so taken, or any right, title, estate, use, or interest therein, are claimed at the date of this convention as the property, legal or equitable, of private persons or corporations, the United States may acquire such rights, titles, estates, use, or interests by purchase from the owners, or, failing in that, may proceed to condemn them. But Costa Rica agrees to make compensation to the United States for all such rights, titles, estates, uses, or interests acquired by the latter of persons or corporations who have obtained the same from Costa Rica since January 1, 1890.

For the purpose of fixing the compensation to be paid by the United States in the condemnation proceedings contemplated in Articles III and V, a mixed commission of four jurists of repute, two to be appointed by each of the contracting parties, shall assess and award the damages to be paid by the United States. The procedure and regulations to be observed by said commission for the taking of evidence and in the trial of cases to condemn and award damages shall be in accordance with the laws of Costa Rica not in conflict with this convention. The damages awarded shall be compensatory only, and fixed without reference to appreciation of values by the contemplated or actual construction of the canal.

In case of the disagreement of the Commission on the amount of damages to be awarded in any case an umpire shall be appointed by the two Governments, who shall render the decision. In the event of the death, absence, or incapacity of any such commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated.

All decisions by a majority of the Commission or by the umpire shall be final. They shall keep record of their proceedings, of which they shall furnish each Government a copy. They shall maintain an office at San Jose de Costa Rica and shall exercise their functions there or at such other point in Costa Rica as they may find convenient.

Condemnation proceedings shall be taken in accordance with the regulations prescribed in the appendix of this treaty.

ARTICLE VI.

The sovereignty of Costa Rica, except so far as the excercise thereof is consistent with this convention, shall be in full force in the Costa Rican territory comprised in the canal district; but the United States alone shall have

the power to enact, prescribe, and enforce laws and regulations for the government of said district and for the protection of life, liberty, and property and for the preservation of peace and good order therein. It is alone authorized and empowered to establish courts of civil, criminal, and admiralty jurisdiction in said district, which shall have exclusive cognizance of all cases arising under the laws of the United States made applicable thereto. It is alone authorized and empowered to use therein its civil police and, when necessary, its naval and military forces for the protection of the canal and of all persons and vessels engaged in the navigation of the canal and property used in connection therewith, as well as for the preservation of peace, law, and order within said district.

This is the most important part of the convention, and, when it is contrasted with the provisions of the convention proposed by Colombia, we see plainly that it is impossible to accept the proposition of Colombia, while that of Costa Rica and that of Nicaragua are entirely satisfactory.

The United States, for the protection of the canal district and of its rights therein, and in order to make effective its guarantee of the sovereignty, independence, and territorial integrity of Costa Rica and Nicaragua, shall have at all times the free and unobstructed right to enter the canal district with its land and naval forces and to adopt therein such measures as may be necessary for the accomplishment of those purposes, and shall also have the right to unite its forces with the forces of Costa Rica and Nicaragua for such purposes.

ARTICLE VII.

A free port or ports may be established auxiliary to the transit at any convenient point of Costa Rican territory within the canal district, under the protection of the United States and subject to harbor and other regulations that shall be adopted by the United States. At such port or ports the United States shall have the right to establish, construct, and maintain dikes, embankments, docks, wharves, repair shops, a coaling station and other appropriate works, and the United States, if it shall undertake the construction and maintenance of any such works, will bear all expense thereof. Vessels of Costa Rica shall have the privilege of the use of such ports and works on the same terms as may be prescribed for vessels of the United States.

Costa Rica may establish custom-houses at such convenient points along Costa Rican border of the canal district as may be selected by agreement of the high contracting parties for the collection of duties on goods imported into the Republic, as well as any export dues on national products exported from the Republic.

The United States shall have the right to introduce into the canal district by way of any Costa Rican port all machinery, equipment, material, stores, and supplies of any kind which may be necessary for the construction, improvement, operation, repair, and maintenance of the canal and for the use of the officials, workmen, and other dependents of the United States employed in the canal district and for their families. Such articles shall be exempt from all taxes and custom duties on the part of Costa Rica.

Vessels of commerce and men of war of all nations shall pass freely into and through the canal without any discrimination as to tolls or other charges, subject to the laws and regulations established by the United States to secure that object. Vessels owned by the United States or its citizens and vessels owned by Costa Rica or its citizens may navigate freely any waters and rivers of Costa Rica adjacent to the canal, and the commanders may enter or moor their vessels therein, it being understood that the laws of Costa Rica regarding coasting trade are not to be infringed, and ordinary port dues are to be paid at points outside the canal district.

ARTICLE VIII.

The United States and Costa Rica agree that, subject to the stipulations of the present convention, the provisions of the Treaty of Constantinople of October 29, 1888, relating to the Suez Canal, as herein stated, shall form the basis on which the navigation of the canal and the neutrality of the canal district shall rest, viz:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of the article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time except in case of distress, and in such case depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purpose of this convention, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE IX.

Costa Rica covenants with the United States and guarantees that no concession, grant, or license for the purposes of trade, commerce, transportation, navigation, or for the construction of a ship canal in or through Costa Rican territory has been made to any other government, corporation, syndicate, or any person, natural or juridical, which in any manner encumbers or conflicts with the lease and the rights and privileges hereby granted.

If any such prior or conflicting rights are claimed, the claimants must look to Costa Rica, and not to the United States, for a settlement.

ARTICLE X.

Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Costa Rica, the latter accepts the engagement of the United States to pay and to discharge Costa Rica from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention: *Provided, however*, That the said engagement shall not apply to claims preferred by nationals of any State, or by their government, on account of the annulment, forfeiture, or infringement of any concession, grant, or license mentioned in Article IX, which Costa Rica agrees to pay.

ARTICLE XI.

Within ninety days after the exchange of ratifications of this convention, the United States will pay to the Government of Costa Rica, at Washington, the sum of $1,000,000 in the gold coin of the United States.

Furthermore, the United States will pay to Costa Rica, by way of rental, the sum of $10,000 in gold coin of the United States upon taking possession of the Costa Rican territory leased to the United States by the present convention, and will thereafter pay an equal sum to Costa Rica annually.

ARTICLE XII.

This convention shall take effect immediately upon the exchange of ratification, and, except as amended or abrogated by mutual consent of the contracting parties, shall be perpetual.

The ratification shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed this convention and affixed thereto their seals.

Done in duplicate at the city of ——, this — day of ——, 190—.

APPENDIX.

Condemnation proceedings may be begun by the United States by filing in the office of the Commission at San José de Costa Rica an instrument declaring its intention to appropriate any or all titles, estates, rights, uses, and interests of every description, legal and equitable, of persons, societies, and corporations in and to Costa Rican land and water areas within the canal district; and it may in like manner institute proceedings to condemn and appropriate such titles, estates, rights, uses, and interests in land and water areas outside of and adjacent to said canal district to enable said Government to construct, repair, and operate said canal.

Said instrument of appropriation shall contain a general description of said land and water areas and of the title, estate, right, use, or interest therein intended to be appropriated which shall belong to the Government of the United States on making payment therefor as hereinafter provided.

Said Government may purchase any such title, estate, right, use, or interest of the owner thereof, or, if the latter is under legal disabilities, of his guardian or other representative or person competent to contract on his behalf, and the deed therefor when made and delivered shall vest the property purchases in the United States.

Or said Government may, at its option, proceed upon filing said act of appropriation by giving ten days' notice by personal service on said owner or by publication for the term of three weeks to all whom it may concern in some newspaper, to be designated by standing order of the Commission, of an advertisement, said notice or advertisement reciting the substance of such instrument of appropriation; and upon completed service of said notice, either personally or by publication, said Government may deposit for the use of the owners, in American gold, with a bank or other fiscal agent, to be designated by standing order of the Commission, of a sum which said Government is willing to pay for the title, estate, rights, uses, or interests appropriated, and the same shall thereupon belong to the United States.

If the owner or owners refuse or fail to accept as sufficient compensation the moneys so deposited for their use, as aforesaid, the Commission or umpire, as the case may be, shall proceed to assess and award the damages, and shall in like manner also determine in all cases the person or persons justly entitled to receive said moneys deposited and awarded and order equitable distribution thereof. Said proceedings before the Commission or umpire shall only affect the amount of compensation to be awarded and the distribution thereof. Any sum awarded in addition to that already deposited shall be deposited in like manner as the original for the use of the persons entitled thereto.

Mr. MORGAN. The great question of jurisdiction in the canal zone or canal belt is whether or not the Government of the United States shall have exclusive right or jurisdiction to determine all matters through its judicial tribunals, civil and criminal, that arise in that belt. That includes the jurisprudence which affects commercial and maritime affairs. Here in this draft of the convention made by Mr. Hay and concurred in by Costa Rica——

Mr. SPOONER. Will the Senator allow me just a moment?

Mr. MORGAN. Certainly.

Mr. SPOONER. What is the date of that proposed convention?

Mr. MORGAN. There is no date to it.

Mr. SPOONER. There is no date to it?

Mr. MORGAN. No; it is a copy of a paper which Mr. Hay sent to the Government of Costa Rica, and which is now being translated. It will be signed by the Government of Costa Rica and dated when Mr. Hay signs it, if Congress will permit him to do so by the passage of the bill now before the Senate.

The point I wish to get before the Senate is that Costa Rica and Nicaragua in the cession of the canal belt have given to the United States exclusive jurisdiction in all matters relating to judicial affairs in that belt and also the power to use their forces, whether they belong to the Army or the armed police or the unarmed police, for the purpose of preserving law and order in the canal zone.

I mention these facts, Mr. President, for the purpose of contrasting this with the proposition of Colombia, which is very different, indeed, and which is dangerously different to the Government of the United States.

Mr. SPOONER. I like this very much better.

Mr. MORGAN. The Senator says he likes it very much better. Of course, I think if the Senator looks at it carefully he will be as well satisfied with it as Mr. Hay appears to be, who sent it down for the purpose of having it agreed to. I know personally that Mr. Hay has spent a long time in the consideration of this question. It is a new question. This is the first instance in history I am aware of where one government is to exercise its powers within the limits of another government without invading its

sovereignty, so as perfectly and fully to complete the purposes we wish to accomplish in that territory in constructing a great public work which is to be owned and operated for all time. This is the first instance, and being res nova, as a matter of course it took careful study to develop into language, to formulate into words and phrases the precise meaning necessary to convey these rights. So our able and very faithful Secretary of State has spent a long time formulating these agreements, and these Governments have substantially accepted them, and as to that part of this case it is absolutely free from all possible doubt or difficulty.

Now, Mr. President, I am very well aware that in my effort to close this debate I will have a great deal more to do than anyone could accomplish if I were to follow the tenth part of the suggestions and arguments that have been made in opposition to the views which the committee entertain. I wish, however, to put in a plea for the committee, Mr. President. It is a body of men whom I feel great honor in being associated with. Nearly all of them are old and experienced Senators, and most of them have been on this committee a long time and have made themselves as familiar with this subject as hard study and laborious application could possibly make them.

So the Senate can receive, I think, with some degree of confidence their suggestions, even where they differ with the Canal Commission upon a question simply of finance, and that is all the difference there is between us. We of course have our preference for the Nicaragua route over the Panama route, but that involves questions of climate, country, population, production, and all that, as against fevers, troubles and dangers to men, dangers to human life, as well as what, according to their own admissions, we find to be involved in a cloud of doubt that they have really not been able to clear up and have created by their own disagreements. The oracular statements as to their unanimity are to be taken with much allowance. As to being harmonious, these reiterated assertions are not true. It has required many such orations even to make them pass without criticism by the Senate.

Now, we come here with our report and we have the right to say, because of the facts upon which we have rested our views of this matter, that we are entitled to as much respect as the Isthmian Canal Commission upon a question as to the cost of the canal. I do not mean the engineers' estimate, but the cost of maintenance, for instance, and the cost of it also in respect of the accounts which these gentlemen have rendered. We take their figures and their accounts just as they made them and we venture to strike out certain items. When we reduce the cost of maintenance to reasonable terms and certain expletive items are stricken out that have no basis in justice or law or fact, we find that the account, instead of being against Nicaragua on the financial statement, is in favor of it.

I can not now state or review the facts I have so carefully stated in my speeches on this bill. I have not the time to do so. But I have proven what I again assert, and no Senator has ventured to question the facts or the conclusions. Whenever the facts and figures stated by the Commission destroy their conclusions, and the logic of the situation is appealed to, the cry goes up from the friends of the Panama Canal and from the apologists of the Panama Canal Company and of the Colombian concordat, "Protect the sacred oracle!" How dare a committee of the Senate to question its utterances? Yet, we feel bound to do so.

I will take up the subject of maintenance, for an example, merely. I do not know any reason why it should cost three times as much to maintain the Nicaragua route or the Panama route as it costs to maintain the Suez Canal, or the Kiel Canal, or the Manchester Canal. If these gentlemen had given us some data, if in their report or in any appendix to it, they had stated the items of cost so that we could form some judgment upon the correctness of their valuation, etc.—which was our right, and we are certainly not cut off from that—then the matter would have been so much easier and so much simpler in a fair discussion. But they furnished none. Every engineer who was brought before the committee who was asked the question as to what was a proper estimate for the maintenance and support of the canal said he could not tell except by comparison with other canals.

That was the only chance we had, because these commissioners have furnished no data. They have not stated a solitary fact upon which they predicate their findings. What had we to do then? We groped along in the dark about it, until I finally thought to ask Colonel Ernst how this was. He said that the Commission had had this subject up and it was discussed between them, but the commissioners could not come to a conclusion and it resulted at last that they concluded to state what they believed to be a proper estimate, put it down and report it, and that they would not make any report of the facts.

Well, when we come to look at that, what do we find? We find a plan of government provided for the canal that is large enough for a State in this Union, with enormous salaries. Five or seven, I forget which it is now, of these men are to reside here in Washington and constitute a supreme commission. They are not to risk their precious lives in the fevers and swamps of that isthmus, but are to be here. They are to direct all the operations of the canal, approve all accounts, make all appointments of engineers and all employees. That is to be the function of that great head commission.

I said to the Senate on more than one occasion, I think, that we might just as well appoint a commission in Washington, to reside here and govern the Philippine Islands, as to appoint a commission to reside here to govern that canal.

These wild romances of expenditures, for the sake of grandeur, are called "engineers' estimates," and are classed among the sacred utterances of experts that it is blasphemous to question.

If engineers are armed with these expert powers against the Treasury, it is time that we had taken some measures for the public defense and the general welfare.

The salaries, of course, were to be enormous—$15,000 a year to each of them, besides clerks, quarters, stationery, and everything they could possibly desire.

Now, after organizing that head or central government here in Washington, they organize a subordinate government down there, and it consists of a president of the canal at a salary of $15,000 a year, and boards of engineers, lawyers, navigators, medical men, and all that, each with large pay. They supply them with steamboats, launches, and the like for carrying on their business, and then they make these allowances renewable annually. They build a steamboat this year and throw it away the next; then build another. These are the annual contributions, the fixed charges, upon this canal, in these estimates of the cost of maintenance.

Mr. President, I do not wonder that those Commissioners did not want the world to scrutinize those figures. They could not agree amongst themselves about it, and they concluded they would not furnish them. Colonel Ernst saved a copy. I asked him to produce it, and he did so; and here it is in the RECORD. I am not speaking otherwise, Mr. President, than by the card about this business.

Now, have not the committee the right to investigate that subject and to say you have embarrassed both of these routes, or whichever one is chosen, with an enormous and an unnecessary expenditure?

There is no difficulty in running up an account for maintenance and operating expenses when no figures or facts are given, so as to overwhelm the longer canal with this fanciful disadvantage! But it is very far from being just.

When they come to apportion these expenditures between the two canals the rating is entirely arbitrary. So far as we could ascertain, it seemed to be done by miles, the Panama Canal being so many miles long, and the Nicaragua Canal so many more miles long, the increase of expenditure would be in proportion to the mileage. A large part of that consists of maintenance of locks, when it is more than a hundred miles between two of the locks on the Nicaraguan Canal, and there is slack water and lake-level navigation of over a hundred miles.

I will now drop that subject, but it has been referred to here so often that I had to refer to it. When we come to apply to this canal the charges that apply to the Suez Canal, which is the nearest approximation we can get, we find it reported here from the Treasury Department that those charges are not more than a million and a half dollars a year; and yet the charges upon the Nicaraguan Canal are largely over $3,000,000.

We had the right to differ with the Commission on that ground. We did not feel overawed because Mr. McKinley had appointed distinguished gentlemen upon this Commission, and we did not feel like the Hon. Mr. Cromwell seemed to have felt about this business. I can not neglect Mr. Cromwell, because he will not permit it. He is obliged to figure wherever there is a chance to appear at all.

I read here in the Senate the other day a letter that he sent in as counsel for the Panama Canal Company addressed to the President of the United States, and said to him that he ought not to appoint upon the Isthmian Canal Commission any of the men who had been on the previous Walker or Nicaragua Commission. He boldly stated this to the President of the United States, his letter being signed "counsel for the Panama Canal Company." He objected to Haupt, to Walker, and to Hains, because they had been on the previous commission and had reported against the Panama Canal. Now, he becomes a joint negotiator, as counsel for the Panama Canal Company, with the Government of Colombia, and he sends his letter in with the proposed treaty, and makes a tremendous display of what Colombia believes and thinks.

Now, listen to this: After he had got into that company, see

what a tremendous expansion occurred. I wonder that he had not gone off like Mont Pelee:

SULLIVAN & CROMWELL, *New York, March 31, 1902.*

SIR: In connection with the presentation by Señor Jose Vicenté Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia, to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain, subject, of course, to the sovereignty of Colombia, and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the far-seeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which ever has engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit, upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with such care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal to be under the control, management, and ownership of the United States. Therefore the solution of the problem only involves two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company; and

2. A new concessionary convention or treaty with Colombia.

3. The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price (subject, of course, to a satisfactory convention being arrived at between the United States and Colombia).

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

* * * * * * *

While the minister of Colombia was in Washington for more than a year waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done, since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the service of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary, to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the Executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention. This is a misrepresentation. Concha was withdrawn because, as I have proved by his public statement, he had refused to represent to the United States that the last concession of Colombia to the Panama Canal Company was valid. He refused to misrepresent the facts and thereupon he became useless to Colombia and disagreeable to Cromwell.

Minister Concha has devoted himself, since his arrival a few weeks ago, absorbingly to this task and is prepared to reach a conclusion with the Executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad, and auxiliary works, as well as a grant renewable perpetually and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges, or other dues, etc. Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person, and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness, uninhabited by man and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests to be taken into consideration.

All this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask, but as the subject is in the hands of Congress, and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission presided over by the president of the international peace tribunal of The Hague, the remaining members being nominated in equal number by the two nations. Such annuity would only be fixed once in a hundred years.

* * * * * * *

Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary, your obedient servant,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

This is the man who put in the protest against Walker and Haupt and Hains because they had been on a previous commission and reported against him, now coming in with this fulsome eulogiums upon them—nearly as enthusiastic as some I have heard pronounced in the Senate; so nearly alike that they sound to me like quotations. This is the standard eulogium crystallized in the beautiful language of the Hon. Mr. Cromwell, general counsel of the Panama Canal Company.

I trace this man back—other Senators, I know, have not had time to observe it—back to the beginning of this whole business. He has not failed to appear anywhere in this whole affair; and after this convention was submitted here, he finds his way to the rear end of the report of the minority of the committee, and they quote his letter. Of course he wrote it; and, Mr. President, there is so much in the balance of that minority report of the committee that is just like it that I have dreadful fears that Mr. Cromwell wrote pretty nigh the whole report. I am sure that Mr. Cromwell never appeared before the committee—he would have been received with delight there—for the purpose of undergoing the test of a cross-examination; and before he got through it I think he would have shrunk a little in his magnitude, to say the least of it.

I have discharged my obligation to show the conduct of this marplot to the Senate, distasteful as has been this public duty, and shall take no further notice of him. Whoever has the unhappy task of conducting diplomatic negotiations with the New Panama Canal Company on behalf of the United States will have to encounter the audacity of the diplomat who, in the name of that company, is the joint negotiator for Colombia with Señor Concha, and it is my duty to give warning. That will be the first event of its kind in all history, and the weight of the distinction is likely to overburden any other than a very hardened man. I warn that distinguished citizen, whoever he may be, to beware of Mr. Cromwell.

Mr. President, an issue has been made up, after long and discursive debate, which relates to the real question whether Congress shall now make actual provision for the construction of a canal or whether it shall enter upon a new field of exploration and experiment to find a location on which a canal can be safely constructed, and the rights for that purpose, which can be now obtained. If the rights can not now be obtained at Panama the question is simply one of delay until they can be obtained. It will turn out that these rights can never be obtained, and the delay will answer all the purposes of the opponents of any canal unless the President will close the hunt in some reasonable time.

Colombia has no parliamentary government and is engaged in civil war. She can make no treaty because she has no congress to ratify it.

The acquisition of a clear title to a canal zone, or belt, to connect the oceans is, of course, the first question to be settled. Colombia can make no such grant until a law is enacted by her Congress to authorize it, and if it is accepted by the United States in a convention or a treaty such treaty must be ratified by the Congress of Colombia. These are constitutional requirements that must be complied with, and they can not be complied with until Colombia can assemble a congress, which she is afraid to attempt. If the people of the United States are to wait for authority to construct a canal in Colombia until these things are accomplished, the transcontinental railroads will get all the delay for which they have been paying so liberally.

On the question of title the Isthmian Canal Commission report that the title of Nicaragua and Costa Rica is unembarrassed by any consideration or any claim of any kind, and they come here and proffer conventions for our acceptance. Here is presented the question of direct action, without delay, against postponement that is indefinite as to time, and is not certain as to our power to get a good title from Colombia or the Panama Canal Company. It is certain, on the face of the transaction, that we will not be able to acquire a title to the Panama Canal from Colombia unless we take hold of affairs in that Republic with a strong hand and end the civil war there.

Costa Rica and Nicaragua have cleared up every difficulty in the way of title, but, on the other hand, the difficulties in regard to the Panama route are obvious, dangerous, involved, and tremendous. If they are solved at all in a satisfactory way, I am afraid it will be at the end of years and years.

So the question narrows itself down to the proposition whether

we should accept the Nicaragua Canal and build it now under the Hepburn bill or whether we should launch out into an exploration on two or three or more points. The first one is an exploration to find title to the property and to get somebody to convey it and a government to guarantee it—not a disreputable corporation whose stockholders were forced to pay money, in this way, to escape punishment for crime.

The next point, of course, would be whether it is an available canal route in an engineering sense after you obtain it. The next point is, whether humanity could stand the use of the Panama Canal after it had been built. If a splendid and giant frame, like that of my colleague [Mr. PETTUS] when he was a young man, was subjected by a single day's passage through that route to sickness that came near taking him out of the world, and his friends were in despair about him for months and months, after having spent even a single day or a single night on the Isthmus of Panama, it is an extremely hazardous venture for Congress to vote, in the language of General Grant, that "Labor and Death shall join hands there."

The saving of $5,000,000 in the cost of the canal or the magnanimous bestowal of $40,000,000 on the characters that own the New Panama Canal will scarcely compensate Congress for voting such dangers and sufferings on the people who are to build the canal or the millions who are to use it.

So that it is clear and undeniable that the choice of the Nicaragua route means direct and immediate action by Congress to open a canal, while the choice of the Panama route means postponement of the building of a canal at least until three future events have occurred, each of which is embarrassed by serious doubts and difficulties that have not been overcome.

These embarrassments are so serious that the committee believe that they can never be overcome. The Senator from Wisconsin believes that some of them can not be overcome so as to meet the demand made in the substitute, as he proposed it and offered it in the Senate and had it referred to the Committee on Interoceanic Canals, and he now brings in amendments to his substitute so as to conform our action, not to accomplish what he so boldly and so properly demanded for the United States, but to conform our action to what Colombia is willing to do, and to what the Panama Canal Company may be able to do.

As to the width of the canal belt, his amendment of his amendment drops the figures from 10 to 6 miles. Why did he do that? Why, after putting in an amendment here, which demanded from the Government of the United States a 10-mile canal belt there, should he drop to six? It was because the Colombian Government in its proposition dropped from 10 miles to 6 on the same principle exactly that the slump took place in the price of the property. The principle is to win at any sacrifice.

In the third section of the substitute the Senator from Wisconsin strikes out the all-important word "obtained" from the provision in the following language: "That when the President shall have obtained a satisfactory title to the property of the New Panama Canal Company," and he substitutes the words "arranged to secure" a satisfactory title to that property. Why did he put that in? Because he knew that we would have to hunt up the Colombian Government, in the woods fighting.

He knows that a revolution is in progress in Colombia and no matter which side is successful the other side will do all that can be done to defeat any conveyance to us. So the Senator is obliged to be content with an arrangement "to secure" a title instead of an actual conveyance and guaranty of title. This is a sad makeshift.

He knows that there is a division there between the Church party and the Liberals, and that they are killing each other by the hundreds for they are fighting terrific battles; they are fighting like men who know how to fight—with desperate determination. He knows that the Congress of Colombia has not assembled for three years; he knows that the constitution of Colombia requires two propositions to be complied with: First, the authority of any agent of the Government, including the President, to make a contract with a foreign government of any kind; second, the ratification of a treaty, whenever it was made, not by the President and the Senate, or the President alone, but by an act of their Congress. So their Congress is an indispensable factor and prerequisite to any arrangement that can be made there that has the slightest symptom of legality in it. So the Senator has, on second thought, taken lower ground in his amended substitute, and has struck out the words "that title should be obtained" and inserted instead that it should be "arranged to secure" a satisfactory title to that property.

In the case of Colombia—and it applies to both Colombia and the Panama Canal Company—the Senator inserts the words "*shall have obtained by treaty*" control of the necessary territory from the Republic of Colombia.

This change must mean that there is no Congress in Colombia to enact the requisite laws, and that we will adopt the method of the Panama Canal Company in getting the last extension of its concession by going over the head of the Colombian Congress and paying the President a bonus for treating with us. Why do we say that? It is because this proposed convention says that, in addition to the $40,000,000 we have to pay to the Panama Canal Company, we also have to pay in gold $1,000,000—5,000,000 francs—which is the value at par of the stock that was given to Colombia by the Panama Canal Company for signing the last concession, which they have obtained, and which is void, Mr. President.

They demand $1,000,000 in the convention Mr. Concha and Mr. Cromwell have presented to Mr. Hay, and this change in the substitute will cover that demand, whether it is so intended or not.

Whatever motives may influence the choice between these routes the Senators who vote for the Nicaraguan route will prove their readiness to respond to the will of the people, which has found such clear and emphatic expression in the votes of the House of Representatives in the Fifty-sixth and Fifth-seventh Congresses on the passage of the first bill, known as the Hepburn bill, and the second one that is entitled to that honorable designation.

Those who vote for the Spooner substitute are not ready to vote for any canal, until it is first ascertained and decided by the President that a suitable concession can be had from Colombia and a good title to the canal can be purchased from the Panama Canal Company free of all incumbrance and a good title from New York can be obtained for the Panama Railroad.

These wild hunts for titles to property for which we are to pay $48,000,000 in cash would be very exciting and would be prosecuted with

Horse and hound
And bugle sound

if delay was not quite as satisfying to the great railroads as the capture of the covey.

We have to go to New York to get that. New York is never mentioned here. They have got to make an enactment that the United States Government shall own that railroad, and shall have a perfect right to pull it up, if they want to, and disappoint all the public expectations upon which the charter was granted. We must go there before we get through with this job; we have to go around dealing with Colombia, Panama, and New York, then make a treaty with the Colombian Congress, and then have that treaty submitted here to the Senate to be confirmed by a two-thirds majority before we can start to build a canal. An indefinite space lies before the expectations of these gentlemen, and the gratification of some of them that it will defeat the canal entirely; and the machinery laid down in the Spooner amendment to this bill will defeat any canal whatever on this continent for the next fifteen years, unless the President is determined to do justice to the country rather than to the advocates of a particular canal route.

No one has anything to do but to arise amongst the minority of the Senate—a minority of one-third—and make his point against any such treaty, and away goes the whole scheme. That may be well or it may be ill, but on this great and important subject it will bring up a question, Mr. President, about which this country had better make due inquiry before it acts, and it is this: The House of Representatives is required by this bill to appropriate many millions of dollars. The House therefore has the control—I mean of its part of the machinery—for putting this whole plan into operation. Why do we, after getting the appropriation from the House, a continuing appropriation even up to $180,000,000, with $40,000,000 to purchase out the Panama Canal Company, and another million for purchasing the president down there, for buying the stock in the canal company that is owned by Colombia—5,000,000 francs. We are to have a title to the Panama Railroad or we lose the only valuable asset of the whole array, the alleged schedule of which is still in French and has never been translated. After the House has done all this, why should we say to them that there shall be no canal until a treaty is brought back here duly negotiated and two-thirds of the Senate agree to ratify it?

Mr. President, we do not want to raise a point of that kind with the House of Representatives. It is not necessary to do it. We did not do it in the case of the annexation of Texas or in the case of the annexation of Hawaii. The Congress of the United States has demonstrated that it has ability by an act of legislation to acquire territory from foreign countries, whether it is absolute sovereignty or whether it is in the nature of a privilege. Why should we put into this bill that all this hunting around for title and incumbrances and clearing them off is to take place, and after we get through that the matter shall be brought back to the Senate of the United States and confirmed by a two-thirds vote of the Senate?

There are enough men on this floor, and there will be enough men for the next fifty years, in favor of the transcontinental railroads, who will be opposed to the construction of the canal to defeat any treaty that can be brought here for building an isthmian waterway for the accommodation of the people. If I

wanted to defeat a canal, I do not know of any piece of machinery that I would resort to with more confidence than I would to a treaty. I have no doubt that would suit the Senator from Colorado [Mr. TELLER], because he is honestly opposed to a canal.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. I do.

Mr. TELLER. I do not think the Senator has any right to say that I am opposed to a canal. I am not opposed to a canal. I have asserted here many times that we ought to have a sea-level canal, and I do not approve of any other, if we can get it properly, and at less cost than we will get either of these canals.

Mr. MORGAN. To do that we have got to oppose every commission that ever sat on the case; we have got to oppose the opinions of all the engineers, particularly of the Isthmian Canal Commission, who say if it is possible—not that it is—but that if it is possible, a sea-level canal should be built. I suppose I shall be unable to satisfy the Senator from Colorado or any other of the opponents of the Nicaragua Canal on that point.

The commission appointed by General Grant, of which General Humphreys was the head, was for six years engaged in these explorations up and down that coast at every possible place. They made their report, and their report made it necessary to eliminate from consideration all other questions except those that related to Panama and Nicaragua, and they considered the matter very carefully. They had sent Lull, and he had a splendid body of engineers, headed by Menocal as chief engineer, across that Isthmus of Panama, and made the first instrumental survey that ever was made. Their report is in the committee room and can be examined. Lull made a measurement of every inch of it, and since then other surveys have been made.

Mr. HARRIS. And the French international committee of engineers also reported against the Panama route.

Mr. MORGAN. Yes; the French international committee of engineers reported against it after De Lesseps had gone there and expended all this money and had died broken hearted and a convict—poor, old man. They did not let him know it, but they convicted him in the courts and withheld judgment until he could die, and then they convicted his son, and I am afraid they did that wrongfully. The poor fellow had to escape from France, and is an outcast and wanderer over the earth to-day because of these Panama frauds. The very men who perpetrated those frauds—the worst of them—were taken up in the courts, some of them convicted of malfeasance and of other crimes, and they were heavily fined. The promotors of the Panama scheme went to them and said, "Unless you furnish the money to carry on this new Panama Canal project we will enforce the law against you; but if you will furnish it, we will wipe out the past and let you go scot-free," and they did it.

Mr. President, I got my first real, actual information on that subject from the report of the Isthmian Canal Commission. I suppose Senators must have read it very often, but as the Senate ought never to forget it, I will read it again:

The liquidator found himself laboring under special legal difficulties, from which he obtained relief by the special law of the French Chambers, dated July 1, 1893. (See Appendix KK.)

This act has been quoted time and again.

He finally secured the organization of a new company on the 20th of October, 1894, with a capital stock of 650,000 shares of 100 francs each. Six hundred thousand shares had been subscribed to be paid for in cash, and 50,000 shares were given as full-paid stock to the Colombian Government in compliance with the terms of the extension of the concession, dated December 26, 1890. Thus the cash capital of the company was 60,000,000 francs, or $11,640,000, a sum deemed sufficient for the provisional operations contemplated. The scandals connected with the failure of the old company, which had led to the prosecution and conviction of De Lesseps and other prominent persons, had made it difficult to secure even that amount.

Suits had been brought against certain loan associations, administrators, contractors, and others who were supposed to have unduly profited by the extravagant management of the old company. A series of compromises were made with these persons, by which it was agreed that they should subscribe for stock in the new company on condition that the suits should be dropped. Whatever amount remained to make up the 60,000,000 francs, after deducting the sums thus obtained and those to be obtained by public subscription, was to be subscribed by the liquidator.

Here are the names of those men, and Eiffel was one of them. I need not read them.

Now, I must be excused, Mr. President, when that same set of men come here to make a contract with us; when they throw away $69,000,000 at a single jump—from $109,000,000 to $40,000,000—I must be excused for saying that I have too much respect for my Government to advise it to take that thing by the hand and to make a contract with it; but after they have prearranged the disposal of the $40,000,000, so that they will get back their money with at least 50 per cent profit on it, the balance of the stockholders will go without a shilling.

In the name of all that is respectable and good in the world, are we to be invited to enter into negotiations with a crowd like that in order to ascertain whether we can get, free of incumbrance, title to that property? Ought not Colombia, if she wants to sell this property to us, go to her concessionaire, the Panama Canal Company, clean up this dirty muddle, and become the guarantor to us of a perfect title to the property, free of all incumbrance? That is what Costa Rica and Nicaragua do. Why can not Colombia do the same? Why have we got provisions in the amendment that is proposed here to disregard her constitution and for going to the President, when the evidence in this case shows beyond all question that he received a bribe of a million dollars for signing that other contract, the last concession, then went into the field and used it in cutting the throats of the Liberals because they opposed this terrible document that my colleague [Mr. PETTUS] read here to the Senate on yesterday? I mean "the concordat" of Pope Leo XIII, which recalls the worst features of the Spanish Inquisition and makes the holy bonds of matrimony, when celebrated by civil authority, of no more value than the vow of a harlot to her partner in crime.

Mr. President, we are getting onto ground that is very dangerous indeed. It is not the loss of men and money, perhaps. We may have men to throw away and as much money to spend as anybody else, but the danger is to the glorious reputation of this splendid free Republic. Her representatives here ought not participate in a trade like this with the Panama Canal Company. Her own commission comes here and denounces it, and shows men convicted of penitentiary crimes with whom to-day we are advised to go and make an arrangement about the $40,000,000.

I do not wish to indulge in diatribe against it. I state the facts, and I get the facts out of the Isthmian Canal Commission's report, but I sustain them—I do not mean that I do, but the committee do—by calling the secretary of the company from New York, who was the secretary for years, and he testifies to the same facts; by calling Mr. Pasco, and he testifies to the same facts; by calling up the report signed by Hon. John R. Fellows in the House of Representatives, who brings forward not exactly the same facts, but the facts that led up to them, and prove what I now declare beyond contradiction.

After all this am I to be accused of defaming the Panama Canal Company, when I am merely trying to protect the Government of the United States against the shame of contract intercourse or association with them, basing what I have to say solely upon the sworn testimony of enlightened witnesses and the report that I have just read from the Isthmian Canal Commission? Gentlemen who want to touch that thing can do it.

So when my honorable friend, the Senator from Iowa, who did me the honor to say that he had with pleasure assisted me for so many years to pass a bill for the Nicaragua Canal, has left me to go off and deal with a company of that kind, I must say to him I can not go with him. It is he who is leaving. It is not I. I stand on the ground where General Grant stood, and more than any other man who ever lived he influenced my conduct in this matter.

I am very glad to say, now that he is dead and gone, that I am not at all grieved for any influence that the opinion of General Grant exercises over my judgment about anything, for he was an honest and brave man, and he was a perfectly true gentleman and a true American. Grant sent out Ammen and Humphreys, and they spent years and came back and reported to him. They are men of absolute integrity. I love to say it of old Daniel Ammen, now in his grave, that a truer man never slept beneath American soil, nor one more honest in his devotion to his country. General Grant, after having spoken about Nicaragua, said:

In view of these advantages the question naturally arises with regard to the most feasible route for the canal, both as regards economy of construction and convenience in use. On this point it would hardly seem as if there were room for controversy. The difficulties which surround the Panama scheme have been so frequently and so forcibly set forth that they need not be elaborately repeated here. The floods of this region, caused by sudden and immense rainfall, have attracted the attention of the most careless traveler and have perplexed and confounded the scientific engineer in his attempts to provide some method by which to overcome the difficulties which they create. The impassable and unhealthy swamps lying along this route have always been considered unfit for a water course and so destructive to human life that labor and death seemed to have joined hands there.

The American people will recollect that it is a country where labor and death join hands, and when this Government inflicts upon you, who must do the actual work, the necessity of labor taking death by the hand, the chances being 80 to 1 against you, remember it, and remember, if you please, that I stand here to-day an old man protesting against it.

The necessity for long and expensive tunnels or open cuts and for a safe viaduct has added vastly to the expense of the route when estimated, and to the obstacles to be overcome by engineering. The most careful surveys have always developed a discouraging want of material for construction.

The addition of 500 miles to the distance between New York and the ports on the west coast of the United States by the Panama route over that of any other feasible route proposed, and the long and tedious calms which prevail in Panama Bay have never failed to create opposition to this route in the mind of the navigator. The enormous cost of the Panama Canal, moreover, has never been denied. Considering the engineering difficulties attending

the diversion of the Chagres River, and the necessary construction of an artificial lake to hold its floods, together with the tunneling, or open cuts, to which allusion has already been made, the cost of this canal can not be less than $400,000,000, and would probably be much more—including the payment to the Panama Railroad for its concession. No American capitalist would be likely to look for dividends on an investment like this.

Two hundred and sixty million dollars has been spent on the Panama Canal already, and they claim that it is two-fifths done. Grant was not wrong. If that man was here to-day to hear this testimony, would he feel rebuked when the Senator from Ohio [Mr. HANNA] rose and told him he had no right to an opinion in the face of the fact that the Isthmian Canal Commission had come to a different conclusion. Grant was an honest man, a brave one, and it requires honest men and brave ones to overcome some certain conditions that occur in this country. I would rather take an honest and a brave fool than the smartest rascal who ever lived.

I will leave gentlemen to digest what I have said and to see whether or not the Senator from Ohio is right when he says this is a fresh question, just now sprung, when Grant at the date of that letter, which was in February, 1891, went through the whole subject with as clear a light as any man in the Senate has to-day, if he will take a week to pen his thoughts and to digest the evidence.

The people will not be indifferent to our action, and no personal or political influence will prevent them from ascertaining the cause of our refusal to give them the waterway that can alone unfetter them from the monopoly of transportation and the exorbitant freight rates that barely allow them to exist upon the products of their toil.

They will also inquire into the reasons that have again plunged the country into the vexation and delays that have hung about this canal movement for fifty years and have raised a new set of questions, some of which have so disgusted the French people that they refuse to raise $100,000,000 to complete the Panama Canal, and thereby rescue the $260,000,000 they have sunk in trying to construct it. Our people will not forget the lesson that the French people have been taught, but I hope they will be forbearing toward those who profess to be in favor of a canal and yet will never do anything to bring about its construction.

If this delay, uncertainty, and disappointment visited upon the people could be traced to any reasonable doubt that the Nicaragua Canal is feasible and practicable, the people would not censure us for being cautious and deliberate, but, when the Spooner substitute also provides for a canal on that route, they are obliged to know that the supporters of that amendment are so satisfied with that route that they are willing to spend $180,000,000 of the people's money to build it, and that fact closes the argument as to the real value of that canal. It is affirmed by the Spooner amendment as it is, also, by two reports and one sworn statement of the Isthmian Canal Commision.

When we are asked to vote for a measure the second section of which provides for the building of the Nicaragua Canal in the event that we can not acquire the Panama route, there is a full settlement of the question whether or not the Nicaragua route is worthy of having that amount of money spent upon it. I do not care to argue a question like that, which is disposed of by the very form of the amendment.

The Spooner substitute requires the Senate and the people to turn away from their firm ground and to take a journey into an unknown country, among unknown people, with bad laws, worse habits, and the worst health record in all the world, to find a canal route that is alleged to be better than the Nicaragua route, and if we find that we can not get a good title to an old canal ditch that is there, and proper concessions from a government that can not convene a congress, and for a reasonable sum, then we are to return to the Nicaragua route and make a final location. I think we had better settle there first without going to all this expense and unnecessary delay.

I am afraid to risk the good nature of the Republics of Costa Rica and Nicaragua, small as they are, so far as to count certainly upon their consent that we may go through their land, in our journey through the wilderness. They may claim that their present offers of concessions are based upon our acceptance of Mr. McKinley's agreement with them on December 1, 1900, which the Spooner amendment disregards. I am always wary of small people, of either sex, when they feel that they are not justly dealt with. They are apt to think it is on account of their size and to become very resentful.

On the search for a better canal route we already know that the difficulties are many and serious. We must set out with a pilot who is a lawyer learned in his profession.

If we should follow the example of the minority of the committee we would have the advantage, it is true, of Mr. Cromwell, who has decorated their report with a luminous opinion as to French and American law, and has also written the official preface to the draft of the treaty with Colombia, addressed to Mr. Hay, Secretary of State, March 31, 1902, and signed "Wm. Nelson Cromwell, general counsel New Panama Canal Company."

If we should not engage him as counsel, we will not lose the benefit of his advice or valuable assistance, for his generosity is excessive in bestowing it gratis.

I even thought I could recognize his fine Italian hand in the interrogatories that were propounded to the 63 sea captains that the Senator from Ohio marshaled to prove that the doldrums off Panama were only mythical; or Mr. Lampre could render us valuable assistance in the discovery of who is the real owner of the Panama Canal property.

It may be that Mr. Cromwell can show to the counsel of the President the law that governs the queer state of the title to the property of the Panama Canal Company. As to this, I will read the latest contract, entered into by the decree of a French court.

The PRESIDENT pro tempore (at 2 o'clock p. m.) rapped with his gavel.

Mr. MORGAN. Mr. President, I have just one word to say in parting with this question. What I have had to do with it has been by the order of the Senate. The duty was assigned to me by the Committee on Foreign Relations, of which I was a member. I saw the labor of it. I did not shrink from it. Two bills have been passed in the Senate even upon the Maritime Canal Company's route, one by 11 majority and the other by a vote of 48 to 6. Two bills have passed the House of Representatives in identical terms, at two different Congresses. So, Mr. President, if we are beaten down here to-day, if the subject is dismissed, if a canal is defeated and America disgraced, I shall have the honor, and my friends will give it to me after my death, of having it said that I devoted, honestly and sincerely, the best labors of my life to the success of the Isthmian Canal.

The paper Mr. MORGAN sent to the Clerk's desk, and was prevented from having read by the expiration of the time allowed for debate on the measure, is as follows:

Senator MORGAN. What is the next paper?

Mr. PASCO. The next paper is the agreement that was made in accordance with the order of the court.

Senator KITTREDGE. Between whom?

Mr. PASCO. Between the New Panama Canal Company and the liquidator. It was an arrangement made for the distribution of the proceeds of the sale when made. It was arranged that the proceeds should be divided by a court of arbitration.

Senator MORGAN. That paper should be included in the record.

The paper is as follows:

[Translation.]

Agreement between the Compagnie Nouvelle du Canal de Panama and the liquidation of the Compagnie Universelle du Canal Interocéanique.

Between the undersigned: First, Mr. Jean Pierre Gautron, acting in his capacity of liquidator of the Compagnie Universelle du Canal Interocéanique de Panama; second, the Compagnie Nouvelle de Panama, represented by Messrs. Marius Bô and Monvoisin, directors, by virtue of a resolution of the board of directors dated December 23, 1901:

It has been stated and agreed as follows:

STATEMENT.

By the terms of article 52 of the by-laws of the New Panama Canal Company "the profits of the enterprise, such as had been determined by article 51, were to be divided between the stockholders of the New Panama Canal Company and the liquidation of the Compagnie Universelle de Panama in the proportion of 40 per cent to the former and 60 per cent to the latter."

Senator MORGAN. That paper is not among those you have sent to the committee?

As negotiations may be opened for the sale of the Panama Canal enterprise to the Government of the United States of North America, a sale which would modify profoundly the conditions of its contribution to the enterprise, the liquidation of the Compagnie Universelle has held: First. That these negotiations could not be carried on without its intervention. Second. That the price of the sale could not be fixed except in agreement with the liquidation. Third. That the share to go to the liquidation in the said proceeds should be larger than the proportion fixed by article 52, on account of the damage suffered by the liquidation from the fact of the sale and the consequent abandonment of its rights to the eventual future profits of the enterprise.

While maintaining a contrary opinion upon these three points, the new company has admitted that, as a matter of fact, in default of a previous agreement with the liquidation, there might be difficulty in bringing the negotiations to a successful conclusion. It therefore proposed that the direction of the negotiations and the power to treat should be accorded to the new company, remarking, on the one hand, that they could with difficulty be conducted by two persons, and, on the other hand, that the pecuniary interests of the company, which, moreover, appears as alone invested with ownership, so far as third parties are concerned, gave all necessary guaranty to the liquidation for the conduct of the negotiations and their eventual conclusion; and it offered to submit to the decision of a tribunal of arbitration the third claim of the liquidation of the Compagnie Universelle.

Coinciding with these views, Mr. Gautron, liquidator of the Compagnie Universelle, in accord with Mr. Lemarquis, the judicial representative of the bondholders, on the one hand, and the New Panama Canal Company, on the other hand, have, under the advice of their counsel, entered into the following agreement:

AGREEMENT.

ARTICLE 1. The New Panama Canal Company alone remains charged with carrying on the negotiations. It shall have full powers to conclude eventually with the Government of the United States and to fix, after discussion with it, the price and conditions of the sale.

ART. 2. A tribunal of arbitration is hereby appointed, charged, from now on, with determining the proportions in which the proceeds of the sale shall be assigned to the New Panama Canal Company and to the liquidation of the Compagnie Universelle.

This tribunal of arbitration shall be composed of five members.

ART. 3 The new company designates Messrs. Du Buit and Léon Devin; Mr. Gautron, in his official capacity, designates on his side Messrs. Limbourg and Henri Thieblin.

The two parties have agreed to designate as fifth arbitrator Mr. Betolaud, late chairman of the bar association.

ART. 4. The arbitrators shall render their decision within the month which will follow the convening of the tribunal of arbitration.

They are freed from the rules and forms of procedure. They shall decide as amicable arbitrators, without appeal or recourse to the supreme court.

ART. 5. The present agreement is made:

First. So far as concerns the liquidator of the old company, by virtue of the authority to compromise, which was conferred upon him by the judgment of the chamber of the council of the civil tribunal of the Seine, dated August 2, 1901.

Second. So far as concerns the new company, by virtue of the powers which article 28 of the by-laws confers upon the board of directors, but subject to the final approval by the general meeting of shareholders of the conditions of the transfer to the United States Government.

Done in duplicate at Paris the 24th of December, 1901.

Read and approved.

M. BÔ.

Read and approved.

GAUTRON.

Read and approved.

F. MONVOISIN.

Extract of the minutes of the meeting of December 23, 1901.

Present: Mr. Bô, Mr. Bourgois, Mr. Couvreux, Mr. Forot, Mr. Gueydan, le Baron de Lassus St. Geniès; Mr. Georges Martin, Mr. Monvoisin, Mr. Rischmann, Mr. Terrier, Mr. Samper, representing the Colombian Government.

The board, after discussion, resolves, unanimously, to enter into the proposed agreement with Mr. Gautron, liquidator of the Compagnie Universelle, and gives all powers to Messrs. Bô and Monvoisin to sign same agreement.

BÔ, *President Board of Directors.*

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA FOR THE REPUBLIC OF FRANCE.
At the City of Paris.

On the 14th day of January, A. D. 1902, before me, John K. Gowdy, consul-general of the United States of America at Paris, France, residing therein, duly commissioned and qualified, personally appeared Marius Bô, president of the Compagnie Nouvelle de Panama; Fernand Monvoisin, vice-president of the Compagnie Nouvelle de Panama, and Jean Pierre Gautron, liquidator de l'ancienne Cie. du Canal Interocéanique de Panama, to me known, and known to me to be the individuals described in and who executed the within instrument, and severally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned, as and for the act and deed of the above companies as therein expressed, and as such liquidator.

In testimony whereof I have hereunto set my hand and affixed the seal of the consulate-general of the United States of America at Paris, aforesaid, the day and year above written.

[SEAL.]

JOHN K. GOWDY,
United States Consul-General.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SPOONER. There is an amendment pending, is there not? I have offered it.

The PRESIDENT pro tempore. That is an amendment in the form of a substitute.

Mr. SPOONER. Yes.

The PRESIDENT pro tempore. But the original text is first open to amendment and also the text of the substitute is open to amendment.

Mr. MORGAN. I wish to ask the opinion of the Chair on a parliamentary question about the amendment.

The amendment of the Senator from Wisconsin as originally framed was offered in the Senate, referred to the Committee on Interoceanic Canals, acted upon by that committee, reported favorably to the Senate by a minority of the committee, called up and read in the Senate. I took the floor in advocacy of the bill, and I stated then what was true and not denied by anybody that the amendment was up for consideration. My point is that the amendment was therefore in the possession of the Senate, and if the Senator from Wisconsin desires to amend it, he must amend it as a paper that is in the possession of the Senate by offering his amendments seriatim and not by taking it out of the Senate and offering it again in bulk as a quite different paper from the other. That amendment has not been disposed of and is still in the Senate.

The PRESIDENT pro tempore. The Chair has no doubt that the Senator from Wisconsin has a right to offer an amendment, notwithstanding there may be an amendment reported by the minority of the committee, and he has a right to modify that amendment as he pleases, which he has done, and he can offer it at any time to the pending bill. The Senator from Massachusetts also has an amendment lying on the table. The fact that amendments are lying on the table, in the judgment of the Chair, does not necessarily involve that they are before the Senate for consideration. The Chair thinks that any Senator who has an amendment, whether it is on the table or not, should offer his amendment at the proper time.

Mr. SPOONER. When the bill was laid before the Senate this morning I offered the amendment, which I suppose is pending. Does the Chair hold that it must be reoffered?

The PRESIDENT pro tempore. The Chair holds that it should be offered by the Senator——

Mr. SPOONER. Then, I offer it now.

The PRESIDENT pro tempore. Because the Senator from Massachusetts had one lying on the table, offered as much as ten days ago.

Mr. SPOONER. That was an amendment intended to be offered, was it not? The first amendment which I submitted was one intended to be proposed. This morning, when the bill was laid before the Senate, I offered the amendment.

Mr. MORGAN. I ask that it be reported.

Mr. SPOONER. I will reoffer it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding $40,000,000, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than 68,863 shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof, to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall then cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean. Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall cause such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

And the Secretary of War is hereby authorized to enter into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of $135,000,000, should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I move to insert on page 4, line 1, after the word "use," the words "and such as may be reasonably anticipated."

The PRESIDENT pro tempore. Is there objection to this amendment to the amendment?

Mr. HOAR. I wish to point out to the Chair the parliamentary condition. The amendment which I proposed the other day, and which is in print, was offered when the bill was up and was actually pending, as will be seen by looking at the RECORD. The amendment of the Senator from Wisconsin was one of which notice merely was given. But I do not desire to interfere with him in moving his amendment now. It was understood this morning that hereafter I should be at liberty to offer mine as a substitute for it, without anyone raising the question that we can not amend something the Senate has already adopted.

Mr. SPOONER. I have no objection to the Senator's amendment being treated as the first amendment pending——

Mr. HOAR. I do not care about that.

Mr. SPOONER. But I should like to be permitted to perfect my proposition.

The PRESIDENT pro tempore. The Chair examined the Journal this morning and found that the amendment offered by the Senator from Massachusetts was the pending amendment. It was offered at least a week ago. But the request of the Senator from Massachusetts this morning that he be permitted to offer it in the Senate if the Spooner amendment should finally be adopted was agreed to, and the Chair did not then treat it as a pending amendment, but as being practically withdrawn for the time being.

Mr. MORGAN. I desire to make a similar request in favor of the bill reported by the Committee on Interoceanic Canals. I ask that I may have the right to offer it in the Senate as a substitute for whatever bill may be carried from the Committee of the Whole to the Senate.

Mr. SPOONER. The Senator has that right.

The PRESIDENT pro tempore. Whatever is reported from the Committee of the Whole to the Senate is open to amendment in the Senate.

Mr. MORGAN. I understand that. I speak of the report of the Committee on Interoceanic Canals, a bill which I want to offer as a substitute for the Spooner bill in the Senate.

The PRESIDENT pro tempore. The bill reported by the chairman of the Committee on Isthmian Canals is the bill which is now before the Senate.

Mr. MORGAN. But there are two. I have reported two bills here. One has not been considered at all.

The PRESIDENT pro tempore. The Chair was not aware of that.

Mr. CULLOM. Is the other bill on the Calendar?

Mr. MORGAN. Yes; it is on the Calendar, waiting for its turn.

Mr. COCKRELL. Let us have a vote.

Mr. SPOONER. The particular bill which we are considering now is the Hepburn bill practically, reported by the Committee on Interoceanic Canals.

Mr. COCKRELL. House bill 3110.

The PRESIDENT pro tempore. That is the bill before the Senate as in Committee of the Whole.

Mr. SPOONER. I should like to perfect my proposition.

Mr. MORGAN. I ask that I may have the privilege which was extended to the Senator from Massachusetts—to offer that bill as a substitute in the Senate for whatever bill may be carried from the Committee of the Whole to the Senate. I do not know what it may be.

Mr. SPOONER. I think perhaps we had better consider that when we reach it.

Mr. BERRY. The Senator from Alabama has a right to offer it in the Senate.

The PRESIDENT pro tempore. The first amendment offered by the Senator from Wisconsin to his amendment will be regarded as agreed to if there be no objection. The Chair hears none.

Mr. SPOONER. On page 5, after the word "use," in line 5, I move to insert the words "and such as may be reasonably anticipated." These amendments I take from the amendment offered by the Senator from Massachusetts [Mr. HOAR], which I think very wise in this particular.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 5, after the word "use," insert "and such as may be reasonably anticipated."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. BACON. I wish to call the attention of the Senator from Wisconsin to page 6, line 7, to a matter which I am sure has escaped his attention.

Mr. SPOONER. Yes. On page 6, line 7, I move to strike out the words "Secretary of War" and to insert in lieu thereof the word "President."

The PRESIDENT pro tempore. It is agreed to, without objection.

Mr. SPOONER. In line 7, on page 6, after the word "authorized," I move to insert the words "cause to be" and to change "enter" to "entered;" so as to read:

Is hereby authorized to cause to be entered into

The PRESIDENT pro tempore. The amendment to the amendment is agreed to. The question is on the amendment offered by the Senator from Wisconsin as amended.

Mr. BACON. I offer an amendment to the amendment offered by the Senator from Wisconsin. It is one of which I gave notice some days since.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. On page 3, line 19, after the word "then," insert the words "through the Isthmian Canal Commission hereinafter authorized."

The PRESIDENT pro tempore. Does the Senator from Georgia desire to have his amendment offered as one amendment?

Mr. BACON. I think they should be treated as one.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia to the amendment of the Senator from Wisconsin will be read entire.

The SECRETARY. On page 3, line 19, after the word "then," insert the words "through the Isthmian Canal Commission hereinafter authorized."

On page 4, line 23, after the word "shall," insert the words "through the said Isthmian Canal Commission."

On page 5, line 19, after the word "cause," insert the words "the said Isthmian Canal Commission to make."

An additional section to said amendment, to be known as section 7, as follows:

SEC. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal, unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive as their compensation the sum of $10,000 per annum, and such additional allowance for actual expenses incurred as may be allowed by the President in his discretion. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work.

The compensation of all such engineers and other persons employed under this act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings, and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I should be glad if the Senator from Georgia could see his way clear to accept an amendment to his amendment providing that "said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been fixed by the Congress."

Mr. BACON. I am perfectly willing to accept it, if desired.

Mr. SPOONER. Then, if agreeable to the Senator, I move to strike out in line 6, before the word "compensation," the words "as their;" and in the same line, after the word "compensation," to strike out "the sum of $10,000 per annum, and such additional allowance for actual expenses incurred as may be allowed by the

President in his discretion," and to insert in lieu thereof, before the word "compensation," the word "such;" and in the same line, after the word "compensation," to insert the words "as the President shall prescribe until the same shall have been otherwise fixed by the Congress;" so that it will read:

Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress.

Mr. BACON. That simply makes it conform to the other amendment.

Mr. SPOONER. It strikes out the $10,000 and allowances and leaves it so that the President may fix the compensation until the Congress shall otherwise prescribe.

Mr. BACON. I agree to that.

Mr. SPOONER. It is accepted.

The PRESIDENT pro tempore. The Senator from Georgia accepts the amendment.

Mr. HALE. Mr. President, what good purpose——

Mr. MITCHELL. I rise to a point of order. Discussion is not in order.

Mr. HALE. I think the Senator is right. I was going to ask the Senator from Wisconsin what good purpose is sought to be accomplished by this amendment.

Mr. SPOONER. I will say to the Senator a very good purpose.

Mr. BERRY. Debate is not in order, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia, as modified, on the proposition of the Senator from Wisconsin.

Mr. SPOONER. On the amendment to the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I ask to have the modification read. It has not been read from the desk.

The PRESIDENT pro tempore. It will be again read.

The SECRETARY. On page 3, line 6, after the word "receive," strike out the words "as their" and insert "such;" after the word "compensation," in the same line, strike out the words "the sum of $10,000 per annum, and such additional allowance for actual expenses incurred as may be allowed by the President in his discretion" and insert in lieu thereof the following: "As the President shall prescribe until the same shall have been otherwise fixed by the Congress."

So that as amended the paragraph will read:

Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the Senator from Wisconsin [Mr. SPOONER].

The Secretary proceeded to call the roll.

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. If he were present, I should vote "nay."

Mr. MCLAURIN of South Carolina (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. SIMON]. If he were present, I should vote "yea."

Mr. MONEY (when his name was called). I have a general pair with the junior Senator from Iowa [Mr. DOLLIVER]. If he were here, I should vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I did not notice the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, and I therefore ask leave to withdraw my vote.

Mr. CLARK of Montana. I desire to state that my colleague [Mr. GIBSON] is absent from the Senate and is paired with the junior Senator from Utah [Mr. KEARNS]. If my colleague were present, he would vote "yea."

The result was announced—yeas 52, nays 22; as follows:

YEAS—52.

Aldrich,	Dietrich,	Jones, Nev.	Pritchard,
Allison,	Fairbanks,	Kean,	Proctor,
Bacon,	Foraker,	Kittredge,	Quarles,
Bate,	Foster, Wash.	Lodge,	Scott,
Burnham,	Frye,	McComas,	Simmons,
Burrows,	Gamble,	McLaurin, Miss.	Spooner,
Burton,	Hanna,	McMillan,	Stewart,
Carmack,	Hansbrough,	Mallory,	Taliaferro,
Clark, Mont.	Harris,	Mason,	Teller,
Clark, Wyo.	Hawley,	Millard,	Turner,
Clay,	Heitfeld,	Mitchell,	Warren,
Culberson,	Hoar,	Patterson,	Wellington,
Deboe,	Jones, Ark.	Platt, Conn.	Wetmore.

NAYS—22.

Bard,	Daniel,	McCumber,	Pettus,
Berry,	Dryden,	Martin,	Platt, N. Y.
Blackburn,	Dubois,	Morgan,	Quay,
Clapp,	Foster, La.	Nelson,	Vest.
Cockrell,	Gallinger,	Penrose,	
Cullom,	Hale,	Perkins,	

NOT VOTING—14.

Bailey,	Dolliver,	McEnery,	Simon,
Beveridge,	Elkins,	McLaurin, S. C.	Tillman.
Depew,	Gibson,	Money,	
Dillingham,	Kearns,	Rawlins,	

So Mr. BACON's amendment to Mr. SPOONER's amendment was agreed to.

Mr. MALLORY. Mr. President, I offer the amendment which I send to the desk to the amendment of the Senator from Wisconsin [Mr. SPOONER].

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 4, line 11, after the words "Sec. 4," it is proposed to strike out all down to and including the word "terms," in line 16, and to insert in lieu thereof the following:

That should the President be unable, within six months after the approval of this act, to obtain for the United States, on reasonable terms, a satisfactory title to the property of the New Panama Canal Company and such control of and jurisdiction over the necessary territory of the Republic of Colombia mentioned in sections 1 and 2 of this act, including the right to perpetually maintain and operate the Panama Railroad.

Mr. SPOONER. As it does not cut off debate to submit the motion, I move to lay the amendment on the table.

Mr. MORGAN. Why not have a direct vote upon it?

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin [Mr. SPOONER] to lay upon the table the amendment offered by the Senator from Florida to the amendment of the Senator from Wisconsin.

Mr. MALLORY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. MCLAURIN of South Carolina (when his name was called). I announce my pair with the Senator from Oregon [Mr. SIMON].

Mr. MONEY (when his name was called). I have a general pair with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 44, nays 31; as follows:

YEAS—44.

Aldrich,	Dryden,	Hoar,	Perkins,
Allison,	Fairbanks,	Jones, Ark.	Platt, Conn.
Bard,	Foraker,	Jones, Nev.	Pritchard,
Beveridge,	Foster, Wash.	Kean,	Proctor,
Burnham,	Frye,	Kittredge,	Quarles,
Burrows,	Gallinger,	Lodge,	Scott,
Burton,	Gamble,	McComas,	Spooner,
Clark, Wyo.	Hale,	McCumber,	Teller,
Cullom,	Hanna,	McMillan,	Warren,
Deboe,	Hansbrough,	Mason,	Wellington,
Dietrich,	Hawley,	Millard,	Wetmore.

NAYS—31.

Bacon,	Clay,	McLaurin, Miss.	Platt, N. Y.
Bailey,	Cockrell,	Mallory,	Quay,
Bate,	Culberson,	Martin,	Simon,
Berry,	Daniel,	Mitchell,	Stewart,
Blackburn,	Dubois,	Morgan,	Taliaferro,
Carmack,	Foster, La.	Nelson,	Turner,
Clapp,	Harris,	Patterson,	Vest.
Clark, Mont.	Heitfeld,	Pettus,	

NOT VOTING—13.

Depew,	Gibson,	Money,	Tillman.
Dillingham,	Kearns,	Penrose,	
Dolliver,	McEnery,	Rawlins,	
Elkins,	McLaurin, S. C.	Simmons,	

So Mr. MALLORY's amendment to the amendment of Mr. SPOONER was laid on the table.

Mr. MALLORY. I offer another amendment to the amendment of the Senator from Wisconsin [Mr. SPOONER], which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 4, line 4, after the words "Sec. 4," it is proposed to strike out all down to and including the word "terms," in line 9, and to insert in lieu thereof the following:

That should the President be unable, within twelve months after the approval of this act, to obtain for the United States, on reasonable terms, a satisfactory title to the property of the New Panama Canal Company and such control of and jurisdiction over the necessary territory of the Republic of Colombia mentioned in sections 1 and 2 of this act, including the right to perpetually maintain and operate the Panama Railroad,

Mr. MALLORY. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when Mr. DOLLIVER's name was called). I desire to state that my colleague [Mr. DOLLIVER] is necessarily absent to-day. He is paired upon all questions relating to this subject with the Senator from Mississippi [Mr. MONEY].

Mr. McLAURIN of South Carolina (when his name was called). I again announce my pair with the Senator from Oregon [Mr. SIMON].

The roll call having been concluded, the result was announced—yeas 35, nays 39; as follows:

YEAS—35.

Bacon,	Clay,	Heitfeld,	Pettus,
Bailey,	Cockrell,	McLaurin, Miss.	Platt, N. Y.
Bard,	Culberson,	Mallory,	Quay,
Bate,	Daniel,	Martin,	Simmons,
Berry,	Dietrich,	Mitchell,	Stewart,
Blackburn,	Dubois,	Morgan,	Taliaferro,
Carmack,	Foster, La.	Nelson,	Turner,
Clapp,	Harris,	Patterson,	Vest.
Clark, Mont.	Hawley,	Perkins	

NAYS—39.

Aldrich,	Foster, Wash.	Kean,	Pritchard,
Allison,	Frye,	Kittredge,	Proctor,
Burnham,	Gallinger,	Lodge,	Quarles,
Burrows,	Gamble,	McComas,	Scott,
Clark, Wyo.	Hale,	McCumber,	Spooner,
Cullom,	Hanna,	McMillan,	Teller,
Deboe,	Hansbrough,	Mason,	Warren,
Dryden,	Hoar,	Millard,	Wellington,
Fairbanks,	Jones, Ark.	Penrose,	Wetmore.
Foraker,	Jones, Nev.	Platt, Conn.	

NOT VOTING—14.

Beveridge,	Dolliver,	McEnery,	Simon,
Burton,	Elkins,	McLaurin, S. C.	Tillman.
Depew,	Gibson,	Money,	
Dillingham,	Kearns,	Rawlins,	

So the amendment of Mr. MALLORY to the amendment of Mr. SPOONER was rejected.

Mr. MALLORY. I desire to offer one more amendment, using precisely the same language as in the amendment just voted upon, with the exception of making the time eighteen months instead of twelve months.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Florida [Mr. MALLORY] to the amendment of the Senator from Wisconsin.

The amendment to the amendment was rejected.

Mr. MITCHELL. I offer the amendment which I send to the desk as an amendment to the substitute offered by the Senator from Wisconsin.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 4, line 16, of the amendment of Mr. SPOONER, after the words "reasonable terms," it is proposed to insert the following:

Or if the President of the United States, although he may be satisfied that a satisfactory title to the property described in section 1 of this act can be obtained, shall for any reason be of the opinion that it is not for the best interests of the United States to purchase said property from the New Panama Canal Company, or if for any reason it shall be his judgment that the best interests of the United States require that the canal should be constructed on what is known as the Nicaragua route, between Greytown, on the Caribbean Sea, and Brito, on the Pacific Ocean, via the San Juan River and Lake Nicaragua.

Mr. SPOONER. I move to lay the amendment to the amendment on the table.

Mr. MITCHELL. I ask for the yeas and nays on that motion, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN] and withhold my vote.

Mr. McENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. If he were present, I should vote "nay."

Mr. McLAURIN of South Carolina (when his name was called). I again announce my pair with the Senator from Oregon [Mr. SIMON].

The roll call having been concluded, the result was announced—yeas 42, nays 32; as follows:

YEAS—42.

Aldrich,	Dryden,	Jones, Ark.	Pritchard,
Allison,	Dubois,	Jones, Nev.	Proctor,
Bard,	Fairbanks,	Kean,	Quarles,
Beveridge,	Foraker,	Kittredge,	Scott,
Burnham,	Foster, Wash.	Lodge,	Spooner,
Burrows,	Frye,	McComas,	Teller,
Burton,	Gallinger,	McCumber,	Vest,
Clark, Wyo.	Gamble,	McMillan,	Wellington,
Cullom,	Hale,	Mason,	Wetmore.
Deboe,	Hanna,	Millard,	
Dietrich,	Hansbrough,	Platt, Conn.	

NAYS—32.

Bacon,	Clay,	McLaurin, Miss.	Perkins,
Bailey,	Cockrell,	Mallory,	Pettus,
Bate,	Culberson,	Martin,	Platt, N. Y.
Berry,	Daniel,	Mitchell,	Quay,
Blackburn,	Foster, La.	Morgan,	Simmons,
Carmack,	Harris,	Nelson,	Stewart,
Clapp,	Hawley,	Patterson,	Taliaferro,
Clark, Mont.	Heitfeld,	Penrose,	Turner.

NOT VOTING—14.

Depew,	Gibson,	McLaurin, S. C.	Tillman,
Dillingham,	Hoar,	Money,	Warren.
Dolliver,	Kearns,	Rawlins,	
Elkins,	McEnery,	Simon,	

So the amendment of Mr. MITCHELL to the amendment of Mr. SPOONER was laid on the table.

Mr. MITCHELL. I offer another amendment to the substitute offered by the Senator from Wisconsin [Mr. SPOONER], which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 3, in line 18, after the word "President," it is proposed to insert:

Provided, however, That although the President of the United States shall be satisfied that a satisfactory title to said property can be obtained, if in the judgment of the President he for any reason deems it inadvisable, having in view the best interests of the United States, to acquire for and on behalf of the United States the property particularly described in section 1 of this act, or if for any reason the President of the United States shall be of the opinion that the best interests of the United States will be subserved by the construction of the canal on what is known as the Nicaragua route, from Greytown, on the Caribbean Sea, to Brito, on the Pacific Ocean, via the San Juan River and Lake Nicaragua, then he shall, having first obtained for the United States control of the necessary territory from the Republics of Nicaragua and Costa Rica upon terms which he may consider reasonable, for the construction, maintenance, operation, and protection of the canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, direct the Secretary of War to excavate and construct a ship canal and waterway from a point on the shore of the Caribbean Sea, near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from Greytown to Brito; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oregon [Mr. MITCHELL] to the amendment of the Senator from Wisconsin [Mr. SPOONER].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin [Mr. SPOONER].

Mr. BERRY. I call for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I think it proper to state at this time that I have a general pair with the senior Senator from Utah [Mr. RAWLINS], who has kindly released me on this question. I will vote. I vote "yea."

Mr. McENERY (when his name was called). I have a general pair with the junior Senator from New York [Mr. DEPEW]. If he were present, I should vote "nay."

Mr. MONEY (when his name was called). I have a general pair with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, I should vote "nay."

Mr. BERRY (when Mr. TILLMAN'S name was called). The Senator from South Carolina is absent and is paired with the Senator from Vermont [Mr. DILLINGHAM]. If the Senator from South Carolina were here, he would vote "nay."

The roll call was concluded.

Mr. ALLISON. I wish to repeat that my colleague [Mr. DOLLIVER] is necessarily absent to-day. If he were present, he would vote "yea" on this amendment. He is paired with the senior Senator from Mississippi [Mr. MONEY].

Mr. DILLINGHAM. I was absent when my name was called. I simply desire to say that had I been present I should have withheld my vote, owing to my pair with the Senator from South Carolina [Mr. TILLMAN]. Were he present, I should vote "yea."

The result was announced—yeas 42, nays 34; as follows:

YEAS—42.

Aldrich,	Dryden,	Jones, Ark.	Pritchard,
Allison,	Fairbanks,	Jones, Nev.	Proctor,
Bard,	Foraker,	Kean,	Quarles,
Beveridge,	Foster, Wash.	Kittredge,	Scott,
Burnham,	Frye,	Lodge,	Spooner,
Burrows,	Gallinger,	McComas,	Teller,
Burton,	Gamble,	McCumber,	Warren,
Clark, Wyo.	Hale,	McMillan,	Wellington,
Cullom,	Hanna,	Mason,	Wetmore.
Deboe,	Hansbrough,	Millard,	
Dietrich,	Hoar,	Platt, Conn.	

NAYS—34.

Bacon,	Cockrell,	Mallory,	Platt, N. Y.
Bailey,	Culberson,	Martin,	Quay,
Bate,	Daniel,	Mitchell,	Simmons,
Berry,	Dubois,	Morgan,	Stewart,
Blackburn,	Foster, La.	Nelson,	Taliaferro,
Carmack,	Harris,	Patterson,	Turner,
Clapp,	Hawley,	Penrose,	Vest.
Clark, Mont.	Heitfeld,	Perkins,	
Clay,	McLaurin, Miss.	Pettus,	

NOT VOTING—12.

Depew,	Elkins,	McEnery,	Rawlins,
Dillingham,	Gibson,	McLaurin, S. C.	Simon,
Dolliver,	Kearns,	Money,	Tillman.

So Mr. SPOONER'S amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. HOAR. I move to amend the amendment by substituting that which I send to the desk.

The PRESIDENT pro tempore. The Senator from Massachusetts in the Senate offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That it shall be the duty of the President of the United States, as soon as the same can economically and conveniently be done, to cause to be excavated and constructed a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, and such as may be required for any changes in such tonnage or draft as may be reasonably anticipated, from the Atlantic to the Pacific Ocean by such route as may be selected by him, having satisfied himself of the right of the United States to construct and protect such canal. And he shall cause to be constructed or improved such harbors at either entrance to such canal as he shall deem necessary.

SEC. 2. That he shall have full authority to employ such agencies and to obtain such advice as he shall find necessary.

SEC. 3. That he is authorized to guarantee to any foreign country or state the use of such canal and harbors on such terms as may be agreed upon for all vessels owned by said states or citizens thereof.

SEC. 4. That he is further authorized to direct the Secretary of War to cause to be employed such engineering assistance from officers of the Army and Navy as the President shall think fit, and in general to require of the Secretary of War and the Secretary of the Navy the performance of such duties in carrying this act into effect as he shall deem expedient.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated. And the sums required by any contract which may be entered into as aforesaid shall be paid for as appropriations may from time to time be hereafter made, on warrants to be drawn by the President of the United States, not to exceed in the aggregate $180,000,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SCOTT (when the name of Mr. ELKINS was called). My colleague was called home unexpectedly. He authorized me to state that if he were here and this amendment came up he would vote "yea."

Mr. MCLAURIN of South Carolina (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. SIMON].

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 13, nays 62, as follows:

YEAS—13.

Clapp,	Mitchell,	Perkins,	Stewart.
Hawley,	Morgan,	Platt, N. Y.	
Hoar,	Nelson,	Quay,	
Lodge,	Penrose,	Scott,	

NAYS—62.

Aldrich,	Cockrell,	Hansbrough,	Pettus,
Allison,	Culberson,	Harris,	Platt, Conn.
Bacon,	Cullom,	Heitfeld,	Pritchard,
Bailey,	Daniel,	Jones, Ark.	Proctor,
Bard,	Deboe,	Jones, Nev.	Quarles,
Bate,	Dietrich,	Kean,	Simmons,
Berry,	Dryden,	Kittredge,	Spooner,
Beveridge,	Dubois,	McComas,	Taliaferro,
Blackburn,	Fairbanks,	McCumber,	Teller,
Burnham,	Foraker,	McLaurin, Miss.	Turner,
Burrows,	Foster, La.	McMillan,	Vest,
Burton,	Foster, Wash.	Mallory,	Warren,
Carmack,	Gallinger,	Martin,	Wellington,
Clark, Mont.	Gamble,	Mason,	Wetmore.
Clark, Wyo.	Hale,	Millard,	
Clay,	Hanna,	Patterson,	

NOT VOTING—13.

Depew,	Frye,	McLaurin, S. C.	Tillman.
Dillingham,	Gibson,	Money,	
Dolliver,	Kearns,	Rawlins,	
Elkins,	McEnery,	Simon,	

So Mr. HOAR'S amendment was rejected.

Mr. FAIRBANKS. I propose the amendment which I send to the desk. I have modified it since it has been printed by striking out the word "twenty," in line 12, on page 1, and inserting "thirty," and by striking out lines 12, 13, 14, and 15, on page 2.

Mr. SPOONER. Is that the amendment which provides for raising money for the construction of the canal by the issue of bonds?

Mr. FAIRBANKS. It is.

The PRESIDENT pro tempore. The Senator from Indiana offers an amendment which will be stated.

The SECRETARY. It is proposed to insert as a new section at the end of the bill the following:

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of $130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Mr. CULBERSON. I move to lay the amendment on the table, and on that motion I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCLAURIN of South Carolina (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. SIMON]. If he were present, I should vote "yea."

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 36, nays 39; as follows:

YEAS—36.

Bacon,	Clay,	Jones, Ark.	Pettus,
Bailey,	Cockrell,	McLaurin, Miss.	Pritchard,
Bard,	Culberson,	Mallory,	Quay,
Bate,	Daniel,	Martin,	Simmons,
Berry,	Dryden,	Mitchell,	Stewart,
Blackburn,	Dubois,	Morgan,	Taliaferro,
Carmack,	Foster, La.	Patterson,	Teller,
Clark, Mont.	Harris,	Penrose,	Turner,
Clark, Wyo.	Heitfeld,	Perkins,	Vest.

NAYS—39.

Aldrich,	Foraker,	Jones, Nev.	Platt, Conn.
Allison,	Foster, Wash.	Kean,	Platt, N. Y.
Beveridge,	Frye,	Kittredge,	Proctor,
Burnham,	Gallinger,	Lodge,	Quarles,
Burrows,	Gamble,	McComas,	Scott,
Burton,	Hale,	McCumber,	Spooner,
Clapp,	Hanna,	McMillan,	Warren,
Cullom,	Hansbrough,	Mason,	Wellington,
Deboe,	Hawley,	Millard,	Wetmore.
Fairbanks,	Hoar,	Nelson,	

NOT VOTING—13.

Depew,	Elkins,	McLaurin, S. C.	Tillman.
Dietrich,	Gibson,	Money,	
Dillingham,	Kearns,	Rawlins,	
Dolliver,	McEnery,	Simon,	

So the Senate refused to lay on the table the amendment offered by Mr. FAIRBANKS.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. BERRY and Mr. CULBERSON demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present I should vote "yea."

Mr. MCLAURIN of South Carolina (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. SIMON].

The roll call having been concluded, the result was announced—yeas 38, nays 36; as follows:

YEAS—38.

Aldrich,	Foraker,	Jones, Nev.	Platt, Conn.
Allison,	Foster, Wash.	Kean,	Proctor,
Beveridge,	Frye,	Kittredge,	Quarles,
Burnham,	Gallinger,	Lodge,	Scott,
Burrows,	Gamble,	McComas,	Spooner,
Burton,	Hale,	McCumber,	Warren,
Clapp,	Hanna,	McMillan,	Wellington.
Cullom,	Hansbrough,	Mason,	Wetmore.
Deboe,	Hawley,	Millard,	
Fairbanks,	Hoar,	Nelson,	

NAYS—36.

Bacon,	Clay,	Jones, Ark.	Pettus,
Bailey,	Cockrell,	McLaurin, Miss.	Platt, N. Y.
Bard,	Culberson,	Mallory,	Quay,
Bate,	Daniel,	Martin,	Simmons,
Berry,	Dryden,	Mitchell,	Stewart,
Blackburn,	Dubois,	Morgan,	Taliaferro,
Carmack,	Foster, La.	Patterson,	Teller,
Clark, Mont.	Harris,	Penrose,	Turner,
Clark, Wyo.	Heitfeld,	Perkins,	Vest.

NOT VOTING—14.

Depew,	Elkins,	McLaurin, S. C.	Simon,
Dietrich,	Gibson,	Money,	Tillman.
Dillingham,	Kearns,	Pritchard,	
Dolliver,	McEnery,	Rawlins,	

So Mr. FAIRBANKS'S amendment was agreed to.

Mr. MASON. I offer an amendment to the amendment which has just been adopted.

The PRESIDENT pro tempore. The Senator from Illinois offers an amendment to the amendment just agreed to. It will be stated.

Mr. MASON. I do not know that I have drawn the amendment properly. It is to be inserted in line 4, on the third page. It simply provides that when the bonds are issued all the citizens of the United States may have an equal opportunity for subscribing. There can be no use in making these $20 bonds unless there is some plan whereby it can be made a popular loan so as to give all the people a chance to buy the bonds, as we did in the original war loan.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, of the amendment just adopted, line 6, after the word "prescribe" insert the words:

Giving to all citzens of the United States an equal opportunity to subscribe therefor.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN. I have an amendment that I desire to offer. It is to strike out all after the enacting clause and insert a substitute.

The PRESIDENT pro tempore. The Senator from Alabama offers the following amendment.

The SECRETARY. Strike out all after the enacting clause and insert:

That the President of the United States is hereby authorized to conclude agreements with the Republics of Costa Rica and Nicaragua, or either of them, for and in behalf of the United States, for the acquiring and full control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to locate, construct, maintain, govern, regulate, police, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such necessary rights, privileges, and control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. ALDRICH. Is not this the bill which the Senate by a vote has just stricken out?

The PRESIDENT pro tempore. The Senator from Alabama practically obtained unanimous consent to offer this amendment when the Senator from Massachusetts [Mr. HOAR] obtained consent to offer his amendment. The Chair hopes the Senator from Rhode Island will not make any point against it.

Mr. SPOONER. I move to lay the amendment on the table.

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCLAURIN of South Carolina (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. SIMON].

The roll call having been concluded, the result was announced—yeas 41, nays 33; as follows:

YEAS—41.

Aldrich,	Fairbanks,	Jones, Nev.	Proctor,
Allison,	Foraker,	Kean,	Quarles,
Bard,	Foster, Wash.	Kittredge,	Scott,
Beveridge,	Frye,	Lodge,	Spooner,
Burrows,	Gallinger,	McComas,	Teller,
Burton,	Gamble,	McCumber,	Warren,
Clark, Wyo.	Hale,	McMillan,	Wellington,
Cullom,	Hanna,	Mason,	Wetmore.
Deboe,	Hansbrough,	Millard,	
Dietrich,	Hoar,	Platt, Conn.	
Dryden,	Jones, Ark.	Pritchard,	

NAYS—33.

Bacon,	Cockrell,	Mallory,	Platt, N. Y.
Bailey,	Culberson,	Martin,	Quay,
Bate,	Daniel,	Mitchell,	Simmons,
Berry,	Dubois,	Morgan,	Taliaferro,
Blackburn,	Foster, La.	Nelson,	Turner,
Carmack,	Harris,	Patterson,	Vest.
Clapp,	Hawley,	Penrose,	
Clark, Mont.	Heitfeld,	Perkins,	
Clay,	McLaurin, Miss.	Pettus,	

NOT VOTING—14.

Burnham,	Elkins,	McLaurin, S. C.	Stewart,
Depew,	Gibson,	Money,	Tillman.
Dillingham,	Kearns,	Rawlins,	
Dolliver,	McEnery,	Simon,	

So Mr. MORGAN'S amendment was laid on the table.

Mr. MORGAN. I offer the following as an additional section to the bill.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. —. Nothing in this act shall be construed as approving or consenting to any part of the draft of the convention proposed by Señor Concha, minister of Colombia, to the Secretary of State on the 31st of March, 1902, or of the letter of William Nelson Cromwell, general counsel of the New Panama Canal Company, which accompanies the letter of Señor Concha and purports to be explanatory thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on concurring in the amendment reported from the Committee of the Whole as amended.

The amendment as amended was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. COCKRELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. I do not know how he would vote if he were present. If I were not paired, I should vote "yea."

Mr. ALLISON (when Mr. DOLLIVER'S name was called). My colleague [Mr. DOLLIVER] is necessarily absent and is paired on this question with the Senator from Mississippi [Mr. MONEY]. If my colleague were present, he would vote "yea."

Mr. MITCHELL (when Mr. SIMON'S name was called). I am authorized by my colleague [Mr. SIMON] to state that if he were here he would vote for the passage of the Spooner amendment if adopted, although he was against the amendment originally.

The roll call was concluded.

Mr. FOSTER of Washington (after having voted in the affirmative). I am paired with the Senator from Mississippi [Mr. MCLAURIN] and I withdraw my vote.

The result was announced—yeas 67, nays 6; as follows:

YEAS—67.

Aldrich,	Deboe,	Jones, Nev.	Penrose,
Allison,	Dietrich,	Kean,	Perkins,
Bacon,	Dryden,	Kittredge,	Platt, Conn.
Bailey,	Fairbanks,	Lodge,	Platt, N. Y.
Bard,	Foraker,	McComas,	Pritchard,
Berry,	Foster, La.	McCumber,	Proctor,
Beveridge,	Frye,	McLaurin, S. C.	Quarles,
Blackburn,	Gallinger,	McMillan,	Quay,
Burnham,	Gamble,	Mallory,	Scott,
Burrows,	Hale,	Martin,	Simmons,
Burton,	Hanna,	Mason,	Spooner,
Carmack,	Hansbrough,	Millard,	Taliaferro,
Clark, Mont.	Harris,	Mitchell,	Turner,
Clark, Wyo.	Hawley,	Money,	Warren,
Clay,	Heitfeld,	Morgan,	Wellington,
Culberson,	Hoar,	Nelson,	Wetmore.
Cullom,	Jones, Ark.	Patterson,	

NAYS—6.

Bate,	Daniel,	Pettus,	Vest.
Cockrell,	Dubois,		

NOT VOTING—15.

Clapp,	Elkins,	McEnery,	Stewart,
Depew,	Foster, Wash.	McLaurin, Miss.	Teller,
Dillingham,	Gibson,	Rawlins,	Tillman.
Dolliver,	Kearns,	Simon,	

So the bill was passed.

Mr. MORGAN. I move that the Senate request a conference with the House on the disagreeing votes of the two Houses on the bill which has just been passed.

Mr. PLATT of Connecticut. I know that motion has sometimes prevailed in the Senate. Occasionally and rarely when an amendment has been adopted in the Senate to a House bill we have appointed conferees, but that has not been the recent practice, I understand, and I should hope that it might not be done now at this stage of the proceedings.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. MORGAN, Mr. HANNA, and Mr. KITTREDGE were appointed.

PUBLIC BUILDINGS.

The joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, was read twice by its title.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Public Buildings and Grounds in the absence of objection.

Mr. HALE. Let that joint resolution lie on the table for the present. I think it is intended to be called up for action.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none; and the joint resolution will lie upon the table instead of being referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS. I wish to have the joint resolution taken from the table in order that it may be considered at this time and be put upon its passage.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the joint resolution the title of which has been read.

Mr. QUAY. Mr. President, I feel it to be my duty to object to the present consideration of the joint resolution.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

Mr. QUAY. I will withdraw the objection in a moment.

Mr. FAIRBANKS. Very well.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. I desire to say, Mr. President, that on the 17th instant I gave notice that after we disposed of the bill just passed upon I would move to discharge the Committee on Territories from the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States. I now make that motion, and ask that it go over for consideration until Monday next by agreement. It is very probable that I shall not press the motion.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to discharge the Committee on Territories from the further consideration of the bill named by him, and asks that the motion be received and lie over until Monday next, subject to the call of the Senator.

Mr. QUAY. Of course I can not take it out of the jurisdiction of the Senate, but I wish to have the motion come up in its order on Monday next, unless it be withdrawn.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none.

Mr. BAILEY. I did not hear the last statement of the Senator from Pennsylvania.

Mr. QUAY. I stated that I desired the motion to go over until Monday next unless withdrawn.

Mr. BAILEY. I thought the Senator made some qualification. I want to say that if the Senator from Pennsylvania shall withdraw that motion the Senator from Tennessee [Mr. BATE] will make a similar motion. I simply want the Senate to be advised of that fact.

Mr. QUAY. I accept service of notice, Mr. President. I now withdraw my objection to the joint resolution which the Senator from Indiana [Mr. FAIRBANKS] desired to have considered.

PUBLIC BUILDINGS.

Mr. FAIRBANKS. I now ask unanimous consent for the present consideration of the joint resolution which came from the House of Representatives and is upon the table. It will only take a minute, and it is important that it shall be acted upon now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I move that the Army appropriation bill be laid before the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903.

Mr. PROCTOR. Mr. President, when the bill was last before the Senate I made a motion to recede from one of the amendments of the Senate. I wish, if in order, to withdraw that motion, and to move, by the unanimous instruction of the Committee on Military Affairs, that the Senate insist upon its amendments and ask for a full and free conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate insist upon its amendments, disagreed to by the House of Representatives, and ask for a full and free conference with the House of Representatives thereon.

Mr. BAILEY. Mr. President, I should like to inquire of the Senator from Vermont if this is not the bill that gave rise to a commission of peace between the two Houses?

Mr. PROCTOR. It is.

Mr. BAILEY. Has that commission performed its labors and reported?

Mr. PROCTOR. The chairman of that committee, the Senator from Wisconsin [Mr. SPOONER], is present. I can say, however, that the committee has had one formal and several informal meetings, and arrived at no agreement. The chairman stated to the Senate, in the absence of the Senator from Texas [Mr. BAILEY], that that committee of conference was still in existence and proposed at some time to make a report. This motion is aside from that entirely. It ignores the action of the House and asks for a full and free conference on all the amendments.

Mr. BAILEY. I myself have no disposition to raise an issue with the House, but it does appear to me that, if the Senate thought it worth while to dignify this question by the appointment of a special committee, it is worse than child's play now, while the matter is under consideration, to go on and dispose of the very bill that gave rise to the question.

Mr. HALE. Is it not worth while now, as the matter has been in controversy, as some feeling has been aroused, and as nothing has come out of it, to give the House an opportunity to agree to a full and free conference? That is all we propose to do.

Mr. BAILEY. If that is the purpose of the motion, I am more than willing to any arrangement that will adjust the difference between the two Houses.

Mr. HALE. I suppose that is just the purpose.

Mr. ALLISON. Mr. President, I do not wish to interfere with the plans of the Military Committee, but, as I understand the status of this bill, it is that the House sent here a request for a conference with certain instructions. That was considered by the Senate an unwise and improper thing to do, and a committee to confer with the House was appointed. Now we propose to take another step, as I understand, by still further ignoring that message from the House and proposing a separate and independent conference. I merely express the opinion that it will only complicate the situation in which we are, but I do not wish to interfere with the matter.

Mr. FORAKER. I hope the motion of the Senator from Vermont [Mr. PROCTOR] will prevail, for it is utterly impossible to make the situation any worse than it is.

Mr. BAILEY. Mr. President, the House of Representatives sent the Senate a message, and it was proposed to send a request to the House which totally ignores its former message. This course, it seems to me, will make a bad situation worse. We ought, sir, to dispose of that preliminary matter before we proceed with the bill itself; and yet, I repeat, for the second or third time, that I intend to accept any arrangement that is satisfactory to the committee and to the gentlemen who are familiar with this matter.

Mr. FORAKER. If the Senator from Texas will allow me, so far as the message the House sent us is concerned, that is in the hands of the conference committee—a peace commission, as the Senator styled it a few moments ago, and, I think, very appropriately. What they have done with the subject I do not know, but we have been waiting two or three weeks for a report.

Mr. GALLINGER. Four weeks.

Mr. FORAKER. We have had a report of progress, or rather a lack of progress, and in the meanwhile time is running on and the date is approaching when we must adjourn, when the close of the fiscal year is near at hand, and everybody is solicitous to have these appropriation bills become legal enactments, if they are to be such.

Now, the Senator from Vermont, under the instruction of the Committee on Military Affairs, has made a motion that we shall ask the House for a full and free conference, in which we shall not issue any instructions to the House about our position or about our rules, or about what they shall do, but will simply proceed upon the theory that we have a right to make amendments to a bill that the House sends to us, and that we have a right, before those amendments are disposed of, to at least be heard in the usual parliamentary way through our conferees appointed to meet the representatives of the House. It seems to me that this is a step that ought to be taken, and I hope there will not be any objection to the motion made by the Senator from Vermont.

Mr. SPOONER. Mr. President——

Mr. COCKRELL.. Will the Senator yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. COCKRELL. I simply want to state that I was not present this morning at the meeting of the Committee on Military Affairs when these instructions were given. I was necessarily compelled to be present in conference in the Committee on Appropriations, so that I am not responsible in any way for and took no part in the instructions that were given to the distinguished Senator from Vermont.

Mr. BAILEY. Mr. President, I am inclined to think that, while this is not the proper way, possibly it is the best way out of this matter at the present time, and so I make no further protest.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Vermont [Mr. PROCTOR] that the Senate insist upon its amendments disagreed to by the House of Representatives and ask for a full and free conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. FORAKER, and Mr. COCKRELL were appointed.

CONFERENCES AND CONFERENCE REPORTS.

Mr. SPOONER. Mr. President, I think it is quite important to the Senate and in the general interest, because there has developed more or less feeling, that the committee appointed by the Senate to confer with a similar committee from the House on the message of the House to the Senate requesting a conference should be a diplomatic committee—one which would endeavor to bring about an adjustment in a frank and friendly way.

Mr. FORAKER. And a successful result.

Mr. SPOONER. And the committee which was appointed, of which I happen to be the chairman, has made very honest effort—the Senator from Colorado [Mr. TELLER] is on that committee—to adjust the matter. We have made no report, and I do not think at this time we ought to make any report; but I think it is important that some adjustment of this matter should be made between the two Houses.

Mr. President, I ask to be excused from further service as the chairman of the committee of conference on this message. I hope some one will be substituted who will have less diplomacy and less desire to bring about without friction an adjustment between the two Houses. I do not know of any man in the world whom I would regard as better fitted to accomplish that result than the Senator from Ohio [Mr. FORAKER]. [Laughter.]

It is true, just as the Senator from Ohio has stated, that we have had a number of conferences, and we have been able only to report progress, and to suggest that, if time were given us, we would endeavor to bring about an adjustment. It is a thankless task, and I am sick of it myself; so I ask to be excused—and I do not know but the Senator from Colorado will agree with me—from further service upon that committee.

The PRESIDENT pro tempore. The Senator from Wisconsin asks to be excused from further service on the committee of conference. Is there objection?

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. The Chair hears none.

Mr. FORAKER. I rose to object, Mr. President. I am very much obliged to the Senator from Wisconsin [Mr. SPOONER] for the compliment he saw fit to pay me when he spoke of my diplomatic qualities. I appreciate that certainly; and I appreciate the further compliment that is involved in the suggestion that I could succeed where he has failed.

But, Mr. President, when I said a while ago that the situation could not by any possibility be any worse than it is I had reference to the fact that the most polite, courteous, and diplomatic member of this body, representing us on the conference, had utterly failed to do anything more than to report progress.

Mr. SPOONER. If there is any man in the world who I think can make the situation worse than it is, it is the Senator from Ohio. [Laughter.]

Mr. FORAKER. That may be true. I do not know; I would not deny it; but I know it would not require me as much time as the Senator from Wisconsin has taken to report and ask to be excused from further service.

Mr. SPOONER. Mr. President, the Senator from Wisconsin has given a good deal of time to this subject.

Mr. FORAKER. I know he has.

Mr. SPOONER. It is very important that the two Houses should be in accord. It is not a mere matter of etiquette; it is not a mere matter of prerogative; but it is a matter, in the last analysis, which is of vital public interest, and the committee appointed by the Senate—unhappily appointed by the Senate—has felt it was important, because of the feeling that has developed, to move along with a reasonable degree of lack of speed and a reasonable degree of moderate temperature toward an adjustment which would bring the two Houses in accord.

I assume that the Senator from Colorado agrees with me in this. Not one member of this Senate could be found to vote in favor of sending to the House a message like that which the House sent to us. I have thought, and I still believe, that this matter can be adjusted; but, Mr. President, I prefer very much that some other Senator—and I know of no one whom I would prefer to the Senator from Ohio—should undertake it; and I therefore persist in my request that I be excused from further service on that committee.

Mr. FORAKER. Mr. President, in objecting to the request of the Senator from Wisconsin, to be excused from further service on this committee, I had only this in mind: So long as this committee continues I do not know any one who is a member of this body so well qualified as the Senator from Wisconsin to properly represent us, and I know that he has been laboring and doing all in his power to accomplish the result he was appointed to accomplish. It is a matter of surprise and a matter of regret to every member of this body that he has not been able to come back here and report an agreement of some kind that would be satisfactory to both Houses.

It did not occur, I am sure, to anybody here when this trouble commenced that there would be any difficulty beyond calling the attention of the House to the fact that the Senate, whether it was so or not, regarded that communication as disrespectful to the Senate. I am sure if the Senate had sent a message to the House which the House saw fit to regard as disrespectful, that the Senate would recall it, or the Senate would take appropriate action to show that no offense was intended. I thought the House would do that. We all spoke at that time in that spirit, and the committee was appointed in that spirit. We had no idea that through two or three long weeks our representatives would have to labor, and labor in vain, to accomplish a result which ought to have been conceded immediately, for certainly every man who is qualified to represent a constituency in the Congress of the United States knows that there can be no successful legislation that is not predicated upon polite intercourse between the two Houses and respectful consideration on the part of one House for the rights of the other.

Now, we have taken exception to the action of the House, and we appointed a committee to represent us and solve the problem that has arisen. We did that in the hope that an amicable ajustment might be reached, one that would not involve any humiliation to anybody; but that committee, not being able to report a successful result, and it becoming necessary, if there was to be a conference on the bill, that it should be proceeded with, the Senator from Vermont made a motion in that behalf. This morning he asked the opinion of the Committee on Military Affairs in regard to it, and by a unanimous vote that committee instructed him to ask——

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. I do.

Mr. PETTUS. I want to correct the last statement made by the Senator from Ohio. I did not vote for the proposition to which he has referred.

Mr. FORAKER. Mr. President, the vote was a viva voce vote, and I thought every member of the committee voted for it. Of course I recall my statement that it was unanimous in view of what the Senator from Alabama now says, but this is the first intimation I have had that the Senator from Alabama did not vote with the rest of us to so instruct the Senator from Vermont.

But with that explanation, I proceed to say that the Senator from Vermont was instructed by the committee, by what I supposed was a unanimous vote, as the most likely way to bring about an amicable result, simply to make a motion that we insist upon our amendments and ask for a full and a free conference, a conference to which the representatives of the House would be invited, without any restrictions upon us in the consideration of any of the questions about which we had disagreed.

Now, it seems to me that this motion ought to prevail. It seems to me the House ought to be glad to appoint conferees to meet with us, and it seems to me that that is the simplest and best way out of the difficulty, if we have a difficulty. It does not interfere with the work of the committee of which the Senator from Wisconsin is chairman. They have charge of the message, and I hope they will keep it in hock where they have had it for the last two or three weeks.

Mr. TELLER. Mr. President, we declined to accede to the request of the House. We took another course, and appointed a committee. Now, if we chose to have a conference with the House we will have it on their terms, of course, and it seems to me we ought to get rid of this committee instanter. Therefore I have risen to suggest, so far as I am concerned, that I desire to withdraw from the committee. I think we all ought to withdraw. Then the Senate can take such action as it sees fit. I do not think it is in order for us to have this committee out and then take the proceedings proposed to-day.

Mr. BAILEY. Mr. President, I felt when I made the suggestion that it was not proper, while the committee had under consideration this question between the two Houses, for the Senate to take the very matter over which the controversy arose out of dispute and proceed with it in another way. Still, as long as it did not appear objectionable to the committee, I did not do any more than utter a mild protest.

But I agree with the Senator from Wisconsin that the time may come when this matter may be of real importance. Indeed, a time might come when a division of political parties in this Chamber and in the other branch of Congress might imperil necessary legislation if we proceed along this line.

Of course we understand that each House controls its own conferees, and I will not go so far as to suggest that much of this difficulty originates in a practice of respecting seniority of committee service in the appointment of conferees, instead of appointing a conference committee composed at least in the majority of those who support the action of the House for which they are appointed. But while each House has the right to control its own conferees and can instruct them, and under given circumstances ought to instruct them, yet the practice of either House saying to the other before a full conference has been had that it insists upon its decision is equivalent to saying, "You will agree to my terms or a conference is fruitless."

That such proceedings must interrupt the friendly intercourse between the two Houses is obvious to the dullest man, because, as is well suggested by the Senator from Wisconsin, that defeats the very purpose of a conference, which is to bring the two Houses to an agreement, and if one House say, "We will not agree at all unless you agree to our action," the other House, as a matter of self-respect, will decline a conference upon such terms.

I therefore believe it is of the utmost importance that this committee shall reach some ground acceptable to both Houses before we take this matter out of their hands and proceed with it in a manner, which, if I were a member of the House, would be more offensive to me than the House message was to me as a Senator, because we ignore a message from them, while they simply advised us in advance that there could be no agreement except upon their terms.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. It occurs to me that the Senator from Texas was not in the Chamber when this matter was up a few days ago.

Mr. BAILEY. It is certain I was not.

Mr. FORAKER. We had quite a little debate about it, and at that time I took the position the Senator from Texas does—that is, I made inquiry as to whether or not the committee of conference appointed on the message had yet made a report, and I was solicitous for fear we might be impinging on their jurisdiction. But I was assured that the bill was one thing and the message another, and that we could proceed with the conference on the bill without interfering with the rights of the conference committee on the message. That was the first assurance.

When I found that it was perfectly satisfactory to all who were on the committees that we should proceed in that way, I addressed myself to finding out whether or not anything had been accomplished. When I became satisfied nothing had been and that in all probability nothing could be accomplished, and that the diplomatic gentlemen who represented us were perhaps holding back the report only for fear it might make a bad matter worse, I then began to feel that we ought to act on the bill without regard to the message.

At that time no one who took a different view of the matter from what I did seemed to think we were ignoring the message. It was in the hands of the committee, just as it is now. We have advised the House as to the message, and they have responded to it.

Mr. BAILEY. The trouble is that the only response we have made to the message was the notice that we had appointed a committee to join a similar committee from the House in considering that.

Mr. FORAKER. And the House appointed a committee.

Mr. BAILEY. And they appointed a committee. Now, with that message under consideration by the two committees, we propose to take action in respect to the very origin of the dispute without a word as to what has become of the difference over which we are conferring by a separate committee.

Mr. FORAKER. That is just what we were assured the other day we could do with propriety and without interference.

[At this point Mr. BAILEY yielded to a number of Senators to present routine morning business.]

CONSOLIDATED INDEX OF UNITED STATES STATUTES.

Mr. HOAR. I ask leave to submit a resolution for which I request present consideration.

The Secretary read the resolution, as follows:

Resolved, That the Senate Committee on the Judiciary cause to be prepared a consolidated index to the United States Statutes at Large from March 4, 1789, to March 3, 1903.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. Let it be read again.

Mr. BAILEY. I do not object, but I did not yield to the Senator from Massachusetts.

Mr. HOAR. I did not know the Senator from Texas had the floor.

Mr. BAILEY. Yes. I only make that statement for the purpose of excusing myself to the Senator from Nevada [Mr. STEWART], to whom I promised to yield.

Mr. HOAR. I beg pardon of the Senator from Texas.

Mr. PROCTOR. I ask the Senator from Texas to yield to me for a moment.

Mr. BAILEY. This matter can be disposed of, and I will keep my agreement to yield to the Senator from Nevada, and then I will yield to the Senator from Vermont.

I want to seize this opportunity to say that I have never known a body as enlightened as this is to preserve such an absurd rule as that one which requires us to stand up here and interrupt each other for the sake of introducing bills and petitions. In the other House a gentleman desiring to introduce a bill can take it and deliver it to the Clerk, and it is introduced. The country does not heed us when we stand up in the open Senate to introduce our bills. But this performance goes on from day to day, and some time, just to illustrate the absurdity of the rule, I intend to stand here for thirty days and object to any bill being introduced except in the usual morning hour, and I will have that rule changed before the thirty days are half gone.

Mr. SPOONER. Will the Senator from Texas permit me?

Mr. PROCTOR. Will the Senator from Texas allow me?

Mr. BAILEY. I am under promise to yield to the Senator from Nevada.

Mr. PROCTOR. I will be only a moment.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I had read from the desk a few moments ago a resolution for which I asked immediate consideration. It will take but a moment. It has been read once.

The PRESIDING OFFICER. The Senator from Texas is entitled to the floor.

Mr. BAILEY. I yield to the Senator from Massachusetts.

Mr. HOAR. The resolution has been read, and I ask that it be read again for the information of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the present consideration of a resolution, which will again be read.

The Secretary read as follows:

Resolved, That the Senate Committee on the Judiciary cause to be prepared a consolidated index to the United States Statutes at Large from March 4, 1789, to March 3, 1904.

Mr. GALLINGER. Let it go over.

Mr. HOAR. Will the Senator from New Hampshire withdraw his objection in order that I may say a word?

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. BAILEY. Now, Mr. President——

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. HOAR. The Senator from New Hampshire, I understand, withdraws his objection to the consideration of the resolution, in order that I may make a statement.

The PRESIDING OFFICER. The Chair will again submit the request. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. The Senator from Massachusetts desires to make a statement concerning the resolution. I do not know whether I shall object after hearing his statement.

Mr. STEWART. I object.

Mr. HOAR. It will take but ten seconds, and I am going away to-morrow.

Mr. STEWART. Very well; I withdraw the objection.

Mr. HOAR. This work is imperatively needed. There is no index, none having been made for many years, by which the Judiciary Committee or anybody else can find the old statutes and the history of our legislation. The resolution is approved by the Judiciary Committee. The work will be done by the clerk, who is a very competent person, and the question whether he shall receive any compensation, and if so, what, will depend on what the Senate thinks as to the necessity of the work after it is completed. There is no provision for any payment. The work will be done under the direction of the committee in the vacation, and then the Senate, if it thinks any compensation necessary, can refer

the matter to the Committee on Contingent Expenses or any other committee, as it sees fit.

Mr. GALLINGER. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

CONFERENCES AND CONFERENCE REPORTS.

The PRESIDING OFFICER. The Senator from Texas [Mr. BAILEY] is entitled to the floor.

Mr. ALDRICH. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Rhode Island will state his point of order.

Mr. ALDRICH. The Senator from Texas has been making two speeches——

Mr. GALLINGER. Three.

Mr. ALDRICH. He has been speaking upon two subjects, neither of which is before the Senate. There is no business before the Senate at all. The Senator from Texas is proceeding by unanimous consent, and he is simply——

Mr. BAILEY. The first time I ever tried to address the Senate the Senator from Rhode Island took me from the floor on just such a point of order as that. He will not do it this time.

Mr. ALDRICH. I should like to have the Chair state what is the question before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Wisconsin——

Mr. BAILEY. To be excused from further service on the committee.

The PRESIDING OFFICER. And of the Senator from Colorado to be excused from further service on the committee of conference on the message of the House of Representatives in respect to the Army bill.

Mr. ALDRICH. Is that a debatable question?

Mr. STEWART. Yes.

Mr. BAILEY. Is it what?

Mr. ALDRICH. Is it a debatable question?

Mr. SPOONER. It is a question of privilege.

Mr. PROCTOR. I have been trying for half an hour to say about ten words.

Mr. STEWART. Say them.

Mr. PROCTOR. I should like to know if I can have the privilege.

The PRESIDING OFFICER. The Senator from Texas has the floor. Does he yield to the Senator from Vermont?

Mr. BAILEY. Certainly.

Mr. PROCTOR. Mr. President, in the absence of the Senator from Texas last week I called up the bill and made a motion to recede from the amendment to which the House objected and to ask a conference on the remaining amendments, which I think would have been agreed to without any instruction. That motion did not seem to meet with favor, and it was suggested that I held out the olive branch to the other body too strongly. Those who favored holding out the butt end of the olive branch seemed to be in the majority.

This morning, in the Committee on Military Affairs, the matter was brought up, and I was instructed to make the motion I did by what I took to be a unanimous vote—at least no one dissented. I did not myself vote because I did not quite believe in the measure. But I obeyed the direction.

I agree substantially on general grounds with the views of the Senator from Texas and the Senator from Wisconsin and the Senator from Colorado, as I understand them. I trust that the Senator from Wisconsin will not be excused from further serving on the conference committee, or if he is to be excused, that the whole committee be discharged from the further consideration of the question. One or the other course—not to excuse him or to discharge the whole committee—is certainly the right way.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Certainly.

Mr. SPOONER. Only a moment. It is not exactly wise, I think, to treat with levity this apparent issue—I will speak of it as an apparent issue—between the two Houses. I think there ought to be none; but there seems to be one, and around it has developed more or less of feeling. The conference committee, standing all of the time by the prerogatives of the Senate and, I think, the dignity of the Senate, has endeavored to bring about an adjustment which would secure harmony and cooperation between the two Houses. If the Committee on Military Affairs thinks it wise—and that is a matter entirely for the Committee on Military Affairs to decide—to proceed by vote with the question of conference on the military bill, it is quite right; it is entirely within their prerogative, and it may be the wise thing to do. But if that is to be done, and I have no objection in the world to its being done, the committee of conference on the message will deal with a pure abstraction, a mere matter of abstract etiquette, of politeness.

Mr. President, we could have reached a conclusion in twenty minutes, and it would have been the easiest thing in the world, which would have involved the two Houses, under the circumstances, in an issue which would have lasted, I think, for some time, and which would have been creditable to neither from the standpoint of the popular interest nor its interest in these bodies. We made progress. I was as frank as I could be the other day when I stated that we were not ready to report. I do not know that we would be ready in a week from now. We intended to proceed, and we have proceeded; but I think the time has come, in view of the action of the Committee on Military Affairs, for this committee no longer to proceed. Therefore, Mr. President, withdrawing my request to be excused from service as a member of the committee——

Mr. FORAKER. Will the Senator allow me a moment?

Mr. SPOONER. Pardon me. And also, if I have leave of the Senator from Colorado, withdrawing his request to be excused from further service upon that committee, I move, in order to make the pathway clear for the Committee on Military Affairs, that the committee of conference appointed some days ago by the Senate to confer with a similar committee from the House be discharged from further duty in that relation.

Mr. BAILEY. I ask the Senator from Wisconsin to withhold that motion for a moment until I can keep my agreement to yield to the Senator from Nevada [Mr. STEWART], and then I am through.

Mr. SPOONER. For that purpose I withhold the motion.

Mr. BAILEY. I yield to the Senator from Nevada.

LOUISIANA AND TEXAS RAILROAD AND STEAMSHIP COMPANY.

Mr. STEWART. I desire to call up a bill to remove the statute of limitation. I wish to state in half a minute what the bill is. The railroad company named in the bill was treated by the Post-Office Department as a land-grant road.

Mr. SPOONER. What is the name of the company named in the bill?

Mr. STEWART. It is Morgan's Louisiana and Texas Railroad and Steamship Company, a company in Texas. The railroad company named in the bill was treated by the Department as a land-grant road, and 20 per cent of the pay for the service retained. It had no subsidy. There had been some legislation in regard to it, but it did not get any grant.

The company brought suit against the Government for the money which was kept back and recovered it. The court held that it was not a land-grant road. Since that time it has been paid in full the same as all other roads, but while that suit was pending and before it was decided a portion of the compensation became outlawed. The effect of this bill is to remove the statute of limitations so that the accounting officers may pay what was omitted. The bill is recommended by the Department, and it comes from the Committee on Claims after having passed the House.

Mr. ALDRICH. Let the bill be read.

Mr. HOAR. It is to be paid on the principle of the decision of the court?

Mr. STEWART. On the same principle they are now paying that company. It was not paid, because while the litigation was pending a portion of it became outlawed. It is House bill 4636.

Mr. SPOONER. Let it be read.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ALDRICH. Let the report be read first. I reserve the right to object.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. STEWART on the 22d ultimo, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails, having considered the same, beg to report as follows:

This claim has been twice before your committee in the shape of amendments to appropriation bills, and twice favorably reported. Your committee again concur in the views contained in the above-mentioned reports, adopt them as a part hereof, and recommend the passage of the bill.

The reports are as follows:

[Senate Report No. 995, Fifty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the amendment to the sundry civil appropriation bill authorizing the Secretary of the Treasury to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 3301 and 49003, having considered the same, report as follows:

This amendment is fully explained by reports from both the Senate and House Committees on Claims, which are hereto attached for the information of the Committee on Appropriations.

[Senate Report No. 688, Fifty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the amendment of Mr. KEAN proposed to be offered to the sundry civil appropriation bill, have had the same under consideration and report as follows:

The claimant, the Morgan's Louisiana and Texas Railway and Steamship Company, own and operate a railroad between New Orleans, La., and Morgan City, La., a distance of 80.37 miles, and have, ever since July 1, 1878, been carrying the United States mails over its road under the orders and directions of the Postmaster-General. It has received for the transportation of such mails only 80 per cent of the statutory price, 20 per cent having been withheld on the alleged ground that the road was a land-grant road, and it was so treated in its payment by the United States.

The facts are that by the act of June 3, 1856 (11 Stat., 18), certain lands were proposed to be granted to the State for the purpose of aiding in the construction of such a road, provided that the road was built within ten years. The road was not built within the time, and Congress, by the act of July 14, 1870 (16 Stat., 277), forfeited the grant, and no lands were ever received by the company.

The company brought suit in the Court of Claims for the difference, and upon a full hearing the court held that the company was not a land-grant road and was entitled to the statutory rates for transportation of the mail, and rendered judgment in favor of the company for the period within six years prior to bringing the suit, but was without jurisdiction to render judgment for any period prior thereto.

This amendment authorizes the Secretary of the Treasury to audit the account for the period of time that the company was paid land-grant rates that the court decided it was entitled to the full statutory rates, and which was barred from its jurisdiction.

The amendment is in the form recommended by the Second Assistant Postmaster-General under date of February 2, 1899.

The committee therefore report back the amendment and recommend that it be referred to the Committee on Appropriations, to be incorporated in the sundry civil appropriation bill.

[House Report No. 796, Fifty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails, have had said bill under consideration and beg leave to submit the following report:

By an act of Congress approved June 3, 1856, a grant of land was made to the State of Louisiana for the purpose of aiding in the construction of a railroad from New Orleans, La., by Opelousas, to the State line of Texas; and afterwards, in pursuance of said act, the State of Louisiana, by an act of March 16, 1857, granted said lands to the New Orleans, Opelousas and Great Western Railroad Company. This act contained provisions for the forfeiting of said land in case the road was not completed within ten years.

The railroad contemplated by said act not having been completed within the ten years, Congress, by an act of July 14, 1870, declared all lands granted by said act for the construction of this road forfeited to the United States; and afterwards the State of Louisiana, for the purpose of carrying into effect the act of forfeiture, released to the United States on behalf of said State, by quitclaim deed, all the lands granted to said company.

After the expiration of the ten years the road was built on the lines provided in said grant, but owing to the failure of the company to build within the ten years, by an act of Congress of July 14, 1870, the lands reverted to the United States Government and never inured to the benefit of said railroad company or its successors or assigns.

Under a United States marshal's sale on May 25, 1869, Morgan's Louisiana and Texas Railroad and Steamship Company acquired all the rights to said land and to the road constructed or to be constructed through said grant formerly claimed by the New Orleans, Opelousas and Great Western Railroad Company.

The claimant, Morgan's Louisiana and Texas Railroad and Steamship Company, operated said road between New Orleans, La., and Morgan City, La., a distance of 80.37 miles, and have, since July 1, 1878, been carrying the United States mails over its road, under regulations made with the Postmaster-General. During this time it received for transporting such mails only 80 per cent of the statutory price, that being the price paid to land-grant companies, the 20 per cent having been withheld because it was alleged that it was a land-grant road, and it was so treated in its payment by the United States.

Said company, claiming that it was entitled to full nonland-grant rates for carrying the mails, on the 5th day of June, 1888, commenced an action in the Court of Claims against the United States for the purpose of recovering the 20 per cent which it claimed it was entitled to receive for carrying the mails over the lines of this road for the fiscal years ending June 30, 1882, 1883, and 1884.

No action was taken on this petition until during the year 1898. On the 21st day of February, 1898, the claimant filed a supplemental petition alleging that it was entitled to the 20 per cent withheld by the Government, or, in other words, that it was entitled to compensation for carrying the mails at nonland-grant rates from July 1, 1878, to December 31, 1897.

On the original petition, filed June 5, 1888, and the supplemental petition of February 21, 1898, the court, after hearing and trial, made a return in that case of a finding of law and fact, a copy of which is appended to this report and made a part of it.

By that decision it was determined by the court that the road was a nonland-grant road and that the claimant was entitled to recover for carrying the mails at full contract prices allowed to nonland-grant roads, and that it was therefore entitled to recover the 20 per cent of compensation that had been retained by the Post-Office Department; but the original petition in that case only having claimed compensation for the years 1882, 1883, and 1884, gave judgment for the claimant for the sum of $6,348.04, the amount still due the company for those years, and the supplemental petition having been filed more than ten years after the original petition, the court further held that it only had jurisdiction on the supplemental petition to determine the amount due the claimants for the six years immediately preceding the filing of the said supplemental petition, and on that basis gave judgment for the plaintiff for the sum of $22,396.79 as additional compensation due for the six years from February 21, 1892, up to December 31, 1897, leaving undetermined the additional compensation due the claimants for all that period from July 1, 1878, up to February 21, 1892, except for the years 1882, 1883, and 1884, which were adjudicated under the litigation on the original petition filed in said case, on the ground that the same were barred by the statute of limitations.

The purpose of this bill, therefore, is to authorize the Secretary of the Treasury to state an account with the said company for these several years for transporting the mails over its line of road, for which it has only been paid at land-grant rates, and to pay to the company whatever amount may be found to be due, without interest. The Post-Office Department has recognized the decision of the Court of Claims, above referred to, that this is a nonland-grant road, and it would seem that no other conclusion upon the facts could be arrived at.

The Post-Office Department, in recognition of the decision of the court, has adjusted the compensation with the railroad company for the carrying of the mails over its line since the 1st day of January, 1898.

On the foregoing facts, which are conclusively established, your committee are of the opinion that the bar of the statute of limitations ought to be removed and the Secretary of the Treasury authorized to state an account with the company and ascertain what is actually due by reason of the Government having retained 20 per cent for the period named, and pay the amount actually found due.

Your committee therefore report the bill back to the House with the recommendation that it do pass.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFERENCES AND CONFERENCE REPORTS.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Senator from Texas [Mr. BAILEY] is entitled to the floor.

Mr. BAILEY. I yield to the Senator from Wisconsin.

Mr. SPOONER. I move that the committee appointed by the Senate some days ago on the message from the House on the Army appropriation bill be discharged. It is late to-day, and I am quite willing that the motion shall go over until some time to-morrow.

Mr. HOAR. I think the Senator had better not make the motion now, and have it go into the RECORD. There may be some change of view about it.

Mr. MITCHELL. It is in the RECORD now.

Mr. TELLER. We have already put it in the RECORD. The fact is that the motion of the Senator from Vermont [Mr. PROCTOR] was agreed to, and it will go into the RECORD as having been agreed to. I insist that this committee ought to be discharged.

Mr. FORAKER. Mr. President, I wish to say just one word before the course suggested is taken.

Mr. ALDRICH. Let me make a suggestion.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. SPOONER. Of course.

Mr. FORAKER. The Senator made a remark a few moments ago to the effect that he was of the opinion that the committee ought to be discharged in view of the action taken by the Committee on Military Affairs. I want to say on behalf of the Committee on Military Affairs that I am sure no member of the committee had a thought, when that action was taken, of interfering with this committee. They had no such thought, because when this matter came before the Senate a few days ago that very point was raised. It was insisted by the Senator from Vermont and I think also by the Senator from Wisconsin and others that the bill and the message were two separate and independent matters for consideration, and that proceeding with the one did not interfere with the other.

The proposition of the Senator from Vermont then was exactly what his proposition is to-day, except only that to-day it is modified. To-day he insists upon all these amendments being considered, instead of receding from one of them. Certainly there was as much interference with the prerogative or the jurisdiction of the committee on the message to proceed in the way proposed a few days ago as there is to proceed in the way now proposed. So it never occurred to anybody that the action of the Committee on Military Affairs would be taken as ground for such a motion as that which the Senator has made.

I was hoping the Senator from Wisconsin would continue where I think he can render a very important service, because I am sure he can render it if any member of this body can render it. I think that would be a better course.

I have had no disposition, responding again to a thought expressed by the Senator a moment ago, to treat this subject with levity. I think it is a serious matter. I have been disposed, I was afraid, to treat it too seriously from the beginning. I have been in earnest about it. I am in earnest about it now, and I expect to remain in earnest about it to the end.

I have no light remarks to make on the subject. I think we

ought to act like men. We ought to act like self-respecting men, but men who respect also those with whom we must concurrently transact the public business. I believe if we do so act we can work out a solution of this question that will be acceptable to both Houses. Certainly no one here wants to humiliate anybody there, and for one I am determined, so far as I can prevent it, that nobody there shall humiliate anyone here. Speaking for myself, there will be a full and free conference or there will be none.

Mr. ALDRICH. I suggest to the Senator from Wisconsin and the Senator from Colorado that they withdraw the action they now suggest for a while until we find what the House will do with the request made to-day for a full and free conference. If the House either ignore their original message or withdraw it and accept the invitation of the Senate for a full and free conference, then the question is practically disposed of and there will probably be no controversy between the two Houses. On the other hand, if they should refuse to accept our request for a full and free conference, and stand upon their original message or upon some modification of it, then certainly there is reason for the existence of the committee of which the Senator from Wisconsin is chairman. I certainly hope he will not press at this time the motion which he has suggested.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Always.

Mr. HOAR. Mr. President, this matter seems to me to be a very grave one. I do not want, of course, to have any difficulties arise between the two Houses, but the House of Representatives sent us a message which, if like messages became a practice, enables the House of Representatives to be free in all future conferences and the Senate to be restricted and bound. When that message came in there was no Senator who spoke who did not regard that as a very serious proceeding. But the Senator from Maine [Mr. HALE], reenforced by the Senator from Iowa [Mr. ALLISON], two Senators of great experience and authority, who are charged by the Senate with a class of legislation about which conferences are most frequently necessary, said we should let it pass; that it was a mere inadvertence and we would not hear of such a thing again; and we let it pass. Then came the message in regard to the Army appropriation bill, in which the House implied, "We want you to give your conferees a free hand to yield, but we, in regard to one subject, will never yield."

It seemed to me that the proper thing to do was simply to send a message to the House asking for a free conference and let the House determine whether they would grant a free conference. But the Senator from Vermont [Mr. PROCTOR], having charge of this important Army appropriation bill, was very anxious that we should make a separate matter of that and have a committee, which was raised, to allow him to go on with his Army bill, if he could, under the existing message of the House. I withdrew very reluctantly the motion which I had made, because I did not like to interfere with the Senator in his action in regard to so important a responsibility.

Now, what is the result? It is now proposed to go on, as I understand it, with the Army appropriation bill, and to discharge the committee headed by the chairman of the Committee on Rules, which is supposed to have some special duties about the general procedure, in which the whole thing is practically going to disappear, and we are going to give our assent.

It is well enough to speak with great frankness. The Senators who have charge of these great appropriation bills have a certain temptation in this matter not to stand upon the ceremonies which preserve the dignity of the Senate. They are thinking of what they have got to do, and they want to accomplish that and get through and get away. We all know how it is in a conference. The Senate will have the most earnest and zealous debate, and by a strong majority it will declare that it is the opinion of the Senate that some amendment to a House bill ought to be adopted. It represents the earnest desire of the Senate, just as this thing seems to have been done, if I can judge of what has been said by the Senator from Ohio [Mr. FORAKER]. But we find the day before a final adjournment there comes in a report with 60, 70, or 100 disagreements disposed of in conference, and nobody seems to have cared much about the earnest opinion of the Senate.

I think if we should once in a while have somebody who is a little less amiable and a little less yielding in such matters, perhaps the Senate would have a little more authority in legislation than it has now. We do not want to stand anywhere except on an equality with the House. But when the Constitution of the United States gave them the great authority to say whether there should be an appropriation bill at all, it said that we might propose amendments, and added, in order that we should not be restricted, as they are in the English Parliament, to amendments merely germane or connected with the particular proposition, that we should propose amendments as in other bills, meaning that we should have as absolutely unrestricted authority as could possibly exist.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. HOAR. Now, I insist that we stand by our guns. I yield to the Senator.

Mr. PETTUS. I merely want to call the Senator's attention to the fact that he is confounding an appropriation bill with a revenue bill.

Mr. HOAR. I am not confounding an appropriation bill with a revenue bill. The Constitution of the United States said revenue bills, it is true, but the House very early declared that, in principle and substance, included all general appropriation bills, because under legislative practices, both in this country and elsewhere, a bill which made large general appropriations required provision for expenditure.

Mr. ALDRICH. Mr. President——

Mr. HOAR. Let me finish the sentence. Because an appropriation bill required provision for the expenditure, and therefore that the two subjects were inseparably pending, the House insisted on its position. The Senate denied it, but Mr. Webster, who was the champion of the Senate's side and utterly denied the correctness of the position of the House, said that whatever might be the right and wrong of the question it was a matter of which the House must, from the necessity of the case, be the judge, for the very obvious reason that if we introduce a general appropriation bill and they say they will not consider it because it could not constitutionally originate here, we can not help ourselves. We can not retaliate by saying we will not consider an appropriation bill originating there, because we do not deny their power to originate appropriation bills. Therefore the Senate yielded, and it has been the uniform practice ever since. There has not been a general appropriation bill, I suppose, introduced in the Senate for thirty years. There has not been one introduced in the Senate for fifty years except when some Senator thought he would renew this old controversy, and it never has been pressed.

Mr. ALDRICH. The question which the Senator from Massachusetts has suggested has been up between the two Houses a great many times in the history of this country, and the Senate has never conceded for a moment that it could not originate appropriation bills of any kind or of any size.

Mr. HOAR. But it never originated them.

Mr. ALDRICH. It has originated hundreds and thousands of them.

Mr. HOAR. Not general appropriation bills.

Mr. ALDRICH. There never was a general appropriation bill until a comparatively recent period.

Mr. HOAR. Oh, there was. The matter came up when I was in the House thirty years ago.

Mr. ALDRICH. I remember that.

Mr. HOAR. Mr. Webster distinctly declared that the House necessarily must settle that question. The Senate never has held to its power to originate such appropriation bills as those in regard to which the House denied the power.

Mr. ALDRICH. But the Senate has reasserted its power a great many times since Mr. Webster's report.

Mr. HOAR. I know, but they never stuck. They never prevailed in the assertion. Mr. Webster said we had the constitutional power. Mr. President, here are 13 or 14 great appropriation bills. The number in the way they are counted now I do not know, but there were 13 until recently. It would be immensely agreeable and convenient in legislation to have the House take a half dozen of them and the Senate a half dozen of them at the beginning of the short session and go on and get them ready. But we do not do it.

The House originates them, every one, and we wait until they send them over here. We do our work with great speed. We have a great advantage. The House I think has hurt its own authority by insisting on that course, because the appropriation bills come over here and they are discussed at great length and amended. Then they get into conference just at the end of the session and the House do not have much means of knowing what is in the appropriation bill by way of amendment except the members of the House who are on the conference committee. The effect of it is that the real authority on almost everything in legislation is the Senate and three or four members of the House of Representatives, who are important men on their Appropriations Committee and so get on to conferences. That is the substance of it. Until the House made a change in its rules within a very few years, the last man to inquire of as to what is in an appropriation bill the day after the adjournment, is a member of the House of Representatives.

Mr. SPOONER. I think, Mr. President, that it would be better that this motion should go over until to-morrow. I think it is a matter of very grave concern. I know it has given serious concern to every member of this committee of conference, and we had better take it up when more Senators are present. I ask that the motion go over.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin, that the motion go over until to-morrow? The Chair hears none, and it is so ordered.

MISSOURI RIVER BRIDGE.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. BURTON. Will the Senator yield to me for a moment?

Mr. GALLINGER. For what purpose?

Mr. BURTON. I want the Senate to pass a bill which I have been trying to get up two or three times.

Mr. GALLINGER. What is the nature of the bill?

Mr. BURTON. It is a bridge bill.

Mr. GALLINGER. I will yield for that purpose, and then I will renew my motion for an executive session.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was to strike out sections 2 and 3, as follows:

SEC. 2. That said bridge shall be constructed and built without material interference with the security and convenience of the navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a plan, design, and drawings of the bridge, and a map of the location, giving for the space of 1 mile above and 1 mile below the proposed location the topography of the banks of the river, the shore line at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans it shall have three or more channel spans of not less than 300 feet each in the clear, and shall not be of less elevation in any case than 50 feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and not less than 300 feet in length in the clear: *Provided also*, That if any bridge built under this act shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with the draw over the main channel of the river at an accessible and navigable point, and with spans of not less than 160 feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than 300 feet, and the headroom under such span shall not be less than 10 feet above high-water mark: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats, and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 3. That the Secretary of War is authorized and directed, upon receiving such plan, map, and other information, and upon being satisfied that the bridge built upon such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify said company or corporation that he approves the same; and upon receiving such notification said company or corporation may proceed to the erection of said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction of the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the district where said bridge or any part thereof is located.

And in lieu thereof to insert:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the said railroad company, its successors or assigns, be built as a drawbridge or with unbroken and continuous spans: *Provided*, That if the same shall be made of unbroken and continuous spans it shall not be in any case of less elevation than 50 feet above high-water mark, as registered since the year 1870, as understood at the point of location, to the lowest point of the superstructure, with straight girders; nor shall the main channel span of said bridge be less than 400 feet in the clear at low-water mark, and all other spans over the waterway shall be not less than 300 feet in the clear; and the piers of the said bridge shall be parallel with the current of the river, and the bridge itself at right angles thereto as near as may be, and the main span shall be over the main channel of the river: *And provided also*, That if a bridge shall be built under this act as a drawbridge the same shall be constructed as a pivot drawbridge with one or more draws, as the Secretary of War may prescribe, and with spans of such clear length on each side of the central or pivot piers of the draws as he may prescribe; and the next adjoining spans over the river to the draws shall also be of such clear length as he may prescribe; and said spans shall not be less than 10 feet above extreme high-water mark, as registered since the year 1870, measuring to the lowest part of the superstructure of the bridge; and the piers of the said bridge shall be parallel with the current of the river, and the bridge itself at right angles thereto as near as may be: *And provided also*, That said drawbridge shall be opened promptly upon reasonable signal and without unnecessary delay: *Provided*, That said company, its successors and assigns, shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and shall build and maintain such sheer booms or other structures as may be necessary to safely guide vessels, rafts, or other water craft through said channel spans and as shall receive the approval of the Secretary of War: *And provided further*, That the company, person, or corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation or flood discharge of said river, and shall be liable for all injuries to or appropriation of private property; and all plans for such works or erections upon or within the banks of the river shall be submitted to the Secretary of War for his approval before any of such work shall have been commenced.

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall substantially or materially obstruct the free navigation of said river, and no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction, with such maps as shall be necessary for a full understanding of the regimen of the river for a distance of 1 mile above and one-half mile below the proposed site of the bridge, shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will obviate such obstruction, and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge or the persons operating or controlling the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River, at or near the crossing of said bridge, caused thereby, the cause shall be commenced and tried in the circuit court of the United States of either judicial district of the States of Kansas or Missouri in which said bridge or any portion of such obstruction touches.

The amendment was agreed to,

The next amendment was, in section 5, on page 8, line 9, after the word "postal-telegraph," to insert "and telephone;" and in line 10, after the word "control," to insert "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies;" so as to make the section read:

SEC. 5. That the United States shall have the right of way for such postal-telegraph and telephone lines across said bridge as the Government may construct or control, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 7, on page 9, line 5, after the word "Congress," to strike out "shall have power" and insert "may;" in line 6, before the word "alter," to strike out "to;" in the same line, before the word "amend," to strike out "or," and after the word "amend" to insert "or repeal;" and in the same line, after the word "act," to strike out—

So as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works, and the expense of altering said bridge or removing such obstructions shall be borne by the owners of or persons controlling such bridge;

So as to make the section read:

SEC. 7. That Congress may, at any time, alter, amend, or repeal this act.

The amendment was agreed to.

The next amendment was, to insert the following as a new section:

SEC. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WIND CAVE NATIONAL PARK.

Mr. GALLINGER. The Senator from South Dakota [Mr. GAMBLE] and the Senator from Minnesota [Mr. NELSON], to my knowledge, have been waiting for several days to pass unobjected bills. I yield to these two Senators, and then I shall renew my motion for an executive session.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MALLORY. I should like to inquire of the Senator from South Dakota what provision has been made for those settlers who are on the proposed reservation?

Mr. GAMBLE. There are only two valid existing claims on the reservation, and those claimants are given new lands in place of those which they now occupy.

Mr. MALLORY. Is it provided that they shall have new lands in all cases?

Mr. GAMBLE. Yes, sir. There are other claims, but there are none of them that are considered valid. This is a Department measure; it was prepared by the Department, and they earnestly recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 20, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 19, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. James F. Hottel, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed D. F. A. de Otte, promoted.

Edward S. Addison, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Oscar G. Haines, promoted.

Leon C. Covell, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Charles W. Cairnes, promoted.

Cecil M. Gabbett, jr., of Georgia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Henry Ulke, jr., promoted.

Phillip W. Lauriatt, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Albert H. Buhner, promoted.

Hiram R. Searles, of Wisconsin, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Henry G. Fisher, promoted.

William H. Shea, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Ernest E. Mead, promoted.

William A. Whittier, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed John V. Wild, promoted.

PENSION AGENT.

Joseph W. Jones, of Ohio, to be pension agent at Columbus, Ohio, to take effect July 8, 1902, at expiration of his present term. (Reappointment.)

PROMOTIONS IN THE ARMY.

Ordnance Department.

Lieut. Col. John R. McGinness, Ordnance Department, to be colonel, June 14, 1902, vice Marye, retired from active service.

Maj. John E. Greer, Ordnance Department, to be lieutenant-colonel, June 14, 1902, vice McGinness, promoted.

Capt. Frank Baker, Ordnance Department, to be major, June 14, 1902, vice Greer, promoted.

First Lieut. Clarence C. Williams, Ordnance Department, to be captain, June 14, 1902, vice Baker, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Thomas W. Ryan, to be a lieutenant-commander in the Navy, from the 9th day of October, 1901 (subject to the examinations required by law), vice Lieut. Commander Charles W. Bartlett, promoted.

Lieut. Commander John E. Roller, to be a commander in the Navy, from the 28th day of December, 1901 (subject to the examinations required by law), vice Commander Walton Goodwin, retired.

Lieut. Frederick C. Bowers, to be a lieutenant-commander in the Navy, from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander Daniel P. Menefee, deceased.

Lieut. (Junior Grade) William S. Whitted, to be a lieutenant in the Navy, from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Frederick C. Bowers, promoted.

Commander Richardson Clover, to be a captain in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Capt. James H. Sands, promoted.

Lieut. Commander John C. Fremont, to be a commander in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Commander Albert Ross, promoted.

Lieut. Commander Albert Mertz, to be a commander in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Commander Richardson Clover, promoted.

Lieut. George R. Salisbury, to be a lieutenant-commander in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander John C. Fremont, promoted.

Lieut. John L. Purcell, to be a lieutenant-commander in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander Albert Mertz, promoted.

Lieut. (Junior Grade) Robert H. Osborn, to be a lieutenant in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. George R. Salisbury, promoted.

Lieut. Commander Rogers H. Galt, to be a commander in the Navy, from the 29th day of April, 1902 (subject to the examinations required by law), vice Commander James H. Miller, promoted.

Lieut. Frank W. Kellogg, to be a lieutenant-commander in the Navy, from the 29th day of April, 1902, vice Lieut. Commander Rogers H. Galt, promoted.

Lieut. (Junior Grade) Clarence England, to be a lieutenant in the Navy, from the 29th day of April, 1902 (subject to the examinations required by law), vice Lieut. Frank W. Kellogg, promoted.

Commander John V. B. Bleecker, to be a captain in the Navy, from the 3d day of June, 1902, vice Capt. Eugene W. Watson, retired.

Lieut. Commander Vincendon L. Cottman, to be a commander in the Navy, from the 3d day of June, 1902 (subject to the examinations required by law), vice Commander John V. B. Bleecker, promoted.

Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy, from the 3d day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Vincendon L. Cottman, promoted.

Lieut. (Junior Grade) Edwin H. De Lany, to be a lieutenant in the Navy, from the 3d day of June, 1902, vice Lieut. Reuben O. Bitler, promoted.

Capt. Yates Stirling, to be a rear-admiral in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Rear-Admiral George H. Wadleigh, retired.

Commander Andrew Dunlap, to be a captain in the Navy, from the 8th day of June, 1902, vice Capt. Yates Stirling, promoted.

Lieut. Commander Frank E. Sawyer, to be a commander in the Navy, from the 8th day of June, 1902, vice Commander Andrew Dunlap, promoted.

Lieut. Samuel H. Leonard, to be a lieutenant-commander in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Frank E. Sawyer, promoted.

Lieut. (Junior Grade) Frank H. Brumby, to be a lieutenant in the Navy, from the 8th day of June, 1902, vice Lieut. Samuel H. Leonard, promoted.

Commander John A. B. Smith, to be a captain in the Navy, from the 8th day of June, 1902, vice Capt. Edwin S. Houston, retired.

Lieut. Commander Thomas B. Howard, to be a commander in the Navy, from the 8th day of June, 1902, vice Commander John A. B. Smith, promoted.

Lieut. Harry Phelps, to be a lieutenant-commander in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Thomas B. Howard, promoted.

Lieut. (Junior Grade) Charles K. Mallory, to be a lieutenant in the Navy, from the 8th day of June, 1902, vice Lieut. Harry Phelps, promoted.

Capt. William C. Wise, to be a rear-admiral in the Navy, from the 14th day of June, 1902, vice Rear-Admiral Edwin M. Shepard, retired.

Commander Edward H. Gheen, to be a captain in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Capt. William C. Wise, promoted.

Lieut. Commander Walter C. Cowles, to be a commander in the Navy, from the 14th day of June, 1902, vice Commander Edward H. Gheen, promoted.

Lieut. Homer C. Poundstone, to be a lieutenant-commander in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Walter C. Cowles, promoted.

Lieut. (Junior Grade) James P. Morton, to be a lieutenant in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. Homer C. Poundstone, promoted.

Lieut. (Junior Grade) Frank P. Baldwin, to be a lieutenant in

the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. James P. Morton, an additional number in grade.

Commander Wells L. Field, to be a captain in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Capt. Clifford H. West, retired.

Lieut. Commander Austin M. Knight, to be a commander in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Commander Wells L. Field, promoted.

Lieut. Albert A. Ackerman, to be a lieutenant-commander in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Austin M. Knight, promoted.

Lieut. Leo D. Miner, to be a lieutenant-commander in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Samuel C. Lemly, retired.

Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Albert A. Ackerman, promoted.

Lieut. (Junior Grade) Newton Mansfield, to be a lieutenant in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Leo D. Miner, promoted.

REGISTER OF LAND OFFICE.

Fen S. Hildreth, of Prescott, Ariz., to be register of the land office at Prescott, Ariz., vice Frederick A. Tritle, jr., term expired.

RECEIVER OF PUBLIC MONEYS.

J. M. W. Moore, of Prescott, Ariz., to be receiver of public moneys at Prescott, Ariz., vice John C. Martin, term expired.

POSTMASTERS.

Andrew J. Locke to be postmaster at Eufaula, in the county of Barbour and State of Alabama in place of Andrew J. Locke. Incumbent's commission expired May 28, 1902.

Alice A. Hanna, to be postmaster at Oakdale, in the county of Stanislaus and State of California, in place of Alice A. Hanna. Incumbent's commission expires June 22, 1902.

George I. Allen, to be postmaster at Middletown, in the county of Middlesex and State of Connecticut, in place of George I. Allen. Incumbent's commission expires June 29, 1902.

William P. Leete, to be postmaster at North Haven, in the county of New Haven and State of Connecticut, in place of William P. Leete. Incumbent's commission expires June 22, 1902.

Louis J. Appel, to be postmaster at Highland, in the county of Madison and State of Illinois, in place of Louis J. Appel. Incumbent's commission expired May 24, 1902.

William H. Hainline, to be postmaster at Macomb, in the county of McDonough and State of Illinois, in place of William H. Hainline. Incumbent's commission expired January 10, 1902.

Charles S. Neeld, to be postmaster at Normal, in the county of McLean and State of Illinois, in place of Charles S. Neeld. Incumbent's commission expired June 14, 1902.

Lewis Dennis, to be postmaster at Salem, in the county of Washington and State of Indiana, in place of Havilla C. Hobbs. Incumbent's commission expired May 6, 1902.

Charles C. Bender, to be postmaster at Spencer, in the county of Clay and State of Iowa, in place of Charles C. Bender. Incumbent's commission expired May 5, 1902.

James M. Chisham, to be postmaster at Atchison, in the county of Atchison and State of Kansas, in place of James M. Chisham. Incumbent's commission expired June 5, 1902.

Theodore Griffith, to be postmaster at Great Bend, in the county of Barton and State of Kansas, in place of Channel P. Townsley. Incumbent's commission expired March 17, 1902.

William E. Menoher, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas, in place of William E. Menoher. Incumbent's commission expires June 22, 1902,

James N. Titus, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas, in place of James N. Titus. Incumbent's commission expired May 5, 1902.

Samuel R. Peters, to be postmaster at Newton, in the county of Harvey and State of Kansas, in place of Samuel R. Peters. Incumbent's commission expired June 3, 1902.

Herbert J. Cornwell, to be postmaster at St. John, in the county of Stafford and State of Kansas, in place of Herbert J. Cornwell. Incumbent's commission expired March 22, 1902.

Charles A. Wilbar, to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts, in place of Charles A. Wilbar. Incumbent's commission expires July 1, 1902.

George A. Ballard, to be postmaster at Fall River, in the county of Bristol and State of Massachusetts, in place of George A. Ballard. Incumbent's commission expires July 1, 1902.

Allen T. Holmes, to be postmaster at Plymouth, in the county of Plymouth and State of Massachusetts, in place of Allen T. Holmes. Incumbent's commission expires July 1, 1902.

Frank H. Fales, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts, in place of Frank H. Fales. Incumbent's commission expires June 24, 1902.

William H. Arthur, to be postmaster at Marshall, in the county of Calhoun and State of Michigan, in place of William H. Arthur. Incumbent's commission expired June 16, 1902.

Thomas B. Tuttle, to be postmaster at Carthage, in the county of Jasper and State of Missouri, in place of Thomas B. Tuttle. Incumbent's commission expires June 22, 1902.

John G. Richmond, to be postmaster at La Belle, in the county of Lewis and State of Missouri, in place of John G. Richmond. Incumbent's commission expired May 2, 1902.

Edwin Cadmus, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in place of Frank H. Melville. Incumbent's commission expires June 22, 1902.

George P. Dustan, to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire, in place of George P. Dustan. Incumbent's commission expired June 6, 1902.

David O. Williams, to be postmaster at Mount Vernon, in the county of Westchester and State of New York, in place of David O. Williams. Incumbent's commission expires June 22, 1902.

Francis H. Salt, to be postmaster at Niagara Falls, in the county of Niagara and State of New York, in place of Francis H. Salt. Incumbent's commission expires June 22, 1902.

Samuel D. Mulholland, to be postmaster at Port Henry, in the county of Essex and State of New York, in place of Samuel D. Mulholland. Incumbent's commission expires June 22, 1902.

James M. Miller, to be postmaster at Washingtonville, in the county of Orange and State of New York, in place of James M. Miller. Incumbent's commission expires June 22, 1902.

Oakey V. Parrish, to be postmaster at Hamilton, in the county of Butler and State of Ohio, in place of Ella B. Elliott. Incumbent's commission expires June 23, 1902.

Gilbert D. McIntyre, to be postmaster at Orrville, in the county of Wayne and State of Ohio, in place of Harry E. Taylor. Incumbent's commission expired May 24, 1902.

Marshall Lambert, to be postmaster at Newkirk, in the county of Kay and Territory of Oklahoma, in place of Marshall Lambert. Incumbent's commission expired June 15, 1901.

T. A. Cochran, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania, in place of Thomas Johnston. Incumbent's commission expires June 24, 1902.

Christian H. Sheets, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania, in place of Christian H. Sheets. Incumbent's commission expires June 24, 1902.

Andrew S. Warner, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania, in place of Andrew S. Warner. Incumbent's commission expires June 24, 1902.

John Morgan, to be postmaster at Dayton, in the county of Rhea and State of Tennessee, in place of John Morgan. Incumbent's commission expires June 22, 1902.

John T. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in place of John T. Davenport. Incumbent's commission expires June 22, 1902.

James M. McLaughlin, to be postmaster at Lynchburg, in the county of Campbell and State of Virginia, in place of Watkins L. Moorman. Incumbent's commission expired January 23, 1900.

Wilbur P. Keays, to be postmaster at Buffalo, in the county of Johnson and State of Wyoming, in place of Wilbur P. Keays. Incumbent's commission expires June 20, 1902.

J. F. Corbett, to be postmaster at Weyauwega, in the county of Waupaca and State of Wisconsin, in place of Eliada W. Brown, deceased.

James E. Karns, to be postmaster at Springdale, in the county of Allegheny and State of Pennsylvania. Office became Presidential April 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 19, 1902.

CONSUL.

August Casimir Wolff, of Warsaw, to be consul of the United States at Warsaw, Russia.

UNITED STATES ATTORNEYS.

William H. Atwell, of Texas, to be United States attorney for the northern district of Texas.

Henry Terrell, of Texas, to be United States attorney for the western district of Texas.

GENERAL APPRAISER OF MERCHANDISE.

Byron S. Waite, of Michigan, to be general appraiser of merchandise.

DISTRICT BOARD OF CHARITIES.

Simon Wolf, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1902.

Charles P. Neill, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1902.

PROMOTIONS IN THE NAVY.

The following-named surgeons in the Navy to have the rank of lieutenant-commander from the 3d day of June, 1902:

John M. Edgar.

Philip Leach.

The following-named passed assistant surgeons in the Navy to have the rank of lieutenant from the 3d day of June, 1902:

Middleton S. Elliott.

Frank L. Pleadwell.

Dudley N. Carpenter.

Daniel H. Morgan.

James C. Pryor.

The following-named paymasters in the Navy to have the rank of lieutenant-commander from the 8th day of June, 1902:

John S. Carpenter.

Livingston Hunt.

John A. Mudd.

George W. Simpson.

Harry R. Sullivan.

Samuel L. Heap.

Chaplain Sylvester D. Boorom to have the rank of captain in the Navy from the 8th day of February, 1902.

Chaplain William H. I. Reaney to have the rank of commander in the Navy from the 8th day of February, 1902.

Chaplain John B. Frazier, to have the rank of commander in the Navy from the 28th day of May, 1902.

The following-named assistant naval constructors in the Navy to have the rank of lieutenant from the 3d day of June, 1902:

Stuart F. Smith.

William G. Groesbeck.

Civil Engineer Ulysses S. G. White, to have the rank of captain in the Navy from the 6th day of April, 1902.

Civil Engineer Robert E. Peary, to have the rank of commander in the Navy from the 6th day of April, 1902.

Civil Engineer Richard C. Hollyday, to have the rank of lieutenant-commander in the Navy from the 6th day of April, 1902.

POSTMASTERS.

Gould D. Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut.

Mary E. Bell, to be postmaster at Portland, in the county of Middlesex and State of Connecticut.

A. S. Hazelton, to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa.

Joseph A. Schmitt, to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas.

William W. Moss, to be postmaster at Logansport, in the county of Cass and State of Indiana.

Sewell P. Wood, to be postmaster at Farmington, in the county of Fulton and State of Illinois.

Charles A. Long, to be postmaster at North Bend, in the county of Dodge and State of Nebraska.

Isaac R. Huggins, to be postmaster at Palmyra, in the county of Marion and State of Missouri.

James A. Trotter, to be postmaster at Vassar, in the county of Tuscola and State of Michigan.

Vernon A. Kent, to be postmaster at Westfield, in the county of Chautauqua and State of New York.

Claude L. Wilson, to be postmaster at Little Valley, in the county of Cattaraugus and State of New York.

E. N. Allen, to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska.

George Y. Walbright, to be postmaster at Stroud, in the county of Lincoln and Territory of Oklahoma.

William G. Richards, to be postmaster at Hillsboro, in the county of Highland and State of Ohio.

John B. Elliott, to be postmaster at Greenfield, in the county of Highland and State of Ohio.

William Case, to be postmaster at Mauston, in the county of Juneau and State of Wisconsin.

Maurice Mann, to be postmaster at Slater, in the county of Saline and State of Missouri.

Newton L. Wilson, to be postmaster at Blocton, in the county of Bibb and State of Alabama.

Harvey Springer, to be postmaster at Cambria, in the county of Weston and State of Wyoming.

Rollin C. Lybrand, to be postmaster at Richland Center, in the county of Richland and State of Wisconsin.

J. P. Murphy, to be postmaster at Bamberg, in the county of Bamberg and State of South Carolina.

David W. Morgan, to be postmaster at Franklin, in the county of Venango and State of Pennsylvania.

William M. Tisdale, to be postmaster at Redlands, in the county of San Bernardino and State of California.

Mellie B. Towne, to be postmaster at Orange, in the county of Orange and State of California.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 19, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FREEDMEN'S INQUIRY COMMISSION.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill H. R. 12940, reported from the Committee on Labor.

The SPEAKER. The gentleman from Virginia asks unanimous consent to file the views of the minority on the bill H. R. 12940, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 12940) creating a commission to inquire into the condition of the colored people of the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

JAMES W. LONG.

Mr. WM. ALDEN SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 282) providing for the appointment of James W. Long, late a captain of infantry, United States Army, and for placing his name on the retired list.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James W. Long, late captain in the United States Army, a captain of infantry, and to thereupon place his name upon the unlimited retired list of the Army, in the class whose disabilities result from wounds received in battle.

Mr. WM. ALDEN SMITH. Mr. Speaker, I shall only take the time of the House for a moment for the purpose of referring to the military record of Maj. James W. Long, late a captain of the United States Army.

He was appointed a second lieutenant of the Second Infantry August 5, 1861. He was promoted to first lieutenant August 10, 1861; was brevetted captain June 27, 1862, for gallant and meritorious services at the battle of Gaines Mill, Virginia, and major, May 5, 1864, for gallant and meritorious services at the battle of the Wilderness.

He was left out or unassigned on account of physical disability at the consolidation of the Second and Sixteenth Regiments of Infantry, under the act of March 3, 1869, reducing the Army. He was examined by a retiring board in September, 1870, and reported by the board to be not incapacitated for active service.

He was severely wounded at the battle of Gaines Mill June 27, 1862. His record of service reflects great credit upon him. He sustained severe and painful injuries, including the total loss of an eye and the impairment of the sight of the remaining eye as the direct result of his Army service. He has been a constant sufferer from his wounds; and there are very grave possibilities that he may be entirely deprived of his sight as a result thereof.

Under the authority conferred by the fourth section of the act of Congress, approved June 30, 1834, for the organization of the Department of Indian Affairs, the President of the United States was authorized to require any military officer to execute the duties of Indian agent, and in accordance with General Order No. 49, issued from the Headquarters of the Army, at Washington, May 7, 1869, Major Long was detailed for duty as agent for the Indians in the State of Michigan, achieving great success, making a most efficient and valuable aid to the Commissioner of Indian Affairs. While he was absent on duty as Indian agent notice came from the Adjutant-General of the Army notifying him that he would be relieved from duty as an Indian agent, and to report his new address to the president of the retiring board, before whom he had been ordered to appear for examination. This notice, because of Major Long's absence on duty, did not reach him until six months after it was mailed, and during that time he had been practically legislated out of the Army.

He had been examined in 1869 by the Atlanta board and was found by that board to be unable to perform his duty as a soldier and with that finding should have been retired.

He has for many years endeavored to have the action of the retiring board corrected. His case is one of unusual merit. A letter from Gen. H. C. Corbin, Adjutant-General of the Army, under date of April 17 last, addressed to me, among other things, says:

I have the honor to say that in my opinion the bill for the relief of Major Long has exceptional merit, and I do not hesitate to express my own opinion that its passage would be just to the Government as well as to Major Long.

Every man who has examined his record with care reaches the same conclusion, that our action to-day would be a most tardy recognition of a most unfortunate soldier, who has merited the approbation of his Government and is deserving well at our hands. I express the sincere hope that there may be no difficulty in securing the enactment of this measure into law.

The SPEAKER. Is there objection?

Mr. MADDOX. Mr. Speaker, the other day when this bill was called up I objected to it, for the reason that I did not know anything about it. Since that time I have taken the trouble to investigate it, and my judgment is that if a meritorious case has been before this Congress, this is one of them.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WM. ALDEN SMITH, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ASHLEY RIVER, SOUTH CAROLINA.

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina.

The Clerk read the bill at length.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DAVIS of Florida, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6104. An act to restore to the active list of the Navy the name of John Walton Ross.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The message also announced that Mr. PROCTOR had been excused from the committee of conference on the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, and that Mr. BURROWS had been appointed in his place.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. MCMILLAN, and Mr. COCKRELL as the conferees on the part of the Senate.

REPORT ON DISEASES OF THE HORSE.

Mr. TATE. By direction of the Committee on Printing, I ask unanimous consent that Senate concurrent resolution No. 47 be taken from the Speaker's table and considered now.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills, in the enrollment of the joint resolution (S. R. 92) "providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse," be authorized to correct the title thereof by striking out the words "fifty thousand" and inserting the words "two hundred thousand," so as to make the same correspond with the amendment of the House of Representatives to the said resolution, concurred in by the Senate.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

On motion of Mr. TATE, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

PUBLIC BUILDINGS.

Mr. MERCER. I ask unanimous consent for the consideration of the joint resolution (H. J. Res. 200) which I send to the Clerk's desk.

The joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, was read as follows:

Resolved, etc., That the law (Public, No. 146) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be amended so as to transpose the provision for a United States post-office and court-house at Scranton, Pa., from section 4 to section 1; and the provisions, respectively, for the United States post-office at Moberly, Mo., for United States post-office at Columbia, Mo., and for the United States post-office and other governmental offices at Crookston, Minn., be transferred from section 4 to section 5 of said act.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RICHARDSON of Tennessee. As I understand, this simply corrects an error in a bill already passed?

Mr. MERCER. It simply corrects an error made by the clerks in not enrolling the bill in accordance with the report of the conference committee.

Mr. RICHARDSON of Tennessee. It does not change the appropriation?

Mr. MERCER. Not at all.

Mr. RICHARDSON of Tennessee. It adds nothing whatever to the appropriations heretofore made for public buildings?

Mr. MERCER. No, sir.

Mr. RICHARDSON of Tennessee. It simply corrects an error?

Mr. MERCER. That is all.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Upon motion of Mr. MERCER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

OSAGE RIVER, MISSOURI.

Mr. DE ARMOND. I ask unanimous consent for the present consideration of the bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river.

The bill was read as follows:

Be it enacted, etc., That the Osage River in the State of Missouri, above the point where the dividing line between the counties of Benton and St. Clair crosses said river, is hereby declared not to be a navigable stream and shall be so treated by the Secretary of War and all other authorities.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT SUPERINTENDENTS IN LIFE-SAVING SERVICE.

Mr. LOVERING. I ask unanimous consent for the present consideration of the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the compensation of district superintendents in the Life-Saving Service shall be $2,000 per annum each: *Provided, however*, That in case the Secretary of the Treasury deems it necessary for any superintendent to employ a clerk, he may allow a sum not exceeding $500 per annum for the compensation of such clerk in addition to the salary paid the superintendent.

SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

There being no objection, the House proceeded to the consideration of the bill.

Mr. LOVERING. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 5 strike out the words "$2,000 per annum each" and insert the words "as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, $2,000 per annum each; for the superintendents of the third and ninth districts, $1,800 per annum each; for the superintendent of the eighth district, $1,700."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. LOVERING, a motion to reconsider the vote by which the bill was passed was laid on the table.

REAL ESTATE FOR CUSTOMS PURPOSES AT WILMINGTON, N. C.

Mr. BELLAMY. I ask unanimous consent for the present consideration of the bill (H. R. 14802) for the purchase of real estate, for revenue and customs purposes, at Wilmington, N. C.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to cause an examination to be made of the wharf in front of the custom-house, and other property, at the port of Wilmington, N. C., known as the O. G. Parsley estate, offered by George D. Parsley and others of said city, namely, the following real estate: Lot 5, block 164, and all that part of lot 6, block 164, not now owned by the United States, and the two-story brick fireproof storehouse on said lot 6, fronting west 39 feet on Water street, running thence east 77.5 feet on Ewing's alley, abutting the United States bonded warehouse on the east and the United States custom-house on the south; the wharf front of said lots fronting on the Cape Fear River 104 feet, and also the easement of said Parsleys in the wharf front of lot 4, block 164, fronting the Cape Fear River 34 feet, and abutting said lot 5 on the north. And on inquiry as to their necessity for use for the Revenue-Cutter Service and other customs purposes at that port, and if it shall be found advantageous and necessary for such purposes, to purchase the same at a reasonable price: *Provided*, That it shall not exceed $16,000, which amount shall be paid out of any money in the Treasury not otherwise appropriated.

The amendment reported by the committee was read, as follows:

After line 12, page 2, add the following:

"*And provided, further*, That the owners of said property shall accept such sum as may be agreed upon for the same in full of all rights, easements, etc., belonging thereto, including any claims and demands, legal or equitable, and all causes of action, legal or equitable, which they may have against the United States of said wharf or any part thereof, and all claims of any character, whether from tort, trespass, use and occupation, or otherwise."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. From what committee is it reported?

The SPEAKER. From the Committee on Interstate and Foreign Commerce.

Mr. BELLAMY. If the gentleman wants any information about the bill I ask that the report be read.

Mr. CANNON. This is a proposition, as I understand, to buy $15,000 worth of property down there for revenue or customs purposes.

Mr. BELLAMY. I will explain the measure if the gentleman desires it.

Mr. CANNON. I should like to know something about it.

Mr. BELLAMY. Mr. Speaker, in the city of Wilmington, N. C., there is, of course, a custom-house owned by the Government. In front of that custom-house there is a wharf owned by the Parsley estate. On either side of that wharf the Government owns a wharf. For customs purposes there is needed on the north side of this property a building for storing in bond goods that may be imported into the port of Wilmington to be shipped beyond without appraisement, and for other customs purposes.

This building north of it and the wharf in front of it this bill gives to the Secretary of the Treasury discretion to buy, if in his judgment he sees fit, at a cost not exceeding $15,000. When the Spanish war broke out, the wharf in front of the custom-house, owned by the Parsley estate, was obstructed by the placing thereon of cannon, immense guns, that were sent down to the port of Wilmington to be conveyed to Fort Caswell, and which have since been erected on the fortifications at that fort. The owners of this private property claim damages out of the Government for the occupation of this wharf. These cannon not only laid there days, but weeks, and probably months. The revenue cutter stationed at that port, in being moored to its own wharf, which is not long enough to accommodate it, extends more than halfway across this Parsley wharf. The consequence is, the Government has been using this Parsley wharf for years, obstructing it, and the Parsley estate has been claiming damages from the Government, and I learn has employed lawyers here to sue it.

Now, in order to obtain this wharf for the Revenue-Cutter Service, and to obtain the building north of it for custom-house purposes, and to extinguish all claims against the Government by the Parsley estate, this bill allows the Secretary of the Treasury to purchase the Parsley property if, in his judgment, he deems it proper, provided the cost and the extinguishment of the claims shall not exceed $16,000.

Mr. CANNON. Mr. Speaker, so far as I am concerned, the gentleman need not make any further explanation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BELLAMY, a motion to reconsider the last vote was laid on the table.

LATE MAJ. GEN. WILLIAM J. SEWELL.

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 100, authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, which I will ask to have read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to deliver to the governor of the State of New Jersey, at Trenton, N. J., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 15,000 pounds in weight, to be used in the erection of an equestrian statue to the memory of the late Maj. Gen. William J. Sewell, United States Volunteers.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection? [After a pause.] The Chair hears none. The question is on a third reading of the Senate joint resolution.

The resolution was ordered to a third reading, read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the last vote was laid on the table.

OATH RESPECTING VESSEL REGISTRY.

The SPEAKER laid before the House the bill (H. R. 11725) to amend section 4139 and section 4319 of the Revised Statutes with the Senate amendments.

The Senate amendments were read.

Mr. GROSVENOR. Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to move that the House concur in the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Ohio what these amendments are.

Mr. GROSVENOR. They simply authorize, in addition to the provisions of the House bill, that an officer of a corporation may make the affidavit if authorized to do so by power of attorney. That is the only addition to the bill as it was passed by the House.

Mr. CANNON. What branch of the service does it pertain to?

Mr. GROSVENOR. The merchant-marine branch. There is no additional expense or anything about it. It is merely to accommodate in swearing to certain papers connected with the register of the ship.

The SPEAKER. The question is on agreeing to the Senate amendments.

The amendments were agreed to.

ADELAIDE G. HATCH.

The SPEAKER also laid before the House the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, with House amendment thereto, disagreed to by the Senate, on which the Senate request a conference.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House further insist on this amendment and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from New Jersey moves that the House further insist on its amendment and agree to a conference asked for by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Messrs. LOUDENSLAGER, BROMWELL, and RICHARDSON of Alabama.

ELIZABETH A. TURNER.

The SPEAKER also laid before the House the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner, with a House amendment thereto, disagreed to by the Senate, on which the Senate requests a conference.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House further insist on its amendment and agree to the conference requested by the Senate.

The SPEAKER. The question is on the motion of the gentleman from New Jersey.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Messrs. LOUDENSLAGER, BROMWELL, and RICHARDSON of Alabama.

CLAYTON P. VAN HOUTEN.

The SPEAKER also laid before the House the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten, with a House amendment thereto, disagreed to by the Senate, on which the Senate requests a conference.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House further insist on its amendment and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from New Jersey.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Messrs. LOUDENSLAGER, BROMWELL, and RICHARDSON of Alabama.

CLARA W. M'NAIR.

The SPEAKER also laid before the House the bill (S. 1225) granting an increase of pension to Clara W. McNair, with House

amendments thereto, disagreed to by the Senate, on which a conference is asked.

Mr. LOUDENSLAGER. I move that the House further insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama.

REINHARD SCHNEIDER.

The SPEAKER also laid before the House the bill (H. R. 9870) to correct the military record of Reinhard Schneider, with Senate amendments thereto.

Mr. HULL. I move that the House concur in the Senate amendments.

The motion was agreed to.

LEVI WELLS.

The SPEAKER also laid before the House the bill (H. R. 9723) granting an honorable discharge to Levi Wells, with Senate amendments thereto.

Mr. HULL. I move that the House concur in the Senate amendments.

The motion was agreed to.

JOHN O'BRIEN.

The SPEAKER also laid before the House the bill (H. R. 3442) to correct the military record of John O'Brien, with Senate amendments thereto.

Mr. HULL. I move that the House concur in the Senate amendments.

The motion was agreed to.

JOHN H. LAUCHLY.

Mr. GIBSON. Mr. Speaker, I present a conference report and statement on the bill (H. R. 8840) granting an increase of pension to John H. Lauchly, and ask that they be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee submits a conference report and statement to be printed in the RECORD. This will be done under the rule.

(For the conference report see RECORD of Senate proceedings of June 16.)

The statement of the House conferees is as follows:

The bill (H. R. 8840) granting an increase of pension to John H. Lauchly passed the House at $24. The Senate amended the same by striking out "$24," and inserting "$16."

The result of the conference is that the House recedes from its disagreement to the amendment of the Senate and agrees to the same, leaving the rate $16 per month.

HENRY R. GIBSON,
RUD. KLEBERG,
S. W. SMITH,
Managers on the part of the House.

SPANISH WAR CLAIMS.

Mr. GIBSON. Mr. Speaker, I call up the bill H. R. 3641, with Senate amendments, which bill is on the Speaker's table, and move concurrence in the Senate amendments.

The SPEAKER. This will require unanimous consent of the House, as there are matters in the amendments which would require a vote of the Committee of the Whole.

Mr. GIBSON. Then I ask unanimous consent.

The SPEAKER. The gentleman asks unanimous consent for the consideration of the following House bill with Senate amendments:

The Senate amendments to the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc., were read.

Mr. PAYNE. I should like to ask the gentleman if these additional claims have been passed on by the Department?

Mr. GIBSON. All reported favorably by the Secretary of War.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I will ask the gentleman from Tennessee if this is a Senate bill with House amendments, or a House bill with Senate amendments?

Mr. GIBSON. This is a House bill with Senate amendments. It is the House bill to pay the awards made by the Secretary of War to certain individuals for property taken and used by the United States forces at the various encampments during the Spanish-American war.

Mr. UNDERWOOD. Have these amendments been considered by the committee.

Mr. GIBSON. Considered by the House committee; yes.

Mr. UNDERWOOD. The bill has been before the War Claims Committee?

Mr. GIBSON. Yes.

Mr. UNDERWOOD. Has that committee considered and favorably reported the Senate amendments?

Mr. GIBSON. The chairman of the committee and myself, after informal consultation with other members, have agreed that the amendments are all right, having been found by the Secretary of War in pursuance of the act of Congress.

Mr. UNDERWOOD. I will ask the gentleman if he has consulted the minority members of that committee?

Mr. GIBSON. I have not.

Mr. UNDERWOOD. Then, Mr. Speaker, I object.

The SPEAKER. Objection is made.

Subsequently,

Mr. GIBSON. Mr. Speaker, the gentleman from Alabama withdraws his objection to unanimous consent.

The SPEAKER. The gentleman from Alabama withdraws his objection to the bill recently called up by the gentleman from Tennessee. Is there further objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments of the Senate.

Mr. BARTLETT. Mr. Speaker, I desire to inquire about the amendment in reference to the claim, on page 5, of W. A. Huff. As I understood by the reading from the desk the Senate struck that provision out.

Mr. GIBSON. That was stricken out.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken; and the Senate amendments were concurred in.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

BEQUESTS FOR USES OF RELIGIOUS, CHARITABLE, AND EDUCATIONAL CHARACTER.

Mr. PAYNE. Mr. Speaker, I would like to call up the bill H. R. 13204, with Senate amendments, and have them read to the House, after which I will make a request.

The SPEAKER. The gentleman from New York calls up the bill, which the Clerk will report, with Senate amendments.

The Clerk read as follows:

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898.

Mr. PAYNE. Mr. Speaker, these amendments of the Senate were fully considered by the Committee on Ways and Means yesterday, informally, of course, because the bill had not been referred to the committee; and I was directed unanimously by the committee to ask unanimous consent of the House to consider the amendments in the House, and to concur in the amendments. Possibly I ought to state briefly, in explanation to the House, that the first Senate amendment, section 2, in the bill, is a refund of sums paid for documentary stamps used on the export bills of lading. The original war-revenue tax provided for a small stamp to be placed on export bills of lading. The question was brought before the courts, and the Supreme Court decided that that portion of the law was unconstitutional, and that we had no right to impose those taxes. Therefore we are liable to refund the amounts paid. It is a small sum—amounting to three or four thousand dollars.

The third section, which is the second amendment of the Senate, as numbered, provides for a refund of the tax collected on contingent beneficiary interest in legacies taxed by the law, and also repeals it upon any future contingent beneficiary interest after the 1st of July. The Internal-Revenue Commissioner has lately decided that the tax under the law must be exacted on contingent beneficiary interests although they take effect on the 1st of July and become vested after that date. As we have repealed all these legacy taxes, the committee thought it fair and just to repeal this part of it, and not to require those who receive legacies which are to be paid after the 1st of July—some of them twenty and thirty years from now—to be taxed on those legacies, and not to require trustees and executors to pay such tax.

The third proposition added by the Senate is that taxes which shall have accrued before the taking effect of the act of April 12, 1902, and since the act of July 1, 1900, upon securities delivered or transferred to secure future payments of money are hereby remitted. When the law was first in force, we did not exact any tax upon transfer of stock made as security for a loan. We did not intend to tax a loan twice, once on the note and again on the security; and this is simply to repeal that part of the tax, none of which has ever been collected, but about which litigation has been instituted. I move to concur.

The SPEAKER. This is a House bill with Senate amendments.

Is there objection to taking it from the Speaker's table for consideration now? [After a pause.] The Chair hears none. The question is on concurring in the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

Mr. PAYNE. There is an amendment to the title. I do not know whether that will follow.

The SPEAKER. That will go with the rest of it.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

MONUMENT TO THE MEMORY OF ABRAHAM LINCOLN.

The SPEAKER laid before the House the following Senate bill, with House amendment, disagreed to by the Senate:

A bill (H. R. 5269) to provide a commission to secure plans and designs for a monument or a memorial to the memory of Abraham Lincoln, late President of the United States.

Mr. McCLEARY. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of the following conferees: Mr. McCLEARY, Mr. McCALL, and Mr. WOOTEN.

CHIPPEWA INDIANS IN THE STATE OF MINNESOTA.

Mr. CURTIS. I ask for the regular order.

The SPEAKER. The gentleman from Kansas asks for the regular order, which is the unfinished business from last night's session, being Senate bill No. 4284, pending with a committee amendment in the nature of a substitute, which the Clerk will report to the House, and then there is an amendment pending to that, the Chair understands.

Mr. CURTIS. Mr. Speaker, it has been suggested, as there were not many members present last night, that unanimous consent be asked for ten minutes, five minutes a side, this morning. Personally I have no objection to it.

The SPEAKER. The Clerk will report the amendments, after which the gentleman can make the request.

The Clerk read as follows:

On page 16, strike out, in line 10, the words "only by separate sealed bids" and substitute therefor the words "at public auction to the highest bidder." At the end of line 16, page 16, strike out the word "seal."

The SPEAKER. This is an amendment to the substitute, and the question is on agreeing to the amendment.

Mr. MADDOX. Mr. Speaker, I ask unanimous consent that we be allowed ten minutes to have that explained.

The SPEAKER. To whom is the time to be given?

Mr. CURTIS. I suggest that five minutes be controlled by those in favor of the amendment and five minutes by those against—the gentleman from Minnesota [Mr. EDDY] and the gentleman from Iowa [Mr. LACEY].

The SPEAKER. Unanimous consent is asked that ten minutes be given to debate on this amendment, five minutes to be controlled by the gentleman from Minnesota [Mr. EDDY] and five minutes by the gentleman from Iowa [Mr. LACEY]. Is there objection? [After a pause.] The Chair hears none.

Mr. EDDY. Mr. Speaker, as I stated last night in the discussion of this matter, this is an amendment to what is known as the Nelson law of 1889, relating to the ceded portion of the Chippewa Indians in Minnesota, and particularly relating to the sale of the pine timber therefrom.

The principal change, or one of the principal changes in this amendment to that bill, is the change in the manner of the disposition of the timber. Under the law of 1889 this timber was sold at public auction, upon estimates made by what we term "cruisers," or estimators of the timber in the tree. It has been stated that scandal arose from the operation of that law. That is true. It has been further stated that scandal arose as to the manner of the sale, which is not accurate. The whole scandal arose from the scaling under the estimate, which was based upon the incompetency of the estimators. These estimators were appointed as a matter of politics, and in many instances were incompetent men, and the timber was very greatly underestimated, and all the scandal arose out of the sale of the timber, coming from the fact that the timber was underestimated, and not because of the manner of its sale.

In this bill it provides for the selling of the timber under sealed bids instead of at public auction, and my amendment which I have offered strikes out the sealed-bid proposition and substitutes "at open public sale thereof." As I stated last night, the Department of the Interior is very much opposed to my amendment. I think it is due to the House to say that the majority of the Indian Committee reported adversely to this amendment and refused to offer it as a committee amendment. The reasons urged by the Interior Department in favor of sealed bids lay in the fact that they claim it would prevent collusion on the part of the bidders. That was the sole and only reason offered.

I desire to state that when these bills were introduced, both containing a proposition for open bids, that it was changed at the request of the Secretary of the Interior. More than that, the Secretary of the Interior made it a condition precedent that he would not recommend, and his Department would not recommend, the passage of this bill unless it contained that provision. It was virtually and practically a legislative hold-up.

Now, I desire a moment to examine the reason offered by the Secretary of the Interior. I would like to have some person in this House—and I put this same query last night—to explain under what circumstances a collusion could not be formed as well under a secret bid as it could upon a public auction. Collusion could be formed in both cases. The only difference would be that if a collusion was formed under a sealed bid it would forever remain secret. If a collusion was formed at an open and public sale everybody would be aware of that collusion. There is another reason why I am in favor of an open public sale, and that is because it absolutely precludes the possibility of a man raising his own bid.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for five minutes more. This is a very important matter.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for another five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I ask the same concession on the other side.

The SPEAKER. The gentleman from Iowa asks five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. EDDY. Now, Mr. Speaker, I claim in the sale of Government property that a man has a right to know at the time of the sale what every other man does at the same time. The parties in whom I am interested with regard to this matter are the small loggers and the small operators. As I have stated before, this timber is surrounded by settlements of small farmers who want to go in and buy a small tract, put up a portable mill, and manufacture lumber for themselves and for their neighbors. The small loggers—men owning a few teams, hiring a few men—desire to go in there and purchase small tracts of timber and operate on their own account and sell the logs they take off to the lumber concerns without being obliged to work for wages for the large lumber corporations.

Now, under the provision of sealed bids, these men are practically shut out, because, if they should desire to bid, say, $9 a thousand for a 40-acre tract, some one comes in under a sealed bid and bids $10 a thousand. They would have no opportunity to raise their bid, while if the matter was open and public they would have the opportunity to raise their own bid and they might bid as high as $15 a thousand. This sealed-bid proposition is a radical departure from the practice of the Government in all similar instances of this kind. In every bill that passed at the evening session, wherever there was a disposition of Government property it was always at public auction. I submit it as a fair business proposition to the business men of this House that if a man has property to dispose of and wishes to dispose of it at auction he would not call for sealed bids. I claim that every governmental transaction should be open to all the people of the country; that there should be no sealed transactions on the part of the Government.

The Secretary of the Interior, in a letter which he volunteers to send to this House—a sort of special message on the part of the Secretary of the Interior—stated that in all probability opportunity would be given to the newspaper correspondents and all people interested to examine these bids. Now, I do not know but that such will be the case; but there is nothing in the bill requiring any such procedure on the part of the Interior Department. I have had some experience myself in handling and selling pine timber. I believe that those logs sold at public auction will bring a better price for the Indians, and the sale generally will give more satisfaction than if it were carried on under sealed bids. In this opinion I have the concurrence of a very large majority of the Minnesota delegation. As I stated before, when these bills were originally introduced they contained a provision requiring sale at public auction. In the proposition I now submit I have the concurrence of a very large majority of the people of Minnesota who live in the vicinity of this timber. I submit to the House that on a matter that is entirely within the boundaries of Minnesota the delegation from that State and the people of the State are better judges as to the proper manner of disposing of the question than the Secretary of the Interior or any outside parties who have had no practical experience upon the subject.

Mr. LACEY. I yield one minute to the gentleman from Kansas [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I hope the amendment offered by

the gentleman from Minnesota [Mr. EDDY] will be voted down. The committee carefully considered this question. An amendment of this kind was offered upon two different occasions in the Committee on Indian Affairs and was voted down. The amendment is objectionable to the Department, which must dispose of this timber, and therefore I hope the House will vote against the amendment.

Mr. LACEY. I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. I hope, Mr. Speaker, that this amendment will not prevail. I can easily understand how the constituents of the gentleman from Minnesota may be desirous to have a public auction in Minnesota at the place where the land is located, involving some 250,000 acres by actual measurement, because the bidders in Minnesota would of course have a much better opportunity than bidders from other States.

And then, Mr. Speaker, I believe that if such a proceeding were encouraged (which is not part of the programme of the gentleman from Minnesota), the bidders would have a much better opportunity to form a "ring," and there would be more confusion, and a less price would be realized for the lumber.

On the other hand, if the recommendation of the committee be adopted and these proposals are sent in, they can be sent from any part of the United States, and every bidder who wants to buy the lumber will name his highest possible price, hoping that his bid will be successful. Therefore I hope that the amendment will be adopted and the recommendation of the committee as embodied in the bill will stand.

Mr. LACEY. Mr. Speaker, the source of the objection to sealed bids ought to be conclusive as to the propriety of having such bids. I do not refer to the gentleman who makes the motion, but the persons who have been urging that we do not have such bids. My friend from Minnesota [Mr. EDDY], in the hearing on this matter before the committee, made this statement at a time when the lumbermen of Minnesota had not been urging open bids:

I would have him—

The Secretary of the Interior—

confer these contracts on the highest bidders on sealed bids, reserving the right to reject any and all bids.

The sale under sealed bids, I think, will undoubtedly result in obtaining the highest price for the timber. We are the guardians of those Indians; we are providing for the sale of their property. There is nothing to prevent a St. Paul or Minneapolis man from bidding just as high as he thinks he can afford to go on a sealed bid. But if we have open bids there will be combinations; the persons expecting to bid will meet at a hotel, or elsewhere, make an arrangement among themselves, and two or three persons will do the bidding, and after the contract is awarded the parties will divide it up among them. This can not be done if the sealed bids be adopted, for in that case somebody may put in a bid that nobody else knows anything about; it is not possible under that system to include every bidder in a combination.

Now, I will ask the gentleman from Indiana [Mr. ZENOR], who is a member of the committee and who has examined this matter with care, whether he thinks it would be safe to leave this property to be disposed of on open bids?

Mr. ZENOR. Mr. Speaker, in answer to the gentleman from Iowa [Mr. LACEY], I will say that it was the general conclusion of the committee that it would be better, both for the Government and for the Indians, that the sale should be by public auction under sealed bids; and I think it would be detrimental to an advantageous sale of the timber if the sale were conducted otherwise.

Mr. LACEY. It was the earnest request of the Commissioner of Indian Affairs, and also of the Secretary of the Interior, that the system of sealed bids be adopted.

Mr. Speaker, there has been a good deal of scandal about timber on these reservations. Here are millions of dollars' worth of timber to be sold. The highest price ever realized there, I believe, up to date, has been $2.40 per thousand. We start here with the proposition of making $4 and $5 the minimum price.

Mr. EDDY. Mr. Speaker, I do not understand what the gentleman said was the highest price received up to to-day. The minimum price is $3.

Mr. LACEY. The sale of dead and down timber I have been told—perhaps I have been misinformed——

Mr. EDDY. That is a different proposition.

Mr. LACEY. Has been at $2.40 a thousand, and this proposition is $4 and $5 a thousand as a minimum, with the opportunity for the whole world to bid on the property.

Mr. GAINES of Tennessee. Mr. Speaker, the gentleman speaks of a combination. I will ask the gentleman if he would be willing to put a proviso in the bill that in such an event the party selling should——

Mr. LACEY. You are never going to prove anything about such event. How are you going to prove a combination except by the results? By having the sale under sealed bids no combination can be made, because they will never know when they have got the last man into the combination. We have sealed bids for the construction of railroads and public buildings in order to get the lowest bid. It is open to the world in this case. Anybody who wants to bid under this law can do it, and the sealed bids will absolutely prevent a combination. Gentlemen have been urging for open bids who want to buy the timber as cheap as possible, and yet they argue that the timber will bring a higher price on open bids than upon sealed bids. If they thought they could get it cheaper by sealed than by open bids, I imagine that they would naturally oppose the open-bid method, and yet we find these dealers at Minneapolis and St. Paul urgently insisting upon sealed bids.

Mr. EDDY. Mr. Speaker, I have no wish to charge the gentleman from Iowa with any misrepresentation, but I desire to state that he is mistaken in that statement. The buyers are divided on the question.

Mr. LACEY. I will ask my friend if in the hearing before the committee he did not make the statement that, in his opinion, we ought to have sealed bids?

Mr. EDDY. I did. The reason of that——

Mr. LACEY. And has not the gentleman been importuned to change his views on this question and to make this motion?

Mr. EDDY. I have.

Mr. LACEY. By men who are wanting to buy the property?

Mr. EDDY. I want to state further now——

Mr. LACEY. I can not yield more time to the gentleman.

The SPEAKER. The gentleman declines to further yield.

Mr. LACEY. I accept the good faith of my friend. His change of mind followed the intercession of his constituents who, I think, were probably wanting to bid. At first he was in favor of sealed bids. I believe he was right then and I believe the motion made now is against the interests of the Indians, and I hope it will be voted down. If this amendment is put upon the bill, I hope the bill will fail, because I believe it would result in unfair treatment of the Indians who own the timber, but I do not think that this amendment providing for open bids will be adopted against the protest of the Indian Commissioner, the Secretary of the Interior, and the majority of the Committee on Indian Affairs, who have no purpose in the world except to do that which was just to these Indians who owned the property and who are entitled to its proceeds.

Mr. HOOKER. Mr. Speaker, I would like to inquire in what way the open bids would be unjust to the Indians?

Mr. LACEY. In this: The open bidders would meet at the time and the place of the sale. They would organize a syndicate. Instead of there being 50 bidders when the auction commences, there would be only three, or some other small number, and they would fix the price then and there and divide the stumpage among themselves afterwards. They can not do that under sealed bids. Somebody from Mississippi or Massachusetts will send in bids and it is impossible to organize a combination of that kind unless there is open bidding, by which all the persons who are trying to get the property have an opportunity to compare bids and make a combination on the spot, at the time of the sale.

Mr. CANDLER. Does the provision of the bill authorize the rejection of any and all bids, when you make the sale by sealed bids, or is their acceptance compulsory, compelling you to take the highest bid?

Mr. LACEY. I am not sure as to that. I think so.

Mr. CURTIS. It reserves the right to reject any and all bids.

Mr. LACEY. The right to reject any and all bids is reserved. That will insure fair treatment to the Indians, and it is the only method that will insure it. Open bids with a public auction will do precisely the opposite, and result in a combination. Now, I believe that is all I care to say upon this proposition, unless some gentleman has a question to ask.

Mr. RUMPLE. Mr. Speaker——

The SPEAKER. Does the gentleman yield to his colleague?

Mr. LACEY. I yield to my colleague, Mr. RUMPLE.

Mr. RUMPLE. Is there anything in this bill that requires the manufacture of this timber in the forest?

Mr. LACEY. It is permitted, not required. Now, I will yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. What has been the custom heretofore?

Mr. LACEY. Unfortunately, most of the sales have been at auction.

The SPEAKER. The time of the gentleman has expired. The parliamentary situation is this: At last night's session an amendment by way of a substitute was offered to the bill. To that an amendment was agreed to, and to the substitute still pending the gentleman from Minnesota [Mr. EDDY] offered an amendment, which has been reported by the Clerk. The question now is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. EDDY].

The question being taken (on a division demanded by Mr. EDDY) there were—ayes 9, noes 87.

Accordingly the amendment was rejected.

The substitute was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

SPEAKER PRO TEMPORE, EVENING SESSION.

The SPEAKER designated Mr. CURRIER as Speaker pro tempore for the evening session.

OATH RESPECTING VESSEL REGISTRY.

Mr. GROSVENOR. Mr. Speaker, I omitted to move to reconsider the vote by which the House concurred in the Senate amendment to the bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes. I now make that motion, and move to lay the motion to reconsider on the table.

The motion was agreed to.

PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of Senate bill 2295, temporarily to provide for the administration of affairs in the Philippines: and pending that motion, I ask unanimous consent that I, as chairman of the Committee on Insular Affairs, be permitted to control the time upon this side and that the gentleman from Virginia [Mr. JONES] be permitted to control the time upon the other side during the debate. We had that understanding.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER], in pursuance of the order of the House, moves that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of Senate bill 2295, known as the Philippine government bill; and pending that, asks unanimous consent that he, as chairman of the committee, be permitted to control one half of the time, and that the gentleman from Virginia [Mr. JONES], a member of that committee, be permitted to control the other half. Is there objection to this request?

Mr. BARTLETT. Mr. Speaker, I desire to make a parliamentary inquiry before that request is put. Under that order, if the House makes it, the time on this side will be controlled by the gentleman from Virginia [Mr. JONES] in general debate, and no gentleman will be permitted to speak who does not get time from him. Will that be the situation?

The SPEAKER. Absolutely. That will be the order of the House if it is given; and the Chair will further state, so that there will be no misunderstanding, that it will also control the general debate at the evening sessions. Is there objection?

There was no objection.

The motion of Mr. COOPER of Wisconsin was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2295, the Philippine government bill, with Mr. GILLETT of Massachusetts in the chair.

The Clerk reported the title of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 18, 1902:

H. R. 2430. An act granting a pension to Lizana D. Streeter;

H. R. 3910. An act granting a pension to Dennis J. Kelly;

H. R. 5186. An act granting a pension to John Conter:

H. R. 9290. An act granting a pension to Frances L. Ackley;

H. R. 9496. An act granting a pension to Forrest E. Andrews;

H. R. 10752. An act granting a pension to Harriet T. Milburn;

H. R. 10773. An act granting a pension to Archer Bartlett;

H. R. 11495. An act granting a pension to Mary A. Bailey;

H. R. 11686. An act granting a pension to Eleanore F. Adams; and

H. R. 9544. An act granting a pension to George W. Barry.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

[Mr. COOPER of Wisconsin addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURKETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 200. Joint resolution amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved June 6, 1902.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, disagreed to by the House of Representatives, had asked a full and free conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. FORAKER, and Mr. COCKRELL as the conferees on the part of the Senate.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

[Mr. JONES of Virginia addressed the committee. See Appendix.]

Mr. COOPER of Wisconsin. Will the gentleman from Virginia yield for a motion? I desire to move that the committee do now rise, and I am going to ask to vacate the order as far as the night session to-night is concerned. I presume the gentleman has nobody to proceed on that side, and nobody is ready on this side.

Mr. JONES of Virginia. Very well, Mr. Chairman; I yield for that motion.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the order of the House, so far as the session of to-night is concerned, be vacated.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that so much of the order affecting this bill as relates to a session for this evening, and this evening only, be vacated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ACCOUNTS OF LOUISIANA EXPOSITION COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Industrial Arts and Expositions, and, with the accompanying report, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of December, 1901, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 19, 1902.*

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13150. An act granting a pension to James B. Mahan; and

H. R. 10299. An act authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4769. An act to fix the fees of jurors in the United States courts.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 10794. An act granting a pension to Thomas H. Devitt;

H. R. 7906. An act granting a pension to Martha G. Young;

H. R. 3262. An act granting an increase of pension to David T. Bruck:

H. R. 8698. An act granting an increase of pension to Nelson Churchill;
H. R. 7882. An act granting an increase of pension to John H. Smith;
H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;
H. R. 5550. An act for the relief of W. C. Taylor;
H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;
H. R. 3986. An act granting a pension to Martha A. Cornish;
H. R. 5877. An act granting a pension to Robert Watts;
H. R. 6414. An act granting an increase of pension to William W. H. Davis;
H. R. 7922. An act granting an increase of pension to Richard G. Watkins;
H. R. 5146. An act granting an increase of pension to Florian V. Sims;
H. R. 6890. An act granting an increase of pension to Robert G. Scroggs;
H. R. 3677. An act granting an increase of pension to James F. Gray;
H. R. 3263. An act granting an increase of pension to John Revley;
H. R. 6991. An act granting an increase of pension to Esek B. Chandler;
H. R. 3770. An act granting a pension to James E. Dickey;
H. R. 6186. An act granting a pension to Carrie B. Farnham;
H. R. 7353. An act granting a pension to Nancy M. Williams;
H. R. 5328. An act granting an increase of pension to Samuel Bortle;
H. R. 2192. An act granting an increase of pension to Benjamin F. Shearer;
H. R. 8109. An act granting an increase of pension to William H. McCarter;
H. R. 10899. An act granting an increase of pension to William Warner;
H. R. 12130. An act granting a pension to Christopher S. Stephens;
H. R. 13675. An act granting an increase of pension to George W. White;
H. R. 9717. An act granting a pension to Isaac M. Pangle;
H. R. 12774. An act granting an increase of pension to John M. Brown;
H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
H. R. 14012. An act granting a pension to Fannie Reardon;
H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
H. R. 10767. An act granting an increase of pension to Louisa N. Grinstead;
H. R. 1478. An act granting an increase of pension to Henry Runnels;
H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
H. R. 12312. An act granting a pension to Susan Walker;
H. R. 12976. An act granting an increase of pension to Jacob Smith;
H. R. 14374. An act granting a pension to Samantha Towner;
H. R. 13691. An act granting an increase of pension to James M. Conrad;
H. R. 14359. An act granting a pension to Luther G. Edwards;
H. R. 945. An act granting an increase of pension to William W. Richardson;
H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
H. R. 10255. An act granting a pension to Margaret Tisdale;
H. R. 13178. An act granting a pension to William F. Bowden;
H. R. 11711. An act granting an increase of pension to Isaac Gibson;
H. R. 954. An act granting an increase of pension to Rachel Brown;
H. R. 13017. An act granting an increase of pension to James Austin;
H. R. 13321. An act granting an increase of pension to John S. Bonham;
H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
H. R. 11115. An act granting a pension to Angeline H. Taylor;
H. R. 12408. An act granting an increase of pension to John A. Eveland;
H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
H. R. 9164. An act granting an increase of pension to John H. Crawford;
H. R. 9463. An act granting an increase of pension to Edgar A. Stanley;
H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
H. R. 884. An act granting an increase of pension to Ellen W. Rice;
H. R. 6847. An act to correct the record of Michael Hayes;
H. R. 11493. An act granting a pension to Mary A. Lipps;
H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
H. R. 13423. An act granting an increase of pension to Elizabeth Wall;
H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
H. R. 14052. An act granting an increase of pension to George Fusselman;
H. R. 14079. An act granting an increase of pension to John Miller;
H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;
H. R. 12305. An act granting an increase of pension to Charles Olson;
H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
H. R. 11865. An act granting an increase of pension to John A. Robertson;
H. R. 2615. An act granting an increase of pension to Charles E. Miller;
H. R. 14118. An act granting a pension to Mary C. Bickerstaff;
H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;
H. R. 3768. An act granting an increase of pension to John W. Campbell;
H. R. 14224. An act granting an increase of pension to Margaret S. Tod;
H. R. 12724. An act granting an increase of pension to Richard M. Kellough;
H. R. 1466. An act granting a pension to Alfred Hatfield;
H. R. 10172. An act granting an increase of pension to Thomas Finegan;
H. R. 5145. An act granting an increase of pension to Thomas Swan;
H. R. 9366. An act granting an increase of pension to Peter T. Norris;
H. R. 292. An act granting a pension to Henrietta Gottweis;
H. R. 8781. An act granting a pension to Mary E. Holbrook;
H. R. 6402. An act granting a pension to Mary J. Adams;
H. R. 7986. An act granting a pension to Clara C. Hawks;
H. R. 2470. An act granting an increase of pension to Charles P. Maxwell; and
H. R. 14411. An act to regulate commutation for good conduct for United States prisoners.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6104. An act to restore to the active list of the Navy the name of John Walton Ross—to the Committee on Naval Affairs.

And then, on motion of Mr. COOPER of Wisconsin (at 4 o'clock and 55 minutes p. m.), the House adjourned until to-morrow morning at 11 o'clock.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, in response to an inquiry by the House, a report of surveys and examination of Uintah Indian Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the laws passed by the legislative assembly of Porto Rico at its last session—to the Committee on Insular Affairs.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2408) to remove

the charge of desertion from the military record of Bernhard Stueber, reported the same adversely, accompanied by a report (No. 2592); which said bill and report were ordered to lie on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2498) to correct the military record of Alexander Nugent, reported the same adversely, accompanied by a report (No. 2593); which said bill and report were ordered to lie on the table.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5064) for the relief of John R. Hoops, reported the same adversely, accompanied by a report (No. 2594); which said bill and report were ordered to lie on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5557) to remove the charge of desertion now standing against John Donohue, alias Grant, reported the same adversely, accompanied by a report (No. 2595); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6041) for the relief of George S. McKee, reported the same adversely, accompanied by a report (No. 2596); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6821) for the relief of George W. Ingram, reported the same adversely, accompanied by a report (No. 2597); which said bill and report were ordered to lie on the table.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7315) to remove the charge of desertion from the record of Luther Cline, reported the same adversely, accompanied by a report (No. 2598); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7444) for the relief of John W. Dampman, reported the same adversely, accompanied by a report (No. 2599); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7496) to grant an honorable discharge to Richard P. Gardner, reported the same adversely, accompanied by a report (No. 2600); which said bill and report were ordered to lie on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8263) for the relief of John McGowan, reported the same adversely, accompanied by a report (No. 2601); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8612) to grant an honorable discharge to Fritz Spamer, reported the same adversely, accompanied by a report (No. 2602); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9601) for the relief of Erwin Johnson, reported the same adversely, accompanied by a report (No. 2603); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 10224) for the relief of James Pendergras, reported the same adversely, accompanied by a report (No. 2604); which said bill and report were ordered to lie on the table.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10711) to correct the military record of Stephen W. Coakley, reported the same adversely, accompanied by a report (No. 2605); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GREENE of Massachusetts: A bill (H. R. 15187) to extend the lien for mariners' wages to the masters of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. KERN: A bill (H. R. 15188) providing for a pension to the totally blind—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15198) defining what shall constitute and providing for assessments in oil mining claims—to the Committee on Mines and Mining.

By Mr. BALL of Delaware: A joint resolution (H. J. Res. 201) to restore the status of the Fifth and Sixth Regiments Delaware Volunteers, who served during the late civil war—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GRAFF: A bill (H. R. 15189) granting a pension to Elizabeth Ames—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15190) for the relief of Mrs. William Andrews—to the Committee on War Claims.

By Mr. HEDGE: A bill (H. R. 15191) granting a pension to Lettie A. Brown—to the Committee on Pensions.

By Mr. KERN: A bill (H. R. 15192) granting a pension to Hannah Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15193) for the relief of J. H. Porter—to the Committee on Military Affairs.

By Mr. MUTCHLER: A bill (H. R. 15194) granting an increase of pension to Harriet S. Gilbert—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 15195) for the relief of the trustees of the Diocese of East Carolina—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 15196) for the relief of John T. Fulmele—to the Committee on the Public Lands.

By Mr. SULLOWAY: A bill (H. R. 15197) granting an increase of pension to William Montgomery—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 15199) granting a pension to Ella G. Day—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 312) referring House bills Nos. 8607, 2580, 9922, 10603, 5675, 5676, 5677, and 6763 to the Court of Claims—to the Committee on War Claims.

Also, a resolution (H. Res. 313) referring House bills Nos. 10606, 8981, 11533, 5571, 10609, and 6137 to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Commercial Exchange of Philadelphia, Pa., urging the passage of House bill 14022—to the Committee on the Judiciary.

By Mr. BABCOCK: Petitions of J. S. Conklin, of Livingston; Y. Elwell, of New Lisbon, and Hare Brothers, of Spring Green, and druggists of Richland Center, Wis., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURLEIGH: Resolutions of the Board of Trade of Rockland, Me., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Resolutions of the Commercial Exchange of Philadelphia, Pa., favoring the enactment of House bill 14022—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of druggists of Pittsburg, Pa., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolutions of the board of selectmen of Winthrop and the city council of Cambridge, Mass., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petition of citizens of Bainbridge and Frankfort, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HEPBURN: Resolution of Iowa State Federation of Labor, relative to labor conditions at Rock Island Arsenal—to the Committee on Labor.

By Mr. HITT: Petition of J. B. Chaney and other citizens of Rockford, Ill., asking that organizations of Spanish-American war veterans be allowed to put their name on their official flag, etc.—to the Committee on the Judiciary.

Also, petitions of druggists of Rockford and Galena, Ill., for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Court Harmony, No. 69, of Hoboken, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. IRWIN: Petition of numerous citizens of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Papers to accompany House bill granting a pension to Hannah Henderson—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of 10 citizens of Chicago, Ill., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MORRELL: Memorial of the auditor-general of the Commonwealth of Pennsylvania explanatory of House bill 14763—to the Committee on War Claims.

Also, resolutions of National Business League, favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, resolutions of the Commercial Exchange of Philadelphia, urging the passage of House bill 14022—to the Committee on the Judiciary.

Also, resolutions of Post 2, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of Senate bill No. 619, for the relief and retirement of William T. Godwin—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the city councils of Cambridge and Winthrop, Mass., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of the South Park District Taxpayers' Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Typographical Union No. 9, of Buffalo, N. Y., for increase of pay of letter carriers—to the Committee on the Post-Office ond Post-Roads.

By Mr. STEPHENS of Texas: Papers to accompany House bill 14795, granting a pension to Mary A. Buckaloo, widow of a Mexican war veteran—to the Committee on Pensions.

SENATE.

FRIDAY, *June 20, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

EXPENDITURES IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a statement of money paid out of the Philippine treasury for and on account of the Philippine Commission; also money paid by the United States for transportation of troops since the ratification of the peace treaty between the United States and Spain, and to what companies paid; also the amounts now unpaid which the United States is liable for for supplies, etc., in the Philippine Islands each year since May, 1898; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

LAWS OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the laws enacted at the last session of the legislative assembly of Porto Rico, submitted through the Interior Department by the secretary of the Territory of Porto Rico; which, on motion of Mr. FORAKER, was, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

BUREAU OF ENGRAVING AND PRINTING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Bureau of Engraving and Printing submitting a clause for insertion in the general deficiency appropriation bill reappropriating the unexpended balances for the appropriations "Compensation for Employees, 1902," and "Plate Printing, 1902," to the appropriation for "Miscellaneous expenses, 1902," etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with an amendment the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina; and

A bill (H. R. 14802) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a memorial of the Marconi Wireless Telegraph Company of America, a corporation created and existing under and by virtue of the laws of the State of New Jersey, remonstrating against the claim of the American Wireless Telephone and Telegraph Company to the extension of their patents for ten years from October 4, 1903; which was referred to the Committee on Patents.

He also presented a petition of Delaware Division, No. 37, Order of Railway Conductors, of Phillipsburg, N. J., praying for the passage of the anti-injunction bill; which was ordered to lie on the table.

He also presented petitions of Elysian Lodge, No. 351, of Hoboken, and of Newark Lodge, No. 340, of Newark, of the International Association of Machinists, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of the Martin Cooke Association, of Hoboken; of Mineral Mine Workers' Local Union No. 8588, of Port Oram; of Coopers' Local Union No. 40, of Jersey City; of Hotel Waiters and Cooks' Local Union No. 337, of Trenton; of Court Harmony, No. 69, of Hoboken; of Sheet Metal Workers' Local Union No. 13, of Hoboken, and of United Brewery Workmen's Local Union No. 26, of Trenton, all in the State of New Jersey, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on PostOffices and Post-Roads.

Mr. PLATT of New York presented a petition of Batavia Lodge, No. 491, International Association of Machinists, of Batavia, N. Y., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry members of the Audubon Society of the State of New York, of New York City, Mount Vernon, and Highwood, all in the State of New York, and of Stamford, Conn., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was ordered to lie on the table.

Mr. CLAPP presented a petition of Local Division No. 215, Order of Railway Conductors, of Austin, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. CLARK of Montana presented a petition of Butte City Lodge, No. 88, International Association of Machinists, of Butte, Mont., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of Lodge No. 68, International Association of Machinists, of San Francisco, Cal., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of Western Shore Lodge, No. 7, Brotherhood of Railroad Trainmen, of Oakland, and of Local Division No. 11, Order of Railway Conductors, of Los Angeles, in the State of California, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented a petition of Sutter Lodge, No. 340, Brotherhood of Railroad Trainmen, of Sacramento, Cal., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Pattern Makers' Association of Indianapolis, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. BARD presented petitions of Local Division No. 111, Order of Railway Conductors, of Los Angeles, and of C. R. Stewart, of Nestor, in the State of California, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the

word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. MITCHELL presented a petition of the Coos Bay Chamber of Commerce, of Marshfield, Oreg., praying for the enactment of legislation granting pensions to certain officers and men in the Life-Saving Service, etc.; which was referred to the Committee on Pensions.

He also presented a petition of the Federated Trades Council of Portland, Oreg., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented resolutions adopted by Council No. 1563, Knights of Labor, of New York City, N. Y., favoring the action of the President relative to reciprocal relations with Cuba; which were referred to the Committee on Relations with Cuba.

REPORTS OF COMMITTEES.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10174) granting a pension to Jennie M. Sawyer;

A bill (H. R. 9219) granting an increase of pension to Colmore L. Newman;

A bill (H. R. 3330) granting a pension to Calvin Duckworth;

A bill (H. R. 12165) granting an increase of pension to Caroline M. Stone;

A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;

A bill (H. R. 14055) granting an increase of pension to Samuel Brown;

A bill (H. R. 4170) granting an increase of pension to Henry P. Macloon; and

A bill (H. R. 14377) granting an increase of pension to Jennett Stewart.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10964) granting an increase of pension to Francis M. Beebe;

A bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham;

A bill (H. R. 10321) granting an increase of pension to Susan A. Phelps;

A bill (H. R. 12326) granting a pension to John A. Kirkham;

A bill (H. R. 3745) granting an increase of pension to George Kerr; and

A bill (H. R. 12026) granting an increase of pension to Baley W. Small.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9807) granting an increase of pension to Hiram Janes;

A bill (H. R. 10876) granting an increase in the pension of Joseph Mote;

A bill (H. R. 11579) granting an increase of pension to John A. Wright;

A bill (H. R. 13457) granting an increase of pension to John S. Crosser; and

A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13690) granting an increase of pension to Freeman R. Gove; and

A bill (H. R. 9883) granting an increase of pension to William Kelley.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 6970) granting an increase of pension to Monora Stimson, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 832) granting an increase of pension to William Clark;

A bill (H. R. 9691) granting an increase of pension to James H. Joseph;

A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf; and

A bill (H. R. 6005) granting a pension to James A. Chalfant.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 12549) granting an increase of pension to Ransom Simmons, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12977) granting an increase of pension to William L. Church, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond;

A bill (H. R. 9308) granting an increase of pension to Edwin P. Johnson;

A bill (H. R. 5480) granting an increase of pension to John C. Nelson; and

A bill (H. R. 13665) granting an increase of pension to George R. Baldwin.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 14208) granting an increase of pension to Alexander Murdock, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 4207) for the relief of the heirs of John W. Warwick; and

A bill (S. 3981) to carry into effect the finding of the Court of Claims in behalf of Peter Targarona.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 4273) for the relief of John I. Rowland;

A bill (S. 4398) for the relief of the New Orleans and Bayou Sara Mail Company, of New Orleans, La.;

A bill (S. 4540) for the relief of the estate of George W. Curtis, deceased;

A bill (S. 4548) for the relief of Bettie Eppes Minetree;

A bill (S. 4328) for the relief of the late Andrew S. Core;

A bill (S. 3486) for the relief of Joseph F. Travers, guardian of Michael Travers; and

A bill (S. 4271) for the relief of T. H. B. Myers, surviving partner of John Myers & Son.

Mr. WARREN, from the Committee on Claims, to whom was referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

A bill (S. 4260) for the relief of Sarah E. Haskell;

A bill (S. 4325) for the relief of Erastus S. Joslyn; and

A bill (S. 4864) for the relief of Lemuel Stokes.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands, outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891, reported it without amendment, and submitted a report thereon.

Mr. DANIEL. I am directed by the Select Committee on Industrial Expositions, to whom was referred the bill (S. 6213) making an appropriation to pay certain persons for services, materials, etc., furnished to the Pan-American Exposition, as per schedule to be filed, to report it without amendment, and to submit a report thereon.

Mr. COCKRELL. I wish to say that the report submitted by the Senator from Virginia [Mr. DANIEL] is the report of the majority of the Select Committee on Industrial Expositions.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3112) conferring jurisdiction on the Court of Claims to determine the claims of the confederated bands of Ute Indians of Colorado, reported it with an amendment.

MONUMENT TO GEN. HUGH MERCER.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected, to report it favorably with an amendment.

Mr. DANIEL. I ask for the present consideration of the bill reported by the Senator from Rhode Island. I think it will occupy but a few moments of the Senate.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT pro tempore. It will be read for the information of the Senate.

The bill was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I will ask the Senator who reported that bill if I understand it correctly as making an appropriation from the public Treasury for the erection of this monument.

Mr. WETMORE. It does. It appropriates $25,000. There are plenty of precedents.

Mr. GALLINGER. The Senator says that there are plenty of precedents. That may be so. There are precedents for pretty much everything. But I want to say that if this bill passes a great many other bills of a similar character will appear in Congress, and if one is favored I do not see upon what hypothesis the others can be denied.

Mr. DANIEL. Will the Senator from New Hampshire allow me a moment?

Mr. GALLINGER. Certainly.

Mr. DANIEL. Mr. President, this is the execution of a resolution of Congress which was passed in April, 1777. General Mercer was killed while leading the advance of the American troops at Princeton. He was an officer of great distinction and great merit. He had served through the Indian wars, and greatly distinguished himself at Long Island and other places in the Revolution.

The estimate of the country of his services was such that Congress, in April of that year, he having been mortally wounded at Princeton on the 3d of January, provided that this monument should be built to his memory.

Time and again the matter has had the attention of Congress. This time the bill has passed the House of Representatives without objection, and it seems to me that it is an obligation of honor on the part of the Government to fulfill the decree which it then entered in ordering this testimonial to his memory.

I hope the Senator will not insist upon his objection.

Mr. GALLINGER. Mr. President, ever since I have been in public life I have been endeavoring to get an appropriation from Congress for a monument to the memory of John Stark, who is buried in an obscure place on the banks of the Merrimac River. The State of New Hampshire has honored him by erecting a statue to his memory in the statehouse park at Concord. In connection with my efforts I have been met with the suggestion over and over again that we are not engaged in the business of erecting monuments outside of the city of Washington.

At the present session I introduced a joint resolution providing for a pittance of $2,000 for the erection, not exactly of a monument, perhaps, but something commemorative in the town of Peterboro, N. H., of the services of General James Miller, who greatly distinguished himself at Lundys Lane, and who was a very conspicuous military character during the war of 1812; but it has not been reported, and I take it that it will not be reported to the Senate. I am in receipt of numerous letters concerning that particular appropriation, which is very insignificant in amount, but I have felt constrained to reply that I see little hope of a favorable recommendation.

Now, I do not know much about this particular case. Of course I have to accept everything my friend from Virginia says about General Mercer's career, and I assume that what he says is correct—that in the early days some action in regard to this matter was taken by the Continental Congress. I do not want to unnecessarily obstruct a matter of this kind, but I do feel like warning the Senate that it will be one more precedent, and that some of us in the future will be even more persistent than we have been in the past in asking that monuments shall be provided for men like General Stark, whose career certainly was equal in military prowess and in importance for the independence of the colonies to that of any other man who participated in the battles of the Revolution. Bunker Hill and Bennington are his jewels, and without Bunker Hill the battle of Princeton might never have been fought.

Mr. President, I will not object to the consideration of this bill, but I want to sound a note of warning that other similar bills will be pressed in the future with greater persistency than they have been in the past if this measure becomes a law. If we appropriate money to erect this monument, there is no valid reason why similar monuments shall not be erected to all the other great heroes of the Revolutionary period.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. The bill is not before the Senate.

Mr. PLATT of Connecticut. Others having been indulged; may I ask what the bill is?

The bill was again read by title.

Mr. HOAR. The word "it" should be stricken out.

Mr. PLATT of Connecticut. Mr. President, I trust I may be indulged for just a word.

In the Continental Congress an act was passed providing monuments for ten generals of the Revolutionary army at $500 apiece. It was never carried out. One of those generals was Gen. David Worcester, of Connecticut, who distinguished himself greatly.

If these appropriations are to be made by Congress to carry out what was the action of the Continental Congress, all the generals ought to be treated alike. We have passed bills here, two, I think—one was for a monument in North Carolina; I do not remember the name of the general—appropriating $5,000. They have never got through the House. This bill provides for an appropriation of $25,000.

Mr. GALLINGER. It has passed the House.

Mr. PLATT of Connecticut. And it has passed the House.

Mr. President, if there is to be a $25,000 monument erected to General Mercer because the Continental Congress included him among ten generals to whom monuments were to be erected at $500 apiece, I want to amend the bill so as to provide for a monument to General Worcester.

Mr. ALLISON. Mr. President, I rise to make a conference report on the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa presents a conference report, which will be read.

Mr. ALDRICH. Will the Senator from Iowa yield to me to make a privileged motion?

Mr. ALLISON. I yield for that purpose.

Mr. BURTON. Will the Senator from Iowa yield until I ask unanimous consent before the motion of the Senator from Rhode Island is submitted?

The PRESIDENT pro tempore. The Senator from Iowa has just yielded to the Senator from Rhode Island.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

NATIONAL APPALACHIAN FOREST RESERVE.

Mr. BURTON. I desire to ask unanimous consent, in view of the motion which has just been adopted, that the bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve, shall be taken up for consideration on Monday next, after the routine morning business, not to interfere with conference reports or appropriation bills.

Mr. HALE. What the Senator wants, I take it, is simply to substitute Monday for Saturday, as we have adjourned over. It is not a new thing.

Mr. ALDRICH. With the same limitations, making the order for Monday.

Mr. HALE. Substituting Monday for Saturday.

Mr. STEWART. I do not want any unanimous-consent agreement that will put out of its place the consideration of the Choctaw treaty. Its passage has become very important in the allotment of lands and the settlement of affairs in the Indian Territory. The Department is very anxious to have the bill passed. There was a unanimous-consent agreement to take it up this morning, and if we can not get through with it to-day I do not want to be cut off. If the Senator from Kansas will except that bill from the unanimous-consent agreement, in case we do not get rid of it to-day, all right.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the bill referred to by him, having the right to-morrow by unanimous consent, shall receive consideration on Monday, in the morning hour, not to interfere with conference reports or appropriation bills.

Mr. ALLISON. That it shall have the same relation on Monday that it would have to-morrow.

The PRESIDENT pro tempore. That it shall have the same right on Monday it has for to-morrow. Is there objection?

Mr. QUAY. I object, for this reason: Probably I am in error in objecting, but I have a motion which will probably come before the Senate on Monday in relation to the admission to statehood of the three Territories, which I do not desire to have shoved aside to give way for this other business.

The PRESIDENT pro tempore. Objection is made. The Senator from Iowa presents a conference report, which will be read.

Mr. BURTON. If the Senator from Iowa will allow me, I make the request for Tuesday, if I can not get an agreement for Monday.

Mr. HALE. I hope the Senate will agree to this request. It is rather hard on the Senator from Kansas, where his ground is taken away from him by the adjournment over to-morrow and by other matters coming in. I hope the Senator will be allowed to have the bill transferred to Tuesday morning with the same rights that it had for to-morrow. That is evidently fair. We have cut down his ground.

The PRESIDENT pro tempore. The Senator from Kansas asks that the rights already granted may be yielded to the bill to which he refers on Tuesday morning next after the routine business is completed. Is there objection?

Mr. QUAY. I object for the present. I wish to inquire what are the rights already granted?

The PRESIDENT pro tempore. Unanimous consent was given to proceed to-morrow morning to the consideration of the bill to which the Senator from Kansas has referred.

Mr. QUAY. I objected to that.

Mr. HALE. That agreement had already been made.

The PRESIDENT pro tempore. The Senator from Pennsylvania did not object to that agreement.

Mr. HALE. That was for Saturday.

Mr. QUAY. When was it made?

Mr. HALE. Last week some time.

Mr. TELLER. Mr. President, I want to object unless I know what rights this bill is going to have.

Mr. ALDRICH. I see that the suggestion which I offered at the time this agreement was made in the Senate, that it should apply to only one day, is not included in the printed agreement on the Calendar.

Mr. BURTON. That was the agreement, as the Senator from Rhode Island says, and a longer time will not be insisted upon at all. It is to occupy the place only for that morning.

Mr. TELLER. Then I do not object.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Kansas.

Mr. QUAY. I should like to understand distinctly the condition of affairs for Monday.

Mr. HALE. We have not touched Monday.

Mr. ALLISON. Nothing has been done about Monday.

Mr. BERRY. The Senator from Pennsylvania will have Monday.

Mr. QUAY. This agreement does not affect Monday?

Mr. ALLISON and others. No.

Mr. QUAY. I withdraw the request for information.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13125) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 9, 10, 15, 48, 49, 50, 55, 59, 64, 84, 85, 87, 88, 94, 99, 100, 102, 112, 113, 114, 118, 119, 121, 122, 124, 125, 128, 137, 151, 152, 153, 154, 157, 159, 172, 174, 178, 179, 183, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, 11, 22, 26, 31, 46, 47, 52, 53, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 83, 86, 89, 90, 91, 92, 93, 95, 96, 97, 98, 101, 103, 104, 105, 106, 108, 109, 111, 115, 116, 117, 123, 129, 130, 131, 135, 136, 138, 139, 140, 144, 145, 146, 147, 148, 149, 150, 155, 156, 158, 162, 163, 164, 165, 167, 168, 169, 170, 171, 173, 176, 180, 181, 182, 184, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, and 198, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: After the word "site," in line 2 of the matter inserted by said amendment, insert the following: "Covering 10 acres, more or less;" and the Senate agree to the same.

Amendment numbered ——: That the House recede from its disagreement to the amendment of the Senate numbered ——, and agree to the same with an amendment as follows: On page — of the bill, after line —, insert the following:

"ADDITIONAL FOR PUBLIC BUILDINGS.

"Toward amounts requisite for public buildings, including contracts authorized under the provisions of the act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' approved June 6, 1902, and amendments thereof, namely: Under the provisions and limitations of section 1 of said act, as follows:

"For post-office, court-house, and custom-house at Alexandria, Va., $20,000.

"For post-office, court-house, and custom-house at Atlanta, Ga.: For the acquisition of additional land for the enlargement of the site heretofore acquired: *Provided*, That the land so authorized to be acquired is the remainder of the block or square upon which the present post-office building is now located, and can be secured within limit of cost by law fixed, $170,000.

"For post-office, court-house, and custom-house at Augusta, Me., $25,000.

"For post-office and custom-house at Bangor, Me., $20,000.

"For post-office and court-house at Beaumont, Tex., including the acquisition, in the discretion of the Secretary of the Treasury, of additional ground adjoining the present site sufficient in size to accommodate the necessary enlargement of the present building, said additional ground to cost not exceeding $15,000, $20,000.

"For post-office and court-house at Binghamton, N. Y.: To enable the Secretary of the Treasury, in his discretion, to acquire additional land for the enlargement of the site heretofore acquired, $2,250.

"For post-office and court-house at Brunswick, Ga., $30,000.

"For post-office, court-house, and custom-house at Buffalo, N. Y., $35,000.

"For post-office at Burlington, Iowa, $25,000.

"For post-office and court-house at Dallas, Tex., $25,000.

"For post-office and court-house at Fort Smith, Ark., $25,000.

"For court-house and post-office at Greensboro, N. C., $20,000.

"For post-office, court-house, and custom-house at Hartford, Conn., $50,000.

"For post-office and court-house at Jackson, Miss., $5,000.

"For post-office and custom-house at Jacksonville, Fla., $20,000.

"For post-office at Kalamazoo, Mich., $20,000.

"For post-office, court-house, and custom-house at Lincoln, Nebr., $25,000.

"For post-office at Lynn, Mass., $1,200.

"For post-office, court-house, and custom-house at Memphis, Tenn., $25,000.

"For post-office at Menominee, Mich., $1,500.

"For post-office, court-house, and custom-house at Minneapolis, Minn., $25,000.

"For post-office at Monmouth, Ill., $1,000.

"For post-office and court-house at Montgomery, Ala., $25,000.

"For post-office, court-house, and custom-house at Nashville, Tenn., $25,000.

"For post-office at New Brighton, Pa., $5,000.

"For post-office and court-house at Norfolk, Va., $8,000.

"For court-house, custom-house, and post-office at Omaha, Nebr., $25,000.

"For post-office at Oskaloosa, Iowa, $4,000.

"For post-office at Ottumwa, Iowa: To enable the Secretary of the Treasury, in his discretion, to acquire additional land for the enlargement of the site heretofore acquired: *Provided*, That the land so authorized to be acquired has a frontage of 99 feet on the public park and a depth of 132 feet, and is the property now owned by the Hawley estate, adjoining the present post-office site, $3,500.

"For post-office, court-house, and custom-house at Paducah, Ky., $25,000.

"For mint at Philadelphia, Pa., $25,000.

"For custom-house at Portland, Oreg., $10,000.

"For post-office and custom-house at Portland, Oreg., $25,000.

"For post-office and court-house at Richmond, Ky., $25,000.

"For post-office, court-house, and custom-house at Richmond, Va.: To enable the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the Shafer property adjoining the present post-office site in Richmond, Va., having a frontage of 60 feet on Main and Bank streets and a depth of 160 feet from Main to Bank streets, containing about 9,600 square feet, $75,000.

"For post-office and court-house at Rochester, N. Y.: To enable the Secretary of the Treasury, in his discretion, to acquire, as additional land for the enlargement of the present site, a plot of ground, including the buildings thereon, adjoining the Government building site and between North Fitzhugh street and Pindell alley, containing about 11,086 square feet, $40,000.

"For post-office and court-house at Rome, Ga.: To enable the Secretary of the Treasury, in his discretion, to acquire a tract of land immediately adjoining the post-office site in said city having a frontage of 88 feet on East First street and a depth of 132 feet, $8,000.

"For court-house and custom-house at St. Joseph, Mo.: To enable the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a tract of ground immediately adjoining the present site, with a frontage of not less than 60 feet on Eighth street and a depth of 140 feet, not to exceed $18,000.

"For post-office and custom-house at Sandusky, Ohio: To enable the Secretary of the Treasury, in his discretion, to acquire, as additional land for the enlargement of the present site, 70 feet front on Market street and 132 feet deep, running south from the west parts of lots 7 and 9, Columbus avenue, including building thereon, not exceeding $20,000.

"For post-office and court-house at Scranton, Pa., $20,000.

"For post-office and court-house at Springfield, Ill., $25,000.

"For post-office and court-house at Waco, Tex., $25,000.

"For post-office at Youngstown, Ohio: To enable the Secretary of the Treasury, in his discretion, to acquire, as additional land for the enlargement of the present site, 73½ feet on Front street and 130 feet deep adjoining the present site, not to exceed $14,000.

"Under the provisions and limitations of section 2 of said act, as follows:

"For post-office at Emporia, Kans., $15,000.

"For post-office and court-house at Guthrie, Okla., $15,000.

"For post-office and court-house at Hastings, Nebr., $15,000.

"For post-office and court-house at Norfolk, Nebr., $15,000.

"For post-office and other Government offices at Oklahoma City, Okla., $15,000.

"For custom-house at San Francisco, Cal., $25,000.

"Under the provisions and limitations of section 3 of said act, including cost of site, not exceeding $1 in each case, as follows:

"For post-office at Adrian, Mich., $10,000.

"For post-office at Atlantic, Iowa, $10,000.

"For post-office at Centerville, Iowa, $10,000.

"For post-office at Easton, Pa., $10,000.

"For post-office and court-house at Florence, S. C., $10,000.

"For post-office and land office at Gainesville, Fla., $10,000.

"For post-office and custom-house at Grand Haven, Mich., $10,000.

"For post-office at Ironton, Ohio, $10,000.

"For post-office and revenue office at Louisiana, Mo., $10,000.

"For post-office and custom-house at Muskegon, Mich., $10,000: *Provided*, That lots 7, 8, and 9, in block 69, situate at the corner of Third and Clay streets, in said city, are satisfactory to the Secretary of the Treasury as a site.

"For post-office and court-house at Ogden, Utah, $10,000.

"For post-office at Owosso, Mich., $10,000.

"For post-office and custom-house at Perth Amboy, N. J., $10,000.

"Under the provisions and limitations of section 4 of said act, as follows:

"For post-office at Allentown, Pa., $20,000.

"For post-office at Amesbury, Mass., $10,000.

"For post-office at Anderson, Ind., $20,000.

"For post-office and court-house at Athens, Ga., $15,000.

"For post-office at Atlantic City, N. J., $30,000.

"For post-office at Baraboo, Wis., $10,000.

"For post-office and court-house at Batesville, Ark., $15,000.

"For post-office at Battlecreek, Mich., $20,000.

"For post-office, court-house, and custom-house at Biloxi, Miss., $25,000.

"For post-office at Boone, Iowa, $20,000.

"For post-office and court-house at Charlottesville, Va., $20,000.

"For post-office and revenue office at Chillicothe, Ohio, $15,000.

"For post-office at Colorado Springs, Colo., $20,000.

"For post-office at Crawfordsville, Ind., $10,000.

"For post-office, court-house, and assay office at Deadwood, S. Dak., $30,000.

"For post-office at Decatur, Ill., $15,000.

"For post-office at Dekalb, Ill., $15,000.

"For post-office and revenue office at Durham, N. C., $15,000.

"For post-office at Elizabeth, N. J., $60,000.

"For post-office at Elkhart, Ind., $20,000.

"For post-office at Evanston, Ill., $20,000.

"For post-office and court-house at Evanston, Wyo., $25,000.

"For post-office at Findlay, Ohio, $15,000.

"For post-office at Flint, Mich., $20,000.

"For post-office at Fond du Lac., Wis., $15,000.

"For post-office, court-house, and revenue office at Fresno, Cal., $25,000.

"For post-office at Gainesville, Tex., $15,000.

"For post-office at Geneva, N. Y., $15,000.

"For post-office and custom-house at Georgetown, S. C., $15,000.

"For post-office at Gloversville, N. Y., $15,000.

"For post-office at Goldsboro, N. C., $10,000.

"For post-office and court-house at Grand Forks, N. Dak., $25,000.

"For post-office and court-house at Green Bay, Wis., $25,000.

"For post-office and court-house at Greenville, Tenn., $20,000.

"For post-office and court-house at Hammond, Ind., $30,000.

"For post-office and court-house at Harrison, Ark., $15,000.

"For post-office at Henderson, Ky., $15,000.

"For post-office at Holyoke, Mass., $40,000.

"For post-office and court-house at Huntington, W. Va., $25,000.

"For post-office at Hutchison, Kans., $15,000.
"For post-office at Iowa City, Iowa, $10,000.
"For post-office at Ithaca, N. Y., $20,000.
"For post-office at Jacksonville, Ill., $15,000.
"For post-office at Kankakee, Ill., $20,000.
"For post-office at Kingston, N. Y., $20,000.
"For post-office at Kirksville, Mo., $10,000.
"For post-office at Laramie, Wyo., $25,000.
"For post-office, court-house, and custom-house at Laredo, Tex., $35,000.
"For post-office at Lawrence, Kans., $10,000.
"For post-office at Lebanon, Pa., $20,000.
"For post-office at Little Falls, N. Y., $15,000.
"For post-office at Logansport, Ind., $15,000.
"For post-office at McKeesport, Pa., $25,000.
"For post-office at Marblehead, Mass., $15,000.
"For post-office at Marshalltown, Iowa, $20,000.
"For post-office and revenue office at Martinsville, Va., $10,000.
"For post-office at Maysville, Ky., $10,000.
"For post-office at Meriden, Conn., $45,000.
"For post-office at Muncie, Ind., $10,000.
"For post-office at Nashua, N. H., $25,000.
"For post-office at Natchez, Miss., $10,000.
"For post-office at Nevada, Mo., $10,000.
"For post-office at Newcastle, Pa., $25,000.
"For post-office at Niagara Falls, N. Y., $25,000.
"For post-office at Norristown, Pa., $20,000.
"For post-office at Northampton, Mass., $10,000.
"For post-office at Oak Park, Ill., $10,000.
"For post-office at Oil City, Pa., $15,000.
"For post-office at Ottawa, Ill., $10,000.
"For post-office and revenue office at Pekin, Ill., $15,000.
"For post-office at Reno, Nev., $15,000.
"For post-office at Richmond, Ind., $20,000.
"For post-office at Rock Hill, S. C., $10,000.
"For post-office at Selma, Ala., $15,000.
"For post-office and court-house at Sherman, Tex., $30,000.
"For post-office and revenue office at Spartanburg, S. C., $15,000.
"For post-office at Stillwater, Minn., $15,000.
"For post-office, court-house, and custom-house at Superior, Wis., $35,000.
"For post-office at Torrington, Conn., $15,000.
"For post-office at Vincennes, Ind., $15,000.
"For post-office at Warren, Ohio, $15,000.
"For post-office at Washington, Pa., $15,000.
"For post-office at Waterbury, Conn., $45,000.
"For post-office and court-house at Waterloo, Iowa, $35,000.
"For post-office at Wausau, Wis., $10,000.
"For post-office at Westchester, Pa., $20,000.
"For post-office at Zanesville, Ohio, $25,000.
"Under the provisions and limitations of section 5 of said act, as follows:
"For post-office at Albert Lea, Minn., $3,000.
"For post-office at Albuquerque, N. Mex., $10,000.
"For post-office at Bar Harbor, Me., $6,000.
"For post-office and custom-house at Calais, Me., $6,000.
"For post-office at Champaign, Ill., $15,000.
"For post-office at Columbia, Mo., $5,000.
"For post-office and other Government offices at Crookston, Minn., $4,000
"For post-office at Hamilton, Ohio, $20,000.
"For post-office at Johnstown, Pa., $20,000.
"For post-office at Moberly, Mo., $5,000.
"For post-office at Muscatine, Iowa, $15,000.
"For post-office and land office at Natchitoches, La., $5,000.
"For post-office and court-house at Pierre, S. Dak., $5,000.
"For post-office and custom-house at Portsmouth, Va., $15,000.
"For post-office and custom-house at Quincy, Mass., $12,000.
"For post-office at Saratoga Springs, N. Y., $15,000.
"For post-office, court-house, and custom-house at Spokane, Wash., $100,000
"For post-office at Yankton, S. Dak., $7,000.
"For post-office at Sterling, Ill., $5,000.
"For post-office, court-house, and custom-house at Tacoma, Wash., $100,000.
"For post-office and custom-house at Traverse City, Mich., $6,000.
"For post-office and custom-house at Burlington, Vt., under the provisions and limitations of section 18 of said act, approved June 6, 1902, $25,000.
"For post-office, court-house, and custom-house at Des Moines, Iowa, under the provisions and limitations of section 15 of said act approved June 6, 1902, $150,000.
"For court-house and post-office at Los Angeles, Cal., under the provisions and limitations of section 17 of said act approved June 6, 1902, $200,000.
"For post-office at New Orleans, La., under the provisions and limitations of section 9 of said act, approved June 6, 1902, $200,000.
"For post-office at New York, N. Y., under the provisions and limitations of section 13 of said act approved June 6, 1902, $25,000.
"For post-office, court-house, and custom-house at Providence, R. I., under the provisions and limitations of section 10 of said act approved June 6, 1902, $25,000.
"For post-office at St. Louis, Mo., under the provisions and limitations of section 8 of said act approved June 6, 1902, $210,000.
"For post-office at Toledo, Ohio, under the provisions and limitations of section 14 of said act approved June 6, 1902, $82,000.
"For municipal building for the joint use of the United States and the District of Columbia at Washington, D. C., under the provisions and limitations of section 6 of said act approved June 6, 1902, $600,000.
"For post-office, court-house, and custom-house at Wheeling, W. Va., under the provisions and limitations of said act approved June 6, 1902, $125,000.
"For inquiry and report to Congress concerning public buildings at the cities named in section 22 of said act approved June 6, 1902, $10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"Hereafter there shall be submitted in the annual Book of Estimates, under each item of appropriation under the head of 'Light-House Establishment,' notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "400,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That one-half of said copies shall be placed on sale at an advance of 10 per cent over their cost;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the preparation, under the direction of the Secretary of the Smithsonian Institution, of preliminary plans for an additional fireproof, steel-frame, brick and terra-cotta building, to cost not exceeding $1,500,000, for the United States National Museum, to be erected, when appropriated for, on the Mall between Ninth and Twelfth streets west, said plans when completed to be transmitted by the Secretary of the Smithsonian Institution to Congress, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the line next to the last line of said amendment strike out the word "Company" and insert in lieu thereof the word "Commission;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "proper accounting officers of the Treasury Department" and insert in lieu thereof the words "Secretary of the Treasury; ' and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,066,570;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and restore the matter stricken out by said amendment, amended to read as follows: "officer in charge of public buildings and grounds, in accordance with existing plans made by him;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the amount named in said amendment insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: After the word "contract," in line — of said amendment, insert the words "or contracts;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a building to accommodate the offices of the President, to be located in the grounds of the Executive Mansion, and for each and every purpose connected therewith, including heating apparatus and light fixtures, furniture, and removal of greenhouses, all to be done according to plans, the details of which shall be approved by the President, and completed in every respect within the sum hereby appropriated, $65,196, to be expended by contract or otherwise in the discretion of, and under the direction of, the President, and to be immediately available; and said building shall be constructed with sufficient foundation and walls suitable for a durable, permanent building, and of sufficient strength for an additional story when needed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows; Strike out the amended paragraph and insert in lieu thereof the following:

"For extraordinary repairs and refurnishing of the Executive Mansion and for each and every purpose connected therewith, including all necessary alterations and additions, cabinetwork, decoration of rooms, covered ways and approaches, grading, paving, porte-cochère, gates, and electric wiring and light fixtures for house and grounds, all to be done according to plans, the details of which shall be approved by the President and completed in every detail within the sum hereby appropriated, $475,445, to be immediately available, and to be expended by contract or otherwise in the discretion of, and under the direction of, the President.

"For rent of temporary offices for the President, to be immediately available, $2,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,723,969;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the words "July 1, 1902," and insert in lieu thereof the words "June 30, 1903;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lines 17 and 18 of said amendment strike out the words "five dollars" and insert in lieu thereof the words "one dollar;" and the Senate agree to the same.

On the amendments of the Senate numbered 1, 13, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 120, 141, 142, 143, 160, 185, 186, and 191 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
J. A. HEMENWAY,
THOS. C. McRAE,
Managers on the part of the House.

The report was agreed to.

Mr. ALLISON. I move that the Senate still further insist upon its amendments not agreed to, mentioned in the report, and request a further conference on those amendments with the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

MONUMENT TO GEN. HUGH MERCER.

Mr. DANIEL. I renew the request I made for the present consideration of the bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer which it was ordered by Congress, on the 8th day of April, 1777, should be erected, reported by the Senator from Rhode Island [Mr. WETMORE], from the Committee on the Library.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of the bill which was before the Senate a few moments ago. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Rhode Island to the fact that the erasures and the substitution, which really are intended more for the printer than anything else, it will be necessary to treat as an amendment.

Mr. WETMORE. It is considered as an amendment. I reported the bill with an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. The Committee on the Library report an amendment, on page 2, line 1, after the word "words," to strike out:

Sacred to the memory of Hugh Mercer, brigadier-general in the Army of the United States. He died on the 12th of January, 1777, of the wounds he received on the 3d of the same month, near Princeton, in New Jersey, bravely defending the liberties of America. The Congress of the United States, in testimony of his virtue and their gratitude, have caused this monument to be erected.

And to insert:

Sacred to the memory of
HUGH MERCER,
Brigadier-general in the army of
The United States;
He died on the 12th of January, 1777, of the
Wounds he received on the 3rd of the same month,
Near Princeton, in New Jersey,
Bravely defending the
Liberties of America.
The Congress of the United States,
In testimony of his virtues, and their gratitude,
Have caused this monument to be erected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, when this bill was up a few minutes ago I said that I desired an opportunity, if it was to be considered, to propose an amendment to it; but, of course, the bill being taken up now, I have no opportunity to prepare the amendment. I simply wish to repeat what I said then, that if these monuments are to be erected because the Continental Congress appropriated $500 each for the erection of monuments to ten generals, and as nothing has been done about it, I do not propose that the memory of Gen. David Worcester shall be discriminated against; and as these monuments have increased in amount from $5,000 to $25,000——

Mr. COCKRELL. From $500.

Mr. PLATT of Connecticut. Five thousand dollars has been appropriated heretofore by Congress. I will take occasion at the next session to introduce a bill for the erection of a monument to Gen. David Worcester, and appropriating $50,000 for that purpose.

Mr. COCKRELL. Mr. President, I want to record my objection to the proposition of the distinguished Senator from Connecticut and my vote against this bill. I do not think it is right or proper or just that the measure should be passed by this Congress.

Mr. WARREN. Mr. President, it seems to me that this is out of order. As the bill is leading to discussion, I feel it incumbent upon me to object to its consideration. Morning business is waiting, conference reports, and special orders.

The PRESIDENT pro tempore. Does the Senator from Wyoming object?

Mr. WARREN. I do.

The PRESIDENT pro tempore. The bill goes to the Calendar.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the word "large," in line 8, and insert in lieu thereof the following: "shall not at any one time exceed forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That no money shall be expended or obligation incurred for architects after the plans for improvements above provided for have been approved by the Secretary of War, except that the Secretary of War is hereby authorized to employ, in his discretion, a consulting architect at a compensation not exceeding $5,000 per annum."

And the Senate agree to the same.

F. E. WARREN,
J. C. BURROWS,
F. M. COCKRELL,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Managers on the part of the House.

The report was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 6219) granting an increase of pension to Mrs. Charles H. Cushman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a (S. 6220) granting an increase of pension to Walter G. Tebbetts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6221) granting an increase of pension to Harriet L. Ford; which was read twice by its title, and, with an accompany paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6222) granting a pension to Eliza Farrar; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6223) granting a pension to Maria Taylor; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6224) for the relief of Peter Valentine; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN of Mississippi introduced a bill (S. 6225) in aid of the common schools in Mississippi; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLARK of Montana introduced a bill (S. 6226) granting a pension to Mary L. Butland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6227) for the relief of Alexander Billings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CLAY submitted an amendment proposing to appropriate $2,929.45 to pay the Propeller Towboat Company, of Savannah, Ga., for damages done the steam tugboat *Cynthia*, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $3,000 for completing the improvements of the public building, its approaches and surroundings, at Annapolis, Md., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to appropriate $10,000 to purchase or have constructed for the customs service a suitable launch for use at and in the vicinity of Astoria, Oreg., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $1,200 to enable the Committee on Claims of the Senate to prepare a record and index of private claims introduced in the Senate during the Fifty-sixth and Fifty-seventh Congresses, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Arkansas submitted an amendment proposing

to appropriate $421.25 to pay certain persons for reporting stenographically the case of Kilbourn *v.* Thompson, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CLARK of Montana submitted an amendment relative to patented lands and authorizing the reconveyance to such persons relinquishing such land by a patent, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. STEWART. By unanimous consent the motion heretofore made to reconsider the vote by which Senate bill 4848 was passed was to be considered at this time. Since that unanimous consent was given the House of Representatives has passed a bill providing for substantially the same agreement as is provided for in the Senate bill. The Committee on Indian Affairs has reported it, and the bill is on the Calendar.

It is evident that there will not be time to dispose of the matter this morning, and I ask unanimous consent that the vote by which Senate bill 4848 was passed be reconsidered, that the bill be indefinitely postponed, and that House bill 13172, on the same subject, take the place of the Senate bill on the Calendar.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that House bill 13172, on the Calendar, take the place of Senate bill 4848, and that the Senate bill be indefinitely postponed.

Mr. STEWART. Yes.

The PRESIDENT pro tempore. And the Senator further asks that the House bill be considered on Monday in the morning hour.

Mr. STEWART. I ask that by unanimous consent the House bill be made the unfinished business for Monday. It will take but little time, and there is no unfinished business on that occasion. I think we can then dispose of it. It is a very important matter. The Department say they are unable to close up affairs in the Indian Territory, to get the allotments made by the Dawes Commission arranged, etc., without passing the bill making the agreement with the Indians, and the Department regard it as very urgent.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, which, by unanimous consent, heretofore was given certain rights, be indefinitely postponed, and that on Monday next at 2 o'clock House bill 13172, relating to the same subject, may receive the rights and privileges previously granted to the Senate bill. Is there objection? The Chair hears none, and that order is made.

Mr. BAILEY. Mr. President, I simply addressed the Chair for the purpose of making a statement. I will only occupy a moment. I thought the Senator from Nevada [Mr. STEWART] was going on, and that after he concluded I could make my statement to the Senate.

I consent to this unanimous-consent arrangement, because while the House bill is almost as objectionable as the Senate bill as to the judgments involved still the House bill does fairly and properly adjust the matter of town sites. I might delay it by objecting to the proposition to substitute the House bill, but I have no desire to do that and have no desire to defeat it if we can reach an agreement that is fair as to those judgments, because the House bill is fair and reasonable in respect to the town sites. So I agree to the substitution.

FOOD ADULTERATION, ETC.

Mr. McCUMBER. I ask that bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, which is the second bill on the Calendar under Rule VIII, be considered next Wednesday after the routine morning business, without limitation of debate.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that on Wednesday next, after the routine morning business, the Senate will consider the bill named by him.

Mr. ALDRICH. I shall not object to that if the usual exemptions as to appropriation bills and conference reports are made, and if it is understood that the bill shall have the right of way for that day only.

Mr. McCUMBER. That is satisfactory.

The PRESIDENT pro tempore. And to be considered only during the morning hour?

Mr. McCUMBER. That is entirely satisfactory.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the bill may receive the consideration of the Senate on Wednesday next after the completion of the routine morning business, subject, however, to appropriation bills and conference reports, and to be considered only in the morning hour of that day.

Mr. JONES of Arkansas. It will be time enough to consider that question when a motion is made to take up the bill. I am unwilling now for a unanimous-consent agreement to have the bill considered on Wednesday of next week. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Arkansas subsequently said: I objected a moment ago to the unanimous-consent agreement asked for by the Senator from North Dakota [Mr. McCUMBER] to fix a time for the consideration of the bill named by him, but as I now understand the Senator merely wishes to have the bill taken up for the purpose of making some remarks upon it and without any idea of securing action. With that understanding I will withdraw my objection to the unanimous-consent agreement.

Mr. McCUMBER. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from North Dakota [Mr. McCUMBER] that the bill referred to by him may receive consideration in the morning hour only, subject to appropriation bills and conference reports, on Wednesday next after the completion of the routine morning business?

Mr. JONES of Arkansas. It being understood that the bill is to be taken up for the purpose of enabling the Senator to make some remarks upon it, and that no action is to be taken.

Mr. McCUMBER. That is satisfactory.

The PRESIDENT pro tempore. It being understood that no action is to be taken upon the bill other than that indicated by the Senator from North Dakota. Is there objection? The Chair hears none, and the order is made.

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

Mr. BATE. Will the Senator withhold that motion for a few minutes to enable me to have a bridge bill considered? There is not the slightest objection to it.

Mr. WARREN. I should be very glad to accommodate my friend from Tennessee, but I have already refused a half dozen such requests from other Senators, and, under the circumstances, I can not properly yield to the Senator.

Mr. BATE. Very well; I will not press the request.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming [Mr. WARREN] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, June 23, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 20, 1902.

APPOINTMENT IN THE ARMY.

ORDNANCE DEPARTMENT.

To be Chief of Ordnance with the rank of brigadier-general.

Capt. William Crozier, Ordnance Department, November 22, 1901.

CONSUL.

Samuel S. Lyon, of New Jersey, now consul at Osaka and Hiogo, Japan, to be consul of the United States at Kobe, Japan, from July 1, 1902.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia.

INDIAN AGENTS.

Blanchard B. Weber, of Salamanca, N. Y., to be agent for the Indians of the New York Agency, in New York.

William R. Logan, of Helena, Mont., to be agent for the Indians at the Fort Belknap Agency, in Montana.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 20, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Infantry.

The bill was read, as follows:

Be it enacted, etc., That the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery (three months' service), furnished by the State of Ohio under the call of the President of the United States issued on the 15th day of April, 1861, and which rendered actual military service under the command of officers of the United States and in cooperation with the regularly organized military forces of the United States, shall be held and considered to have been in the military service of and to have formed a part of the military establishment of the United States during the period for which said organization was enlisted and was in active service, and that the Secretary of War be, and he hereby is, authorized and directed to issue certificates of discharge, upon due application and satisfactory proof of identity, for all honorably discharged members of the said organization.

The amendment reported by the committee was read, as follows:

At the end of the bill add the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I should like the gentleman from Ohio to give us a full explanation of this measure. I should like to know why these men can not obtain the relief they seek through the ordinary channels and under the existing law. This bill seems to me to be pretty far reaching.

Mr. BURTON. This company of 131 men went into the military service on the 20th of April, 1861. They immediately went into the field.

Mr. RICHARDSON of Tennessee. The gentleman will pardon me a moment. Did I understand him to say that there are only 131 men interested in this bill?

Mr. BURTON. That is the exact number.

Mr. RICHARDSON of Tennessee. It is spoken of as a "regiment,"

Mr. BURTON. It is called a regiment, because it was made up of separate companies manning six guns.

Mr. RICHARDSON of Tennessee. I was misled by the name.

Mr. HULL. It was in fact a battery under the title of a regiment.

Mr. BURTON. It was a battery. It was the first military organization using artillery in the civil war. In the haste with which these men were called into the field there was no formal muster. On the 30th of May, while proceeding into West Virginia, the mustering officer of the United States came along for the purpose of making the formal muster. The commander of the regiment, as it was called, Colonel Barnett, stated to the mustering officer that the circumstances were so urgent that they could not wait for the muster. They went immediately into the field. They were mustered out at the close of the three months, and the very large majority of them reenlisted for three years. The statement has been made to me that by this bill only two of the regiment will be made eligible to receive pensions who are not eligible already. The service of the company was recognized as a regular service of the United States until 1896, and one of these two drew his pension until that year, when it was cut off.

This bill is but an act of justice. These men were in fact in the United States service, but by reason of the lack of this formal muster they did not have the legal status of soldiers of the United States.

Mr. HULL. Will the gentleman from Ohio allow me to make a short explanation?

Mr. BURTON. Certainly.

Mr. HULL. I will say to the gentleman from Tennessee [Mr. RICHARDSON]——

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I reserve the right to object.

Mr. HULL. The Committee on Military Affairs has unanimously reported this bill on two or three different occasions, for the reason that when these men first went into camp in Ohio the governor of Ohio received a telegram from General McClellan, commanding in West Virginia, urging him to forward men if possible at once. This battery, without waiting to be mustered into the United States service, went to West Virginia and served under McClellan during the entire three months' term. The governor sent a man to the capital of Ohio for the purpose of mustering them; and if they had been there they would have been mustered. They were recognized as in the United States service to the extent of going out of the State and serving during their entire term of three months, participating in several battles.

Mr. RICHARDSON of Tennessee. How long did they serve?

Mr. HULL. During the entire enlistment of three months, and they would have been mustered except for the urgent call for troops made by General McClellan, then commanding in West Virginia.

Mr. KLEBERG. While they were in service, were they under the orders of United States officers?

Mr. HULL. They were under the orders of the United States commander in West Virginia, who was at that time General McClellan.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to inquire what sort of provision is made as to their receiving any pay.

Mr. HULL. It simply recognizes them as being in the service, without giving them any pay, bounty, or emolument.

Mr. RICHARDSON of Tennessee. I was going to inquire about that last provision I could not catch it as the Clerk read it. It provides that there shall be no back pay?

Mr. HULL. No pay, bounty, or emoluments.

The SPEAKER. Without objection, the Clerk will again report the proviso.

The Clerk again read the proviso.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Ohio [Mr. BURTON], as I understand, says that there are but two of them eligible for pensions?

Mr. BURTON. That is the statement which has been made to me, and one of those two did receive a pension on the theory that the enlistment had been regular until 1896, when the pension was cut off. He is now nearly 75 years old.

Mr. RICHARDSON of Tennessee. How many of these 131 soldiers are now living?

Mr. BURTON. I am not able to answer that question, but less than half, I could safely say.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I shall not object.

Mr. KLEBERG. Mr. Speaker, I would inquire of the gentleman from Ohio if most of them are pensioned now under the second service?

Mr. BURTON. Yes; at least of those entitled to pensions.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BURTON, a motion to reconsider the last vote was laid on the table.

UNITED STATES MAPS.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 197, making certain appropriations of April 17, 1900, for printing United States maps, available for the fiscal year 1902, which I will ask to have read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the $14,840 appropriated by the act of Congress approved April 17, 1900, for the connected and separate United States and other maps prepared in the General Land Office of the United States, which appropriation was made available for expenditure during the fiscal year 1902 by act of Congress approved March 3, 1901, be, and the same is hereby, made available for expenditure during the fiscal year 1902: *Provided, however*, That the said maps shall be immediately printed, mounted, and delivered to the extent and in the numbers provided by said act of Congress approved April 17, 1900, and the same shall be so made by the Secretary of the Interior from the manuscript map prepared by the General Land Office for the year 1893, with the additions and corrections made thereto from the data furnished by the General Land Office: *Provided further*, That said maps shall be delivered to the Senate and House of Representatives for distribution by October 1, 1902.

The SPEAKER. The gentleman from Georgia, by direction of the Committee on Printing, asks unanimous consent for the immediate consideration of the resolution which the clerk has reported. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. TATE, a motion to reconsider the last vote was laid on the table.

PHILIPPINE GOVERNMENT.

Mr. JONES of Virginia. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Virginia calls for the regular order. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Under the rule, the House will resolve itself

into the Committee of the Whole House on the state of the Union for the further consideration of the bill just reported by its title, and the gentleman from Massachusetts [Mr. GILLETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, with Mr. GILLETT of Massachusetts in the chair.

[Mr. JONES of Virginia addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COUSINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6070. An act to authorize the construction of a bridge across the Missouri River, at a point to be selected within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route; and

S. 6138. An act to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails.

The message also announced that the Senate had agreed to the report of the committee of conference on this disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railroad Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River.

The message also announced that the Senate had passed with amendment the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, had requested a conference with the House of Representatives on the said bill and amendment, and had appointed Mr. MORGAN, Mr. HANNA, and Mr. KITTREDGE as the conferees on the part of the Senate.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. HAMILTON. Mr. Chairman, in 1520 Magellan, a Portuguese soldier and mariner, sailing under the flag of Spain, discovered the straits which bear his name, and sailing westward, discovered the Philippine Islands, where, having taken sides in a native broil, he was killed on the island of Mactan, April 25, 1521.

Of five ships with which Magellan sailed from Spain, only one made the circuit of the globe. One was wrecked off the eastern coast of South America, another deserted there, another was destroyed by the remnant of Magellan's followers after his death because they had not men enough to man it, another sprung a leak off Borneo, and finally one ship, the *Victoria*, with 18 survivors, came back to the port from which she sailed.

This voyage demonstrated that the world was round, and it was then first dimly realized in Europe that a mighty ocean lay between the unknown shores of America and Asia.

Compared with the tremendous sweep of years between the Pyramids and the Eiffel Tower the time from Magellan's voyage to now seems short, and yet it marks the world's transition from medievalism to modern rationalism, and holds within its scope the development of a new world, with new forms of government undreamed of then.

When Magellan sailed westward into the East men believed the earth to be the center of the universe; that the sun, moon, and stars were hung in the heavens to light the earth, and to teach otherwise was to disturb an elaborate system of theology and to encounter the danger of being treated as a combustible heretic.

Then men believed in witchcraft, king's evil, the divine right of kings, in black art and white art, good spirits and bad spirits; that comets were missiles hurled at a wicked world; that the lightnings were the javelins of Jehovah; that the earthquake was the literal voice of an angry God; and even as late as Newton's time his theory of gravitation was declared unscriptural, because it substituted gravitation for Providence.

Since then a tremendous change has moved by slow degrees across the face of the earth, new coasts of scientific truth have been explored, but in the Philippine Islands progress has lagged.

These islands took their name in 1544 from Philip, son of Charles I, then heir apparent to the throne of Castile, to which he came as Philip II in 1555.

Including the Sulu group, which form their southern boundary and rim the southern confines of the Sulu Sea, they number, large and small, more than 1,000 islands, contain about 119,000 square miles, and extend from 5° north latitude northward through about 16 degrees.

Their general shape upon the map is like the colossal skeleton of a man or an ape, seated bent forward, with his back toward the Pacific and his arms and legs extended toward Borneo, with Luzon forming the head and shoulders, Samar, Leyte, and Mindanao the back and hips, while Panay, Negros, Cebu, Masbate, and Bojol fill out the breast.

The southwest monsoon brings the wet season, which lasts nominally six months from about the middle of April, except in that part toward the Pacific, where the seasons are reversed.

On the margins of slowly widening circles around slowly developing centers of civilization, savagery has been slowly receding into the tropical woods and mountains where over thousands of primeval acres nature still holds sway.

The history of those parts of the islands which were brought directly under the dominion of Spain is a history of friction and intrigue, of unjust and repressive taxation, of chronic official dishonesty, of no justice except for those who could pay for it, and no return for the taxes drawn from the people.

THE PEOPLE.

An independent government is not necessarily a free government. A government may be independent and not free, or it may be free and not independent.

A free government is one wherein its people are protected in their "persons, property, reputations, family, and liberties."

In considering whether independence now would bring freedom to the people of the Philippine Islands, in considering whether independence would introduce order or disorder, we ought to consider their condition and their character.

In the first place, there is no such thing as a Filipino nation. The native population, whom, for purposes of description, Professor Worcester groups as Christian Malays, Mohammedan Malays, Pagan Malays, and Negritos, belong to three distinct races—the Malay, the Indonesian, and the Negrito.

The Malays form a majority of the population.

The Indonesians live in Mindanao, and are Malay crossed with Caucasian.

The Negritos are scattered in mountain tribes over the whole archipelago. They are of small stature, low grade of intellect, pronounced incapable of civilization, and are rapidly disappearing.

These three races are divided among about 84 tribes speaking various dialects and languages.

Of these tribes are three great civilized tribes—the Tagalogs, Visayans, and Ilocanos—although, if the word tribe be used in its ordinary sense as describing a tribal organization with a chief at its head, the civilized Filipinos are not, properly speaking, divisible into tribes. Their main difference is the difference in language.

Down to 1844 only a minority of the people had distinctive family names. It is now claimed, however, that the civilized natives are sufficiently homogeneous to be treated as a class.

Of the semicivilized or uncivilized tribes are:

The various tribes of Negritos;

The Gaddanes of northern Luzon, among whom it is the interesting custom of young men about to set up a domestic establishment to present to their prospective fathers-in-law such heads of such of their enemies as they are able to take during the season when the firé tree is in bloom as proof of their courage;

The Igorrotes, who live principally north of a line drawn east from the Gulf of Lingayen and cultivate the soil to some extent;

The half-caste Igorrotes, who are Igorrote crossed with Chinese who fled to the hills of Luzon on the expulsion of Limahong, the Chinese pirate, in 1574, and who are superior to the pure Igorrotes in intelligence;

The Tinguianes, who inhabit principally the district of El Abra and were nominally under the control of the Spanish Government, which appointed their headsman;

The Tagbanuas of Palauan, who are descended from Negritos and Malays;

The various tribes of Moros, who live in Mindanao and the Sulu Islands.

About one-tenth of the people of the so-called civilized or Christian tribes speak Spanish, and are educated in varying degrees, from a culture that would adorn any civilization downward.

The education of the other 90 per cent ranges rapidly downward, from the ability to read and speak their local dialects and write their own names to no education at all.

Mr. COCHRAN. Mr. Chairman, I would like to ask the gentleman one question. Is it true that when the war between the United States and Spain broke out there were 800 native boys attending the university at Manila?

Mr. HAMILTON. I do not know. I say to the gentleman frankly, I have no statistics at hand that would enable me to answer his question accurately; but the gentleman on the other side, who spoke just a moment ago, said there were 9 universities scattered over the islands.

Mr. KAHN. Will my colleague allow me a moment? Under the Spanish dominion there were 30,000 students only in all the schools, and under the American occupation there are already 200,000 in the various schools. [Loud applause.]

Mr. COCHRAN. You say you are not informed as to that?

Mr. HAMILTON. I can not state. But I will state to my friend that what I am stating is absolutely true within my investigation, and I think the gentleman from Missouri will agree with me that only 10 per cent of the whole Christian civilization are educated, as I have said, and the education of the other 90 per cent runs rapidly downward from ability to write their names and speak their local language or dialect to no education at all.

There is no general language. For illustration, in the province of Bulacan the people speak Tagalog; 20 miles from there they speak Pampangan; and neither can understand the other.

The south half of Tarlac speaks Pampangan, and the north half speaks Pangasinan, and neither understands the other; and so on through the islands.

Since there is no general language there can be no general literature. The Tagalog is the only language which has any literature.

TEMPERAMENT.

In an endeavor to analyze the Malay temperament, Foreman, the historian, says:

> The native is an incomprehensible phenomenon, the mainspring of whose line of thought and the guiding motive of whose action has never yet been discovered.

The Taft Commission, however, seems to be solving this problem by a course of candor and fair dealing which is winning the confidence and affection of the people.

Therefore any action here or there which would uncoil suspicion would not only undo the splendid work which has been done, but would retard future development.

Let us examine this alleged "incomprehensible phenomenon."

When you come to analyze them after all, human motives, veneered or otherwise, in camp or capital, clad in a blanket or a dress suit, run easily back to the elemental passions of love, hate, anger, pride, jealousy, envy, and covetousness. They grade into each other and take unto themselves other names; but they lurk behind human actions, civilized and uncivilized.

The native is treacherous and cruel in war, and it is said their traits do not desert him in time of peace; but he has been bred to the ambuscade, to the stab in the back of a stronger foe, and if he has learned to withhold his confidence has he not been justified by years of treachery toward himself?

He is said to be fond of gambling, but he is not peculiar in this respect. We have eminent financiers in this country intrusted with other people's money who also gamble.

He is accused of being long on promises and short on fulfillment. This unfortunately is not peculiar to any race.

It is said that his bump of mendacity is unduly developed; that he does not appear to hold lying wrong even in the confessional, and that he frequently lies without any apparent excuse "unless it be the aesthetic satisfaction derived from the exercise of a remarkable talent in this direction."

Detection does not confuse him, it is said, but he is chagrined that his art was not more successful.

The Malay ought to make an excellent diplomat of the kind mistakenly supposed to exist before Mr. John Hay entered his recent disclaimer.

He illustrates the saying that language is given to conceal thought, and finds his likeness in the ancient Greek, to whom "a pungent untruth made true or a luminous and startling lie was a joy forever," who "entered the treaty room with a dilemma, arranged the terms with a subterfuge, and went out with a mental reservation."

Besides, what would you have? Here are a people with a natural talent for subtle modes of expression fostered by three hundred years of contact with Spanish indirection.

Let us not, however, throw too many stones at the Malay.

Touch our own civilization closely on taxes and many other things and it begins to exhibit certain alleged Malay propensities.

Officers who administer oaths in our courts frequently feel that the oath is not taking effect, and our preachers do not yet feel at liberty to neglect references to the undiminished beauty of truth even to their most advanced congregations.

It is said the native finds exaggerated enjoyment in litigation. They have cases of Jarndyce and Jarndyce over there as well as in English-speaking countries.

Litigation is a distinctly civilized science, and the native propensity for games of chance would naturally find gratification in lawsuits, especially with the kind of courts and the kind of justice heretofore opened to them by their instructors in civilization.

The natives are charged with being averse to social order, but it would not be surprising if they did not appreciate the advantages of the "social compact," especially as it has been exhibited to them. They have been governed on the theory that governments exist for the benefit of the governors and have been on the wrong side of the governmental theory to obtain the most agreeable view.

The doctrine that "governments derive their just powers from the consent of the governed" is comparatively new in the world and has only recently been heard of in the Philippine Islands.

It is said that they are not energetic. If they were they would be an exception among tropical peoples.

There is no special reason for energy in the Tropics.

There are no winters to prepare for, no coal bills to pay. The fruit and the blossoms grow together on the same tree. Seed time and harvest are the whole year round. Nature sows the seed and hastens the product to maturity.

It is a land of exuberant life and quick decay. Why hurry?

As an old Spaniard said to Professor Worcester:

"In your country time is gold; here in the Philippines it is boiled rice."

They are said also to be hospitable but insincere; apparently imperturbable but excitable; credulous but suspicious; sober but fatalistic; plodding but improvident; religious but unscrupulous; unambitious but acquisitive; skillful but unsystematic, clean, artistic, musical, quick to learn, endowed with remarkable memories, faithful to the marriage relation or to irregular connections, and affectionate to their children.

And yet, complex as these characteristics may seem, "the mass of the people," are said to be "simple, and to have that kind of honesty which comes with simplicity."

Perhaps there are many more cultivated communities who could not file a better inventory without the aid of a biased historian.

THE FRIARS.

The government of the Philippine Islands has been a government by church and state, and religious orders have been the stronger element.

The Spanish friar combined within himself both church and state. He was spiritual guide, municipal ruler, and government agent all combined.

He was paramount in his parish, and his words had greater weight than the commands of a civil officer.

He could mix with a temporal order the hope of eternal reward or the fear of eternal punishment.

He held the conscience of the natives by the invisible power of religious influence and was powerful in all temporal matters.

The friar was there for life; the civil and military officers were there for four years, or less, if their methods did not suit the friars.

As relates to the Philippine Islands the term friars includes the members of four orders, viz, the Augustinians, the Dominicans, the Franciscans, and the Recolletos, the Recolletos being the unshod branch of the order of St. Augustine, who are known as the shod.

The church was financially supported by the State to the extent of about $750,000 a year, and religious corporations possessed large private revenues.

Of the four great orders, one, the Franciscan, was by its own rules not permitted to own property except conventos and schools, but the other three orders were lords of immense manors in the midst of a tax-ridden population. They owned and still own 403,000 acres of the richest lands in the islands. They own valuable business property in Manila, have large investments in Hongkong, and have money to lend.

Outside these four orders are the Jesuits, Benedictines, Capuchins, and Paulists, who have a few teachers engaged in teaching and mission work and who have not aroused the antagonism of the people.

The monks, as originally organized in the Middle Ages by such holy men as Benedict, Bernard, and Francis, were laymen. They settled upon some of the waste places of Europe, and transformed them into fields of fertile beauty. Gradually they became clerical and were finally merged into the Roman See.

The Jesuits, it appears, are on the whole the most learned ecclesiastics in the islands, and have done good work in so far as they have been permitted. They were banished from France, Spain, Portugal, and the Philippine Islands about 1768 by an order of Pope Clement XIV, but were permitted to return to the islands

in 1852 on condition that they confine themselves to teaching and missionary work.

Into the web of European history Macaulay and other historians charge that Jesuit intrigues have woven both good and evil. Be this as it may, no order of men has ever shown more fearless and unselfish consecration to noble purposes, whether in crowded cities or trackless forests, than the men who compose this order.

Their sacrifices and their sufferings, as well as the sacrifices and sufferings of friars who have lived true to the tenets of their faith, go far to atone for the failure of their weaker brethren who have fallen before temptation, and such failure is cause not for denunciation of the orders themselves or of the church to which they belong, but for regret that a great cause should be so marred.

Discussion of the friars in the Philippine Islands does not in any way involve reflection upon the church.

It is not to be inferred that the church has connived at or in any way upheld abuses in the Philippine Islands. There is no reason to suppose that it would not have controlled the friars long ago if it could have done so.

It is cause for regret that in any correct analysis of Philippine conditions the relation of the friars to the people must be taken into consideration as one of the governing elements, and that all the history and all the testimony bearing upon this subject compels us to know whether there is cause for it or not:

That the friars are intensely hated there both as landlords and as the political agents of Spain.

That they would be killed if they attempted to return to their lands.

That to attempt to uphold them against the people would precipitate another revolution; and that the feeling against them is political, not religious.

The Christian Filipino is a good Catholic, devoted to his church, and nothing could so demonstrate the depth of his hostility to the friars as the fact that notwithstanding his love for his church he hates the Spanish friar, whom he regards as the agent and policeman of Spain.

One source of Aguinaldo's power was that he preached the confiscation of the friars' lands and their division among the people. The place where these lands are was the hotbed of revolution and the place where insurrection continued longest.

To the end, then, that the friar lands question may be taken out of the Philippine problem it is proposed by this bill to authorize the Philippine government to issue bonds to raise money to buy these lands at fair prices, hold them as public property of the Philippine government, sell them at reasonable prices on easy terms to actual settlers, and to use the money so received as a sinking fund for the retirement of the bonds so issued.

THE CIVIL GOVERNMENT.

The Spanish government of the Philippine Islands was a government of tyranny. After the Spanish conquest the islands were gradually divided into provinces and military districts as they yielded to Spanish dominion.

These provinces were called encomiendas and were originally governed by encomiendaros, who held their positions sometimes as rewards for services, sometimes by purchase, and made what they could unincumbered by conscientious scruples. They were finally superseded by judicial governors called alcaldes, who received small salaries and were allowed to trade. They therefore monopolized trade, tolerated no competition, fixed the purchase price of commodities to suit themselves, and sold at a liberal profit.

Unfit men without training or character frequently held these places, who ruled "without any counselor but their rude understanding or any guide but their passions." Finally, in 1844, by royal decree, government officials were prohibited from trading.

The judicial function was also lodged in them, so that the judge cooperated with himself as executive and as executive cooperated with himself as judge.

This went on till 1886, when the office of civil governor was created in lieu of that of the alcalde mayor, with the same powers, except that the judicial power was taken from him and vested independently.

Of late the custom has been to appoint a lieutenant-general as governor, with the local rank as captain-general, to hold for a term of three years.

Mindanao and the Sulu Islands were divided into military districts.

Luzon and the Visayan Islands were divided into:

1. Provinces and districts, presided over by a governor, assisted by a provincial council.
2. Each province or district was divided into pueblos (towns), governed by a municipal tribunal.
3. Each pueblo was divided into distritos (divisions).
4. Each distrito was divided into barrios (wards).
5. Each barrio was divided into barangayes (groups of 50 to 100 families), presided over by a cabeza de barangay (head of a hundred).

Over all was the governor-general, assisted by a council of administration composed of three delegates from Luzon and three from the Visayan Islands, selected by provincial councils.

PUBLIC IMPROVEMENTS.

Few improvements were made by provincial governors. There was no advantage in deserving well. Merit could not insure continuance in office beyond a ministerial change.

Those exceptional governors who studied the needs of their provinces did so to no purpose. Their estimates for roads, bridges, and public works were seldom considered, and provincial funds which ought to have been expended locally were diverted to other purposes.

For illustration, Foreman cites the province of Albay, from which, according to the annual statement of 1882, there was drawn nearly $350,000, none of which was in any way returned to the province.

In Batangas $300,000 was collected in 1882, and yet financial aid was refused the province during an epidemic of cholera that year.

There was a chief inspector of public works with an annual salary of $6,500, aided theoretically by a staff of 130 subordinates, who permitted public buildings to lapse into ruin.

If sums were appropriated for highway improvement, improvements were seldom made. The roads were always dusty or muddy, and most of them were never better than bridle paths. A broken bridge remained broken, and travelers forded the stream. There was no provision for the purchase of tools, cartage, or materials.

To cut a log for public use required a permit from the inspector of woods and forests, and it took a long time to communicate with him.

Official hours of work were only from 10 o'clock till noon. Besides, public officers were not there for public improvement.

TAXES.

Under the law every male inhabitant of prescribed age was obliged to render to the Government labor or its equivalent in money. So far as possible, money was collected, and the tax collectors reported the natives as having worked out their taxes and then put the money in their own pockets. The system was very simple. Government officials generally went home rich.

The native was taxed sitting, standing, sleeping, and waking; at the church and at the grave.

In all the islands there were 725 towns and 23 missions. Each town was governed by a capitan. Each barrio was divided into barangayes, which paid taxes to their respective heads, who were responsible to the capitan. Each capitan made return to the provincial governor and council, who, in turn, remitted to the treasury at Manila, less what officials stole en route. The barangay chief was held responsible for what his 50 families ought to pay, whether they paid or not, and was frequently imprisoned, made bankrupt, and sold out to make good what he could not collect.

Official swindling was common. The Spanish system was to set one official to watch another, presuming no man honest, and Spanish officials generally justified the presumption of their Government in this behalf. Such a government produced its logical result—rebellion.

THE REBELLION OF 1896.

The rebellion of 1872, known as the Cavite insurrection, graded into the rebellion of 1896. It grew out of native hostility to Spanish friars, as other uprisings had done. It was put down with a strong arm, and those who escaped death were banished, or imprisoned; but the fires of rebellion smoldered on beneath the surface.

A native oath-bound secret society, known as the Katipunan, was formed, whose members signed their names on the roll of the order with blood drawn from incisions in their arms or legs, the scars of which remained as marks for mutual recognition.

The rebellion of 1896 was to have commenced with a general slaughter of Spaniards, but the plot was revealed by a woman through the confessional, and again the tragedy of death, banishment, and imprisonment was enacted.

At that time on the other side of the world a rebellion in Cuba was taxing the resources of Spain. Her force in the Philippine Islands was down to 1,500 Spanish troops and 6,000 native troops, more or less disaffected, but reenforcements were sent out from Spain until near the end of 1896 General Blanco had 10,000 men.

Meanwhile the rebellion had spread northward and southward of Manila. Thirty-five thousand insurgents occupied the province of Cavite with headquarters near Silan, where Emilio Aguinaldo first became prominent. Priests on the one side and peaceful natives on the other were barbarously put to death.

General Blanco was recalled by the Canovas ministry in December, 1896, and General Polivieja, who had made a reputation for energy and cruelty in Cuba, was sent out in his stead.

More troops were sent out until he commanded a land force of 28,000 men.

By the middle of March, 1897, every important native stronghold had been taken and the natives had been broken into detachments. Then Polivieja was permitted to resign and General Rivera was sent out in his stead.

The natives continued the rebellion, avoiding pitched battles, and the Spaniards were as far from destroying the Katipunan as the Katipunan was from subverting the Spanish Government.

A treaty of peace was finally signed December 14, 1897, known as the peace of Biac-na-Bato, whereby, according to Foreman, Aguinaldo and 34 other chiefs agreed to quit the Philippine Islands and not to return without the permission of Spain; and the insurgents were bound to deliver up their arms, to evacuate all places held by them, and to conclude an armistice for three years, during which Spain promised to introduce certain reforms, which the insurgents agreed not to obstruct.

On behalf of Spain, among other things, it is said, it was agreed to pay, through one Pedro A. Paterno, to the insurgents $1,000,000, and to families who had sustained loss by reason of war, though not engaged therein, $700,000, which sums were to be distributed at the discretion of Paterno, subject to conditions proposed by Rivera.

Be this as it may, Aguinaldo and his chiefs went to Hongkong. During two months of nominal peace which followed, 7,000 Spanish troops were sent home. The rebellion was disorganized, but the Government failed to pursue a policy of conciliation, and continued to treat the natives as seditious suspects.

Instead of a general amnesty, as promised, only a few special pardons were granted.

Discontent again blazed into rebellion in the provinces northward of Manila and in the island of Cebu.

In April, 1898, General Rivera was recalled and General Augusti was sent out in his stead.

This was the state of affairs when a little before sunrise on the 1st day of May, 1898, Dewey steamed into the harbor of Manila.

THE AMERICAN OCCUPATION.

In April, 1898, in response to an overwhelming popular demand, without regard to party, this Government declared war against Spain. Our fleet lying at anchor off Hongkong received an order to find and destroy the Spanish squadron in Pacific waters.

On that errand, in the gray of the morning of May 1, 1898, our fleet came softly into the harbor of Manila and when Gridley was ready commenced firing.

After the smoke of battle had cleared away a new power remained to be reckoned with in the Orient and an old power, with its long record of tyranny and bloodshed, was canceled out forever. After the battle of Manila Bay the city of Manila was at the mercy of the American fleet.

Its Spanish inhabitants could have been shelled into submission within a day or driven to extermination at the hands of thousands of hostile natives waiting outside the city to gratify a grudge of long standing.

Aguinaldo had not come on with the American fleet, but remained at Hongkong awaiting the report of three of his former chiefs who had come on with the American fleet to sound the public feeling and prepare the way for his return.

He followed nineteen days later, immediately proclaimed himself dictator, and his old companions rallied to his standard.

Admiral Dewey declared in the report of the first Philippine Commission that "No alliance of any kind was entered into with Aguinaldo, nor was any promise of independence made to him at any time."

This official statement he has many times supplemented by unofficial statements.

On the 23d of June an assembly summoned by Aguinaldo proclaimed a provisional government, and efforts were made to draw our American officers into some sort of recognition of it, the insurgents not understanding that American officers had no power to determine our international relations.

Outside Manila General Merritt was in command of the American land forces, and the insurgents were busy burning villages and churches and skirmishing with the Spaniards.

Aguinaldo had been steadily restrained from attacking Manila and the insurgents deemed themselves slighted by not being invited to cooperate with the Americans against the city.

Frequent altercations began to occur between native and American soldiers, the first rough prelude to the war that was to follow.

On the 12th day of August, 1898, a protocol of peace was signed at Washington, whereby it was provided that the United States should "occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace," and that five commissioners should be appointed by each of the contracting Governments to meet at Paris not later than October 1, there to negotiate and conclude a treaty of peace. Next day Manila surrendered to American troops, and thereafter hostilities were suspended.

The treaty of peace was finally signed at Paris December 10, 1898, and six months were allowed for ratification by the respective Governments.

THE INSURRECTION AGAINST AMERICA.

Meanwhile in and about Manila the relations between natives and Americans continued strained.

In considering the Philippine situation at this time it must be borne in mind that the warlike spirit was running high among the natives.

Aguinaldo was issuing frequent proclamations, misrepresenting American intentions.

Native newspapers were inflaming public feeling.

Lying pamphlets were being circulated and demagogic speeches were being made against the United States.

Financial and other encouragement was being given the insurgents from juntas at Hongkong, Paris, and Madrid.

Reports sent out from America that the preponderance of American sympathy was with the insurgents were given wide effect.

The constant irritation between American and Philippine forces was aggravated by insults by Philippine soldiers, which our soldiers were under strict orders not to resent, their forbearance being construed by the Filipinos as cowardice; and the delay of the United States Senate in ratifying the Paris treaty of peace was construed as confirming the highly colored reports sent out from America.

The Paris treaty was finally ratified February 6, 1899, but open warfare was precipitated on the night of February 4 by a native attack upon our lines.

In his letter accepting the nomination for the Presidency in 1900, Mr. McKinley said:

> The papers found in the recently captured archives of the insurgents demonstrate that their attack had been carefully planned for weeks before it occurred. Their unprovoked attack upon our soldiers at a time when the Senate was deliberating upon the treaty shows that no action on our part except surrender and abandonment would have prevented the fighting, and leaves no doubt in any fair mind of where the responsibility rests for the shedding of American blood.

April 11, 1899, the war with Spain was formally and officially ended, but insurrection in the Philippine Islands continued in a desultory way, encouraged up to the election of 1900 by the policy of the political organization headed by Mr. Bryan.

Finally, on the 23d day of March, 1901, the civil reconstruction of the islands being well under way, Aguinaldo was captured, and on April 19 he issued a proclamation advising submission.

IMPERIALISM.

Permit me now to shift the scene and present the political situation in America as it relates to the Philippine Islands.

When a party has a policy to present, it issues a platform. When it has no policy to present, it issues a platform just the same.

As a preliminary to the campaign of 1900, the Kansas City convention issued a platform.

After deliberating two days to determine what should be called the paramount issue, meanwhile searching all persons admitted to the committee room for concealed planks about their persons, the committee on platform finally determined, by a majority of two, that what they called imperialism should be called the paramount issue. But conventions do not make issues. Issues make themselves. Calling a thing the leading issue does not make it the leading issue, and calling a thing imperialism does not make it imperialism.

What gentlemen call imperialism is also called expansion. What gentlemen call imperialism is also called honor and duty. [Applause on the Republican side.] What gentlemen call imperialism is also called a plain, decent exhibition of civilized propriety.

In the campaign which followed the gentlemen on the other side accepted, adopted, and indorsed the Bible, the Declaration of Independence, the Constitution of the United States, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, and various other good and reputable persons and publications.

They quoted Thomas Jefferson in one part of their platform, and denounced expansion as a result of the Spanish war, which they had helped to bring on, in another part of their platform, and were proud to claim some sort of political relationship to Thomas Jefferson, which he, being dead, of course could not prevent. [Laughter.]

And yet Thomas Jefferson was at one time in his own judgment an unconstitutional expansionist, also called imperialist, and the Louisiana Purchase was denounced as upsetting the whole equilibrium of our Government.

Notwithstanding this, in a speech to the New York Democratic Club April 14 last, commemorating Thomas Jefferson's birthday, the Hon. David Bennett Hill declared, with that disregard of history which the circumstances probably seemed to him to require, that, "It is safe to believe that Jefferson would never have favored an extension of our jurisdiction which did not

carry with it the provisions of our Constitution, to which he was so devotedly attached and which he defended so vigorously with voice and pen."

Andrew Jackson was an expansionist, also called imperialist, of the most pronounced and profane sort, and yet our friends who love to call themselves Andrew Jackson Democrats denounce expansion.

There is no more howling incongruity anywhere in history or fiction than summoning Thomas Jefferson and Andrew Jackson to lend respectability to the policy of antiexpansion, or Abraham Lincoln to bolster the proposition that the Constitution extends itself. Abraham Lincoln did not believe that the Constitution extends itself, and he actively participated in a movement to prevent certain States in the South from seceding from the Union and for their government within the Union without their consent.

However, it is always a good thing to have some good names in the background of an enterprise. They lend an air of respectability to almost any kind of enterprise from eternal-youth delusions to political parties. [Laughter.]

There is no means known to the law whereby an injunction can be obtained against the fraudulent use of eminent names for political purposes.

After the names of great men gone before us have become fixed in the firmament for all time beyond the reach of party strife parties come along and begin to use them for decorative, illustrative, and advertising purposes, like the flag, and tearing a phrase here and there from its setting in their published works, proclaim it as a foretelling and justification of themselves.

In the campaign which followed, gentlemen on the other side denounced William McKinley because they said he was an imperialist.

And yet no man was less imperious or imperial than he.

Sacrificed at last to the propaganda of impersonal murder, he died as he had lived with simple, manly courage, and on the day whereon his body finished its long pilgrimage to the tomb all the wheels of traffic which had received a new impulse from his Administration stood still. There was silence along the rails and the click of the telegraph was hushed, and if men had had ears to hear they might perhaps have heard not only the song on earth, "Nearer, my God, to Thee," but a voice in the realms of Eternity saying, "Well done, thou good and faithful servant."

Now that he is dead, I venture the prediction that it will not be long before gentlemen on the other side will have appropriated his memory to their own uses and will have his picture among their own stage properties and will be quoting his utterances as "apples of gold in pictures of silver," even as they are quoting the utterances of Abraham Lincoln.

Verily the successors and assigns of those who stoned the prophets now burn incense to their memory and garnish the sepulchers of the righteous.

We seldom do men justice until they are dead, and then we make up for the mean lies we tell of them while they are living by the good lies we tell of them after they are dead. [Laughter.]

At the end of the campaign of 1900 the old Populistic party banner, marked Imperialism and 16 to 1, partly obliterated, which had been carried by a procession of discontent, with outriders of necromancers, soothsayers, sword swallowers, serpentine dancers, and experts in curbstone discussion, was dumped in the scrap heap of ineffectual political experiment, but is being fished out and refurbished now for further political use, minus 16 to 1. [Laughter and applause on Republican side.]

THE BEGINNING OF RECONSTRUCTION.

Learned gentlemen, subtle and well skilled in the art of perverting public opinion for political purposes, charge that this Government has waged a war of spoliation in the Philippine Islands and is holding them now with an iron hand. I deny it. The man who says this slanders his Government.

The American flag has come to the people of the Philippine Islands "even as the light of the morning when the sun riseth," and wherever our flag goes the names of Abraham Lincoln and William McKinley go with it as guarantors of its beneficent purposes. [Applause on the Republican side.]

Instead of a government of spoliation, we are substituting as rapidly as possible a representative form of government.

Instead of a government of tyranny, we are substituting a government of the largest liberty which the people of the Philippine Islands are capable of sustaining.

After the ratification of the Paris treaty of peace we began the extension of humane and pacific authority for the protection of life and property.

To that end, in January, 1899, the first Philippine Commission was appointed, headed by Hon. J. G. Schurman, of New York, with instructions from William McKinley—

To report "the results of their observations and reflections;"

To exercise respect for native "ideals, customs, and institutions." Does this sound like tyranny?

To emphasize the "just and beneficent intentions of a liberating rather than conquering nation." Does this sound like tyranny?

To offer the "largest measure of local self-government consistent with peace and good order." Is this tyranny?

To "study social conditions and to recommend Executive action."

Do these instructions sound like tyranny? Can you not hear the kindly voice of William McKinley dictating these instructions?

That Commission reported that "whatever the future of the Philippines may be, there is no course open to us now except prosecution of the war until the insurgents are reduced to submission."

They further reported that in their opinion there had never been a time since Dewey steamed into Manila Bay when we could have sailed away with honor to ourselves or safety to the people of the Philippine Islands.

And this I believe is the deliberate judgment of Christendom, no matter what gentlemen on the other side may say for political purposes.

The figure of Dewey on the bridge of the *Olympia* has taken its place for all time in the world's great gallery of heroic deeds. But if by order of this Government he had sailed away after the fight on the 1st day of May, no port in all the world's long seacoast would have greeted us without derision.

This Government "never struck a blow except for civilization, and never struck its colors." [Applause on the Republican side.]

CIVIL GOVERNMENT.

In March, 1900, William McKinley appointed the second Philippine Commission, with Hon. William H. Taft, of Ohio, as chairman, and directed them to give to the people of the Philippine Islands local self-government so far as "consistent with the maintenance of law, order, and loyalty." Does this sound like tyranny?

The government established by President McKinley was dual, military and civil, and provided for a gradual reduction of military power and a gradual increase of civil power until civil government should be supreme. Accordingly our military power is being rapidly reduced, and within a year will be down to 15,000 men.

Now the acts of this Philippine Commission, "what they have done, are they not written in the book of the chronicles" of golden deeds to be read and applauded by all men for all time?

Have they not already transformed jungles where crouched the unspeakable cruelties of war into places of safety?

Have they not invaded the black jungles of human ignorance where "lust and avarice and anger creep" and laid the foundations of American schoolhouses?

And because there are some jungles left shall we quit the work?

Have they not mapped, platted, surveyed, and systematized disorder into order?

Shall we let order lapse again into disorder?

Are they not the executors of the last will of William McKinley toward the people of the Philippine Islands, and was he not the representative of the will of the American people in this behalf?

I listened to Governor Taft day after day when he appeared before the Insular Committee. I regard him as an absolutely honest man, incapable of misrepresentation. I believe him to be broad-minded and incorruptible; I believe him to be peculiarly qualified for his difficult position, and if you gentlemen on the other side will only give them a chance, I believe he and the Commission of which he is chief will work out a splendid consummation in the Philippine Islands.

Verily, no men ever had nobler work to do and no men ever did their work more nobly than this same Taft Commission. [Applause on the Republican side.]

Instead of a Katipunan, with men signing their names in blood, there is now a Federal party, with Federal committees organized in every town "to secure peace for the Philippine Islands under the American flag." [Applause on the Republican side.]

Insurrection has practically ceased to make war against the sovereignty of the United States and has grasped the hand of amity and friendship extended to it across battlefields where blood was shed because of misunderstanding and misrepresentation of our fair intentions.

Under a law passed pursuant to the direction of the President of the United States, four executive departments have been created:

DEPARTMENTS.

First, a department of the interior, comprehending bureaus of health, quarantine, forestry, mining, agriculture, fisheries, weather, non-Christian tribes, public lands, government laboratories, patents and copyrights.

Second, a department of commerce and police, comprehending bureaus of interisland transportation, post-offices, telegraphs, coast and geodetic survey, public works, constabulary, prisons, light-houses, and corporations except banks.

Third, a department of finance and justice, comprehending bureaus of the treasury, auditor, customs and immigration, internal revenue, storage and ice plant, banks, banking, coinage and currency, and of justice.

Fourth, a department of public instruction, comprehending bureaus of public instruction, public charities, public libraries and museums, statistics, public records, public printing, public buildings, and architecture.

PROVINCES.

Thirty-five provinces have been organized into orderly municipalities, each with its provincial board, composed of a governor, treasurer, and supervisor, with a secretary of the province for its secretary and a prosecuting attorney for its legal adviser.

TOWNS.

Eight hundred towns have been organized into autonomous municipalities, with executive officers and municipal councils, wherein the people elect their own officers, measure their own taxes, and fix the salaries of their own public servants within the limitations of law.

And "it is pertinent to add here," in the language of the message of the Federal party to Congress in November last, "that the commissioners, while traveling about the islands in the organization of these provinces and municipalities, were received everywhere with sincere and splendid manifestations of enthusiasm, demonstrative of the ardent desire to enjoy as soon as may be civil rule."

LAW AND ORDER.

For the preservation of law and order a police force has been provided of not more than 150 natives for each province, with inspectors for each province, under the supervision of a chief at Manila, and 4 assistant chiefs in four grand divisions of the archipelago.

LAWS AND COURTS.

The labyrinth of Spanish laws, violated by power and perverted by subtlety, with its maze of expense, delay, and disappointment, is being superseded by a plain code of American laws, administered by a plain bench of honest judges; by a supreme court, composed of a chief justice and six associate justices (three of the court being Filipinos), holding regular terms at Manila, Iloilo, and Cebu.

By courts of first instance having jurisdiction in fifteen judicial districts, embracing every province in the islands; one-third of the judges whereof are Filipinos.

By courts of justice of the peace, established in every organized municipality in the islands.

THE PHILIPPINE ASSEMBLY.

It is proposed that when "general and complete peace shall have been established there shall be a census taken," and that part of the islands not inhabited by Moros or other non-Christian tribes shall be divided into districts, each of which shall be entitled to elect a delegate, for a term of two years, to a popular assembly of the people of the Philippine Islands, to be known as the Philippine assembly, which shall have legislative sessions commencing on the first Monday in February in each year.

TWO COMMISSIONERS.

Not only are the people of the Philippine Islands to be represented in their own legislative assembly, but the Philippine government is to be represented in the Congress of the United States by two commissioners elected by the people from two grand divisions of the archipelago, who shall be entitled to official recognition here and to the privileges of the floor of both Houses of Congress.

TAXES.

Bearing in mind the injunction of William McKinley, "that provisions for taxation should be simple, so that they may be understood by the people," it is proposed to raise revenue with the least burden upon those least able to stand it, reversing the method pursued by Spain.

PUBLIC LANDS.

It is proposed to establish a public-land system and a survey of lands. Under the Spanish system there was no survey of lands.

Out of about 73,000,000 acres, only about 5,000,000 were owned by individuals. About 400,000 people occupy lands to which they have never been able to obtain title. We propose to give the word "home" a new meaning in the Philippine Islands by the passage of a homestead law whereby a man may own, hold, improve, transfer, or devise some parcel of his native land.

ROADS.

Bridle paths are being converted into broad and permanent highways.

RAILROADS.

It is proposed to encourage the building of railroads and thereby to open communication between provinces, improve the lands, and build up towns along the way.

MINES.

There was no title to mines under Spanish dominion. It is proposed now to pass laws under which shall be developed the rich mineral resources of the islands.

TIMBER.

There are 30,000,000 acres of the most valuable timber lands in the world in these islands which are to be protected and used under proper restrictions.

BANKING AND COINAGE.

Under the Spanish system banks and money lenders took exorbitant toll from every business transaction.

We propose to charter banks now under proper restrictions for the protection and encouragement of trade.

The money of the Philippine Islands now, besides the American money which our pay roll puts in circulation, is:

Mexican silver dollars, containing 377.18 fine grains.

Some Spanish-Filipino dollars, containing less silver of less fineness, but passing current with Mexican silver dollars.

Paper money issued by the Spanish-Filipino Bank and minor coinage.

These Mexican and Spanish Filipino coins pass at less than two for one of American money, and fluctuate from day to day in the markets of the Orient according to the intrinsic value of the silver they contain, although American dollars contain about 6 grains less pure silver than Mexican dollars.

The oriental banker and the oriental merchant ring the Mexican dollar on their counters and say this dollar is worth the silver it contains. For it we will give you 50 cents to-day, but to-morrow it may be worth only 47 cents. Therefore we shall have to charge you enough in goods or exchange to cover fluctuation.

The free and unlimited coinage of American silver dollars there if not backed by the promise of this Government to keep and maintain them at par with gold would result in the same difficulty, because American silver dollars would circulate not at their face value, but at the fluctuating value of the silver they contain.

Therefore this miscellaneous money is to be replaced by coinage measured by the gold standard and suited to the needs, prejudices, and customs of the people.

This coinage is to be of pesos of about the value of our 50-cent piece, divisible into 100 centavos (one-half cent). There are also to be struck and coined 50-centavo pieces, 20-centavo pieces, 10-centavo pieces, and other minor coins, all to be measured by a stable standard of commercial and monetary value and maintained at parity "with the gold money of the United States."

All silver coins are to be coined from "silver bullion produced in the United States, and purchased by the government of the Philippine Islands," including silver in the Treasury of the United States "held in excess of the amount required for the redemption in full of the Treasury notes issued under the provisions of" the act of July 14, 1890.

Some gentlemen urge the American coinage in the Philippine Islands, but to force our coinage there in its entirety at this time would violently change existing prices and add an element of discontent to a situation which we are endeavoring to pacify.

The native is affected by what he sees. Now, he gets 20 centavos for a day's work, perhaps, then he would get 10 cents of equal value theoretically, but in practice he would for a long time get from his employer less money for his day's work and from the merchant less goods for his money.

Besides the introduction of our American dollar maintained at its face value, as it ought to be, would be a constant invitation to counterfeiting when more than 100 per cent could be made on every dollar counterfeited.

Another proposition has found favor in some unexpected quarters, viz, the free and unlimited coinage and use of American silver in the Philippine Islands, backed by no pledge of this Government to keep it at par with gold, intending thereby to make the Philippine Islands the dumping ground of American silver. This proposition is popular with Manila bankers, who want to continue to make money out of fluctuating values.

This nation has pronounced in favor of a dollar true to name and true to the value stamped upon it.

If the gold standard is a good thing here it is a good thing in the Philippine Islands.

If it is a bad thing for our Government to set up a free open hopper into which every owner of silver may dump his silver and have it come out coined into dollars free of charge and carry the dollars away with him without restriction as to the amount coined and without provision to keep and maintain the dollars so coined at fixed value or at parity with gold, then it is a bad thing for the Philippine Islands.

Our dollar is good now the whole world round and the whole year round, and our coinage down to a cent is good as gold everywhere.

Even the Chinese rickshaw man knows and prefers our 5-cent piece to the Chinese 10-cent piece, because he knows it will purchase as much, if not more, even on his own soil, and that its value is unvarying.

The American silver dollar is good because behind every dollar stands this nation's promise to keep and maintain silver and gold at parity, and because by coinage on Government account the Government limits the output of our silver dollars within its powers of redemption. We have set up a stable standard of commercial value here around which our business transactions are carried on. Why is it not a good thing in the Philippine Islands? Shall we add instability to instability?

To flood the Philippine Islands with unstable dollars when we are trying to establish stable conditions there, to flood the Orient with a bastard imitation of our silver dollar, which circulates now upon the faith and credit of a nation which never breaks its word, would, in my opinion, be to discredit our money and our flag in the estimation of the world.

THE CONSTITUTION AND THE FLAG.

By the terms of the Paris treaty of peace it was provided that the civil rights and political status of the people of the Philippine Islands should be determined by the Congress of the United States.

"The performance of this international obligation of the United States," as the Federal party of the Philippine Islands declared in its message to the Congress of the United States in November, 1901, "has been deferred to this time because of the unfortunate fact of the Filipinos having attacked the sovereignty of the United States, a hostile act which the Federal party records as having been brought about by misunderstanding and not through hatred of the American sovereignty."

Until the recently rendered decisions of the Supreme Court many people believed, and gentlemen on the other side still insist, with great force and violence, that the "civil rights and political status" of the people of the Philippine Islands came wholly within the scope and limitations of the Constitution of the United States.

Although the verdict and judgment of history and the decisions of the Supreme Court have been entered against this contention, gentlemen on the other side still for a pretense pervert history and say that the Constitution follows the flag and has extended itself automatically, ex proprio vigore, into and over acquired territory.

"The territorial boundaries of the United States do not advance with its successful armies nor retire before an invading foe." The theory that the Constitution follows the flag may be answered by the *reductio ad absurdum* method.

If the Constitution follows the flag, how much of the Constitution followed the flag into Canada in the war of 1812 and how much remains there?

If the Constitution follows the flag, how much of the Constitution followed the flag into Mexico and how much remains there?

If the Constitution follows the flag, how much of the Constitution followed the flag into Cuba and how much remains there?

If the Constitution follows the flag, how much of the Constitution followed the flag into China and how much remains there?

These questions answer themselves.

Mr. JONES of Virginia. Will my friend permit me to answer?

Mr. HAMILTON. Yes; proceed.

Mr. JONES of Virginia. I simply wanted to say that as much of the Constitution remains there as there does of the flag.

Mr. HAMILTON. But the flag went there, did it not? And you say that the Constitution follows the flag, and you did it to deceive the people. There was not a bit of truth in it.

Mr. JONES of Virginia. But you say the flag stays put.

Mr. HAMILTON. I will tell you what I think about it. Some of you gentlemen on the other side have been busy denouncing the Supreme Court because of that decision ever since it rendered it. Now you will have to tunnel under, climb over, or go around, or perhaps you had better abolish the Supreme Court and draw talesmen from the bystanders. [Laughter on the Republican side.] You said the Constitution extends itself, did you not? That is what you contended. Do you still believe it?

The doctrine that the Constitution extends itself is the old Calhoun doctrine, whereby it was sought to extend the Constitution and thereby slavery over free soil.

It first found expression in the Dred Scott decision, and was afterwards fought out on many battlefields.

The opposite doctrine that the Constitution does not extend itself first found expression in the Republican national platform of 1856, afterwards in the Republican national platform of 1860, on which Abraham Lincoln was nominated and elected; and for that doctrine he finally died.

It is matter of common historic knowledge that the Constitution did not follow the flag into Jefferson's Louisiana purchase, nor into Florida, but was extended there by legislation framed for that purpose, just as we have always extended the Constitution by legislative enactment into territories which we have acquired and created since.

If the Constitution does not extend itself in one instance it does not extend itself in any instance because it must act by inevitable rule in every instance.

It was said that the Constitution had extended itself into and over the Philippine Islands and that the Philippine Islands had thereby become an integral part of the Union, and at the same time, as a part of the same party policy, it was proposed to withdraw the Constitution from the Philippine Islands and extend a sort of quasi Monroe doctrine there instead.

But if the Constitution extends itself and you can not control it in its extension, how can you control it by withdrawing it?

In the view of the advocates of automatic constitutional extension it would appear that the Constitution is uncontrollably elastic in extension but controllably elastic in contraction. [Applause on the Republican side.]

Gentlemen contended, however, that the Constitution had extended itself automatically ex proprio vigore into and over the Philippine Islands and that the Philippine Islands had thereby become an integral part of the Union.

But if the Philippine Islands have become an integral part of the Union, we being another part of the Union, then can a part of the whole dispose of another part of the whole in its relation to the whole?

And if one part of the whole can dispose of another part of the whole in its relation to the whole, then does it not follow that a part can dispose of itself in its relation to the whole; and if a part can dispose of itself in its relation to the whole, where are the bonds that bind the Union?

Verily our friends have been getting close to some fundamental questions which were supposed to be settled as far back as 1865.

A STABLE FORM OF GOVERNMENT.

If any man says we went to war with Spain for territory he slanders his Government. We went to war with Spain for a cause unique in history—the cause of humanity; and above the graves of thousands of reconcentrados starved to death by Weyler's order, above the harbor where the *Maine* lies buried, we have erected the monument of Cuba reorganized, regenerated, and free.

Now, you gentlemen who brought on the war while McKinley was getting things ready for Gridley to fire; you gentlemen who at long range inspired our troops, enlightened our officers, and otherwise generally brought the war to a glorious close by talk, was it your idea that we could go to war without results?

Incident to that war we acquired Porto Rico and the Philippine Islands; but we could only have acquired them by a treaty of peace, which had to be ratified by the United States Senate by a vote of two-thirds of the Senators present, and the United States Senate was then controlled by Democrats, Populists, and Silver Republicans, who consented to ratification by and with the advice and consent of William Jennings Bryan.

If gentlemen did not want these islands, why did they vote to acquire them?

Having voted to acquire these islands, you declared in your Kansas City platform that you were opposed to acquiring and holding distant islands in the sea. When did you change? [Applause on the Republican side.]

In that same platform, having voted to acquire these islands, and having declared in your platform that you were opposed to acquiring them, you proposed a declaration of the nation's purpose to give to the people of the Philippine Islands a stable form of government.

In that same platform you proposed protection from outside influence, such as you say, we give now to the States of South and Central America.

All this means, if it means anything, that you propose to stay long enough and keep soldiers enough to set up a so-called stable form of government upon the shifting sands of barbaric and oriental intrigue and inexperience, and then sail away while your so-called stable form of government is falling down.

To do this would require the same military force which we now have, with which we are setting up a stable government in the Philippine Islands; but this you denounce as militarism and refuse to vote for shelter for our soldiers there.

To do this would require the same kind of a commission which we now have, with which we are setting up and standing by a stable government there, and this you denounce as imperialism.

SOME INCONSISTENCIES.

It is hard to please you folks anyhow. In one breath you denounce these islands as the hotbed of disorder and its inhabitants

as incapable of self-government. In the next you refer to them as fecund with freedom.

You vote to annex them and straightway you denounce annexation as a crime.

You vote to take possession of them and straightway you propose to abandon them.

You hang on the flanks of our army with criticism.

If we put down insurrection, you criticise our method of putting down insurrection. If we do not put down insurrection, you criticise our failure to put down insurrection.

If we capture Aguinaldo, you criticise our method of capturing Aguinaldo. If we do not capture Aguinaldo, you criticise our failure to capture Aguinaldo.

If some soldier goes wrong, you multiply him by one hundred or one thousand and herald the news. You riot in stories of looting and ravage.

Out of party prejudice, pessimism, and guesswork you create hobgoblins with mane and tail erect and claws extended. [Applause on the Republican side.]

Some gentlemen with exaggerated vocabularies have gained such notoriety out of denouncing our soldiers and officers in the field, in the camp, in the trenches, and on the long march in the glaring sun, the chilly night, the drenching dew, and the tropic rain, that their names have been filed among the archives of their party as Presidential possibilities.

Of such stuff are Presidential possibilities made in certain quarters!

I uphold no soldier who goes wrong. I leave his case to the duly constituted authorities.

But I submit that the politician who seeks to promote his party or himself by filing a list of offenses committed by individual soldiers here and there in an army of forty thousand men in scattered army posts, laying stress on the worst and concealing the rigor of their punishment, closely approaches the demagogue; and the demagogue, by consensus of public opinion, is scarcely as respectable as the man who goes wrong under temptation fighting for his country's flag. [Applause on the Republicanside.]

Perhaps I am prejudiced—I would be ashamed of myself if I were not. [Laughter.]

If these gentlemen were carrying out their plans of establishing government in the Philippine Islands with an army recruited under a Democratic Administration is it to be supposed their forces would be any more moral on that account?

It makes a man mad to have to argue this sort of thing.

Our Army is neither Democratic nor Republican. It is the Army of the Republic, composed of Democrats and the sons of Democrats, Republicans and the sons of Republicans—American citizens who are the best all-round men who walk the earth to-day or ever did walk the earth or carry arms.

Meanwhile, please God, we are going straight on to the consummation of a splendid duty. [Applause on Republican side.]

If it were not for turning back the shadow on the dial of progress it would be interesting to see how you would act if responsibility were thrust upon you.

You propose in your platform, "first, a stable form of government; second, independence, and third, a protectorate."

If you mean by "a stable form of government" the shell of a government, the "balloon frame" of a government, to be occupied by a people incapable of independent self-government, then you are guilty of proposing a cheap evasion of duty.

If you do not mean this, but actually mean a stable government, then you are guilty of gross inconsistency in hampering efforts to that end.

If you mean to play on the word "form," then you are guilty of pettifogging in the presence of a tremendous responsibility.

If by independence you mean to take down our flag and sail away, leaving the people to take care of themselves, no party in the Philippine Islands demands this and our duty demands the contrary.

To do so would be to leave them without an army, without a navy, without money, without credit, without schools, without experience, and with the Friar lands problem still unsettled.

If by a protectorate you mean to extend a sort of quasi Monroe doctrine 7,000 miles out in the Pacific and to guarantee these islands against foreign intervention without having a word to say about their foreign policy, and to guarantee them against domestic discord without power to interfere to prevent domestic discord, you propose the impossible.

Again I quote from the message of the Philippine Federal party to Congress. They say:

> Philippine independence with or without a protectorate means the holding of power by all the terrible elements of the sects which predominate and would predominate still for some years until the anger of Filipinos toward Filipinos shall have been completely calmed, education become more general, and the fanaticism we have inherited from Spain exiled.

You are no more logical in Congress than you are in your platform and on the stump.

Your Senate minority bill proposes one thing. Your House minority bill proposes another thing.

Both bills propose that miscellaneous peoples without cohesion and without experience shall frame a constitution and a government for themselves. In one case they are to do this at once. In the other, we are to stay eight years and show them how to set up a stately imitation of the edifice of our Government, and then take down our flag from its lath and plaster imitation dome and sail away, while warring tribes wander through its deserted corridors. [Applause on the Republican side.]

Now, I understand that the gentlemen on the other side have gotten together and hit upon a four-year abandonment plan, to take effect in four years. Our friends on the other side are quick workmen. They can build a constitution and establish a government to meet the phases of veering opinion whenever it is necessary.

Mr. WILLIAMS of Mississippi rose.

Mr. HAMILTON. I will yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman two questions in one.

Mr. HAMILTON. Well, you had better put them one at a time. I do not like two in one.

Mr. WILLIAMS of Mississippi. I will put them both together, so you can answer them together. Is not the gentleman absolutely aware of the fact that the minority members in the Senate and the House have introduced identically the same bill?

Mr. HAMILTON. Finally they have. Now put your other question.

Mr. WILLIAMS of Mississippi. Is not the gentleman absolutely aware of the fact that in neither of those bills—I mean that in that bill——

Mr. HAMILTON. Which bill?

Mr. WILLIAMS of Mississippi. In the bill which they have introduced, which is identical in both Houses, there is not a clause nor a sentence, and in neither of the bills proposed by individuals to be introduced in the two Houses is there a sentence or a clause, that does not surrender to the Philippine people, during the temporary government itself, without waiting for the permanent government, the control of their own affairs.

Mr. HAMILTON. Now, I answered the gentleman's first question before he put it. The gentleman from Mississippi, who is pretty candid when he is not suffering from his political environment—and he frequently does—will admit——

Mr. WILLIAMS of Mississippi. Permit me to say that you always suffer from yours.

Mr. HAMILTON. Not to anywhere nearly as great an extent as my able and learned and facile friend on the other side. [Laughter on the Republican side.] Now, my friend asked me to admit something, and I will put him in the business of admitting a little. Some of you gentlemen of the minority members of the Insular Committee framed an elaborate government on an eight-year abandonment plan, did you not?

Mr. WILLIAMS of Mississippi. No; there was no eight-year abandonment plan. It is a plan of immediate abandonment and a plan of eight years' autonomy and self-government in the Philippine Islands, during which we were to control only their foreign affairs, and at the expiration of that time complete autonomy as to their foreign affairs as well as to their domestic affairs.

Mr. HAMILTON. I do not agree with the gentleman.

Mr. WILLIAMS of Mississippi. So that there was no eight-year abandonment plan.

Mr. HAMILTON. Yes, it is an abandonment plan. You proposed in your minority bill, which was obviously framed, permit me to say, merely for political effect and not for practical use, because you abandoned it so promptly—that did provide for staying there eight years to show them how to set up a stable form of government.

Mr. WILLIAMS of Mississippi. The gentleman does not want to misrepresent——

Mr. HAMILTON. Certainly not.

Mr. WILLIAMS of Mississippi. That plan to which you refer—which you call the minority plan—did not provide for our staying there eight years. It provided only that during that time we should appoint a president for them, with a veto power upon their foreign affairs.

Mr. HAMILTON. That is practically staying there.

Mr. WILLIAMS of Mississippi. But our troops were to be withdrawn at once.

Mr. HAMILTON. They are being withdrawn now, are they not?

Mr. WILLIAMS of Mississippi. They were to be totally withdrawn.

Mr. HAMILTON. Well, now, I want to ask you a question or two while you are on your feet. You proposed in your Kansas

Democratic platform a stable form of government, did you not, for the Filipinos?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HAMILTON. How would you set up your stable form of government there without soldiers?

Mr. WILLIAMS of Mississippi. Well, I will tell you how.

Mr. HAMILTON. Please do.

Mr. WILLIAMS of Mississippi. The spirit of William McKinley, which has been so much exploited lately for partisan purposes, has made your answer in Cuba. He managed to set up a stable government there, and you, after he died, withdrew the soldiers from Cuba in pursuance of the policy which he had outlined. Now I will tell you how you could do it in the Philippines.

Mr. HAMILTON. You have not done it yet.

Mr. WILLIAMS of Mississippi. By simply announcing to the people there that you did not intend to make war upon their independence and freedom, and that you did intend to give them what God has given them—the right to independence and freedom—and then by withdrawing your soldiers. There is no anarchy in Cuba to-day. We have withdrawn our soldiers there and we have set up a stable government there.

Mr. HAMILTON. I would rather you would not make a speech in the middle of mine.

Mr. WILLIAMS of Mississippi. We set up a stable government in Cuba and we did not pin it to Cuba with bayonets, either, and we do not propose to pin a stable government to the Filipinos with bayonets. [Applause on the Democratic side.]

Mr. HAMILTON. Well, I was guilty of contributory negligence in getting that injected into the middle of my speech. [Laughter.]

Mr. WILLIAMS of Mississippi. You suggested it.

Mr. HAMILTON. The gentleman from Mississippi ought to recognize, because I pay tribute to the gentleman's intellect, the vast difference between the conditions in Cuba and in the Philippine Islands, as I already have recognized in what I have said. Now I will yield no further.

Mr. WILLIAMS of Mississippi. Except what we have created, there is no other difference.

Mr. HAMILTON. There is a vast difference, but it is not necessary to bandy words further about this.

I say, and I commend it to the careful consideration of fair men—I do not care what party you belong to, this idea will appeal to your fairness—that only time and education can prepare the people of the Philippine Islands for a stable form of government. A vast difference exists between Cuba and the Philippine Islands. In the Philippine Islands are 84 tribes—3 civilized Christian tribes—with only 10 per cent of the population educated in any degree. It stands to reason it ought to appeal to the judgment of any fair man that that kind of an illiterate population is absolutely incompetent and incapable of establishing for itself a constitution and setting up a government for itself in four years or even eight years.

I submit that the opinion of Governor Taft—than whom there is no fairer man in the United States or out of the United States—is entitled to a great deal of consideration in this connection. I put the opinion of Governor Taft over against the opinion of my friend from Mississippi. The conditions are entirely dissimilar, and I submit that the gentleman knows it; but the gentleman can not possibly own up to it, because it would deprive his party of some campaign material and ammunition the next time they want it. It might be because some one would have to meet an admission against interest on the floor of Congress.

Only a stable people can make a stable government. Our own Capitol is only a symbol of the stability of our Government. You may build your capitol of granite and plant its foundation on everlasting rock, and it will count for nothing if the people who come and go therein are without cohesion and a common purpose. [Applause on the Republican side.]

Only time and education can make a stable government in the Philippine Islands, and we can not look forward into the future and say arbitrarily when it will be done. With all due deference to the gentlemen who propose this four-year plan, it seems to me a political makeshift not intended to do duty in the Philippine Islands, but to serve for political purposes here.

FEEDING THE FIRE.

We are doing something better than setting up a cardboard government on quicksand, then putting up a notice to other nations to keep off the islands while we sail away, and the cardboard government goes down in a carnival of blood and crime.

We are doing our best to establish a stable government there with local self-government as rapidly as the people are able to receive it.

And one of the chief difficulties in the way of restoration of order in the Philippine Islands has come from just such gentlemen as the gentleman from Mississippi and the platform makers, vaticinators, and vacillators who inspired the Kansas City platform and who are now engaged in collecting débris for another platform.

In Bunyan's Pilgrim's Progress Christian is taken into a room where he sees some one throwing water on fire, but the more water is thrown on the fire the hotter it burns. He is unable to understand this until he is taken around behind a partition where he sees some one feeding the fire with oil.

In the progress of this Government toward putting down insurrection in the Philippine Islands some one has been feeding the fire with oil.

You know who has been doing this. The American people know who has been doing this. General Lawton knew who had been doing this when, a month before his death by a Filipino bullet, he wrote John Barrett:

> I would to God that the truth of this whole Philippine situation could be known by everyone in America. * * * If I am shot by a Filipino bullet, it might as well come from one of my own men * * * because I know from my own observations, confirmed by stories of captured prisoners, that the continuance of fighting is chiefly due to reports sent out from America.

That is what General Lawton wrote John Barrett, and if some of you gentlemen on the other side ever get right with history you will have to bribe the historian. [Laughter and applause on the Republican side.]

PUBLIC OPINION WILL PERMIT NO WRONG.

The logical effect of the theory of self-acting constitutional extension or of the theory that we ought to extend the Constitution at once is that the inhabitants of acquired territory would be immediately admitted to full fellowship within the Union with the people of the Territories thereof. For this the inhabitants of the Philippine Islands are not yet fit.

The theory of independence under a protectorate presumes the power of maintaining some form of stable government. For this the inhabitants of the Philippine Islands are not yet prepared.

It is axiomatic that all nations in all stages of development are not prepared for the same degree of popular government. "You can only give to an institution that which is in the people."

Our Government is the result of evolution through feudalism, free cities, and monarchy, up to democracy. It is the growth of centuries. Its beginnings were obscure, and finally converged in the struggle for American independence. Every step of our advance has been debated, and some steps are blood stained.

The population of the Philippine Islands is "civilized, semi-civilized, enlightened, and barbaric."

We can not ingraft the twentieth century upon the sixteenth century; neither can we galvanize the sixteenth century into twentieth century conditions.

The years that lie between are years of wonderful growth which can not be bridged in a single year. [Applause on the Republican side.]

Without reasoning as to why it is so, it is so that the conscience of the world is reaching the point where might does not make right, but imposes upon the mighty the responsibility of ascertaining what is right and of doing right.

Public opinion sits above constitutions, courts, and Congresses. It makes and unmakes them. They are the means through which it expresses itself.

While we may not extend the Constitution to undeveloped and unqualified peoples, the public opinion of this country is such that it will not only not permit wrong to be done to them, but the public opinion of this country is of such quality that it will not be satisfied with less than our best endeavors for their welfare.

These are the islands and these are the problems which the strange mutations of time have brought to us.

We are trying to do what no other nation ever tried to do before. We are trying to give to a detached and undeveloped people local self-government under the tutelage and protection of a great world power. We are giving them more than a formal protectorate. We are trying to protect them from themselves within and from invasion without that they may grow in peace and prosperity. [Applause on the Republican side.]

The scope of our activity, as well as of our responsibility, has widened tremendously within the last four years, but so far America has lived up to the highest ideals of her best citizenship.

The American ship of state has sailed uncharted seas within the last four years. We have not passed this way before, but wherever we have been it is cause for everlasting glory that we have made things better because we have been there. [Loud and prolonged applause.]

Mr. CANNON. Mr. Chairman, I move that the committee do now rise, the object being to consider a conference report.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

CONFERENCE REPORT ON SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I call up the conference report on the sundry civil bill, and ask unanimous consent to consider it now.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent to take up conference report on the sundry civil bill for the purpose of considering the same now. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Mr. Speaker, reserving the right to object, I would like to ask my friend a question. What was done with the Senate amendment in regard to the memorial bridge?

Mr. CANNON. It is not agreed to.

Mr. RIXEY. I understand the gentleman from Illinois wishes to consider this matter now. I think the friends of the memorial bridge desire a separate vote on that amendment.

Mr. CANNON. That will be all right.

Mr. RIXEY. But if it is considered now, shall we have to have a vote upon it now?

Mr. CANNON. Yes; and I think it is important to consider it now, because gentlemen are all desirous to get away. This is not a complete agreement, and the object of reporting it back was to consider all such questions as attention might be called to, so that when we return it is hoped we can close up the matter.

Mr. RIXEY. Can not this proposition go over until to-morrow morning, because there is rather a slim House now.

Mr. CANNON. It could, but at the same time it is important that we should hold the conference to-night or to-morrow morning at the latest upon this bill. Gentlemen understand the universal desire to get away. We all hope to get away in a few days.

Mr. CLARK. About when?

Mr. CANNON. I hope before the 4th of July.

Mr. RIXEY. I will state, Mr. Speaker, that while I dislike to object, I shall have to do so. At present it is a slim House, and when this matter comes up for a vote I should like to have a fair expression of views.

Mr. CANNON. The gentleman's proposition may fare better to-morrow than to-day, and he has the power to object.

Mr. GROSVENOR. Mr. Speaker, as a friend of this measure, I suggest that inasmuch as there is another proposition coming from the committee on the question, and as other questions must go over, why not let this matter go over until to-morrow?

Mr. RIXEY. Will they give us an opportunity to vote upon it?

Mr. CANNON. I can make no promises. It shall be my earnest effort to secure an agreement, if I should be on the conference further with the Senate, and a final agreement, I hope. I want to be entirely frank with the gentleman.

Mr. RIXEY. But the gentleman does not give us any assurance that we shall have a vote on the proposition.

Mr. CANNON. I am ready to have a vote now as soon as we can reach it.

Mr. RIXEY. I do not wish to take the whole responsibility, Mr. Speaker, and if the gentleman from Ohio, who is a friend of the measure, is willing to have it go over, I am willing to take his view of the matter as to whether we should insist or not.

Mr. GROSVENOR. If there should be an agreement brought here to-morrow, and in that agreement there was adverse action on the question, we would still have a right to vote on it.

Mr. CANNON. But you would have to vote down the conference report.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I hope the gentleman will let this go over until to-morrow morning.

Mr. CANNON. There is another matter to follow, and these matters will save two days' time in the length of the session if they are considered now.

Mr. PATTERSON of Tennessee. Mr. Speaker, I do not want to object, but I think I shall have to.

Mr. McRAE. Mr. Speaker, I make the point of order that this matter has been submitted and that there was no objection, and the stenographer's notes will bear me out.

The SPEAKER. The Chair does not wish to cut off an objection, and objection is made by the gentleman from Tennessee. The report and statement will be printed under the rule.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 9, 10, 15, 48, 49, 50, 55, 59, 64, 84, 85, 87, 88, 94, 99, 100, 102, 112, 113, 114, 118, 119, 121, 122, 124, 125, 128, 137, 151, 152, 153, 154, 157, 159, 172, 174, 178, 179, 183, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, 11, 22, 26, 31, 46, 47, 52, 53, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 83, 86, 89, 90, 91, 92, 93, 95, 96, 97, 98, 101, 103, 104, 105, 106, 108, 109, 111, 115, 116, 117, 123, 129, 130, 131, 135, 136, 138, 139, 140, 144, 145, 146, 147, 148, 149, 150, 155, 156, 158, 162, 163, 164, 165, 167, 168, 169, 170, 171, 173, 176, 180, 181, 182, 184, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, and 198, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: After the word "site," in line 2 of the matter inserted by said amendment, insert the following: "covering ten acres, more or less;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 12 of the bill, after line 7, insert the following:

"ADDITIONAL FOR PUBLIC BUILDINGS.

"Toward amounts requisite for public buildings, including contracts authorized under the provisions of the act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' approved June 6, 1902, and amendments thereof, namely: Under the provisions and limitations of section 1 of said act, as follows:

"For post-office, court-house, and custom-house at Alexandria, Va., $20,000.

"For post-office, court-house, and custom-house at Atlanta, Ga.: For the acquisition of additional land for the enlargement of the site heretofore acquired: *Provided*, That the land so authorized to be acquired is the remainder of the block or square upon which the present post-office building is now located, and can be secured within the limit of cost fixed by law, $170,000.

"For post-office, court-house, and custom-house at Augusta, Me., $25,000.

"For post-office and custom-house at Bangor, Me., $20,000.

"For post-office and court-house at Beaumont, Tex., including the acquisition, in the discretion of the Secretary of the Treasury, of additional ground adjoining the present site sufficient in size to accommodate the necessary enlargement of the present building, said additional ground to cost not exceeding $15,000, $20,000.

"For post-office and court-house at Binghamton, N. Y.: To enable the Secretary of the Treasury, in his discretion, to acquire additional land for the enlargement of the site heretofore acquired, $2,250.

"For post-office and court-house at Brunswick, Ga., $30,000.

"For post-office, court-house, and custom-house at Buffalo, N. Y., $35,000.

"For post-office at Burlington, Iowa, $25,000.

"For post-office and court-house at Dallas, Tex., $25,000.

"For post-office and court-house at Fort Smith, Ark., $25,000.

"For court-house and post-office at Greensboro, N. C., $20,000.

"For post-office, court-house, and custom-house at Hartford, Conn., $50,000.

"For post-office and court-house at Jackson, Miss., $5,000.

"For post-office and custom-house at Jacksonville, Fla., $20,000.

"For post-office at Kalamazoo, Mich., $20,000.

"For post-office, court-house, and custom-house at Lincoln, Nebr., $25,000.

"For post-office at Lynn, Mass., $1,200.

"For post-office, court-house, and custom-house at Memphis, Tenn., $25,000.

"For post-office at Menominee, Mich., $1,500.

"For post-office, court-house, and custom-house at Minneapolis, Minn., $25,000.

"For post-office at Monmouth, Ill., $1,000.

"For post-office and court-house at Montgomery, Ala., $25,000.

"For post-office, court-house, and custom-house at Nashville, Tenn., $25,000.

"For post-office at New Brighton, Pa., $5,000.

"For post-office and court-house at Norfolk, Va., $8,000.

"For court-house, custom-house, and post-office at Omaha, Nebr., $25,000.

"For post-office at Oskaloosa, Iowa, $4,000.

"For postoffice at Ottumwa, Iowa: To enable the Secretary of the Treasury, in his discretion, to acquire additional land for the enlargement of the site heretofore acquired: *Provided*, That the land so authorized to be acquired has a frontage of 99 feet on the public park and a depth of 132 feet, and is the property now owned by the Hawley estate, adjoining the present post-office site, $6,500.

"For post-office, court-house, and custom-house at Paducah, Ky., $25,000.

"For mint at Philadelphia, Pa., $25,000.

"For custom-house at Portland, Oreg., $10,000.

"For post-office and custom-house at Portland, Oreg., $25,000.

"For post-office and court-house at Richmond, Ky., $20,000.

"For post-office, court-house, and custom-house at Richmond, Va.: To enable the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the Shafer property adjoining the present post-office site in Richmond, Va., having a frontage of 60 feet on Main and Bank streets and a depth of 160 feet from Main to Bank streets, containing about 9,600 square feet, $75,000.

"For post-office and court-house at Rochester, N. Y.: To enable the Secretary of the Treasury, in his discretion, to acquire, as additional land for the enlargement of the present site, a plot of ground, including the buildings thereon, adjoining the Government building site and between North Fitzhugh street and Pindell alley, containing about 11,086 square feet, $40,000.

"For post-office and court-house at Rome, Ga.: To enable the Secretary of the Treasury, in his discretion, to acquire a tract of land immediately adjoining the post-office site in said city having a frontage of 88 feet on East First street and a depth of 132 feet, $8,000.

"For court-house and custom-house at St. Joseph, Mo.: To enable the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a tract of ground immediately adjoining the present site, with a frontage of not less than 60 feet on Eighth street and a depth of 140 feet, not to exceed $18,000.

"For post-office and custom-house at Sandusky, Ohio: To enable the Secretary of the Treasury, in his discretion, to acquire, as additional land for the enlargement of the present site, 70 feet front on Market street and 132 feet deep, running south from the west parts of lots 7 and 9, Columbus avenue, including building thereon, not exceeding $20,000.

"For post-office and court-house at Scranton, Pa., $20,000.

"For post-office and court-house at Springfield, Ill., $25,000.

"For post-office and court-house at Waco, Tex., $25,000.

"For post-office at Youngstown, Ohio: To enable the Secretary of the Treasury, in his discretion, to acquire, as additional land for the enlargement of the present site, 73½ feet on Front street and 130 feet deep adjoining the present site, not to exceed $14,000.

"Under the provisions and limitations of section 2 of said act, as follows:

"For post-office at Emporia, Kans., $15,000.

"For post-office and court-house at Guthrie, Okla., $15,000.

"For post-office and court-house at Hastings, Nebr., $15,000.

"For post-office and court-house at Norfolk, Nebr., $15,000.

"For post-office and other Government offices at Oklahoma City, Okla., $15,000.

"For custom-house at San Francisco, Cal., $25,000.

"Under the provisions and limitations of section 3 of said act, including cost of site not exceeding $1 in each case, as follows:

"For post-office at Adrian, Mich., $10,000.

"For post-office at Atlantic, Iowa, $10,000.

"For post-office at Centerville, Iowa, $10,000.

"For post-office at Easton, Pa., $10,000.

"For post-office and court-house at Florence, S. C., $10,000.

"For post-office and land office at Gainesville, Fla., $10,000.

"For post-office and custom-house at Grand Haven, Mich., $10,000.
"For post-office at Ironton, Ohio, $10,000.
"For post-office and revenue office at Louisiana, Mo., $10,000.
"For post-office and custom-house at Muskegon, Mich., $10,000: *Provided*, That lots 7, 8, and 9, in block 69, situate at the corner of Third and Clay streets, in said city, are satisfactory to the Secretary of the Treasury as a site.
"For post-office and court-house at Ogden, Utah, $10,000.
"For post-office at Owosso, Mich., $10,000.
"For post-office and custom-house at Perth Amboy, N. J., $10,000.
"Under the provisions and limitations of section 4 of said act, as follows:
"For post-office at Allentown, Pa., $20,000.
"For post-office at Amesbury, Mass., $10,000.
"For post-office at Anderson, Ind., $20,000.
"For post-office and court-house at Athens, Ga., $15,000.
"For post-office at Atlantic City, N. J., $30,000.
"For post-office at Baraboo, Wis., $10,000.
"For post-office and court-house at Batesville, Ark., $15,000.
"For post-office at Battlecreek, Mich., $20,000.
"For post-office, court-house, and custom-house at Biloxi, Miss., $25,000.
"For post-office at Boone, Iowa, $20,000.
"For post-office and court-house at Charlottesville, Va., $20,000.
"For post-office and revenue office at Chillicothe, Ohio, $15,000.
"For post-office at Colorado Springs, Colo., $30,000.
"For post-office at Crawfordsville, Ind., $10,000.
"For post-office, court-house, and assay office at Deadwood, S. Dak., $30,000.
"For post-office at Decatur, Ill., $15,000.
"For post-office at Dekalb, Ill., $15,000.
"For post-office and revenue office at Durham, N. C., $15,000.
"For post-office at Elizabeth, N. J., $60,000.
"For post-office at Elkhart, Ind., $20,000.
"For post-office at Evanston, Ill., $20,000.
"For post-office and court-house at Evanston, Wyo., $25,000.
"For post-office at Findlay, Ohio, $15,000.
"For post-office at Flint, Mich., $20,000.
"For post-office at Fond du Lac, Wis., $15,000.
"For post-office, court-house, and revenue office at Fresno, Cal., $25,000.
"For post-office at Gainesville, Tex., $15,000.
"For post-office at Geneva, N. Y., $15,000.
"For post-office and custom-house at Georgetown, S. C., $15,000.
"For post-office at Gloversville, N. Y., $15,000.
"For post-office at Goldsboro, N. C., $10,000.
"For post-office and court-house at Grand Forks, N. Dak., $25,000.
"For post-office and court-house at Green Bay, Wis., $25,000.
"For post-office and court-house at Greeneville, Tenn., $20,000.
"For post-office and court-house at Hammond, Ind., $20,000.
"For post-office and court-house at Harrison, Ark., $15,000.
"For post-office at Henderson, Ky., $15,000.
"For post-office at Holyoke, Mass., $40,000.
"For post-office and court-house at Huntington, W. Va., $25,000.
"For post-office at Hutchison, Kans., $15,000.
"For post-office at Iowa City, Iowa, $10,000.
"For post-office at Ithaca, N. Y., $20,000.
"For post-office at Jacksonville, Ill., $15,000.
"For post-office at Kankakee, Ill., $20,000.
"For post-office at Kingston, N. Y., $20,000.
"For post-office at Kirksville, Mo., $10,000.
"For post-office at Laramie, Wyo., $25,000.
"For post-office, court-house, and custom-house at Laredo, Tex., $35,000.
"For post-office at Lawrence, Kans., $10,000.
"For post-office at Lebanon, Pa., $20,000.
"For post-office at Little Falls, N. Y., $15,000.
"For post-office at Logansport, Ind., $15,000.
"For post-office at McKeesport, Pa., $25,000.
"For post-office at Marblehead, Mass., $15,000.
"For post-office at Marshalltown, Iowa, $20,000.
"For post-office and revenue office at Martinsville, Va., $10,000.
"For post-office at Maysville, Ky., $10,000.
"For post-office at Meriden, Conn., $45,000.
"For post-office at Muncie, Ind., $10,000.
"For post-office at Nashua, N. H., $25,000.
"For post-office at Natchez, Miss., $10,000.
"For post-office at Nevada, Mo., $10,000.
"For post-office at Newcastle, Pa., $25,000.
"For post-office at Niagara Falls, N. Y., $25,000.
"For post-office at Norristown, Pa., $20,000.
"For post-office at Northampton, Mass., $10,000.
"For post-office at Oak Park, Ill., $10,000.
"For post-office at Oil City, Pa., $15,000.
"For post-office at Ottawa, Ill., $10,000.
"For post-office and revenue office at Pekin, Ill., $15,000.
"For post-office at Reno, Nev., $15,000.
"For post-office at Richmond, Ind., $20,000.
"For post-office at Rock Hill, S. C., $10,000.
"For post-office at Selma, Ala., $15,000.
"For post-office and court-house at Sherman, Tex., $30,000.
"For post-office and revenue office at Spartanburg, S. C., $15,000.
"For post-office at Stillwater, Minn., $15,000.
"For post-office, court-house, and custom-house at Superior, Wis., $35,000.
"For post-office at Torrington, Conn., $15,000.
"For post-office at Vincennes, Ind., $15,000.
"For post-office at Warren, Ohio, $15,000.
"For post-office at Washington, Pa., $15,000.
"For post-office at Waterbury, Conn., $45,000.
"For post-office and court-house at Waterloo, Iowa, $35,000.
"For post-office at Wausau, Wis., $10,000.
"For post-office at Westchester, Pa., $20,000.
"For post-office at Zanesville, Ohio, $25,000.
"Under the provisions and limitations of section 5 of said act, as follows:
"For post-office at Albert Lea, Minn., $3,000.
"For post-office at Albuquerque, N. Mex., $10,000.
"For post-office at Bar Harbor, Me., $6,000.
"For post-office and custom-house at Calais, Me., $6,000.
"For post-office at Champaign, Ill., $15,000.
"For post-office at Columbia, Mo., $5,000.
"For post-office and other Government offices at Crookston, Minn., $4,000.
"For post-office at Hamilton, Ohio, $20,000.
"For post-office at Johnstown, Pa., $20,000.
"For post-office at Moberly, Mo., $5,000.
"For post-office at Muscatine, Iowa, $15,000.
"For post-office and land office at Natchitoches, La., $5,000.
"For post-office and court-house at Pierre, S. Dak., $5,000.
"For post-office and custom-house at Portsmouth, Va., $15,000.
"For post-office and custom-house at Quincy, Mass., $12,000.
"For post-office at Saratoga Springs, N. Y., $15,000.
"For post-office, court-house, and custom-house at Spokane, Wash., $100,000.
"For post-office at Yankton, S. Dak., $7,000.
"For post-office at Sterling, Ill., $5,000.
"For post-office, court-house, and custom-house at Tacoma, Wash., $100,000.
"For post-office and custom-house at Traverse City, Mich., $6,000.
"For post-office and custom-house at Burlington, Vt., under the provisions and limitations of section 18 of said act approved June 6, 1902, $25,000.
"For post-office, court-house, and custom-house at Des Moines, Iowa, under the provisions and limitations of section 15 of said act approved June 6, 1902, $150,000.
"For court-house and post-office at Los Angeles, Cal., under the provisions and limitations of section 17 of said act approved June 6, 1902, $200,000.
"For post-office at New Orleans, La., under the provisions and limitations of section 9 of said act approved June 6, 1902, $200,000.
"For post-office at New York, N. Y., under the provisions and limitations of section 13 of said act approved June 6, 1902, $25,000.
"For post-office, court-house, and custom-house at Providence, R. I., under the provisions and limitations of section 10 of said act approved June 6, 1902, $25,000.
"For post-office at St. Louis, Mo., under the provisions and limitations of section 8 of said act approved June 6, 1902, $210,000.
"For post-office at Toledo, Ohio, under the provisions and limitations of section 14 of said act approved June 6, 1902, $82,000.
"For municipal building for the joint use of the United States and the District of Columbia at Washington, D. C., under the provisions and limitations of section 6 of said act approved June 6, 1902, $400,000.
"For post-office, court-house, and custom-house at Wheeling, W. Va., under the provisions and limitations of said act approved June 6, 1902, $125,000.
"For inquiry and report to Congress concerning public buildings at the cities named in section 22 of said act approved June 6, 1902, $10,000."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Hereafter there shall be submitted in the annual Book of Estimates, under each item of appropriation under the head of "Light-House Establishment," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted."

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$22,500;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That one-half of said copies shall be placed on sale at an advance of 10 per cent over their cost;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the preparation, under the direction of the Secretary of the Smithsonian Institution, of preliminary plans for an additional fireproof steel-frame brick and terra cotta building, to cost not exceeding $1,500,000, for the United States National Museum, to be erected, when appropriated for, on the Mall between Ninth and Twelfth streets west, said plans, when completed, to be transmitted by the Secretary of the Smithsonian Institution to Congress, $5,000."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the line next to the last line of said amendment strike out the word "Company" and insert in lieu thereof the word "Commission;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "proper accounting officers of the Treasury Department" and insert in lieu thereof the words "Secretary of the Treasury;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,066,570;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment; and the Senate agree to the same

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and restore the matter stricken out by said amendment, amended to read as follows: "officer in charge of public buildings and grounds, in accordance with existing plans made by him;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the amount named in said amendment insert "$2,500;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: After the word "contract," in line 5 of said amendment, insert the words "or contracts;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a building to accommodate the offices of the President, to be located in the grounds of the Executive Mansion, and for each and every purpose connected therewith, including heating apparatus and light fixtures, furniture, and removal of greenhouses, all to be done according to plans the details of which shall be approved by the President and completed in every respect within the sum hereby appropriated, $35,196, to be expended by contract

or otherwise in the discretion of, and under the direction of, the President, and to be immediately available; and said building shall be constructed with sufficient foundation and walls suitable for a durable, permanent building, and of sufficient strength for an additional story when needed."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreemen to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"For extraordinary repairs and refurnishing of the Executive Mansion and for each and every purpose connected therewith, including all necessary alterations and additions, cabinetwork, decoration of rooms, covered ways and approaches, grading, paving, porte-cochère, gates, and electric wiring and light fixtures for house and grounds, all to be done according to plans the details of which shall be approved by the President and completed in every detail within the sum hereby appropriated, $475,445, to be immediately available and to be expended by contract or otherwise in the discretion of and under the direction of the President.

"For rent of temporary offices for the President, to be immediately available, $2,000."

And the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,723,969;" and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the words "July 1, 1902," and insert in lieu thereof the words "June 30, 1903;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lines 17 and 18 of said amendment strike out the words "five dollars" and insert in lieu thereof the words "one dollar;" and the Senate agree to the same.

On the amendments of the Senate numbered 1, 13, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 120, 141, 142, 143, 160, 185, 186, and 191 the committee of conference have been unable to agree.

J. G. CANNON,
J. A. HEMENWAY,
THOS. C. McRAE,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, namely:

On Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, relating to public buildings, makes appropriations as follows: For custom-house at Baltimore, Md., $150,000, as proposed by the Senate, instead of $100,000, as proposed by the House; for completing mezzanine story in the court-house and post-office at New York, $35,000, as proposed by the Senate; strikes out the following appropriations proposed by the Senate, namely, for post-office at Buffalo, N. Y., $35,000, the same being provided for elsewhere in the bill; for elevators in public buildings at Covington, Ky., Detroit, Mich., Lynchburg, Va., and Wilmington, N. C., $7,500 each, and $5,000 for an elevator in the public building at Pensacola, Fla., and $5,000 for grading grounds, etc., of post-office at New Brighton, Pa., the same being provided for elsewhere in the bill, and makes a verbal correction in the text of the bill.

On No. 12: Appropriates $250,000 for purchase or erection of a marine hospital at New York, as proposed by the Senate.

On No. 14: Appropriates $20,000 for equipment of quarantine station at Miami, Fla., and under authority of the concurrent resolution of the two Houses inserts in the bill appropriations estimated by the Tresury Department, aggregating $4,995,450, as necessary for the acquisition of sites and the prosecution of work on the new public buildings authorized in the act approved June 6, 1902. (The total expenditures authorized by said act aggregate $20,952,100.)

On No. 15: Strikes out the appropriation of $20,000 proposed by the Senate for the quarantine station at Columbia, Oreg.

On Nos. 22, 26, and 31: Makes appropriations as proposed by the Senate for the following light stations which have been authorized by law, namely: Schooner Ledge light station, Pennsylvania, $200; Calumet Harbor light station, Michigan, $7,500: and Grassy Island range light, Michigan, $5,000.

On No. 45: Inserts a provision requiring the insertion in the Book of Estimates hereafter a statement of the persons employed and paid from the several appropriations for the Light-House Establishment.

On No. 46: Appropriates $115,000, as proposed by the Senate, for longevity pay in the Revenue-Cutter Service.

On No. 47: Appropriates $50,000, as proposed by the Senate, for a revenue cutter for service at Philadelphia, Pa.

On No. 48: Strikes out the appropriation of $100,000 proposed by the Senate for a revenue cutter in the waters of Hawaii.

On Nos. 49, 50, and 51: Makes appropriations for engraving and printing as follows: For labor and expenses, $900,000, as proposed by the House, instead of $933,336 as proposed by the Senate; for wages of plate printers, etc., $900,000, instead of $1,000,000 as proposed by the Senate, and for engravers' and printers' materials, $400,000, instead of $350,000 as proposed by the House and $450,000 as proposed by the Senate.

On No. 52: Makes an appropriation under the Coast and Geodetic Survey available for the preparation or purchase of preliminary plans and specifications of vessels.

On No. 53: Appropriates $26,000, as proposed by the Senate, instead of $24,000, as proposed by the House, for international exchanges.

On No. 54: Appropriates $22,500, instead of $20,000, as proposed by the House, and $25,000, as proposed by the Senate, for furniture, etc., for the National Museum.

On No. 55: Appropriates $180,000, as proposed by the House, instead of $200,000, as proposed by the Senate, for preservation, exhibition, and increase of collections in the National Museum.

On No. 56: Appropriates $7,000, as proposed by the Senate, for printing and publishing the contributions from the United States National Herbarium, and provides that one-half of said publications shall be placed on sale at an advance of 10 per cent over their cost.

On No. 57: Appropriates $5,000 to procure plans for a fireproof steel-frame brick-and-terra-cotta building, to cost not exceeding $1,500,000, for the United States National Museum.

On Nos. 58, 59, 60, and 61, relating to the National Zoological Park: Appropriates $90,000 instead of $80,000, as proposed by the House, for current expenses; strikes out the appropriation of $20,000 for a boundary fence, and appropriates $10,000, as proposed by the Senate, for an elephant house.

On Nos. 62 and 63: Provides for a foreman, at $1,200, as proposed by the Senate, for the fish hatchery at San Marcos, Tex.

On Nos. 64 and 65: Makes specific provision, as proposed by the House, for the employment of inspectors to enforce the act to promote the safety of employees and travelers upon railroads.

On Nos. 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76, relating to the Louisiana Purchase Exposition: Accepts all of the amendments proposed by the Senate to provisions inserted by the House providing for the Government exhibit at the Louisiana Purchase Exposition, with a verbal change in the text of one paragraph.

On Nos. 77 and 78: Strikes out, as proposed by the Senate, the restrictions relating to the transportation of silver coin.

On No. 79: Appropriates $30,000, as proposed by the Senate, for machinery and appliances for the mint at San Francisco, Cal.

On No. 80: Provides for the appointment of the general inspector of the Treasury Department to be made by the President subject to confirmation by the Senate, as proposed by the Senate.

On Nos. 81 and 82: Places the investigation of claims for reimbursement of expenses of the last sickness and burial of deceased pensioners under the direction of the Secretary of the Treasury, and requires that no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses of the last sickness or burial of a deceased pensioner.

On No. 83: Strikes out the provision proposed by the House repealing the permanent appropriation for the collection of customs.

On Nos. 84 and 85: Restricts the appropriation made for the native inhabitants of the islands of St. Paul and St. George, Alaska, to the supplying of fuel, food, and clothing.

On No. 86: Appropriates $2,700,000, as proposed by the Senate, for rebate on tobacco under the act of April 12, 1902.

On No. 87: Strikes out the appropriation of $4,000 proposed by the Senate for a special commissioner to report on Government receipts and expenditures.

On No. 88: Strikes out the appropriation of $250,000 proposed by the Senate for the purchase of the Census Office building.

On No. 89: Fixes the compensation of the superintendent of meters at $1,200, as proposed by the Senate.

On Nos. 90, 91 and 92: Strikes out the provisions proposed by the House transferring to the control of the Commissioners of the District of Columbia the fire-engine house adjoining the Senate stables and appropriates $500 for its repair.

On No. 93: Appropriates $9,750, as proposed by the Senate, for steel shelving for the Senate library and authorizes the payment for steel shelving heretofore erected in the upper rooms of the Senate library out of the appropriation for the construction of rooms in the old Library space.

On No. 94: Strikes out the provision inserted by the Senate authorizing the use of timber outside of the State or Territory in which the same was cut.

On Nos. 95, 96, and 97: Gives authority to survey, out of the general appropriation for surveys of public lands, lands granted under the acts approved February 26, 1857, and May 11, 1858, and makes verbal corrections in the text of the bill.

On No. 98: Appropriates $2,000, as proposed by the Senate, for repair and protection of the ruin of Casa Grande.

On Nos. 99, 100, 101, 102, 103, 104, 105, 106, and 107, relating to the Geological Survey: Strikes out the proposed increase of the salary of the disbursing clerk; increases the amount for skilled laborers and temporary employees from $16,000 to $20,000; strikes out the appropriation of $5,000 for topographic survey in Porto Rico; increases the appropriation for preparation of illustrations from $16,280 to $18,280, and appropriates $200,000, as proposed by the Senate, instead of $100,000, as proposed by the House, for gauging the streams and determining the water supply of the United States.

On No. 108: Continues until June 30, 1903, the office of Commissioner of Railroads, as proposed by the Senate.

On No. 109: Includes the cost of printing among other expenses to be defrayed from the appropriations for the Census Office.

On No. 110: Strikes from the bill the provision proposed by the Senate and the provision proposed by the House relating to the population schedules of the Eleventh and prior censuses.

On No. 111: Appropriates $2,800 for completion of the boundary survey of the Yellowstone National Park, instead of $400, as proposed by the House.

On Nos. 112, 113, and 114: Strikes out the provisions proposed by the Senate making immediately available certain appropriations under the Government Hospital for the Insane.

On No. 115: Appropriates $3,291, as proposed by the Senate, for fire protection for the Columbian Institution for the Deaf and Dumb.

On Nos. 116 and 117: Appropriates $30,500, as proposed by the Senate, instead of $29,000, as proposed by the House, for salaries of teachers at the Howard University.

On Nos. 118 and 119: Strikes out the appropriations proposed by the Senate at the Rock Island Arsenal for one artillery shed, $16,000, and one hospital building, $19,500.

On No. 121: Strikes out the appropriation of $60,000 proposed by the Senate for a steamer for Sandy Hook Proving Ground.

On No. 122: Appropriates $67,700, as proposed by the House, instead of $87,700, as proposed by the Senate, for the powder depot near Dover, N. J.

On Nos. 123, 124, and 125: Appropriates $5,500 for putting in new flume and water wheel at the Springfield Arsenal, Mass., and strikes out the appropriations proposed by the Senate of $1,800 for macadamizing the roadway and $1,500 for a bridge at said arsenal.

On No. 126: Requires that the improvement of Potomac Park, in the District of Columbia, shall be made in accordance with existing plans made by the officer in charge of public buildings and grounds.

On No. 127: Appropriates $2,500, instead of $5,000, as proposed by the Senate, for the improvement of Iowa Circle.

On No. 128: Strikes out the appropriation of $2,500 proposed by the Senate for repair of granite posts and iron fencing and park basins injured by fire and otherwise, in consequence of the inaugural review on March 4, 1901.

On Nos. 129, 130, and 131: Appropriates, as proposed by the Senate, $1,500 additional for improvement of grounds around Sherman statue, and $4,000 for completing and unveiling said statue.

On No. 132: Appropriates $50,000, as proposed by the Senate, for the memorial to Gen. Ulysses S. Grant.

On No. 133: Appropriates for the construction and furnishing of a building to accommodate the offices of the President, $65,196.

On No. 134: Appropriates for extraordinary repairs and refurnishing of the Executive Mansion, $477,445.

On No. 135: Appropriates $100,000, as proposed by the Senate, instead of $130,000, as proposed by the House, for improving Bay Ridge and Red Hook channels, New York.

On No. 136: Appropriates $150,000, as proposed by the Senate, instead of $234,000, as proposed by the House, for improving the harbor at New York.

On Nos. 137 and 138: Strikes out the provision proposed by the Senate for burial of soldiers who die in the immediate vicinity of the District of Columbia and increases the limit of expenses for burial of indigent soldiers who die in the District of Columbia from $40 to $45.

On No. 139: Appropriates $20,934, as proposed by the Senate, for repairing road to the national cemetery at Springfield, Mo.

On No. 140: Appropriates $2,000, as proposed by the Senate, for reconstruction of stone wall inclosing the Confederate cemetery at Camp Chase, Ohio.

On Nos. 144 and 145: Reduces the limit of cost for a site for a military post in the vicinity of Manila from $75,000 to $55,000 and makes a verbal correction in the text of the bill.

On No. 146: Appropriates $3,000, as proposed by the Senate, for the improvement and repair of military cemetery at Prairie du Chien, Wis.

On No. 147: Makes the appropriation of $7,500, proposed by the House, for a railway spur at Fort Snelling, Minn., available for such other purpose as the Secretary of War may designate.

On No. 148: Appropriates $4,500, as proposed by the Senate, for roadway from the Aqueduct Bridge to Fort Myer, Va.

On No. 149: Appropriates $8,000, as proposed by the Senate, for a road on Fort Sheridan Military Reservation, Ill.

On Nos. 150, 151, 152, 153, 154, and 155, relating to national military parks: Strikes out the authority for a model in relief of the Nashville and Atlanta battlefields; provides for three commissioners at each of said parks; appropriates $100,000, as proposed by the House, instead of $96,400, as proposed by the Senate, for the Vicksburg National Military Park, and strikes out the restriction inserted by the House prohibiting the payment of more than one commissioner in connection with each of said parks.

On No. 156: Appropriates $50,000, as proposed by the Senate, for reconstruction in part of Providence Hospital.

On No. 157: Retains the provision requiring a contract to be made with the board of charities of the District of Columbia by the Garfield Hospital.

On No. 158: Appropriates $50,000, as proposed by the Senate, for purchase of additional land for Garfield Hospital.

On No. 159: Strikes out the appropriation of $260,000 proposed by the Senate for Governors Island, New York.

On No. 161: Appropriates $4,000, instead of $5,000, as proposed by the Senate for the Apache prisoners at Fort Sill, Okla.

On Nos. 162, 163, 164, 165, 166, and 167, relating to the National Home for Disabled Volunteer Soldiers, appropriates, as proposed by the Senate, $30,000 for a new barrack at Togus, Me., and $500 additional for clerical services for managers.

On No. 168: Appropriates $50,000, as proposed by the Senate, instead of $45,000, as proposed by the House, for defending suits in claims against the United States.

On Nos. 169 and 170: Authorizes, as proposed by the Senate, the use of not exceeding $1,000 out of the appropriation for the defense of suits before the Spanish Treaty Claims Commission, for the purchase of books.

On No. 171: Appropriates $5,000, instead of $3,000, as proposed by the House, for traveling expenses of judges and clerks in the district of Alaska.

On No. 172: Appropriation for counsel to the Mission Indians $1,000 instead of $500, as proposed by the Senate.

On No. 173: Authorizes the employment by the Spanish Treaty Claims Commission of two commissioners at $2,500 each, and the employment of an assistant clerk at $2,000 and a clerk at $1,400 in lieu of two clerks now in the service.

On No. 174: Strikes out the appropriation of $6,000 proposed by the Senate for salary of additional judge in the second circuit, the same being provided for in the general deficiency bill.

On No. 175: Requires that from and after June 30, 1903, all fees and costs in extradition cases shall be paid out of appropriations for the judiciary.

On No. 176: Appropriates $203,000, as proposed by the Senate, instead of $185,000, as proposed by the House, for regular assistants to United States district attorneys.

On No. 177: Inserts the provision proposed by the Senate with reference to the fees of clerks of United States district and circuit courts, and limits the amount to be received from attorneys for admission to not exceeding $1 instead or $5.

On No. 178: Strikes out the appropriation proposed by the Senate of $1,000 for rent of rooms for the accommodation of the courts at each of the towns of Athens, Ga., and Rome, Ga.

On No. 179: Strikes out the restriction proposed by the Senate as to the expenses of judges of the circuit courts of appeals when on duty outside the State of their residence.

On No. 180: Appropriates $725,000, as proposed by the Senate, instead of $650,000, as proposed by the House, for support of United States prisoners.

On No. 181: Inserts the provision proposed by the Senate authorizing the care and medical treatment of guards who may be injured by prisoners at the Leavenworth Penitentiary.

On Nos. 182, 183, and 184: Strikes out the appropriation of $50,000 proposed by the Senate for demarcation and mapping of the boundary line between the United States and Canada, and appropriates $5,000, as proposed by the Senate, for inspection and repair of monuments marking the boundary between the United States and Mexico.

On Nos. 187, 188, 189, and 190, relating to the Senate: Provides for special payments to three employees of the Senate, and appropriates $1,800 for rent for storage of public documents of the Senate.

On No. 192: Authorizes, as proposed by the Senate, the employment of E. D. Turnure as a watchman in the Dome of the Capitol.

On Nos. 193, 194, 195, 196, 197, 198, and 199, relating to public printing and binding: Appropriates $5,257,000, as proposed by the Senate, instead of $5,035,000, as proposed by the House, for printing and binding for Congress and the several departments; strikes out the provision proposed by the House to credit the appropriation for printing for the Library of Congress with the proceeds of sales of copies of card indexes, and restores the provision proposed by the House authorizing the purchase of manifold material for duplicating process and patented devices for filing money-order statements by the Public Printer on the requisition of heads of departments.

The committee of conference have been unable to agree on the following amendments, namely:

On No. 1, for a hall of records in Washington;

On No. 13, appropriating $20,000 for a quarantine station at Portland, Me.;

On Nos. 16, 17, 18, 19, 20, 21, 23, 25, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44, making appropriations, as proposed by the Senate, for sundry light-house and fog-signal stations;

On No. 120, appropriating $25,000 for additional land for Fort Constitution, N. H.;

On Nos. 141, 142, and 143, increasing the appropriation for military posts from $1,500,000 to $1,800,000;

On No. 160, appropriating $100,000 for a memorial bridge across the Potomac River;

On No. 185, appropriating $25,000 for statistics of marriage and divorce;

On No. 186, for the employment of two commissioners to examine and report with reference to railway systems in South and Central America in connection with an intercontinental railway, in accordance with the recommendation of the Pan-American Conference; and

On No. 191, appropriating $3,000 for busts of the late Senators Morrill and Voorhees.

The bill as passed by the Senate appropriated $56,361,504.13, being an increase of $6,547,808.40 over the amount carried as it was passed by the House. Of this sum, the committee of conference recommend that $1,210,286 be stricken out and that $4,053,572.40 be agreed to. The amendments upon which the conference committee have been unable to agree involve the appropriation of $1,283,950. There is added to the bill, under authority of a concurrent resolution of the two Houses, $4,995,450 for new public buildings. The items reduced or stricken from the bill by Senate amendments and restored by the conference and certain items increased by the conference committee aggregate $353,141; so that the bill in its present status appropriates $60,499,709.13, of which sum $1,283,950 is involved in amendments upon which no agreement has been reached.

J. G. CANNON,
J. A. HEMENWAY,
THOS. C. McRAE.
Managers on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, Mr. JACKSON of Kansas obtained leave of absence for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. GRIFFITH, by unanimous consent, obtained leave to withdraw from the files, without leaving copies, papers in the case of Allen W. Philips, Fifty-sixth Congress, no adverse report having been made.

SPEAKER PRO TEMPORE FOR EVENING SESSION.

The SPEAKER. The Chair announces as Speaker pro tempore for this evening's session the gentleman from New Hampshire, Mr. CURRIER.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill making appropriations for the Army, in order that it may be considered in the House with a view of offering a resolution.

The SPEAKER. This matter does not require unanimous consent. The bill has reached the state of disagreement and is privileged. The gentleman can call it up at once.

Mr. HULL. I do so.

The SPEAKER. The gentleman from Iowa [Mr. HULL] calls up the Army appropriation bill, with the amendments of the Senate.

Mr. HULL. I offer the resolution which I send to the desk. I do this in deference to the action of the House upon a former occasion and with the hope that the adoption of this resolution may bring the two Houses together.

The Clerk read as follows:

Resolved, That the House insist upon its disagreement to the amendments of the Senate to the bill H. R. 12804 numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, and request a conference thereon.

That the House adhere to its disagreement to the amendments of the Senate numbered 13 and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"And whenever in the opinion of the President the lands and improvements, or any portion of them, of the military posts or reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., have become undesirable for military purposes he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, either as a whole or in subdivisions, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury. And a sum of money not exceeding the proceeds of such sale or sales at each of such places respectively is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such lands at or in the vicinity of Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., respectively, as may be required for military purposes, and for building barracks or quarters on such lands to be devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at or in the vicinity of such places, respectively."

Mr. HULL. The House, I think, is familiar with the condition of affairs in regard to this subject. This matter was up some weeks ago, and the House adopted instructions in regard to certain amendments and asked for a conference. The Senate ignores that action of the House, and the bill comes back to the House, simply asking on the part of the Senate a conference. This resolution further insists on our disagreement to all amendments except three. On two of those amendments, Nos. 13 and 14, we adhere, which is, as I understand, the highest form of expressing our determination to never give up the position of the House on those amendments. The other amendment, No. 15, we propose to agree to with an amendment, so that this particular question, if this resolution should pass and the Senate agree to our action, will be taken out of the conference entirely as having been agreed to by the action of the two Houses. It eliminates the three

amendments on which instructions have been voted from the conference.

Now, Mr. Speaker, the time has come when it is hoped the two Houses will get together on this bill. There are only a few more days of this fiscal year, and this action is taken with the sincere hope that within a few days from this time this bill may become a law. If there is no gentleman desiring to be heard——

Mr. RICHARDSON of Tennessee. Will the gentleman allow me one moment?

Mr. HULL. I will.

Mr. RICHARDSON of Tennessee. I understand that the course now proposed to be taken is to ask for a conference with the Senate upon the amendments pending to the bill.

Mr. HULL. Only on certain amendments.

Mr. RICHARDSON of Tennessee. So I understand; but we ask for the conference?

Mr. HULL. Yes.

Mr. RICHARDSON of Tennessee. And the message that now goes to the Senate goes with a request for a conference?

Mr. HULL. Yes.

Mr. RICHARDSON of Tennessee. That is the action now proposed?

Mr. HULL. That is right.

Mr. CLARK. Allow me to ask what has become of that committeee appointed to go over and confab with the Senate and beat it down?

Mr. RICHARDSON of Tennessee. I beg to say that I am one of the minority. I see the able chairman of that conference committee in his seat, the gentleman from Pennsylvania [Mr. DALZELL]. I respectfully refer the question to him. I hope he will answer.

Mr. HULL. I yield to the gentleman from Pennsylvania, chairman of the special committee.

Mr. DALZELL. Mr. Speaker, I will say, in answer to my friend from Missouri, that the committee has had several conferences, some informal and one formal conference, at which we debated and redebated the subject, occupying some three or four hours. We have never been able to agree. The Senate committee adheres to its support of what it regards as parliamentarily proper under the circumstances, and the House committee has adhered to what it believes to be the proper parliamentary position.

Mr. CLARK. This proposition that the gentleman from Iowa [Mr. HULL] makes is a square backdown from the decision of the House committee when the committee was appointed on which was the gentleman from Pennsylvania and the gentleman from Illinois [Mr. CANNON].

Mr. DALZELL. Nothing of the kind; there is no backdown about it.

Mr. CLARK. What is it, then? Does it not surrender the very question that the gentleman from Illinois raised that morning when that committee was appointed?

Mr. DALZELL. On the contrary, it goes one step further, and, instead of referring that proposition to our committee of conference with instructions, we take the matter up in the House ourselves and announce the determination here. In other words, we say that we adhere to our disagreement to amendments 13 and 14 and recede from our disagreement to 15 with an amendment, which preserves our original attitude as to amendment 15. There is no backdown, but, on the contrary, we keep precisely the same situation that we had before.

Mr. CLARK. Now, I want to ask the gentleman from Illinois [Mr. CANNON] which was the number of the amendment that he raised the question on?

Mr. DALZELL. I will explain the situation to the gentleman.

Mr. CLARK. Very well.

Mr. DALZELL. The Senate sent over the military appropriation bill with certain amendments. We disagreed to all the amendments and instructed our conferees not to report an agreement on amendments 13, 14, and 15, and we sent the instructions over in the message that announced the appointment of the conferees. The Senate took umbrage at that action and said we ought not to have told them that we had instructed our conferees. As a means of reconciling the differences between the two Houses upon the parliamentary situation, they appointed a committee to pass on the question, not of the amendments, but of the message, and we appointed a like committee, and in the meantime the bill has been lying on the Senate table.

Now, then, wholly ignoring our first message and the announcement that we had appointed conferees, the Senate sends that bill back here to-day, further insisting on its disagreement and asks for a conference. Instead of appointing conferees and instructing them as we did in the first instance, we simply ask for a conference and say that as to 13 and 14, as to which the instructions were given, we adhere. That is to say, we take the last parliamentary step that can be taken. We announce that we will not agree to 13 and 14.

Mr. CLARK. The conferees, then, have nothing to do with these two amendments?

Mr. DALZELL. Not at all. They are not in conference.

Mr. CLARK. What about amendment No. 15?

Mr. DALZELL. We recede as to that with an amendment, which preserves our original attitude with respect to it.

Mr. CANNON. That is not in conference.

Mr. DALZELL. No.

Mr. OVERSTREET. Do you not eliminate from Senate amendment 15 all that part to which reference was made in the House through our instructions?

Mr. DALZELL. Certainly.

Mr. OVERSTREET. So that the amendment which is preserved in this resolution as to amendment 15 of the Senate is that part of Senate amendment 15 which was not referred to in the original resolution of the House giving the instructions.

Mr. DALZELL. That is right.

Mr. RICHARDSON of Tennessee. Mr. Speaker, in addition to what the gentleman from Pennsylvania has said, or if he said it he did not make it perfectly clear as I understood it, I would state that the Senate disregards, in sending the military appropriation bill here to-day, our message to them wherein we instructed our conferees as to amendments 13, 14, and 15. The Senate ignores that message and sends the bill here and asks for a full and free conference. Now, to be perfectly frank with the House, if we pass the motion which was made by the gentleman from Iowa [Mr. HULL] the House of Representatives ignores their message which they sent here to-day with this bill.

Mr. DALZELL. That is right.

Mr. RICHARDSON of Tennessee. Asking for a conference full and free. We ignore that, just as the Senate ignored us, and we send the bill back with the action which the amendment offered by the gentleman from Illinois takes. That is, we send the bill to them, appoint conferees, but adhere to amendments 13 and 14 and take them out of the conference and tell our conferees in effect that they can not consider 13 and 14 and that as to 15 we will agree to the Senate amendment with an amendment which has been read at the desk. Now, that is the situation.

Mr. DALZELL. That is right.

Mr. RICHARDSON of Tennessee. I do not think we backed down from our position. If I had thought so I would never have agreed to this proposition.

Mr. ZENOR. I want to make an inquiry. I am not completely advised as to the amendments relating to the authorization of sale of the arsenal grounds at Indianapolis, Buffalo, and elsewhere. I want to inquire of the chairman of the committee whether, if his motion is carried, it will carry these provisions into conference again?

Mr. HULL. No, sir; if my resolution is adopted, the result will be that we have agreed to the Senate amendment in regard to the sale of the land at Buffalo and Columbus and Indianapolis, and authorized the reinvestment of the fund in the vicinity of those places.

Mr. ZENOR. In the discretion of the Secretary of War?

Mr. HULL. In the discretion of the Secretary of War; yes.

Mr. RICHARDSON of Tennessee. Provided the Senate agrees to our amendment.

Mr. HULL. Oh, certainly; but so far as the House is concerned.

The SPEAKER. The question is on agreeing to the motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HULL, Mr. CAPRON, and Mr. HAY.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I again ask unanimous consent to consider the conference report on the sundry civil bill at this time.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] again asks unanimous consent to consider now the conference report on the sundry civil bill. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, we announced that we objected, for good reasons, as we think.

Mr. CANNON. I hoped that my friend had repented.

The SPEAKER. Objection is made.

PHILIPPINE GOVERNMENT.

The SPEAKER. Under the order, the House again resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2295), the Philippine government bill, with the gentleman from Iowa [Mr. LACEY] in the chair.

Mr. JONES of Virginia. Mr. Chairman, I yield one hour to my colleague, the gentleman from Tennessee [Mr. PATTERSON].

The CHAIRMAN. The gentleman from Tennessee [Mr. PATTERSON] is recognized for one hour.

Mr. PATTERSON of Tennessee. Mr. Chairman, it is not my

purpose to discuss the special features of either the majority or minority bills presented further than to say that one proposes to hold the islands of the Philippine Archipelago as colonies and their people as subjects, while the other proposes to grant independence, which has been the aspiration of the people and for which they have made so many sacrifices.

Neither of the great political parties desires to incorporate the islands as a part of the body politic, but it is proposed by one to retain possession and govern them under laws by Congress without reference to the Constitution, while the other insists that, if retained, constitutional rights and guaranties should accompany the possession, or, if this be undesirable, independence should be given as a matter of justice to the people there and as the only consistent course for our Government to pursue.

No greater question has ever confronted the American people for wise solution, and it is well worthy of the attention of the best thought of the country.

The step which we are now about to take will determine the status of a distant people over whom we asserted sovereignty by virtue of purchase and which we now claim is absolute at the end of a protracted, costly, and disheartening war. We are about to decide upon and define a policy of government which commits us to the Old World idea of colonization, under which other peoples are held, to be governed by such laws as unlimited and unrestrained power may enact for their control.

In the history of our American Republic this is the first departure from the heretofore strictly guarded principle of government—that we can not hold countries or peoples without constitutional restraints—and marks the time in our national life when we have left the true and proper boundaries of constitutional domain to wander in other fields amid new and unfamiliar scenes.

It is well for the American people to pause and seriously consider whether extended empire over an alien people separated from us by an ocean of distance is so desirable that they are prepared for the sacrifice.

I listened with interest to the eloquent gentleman who preceded me [Mr. HAMILTON], and heard him invoke the reputation and splendid name of Abraham Lincoln as yet the guide and inspiration of the Republican party.

I invoke these words of Abraham Lincoln as his protest to the claim:

> Those arguments that are made that the inferior race are to be treated with as much allowance as they are capable of enjoying, that as much is to be done for them as their condition will allow—what are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. They always bestrode the necks of the people, not that they wanted to do it, but because the people were better off for being ridden. That is their argument. Turn it whatever way you will; whether it comes from the mouth of a king as an excuse for enslaving the people of his country, or from the mouths of men of one race as a reason for enslaving the men of another race, it is all the same old serpent.

If these sentiments are good Republican doctrine, what latter-day imperialist can there find his defense or justification for holding men as subjects?

The fact is that the Republican party as now constituted has turned the picture of the martyr President to the wall. It has dishonored his teachings. It conjures with his name, but denies all that he stood for. It invokes at the tomb, but when the spirit of the dead arises it shudders and flees like a guilty thing.

It uses the "arguments of kings" when it speaks of human rights.

It stands for industrial slavery at home and protects human slavery in the Philippine Islands.

It prates of the flag, but its policy dishonors it.

It would found a splendid empire on the ruins of constitutional liberty. Abraham Lincoln has given the Republican party a definition of imperialism.

HOW THE TWO PARTIES STAND.

The treaty of Paris was negotiated by five American Commissioners—all Republicans named by a Republican President.

It was ratified by a Republican Senate.

It left the political status and the civil rights of the United States to be determined by the American Congress.

While a few Democratic Senators voted in the affirmative on the question of ratification, the majority opposed it; those favoring ratification did so upon the ground that it would end at once all differences with Spain; that the situation could then be treated dispassionately, believing that the future of the archipelago would be determined in a manner consonant with our past history.

The Bacon resolution, which promised independence to the people of the islands, was supported with practical unanimity by the Democratic Senators, while the Republican Senators, with one exception, opposed it.

It was the policy of the Democratic party to favor that resolution. It was the policy of the Republican party to oppose it.

It was the policy of the Democratic party to bestow liberty upon the Philippine people. It was the policy of the Republican party to deny it.

If this resolution had passed, war would not have been possible. It would have met the aspiration of a people who had struggled for liberty, and carried untold blessing instead of untold misery. For all, therefore, which followed the Republican party is alone responsible. If there has been glory in the Philippine Islands it should enjoy it; if there has been shame and disgrace it must bear the burden.

If the Democratic policy had been declared there would have been no war of extermination waged, no orders of desolation, no devastated country. More than a hundred thousand Filipinos, slain in their native land, fighting with blind devotion in what they believed was a sacred cause, would be alive to bless the great Republic.

There would have been no reprisals by American soldiers, no violation of the rules of civilized war, no torture of helpless prisoners, no blot upon the honor of American arms.

If the Democratic policy had prevailed there would have been no standing army, no hundreds of millions spent in a long and bloody war.

There would have been no dead American boys wasting in deep morasses or buried in the torrid sands.

There would have been no widows left desolate, no children crying for a father who would never come back, no mothers heartbroken here.

There would have been no American homes resting in the shadows. [Applause.]

But it is said that the Democratic party was equally responsible for all the results of the war with Spain. If this were true it might silence our complaint, though not the justice of our position now.

But it is not true. The war with Spain was to make men free, not to make men slaves.

When that war ended, our share in the enterprise was ended. As well might it be said that a person intends to go to the North Pole because he declares his purpose to go north.

Participation in a lawful act does not imply acquiescence in an unlawful act. A war to make Cuba a free republic did not mean a war to enslave the Philippine people.

To the first we contributed; to the last we protested.

From the time the treaty of Spain was negotiated by the Republicans the Democrats have opposed it. We have protested against all that followed and we protest now.

We denied the right to acquire territory over which the Constitution was not supreme. We deny it now. We desired to give the people living in the Eastern seas their independence; it is our desire now.

When it was proclaimed that the war with Spain was to shake from the throat of Cuba the mailed hand of despotism, and that "criminal aggression" was not to be thought of, we believed that statement. To accomplish our high purpose all sections of our country responded.

Troops came from the North, out of the West, and the South was ready with her brave sons who know but one flag, willing at all times to shed their blood to protect it.

All sections and all parties contributed to the grand result.

But when there were no more armies to fight, no more navies to sink, and a once proud but now humble foe was at our feet to sue for peace, the Republican party made the terms.

Free Cuba was the legitimate result of the war; the Philippine Islands is the unlawful spoil.

In freeing Cuba, a work in which all Americans were cocontributors, there has been written a luminous page in American history.

In those far-off islands another and a dark one has been added by the Republican party. One has been written with a "pencil of light," the other with the point of a bloody sword. One tells of hope realized and independence gained, the other of hope blighted and liberty dead.

On the Cuban page we have traced the record of American honor; one the Philippine page, the story of American shame.

On the one we read how the flag was hauled down and a new flag with a single star was flung to the breeze, which one day with a people's consent may yet glitter in the tiara of the Republic. [Loud applause.]

On the other we read how the flag still waves amid the desolation and ruin we have wrought.

As we gave liberty to the Cubans, so we should to the Philippine people.

There are some who say that we promised independence to Cuba and did not to the people of the Philippine Archipelago.

I dislike to think that the American Republic would quibble about the "nomination in the bond." The moral duty is the same.

We do not claim the credit of freeing Cuba on account of the

bond, for this would rob us of the honor. We claim it because of the high level of a generous and moral act, and this is the pride we take.

If a national declaration of purpose was all that prevented the retention of Cuba and the want of it our justification for holding the Philippine Archipelago, we can not escape the imputation that the nation's virtue is only established by national declaration and not by national conscience.

The Filipinos had the same cause for war with Spain that the Cubans had. But they had accomplished much more. They had the same tyrannical master, and both had suffered. There were reconcentration camps in Cuba, where the people starved and died; there were dungeons in Manila, where the waters of the sea rose over the bodies and drowned the despairing wails of captive men.

Both yearned for liberty. Both looked to our Republic to bestow it.

One received it, and a people's prayers and blessings followed the flag as it came home from its mission of mercy. The other was denied it, and the flag there stands unhonored and unloved in the tears and blood of an unhappy and stricken people. Historical accuracy, as well as the importance of the great questions involved, make it necessary to state contemporaneous testimony relating to our early occupancy of the Philippine Islands. It will serve to contrast our position before we began a cruel and indefensible war with the present attitude of defending it. It will serve to mark the change in our estimates of the Filipinos and their leader after we had been compelled to find excuses and make justifications for the national wrong.

ALLIES.

In our occupancy of the islands and military operations, before and even after the fall of Manila, the Filipinos cooperated with us and they were our allies. When it was known that war had been declared with Spain, they looked forward with bright anticipation to the coming of the American fleet. The Spaniards to discourage them from attacks on their own forces, spread the report that the Americans were coming to enslave them, and to answer this the following manifesto was issued:

AMERICA'S ALLIES—THE MANIFESTO OF THE FILIPINOS.

The following is a translation from the Spanish of a proclamation of the rebel leaders in Hongkong, sent over to the Philippines in advance of the American squadron:

Compatriots: Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could hardly wish for.

The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country, now that they have been obliged to sever relations with Spain, owing to the tyranny this nation is exercising in Cuba, causing enormous injury to the Americans, who have such large commercial and other interests there.

At the present moment an American squadron is preparing to sail for the Philippines.

We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than fire a shot or treat as enemies those who are your liberators.

Your natural enemies, your executioners, the authors of your misery and unhappiness, are the Spaniards who govern you. Against these you must raise your weapons and odium; understand well, against the Spaniards and never against the Americans.

Take no notice of the decree of the Governor-General calling you to arms, although it may cost you your lives. Rather die than be ungrateful to our American liberators.

The governor-general calls you to arms. What for? To defend your Spanish tyrants? To defend those that have despised you, and even in public speeches asked for your extermination—those that have treated you little better than savages? No! No! A thousand times no!

Give a glance at history and you will see that all Spain's wars in Oceania have sacrificed Philippine blood. We have been put to fight in Cochin China to assist the French in an affair that in no way concerned the Philippines. We were compelled to spill our blood by Simon de Anda against the English, who in any case would have made better rulers than the Spaniards. Every year our children are taken away to be sacrificed in Mindanao and Sulu on the pretense of making us believe these people are our enemies, when in reality they are our brothers, like us, fighting for their independence.

After having sacrificed our blood against the English, against the Annamites, against the people of Mindanao, etc., what recompense or thanks have we received from the Spanish Government? Obscurity, poverty, the butchery of those dear to us. Enough, brothers, of this Spanish tutelage.

Take note, the Americans will attack by sea and prevent any reenforcements coming from Spain; therefore we insurgents must attack by land. Probably you will have more than sufficient arms, because the Americans have arms and will find means to assist us.

There, where you see the American flag flying, assemble in numbers; they are our redeemers.

Our unworthy names are as nothing, but one and all of us invoke the name of the greatest patriot our country has seen, in the sure and certain hope that his spirit will be with us in these moments and guide us to victory—our immortal José Rizal.

On June 8, 1898, wealthy Filipino patriots who had left Manila and sought refuge in Singapore thus addressed our consul-general, Mr. Pratt:

THE ADDRESS.

To the Hon. Edward Spencer Pratt, consul-general of the United States of North America, Singapore.

SIR: The Philippine colony resident in this port, composed of representatives of all social classes, have come to present their respects to you as the legitimate representative of the great and powerful American Republic, in order to express our eternal gratitude for the moral and material protection extended by Admiral Dewey to our trusted leader, Gen. Emilio Aguinaldo, who has been driven to take up arms in the name of 8,000,000 Filipinos, in defense of those very principles of justice and liberty of which your country is the foremost champion.

Our countrymen at home, and those of us residing here, refugees from Spanish misrule and tyranny in our beloved native land, hope that the United States, your nation, persevering in its humane policy will efficaciously second the programme arranged between you, sir, and General Aguinaldo in this port of Singapore, and secure to us our independence under the protection of the United States. Our warmest thanks are especially due to you, sir, personally, for having been the first to cultivate relations with General Aguinaldo, and arrange for the cooperation with Admiral Dewey, thus supporting our aspirations which time and subsequent actions have developed and caused to meet with the applause and approbation of your nation. Finally, we request you to convey to your illustrious President and the American people, and to Admiral Dewey, our sentiments of sincere gratitude and our most fervent wishes for their prosperity.

SINGAPORE, *June 8, 1898.*

The address was presented by Dr. Santos, a man of learning and culture, and thoroughly in sympathy with the revolutionists.

It was replied to by our consul-general as follows:

THE UNITED STATES CONSUL-GENERAL REPLIES.

After listening to the address the United States consul-general, also speaking in French, said:

"Gentlemen, the honor you have conferred upon me is so unexpected that I can not find appropriate words with which to thank you and with which to reply to the eloquent address you have just read to me. Rest assured, though, that I fully understand and sincerely appreciate the motives that have prompted your present action and that your words, which have sunk deep in my heart, shall be faithfully repeated to the President, to Admiral Dewey, and to the American people—from whom I am sure that they will meet with full and generous response. A little over a month ago the world resounded with the praises of Admiral Dewey and his fellow-officers and men for a glorious victory won by the American Asiatic Squadron in the Bay of Manila.

"Now we have news of the brilliant achievements of your own distinguished leader, Gen. Emilio Aguinaldo, cooperating on land with the Americans at sea. You have just reason to be proud of what has been and is being accomplished by General Aguinaldo and your fellow-countrymen under his command. When, six weeks ago, I learned that General Aguinaldo had arrived incognito in Singapore, I immediately sought him out. An hour's interview convinced me that he was the man for the occasion; and, having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did, at Cavite. The rest you know.

"I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventful outcome will be all that can be desired for the happiness and welfare of the Filipinos. My parting words to General Aguinaldo were 'General, when you have proved yourself great, prove yourself magnanimous,' and from the treatment accorded to the recent Spanish prisoners it would appear that he had done so." [Applause.]

At the conclusion of Mr. Pratt's speech refreshments were served, and as the Filipinos, being Christians, drink alcohol, there was no difficulty in arranging as to refreshments. "Long life and prosperity" were drunk to Mr. Consul-General Spencer Pratt. Then the American Republic was cheered. Then Commodore Dewey was cheered for his gallant victory. Then England was cheered for sheltering the Filipino refugees.

PRESENTING A FLAG.

Then Dr. Santos, as the spokesman of the Filipino refugees, again addressed the audience with many complimentary remarks on the gallantry of Admiral Dewey and the skill and foresight of United States Consul-General Pratt, and with glowing forecasts of the prosperity that awaited the Philippine Islands under the new régime. He expressed a desire to have an American flag as a reminiscence of the day's proceedings. Mr. Spencer Pratt, again speaking in French, replied, saying:

"This flag was borne in battle, and is the emblem of that very liberty that you are seeking to attain. Its red stripes represent the blood that was shed for the cause; the white represents the purity of the motive; the blue field stands for the azure of the sky; the stars are the free and independent States of the Union. Take the flag and keep it as a souvenir of this occasion."

At the conclusion of Mr. Pratt's speech, he handed an American flag to Dr. Santos, who received it reverently, and waved it exultantly amidst the cheers of the assembled Filipinos. The flag would, said Dr. Santos, be preserved so that future generations might look at it with pride.

On April 24, 1898, a meeting took place between Admiral (then Commodore) Dewey and Aguinaldo, representing the insurgents. This was through the efforts of the American consul, Mr. Pratt.

The following is the telegram of Pratt to Dewey:

Aguinaldo, insurgent leader, here. Will come Hongkong arrange with Commodore for general cooperation insurgents Manila if desired. Telegraph.

PRATT.

Dewey's reply was:

Tell Aguinaldo come soon as possible.

DEWEY.

As a consequence of this meeting Aguinaldo returned to the attack on the Spanish forces with renewed vigor and with arms and ammunition furnished by Dewey.

When the terms of the treaty of peace were being discussed in Paris, the following excerpt from the answer of the United States Peace Commissioners to the demand of the Spanish commission that Spain should retain the Philippine Islands, is quoted:

Even if the United States were disposed to permit Spanish sovereignty to remain over the Philippines, and to leave to Spain the restoration of peace and order in the islands, could it now in honor do so? The Spanish commissioners have, themselves, in an earlier stage of these negotiations, spoken of the Filipinos as our allies. This is not a relation which the Government of the United States intended to establish; but it must at least be admitted that the insurgent chiefs returned and resumed their activity with the consent of our military and naval commanders, who permitted them to arm with weapons which we had captured from the Spaniards, and assured them of fair treatment and justice.

On October 14, 1898, at Paris, the following question was asked by Mr. FRYE, one of our commissioners, of Commander R. B.

Bradford, United States Navy, to which the following reply was made:

Mr. FRYE:

Q. I would like to ask just one question in that line. Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, we would appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?

A. We become responsible for everything he has done; he is our ally, and we are bound to protect him.

Before the Paris Commission, Mr. FRYE asked Gen. Charles A. Whittier, United States Army, a question, to which was made the reply following:

Q. Were they of material assistance to us?

A. Very great. If the protocol had not been signed I think the Spanish at home would have insisted upon their army doing something. They dismissed Augustin because he was not disposed to fight, and I think if they had not had this experience of having been driven back into the city and the water cut off, so even that Jaudenes said he could not remove his noncombatants, the Government would have insisted on his making a fight, and he could have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner.

After the memorable interview with Dewey, Aguinaldo issued this proclamation:

PROCLAMATION OF GENERAL AGUINALDO, MAY 24, 1898.

FILIPINOS: The great nation, North America, cradle of true liberty and friendly on that account to the liberty of our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land. To maintain this so lofty idea, which we deserve from the now very powerful nation, North America, it is our duty to detest all those acts which belie such an idea as pillage, robbery, and every class of injury to persons as well as to things. With a view to avoiding international conflicts during the period of our campaign I order as follows:

ARTICLE I. The lives and property of all foreigners, including Chinese and all Spaniards, who either directly or indirectly have joined in taking arms against us, are to be respected.

ART. II. The lives and property of those who lay down their arms are also to be respected.

ART. III. Also are to be respected all sanitary establishments and ambulances, and likewise the persons and things which may be found in either one or the other, including the assistants in this service, unless they show hostility.

ART. IV. Those who disobey what is prescribed in the preceding articles will be tried by summary court and put to death, if such disobedience shall cause assassination, fire, robbery, and violation.

Given at Cavite the 24th of May, 1898.

EMILIO AGUINALDO.

Any fair perusal of these evidences, which are contemporaneous and intrinsically true, coming from official sources, will be convincing not only of cooperation but of the national responsibility which we incurred. All the documents were forwarded to the Department at Washington when the situation was thoroughly understood.

Before the fall of Manila, Aguinaldo was in constant communication with the American officers and Consul-General Williams, and everything he did was approved.

AGUINALDO.

Success or failure has much to do with our estimates of men. When Aguinaldo was cooperating with our forces, I will quote from American officials as to his character and conduct.

The following was the impression of Consul-General Pratt, which was communicated to the Department of State:

Just previous to his departure, I had a second and last interview with General Aguinaldo, the particulars of which I shall give you by next mail.

The General impressed me as a man of intelligence, ability, and courage, and worthy of the confidence that had been placed in him.

I think that in arranging for his direct cooperation with the commander of our forces I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines.

If this course of mine meets with the Government's approval, as I trust it may, I shall be fully satisfied; to Mr. Bray, however, I consider there is due some special recognition for most valuable services rendered.

How that recognition can best be made I leave to you to decide.

I have, etc.,

E. SPENCER PRATT,
United States Consul-General.

Consul-General Wildman sent this to the Department of State July 18, 1898:

Immediately on the arrival of Aguinaldo at Cavite he issued a proclamation, which I had outlined for him before he left, forbidding pillage, and making it a criminal offense to maltreat neutrals. He, of course, organized a government of which he was dictator, an absolutely necessary step if he hoped to maintain control over the natives, and from that date until the present time he has been uninterruptedly successful in the field and dignified and just as the head of his government. According to his own statements to me by letter, he has been approached by both the Spaniards and the Germans, and has had tempting offers made him by the Catholic Church. He has been watched very closely by Admiral Dewey, Consul Williams, and his own junta here in Hongkong, and nothing of moment has occurred which would lead anyone to believe that he was not carrying out to the letter the promises made to me in this consulate.

The insurgents are fighting for freedom from the Spanish rule, and rely upon the well-known sense of justice that controls all the actions of our Government as to their future.

In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

I have the honor, etc.,

ROUNSEVELLE WILDMAN,
Consul-General.

Mr. WM. ALDEN SMITH. What time was that?

Mr. PATTERSON of Tennessee. July 18, 1898.

Consul-General Pratt also sent the following to the Department of State:

Considering the enthusiastic manner General Aguinaldo has been received by the natives and the confidence with which he already appears to have inspired Admiral Dewey, it will be admitted, I think, that I did not overrate his importance and that I have materially assisted the cause of the United States in the Philippines in securing his cooperation.

Why this cooperation should not have been secured to us during the months General Aguinaldo remained awaiting events in Hongkong, and that he was allowed to leave there without having been approached in the interests of our Government, I can not understand.

No close observer of what had transpired in the Philippines during the past four years could have failed to recognize that General Aguinaldo enjoyed above all others the confidence of the Filipino insurgents and the respect alike of Spaniards and foreigners in the islands, all of whom vouched for his high sense of justice and honor.

I have the honor to be, etc.,

E. SPENCER PRATT,
United States Consul-General.

Maj. J. F. Bell thus reported on August 27, 1898, to General Merritt:

In an effort to catalogue and describe the principal leaders among Aguinaldo's following I have arrived at the following conclusions, which are believed to be practically correct:

Aguinaldo.—Honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability; has the power of creating among the people confidence in himself, and is undoubtedly a very popular man, highly respected by all; but there are many better educated and richer natives who do not think he has sufficient education or experience to be a suitable president. He was a "little governor" of a small town in one of the provinces. It is also said that he was a school-teacher, but I have been unable to verify this assertion.

Before the fall of Manila the official records which have been made public show that Aguinaldo gratefully received all instructions from our officers and did not disobey a single order.

Both he and the men under his command were deeply imbued with the idea that the United States Government was their friend and ally and would either annex the islands as a part of the territory of the United States and make their people citizens, which was their first desire, or leave them an independent national life to begin the experiment of self-government under the guiding hand and benificent influence of the Republic.

That they had the right to expect either one or the other, both from the conduct and words of American officials, as well as our avowed purpose toward Cuba, it is believed no just man will deny.

The evidences are overwhelming in their force.

Mr. OLMSTED. Will the gentleman yield for an inquiry?

Mr. PATTERSON of Tennessee. I do not want to be discourteous to the gentleman, but I hope the gentleman will make the question short.

Mr. OLMSTED. If I understood the gentleman, he was demonstrating that the Filipinos were kinder than the American soldiers?

Mr. PATTERSON of Tennessee. The gentleman is mistaken in his assumption as to what I was talking about. I am only talking about the Filipino. I will come to the American soldier later.

Mr. OLMSTED. I listened, and when the gentleman spoke of soldiers under the command of the Commander in Chief of the United States Army, I supposed they were our soldiers. I simply want to ask if he had heard of these genial Filipinos leaving General Luna with 32 shots and 40 bolo cuts dead at Aguinaldo's house.

Mr. PATTERSON of Tennessee. Yes; I remember how in Samar you made a howling wilderness by your Republican policy and killed everything in sight over 10 years of age.

Mr. GAINES of Tennessee. Will my colleague yield to me for a moment?

Mr. PATTERSON of Tennessee. Make it short.

Mr. GAINES of Tennessee. I want to say to the gentleman from Tennessee that General Luna provoked that fight. That is the accurate fact; it is the recorded fact; it is official.

Mr. OLMSTED rose.

Mr. PATTERSON of Tennessee. I decline to yield any further. I do not want to appear as discourteous to the gentleman.

Mr. OLMSTED. That is all right.

Mr. PATTERSON of Tennessee. I think you mistook entirely what I was saying. I was and have been talking about the Filipinos, and not anybody under the command of American officers.

FILIPINOS NOT SAVAGES.

They have been so denominated by the President of the United States and others as an answer to our criticisms of the conduct of the war.

If it were true, it might modify our opinion of the situation, but the testimony of United States officials, as well as contemporaneous history, entirely disproves the charge. Governor Taft

speaks of them as a docile, bright, and ambitious race, though he thinks that at present they are not fitted for self-government. I pause here to bear willing testimony to the ability, purity of purpose, and patriotism of Governor Taft and the present acting governor, Gen. Luke E. Wright. I believe if they had been on the ground from the beginning, much useless sacrifice would have been saved and that they and their confréres have accomplished more than our armies. [Applause.]

Mr. GAINES of Tennessee. You are right about that.

Mr. PATTERSON of Tennessee. The consensus of opinion among those who have had the best opportunities for observation is that the Filipinos are an imitative race, of considerable skill in various branches, docile, and easily influenced by kind treatment.

They have had among their number physicians of skill, lawyers of learning, and many men of high character and ability.

United States Consul Wildman, at Hongkong, in a communication to the Department of State, July 18, 1898, thus writes:

Mr. Wildman to Mr. Moore.

No. 63.] CONSULATE OF THE UNITED STATES,
Hongkong, July 18, 1898.

SIR: I am taking the liberty of calling your attention to the continuous repetition of telegraphic information reaching this port that it is the policy of the United States Government to allow the Philippine Islands to return to Spain on the conclusion of the war.

Without placing any reliance in these statements, I desire to use them as a text upon which to respectfully submit the result of my experience with the leaders of the present Philippine insurgents, and to suggest the utter impossibilty of Spain, even with the aid of the United States, ever regaining a foothold on these islands.

I have lived among the Malays of the Straits Settlements and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence, and I rank them high among the semicivilized nations of the earth. The natives of the Philippine Isands belong to the Malay race, and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixture.

I consider the 40 or 50 Philippine leaders, with whose fortunes I have been very closely connected, both the superiors of the Malays and the Cubans. Aguinaldo, Agoncilla, and Sandico are all men who would all be leaders in their separate departments in any country, while among the wealthy Manila men, who live in Hongkong and who are spending their money liberally for the overthrow of the Spaniards and the annexation to the United States, men like the Cortes family and the Basa family, would hold their own among bankers and lawyers anywhere.

Admiral Dewey on August 29, 1898, at Manila thus wrote the Secretary of the Navy:

In a telegram sent to the Department on June 23 I expressed the opinion that "these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion.

Consul-General Williams at Manila, on the 16th of June, 1898, communicated this to the Department of State:

While the Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and often noncombatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless, and nurse, feed, and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

Gen. Charles A. Whittier testified as follows before the United States Peace Commissioners at Paris;

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind for the most brutal revenge, I have heard of no instance of torture, murder, or brutality since we have been in the country.

All the testimony which I have quoted is official. It comes from American officers. The people of the country have a right to rely upon it as true. If it will serve to direct public attention from indiscriminate abuse of a people whose liberties we have encompassed and present to the forum of the American conscience a clear understanding of the facts as they have existed, my purpose will be accomplished.

The people are entitled to know the situation before they indorse the policy of a party which has brought the Republic perilously near the "Serbonian bog" of imperialistic empire, which the best thought of the nation, irrespective of partisanship, deplores, and from which the fathers of the Republic have warned with words of prophetic wisdom.

BEGINNING OF HOSTILITIES.

The protocol between Spain and the United States was signed on August 12 and Manila fell on August 14—two days following.

By the terms of the protocol the American forces held the city and the bay and harbor of Manila. This was provisional and subject to future conditions to be determined by the proposed treaty of peace.

This treaty of peace, by which we acquired the Philippine Islands, was ratified on February 6, and on February 4 hostilities began between the American forces and the revolutionists under Aguinaldo.

The exchange of ratifications between the two countries did not take place until the following summer.

Senator SPOONER, who ranks high as a constitutional lawyer, has admitted in the Senate that no title was acquired until the exchange of ratifications had been consummated, and that the sovereignty we thus acquired did not relate back to the treaty itself.

So when hostilities began we had no title to the islands and no provisional right except to the city and harbor of Manila.

Aguinaldo had been refused admission into Manila for the reason, as explained afterwards, that the American officers feared his forces would burn and pillage Manila. They had never burned or pillaged before. Disappointed, but still believing in the sense of justice of our Government, he complained, but peacefully acquiesced. He was then ordered from one position to another. He never disobeyed an order. *It is said he contemplated* an attack on the American forces; this he denied. It is certain he never made an attack. Before the vision of the Republican party the dream of empire had risen, and the change was rapid. Our allies had become our enemies.

An inoffensive people who had trusted us became savages.

Dewey's guns, as they swept the Spanish navy from the sea, had found an echo in every patriot heart. When the next American arm was discharged, it brought misery, despair, and death, and wrung the cry of bitter agony from a hapless people. The hand that had been kissed in patriotic fervor smote with fearful impact.

Aguinaldo's forces had been gradually ordered back, and a "dead line" had been established some distance out from Manila by the American officers, beyond which the insurgents were ordered not to come.

It was for a disobedience of this order, when two Filipinos crossed the line, that the first shots were fired by an American soldier who killed one or both of the men.

Intermittent firing occurred that night on both sides, but during the whole time until the next day not one American soldier was killed, not one wounded. The next day the Americans advanced, and this was the only organized stand the insurrectionists ever made. The havoc was awful. Three thousand Filipinos were slain and only 250 American soldiers were killed and wounded. After that there was no longer war. The Filipinos scattered like a frightened covey when fired into by the hunter, and separated into small and detached bands. They were hunted and killed wherever found. They were often guilty of cruelty, and our reprisals were swift and terrible.

CONDUCT OF HOSTILITIES.

The sacrifices which the Republican party has demanded of the American Army have followed all wars of exploitation and unlawful conquest of a people. History has but repeated itself in the Philippine Islands. For empire it was willing to subject the American soldiers to the terrors of the bolo in the hands of a lurking foe. It was willing to see him resort to torture in reprisal.

The Army was ordered to the Philippine Islands. What occurred is a part of my disgrace, just as its imperishable glory, won on many a battlefield, is a part of my heritage.

There have passed into history two events of striking contrast. The *Oregon* had made her wonderful run around the world and was in the memorable engagement which strewed the sea with the wrecks of the flower of the Spanish navy. While the Spanish seamen were struggling in the water, our men raised a shout of human triumph, but gallant Captain Philip raised his voice and cried: "Don't cheer; the poor devils are dying." This was at Santiago, when we were fighting for human liberty.

General Smith, commanding the American forces in Samar, gave an order to kill all children over 10 years of age and to make the province a howling wilderness. This was in the Philippine Islands when we were fighting against human liberty.

Mr. GRAHAM. I would ask the gentleman whether he would condemn the Confederate army for the Fort Pillow massacre or the Quantrell outrages in Missouri?

Mr. PATTERSON of Tennessee. Well, my friend, are you going to wave a bloody shirt here now?

Mr. GRAHAM. No; but when a gentleman takes a single instance like that and puts it up against the American Army, it is equal to the Fort Pillow massacre.

Mr. PATTERSON of Tennessee. I say that no Confederate officer in this world ever gave such an order.

Mr. RICHARDSON of Tennessee. And there was no such massacre at Fort Pillow.

Mr. PATTERSON of Tennessee. I ask the gentleman not to interject irrelevant questions into my speech, and I will be glad indeed, if you have nothing more relevant to say, if you do not interrupt me further.

The answer to the charge against the Republican party for the train of evils which followed its quest of empire did not come from Arlington, once the home of Robert E. Lee, whose sword was stainless, when the President of the United States put in an unworthy plea against the South. It was a desecration of the place and the time. If the silence of the grave could have been lifted, there would have been a protest from the old soldiers of

the Union, calmly sleeping beneath the shade of the trees on the old estate of the knightly Southerner.

No fair-minded American of any section will accept the excuse for atrocities in the Philippines that lynchings have occurred in the South. They have also occurred in the North. They have been more frequent in the South, for the cause has been of more frequent occurrence, and for no other reason. They are to be deplored wherever they occur. One murder can never justify another, nor can just and lawful criticism of the Republican party be silenced by shallow appeals of sectionalism. No man willing to admit the truth will be deceived with the effort to divert the subject for partisan purposes.

It is another phase of imperialism affecting us at home, as it will affect us more and more in the future, when the right of free speech in a free country is sought to be abridged, when a military President resents with ill-concealed petulance the right of American representatives to criticise the results of a cruel policy which would exterminate a people.

I am an American first, and for my country right or wrong, but as an American representative I claim the privilege of insisting it shall be right.

> Though every leaf were a tongue to cry "Thou must,"
> He will not say the unjust thing is just.

CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT—OUGHT THEY TO GOVERN THEMSELVES?

Admiral Dewey has reported as the result of his observation of the people that they are better fitted for self-government than the Cubans. So have many others.

Capacity for self-government and capacity for good or the best government should not be confused. Before this war of conquest began I do not think any party, or, indeed, any American, denied the proposition that any people were fitted for self-government according to their standards. I believe the United States can give the Filipino people a better government according to our standards. That we can give them one better suited to their climatic conditions and environment may well be doubted. That we have the right by conquest to impose upon them one which they do not want is to be denied and regretted by every lover of liberty.

The old American idea was that self-government is the best government.

The Filipinos are better fitted to govern themselves than many of the South American republics were when they began independent national lives—as well fitted as Mexico was when she established a republic.

The Filipinos and the Japanese are of the same stock. The points of similarity are very marked. Japan, a still pagan country, has made in recent years rapid and wonderful strides in the arts of civilization.

This has been accomplished by them as an independent people, without foreign intervention or control of any sort.

Capacity for government can never be demonstrated until the experiment is tried. Kings have always denied it to hold subjects; the Republican party denies it to retain the Philippine Islands.

The historian Macaulay wrote:

> Many politicians of our time are in the habit of laying it down as a self-evident proposition that no people ought to be free until they are fit to use their freedom. The maxim is worthy of the fool in the old story, who resolved not to go into the water until he had learned to swim. If men are to wait for liberty till they become wise and good in slavery, they may indeed wait forever.

REPUBLICAN JUSTIFICATION.

The justification which the Republican party interposes for its great national blunder is that we have a mission to perform and that honor and duty alike forbid us to recede.

This has been the refuge of every bloody conquest in the name of national honor. It was the excuse of the powers when they partitioned Poland. It was Bonaparte's plea when he shed rivers of blood and when the orphan's cry rose and followed him to bleak Helena. It was the justification of the supporters of the Crown for tyranny toward the American colonies. It was Spain's defense to her misrule and cruelties in Cuba. It is the plea of the Republican party in its lust for empire.

It is said that if we gave the Philippine people their independence, we would be the laughingstock of the world.

It is absurd.

We should have no ambition to become one of the family of colony-holding nations. The theory of our Government is forever opposed to the idea.

I believe if the Republican party had the virtue to resist the temptation of empire and the promise of spoil, it would add immeasurably to our reputation abroad and our honor at home.

Our occupancy of the Philippine Islands is one of might, not right. I do not believe in the doctrine, "They shall take who have the power, and they shall keep who can." We had the power to hold Cuba, but did not.

WHAT WILL WE GAIN?

But after we have blighted the hopes of a people and taken by force their country, what have we gained?

The sullen submission of a people who trusted us, a people who can never become American citizens; a land of torrid heat, where no American will go except in the spirit of adventure, where American homes will never be erected, where American ideas will never prevail.

We have incorporated a million and a half of Mohammedan Moors, practicing the most cruel form of human slavery. Our gain in trade is nothing compared to the cost of a war which will be necessary to eradicate slavery under the American flag.

We will be required to maintain a large standing army to hold an unwilling people and silence its protests.

We begin empire building 8,000 miles from home and are inevitably drawn into all future conflicts in the East. We will have an unprotected frontier which will tax the public purse to fortify and defend. We have by force entered into a national miscegenation. It will not improve the inferior people; it will weaken and lower us.

Mr. Chairman, the future of the Philippine Islands rests with the Congress of the United States.

The eminent lawyer and ex-President, Benjamin Harrison, in speaking of our territorial acquisitions, said:

> A man whose protection from wrong rests wholly upon the benevolence of another or of a Congress is a slave—a man without rights.

In the name of national duty we are summoned to commit a national crime. We are about to make subjects a people whose aspirations for liberty we quenched forever. We will give them no laws we do not make for them, and give them no rights except at our pleasure. They are to be left floating hither and thither upon the vexed and uncertain sea of politics, subject ever to the caprice of parties and without constitutional chart or compass.

We leave the Filipino without a country. He is not of us and has no land of his own. We have taken from him the right ever to be free.

To do this we have weakened the moral forces of the Republic and begot indifference, if not contempt, for the Constitution and its sacred obligations. Do what you will, say what we will, when we weaken the Constitution we weaken American liberty; when we destroy it, American liberty is gone.

TWO IDEAS OF OUR DESTINY.

There are two ideas of the destiny of the Republic.

One has all the glamour of the "cloth of gold," of infinite change and fascination.

In its imperial sweep it comprehends a vast scope of empire, new theories of government, and new rights of man.

The vision which arises is alluring and fills the imagination with the splendors of martial glory and the rich spoils of conquest.

But there is another destiny, wrought out of constant purpose and the old notions of human rights and republican self-restraint.

It recalls our early struggles for liberty and the old Continentals who faltered not.

It believes that "we are, and of right ought to be, free and independent," and would not deny that right to any other people under the canopy of the sky.

It would still guide the Republic in the path which our patriots blazed in the New World for the feet of liberty-loving men to tread the ways of everlasting glory.

It looks upon our mighty achievement and beholds the sublime results of human freedom.

It turns its back upon the empire and points to Bunker Hill.

It listens to the voice of no strange god, but worships in the temple of the fathers and at the shrine where they knelt in humble reverence.

To destroy human freedom is not our destiny.

To perpetuate it at home, to be its friend in all the world, is the high mission and true destiny of the American Republic. [Long-continued applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee rise.

The motion was agreed to

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 3110, to provide for the construction of a canal connecting the waters of the Atlantic and the Pacific oceans, with Senate amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 3110, for the purpose of putting the same into conference.

Mr. HEPBURN. I ask unanimous consent, Mr. Speaker, that the Senate amendment may be nonconcurred in and the request of the Senate for a conference be acceded to.

The SPEAKER. The gentleman asks unanimous consent that the amendments of the Senate be disagreed to and that the conference asked for by the Senate be agreed to.

Mr. BURTON. Mr. Speaker, I trust that no one who favors the Spooner amendment will object to this request. I should object to it myself but for the fact that I regard this as a pro forma proceeding affording the speediest way of bringing the question before the House. I have personal assurance from the gentleman from Iowa that every proper effort will be made to bring back a conference report at an early date, and when that conference report comes those who desire to make or support a motion to concur in the Senate substitute will have an opportunity to do so, if the conferees do not agree. I so understand.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I trust that no objection will be made by those who favor the Nicaragua route, and I hope the conferees of the House will fight to the last ditch to bring the Nicaragua proposition back into the House and to defeat the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. HEPBURN, Mr. FLETCHER, and Mr. DAVEY of Louisiana.

PHILIPPINE GOVERNMENT.

The Committee of the Whole resumed its session (Mr. GILLETT of Massachusetts in the chair).

Mr. COOPER of Wisconsin. Mr. Chairman, I yield one hour to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I thank the Almighty Father, the Giver of all that is good and beautiful on this mundane sphere, that He has endowed me with an optimistic disposition. I thank Him day by day that He has not afflicted me with a soul that goes everlastingly and eternally snooping around to discover that which is bad and vile, dishonest and dishonorable, debased and vicious in mankind generally and my friends, neighbors, and countrymen in particular. [Laughter and applause on the Republican side.] I confess frankly that I am an optimist. I love to look upon the bright side of life. I love to believe that my fellow-men are sincere and honest; that women are pure and virtuous; that this old world of ours is one of sunshine, and laughter, and joy, and happiness. I would "rather be in trust o'erconfident a thousand times deceived than wrongly once wound with ungenerous doubt the breast of Truth." But, above all else, I have an abiding faith in the ability, the honesty, the integrity, the loyalty, and the patriotism of my fellow-citizens. [Applause.] I firmly believe that no condition will ever arise in our country's history that will baffle the skill and the ability of American statesmanship.

Great and grave problems have heretofore frequently presented themselves during the one hundred and twenty-six years of our national life, and simultaneously with the problems have arisen the men to solve them. Our annals are so replete with the names of our country's illustrious sons, who, when the emergency arose, grappled with the conditions that have presented themselves boldly, honestly, fearlessly, faithfully, aye, and successfully, that it would be invidious for me to particularize. We have a right to be proud of our past, and, judging by that past, we are justified in having unbounded faith in the future of the Republic and the honor of her citizens.

But there has never been a crisis in the affairs of this nation that did not bring with it an army of objectors and malcontents, whose croakings and dire forebodings of coming evil and national disruption, up to the present time at least, have happily never been realized, and my optimistic and prophetic soul tells me that such vaporings never will be realized, but that our country shall endure among the nations of the earth and shall continue the beacon light of liberty, even to the last syllable of recorded time.

Why, sir, there are some men so peculiarly constituted that they are ready to predict failure for any progressive movement, be it in science, art, literature, or government. The word "success" has no place in their vocabulary. It is such men as these who, when Fulton announced to an interested world that he had perfected a steamship and would give an exhibition on the Hudson River to demonstrate the success of his invention, shook their heads doubtfully and solemnly said that it was all simply a waste of time; that the machine would not work. But we all know that it did work, and to-day the steamship is rapidly driving the sailing vessel off the seas; it has revolutionized the ocean carrying trade; it has facilitated the expansion of our foreign commerce; it has brought the uttermost nations of the earth into a closer relationship, and it has enabled civilization to spread its luminous rays even to the darkest quarters of the universe.

Again, when Samuel F. B. Morse came to Congress and asked for a small appropriation for the construction of a telegraph line between the cities of Washington and Baltimore, in order that he might prove the great worth of his marvelous invention, there were in those days learned members—aye, honest and most worthy members, if you please—who bitterly opposed the measure, because they believed it to be a waste of public money and that the machine would not work. But it did work, and to-day, with submarine cables and a network of wires, overhead and underground, extending north, east, south, and west, the electric spark literally puts "a girdle around the earth in thirty minutes." The electric telegraph is in our age and time as necessary to our daily existence as is the very air we breathe or the water we drink.

And, sir, I verily believe that if some of these pessimists had been present in the Garden of Eden when the Almighty took a rib out of Adam and created Eve they would have shaken their heads dolefully and would have sorrowfully exclaimed, "It's no use; she won't work." [Great laughter and applause,]

And so, Mr. Chairman, with hundreds of historic instances before me to convince me of the existence of that characteristic which Edgar Allen Poe has so graphically described as "The Imp of the Perverse," I feel satisfied that no matter how humane, no matter how patriotic, no matter how honorable a measure to promote the welfare of the people of the Philippines might be, it was reasonable to expect that it would be characterized by some of our political opponents as "vicious in principle," "bad in its details," "unjust," "inexpedient," "indefensible." But, sir, the minority membership of the Committee on Insular Affairs has at least had the courage to admit "that three centuries of Spanish dominion have destroyed all self-government in the Philippine Islands, and that its people at this time are unprepared for its exercise;" and I for one desire to congratulate and felicitate them in having thus boldly, honestly, and frankly stated the conditions that every fair-minded man must admit actually exist in that distant archipelago.

Mr. JONES of Virginia. Will the gentleman read the concluding sentence?

Mr. KAHN. The gentleman can read it in his own time, or some gentleman on your side can. It is part of the record.

It was my pleasure to have visited the Philippine Islands last summer. I spent five weeks there. I met and conversed with hundreds of natives of those islands, including Aguinaldo, Paterno, Arellano, Torres, Mapa, Tavera, Yanko, Dr. Albert, Cailles, Calderon, Buencamino, Herrera, Fabie, Rosalio, and men of like standing and character, as well as many of the common people, and I can honestly say that never once during my entire sojourn among them did a single Filipino tell me that he or his people asked for or even wanted independence.

On the contrary, most of their leaders repeatedly admitted to me that they were incapable of self-government, and that they were more than content to be under the American flag. Indeed, Señor Fabie, who is an excellent English scholar and speaks our language very fluently—who is one of the leading men in Manila—said to me that he ventured the prediction that in twenty-five years from now, when his people shall have fully learned to know and understand the Americans as he understands them, when they shall have become acquainted with our history as he is, when they shall have learned to know our system of government as he does, there would not be a single Filipino who would not be as ready to lay down his life for the American flag as any native of the United States. [Applause.] And that sentiment, Mr. Chairman, was echoed by every one of the 20 Filipinos present at the interview. But while I am on this subject of my visit to the Philippines I think it fit and proper at this time to place before the House some of my personal experiences while in those distant islands.

It has frequently been asserted in public prints and from the rostrum that Admiral Dewey and Consul-General Wildman had made some definite promises to Aguinaldo respecting the independence of the Philippines, and that subsequently these promises had been repudiated. I had an extended interview with the former president of the alleged Philippine republic, at which were present Chaplain McKinnon, of the United States Army, and three ladies, one of whom acted as interpreter, besides myself. I told him frankly that it had been frequently asserted in the United States that pledges that had been made to him by Admiral Dewey and Mr. Wildman had been broken; that the American people believed in fairness and honest dealing, and that if such promises as had been made to him had been violated, he owed it to himself, his countrymen, and to history to state what these promises were.

I assured him that, so far as I was concerned, I would most certainly report them to my countrymen. He then admitted that he had had no promises whatever. [Applause on the Republican side.] Subsequently General Funston and Lieutenants Mitchell and Hazard, of the United States Army, told me that Aguinaldo had made similar statements to them—that he had

had no agreements with either Admiral Dewey or Mr. Wildman; and quite recently Buencamino, the former secretary of state of the Philippine republic, informed me that at Tarlac, island of Luzon, Aguinaldo admitted to the insurgent leaders that neither Dewey nor Wildman had made him any promises. Buencamino stated to me that after this admission Aguinaldo's prestige waned materially. But I have here, and I desire to read at this time, a letter from Aguinaldo to Consul-General Wildman, which, to my mind at least, ought to set the matter at rest once and for all.

BACOOR, CAVITE, *August 7, 1898.*

Mr. ROUNSEVELLE WILDMAN,
Consul-General of the United States of America in Hongkong.

MY DEAR CONSUL: I thank you sincerely for your kind letter of the 25th of July last. I am forced to write you in confidence, in order to avoid the rupture of friendly relations which should exist between the United States and the Filipinos, convinced, as I am, that said rupture would be to the last degree prejudicial to both.

I understand that the Filipinos would gain much with the support and aid of the United States of America, and at the same time the power and riches of the latter would be considerably augmented by a close union with the former; but you, with your ability and your great experience, will understand the necessity for clearing up and defining those relations by means of a formal convention.

It is true that the North American forces have made protestations of friendship and concord to the people, but the officials act as though those protestations did not exist, performing acts of government and coercion in the name of their leaders. The people see those acts with extreme disgust and ask for the convention which is to serve as a guide of conduct, and I am not able to say that it does not exist, fearing that I will not be able to restrain the popular excitement.

For this reason I trust to your kindness to me and ask that you bring to bear on your Government all your strength and influence, so that it will understand that it is not at all right to decide upon the fate and future of the Filipino people without considering their wishes, duly represented by my government.

I am, most sincerely, [1]Signed by Aguinaldo, as per margin.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. KAHN. Certainly.

Mr. BARTLETT. Do I understand the gentleman to say that that is a copy of a copy-book letter or a copy of the original?

Mr. KAHN. It is a copy of the letter found in the "letters-sent" book.

Mr. LITTLEFIELD. A letter-press book?

Mr. KAHN. Yes; the "letters-sent" press book.

Mr. BARTLETT. May I ask the gentleman another question?

Mr. KAHN. Yes; certainly.

Mr. BARTLETT. What became of the original letter? Has Mr. Wildman ever stated that he received any such letter?

Mr. KAHN. If you will remember, Mr. Wildman was on his way to the United States and had a great deal of important information, documents, and so on, and on the 22d of February, 1901, the ship upon which he was, the *Rio de Janeiro*, struck a rock in the Golden Gate, outside of San Francisco, and went to the bottom.

Mr. BARTLETT. I understand that. My question was whether Mr. Wildman, who lived two years after that letter seems to have been written—and I do not mean to insinuate that it was not—ever acknowledged the receipt of it?

Mr. KAHN. I really do not know whether he made any acknowledgment of the receipt of it or not.

Mr. BARTLETT. The letter was written in August, 1898?

Mr. KAHN. Written August 7, 1898, and Aguinaldo says: "I write to you in confidence."

Mr. BARTLETT. The gentleman can state whether any such letter as that was ever found amongst the papers.

Mr. KAHN. I do not know. The letter was furnished me by Captain Taylor of the Army.

Mr. BARTLETT. I understood the gentleman to say that the statement of Captain Taylor was that that letter book was on file in Manila now.

Mr. KAHN. Yes; it is there now.

Mark this language, Mr. Chairman: "The people see these acts with extreme disgust, and ask for the convention which is to serve for a guide of conduct, and I am unable to say that it does not exist, fearing that I will not be able to restrain the popular excitement." Here is a tacit admission that the people had been stirred up by this wily chief under the belief that he had a promise of some kind or another, presumably that the people were to be given independence, and that he did not have the moral courage to tell them that he had lied. That is the plain nglish of it.

Mr. Chairman, during the second session of the Fifty-sixth Congress a distinguished member of the House informed me that while Sixto Lopez, an agent of the insurgent government in the Philippines, was in Washington the latter had admitted to him that when the leaders of the insurrection against Spain had signed the treaty of Biacnabato they did so with a mental reservation, and that they did not consider the treaty as binding upon them in any way, shape, or manner. And so I asked Aguinaldo during the course of my interview, he having been one of the signers of that instrument, whether he, too, had affixed his signature with the mental reservation that if the time should be again opportune he would renew the struggle, but he unequivocally said "No; I signed in good faith." "You gave up all idea of a Philippine republic after having signed that treaty?" I asked. "Yes," he replied. "Then," said I, "when you took up arms against the Americans and again proclaimed a Philippine republic, was it because you feared the Americans would treat your countrymen more tyrannically than the Spaniards had done?" "I did not fear it, but my countrymen did, and I am always ready to respond to the call of my countrymen."

Mr. Chairman, I venture the assertion that the great majority of his countrymen did not know a blessed thing about America or Americans. Indeed, a most estimable lady, formerly of California, one of the first American teachers to enter the service of the public schools of Manila, told me that when she took charge of her classes she asked her pupils the question, "How many continents are there?" and the reply was, "Three; Europe, Asia, and Africa." And this, mark you, was not the answer of one pupil, but of the entire class, for under the system of education that prevailed there under the Spanish régime the classes always responded in unison. There was no such thing as an individual recitation.

Further investigation by this lady developed the fact that the existence of North and South America, their peoples, political divisions, and forms of government were practically as unknown to her pupils as was the very existence of America unknown to the civilized world on that memorable day of August, 1492, when Columbus with his caravels sailed from the port of Palos, Spain, out upon the unknown seas. So that, Mr. Chairman, if the people of the Philippines were afraid that the Americans would tyrannize over them it was not because of any knowledge that they had upon the subject, but because of the judicious and systematic lying that had been indulged in by these interested Filipino patriots—God save the mark!—in their efforts to instill a spirit of hatred and dread and vengeance into the minds and hearts of an otherwise friendly and confiding people.

I desire to say, further, in this connection that while I was at Iloilo, on the island of Panay, I had the honor of meeting over a hundred of the leading natives, including the provincial secretary, the presidente and town councilors, and the clerk and district attorney of the court of first instance, at a public reception there. As the House is doubtless aware, the inhabitants of Iloilo are, for the most part, Visayans. But prior to the breaking out of hostilities between the Filipinos and the Americans a number of Tagalog leaders had visited the island of Panay to stir up the fires of insurrection and revolt among the peaceful natives of that island. At this reception many of these Visayans informed me that the Americans had been most grossly misrepresented to them; that they had been told that we were infinitely worse than the Spaniards, but they were now convinced that we had been infamously lied about and most cruelly maligned. Since civil government had been inaugurated in their province they had become absolutely assured of the desire of the Americans to treat the Filipinos honestly and fairly, and they were now proud to be under our flag. Indeed, sir, some of them did not hesitate to say that they would much rather have American officials over them than their own countrymen.

And while I am upon this subject, Mr. Chairman, I desire to cite another instance that came under my personal observation where the veil of deceit, intimidation, and lies had been lifted from the eyes of the native population, which had been deceived as to the true character and purpose of the American people. While in Santa Cruz, in the province of Laguna, on the 19th of July, 1901, I met Lieut. Col. Julio Infante, who had been one of the commanders of the forces under General Cailles, one of the leaders of the insurrection. Infante also told me that the Americans had been lied about; but when his chief and the latter's followers found out that Americans were not the monsters they had been painted, and that the Civil Commission was passing the exceedingly liberal laws which are now in force in many parts of the archipelago, they concluded that the purposes of the Americans were honorable and humane, and they unconditionally surrendered and have been loyally supporting the American administration ever since. General Cailles himself subsequently went among the insurgent chiefs and induced some of them likewise to lay down their arms.

Why, sir, when this whole wretched business shall have been

[1]Translated under direction Capt. J. R. M. Taylor, Fourteenth Infantry.
There is no doubt as to the authenticity of this letter. It is translated from the Spanish copy of the original in the letter-sent book of the secretary of state of the so-called insurgent government, captured in 1899, in November, I think, by the United States forces in pursuit of Aguinaldo after he left Tarlac. The book is authenticated in many places by the signature of Mabini, and covers the period June 28, 1898, to September 6, 1899. The book was in my possession in Manila, and I found it myself in a mass of other papers and am absolutely convinced of its authenticity. It is on file in Manila.

JOHN R. M. TAYLOR,
Captain, Fourteenth Infantry.

fully investigated, when the light of truth shall have penetrated into our every transaction, when all the facts shall have become known to the people of the United States, they will shudder to think that such duplicity and deceit could have been practiced upon the ignorant masses of the Philippines by men who professed to be patriotic defenders of their fatherland, and whom some of our anti-imperialistic friends have been trying to canonize as heroes and martyrs.

Mr. Chairman, it was also my good fortune to meet, among others, during my stay in Manila, Señor Felipe Calderon, the author of the Malolos constitution. I consider him one of their ablest men. He certainly can not be accused of favoring the cause of the Americans because he has been honored with a civil appointment, for he told me that he had refused and would continue to refuse any position that might be offered him, in order that he could act independently and not have his motives questioned. I asked him frankly whether his people were able to govern themselves, and, without a moment's hesitation, he replied, "No; they are nothing but children." And yet there are men in our own country who have probably never seen a native Filipino in their lives who tell us in all seriousness that we ought to withdraw from the islands—we ought to "scuttle"—and leave these people to work out their own salvation.

Sir, to my mind, after having seen these people, after having conversed with many of their leaders, the proposition is infamous! They do not ask for, nor do they want independence. Governor Taft in his testimony before the Senate committee said that he believed that Señor Pedro A. Paterno was one of the few natives who believed in a Philippine republic. If that be the case, then Señor Paterno has recently changed his mind, for he told me in his own home on August 17, 1901, in the presence of some twenty others, that his countrymen did not desire independence. "But they want home rule," he said. "What do you mean by that?" I inquired. "Do you mean that you desire a form of government similar to our State governments?" "Yes, that is exactly what we want," said he. "That would necessitate the adoption of a State constitution," I rejoined, "and I want you to tell me frankly whether a constitution that would be suitable to the condition of the inhabitants of the island of Luzon would meet the requirements of the situation in Panay or Mindanao?" He promptly replied, "No."

And anybody who knows anything about that country knows that it would not. Paterno admitted that he had not looked at the matter from that standpoint, and his statement in this regard fully bears out the testimony of Generals Otis, Hughes, and MacArthur, who were on the ground at a very early period of our occupancy, who had frequent interviews with all their leaders, and who testified that one of the difficulties encountered in dealing with the Filipinos was the absolute uncertainty among the latter as to what they really did want. Their views were visionary. They did not seem to know what they wanted.

Mr. DINSMORE. Will my friend from California permit me to ask him a question?

Mr. KAHN. Yes: if it is a question.

Mr. DINSMORE. If the Filipinos did not desire independence, and if you insist that they made war on our forces, will you kindly tell us what was their motive in making war upon us?

Mr. KAHN. Oh, that was long before they knew the Americans as they do to-day, and when this very mendacious system of lying was being carried on in the islands. [Applause on the Republican side.] But since they have learned to know us better—since they know that we are there for their welfare and their good, they say, as I stated at the very beginning of my address, that they do not want independence, but that they are content to be under the American flag.

Mr. DINSMORE. Then, Mr. Chairman——

Mr. KAHN. I decline to yield further.

Mr. WILLIAMS of Illinois. Will the gentleman allow one interruption there?

Mr. KAHN. I do not want to be discourteous.

Mr. WILLIAMS of Illinois. We will extend your time.

Mr. KAHN. If I have time remaining when I have finished my address, I shall be very glad to answer.

The CHAIRMAN. The gentleman declines to yield further.

Mr. KAHN. But day after day the natives of the Philippines are beginning to know us better; day after day they realize that we are there for their welfare and advancement. I had a goodly number of personal experiences where the natives volunteered the information that the Americans were "mucho buenos" (very good). I remember, among other pleasurable incidents of my trip, visiting the little town of Pagsanjan, in Laguna Province, which had been one of the hotbeds of the insurrection. I had been informed that the women had been even more vehement for independence than the men. On that memorable 4th of July, 1901, when General Cailles marched through the town toward Santa Cruz, where the surrender was to take place, the women and children strewed the path of the insurrecto patriots with flowers, the while tears of sympathy and regret at the failure of the cause streamed down their cheeks.

Two weeks later, on the 19th of July, I entered the town with my little party of American friends, unaccompanied by a single soldier, and the same children greeted us with cheers and a hearty "Hallo!" spoken in our own language, the same women stood at their windows, and with smiling faces waved their handkerchiefs to us in friendly greeting, and one would never have realized that there had ever been any other sentiment than friendship and peace between Americans and Filipinos in that recently pacified little community. [Applause.] Such were my experiences in the Philippines.

And so I have been rather astonished at the statements made from time to time by my friends on the other side of the Chamber, who likewise had visited the islands last summer. They seemed to find little or nothing to commend in the islands, the native inhabitants, or the American soldiers and civilians who were there in the service of their country, and I understand from their remarks that they favor the abandonment of our policy and the withdrawal of our forces as speedily as possible. Sir, in that connection I am reminded of a little story that Max O'Rell, the brilliant French wit and satirist, told in the course of his lecture on "Jonathan and his Continent." In his inimitable way he stated that he had occasion to visit Milwaukee some years ago and soon after his arrival there he was invited to listen to an address by a Mr. Johnson on "Paris, the Wicked City."

Being a Parisian, Mr. O'Rell was naturally interested in learning what an American would have to say about the gay capital of France and he promptly accepted the invitation. The lecture was delivered in a church and Mr. O'Rell was given a front seat. Mr. Johnson commenced his discourse and took his auditors from one den of iniquity into another. He pictured the wretchedness, the misery, the filth, and the licentiousness of "Gay Paree," and ended with a magnificent peroration admonishing all God-fearing, Christian people, as they valued their souls, to abstain from visiting that "hell of immorality."

By this time Mr. O'Rell concluded that Paris needed a defender, and he asked permission of one of the elders of the congregation to say a few words in reply, which permission was cheerfully accorded him. "I never knew until this hour how wicked and demoralizing Paris was, but in all fairness I desire to ask Mr. Johnson a few questions. Did he go to the Louvre and look upon the magnificent paintings of the masters of the Renaissance and also those of our own era? And was he not inspired by the sight? Did he look upon the masterpieces of the world's great sculptors, and did not his heart beat in rapturous admiration at those wonderful creations of the sculptor's art? But if he did not see all this, where did Mr. Johnson go?

"Did he go to the Champs Élysée and listen to the splendid military bands discoursing their concords of sweet sounds, the productions of the world's greatest musical composers, for the edification of Jacques Bonhomme and his family, who stood lost in admiration and listened with wrapt attention to the soul-stirring strains? If not, where did Mr. Johnson go? Did he visit the Church of the Invalides and look down on the tomb of the great Napoleon? And did not that sight inspire him with a melancholy awe—the while he rapidly reviewed the remarkable career of that remarkable man? If not, where did Mr. Johnson go? Did he visit the cemetery of Père la Chaise, and lay his tribute upon the graves of Héloise and Abelard, that Mecca for all those happy mortals whom Cupid's arrow had set ablaze with the heavenly fires of true love? If not, where did Mr. Johnson go?" And just about that time a little wizened man in the rear of the congregation arose and in a thin, piping voice exclaimed: "Johnson, for the Lord's sake, where did you go?" [Laughter and applause.]

And I have often been constrained, Mr. Chairman, after listening to the remarks of some of my colleagues on the other side who visited the Philippine Islands last summer, to ask them, "For the Lord's sake, where did you go?" [Laughter.]

For myself I believe that every American can be proud of what has been accomplished during the brief period of American occupation. Schools have been established in all the islands. In the Spanish days the principal schools were at Manila, Iloilo, and a few of the larger cities. The masses had to send their children to those places to get a smattering of an education. Under the American administration the schools have gone to the masses, and there is scarcely a town of any importance that has not to-day its free public school. There are 200,000 pupils already enrolled, as against a maximum enrollment of 30,000 during the Spanish occupation. Besides this, there are 20,000 adults attending night schools in the city of Manila, all eager to learn our language.

In the city of Jolo, on the island of that name, I found that there had never been a school of any kind until the Americans came, and to-day the native children are learning the rudiments of the English language at an American school in that city.

We have established civil government in a greater part of the archipelago, and in a large number of instances the governors of the provinces are native Filipinos. In those provinces which I visited where civil government had been established the natives were contented and happy. They were resuming their various occupations in the fields, and agriculture, the principal pursuit of the inhabitants, which had been neglected since 1896, was again attracting the attention of the husbandman. In the cities the people were employed at more remunerative wages than they had ever known.

The natives have been taught the necessity for sanitation, and in the city of Manila the death rate had been reduced one-half during the short time that our country's flag had floated over its ramparts. [Applause.]

Bands of ladrones and tulisanes were being dispersed everywhere, and to-day the islands are probably freer from roving bands of banditti than ever before in their entire history. Much of this is due to the efforts of the native constabulary, which was organized during the time that I was in the islands, and which has to-day developed into a splendidly equipped and excellently conducted branch of the public service. The native officers and men in the force have in numerous instances sacrificed their lives in the discharge of their public duties.

Courts of justice have been established, where for the first time in the history of the archipelago justice was being equally administered between rich and poor alike. I visited some of these courts and witnessed their procedure. Some of the natives did not hesitate to state that they preferred Americans for the bench. The writ of habeas corpus, which was entirely foreign to their former jurisprudence, has been introduced, and one enthusiastic Filipino attorney told me that this beneficent writ alone was a greater safeguard to their personal liberties than the most radical insurrecto had ever dreamed of.

Roads and highways were being built, and bridges were being constructed, all with a view of bringing the various towns and cities into a closer relationship with each other. Submarine cables, telegraph and telephone lines were being laid to the various islands, and the most remote barrios and pueblos were being brought into direct communication with the capital. Harbor facilities were being improved, and new works projected that, when completed, will give the city of Manila the finest harbor in the Orient.

These were some of the results of American pluck and courage and progress and patriotism that came under my personal observation, and I for one feel proud of the manner in which Americans have discharged the great burdens and obligations which they assumed at the time of the annexation of the islands. Instead of being a dark blot on our history, as some of the opponents of the Administration have been pleased to characterize the expansion policy, I boldly contend that future generations will applaud the patriotic endeavors of our countrymen in their noble efforts to bring peace and education, enlightenment and justice, to this poor downtrodden people that, until we came, had only known three hundred years of ignorance and superstition, tyranny and oppression. Sir, I contend that it is one of the brightest pages that illumines and will continue to illumine the annals of any nation that has ever existed. [Applause.]

Mr. Chairman, we have heard much about the cruelties that have been practiced upon this unhappy people. The acts of individual officers and soldiers have been paraded before the world as though the perpetration of such outrages were the rule and not the exception. Our whole Army seems, at times, to have come in for more or less verbal castigation. I for one desire to raise my voice in protest against such sweeping charges or assertions. There may have been instances of cruelty now and then among individuals. But that is no reason for a wholesale condemnation of the entire Army.

Why, sir, I remember several notorious instances of cruelty and viciousness which occurred among the volunteers quartered at San Francisco—cruelties practiced in our own country and upon our own people—and yet I do not charge their responsibility upon the entire Army. I remember one day when a private, a member of the Tennessee regiment temporarily stationed at San Francisco, obtained a few hours' furlough, and boarding a street car, he visited several low groggeries, where he proceeded to gratify his appetite for whisky. Crazed with the liquor, he entered a public market where an inoffensive young German was wrapping up a roll of butter. It was almost the noon hour, and the young man's wife and child were awaiting the home coming of the husband and father for the noonday meal.

All unconscious of danger, he was busily engaged in the details of his daily vocation, when, without a word of warning, this brute of a soldier whipped his revolver out of his pocket and shot the market clerk through the forehead. He fell dead instantly. A more wanton, cruel murder was never committed in the distant Philippines; but I do not on account of the act of that one man desire to condemn his entire regiment. On the contrary, I have the highest admiration for the valor and daring of its officers and men. It was the same regiment that disembarked at Iloilo, after having already boarded the transport preparatory to sailing for the United States, disembarked because they had heard that the insurgents were making preparations to storm the town, and they did not propose to leave until the enemies of their country had been crushingly defeated.

It was this same regiment that contributed 300 of its members to the then newly organized regiments in the Philippines—300 men who had concluded, after their term of service as volunteers had expired, to reenlist and help finish up the work of pacification begun under the glorious Stars and Stripes. These are the deeds of that regiment that I love to recall; these are the acts of patriotism and valor that I love to recount, and the single act of that single soldier in San Francisco can never dim the luster of the heroic conduct of that noble company nor mar the glory of its patriotic deeds. [Loud applause.]

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. KAHN. Yes; I yield for a question.

Mr. GAINES of Tennessee. You say that it was a soldier of the First Tennessee Regiment that did that?

Mr. KAHN. I do.

Mr. GAINES of Tennessee. Where was it done?

Mr. KAHN. In San Francisco.

Mr. GAINES of Tennessee. Did not a jury of your own city acquit that young man?

Mr. KAHN. Yes, sir. Now, listen to me. They did it on the ground that the liquor which he drank had been drugged, but he has shot another man in the city of New York since then.

I believe General Sherman remarked that "war is hell!" It has undoubtedly been truly said that war itself is cruel; and if our soldiers have been guilty at times of excesses, while I do not condone their guilt, and while I believe that strict punishment should be meted out to the offenders, I can not forget that our men are fighting against foes who themselves have been guilty of the grossest treachery and cruelty. I am informed by Army officers that it is a common thing for men from the same town to enlist and, if possible, to enter the same company.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. KAHN. The hour is very late or I should be willing to yield to you.

Mr. RICHARDSON of Tennessee. What I was desiring to ask you about was the matter that you just referred to, and if you go to another matter, I would not like to go back to it.

Mr. KAHN. I should like to finish my remarks, and then I will be pleased to answer any question the gentleman may ask. Sometimes brothers will be serving in the same company; where enlisted men have been friends before their enlistment the probabilities are that the ties of friendship will grow closer still.

Soldiers, after all, are only human beings, with all a human being's strength and weaknesses. It is reasonable to suppose that when a soldier finds the mutilated and bleeding body of his tentmate whom he had learned to love even as a brother—the tentmate whom he had left an hour before full of the spirit of life, the vigor of manhood—I say when he finds his comrade in arms treacherously slain and horribly mutilated, perhaps that soldier is not able altogether to smother his emotions, and he may commit some acts which in his calmer moments he would never have dreamed of perpetrating. I remember very well a speech of my distinguished friend from Mississippi [Mr. WILLIAMS], delivered upon the subject of lynching during the first session of the Fifty-sixth Congress. I will read a paragraph or two at this time:

> Mississippi had one lynching not long ago. It occurred in my district. Now, my friends, I want to tell you about it, not in justification, but in extenuation and explanation, and I want each man, when I tell him the facts in that case, to probe his own heart and ask himself if the veneer of civilization that is upon all of us would not have been scratched clear through and if perhaps he himself would not have gone with the crowd that did the lynching under the excitement of the moment.
>
> A man leaves his home—a farmer. He goes down to the little town of Canton to market and sells his crop. It is rumored in the neighborhood that he had brought money from the market town the week before and that it is in his house. That night six or seven negro men break into the house, ravish his daughter and his wife, and then manacle them and tie them together, and not only them, but the little children—one of them, I believe, four or five years of age—manacle them down in the center of that house and set it on fire and burn them all up, hoping that the fire had done away with all traces of the crime.
>
> One of the negroes happened to have a peculiar foot, which led to tracking him. That led to crimination and recrimination among the criminals and to a confession. It led to confessions from others. The people arose and lynched those men, and while they were lynching them they burned one of them, a voice coming from the crowd that he ought to receive the punishment himself which he had meted out to this innocent, helpless woman, her helpless daughters, and her helpless little children. It was a negro who, filled with indignation, asked and obtained the privilege of setting the match to the pyre.

I confess that I am unable to answer the question propounded by my eloquent and distinguished friend for whom I have a very high

regard, as to what I would have done in the case he depicts, under the excitement of the moment, but I do know that the American soldier is like himself and like all of us, a human being with all a human being's frailties and passions. He is engaged in fighting a people who themselves eschew the arts of civilized warfare; he is himself often the victim of the grossest cruelty; he is no doubt, "under particular circumstances," so incensed and "provoked" that his poor "human nature can not resist"—and I protest that when you undertake to throw the mantle of charity over the refined and cultured art of lynching in this country it might be well to inquire a little into the provocations that prompted a few of our men to forget the glorious principles for which their country stands and to bring disgrace upon the uniform they wear without at the same time besmirching the good name and fame of thousands of those others whose every act in dealing with their country's foes was inspired by principles of humanity and forbearance. [Loud applause.]

And while upon this subject I desire to give the House a sample of the cruelties inflicted upon our boys in blue, which was called to my attention while I was at Calboyag, in the island of Samar.

Samar is a densely wooded island, with many water courses and few roads. There are a number of trails, however, and on several occasions the natives had dug pits along these trails, while in the bottom of the pits would be firmly placed exceedingly sharp and pointed bamboo splints about 12 inches in length. The pit would then be covered over with a thin, tough paper, which in turn would be covered over with a thin layer of earth and grass. In quite a number of instances soldiers fell into these pits, and the sharpened bamboo splints not only passed through the soles of their shoes but also through the very feet of the soldiers, making a most frightful and ghastly wound. That is simply an example of some of the methods of warfare employed by the insurgents in the island of Samar.

But I desire to say that so far as I was able to see—and I believe that outward appearances are frequently an indication of actual conditions—in all the towns which I visited where soldiers were quartered the relationship between them and the natives seemed to be most friendly. It was no uncommon thing to see one of our boys sitting in front of one of the native shops, laughing and chatting in the most friendly manner with a dozen Filipinos of both sexes. In many instances Filipinos told me that American officers and soldiers were their friends, and that they were not at all like the Spaniards. They did not treat the natives contemptuously as the Castilians had done, neither did they take anything from the natives for their own use without first buying and paying for it. This was the information I received in the islands regarding the character and conduct of the American soldiers there. Those are some of the facts that were presented to me, and I venture the assertion, and I challenge contradiction, that they truly represent the conditions that prevail generally throughout the archipelago.

Mr. Chairman, it must be the wish and hope of every American citizen that the perpetrators of cruelties and outrages in the Philippines be severely punished; but for the love of our country and its honor and fame let us stop and stop effectually this effort to besmirch the reputation of our entire Army, the integrity of its officers, and the valor of its men because of the conduct of a pitiful few of those officers and men.

Mr. Chairman, it is proposed by the minority that we withdraw from the islands in eight years and that we then proclaim the Philippines a free and independent nation. I desire in this connection and at this time to read again from the paragraph of the "Views of the minority" as to the ability of the Filipinos to govern themselves:

> Three centuries of Spanish dominion have destroyed all self-government in the Philippines, and its people at this time are unprepared for its exercise.

Here is a flat, frank, fair admission that three centuries of Spanish oppression have made the natives incapable of self-government; and then, in the very next breath, our Democratic brethren declare, in effect, that with the stroke of a pen, after eight years of tutelage in American methods of government, this unfortunate people can be elevated to a plane that it has taken the Anglo-Saxon races eight hundred years of progressive civilization to attain. [Applause.] I understand that the minority has since agreed to modify its views so that we shall retire in four years. Here is a tribute to Americans as teachers and to the aptitude of the Filipinos as students that I hardly expected to find coming from the ranks of the pessimistic Democracy. But the large majority of Filipinos tell us that they do not want independence; that they want to continue under the American flag.

Sir, I am everlastingly opposed to declaring any such policy of "scuttle" at this time. The minority need not delude themselves with the fatuous belief that their proposition, if adopted, will stop whatever insurrection there may be left remaining in the islands. On the contrary, it will give the irreconcilables—such of them as may be left—occasion for renewed activity. The printing presses of the Hongkong junta will again be kept busy grinding out new proclamations and pronunciamentoes from those Filipino jawbone patriots who fear to risk their own precious necks in the cause, and who, from a safe harbor of refuge, endeavor to stir up insurrection and strife in the islands, so that later on they may—as simon-pure, unwhipped, uncaptured, unreconstructed patriots—establish their rights to the jobs and the places in their native land as soon as the minority's programme of "scuttle" can be finally consummated.

I now have in my possession one of these junta circulars. They were scattered broadcast throughout the islands. This one was issued on July 17, 1900, at the time that there was considerable talk of the negotiations for peace in Manila. It was given me by Col. Robert Lee Bullard, of the Army, who found them being distributed among the natives in the islands. These self-styled patriots at Hongkong, from their coigne of vantage 700 miles removed from an American rifle, told the natives that "the negotiations for peace in Manila was prejudicing the cause and was favoring the reelection of McKinley."

They were too cowardly to take the field themselves, lest they might get hurt; but they were willing that the deluded, ignorant natives might keep up the struggle, so that ultimately they might step in and fill the offices if ever our Government should retire from the islands. I venture the prediction that within forty-eight hours after the Democratic policy of "scuttle," as set forth in the minority bill, should be adopted the fires of insurrection would be kindled anew, and woe to the future welfare of those Filipinos who have sworn allegiance to the United States Government. Burial alive, disembowelment, burning, decapitation, and a dozen other modes of cruelty and torture too horrible to contemplate would be their portion. The bloody record that already exists of inhuman treatment of natives supposed to be friendly to the American Government would be augmented a thousandfold. On horror's head such horrors would accumulate that all the tears of all the angels could never blot the record out.

Mr. Chairman, I am uncompromisingly opposed to any such proposition. We must hold the islands. Their strategic value to this Government has already been demonstrated. We all remember the fear, the dread, the consternation, the indignation, and the unspeakable horror that shook the civilized nations of the universe when the news was flashed around the world that the ministers of the foreign powers stationed at Pekin were besieged in their compounds by hordes of fanatical and bloodthirsty Chinese Boxers. Fortunately for us we had an army in the Philippines, and for once in its history our country did not have to appeal to any foreign power in the world to protect the life and property of its minister. [Applause.]

Instead, we were among the first to render aid and assistance to the representatives of other nations in a foreign land, and when the commanders of the allied foreign forces suggested a delay in the forward movement of the relief expedition until the arrival of the German troops, it was our own General Chaffee who was able to announce that it mattered not what others might do, but as for the Americans, they proposed to move forward to the relief of the besieged diplomats at once and without delay. [Applause.] Indeed it was an American soldier who was the first to scale the walls of Pekin. Sir, every American citizen can well be proud of the success of that energetic, aggressive policy which saved the lives of hundreds of men and women, which prevented the torture and massacre of helpless and innocent children, and which was made possible by our presence in the Philippines.

I say that one instance alone should have convinced our countrymen that the islands were worth all they had cost us. We did not have to lag behind, as too often has been the case in our history, but we led the vanguard. "Old Glory," carried aloft by brave American hands to bring its message of comfort and joy to the hearts of those unfortunates besieged behind the legation walls in Pekin, never went forth upon a holier mission; and by that act of ours, made possible, as I have said, by our presence in the Philippine Islands, we established forever American prestige in the land of far Cathay.

Sir, there is one instance in our national history where the policy of "scuttle," after being overwhelmingly repudiated at the polls, was, nevertheless, adopted by the then Democratic Administration. I refer to the "fifty-four forty or fight" campaign of 1844. It is true that when the question of our Oregon boundary came up in the Senate in 1846, a large majority of the Senators voted to ratify the treaty by which we relinquished all of that territory which is now known as British Columbia and which was embraced between 49° and 54° 40′ north latitude. All the leading Democratic newspapers of that period protested strenuously against this action. The Democratic President, in his inaugural and in his first message to Congress, unequivocally announced that we should never recede. But many able men in Congress in those days did not think that the country between 49° and 54° 40′ was worth fighting for, just as many Representatives in our own day and time do not think the Philippines worth

fighting for, and so we relinquished our claims and gave up that valuable territory.

Not three score years have rolled by since then—and how short a time in the life of a nation is sixty years. We have learned to realize what a great mistake the policy of "scuttle" in 1846 has demonstrated itself to be. Why, sir, if we had held our ground at that period, England to-day would not have a single port on the Pacific Ocean side of the American continent. The commerce of the Orient coming across the Pacific would have had to pass through an American port. There would probably be no Alaskan boundary dispute to plague us at this time; and, sir, I for one do not propose, with my vote at least, to sanction another mistake of a similar character. [Applause.] The value of the islands has already been demonstrated to us in the Pekin matter. Let us hold on to them for future generations, after our people have had ample opportunity to demonstrate the wisdom of holding them or the wisdom of withdrawing from them, to decide what is best for the welfare of our own country, commensurate with the peace, the prosperity, and the happiness of the Filipinos, and the development of their native land.

Mr. Chairman, I believe that the bill presented by the majority is a step in the right direction. I believe that it will meet with the approval, not only of the people of the United States, but also of the Filipino people. They are learning to know the true purposes of the American Government, and I am satisfied that the future will abundantly justify the policies of the lamented McKinley and the intrepid Roosevelt.

President McKinley's instructions to the Civil Commission under Governor Taft to my mind will always stand forth as one of the wisest, ablest, most erudite and patriotic state papers that ever emanated from the pen of any President of the United States. The native Filipinos have already learned to love, to honor, to respect, and to admire Governor Taft and his colleagues. The Commission has won their confidence. They have faith in the efforts of the Commission, representing as it does the people of the United States, in seeking to establish stable and suitable provincial and municipal government throughout the archipelago. They have begun to realize that we have not come among them to absorb their wealth nor exploit their resources solely for our own profit and gain. They are rapidly learning that we intend to give them the same blessings of civil and religious liberty that we ourselves enjoy.

Sir, it will not be many years before the predictions of Señor Fabie, of which I spoke at the beginning of my address, will be fulfilled. In a goodly number of towns which I visited in the Philippines, there still remained standing the bamboo arches that had been erected by the natives for the Fourth of July celebration. I was told that the Filipinos everywhere participated in those festivities, and that thousands of native children had sung our patriotic songs on our country's natal day. On the Lunetta, in the city of Manila, a military band discourses music every evening about dusk. The last number on the programme is always "The Star Spangled Banner." As the first note of the beloved national anthem floats out upon the soft, tropical air, every hat is reverently raised and the hum of conversation is hushed until the last note of that soul-stirring and inspiring melody has faded into the silence of the night.

I could not altogether suppress my emotion when I witnessed that, to me, never to be forgotten spectacle, and a vagrant tear fell from my eyes—a tear of earnest thanksgiving and joy at witnessing these people, who, three years earlier, had probably never known the existence of the great Republic across the Pacific, but who, having already learned a full measure of love and admiration for our institutions, thus silently and reverently saluted the song that represents to all American hearts the hopes and aspirations of this majestic nation. [Applause.] I thanked God that I was a citizen of that great Republic that had brought liberty and enlightenment to these 8,000,000 of human beings; that had introduced education and freedom where before had existed ignorance and intolerance; that had lifted up a down-trodden and oppressed race and placed them upon a higher plane of civilization than they had ever dreamed of, and that asked no greater reward than that they should be a loyal, patriotic, and enlightened people under the glorious Stars and Stripes. [Loud applause.]

APPENDIX.

[Circular distributed in the Philippine Islands under the direction of the Hongkong junta.]

NOTICIAS DE NUESTROS AGENTES EN AMERICA.

La calurosa actividad de la campaña electoral, de que tan extensamente hablábamos á V. en nuestra anterior, ha continuado, sin decaer un momento, sin entibiarse un solo dia, antes por el contrario quizás aumentando en intensidad: ambos partidos contendientes y numerosos elementos que hasta hoy habian, en cierto modo, permanecido alejados de la politica ó al menos indiferentes á sus mudanzas y vicisitudes, no descansan un momento en su labor de propaganda y aprestos para la cercana lucha: todos comprenden que ésta ha de revestir caracteres decisivos, que en ella se han de resolver de manera definitiva el porvenir de su pátria y puede asegurarse que estas elecciones han de ser las más reñidas, las más trascendentales quizás que se hayan efectuado nunca en el país, por lo cual vése palpablemente que no hay un ciudadano americano que en ellas no se interese con alma y vida, que no se disponga á tomar parte activa en la coraginosa contienda.

Esta por momentos se vá concretando más, por dias definiéndose mejor los caractéres que ha de revestir, en qué círculo cerrado ha de girar: demócratas contra republicanos, anti-trust y anti-expansionismo contra las nuevas tendencias de monopolio y colonización; Bryan contra McKinley. Los demás factores politicos que en segunda linea figuraban, los demás elementos de acción que conocemos, van, por la fuerza de la gravedad, siendo absorbidos por estos dos grandes grupos, compenetrándose con ellos, más y más por dias, hasta casi desaparecer del todo.

Las convenciones de los Estados para ambos partidos siguen reuniéndose con el fin de nombrar los delegados y adoptar las plataformas ó instrucciones que estos han de llevar á las convenciones nacionales que se reunirán, el 19 del actual la republicana y el 4 del entrante la demócrata; los acuerdos de estas convenciones parciales no dejan lugar á dudas sobre lo que acabamos de exponer, tocante al carácter que revestirá la lucha electoral cercana.

Desde nuestra carta anterior á la presente, se han reunido las convenciones democráticas y republicanas (de Estado) que siguen, por distritos enumerados:

Convenciones demócratas: la de Tennessee el 11 del pasado, la de Allegeny el 14, la de Franklyn el 17, la de Spokane el 19, la de Indiana el 23, la de Chicago en la misma fecha, la de Connecticut el 25, las de Clinton, Cortland y Catskill el 20, la de Nueva Jersey el 31, la de Nueva York el 5 del actual y otras varias de larga enumeración. En todas estas reuniones han prevalecido los temperamentos en favor de Bryan, que hacen segura su nominación en la convención general del partido, y en las diversas plataformas adoptadas resplandece unánime el espíritu anti-trust y anti-expansionista, más ó menos concreto en lo que respecta á nuestra causa pero siempre favorable, pues mientras algunas convenciones, como la de Chicago, por ejemplo, piden espresamente la Independencia de Filipinas, otras, como la de Nueva York, sin pronunciar palabra directa sobre nuestro país, indirectamente viénen á abogar por lo mismo acordando la abolición de todo impuesto de guerra y la observancia de la doctrina fundamental que establece que á la bandera americana debe seguir la libertad en todas partes.

Convenciones parciales republicanas. Se han reunido: la de Iowa el 10 del pasado, la de Colorado en la misma fecha, la de Kansas el 14, la de Hardfort el 18, la de Norfolk el 19, la de Minnesota en la misma fecha, la de Sioux Fall el 24, y algunas más. Todas estas convenciones se muestran unánimes en la nominación de McKinley y en apoyar su politica, y si alguna plataforma se ocupa de Filipinas es para hacerlo, según la consabida hipocrecía de su jefe recomendando la pacificación de las islas en primer término y, luego, su civilización para darlas *la cantidad de Gobierno propio de que se muestren aptos sus habitantes.*

De la candidatura Dewey apenas se habla ya: aunque él héroe sigue su viaje de exhibición y recorrido triunfal, y los Americanos patriotas le hacen ovaciones en todas partes, es lo cierto que ninguna convención se acuerda de él y que no será nominado en la general, frustrándose su proyecto de sustituir á Bryan. Ultimamente se le indicó como posible candidato para la Vice-presidencia, incluido en el mismo tiket de Bryan, pero este proyecto parece que tropieza con la séria dificultad de que otros antiguos y conocidos demócratas, entre ellos el Dr. Guidner, tienen adquirido un lugar para esta candidatura y serán preferidos por el partido y por su ilustre jefe, al efecto. Continúa, pues, el Almirante siendo una nebulosa en la politica americana y constituyendo una amenaza para Bryan, al que puede descontar votos, si bien ha perido por sus vacilaciones y la indefinida actitud en que se presenta, mucha de la fuerza ó prestigio politico con que surgió su presidencial candidatura.

La acción que cada dia se pronuncia más y que mayor fuerza va recabando, prometiendo ser de suma influencia en las próximas elecciones, es la de las Ligas anti-imperialistas. Antes solo dos, la de Boston y la de Chicago, laboraban con éxito, pero ahora otras varias, con ellas en relación, se han organizado y adquirido mayor preponderancia, desarrollando un trabajo tal que no tenemos palabras bastantes, después de haberlo visto de cerca, para el ogiarlo. Distinguense entre estas ligas, las de Nueva York y Cincinatti, nacidas—como recordará el Comité—al calor de las escitaciones de esta Comisión y alentadas, cuando pobres y pequeñas nacieron, por las comunicaciones y cartas de propaganda que dirigiamos á sus promovedores..... Hoy dichas Ligas, en éxito que nos envanece de todas veras y que agradecemos á sus iniciadores con todo el alma, cuentan con numerosas adhesiones y con foñdos que les permiten desarrollar su acción de propaganda y un gran prestigio ante el público. Han impreso numerosos folletos, discurses y alegatos de carácter anti-expansionista, que en copiosas ediciones circulan por el país y de los cuales enviamos al Comité muestras escogidas, y celebran meetings que son verdaderos éxitos como los que el 18 en Cincinatti y el 25 en Nueva York se efectuaron (y á los cuales tuvimos ocasión de asistir) en los que ilustres oradores, como el señor Croshy, los ex-ministros señores Boutwel y Schurts, el capitán O'Farrell y otros, hablan con la voz de la razón y la justicia en pró de nuestra causa, al pueblo americano, y alientan y estimulan á los tibios á tomar parte en la próxima lucha electoral á fin de salvar la democracia americana del abismo en que está próxima á derrumbarse.

A la fecunda acción de estas Ligasse debe en gran parte la actitud resuelta que elementos hasta hoy agenos á nuestra causa, van tomando: la Convención populista de Sioux Fall, que el 10 del pasado acordó ir á la lucha electoral enarbolando la bandera de la independencia de Filipinas y con el voto contra McKinley; la resolución tomada por la poderosa organización del Tammany Hall, que hasta hoy apoyaba á nuestro tirano y que se ha decidido á abandonarle en la próxima lucha; la acordada actitud de la asociación de Viajantes, que ofrece sus 50,000 votos á Bryan, aunque antes fueron del adversario; la opinión del respetable general Bealty, diciendo que los anti-imperialistas no necesitan elegir candidato, paes acertarán votando por el que luche contra McKinley; y así, menudean las manifestaciones de como la idea anti-imperialista se abre cada día más camino en las inteligencias y en los corazones. Durante estos últimos dias, hemos tenido ocasion de oir pluralidad de manifestaciones á tenor de las siguientes, que bastan para elocuentísima nuestra: "Yo—nos decia el señor Kiefer, acreditado industrial de Cincinati—soy un hombre de negocios, ageno siempre á la politica, pero en las propias elecciones lucharé con todo corage y haré que luchen todos mis amigos, para librar á mi pátria de esa vergüenza del imperialismo—Soy republicano de toda la vida—nos dijo con calor el señor Willy, politico prestigioso—y en las pasadas elecciones contribuí en mucho al triunfo de McKinley: ahora me propongo hacer más por derrotarle y acabar con sus infamias de politica de conquista.—Como éstos sieñten y hablan muchos.

En las Camaras también la cuestion filipina ha dado ocasión, durante el mes úitimo á nuevos reñidos debates: los señores Pettigrew, Allen, y Wellington, que tantas veces se ha señalado, sobre todo el ilustre Senador primeramente citado, nuevamente han hecho manifestaciones favorables á nuestra causa, contradiciendo á la Administración. El señor Allen acusó de falsario á Otis y la misma acusación se formuló, también en el Senado, contra el general Schwan por la carta que ha escrito al general Corbin, llena de calumnias contra nuestro país y de falsedades respecto al curso de la guerra.

La Administración, para impresionar al pueblo americano en sufavor y salir á flote en la dura campaña con que es por todas partes combatida, no cesa de dar noticias é informaciones desfavorables á nuestra causa: no sólo de la citada

carta se ha hecho uso para dicho fin, sino de toda suerte de recursos y maquinaciones: un día dando por cosa hecha, por noticia confirmada, la muerte de nuestro bravo caudillo señor Aguinaldo; otro atribuyendo gran significación é importancia á las últimas capturas realizadas por las tropas americanas, como la del señor Paterno; ya haciendo alarde vocinglero de la decisiva influencia que sobre el país puedan tener manifestaciones de los *resellados*, como las últimamente hechas por los señores Buencamino y Torres, en favor de la sumisión á la soberanía americana; ora enviando al Congreso documentos, como la carta que el señor Legarda ha entregado, atribuida al Honorable Presidente señor Aguinaldo, previniéndole saliera de Manila antes de la ruptura de hostilidades, con lo cual trata de probarse que ésta fué voluntaria y premeditada por parte de los nuestros; bien haciendo que los generales americanos nieguen haber recibido ayuda alguna de los revolucionarios en la guerra contra España, como acaba de hacerlo el general Green que, cínicamente, ha afirmado no ser cierto lo que el señor Aguinaldo ha dicho sobre como salvaron los revolucionarios, en Maitubig, á su artillería, en la inesperada carga del teniente coronel Dujiols; unas veces anunciando quo espera grandes y próximos éxitos de la Comisión Taft; otras haciendo hablar á Otis, que ha llegado ya y no cesa de repetir su consabida cantinela sobre que la guerra está terminada, que la mayoría del país desea la soberanía americana, por la cual abogan sus hombres más instruídos, que los filipinos son incapaces del gobierno propio, etc., etc., Tal es la campaña electoral que hacen nuestros adversarios, que cuentan con muchos periódicos adictos, y tienen mucho oro, de los trust procedente, que se destina á la profusa distribución de folletos con los discursos pronunciados y los informes emitidos por los más caracterizados imperialistas en contra de nuestras aspiraciones y bien fundados derechos.

PROGRAMA OFICIAL DE BRYAN.

Combatir al Imperialismo. Conceder la independencia á Cuba. La autonomía en Puerto Rico. El protectorado en Filipinas. La supresión de los *truts* y la libre; acuñación de la plata.

No cesamos de repetirles lo que en nuestras cartas anteriores más de una vez les dijimos: *resistencia, resistencia; solo élla nos conducira al triunfo.*

7 de Julio de 1900.

Cablegrama recibido el 30 de Junio. Negociaciones Manila paz perjudican causa. Favorecen reelección McKinley.

COMITE CENTRAL FILIPINO DE HONGKONG.

(17 de Julio de 1900.)

[Translation.]

NEWS FROM OUR REPRESENTATIVES IN AMERICA.

The earnest activity of the electoral campaign, of which we gave you an extensive account in our previous letter, has been going on, not being abated for a day or a minute, perhaps with ever-increasing intensity; both contending parties and numerous persons who had heretofore remained aloof from politics in a way, or at least indifferent to its changes and vicissitudes, are working hard and getting ready for the oncoming battle. Everybody realizes the fight will be of such decisive importance that it will determine in a definite manner the future of the country, and it can be assured that these elections will be the fiercest, the most momentous, that have ever taken place in the history of the Republic, for which reason there is no American citizen who does not concern himself with body and soul who has not decided to take an active part in this passionate contest.

What the character and nature of the issues will be can be ascertained better and better every day. Democrats against Republicans; opposition to trusts and antiexpansionism against the novel tendencies of monopoly and colonial policy; Bryan versus McKinley. The second-rate political parties we know of are being absorbed by these two great organizations to the extent of disappearing altogether.

The State conventions of both parties are holding their sessions with the object of nominating delegates and adopting the platforms and instructions which they will follow at the national conventions which will assemble—the Republican on the 19th and the Democratic on the 4th of next month. The resolutions of these State conventions leave no room to doubt as to the character of the future electoral battle.

Since our letter previous to this, some Republican and Democratic conventions have assembled, as follows:

Democratic conventions: That of Tennessee, on the 11th ultimo; at Allegheny, on the 14th; at Franklin, on the 17th; at Spokane, on the 16th; in Indiana, on the 23d; Chicago, the same date; in Connecticut, on the 25th; Clinton, Cortland, and Catskill, on the 20th; New Jersey, on the 31st; New York, on the 5th instant, etc. In all these conventions Bryan's candidacy has been favored; that his nomination at the general convention of his party is beyond doubt; and through the different platforms decided upon run a strong spirit of opposition to trusts and expansion, more or less explicit, but favorable at any rate in regard to our cause; for while some conventions, as that of Chicago, mention in direct terms the independence of the Philippines, others, as that of New York, favor it indirectly, as they have decided upon the abolition of every war tax and the fulfillment of the fundamental doctrine that liberty must follow the American flag everywhere.

Republican conventions: Iowa, on the 10th ultimo; Colorado, on the same date; Kansas, on the 14th; Hartford, on the 18th; Norfolk, on the 19th; Minnesota, on the same date; Sioux Falls, on the 24th, and so on.

All these conventions are unanimous in the nomination of Mr. McKinley, in supporting his policy, and if any Republican platform deals with the Philippines it is according to the usual hypocrisy of their chief, to urge, in the first place, the pacification of the islands and then their civilization, by granting them such amount of self-government as their inhabitants are fit for.

Dewey's candidacy is scarcely spoken of; though the hero is still on his tour of triumphant exhibition, and the American patriots give him splendid receptions everywhere, it is certain that in no convention his name has been alluded to and that he will not be nominated; his plan of replacing Bryan has resulted in a complete failure. Lately he has been indicated as a candidate for the Vice-Presidency on the same ticket with Bryan, but this scheme does not seem to work well since there are other prominent and old Democrats entitled to this distinction—Dr. Guidner, for instance—and who are preferred by the party and its leader. The Admiral is therefore but a nebula in American politics, and is a menace to Bryan; but at present the Admiral, on account of his irresolution, has lost much of his friends or prestige with which his Presidential candidacy was urged.

The element which increases in power and bids fair to exercise a great influence in the future elections is the anti-imperialist leagues. Heretofore those of Boston and Chicago alone were successful in their efforts, but at the present day some other organizations connected with the mentioned ones have been formed and gained much force, doing a work of such import that we do not find appropriate words to justly praise them. Foremost among these leagues stand those of New York and Cincinnati, which were born (as the committee will remember) from the suggestions of this commission, and were encouraged, when young and resourceless, by the advices and communications we sent to their promotors.

Nowadays these leagues, with a flattering success, which is cause for our rejoicing, have a large membership, resources sufficient to develop their action under an immense prestige before the people. They have printed a great many pamphlets, speeches, and petitions of anti-imperialistic character, which in numerous conditions are spread all over the country, and of which we sent to the committee some selected samples. They are holding really successful meetings, as those which took place in Cincinnati on the 18th and in New York on the 25th—we having had the pleasure to be present there—in which the illustrious orators, like Mr. Crosby, ex-Secretaries Boutwell and Schurz, Captain O'Ferrell, and others, spoke to the American people with a voice of righteousness and justice in behalf of our cause, and encouraged the lukewarm to take heart in the future elections in order to save the American Democracy from the imminent danger of falling into an abyss.

To the successful work of these leagues must be largely traced the active position which some elements hitherto indifferent to our cause are now taking; the Populist convention at Sioux Falls, which adopted as planks of their platform the recognition of the Philippine independence and the repudiation of McKinley; the resolution adopted by the powerful Tammany Hall, which before supported our tyrant and now has decided to desert him in the incoming election; the determination of the Association of Commercial Travelers to cast their 50,000 votes for Bryan, though they were before for his adversary; the statement made by the respectable General Bealty that the anti-imperialists need not elect a candidate, because they will do right by voting in favor of him who opposes Mr. McKinley; and in this way there is frequent evidence of how the anti-imperialistic idea is making its way into the intellects and hearts of the people.

Very recently we have listened to such utterances as the following: "I," said Mr. Kiefer, a well-known business man of Cincinnati, "am a business man adverse to politics, but in this election I shall fight with all my energy and have all my friends take part in it, so as to save my country from the shame of imperialism." "I am a lifelong Republican," earnestly said Mr. Willy, a prominent politician, "and in the past elections I did my best for Mr. McKinley's victory. Now I propose, however, to do much more to defeat him and his infamous policy of conquest." Many others feel and express themselves as this gentleman.

In both Houses of Congress last month the Philippine question was the subject-matter for furious debates. Senators Pettigrew, Allen, and WELLINGTON, most particularly the one first named, have openly admitted their support to our cause in opposition to the Administration. Mr. Allen accused General Otis of being a falsifier, and the same accusation was made against General Schwan, who wrote to General Corbin a letter full of calumnies against our country and falsehoods with respect to the cause of the war. The Administration, in order to favorably impress the American people and to overcome the immense difficulties which beset it, does not cease to give news and information unfavorable to our cause; nay, every conceivable scheme has been brought into play to attain this end, now taken for an indisputable fact the rumor of the death of our brave fellow-citizen, Señor Aguinaldo; again, overestimating the significance of the captures made by the American troops, as that of Señor Paterno, the next day boasting unnecessarily of the influence which the declarations of the "Resellados" (recoined) Señors Buencamino and Torres in favor of American sovereignty have on the islands at large, or sending to Congress documents, such as the letter delivered by Mr. Legarda and attributed to the honorable president, Señor Aguinaldo, warning the former to get out of Manila before the outbreak of the hostilities, with which it is intended to prove that this outbreak has been voluntary and premeditated on the part of our men; or causing the American generals to deny that they have received any help from the revolutionists in the war against Spain, as General Green has just done by cynically denying what Señor Aguinaldo stated as to how the revolutionists saved the American artillery at Maytorbig during the unexpected attack of the Spanish Colonel Dujiols; sometimes announcing that great and immediate results are expected from the work of the Taft Commission; sometimes making Otis speak, who since his arrival has never ceased to repeat that the war is over; that the majority of the people are in favor of American sovereignty, which is desired by the educated men; that the Filipinos are incapable of carrying on their own government, etc. This is the kind of electoral campaign in which our adversaries are engaged, who have numberless newspapers at their disposal and plenty of gold, the gift of the trusts, which is devoted to the widespread distribution of pamphlets with the speeches delivered and the reports made by the most notable imperialists in opposition to our aspirations and well-founded rights.

THE OFFICIAL PLATFORM OF BRYAN.

To oppose imperialism. To grant independence to Cuba. Autonomy to Porto Rico. Protectorate to the Philippines. Suppression of trusts and the free coinage of silver.

We reiterate what we have advised you more than once in previous letters: *Resistance, resistance alone will lead us to victory.*

JULY 7, 1900.

Cablegram received on June 30. Peace negotiations in Manila endanger our cause. They favor McKinley's reelection.

CENTRAL PHILIPPINE COMMITTEE.

HONGKONG, *July 17, 1900.*

The CHAIRMAN. The hour of 5 o'clock having arrived, under the rule of the House the committee must rise.

Mr. KAHN. Mr. Chairman, I do not desire to yield the floor. I wish to continue this evening with my remarks.

The CHAIRMAN. The gentleman from Wisconsin controls the floor.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9870. An act to correct the military record of Reinhard Schneider;

H. R. 3641. An act for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing

and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

H. R. 11725. An act to amend section 4139 and section 4314 of the Revised Statutes;

H. R. 3442. An act to correct the record of John O'Brien;

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes; and

H. R. 9723. An act correcting the record of Levi Wells.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 5718. An act providing for the sale of sites for manufacturing or industrial plants in the Indian Territory;

S. 282. An act providing for the appointment of James W. Long, late captain, United States Army, a captain of infantry, and for placing his name on the retired list;

S. R. 92. Joint resolution providing for the publication of 200,000 copies of the Report on the Diseases of the Horse;

S. 4923. An act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes;

S. R. 100. Joint resolution authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers; and

S. 5906. An act declaring the Osage River to be not navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6070. An act to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route—to the Committee on Interstate and Foreign Commerce; and

S. 6138. An act to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park—to the Committee on the Public Lands.

The SPEAKER. The House stands in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m., by Mr. CURRIER as Speaker pro tempore.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I submit the following conference report and statement to be printed in the RECORD under the rule.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903.

The SPEAKER pro tempore. The report and statement will be printed under the rule.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the word "large," in line 8, and insert in lieu thereof the following: "shall not at any one time exceed forty;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That no money shall be expended or obligation incurred for architects after the plans for improvements above provided for have been approved by the Secretary of War, except that the Secretary of War is hereby authorized to employ, in his discretion, a consulting architect at a compensation not exceeding $5,000 per annum."

And the Senate agree to the same.

J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Managers on the part of the House.

F. E. WARREN,
J. C. BURROWS,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The conferees on the part of the House submit the following statement on the action of the conference committee of the two Houses on H. R. 13676, "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903:"

Amendment No. 1 provides for traveling expenses of cadets admitted to the Academy from their homes to the Academy, and also increases the number of cadets at large by the addition of 10, making a total number of 40 to be appointed from the country at large.

The House recedes from its disagreement to the amendment, and agrees to the same with an amendment providing that the total number of cadets appointed at large shall not exceed 40.

The agreement to the payment of actual traveling expenses was for the reason that since 1883 cadets at the Naval Academy have been allowed their expenses from their homes to the Academy, and for the further reason that it equalizes the expenses of the cadets by placing those living at a distance from the Academy on an exact equality with those living near the Academy.

No. 2 is simply a verbal amendment, and the House recedes.

No. 3 is simply an addition of the totals for three enlisted men, without changing the amount appropriated, and the House recedes.

Nos. 4 and 5 simply strike out quotation marks, which should never have been in the bill, and the House recedes.

No. 6 makes specific appropriation for athletic supplies, and the House recedes.

Nos. 7 and 10 simply refer to lights and strike out words which have been in the bill heretofore in regard to the Welsbach burner that are now considered surplusage, and the House recedes on both.

No. 8 relates to gauges for the water supply from two places only; and as the third place is added by another amendment later on, the House recedes.

No. 9 simply strikes out the brackets around certain words, and the House recedes.

No. 11 makes specific the power to provide for an increased water supply, and the House recedes.

No. 12 makes more specific the power under the bill to install the heating and lighting plant, and the House recedes.

No. 13 increases the appropriation $1,000,000, and the Senate recedes.

No. 14 relates to supervising architects and also to the purchase of the island commonly known as Constitution Island. The House recedes from its disagreement to the amendment, and agrees to the same with the amendment which provides that no architect shall be employed after plans are approved, except that the Secretary of War may have a consulting architect, at a compensation not exceeding $5,000 a year. This entirely eliminates the purchase of the island, as provided for in the Senate amendment.

J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Conferees on the part of the House.

PHILIPPINE GOVERNMENT.

The SPEAKER pro tempore. In pursuance of the order of the House, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KYLE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295.

Mr. JONES of Virginia. I would like to ask the chairman of the Insular Committee if he expects to use any more of his time just now?

Mr. COOPER of Wisconsin. Mr. Chairman, how has the time thus far been occupied?

Mr. JONES of Virginia. You have used about fifteen minutes of the night time.

The CHAIRMAN. At the conclusion of the evening session the majority side had used thirty-seven minutes more than the minority.

Mr. COOPER of Wisconsin. I think we will not consume further time on this side until we have heard from the other side.

Mr. JONES of Virginia. Then, Mr. Chairman, I yield twenty minutes to my friend from Illinois [Mr. KERN].

Mr. KERN. Mr. Chairman, I do not care to discuss the pending bill in its details. I have no inclination to take the proposed measure up clause for clause with a view of pointing out its imperfections or commending its merits. In my opinion, it is a useless waste of both time and labor to analyze this bill.

I deny the right of this Congress to construct constitutions and laws, to propose forms of government, or to establish governmental authorities for any alien people, and in my belief the people of the Philippine Islands constitute a foreign nation endowed with all the rights and powers and the capacity necessary to frame their own constitution, make their own laws, and construct their own government.

The proposition to enact the pending bill into a law is the first fatal step which the American Congress is taking in carrying out the monstrous plan of imperialism which has been mapped out by the Administration. It is now nearly four years since we have begun the work of subjugating, by the application of force, the people of the Philippine Islands, and the war has continued ever since and is now waging as actively and violently as it did at its beginning. But during those four years of warfare the responsibility of the inglorious venture has been on the hands of the Chief Executive of this nation. He has acted in the matter without authority from Congress, except what was conferred on him by a meager resolution. He has acted without the aid of the deliberations of Congress and independently from Congress. At no

stage of the game did he do Congress the honor of asking it for advice or for counsel. He carried out the programme himself—single-handed and alone. Now Congress is asked to take a hand in the proceeding. The American Congress is asked to give a constitution to, and formulate a system of laws for, a foreign nation. In obeying the command the American Congress not merely humiliates itself, but it takes a grave departure from the basic principles upon which our Government is founded.

I believe that if the American Congress were left absolutely alone to exercise its own calm judgment and to employ its own candid intelligence freely and without molestation this bill would be overwhelmingly defeated. It would never have been reported to the House by the committee which had it in charge. The edict has, however, gone forth from the White House, and the bill must pass. The Taft Commission and the military autocracy over there must be vindicated in all of its acts and doings. The departure, new to American policy, must be taken. The American system of free and independent government and of absolute governmental neutrality must be changed into the dangerous system of colonization and conquest which obtains in Great Britain.

The American system may temporarily be changed by the arbitrary action of this Administration, but believe me, my colleagues, the change will be only temporarily. You may change the system, but you can never waver and you can never swerve the American people in the abiding faith which they have in the soundness of the policy of maintaining democratic institutions in all of their original simplicity nor in the fundamental idea that all just government rests primarily and ultimately upon consent.

I am fully aware of the fact that with the omnipotent lash of the Executive behind it as a persuader, this bill, objectionable and vicious as it is in all of its features and in the principles which underlie it, can be railroaded through this House. I have had occasion too often to observe the power which patronage wields. The patronage at the command of the President is tremendous. The effect of using it is not always purifying and ennobling. It is wielded too often to compel men to surrender their own firmly formed convictions and to arbitrarily adopt those of another man, although the two be diametrically opposed to each other.

In times like these it is not the best thing for the vital interests of the people of our Republic for both Houses of Congress and the Chief Executive as well to be of the same persuasion politically. By the crafty use of patronage it is useless to deny that the President too often deprives the representatives of his own party of that character of independence which should be left unimpaired in the legislative department of the Government and by that means absolutely controls both Houses of Congress. Centuries and centuries ago the eloquent prophet Isaiah must have had this sort of a condition in his mind when he gave utterance to the significant words, "The ox knoweth his owner and the ass his master's crib." [Laughter.]

It is nevertheless true that you can not reconcile this step which you are about to take in the programme of misnamed expansion, that of making laws for an intelligent and Christian people, or any other kind of a people, for that matter, located many thousands of miles away from our shores, who have not invited us to perform this task for them and who have given emphatic expression to their unwillingness to live under and obey the laws we make for them, with the spirit of American Democracy and Republicanism. You are taking a fatal and serious departure from the principles of government which Jefferson enunciated, Washington contended for on the field of battle, and which Abraham Lincoln so valiantly defended, even unto death.

It is contended that we can make a better government for those people than they can make for themselves. The vital question involved here, it seems to me, is not so much a question of good government as it is a question of self-government. Our own splendid Government, in the opinion of many philosophers and statesmen in other lands, is itself far from having reached the acme of perfection. I do not doubt but that there are many wise men and profound thinkers living abroad to-day—twentieth century Platos, Rousseaus, and Volneys, as it were—who are confident in their own conceit that they could construct for the American people a far more perfect system of government than the one which they enjoy. Yet, did some foreign power attempt by force of arms to compel us to abandon our system and to adopt in its stead a system made to order for us in some foreign country, however more perfect that foreign-made article might be, theoretically and in reality, we would bitterly resent the invasion, even to the extreme of shedding the last drop of American blood in uncompromising resistance and seeing the last vestige of American substance licked up by incendiary flames.

The evidence is voluminous, and it is thoroughly conclusive to any mind open to conviction that the people of the Philippine Islands can be safely trusted with the management of their own affairs, and are, beyond peradventure, capable of self-government. They are a Christian people. They worship the same God mankind throughout the length and breadth of all Christendom worships. They believe in the same forms of worship. They derive their lessons of obligation to their fellow-men, of divinity and immortality from the same holy book. They sing the same sacred hymns. They kneel before altars of the same description, and their choirs sing the same melodious pæans of divine praise in the same kind of churches.

We learn, furthermore, from positively reliable sources that there is less illiteracy in Luzon than there is in Massachusetts. The leaders of thought among the Filipinos have been educated in the leading universities of the world. The people have access to excellent schools, where they are well educated in their own language. It is true that they are not all profound scholars, but neither is profound scholarship universal in any other country, perhaps to the inestimable benefit of that country. Their habits and customs are spoken of in the highest terms of admiration by people who have traveled extensively on the archipelago and are recommended as being in many respects worthy of even our own emulation. The inhabitants of the islands are said to be thrifty, temperate, and devoted to family ties and to domestic life, and they are given to the habit of attending strictly to their own business and leaving that of other people religiously alone.

Here, then, we have 10,000,000 people who are yearning for liberty and for the right to govern themselves, and least of all does it become ourselves as American freemen, whose boast it has always been that their country is the asylum of the oppressed which offers a secure haven of refuge for those of other lands in quest of freedom, and whose Titan forefathers themselves amid the deafening roar of shot and shell refuted forever every argument that may be urged in favor of a colonial system. Yet this day is the American Congress found in the inconsistent and incongruous act of attempting to foist upon the people of the United States the tyrannous and burdensome makeshift of colonialism which has made Great Britain the reproach and a stench in the nostrils of the modern world.

We have this day in the Philippine Islands, and we have had for the last four years, a large body of armed soldiers killing and destroying every human being that insists on asserting the natural right of a people to govern themselves and asks for freedom, and this by way of paving the road toward carrying thither the system of government which we are constructing here now, and arriving there with the shop-made thing, to impose it upon those unwilling people for their acceptance without giving them a voice or any kind of representation whatever in the framing of a single statute.

We are told by the President that the Executive, with the instrumentality of the Army, has about cleared the ground and swept the field sufficiently clean so that the time has come when the legislative department of our Government may do its part in the programme of usurpation and make to order a system of hand-me-down laws to be hauled over there and delivered ready-made for the future bliss and beneficence of the benighted Filipinos. He informs us in solemn tones that the insurrection has about been stamped out. He tells us that if we will just stand still, quit thinking for a little while, and quit talking the job will presently be finished.

What job? The job of stifling the voice of every man and woman and child in the Philippine Islands who demands liberty and the recognition of the natural right of self-government. How finished? Finished by killing those who will not yield to the water cure, hurling others into prison, and bribing some.

In this promise there is not much consolation for a self-respecting American whose heart still thrills and throbs to the inspiring music of the old battle songs of freedom.

But even at that, take good care, my colleagues, that this self-confident assurance is not again the old ante-election promise. Ever since the war in the Philippines has been waging we were given assurance and were promised just before the election, and that on two noteworthy occasions before this one, that the insurrection was gasping in the last throes of peaceful death, and still there is no cessation of hostilities, and perhaps there will not be as a matter of plain truth for some time to come.

Of the fact that there ultimately will be a cessation of hostilities if we continue to persist in our work of slaughter and despoliation there can not be the slightest doubt. It does not require a prophetic vision to see the finish of it all. Eighty millions of people equipped with the latest and most terrible implements of modern warfare, blessed with fabulous wealth, pitted against ten millions of poorly equipped and primitively armed people, with their country invaded, their productive energies seriously impaired and almost totally checked, must triumph in the end, even in offensive warfare conducted under all sorts of difficulties and in spite of seemingly insurmountable obstacles imposed by nature.

It was but a few weeks ago when we saw that sort of an incident closed. We witnessed the melancholy spectacle of mighty England overpowering and conquering a pair of weak Republics, after years of brave and heroic resistance, at the cost of immense treasure and unnumbered lives. With their stout hearts breaking, the intrepid Boers finally realized that it was hopeless and needless to prolong the unequal struggle against overwhelming odds any longer. In utter despair they finally laid down their rifles and surrendered to the merciless conqueror.

When the collapse came, instead of England hiding her face in shame in view of the infamous job which she had completed, in contemplation of her own thousands of brave sons who had turned their pallid faces to the stars and lay buried in unmarked trenches, and of the women and the children in grief and mourning who were to be their future subjects and fellow-countrymen, England went wild with exultant frenzy, and London threw itself into a licentious debauch and drunken saturnalia which horrified and disgusted the civilized world. Men and women staggered along the streets of London in an utterly maudlin and irresponsible condition, shrieking and yelling and babbling like mad men and like untamed savages; and in the course of the disgraceful orgy the respectability of London even was shocked by the commission of numerous foul and revolting murders committed on the public streets, not to allude to the other harrowing scenes of unnamable immorality and tumultuous riot which helped to make the disheartening picture complete.

God forbid that the day shall ever come when those scenes of disgusting and disgraceful and horrifying scandal shall be repeated in free America. God forbid when the sounding of the death knell of infant republics will ever produce that kind of rejoicing and that kind of manifestations here in the United States. God forbid that when the day comes that the commanding general in the Philippines wires to us the intelligence that the last resisting Filipino chief—like De Wet, fame-crowned for time everlasting—throws down his arms and says, "We submit. We are overpowered. We are conquered. It is useless to fight any longer. We can not contend against the inevitable. God wills it so. We are helpless and palsied now. We yield." God forbid that when that day comes a single American part his lips to raise one cheer of exultation or of joy at the barren triumph. [Applause on Democratic side.]

England may celebrate the victory, but if England harbors the delusion that those intrepid Boers will bend their necks willingly to the yoke, England is sadly mistaken. England may have conquered the Boers, but has she broken the proud spirit of those fearless men and peerless women who laughed at death and scorned carnage? No, never. Even if England had vanquished the Revolutionary forefathers in our own country, no one but a man in the last stages of incurable insanity would for a moment believe that England could hold the United States to-day, or that the British flag would still be flying over these dominions. Pigmies can not hold giants in subjection long. The South African child will grow into a giant. It will outgrow England herself. I make the prediction here and now that another mighty nation will grow up there, second only to the United States. The spirit of liberty will survive in it, and a dozen Englands with all their redcoats can not stamp it out.

But England's treatment of the Boers was more humane and more considerate than that which we are offering to the Filipinos to-day. The Boer generals had a hand in writing the peace terms. They were represented at the conference. They dictated conditions which were adopted. The British Parliament did not dare go to the autocratic extreme of framing a constitution and formulating a system of laws for the Boers without consulting a single man in South Africa, and it did not dare to transgress to the extent of taking that kind of a shop-made constitution and code to South Africa and say to those people: "Here! Take this. It is the perfection of reason. It is the climax of human wisdom, framed and constructed for your especial benefit by ourselves, a set of men who are vastly your superiors in knowledge and learning and experience, vastly your superiors in Christianity and civilization, vastly your superiors in morality and progressive thought." England did not dare go to that arbitrary and insulting extreme.

The last nation on earth that ought to dream, even in its most delirious moments of ecstacy, of conquering with shotted guns and drawn saber a people that craves to be self-governing and free are the American people. The procedure is utterly unnatural and involves a complete reversal of every single solitary lesson which our history teaches us. It takes the sacredness and the romance and the poetry out of every tradition we treasure and shatters them all into countless fragments and throws them to the ground.

A few weeks ago we witnessed the impressive spectacle, with all of its beautiful and heart-inspiring ceremonies, of unveiling a flag-draped monument, across the avenue from the White House, a block away from the statue of Lafayette, coming as a gift to the Republic of America from the Republic of France, to perpetuate the memory of Rochambeau. The Republic of France sent a delegation of her most distinguished citizens to attend the simple and the democratically grand festivities. The memory of General Rochambeau is that of a soldier, a statesman, a philosopher, and a patriot, who came to the rescue of the American people in the most trying hour of their sore distress while they were fighting for liberty and the right to govern themselves. He came to our rescue in Revolution's darkest hour, when not a single star was left to glitter hopefully in the skies. Without his aid and the aid of Lafayette and the aid of Steuben, Washington, like the great De Wet, might have been compelled to throw down his sword, unsheathed in defense of liberty, and to affix the signature of his immortal name to the terms of what would have been at least a temporary, ignominious, and galling surrender.

On that occasion the President in his address of welcome fittingly and touchingly directed the attention of the representatives of the French Republic to the work which our Republic had done in aiding bleeding Cuba in her hour of distress, and in helping the people of that country to secure for themselves the blessings of liberty and popular government. Cuba will one day raise monuments to the memory of her American liberators. But on the incident now on in the Philippine Islands the President maintained a discreet and diplomatic silence. He did not dare look westward when he spoke. And yet the world would rejoice if the Philippine republic would one day be given the opportunity to also raise monuments to the memory of immortal American liberators.

The war in the Philippine Islands affords the only scene to the world to-day where human blood is being shed on battlefields. The only spot on earth where armed forces are arrayed against each other in hostile camps is on the Philippine Archipelago. On the one side is a people that has committed no other offense than that of asking for liberty; on the other a great Republic which has always boasted of its love and loyalty and devotion to the principles of liberty. That that war should continue for one hour longer is a shame and a disgrace. It is an outrage on humanity itself. It is idle to say to the American people and to the world that the shedding of blood in the Philippine Islands can not be made to cease. We have never made the effort. We have never tried to put a stop to it on any other terms except those of extermination or unconditional surrender. We have never even treated the Filipinos with decent respect. We have persistently refused to give them credit for being the Christian and civilized people which they certainly are.

You talk about wanting to give them independence and the liberty which they are seeking, but on no occasion has the Administration offered it to them. It has never listened to their pleading. It has turned scornfully away from the pitiful cries of those people. It has never promised them independence. It has never offered them liberty. Surely this Congress ought to concede to them the unqualified right of framing their own constitution, just as Europe was compelled to concede it to us notwithstanding the fact that legislative bodies in Europe solemnly and officially declared that the American colonies were utterly incapable of self-government, and that they could not safely be trusted with liberty. We ought to concede to those people the right to formulate and make binding their own laws, be they good or bad, just the same as Europe was compelled to concede that right to the American colonies after they had thrown off the yoke of foreign despotism, and were starting out in the garb of freemen to carve out their own destiny on the broad highway of human liberty.

You say you can not stop the war? Yes, there is one man in America, one individual in all the world who can stop that war and stop it to-morrow. The name of that man is Theodore Roosevelt, President of the United States.

I say to you, Theodore Roosevelt, if you are in earnest in your loud professions and your repeated declarations that you want those people to have their liberty and their independence and that you wish to concede to them the right to govern themselves, say the word, and the Congress and the people will back you up in it, and hostilities will cease to-morrow. You are the only living man in all the world at this moment who can say that word and make it count. You are the only man who can say it effectually.

In England they are preparing now to go through the hollow mockery of placing an unearned crown upon the brainless head of an undeserving royalist, dubbed King. [Applause on the Democratic side.] That stupid ceremony will be followed by another debauch and another series of orgies similar to those witnessed when De Wet threw down his blood-stained sword in despair, a vanquished freeman.

Let the President of the United States extend the blessing of liberty and order to the people of the Philippine Islands, and the American people will have a coronation, too, this summer. They will crown their President, not with a golden crown bespangled

with ill-gotten diamonds filched from blood-soaked South African fields, but with a modest crown of laurels, emblem of peace, happiness, and good will toward all mankind, and all oppressed humanity will arise to bless him as a liberator and a benefactor of his race, while the men and the women and the little children in the Philippine Islands will arise and, waving their sun-browned arms and sun-browned hands, do the cheering, instead of walking to the rear, with frowning faces—unwilling, revengeful, sullen, conquered subjects.

Theodore Roosevelt, acting in the capacity of President of the United States, has the power to stop the war. No sensible man will question or deny that fact. Let him make his bluff good. The ante-election assurances that the war is over, let me assure you, my colleagues, will not "stay put" this time. The people are enlightened. They can be deceived no longer. If the war is over, as he assures us it is, let him give us tangible evidence of the fact by calling the troops home and mustering the soldiers out of the service. If the war is not over, then I say let this Congress refuse to legislate for a foreign and reluctant nation, and let the President continue to have the glory of it and with it the shame.

We boast of the fact that we are a Christian people. We preach the teachings of the Man from Galilee in our churches and at our firesides, but the doctrines of Christianity must be practiced to be effective. It was the lowly Nazarene who used these words, pregnant with meaning: "Therefore all things whatsoever ye would that men should do unto you do you even so to them. That is the law of the prophets." And in my creed the Golden Rule is better than a golden crown, no matter how heavy it be and no matter how many diamonds bestud the medieval diadem. I, for my part, would not take my hat off to any crowned head at any time or anywhere, but I would cheerfully uncover my brow any day before the humblest mortal that practices the Golden Rule.

Macaulay said: "That is the best government which desires to make the people happy and knows how to make them happy." Neither the people of this country nor the people of the Philippine Islands can be truly happy so long as even the form of war is maintained on the Philippine Archipelago. The way for us to be happy is to make those friendless people happy. Give them sincere assurance that they will be granted independence, as Cuba enjoys it now, and the war will be over.

Nor do I care who struck the first blow. It is immaterial to me what this or that American officer is supposed to have promised. It is a matter of no concern to me in this connection what the character of Buencamino or Aguinaldo is, or what the character of Luna was. It is now a mere historical incident what occurred on this or that particular date. We may prate about these things all we want to, but these occurrences and matters are not arguments that affect the case one way or the other. If this controversy is not above the level of a prize fight, it is not worthy of a moment's serious attention in a dignified and responsible body like this. If it is not a broad and deep question of principle that is involved here, and I believe it is, we ought to cease meddling with it.

It is not necessary either that you own a people in order that you may trade with them. It is entirely within the realm of possibility for us to have the most favorable trade relations conceivable with the people of the Philippine Islands without owning them. Let us secure their good will, and trade will follow that more surely than it will follow the flag.

The opposition in this controversy is so free to use the trick of urging that criticism of our present Philippine policy is tantamount to antipathy and antagonism to the Army.

The trick is a mere subterfuge, utterly unfair and utterly reprehensible. I have not met a soldier yet who had returned from the Philippine Islands, and who was not looking for a Government job, or some other sort of governmental favor, who had one word of commendation or approval for our policy in the Philippine Islands. No man has a higher regard for the American soldier than I have. I would deny the soldiers in the field no sort of comfort. I would concede them every form of pleasure they could have in civil life. I would even give them their canteen back, which you stubbornly refuse to do. But I protest most emphatically against employing this Philippine conquest business as a means and as a pretext for saddling the antiquated and nefarious European system of militarism permanently upon the American Republic.

I protest against this Congress legislating for an unwilling people. I protest against this Congress legislating for a people which has had no hearing before our committees. I protest against wars of conquest. I protest against the further continuation of this war. I protest against the wholesale slaughter and the threatened extermination of a people who are guilty of no other crime than that of asking for liberty. I protest against punishing a people who are simply demanding that the principles of the American Declaration of Independence be extended over their humble homes, and I think the time has about arrived when this Congress ought to pay some attention to the social and political needs of our own people here at home instead of giving all its time to bulldozing and bullyragging people in distant island possessions in the sole and exclusive interests of American commercialism, a horde of American office seekers, American monopolistic greed, and the growing and menacing spirit of American imperialism. [Loud applause.]

Mr. ADAMS. Mr. Chairman, the few remarks of a most peaceful character that I have in my mind toward the development of our new possessions have almost been driven out by the terrible arraignment by the gentleman from Illinois [Mr. KERN] of the terrible state of war and the condition that existed in the Philippine Islands. But I trust the gentleman will possess his soul in patience, for the facts of the case are in direct contradiction to the affairs which seem to stir his very soul to its depths.

The army of 70,000 men that it was necessary to maintain in the Philippine Islands to enforce the law, that the majesty of this Goverment might be obeyed by all those who have come under its jurisdiction, has already been reduced to 30,000 men; and if my friend from Illinois had read yesterday's paper, he would have seen that the orders had already gone out from the War Department ordering a further return of troops and that the small number of 19,000 men are to be left in these now pacified Philippine Islands, which are to be handed over, and are being handed over daily, to the civil control established by the Commission sent out by the President and this Congress for that purpose. These alarming speeches, these great fears, as expressed by the Democratic party, are simply evaporating into thin air when they are met by the stern recital of facts.

But, Mr. Chairman, the few words I have are on a much more peaceful plan. It is almost impossible, sir, in the short time that is allowed debate under the pressure, for those who wish to participate, to criticise or to go into detail of the provisions of a bill that covers 50 pages of typewritten matter as it comes from the Senate, and covers 50 more pages in the substitute offered by the committee of the House.

But, sir, there are two provisions which the House maintains and to which I wish to give my thorough adhesion. The one is that the great battle which has been fought out in the political arena and in the halls of legislation of our country as to a proper monetary standard that should be established in our commercial transactions should be founded on the gold standard in every terrritory and in every business community that is under the control of our Government. [Applause.]

That is the issue that has been fought out at the polls, and the American people have always given a proper verdict on every great question that has been submitted to their judgment. That is the standard of our country by the voice of the American people, and I for one question the wisdom and doubt the judgment that proposes to erect a different standard in any portion of our country, never mind how many miles or what conditions exist in its territory.

The second one which the House puts forward in opposition to that advanced by the Senate is that these people should have a representative local legislature. Mr. Chairman, when this question was found to be liable to come before the legislature of our country I made a careful study of the provincial governments as adopted by England, and one of the wisest provisions it struck me in the study of the history of long experience in provincial government was that the sooner you give the people the right to participate in self-government and bestow upon them that sense of responsibility which makes good citizens, which makes the people take an interest in their government, the better. For that reason, Mr. Chairman, I subscribe myself most heartily, and hope the House will insist on that provision.

Mr. Chairman, there is another question now pending between the two Houses of Congress which to my mind, in the peaceful vein in which I propose to speak, will do more to develop the prosperity of the Philippine Islands and to bind us more strongly together with its principal country than any other measure I know of. We all have realized, we know in our country, that the fearful ones, before it got its great geographical area, were afraid that our Republic might disintegrate, but the iron bands of the railroad and the bands of the telegraph have annihilated distance so that the man who picks up his morning paper in San Francisco is as fully informed of what goes on in the national capital as though he lived closer to its limits.

So, sir, in my judgment the construction of a canal across the Isthmus of Panama or Nicaragua will do more to develop the commercial resources and the trade intercourse between our country and our new possessions than perhaps any legislation, however wise in its provisions, that may be enacted by the National Legislature.

When the Nicaragua bill was reported from the Committee

on Interstate and Foreign Commerce there were some of us who thought that perhaps we should wait a while longer for further information. Appreciating the great work done by the able chairman and the hard working committee, all that we asked was that some little time might be allowed for further investigation. This view was enforced by the fact that new conditions had arisen since that committee had made its report. Nay, more; new conditions had arisen since the report of the Commission which had been authorized by this Congress at an expense of $1,000,000 to report upon the feasibility and practicability of the two different routes; and we hold the view that the Commission should be allowed to report under the new circumstances.

It was very curious, Mr. Chairman, to observe how, as human intellect interprets the decisions of other men, different conclusions were reached by members of the House in debating the question in this Hall. Some thought that the first report of the Interoceanic Canal Commission was an absolute decision in favor of the Nicaragua route.

Others adopted the interpretation that, according to the report, the Panama route was not under consideration by the Commission, for the reason that at the time of their report, and at the time the bill was reported from the Interstate and Foreign Commerce Committee, there had not been a practical offer with reference to the Panama route. In fact, I may go further and say that there was at that time no offer that was considered from the French Interoceanic Canal Company. Since that time that company has made a definite offer of $40,000,000. Since that time the Commission has made a supplemental report; and it is proven that those who had adopted the view that the Commission had not the French proposition under consideration were right in their interpretation.

The bill has now come back after careful consideration in the Senate with the stamp of approval of that body. And we have the report of the Commission unanimously in favor of the Panama route. The measure is now in conference between the two Houses.

Mr. Chairman, a sensible man who employs a lawyer will not go to him unless he has full confidence in him. Any man who employs a doctor will not seek his professional services unless he has full confidence in him.

So, sir, it would be a foolish patient or a foolish client who, after consulting his legal adviser or his doctor, would not follow the advice so given. That is the position I wish to occupy. I wish to call the attention of my colleagues in this House to the consideration that we, as laymen, will take a great responsibility if we undertake to put our judgment, however sincere and however honest, against the unanimous report of the Commission which has reported in favor of the Panama route.

Mr. Chairman, I doubt whether any superior commission could be found in our country. Nay, I will be broader in my assertion and say that I doubt whether an abler body of men could be found anywhere. Their patience and care, the deliberation which they have exercised in all their dealings, their absolute fairness in all their statements, nothing being put forward except what was founded on absolute fact, ought to inspire confidence and sway the judgment of this House on this important question.

Less than two hours ago it was my privilege to have a conversation with Admiral Walker, who has never lifted a hand to influence legislation in these halls, and therefore what I say I wish to be distinctly understood as coming from him through me simply on my behalf, I having sought information from him on this subject. He authorized me to say that he considers this——

Mr. WOOTEN. Mr. Chairman, I rise to a point of order. I submit that it is not in order for the gentleman to discuss the Nicaragua or the Panama Canal bill in this debate, under the rule that we have adopted. My understanding is that the rule confines the debate to the bill under consideration—the bill for the government of the Philippine Islands.

Mr. ADAMS. Allow me to state that I inquired of the Chairman and the gentleman in charge of this bill as to the effect of the rule and the bearing of my remarks, and it was only after such consultation that I ventured to indulge in the line of remarks which I have followed.

The CHAIRMAN. Ordinarily the construction which the gentleman from Pennsylvania [Mr. ADAMS] has followed in regard to the line of debate permissible in the Committee of the Whole House on the state of the Union would be correct; but under the special order of the House adopted in the present case, the debate must be devoted only to the pending bill. The point of order is well taken.

Mr. ADAMS. I appreciate the courtesy of the gentleman from Texas that he did not interrupt me until my fifteen minutes had expired. [Laughter.] I ask the privilege of extending my remarks in the RECORD.

Mr. COOPER of Wisconsin. The rule expressly provides for that.

Mr. JONES of Virginia. Mr. Chairman, I yield twenty minutes to the gentleman from Nebraska [Mr. ROBINSON].

Mr. ROBINSON of Nebraska. Mr. Chairman, after more than three years of evasion the Republican party is at last forced to take the American people into its confidence and declare its intentions and purposes toward the inhabitants of the Philippine Islands. The bill which is now offered us by the majority, providing for civil government in the Philippines, contains no hope of our withdrawal from these islands either now or hereafter; no promise of liberty or independence to the Filipino people either in the present or future. And so at last the mask is thrown aside, and we are boldly told by the Republican leaders that these islands are to be held and treated as conquered provinces, and their inhabitants ruled and governed as a vanquished and subjugated race.

There is now no more deceit, no more dissimulation, no more hypocrisy; for this much at least we may be thankful.

Mr. Chairman, at the time the treaty of peace between Spain and this country was signed two courses were open for the American people to follow: One, to assist the Filipino people to establish a government of their own, grant to them liberty and independence, and leave them to work out their own destiny, as we did with Cuba. To have followed this course would have called for no waste of treasure, no use of military power, no sacrifice of life, no shedding of human blood. The other course was to smother by force the demand for independence among these people, to crush out by military power any desire for liberty, and to hold them in political servitude and bondage.

The Republican party from the outset chose the latter course. It is true, Mr. Chairman, that they did not make their purpose known to the American people; in fact, every evasive artifice and subterfuge was resorted to to conceal this purpose. Now, at the end of a little more than four years we are able, as a people, to look back over their work, to count the cost, and weigh the benefits. During all this time they have been in absolute control of this Government; they have had the House, the Senate, and the Executive; they have had the Army and the Navy. If any mistakes have been made they are responsible for them, and if any benefits have accrued they are entitled to the credit.

During the time we have been holding these islands every effort has been made to win the American people away from their old-time ideas of liberty and send them chasing after "new idols and strange gods" in order that they might be the better prepared to accept and approve of the infamous and unholy purpose which is now for the first time fully disclosed. In order to bring this about, a number of remarkable arguments were used, some of them not altogether new to history. Among them, that old claim of "destiny" was advanced, that specious falsehood of kingcraft which has been urged in support of every act of political tyranny and oppression in every age of the world, and which it was believed was at one time shot to pieces by American bullets on the battlefields of the Revolution.

But with canting hypocrisy it was proclaimed from high-priced pulpits and from the stump that it was a part of God's great plan that we should go to the Philippine Islands in order that we might carry the blessings of Christianity and civilization to the millions of human beings who were there dwelling in ignorance in the dark corners of the world. And it was hinted at the same time that nothing of this kind would have occurred had not the Republican party been in power on this occasion, as quite a considerable portion of the Republican leaders do not hesitate to give expression to the belief that God never does anything for this Government or its people while the Democratic party is in control.

It is written, "whom the Lord loveth He chasteneth," and there is one thing which has always impressed me with this "destiny" argument. If it is true that it is the appointed will of God that the gang who now control the Republican party are to continue to rule and govern the Filipino people, then, in view of all that has happened and is still happening there, I am profoundly impressed with the great love which the Lord must have for the Filipino people. [Laughter and applause.] They will certainly need some Moses to lead them out of their bondage, and when that time shall come there will not be enough wealth remaining among all their tribes to erect a golden calf.

Mr. Chairman, I am neither a prophet, nor the son of a prophet, but I undertake to say that whenever the Lord has any message to give to that crowd he will send for them, and the performance of the task which he assigns them will call for their immediate presence in a place hotter than the Philippine Islands, where the practice of the "water cure" is unknown, and where, to say the least, no rainy season will interfere with the campaign. [Great laughter and applause.]

Having used the "destiny" argument to quiet the scruples of some, they then presented the business side of the proposition and told of the money there was in it, and they sent some of their orators to these islands in transports at National Government expense; there to bask in the shade of the Tropics to study the question, and when they returned to our shores we were told tales

that were marvelous and wonderful about the wealth and resources of our new possessions, and some of them showed nuggets of gold, "finer than the gold of Ophir," which they said had been found there, and declared that the precious metal could there be obtained in great abundance. They spoke in a grand and lofty way of our trade with the Orient, and drew glowing pictures of how the ocean transports in the future would plow their way across the mighty waters of the Pacific in an almost endless stream, freighted down with the products of the American mine, the American factory, and the American farm, there to find a ready market, and that these vessels would return loaded with the wealth of the Orient, to be scattered broadcast among our people. And this appeal to avarice and greed deceived many.

But, Mr. Chairman, the men who are moved by this argument of trade are practical men, and now at the end of four years they demand a summing up of the books, a balancing up of accounts, in order to ascertain how much of profit or of loss there is in this venture. It was stated that "trade followed the flag." The flag has been held there by force for more than four years, and now the American people desire to know how much it has cost to keep the flag there and how much of a trade has followed it. If we have a market there for American goods, how much of a market is it, and, in God's name, how much in blood and treasure has it cost to maintain it?

Mr. Chairman, during the two years immediately preceding the war with Spain this nation was at peace with all the world. Let us look back and see how much it cost during those years to maintain our military establishment.

I have here the report of the Secretary of War for the year 1897. It contains the expenditures for the fiscal year ending June 30, 1897, and the appropriations for the fiscal year ending June 30, 1898. These figures simply include, Mr. Chairman, the salaries in the War Department, the pay of the Army, the cost of clothing and transportation, sustenance of the Army, and those other items which go to make up the cost of our military establishment, leaving out the moneys expended on our rivers and harbors and coast defenses, and all other items which do not properly belong to the actual expense of the Army itself.

This report shows that the entire sum of money expended during the fiscal year ending June 30, 1897, amounted to $23,906,645.73. The amount appropriated for the support and maintenance of the Army for the fiscal year ending June 30, 1898, was $24,842,600.30.

It will be remembered that this appropriation was made during the first session of the Fifty-fifth Congress, prior to our war with Spain. The cost, therefore, of maintaining our Army during two years immediately preceding our war with Spain amounted to $48,749,246.03, making an average expenditure per annum, Mr. Chairman, of $24,374,623.

Now, let us pass over the year of our war with Spain and turn to the Secretary's annual report for the years 1900 and 1901. During these two years, Mr. Chairman, the amounts expended for maintaining and supplying the Army, including cost of transportation, leaving out all moneys expended on rivers and harbors and coast defenses, amounted to $226,006,939.15, making an average yearly expenditure of $113,003,469.57.

Subtract from this the average yearly expenditure of the two years prior to the war, and the remainder shows an annual increase of $88,628,846.56. This vast sum, Mr. Chairman, shows the amount which this nation is expending annually on its military establishment alone on account of our occupation of the Philippine Islands.

And this is not all. The Secretary of the Navy in a report made to the Senate May 23, 1902, being Senate Document 372, shows that the Navy Department expended during the years 1900 and 1901, for naval operations in the Philippines, made necessary by our occupation of those islands, the sum of $11,847,000, making an average annual expenditure of the Navy Department of $5,923,000 by reason of our being there.

This makes a total annual expenditure by this Government of $94,551,846.56. and is the annual cost of our holding the Philippine Islands.

Nor is this all, Mr. Chairman; there yet remain the pensions arising from the service of our soldiers in these tropical islands, which will continue to be a charge of millions per annum for generations to come.

There, Mr. Chairman, you have the cost, the annual outlay in money only, of the building up of our trade with the Philippines. Mr. Chairman, this is only the cost in dollars and cents. It does not include the suffering and loss of life. There are some things which can not be estimated in money. In the quiet cemetery in my home town in Nebraska there are several mounds which were decked with flowers last decoration day, mounds which were not there before our war with Spain, and mounds which would not now be there had that war not been fought. They mark the last resting place of some of the noble youth who went forth in the strength and pride of manhood's prime to battle for the liberty of Cuba.

The fortunes of war called them to the Philippine Islands and they became part of the Nebraska regiment which did such gallant service during that unfortunate war. The record they made as soldiers contains nothing of stain or reproach. They made war on no women or children; they slaughtered no unarmed prisoners. They cared kindly for all the wounded which fell into their hands; but when the balance of that company returned and were welcomed by our citizens with marching bands and flying banners, they were no longer with them, and on that occasion, Mr. Chairman, there were mothers in our town who felt the full extent of the price which had been paid, and there were fathers who realized the full measure of the sacrifice which is required when a nation calls its youth to arms.

But, Mr. Chairman, we will return to the business proposition. We are expending annually $94,551,846.56 in carrying out the Republican policy in the Philippine Islands. This immense burden has been upon the American people since the 1st day of May, 1898, a little more than four years. It is no doubt true that in the year 1898 our expenditures there were very much greater, that being the year of our war with Spain, but, to make an estimate of the entire four years and seven weeks during which time we have occupied these islands upon the same basis which it is now costing us, it may be fairly stated that the Republican policy in the Philippines has cost our people, in treasure alone, up to this time $391,714,792.89, and to this must be added the $20,000,000 which were paid to Spain for the privilege of assuming this immense burden, making $411,714,792.89.

These figures prove, Mr. Chairman, that, whether from a political or commercial standpoint, the policy of the Republican party in the Philippine Islands has proven to be the most stupendous blunder of the age.

This is the cost of keeping our flag in the Philippines, and for all this loss of blood and treasure how much trade do we enjoy?

The report of the Secretary of War for the year 1901 shows that our entire trade with the Philippine Islands during that year amounted to only $2,855,685. As a business proposition, then, Mr. Chairman, it may be safely stated that our occupation of the Philippines is not a paying investment. There may be some truth in the argument that "trade follows the flag," but whether it pays or not depends upon how much it costs to place the flag, how much to maintain it where it is placed, and how much of trade will follow it.

And so this argument too has failed. I for one, Mr. Chairman, rejoice that it is so. If any considerable number of our people have cherished the hope of building up commerce at the cost of liberty and human life, I am glad that hope has been shattered. If any of the citizens of this Republic, while they themselves were enjoying the blessings of liberty and free institutions, were willing to enslave a people in order that they might accumulate wealth by exploiting them, then I rejoice that they have been disappointed in that cruel, unholy, and unjust ambition. Whatever may be the final outcome of the present unfortunate condition in the Philippine Islands, one thing at least is sure, that long years will come and go before avarice and greed will ever again be used as an argument to move this Republic to send its conquering armies to rob a people of their liberties and place our flag by force over an unwilling race.

And what are the reasons now given, Mr. Chairman, by the majority on this floor why we should still continue in the Philippine Islands? The argument of trade has been proven false and is abandoned. But only one argument worthy of notice has been advanced by the Republicans upon this floor in support of their policy. It is urged that we have friends in these islands who welcomed us, who have recognized our authority, and who assisted us in overcoming resistance to that authority, and it is stated that there is also capital in those islands, the property of our own and foreign people, and that all these interests we are in honor bound to protect from injury, from vengeance, and from wrong, and for this reason it is stated we can not leave these islands to be governed by the inhabitants.

Mr. Chairman, if there be sufficient force and reason in this argument to require us to continue in these islands now, if it be true that we can not now in honor withdraw, then I ask at what time in the future can we hope to leave the Philippine Islands? When will we have fewer friends there to protect than now? When will we have less of property of our own and foreign people to guard? Will not these obligations rather increase than diminish in the future?

The bill which is now before the House provides for the organization of corporations to carry on all branches of business. It provides for the issuance of bonds by the Philippine government and certain of the cities of those islands. It invites the investment of capital, and in the future capital so invested in the

to him, and left to his protection 3,000 or 4,000 whom the Filipino army had captured. Dewey praised his ally's patience, forbearance, and humanity. Aguinaldo told him: "I can capture Manila at once." Dewey and Anderson demurred and politely asked Aguinaldo to wait until the American troops could share the honor. Aguinaldo was acquiescent and obliging. Yes, he said, he would wait; he believed in the good faith of the Americans, and all he wanted was the independence of his country.

American transports arrived with troops—5,000, then 10,000, then 15,000, and more. Aguinaldo was requested to give them place in his line of circumvallation. He smiled and consented. Then another important thing happened; the American admiral and general on one side and the Spanish general on the other made an infamous bargain, agreeing to fight a sham battle as an excuse for the Spanish surrender of Manila. They agreed not to fire upon each other. But the Filipinos, who for more than three months had been our cordial and faithful allies, were not informed of this arrangement. They had honestly cooperated with us, had won battle after battle from the Spaniards in their front, and captured thousands of prisoners; but now, with a perfidy unexampled in history, they were left to suffer from the fire of the common enemy.

A Manila newspaper, the Diario, printed daily, comments on affairs as seen from the Spanish point of view. On July 28 it said:

> The Tagalos have been nothing but tools for the Yankees. When the end for which these tools were bought is accomplished they will be thrown aside and got rid of altogether. That is what the Yankee will do with the rebels when his interest no longer requires their aid. A kick and "I don't remember that I ever saw you."

Even Admiral Dewey, in his mistaken idea of his duty as an officer, acknowledged that he had "made use of" Aguinaldo; but he said he would "rather up anchor and steam out of the harbor" than to enter upon a crusade of conquest; and when he saw that that was the purpose of this Government he had the manliness to abandon the business and come home. [Applause on the Democratic side.]

Can any American who believes in justice and fair play consider the treatment which we extended to our allies without deep detestation and disgust? If this conduct was not despicable and odious, what conduct could be? If it was honorable, what conduct would be disgraceful? If, as the Republican party in its platforms and speeches has so often assured us, we are in the Philippines under the direction of Divine Providence, how much different would our conduct have been if we had been directed by the Prince of Darkness?

WHY DID WE FIRE UPON OUR ALLIES?

Having fooled and defrauded the Filipinos, to quarrel with them was easy. Having broken faith with them, to fire upon them was not difficult. We hate those whom we have abused. Our officers, with a supercilious assertion of Anglo-Saxon superiority, commanded the Filipinos to get out of Manila—for hundreds of years their capital. American officers occupied their palaces. Following the brutal example, the soldiers called the natives "niggers," "monkeys," etc., kicked them off the sidewalks as they would truant dogs, and disarmed them wherever found while permitting the defeated Spanish officers still to strut in their side arms.

From insult to outrage is but a step. A people who were despised because they were of another race from their allies could not expect to be treated as equals. Moreover, the policy of the American Government assumed more definite shape. Manila fell in the first half of August. In the last half of the following December the President issued a proclamation commanding his Army to seize the entire Philippine Archipelago and subjugate it to American arms. This was a declaration of war. It would have produced war in a single day if uttered against Great Britain, France, Germany, or even Italy or Turkey. Dewey had cabled to this country, "The people expect independence." The treaty of Paris, technically conveying the islands to the United States, was not yet ratified, so that it could not be even pretended that we had any claim whatever to the archipelago.

Our army at Manila now assumed the aggressive, pressing forward and pushing the Filipinos beyond the suburbs in spite of the repeated and pitiful appeals of Aguinaldo that peace might be preserved. These appeals were accompanied by a warning that his people would fight for their independence and would be subjugated by no nation whatever. Then came the clash—on February 4, 1899. It took place in the Santa Mesa district, outside of the boundaries of Manila, where, under the terms of the protocol, we had no right to be.

How did it happen? Republicans declare that the Filipinos began it by assaulting the American troops—that the Filipinos fired first. It has been affirmed by the brazen throat of Republican conventions. It has been repeatedly declared by President Roosevelt, by Senators LODGE, SPOONER, HAWLEY, PLATT, DEPEW, FORAKER, and by almost every Republican orator in the last campaign. It has been reiterated by them from every stump that the Filipinos opened the war by firing first upon our troops. What are the facts? I submit the following official proofs, cable dispatches from Manila to President McKinley:

February 4, 1899.—Firing upon the Filipinos and the killing of one of them by the Americans, leading to return fire. (Maj. Gen. E. S. Otis. Report up to April 6, 1899.)

February 4, 1899.—The chief insurgent leaders did not wish to open hostilities at this time. (Maj. Gen. E. S. Otis. Report up to April 6, 1899.)

The engagement was one strictly defensive on the part of the insurgents and of vigorous attack by our forces. (Major-General Otis's report, p. 96.)

FIRST SHOT IN THE WAR.

The following is an interview with W. W. Grayson, private, Nebraska Volunteers, in San Francisco, August 5, 1899:

> That night about 8 o'clock Miller and I were cautiously pacing our district. We came to a fence and were trying to see what the Filipinos were up to. Suddenly, near at hand on our left, there was a low but unmistakable Filipino outpost signal whistle. It was immediately answered by a similar whistle about 25 yards to the right. Then a red lantern flashed its signal from blockhouse No. 7. We had never seen such a sign used before. In a moment something rose slowly up not 20 feet in front of us. It was a Filipino. I yelled "Halt!" and I made it pretty loud, for I was accustomed to challenging the officer of the guard in approved military style. The man moved. Then he impudently shouted "Halto!" at me.
>
> Well, I thought the best thing to do was to shoot him. He dropped. If I did not kill him I guess he died of fright. Then two Filipinos sprang out of the gateway, about 15 feet from us. I called, "Halt," and Miller fired, and dropped one. I saw that another was left. Well, I think I got my second Filipino that time. We retreated to where our six other fellows were, and I said: "Line up, fellows; the niggers are in here all through these yards." We then retreated to the pipe line and stayed behind the water main all night. It was some minutes after our second shots before the Filipinos began firing.

Brig. Gen. C. McC. Reeve, on duty in Manila at the time, said in an interview in Minneapolis on April 24, 1899:

> I can tell you one piece of news that is not generally known in the United States. On Sunday, February 5, the day after the fighting began, General Torres, of the insurgents, came through our lines under a flag of truce and had a personal interview with General Otis, in which, speaking for Aguinaldo, he declared that the fighting had been begun accidentally and was not authorized by Aguinaldo; that Aguinaldo wished to have it stopped, and that to bring about a conclusion of hostilities he proposed the establishment of a neutral zone between the two armies of any width that would be agreeable to General Otis, so that during the peace negotiations there might be no further danger of conflicts between the two armies. To these representations of General Torres General Otis sternly replied that the fighting having once begun must go on to the grim end.

This is substantiated by the telegram of General Otis, sent during the next week, as follows:

FEBRUARY 9, 1899.

> Aguinaldo now applies for a cessation of hostilities and conference; have declined to answer.

The following is Aguinaldo's view of the situation, as stated in his order to the Filipino army:

> The American forces, without prior notification or any just motive, attacked our camp at San Juan del Monte and our forces garrisoning the blockhouses round the outskirts of Manila. * * * No one can deplore more than I this outbreak of hostilities. I have a clear conscience that I have endeavored to avoid it at all cost, using all my efforts to preserve friendship with the army of occupation, even at the cost of not a few humiliations and many sacrificed rights. * * * I call on God as a witness of my good faith and the uprightness of my intentions.
>
> EMILIO AGUINALDO,
> *General-in-Chief.*

This order of Aguinaldo is contained in General Otis's report, page 95.

Of this battle of February 4–5, General Otis reports (p. 99):

> Our casualties for the day in killed and wounded numbered about 250. Those of the insurgents will never be known. Our hospitals were filled with their wounded, our prisons with their captured, and we buried 700 of them. Their loss was estimated at 3,000, and, considering the number who died on the field of battle, might be deemed conservative.

Is there a man in the Congress of the United States who is proud of that summary? Is there a man in America whose senses have not been stupefied by blood who will declare that battle an honor to the American flag? General Hughes in his testimony before the Philippine Committee affirmed that he felt as if he were fighting children.

I repeat the question, What respectful language can we use toward those Republicans who reiterate in face of these official reports that the Filipinos fired the first shot and began the fighting?

The Filipinos were on the defensive, as General Otis had reported to Washington, but after they were thus treacherously and brutally attacked they fought as well as they could. They were fighting for independence; this they repeatedly declared through Aguinaldo and other leaders at every opportunity. They made it so clear that it was independence they were fighting for that they left no excuse for anybody to deny it or misunderstand it. Of course they fought at every disadvantage. In fighting ability they were far inferior to the Americans, and they had no machine guns or other of the most modern implements of warfare. Therefore it was that in the first battle they lost something like 15 men for every 1 of the Americans killed or wounded.

This inferiority in battle may cause the thoughtless and heartless to jeer, but their persistence in fighting for the right to govern themselves should evoke other feelings than scorn in the

Philippines, held by our own and citizens of other countries, will urge their claims to our protection with a stronger voice, and clamor more loudly than ever, that in honor we must not leave their interests unprotected in these islands; but that we must continue to hold down these people by force of arms. We must continue to spend millions of dollars annually to maintain an army there. We must continue to send the flower of our youth to these tropical islands, in order that foreign investors, seeking only worldly gain, may continue to exploit this unfortunate people.

An argument such as this, Mr. Chairman, would mean that the time will never come when we can withdraw our forces from these islands. It would mean that the reasons which prevent us now from granting these people their independence would become stronger with each passing year, and that at no time could we hope to withdraw our jurisdiction and leave these people in liberty and peace. I deny that any such condition exists. If this nation is strong enough to hold down an entire people, it is strong enough to enforce an agreement providing for the protection of all who are entitled in honor to look to us for protection in the Philippine Islands.

The policy of the Republican party as disclosed in the bill now offered us requires our continued stay in the Philippine Islands. The substitute offered by the minority provides for the establishment of a government in the Philippines and the granting to them of independence, and so with these two measures presented the issue is joined. You, being in the majority, will pass this bill, and it will become a law, and with the passage of this measure the record is made.

The Republican policy of imperialism is declared, and in a few days we will go before the country to learn whether the record which you have made, whether the policy which you here advocate, is approved by the American people.

The question of the liberty and independence of the Filipinos is not alone for the courts and Congress to determine. That question must be settled by the great voice of the American people.

To your policy we are unalterably opposed. On this issue you meet a united Democracy. We hold you responsible for the millions of treasure you have wasted; for all the millions you are still to waste; for all the lives you have sacrificed; for all the youth that has been shattered; for all the gibbering insane which you have brought from the Orient; for all the cruelty, shame, misery, and suffering resulting from your Philippine policy. You are responsible for it all.

You stand for imperialism, with all it implies. We stand for the eternal principles of liberty and justice; for the principles upon which this nation was founded; for the right of a people to govern themselves; for the Declaration of Independence as it is written, and for political freedom and liberty everywhere under the flag of this great Republic. [Loud applause.]

Mr. COOPER of Wisconsin. There are no other speakers prepared to speak on this side to-night. I desire to give notice to those who are on the list that they must be here to-morrow in the daytime and then come here in the evening session or some of them will not have an opportunity to address the committee at all. A good many have gone away and will not return until Monday or Tuesday, and some of them it will be impossible to hear. I want this understood, that gentlemen must be here to-morrow in order that they may have an opportunity to speak.

Mr. JONES of Virginia. I yield twenty minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, the Philippine Archipelago is ours. This fact may as well be admitted and, indeed, asserted. It is ours by force, and this establishes the proprietary relation, whether it is ours by right or not.

The principal question before this Congress is, "What shall we do with this piece of property?" The answer to this question depends upon several important considerations. First, How did we come by it? Second, Is it worth keeping?

In trying to arrive at an answer to the problem before us, I shall discuss the preliminary questions: How came we at war with Spain? When did fighting between us and the Filipinos begin? Was it their fault or ours? Whose fault was it that it continued? Is it probable that the Filipinos desire to be our subjects?

HOW DID THE WAR WITH SPAIN BEGIN?

For three years the opinion prevailed throughout the United States, without distinction of party, that the last Republican Administration had done all in its power to prevent our war with Spain. Its head was looked upon as the great champion of peace, and his friends insisted that he was driven into the war by the obstinacy and hostle attitude of the Spanish dynasty. The time has come to reveal the actual facts in the case. This is now possible, for the letters and dispatches of Gen. Stewart L. Woodford, our minister to Madrid, after having been suppressed for three years, in violation of comity and decency, if not of law, have at last been extorted from the American Secretary of State. These dispatches show beyond any doubt that John Sherman, then Secretary of State, and General Woodford made a most earnest and patriotic effort to prevent the war, and that their efforts were brought to naught by their being arbitrarily overruled. General Woodford was superseded in recognition of his efforts to preserve the peace, and John Sherman, superseded by Day, went down to his grave, embittered by his treatment and bemoaning the war which had resulted.

In proof of this I quote briefly from these long-suppressed dispatches. General Woodford communicated daily with Washington. For weeks he insisted every day that Spain did not want war; that she knew she would be beaten if there were war, and that she would do everything self-respect would permit to avert war. On March 19, 1898, he telegraphed to the President:

If you will acquaint me fully with general settlement desired, I believe Spanish Government will offer without compulsion such terms as may be satisfactory to both nations.

Seven days later Secretary Day telegraphed to Woodford:

See if following can be done: First, armistice until October 1. Negotiations meantime looking for peace between Spain and insurgents through friendly offices President United States. Second, immediate revocation of reconcentrado order.

Within three days the reconcentrado order was revoked by Spain. On April 5 the Queen of Spain offered in return for peace to issue the following humiliating proclamation:

At the request of the Holy Father in this passion week and in the name of Christ, I proclaim immediate and unconditional suspension of hostilities in the island of Cuba * * * for the space of six months. I pray the blessing of heaven upon this truce of God, which I now declare in His name and with the sanction of the Holy Father of all Christendom.

Could the Queen have gone further without sacrificing all self-respect? What did Secretary Day do with this magnanimous offer? He made no answer to it. He pigeonholed it for six days. Woodford telegraphed to him:

If this be secured, I believe you will get final settlement before August 1 on one of the following bases: Either such autonomy as the insurgents may agree to accept, or recognition by Spain of the independence of the island, or cession of the island to the United States. I hope that nothing will now be done to humiliate Spain.

In the face of all this the President launched his war message at Congress the very next day. Everything indicates that he had resolved to have war and not to accept any concessions whatever from Spain at least six weeks before this time. All these dispatches were pitched into the pigeonhole, and the American people were deceived by some one. The afrit of war was released and pandemonium has since prevailed. The necessity for the Spanish war will still be discussed, but it will no longer be truthfully denied that it was begun under false pretenses.

With all this diplomatic correspondence in hand, and knowing exactly what the truth was, the Republican convention of Ohio, on May 28 last, declared in its platform that "the war with Spain was forced on us against our will." What can be said of such an assertion? How can it be characterized in language which would be considered parliamentary?

WERE THE FILIPINOS OUR ALLIES?

The war with Spain was immediately punctuated by two great events—the destruction of the Spanish fleet in the bay of Manila by Admiral George Dewey and the destruction of the sister fleet off Santiago by Admiral Winfield Scott Schley. From a military point of view these were magnificent performances, and they were followed by tremendous consequences.

Dewey, before leaving Hongkong for Manila, had sent an appeal to Aguinaldo, general in chief of the Filipino forces, to come from Singapore and help him, in accordance with the generous promise of the Philippine republic a year before. Aguinaldo responded at once, and carried with him a proclamation to the Filipino people containing the following declaration and injunctions:

COMPATRIOTS: Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could hardly wish for. The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country. * * * Rather die than be ungrateful to our American liberators. * * * Where you see the American flag flying, assemble in numbers. They are our redeemers.

Dewey received Aguinaldo as an ally in accordance with this pathetic manifesto. Aguinaldo cordially responded. He went ashore to organize his people and recall his soldiers to arms, for there were no American soldiers within 7,000 miles. He succeeded in his mission. He organized an army of 35,000 men, paid for arming them with the very money he has been accused of appropriating to his own use, and built a line of breastworks 8 miles long, entirely encompassing the city of Manila. Dewey encouraged him; praised him; telegraphed to Washington, "Aguinaldo has done wonders;" delivered hundreds of Spanish prisoners

breasts of all men who love liberty and remember American history.

Our present relation to the Filipinos is undoubtedly warlike; yet in a technical and legal sense war does not exist. The Constitution of the United States denies to the President the right to make war by limiting that function wholly to the action of Congress. Congress declared war against Spain, but that war came to an official end on February 14, 1899. For more than two years now we have been fighting in the Philippine Islands for the purpose of subjugating to our rule 10,000,000 people who never owed or pretended to owe us allegiance, but this the President calls an insurrection, and the men who are fighting for their liberty he calls "insurgents."

THE TORTURES WERE FORESEEN.

The result might have been foretold. Wherever on the earth a superior nation comes in hostile contact with an inferior there is always something more than battles resulting. The conceit, superciliousness, and insolence of the superior race beget conduct on both sides forbidden by the rules of civilized warfare. The representatives of France, Germany, England, Japan, and the United States were in China only a few months, but wholesale looting, arson, murder, and torture had already begun when the armies were called home none too soon. Hostility between the white races of the north and the brown races of the Tropics and the Orient always result in the barbarization of the whites.

The numerous cases and ingenious methods of torture of which our soldiers in the Philippines have been guilty might well stagger the credulity of the country, if such abundant corroboration were not at hand. Hardly any atrocity that has ever been perpetrated by the American Indians in their most ferocious mood is lacking in the official reports from Manila. The most horrible tortures have been resorted to, not in retaliation after the manner of the American Indian, but without that excuse, merely for the purpose of compelling the victim to divulge secrets of which he is suspected of being possessed.

Some of these cases are disgusting and sickening in their details. One of the commonest is the so-called water-cure torture, which seems to have been resorted to by every regiment at a distance from Manila. In this the victim is thrown upon his back, held down, his mouth pried open with a bayonet, and water poured into him by the gallon until the suffering is too great to bear. If he does not yield a soldier is detailed to jump on his body and force the water out when the process is repeated. When these debasing and terrifying atrocities are denounced the Republican party interposes with its protest and charges us with abusing the Army!

We are not abusing the Army. The exact contrary is true. We are defending the Army. A good many officers and soldiers in the Army are not guilty. It is in their behalf that we call attention to the terrible crimes committed by their unworthy comrades. When burglars are arrested, is it an assault upon the community? When a murderer is tracked and captured, are the police who capture him to be charged with abusing the law-abiding among whom he lived? Of course not. They are defending that community. Why, then, are we charged with slandering the Army because we call attention to the crimes which some officers and some soldiers by their order commit in the Philippines? We do not claim that the whole Army is guilty of these hideous excesses. We denounce only the men who are guilty, and we declare the rest to be innocent.

Who is slandering the Army? They who defend torture and merciless inhumanity as the work of the entire Army, confounding the innocent with the guilty, or we who discriminate between the decent soldier and the vile wretches who perpetrate anew the enormities of Spain in the sixteenth century?

These grewsome practices are admitted. There is proof of thousands of cases of the water-cure torture administered to extort confession. General Funston shamelessly declared in his Chicago speech: "Sometimes we have extorted information by force," and on receiving the proofs that Major Waller had shot eleven unarmed prisoners and burnt "all the villages and houses in his line of march," he exclaimed, "Bully for Waller!" And Gen. Jacob H. Smith declares "Major Waller carried out my wishes and instructions loyally and gallantly."

Through his counsel a colonel in the Army, General Smith, has admitted to the court which tried him in Manila:

That he issued orders to Major Waller to kill the natives and burn their homes.

That he issued orders to make Samar (an island of 300,000 people) a "howling wilderness."

That he ordered all persons capable of bearing arms to be killed.

That he ordered this ruthless killing specifically to include all above 10 years of age.

In harmony with this infamy General Bell established reconcentrado camps, ordered everybody to come within "the life line," and threatened all others with death. He issued an order to his soldiers to so prosecute the war "as to make the people want peace and want it badly," and he authorized them to "do anything and take any action which will contribute to the end in view." Any action! And this same General Bell is a member of the court that is trying Smith.

General Hughes has testified before the Senate Philippines Committee that he issued orders that if his troops were fired on in any town or village it would be burned; and when asked if such punishment would not fall mainly on women and children, he replied: "They are a part of the family; you can punish the man probably worse in that way than any other." The testimony of a soldier that a treacherous native guide was buried by his regiment up to the neck and that his face was then smeared with molasses and he was left for the great white ants to eat, should be either denounced or applauded by the defenders of our present Philippine policy.

In the face of hundreds of pages of proof that these atrocities have been and are being committed by American soldiers, the President of the United States, selecting Memorial Day for his speech, with shocking inappropriateness, affirmed that "the fact really is that our warfare in the Philippines has been carried on with singular humanity!" He said, further, there have been some cruelties, "but;" they must be exposed, "but;" inhumanities should not be indulged in by American troops, "but;" tortures are not justifiable, "but." Yes, the President of the United States summoned to his aid fourteen "buts" [laughter] in these paragraphs of his speech, and he employed them solely for the purpose of extenuating and excusing the crimes he condemned.

In this remarkable Memorial Day address the President finds the occasion a proper one for stirring up anew sectional animosities, recalling that Grant was sometimes called a "butcher" and the Union Army designated as "Lincoln's hirelings." If he had added all the opprobrious epithets which some of the Union men bestowed upon the Confederate President and army, he would have succeeded in doing all that could be done on an occasion of amity and good feeling to kindle anew sectional hostility and hate. If the party that elected him Vice-President thinks his utterance on Memorial Day well timed and discreet, the objects of his spleen will probably be able to survive it.

THE PARTY IS TO BLAME, NOT THE SOLDIERS.

The fact is that the chief blame for the atrocities in the Philippines does not properly fall upon the soldiers whose hands perpetrated them. The chief responsibility for all the outrages perpetrated by Americans upon the Filipinos or by the Filipinos upon Americans will forever rest upon the Administration which adopted the wretched policy of subjugation and sent an army to deprive a free people of their liberties.

Here rests the censure and the condemnation. It can not be shirked. They knew that such a scheme of rapacity made necessary all the excesses of barbarian warfare. They knew that the English army in India, the German army in West Africa, the French army in Madagascar, the Italian army in Abyssinia, and even the army sent to maintain the mild authority of Holland in Java, in aggressive warfare to deprive people of their rights and reconstruct their morals, religion, and social policy, had encountered these same insurmountable difficulties and had resorted to these same hideous practices. They knew it; for, as the great Senator from Massachusetts has just said in the Senate, "Men are held to know what they ought to know in morals and in the conduct of states." [Applause on Democratic side.]

They knew, therefore, that the Malays are not expected to fight according to civilized methods, and that their enemies are sure to make the Malayan method more bloody and more revolting. This has always been the case.

Gen. Jacob Smith finds a fitting prototype in Rajah James Brooke, of Sarawak, who received from England $100,000 for killing a large number of the natives, or, as Smith puts it, "pacifying" them, and who reduced to abject slavery all who submitted to him. Conditions in Sumatra, where the Dutch have been endeavoring to subjugate the natives for hundreds of years, are thus described by an officer of the United States Geological Survey who recently traveled there:

In 1873 the Dutch Government declared war with the Achinese inhabiting the northern part of the island of Sumatra. The Achinese are very much like the Tagalos of Luzon in being of pure Malay stock and the most civilized of all the Sumatran tribes. * * * The reason why this war has been so long drawn out is that, as in the Philippines, the Dutch have been unable to draw the Achinese out into the open for a decisive engagement. The fighting is carried on in the jungles and consists of surprises, ambuscades, etc. * * * The Dutch fight the natives in squads and the war is one of extermination, no quarter being given to those who fall into the hands of the Hollanders.

One thing that the Dutch have discovered in their two centuries of rule in Sumatra is that there is no such thing as making the natives satisfied with their form of government. The Dutch have been in possession of Sumatra since the seventeenth century, yet in all that time the natives have never let an opportunity pass to attempt regaining their independence. The slightest concession, relaxation of rigor, or kindness on the part of the Dutch is interpreted by the Malays as a symptom of weakness, and is made the signal for a general uprising and butchery of the whites.

Thus it is everywhere in efforts to subjugate. England's rule in India has been established and maintained by treachery, perjury, forgery, wholesale lying, and torture of every kind known to barbarians, and the ryots of India have to pay for this rule of aliens not only in money won by the hardest of labor, but they have to pay for it in lives laid down—sometimes a million of the poorest people perishing of famine in a single year. I say the Republicans knew all these things when they deliberately resolved to subjugate the Philippine Islands and destroy the liberties of their people.

I say that the Republicans knew also that the great nations which have subjugated tropical peoples have been obliged to resort to "enforced labor," another name for slavery, in order to get labor performed. Imperialists all over the world are in favor of this slavery, and if we succeed in subjugating and holding the Philippine Islands the people that are left after our machine guns have got through with them will be reduced to slavery.

WILL IT PAY TO GO ON?

How are we going to make this oriental enterprise pay if we persist in it?

It has cost the lives of 10,000 Americans and at least 150,000 Filipinos. How much has it cost in money? In respone to a resolution of the Senate, the Secretary of War reported to-day that the entire cost had been $170,000,000. The curious bookkeeping by which this result was reached can not be justified, but even this sum is stupendous in comparison to results accomplished.

What would this vast sum, disbursed only for evil, have done for Americans if it had been expended upon our own soil?

What would it have done for religion?

It would have erected a new church in every town of America.

What would it have done for education?

It would have built a schoolhouse in every town.

What would it have done for the comfort of farmers?

It would have bought a new mowing machine for every haygrower and a new sewing machine for every farmer's wife in America.

What would it have done for agricultural progress?

It would have irrigated the great central West, constructing retaining reservoirs at the head of every river, sending water in spacious aqueducts through the thirsty valleys, and carrying luxuriance to half a million new-made farms.

What would it have done for commerce?

It would have constructed the isthmian canal for vessels of the largest size, or would have enlarged the Erie Canal to carry ocean greyhounds to Chicago, and would have begun and finished a ship canal connecting Lake Michigan with the Mississippi River, and constructed an inland waterway from Boston to Beaufort Inlet, North Carolina.

What would this vast sum, diverted from the Philippine Islands, where it has been worse than wasted, have done for travel?

It would have built a superb Appian Way, a hundred feet wide, as smooth and hard as crystal, from Boston to San Francisco, with lateral branches to Montreal and Florida, to Manitoba and Texas.

What profits are in sight from our Quixotic venture? We are beaten to-day by all the other great nations in trade with the Philippines. We have sown there the seeds of inextinguishable hatred. How are we going to trade with a country which we have depopulated and impoverished? If our trade with the Philippine Islands last year had returned to us a profit of 50 per cent, it would take a thousand years for us to get back the money we have already expended.

How shall we get out of the scrape we have gotten into?

There is but one way: We must acknowledge our error in manly fashion; give up our insane thirst for dominion; promise independence to the Filipinos on honorable terms that self-respecting men can accept—such terms as are offered to them in our minority bill.

Who favors this policy? All Democrats, with Grover Cleveland and William Jennings Bryan at their head. All Populists favor it. All of the most distinguished Republicans of the last decade; Benjamin Harrison and John Sherman favored it, and died advocating it. Governor Boutwell, Judge Edmunds, Carl Schurz—all members of Republican cabinets—Andrew Carnegie, Thomas B. Reed, Senator HOAR—all are aligned as champions of this humane and enlightened policy. And the Philippine Commission appointed by President McKinley—Dewey, Schurman, and Denby, three members out of the five, have boldly repudiated this destructive policy of the Republican party.

Shall we continue to impoverish ourselves and send our sons to death, or to diseases worse than death, merely for the gratification of our vanity? Let us stand by our ideals; let us vindicate the Declaration of Independence; let us keep our promise to our allies—a promise made, if not in formal language, at least by our principles, by our unambiguous acts, by our bill of rights, by our entire history. Let us substitute for our flag the flag of self-government in the Eastern seas, make friends of those who are now our foes, and anchor a young republic off the coast of China. Could any deed bring greater joy or confer greater honor upon our Government? Would it not be an achievement to be proud of?

Our treachery to the Filipinos after they had fought by our side as our allies, and Funston's perfidious capture of the Filipino general are worthy of the base and infamous Themistocles, whose conduct all readers of history will recall. After the navies of Athens, Sparta, and the other Greek States had been for years fighting side by side against Persia, the aggressive enemy of all, Themistocles proclaimed that he had devised a plan greatly to the advantage of Athens, but could not disclose it in a public assembly.

The convocation thereupon appointed the wise and humane Aristides as its representative, and agreed to abide by his decision as to the adoption of the scheme. The two leaders consulted. Aristides listened, and at once reported to the assembly that nothing could be more advantageous to Athens than the plan of Themistocles, and nothing could be more wicked and unjust. Thereupon it was immediately rejected. When ultimately revealed, it became known that the ingenious project was to secure the naval supremacy of Athens by clandestinely burning the navies of all the other Greek States, her faithful allies. The proposal was declared to be infamous, and Themistocles was banished for life to the realms of Xerxes.

Aristides was surnamed or nicknamed "the Just." It does not seem to have occurred to him that everything is honorable in war. He scorned to betray his allies, showing a sensitiveness that would have been sneered at if exhibited in the present Congress of the United States. He declared that it would be infamous for Athens to sink a single trireme that had fought in her cause. Aristides was crowned with honor by Athenians, and he died enfolded in their grateful love.

History has bestowed upon him her laurels. We are told that there was one man in Athens who was terribly fatigued and irritated whenever the name of the great hero and patriot was mentioned. He said he was tired to death hearing Aristides called "the Just." It is the same to-day. The cause of liberty is as fatiguing to some ears as was the honored name which Athens bestowed on Aristides. They are tired of it—tired to death hearing about it. It provokes them. It irritates them. It even exasperates them. They stop their ears. They beg us not to mention it any more; and when somebody on this side of the Chamber extols the name and cause of freedom, they wildly wring their hands and tragically pull their hair, and cry out "Don't! Spare us! Don't mention it again! We have heard it all before! It is the same old speech! We are tired of hearing about it!" There is one thing which gentlemen can do to effectually seal our lips and put an end to the tiresome demand—let them enact justice into law and establish freedom in the Philippines. [Loud applause.]

Mr. JONES of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to. Accordingly the committee rose; and the Speaker pro tempore, Mr. CURRIER, having resumed the chair, Mr. KYLE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

And then, on motion of Mr. JONES of Virginia (at 9 o'clock and 54 minutes p. m.), the House adjourned until to-morrow at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15068) providing for the resurvey of certain townships in San Diego County, State of California, reported the same without amendment, accompanied by a report (No. 2606); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER of Pennsylvania, from the Committee on Claims; to which was referred the bill of the House (H. R. 14357) for the relief of Paymaster James E. Tolfree, United States Navy, reported the same without amendment, accompanied by a report (No. 2607); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14358) for the relief of Pay Clerk Charles Blake, United States Navy, reported the same without amendment, accompanied by a report (No. 2608); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, reported the same without amendment, accompanied by a report (No. 2609); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13608) granting an increase of pension to Elvira M. Cooper, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MAHON: A bill (H. R. 15200) to provide relief for personal injuries sustained by the destruction of the United States battle ship Maine—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 15201) to allot the lands of the Cherokee tribe of Indians in Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. ESCH: A bill (H. R. 15202) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900—to the Committee on Insular Affairs.

By Mr. PUGSLEY (by request): A bill (H. R. 15203) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS (by request): A bill (H. R. 15204) for the extension of Maryland avenue east of Fifteenth street to M street northeast—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GRAFF: A bill (H. R. 15205) granting a pension to Henry G. McKinley—to the Committee on Pensions.

By Mr. HENDERSON: A bill (H. R. 15206) granting a pension to Mary P. Everton—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 15207) to permit W. W. Wheeler to prosecute a claim—to the Committee on Claims.

By Mr. McCULLOCH: A bill (H. R. 15208) for the relief of James H. Rodgers—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 15209) for the relief of George W. Wood—to the Committee on Naval Affairs.

By Mr. RANDELL of Texas: A bill (H. R. 15210) for the relief of Gertrude O'Bannon—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 15211) granting a pension to Mary J. Slusser—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, Pa., favoring a bill to increase the efficiency of the foreign service, etc.—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Petition of druggists of Platteville, Wis., for the passage of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the Trades' League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

By Mr. BUTLER of Pennsylvania (by request): Petition of 7 druggists of Phoenixville, Pa., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Theodore J. Frank and 5 other druggists of Allegheny, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Trades' League of Philadelphia, Pa., favoring a bill to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. HANBURY: Papers to accompany House bill 14721, to correct the military record of Michael Keegan—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of W. H. Fogas, of Evansville, Ind., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LOVERING: Resolutions of the selectmen of the towns of Middleboro and Plymouth, Mass., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Papers to accompany House bill for the relief of George W. Wood—to the Committee on Naval Affairs.

By Mr. McCLELLAN: Petition of citizens of the Twelfth Congressional district of New York in favor of House bill No. 12203—to the Committee on Invalid Pensions.

By Mr. PUGSLEY (by request): Petition and papers to accompany House bill 15203, relating to an isthmian canal connecting the waters of the Atlantic and Pacific oceans—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Petition of W. A. Hayes and other citizens of Rochester, Mich., in behalf of Prof. Theodore Munger, who claims to have discovered some new scientific facts regarding the earth—to the Committee on Patents.

By Mr. SHALLENBERGER: Petition of William J. Murphy and 125 other inmates of the Soldiers and Sailors' Home at Grand Island, Nebr., favoring a pension of $30 per month to all veterans over 30 years of age—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 21, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Chair announces as Speaker pro tempore for this day, Mr. CURRIER.

E. G. JOHNSON.

Mr. HILDEBRANT. Mr. Speaker, by direction of the Committee on Accounts, I call up House resolution 288, and I ask that the substitute reported by the committee be read.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay to E. G. Johnson out of the contingent fund of the House the sum of $200 for services in caring for and regulating the House chronometer during the Fifty-sixth and Fifty-seventh Congresses.

The substitute resolution was agreed to.

ADDITIONAL CLERK FOR COMMITTEE ON ACCOUNTS.

Mr. HILDEBRANT. I also call up, Mr. Speaker, House resolution 307.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, under the direction of the chairman of the Committee on Accounts, the sum of $250, for additional clerical services rendered said committee in the discharge of the duties imposed by the legislative, executive, and judicial appropriation act approved March 3, 1902, with respect to the employment, compensation, and duties of employees of the House of Representatives.

The resolution was agreed to.

STENOGRAPHER IN THE OFFICE OF THE JOURNAL CLERK OF THE HOUSE.

Mr. HILDEBRANT. I also, by direction of the committee, Mr. Speaker, call up House resolution 310.

The Clerk read as follows:

Resolved, That the employment of a stenographer in the office of the Journal clerk of the House is hereby authorized for the remainder of the first session of the Fifty-seventh Congress, the compensation of said stenographer to be paid out of the contingent fund of the House at the rate of $100 a month.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand it to be true that these three resolutions have been unanimously reported from the Committee on Accounts.

Mr. BARTLETT. If the gentleman from Ohio will permit me, I will say that the three resolutions just read were agreed to by the Committee on Accounts and that the minority of the committee was fully represented, and the resolutions were unanimously reported.

The resolution was agreed to.

On motion of Mr. HILDEBRANT, a motion to reconsider the votes whereby the three resolutions were agreed to was laid on the table.

CONFERENCE REPORT ON SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I desire to take up the sundry civil conference report and dispose of it. I suppose on one item at least, from what I understood yesterday in the debate on the floor, that the House will be asked to act on the question of a memorial bridge. There is evidently not a quorum present now, and I would be glad to give notice that at half past 12 o'clock to-day I will test the sense of the committee on a motion to rise for the purpose of making that report. I would do it now except that we can only proceed by unanimous consent.

Mr. RICHARDSON of Tennessee. At what time did the gentleman say?

Mr. CANNON. At half past 12, if that is satisfactory to the gentleman from Virginia.

Mr. RIXEY. That is satisfactory to me.

CONFERENCE REPORT ON MILITARY ACADEMY BILL.

Mr. HULL. Mr. Speaker, I call up the conference report on the Military Academy bill, and ask unanimous consent that the statement only be read.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, calls up conference report on the Military Academy bill, and asks unanimous consent that the reading of the report be dispensed with and that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I ask if the conference report is signed by the three conferees?

Mr. HULL. It is a unanimous report on both sides.

The SPEAKER. The Chair hears no objection, and the statement will be read by the Clerk.

The Clerk read the statement, as follows:

The conferees on the part of the House submit the following statement on the action of the conference committee of the two Houses on H. R. 13676, "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903:"

Amendment No. 1 provides for traveling expenses of cadets admitted to the Academy from their homes to the Academy, and also increases the number of cadets at large by the addition of 10, making a total number of 40 to be appointed from the country at large.

The House recedes from its disagreement to the amendment, and agrees to the same with an amendment providing that the total number of cadets appointed at large shall not exceed 40.

The agreement to the payment of actual traveling expenses was for the reason that since 1883 cadets at the Naval Academy have been allowed their expenses from their homes to the Academy, and for the further reason that it equalizes the expenses of the cadets by placing those living at a distance from the Academy on an exact equality with those living near the Academy.

No. 2 is simply a verbal amendment, and the House recedes.

No. 3 is simply an addition of the totals for three enlisted men, without changing the amount appropriated, and the House recedes.

Nos. 4 and 5 simply strike out quotation marks, which should never have been in the bill, and the House recedes.

No. 6 makes specific appropriation for athletic supplies, and the House recedes.

Nos. 7 and 10 simply refer to lights and strike out words which have been in the bill heretofore in regard to the Welsbach burner that are now considered surplusage, and the House recedes on both.

No. 8 relates to gauges for the water supply from two places only; and as the third place is added by another amendment later on, the House recedes.

No. 9 simply strikes out the brackets around certain words, and the House recedes.

No. 11 makes specific the power to provide for an increased water supply, and the House recedes.

No. 12 makes more specific the power under the bill to install the heating and lighting plant, and the House recedes.

No. 13 increases the appropriation $1,000,000, and the Senate recedes.

No. 14 relates to supervising architects and also to the purchase of the island commonly known as Constitution Island. The House recedes from its disagreement to the amendment, and agrees to the same with the amendment which provides that no architect shall be employed after plans are approved, except that the Secretary of War may have a consulting architect, at a compensation not exceeding $5,000 a year. This entirely eliminates the purchase of the island, as provided for in the Senate amendment.

J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Conferees on the part of the House.

[For conference report see page 7127.]

Mr. BARTLETT. Mr. Speaker, may I ask what changes this makes in reference to the number of cadets?

Mr. HULL. It adds 10 to those that the President may appoint at large. The Senate provision added 10 a year, and provided that the number should be 40. We struck out the provision that 10 should be added a year, and simply provided that it should not exceed the number of 40, for the reason that 10 a year might not reach the number apportioned. For instance, some failing one year could not be reappointed the next under the limitation of 10 a year.

Mr. STEELE. I would like to ask the gentleman as to the provision about equalizing the pay for travel of cadets living at a long or a short distance from the Academy.

Mr. HULL. Mr. Speaker, an effort has been made for some years to have the provisions applying to the Naval Academy in regard to paying the expenses of cadets applied to the Military Academy.

The Senate inserted a provision in this bill, and the House conferees, after discussion, agreed to it for two reasons. One is, it places the cadet at West Point on an equality with the cadet at Annapolis, and the other is that if the Government pays the expenses it equalizes the cost of education of the different cadets. In other words, a cadet appointed from New York only has to pay a dollar or two to get to West Point, while a cadet from California or in the Western or Middle States of the country coming to the Eastern borders of the country has to pay out a large amount of money for expenses. Sometimes this is a great hardship to the cadet living at a distance. It places the two academies on the same equality, and equalizes the amount paid by those living close to the Academy and those living in remote parts.

Mr. BARTLETT. Will the gentleman permit me another question?

Mr. HULL. Yes.

Mr. BARTLETT. The President now has under the law 20 appointments?

Mr. HULL. He has 30.

Mr. BARTLETT. And it is proposed to give him 10 more, making the number 40 in all?

Mr. HULL. Yes.

Mr. BARTLETT. But it does not increase the number allowed to the Senator or Representative?

Mr. HULL. Not at all. It only replaces the President in this respect where he was some years ago—giving him the appointment of 40 cadets at large. In the first instance, the President appointed all the cadets; but under the present rule the cadets for the States and districts are appointed on the recommendation of Senators and Representatives, and at large are appointed by him without reference to the recommendation of anybody. These appointments, both for Annapolis and West Point, are given to the President for the purpose of providing for the sons of officers of the Army and Navy who have no Representative and are not bona fide representatives of any district. As to cadets appointed by members of the Senate and House of Representatives, the Representative or Senator making the nomination is required to certify that the cadet named is a bona fide resident of his district, or in the case of a Senator, of his State. In regard to residence, the President is not limited; he can appoint cadets from any locality. But the idea is to give him the means of providing for a class of people who would not otherwise be provided for.

Mr. MANN. How large an increase in the number of cadets was made in the last appropriation bill?

Mr. HULL. One hundred—90 for Senators and 10 for the President.

Mr. MANN. The President before that time had 20 appointments?

Mr. HULL. Yes, sir.

Mr. MANN. And now the proposition is to give him 40?

Mr. HULL. Years ago the President had 40 appointments; then we took away 20, leaving him 20; then, one year ago, we increased the number to 30, and now it is proposed to restore the number to 40.

Mr. MANN. As I understand, there will be an increased number of appointments by reason of the increase in the number of members of the House—an increase to the extent of 30 or 40.

Mr. HULL. Yes, sir. As the number of Representatives increases there is a corresponding increase in the number of cadets.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. HULL. Certainly.

Mr. CLAYTON. I would like to ask the gentleman whether the proposition to increase by 10 the number of cadets to be appointed by the President was not voted down in the Military Committee when it was under consideration there?

Mr. HULL. It was.

Mr. CLAYTON. And the proposition is now to take the Senate amendment. I understand this is a Senate amendment.

Mr. HULL. Yes.

Mr. CLAYTON. Can the gentleman tell us when this business of increasing the number of cadets at the Naval Academy and at the Military Academy is to end?

Mr. HULL. Whenever Congress wants it to end; but I should say——

Mr. CLAYTON. Are we to be committed to a policy of continually increasing the number of appointments of cadets by the President?

Mr. HULL. So far as that is concerned, the next Congress can cut down the number, if it wants to——

Mr. CLAYTON. I hope it will.

Mr. HULL. Or increase the number, if it wants to.

Mr. CLAYTON. Does not the gentleman think we ought to begin the pruning process right now?

Mr. HULL. No; I do not.

Mr. CLAYTON. I do.

Mr. HULL. We went into conference on this bill with three important matters before the committee. This was one, if it can be called one. Another was the increase of $1,000,000 in the appropriation for permanent buildings. Another was the proposed purchase of Constitution Island, without any limitation as to price, that provision having been put on by the Senate. The only three parts of the bill that were in controversy at all were these three that I have just named. The House conferees succeeded in having the million-dollar appropriation for buildings struck off. They succeeded in eliminating the provision for the purchase of Constitution Island. And the only thing of any consequence whatever that had been put on by the Senate that we did not succeed in having struck out was this one proposition.

I want to say to the gentleman from Alabama that the Committee on Military Affairs did not express themselves as absolutely opposed to any increase in this matter, but they believed they had better let it go over. I think this conference report is as substantial a victory for the contention of the House on this bill as has ever been secured by the House on any appropriation bill.

Mr. HAY. Is it not a fact that the Army has been decreased since this bill came up by 12,000 men?

Mr. HULL. Oh, yes. But, Mr. Speaker, the gentleman from Virginia knows that that is not a fair statement in regard to this cadet business.

Mr. HAY. Well, you are increasing the number of officers of the Army and decreasing the Army. Now, why increase the number of officers and thereby have officers with no men for them to command?

Mr. HULL. That I am not willing to concede at all. But I will say that the bill as passed by Congress and approved by the President, and now the law, did give the President the power to decrease the enlisted force, but not the commissioned force.

Mr. HAY. Exactly.

Mr. HULL. But the President has no power under the law to decrease the officers of the Army. He can only deal, under the law, with the enlisted force.

Mr. HAY. I know he has not, but the gentleman is now advocating a policy of increase or advocating an increase of the officers.

Mr. PARKER. No, no.

Mr. HULL. No, I am not. This does not do anything to increase officers of the Army; it simply provides for ten more cadets.

Mr. HAY. Well, will they not become officers?

Mr. HULL. They may or may not, owing to whether there are vacancies.

Mr. CLAYTON. May I ask the gentleman a question now, Mr. Speaker?

Mr. HULL. Wait until I answer the gentleman from Virginia. In accordance with the purpose of the committee of the House and of the Senate, we have proposed to largely increase the Academy at West Point. We have increased its professors, we are increasing its buildings, we are multiplying its powers to educate, and there are large numbers of people in the United States not in the Army, in the National Guard, and those that have given attention to this matter, who rejoice in the fact that at the small expense required to educate these young men it is going to be accomplished, and they are glad to have a full complement educated there for the benefit of the country as a whole, whether they serve in the Army or not.

Mr. STEELE. Whether they become officers or not?

Mr. HULL. Whether they become officers or not.

Mr. HAY. Your policy is to educate these young men, not for the Army, but for the country at large?

Mr. HULL. No; I do not believe that this number will go beyond the requirements of the Army, and will not fill all the vacancies in the Army.

Mr. HAY. Mr. Speaker, I will ask the gentleman if it takes the same number of officers to officer, say, 85,000 men, as to officer 66,000 men?

Mr. HULL. Mr. Speaker, that is not before the House, but I will answer the gentleman. If the organizations are preserved, it does; if the organizations are abolished, it does not. But if you have 12 companies in a regiment with 40 men you need the same officers that you have if you have them at a hundred men, if you have the 12 companies and preserve the organization. That was the idea of Congress when they passed the bill to reorganize the Army, so that in time of war, without waiting to drill officers as well as men, we could expand these regiments from within to their maximum strength and have an effective Army from the first day they are called for active service.

Mr. HAY. Are there not now a sufficient number of these officers to officer all the organizations under the present law?

Mr. HULL. No; there are not, with the number of cadets that we have, and there will not be even with this 10, and I am glad there will not be the full number, because I am glad to see them come up from the ranks, and they will still have as much opportunity in the future as they have had in the past for that promotion.

Mr. HAY. I will ask the gentleman if this increase was not originally on the Army appropriation bill?

Mr. HULL. I think not. I think it was originally proposed in the committee on the Military Academy bill.

Mr. HAY. My recollection and that of the gentleman do not agree.

Mr. HULL. It does not make a particle of difference which is right.

Mr. HAY. I understand that; but you are now putting on this bill an increase which was not contemplated when the Military Academy bill was introduced.

Mr. HULL. We are putting it on here because in a conference the conferees have got to give and take.

Mr. HAY. Oh, I understand all that.

Mr. HULL. And when the conferees of the Senate said, in substance, "We are giving up a million dollars, and we are giving up the purchase of Constitution Island and every point in issue between the two Houses, and we insist on having the rights of the Senate on something," I say that this House has no right to criticise its conferees for their action.

Mr. HAY. I am not criticising the Senate. I am criticising nobody. I am criticising the policy. Now, if the contention of the gentleman is going to prevail, then we ought always to give up something to the Senate, no matter what the rights of the case are. If the contention of the House in instructing the conferees on the Army bill the other day is to be maintained, then we ought not to give up anything which is not right.

Mr. HULL. Well, I do not think we have given up anything not entirely proper to concede.

Mr. HAY. I understand that. I do not think we ought to increase these cadets. I think there are enough there now, or will be, and I do not see any reason why this should be increased.

Mr. GILLETT of Massachusetts rose.

Mr. HULL. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GILLETT] for a question.

Mr. GILLETT of Massachusetts. Has it not been necessary in the recent war to appoint a great many officers who have had no West Point education because there were not enough West Point graduates?

Mr. HULL. Oh, not only have they been appointed, a large number of them, because of that, but they are appointing a hundred within the last two months from the ranks and from civil life because the trained men could not be had from West Point.

Mr. CLAYTON. I should like the gentleman to give me two minutes to criticise the conference committee.

Mr. HULL. In a moment. This increase of ten provided for in this bill is not an extravagant increase under any consideration whatever. I am not in favor of increasing the cadets beyond the needs of the Government. I have never had any sympathy with the idea of educating them to let them go back into civil life; but up to this point, and with the law as it stands, with the increase of ten, I believe the Government will absorb all of them and leave places for those from the ranks and civil life as well still to be appointed to make good the vacancies.

Mr. RICHARDSON of Tennessee. Is not the policy being pursued by the Government of reducing the Army, and if so, why is it necessary to increase these commissioned officers?

Mr. HULL. Mr. Speaker, we are not increasing the commissioned officers, and there is no policy to reduce the commissioned officers.

Mr. RICHARDSON of Tennessee. It operates to increase the Army if we make more lieutenants.

Mr. HULL. The policy is to reduce the enlisted force. We are not reducing lieutenants, captains, majors, and colonels.

Mr. RICHARDSON of Tennessee. Ought we not to do so if we reduce the Army?

Mr. HULL. I say no.

Mr. CLAYTON. I should like you to give me two minutes to criticise this conference report.

Mr. HULL. I yield two minutes to the gentleman.

Mr. CLAYTON. Mr. Speaker, the chairman of the Committee on Military Affairs seems to resent the idea that this House can criticise the action of a conference committee. We recall but very recently an occasion when this House did criticise a measure that the Senate had insisted upon and that the conferees of the House, I think, had agreed to—the Selfridge claim. You recollect that this House asserted its authority and its opposition to that measure. Now, I say this much in vindication of the wisdom of the House in opposing these conference reports: Simply because some worthy Senators and worthy members of this House felicitate themselves, as the gentleman has done this morning, upon reaching an agreement it will not do to perpetrate upon the House the old chestnut that we have to "give and take." We ought to give when it is proper to give, and we ought to take when it is proper to take, but when it is wrong to give or wrong to take, this House ought to assert its constitutional right and its self-respect and dignity and refuse either to give or take.

Now, Mr. Speaker, it is very evident from what the gentleman has said that the policy of the Government at this time is to decrease the Army. It is true that the decrease so far has taken place in respect to the volunteer force, or the enlisted men, more properly speaking. But, Mr. Speaker, that is a policy of reducing the military forces of the United States. With that policy set on foot, of which I approve, because I do not want to see this Government always embroiled in war, always supporting a vast army, paying out to-day one hundred and twenty millions of the people's money for the support of the Army, when prior to the Spanish war we paid out upon an average only $24,000,000 per year——

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Give me one more minute.

Mr. HULL. I can not do it.

Mr. CLAYTON. I have a little more criticism I should like to make on your top-heavy army that you want to create.

Mr. HULL. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not propose to criticise the action of the conference committee in making this report or recommending an agreement in this provision, because I appreciate the embarrassment which the conferees may have in making an adjustment with the Senate. But, Mr. Speaker, when the proposition to increase the Army was before the House I did not vote for it. I shall not vote for a provision of this sort under any circumstances, to increase the number of cadets or the officers of the Army.

There has already been an increase within a year or two of a hundred cadets. There will be an increase by reason of the increase of the membership of the House of 30 or 40 cadets. Here is a proposition to increase by 10 more cadets. There is no limit to propositions of this kind. There is no reason why the number of cadets should be increased, unless the proposition is that we have enough cadets to fully officer the Army, and I do not understand the gentleman himself, the chairman of the committee, would favor that proposition. There is a steady tendency on the part of Congress, though not, I believe, on the part of the Executive at present, to increase the Army; and I dare say, Mr. Speaker, that most of the troubles which the country is now having, and particularly which this side of the House is suffering from in the Philippine Islands, comes from the very large increase in the Army which was made by this Congress two years ago.

Mr. HULL. I yield three minutes to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, I would not speak on this subject, except that there is so much misunderstanding of it. The number at West Point—will the gentleman from Illinois give me his attention, as I am speaking to him especially.

Mr. MANN. I will be glad to give the gentleman my attention at any time.

Mr. PARKER. The number at West Point up to a few years ago, referred to by the gentleman from Illinois, was for an army of 25,000 men. Our Army at present has a minimum of 59,000 men.

Mr. MANN. May I ask the gentleman a question?

Mr. PARKER. Certainly; if you do not consume my three minutes.

Mr. MANN. Is it not a fact that when the Army was 25,000 men only the number of cadets graduated at West Point were more than sufficient to officer the Army?

Mr. PARKER. No, sir; they were not.

Mr. MANN. Why did they keep turning them out into civil life, then?

Mr. PARKER. That was when we had an army of 10,000 men. When we increased to 25,000 the Military Academy was not sufficient to officer the Army.

Mr. CLAYTON. Was it not top-heavy?

Mr. PARKER. We were then appointing from civil life and appointing from the ranks. Now, when our Army has been more than doubled in officers since we had 25,000 men, West Point has been increased about one-third. There is a hundred increase now, and when we get the new increase West Point will be increased about one-third, which is entirely insufficient to furnish the proper proportion of officers graduated from West Point for the present Army. This is the first argument for this amendment. But there is much more to be said.

In the last three years we have had soldiers and officers without homes, serving in the Army all over the world, whose sons want an opportunity to go to West Point, and who are practically without any Congressman to whom they can appeal. The 30 appointments in the hands of the President have been used exclusively for the benefit of those men who are giving their life for the country. It was reduced from 40, years ago, to 20; it has been put up to 30, and 10 more are utterly insufficient for the noble purpose of taking care of these men and giving to them an equal chance with those who live here and have political friends to take care of them.

Mr. Speaker, this is a just amendment on its merits.

Mr. HULL. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HAY. Division, Mr. Speaker.

Pending the announcement of the vote,

Mr. HAY. I make the point of no quorum present and voting.

Mr. RICHARDSON of Tennessee. Will the Chair announce the result of the vote?

The SPEAKER (after the counting). It is evident to the Chair that there is not a quorum here, and the Chair will order the yeas and nays. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in members. Those in favor of the adoption of the conference report will vote "yea;" those opposed "nay;" and those present and not voting will vote "present."

The question was taken; and there were—yeas 88, nays 59, answered "present" 34, not voting 171; as follows:

YEAS—88.

Adams,	Dick,	Ketcham,	Reeder,
Alexander,	Dovener,	Knapp,	Reeves,
Babcock,	Eddy,	Kyle,	Roberts,
Barney,	Esch,	Lacey,	Rumple,
Beidler,	Foss,	Lawrence,	Scott,
Boutell,	Gaines, W. Va.	Littlefield,	Showalter,
Bowersock,	Gillett, Mass.	Lovering,	Sibley,
Brick,	Graff,	Martin,	Smith, Ill.
Bromwell,	Grosvenor,	Mercer,	Smith, Iowa
Burke, S. Dak.	Hamilton,	Miller,	Southard,
Burton,	Haskins,	Minor,	Sperry,
Butler, Pa.	Hedge,	Moody, Oreg.	Steele,
Cannon,	Hemenway,	Morgan,	Stewart, N. J.
Capron,	Henry, Conn.	Moss,	Sulloway,
Conner,	Hepburn,	Mudd,	Sutherland,
Cooper, Wis.	Hildebrant,	Needham,	Tawney,
Cromer,	Hitt,	Olmsted,	Thomas, Iowa
Crumpacker,	Holliday,	Otjen,	Tongue,
Curtis,	Howell,	Overstreet,	Van Voorhis,
Dahle,	Hull,	Palmer,	Warnock,
Dalzell,	Jenkins,	Parker,	Woods,
Darragh,	Jones, Wash.	Powers, Me.	The Speaker.

NAYS—59.

Allen, Ky.	Flood,	McDermott,	Selby,
Ball, Tex.	Gordon,	McRae,	Sims,
Bartlett,	Griggs,	Maddox,	Small,
Bellamy,	Hay,	Mickey,	Smith, Ky.
Burleson,	Hooker,	Moon,	Snodgrass,
Candler,	Johnson,	Padgett,	Spight,
Cassingham,	Jones, Va.	Patterson, Tenn.	Stark,
Clayton,	Kern,	Ransdell, La.	Stephens, Tex.
Cochran,	Kitchin, Claude	Richardson, Ala.	Swanson,
Cowherd,	Kleberg,	Rixey,	Thayer,
De Armond,	Lanham,	Robb,	Thomas, N. C.
Dinsmore,	Lester,	Robinson, Ind.	Williams, Ill.
Dougherty,	Lever,	Robinson, Nebr.	Williams, Miss.
Edwards,	Little,	Rucker,	Zenor.
Fleming,	Lloyd,	Scarborough,	

ANSWERED "PRESENT"—34.

Adamson,	Davidson,	McClellan,	Sparkman,
Benton,	Dayton,	Mann,	Tate,
Breazeale,	Fletcher,	Metcalf,	Taylor, Ala.
Brownlow,	Gilbert,	Meyer, La.	Vandiver,
Burgess,	Griffith,	Pou,	Warner,
Burkett,	Livingston,	Richardson, Tenn.	Wheeler,
Clark,	Long,	Shattuc,	Wiley.
Conry,	Loud,	Skiles,	
Davey, La.	McCall,	Slayden,	

NOT VOTING—171.

Acheson,	Driscoll,	Kehoe,	Ray, N. Y.
Allen, Me.	Elliott,	Kitchin, Wm. W.	Reid,
Aplin,	Emerson,	Kluttz,	Rhea, Va.
Ball, Del.	Evans,	Knox,	Robertson, La.
Bankhead,	Feely,	Lamb,	Ruppert,
Bartholdt,	Finley,	Landis,	Russell,
Bates,	Fitzgerald,	Lassiter,	Ryan,
Bell,	Foerderer,	Latimer,	Schirm,
Belmont,	Fordney,	Lessler,	Shackleford,
Bingham,	Foster, Ill.	Lewis, Ga.	Shafroth,
Bishop,	Foster, Vt.	Lewis, Pa.	Shallenberger,
Blackburn,	Fowler,	Lindsay,	Shelden,
Blakeney,	Fox,	Littauer,	Sheppard,
Boreing,	Gaines, Tenn.	Loudenslager,	Sherman,
Bowie,	Gardner, Mich.	McAndrews,	Smith, H. C.
Brantley,	Gardner, N. J.	McCleary,	Smith, S. W.
Bristow,	Gibson,	McCulloch,	Smith, Wm. Alden
Broussard,	Gill,	McLachlan,	Snook,
Brown,	Gillet, N. Y.	McLain,	Southwick,
Brundidge,	Glenn,	Mahon,	Stevens, Minn.
Bull,	Goldfogle,	Mahoney,	Stewart, N. Y.
Burk, Pa.	Gooch,	Marshall,	Storm,
Burleigh,	Graham,	Maynard,	Sulzer,
Burnett,	Green, Pa.	Miers, Ind.	Talbert,
Butler, Mo.	Greene, Mass.	Mondell,	Tayler, Ohio
Calderhead,	Grow,	Moody, N. C.	Thompson,
Caldwell,	Hall,	Morrell,	Tirrell,
Cassel,	Hanbury,	Morris,	Tompkins, N. Y.
Connell,	Haugen,	Mutchler,	Tompkins, Ohio
Coombs,	Heatwole,	Naphen,	Trimble,
Cooney,	Henry, Miss.	Neville,	Underwood,
Cooper, Tex.	Henry, Tex.	Nevin,	Vreeland,
Corliss,	Hill,	Newlands,	Wachter,
Cousins,	Hopkins,	Norton,	Wadsworth,
Creamer,	Howard,	Patterson, Pa.	Wanger,
Crowley,	Hughes,	Payne,	Watson,
Currier,	Irwin,	Pearre,	Weeks,
Cushman,	Jack,	Perkins,	White,
Davis, Fla.	Jackson, Kans.	Pierce,	Wilson,
De Graffenreid,	Jackson, Md.	Powers, Mass.	Wooten,
Deemer,	Jett,	Prince,	Wright,
Douglas,	Joy,	Pugsley,	Young.
Draper,	Kahn,	Randell, Tex.	

After the completion of the second call and before the announcement, the following took place:

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Can we have an announcement of the vote?

The SPEAKER. It is not yet footed up, the clerks are verifying the statement. The Chair will state to the gentleman also that we are trying to get a quorum.

Mr. RICHARDSON of Tennessee. The House is entitled to know whether there is a quorum present or not.

The SPEAKER. The Chair is not obliged to make the announcement until the footing is completed.

Mr. RICHARDSON of Tennessee. The House is entitled to know whether we have a quorum present or not.

The SPEAKER. The Chair has stated to the gentleman that the Clerk is making the footings.

Mr. RICHARDSON of Tennessee. The House is entitled to know how many members are present.

The SPEAKER. The Chair is not obliged to announce the result until a quorum is reached. The Chair has stated that there is no quorum present.

Mr. RICHARDSON of Tennessee. How many do we lack, Mr. Speaker?

The SPEAKER. The Chair does not know.

Mr. RICHARDSON of Tennessee. I ask for the information of the House that we have stated the number present.

The SPEAKER. The Chair has stated that the Clerk is footing it up and verifying the situation.

Mr. RICHARDSON of Tennessee. I am willing to wait a reasonable time for the additions to be made.

The SPEAKER. The gentleman will have to wait until it is footed up, whether he is willing or not.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I demand that it be footed up within a reasonable time.

The SPEAKER. The gentleman can not control the action of the clerks, who are faithfully trying to discharge their duty.

Mr. RICHARDSON of Tennessee. Nor can the Speaker control the action of the House.

The SPEAKER. The Chair is not controlling the action of the House, but he is waiting for the record to be made up. The gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. The gentleman from Tennessee is only asking that the House be informed——

The SPEAKER. The gentleman from Tennessee is out of order. The Chair has undertaken faithfully to answer the gentleman's question.

Mr. RICHARDSON of Tennessee. I am perfectly willing to wait a reasonable time.

Mr. CLAYTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. There is evidently not a quorum present. Will a motion to adjourn be in order at this time?

The SPEAKER. If seconded by a majority of those present, it will be in order.

Mr. RICHARDSON of Tennessee. I do not think, Mr. Speaker, it would have to be seconded to be in order.

Mr. CLAYTON. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn. As many as second the motion of the gentleman from Alabama will rise. [After counting.] Thirty-six gentlemen rising. The noes will rise. [After counting.] Sixty-eight members rising. On this question those seconding the motion are 36 and those opposed are 68; so the motion fails of a second, and the officers will proceed to make the quorum as originally directed.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Have we waited long enough for the Clerk to make the additions? If so, we would be glad to have the announcement as to how many are present.

The SPEAKER. Under the rule, when a quorum failed to be present, the Chair directed the doors to be closed, the Sergeant-at-Arms to bring in members of the House to make a quorum, the roll was called, and members are now responding in pursuance of that order, so that we may make a quorum to do the business of the country and of this House. When the gentleman first rose there were 17 less than a quorum, as the Chair now ascertains, but members are still coming in.

The following pairs were announced:

For the session:

Mr. METCALF with Mr. WHEELER.
Mr. DEEMER with Mr. MUTCHLER.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. IRWIN with Mr. GOOCH.
Mr. SHERMAN with Mr. RUPPERT.
Mr. KAHN with Mr. BELMONT.
Mr. BOREING with Mr. TRIMBLE.
Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. HEATWOLE with Mr. TATE.
Mr. WRIGHT with Mr. HALL.
Mr. BULL with Mr. CROWLEY.
Mr. YOUNG with Mr. BENTON.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. WANGER with Mr. ADAMSON, except on election cases.

Until further notice:

Mr. STEVENS of Minnesota with Mr. VANDIVER.
Mr. HOPKINS with Mr. SNOOK.
Mr. TAYLER of Ohio with Mr. BOWIE.
Mr. DRAPER with Mr. BURNETT.
Mr. CONNELL with Mr. KLUTTZ.
Mr. BROWNLOW with Mr. PIERCE.
Mr. GILL with Mr. SULZER.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. FORDNEY with Mr. BURGESS.
Mr. TIRRELL with Mr. CONRY.
Mr. WARNER with Mr. CALDWELL.
Mr. MANN with Mr. JETT.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. JACK with Mr. FINLEY.
Mr. WM. ALDEN SMITH with Mr. GRIFFITH.
Mr. MORRIS with Mr. JACKSON of Kansas.
Mr. CRUMPACKER with Mr. MIERS of Indiana.
Mr. RAY of New York with Mr. LANHAM.
Mr. EMERSON with Mr. GILBERT.
Mr. FOSTER of Vermont with Mr. POU.
Mr. SKILES with Mr. TALBERT.
Mr. KNOX with Mr. MAYNARD.

For this day:

Mr. FOWLER with Mr. MCANDREWS.
Mr. SOUTHWICK with Mr. MAHONEY.
Mr. DOUGLAS with Mr. FEELY.
Mr. FOERDERER with Mr. BUTLER of Missouri.
Mr. BURK of Pennsylvania with Mr. BRUNDIDGE.
Mr. ACHESON with Mr. COOPER of Texas.
Mr. PEARRE with Mr. LEWIS of Georgia.
Mr. LESSLER with Mr. LINDSAY.
Mr. BRISTOW with Mr. WILEY.
Mr. PAYNE with Mr. RICHARDSON of Tennessee.
Mr. GILLET of New York with Mr. GOLDFOGLE.
Mr. BLACKBURN with Mr. GLENN.
Mr. BURLEIGH with Mr. GAINES of Tennessee.
Mr. BROWN with Mr. FOX.
Mr. STORM with Mr. FITZGERALD.
Mr. BISHOP with Mr. FOSTER of Illinois.
Mr. BATES with Mr. COONEY.
Mr. BINGHAM with Mr. CREAMER.
Mr. BARTHOLDT with Mr. ELLIOTT.
Mr. BALL of Delaware with Mr. BROUSSARD.
Mr. ALLEN of Maine with Mr. BANKHEAD.
Mr. CORLISS with Mr. HOWARD.
Mr. CASSEL with Mr. HENRY of Texas.
Mr. GRAHAM with Mr. KEHOE.
Mr. COUSINS with Mr. WILLIAM W. KITCHIN.
Mr. CURRIER with Mr. LAMB.
Mr. CUSHMAN with Mr. LASSITER.
Mr. GREENE of Massachusetts with Mr. LATIMER.
Mr. HAUGEN with Mr. MCCULLOCH.
Mr. HUGHES with Mr. MCLAIN.
Mr. LEWIS of Pennsylvania with Mr. DAVIS of Florida.
Mr. LITTAUER with Mr. NAPHEN.
Mr. PRINCE with Mr. NEVILLE.
Mr. MCCLEARY with Mr. NEWLANDS.
Mr. MAHON with Mr. NORTON.
Mr. MARSHALL with Mr. RANDELL of Texas.
Mr. MONDELL with Mr. RHEA of Virginia.
Mr. NEVIN with Mr. REID.
Mr. PATTERSON of Pennsylvania with Mr. RYAN.
Mr. POWERS of Massachusetts with Mr. SHACKLEFORD.
Mr. SCHIRM with Mr. SHAFROTH.
Mr. SHELDEN with Mr. THOMPSON.
Mr. VREELAND with Mr. UNDERWOOD.
Mr. SAMUEL W. SMITH with Mr. WHITE.
Mr. TOMPKINS of New York with Mr. BELL.
Mr. WACHTER with Mr. BRANTLEY.
Mr. WADSWORTH with Mr. WILSON of New York.
Mr. WATSON with Mr. WOOTEN.

For ten days (until July 1):

Mr. BURKETT with Mr. SHALLENBERGER.

Until June 28:

Mr. EVANS with Mr. HENRY of Mississippi.
Mr. JOY with Mr. COCHRAN.

Until June 25:

Mr. STEWART of New York with Mr. BREAZEALE.

For two weeks:

Mr. WEEKS with Mr. SHEPPARD.

Until June 23:
Mr. HILL with Mr. PUGSLEY.
On this vote:
Mr. DAVIDSON with Mr. SPARKMAN.
The SPEAKER. On this question the yeas are 88; the nays 59; answering "present," 33; total, 180. A quorum appears. The ayes have it, and the report is agreed to. The Doorkeeper will reopen the doors.
On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

CONFERENCE REPORT ON SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I call up the conference report on the sundry civil bill. I ask unanimous consent to dispense with the reading of the conference report and the statement, as both of them are in the RECORD this morning.
The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of both the statement and the report. Is there objection?
Mr. RICHARDSON of Tennessee. Mr. Speaker, why omit the statement? That is the only source of information, unless the gentleman himself is going to make a statement.
Mr. CANNON. Because it is in the RECORD this morning.
Mr. RICHARDSON of Tennessee. I know it is. But I do not think putting it in the RECORD ought to dispense with its reading.
Mr. CANNON. Then let it be read.
The SPEAKER. Without objection, the reading of the report will be dispensed with, and the statement may be read.
Mr. RICHARDSON of Tennessee. Mr. Speaker, if I may be permitted to say so in explanation, I think if we get into the habit of simply taking the publication of a statement as sufficient, the last habit will be worse than the other.
The SPEAKER. The Clerk will read the statement.
The Clerk read the statement, to be found in the proceedings of June 20, 1902.
Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.
Mr. BARTLETT. Mr. Speaker, I would like to interrupt the gentleman for a moment, if I may.
Mr. CANNON. Certainly.
Mr. BARTLETT. I think it is all right, but I desire simply to call the attention of the gentleman from Illinois to the fact that there is no provision in this conference report with reference to any amount of money to be appropriated for the public building at Macon. The omnibus public-building bill carried for that city an appropriation of $156,000, $31,000 of which was to be expended in the purchase of additional site for the improvement of the building. Now, the situation is this: In 1899 there was passed by Congress a bill authorizing $58,000 to be expended, and that amount was appropriated for and is available. The Supervising Architect of the Treasury at one time reported to the chairman of the Appropriations Committee that it would be necessary to have appropriated here $50,000. Upon a review of that, he reported that there would not be necessary any appropriation to be made in this sundry civil bill. I have just received a message from the Supervising Architect in which he states that in his opinion the $58,000 appropriated under the act of 1899 would be available for all they could do up to the 4th of March next. Now, the proposition upon which I desire to get an expression of opinion from the chairman of the Appropriation Committee, if he will kindly give it, is, if these are the facts, whether there would be any trouble in using the $31,000 of the amount appropriated for this site? I think that is about as far as we will be able to go.
Mr. CANNON. Mr. Speaker, the gentleman has stated the matter as I understand it. This statement was made very closely by the Supervising Architect, submitted to the chairman of the Committee on Public Buildings and Grounds, and it received his approval. Besides the amount appropriated there is power in the omnibus bill to contract, so that I have no doubt, so far as I am concerned, that there is more than money enough to run the Macon public building up to the 4th of March next, including the purchase of a site.
Mr. BARTLETT. Mr. Speaker, I thank the gentleman for the statement, and I think he understands why I could not permit the occasion to pass without undertaking to see that it was disposed of properly.
Mr. MERCER. Mr. Speaker, there is no question but what the appropriation is ample to comply with all that is necessary, I will say to the gentleman from Georgia.
Mr. CANNON. Mr. Speaker, I ask for a vote on the conference report.
The SPEAKER. The question is on the adoption of the conference report.
The question was taken, and the report agreed to.
Mr. CANNON. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments set out in the report not agreed to. There are quite a number of them and the report states them. Unless there is a separate vote demanded upon some one, or a motion to concur upon some one, I will make the motion in gross.
Mr. GROSVENOR. Mr. Speaker, I want to make a motion to concur to one of the amendments.
Mr. CANNON. Which amendment?
Mr. GROSVENOR. One hundred and sixty.
Mr. CANNON. Then I will modify my motion to that extent.
The SPEAKER. The gentleman from Ohio demands a separate vote upon amendment 160, the Chair understands.
Mr. GROSVENOR. Yes.
The SPEAKER. That one will be left out, and if there is no separate vote demanded on the other amendments the Chair will submit them in gross. The question is on further insisting on the disagreement of the House to the other amendments of the Senate, omitting 160.
Mr. MERCER. Mr. Speaker, before the question is taken, I will ask if the committee of conference agreed on that item with reference to the plans for the Smithsonian building?
Mr. CANNON. Yes.
The question was taken, and the motion agreed to.
Mr. GROSVENOR. I move that the House concur in Senate amendment No. 160, which I wish to have read to the House.
The SPEAKER. The gentleman from Ohio moves that the House recede and concur in Senate amendment No. 160. The Clerk will report the amendment.
The Clerk read as follows:

Memorial bridge across the Potomac River: To enable the Secretary of War to begin the construction of a memorial bridge connecting the Potomac Park with the Arlington estate property, $100,000: *Provided*, That so much of the said amount as may be necessary may be expended for the purpose of securing and determining the proper plans for said bridge, said location and plans to be in accordance with the recommendations of the Secretary of War and to be subject to the approval of the President and Congress: *And provided further*, That the cost of said bridge and the approaches thereto shall not exceed $2,500,000.

Mr. CANNON. Now, Mr. Speaker, I will ask the gentleman from Ohio [Mr. GROSVENOR] whether he desires some time. I should like to see if we can agree about the time.
Mr. GROSVENOR. Some time is requested by gentlemen here on the floor. It has been suggested that we have thirty minutes on a side.
Mr. CANNON. Let us suggest fifteen on a side.
Mr. GROSVENOR. Let us split the difference and say twenty.
Mr. CANNON. There is nothing mean about me. I ask unanimous consent for twenty minutes on a side.
The SPEAKER. The gentleman from Illinois asks unanimous consent that the time for debate on this amendment be limited to twenty minutes on a side, twenty minutes in favor and twenty minutes against. Is there objection?
There was no objection.
Mr. GROSVENOR. Mr. Speaker, I shall only occupy time enough to state what this amendment is. At the request of certain gentlemen connected with the Grand Army of the Republic and interested in this memorial bridge, which has been the subject of a great deal of discussion and Presidential suggestion to the Houses of Congress, I want to support the amendment to make the initial step toward the building of a memorial bridge across the Potomac River that shall connect the city of Washington with Arlington, the resting place of so many of the dead of the Union Army; and I yield so much of the twenty minutes as the gentleman desires to the gentleman from Virginia [Mr. RIXEY].
Mr. RIXEY. Mr. Speaker, this proposition to build a bridge across the Potomac has been pending in Congress for fifteen years or more. It has been before the Senate and the House at almost every Congress. The Senate has repeatedly passed an amendment to the sundry civil bill providing for the building of a bridge to connect the capital with Arlington. Several Congresses ago the House Committee on Interstate and Foreign Commerce reported a bill in favor of building a bridge across the Potomac, the report being made by the gentleman from New York [Mr. SHERMAN]. No action was had upon that bill by the House. In a past Congress—I believe in 1900—a provision similar to this, except that the limit of cost of the bridge in that case was some $5,000,000, came over from the Senate on the sundry civil bill, and a vote was had in the House upon the proposition to build the bridge. It carried on a division, but upon the yeas and nays it was defeated by 116 to 130.
There has never been any recommendation from any Government official against the necessity for building this bridge. As far back as 1893 Secretary Lamont reported in favor of the absolute necessity of connecting the capital with Fort Myer and Arlington. He followed it up in his reports in 1894 and 1895. Secretary Alger made an equally strong report while he was Secretary of War, and the present Secretary of War, Mr. Root, has

recommended in the strongest terms the necessity for building this bridge.

Mr. STEELE. Have these gentlemen to whom you refer always contended that the Government should build this bridge without aid from the State of Virginia or anybody else?

Mr. RIXEY. They have. They have contended, and contended properly, that the bridge ought to be built by the Government. In reply to the gentleman from Indiana, I will say that when this matter was considered by one of the committees while I was present, some one suggested that perhaps the State of Virginia ought to pay a part of the cost of this bridge. I said, "Well, if that is the disposition of Congress, let a proposition be made to the State of Virginia to contribute to the expenditure of building this bridge; but of course if Virginia pays a third or half the expense of building this bridge from the national capital to Arlington, it must have some control over the bridge." The committee at once said they could not consent to that. It does seem to me that this bridge ought to be built, and built by the Government alone. It will be upon property belonging to the Government upon this side and upon the Arlington estate upon the other side. The Government owns the whole of the Potomac River. It owns the property upon this side, and it owns the property upon the other side of the river. This bridge will connect the capital with the national cemetery.

In time past there has been some little objection, perhaps, on the part of some members to voting for this proposition upon the ground that Arlington was not in one sense a national cemetery, but a cemetery for only one section of the country. But if there was ever anything in that contention it has ceased to exist, because since the Spanish-American war Arlington is a cemetery for the dead soldiers of this whole country, and there is no reason, in my judgment, why any member should refuse to vote for the bridge on the ground that it is not the cemetery of the whole country.

Mr. ROBINSON of Indiana. I did not catch the amount of the ultimate cost of this memorial bridge.

Mr. RIXEY. It is not to exceed $2,500,000.

Mr. ROBINSON of Indiana. Does the gentleman think it will be confined within that sum?

Mr. RIXEY. I do.

Mr. ROBINSON of Indiana. And he thinks that bridge ought to be built by the people of the United States or by the United States Government as a memorial bridge because it reaches a cemetery?

Mr. RIXEY. Not simply as a memorial bridge, but it ought to be built because it is necessary, and then it ought to be made a memorial for the soldiers who have died for their country.

Mr. ROBINSON of Indiana. I appreciate the fact that this contemplated bridge connects the gentleman's district with the city of Washington. His district is well represented, and he is performing his duty well; but the city of Washington, without any Representative, seems to be getting more than any other section of the country or any large portion of the country when it is proposed to pay the whole sum out of the United States Treasury. For utility bridges in the District of Columbia the District pays one-half of the cost, but here the memorial feature is shrewdly attached and is urged as a reason why the whole sum should be borne by the United States Treasury.

Mr. RIXEY. The city of Washington in some respects will get more and ought to get more, because it is the only city which is the national capital, and it must have appropriations which are made for that purpose. As I said a moment ago, when interrupted, there has not been any adverse recommendation from the Government, from the Secretary of War, or from the President. There have been four or five urgent recommendations by the Secretary of War, the last being as late as April of the present year. The late President McKinley, in one of his messages to Congress, commended in the strongest terms the building of this bridge. He said, among other things:

> The proposed bridge would be a convenience to all the people from every part of the country who visit the national cemetery, an ornament to the capital of the nation, and forever stand as a monument to American patriotism. I do not doubt that Congress will give the enterprise still further proof of its favor and approval.

Now, Mr. Speaker, when this matter was before the House in 1900, the gentleman from Illinois, who is opposing this provision now, then urged Congress to wait six months before authorizing the building of the bridge. Since that time the Long Bridge here has been separated to some extent, the railroad part being separated from the highway part. The idea has been that the highway part of the Long Bridge would accommodate the travel; but it can not and never will accommodate the travel that would go to Arlington. It is now urged that this new Long Bridge does away with the necessity for the memorial bridge. Let me call your attention to the history of the Long Bridge. In 1867 this Government gave that bridge to the Baltimore and Potomac Railroad on condition that it would keep up the highway part for the traveling public. During the last Congress provision for the building of a separate highway bridge was made, relieving the railroad from all necessity for keeping up the highway part of the old bridge.

The highway part of the Long Bridge could only accommodate those people who lived below the city of Washington, Alexandria and vicinity. There never has been but one bridge connecting this city with Arlington, and that is the Aqueduct Bridge; and every one who has been there on Memorial Day and upon occasions when distinguished men have been buried there knows that that bridge is totally inadequate to accommodate the travel. So great is this travel that it practically stops traffic for business upon the Aqueduct Bridge for many hours during the day.

It does seem to me, Mr. Speaker, that the time has come when this bridge ought to be built. The Government needs it, and I am glad to add my voice and vote for the building of this bridge. I am glad to aid in the construction of what will be a monument and memorial to the patriotism of the solders of this country.

I now yield back the time which is left to the gentleman from Ohio.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from Arkansas, a member of the committee.

Mr. McRAE. Mr. Speaker, I desire to take but little time in the discussion of this amendment, but I do want to say that I am opposed to an appropriation for the construction of a memorial bridge on this bill. If there is necessity for the erection of such a bridge, the Committee on Appropriations has no jurisdiction of that subject. The estimate placed upon the cost of this project is $2,000,000. There is nobody familiar with the scheme that is involved who believes that it can be built for $2,000,000 or that it will be. The estimates for the bridge run all the way from five to seventeen million dollars. A work of this sort ought to be carefully considered by a committee that has jurisdiction of the subject. The plans ought to be worked out in a careful and elaborate way by capable architects and bridge builders. They have not been within the limit here proposed. I hope that gentlemen on this side of the House at least will not vote for this proposition at this time, whether they are in favor of a memorial bridge across the Potomac at the place proposed or not. This is not the time nor the way to do it.

Mr. CANNON. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, a bill in reference to a memorial bridge has been referred to the Committee on Interstate and Foreign Commerce for a number of Congresses, and it has been pending before that committee the entire time during which I have been a member for the last five years. It has been urged, and will be urged by the distinguished gentleman from Ohio [Mr. GROSVENOR], that this is the proper time to commence the construction of a memorial bridge in memory of the soldiers both of the North and of the South. This is a plea which can be advanced with a good deal of strength by the distinguished gentleman from Ohio. It has been a plea which has been urged before the Committee on Interstate and Foreign Commerce, not by the soldiers, not by the Grand Army of the North, not by the Confederate soldiers of the South, but by one or two gentlemen who live in Washington and who purport to represent them. Mr. Speaker, it was called to the attention of the members of the committee that although every one of them, at least from the North, represent districts in which there are large numbers of soldiers no one of the committee had ever been requested by any constituents in his own district, in conversation or otherwise, to support this memorial bridge.

It will be said now that they are all in favor of it. Why, Mr. Speaker, I happen to represent a district like other Northern districts, in which there are a great number, both of Union soldiers and ex-Confederate soldiers, and during the campaign and at other times we come in contact with these men personally. While this matter has been pending before the committee, of which I happen to be a member, and we have had it under consideration time and time again, not one of these people, these ex soldiers both from the North and the South living in my district, has ever mentioned to me the subject of a memorial bridge.

This is an effort now to prostitute the desire to revere the memory of the soldiers for the purpose of advancing a real estate scheme.

The people who are interested in the construction of a memorial bridge, or a bridge of any kind, to cost the fancy sum which is proposed here, are not the soldiers of the North or the South scattered throughout the land, but they are the people in the District of Columbia, and on the other side of the Potomac, who want the construction not only of this fancy bridge, but a fancy roadway running from the bridge down into Virginia.

Mr. RIXEY. Will the gentleman permit me an interruption?

Mr. MANN. Yes.

Mr. RIXEY. How do you account for the unanimous and strong recommendations made by the Secretaries of War? Are they interested in any real estate scheme? How do you account for the recommendation of President McKinley?

Mr. MANN. I have never had my attention called to any report of any Secretary of War or the President in favor of the plan such as is proposed by this amendment. Bridges may be necessary across the Potomac to connect Washington with Arlington. Additional bridges may be wanted, but no one has proposed, so far as I know, the construction of this expensive, purely fancy memorial bridge. If the Government wishes to build a bridge across to Arlington, that is an entirely different proposition. This proposition is to construct a bridge at great cost—first, for the benefit of the property on this side of the river, and second, for the benefit of the property on the other side of the river, to be followed by a road leading down to Mount Vernon, in Virginia, and perhaps farther, for the benefit of property all along the line in Virginia. I protest against this extravagance.

Mr. GROSVENOR. Mr. Speaker, I am delighted to know that my friend who has just taken his seat can always discover a real estate speculation in any project before the House. I think he voted the other day for a scheme that involves $500,000,000——

Mr. MANN. It did not require a discoverer to discover this.

Mr. GROSVENOR. It does not require a discoverer to find $500,000,000 in the real estate speculation in which a large number of trans-continental railroads are interested, for which the gentleman voted a few days ago on the subject of the irrigation of arid lands.

Let us see whether the gentleman has studied the history of this affair. I can only refer to the President's message sent to Congress in 1899 by one William McKinley. After pointing out that it is to be a memorial bridge, a memorial to American patriotism, he states:

The designs are now being prepared, and as soon as completed will be submitted to Congress by the Secretary of War.

The identical proposition here now—

The proposed bridge would be a convenience to all the people from every part of the country who visit the national cemetery, an ornament to the capital of the nation, and forever stand as a monument to American patriotism.

That is what William McKinley said. I have in my hand——

Mr. MANN. If the plans had been prepared, why does the bill provide $100,000 for preparing them?

Mr. GROSVENOR. So as not to be bound by any particular plan.

Now, the recommendation was first made by Secretary Lamont, of the War Department, in 1893; repeated by him in 1894, repeated by him in 1895, urged strongly by Secretary Alger in 1898, and then by Secretary Root in 1899, and then by the message of the President of the United States.

So this is not a new project, but has been recommended and indorsed by all the Secretaries of War since the project took any kind of shape, both in Democratic and Republican Administrations. I now yield five minutes to my colleague.

Mr. WARNOCK. Mr. Speaker, there can be no question, I think, but that some kind of a bridge for travel and traffic connecting Washington with Arlington is necessary. The number of years that this matter has been agitated shows the importance that has been given to this subject by our Secretaries of War and by the different branches of Congress. Lately this has taken a patriotic turn. For many years it was simply under the shape of mere business, and now the President of the United States has recommended that a bridge be built which shall be a memorial to the patriotism and valor of those who have died in defense of their country.

Some gentleman on the other side asked the question if the city of Washington would not get the benefit of this provision. Certainly it would; and the city of Washington, as the capital of the country, has received the benefit not only of this proposed measure, but it has received the benefit of the magnificent Washington Monument, erected to the memory of Washington, the soldier, the statesman, and the patriot. It has received the benefit of the monument to Lincoln; it has received the benefit of the monuments erected to Garfield, and Hancock, and Thomas, and Sherman, and McPherson, and Rawlins, and Farragut, and Logan, and all the other beautiful monuments that dot this city, but among all these monuments there is not one in this city to commemorate the services of the men who carried a musket. It is no argument to say that such a monument as this would inure to the benefit of the citizens of the city of Washington. It inures to the benefit of the whole country.

And what is it to commemorate? To commemorate the valor of more than half a million men who died or were mortally wounded upon the battlefield—to commemorate the valor of more than a million men who were permanently disabled during that conflict.

And I am very glad to see that this proposition is advocated by a member on the other side; a gentleman who, while not of the political faith of this side, believes that it is due to the memory of these men that such a memorial should be erected.

I was very much impressed a few years ago when I made a visit to the South, visiting all the battlefields and the scenes where I had campaigned. It was in 1885, and at a little railroad station where I alighted I was met by 12 or 15 old Confederate soldiers, and the first thing that they asked as I alighted from the train was: "Is there any news from General Grant?" It was during his last, fatal illness. I told them the latest news that the newspapers had published, and was the center of a company for an hour, discussing the condition of General Grant and the country; and to my great amazement, each and every one of those old Confederate soldiers evinced as much anxiety for the recovery of General Grant and as much sympathy as I had manifested. And one of them said with a tear in his eye, "I was one of those men who, at Appomattox, rode away on my horse when General Grant said 'They will need their horses and their mules for their spring plowing.'" General Grant was never greater than when he uttered those words, unless it was a few weeks afterwards when, at Mount McGregor, while suffering from his last illness, he sent out from that sick room the message to the country, "Let us have peace." [Applause.]

And when, some years after, William McKinley became President of the United States he inaugurated and carried on an administration of such broad-minded statesmanship and patriotism that when the hour of trouble came the whole country, North and South, rallied to the defense of the flag. One of the most remarkable illustrations of the changed conditions in this country and of the patriotism that has taken the place of the hostility that once ruled the hearts of those who fought against the flag was witnessed at the second inauguration of President McKinley, March 4, 1901, when Gen. Joe Wheeler, the ex-Confederate cavalry leader, dressed in the uniform of a major-general of the United States Army, rode at the head of one of the divisions in the inaugural parade. Truly, "these are days of rusted swords and shields, of loosened helmets and broken spears." These are days of fraternity. And what more fitting time to commemorate that fraternity than now, while some of the veterans of the great civil war are still alive? What more fitting place than here at the national capital? What more fitting way than by connecting that capital with the State of Virginia and the home of the greatest soldier of the Confederacy?

And now, as the Grand Army of the Republic will hold its national encampment in the city of Washington next October for perhaps the last time, let the appropriation be made, so that the cornerstone of the foundations may be laid and the enterprise dedicated in the presence of these gray-haired veterans. Let the bridge be built as an everlasting memorial to the men who preserved the nation and as an incentive to the highest patriotism and the loftiest devotion to our country's cause.

It is said that in one of the art galleries of France there is an equestrian statue of one of the field marshals. He is represented with a wooden foot in one stirrup, an empty sleeve across his breast, with a patch over one eye to conceal its loss, and with this inscription underneath: "He has scattered his limbs and his blood on a hundred battlefields. His mode of warfare was such that he has nothing left sound but his heart."

That picture is one of the noted pictures of France, and inspires the Frenchmen to the most patriotic effort. So let us construct a bridge connecting the capital with the national cemetery, where 16,000 Union soldiers lie buried, which shall ever inspire us and those who come after us to emulate their great deeds, and to lift us up to the conception of the great principles for which they died.

Mr. CANNON. I hope the gentleman from Ohio [Mr. GROSVENOR] will now use up his time. I am entitled to close, and after I have submitted a few broken remarks I shall be ready for the vote.

Mr. GROSVENOR. How much time, Mr. Speaker, have I remaining?

The SPEAKER pro tempore. Five minutes.

Mr. GROSVENOR. After reading a letter from the Secretary of War to the Speaker of this House, I will yield the remainder of my time to the gentleman from Mississippi [Mr. HOOKER]. The letter is as follows:

WAR DEPARTMENT, *Washington, April 16, 1902.*

SIR: I beg leave to transmit to you herewith a letter from Mr. Thomas S. Hopkins, chairman of the committee on memorial bridge of the Grand Army of the Republic, urging that the corner stone of the proposed memorial bridge to connect the capital city with the heights of Arlington should be laid during the encampment of the Grand Army of the Republic, during the week beginning October 6, 1902. The suggestion is so appropriate, and it seems to me so desirable that the proposed memorial to the enlisted men of the civil war should be begun under the auspices of the survivors of that great struggle, that I have caused to be prepared and transmit herewith also a memorandum showing the history and present condition of the bridge

project; and I venture to express the hope that the request of the Grand Army of the Republic may receive favorable consideration from Congress.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

I now yield the remainder of my time to the gentleman from Mississippi.

The SPEAKER pro tempore. The gentleman has four minutes.

Mr. HOOKER. Mr. Speaker, I regret that I have so short a time in which to speak upon this measure. This subject has been in agitation for a great many years. The inadequacy of the communication between the capital of the nation and the territory which lies adjacent to it has been apparent for many long years. My friend Gen. Eppa Hunton projected for a long time a bridge across the river above the Aqueduct Bridge at a point known as the Three Sisters, there being there three islands, which would furnish opportunity for the structure of the middle pier. A great many other projects have been proposed.

We certainly ought to utilize this great river which comes flowing down from the mountains of Virginia and should make use of it for the ornamentation of the capital in some way or another. All the nations of the world having great streams flowing by their capitals have felt proud to utilize them in this way. In London, where the Thames flows through the heart of the city, they constructed the great London Bridge and the Westminster Bridge. Since that time—in more modern periods—they have built the Victoria Bridge, costing over £2,000,000, and the Albert Bridge, costing about the same, and a great many others. To-day the great ornamentation of the vast city of London is to be found in the magnificent structures which span that greatest stream of commerce, not only in Great Britain, but in the world.

Here we have across this adjacent river—the Potomac—only a structure which is an eyesore to everybody who looks at it. I mean the Long Bridge—a structure which serves simply as a dam and which ought to be done away with. The railroads that own it and control it and utilize it by virtue of grants of Congress ought to be required to raise it so that no drawbridge will be required. There should be long approaches on either side; and they ought to take away that dam, which oftentimes blocks up the waters of the Potomac until your streets leading from this Capitol to the White House are overflowed. I have passed over them when the water would strike the axles of the carriage in which I was riding. That bridge ought to be done away with, and this bridge ought to be built, on scientific principles, on principles of architectural beauty and power combined, that shall make it an ornament of the city, and shall span that beautiful stream which in every way ought to be ornamented, not only in the interests of the capital, for the capital has no interest which is not the country's interest, but in the interests of the people of the whole country; and I hope to see the time, Mr. Chairman, when the State of Virginia, animated by a proper spirit, will cede back, retrocede to the United States, the land originally ceded by the State of Virginia to make the 10 miles district square in which the capital of the nation was to be.

The Seine River, in France, which flows by that most beautiful city, has been spanned by innumerable bridges, which knit together all parts of the city. In their last years' exposition the beautiful bridge spanning the Seine was regarded as the greatest and most beautiful part of that wondrous exposition.

Let us imitate the example of these great cities of the Old World and utilize our own beautiful Potomac, which flows by the doors of the grandest capital of the world, and build this memorial bridge "in memoriam" to the brave soldiers on both sides of our civil strife, which developed on both sides the grandest military genius which has marked any epoch in the history of the world.

Mr. CANNON. Mr. Speaker, if the committee will bear with me for a very brief space of time I will ask for a vote. Sentiment is magnificent and splendid, but sentiment has one danger, and that is that it is seized upon to promote improvements and appropriations that ought not to be made, with or without sentiment. I came to Washington twenty-nine years ago, at the commencement of Grant's second term. The papers were then as full of memorial bridge as they are now. There was quite as much talk about it, and from that time to this there has been a regular round robin. I do not blame my friend from Virginia [Mr. RIXEY] for wanting this bridge built. Why, it is just across the Potomac. I expect if I were situated as he is that I would be for it, too. I do not blame the people of Washington for wanting this bridge built, whether it is necessary or not. I expect if this was my home and my interests were here that I should want it, but it is a very small portion of the 80,000,000 people who would be directly benefited by this bridge.

Now, then, the public service, in my opinion, does not demand it What is the fact? We have an Aqueduct Bridge over here at Georgetown. That leads from Georgetown, this side of the District, over to Arlington. That bridge is now being rebuilt. We have just spent more than $100,000 in repairing it, and in the District bill as returned to us by the Senate, there are sixty-odd thousand dollars more for other repairs. It is to be enlarged, strengthened—practically rebuilt. In the meantime it is being occupied. More than that, the legislation was enacted a year ago to build a highway bridge from within about 2,000 feet of the Monument across to Virginia, at an expense of between five and six hundred thousand dollars. It is not built yet, but the District bill, which I hold in my hand, extends the time two years, by a Senate amendment, to construct that bridge, and increases the cost to a million. Now, that bridge ought to be built; it is a practical measure; it will be built; it is already authorized by law. In my judgment the location ought to be changed to about Seventeenth street on this side, and to land on the other side at Arlington, and it can be built for less money in that way.

Mr. RIXEY. Mr. Speaker, I understand that that bridge is simply to take the place of the Long Bridge, which is now in existence.

Mr. CANNON. Oh, no; the railroad has nothing to do with it. The railroad builds its own bridge.

Mr. RIXEY. I understand; but there is a bridge now for highway travel over that bridge.

Mr. CANNON. Oh, it is a joint bridge.

Mr. RIXEY. This bridge simply takes the place of that highway bridge.

Mr. CANNON. Precisely; and so far as I am now advised, and so far as I am concerned, when the limit is enlarged to a million of dollars I am one member who will insist on its being moved up to Seventeenth street on this side and Arlington on the other. It is not a memorial bridge, but a bridge that is needed. Well, now, when we get that which is already authorized we will have gotten all that is needed.

Mr. RIXEY. I dislike to interrupt the gentleman again. I might agree with his proposition to remove the Long Bridge to Arlington, except for one thing, the present Long Bridge, the highway part of it, accommodates many thousands of people upon the other side. Enterprises have grown up there, and if you take away the highway bridge from its present location and move it to Arlington, those people have no way of getting into the city. It would involve much inconvenience and much loss.

Mr. CANNON. Oh, it is not a very great move; but then I am not discussing that. That will take care of itself. The Aqueduct Bridge at Georgetown being rebuilt, and now occupied, this highway bridge already authorized, and proposing to increase its cost to a million, will make quite all the bridges that we need.

Now, what is the proposition? The highway bridge, half and half. The Aqueduct Bridge that is being rebuilt, half by the District and half by the United States; this memorial bridge, all by the United States. To cost how much? Two millions and a half; to be built between the highway bridge and the Aqueduct Bridge. Well, now, that two million and a half will not cover the cost. The plans already made run from five to seventeen million dollars, and in the name of the flag and an appropriation, with the surrounding of sentiment, the Father only knows what it will cost before it is done if we commence. Now, there are other things that the District of Columbia needs worse. It needs more water and better water. It needs more sewerage and better sewerage. We have already authorized a municipal building that will cost, when it is done, over $2,000,000, although the limitation is under that. There are lots of things that need doing here. We need to reclaim the Eastern Branch far more than we do to have this bridge, in order to keep the people up there from shaking to death with the chills and fever. There are a hundred things that the plain people, the multitude, the hundreds of thousands that are in Washington, and that come and go, need far more than they need this memorial bridge. You can not do all these things at once.

Now, if I thought there was any danger of the House voting to concur with the Senate in this appropriation, I would move an amendment making it half and half, half to be paid out of the District revenues and half out of the United States Treasury. But I hope and believe that the good sense and good judgment of the House will be against the proposition, at least at this time, and I am inclined to think for all time. We have memorials on the battlefield at appropriate places. Why, you could build a balloon as a memorial. You can build anything and call it "in memory of." Now, the gentleman from Ohio [Mr. GROSVENOR] read a letter from the commander in chief of the Grand Army of the Republic. I have great respect for him. I do not know who asked him to write it, but if I had the power to call up every soldier of the Union and Confederate armies and they would listen to a plain statement of the facts, if I did not have nine out ten against this proposition I would miss my guess.

The Secretary of War has recommended it, yes. Well, now, public officials recommend a great many things which we do not

do. That is their business—to recommend. It is our business to breathe the breath of life into legislative propositions and make them living things. Our function is entirely separate from that of the Executive, and this recommendation does not meet my approval as one member of the House. Therefore, I will ask a vote, and trust that the motion of the gentleman from Ohio [Mr. GROSVENOR] to concur in the Senate amendment will be voted down.

The SPEAKER. The gentleman from Ohio moves that the House recede from its disagreement to amendment No. 160 and concur in the same.

The motion was rejected.

The SPEAKER. The question now is on agreeing to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CANNON, Mr. HEMENWAY, and Mr. MCRAE.

PHILIPPINE GOVERNMENT.

The SPEAKER. Now, in pursuance to the order, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, and the gentleman from Massachusetts [Mr. GILLETT] will take the chair.

[Mr. ADAMS addressed the committee. See Appendix.]

Mr. REEVES. Mr. Chairman, I am in sympathy with the Administration in its policy pertaining to the Philippine Islands. I am in favor of the indefinite retention by this Government of the Philippine Islands. By indefinite retention I mean simply retention until such time, if such time shall ever come, when the changed condition in the affairs of the world, and particularly in the Philippine Islands, shall make it appear to be for the best interests of the people of the United States and of the people of the Philippine Islands that a separate and independent government should be established for them.

I will join heart and hand with the most ardent lover of liberty, but it must be that liberty which redounds to the peace, comfort, prosperity, and happiness of the whole people, and not in that misconception of liberty which gives unbridled license to the few to practically enslave the many, either in the name of home rule or in the sacred name of liberty itself. If our occupation and sovereignty in the Philippine Islands is not beneficial to the Philippine people, then we should speedily retire from the islands. If our occupation and sovereignty in the Philippine Islands works an injury to the people of the United States, then as speedily as can be done with honor to ourselves as a nation we should surrender the sovereignty and retire from the islands. If, on the other hand, our occupation and sovereignty of the Philippine Islands is a benefit at once to the people of these islands and to the people of the United States, then clearly we should retain the possession and sovereignty of these islands.

The inhabitants of the Philippine Islands now and for a long time have been divided into about eighty tribes. They range in their condition of intellectual development all the way from the lowest and most barbarous species of mankind to a high order of intellectual enlightenment. Of the latter class there are relatively few. By far the greater number are in that lower stage of intellectual development. Of the more enlightened tribes it has been estimated that not to exceed one-tenth of them can read or write. Of the tribes in the lower stage of intellectual development, scarcely any of them can read or write.

Of all of these tribes the Tagalog is the most warlike and perhaps the most intelligent. At the close of our war with Spain there was an armed force of Filipinos. This armed force consisted mainly, if not wholly, of the people of the Tagalog tribe. Aguinaldo was the chief or president. They had in name at least a congress. Under these conditions it will not be denied that whatever of government there would have been established in the Philippine Islands, if we had yielded our sovereignty, would have been under the leadership of Aguinaldo and his government. In determining whether our occupation of these islands and the maintenance of our sovereignty there are of advantage or disadvantage, a blessing or a curse, to the people of the Philippine Islands, we must take into account what this government of Aguinaldo would have been if we had come away.

We must take cognizance of known facts concerning Aguinaldo and his government. The Filipinos under the leadership of Aguinaldo and a few others had been in insurrection against the Spanish Government. Rebellion had followed rebellion, insurrection had followed insurrection for many years, until the islands were in a chronic state of war. In this condition of affairs Aguinaldo accepted a sum of money from the Spanish Government, said to be $400,000, and left the Philippine Islands, going to Hongkong, China. The claim was made for him afterwards that he accepted this money for the purpose of using it in aid of the Philippine insurrection. This is the excuse or apology that has been offered in palliation of his acceptance of this bribe.

I do not believe that his environment at that time and his conduct afterwards justify the claim; but if this claim is admitted, it showed him to be capable of entering into a bargain for a money consideration with the Spanish Government to leave the islands and desist from further rebellion against the authority of Spain, with a full purpose then present in his heart of violating that agreement, treacherously obtaining the money and using it to further the cause which he was agreeing to abandon. While I do not believe that the facts, circumstances, and surroundings in which he was then placed justify the belief that he was prompted by any patriotic motives, however misconceived they were in point of honor, yet in either event it shows the character of the man unmistakably.

After remaining for a time at Hongkong he started to Europe, stopping on his way at Singapore. There he met an Englishman by the name of Bray, who had lived for thirty years at Manila, and with whom Aguinaldo was well acquainted. It has been published, and I think reliably so, that this Englishman advised him that he should return to the Philippine Islands; that in the scenes then being enacted in the world it was quite within the range of possibilities that an empire could be formed in the Philippine Islands and that he, Aguinaldo, could become Emperor. Heeding this advice, he returned to Hongkong and gained permission to return to Manila on one of Dewey's ships.

Again he joined the forces of the Filipino insurgents. Then it was that the claim was put forth in his behalf that he had accepted this sum of Spanish gold as a means of furthering the cause of the independence of the Filipinos. His course from that time on is current and familiar history. He became the head of the insurrection and of the so-called Philippine government. By whatsoever title he was called, no one will deny that he was in fact dictator. The so-called Philippine congress was but his subservient instrument to register his decrees. He was, in fact, the supreme dictator in a small oligarchy, which held, as in the hollow of their hands, the destinies of the Philippine people.

If, after our treaty with Spain had been entered into, we had yielded the sovereignty of these islands and withdrawn our forces from them, if no other nation had intervened, then whatever of government would have been established in the Philippine Islands would have been under the absolute control and dictatorship of Aguinaldo. It would have been a government of the approximately 80 tribes constituting the people of the Philippine Islands by the Tagalog tribe, and the government of the Tagalog tribe by Aguinaldo in fact.

Where, in this broad land of ours, is there to be found the intelligent lover of liberty—the man who grasps to its full extent the meaning of liberty, the humanitarian, the lover of peace, the man imbued with the Christian sense of charity, the man desiring and laboring for the upbuilding of mankind—who believes that such a government, formed under such environments, would have been for the best interests of the people of the Philippine Islands? Instead of liberty, despotism would have reigned. The wheels of progress would not have turned. The barbarous tribes of the islands would have remained barbarous. The civilizing and enlightening influences of the world would have been shut out, and the advance of Christian civilization and intellectual development of the world would have been retarded until, in the evolution of conditions in the world, these people had been rescued from their state and condition by some more enlightened nation of the world.

If the people of the United States organize and establish a government in the Philippine Islands, what will be the character of that government? What kind of a government is it possible for the people of the United States to establish anywhere? Whatever knowledge from a scholastic standpoint the people of the United States may have in the various forms of government of the earth, yet so imbued with the republican form of government are we that it would be impossible for us to establish any other form of government anywhere under any circumstances. It matters not what political party of the United States may for the time being be in the ascendency, whether the Administration be Republican or Democratic, the duty devolving upon the Administration to form a government in the Philippine Islands can result in nothing but a republican form of government.

So thoroughly are the people of the United States imbued with the principles of a republic that we could no more establish any other form of government elsewhere over any territory of which we may become possessed than we could tolerate any other form of government here. Almost immediately and before the insurrection in the Philippine Islands is entirely subdued, in our provisional government and in the government proposed by this bill, the forms of an embryo republic were being observed. Order

was restored, sanitary conditions improved, protection of life and property observed; the habits, wishes, characteristics, and conditions of the people taken into account and as far as possible respected; the weak protected against the strong, executive officers selected from among the people, proper systems corresponding to our own in collecting revenues adopted, governmental functions economically administered, systems of education devised and fostered; schoolhouses built, teachers employed, the rights of individuals taught and protected; religious freedom respected and protected, the spirit of a just and true liberty inculcated, and the inalienable rights of life, liberty, the enjoyment of property, and the pursuit of happiness taught, fostered, and protected everywhere. When in the treaty of Paris the United States refused to turn back to the control of Spain the Philippine Islands, we showed our sense of duty, obligation to, and protection of these people.

When we paid Spain $20,000,000 for these islands, we showed our appreciation of the rights of the Spanish people. We recognized the value of public improvements in these islands made by the Spanish people. We proclaimed to the world our sense of justice and showed ourselves capable of being just and fair to a vanquished foe. When the more intelligent portion of the Philippine people saw that we at once protected them from the malignant influences of Spanish dominion, protected them from the tyranny of the Spanish Government and yet dealt justly and fairly and honorably with a people whose power we had overthrown, and who were in no position to be other than suppliants at our feet, these more intelligent Filipinos saw at once not only that they could trust the people of the United States, but that their best interests were to be subserved by not only submitting to, but in gladly accepting the sovereignty of the United States and a government established by our people. They beheld a new conception of liberty—a new conception of government.

The less intelligent portion of the Filipino people could not understand it. When our Army took prisoners the armed Filipino insurgents, they expected death. When their wounds were dressed, their sickness cured—when they were fed and clothed, and their liberty restored—they did not understand it. They had no real, true appreciation or understanding of the American conception of liberty and justice. They could not attribute it to a sense of honor and justice. They interpreted it to be the result of a fear. At first a fear of the Filipinos themselves, and it made them arrogant, bold, and cruel toward the American soldiers. When it became necessary to make them feel the strong arm of the American Army, and a campaign was organized that routed them at every turn, they changed their opinion of the Americans.

They no longer thought the American soldiers to be in fear of the Filipinos, yet they could not and did not grasp the idea of the spirit of the liberty and justice of the American people. They concluded that we were afraid of somebody or something, they knew not whom or what. They admitted the bravery of the American Army, but they did not comprehend the spirit of the government to be established. But more recently they are coming to catch the spirit of fair play, of justice, of humanity, of kindness, of helpfulness that the American policy in the Philippine Islands is slowly but surely teaching them. Nearly all of the real leaders of the Filipino people have accepted American sovereignty. Overcome by the sense of good that is to follow and is following in the wake of American influences, they are advising their people that it is for their own best good to accept American sovereignty, American policies, and American ideas of justice and liberty.

Does any man doubt that in a government of the Philippine Islands, established and maintained by the United States, that the people will be protected in their lives, their liberty, their property, and their religious freedom? Does anyone doubt that the schoolmaster is already there, and that more of them will go, and that education will become general and in time universal; that civilization will advance and that a new and higher conception of morality, justice, and liberty will be taught these people? Does anyone doubt that in any government established by the people of the United States that education of these people will be fostered; that the revenues of these islands will be honestly and properly collected, and that they will be expended in the interests of and for the benefit of the people of these islands?

Does anyone doubt that the affairs of government will be economically administered, and that as fast as prudence will permit, good sense suggest, and reasonable care allow, that the people of these islands will administer the affairs of their own government; that, in truth and in fact, this government will be a republic, notwithstanding the fact that the sovereignty of these people will be held and maintained by the people of the United States? That fact will redound to their own protection. Every administrative feature of the government will in time be administered by their own people, by officers selected by themselves, held responsible by the strong arm of the American Republic for a just, an honest, an economical, and a prudent administration of public affairs in the interests of the people themselves. In establishing a government such as I have predicted are we doing violence and wrong to a people whose condition was such that if we had not done this a government by Aguinaldo, in the manner that I have suggested, would have been established? Any hysterical plea, falsely made in the name of liberty, shall not prevent this Republic from giving to the people of the Philippine Islands a real liberty, a government established in the interests of justice and humanity instead of one of tyranny in fact, yet constructed in the name of liberty by Aguinaldo and his followers.

In considering this question from the standpoint of the American citizen, numerous factors and conditions must be taken into account. Simply to say that war is expensive or that it costs us much to carry on war, and stop at this, is to fail utterly in a proper consideration of the question. To consider the question first from a commercial standpoint, let us take into consideration some existing facts and figures.

In 1890 the people of the United States consumed 6.09 bushels of wheat per capita. In 1894 these same people consumed 3.44 bushels of wheat per capita, or an underconsumption of wheat for 1894 as compared with 1890 of 2.65 bushels per capita. The population in 1894, estimated at something over 67,000,000 of people, shows an underconsumption of wheat for 1894 as compared with 1890 of more than 175,000,000 bushels.

In 1890 the consumption of corn in the United States was 32.09 bushels per capita. In 1894 the consumption of corn was 22.96 bushels per capita, or an underconsumption for 1894 as compared with 1890 of 9.13 bushels per capita. Again estimating the population at something over 67,000,000 of people, the underconsumption of corn for the year 1894 as compared with the year 1890 was over 600,000,000 bushels. In 1895 the consumption of corn in the United States was only 17.18 bushels per capita, an underconsumption as compared with 1890 of 14.91 bushels per capita, making a total underconsumption of corn for the year 1895 as compared with the year 1890 of over 1,000,000,000 bushels in the United States. The great depression in business from 1893 to 1897 as it bore upon the farming industry of our country can at least be partially measured by these figures. The idleness of manufacturing institutions, the inactivity of the railroads, the shutting down of the coal mines, in short, the idle condition of labor and the low wages paid to labor, contributed to this great underconsumption of food products and in a large measure destroyed the home market for the farm, thus emphasizing most vividly the necessity of extended markets for the farm.

I desire to call attention to a few comprehensive figures, indicating the condition of our country, from which conclusions of the greatest importance to the people of the United States may be drawn. In 1890 there were 239 cotton factories in the South, operating 1,554,000 spindles, representing a capital investment of about $54,000,000. In 1900 there were 395 cotton factories in the South, operating 4,233,000 spindles and representing a capital investment of $123,000,000. The value of the product of these factories in 1890 was estimated at $42,000,000; in 1900 at $94,000,000. The number of wage-earners in these factories in 1890 was 37,000, who received in wages about $8,000,000. In 1900 the number of wage-earners in these factories was about 96,000, and they received in wages something over $17,000,000.

In 1890 the value of the products of the manufacturing and mechanical industries of all kinds in the United States was placed at $4,603,000,000, while in 1900 it is placed at $6,118,000,000, or an increase during the decade of $1,515,000,000, or about 33 per cent. The amount of capital invested in these manufacturing industries in 1890 was $3,782,000,000, while in 1900 it was $5,435,000,000, or an increase of capital invested in manufacturing during the decade of $1,653,000,000, or nearly 44 per cent. In 1890 the average number of wage-earners employed in manufacturing industries of the United States was 1,924,000, and their wages amounted to $786,000,000, while in 1900 the number of wage-earners was 2,307,000, and their wages amounted to $973,000,000.

In 1890, according to the census returns, the total value of the agricultural products of the United States amounted to $4,739,000,000. On June 1, 1900, the total value of farm property, embracing land improvements, buildings, implements, and machinery and live stock, amounted to $20,514,000,000. The value of land improvements was $13,115,000,000; that of the buildings, $3,560,000,000; that of the implements and machinery, $761,000,000, and that of the live stock $3,078,000,000, while in 1890 the total value of farm property comprised in these four items amounted to $15,982,000,000. The value of farm products for the year 1889, as shown by the census of 1890, is $2,460,000,000, but it is generally conceded that this estimate is much too low, and accordingly no fair figures exist upon which to make comparison for the years 1889 and 1899 of the total value of farm products in the United States.

We exported for the fiscal year ending June 30, 1901, products to the total value of $1,460,462,806, of which amount $951,628,331 was agricultural products. The remainder of $508,834,475 was the product of the factory, of the mine, of the forest, and of the fisheries. The annual average of total exports for five years from 1895 to 1899, inclusive, for the United States is $1,136,000,000, of which $752,000,000 is agricultural products. For the same period exports from the United Kingdom were $1,166,000,000, of which $78,000,000 was agricultural products; Germany $878,000,000, of which the agricultural products was $181,000,000; France $696,000,000, of which $258,000,000 was agricultural products; the Netherlands $567,000,000, of which $263,000,000 was agricultural products; Russia $349,000,000, of which $295,000,000 was agricultural products; Austria-Hungary $326,000,000, of which $131,000,000 was agricultural products; Australasia $361,000,000, of which $213,000,000 was agricultural products; Italy $224,000,000, of which $131,000,000 was agricultural products.

The total imports into the United States for the year ending June 30, 1901, was $823,000,000, of which $392,000,000 was agricultural products, $314,000,000 manufactured products, and the balance from the forests, mines, and fisheries.

I desire also to invite attention to a few additional facts and figures pertaining to the cotton industry of the United States. For the year ending June 30, 1890, we exported to Asia 841,959 pounds of raw cotton, valued at $85,211. For the year ending June 30, 1900, we exported to the same place 168,009,168 pounds of raw cotton, valued at $13,228,269. Of cotton manufactures we exported to Asia for the year 1890 products valued at $1,730,610, and for the year ending June 30, 1900, the same products to the value of $11,064,629, and to Oceania for the year ending June 30, 1890, products valued at $551,006, and for the year ending June 30, 1900, the same products valued at $1,297,693, or a total value of manufactured cotton goods in 1890 to Asia and Oceania of $2,281,616, and of the same products for the year ending June 30, 1900, $12,362,322, or, stated differently, for the year ending June 30, 1890, raw cotton and manufactured cotton to Asia and Oceania to the value of $2,366,827, and for the year ending June 30, 1900, $25,590,591, or an increase of nearly 1,000 per cent.

Nothwithstanding the development of our country, and the volume of business being done as partially indicated by these figures, we can not draw safe conclusions without taking into account our possibilities of continuing this development. Iron and coal are the essential bases for much of our manufacturing. Of coal England has left only 12,000 square miles, Germany about 2,000 square miles, the United States over 200,000 square miles. In the year 1900, according to the Geological Survey, the United States produced 241,000,000 long tons of coal, Great Britain 225,000,000 long tons, and Germany 147,000,000 long tons. The total production for the world in 1900 was estimated at 754,000,000 long tons. The export of coal from the United States for the year ending June 30, 1901, was 7,675,549 long tons, with a value of $22,317,496. The United Kingdom exported during the calendar year 1900 44,089,000 long tons, valued at $177,187,000, and Germany, during the same calendar year, exported 15,086,000 long tons, valued at $51,732,000.

England and Germany, looking to their future interests, are today discouraging the exporting of coal. The United States may reasonably anticipate in the comparatively near future an increased export of coal worth from $100,000,000 to $150,000,000 annually. In the calendar year 1900 the United States produced 27,553,000 long tons of iron ore, while Great Britain produced in the same year 14,028,000 long tons and Germany 18,665,000 long tons. During the fiscal year 1901 the United States exported iron and steel to the value of $32,160,750 and manufactures of iron and steel to the value of $85,158,570. In the calendar year 1900 the United Kingdom exported iron and steel to the value of $122,160,000 and manufactures of iron and steel to the value of $183,421,000, while Germany exported iron and steel to the value of $38,313,000 and manufactures of iron and steel to the value of $135,546,000.

Taking all of our productions of all kinds into consideration, we have been increasing in production faster than England, Germany, and France combined, and are to-day moving forward in that comparative rate. Mulhall, the great English statistician, estimates the average value of the production of the European workman, averaging all of Europe, at about $450 per capita. In 1890 the average value of the American workman in all of the manufacturing and industrial arts was but a trifle under $2,400, while in 1900 the average value of the production of these American workmen was a little more than $2,650. The increase in agricultural products for the year 1900 can fairly be stated to be $750,000,000 in value in excess of the value of the farm products for 1890. These figures, however, on the increase in the farm products are but an approximation, the data not being at hand for exactness. In manufacturing institutions the number of wage-earners has increased from 1890 to 1900 about 20 per cent; the volume of capital invested has increased about 44 per cent, and the value of the product has increased about 33 per cent.

As I have already stated, the total value of our imports for the year ending June 30, 1901, is $823,000,000, while the total value of our exports is $1,460,000,000, the excess of exports over imports being $637,000,000.

While we are increasing in our production faster than any other nation in the world, yet we are not the only nation that is increasing in its production. The principal European countries are developing and increasing their production, and are having more of the product of labor and capital to put upon the markets of the world year by year. What is to become of this surplus product of the more highly enlightened nations of the earth? Conditions in the world point unerringly to Asia as the future great market place for the surplus products of the more enlightened nations of the world. Less than twenty years ago the total value of imports into Japan did not exceed 50 cents per capita of her population.

The doors of Japan were opened to the influences of Western civilization, and one of the direct results has been that Japan is to-day importing into her country about $6 in value per capita of her population. If the same influences that produced this result in Japan will produce a similar result in China, then there will be opened in China in the comparatively near future an annual market of $2,500,000,000 for the surplus products of the more greatly developed and progressive countries of the world. European statesmen are recognizing and taking cognizance of this condition of affairs. England, France, Germany, Russia, and Italy have been forcing an entry into China. They have entered different portions of China, and, having acquired some species of settlements or possession of some port, have at once laid claim to a portion of China which they have denominated their sphere of interests or their sphere of influence. What do these countries, or any of them, want with a sphere of influence in China? What is the nature of the influence or interest that these different countries claim in China, and what is its significance?

Recognizing Asia as the future market place of the world, they have been trying to establish some species of rights in some portion of China, which means simply that they are trying to control the markets of a portion of China for the benefit of the people of their respective countries. England, with her extensive manufacturing interests, contended for the open-door policy. Russia was undoubtedly the strongest opponent of that policy. She has been England's rival in the East, and having in mind the future of her own people, was an opponent of the open-door policy of trade. France, allied with Russia offensively and defensively, and having a portion of China in which her influence was to be supreme, or, in other words, in which she was to control the markets, acquiesced in Russia's policy.

Germany, having her sphere of influence, was at least passive, and offered no obstacle to the policy of Russia. Italy, too, was having her sphere of influence, and was therefore passive in the struggle. It is a well-known fact that in 1898, while England had not abandoned the open-door policy, she had nevertheless practically ceased opposition to the more aggressive policy of Russia, and the commercial division and partition of China was well-nigh an accomplished fact. While Russia, and Germany, and France, and Italy, and England were each having their sphere of influence in China the United States and her people were being ignored, and the great benefit of this great future market was being taken from her.

At that moment a crisis in the affairs of the world developed; an effete monarchy of Europe, holding possession of Cuba by right of discovery, had so misgoverned and mismanaged the affairs of those people, had so oppressed and robbed them, that the people of the United States, practically as one man, rose up and demanded that we should drive Spain from this continent and put an end to the miseries of Cuba. We declared war upon Spain. All of us expected the scene of war to be in Cuba, but we had an old fifth-grade squadron of the American fleet stationed in Asiatic waters; Spain had a squadron or a fleet in Manila Harbor. Our little squadron was in command of a valiant and intrepid sailor, and upon orders from President McKinley Dewey sailed into Manila Bay, and on that memorable 1st day of May destroyed the Spanish fleet and practically took by force of arms the sovereignty of the Philippine Islands from Spain. It was not a premeditated act to obtain the sovereignty of these islands. It was but an act of war to break down and destroy the forces of an enemy.

But notwithstanding want of premeditation on the part of the United States, we had supplanted Spain in her right to the Philippine Islands. We had conquered them from her. The treaty of peace followed, and the sovereignty of the Philippine Islands was formally ceded to the United States. This act gave this nation of ours, as viewed from the standpoint of international comity, no less than in fact, the right to a voice in affairs in the East. President McKinley, with unerring judgment, saw the advantage that was to come to the American people in the future by having

rights in the East which gave us the opportunity for a voice in affairs there. One by one our war ships were quietly sent to the Philippine Islands, until presently it came to pass that we were stronger in our fighting machinery in Asiatic waters than any other nation in the world.

Our little Navy had given two exhibitions of her prowess which were object lessons to the world. Then it was that President McKinley directed the Secretary of State to take up with the European nations the question of the open-door policy of trade in China. In September, 1899, our Secretary of State, Mr. Hay, communicated through our ambassadors with the Governments of Russia, Germany, France, England, and Italy, making known to these countries that we claimed a voice in the affairs of the East and insisted upon the open-door policy of trade in China. Communications passed back and forth diplomatically between the United States and each of these countries; one by one they saw the justice of the demands of the United States, and one by one they gave written and signed statements accepting and acquiescing in the open-door policy of trade for China, until finally, on March 20, 1900, our Secretary of State sent his notice to the Governments at London, Paris, Berlin, St. Petersburg, Rome, and Tokyo notifying each Government of the acceptance by the others of the open-door policy of trade.

England hailed this achievement, in the accomplishment of which she had failed, with delight, and the world recognized the greatest achievement of modern diplomacy. Thus was broken up the so-called spheres of influence of the different European countries in China; thus was prevented the commercial division and partition of China, and thus was preserved to the people of the United States an equal advantage and equal opportunity in this future great market for the world's products. This great benefit to the commercial interests of the people of the United States was made possible by the fact that we had possessions in the East and therefore had the right to a voice in this matter.

With our great surplus production in this country and its increasing development, where would we have found a market place for it in the future if we had not seized this opportunity and secured this open-door policy of trade in the Orient? If we fail for any reason in a market place, then our advancement in commercial development must cease. Already we have a large surplus in excess of our home demands. Whenever the day comes that our manufacturing institutions must suspend operations, then will the wage-earners become idle either all or a part of the time. When that day comes, then will there be great depression in business. When that day comes the home market for the farmer will be partially destroyed. Already we have a surplus of over $900,000,000 in farm products. Let industrial depression come for want of a market for its output and down will go the price of farm products. In short, stagnation will be everywhere followed by inevitable suffering and distress of the people, and this wonderful development and progress that has come to our people and that has marked us as the most wonderful nation in the world will be a thing of the past. We must hold fast these opportunities with an iron hand, as we value the prosperity, the comfort, and the happiness of our own people.

But says some one: This commercial spirit is not patriotism; this desire for wealth and money making is beneath the dignity of a true patriot; that its influences are base and low. If this be true, then indeed has patriotism vanished from the world. For wherever civilization is greatest there in the most exalted degree is to be found the desire on the part of the whole people for this commercial activity and prosperity. Is it beneath the dignity and lofty patriotism of statesmen so to legislate and so to use the power and influence of a nation as that it will redound to the greatest good, to the greatest comfort, and the greatest happiness of their people?

Is it unpatriotic for the statesmen of the United States so to use the power of this great Government of ours as that the people of this country shall have equal opportunity and equal facilities for the full development of our country internally and an equal opportunity in the markets of the world for our surplus production? Patriotism is love of country, but love of country is love of the institutions of the country. The institutions of the country are inseparable from the policy of their management, and all are unworthy unless they conduce to the comfort, the happiness, and the prosperity of the people as a whole. Love of country not only implies love of her institutions, but love of that policy and management of her affairs that leads on to the prosperity and well-being of her people. A proper care for the financial prosperity of the people is one of the great elements of true patriotism and love of country. [Applause.]

I conclude, then, that we will give to the people of the Philippine Islands a better government than they are capable of giving themselves. We will protect the weak from the strong; we will establish a government that will administer justice, that will foster education, that will respect the religious faith of the people, that will give them a real liberty and protect them in it until they can protect themselves. We will do them no wrong, but in all we do there shall be constantly before us the upbuilding and bettering of their condition. We will not make them slaves nor will we let them enslave themselves. We will not let them run to tyranny and anarchy, but we will give them liberty and order. We will not be afraid of ourselves, but will give them, as provided in this proposed legislation, a bill of rights containing every limit of safety to the liberties of the people that civilization has devised up to this day. [Applause.]

While doing this for the Filipino people we will protect the interests of the people of the United States. We will take advantage of the opportunities which the God of Nature seems to have given to our people. We will do our share in the upbuilding of the people of the world. We will live up to the full measure of responsibility that duty, honor, justice, and patriotism shall demand of us. And does anybody think this work will stop? We are moving in a channel the current of which is irresistible. History, or at least archæology, justifies the belief that the white man first appeared in this world upon the eastern slopes of the Himalaya Mountains. He was then, as now, in disposition a traveler, a nomad. He climbed over the mountains and followed the setting sun, and when ages had passed the Roman Empire appeared.

When another great era had passed, the Roman Empire disappeared, and London, Liverpool, Berlin, and Paris became the great centers of commerce and human activity. And when another great era had passed this same white man crossed the Atlantic Ocean, and he builded cities upon the American continent and now has crossed the continent, carried his activity to the Pacific Ocean, and to-day, unconscious of it though we may be, we are in the midst of another great event. While we are here discussing what shall best be done for the people of the Philippine Islands, this same white man is just stepping across the Pacific Ocean and planting himself in eastern Asia, and it will be only a short time when he will have encircled the earth and be found again on the eastern slope of the Himalaya Mountains.

Wherever he has gone his civilization supersedes all others; the colored races of the world yield to him, and his civilization becomes their civilization. What has been the trouble in China in the last few years? We say it has been an uprising of the Boxers. But what does that signify? What does that mean? What was the real trouble in China? It was nothing more nor nothing less than the resistance of the old civilization of China against the advancing civilization of Europe and America. This younger, stronger, Christian civilization of Europe and America is knocking at the doors of China to-day, and the revolt that has been there is but the effort of resistance against the onward march of the Christian civilization of the world.

Will China successfully resist this civilization? Will it be stopped? That were impossible. Victor Hugo, writing of the battle of Waterloo, said, in substance, Wellington did not conquer Napoleon. That were impossible. It was the mighty hosts of the universe led on by the hand of an infinite God, for the change of front for the civilization of the nineteenth century. So say I to you to-day. The old civilization of China can not resist the younger, newer, stronger Christian civilization of Europe and America. It is the forces of the universe led on by the hand of an infinite God for the change of front for the civilization of the twentieth century. [Prolonged applause.] I am indebted to the Hon. Frank Hitchcock, Chief of the Bureau of Foreign Markets of the Department of Agriculture, for the preparation of the following tables:

Number of establishments and spindles in the cotton-manufacturing industry of the South in 1890 and 1900, according to United States census returns.[a]

Southern States.	Establishments.		Spindles.	
	1890.	1900.	1890.	1900.
South Carolina	34	80	332,784	1,431,349
North Carolina	91	177	337,786	1,133,432
Georgia	53	67	445,452	815,545
Alabama	13	31	79,234	411,328
Virginia	9	7	94,294	126,827
Tennessee	20	17	97,524	123,896
Mississippi	9	6	57,004	75,122
Kentucky	5	6	42,942	66,633
Texas	[b]	4	[b]	48,756
Other [c]	5	[b]	66,980	[b]
Total for Southern States	239	395	1,554,000	4,232,888
Total for United States	905	973	14,188,103	19,003,352

[a] Returns for 1900 are preliminary.
[b] Not stated.
[c] The 5 establishments included under this head in 1890 were distributed as follows: 2 in Arkansas, 2 in Louisiana, and 1 in Texas.
The returns for 1900 do not include 4 additional establishments in the Southern States, as follows: 2 in Arkansas and 2 in Louisiana.

Average number of wage-earners and amount of wages in the cotton-manufacturing industry of the South in 1890 and 1900, according to United States census returns. [a]

Southern States.	Wage-earners.		Wages.	
	1890.	1900.	1890.	1900.
North Carolina	8,742	30,273	$1,646,196	$5,127,087
South Carolina	8,192	30,201	1,646,574	5,066,840
Georgia	10,530	18,283	2,366,085	3,566,951
Alabama	2,137	8,332	447,173	1,482,226
Virginia	2,019	2,931	406,824	668,556
Tennessee	2,174	2,108	495,438	422,935
Mississippi	1,184	1,675	290,981	339,546
Kentucky	834	1,351	189,039	280,407
Texas	[b]	984	[b]	253,630
Other	1,356	[b]	328,759	[b]
Total for Southern States	37,168	96,138	7,817,069	17,208,178
Total for United States	221,585	297,929	69,489,272	85,126,310

[a] Returns for 1900 are preliminary. [b] Not stated.

Exports of raw cotton from the United States to the Orient during the fiscal years 1890 and 1900.

Countries to which exported.	Year ended June 30—			
	1890.		1900.	
	Pounds.		Pounds.	
Japan	841,959	$85,211	161,601,219	$12,712,619
Chinese Empire			5,607,308	460,385
British East Indies			800,641	55,265
Total to Orient	841,959	85,211	168,009,168	13,228,269

Exports of cotton manufactures from the United States to the Orient during the fiscal years 1890 and 1900.

Countries to which exported.	Year ended June 30—	
	1890.	1900.
ASIA.		
Chinese Empire	$1,231,033	$8,804,778
Aden	[a]	1,463,634
British East Indies	254,961	524,419
Turkey, Asiatic	5,104	75,401
Japan	126,202	63,518
Hongkong	21,826	46,008
Other	91,484	86,871
Total Asia	1,730,610	11,064,629
OCEANIA.		
British Australasia	70,265	622,228
Hawaii	402,523	572,551
French Oceania	58,144	64,793
Philippine Islands	20,074	29,744
Other		8,377
Total Oceania	551,006	1,297,693
Total to Orient	2,281,616	12,362,322

[a] Not stated.

Amount of capital and value of products in the cotton-manufacturing industry of the South in 1890 and 1900, according to United States census returns. [a]

Southern States.	Amount of capital.		Value of products.	
	1890.	1900.	1890.	1900.
South Carolina	$11,141,833	$39,258,946	$9,800,798	$29,723,919
North Carolina	10,775,134	33,011,516	9,563,443	28,372,798
Georgia	17,664,675	24,158,159	12,035,629	18,457,645
Alabama	2,853,015	11,638,757	2,190,771	8,153,136
Virginia	2,966,889	4,403,206	1,732,648	2,655,002
Tennessee	2,928,657	3,767,726	2,507,719	1,994,935
Kentucky	1,376,132	1,867,605	1,000,668	1,663,712
Mississippi	2,053,743	2,209,749	1,333,398	1,472,835
Texas	[b]	2,227,184	[b]	1,199,990
Other	2,067,225	[b]	1,348,637	[b]
Total for Southern States	53,827,303	122,542,848	41,513,711	93,693,972
Total for United States	354,020,843	460,842,772	267,981,734	332,806,156

[a] Returns for 1900 are preliminary. [b] Not stated.

Imports of the United States during the year ended June 30, 1901, grouped according to sources of production.

Groups.	Value.	Per cent.
Agricultural products	$392,000,000	47.6
Manufactured products [a]	314,000,000	38.2
Forestry products	57,000,000	6.9
Mineral products	44,000,000	5.3
Fishery products	9,000,000	1.1
Miscellaneous products	7,000,000	.9
Total	823,000,000	100

[a] Except certain agricultural products.

Sources of the imports of the United States for the year ended June 30, 1901.

Countries from which imported.	Total imports.	Agricultural imports.	Per cent agricultural.
United Kingdom	$143,388,501	$29,515,818	21
Germany	100,445,902	28,176,517	28
France	75,458,739	20,167,799	27
Brazil	70,643,347	53,484,928	76
British East Indies	43,882,493	17,314,944	39
Cuba	43,423,088	38,731,981	89
Canada	42,482,163	8,903,504	21
Japan	29,229,543	20,607,368	71
Mexico	28,851,635	14,655,808	51
Italy	24,618,384	17,006,113	69
Netherlands	20,598,799	10,420,546	51
Dutch East Indies	19,026,481	18,647,588	98
Chinese Empire	18,303,706	15,680,911	86
Switzerland	15,799,400	1,052,745	7
Belgium	14,601,711	3,388,289	23
British West Indies	12,851,325	11,360,562	88
Austria-Hungary	10,067,970	5,236,497	52
Other countries	109,498,978	77,579,133	71
Total	823,172,165	391,931,051	48

Domestic exports of the United States during the year ended June 30, 1901, grouped according to sources of production.

Groups.	Value.	Per cent.
Agricultural products	$952,000,000	65.2
Manufactured products [a]	404,000,000	27.7
Forestry products	54,000,000	3.7
Mineral products	38,000,000	2.6
Fishery products	8,000,000	.5
Miscellaneous products	4,000,000	.3
Total	1,460,000,000	100

[a] Except certain agricultural products.

Distribution of the domestic exports of the United States for the year ended June 30, 1901.

Countries to which exported.	Total exports.	Agricultural exports.	Per cent agricultural.
United Kingdom	$624,216,404	$496,401,947	80
Germany	188,350,919	144,802,269	77
Canada	97,722,458	27,550,201	28
Netherlands	83,847,330	50,999,414	61
France	76,431,378	50,208,775	66
Belgium	48,552,762	35,341,110	73
Mexico	35,857,837	6,265,138	17
Italy	34,277,491	24,762,081	72
British Australasia	30,577,345	1,915,586	6
Cuba	24,100,453	12,623,933	52
British South Africa	18,977,691	10,661,001	56
Japan	18,656,899	6,299,061	34
Denmark	16,148,968	13,172,332	82
Spain	15,455,839	12,699,125	82
Sweden and Norway	11,838,911	7,085,905	60
Brazil	11,576,461	4,893,773	42
Argentina	11,289,938	143,344	1
Chinese Empire	10,287,312	1,473,244	14
Other countries	102,296,410	44,330,092	43
Total	1,460,462,806	951,628,331	65

Relative standing of leading agricultural export countries, 1895–1899. [a]

Countries from which exported.	Total exports.	Agricultural exports.	Per cent agricultural.	Per capita value.	
				Total exports.	Agricultural exports.
United States [b]	$1,136,000,000	$752,000,000	66	$16.00	$10.00
Russia	349,000,000	295,000,000	85	2.71	2.29
Netherlands	567,000,000	263,000,000	46	113.00	53.00
France	696,000,000	258,000,000	37	18.00	6.68
Australasia	361,000,000	213,000,000	59	82.00	48.00
British India [c]	224,000,000	189,000,000	84	.77	.65
Germany	878,000,000	181,000,000	21	16.00	3.32
Austria-Hungary	326,000,000	156,000,000	48	7.38	3.53
Italy	224,000,000	131,000,000	58	7.07	4.13
Argentina	127,000,000	123,000,000	97	30.00	29.00
Belgium	317,000,000	101,000,000	32	48.00	15.00
China	118,000,000	90,000,000	76	.30	.23
Spain	181,000,000	89,000,000	49	9.95	4.89
United Kingdom	1,166,000,000	78,000,000	7	29.00	1.95
Canada [b]	137,000,000	71,000,000	52	26.00	14.00
Egypt	64,000,000	64,000,000	100	6.60	6.60
Denmark	64,000,000	61,000,000	95	28.00	27.00
Roumania	48,000,000	46,000,000	96	8.42	8.07
Japan	79,000,000	39,000,000	49	1.80	.89
Uruguay	33,000,000	33,000,000	100	41.00	41.00
Ceylon	26,000,000	23,000,000	88	8.67	7.67
Switzerland	148,000,000	21,000,000	14	46.00	6.56
Portugal	30,000,000	20,000,000	67	6.12	4.08
Cape Colony	102,000,000	17,900,000	18	46.00	8.14
Sweden	92,000,000	15,700,000	17	18.00	3.14
Bulgaria	14,100,000	13,700,000	97	4.03	3.91
Greece	15,800,000	11,000,000	70	6.58	4.58
Chile	28,300,000	5,600,000	20	10.00	2.00

[a] The figures in this table are based on official returns of the various countries for the calendar years 1895 to 1899, and represent, unless otherwise stated, the annual average for that period.
[b] Annual average for the five years ended June 30, 1900.
[c] Annual average for the five years ended March 31, 1899.

Mr. JONES of Virginia. I yield one hour to the gentleman from Georgia [Mr. MADDOX], a member of the Committee on Insular Affairs.

Mr. MADDOX. Mr. Chairman, I regret very much that I have not had an opportunity better to prepare myself for this occasion. The House has before it two bills, one presented by the majority or Republicans of this House, which has for its purpose, although not so expressed, the permanent retention of the Philippine Islands. The minority have presented a bill which has for its purpose the retention of the Philippine Islands until a stable government can be formed, and then to leave those people to control and govern themselves, except at their request we would exercise a protectorate over them for a certain stated time.

These bills are before the House, and I undertake to say that every member who feels any interest in this matter has read those bills and the reports of the committee, and in all probability understands their purport as well as I would be able to explain this evening.

It is not my purpose to discuss these bills or their merits. That has already been done very ably on this side of the House and on the other side of the House, and other gentlemen who follow me will endeavor to give attention to these bills and their effect upon the Philippines and upon the United States. It is my purpose in part this evening to show to the House of Representatives and to the country why I think we ought not to retain these Philippine Islands permanently, and in doing so I think that any argument that goes to show how we obtained those islands and what they cost us and our conduct there, whatever it may have been, will have its bearing before the people of this country, who will finally determine the question as to whether we should retain the Philippine Islands permanently or not, for we will not settle this question here now, you may rest assured of that fact.

Now, there is one thing that I want to undertake to do this evening. I do want to relieve God Almighty of a part of the responsibility for that which has been thrust upon Him in the Philippine Islands by our Republican friends. [Laughter and applause on the Democratic side.] You have, gentlemen, upon every stump and in every pulpit in this country tried to impress upon the people of the United States that you are doing the work of God in the Philippine Islands; that you were carried there by Him; and the gentleman who has just taken his seat said we were following our course around the world under the leadership of an all-wise God.

Now I want to say to you that I believe in my heart so long as we were fighting with old Spain that God Almighty was with us. It certainly looked so. But just as soon as we entered into the peace negotiations with the Spaniards it looked like God Almighty stepped out of the way and the devil stepped in and took possession of the job, and that he has been running it ever since. [Renewed laughter.] Now about our being in the Philippine Islands by Providence, that God Almighty put us down there, I want to say to you, and I expect to prove it by the record, that all the ingenuity of our statesmen and diplomats in connection with our treasure, were exercised in order to get hold of these Philippine Islands, and God Almighty had nothing to do with it. I say from all that I can see about it that we did all we could in order to grab these islands, instead of having them thrust upon us.

Now, in the first place, we started out to acquire those islands down there by the right of conquest. That was a failure, and we could not sustain that before the civilized world. Then we proposed to sustain ourselves by taking them on the ground of indemnity, and we could not sustain that proposition, or at least we did not do it before the civilized world; and then what next? Then there was the final argument, and one which the Republican party has denied, in fact, altogether, so far as I know, upon the ground of the obligation that we owed to our allies in the Philippine Islands; that we could not afford to turn them back to Spain—that is, upon our honor we could not afford to do so.

Now, you will understand when our commissioners first went to negotiate this treaty in Paris they were not instructed to take the archipelago or the Philippine Islands. Their instructions were to take the island of Luzon. But after they got there and entered into this negotiation a certain Englishman made his appearance upon the scene, like the devil, who took Christ up on a high mountain and showed him the richness of all the balance of the earth. This Englishman told the commissioners of the richness of the Philippine Islands and what we would get out of them if we would take them as colonies. Was there anything behind that?

Now, I do not know that there was, but this idea has always occurred to me. Old Briton was right then making arrangements to go out after the two little republics down in South Africa. She knew that so long as the United States lived up to her principles as she had done heretofore she would not be allowed to have her way with this colony, if we had not stained our hands with imperialism we could hold them off.

But they were anxious to get us in the colony business, then our mouths would be hushed forever, and she could go forward and thrash the life out of these little republics. Therefore, her agent was there painting the glories and the grandeur of the Philippines and inviting us to go forward; and our commissioners, not like Christ, who told the devil to get behind Him, just surrendered. The devil he went to work and took this whole business in charge; in other words, we put the devil in front.

I have here some papers that we were very anxious to get a little while before the late Presidential campaign, but they did not make their appearance until January 31, 1901, "injunction of secrecy removed." In other words, that is when we got them.

These are the instructions given by the President, and the correspondence, to some extent, between him and the commissioners in regard to this treaty between Spain and the United States. Now I want to read the instructions of the President to this commission in reference to the Philippine Islands, the question under discussion to-day.

The Philippines stand upon a different basis. It is none the less true, however, that, without any original thought of complete or even partial acquisition, the presence and success of our arms at Manila imposes upon us obligations which we can not disregard. The march of events rules and overrules human action. Avowing unreservedly the purpose which has animated all our effort, and still solicitous to adhere to it, we can not be unmindful that without any desire or design on our part the war has brought us new duties and responsibilities which we must meet and discharge as becomes a great nation on whose growth and career from the beginning the Ruler of nations has plainly written the high command and pledge of civilization.

Incidental to our tenure in the Philippines is the commercial opportunity to which American statesmanship can not be indifferent. It is just to use every legitimate means for the enlargement of American trade, but we seek no advantages in the Orient which are not common to all. Asking only the open door for ourselves, we are ready to accord the open door to others. The commercial opportunity which is naturally and inevitably associated with this new opening depends less on large territorial possessions than upon an adequate commercial basis and upon broad and equal privileges.

It is believed that in the practical application of these guiding principles the present interests of our country and the proper measure of its duty, its welfare in the future, and the consideration of its exemption from unknown perils will be found in full accord with the just, moral, and humane purpose which was invoked as our justification in accepting the war.

In view of what has been stated, the United States can not accept less than the cession in full right and sovereignty of the island of Luzon. It is desirable, however, that the United States shall acquire the right of entry for vessels and merchandise belonging to citizens of the United States into such ports of the Philippines as are not ceded to the United States upon terms of equal favor with Spanish ships and merchandise, both in relation to port and customs charges and rates of trade and commerce, together with other rights of protection and trade accorded to citizens of one country within the territory of another. You are therefore instructed to demand such concession, agreeing on your part that Spain shall have similar rights as to her subjects and vessels in the ports of any territory in the Philippines ceded to the United States.

These were the instructions on which our commissioners went forward and negotiated, as far as the Philippines were concerned. Now, I have stated that the first proposition upon which this Government proposed to acquire the islands was upon the right of conquest. Now, I want to read you what Mr. Day reported to the President on that line. This is dated Paris, November 3, 1898, for the President especially:

UNITED STATES PEACE COMMISSION,
Paris, November 3, 1898—10 a. m.

After a careful examination of the authorities, the majority of the Commission are clearly of opinion that our demand for the Philippine Islands can not be based on conquest. When the protocol was signed Manila was not captured, siege was in progress and capture made after the execution of the protocol.

Captures made after agreement for armistice must be disregarded, and status quo restored as far as practicable. We can require cession of Philippine Islands only as indemnity for losses and expenses of the war. Have in view, also, condition of islands, the broken power of Spain, anarchy in which our withdrawal would leave the islands, etc. These are legitimate factors. Have written fully.

Thursday, 11.30 morning.

DAY.

So, you see, the idea of our acquiring the islands by conquest failed. After an examination of the authorities, our commissioners came to the deliberate conclusion that we could not hold the islands on the idea of conquest alone, or if at all.

So they received further instructions:

Mr. Hay to Mr. Day.

[Telegram.]

WASHINGTON, *November 13, 1898.*

A treaty of peace is of the highest importance to the United States if it can be had without the sacrifice of plain duty. The President would regret deeply the resumption of hostilities against a prostrate foe. We are clearly entitled to indemnity for the cost of the war. We can not hope to be fully indemnified. We do not expect to be. It would probably be difficult for Spain to pay money. All she has are the archipelagoes of the Philippines and the Carolines. She surely can not expect us to turn the Philippines back and bear the cost of the war and all claims of our citizens for damages to life and property in Cuba without any indemnity but Porto Rico, which we have and which is wholly inadequate.

Does Spain propose to pay in money the cost of the war and the claims of our citizens, and make full guaranties to the people of the Philippines, and grant to us concessions of naval and telegraph stations in the islands, and privileges to our commerce the same as enjoyed by herself rather than surrender the archipelago? From the standpoint of indemnity both the archipelagoes are insufficient to pay our war expenses, but aside from this do we not owe an obligation to the people of the Philippines which will not permit us to return them to the sovereignty of Spain? Could we justify ourselves

in such a course or could we permit their barter to some other power? Willing or not, we have the responsibility of duty which we can not escape.

They have discovered now that we owe something to the people of the Philippines. We started out on the idea of conquest or an indemnity, and we could not sustain ourselves before the civilized world. Now we have discovered that we owe some obligation to these people who reside in the Philippine Islands.

So the President directs:

You are therefore instructed to insist upon the cession of the whole of Philippines, and, if necessary, pay to Spain ten to twenty millions of dollars, and if you can get cession of a naval and telegraph station in the Carolines, and the several concessions and privileges and guaranties, so far as applicable, enumerated in the views of Commissioners FRYE and Reid, you can offer more. The President can not believe any division of the archipelago can bring us anything but embarrassment in the future.

Now, you understand that we started out on the idea that we were entitled to these islands by reason of conquest. In addition to that, we urged that we were entitled to them as an indemnity. The question of duty that we owed the Philippines was not suggested until these two claims failed—entirely failed—and then it was that we discovered that we owed something to the people in the Philippine Islands. So the President directed as follows:

The trade and commercial side, as well as the indemnity for the cost of the war, are questions we might yield. They might be waived or compromised, but the questions of duty and humanity appeal to the President so strongly that he can find no appropriate answer but the one he has here marked out. You have the largest liberty to lead up to these instructions, but unreasonable delay should be avoided.

HAY.

What was this question of duty? What duty and to whom were we indebted? If we had no right to acquire these islands by conquest, if we had no right to acquire them by indemnity, then the question is, To whom did we owe this duty? Unquestionably to Aguinaldo, whom the gentleman a few minutes ago in his speech, as I have heard time and time again on that side, described as a traitor to his country and to his people. I want to say to you that if Aguinaldo is a traitor, as he has been depicted by your people, it is a fact established in this record of our peace negotiations that our consuls hurried all over that Eastern country to find him and employ him and send him to aid our Navy. They sent him into the islands and armed his people, and they aided us to drive the Spaniards up to the gates of Manila.

And not only that, the gentleman spoke of the $400,000 he had received. I undertake to say that within the lids of this book, among the official records, you will find the statement that our consul-general at Manila, Mr. Williams, attested a check himself on the Bank of Hongkong for $400,000, which Aguinaldo had received as a compromise with his Spanish enemies in order that his people might have certain reforms which they had never brought about; that that $400,000 was held as a sacred fund and was never drawn out of that bank until this war began, and then it was drawn out and invested in rifles in order to aid the United States and themselves in putting down the Spanish authority in the Philippines. The record shows these facts.

Now, with these instructions, what did our commissioners do? What did they say? We have had a good deal said in this country through the newspapers, and especially on the floor of this House and at the other end of this Capitol, about what transpired and about the motives and so forth which induced our people to acquire the Philippine Islands. I say to you gentlemen this is the official record. These commissioners were speaking for the United States and for the Administration. Now, let us see what they said. What is our attitude toward these people? It has been denied from every stump by the Republicans of this country that these Philippine people were ever our allies. You have denied it. I have heard it denied time and again on this floor and elsewhere.

I say to you that they were recognized as such. We owed those people of the Philippine Islands a duty—an obligation, as our commissioners said—to stand by them. They did not intend to establish the relation of allies. But I will let them speak for themselves. Here is what they said in their final ultimatum to the Spanish Government on this question:

Even if the United States were disposed to permit Spanish sovereignty to remain over the Philippines, and to leave to Spain the restoration of peace and order in the islands, could it now in honor do so? The Spanish commissioners have themselves, in an earlier stage of these negotiations, spoke of the Filipinos as our allies. This is not a relation which the Government of the United States intended to establish; but it must at least be admitted that the insurgent chiefs returned and resumed their activity with the consent of our military and naval commanders, who permitted them to arm with weapons which we had captured from the Spaniards, and assured them of fair treatment and justice. Should we be justified in now surrendering these people to the Government of Spain, even under a promise of amnesty, which we know they would not accept?

These were the commissioners who represented the United States and the Administration—

Should we be justified in now surrendering these people to the Government of Spain, even under a promise of amnesty, which they would not accept?

Gentlemen, every other argument had been exhausted; and then it was that they discovered that these people were our allies. They did not intend to form that connection, but taking the least that they say of it, it is that they did return at our suggestion; they were armed with guns that we captured from the Spaniards; they did aid us; and we can not afford to turn our backs on them.

So I assert that as a last resort these commissioners obtained the Philippine Islands upon the idea of a duty that we owed to the people, after they had exhausted every other remedy, every other method by which they could acquire these islands.

Yet our Republican friends are going up and down this country and insisting on every stump that God Almighty placed those people in our hands. All you have to do is to read these proceedings to see that the ingenuity of the diplomat was absolutely exhausted in order to acquire these islands in a way that we could justify before the world. Now, gentlemen, what have we done to those people to whom we owe so much? We have acquired these islands, according to this record, because of a duty and an obligation that we owed to the people of the Philippines—those people who assisted us when we had no infantry in that country—who came to the rescue of Dewey. What have we done for them?

Why, history will answer that question. I do not care to go into it. I do not expect to stand here and criticise what our soldiers have done down in the Philippine Islands. I was once a soldier myself. I know what soldiers do. I know that private soldiers can commit crimes as easily as private citizens and are more liable to do so, and that the Government is not responsible for such conduct. But I will undertake to say that there has been no act of cruelty perpetrated out there by the orders of any of our commanding officers that was not fully justified by the orders that they received from the Administration in the city of Washington. I do not believe that our troops and our officers would violate the rules of war without such orders.

Now, have I a right to say this? Why, sir, take these charges that have been made against General Smith, who left the island of Samar "a howling wilderness." Does he deny the charges that are made? I have here those charges, and I propose to print them as a part of my speech. He absolutely comes into court and admits these charges and says they are true, and justifies himself by the order, or, in other words, by the rules of war. Has any one of them been convicted? There has been a good deal said about punishing these people for their cruelties inflicted down in the Philippine Islands. A number of arrests have been made, a number of courts-martial have been held, and every single one of them up to date, so far as I remember, has been acquitted. So that leads me to the conclusion that these people were acting under orders and those orders were sent out from the Department, from the commander, the Secretary of War.

But the Secretary of War has furnished us the expense account down in the Philippines—$170,000,000. I would just like to see that statement and see how he juggled those figures to bring that about. It transpired a little while back, a few days ago, that he thought it was necessary to expend some of the trust fund down in Cuba to educate the best thought in this country on this question of reciprocity. Well, if it cost only $170,000,000 to carry on this war for the last four years in the Philippines, I should like to know what became of all this money that we have been appropriating here for our Army. If he can take trust funds and circulate them through the country for the purpose of educating the best thought on one side, he may have been doing something of the sort with some of these vast appropriations that we have been making for the Army, which do not seem to have been expended in the Philippines. I do not make that charge, but it is up to him to say what became of all this money. I have made some figures on that myself. I do not claim them to be accurate, for no man on earth can tell except the man who has the books in charge.

Accurate and complete statistics in regard to governmental matters in the Philippines are obtainable only down to the end of the fiscal year terminating June 30, 1901. The various departments of the Government are either unable or unwilling to furnish statistics for the present fiscal year. This statement that I have here was prepared the day before yesterday, before this report came out. Figures for the present fiscal year, however, can be stated with approximate correctness by making an informal comparison with those of the preceding year. During the three years beginning June 30, 1898, and ending June 30, 1901, the total number of American soldiers engaged in the Philippines was 112,277. During the same period the total number of our soldiers killed and died of injuries received in battle was 918, the number of deaths from disease contracted in the Philippine service was 2,075, making the total number of deaths 3,493.

In addition, during the same period the number discharged for disability contracted in the same service was about 4,000, and of this number about 500 were discharged or incapacitated by reason of their sufferings in the service. In regard to the present fiscal

year, approximate figures are available down to December, 1901. During the period of the first five months of the present fiscal year the average number of soldiers on duty in the Philippines was about 46,000, and the number of deaths was 335. Well, now, just let us stop right there. The Secretary of War comes here with a report, and he says for the year 1898—the two months of May and June—the cost was two million and something; for the fiscal year 1899 twenty-six million and odd; for the fiscal year of 1900 fifty million, and for 1901 fifty-five million. I have always understood that it cost about $1,000 to maintain every soldier in this country. That has been admitted, and 40 per cent additional is added to maintain a soldier in the Philippine Islands.

At one time we had probably as great an army as was ever gathered together almost in any country, except during the civil war, in the Philippine Islands, and yet we are told here that this expense, even the highest year, was only something over $55,000,000 for the payment of those troops. Now, how were those figures juggled with in order to bring about this result? I do not know from what standpoint he is figuring. I can not imagine. We have got to have some other explanation of his report, I believe, before the country will be willing to accept it. I am very loath, in fact I never have before in my life attempted to criticise any officer of this Government, but it does seem to me that this report ought to be sustained by an itemized statement and the facts brought out, if it is not the truth.

As I was saying, during the first five months of the present fiscal year the average number of soldiers on duty in the Philippines was about 46,000, and the number of deaths was 338. The average number of cases of sickness during that period was about 3,500 at any given time. Since the commencement of the present calendar year, the number of soldiers on duty in the Philippines has been somewhat reduced, and is now about 40,000. Further reductions are promised, but nothing under 30,000 is expected in any quarter so long as the present hostilities are maintained. The total expense involved in the prosecution of the military and naval operations since the outbreak of the Spanish war is not generally undersood or appreciated, and the Philippine war business has already cost the country nearly half as much as the total expense to the North of the whole civil war.

The civil war cost the North something more than $2,000,000,000. The expense involved in the Spanish war and in the subsequent Philippine operations has already exceeded $1,000,000,000. The people at large do not realize this. If they did, they would call a halt. The total cost of the Spanish war up to the date of the treaty, as estimated by the House Appropriations Committee, $482,562,000; total cost of military operations in the Philippines for three years ending June 30, 1901, according to the best estimates, $446,000,000; estimate of same operations for present fiscal year ending June 30, 1902, about $100,000,000; total war expenses, $1,028,562,000.

Mr. PALMER. Will the gentleman yield for a question?

Mr. MADDOX. Yes.

Mr. PALMER. What do I understand the gentleman to say that the cost of the civil war was?

Mr. MADDOX. Over $2,000,000,000.

Mr. PALMER. I thought it cost over $7,000,000,000.

Mr. MADDOX. The estimate for the same operations for the present fiscal year, ending June 30, 1902, is about $100,000,000. The total war expenses are thus $1,028,562.

The cost of the Army before the Spanish war was about $30,000,000 a year. It is now over $100,000,000 a year. The amount for the present year has been about $113,000,000. Deduct the $30,000,000 that was formerly the normal cost of the Army and we have $83,000,000 left, which is almost entirely devoted to the expense of the military occupation of the Philippines. This is simply for maintenance, and does not include transportation. Add the transportation expenses, and the total Philippine military expenses will foot up nearly $100,000,000 annually. Owing to the recent contemplated reductions, the amount during the coming year will be probably about $15,000,000 less.

If I understand the orders that have been issued recently, this sum should be reduced below that, for I understand it is the intention of the War Department to withdraw the troops from the Philippines to a greater extent than was anticipated by myself.

But so long as the hostilities continue there can be no further reduction than this. In other words, the annual continuing expense of the military occupation of the Philippines, including transportation, can not be less than $85,000,000.

Now add to this the cost of maintaining the civil government. The Philippine Commission, although one of the most expensive and elaborate and extravagant governmental bodies in the world, of course does not compare in expensiveness with the Army, because it is not as numerous. However, it is found that in the fiscal year 1899 the cost of the Commission reached, in round numbers, $2,300,000; that in the fiscal year 1900 this amount was swelled to about $4,500,000, and that in the fiscal year 1901 it amounted to the very respectable sum of about $5,200,000. This included something over $1,000,000 for "administration," including salaries, and the remainder went for schools, police, prisons, sanitation, roads, bridges, quarantine, supplies, hospitals, and public works of all sorts. The total civil expenditures for the year, including customs and postal, was, in round numbers, $5,652,000.

Now, what is the other side of the balance sheet? The total commerce of the Philippines, both imports and exports, for the last fiscal year was, in round numbers, $53,000,000; of which the share of the United States was about $6,000,000. And fully one-quarter of this sum consisted of exports from this country directly to our soldiers in the Philippines. In other words, our commerce with the Philippines proper amounts to not more than $4,000,000 or $4,500,000 annually, both exports and imports; and, calculating upon a basis of 10 per cent profit on this commerce, our merchants and others make perhaps $500,000 at the outside out of our Philippine trade, to count as an offset against $100,000,000, which the islands are costing us annually.

It is said that our commerce with the islands is increasing. So it appears to be, at the rate of perhaps 10 per cent to 15 per cent annually, including our exports to the Army. Deducting these, the increase has been very slight.

Supposing that such increase is at the rate of 5 per cent annually, the increase in the profit of the United States in its Philippine commerce would amount to about $25,000 next year, and at this rate it can be calculated that the United States would catch up with its Philippine expenditures, perhaps, some time in the course of the millennium.

Remember, too, that the profits of the commerce, meager as they are, would go only to a few exporters and other business men, while the enormous expenditures are borne by the whole people, who, with rare exceptions, get no profit whatever from our Philippine possessions, and can never expect to do so.

Aside from the few business men engaged in the Philippine trade, the only money to be gotten out of the Philippines will go to the Army, the civil government of the islands, and the few exploiters and promoters who are even now rushing over the ocean to gobble up the whole islands.

Say the Philippines are costing us $100,000,000 a year—that is, $273,972 per day. The civil war cost the North at the rate of a little over $1,000,000 a day. So this Philippine business is costing us nearly one-third as much as the civil war cost the North.

Notice the great increase in the totals of our recent national appropriations. In 1897 these amounted to, in round numbers, $470,000,000; in 1901, $710,000,000; in 1902, $720,000,000; and for 1903 they will amount to at least $800,000,000. These recent great increases have been due almost entirely to this Philippine business.

I have some other figures here in reference to the report made by the Secretary of War, which I will not take the trouble now to read, but which I shall incorporate in my remarks.

The question simply brings itself down to this proposition: If Secretary Root's figures really represent the total expenses of the Philippine war, including maintenance of the Army during the past four years, what has he done with all the rest of the money included in the recent Army appropriation bills? Let him answer that. For example, during the fiscal year 1901–2 he says the Philippine army expenses have been only about $40,000,000. But the Army appropriation bill for that year named $115,000,000. What has he done with the odd $75,000,000? Now, that is the question for the Secretary to answer. What has become of this extra $75,000,000? If not expended in the Philippines, where has it been expended?

I noticed in his report, if I understood it, that he undertook to say that the regular standing Army now being 59,000 men, we only ought to count or charge the expenses of the additional troops beyond the minimum sum of the Regular Army that is now in the service. But what is to become of the President's message to this Congress and of the speeches urging the necessity for the increase of this Regular Army in order to maintain ourselves in the Philippine Islands to 100,000 troops? What necessity did we have for increasing the standing Army except for the purpose of sending those troops to the Philippine Islands? So long as we did not have the Philippine Islands, what use would we have for more than 25,000 men, the maximum, or nearly so, prior to 1897?

Now, what became of this $75,000,000? Why, some gentleman may say that we have spent a portion of it in Cuba in maintaining our troops there, and we have spent some of it in Porto Rico in maintaining troops there. We have not had 10,000 troops altogether there, and we could easily have spared those from the 25,000 in this country, for we had no use for the 25,000 that we had, none whatever; and so this expense can only be attributed, so far as I know, with the exception of a few millions spent in

China, to the war we have been waging with our allies in the Philippines.

Now, Mr. Chairman, as I said at the outset, I am in favor of the minority bill. I am not in favor of what some gentlemen insist upon that side—of scuttling the ship and leaving those people to their fate. I might have been in favor of that before destroying that country and leaving it a howling wilderness. If we owed them any debt when this treaty was signed—if we owed them anything then, I say in God's name we owe them much more now. What is that? We owe it to them to go to work and assist them to establish a stable form of Government, which this minority bill proposes to do. We propose to hold out to them the promises of self-government, of liberty and justice, which they are entitled to demand at our hands. I want to incorporate in my speech—for the country has nearly forgotten it—the joint resolution recognizing the independence of the people of Cuba, etc. I think it ought to go in every few days.

Public resolution, No. 21.—Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Approved, April 20, 1898.

I want to say that I believe our obligation is as binding to the people of the Philippines, notwithstanding they are not mentioned in that resolution; we owe them the same duty that we owe the people of Cuba. As has been well said by the President in his instructions, we had no idea of going to the Philippine Islands or to conquer those islands. These people were there fighting for their liberty, just the same as the people of Cuba were. It is a mistake for gentlemen to try to present to the country the fact that these insurgents were not contending for their liberty until Aguinaldo arrived. All you have got to do is to read the reports of our consul who was in Manila and in the archipelago three months before the landing of Dewey, and you will find that these insurgents were fighting the Spaniards and pushing them from the interior in every direction, and when Aguinaldo arrived he found an organized force there who were contending for their liberty just the same as those recognized and aided in Cuba.

Now, I say our obligation to these people under this resolution was just as binding as to the people of Cuba. Yet we have not carried out our obligations to Cuba. We have said to the world that Cuba is free. Free Cuba. Why, there is not a man in this House who does not know that there is not a word of truth in that; not a word. Cuba is not free, and never will be free of the United States. Never. We have not carried out this resolution. We have not carried out our written pledges. But let that be as it may, I say that the same obligation that we owe to the Cuban people we owe to the people of the Philippine Islands, and if we can give to Cuba liberty, if we can establish a stable form of government, and then turn their government over to them, we can do the same thing for the Philippine people, and before God and man we owe it to them, and we ought to do it. [Loud applause.]

But our friends on the other side say we are down there by divine right. I call your attention to the official record. How did we get those islands? What was the plea? The plea of obligation due to our allies, the Philippine people, for enabling us to conquer the Spaniards. That is the last resort of our Commission, to seek to justify us in acquiring those islands before the civilized world, and yet we have made their country a howling wilderness, with orders to kill everything 10 years old and up. In other words, we owe the Philippine people, our allies, liberty and independence. I say to you gentlemen, in my judgment, when the people of the United States fully recognize the fact that I have endeavored to show to-day, they will see that instead of the great God being behind this movement and fostering and carrying on this war that has been waged upon these people, they will come to the conclusion that it is the devil, instead of God Almighty, that is running the machine.

I thank the House for its attention. [Loud applause on the Democratic side.]

APPENDIX.

PHILIPPINE DATA.

Secretary Root's figures in regard to the cost of the Philippine war, whether they were intended to mislead or not, are entirely misleading. These figures, given to the public within the last two or three days, after the lapse of two months since they were called for by Congress, show that the expenses of the Philippine war *during the last four years have been only* $170,000,000. This amount evidently represents only the sum actually expended in the Philippines and for transportation to and from those islands. It obviously does not include the expense of maintenance of the largely increased Army of the United States under the new Army reorganization bill. But this method of statement on the part of the Secretary is absolutely unfair and disingenuous, to designate it by no harsher term.

Here is the case in a nut shell: Before the Spanish war the Army consisted of, say, 25,000 men, and the Army appropriation bills were never more than $30,000,000, and generally about $25,000,000. The bills for 1897 and 1898, just before the war, were $23,000,000 apiece, in round numbers. The bill passed during the year of the Spanish war carried $80,000,000. Nobody complained or wondered at that. But the war was soon over, and the natural supposition was that the Army could be reduced at once to a peace footing and the Army appropriation bills would be returned at once to their normal dimensions. Instead of that, what happened? The Army was reorganized on a permanently enlarged basis of 100,000 men, and the next two years Army appropriation bills amounted to $114,000,000 and $116,000,000, respectively. Why was this done? It was entirely on account of the Philippines.

In other words, the Army would not have been enlarged beyond its former dimensions before the Spanish war if it had not been for our Philippine occupation. Instead of having an army of the present large dimensions we should now have an army of 25,000 men or thereabouts, as before the war. Why not? Why should we need a larger army? We have no further use for troops in Cuba, and we are at peace with all the rest of the world except the Philippines. Therefore the entire expense of the Army over and above the $25,000,000 or $30,000,000 required annually for the Army on a peace footing is chargeable to the account of the Philippines.

As already stated, this difference during the past four years amounts on the lowest estimate to more than $400,000,000.

Another way of getting at the facts is the following: During the past four years the appropriations for our enlarged Army have been about $80,000,000 or $85,000,000 more than the normal annually. The total extra expense for the four years has been thus all the way from $320,000,000 to $340,000,000. This has been simply for the maintenance of the Army—that is to say, of the additional army, over and above the normal—and that is what it would have cost to maintain this additional army force in this country. Now, add to this the $170,000,000 reported by the Secretary as the expenses incurred by maintaining our forces in the Philippines and we have a total of over $500,000,000. Or, if it is not fair to include all of this $170,000,000 as extra expenses due to foreign occupation, in addition to the $320,000,000 to $340,000,000, certainly a good part thereof must be thus reckoned, because it always costs more to support an army away from home, owing to transportation expenses and many other obvious sources of expense. So if we add only one-half of the Secretary's figures we get a total of over $400,000,000, as before.

Notice also as a collateral argument the obvious fact that a greatly enlarged Army means also a greatly enlarged and more expensive pension list, and in this case, moreover, a pension list on account of the war which is considered by a large part of our citizens unjustifiable and wrong.

COURSE IN SAMAR WAS UPHELD—THE PRESIDENT, AFTER HIS REVIEW OF THE CASE, MAY DISAPPROVE THE FINDINGS, BUT CAN NOT NOW IMPOSE ANY PUNISHMENT BEYOND CRITICISM—ADMISSIONS BY THE ACCUSED AT THE TRIAL.

Announcement was made at the War Department yesterday that Brig. Gen. Jacob H. Smith will be immediately ordered to proceed to San Francisco and will then be placed in command of the military department of the Texas. This action of the Department dispels any doubt that may have existed as to the findings of the court which tried General Smith for his conduct of the campaign in Samar. He has been acquitted, and, so far as the court is concerned, there will be no further proceedings against him. It now remains for the President to review the case, and he is expected to make public his views in the course of ten days. He may disapprove the findings of the court and strongly condemn General Smith's work in Samar; but there can now be no punishment save in the way of criticism.

The record, which the President has received, contains the exact language of the admissions made by Colonel Woodruff, counsel for General Smith, in regard to the orders which the latter officer issued to Major Waller, United States Marines. The charge was "conduct to the prejudice of good order and military discipline," and it was supported by this specification:

"In that Brig. Gen. Jacob H. Smith, United States Army, commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in regard to the conduct of hostilities in the island of Samar, P. I., to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, P. I., in language and words, to wit:

"'I want no prisoners' (meaning thereby that giving of quarter was not desired or required), and 'I wish you to kill and burn. The more you kill and burn the better you will please me,' and 'the interior of Samar must be made a howling wilderness,' and did give further instructions to said Major Waller that he, General Smith, wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller, asking for an age limit, designate the age limit at 10 years.

"This at or near the island of Samar, P. I., between the 23d and 28th days of October, 1901."

SMITH'S PLEA AND ADMISSIONS.

The record then gives General Smith's plea to the charge and specifications, which was "not guilty." Colonel Woodruff's statement, which was partially cabled at the time it was made, is then given in full, as follows:

"The accused desires to simplify this case as much as possible, and admits that he was commanding-general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country; and did further instruct him that the interior of Samar must be made a howling wilderness; and did further instruct him that he wanted all persons kille l

who were capable of bearing arms and were actively engaged in hostilities; and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities, and were equally dangerous as an enemy as those of more mature age."

The record then shows that the judge-advocate asked this question:

"Does the accused admit that as his statements?"

"I do," was the response of General Smith.

Major Waller testified, according to the record, that he had been told to kill and burn, but he understood that these instructions did not relate to all the inhabitants of Samar, but only to those engaged in hostilities, and he denied that General Smith had authorized any killing or burning not demanded by circumstances or authorized by the laws of war. The evidence submitted by General Smith in defense was divided under three heads:

First. The character and methods of the natives of Samar.

Second. Evidence showing the military conditions existing in Samar when General Smith took command.

Third. The plans formed by him to meet those conditions, and the result.

Lieutenant Guajot, of the Tenth Cavalry, who was in command at Calbiga, testified:

"In a conversation with insurgent officers, General Guevara told me himself that there was not a boy 8 years old on the Ganadara River who could not handle a bolo or make a cartridge. Colonel Sebastian said the same, but fixed the age at 10."

Other officers testified as to the youthfulness of the Samar insurgents, and one of them, Captain Ayer, said that he regarded the inhabitants of the island as mostly savages, some barbarians, and a small percentage semi-civilized.

In answer to an inquiry on the subject, General Chaffee has informed the Secretary of War that the record of the proceedings of the court-martial in the case of Maj. L. W. T. Waller, of the Marine Corps, were forwarded to Washington on the transport *Kilpatrick*, which left Manila May 19. The *Kilpatrick* is expected to reach San Francisco in a few days.

Mr. MADDOX. I yield back the remainder of my time to the gentleman from Virginia.

The CHAIRMAN. The gentleman has consumed forty-eight minutes.

Mr. BROMWELL. It has been an interesting question to Republicans, and no doubt to every Democrat, as to what shall be the issues of the coming campaign. It has seemed to us, and I believe it has seemed to the Democrats, that every issue that has been raised between the parties in the past has been relegated to obscurity by the action of the people of the United States, and that the Democrats to-day are without any live, substantial controversy upon which to go before the people of this country in the next campaign.

As a matter of some curiosity, I have been reading and listening to find out, if possible, what questions we shall have to meet on the platform this next fall. I have gone to Democratic sources to ascertain the answer to this question. I have read the utterances of that great ex-leader of Democracy, William J. Bryan, and more recently the words of that other great ex-leader of Democracy, Grover Cleveland, and his associate, David B. Hill. Two or three days ago there appeared in what I consider the leading Democratic paper of the United States, the Cincinnati Enquirer, an editorial, and for the few minutes that I shall occupy the attention of the House I wish to take that editorial as the text for the remarks which I shall make.

The Cincinnati Enquirer is owned and published by Mr. John R. McLean. Mr. McLean is at this time engaged in a controversy with another distinguished Democrat from the State of Ohio, Tom Johnson, of Cleveland, for political supremacy, and the controversy between these distinguished gentlemen has been the occasion for the inspired editorial to which I refer. I shall read from this editorial here and there, taking the liberty of making some comments upon it as I go along, and, with the permission of the House, will include the whole of it in my remarks. It is as follows:

The Democratic party of Ohio, as a party, has always been true to the organization. Its fidelity began with the admission of the States of the Union a century ago and has lasted without surcease to the present interesting moment.

In other words, as I construe that statement, it means that whatever may have been the opinions of the Democrats of the State of Ohio as a party, or of the individual Democrats of that State, they have unhesitatingly sacrificed their own views and principles to the declarations of the party platform as set forth in the national convention, and have voted for their national platform, right or wrong.

I read on:

It has preserved a sturdy front in defeats as well as in victories; it has survived "isms," the schisms, and rebellion.

I think the editorial is defective in omitting the pronoun "its," as I think that it should have read "its isms, schisms, and rebellion."

It has been tolerant of those departures from the true faith which insinuate themselves in wrong and dreary minority periods, but it has maintained strong bridges on which to cross back to solid ground.

In other words, however much it may recognize the fallacy of national platforms, however false its position may be upon the great questions which have been submitted to the country, it has followed them blindly and willingly because they are the utterances of the national party leaders. But the saving clause is "it has maintained strong bridges upon which to cross back to solid ground."

And then the editorial goes on further along to tell us what some of these strong bridges are upon which they hope again to get out of the quagmire of defeat upon the sure ground of victory:

It has had strong temptations to heretical alliances, and it has been trifled with by pestiferous and pettifogging politicians, but it has never lost its recuperative quality.

I presume these pestiferous, pettifogging politicians to which he refers are Bryan and the followers of Bryan in the last two campaigns.

It has been an enduring force in affairs, and its history is the best incentive to work for success in the future.

Then he goes on to recapitulate some of the history of this Democratic party:

Not to go back further than 1852, the Democrats carried the State for Franklin Pierce. They were steadfast to James Buchanan in 1856.

A thing, I suppose, that most Democrats do not look back to now with any great amount of pride.

They voted for Douglas in 1860, when the clouds of war threatened to obscure all party lines. They rallied to Vallandigham in obedience to the mandate of their representatives in State convention assembled, in the midst of the greatest civil strife of all time. They gave earnest support to George B. McClellan in 1864 against Abraham Lincoln. They voted for Horatio Seymour in 1868 in opposition to the greatest captain that had been developed by a bloody war lasting four years. In 1872, again opposing Grant, they crowded their prejudices aside and were loyal to the ticket made by a combination of Democrats and Liberal Republicans, voting for Horace Greeley, who had been a lifelong Republican, but was opposed to the attitude of his party at that time.

A party of expediency! Unwilling, because recognizing that they would be defeated, to support the regular candidate of their own party, with the rallying cry of "anything to beat Grant" the Democracy of Ohio undertook to elect a lifelong Republican, Horace Greeley.

Four years later the evolution of politics brought them to the support once more of a great and real Democrat, Samuel J. Tilden.

A great and real Democrat! This is an insinuation, this is an innuendo as against the other candidates of the Democratic party which it seems to me unfair and unjust to make. To say that Tilden was a real Democrat is an intimation that the others were weaklings and frauds.

And they endured the most gigantic robbery known to politics with patience, patriotism, and a sublime faith in the ultimate triumph of their principles.

We all recall the campaign, that exciting campaign, between Tilden and Hayes. We know that the result of that campaign was left to a board of arbitration, and we know that that board of arbitration seated President Hayes. It looks to us as if the attempt to belittle, the attempt to disparage the result of that arbitration is hardly fair, to say the least, on the part of the Democratic party, who consented to the arbitration and should have swallowed their disappointment when the award was against them.

The incentive to revolution was almost as great as that which brought on the war in the sixties, but self-sacrifice kept the peace and the Democrats of Ohio lived as a tremendous entity to stand by Hancock in 1880, though he was a candidate of expediency rather than fairly representative of original Democratic principles.

Again a slur upon the national candidate as a candidate of expediency and not representative of Democratic principles.

They were for Grover Cleveland in 1884, and waiving many bitter disappointments and in obedience to the action of their authorized delegates in national conventions, stood shoulder to shoulder for Cleveland twice more, coming within a flimsy fraction of carrying the State for him in 1892. The campaigns of 1896 and 1900 were overwhelming examples of the faithfulness of the Ohio Democrats to the organization of the party. They were for the Chicago platform and the men who stood upon it, against the campaign money power of the State and country, against the deluge of charges that they were consorting with anarchy, destroying the courts, and entering on a civil and social revolution which no cause could stand against. They were loyal and true to their declaration of principles and to the leaders in opposition to every corporate and capitalistic interest, and in a cause that was likely to cultivate the antagonism of nearly every man who had a dollar to contribute to campaign expenses.

The Democrats of Ohio have gone through all these things for the sake of the future. Many of their campaigns have been forlorn hopes. They have frequently fought under impossibility of winning in alliance with men who were not true Democrats to preserve the organization and to win as many men to the true faith as possible.

What an admission for a great Democratic paper to make! That without any reference to party principles, merely to catch votes, they were ready to ally and to connect themselves with any party that was willing to join with them in opposition to the great Republican party.

Such a party can not go to pieces. It has always had an ultimate end in view.

An ultimate end! Yes; the end of securing control of the Government—not the end of the good of the country, but the end of coming into power and holding office.

The Democrats of Ohio especially have long yearned for the time when their forces might be combined under a platform and policy for which no apology need be made, and which, without explanation or elaboration, would command the devotion of all real patriots.

Their time is near at hand, if they pursue a policy of common sense. That policy will not be to make the party a mere apparatus for juggling by some

sensational performer in politics. It will not be to make it any longer a hopper for all the fads and heresies and cheap inventions in "statesmanship" which the Republican leaders have rejected.

It will not be to make it the medium of introducing paternalism in our local and national affairs. It will not be to place it in the experimental hands of those who are always obstructive and never progressive—those who believe that there is only advancement in tearing to pieces the mightiest structures that have arisen from the best thought of the country for a hundred years.

It looks to me, Mr. Chairman, and gentlemen of the Democratic side, as if this were a direct admonition to the gentlemen of the minority of this House.

The country is prosperous. The ipse dixit of no public man, no matter how eloquently the rhetoric may pour forth from his prolific mouth, can prevail agianst a condition that makes so many people happy.

What a vivid picture of that great leader of yours, William Jennings Bryan—"the rhetoric that may pour forth from his prolific mouth"—perhaps as picturesque a description of him as could be given.

A volume of resolutions by political conventions, with storms of applause and music by a syndicate of brass bands, can not restore the "issues" which passed into the night when South Africa yielded her golden treasures, and the sturdy adventurers went to the Klondike, and lifting the frosty covering looked upon a yellow wealth that made pigmies of our greatest statesmen in finance. Nature came to the rescue, and gave the country that which was prayed for by those who were reasonable and consistent in their advocacy of the Chicago and Kansas City platforms—plenty of money to do the business of the country with.

I may add——

Mr. COCHRAN. Mr. Chairman, I rise to a point of order, that under the rule governing this debate the remarks of the gentleman now on the floor are irrelevant.

The CHAIRMAN (Mr. CAPRON). The Chair will overrule the point of order.

Mr. COCHRAN. I rise to a parliamentary inquiry. Why is the rule governing debate in the daytime different from the rule governing debate at night?

Mr. BROMWELL. Because gentlemen are liable to get more light on the subject in the daytime than at night.

The CHAIRMAN. For the information of the gentleman from Missouri, the Clerk will read the paragraph of the special rule pertaining to this question.

Mr. BROMWELL. I do not wonder that the gentleman from Missouri objects to this editorial being read and put into the RECORD.

Mr. NORTON. Oh, no; we like it.

The Clerk read as follows:

That after Thursday, June 19, and during the continuance of this order, the House shall meet each day at 11 o'clock, and at 5 o'clock on each day a recess shall be taken until 8 o'clock for evening sessions, which evening sessions shall continue not later than 10.30 p. m., and be devoted to debate only on said bill.

Mr. RICHARDSON of Tennessee. I submit, Mr. Chairman, it never was intended to make a different rule for general debate at night from the general rule prevailing during the day. Such a distinction was never enforced in the House of Representatives before. I never saw a time when a rule like that prevailed—to say that you must debate a measure in one way at night and in another way during the daytime. I am not objecting to the remarks of the gentleman from Ohio [Mr. BROMWELL], because I think they are an improvement on the remarks we generally get from my friend, inasmuch as he is now quoting somebody else.

Mr. BROMWELL. It is very kind of my friend from Tennessee to say that.

Mr. OLMSTED. Mr. Chairman, if I may be permitted, I suggest that neither as to the night nor the day does the rule bear the construction suggested by the gentleman from Missouri. The meaning of the rule is that the night session shall be devoted to "debate only."

Mr. RICHARDSON of Tennessee. That is all. But the rule enforced last night was that the general debate must be confined to the pending question.

The CHAIRMAN. The Chair desires to say, for the information of the committee, that it was the statement of the gentleman from Virginia that the rule should be applied, and it was so held by the Chair.

Mr. COCHRAN. I rise to a parliamentary inquiry. Was the ruling which was enforced last night made by the present presiding officer?

The CHAIRMAN. It was not.

Mr. COCHRAN. Was it made when a Democrat was addressing the House?

The CHAIRMAN. It was made when a Republican was addressing the House, as the Chair is informed.

Mr. COCHRAN. If it was made when a Democrat was addressing the House, that would account for the rule being changed to suit a different situation.

The CHAIRMAN. The Chair desires to say that he wishes to be governed by the rule as it has been understood and enforced.

Mr. JONES of Virginia. My understanding of the rule was that debate at night sessions must be confined to the bill under discussion.

The CHAIRMAN. The Chair will so hold; the rule has been so interpreted.

Mr. RICHARDSON of Tennessee. The gentleman from Pennsylvania [Mr. OLMSTED] is correct in his construction of the rule. It is that the night sessions shall be "for debate only;" that is, that there shall be no legislation, no motions; that there shall be only debate. No other meaning was ever intended as I understand.

The CHAIRMAN. The Chair believes that, the debate having been extended to take in the war in South Africa and many other subjects, the gentleman now on the floor should be permitted to proceed.

Mr. BROMWELL. I read on from this very interesting editorial, which seems to have stirred up the gentleman from Tennessee and the gentleman from Missouri:

The Democratic party can not win on a defunct money issue, or on a policy that takes it in any degree out of sympathy with and admiration for the brave soldiers and sailors who are fighting the battles of their country—yea, the country's battles, whether the policy at Washington is right or wrong, or in support of crank propositions to abolish private enterprise and teach the people that they must depend on government for everything, or to follow sensational leaderships that, if they ever had any principle, have been denuded of it by selfishness.

The Democratic party must be up to date. It must not submit to being held back or chained to the past. There is no better ground than Ohio for a revival of true principles. The signs of the times are unmistakable. The Democrats of Indiana have taken a splendid forward step. The Democrats of other States have followed, and manifestly more are to come. The Ohio Democrats, than whom there have been no more faithful and patriotic, should not be laggards.

This is the testimony, this is the admonition, this is the advice of the leading Democratic paper of the country.

Now, a night or two ago there was a meeting of distinguished Democrats in the city of New York, and the chairman of that meeting in introducing the first speaker said:

We have with us here to-night the greatest of living Democrats.

Four years ago, or two years ago, I should have thought, of course—and we all would have thought—that he meant William Jennings Bryan; but we hear no more of him as the matchless leader, the great chieftain, the greatest living Democrat, and we find by looking over the report a little further that instead of William Jennings Bryan being introduced to that distinguished meeting of Democrats that it was the honorable ex-President of the United States, Grover Cleveland.

Omitting a few of his preliminary remarks, I want to quote a few words from the report of what he said at that meeting:

The Democratic party is far from political insolvency, but no one here should be offended by the suggestion that its capital and prospects have suffered serious injury since Mr. Tilden was elected President.

Not only serious injury, but many times it has gone into the bankruptcy court of public opinion, has been declared a bankrupt, has been given its discharge in the hope that it would go forth and do business in a more honorable and honest manner.

Then and afterwards Northern Democratic States were not curiosities; Northern Democratic Senators, now practically extinct, were quite numerous, and Northern Democratic governors, now almost never seen, were frequently encountered.

I am reminded by this of a little anecdote that was told by a sort of Sol Smith Russell friend of mine who took part in the campaign at the last election for President. Speaking of the fact that the Democrats would vote their ticket, right or wrong, that the Democratic majority in the South would be, as it always had been for years, given to the Democratic candidate for President in spite of the fact that the people of the South, recognizing the prosperity that had come to all the country, South as well as North, were in sympathy with the election of McKinley and the continuance of the Republican party and the Republican policies, he put it in this way. I shall not attempt to imitate his peculiar drawl and his droll way of stating it, but this was what he said: "All the electors north of Mason and Dixon's line will be for William McKinley. All the electors south of Mason and Dixon's line will be for William Jennings Bryan, and all the people south of Mason and Dixon's line will be glad that there are more electoral votes north of Mason and Dixon's line than there are south of it."

Cleveland went on to say:

If this state of impairment exists, an instant duty presses upon the managers of the Democratic establishment, and one which they can not evade with honor. Those of us less prominent in the party—the rank and file—are longing to be led through old Democratic ways to old Democratic victories. We were never more ready to do enthusiastic battle than now, if we can only be marshaled outside the shadow of predestined defeat. Is it too much to ask our leaders to avoid paths that are known to lead to disaster? Is it too much to ask that proven errors be abandoned, and that we be delivered from a death, and relieved from the burden of issues which have been killed by the decrees of the American people? Ought we not be fed upon something better than the husks of defeat? If these questions are met in an honest, manly fashion, I believe it will be productive of the best kind of Democratic harmony.

I know that Grover Cleveland stands discredited with a large part of his party. I know that he is held responsible for many of the mistakes that were made during the time that he was President of the United States by the party which had elected him; but I know also that from Grover Cleveland and Watterson and Hill and McLean are coming words of advice and admonition to the Democratic party which they must heed if they expect to succeed in the coming or in any other campaign of the future. Past issues, dead issues—issues which the American people can never sympathize with—will never be the means of riding again into power in this Government.

The Cincinnati Times-Star, commenting upon the editorial of the Enquirer, says:

> The Democracy of the past eight years and its leaders have never had a more severe arraignment than was contained in that paragraph.

Now, Mr. Chairman, it seems from the debate in this House and from the utterances of those who would be leaders of the Democratic party that practically the issues which they seek to inject into the coming campaign will be two. The issue of imperialism, of holding on to the Philippines, or promising them an independent government at some future time; that is one. The other is the cry against the trusts. Outside of these two issues I have learned of nothing, I know of nothing, I can conceive of nothing that the Democratic party will put forth as a claim for the consideration of the country.

Now, let us look for just a moment at these issues. It is perhaps useless for me to repeat what has been said so many times and so much better than I can say it, that the Democratic party equally with the Republican party is responsible for the condition of affairs in the Philippines. It was the Democratic party which was largely instrumental in forcing the war with Spain. It was the Democratic party which insisted with a few of us Republicans—and I will admit I was one of them—that the President of the United States, after the destruction of the *Maine*, should immediately declare war.

It was the Democratic party that was specially insistent upon this in spite of the fact that the President wished to hold back until the country should be ready for the great struggle. It was the Democratic party that voted with us the appropriation for carrying on that war. It was the Democratic party, with the Republican party, which voted for the treaty of peace, and it was the great Democratic leader, William Jennings Bryan, who made it possible for the treaty of peace to be ratified in the Senate of the United States.

For the provisions of that treaty of peace as well as the declaration of war against Spain the Democrats are responsible as much as are the Republicans. And whatever the results have been, whether we are in the right or in the wrong, so far as the present situation is concerned, whether we have been wise or foolish in our policy, the Democrats joined with us in these two great initial steps. We have the Philippines, and it seems that the great question as between the two parties will be as to what we shall do with them. The Republican party believes that they are committed, that they are pledged, that the whole country is committed and pledged to the establishment of a peaceful and a permanent government of the islands, and proposes to leave themselves free to meet any condition that may arise in the meanwhile.

The Democratic party, without considering the needs, the happiness, the future of the people of these islands, insist that we shall put them at once on a status of absolute independence. They forget that it took hundreds of years—aye, up into the thousands—for the great Anglo-Saxon race in England to emerge from a state of serfdom to the condition such as exists to-day. Nations are not made in a day. A people can not be lifted from slavery to the heights of freedom in an hour. It took all these generations, through all the successive centuries, through all the growth and development of parliamentary law in Great Britain, to bring the British people to the condition of freedom and liberty in which they now stand.

Take the people of our own country a hundred years ago and compare them with our condition to-day, and what wonderful progress has been made in that time. For two hundred and fifty years we have been struggling in this country against Indian tribes. In four years we have gotten in the Philippine Islands to the point of restoring order among a more savage and a more treacherous people than the Indians. We have made wonderful progress. To-day we can look over the Philippines and feel that the dove of peace has almost settled with her white wings upon those islands.

Gentlemen speak of the cruelty of this war, and the cruelties that have been practiced and perpetrated by the officers and men of our army in the Philippines. Mr. Chairman, there never was a war but what was cruel; there never was a war but what there were instances of cruelty which shocked mankind. The conditions of peace and the conditions of war are two entirely different states. Napoleon shot down thousands of insurgents at Cairo and burned others to death in their buildings; Sherman in his march to the sea destroyed the country through which he passed; Washington hung André and the British executed Hale; the massacre at Fort Pillow; the barbarities practiced in Southern prisons at Salisbury and Libby prison; all these are incidents of war. If it be true, as claimed, that a "howling wilderness" has been made in the Philippines, for one I am ready to believe that it was a necessity that this destruction of life and property should occur in order that the great and final end of bringing permanent peace to the islands might be accomplished.

It is not my intention to go into details or to make extended remarks upon this Philippine question. The country is familiar with all the facts. The people have formed their judgment, and it will be well for the Democratic party to heed the warning of the great paper from which I have heretofore quoted, and those words of admonition that "It can not win on a policy that makes it any degree out of sympathy with and admiration for the brave soldiers and sailors who are fighting the battles of their country—yea, the country's battles, whether the policy at Washington is right or wrong."

On the other possible issue, that of the trusts, even less is necessary to be said. Under the limitations of our Constitution it is difficult to enact stringent legislation, or even moderate and necessary laws, for the control of monopolies and trusts. To fully reach and regulate them it is the judgment of all persons at all familiar with the subject that the Constitution would have to be amended, and yet when the resolution for such a constitutional amendment to enable Congress to define, regulate, and dissolve obnoxious trusts and similar combinations was under consideration in the House of Representatives in the Fifty-sixth Congress, and when that resolution required a two-thirds vote to pass it, we can not forget that every Republican in this House, with two exceptions, voted for it and every Democrat except two voted against and defeated it, because the Republicans did not have the required two-thirds without the help of some Democratic votes. Thus, while clamoring against the trusts for party purposes and to catch votes, the Democratic members of this House refused to furnish the few votes that were necessary to start the legislation which would have ultimately placed the control of the whole question in the hands of Congress and the President.

The pretense that the Republican party or that the Republican policy of protection is responsible for the trusts, as commonly understood, is false and fraudulent. Only in so far as protection to American industries has built up and enormously increased all manufacturing interests in the United States, whether controlled by trusts or individuals, is our party to be credited with the fact that trusts are thriving. The tariff has nothing to do with trusts, except as it makes business. Trusts are a development of new conditions which have arisen in the business world, and would exist and did exist to a certain extent under free trade and with the Democratic party in power. They would exist to-day, although they might not do as much business, were every branch of the Government in the hands of the Democrats. Neither must we forget that the capital which is invested in these great combinations is not the capital of Republicans alone.

Were it possible to institute an inquiry as to the holders of interests in these great corporations, I venture to say that fully as many Democrats would be found participating in their profits as there are Republicans. The insincerity, therefore, of this whole cry of the Democratic party against the trusts stands on a par with the insincerity of the great portion of that party in their cry against the tariff and sound money; and as the people two years ago saw through the fallacy of their claims and relegated them to defeat, so in the coming campaign this fall and the greater one which will take place two years from now they will again express their disapproval and reinvest the party which they feel they can trust with the continued conduct of national affairs. [Loud applause on the Republican side.]

[Here the hammer fell.]

Mr. JONES of Virginia. I yield twenty minutes to the gentleman from Arkansas [Mr. DINSMORE].

[Mr. DINSMORE addressed the committee. See Appendix.]

Mr. JONES of Virginia. I yield ten minutes to the gentleman from New York [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. Chairman, it can never be forgotten that the problem of imperialism was forced upon us by an act of Republican diplomacy, and that any evils that may have befallen or may befall our country, any scandals that may have occurred or may occur because of it, are and will be the direct outcome of an impossible system inaugurated by a Republican Administration.

No matter who may be responsible for existing conditions in the Philippines, there can be no difference of opinion as to our

duty in upholding the Army while it is under fire. [Applause.] It is to be deplored that the Army should have become in any sense a political issue. The Army is not, never has been, and, God willing, never will be, the asset of any one party. It belongs to the whole country, and its history is the common glory of the entire nation.

It is true that bad appointments have been made—officers have been commissioned for political reasons and promoted for partisan purposes. Some discredit has come to the Army from the ill-advised and intemperate utterances of certain unaccepted heroes. There may have been, and I fear there have been, acts of cruelty, of unjustifiable cruelty, committed by American soldiers in the Philippines, but let us not forget the provocation under which our men have suffered; let us not prejudge their case. [Applause.] It is so easy to prefer charges against men who are 10,000 miles away; so difficult for them to make their defense. It is so easy to accuse our soldiers of dishonoring the uniform they wear when they are not at home to prove their innocence. If any of our men have done wrong, let them be rigorously punished, but until their guilt is proved let us give them the benefit of the doubt and not hold the entire Army responsible for the acts of a few black sheep. [Renewed applause.]

If it is true that mistakes have been made in the Philippines, if it is true that regrettable incidents have occurred, common fairness and common justice require that we hold responsible those in authority who are to blame, and not sacrifice to unreasoning prejudice the humble instruments of a mistaken policy, who are only obeying the orders they have received and doing their duty.

I feel that I should be unworthy, as the son of a Regular and as a Democrat, did I not say a word in praise of the modest and unassuming man who, at 40 cents a day, has done more to make this country glorious than all the oratory of a century—the Regular of the United States.

There is no army on earth so near the people as is ours. It is recruited from all parts of the country and from every walk in life. Its men are taken from the plow and from the railroad, from the shop and from the factory. It represents the very bone and sinew of the people of the United States. It is swayed by the same passions; it is subject to the same failings and the same temptations; it has the same virtues and the same vices as have all of us. Its merits are our merits; its sins are our own.

Sweltering and fighting in tropical jungles by day, shivering and still fighting in tropical rains by night, ill fed and insufficiently clothed, dying from wounds and pestilence, showing consideration and humanity to savage foes, who are ignorant of the meaning of either word; ambushed, captured, and tortured to death; performing acts of dashing gallantry the mere recital of which sends the blood tingling through the veins of every true man, it is all part of the day's work for the Regular, and he does it without thanks and without hope of reward, because he has the traditions of the United States Army to sustain. [Renewed applause.] He accomplishes so much, so well, and receives in return so little, so grudgingly given.

There is not a patriotic American, be he Democrat or be he Republican, who does not breathe a prayer and thank God for the Regulars who are fighting for the flag. [Loud applause.]

Mr. JONES of Virginia. Mr. Chairman, I yield twenty-five minutes to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, several months ago we passed a bill which we were told was to provide temporarily revenues for the Philippine Islands. That was the first move toward civil legislation for that people, and was, in my opinion, in contravention of the organic laws of our nation, against the spirit and essence of our institutions and the generous, just, and statesmanlike policies which have hitherto been promulgated in our Republic for a century and a quarter. That mistake was but the forerunner of those contained in this bill. One error or one mistake in the history of an individual or a nation does not long stand alone; others follow. This is a second step in the onward march toward the consummation of imperialism. It is but a natural and logical sequence and an exemplification of the historic fact that a nation which commits a wrong in its transactions with another people will endeavor to perpetuate, confirm, and firmly establish it by a series of wrongful acts. It gives evidence of a fixed purpose to continue the policy of colonial expansion maintained against an unwilling people through the dire necessity of terrible warfare, with all its attendant atrocities.

But all this, serious and lamentable as it is, might be borne and endured; but, above and beyond this, and transcending all in its deplorable effects, is the wanton and willing surrender of the precious heritage bequeathed to us by the fathers of the Republic—a heritage heretofore sacredly guarded as the altar of our national faith, the corner-stone upon which the superstructure of the Republic is erected—that of being a free people, standing conspicuously first and quite alone among the nations of the earth for independence and self-government, not only for ourselves, but for every people seeking the same in every clime round the world, and unless there is an awakening of the conscience of the nation now there will be fastened irrevocably upon us the policy of colonial expansion and imperial armies.

Mr. Chairman, think, if you will; comprehend, if you can, the situation we this day occupy and the spectacle we present to the less favored nations of the Old World! We, the sons, but a few generations removed, of the Revolutionary fathers, waging a cruel war with fire and sword and all the attendant atrocities which inevitably must follow in the path of an attempt by a great, powerful nation to conquer, subjugate, and exterminate, if need be, an inferior people unaccustomed to civilized warfare and struggling only for a liberty like that which we enjoy and which we would sacrifice our lives, our treasure, and our all to defend and maintain.

That, briefly stated, is the situation we this day occupy. It is not my purpose to recite the events or restate the history and the conditions which prevailed when we entered upon this war of subjugation. This is unnecessary and futile. We are all agreed upon the history and the conditions. Every school child in the country can repeat them. There is no disagreement here. What we do disagree about is the propriety, necessity, or justice of entering upon and maintaining this war for the purposes for which it has been prosecuted. Upon this question good men, true men, patriotic men may differ and have honestly differed. I have always attempted to respect the opinions of those who have held and now hold views upon this question differing from my own, and I only ask in return to be treated with the same consideration.

I object to these latter-day statesmen who constitute the awkward squad of raw recruits practicing new tactics on the Constitution, in Congress or out of it, continually and insultingly insinuating and asserting that those who differ from them on this question are less patriotic or more indifferent to the welfare of this country and her institutions than they are. These people, drawing themselves to their full height, with the air of one who is all sufficient, ask "Who will haul down the flag?" as if the challenge contained in those words answered every argument, effectually silenced every opponent, and branded those who oppose this policy as disloyalists and traitors.

And yet, Mr. Chairman, I do not hesitate to accept the challenge and to tell who "will haul down the flag" in the Philippines. Some descendant of the old colonial soldier who raised it on the heights of Concord and Bunker Hill and planted it on the ramparts at Yorktown; a son of the old soldier who unfurled it on Little Round Top at Gettysburg and waved it over a reunited people at Appomattox; a messmate, it may be, of him who, after we had called all Europe to the deliverance of their ambassadors and ministers in China and to a restoration of peace and order there, and had permitted none of those powers to appropriate, capture, or control any portion of this great Empire of the East, pointing out to those powers the line and course of their departure home, hauled down the flag, unstained and unsullied, in China, amidst the cheers and expressions of thanksgiving of a grateful people; a comrade of him who, after the American Republic had given birth and life to the young Cuban Republic and brought her into the family of nations only last month, amid the shouts and benefactions of a free people, hauled it down in Cuba.

This is he in whose veins flows the blood of those who loved liberty and hated despotism, animated as were his great progenitors with a love of liberty, justice, and righteousness, who will haul down the flag in the Philippines amid the plaudits, prayers, and benedictions of 10,000,000 grateful people inhabiting the archipelago and with the sanction and approval of the liberty-loving people of the whole civilized world. When will he "haul down the flag?" After the Filipinos have laid down their arms and acknowledged our supremacy and our sovereignty, upon our announcement to them—which announcement should be made this day—that they may be free and independent and set up a republic of their own choosing, in their own way.

Those who disagree with us on the Republican policy toward the Philippines have no patent on patriotism. We have the past history of our country in our support. We have many of the great thinkers and the statesmen in the Republican ranks on our side, some of them at great personal and political sacrifice. We have the great organic law of the Republic in our defense. Why should we be timorous or silent, even if a present general of the Army, fuller of wine than wisdom, and released from constraint, does declare that he would prefer to see members of Congress who criticise this un-American Philippine policy and some features of the conduct of the war hanged than to look upon the dead body of a single soldier.

Mr. Chairman, has it come to this that a general of the Army,

a servant of the people, can with impunity assert upon public or quasi public occasion, in the forepart or the afterpart of a banquet, that he would like to see members of Congress hung, for no other offense except that they have attempted to perform the duty imposed upon each as they saw the light, and to convince by argument in a dignified and legitimate way those who oppose them?

Mr. Chairman, I would not willingly avail myself of the liberty of speech which this House afford to intentionally do anyone an injury, and least of all officers in the Army. I am pleased to believe that such inflammatory utterances as I have referred to have been indulged in by a very limited few and under circumstances and conditions when we ought not to hold the speaker to too strict an accountability. We should always bear in mind the frailty of human nature and how easily some people fall when tempted. I am willing to be generous, even at the expense of justice, in this matter, and I assume that General Funston intended his remarks to be taken in a Pickwickian sense, so to speak, but I think the fact still remains that his purpose was, if he was capable at the time of forming a purpose, to impress upon his hearers the idea that generally those who oppose the Philippine policy are less patriotic, love less their institutions, and are less interested and anxious for the welfare of the Republic than those who do not oppose it.

This I wish to resent with all the power of my being and to deny in the most positive and emphatic terms. Patriotism is not confined to any party or any zone, and much less to those alone who support this un-American policy. Patriotism knows no latitude or longitude. It is as broad as the American Republic and as deep and pure as the promptings of the soul. If there were needed in recent years evidence of the truth of this statement, it was furnished by the zeal and alacrity with which citizens of every State and Territory responded to the call when war was declared to liberate the Cuban people from the thraldom of a tyrannical ruler; and what is more to the point, when a call was made to prosecute this terrible war in the Philippines every State vied with every other State and Territory in contributing its full share to swell the ranks of the Army to the required number.

The attempt to place us in the light of criticising the Army is a claptrap argument, if, indeed, it rises to the dignity of argument, used purely for political purposes. It is known that the Democratic party is opposed to the present Republican Philippine policy; and if it can be made to appear that the opponents to the policy are criticising the Army, feeling will be engendered in the Army against those making the charges, and their attention directed from the atrocities complained of and from the waning popularity of the policy itself. It is true that the Democratic party is opposed to our Philippine policy; but it is not true that it is unfriendly to the Army or would, in the least degree, detract from the glory and honor of its great achievements.

The true, loyal, and patriotic citizen is ever ready to support the flag of his country, and wherever for the time being it floats, right or wrong, it must be defended and upheld. And may it ever be so. But that man is false to himself, false to his country, and false to his God, who in the councils of the nation and upon all proper occasions fails to cry aloud and spare not against any governmental policy or purpose, whether at the time popular or unpopular, which he honestly believes to be detrimental to the best interests of the Republic, contrary to the fundamental principles of the Government, and subversive of the rights of any people.

That General Funston was a brave soldier I do not doubt. I would not wish to deprive him of the credit due him for his intrepid bravery and dauntless bearing, which he displayed upon many occasions while at the head of his command in the war with the Filipinos. What, then, is the lesson to be learned by the strange conduct and stranger sayings of this brave general of the Army, when he traduces and insults those in whose keeping rests, in great measure, the civic power of this Republic? It has always been the proud boast of the American citizen that the greatness of the American Republic rested not in her great Army and Navy, but that the military was subservient to the civil authority, and that the strength and fortress of our power was in our civil institutions, which in turn rested upon the will of the individual citizen.

Who dares to contradict or deny that in the day when the military power assumes as of right greater dignity and control and takes upon itself the censorship of civil authority and civil life, that there is danger, great danger, to the Republic? Mr. Chairman, when we shall have emerged from this war; when armed resistance shall have ceased and peace is restored throughout the country and its possessions, we shall realize as never before how insidiously and imperceptibly the military has encroached upon the civil authority and prerogative, and in the changed conditions and tendencies we shall be imitating as never before the monarchies and kingdoms of the Old World in the strength and influence of their armies and navies.

Those who are committed to the present Philippine policy are swift to assert that we who oppose this policy are attempting to bring the Army into contempt; that we are "railing at the Army"—to use one of their choice expressions. This is an unwarranted assertion, and wanting in the great essential of truth. The Army is now and always has been composed of the young men of both political parties. At the present time I am informed that there are more Democrats than Republicans in the Philippine Army, but no one is asked to what party he belongs or from what section of the country he comes. The only inquiry made is whether he is willing to defend the flag where for the time being it floats. Those who criticise the present policy are as anxious to defend and uphold the honor and glory of the American Army and to defend our brave soldier boys as are those who support and favor the policy.

It is true that attention has been called to a few isolated cases where the conduct and orders of generals and officers in high positions were unworthy of the noble character our Army has always sustained, and the alacrity and avidity with which these orders, in a few instances, were enforced and promulgated by men in the lower stations of the Army under these commanders, tended to cast discredit upon the character of the Army. Every good citizen should be willing and anxious to protect and defend the good name and high character which the American armies have always sustained, and he best serves this purpose who does not conceal but brings to light and makes known the reprehensible conduct of the individual few who alone should assume the responsibility, to the end that the general character of the Army may be vindicated. Far from being a condemnation, this is a vindication of the Army.

Let us be fair and just in this matter, and dispassionately consider what was the purpose of those who have called attention to these few cruel orders and atrocities, and what the effect has been. "To rail at the American Army," as our opponents would have one believe? Not at all. But rather that the blame might fall upon the very limited few of the officers and men who were responsible for the barbaric orders and inhuman treatment visited upon the Filipinos in the execution of those orders, and that the character and standing of the Army as an army might not suffer for the acts of the few. And, secondly, that the people might fully realize the truth of the somewhat inelegant but expressive characterization of war by one of the greatest generals this country ever produced, namely, that "War is hell;" and especially so when it is waged by a great and powerful nation, fruitful in resources and trained in the ways of the higher civilization, against a weak, ignorant, and but partially civilized people just emerging from subjugation and thraldom. Wars and conflicts between superior races and inferior races are always conducted with barbarity, crueltry, and atrocity. The science of civilized warfare in such cases descends to bushwhacking, treachery, and guerrilla warfare, accompanied by all the atrocities and butchery which the barbaric brain can conceive.

This is the history of all wars in every country where the conditions were similar to those in our conflicts with the Filipinos. There is no question but what our soldiers at times were exasperated to madness by the treachery and atrocities of the Filipinos as they decoyed our troops into impassable jungles and over inaccessible mountains, butchering, maiming, and murdering as opportunity offered or revenge dictated. The whole atmosphere of the situation was charged with lawlessness, rapine, and murder. It became contagious, and in a few instances our generals and men were infected with the contagion and descended to the low level of their surroundings. Thank God, the epidemic was confined to a few localities and to a few persons. As I have said before, all these conditions and results should have been anticipated at the beginning, and the responsibility rests upon those who urged on the war against those weak and defenseless people, struggling, as they have been struggling for these hundreds of years, for independence.

But what of the morrow? When will there be an end to this bloodshedding and carnage? Sixty thousand soldiers have been there most of the time for the last three years; over 30,000 are still there. We are told that the organized army of the Philippines has been dispersed or has surrendered to us, and that the fighting is now carried on by lawless roving bands from the impassable jungles and inaccessible mountain wilds. But if it requires 30,000 troops now to preserve peace and order and protect the lives of the people and the commercial interests in the main islands, when will it require less than that force under conditions which are likely to exist? When will the hope for independence and spirit of liberty become extinguished in the breast of that unfortunate people? Let us take counsel in this matter of the

greatest statesman the nation has ever produced. Daniel Webster, at the dedication of Bunker Hill Monument, in 1825, made use of this language, as true and as applicable to-day as when he uttered it:

If the true spark of religious and civil liberty be kindled it will burn. Human agency can not extinguish it. Like the earth's central fire, it may be smothered for a time, the ocean may overwhelm it, mountains may press it down, but its inherent and unconquerable force will heave both the ocean and the land, and at some time or other, in some place or other, the volcano will break out and flame up to heaven.

Every colonizing country on earth that has had other nations in subjection shows that it has been the fountain and source of all corruption and destroyed the ancient republics of the world. Greece existed in unmitigated splendor and colonized as much as any nation, but never in any instance did she attempt to retain rule over her colonies, but undertook to extend her domains over all her colonies, with the result attributed to this, that corruption overthrew the mighty power of Rome.

But we may be told that organized resistance in the Philippines is substantially at an end. This may be true; but if true, what need for the 30,000 soldiers now in the archipelago? Because we are making war upon a people, not merely upon organized armies in resistance; our mission is to subjugate the people and force them to submission and compel them to take the oath of allegiance. We have followed them to their homes, to their convents, their churches, to the jungles and the mountains, arresting every man who dares to lisp his aspirations for independence for his native land. We have gathered men, women, and children into reconcentrado camps, carrying out the wishes and orders of at least one general in making the inhabitants "want peace, and want it badly." Hence the necessity for a large standing army there to-day; and if necessary to-day for the purposes for which it is used, when, pray tell me, will there be less necessity for an army for like purposes? You may cry, Peace, peace, but there will be no peace.

A people bayoneted into peace, a people shot and stoned and burned into peace, are never loyal, peaceable citizens. The fire of hate and insurrection is ever smoldering, ready to break out when opportunity presents itself. This people may know not what is best for their present and future welfare; but they have heard of independence, they have prayed for liberty, they have been anxious to be free men for these many, many years. They have witnessed the prosperity, contentment, and wonderful growth and development of the American people enjoying liberty and independence. They believe they can imitate us—at least they wish to try the experiment, to take the risk—and they will never be content until the opportunity is given them and the trial made. Why should we of all people deny them this privilege? Is it because their liberty stands in the pathway of our commercial advancement and expansion in the Orient? God forbid!

What, then, Mr. Chairman, is our duty toward the Filipinos? I answer, Announce to them this day that if they will lay down their arms, submit to our authority, and acknowledge our sovereignty and keep the peace, self-government shall be accorded them and they shall be permitted to declare their independence and set up an independent republic of their own just as soon as they shall demonstrate their fitness and ability to do so.

Is liberty to be confined to any class or race or country? I answer, No. Do we regret that we bound ourselves to permit Cuba to be free and independent? Are not the Filipinos as competent for self-government as the Cubans?

LIBERTY FOR ALL.

They tell me, Liberty, that in thy name
I may not plead for all the human race;
That some are born to bondage and disgrace;
Some to a heritage of woe and shame,
And some to power supreme and glorious fame.
With my whole soul I spurn the doctrine base,
And, as an equal brotherhood, embrace
All people, and for all fair freedom claim!

Know this, O man! whate'er thy earthly fate,
God never made a tyrant or a slave.
Woe, then, to those who dare to desecrate
His glorious image! for to all He gave
Eternal rights, which none may violate;
And, by a mighty hand, the oppressed He yet shall save!

[Loud applause on the Democratic side.]

Mr. COOPER of Wisconsin. I yield to the gentleman from Massachusets [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, I have listened with great interest to many of the speeches which have been made upon this bill, both in the Senate and in the House, and am prepared to support the measure.

But while I shall vote for the bill, I do not altogether approve of that section which relates to the coinage of silver. I am free to admit that, under the circumstances, it may for a time, at least, work well in that far-away country, where they have not yet broken away from the free use of silver.

My objection is that if we are to retain possession of the Philippines and they are to become a part of our nation they should be provided with the same form of currency and with the same standard of money that we have here.

To provide any other system must operate to postpone that full interchange of business relations to which we must look as the real bond of union that is to bring the people of the two countries together.

Whatever system is adopted, however, I am absolutely sure that if the Philippines are to be a part of our own nation it will only be a matter of a short time before our system of currency will be adopted in those islands.

But, Mr. Chairman, I regard the early construction of an isthmian canal as the most important step in our retention and defense of our new Eastern possessions, and I sincerely hope that no difference of opinion as to which route shall be selected—Panama or Nicaragua—will stand in the way of our Government immediately entering upon this work.

Mr. Chairman, since the Hepburn bill left the House the whole aspect of the canal question has changed very much. New light has been thrown upon the situation. The Isthmian Canal Commission has made a new and unanimous report against the Nicaragua and in favor of the Panama route.

In response to very close questioning, the different members of the Commission have pronounced the Panama route the more feasible, the shorter, the more easily constructed, the fewer obstacles to overcome, the less expensive to build, the less costly to maintain, the more easily navigated, and, altogether, the most practical in every way.

This Commission was made up of honorable, independent, and capable men, distinguished as engineers and experts in the construction of great works. They did their work most conscientiously. There is no man who will, I presume, dispute the honest work of this Commission.

Now all this being true, it furnishes abundant reason why any man who has heretofore supported the Nicaragua proposition and who voted for it in the House should change his mind and vote for the Senate amendment. No man who has consistently and conscientiously for all these many years advocated the Nicaragua Canal—talked it, dreamed of it, never having a thought for any other route—need to-day feel that he is recreant to his duty, false to his idol, or chargeable with the least inconsistency by voting for the Senate amendment.

There is enough that is new in the situation to absolve him absolutely from his hitherto faithful adherence to the Nicaragua route.

Both the Panama and Nicaragua in the course of construction will probably develop many surprises, but while in the case of the Nicaragua they are likely to be in the nature of unlooked-for difficulties, in the case of the Panama they are likely to be in the nature of unlooked-for facilities or advantages. Certainly there are more unknown quantities in the Nicaragua than in the Panama.

TITLE.

I do not believe that anyone can successfully assail the title that the Government receives from the French company. It is given by a liquidator or receiver and comes by the way of the courts, and I understand that a title by a receiver through the courts is regarded as one of the best titles that can be given either in France or the United States.

The adoption of the Senate amendment insures a canal at the earliest possible moment.

It practically guarantees that there will never be but one canal. For if it is built the Nicaragua Canal will never be built.

It is the consensus of engineering and expert opinion that the Panama Canal, when completed as a lock canal, can be changed to a sea-level canal. It is only a question of time and money.

I believe that long before the canal is completed, if not when the Government enters upon the work, steps will be taken to make it a sea-level canal, and that, too, without interrupting its use as a lock canal.

The same expert opinion holds it practically an impossibility to make a sea-level canal at Nicaragua.

Panama has less deviations from straight lines, and its curvatures are of larger radii than Nicaragua.

Panama has a lower summit level by 22 feet than Nicaragua, and it is believed that long before completion it will be still further lowered.

The summit level of Nicaragua can never be lower than Lake Nicaragua itself.

The fact that there is a railroad in full operation at Panama simplifies the construction of that canal. The fact that the cost

of maintenance of Panama is $1,350,000 less means, at a capitalization at 2 per cent interest, a saving of $65,000,000 over Nicaragua.

The shorter route, the shorter period of transit. The saving in underwriting, the completed harbors at both ends of the Panama Canal, together with many more obvious advantages, constitute sufficient reasons for adopting that route.

The Senate amendment can safely be adopted, because it means a canal at all events.

There can no longer be any force in the claim that a vote for Panama means no canal. The Senate amendment wipes that all out, and any persistent use of such an argument fails of its mark.

If we are to contend for an open door in the Orient, we certainly ought to have an open gate leading to that door through the great roadway from the Atlantic to the Pacific. [Loud applause.]

Mr. JONES of Virginia. The gentleman from Massachusetts yields back the time that he did not occupy.

Mr. COOPER of Wisconsin. I move that the committee rise.

Mr. JONES of Virginia. I ask the gentleman to withdraw that motion for a moment.

Mr. COOPER of Wisconsin. I will do so.

Mr. JONES of Virginia. I yield one minute to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The Chair desires to state to the gentleman that there is a little necessary business to be transacted, and the order of the House prescribes that the committee shall rise.

Mr. JONES of Virginia. Then I yield half a minute.

Mr. SIMS. Mr. Chairman, a day or two ago we had up the general deficiency bill and there were certain State claims discussed. I asked for certain details from the Treasury Department, but they did not come to me until after my remarks were printed in the RECORD. I only wish to submit these papers as a supplement to my remarks and let them go into the RECORD.

The CHAIRMAN. Without objection, that leave will be given.

The correspondence is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 18, 1902.

SIR: As requested by you to-day, I have the honor to inclose herewith report from the Auditor for the War Department, addressed to me, having reference to the settlement of the accounts of the States of Pennsylvania, New Hampshire, Maine, Rhode Island, Ohio, Indiana, Illinois, Michigan, and Iowa, reopened and adjusted under the act of February 14, 1902.

Respectfully,

L. M. SHAW, *Secretary.*

Hon. T. W. SIMS,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, June 12, 1902.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to make the following report relative to claims of various States filed in this office for refundment of moneys paid as interest and other expenses incidental to procuring funds to suppress the rebellion in 1861 and subsequent years:

In respect to the action taken upon claims of this nature by the accounting officers of the Treasury prior to the decision of the Supreme Court rendered January 6, 1896, in the case of the State of New York *v.* United States (160 U. S., 598), it is sufficient to say that such claims were uniformly disallowed, as it was contended by the accounting officers of the Treasury that the act of Congress approved July 27, 1861, under which claims for expenditures incurred in raising troops during the rebellion were filed made no provision for the allowance of claims for interest charges.

The claims covering expenditures of the above nature, which had been filed in the Treasury Department prior to the decision of the Supreme Court above referred to, and the action taken thereon, are herewith set forth:

State.	Amount.	When filed.	Disposition.
Connecticut	$41,363.83	Mar. 14, 1862	Disallowed Dec. 20, 1886.
New York	131,188.02	May 26, 1862	Allowed by Court of Claims; paid June 24, 1896.
Do	65,624.24	Dec. 28, 1891	No action.
Rhode Island	2,754.85	Mar. 4, 1863	Disallowed Aug. 13, 1886.
Illinois	433,112.03	Oct. 14, 1867	Disallowed Oct. 4, 1889.
Indiana	606,979.41	June 8, 1868	Disallowed Oct. 11, 1886.
Do	107,497.21	Oct. 4, 1889	No action.
Kentucky	973,701.62	Jan. 29, 1879	Disallowed Aug. 12, 1886.
Ohio	452,247.89	May 11, 1881	Disallowed Aug. 2, 1886.
Michigan	320,487.81	June 11, 1883	Disallowed Sept. 19, 1893.
Oregon	143,817.87	Aug. 21, 1884	Disallowed Mar. 14, 1889.
Total	3,278,774.78		

There are involved in these claims items of discount, brokerage, printing, and other expenses more fully set forth in Exhibit A, page 22 of Senate Executive Document No. 133, first session Fifty-fifth Congress, as well as claims for interest on delayed payments, and interest actually paid by the States.

The history of the claim of the State of New York, in which the Supreme Court of the United States rendered a decision January 6, 1896 (160 U. S. 598), in favor of the State, and upon which decision are based the claims of other States subsequently filed, may be briefly set forth as follows:

At the beginning of the war the State of New York was without funds, and in order to properly equip troops the State borrowed on comptroller's bonds $1,250,000, and from the canal fund of the State $518,110.78.

May 26, 1862, the State of New York filed in the Treasury Department a claim against the United States for amounts expended under the act of July 27, 1861, including the items of interest actually paid by the State on funds borrowed as above indicated.

All claims by New York under this act for reimbursement of moneys directly applied in equipping volunteers as aforesaid were allowed and paid or otherwise disposed of by the proper accounting officers, but claims for interest upon moneys borrowed were not allowed.

It was not denied that the moneys realized were applied to promote the raising of troops to aid the United States; in fact, it was clearly shown that the State, with these funds and other resources, raised and put into the field 38 regiments of infantry and furnished large supplies of clothing, arms, and munitions of war in the spring and summer of 1861. It also appears that the principal sums borrowed and so advanced have long since been repaid to the State by the United States, but the action on the item of interest was suspended by the accounting officers, as such charge in their judgment did not come within the purview of the act of 1861, under the provisions of which the claims were filed. In June, 1882, the Secretary of the Treasury transmitted to the Attorney-General all the papers and requested his opinion whether the claim of the State of New York for interest paid by that State on money borrowed and expended in enrolling, etc., its troops employed to aid in the suppression of the rebellion was within the provisions of the act of July 27, 1861.

The opinion given by the Attorney-General under date of July 23, 1883, was in substance that while the interest paid by New York on moneys borrowed and applied to the object specified in the act of 1861 forms a part of the burden borne by that State for the general public defense and constitutes a just charge against the United States, to construe the provisions of that act so as to include such expenditures would be giving them a meaning much broader than that which has in practice been given other legislation of like character and purpose.

It is therefore seen that the opinion of the Attorney-General was unfavorable to the allowance of the charge for interest under the provisions of the act of 1861 and fully coincided with the views of the accounting officers.

At the request of the State the Secretary of the Treasury, on or about January 3, 1889, under the provisions of section 1063, Revised Statutes, United States, transmitted the claim with all the vouchers, papers, briefs, and documents pertaining thereto, to the Court of Claims, there to be proceeded in accordance with law.

The Court of Claims disallowed so much of the State's demands ($39,867.18) as represented interest paid by the State on moneys borrowed from the canal fund, and gave a judgment in favor of the State for $91,320.84, being interest on $1,250,000 comptroller's bonds issued in 1861.

From this judgment the United States appealed to the Supreme Court; the State also appealed.

The Supreme Court, after an exhaustive review of authorities as to the jurisdiction of the Court of Claims to entertain and consider the case, refused the motion of the United States to dismiss the appeal of the State, and proceeded to examine the case on its merits.

The Supreme Court confirmed the action of the Court of Claims in giving judgment to the State for $91,320.84, paid as interest on the comptroller's bonds, and held that there was no difference in principle between the claim for $91,320.84 and the claim for $39,867.18. Hence the action of the Court of Claims denying the claim for $39,867.18 was reversed and the case remanded for further action; whereupon the Court of Claims rendered judgment for the amount claimed, viz, $131,188.02. The decision of the Supreme Court is quoted at much length in the decision of the Comptroller of the Treasury of April 14, 1902, in the claim of the State of Indiana, as set forth in full below.

Under the decision in the case of the State of New York it was contended before the accounting officers that the prior action in these cases was erroneous, and on December 14, 1896, the State of Pennsylvania filed in the office of the Auditor for the War Department a claim for refundment of $1,864,288.04, alleged to have been paid as interest and other incidental expenses incurred in borrowing the money expended in aiding the United States by raising volunteers in 1861–1865.

On May 24, 1898, the Auditor for the War Department transmitted this claim to the Comptroller of the Treasury for his decision, the Auditor being precluded from favorably considering the claim because of the then existing construction of the act of 1861, as indicated by the decision of the Second Comptroller of the Treasury, dated December 29, 1877. (Vol. 3, Dig. 2d Compt. Dec., par. 529.)

The claim was returned by the Comptroller of the Treasury to the Auditor for the War Department August 16, 1898, with opinion, as follows:

"The Auditor for the War Department May 24, 1898, made the following decision, and has submitted the same for approval, disapproval, or modification:

"'I have the honor to transmit herewith the papers in the claim of the State of Pennsylvania, under act of July 27, 1861 (12 Stat., 276), for the reimbursement of the sum of $1,864,288.04 for an alleged actual outlay in pay of interest on money borrowed for the purpose of enrolling, subsisting, etc., the troops of the State, and for other items of incidental expenses connected therewith not allowed in the several claims heretofore presented by the State and adjusted by the accounting officers under the act above cited.

"'The State of Pennsylvania has presented from time to time to the Department under this act various claims and accounts, aggregating $3,568,974.82, and there have been allowed and paid to the State amounts as follows: (Vide compilation in Auditor's letter.) The amounts allowed in these settlements include the amounts expended by the State for the use of which the $1,864,288.04 now claimed was expended as interest and incidentals.

"'In his decision of December 17, 1897 (4 Comp. Dec., 328), the Comptroller of the Treasury held that where a claimant has heretofore presented and has been allowed a claim for a part of an entire demand arising out of the same service and in the same right, such partial allowance is a settlement of the whole demand, and the subsequent application for the remainder will be disallowed. In that decision he said, "It is not sufficient excuse to say that at the time of the allowance of the former claim, if presented, it would have been disallowed by the accounting officers under the rules then prevailing. * * * That was the time and forum for settling the entire matter, and it affords no legal excuse for dividing his claim and presenting it piecemeal."

"'In view of this decision, I am of the opinion that the interest paid for the use of the money expended, the cost of floating the loan and the premium paid for gold as claimed in the present demand, are incidental to and so intimately connected with the amount claimed in former settlements as not to constitute a separate demand, and that the settlement of the claims for the principal expended by the State was a disallowance of the amount now claimed. Therefore the claim is forwarded to you as a request for a rehearing under Circular No. 84 of April 25, 1895.

"'Further, if it be held that the claim as presented is not covered by the

settlements already made, it can not now be allowed by this office. The question of reimbursement of a State for its actual outlays in payment of interest on money borrowed for the purpose of enrolling, subsisting, etc., the troops of the State under act of July 27, 1861, has been several times passed upon by different Second Comptrollers, and such claims have been uniformly disallowed. (See par. 529, 2d Comp. Dig., vol. 3.)

"'Under the decision of the Supreme Court, in case of the United States *v.* New York (160 U. S. R., 598), however, I am of the opinion that if the claim now presented were open for consideration, the State would be entitled to reimbursement for the interest paid by the State on moneys borrowed for the purpose of enrolling, subsisting, supplying, etc., troops to be employed in suppressing the rebellion, as well as the other legitimate incidental expenses properly incurred in procuring the money for said purpose, and that the same are part of the "costs, charges, and expenses properly incurred" within the meaning of the act of July 27, 1861.'

"Unless it can be held that the present claim for interest is so intimately connected with the amount claimed in former settlements for the principal expended by the State as to be a part of the same demand, this case is not one on which a request for a rehearing can arise. If it be viewed as a request for rehearing it must be denied, because the evidence now presented is not newly discovered, and no legal reason is seen why it was not presented with the principal claims.

"Viewed as a new claim recently presented, the State would be entitled, under act of July 27, 1861, supra, to reimbursement for amount properly expended as interest on money borrowed to equip troops as part of the 'costs, charges, and expenses' mentioned in the act (see United States *v.* New York, 160 U. S., 598), provided the claim is now properly before this Department and open for settlement. The decision of the Second Comptroller, found in section 529, volume 3, Second Comptroller's Digest, is hereby reversed. This claim, however, brings up controverted questions of fact and law upon which it seems desirable to obtain the decision of the Court of Claims for the guidance and action of the accounting officers and to furnish a precedent in other cases.

Therefore, if the Auditor deems it proper, it is within his power to transmit the same to that court under the provisions of section 2 of the act of March 3, 1883 (22 Stat., 485) (Bowman Act). Some of the questions upon which a decision seems desirable may be stated as follows:

"1. Have the accounting officers jurisdiction to entertain, adjust, and settle this claim on its merits under the decision in the case of the United States *v.* New York (160 U. S., 598)?

"(*a*) Is this claim for interest on money borrowed and expended in equipping troops so intimately connected with the principal claims already allowed that the interest claim can be held to have been settled in the settlement of the principal claims, on the doctrine that a claimant can not be allowed to split up his cause of action?

"(*b*) In view of the long delay in presenting this claim, is it a 'stale claim,' which the accounting officers should not entertain, adjust, and settle on its merits?

"2. If the accounting officers have jurisdiction and should settle the claim, for what time ought interest to be allowed?

"(*a*) Where long-time bonds were issued, should interest be allowed to the maturity of the bonds. If not, to what lesser time should it be allowed?

"(*b*) Should interest be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure?

"3. If the court finds it has jurisdiction to determine the amount due, what amount, if anything, is the State entitled to on the evidence and facts presented?"

Following the suggestions ot the Comptroller in the decision above quoted, the Auditor for the War Department, October 19, 1898, submitted the claim of the State of Pennsylvania to the Secretary of the Treasury for transmittal to the Court of Claims in terms as follows:

"The SECRETARY OF THE TREASURY.

"SIR: I have the honor to transmit herewith for reference to the Court of Claims, under section 2 of the act of Congress approved March 3, 1883 (22 Stat., 485), otherwise known as the Bowman Act, and there to be proceeded in according to the provisions of said section, the claim of the State of Pennsylvania, aggregating $1,864,288.04, filed in this office December 14, 1896, for reimbursement of interest on moneys borrowed and expended in raising and putting into the field troops for the service of the United States, in aiding to suppress the rebellion, and also items of incidental expenses connected therewith.

"The section under which the reference is requested reads as follows:

"'SEC. No. 2. When a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such department may transmit the same with the vouchers, papers, proofs, and documents pertaining thereto to said court, and the same shall be there proceeded in under such rules as the court may adopt, when the facts and conclusions of law shall have been found; the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.'"

"The claim in question and now pending is itemized as follows:

Interest on $475,000 temporary loan authorized by State act of April 12, 1861	$12,533.34
Interest on $3,000,000, ten-year war-loan bonds authorized by State act of May 15, 1861. (Paid by the treasurer of the State of Pennsylvania)	15,040.51
Interest on $3,000,000, ten-year war-loan bonds authorized by State act of May 15, 1861. (Paid through the Farmers and Mechanics' Bank, Philadelphia, Pa.)	1,768,636.50
Amount paid as premium on gold	58,303,98
Amount of expenses paid in floating the loan authorized by State act of May 15, 1861	9,773.71
Total	1,864,288.04

"The State claims reimbursement from the United States for the entire sum under the act of Congress of July 27, 1861 (12 Stat., 276), which directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses, properly incurred by such State, for enrolling, supplying, paying, transporting, etc., its troops employed in aiding to suppress the rebellion, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

By joint resolution of Congress, approved March 8, 1862 (12 Stat., 615), the act of 1861 was construed to apply to expenses incurred after, as well as before, its passage.

"The State of Pennsylvania has presented from time to time to the Department, under the act of July 27, 1861, various claims and accounts (exclusive of the pending claim for interest, etc.) aggregating $3,568,974.82, and there have been allowed and paid to the State at various times sums as follows:

Number and date of settlement.	Amount.	How disposed of.
8689 of 1866	$112.50	Credited to the State Feb. 2, 1866.
	605,887.50	Credited to the State Apr. 24, 1867.
3333 of 1867	1,304,711.43	Carried to credit of State on account of direct tax May 1, 1867.
	78,516.89	Paid to the State May 1, 1867.
8848 of 1868	105,651.46	Paid to the State Oct. 28, 1868.
4444 of 1870	136,846.09	Paid to the State Aug. 26, 1870.
5927 of 1871	137,822.59	Paid to the State Apr. 11, 1871.
6318 of 1871	242,167.57	Paid to the State May 15, 1871.
6685 of 1871	208,753.08	Paid to the State June 23, 1871.
7358 of 1875	2,865.61	Paid to the State Aug. 11, 1875.
4742 of 1877	58,490.41	Paid to the State Oct. 29, 1877.
63 of 1878	22,557.75	Paid to the State Mar. 4, 1878.
676 of 1878	29,527.23	Paid to the State July 6, 1878.
3374 of 1879	8,236.56	Paid to the State Mar. 10, 1879.
5877 of 1879	39,005.78	Paid to the State July 1, 1890.
7027 of 1880		
2673 of 1881	94,561.15	Paid to the State Aug. 9, 1882.
5663 of 1882		
237 of 1881	5,156.06	Paid to the State Mar. 19, 1881.
7388 of 1883	33,766.58	Paid to the State Mar. 15, 1883.
5668 of 1885	4,378.30	Paid to the State Mar. 18, 1885.
3031 of 1886	3,949.53	Paid to the State Feb. 8, 1888.
7175 of 1887	1,892.29	Paid to the State Apr. 10, 1888.
8900 of 1887	1,001.39	Do.
9490 of 1890	7,546.83	Paid to the State Oct. 14, 1890.
8917 of 1893	765.06	Paid to the State Sept. 24, 1894.
9669 of 1894	805.65	Paid to the State Mar. 12, 1895.
Certificate 239539	155.51	Paid to the State Mar. 23, 1897.
Total	3,225,220.80	

"The amounts allowed in these settlements include the amounts expended by the State for the use of which the $1,864,288.04 now claimed was paid as interest and incidentals.

"This claim, however, presents controverted questions of law and facts, upon which it seems desirable to obtain the decision of the Court of Claims for the guidance and action of this office. The questions upon which a decision seems desirable may be stated as follows:

"1. Have the accounting officers jurisdiction to entertain, adjust, and settle this claim on its merits under the decision in the case of the United States *v.* New York (160 U. S., 598)?

"(*a*) Is this claim for interest on money borrowed and expended in equipping troops so intimately connected with the principal claims already allowed that the interest claim can be held to have been settled in the settlement of the principal claims on the doctrine that a claimant can not be allowed to split up his cause of action?

"(*b*) In view of the long delay in presenting this claim, is it 'a stale claim,' which the accounting officers should not entertain, adjust, or settle on its merits?

"2. If the accounting officers have jurisdiction and should settle the claim, for what time ought interest to be allowed?

"(*a*) Where long-time bonds were issued, should interest be allowed to the maturity of the bonds; if not, to what lesser time should it be allowed?

"(*b*) Should interest be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure?

"3. If the court finds it has jurisdiction to determine the amount due, what amount, if anything, is the State entitled to on the evidence and facts presented?

"I transmit all the papers, proofs, documents, etc., pertaining to the claim, as required."

Subsequent to the filing of the claim of the State of Pennsylvania, other States filed claims of a similar nature, which were likewise transmitted to the Court of Claims, through the Secretary of the Treasury, in compliance with the suggestions of the Comptroller of the Treasury, under section 2 of the Bowman Act, as follows:

State.	Amount.	When filed.	Sent to Secretary of the Treasury.
Connecticut	$625,265.37	May 29, 1899	June 5, 1899
Rhode Island	341,203.41	Jan. 28, 1898	Oct. 24, 1898
New Hampshire	780,369.68	Mar. 22, 1899	Jan. 3, 1899
Maine	212,678.62	Apr. 20, 1898	Jan. 14, 1898
Massachusetts	2,598,344.47	Sept. 15, 1899	Sept. 26, 1899
Kansas	487,915.33	Nov. 20, 1901	Jan. 4, 1902
Vermont	125,000.00	Dec. 28, 1901	Do.
Wisconsin	435,760.68	Jan. 13, 1902	Feb. 6, 1902

The Court of Claims on October 28, 1901, rendered an opinion in the claim of the State of Pennsylvania *v.* United States (36 Ct. of Cls., 507), as follows:

"Howry, J., delivered the opinion of the court.

"The findings establish payment by plaintiff of certain incidental expenses and large sums by way of interest on account of certain temporary and extended loans made on obligations of the State of Pennsylvania (for which as to the long-time loans registered and coupon bonds were duly authorized and issued) for money borrowed and used by the State in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops, under the act of Congress approved July 27, 1861 (12 Stat. L., 276), and the joint resolution of March 8, 1862 (12 Stat. L. 615).

"But the State did not present any claim on account of these expenditures until December 14, 1896, alleging as an excuse therefor that prior to the time when the claim accrued the accounting officers of the Treasury, as well as the Attorney-General of the United States, had decided that the act of 1861, supra, did not give the Secretary of the Treasury jurisdiction to adjust and settle claims for expenditures on account of interest, in consequence of which the State deferred presentation of its claim until the Supreme Court of the United States determined in the case of the State of New York against the United States (160 U. S. R., 598) that similar expenditures for interest were recoverable. Thereupon the claim was presented to the Treasury, but the Secretary, deeming that controverted questions of law and fact had risen in considering the matter of any payment at all, or if payable that uncertainty existed as to the method of adjustment, transmitted the record pertaining to the matter to this court, under the provisions of section 2 of the act of March 3, 1883 (22 Stat. L., 485), with certain inquiries now to be considered.

"No doubt exists as to the justice of this demand for interest expended. Such expenditures when actually disbursed became a part of the aggregate principal properly paid by the State for the General Government, according to the decision in United States *v.* New York. (160 U. S. R., 621.) So by this decision no question arises as to the propriety of the expenditures for interest.

"But it is argued for defendants that Pennsylvania did not claim anything for interest on money borrowed for a period of more than thirty years after all her other claims had been presented and substantially adjusted and paid, which must be taken as proof that the present claim is stale; that the effect of its being withheld, together with claimant's acquiescence in the rulings of the Treasury Department, establishes staleness, which necessarily excludes any payment whatever now; and further, that as claimant did not bring suit in this court within the statutory period of limitation, the Secretary should be advised that such failure works an estoppel upon the belated assertion of the demand; that the claim is too intimately connected with the principal claims already allowed to admit of further consideration, because the State can not be allowed to so divide its original cause of action as to be entitled to further payments. * * *

"Thus it will be seen that there is precedent for the anomaly that the statute of limitations may apply to a right of action in this court, and not for an accounting at the Treasury.

"The door for settlement at the Treasury may not always be open, however, by reason of the laches of the claimants so operating upon the rights of the Government as to cause prejudice to its interests, or the conduct of the claimant be such as to estop the further assertion of the demand. * * *

"While there must at some time or another be an end of accounting, and creditors of the Government must not unreasonably delay presenting their demands, and while it is true an equitable bar may sometimes arise from lapse of time in cases not strictly within any statute of limitation, it is also true that circumstances may relieve the failure to present if it does not appear that the relative position of the parties has changed.

"Here, it appears, the legislature of the State of Pennsylvania authorized its obligations, with interest, for the purposes stated in the act of 1861; the State records contain the numbers of the obligations and the amounts for which they were respectively issued, and the archives disclose possession of these evidences of debt, together with the data necessary to determine the precise sums expended. The details of the transactions are as accessible now as ever. The accounting officers of the Treasury erroneously declared, very early after similar demands were presented, that reimbursements for interest expenditures were not payable to any State. Their action was accepted as correct by the Secretary and his course was approved by the chief law officer of the Government. The United States lost no right and the State gained no advantage by the nonpresentation of the claim. Under these circumstances it would be a harsh application of the rule respecting diligence to now say that the Secretary had lost jurisdiction because of his erroneous decision and the inaction of the State because of that mistaken view of his authority.

"Especially would such a declaration appear to be unjust and wholly technical in view of the continued presentation of claims and payment, under the statute, of other war claims of the State of Pennsylvania. Beginning March 1, 1862, and ending December 5, 1892, 16 separate claims were presented by the Commonwealth; and during the time extending to March 12, 1895, the Treasury made as many as 25 separate payments. The intervening time from the presentation of the last allowed claim of the State to the presentation of its final demand was something under five years. Large items in the claims already adjusted were presented twenty years or more after such items had accrued. If the unpaid claim now being considered can not be settled for want of a place of adjustment, or for staleness, or because of the bar of the period of limitation, in case of suit, then some of the claims heretofore settled would seem to have been unlawfully paid.

"Such a distinction in the practice of the Treasury Department in dealing with proper expenditures of plaintiff should not operate as an estoppel even though it appears the State paid its last installment of interest on its bonds in 1872. The doctrine of estoppel for failure to present, a doctrine not favored in the law, can not be invoked by the party whose officers erroneously decided presentation to be a useless proceeding. Estoppel might arise against a party where his own conduct has caused another to act differently from a course which otherwise such person might pursue without reference to a statute of limitation. It can not rest by mere silence upon a departmental ruling adverse to jurisdiction, with no additional rights acquired by a claim and no injury done to the debtor in the meantime.

"The respective payments of interest were disassociated from the payments of other lawful expenditures of plaintiff. These payments were made at separate times and from funds raised by taxation. In dividing its accounts, the State was excused from presenting all the claims together by the practice of the Treasury in dealing with the various expenditures.

"Other questions relate to the time interest ought to be allowed; that is, treating the interest payments as principal under the decision in the New York case, whether interest shall be allowed to maturity on the ten-year bonds of the State or to the time when they were redeemed.

"The method of raising money by Pennsylvania was not in the main different from that adopted by the State of New York, except as to the length of time the bonds had to run. The loan on the ten-year bonds in 1861 covered a shorter period than any loan made to the State prior to 1860. Loans had been generally obtained before that time payable in from twenty-five to thirty years. The act of 1861 and the supplemental joint resolution to that act did not restrict the State in the means it should adopt to raise the money. The United States agreed to reimburse all costs, charges, and expenses properly incurred. If long-time bonds were needlessly issued a different question would arise, but it has not been made to appear that the credit of the State was uselessly or improvidently put forth, or that it was not the quickest way of raising money for the purposes it was immediately wanted. It does not appear that the ready cash was in the State treasury at the time.

"It is true the State might have raised the large amounts needed by direct taxation upon its citizens. In the stress of the times that may have been proper, but certainly not most expedient. It was deemed best, in the exercise of the sovereign power of the State, to raise revenue for some of its public purposes by authorizing and issuing bonds. The emergency was great, and the good faith of the State in the premises has never been nor can ever be questioned. Under these circumstances it can not be said that the interest expended was improper.

"Besides the items of expenditure by way of interest, expenses were incurred by the State in negotiating a loan on $3,000,000 of its obligations under an act of the legislature of May 15, 1861, which authorized the State to issue bonds for the purposes named in the act of Congress. There was also expended for premiums on gold in the payment of interest on these bonds the amount shown by the report of the auditor. The expenses incurred in negotiating the loan amounted to $9,773.71, and the premium on gold aggregated $58,303.98.

"The court will take judicial notice of the history of the times, of the financial conditions prevailing throughout the country, and other circumstances affecting the public credit in the efforts of the State to float its bonds. That difficulty existed in the attempt to use the credit of the State to the best advantage appears certain, and in securing the services of a fiscal agent to facilitate the negotiation of its bonds without loss and paying the sum proven to have been paid we think the expenditure was proper. The disbursements on this account have the additional merit of being entirely reasonable.

"The payment of premiums on gold were a necessity at the time. The terms of the State's contract required specie payments. Gold was at a premium, and with the advancing storm of war continued to rise in value. The authorities of the State were fortunate in not having (by mere delay) to pay more of a premium on the gold necessary to meet the interest on the bonds of the State as that interest fell due.

"The amount of direct tax chargeable against the State under the act of August 5, 1861 (12 Stat. L., 295), was formally credited in the Treasury Department some time after it became due and chargeable. Under an apportionment of this direct tax to the several States the quota of Pennsylvania was fixed at $1,946,719.33. The balance due by the State after deducting the 15 per cent provided by the act imposing the tax was $1,654,711.44. There was sufficient recognition on June 30, 1862, by the United States of its liability to reimburse the State for its expenditures as to justify credit to the State of the amount of the direct tax as of the date above given. The fact that difficulties subsequently arose in the adjustment of the State's accounts, as presented in June, 1862, and that various items may have been rejected, does not prove that the United States denied its liability to the State for what was properly due to it. The controversy over the accounts related to the correctness and propriety of the disbursements and to the details of the claim as presented by the State, and not to any denial of liability for whatever was shown to be proper. For this and the reasons set forth in the contemporaneous opinion, in the case of the State of Maine, the amount of direct tax should be credited as of the date stated, namely, June 30, 1862.

"Summarizing the considerations stated and directly answering the inquiries propounded by the Secretary, we hold:

"1. That the accounting officers have jurisdiction to entertain, adjust, and settle this claim on its merits under the decision in the case of the United States *v.* New York (160 U. S., 598).

"2. That interest paid by the State of Pennsylvania be allowed.

"3. Interest should be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure.

"4. This claim for interest paid out by the State on money borrowed and expended in equipping troops under the act of 1861 is not so intimately connected with the principal claims already allowed that the present claim can be held to have been settled in the adjustment of the principal claims.

"5. Settlement of the claim in the Treasury is not barred by any statute of limitation, nor is it a stale claim which the accounting officers should not entertain, adjust, or settle on its merits.

"6. The accounting officers having jurisdiction, the claim should be adjusted by allowing the State interest from the dates of the several loans made by it to raise money necessary to organize and equip troops, for which the United States promised indemnity by the act of 1861, up to the date or dates when the Government recognized the claims for the money so advanced, deducting therefrom the amount of direct tax chargeable against said State as of the date when due and chargeable, to wit, June 30, 1862.

"7. Under the rule stated, and by direction of the court, the auditor to whom this case was referred to take and state the account has filed an amended report. By it the amount shown to be due is $689,442.13. This sum includes the expenses incurred in negotiating the loan and the premiums on gold, as well as the claim for interest expended. The amended report, which the court adopts as its findings of fact, is based upon the charge to the State of its quota of the direct tax and the credit of the amount of this tax as of June 30, 1862, and not upon the amount claimed in the petition and credited to the State, under its contention and the auditor's original report, at a later date."

The opinion of the Court of Claims in the claim of the State of Maine *v.* United States (36 Court of Claims, 531) was rendered on the same date, as follows:

"Peelle, J., delivered the opinion of the court.

"The claim in this case was transmitted to the court by the Secretary of the Treasury by the following communication:

* * * * * * *

"Under the reference thus made the claimant filed a petition herein on the 23d day of March, 1899, and thereafter, by consent of both parties, the case was referred to the auditor of the court to investigate and take testimony and to report the facts to the court; and that having been done, the Auditor files his report herein; and no exceptions having been filed thereto, and the same being in conformity with the evidence, the court adopts the same.

* * * * * * *

"The regular session of the Maine legislature for the year 1861 met the first Wednesday in January and finally adjourned March 16, having made the annual appropriations for State purposes and levied the State tax for the current year, and on April 15, 1891, the date of the first call for troops, there was not, nor would there be during that year, any money in the State treasury which was not specifically appropriated for State purposes, and no money which could be used to defray the expenses of enlisting, enrolling, arming, equipping, and mustering troops into the service of the United States. To provide ways and means for those purposes an extra session of the Maine legislature was called, which met April 22 and adjourned April 25, 1861. This extra session passed an act (chapter 60, Public Laws, extra session, Maine, 1861) authorizing the governor to raise and equip ten regiments, and appropriated $1,000,000 therefor, and also passed a resolve authorizing a loan of $1,000,000 to provide for said appropriation.

"Pursuant to said resolve Maine issued and sold bonds to the amount of $800,000 and no more, all being payable in ten years from their date and bearing interest at the rate of 6 per cent per annum, the then legal rate in Maine, payable semiannually, according to the coupons attached to the bonds.

"Said bonds were issued in installments as follows: $250,000, May 10, 1861; $300,000, July 1, 1861; $250,000, August 1, 1861, and sold for $800,000, their full face value, and a premium of $3,087.50.

"The issue and sale of all these bonds was necessary to provide the money required, and the full amount of their face value, together with the premium and other moneys, was expended by Maine for war purposes.

"Maine paid the principal of each and every of said $800,000 bonds at maturity, together with the interest coupons thereon as the same became due to the amount of $480,000 for the ten years, and after such payments both the bonds and the coupons were destroyed according to law.

"All the items and vouchers therefor for which said $800,000 was expended are included in claim No. 1, made by Maine for reimbursement to the amount of $1,075,274.36, as appears in the above Table 1.

"Said $800,000 was expended by Maine as aforesaid in sums corresponding to the three several bond issues, as follows: $250,000, from April 29 to July 1, 1861, of which the Treasury Department of the United States allowed $208,265.91 and disallowed $41,734.09; $300,000, from July 1 to August 3, 1861, of which $214,338.44 was allowed and $85,661.56 disallowed, and $250,000, from August 3 to September 21, 1861, of which $213,933.44 was allowed and $36,066.53 disallowed. In the aggregate of said $800,000 the accounting officers of the Treasury Department allowed $636,537.79 and disallowed $163,462.21.

"Said allowed sum of $636,537.79 was borrowed by the State of Maine, as above set forth, and expended for purposes properly chargeable to the United States, and for the same the United States has reimbursed Maine under the provisions of the act of Congress above mentioned.

"Maine received from the United States $200,000 September 12, 1861, and $120,000 March 7, 1862, and all of the $320,000 so received, and more, was expended by Maine subsequent and in addition to the $800,000 derived from the bonds and for items allowed by the Treasury Department, as appears in the above Table 1. Had it not been for said payments of $200,000 and $120,000 Maine would have been obliged to issue the remaining $300,000 bonds authorized by the appropriation, and also compelled to borrow large sums of money in addition thereto to meet her expenditures for war purposes.

"Maine assumed her quota of the direct tax levied under the act of Congress approved August 5, 1861, by reason of which there was due and payable from Maine to the United States $357,702.10 June 30, 1862, on which date said sum was credited by Maine to the United States, but it appears that the latter did not charge it off as paid until March 2, 1867 (item No. 2237, Table 11).

"Maine received from the United States, March 18, 1867, $184,462.12; April 22, 1867, $10,000; November 29, 1867, $10,682.23, and December 16, 1867, $4,000. The first, second, and fourth of the preceding items together make the third item in the above Table 11, appearing there as $198,462.12 under date of March 2, 1867. All other items of payment by the United States to Maine are the same as the items of like amount in said table, and the differences between the dates in the table and those in the Maine treasury are accounted for by the difference in time between the drawing of the warrant by the Treasurer of the United States and the receipt of the funds by the treasurer of Maine.

"On March 18, 1867, the date of the receipt by Maine of the payment of $184,462.12, made by the United States, there was due Maine a balance of $64,387.28 in addition to the $636,537.79 above mentioned as allowed by the Treasury Department, which said balance of $64,387.28 is determined thus: Claims filed by Maine in 1862 and 1863 were allowed by the United States to the amount of $917,539.68 (Table 1), of which there was paid by Maine the allowed sum of $636,537.79 from the proceeds of the $800,000 bonds, as above stated. This left a balance of allowed claims amounting to $281,001.89, and this, deducted from the $320,000 paid by the United States to Maine (first two items Table 11), left a credit balance of $38,998.11; but Maine filed a further claim, which was allowed, to the amount of $103,385.38 (item 4, Table 1), from which subtract said credit balance of $38,998.11, and there is left the balance of $64,387.28, claimed by Maine as aforesaid. The same result is reached by adding said $281,001.89, balance allowed claims, and the further allowed amount of $103,385.39, and from their sum ($384,387.28) subtracting said $320,000, which leaves the same balance of $64,387.28 first above mentioned.

"On September 19, 1868, Maine received from the United States a payment of $127,473.34, which is the item appearing in Table 11, under date of September 5, 1868.

"On October 29, 1868, Maine received from the United States a payment of $6,728.96, which is the item appearing in Table 11 under date of October 16, 1868, and it was in payment of a claim by Maine for that amount filed with the Treasury Department August 8, 1868, the same being item 5 of Table 1, and it covers charges not included in any item of payment heretofore mentioned.

"Upon the foregoing findings the State of Maine claims as per the following statement and figures furnished by counsel for claimant, all the computations of which I find to be correct:

Statement of amount claimed by the State of Maine to reimburse it for interest paid on moneys borrowed and expended for the United States.

Of the $250,000 borrowed May 10, 1861, the State expended $208,265.91 for purposes which the Government allowed as proper charges.		
Interest on $208,265.91, May 10, 1861, to June 30, 1862		$14,231.50
Of the $300,000 borrowed July 1, 1861, the State expended $214,338.44 for purposes which the Government allowed as proper charges.		
Interest on $214,338.44, July 1, 1861, to June 30, 1862		12,860.31
Of the $250,000 borrowed August 1, 1861, the State expended $213,933.44 for purposes which the Government allowed as proper charges.		
Interest on $213,933.44, August 1, 1861, to June 30, 1862		11,766.34
Expenditures for allowed items as follows:		
May 10, 1861	$208,265.91	
July 1, 1861	214,338.44	
August 1, 1861	213,933.44	
Total	636,537.79	
Total interest on same to June 30, 1862		38,858.15
June 30, 1862, Maine received from the United States $357,702.10 (being its quota of the direct tax assumed by it and due that day), which, deducted from the above total of allowed items, leaves a balance of $278,835.69 unpaid and upon which the State was paying interest.		
Interest on this balance, June 30, 1862, to March 18, 1867		78,910.50
March 18, 1867, Maine received from the United States payment of $184,462.12. At that time Maine had expended for the United States for allowed items, all subsequent to those making up the $636,537.79 and in excess of the $200,000 and $120,000 advanced it in 1861 and 1862, the sum of $64,387.28, for which it reimbursed itself, leaving $120,074.84 to be applied in reduction of the amount on which it was paying interest for the United States ($184,462.12 less $64,387.28 leaving $120,074.84). The $120,074.84 deducted from the former balance of $278,835.69 leaves $158,760.85 outstanding March 18, 1867.		
Interest on this sum, March 18, 1867, to April 22, 1867		899.64
April 22, 1867, the State received $10,000 from the United States, which, deducted from the former balance, leaves $148,760.85 outstanding, on which the State was paying interest for the United States.		
Interest on this sum, April 22, 1867, to November 29, 1867		5,380.18
November 29, 1867, the State received from the United States $10,682.23, which, deducted from the former balance, leaves $138,078.62 outstanding, on which the State was paying interest for the United States.		
Interest on this sum, November 29, 1867, to December 16, 1867		391.22
December 16, 1867, the State received $4,000 from the United States, which, deducted from the former balance, leaves $134,078.62 outstanding, on which the State was paying interest for the United States.		
Interest on this sum, December 16, 1867, to September 19, 1868		6,100.58
September 19, 1868, the State received $127,473.34 from the United States, which, deducted from the former balance, leaves $6,605.28 outstanding, on which the State was paying interest for the United States.		
Interest on this sum September 19, 1868, to May 10, 1871, the date on which the first issue of bonds became due and was paid		1,046.93
Total interest paid out by the State upon moneys borrowed used for the United States		131,587.20

"MEMORANDUM.—October 29, 1868, the State received from the United States $6,728.96, to reimburse it for expenditures made for war purposes, but this was in payment of a claim of like amount filed August 8, 1868, and allowed by the Government, which said claim was for expenditures in addition to and not included in any of the allowances previously made and above referred to. This paying, having been made in settlement of the specific claim referred to, has no effect upon the above claim for interest.

"By mutual agreement and request of counsel for the United States and for claimant, the Auditor further reports as follows:

"'Under act of July 27, 1861, the State of Maine filed with the Secretary of the Treasury of the United States six accounts, dated, respectively, April 25, 1862, July 28, 1862, July 22, 1863, February 25, 1867, August 8, 1868, and June 19, 1882, on which the Treasury Department allowed and disposed of $1,027,654.03, and none of said accounts contained the present claim.'

"The present claim was filed with the Secretary of the Treasury of the United States April 16, 1898.

"Immediately after the act of July 27, 1861, the Treasury Department established a rule rejecting all claims like this one on the grounds that the same were for interest, and that the Government is not liable for interest unless expressly provided for in the contract. And the Attorney-General of the United States, to whom was referred a like claim of the State of New York, on July 23, 1883, rendered an opinion sustaining the Treasury Department rulings on the ground that such claims were for interest and not for principal.

"The Treasury Department continued to rule as aforesaid on all such claims presented up to and including the year 1896, when the Supreme Court of the United States, in New York *v.* United States (160 U. S., 598), held that claims of the nature of this one are for principal and not interest.

"Among the claims which the Treasury Department ruled as above stated were those of the States of New York and Indiana.

"Consistently with all such rulings, this claim of Maine would not have been favorably considered by the Department if it had been filed at any time prior to the above-mentioned decision of the Supreme Court in 1896.

"Maine presented this claim to the Secretary of the Treasury for audit and payment within a reasonable time after said decision by the Supreme Court.

"All the evidence that ever existed and that could be used on behalf of either of the Government or the claimant with reference to this claim was on said April 16, 1898, the date on which the claim was filed with the Secretary of the Treasury, and still is, accessible to the Government, and no detriment has accrued to the United States by reason of this claim not being filed prior to said April 16, 1898.

"By request of counsel for the claimant, the auditor reports that the law and method of taxation in Maine in 1861, 1862, and 1863 were that the legislature then assembled on the first Wednesday of January in each year, and each session provided for the annual appropriations and for the levying of the yearly State tax, which tax was legally due upon the first day of the January next following, and ordinarily was not actually received into the State treasury until from time to time during the ensuing year.

"Respectfully submitted November 29, 1899.

"HARRY M. CAVIS, *Auditor*."

The Court of Claims also rendered opinions and certified their findings as to the law and the facts in the claim of the State of New Hampshire, and the claim of the State of Rhode Island.

As provided in section 2 of the Bowman Act, the court did not enter judgment on these claims, but reported its findings to the Treasury Department for its guidance and action.

The amounts found due on the several claims by the court were as follows:

Pennsylvania	$689,442.13
Maine	131,587.20
New Hampshire	104,967.94
Rhode Island	146,154.45

Upon settlement of the above claims and the adjustment of clerical differences by the Auditor for the War Department the following amounts were found due, which were certified to Congress for an appropriation:

Pennsylvania	$689,146.24
Maine	131,515.81
New Hampshire	108,372.53
Rhode Island	124,917.79

The amounts allowed by the Auditor were duly appropriated by act of February 14, 1902, and have been paid to the States.

The determination of the above-described claims by the Court of Claims and the Auditor for the War Department and the sanction thereof by Congress in the provisions of the act of February 14, 1902, referred to, having been accepted by the Auditor for the War Department as sufficient authority for his guidance, the Auditor proceeded to consider the claim of the State of Iowa and detailed a special auditor from his office to proceed to Des Moines, Iowa, to examine the State records, procure evidence, take testimony, and make a report upon his investigation as to the merits of the claim. Following are extracts from the special auditor's report:

"At the call for troops by the President of the United States for the suppression of the rebellion, the State of Iowa had no moneys in its State treasury which were not specifically appropriated for the expenses of the State government.

"The State, having no funds which could be used to defray the expense of enlisting, equipping, and mustering troops into the United States service, was compelled to and did issue bonds to the amount of $300,000. Owing to the previous bonded indebtedness of the State, and the financial conditions prevailing at the time, the bonds could not be floated at par value, but were disposed of at a discount, the State realizing but $277,320 from the sale of the bonds, leaving the discount suffered by the State in the sale of $22,680.

"The total amount of money appropriated for war purposes by the State was $1,000,000, and of this amount the State was authorized to issue $300,000 in bonds. The law providing for the issue of these bonds expressly stipulated that so much as was absolutely necessary of the authorized bond issue was only to be perfected and sold as the conditions of the State revenues for war purposes demanded. (Vide Abstract 'A.')

"The evidence shows that by careful and judicious financiering the State succeeded in carrying on the work of equipping troops and putting them into the field with an issue of bonds in the sum of, as stated, $300,000. There was, however, the total amount of the appropriation of $1,000,000 spent, and more. (Vide Statement No. 1, p. 4.)

"To supply the additional amount of the money required, the State used funds received from other sources than from the sale of bonds, to wit: Advances by the United States, $80,000 on September 25, 1861, and $20,000 on April 7, 1862, and the receipts from the Federal or direct taxes. That the use of such direct taxes obviated the necessity of issuing additional bonds to make up the required revenues is shown by the evidence presented and the statements set forth.

"In addition to the sums derived from these specific sources, there were overdrafts made from the general revenues of the State.

"These various sums are shown to have been deposited in the 'war and defense fund' of the State, a fund created by special act of legislature (vide

Abstract "A"), which also provided that no warrants except those drawn in payment of military expenditures should be paid from that fund.

"Upon examination of the abstracts filed with the claim of the State of Iowa for civil-war expenditures now on file in the Treasury Department, it is ascertained that the State had expended and otherwise incurred obligations in the amount of $828,687.17 on January 1, 1863. (Vide Table 3, p. 4½.)

"Up to this date the ascertained revenues derived by the State were $100,000 advanced by the United States, $277,320 proceeds from the sale of bonds, and the Federal or 'direct tax' levied under the act of Congress approved August 5, 1861, which by the interpretation of the above act by the Court of Claims was due and payable on June 30, 1862, in the sum of $384,274.80.

"The amounts derived from the proceeds of the sale of bonds and the sums advanced by the United States are clearly shown to have been inadequate to meet the obligations incurred by the State for military expenditures, the State having used to make up this deficiency the revenues derived from the collection of the 'direct tax.'

"From the evidence submitted as to the disposition of the moneys received from the sources above stated, it does not appear that the State could have judiciously used the moneys derived from the United States or the amounts collected from direct taxes to the liquidation of its interest-bearing obligation, but, on the contrary, was forced to use it for the liquidation of obligations incurred for military supplies and expenses incident to raising troops. It is manifest that using it for other purposes additional sales of bonds in excess of the $300,000 would have been imperative.

"The Supreme Court, in its opinion rendered in the case of the United States *v.* New York (160 U. S., 598), decided that the moneys spent by the State in procuring funds was as much a part of the principal expenditures as the purchase of military equipments. It also held that the relationship which existed between the United States and the State was one of principal and agent. It therefore follows that the status of principal and agent continues throughout all the transactions authorized by such agency, until a final accounting between principal and agent was had.

"The evidence obtained and based upon the records of the Treasury Department shows that there was no accounting between principal and agent until January 8, 1868. It follows, therefore, that all moneys received by the agent from the principal up to the date of an accounting were to be used for the purpose and in the manner implied by the agency—namely, that of purchasing supplies and equipping troops—as long as the condition existed for which the agency was created.

"During the existence of these conditions, brought on by a state of war, the State continued to carry on the work of equipping troops and incurring obligations to her creditors for military supplies.

"The creditors of the State were paid on warrants drawn on the 'war and defense fund' of the State, into which had been deposited all the available funds at the command of the State from which to meet its obligation incurred incident to the raising of troops.

"The facts stated above, which are supported by the evidence submitted, tend to show that the moneys derived from advancements by the United States and collections by the State of Federal taxes were used in the same manner and for the same purposes as the moneys derived from the sale of bonds.

"Through the same course of reasoning it follows that, owing to the depleted condition of the State treasury, the use of the moneys received from these sources for the payment of military expenditures obviated the necessity of perfecting and selling bonds for an equal amount.

"The findings of the Court of Claims upon interest expenditures of this nature and the determination of the rule and theory of the court was applied to claims wherein the greater portion, if not all, of the moneys expended by the State was procured by the issuance of bonds.

"In the claim now under consideration the conditions are not in all respects analogous to the claims passed upon by the court.

"The proportion of the amount of bonds issued to the amount of the total expenditures properly incurred by the State is found to be but 28 per cent, leaving a large proportion (72 per cent) of the moneys properly expended to be derived from other sources, which the evidence shows was made up of advances by the United States, and sums derived from the collection of the Federal or 'direct tax.'

"The disposition of the moneys derived from the 'direct tax' was not considered by the Court of Claims, although it determined that the 'direct tax,' by the terms of the act of Congress approved August 5, 1861, was due and payable on June 30, 1862.

"Following this interpretation, and assuming by legal fiction that the 'direct tax' was on such date paid by the State to the United States and immediately, by counter warrant, retransmitted to the State, consideration must be given to the disposition of the moneys so secured by the State, and what bearing such disposition, as adjudged by the evidence in the case, would have upon the strict application of the rule of the Court of Claims in making rests at each advancement of funds by the United States and the application of the 'direct tax' to a corresponding reduction of the interest-bearing principal.

"As before stated, during the time when the State of Iowa received advances from the United States, amounting to $100,000, and the date the 'direct tax' was due (June 30, 1862) in the sum of $384,274.80, the State was carrying on the work of equipping troops and incurring obligations for military expenses.

"These expenses aggregated, on January 1, 1863—and for which vouchers had been presented by creditors of the State—the sum of $828,687.17. In the liquidation of these expenses the State had consumed the amounts advanced, coupled with the amounts realized on the sale of bonds in the aggregate of $377,320, and to the extinguishment of the remainder of the expenses incurred had applied the amounts collected from the 'direct tax.'

"The Court of Claims held in the determination of questions of law and fact in the case of the State of Maine (departmental, No. 57) that by its adoption of the report of the auditor of the court, wherein the evidence showed that the sums advanced by the United States had been applied by the State for military expenses and that the application so made obviated the necessity of issuing more bonds of an equal amount.

"It would therefore seem clear that the decision of the court was that where advancements by the United States or other credits were made, that were used in the same manner as moneys derived from sale of bonds, such advancements or credits would not apply to the reduction of the interest-bearing principal.

"There can be no difference in principle between the sums advanced by the United States and the 'direct tax' collected, provided they were used for the same purposes. It is therefore believed that the rule followed by the court in making a rest on June 30, 1862, and deducting from the interest-bearing principal the amount of the 'direct tax' can not be applied in this case without depriving the States of rights believed to exist under the act of Congress, July 27, 1861, as determined by the decision of the Supreme Court in the case of New York *v.* United States (160 U. S., 598), in construing the intent and meaning of said act.

"Based upon the facts as substantiated by the evidence submitted, and a revision of the case as stated, the amount due the State for moneys expended as interest has been based upon the computation of interest at 7 per cent upon the face value of the bonds from the several dates of their perfection and sale up to the dates when set-offs occur by reason as hereinafter explained.

"Following the principle as laid down in the opinion of the Court of Claims in the Maine case, and applying the rule of making a rest at each date of payment by the United States of moneys susceptible of application to the reduction of the interest-bearing principal, in the computation of interest which should be allowed the State the rule is here applied, as announced, that the State must first be reimbursed its own noninterest-bearing principal—that is, the amount the State expended of her own moneys derived from other sources than from the bond issue and advancements from the United States—before any payment by the United States shall be applied to the reduction of the interest-bearing principal.

"The amount of noninterest-bearing principal is derived as follows: To the amount of bonds sold by the State ($300,000) is added the advancements by the United States, namely, $100,000, and the amount of the 'direct tax' ($384,274.80), making $784,274.80. This amount is that which is foreign to the State's noninterest-bearing principal. This deducted from the total amount of the claim reimbursed the State for civil war expenditures, namely, $1,044,336.84, leaves $260,062.04 as the noninterest-bearing principal.

"Under the theory of the rule as above stated, announced by the Court of Claims in the Maine case, this noninterest-bearing principal must first be paid before any payment is applied to the reduction of the interest-bearing principal. Following this rule, the sums of payment by the United States that will offset this noninterest-bearing principal are as follows:

"One hundred and thirty-five thousand four hundred and forty-two dollars and forty-four cents paid by the United States and credited on the books of the State January 15, 1868, and so much of the payment of $229,827.39 credited on the books of the State July 17, 1869, namely, $124,619.60, as is required to complete the liquidation of the noninterest-bearing principal, leaving of the last-named payment the sum of $105,207.79, which is the amount to be deducted from the interest-bearing principal to be made on account of a payment by the United States.

"On the date this payment occurs (July 17, 1869) a reduction of the $300,000 interest-bearing principal in the amount of $105,207.79 is made, and the reduced principal yields interest up to the next set-off or rest, as shown by the computation hereinafter set forth.

"All other expenditures incurred by the State which have been included in this account have been properly verified with the records of the State of Iowa, and are believed to be proper expenditures on the part of the State within the purview of the act of July 27, 1861."

(The sales of bonds by the State covered a period from July 29, 1861, to June 9, 1862, and on June 30, 1862, the accrued interest from the various dates of sale up to June 30, 1862, is shown to be $11,216.24. On June 30, therefore, the interest-bearing principal is the full amount of the bond sales ($300,000). This amount yields interest, as before explained, up to July 17, 1869.)

$300,000.00	June 30, 1862, to July 17, 1869, 7 years 17 days, at 7 per cent	$147,991.67
105,207.79	From $300,000 deduct $105,207.79, credited on the books of the State July 17, 1869, the amount of payment by the United States in excess of the amount which the State is entitled to first reimburse itself for its own moneys used, exclusive of the amounts derived from bonds, advancements, and direct taxes. The remainder, $194,742.21, is the principal on which interest is to be computed from July 17, 1869, to February 5, 1870.	
194,792.21	July 17, 1869, to February 5, 1870, 6 months 18 days, at 7 per cent	7,499.50
85,079.64	From $194,792.21 deduct $85,079.64, the amount of payment by the United States credited on the books of the State, February 5, 1870, leaving $109,712.57, which is the principal on which interest is to be computed to February 6, 1872.	
109,712.57	February 5, 1870, to February 6, 1872, 2 years 1 day, at 7 per cent	15,381.09
871.84	From $109,712.57 deduct $871.84, the amount of payment by the United States credited on the books of the State February 6, 1872. The remainder, $108,840.73 is the principal on which interest is to be computed up to June 12, 1872.	
108,840.73	February 6, 1872, to June 12, 1872, 4 months 6 days, at 7 per cent	2,666.60
101,376.02	From $108,840.73 deduct $101,376.02, the amount of payment by the United States credited on the books of the State June 12, 1872. The remainder, $7,464.71, is the principal on which interest is to be computed to March 18, 1874.	
7,464.71	June 12, 1872, to March 18, 1874, 1 year 9 months 6 days, at 7 per cent	923.14
3,496.99	From $7,464.71 deduct $3,496.99, the amount of payment by the United States credited on the books of the State March 18, 1874. The remainder, $3,967.72, is the principal upon which interest is to be computed to June 6, 1874.	
3,967.72	March 18, 1874, to June 6, 1874, 2 months 18 days, at 7 per cent	60.18
262.17	From $3,967.72 deduct $262.17, the amount of payment by the United States credited on the books of the State June 6, 1874. The remainder, $3,705.55, is the principal upon which interest is to be computed to July 1, 1881, the date upon which the State redeemed its bonds. There being no further principal upon which the State was paying interest, the computation ceases on this date, July 1, 1881.	
3,705.55	June 6, 1874, to July 1, 1881, 7 years 25 days, at 7 per cent.	1,833.73
	Total interest	187,572.15
	To expense negotiating loan, sums in exchange, engraving and printing bonds	2,169.04
	To discount suffered by State in sale of bonds below par	22,680.00
	To interest paid on warrants	17,278.43
	Total amount found due State	229,699.62

Act of Congress approved February 14, 1902, made provision for the reopening and examination for allowance of claims for refundment of interest that had been disallowed under the ruling of the Treasury Department prior to the decision of the Supreme Court in the case of the State of New York *v.* United States (160 U. S., 598). The act of February 14, 1902, provides as follows:

"In refunding to States expenses incurred in raising volunteers, namely:

"To the State of Maine, $131,515.81.

"To the State of Pennsylvania, $689,146.29.
"To the State of New Hampshire, $108,372.53.
"To the State of Rhode Island, $124,617.79.
"And the claims of like character arising under the act of Congres of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 United States Reports, p. 598), not heretofore allowed, or heretofore disallowed, by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

As the claims heretofore disallowed had had their final adjudication by the Second Comptroller the above act vested exclusive jurisdiction to reopen and allow such claims in the Comptroller of the Treasury.

Under the authority thus vested the Comptroller of the Treasury took up for adjudication the claim of the State of Indiana, which had been disallowed on October 11, 1886, in the amount of $606,979.41, together with a claim disallowed by the Auditor for the War Department on April 10, 1902, in the amount of $121,327.21, and upon a rehearing and revision, April 14, 1902, certified the amount of $635.859.20 due the State, in accordance with his decision of the same date, as follows:

"The State of Indiana, on the 8th day of June, 1868, under the provisions of the act of Congress of July 27, 1861 (12 Stat., 262), and joint resolution of March 8, 1862 (12 Stat., 614), making provisions for the reimbursement of States on account of the costs, charges, and expenses properly incurred by them for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting their troops employed to aid in suppressing the war of the rebellion, filed its certain claim against the United States with the Auditor for the War Department, then called the Second Auditor, wherein said State claimed that the United States was justly indebted to it on account of interest paid on certain war bonds issued by it in order to raise money and used by it for the purposes mentioned in said act and resolutions, supra, and for discount suffered by it for the negotiation of said bonds, and for certain expenses incurred by its commissioners who negotiated said bonds, and for certain losses in exchange incurred for the payment of the semiannual interest on said bonds, said interest being by the terms of said bonds payable in New York City, and for certain payments made by it for printing, expressage, and other incidental expenses accruing out of said bond issue.

"The claim includes interest paid out by the State on said bonds up to and including the 1st day of May, 1868.

"The amount of said claim was for $606,979.41.

"The Auditor, on the 26th day of September, 1886, disallowed said claim in toto, and under the system of accounting then in vogue certified the result of said audit to the Second Comptroller of the Treasury for final disposition.

"This installment is a claim filed by the State of Indiana against the United States for reimbursement of discount, expenses, and interest on war-loan bonds. It was filed in this office June 8, 1868, for the sum of $606,979.41, under act of Congress approved July 27, 1861 (12 Stat., 276).

"It is the declared policy of the United States not to pay claims of this character unless provided for by special contracts or special laws. It will not be contended that any express authority is contained in the act of July 27, 1861, to reimburse the items composing this installment, and under the rule laid down by the late Attorney-General (9 Op. Att. Gen., 59), that authority can not be taken by mere inference.

"The amount of $606,979.41 is therefore disallowed and certified to the Second Comptroller for his action thereon

"The said Second Comptroller, on the 11th day of October, 1886, confirmed the action of the said auditor and diaallowed said claim in toto, in language as follows:

"'The foregoing report of the auditor of the 29th ultimo, is approved. The balance of $606,979.41 is accordingly disallowed and the settlement of said eighth installment of the claim of the State of Indiana under the act of July 27, 1861, is hereby completed and finally closed.'

"The State of Indiana, on the 24th of March, 1899, through Dudley & Michener, its attorneys, filed with the Comptroller of the Treasury a petition to reopen the said settlement of said claim as made by the Second Comptroller, and asked therein that the same after being reopened, be referred by the Comptroller to the Court of Claims for adjudication.

"On the 19th day of September, 1899, the State was denied a reopening of said claim by the Comptroller, for the reason that the said Comptroller was not authorized by law to reopen claims settled by his predecessor on a construction of law, however erroneous said construction may have been. (6 Comp. Dec., 236.)

"Under the act of Congress making appropriations for urgent deficiencies for the present fiscal year, approved February 14, 1902, it is provided:

"'In refunding to States expenses incurred in raising volunteers, namely:

To the State of Maine	$131,515.81
To the State of Pennsylvania	689,146.29
To the State of New Hampshire	108,372.53
To the State of Rhode Island	124,617.79

"'And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 226), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against The United States, decided January 6, 1896 (160 U. S. R., p. 598), not heretofore allowed, or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers.'

"The claim of the State of Indiana, disallowed by the Second Comptroller on the said 11th day of October, 1886, is a claim of like character with the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island in said act set out and mentioned. Therefore, under and by authority of said act, and at the request of the State of Indiana through its attorney-general, the Hon. William L. Taylor, the said claim of the State of Indiana is now reopened, and will be settled and allowed under the rule of construction given to said acts of indemnity as announced by the Supreme Court in the case of New York v. United States (160 U. S., 598).

"The State of Indiana, by the Hon. William L. Taylor, its attorney-general, on the 1st day of April, 1902, filed a new and separate claim with the Auditor for the War Department for interest accrued and paid on the bonds mentioned in the first claim herein after the 1st day of May, 1868, in the sum of $121,327.21.

"The Auditor for the War Department disallowed, by certificate No. 18418, said last-mentioned claim in toto on the 10th day of April, 1902, for the reasons as follows:

"'This claim is for interest paid by the State from May 1, 1868, to the redemption of its interest-bearing bonds.

"'By an examination of the records and other evidence on file in the Treasury Department, it is shown that on May 1, 1868, the State had redeemed bonds in the amount of $1,776,000. The remainder of the $2,000,000 issued, or $224,000, upon which the State claims interest from May 1, 1868, to May 1, 1881, is shown to have been offset by the United States through the direct tax, which, by the decision of the Court of Claims, was due and payable on June 30, 1862.

"'The amount of the direct tax to be paid by Indiana was, in addition to what had been paid by the State, $700,442.43, which eliminated the principal of $224,000 on that date (June 30, 1862).

"'Under the principle announced in the opinion of the Court of Claims in the claims of the following States: Maine, New Hampshire, Pennsylvania, and Rhode Island, the payment of interest by the State of Indiana after May 1, 1868, is held to be an unreasonable expense as contemplated by the acts of July 27, 1861, and March 8, 1862.'

"From this action of the Auditor the State of Indiana appealed to the Comptroller for revision on the said 10th day of April, 1902.

"In order that the entire claim of Indiana for reimbursement on account of interest paid on its war bonds, discounts suffered on the negotiations of the same, expenses incurred in negotiating the same, and exchange, expressage, printing, and all other expenses properly incurred on account of said bond issue may be considered and adjusted at one time—the only way in which an intelligent understanding of the claim can be had—I have consolidated said two claims and will consider them as one claim, but certify my action therein separately as to each of said claims.

"These claims, as directed by Congress, are to be allowed under the principles announced in the New York case, supra, as laid down by the Supreme Court in that decision. Hence it is of prime importance to understand what were the facts in the New York case and the law announced by the Supreme Court as applicable to these facts.

"The case is long and the facts voluminous. I will therefore content myself with a résumé only of the decisive facts in that case:

"New York had pending in the Court of Claims a claim wherein it was asserted that the United States was indebted to it in the sum of $131,188.02, for interest paid out by it on war bonds and to the canal sinking fund of the State, the proceeds of such bonds and such money borrowed from her sinking fund having been used by her with which to raise and equip her troops for the civil war.

"The Court of Claims gave judgment in favor of the State of New York for $91,320.84, the amount of interest she had paid on the war bonds, but refused to give judgment for the balance of $39,867.18, representing interest paid by the State to her canal fund for sums borrowed from said fund.

"The Government and the claimant both appealed from the judgment of the Court of Claims to the Supreme Court. The judgment of the Court of Claims was reversed in this appeal, for the reason that the State of New York was also entitled to a judgment for the said sum of $39,867.18, the amount paid by it as interest on moneys received by it by way of loan from its canal fund and applied by the State for the purpose of arming and equipping its troops.

"I know of no better way to state the principles announced in that case than to quote the decision bodily, commencing at the second paragraph on page 619 thereof, which part of the decision recites the pertinent facts upon which the judgment of the Supreme Court is based and lays down the principles of law upon which the liability of the Government was based to reimburse the States for moneys paid out by them in the raising and equipping of troops:

"'The entire sum for which the State asked judgment was $131,188.02, of which $91,320.84 represented the amount paid as interest on moneys borrowed for the purpose of raising troops for the national defense, and for the repayment of which, with interest at 7 per cent, the State executed its short-time bonds. The balance, $39,867.18, represented the amount paid as interest on moneys received by way of loan from canal fund and applied by the State for the same purpose.

"'On behalf of the Government it is contended that payment by the United States of the above sum of $91,320.84 is prohibited both by the statute, act of March 3, 1863 (12 Stat., c. 92, 765; Rev. Stat., sec. 1091), providing that interest shall not be allowed on any claim up to the time of rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest, and by the general rule based on grounds of public convenience, that interest "is not to be awarded against a sovereign government unless its consent to pay interest has been manifested by an act of its legislature, or by a lawful contract of its executive officers." (United States v. North Carolina, 136 U. S., 211, 216; Angarica v. Bayard, 127 U. S., 251, 260.)

"'The allowance of the $91,320.84 would not contravene either the statute or the general rule to which we have adverted. The duty of suppressing armed rebellion having for its object the overthrow of the National Government was primarily upon that Government and not upon the several States composing the Union. New York came promptly to the assistance of the National Government by enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops to be employed in putting down the rebellion. Immediately after Fort Sumter was fired upon its legislature passed an act appropriating $3,000,000, or so much thereof as was necessary, out of any moneys in its treasury not otherwise appropriated, to defray any expenses incurred for arms, supplies, or equipments for such forces as were raised in that State and mustered into the service of the United States. In order to meet the burdens imposed by this appropriation the real and personal property of the people of New York were subjected to taxation.

"'When New York had succeeded in raising 30,000 soldiers to be employed in suppressing the rebellion, the United States, well knowing that the national existence was imperiled and that the earnest cooperation and continued support of the States was required in order to maintain the Union, solemnly declared by the act of 1861 that "the costs, charges, and expenses properly incurred" by any State in raising troops to protect the authority of the nation would be met by the General Government. And to remove any possible doubt as to what expenditures of a State would be so met, the act of 1862 declared that the act of 1861 should embrace expenses incurred before as well as after its approval. It would be a reflection upon the patriotic motives of Congress if we did not place a liberal interpretation upon those acts and give effect to what we are not permitted to doubt was intended by their passage.

"'Before the act of July 27, 1861, was passed the Secretary of State of the United States telegraphed to the governor of New York acknowledging that that State had then furnished 50,000 troops for service in the war of the rebellion and thanking the governor for his efforts in that direction. And on July 25, 1861, Secretary Seward telegraphed: "Buy arms and equipments as fast as you can. We pay all." And on July 27, 1861, that "Treasury notes for part advances will be furnished on your call for them." On August 16, 1861, the Secretary of War telegraphed to the governor of New York: "Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency." And on February 11, 1862, he telegraphed: "The Government will refund the State for the advances for troops as speedily as the Treasury can obtain funds for that purpose." Liberally interpreted it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes

expressed in the act of 1861, the title of which shows that its object was "to indemnify the States for expenses incurred by them in defense of the United States."

"'So that the only inquiry is whether, within the fair meaning of the latter act, the words "costs, charges, and expenses properly incurred" included interest paid by the State of New York on moneys borrowed for the purpose of raising, subsisting, and supplying troops to be employed in suppressing the rebellion. We have no hesitation in answering this question in the affirmative. If that State was to give effective aid to the General Government in its struggle with the organized forces of rebellion it could only do so by borrowing money sufficient to meet the emergency, for it had no money in its treasury that had not been specifically appropriated for the expenses of its own government. It could not have borrowed any more than the General Government could have borrowed without stipulating to pay such interest as was customary in the commercial world. Congress did not expect that any State would decline to borrow and await the collection of money raised by taxation before it moved to the support of the nation. It expected that each loyal State would, as did New York, respond at once in furtherance of the avowed purpose of Congress, by whatever force necessary to maintain the rightful authority and existence of the National Government.

"'We can not doubt that the interest paid by the State on its bonds, issued to raise money for the purposes expressed by Congress, constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum as between the State and the United States; that is, became a part of the aggregate sum paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State. We therefore hold that the court below did not err in adjudging that the $91,320.84 paid by the State for interest upon its bonds issued in 1861 to defray the expenses to be incurred in raising troops for the national defense was a principal sum, which the United States agreed to pay, and not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon.

"'The canal fund was made by the constitution of the State a sinking fund for the ultimate liquidation of what is known as the canal debt of New York. In April and May, 1861, $2,039,663.06 from the taxes of 1860 reached the treasury of the State, and under the constitution and laws of New York that amount should have been invested in securities for the benefit of the canal fund and the interest derived from those securities paid into the fund. The State was permitted to use a part of the above sum under an agreement by its officers that interest thereon at the rate of 5 per cent should be paid. It recognized and fulfilled that agreement, and now claims that the interest it so paid to the canal fund constituted a charge or expense properly incurred in raising, subsisting, and supplying troops to suppress the rebellion.

"'We are of opinion that, so far as the question of the liability of the United States is concerned, there is, on principle, no difference between the claim for $91,320.84 and the claim for $39,867.18. We do not stop to inquire whether the action of the canal commissioners in allowing the State to use a part of the moneys collected for the benefit of the canal fund was strictly in accordance with law. Suffice it to say that the canal fund was entitled to any interest earned upon money belonging to it, and fidelity to the constitution and laws of New York required the State to recognize that right in the only way it could at the time have been done, namely, by paying the interest that ought to have been realized by the commissioners of the canal fund if they had invested in interest-paying securities the moneys they permitted the State to use for military purposes.

"'If the canal-fund money used by the State comptroller to defray the expenses of raising and equipping troops had been borrowed upon the bonds of the State sold in open market, the interest paid on such bonds would, for the reasons we have stated, be a just charge against the United States on account of expenses properly incurred by the State for the purposes expressed by Congress. And such would have been the result if the moneys of the canal fund had been invested by the commissioners directly in bonds of the State bearing the same rate of interest that was paid to the commissioners of that fund. The substance of the transaction was that the State, for moneys that could not be legally appropriated for the ordinary expenses of its own Government, and which the law required to be so invested as to earn interest for the canal fund, used those moneys for military purposes, under an agreement by its officers, subsequently ratified by the State, to pay interest thereon. It was, in its essence, a loan to the State by the commissioners of the canal fund of money to be repaid with interest.

"'The obligation of the United States to indemnify the State on account of such payment is quite as great as it would be if the transaction had occurred between the State and some corporation from which it borrowed the money. It is not the case of the State taking money out of one pocket to supply a deficiency in another over which it had full power, for, although the moneys brought into its treasury by the collection of taxes were under its control, the State was without power to manage and control taxes collected for the canal fund, except as provided in its constitution and laws. It could not legally have become a party to any arrangement or agreement involving the use, without interest, of the moneys of the canal fund that had been set apart for the ultimate payment of the canal debt.

"'We are of the opinion that the claim of the State for money paid on account of interest to the commissioners of the canal fund is not one against the United States for interest as such, but is a claim for costs, charges, and expenses properly incurred and paid by the State in aid of the General Government, and is embraced by the act of Congress declaring that the States would be indemnified by the General Government for moneys so expended.

"'As the State was entitled to a larger sum than $91,320.84, the judgment is reversed and the cause is remanded with directions for further proceedings not inconsistent with this opinion.'

"As I understand this decision, it announces the doctrine, in language that can not be misunderstood, that the Government of the United States is under legal obligation to reimburse to the States every dollar that said States properly paid out upon obligations incurred by them for any of the purposes expressed in the reimbursement acts of 1861.

"That interest paid by States in procuring means with which to raise and equip troops is not considered as interest, but as part of the costs, charges, and expenses properly incurred in raising and equipping of troops.

"That all proper and necessary costs, charges, or expenses incurred by States in raising money for such purposes should on proper demand be reimbursed to said States.

"To put it in the terse language of the decision, 'It is as if the United States had borrowed the money through the agency of the State;' that is, the United States constituted the States its agents to borrow money. It follows that every cent such States were compelled to pay out on account of loans should be reimbursed to them by their principal, the United States, without any deduction or rebate whatsoever.

"The facts of this claim of Indiana, to state them briefly, are:

"It is shown by the report of the auditor for the State of Indiana for the fiscal year ending October 31, 1860, that the State owed—

An interest-bearing debt of	$7,770,273.50
Internal-improvement bonds outstanding	393,000.00
Five per cent State stock outstanding	5,322,500.00
Two and one-half per cent State stock outstanding	2,054,773.50
Total State debt October 31, 1860	7,770,273.50

"It is also shown by this report that the running expenses of the State for said fiscal year were $1,621,107.48.

"That its entire receipts for the same period of time were only $1,658,217.88.

"Leaving a cash balance in the treasury on November 1, 1860, of $134,660.39.

"It is apparent from these facts that there was no money in the treasury of the State of Indiana in 1861 which could have been used to defray the expenses of enlisting, enrolling, arming, equipping, and mustering troops into the service of the United States.

"If Indiana were to raise and equip troops to meet the then existing emergency, she must borrow money. It required ready money to accomplish these things. Considering alone the condition of her finances, and not considering what is a matter of common history, that many of her misguided citizens, especially along the Ohio River, were in almost open rebellion against the Government, it is not strange that her credit was not of a gilt-edge order.

"But the legislature of Indiana, being dominated at the time by the master spirit of her great war governor, Oliver P. Morton, passed an act, which was approved and became a law on the 13th day of May, 1861, authorizing the governor of Indiana, for the purpose of obtaining money for repelling invasion and to provide for the public defense, to issue $2,000,000 of bonds, $200,000 thereof to be in bonds of the denomination of $500 each and the residue of the $2,000,000 in bonds of the denomination of $1,000 each, all of said bonds to draw interest at the rate of 6 per cent per annum, payable semiannually on the 1st day of May, 1862, the interest falling due between the date of sale and the 1st day of November, 1861, to be payable in advance, said bonds to be payable to bearer twenty years after date, the interest payable on presentation and surrender of coupons as they become due, both bonds and coupons to be payable at the Indiana agency in the city of New York, the bonds to be signed by the governor and countersigned by the auditor, numbered and registered in the office of the auditor and secretary of the State. The form of bond is set out in the act.

"Section 3 of the act authorized the board of sinking fund commissioners of the State to purchase said bonds at par to the extent of any money they might have on hand subject to loan, and the interest when paid on said bonds to be disposed of in the same manner as the interest arising from the ordinary loans to individuals.

"Section 2 of the act made provision for the appointment of a board of loan commissioners, consisting of three persons, who were to be paid $5 per day for each day they were actually engaged in negotiating the loan, together with their actual expenses. It was also provided in said section that said bonds, when ready for sale, should be delivered to said commissioners and sold by them as the wants of the treasury of the State should from time to time demand, and the money arising therefrom, together with all exchange and any premium that might accrue thereon, should be paid by said commissioners into the State treasury. It was also provided in said section that the said board of loan commissioners should, as therein provided, on the first days of August, November, February, and May of each year, file with the auditor of the State a report containing the number and denomination of bonds sold and the price received therefor and the time when sold.

"Section 5 of said act made provision for an annual tax of 5 cents on each $100 in value of the taxable property of the State with which to provide a fund for the payment of the interest on said bonds, and to provide a sinking fund with which to pay the principal of said bonds when they should mature. That the excess of said taxes collected after paying the accruing interest on said bonds should be put into the sinking fund, with authority to the sinking-fund commissioners to purchase any of said bonds if they could be procured on reasonable terms, and if not, then to invest the same in other Indiana securities, said commission to keep a record of the number and amount and price paid for such bonds, from whom and when purchased. For the final payment of said bonds, with interest thereon, the faith of the State was irrevocably pledged.

"Section 9 of said act declared that because the ordinary revenues of the State were insufficient to meet the necessary expenses growing out of the then insurrectionary acts of certain States, an emergency existed for the passage of such act, and that it would be in force from and after its passage.

"That in pursuance of the said act of the legislature Jesse J. Brown, J. H. Boyle, and James M. Ray were appointed as members of the board of loan commissioners.

"That from time to time, commencing the 28th day of May, 1861, and extending to and including the 14th day of August, 1862, the said loan commissioners negotiated and sold all of said bonds; that none of said bonds sold at a premium; that said bonds sold all the way from 5 to 17 per cent discount; that of said bonds the sum of $125,000 were sold on May 28, 1861, to the commissioners of the sinking fund of Indiana at par; that the further sum of $108,500 of said bonds were sold on the 14th day of August, 1862, to the State debt sinking fund at a discount of 5 per cent; that said sum of $125,000 par value of said bonds so sold to the commissioners of the sinking fund at par were redeemed by the State on the 20th day of January, 1867, and the accrued interest thereon at that time and paid by the said State amounted to $42,437.50.

"These bonds so sold to the commissioners of the sinking fund, and upon which the above amount of interest was paid, was a borrowing of funds by the State from one of its trust funds, set apart by the constitution and laws of the State of Indiana and not subject to the control of the legislature of the State of Indiana, nor subject to be used by the State to defray its current expenses or to the payment of the principal or interest on said war bonds.

"That the said $108,500 par value of bonds sold to the State debt sinking fund on August 14, 1862, at 5 per cent discount, was on the same day redeemed by the State at the same rate of discount for which they were sold.

"These two transactions represent all the transactions had with the State's sinking funds relative to sales of these bonds.

"The remainder of said issue of $2,000,000 was sold to individuals and corporations at discounts varying from 5 to 17 per cent.

"The State suffered an apparent discount on account of the sale of said bonds in the sum of $243,603.40. This was only an apparent discount, however. The facts show that the State received on account of the sinking fund and other purchasers of bonds, allowing the State to redeem bonds sold at a discount at the same price for which they were sold, the sum of $91,756.50; net discount, $151,846.90.

"The State paid on account of salaries and expenses of negotiating the sale of said bonds by said bond-sale commissioners the sum of $1,633.89.

"The State paid on account of printing, commissions, and expenses made necessary on account of said bond issue the sum of $421.46.

"The State paid on account of exchange in paying the semiannual interest on said bonds in the city of New York the sum of $609.54.

"The State paid out in semiannual interest on said bonds up to and including the 1st day of May, 1868, the sum of $367,154.98.

"The State received on account of rebate of interest due on bonds when sold the sum of $6,982.75.

"Deducting this latter amount from the sum of the above five amounts, showing the items in favor of the State, leaves the sum of $514,684.02, being the sum of the amounts going to make up the correct amount of the discounts, charges, expenses, and interest paid and suffered by the State of Indiana on account of the sale of said bonds up to and including the 1st day of May, 1868.

"If the United States had taken care of the principal and interest of these bonds and paid them at maturity, as she might have done, and which would have been entirely proper for the principal to have done for her agent, it would have been the duty of the State of Indiana to have accounted to the Government of the United States for whatever sum it may have received on account of the sale of said bonds, and the duty of the Government of the United States to have reimbursed it for any and all legitimate expenses it was put to in making the sales. The question of discount and interest would not have entered into the account.

"But the Government left the State of Indiana to take care of and pay said bonds, principal and interest, under the terms of its contract as made and set out in said bonds and on the best terms it could get from the bondholders, agreeing to reimburse it for all costs, charges, and expenses growing out of and connected with the sale of said bonds, provided it used the money obtained from their sale for the raising, arming, and equipping of its troops for the war of the rebellion.

"The facts in the case clearly show that during the year 1861 the State of Indiana used all the money it derived from the sale of these bonds, and a much larger amount, some of which was advanced to the State by the Government in the way of scrip, which it discounted, and other moneys which it borrowed, through the heroic efforts of Governor Morton, from other sources, in arming, equipping, and putting in the field its soldiers. All of said money realized on account of said bond sale was used during the years 1861-1862 for the purpose aforesaid. The facts also clearly show, without going into details which would unduly extend this decision, that the State anticipated the payment of these bonds and paid them when it had moneys which could be expended for that purpose, and when the bondholders would accept payment before the bonds were due under their terms. If the whole bond issue had run until it was due under the terms of the bonds, as it might have done, the interest at 6 per cent, the rate thereon, on these bonds would have amounted at their maturity to $2,400,000.

"It seems perfectly clear to me that to reimburse the State of Indiana on account of its expenditures because of this bond sale it will be necessary for the United States to repay to it every dollar it legitimately expended on account of principal and interest, together with all expenses in the negotiation of their sale. The State became liable for and paid the principal of these bonds, as well as the interest, as it accrued. Therefore, to reimburse it we must repay all such sums, the State losing the interest on such payments from the time it made them, for the reason that the United States in the absence of a special contract does not pay interest.

"The above, relative to interest paid by the State on said bonds, is not the view of the Court of Claims, as seemingly announced by it in the State of Maine *v.* United States (36 C. Cls. R., 531).

"In that case the State of Maine, to arm and equip its troops for the war of the rebellion, issued bonds and sold them at par and paid them, principal and interest. It showed that it used a portion of the proceeds of said bond sale to arm and equip its troops.

"The Court of Claims, on its claim for reimbursement on account of this bond issue, did not allow it the amount of interest paid on the amount of bonds sold and the proceeds of which it used in arming and equipping its troops, but stated the account, as will appear by Exhibit A accompanying this decision.

"It seems to me that it is perfectly apparent that the method adopted by the Court of Claims in the settlement of that account did not follow or apply the principles of reimbursement as announced in the New York case. It did not in any sense of the word reimburse the State of Maine on account of interest paid by it on the bonds which it sold and the proceeds of which it used in raising and equipping its troops. The case was settled on the basis that when the Government made a payment to Maine that this payment was to be deducted from the amount of bonds which it had sold and the proceeds of which it used in arming and equipping its troops, and stopped the interest on the amount paid by the Government at the date of such payment.

"If these payments had been made to the bondholders and had been applied by them to the principal of the bonds, the theory adopted by the Court of Claims would have been correct; but these payments were not made to the bondholders and did not stop the interest on the bonds which the State of Maine was compelled to pay. The payments to Maine by the United States were necessarily made on the principal of these bonds, or rather they were made to reimburse Maine for the moneys it used in arming, equipping, and supplying its troops. This money was procured from the sale of the bonds. The moment the State of Maine incurred an expense in arming and equipping her troops and furnished proper vouchers to show said facts, it was the duty of the United States to reimburse it for such expenses regardless of where or how she got the money.

"Stopping the interest accruing on bonds which neither the State nor the United States could have paid without the consent of the bondholder at the time a partial payment was made to the State necessarily to reimburse it for moneys which it had actually expended and which it was obligated to repay to its bonded creditors, strikes me as a most remarkable proposition, no more remarkable, however, than unjust. It is for a principal to say to his agent, 'You have incurred a debt on my account, and by my authority, and for my benefit, which will continue to draw interest for years, and which you are obliged to pay, principal and interest, out of your own means; you used the principal sum, it is true, for which the obligation is given, upon which you will be compelled to pay the stipulated interest for years, and the principal when due, for my benefit, but I will repay you in full the principal sum which you and not I will have to pay at maturity, and thereby I will release myself from all further obligation on account of the obligations you incurred for my use and benefit. It is true you will have to pay both principal and interest out of your own means, the principal when due under the terms of your obligation, and the interest half yearly from the date of the obligation to its maturity, yet, because I now repay you the principal, I am released from reimbursing you for the interest hereafter paid by you.'

"The above is just what the Court of Claims, by its calculation, or, rather, method of calculation, did to the State of Maine in the case supra.

"While I exceedingly dislike to disagree with a court of the eminence of the Court of Claims, or any other court, yet I can not bring my conscience up to the point of deliberately wronging the State of Indiana, or any other State, by adopting a method of calculation which does not reimburse or make whole these States on account of the expenses paid by them which the Supreme Court says shall and ought to be reimbursed to them.

"I am convinced that the Court of Claims was led into what I believe was an error and one which worked a great wrong to the State of Maine by adopting the calculation of an accountant, who no doubt is a good accountant, whose figures are no doubt correct, but who certainly has not shown himself possessed of either a legal or an equitable mind.

"Believing, as I do, that in order to reimburse the State of Indiana the Government must repay to it all interest which it was compelled to pay on account of this bond issue, I therefore certify a difference of $514,684.02 as a legal claim from the audit hereinbefore set out and reopened, to be paid when Congress shall make an appropriation therefor.

"Regarding the appeal from the Auditor, I find that since the 1st day of May, 1868, the State paid and was compelled to pay as interest on the bonds that were outstanding at that date the sum of $121,175.18.

"That the State had paid and taken up these bonds as rapidly as it had the money with which to redeem them, as raised by taxation or otherwise procured, as soon as the holders thereof would allow them to be redeemed under the terms of said contract. That all of said bonds were redeemed within twenty years from the date of their issue.

"I therefore certify a difference in such appeal of $121,175.18 as a legal claim to be reported to Congress for an appropriation.

"R. J. TRACEWELL, *Comptroller.*"

The amount found due the State of Indiana by the Comptroller was certified by the Auditor for an appropriation, and to the certificate was added:

"This ($635,859.20) is the amount found due and allowed by the Comptroller of the Treasury under his decision of April 14, 1902.

"If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Indiana from the United States on this claim:

For interest and expenses	$135,169.05
For discount	151,846.90
Making a total of	287,015.95

"Instead of the amount certified."

The claim of the State of Iowa never having been settled was taken up by the Auditor for original consideration, and under the decision of the Comptroller of April 14, 1902, in the Indiana case, a balance of $456,417.89 was allowed and certified for an appropriation April 29, 1902. To this certificate was added:

"This allowance is based upon the decision of the Comptroller of the Treasury dated April 14, 1902.

"If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Iowa from the United States on this claim $229,639.62 instead of the amount certified."

The claims of the States of Michigan, Ohio, and Illinois of like character, which had been in whole or part disallowed by the Second Comptroller of the Treasury, have been reopened and settled by the Comptroller of the Treasury, and the balances have been certified by this office, as follows:

In the claim of the State of Michigan there was certified for payment to the State under the decision of the Comptroller of the Treasury $332,167.62 for discount and interest from 1861 to 1870, and to this certificate was added:

"If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Michigan—

For interest and expenses	$130,725.26
For discount	32,644.77
Making a total of	163,370.13

"Instead of the amount certified."

In the claim of the State of Ohio there was allowed by the Comptroller $458,559.35 for expenses and interest on loans from 1861 to 1871, and to the certificate was added this statement:

"The Comptroller further states that had this claim been settled by him, applying the principles of the decision of the Court of Claims in the case of the State of Maine (36 C. Cls., 531), he would have found due the State of Ohio the sum of $443,145.24 instead of the amount above certified."

In the claim of the State of Illinois there was certified under the decision of the Comptroller of the Treasury $1,005,129.29 for discount and interest on loans from 1861 to 1880. Of this amount, $774,560.28 was allowed by the Comptroller for expenses and interest to July 1, 1867, and $230,569.01 was allowed by the Auditor for interest from July 1, 1867, to January 1, 1880. To the certificate in this case was added the statement:

"That if this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Illinois—

For interest and expenses	$202,491.81
For discount	232,605.00
Making a total of	435,096.81

instead of the amount certified."

The claims of the States of Connecticut, Massachusetts, Kansas, Vermont, and Wisconsin are still before the Court of Claims, pending a finding of the law and facts by that court. Upon their return to this office the findings of the Court of Claims in these cases will be subject to a restatement and settlement in accordance with the decision of the Comptroller of the Treasury of April 14, 1902, in the claim of Indiana and his subsequent decisions in the cases of Michigan, Ohio, and Illinois.

Respectfully, F. E. RITTMAN, *Auditor.*

Mr. COOPER of Wisconsin. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. J. Res. 200. Joint resolution amending "An act to increase

the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails; and

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13150. An act granting a pension to James B. Mahan; and

H. R. 10299. An act authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence of Mr. HEATWOLE was extended until Tuesday.

LEAVE TO PRINT.

Mr. WOOTEN obtained unanimous consent to print remarks in the RECORD on House bill 14947.

The SPEAKER pro tempore. In accordance with the order previously made, this House will stand in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. CURRIER as Speaker pro tempore at 8 o'clock p. m.

The SPEAKER pro tempore. In pursuance of the order previously made, the House will now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Senate bill 2295.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GAINES of West Virginia in the chair.

PHILIPPINE GOVERNMENT.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Senate bill 2295.

Mr. COOPER of Wisconsin. Do we open up on this side?

Mr. JONES of Virginia. Whatever may be the pleasure of the gentleman. We are prepared to proceed.

Mr. COOPER of Wisconsin. I think we will proceed. I yield to the gentleman from Pennsylvania.

Mr. PALMER. Mr. Chairman, negotiations for peace between the United States and Spain resulted in a treaty by which Spain ceded to the United States the Philippine Archipelago with all her rights of sovereignty and property. That treaty, negotiated by the executive branch of the Government, was ratified by the Senate, and the title thus obtained has been declared valid and perfect by the judicial branch. Therefore the legal title of the United States is complete. With the wisdom of this acquisition of territory we are not concerned at this time. That question was settled by the treaty-making power when the treaty was concluded and ratified.

If the wisdom of this acquisition were an open question it might be truthfully urged that from the beginning no step was taken that did not seem to be necessary and inevitable. No step was taken against the approval of a great majority of the people. Democrats and Republicans stood together in declaring war against Spain, in bringing it to a successful conclusion on land and sea, in negotiating and ratifying the treaty of peace which conferred the title and sovereignty of Spain in the Philippine Archipelago, in suppressing insurrection against the authority of the United States, in undertaking to establish a government in place of that destroyed by war.

The voice of the partisan was not heard in opposition to any of these movements until the campaign of 1900, when the issue was made upon the retention of the Philippines, but the people put the seal of their approval upon all that had been done or proposed by the reelection, by a great majority, of the great and good President who had been chiefly instrumental in taking over the sovereignty of the Philippines. If a mistake was made it was a mistake of practically the whole people and whether wise or unwise the people do not mean to repudiate their own action.

The beneficent purpose of the United States in acquiring title to the islands was expressed by President McKinley. He said:

> No imperial design lurks in the American mind. That would be alien to American sentiment, thought, and purpose. Our priceless principles undergo no change under a tropical sun. If we can benefit these people, who will object? If in years they are established in government under law and liberty, who will regret our perils and sacrifices; who will not rejoice in our heroism and humanity? I have no light or knowledge not common to my countrymen. I do not prophesy. The present is all-absorbing to me; but I can not bound my vision by the blood-stained trenches around Manila, where every red drop, whether from the veins of an American soldier or a misguided Filipino, is anguish to my heart, but by the broad range of future years, when the group of islands under the impulse of the year just passed shall have become the gems and glories of these tropical seas, a land of plenty and of increasing possibilities, a people redeemed from savage indolence and habits, devoted to the arts of peace, in touch with the commerce and trade of all nations, enjoying the blessings of freedom, of civil and religious liberty, of education, and of homes, and whose children and children's children shall for ages hence bless the American Republic because it emancipated and redeemed their fatherland and set them in the pathway of the world's civilization.
>
> The treaty now commits the free and unfranchised Filipinos to the guiding and liberalizing influence, the generous sympathies, the uplifting education, not of their American masters, but of their American emancipators.

The right of the United States to establish and maintain a government, military or civil, in the Philippine Archipelago in the place of that destroyed by war, results from their acquisition and can not be questioned. The governments now maintained were instituted in the exercise of an undoubted belligerent right and in the discharge of a national obligation imposed by international law. By virtue of conquest, purchase, and occupancy, and in obedience to the duty of maintaining the security of the inhabitants in their persons and property, the provisional governments have been organized. In the case of New Orleans *v.* Steamship Company, 20 Wallace, 394, the Supreme Court held:

> In such cases the conquering power has the right to displace the preexisting authority and to assume to such an extent as it may deem proper the exercise by itself of all the powers and functions of government. It may appoint all the necessary officers and clothe them with designated powers, larger or smaller, according to its pleasure. It may prescribe the revenues to be paid and apply them to its own use or otherwise. It may do anything necessary to strengthen itself and weaken the enemy. There is no limit to the powers that may be exercised in such cases, save those which are found in the laws and usages of war.

In United States, Lyon et al. *v.* Huckabee (16 Wallace, 414–434) the court say:

> Power to acquire territory either by conquest or treaty is vested by the Constitution in the United States. Conquered territory, however, is usually held as a mere military occupation until the fate of the nation from which it is conquered is determined, but if the nation is entirely subdued, or in case it is destroyed and ceases to exist, the right of occupation becomes permanent and the title rests absolutely in the conqueror. Complete conquest, by whatever mode it may be perfected, carries with it all the rights of the former government, or, in other words, the conqueror, by the completion of his conquest, becomes the absolute owner of the property conquered from the enemy nation or State. His rights are no longer limited to the mere occupation of what he has taken into his actual possession, but they extend to all the property and rights of the conquered State, including even debts as well as personal property.

The right and the duty of the United States being clear, the question now to be decided is whether the proposed bill for the government of the Philippine Islands is a just and wise measure, within the lawful power of Congress, necessary for perfecting and ratifying the forms of government already in existence, and conducive to the good order and protection of life and property. The obligation to maintain the security of the inhabitants of these islands is cast upon the United States by the law of nations, they being the property of the United States by purchase, conquest, and occupancy.

The first step taken toward establishing a government in this our newly acquired territory was to send a commission of distinguished and able men, headed by Professor Schurman, to examine and report upon the condition and needs of the Philippine Islands. The next was to appoint a governing commission, at the head of which a distinguished jurist, Hon. William Taft, was placed. This Commission has enacted a code of laws, organized and put into operation governments in 37 provinces and 800 municipalities, and made substantial progress toward providing satisfactory conditions for the people.

If no unexpected obstacle had been encountered, it is reasonable to suppose that in a few years the substantial control of the islands might with propriety and safety have been turned over to the people, and the same measure of freedom might have been enjoyed by them that the people of other territorial possessions of the United States are now enjoying. Surely it is to be regretted that anything has occurred to mar the prospect of an early solution of the Philippine trouble, or to defer the benefits which just and equal laws would confer upon them. But obstacles were encountered. First, an ill advised and hopeless insurrection against the authority of the United States was instituted by certain revolutionary leaders, which was encouraged by theorists and dreamers as well as violent partisans here. As to the necessity for crushing this insurrection, there was and is no substantial difference of opinion. The task has practically been accomplished, the leaders captured, and the insurgents dispersed. Unfortunately it has not been without serious cost of blood and treasure, or without the unavoidable calamities and cruelties of war.

Just as the time seemed to be drawing near when an end of serious trouble might be expected an attack was organized in

this country upon the men and officers of the Army of the United States well calculated to prolong resistance to our authority in the Philippines and postpone the successful introduction of a free government by the people. The "malevolent misrepresentations" upon which the attack proceeds negative any conclusion that its authors regard the interests of the people of the islands. To accomplish their purpose they have not hesitated to assail the President, Secretary of War, the Republican Senators, the officers and men of the Army with accusations which, if true, would condemn them to the contempt and hatred of all honorable men. Listen to some of the charges:

The gentleman from Kentucky [Mr. RHEA] said in this House:

But nearly four years have passed and the bloody tragedy still goes on, and as the years have fled the Army has been enormously augmented; the expenditures are climbing rapidly to the half-billion mark; our military excesses have gone from bad to worse, until the country has been largely depopulated of its adult male citizenship, to say nothing of the women and children who have perished in the awful work of destruction.

In another body this charge was made:

Mr. President, history records many instances of cruelty and barbarity practiced in warfare. We shudder at the atrocious acts of the Huns when they overran ancient Rome, and the name of Attila, their leader, has become the synonym for all that is ferocious and bloodthirsty. He is known to history as the Scourge of God. But the Huns were barbarians, and they practiced that to which they were accustomed. The world stands appalled at the record of cruelties practiced by the Duke of Alva in the Low Countries; but Alva fought in the name of religion, and religious zeal when aroused to the point of war has ever been merciless. Even liberty, when pushed to the wall, has had its votaries of blood. The French Revolution shook the world with its struggle and paralyzed mankind with its ferocity, and it left behind, to be added to the bloody roll of human scourges, the names of Robespierre, Marat, and Danton.

But it remained for an American soldier, in the twentieth century, representing the highest type of civilization, in a quarrel having not a single element of religious strife, having for its professed object the accomplishment of benevolent and philanthropic purposes, to raise his name to a preeminence of bloody infamy which places it above the names of any of the scourges of humanity to whom I have referred. This monster in human form, in cold blood, devoted an entire province to extermination; the males over the age of 10 years to slaughter, the females and younger children to the no less certain but the less merciful fate of starvation, because, bereft of their protectors, bereft of their homes, wandering with their young through a howling wilderness, what other fate than slow starvation was left for these stricken creatures and their unfortunate offspring?

In the same body this charge was made:

I mean that, so far as the Senator from Massachusetts is concerned, the whole tenor of his speech was a labored piece of special pleading to excuse—I probably used too strong a word when I said justified—I should not have said that, but the whole tenor of his argument was a labored piece of special pleading to find excuse and palliation for the bloody and infamous and inhuman orders of General Smith. The Senator himself suggests that there may be mitigating circumstances for the issuance of a wholesale death warrant against a whole people without stopping to make any discrimination whatever between friend and foe.

The Senator says there may be extenuating circumstances. Mr. President, there can be no extenuating circumstances. The Senator from Massachusetts in the whole course of his speech not only was unable to suggest a single circumstance that mitigated or extenuated in the least degree this inhuman order, but he failed to suggest a single reason why this man Smith ought not to be hanged as a common murderer. He is not quite as bad as Nero was. That is the plea of the Senator from Massachusetts. He has not yet dipped men in pitch and lifted them up on poles to be burned alive. Smith has not done that. That is the defense of the Senator from Massachusetts. He has not lit the tar candles yet. He has done nothing but butcher in cold blood a whole people, including little children, leaving the women and the babes at the breast to starve to death in the land which he had made a howling wilderness.

That is the only defense the champions of Butcher Smith have been able to make on the floor of the United States Senate, and a man who says anything against Smith is dishonoring the American Army. Why do you not say that he is attacking the whole Smith family? Smith is not the American Army; Bell is not the American Army; Chaffee is not the American Army, neither is Root the American Army. So far as I am concerned, I do not intend to be deterred by any slanderous imputation upon the motive of Democratic Senators from expressing my opinion of any of the brutal and inhuman wretches who have been perpetrating these atrocities in the Philippine Islands.

* * * * * * * *

Poor old scoundrel! Poor old murderer! Poor old butcher! I am proud to say, Mr. President, that up to this time the only man on the floor of the Senate who has been shameless enough to defend that bloody scoundrel has been the junior Senator from Iowa.

* * * * * * * *

No, Mr. President, the facts alleged by Senators when they tell of the terrible hatred, the terrible cruelty which the Filipinos have exercised, and the remorseless retaliations, as they choose to describe them, which have been perpetrated upon them, although we have slaughtered people and tortured people who have committed no wrong, show that we are entering upon a task that means a century, perhaps three centuries, of constant bloodshed, of war, and of insurrection, that means the shedding of God only knows how much American and Filipino blood and of how much treasure to be wrung from the American people, and all, as I have said before, for no other purpose except that a few carpetbag thieves may have unlimited license to plunder the people of the Philippine Islands. That is what we are asked to do. We are asked to assume all that burden, we are asked to foot the bill, we are asked to tolerate murder and massacre and torture for no other purpose except that a few carpetbaggers may have the opportunity to rob the people of the Philippines as they used to rob the people of the Southern States.

In the same body this charge was made:

Oh, my God! that is the logic upon which Chaffee based the brutal orders and instructions which he issued to his subordinate commanders. Did Chaffee, alone, unaided, in coldness, and in brutality and in savage and unrelenting disregard of every humane sentiment or possibility of human suffering, conceive this iniquitous scheme? Whence, from what diabolical source, was it derived? The American people ought to know. Is there any penalty beneath the sun adequate to be meted out to the merciless wretch who has thus brought such dishonor upon the American name and the American people?

These charges are put forth by men who are or who hope to be leaders of the minority. I am well aware that in this Chamber there is a disposition to excuse and palliate and deny that these accusations were meant to defame and degrade the Army. Perhaps their indignant repudiation by the press and people have not failed of effect, but it is as useless to attempt to disguise the malice that prompted them as it is to now attempt to palliate or excuse.

If these accusations were true, the President, Senators, Cabinet, and Congressmen who are responsible for the policy in the Philippines, as well as the officers and soldiers of the Army, would not be fit to live in any Christian country. They would be entitled to the condemnation and contempt of all civilized men. That they are false in general and particular is well known to all, including the men who make them. A complete answer is found in the official utterance of the Secretary of War and in the evidence of many credible witnesses.

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy and with their own eyes witnessing such deeds should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. * * * The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

Also in the testimony of General MacArthur:

I doubt if any war, international or civil, any war on earth, has been conducted with as much humanity, with as much careful consideration, with as much self-restraint, in view of the character of our adversaries, as have been the American operations in the Philippine Archipelago.

I desire to say that it is my deliberate judgment that there never was a war conducted, whether against inferior races or not, in which there was more compassion, and more restraint, and more generosity, assuming that there was a war at all, than there has been in the Philippine Islands.

Individual men have committed individual outrages, but when we compare the conditions that exist in the Philippines to-day in that respect with what have existed in all modern wars between civilized states, the comparison is absolutely in favor of the self-restraint and high discipline of the American soldier. The bearing of our Army as a whole was simply superb.

Also in the testimony of General Hughes:

I have no hesitation in saying that so far as I know the same consideration was shown the Filipino when he was captured or wounded that was given to our own people when captured or wounded in the civil war.

Also in the testimony of General Otis in answer to the following question:

Now, will you tell the committee what the fact is about the cruelty toward the native prisoners or otherwise of the American officers and soldiers, as to whether cruelty by American officers and soldiers was practiced upon the people or even upon prisoners, or whether, on the contrary, kindness and consideration was practiced by our troops toward them?

General OTIS. The greatest kindness. We were laughed at by the Spaniards and by Europeans for the humanity we exercised.

Also in the report of Professor Schurman's Commission:

We are aware that there are those who have seen fit to accuse our troops of desecrating churches, murdering prisoners, and committing unmentionable crimes. To those who derive satisfaction from seizing on isolated occurrences, regrettable indeed, but incident to every war, and making them the basis of sweeping accusations, this Commission has nothing to say. Still less do we feel called upon to answer the idle tales without foundation in fact. But for the satisfaction of those who have found it difficult to understand why the transporting of American citizens across the Pacific Ocean should change their nature, we are glad to express the belief that a war was never more humanely conducted. Insurgents' wounded were repeatedly succored on the field by our men at the risk of their lives.

The testimony of these honored and distinguished men ought to be sufficient to hush the lying tongue of slander, but it is not. So eager are the slanderers that they seize upon isolated instances of so-called cruelty perpetrated by individuals and magnify them into a cause for a wholesale condemnation of the whole body of American troops and of all the Government officials who are in any way responsible for the army in the Philippines. It would be as just to condemn any Christian community in which a murder is committed as being a community peopled only by murderers.

What can be the motive prompting these false and slanderous accusers? Why has this "campaign of vituperation" been opened? Considering the quarter from whence it comes and the character of the accusers the only answer possible is that it is animated by a desire to secure a petty partisan advantage. The authors hope to bring the Republican leaders and Administration into contempt

and under condemnation by the people. They hope to install themselves in places of power. To accomplish this purpose they are willing to forget patriotism, their country's glory, and the just pride of Anglo-Saxon men. They shout base and unfounded charges against the soldiers of the Republic who have done duty under a burning tropical sun, forcing their way through jungles and swamps and wildernesses, beset by a lurking and savage foe, surrounded by treachery, shot from ambush, encompassed by an enemy bound by no rule of civilized warfare, who torture, mutilate, and burn prisoners of war.

They denounce the battle-scarred officers of our Army as butchers and murderers, the Government of their country as being engaged in the slaughter of innocent people for the purpose of giving thieves and scoundrels a chance to rob the inhabitants of and to plunder the Philippine Islands, and they do it to gain a partisan advantage. May God forgive them; surely they know not the mischief they are doing. They take no account and make no mention of the intolerable conditions and unbearable provocations suffered by our men. They make no mention of such cases as that of Private O'Hearn, who was captured by apparently friendly Filipinos, tied to a tree, burned four hours with a slow fire, and then slashed into pieces with bolos, or to the five native scouts who, with one soldier of the Fifth Infantry, were taken prisoners off Batac January 1, and who were found east of that place with heads, legs, and arms cut off and otherwise horribly mutilated. The soldier of the Fifth Infantry, after being taken, was cut with bolos and left on the field for dead. He revived and was able to crawl to a shack when night came on. Information was given a local leader, and he was again taken prisoner and murdered.

Or of the case of the American sailor, as reported in the record of a court-martial:

With respect to the first specification, it is made plain by the testimony that after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forces serving therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as gravediggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die.

One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg, and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given. When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The gravediggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck, and then the gravedigger called out, "What about this man? he is alive yet," to which the accused replied, "Go on burying him," and it was done.

Or of the case of Midshipman Noah, reported by a correspondent of Collier's Magazine:

One more incident of the many that came under my observation and reconciled me to the character of the war we are waging in Samar. A little midshipman just out from Annapolis was patrolling the strait in a yawl from the flagship *New York*. He was after the smugglers who bring arms to the insurgents from Leyte. The great gale had blown the yawl out into the Pacific, and when it subsided little Noah and his six men were exhausted. Their water had given out, and they tried to make Basay, Admiral Rogers having ordered them not to land except at an armed post. The wind died away while Basay was still 2 miles off.

Two of his men were delirious with thirst, and there was the little village of Nipa Nipa only a few hundred yards away flying the white flag of peace and friendship. Noah, as he floated near the shore, lifted up his empty water jar, and the kindly people on the beach understood. They lifted up water jars overflowing with the precious fluid and pointed at the white flag to reassure him. He pushed his boat into the surf, and, telling his men to wait in the boat, advanced some 50 yards up the beach, where the good Samaritans were awaiting him with their water jars. As he drank his first deep draught two of the natives, one a woman, crept behind him and buried their knives in his back.

He was a native of Chattanooga, Tenn. He lies buried under the sands at Nipa Nipa. His kindred will, no doubt, read with pride and satisfaction the denunciation of the American soldiers and the eulogies of the Philippine banditti uttered by the gentleman from Tennessee [Mr. GAINES].

Or of the case of Juan Salvador, a sailor:

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gatboca, Calumpit, siezed, bound, and conveyed to the fields one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to "cut out the intestines of deceased."

These are only samples of hundreds of such cases.

Is it wonderful that such abominable outrages against humanity and the laws of civilized warfare should be met with retaliation? Ought we to require a higher morality or more humane conduct from our soldiers in the Philippines than is practiced in this country in times of peace?

The consequences of this unparalleled and outrageous assault must have been foreseen and therefore intended. It tends to disgrace the officers and men of the Army in the eyes of all people and degrade them in the estimation of the world. Do the assailants of the Army who deliver their attack from the safe seclusion of legislative halls hate the boys in blue? The time is within the memory of some of us when at least some of them did. Are these attacks made out of sympathy for the Filipinos and a desire to better their condition? If so, they must be prompted by tender and sympathizing hearts. But the bitterest assaults come from men who declare that "to keep this Government a white man's government" they are willing to break and defy every law of God and man; that to accomplish this purpose they have bulldozed, intimidated, hung, shot, burned, and mutilated men a few shades darker than the Filipino, and intend to do it again if necessary to accomplish their purpose. They proclaim their intention to trample and rend the Constitution, if need be, to have their way. In the words of the admirable Plunkett—

They stickle for the letter of the Constitution with the affectation of a prude, but abandon its principles with the effrontery of a prostitute.

Surely hearts that overflow with sympathy for the brown men of the Philippines, and that so yearn for the independence of the heathen people of the islands of the seas ought not to be void of a single spark of pity for the black man of the South. Surely their motive is not sympathy with or a yearning for liberty for the Filipino.

The American people will never approve the defamation or degradation of the Army, or honor its defamers. They believe the American officers and soldiers to be as brave, generous, and humane as any soldiers that ever buckled sword. They do not believe they are all angels or all devils. They know that if acts have been committed which are not permitted by the rules of civilized warfare, the provocation has been great, perhaps beyond the capacity of human nature to endure. The campaign of abuse will fail, from it no harvest of partisan advantage will be gathered, but upon the heads of those who sought success by such means will be visited a judgment of condemnation and disgrace.

Whatever may be finally done with the Philippine Archipelago, it may be assumed that there are some things that will not be done. The United States will never agree to give up the Philippines to their Spanish tormentors, or leave them to be wrangled for by other nations, or surrender friendly Filipinos who have assisted us and by many acts manifested their friendship and their desire to recognize our Government, to be plundered and murdered. They have been shot and burned by the thousand by the insurgents for no other offense than friendship for the United States in the past. What treatment would they be likely to receive in the future? Can we afford to abandon to certain pillage, robbery, and murder those who have been guilty of no crime save that of friendship for our soldiers and Government?

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. PALMER. Certainly.

Mr. SIMS. Have you any knowledge of any lynching that ever took place at the command of the civil authorities?

Mr. PALMER. No; nor I never knew of a murder committed by the order of officers of the Army.

Mr. SIMS. What about General Smith's order?

Mr. PALMER. It was entirely within General Orders, No. 100. That order is entirely within the rules of civilized warfare, adopted by the United States during the civil war, and later adopted by nearly every civilized power in the world.

Mr. SIMS. Why not, if this be true, commend rather than condemn him?

Mr. PALMER. Do you condemn him before the court-martial convicts him?

Mr. SIMS. Why do you not commend him, if he carries out the orders of war?

Mr. PALMER. I am willing to await the determination of the court-martial. So far as I can see, he was entirely within the rules of civilized warfare, as laid down by order No. 100, issued by this Government during the civil war and afterwards adopted by practically all the nations.

Mr. SIMS. Do you say there are orders or regulations of war which command or permit the killing of children 10 years of age?

Mr. PALMER. Yes; if the children 10 years of age are as effective as boys of 15 years, and are engaged in actual warfare and actually taking part in the assassination of soldiers. I do not see any difference between boys 10 years old and those who are older.

Mr. SIMS. I am asking if you know of orders or regulations of this country that will permit or require the killing of children 10 years old, all of them, without any discrimination as to whether they are engaged in warfare or not?

Mr. PALMER. If capable of fighting, or if they are taken with arms in their hands, they should be treated exactly in the way that they were. Orders as bad were issued during the civil war by General Frémont.

Mr. SIMS. I want to ask the gentleman in all kindness if he thinks that is right and does he indorse it?

Mr. PALMER. I say whatever the finding of the court-martial is it will satisfy me. Will it satisfy you?

Mr. SIMS. Not if he has been guilty of what has been represented.

Mr. PALMER. Who is to decide?

Mr. SIMS. Smith admits it.

Mr. PALMER. If the properly constituted tribunal finds him not guilty, will you be satisfied?

Mr. SIMS. If he admits the facts, I do not think he could be found not guilty.

Mr. PALMER. You assume that you, 10,000 miles away, are better able to determine the guilt than the officers who constitute the court-martial?

Mr. SIMS. If he admits that he gave the order, that constitutes the question we are considering, and not whether he is to be excused for it or not.

Mr. PALMER. It is not a question of excuse. It is a question of justification. He was justified or he was not. If he was justified, he will be acquitted. If he was not justified, he will be convicted. What I am asking you is whether you are going to be satisfied with the verdict of the court-martial?

Mr. SIMS. Not if it acquits him. But right there let me say to the gentleman—he speaks about lynching in times of peace. Everybody thinks that is wrong, and of course there is no excuse for it. Does the gentleman expect soldiers coming from such a people, 10,000 miles away, will do better than they did at home?

Mr. PALMER. Certainly not; but the people of the South or the North, wherever lynchings occur, ought not to be condemned and denounced as murderers because lynching took place there. Nobody takes any such ground, and it is for that very reason that we object to this wholesale condemnation of the Army and of the Republican Administration because in individual instances men, under the stress of provocation which could not be endured, which no human being could endure, have committed these acts. Let me ask the gentleman: Suppose your tent mate in the Philippine Islands, or at any other place where you were, was captured under a flag of truce and was roasted for four hours by slow fire and then slashed to pieces with bolos, and suppose you got hold of the people that did it, what would you do?

Mr. SIMS. Well, I expect I would act pretty roughly. [Laughter.] But that is not a parallel case with the orders of the commanding general.

Mr. PALMER. Oh, well, all your malice and indignation seems to be devoted to Smith. What was done in pursuance of Smith's order?

Mr. SIMS. Samar was made a howling wilderness.

Mr. PALMER. It was a howling wilderness before the order was issued.

Mr. SIMS. Then what was the use of giving the order?

Mr. PALMER. Oh, you roll that matter under your tongue with the utmost delight and gusto. In point of fact, Samar was nothing but a howling wilderness, or a wilderness without the howl, before the order was issued. If nothing was done except what Major Waller did, it was not made a wilderness pursuant to Smith's order. You have not been able to point to a case, and there is not a case where any boy 10 years of age, or any woman, was ever killed in pursuance of Smith's order, and all this is like the devil shearing a hog—all cry and little wool.

Mr. SIMS. What use have we got for Samar if it was nothing but a howling wilderness before General Smith gave his order?

Mr. PALMER. Oh, we will make that bloom and blossom like the rose in spite of your prediction.

Mr. SIMS. Well, I did not mean to interrupt the gentleman to this extent, but he is talking about our denouncing the Army.

Mr. PALMER. That is what you are trying to back out of now.

Mr. SIMS. I demand an instance of our denouncing the whole Army.

Mr. PALMER. I have read the instances where it was done by the leaders of your party.

Mr. SIMS. Name one of them.

Mr. PALMER. They denounced the Army, the Secretary of War, and all the Republicans that were in any way responsible.

Mr. SIMS. I did not know that all the Republicans were in the Army. [Laughter.]

Mr. PALMER. I say all the Republicans responsible for the presence of the Army in the Philippines, and you charge it upon the whole output.

What would be the condition of the people generally under any government that would probably be established can only be imagined. Would they enjoy greater liberty and better advantages than they now enjoy or which they will enjoy under the protection of the United States? In my opinion, the people of the Philippine Islands would, even under an American military government, enjoy a hundredfold more liberty and be far better protected in life and property than ever before, or than they would be if left at this time to attempt the impossible task of self-government.

The time to decide what shall finally be done with the Philippine Archipelago and its people has not yet arrived. The minority demands that an unqualified guaranty of independence shall be immediately made to the Filipinos. They prophesy that if it were done resistance would cease and submission take the place of insurrection. But who can verify such a prediction? If the measures already taken to improve the condition of the people of the islands does not convince them of the friendly intentions of the United States, all the paper promises that could be made would never satisfy them; they would not believe though one arose from the dead to give the assurance.

Suppose the United States concludes to abandon the Philippine Islands, what will be the probable, nay, the inevitable, consequences? The declared purpose of the insurgent Filipinos was to loot Manila and murder all the foreign-born population. These foreigners are English, Germans, French, Americans, and Spaniards. They own valuable property in the city and in the islands. The nations of which they are citizens are in the habit of demanding redress for wrongs done their subjects. Would England, Germany, and France have a just claim against the United States if the islands were abandoned and that purpose was carried out?

That would depend upon the obligations assumed by the United States when the sovereignty and title to the islands was conveyed by Spain. By the law of nations we were bound to protect the life and property of all the people who inhabit these islands and to maintain peace. Can that obligation be relinquished at pleasure by withdrawing our troops and surrendering the country?

We believe there is nothing left but to go forward in the plain path of duty and honor, teaching freedom and the art of self-government to that untutored people until they learn the lesson. Borrowing the brave words of the President:

> When they have shown their capacity for real freedom by their power of self-government, then, and not till then, will it be possible to decide whether they are to exist independently of the United States or to be knit to us by ties of common friendship and interest.

Mr. JONES of Virginia. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. CONRY].

Mr. CONRY. Mr. Chairman, I do not propose at this time to enter into an exhaustive review of our relations with the Philippine Islands nor to criticise the policy and conduct of our Government during the past three years, with its attendant demoralizing effect upon the people of the country; nor do I propose for my text to seize upon isolated instances of barbarity and harrow up your feeling with stories of cruelty before which the blood runs cold and decent men recoil in horror.

When, however, we learn of an entire province ordered to torture and destruction by sword and torch in the name of the American people, we are compelled to give expression to a mighty indignation which can no more be restrained in its action than the whirlwind in its course, the rivers rushing on to the ocean, or the ocean rolling back its majestic tides. [Applause.]

For almost four years the Government has been at war with the people of the Philippine Islands. I am aware the Administration prefers not to dignify the situation as a state of war, but refers to the trouble as an insurrection.

But call it war or insurrection, we know that way out there in the Philippine Islands men are being killed, brave American soldiers on one side, unfortunate natives on the other.

It was but natural to expect during these four years many cruelties of a revolting nature would be committed as unavoidable incidents of a tropical conflict.

We were prepared to learn our boys had suffered at the hands of the natives torture and death.

This was the essential price we agreed to pay for our imperialism. The jewel money we gladly expended to bedeck our flag with the pendants of empire.

At first we hesitated; the finest intellect and moral courage of the country bade us pause and consider well the full significance of the course on which we entered. Then the hoarse partisan cry was uttered; commercialism at home and abroad, selfish interests, colonial ambitions, jingoism, all joined in discordant, passionate chorus:

> The flag has been uplifted—now, who will haul it down?

So the war went on. Apparently the people approved the action of the Government in sending an army of 50,000 men 8,000 miles away to carry the blessings of liberty and civilization, first in gun barrels, then in whisky barrels.

It mattered not how many of these men would come back as victims of hideous disease; it mattered not how many of them would be brought back as howling maniacs; it mattered not how many of them would never come back, but whose bones

would be laid away forever in the jungle. I say the people apparently approved the war.

But it was not a genuine, healthy American feeling—not the kind of spirit which pervaded the country and moved the men who became our everlasting heroes on land and sea and in the council chamber in Revolutionary times [applause]; not the spirit which builded the foundations upon which rests to-day the soundest structural framework of constitutional liberty the world has ever witnessed. There was something lacking, something absent, something that could not quite arouse the enthusiasm of the American people. Aye, more, there was a strong suspicion struggling for expression that rather than carrying liberty and civilization and freedom and hope and happiness to an unfortunate people we were actually engaged in conflict to hold as unwilling subjects people who of right ought to be free and independent.

Yet the fighting went on. The American arms were successful, as they always must be.

But the spirit of dissatisfaction at home grew bolder and bolder. Rumors of outrages inflicted on helpless natives gained circulation and stories of cruel punishments applied to prisoners to compel them to testify against their own, began to worry the public mind. And while the busy wheel of industry sang its contented song, while the farmer, the miner, the merchant, and the mechanic all participated in the blessings of material prosperity never equalled by other lands since the beginning of related events, that noonday sun of satisfaction was clouded by horrible doubt and suspicion that somewhere in the world brutality was practiced under the American flag on unfortunate human beings, whose only crime was an ambition to establish their own government.

We had time and time again been assured that the war was ended, that peace was restored, and civil government faithfully administered was attracting the earnest support of intelligent natives.

Intermittently we would receive news of more fighting, then we were told the war we supposed had ended was being vigorously prosecuted, yet with "marked humanity and magnanimity."

Then came a mass of assertions, claims, charges, countercharges, bulletins, letters, statements, investigations, hearings, denials, contradictions, inconsistencies; nothing reliable, everywhere confusion. But all the letters, bulletins, and statements ever issued by all the bureaus of the Government—all were unavailing, all superfluous, all in vain. That dreadful disturbed feeling of uneasiness and unrest, that indescribable, undefinable emotion which can no more be analyzed than the element we know as electricity, stirred the whole American people with keenest indignation at the suggestion that outrage was committed and torture was inflicted on any human beings in the name of the American people.

What is this strange power that causes fear, apprehension, and anxiety? I can not tell. I do not know. I do not care. But that it had good reason to exist was definitely shown when, April 8 last, Major Waller, Captain Porter, and Lieutenant Halford testified in Manila that General Smith gave orders to kill all natives of Samar over 10 years old. On the 11th of April Major Waller admitted that he killed Filipinos as charged, but under instructions from Smith, and pleaded the justification of martial law.

April 14 private soldiers testified to the application of torture as a regular policy by officers and men of the Regular Army. Finally, on the 25th of April, at a court-martial held in Manila, Jacob H. Smith, a general officer in the United States Army, admitted through his counsel that he had given instructions to Major Waller to kill and burn and make Samar a howling wilderness, and that he did specify all over 10 years of age.

Oh, what an everlasting shame!

We who had been carrying on these three centuries the struggle for the uplifting of mankind. We who had reared to the memory of our great teachers marble and granite columns on foundations so firm and deep they seemed to penetrate to the center of the earth, forming an axis around which revolved in hope and confidence the freedom and humanity of the world. We who had planted our standard so high, waving on the pure free winds of liberty, piercing the fleecy clouds of heaven, the fluttering folds of our colors mingling and blending in consummate harmony with the drapery adorning the great throne before which the angels sang. [Loud applause.]

The camp fires of our soldiers, which for a hundred years sent forth the incense of liberty, now smoked over the desolate ruins of destroyed villages.

We had fallen to the brutal level of pagan colonizers, and were to kill and burn and destroy all that crossed our path.

How our English cousins will chortle with maudlin joy!

How every outrage perpetrated in the valleys of South Africa will be sturdily defended by the Government benches in Parliament, gleefully pointing to the precedent established by Smith in Samar.

Aye, Mr. President, it is well you should send your ambassadors to the coronation of Edward; it is a covert compliment to the English idea of civilization. The memories of millions of indescribable outrages committed in the name of English colonization in America and Africa, in Ireland and India are now approved, hallowed, and sanctified.

Send your ambassadors to the coronation of Edward; strike welcome hands as congenial spirits across the outraged bodies of Boer and Filipino; fold in bloody embrace the Empire sweltering in glory and in gore.

Send your ambassadors to the coronation of Edward; let their parchment commissions be decorated with the red blood of the innocent children of Samar; it is your strenuous guaranty that hitherto England has always been in the right and we have been in the wrong.

Send your ambassadors to the coronation of Edward; but send them not in the name of the American people, but rather as special pleaders of a partisan Administration seeking relief from the shame and stain of slaughter and the burdens of conscience by courting the favor of an Empire which centuries ago sold conscience for colonies and conquest. [Loud applause.]

General Smith made his confession in open court more than a month ago. It has never been withdrawn or qualified. Nay, his counsel defiantly claimed justification for his action and insultingly compared Smith to Grant.

Now, Mr. Chairman, this House wants to know, as the country wants to know, without unnecessary delay, without evasion or circumlocution, who is responsible for the order General Smith confesses to have issued.

I offered a resolution in this House the 27th day of April, which I will now ask the Clerk to read.

The Clerk read as follows:

House resolution No. 230.

Whereas it is stated in the public press that at a court-martial held in Manila, P. I., April 25, 1902, Gen. Jacob H. Smith, an officer of the United States Army charged with conduct prejudical to good order and discipline, counsel for defense admitted that General Smith gave instructions to Major Waller to kill and burn and make Samar a howling wilderness, that he wanted everybody killed capable of bearing arms, and that he did specify all over 10 years of age: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, requested to report to the House of Representatives if said orders were issued with the knowledge and approval of the War Department; and if not, be it further

Resolved, That the Secretary of War be, and he is hereby, requested to ascertain and report to the House of Representatives whether said orders were issued by General Smith, acting on his own responsibility, or under the instructions of any superior officer.

Mr. CONRY. Another resolution, substantially the same in character, but not so definite in detail, was offered the same day.

The Committee on Military Affairs recommended the passage of an order simply asking for all the papers relating to the campaign in Samar.

Why this fear, Mr. Chairman? Why not answer the plain question? Is the War Department willing or does it refuse to assume responsibility for this "revolting" order?

Gentlemen of the House, the conscience of this country has not become so seared that it will tolerate in complacency the issuance of an order of this character. The country wants responsibility placed for this order, aye, if it leads right up to the table of the strenuous one. A gentleman high in the ranks of the Administration leaders denounces this order as "revolting," and insists that the Administration must not be held responsible. Yet the Administration knew substantially what was going on.

The general facts of the campaign were known to the entire Army. General Miles, on the 17th of February, wrote to the Secretary of War begging permission to go to the Philippines, and said in his letters: "The warfare has been conducted with marked severity."

The Secretary of War rebuked the veteran Miles on the 5th of March, refusing to consider his application for duty in the Philippines, and adds with superior knowledge: "It is not a fact the war has been conducted with marked severity; on the contrary, the warfare has been conducted with marked humanity and magnanimity on the part of the United States."

Did the Secretary of War know at the time he wrote this letter of the existence of the Smith order to kill and burn?

If he knew of it, is it not fair to assume that he approved of it by his silence, as we are not informed that Smith ever was rebuked for his infamous action?

If he knew of it and approved of it by his silence, how will we characterize his letter to General Miles, "that the war was being conducted with marked humanity and mananimity?"

If he did not know of the order, was he not negligent in the performance of his duty, and should he not be held for criminal carelessness?

I am in receipt of a letter from a distinguished clergyman in

Boston—not a sensationalist, but a high-minded Christian spirit, who would shudder at the thought of gaining notoriety in the performance of his duties—in which he says:

Is the Secretary of War responsible? It seems as if he had been either culpably ignorant or deliberately deceived the people. He should explain his position. If he has been culpably ignorant, I believe the public outcry will compel the President to remove him, and if he has deceived the people, he should be impeached.

[Applause.]

I listened on the afternoon of May 5 to a brilliant defense of the Administration by one of its most distinguished spokesmen, but I listened in vain for one word criticising the author of the "revolting order" to kill and burn in the island of Samar.

I read 15 columns of the CONGRESSIONAL RECORD to find a single sentence condemning Smith, but I read in vain.

I heard much that day about provocation to torture, and while it was not urged as a defense, it was offered as an extenuation of the cruelty practiced on the natives.

It was urged that greater cruelties had been inflicted before in the history of the world; the Neronian persecutions, the outrages of the Tartar hordes in Russia, and the tortures of Alva and Torquemada, and as I listened I heard the defender of the Administration say, in what sounded to me a tone of disappointment:

I have heard of nothing of that sort in the Philippines.

And yet the Democratic party is held up to the world as abusing the Army. The American soldier may well cry out, "Spare me from my friends."

The substance of the Administration defense is:

Our enemies have acted as savages; let us become savages, too.

Because of your horrible atrocities in the Philippines, you have aroused the righteous wrath of the country, from which you now seek refuge by crying out, "The Democrats are attacking the Army."

Attacking the Army! Who is guilty of the cruelest attack ever made on the American Army? The Administration in power and the officers in command, who permitted, encouraged, and ordered torture applied to prisoners taken by American soldiers.

Soldiers merely carry out the orders of the commander in chief. Their first and most sacred duty is obedience.

They can not inflict torture and cruelty of their own accord. It is a violation of the rules of war, and they would be punished for disobedience. So we know that if barbarity exists in the Philippines, it is there as part of the war policy of the Administration.

And from competent testimony submitted, we learn that torture is inflicted by orders, and the reason alleged, the excuse offered, is that we are compelled to resort to such practices if we are to achieve success in our military operations.

Exactly the same reason Spain offered for her concentration camps in Cuba; the same excuse offered for her Weylerism, the moving cause of our war for the freedom of Cuba.

Now, the War Department is compelled to admit its inability to establish peace, unless we do in the Philippines what Spain did in Cuba.

The debate on this bill has gone on four weeks, during which time defender after defender of the Administration has adroitly taken up every discolored page in history to make the situation appear respectable. Apparently, however, conscience was not yet satisfied.

That restless, passionate, impulsive spirit which will not be confined within the constitutional bounds of Executive power burst into expression on Memorial Day over the soldier's grave.

We will waive the question of taste or propriety in selecting a day of most tender memories for the delivery of a partisan stump speech.

Recent royal associations aroused incipient imperial tendencies which gently remind us, "The king can do no wrong."

It was not what was said on that occasion, for the same thing had been said many times before, if not said quite so well, but that it should be found necessary to drag the Executive into a partisan debate.

The accumulated evidence of all other witnesses is insignificant beside this, as showing the thought uppermost in the Administration mind—anxiety to escape punishment for wrongdoing.

He, too, found refuge in the hope that torture in the Philippines would not be criticised while lynching occurred in this country, and he achieved a parliamentary triumph by his individual opinion that "these cruelties in the Philippines have been wholly exceptional and have been shamelessly exaggerated." He, too, believes that men who desire to abolish torture in the Philippines "traduce the Army."

When Theodore Roosevelt, a courageous volunteer officer of courageous volunteer soldiers, signed a round-robin attack on the War Department for its canned beef and other rotten military supplies served to our soldiers in Cuba, was he traducing the Army, or was he doing a great public service? [Loud applause.]

We can criticise the "water cure" only at the risk of traducing the Army, and when we complain of the brutality and inhumanity of concentration camps we are accused of assailing the American soldiers.

The American soldier—we love the American soldier. His record during a century and a quarter has been brilliant, chivalrous, glorious, without reproach and without stain, until the appearance of Smith.

The American soldier, from the farm on the hillside, from the lumber camp, from the stone quarry, from the mines, from the prairie, or from the crowded city, is to-day without a superior in the world.

Thousands there are to sound the praise of the American volunteer, in which praise I heartily join. My own ideal is the soldier from the great city.

The boys with fair faces, bright eyes, and fearless hearts, inexhaustible nervous energy, vitality, and strength; to him the joys of battle are not its spoils or loot or booty, but its peril, love of conflict, adventure, and glory.

The charge, the mad rush, the shock of battle are to him but the noisy echoes of his daily life; prodigal of his patriotism; ready to share his last cup of coffee with comrade or stranger; tender as a girl, yet will fight like a tiger, and when the battle is over will laugh and dress the wounds of friend and foe with like generosity.

For him there is no outrage, no barbarity. For him respect for woman is equaled only by love of country. The knightliest character in romance never equaled him in chivalrous action. From his earliest life, when his infant feet danced on the paved street of the crowded city to the music of the hurdy-gurdy, and later when the widowed mother spent perhaps the last dollar in the house to buy the uniform blouse that would enable her boy to march with the school regiment before the admiring eyes of the girls who filled the streets until he burned with the first grand passion, he was taught to love and respect and venerate woman.

He may swear vengeance on the enemy for the torture and death of a companion, but he will get his satisfaction like a soldier, in man fashion, with his weapon in his hands, facing an armed enemy.

An order to kill and burn and destroy all over 10 years of age is as "revolting" to this man as to a United States Senator, and the bitterest abuse, the most humiliating attack, the vilest slander he ever endured, was when he was ordered to kill all over 10 years of age.

I know him, not as an individual, not by the dozen, not by the score, but by the hundreds and thousands; the roll call of the army in the Philippines might well serve as a duplicate voting list of a Democratic ward in Boston. [Long-continued applause.]

April 23, almost two months ago, the Boston papers devoted considerable space to the testimony of two soldiers recently returned from the Philippines, where they had served with Company D, Twenty-sixth Infantry, United States Volunteers.

These men tell the story of the murder of Father Augustine, a Roman Catholic priest, at Bolo.

According to the testimony of these men, the priest was murdered by the application of the water cure; murdered—foully, cruelly murdered—on December 9, 1900.

The gentlemen charged with the investigation of affairs in the Philippines have never sought to establish or disprove the truth of this horrible charge.

Affidavits are at hand showing the names of all who participated in this brutal murder, yet notwithstanding two months have gone by since the charges were made public nothing has been done in the matter. It is quite possible hope exists in some quarters should the matter be kept quiet long enough action will be barred by the statute of limitations.

These same men tell of a campaign in Dungas, in July, 1900, when they were acting under orders to burn everything and take no prisoners.

At Dungas the company came to a hut where a native woman had just given birth to a child.

The woman and child were dragged from the hut, the shack was burned to the ground, and the woman and child were left to perish from exposure and starvation.

I have frequently been asked in recent years how the continued agitation of the Irish party was kept up and how it was the descendants of the Irish in this country for generations, many of whom had never seen Ireland, still continued to support the agitation.

Gentlemen, this outrage I have just described as perpetrated in the Philippines was the favorite pastime of the English soldiers in Ireland—to find a woman with child, drag her from her bed and throw her on the roadside, tear the roof from the cottage, and set fire to the household goods, and if a male member of the family could be found, hang him to the nearest gibbet.

This was the treatment English soldiers accorded to the Irish, and it can never be forgotten. England will never allow it to be forgotten, as she does the same thing in India, in South Africa, and wherever she sets the roughshod hoof of the conqueror.

When the children of your great grandsons shall assemble in this Chamber, when the history of the Fifty-seventh Congress shall have passed into peaceful oblivion and our names are forgotten, then will the bitterness and anger and hatred flash as fiercely in the bosom of the Filipino as it did in the days when Smith issued his infamous order to kill all over 10 in the island of Samar.

What do we Democrats propose to do? Briefly this: Establish independence in the Philippine Archipelago, issue a proclamation at once to the inhabitants of the Philippines that we believe they are and of right ought to be free and independent states, and notify the world that we propose to stand watch and see that the Filipinos are not molested in their desire to establish their own form of government.

This is the general proposition; let us perfect the details when we are in possession of all the facts.

It is my belief Congress can not act intelligently on this matter until we are in position to know the exact conditions existing in the Philippines. Let us appoint a commission thoroughly representative of both sides of the question and have it make a study of the country, not for the purpose of exploitation, not to ascertain its mineral wealth, not to count the acres of timber which constitute its noble forests, not to measure and calculate upon the fertility of its soil, but rather to sound the depths of gratitude and affection in the hearts of a people capable of great love. [Applause.]

Let us go there with clean hands and honest hearts, free from the stain of imperial ambition. Let us proclaim our purpose to the world and peace will follow war.

Which is the higher order of statesmanship, to secure the affection of a people, as we have done in Cuba, or to enforce the brutal submission of a people, as England has done in South Africa?

After all, courage and patriotism are the common possession of mankind. The inhabitants of the Tropics share these virtues alike, and in addition they inherit a trace of treachery and deceit which is abhorrent to us, but we can not cure that by sinking to their depth; rather must we raise them to our level.

One of the reasons offered to justify General Smith's order is that the children he ordered killed shared with their parents the hatred of Americans. The evidence from all sources goes to show we are more bitterly hated by the Filipinos than even Spain was. In the report of Major-General Otis on military operations and civil affairs in the Philippines, dated 1899, I find on page 70 the following paragraph:

> Even the women of Cavite Province, in a document numerously signed by them, gave me to understand that after all the men were killed off they were prepared to shed their patriotic blood for the liberty and independence of their country.

In connection with this sublime paragraph I want to add a reflection the great philosopher Franklin put in the mind of his friend David Hartley, a member of Parliament, during the Revolution:

> If a man naturally cool and rendered still cooler by old age is so warmed by our treatment of his country, how much must these people in general be exasperated against us. And why are we making inveterate enemies by our barbarity, not only of the present inhabitants of a great country, but of their infinitely more numerous posterity, who will in future ages detest the name of Englishman as much as the children of Holland now do those of Alva and Spaniard? This will certainly happen unless your conduct is speedily changed and the national resentment falls where it ought to fall most heavily—on your ministry or, perhaps, rather on the king whose will they only execute.

So our national resentment will fall most heavily where it ought to fall—on the Secretary of War, or on the President, whose will he only recognizes.

And well we may ask, Why are we making inveterate enemies by our barbarity, not only of the present inhabitants of a great country, but of their infinitely more numerous posterity?

Such is the price you agreed to pay for your imperialism. Did you estimate the full cost when you entered on your policy of exploitation? Torture, outrage, and murder, not in the heat of violent anger, excruciating pain, and mad passion, but in cold blood under orders. Such is the price you agreed to pay for your imperialism.

The carloads of maniacs passing through the country, the loathsome diseases festering in large cities and small towns—this was the price you agreed to pay for your imperialism. Your own conscience stifled, your own voice stilled forever, when the weak, struggling for liberty, are overcome by the strong. This is the price you agreed to pay for your imperialism. The Declaration of Independence prohibited in the Philippines. The most cherished patriotic custom observed in the city of Boston is the exercises held in Fanueil Hall on July 4. Since 1783—for one hundred and nineteen years—the people of the city have annually assembled to hear some distinguished citizen repeat the ancient story of patriotic purpose and review our patriotic faith. For one hundred and nineteen years the brightest boy in the public schools of Boston has read from the platform of Fanueil Hall the Declaration of Independence.

You have prohibited the Declaration of Independence in the Philippines. When will you prohibit it in the city of Boston? [Applause.]

You answer that all these things—torture, outrage, and murder in cold blood, the denial of the Declaration of Independence—are mere incidents of war.

Ah, gentlemen, have you ever paused to consider the impossible task of driving the spirit of liberty from the breast of man?

You are treating a violent organic trouble as a mere cutaneous affection. You seek for the cause of the eruption of Mount Pelee by arresting the village watchman.

And all for what? Mere temporary supremacy.

Right, justice, honor, freedom, humanity, and liberty are words blotted forever from the Republican platform.

Your Secretary of War, whom we had all known as an accomplished lawyer of true instincts and high ideals, has linked his fine talents to conspiracy and become the manipulator of dispatches which might prove injurious to the political interests of his chief.

The veteran soldier, Miles, was denied an opportunity to bring about peace lest his success might jeopardize the political future and fortunes of the hero who stood alone at San Juan Hill.

"Corruption wins not more than honesty."

Now, gentlemen, tell me, and tell me truly, way down deep in the innermost recesses of your hearts, where the fierce fires of partisanship are cooled by the soothing waves of pure patriotism, which would you prefer, guiding the destinies of the country in the hour of emergency, under which would the country retire to-night in fairer faith, under which would the business interests of the country breathe a freer breath, under which would the country at once find its proper sphere, empire or republic, under the strenuous administration of the polished equestrian of Oyster Bay or under the sound administration of Richard Olney, the Democrat? [Long-continued applause on the Democratic side.]

Mr. JONES of Virginia. I would ask the chairman of the Insular Committee whether he desires to have anyone speak on his side?

Mr. COOPER of Wisconsin. I have one more speaker to-night. We are ready to proceed.

Mr. JONES of Virginia. Mr. Chairman, I yield twenty minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Chairman, I do not propose to discuss all the phases of the legislation presented for our consideration in the Philippine measures. It is my purpose simply to call attention to a few of its features which I regard of far-reaching importance and so pregnant with possibilities of evil as to call for the exercise of the most unselfish patriotism upon our part in their consideration. In all the debates that have taken place in Congress upon this wretched chapter of our Philippine occupation I have heard no man declare in favor of making the Philippine peoples American citizens.

Neither the Republican nor Democratic party have declared in favor of such an issue, but the question has apparently been as to whether or not we were going to usurp imperial power and enter at once into a colonial policy. We have apparently forgotten that this is a Government of laws and not of men; that within the realm of delegated powers only the sovereignty of the expressed will is potential; that we may not disregard the effect and consequence of legislative acts, whether those acts are well considered or inadvisable. Aye, do we consider that to us is not confided the power of interpreting the scope and effect of our own provisions? If not, let us remember that the judicial branch of this Government, as separate and independent as ourselves, equally constrained by the obligations of a sacred pledge to be guided and controlled by the fundamental charter in their deliberations, will pass upon our work in the forum of personal and property rights, and its decrees may write forever and beyond our recall the status of our action.

The bills of the majority are couched upon the theory that we may take over the title to a country and a populous race of people and exercise sovereignty over them, administering their affairs without making them citizens. I do not believe it. A people thus dominated must be citizens under our flag.

For more than one hundred years the American Republic has been an exemplar of the grand acme of popular attainment—the sovereignty of the individual citizen, and liberty regulated by law. The German countess was wiser than she knew when she told the American traveler dining at her board that all Americans were born noblemen. The Declaration of Independence avowed it and our fathers on many a well-fought battlefield maintained our claim to royal dignity until the flag of freedom and equal rights was unfurled in a land fertilized by the blood of

heroes, glorified by its precious memories and self-sacrifices, and nourished by the most exalted patriotism.

What has been the march of this high destiny is known of all men and need not be recounted here. It has expelled its adversaries and conquered the wilderness from ocean to ocean, carved out States, nourished agriculture, built populous cities, and planted civilization and citizenship beyond the western shores of the great Father of Waters. It came as a spiritual conception and blossomed into a physical reality. It has contributed to the literature of the material world its greatest theme and embellished its history with the brightest achievement. It has ennobled the citizen to the topmost rank of earthly favor and placed him next to the throne of the Almighty, whom, indeed, we only acknowledge as sovereign, denying to all others and ourselves, except of ourselves, the kingly scepter.

Such is the dignity of American citizenship, which is the invariable and common heritage of all who owe and must yield allegiance to the power which is symbolized by its flag, and such are the swelling thoughts that must enthrone themselves in the hearts of all those who love and defend it when duty calls and the hour of supreme self-sacrifice comes, if the stars are not to be plucked from their blue canopy or the stripes torn in threads from their spotless background. There is no place in this conception for a degraded citizenship, and the Supreme Court will not so hold. If you once enact civil government of a permanent character for the people of the Philippine Islands and conquer them into submission, you have then exercised the power reserved in the treaty to determine their civil and political status, and, having once exercised it, you may not be permitted to undo what you have incontinently done.

Have a care lest in the passage of this bill you may not terminate the trust character in which your sovereignty has hitherto been exercised, and brand your action with the election of permanent dominion. Remember that you may not escape the natural and legitimate effects of the law when once enacted, and that it remains for another equally independent authority to determine what those effects are or may be. The Constitution has given to Congress the right to confer citizenship. It has not given to Congress the right to take it away; therefore we may, here and now, confer citizenship upon those peoples, and we may do it indirectly and by the wholesale, without special designation; but when once done, the rights that attach to citizenship are fundamental, beyond the reach of vandal hands, safe and secure in constitutional protection, in the keeping of the people among the reserved rights that must find constitutional expression to be exercised.

The right to acquire territory is not disputed, is not doubted, and is everywhere admitted. The dispute arises over the manner and purpose for which territory may be acquired; but as the right to acquire territory is a political right and confided alone to the Congress, and as its action is not authorized to be reviewed or reversed in any other forum, it follows that such disputations are of no consequence except as they may serve to influence Congress itself in its action or move the people to amend the Constitution so as to limit this power. It may be stated as a moral restraint, that Congress should not impose sovereignty over an unwilling people, and I heartily coincide with such a statement, except where it is absolutely necessary to secure the safety and peace of our own people.

The point I make is that the validity of such an acquirement can not constitutionally be inquired into because of these reflections, and the effect of its action in acquiring territory can not be set aside or minimized in any tangible and effective way by the authority thereof. These are legal and constitutional questions and obligations with respect thereto. It may be assumed, then, that Congress can constitutionally acquire territory, with or without the consent of the people whose territory is acquired.

But it can not govern them permanently without conferring upon them the quality of citizenship, vesting them with an equitable constitutional title to local self-government which is legalized in statehood. Our declaration upon the subject of government is "that all governments derive their just powers from the consent of the governed," and this is literally true as it concerns us, but it does not imply that power may not be exercised unjustly. To illustrate, if it were necessary to our own peace and safety to permanently take the Philippines, and we should do so, it would be the exercise of a just power in self-defense. To take them over against their will when it is not so necessary is a perversion of and an unjust exercise of that power, yet nevertheless constitutional. But it does not follow that because a wrong, not illegal in a constitutional sense, has been committed against them in forcing their nationality that it may be persisted in in the denial of constitutional rights after they are in. This may not be done, and herein lies the danger to ourselves. We may have to reckon with conditions from which we may not hereafter be able to separate ourselves so easily. It is for the exercise of unjust power and for the prostitution of our high ideals to selfish and sordid ends that we arraign the Republican party.

They have been, and are now, engaged in a war which possesses many, if not all, the elements of conquest, notwithstanding the Supreme Court in the Diamond Rings case decided that by the terms of the Paris treaty the United States legally obtained the sovereignty over the Philippine Islands. That sovereignty was of an ambiguous character and still remains so, leaving out all considerations of its existence as a matter of fact.

By the terms of the cession it was reserved for Congress to determine the civil and political status of the inhabitants, which necessarily included, and by which was meant, the final disposition of their habitat, as to dispose or to retain permanent control and dominion of their territory in itself necessarily involves, under our system and laws, their relationship to the Government or body politic, without other or special designation. By inserting the reservation in the treaty we clearly indicated that the act of cession alone was not to be construed as an avowal of a purpose of permanent, national ownership, but that we intended thereafter to decide whether the occupation should be permanent or temporary. This was not satisfactory to those people, and they have disputed our intervention with all the power they can muster from that time until the present, and a bloody war has been and is the consequence.

I will not stop here to discuss the horrors of that war. The revolting details have been thrashed over until the public must have sickened over the ghastly testimony. Rather, if I could, would I spread the black pall of utter oblivion over those wretched incidents, the only apology for their exploitation being a purpose to stop them. But I can not. I only deplore them as the natural and inevitable consequence of the warring contact of a civilized with a semicivilized or barbarous people.

I can not approve or condone offenses against humanity, but I insist that the blame should not and does not rest upon the Army as a whole, which must obey the constituted authority and be subjected to the maddening influences of an enervating climate, unknown surroundings, vexatious toil, treacherous, pitiless, and vandal foes. I place the blame where it belongs—upon the political party in power and the men who have been charged with the conduct of its affairs. But for the wretched commercialism and blundering incapacity that took root in their greed of gold and lust for empire, the awful spectacle of tortue might have been prevented and the unspeakable shame of the attitude in which they have placed our country might also have been prevented. What is that attitude? It is that, disregarding our obligations to exemplify in our conduct the high principles of liberty, equality, and independence that we profess, and should in our conduct exemplify, we have interposed our huge shadow between a people and the sun-lit goal of their similar aspirations.

This conquest may, and doubtless will, terminate in submission. What then remains for a complete establishment of sovereignty, and when so established how may it be disposed? Some gentlemen seem to think it can be put on and off like a garment. Is such indeed the portable character of this mighty essence? If so, who trundles the wheelbarrow in which its precious weight is deposited? Is it the American Congress or the American people? Is it confided to the servant or to the master? Where is the habitat of the royal prerogative to change the fundamental law? I answer, among the people or the legislatures of two-thirds of the States where the people have in part confided it. Do you say that Congress can by legislative enactment cede sovereignty for any purpose?

I ask you to place your finger upon the provision of the fundamental law which authorizes it. Do you say that Congress can undo anything that it may do? The plain answer to this is, it is not true, and the slightest investigation will demonstrate the fact. As, for instance, Congress may declare a citizen, but it can not decitizenize him, except as a punishment for crime. Do you say that the Constitution gives to Congress the power to dispose of and make all necessary rules for the government of the Territory? I answer yes, but that clause does not mention the disposition or dissolution of sovereignty.

Let us not confuse sovereignty with property. Territory here does not mean sovereignty. It means land. Its transfer does not mean the alienation of peoples or allegiance. It simply means the grant to private ownership, the fee-simple title to the soil over which the sovereignty of the people still reigns supreme, and which title, under the name of eminent domain, may be recalled by them upon the payment of compensation. You will note also that the power to make all needful rules respecting the territory disposed of is in the conjunctive, with the power to dispose of, and not in the disjunctive. If it were intended by this provision to enable Congress to thus dispose of peoples, why, then, did it empower Congress to govern them after their disposition? Such can not be held to be the meaning of the foregoing provision.

If authority be required to support the views I have here announced, they are not without respectable, nay, eminent, authority.

Mr. John Randolph Tucker, a high authority on constitutional law, in discussing this clause of the Constitution, when a member of Congress, in a report to Congress, also citing authorities sustaining his position, said:

The "territory belonging to the United States" is held by them for two purposes—as real property to be disposed of and as a domain for colonization by the people of the several States. Law is necessary and proper to fix the boundaries of territory for each new State within which people may settle and form that bond of sympathy and cooperative unity which makes the body politic. Congress must, subject to the supreme law of the Constitution, legislate for the embryo community until, full-formed, it shall be prepared to become one of the sisterhood of Commonwealths which make up the Union.

These views are sustained by many cases: American Insurance Co. *v.* Canter, 1 Peters, 511; United States *v.* Gratiot, 13 id., 526; Cross *v.* Hamson, 16 How., 164; Dred Scott *v.* Sandford, 19 How., 393; Beall *v.* New Mexico, 16 Wall., 535; Ferris *v.* Hughes, 20 Wall., 375; National Bank *v.* County of Yankton, 101 U. S. Rep., 129.

And they are strongly reenforced by the suggestion that sovereignty is anchored by and to the residence of American citizenship. Especially is this so where that citizenship is represented by an entire community or body of population whose situation and needs imperatively demand the exercise of civil government. It would be ridiculous to suppose such a body of American citizens retaining their nationality while their rights, personal and property, were controlled by another jurisdiction. It therefore follows that wherever American citizens reside in such a body that there must abide the sovereignty—which is simply the power of the United States to perform the functions which secure these rights—and, necessarily, this continues just so long as such citizenship and residence continues.

I have heard it declared that we might simply withdraw our troops and leave the sovereignty to those people, but surely this can not mean after citizenship has been established. In such an event what would we leave behind? American citizens and their personal and property rights, the reward of chance, the spoil of adventurous power. A withdrawal thus would simply take away the power and administration whose continued exercise in guaranty and protection the Constitution pledges. No, Mr. Chairman, sovereignty can not thus be displaced when once permanently established. The Constitution would be too strong or else it would be worthless in the degeneracy of men recreant to their oaths. The courts would yet remain open for the redress of grievances against American citizenship. We might not thus ingloriously and unworthily escape responsibility. These considerations only illustrate how difficult it would be to dispose of sovereignty permanently taken and established.

But what is the status? How may our difficulties be avoided, and what are our duties in the premises? We have not far to seek for the answer. We have an illustrious and glorious precedent in the case of Cuba. In that case we took over the trust sovereignty with the purposes of the trust declared, while we proceeded to the liberation of its stricken people. When the war closed we invited them to form a government, with which we treated as to the terms of our withdrawal. We have had recently the proud privilege of witnessing the unfurling of another free flag over a people whom we delivered and assisted to the dignity of citizenship in a new republic, born among the family of States.

Marvelous spectacle! Who can witness unmoved the grand climax of civic righteousness? Who in the distant years can read without wondering and reverential awe the record of the noble dignity and self-sacrifice which animated our peerless people in dealing with the rights of man and in the administration of those tremendous energies, strength, and resources with which the God of righteousness has clothed them? Who would stoop from this high estate or fall headlong from these alpine heights for sordid ends or graceless lapse of reason? In the case of the Philippines, a people, animated by the same high hopes and aspirations and struggling with arms in their hands for freedom, fell into our hands as an incident of war. As in the case of Cuba, we took over the waning, if not utterly destroyed, sovereignty of Spain in trust with our purposes not declared, but with power to elect its disposition.

Failing to declare our purpose, the right of our interposition was disputed, and is disputed to this day at the point of the bayonet, and millions of treasure and thousands of precious lives have been sacrificed in a horrible war. In the light of such glorious history written in the case of Cuba, how could our purposes have been perverted or why remain they now obscure? Let us not foreclose ourselves by the assumption of permanent sovereignty in the enactment of a law utterly inconsistent with a purpose or power thereafter to do otherwise. Let us at least accompany this law with an enacted declaration that it is only temporary, and that we propose to exercise the trust by inviting and assisting those peoples to form a government with which we can treat as to the terms of our aid and withdrawal. Let us, then, insist upon protection for all who have incurred enmity by befriending or seeming to befriend our cause, and for all those in whose favor a national obligation is outstanding.

Let us retain exclusive coaling stations if we will and trust to our own merit and enterprise for commercial advantages which we may be able to obtain. They will eagerly grant all these and forgive, if they do not forget, the grievous blunder that has slain thousands of their citizens and our own. Let us not persist in our mistake until we have conquered sovereignty and changed the whole constitutional relationship. Let us admit the invalid and impossible character of our title and call a halt in the prosecution of such a claim. The Philippine people have pleaded an outstanding title to the Spanish claim upon which we have declared. Let us admit it and dismiss the case. I doubt the sensitive honor that could be wounded by such a course. The world would not fail to justly appreciate our motive and applaud it, or if any power should misconstrue it as an evidence of weakness and seek to profit by an invasion of our rights, why let them, at their peril and at their own discretion.

We are yet in a position to do this thing. The passage of the resolution empowering the President to govern the islands until Congress acted, in a time of war, did not clothe him with any more power than he then possessed, and only shows that Congress was not ready to decide the momentous question confided to its keeping.

It is different now. We have had time to deliberate and we are now deliberating.

Mr. Chairman, there are those who believe and maintain that the Constitution follows the flag; that is to say, that wherever the flag is hoisted as an emblem of permanent sovereignty and wherever the jurisdictional dominion of the Government of the United States is asserted that there, of its own force, by the very act which asserts that sovereign dominion, independent of a legislative interpretation of that act, the Constitution goes to authorize that sovereignty, to define it, to limit it, and to secure the blessings of liberty to the people over whom the shadow of the great powers it organizes, limits, and equalizes is thrown.

Indeed, it is quite impossible for me to conceive of any jurisdiction existing in the Government separate from and independent of the instrument by which alone that Government is formed and exists. There has never been a decision of the Supreme Court to this good day which affirms such a doctrine. These were the opinions of Chief Justice Taney in the Dred Scott case (19 Howard, p. 449). He said:

* * * But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government.

The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself; and when the Territory becomes a part of the United States the Federal Government enters into possession in the character impressd upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it, and it can not when it enters a Territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it. It can not create for itself a new character, separated from the citizens and the United States and the duties it owes to them, under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, or lawfully deny any right which it has reserved.

Again, it was stated by Chief Justice Chase in the case of Minor *v.* Happersett (21 Wall., 162), that—

Allegiance and protection are in this connection—that is, in relation to citizenship—reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.

In the light of such cogent reasoning as this, it would be hard, indeed, to maintain the contrary view. And if such be the fact, what, then, would be the effect of such constitutional extension over the people or inhabitants of territory, if the act or the circumstances of the assumption of sovereignty carried with it the impress of permanency?

Would it not have the effect of a collective naturalization and constitute the inhabitants of such territory citizens of the nationality into which they are thus incorporated, endowing them with constitutional rights that, once acquired, defy the antagonism of legislative hostility?

In Osborn *v.* United States Bank (9 Wheat., 738–827), Chief Justice Marshall said:

A naturalized citizen becomes a member of the society, possessing all the rights of a native citizen and standing, in the view of the Constitution, on the footing of a native. The Constitution does not authorize Congress to enlarge or abridge those rights. The simple power of a national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it so far as respects the individual. The Constitution then takes him up, and among other rights extends to him the capacity of suing in the courts of the United States, precisely under the same circumstances under which a native might sue.

In the Wong-Kim Ark case this latter case was referred to approvingly by Mr. Justice Gray, who said:

The power of naturalization, vested in Congress by the Constitution, is a power to confer citizenship, not a power to take it away.

In the Slaughterhouse Cases, Mr. Justice Miller, in discussing the rights of American citizenship in contradistinction to citizenship in a State, enumerated some of those rights as follows:

But lest it should be said that no such privileges and immunities are to be found, if those we have been considering are excluded, we venture to suggest some which owe their existence to the Federal Government, its national character, its Constitution, or its laws.

One of these is well described in the case of Crandall *v.* Nevada (6 Wallace, 36), it is said "to be the rights of the citizens of this great country, protected by implied guarantees of its Constitution" to come to the seat of government to assert any claim he may have against that Goverment, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its sea ports through which all operations of foreign commerce are conducted, to the subtreasuries, land offices, and courts of justice in the several States, and, quoting from the language of Chief Justice Taney, it is said "that for all the great purposes for which the Federal Government was established we are one people, with one common country. We are all citizens of the United States." And it is as such citizens that their rights are supported in this court in Crandall *v.* Nevada.

Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States. The right to peaceably assemble and petition for redress of grievances and the privilege of the right of habeas corpus are rights of the citizens guaranteed by the Federal Constitution.

The right to use the navigable waters of the United States, however they may penetrate the territory of the several States, all rights secured to our citizens by treaties with foreign nations, are dependent upon citizenship of the United States and not citizenship of a State. One of these privileges is conferred by the very article under consideration. It is that a citizen of the United States can, of his own volition, become a citizen of any State of the Union by bona fide residence therein, with the same rights as other citizens of that State. To these may be added the rights secured by the thirteenth and fifteenth articles of amendment and by the other clauses of the fourteenth next to be considered.

It has been held that the admission of a State, without other or special designation, effected a collective naturalization.

It is not perceived why the absorption of a people and a territory into the permanent sovereign dominion does not also effect a collective naturalization, as it destroys their former nationality and creates a new nationality.

In the former case all the rights of citizenship, including the political franchises, are conferred or confirmed. In the latter case all the rights of citizenship are conferred, save the political franchises, which are withheld in trust and exercised by the Congress until such time as the Territorial inhabitants are fitted to enjoy and receive them. And herein is developed the reason why Congress can not voluntarily, by legislative action, withdraw sovereignty from a territory once permanently acquired, because the inhabitants, who are American citizens, have the constitutional right to be clothed with the full political franchise, in the admission to statehood at some future time, and the constitutional guaranty that Congress can not, by cession or withdrawal of sovereignty, deprive them of that right.

In the light, then, of these considerations it becomes important to inquire whether by the terms of the treaty the sovereignty acquired was temporary or permanent.

I am aware that the Supreme Court in the Diamond Rings cases came perilously near holding that it was a permanent acquisition. Mr. Justice Fuller said:

No reason is perceived for any different ruling as to the Philippines. By the third article of the treaty Spain ceded to the United States "the archipelago known as the Philippine Islands," and the United States agreed to pay to Spain the sum of $20,000,000 within three months. The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the executive power, the legislative power, concurred in the completion of the transaction.

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States and they became entitled to its protection.

But it is said that the case of the Philippines is to be distinguished from that of Porto Rico because on February 14, 1899, after the ratification of the treaty, the Senate resolved, as given in the margin, that it was not intended to incorporate the inhabitants of the Philippines into citizenship of the United States, nor to permanently annex those islands.

We need not consider the force and effect of a resolution of this sort if adopted by Congress, not like that of April 20, 1898, in respect of Cuba, preliminary to the declaration of war, but after title had passed by ratified cession. It is enough that this was a joint resolution; that it was adopted by the Senate by a vote of 26 to 22, not two-thirds of a quorum; and that it is absolutely without legal significance on the question before us. The meaning of the treaty can not be controlled by subsequent explanations of some of those who may have voted to ratify it. What view the House might have taken as to the intention of the Senate in ratifying the treaty we are not informed, nor is it material; and if any implication from the action referred to could properly be indulged it would seem to be that two-thirds of a quorum of the Senate did not consent to the ratification on the grounds indicated.

The only reason, therefore, that relieves the situation from an adjudication in this case is found in the fact that, for the purposes of that case, it was not necessary to determine whether the sovereignty was permanent or temporary, but simply to determine whether the islands, after the treaty, with respect to our tariff laws, were a foreign country, and not whether their allegiance to the United States was temporary or permanent.

It is true that it was insisted that because the Senate passed a resolution after the treaty to the effect that by the ratification it was not intended permanently to annex them, and that for this reason they remained foreign territory, and that the court dismiss this suggestion as immaterial. It might and doubtless would have been differently held, had it been necessary, in the determination of the question before the court, to have passed upon the permanent or temporary character of the sovereignty, and had the real question been made that by the express terms of the treaty the sovereignty was necessarily temporary until the Congress decided whether it should be permanent.

That question is up to us for determination now, and it may not be pretermitted in the reckless fashion proposed by the majority. They have been urged to take their stand upon one side or the other of this tremendous and far-reaching issue, and their reply is that it will be time enough in a generation, two generations, or three generations hence to make a decision, while they deliberately bring in a bill which, in its terms, involves our inextricable association with those people for a time, the end of which no man can perceive, and which they confess and contemplate covers periods of generations. They organize civil government and extend the judicial power to those people without any qualification of time or condition. They contemplate and prepare for situations of never-ending complications and attachments. They create obligations calling for the continued ownership and dominion of national sovereignty, and in doing this can they hereafter be permitted to say that it was temporary and that by their action they have not accomplished a permanent sovereignty and thus completed the naturalization of the present body of the population of those islands?

I wish also to present the case in another aspect,

Grant, for the sake of the argument, that the passage of either one of these bills presented by the majority may not confer upon the people of the Philippine Islands American citizenship, and that if it should in fact do so, the Supreme Court can be relied upon to amend the Constitution by judicial interpretation and hold that it does not, the condition upon which you are entering, for which you are preparing, and which you evidence by the long period that you say will be necessary to prepare those people for self-government, and the pledge to it, in the proud boast which all of you are felicitous in making, that you will solve the problem of self-government for them, will inevitably lead to a condition of American citizenship for them through the operation of other well-settled constitutional principles.

The priceless boon of American citizenship may be conferred, as evidenced by the following provisions of our Constitution:

The Congress shall have power to establish an uniform rule of naturalization.

And—

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

This latter provision might seem at first glance to be a limitation upon the first, but in the case of The United States *v.* Wong-Kim Ark (169 U. S.), decided in March, 1898, it was held that it does not affect or qualify the right of naturalization conferred in the previous section, but was in addition thereto.

The whole subject of citizenship and the history of our naturalization laws are very thoroughly discussed in this case, and I commend it, and the authorities therein cited, to the careful investigation of those who are to vote upon this bill.

Another observation is to be made with reference to this latter provision, and that is it recognizes citizenship of the United States to be distinct and independent from citizenship in a State, and that citizenship, by birth or naturalization, may be acquired without residence in a State.

Mr. Justice Miller in the Slaughterhouse Cases (16 Wallace, p. 36) said of this provision:

It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States comprising the Union. Those who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially determined.

As to condition after its enactment he said further in the same case:

The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important, in view of the arguments of counsel in the present case. It is that the distinction between citizens of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

If these be sound principles of constitutional law, every day and hour that we remain in the Philippines after the enactment of either of the measures proposed by the majority but further complicates our difficulties.

As it is now, and as it is viewed by myself, every child born in that territory is born into the civil and political status liable to be determined by our action. If that determination is to be permanent sovereignty, how long will it take by birth, think you, to Americanize that population, thus wrenching from our hands the legislative power to resume the status quo and fastening upon us the brands of constitutional wedlock?

Ah, gentlemen, it is in vain you would postpone your purposes. Time and circumstances, inexorable effects from causes, wait not a man's convenience, and yet this seems to be the prevailing idea, as evidenced by the testimony of Governor-General Taft and others, taken at the hearings before the Senate committee, which are inserted here from the reports of the same in the CONGRESSIONAL RECORD:

QUESTION OF STATEHOOD.

Senator CARMACK. You think, then, it is an open question whether the people of the Philippine Islands—islands populated with eight or ten million Asiatics—should be admitted to the full rights of American citizenship or whether or not an archipelago so populated should be admitted to statehood in the Union? You think it is an open question?

Governor TAFT. I think it is a question that I would not answer two or three generations before it will arise. I think the great evil to-day is the discussion of something that is utterly impossible of settlement to-day. The thing the Filipino people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is and training them to a knowledge of self-government, and when they have that, the question of what relations shall then exist between the islands and this country may be settled between them and the citizens of the United States.

But to attempt to decide in advance something that it is utterly impossible wisely to decide now, it seems to me, with deference to those who differ with me, very unreasonable.

Senator CARMACK. I was speaking of it from the standpoint of the people of the United States, as to whether you thought it was a question of possibility——

Governor TAFT. What the people of the United States may think, or what they ought to think, fifty or a hundred years from now I do not venture to say.

Senator PATTERSON. It is a century problem?

Governor TAFT. It is quite possible, as we say in our report, that it may take a generation, or two generations; but no matter how long it is, it is in my judgment the duty of the United States to continue a government there which shall teach those people individual liberty, which shall lift them up to a point of civilization of which I believe they are capable, and which shall make them rise to call the name of the United States blessed.

I have thought over this subject a great deal; we have become intensely interested in the problem, and of course motives, the charge of which we can not avoid, are given to us in reaching such a conclusion; but if I ever was convinced of anything in my life it is that the problem which the United States there has is a great problem worthy of its solution, and which, when solved by establishing a stable government there under the guidance of American control, will redound to the honor and the benefit of this country, and I am proud to have to do with that work.

Senator CARMACK. You say the great trouble in all this matter has been that we are thinking about what may happen a generation or two generations from now. If the possession of the Philippine Islands by the United States involves the possibility of an archipelago 7,000 miles away, inhabited by people of an Asiatic race, becoming a State of the Union fifty or a hundred years from now, do you not think it is a question which deserves consideration now? Do you not think we ought to consider what may happen fifty years from now?

Governor TAFT. No, sir; and I will say why. Nothing that can to-day be said to the Filipino people in the nature of a promise as to the form of government which may take place after an established stable government shall be formed, could be otherwise than misleading to them and confusing in establishing that government.

It would at once begin the agitation among those who desire that separation to have that separation, because, in their opinion, they are fitted for it at once. It would drive away from the support of the stable government that conservative element who are strongly in favor of American guidance and control, because they would anticipate an early change.

They would think they would early be left without the support which the presence of the American Government necessarily gives, and the promise of something in the future, instead of helping to establish, would render unstable any government which was attempted to be established.

TESTIMONY OF GENERAL HUGHES AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

VISAYANS' CAPACITY FOR CIVIL GOVERNMENT.

The CHAIRMAN. What do you think of their capacity for civil government?

General HUGHES. My personal opinion is that it will be a long time before they are qualified to run a civil government of their own. I understand your question to relate purely to the Visayans?

The CHAIRMAN. That is what I mean.

General HUGHES. I should say not inside of two generations. The people have no earthly idea of equity. They simply know their own wishes, and they have no regard for the wishes of others.

The CHAIRMAN. If left to themselves what sort of government, in your opinion, would they establish?

General HUGHES. They would try, undoubtedly, to establish a republic of some kind, and they would do it. The ordinary Tao of the Visayans is one of the most gullible creatures the world contains. He will believe anything he is told by his acknowledged superior, no difference how absurd the statement is, and there is the great strength that their leaders have over them—the enormous ies that are published to them as to their plans and what is going to take place. They gull them right along.

The latest I got hold of from Lukban to his people was that a German fleet would be in those waters at such a date to blow the Americans out, and that they would then secure their independence. That was the last one I heard.

I only introduce these extracts to show the length of time in which we are expected to solve the problem. I should much rather have heard these gentlemen explain the principles upon which we are authorized and justified in postponing our decision with reference to making citizens of the Filipinos than to hear them state that it is better to postpone. I am sure that our dealings with the Indian tribes and our control of them can not be taken as a precedent, because the Constitution itself recognizes their separate existence and authorizes our dealings with them as dependencies.

Subsection 3 of section 8 of Article I of the Constitution provides as follows:

The Congress shall have power to * * * regulate commerce with foreign nations and among the several States and with the Indian tribes.

This recognition is also found in other provisions, and with reference thereto the Supreme Court, in the Wong-Kim Ark case, said, referring to the case of Elk *v.* Wilkins (112 U. S., 94):

The only adjudication that has been made by this court upon the meaning of this clause "and subject to the jurisdiction thereof" in the leading provision of the fourteenth amendment is Elk *v.* Wilkins (112 U. S., 94), in which it was decided that an Indian, born a member of one of the Indian tribes within the United States which still existed and was recognized as an Indian tribe by the United States, who had voluntarily separated himself from his tribe and taken up his residence among the white citizens of the United States, but who did not appear to have been naturalized or taxed, or in any way recognized or treated as a citizen, either by the United States or by the State, was not a citizen of the United States, as a person born in the United States "and subject to the jurisdiction thereof," within the meaning of the clause in question.

That decision was placed upon the grounds that the meaning of those words was "not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance;" that by the Constitution, as originally established, "Indians not taxed" were excluded from the persons according to whose numbers representatives in Congress and direct taxes were apportioned among the several States, and Congress was empowered to regulate commerce, not only "with foreign nations" and among the several States, but "with the Indian tribes;" that the Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign states, but were alien nations, distinct political communities, the members of which owed immediate allegiance to their several tribes and were not part of the people of the United States; that the alien and dependent condition of one of those tribes could not be put off at their own will without the action or assent of the United States, and that they were never deemed citizens, except when naturalized, collectively or individually, under explicit provisions of a treaty or of an act of Congress; and, therefore, that Indians born within the territorial limits of the United States, members of, and owing immediate allegiance to, one of the Indian tribes (an alien, though dependent power), although in a geographical sense born in the United States, are no more born in the United States and subject to the jurisdiction thereof, within the meaning of the first section of the fourteenth amendment, than the children of subjects of any foreign government born within the domain of that government or the children born within the United States of ambassadors or other public ministers of foreign nations. And it was observed that the language used in defining citizenship in the first section of the civil rights act of 1866, by the very Congress which framed the fourteenth amendment, was all "persons born in the United States and not subject to any foreign power, excluding Indians not taxed."

It may be, Mr. Chairman, that these gentlemen are right: that we have power to own colonies and to wield the jurisdiction of empire over a subject race; that the Supreme Court will sanction such a policy; but if the question could have been presented to the fathers who, stung with its intolerable indignities and stimulated with the hope of equality before the law, periled their lives, their fortunes, and their sacred honor for the emancipation of our princely race, we can have no doubt as to what their verdict would have been.

It was the actual attempt at the exercise of unwarranted power by the General Government in the enactment of the alien and seditions laws that called the Democratic party into existence, lost the Presidency to Mr. Adams, and effected the demise of the Federal party. It has from that time to the present resisted aggressions against constitutional liberty and equality, insisting upon a strict construction of the Constitution and loyal obedience to its mandates as the only means of preserving the liberty that was handed down from the fathers. [Applause.] When it ceases to do that its mission will have ended and the citadel of equal rights will crumble under the ceaseless grind of selfish interest and the remorseless sweep of unbridled power. It stands to-day the enemy of centralized power and the champion of equal rights to all and special privileges to none. [Applause.] As a Democrat, giving loyal and cheerful allegiance to the Constitution of my country, I have felt it my duty to call attention to this branch of the question, which, it seems to me, has been too much overlooked.

The measure proposed by the minority decides the question against permanent dominion over the Philippines and proposes to assist them to a stable government, with such provisions regarding our self-interests as we can, in all justice, good conscience, and good faith, demand, guarding against the danger of citizenship. Let us not contaminate our civilization with the contagion of the Orient. Let us not inoculate our system with the germ of

imperialism. Let us decide the civil and political status of the people of the Philippine Islands to be independence in a nation of self-governing people. [Loud applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield twenty minutes to the gentleman from New Hampshire [Mr. CURRIER].

Mr. CURRIER. Mr. Chairman, the debate on this question has taken a wide range. To quite an extent the opponents of our policy in the Philippines have devoted their time to making attacks on the Army. Officers and soldiers alike have been the subject of indiscriminate abuse. But this bill seeks to reduce the military power in the Philippines, to enlarge the civil power, and give a much larger measure of local self-government to the Filipinos than they now enjoy. Does any one object to that? Is not that a step in the direction that all Democrats and Republicans seek to go? There is a substantial agreement on all hands that whatever may be the ultimate future of the islands, our duty will compel us to remain there for a long time. With very few exceptions, no one thinks we ought to get out now and leave the natives who have been our friends without protection.

Any government that any class of natives might establish now would go to a bloody ruin within six months. The programme of the opposition recognizes this, and if the gentlemen on the other side think that the power now exercised by the army in the Philippines is an evil, why do they not join with us in passing a bill which will lessen that power and give a larger measure of local self-government to the natives? An indiscriminate denunciation of everyone who is trying to do something, an endless discussion of theoretical questions without suggesting any practicable and workable remedy for alleged wrongs, never cured an evil yet and never will. As Carlyle said:

> The astonishing intellect that occupies itself in splitting hairs, and not in twisting some kind of cordage and efficient draft tackle to take the road with, is not to me the most astonishing of intellects.

The progress of the world through all time has been due to men of courage and enthusiasm, men who made mistakes, who often erred and stumbled, but in spite of all advanced. To such men, not to the conservatives, we owe our liberties and our progress. The country never took a step in advance that the air did not ring with outcries regarding a fractured constitution and a ruined and enslaved people. Some men are so constituted that they can always see the celebrated horseman cinching up his saddle preparatory to a dash over the ruins of the Constitution.

James Russell Lowell, in speaking of such men, said:

> The word conservative, as well as I can understand it, is the convenient formula by which to express the average want of opinion of all who are out of place, out of humor, or dislike the dust which blinds and chokes whoever is behind the times.

That definition covers every man who has spoken against this bill and every anti-imperialist in this country. What is the objection to the proposed legislation? It is said that it gives to the President extraordinary and previously unheard of powers and inaugurates a colonial policy for this Government never dreamed of by the fathers of the Republic. Some gentlemen who oppose the bill would have you believe that a colonial policy for this country originated with President McKinley. On the contrary, it is as old as the country itself. The first treaty that this country ever negotiated was the treaty of alliance with France, in 1778, and the fifth article of that treaty is as follows:

> If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.

Colonies were then called dependencies. The fathers of this Republic, under that treaty, took the right to seize Canada and the Bermudas and incorporate them into the Union or hold them as colonies.

Section 3 of Article IV of our Constitution provides that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. Was not this provision intended to give Congress absolute power over territory—power to govern such territory as a colony should Congress see fit to do so? That section was drafted by Gouverneur Morris, and in answer to a question as to its precise meaning he wrote:

> I always thought when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion.

Yet we are told that the fathers of the country never dreamed of a colonial policy, and the shades of Jefferson are invoked to rebuke our imperialistic innovations. Why the storm some people are making about our government of our new possessions is a mere zephyr compared with the storm that broke about the devoted head of Jefferson when he purchased and began the government of Louisiana. He purchased Louisiana as he might have purchased a horse or a mule of one man, Napoleon, and for months after it became the territory of the United States it had no government but the will of the President, and it was treated as foreign soil for certain tariff purposes. Finally Congress, with the approval of the President, framed a government for the new territory. Under the provisions of that act Louisiana was divided into two parts, the Territory of Orleans and the district of Louisiana.

It is interesting to know what the immortal Jefferson, the author of the Declaration of Independence, thought about governing the people of the territory of the United States without their consent. Under that act, in the Territory of Orleans, Jefferson appointed the governor, the secretary, and every member of the council, which was the only legislative body of the Territory. That is, the people of the Territory of Orleans were not allowed to elect a single member of their legislature, while under the bill reported from the Insular Committee and now before this House, when order is restored the Filipinos can elect every single member of the popular branch of their legislature.

In the Territory of Orleans Jefferson's governor really made the laws, for he drafted them, and all the power the council had was to accept or reject them. The council could not even amend one of the governor's bills. In the district of Louisiana Jefferson and the Congress went even further in the line of what our friends on the other side call imperialism, for there a governor and judges appointed by Jefferson were made the sole law-making power.

The Federalists, who were the anti-imperialists of Jefferson's time, denounced him as a worse tyrant than Charles I. When the Federalists talked about the constitutional rights of the people of Louisiana, Jefferson's friends in Congress said, "Louisiana is territory purchased by the United States and not a State." They said, "Whatever limitation the Constitution fixed to the power of Congress over States, it fixed no limitation to the power of Congress over territory." They further said they would govern Louisiana, not by any grant of power in the Constitution, but by the right of acquisition, and that right they would use as they saw fit, and they did so govern, and with the approval of the country except only a few noisy anti-imperialists.

I wonder how our Democratic friends would like it if we should take them at their word and go back to what they call the simple, republican, constitutional methods of Jefferson in governing the people of the territory of the United States.

But it is said that Jefferson did not use the Army to coerce the people of Louisiana. No; they were too weak to resist. They could only protest against the government thus forced upon them. But Jefferson was ready to use the Army, and would have used it if a single hand had been raised in resistance to our authority. Read his message to Congress in January, 1804, in which he states that he called out the militia in Ohio, Kentucky, and Tennessee and held the troops in readiness to crush out any opposition that might develop in Louisiana.

When this storm against Jefferson was at its height on account of the purchase of Louisiana, some timid souls proposed that the control of the Mississippi River be held and all the rest of the territory be sold, and the opposition replied that the territory west of the Mississippi was absolutely worthless, and that no power would be fool enough to buy. Suppose the proposal of the anti-imperialists of that day had been adopted, a customer found, and that territory or any part of it sold, what would have been the fate of the men who carried it through? Would not their names and memories have been buried in obloquy, however good their motives, as men who had sold the choicest possessions of this country to the foreigner?

When Alaska was purchased it was said over and over again on this floor that that country was absolutely worthless, and that Russia had been trying for years to give it away. And yet, is there a man on the other side of the House who would not vote to go to war with England to-morrow over the possession of any single acre of that territory? The anti-imperialists, like the poor, we have always with us, and they have venomously fought every extension of the boundaries of the country. Why, if some of them in the old days could have had their way, there never would have been a State added to this Union west of Pennsylvania.

There are just two courses open to us in dealing with the Philippines. One is to go on as we have begun and carry law and order and enlightenment to those people, and the other course is to get out now and stay out and allow England or France or Germany or some nation that has the courage and the ability to do the work we ought to do—to take up the task that will fall from our incompetent and nerveless hands.

Every observer agrees that the Filipinos can not govern themselves now; that for the present at least they must be guided and controlled by a strong hand. We will not admit that we lack the courage and the ability to deal with this situation and to perform the work that civilization demands. We will not turn the islands over to any foreign power now or in the future. Resistance to our authority, if any still exists, is now confined to a very small

section of the islands, and comes from bushwhackers and bandits. All open and organized resistance has ceased. There is little left there for the Army to do, and our soldiers are fast coming home. I wish to read as a part of my remarks just a paragraph from the report sent to the Senate by Secretary Root on Thursday of this week:

In the middle of the fiscal year ending June 30, 1901, there were about 70,000 American soldiers in the islands. That number is now reduced to about 23,000. Orders have now been issued for the return of the Eighth, Fifteenth, Twenty-fourth, and Twenty-fifth Infantry, and a squadron of the Tenth Cavalry, and when these orders have been executed the number of American troops in the Philippines will have been reduced to 18,000. For the past six months we have been bringing troops home as rapidly as we could do so economically by the use of our own transports. Quarantine requirements have caused some delay in the movement of transports, but we are bringing the men home more rapidly than we can provide accommodations for them until appropriations contained in the pending appropriation bill for the support of the Army become available.

A very great majority of the people in the Philippines are happy and contented and prosperous under American control. We will crush the few remaining bands of bandits and we will restore order, and then we will give to those people all the local self-government they are capable of exercising. We will educate them, develop their country, build schoolhouses, churches, and railroads, and as they advance we will give them a larger and larger share in their government. Whether we will ever give them absolute independence is a question that can be carefully considered in the years that must elapse before they are fitted for it, and in deciding that question we will take into consideration their good as well as ours.

The programme of the opposition necessarily contemplates years of American control before these people can comply with its conditions so as to secure independence. Let us cross that bridge when we get to it. Let us make no promises that we will either break or regret. In my opinion long before these people are fitted for self-government they will realize the enormous advantage to them of their connection with this country, and they would no sooner think of breaking it than Australia would think of breaking her connection with England.

They say we are governing the Filipinos without their consent. This country has always been governing territory without asking the consent of the people residing therein. There are numberless instances of it. Forty years ago the people of this country were engaged in a great war, costing billions of treasure and hundreds of thousands of precious lives, in order to impose upon the people of the South a government to which they would not consent. We have nearly 7,000,000 colored people here in the South—American citizens all. Is their consent to the government over them ever asked?

Never; and at the peril of their lives they dare not question it or attempt to exercise any of the political rights guaranteed to them by the Constitution. Apparently the country has come to the conclusion that there is no remedy for this, and that the South must be left to deal with this question as it sees fit; but there, if anywhere under the flag, is imperialism. The Constitution, it seems, is not for colored men here; the Constitution is for colored men on the other side of the world.

With some men a colored rebel in the Philippines who is torturing and murdering our boys, is as good or better than any white man, but a colored man in this country who bears the scars of honorable service in fighting for our flag has no political rights which they are bound to respect.

The very men who say that their purpose is to take the negro forever out of politics and bury in the dust the fifteenth amendment to the Constitution are sitting up nights to denounce the Administration for its unconstitutional method of governing Malays and Chinamen in the Philippines without asking the consent of every one of them.

After the treaty of peace was ratified by the assistance of Mr. Bryan, what other course could the Administration pursue than the one it has unfalteringly followed?

When the treaty was ratified there was open rebellion in the Philippines. The Filipinos had inaugurated a war we had sought in every way to avoid. The President's plain constitutional duty was to suppress the insurrection and to restore order, and had he failed to perform his duty every Democratic newspaper in the land would have denounced him and demanded his impeachment.

It is said that we have destroyed the only republic in the East. When was it established? The Filipinos never dreamed of independence until Dewey broke the power of Spain in the Philippines. During the long insurrection under Spanish rule the natives fought for certain reforms, the principal one being the very thing we propose to give them under the provisions of this bill—an opportunity to own their homes by securing and turning over to the people the land now held by the religious orders.

Aguinaldo the founder of a republic? He sought to found not a republic, but an oriential despotism with himself as dictator, and he had General Luna murdered because he thought him a rival and feared his power.

When our trouble with Spain began the insurrection in the Philippines against Spanish authority was over. Aguinaldo and 34 of his principal followers had been bought off by Spain and sent out of the country, and he did not go back to the islands until May 19, eighteen days after the Spanish fleet was destroyed and Manila was at the mercy of Dewey's guns. The war in the Philippines has been conducted on the whole by the American Army in the most humane manner.

Isolated cases of cruelty have occurred. No one defends them, and all such occurrences are being rigorously investigated by the Administration, and all persons shown to be guilty will be punished. It is well to remember, however, that war is not a picnic. War, as General Sherman said, is cruel, and you can not refine it.

Say what you will, the Army has been assailed in this Capitol with coarse and indiscriminate abuse. Gentlemen of the opposition who have made these attacks have apparently heard from the people of this country, and are now endeavoring to convince them they meant to attack the Administration and not the Army. But the record is made and can not be explained away. Even General Chaffee, the hero of San Juan and the campaign in China, has been denounced in this Capitol as "a dastard villain" because he put in force an order promulgated by President Lincoln for the conduct of our armies during the civil war.

If one of our officers dare speak a word in defense of himself or his comrades, a cry of denunciation goes up from this Capitol and a demand that he be muzzled. Since when was it considered brave and manly to gag a man and tie his hands and then rain upon him personal abuse and insult? I do not defend the order of General Smith, and we all regret it, but I never heard it quoted correctly on the other side of the House. There is no pretense that the order called for the killing of women and children. It called alone for the killing of those capable of bearing arms in a certain section filled with murderous guerrillas. It does not appear to have been a written order. Apparently it was merely a verbal order, spoken in a time of great excitement. A barbarous massacre of American soldiers had been committed by a band of treacherous and merciless natives.

Suppose your comrades had been murdered and mutilated by a band of savages worse than red Indians. You would not be likely to weigh your words very carefully or refrain from strong expressions when you spoke of what you would do to punish their murderers if you had the power. Under such circumstances any of us might speak words we should regret afterwards. Suppose General Smith said all that it is alleged he said. Is it not well to inquire what he actually did as bearing upon the question of what he really meant? There is not a scintilla of evidence to show that any woman or child was killed or harmed under that order, nor any man who would not have been killed if the order had never been given.

We know something of the conditions that prevail there. The gentleman from Connecticut [Mr. HILL] traveled all through General Smith's department last year, and I quote from what he said in the House a short time since. Mr. HILL said:

I state that I found the department of Gen. Jacob H. Smith in peace and quietness, and yet while that condition existed this incident actually occurred: A company of Tagalos, Filipinos—the Filipino army, if you choose to call it such—descended upon a village of peaceful Filipinos, who chose to carry on their regular business pursuits in peace and quietness, and destroyed that village, murdering men, women, and children. And if the gentleman from Missouri [Mr. VANDIVER] desires a specimen of barbarity, I want to tell you what they did to loyal Filipinos and Americans. They took men out and tied them to ant-hills.

Now, that may seem a strange thing, but those ant-hills are 6 or 8 or 10 feet high and 6 feet in diameter, filled with ants that are absolutely ravenous and eat up everything they come in contact with. They tied these men to ant-hills and allowed them to be eaten to death by ants. They buried them in the ground up to their necks and allowed them to be pecked to death by the birds and eaten by the ants. They took loyal Filipinos and loyal Americans and cut them open in the abdomen, taking out a portion of the bowel and nailing it to a tree and driving them around the tree with bolos compelling them to disembowel themselves.

Now, Mr. Chairman, that throws some light upon the conditions that prevail over there. The severity of an order is to be measured, to some extent, at least, by the existing conditions and the character of the enemy. We do not need to go back beyond the memory of many here or to go beyond the confines of our own country to find orders exceeding in severity the alleged order of General Smith, and orders not merely issued, but executed to the letter.

In 1863 occurred the draft riots in the city of New York. A formidable and murderous mob sought to take possession of that great city. Buildings were sacked and fired, scores of defenseless citizens were cruelly murdered and mutilated, and for a time it seemed as if that murderous mob would overpower the authorities and seize and loot the city. The police force was inadequate and the troops were at the front. When the captains of police, almost despairing of making a successful stand, asked the president of the police board what they should do with their prisoners, he

answered, "Do not take any. Kill! Kill! Put down the mob. Do not bring in a prisoner until the mob is put down," and this order was executed. Hundreds of people were shot or clubbed to death in the streets of New York before the mob was crushed and the city saved.

Within a year in this country a company of armed men, charged with the duty of enforcing a police regulation, and meeting with some resistance, shot and killed several men, three women, and one or two children, and yet the newspapers scarcely noticed the occurrence. In one afternoon right here in this country more women and children were shot and killed than have been killed by our Army in the Philippines since the war began, so far as the evidence shows.

A cry of horror goes up because our troops in the Philippines have burned towns, towns sheltering murderous bushwhackers, towns consisting of shacks that could be rebuilt in a few days, and at an expense of three to ten dollars a building. One would think that a building destroyed by fire never before marked the progress of an army. Has the destruction of Chambersburg, Pa., by a Confederate army been so soon forgotten? Against the torrent of abuse directed against the American Army I put the testimony of Governor Taft, who has been all through the islands and spent two years there. He states:

I desire to say that it is my deliberate judgment that there never was a war conducted, whether against inferior races or not, in which there were more compassion and more restraint and more generosity, assuming that there was a war at all, than there has been in the Philippine Islands.

I wish to add to that the statement of Rev. Homer C. Stuntz, the head of the Methodist missions of Manila, a statement which he made in Chicago on May 26. He says:

There have been cruelties on both sides, but cruelties are a mere incident in a war carried on by human beings, not all of whom have obtained entire sanctification. But there has never been more humanity shown than in that very war, and in the hospitals the Filipino wounded are treated just like our own.

It has been said the army first sent to the islands was composed of drunkards. That same drunken army in one and a half years set free 10,000,000 people from ecclesiastical and political slavery which had been endured for four hundred years.

In the name of goodness, I would ask you to have patience with our men in the Philippines. I have all confidence in the world in the Taft Commission. Aguinaldo himself has told me if he had known the American people would do for the Filipinos what they have done nothing could have induced him to fire a gun or lift a finger against them.

[Prolonged applause on the Republican side.]

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, the Democratic members of Congress at this time have been forced against their will into a peculiar position, and are called upon to vote for some measure which establishes a scheme of government for the Philippine Archipelago. From the beginning they have opposed the conquest of this country and its people. From the beginning they have opposed any attempt to establish sovereignty or governmental control over these islands.

At all times they have recognized those cardinal principles and fundamental doctrines of the Democratic party upon which the American Republic was founded and which were written deep into the Declaration of Independence and the Constitution of the United States:

That all men in all countries and among all nations and peoples are created equal and endowed with the inalienable rights of life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

During the whole history of this Republic and up to the present time this has been the paramount principle and the one great slogan under which the Democratic party has fought. The Republican party from its origin until the close of the war with Spain has had written in its platforms and advocated these same great principles, claiming them as Republican principles; and any man that would have controverted this doctrine in the past would have been considered neither a loyal Democrat nor a loyal Republican. After the Spanish war by some great legerdemain when great economic questions were engrossing the attention of the voters of this country a sudden change in the the tenets and policy of the Republican party took place.

They brought to the front a doctrine absolutely at variance with all their former teachings, and first excused and then openly advocated the right and duty of this country to control an inferior race in no way connected with us either by the ties of blood or neighborhood or important commercial relations. This right they maintained directly against the will and wishes of the people over whom they sought to exercise this sovereignty, and who resisted to such an extent that a war of subjugation, lasting from the close of the Spanish war until the present time, was obliged to be maintained at the cost of hundreds of millions of dollars to this country and tens of thousands of the lives of our citizens.

For this great change in the policy of the Republican party they have never given a rational explanation. Nor have they been able to explain to any thinking American how they hoped or expected to obtain any results from it which would be beneficial to the people of the United States. When future students of history read the pages upon which the declarations and acts and all matters of fact which go to make up the history of this period are written, they will find it absolutely impossible to point out a just cause or give a righteous reason upon which it can be explained.

When the United States Government declared war against Spain, the open and avowed purpose, and, I believe at that time, the real and true purpose, was to free the people of Cuba from the tyranny and oppression of Spanish rule. This was in accordance with every declaration and principle which the people of this country had ever maintained. It proved that they not only sympathized with every down-trodden race, but on this occasion were willing by their acts as well as their words to maintain by arms, if need be, that the freedom, liberty, and independence which they enjoyed were alike the heritage of every nation of the earth.

The reason that Cuba was singled out for active assistance was that it lay very close to our shores, and the tyranny and oppression of this people was constantly brought to our ears, until these tales of woe and suffering so affected the American mind and conscience and aroused the sympathy and heart of our people that they became willing to make great sacrifices to help these suffering neighbors. The heart throb of the American people became so strong and distinct that upon a slight pretext war was declared. And lest the slightness of the pretext should be questioned it was broadly announced that the purpose of the war was not for the obtaining of material results, such as the acquiring of territory, treasure, or commercial advantage, but was in response to the dictates of humanity to free an oppressed people, and to confer upon them the inalienable rights of liberty, independence, and self-government.

No one can doubt but that the present leaders of the Republican party now consider the pledge and promise to create for the people of Cuba a free republic was a mistake; and if in the transaction they could have started at the beginning no such declaration would have been made, but the United States, after destroying the power of Spain in Cuba, would have annexed it against the wishes of the people.

Porto Rico, to whose inhabitants no promise had been made, was promptly annexed without question and explanation, as were the people and the islands of the Philippine Archipelago. No thinking American can doubt but that if at the time war with Spain was declared the Congress of the United States had dreamed that war against Spain would have been carried into the Philippine Islands, a broad, explicit, and open declaration and pledge similar to that made to the people of Cuba would have been made to the people of the Philippines.

Both Cuba and the Philippine Islands in the decade preceding the war with Spain were in the same situation. Spanish oppression and tyranny had brought on a general revolution in both countries. War was waged by the inhabitants against the mother country. Large amounts of treasure and thousands of lives had been sacrificed, and a universal demand for independence and the right of self-government was made by both peoples alike.

While Cuba was still in open revolt the revolution in the Philippines had been temporarily subdued, and the people were awaiting a favorable opportunity to again begin the struggle for liberty. If the positive declaration to Cuba was sincere it carried with it an implied declaration of a similar character to the people of the Philippine Islands. And it is no wonder that both Admiral Dewey and General Otis in their dealings with Aguinaldo and his followers fully believed that the same policy would be followed in our dealings with the people of the Philippines as was promised in dealing with the people of Cuba.

This was an inference any American citizen who believed in the sincerity of the declaration of this country was forced to draw, and it was a duty to act upon the lines it indicated, because to do anything else would have been to brand the declaration of the purpose of the war as a lie of the blackest character. And neither of these officers can be rightfully charged with being false or indiscreet in anything they said or did without instruction in their dealings with the revolutionary forces in the Philippines.

When we take into consideration the actual circumstances and the relative positions occupied by the people of Cuba and the people of the Philippines to the people of this country, no one can deny but that the equities which would have required the establishment of a republic in the Philippines were far greater than those dictating the establishment of a republic in Cuba.

While it was a matter of sympathy and humanity that led us to declare war against Spain and free Cuba, the people of the Philippines had become our friends and allies and materially assisted us in bringing the war with Spain to a successful conclusion. It is a matter of fact beyond controversy that almost immediately after Aguinaldo and his 17 followers brought by the

United States vessel *McCulloch* from Hongkong to Cavite, Luzon, on the 19th day of May, 1898, landed, he assembled and rallied around his banner the native inhabitants of Luzon and the Visayan group and carried on military operations against the Spanish forces in those islands with such success that he had killed or taken prisoner all the Spanish troops located outside the city of Manila.

He had wrested from Spanish control the country outside that city and had confined her army to that place and its immediate environments, so that the subjugation of the Spaniards in the Philippines by our land forces when they arrived, without the loss of a life, was a matter of easiest accomplishment. That this, together with the success of our arms in Cuba and the destruction of the Spanish fleets, brought an end to the war and victory to our arms can not be doubted. It was, I am satisfied, as matters stood before the terms of the treaty of peace had been agreed to and before the American troops came into any clash with the troops of the native people, our plain and bounden duty to have declared to the people of those islands that the United States would accord to them their independence on terms and conditions, if not more favorable, equally as favorable as the terms and conditions which would be granted to the people of Cuba.

Did any change occur up to the time the United States turned its arms against their new-found allies and proceeded to forcibly reduce to subjection these people? For a long time it was contended that the war with the Filipinos was begun by them. But when the true facts gradually came to light it is now known by all that the troops of the United States fired the first shot which brought on this war and that after this first unfortunate occurrence the leaders of the Philippine army notified the United States military authorities that at no time and in no way did they sanction these acts of hostility, and asked that orders should be given by which a stop would be put to them promptly. And it was only after the declaration made by our representative that now that hostilities had begun they would continue until the insurgent forces would lay down their arms and unconditionally submit to the control and sovereignty of the United States did the real war begin.

At this time, if a promise had been made to the Filipino leaders that independence and self-government would be given to their people, peace and order and quiet would have been an immediate result. It must not be forgotten that during that whole period of time from May until after the signing of the treaty of peace in December and up to the 4th of February, when the first shots were fired at Santa Mesa, Aguinaldo and his people had maintained a substantial government throughout the whole country.

Under his control were included not only Luzon, but all that portion of the Philippine Archipelago except those islands inhabited by the Moro people. During all this period of time the civil and military government of Aguinaldo went hand in hand, and as soon as it became known that the treaty of peace had been signed in many parts of the island of Luzon the military authorities promptly withdrew from all exercise of control and made place for and assisted in the establishment of the civil government. At this time even the people of the Philippine Islands never doubted but that independence would be granted them, subject, perhaps, to American protection. Nothing in the history and events which led up to the war with the Filipinos can be properly urged showing that any blame for hostilities can be charged to the people of those islands.

The plea that this was done because the Filipinos were unable to maintain a substantial government there was an afterthought and a pretext founded upon an absolute falsehood. No unprejudiced person can deny that under all these circumstances the very least that the United States could have done was to allow these people to go on with and perfect their government, so that the fact could have been determined whether they were or were not able to govern themselves.

Had this been done, our national honor and integrity would have been maintained and our flag remained the emblem of virtue, liberty, and independence and the symbol of patriotism, humanity, and freedom. Every principle enunciated by the Declaration of Independence and the Constitution of the United States would have been upheld and maintained and every basic principle of the Democratic and Republican parties would have been reiterated by such action.

But this was not to be. For a long time the Republican leaders who exercised almost absolute control over the then President of the United States thought they saw a grand opportunity to add a rich territory to the possessions of this country—a territory which had not been exploited and which, if an opportunity were given them to exploit it, under such government that the United States might set up there, would yield them great fortunes.

The fact that there would be much glory derived from a large territory being added to this country under the Presidency of William McKinley seems to have made an otherwise just and conservative President, without counting the cost, plunge the country into another war more costly in both lives and money than the war with Spain which had just been successfully closed. I do not think at this late day it can be successfully contended that for some time previous to the actual beginning of hostilities the United States had not been actively preparing to pursue the policy it afterwards followed. It was well known that the Philippine people were unanimous in one desire, and that was to start up a government of their own. It was also known that this government was intended to be republican in form.

The Philippine congress had been sitting for a considerable time at Malolos, and as early as September 29 General Aguinaldo made a speech to that congress the keynote of which was "independence." On December 26 this congress adjourned, and a few days afterwards a new Philippine cabinet was formed, all of its members pledged to independence. The president of the congress and minister of foreign affairs was Señor Mabini; secretary of war, Señor Luna; interior, Señor Araveta; agriculture and commerce, Señor Buencamino; public works, Señor Canon.

On the 21st of January, 1899, the Philippine constitution was proclaimed at Malolos. A careful examination of this document shows that practically it was a counterpart of the Constitution of the United States, and no one who reads it can deny that it is an able state paper, and if followed, as it was intended to be, would have furnished the Philippine people a substantial republican government on American lines.

Right here let me again say that no reason existed at this time for anyone to doubt that the Philippine people were not able to maintain the government they had planned. From the time Aguinaldo began his operations after landing he had maintained throughout the whole of Luzon, as well as throughout all the large islands inhabited by the Christian part of the Philippine people, a military government, and, in addition to that, a substantial civil government, and the people were only waiting for the treaty to be signed and their independence to be recognized when the military government was to be withdrawn and the sole governmental control of the islands was to pass into the hands of the civil government.

In fact, Wilcox and Sergeant, in their report through Admiral Dewey to the United States Government, which information was in the hands of the United States Government long before the war with the Filipinos began, and which information Admiral Dewey certified as being correct, made the following statements:

APARRI.

Aparri, with a population of 20,000, has many handsome houses. News had been received from Hongkong papers that the Senators of the United States favored the independence of the islands, with an American protectorate. Colonel Tirano considered the information sufficiently reliable to justify him in regarding Philippine independence assured and warfare in the island at an end.

He proceeded to relinquish the military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. On the day following our arrival the ceremony occurred which solemnizes the transfer of authority in the province of Cagayan.

The presidentes locales of all the towns in the province were present at the ceremony. The elected officer, called Jefe Provincial, thanked the disciplined military forces and their colonel for the service rendered the province and assured them that the work they had begun would be perpetuated by the people, when every man, woman, and child stood ready to take up arms and defend their newly won liberty and resist with the last drop of blood the attempt of any nation whatever to bring them back to their former state of dependence.

He was followed by the three officers who constituted the provincial government, the heads of the three departments of justice, police, and internal revenue. Every town in this province has the same organization.

It is amazing to see how well these natives can read and write when their limited opportunities for learning are considered. Large numbers of them have at one time or other been attached to some official post, so that when their oppressors were overthrown they were prepared to supplant them in office, and in many instances they conducted the affairs of state with a greater degree of efficiency than was displayed by their Spanish predecessors.

At this time the United States had not yet announced its policy with regard to the Philippines. The treaty of peace was being negotiated. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government with Aguinaldo at its head.

It can not be denied that in a region occupied by many millions of inhabitants for nearly six months it stood alone between anarchy and order.

The Philippine officers, both military and civil, that we met in all the provinces, with very few exceptions, were men of intelligent appearance and conversation. The same is true of all those men who form the upper class in each town. They have great respect and admiration for learning, and many men of importance told me the first use the public revenues would be put to after the danger from war was over was to start good schools in every village. The poorer class are ignorant on most subjects, but a large percentage of them can read and write. In the provinces of eastern Luzon which we visited there appears to be no friction between the civil and military.

As to the question of independence at that time among the civil and military officers and the leading townspeople, the desire was universal. "On one point they seemed united, viz, that whatever our Government did for them it had gained no right to annex them."

It also must not be forgotten that as early as June 27, 1898, Admiral Dewey, in his dispatch to the Secretary of the Navy, said:

In my opinion these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

So that, at a time previous to the beginning of the Philippine war, the United States had Admiral Dewey's opinion, Wilcox and Sergeant's report, the knowledge that a Philippine congress had been held and adjourned and a government organized, and the knowledge that a constitution had been adopted on the lines of the Constitution of this country, as well as the knowledge that from the latter part of May, 1898, until February, 1899, a period of eight months, the Philippine people had maintained a potential and substantial government over a large part of the archipelago, and had arranged, as soon as the treaty of peace was signed and independence granted them even under an American protectorate, for a continuance of this government.

Up to that time no evidence had been adduced which showed or tended to show that the Philippine people were not able to maintain a responsible government in the islands. These facts, to my mind, are convincing that the pretext that the reason the United States began, in February, 1899, to put into force a policy looking toward the subjugation of the Philippine people because they were not able to govern themselves was trumped up to suit the policy followed and was but an afterthought.

As soon as it became known that neither independence was to be granted to the Philippine people nor was the United States willing to make any declaration looking to ultimate independence, but that it would deal with Philippine people only upon terms of absolute and unconditional surrender, not only of the country but of the very arms they held, it can not be wondered that the outbreak took place and war followed.

I think no honest American will deny that if the Filipinos had surrendered at that time and acceded to the demands of the United States, they would by such action have proved that they were not worthy of the liberty and independence which they craved. And subsequent events convince me, as much as anything I have learned about these people, that the tenacity with which they maintained this war under most adverse conditions and the sacrifices they made to secure their independence and self-government showed they were worthy of it and were able to maintain their own government if an opportunity had been given them.

The policy pursued by the United States in the Philippine Islands is almost a parallel with that pursued by Great Britain in her war in South Africa. At a present cost of over $200,000,000 and of 10,000 lives of American citizens, and a future cost which will run to nearly or quite a billion of dollars, when pensions which must and should be paid are considered, this country has obtained a sovereignty over 10,000,000 people of the brown race who are not now fitted to become American citizens, nor with advantage to us can they ever be granted such citizenship.

They have obtained sovereignty over a large archipelago situated so far from their shores that these possessions are bound to be a menace to this country should they ever engage in wars with any great power of the world. They are in control of a country from which the commercial advantages, exaggerated as they have been, will be trifling and will and can be enjoyed on the same terms by any other commercial nation of the world.

They have also obtained a country which some short-sighted and foolish people maintain will be a place of vantage in developing the Chinese Empire. These people have never stopped to think that it will be to the greatest advantage of the people of the United States to leave China sleep and enjoy the lethargy into which she has fallen. But a few days spent in China, with a knowledge of the Chinese people and their country, which I have been able to obtain, I am satisfied that with the awakening of China, with the change of our present policy, the United States will find a competitor in the markets of the world with which it will be impossible to compete and at the same time maintain the economic condition enjoyed by the people of the United States to-day.

The establishment of manufactures in the Philippines, if possible, means competition with the products of the laboring classes of the States, so that the possession of this supposed vantage ground will only lead to our undoing. All that I believe we can obtain from the Philippines that will be of lasting benefit to us will be coaling and naval stations, perhaps a return of some of the money which has been spent there, and commercial treaty stipulations which may to some extent increase our future commerce with that country.

This will best be brought about by the introduction and general adoption of the English language by the natives.

With great interest and greater surprise I listened to the "stop thief" speech with which the chairman of the Insular Affairs Committee opened the debate on this bill. He may take his statement seriously, but the country can not. If appropriately cartooned, the picture he presented would be that of a giant clubbing unmercifully a very small brown boy, and with every blow telling him how he loves him, how tenderly and kindly he would be treated in the future, and how he would be granted liberty and independence under a despotic rule in which he was given no substantial control.

Is is not rather late in the day for the Republican Administration to ask these people to believe that, under a benign dispensation of Providence, they and their country fell into the hands of the United States so that liberty, independence, and all the beautiful privileges of the people of the United States might be thrust upon them against their will? The theory that after all this horrid bloodshed and all the cruelty practiced by and in the name of the United States that country is to carry on a great foreign missionary enterprise in this archipelago is so grotesque that it neither appeals to one's reason nor imagination.

It is a very cheap argument, although I am aware that it has been adopted as a stock one by the Republican party, "that the Philippine people do not even know what liberty and independence mean."

I have no doubt this was said of the American colonists when they talked liberty, independence, and self-government to England, and I have no doubt it is fair to say that as large a percentage of the people in the Philippines to-day know what these great words mean as understood their full import in America at the time of the Revolutionary struggle.

This country may thank its stars that it did not find arrayed against it the kind of fighting men John Bull found in South Africa. For had it, there would have been a very different tale to tell. And I say to my friend from Wisconsin that I believe, despite the great eulogy he pronounced on that great American statesman, Abraham Lincoln, that were he living to-day he would be opposing the policy which the Republican party have been following in the Philippines and stand shoulder to shoulder in this opposition with President Harrison and Speaker Reed and many another of the former leaders of the Republican party. He must recognize the fact that not only many leaders but the rank and file of the Republican voters to-day are convinced that the war with the Filipinos was a blunder if it was not a crime.

The speech of the chairman of the Insular Affairs Committee is a plea for atonement. His speech had the ring of sincerity about it. As far as he is concerned personally, I believe he would do everything that his party would permit him to do to atone for the great wrongs we have done these people. And I say to him here that from what I know of the Philippine people I believe to-day, as at the beginning of the Philippine war, the greatest benefit that can be conferred upon them is an unequivocal declaration that the United States will grant them absolute independence and self-government and allow them, for they have the capacity, to become an important and leading nation of the Orient.

I see no such promise written in the bill presented by the Republicans of the House. I see no such promise written in the bill which was passed by the Republican party in the Senate. I have heard of no demand being made by the President during the time he has been the Chief Executive of this nation. He has made demands for Cuban reciprocity and demands on many other subjects, but never has he demanded independence for the Philippine people. Write this promise into your law, and the Philippine problem is solved; leave it out, and the struggle goes on for years. And the time will come, after all this foolish waste of time and money and effort and life, that you will write it into your law and thus solve the problem.

To me the details of your bill are but trifles. Every time that you put a Filipino into a governmental place, every time that you permit a Filipino to participate in the government of his country, you necessarily recognize his ability to maintain a government.

More lies have been told about the Filipinos since the American occupation than about any other nation on the face of the earth, the Boers alone excepted. First they were savages, then they were ignorant, then they were treacherous, liars, thieves, and murderers.

To the American Army they were rarely ever known except by the term "damned" niggers, and still when the Taft Commission undertook to erect a civil government there under the protection of a force of 75,000 bold, brave, well-armed American soldiers, they have always been able to find a Filipino educated and capable of filling any place at their disposal, from chief justice of the supreme court to policeman. Although much could have been said, little has been said creditable to these people. It always seems strange to me how it was possible for people to ever get the idea that the 8,000,000 Christians living there were savages. It always seemed incredible to me that any man could be so imposed upon as to believe that these people were unfitted to maintain a government.

When I stop to ask myself the question, what were the real reasons which brought on the frequent and almost constant struggles against Spanish rule—struggles which at times reached a position of general insurrection, which were suppressed only after long and bloody struggles, for in one of these, that of 1896, 30,000 Filipinos were slain—the invariable answer is, that these people

demanded governmental reforms from Spain, not only general governmental reforms, but particular reforms, and were willing to make almost any sacrifice to secure them.

Surely this proves, any statement to the contrary, that these people recognized what the duty of the Spanish Government was to them, and were alive to the fact that these duties were not performed. If we had no other facts to judge but the history of their struggles with Spain for a good government, these alone would convince the unprejudiced of their appreciation of what a good government was and their ability to maintain one.

I am not one of those who condemn the administration of Governor Taft and his associates in the Philippines. No better man could have been selected for this difficult task. He has accomplished much there under the most trying circumstances. The military rule which preceded his administration had established a reign of terrorism. The natives, thoroughly despised by the military authorities, had been dealt with most cruelly. Among the natives chaos reigned in almost every part of the islands under military control, even in Manila.

The only exceptions were those districts where able, level-headed, humane military commanders were in authority. The province of the Cammarines was one of these exceptions. Taft promptly accomplished the task of mitigating the severity of military rule, and it must be said to the praise of his administration that he promptly brought order out of chaos and assured such of the native people as he came in contact with that he would do everything in his power to mitigate their condition and establish law and order and justice in the country. He stood as a firm bulwark against the military, and I am satisfied his policy did more to create the improved condition of affairs now existing there than the strenuous policy pursued by the Army.

Against their advice and prediction that his policy would lead to a continuation and extension of armed opposition to the United States authorities, he took the natives into his confidence and promptly intrusted the more capable and better educated to important and unimportant positions under the civil government. He instituted the policy of maintaining order by the establishment of a native police force against the advice and protest of many of the officers of the American Army.

While I am in no position to indorse all that he and his associates have done there, I am satisfied that the policy he has pursued has been a beneficial one. The government he has instituted is an expensive one, and will be more expensive the longer it is continued on the lines he has laid out; as long as Americans are continued in control of many of the principal offices at American salaries; as long as large sums of money are spent in the construction of roads, railroads, cold-storage plants, and the establishment of schools, and supplying the people with needed educational facilities, such as teachers, books, and the like, and in improving the harbors, it will be necessary to raise by taxation very large amounts of money.

These taxes are bound to become a great burden upon the people. As long as the United States maintains a large number of soldiers there who spend their earnings in the communities where they are located and in other ways this Government brings into the country and spends among the people a large amount of American money these taxes may not be a heavy burden upon the people, but with the withdrawal of the United States armies and the discontinuance of the large expenditures heretofore made by this country the burdens must fall upon the people and the productions of the country more directly. They will have to come from a large increase in the staple productions, such as hemp, rice, sugar, tobacco, and cocoanuts, which are the chief commercial products in sight, or from the savings of the people, if there are any, or from the introduction of foreign capital.

I believe the Commission is altogether too hasty in pressing these improvements. Many of the anticipated expenditures of money should be delayed until it is accurately ascertained what the resources actually are under natural conditions. Governor Taft may be excused in his effort to organize and maintain an ideal government there. This he can do only as long as he has the power of an absolute sovereign, for I think it may be considered an axiom in government that the character of government maintained will never be superior to the people who exercise it and who are controlled by it. Superior governments imposed upon inferior people never have been permanent. This is especially so in governments republican in their form. All such governments which have been stable or even lasted for any length of time have undergone the developing process, and this development has been brought about by the growth of the people they control.

For this reason I feel satisfied that the best and most stable government that can be erected in the Philippine Islands must begin with an organization simple in its form and structure and suitable to the wants, needs, and enlightenment of the masses of the people it is intended to control. I do not believe that it is the duty nor the right policy of this country to continue any longer than necessary their governmental policy in this archipelago. Considered as a duty, it is a self-imposed one. Considered as a benefit, it will be only temporarily beneficial to the Filipinos; and as far as the people of the United States are concerned, instead of a benefit it will always be a burden from which only the most vivid imagination can picture any compensating advantage.

Let us glance into the future and anticipate the situation as it will develop under natural circumstances, and following the rational and reasonable, not the speculative and irrational. What can we expect will happen by the pursuit of our present policy there?

First, we will go on with improvements made by burdensome taxes levied or by the expenditure of borrowed capital, upon which interest must be immediately paid and ultimately the principal.

Whenever you run a country into debt and tax its resources unduly, business will be paralyzed and discontent manifest itself among the masses of the people.

Many of the improvements will not pay and produce benefits commensurate with the expense entailed. The income will decrease, expenses and debts increase; what then? Why should we undertake this gigantic speculation?

Little by little the power of the government will go into the hands of the people, unless we continue permanently a government on the lines of that of an English crown colony, or a despotism.

The better educated and more able these people become the firmer they will be welded together and united in resisting our control. The Philippines for the Filipinos will be their motto, and their line of action will be in accordance with this idea. Much which we have sought to do under the idea it would be beneficial they will undo. Often our policies will be resisted, perhaps for no other reason than the proposition comes from us.

These people will always remain strangers and foreigners to us. We can not make them white. We can not make them like our citizens. Their blood will not and should not mix with ours, and if it did the product would not produce any improvement. They will never forget the cruelty and bloodshed through which they were brought into subjection. In their minds we will always be murderers and tyrants, and this will be the cry used by their popular leaders whenever our ideas and interests come into collision with theirs.

I am satisfied the more intelligent of the Filipinos have taken into consideration all these probabilities, and this is the real cause of most of them submitting to our authority and present control.

They well know we can not people these islands with our citizens or menace their integrity as a people and a nation. They know that all we can do will bring them closer together, and that the time is not far distant when they will control the situation, and they are patiently awaiting that day. Nothing we can do will drive away their aspirations for independence and self-government.

They may not come into open revolt against our authority in the near future, and then again they may, should a good opportunity present itself. They will be always giving us trouble and causing us alarm. This situation we can naturally expect with the real Filipino.

A much worse condition of affairs must be expected whenever we undertake to stir up and interfere with the Moros. As long as our sovereignty is merely nominal and they are left alone to practice their cherished customs of polygamy and slavery and the despotic control of their chieftains in their exercise of life and death, without trial, over their subjects, especially if we pay them a considerable annual bribe for nominal dominion, they will keep on without paying any particular attention to us. But let us once interfere with their religion and customs and practices and government, then we can expect another war of conquest, and with them it will be a cruel war and one only solved by their extermination. We have in them 2,500,000 American Indians to deal with.

What other alternative have we? Only one—making them American citizens.

So far as the Moros are concerned, no one who has ever seen them at home would ever dream of taking such a step.

What Republican statesman or politician can show how this country would be benefited by adding to our citizens 8,000,000 Tagal people? They do not want our citizenship, for they are not willing to become a tail to our kite. It certainly is a serious proposition to increase our population by the addition of one-tenth our present numbers, and that tenth able to be still further strengthened by rapid increase under favorable conditions. With equal representation they will hold the balance of power in our lawmaking bodies. And all this for what gain?

I appreciate the fact that our policy has been carried on in the Philippines to such an extent that conditions prevail which are not at all natural there, and the immediate withdrawal of our

Government would in all probability create confusion. But I think steps should be taken preparatory to our rapid withdrawal as soon as the circumstances permit.

This time will be greatly shortened by declaring to the Filipinos just what our future policy will be to them. We have reached the time when it is no longer fair or decent to equivocate. If we are going to allow them to establish their own government when they prove themselves able to maintain a stable one, let us say so directly, in plain, unambiguous language. If we are never going to give them their freedom and independence, but rule them as a subject nation, let us make that declaration in plain terms. If we propose in the future to annex their country and give them the rights of American citizens, including the right to participate in our Government according to their numbers, let us frankly make this declaration. We have sufficient information at the present time before us to accurately judge of their possibilities as well as their probabilities.

The policy we are pursuing, refusing to make any direct declaration, is a cowardly one. And we are continuing to grope in the dark, when the doors can be opened and our pathway illumined. By this legislation it is possible to settle the question for the present at least. If this legislation indicates that independence and self-government will be granted these people, it will be settled permanently. There is no virtue in the contention that independence under any conditions, if promised them now, will interfere with the progress of the Commission in their scheme of government. On the contrary, in all matters which seem to bring direct benefits to these people every assistance will be promptly rendered to the present civil government. Every effort will be made by the people to show that they are able to maintain a stable government of their own, and instead of the time for granting independence to them being delayed it will be materially hastened.

According to Governor Taft, it may take generations until these people be brought to the plane he conceives it possible to advance them under the benign influences of our patronizing paternal Government. I have no doubt that every pretext will be used to lengthen this time as long as present profits and the expectation of greater advantages and benefits in the future are held out to those Americans into whose hands the management of the Government will be intrusted. It is but human nature to try to hold on to a good thing, especially when that is a well-paid office.

While I do not believe mercenary ideas govern the desire of Mr. Taft and all his associates to continue control over these islands, I have no doubt there are even members of the Commission who would find it difficult to obtain the same pecuniary advantages they now enjoy were they returned to this country.

I am satisfied there are many Americans in the public service whose employment there is of great pecuniary advantage to them. It is a very fine position to hold which enables its possessor to exercise autocratic power, levy taxes, make laws, execute laws, and fix his own salary and that of his associates, relatives, and friends.

Should this government continue for a generation or more, what guaranties have this country and the Philippine people that it will not be ruled by men having entirely different aims and entirely different ideas of public proprieties and duties than those I believe to be entertained by Governor Taft?

We have seen peculation and dishonesty confront us in the management of public affairs in this country; we have seen the same in our management of the affairs of Cuba during the short time it was being prepared to assume independent control of the new Republic. The Philippines are very much farther off, the temptations very much greater, and it is but natural for us to expect that should we continue control of these possessions scandals on a large scale must be expected.

Have we not sufficient tangled problems to cope with in the growth and industrial development of our own people? Can we afford to turn our attention to the control, development, and education of alien foreign races for the mere satisfaction and pleasure of showing our ability to rule? Patriotic charity begins at home, and a wise course it is to continue the old policy of avoiding all entangling alliances, especially with inferior people.

Who denies that the title of American citizen is a much prouder one than that of British subject? I hope the day is far distant when we shall coin the new title of American subject.

Let us give the Filipino a chance. [Loud applause on the Democratic side.]

Mr. JONES of Virginia. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, Mr. GAINES of West Virginia reported that the Committee of the Whole had had under consideration the bill S. 2295, and had come to no resolution thereon.

And then, on motion of Mr. JONES of Virginia (at 10 o'clock and 27 minutes p. m.), the House adjourned until Monday morning next at 11 o'clock.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12002) to amend section 4386 of the Revised Statutes of the United States, striking out "twenty-eight consecutive hours" and "twenty-eight hours" and inserting "forty consecutive hours" and "forty hours," reported the same without amendment, accompanied by a report (No. 2610); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12648) establishing a regular term of the United States district court in Roanoke City, reported the same with amendment, accompanied by a report (No. 2614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10728) for the relief of William A. Williams, alias Alonzo Williams, reported the same adversely, accompanied by a report (No. 2615); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15212) for the widening of Benning road, District of Columbia—to the Committee on the District of Columbia.

By Mr. BURK of Pennsylvania: A bill (H. R. 15213) to provide for the erection of a Government building suitable for the permanent installation of the valuable collections donated to the Philadelphia Museums by foreign governments, and of commercial interest to the manufacturers of the United States—to the Committee on Public Buildings and Grounds.

By Mr. THAYER (by request): A bill (H. R. 15214) to make uniform the obligations of all banks, to make certain the parity of all kinds of money, and to secure to the people in all sections of the country an equal opportunity to freely use paper money—to the Committee on Banking and Currency.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 202) providing for a survey of the Isthmus of Darien for canal purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: A resolution (H. Res. 314) for the consideration of the bill S. 2210—to the Committee on Rules.

Also, a resolution (H. Res. 315) for the consideration of the bill H. R. 123—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 15215) for the relief of Michael Devine—to the Committee on Military Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 15216) granting a pension to George W. Kendall—to the Committee on Pensions.

Also, a bill (H. R. 15217) for the relief of George Lea Febiger—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 15218) granting an increase of pension to Norval W. Ward—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 15219) granting a pension to Charles M. Garrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15220) granting an increase of pension to Ruth A. Schermerhorn, guardian—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15221) for the relief of Mrs. Jane Henry—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 15222) to correct the military record of George I. Spangler—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 15223) granting an increase

of pension to William Long—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 15224) granting an increase of pension to Nicholas Reinhart—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15225) for the relief of the estate of Richard B. Owen, deceased—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 15226) granting a pension to John M. Countess, alias John Martin—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15227) granting an increase of pension to Sydney R. Grigg—to the Committee on Pensions.

By Mr. TAWNEY: A resolution (H. Res. 316) to pay Harrison Edelin for services as janitor—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of South Park District Taxpayers' Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Resolutions of American Association of Nurserymen, of Rochester, N. Y., favoring the enactment of House bill 10999—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petitions of Louis F. Stenlee and 12 other citizens of Danville, Ill.; J. J. Schubert and 6 other citizens of Kankakee; Andrew J. Westbery, of Rankin; Courtney & Layton and B. F. Marple, of Potomac, Ill., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Resolution of the Trades League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

Also, petition of 7 druggists of Pittsburg, Pa., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Resolutions of Mine Workers' Union No. 1401, of New Cumberland, W. Va., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of D. A. Vanasdale, W. G. Minnick, A. Armor, and 3 other druggists of Allegheny, Pa., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of retail druggists of Thompsonville, Conn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HITT: Petitions of druggists of Dixon, Freeport, and Rochelle, Ill., favoring House bill 178, for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Woman's Christian Temperance Union of Hoboken, N. J., favoring an increase in the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of George Judd and other citizens of Des Moines, Iowa, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LACEY: Petition of W. Painter, of Lynnville, Iowa, for modification of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Resolutions of the Board of Trade of Rockland, Me., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of druggists of Livermore Falls, Me., for the passage of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany House bill relating to the clalm of Jane Henry—to the Committee on War Claims.

By Mr. PALMER: Petition of George Joslin and other citizens of Luzerne County, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of druggists of Ithaca and Oxford, N. Y., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of J. T. Baker and 8 other druggists of Willimantic, Conn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany House bill No. 15152, granting a pension to William T. Edgerman—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June 23, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 22, 35, 41, 44, 48, 49, 59, 60, 63, 65, 66, 67, 69, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 14, 15, 16, 17, 18, 19, 20, 28, 31, 32, 33, 34, 36, 42, 45, 51, 53, 54, 55, 62, 68, 70, 71, 72, 73, 74, 75, 79, 80, 81, 83, 84, 85, 86, 87, and 90; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including the purchase of necessary land, $640,000: *Provided*, That the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "One clerk in charge of distribution of books at $1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$31,402.52;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To complete building numbered 19, $60,000; extension to dispensary building, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized, in his discretion, to cause to be commenced, within three months after the passage of this act, proceedings for the condemnation of the following tract of land, or so much thereof as he may deem necessary, for the use of the United States for the Norfolk Navy-Yard, and for other naval purposes, namely, the tract of land known as the Schmolles property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act of Congress approved August 1, 1888, entitled 'An act to authorize the condemnation of lands for sites of public buildings, and for other purposes,' and other laws of the United States, so as to completely vest in the United States the title of said land; and all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete purchase of land heretofore condemned and partially appropriated for, $25,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Publication of the American Ephemeris and Nautical Almanac: Hereafter there shall be published of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

On page 64 strike out lines 5, 6, and 7 and insert in lieu thereof the following: "In all, pay Marine Corps, $1,831,129.23;" and the Senate agree to the same.

On amendments numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 the committee of conference have been unable to agree.

EUGENE HALE,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.
GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate still further insist upon the amendments not agreed to and ask for a further conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

AGREEMENT WITH CHIPPEWA INDIANS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4284) entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'

approved January 14, 1889;" which was to strike out all after the enacting clause and insert a substitute:

Mr. QUARLES. I move that the Senate nonconcur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees, and Mr. QUARLES, Mr. CLAPP, and Mr. JONES of Arkansas were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 14802) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

HERMAN D. CROW.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for the payment of Herman D. Crow for legal services rendered the United States from October 5 to October 10, inclusive, 1901, during the illness of the United States district attorney for the district of Washington; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 3375) relating to the construction of a dam across Rainy River;

A bill (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry; and

A bill (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

The message also announced that the House had passed with an amendment the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; further insists upon its disagreement to certain other amendments of the Senate to the bill upon which the committee of conference were unable to agree; agrees to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. MCRAE managers at the conference on the part of the House.

The message further announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House; adheres to its disagreement to the amendments of the Senate Nos. 13 and 14; recedes from its disagreement to the amendment of the Senate No. 15, and agrees to the same with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. FLETCHER, and Mr. DAVEY of Louisiana managers at the conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery; and

A joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps available for the fiscal year 1902.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

A bill (S. 282) providing for the appointment of James W. Long, late captain, United States Army, a captain of infantry, and for placing his name on the retired list;

A bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes;

A bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory;

A bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river;

A bill (H. R. 3442) to correct the record of John O'Brien;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails;

A bill (H. R. 9723) correcting the record of Levi Wells;

A bill (H. R. 9870) to correct the military record of Reinhard Schneider;

A bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes;

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of arts, etc., under the act of June 13, 1898, and for other purposes;

A bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River;

A joint resolution (S. R. 92) providing for the publication of 200,000 copies of the Report on the Diseases of the Horse;

A joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers; and

A joint resolution (H. J. Res. 200) amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of Tin City Division No. 565, Brotherhood of Locomotive Engineers, of Newcastle, Pa., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of the Mount Oliver Turn Verein, of Philadelphia, Pa., expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of 35 citizens of Philadelphia, Pa., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Federal Trades and Labor Council, American Federation of Labor, of Allentown, Pa., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 5 citizens of New Hope, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the island possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. QUARLES presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the common council of Milwaukee, Wis., praying for the enactment of legislation granting pensions to certain persons employed in the Life-Saving Service; which was referred to the Committee on Pensions.

He also presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the enactment of legislation providing post exchanges with reading rooms, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the enactment of legislation to prohibit gambling and the sale of lottery tickets by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations and Soldiers' Homes; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Wisconsin and a petition of 40 citizens of Mayville, Wis., praying for the enactment of legislation providing for a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Wisconsin Sunday Rest Day Association; of Local Union No. 375, Retail Clerks' International Protective Association, of Marinette, and of the convention of the Congregational churches of Milwaukee, all in the State of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of Lodge No. 438, of Manitowoc; of Lodge No. 300, of Milwaukee; of Local Lodge No. 10, of Milwaukee, and of Local Lodge No. 248, of Milwaukee, all of the International Association of Machinists, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. PLATT of New York presented a petition of sundry citizens of Seneca Castle, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of Bartenders' Local Union No. 40, of Dunkirk, N. Y., remonstrating against the enactment of certain legislation to regulate the sale of intoxicating liquors in the District of Columbia; which was ordered to lie on the table.

Mr. ALLISON presented a petition of E. M. Hancock and sundry other citizens of Waukon, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Federal Labor Union, No. 7146, of Boone; of Bricklayers' Local Union No. 7, of Muscatine; of Local Division No. 125, Brotherhood of Locomotive Engineers, of Clinton; of Hawkeye Lodge, No. 27, Brotherhood of Locomotive Firemen, of Cedar Rapids; of Lodge No. 515, Brotherhood of Railroad Trainmen, of Fort Madison; of Lodge No. 244, Brotherhood of Boiler Makers and Iron Ship Builders, of Sioux City; of Retail Clerks' Local Union No. 395, of Centerville; of Barbers' Local Union No. 19, of Oskaloosa; of Retail Clerks' Local Union No. 389, of Boone; of Typographical Union No. 75, of Burlington; of Coopers' Local Union No. 74, of Keokuk; of Bricklayers' Local Union No. 11, of Boone; of Tailors' Local Union No. 72, of Dubuque; of Tailors' Local Union No. 160, of Cedar Rapids; of Bricklayers' Local Union No. 6, of Council Bluffs; of the Masons' International Union, of Cedar Rapids, of Box Makers and Sawyers' Local Union No. 11, of Muscatine; of Retail Clerks' Local Union No. 379, of Albia; of Leather Workers' Local Union No. 86, of Burlington; of Retail Clerks' Local Union No. 30, of Des Moines; of Retail Clerks' Local Union No. 474, of Keokuk; of Carpenters and Joiners' Local Union No. 767, of Ottumwa; of Carpenters and Joiners' Local Union No. 106, of Des Moines; of Leather Workers' Local Union No. 46, of Waterloo; of Carpenters and Joiners' Local Union No. 948, of Sioux City; of Carpenters and Joiners' Local Union No. 597, of Centerville, and of Bricklayers' Local Union No. 1, of Cedar Rapids, all in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented resolutions of George W. S. Dodge Post, No. 132, Department of Iowa, Grand Army of the Republic, of Nashua, and of A. M. Taylor Post, Department of Iowa, Grand Army of the Republic, in the State of Iowa, expressing sympathy for the Army of the United States in the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of Davenport, Iowa, praying for the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Division No. 113, Brotherhood of Locomotive Engineers, of Des Moines; of L. B. Beardsley Lodge, No. 86, Brotherhood of Railroad Trainmen, of Perry; of C. H. Barnum Lodge, No. 485, Brotherhood of Locomotive Trainmen, of Carroll; of Local Division No. 211, Brotherhood of Locomotive Engineers, of Eagle Grove; of Hand-in-Hand Lodge, No. 183, Brotherhood of Railroad Trainmen, of Clinton; of Local Division No. 203, Brotherhood of Locomotive Engineers, of Perry; of Belle Plaine Lodge, No. 311, Brotherhood of Locomotive Firemen, of Belle Plaine; of Council Bluffs Lodge, No. 520, Brotherhood of Railroad Trainmen, of Council Bluffs, and of G. E. Boynton Lodge, No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, all in the State of Iowa, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented a petition of James Harvey Lodge, No. 21, Brotherhood of Railroad Trainmen, of Youngstown, Ohio, praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. HALE presented a petition of the Maine Medical Association, praying for the establishment in the Department of the Interior at Washington, D. C., of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on Education and Labor.

He also presented petitions of the American Association of Masters and Pilots of Steam Vessels of the United States, of Winter Harbor; of the Board of Trade of Thomaston; of the Board of Trade of Bangor, and of the Board of Trade of Rockland, all in the State of Maine, praying for the enactment of legislation granting pensions to certain officers and men in the Life-Saving Service; which were referred to the Committee on Pensions.

Mr. BEVERIDGE. By request I present a memorial of representative citizens of the Indian Territory, of both political parties, relative to the election of a Delegate to Congress from that Territory. I move that the memorial and accompanying papers be referred to the Committee on Territories.

The motion was agreed to.

Mr. JONES of Arkansas. I present a paper, being the memorial of S. W. Peel, relative to certain claims of the loyal Creek Indians. I move that the paper be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FRYE presented petitions of the boards of trade of the State of Maine and of the Board of Trade of Bangor, Me., praying for the adoption of certain amendments to the act entitled "An act to establish a uniform system of bankruptcy throughout the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of the city council of Chicago, Ill., praying that an appropriation be made providing for an exposition in that city in aid of a home for aged and infirm colored persons; which was referred to the Committee on Appropriations.

He also presented the petition of Robert Schafges and sundry other citizens of Philadelphia, Pa., praying that an investigation be made concerning religious injustice in the Philippine Islands; which was referred to the Committee on the Philippines.

EFFICIENCY OF THE ARMY.

Mr. PROCTOR. I have a communication from the Secretary of War inclosing a copy of a report from Gen. George W. Davis, now in the Philippines, in regard to the general staff bill of the Army, which is before the Committee on Military Affairs, and requesting that it be printed in connection with the testimony of the Secretary of War, of General Miles, and of General Schofield taken before the committee on that bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Vermont? The Chair hears none, and the order to print is made.

THE PHILIPPINE SITUATION.

Mr. KEAN. I present a paper, being testimony and statements of witnesses, American and foreign, concerning the conduct of the Army, reconcentration, etc., in the Philippine Islands. I move that the paper be printed as a document.

The motion was agreed to.

SHIP SUBSIDIES.

Mr. CLAY. I hold in my hand two communications relating to ship subsidies that I regard of great value. They are couched in parliamentary and respectful language. I ask that each of them be printed in the RECORD.

There being no objection, the papers were ordered to be printed in the RECORD, as follows:

SUBSIDIES THE CLIMAX OF THE PROTECTIVE SUPERSTITION.

[By Louis F. Post, editor of the Public.]

At the risk of being suspected as a Greek bearing gifts, I should like to ask protectionists—those who believe in protectionism upon principle, of course, and not the trusts that seek protection merely for their own interests and whose members greedily appropriate its benefits to their own private use—to consider very thoughtfully the probable effect of ship subsidies upon the popularity of their cherished doctrine.

Subsidies are unquestionably in line with the protective idea, for they are one of the modes of "encouraging domestic industry" by means of taxation. But they are altogether too candidly direct in method and too recklessly transparent in purpose. The masses of the people may feel their burdens, even under our indirect system of taxation, and are certain to recognize their plundering character. Is it wise, then, for sincerely philanthropic and patriotic protectionists to risk the possibilities of exposure of the essential nature of protection to which this all too candid mode of application will subject it?

For my part, I am quite willing to concede the superiority, for the purpose of protection to home industry, of subsidies paid directly out of the public Treasury over subsidies paid by consumers of domestic goods indirectly to the beneficiaries under compulsion of protective tariffs. The direct subsidy is better for many reasons.

In the first place, it is open and above board. Everybody can know who gets it, and how much he gets. Everybody can know, also, whether those who do get it divide up fairly with their workingmen, according to the true intent of the law. Of the indirect or protective tariff subsidies, that is not true. The beneficiaries can, and in practice actually do, conceal their plunder. It comes from so many individual sources, and in ways so various and complicated, that no one can keep track of it except the beneficiaries themselves. In consequence their workingmen are systematically robbed of the share which protective laws design that they should receive.

The only resource of workingmen is to strike when they suspect an unfair division, and that is very unsatisfactory all around. In this respect alone the direct subsidy has marked advantages over the protective tariff subsidy.

Another of its relative advantages is its effect upon the public at large.

The object of both methods is to encourage domestic production. In this respect the tariff method operates with great and harassing awkwardness. In order to encourage the production of woolen goods, for instance, obstructions are put in the way of the importation of foreign woolens. Those that are imported commercially are subjected to import taxes, which increase the price not only to the amount of the tax, but also to the amount of several commercial profits upon the tax, while those that are imported by travelers cause their owners no end of annoyance, to say nothing of the expense, when they land at a home port.

All this extra cost and annoyance must be submitted to until the domestic product has been brought up to the standard of the competing foreign article. Nor does the burden fall off then. For when the domestic product reaches the foreign standard of quality and price, its protected manufacturers insist upon having the protective tariff continued, to enable them to "invade" foreign markets in the name of American enterprise, this invasion consisting in selling their goods at free-trade prices abroad, while maintaining protection prices at home.

And that is not all. Sheep raisers clamor for protective tariffs on wool, to enable them to force their product upon the domestic woolen manufacturers, who force their product upon tailors. And tailors clamor for protective tariffs upon clothing to enable them to recoup the extra price they have to pay for cloth.

Protective tariffs are thus piled up all along the line, from the item of the growers of the raw materials to that of the last touch upon the finished product. For what? Simply to build up an infant industry, and to enable it to invade foreign markets after it has been built up. Is a more wasteful method conceivable? Compare that expensive and harassing process of indirect subsidies with the direct subsidy and note how indescribably superior the latter is.

Under the direct subsidy nobody would be annoyed by custom-house officers while the infant industry was growing to maturity. The disadvantages under which the American producer labored being overcome by subsidies paid out of the public Treasury, his goods would enter the domestic market at lower prices than the foreign goods.

Consequently, foreign goods would stay out, except to the extent that the domestic producer was unable fully to meet the home demand, which would be only in the infantile years of his industry. During that period he would be encouraged by having as much of the home market secured to him as he could supply; while home consumers would not be pestered with custom-house regulations in order to procure from abroad what he could not supply, nor burdened with excessive prices for either the foreign or the domestic article. And, although the American people would have to pay the direct subsidy, they would not also have to pay interest upon it every time the subsidized goods changed hands in trade, as they must under a protective tariff.

The same advantageous difference would continue after the domestic goods had been brought to the level of the foreign standard, and the home market could be fully supplied. They could then be sold at home at a price low enough to keep out the foreign article, and, thanks to the subsidy, would also be sent abroad to undersell foreign goods in their own market.

Other reasons might be urged were space abundant. But enough has been said to show the superiority of the direct subsidy system. Whether for the purpose of building up an infant industry at home, or of enabling it to invade foreign markets after it is built up, indirect subsidies through protective tariffs are vastly inferior to direct subsidies paid out of the public Treasury.

But the direct subsidy has also great disadvantages. It is simple. It is easily understood. It is manifestly for the benefit of special interests, and not for the general good. And, withal, it is certain, if overdone—a fate which attends upon all protective methods—to end speedily in an outburst of indignant ridicule. These do not sound like disadvantages, and, so far as the public is concerned, they are not. But they are serious disadvantages from the protection point of view. Such a method of encouraging domestic industry might, if once it were adopted, everlastingly discredit the whole protection theory. That is reason enough for the shyness which shrewd protectionists have heretofore exhibited toward direct subsidies for industrial encouragement.

Lately, however, the fat and greedy beneficiaries of protective tariffs, finding no longer any profit for themselves in that method of taxing Peter to enrich Paul, have been turning with favor toward the direct subsidy system. The first step, the sugar bounty, was not encouraging. It was a mistake to begin with a product like sugar. The purely private nature of this bounty was too obvious. For a beginning, shipping bounties are better. The people know but little about the modern shipping business, and they are ambitious to boast of a great mercantile navy. Subsidies for ships, therefore, do not seem so much as bounties on sugar like private gifts, even if the chief benficiaries of the subsidies are to be the great trust magnates of the country.

But if the system of subsidies once takes root in shipping bounties, is anyone so fatuous as to believe that it will end there? Let the protective tariff system answer. Its multitudinous ramifications and the horde of beggars in all kinds of industrial exploitation clamoring for its favors abundantly testify that there is no limit to public gifts for private benefit short of the will and ability of the giver.

Let shipowners be subsidized out of the public Treasury, and a cry for similar direct subsidies will go up from every industry that can not make the direct subsidies of the protective tariff serve it. If ships, why not exports? European nations, now cited as examples of ship subsidizers, do subsidize some exports with a view to the commercial invasion of other countries.

Shall we shrink from equipping our exporters for that kind of warfare? It has been seen how one tariff breeds another. Why shall not one subsidy breed another? There is no reason for confining subsidies to the encouragement of international trade. If it is good public policy to subsidize ships for foreign commerce it must be good public policy to subsidize ships and railroads for domestic commerce. If it is good public policy to subsidize commodities for export it must be good public policy to subsidize commodities for home consumption. Does anyone doubt, at any rate, that these extensions of subsidies can be urged as plausibly as the ship subsidy, on grounds of public policy? If, for example, a protective tariff on wool for the protection of American sheep could be made an issue in national politics, why not a subsidy on wool, now that the protective tariff fails to protect it?

Protectionists who believe that protection is a legitimate public policy should make no mistake about the ship-subsidy question. With ship subsidies for a starting point and precedent there will be no end to the objects vociferously seeking subsidies and no conceivable end to those getting them. But long before the possible end is reached the whole thing will strike the American sense of humor as unspeakably ridiculous, and the subsidy system, with the protective system, of which it is part, will collapse.

Since that is a consummation which free traders devoutly wish for, they might be quizzically asked why they object to this protection-destroying system of subsidies. It might be urged that the ship subsidy should be welcomed by them as an ally. But free traders are not playing in a game. They are not opposing protection for sport. They oppose it because, whatever may be the mode of application, it is in practice destructive to wholesome industry and in principle economically false and morally pernicious.

The subsidy movement is the normal culmination of a long era of protection by tariffs. In that era a few gigantic trusts, promoted and buttressed if not caused by protection, have developed. They hold the fate of legitimate industry almost at their mercy, and threaten even the political integrity of the Republic. They have perverted the intellectual standard of schools and colleges. They have polluted the moral atmosphere of churches. They have insinuated their influence into newspaper sanctums. They have dictated policies in legislative assemblies, seated their own professional servants upon the judicial bench, corrupted nominating conventions, and by trick and device diverted the course of public opinion itself. And now, glutted with pelf and drunken with power, they cynically propose to rob the public boldly, directly from the public Treasury, as for a generation they have been robbing it stealthily by means of protective tariffs.

That in doing this they will cause the *whole* protection edifice to crumble is reasonably to be expected. But that much-desired ending of the most absurd and demoralizing superstition of economic history is not a reason for advocating subsidies as the destructive means. This would, indeed, be doing evil that good might come. Much more to the honor of American intelligence and American sensitiveness to right and justice would it be for American citizenship to condemn the protective scheme with deliberation than to leave it to the fates.

Rather than approve the shipping subsidy, though in the reasonable hope that its development would expose the absurd iniquity of protection and loosen the grasp of that superstition, conscientious and intelligent citizens will demand that the shipping subsidy be condemned because it is one of the forms of that superstition. Free traders would rather kill protection with the club of common sense or the sword of common justice than help to poison it with an overdose of subsidies, however reconciled they might be to seeing it so poisoned by its friends.

SUBSIDY PRETENSIONS—BITS FROM OUR HISTORY OF THIS KIND OF LEGISLATION—FAILURE OF GREAT EXPECTATIONS—PAST EXPERIENCES WITH SHIP SUBSIDIES ARE ANYTHING BUT GRATIFYING TO OUR PRIDE—FIGURES THAT ARE INTERESTING JUST AT THIS TIME—SAME OLD ARGUMENTS USED TO-DAY.

Shipping subsidies are not a new thing to this country. We have experimented with them several times, and always with results anything but gratifying to our pride. In every case the promoters of subsidy schemes in Congress have uttered the ancient and threadbare fallacy about enormous expansion of trade to follow the granting of subsidies, and they have always ascribed the failure of their forecast to insufficient subsidy.

As far back as 1850 Congress voted a subsidy to the Collins line. The subsidy failed to build up a great steam merchant marine, and foreign commerce was not noticeably affected. The venture ended in disastrous failure, bringing ruin to all engaged in the enterprise. In the period from 1848 to 1853 Congress expended more than $15,000,000 in subsidies similar to the subsidy now proposed. During that period our foreign trade went on increasing exactly as if no subsidy had been paid. When the subsidy policy was discontinued, our foreign trade continued to increase more rapidly than before.

From 1858 to 1865 the United States Government gave no subsidies for the ocean mail service. In 1864 a bill was introduced authorizing the payment by the United States of $150,000 per annum for a monthly steamship service between Rio Janeiro and a United States port north of the Potomac River. On reporting the measure favorably, Mr. Alley, of Massachusetts, said:

"Establish this steam communication with South America, and you will not a great while longer see England exporting $28,000,000 worth of merchandise and taking in return less than half the amount, and the United States exporting only $6,000,000, while the import of Brazilian products is over $20,000,000."

The bill became law, and on August 29, 1865, a contract was made with the United States and Brazil Mail Steamship Company for a monthly service between New York and Rio Janeiro. The line continued for ten years, costing altogether $1,500,000. When the subsidy was withdrawn the company suspended operations. So ended the high expectations proclaimed by Mr. Alley.

The following table shows the conditions of trade with Brazil before and after the subsidy:

Year.	Imports.	Exports.
1866	$16,816,803	$5,691,659
1875	42,027,863	7,742,359

The increase of the import trade was due not to the steamship line but to the removal of the duties on coffee and rubber. In 1875 the imports of coffee

were $35,099,274 and of rubber $2,519,437. After the Brazilian line was discontinued our trade with Brazil went on increasing more rapidly than before. Meanwhile the commerce of England with Brazil, without the protection of a Government subsidy, grew much more rapidly than our own.

In 1866 the Government entered into a contract with the Pacific Mail Steamship Company for carrying the mails to Japan and China via Hawaii. The service was to be monthly, with a subsidy of $500,000 per annum.

In the session of 1866-67 Congress released the company from the necessity of stopping at Hawaii, and during the same session voted a subsidy of $75,000 per annum for a distinct service to those islands. This was merely an indirect way of raising the subsidy to the Pacific Mail by $75,000 a year. In 1872 the company offered to run another monthly service to China and Japan for an additional $500,000 a year. With some difficulty a bill authorizing such a contract was passed by Congress in 1873. It was afterwards discovered that bribery had been used to secure the passage of this measure. It was proved that the company had spent more than $1,000,000 to obtain the subsidy. The new contract was abrogated by the Government because of the improper methods used in gaining the necessary legislation, and the subsequent failure of the company to fulfill the conditions of the contract. In 1873 the service to the Sandwich Islands was given up by the Pacific Mail Steamship Company. It had lasted for six years and cost $425,000.

The state of trade with Hawaii before and after the experiment is given below:

Year.	Exports.	Imports.
1867	$846,492	$1,070,252
1873	674,191	1,275,061

The statistics show a decrease in exports of nearly $200,000, and an almost equal gain in imports. In the protectionist view, this is a loss of nearly $400,000. Really it shows that trade was almost stationary, despite the fact of American ships subsidized to carry the flag.

The first contract with the Pacific Mail Steamship Company expired in 1877. The company actually received from the Government during ten years for this service $4,583,333.33.

The statistics of the trade with China and Japan before and after the subsidy are as follows:

Year.	Imports.	Exports.
CHINA.		
1867	$12,112,440	$3,578,808
1876	12,947,633	4,729,892
JAPAN.		
1867	2,618,283	712,024
1876	15,470,047	1,099,696

The only increase in trade of any consequence was in those articles from which the tariff had been removed, viz, tea and raw silk.

The melancholy result of these attempts to build up commerce by paying ships to sail back and forth over the seas ought to be pretty conclusive. But we find people to-day engaged in prophesying the wonderful results that will inevitably follow when their little ship-subsidy scheme is enacted into law, and, what is more incomprehensible, they find people to believe them.

In 1879 it was attempted to revive the scheme to subsidize a line to Brazil, but the Pacific Mail scandal was too fresh in the memory of the people, so the scheme had to be dropped. The same arguments now employed were used then. It was claimed that the only thing that prevented our having an enormous and profitable trade with South America was the lack of subsidized steamers. When these were furnished they were found of no value to our business men, for we had little to export to Brazil and no mails to exchange. Private enterprise was then and is now able to take care of the trade. Our imports have continued to grow, because Brazil has coffee and rubber, which we need. We have sufficient communication with South America, as was shown by the committee of the National Association of Manufacturers which visited South America in 1896. Direct shipping facilities are ample and in excess of demand, while rates are usually lower than freights to and from England. The same is true of communications with European and Asiatic countries. There are more ships than exports to fill them. Freight rates were never so low, and shipbuilding was never so extensive all over the world. Yet the Republicans tell us that we have not ships enough to carry our exports.

ROYAL MEEKER.

JUST A PLUCK-ME GAME—THAT IS ALL THERE IS TO THE SHIP-SUBSIDY SCHEME—REVIEW OF REPORT ON THE BILL—A SALLY INTO THE FIELD OF PROPHECY—ROUTES PROPOSED, AND THEIR RESPECTIVE SHARES OF PLUNDER—ARITHMETIC THAT DOES NOT FIT—FACTS ON THE OTHER SIDE OF THE QUESTION.

The report of the Senate Committee on Commerce deserves to rank high among the prophetic books of the protectionist scriptures. The preamble says:

"The purpose of this bill is, and its reasonably certain results will be within ten years, to establish the maritime supremacy of the United States in the trade on the Pacific with Asia and the Philippines and on the Atlantic in the trade of the Gulf of Mexico and the Caribbean Sea, to establish on a secure basis the trade between the United States and the Republics of South America, and to give the United States a respectable representation in the trade of the North Atlantic. Incidentally it will give to the United States an auxiliary navy second only to Great Britain's, an ocean mail service superior to that of Great Britain, France, or Germany in all respects, except for a few years more, possibly, the service between New York and England and the North Sea ports. It will so extend shipbuilding as to transfer in time—certainly from Germany and possibly from Great Britain—to the United States the center of that industry as the centers of other industries recently have been transferred. Finally, it will give to the United States a measure of maritime independence corresponding to our industrial and agricultural independence. This object and these results are perfectly well understood abroad and afford the reason why the measure is regarded with undisguised apprehension and hostility by the shipping interests of Europe."

It is possible that some, perhaps all, of these prophetic utterances will come true in time, but it requires a degree of genius that can not be distinguished from madness to assert that all this shall result from the passage of this bill. Mr. FRYE certainly does not intend to belittle the importance of his legislative labors.

But this is not the most remarkable paragraph in this remarkable report. It is proposed to establish the following ocean mail routes, some new and some old:

	Subsidy.
ATLANTIC OCEAN.	
Semiweekly to Jamaica[a]	$123,569
Semiweekly to Habana[a]	73,476
Weekly to Mexico[a]	130,104
Semiweekly to Southampton[b]	1,713,863
Once in 10 days to Venezuela[a]	81,288
Fortnightly to Brazil[c]	243,100
Atlantic total	2,335,400
PACIFIC OCEAN.	
Weekly to Manila[c]	1,901,952
Weekly to Japan, China, Hongkong[c]	
Weekly to Hawaii[c d]	
Fortnightly to Pango-Pango[d]	
Fortnightly to Australia[d]	433,000
Pacific total	2,334,952
Grand total	4,700,352

These services are to be performed in a very superior manner by larger and swifter steamers than any now in service, except on the North Atlantic. According to the committee's estimates (made by the Commissioner of Navigation) the cost of building a ship here is at least 30 per cent greater than in England, and wages of American seamen are about 40 per cent greater. England pays $5,536,000 per annum in subsidies. Granting the truth of these statements, it would seem to the man of ordinary intelligence that we would be compelled to pay at least 35 per cent more than England in subsidies in order to overcome her natural and artificial advantages. But Mr. FRYE and his colaborers are not men of ordinary intelligence. By a simple arithmetical miracle, which they have not time to explain, they show how, by paying only $4,700,000 in subsidies to the International, the Pacific Mail, and two or three other lines, it is possible not only to revive our drooping merchant marine but to cause England to retire from the sea. It is so simple and withal so economical that it would be incredible did we not know that HANNA and other philanthropists are willing to risk the people's money in the scheme.

There are some facts, however, which it may be of interest for the people to know before they assent to furnish the funds for carrying out this little miracle.

First. The greater cost of building ships in America is a myth. Tjard Schwartz, the naval constructor sent over here by the German Government, reported to his Government that steamers were being constructed here as cheaply as in Great Britain. The Marine Review, which favors subsidies, says in the issue of November 7, 1901:

"The *Main* was reconstructed at a cost of about $600,000. It was an immense undertaking, and its execution to the satisfaction of the inspectors representing the North German Lloyd Steamship Company, and the surveyors acting for the classification bureau, Germanisher Lloyd, demonstrates that American shipbuilders are skilled in the trade and are strong competing factors with which foreign shipbuilders must in the future reckon. It is reasonable to assume that could the *Main* have been repaired in Germany or England at less cost than that for which the work was performed in the United States the ship would have been taken across the Atlantic."

Second. The cost of running ships under the American flag is also mythical, for our shipmasters hire seamen in the same ports at the same wages as foreign shipmasters.

Third. As there is no limit placed upon the amount to be expended for subsidies, it is probable that the total will be much in excess of $4,700,000 for services much inferior to those foretold by the Committee on Commerce in its sanguine forecast.

Fourth. The sums expended for actual mail service will be a small part of the total amount paid out in so-called mail subsidies, for the reason that vessels are paid for size, speed, and miles sailed, not for service performed.

The United States Government is now paying higher rates for ocean mail service than any other country except, perhaps, France and Italy. The sum paid to the International Navigation Company for full service is $757,000 a year—17 per cent on the total value of the four mail steamers belonging to that company, allowing a capitalized value of $100 per ton, which is greatly in excess of the real value of the vessels. The effect of the pending bill will be to increase the rate of pay to 27 per cent on this watered capital for the identical service.

Last year the Government paid the New York and Cuba Mail Company $201,078 for carrying 1,995 pounds of letters and 30,864 pounds of printed matter, or an average of $6.12 per pound. This is about ninety times the very liberal rates of the International Postal Union. Under the new bill the company will get about the same sum; but if they put on larger and swifter vessels they will collect a higher rate of pay, although the service performed may be actually of less value.

Under the postal act of 1891 the Admiral Line is receiving $117,490 for performing a service worth $2,911.83 at competitive rates; the Oceanic Company is to receive $283,283 for a service worth $8,432.78. The Republican party proposes to increase these extravagant subsidies to a few large shipowners on the plea of building up the American merchant marine. To-day we are compelled to listen to the same arguments which have done service since 1845, when the Collins Line was voted a subsidy. In every instance we have been assured by the advocates of subsidy that the one thing needed to rehabilitate the American merchant marine was a subsidy. The Government has already spent upward of $30,000,000 in these so-called ocean-mail subsidies, and the merchant marine is not yet rehabilitated according to the idea of the subsidy lobbyists.

ROYAL MEEKER.

[a] Under act of 1891.
[b] Increased from weekly service under act of 1891.
[c] New routes proposed.
[d] Increased from once in three weeks under act of 1891.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment providing that the appropriation for the connected and separate United States and other maps prepared in the General Land Office may be made available for expenditure during the fiscal year 1903, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom

was referred the bill (H. R. 10005) granting an increase of pension to William A. Henderson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1739) granting an increase of pension to William S. Frost; and

A bill (S. 4752) granting a pension to Betsey Jones.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;

A bill (H. R. 12777) granting an increase of pension to George H. Young;

A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;

A bill (H.R.10394) granting a pension to William H. Ruggles; and

A bill (H. R. 6009) granting a pension to Absolum Maynard.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 5852) granting a pension to Robert P. McRae; and

A bill (H. R. 1523) granting a pension to Susan J. Taylor.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, etc.," reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 6165) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, etc.," reported adversely thereon, and the bill was postponed indefinitely.

Mr. BARD, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 14732) granting an increase of pension to Grace M. Read; and

A bill (S. 4296) granting a pension to Andrew Ady.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 8712) granting an increase of pension to James S. Young; and

A bill (S. 6123) granting an increase of pension to Thomas L. Collins.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2483) granting a pension to James A. Clifton;

A bill (H. R. 2487) granting an increase of pension to William S. Hosack;

A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;

A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;

A bill (H.R. 3825) granting an increase of pension to Lizzie I. Rich;

A bill (H. R. 12056) granting an increase of pension to Warren C. Plummer;

A bill (H. R. 14774) granting a pension to John C. Clarke;

A bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;

A bill (H. R. 3513) granting an increase of pension to James W. Young;

A bill (H. R. 14206) granting a pension to Mary J. Moore; and

A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 5639) granting a pension to William H. Durham; and

A bill (H. R. 13355) granting an increase of pension to William H. Snyder.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6101) granting an increase of pension to Reuben Andrews; and

A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert.

Mr. GALLINGER (for Mr. SIMON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4093) granting an increase of pension to William Barrett; and

A bill (S. 5812) granting a pension to Wallace Fairbank.

Mr. GALLINGER (for Mr. SIMON), from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 5814) granting a pension to Preston W. Buford; and

A bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales.

Mr. GALLINGER. Mr. President, I desire, by unanimous consent, to make a statement, occupying only a minute or two, in reference to the matter of pension legislation.

I wish to state, so that it may be understood, that the Committee on Pensions has held its last meeting, and that no further bills will be reported at this session except those that were ordered reported this morning.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the Census, to whom was referred the bill (S. 5348) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 11979) granting an increase of pension to William W. Anderson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13598) granting a pension to John J. Southerland;

A bill (H. R. 13848) granting an increase of pension to James H. Chedester;

A bill (H. R. 1456) granting a pension to William G. Miller; and

A bill (H. R. 10856) granting a pension to Jacob Findley.

Mr. McCOMAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5809) for the further distribution of the reports of the Supreme Court, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 4367) for relief of the estate of William M. Morrison, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Rerservation, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 6144) to incorporate the Association of Military Surgeons of the United States, reported it without amendment.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga., reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 14182) granting an increase of pension to Susan B. Lynch, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2440) granting an increase of pension to William D. Smith;

A bill (H. R. 5951) granting an increase of pension to Ole Thompson;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May; and

A bill (H. R. 14656) granting an increase of pension to Charles A. Scott.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds, reported it with an amendment, and submitted a report thereon.

Mr. PENROSE. I am directed by the Committee on Immigration, to whom was referred the bill (H. R. 12199) to regulate the immigration of aliens into the United States, to report it with amendments. I wish to give notice that I will file a report to accompany the bill at an early day.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the resolution submitted by Mr. MITCHELL on the 13th instant, authorizing and directing the Committee on Pacific Islands and Porto Rico to investigate, inquire into, and ascertain the general condition of the islands of Hawaii, etc., reported it without amendment, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

Mr. WETMORE, from the Committee on the Library, reported an amendment proposing to appropriate $5,000 for the purchase of the manuscript index of Discussions of the United States Congress, 1789 to 1900, in three parts, by William A. Peffer, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5888) granting an increase of pension to Peter Poutney;

A bill (H. R. 5961) granting an increase of pension to Charles F. Coles; and

A bill (H. R. 7878) granting an increase of pension to William J. Remington.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 4866) granting an increase of pension to Sara D. Bereman;

A bill (S. 3020) granting an increase of pension to Eliza E. Littlefield; and

A bill (H. R. 7013) granting an increase of pension to Jason E. Freeman.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5732) establishing a regular term of United States district court in Lewisburg, W. Va.; and

A bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va.

Mr. QUAY. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes, to report it with an amendment. I desire to say that I will submit a written report hereafter.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

LIST OF CLAIMS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

INDIAN DEPREDATION CLAIMS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress.

LIST OF JUDGMENTS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887, not heretofore reported to Congress.

ASSISTANT CLERK TO COMMITTEE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 19th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

COURTS IN PENNSYLVANIA.

Mr. MCCOMAS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania, to report it favorably without amendment, and to ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCCOMAS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2063) amending an act creating the middle district of Pennsylvania, to report it favorably without amendment, and I am also instructed to ask for its present consideration.

The Secretary read the bill.

Mr. JONES of Arkansas. It is impossible to hear what is going on; there is so much confusion in the Chamber. I should like to know what bill this is.

Mr. MCCOMAS. I can explain it in a moment. In the middle district the circuit and district courts of the United States are to be held at the points named—Scranton, Harrisburg, and Williamsport—and that the terms shall be changed for holding courts as there stated. It also provides that the records shall be kept at the original point, Scranton; but the records of the late courts of the western district at Williamsport shall remain there.

Mr. JONES of Arkansas. Does it come from the Judiciary Committee?

Mr. MCCOMAS. From the Judiciary Committee. It has passed the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA BULLOCK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CARMACK on the 19th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Isabella Bullock, widow of John H. Bullock, late a laborer of the United State Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCENERY introduced a bill (S. 6229) granting a pension to Patrick W. O'Donnell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6230) for the relief of Augustin Walsh; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCLAURIN of Mississippi introduced a bill (S. 6232) for the relief of I. I. Barber; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MONEY introduced a bill (S. 6233) for the relief of the estate of Franklin S. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6234) for the relief of the legal repretentatives of William R. Boice, deceased;

A bill (S. 6235) for the relief of the trustees of the Madison Female Institute;

A bill (S. 6236) for the relief of the legal representatives of Samuel R. Grundy, deceased;

A bill (S. 6237) for the relief of the legal representatives of Richard M. Robinson, deceased;

A bill (S. 6238) for the relief of the legal representative of Robert D. Salmon, deceased;

A bill (S. 6239) for the relief of the legal representatives of John G. Holloway, deceased, and others;

A bill (S. 6240) for the relief of the legal representatives of John C. Reed and Julia A. Reed, deceased;

A bill (S. 6241) for the relief of the trustees of the Bloomfield Lodge, No. 57, Free Ancient and Accepted Masons; and

A bill (S. 6242) for the relief of the drafted men of Pendleton and other counties, in the State of Kentucky.

Mr. BLACKBURN (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6243) for the relief of the trustees of the Emory Methodist Episcopal Church South, and of the Methodist Episcopal Church, Washington district, Baltimore Conference;

A bill (S. 6244) for the relief of Thomas S. Lutterloh;

A bill (S. 6245) for the relief of J. S. Neal;

A bill (S. 6246) for the relief of the Cape Fear and People's Steamboat Company; and

A bill (S. 6247) for the relief of G. W. Ebert.

Mr. JONES of Arkansas (by request) introduced a bill (S. 6248) for the relief of Robert L. Lindsay; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6249) for the relief of the heirs of Benjamin F. Ball, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 6250) to regulate the use by the public of reservoir sites located upon the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 6251) for the relief of Jacob Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6252) to reimburse the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6253) granting an increase of pension to William C. McEuen;

A bill (S. 6254) granting a pension to Mary T. Brown;

A bill (S. 6255) granting an increase of pension to James P. Alsover; and

A bill (S. 6256) granting an increase of pension to Martha C. Kuhn.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6257) granting an increase of pension to Mary B. Keller;

A bill (S. 6258) granting an increase of pension to Joel Henry;

A bill (S. 6259) granting an increase of pension to Daniel Shelley;

A bill (S. 6260) granting an increase of pension to Joseph Harvey Tomlinson; and

A bill (S. 6261) granting an increase of pension to Joseph E. Carr.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6262) granting an increase of pension to Charles C. Chesley; and

A bill (S. 6263) granting a pension to Rachel E. Bullard.

Mr. McMILLAN introduced a bill (S. 6264) for the extension of Maryland avenue east of Fifteenth street to M street northeast, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SIMMONS introduced a bill (S. 6265) for the relief of the trustees of the Diocese of East Carolina; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 6266) granting a pension to Jefferson Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6267) granting an increase of pension to Martha J. Hebbard; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6268) to provide for the erection of a Government building suitable for the permanent installation of the valuable collections donated to the Philadelphia Museums by foreign governments, and of commercial interest to the manufacturers of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL (by request) introduced a bill (S. 6269) for the relief of John A. Fairfax; which was read twice by its title, and referred to the Committee on Claims.

ARTURO R. CALVO.

Mr. PROCTOR. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Arturo R. Calvo, of Costa Rica, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. FORAKER submitted an amendment proposing to appropriate $1,000 to pay A. H. Howe for expenses incurred and for services in filing and indexing the records, briefs, and arguments of counsel in the insular cases in the October term of the Supreme Court of the United States, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PRITCHARD submitted an amendment proposing to appropriate $1,500 to pay Calvin J. Cowles, late assayer in charge of the United States assay office at Charlotte, N. C., for services from July 1, 1875, to October 16, 1876, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARMACK submitted an amendment proposing to appropriate $750 to pay Dennis M. Kerr for services as assistant clerk of detail to the Committee on Pensions, and also to appropriate $500 to pay John H. Walker for extra services as clerk to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $10,865.31 to pay the legal representative of the estate of James W. Schaumburg, deceased, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MASON submitted an amendment directing the Secretary of the Treasury to make a full and complete examination into the claim of Joseph W. Parish against the United States for balances alleged to be due him by virtue of the contract made by J. W. Parish & Co. with Henry Johnson, a medical storekeeper, acting on behalf of the United States March 5, 1863, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate $1,748,364 to refund to the State of Wisconsin for expenses incurred in raising volunteers, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appriate $50,000 for the construction of a suitable and commodious fireproof building for the use of the Department of Agriculture, on the grounds of the Department of Agriculture, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $1,339.72 to pay Roland C. Nichols, late receiver of public moneys and special disbursing agent at the land office at Peavey, Alaska, etc., and also to appropriate $1,339.72 to pay Albert E. Rose, late register of the land office at Peavey, Alaska, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate $50,000 for the improvement of the Ohio River between Cairo and Mound City, Ill., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DANIEL submitted an amendment proposing to pay certain permanent and temporary employees of their respective departments for work performed by them in excess of the regular working hours during the period of the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $160,000 to pay certain persons for services, materials, etc., furnished to the Pan-American Exposition, as per schedule to be filed, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

INDUSTRIAL PLANTS IN INDIAN TERRITORY.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to return to the House of Representatives the enrolled copy of the bill (S. 5718) "providing for the sale of sites for manufacturing or industrial plants in the Indian Territory," and request the House of Representatives to vacate the action of the Speaker in signing said enrolled bill, and to return said enrolled bill and the message of the Senate agreeing to the amendment of the House of Representatives to said bill to the Senate.

Mr. JONES of Arkansas. I desire to enter a motion to reconsider the vote by which the Senate concurred in the amendment of the House of Representatives to the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The PRESIDENT pro tempore. The motion to reconsider is entered.

BEILINBERG AGAINST SCOTT.

Mr. BAILEY. I submit a resolution which I ask may lie on the table. I shall call it up to-morrow morning.

The PRESIDENT pro tempore. The Senator from Texas submits a resolution, which will be read.

The Secretary read as follows:

Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. TELLER. We have been heretofore in the habit of "directing" the Secretary of State.

Mr. BAILEY. It would please me very much more to have the Senate "direct" than to "request," and when the resolution is before the Senate I will gladly accept the suggestion of the Senator from Colorado.

The PRESIDENT pro tempore. The resolution will go over at the request of the Senator from Texas.

EMPLOYMENT OF STENOGRAPHER.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittee in connection with bills pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

CALIFORNIA NATIONAL PARKS.

Mr. BARD. I move that the bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands, outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891, be recommitted to the Committee on Public Lands.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 9th instant approved and signed the act (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year.

The message also announced that the President of the United States had on the 21st instant approved and signed the following acts:

An act (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes;

An act (S. 2921) to place Henry Bieberbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army;

An act (S. 3992) granting an increase of pension to David M. McKnight;

An act (S. 4769) to fix the fees of jurors in the United States courts; and

An act (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas.

HOUSE BILLS REFERRED.

The bill (H. R. 619) providing for recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps, available for the fiscal year 1902, was read twice by its title, and referred to the Committee on Printing.

LIFE-SAVING SERVICE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service; which was referred to the Committee on Commerce.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I move that the Army appropriation bill be laid before the Senate.

The PRESIDENT pro tempore. The morning business is not yet completed. The Senator from Vermont moves that the Army appropriation bill be laid before the Senate.

Th motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate.

Mr. PROCTOR. I move that the Senate recede from its amendment numbered 13. That matter was before the Committee on Military Affairs this morning and this course was unanimously agreed upon.

Mr. ALLISON. I should like to hear the report from the House read, so as to see what is the status of the bill.

The PRESIDENT pro tempore. The action of the House of Representatives will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
June 20, 1902.

Resolved, That the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, and requests a conference thereon.

Ordered, That Mr. HULL, Mr. CAPRON, and Mr. HAY be the managers of the conference on the part of the House.

That the House adheres to its disagreement to the amendments of the Senate numbered 13 and 14.

That the House recedes from its disagreement to the amendment of the Senate numbered 15, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and whenever in the opinion of the President the lands and improvements, or any portion of them, of the military posts or reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., have become undesirable for military purposes he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, either as a whole or in subdivisions, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury; and a sum of money not exceeding the proceeds of such sale or sales at each of such places, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such land at or in the vicinity of Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., respectively, as may be required for military purposes, and for building barracks or quarters on such lands to be devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at or in the vicinity of such places, respectively."

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate recede from its amendment numbered 13.

Mr. PLATT of Connecticut. Mr. President, what is the parliamentary situation of the bill? The other day we insisted on our amendments and asked the House for a full and free conference. I should like to know what the House has done.

The PRESIDENT pro tempore. The message of the House has just been read to the Senate.

Mr. PLATT of Connecticut. There was much confusion, and besides——

Mr. TELLER. Can the Chair state what the House did do?

The PRESIDENT pro tempore. The House insists upon its disagreement to about twenty amendments and asks a conference thereon. Then the House notifies the Senate that it adheres to its disagreement to amendments 13 and 14. It also notifies the Senate that it recedes from its disagreement to Senate amendment 15 and agrees to it with an amendment, which amendment has been read to the Senate.

Mr. PLATT of Connecticut. Owing to the confusion, I was not able to catch it, and I wish it might be read again.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the amendment of the House to amendment numbered 15.

The PRESIDENT pro tempore. The Senator from Vermont moves to recede from amendment numbered 13.

The motion was agreed to.

Mr. PROCTOR. I now move that the Senate disagree to the amendment proposed by the House to Senate amendment numbered 15, insist upon the Senate amendments, except No. 13, from which we have receded, and agree to the conference asked by the House on the disagreeing votes of the two Houses.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Vermont.

Mr. ALLISON. Mr. President, I should like for my own information to know something more as to what will be the status of this bill when the motion of the Senator from Vermont [Mr. PROCTOR] shall have been agreed to? As I understand the situation, this bill was sent to the House of Representatives without in any way dealing with the message sent to us by that body asking a conference, and when the bill reached the House with our request for a full and free conference the House proceeded to consider the bill and paid no attention whatever to the message we sent to them. I understand that is the situation; that is to say, we asked the House for a conference on these disagreeing votes. They did not agree to that conference, but proceeded, in the first place, to adhere to their disagreement to amendment numbered 13 and amendment numbered 14, and to ask for a conference upon certain specific amendments, namely, 1, 2, 3, etc.

Mr. PLATT of Connecticut. They agreed to another amendment, numbered 15, with an amendment.

Mr. ALLISON. Yes; they agreed to amendment numbered 15 with an amendment, but they do not ask for a conference on that amendment.

Mr. PLATT of Connecticut. So I understand.

Mr. ALLISON. The House has asked for a conference upon certain specific amendments, and they adhered to their disagreement to amendments numbered 13 and 14. We having now receded from amendment numbered 13, that takes that amendment out of the field.

Mr. PLATT of Connecticut. But it leaves No. 14 as having been adhered to by the House.

Mr. ALLISON. Yes; adhered to by the House, and it leaves No. 15 amended by the House, but not in conference, as I understand the motion of the Senator from Vermont. Now, it seems to me, Mr. President, that we ought to deal with these questions in order that we may reach a conclusion upon this bill. The House adheres to its disagreement to amendment numbered 14. The motion of the Senator from Vermont does not and can not, so far as I believe, take into consideration amendment numbered 14. So when our conferees meet with the House conferees amendment numbered 14 will not be in conference and it can not be in conference.

I should be glad to know from the Senator from Vermont how he proposes to deal with amendment numbered 14. I think the real parliamentary situation is that if we intend to reach a conclusion upon this bill we ought now to recede from amendment numbered 14, that we should disagree to the House amendment to the Senate amendment numbered 15, and ask for a conference with the House upon that.

That seems to me the way for us to reach a conclusion upon this bill, the House having in the first instance sent with their request for a conference a resolution which was regarded by the Senate as in a sense offensive, as one that ought not to have been sent to us. We appointed a committee to consider that question. Pending that, however, we returned the bill to the House, and they dealt with the bill again. Therefore, as I understand, the original situation has disappeared by the action of the House, and whatever offensive message they sent to us has been now removed from the consideration of this bill. So we are again in a condition of comity with the House respecting the bill, and, being so, I think we ought to so deal with it as to reach the earliest conclusion possible; but I fear that with the motion of the Senator from Vermont we shall not be able to deal with the matter in that way, and therefore I shall move later on, if somebody else does not make the motion, that the Senate recede from its amendment numbered 14.

Mr. PROCTOR. Mr. President, I shall be very glad indeed of any action on the part of the Senate that will clear the atmosphere and put this bill in the way of passing.

As to amendment numbered 13, from which the Senate has receded, I made the motion some days ago to recede from that amendment, but the majority of the committee, and apparently the sentiment of the Senate, was against that. I thought by receding from it then, before the vote of the House of adherence to their disagreement, might have led to an agreement. That, however, is now out of the way.

Amendment numbered 15 is merely the change of one word; it is an increase of the appropriation from $3,000,000 to $4,000,000. The committee did not feel that the House should have acted upon that in this summary way of adhering and stopping us from the simple privilege of increasing an appropriation. There was not on the part of the committee, and certainly not on my part, a desire to insist upon the entire amount, but that we ought to adhere to the principle that we may increase an appropriation without having it stopped in this summary method.

As to amendment numbered 15, the situation is like this: There is an unexpended appropriation of $850,000 for barracks and quarters. Five hundred thousand dollars of that sum is in this bill reappropriated and made available for the construction of the engineering school. It is changed from the proper use of barracks and quarters to military posts. Amendment numbered 15 seeks merely to make the remaining $350,000 of that former appropriation available for a similar purpose. It seemed to us inconsistent that the appropriation of $500,000 should be left free to go into conference and that the remaining appropriation of $350,000 for a similar purpose should be adhered to. The committee had hopes—and they were able to agree this morning unanimously upon the matter—that if the remaining questions should be disposed of it would leave only one amendment, No. 14, and this partial amendment to No. 15 in question; and that perhaps some way may be found within the day to dispose of those satisfactorily.

Mr. PLATT of Connecticut. Mr. President, the Senator from Vermont [Mr. PROCTOR] has not answered the question of the Senator from Iowa [Mr. ALLISON], and that is: "What will be the parliamentary situation as to amendment numbered 14, the House having adhered?"

Mr. COCKRELL. The conferees will have to settle what that is.

Mr. PLATT of Connecticut. Will that amendment be in conference after the House has adhered?

Mr. COCKRELL. Not strictly in conference, but the conferees might possibly, if the matter were intrusted to them—and the Senate can delegate that much of its power to them—be able to settle this much-vexed question satisfactorily for the Senate and the House. If the Senate, however, prefers to take charge of the matter, as it has had it, I am perfectly willing to let the Senate manage it. We thought, however, in the Military Committee, that if this matter could be left in the hands of the conferees we could settle it; but if we have got to explain in the Senate everything there is a possibility of happening we can not do it.

Mr. PLATT of Connecticut. But the question which I asked, Mr. President, was not so much with reference to the contention over these matters between the Senate and the House, as to whether that particular amendment would be in conference? Where will it be? Will it be in the hands of the conferees? Will the disagreeing votes of the two Houses upon that amendment be in conference by passing the motion which the Senator from Vermont has made? I understood that was the question which the Senator from Iowa [Mr. ALLISON] asked, and I have heard no answer to it. As a matter of parliamentary procedure, I think it quite well that it should be determined now.

Mr. PROCTOR. Mr. President, I think the Senator from Missouri [Mr. COCKRELL] has substantially answered the question. The matter will not be in conference strictly; but perhaps a general conference on the bill and a formal discussion of this matter may result in a report to the two Houses that will lead to an agreement.

Mr. TELLER. Mr. President, amendment numbered 14 will not be within the jurisdiction of the conference. Now, what are we to do with it? I do not know but it is correct to say that we may instruct the conferees to take charge of that amendment; but if we do nothing regarding it, it does not seem to me that the conference committee will have any authority whatever to touch that question.

The PRESIDENT pro tempore. The Chair is of opinion that the Senator from Colorado [Mr. TELLER] is entirely right; that the amendment referred to will not be in conference.

Mr. FORAKER. I rise to inquire, Mr. President, what will become of the amendment? My inquiry is as to what is the correct parliamentary practice and what will be the parliamentary result. The two Houses disagree as to an amendment and the House directs its conferees to adhere to their disagreement.

Mr. PLATT of Connecticut. No; the House itself adheres.

Mr. FORAKER. I mean the House adheres, and then it appoints a conference.

Mr. TELLER. It directs its conferees to adhere.

Mr. FORAKER. I do not understand that the House having adhered precludes the House from reconsidering their action and agreeing with the Senate if the Senate also should adhere. We have as much right to adhere as has the House. I have some hesitation about discussing this matter.

Mr. BACON. If the Senator from Ohio will permit me, I should like to read from Jefferson's Manual on this point.

Mr. FORAKER. I should be very much obliged to the Senator from Georgia if he would read something to throw some light on the muddle.

Mr. BACON. I confess, Mr. President, that according to my idea of strict parliamentary law, the point made by the Chair and by the Senator from Iowa [Mr. ALLISON] and reiterated by the Senator from Connecticut [Mr. PLATT] is a good one, and that is, that after adherence there can be no consideration by a conference committee; and I am a little surprised, on turning to Jefferson's Manual, to find a different rule laid down. It is that which I propose to read to the Senate.

On page 138 of Jefferson's Manual, included in our Senate Manual, upon that subject there is this. I shall read a little more than the direct paragraph to which I desire to call attention, because I wish the connection may be properly preserved. At the beginning of the paragraph we find:

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting, or adhering.

I omit the reference to the authorities which are given. The author proceeds:

In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions and upon terms of impossibility to persuade." (3 Hats., 226.) So the Commons say, "An adherence is never delivered at a free conference, which implies debate." (10 Grey, 137.) And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering.

This is the particular part to which I had reference:

It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering (3 Hats., 269), and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing (3 Hats., 251, 253, 260, 286, 291, 316, 349), of insisting (Ib., 280, 296, 299, 319, 322, 355), of adhering (239, 270, 283, 300), and even of a second or final adherence. (3 Hats., 270.) And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.

I have simply read that to show that, while according to what might appear to be the strict rule and according to the logic of the rule, after adherence there can be no further conference, the precedents seem to be the other way.

Mr. FORAKER. I am very much obliged to the Senator from Georgia for calling attention to the parliamentary rule. It discloses that the practice is what I supposed it was—that notwithstanding the House had voted to adhere, yet, as to that disagreeing vote, we could have a free conference according to the correct parliamentary practice. If we did not have a free conference I could not serve on this conference committee to which I have been appointed. Perhaps it will be necessary to make another appointment, in view of the fact that the House now makes this request, but I will not, and no other Senator should, serve on anything less than a full and free conference committee. Of course, the House has the right to recede and the Senate has the right to recede, and each House has receded now from one of the amendments in controversy, leaving only one other as to which the House has voted to adhere, and I understand that has no more effect——

Mr. PROCTOR. The House has receded in part.

Mr. FORAKER. The House has receded in part, but that does not take the matter out of conference. It is conceded by everybody that it is in conference. It is as though they had not proposed an amendment to it; and that being the case, if the practice is accepted, as read by the Senator from Georgia [Mr. BACON], there is no trouble about having a conference, should the motion of the Senator from Vermont prevail, and I hope that it may. If for any reason we should conclude that it is open to a conference, if the conferees of the House should take that position, we can adhere also, or we can recede, or the Senate can take such other action hereafter as it may see fit.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] moves that the Senate disagree to the amendment made by the House of Representatives to the Senate amendment, insist upon its amendments, and agree to the conference asked for by the House.

Mr. PLATT of Connecticut. Mr. President, the House has asked for no conference on amendment numbered 14. Therefore the motion made by the Senator from Vermont does not seem to include an agreement for a conference on amendment numbered 14; that amendment will not be in conference, as I understand the parliamentary law, and we can pass no bill until all these amendments shall have been disposed of. It seems to me we are getting a little deeper into the trouble rather than getting out of it.

Mr. ALLISON. I only wish to say a word. It seems that amendment numbered 14, especially mentioned by the Senator from Vermont in his motion, does not cure the difficulty. After what has been read by the Senator from Georgia [Mr. BACON] as respects the precedents, I will not interpose the motion to recede from amendment numbered 14 now, but I give notice that I shall do so when an opportunity occurs after the conferees have had a meeting. It is not my wish to interfere with the province of the Military Committee on this bill. I raised the question with a view to make it certain that amendment numbered 14 would not be left in midair, as it seemed to me it was and is, unless some specific action is taken respecting it.

The PRESIDENT pro tempore. Will the Senate agree to the motion made by the Senator from Vermont [Mr. PROCTOR]?

Mr. FORAKER. Mr. President, just a moment. I think it ought to be made to appear specifically that Senate amendment numbered 14 is insisted upon, and I suggest to the Senator from Vermont that he amend his motion by inserting after "Senate amendments" the words "including amendment numbered 14."

Mr. PROCTOR. Very well.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. FORAKER] suggests that the words "including amendment numbered 14" be inserted in the motion of the Senator from Vermont [Mr. PROCTOR].

Mr. COCKRELL. The words "all amendments" include everything.

Mr. FORAKER. I think it does include all; but the Senator from Iowa [Mr. ALLISON] stated, as I understood him, that unless amendment numbered 14 was specifically included it would be regarded as omitted.

Mr. COCKRELL. Mr. President——

Mr. ALLISON. I wish to make a statement, if the Senator will allow me a moment; because in the request of the House they exclude No. 14, naturally the motion of the Senator from Vermont [Mr. PROCTOR] will only include the amendments mentioned by the House; and if we omit to mention amendment numbered 14, of course they would claim that only amendments mentioned in the message of the House would be included in the conference.

Mr. COCKRELL. Will the Senator answer me, is amendment numbered 14 a Senate amendment?

Mr. ALLISON. Certainly.

Mr. COCKRELL. Then, as the Senate insists on its amendments, that certainly includes amendment numbered 14.

Mr. ALLISON. Yes; but that——

Mr. COCKRELL. The action of the House can not stop that from being a Senate amendment. Now, if this amendment is in mid-air, as it is said, then we have spent a great deal of unnecessary time over this question; and it seems we are destined to spend more. Admit that it is in mid-air, that we have got no jurisdiction, then I suggest that the Senate just leave that to the conference committee. Conference committees of the Senate in general have been able to adjust all disputes between the Senate and the House, and the Senate has approved of their action, with scarcely an exception; and yet it is now proposed that this matter is to be taken from the conference, that the conferees that are to adjust it are not to be allowed to do anything with it, and we are to be told that we have got no jurisdiction. Just let us alone now and see if we can not settle it.

Mr. ALLISON. After that appeal of the Senator from Missouri [Mr. COCKRELL], knowing him as I do and how kindly and gently he deals with all these questions, I will not further inject opinions respecting this matter, but I can not yet quite understand why the Senator from Missouri is so sensitive about my asking to have amendment numbered 14 included. If it is true, as he says, that amendment numbered 14 is in conference by the motion of the Senator from Vermont [Mr. PROCTOR], a little insertion will only make it more certain, and it should not provoke suggestions by Senators that we want to take away from the conferees any power that they have or want to exercise. I certainly do not. So I make no further suggestion regarding the matter.

Mr. PLATT of Connecticut. Mr. President, I can not understand how we can grant a conference for which the House does not ask. The House has not asked for any conference on amendment numbered 14. We say that we insist on our amendments and agree to the conference which the House has asked. To what do we agree? We agree to a conference in which amendment numbered 14 is not included, though we may say we include it.

Mr. FORAKER. I insist upon the words "including No. 14" being inserted in the motion of the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] moves that the Senate disagree to the House amendment to Senate amendment numbered 15; that the Senate insist upon its amendments disagreed to by the House, and that it agree to the conference asked for by the House.

Mr. FORAKER. And I move to amend the motion made by the Senator from Vermont by inserting after the word "amendments" the words "including No. 14."

The PRESIDENT pro tempore. Does the Senator from Vermont accept that modification?

Mr. PROCTOR. I accept it.

The PRESIDENT pro tempore. Then the Chair will put the motion in that way, including Senate amendment numbered 14. The question is on the motion as thus modified.

The motion as modified was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. FORAKER, and Mr. COCKRELL were appointed.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. I ask the Chair to lay before the Senate the motion made by me a few days ago to discharge the Committee on Territories from the further consideration of the statehood bill.

The PRESIDENT pro tempore. The motion of the Senator from Pennsylvania was not reduced to writing.

Mr. QUAY. It is in the RECORD.

The PRESIDENT pro tempore. The motion is that the Committee on Territories be discharged from the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. MASON. Will the Senator from Pennsylvania yield to me for a moment?

Mr. NELSON. Mr. President——

Mr. MASON. Let me have the floor for a moment, if you please.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. QUAY. I yield to the Senator from Illinois, and then I shall desire to address the Senate, I will say to my friend the Senator from Minnesota.

SALARIES OF POST-OFFICE CLERKS.

Mr. MASON. I ask the Senate to resume the consideration of the bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes. I gave notice several days ago that I would make this request.

The bill has been read. It went over by consent. I ask now to have it placed upon its passage. It is on the Calendar of Business under Rule IX. I have had unanimous consent three different times to have it taken up. The RECORD shows that it has been read, and it does not even require further reading.

Mr. JONES of Arkansas. What is the nature of the bill?

Mr. MASON. It simply allows the pay of clerks in first-class offices to be increased by law, at the rate of $100 per annum, up to $1,000, and after that it may be increased by direction of the Department to $1,200. I hope there will be no further objection. I have been waiting for three weeks.

Mr. JONES of Arkansas. I merely wanted to know what the bill was about before I consented to its consideration.

Mr. MASON. It has been read several times. I will ask that it be again read.

Mr. JONES of Arkansas. I ask to have the title of the bill read.

The PRESIDENT pro tempore. The bill will be stated by title.

The SECRETARY. A bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes.

The PRESIDENT pro tempore. Does the Senator from Arkansas desire to have the bill read?

Mr. JONES of Arkansas. No, sir.

By unanimous consent, the Senate, as in Committee of the Whole, resumed consideration of the bill.

The PRESIDENT pro tempore. The Committee on Post-Offices and Post-Roads has reported an amendment, which has heretofore been agreed to as in Committee of the Whole.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. Mr. President, I desire to speak to the motion now before the Senate, that the Committee on Territories be discharged from the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

I am a member of the Committee on Territories, and this motion intends no discourtesy to the committee, to any of its members, nor to its distinguished chairman. The procedure is not unprecedented. It is not even uncommon.

The elder members of this body will remember that in the closing days of the first Administration of President Cleveland the nomination of John E. Hartridge to be a United States judge in Florida was sent to the Senate some time before the final adjournment of Congress. Mr. Edmunds, at that time a Senator from Vermont, was chairman of the Judiciary Committee, to which the nomination was referred. Mr. Hartridge was a Democrat. The majority of the Judiciary Committee seemed to think it proper to defer action until after the inauguration of the incoming President, General Harrison. A number of Republican Senators, including both Senators from Pennsylvania, thought that the Democracy were of right entitled to the place, and some of us being personally cognizant of the high character and qualifications of the nominee of President Cleveland, joined earnestly in support of a motion made by one of the Florida Senators to discharge the committee. The effort was unsuccessful. Though a majority of the Senate favored the discharge of the committee, Senator Edmunds handled the affair in his usual masterful manner and prevented a final vote. There was no allegation then that the proceeding was revolutionary nor unduly nor unnecessarily drastic. The Senator from Vermont simply asserted his position, availed himself of his right under the rules of this Senate, and attained his object.

The so-called Sherman anti-trust law was referred by the Senate to the Committee on Finance. It was reported with amendments from that committee by its chairman, Senator Sherman, January 14, 1890. It was considered by the Senate, and March 27, 1890, on motion of Senator Walthall, a member of the Judiciary Committee, it was committed to the Committee on Judiciary by a vote of 31 yeas to 28 nays, Senators Sherman and Edmunds, chairmen, respectively, of the Committees on Finance and Judiciary, voting against committal.

On March 2, 1901, Senator JONES of Arkansas moved to proceed to the consideration of the resolution offered by him over two weeks previously, on February 16, 1901, and then numbered 2413 on the Calendar, discharging the Committee on the Judiciary from the further consideration of House bill No. 10539, amendatory of the antitrust law, and that the Senate proceed to consider the same. After debate, by a vote of 36 nays to 24 yeas, the Senate refused to consider his resolution.

On October 18, 1877, Senator Thurman, of Ohio, moved that the Committee on Privileges and Elections be discharged from the further consideration of the credentials of J. B. Eustis, a Senator-elect from the State of Louisiana. Senator Edmunds, of Vermont, objected to the consideration of the motion on that day, whereupon the Senate, on motion of Mr. Thurman, adjourned.

On October 19, 1877, the Journal reads as follows: "The Senate proceeded to consider the motion yesterday submitted by Mr. Thurman, 'to discharge the Committee on Privileges and Elections from the further consideration of the credentials of J. B. Eustis;' and, after debate, on motion of Mr. Thurman, ordered that the motion lie on the table," but, on December 1, 1877, the committee reported on the credentials of Mr. Eustis.

On November 20, 1877, Mr. Thurman submitted a resolution discharging the Committee on Privileges and Elections from the further consideration of the credentials of M. C. Butler, a Senator-elect from the State of South Carolina.

The resolution went over, was called up November 21, 1877, considered, and agreed to on November 26, 1877, by a vote of 29 yeas to 27 nays.

On October 17, 1877, Senator Edmunds submitted a resolution discharging the Committee on Privileges and Elections from the further consideration of the credentials of William Pitt Kellogg, a Senator-elect from the State of Louisiana. This resolution was withdrawn by Mr. Edmunds on the following day, but not withdrawn until the Senate had decreed by a direct vote "that the said committee shall consider and report upon the credentials of William Pitt Kellogg."

There have been other cases, to which it is unnecessary to recur, in which the present procedure was resorted to where the sentiment of a majority of a committee was believed to be in antagonism to the sentiment of a majority of the Senate.

The Committee on Territories is composed of 11 members. Five of these members waive all question of courtesy and ask to be discharged from the further consideration of the bill. As a matter of fact it has not been considered. The committee have refused it consideration up to the present and have postponed its consideration until next December. We ask to be discharged, because we believe consideration of the bill is unnecessary. It has already been reported favorably and unanimously to the present Congress by a committee of paramount authority—a committee of the whole American electorate, which in the year 1900 passed upon its merits. This committee has risen, but has leave to sit again in 1904.

In the last Democratic national convention there were sitting as delegates the following members of this Senate: JOHN T. MORGAN, Alabama; J. K. JONES, Arkansas; JAMES H. BERRY, Arkansas; J. C. S. BLACKBURN, Kentucky; S. D. MCENERY, Louisiana; MURPHY J. FOSTER, Louisiana; H. D. MONEY, Mississippi; W. A. CLARK, Montana; B. R. TILLMAN, South Carolina; J. L. RAWLINS, Utah; JOHN W. DANIEL, Virginia; T. S. MARTIN, Virginia.

Senator JONES of Arkansas was chairman of the committee on platform and resolutions, and serving under him as members of the committee were Senators BLACKBURN, MONEY, TILLMAN, RAWLINS, and DANIEL. The platform, which was reported by Senator JONES and read to the convention by Senator TILLMAN, contained the following paragraph, which was unanimously adopted, all of the Senators mentioned as delegates voting for it:

> We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma, and we promise to the people of these Territories immediate statehood and home rule during their condition as Territories.

To explain the denunciation of the Republican party prefacing this paragraph of the Democratic platform, recur to the Republican platform of 1896, adopted by its national convention which met at St. Louis, Mo.

The following-named members of this body were delegates to that convention: HENRY M. TELLER, Colorado; F. T. DUBOIS, Idaho; C. W. FAIRBANKS, Indiana; W. J. DEBOE, Kentucky; GEORGE L. WELLINGTON, Maryland; HENRY CABOT LODGE, Massachusetts; JOHN KEAN, New Jersey; T. C. PLATT, New York; C. M. DEPEW, New York; J. C. PRITCHARD, North Carolina; J. B. FORAKER, Ohio; M. A. HANNA, Ohio; M. S. QUAY, Pennsylvania; THOMAS KEARNS, Utah; REDFIELD PROCTOR, Vermont.

Senator FORAKER was chairman of the committee on resolutions and platform, and serving with him on the committee were Senators TELLER and DUBOIS.

Senator FORAKER reported the following provision, which was unanimously adopted, all of the Senators named voting for it with the exception of Senators TELLER and DUBOIS, who had previously assented to it, but subsequently withdrew from the convention:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard for the interests of the people of the Territories and to the United States.

This promise was broken, this pledge was not fulfilled; hence the challenge in the Democratic platform.

Now, to the Republican national convention, held at Philadelphia in 1900. At that convention there were sitting as delegates Senators CHARLES W. FAIRBANKS, Indiana; ALBERT J. BEVERIDGE, Indiana (the chairman of our Committee on Territories); J. R. BURTON, Kansas; L. E. MCCOMAS, Maryland; H. C. LODGE, Massachusetts; KNUTE NELSON, Minnesota; J. H. GALLINGER, New Hampshire; THOMAS C. PLATT, New York; C. M. DEPEW, New York; J. C. PRITCHARD, North Carolina; H. C. HANSBROUGH, North Dakota; P. J. MCCUMBER, North Dakota; J. B. FORAKER, Ohio; M. S. QUAY, Pennsylvania; BOIES PENROSE, Pennsylvania; THOMAS KEARNS, Utah; F. E. WARREN, Wyoming; C. D. CLARK, Wyoming; and last, but not least, there was with them as a delegate the gentleman who now so wisely and well fills the highest office in this land—Theodore Roosevelt.

Senator FAIRBANKS was chairman of the committee on resolutions. Serving with him on that committee were Senators GALLINGER, MCCUMBER, FORAKER, and PENROSE. Senator GALLINGER was upon the subcommittee which reported to the full committee the following provision:

We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

This resolution was unanimously adopted by the committee on resolutions and reported to the convention by Senator FAIRBANKS. The question was stated by Senator LODGE, the presiding officer, and the resolution received the votes of the Senators named and that of the present President of the United States. Being in the platforms of both parties, this indorsement of the early admission of these Territories received the pretty nearly unanimous approval of the people of the United States.

Two years have passed since the adjournment of these conventions and the deliverance of these solemn pledges to the people of the United States, and we have already failed to redeem our promise of early statehood. The time has come when both parties must act upon this question according to their respective promises or stand before the people of the United States as self-convicted of treachery, whose declarations of principles are intentionally mendacious. Upon the Republican party especially rests the responsibility, for it has been in control of the legislative and executive branches of the Government and has been able to acquit itself to the people of the United States of every responsibility it has seen proper to assume without the aid or counsel of the opposition.

As a member of the Committee on Territories, my thought was, and four other members of that committee thought with me, that when this bill came from the House of Representatives, where it passed with practical unanimity, having been indorsed in the national conventions of 1900 by 30 members of the Senate, it should be considered at once; and when consideration was refused and afterwards postponed for six months, that it was not improper nor indecorous nor discourteous to anyone to appeal to the Senate to make its face clean before the country. If this course be insulting to the Committee on Territories, as has been urged, then nearly one-half of the Committee on Territories desire to be insulted. They condone the indignity.

It was my opinion originally that a bill might be formulated by agreement which might pass both Houses unanimously at the short session, and that the question might safely be relegated to that time. The indications now are of a very different character, and that position is abandoned. The House of Representatives has acted, and it remains for the Senate to do its duty and for the Republican side of this Chamber to promptly fulfill the pledges of the Republican party to the people of the United States.

Here and now it is declared that if the consideration of this bill is postponed until December next it will not pass this Congress, and an appeal to the future is entered to verify the prediction.

The two great national conventions of 1900, it is to be assumed, thoroughly considered and appraised the claims and qualifications of these Territories to membership in the American Union. It is scarcely necessary, therefore, to more than advert to their existing conditions.

New Mexico has been organized as a part of the public domain for fifty-six years and has been an organized Territory since 1850. Its area is 222,510 square miles, equal to the combined areas of New England, New York, and New Jersey. Its timber lands and its timber are of the best, covering a territory as large as the State of Massachusetts. Its coal lands cover territory thrice as large as Massachusetts. Its present population is about 350,000. It has 363 post-offices.

The cost of its school and educational buildings was two and one-quarter millions of dollars. The tax collected for the support of its common schools in 1901 amounted to above $1,000,000, one-half of which was paid in salaries to teachers, and its school children numbered 70,000. At the time of the taking of the last census the value of its property subject to taxation was between two hundred and fifty and three hundred millions of dollars. It has 3,000 miles of railroad completed and several hundred miles in course of construction. It produced last year one and one-half millions of tons of coal, and minerals of all kinds to an estimated value of $10,000,000. Its cattle number 1,500,000, its sheep 7,000,000, and its wool crop last year weighed 25,000,000 pounds. It still contains 55,000,000 acres of unappropriated public land. Its area subject to irrigation and crop raising is greater in extent than the area of the States of Massachusetts and Connecticut combined, and it has less than $1,000,000 of Territorial debt.

Twenty-one times in as many different Congresses has New Mexico begged for statehood. My friend, the Senator from West Virginia [Mr. ELKINS], informs me that he has for forty years been endeavoring to press her claims, and that one bill failed, after passing both branches of Congress, because it was not taken from the Speaker's table. The present bill for its admission is the forty-sixth that has been presented in Congress. So much for New Mexico.

Arizona has been a Territory since 1863, and has an area of nearly 114,000 square miles, or, in other words, is equal in acreage to New York and New England. Its population numbers 200,000. It has 1,600 miles of railroad in operation; in addition there are nearly 400 miles under construction. It produces every variety of fruits and cereals known to the Temperate Zone. It has almost inexhaustible mines of gold, silver, iron, and coal, and though not a timber State, its forests are of as great extent as those of any of the States. It has nearly 1,000 miles of irrigating canals in operation. The assessed value of property in 1900 exceeded $38,000,000, but the actual valuation of its mining properties alone is far in excess of the figures given. Arizona comes to us as California came, "in robes of freedom, gorgeously inlaid with gold."

Oklahoma is the youngest born Territory, with an area about equal to that of the State of Ohio, largely made up of fertile agricultural lands. Its shipment of cotton in the year 1901 was 268,222 bales. It has 50 incorporated cities and towns and 681 cities and towns listed in the reports recognized by Bradstreet's. It has 202 national and Territorial banks; 22 daily, 168 weekly, 20 monthly, and 4 fortnightly newspapers and periodicals. Its population in 1900 was 398,331. The population has since largely increased and now numbers more than half a million.

At the election of 1900, 72,352 votes were cast for the office of Delegate in Congress. Twelve of the States cast a less number of votes at that election. There are 115,000 pupils in its public schools. Its schoolhouses number 2,000, and their estimated value is $760,972. The taxable valuation of the Territory in 1901 was $60,464,696; its indebtedness, $466,224. The estimated valuation of all property in the Territory is over $300,000,000.

Mr. President, the grounds for this motion have been pretty fully mentioned. They are that a postponement of this bill by the Committee on Territories until the next session of Congress will defeat it; that the motion is not novel nor revolutionary, nor discourteous to the committee, but is the usual remedy for the existing conditions; that no extended consideration is necessary, the bill having been approved by the Republican and Democratic national conventions of 1900, and afterwards at the Presidential election of 1900 by the entire American people. It has also been demonstrated that these Territories have reached the full stature of States, needing only our legislative baptism, and that they are as splendidly equipped for statehood as any Territory ever accepted into this Union.

Every Senator in this Chamber who has resided in a Territory recognizes the difference between the conditions of the Territory and the State in the advancement of civic energies, the stimulus to corporate and business development, and the assurance of commercial stability and establishment of financial confidence. During my service in this Senate many new States have been admitted to this Union. Pennsylvania has welcomed them all and assisted them over the threshold. It is difficult to perceive how

any Senator from any one of those States can resist my proposition.

Whatever the fate of my motion, whatever the fate of this bill, Pennsylvania, the greatest Republican State of the Union, proclaims her fidelity to the declaration of the Republican platform, and no matter what others may do, extends a friendly and helping hand to the youngest children of the Republic.

Mr. BEVERIDGE. Mr. President, I think the merits of the case of the admission of the Territories as States into the Union is not before the Senate upon this motion.

The Committee on Territories have taken definite and affirmative action upon this matter to take up for consideration and hearing early at the next session this bill. When that action was taken it was apparent to the members of the committee and to all Senators that it would be impossible to give any proper consideration, or indeed any consideration at all that can be called consideration to a question so large as this at the present session, or that even if the bill were on the Calendar and there should be any difference of opinion that it could pass at this session.

In short, Mr. President, the condition is merely this, that the committee desires further time for the consideration of this very important measure, and acting upon that have fixed a time early in the beginning of the next session to give the bill consideration and hearing, looking to an early report.

I think it can not be said, Mr. President, that this does any injustice.

Mr. QUAY. Will the Senator from Indiana permit me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. I merely desire to ask for information what early date in the next session has the Committee on Territories fixed?

Mr. BEVERIDGE. There is no early date fixed.

Mr. QUAY. Is there any date fixed?

Mr. BEVERIDGE. No date, and for a very good reason, Mr. President. It is perfectly impossible to agree upon a date when such a thing will be done. That must be left to the judgment and honor of the Senators who constitute the committee. There are many contingencies, and I expect the Senator in good faith to accept this response. So many contingencies might arise to prevent the fixing of a definite date for a report upon the bill that it would be unreasonable to ask it.

Mr. FORAKER. Before the Senator leaves that point, I should like information, if the Senator would give it, as to what the precise action of the committee was?

Mr. BEVERIDGE. The precise action of the committee was to take up this bill for consideration and hearing early at the next session, and that action of the committee I expect the Senator from Pennsylvania, the Senator from Ohio, and every other Senator to believe will be carried out in perfect good faith.

Mr. FORAKER. What I wanted to have the Senator make plain, if I understood the fact to be so, is that that is the record made by the committee, and the Senator is not simply saying that they wanted to take it up early, but that the committee have passed a resolution expressing, in the exact language employed by the Senator, that the bill will be taken up early at the next session.

Mr. BEVERIDGE. That is the case, Mr. President. I will state to the Senator from Ohio and to the Senate that I am not so familiar with the usages of the Senate as to know whether or not it would be proper to go into the action of the committee, and therefore I was stating, as chairman of the committee for the committee, what the general attitude of the committee was. But since the Senator from Ohio has asked the question, I will state that that is precisely the record made.

Mr. CLAY. Will the Senator from Indiana permit me to ask him a question?

Mr. BEVERIDGE. Certainly.

Mr. CLAY. How long substantially has the bill been before the committee?

Mr. BEVERIDGE. The bill has been before the committee between five and six weeks, I think.

Mr. QUAY. Will the Senator from Indiana state whether the bill has ever been considered at all in the committee?

Mr. BEVERIDGE. Yes; I will state that it has not.

Mr. QUAY. It has not. Also I will ask the Senator whether there have not been several efforts to take up the bill which were voted down by a majority of the committee?

Mr. BEVERIDGE. No, sir; there were but two; one effort made by the Senator from Pennsylvania at the only meeting he ever attended, and the other made by the Senator from Texas [Mr. BAILEY] at the second meeting he had attended.

Mr. BAILEY. That is not a correct statement.

Mr. BEVERIDGE. What is the correct statement?

Mr. BAILEY. When the chairman of the committee states that I have attended but two meetings of the committee he does not state the fact.

Mr. BEVERIDGE. There is no intention to misrepresent the Senator.

Mr. BAILEY. Where there is no intention there ought to be no misrepresentation.

Mr. ALLISON. Mr. President, I rise to a question of order.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Iowa will state his question of order.

Mr. ALLISON. I believe it is not in order to state what occurs in a committee room.

Mr. BEVERIDGE. I supposed so, and therefore I was merely replying to the question——

Mr. BATE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. BATE. I will only say that Senators have already undertaken to state what was done in the committee, and it is proper to have it stated correctly.

Mr. BEVERIDGE. I think both the Senator from Tennessee and the Senator from Texas will agree that there is no intention to incorrectly state the conditions. The Senator from Texas says he has been there more than twice. I stated only a casual recollection, and I thought I was right about it.

Mr. FORAKER. Mr. President, unless some Senator cites some rule which makes it improper for the chairman of a committee, when a motion is made to discharge that committee from the further consideration of a bill pending before it, to state what the committee has been doing with respect to it, I shall not believe there is any such rule, for when it is in order to make a motion to discharge a committee, certainly it is in order for the committee to defend itself and to show that it has not been derelict in the discharge of the duty that has been committed to it.

Assuming that the statements are correct (and of course if they are not they are to be corrected), I do not observe that anything has been stated here that it was not entirely appropriate to state. Certainly it is proper to refer to the fact that a bill has been pending only a certain length of time, and for this, that, or any other reason which would appeal to the judgment of this body he had been unable to bring it forward for the consideration of the committee so as to have action taken upon it in committee.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. The Chair will state to the Senator from Ohio that there is no rule in the rules of the Senate, but there is an unwritten law or custom that the details of the action of a committee shall not be referred to in the Senate.

Mr. FORAKER. I know there is such a rule in the unwritten law, but that is not a rule which applies even as to details of information when it is undertaken to discharge a committee from the consideration of a bill.

Mr. BAILEY. May I be permitted to state to the Senator from Ohio——

Mr. FORAKER. Certainly.

Mr. BAILEY. It is a matter of practice and not a matter of rule, and my own judgment is that when it is necessary to defend against a motion of this kind the committee may, without violating any rule of the Senate, cite the action of the committee. I think, however, that ought never to be gone into unless it is necessary.

Mr. FORAKER. I quite agree as to that.

Mr. BEVERIDGE. I quite agree with that. The Senator will observe it was only for the purpose of answering the questions honorable Senators addressed to me that I made any statement with reference to it, except to state that the committee had resolved to take up the bill for consideration early next session; that they expect to carry out that resolution in good faith, and that they find that it is impossible at this late day in the session, with a near adjournment before us, to give the matter such consideration as a measure of this consequence, or a measure of any large consequence requires at the hands of a committee of the Senate.

I have only two suggestions further to offer. The showing made upon the merits by the Senator from Pennsylvania would indicate that no great injury could occur to these Territories by the very brief delay which will be involved here, since the showing of the Senator is that the condition of these Territories is very magnificent.

Further, the Senator from Pennsylvania says that 46 bills have been presented to a large number of Congresses—twenty-one Congresses, I think he said—and they have failed to act upon them. Then either all those Congresses have been unwise or unjust, or else the very fact of the refusal of twenty-one Congresses to act is a matter of such moment that it would in itself suggest the wisdom of larger and fuller investigation.

I will say in conclusion, Mr. President, that the committee does not find that at this session it can give to the bill the consideration it ought to have, and asks further time. In accordance

with that, a majority of the committee have agreed that it be taken up for consideration promptly at the beginning of the next session.

Mr. BATE. Mr. President, I do not desire to say anything on this question except that which relates to the committee. I do not propose to go into the action of the committee, although I have a certified copy from the chairman of the committee, through the secretary, of the entire proceedings there.

Mr. BEVERIDGE. Mr. President, I hope the Senator will yield.

Mr. BATE. Certainly.

Mr. BEVERIDGE. The Senator's certified copy was furnished him upon a casual inquiry and request, verbally communicated. The Senator says it was under the direction of the chairman. The Senator requested it, and of course I complied.

Mr. SCOTT. We can not hear a word on this side.

Mr. BEVERIDGE. The Senator from Tennessee stated that he had a copy of the proceedings of the meeting, certified under the direction of the chairman.

Mr. BATE. With his consent, I will say.

Mr. BEVERIDGE. Certainly. The Senator made the request of me, and as a matter of course, without a word or thought, I directed that the matter might be given to him.

Mr. BATE. I am not going to use that, though the chairman used the word "directed," which would justify me in doing so. I do not care to go into this matter touching the action of the committee.

The PRESIDING OFFICER. The Chair dislikes to interrupt the Senator from Tennessee, but the Chair would state that the hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

Mr. QUAY. Mr. President, unless there are Senators who desire to address the Senate at some length on this question, I would ask the Senator from Nevada [Mr. STEWART] to allow the unfinished business to go over for half an hour and probably we can reach a vote.

Mr. STEWART. I think we will get through with the Choctaw treaty in half an hour.

Mr. BATE. Will the Senator allow me a moment? I had the floor when 2 o'clock arrived; and if he will just agree to it, I will have nothing more to say, but will call for a vote. That will end it, I know.

Mr. STEWART. I am afraid we can not get a vote.

Mr. BATE. Well, I have the floor.

Mr. STEWART. There are a great many Senators who desire to be heard on the question, and I understand we will get through with the Choctaw bill in half an hour. It is very important that it should be disposed of. I am urged by the Department to have it disposed of as soon as possible in order that they may close up the business in the Indian Territory. I will give way for the Senator from Tennessee to make a speech.

Mr. QUAY. Will the Senator permit me to make a request for unanimous consent?

Mr. STEWART. All right.

Mr. QUAY. I ask unanimous consent that the pending motion be taken up for consideration after the bill which the Senator from Nevada has in charge is concluded.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that as soon as the unfinished business is disposed of the Senate shall proceed immediately to the consideration of the motion that the Committee on Territories shall be discharged from House bill No. 12543. Is there any objection to the request?

Mr. BEVERIDGE. I hope the Senator will make that request after the unfinished business gets through. I do not believe that I am prepared to assent to it now.

Mr. SPOONER. What is the precise form of the proposition that is pending before the Senate?

The PRESIDING OFFICER. The proper business before the Senate is the unfinished business, which at the hour of 2 o'clock the Chair laid before the Senate.

Mr. SPOONER. What I desire to be informed of is the precise form of the proposition made by the Senator from Pennsylvania which was pending at 2 o'clock. He seems to regard it as in a double aspect or as a double motion.

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania, the Chair will state for the information of the Senator from Wisconsin, is that the Committee on Territories be discharged from the further consideration of House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments, and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. A part of the motion was that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The Chair will state further that at 2 o'clock the unfinished business, being the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was laid before the Senate. Now the Senator from Pennsylvania [Mr. QUAY] asks unanimous consent that after the consideration of that bill the Senate shall proceed to the consideration of his motion.

Mr. BEVERIDGE. I ask the Senator to withhold his request until the unfinished business is disposed of.

Mr. QUAY. Do I understand the Senator from Indiana to object?

Mr. BEVERIDGE. I am not objecting right now, unless the Senator from Pennsylvania compels me to do so.

Mr. QUAY. Then now is the time.

Mr. BEVERIDGE. I can object now, if the Senator desires. I guess I will accommodate the Senator from Pennsylvania and object now, although I was going to ask the Senator to make his motion after the Senator from Nevada gets through with his bill.

Mr. STEWART. Let us go on with the regular order.

Mr. QUAY. I give notice that when the pending bill is through I will move to proceed to the consideration of the pending motion.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribe of Indians, and for other purposes.

Mr. STEWART. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment; the amendments not to be confined to the committee, but that anyone who has amendments to offer may present them as the reading progresses and the point is reached in the bill.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Nevada.

Mr. BAILEY. My attention was diverted for a moment. I did not understand the request preferred by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada asked unanimous consent that the reading of the bill be proceeded with, and that the amendments of the committee be first considered.

Mr. STEWART. No; I do not make that request. I ask that the formal reading of the bill be dispensed with, and that it be read for amendment, and I do not ask that the amendments of the committee shall first be considered, but when we come to a point where there is an amendment to be offered let it be presented.

The PRESIDING OFFICER. Is their objection?

Mr. BAILEY. Let me make an inquiry of the Senator from Nevada. I believe there is only one amendment to be offered from the committee?

Mr. STEWART. Yes; I have one to strike out.

Mr. BAILEY. I have no objection anyway to the request.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The Secretary proceeded to read the bill, and continued the reading to the end of line 18, on page 11.

Mr. JONES of Arkansas. I should like to call the attention of the chairman of the committee to the fact that on page 11, line 17, this bill seems to limit the Indian Territory to one land office, while in the bill which passed the Senate some time ago provision was made for more than one land office. I do not know whether or not the intention is to limit the number to one land office, but it occurs to me that there ought to be a land office in each one of these nations.

Mr. STEWART. There ought to be one in each nation. That is the intention.

Mr. JONES of Arkansas. It seems to me, the way the bill reads on page 11, that the limitation is to one land office in the Choctaw and Chickasaw nations.

Mr. STEWART. There ought to be one in each.

Mr. JONES of Arkansas. In a previous section, which has been passed over, the same language occurs.

Mr. STEWART. The word "both" ought to be inserted in line 17, after the words "opening of," and the word "office" changed to "offices;" so as to read: "the opening of both the land offices," etc.

Mr. JONES of Arkansas. On page 9, line 23, the same language occurs. It reads:

After the opening of a land office for allotment purposes, etc.

Mr. PLATT of Connecticut. It says further:

In both the Choctaw and the Chickasaw nations.

Mr. JONES of Arkansas. That is true.

The PRESIDING OFFICER. Does the Senator from Arkansas offer an amendment?

Mr. PLATT of Connecticut. The language is:

After the opening of a land office for allotment purposes in both the Choctaw and Chickasaw nations, etc.

Mr. JONES of Arkansas. I think it ought to read differently. It ought to read that—

After the opening of land offices for allotment purposes in both the Choctaw and Chickasaw nations, etc.

Mr. PLATT of Connecticut. That is the way it does read.

Mr. JONES of Arkansas. No; it says:

After the opening of a land office.

It seems to me it should be "land offices" if it is the intention to have a land office in each nation. I should like to have that matter left open for consideration in conference; and if it be considered desirable to have a land office in each nation it can be done.

Mr. STEWART. It is provided for in that way in the bill.

Mr. JONES of Arkansas. I think it is not.

Mr. PLATT of Connecticut. I think the Senator has the wrong bill.

Mr. JONES of Arkansas. On page 11, beginning in line 15, the language is—

If any citizen or freedman of the Choctaw and Chickasaw nations shall not have selected his allotment within twelve months after the date of the opening of the land office in said nations.

Mr. STEWART. On page 11, line 17, after the words "opening of," I suggest that the word "the" be stricken out and the word "such" be inserted, and that the word "office" be changed to "offices;" so as to read, "opening of such land offices in said nations."

I ask, however, that the matter be temporarily passed over.

The PRESIDING OFFICER. The matter will be passed over for the present, and the reading of the bill will be resumed.

The Secretary resumed, and continued the reading of the bill to the end of line 13, on page 16.

Mr. PLATT of Connecticut. After the word "in," at the end of line 13, I move to insert the word "the;" so as to read, "United States courts in the Indian Territory."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 7, on page 18.

Mr. PLATT of Connecticut. In line 7, on page 18, after the word "in," I move to insert the word "the;" so as to read, "citizenship or enrollment by said United States courts in the Indian Territory."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 9, on page 19, section 32.

Mr. PLATT of Connecticut. In section 32, on page 19, in line 6, after the word "in," I move to insert the word "the;" so as to read, "judgments of the courts in the Indian Territory."

The amendment was agreed to.

Mr. BAILEY. Is the bill being read now for amendment, or will amendments be in order after the reading shall have been concluded?

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment at any time during or after its reading.

Mr. BAILEY. Then, it will be just as well that I shall offer my amendment at this point. First, I move, in section 32, on page 19, in line 15, after the word "judgments," to strike out the word "both;" and in the same line, after the word "fact," to strike out "and conclusions of law" and insert the word "only."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 32, on page 19, line 15, after the word "judgments," it is proposed to strike out "both;" and in the same line, after the word "fact," to strike out "and conclusions of law" and insert "only;" so as to read:

In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments as to findings of fact only.

Mr. BAILEY. Mr. President, as it is in order to discuss this amendment at this time——

Mr. JONES of Arkansas. Will the Senator yield to me for a moment?

Mr. BAILEY. I will.

Mr. JONES of Arkansas. I think the amendment I before offered will be consented to without objection. On page 17, line 5, after the word "within," I move to strike out "ninety." I think the time should be made longer than ninety days, and that it would be better to have it six months. I make that motion.

Mr, BAILEY. That can not be agreed to without objection. If the judgments of these people are to be assailed at all, it ought to be done at the earliest possible time.

Mr. JONES of Arkansas. I will withdraw the amendment for the present. I supposed there would be no objection to it. I merely desired that it might go to conference. I do not know whether or not I am in favor of the amendment. I withdraw it, however, for the present.

Mr. STEWART. I think one hundred and twenty days would be long enough.

Mr. BAILEY. Mr. President, this bill as it stands establishes this appelate court, as it is called, though, as a matter of fact, it has no resemblance to an appelate court, and the truth of it is that it is now proposed in its present form because the committee very wisely concluded to doubt whether its original provision was a constitutional one. The original proposition was that the courts must grant a new trial under certain circumstance. The courts have repeatedly held that the legislative department of the Government can not require the judicial department to grant a new trial, and in view of those decisions the committee have devised what they call an appelate court, which, as I said a moment ago, bears very slight or no resemblance at all to a court of appeals.

This appellate court is authorized to review both findings of law and of fact, or, to borrow the exact language of the bill, "to consider, review, and revise" the judgments of the lower court. There is no suggestion that it may reverse or send a case back for a new trial; no suggestion that there may be or must be made a final judgment in accordance with the facts; but it gives the right to "review and revise." My own opinion is that this is a subterfuge that will scarcely mislead a high court of appeals, and it is by no means certain that the committee in framing this provision have escaped the decisions of the courts against legislative demands for new trials in a judicial proceeding.

But the remarkable proposition is that here are judgments, some of them five years old, obtained in a court of competent jurisdiction, which, by the law of Congress, has been authorized to determine all matters in dispute. The people injured by this proceeding raised a great clamor that a vast deal of fraud had been committed against them. I frankly say that, in my judgment, many frauds have been committed against those Indian tribes, and that many people who hold these judgments procured them by false swearing, either on their own part or on the part of their witnesses. There is not a Senator in this Chamber who would go further to relieve those Indian tribes of such judgments than I would; but, Mr. President, it shocks my sense of judicial procedure that a vast number of honest judgment holders shall be exposed to the vexation, delay, and expense of a new trial in order that the Choctaw and Chickasaw nations may be relieved against dishonest judgments. As a means of protecting the Indians against dishonest judgments and at the same time protecting honest men in the judgments which they have obtained, I proposed an amendment which authorizes this court to set aside any judgment which might appear to it to have been obtained by fraud or perjury. The answer was made that these terms were not broad enough—that there were judgments there procured upon a state of facts which might not fall wholly within the definition of fraud or perjury.

The Senator from Connecticut, in his address to the Senate—and the Senator from Nevada, too, seconded the statement—said that many of these judgments were rendered by the court without investigation on its part and upon the report of referees who were interested as attorneys in many of these cases. The next morning after the report of that debate appeared in the RECORD a young lawyer whom I have known for several years came to my office in the Senate Annex and volunteered the statement that he was the referee who considered nearly all of these cases in the Chickasaw Nation.

He made the further statement that he is an enrolled citizen of the Choctaw tribe; that he was such when he was appointed referee; that his citizenship was not involved in this controversy, and that he had never been employed by a single claimant of citizenship in this litigation. And yet the Senate was told that while these judgments were not of that fraudulent character which could be set aside under my amendment, that they were fraudulent because of the interest and misconduct of the referees; and Senators made that statement, I have no doubt, in good faith.

This young man declared that he was appointed a referee by Judge Kilgore; that he took these cases under consideration and made his reports, but that before his reports could be acted upon and disposed of by the court Judge Kilgore died, and Judge Townsend was appointed to succeed him, and that Judge Townsend rejected many of his reports and sent others back to a referee appointed by Judge Townsend to succeed the referee appointed by Judge Kilgore. That is the statement of the man who served in that capacity, made voluntarily to me. And yet the Senate was asked to believe that these attorneys who were seeking to establish many claims for many claimants were serving as referees in other claims.

I do not know enough about the proceedings in the Choctaw Nation to say who was the referee and what were the circumstances, but I do say that before the Senate shall sanction the opening of a judgment five years old it ought to be certain that fraud has been committed. If the information of the committee which has reported and which supports this provision is no more

reliable as to the Choctaw country than it was as to the Chickasaw, then the Senate may well hesitate to accept their conclusions and recommendations.

Not only, Mr. President, do they ask us to open judgments five years old upon the vague and indefinite allegation and proof that an injustice has been committed against the Indian tribes, but mark the partiality. The Indian tribe can appeal whenever the judgment of the court is against it, but there is no provision here for an appeal by a citizen against whom the court has rendered judgment. If you are going to allow appeals by the Indian tribes, why not likewise allow an appeal by a citizen defeated in his action to establish his rights as a member of the tribe?

Mr. STEWART rose.

Mr. BAILEY. The Senator from Nevada rises as if he would offer an explanation. I will gladly yield to hear it.

Mr. STEWART. The explanation is very clear. In the first place, I do not think Congress ought ever to have interfered with the enrollment of the Choctaws or the Chickasaws. It was their own business to say who were citizens of those tribes. It did interfere, and there have been 4,000 claims taken to their lands under it. These people are not Choctaws or Chickasaws. We ought never to have interfered with the Indians. I do not think any of those who have not judgments should be entitled to come in. I think the Chickasaws and the Choctaws ought finally to dispose of the whole business. I think the whole trouble has come from interfering with their jurisdiction.

Mr. SPOONER. That may be; but will the Senator pardon me for a moment? This seems to be the question: Here were citizenship courts——

Mr. STEWART. Yes.

Mr. SPOONER. For the trial solely, as I understand it, of the question of citizenship. The court rendered many judgments. It rendered judgments, of course, admitting parties to citizenship and it rendered judgments denying the application of parties for citizenship. The question which I understand the Senator from Texas to put to the Senator from Nevada, and which I thought the latter rose to elucidate, was whether Congress can lawfully provide for an appeal from one class of judgments rendered by that court in citizenship cases; that is, an appeal where the judgments are rendered against the tribe, but no appeal where the judgments are rendered by the same court on the same question against citizens and in favor of the tribe.

Mr. STEWART. Does the Senator refer to the question of the power of Congress?

Mr. SPOONER. Yes; I am referring to the power of Congress—whether it is not a fundamental principle——

Mr. STEWART. I think Congress acted unwisely——

Mr. SPOONER. But——

Mr. STEWART. Hold on. Let me finish my sentence. Do not get excited too quickly.

Mr. SPOONER. I only shook my hand.

Mr. STEWART. Congress acted very unwisely in passing this law. It acted unjustly, I think, in interfering with the local jurisdiction of the tribes. Those nations have been recognized, and they have been recognized from time immemorial in determining their own citizens. I think it was a great mistake that the law was passed at all. If the tribe would not take in these people, they ought not to be taken in at all. The decision of the tribes ought to have been final. It was an improper law which interfered with them.

Mr. BAILEY. Let me ask the Senator, if it will not interrupt him——

Mr. STEWART. The Choctaws ought to have the whole say. It is particularly right that these judgments unfairly obtained should be reviewed.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Texas is entitled to the floor.

Mr. BAILEY. If the Senator from Nevada is through——

Mr. STEWART. I am through for the present.

Mr. BAILEY. I will reply to that statement, which simply amounts to this: If Congress passes an unwise law and an American citizen obtains a judgment under it, Congress ought to set aside the judgment or invent an appellate court, without the power that is usually vested in them, in order to nullify and vacate a judgment upon the ground that the law of Congress under which the judgment was obtained was an unwise one. Is the Senator from Nevada willing to reason on that basis?

Mr. STEWART. That is not the point I made. The point is they are out. I do not think most of them who are in were properly put in. There ought to be a further investigation of that matter, and we propose, in this instance, as was done in several cases, that it may be reviewed by an appellate court or a court created for that purpose, in order that justice may be done, so far as may be. If any of these people are entitled to citizenship, let the courts determine it, since they have gone on and got a judgment, and, we think, an improper one, and the Indians are very much dissatisfied with it.

Mr. BAILEY. The Senator, if he will pardon me for the suggestion, ought not to say "we," because the Senator does not know about it. He has merely taken the statement of others.

Mr. STEWART. Other Senators have been on the committee longer and have investigated it for a longer time and know more about it than I do, but the testimony before the committee was extensive.

Mr. BAILEY. Did the committee have hearings on this question?

Mr. STEWART. Yes. We heard the commissioners, particularly, and others.

Mr. BAILEY. The members of the Dawes Commission?

Mr. QUARLES. I will say to the Senator that in perfecting this treaty there were present in the office of the Secretary of the Interior the Secretary himself——

Mr. BAILEY. It is a circumstance against the treaty, in my judgment, that the Secretary of the Interior was present.

Mr. QUARLES. And the Assistant Secretary and the Assistant Attorney-General, the chief headmen and their attorney, together with a delegation from the Indian Committee of each House of Congress.

Mr. BAILEY. Who was there for the judgment holders? That is the question. I have no doubt that the Indians were amply represented.

Mr. QUARLES. We were not making a treaty with the judgment holders. We are making a treaty with the Indians.

Mr. BAILEY. But you were making a treaty that affected the rights of the judgment holders.

Mr. QUARLES. Yes.

Mr. BAILEY. Do you believe it is a just and fair proceeding to invite everybody interested on one side to help frame a treaty that affects the rights of others and to deny the others a hearing? Will the Senator from Wisconsin say that? He is too good a lawyer to believe that that is the way to proceed judicially and too fair a man to approve that kind of conduct.

Mr. President, it may be true, as the Senator from Nevada suggests, that originally Congress ought to have taken no steps in this matter, and ought to have left the making of those rolls entirely to the Indian tribes. I will not debate that, because it is not an open question. Congress concluded that question when it passed the law which provided for the manner of establishing these rights. It said to the people of the United States "Under this law, if you make certain proof, you can establish certain rights." The people proceeded under the authority of that law of Congress. They went to the labor and the expense of employing lawyers, of obtaining testimony, which they sometimes had to travel a thousand miles to secure.

They put all that testimony before the court, and upon it they obtained a judgment which at least enjoys the sanctity of a judicial determination. Now, against all that expense, against all that labor and that pains, against the fair presumption that ought to arise in favor of every judgment, it is proposed to do what? It is proposed to authorize that court, upon the vague, indefinite allegation that substantial justice may require it, to enter a new or a different judgment.

Mr. President, this court of appeals when it comes to determine the facts finds what? I am told that a large part of the records of the cases in the Chickasaw country have been destroyed by a fire that burned the court-house of the United States at Ardmore, in the Chickasaw Nation. I believe that is true; if it is not, I will ask the Senator from Nevada to correct me.

Mr. STEWART. I do not know.

Mr. QUARLES. I understand it is true.

Mr. BAILEY. It is true. Then, gentlemen, where will you procure the papers upon which to prosecute these appeals? They have gone up in the smoke of what we will suppose was an accidental fire. You say that is against the nation's interest. I know it will be suggested that the nation will not have any of this testimony. Ah, but the fact is the judgment will stand there, with no presumption in favor of the defendant——

Mr. STEWART. The judgment has been burned up, too.

Mr. BAILEY. But the judgment can be restored. It is Will he reestablish the judgment? But there is no record of the papers in the case. They have gone up in smoke. No man can swear to their contents. The witnesses may be dead, and thus a claimant under one of these judgments, brought into court to defend his judgment, finds his documentary evidence consumed by fire, finds the witnesses mute in death, and then the attorneys for the Indians, by introducing some proof that throws some shadow over his judgment, asks the court, upon the ground that substantial justice requires it, to set aside the judgment.

Not only do they do that, but when they come to the law (they do not charge that the judges were dishonest, although they insinuate that the referees were), they come here and ask that a

judgment of a court of the United States of competent jurisdiction, rendered five years ago, shall be set aside upon the ground that it was erroneous as a matter of law. Do you believe that is the proper proceeding, gentlemen? Here you can not take refuge behind the vague and indefinite suggestion that fraud and perjury have done this work. Here you get out into the open.

It is a pure question of law, unless you can impeach the honesty of your judges. I will illustrate one of the law questions which may arise in these cases. A white man married an Indian woman, and by that marriage acquired rights as a member of the Indian tribe. The Indian wife died, and the man married again a woman who has no Indian blood in her veins and has no right to membership in the tribe. The trial court held that not only is the husband still a member of the Indian tribe by virtue of his first marriage, but that his second wife, though she had no Indian blood, by virtue of his second marriage also became a member of the tribe. The facts are all admitted, and it is a naked question of law.

Now, you propose to say that if the court decided it one way five years ago and the claimants, under a judgment of the court, went into the Indian Territory, as some of them have done, and spent every dollar they possess on earth in improving the land which was to become their allotment in the final division of the land, you will now have the court set aside this judgment as a matter of law, and not only strip him of his rights as a member of the tribe and deprive him of his property, but take with it every dollar's worth of improvements he has made. Does the Senator from Nevada think that is right? Will any Senator say that is a proper regard for rights that were acquired under a solemn judgment of a court?

Mr. President, never before has there been a proposition like this in Congress. Certainly it is bad enough to call men back into court without charging that they or their witnesses have committed perjury upon the facts which may not now be susceptible of proof as they were when the law authorized proof to be made, but it is infinitely worse to take honest men with honest judgments sanctioned by a court, and five years old, and set them aside because the judge may have erred.

I am so well satisfied, Mr. President, that the Senate will not agree to such an arrangement as this, but that at least it will afford these people the protection of the law under which they acted, as decided by the court, and if it exposes them again to the uncertainties, vexations, delays, and expense of a trial it shall be only a trial upon the facts, that for the time, at least, I shall not further detain the Senate.

Mr. STEWART. Mr. President, I hope the Senate will really understand this proposition. In the first place, as I said before, I think it was a great mistake to set up any jurisdiction over or to interfere in any way whatever with the citizenship of those tribes. I think everybody down there whom I have met concurs in that view of the case.

Mr. BAILEY. Mr. President——

Mr. STEWART. Except my friend.

Mr. BAILEY. I would not be willing to say——

Mr. STEWART. But a great many do.

Mr. BAILEY. I would not be willing to say, where a great estate was to be divided, that a part of the heirs already in possession should be permitted to determine who else were heirs. I would hardly commit myself to that proposition.

Mr. STEWART. This was a government authorized to pass laws. They had legislatures and courts in both of these tribes. They have had them for the last hundred years. They have decided who were citizens and who were not. They had courts for that purpose. That our action was a mistake I think is perfectly evident from the fact that it would be difficult to find an Indian, in the true sense of the term, who has applied for citizenship to this court. They are generally white people residing elsewhere, probably voting in other States.

I have inquired of several persons who have appeared before the committee, "How do you know they are Indians? Do they look like Indians?" "No; they do not look like Indians. They look like white people." We have divided up their estate with white citizens by means of this performance. The Government having established a tribunal of that kind, which manifestly is letting in a good many white people, we are bound to take care of the Indians. The Supreme Court have had before them questions on all fours in principle with this.

The Supreme Court held that an appeal could be granted or there could be a review in cases like this where Indians are concerned. In the case of Stephens against the Cherokee Nation the court says:

> And while it is undoubtedly true that legislatures can not set aside the judgments of courts, compel them to grant new trials, order the discharge of offenders, or direct what steps shall be taken in the progress of a judicial inquiry, the grant of a new remedy by way of review has been often sustained under particular circumstances.

Then a long list of authorities is cited.

> The United States court in the Indian Territory is a legislative court and was authorized to exercise jurisdiction in these citizenship cases as a part of the machinery devised by Congress in the discharge of its duties in respect of these Indian tribes, and assuming that Congress possesses plenary power of legislation in regard to them, subject only to the Constitution of the United States, it follows that the validity of remedial legislation of this sort can not be questioned unless in violation of some prohibition of that instrument.

This is the same kind of litigation and the same kind of a case.

> In its enactment Congress has not attempted to interfere in any way with the judicial department of the Government, nor can the act be properly regarded as destroying any vested rights, since the right asserted to be vested is only the exemption of these judgments from review, and the mere expectation of a share in the public lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship, can not be held to amount to such an absolute right of property that the original cause of action, which is citizenship or not, is placed by the judgment of a lower court beyond the power of reexamination by a higher court though subsequently authorized by general law to exercise jurisdiction.

Similar legislation has been had. It ought to be had in all cases where injustice has been done. There is no doubt about the power of passing this remedial legislation. The Supreme Court have had the same case under examination from the Cherokees.

I am not as familiar as some other people are with the facts, but still on the committee I have taken pains to ask witnesses as they came along what these applicants are. "Are they Indians? Do they live with you?" "No; they live in Texas mostly, and other surrounding States, and exercise the rights of citizenship there;" and yet they become Indians in large numbers.

It is suggested that we ought to take up those who did not get judgments. As I said before, it ought to have been left to the Choctaws and Chickasaws to determine for themselves. It was unfair to organize a court and have the kind of trials they have and give them no remedy. Many of the Indians thought the law was unconstitutional. They were advised for a long time that we could not come in and take away their rights in that way. It is alleged that some of them failed to prosecute their rights because they were advised that the law was unconstitutional.

There were many reasons cited before the committee why they had not had a fair trial. They are very much dissatisfied. We are taking pretty strong measures with these tribes. We are legislating to break up their tribal relations, to make them take allotments and become citizens, and to break up all the Indian governments that they have. We are proceeding to do that, and we ought to do it in a fair way. Here is a case where they have complained from the beginning. They are entirely dissatisfied that the Government should take away their land to the amount of twenty millions in this case.

According to the estimate of Mr. Bixby twenty millions of property will be taken from the Indians in this way. They complain that they have had no fair trial. If they have had a fair trial and all these people are honest citizens who have judgments, we simply propose to organize a court consisting of three impartial judges, and it is not asking too much that they shall go before that court. They have not participated in the tribe.

It is not asking too much that they shall go before that court and make good their claims again. They are getting a good deal for nothing if they are not citizens, and the general opinion is they are not, because they are white. They are not Indians. We are trying to protect the Indians. I think we ought to deal fairly with them. That is the view of the committee. This provision is drawn precisely in harmony with the decision of the Supreme Court in a like case. It certainly seems to me that the amendment——

Mr. BAILEY. The Senator from Nevada will agree that the case which he has cited was an appeal to the Supreme Court of the United States in which it expressly decided by that court that the question committed to its decision was the constitutionality of the law——

Mr. STEWART. Yes.

Mr. BAILEY. And it was not to review the facts?

Mr. STEWART. Oh, well.

Mr. BAILEY. I have no question that we can authorize an appeal to any court upon the question of law, and I have no doubt that where it was honestly and fairly an appeal we might even include a review of the facts. But my suggestion was that when it was merely a subterfuge to escape the ability of Congress to impose upon the court a review of the facts it might not be sustained.

Mr. STEWART. I think it is on all fours with the decision. You could hardly claim this to be obiter dicta, because they go through and consider that question at length. They hold that the law is constitutional, and they claim that they have jurisdiction to consider the whole matter. They consider all the questions raised, and they elaborately cite cases. There is no doubt about the reasoning of the court in the cases cited.

Mr. BAILEY. But the court expressly declares in that case, and it is perfectly plain, that the only question committed to it for decision was the constitutionality of the legislation.

Mr. STEWART. That was committed to it, but it still reviews. It was a statute passed after judgment. The point was made that they could not pass that kind of a statute after judgment, and they go on to hold that they could. So really they had to decide other questions besides the constitutional question. They had to decide that they could review a judgment in this way. If they could review one judgment they could review another of the same kind, and they go on and vindicate the right to review judgments. When they got to the judgment they said there was no question of the constitutionality of the law, and they reviewed the whole case and decided that they had jurisdiction to review the judgment, and they point out at great length the way to reach those judgments.

If there is a way to reach this, I am satisfied that justice requires it should be done in this way. It will be a long time before we get the Indian question settled down there if we do as great injustice as they think it is. The Indians come here and agree to a treaty, and if we are going to close that matter up we must let them have a hearing on this case and let them be satisfied that justice has been done.

Now, one of the cases went to the Supreme Court, in which the constitutionality of this kind of legislation was the issue. They thought it was constitutional after having given them legislative authority, they having had their tribal authority entirely within their jurisdiction. The law was held to be constitutional, and they are going to submit to it; but, pending the determination of this question, the allegation is—I do not know how much truth there is in it—that they did not take the same measures to defend their cases that they otherwise would; that they were misled; that as it had gone to the Supreme Court and been decided against them that the law is constitutional, they submitted to it, and we now ask that there may be such a remedy given as will satisfy justice in the premises.

Mr. QUARLES. Mr. President, I very much wish that I might make the entire Senate understand the very great importance of the proposition now pending. It will hardly be appreciated by anyone not familiarly acquainted with the situation in the Indian Territory and the state of legislation.

I may say, preliminarily, that this treaty caused a very great amount of labor to draw it; that it has received the attention of the Interior Department; that the chiefs and headmen of both these tribes were here with their attorneys, and they were met by a delegation from the Committee on Indian Affairs in both the House and Senate, and they spent considerable time together in framing this provision.

Of course, the only object of perfecting the treaty is to get it so that the Indians will ratify and approve it. If it is loaded down so as not finally to receive the approbation of the Indian tribes, all this work is for naught.

Mr. President, it is not generally understood what a great undertaking this nation has on hand in the Indian Territory. Perhaps you will permit me to remind you that for more than seventy years these five tribes—justly known as civilized tribes—have each had what I may call an independent government. Each has adopted a constitution, each has had its legislature, its executive and judicial departments. Under the authority and right of this Government the five tribes as tribes hold 20,000,000 acres of land and more, having the fee simple.

Mr. BAILEY. Oh, no; not the fee simple.

Mr. QUARLES. Well, it is a base fee, to be accurate. Of course, a fee without the power of alienation is not a complete fee, it is true.

Mr. BAILEY. It is not only without the power of alienation, but it is, as the Senator says, what the lawyers call a determinable or a base fee.

Mr. QUARLES. Yes.

Mr. BAILEY. It is to inure to them and their descendants only so long as they exist as a tribe.

Mr. QUARLES. Precisely. So far as the purposes of this discussion are concerned, it might as well be a full, complete fee, because we can not by any legislation here deprive the tribe of their title. Neither can we take away from them by any arbitrary enactment the right to have and maintain their own government down there. So at the very threshold of this matter the nation must confront this proposition, that it must have a treaty or agreement with each one of those five tribal governments. Otherwise it can not proceed a step toward the final determination of the affairs of that Territory.

Mr. BAILEY. If it will not interrupt the Senator from Wisconsin——

Mr. QUARLES. Not at all, sir.

Mr. BAILEY. Does the Senator mean to say that Congress could not control the government of those tribes?

Mr. QUARLES. I do, sir.

Mr. BAILEY. That Congress can not divest their determinable fee in land is probably true, although it might pass some law that it had the power to pass, the effect of which would be to vest it. I am not able to find any prohibition in the Constitution against the Federal Government impairing a vested right, as is the case in reference to the States, though it is true that Judge Field said in the Southern Pacific cases that Congress had no power to impair the obligation of a contract. That, however, was not necessary to the decision of the case. I venture to say, if the question ever comes flat before that court where Congress passes a law in pursuance of the Constitution, that law will not be held invalid because it impairs the obligation of some contract. My judgment is, without having specially looked into the matter, that more than one law of Congress interfering with the tribal government there has been sustained by the court. Before this law we tore up their tribal courts by the roots, and this very act here, the constitutionality of which was sustained, was attacked in the courts upon the ground that it was an interference with their tribal government.

Mr. QUARLES. The Senator may lose sight of the fact that we have already an agreement with these tribes, known as the "Atoka agreement," by which the tribes have consented to certain interference by the Government of the United States. But certainly, sir, while I do not agree with my distinguished friend as to the law, I believe the courts would eventually hold that we had no authority to interfere with the dominion of those tribes over that Territory, which we gave them by a treaty which pledged our honor to them, not only that they should have and enjoy that Territory forever, but that they should never be interfered with by white citizens coming there; that they should have isolation and complete control. If the law were as my distinguished friend contends, he will concede to me that the honor of this nation was pledged to those Indians that they might have not only that title, but that they might have control entirely undisturbed by any white intruder.

So, Mr. President, it would make little difference in my view what the technical principle of law might be as long as it is conceded that in honor this nation can not interfere with those tribes. The conclusion, which I desire to present at the threshold of this discussion, is the same—namely, that we can not interfere with the dominion of those tribes over that Territory without having a treaty or agreement with them.

Now, I want the privilege of suggesting to the Senate what difficulties the Government has encountered down there in trying to bring about and harmonize affairs so as to secure treaties with the several tribes. In the first place, Mr. President, we sent a commission down there in 1893, after we had got the initial agreement with the tribe. It is known as the Dawes Commission. That Commission has been working down there since 1893 trying to get a proper enrollment of the citizens of those several tribes, surveying and appraising their lands, doing all the preliminary work necessary to a final segregation and allotment of those lands in severalty.

I quite agree with my distinguished friend from Nevada [Mr. STEWART] that it was worse than an impertinence and it was a great injustice when this nation, in undertaking that work, assumed to take out of the hands of those several tribes the question of citizenship, which was peculiarly a question to be settled by the tribe itself. The tribe had peculiar facilities for arriving at that question which no one else possessed.

I may say, Mr. President, that from the time this nation arbitrarily took out of their hands the right to determine who their citizens were, those Indians have felt aggrieved. They have felt that the United States unnecessarily interfered with their prerogative. I have always felt that the Indians were right and that the nation was wrong. If there were any doubt about that, it is illustrated by the fact that as soon as the Dawes Commission undertook to make citizenship rolls it had to go right back to the tribal roll. It took the tribal roll and then undertook to build up on the strength of that.

After that work had progressed to some considerable extent there came an influx of white citizens—mostly from Texas, some from Arkansas—and applied to this Government Commission for enrollment as Choctaw and Chickasaw citizens. That application was made upon ex parte affidavits. It has been stated here that the Dawes Commission had no opportunity to pass upon those applications for lack of time. But, Mr. President, they were simply ex parte affidavits, and they were on printed blanks that had on them the earmarks of some legal mill in Texas where they had been run out. It required only a slight inspection of those papers to demonstrate to the Dawes Commission the fact that the great majority of those Texas and Arkansas citizens who claimed to be enrolled in these two tribes based that claim simply upon blood.

Now, the Dawes Commission decided, and rightly, in my judgment, that it was more than a question of blood; that we were dealing with a tribe, not with a race; that we were dealing with a tribe as a governmental body and not with a mere matter of

lineage or race. Therefore wherever the Dawes Commission found that the applicant based his petition upon the sole fact that he had Choctaw or Chickasaw blood in his veins and did not show that he had ever been subject to the jurisdiction of the tribe or had been a citizen of the tribe they simply marked on the paper "Rejected." Now, that is all they did. They marked "Admitted" or "Rejected." They admitted several hundred of them and rejected several thousand.

Appeals were taken to the United States court from the action of the Dawes Commission rejecting the several thousand white citizens, and largely on the question I have mentioned.

From that time to this I have never seen a person, either in the Indian Territory or here, whose attention had ever been called to that matter, who did not agree that the action of the court in finally admitting some 4,000 of those applicants who had been rejected by the Dawes Commission was a gross outrage on the tribe. While my learned friend says that the initial mistake made by the Government in assuming to do that work and taking it away from the tribe is a sealed and past question, I would remind him that it still has its force and effect as to the duty now resting on the Government in this very matter in order to do justice to the Indians.

Those appeals were presented to two courts who were very much overcrowded with their ordinary jurisdiction. They were not able to consider those appeals in the ordinary way, and they resorted to masters who heard, or were supposed to have heard, the testimony and to have presented a report to the court.

It is generally understood and universally asserted in that country, which I had the pleasure of visiting last year, that there was a kind of professional reciprocity manifested by those commissioners or masters. There may be exceptional instances that are not open to this criticism, but in a great many instances those appeals were heard before masters who themselves had cases there that stood precisely upon the same footing as the case they were hearing.

Mr. BAILEY. I challenge the Senator from Wisconsin to name a single instance of that kind in the Chickasaw Nation, because I have heard a very respectable member of that bar declare that he was the referee under Judge Kilgore of cases decided by Judge Townsend and that he was never employed in a citizenship case.

The Senator from Wisconsin is a lawyer. I would hate to belong to a profession where I thought a man who had character and standing enough to be appointed a judge of the United States court would appoint a referee who would practice law in that way. It is a very serious accusation to make, and certainly it is one which I would not make unless I had some better ground than mere report.

Mr. QUARLES. The distinguished Senator from Texas may very safely throw out that challenge to me, because, of course, I have not such familiarity with the affairs of that court as would permit me to know by name who these members were.

Mr. BAILEY. Not to seem persistent with the Senator from Wisconsin, does the Senator think it entirely fair to the young men who are practicing law in the Indian Territory to make that kind of a charge against them? I suppose there are some rascals there—some, I have no doubt, came from Arkansas and Texas and some from Wisconsin. Rascals generally go to any new place. But I do know some as reputable lawyers there as can be found at any bar in the United States, and I know that at least one of those lawyers is now representing the Indian tribes in this very matter. He was formerly a citizen of my home town. He is a most respectable gentleman, a man of character and ability; and if I were sure that he would try all these cases for the Indians I would not be so apprehensive of the result. But it is a reflection upon the lawyers both for the Indians and against the Indians to suggest that lawsuits are settled in that way in that Territory.

Mr. QUARLES. Mr. President, I should dislike to make any wholesale charge against that overworked and ill-paid profession to which both my distinguished friend from Texas and myself have the honor to belong. I did not assume, as the Senator will bear me out in saying, to make that charge upon my own knowledge. I did it upon information and belief, and at the time stated to the Senate that I made the charge upon the universal consensus of opinion of every person whom I met who was approached upon that subject.

In regard to the laxity of that proceeding, however, I have something that is more than mere matter of opinion. I have here a list of some 267 names of persons who never made any application at all to the Dawes Commission, of persons who were not properly before the appellate court, whose names were interpolated into those judgments, and when the judgments were entered up these 267 persons, the list of whose names I have here, were found to have final judgments against the Chickasaw Nation for a part of their patrimony. Further, Mr. President——

Mr. BAILEY. Can the Senator tell the Senate what became of those names?

Mr. QUARLES. I will with great pleasure. I apprehend, sir, that they would still appear there in that court as judgment creditors to-day if the Dawes Commission had not, by its agent, investigated the records and detected that great fraud. The Dawes Commission—not the clerk of the court, not the judge who presided, not any bailiff who might have been present, but the Dawes Commission themselves—went there, investigated, and ascertained this fraud, and then, of course, the court struck those names off its record, as any civilized court would have done.

Mr. BAILEY. Do the Senator's papers recite on whose motion it was the court struck those names off?

Mr. QUARLES. They do not.

Mr. BAILEY. I will say to the Senator that my information is not as to the whole number, but as to one particular case; that Judge Townsend discovered it himself, and upon his own motion corrected it. The names were interpolated as the Senator suggests; but in that case Judge Townsend struck them off.

Mr. QUARLES. Mr. President, I ask any lawyer who now listens to me to consider for a moment what kind of a legal proceeding it is and how the rights of litigants are safeguarded when 267 bogus claimants can be interpolated into a judicial proceeding without its being detected or corrected, until, as I say, I learned from Mr. Bixby, who is the chairman of the Dawes Commission, that it was he or the agent of the commission that made this discovery.

Mr. President, let me say another word as to the situation in which these Indians stood down there when this great question arose. These two tribes of Indians had each one an attorney—two attorneys representing the two tribes—and on the other side, representing these white citizens, was a multitude of the disciples of Blackstone, probably the whole bar from the adjacent part of Texas and from a part of Arkansas. I understand they are good lawyers—those whom I have seen from Texas would indicate that to me—whereas the two lawyers who represented these two tribes on that occasion were stupid. The old maxim is, "Against stupidity the gods themselves are powerless." But those lawyers were not only stupid, but they were stubborn; and when you get those two things—stupidity and stubbornness—combined in a lawyer it is a bad combination.

What did those two men do representing these Indians? They were civilized Indians, it is true, Mr. President, but utterly without any experience in the courts. The Indians had never had any litigation before, and they were there like so many children, not understanding the procedure that was going on. What did those two lawyers do? They said to their Indian clients, "We will not present any evidence against these claimants; you have got evidence here, but we will not use it; we are confident we can beat that whole Dawes Commission act; we are confident it is unconstitutional, and we propose to rest your case upon that proposition."

Not knowing any better, having no experience, they permitted their attorneys to take that course. The result is that the case of the Indians was never presented to that tribunal at all. I understand full well that if these Indians had been white men, if the same rule had to be applied to them that is applied ordinarily to white citizens, we would say to them: "You were guilty of neglect; you ought not to have listened to your lawyers; you ought to have known better than to have withheld your defense."

But we can not say that to these Indians, first, because it would be unjust on the merits, and, secondly, because we sustain to them a peculiar and sacred relation. We have a relationship to those Indians which is akin to guardianship; and therefore we must look with extenuation upon their lack of experience and their mistakes. The great stubborn fact is presented here to the Senate that the case of those tribes was utterly sacrificed and never presented to that court at all, owing to the stupidity of the lawyers who appeared for the Indians there.

But that is not all, sir. There is another reason why this Government is in honor bound to pass this or some similar provision, and I may say in my judgment why the amendment offered by my distinguished friend from Texas is malapropos. His amendment is to withhold from the citizens' court the right to review those judgments as to matters of law. Mr. President, when those cases were presented to those two judges—against whom I have not a word to say, but who I believe to be conscientious and honorable gentlemen—what happened? One judge took one rule of law regarding the question of citizenship and the other judge held diametrically opposite to him. What was that question?

The very question that the Dawes Commission had considered in the court of first instance, namely, whether the applicant was entitled to affirmative relief if he showed that he had Choctaw or Chickasaw blood in his veins, or whether he must go further and show that he had been a citizen of that tribe and amenable to the jurisdiction of that tribal government. On that great fundamental principle these two judges separated, so that two own brothers having come from Texas, one of them having applied to

Judge Clayton and the other to the other judge, one of them would have been admitted to citizenship on the question of blood and the other would have been rejected.

Mr. BAILEY. Now, let me ask a question, if it will not interrupt the Senator.

Mr. QUARLES. Not at all.

Mr. BAILEY. Let me ask the Senator what is the justice, if the brother who was admitted in the trial court shall by this new court of appeals be excluded, and still the one who was excluded when he would be entitled to admission under the new decision is denied the right of appeal?

Mr. QUARLES. I will come to that question a little later, if the Senator will permit me.

I want now to press home, while I have the matter before the Senate, this proposition, for which this great nation is responsible by reason of the clumsy machinery which is afforded down there for the settlement of this important question. It does not require a college education to understand that that legal condition of things which resulted from those adverse decisions down there is intolerable—one judge holding that it was a question of blood and the other holding that it was not a racial question at all.

As we left those Indians in trying to repair this wrong we have done them we furnished no machinery whatever for the correction of that difference of opinion in those judges, and there to-day in the Indian Territory stand those two rules of law diametrically opposed to each other, rules of decision unchanged and unchangeable, one of which, of course, is right and the other is wrong, and we have given these Indians no opportunity to determine which is right and which is wrong.

Mr. President, is not that a very forcible and persuasive reason against the amendment proposed by my distinguished friend to withhold from this court any right to review a question of law? Would my friend be in favor of perpetuating by his amendment that unjust and anomalous condition of things? That is the very reason, and one of the most persuasive reasons, why we should pass this treaty, that the facts may be investigated, the law reviewed, and the very right of the issue both of fact and of law may be determined.

But that is not all, Mr. President. These two judges differed on another question—the question of the right of intermarried citizens. Their decisions were diametrically opposed to each other on that question; and the Senator from Texas well understands that, in view of the frequency of intermarriage into both of those tribes, that is a most important and fundamental question that ought to be settled, and it ought to be settled right. You have not so settled it. You have two rules which are doing manifest injustice to a large number of those Indians.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. QUARLES. Certainly.

Mr. PLATT of Connecticut. May I inquire of the Senator for information, if a person claims to be a Choctaw citizen because he has married a woman who is a descendant of some Choctaw Indian, is that a question of law which has been decided in those courts?

Mr. QUARLES. Yes, sir; that is one of them. The other one I stated while my distinguished friend from Connecticut was absent, and it is a very radical one—the question as to what it is which qualifies the applicant to a judgment of citizenship; whether it is merely a question of blood, or whether it is further than that, a question of belonging to the tribal organization as a citizen.

Mr. President, it is absolutely intolerable, not only to these Indians, who have always been complaining of it, but to every self-respecting white man, that that condition of things should be left there as a finality. I understand the fact to be that if one of those white men from Texas, who claim to have——

Mr. BAILEY. Mr. President, I must say to the Senator from Wisconsin that it is not exactly a civil thing to be continually talking about "those people from Texas," intending thereby to imply that I am taking this position because people from my State are interested in this question. I should not impute any such motive as that to the Senator in the case of Wisconsin people.

Mr. QUARLES. I must say to my distinguished friend that I think his criticism is far-fetched. I had no thought of any disparagement of the distinguished Senator by reason of his attitude.

Mr. BAILEY. Then there was not any point in the twenty times reiterated statement about "these people from Texas?"

Mr. QUARLES. Mr. President, there may not have been any point in anything I have said; but 75 per cent of those white claimants came from Texas, as the Dawes Commission informs me. So, in referring to them as white men from Texas, I was certainly within the record and the facts.

Mr. BAILEY. Do not be certain as to the record and the facts when you talk upon the assurance of the Dawes Commission.

Mr. QUARLES. I see my friend does not like the Dawes Commission. I can only say to him that I recognize his right to stand here and protect his constituents in any rights they have acquired by judgments in the Indian Territory or anywhere else. I should be the last man to complain of that position on his part, and I hope the Senator will absolve me from any idea of any reflection upon him in the premises.

I was about to say, Mr. President, that if white citizens—4,000 of them, who are admitted by the judgments of these courts—were fairly admissible under the law, there are probably in existence a million other people equally well qualified to be admitted; that is, they have some Choctaw or Chickasaw blood; but an examination of the legislation will convince any candid person that the view which has been taken by this nation and by the tribes themselves is that something more than blood is required in order that they may share the patrimony of these tribes which we are just about making arrangements to deliver over to them in severalty. For instance, there are living in Mississippi a very large number of full-blood Choctaws about whose ancestors there can be no doubt.

They are full bloods, and still they are not permitted under the law to go there and share the lands or the annuities of the Choctaw tribe. Why? Because, while they are Choctaws, they are not citizens of the tribe or the nation with which we are dealing. If that is so, how absolutely unjust it is to say that a white citizen coming from Arkansas, Texas, or any other State should have greater privileges in that tribe than a full-blood Choctaw living in Mississippi. The law requires that, in order to share with this tribe in the land or annuities, the full-blood Choctaw from Mississippi must first remove to the Indian Territory, take up his residence there, come under the jurisdiction of the tribal government, and thus, and thus only, can he become a citizen in that tribe in the sense in which we are dealing with him.

Let me refer for a moment to a hardship that would result from any other rule. This group of persons to whom we refer as the Choctaws, for instance, in an early day, at the earnest request of this Government, left their homes and their firesides in Mississippi and moved west of the great river out to this section of territory that was then supposed to be a little strip of land that God had forgotten.

They endured the dangers and hardships of that trip, and they were very great; they went into that wilderness, and for more than seventy years have endured the privations of the frontier; they have erected their governments there; they have built their statehouse, they have built their schools, and, Mr. President, I saw a school edifice in the Cherokee Nation when I was there which would have done honor to any Eastern city. It did not cost less, in my judgment, than $50,000—a schoolhouse that had been erected there by those Indians with their own money for the purpose of educating their young Indian children.

All this long experience these people have endured until, finally, the railroads have come in, have gridironed that Territory, white men have come in, and now there are 350,000 white men in that Territory as against 80,000 Indians.

How unjust it would be, I say, to those Choctaws and Chickasaws, who legitimately constitute those tribes, those governments, after all they have endured and suffered and done, just as the division is to made, that white citizens born in another State should come across the line, and upon the plea or the proof that they have some—no matter how little—Indian blood in their veins, step right in and share the patrimony which belongs to those Indians who deserve so well of this nation. It is a hardship which they resent, Mr. President. If the motion of my distinguished friend should prevail, it would be impossible to ratify this treaty. This is the sore spot, and if we ever have a convention with that tribe of Indians we must do substantially what the committee is asking us to do.

Let me state another thing to show the necessity of doing this now, and that is, as I said a moment since, these Indians have relaxed the rigid rules which they might have enforced against the white man. They might have kept every white man out of that domain and they might have summoned Uncle Sam's bayonets there along the line to maintain good faith and keep the white intruder out. But what did they do? They said, "No; we will permit the white man to come." They found that when the white men came they had the benefit of better physicians; they had better stores; they were better served in every way than they could be by the members of their own tribes, and so they said, "Yes, come in;" and, subject to the payment of certain taxes, which they have always insisted upon, they have allowed the white man to come, and he is there. There are 350,000 of them there.

Mr. President, that is a Territory which now practically is controlled by the will of the Secretary of the Interior, who there is almost as absolute as the Czar of Russia in his domains. After the Atoka agreement was entered into the tribal government began to decay; there was nothing else to take its place; and so,

while the United States has courts there, there is practically no responsible system of law. Those people are living there practically without any law.

Let me tell you another thing, Senators. There are 50,000 little children of school age without any facilities for education whatever, growing up there in that Territory without any opportunities such as civilization offers to every child. It is a sad state of things; it is an intolerable state of things, which this Senate ought not to permit to exist a moment longer if it can be obviated. How are you going to obviate it? Simply by passing this treaty.

We have a treaty with the Creeks and Seminoles, and we are about to get a treaty with the Cherokees, we hope; but if you have a rigid rule applied, such as my distinguished friend from Texas would ask to be applied, in remedying this great injustice to these Indians, you will not get this treaty ratified; and let me say to you that next year it will be twice as bad as it is now. Why? Because civilization has gone in, new mines are being discovered, and hostile interests are being aroused, so that in a little time it will be impossible for us to get all these warring elements together into any given compact.

Now, after this great labor here, this treaty, which we now present to you, can be ratified and will be ratified by these two tribes; and that will take out of our way the greatest obstacle to the undertaking upon which the Government has set out. I beg Senators, therefore, to consider this question well, whether we can not as to our own wards afford to be lenient to their lack of experience or their ignorance or their mistakes; whether we can not afford to say that we did them a wrong when we first took this question of citizenship out of their hands, and that by reason of that wrong it becomes the more obligatory upon us to right this injustice for which, in a large measure, the Government is responsible by reason of its initial mistake, to right the wrong which occurred by reason of these different judicial determinations there, to furnish a tribunal that can review both the facts and the law, and, as the language of the bill says, let them ascertain the very right of the matter.

We can afford to do it, Mr. President. While my distinguished friend would put these Indians upon the same footing as the white man, I say we ought not to stand here and consider the niceties of the procedure or the refinements of definition; but we can, to vindicate our honor and to protect our wards, afford to do the very thing that this treaty calls for, namely, create a citizenship court, and let them right the wrong; let them take the evidence and determine what the facts are; let them relieve the Indians of this double rule as to the law; and then, when right has been done, no one will be harmed and no one can complain.

Now, just one word with reference to the suggestion made by my good friend, the Senator from Texas, and the suggestion made by my colleague a few minutes ago. My information was that the applicants who appeared before the courts down there were for the most part admitted. If there were any rejected, I have no objection whatever, so far as I am concerned, and I do not believe the Indians would (I speak only for myself now, however), if we are going to erect this court down there as a citizenship court, to extending the language of this proposed act so as to permit any of the citizens who were rejected there at that time to have the same appeal to the citizenship court that the nation has.

But there is this proposition which my friend the Senator from Nevada suggested, and which he did not elaborate. If it was true in the first place, as we both claim, that the Indians ought to have had the sole and exclusive right to determine who their own citizens were, that we ought not to have taken that away from them, this treaty, in permitting those Indians in substance to determine who shall enjoy the right of appeal, is really coming to the same proposition with which we started out. But so far as I am concerned, I am perfectly willing that there should be an amendment which would make this a citizenship court in every sense of the word and in the best sense of the word, so that if an injustice has been done there on either side the case may be heard by appeal.

Mr. JONES of Arkansas. Will the Senator from Wisconsin allow me to make a suggestion?

Mr. QUARLES. Certainly.

Mr. JONES of Arkansas. I want to suggest to the gentlemen interested in this question whether it might not be the wisest solution of the matter to strike out in the Senate sections 32 and 33 of this bill, after disposing of the remainder of the bill in a way satisfactory to the Senate, and leave this question open to the conference committee to make any modification which may be wise.

Mr. PLATT of Connecticut. I do not understand that the Senator from Arkansas makes any motion.

Mr. JONES of Arkansas. It is a mere suggestion on my part.

Mr. PLATT of Connecticut. It is a suggestion. I desire to ask the Senator from Wisconsin whether he has any doubt of our power to pass this provision allowing the tribe to appeal against the admitted citizens without also including other provisions for those who were rejected?

Mr. QUARLES. I have no doubt, Mr. President, so far as the law is concerned, of our right to do exactly what we are proposing to do, but I was only assuming on my own account to say that, so far as I was concerned, I would not object, if the Senators desire it, to having that other provision put in the treaty.

Mr. PLATT of Connecticut. Does the Senator understand that there were any considerable number rejected?

Mr. QUARLES. I do not so understand.

Mr. President, I have only a word in conclusion. My distinguished friend, the Senator from Texas, spoke about the fact, which I have heard, that the Chickasaw papers were burned at Ardmore when the court-house was consumed. If his amendment were to prevail, so that all the relief afforded under this act were a review of the facts, how much more strongly would that unfortunate circumstance apply to the Indians in the preparation of their case than it would to the claimant?

My friend well understands that where a judgment book has been destroyed there is a definite legal way by which it can be restored, and I have no doubt those judgments have been restored. If so, they stand with all the judicial force and efficacy that the original judgments did, and can only be attacked in the same way that the original determinations might have been attacked. But not so with the Indians who are seeking to overturn the structure of fact upon which that judicial determination rests. It is to their detriment that these rolls have been destroyed, because there they would get their clew to their defense on the facts if they were ever able to have any at all.

But under this treaty as the committee has presented it here what may the Indians do? They will file there simply those judgments in the Chickasaw case, without any papers, without any suggestion of witnesses or defense. But learning the name of the claimant from the judgment roll, they may produce evidence to this tribunal that the claimant was never amenable to the jurisdiction of the Chickasaw government, so that notwithstanding the fact that he may have had Chickasaw blood in his veins he never came within the intendment of the law under the citizenship of the Chickasaw nation. That finishes, then, the question of law upon which they may plant themselves and urge to the citizenship court that the law when properly administered requires something more than blood.

No, Senators, the honor of this nation, pledged as it is to those wards of the nation, is something more than mere procedure. We are not to be hampered here by the rules that courts of equity have themselves enacted to limit their own jurisdiction. This is not the case of an ordinary claimant coming into a court of equity and asking to have a judgment at law set aside, which judgment involves only property rights of the two litigants. But this is a question of a great nation under every obligation to deal honestly, justly, fairly by their wards—these poor Indians—and to remedy this injustice and outrage for which the nation itself, as I have already explained, is in a large measure responsible.

Give them, therefore, this treaty. Let the very right of the matter be determined not only as a matter of fact, but as a matter of law, and in that way the nation will have discharged its duty, kept its faith, while otherwise the Indians will condemn us and refuse to agree to our treaty, and all efforts to fit that Territory for statehood, to bring civilization and schoolhouses into it, will be of no avail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Texas.

Mr. BAILEY. If no other Senator desires to say anything, I desire to reply to one or two observations which have been made.

Mr. PLATT of Connecticut. I do not know exactly how to take the suggestion of the Senator from Texas. I did intend to say something on this subject, and I do not want to feel that I am cut off.

Mr. BAILEY. I observed that neither the Senator from Connecticut nor the Senator from Arkansas rose when the Chair was putting the question, and I thought they had determined to rest it on the elaborate argument of the Senator from Wisconsin. At any rate, being on the floor, I will proceed.

If the logic of the Senator from Wisconsin [Mr. QUARLES] is no better than his law it will not be very safe to follow him. He first stated that this land belonged to the Indians in fee simple. When I ventured to correct that statement he admitted the correction, but followed it up by saying it was unimportant.

If it was not important what kind of fee the Indians owned, then the Senator from Wisconsin ought not to have said it was fee simple, because it was not necessary to describe it. When I called his attention to the fact that it was not a fee simple, but that it was what the lawyers call a determinable or base fee, he then followed that other mistaken description of the fee which the Indians held with the still more startling proposition that

the United States Government had no power to interfere with the governmental relations of the Indian tribes.

I stated to him at the time that I had not specially examined into the matter, but I ventured to dispute that assertion and thought I remembered more than one decision on it. I have here a leading case—that of The Cherokee Nation *v.* The Kansas Railway—in which the attorneys for the Indians sought to make the very contention which the Senator from Wisconsin now sanctions. The Government of the United States had authorized that railway company to exercise the great right of eminent domain. The Indians contested the exercise of that right, and alleged that the Federal Government had no power, either itself to take or authorize anybody else to enter that Territory and take its lands, which contention the Supreme Court very promptly and, as I think, very properly, overruled.

In the course of the decision they quoted the language of Chief Justice Marshall in the great case of the Cherokee Nation *v.* Georgia as establishing the absolute sovereignty of the United States over those Indian tribes. And again in the case of the United States *v.* Rogers, speaking again of this very Cherokee Nation, though not of the particular case of the Cherokee Nation against the Kansas Railway, the Supreme Court said:

It is true that it—

Meaning the land—

is occupied by the tribe of Cherokee Indians. But it has been assigned to them by the United States as a place of domicile for the tribe, and they hold and occupy it with the assent of the United States and under their authority. * * * We think it too firmly and clearly established to admit of dispute that the Indian tribes residing within the territorial limits of the United States are subject to their authority.

And what surprised me still more was that the very decision from which the Senator from Nevada had read, and which lay on the desk next to the Senator from Wisconsin, was a case establishing the constitutionality of a law which had interfered with the tribal government of those people.

But, Mr. President, it is a waste of time to argue that the United States has complete and ample power over the tribal relations, governmental and otherwise, of the Five Civilized Tribes. It is true enough that the United States have covenanted by more than one treaty that they will recognize certain of their rights, but it is equally true and equally well established that a law of Congress contrary to any treaty of the United States with the Indians or with foreign nations supersedes the treaty so far as the treaty and the law may conflict.

The Senator from Wisconsin asserted this denial of the power of the Government over those tribes as a support for the proposition advanced by the Senator from Nevada when he contended that the Government ought never to have enacted a law that attempted to interfere with the settlement of citizenship in the Indian tribes. I forgive the Senator from Nevada for making that statement, because the Senator from Nevada knows very little about conditions in the Indian Territory, though he must know something about the natural greed of the Indian.

To say that you will leave to a part of a tribe possessing valuable lands to be divided the power to determine the extent to which people outside, though entitled to be inside, shall participate in the division of that land is equivalent to asserting that it would be wise and just to allow the established heirs of any estate to decide the contest of those who claim a right to a division of it. The Senator from Nevada would not suggest that the legislature of his State should enact a law which declared that whenever an estate should be settled or divided the heirs in possession should be permitted to determine whether other heirs should come in for participation.

Mr. STEWART. Will the Senator from Texas allow me?

Mr. BAILEY. Certainly.

Mr. STEWART. The State of Nevada is constantly determining, by passing laws, who shall be citizens. If anybody undertook to determine the citizenship of the people of Nevada, it would be very hard. Each State has the right to determine the length of time persons shall reside in the State before they shall be citizens.

Mr. BAILEY. That used to be the law, but Nevada does not now determine who are citizens. The fourteenth amendment settled that.

Mr. STEWART. Nevada determines how long they shall remain there——

Mr. BAILEY. How long they shall remain there in order to be entitled to vote.

Mr. STEWART. Yes.

Mr. BAILEY. They can vote without being citizens. It was once held that Nevada or any other State could determine the question of naturalization, the court originally holding that it was one of the concurrent powers; but that doctrine has long since been abandoned, and now all persons born or naturalized in Nevada are citizens of that State, and although Nevada should desire to make them other than citizens she could not do it.

Mr. STEWART. We can make them stay there one year or two years or five years.

Mr. BAILEY. Before they vote. But the Senator is unfortunate in using the word "citizenship" to describe the relationship of the members of those tribes. They are not citizens. They are members of the tribe.

Mr. STEWART. Ought not the tribes to determine who belong to their association?

Mr. BAILEY. That is a question of membership and not a question of citizenship.

Mr. STEWART. Does the Senator maintain that persons enjoying all the rights and privileges of citizens of and paying taxes in other States can be members of these tribes?

Mr. BAILEY. That is not my contention, nor is that the point we have in hand just now. I am insisting that the people of these tribes, already there, ought not to be permitted to determine who shall come in and share with them what belongs to the tribe. Whether people who have not resided in the Indian Territory and been members of this tribe should ever under any circumstances be permitted to share in a division of that estate is a question beyond the present controversy. The Congress of the United States decided that they were so entitled, and they have gone in under that law. In the beginning of this controversy no complaint was made against the law, and the only objection to the roll as now made up was that men by perjured testimony had brought themselves within the law.

When driven from that, then, the Senator from Nevada and the Senator from Wisconsin now disclose that the real purpose is to repeal the law. They say Congress ought never to have enacted it, and they propose an amendment to it which practically nullifies it. The Senator from Wisconsin made it plain when he said that the law ought never to have been passed, and the Senator from Nevada agreed by nodding his assent. Indeed, the Senator from Wisconsin was merely repeating a statement already made by the Senator from Nevada, and they both declare that as Congress ought never to have passed the law it would be good policy to nullify it now by this amendment.

Mr. STEWART. It would be good policy to give the Indians a fair trial before three judges in order to have no injustice done in the matter.

Mr. BAILEY. The Senator is not more anxious to avoid injustice toward the Indians than I am. What does the Senator from Wisconsin say? He says that the two judges have held exactly crosswise with each other. He says that two brothers from Texas—by the way, I am very much surprised at the spitefulness of the repeated allusion of the Senator from Wisconsin to Texas people——

Mr. QUARLES. Mr. President——

Mr. BAILEY. The lowest kind of argument is that which imputes an unworthy motive to an advocate of any cause.

Mr. QUARLES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Let me finish my statement. It is absolutely certain that I would be prompt to defend any right lawfully acquired by any citizen of Texas, though the Senator from Wisconsin ought to know that if these men hold their judgments they will cease to be citizens of Texas and become citizens of the Indian Territory. Indeed, I will go so far as to say that every man with a judgment entitling him to membership in those tribes is already in the Indian Territory and has removed from the State of Texas.

Mr. QUARLES. I must confess to some surprise, Mr. President, that my distinguished friend the Senator from Texas is not willing to accept the disclaimer which I promptly made on the floor the moment the suggestion was made that I was disparaging the Senator or imputing to him any improper motive. I am surprised that my distinguished friend is not gracious enough to accept my disclaimer; and if it requires another assertion of the proposition, I claim the right to say now that I had not the remotest idea or thought of suggesting that my friend had done anything that was not entirely proper or that he had any improper connection with these people or anything else. There was nothing of the kind in my mind.

Mr. BAILEY. Oh, I do not for a moment imagine that the Senator would impute to me any improper connection, because that is a statement that no Senator would make with respect to me. But what I complained about was that the Senator constantly repeated the statement as to these lawyers from Texas and these people from Texas, thereby insinuating to the Senate that I had other than the mere legal objections to it. I will say the Senator is not more surprised that I did not accept his disclaimer than I was in his repeated talk about these people who came from Texas. I tell the Senator now that as often as a man goes from Texas to the Indian Territory he improves the citizenship of that Territory, and the same could be said of Wisconsin just as well as of the Indian Territory.

But, Mr. President, the Senator from Wisconsin, as I was

proceeding to say, said two brothers might come from Texas with the identical facts in each case. One might apply for admission under one judge, the other might apply for admission under the other judge. and yet upon the identical facts, he said, one brother might be admitted as a member of the tribe and another might be excluded. Grant it. Then what is the arrangement? One brother having been excluded and the other brother having been admitted, the arrangement is, if this new court shall hold that the judge had erred in the case, admitting one brother, that admitted brother shall be excluded. But it is nowhere provided that the brother who was wrongfully excluded by the other judge is permitted to appeal from his decision.

The result will be—and that is the purpose of it, as was made plain by both the Senator from Wisconsin and the Senator from Nevada—and the result will be that large numbers of these people will go off of that roll upon a pure question of law, and thus they abandon the charge of wholesale perjury and fraud, because they now believe that they can carry their measure through the Senate by proclaiming its real purpose; which is, that they intend by an amendment to the law to destroy a law which they say ought never to have been enacted. That is the purpose of it. That is the avowed object of it.

Mr. President. it is difficult for me to characterize in temperate language the effort to make it appear that everybody in the Indian Territory who has been connected with these cases is a rascal, lawyers included. That there are rascals there practicing law I have no doubt. There are in every State rascals in every vocation. But in the main the young men who have gone to the Indian Territory to practice their profession are ambitious, vigorous, straightforward, and honorable. They have not gone there, it is true, for their health, nor for the society.

They have gone there with the deliberate purpose (denying themselves the comforts and conveniences that exist in older civilizations) of improving their condition. But nearly all of those whom I have the pleasure to know have the wisdom to understand that no man in the end ever improves his condition by practicing dishonesty. I believe that the bar of the Indian Territory will compare favorably with the bar of almost any State in the Union, numbers considered. As a neighbor of theirs, having no lot or parcel with them, never expecting to be closer than a neighbor, I desire in this high place to protest against the stigma which it has been sought to affix upon their name.

I do not know who the referees were, except in the one case to which I have already alluded, but I do not believe, and I will never believe without something like a definite assertion and proof, that any judge of the United States holding court in the Indian Territory would appoint as his referees attorneys who practice in the very cases which they are to decide. That there were referees, and that the referees disposed of the preliminary work in many of these cases, I am sure is true; but if that is calculated to raise a presumption against the honesty of these judgments, that same presumption would be raised against the judgments of almost every State in this Union, and especially among the older States.

I undertake to say that to-day in the great State of New York more of the work of every court there is done by referees than is the case in the Indian Territory. Even if it happens that a referee in this case should hereafter become interested in a similar case, I would hesitate a long time before I would say that he decided the case referred to him in expectation of a benefit in the decision of the case where he was a lawyer. And yet it is necessary to this argument that this cloud of doubt and suspicion shall be made to involve the lawyers in that Territory.

The Senator from Wisconsin exhibits a list of two hundred and odd names which he says were improperly interpolated in one of these judgments, and affirms that this fraud would have become fixed if the Dawes Commission had not found and exposed the wrong. If the Dawes Commission served that useful purpose, I am glad to know that it has made at least some effort to earn the salary which the members have been drawing for almost ten years for work that ought to have been done in five.

But as a matter of fact, the Dawes Commission did not discover that mistake, unless my information is widely at fault, because before the Senator from Wisconsin ever exhibited that paper I had heard of this particular case, or at least I had heard of a particular case. As I recall it, it did not include any 267 names, but it included a large number that had been fraudulently inserted in the judgment, and the judge of the court himself and of his own motion struck them out.

It is, sir, a strange conclusion to draw, that because a fraudulent attempt was detected and prevented, therefore every judgment of the court shall be tainted with suspicion. If, as a matter of fact, fraud of that kind should be attempted in a court and should be defeated, I would consider that a circumstance strongly tending to establish the diligence and attention of that court rather than to cast suspicion upon its proceedings.

Mr. President, I see that the Senator from Vermont [Mr. PROCTOR] desires to submit a conference report, and I yield for that purpose.

ARMY APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 18, 20, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 9, 10, 11, 16, 17, 19, 22, 24, and 25; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "all" in line 4, page 22 of the bill, and insert in lieu thereof the following: "and an inspection;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "promptly;" and the Senate agree to the same.

On the amendments of the Senate numbered 14 and 15 the committee of conference have been unable to agree.

REDFIELD PROCTOR,
J. B. FORAKER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

MONUMENT TO GEN. HUGH MERCER.

Mr. BAILEY. The Senator from Virginia [Mr. DANIEL] must leave the city, and I yield to him for a matter which he has in hand.

Mr. DANIEL. I thank the Senator from Texas, and the Senator from Nevada also, who have kindly consented to yield to me for a brief time.

I desire to ask the unanimous consent of the Senate for the consideration of the bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected.

Mr. STEWART. I will yield if it does not lead to extended debate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has been read, and the amendment of the Committee on the Library has been agreed to. Are there further amendments as in Committee of the Whole?

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected."

The preamble was agreed to.

LIFE-SAVING SERVICE.

Mr. NELSON. By the consent of the Senator from Texas, who kindly yields to me, I report back from the Committee on Commerce the amendment of the House of Representatives to the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service. The committee agrees to the amendment, and I ask that it be read and concurred in.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 5 strike out the words "two thousand dollars per annum each" and insert:

as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, $2,000 per annum each; for the superintendents of the third and ninth districts, $1,800 per annum each; for the superintendent of the eighth district, $1,700.

The PRESIDENT pro tempore. The Senator from Minnesota moves that the Senate agree to the House amendment.

The motion was agreed to.

LANDS IN SAN DIEGO COUNTY, CAL.

Mr. BARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from California?

Mr. BAILEY. I yield to the Senator.

Mr. BARD. I ask for the present consideration of the bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.

Mr. STEWART. I do not yield to have the Choctaw-treaty bill lose its place.

Mr. BARD. This bill will take but a moment.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST COLOMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in further response to the Senate's resolution of May 15, 1900, requesting copies of all correspondence and papers in regard to claims of citizens of the United States against the Government of Colombia growing out of the withdrawal of the military forces and police from Colon by that Government and the firing of the city by insurgents in 1885.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 23, 1902.*

MISSOURI RIVER BRIDGE.

Mr. DIETRICH. The Senator from Texas yields to me that I may call up the bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. BAILEY. I yield to the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pacific Islands and Porto Rico with amendments.

The first amendment was, in section 1, page 1, line 7, after the words "marine hospital," to insert "post-offices, custom-houses, United States courts;" in line 11, before the word "owned," to insert "and the submerged land underlying the same;" and on page 2, line 9, after the word "act," to insert:

And provided further, That nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May, 1900.

So as to make the section read:

That the President be, and he is hereby, authorized to make, within one year after the approval of this act, such reservation of public lands and buildings belonging to the United States in the island of Porto Rico, for military, naval, light-house, marine-hospital, post-offices, custom-houses, United States courts, and other public purposes, as he may deem necessary, and all the public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in said island and not so reserved be, and the same are hereby, granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island: *Provided*, That said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President under the provisions of this act: *And provided further*, That nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May, 1900.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to insert:

SEC. 2. That the Secretary of War is hereby authorized and directed to have a survey made of the harbor of San Juan, and of the other principal ports of Porto Rico, with a view to increasing anchorage areas and harbor facilities, to prepare estimates of the cost of work considered necessary in the interest of commerce and navigation, and to make due report thereof to Congress; the expense of such surveys to be paid for from the appropriation for examination, surveys, and contingencies provided by section 2 of the river and harbor act of June 13, 1902.

The amendment was agreed to.

The next amendment was, on page 2, after line 24, to insert:

SEC. 3. That the sum of $2,000 is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, to be expended by the clerk of the district court of the United States for Porto Rico, under the supervision and subject to the approval of the presiding judge of said court, in the purchase of a law library for the use of said court.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

SEC. 4. That the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have a seat in the House of Representatives, with the right to debate but not to vote, and shall be entitled to the same compensation for salary and other allowances, and to the same rights and privileges as the Delegates from the Territories of the United States, and his term of office shall commence on the 4th day of March next succeeding the date of his election; and the term of office of the present incumbent is hereby extended to the 3d day of March, 1903.

Mr. SPOONER. Is the bill before the Senate or is it just being read for unanimous consent?

The PRESIDENT pro tempore. It is before the Senate as in Committee of the Whole, and the amendments of the committee are being acted on.

Mr. SPOONER. By unanimous consent?

The PRESIDENT pro tempore. By unanimous consent.

Mr. SPOONER. I want to debate the provision for a delegate from Porto Rico. I was not aware that it was in the bill. When was the bill reported?

Mr. FORAKER. I thought the Senator was aware of it.

Mr. SPOONER. I was not.

Mr. FORAKER. We do not make him a delegate. The resident commissioner is still the resident commissioner. He retains the name. He is given a seat on the floor of the House of Representatives, however. I of course do not want to cut off any debate. I suppose I was in error in so understanding, but I understood that the Senator would not object to it if we did not change the name.

Mr. SPOONER. I have not read it. I did not know there was any such provision in the bill. I wish the Senator would let it go over until to-morrow.

Mr. FORAKER. Very well, if the Senator wishes.

Mr. SPOONER. I would be glad if he would let it take that course.

Mr. FORAKER. Very well. Let it be read for information all the way through.

The next amendment was, on page 3, after line 19, to insert:

SEC. 5. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FORAKER. Before the bill is laid aside for the day, I will suggest to the Senator from Wisconsin that the last provision is entirely separate from the one to which he took exception. It simply provides for the granting of naturalization papers to people who live in our insular possessions. As the law now stands no one can be naturalized in accordance with the statutes until he forswears allegiance to some foreign sovereignty; and as there is no such foreign sovereignty for any one of those inhabitants to forswear his allegiance to, this bill simply corrects the law in that particular. I hope there will be no objection to that, but that the amendment may be considered adopted, and the bill then go over as to the other amendments.

The PRESIDENT pro tempore. Has the Senator filled the blank section 2 in regard to the date?

Mr. FORAKER. Yes; I have filled the blank.

The PRESIDENT pro tempore. Then all the sections will be considered as agreed to except the one to which the Senator from Wisconsin [Mr. SPOONER] objected.

Mr. FORAKER. And that section goes over for the present.

The PRESIDENT pro tempore. That goes over.

Mr. MCCOMAS. Are there not two sections that relate to the matter of a delegate?

Mr. FORAKER. If there are two, then both will go over.

Mr. MCCOMAS. I ask that both go over relating to the delegate.

Mr. SPOONER. I suppose if the bill goes over it takes all the sections with it.

Mr. FORAKER. Of course the bill goes over, but these sections have been adopted. When the bill is again called up I will ask that the two sections objected to may be considered and acted upon.

The PRESIDENT pro tempore. The bill goes over.

TENNESSEE RIVER BRIDGE NEAR CANEY CREEK.

Mr. BATE. I ask the Senator from Texas to yield to me for the consideration of a bill that will not excite debate.

Mr. BAILEY. I yield to the Senator from Tennessee.

Mr. BATE. I ask unanimous consent for the present consideration of the bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECORDING OF DEEDS, ETC., IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I ask the Senator from Texas to yield to me for the consideration of a bill which I am anxious to have considered.

Mr. BAILEY. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes. It is a bill to put in force the laws of Arkansas in the Indian Territory as to the execution and recording of deeds, mortgages, etc. It is a bill to which there will be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. JONES of Arkansas. There are certain committee amendments proposed, which I ask may be considered in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Indian Affairs was, on page 1, line 3, after the word "chapter," to strike out "126" and insert "27;" in line 6, after the word "Territory," to insert "so far as the same may be applicable and not inconsistent with any law of Congress;" in line 8, after the word "clerk," to insert "or deputy clerk;" in line 9, before the word "courts," to strike out "district;" on page 2, line 1, before the word "office," to strike out "principal;" and in the same line, after the word "clerk," to insert "or deputy clerk;" so as to read:

That chapter 27 of the Digest of the Statutes of Arkansas, known as Mansfield's Digest of 1884, is hereby extended to the Indian Territory, so far as the same may be applicable and not inconsistent with any law of Congress: *Provided*, That the clerk or deputy clerk of the United States court of each of the courts of said Territory shall be ex officio recorder for his district and perform the duties required of recorder in the chapter aforesaid, and use the seal of such court in cases requiring a seal, and keep the records of such office at the office of said clerk or deputy clerk.

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "clerk," to insert "or deputy clerk;" and in line 10, after the word "filing," to insert "for the period of twelve months from the filing thereof;" so as to make the clause read:

It shall be the duty of each clerk or deputy clerk of such court to record in the books provided for his office all deeds, mortgages, deeds of trust, bonds, leases, covenants, defeasances, bills of sale, and other instruments of writing of or concerning lands, tenements, goods, or chattels; and where such instruments are for a period of time limited on the face of the instrument they shall be filed and indexed, if desired by the holder thereof, and such filing for the period of twelve months from the filing thereof shall have the same effect in law as if recorded at length. The fees for filing, indexing, and cross indexing such instruments shall be 25 cents, and for recording shall be as set forth in section 3243 of Mansfield's Digest of 1884.

The amendment was agreed to.

The next amendment was, to strike out from line 17 to line 19, inclusive, on page 2, as follows:

All fees received for recording instruments provided for in this act shall be accounted for to the Secretary of the Treasury as other fees are.

And in lieu thereof to insert:

That the said clerk or deputy clerk of such court shall receive as compensation as such ex officio recorder for his district all fees received by him for recording instruments provided for in this act, amounting to $1,800 per annum or less; and all fees so received by him as aforesaid amounting to more than the sum of $1,800 per annum shall be accounted to the Department of Justice, to be applied to the permanent school fund of the district in which said court is located.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

That wherever in said chapter the word "county" occurs there shall be substituted therefor the word "district," and wherever the words "State" or "State of Arkansas" occur there shall be substituted therefor the words "Indian Territory," and wherever the words "clerk" or "recorder" occur there shall be substituted the words "clerk or deputy clerk of the United States court."

All acknowledgments of deeds of conveyance taken within the Indian Territory shall be taken before a clerk or deputy clerk of any of the courts in said Territory, a United States commissioner, or a notary public appointed in and for said Territory.

All instruments of writing the filing of which is provided for by law shall be recorded or filed in the office of the clerk or deputy clerk at the place of holding court in the recording district where said property may be located, and which said recording districts are bounded as follows:

District No. 1 shall comprise all of the reservations heretofore existing under the Quapaw Agency, and the place of record shall be at Miami, as provided in the Indian appropriation act for the fiscal year ending June 30, 1903.

District No. 2 shall begin at a point where the northern boundary line of the Indian Territory intersects with the western boundary line of the Quapaw Agency; thence in a southerly and easterly direction, following the western and southern boundaries of the Quapaw Agency, to the west line of the State of Missouri; thence south along said boundary line to the dividing line between townships 23 and 24 north; thence west along said line to the dividing line between ranges 17 and 18 east; thence north along said dividing line to the northern boundary line of the Indian Territory; thence east along said boundary line to place of beginning. The place of record for district No. 2 shall be Vinita.

District No. 3. Beginning at a point where the range line between ranges 17 and 18 east crosses the northern boundary line of the Indian Territory; thence south on said range line to the township line between townships 24 and 25 north; thence west on said township line to the western boundary line of the Indian Territory; thence north along said western boundary line to the northern boundary line of the Indian Territory; thence east to the place of beginning. The place of record for district No. 3 shall be Nowata.

District No. 4. Beginning at a point on the western boundary line of the Indian Territory where same is crossed by the township line between townships 24 and 25 north; thence south along said western boundary line to the township line between townships 19 and 20 north; thence east on said township line to the range line between ranges 17 and 18 east; thence north on said range line to the township line between townships 24 and 25 north; thence west to the place of beginning. The place of record for district No. 4 shall be Claremore.

District No. 5. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships 23 and 24 north; thence south along said eastern boundary line to the township line between townships 19 and 20 north; thence west on said township line to the range line between ranges 17 and 18 east; thence north on said range line to the township line between townships 23 and 24 north; thence east on said township line to place of beginning. The place of record for district No. 5 shall be Pryor Creek.

District No. 6. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships 19 and 20 north; thence south on said eastern boundary line to the township line between townships 14 and 15 north; thence west on said township line to the meridian line between ranges 20 and 21 east; thence north on said meridian line to the township line between townships 19 and 20 north; thence east on said township line to place of beginning. The place of record for district No. 6 shall be Tahlequah.

District No. 7. Beginning at a point where the meridian line between ranges 20 and 21 east crosses the township line between townships 19 and 20 north; thence west on said township line to the range line between ranges 13 and 14 east; thence south along said range line to the township line between townships 15 and 16 north; thence east along said township line to the meridian line between ranges 20 and 21 east; thence north along said meridian line to the place of beginning. The place of record for district No. 7 shall be Wagoner.

District No. 8. Beginning at a point on the range line between ranges 13 and 14 east where same is crossed by the township line between townships 19 and 20 north; thence west on said township line to the western boundary line of the Indian Territory; thence south along said western boundary line to the township line between townships 15 and 16 north; thence east on said township line to the range line between ranges 13 and 14 east; thence north along said range line to the place of beginning. The place of record for district No. 8 shall be Sapulpa.

District No. 9. Beginning at a point on the western boundary line of the Indian Territory where the same is crossed by the township line between townships 15 and 16 north; thence south along said western boundary line to the northern boundary line of the Seminole Nation; thence eastwardly along said boundary line of the said Seminole Nation to the northeast corner of the Seminole Nation; thence south along said eastern boundary line of said Seminole Nation to the township line between townships 10 and 11 north; thence east along said township line to the range line between ranges 13 and 14 east; thence north along said range line to the township line between townships 15 and 16 north; thence west along said township line to the place of beginning. The place of record for district No. 9 shall be Okmulgee.

District No. 10. Beginning at a point where the range line between ranges 13 and 14 east intersects the township line between townships 15 and 16 north; thence south on the said range line to the township line between townships 11 and 12 north; thence east along said township line to the Arkansas River; thence up said Arkansas River to the intersection of said river with the meridian line between ranges 20 and 21 east; thence north along said meridian line to the township line between townships 15 and 16 north; thence west to the point of beginning. The place of record for district No. 10 shall be Muscogee.

District No. 11. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships 14 and 15 north; thence south along said eastern boundary line to the Arkansas River, thence up said Arkansas River to its intersection with the meridian line between ranges 20 and 21 east; thence north along said meridian line to the township line between townships 14 and 15 north; thence east to the place of beginning. The place of record for district No. 11 shall be Sallisaw.

District No. 12. Beginning at a point where the township line between townships 11 and 12 north intersects with the Arkansas River; thence down said Arkansas River to the mouth of the Canadian River; thence up said Canadian River to its intersection with the meridian line between ranges 20 and 21 east; thence south on said line to its intersection with the township line between townships 7 and 8 north; thence west along said township line to the range line between ranges 11 and 12 east; thence north on said range line to the township line between townships 10 and 11 north; thence east on said township line to the range line between ranges 13 and 14 east; thence north on said range line to the township line between townships 11 and 12 north; thence east on the said township line to the place of beginning. The place of record for district No. 12 shall be Eufaula.

District No. 13. Beginning at a point where the range line between ranges 11 and 12 east intersects the township line between townships 10 and 11 north; thence south to the township line between townships 7 and 8 north; thence east on said township line to the Canadian River; thence up said Canadian River, following the meanderings thereof, to the western boundary line of the Seminole Nation; thence north along said western boundary line to the northern boundary line of the said Seminole Nation; thence eastwardly along said northern boundary line to the northeast corner of said nation; thence south along the eastern boundary line of the said nation to the township line between townships 10 and 11 north; thence east along said township line to the place of beginning. The place of record for district No. 13 shall be Wewoka.

District No. 14. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the Arkansas River; thence south along said eastern boundary line of the Indian Territory to the base line; thence west along said base line to the meridian line between ranges 20 and 21 east; thence north on said meridian line to the Canadian River; thence down said Canadian River to its confluence with the Arkansas River; thence down said Arkansas River to the place of beginning. The place of record for district No. 14 shall be Poteau.

District No. 15. Beginning at a point where the meridian line between ranges 20 and 21 east crosses the township line between townships 7 and 8 north; thence south on said meridian line to the township line between townships 2 and 3 north; thence west on said township line to the range line between ranges 18 and 19 east; thence south along said range line to the line between townships 1 and 2 north; thence west along said township line to the western boundary line of the Choctaw Nation; thence north on said boundary line to the South Canadian River; thence down said river to the point where the dividing line between townships 7 and 8 north intersects said river; thence east along said township line to the point of beginning. The place of record for district No. 15 shall be South McAlester.

District No. 16. Beginning at a point where the South Canadian River intersects with the western boundary line of the Choctaw Nation; thence south on said boundary line to the township line between townships 1 and 2 south; thence west on said township line to the range line between ranges 3 and 4 east; thence north along said range line to its intersection with the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 16 shall be Ada.

District No. 17. Beginning at a point where the township line between townships 4 and 5 north intersects the range line between ranges 3 and 4 east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the township line between townships 4 and 5 north; thence east on said township line to the place of beginning. The place of record for district No. 17 shall be Pauls Valley.

District No. 18. Beginning at a point at the South Canadian River where the same intersects the range line between ranges 3 and 4 east; thence south on said range line to the township line between townships 4 and 5 north; thence west on said township line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 18 shall be Purcell.

District No. 19. Beginning at a point on the South Canadian River where the same intersects the meridian line between ranges 4 and 5 west; thence south along said meridian line to the base line; thence west on said base line to the western boundary line of the Indian Territory; thence north along said western boundary line to the Canadian River; thence down said Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 19 shall be Chickasha.

District No. 20. Beginning at a point on the western boundary line of the Indian Territory where same intersects the base line; thence south along said western boundary line to the Red River; thence down said Red River to its intersection with the range line between ranges 2 and 3 west; thence north along said range line to the base line; thence west on said base line to the place of beginning. The place of record for district No. 20 shall be Ryan.

District No. 21. Beginning at a point where the range line between ranges 2 and 3 west intersects the base line; thence south on said range line to the Red River; thence east down said Red River, following the meanderings thereof, to the range line between ranges 3 and 4 east; thence north on said range line to the base line; thence west on said base line to the place of beginning. The place of record for district No. 21 shall be Ardmore.

District No. 22. Beginning at a point where the range line between ranges 3 and 4 east intersects the township line between townships 1 and 2 south; thence south along said line to the Red River; thence down Red River, following the meanderings thereof, to the mouth of the Washita River; thence up the Washita River, following the meanderings thereof, to the mouth of Butcherpen Creek; thence north up said Butcherpen Creek to the township line between townships 4 and 5 south in range 7 east; thence east along said township line to the boundary line between the Choctaw and Chickasaw nations in range 8 east; thence north along said line to the township line between townships 1 and 2 south; thence west along said line to the point of beginning. The place of record for district No. 22 shall be Tishomingo.

District No. 23. Beginning at a point where the township line between townships 1 and 2 north intersects with the range line between ranges 15 and 16 east; thence south on that line to its intersection with the line between townships 2 and 3 south; thence west to intersection of the last-named line with the range line between ranges 14 and 15 east; thence south to the township line between townships 3 and 4 south; thence west to the western boundary line of the Choctaw Nation; thence north on said boundary line to intersection with the line between townships 1 and 2 north; thence east to point of beginning. The place of record for district No. 23 shall be Atoka.

District No. 24. Beginning at a point where range line between ranges 15 and 16 east intersects the township line between townships 1 and 2 north; thence south along said line to its intersection with township line between townships 2 and 3 south; thence west along said line to range line between ranges 14 and 15 east; thence south on said line to the Red River; thence down Red River, following the meanderings thereof, to the eastern boundary of the Indian Territory; thence north along said eastern boundary line of the Indian Territory to intersection with the base line; thence west along said line to the meridian line between ranges 20 and 21 east; thence north to township line between townships 2 and 3 north; thence west along said line to range line between ranges 18 and 19 east; thence south on said line to township line between townships 1 and 2 north; thence west on said line to point of beginning. The place of record for district No. 24 shall be Antlers.

District No. 25. Beginning at a point on the western boundary line of the Choctaw Nation where it intersects the township line between townships 3 and 4 south; thence east along said line to range line between ranges 14 and 15 east; thence south on said line to the Red River; thence up said Red River, following the meanderings thereof, to the mouth of the Washita River; thence up said Washita River to the mouth of Butcherpen Creek; thence north up said Butcherpen Creek to the township line between townships 4 and 5 south, in range 7 east; thence east along said township line to the boundary line between the Choctaw and Chickasaw nations; thence north on said boundary line to the point of beginning. The place of record for district No. 25 shall be Durant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY J. M'ARTHUR.

Mr. PETTUS. I ask the Senator from Texas to yield to me.

Mr. BAILEY. I yield to the Senator from Alabama.

Mr. PETTUS. I ask unanimous consent for the consideration at this time of the bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur. The bill simply proposes to grant an increase of pension to a very old lady.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "A, Fourteenth" and insert "G, Seventy-first;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy J. McArthur, widow of James R. McArthur, late captain of Company G, Seventy-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES F. M'INDOE.

Mr. McCOMAS. Will the Senator from Texas yield to me a moment for the consideration of a very short bill?

Mr. BAILEY. I yield to the Senator from Maryland.

Mr. McCOMAS. I ask unanimous consent for the present consideration of the bill (S. 5531) for the relief of James F. McIndoe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to James F. McIndoe, captain, Corps of Engineers, late first lieutenant, Corps of Engineers, United States Army, $1,142.70, being the value of his personal effects destroyed by fire on the 13th of February, 1901, through the destruction by fire of the engineer quarters at Fort Hancock, N. J., as determined by a board of survey which met by order of Major-General Brooke at Fort Hancock, N. J., on the 15th of March, 1901.

Mr. BATE. From what committee does that bill come?

Mr. McCOMAS. It has been reported by a committee. The personal effects of this man were burned while he was trying to save Government property. There was a board appointed by General Brooke, and they say it is a most meritorious case.

Mr. BATE. My inquiry was as to what committee had reported the bill.

Mr. McCOMAS. The Committee on Claims, through the Senator from North Dakota [Mr. McCUMBER], reported the bill unanimously.

Mr. SPOONER. What was this man an officer of?

Mr. McCOMAS. He was a captain in the Corps of Engineers.

Mr. SPOONER. For what are we paying him?

Mr. McCOMAS. We are paying him for the destruction of his personal effects by fire on the 13th of February, 1901, in the engineer quarters at Fort Hancock, N. J. While he was engaged in saving Government buildings, his own property was burned up. The board passed upon the claim, and held that it was entirely proper.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPOONER. I enter a motion to reconsider the vote by which that bill was passed, and I ask that the motion may go over.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

EXPENDITURES FOR BUILDINGS IN OKLAHOMA.

Mr. BERRY. With the permission of the Senator from Texas [Mr. BAILEY], I ask unanimous consent for the present consideration of the bill (H. R. 4556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, and so forth," approved March 3, 1901.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1901, entitled "An act to supplement existing laws relating to the disposition of lands, etc.," be amended by adding thereto the following:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized, out of the proceeds of the sales of town lots in the towns of Lawton, Comanche County; Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon the recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, $150,000; for the town of Anadarko, $30,000, and for the town of Hobart, $50,000: *Provided further*, That the sum of $10,000, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of $30,000 each for the construction of such county court-houses in each town."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. From what committee does the bill come?

Mr. BERRY. It comes from the Committee on Public Lands.

Mr. PLATT of Connecticut. Are there any county court-houses there?

Mr. BERRY. It is a House bill. There is a House report with it. The old bill provided that a certain amount of money for which town lots were sold in these towns in Oklahoma might be used for all these purposes.

Mr. PLATT of Connecticut. I do not make any objection.

Mr. BERRY. The bill is all right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHIPPEWA INDIANS IN MINNESOTA.

Mr. PERKINS. Mr. President——

Mr. BAILEY. I yield to the Senator from California.

Mr. CLAPP. Will the Senator from California yield to me to enter a motion?

Mr. PERKINS. Certainly.

Mr. CLAPP. I desire to give notice of a motion to reconsider the votes by which the Senate disagreed to the amendments of the House of Representatives to the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and requested a conference with the House on the disagreeing votes of the two Houses thereon, and I move that the bill be recalled from the House.

The PRESIDENT pro tempore. The Senator from Minnesota enters a motion to reconsider the vote by which the House amendments to the bill indicated by him were disagreed to and a conference asked, and he moves to recall the bill with the message touching a conference. Is there objection? The Chair hears none, and it is so ordered.

Mr. QUARLES subsequently said: I wish to ask permission to correct something that took place inadvertently. My distinguished friend the Senator from Minnesota notified me that he intended to give notice simply of a motion to recall a bill from the House, to be called up to-morrow, if found desirable at that time. I did not understand that we were called upon to consent that the motion should be considered and passed upon.

The PRESIDENT pro tempore. The motion was not considered and passed upon. The motion to recall the bill from the House is a necessary accompaniment of the entering of a motion to reconsider. The motion to reconsider was not acted upon. It was only the motion to recall the bill from the House,

Mr. QUARLES. Very well. I misunderstood it.

JAMES M. OLMSTEAD.

Mr. PERKINS. By the kind permission of the Senator from Texas, for which he has my thanks, I ask unanimous consent to call up for present consideration the bill (H. R. 13650) to correct the military record of James M. Olmstead.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the military record of James M. Olmstead so as to fix September 8, 1863, as the actual date of his discharge from the service as second lieutenant Company F, Eleventh Regiment Kentucky Volunteer Cavalry, the same being the date to which he was paid and upon which his service terminated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. PLATT of Connecticut. It is necessary to have an executive session this evening, and I should like to inquire of the Senator from Texas to how many more Senators he has agreed to yield?

Mr. BAILEY. These interruptions are about at an end. I am under agreement to yield to three more gentlemen who have small, short bills which they wish to have considered. I think they can all be disposed of in a very few moments, and then I will yield.

Mr. PLATT of Connecticut. The thing might go on all night.

Mr. BAILEY. No; I shall not yield.

Mr. SIMMONS. Mr. President——

Mr. BAILEY. I yield to the Senator from North Carolina.

Mr. FORAKER. Before we pass from this, I wish to ask the Senator from Texas to include me in the number. I have a brief bill which I should like to have considered.

Mr. BAILEY. I can not resist——

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. The Senator from Connecticut has not the floor for the purpose of making that motion. I decline to yield to him for that purpose.

Mr. PLATT of Connecticut. I rise to a point of order, and that is that the Senator from Texas can not hold the floor upon the bill which was under consideration and yield to Senators all over the Chamber to pass bills. If he has the floor, he must hold it on the bill upon which he took it.

Mr. BAILEY. The question to whom a Senator shall yield when he has the floor is for him to determine. I am perfectly free to say that these interruptions have not been disagreeable to me. The Senate would have adjourned, but I agreed to yield to a number of Senators having small local bills in which they are interested and which they desired to pass, and I do not believe I was abusing the privileges or misusing the time of the Senate. If the Senator from Connecticut imagines he can determine how often and to whom a Senator, once having the floor, shall yield, I think he will find no warrant for it in the rules, and I decline to yield to the Senator from Connecticut for the purpose of moving an executive session.

Mr. PLATT of Connecticut. I rise for the purpose of making a point of order, and that is, that when the unfinished business is under discussion and a Senator has the floor, he has no right to yield to other Senators for the purpose of passing bills. I call for the regular order.

The PRESIDENT pro tempore. In the opinion of the Chair, it is a custom which never has prevailed in the Senate for a Senator to yield in order that other bills might be taken up for consideration. It is not in the Senate as it is in the House.

Mr. BAILEY. I know it is not, of course. In the House a member's time is limited to one hour. If he chooses to occupy that one hour in any way, he may do so. Here we have no limitation of time.

I am not going to appeal from the decision of the Chair, but I want to serve notice that if that rule is to be enforced no Senator who has the floor to make a speech will yield to any other Senator to make a request for unanimous consent so long as I serve in this body.

Mr. PLATT of Connecticut. I will join with the Senator from Texas in trying to enforce that rule.

Mr. BAILEY. I am going to see that the Senate does it; and I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Texas to the fact that he has to-day yielded to eight or ten different Senators to pass bills. It would not do for the Senate to put into the hands of one Senator the power to control every bill which might be considered. That is a matter to be left to the Senate.

Mr. BAILEY. I would not want to see either the rule or the practice of the Senate render that possible. My contention is that when the Senate itself sees fit it can control it by rule. Up to this time it has not seen fit to control it by rule. A Senator having the floor, with his sense of duty and his respect for his fellow-Senators, must not abuse that privilege. I have myself, in my brief service here, seen many Senators yield two, three, and four times. Now, shall a Senator yield two, three, and four times, and not yield six or eight?

Mr. HALE. Let me say right here, if the Senator will yield for a moment——

Mr. BAILEY. Certainly.

Mr. HALE. I hope the Senator will insist upon enforcing this rule in the future. The importunities of Senators have come to be a great impediment in the way of doing business. I have no doubt I myself have done so, although I ought not to have done it. When a Senator is upon the floor, and when the regular order is his speech, where he has been recognized by the Chair, that is the business before the Senate. Yet one Senator after another appeals to the Senator to yield to allow him to pass a bill. The Senate at any time has the right, and it ought to insist upon it, and a single Senator at any time has the right, by calling for the regular order, and he ought to insist upon it, to demand that that shall not be done. If I have been recognized by the Chair and am addressing the Senate upon any subject, or if the Senator from Texas has been recognized and has the floor, and the Senator from Ohio or from Colorado asks him or me to yield, any Senator can call for the regular order and the Senator can not yield, but must go on with his speech. It ought to be insisted upon more often than it is.

Mr. FORAKER. Will the Senator from Maine allow me to make a suggestion right here? The Senate has another way of protecting itself from any abuse such as has been suggested. When a Senator having the floor yields to another Senator, who requests unanimous consent for the consideration of any bill, any Senator can object.

Mr. BAILEY. He can object to its consideration.

Mr. FORAKER. He can object, and put a stop to it.

Mr. HALE. We all know that; but two things are true here: The easiest thing to do is to get unanimous consent. The hardest thing to get done is to get a Senator to object to a request for unanimous consent.

Mr. BAILEY. I think that is to the credit of the Senate.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Texas to the fact that it has been decided in the Senate quite a number of times—the present occupant of the chair knows that Vice-President Morton so decided—that no Senator can hold the floor and yield it without himself first obtaining unanimous consent to yield; and when the regular order of business is called for, that is an objection to yielding.

Mr. HALE. That settles it.

Mr. BAILEY. If that has been the decision of the Senate heretofore, I withdraw the appeal. I have no desire myself to infract the rules of the Senate, and I believe I am the only Senator against whom I see them regularly invoked. I think this is the third time. Therefore I will modify my statement that I will invoke the rules against everybody else, and I will reserve my right to exercise selection in that respect, and I will invoke them when I think they ought to be invoked.

Mr. TELLER. For the purpose of saying a word, I wish to take an appeal from the ruling of the Chair, so that I may not be taken off the floor.

The course pursued by the Senator from Texas has been in vogue in the Senate for a quarter of a century to my certain knowledge, not, perhaps, that a Senator has yielded to so many as has been the case to-night. There has never been a session when it has not been done and repeatedly done. Of course, any Senator has a right, when the proceeding goes beyond what he thinks is proper, to call for the regular order. The Senator then must cease. He can no longer yield. He can resume the floor and proceed, if he sees fit. If he does not, he must yield the floor.

The Senator from Connecticut assumes that this is something unusual. I do not know to how many Senators the Senator from Texas has yielded, but I think he said five or six.

Mr. PLATT of Connecticut. Eight.

Mr. TELLER. Eight, perhaps. They have little bills which can be taken up and passed in a moment, and it is the most expeditious way of doing business that anybody can imagine. It has never been abused in the Senate, and while it is not asserted as a right, and I have occasionally heard a call for the regular order, it is rare. The Senator from Connecticut is anxious to get an executive session. If he had waited a moment and yielded to two or three gentlemen who have little bills that could be passed on reading, we might have been in executive session now.

The beauty of service in the Senate is that by a little concession to each other we proceed and do more business in the same length of time than any other legislative body in the world ever did. The Senator does not expedite business by coming here with a technical question just now. Suppose I concluded that he should not have an executive session. He could not get through with it to-night. I should be able to talk until 12 o'clock easy enough on this appeal. [Laughter.] I am not going to do it, Mr. President.

I do not mean to say that I do not think the ruling of the Chair is perfectly proper under the circumstances, but I do not think it was exactly the thing for the Senator from Connecticut to raise this question when he knew there was no intention on the part of the Senator from Texas to take advantage of anybody or to prevent him from having an executive session in a few moments. I tried to get the floor to appeal to the Senator to let the three or four bills that Senators wanted to call up, and which would have taken but a minute apiece, be passed.

Mr. President, I wish to withdraw the appeal.

Mr. BAILEY. Mr. President, I wish to say merely a word in justice to myself.

Mr. TELLER. I will not withdraw the appeal until the Senator from Texas gets through.

Mr. BAILEY. It was understood between the Senator from Nevada and myself that it was impossible to conclude the consideration of the Indian bill this afternoon. Not desiring myself to monopolize the floor nor yet desiring to yield the floor at just that particular time, I yielded to various requests on the part of gentlemen who had bills which they wished to call up. I tried to be as impartial as possible in my agreements to yield, yielding to gentlemen on both sides of the Chamber. I was proceeding in a way that I thought accommodated the greatest number of Senators, without any thought of abusing the privilege of the Senate, and without any thought that the rule was going to be invoked, for I stated to the Senator from Connecticut, who walked across the aisle and asked me about it, that when I had kept three more agreements to yield I was through and would yield for a motion to go into executive session. I simply want it to appear in the RECORD that I was not retaining the floor for any purpose of my own, but in pursuance of an understanding with the Senator from Nevada in regard to the bill then under consideration, that it would go over until to-morrow. These things, I think, could have been well and properly done without this point. The Chair having decided that it is not in order for me to yield, I submit.

Mr. PLATT of Connecticut. For the purpose of justifying myself, if I can, in the estimation of my good friends from Colorado and Texas, I should like to state how this matter occurred. I rose and asked the Senator from Texas to how many more Senators he had promised to yield. Perhaps I had no right to do so. I got a very indefinite reply. I said in the first place that I desired and hoped we might have a short executive session. Getting that indefinite reply——

Mr. BAILEY. Do I understand the Senator from Connecticut to say that I made him an indefinite reply?

Mr. PLATT of Connecticut. I certainly understood so.

Mr. BAILEY. Well, the Senator did not understand me. I told him three more.

Mr. PLATT of Connecticut. Oh, that was when we were talking about it between ourselves.

Mr. BAILEY. It happened just a moment before you made the point, and fearing that I was mistaken I asked the Senator from Colorado, who heard me, and he confirms me in my own belief that I said to the Senator there were three more.

Mr. PLATT of Connecticut. When I asked the question——

Mr. BAILEY. Yes, sir.

Mr. PLATT of Connecticut. No; when I asked the question in the Senate.

Mr. FORAKER. I remember distinctly that when the Senator from Connecticut asked the question in open Senate the Senator from Texas made that reply. I remember it, because I then rose and asked the Senator from Texas to add me to the three if I was not included.

Mr. BAILEY. That is right. I did not intend to be indefinite, and I am sure the Senator from Connecticut misunderstood me.

Mr. PLATT of Connecticut. The RECORD will show to-morrow who is right and who is not.

Mr. BAILEY. What occurred here was between us and will not appear in the RECORD, I take it, because it was private.

Mr. PLATT of Connecticut. Not at all. But the Senator's reply to my question when I asked him how many more Senators he had agreed to yield to will be found in the RECORD, and I will leave it to the RECORD whether it was an indefinite reply or whether it was a reply that he had agreed to yield to three Senators. I then said that I would move an executive session, and the Senator said I could not get the floor to do it. Then I made the point of order that he was not entitled to the floor for the purpose of yielding it to Senators to pass bills. That was the way the matter occurred. I trust I have not ruffled the feelings of my friends on the other side.

Mr. FORAKER. Mr. President, I did not know how many promises the Senator from Texas had outstanding, because I was not over there to talk with him privately, except by his statement in open Senate, but I remember distinctly that he said three, and thereupon I appealed to him to include me, as I had a short bill for which I desired to ask unanimous consent.

However, that is not the important thing I want to say. We are making a ruling and establishing a precedent, and I want to confirm what the Senator from Colorado has said that ever since I have been a member of the Senate what the Senator from Texas has done has been indulged in more or less until some Senator saw fit to make an objection.

I do not see how it is possible to abuse the privileges of the Senate in that way, because, as has been suggested, whenever a Senator is appealed to to yield and does yield, and the Senator to whom he has yielded asks unanimous consent for the consideration of a bill, it is within the power of any Senator to stop the proceeding right there by making an objection or calling for the regular order; and until some one does make objection or call for the regular order, which is only another way of making objection, it is entirely in order for the Senator having the floor, according to the practice here as I have observed it, to yield to a Senator who wants to have a bill considered or to yield to a Senator who wants to present morning business out of order. He must always ask unanimous consent, and whatever the Senate gives unanimous consent for is in order at all times, as I understand it. Whenever a Senator objects, then of course it is in order for the Chair to sustain the objection, but until he does it is in order, because the Senate agrees to it. I agree with the Senator from Colorado that this is an expeditious way of cleaning up the business that the Senate ought to transact.

Now, we have a great many bills that have been accumulating during the session. I have two or three and I have been awaiting an opportunity when I could present them without interfering with the business of the Senate. This seemed to be an opportune time and I was hoping I might present some of them and get them out of the way. They are measures which ought to be passed. But, of course, under all the circumstances I withdraw the request I made to the Senator. I would not presume to insist upon it as a right. Certainly I would have a right to insist upon it if the Senate gave unanimous consent.

The PRESIDENT pro tempore. The Senator does not understand the Chair to rule any differently from what he has stated?

Mr. FORAKER. No; but some Senators have made remarks which seem to indicate that they did. I understood the ruling of the Chair to be precisely what I have contended for.

Mr. SPOONER. If the Senator from Ohio will pardon me, I think he sustains the ruling of the Chair and also vindicates the Senator from Texas.

Mr. FORAKER. I was trying to do both.

Mr. SCOTT. It is late, and I move that the Senate adjourn.

Mr. ALLISON. I hope that we may have a brief executive session.

Mr. SCOTT. Very well.

Mr. TELLER. Let me withdraw my appeal. I desire to withdraw the appeal I made from the decision of the Chair.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, June 24, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 23, 1902.

COLLECTOR OF CUSTOMS.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina. (Reappointment.)

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, to succeed Charles H. Ross, whose term of office has expired by limitation.

MARSHALS.

Fred A. Field, of Vermont, to be United States marshal for the district of Vermont. A reappointment, his term having expired June 23, 1902.

Edward Knott, of Iowa, to be United States marshal for the northern district of Iowa. A reappointment, his term having expired February 18, 1902.

George M. Christian, of Iowa, to be United States marshal for the southern district of Iowa. A reappointment, his term having expired February 27, 1902.

UNITED STATES ATTORNEY.

Lewis Miles, of Iowa, to be United States attorney for the southern district of Iowa. A reappointment, his term having expired January 9, 1902.

APPOINTMENTS IN THE ARMY.

Cavalry Arm.

William D. Pritchard, of North Carolina, late first lieutenant Forty-ninth Infantry, United States Volunteers, now first lieutenant Porto Rico Provisional Regiment of Infantry, to be second lieutenant, June 20, 1902.

William Whitelaw Gordon, at large, to be second lieutenant, June 20, 1902.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Maj. Henry W. Hubbell, Artillery Corps, to be lieutenant-colonel, June 18, 1902, vice Strong, retired from active service.

Capt. John R. Williams, Artillery Corps, to be major, June 18, 1902, vice Hubbell, promoted.

Infantry Arm.

First Lieut. Warren S. Barlow, Fifteenth Infantry, to be captain, June 13, 1902, vice Conrad, Fifteenth Infantry, retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Thomas W. Ryan, to be a lieutenant-commander in the Navy, from the 9th day of October, 1901 (subject to the examinations required by law), vice Lieut. Commander Charles W. Bartlett, promoted.

Lieut. Commander John E. Roller, to be a commander in the Navy, from the 28th day of December, 1901 (subject to the examinations required by law), vice Commander Walton Goodwin, retired.

Lieut. Frederick C. Bowers, to be a lieutenant-commander in the Navy, from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander Daniel P. Menefee, deceased.

Lieut. (Junior Grade) William S. Whitted, to be a lieutenant in the Navy, from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Frederick C. Bowers, promoted.

Commander Richardson Clover, to be a captain in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Capt. James H. Sands, promoted.

Lieut. Commander John C. Fremont, to be a commander in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Commander Albert Ross, promoted.

Lieut. Commander Albert Mertz, to be a commander in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Commander Richardson Clover, promoted.

Lieut. George R. Salisbury, to be a lieutenant-commander in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander John C. Fremont, promoted.

Lieut. John L. Purcell, to be a lieutenant-commander in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander Albert Mertz, promoted.

Lieut. (Junior Grade) Robert H. Osborn, to be a lieutenant in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. George R. Salisbury, promoted.

Lieut. Commander Rogers H. Galt, to be a commander in the Navy from the 29th day of April, 1902 (subject to the examinations required by law), vice Commander James M. Miller, promoted.

Lieut. Frank W. Kellogg, to be a lieutenant-commander in the Navy from the 29th day of April, 1902, vice Lieut. Commander Rogers H. Galt, promoted.

Lieut. (Junior Grade) Clarence England, to be a lieutenant in the Navy from the 29th day of April, 1902 (subject to the examinations required by law), vice Lieut. Frank W. Kellogg, promoted.

Commander John V. B. Bleecker, to be a captain in the Navy from the 3d day of June, 1902, vice Capt. Eugene W. Watson, retired.

Lieut. Commander Vincendon L. Cottman, to be a commander in the Navy, from the 3d day of June, 1902 (subject to the examinations required by law), vice Commander John V. B. Bleecker, promoted.

Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy, from the 3d day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Vincendon L. Cottman, promoted.

Lieut. (Junior Grade) Edwin H. DeLany, to be a lieutenant in the Navy, from the 3d day of June, 1902, vice Lieut. Reuben O. Bitler, promoted.

Capt. Yates Stirling, to be a rear-admiral in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Rear-Admiral George H. Wadleigh, retired.

Commander Andrew Dunlap, to be a captain in the Navy, from the 8th day of June, 1902, vice Capt. Yates Stirling, promoted.

Lieut. Commander Frank E. Sawyer, to be a commander in the Navy, from the 8th day of June, 1902, vice Commander Andrew Dunlap, promoted.

Lieut. Samuel H. Leonard, to be a lieutenant-commander in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Frank E. Sawyer, promoted.

Lieut. (Junior Grade) Frank H. Brumby, to be a lieutenant in the Navy, from the 8th day of June, 1902, vice Lieut. Samuel H. Leonard, promoted.

Commander John A. B. Smith, to be a captain in the Navy from the 8th day of June, 1902, vice Capt. Edwin S. Houston, retired.

Lieut. Commander Thomas B. Howard, to be a commander in the Navy from the 8th day of June, 1902, vice Commander John A. B. Smith, promoted.

Lieut. Harry Phelps, to be a lieutenant-commander in the Navy from the 8th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Thomas B. Howard, promoted.

Lieut. (Junior Grade) Charles K. Mallory, to be a lieutenant in the Navy from the 8th day of June, 1902, vice Lieut. Harry Phelps, promoted.

Capt. William C. Wise, to be a rear-admiral in the Navy, from the 14th day of June, 1902, vice Rear-Admiral Edwin M. Shepard, retired.

Commander Edward H. Gheen, to be a captain in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Capt. William C. Wise, promoted.

Lieut. Commander Walter C. Cowles, to be a commander in the Navy, from the 14th day of June, 1902, vice Commander Edward Gheen, promoted.

Lieut. Homer C. Poundstone, to be a lieutenant-commander in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Walter C. Cowles, promoted.

Lieut. (Junior Grade) James P. Morton, to be a lieutenant in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. Homer C. Poundstone, promoted.

Lieut. (Junior Grade) Frank P. Baldwin, to be a lieutenant in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. James P. Morton, an additional number in grade.

Commander Wells L. Field, to be a captain in the Navy, from the 16th day of June, 1902 (subject to the examinations required by law), vice Capt. Charles E. Clark, advanced and promoted.

Lieut. Commander Austin M. Knight, to be a commander in the Navy, from the 16th day of June, 1902 (subject to the examinations required by law), vice Commander Wells L. Field, promoted.

Lieut. Albert A. Ackerman, to be a lieutenant-commander in the Navy from the 16th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Austin M. Knight, promoted.

Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy from the 16th day of June, 1902 (subject to the examinations required by law), vice Lieut. Albert A. Ackerman, promoted.

Commander Harrison G. O. Colby, to be a captain in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Capt. Clifford H. West, retired.

Lieut. Commander Charles J. Badger, to be a commander in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Commander Harrison G. O. Colby, promoted.

Lieut. Leo D. Miner, to be a lieutenant-commander in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Charles J. Badger, promoted.

Lieut. (Junior Grade) Newton Mansfield, to be a lieutenant in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Leo D. Miner, promoted.

Lieut. Albert P. Niblack, to be a lieutenant-commander in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Samuel C. Lemly, retired.

Lieut. (Junior Grade) Harris Laning, to be a lieutenant in the Navy, from the 18th day of June, 1902, vice Lieut. Albert P. Niblack, promoted.

POSTMASTERS.

A. L. Williams, to be postmaster at Edinburg, in the county of Christian and State of Illinois. Office became Presidential April 1, 1902.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama, in place of Mary M. Force. Incumbent's commission expired June 14, 1902.

Berry E. Raulerson, to be postmaster at Lake City, in the county of Columbia and State of Florida, in place of Berry E. Raulerson. Incumbent's commission expired June 20, 1902.

William P. Slack, to be postmaster at Carbondale, in the county of Jackson and State of Illinois, in place of William P. Slack. Incumbent's commission expired June 3, 1902.

William H. Norris, to be postmaster at Carlyle, in the county of Clinton and State of Illinois, in place of William H. Norris. Incumbent's commission expired February 7, 1902.

Clarence E. Holt, to be postmaster at Hospital, in the county of Kankakee and State of Illinois, in place of Clarence E. Holt. Incumbent's commission expired January 10, 1902.

Charles F. Best, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois, in place of Charles F. Best. Incumbent's commission expired June 3, 1902.

Samuel S. Dingee, to be postmaster at Wilmette, in the county of Cook and State of Illinois, in place of Samuel S. Dingee. Incumbent's commission expired July 20, 1901.

Everett W. Osgood, to be postmaster at Winnetka, in the county of Cook and State of Illinois, in place of Everett W. Osgood. Incumbent's commission expired July 20, 1901.

Archibald Shaw, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana, in place of Archibald Shaw. Incumbent's commission expires July 7, 1902.

James S. Reeves, to be postmaster at Union City, in the county of Randolph and State of Indiana, in place of Oliver C. Gordon. Incumbent's commission expired June 8, 1901.

Clarkson L. Hutchens, to be postmaster at Winchester, in the county of Randolph and State of Indiana, in place of Edward W. Scott. Incumbent's commission expires July 6, 1902.

Lew I. Sturgis, to be postmaster at Oelwein, in the county of Fayette and State of Iowa, in place of Lew I. Sturgis. Incumbent's commission expired June 2, 1901.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa, in place of Frank M. Hoeye. Incumbent's commission expires July 4, 1902.

George B. Crooker, to be postmaster at Anthony, in the county of Harper and State of Kansas, in place of George B. Crooker. Incumbent's commission expires July 1, 1902.

James A. Arment, to be postmaster at Dodge City, in the county of Ford and State of Kansas, in place of James A. Arment. Incumbent's commission expires July 1, 1902.

George W. Watson, to be postmaster at Kinsley, in the county of Edwards and State of Kansas, in place of George W. Watson. Incumbent's commission expires July 1, 1902.

Frank J. Davis, to be postmaster at Larned, in the county of Pawnee and State of Kansas, in place of Frank J. Davis. Incumbent's commission expires July 1, 1902.

Martin L. Grimes, to be postmaster at Lyons, in the county of Rice and State of Kansas, in place of Martin L. Grimes. Incumbent's commission expires July 1, 1902.

Benjamin A. Allison, to be postmaster at McPherson, in the county of McPherson and State of Kansas, in place of Benjamin A. Allison. Incumbent's commission expires July, 7, 1902.

Henry B. Van Nest, to be postmaster at Peabody, in the county of Marion and State of Kansas, in place of Henry B. Van Nest. Incumbent's commission expired January 10, 1902.

Jesse D. Kennard, to be postmaster at Seneca, in the county of Nemaha and State of Kansas, in place of Edward P. Johnson. Incumbent's commission expired June 2, 1902.

Rufus F. Bond, to be postmaster at Sterling, in the county of Rice and State of Kansas, in place of Rufus F. Bond. Incumbent's commission expires July 1, 1902.

Marshall M. Murdock, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas, in place of Marshall M. Murdock. Incumbent's commission expires July 7, 1902.

Frank H. Latta, to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan, in place of Frank H. Latta. Incumbent's commission expires July 7, 1902.

David E. Wilson, to be postmaster at Belding, in the county of Ionia and State of Michigan, in place of David E. Wilson. Incumbent's commission expired June 22, 1902.

Eugene S. Low, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri, in place of Eugene S. Low. Incumbent's commission expired May 19, 1902.

John A. Spalding, to be postmaster at Nashua, in the county of Hillsboro and State of New Hampshire, in place of John A. Spalding. Incumbent's commission expires July 6, 1902.

Fred H. Ackerman, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire, in place of Fred H. Ackerman. Incumbent's commission expired June 9, 1902.

L. E. Kittrell, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico, in place of Estevan Baca. Incumbent's commission expired June 3, 1902.

Emiel Rebell, to be postmaster at Fort Plain, in the county of Montgomery and State of New York, in place of Emiel Rebell. Incumbent's commission expires July 7, 1902.

Stephen G. Newman, to be postmaster at Haverstraw, in the county of Rockland and State of New York, in the place of Stephen G. Newman. Incumbent's commission expires July 4, 1902.

Emmons R. Stockwell, to be postmaster at Theresa, in the county of Jefferson and State of New York, in the place of Emmons R. Stockwell. Incumbent's commission expired June 2, 1902.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio, in place of Jacob H. Boger. Incumbent's commission expired June 22, 1902.

James A. Grier, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in place of James A. Grier. Incumbent's commission expires June 27, 1902.

Richard M. Huut, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania, in place of Richard M. Hunt. Incumbent's commission expires July 7, 1902.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania, in place of Samuel Keat. Incumbent's commission expires July 7, 1902.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania, in place of Allen P. Dickey. Incumbent's commission expires July 5, 1902.

Harry G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in place of Harry G. Smith. Incumbent's commission expires June 27, 1902.

Dalton A. Brosius, to be postmaster at Vermilion, in the county of Clay and State of South Dakota, in place of Dalton A. Brosius. Incumbent's commission expired June 3, 1902.

Charles K. Miller, to be postmaster at Athens, in the county of Henderson and State of Texas, in place of Charles K. Miller. Incumbent's commission expired January 20, 1902.

George B. Zimpelman, to be postmaster at Austin, in the

county of Travis and State of Texas, in place of William B. Brush. Incumbent's commission expired June 14, 1902.

Thomas D. Ward, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas, in place of Julius Henry. Incumbent's commission expired May 16, 1902.

Walter S. Yates, to be postmaster at Forney, in the county of Kaufman and State of Texas, in place of Robert C. Spence. Incumbent's commission expired May 19, 1902.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas, in place of Richard O. Misener. Incumbent's commission expired June 13, 1902.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas, in place of Hal Singleton. Incumbent's commission expired May 10, 1902.

Thomas Breen, to be postmaster at Mineola. in the county of Wood and State of Texas, in place of Thomas Breen. Incumbent's commission expired May 12, 1901.

J. D. Burns, to be postmaster at Tyler, in the county of Smith and State of Texas, in place of Charles E. Lewis. Incumbent's commission expired March 30, 1902.

N. O. Baldwin, to be postmaster at Pomeroy, in the county of Garfield and State of Washington, in place of Walter L. Darby. Incumbent's commission expires July 7, 1902.

Daniel T. Gerow, to be postmaster at Jacksonville, in the county of Duval and State of Florida, in place of Dennis Eagan, deceased.

Bennett M. Grove, to be postmaster at Liberty, in the county of Union and State of Indiana, in place of Lancetta L. Byram, resigned.

William L. Lemon, to be postmaster at North Yakima, in the county of Yakima and State of Washington, in place of Mamie E. Sperry, resigned.

Ira Brown, to be postmaster at Sedro-Woolley, in the county of Skagit and State of Washington, in place of Ira J. Stiles, removed.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 23, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

DAM ACROSS RAINY RIVER.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 3375) relating to the construction of a dam across Rainy River.

The bill was read, as follows:

Be it enacted, etc., That the time for the construction of a dam across the Rainy River by the Koochiching Company, its successors and assigns, as provided by chapter 238 of volume 30 of the Statutes at Large and chapter 346 of volume 31 of the Statutes at Large, is hereby extended to May 4, 1907.

SEC. 2. That the Koochiching Company, its successors and assigns, is hereby authorized to construct and maintain said dam, subject to the terms of said chapter 238 of volume 30 of the Statutes at Large, upon the plans now on file with the Secretary of War, or any modification of said plans which the Secretary of War may approve; and the Koochiching Company, its successors and assigns, is hereby authorized to construct such dam at such height as will raise the waters of Rainy Lake to high-water mark: *Provided*, That said dam shall be furnished with such openings or gates or waste ways as will carry the waters of the river at flood stage without raising the water higher than it would rise in the natural condition of the stream: *And provided further*, That nothing in this act contained shall be construed as relieving the Koochiching Company, its successors or assigns, from liability for any damage inflicted upon private property by reason of the raising of the waters of the lake as aforesaid.

SEC. 3. That this act shall take effect and be in force from and after its passage.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

COLLECTION DISTRICT AND PORT OF ENTRY, MONTANA AND IDAHO.

Mr. EDWARDS. I ask unanimous consent for the present consideration of the bill (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry.

The bill was read, as follows:

Be it enacted, etc., That section 2593, Revised Statutes, be, and the same is hereby, amended so as to read as follows:

"SEC. 2593. There shall be in the States of Montana and Idaho one collection district, as follows:

"The district of Montana and Idaho to comprise the States of Montana and Idaho, and the port of entry shall be Great Falls, Mont."

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. EDWARDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNSKILLED LABORERS IN CENSUS OFFICE.

Mr. CRUMPACKER. I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

The bill was read, as follows:

Be it enacted, etc., That section 4 of an act of Congress entitled "An act to provide for a permanent Census Office," approved March 6, 1902, be, and the same is hereby, amended by inserting, after the word "watchmen," and before the words "and charwomen," where the same occur in said section 4, the words "unskilled laborers."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I wish to ask what will be the effect of this bill if passed? It does not appear on its face.

Mr. CRUMPACKER. In the bill approved March 6 last for a permanent Census Office the words "unskilled laborers" were inadvertently omitted from the class of employees that the Director of the Census was authorized to appoint. When he came to make a permanent organization of the force, to begin with the 1st of July, he found that the act did not authorize him to employ any unskilled laborers. There are between twenty and thirty of such employees in the Bureau now, and that many will be required in future. The Director of the Census submitted to the Attorney-General the question whether he could not under the head of "watchmen or messengers" employ the requisite force of unskilled laborers. The Attorney-General reported that he could not. This bill, which proposes to insert in section 4 of the act to which I have referred the words "unskilled laborers," was passed by the Senate some days ago and has been held on the Speaker's table in order that it might be called up. It simply proposes to remedy the omission I have stated and to authorize the Director of the Census to employ the usual quota of unskilled laborers as a part of the necessary force of the Bureau. That is all there is of it.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DUPLICATE CERTIFICATES OF DISCHARGE.

Mr. HAY. I ask unanimous consent for the present consideration of the bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge.

The bill was read, as follows:

Be it enacted, etc., That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a duplicate of such certificate of discharge, to be indelibly marked, so that it may be known as a duplicate: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or allowance, or as evidence in any other case.

Mr. HULL. Reserving the right to object, I should like to ask one question. I understand that the only change which this bill makes in the law is to provide for duplicate certificates instead of certified copies.

Mr. HAY. That is all.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

DUTIABLE MERCHANDISE AT TACOMA AND SEATTLE.

Mr. GROSVENOR. I ask unanimous consent for the present consideration of the bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

MEDALS FOR OFFICERS OF REVENUE-CUTTER SERVICE.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut.

David H. Jarvis, Second Lieut. Ellsworth T. Bertholf, and Samuel J. Call, all of the Revenue-Cutter Service, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to bestow a gold medal of honor, of such design as he may approve, upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Dr. Samuel J. Call, surgeon, all of the Revenue-Cutter Service and members of the overland expedition of 1897 and 1898 for the relief of the whaling fleet in the artic regions, in recognition of the heroic service rendered by them in connection with said expedition.

SEC. 2. That the sum of $1,000, or so much thereof as may be necessary for the purchase or manufacture of said medals, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection? (After a pause.) The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

Mr. JONES of Virginia. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order, which is the consideration of the bill S. 2295, the Philippine government bill.

CERTAIN DISBURSEMENTS IN CUBA.

Mr. HULL. Mr. Speaker, before we go into Committee of the Whole I desire to submit a privileged resolution, which will probably take not more than a couple of minutes to dispose of.

The SPEAKER. Does the gentleman from Virginia withhold his demand for the regular order?

Mr. JONES of Virginia. Mr. Speaker, I withhold my demand.

Mr. HULL. Then, Mr. Speaker, I submit the following privileged report, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, directed to furnish to the House of Representatives, if not incompatible with the public interest, the following information:

What amounts, if any, have been paid out of the Cuban treasury or the funds of the Cuban people by the military governor of Cuba, or by his direction, or by any officer of the United States, while the forces of the United States occupied Cuba, to F. B. Thurber, president of the United States Export Association, or any other person or persons, corporation, or association for advocating a reduction in the duties upon Cuban products, with a reciprocal reduction in the duties upon American products imported into Cuba, or for services in support of the application of the inhabitants of the island of Cuba for reciprocal relations with the United States; also the date or dates of any such payments.

The following report was read by the clerk:

The Committee on Military Affairs, to whom was referred House resolution No. 304, reports the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PHILIPPINE GOVERNMENT.

The SPEAKER. In pursuance of the continuing order of the House, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, and the gentleman from Massachusetts [Mr. GILLETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, with Mr. GILLETT of Massachusetts in the chair.

Mr. JONES of Virginia. Mr. Chairman, I yield forty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, there are many acts and incidents connected with our occupation of the Philippine Islands and our relations to the Filipinos which are in themselves very interesting, and which no doubt have great bearing upon the questions now before the House and the country. There are various legal and constitutional phases of these questions involved, which have been discussed with much learning and much zeal, and they, too, are very important. In a comparatively short time one could not possibly make what would be to himself or to anyone who might honor him with a hearing a satisfactory argument based upon these various acts and incidents or these legal and constitutional matters.

There are a few things, it seems to me, that are greatly misapprehended by some people. Some are very fond of indulging in the repetition of a phrase about the Constitution following the flag. As I understand it, the contention upon this side has been and still is, and I think will continue to be, that the Constitution must control the Congress of the United States in its every act, and all the officers of the United States in all their operations, wherever they may be.

Something like that, I think, is a very much more accurate and comprehensive statement of our understanding and contention than any phrase in regard to the Constitution and the flag. We have contended and still contend, and I hope always contend, that it is not in the power of the Congress or of the President to rightfully do anything except under and pursuant to the Constitution; that wherever the power of the United States Government extends, no matter what officer of the Government, high or low, exercises power, that power must be controlled and directed, and that officer must be restrained and guided by the letter and the principles and the spirit of the Federal Constitution.

No doubt many instances can be found—too many, I am sorry to say—where cruelties and outrages have been perpetrated upon those who are helpless and defenseless. The responsibility for these ought to be traced. It ought to be put where it belongs, and those who have violated the law, whether it be our ordinary civil law, or military law, or the laws of humanity, ought to be tried, to ascertain whether or not they are guilty, and if found guilty they ought to be punished in the proper way.

Some have suggested—and that, indeed, has been the burden of a good many of these eloquent songs which we have heard—that all criticism or condemnation of this act or that act, contrary though it be to the rules and articles of war, contrary to the genius and practice and laws of our own country, violative of the foundation principles of humanity itself, that all this is to be answered and disposed of in one general phrase about abusing the Army, slandering the Army, assailing the Army.

If one were to think a moment before indulging in these tirades, these wholesale charges that whoever criticises and finds fault, even with what no one can justify and few ought to excuse, is assailing and abusing the Army, if he were at all fair-minded he would abandon that course of argument or declamation. If criticising and condemning that which merits criticism and condemnation is abusing the Army, then charging with abuse those who criticise and condemn that which deserves criticism and condemnation must be justifying the acts which are condemned.

I am not disposed to be so unfair as to charge that any of the gentlemen who indulge in this wild declamation mean actually, coolly, and in their senses to justify, and not many of them, I think, to excuse, acts of wanton cruelty and barbarity. I do not charge that gentlemen who speak upon this subject, and who assail us upon the false charge that we have assailed the Army, mean themselves to justify what we cohdemn. But if criticising the man, whether he be soldier or civilian, whether he be high in office or a private in the ranks of citizenship or of soldiery, for acts which in our judgment and in the common judgment of humanity merit criticism and condemnation—if that be to assail the Government or to slander the Army, then, by the same process of reasoning, the gentlemen who charge us with wholesale slander and assailing of the Army and the Government would be held to justify every act which we condemn, no matter how outrageous.

Now, as I said before, I do not charge them with that. And tested in this way it seems to me that those who desire to be fair and to consider these questions, and momentous they are, with some regard to their merits, will be disposed, upon second thought, to cease from this general and groundless assault.

It is true that upon this side we do not believe in the necessity or utility of a large standing army. It is true that in cherishing this belief we are not advancing or endeavoring to project anything newly discovered or newly exploited. We are simply standing by and trying to defend, as best we may, the traditional policy of our country. We are merely echoing, feebly, if you please, the sentiments expressed over and over, powerfully, and for a century of time convincingly, in this country by the ablest and the greatest men that our statesmanship and our warfare, our philanthropy and our Christianity have ever known.

We hold that a large standing army is an unnecessary thing here, that it is out of harmony with the genius and the purposes of our Government, and that in possibility, aye, in probability, its maintenance is a dangerous departure from well-established and long-maintained principles. In declaring our opposition to a large standing army, in declaring our belief that reliance in this country should be, in the present and in the future, as it has been without failure in the past, upon the yeomanry of the country, upon the citizenship of the land, upon the volunteers called into service when there is need for their services, and returning to the walks of private life when the needs of righteous warfare have passed, we but restate the traditional policy of our country.

Of course, the theory that we do not need a large standing army, and ought not to have it. rests upon the other theory that our pursuits, really and normally and rightfully, are the pursuits of peace; that we are not, ought not to be, and have not been heretofore a nation seeking to interfere with the rights of other nations; that we are not bent upon spoliation and conquest; that our mission is to work out our destiny here—and a lofty and

grand one it is—in peace with all the world, provided that, in the proper defense of our own rights, we may remain at peace with the world; but if, unhappily, at any time we are assailed in our rights, that then, when our country is in peril, when our institutions are in danger, when, it may be, our soil is invaded—then, instead of relying upon a mighty standing army, as the despotisms of the Old World do, the appeal shall be made again in the future, as more than once it has been made in the past, to the citizenship of the Republic; and that again in the future, as in the past, the American citizen may be depended upon to rally around the flag of his country, and defend with the last drop of his blood, with the last pulsation of his heart, whatever is sacred to the genius and the principles of the American Government, whatever is and deserves to be dear to the heart of the American patriot.

It was suggested the other day by my friend from California [Mr. KAHN], in a speech of far more than average ability, well delivered and most interesting, that some years ago we gave up too easily a slice of the Northwestern territory which by right we probably could have held, and which by might perhaps we should have clung to, and that because of this we may make a mistake if we give up the Philippines until time shall demonstrate—how much time no one says—whether it would be wise or unwise to give up those far-distant islands. I agree with the eloquent gentleman that in all probability a mistake was made, away back a half century ago, when we allowed our claim to be moved off of a portion of the Northwest Territory which has since become valuable, and which to-day would be desirable for homes for our citizens seeking adventure and fortune in new lands.

But I note a number of very important features in the one case to mark it as distinct and peculiar from the other. This was contiguous territory; territory upon our own continent; territory comparatively uninhabited. This was territory which, if we had retained it, under our form of constitutional organization would have become States in the American Union, upon an equality with all the other States of our Union.

On the other hand, those islands of the Pacific, with 7,000 miles of ocean rolling between them and our shores, of course are not contiguous, and they are already densely populated. No one here contends that we need them or that we will turn them in the course of time into States to be admitted into the American Union. The people who inhabit them—myriads of them—are alien to us in almost everything that we regard as essential in building up here in our own country a magnificent citizenship, controlling and to control a magnificent domain.

Some gentlemen suggest that those of us who do not believe that it is wise or right to extend our dominion and permanently maintain it over far-away islands in distant seas are opposed to "expansion;" that expansion which American principles and practice sanction and justify. This is a fallacious argument, founded upon a most fallacious statement.

Expansion is one thing; colonial empire a far different thing. We are so situated now, with the Atlantic washing the eastern shores of our country and the Pacific the western, that if we would expand in the way known to our fathers, in a way that might be wholesome to the Republic, because the only way that will not mark a radical departure from the principle and practice of our Government, our expansion must be toward the north and the south; must be upon the continent where we are the mightiest factor, where we have been that for half a century or more, almost since our birth.

If it be necessary to expand, if we are to expand—I have not time to discuss that—but if you grant that it is necessary that we shall expand any, we might go to the tropical lands of the south or the frigid lands of the north. The expansion might be directed to Mexico, Central America, and South America in the south, and to the British dominions, even, if you please, to the frozen sea about the North Pole, but always upon our own continent.

So that the question of expansion, as properly understood in this country, is not involved in this discussion, and gentlemen who speak of the acquisition of the Philippines or of their retention as "expansion" are simply and really deluding themselves with what seems to them a euphonious word, in my opinion misapplied, or they know they are wrong and lack the candor to be right.

The real proposition involved, it seems to me, deserves now, as such principles must deserve in all times, careful consideration. I believe, upon the one hand, that if it is good to have the Philippine Islands, and right, the fact that there has been mismanagement, the exercise of bad judgment, arbitrary rule, wrong and outrage in many instances, will not upset the conclusion that we ought to have them. On the other hand, if we ought not to have them, if it is neither beneficial nor right, if to hold them is a mistake on our part and wrong, then no matter how faultless may have been the conduct of everyone representing the Government in the Philippine Islands or in our own land, hold them we should not.

Now, I prefer for a little time to allude to some of the principles—some of the foundation and base-rock principles—which, it seems to me, are involved necessarily in this discussion and in the pending bills. The main question is, Are we going to retain the Philippine Islands; are we going to govern them as to us seems best; are we going to give the people of those islands not what in our Declaration of Independence we declared belongs to all men, but so much of it as to us from time to time seems to be good for them or advantageous to us; or are we, upon the other hand, going to turn over their country to them, going to leave the land to those who dwell in it, going to devote our mighty energies to the development of our own country upon the lines of constitutional liberty and human rights, instead of aping England in quest of colonial empire?

Along these lines is the cleavage between those upon the one side and those upon the other side of these great questions.

I am aware that it may be somewhat trite, and to some it may seem somewhat pedantic, to try soberly to discuss the simple world-wide question of right and wrong. And yet, if we have any regard for right and wrong, if we are to be controlled by principle and not entirely by interest and expediency, how can we discuss these great questions, how can we make up our own minds upon them, how can we direct our own course concerning them, unless we test it all by the old-time rule of right and wrong?

There are two general schools of governmental philosophy in this world, and have been, lo, these many, many years, these many centuries. We on this continent, this great American Republic, represent preeminently, and for a time we represented almost exclusively, the one school. The other has its representatives in the Old World, far back in the old days. Is it worth while again, at this time, to recur to first principles and to consider somewhat the experience of recent years, in order to determine whether we are right in our view of government or whether we are wrong?

Did our forefathers found this Government in wisdom and justice, or did they found it in wrong? Ought we to preserve the landmarks and follow the guideposts set up for us, or ought we to abandon them in our day and generation, abandon what our fathers regarded as the wiser and better course, the course upon which they set us and upon which we have happily traveled for more than a century?

Now, it is a right or it is not a right of the people who dwell in a country to make and control the government which is to be over them. Our citizenship has that right or it has not. Certainly whatever the right, it rests with the masses of the people, or the masses of the people, like so many cattle, so many sheep of the field, are to be driven and worked, are to be sheltered or to be turned adrift in the storm, just as may suit the few—the rulers with whom this supreme right of government rests.

Our philosophy has been, and with me it is yet, that in the mass of citizenship, in the great body of the people of the nation, reside the powers of the nation, and out of that great body must come, from time to time, and into it must go, from time to time, these powers; that those who rule and govern, if they rule and govern of right, if the government be one which has regard for the welfare of the people, if it be one founded upon the eternal principles of justice—that those who shall govern wherever it be must derive all their just power from those who are governed, and must exercise it in accordance with the fundamental laws laid down for their guidance and control.

Now, if we have the right in citizenship to control and direct our own affairs, to make our own public servants and to unmake them, to give power to them and to take power from them, in what position are we to assert that the Filipinos upon the other side of the world do not possess the same right? Upon what principle of justice are we to deny them its exercise?

But it is said they are incapable of self-government. That argument, my friends, if applied, would ruin every atom of freedom that exists in the world. That doctrine, if applied, would make the weak forever and everywhere the victims of the strong. That doctrine, applied in its final analysis, would enable you or me to say to our less fortunate neighbors, "You are not managing this farm well; you are not conducting the operations of this mine properly; your mercantile business is carried on in a very slipshod way; I will take charge of your affairs, and I will allow you to do just so much about them and have just so much of their fruits as to me may seem best. You are not competent to farm; you are not competent to conduct mining operations; you are incapable of following with success mercantile pursuits." In its last analysis this is a law based upon the power of the strong; it is "might is right, and right without might is wrong."

Then, these ideas of self-government and the ability for self-government are, after all, relative. Are all the people of this Union equally qualified for self-government? Everyone knows

that that question can not be answered in the affirmative. Everyone knows that in any community, in every community, there is the better class and the worse class, the good and the bad and the indifferent.

A great many wise men, a great many deep-thinking men, have felt and have feared that by the power and votes of the lower elements, especially of the great cities in our own land, our own boasted and heretofore successfully conducted institutions may finally come to naught. Many men in this country, whose opinions are worthy of respect and consideration, believe that the real test of the soundness of our system is made day by day through the years of the present in the large cities of our land.

I believe it is true in the comparatively sparsely populated regions, where the independence of the individual is well preserved and jealously guarded, where each man is a man in his own right, with nobody owning him and nobody directing him, his mind and his conscience being his guide, there none of us need fear danger for the Republic or for any of the cherished institutions of the Republic. But where hordes are gathered in the great cities, where vice and ignorance and poverty compounded make large numbers of men desperate, ready to destroy much worthy of preservation on account of this wrong or that wrong, fancied or real, there lies the danger to our institutions.

And so you might go on to any length and with any number of comparisons. Then, even with us, the capability for self-government is relative. Take out of our own Government, if you please, neutralize and set aside for a time 10 per cent or 20 per cent of the best and most capable of our self-governing citizens and allow the others to control; if you knew that could be done, if you knew that was to be done, as a lover of your country, would you not tremble for the result?

On the other hand, take 10 per cent or 20 per cent from the other end of the line—from the classes least qualified to govern—least appreciative of the benefits of self-government—least worthy to exercise the powers, the great sovereign powers of freemen—and how mightily would the average of citizenship be elevated in this country, how much more secure would our institutions be—how much more rapid would be our progress, and along what better and surer lines would we proceed.

Now, as between individuals, so comparisons may be instituted between nations. I believe it deserves to be axiomatic—and I think the time is coming, if not yet arrived, when it will be—that they who are willing to fight for liberty deserve to enjoy it [loud applause], and they who aspire to govern themselves deserve in their own land, and over their own persons, and over their families—wife and children and all they hold near and dear—to be intrusted with the experiment of self-government.

We are proceeding upon a theory—upon a theory purely—a theory which has never stood the test; a theory which, put in practice, has never resulted otherwise than in failure, that you can govern one kind of people precisely as you can govern another kind of people. What kind of an example are we ourselves furnishing? More than half a century ago the Territory of New Mexico came to us, a part of our conquest in the war with Mexico, ratified by the cession and the treaty of peace.

And yet, with New Mexico for a quarter of a century and more appealing Congress after Congress for admission into the sisterhood of States upon an equality with the other States, admission is denied; a Territorial form of government is yet maintained. Why? Because it is said that a large portion of the inhabitants of New Mexico are of different race, different views of government, different ideas of the conduct of things from the people who constitute our American States; and therefore New Mexico ought to be denied admission to the Union as a State—ought to continue under Territorial government indefinitely.

I am not going into a discussion of that question, for it is a side one, and I adverted to it merely by way of illustration. But here is a confession a half century old, that the policies which may apply and which will prevail successfully in one section of our own country, over one section and class of our own people, are not adapted to another section and another class.

Now, then, we are proceeding in the Philippine Islands upon the theory that what is well adapted to us, what in our experience—in our inherited experience of hundreds of years—has proven good here, is first class, must be first class, for the Filipino right now, right at once. If he does not take kindly to the prescription, then we have in reserve, unfortunately, it seems to me, for him and for us, another prescription, which we are applying with a zeal and a vigor worthy of a far better cause.

If he will not take our civilization, if contrary to all the teachings of history, if contrary to all the facts of his nature and ours, and over all the lines that mark the distinctions between nations and between individuals, he will not at once gladly come up to our measure and accept our ideas and act upon them in our way, we will shoot into him so much of our civilization and government as we shall believe his constitution will stand, and if he survive the shooting—to such of them as do survive it—we will give from time to time just such measures and only such meaure of government as we think they ought to have.

Stating the proposition, my friends, is refuting it. That proposition can not be stated without the very words necessarily used to state it carrying a refutation and a contradiction of its soundness. Whenever government is predicted upon any theory, much worse when it is carried out and the practice of that theory put into play of the weaker getting what the stronger is willing to give, what the stronger thinks is good for him, you have, in essence, tyranny and wrong.

The outrage may be grave, may be such as to startle the intelligence and awaken the indignation of a righteous world; or the wrong may be moderated, or the victim may be voiceless and the world not know the story which if he could reach its ears he could unfold; but the wrong in principle is the same. What right have we to determine whether the Filipinos can govern themselves, or whether they can not; whether they can or can not maintain a government up to the level of ours? What right have we to determine whether they must maintain a government up to the level of ours or have none, except such as we give them? "Oh," says somebody, "this land belongs to us; we acquired it in warfare."

A gentleman suggested the other day in a speech here that while we went into war with Spain for the purpose of freeing Cuba from tyranny, of course anybody having any comprehension of things and any common sense must have realized from the outset that the war would have consequences—that things would happen from it and as results of it. I presume that is true as a general statement. But I would like to know who it was that had the common sense or even the genius, who had the far-sightedness to see, or the patriotism, if you choose to call it that, or precisely the reverse of patriotism, to comprehend the particular "result" with which we are dealing now.

Who was it that saw that one of the results of the war would be that starting in to free Cuba we would end with suppressing the Filipino? The Filipino was struggling for liberty as well as the Cuban. The Filipinos had made sacrifices and had endured wrongs—everything which tyranny can inflict upon a long suffering people—up to the fullest measure ever meted out to Cuba. Their taskmaster was the same. Cuba and the Philippine Islands are in different hemispheres, but the tyranny spread over both alike.

The truth is that our relation to the Filipino is such as to make the obligation upon us even greater to treat him with generosity and magnanimity than it was or is to so treat the Cubans. We entered into the war deliberately to free the Cubans. The Filipino was not in sight, so far as we were concerned. The exigency of that war carried the American fleet under Admiral Dewey into the harbor of Manila and led to the destruction of the Spanish fleet which was found there. We were upon the other side of the world, without land forces to dislodge the Spaniards, complete the conquest of those islands, or even to take the city of Manila.

Under these circumstances (and I am not going into any detail about it), at the suggestion of our own officers, of those who spoke for our Government at home and in the far-away islands of the sea, Aguinaldo returned from his exile in Hongkong to the Philippine Islands, speedily gathered together a force of Filipinos, for whom we furnished the arms and munitions of war, and cooperated with us for months, fighting and defeating the Spaniards, capturing one after another of their forts and armies, shattering the Spanish power upon land almost as completely as Dewey shattered it upon the water, until Filipino land, outside Manila, was wrested from Spain by Aguinaldo's army.

But somebody says there was no agreement that the Filipinos should be regarded as allies; that there was no promise made to Aguinaldo that his people should have freedom. I will not stop to discuss that, though it certainly can not be very creditable, it seems to me, to those who would speak for the great American Republic to make that claim and hinge an argument of any consequence upon that pretense.

Suppose this unsuspecting barbarian, if you call him that; suppose this bad man of the Far East, as you are in the habit of picturing him, was too unsophisticated and had too much confidence in us, had learned too well what the principles of our Government are and what its policies and practices have been, to claim, word for word, a contract and agreement with the representatives of this Government?

Suppose he said to himself, or suppose the other intelligent Filipinos said one to another, "These people are fighting for liberty over in their own hemisphere. They went into this war to strike the shackles from the limbs of the Cubans. The same kind of shackles were on our limbs; the same master artificer in cruelty welded all of them. Oh, it can not be that these deliverers of the Cubans will prove our oppressors. It would be an insult to their

intelligence, it would be an insult to their patriotism, it would be a confession of ignorance of their whole history, of the genius of their Government, to question or doubt that they will do for us, or rather, let us do for ourselves, what they are doing for the Cubans."

Now, Mr. Chairman, the Filipinos did cooperate with us. They did, in their way, and enthusiastically, because they were fighting for liberty, fighting in their own land for their own freedom, fighting for "their altars and their fires," fighting for "the green graves of their sires," fighting for everything that free men hold dear, everything that men cherishing sentiments of freedom and under oppression fight for and starve for and die for. I care not whether there was or was not a formal agreement. We owe them more than we owe the Cubans. Why rob them of the liberty they won while fighting their battles and ours?

Can they maintain a government? Let them try. Let us see; and if they fail—if we allow the flag of the republic of the Philippines to go up; if we allow the Filipino flag which we pulled out of the air which they and we cleared of the foul odor of Spanish oppression once again to float there; if we allow a republic, the successor of that which we shot to pieces after it had for months maintained order and administered the law throughout those islands, again to be established, and if in the providence of God flag and republic fall, which I do not believe they will, one thing will not fail, one thing will not be lost while time endures, while men love freedom and abhor tyranny—the glorious page that we will write in our own history by establishing a Filipino republic instead of an American despotism. [Applause on the Democratic side.]

Freeing a people instead of holding selfish dominion over them, devoting our energies to securing their independence after having done that great and good act in our own hemisphere, instead of throwing away the lives of many of our people and dissipating our energies in subjugating those who would be free—that would be something worthy of our past and encouraging for our future.

The majority would subject the Filipinos to alien rule for an indefinite time, if not forever. We upon this side of the Chamber would help them to set up a government of their own, and then we would leave them free to govern themselves, reserving and retaining for ourselves only such naval and coaling stations as they would gladly give us and as we should deem best suited to our uses as a liberty-loving, justice-doing, peace-promoting people.

The one policy is English, the other is truly American. The one has marked Ireland with desolation, has sent her bravest and best sons into exile, has implanted eternal hatred in the Irish soul for the English oppressor. It has destroyed the two Boer Republics. It has perpetrated cruelties and outrages by wholesale in every quarter of the globe. It has accumulated for old England wrath against the day of wrath. It has prepared the way for the fall of the empire built upon wrong, and thus far sustained by cruelty and greed. The other policy—the American policy—has built upon the corner stone of justice and human freedom the grandest Republic this earth ever knew.

Now, which policy shall be ours in dealing with the Filipinos? Over here we are a unit for the American policy and a unit against the English policy.

The majority bill provides for taking from the Filipinos the lands of the islands and giving them to corporations, native and foreign, English as well as American. This looks like brutal greed. Indeed, it looks to me very much as if the chief end and object of the legislation which the majority advocate is to despoil the Filipinos of their birthright, and give, as speedily as possible, the fruits of the spoliation to favorite henchmen, organized into corporations with English adventurers, ready to employ the American Government as a tool for the accomplishment of their piratical designs.

If this is not so, why is it that a Filipino can get but 40 acres for a home in his own country, while a corporation—black or white or mongrel, native or foreign, American or English, or, as some among us would have everything, Anglo-American—can have about 5,000 acres of the Filipino's land?

But we need not be surprised at this. Those who are ready to rob a people of their liberties, upon the poor pretext that they can not govern themselves, never scruple long about robbing them of their property also. In most cases, and probably in this one, the moving impulse from the first is greed.

Mr. Chairman, a short time ago it was my privilege to visit Habana, the beautiful capital of the new Cuban Republic, to witness the ceremonies when that Republic assumed formally its place in the sisterhood of nations. I saw the Stars and Stripes, the flag which we floated over all the public buildings in Habana, the flag that we all love, all honor, the flag that ought not to be trailed in the mire of wrongdoing, ought not to be sullied by base deeds, justified or excused—I saw that flag floating over all the public buildings in Habana, and at noon upon the 20th of last May I saw it come down from every flagstaff as peacefully as it is lowered at sunset from the flagstaffs in our own land; and as it came down the flag of the Republic of Cuba arose gracefully to its place as the emblem of a new Republic.

I do not know how others would be affected by the sight. I do not know what effect the shouting populace, the playing bands, the waving flags, the salvos of artillery at the birth of the new Republic might have upon others, but for me as an American citizen, cherishing, I hope, the principles of this Government, aspiring for it, if I may, to everything that is great and good, and disposed to protect it from every stain of dishonor, if I could—for me that was an inspiring sight, far more inspiring, as I view it, than if the American flag, as some wish, had remained "put" in Cuba, the faith of the American people violated, the young Republic strangled, and eternal wrong done.

What we did with Cuba we may do in the Philippines. That proud May day of 1902 can find its duplicate eventually—it should find it soon—in those far-away islands of the tropic seas. [Loud applause on the Democratic side.]

Mr. COOPER of Wisconsin. I yield forty minutes to the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Chairman, the magnitude and importance of the task upon which we are engaged is readily understood when it is considered that we are providing a scheme of government for nearly three times as many people as inhabited the United States when the Federal Constitution was framed and adopted. This is to be the organic law for some 10,000,000 of human beings, divided into many classes and tribes, speaking many different languages and dialects, and occupying an archipelago having an area of 127,853 square miles, comprising many islands, provinces, and municipalities. Three different measures are before us. First, the Senate bill, which is nominally under consideration; second, the Cooper bill, indorsed by the Republican majority of the Insular Committee, and, third, the Democratic substitute, recommended by the minority of the committee.

Between the Senate bill and the Cooper or House bill there are many differences in matter of detail and in three important general provisions. The House bill provides, as the Senate does not, for a Philippine congress, in which the Philippine Commission is to be the senate and the lower house composed of Filipinos elected by those entitled to vote under the suffrage qualifications of our bill. This much of participation in the government or in the making of its laws is earnestly desired by the leading Filipinos, and is urged by Governor Taft and the Philippine Commission as desirable and necessary in order to give them experience in governmental affairs and greater satisfaction and contentment with the existence in those islands of the authority of the United States.

Again, while the Senate bill in its coinage provisions leaves those islands substantially upon a silver basis, the House bill puts their currency upon a gold basis. This we consider desirable because of the great fluctuations in the value of silver, the exorbitant rates of exchange charged by bankers, and the fact that in value and volume the commerce of the Philippine Islands with gold-standard countries is five times as great as with silver-standard countries. The silver money in use in those islands is now coined mostly in Mexico. We believe that the system of coinage proposed in our bill will improve and increase trade relations between the Philippines and the United States, and that for many other reasons our coinage and currency provisions are better.

The provisions of the House and Senate bills with reference to the establishment of mining rights in the islands are very different and will require careful consideration.

I did not become a member of the Insular Committee until after the preparation of the bill had been substantially completed, having been appointed but recently to fill the vacancy occasioned by the regretted retirement from this body of the gentleman from Massachusetts [Mr. Moody] to accept and adorn the position of Secretary of the Navy. It is therefore not boastful nor in any wise violative of that modesty which is becoming to state that in my judgment there has not for a long time been presented for the consideration of this House any bill upon the preparation of which there has been brought to bear more of time, of thought, of brains, of patriotic endeavor, and of wise statesmanship, than upon House bill 13445.

No bill has been presented for a long time in which the thought and intention of the framer has been expressed in language more clear, concise, and apt.

No report more comprehensive and exhaustive or more happily expressed has been submitted to accompany any bill than that submitted by the gentleman from Wisconsin [Mr. COOPER], chairman of the Insular Committee, and no one could have made a more eloquent and masterful presentation of the subject than was contained in his address in opening this debate.

Upon the whole we consider that the House bill is more nearly

in accord with the needs of the Filipinos, that it will give them a greater interest in the Government and a greater measure of that liberty and happiness which it is our desire to confer upon them, at the same time preserving the dignity, authority, and rights of the United States in those islands.

The details of both House and Senate bills have been and will be very carefully explained by members of the Insular Committee who have given the subject longer and more intelligent consideration than I. Let me devote a few minutes to the consideration of the substitute bill recommended by the Democratic members of the committee and to the remarkable report accompanying the same.

This is what the gentleman from Missouri [Mr. DE ARMOND] calls the "prescription" compounded by the minority and warranted to cure all the ills to which the Filipino is heir. I noticed that in his remarks while indorsing it he carefully refrained from discussing its details. It is really interesting, if not important, to consider them. First, let us look at the report, signed by the six Democratic members of the Insular Committee, embodying the wisdom and policy of that party and accompanying and embracing their substitute bill. In that report they say:

> The chief question involved is whether, under the guise of the forms of civil government, a policy unjust and cruel to the people of the Philippine Islands and injurious and dishonoring to American citizenship shall be indefinitely if not perpetually continued.

Their bill is founded upon the proposition that our present policy toward the Filipinos is "unjust and cruel," a proposition which I challenge and deny. Their bill is founded upon that false statement. It is a bill which no intelligent body of statesmen would ever dream of enacting into law. It was not framed by our Democratic brethren with the intention of helping in the solution of these vexed problems. It was prepared upon the general Democratic principle of obstruction—of putting obstacles in the Republican pathway, which is ever the pathway of liberty and of progress.

According to the Paris Messenger, an eminent French scientist, Dr. Javal by name, has discovered a sixth sense, which he calls "the sense of obstacles." The seat of this sense he locates in the forehead. It acts "by the perception of certain warm and indefinite vibrations," enabling the person possessing it to be aware of obstacles neither seen, heard, touched, tasted, nor smelled, so that although a man may have lost all other senses he may yet not run his head against a brick wall. It seems to me, Mr. Chairman, that so far as it is possessed by the Democratic party, this sixth sense is not located in the forehead, but somewhere very close to the long ears. The vibrations may be warm, but they are altogether too indefinite to be useful, and this sixth sense or faculty is perverted into a disease so that the possessor is not only continually running its head against brick walls and other obstacles, but even creates them in its own pathway while striving to put them in the pathway of the Republican party, which, as I have said, is the pathway of human progress.

When, in 1898, President McKinley and conservative members of both Houses of Congress were striving to prevent war, the Democratic party, upon this floor, threw obstacles in the way of peace. As one of its brilliant members, the gentleman from Missouri [Mr. CLARK], said, they drew us into war "by the scruff of the neck." When we were fairly launched in war the Republican party endeavored to carry it through to the speediest and most complete success, but Democracy again broke out with this disease of "obstacles" and endeavored to impede progress by voting against the measures necessary to provide the sinews of war, because, forsooth, we would not accept the still greater obstacle, the free coinage of silver, as the condition of Democratic support. Upon the 29th of April, 1898, when we were in the midst of war, 131 Democrats in this House voted against the bill authorizing the Government to issue bonds and provide the revenue necessary to carry on the war.

The war having been brought to a successful conclusion, the Democrats in Congress generally threw every possible obstacle in the way of the ratification of the treaty of peace, until finally their leader, Mr. Bryan, with greater patriotism than they, came to Washington and secured enough Democratic votes to accomplish its ratification by the Senate.

As the result of that treaty the Government and the present and future welfare of the Philippines was intrusted to the United States. We did not seek the Philippines. They have been, as it were, thrown into our lap by the fortunes of war. Had the Spanish fleet been elsewhere than at Manila it might have been sunk by Admiral Dewey without involving us in the control of those islands. But he found it there and destroyed it there, and there was nothing else for him to do but capture Manila and remain there. That having been accomplished the necessity of protecting and governing the people of those islands devolved upon the United States. To have reestablished the Spanish Government there would have been a crime. Hence in the treaty there was no other course than that the Philippines should be ceded to the United States. Democratic as well as Republican members of the Paris Commission agreed to that.

That territory having been ceded to the United States, we found an insurrection in progress in certain parts of the islands. The Democratic party continually placed obstacles in the way of quelling that insurrection. Now that the insurrection has been practically quelled, it seeks in this House to create distrust of the Republican Administration which has brought about that happy result and to place obstacles in the way of the adoption of a measure for the peaceful and satisfactory government of those peoples. The obstacle upon which it most relies is the charge of cruelty contained in this minority report. Day after day we hear echoing through these Halls charges against the Army, against the privates and against the officers, against the Secretary of War, against the President as Commander in Chief of the Army, and against the entire Administration, all in the hope of destroying the efficiency of the Army and the efficiency of the Administration to bring about a happy solution of these difficulties.

A few acts of cruelty, actual or alleged, on the part of soldiers have been magnified, distorted, and made the subject of wholesale abuse of the entire Army. A few weeks ago the gentleman from Missouri [Mr. VANDIVER] read with great glee, upon this floor, the tale told by one Corporal O'Brien of alleged outrages perpetrated upon Filipinos. The tale itself bore every evidence of fabrication. A few days later Mr. Corporal O'Brien was summoned by the Senate investigating committee, and by his own testimony and that of far more reliable witnesses was proved a perjurer, he not having been within 30 miles of the place where he said he saw the outrages committed. I have been patiently waiting, day after day, for the gentleman from Missouri to rise in his place and apologize to the Army, but he has not done so.

Day after day and night after night this Chamber resounds with the denunciations of Gen. H. R. J. Smith—"Hell Roaring Jake Smith," they are pleased to call him—because they say he issued a verbal order that the province of Samar should be made a howling wilderness and directing that all bearing arms should be slain. General Smith has been tried by court-martial for the purpose of ascertaining whether or not he did give any order in violation of the rules of war. The result of that court-martial has not yet been made public, but it is generally believed that he has been acquitted. Gentlemen upon the other side, however, condemn and immediately find him guilty, without waiting to hear his defense or caring whether or not he has any. It is only fair to consider his side of the case.

From the Manila American of May 4, 1902, I quote the following extracts from the address of Col. Charles A. Woodruff, who defended General Smith before the court-martial. Among other things he said:

> In olden times a Roman general returning from a victorious campaign sometimes tied his captives to his chariot. In this case a conquering general returning from a successful campaign finds himself tied to the chariot.
>
> * * * * * * *
>
> For the last few months it has seemed to be popular to criticise the army in the Philippines. I regret to say that our people at home appear to have forgotten the magnificent services which they have made for America's honor and glory. Through good and evil report, through sun and rain, through mud and dust, across rivers, over mountains, through tangled underbrush, in sickness and in health, they have reflected nothing but honor and glory on the flag of their country. They have been worthy members of that Army whose bayonets have never flashed in any clime save in defense of the law, whose steady tramp has ever carried comfort to those in danger, and whose flag has waved an unbroken promise of protection to peaceful citizens of every race, sex, and condition. And yet we are to-day apparently degraded and disgraced. Why is this?
>
> I think, Mr. President and gentlemen of the court, that we are too far away from home to know. I can not for a moment imagine that any class of people in our native land expect to gain glory or political advancement among American people by abusing the Army. It was tried after the Mexican war, and "Rough and Ready" Zach Taylor was elected President. It was tried in '64, and McClellan—"Little Mac"—loved and honored though he had been, is remembered to-day as a good man gone wrong. It was tried after the civil war. The result was that Ulysses S. Grant, "the butcher," was elected President and died loved and honored by every American citizen. They can rest assured that no man can achieve greatness or will have greatness thrust upon him by abusing the American Army in the Philippine Islands.
>
> * * * * * * *

Speaking more directly of General Smith, Colonel Woodruff says:

> He was wounded in the assault upon San Juan Hill and now carries a Mauser bullet in his body. He has served in these islands for three years and his activity, pluck, and energy are known to all men living in the Philippine Islands.
>
> For forty-one years he has worn the uniform of the United States Army with honor to himself and benefit to the flag under which he has fought and bled. And now he has, at the close of a most remarkable and successful campaign, during which he has accomplished that which Spain, in her three hundred years' occupancy never achieved, the pacification of Samar. While returning to his family and his native land, after three years' service here, covered as he and all those who knew him thought with honor and glory, he is halted, taken off the transport to face charges for the language he used in giving instructions for the conduct of a most successful campaign. We

feel that the Government has only done this in deference to an overwhelming or noisy public sentiment in the United States, based upon rumors fostered for some unknown, and, I believe, ignoble purposes, until hysteria has been produced, and this gray-haired, wounded, victorious general is exposed to the indignity of a court-martial in deference to that hysterical public opinion.

We have not deemed it compatible with the dignity of a general officer of the United States Army to take the witness stand to explain to his peers his words when instructing his subordinate officers how to crush the outlaws, or to make clear to them actions committed in compliance with the law and the decisions of the Supreme Court of the United States.

If anyone can read the modest story of Sergeant Mumby without a welling up in his heart of pride in the enlisted man of the United States Army, he is unworthy of the name of American. We can see that heroic band, fighting with naked hand, baseball bats, bread and butcher knives, stabbed in back and breast, knocked down, piled up, still fighting on; then their thoughtfulness in trying to destroy everything of value to these murderers; then their kind care of their sorely wounded comrades; then their return to the rescue and what they saw. Their loved captain, who had knelt at the same altar with his murderers, cut, slashed, and burned; their young lieutenant, a fire kindled around him, his legs nearly cut off, his head split open, and in mere barbarous wantonness the gaping wound filled with blackberry jam, comrades with their bodies mangled and defiled.

If there is an American who can look upon the spectacle of forty-six murdered Americans, stripped of their uniforms which they had worn with honor to their country and to the benefit of the Philippine Islands, with their hacked and gashed bodies, defiled as savages and barbarians can defile them, I say if there is an American who can look upon American soldiers, butchered and defiled as they were, and not feel that action, prompt, drastic, and effective was imperative, then he is destitute of those elements of manhood that go to make up the true American. You have had described to you the pitfalls and spring guns which the natives so plentifully strew along the pathway our soldiers have to travel. You have been told how their commanding officer, their commanding general, directed them to set plenty of poison traps and gave them the receipt for the poison, also the antidotes in case any of them should be hurt themselves.

You gentlemen know the awful strain of waiting for an expected onslaught and the result in victory or death and mutilation. If the trail will permit of two abreast, they go, one with bayonet to the right, the other with bayonet to the left. If in single file, No. 1 with bayonet to the right, No. 2 with bayonet to the left. No advance guard or flankers can be sent out. It would be a vain precaution, expecting at every moment to receive the rush, and the only thing that worried these men was that they might be jumped when it was impossible for them to rally back to back. They did not cringe from a frontal attack, but every time met death with death where death was rife.

* * * * * *

The written orders and circulars issued by General Smith—and by these, rather than a few isolated expressions, should his meanings be judged—these indicate the kind of warfare he intended to prosecute, and no exceptions can be taken to them. They were conceived in loyalty to the United States, executed with vigor, and as soon as results were obtained were gradually softened. Yet all through them is exhibited a most humane, kindly sentiment toward those who manifested loyalty to the authority of the United States.

General Grant ordered that the Shenandoah Valley should be made a "desolate waste." Sherman left Georgia scarcely more than that after his famous march to the sea. Stonewall Jackson, the Christian soldier of the Confederacy, advocated raising the black flag against Union soldiers. The Confederate army would have left little more than a howling wilderness in its wake through Pennsylvania had it not been intercepted at Gettysburg.

Bouvier's Law Dictionary, volume 2, page 802, defining "quarter," as that term is used in the laws of war, quotes Risley on the Law of War, and says:

By the end of the seventeenth century quarter became a recognized usage of war. It is forfeited under exceptional circumstances only:

1. In case of absolute and overwhelming necessity, as where a small force is encumbered with a large number of prisoners in a savage or hostile country and may be justified in killing them for their own self-preservation.

2. Where belligerents violate the laws of war they may be refused quarter.

3. By way of retaliation against an enemy who has denied quarter without a cause.

I hold in my hand what is known as General Orders, No. 100, entitled "Instructions for the government of armies of the United States in the field," issued from the War Department April 24, 1863, during the civil war. It still remains in force, and contains, among others, the following provisions:

PAR. 23. Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

* * * * * * *

PAR. 60. It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give and therefore will not expect quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it impossible to cumber himself with prisoners.

* * * * * * *

PAR. 70. The use of poison in any manner, be it to poison wells or food or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

PAR. 71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States or is an enemy captured after having committed his misdeed.

* * * * * * *

PAR. 82. Men or squads of men who commit hostilities, whether by fighting or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men or squads of men are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

General Sherman wrote to General Burbridge in June, 1864:

You may order all your post and district commanders that guerrillas are not soldiers, but wild beasts, unknown to the usage of war. To be recognized as soldiers they must be enlisted, enrolled, officered, uniformed, armed, and equipped by some recognized belligerent power.

General Smith's counsel claims that upon these authorities his order was fully justified under the laws of war and rules governing the Army. Whether it was or not we shall soon know, when the President has acted upon the report of the court-martial. If he is found innocent, these charges of course fall to the ground. On the other hand, if he is found guilty and punished, that fact will equally refute the charge that the "policy" of the United States is cruel and unjust. In neither event can this charge found in the report of the minority of the Insular Comittee be sustained.

The Manila American of May 4, 1902, says editorially:

The administration of the army in the Philippines has been admirable, and there can not be too much said in praise of the services of officers and men. Confronted with an elusive and treacherous enemy, driven to impassable ravines and untrampled brush, through miry fields and desolate jungle, the American Army has well sustained the glory of the flag and perpetuated the sacred principles of liberty and justice.

During this discussion it has been alleged time and again upon that side of the Chamber that women and children were killed under General Smith's order. Another member charged, or at least insinuated, that it is the common practice of our soldiers to jab their bayonets into the stomachs of children. All such charges are absolutely baseless. Not the slightest scintilla of evidence has been or can be produced showing slaughter or illtreatment of women and children.

Against that statement I place the testimony of Felipe Buencamino, given before the Committee on Insular Affairs on the 31st day of last month. Formerly a member of Aguinaldo's cabinet, now leader of the Federal party, composed of all the influential Filipinos, he represents also all the commanders of the Katipunan society. He knows whereof he speaks. Asked by the chairman how the present condition of the people of the Philippines in the cities and in the country compares with their condition under the Spanish Government, he replied:

In one word, they may be compared as happiness and misery.

He was then asked:

Under the civil and provincial governments established by the Taft Commission do not the people of the Philippine Islands enjoy greater liberty than they would have enjoyed under the Aguinaldo government if it had been established?

His answer was:

They have much more liberty.

He gave in detail the reasons why their condition under the United States was that of happiness, compared with the misery they suffered under Spanish rule, and why he considered that they enjoyed greater liberty now than Aguinaldo's government could have given them, even had he succeeded in establishing it.

Buencamino was cross-examined for two days by the gentleman from Virginia [Mr. JONES], who failed to weaken in the slightest degree the force of his statements. Testimony favorable to the Army or creditable to the good name of our country is not relished upon that side of the Chamber, and when our friends over there do not like testimony they abuse the witness. The gentleman from Virginia attacks upon this floor the veracity of Buencamino. On Saturday the gentleman from Georgia [Mr. MADDOX], finding that the figures contained in the report of the Secretary of War did not show as great expenditures in the Philippines as he had hoped, saw fit to doubt the integrity of the report and insinuated that expenses in the Philippines had been withheld or improperly charged to other accounts. Secretary Root is as straightforward and honest as he is brave and fearless, and all insinuations of that character fall harmless. As for Buencamino, his statement is fully corroborated by the testimony of Professor Schurman, president of the first Philippine Commission, who says:

American sovereignty over the Philippines having been established by treaty was a fact which was no longer open to discussion by Filipinos in arms. And in meetings of the Commission with them I always ruled that question out of order and refused to permit any speaker to debate it.

The Tagalog insurgents and their Philippine republic did not represent the inhabitants of the Philippine Islands, but only a minority of them.

For these reasons and also because Aguinaldo's men were rebels in arms, we insisted that the recognition of American sovereignty was the first condition of peace.

The leaders perceived that under American sovereignty they would enjoy greater liberties than they had ever dreamed of under Spanish rule, and if not a nominal independence at least a firmer and surer self-government than their own Philippine republic could ever guarantee.

Yet, in the face of such testimony, the Democratic members of this committee solemnly declare that the United States is pursuing "a policy unjust and cruel to the people of the Philippine Islands."

When a man is knocked down, his eyes gouged out and his thumb chewed, you can not expect him to fight in entire accordance with the Marquis of Queensbury rules, and it is hardly fair to him to cry "foul" even if under such conditions he strike his adversary below the belt. Because one Filipino, or a dozen, may have been by individual soldiers pumped full of water to compel

information, tending to show who had been guilty of dismembering a United States soldier and throwing his arms and legs into a swamp, it will not do to charge either the Administration or the Army with "a policy unjust and cruel."

The wholesale charges made upon the floor of this Chamber against the Army are already bringing forth fruit. This morning's papers tells us that last Saturday evening, in Knoxville, Tenn., doubtless taking his cue from one of the speeches made here, a man made the broad charge that two-thirds of the Army was composed of hoodlums and the other third of bullies and cowards. That statement resulted in a very violent disturbance and the probable loss of four lives.

The Army of the United States is not made up of Hessian hirelings. It is composed of the flower of American manhood. In no other country is the army so close to the people. Our soldiers in the Philippines have relatives or friends in every city, town, and hamlet in the United States. The great mass of the American people is in sympathy with them and condemn the unjust attacks which are daily made upon these brave men 10,000 miles away, with no opportunity of being heard in their own defense. If gentlemen of the minority believe they are making political capital by such attacks, I want to tell them that their sense of obstacles is misplaced.

They are running their heads against a brick wall. The great mass of Democratic voters do not sympathize with these attacks. They do not intend to be less patriotic than the great mass of Republicans. Democratic soldiers distinguished themselves equally with Republicans in the war with Spain. Thousands of Democrats have served their country bravely and well in the Philippines. Neither they nor their friends admire or approve the untrue and baseless charges of cruelty made and reiterated upon this floor even after proof of their falsity has been produced. Individual instances of cruelty have doubtless occurred—acts which all condemn. There never was a war in which there were not some. But you will never convince the people of the United States that the American soldier boy is unjust or unnecessarily cruel, and they will not thank you for trying to. Our policy toward the people of the Philippines was inaugurated by our late martyred President William McKinley, the mildest and gentlest of all earth's rulers. You will never convince the American people that "a policy cruel and unjust" was designed by one who, fainting with agony, could yet find voice and heart to say of the assassin who struck him down, "Do not hurt him."

I refute and deny the charge of cruelty and injustice, and am ashamed that it is made in a document promulgated officially in this House.

Proceeding in their report, our Democratic friends say that their substitute is submitted because our bill is "vicious in principle, bad in its details, unjust, inexpedient." They further say, and I particularly call the attention of the gentleman from Missouri [Mr. DE ARMOND] to this language which accompanies the "prescription" prepared for us. The report says:

Recognizing that three centuries of Spanish dominion have destroyed all self-government in the Philippine Islands, and that its people at this time are unprepared for its exercise, the theory upon which this substitute measure is framed is that there should be conferred upon them for a period of eight years the largest possible share in the government of themselves and in the conduct of their affairs, etc.

Mr. WILLIAMS of Mississippi. It says that three hundred years of tyranny have destroyed self-government; it does not say the capacity for self-government. It says that those people are now unprepared for the exercise of self-government because they have no self-governing institutions left. It does not say that the capacity for self-government was destroyed, but that self-government itself was destroyed. Does not the gentleman admit that? Are there any self-governing Filipinos there?

Mr. OLMSTED. I believe I correctly read the report:

Recognizing that three centuries of Spanish dominion have destroyed all self-government in the Philippine Islands, and that its people at this time are unprepared for its exercise.

That is the language of the report. If they are "unprepared," it must be because they are incapable. If they are capable, how can it be said they are unprepared? Yet they say substantially in their bill:

Be it enacted, etc., That eight years from to-day they shall be capable, and after that time they shall be set adrift to look out for themselves.

In other words, they propose to make them capable by an act of Congress, although for three hundred years they have not been.

Now, I want to call attention to some of the provisions of this bill emanating from the minority of the committee which says that our bill is vicious in principle and bad in detail.

That the government of the Philippines established in accordance with the provisions of this act shall assume and carry into effect the treaty obligations of the United States with the Kingdom of Spain.

Think of that—devolving upon those people, who for three hundred years have been and still are incapable of exercising self-government, the solemn obligations of the United States under its treaty with Spain. There is consistency. There is wisdom. There is statesmanship. There is a due regard for the dignity and reputation of this nation. Our bill is—

Vicious in principle, bad in its details, unjust, inexpedient.

But here is the embodied justice, virtue, and expediency of the minority. The United States shall evade its solemn responsibilities and treaty obligations by shifting them onto Philippine shoulders. That may be good in principle and perfect in detail, but it will not so commend itself, I am sure, to the judgment of this House.

Further, the president of the Philippines is to have power, by and with the consent of the senate, etc., to make treaties with other nations, and without consulting the United States or any of its authorities may, by the advice of two-thirds of a native Filipino senate, nominate and appoint ambassadors, ministers, and consuls.

These are the people, for three hundred years without self-government and now incapable of its exercise, never having read a treaty nor seen an ambassador, minister, or consul. They are at once, by this proposed Democratic measure, placed in diplomatic relations with the whole world—relations which may involve us as well as them in international complications which we should desire to avoid.

Now, here is more "perfection of detail:"

"Each legislative district shall choose a senator and a representative at the next election." Each district chooses a senator and a representative; yet there are to be 30 members in one body and 100 in the other. That is "perfection of detail," but not of arithmetic.

Then, four sections later, it is provided that in each district they shall elect two senators. I should like some of those six gentlemen who joined in this report to explain the details of their bill in these inconsistent particulars.

Then these representatives are to serve "from the date of their election," which is the first Monday in May, "for the length of their terms from and after July 4, 1903." Perhaps somebody will explain that "perfect detail."

But when we come down to the qualifications of voters, that is where we get detail in the greatest perfection.

The eighth section of the minority bill defines qualified electors to be:

All male inhabitants of the Philippine Islands, 21 years of age, and able to read or write, or who have paid the government of the Philippines, during the calendar year next preceding the calendar year of the election, at least $2 for poll or other taxes, and who shall have resided in the Philippines for two years next preceding the date of election. The sole penalty of the non-payment of the $2 poll tax (which is hereby assessed and levied, to be paid on January 1 of each calendar year, beginning with a payment on or before January 1, 1901) shall be a deprivation of the right to vote at any election during that and the succeeding calendar year nor shall the payment of said poll tax be enforcible by any legal procedure.

The tax provision, it will be noted, is in brackets—the tax is parenthetically imposed. I never heard of taxation by parenthesis before. Here we are, in June, 1902, levying a tax to be paid on or before January 1, 1901. "Backward, turn backward, O Time, in thy flight," to enable the poor Filipinos to comply with this remarkable provision.

The same section requires that an election shall be held—

not later than the first Monday of May, 1903.

To enable the Filipino to vote he must have paid his poll tax—

during the calendar year next preceding the calendar year of the election.

That is to say, he can not vote at the first election in May, 1903, unless he shall have paid a poll tax January 1, 1902. As no such tax had been assessed, of course no such tax was paid, and therefore, under the provisions of this very perfect substitute bill, the poor Filipino can not possibly be qualified to vote in May, 1903, when the first election is to be held. This "prescription" offered by the minority and supported by my friend from Missouri [Mr. DE ARMOND] provides that—

The Senate shall have the sole power to try all impeachments.

Then, a little later on, follows this provision:

When the president of the Philippines is tried, or the secretary of state for foreign affairs, the chief justice of the supreme court of the Philippines shall preside: and no person shall be convicted without the concurrence of two-thirds of the members thereof.

Members of what? The senate, or the supreme court, or both? But that is not the worst of it. This bill is only to run for eight years, and yet a little further along it provides that—

for eight years nobody shall be convicted without the concurrence of three-fourths of the members present.

Whether of the court or the senate we are not advised. Now, is it not a little peculiar, is it not vicious in principle as well as bad in detail that the governor of the Philippines who is appointed by the President of the United States, by and with the consent of the Senate of the United States, and the secretary of foreign affairs, appointed in the same way, may yet be removed by a tribunal of native Filipinos, and the United States have no voice in the matter?

Next we come to an absurd adaptation of the commerce clause of the Federal Constitution. Our Union was formed by the union of several independent States. It was not intended to take away from them the power of regulating their own purely intra-State commerce, but only interstate commerce. The Constitution of the United States therefore provides that "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." Each State has its own government and is left to regulate its own purely internal commerce.

Now, see how the framers of this minority prescription have adapted that provision to this proposed Democratic Filipino constitution. Their bill says:

The congress of the Philippines shall have power * * * to regulate commerce with foreign nations or with savage or barbarous tribes within the Philippines.

Nobody else. Upon the *expressio unius exclusio alterius* principle of construction, clearly nobody else. How, then, is commerce within or among the civilized provinces to be regulated? Where is that power to be lodged? This minority measure would take it away from the Congress of the United States, while not vesting it in the Philippine congress, whose power is expressly limited to the regulation of commerce with foreign nations and with savages.

In short, this bill which accompanies the report of the minority of the Insular Affairs Committee, signed by the six Democratic members thereof, and which we are asked to believe is much better than the bill submitted by the majority, is simply a hotchpotch of certain provisions of the Federal Constitution, certain provisions of certain State constitutions, and numerous provisions that it is impossible to conceive that any intelligent body of men would think of ingrafting upon any constitution. It is too absurd to receive serious consideration.

These defects and inconsistencies that I have pointed out constitute the least objectionable features of the bill. It is even more "vicious in principle" than it is "bad in its details." It could not possibly commend itself either to the Filipinos or to the American people.

That is why, perhaps, the gentleman from Virginia [Mr. JONES], who represents the minority in this matter, has just introduced a new bill, which appeared for the first time in print the very day this discussion began. If the other members of the minority of the Insular Committee accept this bill in lieu of their own, then they acknowledge their inability to prepare a constitution, for this new bill provides that the Filipinos themselves shall call a constitutional convention and frame one of their own. The gentlemen of the minority, after their first attempt, have evidently concluded that although for three centuries and more the Filipinos have been and still are unprepared for the exercise of self-government, nevertheless they are better prepared and better qualified than they to frame a proper constitution, and upon that point I think we must all agree after considering the woeful failure of the minority members in that direction.

This latest bill is even more objectionable than the original substitute. Although conceding in their unanimous report that for three hundred years the Filipinos have been incapable of self-government, they reduce the limit from eight years to four and ask the Congress of the United States to solemnly enact that they shall be capable within four years, and that not later than the first Monday of January, 1905, they shall frame a constitution and be deemed capable in law of governing themselves and thereafter cut loose, set adrift, and declare themselves a separate nation—

As fully separate and independent as other separate and independent nations are.

In the meantime the Filipino congress (composed entirely of native Filipinos, who for three hundred years have been incapable of self-government and are not yet prepared for its exercise) is required—

To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under authority of the United States.

Practically, under the Jones bill, everything is surrendered to the Filipinos immediately the President shall have proclaimed that all armed resistance of the United States has ceased in the archipelago, the United States retaining for four years control and regulation of the Philippines in their intercourse with foreign nations only.

The Filipinos may, however, hold the constitutional convention before 1905, and immediately upon the adoption of a constitution by them this new bill makes it the duty of the President of the United States to issue his proclamation declaring the complete independence of the people of the Philippine Archipelago. This means a practical abandonment of the islands to a people who confessedly for three hundred years have been and still are incapable of self-government. It does not even permit the United States to retain such lands and water as may be necessary for naval, military, and coaling stations, terminal facilities for submarine cables, etc., unless the same shall be agreed to by the Philippine government.

Another important difference between our bill and the Democratic measure is in dealing with trusts. In ours we have made the most stringent provisions against large ownership or the undue exercise of power in these islands by trusts or large combinations of capital. Neither one of the Democratic measures contains the slightest provision upon the subject. Pass the Democratic measure and 30,000,000 acres of rarest mahogany forests, the inexhaustible mines and basins of oil, and the agricultural lands of the Philippines—"sweet fields arrayed in living green"—so productive that upon the average 1 acre there is equal to 4 here, will be entirely open to exploitation by trusts, great corporations, or other vast aggregations of capital.

When it comes to trusts, the Democratic party is always long on promises but short in performance. Its opposition to them is confined entirely to platform planks and campaign oratory. Now that our Democratic friends have, right here, by voting for our bill, a chance to do something to restrict the operation of trusts in these rich islands, they fail to embrace the opportunity. Having shown their utter inability to advance an intelligent or even plausible scheme of government for the Philippines, they yet oppose ours. Not one of them has attempted to analyze it or show any reason why it should not pass. But during the long days and nights of this debate they continually shout about alleged cruelties practiced by the American soldiers upon the Filipinos.

Why do they oppose the passage of this bill? Being asked if he thought he would catch the woodchuck, the boy who was digging frantically at the hole replied:

Catch him? I've got to catch him; Sunday's coming and there is no meat in the house.

Election day is coming and the Democratic party has no issues. [Laughter.] Pass this bill, establish peace and a stable government in the Philippines, and all their labors to make an issue of "imperialism" will have been in vain.

PAREGORIC.

A short time ago they thought they had an issue. The gentleman from Tennessee [Mr. RICHARDSON], the Democratic leader upon this floor, joyously launched the charge that a certain man named Christmas had obtained or tried to obtain from the Danish Government a half million dollars or so for the purpose of buying up somebody or something in the United States with reference to the sale of the Danish Islands. From the note of exultation in his voice and gleam of hope in his eye it was apparent that he felt that the Democratic party had at last found an issue—that it had, so to speak, struck oil. His position to-day, in view of the utter collapse of his charges, reminds me of a client of mine, the necessities of whose large family, recently augmented by twins, forced him into financial straits. He came to me one day joyfully declaring that he had found oil floating upon the surface of the water of a spring upon a small farm which he owned. The bottle in which he brought a sample had evidently seen family use. I sent it to an expert to analyze, and in a few days received his brief report, which dashed to earth the hopes of my client and myself. He simply said: "Find no trace of oil. Think your friend has struck paregoric." [Laughter.]

In his remarks upon this floor the other day that same Democratic leader, in that same address, said:

If I were called upon to name the agency or factor in American affairs at this time most dangerous to our institutions and threatening to their permanency, I would name the trusts.

He also said:

It should be borne in mind, too, that they constitute a new element in our trade and business operations and experience.

He also declared the Dingley tariff bill to be the parent of trusts. He has a short memory.

If the Democratic party in the coming campaign shall try to make the trust question one of their "gaudy issues," if they bore for oil in the trust field, they will strike something more bitter than paregoric. They will turn up the trust record of their own party. They will indeed find oil, because that trust, the pioneer of trusts, the best managed, the most prosperous and successful, and one of the largest of all trusts, existed before either of the Cleveland Administrations. What did our Democratic brethren do to curb that trust? Nothing whatever, save to select from its membership two United States Senators and one Cabinet minister.

The gentleman from Tennessee has a short memory. Trusts are not a new issue. Away back in 1888, when Grover Cleveland was President and the Democrats had a majority in this House, the Committee on Manufactures, whose membership embraced such Democratic leaders as William L. Wilson, William D. Bynum and Clifton R. Breckinridge, was authorized and instructed to investigate trusts and report what should be done to regulate,

control, and suppress them. That committee made a partial report July 22, 1888, in which, after stating that they had taken a large amount of testimony concerning the sugar trust, the oil trust, the whisky trust, and the cotton-bagging trust, they said:

Your committee further report that the names of various combinations and trusts have been from time to time furnished to your committee; that the number of such combinations is very large.

That was their report to a Democratic Congress in 1888, and yet the gentleman from Tennessee says trusts constitute a new element. They continued investigating at an expense of some $10,000 to the taxpayers of the country, and finally, March 2, 1889, submitted their final report, in which they said:

We respectfully report that the number of combinations and trusts formed and forming in this country is, as your Commission ascertained, very large, and affect a large portion of the manufacturing and industrial interests of the country. * * * Your committee respectfully reports that, owing to difference of opinion between the members of the committee, they limit this report to submitting to the careful consideration of subsequent Congresses the facts shown in the testimony taken before the committee.

The gentleman from Tennessee tells us that trusts constitute a new element, but that was the report of a Democratic committee made thirteen years ago to a Democratic House, which did not even attempt to curb this factor which we are now told is so—

dangerous to our institutions and threatening to their permanency.

In 1893 the Democratic party came again in full power, having the President and both Houses of Congress. I challenge the gentleman from Tennessee to tell me one thing that during those four years his party did to curtail the growing power and acts of trusts.

In the Fifty-second Congress William Jennings Bryan, the Democratic standard bearer of the last two Presidential campaigns, then a member of Congress, did introduce two bills relating to trusts. He had them referred to the Ways and Means Committee, of which he was a member, and upon which the Democrats had a majority, and there allowed them to sleep the sleep that knows no waking, or would have known none had not the gentleman from Maine [Mr. LITTLEFIELD] unearthed and exposed them during the pendency of trust legislation in the last Congress.

I remember that during the special session of 1897, while the Dingley tariff bill was upon its passage in this House, a distinguished Democrat from Tennessee, now governor of that State, declared his great pride in the fact that while a member of the Tennessee legislature he had assisted in bringing into life the Tennessee Coal and Iron Company, which, he declared, could and would without the aid of any tariff put the Pennsylvania coal and iron companies out of business, and was already sending its products not only into Pennsylvania, but to foreign countries.

I had the curiosity to look up that concern, and to my surprise found that it was the result of the combination of some 15 or 20 different rival corporations, thus constituting what is popularly called a "trust." I hope it is one of those which the gentleman from Tennessee says he has upon his list. And as it is particularly within the province and authority of the State of Tennessee to regulate that great concern, I hope that the gentleman will see that it is immediately done, so that it may not destroy our Pennsylvania industries.

The gentleman from Tennessee had a short memory also when he declared the tariff responsible for trusts. He forgot that the earliest and, as I have said, one of the greatest and I believe the best managed and most successful of all the trusts, namely, the oil trust, deals exclusively in a product upon which there is not now and never has been any tariff whatever. Perhaps he wished to forget it. Certainly he does not wish to injure it, because of its important Democratic membership.

Perhaps he purposely forgot also that another great trust, officered, owned, and controlled by some of the most notable Democrats in the United States, does not owe its parentage to any Republican tariff. So far as I know, there has never been any tariff on ice.

Perhaps he purposely forgot also that the chairman of the Democratic national committee during the last two Presidential campaigns was the president of the great cotton-bale trust.

He may forget, but the people have long memories, and when the Democratic party attempts to parade that issue, its sixth sense will need to be in good working order, for its pathway is strewn with the insurmountable obstacle of its own past record.

In the Fifty-sixth Congress, in 1900, the Republican party introduced and supported in this House an amendment to the Constitution providing that "Congress shall have power to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise." Being an amendment to the Constitution, it required a two-thirds vote. The gentleman from Tennessee and every other Democratic member in this House, save five, voted against, and thus defeated it.

At the very outset of the same address the gentleman from Tennessee startled us by the information that there is now greater harmony in the Democratic party than at any time within the past eight years. We have all noted how, at the recent harmony gathering in New York, the bright particular star was a man who, more than any other, has during the past five years been the subject of abuse upon the Democratic side of this House, and of whose election to the Presidency a Democratic member within the past thirty days has declared upon this floor to have been the greatest calamity that ever befell the American people. While this new harmony deal brings Cleveland to the front, it apparently relegates to the rear the Democratic idol of two campaigns, for William Jennings Bryan was not invited and was not present. To-day he has issued a statement declaring his view of that kind of harmony.

The sixth sense of the gentleman from Tennessee was not in good working order and he certainly ran his head against a brick wall when he attempted to take the Republican party to task for not having accomplished more since it came into power in 1897, for he invited a comparison between conditions now and those which existed when William McKinley was inaugurated March 4, 1897, and a comparison of the record of adversity under the preceding Democratic Administration with the record of prosperity under Republican rule. When President Cleveland and a Democratic Congress came into power in March, 1893, there were employed on the railways of this country 876,602 men. Within one year from that date there had been mustered out 93,994, an army of railway men larger than the army which fought the battle of Gettysburg, and never during the four years of Democratic administration did the number of railway employees grow to within 50,000 of the number previously employed at the close of President Harrison's term.

When President McKinley came into office in 1897 there were 823,476 railway employees. In one year the number grew to 874,558, an increase of 51,082. By June 30, 1900, the grand total had been increased to 1,017,653, an increase in three years of 194,177 men. That is the last date to which the Interstate Commerce Commission can give accurate information, but the number has since largely increased.

In 1897, the last year of Democratic rule, the compensation paid railway employees was $465,601,581. By 1900 there had been an increase of $112,663,263 in the annual pay of railway employees, the total paid in that year being $577,264,841. The prosperity of railways is an index to the prosperity of the entire country. The increase of employees and in wages in mines and factories has been even greater proportionately than in railways, and it is no exaggeration to say that 3,000,000 of men who were idle under Democratic administration find employment at good wages to-day.

In 1897, the last year of Democratic Administration, the expenses of the Government exceeded its receipts by $18,524,455. In the fiscal year ending June 30, 1901, the receipts exceeded the expenditures by $77,717,985. By 1897 a Democratic administration of four years had succeeded in frightening capital out of the country to such an extent that the circulation per capita was reduced to $22.87, the total amount in circulation being $1,640,209,519. June 1, 1902, the amount in circulation was $2,254,415,975, an increase of $614,206,456, and the per capita of circulation was $28.54.

In 1896, the last full year of Democratic administration, there were 15,088 business failures in the United States, involving aggregate liabilities of $226,096,134.

In 1901 there were 11,002 failures, with aggregate liabilities of $113,092,376. With 67,263 more business concerns in operation in 1901 than in 1896, there were over 4,000 less failures. To put it differently, the percentage of failures in 1896 was 1.31 per cent, but in 1901 less than nine-tenths of 1 per cent. We have an average of 4,000 less business failures every year under Republican administration, and an average of $100,000,000 less of liabilities involved in such failures every year.

When the Republican party came into power in 1897 commercial and financial fear, distrust, and disaster, and the consequent personal suffering, distress, and almost starvation of thousands were the prevailing conditions. All this has been changed as by the wand of the magician. Business confidence is restored, our commerce is greater, and our people more prosperous than ever before. If our Democratic friends can make capital by referring to these matters, they are welcome to do so.

Surely the party—the Administration—whose policy has showered these blessings upon our people at home can be more safely trusted to administer to the wants of the people of the Philippines than can the party which has shown itself so incapable of administering our own domestic affairs.

The bill proposed by the minority means a complete renunciation by the United States of the duties and responsibilities which, in the providence of God, have been cast upon us. It means a cowardly retreat. It means that we shall be degraded and disgraced in the eyes of all the world. It means something that the

American people will never tolerate. On the other hand, the bill we present and propose to pass maintains the honor and dignity of the American people, enables us to carry out our own treaty obligations to maintain peace and good order in the Philippines and to be more instrumental and effective in maintaining peace throughout the world. At the same time it enables the Filipinos to participate as fully as possible in the blessings of our republican form of government. It gives them more of independence of action, more of self-government than they ever have enjoyed or ever expected to achieve. It is all that they demand—all that they are capable of enjoying. When we have passed it, then, in the language of the Prophet Isaiah, "Let them give glory unto the Lord and declare His praise in the islands." [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I understand the gentleman from Virginia has consented that the gentleman from Ohio [Mr. GROSVENOR] may proceed at the present time. I yield to the gentleman for one hour.

Mr. GROSVENOR. Mr. Chairman, I shall speak upon a matter not involved in the pending bill, at least for a portion of my time. I do not think it is necessary that I should apologize for coming before the House of Representatives and incidentally, perhaps, before a large audience to speak about a matter which has attracted a great deal of the attention of the people of this country.

The gentleman from Washington [Mr. CUSHMAN], on the 17th of April last, took advantage, as I am now taking advantage, of general debate in the House, to attack, in a manner peculiar to himself, and which I do not care especially to criticise, the Speaker of the House, the Committee on Rules, and the organization of the House. I do not care to go into the special things that he said, because he has succeeded in making his speech the basis of current assaults upon the House of Representatives, and to have attracted the attention of the people of the whole country by the denunciation with which that speech is filled. His speech has been widely circulated—by whom I do not know and I do not care—but it, like every other matter of denunciation of somebody and pointing out to the people of the country some danger it is threatened by, has attracted very wide attention.

Silence on the part of those charged with the misuse of official position and arbitrary assumption of unauthorized power would be very naturally construed as admission of the justice of these assaults, and hence duty demands that response be made.

The press of the country has been teeming with these denunciations, and I have before me a long list of newspaper condemnations of the House. Several of them, one especially, with a most attractive head line "The passing of the Speaker." Another, "The degradation of the House of Representatives." Still another, "The danger to civil liberty in the organization of the House of Representatives." Following that gentleman's speech my colleague, Mr. GILL, from one of the Ohio districts—and some of you know him by sight—took occasion not only to denounce the organization of the House, but the Committee on Rules, and coupled his statement with the statement that the House was an oligarchy, and that it was impossible for an ordinary member of the House to secure any action upon any bill.

My friend from Indiana [Mr. ROBINSON] standing on his feet, with that enthusiastic condition that comes over him when a question of that character is on his mind, also denounced the House of Representatives and its organization, and not only so, but went out before the public with a newspaper article, very ably written, of course, denouncing in the same sort of language the organization of the House of Representatives, and notably the Committee on Rules.

In the State of Ohio substantially all the Democratic newspapers have taken up the cry and have warned the people of the horrors that are just ahead of them if they do not in some way rouse up and combat this oppression. My colleague, in accepting a nomination for a second term in his district, published in his speech the larger part of the speech of the gentleman from Washington. Quite an improvement it was, in matter of rhetoric and eloquence, I confess; and that went the rounds of the newspapers and press of Ohio, was widely circulated and widely commented upon. It became the text for a great many Democratic editorials.

I do not stand here to-day for the purpose of having a personal controversy with the gentleman from Washington. Individually he cuts a very insignificant figure as compared with the greater fact that he has sent forth to the world at large a studied arraignment of the Speaker and the House. This gives to his remarkable utterances unusual interest. I have no personal controversy with him. I have been his friend always. I have in my possession a letter from his committee thanking me for the laborious efforts I made for his election. I had entered into that matter because of certain conditions that surrounded us here in the House of Representatives, and I had nothing but the most friendly feeling for him, and never, on any occasion, could he have asked a favor of me that I would not have cordially and willingly granted. So his attack upon me, not only put forth upon the floor of the House with bitterness and vindictiveness that marked every utterance that related to me, but its repetition in other localities, called my attention to the character of the assault. I care nothing about that.

If nobody was interested in this matter but myself I would not be heard in defense. But there are others; not only the gentlemen who furnish the personnel of the committee organization of the House, but furthermore the honor and integrity of the House of Representatives. This is the most representative body in all the world—a body that comes directly every two years from the ultimate source of all political power, coming directly from the people. In our representative capacity we control the destinies of the present and future of a great nation. To send it forth to the world that that body of men is under the control of an oligarchy that oppresses the people and suppresses debate and strangles needed consideration of bills and measures is a matter of very considerable importance, not alone to the members in this House, but in a much larger degree to the people of the United States. It furnishes an element of assault throughout the world upon the success of free institutions. It has already brought out sneering comment from newspapers in other countries.

Now, I do not care to read any of this attack, for I do not care to give it any wider circulation than it has had already, but I propose here to place in the RECORD, and use it as a part of my speech, an argument in favor of the present organization of the House of Representatives, prepared by our very distinguished and very able clerk to the Speaker, Mr. Hinds. You know to whom I refer. He is probably to-day—so far as the matter of detail is concerned—the best posted parliamentarian in the United States. [Applause.] I am not putting in competition the great minds that have presided in this House, to whom I shall refer later, or so far as the independent physiological consideration and discussion and settlement of questions of parliamentary law are concerned; but in so far as discussion properly relates to the history of legislation, to the parliamentary history of the United States, now nearly a century and a quarter old, I would refer to Mr. Hinds, and defer to him in preference to any other man in the country. [Applause.] I am glad to make this reference to him.

He has furnished—not at my suggestion, but he has given me the benefit of it—a statement in regard to this subject of the criticism of the rules of the House.

Before I come to that, however, I desire to say that there is no more democratic place in all the parliamentary history of this or any other country than the period of time when the House of Representatives debates rules for its organization at the beginning of a Congress.

In the organization of this Congress, as in the organization of the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth, we had gentlemen here—wise men, men whom I recognize as men of ability—who differed with the majority of the House upon the question of the propriety of these rules, and effort to change them was made.

I may say very briefly, in addition to the paper of Mr. Hinds, that the Fiftieth Congress demonstrated to all the world and to every member of that House that there must be a radical, far-reaching change in the rules of the House of Representatives. We had become not an oligarchy, not an organization of tyranny and oppression, but we had become a powerless body—a body that could not do business. We had grown from a small number up to the number of the present organization of the House, or nearly so; and I remember very well—and there are other gentlemen here on the floor who remember it as well as I do—when for nearly nine days—for more than eight days—we stayed in this House by day and by night—holding long night sessions, sometimes all night—for the sole and simple purpose of coming to a vote upon a question that had been widely discussed and as to which everybody absolutely understood all there was bearing upon it.

It was the question of the refunding of the direct tax. It had been discussed and, as I have said, understood, and when we undertook to force a vote upon it we were obliged to waste absolutely somewhere between eight or nine days because we could not, by any process furnished to us by the rules of the House, bring about a vote on that important question. It then became apparent that some radical changes in the rules must be made.

In the Fifty-first Congress, this organization, substantially what we have now, was made. There was a good deal of criticism of it upon the Democratic side; but in the Fifty-second Congress and in the Fifty-third Congress that party, with the same intelligence which it has always had, followed in the footsteps of the Republican party ultimately and adopted in essence our rules. From that day to this, as I have already said, there have been repeated efforts to amend these rules, and I want to point out now with what grace it comes from two members of this House to now condemn the principles upon which these rules are established.

At the beginning of this Congress, following the election of the Speaker of the House and the other elective officers of the House, a motion was made to adopt for the government of the Fifty-seventh Congress the rules of the Fifty-sixth Congress. Our friends on the other side made about the usual opposition; and finally, in a full debate in which more than one Republican participated, and in which there were strong utterances in opposition to some of the provisions of the proposed rules, and, among other things, a strong attack made upon the small number of the Committee on Rules, and an attack made upon the source of their appointment as well—because the claim has been made many a time that the Speaker ought not to be intrusted with the appointment of the Committee on Rules, that the appointment ought to be made by the House of Representatives—all this was discussed fully. And there were here in this House two gentlemen who had served all the way through the Fifty-sixth Congress; that is, their names had been on the roll of the House.

They were present when the debate took place. They knew, or had the opportunity to know, all there was of oligarchy, all there was of tyranny, all there was of oppression in those rules, for they had served under them for two sessions of Congress and their memory was again refreshed by the able attacks which were made, not only on the other side, but on this side, against those rules; yet I find that when a motion was made by the gentleman from Tennessee to commit these rules to the Committee on Rules again for the purpose of reorganization and for the purpose of eliminating these oppressive features, as they are called, both these gentlemen—one of them the gentleman from Washington [Mr. CUSHMAN], and I will call attention to another gentleman who has attacked the whole business here—possibly not so much the rules as the mode of their administration—on a direct yea-and-nay vote upon the question whether there should be a change in these rules or not the gentleman from Washington and the gentleman from Ohio [Mr. GILL] and the gentleman from California [Mr. LOUD] all voted with their party against the change in the rules of the House. This was their opportunity, and they failed to avail themselves of it. I say they are now estopped to complain.

And now I am going to show you before I get through what a meager opportunity these gentlemen, at least some of them, have had to know how oppressive these rules have been during the organization of the Fifty-seventh Congress. They were here. They had served two sessions. Were they unintelligent? Did they not know what was wrong with the rules of the House? Had they not had sufficient time to ascertain what was the matter? Yet we find that after full debate here upon the floor of the House, they voted for the readoption of the old rules of the Fifty-fourth, of the Fifty-fifth, the Fifty-sixth, and now the rules of the Fifty-seventh Congress.

It strikes me that these gentlemen are effectually estopped—and it is an estoppel in pais, as the lawyers would say—from coming here now and protesting against the rules that they deliberately voted for, with a full knowledge of all that had been said by much abler men, possibly, than any of us, on the question of these rules. By what principle of fairness do these gentlemen complain of rules they voted for?

So now, Mr. Chairman, I want to show to the House how little there is in the complaints that are made in regard to this matter.

And, Mr. Chairman, having said that, I would, if time permitted, read this argument made by Mr. Hinds; but for lack of time I will, without objection, incorporate it at the proper place in my remarks. It will be a valuable document for the perusal of gentlemen of the House of Representatives.

The following is the able paper of Mr. Hinds:

Criticism of the rules of the House of Representatives, both in the House itself and in the columns of the press, is by no means a phenomenon of present political conditions. Even in those early days, now fondly referred to as the better days of the Republic, the rules came in for their share of the criticism which freemen so delight to mete out to their institutions and statesmen. The vigorous tongue of John Randolph, of Virginia, disported itself fully as much at the expense of the rules of procedure as at the business methods of the great Speaker, who in that early day realized that a legislative body should first of all be able to legislate.

Present criticisms are directed almost entirely at the Committee on Rules, which is represented as exercising tyranny, variously compared to the most notable of the historic tyrannies. And present criticism is probably milder than has been known in the last ten years of the committee's activities. Yet the Rules Committee has continued its duties, whether one party or the other has controlled, and no serious attempt has been made on the floor of the House either to reform or abolish it.

It is evident that an institution so freely denounced and so unanimously upheld must have about it some things worth studying. Nor will an examination of the functions of the committee consume much space or great time.

Nearly every American is familiar with the procedure of the ordinary society or lodge meeting, where there is abundant time to transact all the business and hear every member who wishes to speak. There is a freedom and ease of action in such a meeting that renders drastic rules unnecessary. But give one of these delightful little assemblies twice as much business as it can transact in the time before it, and three or four times as many debaters desiring the floor as can be heard. Everyone understands what turmoil and confusion would ensue.

More than half a century ago the House of Representatives found itself in precisely this condition, and one of the means of relief was a rule establishing an ironclad order of business providing that reports of committees and other business should be taken up only in a fixed order. This helped along the public business by substituting order for chaos. Legislative propositions marched up for consideration in single file instead of as a mob.

But as the years went on the file grew so long that many measures would be waiting in line when the Congress expired. Sometimes important bills, even great measures appropriating supplies of money for the Government, would be left in line, blocked by less important measures ahead of them.

It took the House a long time to devise a satisfactory system whereby certain bills, because of their importance, might be allowed to step out of their place in the file and march to the front while other bills waited. The perplexities attending this reform were some such as those which attend the establishment of rules of precedence in social affairs; but the House has finally settled the problem in a fairly satisfactory way. It was evident to all that common sense required that the general appropriation bills should be allowed to step out of the file and move to the front at any time. It was also easy to set aside one day in the week when bills for the benefit of private individuals should be allowed to come to the front, on condition that on all other days of the week they should give way to bills relating to public affairs.

In later years a few other distinctions have been established whereby bills of importance greater than that of the common kind have been given precedence.

But as more than 15,000 bills demand the attention of the House in a Congress, and as the House can not act on 3,000, it is evident that with all the rules of precedence there remain 12,000 bills that wait in vain.

In former years the line of hopeless waiters was not so large, not because the House did more business, for it did less, but because the demands of the country were not so great. Yet there has always been a fierce struggle for precedence among the bills of the common kind as distinguished from the privileged kind.

The first device for rescuing worthy measures from the crowd of the hopeless was the motion to suspend the rules fixing the order of business so as to enable the House to take up a particular bill. For obvious reasons it was established that such a motion should require a two-thirds vote. Even with that restriction the use of the motion became so great as to threaten to take all the time of the House. So the motion to suspend the rules was limited to certain days, until now it is in order only on two days each month.

It is obvious that the motion to suspend the rules was an imperfect device. A bill very important and desirable might be unable to command a two-thirds vote, although it could easily get a majority.

So the problem was to enable the House to rescue a worthy measure by a majority vote. It is obvious that if it was to be done by motion from the floor, every member would be making the motion, and so the order of business would be abandoned in favor of mob order, wherein the only regulating force would be the autocratic recognitions of the Speaker. Even the motion to suspend the rules had once fallen into this sad condition.

It was a natural and reasonable idea to provide that a motion so liable to abuse should require the approval of a committee before it should be made on the floor. There had been a Committee on Rules since the earliest days of the House, of which the sole function had been to report a system of rules at the beginning of a Congress and amendments from time to time. And it was quite a natural thing that to this committee should be referred motions for the consideration of bills that seemed unlikely to be reached in the order fixed by the rules. The origin of this device dates back nearly if not quite twenty-five years. The House dropped into the practice quite naturally and unconsciously, and it was only when the existence of rampant obstruction caused the Committee on Rules to prescribe the method of consideration as well as to afford the opportunity for consideration that the House and the country became aware of the system.

While obstruction of business was the fashion of partisan warfare in the House the Committee on Rules would not only report a rule giving a bill a time for consideration, but would at the same time fix the length of debate and the time of voting. Since both political parties made use of drastic restrictive orders of this kind it is evident that they were considered necessary. In the present Congress such orders have been comparatively rare, and where they have appeared restrictive generally the provisions have been so liberal as to give ample time for consideration. The most elaborate restrictive order of the present Congress was that providing for the consideration of the bill for the government of the Philippine Islands; yet in reality it was so liberal that the House agreed to it by unanimous consent.

In conclusion, two facts should be remembered:

1. That the Committee on Rules recommends to the House, but does not dictate. It may propose a special order, but that order can be adopted only by a majority vote of the members of the House.

2. That the Committee on Rules officiates, and is expected to officiate, only in relation to a very small proportion of the total number of bills passed by the House.

In recent years the House in a Congress has passed about 2,200 bills. Of the 14,000 or more bills introduced the various committees of the House report about 2,800, and these go to the calendars or docket. Fully 2,000 of them are private bills, in order for consideration on Fridays, and no one has ever expected the Committee on Rules to assist them. They come up in their own right for consideration. About 265 are public bills not requiring appropriation of money, which are in order in the first portion of a period called the morning hour, but not limited to sixty minutes. It is never expected that the Committee on Rules shall assist these bills, as they reach consideration readily in the regular order.

There remain, then, about 375 bills which go to the so-called Union Calendar. It is because of these bills that the criticisms of the Committee on Rules mainly arise. It is difficult to take up a bill on the Union Calendar unless it is privileged. About 25 of them are privileged, but there remain 350 in a position of difficulty. A few of them are of general public importance, but the greater number are really of local interest, much desired by the constituents of certain members but not generally objects of interest to the people of the whole country.

Any one of these 350 bills may be reached in the regular order of business without the aid of the Speaker or the Committee on Rules, because in the second period of the morning hour a motion to go to the Union Calendar to consider one or all of them may be made, and there is no doubt that the Speaker must entertain it. The motion once made may be carried by a majority vote.

It may be objected that the multitude of privileged bills in fact keeps the House from the morning period, and thus causes its advantages to be nominal rather than real. But the House may at any time, through the nondebatable question of consideration, set aside privileged matters by majority vote, and then the morning period results automatically.

That the House may thus at any time take up for consideration any bill before it, without assistance or even consent from the Speaker or Committee on Rules, shows that the committee is not actually a parliamentary dictatorship but a convenience, more reasonable and useful than the motion to suspend the rules.

When the critics of the Rules Committee are confronted with such a presentation of the case they reply, "True, but the bills in which we are interested are not such as to cause the House to side track the appropriation bills

in order to consider them. So we are helpless unless the Rules Committee assist us." But should the Rules Committee be expected to assist in displacing great public measures in order to forward legislation in which the House—and presumably the country also—takes so little interest?

In a Congress about 125 of the 350 nonprivileged Union Calendar bills are considered without aid from the Committee on Rules. About 25 are aided by that committee, and about 200 are left among the thousand or more reported bills that the House fails to reach.

The 12,000 bills not reported by committees are not expected to be considered in the House, and the Committee on Rules is not to be criticised on account of them. Their status of hopelessness dates far back to a period long before the present functions of that committee began.

So it may be claimed fairly, and without fear of contradiction, that the criticisms of the Committee on Rules for not bringing bills to the consideration of the House arises because of the 200 Union Calendar bills which fail. Any one of those bills might be passed in the regular order if a majority of the House could be induced to take interest in it. That being impossible, the member interested in the bill importunes the Committee on Rules to use their machinery to give his measure an easy launching. But the Speaker and his four associates on the committee are exercising a public trust for the general benefit, and it is their duty to weigh the measure well before assisting it.

A man does not have to be a philosopher, or even to have lived long in the world, to realize that a committee which has to say no to so many must, from time to time, be made the target of bitter criticism. That such criticism is not founded on justice seems to be proven amply by the fact that in ten years no serious attempt has been made in the House either to abolish or modify the functions of the committee.

Now, what is the difficulty? It is claimed, as I have already read, and my colleague [Mr. GILL], in his speech accepting his nomination, said with approval what Mr. CUSHMAN had said, as follows:

It is with humiliation unspeakable that I rise in my place on this floor and admit to my constituents at home that in this House I am utterly powerless to bring any bill or measure, no matter how worthy or meritorious it may be, to a vote unless I first consult the Speaker.

Why, Mr. Chairman, that is exceedingly adroit language, exceedingly adroit. Of course he must consult the Speaker. We have not an organization of chaos here. There is not anybody here who can do anything when the House is in session without addressing the Speaker of the House, but the inference and the intention and purpose was to show that a member of this House was powerless to bring about action upon any measure unless the Speaker was in favor of that measure, and included in that criticism comes the denunciation of the Committee on Rules.

Now, I want to say this: I venture to say that no committee invested with that great power, which I admit is nominally vested in the Committee on Rules, has ever been as free from the use of that power against the purposes of the majority of this House as has been the Committee on Rules of the Fifty-seventh Congress. Let us see. We have had some very sanguine battles on this floor, battles upon great questions. Let me enumerate three of them. The Pacific cable, the oleomargarine bill, and the irrigation bill, two of the three going, as it is claimed and as I claim, right to the root of our Government, and introducing into the Government new principles of legislation. I am not here now to criticise any one of those bills. I state this without going into detail. There was not one of those bills that received more than one vote of the five members of the Committee on Rules, as I understand it. I know that the oleomargarine bill had but a single voice in its favor among the five members of the Committee on Rules.

The bill of the distinguished gentleman from Michigan [Mr. CORLISS] had but a single voice in its favor, and that voice was of very doubtful import and power. As to the irrigation bill, I believe there was but one member of the committee who voted for it, certainly three of the committee did vote or would have voted against it; and there are the three great questions that we have had—nonpolitical in their character—every one of them vastly important to the people of the United States, and the Committee on Rules could have strangled any one of those bills. Take the oleomargarine bill, which, in my opinion, was the most offensive of them all, and we had that bill twice where it could have been strangled and destroyed in the Committee on Rules—once before the time was given for its original passage, and the second time when they were compelled to have a rule of the House in order to bring it out and settle the differences between the two Houses.

Mr. BARTLETT. Mr. Chairman, does not the gentleman think that the Senate about destroyed the oleomargarine bill?

Mr. GROSVENOR. I hope so. I am only referring to it now to point out the fairness of the Committee on Rules and to show that criticism of the committee is unjust. I have only pointed out these three great epochs here to show you that the Committee on Rules of this House has never undertaken to strangle the voice of any one of the members of this House in any manner pertaining to legislation. I have only referred to three; there have been many more of them. Our Democratic friends on that committee, as a matter of course, are not expected to coincide with the Republican majority upon questions of politics, but upon every other question, and I challenge the gentlemen—I do not challenge them, but I refer to them with high respect and high regard, and they will bear me out in it that their voice has had as much weight in framing the rules and deciding the questions that have come before us as any Republican member of the committee. In the argument made by Mr. Hinds, which I shall incorporate, you will find the reasons why we must have a Committee on Rules or else we must have chaos and how very few now of all the bills that come into this House come at last or at first or at any time from the Committee on Rules. There are but a very few of them. Let us see, now. All the bills coming from the Committee on Ways and Means for the raising of revenue are privileged bills to come before the House upon the motion and suggestion of the committee itself.

All the appropriation bills, carrying these mighty sums of money, come before the House without the consent of any man except the chairman of the committee, sustained by the majority of the Committee on Appropriations. The resolutions relating to printing, the resolutions relating to the expenditure of the contingent fund of the House, and a long line of other bills come here as matters of privilege. And then, too, when the two Houses have acted and a difference arises, these rules specifically provide that the report of a committee of conference is of the highest privilege.

Again, all contested-election cases are privileged. And then, again, the rules provide for the setting apart of the days that are allotted to the District of Columbia, to the Committee on Claims, to the Pension Committee, and the Committee of Invalid Pensions. All these are outside of the jurisdiction of the Committee on Rules; and when you come to look into it you will see how very small a proportion of all the bills that come from the membership of this House and percolate through the committees and come back onto the Calendars of the House are affected in anywise or come in anywise under the jurisdiction of the Committee on Rules.

How are you going to carry on the legislation of the House of Representatives without the action of this committee? Has anybody ever thought what we would have here without it? And now I want to point out another thing. The Speaker of the House is not present. I have served in this House under four Speakers. Among them was Mr. Carlisle, than whom no fairer minded, no abler man ever occupied a seat in that distinguished chair. Then there was Mr. Reed, "Tom Reed," the great parliamentary leader; the able man; the patriotic man; then Mr. Crisp, a man I loved, a man whose lovable characteristics impressed themselves upon the House, a man without the experience of Carlisle and Reed, but a man with a mind to grasp these questions, and he and they were foremost and always ready to do the fair thing. I could select out of that trio of great men a marked difference in their treatment of the members of the House, but that is not important.

Now, I say, and I challenge contradiction, that the present Speaker of the House of Representatives has been indefatigable, untiring, in his purpose to treat all sides of this House and all the membership of this House with absolute fairness. [Applause.] Go over his decisions. It is very easy for gentlemen to carp and criticise. Find one of those decisions, if you can, that is not justified under parliamentary law and the parliamentary history of our country and the precedents written in the books. He is fair-minded, able, and careful. Why, it is said you must go to him with a bill in order to get the right to call it up by unanimous consent. Let me contrast the management and administration of this Congress and the last Congress with some of those that have gone before. I have sat here in my seat—for I have occupied this place all the time I have been in Congress, except one session, and then I sat in the row immediately behind this one—and I have seen 50 men on their feet with bills in their hands, holding them up and swinging them and crying out "Mr. Speaker!"

What was the cause of that? It was because of the lack of system and plan in the Speaker's own mind as to how he would administer this very delicate question of recognition for the purpose of asking unanimous consent. And upon his own motion, with his long experience in the House, he has adopted the system under which we are acting, which is this: He will not recognize any man to ask unanimous consent for a bill twice over if objection has been made, unless there is some good reason shown in the merit of the bill itself; and in order to ascertain that he must read the bill and read the report and talk with the member; and I do not ask any man to respond to what I am going to say, but was there ever a member of this House now under the sound of my voice who went to the Speaker and asked him to allow a bill to be called up by unanimous consent that the Speaker refused to examine into the merits of the bill that he brought to him?

Then what next? Bear in mind, gentlemen, that these bills that come up by unanimous consent are not the proper subject of the jurisdiction of the Committee on Rules. That committee has nothing to do with those bills. Now, suppose that the Speaker was this arbitrary person that was denounced by the gentleman from Washington [Mr. CUSHMAN], and suppose he saw fit to have favorites in the House; how easy it would be simply to recognize men on this side and to single out his special friends. I stand

here to challenge any man to say if the Democratic members of this House, in proportion to their numbers, have not had, for this matter of recognition to ask unanimous consent, an equal opportunity with this side of the House. The record will bear me out that I am absolutely correct. And that is not all of it, Mr. Chairman. I will put into the RECORD the names of the members who have had unanimous consent by the recognition of the Speaker, and the number of the unanimous consents that they have had. Fortunately we have a RECORD that rises a little higher in verity than the memory of disappointed gentlemen on the floor of this House.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. GROSVENOR. Well, yes.

Mr. GAINES of Tennessee. It is purely a question. The gentleman is making an interesting speech. I do not desire to interrupt him in that, but I desire to ask him this: Does the gentleman feel that it is right, just, or legal to permit any Speaker, regardless of who the Speaker is, whether a Democrat or a Republican, to have it in his power to say that he will or will not give you recognition to ask for unanimous consent to consider a bill in this House? Again, one more question: Does the gentleman feel that it is right to the people of this country to put it in the hands of the Committee on Rules the power to say what shall and what shall not be considered in this House?

Mr. GROSVENOR. Why, of course; I say yes to both those questions. That is what I am here and making this speech for. [Laughter on the Republican side.] I did not suppose that I had not been understood. I can not yield any more, Mr. Chairman. I must apologize to the House. I thought I had been saying some things very plain, which would be understood.

Mr. GAINES of Tennessee. The gentleman does not apologize to the House enough.

Mr. GROSVENOR. Yes; I apologize to the House. I thought I had been exceedingly explicit and plain. [Renewed laughter.] What is the alternative of the gentleman's proposition? It is just what I have already described. Fifty gentlemen on their feet waving their bills, and the Speaker compelled to select one, and all the rest are dissatisfied. What do we have now? Absolute order. The Speaker indicates to a gentleman, first on this side, perhaps, then on the other, and then alternatively back and forth with absolute equality—I say with absolute equality, as I will show in my exhibit to my speech.

The result of it is that we do twice the business in an hour's time under this procedure of the House—five times the amount; and that is not all of it. There has been a great deal of it. Because the Speaker did not recognize A and did recognize B, A objects, and then comes trouble and disorganization of the whole concern.

Now, Mr. Chairman, I believe that an intelligent study and a patriotic consideration of the rules of the House to which I have referred will impress upon the minds of any gentleman the absolute fairness of those rules. Nobody proposes a change to get rid of these so-called obnoxious features.

Now, I want to apologize to the gentlemen who have made these attacks for apparently not quite understanding the rules. My friend from Ohio [Mr. GILL] in the Fifty-sixth Congress voted in the first session on 65 roll calls and was absent on 23 of them. In the second session he voted on 43 roll calls and was absent on 31. I can imagine if my friend had been here listening to the proceedings of the House constantly he would have been less severe in his assault upon the rules of the House. In this Congress we have had 58 roll calls. He has responded on 18 and was absent on 40. He is a man of large business, a manufacturer, and I know he can ill afford the time to stay here and watch the proceedings of this House. He is far more attached, apparently, more devoted to the business that seems to absorb him, and possibly if he will retire from business upon his ample fortune, which he has, and sit down here in the Fifty-eighth Congress—Republican House to be [applause]—under the old Reed rules, he will come to a better consideration of the rules of the House.

Now, the gentleman from Washington, not so much absorbed in business, but quite as unfortunate in his devotion to the business of the House—I think if he would give a little more attention and be a little more constantly in the House of Representatives, watching the procedure, that he would feel toward the rules—I seem to have lost my figures in some way by some unaccountable process of disappearance, but I shall be able to put them in the RECORD and show that his record of presence and absence is a much more startling one than that which I have referred to in the case of my distinguished colleague, and I hope that in the future he will grow better satisfied.

Now, I want to refer to another matter. Mr. CUSHMAN introduced 38 public bills; 8 were reported, and none passed or become laws. I am going to point out how an industrious and faithful young member of this House can get on. That was one of Mr. McKinley's great expressions. Everything that went well he called "getting on," and I want to show you how an industrious member of this House can "get on" without complaining. Now, I want to defend this House against any unfairness to the young, glorious State of Washington. I voted for its admission into the Union, and I have done everything I could to have it represented here in Congress by Republicans, sometimes not successfully; but it looks as if in the future we are going to have a better time in that respect than we have had heretofore. I have been very anxious that Washington should "get on." Here is what one of its Representatives has accomplished:

Mr. JONES of Washington introduced 46 public bills, 6 of which were reported, and 2 became laws. Mr. CUSHMAN introduced 58 private bills, 7 of which were reported, and 2 became laws. Mr. JONES of Washington introduced 17 private bills, 6 of which were reported, and 2 became laws.

Here is the record of the gentleman from Washington, Mr. JONES:

FIFTY-SEVENTH CONGRESS.

H. R. 12420, Wesley Brummett, pension bill, passed the House.
H. R. 12115, Chester Wadsworth, pension bill, passed the House.
H. R. 12370, Ida M. Briggs, pension bill, passed the House.
H. R. 159, extending provisions of free-homes bill to north half Colville Indian Reservation, passed the House.
H. R. 11725, amending navigation laws relating to register and enrollment of vessels, passed the House.
H. R. 8335, providing for building a bridge across the Columbia River at Vancouver, Wash., passed as Senate bill 4204.

This is aside from regular appropriation bills. Omnibus building bill increased Seattle from $750,000 to $900,000 and gave $60,000 each for sites at Spokane and Tacoma. Naval bill, in which he took special interest, carries over $1,100,000 for Puget Sound Navy-Yard.

H. R. 960, for relief of James C. Drake, covered by omnibus claims bill.

Aside from appropriations carried in general appropriation bills, as a matter of course.

FIFTY-SIXTH CONGRESS.

Pension bill for Favel Van Eaton, became a law.
John B. Wetherbee, pension bill, became a law.
Julia Traynor, pension bill, became a law.
Abner S. Crawford, pension bill, became a law.
Thomas Paul, land-purchase bill, became a law.
John C. Smith, land-purchase bill, became a law.
H. R. 9140, extending homestead laws to Philippine soldiers, passed.
H. R. 4801, for relief of Joshua Roberts, passed as an amendment to one of the appropriation bills.
H. R. 11059, admitting *Star of Bengal* and *Star of Italy*, passed as Senate bill 4448.
H. R. ——, admitting steamship *Garonne*, passed as a Senate bill.
Bill appropriating $50,000 for repair of *Thetis*, passed as an amendment to an appropriation bill.
H. R. 5267, relating to lieu land selections, reported as amended by Public Land Committee, passed as amendment to sundry civil bill.
H. R. 7331, appropriating $300,000 for light and fog-signal stations in Alaska, was provided for in the two sundry civil bills.
Introduced bill increasing cost of public building at Seattle from $300,000 to $1,000,000, and in omnibus bill increase was made to $750,000.
Passed resolution for printing work entitled "Louisiana Purchase."
Secured amendment to sundry civil bill under which Army post at Spokane will be completed as a battalion post.
H. R. 8308, extending coal laws to Alaska, was incorporated in one of the general bills.

Now, I think if the gentleman from Washington [Mr. CUSHMAN] had been present a little more in the House he would not only have got some more bills passed, but he would have had a better opinion of the House itself. In the Fifty-sixth Congress, the first session, there were 87 roll calls, on 70 of which Mr. CUSHMAN voted, and on 17 he failed to answer. You see he did pretty well; his record was high up in that Congress. Up to and including February 8, 1900, the first two months of the session, there had been 14 roll calls, 8 of which he missed.

Mr. JONES of Washington. I would like to hear that again. I did not catch what the gentleman said.

Mr. GROSVENOR. Up to and including February 8, 1900, there had been 14 roll calls, 8 of which the gentleman missed.

Mr. JONES of Washington. In justice to my colleague, Mr. Chairman, I want to say that I think he was sick during a part of that time.

Mr. GROSVENOR. And therefore he did not have an opportunity to feel so kindly toward the rules as if he had been here

and understood them. But his illness was a sufficient excuse for those absences.

Now, it shows just this: That where a gentleman will be present and attend to business, he will have a better opportunity, I am arguing, to be favorable and friendly to the administration of the House than he will if he happens to be away and then feels that he has been unfairly treated.

Now, I said that an active, persistent, and energetic member could do a great deal of work. Now, let us see. Here is a new member that came in the Fifty-sixth Congress, and I have put his record in as illustrative of what one man can do by attention to his business. Aside from the appropriations carried in the general appropriation bill which went as a matter of course, and which my friend from Pennsylvania gave the entire credit to Mr. CUSHMAN, I want to say that his colleague, Mr. JONES, has done the following, as I have stated:

The record of this gentleman in both Congresses I have given. Why, all the members, 21 of us from the State of Ohio, have not accomplished in actual legislation one-half of what the gentleman, Mr. JONES of Washington, has accomplished for that State. [Applause.]

I think I may fairly stand here and say that the people from Washington have been not only liberally looked after, but most efficiently represented in this House of Representatives.

Mr. JONES of Washington. Mr. Chairman, may I interrupt the gentleman?

Mr. GROSVENOR. Yes.

Mr. JONES of Washington. I appreciate the compliment the gentleman pays to me, but I desire the members of the House to know and realize that the members from the State of Washington are elected at large. We have no Congressional districts, we each represent the entire State, and I want to state that we work together upon all these matters, and I do not desire by my silence, here or elsewhere, to appropriate any credit for any of these matters, general appropriations or otherwise, that may be due to my colleague, because we have worked together and he is entitled to as much credit as myself. [Applause.]

Mr. GROSVENOR. A striking exhibition of modesty and generosity which I commend to the consideration of others. [Laughter and applause.]

Now, the Committee on Rules has been unfortunate enough to oppose the building of a mint in the city of Tacoma, and I will put into my speech the letter of the Director of the Mint, indorsed by the Secretary of the Treasury, stating emphatically and in clear language that they did not want any such building erected. And that is "the head and front," apparently, "of our offending"—that we did not have that bill brought in and passed. There are plenty of demands for public buildings, as we have all learned, and I think the chairman of the Committee on Public Buildings and Grounds, the distinguished gentleman from Nebraska [Mr. MERCER], would not hesitate to indorse my statement that when a public building is asked for a special public purpose, and the head of the Department to which it is to be consigned protests against its erection, there has never yet been a committee of this House that would report such a bill to the House and seek its passage.

Mr. COCHRAN. Have you read the hearings before the Coinage Committee on that bill?

Mr. GROSVENOR. I have them lying here on my desk.

Mr. COCHRAN. Do you not think the House of Representatives, not the Secretary of the Treasury, should pass upon such a question when facts are disputed and various interests are involved?

Mr. GROSVENOR. Oh, yes; but when so many public buildings are asked for that are not needed, and when there are so many that are needed, I do not think we should force a building costing half a million dollars upon the Treasury Department, that does not want it.

Mr. COCHRAN. One further question, if the gentleman pleases. I direct his attention to the fact that in the testimony before the Coinage Committee it was made clearly apparent, I think, that little or no expense would be involved in operating the mint asked for by Mr. CUSHMAN'S bill, the saving of the transportation of the bullion to the mint at Philadelphia and the mint at San Francisco and other expenses now incurred by the Government being almost sufficient to defray the entire expense of the coinage of the bullion at the town of the gentleman from Washington.

Mr. GROSVENOR. And then it would become a perpetual expense that the officers of the Government say is not necessary.

Mr. COCHRAN. I say that the expense from year to year would be almost, if not entirely, covered by the saving of the expense now incurred in shipping bullion to other mints.

Mr. GROSVENOR. I have not the time to discuss that with the gentleman. It is enough to say that the Committee on Rules was met with the peremptory statement of the Secretary of the Treasury and the Director of the Mint that they did not want this building erected.

Mr. COCHRAN rose.

Mr. GROSVENOR. Now, I will not discuss the matter any further. The official letters to which I refer are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 23, 1902.

MY DEAR MR. SPEAKER: On receipt of your letter of the 14th, inclosing House bill No. 68, and the report thereon, No. 482, being a bill to establish a United States mint at Tacoma, in the State of Washington, and requesting the views of this Department thereon, I submitted the same to Hon. George E. Roberts, Director of the Mint, and inclose you herewith his reply.

I have no doubt of the correctness of the facts stated by Mr. Roberts, and agree with his conclusions.

Very truly, yours,

L. M. SHAW.

Hon. D. B. HENDERSON,
Speaker House of Representatives.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, March 17, 1902.

The SECRETARY OF THE TREASURY.

SIR: Referring to the inclosed communication from Hon. D. B. HENDERSON, Speaker of the House of Representatives, asking for your opinion upon House bill 68, to establish a mint at Tacoma, I beg to say:

The Government has recently completed a new structure in Philadelphia, which was occupied by the mint in October last. The building cost $2,000,000, and $440,000 is appropriated for equipment. When the equipment is completed this will be the largest and best mint in the world. There is also now under construction at Denver a mint for which $500,000 has been appropriated and for which the Supervising Architect is now asking $300,000 more. An appropriation of at least $150,000 will be required for the equipment of this institution. These two new mints, in connection with the mints at San Francisco and New Orleans, will afford ample facilities to do all the coinage that will be required for many years to come.

In a hearing held by the Coinage Committee upon a similar bill two years ago the Director of the Mint made a statement that when the receipts of the Seattle assay office reached the sum of $30,000,000 per year it might be as cheap to coin the bullion there or elsewhere on Puget Sound as to forward it to San Francisco. This without allowing for the cost of the establishment, which the Director was not prepared to estimate. The bullion receipts of the Seattle assay office have not, however, reached that figure, and there is no immediate prospect that they will.

With the completion of the Denver mint there is no reason why the Government may not have a rest from mint construction for some years. The appropriation named in the bill, $200,000, is inadequate for the construction and equipment of a mint, and would have to be followed by other and larger appropriations before coinage operations could be begun.

Respectfully, yours,

GEO. E. ROBERTS, *Director of the Mint.*

Mr. COCHRAN. Just one further question. Does the gentleman contend that the Committee on Rules should receive its instructions from a Department of the Government, rather than from the members advocating a particular measure, and who appeal to the judgment of their colleagues in support of it?

Mr. GROSVENOR. I do not say anything of the kind. The best part of my answer, after all, is that we have reported so many bills that we were opposed to that the gentleman will find his argument will fall to the ground.

Mr. OLMSTED. Allow me one question. The gentleman from Ohio [Mr. GROSVENOR] stated, if I understood him, that the Committee on Rules opposed this mint bill. Now I wish to inquire whether they opposed it in any other way than by declining to bring in a special rule for taking up that bill ahead of all other legislation?

Mr. GROSVENOR. That was all. Here were 41 or 42 States of the Union and 2 or 3 Territories with bills recommended by the Committee on Public Buildings and Grounds, and here was one of, I affirm, a hundred other bills not recommended by the committee that was sought to be brought in here against the judgment of the Treasury Department and against the judgment of the Committee on Public Buildings and Grounds and made a special order against the entire list of bills that had been consolidated into the so-called omnibus measure; and the action of the committee upon this particular bill was, after all, only a postponement of the measure, not a killing of it—simply a refusal to bring it in here at that time as a special order.

Mr. COCHRAN. Is it not true that under the existing rules and procedure of the House, even though a majority of the House may favor action on a bill, it can be (as bills have been under those circumstances) held up—refused consideration—because the Committee on Rules do not approve of it?

Mr. GROSVENOR. There are too many prongs to that question. [Laughter.]

Mr. COCHRAN. It is all prongs.

Mr. GROSVENOR. First, I know of no bill as to which it was represented that there was a majority of the House in favor of it the consideration of which was refused by the Committee on Rules if it came within its jurisdiction.

Mr. COCHRAN. Have not petitions signed by a majority of members been presented to the Committee on Rules asking consideration of bills in vain?

Mr. GROSVENOR. What bills? Name them. Let us get right at the kernel of this matter.

Mr. COCHRAN. I can not name one just now. [Laughter.]

Mr. GROSVENOR. I think not. I will answer the gentleman's

question when he knows anything about the bill to which his question relates.

Mr. COCHRAN. I will direct the gentleman's attention to a specific bill—the letter-carrier's bill. Was not that bill——

Mr. GROSVENOR. Not that I have ever heard of, and that bill can come here under the call of the Post-Office Committee, that has had four or five opportunities to be heard during this session of Congress. That answers the gentleman.

Mr. COCHRAN. I think the bill has never been reported. [Laughter.]

Mr. GROSVENOR. Very well, then. I know another bill that has never been reported.

Mr. COCHRAN. It could not be called up under the rules.

Mr. GROSVENOR. It can not be without an invasion of the entire practice of the House.

Mr. COCHRAN. I say it could not be called up under the rules, although the majority of this House desire it.

Mr. GROSVENOR. It could not be without a deviation from the entire record and history of the Committee on Rules. But the Committee on Rules has nothing to do with it.

Mr. COCHRAN. It is here when they see fit to bring it, or put back to sleep the eternal sleep.

Mr. GROSVENOR. There is no such condition, as I have abundantly shown. Now, take this very bill, and I am glad the gentleman has referred to it. In the first place, that bill can come here by the report of the Post-Office Committee, and when it does come here it can be heard under the call of committees. That is the first way. The second is, the gentleman from Missouri is at liberty to demand to be recognized on suspension day and move to discharge the committee and pass the bill. The third is, whenever there is a call of the committees one hour is spent in the consideration of a single bill, which has happened 25 times during this Congress, and the gentleman can move to go into the Committee of the Whole, take up that bill and consider it, and I challenge the gentleman to show where the Committee on Rules of this House has ever taken hold of a bill of that character. That would be considered an invasion of the rights of the committees of the House. That would be the consideration of an attempt to supplant the action of the committees of the House.

I add now certain statements from the Journal and records of the House, and which will be very interesting to show the enormous work of the House.

The following shows what we have done in comparison with former Congresses:

Congress.	Reports to June.	Number of days.	Bills introduced.	Bills passed.			Pages of Journal.	Pages of Record.	Remarks.
				Public.	Private.	Total.			
Fifty-second	1,535	251	10,337	237	200	437	....	5,040	Entire first session.
Fifty-third	935	357	9,076	307	134	441	....	5,744	Including extra session.
Fifty-fourth	2,105	193	10,639	223	270	493	613	6,137	Entire first session.
Fifty-fifth	1,465	175	10,547	279	444	723	705	5,546	To June 1.
Fifty-sixth	2,006	139	12,220	279	880	1,159	800	7,765	To June 7.
Fifty-seventh	2,591	139	15,187	262	1,592	1,854	....	7,547	To June 19.

The following shows the length of service of members of this House, which is important as reflecting upon the tables which follow:

Service of members.

Term.	Republicans.	Democrats.	Total.	Remarks.
First	49	40	89	
Second	43	36	79	
Third	33	43	76	
Fourth	31	8	39	
Fifth	23	13	36	
Sixth	3	5	8	Messrs. Hull, Lacey, Loud, Jones (Va.), Latimer, Livingston, Meyer (La.), and Pierce.
Seventh	3	2	5	Messrs. Ray, Sherman, Smith (Ill.), Elliott, and Lester.
Eighth	5	3	8	Messrs. Dalzell, Hepburn, Russell, Steele, Wadsworth, Bankhead, Lanham, and Robertson (La.).
Ninth	3	3	6	Messrs. Grosvenor, Hopkins, Payne, Hooker, McRae, and Richardson (Tenn).
Tenth	1	0	1	Mr. Henderson.
Eleventh	2	0	2	Messrs. Grow and Hitt.
Twelfth	1	0	1	Mr. Bingham.
Fourteenth	1	0	1	Mr. Cannon.
Fifteenth	1	0	1	Mr. Ketcham.

The following shows the committee service of first and second term members:

Committee.	Membership.			First and second term.	First term.			Second term.		
	Total.	Republicans.	Democrats.		Total.	Republicans.	Democrats.	Total.	Republicans.	Democrats.
Accounts[a]	9	6	3	4	3	2	1	1	1	0
Agriculture	17	11	6	10	3	3	0	7	4	3
Alcoholic Liquor Traffic	11	6	5	10	6	2	4	4	3	1
Appointment and Payment of House Employees	5	3	2	0	....	....	....	....	....	....
Appropriations	17	11	6	2	0	....	....	2	2	0
Banking and Currency	17	11	6	8	5	3	2	3	2	1
Census	13	8	5	5	2	1	1	3	1	2
Claims (15)	13	9	4	12	9	4	5	3	3	0
Coinage, Weights, and Measures	17	11	6	9	5	3	2	4	4	0
Disposition of Useless Papers in the Executive Departments	2	1	1	0	....	....	....	....	....	....
District of Columbia (17)	16	11	5	6	2	1	1	4	4	0
Education	13	8	5	8	6	4	2	2	1	1
Election of President, Vice-President, etc	13	8	5	9	7	5	2	2	0	2
Elections:										
No. 1	9	6	3	6	4	2	2	2	0	2
No. 2	9	6	3	7	4	3	1	3	2	1
No. 3[a]	9	6	3	8	6	4	2	2	2	0
Enrolled Bills[b]	7	4	3	6	4	3	1	2	1	1
Examinations and Disposition of Documents[c]	3	2	1	2	1	0	1	1	1	0
Expenditures in—										
Agricultural Department	7	4	3	5	3	1	2	2	2	0
Department of Justice	6	4	2	3	2	1	1	1	1	0
Interior Department	7	4	3	5	2	1	1	3	1	2
Navy Department	7	4	3	5	4	1	3	1	1	0
Post-Office Department	7	4	3	5	1	1	0	4	2	2
State Department	7	4	3	4	4	2	2	0	....	....
Treasury Department	7	4	3	4	2	0	2	2	2	0
War Department	7	4	3	4	4	2	2	0	....	....
Expenditures on Public Buildings	7	4	3	6	5	3	2	1	0	1
Foreign Affairs	17	11	6	5	3	3	0	2	0	2
Immigration and Naturalization (11)	10	7	3	6	3	2	1	3	1	2
Indian Affairs	17	11	6	9	3	2	1	6	4	2
Industrial Arts and Expositions	9	5	4	3	2	0	2	1	1	0
Insular Affairs	17	11	6	1	1	0	1	0	....	....
Interstate and Foreign Commerce	17	11	6	5	2	2	0	3	0	3
Invalid Pensions	15	9	6	7	6	5	1	1	0	1
Irrigation of Arid Lands	11	7	4	5	2	2	0	3	1	2
Judiciary	17	11	6	5	2	2	0	3	3	0
Labor (13)	12	8	4	6	2	1	1	4	1	3
Levees on Mississippi	13	8	5	6	4	1	3	2	2	0
Library (5)	4	3	1	2	1	0	1	1	1	0
Manufactures	11	6	5	7	2	1	1	5	2	3
Merchant Marine and Fisheries	17	11	6	9	2	0	2	7	5	2
Mileage[d]	5	3	2	4	2	1	1	2	2	0
Military Affairs	17	11	6	3	0	....	....	3	2	1
Militia	13	8	5	7	4	2	2	3	1	2
Mines and Mining	13	8	5	8	5	3	2	3	2	1
Naval Affairs	17	11	6	2	1	1	0	1	1	0
Pacific Railroads	15	10	5	9	5	4	1	4	1	3
Patents	13	8	5	9	4	4	0	5	2	3
Pensions	13	8	5	9	6	3	3	3	2	1
Post-Office and Post-Roads	17	11	6	3	0	....	....	3	2	1
Printing	3	2	1	1	0	....	....	1	1	0
Private Land Claims	13	8	5	9	7	5	2	2	1	1
Public Buildings and Grounds	15	9	6	4	1	1	0	3	1	2
Public Lands	17	11	6	10	1	1	0	9	7	2
Danish West Indies	7	4	3	0	....	....	....	....	....	....
Railways and Canals	13	8	5	9	6	4	2	3	1	2
Reform in the Civil Service	13	8	5	7	4	2	2	3	2	1
Revision of the Laws	13	8	5	8	6	4	2	2	1	1
Rivers and Harbors	17	11	6	2	0	....	....	2	1	1
Rules	5	3	2	0	....	....	....	....	....	....
Territories	15	9	6	7	1	1	0	6	4	2
Ventilation and Acoustics	7	4	3	5	2	1	1	3	2	1
War Claims	13	8	5	8	5	3	2	3	2	1
Ways and Means	17	11	6	1	0	....	....	1	1	0
Memorial Exercises	45	31	14	19	10	9	1	9	8	1
Total	....	496	289	373	199	122	77	174	108	66

[a] Chairman, 2. Weeks.
[b] Chairman, 2. Wachter.
[c] Chairman, 2. Roberts.
[d] Chairman, 2. Reeder.

CUSHMAN complained of the treatment accorded new members. He is serving his second term.

There are 168 first and second term members present. There are 65 committees of the House. With the total membership of the House 352, these 168 new members control 36 of these 65 committees.

They have 10 of the 17 members of the Committee on Agriculture, which reported the oleomargarine bill and the agricultural appropriation bill.

They control the following committees, having a majority of each of them:

Alcoholic Liquor Traffic, Education; Election of President, Vice-President, and Members of Congress; Elections No. 1, Elections No. 2, Elections No. 3, Enrolled Bills, Examination and Disposition of Documents, Expenditures in Agricultural Department,

Expenditures in Interior Department, Expenditures in Navy Department, Expenditures in Post-Office Department, Expenditures in State Department, Expenditures in Treasury Department, Expenditures in War Department, Expenditures on Public Buildings, Immigration and Naturalization, Manufactures, Mileage, Militia, Mines and Mining, Pacific Railroads, Patents, Private Land Claims, Railroads and Canals, Reform in the Civil Service, Revision of Laws, Ventilation and Acoustics. They have also majorities on the following important committees: Claims; Coinage, Weights, and Measures; Indian Affairs, Merchant Marine and Fisheries, Pensions, Public Lands, War Claims.

All told, there are 785 places on the House committees, 496 Republican and 289 Democratic. Of these the first and second termers have 373, 230 Republican and 143 Democratic. There are 168 first and second termers, 92 Republicans and 76 Democrats.

The 49 Republican first termers have 122 committee places; the 40 first-term Democrats have 77 places. Total, 89 first termers, 199 places.

The 43 second-term Republicans have 108 committee places; the 36 Democrats 66 places. Total, 43 second terms, 174 places.

Four second-term members have committee chairmanships, to wit: Reeder, Mileage, and one of the best committee rooms; Roberts, Examination and Disposition of Documents; Wachter, Enrolled Bills, with several clerks; Weeks, Elections No. 3, clerks,

There are 46 older Republican members of the House who do not have committee chairmanships. They are—

Third termers (28).—ALEXANDER, BOUTELL, BROWNLOW, BURLEIGH, BUTLER of Pennsylvania, CALDERHEAD, CAPRON, CONNELL, CRUMPACKER, GRAHAM, GREENE of Massachusetts, HAMILTON, LANDIS, LAWRENCE, LITTAUER, LONG, LOVERING, MANN, MONDELL, MORRIS, SHELDEN, SHOWALTER, SIBLEY, SAMUEL W. SMITH, SOUTHWICK, STEVENS of Minnesota, WATSON, YOUNG.

Fourth termers (11).—ACHESON, BARNEY, DAYTON, GIBSON, HENRY of Connecticut, HILL, HOWELL, JENKINS, MUDD, OTJEN, PRINCE.

Fifth termers (6).—ADAMS, BROMWELL, DOVENER, MCCALL, PARKER, VAN VOORHIS.

And BINGHAM, serving his twelfth term.

At the close of business June 9, 1902, there had been 2,417 committee reports made. Of these, 684 had been made by first-term members; 264 by second termers. Total for first and second termers, 948 out of 2,417.

In the Fifty-sixth Congress there were 385 recognitions for unanimous consent. The 89 present second termers, then first termers, had 68 of these recognitions. CUSHMAN had 4 of them.

To May, 1902, there had been 119 recognitions for unanimous consent in the Fifty-seventh Congress. Of these the first termers had had 14 and the second termers 25; total, 39.

The following shows the work of the first and second term members in this House. This record speaks too loudly to be drowned by mere detraction:

FIRST TERMERS.

Name.	Number of bills introduced.		Had bills reported.		Of which became laws.		Made reports on bills.	Unanimous consents.	
	Public.	Private.	Public.	Private.	Public.	Private.		Fifty-sixth.	Fifty-seventh.
Aplin	4	48	0	7	.....	4	96	.....	.....
Ball, Delaware	1	21	0	4	.....	2	8	.....	1
Bates	7	32	0	3	.....	2	0	.....	.....
Beidler	7	25	1	4	.....	3	0	.....	.....
Belmont (D.)	0	2	0	0	.....	0	1	.....	.....
Blackburn	6	20	0	0	.....	0	0	.....	.....
Blakeney	5	24	0	3	.....	0	1	.....	.....
Bowie (D.)	2	14	0	2	.....	2	0	.....	.....
Bristow	3	21	0	5	.....	0	0	.....	.....
Brown	2	9	0	6	.....	3	1	.....	1
Burgess (D.)	5	1	0	0	.....	0	0	.....	.....
Burk, Pennsylvania	2	20	0	2	.....	1	0	.....	.....
Butler, Missouri (D.)	4	1	0	0	.....	0	0	.....	.....
Candler (D.)	5	38	0	2	.....	2	0	.....	1
Cassel	6	16	1	3	.....	0	0	.....	.....
Cassingham (D.)	0	33	1	9	.....	5	0	.....	.....
Conry (D.)	9	12	1	4	.....	1	0	.....	1
Coombs	1	29	0	4	.....	2	14	.....	.....
Currier	4	30	1	10	.....	9	0	.....	.....
Darragh	3	34	0	10	.....	8	89	.....	.....
Deemer	1	90	0	8	.....	5	104	.....	.....
Douglas	2	13	0	4	.....	3	0	.....	.....
Draper	0	15	0	3	.....	3	16	.....	.....
Edwards (D.)	9	11	1	4	.....	2	0	.....	1
Evans	1	57	0	3	.....	2	0	.....	.....
Feely (D.)	1	11	0	3	.....	0	0	.....	.....
Flood (D.)	4	31	0	1	.....	1	0	.....	.....
Foerderer	1	3	0	1	.....	0	1	.....	.....
Foster, Vermont	6	32	0	6	.....	4	12	.....	.....
Gaines, West Virginia	3	0	0	0	.....	0	0	.....	.....
Glenn (D.)	1	1	0	1	.....	1	0	.....	1

FIRST TERMERS—continued.

Name.	Number of bills introduced.		Had bills reported.		Of which became laws.		Made reports on bills.	Unanimous consents.	
	Public.	Private.	Public.	Private.	Public.	Private.		Fifty-sixth.	Fifty-seventh.
Goldfogle (D.)	2	5	0	1	.....	0	6	.....	.....
Gooch (D.)	2	28	0	0	.....	0	0	.....	.....
Hanbury	10	32	2	6	.....	1	0	.....	.....
Haskins	5	35	0	6	.....	3	0	.....	.....
Henry, Mississippi (D.)	0	74	0	0	.....	0	0	.....	.....
Hildebrant	2	33	0	1	.....	0	0	.....	.....
Holliday	4	95	0	11	.....	6	82	.....	.....
Hughes	4	68	0	5	.....	2	0	.....	.....
Irwin	5	76	1	10	.....	5	0	.....	.....
Jackson, Kansas (D.)	5	60	0	7	.....	3	0	.....	.....
Jackson, Maryland	1	25	0	2	.....	0	0	.....	.....
Johnson (D.)	6	10	20	5	.....	2	0	.....	.....
Kehoe (D.)	15	122	1	17	.....	3	21	.....	1
Kern (D.)	5	28	0	1	.....	0	0	.....	.....
Kitchin, Claude (D.)	1	2	1	2	1	0	3	.....	1
Knapp	2	27	0	2	.....	2	0	.....	.....
Kyle	1	37	0	1	.....	0	0	.....	.....
Lessler	1	3	0	0	.....	0	0	.....	.....
Lever (D.)	4	4	0	1	.....	0	0	.....	.....
Lewis, Pennsylvania	0	13	0	4	.....	3	0	.....	.....
Lindsay (D.)	0	6	0	4	.....	4	37	.....	.....
McAndrews (D)	2	18	0	1	.....	0	0	.....	.....
Mahoney (D.)	0	3	0	0	.....	0	0	.....	.....
Marshall	6	20	1	7	.....	3	1	.....	1
Martin	10	17	3	3	1	1	5	.....	2
Maynard (D.)	8	41	0	2	.....	0	0	.....	.....
Mickey (D.)	3	27	0	7	.....	4	0	.....	.....
Moody, North Carolina	9	50	1	4	.....	2	1	.....	.....
Moss	2	39	0	0	.....	0	0	.....	.....
Nevin	5	120	.....	.....	.....	.....	5	.....	.....
Padgett (D.)	3	61	0	8	.....	4	0	.....	.....
Palmer	0	7	0	5	.....	4	0	.....	.....
Patterson, Pennsylvania	1	26	0	5	.....	3	13	.....	.....
Patterson, Tennessee (D.)	4	53	0	0	.....	0	0	.....	.....
Perkins	5	7	2	4	2	2	13	.....	.....
Pou (D.)	4	6	0	1	.....	1	0	.....	1
Powers, Massachusetts	7	34	0	3	.....	0	0	.....	.....
Pugsley (D.)	9	13	0	3	.....	2	0	.....	.....
Randell, Texas (D.)	5	0	1	0	.....	0	0	.....	1
Reid (D.)	2	20	0	1	.....	0	9	.....	.....
Rumple	4	30	0	13	.....	6	102	.....	.....
Scarborough (D.)	5	3	1	1	.....	0	0	.....	.....
Schirm	12	41	1	4	1	1	13	.....	1
Scott	10	16	1	2	1	2	1	.....	.....
Selby (D.)	5	42	0	5	.....	2	16	.....	.....
Shallenberger (D)	6	37	0	0	.....	0	0	.....	.....
Skiles	3	38	0	4	.....	3	0	.....	.....
Snook (D.)	1	23	0	1	.....	1	0	.....	.....
Storm	0	10	0	5	.....	1	10	.....	.....
Sutherland	7	11	1	6	.....	3	1	.....	.....
Thompson (D.)	7	10	0	2	.....	0	9	.....	.....
Tirrell	1	10	0	3	.....	3	1	.....	.....
Tompkins, Ohio	1	78	0	2	.....	2	3	.....	.....
Trimble (D.)	3	31	0	5	.....	3	4	.....	.....
Warnock	4	63	0	5	.....	3	1	.....	.....
White (D.)	0	23	0	4	.....	1	11	.....	.....
Wiley (D.)	7	24	0	8	.....	3	10	.....	.....
Wooten (D.)	4	4	0	1	.....	0	2	.....	.....
Eighty-nine members	345	2,464	23	323	6	157	737	.....	14

SECOND TERMERS.

Allen, Kentucky (D.)	5	23	0	2	0	1	0	.....	.....
Allen, Maine	11	20	0	6	0	5	0	2	.....
Bellamy (D.)	15	15	3	1	1	1	0	4	2
Boreing	9	87	1	6	1	6	17	.....	.....
Bowersock	14	99	0	7	.....	4	0	.....	2
Breazeale (D.)	7	24	0	0	.....	0	0	4	1
Brick	7	37	1	4	0	1	4	3	.....
Burke, South Dakota	13	17	3	7	1	5	3	2	2
Burkett	9	46	0	3	.....	2	0	1	1
Burleson (D.)	9	2	0	0	.....	0	0	.....	.....
Burnett (D.)	2	68	0	4	.....	2	0	.....	.....
Caldwell (D.)	9	33	1	5	1	3	17	.....	.....
Conner	1	14	0	6	.....	5	1	.....	.....
Creamer (D.)	1	2	0	0	.....	0	0	.....	.....
Cromer	2	8	0	2	.....	2	0	.....	.....
Crowley (D.)	2	117	0	8	.....	8	54	.....	.....
Cushman	38	58	8	7	.....	2	2	4	.....
Dahle	0	16	0	3	.....	1	0	.....	.....
Dougherty (D.)	0	39	0	1	.....	0	0	.....	.....
Driscoll	1	16	0	2	.....	0	0	.....	.....
Emerson	2	22	0	4	.....	2	1	.....	.....
Esch	1	18	0	6	.....	2	15	2	.....
Finley (D.)	2	5	0	0	.....	0	1	1	.....
Fitzgerald (D.)	6	13	0	3	.....	3	0	2	2
Fordney	4	76	0	7	.....	1	1	1	.....

SECOND TERMERS—continued.

Name.	Number of bills introduced.		Had bills reported.		Of which became laws.		Made reports on bills.	Unanimous consents.	
	Public.	Private.	Public.	Private.	Public.	Private.		Fifty-sixth.	Fifty-seventh.
Foster, Illinois (D.)	1	9	0	1	.....	0	0	.....	.....
Gardner, Michigan	5	32	0	5	.....	2	0	.....	.....
Gilbert (D.)	4	94	0	7	.....	3	0	.....	.....
Gill	0	38	0	3	.....	1	0	.....	.....
Gordon (D.)	6	32	0	4	.....	4	0	1	.....
Green, Pennsylvania	2	20	0	5	.....	2	0	1	.....
Hall (D.)	0	67	0	6	.....	4	0	.....	.....
Haugen	3	43	1	4	.....	3	5	1	.....
Hedge	2	38	0	5	.....	4	0	3	1
Jack	4	26	0	4	.....	3	0	.....	.....
Jones, Washington	46	17	6	6	2	2	12	7	.....
Kahn	19	63	0	10	.....	2	4	3	1
Kluttz (D.)	5	10	0	0	.....	0	0	.....	.....
Lassiter (D.)	4	25	0	2	.....	1	0	.....	.....
Littlefield	11	39	1	9	1	6	14	4	2
McDermott (D.)	11	5	0	1	.....	1	0	.....	.....
McLachlan	8	115	0	3	.....	2	0	.....	1
Metcalf	11	19	0	7	.....	4	0	.....	.....
Miller	5	43	0	1	.....	1	11	3	.....
Moody, Oregon	11	14	4	1	.....	0	12	2	1
Morgan	1	47	0	4	.....	3	0	.....	.....
Morrell	4	25	0	3	.....	1	1	.....	.....
Mutchler (D.)	1	19	0	3	.....	1	0	.....	.....
Naphen (D.)	16	46	0	6	.....	0	0	.....	.....
Needham	11	17	1	4	.....	3	7	1	.....
Neville (D.)	6	40	0	3	.....	2	0	.....	.....
Pearre	37	117	2	12	.....	5	3	.....	.....
Powers, Maine	4	56	2	4	.....	3	4	.....	1
Ransdell, Louisiana	1	27	0	0	.....	0	0	3	.....
Reeder	2	64	0	2	.....	1	0	.....	.....
Rhea (D.)	1	14	0	1	.....	0	0	1	.....
Richardson, Alabama (D.)	5	186	0	7	.....	5	39	.....	1
Roberts	16	68	0	5	.....	0	2	1	.....
Robinson, Nebraska (D.)	3	25	0	3	.....	0	0	1	1
Rucker (D.)	20	58	0	9	.....	8	0	.....	.....
Ruppert (D.)	2	16	0	3	.....	1	0	.....	.....
Ryan (D.)	8	21	0	4	.....	2	0	1	1
Shackelford (D.)	7	66	0	5	.....	2	4	1	.....
Sheppard (D.)	7	2	0	0	.....	0	0	1	.....
Small (D.)	17	31	1	2	1	0	2	.....	.....
Smith, Iowa	3	66	0	5	.....	3	1	.....	1
Smith, Henry C.	23	195	2	14	1	4	16	.....	1
Snodgrass (D.)	4	51	0	6	.....	1	1	2	.....
Stewart, New York	3	19	0	5	.....	1	0	1	.....
Thayer (D.)	3	1	0	0	.....	0	0	1	.....
Thomas, Iowa	1	23	0	7	.....	3	16	.....	1
Thomas, North Carolina (D.)	7	48	3	3	1	1	0	3	.....
Tompkins, New York	3	28	0	5	.....	3	0	.....	.....
Vreeland	8	32	0	3	.....	1	1	.....	.....
Wachter	11	34	0	5	.....	2	0	.....	1
Weeks	10	25	0	9	.....	3	14	.....	.....
Wilson (D.)	3	11	1	3	.....	1	0	.....	.....
Woods	13	17	3	4	.....	4	0	.....	.....
Wright	0	11	0	4	.....	2	0	.....	.....
Seventy-nine members	589	3,130	44	226	10	166	284	67	24

I append the following editorial from the Sioux City Journal. It is written by Hon. Mr. Perkins, for many years an able and distinguished member of this House:

THE HOUSE RULES.

Nothing in party management is more difficult than orderly procedure in the House of Representatives. The House is composed of 357 members, and with the next Congress will be increased to 386. Under the law each member is the equal of any other member. Each member has his own constituents; he is the representative of a district. Each member has individual responsibility to which his constituents hold him; he must care for their interests or meet condemnation. The pressure to do things in the House of Representatives is enormous.

Within a few days after the meeting of Congress the files of the various committees are full of bills. Many of these bills are the legacy which each Congress bestows upon its successor. No limit is placed upon the number of bills that may be introduced, and interested parties are pleased by receiving a copy of a printed bill, with the name of their member upon it, and with the information set forth on the title page that it has been referred to the committee for examination and report. Very soon the Calendar is choked. The time of the House is occupied with great appropriation bills and with measures of overshadowing importance. There must be lodged somewhere and in some fashion authority for the determination of the order of business. The House would run wild if left to itself. There must be lodged somewhere the power and the will to exercise arbitrary power. The members in the aggregate appreciate this and determine upon rules. The office of the Speaker is to enforce the rules; the office of the Speaker is to employ the rules to compel the House to do business.

The difficulty in the way of the orderly dispatch of business in the House of Representatives is chiefly in the relation which one side of the House sustains to the other. On all important issues it is the business of one side of the House to prevent affirmative action on the part of the other side of the House. The minority will take advantage under the rules to prevent the majority from recording the will of the majority. Thus arbitrary power must be located in the rules for which the Speaker and his Committee on Rules stand as the exponents. The real power is in the House itself, but it surrenders much of this power in the interest of orderly procedure and the public welfare.

If the individual member of the House could be trusted not to take advantage of his opportunity, nor to enter into combination with fellow-members in the service of local and personal ends, there would hardly be need of rules at all. If the minority side of the House could be trusted to deal fairly by the majority, forego filibustering and other wicked devices, the rules might without detriment to the rights of the majority or injury to the public service be much simplified. As it is the liberty of the individual must be abridged to conserve the general good. What war is is well understood; and politics in the House of Representatives is much the same thing.

The Fifty-first Congress, under the Speakership of Mr. Reed, was extremely turbulent; the Democratic side was frequently in a state of riot. But the Fifty-first Congress did business. The outcry, however, against the exercise of arbitrary power by the Speaker was never more intense. When the Democrats came into power with the succeeding Congress they sought to improve upon the rules, but their effort was short lived. The proudest political success of Mr. Reed was when the Democratic majority in effect adopted what were called his rules. The Democrats found this to be necessary in order to do business.

The speech of Mr. CUSHMAN the other day was catchy. Aside from its humor it was only a squeal. He has had his difficulties, as other members have their difficulties, and to lodge complaint against the Speaker and his aids in the government of the House is not unnatural, and is certainly the most convenient recourse. Speeches from the same text are not uncommon, but not all the speakers redeem themselves in the humor of their protest.

Following his experience in the Fifty-first Congress, it might have been thought Mr. Reed would never again be tolerated in the office of Speaker. Our good friend, Mr. Struble, at the time representing this district, may have thought so, for Mr. Struble was extremely anxious to forward the Sioux City building bill and was repeatedly disappointed, and finally gave way to speech of such inflammatory topknot that the Democratic side applauded. But Mr. Reed returned to the Speakership in the Fifty-fourth Congress, and at the close of it was complimented by the Democratic side, in conjunction with the Speaker's side, and this pleasant incident was repeated at the close of the Fifty-fifth Congress. The Democrats had gotten used to the Reed rules, and they had learned out of their own experience the necessity for them.

When the House itself is materially re-formed, the rules will be less stringent, but the prospect seems remote.

Mr. Chairman, I believe it may modestly be claimed that I have shown:

First. That the assaults made upon the Speaker and the Committee on Rules were without justification.

Second. That the rules of the House are wise and just and indispensable to an orderly and successful discharge of the duties incumbent upon us as members of a great legislative body.

Third. That the entire organization of the House has been and is made upon just appreciation of the rights of all the members; that greater power has been given members in their first and second terms than ever before in any prior organization.

Fourth. That the record shows that no discrimination against the gentleman from Washington or his State has been shown.

THE PHILIPPINES AND THE ASSAULTS UPON THE ARMY.

Mr. Chairman, during the very brief time that I have left I want to say a few words about these attacks upon the Army of the United States, which have been the stock in trade of the opponents of the pending bill during its progress through the Senate and over to the House of Representatives. I want to put on record a single statement of my opinion about how much force and effect ought to be given to the complaints made upon the other side in regard to the conduct of our army in the Philippines. I believe in the Army. I am a great admirer of the Army of the United States. I believe that the Regular Army of this country embodies in proportion to the numbers on their muster roll as much of personal honor, as much of patriotism, as much of dignity, as much of humanity as can be found in any equal number of men on the face of the earth. [Applause on the Republican side.]

That is my judgment of the Regular Army; but I have kept my eye upon the progress of events in all the wars about which I have read, and I believe that, taking all that has been said, admitting all that is claimed on the other side, which I do only for the purpose of argument, there has been no war of modern times where there was as little of retaliation, as little of the execution of the purposes of revenge, as little of that brutality which is always invoked in war between men, as in the Philippine Islands. I believe that when history is fairly and justly written it will be said of the army in the Philippines what has been said of the army under Chaffee in China, that the American soldier at Pekin, commanded by that gallant and distinguished representative, first of the volunteer forces and then of the Regular Army, set an example that was commented upon favorably by all the civilized world. I believe that when Pekin fell and when the rescue had been successful, that had the verdict of civilization been written the highest meed of praise would have been given to the portion of the Regular Army of the United States commanded by Chaffee. [Applause on the Republican side.]

Then there was no politics involved; then there was not any necessity for a political party to be paving the way to a coming campaign upon the hope, the feeble, faint hope, that they might be able to lodge a majority in Congress upon slander of the Army of the United States. I want it to be understood that I differentiate not in one hair between the condemnation of the officers of

that Army and the soldiers. I believe that when the full history of those events has been shown and brought to the surface it will be shown that there has been more of moderation, more of suppression and the curbing of inhumanity than there has been of violation of duty or the violation of the principles of humanity. War brings these things, Mr. Chairman. I heard a gentleman on the other side say that we went through a long, deadly war. He said it was a war between the States. I said it was some other kind of a war. I will compromise with the gentleman and will say the civil war. He said that there was no act of inhumanity; that we were generous to each other, loving and kind; shooting at each other, but always binding up the wounds that we made; that Christianity was the prevailing sentiment of that war, and barbarity through the descendants of the men who fought that war on both sides, it is claimed, has been the prevailing sentiment of this war.

Let me tell you, Mr. Chairman, that taking the worst thing that has been said about General Smith, I can produce a counterpart more deadly and more inhuman, coming from both sides in the civil war. Take his plea of guilty that he told the men to make Samar a howling wilderness and to kill the combatants. And I stop here to point out that no man has shown yet that under that order any woman or child was ever killed. They have started out by saying that "Hell-Roaring Jake Smith," as they call him, ordered that everybody should be killed down to 10 years of age, and then they say a hundred thousand were killed; but it does not appear that Jake Smith's order killed a woman or child or anyone not guilty of treachery or other crime, and the witnesses who testify said that they never killed one. But let us see what our ancient comrades of the war of the rebellion used to say. There was over here a beautiful valley, the Shenandoah. It was a troublesome valley. The rebel army had an unpleasant way of slipping out of the Shenandoah Valley and striking the Baltimore and Ohio Railroad at Harpers Ferry and going almost everywhere after they had got there, and it became necessary, finally, to destroy the means of subsistence in that valley. I have a few brief words of that general who has been so often quoted on the floor of this House, who said, "Let us have peace," "Give them back their horses," "Extend the olive branch," etc. That was in time of peace when he said all those good things. Here is what he said in time of war. He said:

> I am perfecting arrangements to break up the railroad in front of Dalton, including the city of Atlanta, and push into Georgia, break up all its railroads and depots, capture its horses and negroes, and make desolation everywhere.

That is what Grant said. Then he said:

> If you can possibly spare a division of cavalry, send them through Loudoun County to destroy and carry off the crops, animals, and negroes, and all men under 50 as prisoners of war.

Not as citizen prisoners. Then, again:

> Do all the damage to railroads and crops you can, so as to prevent further planting. We want the Shenandoah Valley to remain a barren waste.

And before Phil Sheridan got through with it he had obeyed the orders of his chief. There are a number of other choice extracts. That was what the Yankees said. How pious were our friends on the other side? I read from a memorable book. I was told by the gentleman from Pennsylvania [Mr. MAHON] that there was but one copy of it in the world, and he told me where it was likely to be found, and I found it in the Library of Congress. It is the Life and Letters of Stonewall Jackson, by his wife; New York: Harper & Bros., 1892.

Now, I take it that it is likely to be true. I presume it is, because the letters are here. Stonewall Jackson was the embodiment of the Christian soldier—lovable, it was said by his men, feared by his enemies, gallant, and brave; and there is only one question left in all the ex-Southern Confederacy to-day, and that is whether, if Jackson had only lived, they would not have had two countries here. He was the great embodiment of the chivalrous Southern soldier. Now, he got tired of the ordinary processes of war, and here is what he said. I read from a statement made by his brother-in-law, Col. L. S. Baker, a young West Pointer.

At that time the authorities at Washington had begun to change their war policy and Maj. Gen. John Pope had entered northern Virginia, and as he himself boasted, with "headquarters in the saddle." The author of this book, the wife of General Jackson, on page 307, says:

> But what disturbed the Southern people more than his martial prowess was the way in which he began his operations, which were said to be in violation of all the laws of war. This naturally provoked bitter resentment and led to threats of retaliation. That alone explains the following interview, in which Jackson speaks of raising the black flag—a suggestion so alien to his character that the statement would be received with the greatest reserve did it not come from his own brother-in-law, Capt. (afterwards General) Rufus Barringer, who might be supposed to be in his confidence. Even then it is justified only as a retaliation for the similar conduct of Pope. But as the latter's campaign soon came to an inglorious end, nothing more is ever heard of the retaliation. With this explanation I give the following letter, as furnishing a glimpse of the secret councils of the war, which will have its interest for the students of history:
>
> "During the battles around Richmond in June and July, 1862, I was a captain of cavalry in the First North Carolina Regiment, Col. L. S. Baker, a young West Pointer, commanding. Brig. Gen. J. E. B. Stuart had charge of all the cavalry in the Army, and for some days after the battles General Jackson still held the front, facing McClellan at Harrisons Landing.
>
> "On the 14th of July I was in picket along the Chickahominy and the James with my squadron, Companies C and F, the Mecklenburg and Cabarras companies. On that day Colonel Baker sent me a note, received from Stuart, as follows:
>
> "HEADQUARTERS CAVALRY BRIGADE, *July 6, 1862.*
>
> "COLONEL: General Jackson is anxious to see Capt. Rufus Barringer. Please send him up this afternoon, as Gen. J. may be gone after that. Please forward a report of operations of your cavalry from 26th June to 10th July as soon as possible.
>
> "In haste,
>
> "J. E. B. STUART,
> "*Brigadier-General.*"
>
> "This note is now before me in Stuart's own writing, and, not coming through the ordinary staff channels, plainly showed it was the result of a personal interview between Stuart and Jackson. As General Jackson and I, however, were brothers-in-law, I attached no importance at the time to these incidental matters. It is proper, though, to add that in point of fact we had seen very little of each other prior to this time. He living in Virginia and I in North Carolina, and our occupations quite differing, we had only met a few times, and not at all since the war began. But he was now, when I reached his camp, unusually cordial, and at once remarked, 'Captain, I have sent for you for a matter entirely between ourselves. You will stay with me in my tent here to-night. If General Pope does not disturb us, I am sure McClellan will not, and we can have a good talk.' At that time the authorities at Washington had already begun to change their war policy, and Maj. Gen. John Pope had entered northern Virginia, and, as he himself boasted, 'with headquarters in the saddle,' threatened to overrun the whole country and speedily lay it waste.
>
> "With a soldier's plain supper, and lying together on army couches, and with this new movement of the enemy emphasizing his whole tone, General Jackson soon began the business in hand. Once fairly at ease, he said:
>
> "'I recall, Captain Barringer, the talk you and I once had at my table in Lexington in the heated party struggle of 1860. Though differing in politics, we happened to agree as to the character of this war, if it once began. We both thought it would be internecine in its results. Neither of us had any special concern for slavery, but both agreed that if the sword was once drawn the South would have no alternative but to defend her homes and firesides, slavery and all. I, myself, see in this war, if the North triumph, a dissolution of the bonds of all society. It is not alone the destruction of our property (which both the nation and the States are bound to protect), but it is the prelude to anarchy, infidelity, and the ultimate loss of free responsible government on this continent. With these convictions I always thought we ought to meet the Federal invaders on the outer verge of just right and defense, and raise at once the black flag, viz, "No quarter to the violators of our homes and firesides." It would in the end have proved true humanity and mercy. The Bible is full of such wars, and it is the only policy that would bring the North to its senses.'
>
> * * * * * * *
>
> "This new phase of the struggle is full upon us, and General Lee is in great perplexity how to meet it. I have just had a conference with him on this vital point. No plan of campaign has as yet been agreed on. But I gave him frankly certain outlines of my own plan of waging the contest, which he considered favorably, and which he promised to lay before Mr. Davis, and try to secure his approval, in whole or in part. In which event, Captain, I expect to need your services here, and I shall have to order you up."
>
> * * * * * * *
>
> General Jackson then told me in confidence, as a Confederate officer, that he was already under marching orders to move against Pope in Culpeper. "But," he said further, "General Lee is now considering certain special features of my war policy as applicable to the present emergency, and as the only way to check Pope's dastardly system of warfare and plunder. Unfortunately, the Confederate authorities are fully committed to a different policy—in fact, to a very stilted style of waging war. In every aspect the situation is embarrassing. McClellan is nominally in command, and his mode of warfare is in strict conformity to the usages of civilized nations."
>
> * * * * * * *
>
> "As to a general policy, I think it unwise to attempt to defend the whole of our extended lines, especially our extended coast and water line. The enemy largely exceed us in men and material of war, especially in naval appliances, and our limited supply of both troops and munitions of war would ultimately be exhausted in a prolonged, gigantic struggle. To offset their palpable advantage in this respect I would seek to utilize the special points in which the South clearly leads the North, and I would risk the whole issue on the development of these special characteristics and the war policy based thereon. As I always said, my own first policy would have been the black flag to all comers against the safety of our Southern homes. Next to that, I would give up, as circumstances might seem to require, many exposed points and all untenable positions and gradually concentrate our choicest fighting men and most valuable material at a few strong interior camps, thoroughly fortified and so located as best at one and the same time to protect our communications, defend our people and territory against invasions of the enemy, and also keep up ceaseless aggressions upon them. These counter invasions would be the main feature of my policy.
>
> "I would organize our whole available fighting force so selected and located into two, four, or more light movable columns, specially armed and trained and equipped for sudden moves and for long and rapid marches. These light movable columns I would hurl against the enemy as they entered our borders, but only when sure of victory and when the loss of an army was impossible. But, better, I would hurl these thunderbolts of war against the rich cities and teeming regions of our Federal friends. I would seek to avoid all regular battles. I would subsist my troops as far as possible on the Northern people. I would lay heavy contributions in money on their cities. I would encumber my marches with no prisoners except noted leaders, held mainly as hostages for ransom or for retaliation. All the rank and file I would parole, but only at risk of life if the parole was violated. All this just as Pope is doing in Northern Virginia. I would train and practice the troops with special reference to the tactics of attack and retreat. But before turning my back to the foe or the enemy's country I would see that some other one or more of these 'movable columns' was on the march and striking at some other vital point, possibly hundreds of miles away. And so I would make it hot for our friends at their homes and firesides all the way to Kansas, 'bleeding Kansas,' and doubly so for Ohio and Pennsylvania."

Mr. Chairman, I can not go further, but in response to the statement of General Jackson the Confederate congress received the

following telegram, as appears by the official records of the Confederate States:

CHARLESTON, S. C., *October 13, 1862.*

Hon. W. PORCHER MILES,
Member of Congress, Richmond, Va.:

Has bill for execution of abolition prisoners after 1st of January next passed? Do it and England will be stirred into action. It is high time to proclaim the black flag for that period. Let the execution be with the garrote.

G. T. BEAUREGARD.

(Official Records of the Union and Confederate Armies, Series II, Vol. IV, p. 916.)

The "bill" to which General Beauregard referred in the above-quoted communication appears to have been "joint resolutions," introduced in the Confederate house of representatives October 1, 1862. A copy of the original, on file in the War Department, follows:

"Whereas it is manifest that despairing of the subjugation of the Confederate States or any of them, the Congress and President of the United States have deliberately set about the work of inciting the slave population of these States to insurrection by declaring them emancipated from and after the 1st day of January, 1863, which action on the part of the said Congress and President is in direct violation of the Constitution which they were sworn to support, in contravention of all law, human and divine, and has been resorted to for the diabolical purpose of involving the slaves and their owners, embracing innocent women and children, in one common ruin, and for the further purpose of maintaining themselves in power by catering to the fanatical spirit of abolitionism; and

"Whereas each of the States of this Confederacy have enacted laws punishing with death all persons engaged in inciting the slave population to insurrection or rebellion, and there is much stronger reason for inflicting this penalty upon persons who not only voluntarily conspire to perpetrate this horrible felony, but in addition thereto come to devastate our land, burn our dwellings, waste our substance, and murder our citizens: Therefore,

"The Congress of the Confederate States of America do enact that so long as the proclamation of Abraham Lincoln, the President of the United States, dated the 22d day of September, 1862, proposing to emancipate the slaves of this Confederacy from and after the 1st day of January, A. D. 1863, shall remain unrevoked, all commissioned officers of the United States Army who shall be seized, captured, taken, or arrested within the limits of this Confederacy after the said 1st day of January, 1863, shall be deemed and held voluntarily to have entered the Confederate States for the purpose of maintaining said proclamation and of bringing about the result thereby contemplated of a servile insurrection, and the said officers shall in no wise be regarded or treated as prisoners of war, but as felons, and it shall be the duty of the President to cause to be constituted a sufficient number of courts-martial to try said offenders and, if condemned, to see that they are promptly executed by being hanged by the neck until they are dead.

"SEC. 2. Congress do further enact that should the aforesaid proclamation of Abraham Lincoln continue unrevoked on the 1st day of January, 1863, it shall be the duty of the President of these Confederate States to make proclamation that this act will be strictly enforced."

[First indorsement.]

No. 4.

OCTOBER 1, 1862.

Referred to Committee on Foreign Affairs.

OCTOBER 10, 1862.

Reported back.

CHILTON.

[Second indorsement.]

OCTOBER 10, 1862.

Read first and second times and recommitted to Committee on Foreign Affairs.

Reported back, printed, and made special order for 2 o'clock Saturday, October 11, 1862.

DE JARNETT, *From Foreign Affairs.*

I confess that the measure did not pass in its original enormity, but it did pass in the form of a most bitter retaliatory measure, as follows:

It appears from the journal of the Confederate House of Representatives for October 11, 1862, that the foregoing resolutions were taken up and, after the introduction of amendments thereto, finally passed, as follows:

"Whereas the Northern States, now represented by the Federal Government of the late Union, commenced the present war of invasion to enforce an unfounded and tyrannical claim of dominion over sovereign States which had withdrawn from the Union; and, pretending that these States are in rebellion, have sought to deny to them from the beginning of the war the rights accorded to belligerents by the usages of nations; and, after prosecuting this war without success more than a year since this Government was recognized by European nations as a belligerent power, have continued, under the same pretext, to inflict upon the good people of these States inhuman injuries, in contemptuous disregard of the usages of civilized warfare, exacting from them treasonable oaths and service, and upon refusal subjecting unarmed citizens, women and children, to banishment, imprisonment, and death; wantonly burning their dwelling houses, ravaging the land, murdering men for pretended or trivial offenses, making rapine of private property a systematic object of the war, organizing the abduction of slaves by armies and agents of Government, endeavoring to foment servile insurrection by tampering with slaves, by proclaiming schemes for emancipating them, by passing laws to equalize the races, by protecting slaves in resisting their masters, and by preparing armed bands of negroes to fight in the presence of negro slaves for the subjugation of the white race; permitting outrages on women to be committed by a licentious soldiery, encouraged in a memorable instance by the order of a major-general and the acquiescence of his Government; attempting, until restrained by a threat of retaliation, to murder privateersmen for engaging in a mode of warfare expressly sanctioned by the Constitution of the United States and the Confederate States and by the laws of nations; refusing, with double inhumanity, to exchange prisoners until constrained by the long duration and adverse fortune of the war; attempting to ruin our cities by filling up the entrances of their harbors with stone and diverting the ancient channels of great rivers; cutting off our supplies of medicines, needed as well for suffering women, children, and captive enemies as for the sick of our armies, and perpetrating other atrocities which would be disgraceful to savages; and

"Whereas the said Government of the United States, in the same spirit of barbarous ferocity, has recently enacted a law entitled 'An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes,' and has announced by a proclamation issued by Abraham Lincoln, the President thereof, that in pursuance of said law, on the 1st day of January, 1863, 'all persons held as slaves within any State or designated part of a State, the people whereof shall be in rebellion against the United States, shall be thenceforward and forever free,' and has thereby made manifest that the vast war of invasion which it wages with such lawless cruelty is conducted with a view, by judicial murders, banishments, and otherwise, to exterminate the loyal population of these States, to transfer their property to their enemies, to emancipate their slaves, to destroy their labor system, to subvert the institutions, human and divine, upon which it is founded, employing slaves and other negroes for these purposes, with an atrocious design of adding servile insurrection and the massacre of families to the calamities of war; and

"Whereas since the passage of said act executive and military orders have evinced a determined purpose of the enemy to carry out this policy of rapine and extermination with brutal and surprising severity; and

"Whereas justice and humanity require the government of the Confederate States to endeavor to punish and repress the atrocious practices and designs of the enemy by inflicting severe retribution: Therefore,

"*Resolved by the Congress of the Confederate States*, That the president will be sustained in resorting to such measures of retaliation as in his judgment may be demanded by the above-recited lawless and barbarous conduct and designs of the enemy."

The journal of the Confederate senate for October 13, 1862, shows the receipt of a message from the house of representatives, in words as follows:

"Mr. President, the house of representatives have passed a joint resolution (H. R. ——) in regard to retaliation, in which they request the concurrence of the senate.

"And, on motion by Mr. Clay,

"*Ordered*, That the joint resolution (H. R. 21) in regard to retaliation be transferred to the secret legislative calendar."

The journal of the senate in secret session October 13, 1862, shows that the resolution was unanimously adopted without amendment.

Now, Mr. Chairman, I have shown both sides, but not for the purpose of rekindling the embers of the war.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GROSVENOR. Certainly.

Mr. BARTLETT. Is it not true that before that act was introduced or offered, that there had been a proclamation issued by the President of the United States directing that certain citizens in the valley of Virginia and elsewhere should be seized and tried by court-martial and these men were then imprisoned; and is it not true that upon that act being passed——

Mr. GROSVENOR. I do not know whether that is true or not: it may be that the gentleman is correct.

Mr. BARTLETT. That is the history of the country.

Mr. GROSVENOR. I have no such history; but assuming for the purposes of my argument that it is so, then the stronger is my position, and yet that is no reason why any man to-day ought to be fast to criticise a soldier in the army in the Philippines because he is not willing to have his comrades sneaked up to and murdered by a cowardly enemy over there. I stand by the Army. [Loud applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GIBSON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House by Mr. B. F. BARNES, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On June 7, 1902:

H. R. 11124. An act granting an increase of pension to Mary Scott; and

H. R. 11288. An act granting an increase of pension to William E. Ball.

On June 17, 1902:

H. R. 13296. An act granting an increase of pension to Francis Scott.

On June 19, 1902:

H. R. 9334. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes.

On June 20, 1902:

H. R. 12865. An act regulating the use of telephone wires in the District of Columbia.

On June 21, 1902:

H. R. 12420. An act granting a pension to Wesley Brummett;

H. R. 4103. An act granting a pension to William C. Hickox;

H. R. 12828. An act granting a pension to Mary E. Culver;

H. R. 11052. An act granting a pension to Nelson Johnson;

H. R. 14411. An act to regulate commutation for good conduct for United States prisoners;

H. R. 7679. An act granting an increase of pension to Franklin Snyder;

H. R. 8794. An act granting an increase of pension to Henry I. Smith;

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway; and

H. R. 13278. An act granting an increase of pension to Levi H. Collins.

On June 23, 1902:

H. R. 6847. An act to correct the record of Michael Hayes.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. WILLIAMS of Illinois. Mr. Chairman, with a measure of such far-reaching importance before the committee, I was very

sorry indeed that the distinguished gentleman from Ohio [Mr. GROSVENOR], who of all Republicans has the authority to disclose the hidden policy of the Administration on this question, should consume almost his entire hour, not in discussing this bill, but in defending himself and his colleagues on the Committee on Rules against the charges made by one of his Republican colleagues from the State of Washington, that this House was no longer a deliberative body, but, under the leadership of the distinguished gentleman from Ohio, had passed into an oligarchy. This is the third answer made to the charges of the gentleman from Washington by those in the oligarchy, and no one knows how many more answers are in waiting. I suppose it is about time that the gentleman from Washington should have another inning. It may be easier for these gentlemen to amend their rules than to make a satisfactory answer to the charges of the gentleman from Washington.

Mr. Chairman, in discussing the bill under consideration and the subject to which it refers, I shall assume that neither the American Congress nor the American people have yet determined the future status of the Philippine Islands. I know it is frequently asserted by those who take only a superficial view of this subject that the ratification of the Paris treaty settled this question. But those Senators who voted for the ratification of that treaty did not so understand it, as shown by their repeated declarations upon the subject while the treaty was still pending in the Senate.

Senator LODGE, of Massachusetts, on the — day of January, 1899, declared:

Suppose we ratify the treaty. The islands pass from the possession of Spain into our possession without committing us to any policy. I believe we shall have the wisdom not to attempt to incorporate those islands with our body politic or make their inhabitants a part of our citizenship.

And Senator SPOONER, of Wisconsin, one of the ablest Republicans in the Senate, and one who did more, perhaps, than any other Senator to secure the ratification of the treaty, on the 2d day of February, 1899, spoke as follows:

But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work, under labor conditions of necessity which we would not permit to exist in the United States.

Every argument which has been made in support of this doctrine of territorial expansion—and by "territorial expansion" I mean permanent territorial expansion—seems to me to be superficial, some of them sentimental, and some of them fantastic.

The jingle of words which we read every day about "hauling down the flag" does not in the least either thrill me or impress me. Our flag has been hauled down before, Mr. President. It will be hauled down again.

* * * * * * *

To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked *Maine* at Habana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds. I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, nonassimilable peoples in order, through permanent dominion, to force our trade upon them, seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world, and we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?

Permanent dominion over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries our people.

Those who will take the trouble to read the very able speech of this distinguished Republican Senator from Wisconsin will find it an unanswerable argument against the permanent retention of the Philippines by the United States. Sir, such clear and definite statements by such able Republican Senators show beyond question that they did not suppose for a moment that the ratification of the treaty determined the status of the islands. They all understood that the treaty itself provided that Congress and not the Senate should determine the status of the Filipino people, and as Congress has never exercised this power it is still its duty to determine whether the Filipinos shall be citizens of the United States or citizens of their own free and independent country. As I said on a former occasion, I think the Senate made a very serious mistake in the ratification of the Paris treaty; but Senators did not realize that American greed would be harder to deal with than Spain in giving independence to the Philippines. I know it is repeatedly declared that the people have already settled this question. Why, sir, this issue has never been fairly presented to the people for their judgment.

The Republican leaders up to this time have not had the courage or the candor to declare any definite policy on this question, but have preferred to lead the American people and the Filipino people step by step in darkness and uncertainty, careful to conceal their final purposes until they had passed beyond the point of retreat. It can not be contended that the last President was elected on this issue, because he was supported by such distinguished citizens as ex-President Harrison, of Indiana; Senator Hoar, of Massachusetts, and thousands of others who were bitterly opposed to the policy of the Administration in the Philippines. So, Mr. Chairman, I think it is still in order to submit to this House and to the country some evidence and some reasons which may help to bring the Congress and the people to a just settlement of this question. Going back to the beginning, we find that when the United States declared war against Spain for the liberation of Cuba, the Filipinos were then engaged in a revolution against the same country. In this connection let me read from Oscar Williams, our consul at Manila, to the Washington Government, February 23, 1898:

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace and there has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are almost of daily occurrence, ambulances bring in many wounded, and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law.

The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and five dead left on the field. Much of such information is found in my longer dispatch referred to, and which is at your command.

A republic is organized here, as in Cuba. Insurgents are being armed and drilled and are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the governor-general embarks for Spain, which is fixed for March. (Senate Document 62, p. 319, 56th Cong.)

When Admiral Dewey attacked and destroyed the Spanish fleet at Manila the American forces at once received the hearty and constant cooperation of the Filipino people. Our leaders sought their leaders, invited their assistance, and received it. Mr. Pratt, the American consul at Singapore, writing to the Secretary of State, April 28, 1898, said:

No. 212. CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, April 28, 1898.

SIR: I have the honor to report that I sent you on the 27th instant, and confirmed in my dispatch No. 211 of that date, a telegram, which deciphered read as follows:

SECRETARY OF STATE, *Washington:*

General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila.

PRATT.

The facts are these: On the evening of Saturday, the 23d instant, I was confidentially informed of the arrival here, incognito, of the supreme leader of the Philippine insurgents, Gen. Emilio Aguinaldo, by Mr. H. W. Bray, an English gentleman of high standing, who, after fifteen years' residence as a merchant and planter in the Philippines, has been compelled by the disturbed condition of things resulting from Spanish misrule to abandon his property and leave there, and from whom I had previously obtained much valuable information for Commodore Dewey regarding fortifications, coal deposits, etc., at different points in the islands.

Being aware of the great prestige of General Aguinaldo with the insurgents, and that no one, either at home or abroad, could exert over them the same influence and control that he could, I determined at once to see him, and, at my request, a secret interview was accordingly arranged for the following morning, Sunday, the 24th, in which, besides General Aguinaldo, were only present the General's trusted advisers and Mr. Bray, who acted as interpreter.

At this interview, after learning from General Aguinaldo the state of and object sought to be obtained by the present insurrectionary movement, which, though absent from the Philippines, he was still directing, I took it upon myself, while explaining that I had no authority to speak for the Government, to point out the danger of continuing independent action at this stage; and having convinced him of the expediency of cooperating with our fleet, then at Hongkong, and obtaining the assurance of his willingness to proceed thither and confer with Commodore Dewey to that end, should the latter so desire. I telegraphed the commodore the same day as follows, through our consul-general at Hongkong:

"Aguinaldo, insurgent leader, here. Will come Hongkong arrange with commodore for general cooperation insurgents Manila if desired. Telegraph.

"PRATT."

The commodore's reply read thus:

Tell Aguinaldo come soon as possible.

DEWEY.

I received it late that night, and at once communicated to General Aguinaldo, who, with his aid-de-camp and private secretary, all under assumed names, I succeeded in getting off by the British steamer Malacca, which left here on Tuesday, the 26th.

Just previous to his departure I had a second and last interview with General Aguinaldo, the particulars of which I shall give you by next mail.

The General impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him.

I think that in arranging for his direct cooperation with the commander of our forces I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines. (Senate Document No. 62, p. 341, Fifty-sixth Congress.)

This shows how our own officers invited Aguinaldo and his followers to cooperate with us in that war.

Here is a plain invitation from Admiral Dewey to Aguinaldo to join him in the war against Spain, and no explanation can ever change the plain meaning of this message or weaken its force.

Just as soon as arrangements could be completed between Pratt, Dewey, and Aguinaldo, the latter was taken to the Philippines under American authority, and upon his arrival he issued a proclamation which contained the following:

Filipinos, the great nation, North America, cradle of true liberty, and friendly on that account to the liberty of our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has

come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land.

Sir, these sublime sentiments inspired the dusky followers of Aguinaldo to rally around the American flag by the thousands to do battle for the independence of their own country. If it were not the desire for liberty that induced them to leave their families and their homes to enter upon the bloody mission of war, then, sir, what could have been the motive which induced them to offer their services and their lives in the cause of a foreign power? It was not for money, for we did not hire them. It was for no other reward than the freedom and independence of their own country. Remember, there was not an American soldier in those islands when Dewey destroyed the Spanish fleet on May 1, 1898, and none till July following. During all this time and long before all the fighting on land was done by the Filipinos.

That you may have some idea of the valuable services which they rendered in that campaign, let me read from our consul at Manila to the Washington Government:

[June 16, 1898. Williams to Day, page 329, Senate Document No. 62.]

Sir: I have the honor to report that since our squadron destroyed the Spanish fleet on May 1 the insurgent forces have been most active and almost uniformly successful in their many encounters with the Crown forces of Spain. Gen. Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. He told me to-day that since his return his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken. General Aguinaldo has now about 10,500 rifles and 8 field pieces, with 8,000 more rifles, 2 Maxim guns, and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Malate, and hold not only North Luzon to the suburbs of Manila, but Batangas Province also, and the bay coast entire save the city of Manila. * * * We fear the city may fall too soon.

This evidence shows that the Filipinos had driven the army of Spain into Manila, had captured several thousand Spanish prisoners, and practically ended the war on the islands before the American soldiers arrived.

When our Army first reached the Philippines they were received with open arms and friendly greetings. The Filipinos had already learned that the Americans were friends of liberty, and they regarded them as their coming liberators. And why not? Listen to the first words of the first American general to land on the islands, General Anderson.

July 4, 1898, Brigadier-General Anderson to Aguinaldo, page 390, Senate Document No. 62:

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 4, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

Also on page 394, same document:

General Anderson to Aguinaldo.

GENERAL: When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American army, as it was to fight in the cause of your people.

Also Major Jones to Aguinaldo, on same page, same document:

We are here to befriend the Filipinos.

And so our first general to reach these islands invited Aguinaldo and his followers to cooperate with the American forces, and declared that our army was there to fight in the cause of their people.

Sir, it is mere idle words to be quibbling whether this was an alliance or not. It is enough for honorable people to know that we invited the Filipinos to cooperate with us and they did so; we sought their assistance and received it.

That they rendered us very valuable services in that engagement no American can deny. Their brave patriots who fell before the Spanish guns saved to the American nation millions of money and thousands of lives. For if the Filipinos instead of cooperating with us had united against us or even remained neutral it would have made it necessary for us to send to those islands several thousand more soldiers and continued the war much longer than we did.

So it matters not whether in so many words we promised those people their independence or not, we were under a great moral obligation to recognize their independence after they had proven themselves such brave and loyal friends at a time when their services were so useful to our cause.

They had rendered us much more service than the Cubans and deserved just as much of our gratitude. No American ever has and no American ever can give one good reason why we should give freedom to the Cubans and not to the Filipinos. There is no ground for such unjust discrimination. The evidence before the Paris Commission was that the Filipinos were better fitted for self-government than the Cubans. Admiral Dewey, in a dispatch from the Philippines on June 23, 1898, said: "These people are far superior in their intelligence and more capable of self-government than the Cubans, and I am familiar with both races." There was much proof before the Commission that the Filipinos had already begun to establish in a very intelligent manner a representative government; that they were very enthusiastic for independence and would resist to the bitter end any attempt to establish American sovereignty over the islands. One Major Bell testified as follows:

There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government. * * * Aguinaldo—honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability, has the power of creating among the people confidence in himself, and is undoubtedly a very popular man, highly respected by all. (Senate Doc. No. 62, p. 380.)

And Mr. Vanderlip, Assistant Secretary of the Treasury, on page 570, same document, stated:

There can be no thought of assimilation. It can not be expected that the people of these islands will ever be brought to a comprehension of our institutions. We need not even hope for sympathetic submission.

So, Mr. Chairman, we were fully forewarned by our own witnesses that if we undertook the forcible annexation of those islands we might expect war, long-continued war, with their people.

Notwithstanding their hearty cooperation with us in the war just ended and all the flattering promises with which our officers and generals had encouraged such cooperation, the American authorities turned a deaf ear to all their appeals for liberty, to all their prayers for freedom, and did not even permit them to be heard in the trial of their own cause.

And yet it would have been just as easy to force Spain to relinquish her sovereignty over the Philippines as to cede it to the United States. It would have been just as easy to compel Spain to free the Filipinos as the Cubans. Spain was already whipped, whipped by the Americans and Filipinos, and lay powerless at our feet ready to surrender upon almost any terms rather than resume a war which surely would have ended in her complete destruction.

We have some reason to believe that in the beginning of the deliberations neither our commissioners nor the President favored the forcible annexation of those islands. But mighty influences were in operation which could not be resisted. American greed already had its exploiters in the islands investigating their lands, their timbers, and their minerals, and they were the first to decree the forcible annexation of the islands. It is true the Administration also was doing a little investigating about that time, and in this connection the following from the testimony of Commodore Bradford before the Commission is rather interesting, on page 472, Senate Document No. 62, Fifty-sixth Congress:

Q. Will you please state your name, residence, and position in the United States Navy?

A. R. B. Bradford, commander, United States Navy, Chief Bureau Equipment, Navy Department, Washington, D. C.

Q. How long have you been in the naval service of the United States?

A. Since 1861.

Q. When were you at Manila?

A. I was there first in 1867, again in 1868, and again 1869; not since.

Q. Have you had any occasion recently to investigate the situation on these islands?

A. During the past two months I have made a study of the islands and their value as colonies of the United States.

* * * We have driven the Spanish Government out of the Philippines; there is no Spanish authority there now, or practically none.

* * * Of course I am interested, primarily, from a military point of view, on account of my profession.

* * * It seems to me that they are parceling out the coast of China, and we should be in it or as near it as possible.

Why had this American officer been engaged for two months studying the value of these islands as colonies of the United States unless for the purpose of enabling the Administration to determine whether it would pay to make colonies of them? It seems that the Administration was not depending entirely upon the suggestions of the Almighty as to the proper course to pursue. But at the very time our commissioners were in session an investigation by the Administration was going on to determine the value of those islands as colonies of the United States. We were not studying the people to ascertain if they were capable of self-government or fit to become citizens of the United States, but studying the valuables of the islands to see if there would be any money in their forcible acquisition.

Sir, in the face of all such evidence, how ridiculous it is to talk about those islands coming to us as the fate of war or the act of Providence. Their annexation was as deliberately planned as any wrong ever committed. How strange, indeed, that a just God should lead us out of Cuba with one hand in order to make her people free, and with the other lead us into the Philippine Islands to subjugate the people there.

The resolution which Congress had passed disclaiming any intention to annex Cuba applied with equal force to the Philippine Islands.

If we had treated the Filipinos as we treated the Cubans, we would have escaped all this horrible war. We would have saved to the American people the $600,000,000 wasted in this bloody enterprise. We would have saved several thousand brave American soldiers whose lives have been lost in trying to maintain this foolish, un-American policy in the Philippines. If we had refused to recognize the independence of Cuba and undertaken to establish our sovereignty in that island, we would have had the same bitter experience in Cuba we have had in the Philippines. If we had recognized the independence of the Filipinos as we did the Cubans, we would now have the same peace and good will in the Philippines as in Cuba. What American citizen does not feel proud when he reflects upon that beautiful scene in Cuba a few days ago, when the flag of the American Republic was lowered amid the joys and welcomes of the Cuban people where they had assembled to pay their last farewell to its protecting folds and to raise in its place the proud emblem of their own free Republic?

Where is the political phrasemaker who has so often declared that where the American flag goes up it shall never come down? Where is the American citizen who would haul down the flag of the Cuban Republic and raise in its place the flag of the American Republic to be maintained by the American Army? Where is the American citizen who does not wish in his soul that the American Government at the close of the Spanish war had recognized the independence of the Filipinos so they, too, might now be enjoying their own free republic? Who, sir, is so mercenary as not to prefer a peaceful picture like this to the painful scenes now going on in the Philippines? But it has been charged that the Filipinos commenced hostilities before the treaty was acted upon.

And Buencamino, a Filipino twice a traitor to his own people and once a traitor to Spain, now receiving a salary of $3,500 under the American Government in the Philippines, was brought to the United States to prove the Filipinos commenced hostilities, but admitted on cross-examination it was not true. Mr. Chairman, the evidence of American officers on this question very clearly shows that in the conflict between the Americans and Filipinos the first gun was fired by an American and the first man killed was a Filipino. And the evidence further shows that the Filipino generals were not expecting the outbreak, were absent at the time it occurred, and at once endeavored to arrange with the American generals to end hostilities. But the American generals refused, declaring that war, having been commenced, must continue to the grim end. However, it is of but very little consequence who fired the first shot, because the Administration had already instructed the American Army to proceed at once to take possession of the islands by force if necessary long before the treaty was ratified and without any authority for such military occupation. It was virtually a declaration of war by the President against the Filipinos, and they so considered it. They were invited to surrender their liberties and turn over their country to American authority long before the treaty went into effect.

A people who will not fight for liberty are unworthy of liberty. If we had only intimated to the Filipinos that it was our intention to recognize their independence at some future time after a stable government had been established, there never would have been a gun fired or a man killed. But instead of giving them any such encouragement the Senate at the time it ratified the treaty even voted down a resolution favoring the final independence of the islands. Sir, it has often been asserted by gentlemen on the other side that the Democrats forced the Administration into the war against Spain. The war against Spain was for the liberation of Cuba. It was not a war for conquest, but a war for humanity. The war against the Filipinos is a war for conquest and not for humanity. The war against Spain was declared by Congress; the war against the Filipinos was declared by the President. The war against the Filipinos is quite a different war from the one against Spain, notwithstanding some gentlemen try to make them appear as one war in order to confuse and deceive the people.

The Administration was not forced into this war against the Philippine Islands. It went into it of its own free choice. At the close of the Spanish war the Administration had the opportunity to choose peace and the independence of the Philippines or war and their forcible annexation, and it deliberately chose war, and we have had it with all its horrors ever since. Sir, the Democrats have tried to end this war in the Philippines, and if they had the power they would end it now. They would say to those people: "If you will lay down your arms and establish a stable government, we will follow our glorious example in Cuba and recognize your independence." This, sir, would be no surrender or retreat on our part, but would be a very honorable termination of a very dishonorable war.

Who can read the inhuman cruelties in the Philippines and desire the war to continue one day longer?

The evidence before the Senate committee shows that innocent and peaceable citizens have been forcibly taken from their homes, stripped of their clothing, thrown upon their backs, their mouths forced open with sticks, their stomachs pumped full of water until their bodies were greatly swollen, their eyes bloodshot, their whole body scringing in pain, not as retaliation, but for the purpose of extorting information which they were supposed to have.

The evidence shows that in many instances wounded and defenseless prisoners have been tortured and killed. The evidence shows that in many engagements the Filipinos killed outnumbered the American losses over 20 to 1; that while the Americans wounded were always much greater than the Americans killed, yet the Filipinos killed were always many times more than the Filipinos wounded, showing it has been almost a war of extermination. General Hughes testified the Filipinos were almost as helpless in battle as women.

The evidence shows that thousands of peaceful homes have been burned from over the heads of innocent and helpless women and children. I now recall the testimony of one American officer who stated that he had been in charge of a certain town of 10,000 people for several months where there was no insurrection, where all was quiet and peace, until one morning, when a certain Captain Glen, of the Regular Army, made his appearance in the town with a small force, commenced the torture of the water cure, and ordered the whole town burned. The torch was quickly applied, and that town of 10,000 people was burned into ashes, except about 15 buildings; that another peaceful town of about 12,000 near by was burned about the same time in the same manner.

The evidence shows that one General Smith gave orders to kill all over 10 years, whether armed or unarmed, including innocent and helpless women and children. When this cruel order first came out no Republican attempted to defend it, but I heard Republican Senators condemn it and express the hope it was not true. But when it was discovered that the fact could not be disputed they began to work themselves up to a point where they could defend it. The venerable gentleman from Pennsylvania, Mr. GROW, grew very earnest in trying to defend this inhuman order before the House. He declared a boy of 10 was very dangerous with a gun in his hand. It occurred to me that if a little Filipino lad of 10 could have been at the side of the stately Pennsylvanian it would have illustrated very forcibly the nonsense of the proposition which his zeal was attempting to defend.

The evidence shows that in a single province of 300,000 people 100,000 have died since this war began; not all killed, but many of them died from starvation, others of disease because they were so weak for want of food they were not able to resist the ravages of disease, but most all due directly or indirectly to the war and its policy. Do you tell me, sir, that such inhuman treatment as this will establish in the hearts of those people a love and respect for American institutions? Will it not produce in the Filipinos an everlasting hate for the American people and American Government?

Mr. Chairman, let me say in language which can not be misunderstood that I do not hold the American soldiers responsible for these cruel outrages in the Philippines, except an occasional officer. The American soldiers in those islands have had their full share of hardships, disease, and death as a part of the high price we are paying for that unhappy country. And I have no doubt but the American soldier in the Philippines has been as humane and merciful as any other soldier could have been under such conditions. I have had some soldiers who have returned from those islands tell me that while they had had the opportunity to witness some of these tortures, they had not the heart to do so, and some of them have been so outraged in their feelings that they have ventured to report some of the tortures for investigation. So I repeat that as a rule our soldiers there have been as humane and sympathetic as any you will find, and some of the hardest things said about these brave soldiers have been said by some of their own military officers, and the records will show it.

Ah, Mr. Chairman, the responsibility for these barbarous cruelties in the Philippines does not rest upon the soldiers, but upon men right here in Washington—men who are advocating and directing this mercenary policy of torture, bloodshed, and destruction in the Philippine Islands. You can not maintain such a policy of force by any other kind of warfare, and these horrors will continue not for one year or two years, but so long as we attempt to fasten our yoke upon those people. While we may think our yoke is easy and our burden is light, those who are compelled to bear them may not think so. Why is it, sir, that the President and his followers have made such a uniform effort to make it appear the Army has been assailed? Because it is easier to defend the Army than the policy of the Administration, and that is their common motive.

Sir, the only peace we can ever hope to obtain by such methods

as these is the peace of the grave. I know we have the power to destroy the Filipinos and take their country by force. We have the money and the men to kill all over 10 and under 10, burn their peaceful homes to ashes, convert their land into a howling wilderness, and write over their untimely graves: Here lies the work of "American assimilation." But who, sir, wants this cruel and unnecessary war continued until the peace of death is everywhere established? Not the liberty-loving, humane people of America, but the greedy syndicates, speculators, and exploiters now hovering around the islands like hungry buzzards watching for their prey. But it is insisted the war is again over. I say again, because it has already ended several times since it first began.

Why, Mr. Chairman, up to this time we have only been fighting the Christian people in the Philippines. The non-Christian people have been permitted to live in peace, undisturbed in the enjoyment of their slaves and concubines. And we have it from the lips of witnesses who ought to know that when we undertake to abolish slavery and polygamy among those people and bring them under American sovereignty and the moral rules of American institutions we will have with them such a war as we have never had before in those islands. It is said they would rather give up their lives than slavery and polygamy.

But I admit, Mr. Chairman, that there is a semblance of peace in the islands, one which has been obtained very largely under false pretense, by promising the Filipinos that if they would lay down their arms they would soon become American citizens and be admitted into the Union as such. Governor Taft declared before our committee that the Federal party in the Philippines had done more, perhaps, than any other agency to secure peace among those people, and one of the main planks in the platform of that party favors a Territorial form of government for the Philippines and finally their admission into the Union as a State, their people to become citizens of the United States and be treated as such under our Constitution. We have the evidence that the Filipinos have been persuaded by their leaders and by American officers to believe that all this will be brought about if they will cease hostilities.

Two members of the Philippine Commission and hundreds of officers under the American Government are members of the Federal party. I do not say the American Commissioners have made such promises, but I have no doubt but the American Commissioners in their public meetings did give the Filipinos to understand that Congress would give them much freer trade with the United States than it has, and a much more liberal government than it will. I do not say our Commissioners were acting in bad faith, but they were disappointed in what Congress has done, and will be further disappointed in what Congress shall still do. The members of this Federal party are bitterly opposed to colonial government in every form.

Now, when those Filipinos learn, as they must learn, that they are not to be given a territorial government under the Constitution and finally admitted as a State into the Union; that they are not to become citizens of the United States, but held as subjects and governed as colonists; when they learn, as they must learn, that they are to be governed without their consent and taxed against their will, why, will they not resist the American yoke of tyranny as the American colonies resisted the British yoke in 1775? Has human nature so changed, or is the wrong of a republic any less offensive than that of an empire? Is not liberty just as precious now as then? Sir, I will not compare the American colonies to the Philippine Islands, but I will compare the treatment of the American colonies by Great Britain to the treatment of the Philippine Islands by the American Government. And no one can read the causes and history of the American Revolution without being strongly impressed with the very striking resemblance between the legislation with which Great Britain sought to oppress the American colonies and the legislation which the American Congress is attempting to inflict upon the Philippine Islands. And what a striking similarity you will find between the arguments used in the British Parliament for and against the right of one people to tax and govern another without their consent and the arguments made in the American Congress on that same subject.

For it must be remembered that while Great Britain was engaged in oppressing the American colonies they had their loyal friends and supporters in the British Parliament, who had the courage and humanity to rise and defend the colonies against the abuses of the British Government. And these distinguished patriots were not so severely criticised for their action as members of the American Congress in this day who have the courage and humanity to defend the Filipinos against the abuses of the American Government. Sir, I will not charge that we have our Whigs and Tories in the American Congress, but I will say that nearly every argument used by the Tories in the British Parliament in 1775 in favor of taxing and governing the American colonies without their consent has been repeated by some Republican leader in the Senate or House of Representatives in favor of taxing and governing the Filipinos against their will.

Why, the Tories insisted that the taxes which they sought to impose upon the American colonies were for their benefit. So say the Republican Senaters and Representatives with reference to our tax on the Filipinos. The Tory insisted that at least enough tax should be left upon the colonies to force them to admit England's right to tax them. A Republican Senator recently declared that we should govern the Filipinos by force until they acknowledged our right to govern them.

Why, sir, the British insisted then that what they were doing was for the benefit of the colonies. And when they could not persuade it into their heads they undertook to shoot it into their bodies, just as we are doing in the Philippine Islands. And I have no doubt but Great Britain boasted that she too was proceeding in the cause of the Almighty. How often has the cruel tyrant who sought to oppress and crush a defenseless people done it in the name of the Lord. Sir, we have always flattered ourselves that in that great Revolutionary struggle the Almighty was on the side of American liberty, and I believe in such earthly struggles He is always on the side of human liberty and against oppression, whether by an empire or republic.

History, sir, will draw this parallel between the cruelties of Great Britain and those of our own Government much stronger than I have been able to make it.

Another very striking coincidence is, while Massachusetts was the first colony to openly resist British oppression, a distinguished son of Massachusetts is the first to lead American oppression against the Filipinos. But, thank God, Massachusetts has another distinguished son to speak for that same personal liberty for which his glorious ancestors so nobly contended. Little did Washington ever dream that the sons of the American Revolution would ever attempt to force upon a foreign and defenseless people that same yoke of tyranny against which their fathers so bravely fought and so gloriously triumphed. [Applause on the Democratic side.]

Why should we wander from the precious paths of liberty and peace marked out by the fathers of the Republic and take to the slough of despotism and despair?

It is said, sir, that we are out in search of new markets, that we need those islands in our business and must have them at any cost. Let us first see what their trade is worth and then count its cost. The most we have exported to those islands in any one year is less than $4,000,000, and a large portion of this was coin and supplies for our soldiers. And yet if all this were profit it would take over a hundred years to get back the six hundred millions we have already expended there, according to the estimate of a very reliable Republican Senator. And our expenses there are still going on, as shown by the annual increase for our Army and Navy.

The annual appropriation for the Army for the year ending June 30, 1898, was $23,193,392, and for the year ending June 30, 1902, $115,734,049, an increase of over $92,000,000. The appropriation for the Navy for the year ending June 30, 1898, was $33,003,234.19, and for the year ending June 30, 1902, $78,101,791, an increase of over $45,000,000. Total increase of the annual appropriations for Army and Navy since 1898 over $137,000,000. Most all due to the militarism of this new colonial policy.

Who can compare our great expenses in the Philippines with the small trade of the islands and say it is not a very poor investment? Besides, sir, I have not taken into account the several thousand brave American soldiers who have lost their precious lives in this unnecessary war, and whose aged mothers, bereaved widows, and dependent children will go upon our pension roll; nor have I taken into this account the several thousand American soldiers who have returned from the islands in poor health, with their systems poisoned with some of the dreadful diseases common to that tropical country, and most all of whom will deserve and receive liberal pensions from the American Government; nor have I yet included in this cost the saddest consideration of all. I refer to the several hundred American soldiers who were brought back from the Philippine Islands as poor, unfortunate lunatics, many of them raving maniacs, made so by the severe heat and hardships to which they were subjected in fighting for a country we did not need.

Great Britain, without any loss of money or life, has had a greater share of the Philippine trade than the United States. We do not have to own a people to secure their trade. We have much more of Canada's trade than Great Britain, and yet Canada is Great Britain's colony and not ours. We have a splendid trade with England, and yet we have never attempted to make an adopted daughter of our mother country.

You can never force a people to trade with you by the use of the sword. The truth is the Filipinos have been reduced to such poverty and desolation by several hundred years of war and oppression it will be some time before they become very profitable customers to any people.

[Here the hammer fell.]

Mr. JONES of Virginia. I yield the gentleman ten minutes more.

Mr. WILLIAMS of Illinois. But if we should pursue a policy that would establish friendly relations between the United States and the Philippines, we would certainly secure much of their trade.

There are many ways in which we might have used for the benefit of our own people these large sums of money wasted on the Philippines. Much of it might have been very profitably expended to improve our rivers, thereby cheapening the transportation of products and giving the people a better price for what they have to sell and a better bargain in what they have to buy. Much of it might have been very wisely expended in improving our mail facilities among the people, giving them free delivery wherever desired, and a large portion of the money wasted on those islands might have been very justly used to give more liberal pensions to the old soldiers who fought so bravely and so well for the good and glory of our own people and our own country.

Mr. Chairman, who are to be benefited for the money and the men we are daily sacrificing in this foreign war? Listen to the testimony of Governor Taft, the head of the American government in the Philippines, and see who these beneficiaries are. In his testimony before the Senate committee, he said the Philippine Islands would furnish a splendid field for American investors. He stated before our committee that there was a regular swarm of exploiters in the islands now with all kinds of schemes. They are there waiting for the special privileges of this bill. They are there waiting for an opportunity to appropriate as fast as possible the fertile lands, the fine timbers, the precious minerals, and valuable franchises in the islands, which rightfully belong to the Filipino people.

While the bill under consideration regards 40 acres sufficient for a farmer in the Philippines it allows a corporation to own 5,000 acres for agricultural purposes. As a reason for limiting the Filipino farmer to 40 acres it is said that 40 in the Philippines is equivalent to 160 acres in the United States. Then the 5,000 acres in the Philippines, which a corporation of three Americans may own, is equivalent to 20,000 acres in the United States. This is not the only provision in the bill where the Republicans show their accustomed preference for corporations.

When the genial gentleman from California [Mr. KAHN] declared that the Filipinos were very friendly to the Americans since they had learned that we did not want their property, it was very evident he had not read the bill which he was so eloquently defending. While he and his Republican colleagues are prating about giving liberty to the Filipinos, by this bill they are authorizing the Philippine Commission to vote away to American corporations all the valuable lands, timbers, minerals, and franchises of the Filipinos without their consent or approval. And this, sir, they call liberal government. Indeed it is liberal, not for the Filipinos, but for the American beneficiaries.

On account of the war and its dreadful consequences property of all kinds in the Philippines has a very low value, and under such conditions to grant away to corporations large tracts of their best lands instead of reserving them for future homes for their own people is bold, daylight robbery, ten times worse than Great Britain ever treated the American colonies. While this bill does not authorize the sale of timber lands except those suitable for agriculture, yet it does authorize the issue of a license to cut timber under certain regulations, and who does not know that when a lot of timber sharks are turned loose on those fine timbers they will make quick work of everything valuable, regardless of any and all restrictions?

Why should we dispose of their public property before we decide whether they are to remain a part of the United States or become an independent country of their own? Professor Schurman, president of the first Philippine Commission, appointed by President McKinley, discussing this question, said:

> We have no right to vote away their public property and franchises without their joint consent. If Filipinos as legislators and administrators are to join us in the government of the archipelago, why should the weightiest and most important business be disposed of before their admittance?

General MacArthur, in his testimony before the Senate committee, expressed a similar opinion. Mr. Chairman, if all the privileges and franchises provided in this bill are granted, it will not be long till American syndicates will own the very cream of the islands. The most valuable lands, timbers, minerals, and franchises will soon be theirs. Railroads will be built where they will be most profitable to American investors, and not always for the best interest of the Filipinos. The native will scarcely be allowed the poor privilege of working on their farms or in their factories, for these greedy exploiters are already clamoring for the importation of Chinese labor.

Yes, the battlefields which we have drenched with so much innocent blood will soon be covered with magnificent plantations, and upon the untimely graves we have made will be erected splendid American factories; but all this will not bring a single penny to the American farmer or workingman in this country. Governor Taft stated before our committee that the American workingman could not endure the hot sun of that tropical country, nor would the American farmer or laboring man care to subject himself to all the oriental diseases so common in the Philippines.

And so it must be plain to all that the craving speculators now in the Philippines or on their way will receive the principal profits from these islands, while the American farmer and laboring man will be taxed to maintain a large army and expensive navy to preserve these distant possessions. Let me make this further suggestion to the plain American people who remain here at home, pay the taxes, and receive no share in these foreign profits: The more American capital that goes to the Philippines for investment, the less will remain at home to develop our own country. If the millions of American capital which will go to those islands could be used here at home in building new railroads, in establishing new factories, in opening new mines, in starting new industries, this would give additional employment to the American workingman, additional comfort and happiness to the American people, and additional greatness and grandeur to the American Republic.

But the millions of capital which leave this country for the Philippine Islands will give no additional employment to the American workingman and no additional comfort to the American people, because it will be used to employ the Chinese labor of the islands and such cheap oriental labor as may be imported.

Mr. Chairman, before we undertake to dispose of the public property of these people, before we grant away to corporations their lands and their franchises, we ought to determine whether it is our purpose to retain those islands permanently or not. While the war was going on you declared that you could not treat with a people in arms. But now you claim that the war is over and the way is clear for civil government. The Federal party, composed, as Governor Taft says, of Filipinos who are friendly to the United States and who desire to be incorporated into the United States as American citizens, have presented their memorial to Congress, asking us to define the status of their people—to say whether they are Americans or not. They express a great desire to be recognized as Americans, but declare most positively that they will not accept colonial government in any form. They are entitled to an answer; the American people are also entitled to an answer.

If you do not believe the Filipinos are qualified for American citizenship at this time, will you say that it is your purpose to make American citizens out of them at some future time, and eventually admit them into the Union? If that be your purpose, then define your policy, so it can be submitted to the American people for their judgment. Unless it is your intention to admit them into the Union under the Constitution as American citizens to compete with American workingmen and participate in American government or to recognize their independence, then, sir, you have but one course left, and that is to hold the islands as colonies and govern their people as subjects. If this be your purpose, the Filipino people are entitled to know it and the American people are entitled to know it.

Some leading Republicans now supporting the Administration still insist they are opposed to the permanent retention of the islands. I suppose they are in favor of a ninety-nine-year lease until the craving exploiters behind their mercenary policy have stripped the islands of everything that is valuable. You say you can not give them self-government now because they are not qualified for it. Who says they are not qualified for it? Why, the American officeholders in the islands and perhaps a few of the Filipino officeholders who are enjoying good salaries under the American Government.

But all the evidence we have shows that the Filipinos are a Christian people, quick to learn, kind, peaceable, obedient, virtuous, and devoted to their domestic relations. A large per cent of them can read and write in Spanish or their native language, many of them are highly educated, some graduates of foreign colleges. They have had their own schools and colleges in the islands for over three hundred years.

Their lawyers, their teachers, their business men, will compare favorably with the best of these classes in many other countries. And the American Government has found among their number men able enough and learned enough to fill positions of the highest responsibility in the Philippine government, members of the Philippine Commission, chief justice of the supreme court, governors of provinces, heads of bureaus, and thousands of other positions of less importance. Sir, if the Philippine Government can find so many Filipinos capable of filling the highest positions in the Philippine government, why could not the Filipino people, if left without American interference, find among their able and educated citizens men capable of forming and maintaining a good Filipino government adapted to the wishes and necessities of the Filipino people, allowing them to develop along their own racial lines?

No one claims they would be qualified to administer an American government like our own as well as Americans do, but it would be their own government, made and administered to suit their own people; and the fact that America had done so much to achieve their independence would be notice to the civilized world not to interfere. I believe it was Henry Clay who declared: "It is the doctrine of thrones that man is too ignorant to govern himself? I contend it is to arraign the disposition of Providence himself to suppose that He has created beings incapable of governing themselves and to be trampled on by kings. Self-government is the natural government of man." Who can find a more happy solution of this question for the benefit of those people and the general welfare of our own?

I was about to overlook another class who have some interest in retaining these islands. I refer to the American officeholders in the Philippines. There is no question but what most of them will very cordially support a policy that enables them to hold onto their jobs as long as possible. If they can have their way it will be a long time before the Filipino will be capable of governing himself. To show you how deeply this class is interested let me give you a list of some of the salaries received:

Governor Taft, president of the Commission	$20,000
Each of four commissioners	15,000
Secretary to the Commission	7,500
Chief justice, a Filipino	7,500
Six justices, two of them Filipinos	7,000
Treasurer	6,000
Auditor	6,000
Collector of customs	6,000
Head of department of posts	6,000
Chief of bureau of education	6,000

Mr. Chairman, there is not a State in the Union where such extravagant salaries are paid, and yet the Filipinos are much less able to pay high salaries than our own people. Besides, the Filipinos have no voice in fixing these high salaries. And when gentlemen declare what wonderful things we are doing for the Filipinos, let it be remembered that they with their own money are paying us a very high price for all these favors in addition to the rivers of blood we have shed in their unhappy land.

Mr. Chairman, high salaries may not be the worst feature of this carpetbag government if it proves to be anything like the one in Cuba, and it is liable to become much more corrupt on account of the great distance of the officers from the Government to which they owe responsibility.

It must be remembered that American officers 10,000 miles away will have a much better opportunity to conceal their corruption than public officers here at home, under our immediate observation and among people to whom they owe some responsibility.

But, Mr. Chairman, considering this whole Philippine business as a financial proposition, there can be no special gain to any American citizen outside of the scheming speculators to whom I have referred and who include, as I understand, some Senators and members of Congress.

But whether the annexation of those islands is profitable or unprofitable, I rest this case upon no such mercenary grounds as these. I am unwilling to barter away the sacred honor of my country for thirty pieces of silver. I am unwilling to buy American trade with American blood, to continue to slaughter innocent and defenseless women and children, to burn their peaceful homes to ashes and convert their land into a howling wilderness in order to make way not for liberty, but American greed and despotism.

I am unwilling to withhold longer from the Filipinos that personal liberty and national independence which I claim for my own people and my own country. I am unwilling to exchange the time-honored principles and traditions of the American Republic for the glittering jewels of a colonial empire, though they come to us on a platter of gold. Are we so dazzled with commerce and so blinded with trade that we have lost all devotion to human liberty and American institutions? Have we at last reached that fatal point in our civilization so eloquently described by the late President Harrison in these significant words, while discussing this subject, "God forbid that the day should ever come when in the American mind the thought of man as a consumer shall submerge the old American thought of man as a creature of God, endowed with inalienable rights?" (Views of an ex-President, p. 221.)

I place this sublime thought against some of the brilliant skyrockets of Indiana's more recent statesmen. I confess, sir, I entertain a much higher admiration for the immortal names of Washington and Lincoln, the great defenders of human liberty, than I do for some of our more modern statesmen of commercialism and imperialism, who place markets above men, commerce above humanity, and national trade above national honor. [Applause on Democratic side.]

Would to God we had a Washington or a Lincoln in the White House to-day to bring the American Government back from these new paths of commercialism and despotism into which it is so rapidly drifting and reestablish it once more upon the Declaration of Independence.

[Here the hammer fell.]

Mr. JONES of Virginia. I yield the gentleman five minutes more.

Mr. WILLIAMS of Illinois. Sir, I do most solemnly protest against this new spirit of greed and conquest which has carried us 10,000 miles from home to make war on a people whose only offense is the love of liberty. I not only protest against the cruel tortures and inhuman barbarities upon those people at their own homes, in their country, but I most earnestly protest against a policy which has brought so much hardship, suffering, disease, and death upon the brave American soldiers engaged in this unnecessary war.

Sir, in opposing this new colonial system I stand not only for the protection of the Filipino people against the indefensible assaults of the American Government, but I stand for the protection of the American people against the dangerous encroachment of the American Government upon their own constitutional rights and liberties. I stand for the defense of the American people against the willful waste of so much blood and treasure in trying to govern a people against their will. But how often do we hear it asserted what we owe to civilization, what we owe to this people and to that people. Sir, in my judgment, we owe more to the American people than any other people on the face of the earth. [Applause on the Democratic side.]

I believe in the doctrine that America should stand for America first and other countries afterwards, and it is for the general welfare of our own people that I protest against taking into the American family ten millions of people 10,000 miles away, alien in race, alien in customs, alien in habits, alien in education, alien in almost everything that helps to make good American citizenships; people who were never born to become Americans. When we say they are fit to govern themselves we do not admit that they are fit to govern us. For many years we have stubbornly resisted the immigration of Chinese into the United States, but now it is proposed to take into our national family in one lump ten millions of Orientals, including several hundred thousand Chinese, to compete with American workingmen and participate in American government.

Ex-President Harrison, on page 185 of his work entitled Views of an Ex-President, in discussing the annexation of these islands, said:

> We have done something out of line with American history, not in the matter of territorial expansion, but in the character of it. Heretofore the regions we have taken over have been contiguous to us, save in the case of Alaska, and indeed Alaska is contiguous, in the sense of being near. These annexed regions were also at the time of annexation either unpeopled or very sparsely peopled by civilized men, and were further, by their situation, climate, and soil adapted to the use of an increasing American population. We have now acquired insular regions situated in the Tropics and in another hemisphere, and hence unsuitable for American settlers, even if they were not, as they are, already populated, and their lands already largely taken up.
>
> We have taken over people rather than lands, and these chiefly of other race stocks, for there are "diversities of tongues." The native labor is cheap and threatens competition, and there is a total absence of American ideas and methods of life and government among the eight or more millions of inhabitants in the Philippines. We have said that the Chinese will not "homologate;" and the Filipinos will certainly be slow. Out of the too late contemplation of these very real and serious problems has arisen the proposition to solve them, as many think, by wresting our Government from its constitutional basis; or at least, as all must agree, by the introduction of wholly new views of the status of the people of the territories, and of some startlingly new methods of dealing with them.

Sir, we already have race problems enough of our own without going 10,000 miles from home in search of others. The proposition presented by the minority has been criticised as an effort to scuttle. We did not scuttle away from Cuba, and we propose the same plan for the Philippines. It might have been better for Cuba if some of our officers had scuttled away from there before they did.

The bill offered by the minority is based upon the fundamental principle that self-government is the natural government of man; that a more powerful nation has no right to impose its government upon a foreign and unwilling people. By our bill we simply say to the Filipinos, lay down your arms and take up your liberty. We do not want your country. While your fertile valleys, your magnificent forests, and your precious minerals have been very inviting to American greed, they all belong to your people and to your country, and we will not have them.

Establish your own government as did the Cubans, and the old American flag that helped to drive from your shores your Spanish oppressors we will haul down as we did in Cuba in honor and in glory, amid the shouts and joys of your people, that you may raise in its stead the proud emblem of your own dear republic, to wave over a free and independent people with hearts full of love and admiration for the great American Republic. [Applause.] Then we will withdraw our gallant troops from

your islands and carry Old Glory back to "the land of the free and the home of the brave."

We have had a costly and bitter experience in the government of people by the sword. We are ready to retire forever from this colonial business and forsake all such glories of war for the grander glories of peace. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCCLELLAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2063. An act amending an act creating the middle district of Pennsylvania; and

H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUARLES, Mr. CLAPP, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, including amendment No. 14, disagreed to by the House of Representatives; that the Senate had receded from its amendment No. 13, and had disagreed to the amendment of the House to the amendment of the Senate No. 15, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. FORAKER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. NORTON. Mr. Chairman, we are here, the Representatives of the United States, to perform for our country the duties of Government; back of us are the millions of people who make up our nation. We hold in our keeping a trust committed to our care by those people, and it is a grave responsibility. In our legislation we should strive to conserve the people's best interests, our country's good. No thought of personal preferment, no desire for mere partisan profit should control our action or interfere with our deliberations, and yet, sir, what are the conditions? What do we find to be the course of action pursued by the leaders and guides of the party now in the majority? Naught but a departure from the principles upon which our country was founded, a betrayal of the rights of the people, and an abject surrender to the demands of organized rapacity and greed, the most shameful that has ever been recorded on the pages of history.

The despoiling of the Egyptians by the children of Israel was a part recompense of over a century of servitude; the tortures of the Inquisition were the result of religious fanaticism, a relic of the Dark Ages; the robberies and inhuman atrocities committed by England's brood in Ireland are the fruits of absentee landlordism and a long-established policy; the aggression and tyranny of George III in his acts toward the American colonies was but the logical carrying out of his inherited belief in the divine right of kings, a practical exposition of the tenets of monarchy and imperialism, but there is no excuse, no palliation, for the existence and continuance of any of these foul stains at this day and under this Government.

We talk loudly and long of the advance of our country, and we are to-day at the world's front in all that goes to make up material greatness. We are not backward in intellectual culture; our hills and valleys, our mountains and plains, are dotted with universities, colleges, schoolhouses, and churches, and with them we have the free press, which is the mightiest engine of the world's progress. All these join in proclaiming that this nation leads in the van of civilization; but if we are to judge by the disclosures of the past few years, by the revelations of the record of the dominant party, then it is but a sham civilization, a thin veneer of pretension, through which the savage and barbarian oft appear. It is too true we are of this earth earthy and have only a hope that we may at some distant time reach a higher, nobler plane for our poor humanity as an inspiration for our perseverance toward maintaining right action as a nation.

There is naught in the heritage handed down to us from a brave, patriotic, liberty-loving, and heroic ancestry that could bring about the present state of affairs. The blood of our Revolutionary fathers was untainted, but the microbes of the trusts, the germs of ambition and greed, have gained entrance, swarmed, and multiplied until now almost the whole body politic is corrupted and diseased. It has been swift in the infection and growth. A few short years ago there was no such thing as the trusts, which now dominate and control the commercial industries of the country and even have their grasp upon the Government itself. The bill before us can not be well considered except by going down to the causes of its inception, its framing, and its support, and hence I have been led to speak of the trusts, as they are back of the bill and demanding its passage.

The taunt has been flung in our faces that a Democratic Administration failed to do aught to restrain trusts; that it was negligent in the performance of its duty, and therefore we of to-day are estopped from criticising Republican neglect and failure and Republican participation in trust criminality. If their charge was true, it would be no reason why we should not demand justice to-day; why we should not, in the name of humanity, call a halt in the criminal aggression and greed of organized rapacity. But, sir, the charge is false; it is untrue! Trusts are of recent growth. It has only been since 1896, since the induction of the Republican party into control of all branches of the Government, that trusts have reached the plentitude of power, strength, and insolence that they now possess, making them an enemy to the people and a menace to the Republic. Under Democratic administration they did not, could not, exist as to-day. [Applause.]

We are cited to the Sherman law of a dozen years ago, and that is used as evidence that trusts existed then and that the Republican party was trying to suppress them. Why, that law is admitted by themselves to be the veriest sham—a spider web to hold and restrain a tiger—and they have antagonized and defeated every effort that has ever been made to strengthen and make efficient the provisions of that law. Whenever we have tried to right the wrong—to amend the old law or pass a new one—we have been met by the statement from the Republican high priests that it was not necessary, because there were no trusts, even while their party in national convention, for political effect, I admit, included a denunciation of growing trusts in their platform. Still they kept up the cry, until the very food of the people was being held up by a trust, when an angry nation compelled the recognition of the existence of a mighty foe.

It is true the Attorney-General of the United States has been apparently making arrrangements to rebuke this one trust, but there are nearly 500 trusts in the land, all banded together to fight for continuance of the stolen privileges they hold, and what is needed is legislation that would reach every one of these trusts instead of a puny, farcical suit, under a confessedly weak statute, against one of these combinations. [Applause on Democratic side.]

We hear from the Republicans that we are shouting "Tariff! tariff!" as the cure-all for the evil effects of the trusts. Well, that is better than the Republicans are doing, for they offer no remedy, but favor their growth. To a certain extent the tariff does affect the trusts. We have the testimony of a high officer in one of the trusts, and a Republican, that the tariff is the mother of the trusts, and it is true that not until the present monstrous and iniquitous high protective tariff law came into force and effect was there such an unholy brood of evil combinations as exist at this time, and exist and are possible because of a high protective tariff.

Bad as the workings of the trusts are to us in our own land, a more deplorable result of their extension and expansion presents itself in the Philippines. Avarice, greed, robbery, militarism, imperialism, hypocrisy, falsehood, murder, rapine, torture, and savagery all follow in hideous procession in the train of trust dictation. This bill is here at their demand. I shall not attempt to analyze the bill item by item. Others may analyze, dissect it with their scalpels, melt it in their crucibles, bray it in their mortars, and disclose its base ingredients, but as for myself I do not regard it as being worth the trouble. The bill is essentially and fundamentally bad; so bad that no modifications can improve its vicious character without wholly destroying it.

We are in the Philippines not as a consequence of our war with Spain, but by reason of the will of a combination, a trust, in this country that is seeking the spoliation of those islands.

While Cuba was yet struggling for her freedom the members of this side of the House steadily labored to bring about the recognition of her independence. If we had succeeded, there is not the shadow of a doubt but our late as well as our present war would have been avoided, Cuba would have achieved her inde-

pendence, and without question ere this would have sought admission to the United States. Failing in our efforts for recognition of Cuba, we advocated and plead for armed intervention. The growing syndicates were opposed to our success, and for months and months you on that side of this Chamber sat silent, at the dictation of the trusts, and dared not to open your mouths on the question until there was such a sentiment aroused throughout the length and breadth of the country that if you had longer remained dumb and inactive there would have been a holocaust among you in comparison with which the horror at Martinique would have seemed but as an infant's breath. [Applause.]

War was proclaimed in the name of humanity, and conquest and expansion of territory was solemnly declared to have no place in the designs of the Government in its conduct of the war.

Dewey at Manila and Schley at Santiago destroyed the Spanish power. The war should then have ended, and the people freed from Spanish domination and misrule in Cuba, and the people freed from Spanish cruelty and authority in the Philippines should have been started on the high destiny of nations among the nations of the earth, with our declaration that they were, ought to be, and should be free and independent nations. This was, indeed, the first thought of the Administration, it was the expectation of the American people. Every spark of manhood kindled, every patriotic heart throbbed quickly, every thought of liberty, all the memories of our own history, with the record of our father's struggles for freedom, all thrilled in glad pulsations in the hope that to us was to be given the grand spectacle of two nations being born in a day, and two peoples being given the opportunity of enjoying the fruits of their labor under God's gift of freedom. [Applause.]

But this was not to be. Milton, in his Paradise Lost, tells us how, while Lucifer was yet high in the counsels of the Almighty, he listened to the whisperings and foul suggestions of ambition, and then entered upon his rebellious career and downfall. Some such malevolent imp of hell was here in Washington four years ago, and in the rooms of the Arlington whispered to the Administration leaders the immense possibilities for plunder and profit that would be opened up in those isles of the Orient if they were held. Then a wonderful change came over the spirit of the dreams of Republicans. Greed consumed their souls. Avarice burned their consciences and destroyed their judgment. They heeded not the story of Ulysses and his comrades who stopped their ears when they came within the sound of the seductive songs of the siren, but fell over each other in their mad rush to be in on the ground floor of the proposed scheme of plunder.

Hypnotized by the voice of the trusts, they forgot their solemn pledges, forgot the traditions of the past, forgot the proud boast that this was the land of the free; that for two hundred years before the days when our Revolutionary heroes were giving their lives that we might be free, the Filipinos were shedding their blood with the same aspirations and hopes of freedom and independence.

Before the ink was dry on the treaty which allowed us Manila and Manila Bay, aye, before the treaty was signed, a secret cablegram was sent around the world to American officials in Manila instructing them to go out beyond the limits of Manila and spy out the land and report as to timber and minerals.

The despoiling of the Filipinos had begun, and the spark of liberty just beginning to glow in Filipino hearts at the thought of its speedy realization was extinguished by the ruthless heel of one who assumed to be the personification of liberty.

The gentleman from Michigan [Mr. HAMILTON] in his attempted defense of the Republican party is not an accurate historian when he distorts and contradicts or ignores the official reports of Dewey, Pratt, Anderson, Wildman, and all of the men on the ground at the time, nor when he said that "there never was a time when we could have sailed away from there with honor to ourselves or safety to the people of the Philippines;" but as he was forced to admit that he did not know anything at all about part of the subject upon which he spoke at so much length, I will give him the benefit of the assumption that he knows still less about the rest. All over this land the ministers of every denomination and creed have joined with the most prominent laymen in the business, professional, and laboring world in appealing to this body, this Congress, to give back to the Filipinos that which is theirs by right.

It is the result of the criminal acts of aggression in the most virulent form on the part of the Republican party that we have this problem to meet. We must face the question, What shall we do with the Philippines? To the Cubans, who, as Admiral Dewey says, are not as capable of self-government as the Filipinos, we have given freedom and quasi independence. Shall we, can we in justice and equity do less for the Philippines? Then comes the immediate question, When shall we stand aside, call home our frigates of war, withdraw our armies, and place the Filipinos on an equality with the Cubans by giving them their freedom and independence?

The answer the Republicans make in this bill is, "Ultimately;" some time in the dim and misty future; in a few generations, when we have desolated their country, given the trusts a monopoly of their hemp and tobacco, and permitted syndicates to rob and carry away their vast forests of mahogany and valuable timber, under the protection and guard of American soldiers. You say, "By and by we will give them their freedom; 'ultimately,' when they know us a great deal better; when we have taught them that the Declaration of Independence is a lie, that Washington was only a selfish partisan, that Jefferson, Franklin, Patrick Henry, and Abraham Lincoln were hypocrites, deserving only of contempt." Then, say you, grant them their coveted independence.

The minority substitute, the Democratic measure, is based on entirely different principles. We say to them, "You are of right free. We concede the claim for which you have contended and been willing to lay down your lives. We concede it now, not in a few generations (if we do not forget it), but now, immediately, according to the meaning of that word in the intercourse of nations, as soon as, after full and free and friendly conferences or conventions of your people, you shall form a republic, to which we can turn over the control of the islands, and arrange for repayment of our legitimate expenditures, giving you credit for the revenues we have collected from you." That is what our bill says; that is Democratic principle on the Philippine question.

This course, as outlined in accordance with Democratic policy, meets the demands of the Christian people of the land; it meets the views of every humanitarian, of every loyal citizen, and would give us the respect of the world. In our intercourse with the Filipinos I agree with a correspondent, a Christian minister, who writes me, "Conciliation and helpfulness, not subordination, must be our watchword." These islands are in our power to do with as we list. We can easily conciliate that people by justice and helpfulness, or we can keep on with our inhuman butchery till Eastern nations interfere. We have an inkling that they may do this in the action of England and Germany denying our claim to the Sulu Islands.

Our present policy will make us a divided people, if it is continued till we provoke the interference of foreign nations. Our present brutal course of barbarity and butchery is losing us our prestige and the high respect of other nations. England dictates to us a colonial policy, and yet will be the first to turn against us in time of storm.

We will be stronger and more free in the East with a Philippine republic than with an insubordinate colony. Any man with an ounce of common sense can see this. Suppose to-day that Japan should declare war against us. With our hands bound by the antagonism of the millions of the inhabitants of the Philippines, we would be defeated at the outset. Give them their independence, and their whole army would fight for us anywhere. As it is, they will fight against us as long as they have life, as they have ever against Spain. We may depopulate the islands by butchery, but we will never subdue that people even to the extent we have subdued the Indians in this country in the last four hundred years.

If you Republicans determine to govern the Filipinos by a partisan nabob or grand mogul sent from Washington, you must avoid fooling with the buzz saw of human equality and popular rights.

When King John of England was forced to yield to the demands of his people, the greatest privilege the Magna Charta gave to the English subjects was the right of trial by jury, and ever since it has been cherished and handed down from age to age as the chief palladium of liberty; and yet you free-born American citizens, clothed yourselves in all the panoply of liberty and equality, would deny to the inhabitants of your American province this right of trial by jury. Where is your boasted righteousness and justice?

What has happened in the Philippines since we have been there? Bloodthirsty conquest, rapine, and desolation. But the one thing that has happened, creating more amazement and consternation to our American people than anything else, has been the revelation that officers of our Army, sent to the Philippines in the cause of "benevolent assimilation," have repeatedly ordered and compelled the infliction of torture, not alone of an armed enemy, but upon inoffensive, helpless victims for the purpose of extorting confession or extracting information.

The war between the States from 1861 to 1865 familiarized the adults of this generation of America with the severity, the suffering, and hardships that follow in the horrible path of war, but torture, which we supposed had been buried with the Dark Ages, physical torture, we were not prepared for, and when the news came all America was startled and shocked. There has existed in the minds of our people admiration and respect for our soldiery. We have had a feeling for Army officers akin to worship. We had placed them on a pedestal of regard, and thought that they

were all gentlemen of honor and humanity, as well as of bravery. We thought the "bravest are the tenderest," and that no man who carried a commission in our Army could do aught that would cause us to hang our heads in shame.

How changed is all this! Because of the acts of some high in command, the once fair escutcheon of our warrior's honor is stained with disgrace and barbarity.

During October, 1901, Brig. Gen. Jacob H. Smith, in command of the Sixth Brigade in the Philippines, commonly known now by the refined appellation of "Hell-roaring Jake," gave orders to Maj. L. W. T. Waller that he "wanted no prisoners taken, meaning thereby that giving quarter is not desired or required;" that he "wishes you to kill and burn, and the more you kill and burn the better you will please me. The interior of Samar must be made a howling wilderness."

This order of General Smith commands the killing of everybody over the age of 10, as he placed that limit upon his order in reply to a question, whether they were friendly or hostile, whether they possessed arms or ever had possessed any. It also ordered the killing of women as well as men, and it was literally carried out.

Now, the Army is not to be censured for this order, and no speaker on this side of the House—the voice of no Democratic speaker anywhere has been heard in criticism or abuse of the Army because of this order of an epauletted bully and brute, but there is a political phase about this which has an extremely bad odor.

This inhuman order was known to the Secretary of War and hidden among the "secret archives" of his Department for six months, while the Secretary was assuring the Senate Philippines Committee that he had furnished all orders and cases of alleged cruelty that were on record in the Department or in his possession. This and the further fact that the Department has upheld other officers in their outrages leads one to believe, nay, makes it certain, that these officers have acted under instructions from Washington, and emphasizes the fact that the trusts, the masters of the Republican party, are in such close communion with the infernal regions that the souls of the puppets they place in charge of governmental affairs are sizzled and seared to an unrecognizable crisp by their contact with their bosses.

The horrible "water cure," which this Administration has made familiar to Americans for the first time, is not a new invention. It is a bequest from the Spanish inquisition, but it had been long since done away with in civilized lands. The last case where it was employed was in Toulouse, France, in 1763, one hundred and forty years ago, when it was used on an innocent, good, and virtuous old man, Jean Calas, 64 years of age. A hundred years earlier this outrageous torture would have excited no comment, but new ideas had come with new generations. Tolerance and humanity were showing their fair faces to the people of Europe. The philosopher Voltaire came to the defense of Calas, and, by his fiery eloquence and great talent in his denunciation of this persecution, so wrought upon the conscience and sensibilities of France as to make this the last case of torture inflicted within the realm.

Is our administration harking back to the times before Voltaire? The use of the "water cure" is admitted and apologized for by the gentlemen on the other side. Is it true that the American church takes no interest in the barbarous tortures carried on in the Philippines? Because the Filipinos commit acts of atrocity and cruelty shall we strive to exceed them in fiendish torture? Would that another genius like Voltaire might rise and arouse the sympathies and just indignation of the American people at this foul blot upon our national honor. [Applause.]

I insist, however, that it is not the Army that is to blame, but the wicked and dastardly policy of the Republican party, and that party must be held responsible for all the cruelty and torture committed either by our soldiers or by the Filipinos.

My friend the distinguished and eloquent gentleman from California [Mr. KAHN] has been heard on this measure. He has, in fact, been heard twice at least, and in two different ways. On the evening of March 2, the anniversary of the birth of the Irish patriot and martyr, Robert Emmet, he made a fiery speech in the Columbia Theater, this city, in which he vigorously declared himself in favor of the independence of Ireland; he wanted it right away, or sooner; then he wanted the independence of the South African republics, and of all people who were struggling for liberty. On Friday last, with an alacrity that would do honor to the protean changes of the theatrical board, he faced squarely about and took the other side of the question here on the floor of the House. He was in favor of the Republican bill; in favor of completely subjugating the Filipinos and refusing them independence.

Four months ago, yea, less than that, he was in favor, heart and soul, of the independence of the Filipinos. But that was in a theater. Now he is opposed to it, because, forsooth, the Filipinos do not want independence. He declares it, he himself has said it. Probably they are just fighting and dying for fun. They don't want independence, but they combine, plan, plot, conspire in order to obtain it. They do not want independence; they suffer the tortures of the water cure rather than give up their demand for it, but the gentleman from California knows much better than they do that they do not want it at all, and would be very much distressed if we should insist on their having it. Every mother sends not only her husband, but her kids of 10 to do battle with the invaders, so "Hell-roaring Jake" says, but they do not want independence. The eloquent gentleman declares that they are quite ignorant, but they are not so densely ignorant, it seems, as not to want to govern themselves.

My friend of the sock and buskin makes another discovery. He tells us that no American general or admiral ever explicitly promised Aguinaldo independence for his people, though he always persistently demanded it. Is it possible to overestimate the importance of this discovery? Yet, as it has never been asserted by an American that a definite promise of Filipino independence was made to Aguinaldo or anybody else, it was hardly necessary to deny it so vehemently. As General Anderson says:

> Whether Admiral Dewey and Consuls Pratt, Wildman, and Williams did or did not give Aguinaldo assurances that a Filipino government would be recognized, the Filipinos certainly thought so.

Was not our whole history a promise of independence? Our Constitution was a promise; our immortal bill of rights was a promise. The thrilling speeches of our great orators were a promise; the songs of our poets were a promise, and our liberty-breathing salutation to Bolivar, Toussaint L'Ouverture, Kosciusko, and Kossuth was a solemn promise, sworn to on all the evangels of our faith. [Applause.]

You make hypocritical claims to be lovers of and proud of our liberty; you appeal to the leaders of the past, but you ignore their teachings. The names of Washington, Jefferson, and Lincoln fall flippantly from your lips, but you turn aside from their words of wisdom and warning, and dare not repeat them, for they condemn your policy and your acts. With veriest sacrilege you profane the name of Lincoln by comparing him with your leader of to-day. You profess to admire Grant, but you disgrace his name and desecrate his memory by placing him in the same category with "Hell-roaring Jake."

Even McKinley, whom you eulogize so highly with pretentious sounds, while you charge us with garbling his words, yet you do not dare to quote his public speeches, but hide behind his alleged sayings in pretended interviews.

Another of your preposterous claims that your party is the proprietor of the American Army—a claim the insolence of which is only equaled by its monotonous repetition. The bare statement of your claim carries its refutation, but I indignantly deny your right to and the truth of the claim. Instead of being the private property of the Republican party, the American Army, owned by no party, is at once the ward and the champion of the whole American people. Recruited from all ranks and from all sections of the country, it is, in its normal character, the defender of popular rights. It contains as many Democrats as Republicans—probably more.

In only one way is the Army Republican; its atrocities are Republican; its debaucheries are the result or a sincere effort to carry out the infamous policy of your party. The water cure is a Republican institution; Republican because a legitimate and inevitable result of your schemes of conquest and spoliation. What a descent from the party of Lincoln and Sumner is the Republican party of the year of our Lord 1902. To-day "Uncle Tom's" cabin is being burned, remorselessly burned, over his head in the Philippines. John Brown's body has completely moldered in its grave, and his soul has marched far beyond the confines of the grewsome graveyard which the Republican party calls its own.

The Democratic party may not be perfect—I admit it is not; it may not always have been right in its policies, its leaders may not always have been either honest or great, but compared with the Republican party, its policies have been as clear and true as the sunlight, and its leaders as pure as the dewdrop on the hillside. Its principles and aims have ever been for the uplift, protection, and betterment of the people. It has been a rock standing against the encroachment of centralization, corruption, and trust domination, and on this question we are for extending the blessings of freedom, liberty, and independence to a long-struggling and long-suffering race; we are for the defense of the Army against Republican uncleanness, and believe that everywhere, in all climes, among all peoples, and under all circumstances, Democratic doctrines of humanity, equality, liberty, and justice must and will prevail. [Applause.]

Mr. SHATTUC. Mr. Chairman, by invitation of the Committee on Immigration of the Senate, on Wednesday, June 18, I made an argument in favor of an educational test for immigrants,

which I think will be of interest to members of the House and of the Senate as well, and I therefore ask unanimous consent that I may print my remarks in the RECORD.

The argument referred to is as follows:

Mr. Chairman, I appear with you at this time to argue in favor of House bill No. 12199, which I had the honor to report to the House from the committee of which I am chairman. With the exceptions I shall mention in my argument, I hope the bill will pass the Senate substantially as it came from the House.

I understand, of course, that the honorable Senators composing this committee will give to the consideration of the bill that discriminating care and thoughtful attention which the importance of the subject treated demands. I venture, however, to briefly mention some of the features of this legislation which I hope will have due weight in your deliberations.

You will admit, gentlemen, that it is unusual for a committee to report unanimously in favor of a bill covering a controversial subject. Such a report was made in favor of the bill reported by me to the House. That result was gained because the members of the committee sought to give to the House a comprehensive measure, symmetrical and harmonious in all its parts, and effective for the administration of the Bureau of Immigration.

The necessity of the law was imperative because no codification of the immigration laws had been made for twenty-five years. The work of the officers having charge of the enforcement of the law was hampered, not only by the restrictions of court decisions on laws already existing, but also by the absence of provisions of law needed to meet changed conditions, and evasions which experience had taught aliens and their importers how to easily make.

The House bill as reported, therefore, may be said to have been framed with three things in view: First, to include all parts of existing laws which experience had proved effective or, which is of equal importance, had received the sanction of judicial interpretation; second, to insert such changes as were necessary to make the administration of the law conform to judicial decisions by which existing law had been made inoperative; third, to add such new provisions of law as were necessary to meet new or changed conditions, and bring within the purview of the public statutes certain features now only partially reached through decisions of the Treasury Department officials.

Many weeks' earnest and careful thought were given to the formation of the bill, and all the expert knowledge available was utilized, so that the completed bill might serve the purpose intended with the fullest possible success, while inflicting no unnec-es sary hardships upon either the transportation lines of land or sea bringing the aliens to our country or upon the aliens themselves.

Knowing how equally patient and conscientious work of past Congressional committees had been rendered fruitless and needed legislation throttled by the addition of extraneous matter, offered in the shape of amendments ostensibly for the purpose of perfecting but really with the effect of ultimately defeating pending legislation, I urgently opposed in the House, while the bill was under consideration, all amendments that led in any other direction than that planned by the committee I had the honor to represent.

That committee having unanimously placed in my hands a bill framed after most careful thought, embracing substantially the experience of the Treasury Department, as to what was needed, and indorsed personally, in writing, by the honorable Secretary of the Treasury, and by the Commissioner-General of Immigration and his experts, as well as in the main essentials by the recent Industrial Commission, which had gone into the subject of immigration thoroughly and exhaustively. I felt it my duty to save this bill from the fate that had fallen to so many others. Knowing the urgent need of legislation at this session of Congress, and the danger of attempting too many things in one bill, I felt it was unfair to load down the bill with additions which might prevent the passage of the legislation itself.

Substantially as reported by the committee the bill passed the House, with the exception of the amendments prohibiting the sale of intoxicating liquors at immigrant stations and at the Capitol at Washington, and establishing an educational test.

For the reasons already stated, I believed it to be my duty to strenuously oppose these amendments. Whatever the merit of either proposition, I objected to loading down the bill with matters which could not but arouse antagonism that might endanger the passage of the bill. I was overruled and the House, by its action, put itself on record in favor of legislation such as is embraced in the amendments adopted.

At this time and before this committee I have nothing to offer concerning the sale of intoxicants at immigration stations and at the Capitol. If the Senate wishes to indorse these amendments it is their privilege to do so. I only plead that these or any other amendments shall not be permitted to endanger the bill, prepared with such patient labor and of itself and by itself so good for the administration of the immigration laws.

So, also, in regard to an educational test as a means of restriction of immigration. If you will not allow such an amendment to jeopardize the bill and thereby deprive the country of the general legislation so imperative upon this subject of immigration, I am content. But I most earnestly protest against the form of the amendment tacked on to the bill in the House to secure that result. When the amendment was under consideration in the House I pointed out several objections thereto which seemed to me sufficient to prevent the adoption of the amendment. It may be well to ask you to analyze the amendment and notice its exceedingly objectionable features in the form in which it now stands. The amendment says, page 4, line 21, of the bill:

All persons—

Note the words—

over 15 years of age and physically capable of reading, who can not read the English language or some other language.

The section denies admission to "all" persons. Thus it affects the immigration into the United States from Canada and Mexico, and applies, not only to the elements all wish to exclude, but also to the citizens of those countries along our border, north and south, who daily come into the United States for trade or otherwise and return to their homes at nightfall. It would apply to the 70,000 migratory "birds of passage" that annually come into New England at the beginning of the labor season and return at the end thereof. The test would have to be applied daily and would thus be so obnoxious as to provoke immediate retaliatory legislation by our neighbors, and there are quite as many citizens of this country who cross the Canadian line for trade and work as there are of the Canadians who cross the line for like purposes to this country.

Should this view be held to be correct, then the proviso, commencing on line 18, page 5, of the bill, designating certain places through which alone "all persons" may enter, acts with still more rigid force, for every citizen of Canada, for instance, from Vanceboro, Me., along the frontier to Newport, Vt., would have to enter the United States, if only to do a day's shopping, at those two places or "be adjudged to have entered the country unlawfully and shall be deported as by law provided."

I leave it to your good sense and sound judgment whether the matter in the educational test in the House bill should remain in that crude form, and if I am not justified in deprecating the addition of such a monstrosity to my committee bill as originally framed. I feel it my duty to most strenuously urge you to do one of two things, either to strike those sections from the bill, leaving it, as at first intended, a bill purely for the administration of the immigration service, or to incorporate in lieu thereof provisions to accomplish the purpose desired in a logical, effective, scientific, and unobjectionable manner.

Assuming that the vote of the House indicates a demand by the country for an educational test to be applied to aliens seeking admission to the United States, why not perfect such legislation in the best possible manner instead of placing upon the statute book a measure so crude and amateurish.

With the hope that this suggestion may meet your approval, I now submit for your earnest consideration a draft for an amendment which I have prepared and the substance of which may very properly be substituted for section 3 of the bill that passed the House. It is as follows:

That, to the classes of aliens now excluded by law from admission into the United States, there shall be added all aliens, other than citizens of the Dominion of Canada or of the Republic of Mexico or bona fide residents of the said Dominion or Republic for a continuous period of at least one year prior to seeking entrance to the United States, who have attained the age of 15 years and who can not read the English language or some other language, except as hereinafter provided; but any alien, other than Chinese or of Chinese descent, now lawfully resident in the United States, or any alien who may hereafter be lawfully admitted thereto, may bring into the United States, to join him as members of his family, his wife, his children under 15 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

SEC. 2. That for the purpose of testing the ability of any alien to read, the inspection officers shall be furnished with copies of the Constitution of the United States on uniform pasteboard slips, each slip containing not less than 20 nor more than 25 words of said Constitution, printed in double small pica type, in the various languages of the countries from which aliens migrate to the United States or which they profess their ability to read. Each alien shall be required to read the words printed on the slip in the language he may designate; and, if he shall fail to read such words intelligibly, he shall be refused admission and returned to the country whence he came at the expense of the vessel, transportation company, or corporation which brought him; and no two aliens listed on the same manifest shall be tested with the same slip: *Provided*, That any alien, other than a citizen of the Dominion of Canada or of the Republic of Mexico or a bona fide resident of the said Dominion or Republic for a continuous period of at least one year, whether able to read the English language or some other language or not able to do so, who shall enter the United States, except at the seaports thereof or at Vanceboro, Calais, Lowelltown, Houlton, Fort Fairfield, Me.; Newport or St. Albans, Alburgh, Island Pond, Richford, Vt.; Rouse's Point, Malone, Fort Covington, Ogensburg, Morristona, Nyando Bridge, Cape Vincent, Niagara Falls, Lewistown, or Buffalo, N. Y.; Detroit, Port Huron, or Sault Ste. Marie, Mich.; Pembina, N. Dak.; Sumas, Wash.; Laredo, El Paso, or Eagle Pass, Tex., or Nogales, Ariz., shall be adjudged to have entered the country unlawfully, and shall be deported as by law provided.

SEC. 3. That nothing contained in this act shall be construed to affect the right of aliens who are seamen or members of railway-train crews to pass freely back and forth over the land or water boundaries of the United

States in the pursuit of their respective callings; nor shall the provisions hereof operate to exclude aliens who are members of a race which, by the statistical records of the Bureau of Immigration, Treasury Department, shows an average annually of not more than 10 per centum of persons who can not read, said average to be computed upon the basis of the illiteracy shown in the statistics of the three fiscal years immediately preceding the year in which the educational test is applied.

The most superficial examination will show that this bill is a vast improvement upon the sections added by the House, and that it removes the serious defects therein, while it in no respect diminishes the efficiency of the test proposed to accomplish the result intended.

The proposed bill excepts from examination citizens of contiguous countries or those who have been bona fide residents thereof for a period of one year or more. It thus avoids interference with the neighborly interchange of visits along the frontier which have continued so long, and prevents annoying obstructions to the commercial and social intercourse with our neighbors, so indispensable and valuable, and to that reciprocal freedom of relations with our neighbors so conducive to comity and harmony between peoples of countries alien to each other.

The bill dispenses with the cost and labor of testing the ability to read of a people as to whose acquirements in that respect no question has been or need be raised.

It qualifies the broad language of the sections named in regard to aliens lawfully resident in the United States having the right to bring in their families, by excepting from such provision Chinese aliens. But for such exception it might be held that registered Chinese laborers were given such right, which clearly was not the intention of the author of the amendment. But certainly if there was such an ulterior purpose on the part of anyone, it was not the design of the House when it adopted the amendment.

My proposed amendment will tend still further to remove unnecessary obstruction to our commercial intercourse with foreign countries. Under a proper construction of the language of the amendment in the House bill it might be held by the administrative officers as well as by the courts that Congress did not intend to include alien members of train crews and alien seamen crossing our land or water boundaries in the pursuit of their respective vocations, but my amendment removes all doubt, because it expressly exempts from the educational test such aliens.

These details, however, important as they are in perfecting the features of the bill mentioned, are relatively of slight value compared with a feature of the proposed law somewhat unique and distinctive in such legislation. This feature meets successfully some of the most serious objections to the enactment of any legislation requiring an examination of aliens and the exhibition by them of having some standard of mental training above total illiteracy. The most ardent advocates of an educational test have freely confessed the practical difficulties to be met under any system heretofore devised, the delay and consequent congestion of numbers of aliens and their discomfort at the ports of entry, the large additional expense of caring for them during the extra time of detention, the increase of the official force, etc., but they have contended that the importance thereof justified submission to all such difficulties.

With all due modesty, Mr. Chairman, I feel justified in saying that these difficulties are minimized by the simple and entirely proper expedient I suggest. I have examined the statistics of alien immigrants arriving during the past three fiscal years as to their illiteracy, and I find that the various races maintain a practically uniform ratio of illiteracy, varying from less than half of 1 per cent of the total arrivals of one race (Scandinavian) to nearly 55 per cent of the arrivals of another (Turkish).

To examine all the Scandinavians, for example, to discover and turn back the 1 illiterate out of 400 arrivals, would be an expenditure of time and labor out of all proportion to the results to be attained. The same reasoning, only in a somewhat less degree, applies to many other races.

I submit herewith a compilation showing at a glance the percentage of illiteracy by races, taking the average of 1899, 1900, and 1901 of the different races represented in the alien immigration into the United States. It is as follows:

Statement showing percentage of immigrants who can not read, during the fiscal years 1899, 1900, and 1901.

	Per cent.		Per cent.
Bohemian and Moravian	1.8	Lithuanian	33.3
Bulgarian, Servian, etc	33.5	Magyar	10.3
Croatian and Slovenian	34	Polish	28.7
Dalmatian, Bosnian, etc	28.9	Portuguese	45.8
Dutch and Flemish	6.2	Roumanian	30.8
English	1.2	Russian	17
Finnish	1.5	Ruthenian (Russniak)	46.7
French	3.2	Scandinavian	.4
German	3.4	Scotch	1
Greek	20.2	Slovak	26.1
Hebrew	16.8	Spanish	7.9
Irish	3.1	Turkish	54.3
Italian, north	11.8	Welsh	2.5
Italian, south	48.2	Japanese	5

My amendment, therefore, provides that no examination shall be made to test the ability to read of aliens of those races which, for the three fiscal years preceding the test, have shown an average capacity in that respect which would appear to make the results in the way of excluding totally ignorant aliens too insignificant to justify the cost, labor, etc., involved in such examination. This average I have placed at 10 per cent. Although the establishment of any fixed ratio may seem to the casual observer somewhat arbitrary, perhaps even whimsical or prejudiced, I have accepted this advisedly and after a close scrutiny of the statistical reports of the United States Immigration Bureau and with the conviction, which no practical man would care to dispute, that some exact standard must be fixed.

I call your attention to another very important fact in connection with this new feature. It does not deal with countries but with races. It does not, therefore, discriminate against the citizens of any particular country as such, but treats aliens as individuals, apart from their political allegiance, and distinguishing them simply as races.

By this means we do not disturb the comity so desirable between our country and foreign governments. We avoid conflict with treaty obligations and apply our restrictive test exactly where it should be applied and where the effect sought will be thereby most certainly reached. If by this means any lenity is shown, it will be to those races from whose sturdy stock have sprung in bygone days the elements so conducive to our growth and prosperity.

In this connection there is another significant reflection. Environment enters largely into causes for racial conditions and prospective improvement. A child raised in a community where education is universal will absorb a degree of intelligence impossible under an environment of ignorance and degradation. There is a good foundation to build upon, and with those races which show a percentage of illiteracy of less than 10 per cent no risk is encountered in permitting them to be exempt from the educational test.

One illustration may be pertinent as to the effect of my proposed amendment and of the distinctive feature of the 10 per cent exemption suggested. The total immigration reported for the fiscal year ending June 30, 1901, numbered 487,918.

Deduct from this total the 62,562 children under 14 years of age, and the number to be considered will be 425,356.

Of this number the 10 per cent exemption would have applied to 153,445, of whom only 3,465 were unable to read.

This leaves 271,911 that would have been examined, and of these 114,122 were unable to read and would have been debarred; that is to say, about 26.8 per cent of the 425,356 immigrants over 14 years of age who applied for admission during that year.

Contrast the results attained by the proposed substitute with those from the sections in the bill. In the item of time saved alone there is a marked difference. As the bill now stands the test must be applied to all over 15 years of age. For the year ending June 30, 1901, the number under 14 years of age was 62,562. Assume that 25,000 may have been added to this number by placing the age limit at 15 years. Then under the bill the inspectors would have examined about 400,000 immigrants with the educational test. Under my substitute, as stated, the test would not apply to 153,445 of this number. I am quite sure you will appreciate the time saved by eliminating 38 per cent from the examination, especially when thereby the very small number of 3,465 only are admitted, and these of immigrants whose environment at home was such as to reduce to a minimum any risk attending their admission.

I feel that I can not emphasize too strongly this feature of environment in its effect upon the alien migrating to the United States. It is not my purpose to make invidious comparisons between peoples, but to state a palpable fact. Abundant illustration can be found right here in our own country to sustain the argument.

Since, then, the number affected by the suggested substitute is but 3,465, and these of races whose general intelligence, civilization, and progress justify the exception in their cases, and since by their admission the time and labor are saved by thus examining 38 per cent of the total number received, I submit that it presents an unanswerable argument in favor of my substitute.

One other feature may be mentioned. The simple and easily applied method suggested by my substitute will not only prove effective at all our own ports of entry, but as soon as adopted will impel, naturally, a sifting process at the place whence the emigration begins. It will be known there very soon that admission is denied at our ports to those races whose illiteracy is greater than the limit.

The emigrant will either not start at all or postpone his starting until he has acquired the foundation of knowledge sufficient to make his admission permissible and to guide his footsteps along the path that leads ultimately to American citizenship. The thirst for knowledge once aroused will not be quenched while life

lasts, and even if the results in the present generation may be meager, the immigrant will be inspired with the necessity of broadening the opportunities of his offspring by the aid given through education in our schools.

Very much more may be said in advocacy of the general legislation wished for under this bill, but I will not impose upon your kind indulgence. I simply join with others who have addressed you in urging prompt and favorable action. The immigration service needs this bill. It needs this bill with the least possible delay. I trust your committee will appreciate the situation and act accordingly.

Many important measures have claimed the attention of the Fifty-seventh Congress. Some of these affect not only our standing at home, but our place among the family of nations. The future of the world's commerce lies in the balance. But in the decision of this question the welfare of our own people is at stake. The standard of wages, the standard of citizenship, the standard of our civilization are involved, and with them our power to command the position in the world's drama which destiny seems to have ordained we shall fill.

By this legislation, also, we continue and perfect that policy which has secured our labor from unjust and unfair competition and enabled it to develop the resources of our own land with such marvelous rapidity. Let us act promptly and wisely, to the end that our progress may continue, our prosperity receive no check, and our country be advanced still further along the course of intelligence, civilization, and righteous power that has been decreed for it, and continue the beacon light that shall ultimately guide the nations of the earth to liberty and peace.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER-GENERAL OF IMMIGRATION,
Washington, June 12, 1902.

Hon. W. B. SHATTUC,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR SIR: In response to your oral request for an expression of opinion, I have the honor to state that, in my judgment, there would be no difficulty whatever in operating under and carrying out the proposed amendment to the immigration law which reads as follows, viz: "Nor shall the provisions hereof operate to exclude aliens who are members of a race which, by the statistical records of the Bureau of Immigration, Treasury Department, shows an average annually of not more than 10 per cent of persons who can not read, said average to be computed upon the basis of the illiteracy shown in the statistics of the three fiscal years immediately preceding the year in which the educational test is applied."

Very truly, yours,
T. V. POWDERLY,
Commissioner-General.

The Committee on Immigration and Naturalization has been assured by the office of the Secretary of State that the adoption of the percentage plan for the application of an educational test that I have described will not in any way involve the United States in any difficulties whatever with any other nation.

Mr. COOPER of Wisconsin. I yield twenty minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Chairman, during the few years that I have had the honor to serve in this House I have, until the present session, been content to follow our leaders without raising my voice in criticism or warning with reference to the future.

I fully appreciate the danger to one who arouses the dogs of warfare by assuming to criticise the conduct of affairs upon this floor; but dangers, however great, shall not restrain me in the performance of a duty I owe to the people. I recognize the importance of harmony in the party, the necessity for party leaders, but the man who represents a constituency composed of citizens of all parties must fail in the performance of his public duty if he does not oppose party leadership when such leadership runs away from the declared principles of the party and does not conserve the welfare of the people.

When I found, not long ago, the Republican and Democratic leaders yoked together upon this floor advocating a cause in the interest of a foreign (Cuban) people which seemed most unwise for our country and detrimental to our labor and industries, with the promise of benefit to no one but the sugar trust, I was constrained to record my judgment by word and deed in opposition. On the 12th day of last March I called public attention to the most reprehensible methods used by the monopolists to create public sentiment in the interest of private greed. I endeavored to bring to the attention of the members and the people the corporate bureau known as the "United States Export Association," organized evidently for the dissemination of misinformation for the purpose of influencing legislation for the special benefit of combinations and trusts.

I was not surprised to find that the unsuspicious were heedless of the facts and deaf to the voice of warning. The clever pettifogger, F. B. Thurber, had prepared the attack upon our unsuspecting, trustful public so adroitly as to conceal the truth and make private greed seem honorable and the stealthful usurpation of a public franchise appear to be a righteous expansion of private enterprise.

This is indeed a new and most ingenious method of the trusts and monopolists to mold public sentiment, stop legislation, and secure a new and stronger clutch upon the purse strings of our Treasury, trade, and commerce.

I for one desire to brand such methods as infamous, and those who use them, whether in a righteous or unrighteous cause, are lending their influence to the profit of the devil. Public sentiment thus created is unholy and full of evil. All good deeds and laws in this life and country are founded upon a natural public sentiment. Such methods may prevail for a day, but can not endure.

An honest public sentiment does not require the aid of private enterprise or scheming pettifoggers to give it force.

The people are occupied and prosperous. They believe in a government of the people, by the people, for the people. They are watching the rapid movements of combinations and trusts for the gratification of private greed.

I hope and pray their trust in their chosen representatives may not be shaken, their confidence in the administration of public affairs may be justly continued, but I am reminded of the prophetic words of our martyred Lincoln, who said:

Beware of the money power which seeks to perpetuate its reign until the wealth of the country has passed into the hands of the few and the nation is lost.

The fierce struggles that have taken place upon this floor this session between private and public interests, the decapitation of public measures by honorable men inspired by a false public sentiment, which was created by concealed private greed under the cover of the methods of the devil, prompts me to recall the words of our immortal Lincoln as a warning for the future.

When the cable bill, after waiting on the Calendar for nearly four months, had finally forced the hand of the all-powerful and secured recognition, I will admit I was surprised to find it ignominiously gagged by the leading satellites on this floor before it had been even read.

Mr. Chairman, this is rather a hard charge, but I simply want to read the specific rule that was adopted for the consideration of that bill, the rule offered by the gentleman from Pennsylvania [Mr. DALZELL]. After stating that the bill was to be considered every day after the reading of the Journal until it was disposed of, allowing no other matters to intervene, the rule as amended read as follows:

And after four hours of general debate in the Committee of the Whole the bill shall be considered for amendment under the five-minute rule, and any proposition relating to ocean cables shall be considered germane thereto.

When that rule was adopted, Mr. Chairman, it disposed, so far as the Committee of the Whole was concerned, of the rules of this House. There was but one thing for the Committee of the Whole to do, and that was to take up that bill and amend it, and no amendment was proper except those with relation to ocean cables. The proposition to strike out the enacting clause was not permissible. A special rule either is of no effect whatever or it disposes of the general rules of the House. I want to call attention to the only precedent on this subject. That is a decision rendered by the gentleman from New York [Mr. SHERMAN] in the Fifty-fifth Congress, where he held that a special rule of identically the same nature could not be defeated by a motion to strike out the enacting clause; that such a motion was not permissible under a special order of the House.

Now, I say that the cable bill was gagged unlawfully, illegally, contrary to the precedents of this House, and in the silent presence of the leaders on this floor. At that time I did not think of this ruling. My mind was occupied with the general subject of the bill. I care not now, except that had the bill been read as it was intended to be, had it been subject to the amendment with reference to cable matters only, the proposition of the gentleman from Pennsylvania [Mr. DALZELL] would at least have been adopted, and the President of the United States would have had the power to act, and American interests would have been protected. I think it is time that other men speak out when such measures of great magnitude are ignominiously gagged. The special order provided that the bill should be considered, and that only those amendments relating to the subject of ocean cables should be germane. Therefore any other proposition was not in order.

I had anticipated bitter opposition, for I understood the motive that prompted those who wished to protect private interests in the hands of the cable monopoly. I expected opposition from those honorable gentlemen who live in holy horror of the management of public utilities by the people or any extension of the post-office facilities into the avenues of trade and commerce, but I was shocked when it was beheaded by the broadax in the hands of the Robespierre of the House, the gentleman from Illinois [Mr. CANNON], for I know him to be an honorable gentleman uninfluenced by private interests. Nothing but the blind worship of his idol, the self-constituted guardian of the public Treasury, could induce him to lend the destructive influence of his broadax to the cable monopolist.

Some one has said that our Robespierre is a consistent guardian of the Treasury and wields his broadax upon all measures affecting the people's money, and refers us to his effective assault upon the forest-reserve bill, which he gleefully decapitated, to quote his own language, "just back of its ears." Also the isthmian canal bill, upon which he applied his broadax with all the power of his masterful character. But the session had then barely commenced; the measure was backed by an honest public sentiment, unaided by the artful circulating bureau of the monopolist, and the edge of the broadax was muffled by those who usually prepare the beheading block and who direct its deadly course, and our Robespierre's efforts were in vain.

While I admit his sincerity and honorable fidelity to his self-constituted guardianship, I am constrained to ask where our Robespierre was and who had possession of his broadax when that swine-like beast ran off with the plug to the public Treasury and emptied over $60,000,000 of the public funds into the rivers, harbors, and navigable highways of the country, embracing more useless appropriations than sufficient to construct two Pacific cables. Lest some one refer as a just excuse for the silence of our Robespierre and the loss of the broadax on that measure to the sledge-hammer strokes of the honorable gentleman from Iowa [Mr. HEPBURN] as a substitute, I will remind you that I watched with much interest the great effort of the gentleman from Iowa on that occasion, and I observed that instead of the broadax he wielded an old torch with an expiring flame and waved it so high in the air that the animal passed through without scorching a hair.

But what was the matter with our swarthy, pessimistic friend from California [Mr. LOUD]? He not only jumped upon our measure with both feet, but unwantonly thrust his black spear into the vitals of the honorable Committee on Rules by characterizing "its actions as dark and secret as the acts ever committed in the dark of the night." What direful and mysterious "dark and secret action" has he discovered hidden in the pessimistic gloom witlsin which he roams? I feel it my duty to protect our honorable Committee on Rules from such dangerous thrusts of the mysterious spear of our friend, for it was drawn in defense of the cable octopus, missed its aim at the dyspeptic wolverine, and landed in the bowels of an innocent committee of this House.

Some one should take charge of our esteemed friend from California and endeavor to extricate him from the damp, dark, and stagnant gloom which surrounds him, clouds his vision, and befogs his knowledge of ancient history. While we may be able to discover and withstand the "dark and secret acts of the Committee on Rules," we can never consent to permit him to transport the lovely Desdemona from the light and joy of Venetian history back four hundred years into the gloomy associations of the lean and hungry Cassius.

We expected to arouse his wrath. We have been made to understand his position upon the administration of the Post-Office Department. We did not suppose that his swarthy appearance indicated Indian blood, but the memory of the defeat of his Economic Postal Company's scheme by the gentleman from Michigan in the Fifty-fourth Congress, has evidently not been forgotten. We did not expect one who would voluntarily turn over the Postal Rural Free-Delivery Service to private contract could support Government ownership of a public utility.

Perhaps it may not be regarded as unfair to call his attention to the fact that the rural free-delivery patrons, farmers of this country, who are desirous of securing the benefit of such service, are to-day paying an average of $2 each for boxes that could be secured for 50 cents apiece if the honorable gentleman from California would but provide the Postmaster-General with power to supply such boxes at cost without expense to the Government.

Do you wonder that I am confounded trying to reconcile the course of legislative events?

DANGERS OF TRUSTS.

I am constrained, in consequence of the silence of the leading members of the Ways and Means Committee when the cable bill was being ignominiously gagged, to call public attention to the unjust discriminations made by the steel trust against American and in favor of foreign cable manufacturers. They may not be aware of the fact that the steel armor wire, the component part of a cable, can be purchased by foreign cable manufacturers 20 per cent less than the same material can be obtained by American cable plants.

In support of my position I submit two letters, written by the same manufacturer to the same consumer, offering to sell the steel wire for cable manufacture for export at 20 per cent less than it can be acquired in this country. The letters, with the exception of the names, are as follows:

GENTLEMEN: In response to your request we name you on Nos. 7 and 8 galvanized BB. telephone wire 4¼ cents per pound, less 2½ and 2½ per cent, delivered at Perth Amboy.

This quotation applies on an order for 60 tons, or two carloads. Terms, thirty days, or 1 per cent off for cash if paid within ten days from date of invoice.

Yours, truly, ——— ———.

GENTLEMEN: Confirming our quotation of to-day, we can sell you 200 tons of No. 8 extra BB. galvanized telegraph wire at 4¼ cents per pound, and BB. quality at 3¼ cents, burlapped in half-mile bundles, f. o. b. New York. Terms, thirty days, or 1 per cent off for cash ten days.

The above quotation is for export only. If you require the wire not burlapped, the price would be 10 cents per bundle less. This quotation only to hold good for twenty-four hours.

Yours, truly, ——— ———.

I also submit an extract from a letter written by the president of one of our large cable institutions conclusively showing the unjust discrimination against American cable industries, and I especially desire to call this to the attention of the honorable gentleman from Pennsylvania [Mr. DALZELL], whose dread of Government ownership of public utilities seems to dull his zeal for American industry to the extent of permitting the only hope for the establishment of a cable plant on the Pacific coast to be destroyed.

You will see that they quoted No. 8 BB galvanized wire 3¼ cents per pound, f. o. b. New York (10 cents per bundle for burlapping does not cut any figure), and stated that "the above quotation is for export only," while the other letter quotes the same wire, identically, at 4¼ cents per pound, less 2½ and 2½ per cent, delivered at Perth Amboy.

In other words, the f. o. b. Perth Amboy price is 4.15 cents per pound, while the f. o. b. New York price "for export only" is 3.75 cents, making the home price a trifle over 20 per cent higher than the export price on identically the same material.

It was admitted that the contract price for the cable between California and Hawaii was $2,280,000. The actual cost of the material required for the construction thereof was not less than $800,000, one-half of which would embrace the cost of the steel armor wire that enters into the construction thereof, and it will be observed that the English cable plant could purchase this steel armor wire at 20 per cent less than our own cable industries. This saving, in consequence of the methods adopted by the steel trust, is equivalent to a bonus to the foreign cable manufacturer of from fifty to eighty thousand dollars on the one strand between California and Hawaii.

NO TARIFF DUTY ON CABLES.

I also desire to call the attention of the distinguished chairman of the Committee on Ways and Means of this House [Mr. PAYNE] to the ruling of the Treasury Department with reference to the collection of duty under the tariff law on this cable. He may be suprised to learn that no duty can be collected. While I do not concur in the judgment of the Treasury Department, because I hold that the territory from California to Hawaii is wholly within our jurisdiction and there is no international boundary which limits our jurisdiction to 1 marine league from shore, yet I am confronted with the ruling of the Treasury Department, and when the cable monopoly desires to lay that strand made by a foreign cable plant the Treasury Department, if it follows the rulings heretofore made and set forth in the letter which I herewith submit, will waive the payment of the duty of 35 per cent on gutta percha and 45 per cent on copper and steel wire, equivalent to nearly half a million of dollars upon this cable.

Let me have read the letter from the Secretary of the Treasury upon the subject in support of my argument, and ask the members of the Ways and Means Committee to carefully consider the dangers that confront our interests. When I have presented the matter to their attention and the public, my duty has been fulfilled; the responsibility is now upon them and the executives of the nation.

While admiring the heroic efforts of our Robespierre for the protection of the public Treasury, we must not overlook the responsibility of those charged with the duty to replenish the revenues and enforce our tariff laws.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, November 20, 1901.

Hon. JOHN B. CORLISS, *Detroit, Mich.*

SIR: The Department is in receipt of your letter of the 11th instant further in the matter of the dutiability of the proposed cable across the Pacific, extending from California to Hawaii and thence to the Philippines, which matter was the subject of your letter of the 1st instant and the Department's reply thereto of the 9th instant.

You state that you desire further explanation of the last clause of the Department's letter, wherein it was stated "that only such portions of the cable of foreign production would become dutiable as are actually landed or laid within the jurisdiction of the United States. As this jurisdiction does not extend beyond 1 marine league from shore, only such portion of the cable as was actually brought or laid within that limit would be dutiable."

You state that it seems to you that such a cable, when laid, extending from California to Hawaii, connecting the territory of our own country, must be regarded as an importation of the entire cable, as that part within the 1 marine league can not be severed from the whole.

In reply to your request for further information, I have to state that the tariff laws of the United States do not become operative until merchandise is brought within the jurisdiction of the United States; that is, within 1 marine league from shore. Therefore, should a vessel specially fitted out for the laying of the ocean cable begin operations at a point, say, just beyond 1

marine league from shore, and should there anchor, or otherwise securely fasten one end of the ocean cable, to be subsequently joined to the shore end, there is no way by which the laying of the cable across the Pacific Ocean to a distance of, say, just beyond 1 marine league from the shore of Hawaii, where the end could be anchored or securely fastened in like manner as before, can be interfered with for the purpose of assessing duty. It is only when the shore ends are to be attached, and for that purpose must necessarily be brought within the jurisdiction of the United States, that the tariff laws become operative, and for that reason duties on shore ends accrue and are collected by the proper customs authorities.

Respectfully,

H. A. TAYLOR,
Assistant Secretary.

DEMOCRACY ON TRUSTS.

I was astonished the other day to hear the Democratic leader on this floor, the honorable gentlemen from Tennessee [Mr. RICHARDSON], state that—

the factor in American affairs at this time most dangerous to our institutions and threatening to their permanency is the trusts. * * * That they are a factor to be feared and one that imperatively demands the strong hand of the Federal Government, for control can not be denied, but must be apparent to all persons—

And charge that the Republican Administration, Senate, and House of Representatives must be held responsible for the extension of the trusts' power and the enactment of laws for their proper control.

We are familiar with such Democratic wails and vituperations. Ordinarily I would pass them by as unworthy of consideration, but the opportunity to call attention to the acts of the Democratic leader and his cohorts on the minority side of this House in supporting one of the greatest trusts, combinations, and monopolies of the world in its effort to steal a public utility is too fresh in the minds of the members upon this floor to permit such slanderous charges to remain unchallenged.

The RECORD shows that of the members who voted to decapitate the cable bill and permit the cable monopoly to fasten its tentacles upon the arteries of trade and commerce of our country 62 were Democrats, with the honorable gentleman from Tennessee [Mr. RICHARDSON] boldly in the lead, and with the exception of the Robespierre of the House and my pessimistic friend from California made all of the arguments in support of the cable trust; and of the 77 members who voted for the people there were only 15 patriotic Democrats who had the courage to stand up for the people.

"Actions speak louder than words." "Wherefore, by their fruits ye shall know them."

I am aware that the criticisms which I have assumed to make will be looked upon as the natural utterances of one who has met disaster with an important public measure in which he felt the deepest interest.

While defeated, I have the satisfaction of knowing that through my efforts the Government has been saved from the burden of a subsidy, the purposes of the cable monopoly clearly shown and now well understood by the people, that the Executives of our country can protect our interests by assuming to exercise the inherent power held by the nation over public utilities and international communication.

I feel amply rewarded for my efforts in behalf of the cable bill, as expressed by an editorial that was published in the leading independent newspaper of my State, which I desire to print with my remarks, as it is an impartial, disinterested recognition of the service rendered upon this important public question.

[The Evening News, Thursday, June 12.]

DEFEAT WITH HONOR.

Congressman CORLISS has met the enemy of the Government cable project very much as a man meets a dead wall. He can get up and brush the dust off his clothes without experiencing the pangs of total defeat. His main purpose failed. It was doomed from the first. The Government is still too "weak" to cope with giant monopolies that oppose Government ownership of utilities. In one particular Mr. CORLISS stands a winner, and so there is victory even in his defeat.

When he proposed a Government cable across the Pacific an organized lobby was demanding a big subsidy for a private cable. Had there been no bill for a Government cable, it is quite probable that the subsidy scheme might have carried. CORLISS put up such a persistent fight and made such a showing of facts that the private corporation was compelled to change front. It abandoned its plea for a subsidy, and offered to lay the cable with its own money and to give the Government a special rate if it would keep out of the telegraph business. This surrender defeated the Government cable, but a fair referee must decide that honors are easy if the corporation does get the gate money.

Mr. JONES of Virginia. I yield thirty minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Chairman, before the war with Spain, American history was a glorious encouragement to independence throughout the world, without a page approving the doctrines of tyrants. The makers of that history sometimes differed, but never on the fundamental principles of liberty. Once we were under the then mildest despotism in all the world, administered by men of our race, by a government of our kindred, which had every inducement to deal justly and rule us for our good.

We grew strong; we prospered under it. England professed to rule us for our benefit and to grant the colonies every liberty to which they were entitled. Had our ancestors entertained the views of the Republican party to-day, the Declaration of Independence would have been unwritten, and European monarchies would now control America from Labrador to Patagonia. But lust of power and greed of plunder did not blind them to the wrongs of foreign sovereignty or the right inherent in separate communities.

Patriots wrote the Declaration. In all profane literature it is the most blessed message yet published to mankind—a charter of human rights fit for every age, land, and people, without the doubtful language of fear, the falsehood of hypocrisy, the injustice of greed, or the favoritism of selfishness. Timeservers denounced it as incendiary, but brave and honest men proclaimed it true, and by sacrifice and blood established it as a heritage to freemen. Under it the Republic grew great and made the Pacific our western boundary, conferring its blessings upon every man in all that vast domain and giving to him the Constitution of our fathers.

Following its teachings, the people that gave to us Lafayette, amidst convulsions that shocked civilization, slew its king and, in the name of liberty, equality, and fraternity, assumed the form of a republic. Mexico and the South American states looked northward, and, inspired by its fruits, one by one broke the rule of kings and became self-governing commonwealths. The continents had no corners where it did not inspire mankind. Away off beyond the equator, across the seas, little bands of men, in form, in right, in religion, in aspiration, such as we, established themselves into two republics, fashioned after ours, built upon the same doctrines, to preserve to themselves and their children the blessings of liberty.

That imperial power which denied the truth of the Declaration of Independence and by force endeavored to destroy it, proud through generations of colonialism, stronger than when our ancestors drove it from these beloved shores, by pillage and plunder and death, though at "a cost that staggered humanity," has at last destroyed their independence, and has decreed as effectually as one generation can decree that republics shall not exist in South Africa.

The business in the Philippines in which our Government is unfortunately engaged may forbid the official expression of sympathy, and the party feeling of Republicans may repress in them the sentiments of regret at the fate of the Dutch Republics, but there is no business and no condition that can prevent the free, courageous citizens of America, who would fortify virtue and strengthen liberty throughout the world and who hope that the blessings of popular government will some day protect the rights of all mankind, from shedding a tear of sorrow that the Boers were unable to survive the terrors of British power.

Mr. Chairman, darkness can not exist with light, error with truth, nor wrong with right. Our liberty can not exist with the tenets of kings. The principles of free government can not exist with imperialism. Both can not survive. We to-day confront the issue.

What shall our conduct be? Shall we indorse or abandon the solemn adherence of our ancestors to the undying rights of individuals and communities? Shall we approve or protest against the imperial doctrine that permits one community to rule another against its consent? Shall we uphold or reproach the best principle known to humanity in all its social relations—that of local self-government? Shall we commend or accuse that tenet of cruel tyranny that taxes a people without representation? Shall we denounce or embrace the hated policy of colonialism which our forefathers impeached as a crime for whatever purposes pursued or by whomsoever administered?

Mr. Chairman, the settlement of the Philippine problem will in large part determine our destiny. We still have the power to effect that settlement for the benefit of mankind or to permit its settlement to the hurt and injury of the remotest generations. The noise of war and the excitement of victory over Spain have perhaps so far subsided as to allow us to exercise manly, candid, patriotic consideration of the difficulty confronting us and our posterity.

I shall not by wholesale condemn the men responsible for the present situation nor indulge in bitter criticism of the wrongs committed by the Administration against the cherished ideals and best sentiments of our people. I utter no malice against those who have violated the spirit and the principles of the American bill of rights. The subject is too serious, the results too vital, for bitterness and spite. Some have doubtless earned by selfish and partisan advocacy of matters subversive of our principles the indignation and scorn of brave, high-minded men, but indignation and scorn, however just and righteous, do not convince men nor render the problem easier.

I believe it is better and hope it is fairer to those who shaped the policy our country has pursued for three and a half years to admit their honesty and patriotism and attribute their errors and

mistakes to the weakness of human nature when power tempted their ambition and circumstances flattered their vanity and to lament that their moral convictions were not strong enough to resist these seductions. The historian will contrast the position of the Administration with the policy of our country uniformly pursued from its beginning to the Spanish war and search in vain for sound reasons for the departure from our ancient faith.

His charity may discourage a conclusion that plunder and greed, or a desire to subserve the demands of trusts, or a longing to obtain other men's land or to destroy other men's rights were the controlling influences around the Administration in these days. In kindness he may say the hot fever of war glory alone produced that condition of the mind which heard the whisperings of tyranny without rebuke and yielded without remorse. Reared in security amid the blessings of free institutions, they enjoyed what they did not appreciate—the right of men to popular government. With the fever on them they seized an opportunity which they imagined never came to their predecessors, and which, had it come, would have been promptly and proudly rejected—the opportunity of ruling a distant and strange people and establishing for us the dangers and wrongs of colonialism.

The historian will write that the acquisition of the Philippines was neither the necessary nor the natural result of the war with Spain for the freedom of Cuba, and that the war in the Philippines resulted from our needless aggression against a people whose civilization can not elevate, whose power can not protect, and whose resources and commerce can not enrich us. I have now neither the time nor the inclination to discuss why or how the trouble arose. We have the Philippines, we have the trouble. The question is, What shall be done?

What course shall we pursue about them? In endeavoring to set forth briefly the course which appears wise, just, and right, I shall perhaps make observations with which partisan Republicans may not now agree, but with which I hope the sober judgment of American patriots who are not personally charged with responsibility to defend the present policy will accord.

The course that I advocate leads to the independence of the Philippine people as a self-governing republic and to the independence of the American people from the cruelties, corruptions, burdens, wrongs, and dangers of colonialism.

Mr. Chairman, be it known to all men that unless the American people speak their sentiments at the polls and uphold their manhood and conscience and require a change on the part of their Government the present policy will continue. True, the Republican party has not taken the people into its confidence and defined its policy in reference to the Philippines, and we know the purposes of the dominant party only from its conduct in the islands, from the bill now pending, and from occasional outbursts from Administration sources of strenuous references to the flag's staying "put"—references which are usually more in keeping with the character of bullies and braggarts than of good men or statesmen. The Administration's policy will deny them independence and commit us to colonialism. Unless the people are willing to sacrifice the moral influences of this Republic, change its essential political doctrines, and adopt the creed of kings, they should speak in accents strong and clear against the Administration.

Mr. Chairman, I know of but one test to apply to matters arising for my consideration, and the great masses of the people desire their representatives to apply that test to all matters. That test is not "Will it pay?" not "Are we in it?" not "Can we do it?" not "Who opposes it?" not "Who favors it?" but the simple, plain question, "Is it right?"

Mr. Chairman, in all ages there have been conflicts in the theories of government. Some believe that it is unsafe to allow the people to have part in the governing business, and that it is prudent and wise to confine participation in government to a few. This belief creates oligarchies, monarchies, and absolutism, and princes, emperors, kings, lords, dukes, and other titles are common to that idea. Others believe that the people who are to be governed are capable of providing for themselves a proper government, and that it is prudent and wise to permit the people to share in the governing business. This belief makes the pure democracies and republics, and in them there are no emperors, or kings, or dukes.

Both these beliefs, resulting in separate systems of government, have, with varying success, secured peace, happiness, and prosperity to those governed. If all in authority were perfect in mind, in conscience, in every good quality, it would hardly pay to discuss the differences between a republic and a monarchy, but all men are imperfect, and it is important that mankind shall have that form of government which will be of the greatest benefit to it in its imperfection.

A monarchy and a republic can not have equal merit. Both can not be right. In one system the theory is that all governmental power resides in and belongs to a few—originally in the nobility, in the royal family, with the king as its head—and whatever share the people have they have not by right, but by the grace of that respected class. In the other system the theory is that all power resides in and belongs to the people, and whatever power congresses, governors, judges, generals, or presidents have is by the will and consent of the people.

In every republic there are some who believe in the other system, and in every monarchy there are those who believe in the people's theory. This has resulted usually in every monarchy having in it many of the characteristics of republics, and sometimes in a republic having tendencies to monarchic powers. The belief in the right of the people governed to provide the form and machinery of their government and define its duties and powers is the great American doctrine. The monarchic or imperial theory permits not only the few to govern the many, but it permits one state or community to govern the people of a separate state or community.

The American theory does not permit it. The right of self-government requires local self-government. It is the great essential of liberty and progress. Kings and emperors have denied this right and by force have for centuries repressed it where they could. Under the government of others people have been plundered in every age. Whenever one community governs another it is despotism. It is tyranny for a people on one side of the sea to rule a people on the other side without their intelligent and free consent, and the Creator has so made man that he will not intelligently and freely consent for another people to rule his people. No people has yet been created that loved not liberty, and happy it is for the world that all intelligent people resist tyranny.

An all-wise God made the earth and divided it by oceans, ridged it with mountains, and belted it with varying climates, and the races of mankind He made and to each of them He gave a fitting country. No people has yet welcomed the friendly invader of another race, and each has resisted the approach of those who sought its land or its freedom. This spirit is as universal as the belief in a future state, so universal that we believe God gave it to all His reasoning creatures. Those who violate the laws of nature are wicked and those who violate the rights of people are tyrants. Reason and justice, nature and experience, pronounce self-government a sound and safe doctrine. The United States four years ago proclaimed it true when we declared "that the people of the island of Cuba are, and of right ought to be, free and independent."

No body of men could be found under our flag to deny that the people of Cuba of right ought to be independent. Cuba was separated from other States by nature's barriers. Her people desired to be free. They fought to be free. They deserved to be free and independent. The Cubans have no greater rights than others similarly situated. The policy of the Republican party forbids the American people to repeat their former proclamation, forbids them to say that 10,000,000 of people 7,000 miles away from us, whom Admiral Dewey declared were more intelligent and more capable of self-government than the natives of Cuba, ought to be free and independent.

Heretofore in every struggle for independence on either hemisphere success filled every American heart with joy and every failure produced regret. Can a policy which paralyzes American sympathy for liberty be right? Mr. Chairman, suppose when we were preparing to drive Spain from America and establish independent Cuba some one had risen in his place in this House and to all the world charged that the Administration would take the Philippines, would overrun them with soldiers, would extend to them no hope of independence, would require an increase in the Regular Army, would require enormous increases in annual expenses, would put us in such a position that we could not speak for liberty throughout the world, would cause us to enter upon colonialism, would have us to bear the humiliation of torture and cruelty committed in our name upon those people, what would have been the reply to such a member?

You would have denounced him as a wild dreamer, a false prophet, and a slanderer. Your papers would have exceeded you in denunciation. You would have invoked the glories of 1776 and the Constitution of our country. You would have appealed to the best sentiments of our nature and to the purest impulses of America to convince us that such things could never occur in the land where Jefferson, and Washington, and Webster, and Calhoun's memories survive. You would have persuaded us that you were only going to break the imperial grasp of Spain on Cuba and thus give another people the rights of liberty. Can a policy be right that will compel this country to hold an imperial grasp upon the Philippines?

Instead of the policy of the Administration, the Democratic party, in accordance with American traditions and principles, in the name of right and eternal justice, believing that it is wrong to hold the Philippines as a subject people and that it is unwise

to admit them as a part of our Union with many Senators and 50 Representatives in this Congress to help govern us, proposes for this country to declare that a stable government shall be established and the people under the name of the Philippine Republic be given independence.

What a glory, my countrymen, that would be! Heretofore our example has inspired the establishment of republics on other continents. Here let our action release one. Let it be not said that America holds chains upon a people. Mr. Chairman, is it not better for our country to continue a career as a great people who have established republics, who have inspired republics, who have promoted throughout the world the universal hope of political freedom, than to mar the best pages of our history and join the ranks of the republic crushers and hope destroyers? Let the free men of America realize that our Government is their agent, and that they are morally responsible for the deeds of their Government unless they promptly repudiate them, a responsibility which they can not, if they would, avoid.

Let the people understand that the powers of imperialism and the denial of independence are just as wrong, just as despotic, just as mischievous, when exercised by our Government over a distant people as when exercised by the monarchies of Europe over a distant people. That we are the perpetrators of iniquity does not change its character. In the sight of the Almighty God and in the judgment of good men we have no special dispensation to relieve us from the criminality of wrongdoing. God never gave the right of liberty to one people and gave them the right to destroy the liberty of another people. [Applause.]

Can brave, noble men, with clear consciences and good hearts, deliberately deny to other communities the rights and privileges which they demand for theirs? Has the golden rule no application among States and statesmen? Is it right to continue a policy that would abrogate the Divine injunction, "Whatsoever ye would that men should do to you, do ye even so unto them?" Such a policy can not be right.

Mr. Chairman, an impartial man, whose vision is clear, can see in the arguments against the Administration's policy the dearest principles of society—honesty, not robbery; brotherhood, not tyranny; candor, not hypocrisy; liberty, not despotism. We are clothed in the armor our fathers wore, and the weapons they used against the foes of America's independence are our weapons. We drink without fear from the fountains of democratic institutions, and would extend their waters to others, knowing they have blessed ourselves.

We embrace in our arms the Declaration of Independence and stand hopefully beneath our Constitution, using no disinfectants to preserve us from the contact, while those who defend the policy of the Administration resort to unholy methods to limit the spread of their contagion. Shades of our 1776 heroes, what a spectacle is presented to you when an American statesman avoids the principles of your revolution in discussing questions of importance to mankind! The sober judgment of your descendants will condemn the position of those who apologize for your immortal declaration and who ignore its plain meaning for selfish and partisan ends.

But, Mr. Chairman, they say we have become a "world power;" and the intimation is that if we are a "world power" the rules of right and conscience are no longer useful to us. Does power corrupt and never purify and elevate? A "world power!" Forgetting that if we are to abandon those essentials that make us a "world power," we shall no longer be worthy to remain one. Dewey's victory at Manila and Schley's at Santiago were because of the element of liberty and patriotism instilled into us by our predecessors.

We never rumbled our artillery, we never flashed a sword, we never marched on an army, we never fired a cannon in South America, yet we were a world power when Brazil, Argentina, and Bolivia became Republics under our influence. Nineteen Republics on the Western Hemisphere stand erect in liberty to-day to attest the fact that we were a world power long before the thought of colonialism ever touched an American President. We are a world power not on account of but in spite of the Philippines; but never again in all the ages will we have the influence for freedom in the world we heretofore enjoyed until the flag of the Philippine republic, raised by our consent, is saluted by our cannon.

But they say it may be that we have sacrificed our principles, but we have sacrificed them for the Filipinos; we rule them for their benefit; we deny them independence that they may rejoice in our liberty; we destroy their people that they may enjoy our benevolent assimilation; our general has ordered a province to be made a howling wilderness for their sake; we have established concentration camps to bless them; we torture them to impress our Christian civilization; we burn their homes and devastate their lands for their good. All this we do that they may be happy and contented.

Spain—cruel, despotic, and selfish Spain—did all this in Cuba and the Philippines for the sake of Spain and Spanish interests; but we, they say, do all this for the interest of those we outrage and plunder and kill. Mr. Chairman, are we a nation of hypocrites? Will the American people permit this country to be written down in history as a false pretender? Will they consent to have it entered upon the balance sheet of eternity among blood-stained conquerors as a robber? Ah! We are able to subdue the last aspiring Filipino. We can make a peace so universal that the laughter of a child will never there be heard again. We can pacify them till not a native shall respect or fear our flag. We have the power, the courage, the means to conquer them till protest shall be silenced. Our policy appeals to fear, not love.

Tyranny may give peace and quiet; but peace and quiet are poor compensations for the loss of freedom and hope. Despotism can not secure national happiness. We may circumscribe them with liberty by means of our Army, the liberty that we think them entitled to enjoy, the liberty we think will bless them. But liberty imposed can not satisfy. Liberty imposed is not liberty. The wild bird caged longs for nature's freedom, and though you feed and shelter him, he beats his wings against his prison sides, for the "liberty" of his cage is tyranny.

Why, Mr. Chairman, those people are ten millions in number—three times more numerous than we were when Yorktown was fought. They have a territory as large as Japan or Italy; larger than England, Ireland, Scotland, and Wales together; larger than Virginia, North Carolina, South Carolina, and Maryland combined; larger than all New England, New York, New Jersey, and Delaware. They have churches and colleges.

Their chief town, Manila, is as large as this city of Washington. They have farmers, mechanics, merchants and bankers, scientists, doctors, preachers, lawyers, judges. They have much education, so much that our Government has employed over 4,000 native Filipino teachers in the public schools. The Filipinos have homes; there are husbands and wives whose lives are gladdened by the prattle of little children. They love their kindred, their homes, their country. They are human beings endowed with certain inalienable rights, such as you and I claim. They have human sympathies, human feelings of pride and resentment.

They have aspirations such as our fathers had. They have the motives and the feelings of resistance just as we have. They are our fellow-mortals. They have read the Declaration of Independence, and, more, they have believed it. Are such people to be denied the right of a national existence, and have that denial from Washington's country? How often have I rejoiced at the everlasting desire of Irishmen for a separate national existence, and hoped with them for final success. Republicans, how can you censure any American citizen for desiring to see the Filipinos have an independent national existence? Hope is their offense. Can any good man in America denounce as a crime a people's hope for independence?

Mr. Chairman, aside from the Filipinos, the American taxpayer has rights. Every citizen is entitled to peaceful conditions, to low taxes, and to require his Government to be just and do right. The Philippine Islands as a permanent colony of the United States will probably require a large army, and will for generations probably now and then break out in insurrection against our authority and require the blood and anguish of this land to put it down. A people's desire for liberty once aroused never abates. The Philippines have already cost us $600,000,000, which is about $50 for each family in the United States, and thousands of lives, and the end is not yet. The Navy and Army will require vast sums of money every year on their account.

Five years ago our Army cost about $25,000,000 a year; now about $100,000,000. Then our Navy cost about $30,000,000; now about $80,000,000 a year. Our pensions will cost many millions a year for the next fifty years on their account. Our children and theirs will feel these great burdens severely.

Imperialism is a costly wrong, even on those who exercise it. There is one thing sure, unless the people consider these vast burdens of taxation and expenses and rebuke the party responsible for them they will not diminish.

If we could to-day have the Philippine republic enter the ranks of independent nations, with prudent and proper reductions the taxpayers of our country would save more than $100,000,000 a year, or several times our entire trade with those islands. Is it right to continue a policy that will cost our people, for whose benefit alone our Government exists, many millions of dollars a year, and which will give the great body of the people absolutely no benefit in return? Is it even possible that the Republican party, supported as it is by the great trusts of the land, can convince the people that such policy is right?

Mr. Chairman, the wishes of the good men of this country, who devote their energies to quiet life, are entitled to as much respect by our Government as are the wishes of those devoted to

schemes of great exploitation and conscienceless commercialism, or whose fortunes are cast with our Army and Navy. It is not difficult to find some reason for the advocacy of the Republican policy by certain classes of our citizenship without impugning their patriotism except by comparison with other sentiments. It is natural for officers in the Army and Navy to approve conditions which furnish them service, render promotions more numerous and rapid, and enlarge in public esteem their occupation.

We understand how those who make fortunes by contracts with the Government for coal, ships, guns, powder, provisions, clothing, and a thousand other things can favor a continuation of a policy which they probably advised, and which puts money in their pockets.

We understand why stockholders in great syndicates engaged in exploiting the natural resources of those islands, and in getting valuable franchises for public service functions to enable them to collect large dividends from the inhabitants, who believe there is "money in it" for them, insist that no change shall be made in a policy which probably they advised.

It requires no peculiar ability to comprehend the reason which prompts Republican postmasters and papers whose editors or owners have political patronage or places under the Administration, internal-revenue officers, and others who or whose close kindred by the grace of the Republican party draw salaries from the Federal Treasury, and others in office representing the Republican party or candidates for its honors, to stand by the policy maintained by the Administration—the Administration which has not the moral power or the original purpose to resist the wishes of the classes first named.

All these, Mr. Chairman, are ready to defend the policy now in force at all points, to deny the best-established facts, and when not denied to justify the most terrible wrongs, and to attempt by countercharges to distract the minds of good men from the real situation. The classes I have named and their close friends, in my opinion, constitute the greater part of the strength of the present policy. Few others heartily approve it, yet among them are good men, some ministers of the gospel, even forgetting, it seems, the holy precepts of their own religion and the gentle method of its propagation in a devouring zeal for theirs, justify the policy which they trust will result in weakening, if not destroying, the domination of that religion they most greatly fear.

But, sirs, the great majority of the good men of this land, who have "no ax to grind," no especial interests to serve, who love their fellow-men and serve justice and truth, of the lawyers, the editors, the doctors, the merchants, the manufacturers, the farmers, the mechanics, the laborers, the preachers, the teachers, and others engaged in honest private toil, are, in my judgment, in favor of liberty throughout the world, are against the present Philippine policy, and against its resulting cruelties, burdens, tendencies, and dangers. If, realizing its importance, they will fearlessly and candidly express themselves, the problem will soon be solved in the best interests of all concerned, except the military folks, the Army contractors, the exploiters, and Republican office-holders and office hopers.

The present policy may profit a few, but never in all this world will it help to the extent of one solitary cent the humble, plain men of America—the great masses of our country—who bear its burdens, except that here and there a widow or aged man will draw a pension for some loved one's death.

Mr. Chairman, I wish to say a few things about the cruelties which have been committed by our agents under our flag, and which were unrebuked by the Administration until Democratic speeches and publications riveted the attention of all upon them. It is not my purpose to mention all the barbarities connected with our conduct in the Philippines; the public has already become fully acquainted with some of them of which knowledge has reached our country.

Nothing in all the range of warfare can surpass the heartlessness of the shooting of every Filipino found within 150 yards of a telegraph pole, or of our General Bell's order that "neutrality should not be tolerated," and that no person should be considered loyal simply because he does nothing against us and "takes the oath of allegiance." He must denounce and betray his countrymen and his kindred to escape General Bell's hostility. Living quietly and working peacefully the land of his ancestors for his loved ones' sake, though swearing allegiance to us, is disloyalty under that inhuman order. Our General Smith's order "to kill all over 10 years of age," desiring no prisoners, burn their homes, and "make Samar a howling wilderness" is as atrocious and beastly as any edict that ever cursed humanity in its darkest periods. How terrible is war against a people's liberty, when the representatives of Christian civilization can promulgate such heaven-shocking savagery! The annals of man's butchery of man contain nothing more awful in its ferocity.

It is painful to recall the instances of transgression against the laws of God and man committed for us in those distant islands; but unless we recall them how shall the people understand what their agents have done? Those agents have laid waste fruitful lands and burned populous towns; they have slain noncombatants and put to death prisoners in their care. These have they committed under our flag. Our fellow-citizens have read in histories and heard from their fathers of laying waste lands, burning towns, shooting with guns, and slaying with swords. But it has been reserved for these times to teach them of new tortures—tortures which Senator HOAR declared have never before been used by English-speaking people against their enemies.

The horrible "water cure," which is described in Private Weir's letter, which I ask to have printed, together with Captain West's report, has been administered to Filipinos to extort from them treachery to their friends, and the more horrible flesh twisting and tearing torture has been performed to compel from them the secrets of their fellows! Excruciating horrors! Brave, humane, honorable, Christian Americans, shall such heartrending, heartsickening deeds be charged to the wicked depravity of a few privates and fewer officers as the necessary outcroppings of man's sinful nature, or will you charge a part of it to that policy of aggression, adopted without your consent and followed without your approval, against a people who want independence and who never denied you citizenship, never taxed your business interests, never searched your ships, never violated a treaty with you, never threatened to invade your country, never disputed your boundary, nor did any other thing for which nations go to war? Will you charge these cruelties alone to the miserable individuals who perpetrated them, or will you not assume some of the responsibility for allowing your Government to continue a policy which created the conditions under which human nature has so fearfully sinned?

Mr. Chairman, ordinarily in civilized warfare about three or four and occasionally five times as many men are wounded as are killed. That has been the proportion among our soldiers in the Philippines. The proportion among the Filipinos has often been four times as many killed as wounded and sometimes ten times as many killed as wounded. No mind can conceive and no heart appreciate the tragedies concealed in those startling proportions. God pity the men who kill or torture wounded and captured enemies and make needless anguish for widows and orphans, and God pity those who justify or palliate such inhumanity.

So widespread has the spirit of cruelty become among our officials that in court-martial trials for some offenses I have named acquittals have resulted almost as of course. When right is ignored, civilization so soon degrades that officers heretofore kind hearted and humane have performed or approved deeds of startling depravity. Permit me to leave this harrowing phase of our conduct across the Pacific, which has been an offense not only to the Filipinos but to ourselves, our Army, our people, and all humanity, and which can not be justified by reciting the savage deeds or recalling the bitter prejudices of either side during the civil war between our States.

Mr. Chairman, it seems to me that every clear-thinking man must believe that we are engaged in a business that is wrong and that we ought to get out of it as soon as a stable government can be established there and ought to let the people of those islands know that we are willing for them to assume an independent station among the nations of the earth and work out their own destiny as to them shall seem best. Sirs, the Republican party must believe that, but finding itself in an embarrassing position it has not the moral courage to take a manly way out of it, but remains in it, cringing before the Shylocks and gold hunters. It is not power, nor force, nor judgment that is lacking, but it is moral sentiment and moral courage. In order to do right the Administration needs the command of the people.

However plain may be its duty to change its course, it will not, except under compulsion by the American voters. The Administration has wonderful pride of opinion and of position, but not the strong sense of right sufficient to enable it to adopt a better opinion or take a better position in the face of temporary humiliation which may attach to the change. The noblest, manliest thing a mortal man can do is to change from the wrong to the right. Will the American people permit a continuation of the present Philippine policy out of respect to the false pride of the Administration, or will they require that their wishes and their judgment, calm, clear, and pure, be pursued by their Government?

Mr. Chairman, we can hold those islands and survive. We can take their lands and goods and still eat, drink, and be merry. We can year after year send noble young men from this country to take the places of those who fall in battle or succumb to the diseases of that torrid climate. We can maintain an army there sufficient for any purpose. We can tax the American people far more than they have ever felt for the luxury of the sin of imperialism. We can magnify the fighting arm of the Government at the expense of peaceful ideas. We can do all this and more,

and yet possibly escape for some generations the fate of other nations that sinned, but even then we would no longer be the country our fathers bequeathed to us.

Ponce de Leon searched in vain in the tangled wilds of Florida for the fountain of perpetual youth for men. Our fathers searched amid the mingled doctrines of all nations of every age and the principles of all hearts for such a fountain for government, and found it, we believe, springing from the mountain side of everlasting right in a government of the people, for the people, by the people, and as a never-failing guide to its waters they established the Declaration of Independence. Most nations die as most men die—from internal causes. We might oppress the Filipinos forever; we might destroy their 10,000,000 people and annihilate every product of their hands, so that no evidence of them should remain on earth; we might sacrifice 10,000 American men annually over there and pay out $200,000,000 annually in the business without necessarily destroying the American Republic. That is possible only in the event that it had no resultant effect here. In order to fatally harm us it must affect us internally with a malignant disorder.

The gradual loss of money and blood would weaken us, but the worst would not be the loss of money and blood. Those who plunder there would plunder here; those who wish to rule the Filipinos against their consent will wish to rule us against our consent; cruelty there will result in cruelty here; despotism there will mean despotism here; contempt for human life there will mean contempt for it here; those who will deny liberty to them may deny it to us; to magnify the army there is to magnify it here; a man who will steal there will steal here; the spirit of plunder, despotism, and cruelty will pervade our Government in its relations to us and our children if it pervades it in its relations to others.

So these resultant effects of a colonial policy I fear will be the poison that will in the years to come destroy our children's liberty and inflict upon them by slow processes a tyrannical government, in which the great trust magnates of the future shall more boldly oppress the people under a form of government in which they will be the privileged class, and whose source of strength will be not in the love and respect of the people, but in the power and dread of the armed soldiery and glittering steel.

Mr. Chairman, there is nothing that more plainly demonstrates to us the consciousness of wrong on the part of the Administration and its defenders than its methods of reply to our arguments. We mention cruelty, against which every true soldier revolts, and they pretend that we attack the Army. We would preserve the honor of our Army by having its torturers and criminals punished and dismissed in disgrace and having its conduct honorable, but when we condemn the atrocities of heartless officers and men under our flag, they pretend to regard it as an assault upon the entire Army.

They can not deceive others by their false pretenses. They know that we honor the Army, rejoice in its victories, sustain it wherever it goes, and constantly vote it supplies, but we will not disgrace ourselves by approving the crimes committed by its members in our name. They would have us keep silent, deny ourselves the freedom of speech so essential to justice and to liberty, and have the people to remain in ignorance of much which has been done for them in the Philippines. They criticise those of us who look the facts squarely in the face and speak boldly about them. They have even spoken of hostility to our Army and even hinted at disloyalty, but they will learn that contemptible criticism of free speech, false charges, and bitter calumny against those of us who believe in American principles, in truth, in right, in liberty to all mankind, can neither intimidate us, deceive the people, nor strengthen their own position.

The people I have the honor to represent want to know the truth at any cost. "Ye shall know the truth, and the truth shall make you free." The Administration and its policy are not so far above the people as to be exempt from their vigilance and criticism. Our people have never recognized the tyrant's claim that "the king can do no wrong." It was a despot, Louis XIV, who exclaimed, "I am the State; my enemies are the enemies of France." A free people's executive has never arrogated to itself the incarnation of righteousness or regarded the criticism of the people as disloyal. In all governments there is a tendency to usurp powers and privileges, but never before has the executive department of a republic deemed censure of itself as hostility to the people.

Another evidence of weakness of their position is the constant endeavor on their part to shift the responsibility of their policy from themselves to Providence, and sometimes they seem to think it unassailable if supported by the assertion that it was the policy of our late assassinated President. Throughout all ages hypocrits knowing the deep religious feeling of good men have ever sought to enlist the favor of the people for measures they could not otherwise defend by declaring that Providence had the matter in charge. Usually the manifestations of Providence are not in the exclusive visions of the powerful or discernible only to aggressors.

The afflicted, the weak, the downtrodden, the meek and lowly have fortunately been blessed with the power to know the presence of Providence. I would expect Providence to be on the side of suffering humanity praying for deliverance, on the side of struggling liberty begging for existence, on the side of appealing justice pleading for sympathy, and not always on the side of greed and pomp, of power and oppression, or as a great conqueror claimed, "on the side of the heaviest artillery." For one, as a believer in the Bible and in the holy doctrines of Jesus of Nazareth, I deny that the Administration has produced any satisfactory reason for proclaiming that their policy is under the guidance of Providence.

Instead of appealing to facts, of adducing argument, of reciting the Declaration of Independence, of speaking of man's natural rights and of his love of liberty, of man's universal brotherhood, and other matters that ennoble and convince, the Administration itself has resorted to the acts of the demagogue and pettifogger. It has denounced the policy of the Democracy as "snarling criticism." This was to arouse the prejudice of its partisans without enlightening their understanding. It is the method of error writhing under the lashings of truth, and is evidence of despair as they face the people in the ensuing campaign. But, sirs, if the Secretary of the Navy has spoken of "snarling criticism," the President himself has, perhaps for the same purposes, and certainly as an evidence of the same weakness in argument to support his policy, more widely transgressed the rules of reason and debate.

On a great occasion, in a place dedicated to the memory of heroes, around which the tenderest and most patriotic sentiments cluster, President Roosevelt, in a memorial address, took occasion to endeavor by references to lynching in the United States to either distract attention from the cruelties practiced in the Philippines or to unjustly criticise those who have spoken about them, or both, while at the same moment he declared that these lynchings are no excuse for such cruelties. It is hard to understand the partisan mind that can compare a Filipino, killed or tortured because he wants his country to be free, and a brute lynched because he assaults a woman's virtue. Did any other official of such dignity in all the world ever resort to such speech?

He told the old veterans of the Union Army gathered there before him that those who "foully slandered" them in the civil war "had their heirs to-day in those who traduce our armies in the Philippines." It is remarkable that the President, a generation removed from the civil war, whose duty is to create a spirit of fraternity throughout our land, should revive its bitter memories, and in his imagination conceive traducers in order to silence criticism of his indefensible Philippine policy. It is hard to believe that such speeches will strengthen him in any section of the country, but probably he thought so, and I admit his right to look out for his political future. Such speeches are not made for that section of the country where it is safe to rely upon offices to gather the entire strength of his party, and both sections may be of use to him hereafter. He failed to specify a single instance of slander or traduction of our army in the Philippines. A man of straw he made and attacked with strenuous vigor. To such straits are the defenders of colonialism driven.

Mr. Chairman, the people will have the facts. Power and place and intimidation can not limit their minds or bind their consciences. Free speech may be criticised and honest patriots may be denounced, but our countrymen will think, they will consider well what touches them and their posterity, they will reason as free men about it, and fear can not divert their hearts from striving after what is pure and fair and just and right.

I believe there is a spirit of universal right that binds together the good deeds and worthy enterprises of the world, that inspires noble conduct and virtuous living among men, that resists vice in private and corruption in public life, that lifts up the fallen and protects the weak, that cheers the upright and confounds the wicked, that creates liberty and destroys tyranny, that engenders hope, and honor, and sympathy, and love, and teaches all mankind to reverence the mercy and goodness and wisdom of Almighty God.

In solving this Philippine problem we appeal to the intelligence of the American people to discern this spirit of right and to their consciences to sustain it. [Loud applause on the Democratic side.]

Mr. Chairman, I shall append to my remarks some publications.

APPENDIX No. 1.

PRIVATE WEIR'S LETTER.

BALAYAN, BATANGAS PROVINCE, LUZON, P. I., *April 10, 1901.*

MY DEAR UNCLE: You are a free American citizen, and as such you are entitled to know how our government is carried on. I have something to

inform you about. It is the terrible cruelty practiced upon Filipino prisoners by American soldiers in these islands. First, I want to know if the Constitution of the United States and international law does not prohibit torture.

We soldiers are representatives of a civilized nation sent out to these islands to "civilize" a so-called lot of savages. These people are not nearly so uncivilized as is supposed. You probably have read about some of our men being put to death by horrible torture, but what can you expect when we do equally as bad to our prisoners?

Has any court the right to force any prisoner to confess, no matter how many crimes the prisoner is supposed to have committed? When I say force I mean to force by torture. The Army of the United States in the Philippines is representing the law of the United States. But whether or not it is proper to torture a man it is done anyway, and under the orders of commissioned officers.

I have heard men of other regiments make their boasts of how they have made captured insurgents tell where their arms were, but never witnessed the torture but once.

The instance that I have reference to occurred about two months ago. I told the officer that he had to stop it or I would report him to higher authority. He said he would not practice it any more, so I never informed on him; but now I have information about him doing the same, and even worse, nearly every day.

While I was one of a detachment of 24 men doing garrison duty in the town of Pasay, 3 miles from Manila, a native man about 21 years of age was arrested and accused of being a murderer, highway robber, and accused of rape. Now, whether the man was guilty or not I do not know, but anyway Lieut. F. T. Arnold, for he was the officer in command, gave orders to Sergeant Edwards, both of Troop H, Fourth Cavalry, to take the man to the basement of our quarters and get what information he could out of the man.

So Edwards took the man and asked him if he had any information to give. The man had none. Edwards said to the rest of the soldiers who had congregated to witness the "fun" that he would have to commence operations. The prisoner was stripped naked and laid on his back on the bare floor. He was then given the "water cure." A rough stick about 8 inches long and a half inch in diameter was put between the man's jaws. A soldier held the man's head down by pressing on the ends of the stick. Another sat on the man's stomach, and still another sat on the man's legs. Edwards had a bucket of water at hand. Water was poured down the man until it was vomited up. It was then repeated.

This water cure must be a terrible torture alone. The man heaved and begged for mercy, but to no avail. While down he was whipped and beaten unmercifully. He was then stood up and asked to confess. He did not. He was then beaten and clubbed again. I do not think that a square inch of the man's body was left untouched. He was kicked. A rope was then thrown across a beam. The man was strung up by the thumbs. Another rope was tied to his ankles and his feet jerked from under him. While up he was beaten.

All this time I was a looker on. I hoped that the punishment would stop. I dared not interfere. But when the man was strung up by the neck I could stand it no longer, so I went to the lieutenant. Before I went to him I did not know that he had given orders to Edwards to torture the man if he did not confess. I told Arnold that I was an American and that there was something going on at the quarters that I could not stand. He jumped all over me and asked if I was not making myself very busy. I said I was not; that such carryings on were against all law.

He said, in a very sarcastic manner, that I knew such a lot about law. He said that a lot of men in the Army, especially volunteers, think that they know how to run an army, but they do not. He said: "Now, when I give a man to Sergeant Edwards, I want information. I do not know how he gets it, but he gets the information anyway." He said that these people have no feelings other than physical and should not be treated as human beings. I told Arnold that I did not come to get anyone in trouble, but merely to have the torture stopped; that if it were not stopped I would report the matter to higher authority.

I was then threatened with court-martial for insubordination. About this time Edwards came in and said that he had succeeded in making the man tell where the money was. Arnold told Edwards to take the man with him and get the money.

I told Arnold that as the torture was finished I would not report the matter if it were not repeated. He promised not to do it again. I then left him.

The prisoner did not show where the money was. He had only said that he would show the hiding place to have the torture stopped. Three weeks later the prisoner was released. Now, that was criminal of Arnold. If the man was guilty he should not be released. If guilty he should not be tortured anyway.

The rest of the time that I was with the detachment under Arnold no torture was committed that I know of.

Now, Arnold has a detachment of 20 men at Calaca, 7 miles from here, Men that are under him now have told me that Arnold is having men tortured the same as before and other ways besides. This is one of his new ways: A strip of flesh is cut just above the ankle of the prisoner; it is then attached to a stick; the stick is coiled with the strip of flesh. Imagine the torture the poor man must endure! I am told that when Arnold is out looking for some criminal or suspected insurgent he will grab, or have his men grab, any native and ask for information.

If a man gives no information, he is put to all kinds of torture. I saw the man that was cut at the ankle. I was over at Calaca the other day. He had his leg all bound up and was out in the road with other prisoners working.

Last week a part of this troop, a part of the Calaca detachment, and some of the soldiers from Taal were out in the mountains. I was not along, but have been told by several men that Arnold had his men take an old man to a stream and keep him under water until the man was unconscious. This was because the old man did not give certain information that he was supposed to possess.

Men of H Troop have told me that they have known Arnold to have a man tied to a saddled horse. A few feet of slack was allowed. A man was then mounted on the horse and told to gallop down the road for a mile and then back. If the prisoner could run as fast as the horse, it was all well, but if he could not he had to drag. Arnold has had this done several times, and more than once the prisoner was dragged.

Now, I have witnesses for all that I have written about, and should there ever be an investigation of this I will be perfectly willing to be put upon the stand. I know other men that would be willing to do the same.

I believe that most of the officers and enlisted men in the Army are humane, but those that practice what Arnold has should be brought to justice.

It would do me no good to report this matter through Army channels, as it would only be hushed up, and then I would get the worst of it.

Now, I am writing this letter to you; you are a close relation of mine, and for that reason I believe I can write anything. I think that you should bring this before the proper persons.

Lieut. Frederick T. Arnold was appointed to West Point from Iowa in 1893. He graduated from West Point in 1897 and was commissioned a second lieutenant in the Sixth Cavalry. He is now second lieutenant of Troop H, Fourth Cavalry.

I hope that the proper people of the United States will take hold of this case and have all torture in these islands stopped.

Well, my dear uncle, as I have already written so much on this subject, I will not write about other subjects. I am in fine health, and hope that you are the same. Give my love to all.

I remain, your loving nephew,

ANDREW K. WEIR, JR.,
Troop C, Fourth United States Cavalry, Balayan, P. I.

APPENDIX NO. 2.

CAPTAIN WEST'S REPORT.

OFFICE OF THE INSPECTOR-GENERAL,
DEPARTMENT OF NORTHERN LUZON,
Manila, P. I., August 27, 1901.

The ADJUTANT-GENERAL DEPARTMENT OF NORTHERN LUZON.

SIR: I have the honor to submit the following report of the investigation made by me into the complaint of Private Andrew K. Weir, Troop C, Fourth Cavalry, against Lieut. F. T. Arnold, Fourth Cavalry, in regard to the cruelties practiced by Lieutenant Arnold upon native prisoners at Pasay and Calaca, Luzon:

Sergt. George Schurman, Troop B, Fourth Cavalry, stated that he had witnessed the punishment of the prisoner at Pasay and that the facts were correctly stated in Private Weir's letter to his uncle. The prisoner was choked, beaten, hung up by the thumbs, and then by the neck, and given the water cure, and was whipped with rattans, this whipping being so severe as to bring blood on the prisoner's legs. That this punishment was all inflicted by Sergeant Edwards and three native policemen.

Private George Bowers, Troop B, Fourth Cavalry, stated that he had only heard of the punishment of the prisoner at Pasay. I believe this man knows more about the cruel treatment of prisoners at Pasay and Calaca than he stated, but the departure of his troop for the United States prevented me from examining him thoroughly.

Private James B. Barry, Third Cavalry, formerly of troop B, Fourth Cavalry, stated that he witnessed the treatment of the prisoner at Pasay and that it was brutal. He corroborated the statement of Private Weir in regard to this prisoner's treatment.

He stated that Sergeant Edwards often talked of the way he had beaten native prisoners. He stated that while corporal of the guard near Taal he had charge of about 50 native prisoners and that he had orders to turn them over to Sergeant Edwards whenever he wanted them, and that Lieutenant Arnold told Sergeant Edwards in his (Barry's) presence that he could take them out whenever he wanted to and to get what information he could out of them, and that Sergeant Edwards and the native scouts frequently took out one or two prisoners and would keep them out from half an hour to an hour. He did not know whether or not they were badly treated while out with Sergeant Edwards.

Corpl. George E. West, Troop B, Fourth Cavalry, stated that while corporal of the guard at Calaca he had seen native prisoners brought to the guardhouse whose shins looked like they had been rubbed with a stick, but he did not know how they got in this condition.

Corpl. S. J. Peterson, Troop B, Fourth Cavalry, stated that he did not know personally that native prisoners had been cruelly treated, but the general impression among the men at Calaca was that Sergeant Edwards was torturing these prisoners, and had Lieutenant Arnold's permission to do so.

Corpl. Charles Austin, Troop B, Fourth Cavalry, stated that he was stationed with the detachment at Calaca under command of Lieutenant Arnold, and that his (Austin's) quarters were very near where the scouts under command of Sergeant Edwards lived; that he had seen Sergeant Edwards take native prisoners from the guardhouse to the scouts' quarters and shortly thereafter heard cries and groans coming from these quarters; that he saw them take one prisoner from the guardhouse to the scouts' quarters, and when he was returned to the guardhouse his shins looked as though they had been scraped with a stick. He did not know whether or not Lieutenant Arnold knew that prisoners were being badly treated, but the impression was that he knew all about it.

Private John Tuck, Troop B, Fourth Cavalry, states that while stationed at Calaca he had seen, through the windows of the scouts' quarters, prisoners being whipped with rattans by Sergeant Edwards and the scouts; that while on detached service near Calaca with Sergeant Edwards and the scouts he saw them abuse and beat an old man and made them stop it; that Sergeant Edwards took the prisoner off into the brush after this, and he (Tuck) heard two shots, and then Sergeant Edwards came back without the prisoner and stated that he had had a fight with the prisoner and showed where he had been bitten on the arm and said, "He will be down there a long time." Private Tuck did not know if the prisoner had been killed nor whether Lieutenant Arnold knew about the prisoners being badly treated.

Private James M. Whitney, Troop B, Fourth Cavalry, stated that he was a member of the detachment at Calaca under command of Lieutenant Arnold, and that while in the scouts' quarters one day he saw a native prisoner on the floor, and that the prisoner was bucked and the scouts, in the presence of Sergeant Edwards, were rubbing the prisoner's legs with a broomstick, and that this treatment was brutal; that while on detached service with Sergeant Edwards and the scouts near Calaca he saw them beat a native in a brutal manner; that Sergeant Edwards told him that Lieutenant Arnold knew all about the way the natives were being treated. Private Whitney stated that Privates Reeves and Graham, of Troop C, Fourth Cavalry, could tell all about the inhuman treatment of prisoners at Calaca.

I was informed that Privates Fielding, St. Clair, and Taylor, of B Troop, Fourth Cavalry, could also give testimony on this subject, but the departure of the troop for the United States prevented me from finishing this investigation.

I believe that a thorough investigation into this matter will substantiate the charges made by Private Weir, that prisoners were treated in a cruel and harsh manner and that Lieutenant Arnold winked at this treatment.

Very respectfully,

P. W. WEST,
Captain, Fifth Cavalry, Inspector-General Department of Northern Luzon.

APPENDIX NO. 3.

[Extract from the Washington Post of June 19, 1902, relating to General Smith's order and trial.]

The record, which the President has received, contains the exact language of the admissions made by Colonel Woodruff, counsel for General Smith, in regard to the orders which the latter officer issued to Major Waller, United States Marines. The charge was "conduct to the prejudice of good order and military discipline," and it was supported by this specification:

"In that Brig. Gen. Jacob H. Smith, U. S. A., commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in

regard to the conduct of hostilities in the island of Samar, P. I., to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, P. I., in language and words, to wit:

"I want no prisoners" (meaning thereby that giving of quarter was not desired or required), and "I wish you to kill and burn. The more you kill and burn the better you will please me," and "the interior of Samar must be made a howling wilderness," and did give further instructions to said Major Waller that he, General Smith, wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller, asking for an age limit, designate the age limit at 10 years.

"This at or near the island of Samar, P. I., between the 23d and 28th days of October, 1901."

SMITH'S PLEA AND ADMISSIONS.

The record then gives General Smith's plea to the charge and specifications, which was "not guilty." Colonel Woodruff's statement, which was partially cabled at the time it was made, is then given in full as follows:

"The accused desires to simplify this case as much as possible, and admits that he was commanding general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country; and did further instruct him that the interior of Samar must be made a howling wilderness; and did further instruct him that he wanted all persons killed who were capable of bearing arms and were actively engaged in hostilities, and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities and were equally dangerous as an enemy as those of more mature age."

The record then shows that the judge-advocate asked this question:

"Does the accused admit that as his statement?"

"I do," was the response of General Smith.

Mr. COOPER of Wisconsin. I yield to the gentleman from Pennsylvania [Mr. MAHON] twenty minutes.

Mr. MAHON. Mr. Chairman, as to creating a civil government in the Philippine Islands—upon that matter if I have anything to say, I will print it in my remarks under the general leave. I make the declaration that whenever a Democrat shrieks and howls throughout this country that these people are fit to govern themselves, he can not convince the American people, because any American, or any man in the House or Senate, who has read closely the history of the Philippine Islands and the conditions surrounding them, if he has any common sense left, knows that they are not yet fit to assume independence. It is a great problem, but our Government will solve it in the interest of the people of the islands. But under this cloak of liberty for the Philippine people the Democratic party and the Democratic press are trying to throw a stigma upon the American Army in the Philippines and upon the magnificent officers who have charge of it.

Now, Mr. Chairman, there are a great many on the Democratic side of the House too young to know about, or if they have read of the cruelties practiced in this highly civilized and Christianized nation of ours, they have forgotten or never read about them. I propose to supplement the few remarks made by the gentleman from Ohio [Mr. GROSVENOR] as to what was done in this country during the years from 1861 to 1865. I do not defend any cruelties practiced either by officers or men, where they can be avoided. I am not here to rake up the fires of the past, but simply want to quote a little of our war history. I shall quote the history of a people engaged in a war who claim to be a highly civilized, educated, and Christianized people, and show what went on in this country and what is going on in the Philippine Islands is not worth mentioning in comparison.

Now, Mr. Chairman, I propose to show the outrages and inhuman treatment perpetrated by the Confederates during the war of the rebellion from 1861 to 1865, alongside of which the few scattering irregularities and offenses committed by our Army in the Philippine Islands sink into insignificance. So that I may be correct, I quote from an official document, printed as Report No. 45, House of Representatives, Fortieth Congress, third session, same being a "Report on the treatment of prisoners of war by the rebel authorities during the war of the rebellion." This report is made up from testimony from the following sources:

First. The sworn and unsworn testimony of prisoners in narrative form.

Second. The testimony of Union officers and soldiers.

Third. Testimony of rebel officers and soldiers.

Fourth. The testimony of citizens residing in the vicinity of Andersonville.

Fifth. Medical testimony derived from Union and rebel sources.

Sixth. Documentary evidence from rebel sources.

Mr. RICHARDSON of Tennessee. From what is the gentleman reading?

Mr. MAHON. I am reading from the report of the treatment of prisoners of war by the rebel authorities—a document of the third session of the Fortieth Congress.

Mr. RICHARDSON of Tennessee. Does not the gentleman know that there was a greater percentage of deaths of Confederate prisoners in Northern prisons than of Federal prisoners in Southern prisons?

Mr. MAHON. I will give the gentleman the facts about that, for I have the data right here.

STATISTICS OF MORTALITY—COMPARISON BETWEEN UNION AND REBEL PRISONS AND PRISONERS.

While a partial result only can be given of the total number of deaths of Union prisoners occasioned by prison treatment and the various incidental causes already described, even where the hospital and other returns have been procured, by reason of the subsequent mortality of the survivors who lived to reach our lines and which has been alluded to elsewhere, the committee will endeavor to approximate the ratio of deaths as compared with the whole number imprisoned on each side.

Let us take Andersonville:

Whole number of prisoners confined at Andersonville	40,611
Deaths from February 24 to September 21, 1864 (seven months)	9,479
Per cent of mortality	23.34

Or nearly one-fourth of the whole number of prisoners confined there.

The War Department estimates that 20 per cent should be added to this mortality for reasons stated in the accompanying report, among which is the fact that the deaths were not all recorded. The committee accept the estimate as very nearly correct. This is shown in part by a comparison of the record with the number of graves of Union prisoners there ascertained by actual count. For instance:

Number of deaths shown by record	12,631
Number of graves	13,705
Difference	1,074
Per cent of difference (nearly)	8

There are other causes stated in the report of the Department which swell this per cent.

Again, the condition at Andersonville in the month of August, 1864, according to Confederate reports, was as follows. The report of Captain Wirz shows:

Prisoners on hand	31,678
Died during the month	2,993
Average daily deaths (nearly)	100
Monthly per cent of mortality	9.45
Yearly per cent of mortality	113.40

At Salisbury, from September, 1864, to February, 1865 (five months), the condition was as follows:

Number of prisoners confined	10,000
Deaths during that time	5,000
Per cent of mortality	50

At this prison 12,112 prisoners died during its occupancy. "My squad," says one witness, "numbered 100 men on the 6th day of December, 1864, and when we came out from there on the 22d day of February, 1865, we drew rations for 28 men, 61 of the number having died, the remaining 11 having been transferred to other prisons."

At hospital No. 21, Richmond, according to the statement of Dr. Jones, a Union prisoner, who was hospital steward at "No. 21," the mortuary result was:

Union prisoners admitted in three months	2,700
Deaths during that time	1,450
Per cent of mortality (nearly)	50

The prisons at Florence and Belle Isle, with others, would show a mortality approximating that in the prisons above described. We know the causes, and Dr. John C. Bates, Confederate surgeon at Andersonville, says in his testimony: "I feel myself safe in saying that 75 per cent of those who died might have been saved had these unfortunate men been properly cared for as to food, clothing, bedding, etc."

COMPARATIVE STATEMENT OF MORTALITY.

The report of the War Department shows the following captures by the Confederate forces:

Federal officers		7,092
Enlisted men		179,091
Union citizens		1,962
Total		188,145
Of these there were legally paroled and exchanged	154,330	
Illegally paroled	1,143	
Total paroled and exchanged		155,473
To be accounted for		32,672

As the statement of the War Department consolidates the Federal prisoners paroled and exchanged, the committee are unable to determine from this source what proportion of captives were actually confined in rebel prisons. But the Federal authorities paroled 10,514 in excess of one-half of their captives. Let us then take this proportion of one-half as the basis of our calculation, assuming (although it gives undue advantage to the rebels) that the rebels paroled one-half of their prisoners. This would leave us the following result:

Total number of captures by rebels	188,145
Number paroled, estimated at one-half	94,072
Number actually confined in prison	94,072
Number of deaths in Confederate prisons, ascertained by the graves	36,401
Per cent of mortality in rebel prisons	38.70
Per cent of mortality of entire rebel captures	19.35

Let us compare this with the mortality of rebel soldiers captured by the Federal armies:

Total number of captures by Federals	476,169
Paroled	248,599
Number actually confined in prison or left as prisoners of war in our hands	227,570
Mortality of Confederate prisoners, ascertained by the graves	30,152
Per cent of mortality in Federal prisons	13.250
Difference per cent in favor of Union authorities	25.450
Per cent of mortality of entire Union captures	6.350
Difference per cent in favor of Union authorities	13.020

If the mortality of rebel prisoners captured by the Union forces had equaled that of Union soldiers captured by them, taking the whole number of captures as a basis of calculation, the deaths among the 476,169 Confederates in our hands would have been 92,000 instead of 30,152; or, calculating it upon the reduced basis of the prisoners retained in custody on both sides, to wit, 227,570 Confederate prisoners in our hands to 94,072 prisoners in their hands, the mortality would have been 88,000 instead of 30,152. Instead of this the mortality is reversed, and out of 94,072 prisoners in confinement by the

rebels 36,401 died, while out of 227,570 in the hands of the Federals only 30,152 died. In other words, nearly 2 out of 5 or 40 of each 100 died in their hands, while 1 in 17 or 6 of each 100 died in ours.

This showing makes the difference of mortality nearly seven times as great among the prisoners in their hands as among the prisoners in ours.

Now, Mr. Chairman, of course we all know that General Sherman said that "war is hell." And for this purpose I simply wanted to call the attention of the House to these facts. I have read only a part of this report. It embraces the evidence of Union prisoners and also of men who were in the Confederate service, both officers and privates. It tells of cruelties inflicted at Andersonville, at Salisbury, and Belle Island. If any man will sit down calmly and read this investigation, he will come to the same conclusion that I have reached—that is, you might search all the passageways and all the caverns of hell itself, and the devil and all his friends would be at a loss to conjure up and inflict upon the unfortunate inhabitants in those regions such tortures as were inflicted upon our men in Andersonville prison and other Southern prison pens.

TREATMENT OF PRISONERS AT TIME OF CAPTURE.

In striking contrast with the uniform kindness of Union soldiers to their captives taken in battle was the treatment experienced by our officers and men immediately upon falling into the hands of the enemy. The harsh and brutal conduct of the rebels toward their unfortunate prisoners furnishes a constant and leading theme for the denunciation of the survivors. It commenced usually by unmanly jeers and taunts unworthy the character of a soldier and undeserved by the heroic men who had been compelled to yield to the fortunes of war. This was followed by a rigid and humiliating search of clothing and person, sometimes taking place on the field of battle, sometimes postponed until the arrival of the captive at the first prison station. This search was renewed as often as the caprice of cupidity of the officer might dictate. Such searches were but the admonition of robbery. Surplus clothing, oftentimes necessary clothing, watches, money, everything of value, was seized and appropriated by the captors, and even the keepsakes of the soldiers were unrespected by these military robbers.

Pictures of wife and children, father or mother, brother or sister, of no value to the stranger, but inexpressibly dear to him who was to linger for months in hopeless confinement, were wantonly torn from their possession and made the subject of ribald jest and ridicule.

In ancient times the custom of robbing prisoners of their private property was very common and was a much less offense than violence inflicted on their persons. The private property of prisoners of war should be respected. The prisoner, being at the time of his capture in the legitimate and commissioned service of his government, and the captors bearing the same relation to theirs, both parties are the agents of their respective governments and their private property is in no way involved in the contest and should not be seized and converted to the public use, because in a public war there is no contest between private individuals and the opposing governments. Nor should it be seized by the captors for private use, as both are agents and in any other than the character of soldiers meet on equal terms, and the act would become a robbery which the individual captor commits with the power if not sanction of his government. This would place the civilization of this age back of the fifteenth century, and authorize private wars and captures, with the attendant troubles of that class of paroles and ransoms which embarrassed the age of chivalry.

Well-organized governments regulate and settle the relations and difficulties between the citizens of their respective jurisdictions by public authority, and will not use public power to wrong or rob individuals. All public property or contraband of war found in possession of prisoners should be seized by the captors on behalf of their government, but that which belongs to them, such as clothing and money, even if taken to prevent its improper use, should be returned again in good faith.

The United States Army Regulations of 1861, pages 107 and 108, provides as follows:

"745. Prisoners of war will be disarmed and sent to the rear, and reported as soon as practicable to the headquarters. The return of the prisoners from the headquarters of the Army to the War Department will specify the number, rank, and corps.

"746. The private property of prisoners will be duly respected, and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each, without regard to rank, and the wounded are to be treated with the same care as the wounded of the Army. Other allowances to them will depend on conventions with the enemy."

Early in the war the enemy observed the idle ceremony of making a list of the property seized, professedly for safe-keeping and restoration, but instances where any were returned are extremely rare. Even in the few cases where money was restored, Confederate scrip, nearly worthless, was substituted dollar for dollar for the money of which the soldier had been robbed. It will be found that this practice met the severe animadversion of the inspecting officer of rebel prisons, but their recommendations for a change in its practice seem to have been entirely disregarded. It seems that after the second year of the war even this formality was almost or entirely abandoned, and prisoners were not only robbed of money, surplus clothing, and valuables, but were often deprived of coats, shoes, and hats, and in many cases stripped of everything but shirt and drawers, until at last the rebel captor came to regard his Union victim as one who, even as a prisoner of war, had no rights which a rebel was bound to respect. The testimony will be found replete with instances of the actual truth of this assertion, evincing a spirit of fiendish cruelty shorn of all just regard for the rights of the living, as it was destitute of all respect for the persons of the dead.

This search and robbery of prisoners was sometimes accompanied by the most cruel violence. In the early part of the war the demand for the surrender of valuable articles was freely complied with, but after learning from the testimony of others the failure of the rebel authorities to make restoration of the property which had been given up, and learning the importance of having money and clothing during captivity, efforts were naturally made by our men to conceal their valuables before or after capture. The detection in these attempts was constantly followed by punishment of a cruel and sometimes of a revolting character. Some of the most aggravated cases of beating and other personal violence were inflicted solely on account of this detection. The officers at Richmond, as shown by the testimony, became by practice specially expert in searching and robbing prisoners and detecting concealment. During the year 1864 a system of researching was in vogue in all the prisons, so that our officers and men were compelled to run the gantlet and submit to the indignity of a new search at each transfer from prison to prison. These outrages, so clearly in direct violation of the laws of war, and in turpitude and crime so nearly akin to the robbery of the dead, necessarily increased the helpless condition of our soldiers, depriving them of procuring the necessaries and comforts which might otherwise have been attainable, and rendering them a more easy and facile prey to the disease and death which spread their sable pall over the prison houses of the South.

Nor was the immediate cruelty inflicted thus early upon the Union soldier confined to robbery and personal violence. Instant and long marches, short rations, scarcity of water, and transportation fit only for beasts destined for the shambles were the common incidents of his early captivity. The facts disclose a cool and malicious disregard of the condition and comforts of the prisoners taken in battle and an evident intention on the part of the Confederate authorities to lose no time in the attempt to break them down in body and in spirit and render them unfit for future service to their country. Men wounded in the arms or body were forced to make long marches, guarded by cavalry, and when unable longer to keep pace with the column were beaten and cut with the sabers of their guard in order to force them forward, until they fell by the roadside dead, where they were often left unburied.

Prisoners transported on railroads through the South were almost invariably packed into close box-cars, the sick and well, the wounded and unwounded, from sixty to eighty huddled together in each car. These cars were often used for this purpose without cleansing, immediately after cattle had been taken out of them, and the excrement of the beast was the bed of the men. Insufficient guards were provided on such occasions, and the cars consequently kept closely shut, sometimes for several days in succession, the men not being allowed to leave them for any purpose. Such was the bitter and terrible preparation of the devoted soldier of the Union for his entrance into the charnel houses of Richmond and Andersonville.

The testimony shows the mode of search adopted and the ingenuity with which concealments were made. The prisoners were stripped entirely naked and their clothes examined, sometimes by cutting and ripping such portions as were supposed to contain secreted money and other valuables. This was followed by an exploration of the person, every part of which was closely examined for articles of value. These were sometimes found secreted in the hair, whiskers, mouth, ears, nose, or other parts of the prisoner's person. A detection was usually followed by severe punishment. Sometimes at the time of exchange a demand was made by the prisoners for the return of their money, but this was generally met with denunciation and oftentimes with violence. This deliberate and systematic robbery of defenseless men was pursued at Richmond in sight and hearing of the higher rebel officials and not far from the residence of Jeff. Davis. Sounds of revelry and carousal at the seat of treason could be heard by these wronged, robbed, and outraged prisoners as they lay on the bare floors of the buildings where they were confined, deprived by their inhuman captors of the barest necessaries of life.

The transportation of the prisoners in the crowded and suffocated condition which we have described was not the result of any necessity. It was caused by no forced retreat from a battlefield or any emergency of a similar character, but was the usual mode of transit of prisoners to and from stockades in the heart of the Confederacy. So horrible were the sufferings endured in these journeys that every possible effort was made by the prisoners to escape from the cars while in motion, and many cases are noticed where in the night, they succeeded in forcing open the door or in cutting holes through the sides of the car, and by that means attempted to escape, preferring to risk their lives in this forlorn hope rather than endure the tortures of travel. For many interesting recitals of these attempts, their failure and success, the reader is referred to the testimony of the witnesses. An instance of wanton cruelty occurred on the occasion of a squad of prisoners leaving Richmond early on a winter's morning, who, after a night of snow and rain, were compelled to march through the streets, many of them barefooted, their feet bleeding from wounds occasioned by the roughness of the road.

With an honorable foe the rules of civilized warfare obtain, and when an enemy falls into his power by capture or surrender he seeks to alleviate his sufferings to the extent of his ability. He becomes for the time his friend and protector as well as captor. But such was not the usual practice of officers and soldiers composing the rebel army, and here we have in this particular, as in many others, a striking contrast between the opposing forces in the late war. As a writer has said:

"The treatment of prisoners of war is a significant test of civilization in any people or nation. It is the only amenity that redresses a thousand violences engendered by belligerent relations, or it is the one cruelty that casts all others into the background. In proportion as we find a tribe or community advanced in human progress we are prepared to expect a sympathy for the weak or defenseless, and it is only in barbarous or savage life that we look for the torture of unarmed men or the abuse of noncombatants. Hence it is difficult to realize that a distinct and large portion of the American people should be chargeable with such enormities of prison maltreatment as have become matters of fact in history during four years of civil strife. And yet we are constrained by positive evidence to arraign the Government and citizens of the rebel States on charges of cruelty such as disgrace civilization and belie Christianity."

We close our remarks on this subject by an allusion to two prominent facts, which will be treated more at large in other parts of this report. We refer to the massacre of the troops by Forrest's command at Fort Pillow, and to the well-authenticated account of the murder and assassination of colored prisoners at the time of their capture in the field.

While the murder of these Union soldiers was more merciful than the starvation of the white troops, it was no less startling and striking in its development of the savage cruelty which seems to have usurped in the breasts of the Confederate officials the kindlier sentiments of humanity which among civilized people tend to assuage and mitigate the sufferings incident to war.

The sufferings of Union prisoners at Andersonville have never been equaled in intensity, duration, and magnitude in modern times.

The crimes of Andersonville are the crimes of the age in which we live. As it had no precedent or example, so it can have no counterpart in the future. We shall not enlarge upon the sickening and terrible details. We have spread out the testimony upon the record; let him who can contradict it, and search history for its equivalent.

That the causes which led to these sufferings were not accidental or inevitable in their origin, but were deliberately planned and were the direct results of human agency, ingenuity, malice, and cruelty.

Human foresight, though it had been the offspring of mediocrity, could have obviated and prevented the greater part of this terrible suffering. It is clear that abundance of fuel, timber, water, and rations could have been supplied by the rebels themselves with few and inconsiderable exceptions, and even had this been impossible the wants of the starving prisoners could and would have been supplied by the Government of the United States and the great organized charitable associations which from time to time sent supplies through the rebel lines.

Another remedy could have been applied—one which it was the duty of the Confederate Government, acting within the scope of military rules, to have resorted to—which was to parole the prisoners whom they could not care for properly and deliver at our lines or permit them to return to the North, instead of pursuing them with hounds and hunting them for recapture like beasts of prey in the forests and swamps of the South. But that was not the purpose, nor were these the motives which honor the humanity of the age.

The numerous expressions of hatred and cruelty which fell from the lips of the rebel officials, their extraordinary punishments, and the deadly assaults on the sick and helpless, the neglect more cruel than death, can have no solution except in the deep-seated malice whose fruits we have been considering.

That the responsibility of these horrors can not be restricted to the immediate agents in charge of the prisoners, but rests with irresistible weight on the higher officials of the Confederate Government, with whose knowledge and consent they were perpetrated.

ANDERSONVILLE PRISON.

It seems fitting and proper that in the special description of rebel prisons, upon which this report is about entering, the spot on which during the terrible year of 1864 was concentrated the greatest amount of human suffering the records of civilized warfare can present, and the name which, supplanting all others in our language, has passed into a synonym of the cruelty and atrocity of man, should first demand our attention. Andersonville was a representative prison. The mournful interest which now centers in its history and which must in the future attend the recital of its accumulated horrors has impelled your committee to bestow upon its origin and progress, its government and results, a leading attention, to examine with earnest care and to lay before the House a large amount of evidence drawn from all accessible sources.

In this respect its history will be found more extended and elaborate than that of other prisons, but your committee have been drawn to this latitude of investigation and remark by an irresistible sense of what was due to the importance of the subject. But it must be confessed that before this appalling monument of the cruelty of man, and in the contemplation of the surrounding horrors which the victims of rebel barbarity have spread before us in the solemn utterances of their sworn statements, all power of description stands abashed or retires from the hopeless task of painting the unutterable sufferings and atrocities of Andersonville. It was here, in what was once the "Empire State of the South," that the victims who fell by starvation and murder at the hands of the Confederate authorities approximated closely in numbers the victims who were sacrificed by the Spanish Inquisition, through long centuries of persecution and woe.

Strange and appalling as it may seem, such was the result, well authenticated and irrefutable, of the twelve-months' confinement which our soldiers endured in this model prison house of the Confederacy. This mortality was not the result of sudden and fearful accident or startling casualty, but ensued through long, lingering, cruel sickness, punishment, madness, and suffering almost too terrible for relation. The protracted horrors of Andersonville are the significant features which arrest the mind at every step of this investigation. No cessation of suffering, no episode of relief furnishes its chapter in this terrible history. To the barbarous treatment of the warriors of Algeria by the Government of France there was, at times, a pause; to the cruelties of British India there was a cessation; to the tragic night of the Black Hole of Calcutta succeeded a morning of relief, but from the cruelties and horrors of Andersonville there was to the suffering heroes of the Union no relief but death; death by neglect; death by starvation; death in the land of the stranger at the hand of felon rebels; a lingering and horrible death, terrible to contemplate, and which came at last a sole reward of bravery, patriotism, and Christian fortitude.

The general descriptions of Andersonville prison have been frequent, and are familiar to many readers, while the vivid relation of personal sufferings endured within its walls have been spread broadcast throughout the land. The description which this report seeks to furnish must be largely divested of the interest with which the relations of personal experience serve to clothe the narrative of their sufferings, but following closely the statements of the witnesses who have been examined, must necessarily, in other respects, bear a marked resemblance to those which have preceded it. And your committee beg leave to say that they have not hesitated to make free and ample use of all the well-authenticated and truthful sources of information furnished by the concurrent history of the time, as well as the special evidence which it has been their duty to collect.

The Andersonville prison was situated about half a mile distant from the station which furnishes its name, on the Southwestern Railroad, leading from Macon to Americus, about 65 miles southerly of the former city. It originally consisted of a few buildings used for storing commissary and quartermaster supplies in the possession of the rebel authorities. Its location was selected in the latter part of 1863 by Capt. W. S. Winder, a son of the rebel general, J. H. Winder, after the rejection of several places more suitable to the health and comfort of the prisoners, and with the intention, as is asserted, of building a pen for the "damned Yankees where they would rot faster than they could be sent." In January, 1864, a stockade was here erected of pine logs, about 20 feet in height, inclosing an area of some 17 acres. To this was given the name of "Camp Sumter." In the following July this inclosure was enlarged to afford room for the confinement of an increased number of prisoners, which was accomplished by extending the old stockade some 40 rods to the north, the work being performed by the inmates of the prison.

With this addition the stockade inclosed 23½ acres lying in the form of a parallelogram, with the surface somewhat depressed in the center, the elevations being at the northerly and southerly ends. Across this parallelogram from west to east, and about one-third from the distance to the southerly end of the stockade, ran a sluggish stream of water 6 feet in width and bordered on each side by a low swamp, embracing an area of 6 acres. This swamp, which was uninhabitable except for the festering vermin and maggots that were afterwards suffered to swarm in its stagnant and loathsome filth, became in time the receptacle of the offal which naturally drained into it from the surface of the camp, as well as the wash and waste of the cook houses and camps outside.

Outside of the stockade, near where the stream entered it, the cook house was located, and further up the rebel guards were accustomed to wash and bathe, while closer to the stockade animals were permitted to die and rot in its waters. This stream was the only place, with the exception of a few shallow wells and springs, from which the prisoners could procure water for general use, and from this loathsome sewer constantly rose the pestilent vapors so fatal to human life. Where the water entered the stockade it was covered with a mantle of filth, grease, and drippings, that constantly floated upon it when the creek was at its ordinary stage. Inside of this stockade the approach to the creek was through the swamp alone, while this in turn was filled with the offal of the camp, which was never removed except as it was partially carried out by flooding rains.

Outside of the main stockade were two other lines built for defense and protection in case of attempts to escape on the part of the prisoners, the outer one being 12 and the second 16 feet in height. The hospital was situated outside of the lines some distance from the southeast corner of the camp, having been erected in June, 1864. Previous to this an apology for a hospital was located within the stockade. There were two entrances into the stock ade, both on its westerly side, one north and the other south of the stream, secured by strongly constructed gates.

It was guarded and garrisoned by rebel troops, whose camps were located west of the stockade. Sentry boxes—35 in number, well sheltered from sun and rain—were provided for the guards and placed outside, near the top and around the stockade, so erected at intervals of a hundred feet as to permit the occupant to see what transpired among the prisoners within. On eminences commanding the camps were forts, well supplied with artillery and heavily garrisoned.

The country around the Andersonville prison was thickly studded forest of towering pines, the space occupied by the camp having been cleared for the purpose of its location. In the midst of this abundance, and with the full knowledge of the highest officers of the Confederacy, Union prisoners of war were compelled to eat raw food and perish for want of fire and shelter.

Inside of the stockade, parallel with its lines and about 20 feet distant, was the "dead line," marked by scantling nailed upon upright posts, which were planted in the ground at regular intervals. It was indeed the line of death. To pass it or to encroach upon the fatal precinct beyond brought the penalty of death to all without distinction.

The purpose of its establishment was to guard the line of the stockade against the approach of the prisoners, either singly or in numbers. The rule of prohibition was applicable to all, and its violation met with instant and inexorable punishment. The penalty was inflicted without discrimination or mercy. It fell alike upon the tottering sick and the strong and well, on the sane and demented, on the staggering wretch whose failing limbs made him the unwilling victim, and the suffering maniac who neither knew nor dreaded his danger. The burning thirst of the fevered prisoner which impelled him to reach beneath it for a drop of water purer than the stagnant pool was quenched in death by the relentless rifle of the guard, while the ignorant prisoner, freshly captured, and who had not learned its dread significance, fell by the same merciless hand under the standing orders of the officer in charge. The well-authenticated cases of these indiscriminate and unjustifiable murders will be found in the following narrations, with the names of many innocent victims who were thus sacrificed:

Although situated in a southern latitude, the climate of Andersonville showed a wide variation of temperature, ranging form 18° to 112° F. in the shade. In the year 1864 were counted 108 rainy days, in which fell more than 4½ feet of rain. Around it and in its immediate vicinity flowed a score of clear, healthy streams, abounding in delicious water, while the neighborhood is remarkable for its crystal springs, whose translucent waters invite and gratify the taste of man. It was here that on the 27th of November, 1863, young Winder planted the prison of Andersonville. Rejecting the inviting localities which had been provided in the immediate vicinity by the beneficent hand of nature, and most admirably adapted by all their surroundings for the dwelling place of the unfortunate prisoners of war—among them the Magnolia Spring, 12 miles distant from Americus—the rebel officer and agent selected the site we are describing.

To prepare this charnel house, the accursed labor of the slave was at once brought into requisition, 600 of them being impressed for this purpose by Howell Cobb, then commanding the district in which Andersonville was situated. The first installment of captives—consisting of the soldiers of New Hampshire, Connecticut, and Michigan, numbering in all some 800 men—reached the prison on the 15th day of February, 1864. They were met with the jeers and taunts of the gaping crowd, composed of all classes, who flocked from the surrounding country to gaze upon these "invaders of the soil." These early visitors were the representatives of that public sentiment of mingled hate and contempt so common among the rebels, which led them to uphold and vindicate, officially and individually, the terrible excesses that have rendered the name of the Confederacy a reproach and hissing in the history of the world.

Unquestionably they regarded these unfortunate men as unfit to live, and treated them accordingly. With this sentiment of the "people" so often expressed, the officers of the prison were soon found to be in perfect accord. As the captured Union men flowed, week by week, into the jaws of Andersonville, they were subjected to a system of plunder, inaugurated in the purlieus of the rebel capital, and robbed of whatever could be found upon their persons. There were here no shallow pretenses or lame excuses for this course, secret theft or bold robbery being the rule adopted, especially with those of the newly arrived prisoners, who came fresh and amply clothed from the well-furnished depots of the Northern recruiting stations.

In April of 1864 John H. Winder, the personal and trusted friend, warm partisan, and willing tool of Jefferson Davis, arrived at Andersonville. There is ample evidence that the President of the Confederacy was his intimate friend and protector. When his crimes had driven others to protest against his retention in the service of the Confederacy, the influence of Davis saved him from removal and disgrace. The relation which this man bore to the chief and head of the rebellion is well described by the witness, Philip Cashmyer, as follows:

"For the last four years I was detective officer under General Winder. I was with General Winder from the time he commenced his duties as provost-marshal until he died. I was his special confidential detective. Well, my duties were any important matter such as detectives have to attend to I attended to for him, such as examining prisoners and making reports upon them, and matters of that sort. I was admitted into his family also. The relations existing between him and Mr. Jefferson Davis were very friendly, indeed; very confidential. I often heard General Winder say so. I often saw him go there and come from there. I remember when an effort was made by Generals Bragg and Ransom to have him removed Mr. Davis—President Davis—was his special friend then. When the order relieving General Winder came from the war department, he took it and went up to Mr. Davis. The order was relieving him from duty in Richmond. He took it and went over and saw President Davis, and he indorsed on it, as well as I can recollect, that it was 'entirely unnecessary and uncalled for.'

"After that General Winder was sent to Goldsboro, N. C., to take the field. He was there a week or two, and an order then came for him to go to Andersonville and take command there. His powers were not extended for some months after that. They were then. They made him commissioner-general, commissary-general of prisoners. They called him commissioner-general. I still continued with him till he died in my tent at Florence, S. C. As well as I can recollect the order sending W. S. Winder to Andersonville to lay out the prison came from the war department. General Winder desired to send him and the war department sanctioned it. I saw the son go with the general down to the war department and come from there."

PUNISHMENT OF FEDERAL PRISONERS.

An enumeration of the punishments inflicted in rebel prisons will hardly find credence with the general reader; but the accumulated testimony of a hundred witnesses establishes their existence in all their brutal, unnatural, and appalling enormity. Certain it is that they could never have been enforced, even under the coercion of military power and discipline, except by men known and distinguished for their total disregard of the common feelings of humanity. Such, indeed, were the men selected by the rebel authorities as instruments of vengeance, for the punishment and torture of those who were so unfortunate and wretched as to be thrown by the fortunes of war into their hands. In the spirit of their masters, which was indeed the spirit of hell, they performed their dreadful mission. It was to such men alone that the orders of the Confederate leaders could be safely intrusted. Thank God, no such spirit found a lodgment in the breast of any Union officer or soldier charged with the care and custody of helpless prisoners of

war. Had it been possible for the Administration of Mr. Lincoln to have ordered retaliation in kind for the sufferings of our men at the hands of the rebels, the officers and soldiers of the Union Army would have shrunk with instinctive dread and horror from its infliction though the penalty had been disgrace and death. Let us rejoice that their honor, their patriotism, and their virtue were spared the terrible trial.

The modes of punishment disclosed by the testimony are too numerous to admit of further detailed description in this report. Attention will therefore be called only to the most notorious and those in more general use, viz: "The stocks," "chain gangs," "bucking and gagging," "spread eagle," "wooden horse," "tieing up by the thumbs."

The "stocks" were of two kinds. In one the prisoner was tied to a wooden frame with his arms extended and his feet closely tied together, in which position, unable to move either hand or foot, he was compelled to stand, or, as was sometimes the case, lie upon his back during the time of his confinement. In the other the prisoner's feet were fastened in a wooden frame elevated so that it was usually impossible for him to sit up and compelling him to lie upon his back. The stocks were without shelter of any kind. In them prisoners were confined for days, exposed to the scorching sun and the rain.

Many of those confined in the stocks died while undergoing the fearful punishment. The stocks at Andersonville were between the headquarters of Wirz and the stockade. This punishment, which was adopted at other prison pens, was inflicted on recaptured prisoners and for so-called insubordination.

The "chain gang" was composed usually of 12 or more prisoners placed in two ranks. Their feet were shackled so they could step but a few inches, and a heavy iron collar was placed around each man's neck. A heavy chain extended from collar to collar and from shackle to shackle. Each man had a small iron ball attached to one of his legs, while a 64-pound ball was added to every 4 men, upon the inside of the square thus formed. If a prisoner died while in the chain gang, as was sometimes the case, he was not immediately removed. His comrades were compelled to drag his dead body with them until the pleasure of the officer or guard relieved them. Prisoners were kept in the chain gangs as long as two weeks at a time, the shackles around the ankles in the meantime cutting or wearing through the flesh to the bones.

"Bucking and gagging" was frequently resorted to. The prisoner was seated on the ground, his wrists firmly tied together and placed over his knees and a stick run under his knees and over his arms at the elbow joints. A stick or "gag" was then placed in his mouth and tied tightly by strings extending back of his head. In this position the sufferer (often a sick man) was kept several hours in the sun. This mode of punishment prevailed at all the prisons, and was inflicted for the most trivial (real or imaginary) offenses.

"Spread eagle," or the "sweating process," was inflicted as follows: The victim was placed upon his back on the ground and his arms and legs extended, in which position he was fastened and left without either food or water. Many who were subjected to this punishment died before the expiration of the sentence.

The "wooden horse" was a high trestle, upon which the prisoner was placed, his hands tied behind him, a gag placed in his mouth, and his legs drawn apart by ropes attached to his ankles and fastened to stakes in the ground. During the winter of 1863-64, at Belle Isle, men were kept on the "wooden horse" until nearly frozen to death.

"Tying up by the thumbs" was, during its continuance, one of the most severe punishments inflicted. The prisoner's arms were elevated, his thumbs tied by strings, and then he was raised up so that his heels would clear the ground, thus bringing a considerable portion of his weight upon his extended arms and thumbs. The victims usually fainted while undergoing this torture. In such cases they were let down until restored to consciousness and then hung up again. This process was continued four or five times in some cases, and in some instances the thumbs of the sufferers became so injured as to require amputation.

CAPTURE OF ESCAPED PRISONERS.

The spirit that prompted weak and emaciated men to undertake and bear the hardships of an escape from prisons, closely guarded, in the heart of the Confederacy, with countless dangers before them from crossing rivers, long journeys among their enemies, without food and almost without clothing, watched by men and hunted by dogs trained alike to their destruction, proves sufficiently the suffering and desperation which accompanied the terrible captivity of our soldiers who were willing to take the almost hopeless risk, which in some cases appeared suicidal and in many resulted fatally.

Prisoners would escape, and sometimes for several days wander in the woods and swamps suffering from hunger and cold, only to be at last discovered by the hounds, attacked, and perhaps severely torn before their masters called them off. When thus recaptured, they were returned to camp, and usually received punishment by the stocks or chain gangs or by being bucked and gagged. As a part of their punishment all medical treatment was denied them when they were suffering from the attacks of the dogs, and frequently the sores caused by wounds thus received became inflamed and gangrene ensued for want of proper treatment, causing the death of the captive.

TREATMENT OF UNION MEN.

Its inspection and the few letters and depositions of Union citizens which your committee have thought useful to publish, will show that a large class of these men were arrested and kept in imprisonment for expressing or being suspected of entertaining Union sentiments, and sometimes for failing to participate actively in the rebellion. In confinement they were treated with especial rigor and cruelty, perhaps on the presumption that there was no power, civil or military, that could demand relief for them or enforce retaliation; that they were, in fact, without the pale of military or civil law. It will enforce the conviction that the malignity and hatred of the rebels were as intense toward their neighbors and fellow citizens as against the Northern soldier captured in arms. Driven from their homes, their houses burned, their property destroyed or stolen, their lands laid waste, they wandered among the hills and mountains or lay concealed in swamps and woods in constant danger from the guerrillas who swarmed on their trail, and at last captured and thrust into prison, they shared the most infamous and cruel treatment to which the prisoners of war were subjected by the rebels.

They were the victims of personal animosity and public vengeance. They were thrust into State jails and penitentiaries, as well the military prisons of the South. Their sufferings were augmented by anxiety for the families from which they had been torn and who were left helpless to the merciless inroads of armed and desperate men. For them there was little hope of exchange, parole, or release, yet true to their love of country, firm in adherence to the government of their fathers, they remained unmoved in their loyalty amidst their sufferings and trials, refusing to take the oath of allegiance to the government which their enemies had set up. When the lives and experiences of these devoted men shall have been written in their country's history, the nation will do them honor and acknowledge with gratitude their services for the cause of the Union.

BRUTALITY AT FORT PILLOW.

It was at Fort Pillow, however, that the brutality and cruelty of the rebels were most fearfully exhibited. The garrison there, according to the last returns received at headquarters, amounted to 19 officers and 538 enlisted men, of whom 262 were colored troops, comprising one batallion of the Sixth United States Heavy Artillery (formerly called the First Alabama Artillery) of colored troops, under command of Maj. I. F. Booth; one section of the Second United States Light Artillery, colored, and one batallion of the Thirteenth Tennessee Cavalry, white, commanded by Maj. W. F. Bradford. Major Booth was the ranking officer, and was in command of the post.

On Tuesday, the 12th of April (the anniversary of the attack on Fort Sumter in April, 1861), the pickets of the garrison were driven in just before sunrise, that being the first intimation our forces there had of any intention on the part of the enemy to attack that place. Fighting soon became general, and about 9 o'clock Major Booth was killed. Major Bradford succeeded to the command, and withdrew all the forces within the fort. They had previously occupied some intrenchments at some distance from the fort and further from the river.

This fort was situated on a high bluff which descended precipitately to the river's edge, the side of the bluff on the river side being covered with trees, bushes, and fallen timber. Extending back from the river on either side of the fort was a ravine or hollow, the one below the fort containing several private stores and some dwellings, constituting what was called the town. At the mouth of that ravine and on the river bank were some Government buildings, containing commissary and quartermaster's stores. The ravine above the fort was known as Cold Creek ravine, the sides being covered with trees and bushes. To the right or below and a little to the front of the fort was a level piece of ground, not quite so elevated as the fort itself, on which had been erected some log huts or shanties, which were occupied by the white troops, and also used for hospital and other purposes. Within the fort tents had been erected, with board floors, for the use of the colored troops. There were six pieces of artillery in the fort, consisting of two 6-pounders, two 12-pound howitzers, and two 10-pound parrots.

The rebels continued their attack, but up to 2 or 3 o'clock in the afternoon they had not gained any decisive success. Our troops, both white and black, fought most bravely, and were in good spirits. The gunboat No. 7 (*New Era*), Captain Marshall, took part in the conflict, shelling the enemy as opportunity offered. Signals had been agreed upon by which the officers in the fort could indicate where the guns would be most effective. There being but one gunboat there, no permanent impression appears to have been produced upon the enemy; for as they were shelled out of one ravine they would make their appearance in the other. They would thus appear and retire as the gunboat moved from one point to the other. About 1 o'clock the fire on both sides slackened somewhat, and the gunboat moved out on the river, to cool and clean its guns, having fired 282 rounds of shell, shrapnell, and canister, which nearly exhausted its supply of ammunition.

The rebels, having thus far failed in their attack, now resorted to their customary use of flags of truce. The first flag of truce conveyed a demand from Forrest for the unconditional surrender of the fort. To this Major Bradford replied, asking to be allowed one hour to consult with his officers and the officers of the gunboat. In a short time a second flag of truce appeared, with a communication from Forrest that he would allow Major Bradford twenty minutes in which to move his troops out of the fort, and if it was not done within that time an assault would be ordered. To this Major Bradford returned the reply that he would not surrender.

During the time these flags of truce were flying, the rebels were moving down the ravine and taking positions from which the more readily to charge upon the fort. Parties of them were also engaged in plundering the Government buildings of commissary and quartermaster stores in full view of the gunboat. Captain Marshall states that he refrained from firing upon the rebels, although they were thus violating the flag of truce, for fear that should they finally succeed in capturing the fort they would justify any atrocities they might commit by saying that they were in retaliation for his firing while the flag of truce was flying. He says, however, that when he saw the rebels coming down the ravine above the fort and taking positions there he got under way and stood for the fort, determined to use what little ammunition he had left in shelling them out of the ravine, but he did not get up within effective range before the final assault was made.

Immediately after the second flag of truce retired, the rebels made a rush from the positions they had so treacherously gained and obtained possession of the fort, raising the cry of "No quarter!" But little opportunity was allowed for resistance. Our troops, black and white, threw down their arms and sought to escape by running down the steep bluff near the fort and secreting themselves behind trees and logs, in the bushes, and under the brush, some even jumping into the river, leaving only their heads above the water, as they crouched down under the bank.

Then followed a scene of cruelty and murder without a parallel in civilized warfare, which needed but the tomahawk and scalping knife to exceed the worst atrocities ever committed by savages. The rebels commenced an indiscriminate slaughter, sparing neither age nor sex, white or black, soldier or civilian. The officers and men seemed to vie with each other in the devilish work. Men, women, and even children, wherever found, were deliberately shot down, beaten, and hacked with sabers; some of the children not more than 10 years old were forced to stand up and face their murderers while being shot; the sick and wounded were butchered without mercy, the rebels even entering the hospital building and dragging them out to be shot, or killing them as they lay there unable to offer the least resistance. All over the hillside the work of murder was going on. Numbers of our men were collected together in lines or groups and deliberately shot. Some were shot while in the river, while others on the bank were shot and their bodies kicked into the water, many of them still living, but unable to make any exertions to save themselves from drowning.

Some of the rebels stood on the top of the hill or a short distance down the side and called to our soldiers to come up to them, and as they approached shot them down in cold blood; if their guns or pistols missed fire, forcing them to stand there until they were again prepared to fire. All around you heard cries of "No quarter," "No quarter," "Kill the damned niggers; shoot them down." All who asked for mercy were answered by the most cruel taunts and sneers. Some were spared for a time, only to be murdered under circumstances of greater cruelty. No cruelty which the most fiendish malignity could devise was omitted by these murderers. One white soldier who was wounded in one leg so as to be unable to walk was made to stand up while his tormentors shot him; others who were wounded and unable to stand were held up and again shot.

One negro who had been ordered by a rebel officer to hold his horse was killed by him when he remounted; another, a mere child whom an officer had taken up behind him on his horse, was seen by Chalmers, who at once ordered the officer to put him down and shoot him, which was done. The huts and tents in which many of the wounded had sought shelter were set on fire, both that night and the next morning, while the wounded men were still in them, those only escaping who were able to get themselves out or who could prevail on others less injured than themselves to help them out; and even some of those thus seeking to escape the flames were met by those ruffians and brutally shot down or had their brains beaten out.

One man was deliberately fastened down to the floor of a tent, face upward, by means of nails driven through his clothing and into the boards under him, so that he could not possibly escape, and then the tent set on fire; another was nailed to the side of the building outside of the fort, and then

the building set on fire and burned. The charred remains of five or six bodies were afterwards found, all but one so much disfigured and consumed by the flames that they could not be identified, and the identification of that one is not absolutely certain, although there can hardly be a doubt that it was the body af Lieutenant Akerstrom, quartermaster of the Thirteenth Tennessee Cavalry, and a native Tennesseean. Several witnesses who saw the remains and who were personally acquainted with him while living have testified that it is their firm belief that it was his body that was thus treated.

These deeds of murder and cruelty ceased when night came on, only to be renewed the next morning, when the demons carefully sought among the dead lying about in all directions for any of the wounded yet alive, and those they found were deliberately shot. Scores of the dead and wounded were found there the day after the massacre by the men from some of our gunboats who were permitted to go on shore and collect the wounded and bury the dead. The rebels themselves had made a pretense of burying a great many of their victims, but they had merely thrown them, without the least regard to care or decency, into the trenches and ditches about the fort, or the little hollows and ravines on the hillside, covering them but partially with earth. Portions of heads and faces, hands and feet, were found protruding through the earth in every direction.

The testimony also establishes the fact that the rebels buried some of the living with the dead, a few of whom succeeded afterwards in digging themselves out, or were dug out by others, one of whom your committee found in Mound City Hospital, and there examined. And even when your committee visited the spot, two weeks afterwards, although parties of men had been sent on shore from time to time to bury the bodies unburied and rebury the others, and were even then engaged in the same work, we found the evidences of this murder and cruelty still most painfully apparent. We saw bodies still unburied (at some distance from the fort) of some sick men who had been met fleeing from the hospital and beaten down and brutally murdered, and their bodies left where they had fallen. We could still see the faces, hands, and feet of men, white and black, protruding out of the ground, whose graves had not been reached by those engaged in reinterring the victims of the massacre, and although a great deal of rain had fallen within the preceding two weeks, the ground, more especially on the side and at the foot of the bluff where the most of the murders had been committed, was still discolored by the blood of our brave, but unfortunate men, and the logs and trees showed but too plainly the evidences of the atrocities perpetrated there.

Many other instances of equally atrocious cruelty might be enumerated, but your committee feel compelled to refrain from giving here more of the heart-sickening details and refer to the statements contained in the voluminous testimony herewith submitted. Those statements were obtained by them from eyewitnesses and sufferers. Many of them, as they were examined by your committee, were lying upon beds of pain and suffering, some so feeble that their lips could with difficulty frame the words by which they endeavored to convey some idea of the cruelties which had been inflicted on them and which they had seen inflicted on others.

How many of our troops thus fell victims to the malignity and barbarity of Forrest and his followers can not yet be definitely ascertained. Two officers belonging to the garrison were absent at the time of the capture and massacre. Of the remaining officers but two are known to be living, and they are wounded and now in the hospital at Mound City. One of them, Captain Potter, may even now be dead. We, the surgeons, when your committee were there, expressed no hope of his recovery. Of the men, from 300 to 400 are known to have been killed at Fort Pillow, of whom at least 300 were murdered in cold blood after the post was in possession of the rebels, and our men had thrown down their arms and ceased to offer resistance. Of the survivors, except the wounded in the hospital at Mound City and the few who succeeded in making their escape unhurt, nothing definite is known; and it is to be feared that many have been murdered after being taken away from the fort.

In reference to the fate of Major Bradford, who was in command of the fort when it was captured and who had up to that time received no injury, there seems to be no doubt. The general understanding everywhere seemed to be that he had been brutally murdered the day after he was taken prisoner.

There is some discrepancy in the testimony, but your committee do not see how the one who professed to have been an eyewitness of his death could have been mistaken. There may be some uncertainty in regard to his fate.

When your committee arrived at Memphis, Tenn., they found and examined a man (Mr. McLagan) who had been conscripted by some of Forrest's forces, but who, with other conscripts, had succeeded in making his escape. He testifies that while two companies of rebel troops, with Major Bradford and many other prisoners, were on their march from Brownsville to Jackson, Tenn., Major Bradford was taken by five rebels—one an officer—led about 50 yards from the line of march, and deliberately murdered in view of all there assembled. He fell, killed instantly by three musket balls, even while asking that his life might be spared, as he had fought them manfully and was deserving of a better fate. The motive of the murder of Major Bradford seems to have been the simple fact that, although a native of the South, he remained loyal to his Government. The testimony herewith submitted contains many statements made by the rebels that they did not intend to treat "home-made Yankees," as they termed loyal Southerners, any better than negro troops.

Mr. GAINES of Tennessee. I can understand that prisoners may have unavoidably suffered from want of food or similar deprivation. But what "torture" was imposed upon them?

Mr. MAHON. There was one prisoner hanged down there.

Mr. GAINES of Tennessee. That may have been by way of punishment. We hang people daily, except Sunday, in time of peace. I am talking about "tortures" inflicted on prisoners.

Mr. MAHON. I am not reflecting upon the gentleman, of course, or implying that he would do anything of this kind; but it is a well-known fact that in the Andersonville prison no physician ever entered that stockade. Men who were confined there for ten or twelve months know this fact. There was not a tent to shelter them from the broiling sun or the beating storms; not a blanket was issued with which they might cover themselves. A little bit of corn bread was hauled in to the prisoners in the morning, and the dead of the prison were loaded, like hogs at a slaughter-house, into the same wagon that brought in the bread and hauled out.

Mr. GAINES of Tennessee. Did the Confederacy have an overflowing treasury with which to buy provisions like the United States now has?

Mr. MAHON. Let me tell the gentleman who had charge of those prisons. He was a confidential, personal friend of Jefferson Davis. He had the superintendence of all these prisons. There were within 10 miles of Andersonville most magnificent springs, the Magnolia Spring and others, as well as fine creeks and rivulets of water, and in those regions camps could have been located where these men could have had at least plenty of good water. But the man who located this camp, who did it deliberately, putting it in that swamp, was Gen. W. R. Winder. I have a letter here which shows that he was the confidential friend of Jeff. Davis. Even Confederate officers, as this report shows, appealed to him time and time again to remove these men to more comfortable quarters, but he refused to do so. I have here an extract from the Richmond Examiner. My friend can tell me what was the politics of that paper; I do not know.

Mr. GAINES of Tennessee. I am waiting for the gentleman to get at the acts of "torture."

Mr. MAHON. When this man left the theater of his crimes through death the Richmond Examiner exclaimed in mingled horror and joy:

It is necessary here to dwell upon this man's character or history at much length. He has passed to his long and last account, leaving behind a name which will seldom be uttered by the lips of any Union prisoner unless associated with thoughts of that fearful retribution which can alone in the dread future furnish an adequate expiation of his crimes against mankind. He had been employed at Richmond as the prison agent of Davis, and his cruelties had become proverbial among all, both rebel and Union. So terrible was his history that when he left the theater of his crimes for Andersonville the Richmond Examiner exclaimed, in its mingled horror and joy: "Thank God that Richmond is at last rid of old Winder! God have mercy upon those to whom he has been sent!"

We shall not dwell upon the career of this wretch. He deserves execration, not history. His long and confidential intercourse with Jefferson Davis would, were it possible, stamp the character of the Confederate chief with double-dyed infamy, as it served to heighten and enlarge the terrible cruelties for which the official head of the rebellion will be held responsible before the civilized and Christian world. As illustrating the justice of the paragraph just quoted from the Richmond Examiner, we submit the following order, issued by this agent of starvation and murder, while in command at Andersonville.

Nobody knew whether he had gone to hell or heaven, but the Richmond Examiner asked for mercy on the people of the place he may have gone to.

Now, I want to read an order which that man issued. Our army was approaching Andersonville. We had sent a column in that direction to rescue these 30,000 men.

[Orders, No. 13.]

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
Andersonville, July 27, 1864.

The officers on duty and in charge of the battery of Florida artillery at the time will, upon receiving notice that the enemy have approached within seven miles of this post, open fire upon the stockade with grapeshot, without reference to the situation beyond these lines of defense.

It is better that the last Federal be exterminated than be permitted to burn and pillage the property of loyal citizens, as they will do if allowed to make their escape from prison.

By order of John H. Winder, brigadier-general:

W. S. WINDER,
Adjutant-General.

At the time of this unparalleled and hellish order the maimed prisoners who would have been the victims of its execution numbered more than 30,000 men. This was an order issued when it was ascertained that the Federal army was on the way, and remember that at the date of this order there were 30,000 of these unfortunate men in this prison.

So, if the Federal troops had been so unfortunate as to have gotten within 7 miles of that confederate prison, every man in the prison would have been shot to death under that order.

Mr. NEVILLE. Will the gentleman yield for a question at this point?

Mr. MAHON. Yes; I will yield and try to answer any question.

Mr. NEVILLE. If the people of the North were justly indignant on account of the atrocities committed in Andersonville prison, ought the people not now to be justly indignant on account of the brutality in the Philippine Islands? [Applause on the Democratic side.]

Mr. MAHON. Yes.

Mr. NEVILLE. Then why parade Andersonville prison as an excuse?

Mr. MAHON. And whenever the United States Government under the Republican party permits such outrages to be perpetrated, even to the one-hundredth part, the people of this country should sweep them out of power from the Presidential chair down to the lowest office in a county. [Applause.]

Mr. RICHARDSON of Tennessee. Will the gentleman yield for a question.

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if he does not know it is true that while those prisoners he speaks of were subjected to all the punishment that goes with confinement of prisoners in war, there was a standing proposition from the Confederate authorities at the time the prisoners at Andersonville were suffering the most to exchange man for man?

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. And officer for officer with the Federal authorities, and if the proposition of the Confederate authorities did not stand rejected for months?

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. While these deaths were occurring?

Mr. MAHON. Yes; and the gentleman, who was a Confederate officer, if he reads the history he will find this statement to be true: Our men in rebel prisons had been starved; they were emaciated and some of them were maniacs.

Mr. RICHARDSON of Tennessee. Yes.

Mr. MAHON. And out of the 65,000 men held in rebel prisons there were not 3,000 of them that could come back to the Northern Army and handle a musket, and the gentleman knows it.

Mr. RICHARDSON of Tennessee. I would ask the gentleman, further, if the Federal authorities were not notified that the Confederacy did not have medicines, that they were not prepared, on account of the blockade, to take care of even their own soldiers, and notwithstanding that, if the Federal authorities did not refuse to exchange man for man and officer for officer? I assert that is true.

Mr. MAHON. They made that offer when they held 65,000 of our men who were absolutely unfit for military duty at the time they made the offer or ever afterwards, and the proposition came to this Government to hand you back an army of 72,000 Confederate prisoners who were in the prisons of the North, able-bodied, hale men, so that you might strengthen your Confederate Army with 72,000 men who were able to do military service, and you give us in return 65,000 men that would never again be able to do service.

Mr. RICHARDSON of Tennessee. But surely the gentleman will not admit that he was not willing to give an able-bodied man for a sick man? Will the gentleman say that?

Mr. MAHON. Just wait until I am through. [Laughter on the Democratic side.] You were kind enough to make the offer after you had deliberately, I say, starved these men to the verge of death, left them out in the rain without shelter and without blankets; and when they were in this condition, near the close of the war, when Grant was pushing the Confederate armies to the wall and victory was perching upon the Union banners, the Confederate authorities were willing then to exchange and have us give them fresh recruits, and the President and the War Department after long deliberation, believing the war was near an end, declined the offer and allowed them to remain there.

Mr. RICHARDSON of Tennessee. How do you account for the fact that more Confederate prisoners died in Northern prisons than Union prisoners died in Southern prisons?

Mr. MAHON. There were more of them.

Mr. RICHARDSON of Tennessee. You reported captures of men who never went to prison, but of those who went to prison and stayed in Northern prisons a larger per cent died than of Union men who went to Southern prisons.

Mr. GROSVENOR. That is not true. That statement can not be proved.

Mr. MAHON. That is not true.

Mr. RICHARDSON of Tennessee. That is true, and the record shows it.

Mr. GROSVENOR. I beg your pardon.

Mr. MAHON. I will put into the CONGRESSIONAL RECORD the official report to show that it is not correct.

Mr. RICHARDSON of Tennessee. We have them right here now.

Mr. BARTLETT. Will the gentleman yield?

Mr. MAHON. No, I will not. I have the official records here. I do not know where you got yours.

Mr. BARTLETT. I got mine from Surgeon-General Barnes, and from the official report of the investigation that was made.

Mr. MAHON. I got mine from the published reports.

Mr. RICHARDSON of Tennessee. I never heard that fact denied before.

Mr. BARTLETT. It can not be successfully denied.

Mr. MAHON. I am referring to this criticism of the American Army on account of a few black Filipinos. I believe some soldiers took a white pony from a little Filipino boy, and burned a few shacks or houses that probably were not worth a hundred dollars.

Mr. KAHN. They were worth about $30 apiece.

Mr. MAHON. I hold in my hand a report which shows that Frederick Wild, an officer of the Thirteenth Infantry, has been court-martialed for the burning of a cockpit at some place in the island of Luzon. Here is an officer of the American Army who has been court-martialed and convicted of the offense of burning a cockpit where the Filipinos fight chickens. I would burn all the cockpits in the island if I had my way. Now, let me tell you something about burning, something that I know about personally.

Mr. JONES of Virginia. I congratulate the gentleman if he is going to do that.

Mr. MAHON. We have heard a great deal about burning of these shacks, worth a few dollars apiece. We have heard a great deal about taking ponies and horses. We have heard a great deal about taking a small amount of personal property. Now, I am not referring to these matters to reflect in any way upon the Confederate soldiers who were in the field. No man in this House has greater admiration for them than I have. They were brave men. They were not always responsible for what their officers in the rear did. I have in my pocket an order that I am going to refer to. In the war of the rebellion I, with a hundred other young men, left my native city, a small place of 5,000 inhabitants, situated in the Cumberland Valley. It is known as the Queen City of the Cumberland Valley. In 1864 that city was burned. Now, Mr. Chairman, I want to state that in 1863, about twenty-five days before the battle of Gettysburg, when Meade's army and our soldiers were away down here in Virginia somewhere, one morning about 6 o'clock, while our little city was filled with women and children—a large percentage of the men were away in the war—a Confederate cavalry officer, General Jenkins, approached the town while its citizens were in bed——

Mr. GROSVENOR. What town was that?

Mr. MAHON. The town of Chambersburg. At 6 o'clock in the morning this officer planted a battery upon the hill overlooking the town, and without notice to a living soul in it, without even sending in a flag of truce, opened his guns upon those sleeping women and children.

Mr. NEVILLE. Will the gentleman yield to a question?

Mr. MAHON. Yes.

Mr. NEVILLE. Since the people of the South are assisting the people of the North in behalf of the Administration in the war in the Philippine Islands, what is the object in raking up old scores to especially smirch the South? [Applause on the Democratic side.]

Mr. MAHON. I am simply doing it to show that even in this highly civilized and Christianized country, as old General Sherman said, "War is hell," and these little picayune, peanut affairs that you gentlemen on that side are talking about, which are incidental to the war in the Philippines, are nothing in comparison with things that have happened in this country in the way of atrocities and unbridled license and vandalism.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. MAHON. No; I have no time. The gentleman may ask his question after a while. On the 30th of July, 1864, a year after the battle of Gettysburg, this same city that had been shelled on the previous occasion that I have referred to was approached by a body of Confederate cavalry under General McCausland at daybreak at a time when there was not a Union soldier within a hundred miles of the place. It was not a defended town, there were no fortifications or guns there. It was an agricultural city, with merchants attending to their business and the farmers tilling the soil around them. The city was approached by Confederate troops under orders, and I have the official order here, issued by General Early. It shows how our friends on the other side could retaliate. The order reads as follows:

HEADQUARTERS ARMY OF VIRGINIA, *July 25, 1864.*

Instructions for Generals McCausland and Johnson: Cross your brigades at McCoys Ferry or Clearspring, and then proceed to Hagerstown, and from there to Chambersburg. At Chambersburg levy $100,000 gold or $500,000 in Northern money to pay for the houses of Andrew Hunter, Alexander R. Boteler, Edmund Q. Lee, of Jefferson County, Va., which were burned by order of the Federal military authorities; and if the money is not paid, burn the entire town as a retaliation for the burning of these houses and others in the State of Virginia by Federal authorities. Burn the depots at Chambersburg.

Now, Mr. Chairman, General McCausland sent Colonel Peters, of the Twenty-first Confederate Cavalry, into the town. Colonel Peters received his orders to burn the town. On the back of it he wrote this: "I did not enlist in the Confederate Army to fight defenseless women and children and burn them out of their homes, and I deliberately refused to enforce this order." [Loud general applause.] Signed by Colonel Peters, a gallant Confederate officer. Another regiment was sent hurriedly in its place, when all the people of that city were in their beds and perhaps not half a dozen knew that the Confederates were across the Potomac. With fagot and torch, soaked in kerosene, they set fire to houses, and within an hour the city was aflame, and in less than two hours 5,000 women and children and men were on the hills, homeless, and without clothing, except their night clothing. Mr. Chairman, the mother with a baby but an hour old was carried from her home which was on fire; the man who was at death's door was carried out of the house that was in flames. The dead had to be carried out. Now, that order was deliberately issued.

Mr. RICHARDSON of Tennessee. Who issued that order? I did not hear who the gentleman said issued it.

Mr. MAHON. It was issued by General Early. I have read a copy of the official order.

Mr. RICHARDSON of Tennessee. What is the date of that order?

Mr. MAHON. July 25, 1864.

Mr. Chairman, in less than one hour millions of dollars' worth of private homes were swept out of existence, and 5,000 defenseless women and children were upon the hills simply as retaliation for the burning of a few houses in the Shenandoah Valley by order of Federal authority.

Mr. CURRIER. Only two are mentioned.

Mr. MAHON. Two or three. This order mentions but three houses. I suppose there were more.

Mr. RICHARDSON of Tennessee. What is the date of that order? I did not hear.

Mr. MAHON. It is dated headquarters, July 25, 1864.

Mr. RICHARDSON of Tennessee. It was done in July.

Mr. LOUD. That was long before the burning in the Shenandoah Valley.

Mr. MAHON. That was before the burning in the Shenandoah Valley. That followed. Now, Mr. Chairman, I simply relate this piece of vandalism. It was nothing but vandalism. It has never been equaled in warfare by the barbarians of the Dark Ages. Why, Mr. Chairman, if we were to go on burning in the Philippine Islands for the next twenty years or the next forty years at the rate the other side charge us with doing, there would not be one-tenth of the property destroyed that there was destroyed by the Confederate Army in Chambersburg in one hour.

Mr. GAINES of Tennessee. Does the gentleman think that we will have to "burn" that long in the Philippines before we conquer those people?

Mr. MAHON. I think you would have to do it to burn up three millions of property.

Mr. HULL. They could not do more if they were to burn a hundred years.

Mr. GAINES of Tennessee. It would be a good thing for the lumber interests over there.

Mr. MAHON. I have referred to this history to refresh the memories of gentlemen on the other side of the House. If any gentleman in this House or any citizen of this country will take this document and read it over and examine the evidence and see the condition of affairs we had in this country during the civil war, when he gets up to talk about a man in the Regular Army burning a thing down there—what do you call it, a cockpit?—down in the Philippine Islands, and burning down a few shacks, I do not think we would hear the speeches made on the other side that we do hear. Now, war may be war, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Give me another minute.

Mr. COOPER of Wisconsin. I give the gentleman the balance of the time until 5 o'clock.

Mr. MAHON. Now, Mr. Chairman, I have read of these irregularities, getting them from the papers and as printed at the War Department. There never was a war since the days of creation, and never will be, but some irregularities will happen. Men will forage and plunder; the best disciplined army will have a few men in it guilty of outrages. I want to say this to my friends on the other side. These things that I have read to you, whether you could have prevented them or not, I do not know, but I simply called your attention to them.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I want to say to the gentleman that we on this side accept this with all proper humility. But why does not the gentleman lecture his colleague [Mr. SIBLEY], who made the first talk in this matter?

Mr. MAHON. I do not go to Brother SIBLEY's school; I go to another teacher. [Laughter.]

Now, Mr. Chairman, I agree with the gentleman from Ohio [Mr. GROSVENOR]. I want to say to you gentlemen from the Southland that you are born fighters. No braver men can be found anywhere under God's bright sun than you gentlemen that come from the South. So it is in the Northland. We come of one blood, we are one flesh, and we might say that we are not only fighters, but we are educated fighters. We might give it another term and say we are civilized fighters. We fight for Old Glory, our flag, "every step of whose progress has been toward some Sinai of human hope and human happiness," and upon its fair folds not a blot appears.

Some of the boys in the Philippines are from the Southland as well as from the North. They are American soldiers, carrying the American flag, upholding the sovereignty of the United States, and when the history of our soldier boys is written, and when the historian has had time to tell of their deeds of hardship and valor under a tropical sun, when we read it we will all be proud of the boys we had in the Philippine Islands from the Southland and Northland. There is no better army anywhere in this wide world to-day than the American Army fighting under our flag. [Applause.]

I want to say further, Mr. Chairman, that as a Republican I do not fear the assaults on our Army by the Democratic leaders. The American people are true to the boys who wear the American uniform. [Applause.] You may attack them as much as you please. I wish this debate was not so late in the session, that it could be protracted for a month, and give you full time to uncover your demagoguery. You gentlemen will find in the great West, in the Northwest, and in the East, when we go upon the hustings to get control of this House again and to manage its affairs, you will find the voters will stand by the boys that wear the blue uniform, and will return a Republican majority in this Congress to defend them in the future as they have in the past. [Loud applause on the Republican side.]

Mr. VANDIVER. Will the gentleman allow me a question?

Mr. MAHON. Yes.

Mr. VANDIVER. I want to ask the gentleman if in all his search in the records of the civil war and the barbarities of civilized warfare he has ever found an instance where on either side helpless prisoners were tortured for the purpose of extorting information?

Mr. MAHON. Yes.

Mr. GROSVENOR. It is a common occurrence in every war.

Mr. MAHON. If the gentleman who controls the time can give me ten minutes more time, I will show you hundreds of cases in the South where those who sympathized with the United States Government were abused and tortured.

Mr. RUMPLE. Will the gentleman from Pennsylvania permit me?

Mr. MAHON. Certainly.

Mr. RUMPLE. I know personally of threats, presentation of revolvers at the heads of soldiers, being threatened with death at the point of the revolver, that unless they did give information they would be shot down. That was done in the Mississippi Valley. I was present.

Mr. MAHON. If I had time I could show the gentleman other cases.

Mr. STEELE. There was a little bit of that at Fort Pillow, was there not?

Mr. MAHON. I have a case now under my eye where a judge of a United States court in the State of Mississippi was concerned. It grew out of the feeling of the war. It grew out of hate that war always engenders, and he was shot down on his porch in the presence of his wife and children by Confederate cavalrymen who were away from their command, and probably if the colonel had known of it he would have shot them.

Mr. VANDIVER. I can readily understand how cases of retaliation might occur on either side during war; but the practice of torture for the purpose of securing information or confession has always been condemned by civilized people.

Mr. MAHON. Were you a Confederate officer?

Mr. VANDIVER. No, sir.

Mr. MAHON. If you were such an officer, or if you were familiar with the history of the war as known to your own people, you might hold a different view. Probably you thought it justifiable down there to attack men who were supposed to hold or who did hold and perhaps openly proclaimed Union sentiments. You ought to know that cruelties were inflicted on those people.

Mr. VANDIVER. I have some recollection——

Mr. MAHON. I will say that I was in the Army, and consequently was absent from the North during a considerable period of the war; but I confess that if I had been at home in the North I would have been ready to take a copperhead and throw him out of the window; and it would not have taken very much to have tempted me to put some of those copperheads of the North under torture—water cure—to keep them from talking.

The CHAIRMAN. The hour of 5 o'clock having arrived, the Committee of the Whole under the rules of the House must rise.

The committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts reported that the Committee of the Whole House on the state of the Union having had under consideration Senate bill No. 2295 had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. HULL. I submit a conference report, with the statement of House conferees, on the Army appropriation bill, in order that it may be put in the RECORD.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and for other purposes, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 18, 20, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 9, 10, 11, 16, 17, 19, 22, 24, and 25, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "all," in line 4, page 22 of the bill, and insert in lieu thereof the following: "and an inspection;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "promptly;" and the Senate agree to the same.

On the amendments of the Senate numbered 14 and 15 the committee of conference have been unable to agree.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Managers on the part of the House.

REDFIELD PROCTOR,
J. B. FORAKER,
F. M. COCKRELL,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 12804) making appropriations for the Army for the fiscal year ending June 30, 1903, report:

Amendments Nos. 1 and 2 simply change the names of military schools; and same are agreed to by House.

No. 3 gives to officers in the Regular Army the benefit of service in the Volunteer Army in computing leaves of absence; and amendment is agreed to.

No. 4 provides additional tests before men from the ranks can be commissioned; and Senate recedes.

No. 5 relates to detail, and makes explicit that officers detailed shall not serve beyond the age of retirement; and House agrees to same.

No. 6 relates to restoration of retired officers to active service, and it is agreed to by striking out all in regard to such proposed legislation and let the law remain as now.

No. 7 relates to promotion of ordnance storekeeper on retirement; and House agrees to same.

No. 8 relates to retired longevity pay; and House recedes.

Nos. 9 and 10 relate to increased pay of officers serving outside of United States proper; and House agrees to same.

No. 11 gives enlisted men of Regular Army credit for time served in volunteer organizations; and House agrees to same.

No. 12 relates to inspection of horses; and House agrees to same, with an amendment providing for an inspection under the direction of Secretary of War.

No. 16 relates to post exchanges; and House agrees to same.

No. 17 relates to building sites in Philippine Islands; and House agrees to same.

No. 18 relates to battlefield at Balls Bluffs; and Senate recedes.

No. 19, punctuation; House recedes.

No. 20 increases the appropriation for Medical Department; and Senate recedes.

No. 21 provides for paying medical bills of regular and volunteer soldiers on furlough; Senate recedes.

No. 22 gives Medical Department right to get instruments repaired without advertising; and House agrees to same.

No. 23 relates to reports; and House agrees to same, with amendments striking out "immediately" and inserting "promptly."

No. 24 provides for barracks for engineers' school; and House agrees to same.

Nos. 13, 14, and 15 not in conference.

J. A. T. HULL,
A. B. CAPRON,
Managers on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. FOSS. I submit a conference report, with accompanying statement of House conferees, on the naval appropriation bill, in order that they may be printed in the RECORD and lie over. I give notice that to-morrow I will call up this report for consideration.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 22, 35, 41, 44, 48, 49, 59, 60, 63, 65, 66, 67, 69, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 14, 15, 16, 17, 18, 19, 20, 28, 31, 32, 33, 34, 36, 42, 45, 51, 53, 54, 55, 62, 68, 70, 71, 72, 73, 74, 75, 79, 80, 81, 83, 84, 85, 86, 87, and 90, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including the purchase of necessary land, $640,000: *Provided*, That the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots," and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "One clerk in charge of distribution of books, at $1,200;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$31,402.52;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete building No. 19, $60,000; extension to dispensary building, $1,500;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized, in his discretion, to cause to be commenced, within three months after the passage of this act, proceedings for the condemnation of the following tract of land, or so much thereof as he may deem necessary, for the use of the United States for the Norfolk Navy-Yard and for other naval purposes, namely, the tract of land known as the Schmolles property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act of Congress approved August 1, 1888, entitled 'An act to authorize the condemnation of lands for sites of public buildings, and for other purposes,' and other laws of the United States, so as to completely vest in the United States the title of said land. And all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete purchase of land heretofore condemned and partially appropriated for, $25,950;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Publication of the American Ephemeris and Nautical Almanac: Hereafter there shall be published of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department."

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: On page 64 strike out lines 5, 6, and 7 and insert in lieu thereof the following:

"In all, pay Marine Corps, $1,831,129.23."

[MEMORANDUM.—This instead of a straight recession, so as to allow change of total pay of Marine Corps (p. 64 of blue print, p. 75 of regular bill), which is not numbered.]

And the Senate agree to the same.

On amendments numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On Nos. 2, 3, 53, 68, 70, 71, 73, 74, 75: Changes name of naval cadets to that of midshipmen.

On No. 4: Authorizes the accounting officers of the Treasury, as proposed by the Senate, to allow in the settlement of the accounts of disbursing officers payments under the appropriation of emergency fund to civilian employees doing duty at naval stations in our insular possessions during the coming fiscal year and until such time as Congress shall make specific appropriation for the pay of such employees.

On No. 5: Authorizes the Secretary of the Navy, as proposed by the Senate, to pay all civilian employees in our insular possessions a per diem compensation corresponding to their pay while actually employed from the date of their sailing from the United States and while returning to the United States.

On No. 6: Strikes out the appropriation of $13,975, as proposed by the Senate, for renting, heating, and lighting an additional building.

On No. 8: Directs the Secretary of the Navy, as proposed by the Senate, to appoint a board of naval officers to select a site for a naval training station on the Great Lakes and make report to Congress of its action, and to defray the expenses of said board appropriates $5,000.

On No. 10: Strikes out the appropriation of $1,400 for a clerk at Cavite, P. I., as proposed by the Senate.

On No. 11: Reduces the total appropriation under the civil establishment of the Bureau of Ordnance by $1,400, as proposed by the Senate.

On No. 12: Inserts the provision enabling the Secretary of the Navy to purchase necessary land for coal depots, $640,000, and authorizes the accounting officers of the Treasury to allow all expenditures heretofore made for land purchased for use as naval coal depots out of said appropriation, as proposed by the Senate, but strikes out the provision, as proposed by the Senate, for a reappropriation of unexpended balances made for the establishment of naval coal depots.

On No. 14: Appropriates $200, as increase to the salary of one clerk at the navy-yard, Portsmouth, N. H., as proposed by the Senate.

On No. 15: Corrects the total of paragraph by said amount.

On Nos. 16, 17, and 18: Changes the form of expression of two writers, as proposed by the Senate, but does not increase the appropriation.

On Nos. 19 and 20: Changes form of expression, as proposed by the Senate, but does not change the appropriation.

On No. 21: Inserts one clerk in charge of distribution of books, at $1,200.

On No. 22: Changes the total of said paragraph to correspond with above increase.

On No. 23: Changes the total appropriation in the civil establishment, Bureau of Equipment, to conform to the above increase.

On No. 27: Appropriates $60,000 for the completion of building No. 19, and $1,500 for an extension to dispensary building in New York Navy-Yard.

On No. 28: Changes totals in appropriations for New York Navy-Yard in accordance with the above.

On No. 29: Authorizes the Secretary of the Navy in his discretion to condemn a certain tract of land, or so much thereof as may be necessary, adjacent to the Norfolk Navy-Yard and to report such proceedings to the next session of Congress.

On No. 30: Appropriates $25,950 to complete the purchase of land already condemned and partially appropriated for at Key West, Fla.

On No. 31: Changes the totals in appropriations for naval station at Key West, Fla.

On Nos. 32 and 33: Increases the appropriation from $2,000 to $4,000, or so much as may be necessary, as proposed by the Senate, for additional land at the navy-yard, Puget Sound, Washington.

On No. 34: Changes the totals in appropriations for navy-yard, Puget Sound, Washington, to conform to above.

On No. 35: Strikes out unnecessary language, as proposed by the Senate.

On No. 36: Changes form of expression, as proposed by the Senate.

On No. 41: Strikes out appropriation of $150,000 for improving harbor of San Luis d'Apra, island of Guam, as proposed by Senate.

On No. 42: Inserts caption, "Plans and specifications for public works," as proposed by the Senate.

On No. 44: Strikes out appropriation of additional $100,000 for naval hospital, Naval Academy, as proposed by the Senate.

On No. 45: Inserts provision, as proposed by the Senate, permitting the Secretary of the Navy, in his discretion, to continue improvements at the Naval Academy, either by contract or by day labor, or both, as he may deem necessary for the best interests of the Government.

On No. 48: Strikes out additional appropriation of $5,000 for Naval Observatory, as proposed by the Senate.

On No. 49: Strikes out appropriation of $2,000 for expenses of board of visitors to the Naval Observatory, as proposed by the Senate.

On No. 50: Authorizes an increase of 1,000 copies of the American Ephemeris and Nautical Almanac for the use of the Senate and House of Representatives and Navy Department, as proposed by the Senate.

On No. 51: Authorizes appropriation of $50,000, as proposed by the Senate, for repairs and improvements on buildings and construction of a contagious disease hospital at Mare Island, Cal.

On Nos. 54 and 55: Insert the word "each," as proposed by the Senate, a verbal omission.

On No. 59: Strikes out appropriation of $3,800, as proposed by the Senate, for clerks at naval station, Cavite, P. I.

On No. 60: Strikes out increase in total appropriations, as proposed by the Senate, civil establishment, Bureau of Construction and Repair.

On No. 62: Inserts provision, as proposed by the Senate, allowing appropriation for incidental expenses to be applied to the Bureau.

On No. 63: Strikes out appropriation of $1,000, as proposed by the Senate, for contingencies, drawing materials, and instruments for the drafting room of the Bureau of Steam Engineering.

On No. 65: Strikes out appropriation of $1,200, as proposed by the Senate, for one writer at naval station, Cavite, P. I.

On No. 66: Strikes out the increase in total appropriations, as proposed by the Senate, for naval establishment, Bureau of Steam Engineering, to conform to the above.

On No. 67: Strikes out appropriation for $1,000 for an assistant librarian at Naval Academy.

On No. 69: Strikes out increase in total appropriations, as proposed by the Senate, for Naval Academy to conform to above.

On No. 72: Inserts a provision, as proposed by the Senate, for extending the use of the appropriation of $3,000 for clerk hire, carriages, and other incidental and necessary expenses of the Board of Visitors at Naval Academy.

On No. 78: Strikes out increase in totals of appropriations for Naval Academy, as proposed by the Senate.

On No. 79: Restores sections 8, 9, and 10 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

On No. 80: Inserts a provision that the present Commandant of the Marine Corps shall have the rank, pay, and allowance of a major-general in the Army, but this shall not extend to his successor or successors.

On No. 81: Increases the appropriation, as proposed by the Senate, for the pay of noncommissioned officers, musicians, and privates, and for the expenses of clerks of the United States Marine Corps from $1,112,548 to $1,236,028.

On No. 82: Adds to the enlisted force of the Marine Corps now authorized by law, as proposed by the Senate, 10 gunnery-sergeants, 40 sergeants, 60 corporals, 10 drummers, 10 trumpeters, and 620 privates.

On No. 83: Increases the appropriation for "Provisions, Marine Corps," as proposed by the Senate, from $396,071.50 to $445,071.50.

On No. 84: Increases the appropriation for "Clothing of the Marine Corps" from $40,000 to $82,000.

On No. 85: Increases the appropriation for "Military stores," as proposed by the Senate, from $40,297 to $50,297.

On No. 86: Increases the appropriation for "Transportation and recruiting the Marine Corps," as proposed by the Senate, from $100,000 to $110,000.

On No. 87: Increases the appropriation for "Contingent, Marine Corps," as proposed by the Senate, from $91,700 to $103,700.

On No. 90: Inserts a provision as proposed by the Senate:

"All contracts of the Carnegie Steel Company, Limited, heretofore made between it and the United States, shall be completed by its successor—the Carnegie Steel Company or its lawful successor—which has acquired and assumed, or may acquire and assume, all of its assets and all of its liabilities under the said contracts. And the said Carnegie Steel Company, or its lawful successor, upon giving security in proper form and amount, conditioned for the performance by it of the said contracts according to the true intent and meaning thereof, shall be substituted therein for the said Carnegie Steel Company, Limited, and be entitled to exercise all rights thereunder which the said Carnegie Steel Company, Limited, had or would have had if it had continued in existence."

The committee of conference have been unable to agree on the following amendments, viz:

On No. 1, relating to total appropriation for the pay of the Navy.

On Nos. 7 and 13, relating to the "Maintenance of colliers," as to whether this provision should be under the jurisdiction of the Bureau of Navigation or the Bureau of Equipment.

On No. 9, as to whether the unexpended balances remaining in the Treasury on June 30, 1902, from the appropriation for "Ordnance and ordnance stores, 1900, or so much thereof as may be necessary," should be reappropriated for expenditure in the fulfillment of contracts heretofore made and properly chargeable to said appropriation,

On No. 24, as to the increase in the corps of civil engineers.

On Nos. 25 and 26, as to an appropriation of $500 for making an examination concerning the furnishing water supply of Portsmouth Navy-Yard, and an appropriation of $200,000 toward the removal of Hendersons Point, near said navy-yard.

On Nos. 37, 38, 39, and 40, as to appropriations to the amount of $657,300 for naval station at Charleston, S. C.

On No. 43, as to total appropriations in all for public works, Bureau of Yards and Docks.

On No. 46, as to the appropriation of $100,000 for the construction of a building for Bureau of Equipment at Pensacola Navy-Yard.

On No. 47, as to the total appropriation for public works, Bureau of Ordnance.

On No. 52, as to the increase in the corps of surgeons.

On No. 56, as to an appropriation of $2,000 for one bookkeeper and one clerk at Pensacola Navy-Yard.

On No. 57, as to increase in total appropriations for civil establishment, Bureau of Supplies and Accounts.

On No. 58, as to the increase in the Pay Corps.

On No. 61, as to the increase in the corps of naval constructors.

On No. 64, as to an appropriation of $200,000 toward the construction of an experimental station and testing laboratory in the department of marine engineering and naval construction at Annapolis.

On No. 76, as to an increase in the corps of midshipmen at the Naval Academy.

On No. 77, as to a provision authorizing all examinations for admission to the Naval Academy to be held at Annapolis.

On No. 88, as to an appropriation of $1,500 for improvements at the marine barracks, navy-yard, Boston.

On No. 89, as to changes in the amount of total appropriations for public works, Marine Corps.

On No. 91, as to "Increase of the Navy" and the method of construction of new ships authorized, whether they shall be built by contract or some in Government navy-yards, or the whole subject be left within the discretion of the Secretary of the Navy.

On No. 92, as to the provision requiring the Secretary of the Navy to contract for five more Holland torpedo boats at a cost of $170,000 each, after the acceptance of one of said boats now being built for the Government.

On No. 93, as to a provision authorizing the Secretary of the Navy to have tested any completed submarine boats or boats other than the *Holland* type, and purchase, in his discretion, one of the same, if found to be equal or superior to the best submarine torpedo boat then in use in the Navy, at a price not to exceed $170,000.

The bill as passed by the Senate appropriated $79,351,238.13, being an increase of $1,731,325 over the amount carried as it was passed by the House. Of this sum the committee of conference recommend that $179,375 be stricken out and that $371,130 be agreed to.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

AMERICAN CITIZENS DETAINED BY BRITISH AUTHORITIES AS PRISONERS OF WAR.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State in response to the resolution of the House of Representatives of June 9, 1902, requesting him, if not incompatible with the public interests, to furnish the House of Representatives with a complete list showing the names of all American citizens (and their residence) who are now detained by the British authorities as prisoners of war, together with information as to what investigation, if any has been made by the State Department concerning the cause of their detention and what action has been taken to secure their release.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 23, 1902.*

EPHRAIM H. GALLION.

The SPEAKER also laid before the House a message from the President of the United States, which was read as follows:

To the House of Representatives:

I return herewith, without approval, House bill No. 3309, entitled "An act to remove charge of desertion against Ephraim H. Gallion."

The bill authorizes and directs the Secretary of War to remove the charge of desertion standing against Ephraim H. Gallion, late of Company B, Eleventh Regiment of Tennessee Cavalry, as he was never mustered into the United States Service, which was not his fault or neglect, and was refused any pay for his service period.

The records of the War Department show that he was enrolled April 21, 1862, as a private of Company B, Sixth Tennessee Infantry Volunteers; that he was a prisoner of war from September 18 to October 11, 1862; that he was discharged from service on surgeon's certificate of disability February 13, 1863; that he again enlisted August 27, 1863, as a private in Company B, Eleventh Tennessee Cavalry, to serve three years; that he was again captured by the enemy and held as a prisoner of war from March 9 to March 21, 1864, when he was paroled. He subsequently rejoined his company and served with it until September 4, 1864, when he deserted. No later record of him has been found.

While the records of the Eleventh Tennessee Cavalry are incomplete, and it is impossible to ascertain from them whether Gallion was formally mustered into service as a member of it or not, they show conclusively that he was actually made a soldier in this regiment by being placed on duty in it, and by being clothed and paid by the United States as a soldier.

In an affidavit submitted by Gallion, it is declared that he never received any moneys during his service as a member of the Eleventh Tennessee Cavalry. A pay roll on file in the office for the Auditor for the War Department shows that on May 13, 1864, at Camp Chase, Ohio, Gallion received from a United States paymaster $105.73, being his pay, at the rate of $13 per month, for eight months and four days from the date of his enlistment.

In view of the facts above set forth I am constrained to withhold my approval.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 23, 1902.*

Mr. HULL. I move that this message with the accompanying documents be referred to the Committee on Military Affairs and be ordered to be printed.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examened and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 3641. An act for the allowance of certain claims for prop-

erty taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate and adjust claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

H. R. 9723. An act correcting the record of Levi Wells;

H. R. 11725. An act to amend section 4139 and section 4314 of the Revised Statutes;

H. R. 9870. An act to correct the military record of Reinhard Schneider;

H. R. 3442. An act to correct the record of John O'Brien;

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mail;

H. J. Res. 200. Joint resolution amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River; and

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SELBY, indefinitely, on account of sickness.

To Mr. MCLAIN, indefinitely, on account of sickness.

To Mr. HENRY of Mississippi, indefinitely, on account of important business.

PRESIDING OFFICER AT EVENING SESSION.

The SPEAKER. The Chair designates as Speaker pro tempore at the session of the House this evening the gentleman from Iowa, Mr. CONNER.

LEAVE TO PRINT.

Mr. GAINES of Tennessee. I ask unanimous consent to place in the RECORD the proclamation of Governor Claiborne, then governor of the Mississippi Territory, exercising the powers of governor-general and intendant of the province of Louisiana; also a little speech which he made on taking charge of the Louisiana territory in 1803. This matter is very short—only three pages.

Mr. LESSLER. We ought to know definitely how much space it is to occupy.

Mr. GAINES of Tennessee. Does the gentleman mean to impeach my word? I stated that there are three short pages——

Mr. LESSLER. I simply wanted to understand.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD three pages of manuscript which he has described. Is there objection? The Chair hears none, and it is so ordered.

The documents referred to are as follows:

Proclamation by his excellency William C. C. Claiborne, governor of the Mississippi territory, exercising the powers of governor-general and intendant of the province of Louisiana.

Whereas by stipulations between the Governments of France and Spain the latter ceded to the former the colony of Louisiana, with the same extent which it had at the date of the above-mentioned treaty in the hands of Spain and that it had when France possessed it, and such as it ought to be after the treaty subsequently entered into between Spain and other states; and

Whereas the Government of France had ceded the same to the United States by a treaty duly ratified, and bearing the date of 30th of April the present year, and the possession of said colony is now in the United States, according to the tenor of the last-mentioned treaty; and

Whereas the Congress of the United States on the 31st day of the present year did enact that, until the expiration of the session of Congress then sitting (unless provisions for the temporary government of the said territories be made by Congress), all the military, civil, and judicial powers exercised by the then existing government of the same shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct, for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion; and the President of the United States has by his commission, bearing the date of 31st day of October, invested me with all the powers and charged me with the several duties heretofore held and exercised by the governor-general and intendent of the province:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare that the government heretofore exercised over the said Province of Louisiana, as well under the authority of Spain as of the French Republic, has ceased, and that of the United States of America is established over the same; that the inhabitants of the same will be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyments of all the immunities, rights, and advantages of citizens of the United States; that, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and religion which they profess; that all laws and municipal regulations which were in existence at the cessation of the late government remain in full force, and all civil officers charged with their execution, except those whose power has been especially vested in me, and except, also, such officers as have been intrusted with the collection of the revenue, are continued in their function during the pleasure of the governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all violence from without or within.

In testimony whereof I have hereunto set my hand.

Given in the city of New Orleans the 20th day of December, 1803, and of the independence of the United States of America the twenty-eighth.

WM. C. C. CLAIBORNE.

The governor's address to the citizens of Louisiana:

NEW ORLEANS, *September 20, 1803.*

FELLOW-CITIZENS OF LOUISIANA: On the great and interesting event now finally consummated—an event so dangerous to yourselves and so glorious to the United America—I can not forbear offering you my warmest congratulations. The wise policy of the Consul of France has, by the cession of Louisiana to the United States, secured to you a connection beyond the reach of change and to your posterity the sure inheritance of freedom. The American people receive you as brothers, and will hasten to extend to you a participation in those inestimable rights which have formed the basis of their own unexampled prosperity.

The SPEAKER. In pursuance of the order of the House, a recess will now be taken until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. CONNER as Speaker pro tempore.

The SPEAKER pro tempore. In pursuance of the order previously made, the House will now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

PHILIPPINE GOVERNMENT.

Mr. JONES of Virginia. Mr. Chairman, I do not see present the chairman of the Committee on Insular Affairs. We on the minority side have used a good deal more time than the majority, and I would much prefer that some gentleman on the other side would use some of the majority time.

The CHAIRMAN. In the absence of the chairman of the Committee on Insular Affairs, the Chair will recognize any gentleman on the Republican side for ten minutes.

Mr. JONES of Virginia. No gentleman desires to speak on that side——

Mr. GIBSON rose.

The CHAIRMAN. The Chair is informed, he would say to the gentleman from Virginia, that the chairman of the Committee on Insular Affairs will be here in a moment.

Mr. JONES of Virginia. The gentleman from Tennessee [Mr. GIBSON] rose, and I thought he was going to speak.

Mr. GIBSON. Mr. Chairman, I rose to make an observation. I will state that there was an agreement between myself and the chairman of the Committee on Insular Affairs that I should have allotted to me at least thirty minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee for thirty minutes.

[Mr. GIBSON addressed the committee. See Appendix.]

Mr. JONES of Virginia. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. NEVILLE].

Mr. NEVILLE. Mr. Chairman, the unjust provisions of the pending bill, and the recent developments as to methods of the Administration in the management of governmental affairs, make it the plain duty of every American citizen clothed with legislative authority to raise his voice in warning to the American people.

The gentleman from Wisconsin, chairman of the Committee on Insular Affairs, and in charge of this bill, in his opening address elaborately stated the Republican contention as to the course of the Administration in the Philippine Islands. His first statement was that the blessings of liberty are to be extended to the Filipino, and mind you, Mr. Chairman, he did not limit the scope of the word liberty.

It was not merely to remove the tyrannical hand of Spain; not merely to check the threatening attitude of Mohammedan teachings; not merely to enable the slaves to purchase their freedom at the market price; not merely to quiet the warring factions of the various islands; not merely to deprive the islanders of commercial and social intercourse with their relatives, the Chinese; not merely to protect them from the brutal hand of some foreign power needing more subjects to labor for its royalty, but to give them the blessings of liberty, presumably such liberty as we enjoy; that liberty for which the founders of this Republic fought and whipped the great destroyer of republics; that liberty for which every patriotic heart throbs, and for which every patriot's hand will fight when his native country is assailed.

Now, Mr. Chairman, to determine whether the Administration is practicing deception or not we have only to examine the contents of this bill—an Administration measure. The American conception of liberty presents but two phases. One is that our people may enjoy all rights and privileges guaranteed by the Declaration of Independence, the Constitution of the United States, and their laws, with such restraints as may be necessary to protect such rights and privileges. The other is that all other people shall enjoy such rights, privileges, and liberty as they may decree are suitable to their country, habits, and desires, and not in jeopardy of the rights of American citizens.

This bill does not make the Filipino an American citizen. It establishes courts to punish him, but does not guarantee him the right of trial by a jury of his peers. It establishes a government with the rules of which he must comply, and yet gives him no voice in the adoption of such rules nor the right to alter or modify them. It does not give him representation in the Government which legislates to control him, yet it taxes him to support policies which he does not approve. It in no sense gives him the liberty of an American citizen, while it at the same time abrogates his right to the liberty of a foreigner.

Members of the majority say this is not imperialism, but I am constrained to ask, What is it? This bill makes the islands our colonies; gives their people only such liberties as we believe they deserve, and reserves to us the right to increase or curtail those liberties in degree as our varying administrations may be kind or brutal. But, Mr. Chairman, this is enough on this line. Every American citizen knows that our title to the Philippines is no greater than that of King George to the American colonies. And that the attempts to govern without consent and with limited liberties are parallel.

Another contention of the advocates of this bill is that the opponents are equally responsible with the Republicans for the conditions prevailing with respect to our colonies. This contention hangs upon the slender thread that the great Democratic leader with a few of his partisans advocated the ratification of the treaty of Paris. They are indeed hard pushed for some one to share the ignominy of administrative policy since the ratification. Every reading American knows that W. J. Bryan advocated the ratification of the treaty with the avowed object of eliminating Spain as a factor in our efforts to give her colonies involved in the war their independence if they desired it and to end the war. And every man knows, and every fair-minded man will admit, that since the ratification of the treaty every step taken by our Administration leading toward the government of the Filipinos without their consent has been against the protest of W. J. Bryan and all of his partisans and against the protest of all other American citizens who are not under the thumb of the promoters of greed and avarice.

Another contention is that we offer no remedy or satisfactory way out. I think I can suggest to my Republican and Democratic friends a decent way to let go, and that is to negotiate a treaty with the islanders by which they shall remunerate us for our proper expense in trying to secure their liberty, and stand the expense ourselves of our efforts to lord it over them. If they would not agree to this kind of a treaty, we would at least have as much right to insist upon it as upon the enactments we are now providing for their guidance.

But we are told that vested rights have accrued and great property interests developed under our protection, and that we can not justly leave them to the mercy of a doubtful government, but a complete and sufficient answer to that is that time will only increase the difficulty.

Mr. Chairman, I shall not discuss this bill in detail, but its every section discloses an intent to exercise authority and control over those people without their consent, and that means now just what it has disclosed throughout the pages of history—a determination to control the fruits of other people's labor, and arbitrarily take their possessions without adequate compensation. It means national instead of individual slavery.

The greed and avarice of the American is becoming proverbial. He has resorted for gain to every device from conquest to cunning legislation, from fraud and deception to common lying. He utilizes child labor while parents walk the streets in enforced idleness. He placards and advertises his goods "marked down from $4 to $1" to catch the unwary woman looking for bargains.

He manufactures glucose honey, mule-fat butter, and bean coffee, to defraud legitimate producers and necessary consumers in markets where he can not palm off wooden nutmegs and the baser frauds. He advertises for honest laborers and dishonestly exacts a bonus without furnishing the employment. He waters the stock of doubtful corporations to filch the hard-earned mite savings of hired girls. He secures a 50 per cent protective tariff and reduces the wages of his employees 10 per cent. He glories in the enjoyment of free institutions and popular elections and corrals the voters in blocks of five. He writes and publishes false history, to cheat real heroes of the fruits of their victories. He collects funds in trust for a war-stricken and impoverished people and uses it to promote influence in favor of special classes. He garbles and misconstrues the orders of the great emancipator, to his army fighting to free men, as an excuse for the brutality of soldiers fighting to enslave men.

He suppresses the free expression of thought upon public questions as a necessity to retain office, while he denounces the policy of the spoils system as a reward for victory, and it is therefore not strange that he declares his intentions toward the Filipinos as honest and Godly, while the balance of the world looks on horror-stricken.

History does not record a nation of people who retained their liberties long after denying them to others, and unless the people of this country who believe in the common brotherhood of man and possess the finer sensibilities as to equality and justice forge to the front, the American people are likely to be scattered to the uttermost parts of the earth and the name supplant the synonym of another nation for cheat.

It is not difficult for a thoughtful man to see that the corrupt element of this country is in the saddle, and just so sure as disaster follows dishonesty, our people must come to grief. What more evidence of deception do the people need than the continued efforts of the managers of governmental affairs to hide the facts. He who reads the daily papers must note the headlines, "Root can not report the expense," "Moody regrets the leak," "Miles to be retired for exposing Army affairs," "The President deplores the publicity." Let me remind the American people that conclusions and decisions reached as to past matters, by the Army or Navy or any other department of the Government, should be reported to the people if the people are the Government. If the people are not the Government any longer in this country when will the bulldogs be turned loose to keep them out of the front yard?

Now, Mr. Chairman, as I do not intend to seek a renomination for Congress, it is proper that I should, before taking my seat, say something as to other legislation passed and to be passed. A few days ago a bill passed this House increasing the subsidiary coinage and permitting the melting of the standard silver dollar and its coinage into subsidiary money. Were it not for the secrecy and deception marking the path of governmental affairs, this law would be admitted to be a law to decrease the volume of standard or legal-tender money in the interest of the Treasury raiders, who hope to pull that string to again rake in the hard earnings of the people when the trust or combination rope shall break or be hedged about. There is no question but that the increase of subsidiary coin will do some good. It was needed and could have been provided without melting the standard silver dollar, but the decrease of the legal tender money is in furtherance of a long-continued scheme to tighten the grasp of a moneyed aristocracy upon the United States Treasury and eventually to choke it out of existence.

This side of the House is accused of abandoning the silver question, but that is not true as a whole. I am not informed as to the status of Democrats upon the money issue, but presume that, like the Republicans upon the tariff, they are all split up. There is one thing, however, about which I am informed, and that is that every Populist, while he does not believe that bimetalism is a full and complete panacea for the evils besetting the money question, does believe that legal-tender silver at 16 to 1, or any other ratio with gold, is better than bank-note currency, for the reason that it is good going and coming, while bank-note currency is a sure and rapid means to get you into debt, but is unreliable as a means to get you out. We believe that the Government should issue all money; that it should be a legal tender for all debts, public and private, and that the promissory note of an individual, of a bank, or other corporation should not be in imitation of money, and should depend for its circulation upon the integrity and standing of the promisor rather than upon legislation in his favor.

I realize, Mr. Chairman, that there is an effort to have the people abandon the money question. Each grasping individual desires all other persons to refrain from everything which interferes with his greed. The people are not going to abandon the money question until it is rightly and permanently settled, and prior to that time it is and will be the paramount issue.

A few distinguished gentlemen are trying to unite the Democracy upon an antitrust, anti-imperial, and tariff-reduction platform. These gentlemen are distinguished for at least two reasons. One is that occasionally they have to announce that they are Democrats, and the other is that whenever the money question is agitated, no matter how much trust, tariff, and imperialism are involved, they vote the Republican ticket.

This is conclusive proof that they believe the money question to be paramount, and that their interests are with the classes and not with the masses. A couple of these distinguished gentlemen,

formerly known as the firm of "Cleveland & Hill," a few nights ago uttered the encouraging words which are to unite the hosts for the conflict against trusts and imperialism. It will in truth be a huge joke upon the intelligence and sincerity of the Democratic party if it follows the advice of a man who was once elected President by votes in the West because he was for bimetallism, in accordance with the platform, and votes in the East because he was against it.

But, Mr. Chairman, let us see where the advice will lead. Reunited Democracy will resolve to abolish trusts and combines. The Republican President is causing suits to be brought against them. Who will have the best of the argument? The reunited Democracy will resolve against imperialism. The Republicans now do, and will continue to deny, that they favor imperialism. The battle along the whole line will descend to a campaign of personal abuse. The only question involved will be the sincerity of the parties. Each will accuse the other of evasion and misrepresentation, and the average citizen will not know what to believe and will vote according to his view of conditions regardless of causes or issues.

As an evidence that the Republicans are not sincere, we only have to notice that when they throw a crust to the wage-earner they give a whole bakery shop and contents to the millionaire. When they offer us an opportunity to vote for a constitutional amendment to suppress trusts they couple with it a proposition to oppress labor. When they offer us a chance to vote to increase subsidiary money they couple with it a provision to decrease the volume of legal-tender dollars. When they give us a chance to suppress anarchy, which we would gladly do, they couple with it a provision to make certain officers royal and above us, when they are only our equals and employees.

When the Democrats start their great campaign to liberate oppressed labor and throttle devouring trusts, and take under their fostering wing the money trust, the father and mother of all combines and oppression, to enable them to capitalize the procession, the American people will not believe that they are sincere.

No, Mr. Chairman, the American people are not fools. Some are dishonest and cunning; some are honest and trusting, and many are tired and sleepy, but all are ready to avenge a wrong to them when sufficiently rubbed in to make them feel it. They all know that if the Smiths can control the kind and volume of money which the Jones may use in their business that the Smiths can absorb the profits or suppress the business at will. If a few banks can control the kind and volume of money which the people—theoretically the Government—may use in their business, then such banks can and will periodically absorb the profits and suppress such parts of the business as may seem to them desirable. The people are now awakened to the fact that some day not far distant a Rothschilds may develop in this country who can dictate when and where it may engage in war or other enterprises.

I know that some Democrats claim that the protective tariff is the mother of trusts. But I would remind my Democratic friends, and especially those who are ashamed of alliance with Populists, that trusts are each and all the product of concentrated wealth; that a protective tariff is only one means of concentrating wealth in the hands of a few; that railway monopolies, telegraph, telephone, and electric-light franchises, Government contracts, ship subsidies, and a thousand other special privileges are potent factors in the concentration of wealth; but the stockholders of one class of these various enterprises combine as a defensive weapon to put them upon an equal footing with the combination of the others in commerce and trade, while the national-bank trust, controlling as it does the kind and volume of money with which they all do business, is the all-potent factor in the concentration of wealth, and was intended to, and eventually will, absorb the profits and control the business of all other people.

The men who go before the country declaring that they want to abolish trusts and prohibit imperialism, when they at the same time advocate a money system which is a sure breeder of trusts and inevitably creates class distinction, royalty, and vassal, are either idiots or believe other people to be.

Indeed, Mr. Chairman, the citizenship of this country will soon have leisure in which they can reflect. The South African war is over. May God ameliorate the effect of its result upon human liberty. The Spanish war is over. The Philippine conflict may last hundreds of years, but will never furnish a profitable business to Americans. The people will not much longer consent to toil for the exorbitant price with which to buy home goods, while the manufacturers produce a surplus with which to exploit cheap-labor countries, and this country can not long be prosperous upon a business confined almost entirely for its profits to interest on loaned money and raids on the United States Treasury.

I know the cry from one quarter is "to let well enough alone," but when harvest is over and the little balance of labor now employed is out with their brethren in a strike or lockout the masses will be disgusted with the conditions which make the millionaire say "Let well enough alone," and the wage-earners' babies cry for bread.

If I mistake not, when the bubble bursts and the men with the champagne stomachs and beer pocketbooks fully realize the cause of their undoing, there will be more men in this country with populistic ideas than was ever dreamed of in the philosophy of a reorganizing Democrat or self-confident Republican.

I have not the time to go over in detail the various steps taken by the Republican party to undo the people, but each step was in fraud of the other. When the first step was taken for the overthrow of silver it was stealthily done, and it will always puzzle him who studies political economy to know why our country aided to destroy the value of a product which she produced in abundance and which was not largely produced in other countries. The storm raised by the first step caused the Republicans for many years to pledge by party platform their loyalty to bimetalism; but they cunningly and persistently legislated for its destruction.

The same deceptive course was pursued as to the tariff. At first protection was invoked to foster infant industries, but the more the industries grew the more they could digest and the more they were fed. Now they are protected that they may rob the home people to enable them to compete for trade abroad. The same deception is visible in the varied legislation to do away with greenbacks and crops out in all laws relating to quasi-public corporations and monopolies. But for an unparalleled record of deception, the course of the party in power toward the Filipinos is presented to the public view. To go into detail would string these remarks out as long as the moral law.

It is sufficient to state that while the Administration persistently denied that Aguinaldo and his followers were recognized as allies, the letters of our consuls at Hongkong and Manila, as afterwards published in Senate Document No. 62, showed that they were; that while the Administration repeatedly declared that the war in the Philippines was conducted with humanity and mercy, its suppressed reports and evidence afterwards disclosed the most hideous and brutal torture, by official direction, that can be found disgracing the pages of ancient or modern history.

I presume we may tread out the life of innumerable insects and the harm to us not being visible pass it by as a trivial matter, but when we wantonly torture out the life of a weaker humanity, and then to mitigate our ignominy stand over graves where we should cast the green twig of regret, but instead rekindle the flame of sectional hate, God pity the man or woman who can look on and applaud.

But we are told that we are becoming a world power. Oh, shame for the ambition. Pharaoh, Herod, Tiberius, Nero, Cæsar, Alexander the Great, and Napoleon, were all great world powers, and history lines their pathway with victims that are now visible only by representations in the chamber of horrors. God grant that my country shall not continue to enlarge such chamber.

I know we are building great battle ships, but the incentive for building is more in the profits on construction than the need of the boats. If the conduct of the Administration is an indication, it is almost impossible now to get men to man the ships we already have. Whether this is the result of the conduct of recent war, or because men do not care to fight for other men's gain, I can not say, but the fact remains. I know an estimable lady and worthy husband of this city who have for the past week bent all their energies to secure the release of their schoolboy from the ship *Franklin*, and the lady the last time I saw her was wringing her hands with tears streaming down her face because the Department refused to let him go.

The letter containing the refusal said he was a likely, bright boy; was needed, and would add to the personnel of the Navy. The mother pleaded with the commander of the ship at Norfolk; she pleaded with the Secretary of the Navy, and two gentlemen, respectable enough to be Congressmen, pleaded for her with the President, and all received a deaf ear.

There is no more reason in law, and surely not in morals, why a recruiting officer for the Navy can make a binding contract with a child without its parents' consent than that others can do so. This boy, Willie Morton, is not yet through the high school. Temporarily away from home and probably having the ambition to be a Dewey or a Schley, without judgment and experience sufficient to contract for his future, the recruiting officer enlisted him. His parents were not consulted, they did not consent, and did not know of it in time to prevent.

I know of another instance where the heartaches are just as great and the man is retained, not even permitted to purchase his discharge, because the Navy can not spare him; yet an aged mother with an afflicted daughter is in continuous grief because of the heartlessness and the want of humanity shown by our naval officers. If I mistake not the temper of the American people, some day haughty officials will be taught that they are not royalty, and the rights of American citizens will be respected.

I was once a Republican. It was many years ago, and my consolation is that that party came into power because it advocated man's humanity to man, as a means to produce the greatest good to the greatest number, and I got out of the party when I foresaw that it would go out of power advocating man's inhumanity to man, as a means to produce the greatest misery to the greatest number. [Loud applause.]

Mr. BURNETT. Mr. Chairman, outside of the proposition that any legislation looking to the permanent retention of the Philippines is wrong, I think there are many serious objections to the bill which is now under consideration. The bill in section 7, page 63, is as follows:

That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Commission, the President, upon being satisfied thereof, shall authorize the Commission to call and the Commission shall call a general election, etc.

Now, then, that is certainly putting a local self-government and the action by a legislature selected by themselves of the Filipinos in the dim and distant future. Gentlemen on the other side seem to go into hysterics when any member upon this side ventures to prophesy that the people in after years will get tired of the Republican misrule and will elect a Democratic President and have a Democratic Administration.

Mr. LESSLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. LESSLER. Will the gentleman state if he has calculated how far off that is going to be? [Laughter on the Republican side.]

Mr. BURNETT. Yes, Mr. Chairman; that will be just this side of the time when the Filipinos will have a legislature of their own and local self-government. [Applause and laughter on the Democratic side.] Whenever that comes you may expect the other to come, and whenever the gentlemen on the other side commence to prophesy as to when the war in the Philippines will end and when the rebellion will end, they always tell us that we now have peace and that there is no such thing as war, and when they begin their statements along that line they discount, I think, any declarations or prophecies that the most sanguine Democrat could make of what may occur in the future to his party. Now, I say that this is put, and I believe purposely put, by those gentlemen for the purpose of using it before the people in the next election.

I do not believe that they expect, and I do not believe that they promise in good faith, that the Filipinos will ever have a legislature until the carpetbaggers have first sucked the lifeblood from the treasury of that country. They do not intend it, because the Commission itself says that it should be done by January, 1904; but the committee in their wisdom say that they will not give any definite time at all, but will put it whenever general and complete peace has been established therein and that fact shall be certified to the President by the Commission.

Now, Mr. Chairman, it seems to me that when they put that in the bill they did it knowing that they did not intend that peace should ever come to those islands or that the fact of peace should ever be certified. No; it was because of this that they put into the very bowels of the bill itself a contingency that they believe and that they know will never happen to these people, because they do not intend that they shall ever have local self-government, and hence they never intend that they shall ever have peace.

Now, the majority of the committee, I suppose, facetiously refer to the legislative limitations in the bill as a bill of rights. A bill of rights, it seems to me, Mr. Chairman, would be a misnomer without that great pearl of every bill of rights—the right of local self-government and a trial by jury; and nowhere in this so-called bill of rights that these gentlemen speak of, and that they refer to all the way through in their report, is one single thing in regard to the trial by jury. Here is the language of the bill:

SEC. 10. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

Now, compare that with the Constitution, from which part of it is taken, and see how incongruous that bill of rights is without something else that is found in the Constitution, and ought to be in this law:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Yet, Mr. Chairman, that declaration in favor of jury trial is conspicuous by its absence all through this bill. Then, another thing that is absent and that they do not intend shall be there. That is Article V of the Constitution, which is right in line with the other:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Now, those are two of the essentials that are left out of what these gentlemen, as I think, humorously designate as the bill of rights.

But there is another omission that is perhaps as significant as these two, and that is Article VII of the Constitution, which says that—

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Now, Mr. Chairman, if you will read, not between the lines but in the very body of this bill, I believe you will find the reason for these significant omissions. You will find it in the further declaration along in that bill which only allows to an individual who desires to enter his little home 40 acres of land, and yet allows corporations that go there to buy from the Philippine government, to buy almost 5,000 acres. With such privileges as that, and with the partnership existing between the Republican party and the corporations, is it wonderful that while they are singling out for these corporations such monopolistic powers as obtaining 5,000 acres of land, that the corporations should say to the gentlemen who propose this bill, "You must not allow the juries of that country to try their neighbors' rights or our rights in the courts of the country."

Mr. Chairman, not only that, but they go on with numerous details of that kind which, it seems to me, are utterly inconsistent with a republican government. Among other things, they say—

That no person shall be imprisoned for debt arising out of or founded on contract, express or implied.

And in another section—

That neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted shall exist in said islands.

And yet in the very beginning of the section in regard to legislative enactments they say:

After such election all the legislative power heretofore conferred on the Philippine Commission in all that part of said islands not inhabited by the Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses—the Philippine Commission and the Philippine assembly.

For the purpose of attempting to deceive the people to whom they will be amenable in the coming election they say, "Why, here we have abolished slavery in the Philippine Islands. We say there shall be no imprisonment for debt;" and yet but a few years ago there was a treaty made with one of the sultans of the Sulu group, in which both slavery and polygamy were permitted to continue.

In order to escape that; in order to continue and to tolerate this most iniquitous system of slavery, they have said that this declaration against slavery shall not apply to the Moros and non-Christian tribes, because they shall not be controlled by this legislative body. It is apparent, it is so apparent, it seems to me to be transparent what it was done for. Imprisonment for what? You take the report of the committee itself, and it gives the testimony of Governor Taft before that committee, and in that testimony Governor Taft says there are about 250,000 slaves held by these people, and most of that slavery was brought about for debt. Yet, in order to go before the people with the plausible assumption that we will not allow imprisonment for debt, and will abolish slavery in these islands, they insert this provision, while they do not attempt to abrogate the treaty which allows slavery for debt, the very worst kind of imprisonment.

Mr. Chairman, as one of the incidents of four years of the bloodiest war that ever befell any nation, 5,000,000 ignorant negroes were invested with the right to vote and to sit upon the juries of our country, and yet by solemn treaty with a Sultan of one of our new possessions slavery is recognized and permitted. Quoting further from the testimony of Governor Taft, the committee say in their report:

We are told by the datos that they (the slaves) were there as slaves for debt, and that was the chief method by which they became slaves; that any slave could redeem himself by the payment of that debt, but that the obligation to pay the debt continued from father to son and to the entire family.

Here we not only find slavery for debt, but a slavery transmitted as a heritage from father to son; yea, and to collateral relatives.

The committee's bill of rights pretends to forbid slavery and involuntary servitude except on conviction for crime. This the majority admits in their report to be but "sounding brass," because the Supreme Court in the insular cases has held that the thirteenth amendment, prohibiting slavery in the United States

or any place subject to their jurisdiction, is in force in the Philippines. But it will be noted that the very provisions of the bill, as before stated, except non-Christian tribes and Moros from the legislative control provided for by the bill. Plainly, this is put in there for the purpose of enabling the Moros to retain the rights General Bates gave them in the treaty, among which were those of owning slaves and practicing polygamy.

Again, we have a statute which forbids polygamy in our Territories and other possessions, and yet for three long years we have been living under a treaty which not only permits this violation of the laws of God and man, but these very datos who practice it are in the employ of our Government, and the hard earnings of American taxpayers go to support their unholy harems and lend the moral and financial support of a Christian people to practices which shock the heart of every virtuous man and woman in our great Republic.

This, Mr. Chairman, is part of the stock in trade that we are getting by the policy of this Republican Administration, and this bill carefully refrains from any interference with it whatever.

What is it costing us? You find your answer in the new-made graves of 10,000 brave American soldiers who fell on the field of duty in obedience to the orders of those who care not for the father's groans and the mother's tears for the soldier boy who sleeps upon a foreign soil. You find your answer at St. Elizabeth's Insane Hospital, near this city, whose gloomy halls are trod by those who lost their reason beneath the torrid suns of Luzon, and now suffer a living death because of the greed for gain and lust for power of those whose callous hearts have no sympathetic throb for brave men who went to answer duty's call. One gallant boy from my own district is within those walls, and but a few days ago the doctor told me his was almost a hopeless case. Do you believe the aged parents of that boy would for one moment think that every Filipino upon the thousand isles could recompense their darkened hearts for the loss of this poor boy?

What else is it costing us? The appropriations urged upon Congress at every session for the support of our armies in ths Philippines answer by footing up more than two hundred millions of money wrung from the hands of the toilers of our land.

But what have we gained? We have gained those who in religion, many of them, follow the crescent of Mohammed and not the cross of the Nazarene. We have gained those who believe that human slavery is right, and who hate the sanctity of the marriage vow. We have gained those who, according to the contention of gentlemen on the other side, so despise the rules of civilized warfare that our own officers are debauched into an emulation of all the cruelties of their foes. We have gained the privilege of making war upon women and children, and trying to excuse it by declaring that boys struggling for liberty must be shot down like beasts of prey.

Gentlemen cry out in their desperation that we are making war upon the American soldier. Against the brave soldier, the man behind the gun, I have not a word to say. For him I have only praise. But for the satrap who declares the policy of death to children and destruction to the homes of defenseless women I have the utmost contempt. With what sneers was the very name of Butcher Weyler uttered by all who read of his brutal deeds but a few years ago, and yet they are imitated by Butcher Smith, and the barbarities of Butcher Smith were upheld by a Republican leader on the floor of this House not two days ago, when the gentleman from Pennsylvania [Mr. PALMER] declared that Smith was entirely within the rules of civilized warfare when giving the order to kill boys over 10 years of age. This gentleman further says that children of 10 years old, "if capable of fighting or if they are taken with arms in their hands, should be treated exactly in the way they were." This shows plainly what Democrats have all the time contended was true, that not the Army, but the powers behind the Army, were responsible for acts of cruelty that would make Butcher Weyler hang his head in shame.

The excuse of gentlemen on the other side of the House for the barbarities committed there in the name of liberty is that these boys often fight against the invaders of their homes and will not lie supinely upon their backs while the car of American oppression crushes out the last spark of liberty from their hearts. If the boys have that kind of courage, when will we ever be able to suppress a rebellion backed up by the fathers of such sons? How many brave American soldiers will bite the dust in far-off Luzon before that kind of valor is repressed?

Mr. Chairman, the water cure and such cruelties, practiced to make men betray their neighbors, is barbarous and unchristian, but its evil to the Filipinos is not near so great as its evil effects upon ourselves. By seeking to apologize for it those who are its apologists hold our vaunted American civilization up to the scorn and contempt of all the nations of the world.

The hardest stab of all is that which religion receives in the house of its so-called friends when in religion's name these barbarities are committed. They tell us that it is manifest destiny; that the hand of Providence is in it. Providence in the butchery of human victims! Providence in the flames that burn the humble roof from the home that shelters women and children! Providence in tortures applied to men to force a betrayal of their own brethren! Providence carrying sword and torch and leaving death and ruin in its wake! What providence ever winked at such as these? Contrast that providence with the teachings of Him who stood upon the troubled waters and said, "Peace, be still!" Contrast that kind of providence with the life of Him whose natal hour was heralded by angels to Judæan shepherds upon Judæan hills and beneath Judæan skies, when earth and heaven resounded with the acclamation, "Peace on earth, good will to men!"

I am glad to know that organizations of Christian ministers and Christian people all over the United States have raised such a cry against the fiendish barbarities being practiced in the name of civilized warfare, that they are making their voices heard even by the deaf ears of a rough-rider President. The following is an extract from "An appeal of New York ministers to ministers of the United States:"

We, the undersigned ministers of religion, appeal to our brethren of all denominations throughout the United States to protest against the conditions in the Philippines revealed by testimony before the Senate Committee on Affairs in the Philippine Islands, from which the following are extracts:

Testimony of Edward J. Davis.

Q. When did you first arrive at Igbaras?
A. I had charge of that detachment at Igbaras. I do not remember the date I went over there.
Q. About how large a town is Igbaras?
A. I should say about 10,000 inhabitants.
Q. You may state whether or not the president or mayor of Igbaras was taken into custody?
A. He was.
Q. By whose order was he arrested?
A. Orders from Captain Glenn.
Q. After he was taken there what was done with him?
A. He was taken out into a big hall in the convent there, his clothes were all taken off, his hands were tied behind him, and he was asked for information in regard to runners being sent up into the mountains; asked if the scouts had arrived there. He would not give this information, so they took him to the water tank. It was a tank holding about a hundred gallons of water. They held him under the faucet, and he was made to take this water into his mouth at the command of Captain Glenn.
Q. How was his mouth kept open?
A. It was kept open with a stick, but I can not describe just how the stick was, because they had their hands over his mouth most of the time.
Q. After he was filled up with water, what else was done with him?
A. After they filled him up with water he swelled away up and these two soldiers would roll the water out of him. They had an interpreter over him, and they asked if he would tell what information they were after. He told some, and then after they released him and he had walked away and they were going out in the mountains somewhere and they got downstairs, they wanted further information out of him in regard to these runners going out into the mountains, and he would not give it. So they took him down right there, and they took a syringe and squirted water up his nostrils. He would not give the information, and they put salt in the water. Then he was willing to tell.
Q. Was he thrown down the last time?
A. Yes; his clothes were not taken off, but he was thrown down on the outside of the convent.
Q. You say there were about 10,000 people in this town of Igbaras?
A. Yes, sir; the town was burned.
Q. How soon was it burned?
A. After the column went up into the mountains, and about half an hour after they returned the town was burned.
Q. Do you know by whose order it was burned?
A. By order of Captain Glenn.
Q. Were there any houses left unburned?
A. Yes, sir; there were, I should judge, 15 houses left in the town.
Q. What became of the occupants of those houses that were burned?
A. They were driven out into the lots.
Q. Were they men, women, and children?
A. Yes, sir.
Q. Were there a good many women and children?
A. Yes; there were.

This, Mr. Chairman, is but a part of the testimony of one witness before the Senate committee. There were many more, and the details of torture are equally as shocking as those which I have quoted.

Then is it surprising that these devout ministers should close their petition to their brethren with these words?

We urgently beg our brethren in the ministry to inform themselves fully in regard to the position of the United States in the Philippine Islands in order that they may advise the American people as to their duty in regard to this matter.

But for the investigations demanded, but only partly received, by Democratic members of Congress, this carnival of crime would have gone unnoticed by the President and War Department till the weapon of the butcher would become dry for lack of a victim. The enormity of this matter, Mr. Chairman, to a large degree is the fact that men with Christian parents, raised beside Christian altars, going forth from the doors of Christian churches, are compelled to perpetrate these barbarities or else be court-martialed for disobedience of orders.

Yet when investigation revealed the secrets of these enormities, those who are the coconspirators in crime with the officers who ordered them, raise their blood-stained hands in holy horror

and say "Hush, you must not say a word or repeat these stories, for if you do you are abusing the Army."

Because we have told the fathers and mothers of these men the crimes which their sons are forced to commit, when their sons themselves would not dare to tell them, we are charged with being Copperheads and traitors.

Let the blood of the murdered victims in both armies in the far-away Philippines cry aloud till the voters at the ballot box shall whip the money changers from the temple of American liberty and drive those who barter human blood for commerce from the high places of power and oppression. [Loud applause.]

Mr. JONES of Virginia. I yield ten minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, the people of the country are to be congratulated that at last they have a President in the White House who has found a way by which the trusts can be successfully suppressed. Recently one of the great trusts of which the American people can boast decided to put up the price of one of our principal food products. I refer to the beef trust. The advance in the price of this necessity of life aroused the indignation of people in all parts of the country. In response to this popular protest the President of the United States instructed his officers to institute proceedings in our courts for the purpose of suppressing the beef trust.

Now, Mr. Chairman, the President is an able man. He is surrounded with as able legal advisers as there are in the country, and the very fact that he has ordered this suit ought to be a sufficient guaranty that the Sherman law is sufficiently effective to accomplish the result desired. Yes, the President has ordered the suppression of the beef trust. There appears to be no doubt about the existence of this trust. It has put up prices. It has oppressed the poor. It is making money out of the hunger of humanity. The poor are its first victims, starvation is its customer. It levies tribute upon the laboring man.

From the tenement houses come its largest revenues. It is merciless; it is without pity; but, thank God, the oppressed have a friend. The President of the United States is their friend. The greatest ruler of the greatest nation on earth is their friend. The most powerful man in the world, save one, is their friend. They have a friend in the strenuous one. This great man has ordered the suppression of this trust and he has the law behind him.

Now, Mr. Chairman, if the trust is not suppressed it is no fault of the law, for the Republicans in Congress by refusing to amend the law admit its sufficiency, and it surely can not be the fault of the President, for he has declared very emphatically upon this subject. In his message to the New York legislature on the 3d day of June, 1900, he declared that—

> The man who by swindling or wrong-doing acquires great wealth for himself at the expense of his fellow, stands as low morally as any predatory mediæval nobleman, and is a more dangerous member of society. Any law, and any method of construing the law, which will enable the community to punish him, either by taking away his wealth or by imprisonment, should be welcomed.

And so I repeat, that the country is to be congratulated, for the antitrust law is to be enforced. The suit has been ordered, the violation of law is admitted, and Theodore Roosevelt is President of the United States. Devoutly should the American people thank God for the advent of this auspicious hour. [Applause.]

But while the President is in the business of suppressing trusts, it might be well to remind him that, at the time he ordered the suppression of the beef trust 163 other great industrial trusts were already in existence, and for years has been regulating prices as they saw fit.

In his message to the New York legislature the President again declared that "where a trust becomes a monopoly the State has an immediate right to interfere;" and now that the Sherman Act has been violated of course the nation has a right to interfere. Nobody denies, so far as I know, that these 163 trusts are monopolies pure and simple. Nobody denies that they have been regulating prices. The American Steel and Wire Company put up the price of barbed wire from $1.75 per hundred to $3.50 per hundred.

The American Tin Plate Company advanced the price of tin nearly 100 per cent. The paris green trust put up the price of paris green, which is used by our tobacco farmers, more than 100 per cent. The anthracite coal trust has advanced the price of coal. The sugar trust puts up the price of sugar whenever it sees fit. The nail trust, within the last five years, has advanced the price of nails nearly 100 per cent. Every consumer in the country knows these statements to be true. The President must know that they are true, and while he is in the business of suppressing trusts he will no doubt order the prosecution of every one of these trusts.

The prices of the following food products are largely regulated by the trusts which manufacture them, to wit: Sugar, flour, starch, oatmeal, rice, manufactured biscuits, condensed milk, vinegar, certain kind of meat, baking powder, and ice. The price of paper is largely regulated by the trust. The price of thread, rope, twine, carpets, and wool products are almost absolutely fixed by the trust. The price of coffins, in which humanity is put away to its last resting place, is fixed by the trust. The price of school furniture is fixed by the trust. The prices of almost all building materials are fixed by the trust.

The prices of hoops and chains are fixed by the trust. In the President's own State, while he was governor of that State, the price of ice (one of the greatest blessings which civilization has evolved) was absolutely fixed by the trust. In short, Mr. Chairman, the price of a majority of the manufactured necessaries of life is fixed by the trust, but the people of the country are certainly to be congratulated. Theodore Roosevelt is President, and he has ordered the prosecution of the beef trust. The beef trust must go, and after the beef trust then the other trusts must be suppressed, for Theodore Roosevelt is a strenuous man, and he has the law behind him. [Applause.]

No, Mr. Chairman, the trusts have nothing to fear from this Administration. The beef trust will not be suppressed. The suit which the President ordered will not terminate until after the November election. When it comes to a hearing some defect will be found in the law which will save the trust from destruction. The suit will be kept pending until after the ides of November, and then it will die or it will disappear from the docket in some way and the beef trust will still be found doing business at the same old stand.

A Republican President can not fight the trust in the very nature of things. The Republican party can not fight the trust because the Republican party is the trusts and the trusts are the Republican party. For the Republican party to fight the trusts would simply be the trusts fighting themselves. They would simply be committing suicide. The creature is never greater than the creator. Mr. Roosevelt can not fight the trusts because his party draws life from them. But for trusts he might be a private citizen to-day. He might simply be plain Colonel Roosevelt, Rough Rider, but private citizen. A change of less that 100,000 votes even in 1900, properly distributed, would have left him at home.

This last proposition to prosecute the beef trust is a mere comedy which will simply amuse the nation. Mark the prediction, Mr. Chairman, the beef trust will not be suppressed. Not one of the 163 trusts, which live upon the poverty and necessities of the people will be suppressed. Certainly not while Theodore Roosevelt is President of the United States and the Republican party is in power.

The Sherman law has accomplished only one thing. It has prevented laboring men from entering into an agreement to strike for higher wages. It has done that and that alone. Nobody supposed it was passed for that purpose, but Judge Woods construed it that way, and ordered Eugene Debbs to jail. The Sherman law does not prevent the huge corporations from combining to put up the prices of food which sustain the laboring man, but it does prevent the laboring man from uniting with his fellow to advance the wages of his toil.

I have felt constrained, Mr. Chairman, to submit these remarks, because I believe that this prosecution of the beef trust, ordered by a Republican President and pressed by a Republican prosecutor, will wind up in a roaring farce. [Loud applause.]

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I did not expect to discuss the Philippine question to-night, nor will I use the time so graciously yielded me by the gentleman from Virginia altogether for that purpose.

Mr. Chairman, this afternoon, when the gentleman from Pennsylvania [Mr. MAHON] was making an address to the House upon this bill, and for some reason, I know not what, except to follow the example of another distinguished Republican, Mr. Blaine, who, many years ago, made somewhat of the same kind of a speech, I endeavored to secure the floor, but could not. The gentleman from Pennsylvania [Mr. MAHON], refusing to be interrupted, made a statement that the prisoners in the Confederate prisons during the late civil war suffered inhumanities and barbarities, and thereby the death rate which resulted in those prisons was greater than the death rate of the Confederate prisoners confined in Northern prisons.

I had hoped, Mr. Chairman, and the country, I apprehend, had hoped, that when a distinguished Georgian, Benjamin H. Hill, in this House in 1876, replied to a like attack on the part of the then distinguished and now lamented James G. Blaine, who made an assault upon the people of the South for political purposes; I say I had hoped, and the country had hoped, that that question was settled forever, and that no man thereafter would undertake to make an assertion so little sustained by the truth of history or the official records of both Governments as that which the gentleman from Pennsylvania asserted this afternoon.

Mr. Chairman, it is because of the fact that the gentleman from Pennsylvania has made that assertion, and I apprehend is

endeavoring to seek renomination and reelection by a resort to this kind of politics and this kind of political speech, that I feel called upon and shall use the time allowed to me by the gentleman from Virginia in refuting that statement. I undertook, during the time that he occupied the floor, to interrupt him, but he saw I had the record, and waived me aside and declined to be interrupted. History will eventually be written truly; but we have enough of history already written, and written by officers of the United States, to disprove the statement of the gentleman from Pennsylvania. On the 19th of July, 1866, Mr. Stanton, Secretary of War of the United States, made a report to Congress in which it appears that of all the prisoners in the hands of the Confederates during the four years there died in all of the Confederate prisons 22,246, while of the Confederate prisoners held by the United States there died in prison 26,576.

Mr. Chairman, I am the son of a Confederate officer who for twelve months was confined in a Federal prison. I would not mention the fact except I know from his own lips what hardships he endured. They were incident to war, probably; some that he endured were. I know this to be a fact, because I received it from his lips, that in the prison at Hilton Head for thirty days Confederate soldiers then in that prison were fed daily upon a pint of musty meal and a salt cucumber pickle as a day's ration. That is all they had. I know from his lips that it was a thing which they rejoiced at when they could see a negro guard on the prison wall from whom they could implore and beg something additional to that sparse ration meted out to them.

I know also that General Sherman, when he learned of the treatment of these prisoners, demanded that they should be properly fed. I know these facts from the lips of a Confederate officer and a Confederate soldier who endured them. I would never have mentioned them here but for the statement made by the gentleman from Pennsylvania [Mr. MAHON] that in the Confederate prisons barbarities and iniquities were practiced. The Surgeon-General of the United States Army, Barnes, made a report of the whole number of prisoners that were captured and held by the Confederates was 270,000, and we also find from that official report that the whole number of Confederate prisoners captured and held in prison by the Federal authorities was only 220,000. Of the 270,000 Federal prisoners in Confederate prisons there died 22,246, or less than 9 per cent, Of the 220,000 Confederate prisoners in Federal prisons there died 26,576, or more than 12 per cent.

Mr. GAINES of Tennessee. If the gentleman will allow me, where did he get those figures?

Mr. BARTLETT. From the report of Surgeon-General Barnes, of the United States Army, and the report of Secretary of War Stanton, of the United States, made July 19, 1866. You can get them from the official documents of this Government and of the Confederate Government.

But more than that, the records will show that time and time again the Confederate officials repeatedly, earnestly sought to induce the Federal authorities to exchange prisoners, but their efforts were in vain.

I have and will insert in my remarks the proof that it was refused by General Grant himself, and this is borne out by the statement and testimony of Gen. Benjamin F. Butler and the Assistant Secretary of War, Charles A. Dana, upon the ground that a Confederate prisoner was as good as a dead one, because in exchange for a Federal prisoner he would return to the ranks and become an active soldier against the United States, while, he said, one-half the Federal prisoners in Confederate prisons, if exchanged and returned, will never go into the Army again, and none of them will until after they have had a furlough of thirty or sixty days.

Now, I desire to call attention to that statement by Mr. Charles A. Dana. He was the Assistant Secretary of War. He said in an editorial in the New York Sun in 1876:

> The fact is unquestionable that while the Confederates desired to exchange prisoners, to send our men home and to get back their own, General Grant steadily and strenuously resisted such an exchange. While, in his opinion the prisoners in our hands were well fed, and were in better condition than when they were captured, our prisoners in the South were ill-fed, and would be restored to us too much exhausted by famine and disease to form a fair set-off against the comparative vigorous men who would be given in exchange. "It is hard on our men held in Southern prisons" said Grant, in an official communication, "not to exchange them; but it is humane to those left in the ranks to fight our battles. If we commence a system of exchanges which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught, they count for no more than dead men." "I did not," he said, on another occasion, "deem it justifiable or just to reinforce the enemy; and an immediate resumption of exchanges would have had that effect, without any corresponding benefit."
>
> This evidence must be taken as conclusive. It proves that it was not the Confederate authorities who insisted on keeping our prisoners in distress, want, and disease, but the commander of our own armies. We do not say that his reason for this course was not valid; but it was not Jefferson Davis, or any subordinate or associate of his, who should now be condemned for it. We were responsible ourselves for the continued detention of our captives in misery, starvation, and sickness in the South.
>
> Moreover, there is no evidence whatever that it was practicable for the Confederate authorities to feed our prisoners any better than they were fed, or to give them better care and attention than they received. The food was insufficient; the care and attention were insufficient, no doubt; and yet the condition of our prisoners was not worse than that of the Confederate soldiers in the field, except in so far as the condition of those in prison must of necessity be worse than that of men who are free and active outside.
>
> Again, in reference to those cases of extreme suffering and disease, the photographs of whose victims were so extensively circulated among us toward the end of the war, Mr. Davis makes, it seems to us, a good answer. Those very unfortunate men were not taken from prisons, but from Confederate hospitals, where they had received the same medical treatment as was given to sick and wounded Confederate soldiers. The fact mentioned by Mr. Davis, that while they had 60,000 more prisoners of ours than we had of theirs, the number of Confederates who died in our prisons exceeded by 6,000 the whole number of Union soldiers who died in Southern prisons, though not entirely conclusive, since our men were generally better fed and in better health than theirs, still furnishes a strong support to the position that, upon the whole, our men were not used with greater severity or subjected to greater privations than were inevitable in the nature of the case. Of this charge, therefore, of cruelty to prisoners, so often brought against Mr. Davis, and reiterated by Mr. Blaine in his speech, we think he must be held altogether acquitted.

But surely what General Grant has said on this subject is entitled to consideration and should be accepted, at least by those who were opposed to the Confederates, as the truth.

On January 11, 1865, General Grant, in his testimony before the Committee on the Conduct of the War," said:

> I will confess that if our men who are prisoners in the South were really well taken care of, suffering nothing except a little privation of liberty, then, in a military point of view, it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them. In fact, the half of our returned prisoners will never go into the Army again, and none of them will until they have had a furlough of thirty or sixty days. Still, the fact of their suffering as they do is a reason for making this exchange as rapidly as possible. * * *
>
> I did not deem it advisable or just to the men who had to fight our battles to reenforce the enemy with thirty or forty thousand disciplined troops at that time. An immediate resumption of exchanges would have had that effect without giving us corresponding benefits. The suffering said to exist among our prisoners South was a powerful argument against the course pursued, and I so felt it.

On August 18, 1864, General Grant sent from City Point the following dispatch to Gen. B. F. Butler, the commissioner of the United States for the exchange of prisoners:

> CITY POINT, *August 18, 1864.*
>
> To GENERAL BUTLER:
>
> I am satisfied that the chief object of your interview, besides having the proper sanction, meets with my entire approval. I have seen from Southern papers that a system of retaliation is going on in the South which they keep from us and which we should stop in some way. On the subject of exchange, however, I differ from General Hitchcock. It is hard on our men held in Southern prisons not to exchange them. but it is humanity to those left in the ranks to fight our battles. Every man released on parole, or otherwise, becomes an active soldier against us at once, either directly or indirectly. If we commence a system of exchange which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught they amount to no more than dead men. At this particular time to release all rebel prisoners North would insure Sherman's defeat and would compromise our safety here.
>
> U. S. GRANT, *Lieutenant-General.*

Gen. B. F. Butler stated before the committee of Congress known as "the Committee on the Conduct of the War" as follows:

> Mr. Ould left on March 31, 1864, with the understanding that I would get authority and information from my Government by which all disputed points could be adjusted and would then confer with him further, either meeting him at City Point or elsewhere for that purpose. In the meantime, exchanges of sick and wounded and special exchanges should go on.
>
> General Grant visited Fortress Monroe on April 1, being the first time I ever met him. To him the state of the negotiations as to exchange were verbally communicated, and most emphatic directions were received from the Lieutenant-General not to take any step by which another able-bodied man should be exchanged until further orders from him. * * *

I might pile up evidence on evidence by the statements of Confederate officers and the statements of Federal officials before Congressional committees corroborating this statement of the Assistant Secretary of War, Dana. Why, as a last resort, there was sent by the Confederate government a delegation taken from the Federal prisoners at Andersonville to Washington to plead their own cause before the Federal authorities to be exchanged. It was of no avail. They were not permitted to see the authorities nor to be heard, and they returned, carrying back the sad tidings that their Government held out no hope of their relief.

I have also the testimony and statement before the "Congressional reconstruction committee of the commander in chief of the Confederate armies"—that leader of the Confederate armies whose word, wherever it was given in this country or the world over, will be accepted as absolute truth; a man whose character as a gentleman, a soldier, a statesman and Christian, and a citizen stands as high as that of any man the world ever produced; a man whose sword is as stainless as that of any cavalier that ever lived or died or fought for a glorious cause; a man who stands at the head in the impartial histories written of that great conflict, as foremost, and the incomparable leader among all the gallant captains engaged in that great struggle. I refer to Robert E. Lee, who led the Confederate armies to victories, and finally, without a blemish on his name or sword, surrendered at Appomattox. [Applause.]

The following is an extract from the sworn testimony of Gen. Robert E. Lee before the Congressional Reconstruction Committee:

Q. (By Mr. Howard.) I wish to inquire whether you had any knowledge of the cruelties practiced toward the Union prisoners at Libby Prison and on Belle Isle?

A. I never knew that any cruelty was practiced, and I have no reason to believe that it was practiced. I can believe, and have reason to believe, that privations may have been experienced by the prisoners, because I know that provision and shelter could not be provided for them.

Q. Were you not aware that the prisoners were dying from cold and starvation?

A. I was not.

Q. Did these scenes come to your knowledge at all?

A. Never. No report was ever made to me about them. There was no call for any to be made. I did hear—it was mere hearsay—that statements had been made to the war department, and that everything had been done to relieve them that could be done, even finally so far as to offer to send them to some other points—Charleston was one point named—if they would be received by the United States authorities and taken to their homes; but whether this is true or not I do not know.

Q. And of course you know nothing of the scenes of cruelty about which complaints have been made at those places (Andersonville and Salisbury)?

A. Nothing in the world, as I said before. I suppose they suffered for want of ability on the part of the Confederate States to supply their wants. At the very beginning of the war I knew that there was suffering of prisoners on both sides, but as far as I could I did everything in my power to relieve them and to establish the cartel which was agreed upon

Q. It has been frequently asserted that the Confederate soldiers feel more kindly toward the Government of the United States than any other people of the South. What are your observations on that point?

A. From the Confederate soldiers I have heard no expression of any other opinion. They looked upon the war as a necessary evil and went through it. I have seen them relieve the wants of Federal soldiers on the field. The orders always were that the whole field should be treated alike. Parties were sent out to take the Federal wounded as well as the Confederate, and the surgeons were told to treat the one as they did the other. These orders given by me were respected on every field.

Q. Do you think that the good feeling on their part toward the rest of the people has continued since the close of the war?

A. I know nothing to the contrary. I made several efforts to exchange the prisoners after the cartel was suspended. I do not know to this day which side took the initiative. I know there were constant complaints on both sides. I merely know it from public rumors. I offered to General Grant, around Richmond, that we should ourselves exchange all the prisoners in our hands. There was a communication from the Christian Commission, I think, which reached me at Petersburg, and made application to me for a passport to visit all the prisoners South. My letter to them I suppose they have.

I told them I had not that authority; that it could only be obtained from the war department at Richmond, but that neither they nor I could relieve the sufferings of the prisoners; that the only thing to be done for them was to exchange them, and, to show that I would do whatever was in my power, I offered them to send to City Point all the prisoners in Virginia and North Carolina over which my command extended, provided they returned an equal number of mine, man for man. I reported this to the War Department and received for answer that they would place at my command all the prisoners of the South if the proposition was accepted. I heard nothing more on the subject.

The following private letter from General Lee to a friend and relative was not intended for the public eye, but it may be accepted as his full conviction on this subject:

LEXINGTON, VA., *April 17, 1867.*

DR. CHARLES CARTER,
No. 1632 Walnut Street, Philadelphia, Pa.

MY DEAR DR. CARTER: I have received your letter of the 9th instant, inclosing one to you from Mr. J. Francis Fisher in relation to certain information which he had received from Bishop Wilmer. My respect for Mr. Fisher's wishes would induce me to reply fully to all his questions, but I have not time to do so satisfactorily; and, for reasons which I am sure you both will appreciate, I have a great repugnance to being brought before the public in any manner.

Sufficient information has been officially published, I think, to show that whatever sufferings the Federal prisoners at the South underwent were incident to their position as prisoners and produced by the destitute condition of the country arising from the operations of war. The laws of the Confederate congress and the orders of the war department directed that the rations furnished prisoners of war should be the same in quantity and quality as those furnished enlisted men in the army of the Confederacy, and that the hospitals for prisoners should be placed on the same footing as other Confederate States hospitals in all respects.

It was the desire of the Confederate authorities to effect acontinuous and speedy exchange of prisoners of war, for it was their true policy to do so, as their retention was not only a calamity to them, but a heavy expenditure of their scanty means of subsistence and a privation of the services of a veteran army. Mr. Fisher or Bishop Wilmer has confounded my offers for the exchange of prisoners with those made by Mr. Ould, the commissioner of the Confederate States. It was he that offered, when all hopes of effecting the exchange had ceased, to deliver all the Federal sick and wounded to the amount of 15,000 without an equivalent, provided transportation was furnished.

Previous to this, I think, I offered to General Grant to send into his lines all the prisoners within my department, which then embraced Virginia and North Carolina, provided he would return me man for man; and when I informed the Confederate authorities of my proposition I was told that if it was accepted they would place all the prisoners at the South at my disposal. I offered subsequently, I think, to the committee of the United States Sanitary Commission, who visited Petersburg for the purpose of ameliorating the condition of their prisoners, to do the same, but my proposition was not accepted. Dr. Joseph Jones has recently published a pamphlet termed Researches Upon Spurious Vaccination, etc., issued from the University Medical Press, Nashville, Tenn., in which he treats of certain diseases of the Federal prisoners at Andersonville and their causes, which I think would be interesting to you as a medical man, and would furnish Mr. Fisher with some of the information he desires.

And now I wish you to understand that what I have written is for your personal information and not for publication, and to send as an expression of thanks to Mr. Fisher for his kind efforts to relieve the sufferings of the Southern people.

I am very much obliged to you for the prayers you offered for us in the days of trouble. Those days are still prolonged, and we earnestly look for aid to our merciful God. Should I have any use for the file of papers you kindly offer me, I will let you know.

All my family unite with me in kind regards to your wife and children.

And I am, very truly, your cousin,

R. E. LEE.

This testimony of General Lee shows that the statements made with reference to the treatment of Federal prisoners in Confederate prisons are not borne out by the facts as they existed and were proven.

Against the baseless statements of those who make the charges of cruelty and outrage committed upon the Federal prisoners in Confederate prisons I place the stainless word of this stainless Confederate officer. I desire to call attention to the evidence of another Confederate official.

I present the testimony of a Georgian, the vice-president of the Confederate States. His word has never been questioned. His long public service in the Congress of the United States, both prior and subsequent to the civil war, and his high character, will give to his statements the sanction of absolute verity.

Vice-President A. H. Stephens, in his War Between the States, volume 2, pages 507–510, says in reference to the Federal prisoners sent South:

Large numbers of them were taken to southwestern Georgia in 1864, because it was a section most remote and secure from the invading Federal armies, and because, too, it was a country of all others then within the Confederate limits not thus threatened with an invasion, most abundant with food, and all resources at command for the health and comfort of prisoners. They were put in one stockade for the want of men to guard more than one.

The section of country, moreover, was not regarded as more unhealthy or more subject to malarious influences than any in the central part of the State. The official order for the erection of the stockade enjoined that it should be in "a healthy locality, plenty of pure water, a running stream, and, if possible, shade trees, and in the immediate neighborhood of grist and saw mills." The very selection of the locality, so far from being, as you suppose, made with cruel designs against the prisoners, was governed by the most humane considerations. * * *

As far as mortuary returns afford evidence of the general treatment of prisoners on both sides, the figures show nothing to the disadvantage of the Confederates, notwithstanding their limited supplies of all kinds and notwithstanding all that has been said of the horrible sacrifice of life at Andersonville.

It now appears that a larger number of Confederates died in Northern than of Federals in Southern prisons or stockades. The report of Mr. Stanton, as Secretary of War, on the 19th of July, 1866, exhibits the fact that of the Federal prisoners in Confederate hands during the war only 22,576 died, while of the Confederate prisoners in Federal hands 26,436 died. This report does not set forth the exact number of prisoners held by each side respectively.

These facts were given more in detail in a subsequent report by Surgeon-General Barnes, of the United States Army. His report I have not seen, but according to a statement editorially in the National Intelligencer—a very high authority—it appears from the Surgeon-General's report that the whole number of Federal prisoners captured by the Confederates and held in Southern prisons, from first to last during the war, was, in round numbers, 270,000, while the whole number of Confederates captured and held in prisons by the Federals was, in like round numbers, only 220,000. From these two reports it appears that, with 50,000 more prisoners in Southern stockades or other modes of confinement, the deaths were nearly 4,000 less. According to these figures the per cent of Federal deaths in Southern prisons was under 9, while the per cent of Confederate deaths in Northern prisons was over 12. These mortality statistics are of no small weight in determining on which side was the most neglect, cruelty, and inhumanity.

In the summer of 1864 Mr. Robert Ould, the Confederate commissioner for the exchange of prisoners, in consequence of information communicated to him by the surgeon-general of the Confederate States as to the deficiency of medicines, offered to make purchases of medicines from the United States authorities, to be used exclusively for the relief of Union prisoners. He offered to pay gold, cotton, or tobacco for them, and even two or three prices if required. At the same time assurances were given that the medicines should be used exclusively for the treatment of Union prisoners, and he moreover agreed on behalf of the Confederate Government, if it were insisted on, that such medicines might be brought into the Confederate lines by United States surgeons and dispensed by them. To this offer no reply was ever received.

Finally a delegation from the prisoners at Andersonville was sent to Washington for the purpose of pleading their cause for the exchange, but the authorities at Washington refused to see them, and they returned.

An examination of the records of both Governments, of the United States and the Confederate States, and the evidence given before Congressional committees and furnished elsewhere will demonstrate that—

The laws of the Confederate congress, the orders of the war department, the regulations of the surgeon-general, the action of our generals in the field, and the orders of those who had the immediate charge of prisoners, all provided that prisoners in the hands of Confederates should be kindly treated, supplied with the same rations which our soldiers had, and cared for when sick in hospitals placed on precisely the same footing as the hospitals for Confederate soldiers.

If these regulations were violated in individual instances, and if subordinates were sometimes cruel to prisoners, it was without the knowledge or consent of the Confederate Government, which always took prompt action on any case reported to them.

The mortality in Southern prisons (fearfully large, although over 3 per cent less than the mortality in Northern prisons) resulted from causes beyond the control of our authorities, from epidemics, etc., which might have been avoided or greatly mitigated had not the Federal Government declared medicines "contraband of war;" refused the proposition of Judge Ould that each Government should send its own surgeons with medicines, hospital stores, etc., to minister to soldiers in prison; declined his proposition to send medicines to its own men in Southern prisons without being required to allow the Confederates the same privilege; refused to allow the Confederate Government to buy medicines for gold, tobacco, or cotton, which it offered to pledge its honor should be used only for Federal prisoners in its hands; refused to exchange sick and wounded, and neglected from August to December, 1864, to accede to Judge Ould's proposition to send transportation to Savannah, and received without equivalent from ten to fifteen thousand Federal prisoners, notwithstanding the fact that this offer was accompanied with a statement of the utter inability of the Confederacy to provide for these prisoners and a detailed report of the monthly mortality at Andersonville, and that Judge Ould again and again urged compliance with his humane proposal. (See Southern Historical Papers—Treatment of Prisoners, by J. William Jones.)

I desire now to refer to some official documents to support my statement made to-day in colloquy with my distinguished friend from Ohio [Mr. GROSVENOR].

The causes which induced the Confederate Congress to pass the resolution referred to by the gentleman from Ohio [Mr. GROSVENOR] were the orders issued by command of Major-General Pope, on July 18, 1862, and on July 23, 1862, known as General Orders, No. 5, No. 6, No. 7, and No. 11.

The following is a copy of No. 7:

[General Orders, No. 7.]

HEADQUARTERS ARMY OF VIRGINIA,
Washington, July 18, 1862.

The people of the valley of the Shenandoah and throughout the regions of operations of this Army, living along the lines of railroad and telegraph, and along routes of travel in the rear of United States forces, are notified that they will be held responsible for any injury done the track, line, or road, or for any attacks upon the trains or straggling soldiers by bands of guerrillas in their neighborhood. * * * Evil-disposed persons in the rear of our Armies who do not themselves engage directly in these lawless acts, encourage by refusing to interfere or give any information by which such acts can be prevented or the perpetrators punished.

Safety of the life and property of all persons living in the rear of our advancing Army depends upon the maintenance of peace and quiet among themselves and upon the unmolested movements through their midst of all pertaining to the military service. They are to understand distinctly that the security of travel is their only warrant of personal safety. * * * If a soldier or legitimate follower of the Army be fired upon from any house, the house shall be razed to the ground and the inhabitants sent prisoners to the headquarters of this Army. If such an outrage occur at any place distant from settlements, the people within 5 miles around shall be held accountable and made to pay an indemnity sufficient for the case; and any person detected in such outrages, either during the act or at any time afterwards, shall be shot without waiting civil process. * * *

By command of Major-General Pope:

GEORGE D. RUGGLES, *Colonel.*

The following is a copy of Order No. 11:

[General Orders, No. 11.]

HEADQUARTERS ARMY OF VIRGINIA,
Washington, July 23, 1862.

Commanders of army corps, divisions, brigades, and detached commands will proceed immediately to arrest all disloyal male citizens within their lines, or within their reach in the rear of their respective stations.

Such as are willing to take the oath of allegiance to the United States and will furnish sufficient security for its observance shall be permitted to remain at their homes and pursue in good faith their accustomed avocations. Those who refuse shall be conducted south beyond the extreme pickets of the Army and be notified that if found again anywhere within our lines, or at any point in the rear, they will be considered spies and subjected to the extreme rigor of the military law. * * *

By command of Major-General Pope:

GEORGE D. RUGGLES,
Colonel, Assistant Adjutant-General, and Chief of Staff.

In a letter dated July 30, 1862, addressed to General Lee, commanding the Confederate army in Virginia, President Davis inclosed the act of Congress referred to, and said, among other things:

For the present we renounce our right of retaliation on the innocent, and shall continue to treat the private enlisted soldiers of General Pope's army as prisoners of war; but if, after notice to the Government at Washington of our confining repressive measures to the punishment only of commissioned officers who are willing participants in these crimes, these savage practices are continued, we shall reluctantly be forced to the last resort of accepting the war on the terms chosen by our foes, until the outraged voice of a common humanity forces a respect for the recognized rules of war.

And he concludes as follows:

You are therefore instructed to communicate to the Commander in Chief of the Armies of the United States the contents of this letter and a copy of the inclosed general order, to the end that he may be notified of our intention not to consider any officers hereafter captured from General Pope's army as prisoners of war.

And thus was effected the results designed by the act of the Confederate Congress, that the rules of recognized civil warfare should be followed, and no retaliatory measures were resorted to by the Confederate Government or its officers.

In marked contrast with the orders of General Pope quoted, I call attention to the following: On July 7, 1862, Gen. George B. McClellan, in a letter to President Lincoln, written from camp near Harrisons Landing, Virginia, said:

This rebellion has assumed the character of a war. As such it should be regarded, and it should be conducted upon the highest principles known to Christian civilization. * * *

In prosecuting the war all private property and unarmed persons should be strictly protected, subject only to the necessity of military operations; all private property taken for military use should be paid or receipted for; pillage and waste should be treated as high crimes, all unnecessary trespass sternly prohibited, and offensive demeanor by the military toward citizens promptly rebuked. Military arrests *should not be tolerated except in* places where active hostilities exist, and oaths not required by enactments constitutionally should be neither demanded nor received.

I have endeavored to present on this question of the treatment of prisoners in Southern prisons and the failure to exchange them the evidence taken from the public documents and records of both the United States and Confederate Governments, with no other purpose in view except that the truth of history on this subject may be established and that the statement of the gentleman from Pennsylvania [Mr. MAHON] shall not go unchallenged, believing that these facts fully refute it.

But whatever acts may have been committed during the civil war by the armies or officials of either the United States or the Confederate government which are alleged to have been cruelties, they should not be pleaded as justification for the cruelties perpetrated in the Philippines. All I desire to say upon this subject is that those who justify such acts of cruelty under the law of retaliation can not find support for such acts or justification in General Orders, No. 100, containing instructions for the armies of the United States Government in the field, issued on April 24, 1863.

On the contrary, that order and the instructions contained in that order expressly forbid such acts of cruelty as are alleged to have been committed in the Philippines. This order has been asserted by some as full authority and justification for the cruelties alleged to have been perpetrated upon the Filipinos. I most earnestly deny that any justification for such cruelties can be found in that order.

Section 1, article 16, declares:

Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering, or for revenge, nor of maiming or wounding, except in fight, nor of torture to extort confessions.

Section 1, article 28, declares that—

Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably. * * * Unjust or inconsiderate retaliation removes the belligerents further and further from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

Article 56 of section 3 declares:

A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

Whatever cruel or inhuman means may have been used to extort confessions from prisoners by the officers or men of the United States Army in the Philippines, whether by means of the water cure or whatever other means may have been resorted to, they can find no justification under this order, No. 100, referred to. On the contrary, such conduct is prohibited by that order.

We find in section 3, article 80, of that order the following:

Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

In the name of the officers and men of both armies, in defense of the living and dead heroes on both sides of that great struggle, I repudiate the assertion that any of the cruelties alleged to have been committed on the Filipinos can find sanction or justification in any of the orders or conduct of either the Federal or Confederate officials.

Mr. Chairman, I do not desire to make political capital out of any unfortunate, miserable cruelties that may have been perpetrated in the Philippines. I sorrow at them when they are related. I am proud of the chivalry of the American Army.

I have no desire to hold up to public gaze any wrong that may have been done. But I desire to say this much: As I abhor any wrong that may have been done in the Philippines, so I charge it home upon the policy of an Administration that makes it necessary for the boys of this country—raised in Christian homes, educated by Christian parents, who out of love for their country or patriotism and devotion to its flag have followed it across the ocean to the distant isles of the sea—to obey the Commander in Chief of the Army and the generals and officers who command them, to engage in such a war of aggression and spoliation, a war for empire and not for defense. Such is the policy which has been always followed, and such has been the result in the history of the world in the effort of a superior race to destroy the liberties

and govern by force of arms an inferior and alien race. [Applause.]

Mr. JONES of Virginia. I yield thirty minutes to the gentleman from Tennessee [Mr. GAINES].

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. JONES of Virginia. I yield five minutes to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Chairman, I do not rise to-night for the purpose of making any extended remarks. It is perfectly obvious that the time limit would preclude the possibility of any such thought. But, Mr. Chairman, inasmuch as the members of this House will soon be called upon to cast their votes and express their deliberate judgment upon the merits of the two propositions with which this House is confronted, I take this opportunity of entering my earnest protest against the passage of the bill reported by the majority of the Committee on Insular Affairs.

For days and weeks, yea, months, Mr. Chairman, the able and distinguished Committee on Insular Affairs were engaged in an earnest effort to formulate a wise and statesmanlike measure for the patriotic purpose of solving the difficult, intricate, and complicated questions involved in our Philippine policy. The result of the deliberations of this committee was a report to the House of two bills, one by the majority and the other by the minority of that committee.

The bills presented by the majority and minority of this committee accentuate the difference of views between the members of that committee, and in my judgment, Mr. Chairman, substantially express the difference of views upon the important questions involved of the two great political parties of this country.

I shall not attempt, as I said before, to engage in the discussion of any particular question involved in this controversy to-night. It seems to me that there has been more or less of partisanship displayed in the discussion of this great question, and perhaps more than should have characterized the consideration of questions involving so much to our Government.

The highest and best thought of the greatest minds and intellects of the nation should be invoked in a proper solution of these questions, to enable us to arrive at a proper conclusion in reference to these different views. There has been more or less said in criticism of some parts of the army in the Philippines, and with a good deal of the accusations that have been made as against the soldiers I have but little sympathy.

I mean to say, Mr. Chairman, that I do not share, if such a feeling or sentiment is shared in this country, in the opinion that there is any such conduct disclosed in the Philippine Islands to justify a general charge, or a general arraignment, or a general criticism of the Army of the United States. That there are exceptional cases of cruelty, of misconduct, of violations, perhaps, of the rules of civilized warfare in the Philippine Islands would not be disputed by any gentleman on the other side of this Chamber.

I do not sympathize with the idea, Mr. Chairman, that these soldiers in many instances should be held responsible in the eyes of the law for what they have done. I believe that the only defense that can be made of the cruelty and inhumanity which have been charged in the Philippine Islands can only be made upon the theory which was adopted by Lord Erskine when called upon to make defense of Warren Hastings for similar cruelties and similar inhumanities practiced in India. After Great Britain had conquered India she sent as her representative, as governor-general or viceroy, Warren Hastings to govern that conquered country, that subjugated people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. I yield five minutes more to the gentleman.

Mr. ZENOR. When Warren Hastings was charged with these cruelties before the House of Lords in England, Edmund Burke arraigned him for his cruelties and for his misconduct and for what seemed to be a violation of all rules of civilized warfare.

After that terrible arraignment before the House of Lords, Lord Erskine, that astute, skilled, splendid lawyer, and great statesman as the counsel of Warren Hastings confessed all of the charges that had been made against him, as was true in the defense of Gen. Jacob H. Smith in the Philippine Islands, but he called the attention of the House of Lords to the fact that Warren Hastings could not be held guilty for the execution of the policy of the Government of Great Britain.

He argued that he was in India representing the British Government, representing the British policy, and that the only defense that could be made in his case was that it was not Warren Hastings but the policy of Great Britain which put him there; that his client, Mr. Hastings, was not the real culprit, not the responsible criminal; that if there existed criminal responsibility for any of the acts charged against, and for which Warren Hastings had been so fiercely arraigned by the distinguished Burke, they should be charged against the English Government, against the Parliament of Great Britain who had inaugurated the policy, the inevitable consequences of which were the very cruelties and horrors of which complaint was made and in the execution of which his client was but a mere instrument in the hands of his superiors, the officials of the British Government, and it is recorded that it was upon this plea and upon this theory that Warren Hastings went acquit.

So it is, Mr. Chairman, in all of this misconduct in the Philippine Islands. I believe, as I stand here to-night, that it is by reason of the policy that has been inaugurated in those islands that these things have happened. It is one of the inevitable consequences, it is one of the results of carrying on a war to subjugate a foreign people, aliens to ourselves in habits, in thought, in every characteristic that can divide two races.

But, Mr. Chairman, I have digressed from the purpose for which I rose. I desired, Mr. Chairman, simply to make a contribution to this discussion and to dedicate here to-night a poem which was written by a very able divine at my home town, the Rev. H. I. Stern, of Corydon, Ind., which I regard as not only highly worthy but apropos to the subject under discussion, and I will ask the Clerk to read it.

The Clerk read as follows:

MATER DOLOROSA.

Madonna of the nations, Columbia, mother-maid,
Who, terrible in loving, once madest kings afraid.
Where is thy brave aloofness and heritage of pride?
A sword thy soul hath entered, thy Christ is crucified.

Is this the morning's promise, an arid afternoon,
That thou art sick and wearied of mercy's task so soon,
That morning when the toilers and all the earth's oppressed
Beheld thee 'mid the oceans and rose and called thee blest?

Still they await in battle thy voice across the sea,
But thou dost sit and mutter thy gospel doubtingly,
While princes are thy wooers, and traffickers in blood,
And priests of hoary falsehoods, and all the pagan brood.

They lift their heads exulting and laugh their cynic laugh,
The people's dream of freedom is blown away like chaff;
For she is grown as we are, proud, rich, her faith is cold,
All things will be to-morrow as they have been of old.

From distant sunrise islands reach hands to thee in vain,
The hands of driven slayers, the spirits of the slain;
Well dost thou droop and cover thy sullied head in shame,
For they who kill are killing, Columbia, in thy name!

And thou must teach thy children to prate the cant of knaves,
That they for this are freemen, to make their brothers slaves;
Then is thy charter forfeit, thou handmaid of the Lord,
They who the sword have taken have perished by the sword.

O, prophetess of freedom, O, priestess of the right,
Stops then at the Pacific God's highway for the light?
Esteemed thou so lightly His glory on thy brow?
Is He among the nations to have no witness now?

Nay, yet arise, beloved, and cleanse thy skirts of blood,
Return unto thy calling and to thy holier mood;
Once more lift on the peoples thy chastened eyes like stars,
Lest God be wroth and spurn thee, Columbia of the wars.

Mr. JONES of Virginia. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CONNER having resumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. JONES of Virginia (at 10 o'clock and 20 minutes p. m.), the House adjourned until to-morrow at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11247) extending the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases, reported the same with amendments, accompanied by a report (No. 2644); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 163) granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children, reported the same without amendment, accompanied by a report (No. 2646); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11808) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported the same with amendments, accompanied by a report (No. 2656); which said bill and report were referred to the House Calendar.

Mr. MOODY of Oregon, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 15198) defining what shall constitute and providing for assessments on oil-mining claims, reported the same with amendment, accompanied by a report (No. 2657); which said bill and report were referred to the House Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1359) to increase pension for total deafness, reported the same without amendment, accompanied by a report (No. 2654); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11848) granting right of way to the Williams and Cataract Canyon Railroad Company across the Supai Indian Reservation, in Arizona, reported the same with amendment, accompanied by a report (No. 2658); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13054) granting a pension to Louisa L. Kerr, reported the same with amendments, accompanied by a report (No. 2616); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4211) granting an increase of pension to Asa Worden, reported the same without amendment, accompanied by a report (No. 2617); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15114) granting an increase of pension to Alonza F. Canfield, reported the same with amendments, accompanied by a report (No. 2618); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15069) granting an increase of pension to Daniel P. Marshall, reported the same with amendment, accompanied by a report (No. 2619); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6008) granting an increase of pension to David Vickers, reported the same without amendment, accompanied by a report (No. 2620); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13997) granting an increase of pension to L. A. L. Gilbert, reported the same with amendments, accompanied by a report (No. 2621); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3423) granting an increase of pension to Maria V. Stadtmueller, reported the same without amendment, accompanied by a report (No. 2622); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12600) granting an increase of pension to George S. Graham, reported the same with amendments, accompanied by a report (No. 2623); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4454) granting an increase of pension to John D. Sullivan, reported the same without amendment, accompanied by a report (No. 2624); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13799) granting an increase of pension to H. C. Trout, reported the same with amendments, accompanied by a report (No. 2625); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2306) granting an increase of pension to William H. Lessig, reported the same without amendment, accompanied by a report (No. 2626); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat, reported the same without amendment, accompanied by a report (No. 2627); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1666) granting an increase of pension to Rufus V. Lee, reported the same without amendment, accompanied by a report (No. 2628); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15074) granting an increase of pension to George F. White, reported the same with amendment, accompanied by a report (No. 2629); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8626) granting a pension to Sarah E. Yeamans, reported the same with amendments, accompanied by a report (No. 2630); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5758) granting an increase of pension to David Ham, reported the same without amendment, accompanied by a report (No. 2631); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15113) granting an increase of pension to John Murphy, reported the same with amendments, accompanied by a report (No. 2632); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5076) granting an increase of pension to Katharine W. Clarke, reported the same without amendment, accompanied by a report (No. 2633); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14831) granting an increase of pension to Robert Clark, reported the same with amendment, accompanied by a report (No. 2634); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5747) granting an increase of pension to James E. Bader, reported the same without amendment, accompanied by a report (No. 2635); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5450) granting a pension to Dr. Charles P. Bigelow, reported the same with amendments, accompanied by a report (No. 2636); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4938) granting a pension to Alexander Gossett, reported the same without amendment, accompanied by a report (No. 2637); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3315) granting an increase of pension to George W. Bradshaw, reported the same without amendment, accompanied by a report (No. 2638); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14242) granting a pension to Charles E. Peake, reported the same without amendment, accompanied by a report (No. 2639); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2283) granting an increase of pension to William F. Angevine, reported the same without amendment, accompanied by a report (No. 2640); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4923) granting a pension to William L. Whetsell, reported the same without amendment, accompanied by a report (No. 2641); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 7361) for the relief of C. W. Colehour, reported the same with amendment, accompanied by a report (No. 2642); which said bill and report were referred to the Private Calendar.

He also, from the Committee on Claims, to which was referred

the bill of the House (H. R. 7363) for the relief of John A. Dolan, reported the same with amendment, accompanied by a report (No. 2643); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15084) granting an increase of pension to James H. Powell, reported the same with amendments, accompanied by a report (No. 2647); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11212) granting an increase of pension to J. D. Sims, reported the same with amendments, accompanied by a report (No. 2648); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14265) granting an increase of pension to Helen N. Packard, reported the same with amendments, accompanied by a report (No. 2649); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committe on Invalid Pensions, to which was referred the bill of the House (H. R. 3907) granting an increase of pension to John A. Sare, reported the same with amendment, accompanied by a report (No. 2650); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14751) granting an increase of pension to Regina F. Palmer, reported the same with amendments, accompanied by a report (No. 2651); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14952) granting an increase of pension to L. S. Grove, reported the same with amendments, accompanied by a report (No. 2652); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9074) granting a pension to Elizabeth Gates, reported the same with amendments, accompanied by a report (No. 2653); which said bill and report were referred to the Private Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4328) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, reported the same without amendment, accompanied by a report (No. 2655); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 15207) to permit W. W. Wheeler to prosecute a claim, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURTON: A bill (H. R. 15234) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 205) providing for the removal of shoal in North River of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. HULL: A joint resolution (H. J. Res. 203) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Arturo R. Calvo, of Costa Rica—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 15228) granting a pension to Mary A. Sanborn—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 15229) granting a pension to James T. Jackson—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 15230) granting a pension to Emma Morton, guardian—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 15231) for the relief of the New Orleans and Bayou Sara Mail Company—to the Committee on War Claims.

By Mr. SNOOK: A bill (H. R. 15232) granting an increase of pension to Philander E. Wilson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15233) granting an increase of pension to Edmond G. Carey—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A joint resolution (H. J. Res. 204) for the relief of Caleb B. Rhoades—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the American Committee on Human Rights and Justice, in relation to the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

Also, resolutions of the American Association of Nurserymen of Rochester, N. Y., urging the passage of House bill No. 10999—to the Committee on Agriculture.

By Mr. BABCOCK: Petition of churches of Richland Center, Wis., for a Sunday law for the national capital—to the Committee on the District of Columbia.

Also, petitions of R. L. Smith and other druggists, of Viola and Manston, Wis., and Errickson & Natwick, of Soldiers Grove, Wis., favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BEIDLER: Petition of druggists of Berea, Ohio, in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of annual convention of 22 German societies of Cleveland, Ohio, protesting against the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

By Mr. BOUTELL: Petition of J. Bollemp and E. K. Brockett, of Chicago, Ill., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Chicago Turn Gemeinde for the erection of a monument to Baron Steuben—to the Committee on the Library.

By Mr. BRANTLEY: Petition of J. M. Harvey and 6 other retail druggists of Vacoesta, Ga., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Resolutions of American Association of Nurserymen, Rochester, N. Y., favoring the passage of House bill 10999—to the Committee on Agriculture.

By Mr. CONRY: Resolutions of the city councils of Cambridge, Fitchburg, and Winthrop, Mass, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Thomas Joyce & Co., of Boston, Mass., for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of H. E. Rice and 8 other citizens of Nashua, N. H., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of American Association of Nurserymen, of Rochester, N. Y., urging the passage of House bill 10999—to the Committee on Agriculture.

By Mr. HILL: Petitions of W. H. Camp, of Canaan; R. S. McDonald, of Darien; H. P. Bissell, of Ridgefield, and H. C. Boswell and others, of Greenwich, Conn., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of American Association of Nurserymen, advocating the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of Coopers' Union of Trenton, and Electrical Workers' Union, No. 3, of Jersey City, N. J., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. JONES of Washington: Petition of steam-vessel owners and licensed men, of Tacoma, Wash., favoring the passage of the Grosvenor bill concerning the regulation of gasoline and other launches—to the Committee on Merchant Marine and Fisheries.

By Mr. LACEY: Petition of Frank Ritter and others, of Philadelphia, Pa., against the public-school system in the Philippines—to the Committee on Insular Affairs.

By Mr. PAYNE: Petition of citizens of Seneca Castle, N. Y., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. SNOOK: Papers to accompany House bill granting an increase of pension to Philander E. Wilson—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Pharmaceutical Association and retail druggists of Waterbury, Conn., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of citizens of New York City, in favor of the passage of House bill 12203—to the Committee on Invalid Pensions.

Also, petition of American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of West Side Lodge No. 320, International Association of Machinists, of New York, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. YOUNG: Resolution of the Trades League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

Also, resolutions of the Commercial Exchange of Philadelphia, urging the passage of House bill 14022—to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 24, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

HOUR OF MEETING.

Mr. QUAY. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock. [Putting the question.] By the sound the noes have it.

Mr. QUAY. I do not care to have the vote taken by yeas and nays.

The PRESIDENT pro tempore. It is not a good time to do that.

Mr. QUAY. Evidently there is not a quorum present. So I will withdraw the motion for the present.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 23d instant, a list of all judgments rendered in favor of claimants in Indian depredation cases not heretofore appropriated for; which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2848) for the establishment of a subport of entry at Naco, Ariz.; and

A bill (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3323) granting a pension to Daniel L. Mallicoat;

A bill (H. R. 3500) granting an increase of pension to Kate O. Phillips;

A bill (H. R. 5315) granting an increase of pension to Orrin J. Wells;

A bill (H. R. 6871) granting an increase of pension to Harmon Scramlin;

A bill (H. R. 10178) granting an increase of pension to Daniel Thomas;

A bill (H. R. 10933) to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected;

A bill (H. R. 12284) granting an increase of pension to George W. Shaw;

A bill (H. R. 12299) granting a pension to William C. Roberts;

A bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley;

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City;

A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck; and

A bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge;

A bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; and

A bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Woman's Christian Temperance Unions of Rockland County, N. Y., and of Lebanon, Tenn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were ordered to lie on the table.

Mr. DRYDEN presented the memorial of W. Vanorden, of Hamburg, N. J., remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and at immigrant stations; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Belvidere, Hoboken, Oceanport, Bloomfield, Jersey City, Bound Brook, Moorestown, Dennisville, and Clinton, of the New Jersey Conference of the Epworth League, of Camden, all in the State of New Jersey, and of sundry citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations and in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Liquor Dealers' Association, of Hackensack, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the petition of C. S. Hedden, of Newark, N. J., praying for the enactment of legislation to reduce the duty on raw material imported from Cuba; which was referred to the Committee on Finance.

He also presented the petition of James E. Davis, of Newark, N. J., praying for the enactment of legislation to allow all newly coined words to become a part of the English language; which was referred to the Committee on Patents.

He also presented petitions of Silk City Lodge, No. 188, International Association of Machinists, of Paterson, and of Elysium Lodge, No. 351, International Association of Machinists, of Hoboken, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of Mineral Mine Workers' Local Union No. 8588, of Port Oram; of the Martin Cook Association, of Hoboken; of Brewery Workmen's Local Union No. 26, of Trenton; of Sheet Metal Workers' Local Union No. 13, of Hoboken; of Coopers' Local Union No. 40, of Jersey City; of the Woman's Christian Temperance Union of Hoboken; of Court Harmony, No. 69, Foresters of America, of Hoboken; of Plumbers' Local Union No. 45, of Trenton; of Electrical Workers' Local Union No. 3, of Jersey City; and of Coopers' Local Union No. 151, of Trenton, all in the State of New Jersey, praying for the enactment of legislation to increase the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a petition of Iron Molders' Local Union No. 375, of South Milwaukee, Wis., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Federated Trades Council of Madison, Wis., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER of Washington presented petitions of sundry

shipowners, pilots, etc., of the harbor of Tacoma and Puget Sound, in the State of Washington, praying for the passage of the so-called Grosvenor bill, relative to gasoline launches, etc.; which were referred to the Committee on Commerce.

Mr. QUAY presented a petition of 2,841 members of the Knights of the Royal Arch of Pennsylvania, praying for a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of Iron Molders' Local Union No. 371, of Noblesville, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 10761) granting a pension to Anne Bronson; and

A bill (H. R. 8414) granting an increase of pension to George Atkinson.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 6250) to regulate the use by the public of reservoir sites located upon the public lands of the United States, reported it without amendment and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 8145) granting an increase of pension to Harvey B. Linton, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 4943) granting an increase of pension to Abraham Park; and

A bill (S. 2353) granting an increase of pension to Almond Partridge.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 11742) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment proposing to appropriate $85 to pay S. R. Green, of Clackamas County, Oreg., being the amount deposited by him to the credit of the United States Treasurer for office fees in connection with the survey of the Della, Lone Grave, Idle Fancy, and Cyclone quartz mining claims in Lane County, Oreg., etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment relative to granting relief to certain owners of patented lands relinquished to the United States, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina, reported it without amendment.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the amendment submitted by himself proposing to appropriate $750 to pay Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, and also to appropriate $500 to pay John H. Walker for extra services as clerk to the Committee on Pensions, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes, reported it without amendment, and submitted a report thereon.

DISTRICT CODE.

Mr. PRITCHARD. I report back from the Committee on the District of Columbia the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia." I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PRITCHARD, Mr. DILLINGHAM, and Mr. MARTIN were appointed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. BURTON introduced a bill (S. 6271) for the appointment of an additional United States commissioner and constable in the Indian Territory; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6272) granting an increase of pension to George O. Wright;

A bill (S. 6273) granting an increase of pension to Orrin D. Nichols (with accompanying papers);

A bill (S. 6274) granting an increase of pension to Jacob D. Crabb; and

A bill (S. 6275) granting an increase of pension to Lewis D. Frogge (with accompanying papers).

Mr. DRYDEN introduced a bill (S. 6276) granting a pension to Mary E. Russell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6277) for the relief of the Bardstown and Louisville Turnpike Company and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 6278) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands" to the ceded Indian lands in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALDRICH introduced a bill (S. 6279) granting a pension to Elisa Palmer Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6280) for the relief of the estate of Josiah P. Ashford, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 6281) to provide for the leasing of water power created by public works; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER of Washington (for Mr. MCMILLAN) introduced a joint resolution (S. R. 119) to provide for opening to the public free of charge the Lincoln Museum in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT of New York introduced a joint resolution (S. R. 120) providing for the removal of shoal in North River of New York Harbor; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HANSBROUGH introduced a joint resolution (S. R. 121) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a joint resolution (S. R. 122) to fix the lineal and relative rank of officers of the Army in the artillery arm promoted or appointed to vacancies created or caused by the act of Congress approved February 2, 1901; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

CUMBERLAND RIVER IMPROVEMENT.

Mr. BATE introduced a bill (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902; which was read the first time by its title.

Mr. BATE. I ask for the immediate consideration of the bill, and beg to state the reason for action upon it.

There was an error in the river and harbor act affecting the Cumberland River. It has been corrected, in part, at least—that is, a bill was introduced in the other House by Mr. BURTON. I now introduce it here, and ask for action upon it immediately. The river and harbor act has become a law. This was simply an error in the engrossment, and the fact is known by the Senator who had the bill in charge. It will take but a moment.

Mr. BERRY. By permission of the Senate, I will state that the river and harbor act as it passed both Houses was exactly as the conferees reported it. A mistake was made in the Secretary's office.

Mr. BLACKBURN. In the Clerk's office?

Mr. BERRY. No; in the office of the Secretary of the Senate. I wish to say on behalf of the Secretary, however, that it is the first mistake which has occurred in his office for fifteen years, and there is no blame attached to him. At any rate, the amendment which applied to the Upper Cumberland was in the enrollment

of the bill made to apply to the Cumberland below Nashville. It has been submitted to Mr. BURTON in the House, and I have had a talk with the Senator from Michigan [Mr. MCMILLAN], who was in charge of the conferees about it. This is simply to make the bill precisely as it passed both Houses and to correct the error. I hope unanimous consent will be given for its consideration.

Mr. BATE. That is all I ask.

The PRESIDENT pro tempore. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, be, and the same is hereby, amended so that the two paragraphs thereof providing for the improvement of the Cumberland River, Tennessee, below Nashville, and of the Cumberland River, Tennessee, above Nashville, shall read as follows:

"Improving Cumberland River, Tennessee, below Nashville: For the completion of the lock and dam at Harpeth Shoals and for maintenance, $180,000.

"Improving Cumberland River, Tennessee, above Nashville: Continuing improvement and for maintenance, $200,000, of which so much as may be necessary shall be used for the completion of Lock and Dam No. 1. And the Secretary of War is hereby authorized, in his discretion, to grant leases or licenses to the highest responsible bidder for the use of the water power created by said dam, at such a rate and on such conditions and for such periods of time as may seem to him expedient; and he is also authorized, in his discretion, to issue permits for the construction, maintenance, and operation of inlet and outlet canals and other structures, on such plans as he may approve, for the diversion of the water aforesaid: *Provided*, That any lease or license so granted shall be limited to the use of the surplus water not required for navigation, and no structures shall be built and no operations be conducted which shall in any manner injure navigation, interfere with the operations of the Government, or impair the usefulness of any improvement made by the Government for the benefit of navigation; and the right of Congress to alter, amend, or repeal the provisions of this paragraph is hereby expressly reserved: *Provided further*, That before leasing or licensing such water privileges, or issuing permits for the construction and operation of such canals, or otherwise disposing of any water power or privilege, the Secretary of War shall first advertise the same in one or more daily papers at Nashville for sixty days immediately preceding, stating specifically the right or privilege proposed to be leased or conveyed, with its exact limitations, inviting bids for the same, and he may, in his discretion, then lease the same for a specific term of years at so much per year, to be paid semiannually in cash into the Treasury, and the Secretary of War shall reserve the right to reject any or all bids."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO THE DEFICIENCY APPROPRIATION BILL.

Mr. SCOTT submitted an amendment proposing to appropriate $2,654.10 to pay the North American Transportation and Trading Company for supplies furnished in 1899 to the tribe of Koyukuk Indians in the district of Alaska, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. ALDRICH submitted an amendment proposing to appropriate $700 to pay Henry A. Nelson the difference between his salary as folder and that of mail messenger from July 1, 1900, to May 1, 1902, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to reopen the claim of the State of Rhode Island for expenses incurred by that State in aiding the United States to raise and equip volunteers entering the service of the United States to assist in the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate $600 to pay Guy N. Stockslager for his labor and services under employment of Lieut. D. H. Jarvis, United States Revenue-Cutter Service, in an urgent emergency during the epidemic in Alaska in 1900, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $1,704.46 to pay Chamberlain, Delany & Scott, of Richmond, Va., the amount provided for by the act approved June 3, 1902, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCCOMAS submitted an amendment proposing to revive and continue in force section 2 of the deficiency appropriation act of May 18, 1872, relative to all labor performed in excess of eight hours per day by all laborers, workmen, and mechanics employed by the Government since May 19, 1869, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $2,702.96 to pay certain enlisted men of the Marine Corps who were detailed on duty at the headquarters of the corps, Washington, D. C., and in the office of the assistant quartermaster, Marine Corps, Philadelphia, Pa., from April 26, 1898, to May 25, 1900, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $10,865.31 to pay the legal representative of the estate of James W. Schaumburg, deceased, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $754.09 to pay Thomas G. Ingram the difference between his salary as a machinist and that of a conductor of an elevator, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLACKBURN submitted an amendment proposing to appropriate $50,000 to pay John L. Smithmeyer and Paul J. Pelz for expenses estimated to have been incurred by them in the preparations of the plans and drawings for the Library of Congress, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. DEBOE. I submit an amendment intended to be proposed to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States, which I ask may be printed and lie on the table. I give notice that on Thursday morning, after the routine morning business, I shall call up the amendment and ask the consent of the Senate to submit some remarks thereon.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Kentucky will lie on the table and be printed.

PARK COMMISSION REPORT.

Mr. MCMILLAN. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Ordered, That 500 copies of Senate Report No. 166, Fifty-seventh Congress, first session, be printed and bound in cloth for the use of the Senate.

Mr. MCMILLAN. This comes within the limit.

The PRESIDENT pro tempore. The printing will not cost more than $500?

Mr. MCMILLAN. It will cost less than $500.

The resolution was considered by unanimous consent, and agreed to.

COMMITTEE SERVICE.

Mr. GALLINGER. Mr. President, I ask to be relieved from further service upon the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Senator from New Hampshire asks to be relieved from further service upon the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection to granting the request? The Chair hears none.

EXISTING TARIFF LAWS.

Mr. GALLINGER. Mr. President, I offer a resolution which I ask to have read, printed, and to lie over, and I give notice that I shall endeavor to find an opportunity to-morrow to speak briefly to the resolution.

The resolution was read, and ordered to be printed and to lie over, as follows:

Resolved, That the present phenomenal prosperity in all lines of business and industry in the United States is largely due to the existing tariff law, and the best interests of the country demand its continuance.

EMPLOYMENT OF MESSENGER.

Mr. BURTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

POSTAL CLAIMS IN WISCONSIN.

Mr. QUARLES (by request) submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Wisconsin named on the memorandum schedule hereto attached, or to their heirs, for services as postmasters in each biennial term specified on such memorandum schedule in order to make effective sections 473, 474, and 475 of the postal regulations of 1866 and

the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, in a declaration as to the intent, meaning, and requirement of said statutes, furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A, Senate Executive Document No. 146, Forty-ninth Congress, first session.

JAMES R. MULLIKIN.

On motion of Mr. DRYDEN, it was

Ordered, That leave be granted James R. Mullikin to withdraw from the files of the Senate the papers in his case, copies of the same having been left in the files, as provided by clause 2 of Rule XXX.

EIGHT-HOUR LAW.

On motion of Mr. McCOMAS, it was

Ordered, That there be printed for the use of the Committee on Education and Labor of the Senate 1,000 copies of the bill H. R. 3076, an act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purpose.

FORT STEVENS NATIONAL MILITARY PARK.

Mr. PROCTOR submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That 500 copies of the letter, June 2, 1902, from the Fort Stevens Lincoln National Military Park Association, with the appendices A, B, C, and D, all in explanation of the object of the association as contemplated by Senate bill No. 4476, Fifty-seventh Congress, first session, to establish a national military park at the battlefield of Fort Stevens, in the District of Columbia, be printed for the use of the Senate.

CLAIMS AGAINST COLOMBIA.

The PRESIDENT pro tempore. The Chair desires to make a request.

On yesterday the President sent a message to the Senate in relation to certain claims against the Government of Colombia, with accompanying papers. The Chair supposed that an order to print covered both message and accompanying papers, but a doubt has been raised, and, if there be no objection, the order will be made that the accompanying papers, as well as the message, shall be printed. The Chair hears no objection.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; and

A bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

The bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge was read twice by its title, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. CLAY. I ask unanimous consent to call up the bill (H. R. 1456) granting a pension to William G. Miller.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. There is a unanimous-consent agreement that immediately after the routine business this morning the Appalachian Forest Reserve bill shall be taken up for consideration.

Mr. CLAY. I was not aware of that fact. I will withdraw the request. I do not desire to violate any unanimous-consent agreement.

BEILINBERG AGAINST SCOTT.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day which will be read.

The Secretary read the resolution submitted yesterday by Mr. BAILEY, as follows:

Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. BAILEY. That is a resolution I desire to have considered and adopted, but it is not a matter that I desire to have interfere with measures of public importance now pending. If any of the conferences on appropriation bills are ready, or if the Senator from Pennsylvania [Mr. QUAY] is ready to proceed with his motion, with any hope of disposing of it, I would be glad to yield, with the understanding that the resolution will go over.

At the proper time I will make a statement to the Senate in explanation of the resolution, and my statement will involve some criticism of the American ambassador to Mexico and some criticism of the State Department. But I think that this matter can better wait than some of the measures which other Senators are anxious to dispose of.

Mr. BURTON. If the morning business is disposed of, I desire to call up Senate bill 5228.

The PRESIDENT pro tempore. There is a unanimous-consent agreement that when the morning business is disposed of the Appalachian forest reserve bill shall be taken up. What does the Senator from Texas desire to have done with this resolution? Will the Senate agree to the resolution?

Mr. ALDRICH. What is the resolution?

The PRESIDENT pro tempore. It will be again read to the Senate.

The Secretary again read the resolution.

Mr. QUAY. Will the Senator from Texas yield to me to make a motion to take up the motion to discharge the Committee on Territories from the consideration of the statehood bill?

Mr. BAILEY. I will very gladly do that, provided my resolution is not displaced. I am anxious to have it adopted, and if it can be understood that it does not lose its place and I can call it up to-morrow or the next day, I will yield.

The PRESIDENT pro tempore. The Senator from Texas asks that the resolution may lie on the table, retaining its place. Is there objection?

Mr. ALLISON. The resolution came over from yesterday?

Mr. BAILEY. Yes, sir.

The PRESIDENT pro tempore. The resolution came over from yesterday.

Mr. ALLISON. Is it a resolution that will lead to some debate?

Mr. BAILEY. I shall desire to make a statement of ten or fifteen minutes. It being largely a statement of fact, I imagine that it can lead to no protracted debate. But I wish to say to the Senator from Iowa frankly that in what I will say I shall take occasion to criticise the American ambassador to Mexico, and to criticise some officials of the State Department in connection with this case of Beilinberg against Scott.

Mr. ALLISON. I do not wish to interfere with the Senator.

Mr. BAILEY. If it can go over with that understanding, I shall be glad to get it out of the way of these other matters.

Mr. QUAY. Then, Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 5228.

The SECRETARY. A bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve."

Mr. QUAY. Will the Senator from Kansas yield to me to make the motion?

Mr. BURTON. I desire to say that I think the Senate is ready to vote on this bill. I do not want to make any remarks at all, and if the Senate is ready to vote I should like to have the vote taken.

Mr. QUAY. I will renew the motion, then, in the near future, with the consent of the Senate.

Mr. ALDRICH. It is not within the power of the Senator from Kansas to accept the suggestion made by the Senator from Pennsylvania. We are proceeding under a unanimous-consent agreement and no such suggestion or request is in order.

NATIONAL APPALACHIAN FOREST RESERVE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," which had been reported from the Committee on Forest Reservations and the Protection of Game with amendments.

Mr. SPOONER. Let the bill be read.

The Secretary read the bill.

Mr. KEAN. Let the report be read.

Mr. QUARLES. I call for the reading of the report of the committee upon this measure. I think the Senate ought to know the views of the committee.

Mr. BATE. Before that is done, I ask leave to submit an amendment to the bill.

Mr. BURTON. There are some two or three short committee amendments. I hope the Senator will let them first be acted on.

Mr. ALDRICH. Is there a report on the bill?

The PRESIDENT pro tempore. The reading of the report is demanded by the Senator from Wisconsin [Mr. QUARLES]. There are amendments pending from the committee. The Chair will recognize the Senator from Tennessee, however, if he desires to have his amendment printed.

Mr. BATE. I desire to offer an amendment to the bill.

The PRESIDENT pro tempore. Will the Senator delay that for a few minutes?

Mr. BATE. Certainly.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BURTON April 18, 1902, as follows:

The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," beg leave to submit the following report and recommend that the accompanying bill (S. 5228) do pass as amended and be substituted for Senate bill 5518:

This is a bill enacting that the Secretary of Agriculture shall be authorized and empowered to purchase land in the Southern Appalachian Mountains for a national forest reserve, to be known as the "National Appalachian Forest Reserve."

A similar bill, or a bill having the same object in view (S. 5518), was favorably reported to the Senate on the 12th of February, 1901 (Senate Report No. 2221, Fifty-sixth Congress, second session), and the subject is exhaustively treated in Senate Document No. 84, Fifty-seventh Congress, first session.

As these reports treat of the matter so thoroughly, it is believed that anything further from this committee than the following brief statement would be merely cumulative and therefore superfluous:

The purpose of this bill is to set aside in the Southern Appalachian Mountains region a national reserve for the preservation of the forests of that district, the perpetuation of the timber supply, the development of its farming resources, and the regulation of the water flow in its streams. It authorizes the purchase for the people by the Secretary of Agriculture, under certain reasonable restrictions, of not more than 4,000,000 acres of land to be selected in the mountain forest region of Virginia, West Virginia, North and South Carolina, Georgia, Alabama, and Tennessee. It also authorizes the Secretary to accept and administer donations of land in the same vicinity for the same purposes.

An orderly consideration of the objects of the bill involves a knowledge of the land proposed to be reserved, of its resources, its present condition, its needs, its relation to the surrounding country, the benefits to be derived from its reservation, and the general demand for the public action therein proposed.

The land to be reserved is located between the Blue Ridge and the Unaka Mountains. It extends from the southern part of Virginia and West Virginia to the northern part of Alabama and Georgia; it comprises the greatest mountain masses east of the Rockies; the finest scenery, the richest forests, the mightiest rivers, and the greatest variety of geologic formations from the Archæan to the late Cambrian.

The oldest, largest, and most varied primeval hard-wood forests of the continent are within its limits. One hundred and thirty-seven species of trees have been examined and described by the Government experts who have visited and surveyed the territory. The list of shrubs and smaller plants is still greater. Northern varieties mingle with Southern; those from the Gulf region with those from New England. It contains a unique natural collection of forest species selected and fostered by soil and climate which, if once destroyed, can never be replaced. Among these are cherry, walnut, yellow poplar, chestnut, ash, beech, and oak, and the magnolia and mulberry. The more valuable species have already been thinned and culled wastefully and injudiciously by the pioneer lumberman, whose effort is naturally to reap as large and immediate profit as possible without regard to a future timber supply or to the effect of their cutting on mountain farms and water power. Lumbering operations in this region were never more destructive than at present, and this destruction is often augmented by forest fires.

Following or accompanying the lumberman is the farmer, who attempts to sustain his family in clearings on the steep mountain slopes. Already about 24 per cent of the area under consideration has been cleared and cultivated, and sometimes these clearings extend to the very summits of the mountains, where they are subjected to the most destructive erosion. The productive life of one of these mountain clearings is very limited, seldom lasting more than from three to five years at most. Bleaching tree trunks, remants of magnificent forests, still stand in the midst of cornfields plowed for the last time.

The land once deprived of its forest cover is leeched, wasted, and impoverished by the excessive rains, and soon ceases to yield even the small amount of produce for the support of the farmer and his family, and is hence abandoned, to be washed away.

But the district is valuable not alone to lumberman, farmer, and scientist. The scenery about the falls, cascades, and gorges is beautiful beyond description. The view from the greater elevations of the Blue Ridge and Great Smoky mountains can rarely be equaled. The climate of the region is, in the main, a middle-latitude climate, modified by elevation and by Gulf winds. The temperature varies between moderate extremes. In the course of a day's excursion from the foot to the summit of Mount Mitchell one may pass in retrogression through all the seasons, from late summer to early spring. In accessibility and natural charm it is full of attraction for the health and pleasure seeker.

The region is likewise the great eastern watershed where the principal rivers have their sources and from which they flow radially through the great valleys of Tennessee and of Virginia: The James, the Roanoke, the Yadkin, the Catawba, the Broad, the Savannah flow to the Atlantic, transport the commerce of the country, water its farms, and furnish power for the growing industries of the South; the Alabama and the Chattahoochee flow to the Gulf; the Hiwassee, Tuckaseegee, Nolichucky, Watauga, Holston, French Broad, Little Tennessee, and Kanawha (or New) to the Ohio and the Mississippi.

The rainfall in the region is excessive, ranging from 60 inches for the year in Georgia to 71 to 100 inches in North Carolina; and is exceeded nowhere in the United States except on the North Pacific coast. This fact has an important bearing upon the proposition to reserve and protect the forest of this region. It makes it especially necessary that the ground cover, the humus, leaves, network of tree roots—in fact, all that makes the soil porous or spongy—should in every way be preserved. In the absence of ponds, lakes, and marshes this is the natural reservoir for the storage and regulation of the water supply. During the year last past floods in the rivers of the Piedmont Plateau and the valleys of East Tennessee and Virginia swept away buildings, farms, bridges, and roads exceeding in value the sum of $18,000,000. A large part of this loss might have been prevented if the forests about the river sources had been preserved and protected.

Not the smallest of the resources of this Southern Appalachian country is its water power. At various points on its numerous and important streams, between their sources and the head of navigation, are falls and rapids which furnish valuable power for the increasing manufactures of that region. Estimates made by the Geological Survey during the last three years place the available power at 1,000,000 horsepower, which at the least calculation would mean a saving in the coal consumption of the region equivalent to $30,000,000 annually. The utility of this power depends upon the uniformity of the water flow, and the water flow is very largely regulated by the forest cover.

Farming settlements within the limits of the proposed reserve are neither numerous nor populous. Under proper supervision they may be allowed to continue without detriment to the proposed reserve. In fact, they will undoubtedly be benefited by the measures to be adopted. Mining claims and manufacturing industries will likewise be protected and stimulated within the reserve area.

The needs of the region may therefore be summed up in the words "forest protection." This means the preservation of the trees, the perpetuation and utilization of the timber supply, the salvation of the mountain and valley farms, the prevention of fires and floods, and the regulation of the water flow which furnishes the power.

These needs have long been recognized by observant men, but the ability to satisfy them resides not with individuals or States. The streams to be protected often rise in one State, flow through a second, and empty into the sea within the boundaries of a third. No individual or State can be expected to expend money in protecting the sources of a stream or developing its power when the benefits are to be enjoyed by the public generally in another State or neighborhood.

The National Government alone can afford to undertake works of this magnitude, and it is the only power able economically and consistently to administer and exploit the same. The benefits are national, the demand is national, and the legislation should be equally broad in its scope and application. The necessity for the proposed action is national.

Within the last three years memorials, resolutions, and petitions have been received from scientific societies, State legislatures, numberless newspapers, boards of trade, and trade journals, heartily advocating the passage of the measure proposed, and President McKinley and President Roosevelt have both advocated it.

Similar action has already been taken by the Government for the protection of forests and water sources in the West. In 1896 a large tract of land of more than half a million acres was purchased from the Blackfeet Indians, which was later included in the Flathead Reserve. Already there are 41 national forest reserves in the Western States and Territories, with an aggregate area exceeding 46,000,000 acres. There is no reason why the policy which now meets with general approval there should not be inaugurated in the East.

The States where the land affected lies have already, through their legislatures, consented to Federal ownership and control of the proposed reserve.

It is estimated by competent authority that these reserves, representing the Government's investment or holdings in the interest of forest and stream preservation in these Western States, have to-day an aggregate commercial value of more than $100,000,000. The ultimate investment proposed by the present bill is only one-tenth of this amount, and yet it provides for a forest reserve which will protect the sources of the 10 important rivers in the Southeastern States.

As illustrating the necessity for such action as is now proposed, attention may be called to the fact that in every civilized country it has been found absolutely necessary to preserve the forests on mountain slopes, and especially is this true in more southern latitudes. Everywhere it has been found vastly cheaper to preserve existing forests on these mountains than to reforest such regions after the former forests have once been destroyed. Thus, in Italy the Government is endeavoring to restore the forest cover which was destroyed by former private owners on certain slopes where now the floods are excessive; and the estimated cost of this forest restoration is $12,000,000 for half a million acres.

In France the Government, in endeavoring to restore the forest on a mountain area 800,000 acres in extent, has already expended $12,000,000, and it is estimated that an additional expenditure of $28,000,000, or a total expenditure of $40,000,000, will be necessary before this result has been fairly attained. And this large expenditure of $24 per acre in Italy, or $50 per acre in France, is only expected to start the growth of the new forest on these regions, which new growth must always be imperfect. The original soils, which were a millenium in forming, and the original forest conditions, which were centuries in growing, will require centuries more for their full restoration.

In conclusion, it will be of interest to note that many European forest reserves under government administration yield a large annual income; and though no such conditions may be looked for from this forest reserve at once, it is confidently expected that in a very few years, probably not more than five, it will be self-sustaining, and that in the near future it will yield a net return to the Government. During the past year one of the Western reserves yielded an income of $20,000 over and above the cost of its protection.

The PRESIDENT pro tempore. The amendments reported by the Committee on Forest Reservations and Protection of Game will be stated.

Mr. ALDRICH. If there is a report from the Secretary of Agriculture, I should like to have it read.

Mr. BURTON. I hope the Senator will wait until we get the committee amendments acted upon.

The PRESIDENT pro tempore, The Chair will state that there is no report on the table other than the report of the committee, which has been read.

Mr. BURTON. I desire to move an amendment.

Mr. QUAY. If the Senator will allow me, I was just about to offer to the gentlemen who are opposed to the statehood bill a dry-goods box about half full of my speech on the tariff in 1894, not yet delivered before the Senate, which might be used on this occasion to serve their purposes with benefit to the country.

Mr. SPOONER. The statute of limitations has run against that speech. [Laughter.]

Mr. QUAY. That would be as good a weapon on this question as the report which has just been read.

The PRESIDENT pro tempore. The committee amendments will be stated.

The first amendment reported by the Committee on Forest Reservations and the Protection of Game was, in section 2, on page 2, line 5, after the word "*Provided*," to insert "That the Secretary of Agriculture shall have the right to reject any or all bids: *And provided further*."

The amendment was agreed to.

The next amendment was, in section 3, on page 3, line 3, after the word "lands," to insert:

And the Secretary of Agriculture is hereby authorized and empowered to exercise, as to such lands, all the rights and powers granted in said act or acts.

The amendment was agreed to.

The next amendment was, in section 7, on page 4, line 10, after

the word "reserve," to strike out "and to" and insert "and violations of such rules and regulations shall be punished as provided by law for other forest reserves; and he may;" so as to read:

That the Secretary of Agriculture is hereby empowered and directed to make such rules and regulations and establish such service as he may deem necessary for the care, protection, control, and use of such forest reserve, and violations of such rules and regulations shall be punished as provided by law for other forest reserves; and he may sell such wood, timber, and other products as may be removed without injury to the forest.

Mr. BURTON. I want to move an amendment, which includes the three words "and he may," in line 12, and strikes out all the balance of that section, if it be proper to make that motion now. I propose to leave off the three words "and he may," which is part of the committee amendment. I will ask, first, that the amendment be amended by striking out the words "and to," in line 10, and inserting "and violations of such rules and regulations shall be punished as provided by law for other forest reserves," and let the amendment stop there.

Mr. KEAN. On what page is that amendment?

Mr. BURTON. On page 4.

Mr. CARMACK. I do not understand what it is the Senator desires to do.

Mr. BURTON. I want to move to strike out all after the word "reserves," in line 12, section 7, which is not a committee amendment.

Mr. SPOONER. If the Senator wants to amend it, I do not suppose anybody will object; but I do not understand it at all.

Mr. BURTON. My motion is to amend by striking out in line 10, on page 4, the words "and to"—that part of it is a committee amendment—and including all the words proposed to be inserted by the committee amendment, excepting the words "and he may." I want to move further to strike out all of that section after the word "reserves."

The PRESIDENT pro tempore. The Senator desires to offer an amendment to the committee amendment?

Mr. BURTON. Yes; I want to offer an amendment to the committee amendment by excluding the three words "and he may."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In section 7, on page 4, line 12, after the word "reserves," it is proposed to strike out of the committee amendment the words "and he may," and also the words:

Sell such wood, timber, and other products as may be removed without injury to the forest: *Provided*, That no wood, timber, or other products shall be sold otherwise than under such rules and regulations as shall be prescribed by the Secretary of Agriculture, but no sale of such products shall be made at less than the appraised value thereof: *And provided further*, That the proceeds of such sale shall be covered into the Treasury of the United States.

Mr. BURTON. I desire now to have the committee amendment, excluding the three words "and he may" that I have moved to strike out, adopted, or is the committee amendment already adopted by the action of the Senate?

Mr. KEAN. Do I understand the Senator from Kansas to propose to strike out the language of the bill as it originally stood from line 13 to line 20, at the end of the section?

Mr. BURTON. Yes; I move to strike out all of the section after the word "reserves."

Mr. CARMACK. Has the amendment of the Senator from Kansas to the committee amendment been adopted?

The PRESIDENT pro tempore. It has not been. The Chair sees no objection to the Senator offering his entire amendment to the committee amendment, to strike out the three words he speaks of, and also to strike out the remainder of the section.

Mr. BURTON. Very well, Mr. President, I make that motion. If the Senate will give me attention for just one moment I will say——

Mr. SPOONER rose.

Mr. BURTON. I yield to the Senator from Wisconsin.

Mr. SPOONER. No; I wish the Senator would proceed. I want to hear what he has to say in favor of this amendment.

Mr. BURTON. I will say that I move this amendment at the suggestion of the senior Senator from Maine [Mr. HALE], and after carefully considering the matter, for the reason that this part of the section allows the Secretary of Agriculture to begin at once to sell timber from this reservation. It was thought it would be better, if that was done, that this power should be given by a future Congress. When this bill was considered it was the purpose to give the Secretary of Agriculture power to sell the ripe timber from the reservation, and that he might begin doing that at once after obtaining the lands. It was thought better not to give him that power, and that no timber at all should be sold until at least some time in the future when it would appear that he had the timber for sale and that it could be sold at an advantage to the reservation.

Mr. SPOONER. I do not see exactly why that language should be stricken out.

Mr. GALLINGER. And it ought not to be.

Mr. SPOONER. Of course, if the Secretary of Agriculture did not have the timber to sell, he could not sell it, and therefore the provision would be inoperative until such time in the future as there might be timber.

Mr. BACON. On this side of the Chamber we can not hear what is being said.

Mr. SPOONER. I say that under the language of the bill, as it now stands without the proposed amendment, it simply confers authority upon the Secretary of Agriculture to sell; and, of course, if there be not at this time or within a year or two years any timber that can be sold without detriment to the reservation and the public interests, none would be sold. The existence merely of authority in a Cabinet officer to conserve the public interests in a contingency is not at all dangerous. It is evidently contemplated by the Senator, so far as his remarks show, that there will be a time when the public interests will require that the Secretary of Agriculture shall sell certain timber. Now, why not provide that in the bill, instead of leaving it to be provided by additional legislation at some future session of Congress? What is the real object of striking out this provision?

Mr. BURTON. Well, Mr. President, I do not think there is any good reason for striking out that part of the section. I will be candid about the matter; but it was thought that it would raise objections that might defeat the bill, and I want to pass the bill. If the Senate agrees to the suggestion of the Senator from Wisconsin [Mr. SPOONER], I will withdraw my motion and let the committee amendment stand.

Mr. SPOONER. I am not able to value the thought unless I know who thought it. It seems to me that the bill is better with the provision in it if authority is ever to be given.

Mr. BURTON. Then, if there be no objection, I will withdraw my motion and ask that the committee amendment be adopted.

Mr. QUARLES. Mr. President, I will call the attention of the Senator who has this bill in charge to lines 17 and 18, on page 4, where this language is used:

But no sale of such products shall be made at less than the appraised value thereof.

I have not very carefully examined this measure, but I have failed, on a cursory examination, to see any machinery or any provision that is connected with that section by way of providing for an appraisement. It seems to me the legislation will be defective unless that matter of appraisement is committed to some officer or some committee or some board. What would the Senator say on the face of this bill as to who is to make this appraisement which is to control the action of the Secretary of Agriculture?

Mr. BURTON. Mr. President, section 8 requires the Secretary of Agriculture to purchase these lands under such rules and regulations as he may prescribe, and if we are going to pass the bill and expect him to carry it out, I think it better give him full discretion in the matter. If the Senator will note section 8, he will find that it gives the Secretary sufficient power to carry out the purposes of the measure.

Mr. QUARLES. I want to suggest to my friend from Kansas that section 8 seems to confine itself to the purchase of lands, whereas section 7 relates to the disposition of timber that is sold on the lands. I do not see any provision for appraisal.

Mr. BURTON. I misunderstood the question of the Senator. I was looking at another section. There is no provision further than to allow the Secretary of Agriculture to sell this wood and timber under such regulations as he may prescribe. If you will notice the proviso to the section you will find:

That no wood, timber, or other products shall be sold otherwise than under such rules and regulations as shall be prescribed by the Secretary of Agriculture.

That gives him full authority to make the sale; and the remainder of the sentence contemplates that he shall make the sale by an appraisement. I suppose this would control the Secretary.

Mr. QUARLES. Mr. President, if it is the purpose of the Senator in charge of the bill to leave this matter to the Secretary of Agriculture in his discretion, it seems to me that this clause ought to be stricken out, because, as it stands here, it is an absolute limitation on his power that he can not sell until a certain appraisement shall be made, and the bill does not provide who is to make the appraisement.

Mr. BURTON. That is the only limitation, though if the appraisement is to be made, it is to be presumed that the Secretary of Agriculture is competent to have the timber properly appraised.

Mr. NELSON. May I ask the Senator from Kansas a question for information?

Mr. BURTON. Yes, sir.

Mr. NELSON. Is there any provision in this bill as to how this timber shall be sold; whether at private sale or public sale,

and is there any minimum price fixed in the bill at which it shall be sold?

Mr. BURTON. Mr. President, it would be impossible to fix a minimum price in a bill relative to a body of timber covering about 4,000,000 acres and having 135 different species of hard wood. That could not be done. I think to allow the Secretary of Agriculture the power to dispose of this timber with only one qualification, and that is that he shall have it appraised and sell it at not less than the appraised value, is sufficiently guarded.

Mr. SPOONER. I should like to inquire as to what class of timber it is intended that the Secretary of Agriculture shall dispose of?

Mr. BURTON. Ripe timber—that is, timber which has reached its full growth, and where it is of no more advantage to the forest for it to remain there. He is allowed to cut that and allow the small timber to grow up.

Mr. SPOONER. Does ripe timber mean dead timber?

Mr. BURTON. Oh, no, sir. I suppose the term "ripe timber" means developed timber. I will refer this matter, however, to some of the Senators from timber States.

Mr. SPOONER. Is not developed timber valuable for preservation for the functions of a forest reserve?

Mr. BURTON. It may be or it may not be. If there was a great deal of developed timber in the section of this forest that was ripe and ready for the market, and a great deal of small timber coming on, the soil could be preserved by cutting off a portion of the ripe timber just as well as by the younger timber. The forest would not be injured and the ripe timber would be valuable for sale.

Mr. SPOONER. Then the object is to preserve the soil and not the forest?

Mr. BURTON. In preserving the soil on the mountain sides and on the slopes you help to make them a water reservoir, and in that way preserve the forests and prevent the floods below.

Mr. SPOONER. Is the authority given in the bill to sell the timber restrained in any way?

Mr. BURTON. No. This matter must be intrusted to somebody just as the forest reserves in the West are now intrusted to the Secretary of the Interior for their preservation.

Mr. SPOONER. I do not recollect any provision for the selling of timber in the forest reserves of the West.

Mr. BURTON. I do not know that there is.

Mr. SPOONER. The object of those reservations is to preserve the timber, to protect them from fire, and all that.

Mr. BURTON. This is the highest mass of mountains between the Rocky range and the Alleghenies. It is heavily timbered on all its slopes, and on the cap as well. The streams flowing through several States rise in and along the apex of these mountains, and the destruction of the timber causes immense floods.

I did not intend to enter upon a discussion of this bill, because it has been discussed quite fully.

Mr. SPOONER. If the destruction of timber causes these immense floods, why is the Secretary of Agriculture given authority to destroy this timber?

Mr. BURTON. Because a great deal of this timber may be sold without in any way impairing the forest reservation. Take the forest reservations of Germany, of Italy, but more especially those of Sweden and Germany. They are a source of great revenue, without in any way injuring the forest reserves, and this in time will become a source of great revenue, although that is the least of the reasons why this bill should pass.

Mr. President, since I am on my feet and some questions have been asked about this bill, I wish to say that this is a species of what might be termed water legislation. It is a twin brother to irrigation. Man can do nothing to increase or decrease the rainfall. That he can do so is a fallacy which has been exploded by experiment. It rains just as much to-day in the valley of the City of Mexico, and no more, than it did in the time when Cortez made a conquest of that country. Every range of mountains long enough and tall enough makes an arid district. Man can do nothing to increase or decrease the rainfall; but a great deal can be done, everything can be done, and, in my judgment, in time, all the necessary work will be done, to conserve and control the waters that fall. The time is coming in this country when destruction by flood will cease, and when we shall control the rainfall and the waters from the melting snow by artificial and natural depositories or reservoirs. We shall do it in more ways than one. We shall do it by conserving the rainfall in the arid districts.

Take the western boundary of Kansas. We have there 19 and 20 inches of rainfall; and 30 inches is enough for a crop. Nature has given us natural reservoirs all over that country. If in time we catch the rainfall and conserve it in the natural basins, we may reclaim a large percentage of that country. That is true with the entire arid district from the British possessions to the Rio Grande. The object of this bill is to conserve the water in another way, by utilizing the forests on the high slopes and the ridges of the mountains. The rain falls on the timber; it is broken by the leaves, falls gently on the ground, the soil is held by the forest, and the water goes gradually through the rock down into the streams, and is utilized for power; but destroy the forest and the water comes down and floods and destroys water powers and destroys agricultural lands below.

Within the last three or four years we have spent five hundred millions of money for war, and I approve of that expenditure. We in this Congress are spending millions of money for the Navy and the Army, and I approve of the expenditure; but the time is coming and is near at hand when we shall want to expend vast sums for peace and for peaceful pursuits. I imagine that one of the great domestic questions that will concern the American people in the near future is the conservation of the water that falls. The ingenuity of the American will in time prevent the floods from going to the Lower Mississippi. If the millions of property that have been destroyed in the floods this spring could have been saved and applied toward irrigation, toward forest preservation, toward diverting the flood waters from the streams farther up and catching them in natural reservoirs, not alone in the arid districts, but along the Ohio and the Mississippi and the tributaries of those vast streams that drain a continent—I say if we will spend money along that line, in the near future we shall be able to prevent the destructive floods in the Lower Mississippi.

I had not intended, Mr. President, to enter into this discussion so widely. It is the spirit of this bill, if you will notice it in all its provisions, to say to the Secretary of Agriculture, "You are commissioned to go down there and in six States along the high ridges of the Appalachian Range purchase from time to time, as you may make contracts that are wise, 4,000,000 acres of land—not all at once, for it is to run for a term of years—and to obtain gifts from corporations and wealthy individuals that own large tracts there, for the purpose of having a vast forest reserve, the primary object of which is forest preservation and the storage of water to prevent floods below." I do not think we had better limit the Secretary of Agriculture too much. I imagine that the present occupant of that office is admirably equipped to carry out the provisions of this bill, and I also believe that any man who may succeed him will be equally well equipped to carry out the provisions of this bill.

Mr. NELSON. Mr. President, I desire to call the Senator's attention to the fact that in opening Indian reservations where there was timber, we have always provided for an appraisement of the timber and fixed a minimum price, and provided that it should be sold at public sale at not less than the appraised value. Now, here there is no protection at all. The Secretary of Agriculture can sell at any price he may see fit.

Mr. BURTON. May I interrupt the Senator from Minnesota?

Mr. NELSON. Certainly.

Mr. BURTON. In order to save time, as I know the Senator is in a great hurry and does not want to take up any time, I suggest that he present his amendment.

Mr. NELSON. I suggest to the Senator that unless the bill is amended in the line I suggest I think it is a very dangerous bill.

Now, as I understand it, this bill will involve an expenditure of some ten or fifteen million dollars, and its chief object, I understand, is to promote rainfall in the Appalachian Mountains—rainfall in a country that is not within the limits of the arid belt. I can sympathize with the Senator from Kansas in favor of irrigation——

Mr. BURTON. May I again interrupt the Senator from Minnesota?

Mr. NELSON. Certainly.

Mr. BURTON. The Senator will not want, I think, upon reflection, to have that statement go into the RECORD. The fallacy that man can do or ever has done anything to increase or decrease rainfall has long since been exploded.

Mr. NELSON. Then I misunderstood the Senator's remarks a moment ago. I certainly got the impression that the purpose was the protection of the forests, and that the taking care of them would tend to conserve the rain and give more water in that region. That was the impression I got. I can see some object in looking after rain out on the arid plains of Western Kansas and Nebraska, but why should it be done in the Appalachian region, which is subject to a great deal of rain? The hot wave coming from the Gulf in the early winter, February and March, meets a colder current coming across the Atlantic, and frequently produces immense floods. It is those great floods that come from the Appalachian Range into the Ohio and its tributaries which produce the great floods of the Mississippi River.

I had occasion two or three years ago as chairman of a subcommittee of the Committee on Commerce to investigate the matter of floods in the Mississippi River. Up to that time I had supposed that a large part of floods in that lower river came from the Missouri River and from the Upper Mississippi, but I found,

much to my astonishment, that the great floods of the Mississippi River came from the Ohio and its tributaries. According to the report of the Weather Bureau those great winter storms of rain, sleet, and snow which brought on the early floods in the Mississippi River came from the fact that a hot current from the Gulf Stream moved up through the Gulf States and encountered along the apex of the Allegheny Mountains colder currents from the Atlantic, and that led to precipitation and the great floods in the Ohio and its tributaries.

Mr. BURTON. I want to say that there is nothing in this bill, and there never will be in any bill I support, which looks to trying to make it rain or to keep it from raining. That is impossible. We have given that up. What makes it rain is something that man can not reach. It is the currents of the air. But this bill, I think the Senator understands, is to conserve the water and to prevent the floods, just the same as if we would tap the Arkansas River in Colorado and run the water out into a natural reservoir through a canal, and have a number of canals built, and when the floods come lift the head gates and prevent the water from going below. This is to preserve the forest, so that the water when falling there—and just as much water as nature has provided will fall if every tree was cut off the mountain sides——

Mr. NELSON. Will the Senator from Kansas allow me to interrupt him? Is it not a fact that as land is improved and cultivated and plowed it absorbs the water more rapidly and prevents floods, and is not that a better protection against floods than preserving forests?

Mr. BURTON. That protects in a small way. It is not better by any means. That is a small way to protect it.

Mr. NELSON. I have heard of planting forests on the prairies——

Mr. BURTON. But while I am on my feet let me say that you can not plow the slope of the mountain from the apex. You can not cut down those forests and plow up the mountain side. The precipitation along this ridge is greater than anywhere on the continent except in Puget Sound, and the precipitation would be just as great if there were not a single tree there. It would be just as great if every single acre that could be plowed was plowed.

I wish to say again that man has never done anything and never can do anything to increase or decrease rainfall.

Mr. NELSON. I was induced to make these remarks because of the connection I had with an investigation of the subject of the floods of the Mississippi River. It was a great question, how to protect the lower country, below the mouth of the Ohio, from the great floods of the Mississippi River. When I started with that investigation, my first impression was that those floods came from the Missouri River and the Upper Mississippi River, but on taking testimony and examining the documents and data bearing upon the subject I came to the conclusion, and I think that was the consensus of the subcommittee and of the whole committee, that the floods of the Mississippi River to a large extent came from the Ohio and its tributaries.

Mr. SIMMONS. Will the Senator from Minnesota permit me?

The PRESIDING OFFICER (Mr. ALDRICH in the chair). Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. NELSON. I yield.

Mr. SIMMONS. Mr. President, I think the Senator from Minnesota is entirely mistaken as to the argument in favor of this bill. The trouble is not that we have not enough water down there, but that we have too much. The rainfall in the Southern Appalachian Mountains is about a hundred inches a year. If you clear these mountains, that immense rainfall will go suddenly and rapidly down the mountain side by reason of the deforestation and enter into those streams which are tributary to the great rivers the Senator has mentioned and produce sudden floods in those rivers.

The object of this bill is to prevent that. If the forest remains untouched, when these heavy rainfalls come the forest covering aids in the absorption of the rainfall by the soil, and once the water enters into the soil, instead of being suddenly precipitated into the streams it is held by the soil in a sort of a reservior and is delivered to the streams gradually and furnishes water as the streams need it, thereby preserving the regularity of the streams and preventing these sudden floods.

That is the argument in favor of the bill. We do not want to make any more rain. We have already too much rain. We want to prevent the rainfall from producing sudden floods.

Mr. NELSON. Still, Mr. President, in spite of the statement of the honorable Senator from North Carolina, and while I recognize the fact that there is some force in it, it has always been my understanding that it is far better, in order to prevent overflows, to have the land cultivated instead of keeping it in a wild state as a forest reserve. In its wild state, with the sod on the ground, the water falls and immediately runs rapidly down into the creeks and from the creeks into the rivers, and from the rivers on the west side of the Appalachian range over into the Tennessee, the Cumberland, and the other tributaries of the Ohio. If the land was cultivated, plowed, and improved, if the timber is cut off and the sun is let in, as the rain falls the ground absorbs it, and less water goes into the creeks. That is our experience in Minnesota—that the creeks and streams that were large and overflowing years ago when the country was new and first settled are to-day, where the country has been settled up and farms improved and cultivated, dry most of the year. In the middle of the summer they may be dry for two or three months, a thing we never knew in the early days of the country.

Mr. SIMMONS. Will the Senator from Minnesota allow me to make a suggestion?

Mr. NELSON. Certainly.

Mr. SIMMONS. The Senator is entirely right about that, provided the mountain lands could be kept in a state of cultivation, but you can not keep them in a state of cultivation like you can other land, because experience has shown that in four or five years after the mountain sides and summit lands are cleared the soil is all washed away. It leaves nothing there but a hard, compact surface, over which the water rapidly flows into the streams and produces these floods. I have been right through this very section of country. I was through there last summer. I saw scores of mountain-side farms which had been cleared up, and in four or five years had been abandoned for the very reason that the soil was washed away and they were no longer capable of producing.

Mr. NELSON. I was under the impression that in this great forest reserve, embracing such a vast country, there were a great many valleys suitable for farming and cultivation. Now, if you make this into one great forest reserve, you prevent those valleys from being cultivated and improved, and in that way you tend to increase the floods.

I have the report that was made by the Committee on Commerce on the question of floods, and I wish to read from it:

> The annual normal rainfall in the different river basins varies greatly. In the Ohio—

And that includes the western part of the Appalachian range—

> it is 44.2 inches; in the Upper Mississippi, 31.9; in the Missouri, 19.4; in the Arkansas, 29.6; in the Red, 39.1, and in the central valley of the Mississippi, including the White and the St. Francis, 51.4 inches (E, 24 and 25). In the Upper Mississippi and the Missouri the rainfall is, as a rule, greatest in May and June. In the Ohio and the central valley it is greatest in January, February, and March (Starling, 22 and 23).

I want to call attention to this fact:

> The greatest and most destructive floods have generally come from the Ohio. This was the case with the great floods of 1882, 1883, 1884, and 1897; and these floods culminated in February or March (E, 40-45, and Starling, 29 and 41). Of the total amount of water passing Cairo during these floods the Ohio contributed 69 per cent in 1882, 70 per cent in 1883, 85 per cent in 1884, and 76 per cent in 1897.

This I read from Mr. Starling's report. I read also from a bulletin of the Weather Bureau bearing on this subject:

> In Bulletin E (p. 46) the "Cause of the Mississippi floods" is thus summarized:
>
> "It is, of course, conceivable that a flood should occur in the Lower Mississippi from heavy precipitation over any of the great contributary basins. In these floods of the past quarter century we do not, however, find the western tributaries playing an important part. The great source of floods is the Ohio Basin, with its steep slopes from the crest of the Alleghenies, upon which falls the heaviest rains of spring at a time when the normal rise of the Lower Mississippi brings the river almost to the danger line from Cairo to the Gulf."

I want to read that again, and to attract to it the attention of Senators who are interested in the matter of floods on the Mississippi River:

> The great source of floods is the Ohio Basin, with its steep slopes from the crest of the Alleghenies, upon which falls the heaviest rains of spring at a time when the normal rise of the Lower Mississippi brings the river almost to the danger line from Cairo to the Gulf. In the greatest floods we also find that heavy rainfall over the great swamp region that extends along the Mississippi from the mouth of the Ohio to the Gulf of Mexico is an important factor.

We also looked into the question of the destruction of forests. It is argued here that the destruction of forests has a tendency to diminish rainfall. I read from the report of the committee the following:

> Nothing in the evidence or other data obtained by your committee discloses the fact that the destruction of timber at or near the headwaters of these river systems tends to cause or promote the floods referred to.

It is contended that the destruction of the timber at the headwaters of these streams tends to increase floods, and therefore ought to be conserved. That is not true.

> It was shown that where timber is cut down for purposes other than cultivation the underbrush remains and grows more luxuriant than ever, and such underbrush serves to retard rather than hasten the movement of water on the slopes and hillsides; and where timber is cut down for purposes of clearing and cultivation the plowed area becomes an enlarged absorbent of surface moisture. It is a generally accepted opinion that the destruction of timber tends rather to diminish than to increase the rainfall.

Mr. FORAKER. Mr. President, in view of the criticism made

upon the first proviso of section 7 on page 4 I offer the following amendment: Insert in line 16, page 4, after the word "regulations," the following:

As to classification of timber, appraisement, advertisement, and general terms and conditions.

Mr. BURTON. I accept the amendment.

Mr. FORAKER. I also offer the following amendment: After the word "Agriculture," in line 17, insert "and be approved by the President."

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 4, line 16, section 7, after the words "rules and regulations," it is proposed to insert:

As to classification of timber, appraisement, advertisement, and general terms and conditions.

And page 4, line 17, after the word "Agriculture," it is proproposed to insert:

And be approved by the President.

The amendments were agreed to.

Mr. SPOONER. Mr. President, this is a very picturesque and beautiful proposition. It grows on me. I did not realize, until I tapped the Senator from Kansas for information as to wood and water, how magnificent, absolutely illimitable it is. After the discussion I confess, although I think it is my own misfortune, that I am at a loss to understand precisely upon what ground of public policy the enactment of this bill is intended to be urged.

The Senator from Kansas says it is a water bill, a twin brother or a twin sister—which was it?—a twin brother, I believe——

Mr. BURTON. There are no sexes in nature.

Mr. GALLINGER. Yes, there are.

Mr. SPOONER. It is a twin brother of the irrigation bill, and he might have added, a step-brother of the river and harbor bill.

Mr. BURTON. No; it is no kin to that whatever.

Mr. SPOONER. Oh, yes; it is a good deal of kin to it. The object of it is to control the rainfall and to prevent floods. We have had many disastrous floods, and we have had provision in river and harbor bills to prevent floods, and have spent a vast amount of money in that way in river and harbor acts.

The Senator outlines a magnificent scheme, and he states that the real object of the bill is to control the rainfall, and he prophesied, with safety and accuracy, that the time will come, probably not very far distant, when, with Yankee ingenuity and our great wealth, we will be able to control generally throughout the country the rainfall. I presume that is a desirable thing to accomplish, and if we can not accomplish it in any other way I think probably it will become necessary to accomplish it by legislation.

But what has troubled me about this bill, so far as I am troubled about it, is that this is only a beginning, an experiment in this scheme of controlling the rainfall, suggested by the Senator from Kansas. Where will it stop? Of course, we have forest reserves in various parts of the United States for the purpose of conserving the water supply. They are constituted, however, of lands owned by the United States. This is a proposition to buy 4,000,000 acres of land, 24 per cent of the area of which, as I read the report, is already under cultivation. The proposition in this bill is that where a man's farm is needed in order to accomplish the purposes of this bill——

Mr. SIMMONS. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. SIMMONS. The Senator is mistaken in the application of the statement in the report about 24 per cent. It does not mean that 24 per cent of the land it is proposed to buy is in cultivation, but that 24 per cent of the lands in that vicinity, including the valley lands, are. The valley lands are nearly all cleared, and it is not proposed to buy them.

Mr. SPOONER. Will the Senator kindly inform me, if he is able to do so, what proportion of the area which it is proposed to buy is under cultivation?

Mr. SIMMONS. I do not think there is any accurate data.

Mr. SPOONER. It has not been ascertained?

Mr. SIMMONS. It has not been ascertained. They have just begun to clear the mountain sides.

Mr. GALLINGER. If the Senator from Wisconsin will permit me, I have been troubled to satisfy myself as to whether or not this land is contiguous. It is in four States.

Mr. SIMMONS. Yes.

Mr. GALLINGER. Is it contiguous in area or is it detached?

Mr. SIMMONS. I do not think it is contiguous in the sense that every tract touches, but it is a continuous range of mountains.

Mr. SPOONER. We can make it contiguous by condemning the land necessary for that purpose.

Mr. SIMMONS. By condemning or buying it.

Mr. GALLINGER. That would take more than 4,000,000 acres.

Mr. SPOONER. Perhaps.

Mr. SIMMONS. The bill is limited to 4,000,000 acres. There is more in the general area of country, but the bill is limited in its purchase to 4,000,000 acres.

Mr. SPOONER. Of course this is the first proposition, so far as I know, to purchase 4,000,000 acres, or any number of million of acres of land in private ownership for the purpose of establishing a Government forest reserve.

Mr. BURTON. No.

Mr. SPOONER. Where?

Mr. BURTON. In the Blackfoot purchase.

Mr. SPOONER. There we bought the land and included it with other Government land in a forest reserve. That was an ordinary matter, because it was simply the extinguishment of the Indian possessory title, and of course the Government owned the fee to the land. The Senator from Nevada confirms me in the statement that in that case the Government owned the fee, and all that the Government did was to extinguish the possessory title of the Indians.

Mr. BURTON. I will say, if the Senator will allow me just a word here by way of interruption——

Mr. SPOONER. Of course.

Mr. BURTON. This is substantially a new policy, if that is the point the Senator is making.

Mr. SPOONER. That is the statement I made.

Mr. BURTON. There is one exception—the one I referred to. I do not know that it could be cited either as a precedent. This proposition would be the first purchase of this kind to be made.

Mr. SPOONER. Now, what I want the Senator to tell me——

Mr. BURTON. But I will suggest that there is no difference between the purchase of land, if it was a public benefit, and taking the public domain and turning that into a forest reserve. This Appalachian forest reserve would be within twenty-four hours' ride of 50,000,000 people. There are a great many other reasons which might be stated why the reserve should be established.

Mr. SPOONER. I do not know, but I rather fancy the people would think there was some distinction between utilizing land which belongs to the people for the benefit of sections of country and buying land owned by individuals to the extent of costing ten or twelve or perhaps fifteen million dollars and paying for it out of money raised by taxation. They might not see any distinction; but if we are to engage in this monumental project of controlling the rainfall of the United States we must be prepared to indulge in it wherever the rainfall is such as to require in the public interest that this remedy shall be applied. Of course it is the point of beginning, but where will be the point of ending? If this policy is to be inaugurated in one part of the country and the sentiment for it shall develop in another, upon what principle will it be denied in the other?

Mr. BURTON. Mr. President, I do not——

Mr. SPOONER. I wish to give the Senator a vote on his bill, and if he will pardon me I want to call attention to one or two other things. The description of this park is interesting. I say park, for that is what it is to be—a great national park:

It extends from the southern part of Virginia and West Virginia to the northern part of Alabama and Georgia; it comprises the greatest mountain masses east of the Rockies, the finest scenery, the richest forests, the mightiest rivers, and the greatest variety of geologic formations from the Archæan to the late Cambrian.

Well, perhaps all that ought not to be in private ownership. If the Government ought to own it there, however, why ought not the Government to own such unique geologic phases elsewhere?

But the district is valuable not alone to lumberman, farmer, and scientist. The scenery about the falls, cascades, and gorges is beautiful beyond description.

I do not know who drew this. I suppose it was drawn by the Senator from Kansas. Rhetorically it is as beautiful as the falls, cascades, and gorges to which it refers.

The view from the greater elevations of the Blue Ridge and Great Smoky Mountains can rarely be equaled.

That is a reason, I suppose, why the Government should make this purchase. But there are other cascades in the country and other mountains and other marvelous vistas, the scenery of which even the Senator from Kansas could not adequately describe, and which no artist who ever lived could picture. Why not buy them and have the Government own them?

If this is to be a self-supporting arrangement there is no provision in this bill for charging anything for a view of this gorgeous panorama. That is an omission which ought to be supplied.

In the course of a day's excursion from the foot to the summit of Mount Mitchell one may pass in retrogression through all the seasons, from late summer to early spring. In accessibility and natural charm it is full of attraction for the health and pleasure seeker.

But there is one other thing; I will hastily notice it, and I shall take only three minutes.

Not the smallest of the resources of this Southern Appalachian country is its water power.

Now, that is visible. That is not mere beauty.

At various points on its numerous and important streams, between their sources and the head of navigation, are falls and rapids which furnish valuable power for the increasing manufactures of that region. Estimates made by the Geological Survey during the last three years place the available power at 1,000,000 horsepower.

I suppose probably this water power is on this reservation. I infer from this report that all that is here referred to is on the reservation. There is no provision in the bill for utilizing it in the interests of the Government. There is no power given, as far as I can see, to the Secretary of Agriculture to lease it. There is no authority given to dispose of tracts of land around the water power in order that mills may be erected and that villages may be established.

Mr. BURTON. The Senator is mistaken. The water power would not be on the reservation.

Mr. SPOONER. None of it?

Mr. BURTON. The water power would be below. This is on the slope of the mountains.

Mr. SPOONER. I think in this vast tract of territory there must be a great deal of water power. That ought to be utilized. If this is to be self-supporting there ought to be some authority given the Secretary of Agriculture perhaps to improve it. He is to do some other things here which are akin to that and he should be permitted to rent it.

I yield to the Senator from North Carolina [Mr. PRITCHARD].

Mr. BAILEY. Mr. President, this discussion seems to have proceeded with the definite purpose to occupy the time until 2 o'clock so as to prevent the Senate from proceeding with the consideration of the motion submitted by the Senator from Pennsylvania [Mr. QUAY], and the disposition now to clear the way for a vote on this bill does not appeal to my favor very much, because the bill is, in my opinion, a bad one.

Mr. BACON. The Senator will recognize that the friends of the bill have had no such purpose and have not been responsible for the consumption of time.

Mr. BAILEY. That is true. I think the bill is a bad one, and I think there will be no end to the policy which it will inaugurate. The Government will buy land that has trees to preserve the forest, and next it will buy land that has no trees in order to make a forest. But while I think it is a bad bill, I do not intend to interfere with a vote on it, and I shall be content to vote against this and all such legislation.

Mr. SPOONER. I want to say to the Senator from Texas that, as far as I am concerned, I looked at the clock and yielded because my friend from North Carolina [Mr. PRITCHARD] had appealed to me not to prevent a vote on the bill.

Mr. BAILEY. I want distinctly to disavow any intention to impute that kind of a purpose to the Senator from Wisconsin. I am sure he intended simply to limit his remarks so that we could get a vote, and not for an ulterior purpose.

Mr. BATE. Mr. President, I offer an amendment to the bill.

The PRESIDING OFFICER. There is an amendment of the committee pending which should be disposed of first, unless the amendment submitted by the Senator from Tennessee can be received by unanimous consent.

Mr. BATE. Never mind; I will wait.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The SECRETARY. In section 7, line 10, after the word "reserve," strike out the words "and to," and insert:

And violations of such rules and regulations shall be punished as provided by law for other forest reserves; and he may

So as to read:

That the Secretary of Agriculture is hereby empowered and directed to make such rules and regulations and establish such service as he may deem necessary for the care, protection, control, and use of such forest reserve, and violations of such rules and regulations shall be punished as provided by law for other forest reserves; and he may sell such wood, timber, and other products as may be removed without injury to the forest.

The amendment was agreed to.

Mr. BATE. I offer the following amendment as an additional section, to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

SEC. —. This act shall not take effect until the Secretary of Agriculture has reported to Congress with proper plats of each reservation, showing metes and bounds, altitude of mountains, sources and courses of rivers and streams, areas cultivated and uncultivated, acreage, and such features of the country which will properly define and exhibit its character. The Secretary of Agriculture is hereby authorized to use so much of the money appropriated by this act as may be necessary to make and complete said survey and plat. The act shall take effect after the approval by Congress of said survey and plat.

Mr. BURTON. I accept the amendment.

Mr. BATE. I did not understand the Senator.

The PRESIDING OFFICER. The Senator from Kansas accepts the amendment. The question is on agreeing to the amendment proposed by the Senator from Tennessee.

Mr. BATE. Mr. President, I wish to say a word, but not to make a speech, as we are limited in considering this bill to the morning hour, which has nearly expired. I think it proper, however, to say something.

I want to state that while this bill does not meet my approval altogether, neither in form nor substance, yet it has good in it, for its professed object to relieve flood tides and low water in navigable rivers is certainly commendable. It is undeniable that there is an advantage in having forest reserves. How to get them is embarrassing. I expect to vote for this bill, although not free in my judgment from grave objections. I intend to do so through the respect and confidence I bear to the legislature of Tennessee, which at its recent session requested my colleague and myself to do so.

It, however, hedges in the proposition with an enactment ceding to the United States on conditions certain lands extending 20 miles along the North Carolina line, retaining jurisdiction for certain purposes, notwithstanding its cession to the General Government. This conflict of jurisdiction will, I fear, generate untold trouble, and I want somehow to avoid it. Besides, Mr. President, I must confess to a sentiment that does not accord with the idea of having the form of the grand old State, every inch of which is historic and dear to me, mutilated by cutting off a large share and ceding it to the Federal Government. I shall, however, as I said, vote for the bill in deference to the wish of the legislature as expressed by resolution and enactment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. BATE].

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Texas [Mr. BAILEY].

Mr. STEWART. The committee have come to the conclusion that section 32 ought to be amended in some respects, particularly so as to allow those who have judgments against them to have a hearing, and I propose to have section 32 stricken out. That matter, and also the amendment of the Senator from Texas, can be considered by the conference committee, and the section can be perfected there. If the Senator from Texas will consent to this course, I move that section 32 be stricken out.

The PRESIDENT pro tempore. The amendment of the Senator from Texas is the amendment in order.

Mr. STEWART. I know it is in order. I ask his consent. My motion can only be made with his consent.

Mr. ALDRICH. Has the bill been read?

The PRESIDENT pro tempore. The reading of the bill has not been completed. The Senate has been acting on amendments as the bill was being read.

Mr. ALDRICH. Under an agreement?

The PRESIDENT pro tempore. Under the agreement.

Mr. STEWART. I move to strike out section 32 with the consent of the Senator from Texas.

The PRESIDENT pro tempore. Does the Senator from Texas withdraw his amendment?

Mr. BAILEY. That is not altogether satisfactory, but I think perhaps under all the circumstances it is the best that can be done. The committee itself recognizes the necessity and propriety of one amendment which I suggested. I think probably that is the better course, and I will withdraw the amendment which I offered and consent to the motion of the Senator from Nevada.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment to strike out all of section 32, on page 19. The question is on agreeing to the amendment of the Senator from Nevada.

Mr. PLATT of Connecticut. Mr. President, the withdrawal of his amendment by the Senator from Texas obviates the necessity of my making any remarks upon that amendment, as I had contemplated doing; but I shall take advantage of this moment to say that I find on a perusal of the RECORD that I misunderstood

yesterday what the Senator from Texas said in reply to a question which I asked, and it was that misunderstanding which led me to move an executive session. I thought that perhaps justice to that Senator required that I should make this statement.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

Mr. STEWART. The Senate passed over several amendments temporarily. I now offer an amendment, which I send to the desk, which supplies the defect which was intended to be remedied in what we passed over.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 10, line 4, after the word "land," strike out "office" and insert "offices;" so as to read:

And after the expiration of ninety days following the opening of such land offices any such applicant may make allegation, etc.

The amendment was agreed to.

The SECRETARY. On page 10, line 21, after the words "appear at," strike out "the" and insert "one of said."

The amendment was agreed to.

Mr. JONES of Arkansas. The word "office," in the next line, ought to be "offices."

Mr. STEWART. It is all to be perfected.

The SECRETARY. In the same line, after the word "land," strike out "office" and insert "offices;" so as to read:

And the person so alleged to be holding land contrary to law shall be allowed thirty days from the date of the service of said notice in which to appear at one of said land offices.

The amendment was agreed to.

The SECRETARY. On page 11, line 17, after the word "of," strike out "the" and insert "said."

The amendment was agreed to.

Mr. JONES of Arkansas. The word "office" ought to be plural in the sentence.

The SECRETARY. In the same line, after the word "land," strike out "office" and insert "offices;" so as to read:

If any citizen or freedman of the Choctaw and Chickasaw nations shall not have selected his allotment within twelve months after the date of the opening of said land offices in said nations, etc.

The amendment was agreed to.

The Secretary resumed the reading of the bill at section 33, page 19, line 24, and read to line 8, on page 23.

Mr. PLATT of Connecticut. I should like to inquire of the chairman of the committee if there would be any objection on his part on page 23, line 4, after the word "delinquents," to striking out these words:

And such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs, and usages on or before the date of the final ratification of this agreement.

I do not know that I want to make a serious point upon it, yet it seems to me rather late for this Commission——

Mr. STEWART. If the Senator will move that amendment we could consider it in conference. I think that is very questionable myself.

Mr. PLATT of Connecticut. It seems to me rather late for this Commission now to have renewed power to take in the intermarried white persons. I do not know but that it is all right, yet I should like to strike out those words so that it would go into conference.

The PRESIDENT pro tempore. The Senator from Connecticut moves an amendment which will be read.

The SECRETARY. In section 34, on page 23, line 4, after the word "delinquents," strike out—

and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw nations in accordance with the tribal laws, customs, and usages on or before the date of the final ratification of this agreement.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 19, on page 27.

Mr. STEWART. I move that section 41 be stricken out.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment.

Mr. ALDRICH. Let us hear what it is.

Mr. STEWART. It relates to the Mississippi Choctaws.

The SECRETARY. The amendment is to strike out, beginning in line 20, on page 27, down to the end of line 10, on page 29.

Mr. MONEY. One moment, Mr. President——

Mr. ALDRICH. Let the words proposed to be stricken out be first read.

The PRESIDENT pro tempore. The words proposed to be stricken out will be read.

The SECRETARY. Beginning in line 20, on page 27, it is proposed to strike out:

MISSISSIPPI CHOCTAWS.

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.

The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Choctaw Indians and the descendants of any person who received a patent to land under the said fourteenth article of the said treaty of 1830 who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not of the full blood, or who is not the descendant of a person who received a patent to land under said treaty. And the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of removal to the Indian Territory of full-blood Mississippi Choctaws and other Mississippi Choctaws duly identified under the provisions of this agreement.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nevada [Mr. STEWART].

Mr. MONEY. Mr. President, I object to this amendment. This bill came from the House of Representatives, was fully considered by our Committee on Indian Affairs, and reported without amendment. I do not see any good reason, and none has yet been stated, why this section should be stricken out, and there is a good deal to be said why it should remain as part of this bill.

Mr. STEWART. I will say to the Senator from Mississippi——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. MONEY. Certainly.

Mr. STEWART. It is intended that it shall remain substantially as it is, although there are manifestly little items that will take some time to perfect, and it will be perfected in conference. The last clause appropriating $15,000 the Senate committee is opposed to; the other part of the section needs a good many verbal amendments, and it will take some time to make them.

Mr. MONEY. Mr. President, that being the case, as stated by the chairman of the committee, I suggest to him, with great respect, that we simply pass over this section or have it recommitted; but I do not like to have the entire section stricken out of the bill, for that would mean a permanent settlement.

Mr. STEWART. No, it would not.

Mr. MONEY. It means very much the same thing; and I think it will answer the purpose just as well if we pass over the section now.

Mr. STEWART. No; I want to pass the bill.

Mr. MONEY. I suggest that we pass over the section and let the committee bring in any amendment they please, or the chairman might suggest such amendments as he deems necessary. I am distinctly opposed to striking out the appropriation of $15,000. I say the Mississippi Choctaws who are of full blood are as much entitled to allotments of land as any Choctaw who is residing with the tribe to-day. So far as that is concerned, Mr. President, if there is dispute over the legal proposition of the fourteenth article of the agreement, I believe that properly, under the law, the Mississippi Choctaws would have a right to share in the allotments, but as a matter of equity they certainly have, and the committee of the House has wisely provided for it. Those people reside in my State in considerable numbers, and they ought to be allotted lands, as they are identified as Choctaws by the Dawes Commission, under the rules and safeguards which that Commission and this bill itself provide.

I should be very glad if the Senator would allow this section to be passed over for the present and not have it stricken out.

Mr. JONES of Arkansas. Will the Senator allow me to ask him what is the purpose of passing over this section? This bill will have to be disposed of in conference. There must be a conference between the House committee and the Senate committee. There are differences of opinion as to what should be in this section. I for one believe that there should be some amendment put in so as to define more clearly what the House evidently intended by this provision, but there is some question about the exact language that ought to be used. I believe justice can be reached and the purpose of both Houses can be better ascertained by the conference committee disposing of the matter than for us to undertake to settle it here and then have to settle it again with the House conferees. The purpose is to leave the whole matter in conference, to be settled between the House conferees and the Senate conferees, and when the report of the conferees is made to the respective Houses, if the report is not satisfactory, neither House need accept it.

Mr. MONEY. But that does not relieve me at all. While I admit there is something in the idea suggested by the Senator

from Arkansas, that is no reason for striking out the whole section. It may be necessary to make some corrections, and if there are amendments to be made, why not make them now, or, as I said, pass over this section and when we finish the reading of the bill come back to it? But I do not like the idea of striking out the entire section.

Mr. JONES of Arkansas. I am perfectly willing, so far as I am concerned, to pass over the entire section. We will be through with the reading of the bill in a few minutes, and we can take up this section in fifteen minutes and dispose of it.

There is one amendment I want to propose to this bill, and which I doubt whether the Senate committee itself is as competent to determine as two committees would be. I should like to insert in line 16, after the word "full-blood," the word "Mississippi;" so as to read: "all full-blood Mississippi Choctaw Indians;" then in the next line I should like to strike out the word "person" and insert "Mississippi Choctaw Indian, whether of full or mixed blood;" and then I should like, in line 2, on page 29, after the word "not," to insert the words "a Mississippi Choctaw."

Mr. MONEY. Well, Mr. President, I have no objection to these amendments, because they are put in simply out of abundant caution. The whole title of the section is "Mississippi Choctaws;" and when that term is mentioned, it must refer, under the title of the section, to the Mississippi Choctaws; but if, in the experience of the Senator from Arkansas, he thinks it necessary, out of abundant caution, to insert the words he proposes, I have no objection.

Mr. JONES of Arkansas. If it will be any gratification to the Senator from Mississippi, I suggest that the Senate pass over the section, finish the reading of the bill, and this question can be then taken up.

Mr. MONEY. Very well; that is satisfactory to me, if it be deemed necessary.

Mr. BERRY. I think the Senator from Mississippi will not object to the amendments proposed by my colleague [Mr. JONES of Arkansas].

Mr. MONEY. I am perfectly willing, I say, to accept them.

Mr. BERRY. Then why not make them now?

Mr. MONEY. Very well; make them now.

Mr. STEWART. I suggest to the Senator from Arkansas that he move his amendments now.

Mr. MONEY. Certainly; I was not objecting to the consideration of the amendments now, but I do not want the entire section stricken out.

Mr. JONES of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. MONEY. I do.

Mr. JONES of Arkansas. I move, in line 16, on page 28, after the word "full-blood," to insert the word "Mississippi;" so as to read: "All full-blood Mississippi Choctaw Indians."

The amendment was agreed to.

Mr. JONES of Arkansas. At the beginning of line 17, on the same page, I move to strike out the word "person" and to insert in lieu thereof the words "Mississippi Choctaw Indians, whether of full or mixed blood."

Mr. PLATT of Connecticut. Where does that come in?

Mr. JONES of Arkansas. At the beginning of line 17, on page 28, to strike out the word "person" and insert "Mississippi Choctaw Indians, whether of full or mixed blood."

The amendment was agreed to.

Mr. PLATT of Connecticut. I wish to make an inquiry as to the effect of that amendment. Does the Senator understand, that amendment being made and this provision being passed, that any Mississippi Choctaw Indian who receives a patent to land is to be enrolled merely on that evidence?

Mr. MONEY. Those who are enrolled can get the benefit of that, I will say to the Senator from Connecticut.

Mr. JONES of Arkansas. If the Senator will read the remainder of the section and will allow me to offer another amendment that I want to make below, he will see just what the effect of it will be.

Mr. PLATT of Connecticut. All right. Will the descendant of a Choctaw Indian, in order to receive a patent for land, have to remove to the Indian Territory or will he not? That is the question.

Mr. JONES of Arkansas. If the Senator will look at the language toward the close of the section, he will find these words:

> But this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not of the full blood or who is not the descendant of a person who received a patent to land under said treaty.

Mr. PLATT of Connecticut. I see that; but still that does not settle the question as to whether such person will have to remove, as other persons have to do, to this Territory to get the benefit of it.

Mr. JONES of Arkansas. There is no question of that, but I want to amend further. On page 29, line 2, after the word "not," I move to insert the words "a Mississippi Choctaw."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 1, after the word "not," it is proposed to insert "a Mississippi Choctaw."

The amendment was agreed to.

Mr. JONES of Arkansas. In line 3, on the same page, before the word "who," I move to strike out the word "person" and insert the words "Mississippi Choctaw."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 3, before the word "who," it is proposed to strike out the word "person" and insert "Mississippi Choctaw."

Mr. JONES of Arkansas. I move to add to the insertion these words: "or who is otherwise barred from the right of citizenship in the Choctaw Nation."

Mr. MONEY. What connection has that?

Mr. JONES of Arkansas. It is on page 26, line 3, to strike out the word "person" and insert "Mississippi Choctaw, or who is otherwise barred from the right of citizenship in the Choctaw Nation."

Mr. MONEY. Not by this legislation?

Mr. JONES of Arkansas. No, otherwise; by the law and by the facts as they now stand.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 3, before the word "who," it is proposed to strike out the word "person" and insert "Mississippi Choctaw, or who is otherwise barred from the right of citizenship in the Choctaw Nation."

The amendment was agreed to.

Mr. JONES of Arkansas. I believe that those words ought to come in after the word "treaty," in line 4. I think I have put them in the wrong place.

The PRESIDENT pro tempore. In the absence of objection, the vote by which the last amendment was agreed to will be regarded as reconsidered, and the amendment as now proposed by the Senator from Arkansas will be stated.

The SECRETARY. On page 29, in line 3, before the word "who," it is proposed to strike out "person" and insert "Mississippi Choctaw."

The amendment was agreed to.

The SECRETARY. On page 29, line 4, after the word "treaty," it is proposed to insert "or who is otherwise barred from the right of citizenship in the Choctaw Nation."

The amendment was agreed to.

Mr. STEWART. I desire to offer an amendment to strike out, in line 4, after the word "treaty," all of the remainder of the section down to and including line 10.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 4, after the word "treaty," it is proposed to strike out the remainder of the section.

Mr. MONEY. Does the Senator from Nevada desire to discuss that amendment?

Mr. STEWART. I do not care about discussing it. I want it adopted. Let the Secretary read the amendment, and then I shall make a remark about it.

Mr. MONEY. Very well; let the amendment be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "treaty," on page 29, line 4, it is proposed to strike out:

> And the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of removal to the Indian Territory of full-blood Mississippi Choctaws and other Mississippi Choctaws duly identified under the provisions of this agreement.

Mr. STEWART. Mr. President, it is quite improper, I think, for the Government to expend money to carry more of the Choctaws from Mississippi to the Indian Territory. If they could be identified as Choctaws and be given an opportunity to go there and share in the land, which is very valuable now, the Indians would very seriously object to, and they are objecting, seriously objecting, to it now. I do not think we ought to appropriate this money for that purpose. I think the language ought to be stricken out. The Indians who are in the Indian Territory are very much opposed to bringing more there, allowing them to share in their lands, which they have occupied for a hundred years, and divide them up. We have allowed a number to go in under certain conditions; but I do not think we should force the Mississippi Choctaws on the Indians in the Indian Territory by expending this $15,000.

Mr. MONEY. Mr. President, my information does not accord with that given the Senate by the Senator from Nevada [Mr. STEWART]. My information is that the Choctaws who are now in tribal relations are very anxious for their brethren to join them.

That is my information, and I think I get it from reliable authority.

As to the sum to be appropriated, $15,000, the Senator says, it would be a great benefit to these people to go there and live and get this allotment of land. I could argue if necessary, and I think successfully, that they are entitled to do so under the law by the fourteenth section of the treaty. I shall not, however, touch upon that now. But upon the equities which this bill has afforded these Choctaws as a matter of fact the going to the Territory is a condition precedent to obtaining a bona fide residence. The Senator seems to think that in order to get the prize of allotment of land, the Indians must go there of their own motion and at their own expense. They are willing to go, but a great many of them are not able to do so. I speak now knowing what I am talking about. There may be some of these people who are perfectly able to take themselves there, but you will recollect when the treaty of Rabbit Creek was made and you removed the Choctaws to the West, they were removed at Government expense. The Government paid all the expenses of moving every Choctaw.

Mr. STEWART. Will the Senator allow me a moment?

Mr. MONEY. Certainly.

Mr. STEWART. It was optional with the Indians to go or not. They got land in Mississippi, and they were provided for under that same treaty. Congress was equally generous with those who remained in Mississippi and with those who went to the Territory. The Choctaws now in Mississippi elected to remain there.

Mr. MONEY. I understand that.

Mr. STEWART. They having agreed to remain in Mississippi and the others having gone to the Indian Territory and made their homes, it is going a good way to give them the privilege of having the United States pay their expenses for going there under such circumstances.

Mr. MONEY. That is exactly what the Senator said before; but nevertheless it remains that the first Choctaws, although they received a valuable consideration, as they esteemed it, for their lands in Mississippi, were transported at the expense of the United States Government; and the United States Government was willing to do that because it wanted that beautiful section of country in Alabama and Mississippi for white people to occupy. They were willing to do that. If it is necessary that they should go to the Indian Territory, I say they are not all of them people who have got money enough to move themselves and their effects and families there.

The amount proposed to be appropriated is a small sum of money to the United States, but it is a great deal to this handful of Indians; and we can afford, after what has been called a century of dishonor in dealing with the Indians, to do a piece of justice to these people; and we can afford to be more than just—we can afford to be generous to them. It is a matter that will be appreciated by them, and it would not be felt by the United States.

I think the committee properly reported this bill, and I hope the Senate will not concur in the amendment offered by the Senator from Nevada.

In regard to the Choctaws of Mississippi, I will say that they are not a strong race of people. They are improvident. They drew their sections of land, and those who chose to remain there got possession of the land. Senators know that in every Indian treaty we have inserted a provision which makes Indian lands inalienable. Everyone knows that that provision is inserted because of the improvidence of the Indians and because the Government wishes to guard against their disposing of their lands, and others getting possession of their estates. That provision was not applied to the Choctaws in Mississippi. So they were enabled to alienate their lands, and most of them have alienated their lands. The result is that this improvident race are, although in the midst of civilization, still unable to take care of themselves from a business point of view; and they want to go to their brethren in the Indian Territory and receive their allotment of land there, which, in my opinion, they are entitled to receive. I believe that to be nothing more than simple justice; certainly not more than generosity; and we can well afford to give them the sum now named, not exceeding $15,000.

I hope the Senator from Nevada will withdraw his amendment and let the provision in the bill stand as it was originally written. It is nothing but justice to the Mississippi Choctaws. I am speaking of a very poor people, a mere remnant of a vanishing race, who once owned our country. I hope, if the Senator from Nevada insists upon his amendment, that the Senate will not agree to it.

Mr. JONES of Arkansas. Mr. President, the facts about these Mississippi Choctaws are few and very simple, and I will undertake to state to the Senate the case as I understand it.

When the Government made an agreement with the Choctaw Nation originally to remove them from Mississippi to the Indian country, the agreement was made that all those Indians who chose to stay in Mississippi should reserve their land in Mississippi, and take their part in the national domain in Mississippi and live there, if they chose to do so.

Mr. PLATT of Connecticut. Six hundred and forty acres apiece.

Mr. JONES of Arkansas. Six hundred and forty acres of land to everyone—man, woman, and child. This land was taken by the Indians and used by them, and they remain still in Mississippi. The other Indians went West and took their patrimony in the West. Now, for some years past——

Mr. SPOONER. Will the Senator pardon me for a moment?

Mr. JONES of Arkansas. Certainly.

Mr. SPOONER. I do not remember whether, under the terms of the arrangement, that ended the tribal relation or the interest of the Mississippi Indians in the tribal property.

Mr. JONES of Arkansas. Certainly it did. These people made their homes in Mississippi and separated from the other Indians, and they have never, from then until now, been considered a part of the Choctaw Nation.

Mr. SPOONER. That was by their own volition?

Mr. JONES of Arkansas. By their own act.

Mr. FAIRBANKS. Will the Senator from Arkansas allow me?

Mr. JONES of Arkansas. Certainly.

Mr. FAIRBANKS. It may have been stated during the course of the discussion, but, if so, it has escaped my attention, and I should like to know, if the Senator can inform me, about how many Mississippi Choctaws there are at present?

Mr. JONES of Arkansas. I do not remember exactly. I believe about 2,000.

Mr. MONEY. Do you mean in Mississippi?

Mr. FAIRBANKS. I was asking about the number of Mississippi Choctaws at present.

Mr. MONEY. In Mississippi?

Mr. FAIRBANKS. Yes.

Mr. MONEY. One thousand nine hundred.

Mr. FAIRBANKS. One thousand nine hundred?

Mr. MONEY. About 1,900.

Mr. PLATT of Connecticut. There are 1,900 already identified.

Mr. MONEY. There are about 1,900, if I am not mistaken.

Mr. FAIRBANKS. How many would avail themselves of this provision for participating in the Indian lands?

Mr. MONEY. That is impossible to answer. You can not tell. They have intermarried, and the tribal relationship there——

Mr. JONES of Arkansas. If the Senator had allowed me to finish the sentence I was on, I think he would have seen something of the force of this.

For years there has been a law among the Choctaws that any Mississippi Choctaw who chose to come from Mississippi to the Choctaw Nation, and who could show that he was a Choctaw, would be accepted as a Choctaw and become a citizen of the nation, entitled to all of the rights there. They have not seen fit to avail themselves of this advantage. A few have gone, but not many; but there has been no denial under the Choctaw laws of the right of the Mississippi Choctaws to do this if they chose.

Now, since the proposition has come for dividing the Territory, one proposition and another have been made that the Mississippi Choctaws should be allowed to take their share of these Indian lands. The Choctaws have not been willing to give up a part of their land to those who have already received their full share of the nation's patrimony, and allow them to remain in Mississippi and hold their lands in the Territory for speculative purposes. The Choctaws are willing to let the Mississippi Choctaws come and live among them, and they have voluntarily provided in this agreement we make with the nation that the Mississippi Choctaws who are bona fide Mississippi Choctaws may go to the Choctaw Nation and have equal rights with the balance when they do so.

This is a proposition to take $15,000 out of the Treasury to induce these people, or those who choose to go, to leave Mississippi and go where they have had the right to go for years and where they had not chosen to go. Those willing to go have gone years ago. There may be some who, if accommodations to remove are provided, would be willing to go and stay long enough to take title or get land in their possession. It does seem to me that it is not right for the Government of the United States to undertake to move over to the Choctaw country those who have refused to go, just simply for the purpose of taking land that belongs to those who have lived there always and to divide it amongst those who have never gone there at all. I do not think the provision is right, and I think the Senate ought to strike it out, according to the motion of the Senator from Nevada.

Mr. MONEY. Mr. President, it is quite true, as stated by the Senator from Arkansas, that when the tribe was moved to the West those who chose to remain were granted a section of land. Some of them availed themselves of that privilege and selected

the land. That is quite true. But it is not exactly true that they thereby got all they were entitled to. As a matter of fact, that section of land was compensation for their release of their share of the annuity and not their share of the country bought by the tribe in the West by the exchange of Mississippi territory. The consideration for their getting a section of land was the agreement to make no claim to the annuity to the Choctaws under the agreement of 1832. These people still have, in my opinion, a legal right and certainly an equitable right to their share of this land.

The Senator says there has been a law all the time in the Choctaw Nation that any of the Mississippi Choctaws, a Choctaw or mixed blood, who went into the Choctaw Nation could get citizenship. That is quite true. But the Mississippi Choctaws did not choose to go there when there was no private property. They did not choose to go there until there was an allotment ordered, and when that was ordered they were willing to go there and they are desirous of doing so.

Mr. FAIRBANKS. I was about to ask the Senator a question to which he has just addressed himself, and that was as to whether the people who have the equitable right to the public domain, as the Senator stated a moment go, have asserted it prior to the present?

Mr. MONEY. Have they asserted their right?

Mr. FAIRBANKS. Yes, sir.

Mr. MONEY. The only way they could assert it was by removing to the Choctaw Nation and taking citizenship under the tribal relation while the land was held in common.

Mr. FAIRBANKS. Precisely.

Mr. MONEY. The Mississippi Choctaws were not willing to become members of the Choctaw tribe so long as the lands were held in common, but now, when the Government has provided, against the will of the Choctaws in the first instance, by a gentle sort of education and compulsion, for an allotment of the lands they are willing to go there. If they do not choose to go, there will be no money expended. It will go back into the Treasury. It is only intended to apply to those who now take the choice of becoming Choctaw citizens upon the allotment of land to them in severalty, and it is made a condition here that they shall remain there for three years in continual residence in order to perfect their title to the land. Otherwise the title is not made good to them.

So there is no question about the right of these people to go, and there is no question about their right to that land, in my mind, at least. It has been so treated by the Commission; it has been so treated by the two committees, and the only question left to determine is whether we will do for this remnant of the Choctaws in Mississippi what we did for the whole tribe in 1832 and 1834, and that is to remove them at Government expense. The Government then was very glad to have them go at its expense. There is not the peculiar consideration now—to open up their lands to white people—which there was at that time. But, nevertheless, it is an act of justice, at least of generosity, which we can very well afford. It is only $15,000, and we may not in its application expend half that sum. It will depend entirely upon the number of Choctaws who are willing to go, and my impression is they will nearly all go. That is the information I get continually. I have had letter upon letter for two or three years about this matter, and I think I am pretty well informed as to the wishes and intentions of the Choctaws in my State. I believe they will go, and they ought to be carried there, as I believe, at the public expense.

I think some of them are able to go without assistance, on their own means. But there are others, and a great many of them, who, for lack of means, I believe, can not go there to avail themselves of this invitation of the Government and of the Choctaw Nation to receive part of the lands in severalty. It is a mistake to assume that this assignment of land, when they did not want to move from their old habitation, was given as sufficient remuneration and that they lost thereby their share of land in the nation. It was simply to compensate them for the loss of the annuity which it was agreed they should not claim so long as they remained in Mississippi.

Mr. FAIRBANKS. I understood the Senator to say that some of the Mississippi Choctaws are able financially to go there?

Mr. MONEY. I think they are.

Mr. FAIRBANKS. This bill as it is reported provides for paying the expenses of any who desire to go, whether they are able to pay their own expenses or whether they are not. Is that quite equitable and fair?

Mr. MONEY. That is the way it stands. It is impossible for me or for any other man to say how many, if any, are able to carry themselves there. I believe there are some, but I do not think there are a great many. As I said a while ago, as everybody knows, this is an improvident race, and the Government is continually recognizing that improvidence by placing a disqualification for the alienation of their land in every treaty and statute making any division or partition of land among them.

If anybody wants to correct that section so as to provide that those who are able to carry themselves shall do so (I do not know who will decide that question if it is put in) and if it could be determined properly, I would be perfectly willing to have it inserted. I do not want the Government to pay for those who can carry themselves, although it did it when it removed the whole tribe, and some of the people were rich. Some of them owned a great many negroes. The great chief of the Choctaws owned over 600 slaves and had a palace, I may call it, fitted up with the finest things that could be got in Paris.

Mr. STEWART. The Government was very liberal then.

Mr. MONEY. And he stayed at home. He did not go with his tribe, although a great chief.

But, Mr. President, I do not want to consume the time of the Senate debating a small proposition like this. Therefore I will not say anything more about it.

Mr. STEWART. Let us have a vote.

Mr. MONEY. But I hope the Senate will let the provision remain in the bill.

Mr. QUARLES. Mr. President, I shall not detain the Senate with any extended discussion. It seems to me it would be impossible for anyone to urge any substantial equity in favor of a Mississippi Choctaw who has remained in his native State. The Government treated all the Choctaws exactly alike. It extended to all of them on equal terms the opportunity of moving west of the Mississippi, the Government defraying the expenses of such removal. It offered to the Choctaws who desired to remain in Mississippi an alternative proposition—640 acres of land in the State where they were. Now, that option was exercised. Those people who chose to remain in Mississippi took the alternative proposition. Why should they have another option? Why should they call on the Government to go and urge them, after they have taken their land in Mississippi, to go and share the patrimony of their brothers across the Mississippi? I have never been able to see any reason that could be urged in favor of the proposition.

It is true, as stated by the Senator from Mississippi, that the Choctaws in their new home have always been glad and willing to welcome to their numbers any of their brethren from Mississippi. That has been understood all the time, and they have been trying to induce some of them to come, but the Choctaws in Mississippi seem to prefer to retain their lands there, and have never moved.

The thing I am most concerned about is not the particular niceties of the equities. It is the practical effect that is going to be produced upon this treaty. As I took occasion to say yesterday, it is a matter of great importance to the Government that this particular treaty should be ratified. I have taken pains to find out from the representatives of the Choctaw Nation who are here what would be the effect upon the fate of this treaty if we left in this clause providing the $15,000 bonus, and they tell me that it would probably defeat the treaty; that the Choctaws look upon it in this way: That the $15,000 inducement being held out to the Mississippi Choctaws will induce a lot of those people to come for the sole purpose of perfecting a title, selling out the land or disposing of it, and getting away. They will come, in other words, without any intention to become permanent members of the Choctaw tribe. That is their fear, and that fear will operate against the ratification of this treaty.

I should feel great regret if this clause should remain in, because I think the fate of the treaty might hinge upon it. On that account I hope the Senate will sustain the amendment of the Senator from Nevada.

Mr. PLATT of Connecticut. Mr. President, the Senator from Mississippi [Mr. MONEY] alluded to the fact that when the removal of the Choctaws took place, way back in 1830 to 1832 or 1833, there was a provision in the treaty by which the Government paid the expenses of the removal, But that only applied to those Indians who chose to move. There is nothing in the treaty which provided for the removal of the Choctaw Indians who did not at that time wish to remove. Remaining behind, they were given 640 acres of land to the head of a family and a quarter of a section to each child, and varying amounts, owing to the age of the children. They got that; they got it in fee simple, and that was understood at that time to be all they were to have.

It seems to me it is not quite fair, Mr. President, although perhaps it is within the strict language of the treaty, for the persons who stayed behind, or the descendants of those who stayed behind—the persons who received the land being all dead now—to go there and share in the land belonging to the Indians who removed originally to the Territory and whose descendants have lived in the Indian Territory up to this time.

Now, what will be the effect? The ancestors of the persons who are talking about removing now stayed in Mississippi, stayed behind, elected to stay behind, got their 640 acres of land for

staying behind, and have never been to the Indian Territory. They have shown no disposition to go to the Indian Territory. They have been perfectly contented to stay away from the Indian Territory and from the tribe, but when the land is to be divided up, and when they will get a portion of it if they go to the Territory and the land is divided, worth $4,000 to each member of the family, of course there is a great disposition to go to the Indian Territory.

There have been a great many schemes for removing them. There have been contracts made with them, or some of them, to remove them there and to subsist them there, upon an agreement that they should part with some of their land as compensation; but they have not gone under those contracts. There was that scheme, and there have been various other schemes to get them to remove. But the point of it all is that the descendants of the persons who stayed in Mississippi, choosing to stay there, and taking their lands there, now recognize that they may, if they remove to the Indian Territory, get a share in these lands. As I said before, that is worth a good deal of money to each one of them. It is estimated that it is worth $4,000 to each one of them, Now, why should the Government, under such circumstances, remove these people or pay for their removal? I can not see any reason at all for it.

Mr. STEWART. Besides, there is some doubt about the good faith involved in taking any of this land away from the Choctaws who did remove. It was granted to them; it has been held by them, and they have been treated as a tribe by themselves. The Mississippi Choctaws have been treated as Mississippi Choctaws. This agreement was made with the Choctaws who removed and not with the others. The grant was made to them, and it seems to me it is a matter of doubtful justice to take land away from them and give it to others who do not belong to the tribe.

Mr. MONEY. Mr. President, we seem to have here a very contradictory proposition. On one side it is contended that the Choctaws in the Territory are so anxious to have their brethren in Mississippi join them that they keep a law constantly standing inviting and admitting them to citizenship if they come there. Now, we have a claim that it would be a great injustice if these people went there.

Mr. STEWART. Certainly.

Mr. MONEY. That is not the way the Choctaws look at it, if the law expresses the will of the Choctaws, for they want the Mississippi Choctaws to come to the nation. The Mississippi Choctaws declined to go so long as the land was held in common. Now there is to be an allotment, the holding of land in severalty, and the Mississippi Choctaw, who has been constantly invited to go there, chooses to go.

Mr. STEWART. Will the Senator allow me?

Mr. MONEY. Certainly.

Mr. STEWART. It is obvious that while the Choctaws were in a tribal relation they were very generous to extend this invitation to the Mississippi Choctaws to come and live with them, but the Mississippi Choctaws refused to do so for seventy or eighty years. If they go there now, the Choctaw Nation will understand that they are not coming there to be a part of the tribe, because the tribe is about to be dissolved. If they come, they come to get the land which has been given to the Choctaws in the Territory. They will object, and they do even now that we are providing for those who come voluntarily. They object seriously. I was talking with the representative about it. If you import the Mississippi Choctaws, giving them money to come, they will go with the money to get the land. But even now we are providing for those who will come voluntarily. This provides for their coming, if they come voluntarily. But the importation of the Mississippi Choctaws to this country the Choctaws in the Territory will regard as unjust, so their representative tells me. I think it would be an outrage. I think it would defeat the treaty. It would not be good faith to import them. You could gather them together and take them there and give them land, but you would not make brothers of the Choctaws unless they go there with the intention of settling.

Mr. MONEY. It amounts to this, according to the declaration of the Senator from Nevada: The Choctaws in the Territory are very anxious to have the Mississippi Choctaws come, if they come on their own account and pay their own expenses, but they object very much to the Mississippi Choctaws coming if some one else pays their expenses.

Mr. STEWART. They have been willing for the last seventy years to have them come, and the Mississippi Choctaws have refused to come. And if they go now it will be just to divide their heritage. If we allow them to go by this law, we divide the heritage. They can come now voluntarily, but the Choctaws in the Territory object to the Mississippi Choctaws being imported.

Mr. MONEY. As a matter of fact, the heritage belongs as much to the Eastern Choctaws as to the Western Choctaws. They have not lost their interest in it, and the Choctaw council itself fixed the system of enrollment, and the bill you have reported requires a residence of three years after they go there before they can perfect their title. As an evidence of good faith it is required that it shall be a bona fide residence; and certainly the people who have charge there can judge whether they are bona fide residents or residents simply for the acquisition of land to be sold. They can stay there. Nobody is going to transport them from there. It would cost them something to go back to Mississippi, and I venture to say that in a few years they will not have enough to go back to Mississippi. I doubt if the great bulk of the Choctaw Nation as soon as they have the right to alienate their lands will have any land. The white people will have it all.

The Choctaws did not beg anybody to take them West. They had to go West because the white people pressed upon their heels and demanded the territory which they inhabited, and you know the difficulties we had here in the arrangement of the treaty. General Jackson appointed a man as marshal to whom there was objection. Greenwood Le Flore visited General Jackson, who was then President, and objected to the marshal, claiming that he was not an honest man. General Jackson in the interview said: "I tell you he is an honest man." Le Flore answered: "I tell you he is a dishonest man." The President arose and said: "I, Andrew Jackson, President of the United States, tell you he is a good man." Le Flore drew himself up to his full height and said: "I, Greenwood Le Flore, great chief of the Choctaws, tell you he is a damned rascal," and the President took him by the hand—he had found a kindred spirit—and told him he should have a marshal who would suit.

The Choctaws who remained in Mississippi received 640 acres, and it was understood that it was in lieu of their share of the money paid year by year to the Choctaws, and it was not a relinquishment of their title to any land that belonged to the nation. They did not choose to go there and take land in common, but they had the option. Now, when you by the force of a law that we ourselves are passing——

Mr. STEWART. This bill allows them to go if they go voluntarily. The objection is to importing them.

Mr. MONEY. The fact that a man can not go from here to New York does not prove that he is not willing to go. I have been deprived of a trip around the world every summer because I did not have the money. I am not willing to go even to the Choctaw Nation, so far as that is concerned. But these people are willing, and a great many of them are unable to go.

Mr. STEWART. Will the Senator allow me? He does not regard the Government of the United States as under obligations to give him money to travel around the world.

Mr. MONEY. Not at all. I hope the Senator does not have so poor an opinion of me or of my common sense. But people may be willing to go to a place if they have the means to get there. There is no proposition to take the Eastern Choctaws around the world, but only to their tribe. The Senator should not make that parallel.

Mr. STEWART. Is the Government under any obligation, because they want to go, to pay their fare?

Mr. MONEY. Of course, as a general proposition the Government is under no obligation to pay anybody's fare; but here is a different case. Here is a special case. Here is the case of a remnant of a tribe who have been moved West, not for their benefit, but for the benefit of the white people of the country. The Government paid their way. Here is a remnant left. They may want to go there, and it is proper for them to go. It is their home. Whether they choose to go or not, they have a right to go if they choose. The question is not whether or not they have a right to go, or whether or not the Choctaws in the Territory are willing to have them, or whether they shall have a share of the land, but simply whether Congress will appropriate $15,000 to transport those who, for lack of means, can not go but are willing to go. I am willing to submit it to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. STEWART]. [Putting the question.] By the sound the ayes have it.

Mr. MONEY. I call for a division.

Mr. GALLINGER. We may as well have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TALIAFERRO (when Mr. MALLORY'S name was called). My colleague is unavoidably absent from the Senate. He is paired with the senior Senator from Vermont [Mr. PROCTOR].

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER], but as this is not a political question and our pair is a liberal one, I will take the liberty of voting "nay," unless I am informed by somebody that the junior Senator from Iowa would vote "yea."

The roll call was concluded.

Mr. PETTUS. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. CLAPP (after having voted in the affirmative). I am paired with the junior Senator from North Carolina [Mr. SIMMONS], who is absent. I withdraw my vote.

Mr. HANNA. I am paired with the senior Senator from Utah [Mr. RAWLINS], who is absent, and I refrain from voting.

Mr. CLAY. I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "nay."

Mr. HANSBROUGH. I inquire if the senior Senator from Virginia [Mr. DANIEL] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANSBROUGH. I am paired with that Senator, and withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. TILLMAN. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I shall have to withhold my vote.

The result was announced—yeas 34, nays 16, as follows;

YEAS—34.

Aldrich,	Foster, Wash.	McMillan,	Quarles,
Bard,	Frye,	Mitchell,	Quay,
Berry,	Gallinger,	Morgan,	Scott,
Burnham,	Gamble,	Nelson,	Spooner,
Burrows,	Jones, Ark.	Penrose,	Stewart,
Burton,	Kean,	Perkins,	Vest,
Dryden,	Kittredge,	Platt, Conn.	Wellington.
Fairbanks,	McComas,	Platt, N. Y.	
Foraker,	McCumber,	Pritchard,	

NAYS—16.

Bacon,	Carmack,	Heitfeld,	Money,
Bailey,	Clark, Mont.	McLaurin, Miss.	Patterson,
Bate,	Culberson,	McLaurin, S. C.	Taliaferro,
Blackburn,	Foster, La.	Martin,	Teller.

NOT VOTING—38.

Allison,	Dietrich,	Hawley,	Proctor,
Beveridge,	Dillingham,	Hoar,	Rawlins,
Clapp,	Dolliver,	Jones, Nev.	Simmons,
Clark, Wyo.	Dubois,	Kearns,	Simon.
Clay,	Elkins,	Lodge,	Tillman,
Cockrell,	Gibson,	McEnery,	Turner,
Cullom,	Hale,	Mallory,	Warren,
Daniel,	Hanna,	Mason,	Wetmore.
Deboe,	Hansbrough,	Millard,	
Depew,	Harris,	Pettus,	

So Mr. STEWART'S amendment was agreed to.

The Secretary read section 42 of the bill.

Mr. MONEY. In section 42, page 29, lines 11 and 12, I move to strike out "continuously," after "resided" to insert "bona fide," and in line 15 to strike out the word "continuous" and insert "bona fide." That preserves the phraseology which has been maintained through the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 11, after the words "shall have," strike out the word "continuously;" after the word "resided," in line 12, insert "bona fide," and in line 15 strike out the word "continuous" and insert "bona fide;" so as to make the section read:

42. When any such Mississippi Choctaw shall have resided bona fide upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

Mr. STEWART. I hope that will not be done. They ought to stay there for three years continuously.

Mr. MONEY. It does provide for a bona fide residence of three years. The term "bona fide" has been used all through the bill in just such relations.

Mr. STEWART. Very well; let it go in.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. MONEY].

The amendment was agreed to.

The Secretary resumed the reading of the bill and read to the end of section 44, page 30, line 20.

Mr. MONEY. In section 44, page 30, line 8, I move to strike out the word "continuous."

Mr. STEWART. Let it be done.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of section 54, page 34, line 11.

Mr. JONES of Arkansas. I offer an amendment, to come in at the end of section 54.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, line 11, at the end of section 54, insert the following proviso:

Provided, That as to the town sites set aside as aforesaid, the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in the Atoka agreement, and where, because of his failure to purchase within the time limited in the Atoka agreement, the lot is sold at public auction, the purchaser at such sale shall pay to the owner of the improvements the price for which the lot shall be sold, less the full appraised value thereof, and shall pay such appraised value into the United States Treasury instead of the percentage named in the Atoka agreement.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. JONES].

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of line 13, on page 41.

Mr. BAILEY. Mr. President, I simply desire to call the attention of the Senate to the fact that here is the second national park provided for in one day. This land is to be purchased at the expense of the Government, maintained at the expense of the Government, and in maintaining it the Government is to become the keeper of bath houses and the dispenser of mineral waters. I can not agree to such an arrangement. While I would be glad to see those springs devoted to the use of those people, if they are willing to maintain them, or if it could be maintained without the Government becoming the proprietor of bath houses, I could overlook the question of expense. This can not be done, however, under the bill as it stands, and I move to strike out the entire provision.

The PRESIDENT pro tempore. The Senator from Texas [Mr. BAILEY] offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out, beginning with line 12 on page 39, down to and including line 13 on page 41.

Mr. FORAKER. What is the amendment?

The PRESIDENT pro tempore. To strike out the provision in relation to Sulphur Springs, from line 12, on page 39, to and including line 13 on page 41.

Mr. ALDRICH. Let the part proposed to be stricken out be read.

Mr. STEWART. It has been read.

The PRESIDENT pro tempore. It has just been read. It will be read again if the Senator desires.

Mr. ALDRICH. I ask that it may be read.

The PRESIDENT pro tempore. The words proposed to be stricken out will be read.

The SECRETARY. Beginning in line 12, on page 39, it is proposed to strike out the following:

SULPHUR SPRINGS.

64. The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites.

Within ninety days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, $20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States.

Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory.

Mr. ALDRICH. Mr. President, is this provision in the bill a a part of the treaty arrangement?

Mr. STEWART. Yes, sir.

Mr. ALDRICH. Already concluded?

Mr. STEWART. It is not.

Mr. BAILEY. The treaty has been negotiated with the Indian tribes, but it is not concluded until the bill passes through Congress and has been ratified by the Indians.

Mr. ALDRICH. I should like to have the chairman of the committee explain why any such arrangement as this is proposed or attempted.

Mr. STEWART. I do not know why it is proposed. The treaty was made between the Secretary of the Interior and the Indians. I do not know the character of the springs or the

importance of them. I shall not resist the amendment of the Senator from Texas.

Mr. BAILEY. If the Senator from Nevada will permit me, I know something about the conditions there. For years people have visited those springs. The waters are said to be excellent and curative. I presume that a greater number of people go there from the Congressional district which I formerly represented than from any other place in the United States. It is desirable to preserve those springs for those purposes, and the community of Sulphur Springs sent a representative to Washington who brought a letter of introduction to me.

I said to him very frankly that I would be glad to see the springs preserved, and that I was willing to see the United States negotiate with the Indians and acquire title and pass it to anybody else who will maintain them. But, he said, they did not want to have those springs pass into private ownership, so that men may be charged for the waters. I have never known anything in this world worth having that could be obtained without paying for it. If the man who gets it does not pay for it, somebody else must, and, as in this case, we pay taxes to the Government and the Government pays out the taxes to maintain the property.

I am utterly opposed to governmental ownership of such a plant. I will support heartily a proposition to acquire title from the Indians and pass it to that community, or pass it to any company that will improve and maintain the property, but I am utterly opposed to the Government of the United States becoming the proprietor of bath houses and springs. We have had a good deal of trouble about such an arrangement at Hot Springs, Ark., where the Government, I believe, rents the springs, though it may maintain some free public baths.

But while it is very necessary that people shall have baths, it is equally necessary that they shall learn to provide them for themselves. I do not know any better reason why the Government should maintain public baths than why it should not maintain a hotel for the accommodation of those who will go there to enjoy the waters. It is simply a proposition for the Government to engage in the private occupation of maintaining a pleasure or health resort for the people of the United States.

Mr. ALDRICH. I find I am in entire sympathy with the Senator from Texas [Mr. BAILEY]. I did not know but that the chairman of the committee who recommended this provision had some reason for supporting it. We seem to be engaged this morning in providing for purchasing lands, the management of bath houses, and all kinds of enterprises by the Government of the United States, as the Senator from Texas [Mr. BAILEY] has already said. I did not know but some Senator might have some reason to give why this policy should be adopted, or why such a provision should be in this bill.

Mr. STEWART. This is a House bill, and this provision was negotiated by the Interior Department. They thought there was good reason for it. The Committee on Indian Affairs did not see fit to strike it out, although I did not see that there was anything of any great importance in it. Still the provision may be very well, and I think the Government has in a great many instances made reservations of springs of this kind. I rather doubt the policy of it, but not sufficiently so to oppose the provision, to oppose the committee, or to oppose the House, but I shall not resist the motion of the Senator from Texas [Mr. BAILEY], notwithstanding the sarcasm of the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. Mr. President, I am sorry the Senator from Nevada supposes that there is any sarcasm in my remarks. I did not intend that there should be any. I simply supposed, in my innocence, that somebody had some reason for putting this rather extraordinary proposition in this bill. It passed, I suppose, the scrutiny of the Committee on Indian Affairs, over which the honorable Senator from Nevada presides with great ability, and I suppose that in their minds there existed some reason for this provision; but it seems there is no reason except that the provision has come from the other House.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Texas [Mr. BAILEY], to strike out the section which has been read.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of line 4, on page 44.

Mr. STEWART. I move to amend, in line 4, on page 44, before the word "days," by striking out "ninety" and inserting "one hundred and twenty."

The amendment was agreed to.

Mr. STEWART. In line 6, on page 44, before the word "special," I move to strike out the article "a" and insert the word "any."

The amendment was agreed to.

Mr. STEWART. In line 15, after the word "both," I move to strike out the words "said tribes or" and insert the words "the Choctaw and Chickasaw."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 74, on page 44, line 15, after the word "both," it is proposed to strike out "said tribes or" and insert "the Choctaw and Chickasaw;" so as to read:

The votes cast in both the Choctaw and Chickasaw nations shall be forthwith returned and duly certified by the precinct officers, etc.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. BAILEY. Mr. President, after disposing of section 32, and while I was at lunch, the Senator from Arkansas [Mr. JONES] offered an amendment to section 54, which I move to reconsider.

The section was reported to the Senate by the committee, and as it stood in the bill as it came from the House provides that as to certain towns, commonly called the new towns of the Territory, the lots should be sold upon the same terms and at the same prices as the lots were sold in what are commonly called the old towns of the Territory.

The amendment of the Senator from Arkansas requires the holders of lots in these new towns to pay exactly twice as much for them as the people in the old towns have paid. Under the Atoka agreement the holders of lots in the towns then settled were required to pay 50 per cent of their appraised value. In May, 1900, Congress passed an act which provided that in the settlement of these new towns the lots should be laid out and sold exactly as under the Atoka agreement. Therefore, when these new railroads were constructed into the Territory the people went into those towns and settled there, under the assurance of a law of Congress that they would be permitted to acquire their lots upon the terms and at the prices accorded to the people of the old towns.

Mr. President, the equity of the people of these new towns is really stronger than is the equity of the people in the older places, because in those older towns men settled there years ago. They have enjoyed those lots at the nominal price which they originally paid the Indians who claimed the land, without the payment of taxes and without any of the burdens which ordinarily accompany the development and improvement of towns.

In the course of ten or fifteen years this has been quite a saving to those people, while in these new towns, some of them less than two years old, the lot holders have derived practically no benefit. They will be required, under the law, to purchase and pay for them almost as early as they have been able to improve them, and thus to enjoy them. Therefore I insist that it will be an unjust discrimination against the towns along the line of the new railroads to impose upon them a price twice as great as that accorded to people in the towns on the older railroads, and it is a discrimination for which no good excuse can be offered.

It must be remembered that when those people went into those towns and built them up it gave a town-lot value to what would otherwise have been acreage land, and the Government simply recognized an equity in that condition.

But worse than this discrimination would be the fact that these men settled those towns under the guaranty of the law of Congress that they should be permitted to purchase and pay for their lots at 50 per cent of their appraised value.

I therefore hope the Senate will reconsider the vote by which the amendment of the Senator from Arkansas was adopted and leave this provision as it appears in the House bill. It was originally in the treaty negotiated by the Interior Department with the Indians provided as the Senator from Arkansas has provided in his amendment, but that treaty was passed in the face of the law of Congress upon that precise subject. I am not willing to believe that the Congress of the United States would authorize citizens of this country to go in there under a guaranty that when they have built up these towns and given those lots a value far above what they otherwise would have possessed and then repudiate its guaranty to them and compel them to pay double the price at which they were authorized to suppose they could purchase.

Mr. JONES of Arkansas. Mr. President, I hope the Senate will not reconsider the vote by which the amendment was adopted. There is not a town in the United States, except in the Indian Territory, to which a man can go and take possession of an unoccupied lot without paying full value for it. There is nowhere else that a man can go and settle in a town and get a lot by paying one-half of what it is worth, and get title to it.

There is no reason that I can understand why these people should be required to sell their town lots for less than they are worth to people who want to settle on them, which does not apply to every other community in the world.

Mr. STEWART. It is because these lots belong to Indians.

Mr. JONES of Arkansas. Certainly. The reason why under the Atoka agreement arrangement was made that those who held town lots should pay but one-half of the valuation thereof was because those people had gone into that country before there was

any arrangement by which they were to take their title, and they had made arrangements with the Indian tribes, paying them some sort of compensation for the right to settle upon those lots.

It was insisted by me and by other people who were connected with the making of that arrangement that the money those people had already paid for their possessory right to such lots should not be confiscated, and that they ought to have credit for the amount of money they had paid to get possession of the lands in the first place; or else there ought to be a deduction in the valuation in consideration of the amount of money they had already paid for the use of their land. This was a sound reason applying to towns where settlement had already been made.

But now comes in another class of cases. The railroads have been built and people are going into that Territory by the thousands. New towns are being started everywhere, and they are started with a full knowledge of these facts. None of the equities which apply under the Atoka agreement apply in these cases.

When a man goes and locates in one of these towns, this provision of law simply is that a man in the Indian Territory shall do as he does everywhere else, pay for what he gets its actual market value, no more and no less. The towns are small; the country is out on the prairie, and the valuation will be small. The lots have to be valued by people who are disinterested, and they will make the valuation what it should be.

Referring to the law which the Senator says was passed last year, it does no harm, because men who have gone there under that law and have taken possession of their lots under that law will not be disturbed by this amendment.

Mr. BAILEY. The Senator does not understand that that construction is placed on the law either by the Indian attorneys or by the Interior Department. If the Senator would make it apply to towns hereafter laid out, I should have no objection, because in that case the people who go into the towns go in with a perfect knowledge of their rights.

Mr. JONES of Arkansas. Precisely; and in this case while I should not be willing to have it apply to towns that are built hereafter, it ought to apply to towns that are now in existence where the lots are unoccupied. If a man went in under that law in any town last year, and he has any rights under that law, they can not be disturbed; but if another man goes into the same town and settles on an unoccupied lot he ought to pay under the new law; and it is right that he should.

Mr. BAILEY. The Senator does not mean to say that a citizen of the United States who went into a Territory under that law acquired any vested right which secured him against disturbance by a subsequent law of Congress?

Mr. JONES of Arkansas. I do say that when a citizen of the United States went into the Indian Territory under that law and took possession of a lot under that law, he has a vested right that can not be disturbed by Congress; but if he has not taken possession of the lot under that law and is going into another town somewhere else to take a new lot, we ought not to give him a right to buy that lot for one-half what it is worth.

Now, there can be no difficulty, as I see it. If there is any trouble about that, if the operation of these two sections will not be exactly what I say, I am willing that it shall be corrected in conference so as to make it do just what I mean to say; that is, that those who have bought lots under this law shall have the right to take those lots, paying 50 per cent of their value, but that anybody else who now takes a lot in that town or any other new town shall pay what is a fair market price. I think they ought to pay it all.

Mr. BAILEY. Mr. President, the Senator from Arkansas and I do not differ so widely. I think it is very true that a man who goes into a town in the Indian Territory or elsewhere should be required to pay the value of the property which he acquires, but the Senator overlooks a fact which very materially modifies that general statement, and that fact is, if these people could have acquired their property at the time they settled there and made the town, they would have acquired it at an acreage price. But they have gone there and settled these communities, built up these towns, given these lots a good value, and yet, because they were unable to acquire the title when they settled on the lot, they are compelled to pay for the very increase produced by their presence there.

Some gentlemen may think that is a dangerous approach to the doctrine of unearned increment, but I think not, I believe in the ownership of land, and I do not believe in the onerous taxation of it. The truth of it is, if I had my way I would exempt land from all taxation rather than to impose all taxes on it.

The Senator from Arkansas overlooks another thing. He says that the original Atoka agreement recognized certain equities because the people had long been in the Indian Territory. The Senator forgets, however, that when those people went into the Indian Territory they had not the slightest guaranty either from the Indian tribes or from the Government of the United States that they would ever be permitted to purchase those lots on any terms. They took their chance.

Mr. JONES of Arkansas. I beg pardon. In many cases they did buy of the Indian tribes.

Mr. BAILEY. They could not buy from the Indian tribes. The Indian tribes never saw an hour when they could sell a foot of land in the Choctaw Nation or the Chickasaw Nation without the consent of the Government.

Mr. JONES of Arkansas. That is true, but nevertheless they did do it.

Mr. BAILEY. No; the Senator is mistaken. What they did was that where an Indian had taken possession of a certain tract of land under the joint ownership and assumed to be the proprietor of that land, they sold town lots. But that sale was an absolute nullity under the law.

Mr. JONES of Arkansas. That is true.

Mr. BAILEY. The Government sought to preserve a condition which it found to exist, and provided in those cases that the owners who had improved lots should have the right to buy them at a stipulated figure; that is, at a certain percentage of their appraised value.

Mr. STEWART. Will the Senator allow me?

Mr. BAILEY. Wait just a moment, until I finish this statement. That was the condition of the original towns.

In the case of the new towns the people who went there went with an absolute statutory guarantee on the part of the United States that when they were ready to sell the lots the occupants of them should have the right to buy them at 50 per cent of their appraised value. Therefore I insist that the equities of the holders in the new towns are stronger than the equities of the holders in the old towns.

It would be an inexcusable breach of faith with the enterprising men who have settled the new towns in that Territory now to compel them to pay twice as much as the Government has agreed they shall pay.

Mr. STEWART. Will the Senator allow me? I think I can make a suggestion which will bring the two Senators together. As I understand, the Senator from Arkansas does not wish to affect the rights of any who have already settled. Again, the half price applies only to those who have improved town lots, and by amending the section——

Mr. BAILEY. I will say to the Senator from Nevada, in order to expedite the matter, that if the Senator from Arkansas, who doubtless will be a member of the conference committee, will agree with me that he will arrange it as he says here——

Mr. JONES of Arkansas. I intend that it shall be; and if there is any doubt, I am willing that it shall be fixed.

Mr. BAILEY. I am willing to take the Senator's word for it.

Mr. STEWART. It reads:

That as to the town sites set aside as aforesaid the owner of the improvements shall be required—

Suppose we should make it read thus:

That as to the town sites set aside as aforesaid any person who shall hereafter become the owner——

Mr. BAILEY. Permit me to suggest to the Senator from Nevada that I would hesitate to deal upon the spur of the moment with a matter of this importance, and I would prefer to withdraw my motion to reconsider and accept the assurance of the Senator from Arkansas that he will arrange it in the way he says he intended to make it by his amendment.

Mr. STEWART. All right.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

The bill was reported to the Senate as amended.

Mr. PLATT of Connecticut. Mr. President, while I was out a section relating to sulphur springs in the Territory was stricken out, as I understand, on motion of the Senator from Texas. If I had been here, I should have opposed the amendment. I think the section is a very proper one, and the best possible disposition we could make of those natural mineral springs, where there is now a town which has as many as 15,000 visitors during a season. But owing to the lateness of the hour I do not know that I desire to enter upon a discussion of it now. I shall ask the conference committee to consider it very carefully.

Mr. ALDRICH. I was somewhat responsible, perhaps, for the section going out. I for one should be very glad to hear the Senator's explanation. It seemed to me there was no reason for legislation of this kind. If there are reasons which the Senator from Connecticut can give, I should certainly be very glad to hear them.

Mr. PLATT of Connecticut. Mr. President——

Mr. BAILEY. If the Senator will permit me, I hope that when the conferees take this matter under consideration they will devise a way to give the people the benefit of those waters without imposing upon the United States the duty of maintaining the springs. I hope that will be done.

Mr. PLATT of Connecticut. Mr. President, perhaps the only point in the Territory where there is anything of this character is at Sulphur, and there are a great variety of mineral springs there. They have already become very noted as such. They belong to the Indians; that is, they belong to this communal title of the Indians. We can not very well allot them, dividing up the land into 160-acre tracts, without putting the waters where they can not be controlled for the benefit of the place. They will simply go into the hands of speculators if we do that.

On talking this matter all over in the office of the Secretary of the Interior, on consultation with the Secretary and with the Indians and with the Dawes Commission, it was thought that this on the whole was the best way of doing it. It was a matter of some question there how the springs should be preserved for the benefit of the public, and this method was finally the one hit upon by the Assistant Attorney-General for the Interior Department, Mr. Van Devanter, as being the best method which could be devised for that purpose. Certainly those springs ought not to pass into the hands of speculators, and it was thought that if the Government bought this land of the Indians at a very small price—the Indians thought they were not getting enough for it, but agreed to it finally—it would be in the hands of the Government and the Government could dispose of the property under circumstances which would save it from speculation and speculators.

I think that that is the very best way to treat it, but I have no desire to go into a long discussion about it. I am willing that it shall go into conference without its being understood that the Senate has acted finally and intelligently upon this subject.

Mr. ALDRICH. I should like to ask the Senator from Connecticut a question. Is it proposed by this provision that the Government of the United States shall enter upon the control and management of another health resort?

Mr. PLATT of Connecticut. That has not been my intention at all.

Mr. ALDRICH. It so appears from the language of the section.

Mr. PLATT of Connecticut. I do not think so.

Mr. ALDRICH. Then I certainly did not understand it when it was read.

Mr. PLATT of Connecticut. For the time being the Government, having purchased the land, is authorized to make such rules and regulations with reference to the use of the water as may be necessary in order to have the public have a right to it. That is all there is to it. It says:

> Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded.

There is no provision here making an appropriation. The Secretary can expend no money on it at all.

Mr. ALDRICH. The Senator from Connecticut understands as well as I do that these things are always commenced in that way. I imagine if we should take up the history of the Hot Springs in Arkansas we should find that some very small, innocent provision like this was the basis of the large Government expenditure around those springs. Now, it seems to me that the Government of the United States ought not to go further into the health-resort business unless there is some very good reason for it. I understand the Government of the United States is to buy the lands.

Mr. PLATT of Connecticut. Certainly.

Mr. ALDRICH. And it is to establish a health resort.

Mr. PLATT of Connecticut. Not at all.

Mr. ALDRICH. The Senator says temporarily they are to make rules and regulations for their government. That is an entering wedge. Next year the Senators from the territory around there, including, I have no doubt, my friend the Senator from Texas, will be here asking for an appropriation to build some buildings which are necessary to develop the springs that the Government has bought of the Indians, and the next year after that we will be called upon to do something else. We on this side of the Chamber are sometimes accused of being in favor of parental government, but if this is not a parental measure I do not know what can be.

It seems to me, unless there is some reason which I have not yet heard developed, that this section ought to stay out, having been voted out by the Senate.

The PRESIDENT pro tempore. Shall the vote in the Senate on the amendments made as in Committee of the Whole be taken in gross?

Mr. ALDRICH. I am perfectly willing, if the Senator from Connecticut desires to have a reconsideration of the expulsion of this section from the bill, that he may have a vote in the Senate on the amendment. I have no disposition to preclude that action, if the Senator from Connecticut desires it.

Mr. SPOONER. I should like to have read the language that was stricken from the bill which relates to the subject just under discussion.

The PRESIDENT pro tempore. Will the Senate concur in the amendments made as in Committee of the Whole, other than this one?

Mr. SPOONER. Am I to be precluded thereby from having this language read?

The PRESIDENT pro tempore. No; the Chair said, "other than this one."

Mr. SPOONER. I must wait?

The PRESIDENT pro tempore. It will leave this amendment open to consideration. The question is on concurring in the other amendments made as in Committee of the Whole and reported to the Senate.

The amendments were concurred in.

The PRESIDENT pro tempore. This amendment is still open in the Senate to any amendment whatever. The Senator from Wisconsin desires that it shall be read. The Secretary will read as requested.

The Secretary read as follows:

SULPHUR SPRINGS.

64. The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites.

Within ninety days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, $20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory.

Mr. TELLER. Mr. President, I think it is quite obvious that the bill can not pass to-night, and I should like to ask unanimous consent to call up a little local bill, which will take about three minutes.

Mr. STEWART. This bill ought to pass now.

Mr. TELLER. It ought to have passed four hours ago, if it is to pass at all.

Mr. STEWART. It is not my fault. I shall object to any business coming in. I have not done anything to delay it. There is a little byplay going on here. I think they are after the Senator—I do not see him now. I think the whole of this byplay for the last half hour has been to prevent some other bill from being reached. I shall not permit anything to come in which I can prevent. I can not prevent this byplay. It may go on all night. I can not prevent the language being read over a half dozen times if my friend wants it.

Mr. SPOONER. I have never heard it read.

Mr. STEWART. If you would stay here and listen——

Mr. SPOONER. I stay here and listen a great deal, and I have listened to a great deal from the Senator from Nevada, as he does from me.

Mr. STEWART. I hope the question will be put.

Mr. TELLER. I should like to have the bill I refer to passed. It is a bill that I tried to have passed last night, and the Senator from Connecticut would not allow me. It is a local bill.

Mr. STEWART. Inasmuch as the Senator from Colorado is not in the byplay I will yield.

Mr. TELLER. No; I am not in the byplay.

Mr. SPOONER. If the Senator from Colorado will not come into the byplay, I think probably some one will object to his bill.

Mr. TELLER. No; I hope not. It is a bill for our water company in Denver, and I am very anxious to get it through the House.

Mr. STEWART. I yield.

SOUTH PLATTE CANAL AND RESERVOIR COMPANY.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (S. 4815) to grant certain lands to the South Platte Canal and Reservoir Company.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the bill indicated by him, which will be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. Is it a private corporation to which the grant is to be made?

Mr. TELLER. It is a private corporation which furnishes the water for the city of Denver, a corporation that is spending now upon this very ground a million and a half dollars in the way of——

Mr. SPOONER. They have a contract with the city.

Mr. TELLER. They have a contract with the city, and we expect ultimately that the city will become the owner of the property, whenever we can make proper arrangements with the company. The measure has the approval of the Land Department, the Secretary and the Commissioner. It is essential that the company should have this land to preserve the purity of the water. It is land that has no value except for the scattering timber on it and the grass, and the company desires to fence it in to keep cattle from going in there and fouling the water.

In addition, I will state that the company are building at the foot of the mountain, about 25 miles distant, a modern filtration plant, and spending a large amount of money on it. It is a measure in which the people are interested, and therefore I have been anxious to get it passed in order that it may be passed by the House at the present session.

Mr. ALDRICH. The report is very short, and I have no doubt contains a great deal of information, and I ask that it may be read.

Mr. TELLER. There are some amendments which the committee have reported.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

Mr. ALDRICH. I asked some time ago that the report might be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. HANSBROUGH on the 17th instant.

Mr. ALDRICH. Senators around me seem to understand this case very thoroughly, and in their behalf I withdraw my request for the reading of the report.

The amendments of the Committee on Public Lands were, on page 2, line 1, after the word "two," to strike out "three, ten;" in line 2, after the word "fourteen," to strike out "fifteen, twenty-two;" in line 3, before "twenty-four," to insert "and," and after "twenty-four" to strike out "twenty-five, twenty-six, and twenty-seven," and in line 5, before the word "nineteen," to insert "and," and after "nineteen" to strike out "and thirty;" so as to make the bill read:

Whereas the South Platte Canal and Reservoir Company is the owner of a reservoir from which the inhabitants of the city of Denver, Colo., are supplied with water for domestic purposes; and

Whereas it is necessary for the health of the people of said city that the waters of said reservoir should not be contaminated and that the principal drainage basins leading into said reservoir should be under the control of the owners of said reservoir: Therefore,

Be it enacted, etc., That the following-described tracts of land, situated in the counties of Jefferson and Douglas, in the State of Colorado, described as follows: Sections 1, 2, 11, 12, 13, 14, 23, and 24, in township 10 south, range 71 west, of sixth principal meridian; and sections 6, 7, 18, and 19, in township 10 south, range 70 west, of sixth principal meridian, all within the South Platte Forest Reserve, containing 12,800 acres, be, and the same are hereby, granted and conveyed to the South Platte Canal and Reservoir Company, a corporation of the State of Colorado, upon the payment of $1.25 per acre by said company to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said company shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. TELLER subsequently said: I find an error in the bill just passed. I ask unanimous consent to reconsider the votes by which the bill was passed that I may offer an amendment which the committee failed to report.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado to reconsider the votes by which the bill was passed and by which it was engrossed and read a third time? The Chair hears none, and the bill is in the Senate and open to amendment.

Mr. TELLER. I move to strike out, in line 8, before the word "acres," the words "twelve thousand eight hundred" and to insert "seven thousand six hundred and eighty." This makes it conform to the amendments that were adopted.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The Senate resumed the consideration of the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

Mr. FORAKER. I ask the unanimous consent of the Senate——

Mr. STEWART. There can be no unanimous consent given until this bill is out of the way.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, which was reserved.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STEWART. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. FORAKER. I ask unanimous consent that the Senate may resume the consideration of the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico. The bill was under consideration yesterday, and the amendments of the committee were agreed to except only as to section 4.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. All the amendments reported from the Committee on Pacific Islands and Porto Rico were agreed to yesterday except section 4. Section 4 will be read.

The SECRETARY. The committee report to insert as an additional section the following:

SEC. 4. That the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances, and to the same rights and privileges as the Delegates from the Terrritories of the United States, and his term of office shall commence on the 4th day of March next succeeding the date of his election; and the term of office of the present incumbent is hereby extended to the 3d day of March, 1903.

Mr. SPOONER. In section 4, page 3, line 11, after the word "purposes," I move to strike out the words "shall have a seat in the House of Representatives with the right to debate, but not to vote, and."

The amendment to the amendment was agreed to.

Mr. SPOONER. After the word "entitled," in line 13, I move to strike out the words:

To the same compensation for salary and other allowances and to the same rights and privileges as the Delegates from the Territories of the United States.

An in lieu of those words to insert:

In addition to his salary as now fixed by law, to his actual expenses in traveling to and from Porto Rico once annually.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, and for other purposes."

LIEUT. COMMANDER WILLIAM P. RANDALL.

Mr. GALLINGER. I ask for the consideration of the bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list.

Mr. QUAY. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I will yield to the Senator in a moment.

The PRESIDENT pro tempore. The bill will be read in full to the Senate.

The Secretary read the bill.

Mr. QUAY. Mr. President, I desire to speak to the bill, apparently.

I had intended to call up this afternoon my motion to discharge the Committee on Territories from the statehood bill, but, as was apparent to every Senator upon this floor, obstructive tactics were being resorted to to prevent our reaching a vote in time to accomplish anything in the direction of its passage, and as a number of Senators desired to leave the Chamber I assured them that it would go over until to-morrow.

I am not going to object to the passage, by unanimous consent, of any bills of unimportance, such as have been called up that Senators wish to have considered, but I desire to give notice here and now that after this evening I shall object to unanimous consent in every instance until the motion to discharge the Committee on Territories from the statehood bill is disposed of. I will enter to-morrow upon the Journal, if the Chair decides it is in order, a general objection to business transacted in that manner.

Mr. SPOONER. I do not know that the rules recognize any such general objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill which has been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, to add at the end of the bill the words "with the retired pay of that grade from the date of such appointment;" so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. Commander William P. Randall, United States Navy, retired, a commander on the retired list of the Navy, with the retired pay of that grade from the date of such appointment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. MILLER.

Mr. CLAY. I ask unanimous consent that the bill (H. R. 1456) granting a pension to William G. Miller be taken up and passed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of William G. Miller, late of Captain Harris's company, Georgia Volunteers, Creek Indian war, and to pay him a pension at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. SCOTT.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 14656) granting an increase of pension to Charles A. Scott.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Charles A. Scott, late of Companies M and F, Eighteenth Regiment New York Volunteer Cavalry, and to pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION BY INTERSTATE COMMERCE COMMISSION.

Mr. CARMACK. I am directed by the Committee on Interstate Commerce, to whom was referred the resolution concerning an investigation by the Interstate Commerce Commission, to report it favorably with amendments, and I ask unanimous consent for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HANSBROUGH. The resolution is reported from the Committee on Interstate Commerce?

Mr. CARMACK. Reported from the Interstate Commerce, unanimously reported.

The amendments of the Committee on Interstate Commerce were, on page 1, line 9, after the word "differences" to insert "if any;" in line 10, after the word "articles," to strike out "and against shipments of imported articles;" and on page 2, line 3, to strike out all of paragraph 4 in the following words:

4. Whether in the opinion of said Commission any such differences in rates in favor of import and against domestic shipments operate to produce discriminations and preferences in favor of foreign manufacturers and shippers and against American manufacturers and shippers which ought to be removed, but which can not be remedied by proceedings under the act to regulate commerce; and if so, in what manner that statute should be amended to prevent such discriminations and preferences,

So as to make the resolution read:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to investigate and report to the Senate during the month of December next, in such form and to such extent as may be practicable—

1. The rates filed with said Commission by common carriers subject to the act to regulate commerce and now in force on import and domestic traffic of like kind carried from ports of entry in the United States to interior points of destination which show material differences, if any, in favor of through shipments of imported articles and against shipments of like articles originating at such ports of entry.

2. What, if any, kinds or classes of imported articles have actually been transported at any time between January 1 and July 1 of the present year by common carriers subject to the act to regulate commerce at rates from ports of entry in the United States to interior points of destination materially less than the rates contemporaneously charged by such carriers upon the same kinds or classes of articles as domestic shipments from such ports of entry to the same interior points of destination; and whether, if it can be ascertained, the rates actually charged upon both the import and domestic traffic were in conformity with the rates in effect thereon as shown in rate schedules filed with said Commission.

3. Show in said report in connection with any such differences in schedule rates in favor of import and against domestic shipments the tariff or customs duties in force under the laws of Congress upon such import traffic carried at any time during the six months' period above specified; and to enable compliance with this requirement the Secretary of the Treasury is hereby directed to furnish the said Commission, upon its application, a statement showing the tariff or customs duties applicable to such import traffic.

The amendments were agreed to.

The resolution as amended was agreed to.

CHIEF ENGINEER DAVID SMITH.

Mr. HANNA. I ask for the present consideration of the bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to advance on the retired list from March 3, 1899, to the next higher grade Chief Engineer David Smith, United States Navy, retired, who served with credit through both the civil and Spanish-American wars, and who, in the performance of duty, incurred disability from exposure, rendering him an invalid, requiring the services of an attendant ever since his detachment, February 7, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WILMINGTON, N. C.

Mr. SIMMONS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 14802) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C., to report it without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUPPRESSION OF TRAIN ROBBERY.

Mr. PLATT of Connecticut. I desire to ask for the present consideration of the bill (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes. I wish to say that this bill was reported by the senior Senator from New York [Mr. DEPEW] from the Committee on the Judiciary. I promised him when he went away that I would call it up at the first opportunity. It is a bill which provides for the punishment of train robbers holding up railroad trains, and the amendment is in the form in which the bill was passed at the last session of Congress.

The PRESIDENT pro tempore. The bill will be read in full to the Senate. The Secretary will read the amendment instead of the part proposed to be stricken out.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and insert:

That if any person shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, within any Territory of the United States, or any place subject to the exclusive jurisdiction or control thereof, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train, or in any such car thereof, or to commit any crime or offense against any person or property thereon, such person shall be punished by imprisonment not exceeding twenty years, or by fine not exceeding $5,000, or both, at the discretion of the court.

SEC. 2. That any person who shall counsel, aid, abet, and assist in the perpetration of any of the offenses set forth in the preceding section shall be deemed to be principals therein.

SEC. 3. That upon the trial of any person charged with any offense set forth in this act it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. TELLER. What committee reported the bill?

The PRESIDENT pro tempore. The Committee on the Judiciary.

Mr. PLATT of Connecticut. The Committee on the Judiciary. The bill was carefully considered in the Committee on the Judiciary last year.

Mr. TELLER. Is it the same bill?

Mr. PLATT of Connecticut. It is the same bill, and it passed the Senate last year.

Mr. BATE. It is confined exclusively to the Territories?

Mr. PLATT of Connecticut. To the Territories and places exclusively under the jurisdiction of the United States, like the District of Columbia, arsenals, forts, dockyards, and docks.

Mr. BATE. That is expressed in the bill itself?

Mr. PLATT of Connecticut. It is.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE LEA FEBIGER.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 6117) for the relief of George Lea Febiger.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve the estate of George Lea Febiger, late first lieutenant, Thirty-third United States Infantry Volunteers, from accountability for subsistence funds in the sum of $129.38, with which he was charged and for which he was accountable on October 24, 1900, on which date he was killed in action.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER LANDS IN NEW MEXICO.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Public Lands with amendments, in line 9, after the word "sold," to insert "at public sale;" and in line 12, after the word "obtainable," to insert "at not less than $4 per acre;" so as to make the bill read:

Be it enacted, etc., That section 10 of an act approved June 21, 1898, entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," is amended by adding at the end of the said section the following:

"*Provided*, That timber upon lands authorized to be sold in this section may be sold at public sale in tracts not to exceed 25,000 acres to any one person, corporation, or association for the highest and best price obtainable, at not less than $4 per acre, under such rules and regulations as may be prescribed by the board of public lands or the legislative assembly of said Territory."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SCOTT. I should like to have the Senator from South Dakota explain what this bill provides. It looks to me like selling timber lands in New Mexico to the amount of 25,000 acres, which is nearly all the timber land they have.

Mr. GAMBLE. Mr. President, this bill has passed the House. As I understand, in 1898 Congress donated to the Territory of New Mexico a portion of the public lands for educational and for State university purposes, which they were to have upon their final admission into the Union. The law provided that those lands should be leased. Other donations were made for public buildings, for irrigation, and for other purposes, and under the law those lands might be sold in quantities not exceeding 160 acres to any single person. There are timber lands amongst those lands that were donated to the Territory far removed from railroad communication, and the Territory is anxious to utilize the money derived from the sale of the lands.

This bill was introduced originally in the House providing for the sale of the lands, which was amended and reported unanimously by the Committee on Public Lands of that body, authorizing the sale of timber on the lands, so that the lands might be preserved. The bill passed the House, came to the Senate, and was uanimously reported by the Committee on Public Lands of the Senate with the amendments suggested. So the lands now belong to the Territory. They have the absolute control and disposition of them, only limited by the act of Congress, that neither in a lease nor in a sale shall any person obtain exceeding 160 acres. It is impossible to develop the lands and cut the timber because they are so far removed that it will be necessary to build a railroad, I think, something like 50 or 100 miles into the wilderness in order to reach them.

Mr. SCOTT. Do I understand the Senator to say that the money derived from the sale of these timber lands is to be used for irrigation?

Mr. GAMBLE. Part of it. I will not say that——

Mr. SCOTT. We have already passed an irrigation bill.

Mr. HANSBROUGH. The money goes to the Territory.

Mr. GAMBLE. It goes to the Territory?

Mr. SPOONER. I suggest that this is a matter of considerable importance, and I ask that it go over until to-morrow.

Mr. GAMBLE. I should be very glad if the Senator would suggest an amendment, if he so desires. The Territorial authorities are very anxious for the passage of this bill.

Mr. SPOONER. I am not objecting to the amendment, but I think the subject is an important one, and I ask that it go over.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] objects to the present consideration of the bill, and it goes over.

HENRY P. MACLOON.

Mr. PATTERSON. I ask unanimous consent for the present consideration of the bill (H. R. 4170) granting an increase of pension to Henry P. Macloon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Henry P. Macloon, late second lieutenant Company K, Twenty-fifth Regiment Missouri Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELL AUGUSTA STEWARD.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to cause to be paid to Adell Augusta Steward, the former wife of Ira Steward, late of Company D, Thirteenth Regiment New York Volunteer Heavy Artillery, upon her properly executed voucher and out of the pension due or to become due from and after the passage of this act to Ira Steward, $12 per month during the period of Ira Steward's imprisonment, provided Adell Augusta Steward shall not remarry during the imprisonment of Ira Steward.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALABAMA RIVER RAILROAD BRIDGE.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama.

There being no objection, the Senate, as in Committee of the Whole, proceded to consider the bill; which had been reported from the Committee on Commerce with an amendment, in section 1, on page 1, after the word "and," at the end of line 9, to strike out "said bridge shall not interfere with free navigation of said river" and insert:

If said bridge erected and maintained under the authority of this act shall at any time unreasonably obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, unreasonably obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owners or operators of said bridge.

So as to make the section read:

That the Pensacola, Alabama and Tennessee Railway Company, a railroad corporation organized under the laws of the States of Florida and Alabama, its successors and assigns, are hereby authorized and empowered to erect, establish, maintain, and operate a railway bridge across the Alabama River at such point in Wilcox County, State of Alabama, as may be by said company selected and approved by the Secretary of War; and if said bridge erected and maintained under the authority of this act shall at any time unreasonably obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, unreasonably obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owners or operators of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to free navigation of said river by reason of the construction of said bridge, the same shall be instituted and determined in the district court of the United States for the southern district of Alabama: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the

navigation of rivers, or to exempt this bridge from the operation of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. FORAKER. I ask unanimous consent for the present consideration of Senate bill 3560.

Mr. QUAY. I will object to the consideration of that bill for the moment, Mr. President.

Mr. FORAKER. For the moment?

Mr. QUAY. Yes. I wish to give notice that, at the termination of the ordinary routine business to-morrow morning, I shall move that the Senate proceed to the consideration of my motion to discharge the Committee on Territories from the further consideration of what is known as the statehood bill. I desire also that the motion shall be corrected on the Calendar to correspond with the original motion as it appears in the RECORD.

I now withdraw my objection to the consideration of the bill of the Senator from Ohio [Mr. FORAKER].

Mr. GALLINGER. I do not wish to antagonize the Senator from Pennsylvania in his motion, but I want to remind him that this morning I offered a resolution and suggested that I would make some observations concerning it to-morrow morning. I hope I may be given that privilege, but the Senator and I can arrange the matter between us.

Mr. QUAY. I think we can arrange it.

SAFETY APPLIANCES ON RAILROADS.

Mr. FORAKER. I now renew my motion that the Senate proceed to the consideration of Senate bill 3560.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The Secretary read the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SCOTT. I should like to know if there is a report accompanying that bill? It strikes me that it is a very important one.

Mr. FORAKER. I will say to the Senator that there is a report, and a very able one, too.

Mr. SCOTT. I want to know what the bill is for, if I can have that information.

Mr. FORAKER. It will afford me a great deal of pleasure to comply with the request of the Senator from West Virginia [Mr. SCOTT]. There is a report accompanying the bill. The bill was considered by the Committee on Insterstate Commerce, and it was unanimously reported by that committee, by whom it was very carefully considered.

Mr. SCOTT. I withdraw my objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Interstate Commerce with amendments.

The first amendment was, in section 1, on page 2, line 1, after the date "1893," to insert "as amended April 1, 1896;" and after the words "apply to," at the end of line 2, to strike out:

All trains, locomotives, tenders, cars, or vehicles used in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, or vehicles used in connection therewith.

And insert:

Common carriers by railroads in the Territories and the District of Columbia; and the provisions and requirements hereof and of said acts relating to automatic couplers, grab irons, and the height of drawbars shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896; and the grab irons or hand holes in the ends of locomotives and tenders shall extend the full length of the end sills thereof, and shall extend upward at least 4 inches clear of any obstruction.

So as to make the section read:

That the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, shall be held to apply to common carriers by railroads in the Territories and the District of Columbia; and the provisions and requirements hereof and of said acts relating to automatic couplers, grab irons, and the height of drawbars shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896; and the grab irons or hand holds in the ends of locomotives and tenders shall extend the full length of the end sills thereof, and shall extend upward at least 4 inches clear of any obstruction.

The amendment was agreed to.

The next amendment was, in section 2, on page 2, line 24, after the word "brakes," to insert "in condition to be operated;" so as to read:

That whenever, as provided for in said act, any car is equipped with train or power brakes in condition to be operated the same shall be used and operated in every train in which such car is hauled.

Mr. PATTERSON. Mr. President, I trust that amendment will not be agreed to. I am a member of the committee, and I know that the men who have been interested in procuring the preparation and enactment of this bill are very much opposed to the introduction of those words. There are substantial and material reasons why they should not be inserted. I hope the Senator in charge of the bill will not insist on that amendment.

Mr. FORAKER. I myself did not think that the words were very essential, yet there is a difference of opinion about the matter, and to remove that doubt the words were inserted. The provision as amended by the insertion of those words is one relating to the equipment of cars with air brakes. The question is whether or not a car is so equipped when it has an air-brake equipment that is out of order. The committee inserted the words so as to make the provision applicable to cars equipped with air brakes in condition to be operated, so that the operators of the train would not be required to associate cars. This additional requirement is on the ground that they are not equipped unless they are equipped and in order so that they can be used and operated. Representing the committee, I feel bound to insist on the amendment.

Mr. PATTERSON. Mr. President, I knew that the Senator from Ohio [Mr. FORAKER] did not regard this amendment as material. It is true, as he says, that there is a difference of opinion in the committee upon the subject, but the fear is—and I think it is a well-founded fear—that the words "in condition to be operated," as applied to cars equipped with train or power brakes, might be regarded as a sort of Congressional recognition of the right to associate and use in trains engaged in interstate commerce cars that were equipped but which were out of order.

The section amends the existing law in this respect: As the law exists now railway companies are required to have in each train engaged in interstate-commerce traffic enough of cars equipped with the air brake to enable the engineer to control the speed of the train from his engine without the use of the common, ordinary hand brake. That general provision, which did not specify any number of cars to be used in a train—that is, the cars to be equipped—was found to be insufficient to effect the purpose had in view, and that was the safety of the brakemen and other hands upon freight trains. Therefore it was asked that a certain number of cars should be required, or a certain proportion of cars should be required, to be in each interstate-commerce train equipped with these power or air brakes.

It was first thought that 75 per cent of the cars thus equipped should be contained in each train. It was then agreed that 65 per cent would meet the views of the members of the committee, there being a difference of view in the committee, but when the words "in condition to be operated" were added to the measure, it was feared, and very properly feared, by those who are interested in the matter, that it was a Congressional recognition of the right to use in those trains cars equipped with air brakes that were out of order, and might very materially interfere not only with the safety of those engaged in the operation of those trains, but with their rights in the courts.

It seems to me that the words "in condition to be operated" should be eliminated from the bill, and I hope they will be.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee, which has been read.

Mr. PATTERSON. I ask for a division.

Mr. TILLMAN. I suggest to the Senator in charge of the bill that possibly he had better let it go over until to-morrow.

Mr. FORAKER. I hope the Senator from Colorado will not insist upon his objection, if the result will be to have the bill go over until to-morrow. The Senator must have heard the notice given by the Senator from Pennsylvania [Mr. QUAY] a few moments ago, that to-morrow he would object to unanimous-consent consideration of any bill, unless his matter was first disposed of, and we do not know when we shall have another opportunity to consider the bill. In view of that statement, inasmuch as this amendment was unanimously agreed to by the committee, inasmuch as the bill has to go to the House, and perhaps to conference, and must be further considered, I hope the Senator will

withdraw his objection to the amendment, or at least not insist upon a division, a roll call, or anything of that kind.

Mr. PATTERSON. I do not desire to nor would I imperil the passage of the bill. I think it is very important that the bill should be passed, even though there are imperfections in it that might be remedied by a little time and a little consideration; but in view of the status of the Senate upon the subject of unanimous-consent agreements, I withdraw my objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment reported by the Committee on Interstate Commerce was, in section 2, on page 3, line 1, after the word "hauled," to insert:

Unless, independently of such car, 65 per cent of the cars in such train are equipped with power or train brakes and are associated together and so used and operated in such train.

So as to make the section read:

SEC. 2. That whenever, as provided for in said act, any car is equipped with train or power brakes in condition to be operated the same shall be used and operated in every train in which such car is hauled, unless, independently of such car, 65 per cent of the cars in such train are equipped with power or train brakes and are associated together and so used and operated in such train.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert as a new section the following:

SEC. 3. That the provisions of section 1 of this act shall not take effect until January 1, 1903, and the provisions of section 2 of this act shall not take effect until ninety days after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. MOORE.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (H. R. 14206) granting a pension to Mary J. Moore.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mary J. Moore, widow of James E. Moore, late of Troop B, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK J. BURROWS.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 1206) for the relief of Frank J. Burrows.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to cause the account of Frank J. Burrows, late postmaster at Williamsport, Pa., to be credited with the sum of $4,022, being on account of the loss of $3,500 in postage stamps and $522 in postal funds by robbery of the post-office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER MURDOCK.

Mr. BAILEY. I desire to ask for the present consideration of the bill (H. R. 14208) granting an increase of pension to Alexander Murdock.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Alexander Murdock, late of Company B, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CURRY COUNTY, OREG.

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3280) for the relief of Curry County, State of Oregon.

The PRESIDENT pro tempore. The Senator from Oregon asks present consideration of a bill, which will be read for information.

The Secretary read the bill.

Mr. BATE. How much does the bill call for?

Mr. KEAN. Forty-four thousand dollars.

The PRESIDENT pro tempore. Forty-four thousand dollars.

Mr. BATE. From what committee does it come?

Mr. MITCHELL. From the Committee on Post-Offices and Post-Roads.

Mr. BATE. They recommend it, I suppose?

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Mr. President, I think it ought to be explained somewhat. This is rather an extraordinary bill, it strikes me. The Senator from Oregon perhaps is ready to explain it, or I will ask that the report be read.

Mr. MITCHELL. I can explain it. The county of Curry, in Oregon, is the southwestern county in the State. It is almost a wilderness. There are but 477 votes in the county, with a population of less than 1,900. They were without roads. They went to work, at an expense of $75,000, and constructed a military and post road, connecting the railroads of Oregon with the roads in northern California. It incurred an indebtedness of $44,000 in the construction of the road. It would bankrupt the county to pay the bill. The whole taxable property of the county is less than $500,000. The legislature of the State of Oregon at its last session passed a memorial, which is incorporated in the report, earnestly appealing to Congress to pass the bill. It has expended in all about $75,000, and the amount of the indebtedness outstanding is $44,000.

Mr. GALLINGER. I should like to ask the Senator from Oregon why he speaks of this as a military road.

Mr. MITCHELL. Because it is a military road and because it is a post-road and is used by both departments, the Post-Office and the Military Department, in transporting supplies back and forth. It is a post-road.

Mr. GALLINGER. Is not that true of every road?

Mr. MITCHELL. It is true of a great many roads.

Mr. GALLINGER. I shall have to object to the consideration of the bill.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. MITCHELL. I ask that it retain its place.

The PRESIDENT pro tempore. It will retain its place on the Calendar.

GEORGE W. EDGINGTON.

Mr. KITTREDGE. On behalf of the junior Senator from Utah [Mr. KEARNS] I desire to ask unanimous consent for the present consideration of the bill (H. R. 14042) granting an increase of pension to George W. Edgington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of George W. Edgington, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABSOLUM MAYNARD.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. SCOTT. Will the Senator from New Jersey allow me?

Mr. KEAN. I withdraw the motion for a moment.

Mr. SCOTT. I should like to call up the bill (H. R. 6009) granting a pension to Absolum Maynard.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Absolum Maynard, late of Capt. Thomas Damaron's independent company Virginia Volunteer Infantry, and to pay him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. M'LAUGHLIN.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 917) for the relief of John H. McLaughlin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John H. McLaughlin, of Fort Randall, S. Dak., for services as custodian of the abandoned Fort Randall Military Reservation, S. Dak., the sum of $1,000 for forty-four and two-thirds months.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED BOYS' BRIGADE OF AMERICA.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. BURROWS. Will the Senator withhold that motion for just a moment?

Mr. SCOTT. The Senator from New Jersey has already made such a motion.

Mr. QUAY. I withdraw the motion.

Mr. BURROWS. Mr. President——

Mr. KEAN. I yield to the Senator from Michigan.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (S. 4426) to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill. It authorizes the Secretary of War to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such as may appear to be required by the companies of the District of Columbia Division of the United Boys' Brigades of America, for the purpose of carrying out the principles of physical and military training of the organization; and the Secretary is to require a bond in each case in double the value of the property for the care and safe-keeping and for the return of the same when reqnired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 25, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1902.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be major-generals.

Brig. Gen. John C. Bates, United States Army, July 15, 1902.
Brig. Gen. George W. Davis, United States Army, July 21, 1902.

To be brigadier-generals.

Col. Theodore J. Wint, Sixth Cavalry, June 9, 1902.
Col. Frank D. Baldwin, Twenty-seventh Infantry, June 9, 1902.
Col. Jesse M. Lee, Thirtieth Infantry, June 17, 1902.
Col. William H. Carter, assistant adjutant-general.
Maj. Tasker H. Bliss, commissary.

Medical Department.

Col. William H. Forwood, assistant surgeon-general, to be Surgeon-General for a period of four years, with the rank of brigadier-general, June 8, 1902.

William B. Orear, of Georgia, contract surgeon, United States Army, to be assistant surgeon of volunteers, with the rank of captain, June 3, 1902.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Jacob A. Augur, Fourth Cavalry, to be colonel, June 9, 1902.

Maj. Clarence A. Stedman, Tenth Cavalry, to be lieutenant-colonel, June 9, 1902.

Capt. William D. Beach, Ninth Cavalry, to be major, June 9, 1902.

First Lieut. Charles E. Stodter, Ninth Cavalry, to be captain, June 9, 1902.

INFANTRY ARM.

Lieut. Col. Charles H. Noble, Sixteenth Infantry, to be colonel, June 9, 1902.

Maj. John A. Baldwin, Twenty-second Infantry, to be lieutenant-colonel, June 9, 1902.

Capt. Abner Pickering, Second Infantry, to be major, June 9, 1902.

First Lieut. Preston Brown, Second Infantry, to be captain, June 9, 1902.

ORDNANCE DEPARTMENT.

Lieut. Col. John R. McGinness, Ordnance Department, to be colonel, June 14, 1902.

Maj. John E. Greer, Ordnance Department, to be lieutenant-colonel, June 14, 1902.

Capt. Frank Baker, Ordnance Department, to be major, June 14, 1902.

First Lieut. Clarence C. Williams, Ordnance Department, to be captain, June 14, 1902.

First Lieut. Jay E. Hoffer, Ordnance Department, to be captain, November 23, 1901.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. James F. Hottel, to be a second lieutenant in the Revenue-Cutter Service of the United States.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

William H. Shea, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Leon C. Covell, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Cecil M. Gabbett, jr., of Georgia, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Phillip W. Lauriatt, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Hiram R. Searles, of Wisconsin, to be a third lieutenant in the Revenue-Cutter Service of the United States.

William A. Whittier, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States.

UNITED STATES ATTORNEY.

Melvin Grigsby, of South Dakota, to be United States attorney for the district of Alaska, to be assigned to division No. 2.

INDIAN AGENT.

John Jensen, of Oklahoma, to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland Agency in Oklahoma.

RECEIVER OF PUBLIC MONEYS.

John Jones, of Michigan, to be receiver of public moneys at Marquette, Mich.

REGISTERS OF LAND OFFICE.

Daniel Arms, of Butte, Mont., to be register of the land office at Missoula, Mont.

William R. Dunbar, of Washington, to be register of the land office at Vancouver, Wash.

POSTMASTERS.

George I. Allen, to be postmaster at Middletown, in the county of Middlesex and State of Connecticut.

Alice A. Hanna, to be postmaster at Oakdale, in the county of Stanislaus and State of California.

Andrew J. Locke, to be postmaster at Eufaula, in the county of Barbour and State of Alabama.

William H. Hainline, to be postmaster at Macomb, in the county of McDonough and State of Illinois.

Louis J. Appel, to be postmaster at Highland, in the county of Madison and State of Illinois.

William P. Leete, to be postmaster at North Haven, in the county of New Haven and State of Connecticut.

Theodore Griffith, to be postmaster at Great Bend, in the county of Barton and State of Kansas.

James M. Chisham, to be postmaster at Atchison, in the county of Atchison and State of Kansas.

Charles S. Neeld, to be postmaster at Normal, in the county of McLean and State of Illinois.

Herbert J. Cornwell, to be postmaster at St. John, in the county of Stafford and State of Kansas.

James N. Titus, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas.

William E. Menoher, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas.

Allen T. Holmes, to be postmaster at Plymouth, in the county of Plymouth and State of Massachusetts.

George A. Ballard, to be postmaster at Fall River, in the county of Bristol and State of Massachusetts.

Charles A. Wilbar, to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts.

Thomas B. Tuttle, to be postmaster at Carthage, in the county of Jasper and State of Missouri.

William H. Arthur, to be postmaster at Marshall, in the county of Calhoun and State of Michigan.

Frank H. Fales, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts.

David O. Williams, to be postmaster at Mount Vernon, in the county of Westchester and State of New York.

George P. Dustan, to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire.

John G. Richmond, to be postmaster at La Belle, in the county of Lewis and State of Missouri.

James M. Miller, to be postmaster at Washingtonville, in the county of Orange and State of New York.

Samuel D. Mulholland, to be postmaster at Port Henry, in the county of Essex and State of New York.

Francis H. Salt, to be postmaster at Niagara Falls, in the county of Niagara and State of New York.

Edwin Cadmus, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey.

Charles C. Bender, to be postmaster at Spencer, in the county of Clay and State of Iowa.

Lewis Dennis, to be postmaster at Salem, in the county of Washington and State of Indiana.

Pryce T. Jones, to be postmaster at Henderson, in the county of Vance and State of North Carolina.

Amanda E. Morris, to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina.

George G. Cook, to be postmaster at Milford, in the county of Worcester and State of Massachusetts.

George W. De Priest, to be postmaster at Shelby, in the county of Cleveland and State of North Carolina.

Allen I. Harless, to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia.

Alexander McCormick, to be postmaster at Berryville, in the county of Clarke and State of Virginia.

Marshall Lambert, to be postmaster at Newkirk, in the county of Kay and Territory of Oklahoma.

Gilbert D. McIntyre, to be postmaster at Orrville, in the county of Wayne and State of Ohio.

Oakey V. Parrish, to be postmaster at Hamilton, in the county of Butler and State of Ohio.

Christian H. Sheets, to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania.

John Morgan, to be postmaster at Dayton, in the county of Rhea and State of Tennessee.

Wilbur P. Keays, to be postmaster at Buffalo, in the county of Johnson and State of Wyoming.

John Grein, to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania.

J. F. Corbett, to be postmaster at Weyauwega, in the county of Waupaca and State of Wisconsin.

James M. McLaughlin, to be postmaster at Lynchburg, in the county of Campbell and State of Virginia.

John M. Sloan, to be postmaster at Chase City, in the county of Mecklenburg and State of Virginia.

Tulley McKinney, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio.

James T. Pickering, to be postmaster at Lancaster, in the county of Fairfield and State of Ohio.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama.

Daniel T. Gerow, to be postmaster at Jacksonville, in the county of Duval and State of Florida.

McClung Patton, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 24, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. CRUMPACKER. Mr. Speaker, on Saturday last, when the Military Academy bill was up for consideration, I voted on the roll call. Subsequently I discovered that I was paired with my colleague from Indiana [Mr. MIERS]. My vote, therefore, was inadvertently cast. I desire this explanation to go into the RECORD.

The SPEAKER. This is not a usual statement with reference to a vote, but the gentleman has the benefit of it now.

HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House the following House bills with Senate amendments thereto. The Senate amendments were read, and, on motion of Mr. SULLOWAY, were concurred in:

H. R. 3323. An act granting a pension to Daniel L. Mallicoat;

H. R. 3500. An act granting an increase of pension to Kate O. Phillips;

H. R. 5315. An act granting an increase of pension to Orrin J. Wells;

H. R. 6871. An act granting an increase of pension to Harman Scramlin;

H. R. 10178. An act granting an increase of pension to Daniel Thomas;

H. R. 12284. An act granting an increase of pension to George W. Shaw;

H. R. 12299. An act granting a pension to William C. Roberts;

H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;

H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck; and

H. R. 14221. An act granting an increase of pension to Nancy J. McArthur.

JOHN H. LAUCHLY.

Mr. GIBSON. Mr. Speaker, I call up the conference report on the bill (H. R. 8840) granting an increase of pension to John H. Lauchly, and ask for the reading of the statement only.

The SPEAKER. The gentleman from Tennessee calls up a conference report, and asks unanimous consent that the statement alone be read. Is there objection?

Mr. RICHARDSON of Tennessee. It has been printed under the rule, has it?

The SPEAKER. Both the statement and report have been printed. Is there objection?

There was no objection.

(For conference report see Senate, RECORD of June 16.)

The statement of the House conferees was read, as follows:

The bill (H. R. 8840) granting an increase of pension to John H. Lauchly passed the House at $24. The Senate amended the same by striking out $24 and inserting $16.

The result of the conference is that the House recedes from its disagreement to the amendment of the Senate and agrees to the same, leaving the rate $16 per month.

HENRY R. GIBSON,
RUD. KLEBERG,
S. W. SMITH,
Managers on the part of the House.

Mr. GIBSON. I move to agree to the conference report.

The motion was agreed to.

On motion of Mr. GIBSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 118. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901;

H. R. 13650. An act to correct the military record of James M. Olmstead;

H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River in the State of Tennessee by the Harriman Southern Railroad Company; and

H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River in the County of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

The message also announced that the Senate had passed with amendment a bill of the House of the following title; in which the concurrence of the House was requested:

H. R. 10933. An act to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives the enrolled copy of the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, and requests the House of Representatives to vacate the action of the Speaker in signing said enrolled bill, and to return said enrolled bill and the message of the Senate agreeing to the amendment of the House of Representatives to said bill to the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, joint resolutions of the Senate of the following titles were taken from the Speaker's table and referred as follows:

S. R. 113. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Deven, United States Volunteers—to the Committee on Military Affairs.

S. R. 118. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Arturo R. Calvo, of Costa Rica—to the Committee on Military Affairs.

NACO, ARIZ., SUBPORT OF ENTRY.

Mr. SHOWALTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2848.

The bill was read, as follows:

A bill (S. 2848) for the establishment of a subport of entry at Naco, Ariz.

Be it enacted, etc., That Naco, in the district of Arizona, Territory of Arizona, shall be established a subport of entry, and a deputy collector shall be appointed, who shall reside at said subport of entry and receive such compensation as the Secretary of the Treasury may allow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHOWALTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERMANENT INTERNATIONAL COMMISSION OF THE CONGRESSES OF NAVIGATION.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

The Clerk read as follows:

A bill (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes.

Be it enacted, etc., That the sum of $3,000 a year is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and that the Secretary of War be, and is hereby, authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed $3,000, as may in his opinion be proper to apply to the purposes above mentioned, and that the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of War.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds herein appropriated and authorized to be expended.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to hear an explanation of this bill.

Mr. RICHARDSON of Alabama. Mr. Speaker, this bill proposes to appropriate $3,000 for the support and maintenance of the permanent international commission of the congresses of navigation. This bill has a unanimous report from the Committee on Interstate and Foreign Commerce, and also the earnest approval of the three departments—the State, War, and Treasury.

Mr. PAYNE. What is the necessity for it?

Mr. RICHARDSON of Alabama. The first congress of this kind that was ever held was held at Brussels in 1885. The last congress was held at Paris in 1900, and in late years great interest has been taken in these congresses, and the scope of inquiry and investigation has broadened and increased. The object and purpose of this international congress is that when the delegates assemble they discuss questions of importance relating to navigation, hydraulics and electrical engineering as applied to the navigation of rivers and harbors, and kindred subjects. The delegates meet from all nations, comprising the most prominent engineers in the world, and discuss the matters and subjects I have mentioned. Their discussions as reported are of very great value in their practical and scientific suggestions, and great benefit has already been realized from the discussions in these international congresses.

Mr. PAYNE. How has the expense been paid heretofore?

Mr. RICHARDSON of Alabama. No expense has been incurred heretofore. The delegates attending the last international commission paid their own expenses. The discussions which take place in this International Congress of Navigation have become of such great importance that the Secretary of the Treasury has made this report, and it has the unanimous indorsement of the Secretary of State and the Secretary of War. The bill simply proposes to pay the actual personal expenses of the delegates of our country to this International Congress of Navigation. I feel confident that if this commission receives the support that it so eminently deserves our people will realize great benefit.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

STATISTICS RELATING TO IRRIGATION.

Mr. TONGUE. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

House joint resolution 182, authorizing the Director of the Census to compile the statistics relating to irrigation.

Resolved, etc., That the Director of the Census be, and hereby is, authorized and directed, upon the completion of the volume of agricultural statistics, the year 1899, to complete and bring up to date of the crop year of 1902 the statistics relating to irrigation, the area of land reclaimed, the cost and value of the works, and such other information as can be obtained bearing upon the present condition of irrigation.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman if this measure has been considered by the Committee on Census and reported?

Mr. TONGUE. It has been considered by the committee and unanimously reported, and has the recommendation of the Geological Survey and the approval of the Census Department. I understand that they have practically all this data, but no authority to publish them in the census reports; and that is practically all that is sought to be obtained by this resolution.

Mr. RICHARDSON of Tennessee. Why is not there authority to publish this information now?

Mr. TONGUE. I do not understand the reasons, but I understand that is the fact.

Mr. RICHARDSON of Tennessee. You say that the data has already been gathered?

Mr. TONGUE. The data has been substantially gathered.

The SPEAKER. The Chair hears no objection.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REGULAR TERM OF DISTRICT COURT AT ROANOKE CITY.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke city.

Be it enacted, etc., That a regular term of the district court of the United States for the western district of Virginia shall be held in each year in the city of Roanoke, Va., on the second Monday in February.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

"That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held each year at Danville on the Tuesday after the second Monday in April and November; at Lynchburg on the Tuesday after the second Monday in March and September; at Abingdon on the Tuesday after the first Monday in May and October; at Harrisonburg on the Tuesday after the first Monday in June and December; at Charlottesville on the second Monday in January, and at Roanoke City on the second Monday in February.

"SEC. 2. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg shall appoint two deputy clerks, each of whom shall be deputy clerk both of the circuit and district courts, and one of whom shall reside and keep his office in the city of Charlottesville, and the other in the city of Roanoke, for the purpose, in said respective cities, of taking charge and custody of the court records and papers, attending the sessions of the said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts.

"SEC. 3. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

"SEC. 4. That this act shall be in force from and after its passage."

Amend the title so as to read: "A bill to establish a regular term of United States district court in Roanoke City, Va., and for other purposes."

Mr. PAYNE. Mr. Speaker, I would like to inquire of the gentleman, reserving the right to object, is this amendment reported by the Judiciary Committee?

Mr. SWANSON. It was reported unanimously by the Judiciary Committee of the House.

Mr. PAYNE. It is very unusual to appoint deputy clerks to reside at the different places where the district court is held, and I do not understand the reason.

Mr. SWANSON. The bill originally passed the House simply providing for the holding of a district court at Roanoke City.

Mr. PAYNE. I suppose that was for the purpose of getting the public building?

Mr. SWANSON. No; Roanoke already has a public building.

Mr. PAYNE. A court-house?

Mr. SWANSON. Yes; it has a court-house. It made no provision for the deputy clerks of the district and circuit courts.

Mr. PAYNE. This is unusual, and makes an extra expense.

Mr. SWANSON. There is a deputy clerk at Lynchburg, and this creates no new expense, because the salaries are paid by the fees of the office. It is the usual method at these other courts, and this simply provides for a deputy at this city. There is no additional expense by it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SWANSON. I move to concur in the Senate amendments and pass the bill.

The SPEAKER. The question is on concurring in the Senate amendments, and passing the bill.

The question was taken; and the motion was agreed to.

On motion of Mr. SWANSON, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

FISH HATCHERY IN MARYLAND.

Mr. PEARRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2082) to establish a fish hatchery and fish station in the State of Maryland.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. CANNON. I object, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Illinois.

MONUMENT TO GEN. HUGH MERCER.

The SPEAKER laid before the House the bill (H. R. 10933) to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected, with Senate amendments.

The Senate amendments were read.

Mr. JONES of Virginia. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FOSS. Mr. Speaker, I would like to say to the members of the House that I gave notice yesterday that I would call up the conference report on the naval appropriation bill this morning, but at the urgent request of the chairman of the committee and others I have consented not to call it up until to-morrow morning at 11 o'clock.

Mr. HULL. Mr. Speaker, I want to give notice that I shall call up the conference report on the Army appropriation bill to-morrow morning.

PROMOTIONS IN THE ARMY.

Mr. MONDELL. Mr. Speaker, I call up a privileged resolution, House resolution No. 284, by direction of the Committee on Military Affairs.

The SPEAKER. The Chair is in doubt about this privilege superseding the pending order, so that it will be considered if there is no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is called for, and the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Senate bill 2295.

PHILIPPINE GOVERNMENT.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, with Mr. GILLETT of Massachusetts in the chair.

Mr. JONES of Virginia. Mr. Chairman, I yield thirty minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Chairman, Charles Dickens was the most wonderful character delineator the world has ever produced. He had the power as no other man ever had of drawing a character which should stand as a type for a whole class of society. Perhaps the most skillfully drawn character ever depicted by Dickens was that of Pecksniff. In fact, so skillfully is the character of Pecksniff drawn, that he stands as a composite picture of hypocrites everywhere. One is left in doubt after reading the book and studying the character as to whether or not Dickens intended us to believe that Pecksniff was such an accomplished hypocrite that by long practice he succeeded in deceiving even himself.

I am inclined to think that the latter fact is correct, and to-day the Pecksniffs—that is, the disciples of Pecksniff—have their prototype in the Republican leaders of thought, and I, out of abounding charity, which is one of my distinguishing characteristics, am prepared to believe that they have reached the point where they have succeeded in deceiving themselves. [Laughter.]

Now, Mr. Chairman, in proof of this fact I propose to take up a few public questions in the time at my disposal and attempt to demonstrate the truth of my proposition. There is the

RECIPROCITY QUESTION.

For weeks that matter has been hanging, like Mahomet's coffin, between earth and heaven. The daily press—the Republican press—has pictured the President of the United States as anxious for reciprocity with Cuba. The chairman of the Ways and Means Committee caused this Hall to resound a few weeks ago with a picture of the woes of Cuba, and of our plain duty to give Cuba reciprocity.

The President of the United States, after the bill had passed the House with the vote of all the Democrats and nearly all the Republicans here, has sent another message to Congress, and the press of the country has held up the beet-sugar Senators to scorn and obloquy as an impediment to the relief of Cuba, and as an impediment to the discharge of our duty and the reduction of the tariff rates between Cuba and this country.

Let us see, Mr. Chairman, if that be true. The beet-sugar people, whether right or wrong, have stood up in defense of an industry that was promised to be fostered by the Republican party. They voted in accordance with their party platform, and from their standpoint to protect an agricultural product. They did, however, vote to remove the protection to the "sugar trust." The House of Representatives passed the Cuban reciprocity bill, shorn of the differential in favor of that trust, by the solid Democratic vote here aided by many Republicans. Weeks ago that bill went over to the Senate in a form to give Cuba relief and save to the people of the United States $20,000,000 annually in the consumption of sugar. All this talk about the bravery and fidelity of the President in discharging a duty to Cuba is pure, unadulterated, Pecksniffian buncombe. Why? Because every member of this House and every Senator knows that if the President of the United States desired Cuban reciprocity above protecting the sugar trust, all he has to do is to dissolve the firm of Havemeyer, Roosevelt, Wood, Root, Thurber & Co., and go into partnership with the American people and a majority in Congress will give Cuba reciprocity and strike down the "sugar trust." [Applause on the Democratic side.]

A single message from the President of the United States, instead of rejecting the rebate plan, instead of telling us that this schedule ought not to apply to other countries—a single line from him saying that he is willing to surrender the protection to the sugar trust and when he strikes a blow at the agricultural interests of this country, he is willing to let the sugar monopoly go down unprotected—and we will furnish him, for the 19 Republican recalcitrants, a solid Democratic vote in the Senate; and if those 35 Republican Senators who are laboring with the 19 beet-sugar recalcitrants, will give us 20 of their votes in favor of an honest effort to give this country reciprocity with Cuba, we will pass a bill here before Congress adjourns that will save the American people annually $20,000,000, keep our faith with Cuba, and give us reciprocity—not with the sugar trust, but with the Cuban people. [Applause on the Democratic side.]

No; they prefer to let reciprocity fail before the "sugar trust" shall be touched. Such conduct makes me doubtful of the sincerity of certain people, and that is why I took Pecksniff as my text this morning. The press of the country is upholding him and insisting that the President is sincere, and yet when exposure comes, we find what? We find that Governor-General Wood, our military officer in command of Cuba, with the approval of that great warrior, Secretary Root, and with the full knowledge of the President of the United States, has gone into the Cuban treasury and looted it for the purpose of carrying on a propaganda here among the "leaders of public thought." We found more—that he not only did that, but there comes to the front one of the most notorious lobbyists that ever infested the halls of this Capitol, as the joint agent of our highest officials and Mr. Havemeyer, the sugar trust's president, in order to carry out this propaganda.

Now, then, "let us be honest." Every man here knows—no man dare deny it—that if you are willing to let the sugar trust go to the wall, so that the American consumers will get the benefit of the reduction of duty, we can speedily pass reciprocity with Cuba. That is all the President has got to do. And I want at least that much to go out in this debate to the people and to the country, because the responsility should rest where it belongs. It rests upon the President of the United States, and no honest man can deny it. So much for reciprocity.

THEN THERE IS THE TARIFF QUESTION.

Everybody knows that when this Congress assembled the chairman of the Republican campaign committee came here with a flourish of trumpets, proclaiming that the trusts of this country had outgrown the need of protection. He announced his purpose to introduce bills here to give the taxpayers of this country relief, to strike down exorbitant protection to the great industries that are selling their products abroad at a figure much lower than the price to home people. The astute member from Ohio [General DICK] stated in a Republican caucus that certain steel goods could be shipped abroad from here, brought back and the tariff paid, and these American goods carried back to Ohio, at a price less than the people could order them for direct from Pittsburg.

The Republican majority had to reorganize the Ways and Means Committee to prevent striking a blow at the great steel and other trusts in this country by reducing the tariff. And the chairman of the Congressional campaign committee, in an interview on yesterday, had the hardihood to say that the Republican party had redeemed all its pledges to the country and was willing to go before the country on its record.

Then, Mr. Chairman, there are

THE TRUSTS.

In the closing hours of the Fifty-sixth Congress there rang the clarion voice of the gentleman from Maine [Mr. LITTLEFIELD] for three hours here, showing the necessity of legislation to suppress the trusts. We had the gentleman from Ohio [Mr. GROSVENOR] declaring that all the legislation that had ever been put on the statute books to restrain the trusts had been put there by the Republican party, and that they were bringing in this bill in an honest effort to meet the defects in the law after the Supreme Court opinion upon the Sherman Act was handed down.

That was to tide over the election of 1900. You brought in that measure a few hours before Congress adjourned and sent it over

to the cemetery at the other end of the Capitol to sleep the sleep of all good and just bills when the Republican party wants to tide over a national or a Congressional campaign.

What do you say about trusts now?

Mr. OLMSTED rose.

Mr. BALL of Texas. I will yield in a moment.

Why, sir, in his Minneapolis speech the President of the United States, just as he had promised to put the canal thieves behind prison bars in New York, said that the Republican party would "put shackles upon their cunning." Yet when he comes here he gives Congress a tip and refers to these men, who ought to be outlawed as public enemies, as the "great captains of industry."

Now I will yield to the gentleman from Pennsylvania.

Mr. OLMSTED. The gentleman wants to know what we say about the trusts. I ask the gentleman whether he has read what Mr. Bryan has said about the "Democratic harmony plan" of denouncing trusts——

Mr. BALL of Texas. I decline to yield to the gentleman, who has not propounded a pertinent question. If there is anyone on that side desiring to propound pertinent questions, I will yield to him.

Mr. LESSLER rose.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from New York [Mr. LESSLER].

Mr. BALL of Texas. No, sir; I decline to yield. I do not believe he can. [Laughter.]

Mr. LESSLER. "Praise from Sir Hubert is praise indeed."

Mr. BALL of Texas. Now, I have only thirty minutes. If I am granted twenty minutes' additional I should be glad to answer any question that gentlemen wish to ask.

Mr. OLMSTED. It will take you longer than that.

Mr. BALL of Texas. It might take you longer than that. In your defense of the Committee on Rules, your attack upon the gentleman from Washington [Mr. CUSHMAN] gave him a campaign document that he ought to have paid you to edit.

Now, Mr. Chairman, I decline to yield further. I say that the trusts of this country have outgrown any claim for protection even from the Republican standpoint, and the Republican party has proved itself a Pecksniff by pretending in the last Congress the desire to pass any legislation to strike down the trusts which since the passage of the "Dingley bill" have consolidated into corporations capitalized at more than $12,000,000,000 and which are effacing individual effort, stifling competition, regulating the wages of labor, and fixing the price to the consumer.

Mr. LITTLEFIELD. Mr. Chairman, may I ask the gentleman a question?

Mr. BALL of Texas. Yes.

Mr. LITTLEFIELD. I would ask the gentleman what his remedy is for the trust evil?

Mr. BALL of Texas. The trust evil, in my judgment, can be absolutely wiped out by putting all the products of the trusts upon the free list, by denying them the privilege of having their goods transported from one State to another State, and by refusing them the use of the United States mails. [Applause on the Democratic side.] Also, by having an Administration that will resort to penal statutes and not to injunctions against one trust, by consent, to restrain them from something that they say they are not doing. [Applause on the Democratic side.]

Mr. LITTLEFIELD. Then the proposition is free trade?

Mr. RICHARDSON of Tennessee. Pass your bill.

Mr. BALL of Texas. Yes; pass your bill. Why does not the gentleman advocate it? The gentleman said it was a good thing in 1900.

Mr. LITTLEFIELD. One moment——

Mr. BALL of Texas. I decline to yield.

Mr. LITTLEFIELD. Oh, very well.

Mr. BALL of Texas. Well, I have only twenty minutes, and the gentleman never undertakes to speak for less than three hours, and I can not get as much time as that. [Laughter.]

Mr. LITTLEFIELD. The gentleman never heard anybody here objecting to his speaking three hours.

Mr. BALL of Texas. Yes; over on your side.

Mr. LITTLEFIELD. Well, Mr. Chairman——

Mr. BALL of Texas. Oh, I know the gentleman would be glad to hear me. Go ahead.

Mr. LITTLEFIELD. Now, I simply say that the proposition of the gentleman comes down to the question of free trade.

Mr. BALL of Texas. Now, the gentleman is making a speech.

Mr. LITTLEFIELD. Does it not?

Mr. BALL of Texas. I am for free trade in everything that is controlled by trusts. [Applause on the Democratic side.]

Mr. LITTLEFIELD. How about sugar? Is the gentleman in favor of free trade for sugar?

Mr. BALL of Texas. I am in favor of free trade for sugar when the American consumers get free trade on the manufactured products of this country as well as on the products of the farmers.

Mr. LITTLEFIELD. Is not sugar controlled by a trust?

Mr. BALL of Texas. Yes; and I am in favor of wiping out the differential, as the gentleman voted. Strike it off, and then the trust will no longer control it.

Mr. LITTLEFIELD. Well, the differential——

Mr. BALL of Texas. Mr. Chairman, I will have to decline to yield further. If the gentleman will stand by the bill that he helped pass, that will strike a blow at the sugar trust, so that Mr. Havemeyer will not be able to contribute to the joint lobbyist employed by himself and the Administration.

Mr. LITTLEFIELD. What does the gentleman mean? The amendment to the Sherman antitrust law?

Mr. BALL of Texas. No.

Mr. LITTLEFIELD. My bill?

Mr. BALL of Texas. I mean the Cuban reciprocity bill that passed this House and on which I had the honor to follow the leadership of the distinguished gentleman from Maine.

Mr. LITTLEFIELD. Well, I did not vote for the bill.

Mr. BALL of Texas. Yes, but the gentleman voted to strike off the differential.

Mr. LITTLEFIELD. Yes, I voted to strike off the differential, but I did not vote for the bill.

Mr. BALL of Texas. I must decline to yield any more. I do not care to be interrupted by a gentleman who exhausted three hours in 1900 showing the necessity for trust legislation, and who has not the nerve to come out now and advocate his own bill. [Applause and laughter on the Democratic side.] Now, there is another little matter that I desire to call to the attention of the House. I know there is no use of appealing to the cocained conscience of the Republican party. [Laughter on the Democratic side.]

However, I would like to have the country understand that party in all of its nakedness, as it ought to be shown. Take the question of the Territories. In 1896 you promised them admission as States. In 1900 you promised them admission as States, in the Republican platform. The bill admitting them has passed here and has gone over to the Senate, where all good bills are buried until after the election is over, when the Republican Administration so determines, and the gentleman from Indiana, the distinguished, precocious, and versatile Senator, who went over to the Philippine Islands and solved in two weeks the great problem of absorbing alien races, says they have not time enough to take up the Territories bill in the Senate; that the bill has been before his committee for only five weeks.

Mr. PAYNE. Mr. Chairman, I call the gentleman to order for referring to what took place in the Senate.

Mr. BALL of Texas. This did not take place in the Senate. It took place over in the Philippine Islands. [Laughter.]

Mr. GAINES of Tennessee. Outside of the Constitution.

Mr. PAYNE. Mr. Chairman, I call the gentleman to order.

Mr. BALL of Texas. This was not said in the Senate. I got it out of the newspapers, out of a reliable Republican newspaper, the Evening Star. [Laughter on the Democratic side.]

Mr. PAYNE. If the gentleman got it out of the newspaper, then it was said in the Senate.

Mr. BALL of Texas. Then I am sorry, and I will apologize for the gentleman making the statement, for attempting to hoodwink the American people by making them believe that after the Republican party has promised for eight years to give the Territories statehood they have not time at this session to consider the bill. Now, then, there is another proposition which the distinguished chairman of the Insular Affairs Committee says is an American problem, not a Democratic problem, not a Republican problem; and yet, Mr. Chairman, the Pecksniffian school is on top in the Republican party in the handling of that grave question. I refer, of course, to—

THE PHILIPPINE QUESTION.

Four years ago the cries of the oppressed Cubans reached the ears of our people, taught from infancy to love liberty and hate tyranny. Then no one dreamed that this country could ever be induced to turn from "the path our fathers trod" and enter upon our present course of conduct. The horrible concentration camps in Cuba, the merciless orders and mode of warfare of Weyler, and the starvation, disease, and death which stalked abroad throughout that unhappy isle produced a condition of affairs that, in the language of President McKinley, "could not longer be tolerated." Proclaiming to the world that the Cubans "ought to be free and independent," and that it was not our purpose to take land or territory, believing, as was well said by Mr. McKinley, that "forcible annexation under our code of morals was criminal aggression and could not be tolerated," we went to war with Spain and loudly boasted that we had done what no other country in all the ages had ever done, engaged in war at a great sacrifice of blood and treasure for the sake alone of liberty and humanity. We won upon land and sea a glorious victory, and Spain was at our feet in ninety days.

Thus far all was honor and our good name and fame untarnished. Dewey in Manila Bay, guarding the harbor and standing sentinel over the hulls of the Spanish ships, was without land forces and 7,000 miles from our shores. Our consular representatives and Commodore Dewey invoked the aid of Aguinaldo and the Filipinos to join forces against the common enemy. Then came the treaty of peace negotiated at Paris, in the negotiation of which the Filipinos were denied audience and our future policy left uncertain. Then came the outbreak of hostilities between our troops and their late allies, the Filipinos; and the end is not yet.

Thus the war begun against Spain for high and holy purpose in Cuba has been sunk to the level of the Spanish régime. Nay, worse, Spain at least was fighting her rebellious subjects, no matter how just the cause for their rebellion. Spain was exercising a force never denied to monarchies, while we went to war with our allies who owed us no allegiance, but occupied the same relations to us that Lafayette, Rochambeau, De Grasse, and the French troops occupied to our revolutionary sires. Had we been as true to them as the French were to us, had we but declared our purpose then to give them the freedom we had promised the Cubans, the frightful results of our present policy would have been avoided. The representatives of this Republic some day might have carried to the Filipino republic a statue to Admiral Dewey, and ceremonies been had like unto those which recently transpired in this city when the statue of Rochambeau was unveiled upon Lafayette Square.

Instead of that, we are seeking to annex the Philippine Archipelago by force and govern them without their consent under the hypocritical pretense of carrying the blessings of liberty and civilization to them or dosing out to them from time to time, in the language of President Roosevelt, "all the liberty for which they are fit," following a pretended duty which Mr. Roosevelt termed a few years back "the piratical doctrine of manifest destiny."

The Republican party is in fact guided alone by the bony fingers of greed and avarice, and is bent on the exploitations of the islands because "they love liberty less than they love gold."

Now, whenever we rise here to say anything against the outrageous policy which is changing the whole system and theory of our Government, up jumps a Republican member to remind us, as an answer to our proposition, of the fact that William J. Bryan advocated the ratification of the treaty. Yes, and when he did it the Republican Speaker of this House, Mr. Reed, the present Speaker of this House, the distinguished gentleman from Iowa [Mr. HEPBURN], the distinguished Senator from Wisconsin [Mr. SPOONER], the distinguished Senator from Ohio [Mr. FORAKER], the distinguished gentleman from Pennsylvania [Mr. DALZELL], and all the Republican leaders openly proclaimed that it was not their purpose permanently to annex the Philippine Islands. And Mr. Bryan made the mistake of believing that a Republican statesman would "stay put" in the same place for any length of time. [Applause and laughter on the Democratic side.]

You did not fool Senator HOAR, because he has associated with you too long. [Laughter and applause.] You did not fool some of the other Republican leaders, and you drove Thomas B. Reed out of public life; but you ought to have the frankness to say that when Mr. Bryan advocated the ratification of the treaty, he also advocated that at the same time the Bacon amendment promising them freedom should also be adopted. You know how that treaty was secured. You know that one Senator from the South had a resolution passed through by the Republicans declaring it to be their purpose not to incorporate the Philippine Islands, and you got his vote. You know that another Senator from the South, a Democrat who had a few days before thundered with borrowed thunder against the bulwarks of imperialism, was secured to vote for that measure, and became the Republican referee for the distribution of spoils in one of the Southern States.

You know that another distinguished Democratic Senator who was against the policy was made a member of the Commission to negotiate the Paris treaty, and he is now a Federal judge in one of the Eastern States; and yet you say that Mr. Bryan did it all. Well, if he did it, he did it because he believed that there was enough of Abraham Lincoln left in the Republican party to make them do justice to an alien people struggling for land and liberty. [Applause on the Democratic side.] I did not have that confidence, thank God, but it is not to Mr. Bryan's discredit. It was only his judgment that was at fault, and his lack of knowledge of the Pecksniffian vein that runs through a great deal of human nature.

Mr. TAWNEY. On both sides of the House.

Mr. BALL of Texas. The gentleman from Minnesota says on both sides of the House; but at least upon this policy on this side there has been no uncertain sound, and the gentleman from Minnesota knows very well that there is not a Democrat in this House who, either upon the question of the trusts, the tariff, or the Philippine questions, has justified the statement which he made, doubtless in a spirit of levity.

Mr. GRIGGS. Why not accept his plea of guilty?

Mr. BALL of Texas. I disclaim it for this side, but I accept his plea for his associates. He has no right, however, to plead guilty for us, because we were his late allies in trying to wipe out the sugar trust differential. And now there is another thing. When we come here and venture in all candor to discuss the disgraceful scenes that have been enacted over in the Philippine Islands you gentlemen charge us with slandering the Army. We do not believe that there is any sanctity about a brass button or a blue uniform unless within that uniform and behind that button there be an honest heart and a brave, manly nature. Wrong is wrong, whether done by a private individual or by a soldier. The occurrences in the Philippine Islands have been the natural consequences of taking men educated in a different school of thought into a war that violates all their former teachings.

The first note in this House was heard from the distinguished gentleman from Pennsylvania [Mr. SIBLEY], who presided over the last Republican convention in Pennsylvania. His denunciation of the orders of General Smith were made in terms more eloquent than any of us may hope to equal, and the gentleman from Iowa [Mr. HEPBURN] shrank back from their enormity and avowed his belief that no such orders had ever been issued. And yet, General Smith himself has admitted the truth. We could hope to add nothing to the picture drawn by Senator HOAR. We do, however, denounce the policy of the War Department in suppressing information which this Congress is entitled to have. The Commanding General of the Army has complained of the manner in which the war is being conducted in the Philippine Islands only to be rebuked by the President, who has ignored Dewey and pronounced Admiral Schley a coward and a falsifier.

There is no question but that you have a different rule over there for privates and officers. A private was shot for the same offense that an officer was reduced thirty lines in rank and then restored to his command. When the letter of Private Weir escaped from the files of the War Department, it transpired that six months before General Miles had recommended that Lieutenant Arnold and all the others engaged in the terrible conduct should be court-martialed. And when the exposure came Secretary of War Root took belated action, but ordered another investigation for the lieutenant and a court-martial for all the privates. When the letters come home from the private soldiers exposing the doings in the Philippine Islands, General Otis says that "it is well known that private soldiers are in the habit of drawing the long bow," and General Funston says "they are writing home a pack of lies." If you are hunting for slanders upon the Army, go to these officers who have thus slandered the private soldiers who do but their bidding in the Far East. Not satisfied with charging us thus falsely in order to justify and excuse the conduct of the war in the Philippine Islands, many are found who do not scruple to revive the bitter memories of the civil war.

Like ghouls, like hyenas, you go down into the graves of the past and slander the gallant armies of the North and the South by attempting to make the people of this country believe that they were guilty of the foul and atrocious acts that have been committed in the Philippine Islands. [Applause on the Democratic side.] In the name of the two greatest armies that were ever placed on the field of battle, either of which could have whipped any army in the world except the one against which it fought, I resent your calumnies as slanders upon both. [Applause on the Democratic side.] I am not going to bandy words with the small characters who see fit to pursue this policy. We are not going to fight the civil war over again. There is nothing in that record of which we of the South are ashamed; we have taken the advice of Robert E. Lee when Grant gave him magnanimous terms of surrender at Appomattox. When he sheathed his stainless sword our chieftain said: "Go home and teach your children that we are one country now."

Abraham Lincoln was great enough to stand upon Gettysburg's blood-crimsoned heights and ask that he be pointed out the landscape over which Pickett's division made its immortal charge and say, "I am proud to be the countryman of the men who made this charge." [Applause.] What care we for Lilliputians? We prefer a pilgrimage to the bedside of the great captain-general of the Union Army at Mount McGregor, and his husky whisper, "Let us have peace," has swelled into a glorious symphony throughout all the South, not to be disturbed by the revilings and littleness of very, very small men. [Applause.] "The mystic chords of memory," which Abraham Lincoln prophesied would, "when again touched by the better angels of our nature, swell the chorus of the Union," have long ago been attuned to that music in the Southland. They were smote upon with might in the heart of President McKinley when he stood upon a Southern battlefield and declared that "the bravery and chivalry of the

armies of the North and South were the glorious and common heritage of a reunited country." While you who dishonor the memory of Lincoln, Grant, and McKinley by dragging the war between the States into this controversy disclaim any such purpose, in your hearts you know that it is an effort to obtain a mean and partisan advantage and to stir up sectional strife. For such methods we entertain unutterable contempt.

When you say that the orders of General Smith to burn, refuse quarters to prisoners, make of Samar a howling wilderness, and kill all over 10 years of age; when you say that the tortures by the water cure and peeling the skin from helpless victims has any parallel in the war between the States, you slander the two armies, North and South, and the American people will not sustain you. [Applause.] You bomb-proof stay-at-homes, who are sending others to fight under tropical suns, while you remain upon this side of the water, can not by tributes to the flag and the boys in blue escape responsibility thereby. Your selfishness will not be rewarded even by the gains to trade which you have anticipated. Why? China, with her 400,000,000 people, buys less from the world by one-half than Great Britain alone buys from us.

Japan is already becoming a factor with which we will have to reckon. China has vast possibilities in mineral resources and for the raising of wheat and cotton. Her people are peculiarly adapted to the manufacture of textiles and all articles requiring skill and patience. The labor there in cotton factories is paid less per month than we pay a day. They can live upon one-twentieth of what an American laborer can live. The Philippine Islands are adapted to the raising of cotton, sugar, rice, tobacco, and other products which are raised here. General Hughes tells us that American laborers can not live in that climate, that the Filipinos themselves will never develop the islands, and that the only labor that is available is Japanese and Chinese, and that you can not keep the Chinese out.

With capitalists opening up vast agricultural interests in China and the Philippine Islands, with the sleeping millions of China aroused to industrial activity, you will find our agricultural products abroad confronted with the agricultural products produced by the cheapest labor in the world. Nay, more, you will find our manufacturing interests met abroad by competition from manufacturing plants there and compelled to struggle at home with such a competition. The Philippine Islands will afford a breeding ground from which cheap labor will be brought here to compete with our own labor. When we talk about trade with those countries, it must mean an exchange of products, as they have no money worth speaking of, and in such a contest the American citizen must "go to the wall." The raw cotton of the South can be taken to such a market and brought back as the finished prduct cheaper than we can make it at home.

When we oppose a policy that threatens commercial disaster to us, we are charged with opposition to expansion. The Democratic party has always been a party of expansion. Every foot of soil fitted for the habitation of white men that has been added to the original thirteen colonies has come to us under Democratic Administrations. But every foot of that soil was contiguous, suited to our wants, and in line with our best interests. There the best of American citizenship, the lawyer, doctor, preacher, farmer, or mechanic, could go from the crowded centers of population to a sparsely settled section and find opportunity under a sun congenial to Anglo-Saxon blood, make his home, rear his family, and worship God as his conscience impelled him.

The Philippine Islands can never be thus Americanized. By such a policy we abandon the Monroe doctrine and the mission of our Republic. True to that mission, we have seen flag after flag go down upon monarchial holdings upon this continent to give way to liberty-loving republics. From the throes of the civil war we emerged, waved our hand at an emperor seeking a throne in Mexico, and his aspirations vanished. We have just wrested from Spain the last of her possessions upon this hemisphere. Not only that, but our institutions have invaded Europe, and where republics have not supplanted despotisms kings and emperors have been compelled to surrender to their subjects many privileges and concessions. Instead of embarking upon a policy of colonial aggrandizement, had we but been true to ourselves and the memory of those who established this great Republic, by the sheer force of our example and the influence of our institutions we might, and may yet, if we have the courage to return to them, "command the peace and shape the civilization of the world." [Applause.]

I am not going to discuss the capacity of the Filipinos for self-government. I believe that every people are capable of giving themselves a better and more satisfactory government than that of any alien government forced upon them against their consent. If the testimony of many is to be believed, they are capable of self-government. If they are, they are entitled to have it. If they are not, then they are not fit for citizenship and ought not to be added to our people as a degradation of the high standard of citizenship we have heretofore had. We can not govern them as subjects and hope to preserve our own Government in its integrity. Solicitude for the welfare of our own people is far more potent than regard for the interests of the Filipinos in shaping my opposition to any policy looking to their retention. Gentlemen say that it will embarrass us to make them any promises of freedom, even though it be our intention to give them ultimate independence. Our experience in Cuba is the answer to that question.

Now, then, I want to say briefly in conclusion that we began the war with Spain in the name of liberty and humanity; not our own liberty, but that of the Cubans, and the blood and treasure sacrificed in that cause is an honor to every American citizen, North, South, East, and West. We gave the Cubans their liberty when we were under no such obligation to them as we were to the Filipinos, whose alliance we courted and who, when Manila was invested and surrounded, occupied with their lines 7 miles around that beleaguered city, while the American troops held less than one-half a mile. Gentlemen here that wish to indulge in technical quibbles like criminal lawyers may attempt to show that there was no definite promise made by Dewey or our consular representatives to give the Filipinos their land and liberty. I care not whether any soldier, sailor, or agent in the service of the United States made such a promise or not. When we joined hands with them against a common foe to win a common victory, common morals, common decency, and common honesty required that we should not turn upon them and despoil them of their country.

I shall not indulge in controversy as to who fired the first shot or what caused the war. I believe the first shot was fired by one of our own soldiers. Be that as it may, we all know that hostilities in the Philippine Islands were caused by the determination of a Republican Administration to annex by force the Philippine Islands without the consent of the people. That was the origin of the war, and you know that not a drop of blood would have been shed in the Philippine Islands had we kept the faith and promised them that when order was restored and a stable government established we would withdraw the land and naval forces of the United States. Every trade advantage could have been secured thereby and their friendship retained through the years to come. You gentlemen talk about a policy of "scuttle." If by that word "scuttle" you mean sinking a ship, I tell you if I could, I would bore a thousand holes in your ship of "Imperialism," sink her to the depth of perdition, and board again the old "ship of state" that has carried us thus far on our road to grandeur and glory. If by "scuttle" you mean to "hurry away," let me tell you that the more quickly we escape from your present policy the more certain will be the safety of our own country and our institutions. [Applause.]

You have cost this country already by your policy more than $600,000,000; you have increased the expenses of the Army and Navy from $54,000,000 in 1896 to more than $200,000,000 in 1902. You send brave men to incur disease, suffer death, and come home manacled in transports and cars, while maniacal shrieks proclaim reason overthrown and inability to discern under what flag they fought. You will add millions to our pension roll. The blood and health of thousands, the treasure spent in this unhappy war, are upon the head of the Republican party. You have violated our traditions, dishonored our history, and perverted the spirit and genius of a liberty-loving government to one of oppression and despotic power. You have recognized both slavery and polygamy in the islands you covet. You are crushing out a people who fought as our allies in the Far East and who are battling for the boon our forefathers wrested from Great Britain. You are establishing crown colonies over 10,000,000 people 7,000 miles from our shore, where the Declaration of American Independence can not be read except with solemn mockery. [Loud applause on Democratic side.]

Mr. COOPER of Wisconsin. I yield one hour to the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Mr. Chairman, the gentleman from Illinois [Mr. KERN], in an address delivered on the floor of this House a few days ago, used these words:

> I have not met a soldier yet who has returned from the Philippine Islands, who was not looking for a Government job or some other sort of governmental favor, who had one word of commendation or approval for our policy in the Philippine Islands.

Mr. Chairman, I have met such a soldier. I met him, and I attended his funeral in the little city in which I live the latter part of last October. It seemed to those of us who had known him and had seen him grow from childhood that he was but a boy, and such in truth and fact he was. But he was a "regular." He served with the Fourth Cavalry. His father was a Michigan soldier, and from him the son inherited the divine spark. He ran away from school to enlist, left his books to go to war. It was the same old story in which is written so much of our nation's glory. He was with Schwan, with Lawton, and with Young all

through the Luzon. He came back with his regiment to be mustered out the following spring. His health was so poor he was furloughed from Jefferson Barracks, Mo., in order that he might return to his home in Delphi, Ind.

I was at the train when he arrived. I saw him drag his poor, emaciated body from the car and, half supported by his old friends and neighbors, stagger across the platform and fall into the arms of his mother. He lived just one month and then he died. It was a beautiful day when we laid him away in the cemetery overlooking the valley. Thousands of people attended his funeral. Hundreds of them stood under the trees, beautiful in their autumnal foliage, while the sad and solemn service progressed. His former schoolmates were his pallbearers, and his casket was draped in a beautiful American flag. In the evening, just as the sun left us to give light to those people for whom he gave his life, we buried his poor remains from the sight of men forever.

Mr. Chairman, Oliver Cockrane did not come home expecting to receive a Government job. Oliver Cockrane did not come home expecting to receive any sort of governmental favor. Oliver Cockrane did indorse the policy of his country in the Philippine Islands. I talked with him a score of times during that month and he told me he indorsed it. He said if there was one objection he would make to that policy it was that his country was too humane, too gentle, and it was that it did not visit to a greater degree upon those people the heavy hand of its authority.

Mr. WILLIAMS of Illinois. If the gentleman will permit me, I would like to ask him a question. I understood him in the beginning of his speech to refer to the gentleman from Illinois, but I did not understand the name of the gentleman.

Mr. LANDIS. I quoted from Mr. KERN. A few days before this soldier died, as I was sitting in his room, he turned his face toward me, and, with his great eyes illumined with patriotic fire, he said: "We soldiers who have served in the Philippine Islands do not want to have it said in years to come that we followed a retreating flag." [Applause on the Republican side.]

"We soldiers who served in the Philippine Islands do not want to have it said in years to come that we followed a retreating flag." There is more eloquence, there is more patriotism, there is more philosophy in that single sentence than in all the utterances of the anti-imperialists since the first shot was fired in Manila Bay, May 1, 1898. [Applause on the Republican side.]

And they will not have it said in years to come that they followed a retreating flag. [Applause.] We have heard it said on this floor that the American flag has retreated; that it retreated from Tripoli. I deny it. It performed its mission in Tripoli and then passed on. [Applause.] And murder and rapine and piracy along the Mediterranean became a reminiscence. We have heard it said that it retreated from Mexico. I deny it. It performed its mission in Mexico and passed on. That triumphant march from the Rio Grande to the City of Mexico was the timely chastisement that dignity and decency gave to arrogance and impudence, and it has been ever since an inspiration to that people.

We have been told that our flag retreated from Cuba. I deny that. It performed its mission in Cuba and passed on, and the image of that flag is to-day worn in the heart of every grateful Cuban, its meaning is written in every line of their constitution, and that flag is over Cuba to-day, an inspiration and a protection. This same flag has a mission to perform in the Philippine Islands. It will perform that mission and may pass on, but it will never retreat.

Mr. Chairman, I am in favor of this bill which gives these people a civil government. I am in favor of it because I am in favor of civil government always before a military government when the former is at all possible, and we are told by our fellow-countrymen, both in and out of the Army, that there is a necessity for this legislation. I believe that this is a long step in advance in the work we are doing for those people in that distant archipelago. We have taken a great many steps, and some of them have been slow, but none of them have been backward. The work has been in a new field, and we have had very little in our national life by the way of precedent to guide us. But those upon whom the responsibility is resting have brought forth splendid results, guided, as I believe they have been, by an approving conscience and sustained by purity of purpose and righteousness of intention. There have been stumbling-blocks, just as there are stumbling-blocks in the way of every great work; but I believe the foundation we are laying for the welfare of these people in their relation to themselves, as well as their relation to us, will, on account of these stumbling-blocks and hindrances, be all the firmer and the rewards in the way of orderly civil government will be all the richer.

This legislation bears one stamp that should commend it to all those people who are acquainted with our history during the last forty years, namely, the stamp of Democratic opposition. That is the most unmistakable brand of legislative virtue and wisdom that we find blown in the bottle of statutory enactment since the days of Abraham Lincoln. [Applause.] And if a stranger to our institutions desired to equip himself with a complete encyclopedia of beneficent national achievement during the last four decades of this Republic, he could do nothing better than catalogue carefully the various propositions condemned by the Democratic party in its various quadrennial national platforms.

Opposition! Opposition! Opposition! The Democratic party has for forty years been the adverse element in this nation. It has greased the rails, it has put sand in the boiler, it has piled ties on the track, it has jammed fence rails in the cattle guards, and attempted to throw the switch; but the train has moved on, and each time has reached its destination on schedule time. [Laughter and applause.]

And when this Congress adjourns, as adjourn it will in the next few days, and we who constitute the majority return to our homes, it will be with clean hands and with honest hearts; and when opportunity presents, as it will next November, the people will give us renewed assurances of their confidence and sympathy. [Applause.] And why should they not? The work in which we are engaged is the people's work. The problems which we are attempting to solve to-day are the problems brought about by reason of the people's action. The problems in this Philippine question are the problems to which the American people are absolutely committed.

We have been told it is "a burden." It may be a burden; but if it be a burden, it is a burden the people voluntarily assumed fifty months ago, when Pity opened its heart to Distress, when Strength extended its hand to Weakness, when American joy and gladness paused long enough to lift forever the black habiliments from three hundred years of Cuban woe. Gentlemen on the other side of this Chamber can not shift the responsibility.

I was very much interested in the address of the gentleman from Texas [Mr. BALL] who opened the discussion to-day, and while he was speaking the history of this epoch, if epoch it be, went through my mind. A majority of the members now on the floor of this House were here when the initial step was taken; the gentleman from Texas was here, and he can not, neither can his colleagues, shift the responsibility for the problem we have before us to-day.

We all remember how in 1896 both parties had in their platforms planks pledging to the American people and the world the freedom and independence of Cuba. The situation over there had become intolerable, and we all made up our minds that the Spaniard must leave this Western Hemisphere. We all remember the stories of cruelty and inhumanity that came across the waters, exciting the sympathy and arousing the passions of our people during that remarkable campaign. And we all recall how, when this Congress was called in special session for the purpose of enacting legislation that would tend to relieve the domestic depression then existing, gentleman on the other side of this Chamber insisted that intervention in behalf of Cuba was paramount to the consideration of measures looking to the rehabilitation of our industries and the rescue of our own business.

In short, the Democratic leaders wanted war with Spain, and they wanted it right away. When we talked of revolutionizing schedules, our political opponents would reply with a resolution throwing down the gauntlet of war to the Spanish Government. We would insist on the speedy enactment of measures the direct effect of which would be the employment of armies of idle men here at home, and our opponents would reply by passing around this Chamber photographs of starving reconcentradoes, point us to the plank in our national platform pledging independence to Cuba, and charge us with deception, heartlessness, and cowardice.

Gentlemen on the other side of this Chamber neglected nothing in the way of taunt and ridicule and accusation to force this country into war. William McKinley was then President. He did not want war. And because William McKinley did not rush his country headlong into war, those opposed to him politically charged that he was slow. Then they asserted that he was a coward. Then they declared that he was in league with Wall street and that he had his suggestions from the ticker. Then they said he was corrupt. There was not an epithet that could be coined, suggestive of conspicuous littleness and incapacity, sordidness, and cowardice, that was not hurled at him. But he pursued his course patiently, attempting to solve the ugly problem along the lines of diplomacy.

The President was perfectly free in his expressions to those of us who went to the White House as to his reasons for not wanting war. He told us there were two reasons: First, that he had been through one war and knew its horrors. Said he, "War is always popular with the masses at the start, but there comes a time when it is not popular with them. I have been through it all, and I shrink from plunging my country into war, and shall not do it unless it is absolutely unavoidable."

He said that there was much of beauty, much of romance, much

of chivalry, much of poetry in the marching away—the bugles sounding, the bands playing, the colors flying, with wife and sweetheart waving adieu; "But," said he, "there is a home coming that is different—black boxes from hospital and battlefield, met at the train by weeping women leading little children suddenly made fatherless; messages from comrades telling the story of 100 buried in a common trench, a message calculated to feed despair through all the years that come; sorrow, agony of body and mind on field, in hospital, and in home. I have been through it all, and I do not want to pass through it again."

"But there is a weightier reason," said the President. "If we get into war with Spain we will whip her in ninety days; we will wipe her fleets from the seas and capture her armies; but in the meantime what complications may arise no man can foretell. There will be questions that we do not now think of that will have to be answered; there will be problems not yet hinted at that will have to be solved. If we go into this war we inherit from it complications that may involve us in a great international war, certainly problems that will remain with our country for solution after you and I are in our graves."

To Senator BACON, of Georgia, just before he left the White House after a conference, the President said: "Remember, Senator, this war with Spain may mean a world war." All these warnings, these pleadings, were greeted with contempt and derision by the Democratic leaders of this House. They wanted war, and they would be satisfied with nothing else than war—and war came. Many of you will recall how the distinguished gentleman from Missouri charged up and down the aisle upon which his seat is so conveniently located, and, with a voice that penetrated almost to the caverns of the Ozark Mountains, declared that the Democrats had taken the Republicans by the scruff of the neck and dragged them into this war.

Mr. CLARK. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LANDIS. For a question.

Mr. CLARK. Will the gentleman put into his speech the names of the 85 Republicans that constituted the "kickers' caucus" that waited on Mr. McKinley and told him that if he did not send the right kind of a message in here by a certain day, they would vote with us for a declaration recognizing the independence of the Cuban republic?

Mr. LANDIS. That is a fiction.

Mr. CLARK. It is not any such thing; it is the truth.

Mr. LANDIS. No 80 Republicans ever did anything of the kind.

Mr. CLARK. And Mr. A. J. HOPKINS, of Illinois, was chairman of that "kickers' caucus." [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit me? The applause had better be reserved. I was on that committee.

Mr. CLARK. The "kickers' caucus," were you?

Mr. COOPER of Wisconsin. I was on the committee which went to the White House. The chairman of the committee was Mr. A. J. HOPKINS. Not a word of the kind just indicated by the gentleman from Missouri was uttered at that White House by that committee or any member of it. We told the President that we would do as the Administration thought was best under the circumstances, and we always voted to support the Administration from beginning to end. [Applause on the Republican side.]

Mr. CLARK. Mr. Chairman, let me ask the gentleman from Wisconsin one question——

Mr. LANDIS. I decline to yield.

Mr. CLARK. What he went for——

The CHAIRMAN. The gentleman is out of order. The gentleman from Indiana has the floor and he declines to yield.

Mr. CLARK. The gentleman gets up and makes a personal assault and then is too cowardly to get up and answer questions.

The CHAIRMAN. The gentleman is out of order.

Mr. LANDIS. The gentleman from Indiana would say to the gentleman from Missouri that he can secure time from his colleague and give attention to the statement that I made. I repeat it in the presence of this House that the gentleman from Missouri charged up and down that aisle and made his boast that they had taken the Republican party by the scruff of the neck and dragged it into that war.

Mr. CLARK. And that is precisely what we did.

Mr. LANDIS. Yes?

Mr. CLARK. We dragged you into that war.

Mr. LANDIS. And after you dragged us in, and these problems and these questions and these responsibilities came up, you turned your backs and ran away from every one of them. [Prolonged applause on the Republican side.]

Mr. CLARK. There is not a word of truth in that.

The CHAIRMAN. The gentleman will please observe the rules of order.

Mr. CLARK. That is just exactly what I am doing. There is not a syllable of truth in that statement.

Mr. LANDIS. Mr. Chairman, that statement is not only true; they not only turned their backs and ran away when the first problem presented itself, but they are running yet. [Prolonged laughter and applause on the Republican side.]

Mr. CLARK. That statement is not true.

Mr. LANDIS. Mr. Chairman, I decline to yield.

The CHAIRMAN. The gentleman declines to yield. The gentleman from Missouri is out of order.

Mr. LANDIS. Mr. Chairman, the President of the United States was right when he said that if we had a war with Spain it would be over in ninety days. It was over in ninety days, and in those ninety days were crowded more pride, more honor, more glory, more fame, and more achievement than has been packed in any ninety days in the history of civilization. Those countrymen of ours in that bay in that far-away eastern sea, 10,000 miles from home—do you remember the morning we heard of their victory? And then a little later, on the anniversary of our nation's birth, that other miracle at sea! Manila and Santiago Bay, companion pieces of victory!

And the martial instinct of our boys on land—how inspiring, how beautiful! They were baked by the tropical sun; they were soaked by the tropical rain; they were chilled by the deathly damp that steals out on its mission under the cloak of darkness, but they dragged their weary bodies on, sustained by the sacred fire of patriotism, and forced the capitulation of a securely entrenched superior force. And in the evening twilight they buried their fellow comrades and then they sat around camp fires and sang Dixie and the Star Spangled Banner. They knew both songs, for they were the sons of the men who had followed Grant and Sherman, Lee and Stonewall Jackson.

The procession of national glories in that brief campaign made every man in this Republic the brother of every other man, and opulence and adversity at home sat as companions under the same tent on the battlefield of Cuba. [Applause.] And we crowned it all with a magnanimity that took the breath of the world. Cervera and his generals were banqueted in American cities.

The entire Spanish army, captive in our hands, was fed and clothed, and then we loaded them on American ships, sailing under the American flag, transported them back home and placed them in the outstretched arms of their own people. There was enough national magnanimity and chivalric martial beauty in those brief days to stock the average nation with sacred historical memory for twenty centuries. [Applause.]

But gentlemen on the other side of this Chamber saw nothing in it that appealed to either their pride or patriotism. The only thing they extracted from those days and nights of glory was embalmed beef and typhoid fever.

Then came the Paris Commission. That Commission met and agreed upon a treaty; and I want to say that before that Commission met and before that treaty was agreed upon our friends on the other side of this House had a chance to declare their policy with reference to the Philippine Islands. It was the day after that battle in Manila Bay, when Dewey sent word to us that he had wiped out the Spanish fleet and that he could take the city at any time.

Said he, "I can take the city at any time, but I have not the troops to hold it. If you want me to take Manila and hold it, send me troops." And every man, woman, and child in this Republic—every Republican, Populist, Prohibitionist, and Democrat responded, "Send troops to Dewey in Manila." [Applause.] Troops were sent to Dewey in Manila, and Dewey and the American forces on land besieged Manila and captured it. It fell into our hands and became American territory by conquest.

The Paris Commission met. Four propositions were submitted relative to the disposition of the Philippine Islands. That was the first great problem that rolled out, the very problem that William McKinley had feared, the chief reason for his not wanting to go into that war.

Four propositions were made relative to the disposition of those islands. One was to give them back to Spain. Another was to sell them to some other nation. A third was to give them their independence, and the fourth was to take them and do the best we can with them. Give them back to Spain! There was not a man in this House who would have dared advocate it. Sell them to some other nation! The American conscience would not have tolerated it. Give them their independence!

I have heard Democrats on the floor of this House charge that not one Filipino in a thousand had the slightest notion of self-government. Of course the Filipinos thought they had. Some of them thought they could run their country. Why, there were a majority of people in this Republic who thought in 1892 that the Democrats could run this Government. [Prolonged laughter.] And how woefully they were mistaken, mistaken to such

an extent that my distinguished friend from Missouri [Mr. CLARK] said on the floor of this House just a few weeks ago that Grover Cleveland was the greatest calamity that had been visited upon this country since the days of Adam. [Laughter.]

Mr. CLARK. Mr. Chairman, I wish the gentleman from Indiana would quote me correctly, because I do not want to be put in the attitude of saying something I did not say. What I did say was that the second election of Grover Cleveland was the greatest calamity that has happened to the human race since the fall of Adam. [Laughter.]

Mr. LANDIS. That only emphasizes my statement. But I should like to ask the gentleman from Missouri if he did not vote for him?

Mr. CLARK. That is one of the things that I expect to pray Almighty God to give me absolution for in the day of judgment. [Laughter.]

Mr. LANDIS. Mr. Chairman, the distinguished gentleman from Missouri not only voted for him in 1892, but he went to the Chicago convention with his delegation from Missouri. I saw him there. I saw him at the head of it, marching up and down the halls of the Grand Pacific Hotel, notwithstanding the New York delegation was a unit against Mr. Cleveland's nomination, and I heard him singing—

Grover, Grover,
Four years more of Grover;
Then we'll be in clover.

[Laughter.]

And I want to make this prediction, Mr. Chairman. The Democratic party is in rather a distressed condition just now. It is hunting for a Moses. The "peerless leader" is living in a $5,000 barn preparatory to moving into a $25,000 house under this Republican gold-standard Administration. [Laughter.] And he is going to retire from politics, and they need some one to lead them out of the wilderness. It looks very much to me as though Grover Cleveland were that man; and I want to venture this prophecy, that if he should be nominated by the next Democratic national convention there will not be anybody in this Republic who will sing louder and with more unction than the gentleman from Missouri that old refrain:

Grover, Grover,
Four years more of Grover,
Then we'll be in clover.

[Laughter.]

The other proposition relative to the disposition of the Philippine Islands was to take them and do the best we could with them, and that the Commission decided to do; but before it decided to do that the President of the United States, always anxious to consult the people and get the sentiment of the masses, had gone throughout the country and spent something like two weeks among the people. The people spoke to him through their public assemblies, and they said to him from Maine to California, "We want to retain the Philippine Islands."

That is what they said to him. The treaty was signed accordingly, and came here to the United States, to the Senate; and at that time it did not have any more legal, binding force than the snap of my finger. Before it could be given the binding force and effect of law it had to be ratified by two-thirds of the Senate. As I remember, the Republicans were 16 votes short. It looked as though the treaty was doomed.

If it had been doomed to defeat, we would not be here to-day legislating for a civil government for the Philippine Islands. Just at that time a gentleman showed up whose face was familiar to the people of this capital. He came here from Florida, where his regiment was encamped. He was a gory, gaudy, gilt-edged hero, fresh from the fields of carnage. [Laughter.] His name was William Jennings Bryan, and he put his shoulder to the wheel in favor of the treaty. He dragged this Democrat to its support, and that Democrat to its support, until he brought to its support enough Democrats—just enough—to ratify the treaty.

To use the language of my distinguished friend from Missouri, "William Jennings Bryan took those Democrats by the scruff of the neck and dragged them to the support of the treaty." [Laughter and applause on the Republican side.] I think 16 Democrats voted for it. That, gentlemen, was an exhibition, a practical illustration of 16 to 1. [Renewed laughter.] The treaty was ratified, and the very minute it was ratified it became the law of the land, and the Constitution makes it imperative on the President of the United States to enforce the law, and if he does not do it he is liable to impeachment.

The President of the United States knew that there was a rebellion going on in the Philippine Islands, and he sent the Army and the Navy there to suppress it. The Army and the Navy have suppressed it. The Army and the Navy will suppress it again, if necessary. Our Army and our Navy, our country, will do their duty in the Philippine Islands; will stay there with the heavy hand of Federal authority until the last man in rebellion has laid down his bolo and until the last one of these 1,700 islands has written its name on the scroll of civilization. [Applause on the Republican side.]

Our Democratic friends then could have kept us out of the Philippine Islands had they arisen in their might and opposed sending troops to Manila. Our Democratic friends could have kept us out of the Philippine Islands had they refused to give aid and comfort in the ratification of the treaty.

But they say that if we had given those people over there assurance that they could rule themselves, that they could have their own government, we would never have had any war.

Ah, Mr. Chairman, that is not what brought on war in the Philippine Islands. It was not that expectation and our failure to give them this assurance that brought on the war. It was the announcement that came from the Democrats in this country that we did not seek the the well-being of that people, but that we proposed to keep them in bondage and slavery that brought on this war. Here is the message President McKinley sent those people when the Taft Commission went there:

It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights.

That was the message of William McKinley to the people of the Philippine Islands, and along with that message from the President of the United States went the speeches of the Democratic leaders on the floor of this House. In substance these speeches said: "That is a lie; our nation intends to enslave you and to place the yoke of bondage upon you." And as a result the fight commenced, and fighting has been going on ever since. Their leaders when taken from the mountains and brought back say that it was because of that understanding and this assurance received from Democrats that they prolonged this war.

Lawton said just before he died that if he fell the force behind the bullet would be the encouragement those in rebellion had received from his own countrymen. A soldier whom I saw about a year ago told me that after capturing one of the towns in Luzon he saw pasted upon the walls of a public building this announcement:

An election is soon to be held in the United States. William J. Bryan, the Democratic candidate, is going to be elected. If he is elected, the Filipinos will have their independence. Fight on, Filipinos, fight on!

And they fought on, as the result of this encouragement and these assurances, and graves have been multiplied in the swamps and among the mountains. But it is at an end, practically, Mr. Chairman. In the course of a few weeks there will be but 18,000 soldiers in the Philippine Islands. Peace will have come to that people; law and order will be theirs, and a great white mark will be placed to the credit of the American people for facing that great problem and solving it as good conscience and good judgment and loyalty to national honor dictated it should be solved. [Applause.]

Our friends on the other side have criticised and have been particularly severe on the American soldier. They say they have not had anything against the American soldier, but they are against the policy adopted by this Administration in the Philippine Islands. The soldiers, however, represent their sons, and their neighbors' sons, people from their own States, people from the districts which many of them represent, and it would seem that common sympathy would dictate that they give some sort of kindly consideration to them.

They have nothing against the soldiers, they say, and yet, when there was brought into this House the other day a bill providing an appropriation of $500,000 for the proper shelter of the officers and enlisted men of the Army of the United States, lawfully on duty in the Philippine Islands, to be expended at the discretion of the President, every Democrat except 7 voted against it, and every Republican on the floor of this House voted in favor of it. "Not another soldier nor another dollar for this unholy war."

That is the same cry we heard in this Republic one-third of a century ago when the life of the nation was at stake. They said it to Abraham Lincoln when he was struggling in anguish and in prayer to preserve the life of the nation. "Not another dollar nor another soldier for this unholy war," and they said the war was a failure. But the soldiers marched on, and the Republic was saved, and the flag floats over all the States just as it did in 1860. [Applause.]

This slander and this abuse of the Army is having its effect. It caused the death the other day of one of the brave fellows who survived the massacre of Balangiga. He was killed, or fatally wounded, in the State of Tennessee. Some one in his presence charged that "two-thirds of the American soldiers who went to the Philippines were hoodlums and the other third were cowards and bullies," and, brave man that he was, he resented it. He survived Balangiga to be killed in Tennessee while defending the honor of his comrades. Who sowed that seed in Tennessee?

Read the CONGRESSIONAL RECORD, and you will get an answer to that question.

Mr. GAINES of Tennessee. Will the gentleman be kind enough to state who in the State of Tennessee made any such statement——

Mr. LANDIS. Oh, the distinguished gentleman from Tennessee did not sow it; he did not sow the seed, because he would be too late to sow it. I have on my desk a bill that the gentleman introduced repealing the war taxes six months after that tax had been repealed. [Laughter and applause on the Republican side.]

Mr. GAINES of Tennessee. That is just six months earlier than I ever thought the Republican party would ever try to relieve the American people.

Mr. LANDIS. No one would ever accuse the gentleman from Tennessee of sowing that seed. The seed would have been sown, the ground would have been harrowed, the furrows would have been plowed, and the harvest would have taken place before the gentleman from Tennessee discovered that anything had been expected in the way of a crop. [Laughter and applause on the Republican side.] We know who sowed this seed. It was not sown by the Republicans. You can read the CONGRESSIONAL RECORD and ascertain who sowed it.

Mr. GAINES of Tennessee rose.

Mr. LANDIS. Does the gentleman want to ask a question?

Mr. GAINES of Tennessee. I would like the gentleman to name the man from Tennessee who used the language that he refers to.

Mr. LANDIS. Mr. Chairman, it is not in order for a member of the House to refer to a member of the Senate, is it?

Mr. GAINES of Tennessee. I thought the gentleman said some member of this House.

Mr. LANDIS. I think not; the gentleman will realize and appreciate and understand what I said about six months from now. [Laughter.] While the Democratic opponents of this bill have gone after the Army in general, they seem to have a particular spite against Fred Funston. He seems to be the target for most of them in both branches of Congress and throughout the country.

And I want to say something about Fred Funston. I speak of him as Fred Funston, because to those who knew him before the eyes of the world were upon him, he will always be Fred Funston—brave, chivalric Fred Funston. We have heard him called a "Jayhawker brigadier" and "that river-swimming brigadier." I want to say that the deeds of that little Kansan will be heroic inspiration for the youth of this Republic centuries hence, when dog fennel will be growing on the graves of those who speak his name with a contemptuous curl of the lip. [Applause.]

Let us see what Fred Funston has done to make himself the target for the sneers and slurs of certain gentlemen. When a mere boy he volunteered to get certain information for the Government relative to certain territory in Alaska, where the foot of the white man had never trod. He got it, even though he did have to climb precipitous mountains covered with eternal snow and plunge into the Yukon River running with ice. He spent a winter in that solitude. During that winter he learned that starvation threatened a crew of ice-bound whalers, and on a sled pulled by Eskimo's dogs he hurried to them 600 miles in the snow-bound and ice-locked interior, with no guide but the stars and no companion to consult but his compass.

I will venture to say that the most radical anti-imperialist could not convince one of those famishing unfortunates to whom he carried succor in the midst of that arctic darkness that Fred Funston was not at least worthy of respectful treatment. Later he heard the cry of Cuba, and that wail of distress, freighted with the hopes of three centuries, penetrated deeper than his ear. It touched his heart, it awakened his sympathy, it congealed in him a sincere, strong, sacred, heroic resolve.

That wail to him was something else than an invitation to turn a political trick. He called on the Cuban junta and offered his services. They were inclined to laugh at him, for he weighed less than 100 pounds, scarcely arose to the dignity of a stripling. He learned, however, that they had scarcely anyone to handle their artillery. He told them he would be ready for artillery service in a month, although he knew no more about that or any other branch of the service than an infant. He bought books, he entered a school where artillery practice was taught, and a few months later, on the battlefield where brave Osgood, of Pennsylvania, fell a sacrifice to liberty, Fred Funston stepped across his lifeless body to command [applause], and he, too, fell, shot through and through.

He was carried to the mountains, and the nobility of Cuban womanhood nursed him. I saw him when he came home to enter a hospital, and I saw two commissions he brought with him, neither one of which would he to-day exchange for a sneerer's seat in the Senate or House of Representatives. Those commissions were written on plain paper. There was no gold seal attached to either of them, neither was there any red ribbon hanging about them. They were written on the battlefield, in the ink of sacrifice, with the pen of admiration. One of these bore the signature of Maximo Gomez, while the other was in the handwriting of Calixto Garcia. [Applause.]

Mr. Chairman, in the most beautiful and conspicuous park of this capital city there have been placed two monuments representative of patriots who spoke other than the American tongue, but who offered their swords, their strong right arms, their quick intelligence, and their large hearts to Washington in that struggle for American independence a century and a quarter ago. And I will say that the visitors who come hither from the various States and Territories of this Union, as well as from foreign lands, can but look with emotion upon the counterfeit presentment of the figures of Marquis de Lafayette and Count de Rochambeau. What these two immortals were to Washington, Fred Funston was to Gomez and Garcia, and I expect to live to see the day when the statue of the brave little Kansan, who offered his life for Cuban liberty, will be unveiled in the most beautiful park in the capital city of the Cuban Republic. [Applause.]

When Funston came back from Cuba suffering from wounds that were all but mortal, he told me one day that it was the ambition of his life to lead a regiment of American soldiers against an army of Spain. And when he said that I thought of another man who, forty years ago, with equal modesty said it was the ambition of his life to command a regiment. And this other man did command a regiment, and later he commanded an army, and later he commanded armies. And, Mr. Chairman, he lived to be called a beast, a brute, a monster, a butcher, and a murderer. But he survived it all and became one of the most conspicuous guests that is entertained in the white temple of immortality. [Applause.]

The greatest disappointment of Fred Funston's life was when, at the head of the Twentieth Kansas, he was sent to the Philippine Islands rather than to Cuba. He obeyed like a soldier, and in a few months the deeds and achievements of that regiment thrilled with loyal ecstasy everybody in this Republic. By his bravery and military skill he won the affection and admiration of Otis, of Lawton, of Wheaton, of MacArthur, of Chaffee, of every officer and every private, and even of Aguinaldo himself.

And when that regiment came home after the war was supposed to be over and was mustered out a Democratic governor presented its colonel with a sword, just as they are going to present Waller with a sword in a few days down in the State of Virginia; just as we will present Bell with a sword when he comes home, and just as we will place balm upon the wounded heart of that aged mother in Ohio by giving a sword to her son, Gen. Jacob H. Smith, when he comes home. [Applause on the Republican side.]

Just at this time, Mr. Chairman, came the supreme test of Fred Funston's life, just as there comes a supreme test in the life of every man. The mail brought him an offer from a leading lecture bureau of $50,000 for 50 lectures. A little later a proposition was made him by a leading journal offering him $10,000 and expenses a year as its representative in the South African war.

Fred. Funston had been a poor boy. He was a poor man. He had recently married. Here was opulence. He had about arranged to accept the lecture offer, with the understanding that after it was completed he could go to South Africa, when there was placed in his hands a telegram from the President of the United States asking him if he would return to the Philippine Islands, and telling him that he could render his country service there. His wife was sitting with him. He read the telegram and handed it over to her and said, "This settles it all; I shall return to the Philippine Islands." [Applause.] He returned to the Philippine Islands.

I recall that the old reader we used in the public schools taught us that there was always a reward for the man who does his duty. My observation has been that there is truth and virtue in that saying. The reward may come late, and it may come through an unexpected channel, but it is sure to come. It came to Fred. Funston, for Aguinaldo was captured, and he was made a brigadier-general in the Regular Army. [Applause.]

Mr. Chairman, I have dwelt at some length on the achievements of this young officer, because for some inexplicable reason he seems to have been made the target not only for the contempt and ridicule of those who are opposing our policy in the Philippines, but for their venom, their hatred, and their malignancy as well. I confess that I can not understand those promptings in the human breast that lead men to pursue a fellow-countryman as certain gentlemen, citizens of a common republic, have pursued this soldier. I believe that a century hence historians will say that for courage, tact, and skill the capture of Aguinaldo stands without rival. [Applause.] It represents the very refinement of courage. Military men say the chances of failure were ninety-nine out of one hundred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield to the gentleman such time as is necessary to conclude his remarks. [Applause.]

Mr. LANDIS. His plans made, Funston bade his wife goodbye, and as he held her in his arms, both realizing how desperate was the mission, both thought of their unborn babe. The territory to be traversed was made up of mountain ranges, gashed with gorges and made terrible with precipices, never before crossed save by a Jesuit priest a quarter of a century previous. The rations of that little band was made up of parched corn. That soon gave out and they caught snails and ate them. They devoured limpets scraped from the rocks. They crawled for miles on their hands and knees, and all testify that had the distance been 20 miles greater none of them could have survived.

Mr. Chairman, in his brief career Mr. Funston has made his country his debtor. He was always brave—he was always a gallant foe. He pacified his province in the Philippines, and the universal testimony is that his rule was kindly and humane. He deserves better recognition from his country than the sneers of public men honored with conspicuous places in public life. When I consider the story of his life I feel that in him has been given to us to see and know the qualities which were worshiped and which won in the days of chivalry, when knighthood was in flower. And henceforth, however partisan this debate may become and however bitter the policy of this Administration may be attacked, I trust that on this floor we will never again see anyone affect ridicule and contempt for one who a score of times risked his life in the service of his country, and who in the swamps of the Tropics, as well as among the icebergs of the Arctic Circle, demonstrated that he is made of that peculiar clay of which fame fashions heroes. [Applause.]

As I said once before on this floor, I am no lawyer. Want and necessity rescued me from such a course at an early stage of my career. But there is an accepted legal proposition, as old as the common law, to the effect that a man accused of crime is entitled to a trial in the vicinage in which the crime is alleged to have been committed. In the first place, the accused is entitled to be present. The time, the place, the circumstances, the entire environment, are a part of the affair to be adjudicated.

I deny your right to try to convict and sentence the American soldier here in this Chamber, and yet that is exactly what you insist upon doing, and you insist upon doing it in his absence. An inspiring spectacle indeed—gentlemen on salaries of $5,000 a year, with private secretaries, at the seat of government, surrounded by every safeguard and luxury, cooled by electric fans six days in the week and by the breeze of the ocean the seventh, trying, convicting, and sentencing the American soldiers absent 10,000 miles, carrying the flag through the miasma and death of the tropical swamps, battling a foe that masks the heart of the assassin behind the smile of friendship!

I want to submit this question: Suppose you were in those faraway islands, a member of an American regiment; you became attached to your comrades by those ties cemented by the march, the camp, the drill, the battle, the hospital, the grave. On the march, scouts from your company having been sent out, you come upon the lifeless bodies of your comrades, the evidences unmistakable that some of them have been buried alive up to their necks.

You see them the victims of starvation, with food just beyond their reach. The heads of others of them have been cut off and placed on poles along the path or highway. Others have been chained to ant-hills to be eaten alive. Others, possibly friendly natives, have had their abdomens cut open, their entrails nailed to trees, and then tortured to compel them to circle the trees and disembowel themselves. If, after all this, you should capture a man who, you felt, knew all about these atrocities and could give the names of the guilty, do you think you would consider the water cure too inhuman to resort to? I think not.

In judging the soldiers in the Philippine Islands put yourselves in their places, make allowance for human passion and the instinct of revenge as well as self-preservation; bear in mind that war is not a Sabbath-school picnic; it is not a dinner in New York with champagne and Carl Schurz. It is sacrifice and wounds and disease and death, and you can not rob it of sporadic instances of cruelty and oppression, inhumanity and revenge, any more than you can take away the heat from the breath of the conflagration, or wreck and ruin and devastation from the path of the flood.

Making allowance for all the wrath and passion that go with war, our own people in the Philippines and the people of other nations state that in the entire story of arms and achievements from the beginning of recorded times there has not been a series of campaigns conducted that for wisdom, justice, humanity, morals, glory, and civilization will stand in the same category with the campaigns of our armies in Luzon and the other islands that make up that archipelago. [Applause.]

Mr. Chairman, I know that this debate is now drawing to a close by mutual agreement on both sides of this House. I know the list is filled with gentlemen who desire to speak this afternoon. I can not transgress much further upon the time allotted. I simply want to say that there is one proposition in this bill as presented to the House, with all due respect to my friend the chairman [Mr. COOPER of Wisconsin], of which I doubt the advisability at this time. It is that provision giving the Filipinos a legislative branch of government to be constituted of natives.

I question if they are ready for it. We have had an experience in this country along this same line. We were too free with the right of suffrage. Withhold it in the Philippines until the census is taken. Withhold it until we know more about the capacity and capability of those people for self-government. Reserve it as a reward for thrift, industry, and intelligence. Do not give it away as a trinket that is not valued or to be valued, and I believe that we will reserve a right that will redound to the welfare of those people as well as to the welfare of the American people. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman from Indiana permit me to ask him a question?

Mr. LANDIS. Yes.

Mr. COOPER of Wisconsin. Is the gentleman aware that the original suggestion for a lower house, to be chosen by a limited electorate of the people of the Philippine Islands, was made by William McKinley in a dispatch which he sent to the Schurman Commission? Is he aware that the Schurman Commission, after protracted investigation, unanimously reported in favor of the election by the people of the Philippine Islands of a lower branch of the legislature, saying that it was of the utmost importance in their opinion that that should be allowed them?

Is the gentleman aware that the Taft Commission, after the most protracted investigation, makes the same report? And not only do they request it, but they urge it; and that Governor Taft, eminent as a judge, eminent as a lawyer, has by letter and by personal solicitation requested that he be not sent back without an enactment of that kind at this session of Congress, saying it would be a calamity not to enact it?

Mr. LANDIS. Mr. Chairman, I knew in substance all this, but I have felt that we have had such a lesson in our own country that it certainly would not do any harm if we reserved this right a few months. We can give it to them during any session of Congress. We will sacrifice nothing at all if we reserve it now. We may sacrifice a great deal if we bestow it now. I know Governor Taft very well. I know his large heart. I know that he feels as though this will interest the people of that country, and, as it has been expressed, will give the Filipino orators and those ambitious for public life an opportunity to let off steam. But it strikes me as though it were a great deal like giving a little boy a box of matches to go to the barn and play in order that he may not annoy his mother.

Mr. COOPER of Wisconsin. Is the gentleman aware that the same objection which he now urges to the granting of the lower branch of the legislature in the Philippines was urged in almost his identical language against the granting of a lower branch of the legislature for Porto Rico, and that all of the prophecies concerning it being analogous to the giving of matches to a child have proven to be fallacious, and that nothing of the kind has happened in Porto Rico?

Mr. LANDIS. Mr. Chairman, I admit that the gentleman who is chairman of this great committee has had opportunities to investigate and advantages of information that I have not possessed. I desired, however, to make that expression before concluding my speech, of course waiving any suggestion that I am as well fitted to speak relative to that matter as is the distinguished gentleman who has given the subject so much thought and who a few days ago gave this House such a splendid presentation of all the questions entering into the future welfare of this new territorial acquisition.

In conclusion, Mr. Chairman, I will say that there is just enough of the old-fashioned doctrine of predestination in me to lead me to have faith in the ultimate glorious destiny of this Republic and the final world-wide triumph and domination of the Anglo-Saxon race. As has been said by a gifted writer, this Anglo-Saxon civilization has been on the march for nearly two thousand years. At times that march has been slow and sometimes it has seemed as though the last camp had been reached. The fires of the bivouac once or twice went out, apparently never again to be lighted, but suddenly the flame again flashed forth and the march went on.

No territory pressed by this Anglo-Saxon tread has ever been lost to enlightenment, to liberty, and to law. Britain recognized the banner, and twelve centuries later the Anglo-Saxon colors went up at Jamestown. It required a century and a quarter for them to cross to the valley beyond these mountains. About that time the older branch of this race planted the flag in Canada and in India, while the younger branch went to the Mississippi.

The Spaniard threw the great Louisiana territory into the lap of France as a bulwark against the advance, but the clear vision of Napoleon Bonaparte saw a destined republic, extending from ocean to ocean, and with the single stroke of a pen he annulled the alliance which the heirs of Isabella had attempted to make against fate. Three generations after the ink dried on that parchment happy children were playing in American homes along the Platte, the Columbia, and the Sacramento.

It was not Thomas Jefferson that gained the territory west of the Mississippi for this Republic; neither was it due to the political complications among European nations. This determined the time and offered the opportunity for the acquisition. It was the sublime might and destiny of the American people, the heirs of the traditions and fortunes of a world-mastering race, which won Louisiana for the United States; and it is this same spirit of liberty and this same passion for law, still springing from the breasts of heroes, that will nourish the libraries planted at Manila and make effective the mission upon which we start the law for civil government which we are now framing, and upon it all we can, without Pharisaical pretense or hypocrisy, ask the favor and blessing of Almighty God.

I believe this Republic has a mission both at home and abroad; its mission at home, the happiness and prosperity of its own people—its mission abroad, the bestowal of the blessings of law and order and civilization upon other people, even upon those who live in the uttermost parts of the earth.

I believe this is God's favorite nation and that he has directed it ever since Lexington and Concord, and to-day I believe—

Our destiny He holds
As in the hollow of His hand,
And all the armies, all the
Fleets of earth
Can nothing do to check our
Forward course 'till He attains
His end.
On stern New England's coast
He sowed the seed three hundred years ago.
He warmed it with His breath,
With human tears he watered it,
And from that soil brought forth a tree,
Whose fruit, when ripe, shall be
For all the children of this mundane sphere.
Yes, God still leads us on—
From Plymouth Rock to the Philippines
The grand, triumphal march of
Human liberty has never paused;
And through the mists of coming years
I see the emancipated hosts
Press on, and up, to those broad
Heights where all mankind shall stand
Before their Maker free,
And in the shadow of the
Stars and Stripes find peace and happiness
Forevermore!

[Loud, long, and continuous applause.]

Mr. JONES of Virginia. Mr. Chairman, before yielding to the gentleman from Colorado [Mr. SHAFROTH] I desire to read one or two things bearing upon the subject under debate which I think will prove of interest to the members of this House. The distinguished chairman of the Committee on Insular Affairs in opening the debate quoted extensively from the testimony of one Felipe Buencamino in order to establish the charge that the Philippine government had planned, prior to the 4th day of February, 1899, a wholesale massacre of the Americans then located at Manila. The only testimony which has ever been adduced, the only scintilla of evidence that has ever been produced by anybody, to sustain this odious charge against the Filipinos is that of this swift witness Buencamino, quoted, as I have said, by the distinguished chairman of this committee.

I hold in my hand a document which contains a letter dated Manila, January 1, 1900, and written by Theodore W. Noyes, editor of the Washington Star, then in the city of Manila. Mr. Noyes says——

Mr. COCHRAN. Is not Mr. Noyes the staunch supporter of the Administration's Philippine policy?

Mr. JONES of Virginia. Mr. Noyes is the staunch supporter, yes; the thick and thin supporter of the Administration's policy in the Philippine Islands. This is what Mr. Noyes says:

In response to a question concerning Aguinaldo's character and influence, and the importance of his associates, General Otis said:

"Buencamino is a professional turncoat, everything in turn and nothing long. He has been an officer in the Spanish army, and was secretary of state in Aguinaldo's cabinet when he was captured."

This is the testimony of General Otis, the commander in chief of the American forces in the Philippine Islands at that time, vouched for by Theodore W. Noyes, editor of the Washington Star, whose Republicanism and imperialistic tendencies I think no Republican upon this floor will question, as to the character of Felipe Buencamino. To further show that the testimony of this Filipino traitor, Buencamino, is utterly worthless and that he is in no sense a fair representative of the Philippine people, I desire now to read a letter just received from a distinguished Filipino, a man of ability, of unquestioned patriotism, of the highest character, and one who possesses in the largest degree the confidence of his countrymen:

BOSTON, MASS., *June 21, 1902.*

The Hon. WILLIAM A. JONES,
House of Representatives, United States,
Washington, D. C.

DEAR SIR: After reading a full report of Señor Buencamino's evidence before the House committee I feel genuinely sorry for the man, and were it not that I regard it as a duty to expose his misstatements I should much prefer to leave him to his own peculiar and futile devices. If the American people would only read his evidence in full, and not the edited reports of it which appear in the press, I should be quite satisfied. It contains its own refutation in its glaring contradictions, its dexterous evasions, its extraordinary admissions, and its servile, fawning flatteries and self-deprecations. Indeed, were it not for the fact that Señor Buencamino knows that this influence, under Filipino rule, would be less than the shadow of the lost soul of an invisible decimal, I should be inclined to believe that he is really an enemy of the Administration in disguise, seeking to place it in an untenable position in regard to statehood and American citizenship for the Filipinos. I intend to have his evidence translated and published in the Philippines, without note or comment. You can have no idea of the effect it will produce among his fellow-countrymen. I am sure if he had known of the cross-examination to which he was to be subjected by you and others, he would never have come to this country.

But the point to which I desire to draw special attention is this: How is it that not one of the thousands of able Filipinos—men of irreproachable public and private reputation, who President Schurman says are the equals of those in similar vocations in Europe and America—how is it that not one of these men can be induced to publicly testify, either here or in the Philippines, in favor of the present policy of the Administration? And why is it that Señor Buencamino, the sorriest specimen of political and religious inconsistency, has been furnished with leave of absence and free passage to America in order to testify against the ability of his own countrymen for self-government? It is as certain as the rising of the sun that if any of the above referred to Filipinos had been willing to testify in favor of the present policy they would have been brought to this country.

The conclusion, therefore, is irresistible that none of these men will testify and that those whose private interests make them in some measure favorable to American rule are unwilling to face the public odium to their fellow-countrymen by giving even a temporary support to the present policy. Even Chief Justice Arellano will not publicly commit himself. I have, indeed, heard on good authority that he is opposed to the permanent occupation of the islands by America, and that his great fear is lest America should get too strong a hold upon the Philippines. Under all these circumstances I regard the advent of Señor Buencamino as of value to the cause of Philippine independence, for if he, with his political reputation, is the only Filipino who can be found to publicly espouse the opposite policy, then how feeble must the support of that policy be.

It is usual and apparently regarded as being politic at the present time to declare that the Filipinos are "children," and that they do not know this, that, and the other. There never was a greater mistake. The Filipino mind has not, apparently, been fathomed by those who alternately proclaim its simplicity and its "Asiatic" astuteness. The Filipinos know that the Philippine issue is not permanently settled. They are being continually assured that "America has come to stay," but they know too much of the political system in this country to place reliance in any such assurance. There is still the future with all its possibilities; there is still the moral question to be settled, and moral issues have a peculiar habit of winning in the end. No Filipino with a reputation to lose, whatever his present personal interests may be, is willing to take up a position which will place him ultimately in the wrong and in opposition to the present sentiments of his fellow-countrymen. Governor Taft may endeavor to persuade himself and others of "the promising outlook" and of "their willingness to accept American sovereignty;" and Señor Buencamino may proclaim with tearful unction that "Governor Taft is the idol of the Philippine people." Let no one be deceived by this optimism or this flattery. The man to become the idol of the Filipinos is he who will authoritatively proclaim the independence of the Philippines.

But to return to Señor Felipe Buencamino. Elsewhere I have shown that he once denounced the sovereignty which he now professes to "love;" that he made a serious charge against the late President McKinley; that he supported Spain against his own countrymen and sought to induce Aguinaldo to fight against America; that he was the bitterest opponent of the martyred Rizal, whom he now professes to love and praise; that he had been subject to three temporal and two spiritual powers within three years, all at the call of "overmastering political reasons," and that he has now come to appeal for statehood and American citizenship! Perhaps his most objectionable characteristics are his fawning flattery and his abject self-depreciation. Listen to this: "Permit me," he says to the committee, "to express the happy emotion that I feel at this moment, an emotion which comes from my heart, an emotion coming from the soul of my country (!), because, after a voyage of forty-seven days, I have the honor and pleasure (!!) of appearing before the sovereign of my country."(!!!)

Could anything be more nauseating? Yes; here it is: "If we," he says again to the committee, "understand by 'education' culture, then we are entirely uncultured, beginning with myself, and I request this committee to pardon all my lack of culture which may have been shown, because it is not our fault; the Spaniards have not educated us for this." Could anything be more abject? There is a point where self-depreciation becomes meanness. In all this he is an unworthy representative of that dignity and self-respect which even the humblest Filipino possesses. Fancy such a man being on the civil service commission of the Philippine government!

Señor Buencamino's meanness of spirit is equaled only by his inconsistency. When he makes two statements that are diametrically opposed, the question arises, Which of them is true?

Thus, on pages 5-6 of his evidence before the committee, he says that the present conditions, as compared with those under Spanish rule, are like "the difference between happiness and misery." He fails to show wherein the present happiness consists, but he certainly demonstrates by an array of facts that misery was indeed universal under Spanish rule. At the very time, however, when Spain was inflicting all this "misery," and when Rizal and his compatriots were urging reform, Señor Don Felipe published a proclamation with the title "To our dear mother country, Spain," in which he says: "What more could we ask or desire in a lawful life than that which we enjoy under the shadow of Spain? We prefer * * * the paternal Government of Spain, * * * which represents in the past such great sacrifices and in the present such great watchfulness over our welfare and happiness as calls for our deepest veneration. * * * What more, then, can we ask or desire? We must be blind or insane not to be aware of the well-being which we enjoy in the beneficent shadow of the Spanish standard. Death to the traitors who disturb our peace and public tranquillity! * * * Long live Spain and her paternal government in these islands! * * * And long live the Philippines, by Spain and for Spain, our beloved mother country!"

Where, then, was the "misery?" Since he lavished this extravagant praise on conditions which he now declares were "misery," what is the value of his testimony as to present "happiness?" Which is the truth?

Again, Don Felipe is an unrelenting opponent of the friars. Quite right. He has even forsaken what he once declared to be "an enlightened religion, the Roman Catholic faith," because of them. In his own words, he has abandoned "the friars and passed over to the Protestants," to Presbyterianism, which may be said to be the antithesis of Roman Catholicism.

Well, who would have believed it? In the above-mentioned proclamation he says: "The friars and all the Spanish constitute for us the basis of our civilized life. With them we have peace and order; they leave behind them education and industry, the springs of all our public felicity, and without them would come irresistibly disorder and chaos. * * * Affection, adhesion, respect, and submission to all that is Spanish, be it of the friars or not; this is what the country incarnates in her pure and virgin soul." Pure and virgin soul! What balderdash. But at that time Señor Buencamino was said to have been in the employ of the friars; he is now in the employ of the Civil Commission, hence his change of opinion, hence the former praise and the present blame. Again, which is the truth?

Señor Buencamino can not now find words to express his high appreciation of Dr. Rizal; he declares him to be the idol of the people. One of his present objects in America is "to collect data to hold an exposition in Manila in honor of the Philippine hero, Dr. Rizal." How incensed will the Filipinos be when they hear that the one whose memory is loved and revered is thus to be desecrated by this histrionic sham. When Rizal was in Europe, poor and penniless, working with other Filipino patriots in order to free their country from Spanish "misery," this is what Señor Don Felipe Buencamino wrote concerning them: "Our love for Spain and her present government in this country burns with such a flame that we should like to hold the cowardly authors of these libels in our hands so that the heat of it might burn them, and we might then cast to the winds their unclean ashes, so that, if possible, they might be utterly lost and reduced to nothingness. And we shall not rest until we discover and tear from them their masks, so that every noble and worthy Filipino may strike at their ignoble faces a blow of scorn whose clear and sonorous echo shall be the genuine sign and evidence of this sincere and solemn protest." And the man who wrote this would now desecrate the memory of Rizal with his unhallowed influence. Does Governor Taft, do the members of the Civil Commission, know that these are the words of a prominent employee, spoken of one to whose memorial statue they have subscribed?

It is fair to assume that General Weyler is under the ban and execration of every decent man and of the whole civilized world. "Butcher Weyler," "the methods of Weyler," "Weylerism," these are synonyms for all that is cruel and inhuman. Señor Buencamino, had he been questioned by the committee, would doubtless have joined in the general execration, and would have drawn flattering comparisons between the methods of Weyler and the methods of Waller. Yet when General Weyler was governor-general of the Philippines this is what Don Felipe said of his patron in the same proclamation in which he denounced Rizal and his compatriots:

"It is true that we who are innocent can live tranquilly, protected by the civic prudence and valor of the governor and captain-general, his excellency Señor Don Valeriano Weyler. This illustrious soldier, this zealous and highly intelligent governor, after almost a year of voyages by sea and land, has just finished an inspection of almost all the provinces of the archipelago (this reminds one of similar inspections by Governor Taft), learning and testing the truth of what we say—that is, that we, the mass of the Filipinos, neither feel nor profess the ideas and thoughts which are contained in these offensive writings and incendiary documents. * * * On the contrary, General Weyler will have seen predominating in us religious sentiments as well as those which we so greatly owe to the mother country. * * * And it is plain that, estimating at his true value the most worthy Marquis of Teneriffe (General Weyler), whose virtues are as well known as they are evident, it is plain that he cares for us and loves us. * * * Long live General Weyler and all our constituted authorities." And he concluded this encomium on Spain, the friars, and "Butcher" Weyler with these patriotic words: "Here, then, is the theme for which we are all ready to shed the last drop of the blood which flows in our veins."

This is the man who is a member of the civil-service commission, who has been given a free passage to America, and who says that Governor Taft is the "idol of the Filipinos." Of what value is his praise? After his nauseating flattery of Weyler I am delighted to find that he does not praise me. If he said that I was the idol of the people, that to me would be proof positive that I was not. He says that I "accused Agoncillo of being a traitor," and that I am an "irreconcilable insurgent." Both of these statements happen to be untrue; but, then, no one would ever dream of going to Don Felipe for crystalline veracity. As a matter of fact, when I was writing to the Philippine government urging it to cease hostilities Don Felipe was declaring that his "attitude was firm," and that he was "ready to sacrifice his life" for Philippine independence.

Señor Buencamino must have seen all my dispatches urging a cessation of hostilities, for he was a member of the government when these dispatches were opened and read, yet he now says I am an "irreconcilable insurgent." But there is one charge which he does not and can not bring against me, namely, that of forsaking a cause once espoused. I have stood by the cause of my country through good and evil report. My pocket has never affected my patriotism. I have never supported Spain; I have never denounced Rizal; I have never praised the friars; I have never flattered Weyler; I have never said that Governor Taft was the idol of the Filipinos; I have never made unwarrantable charges against American statesmen; I have never praised American or any other foreign sovereignty. On the contrary, I have worked persistently for the independence of my country ever since I was a boy, and, come good or ill, I shall work for it until it is achieved or as long as life remains.

But I have not yet done with Señor Buencamino's inconsistencies. In his evidence before the committee he emphasizes the necessity of American control in the Philippines. "I wish to let it be known," he says, "that our desires are to obtain a just and liberal government and to become Americans." The Filipinos "need a lot of education, much instruction, and a firm and strong government, supported by the constitutional and executive powers of America." But as late as February, 1900, in answer to the question put by General Wheeler, "Would the Filipinos accept an honest American government, which would guarantee their personal liberty and property?" Don Felipe replied: "We answer no. First, because a foreign government seems to the Filipinos the same as the Spanish Government. Secondly, the American Government shows its title as a buyer, and as such is hated by the people, because their dignity is humiliated. In the third place, because the American Government can never guarantee freedom from its own abuses, for no one is just to his own prejudices; and in the fourth place, because an American government is not a just recompense for the bloody sacrifices of the Philippine people, who have carried on four years of war, since 1895, in order to sustain a government of their own. American government over the Philippines is an injustice, and injustice is neither acceptable nor loved."

It will be universally admitted that Senator HOAR is an uncompromising supporter and advocate of independence for the Filipinos. His numerous speeches do not admit of a double or a doubtful interpretation on this or any other question. He differs from Señor Buencamino and his present policy as much as light from darkness, or righteousness from sin. Well, then, this is what Don Felipe said last October to Congressman GAINES:

Q. Did you ever read the speeches of Senator HOAR?

BUENCAMINO. He is better fitted and has divined the conditions in the Philippines better than any other man.

Q. His speeches better define the conditions, possibilities, etc., of the Philippines than any other speeches?

BUENCAMINO. The best of all.

Q. You are willing and your people are willing to stand by Senator HOAR and what Senator HOAR wants, and that is what you want and your people want, and nothing else will satisfy you?

BUENCAMINO. Yes.

(CONGRESSIONAL RECORD, p. 6965.)

Could inconsistency go further? The man apparently agrees with everybody. Will not some American—some expansionist—in the interests of common decency endeavor to induce Señor Buencamino to retire into private life?

To prophesy with any reasonable assurance of fulfillment is usually difficult. But it is easy to prophesy that Señor Buencamino will once again be as loud in his denunciation of American sovereignty as he now is in its praise. That which is true within the limits of experience is probably true beyond those limits. Thus we have:

Long live the friars!
Long live General Weyler!
Long live Spain!
Down with Rizal and his "ignoble face!"
Down with the friars!
Down with Weyler!
Down with Spain!
Long live Aguinaldo!
Long live the Philippine republic!
Down with Aguinaldo!
Down with the Philippine republic!
Long live Rizal!
Long live Governor Taft, "the idol of the people!"
Long live American sovereignty!
The above is history; the following is prophecy:
Down with Presbyterianism!
Down with Governor Taft!
Down with American sovereignty!
Long live the Catholic religion!
Long live the Philippine republic!
Above all, long live and prosper Felipe Buencamino!

I have said that Señor Buencamino has never praised me. I was wrong. He has never publicly praised me, for which I am thankful. But since writing the above I find that in a private letter to my sister, written last July, he says; "Your brother Sixto is, of all our champions abroad, the most patriotic and the most judicious." I am sorry for this. I thought I had escaped; but who shall escape Don Felipe's praise? It is as universal as sin, as lavish as redemption, as loathsome as disease. But why should I complain when Rizal has had to suffer it? Besides, although I am "the most judicious," and although I am "working in good faith," Señor Buencamino told the committee that I am "entirely wrong!" Thank you, Don Felipe! I much prefer your blame to your praise.

I think I have now fairly substantiated my statement that Señor Buencamino is a modern Barber of Seville and Vicar of Bray rolled into one, and that he has been "All things to all men in the ascendant." Some day we shall erect a monument to Don Felipe, and on it we shall place this inscription: "Here lies the man who agrees with you!"

With apologies for the length of this letter.

Sincerely, yours, SIXTO LOPEZ.

Mr. Chairman, I have read in the morning papers that on yesterday this man Buencamino was in the city of Canton, Ohio, where he visited the tomb of the late President McKinley. He first visited Mrs. McKinley at her home, and we are told that after shedding a few tears and making a fulsome address he proceeded to the tomb where lie the mortal remains of the late President. When he reached that sacred spot his feelings so overcame him that he again burst into tears. It may be of interest to, if it does not astonish, some of the admirers of Mr. McKinley to learn that this man once addressed a memorial to this Congress in which he charged President McKinley with the direct responsibility for the breaking out of hostilities between the American and Filipino forces in the Philippine Islands.

This is what he wrote.

Therefore it is plain that it can not be claimed that by reason of your victories over the Spaniards rights of conquest accrue to you as being due from the Filipinos, for the all-sufficient reason that you were not engaged in war with us between the 1st of May, 1898, and the 4th of February, 1900, during the night of which latter date your forces, in accordance with the orders of President William McKinley, commenced hostilities against our forces for the purpose of establishing American sovereignty in our archipelago by force of arms.

Can my Republican friends conceive of the man writing this who on yesterday shed those hypocritical and crocodile tears at the tomb of McKinley?

Mr. Chairman, I shall not weary the House by reading anything further as to the character of this man. I simply want to call attention again to the fact that the able and distinguished chairman of the Insular Affairs Committee was obliged to base his statement that the Filipinos contemplated the wholesale massacre of Americans at Manila upon the unsupported statement of this man, a man denounced by General Otis as a turncoat, and all things to all men. I now yield thirty minutes to the gentleman from Colorado.

Mr. SHAFROTH. Mr. Chairman, the questions which are fairly presented in the pending bill and the proposed minority substitute, are whether we are going to impose upon the Philippine people a government, which can enact no legislation without the consent of a commission appointed by a nation 7,000 miles from their shores, or whether we are going to assist the people of

those islands, to form a government under which after eight years of experience, they are to become free and independent—whether we are to rule the Philippine Archipelago as a colony, or assist it in establishing an independent government, as we did in Cuba.

The principal virtue of the minority substitute is that it promises independence. It removes the doubts and fears which must exist in the minds of the Philippine people as to whether they will be ruled forever by a distant nation of another race. It will inspire that people with a hope for a destiny of their own, which is the laudable ambition of every distinct people.

At the close of the Spanish-American war we found ourselves in two widely separated foreign countries, one the island of Cuba, the other the Philippine Archipelago.

The people of both these countries had been for years fighting against the same injustice and tyranny, imposed by the same government.

Each had founded a republic modeled after those of the United States and Mexico. Each had exercised sovereignty over parts of their territory; that of the Philippine republic extending much further than that of the Cuban government.

The people of the Philippine Islands were equally as intelligent and capable of self-government as were those of the island of Cuba. At that time the feeling of both peoples to us was that of deep gratitude and intense devotion, engendered by our supposedly unselfish heroism in giving freedom to oppressed peoples.

We promised independence to the Cubans and thereby inspired confidence in our integrity and produced affection for our people. Congress refused to indicate what we would do with the Philippines, which caused distrust, fear, and hatred of our Government.

Some of our opponents say they recognize that the spirit of our institutions is the consent of the governed, and that ultimately they will give independence to the Philippine people, but they will not promise it.

If people are entitled to independence, why have they not the right to have it assured? Do we not, in determining our relations with other nations, want every obligation specified? Even in private affairs, do we leave obligations in doubt or to the discretion of the other party? Does not uncertainty lead to difficulty?

How would you like a distant people of an alien race to take possession of your country while you were fighting for liberty, and tell you that although according to their form of government you are entitled at some time to independence, they will promise you nothing, especially when you had helped them defeat a common enemy?

What would you have thought of France if, after sending troops to assist us in defeating her old enemy in 1776, she had made a treaty with Great Britain by which in consideration of $20,000,000 she had purchased the thirteen colonies of America for herself? Could you then have had any confidence in France? Would not such conduct have compelled you to despise that country far more than you had ever hated England? Would it not have forced you to fight France to the bitter end?

I have never yet heard an American say, that if he were a Filipino he would not fight for independence as the people of the Philippine Islands have done.

Sir, there is not an American in all our 45 States, who would not fight with determination and desperation against a foreign foe that landed on our shore.

In view of this sentiment, how can our opponents hope for a vindication of their course in history? After the fever of war has subsided and the sense of reason and justice has returned, how can they expect an indorsement from the liberty-loving people of America of their Philippine policy?

Had we stated at the time we made the treaty with Spain, that we purchased the Philippine Islands to give the people thereof independence, we would have had the same conditions there as exist in Cuba to-day. We would have had no war, no loss of thousands of soldiers, no expenditure of hundreds of millions of dollars, and no loss of confidence in our integrity, but we would have had the warm affection of a grateful people. And if we now promise them independence the war will cease, our soldiers return home, the drain on the Treasury end, and we will receive the plaudits of every liberty-loving people in the world.

INALIENABLE RIGHTS INVOLVED.

There is at stake in this policy the very principles of the Declaration of Independence. The principles promulgated by that instrument are true or they are lies. Men either are or are not equal before the law. They are or are not entitled to life, liberty, and the pursuit of happiness. Governments either derive or do not derive their just powers from the consent of the governed. If you negative these propositions, our theory of Government is gone. If you permanently deprive the Philippine people of self-government, then you declare that governments do not derive their just powers from the consent of the governed, but from force.

Powers of government are either assumed or delegated. All powers not delegated are assumed, and all assumed powers are usurpations.

If the principles of the Declaration of Independence are the true principles of government, then republics are right and monarchies are wrong, and every violation of those truths is a wrong against humanity.

Since the dawn of civilization, in every government there has been an incessant conflict between the principles of monarchies and republics.

In monarchies, at times the people have wrested from the crown some rights and privileges, and in republics, the executive has at times gradually assumed power through the influence of the privileged classes.

In each government there have always been two political parties, one demanding increased power for the executive, and the other increased power for the people. One for the centralization of power, the other for power in the component parts. In a republic, it is the same contest on a minature scale as that between the king and his subjects.

The growth of the power of the executive in a republic is slow and gradual, so gradual that when the usurpation is made it is no usurpation except in name. Cæsar, as president of the Roman senate, had as much arbitrary power as he would have possessed had he taken the crown on the Lupercal.

The change in power from the monarch to the people is the reverse of the growth of executive power. It does not come until the acts of the monarch have become so arbitrary and unjust as to produce revolution.

Nearly every important question that arises in a republic when carried to its final analysis, resolves itself into a measure tending to the increase or decrease of executive power. It may be concealed in privileges to a class, but the privileged classes are always the advocates of greater executive power.

Gentlemen scout the idea of imperialism, but they must remember that there has come a time in the history of every republic which existed long when the power of the executive was so enlarged that usurpation became easy and was successfully accomplished. No truer statement was ever made than that "Eternal vigilance is the price of liberty."

Let us not begin our downfall by discarding the Declaration of Independence.

WHO ARE THE PATRIOTS?

Mr. Chairman, the imperialists charge us with being unpatriotic, because we criticise the course of the Administration, in assuming sovereignty over territory without the consent of its inhabitants, in retaining as a part of this country distant islands inhabited by an alien and undesirable race, and in subjugating a people in their own country who never did us any harm, and whose only offense is their love for that same liberty and independence for which our forefathers were willing to sacrifice fortune, home, and even life itself.

They admit that it is proper at some stage of the proceedings to consider a question of such momentous consequences to our institutions and welfare, but whenever the question arises they then tell us it is unpatriotic to discuss it at this time.

I.

They contended before the ratification of the peace treaty with Spain, that it was no time then to discuss what we should do with the Philippine Islands; that if we rejected the treaty, it meant we were still in a state of war with Spain, and that it was unpatriotic not to conclude a treaty of peace; that all agreed the islands should be wrested from the tyranny of Spanish rule, and to reject the treaty would place the Philippine people in bondage to Spain forever.

The President, in his message to the Senate which accompanied the treaty, used these words: "Do not talk about it now, but after you have ratified the treaty then it will be in order to consider whether or not we shall permanently hold the Philippine Islands." That was the argument of nearly every Senator who urged the ratification of the treaty.

II.

Mr. Chairman, an insurrection broke out in the islands, caused by the President, before the ratification of the treaty, sending a proclamation to General Otis, which ordered him to take possession of the country as a part of the United States and assume sovereignty over its people. Sir, that was a declaration of war to a people who were struggling for independence. It was while this insurrection was in operation, that the Administration contended it was unpatriotic to talk about whether we should hold the archipelago when men were in arms against us; that for heaven's sake let us suppress the insurrection and then we can determine what is best to be done with the islands; that talk of giving them independence encourages them to believe they can win, and therefore to keep up the struggle.

Ah, Mr. Chairman, do not gentlemen know that all the talk for

a century of giving the Filipinos independence could not produce an effect equal to those few lines contained in the Declaration of Independence which say:

> That to secure these (inalienable) rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness

Is the Declaration of Independence an unpatriotic document? Can it be unpatriotic to invoke its principles? It is not that the Filipinos do not know the justice of their cause, or have heard of speeches made by Americans advocating independence of the islands for the good of our own country, which encourages them to believe they can win and hence to keep up the struggle.

But, sir, even if such charges were true, should we let the far greater questions arising from such a policy, which involve the welfare of our people and a change in our own form of government, become settled without protest or discussion?

Is it patriotic in us, who believe great calamity to our country will result from such a policy, to wait until you have riveted the chains of colonial empire upon our limbs, and effected the beginning of the downfall of the American Republic? Bloodshed, as horrible as it may be, would in its consequences be insignificant compared to the evils resulting from such a policy.

But, sir, it is not true that talk of giving the Philippine people independence encourages them to believe they can win, and hence to keep up the struggle. If they know anything, they should know to keep up the war jeopardizes the chances of adoption of the policy of giving them independence, because there are some people here who will be deceived as to the true question involved by this very claim.

Can a sentence be found in any speech delivered in Congress, which even suggests that the United States is not strong enough to conquer or even annihilate the Filipinos? Are people encouraged to keep on fighting us when they know we are considering whether it is not best for our own country to give them independence? Do people usually prejudice their cause in that manner?

What is it, then, that keeps up the war in the islands?

It is the declarations so often made that we will whip the Filipinos into submission, without promising them anything, cost what it may; that they are an uncivilized race—the Apaches of the Orient, and are not entitled to the rules of civilized warfare.

It is in the action of those officers, who disgrace their uniforms by murdering prisoners of war, burning barrios and villages, and torturing men to extort information against their own people. We know that such acts do not represent either the Army or the American people; but if you were a Filipino who had felt the bitterness of such a wrong, could you resist the desire to fight?

If you were a Filipino, which line of talk and action would encourage you to continue the struggle? Would not such threats and cruelties make you determined to fight even unto death? Do you imagine that human nature is not the same the world over?

Have the Filipinos not "eyes, hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same summer and winter as you are? If you prick them, do they not bleed? If you tickle them, do they not laugh? If you poison them, do they not die? And if you wrong them, will they not revenge? If they are like you in the rest, they will resemble you in that."

It is such disparaging declarations, such threats and acts, that keep up the insurrection. To produce conciliation one act of kindness is worth a world of cruelty.

Although it is clear it was not the voice of those who advocated independence to the Filipinos for our own country's good, that encouraged them to believe they could win, and hence keep up the struggle; it is also plain that it was the voice of those who threatened to conquer the Filipinos at any price, together with the inhuman acts referred to, which made the Filipinos continue the insurrection.

III.

Mr. Chairman, about two years ago we had two or three official declarations from Manila that the war was over, the insurrection suppressed. We then thought that surely the time had at last arrived, when it was proper to discuss the question, as to whether it was not best for our own country and necessary to the perpetuity of republican institutions to give the Philippine people their independence.

Sir, it was then the imperialists began to claim that it was too late to talk about surrendering territory once acquired by the United States; that those Democrats who voted for the treaty were estopped from talking about surrendering sovereignty; that by that act we took an irrevocable step, and that we must never pull down the American flag; that it is perfectly proper for the Democrats to discuss and make an issue upon the conduct of the war, but it is traitorous to talk of hauling down the American flag.

Ah, Mr. Chairman, we hauled down the American flag only a few days ago in Cuba. Is Theodore Roosevelt a traitor because he hauled it down? It went up as the ensign of freedom; it came down as the symbol of liberty. It becomes more glorious because it did come down, as it could not remain there in honor.

It was hauled down from the walls of Pekin two years ago. Was President McKinley a traitor? It was hauled down at Quebec, at Chapultepec, on the border of Maine, on the border of Alaska, and at other places. Have we had so many traitors in our country?

Sir, is it too late to talk of independence of the Philippines, if their annexation to our country is a detriment to us, if their inhabitants are a menace to American citizenship, if their retention is weakening to our military power—if the holding of them makes us a colonial empire and changes our form of government?

How paradoxical it is to contend it unpatriotic for one to do what he believes is for the best interest of his country. It is never too late either in the individual or in a nation to correct a mistake, or to confess a wrong.

Mr. Chairman, some imperialists admit that we should never have acquired the Philippine Islands; that it is contrary to the spirit of our institutions; but, they say, we are there; we can not afford to stop the war and withdraw from the islands; that we would become the laughing stock of the world; that it would injure our prestige. The analysis of that argument is that as we started wrong, we must keep on doing wrong. Could there be a loss of prestige for the giant to stop whipping the child and loosen his grasp, so it could be free, especially after the giant had announced that the child was no longer fighting?

Did Great Britain lose prestige when, even after defeat at Majuba Hill, it recognized the independence of the South African Republic? It was at that time Gladstone said, Great Britain is big enough to do what is right. It is the policy of Sir Joseph Chamberlain which has lowered the prestige of the British Empire.

The contention that we would become the laughing stock of the nations of the world, is as the suggestion to the young man contemplating a Christian life, that he would become the subject of ridicule to his companions. It is the old argument of the devil to prevent the reformation of his victim.

The United States of America is great enough to do what is right.

IV.

Mr. Chairman, within the last six months we have heard of officers who have ordered the burning of barrios and villages, the torture of victims to extort information against their countrymen, and the killing of prisoners of war because they did not give information as to what herbs were good to eat.

When these outrages are denounced as diabolical, you then pretend that we are unpatriotic and claim that we are against the Army.

Can you not realize that it is no more of an attack upon the Army to denounce officers who disgrace their uniforms, than it is an assault upon society to condemn murderers and highwaymen? Why do we punish criminals? For the protection of society. It is for the protection of the Army that those who commit inhuman acts are denounced. As a community which will not comdemn criminals falls into disrepute, so will the entire Army fall into disrepute unless its criminals are punished. It is a duty to the good men and officers of the Army that these inhuman monsters are punished.

Can you not recognize that it is the duty of Senators and Representatives to investigate the operation of every department of the Government, and condemn abuses wherever they appear.

You have been warned time and again, that such horrors would be the inevitable consequence of a war of conquest against an alien race.

I warn you now, as all history teaches, that a war of subjugation is bound to produce anarchy at home; that you can not as a nation ruthlessly trample upon the inalienable rights of others, without implanting in the individual the doctrine that might is right, which is the argument of every highwayman and of every criminal who inflicts a wrong upon another. We can not enforce that doctrine collectively and hope to escape from the horrors of individual application.

We are as certain to pay the penalty for the violation of the law of our own being, as that consequence will follow cause.

Upon whom, then, should fall the condemnation of the people? Sir, upon the heads of those who have advocated a policy which, according to all human experiences, was sure to produce such terrible and fatal results.

So it seems, no matter what position one takes upon the Philippine problem, unless he indorses the policy of the Administration,

horrible in its morals and consequences as it may be, he is denounced as unpatriotic and by some as a traitor.

TEST OF PATRIOTISM.

The contention is made that we must at all times uphold and encourage the Administration when in war. Although true as to a defensive war and also as to one, irrespective of cause, which has culminated in a war of self-preservation, yet it is not true as to a war of conquest and subjugation. The doctrine of peace on earth, good will to men can not be annulled by a dogma which sanctions forcible annexation—criminal aggression.

Mr. Chairman, if such a doctrine were sound, every protest by peace-loving people against diabolical wars would be traitorous.

In protesting against war the intention of the party is the controlling factor to determine his status. If his object is to injure his own country, if his action is prompted by affection for the enemy, then truly would he be unpatriotic though not a traitor as the essential element, an overt act, required by our Constitution would be lacking. The test, therefore, as to whether one is a patriot or a traitor in heart is whether his utterances are intended for the welfare or detriment of his country, for the upbuilding or destruction of the principles of his government, and are prompted by love for his own or the foreign people.

If his object is to prevent the carrying out of a policy, which he believes will result in injury to his own country and in years produce a change in the form of his Government, his protest is the very highest form of patriotism. In fact, the man who believes that dire consequences will follow the adoption of such a policy, is a traitor in heart if he does not lift his voice to prevent such calamity.

In the war with the Filipinos, the sole object of those who have criticised the Administration, has been the greatest good for our own people and country. No one in either branch of Congress has ever had any affection for, or even intimate relation with the people of the Philippines. Except from a purely humanitarian standpoint, we do not care a fig for the Philippine people. We are, in fact, so free from affection for them, that we do not want to have any political relations whatever with them.

Sir, to charge men whose actions are prompted by the highest good to our own country, as being copperheads and traitors is as diabolical a slander as was ever uttered.

Who are the patriots? Are they those who want to govern a people by force, or those who recognize inalienable rights in man? Are they those who would repeal the Declaration of Independence, or those who regard its principles as self-evident truths? Are they those who regard that instrument as an incendiary document, or those who believe it a divine inspiration? Are they those who would run the hazard of imperialism, which all history teaches results from colonial empire, or those who wish to perpetuate the blessings of a republic? Are they those who would abandon the Monroe doctrine for oriental provinces, to be governed and taxed without representation, or those who wish the United States to continue to be the beacon light of liberty to every oppressed people on the face of the globe? Are they those who want to annex distant islands which can never pay, or those who desire to protect the Treasury from such depletion? Are they those who would plunge the Government into another race problem, or those who do not wish American citizenship degraded by Malay peoples of tropical climes? Are they those who would develop distant lands where our people can not labor, or those who desire its capital to be used in developing our own industries? Are they those who are willing that the military power of our country should be weakened by the annexation of territory 7,000 miles from our base of supply, or those who desire only territory contiguous to our borders? Are they those who have crushed the only republic of the Orient, or those who would respect the high aspirations of another people for liberty, freedom, and independence?

Mr. Chairman, impartial history will determine, that the true patriots are those Americans, who love their country too well to let it do wrong; too well to suffer it to violate the principles of the Declaration of Independence; too well to allow it to repudiate government of the people, for the people, and by the people; too well to permit it to be wrecked upon the rocks and shoals of colonial empire.

Let us preserve our glorious country as

The land of the free
And the home of the brave.

[Loud and continued applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 4949. An act to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes;

S. 5678. An act providing for a record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes; and

S. 6148. An act providing for the resurvey of certain townships in San Diego County, Cal.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate its message disagreeing to the amendment of and asking a conference with the House of Representatives on the bill (S. 4284) entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January 14, 1889.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. SLAYDEN. Mr. Chairman, I desire to record my protest against the passage of any bill which seeks to set up government over a foreign people with whom we have never had political union and against their wishes.

Upon every occasion that has offered, and so far as the circumstances have permitted, I have voted against the unprovoked, unholy, and unjust war being waged by the President against the Filipinos. In my judgment, the President has no right to wage such a war.

Section 8 of Article I of the Constitution of the United States, in which is a definition of the powers of Congress, says that it (and it alone) shall have authority—

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Congress has never declared war against the people of the Philippine Islands. Yet it is notorious that a state of war between the people of those islands and the administrators of the Government of the United States has existed since February, 1899.

The Secretary of War, in a recently published document, admits that this Government has spent nearly $200,000,000 in the prosecution of military enterprises in those far-away islands.

From the viewpoint of the taxpayers such an extravagant use of the public funds lifts the Philippine adventure out of the category of insurrection and gives it the dignity of war. Is this not a palpable violation of the Constitution and a repudiation of the solemn oath taken by the chief executive officers of the Government?

No matter from what direction you approach it, Mr. Chairman, this whole Philippine mess is repulsive. It has led us into cruelties, and it has caused us to deny the most sacred American beliefs.

George Washington, who has, it appears, gone out of fashion, warned us against entangling alliances. But now comes the dominant party with the foolish boast that because we have been brutally successful in slaying untrained and badly armed Malays, who have never harmed us, who were, in fact, almost to a man, ignorant of our existence until we sent our men and arms to their country, and of whom we in this country were almost as ignorant, we have become a "world power," and that there has been lodged upon us the undesirable responsibilities of this new dignity.

We are told that we occupy the most valued strategic point from which to exercise military and commercial control in China. If we have really secured such a position, if we have fought for it and spent hundreds of millions of dollars to get it, will we not be foolish not to use it? And if we do use it to prize open the door of China, are we not sure to find on the other side of that door the Russian bear snarling its defiance of the British lion, while the German eagle is watching the game with the hope of carrying off a full share of the prey? Will these conditions not force us into alliances, commercial and military, defensive and offensive; and if so, what becomes of Washington and his warning?

And will it pay, Mr. Chairman? To lay aside the question of right and morality, to shut our eyes to the wickedness of such a course, to forget, as we seem to have forgotten, that it is righteousness which exalteth a nation, and, to consider it from the lowest, basest, point of view, will it pay in dollars and cents?

No man who will read and reflect upon the returns from the alleged great trade of the East will say that we can make a profit from it that will be commensurate to the outlay. It is insignificant now and not specially alluring as to its future development.

The standard of living in the Far East is so very low and so fixed by the habits of centuries that neither the Filipinos, the Chinese, nor the Japanese will ever become valuable customers.

Leroy Beaulieu, in his Awakening of the East, says that in many of the Japanese factories, which exclusively employ women and children, the highest average wages paid are 15 sen, or 7½ cents a day. Those of greater skill earn 9 cents a day, and those of the greatest skill make 14 cents a day. In China it is worse.

Humble as is the standard of living in Central and South America, it is luxurious compared with that of China and Japan, and yet we are chasing the ignis fatuus of oriental trade and trying

to rape it with sword and torch, while we neglect the more promising field on our own continent, at our very doors, which only needs peaceful and intelligent cultivation to return abundant harvests.

I believe, Mr. Chairman, that there are many gentlemen in this House and in the other House who in their consciences condemn the course of the Administration and deplore its Philippine policy. And yet, blinded by greed and partisanship, they give it their support.

Oh, Mr. Chairman, what a great thing it would be for our country if they would only vote as they think!

The Republican platform of 1856 said:

Resolved, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution is essential to the preservation of our republican institutions.

Resolved, That the highwayman's plea that "might makes right," embodied in the Ostend circular, was in every respect unworthy of American diplomacy, and would bring shame and dishonor upon any government or people that gave it their sanction.

Observe, sir, that it says "that the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution" is essential to the preservation of our republican institutions. Since then the party seems to be of a different way of thinking. What are those principles?

The second paragraph of that great writing says:

We hold these truths to be self-evident, that all men are created equal—

That is, entitled to equal civil rights—

that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

It is notorious, Mr. Chairman, that at a huge expense in money and a terrific sacrifice of life we have been engaged for three and a half years in an effort to compel the Filipino people to accept our sovereignty. At this very moment we are legislating for the Filipinos and against their wishes, the testimony of Buencamino and other Philippine Benedict Arnolds to the contrary notwithstanding.

The Republican party at this very moment is repudiating the Declaration of Independence and solemnly declaring that they shall not enjoy life and liberty and pursue happiness in their own way. Right now the Republican party is denying the doctrine of Jefferson, that governments derive their just powers from the consent of the governed. Contrast its position of to-day with that of the platform of 1856.

I ask the privilege of having printed here an extract from the Republican platform of 1860. I do so to show that that great party still believed in the American doctrines when Mr. Lincoln was first nominated:

Resolved, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed," is essential to the preservation of our republican institutions.

Very recently, Mr. Chairman, two republics, two real republics, founded by a brave, an honest, and an intelligent, Christian people, were murdered in South Africa.

The Republican party, which tendered its sympathy to the Cubans in 1868, had no words of cheer for the Boers during their great fight for freedom.

If ever a people deserved to succeed it was the Dutch in South Africa. It is no disparagement of other nations to say that while they also have done well in battle, the Boers have excelled them all. A timely resolution of sympathy by the Congress of the United States, such as was given to Greece and to the countries of South America, would have caused a different ending of the war in South Africa, and two republics would now be where there is a desolate, despairing colony of the same Crown which shed the blood of Americans at Lexington and Valley Forge. It was the Republican majority in this House which prevented the passage of such a resolution.

This extract from the platform of 1868 shows how the Republicans of that period would have treated the Boer question:

This convention declares itself in sympathy with all oppressed people who are struggling for their rights. We recognize the great principles laid down in the immortal Declaration of Independence as the true foundation of democratic government, and we hail with gladness every effort toward making these principles a living reality on every inch of American soil.

Even so late as 1876 it was still an American party, as this extract from the platform of that year will show:

The United States of America is a nation, not a league. By the combined workings of the national and State governments, under their respective constitutions, the rights of every citizen are secured at home and abroad, and the common welfare promoted. The Republican party has preserved these governments to the one hundredth anniversary of the nation's birth, and they are now embodiments of the great truths spoken at its cradle—"that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; that for the attainment of these ends governments have been instituted among men, deriving their just powers from the consent of the governed." Until these truths are cheerfully obeyed, or, if need be, vigorously enforced, the work of the Republican party is unfinished.

The work of the Republican party, so far as the fight for liberty is concerned, seems to have been finished.

The platform of 1884 had this to say:

Resolved, That appointments by the President to offices in the Territories should be made from the bona fide citizens and residents of the Territories which they are to serve.

That doctrine is now also denied. A government of carpetbaggers has been set up in the Philippines. God help the Filipinos!

If the ravages of war have left them anything, the carpetbaggers will get it.

In the South, Mr. Chairman, where we knew them and felt them, "besom of destruction" has ceased to be a figure of speech to describe certain bad conditions. Out of the bitterness of experience we say "as bad as carpetbaggery." Nothing could be worse.

Here is what the Republicans had to say about statehood in 1888:

The government by Congress of the Territories is based upon necessity, only to the end that they may become States in the Union; therefore, whenever the conditions of population, material resources, public intelligence, and morality are such as to insure stable local government therein, the people of such Territories would be permitted, as a right inherent in them, to form for themselves constitutions and State governments, and be admitted into Union. Pending the preparation for statehood, all officers thereof should be selected from bona fide residents and citizens of the Territory wherein they are to serve.

New Mexico, Arizona, and Oklahoma, notwithstanding this and later platform declarations, are still outside the Union.

Will the Republican party bring the Philippine Islands and their 10,000,000 people into this Union of States, with the full rights of American citizens, or is it intended to govern them perpetually as dependent colonies and to treat the Filipinos as a subject race?

Now, let us see what the platform of 1892 had to say.

We favor the admission of the remaining Territories at the earliest possible date, having due regard to the interests of the people of the Territories and of the United States. All the Federal officers appointed for the Territories should be selected from the bona fide residents thereof, and the right of self-government should be accorded as far as possible. The Republican party has always been the champion of the oppressed, and recognizes the dignity of manhood, irrespective of faith, color, or nationality; it sympathizes with the cause of home rule in Ireland, and protests against the persecution of the Jews in Russia.

Again the system of carpetbagism is condemned. Republican leaders had not been tempted by mines of gold, fields of rice and sugar, and valuable timbers in the Philippines. "The Republican party has always been the champion of the oppressed, and recognizes the dignity of manhood, irrespective of faith, color, or nationality." That plank also has been repealed. The heart which bled for the black slave in America is hardened against the brown patriot in the Philippines.

In this connection, Mr. Chairman, I will insert an Associated Press dispatch which appeared in the Washington Post on the 19th of this month:

MANILA, *June 18*.

Col. Frank D. Baldwin, of the Twenty-seventh Infantry, who is stationed on the island of Mindanao, has written a letter to the Sultan of Bacolod, in which he sets forth the intentions of the American authorities. Colonel Baldwin said, among other things, that the Americans did not intend interfering with the religion, plurality of wives, or property of the Moros. The following reply has been received from the Sultan by Colonel Baldwin:

"We ask you to retire to Malabang; we do not want you in the Lake Lanao district unless you will join our religion and adopt our customs. In case you do not so desire, all the datos will make war on you, because here there is but one religion, that of Stamboul."

Colonel Baldwin says that the Sultans of Bacolod and Massin will have to be taken prisoners before permanent peace in Mindanao is possible.

So it appears that we now have under our flag, if not under the Constitution, all sorts and conditions of men.

Here we have a recognition of royal titles, forbidden by our Constitution, and of polygamy, which is forbidden by the conscience of the American people. The "property" referred to is, I do not doubt, the slaves owned by the Moro chiefs.

Just one extract more to show the position of the Republican party, in 1896, before it had the change of heart and yielded to the lust of conquest:

We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty. We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States. All the Federal officers appointed for the Territories should be selected from bona fide residents thereof, and the right of self-government should be accorded as far as possible.

Freedom with a string to it has been granted to the Cubans. Just to the limit of the chain fastened on the Cuban Republic by the Platt amendment the people of that island are to be permitted to exercise the rights of a sovereign nation. There has not been a full and honest redemption of the promise of 1896.

The methods pursued in the conquered province are being reluctantly given to the public.

Without comment, as it speaks for itself, I will print here a recent publication, also taken from the Washington Post:

ORDER TO GENERAL SMITH—WILL BE PUT IN COMMAND OF DEPARTMENT OF TEXAS—COURSE IN SAMAR WAS UPHELD—THE PRESIDENT, AFTER HIS REVIEW OF THE CASE, MAY DISAPPROVE THE FINDINGS, BUT CAN NOT NOW IMPOSE ANY PUNISHMENT BEYOND CRITICISM—ADMISSIONS BY THE ACCUSED AT THE TRIAL.

Announcement was made at the War Department yesterday that Brig. Gen. Jacob H. Smith will be immediately ordered to proceed to San Francisco and will then be placed in command of the military department of Texas. This action of the Department dispels any doubt that may have existed as to the findings of the court which tried General Smith for his conduct of the campaign in Samar. He has been acquitted, and so far as the court is concerned there will be no further proceedings against him. It now remains for the President to review the case, and he is expected to make public his views in the course of ten days. He may disapprove the findings of the court and strongly condemn General Smith's work in Samar, but there can now be no punishment save in the way of criticism.

The record, which the President has received, contains the exact language of the admissions made by Colonel Woodruff, counsel for General Smith, in regard to the orders which the latter officer issued to Major Waller, United States Marines. The charge was "conduct to the prejudice of good order and military discipline," and it was supported by this specification:

In that Brig. Gen. Jacob H. Smith, United States Army, commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in regard to the conduct of hostilities in the island of Samar, Philippine Islands, to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, Philippine Islands, in language and words to wit: "I want no prisoners" (meaning thereby that giving of quarter was not desired or required), and "I wish you to kill and burn. The more you kill and burn the better you will please me," and "the interior of Samar must be made a howling wilderness," and did give further instructions to said Major Waller that he, General Smith, wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller, asking for an age limit, designate the age limit at 10 years.

This at or near the island of Samar, P. I., between the 23d and 28th days of October, 1901.

SMITH'S PLEA AND ADMISSIONS.

The record then gives General Smith's plea to the charge and specifications, which was "not guilty." Colonel Woodruff's statement, which was partially cabled at the time it was made, is then given in full, as follows:

"The accused desires to simplify this case as much as possible, and admits that he was commanding general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country, and did further instruct him that the interior of Samar must be made a howling wilderness, and did further instruct him that he wanted all persons killed who were capable of bearing arms and were actively engaged in hostilities, and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities, and were equally dangerous as an enemy as those of more mature age."

The record then shows that the judge-advocate asked this question:

"Does the accused admit that as his statement?"

"I do," was the response of General Smith.

Mr. McCLELLAN. Mr. Chairman, I submit for the information of the House the following memorial:

BOSTON, *June 10, 1902.*

To the honorable Senate and House of Representatives of the United States:

The undersigned would respectfully represent that they are a committee appointed at a recently held meeting of persons, irrespective of party, interested in the policy pursued by the United States toward the Philippine Islands and the inhabitants thereof. As such, they were instructed to investigate the condition of affairs connected therewith, and take such subsequent action as might seem expedient. Having, to a certain extent, performed this duty, they now submit the following

MEMORIAL.

It is not our present purpose to discuss any controverted questions connected with events which have recently taken place in the Philippine Islands, or to call in question the policy which either has been pursued by the United States or which it is proposed to pursue in regard to these islands or the inhabitants thereof.

In the performance of the duties imposed upon us these matters have to a greater or less extent engaged our attention, and the results at which we arrive may not improbably be brought to your notice at some future time. Certain facts, however, which seem to us of much import, are not open to dispute. To these, and the conclusions to be drawn from them—as to us the exigency seems great and immediate—we now respectfully invite your attention.

It is apparent that as an outcome of the policy and course of action hitherto pursued, which may or may not have met the approval of those we represent, certain things have resulted: The United States, as a nation, has assumed charge of communities of Asiatic descent, occupying many islands of an archipelago at a great distance from our nearest continental possessions. Those communities, numbering millions, are of a race wholly distinct from ourselves, with other traditions and habits, speaking foreign and, in many cases, unknown tongues. The acquisition of the Philippine Islands and their inhabitants, while imposing on us treaty obligations, has been followed by prolonged warlike operations marked by acts of fierce resistance, not quickly overcome on the part of the Filipinos, and by military severities on our part of a character unprecedented in our annals. Those islands are now held by us partly under military law and partly under civil authority, but in absolute subjection.

In the course of this mixed administration of affairs no inconsiderable degree of friction has existed, and apparently still does exist, between our military and our civil representatives. Such could, indeed, hardly be avoided. In the prosecution of military movements the establishment of camps of concentration for the inhabitants of large districts has been thought expedient, and the people of those districts of both sexes and all ages thus gathered from their homes and usual vocations have therein been compelled to live, with sanitary results concerning which only very indefinite information has been received. In the course of military operations, also, large regions have been devastated, towns have been burned, and the food supply of the country destroyed. It has hence resulted that when the inhabitants have been returned from the camps of concentration to their former places of abode they have found their shelters gone and the means of subsistence greatly impaired or wholly lacking. It is known that the epidemics usually and, indeed, inevitably incident to such a state of affairs are now raging in the islands, though only very partial statistics as respects mortality are made public, if, indeed, they are in any wise obtainable. Extensive districts inhabited by our dependents have thus been scourged, and are now stricken with war, famine, and pestilence.

For the people thus afflicted, whether excusably or otherwise, America stands responsible. That responsibility can not be evaded. Those people have, moreover, no means of communicating directly with us. Removed by the width of an ocean, they are unable to make their situation known, whether to ask for aid and relief or to obtain redress of grievances, if such exist. They have not been invited, perhaps not even permitted, to speak unless they seemed to approve of our doings. But they are still our subjugated dependents. To us, and to us only, can they look, and from our decision they have no appeal.

Such being, as we understand, the undisputed facts, we desire respectfully to represent that the Congress of the United States, as the supreme lawmaking authority, is of necessity the grand inquest of the American people. It alone possesses the power necessary adequately to deal with a situation such as now exists.

The inquiry at present being carried on by one of your honorable bodies has unquestionably been productive of valuable results; results the far-reaching importance of which, both to the people of this country and to the Filipinos, it would in our judgment not be easy to exaggerate. But that inquiry has also demonstrated to us, and we think must have satisfied all careful observers of its course, that no inquiry instituted in this country and carried on under similar limitations can possibly meet full present requirements. It is plain that, at best, only odds and ends of evidence, stray scraps of information not always of unquestioned authenticity, are forthcoming or obtainable; the dependent communities are not represented; one side, in a conflict of races, debarred from testifying, remains and must remain substantially unheard, where not in a measure dumb. To reach any satisfactory results, inquisition must be made on the spot and among the people concerned—the dependents of the United States, our so-called subject races.

Under these circumstances did we ourselves, the undersigned, representing an unrecognized constituency and clad with no official authority, undertake to go out to the Philippine Archipelago, or to send there a committee of our number, we would have no power to gather evidence, to elicit facts, or to prescribe remedies. We could at best appear merely as volunteers, and, as such, would probably be ordered at once to return whence we came. It would be altogether otherwise with those coming from the Congress of the United States and members of it. Its delegates would represent the full dignity, authority, and power of the American people. To them every source of information would be accessible, while their mere presence would vastly improve the situation.

The facts being thus, we respectfully ask, on behalf of ourselves and those we represent, that the Congress of the United States will forthwith provide for the appointment of a committee of investigation of its own number, to proceed at the earliest practicable moment to the Philippine Archipelago, and there enter upon such an investigation as will cause the people of the United States to feel assured that full information is being elicited, that all grievances will be considered, that any measures necessary to the protection and a reestablished prosperity of our dependents will in due time be instituted, and that, in the light of the fullest possible knowledge of facts and conditions, the American people may form their judgment of the policy so far pursued, as well as that to be adopted for the future. We further desire to point out a full precedent for the appointment of such a joint Congressional committee of inquiry. In the year 1865, at the close of our civil war, when a state of affairs not altogether dissimilar to that in the Philippine Archipelago existed in the so-called Confederate States, cognizance was taken of the fact, and Congress, by a concurrent resolution of December 13, acting as the grand national inquest, appointed such a committee as is now suggested. Composed of six members on the part of the Senate and nine members on the part of the House of Representatives, William Pitt Fessenden, of Maine, was chairman on behalf of the former, and Thaddeus Stevens, of Pennsylvania, on behalf of the latter; while among those composing the committee were James W. Grimes, Jacob M. Howard, Reverdy Johnson, E. B. Washburne, Justin F. Morrill, Roscoe Conkling, and George S. Boutwell. The committee, thus composed, then made, as respects the region which had constituted the so-called Confederacy, an investigation similar in character to that we now ask for as respects the Philippine Archipelago.

We would, accordingly, petition your honorable bodies that such a joint special committee be now provided, and that it be of sufficient size to command public confidence by containing representatives of both parties and advocates of all different lines of policy, to the end that full information may be elicited and the greatest possible volume of varient light shed upon the duties and obligations which this people have had forced upon them or voluntarily assumed. We would further respectfully request that this committee be so constituted as to enable it to cover the entire field of investigation within the limited time at its disposal. To make this possible it should be accompanied by a body of experts, military and civil, representing the medical, sanitary, industrial, and other scientific phases involved in the great and complex problem to be considered, and upon which the committee will be called to pass intelligently.

On the spot, and in this way only, we submit, can the American people be properly and fully advised as to the duties and obligations now imposed upon them. As a portion of the people, realizing those obligations and impressed with a not undue sense of the responsibility which has been incurred, we submit this memorial and ask for it your early and favorable consideration.

ANDREW CARNEGIE.
CHARLES FRANCIS ADAMS.
CARL SCHURZ.
EDWIN BURRITT SMITH.
HERBERT WELSH.

Mr. JONES of Virginia. I do not see the chairman of the Committee on Insular Affairs. Perhaps my colleague on the committee [Mr. CRUMPACKER] is now going to consume some time.

Mr. CRUMPACKER. I have an understanding with the chairman of the committee that you are to consume some of your time. The arrangement was that I should close this afternoon on our side.

Mr. JONES of Virginia. I understand there are seventy-two minutes due your side now. I did not know that the gentleman was probably going to occupy that much time. In other words, the chairman of the Committee on Insular Affairs told me that there would be two or three who would make short speeches on your side.

Mr. CRUMPACKER. He told me before he went out that I would follow the gentleman from Mississippi [Mr. WILLIAMS].

Mr. JONES of Virginia. Very well. Then, Mr. Chairman, I yield to my colleague from Mississippi such time as he may desire out of the time left to our side.

Mr. WILLIAMS of Mississippi. Mr. Chairman, this is an august occasion; this is a great question, and this is a great arena in which to argue a great question. There has been some point in the life of every people which was the point of demarcation between the spirit of their institutions as they began and the spirit of their institutions as they ended. The population as a whole never know that they have reached this point until long after they have passed it. A great many people believe—I for one think that we have arrived at the place in the history of the United States which would bear that description, and that, unconsciously to the people, the soul of our Government has changed and we have already become a different Government, unless we are willing to retrace steps already taken. Mr. Chairman, it is curious to me, having listened to seven or eight great speeches from great men upon the Republican side, that not one of them has even so much as attempted to touch the question really at issue now and here before this body and before the American people. Gentlemen have talked upon both sides about this soldier and that officer, about the alleged iniquity of Aguinaldo, about the alleged treachery of Lopez, about Agoncillo's trip to Washington, and about "attacks upon the Army;" about everything except the question.

What is the question? It is this, and these two bills here embody the two policies here presented, one of which must be adopted: Shall we retain, under the sovereignty of the United States, by force if necessary, the Philippine Archipelago, either as Territory on its way to Statehood, or as a colony, an appendix, a dependency, and held by force if needful, and hold the population of all of the Philippine Islands, either as subjects "appurtenant," a late, new piece of phraseology, or in plain words, as subjects, or hold them to be embodied later on as citizens of the Republic?

That is one side of it. The other side is: Shall we lop off from the American body politic the Philippine Archipelago, with its large oriental population? Shall we find it to our interests to keep them for commercial reasons, for reasons of military prestige, for reasons of military honor and naval glory, or shall we, in the interest of the development and for the purpose of protecting American institutions, as we have heretofore known them, lop them off? Shall we, in the interest of the American people and of the people of the archipelago, as a matter of policy, hold them, or shall we leave them?

That is the question, and that is the only question, which is at issue. In the presence of that great question details sink into absolute insignificance—the details of your bill, the details of ours. I am free to admit that if you are going into the policy of permanently holding the Philippine Islands, regardless of the consent of the governed, regardless of the fact that their population can never become American citizens, regardless of the fact that they hate us and that we despise them, that about as good details as you could get for that despotic purpose are those of the bill presented by the majority, and just as little despotic as could be, to accomplish the purpose.

I am furthermore ready to admit, Mr. Chairman, that if you are going into tyranny you must take with the tyranny the tyrant's plea, necessity; and that if you are going to hold the Philippine Islands and rule them, regardless of all our past, all our boasted freedom and our boast of being "the friend of those struggling for independence and freedom everywhere," it will be a part of the necessity of the case to hold them by terrorism. There is no other way. Tyranny necessitates terrorism, especially when an unlimited power is to be exercised by a white race over a dark one in the dark man's country.

Mr. Chairman, this question is the issue presented, and, nevertheless, in every debate a wise debater acts like a contractor who has taken a contract to erect a building—he first removes the rubbish from the lot—and it becomes my duty, under the rules of this debate and in accordance with what is expected of me on my side, to attempt to remove some of the rubbish, to attempt to reply to some of the arguments which have been made on the other side, for the most part absolutely irrelevant.

But, first, I want to insert in the RECORD the Democratic substitute bill, and I want to say here one word about it. That bill has been criticised by the gentleman from Pennsylvania [Mr. OLMSTED]; it has been criticised by some others because it did not contain a provision preventing the accumulation of titles of land ownership by corporations. My heavens! Mr. Chairman, how could it? The very theory of the bill is to leave the people of the Philippines to pass their own laws for the regulation of their own land ownership. It contains no regulation as to franchises, either; we leave that question to the people of the islands. It contains no regulation as to banks; we leave them self-government there. It contains no regulation as to coinage; if they are capable of any sort of self-government at all, they must pass their own coinage laws.

Nor do we give away, or prepare to give away, their franchises. It would be contrary to the Democratic theory if we made the slightest preparation for that, because every vested interest which we plant in the Philippine Islands is one more strong voice enlisted in favor of their permanent retention—a vested interest pleading not to be left.

So all these criticisms sink at once by their own weight. If gentlemen have objection to our bill they must likewise have objection to what was done in the case of Cuba. I hold here the Army appropriation bill, and I shall insert in the RECORD, in parallel columns, just what the Democratic party made the Republican Administration do with regard to Cuba, and side by side with it what the Democratic party proposes to do in this minority substitute bill regarding the Philippine Islands.

OUR BILL.

A bill (H. R. 15158) to provide for the temporary government and the permanent independence of the Philippine Archipelago.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. That subject to the provisions hereinafter set forth the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

SEC. 2. That the United States shall continue to occupy and govern said archipelago until the people thereof have established a government in accordance with the provisions of this act, with sufficient guaranties for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under the authority thereof, as hereinafter provided.

SEC. 3. That upon the cessation of organized armed opposition to the temporary sovereignty of the United States Government the President of the United States shall proclaim the fact, and within ninety days after the issuance of such proclamation the United States Philippine Commission shall make and promulgate rules and regulations for the holding of an election in the various provinces of said Philippine Archipelago for members of a house of representatives and a senate, to constitute a temporary congress, which shall be vested with full legislative power and also with the power of appointing such judges as may to them seem proper and necessary. The said Philippine congress shall prescribe rules and regulations for the election or appointment of all other officers, provincial or municipal, as may to them seem proper or necessary. The members of the said senate and house shall hold their offices for the term of four years from and after their election and qualification, unless said terms of office are sooner terminated by the inauguration of the permanent government created by the constitutional convention hereinafter provided for, and all other officers shall hold office for such terms as may be prescribed by such congress. Senators and representatives in congress are to receive compensation at the rate of $800 per annum and other officers shall receive such compensation as may be prescribed by the congress.

EXECUTIVE.

The chief executive shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and shall be vested with a veto power over all acts of the Philippine congress having relation to their foreign affairs, but shall have no veto power with respect to other legislation, nor shall he be empowered to appoint any officer unless authorized to do so by the Philippine congress. He shall exercise such other executive powers as shall be vested in him by the Philippine congress, and shall hold his office for a term of four years unless the temporary government shall within that time be superseded by the inauguration of the permanent government herein provided for, and said president shall receive a compensation of $10,000 per annum, to be paid out of

NOW NOTE.

THE LAW FOR CUBA.

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of

the Philippine treasury. There shall be such other executive officers receiving such compensation and performing such duties as may be prescribed by the Philippine congress, and they shall be appointed or elected in such manner as may be prescribed by law.

During the period of the existence of the temporary government herein provided for, which shall in no event extend beyond four years from and after the date of its inauguration, the United States guarantee to the people of said Philippine Archipelago their independence and a republican form of government, and shall protect them against invasion and, upon application by the congress thereof, against domestic violence.

That all male inhabitants of said archipelago 21 years of age and over who can speak and write either the English or Spanish language, or any of the native languages of the said archipelago, and who shall have resided therein for one year, shall be qualified to vote for members of congress and other elective officers, and any person so qualified as an elector shall be qualified to become a member of said congress or to hold any elective office.

The house of representatives shall be composed of 100 members and the senate of 30 members, and shall be apportioned by the United States Philippine Commission among the several provinces of said archipelago, so that the distribution of membership in the house of representatives shall be in proportion to their population, as near as may be, and so that the membership of the senate shall be as nearly representative of separate provinces as may be; and when said apportionment has been determined upon, the said Commission shall by proclamation order an election of the members of said congress to be held throughout the said archipelago, at such time as shall be fixed by the said Commission, which election shall be held not more than one hundred and twenty days from the date of the proclamation by the President of the United States hereinbefore provided for, and ample time shall be given before said election to circulate said proclamation throughout the archipelago and arrange for the holding of said election.

SEC. 4. That the members of the congress thus elected shall meet at the city of Manila on a day to be fixed by the United States Philippine Commission, not more than ninety days subsequent to the day of election, the time for which meeting shall be stated in the proclamation aforesaid, and, after organization, the said congress and president, constituting the temporary government herein provided for, shall proceed to the performance of their duties as the temporary government of the Philippine Archipelago: *Provided*, That said congress shall provide by legislation and treaty, irrevocable without the consent of the United States—

First. That there shall belong to the United States, and continue to be the property thereof, such lands and waters as the President of the United States shall designate to the Philippine government, and shall be agreed to by it, for naval, military, and coaling stations, and terminal facilities for submarine cables, the same to continue under the control and sovereignty of the United States.

Second. To carry into effect the treaty obligations of the United States with the Kingdom of Spain and for the maintenance and protection of all rights and property acquired under the authority of the United States.

Third. That no inhabitant of said archipelago shall ever be molested in person or property on account of his or her adherence to the United States.

SEC. 5. That when the election herein provided for shall have taken place and the congress thereby elected shall have convened, in compliance with the provisions of this act, the said United States Philippine Commission shall certify the fact to the President of the United States, whereupon it shall be the duty of President to issue his proclamation declaring the independence of the people of said archipelago and that they constitute an independent state and nation; subject, however, to the control and regulation of the United States in their intercourse with foreign nations during the period of the existence of the temporary government herein provided for.

SEC. 6. That immediately after the President shall have proclaimed that all organized armed resistance to the United States has ceased in said archipelago, he is requested to proclaim full amnesty to all inhabitants thereof for and on account of political offenses and the bearing of arms against the United States, and all Filipinos or inhabitants of said archipelago who have been deported shall be returned to the place whence they were so deported: *Provided*, That such amnesty shall not apply to any who have violated the rules of civilized warfare or who have been guilty of murder or torture; that the latter, if any, shall be afforded a speedy trial for their offenses in the civil courts of said archipelago and be punished or acquitted, as the facts and law may warrant.

SEC. 7. That within sixty days from the election of officers under the temporary government to be formed by the people of the Philippine Archipelago, in accordance with the provisions of this act, and the inauguration of said officers, the President shall order the armed forces of the United States to be withdrawn from said archipelago as speedily as may be, except such forces as may be maintained in such parts thereof as have been retained by the United States for naval and coaling stations and terminal facilities for cables, and the President of the United States and the Secretary of War shall make all needful regulations to carry into effect the provisions of this act.

SEC. 8. That it shall be the duty of the Philippine congress herein provided for to prescribe rules and regulations and qualifications for electors for the election and holding of a constitutional convention, which shall be charged with the duty of framing a permanent government for the people of the Philippine Archipelago. Said constitutional convention shall be called to meet at such place and at such time, not later than the first Monday of January, 1905, as may be prescribed by said Philippine congress. Upon the completion of the labors of said convention and the inauguration of the permanent government consequent thereon, it shall be the duty of the President of the United States to issue his proclamation declaring the absolute and unqualified independence of the people of the Philippine Archipelago and that they constitute an independent state and nation, and upon the issuance of said proclamation the United States Government and the Philippine government shall become and be as fully separate and independent as any other separate and independent nations are: *Provided, however*, That if the Philippine government requests it, the United States Government hereby agrees to assume a protectorate over the Philippine Archipelago for a period additional to the period of the temporary government herein provided for, said additional period of protectorate not to exceed, however, the period of sixteen years: *Provided further*, That the said Philippine government agree, during the said period of additional protectorate, to surrender to the keeping of the United States Government the regulation and control of the foreign affairs of the Philippine Archipelago.

SEC. 9. That all terms of office of legislative, executive, and judicial officers of the temporary government hereinbefore provided for, including the term of office of the president and the terms of office of the senators and representatives in congress hereinbefore prescribed, shall terminate with the existence of the temporary government herein provided for, and said temporary government shall ipso facto cease to exist upon the inauguration of the permanent government to be called into existence by the constitutional convention herein provided for; and nothing herein contained shall be so construed as to prevent the congress of the Philippine Archipelago from calling the said constitutional convention at a date earlier than the date herein fixed.

Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Mr. Chairman, I come now to the speeches that have been made—to remove some of the rubbish off our lot, so that we may build. First there came the gentleman from Wisconsin [Mr. COOPER], and he said that "the Philippine question should not be a party question." Of course it ought not to be a party question. It is a question which most vitally concerns American citizenship in this country, regardless of parties. It has, however, become a party question, and it is a party question. Who made it a party question? You upon the Republican side of this House. You made it a party question when you repudiated the policy and the ideals of the Hispano-American war. [Applause.]

The gentleman says that the Democratic party was responsible for the war as much as the Republican party. This is one of those half truths which is the most dangerous falsehood. Let me carry you back a moment to what really took place. The Democratic party strove in season and out of season to get a declaration of the belligerent rights and a recognition of independence of the Cuban Republic. Upon that last great day of that great War Congress the Democratic party brought into this House—unanimously recommended by the minority members of the Committee on Foreign Affairs, and unanimously voted for by every Democrat upon the floor—a simple resolution recognizing the independence of the Republic of Cuba. Then, when that was voted down, then it was, and then only, that a great and overwhelming majority of the Democrats voted with you in favor of a resolution of intervention, which they knew meant war.

I believed, and do to this day believe, that had we recognized the independence of Cuba as we on this side wanted to do, Cuba would have been more independent to-day than she is now, because she would have been without the Platt amendment, and she would have been as free and as happy, while there would have been no war. I urged it, as did the Democratic leader at that time, Mr. BAILEY, of Texas, as the only way to prevent war. Cuba would have gained her freedom as Texas gained hers, through the instrumentality of Americans, but not of the American Government—American volunteers going to the shores of Cuba and helping to establish another republic upon the surface of this earth.

Had they gone there they would to such an extent have assimilated with the population, to such an extent infiltrated American ideas, that Cuba would have been knocking at the doors of this Republic within a few years after she had gained independence, asking for admission as a new State in the galaxy. Remember, it was only after that resolution was voted down that we then voted for the resolution of intervention, and why did we do it? Because we thought it was wiser, more patriotic, for Americans to present a solid front to the common enemy of America and of mankind—Spain—if war was coming; if war had to come, to let it come upon a people without party division. That has been our idea ever since; and at no time have we refused to vote supplies for the war, as the gentleman from Indiana [Mr. LANDIS] charged.

He cited a case where we refused to vote $500,000, for what? The erection of "permanent barracks in the Philippine Islands." It is true that in its first phase, when worded as above, it went out on a point of order and had to come back to escape the point of order, cloaked under the language, "shelter for the American troops," but every man in this body not a fool knew what the money was going to be used for, and not desiring to retain the Philippine Islands permanently, we did not desire to vote to expend the money of the people for permanent constructions and erections there.

Mr. HAMILTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. No; no. I have very little time to answer several Republican speeches, and the gentleman will remember that it is the first time that I have refused to yield. If I have a little time at the end, I will yield to him. Ah, Mr. Chairman, gentlemen strangely forget the facts in the recent past. The gentleman from Wisconsin, Mr. COOPER, who made this argument, was, I well remember, the very chief and front of the "blanket Indians" and the "insurrectionists" upon that side of the House upon the Cuban independence question.

There are a thousand reasons—geographical, military, naval, commercial, international—for our "gobbling up" Cuba for one that exists for "gobbling up" the Philippines, and yet that gentleman headed the insurrectionists on that side in favor of Cuban independence, and later on, well do I remember, that he stood shoulder to shoulder with me and with others in advocating the Foraker resolution, which said that the people of Cuba "are and of right ought to be free and independent," and the Teller resolution which said that we were not going to carry on the war for conquest nor for territorial aggrandizement, but for humanity, and all that. It was by Democratic votes in the Senate, followed by their colleagues here, that those two resolutions were pinned upon the intervention resolutions and were made the policy of the country. It was no secret that the Republican Administration was opposed to both of them. The Senator who introduced the resolution to the effect that "the Cuban people are and of right ought to be free and independent" was regarded as unfriendly to the Administration at the time for doing it. The gentleman from Wisconsin [Mr. COOPER] stood with us upon that and he stood well, too. He stood right, and then after that——

Mr. GROSVENOR. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. GROSVENOR. I think the gentleman is wrong in his statement of the history of events. The Senator from Ohio did not introduce the resolution that the gentleman from Mississippi has spoken of. His resolution was a resolution of recognition to the Cuban government—the so-called Cuban government.

Mr. WILLIAMS of Mississippi. Well, it is the same thing. It does not disturb the line of my argument. The gentleman from Wisconsin was in favor of it. He was in favor of the recognition of the independence of the Cuban people, just as I was, and then some time after that the gentleman went back into his tent, sulked like Achilles—went back into his cell—and he was supposed to be persona non grata over on that side of the Chamber.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. COOPER of Wisconsin. The gentleman is in error in saying that I ever voted to recognize the Cuban Republic. I never cast such a vote.

Mr. WILLIAMS of Mississippi. No; you were never called on to cast a yea-and-nay vote on it, but does the gentleman deny that he was in the caucus of Republicans who insisted upon that course of conduct, and that he was one of the men who advocated it?

Mr. COOPER of Wisconsin. I do not. I never attended any caucus of Republicans. I never attended any caucus of Democrats——

Mr. WILLIAMS of Mississippi. I understand that.

Mr. COOPER of Wisconsin. I never attended a caucus of Republicans which resolved in any way, shape, or manner to recognize or demand a recognition of the Cuban Republic.

Mr. WILLIAMS of Mississippi. Does the gentleman say he never advocated the independence of Cuba?

Mr. COOPER of Wisconsin. I said that I thought at that time that it would end the war, end the trouble, if we should recognize the Cuban Republic.

Mr. WILLIAMS of Mississippi. Ah, so did I, and there we were together; that is substantially what I asserted, and I still think we were right.

Mr. COOPER of Wisconsin. But one moment. A committee from that caucus went to the White House and consulted with President McKinley, and he, in confidence, gave us the status of affairs and the policy of the Administration, and thereafter no member of that committee, no member of that caucus, ever voted otherwise than in support of the Administration of William McKinley.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I do not think that that explanation cuts much figure. The fact is that the gentleman was in favor of the independence of Cuba, and that he now stands against the independence of the Philippines. The fact is that he was in favor of the resolutions making the war a war "not for territorial aggrandizement, nor for conquest," and that he now stands with the solid phalanx of his party on the other side for a war of conquest and territorial aggrandizement. The fact is that when the Speaker of this House came to appoint a Committee on Insular Affairs he appointed the gentleman to the great honor of being chairman of that committee, and, then, to paraphrase the words of Robert Burns, he appointed on the committee all the chairmen of all the other great committees of this Republican House "to hold the wretch in order."

And now the gentleman stands here, chief of the imperialists, with a bill called by his name, fixing no period at which our rule in the Philippine Islands shall cease, a bill which is as purely a crown colony measure as any ever emanating from the British Parliament at any time.

The gentleman was in his tent for a while, and it was generally bruited about—generally thought at any rate, rumored or dreamed—that his life was becoming "drearier and drearier" with his party associates, until after a while he was "all right," as so many of you gentlemen do become "all right" in the course of time. I do wish we had on this side the capacity for final cohesion that you gentlemen over there have. We might not be as strong a party as regards our individualistic ideas, nor as nearly right always on fundamental principles and policies, but we would be much stronger about getting into power and staying there after we got in.

I picked up the other day a piece of doggerel which the House will excuse me for paraphrasing and reciting, because it reminds

me of the position of the gentleman from Wisconsin [Mr. COOPER] with regard to this question:

There was an old man in Siberia,
Whose life grew drearier and drearier,
Till he broke from his cell, with a h—— of a yell,
And eloped with the Hag Imperial.

Catherine II, I reckon. [Great laughter.]

Life was becoming "drearier and drearier" with you gentlemen on the other side until you began one by one to "break from your cells" and "elope with the Hag Imperial." Imperialism is, like every other vice—

Of so frightful a mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with its face,
We first endure, then pity, then embrace.

And the men who embrace it become, sometimes, the greatest lovers of it, by the ordinary process of love feeding on embraces.

The gentleman says that the Democratic party was responsible, conjointly with some gentlemen on that side, for the war. As I said a moment ago, that is a half truth. But what war? A war which bore upon its shield, emblazoned in everlasting colors, the declaration that it was a war "not for territorial aggrandizement, nor for conquest," which, in the words of a great man, whose corpse has been horribly exploited for partisan purposes in this debate, would be, "in our code of ethics," "criminal aggression."

When the time came we took our part in that war; and our brothers and our sons took their part in it, too. But we are in no manner responsible for this Philippine war, which is a totally different thing.

The gentleman says we became responsible when we ratified the treaty. The gentleman treats the act of three or four Democrats who voted against the Bacon amendment to that treaty as a crime chargeable to the party. But the world knows that the ratification of that treaty unamended was a Republican ratification, and that it was against the sense and contention of the Democratic party in both Houses. Every Democrat in the Senate, except three, voted for the Bacon amendment.

Mr. HAMILTON. Will the gentleman yield a moment?

Mr. WILLIAMS of Mississippi. I will have to yield to the gentleman, but after this I must not yield to anybody, because, as the gentlemen here understand, I have the closing speech and the time can not be extended.

Mr. HAMILTON. I want to ask the gentleman——

Mr. WILLIAMS of Mississippi. I yield to the gentleman because he has been so uniformly courteous in yielding to me that I can not refuse.

Mr. HAMILTON. Did it not require a vote of two-thirds of the Senators present to ratify that treaty?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HAMILTON. And was not the Senate then controlled by Democrats, Populists, and free-silver Republicans?

Mr. WILLIAMS of Mississippi. I do not remember as to that.

Mr. HAMILTON. They stood 46 to 44.

Mr. WILLIAMS of Mississippi. I do not remember about that, but go ahead with your question.

Mr. HAMILTON. I have nothing further to ask the gentleman. I merely wanted to remind him of the facts of the case, because he said there were only three or four Democratic votes in the Senate in favor of ratifying the treaty.

Mr. WILLIAMS of Mississippi. My recollection is that there were exactly three Democrats who wanted to ratify that treaty unamended. There may have been one more or one less. And that is all there is in that. The Bacon amendment was the test vote on that question.

Now, Mr. Chairman, the gentleman indulged in a good deal of fun at the expense of the Constitution—"the palladium of our liberties!" as he called it. Well, the Constitution may be a very funny thing to him and to some other gentlemen on the other side. It may be a thing whose fragments, when you stumble about among them, are amusing. But there are some of us who believe in a personal God; and there are a few of us left to whom it is not funny to jest at a thing which we have sworn "without mental reservation" to support on becoming members of this body, and than which there neither is nor can be for us as Representatives any higher law.

Why, sir, the whole argument is based upon this sort of an idea, that if a man hears the cry of "Wolf, wolf, wolf," several times and there is no wolf he ought to believe in the nonexistence of wolves. And if he hears five or six false alarms of fire when there is no fire, he ought to lie in bed like a fool and be consumed by the flames when a fire has at last come. [Applause.]

There has never been a republic which existed and afterwards died, that did not die by the insidious and slow process of undiscovered sapping. And at the time of the undiscovered sapping and insidious new departures, the nature of which was realized by very few, there were men who gave the cry of alarm, but as there had been many men before who had given cries of alarm and the republic had apparently continued to exist, this very fact was used to blind and deceive the people when faced with a real crisis. Notwithstanding that, there may be cause for alarm, and if there is cause for alarm, the fact that the people have thought there was such cause in the past at a time when there was not, is a schoolboy argument against the duty to take heed. Now, I say that there is cause for alarm when, for the first time in the history of the Republic, a majority of us contend that we have the right to carry on a form of government on one part of God's earth "outside of" the Constitution of the United States, while we still admit for a time—how long, who can tell—that we must carry it on in this part of the earth within the Constitution of the United States.

Now, Mr. Chairman, the gentleman from Wisconsin then made this argument, that because Mr. McKinley was a good man, a courteous, patriotic, brave, and pious man, and had been cruelly and wantonly murdered, and because he had advocated this policy, therefore it must be sacred, and no other man ought to oppose it. And then, after he was through exploiting the poor corpse of the assassinated, cruelly murdered, exquisitely courteous gentleman, who happened to be President of the United States at the time this policy was first inaugurated, he then dug up Grant, and he dug up Sherman, I believe, and several others, to show that they in their time had been denounced, and therefore, forsooth, we should not denounce wrong things in our time. In other words, it is a sufficient answer, when you say a thing is wrong, to say some other fellow in the last generation said something else was wrong and in your opinion it was not. When you say a thing is tyranny, it is a sufficient answer to say that somebody else said something was tyranny in another generation, and the time has past and now we find out that perhaps it was not.

I shall not enter upon the question in connection with General Grant, but there are many people in this country yet, I among them, who believe that if General Grant had been nominated and elected for a third term as President of this country, there would have been nothing in the way of his being President for a fourth, a fifth, and a sixth term, or until he died, and the precedent once broken down, there would have been nothing in the way of the Mexicanization of American institutions.

But what has all that got to do with this question?

Then the gentleman says, when he refers to these atrocities out in the Philippine Islands, that they are "isolated instances of cruelty." Mr. Chairman, are they isolated instances? Now, if the gentleman means by that that nine-tenths of the American soldiers and nine-tenths of the American officers are absolutely as guiltless of these atrocities as I am, standing here, then the gentleman is perfectly right. I thank God that there are very few men indeed who could find it in their hearts to pen a H. R. J. Smith-Samar order, or find it in their hearts to justify it after it had been penned. If that order were not wrong, why was it that the President of the United States, when he heard of its issuance, ordered a court-martial to consider the question?

Is it right or wrong to issue an order to "burn and kill—the more you burn and kill the better"—and to murder children? If wrong and hellish, why defend it, even by inuendo? But has the gentleman a right to call them isolated instances in another sense? What he really meant by that was that they were not the policy of the Administration. But the truth is that the Smith order was issued with the knowledge of the powers that were representing us in the military half of the Philippine government, and that the Smith order was known to the War Department here, and that no attempt was ever made to punish or to investigate the man that issued it, until after the public attention was called to it and the Administration and War Department attacked because of it. The fact is that notwithstanding the President's late speech at Arlington, in which he said those who were guilty of wrongdoing should be hunted out and punished, Smith has been acquitted, and I see by an article in the Washington Post, which I have not time to read you, that he is to be promoted to the command of the Department of Texas. I insert it in my remarks:

ORDER TO GENERAL SMITH—WILL BE PUT IN COMMAND OF DEPARTMENT OF TEXAS—COURSE IN SAMAR WAS UPHELD—THE PRESIDENT, AFTER HIS REVIEW OF THE CASE, MAY DISAPPROVE THE FINDINGS, BUT CAN NOT NOW IMPOSE ANY PUNISHMENT BEYOND CRITICISM—ADMISSIONS BY THE ACCUSED AT THE TRIAL.

Announcement was made at the War Department yesterday that Brig. Gen. Jacob H. Smith will be immediately ordered to proceed to San Francisco, and will then be placed in command of the military department of Texas. This action of the Department dispels any doubt that may have existed as to the findings of the court which tried General Smith for his conduct of the campaign in Samar. He has been acquitted, and, so far as the court is concerned, there will be no further proceedings against him. It now remains for the President to review the case, and he is expected to make public his views in the course of ten days. He may disapprove the findings of the court and strongly condemn General Smith's work in Samar, but there can now be no punishment save in the way of criticism.

The record, which the President has received, contains the exact language of the admissions made by Colonel Woodruff, counsel for General Smith, in regard to the orders which the latter officer issued to Major Waller,

United States Marines. The charge was "Conduct to the prejudice of good order and military discipline," and it was supported by this specification:

"In that Brig. Gen. Jacob H. Smith, U. S. A., commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in regard to the conduct of hostilities in the island of Samar, P. I., to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, P. I., in language and words, to wit:

"'I want no prisoners' (meaning thereby that giving of quarter was not desired or required), and 'I wish you to kill and burn. The more you kill and burn the better you will please me,' and 'the interior of Samar must be made a howling wilderness,' and did give further instructions to said Major Waller that he (General Smith) wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller asking for an age limit, designate the age limit at 10 years.

"This at or near the island of Samar, Philippine Islands, between the 23d and 28th of October, 1901."

SMITH'S PLEA AND ADMISSIONS.

The record then gives General Smith's plea to the charge and specifications, which was "not guilty." Colonel Woodruff's statement, which was partially cabled at the time it was made, is then given in full, as follows:

"The accused desires to simplify this case as much as possible, and admits that he was commanding general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country; and did further instruct him that the interior of Samar must be made a howling wilderness; and did further instruct him that he wanted all persons killed who were capable of bearing arms and were actively engaged in hostilities; and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities, and were equally dangerous as an enemy as those of more mature age."

The record then shows that the judge-advocate asked the question:

"Does the accused admit that as his statement?"

"I do," was the response of General Smith.

From the same paper I learn that even the postmaster editors have learned that General Smith is sacred:

Those postmaster editors who started out to be indignant over the acts of Gen. Jake H. R. Smith have changed their minds. They really thought at first that the War Department meant what it said and was going to do something unpleasant to Smith and the promoters of that mode of warfare.

The gentleman from Wisconsin said, "If there were American embezzlers in Cuba, would you therefore charge the American administration with a policy of embezzlement?" No. Why not? Because it sought to punish and did punish the embezzlers. That is why. But if they had been justified and defended in their embezzlement, and promoted for it, then it would have been guilty of a policy of embezzlement. [Applause on Democratic side.]

Now, understand me, gentlemen. I say and I admit that if you are going to persevere in this policy out yonder, things like Smith's order are necessary in order effectually to carry out your policy. I am not even condemning Smith, except in the sense that I do not think the right sort of a man would be the tool for the carrying out of that sort of a policy under the flag of this or any other country. But it is the *policy* which is so hellish that it can not be made more hellish by any possible hellish atrocities committed in its name.

One of the things that the gentleman from Wisconsin did best was to read a beautiful poem, the author of which was Rizal, a Philippine patriot and genius—a poet, by the way, whose works if read in the Philippine Islands to-day in a public place would cause the reader to be charged with violation of the sedition laws; a poem describing amongst other things the beauties of the Philippine Islands, as well as the aspirations of its people for better institutions and freer government. I wonder if the gentleman thought of our disgraceful Philippine sedition law or of the present desolated condition of "the fair isle of Samar"—its torture-racked people and murdered boys—while reading it? At the conclusion the gentleman told us that Rizal was finally convicted upon "false testimony wrung from witnesses by torture." And yet the gentleman has not had one word of condemnation for the use of torture for the purpose of obtaining confessions—mind you, not for the purpose of military retaliation or in hot blood, but in cool, deliberate moments, as a part of court procedure, for the purpose of obtaining testimony—which is going on now every day in the Philippine Islands.

I shall insert in the RECORD in this connection an article from the Manila Freedom of April 22, 1902, upon that subject, an Administration and expansion paper. The object of the article is to defend the use of the torture. It is not an attack made upon the Administration, and it admits and establishes, while it is going along, the existence of all this thing. It expressly says that it has been used, not sporadically but generally, and that it has been used, not in retaliation, but for the purpose of obtaining confessions, and it defends it upon the ground of the "necessity" of using it because the people are treacherous; defends it upon the ground of "provocation," advising officers to make a "clean breast" of it all and throw themselves on the country for justification.

[From the Manila Freedom, Tuesday, April 22, 1902.]

THE USE OF TORTURE.

Public feeling at home regarding the rumors of tortures inflicted on Filipinos by American officers and soldiers is described by press dispatches to be at the boiling point. General Smith, Major Glenn, and a score of other officers are to be tried by court-martial in case grounds are found, and the matter is to be cleaned up. This is the inevitable result of warfare. Mankind is human, and in the heat of a desperate contest are liable to go to extremes. The provocation is at times enormous, and the individuals can usually justify their acts to their own consciences. They are, however, liable to forget that the time is surely coming when they will be compelled to justify their acts to their compatriots at home, who are not viewing the matter from the passionate viewpoint engendered by warfare, but from the viewpoint of the fellow at home, who has not seen his comrades murdered and tortured, and who, therefore, can not justify retaliation.

As a matter of fact, there has been extensive employment in these islands of the "water cure" and of various other measures for the extortion of confessions. There is not the slightest use of denying the fact. There are a thousand witnesses ready to testify to it in case it becomes compulsory or necessary. In a great many cases no permanent harm has been done by the employment of these measures, but, on the contrary, information has been gained which has been of the greatest service in bringing about peace. The enemy has been treacherous in the extreme, and sometimes the safety and the very lives of the garrisons have depended upon knowing the truth. As a measure of self-protection the truth has been extorted even by the employment of the most extreme measures.

The evil of the employment of these measures had been in the irresponsibility of many who have applied them. Many baby lieutenants, who should have been back under the corrective influence of their parents, have had the lives of many people in their hands, and if one happened to be vindictive or naturally cruel the evil which resulted has been great. The innocent have suffered in many cases. The most revolting cases are, sad to say, more than rumors.

At the end of all wars there comes a time of recrimination. It came at the end of the Spanish-American war; it came at the end of the rebellion, and it has come at the end of every war known to creation. The excesses committed in the heat of the strife have been expatiated in the after-cooling of public sentiment. This is one of the penalties of the military profession.

A few officers will undoubtedly be cashiered, more will be reprimanded, the matter will be the sensation of the day, and then it will be forgotten. The Army will writhe under the lash, but the time for healing will not be far off.

It is deplorable that the water cure and many worse tortures have been employed by the American forces in the Philippine insurrection, but the fact remains that they have been employed. There is only one thing to do. *Stand up like men and show the provocation and the necessity* for retaliatory measures of the sort. There is no use for the generals in the States to deny that the reports are true. There is no use to attempt to gloss over the facts. They have been buried at the bottom, but in the course of time they have risen near to the top. They will eventually proclaim the truth to the world, and it is better to meet the issue like men than evade it and finally have the truth arise and confront us.

In admitting the fact that these measures have been employed the fact must not be lost sight of that they were never officially permitted, and that there is really no one responsible except the individuals who employed them. The fact must be also recognized that while there were many officers who used them and openly bragged of them, there was an overwhelming majority of the officers of the United States Army who never for a moment countenanced this sort of thing, and who conducted warfare in their districts like gentlemen, like Americans, and like Christians.

Ah, Mr. Chairman, what people are there on the face of the globe that would not be treacherous when beaten down to the ground with no possibility of fighting in the open and were yet not willing to submit to an alien rule? Why did nobody ever condemn the Spaniards as treacherous and bushwhackers because they killed every French soldier caught outside of the lines when Napoleon was trying to rob them of national independence and their freedom? On the contrary, the world has praised them for fighting as best they could with what weapons were left them. Are we to judge these men by a different rule? And yet when General Smith was tried in the Philippine Islands the other day the court turned itself into counsel for the defense and ruled that proof of the treachery and general bad character of the inhabitants of Samar was relevant to the question as to whether General Smith was guilty or innocent!

Read the account. Remember it is not from an enemy, but from a friend of your policy of colonialism. The editor seems rather to rejoice that the court was making of itself both counsel for the prisoner and an avowed vehicle to "influence public opinion at home." Read:

[From the Manila Times, April 29, 1902.]

COLONEL WOODRUFF'S STAND.

Colonel Woodruff, the Chauncey Depew of the Philippines, is working overtime now. As senior counsel for defense of General Smith he is called on to electrify the community at least once per diem, and whenever there is a home-going regiment to receive a send-off or a national fiesta to be celebrated, he has to scintillate until the small hours.

In opening the defense of General Smith yesterday, Colonel Woodruff declared his intentions for the conduct of the case in no uncertain language. That he believes the American people, or at least a fraction of them, to be laboring under a terrible misapprehension there is no room for doubt. That misapprehension he proposes to correct, appealing through the court-martial and through the press reports of its proceedings to the American people. The lengthy evidence that he proposes to submit, he urbanely informed the court, was not simply to aid the court in coming to a conclusion, but that the American people might listen to the truth as regards the army in the Philippines, and lay a broad, firm basis for judgment on the large questions now in sight.

In this undertaking the court seemed to give Colonel Woodruff sympathetic support. This was shown almost immediately. There was something almost correctional in the manner in which the court answered the judge advocate's objection that the details of the atrocities perpetrated on the bodies of our soldier dead at Balangiga were not germane to the defense as affording excuse for the drastic orders of General Smith. General Wheaton not only declared that the objection was not sustained, but added, with a

Jovine frown, that the question would be answered, and that in future such questions, showing the character of the Samar natives, would be admitted to the court. Indeed, it is hardly likely that an army tribunal composed largely of general officers, some of whom have themselves come under criticism for "Weylerism," water cure, and other practices, would place many obstacles in the way of an officer who declared his intention of undertaking the self-imposed task of removing the stigma of cruelty and oppression, which for "some occult reason," as Colonel Woodruff declares, has been placed upon the army serving in the archipelago.

There appears to be absolutely no point of fact at issue between the prosecution and the defense in the General Smith case. The latter has admitted everything that the former hope to and more than it probably could prove. There is only one thing which it appears to be trying to establish, and that is the moral and military necessity of suasion by the sword and such means other than this as appear expedient to the end in view. It is not speculating too much to hazard a guess that this necessity is already established in the minds of the majority of the court. The American people, through President Roosevelt, have called this court because they conceived that a gigantic wrong was being enacted here, and they have demanded that the truth and the whole truth should out.

The defense appears to be determined to thrash out the whole matter, lay it before the American people, and abide by the consequences, whatever they may be.

Then there came upon the stage my friend from Michigan [Mr. HAMILTON], and he told us that 35 provinces were "organized out there" and that "order reigned." Gentlemen, do you remember the time when the celebrated message was sent, "Order reigns in Warsaw?" Why, the attempt to make Samar a howling wilderness was so successful that it overleaped itself, and there was nothing left in Samar to howl. There was "order" in Samar. There is "order" there now. But as to the feeling of the people. and the idea that any real pacification has taken place, I shall insert in the RECORD a report from the Manila dispatches of the testimony of ex-insurgent Malvar, which you have all read, and an editorial from the Washington Post, proving that there has been no pacification, except the pacification which a helpless people apparently show when they are cowed and afraid and awaiting a better opportunity to strike:

"Considerable surprise," the Manila dispatches say, was caused yesterday by the testimony of the ex-insurgent leader Malvar. He was called as a witness for Major Gardener respecting conditions in the province of Tayabas, and revealed to the astonished Americans that all their municipal governments there were really in sympathy with the insurrection. Every municipal officer, said General Malvar, who was drawing pay under American rule, really took orders from this insurgent commander, and constantly furnished him with supplies. He went on to say that there was not one native in any of those towns truly friendly to the Americans. This is telling evidence, not only for the accuracy of Major Gardener's description of the state of affairs, but also for the continued existence of a pervasive and settled aversion to our rule throughout the islands. This is the element of the problem which should appall our imperialists. A disaffected population of 10,000,000 we can not hold in perpetual and sullen subjugation. There is no American way of governing people who obstinately and year after year, defeated and disarmed but not dismayed, go on insisting that they are determined to govern themselves. If we are bent on subduing the Filipinos, our task is scarcely begun. We have yet to break the unconquerable will and turn obdurate hate to friendship; and we have neither the weapons nor the resources to accomplish that.

MALVAR ON FILIPINO INSURGENT METHODS.

Maj. Cornelius Gardener called the former insurgent general Malvar, who surrendered in Batangas Province last April, to testify at Manila yesterday before the board which is investigating the charges brought by Major Gardener concerning conditions in Tayabas Province, Luzon.

Malvar said that Tayabas Province had been one of the best disciplined insurgent strongholds under his control, and that each municipality in the province obeyed him. He said that he could have called out 1,500 riflemen and 450 bolomen in Tayabas Province without counting upon the men he could have raised in other provinces; that the people in the towns of Tayabas obeyed well the orders issued by the American authorities, as well as his own. They sent supplies to the insurgents, he said, and then after the lapse of a few days would notify the Americans that such supplies had gone out.

This Malvar ordered the townspeople to do in order that they might not be suspected by the Americans of disloyalty. Each body of insurgents in Tayabas was supported by the town to which it belonged. General Malvar said also that the object of all his orders was to prolong the struggle indefinitely; consequently, in small engagements the insurgents were only allowed to attack the Americans when they outnumbered them three to one, and in larger engagements only when they had at least equal numbers. Malvar said that the presence in any town of one native who was truly friendly to the American cause would have made it impossible for an insurgent body to exist in that town. To the best of his belief the insurgents had candidates in all municipal elections held in the province. In conclusion, he said that the insurrection in Tayabas and Batangas provinces had been broken up as a result of the reconcentration methods adopted by Gen. J. Franklin Bell.

The gentleman said, "Only a tribe or two oppose us." But it happens that the tribes who oppose us constitute 6,500,000 of these people—Tagalogs and Visayas and all the Christian Filipinos. The testimony of General Chaffee is (and General Chaffee insinuates a justification for some of these things which are going on out there based upon this statement of facts) that every one of them is an enemy, and that when they call themselves friends they are merely acting treacherously; and my private opinion is that they are enemies.

Suppose during the Revolutionary war our people had got to the place where they could not fight any other way. Do you not think they would, as Marion and Sumter and their followers did, have taken to the swamps, or taken to the mountains, and that they would have bushwhacked where they could, and that some of them would have come in perhaps and taken the oath of allegiance to the British Crown, and then, finding tyranny no longer tolerable and oppression longer unendurable, gone back to their duty of fighting Britons, as Isaac Hayne of South Carolina, one of her greatest and purest patriots did, being afterwards shot on the charge of violating his oath of allegiance to the British Crown?

Human nature is the same all over the world, and when men are helpless and cowed by their helplessness, they always seek safety in cunning and deceit, trying to do what they can secretly and treacherously, if need be, for their cause. We should not be too hard upon these people about that.

Then, gentlemen say that these people are incapable of self-government. Now, gentlemen, I want to call your attention to this: If these people are incapable of self-government, then the gentleman from California [Mr. KAHN] must be mistaken about some things he told us the other day, because he described these people as "pleasant people," "nice gentlemen," "nice ladies," and he said that they had "20,000 children at school in Manila alone." What a significant fact! the parents of 20,000 children in one town so thirsty for knowledge for their offspring as voluntarily to send them to school, even when conducted by hated Americans! And General Smith of Samar-order fame must be mistaken, because it is the testimony of General Smith that 10-year-old boys out there are fighting and are willing to die for the independence and liberty of their country; and when the battle of Manila took place women were in the ranks of the Philippine army, some of them armed only with bows and arrows, fighting side by side with their husbands and brothers.

Now, you need not tell me that any people do not deserve liberty and are not capable of self-government; not, of course, our sort ro self-government, but their sort, a government suitable and propef for them: who have these two qualities which are demonstated by what I have mentioned in this case: First, that they are willing to learn; and second, that they are willing to die. [Applause.] If these are not tests to demonstrate that a people ought to be intrusted with the experiment of self-government, then I do not know what could be.

The gentleman went on afterwards to say that "we can not galvanize the sixteenth century upon the twentieth." Of course we can not, and that is the very reason why I do not want to keep the Philippine Islands. [Applause.] It is you who are trying to galvanize the sixteenth century to the twentieth by adding the Filipinos as a part of the body politic of the American people in the twentieth century. I want no sixteenth century population-development attached to the population of the United States to drag us down to equal citizenship, or else to drag us down still further, if we rule them as a subject people, by tempting us by their weakness and our consciousness of power to deeds of tyranny, brutality, and oppression.

I do not say that these people are capable of the same measure of self-government as we are. Of course they are not. I do not know that republican institutions would be the proper government for them. I am rather inclined to believe that they would not be. I am inclined to believe that down in Mexico even, where the people are somewhat more highly developed than they are in the Philippines, the Mexican Diaz dictatorship is for the present the best form of government. It is the training school, the preparatory school through which the people go. And, for that very reason, this Democratic bill, which we offer as a substitute, after it makes provision for a temporary government for four years, which shall act as a bridge between the American sovereignty and the Philippine self-government, and which, being inaugurated under our auspices and bearing our impress, is given a republican form, leaves these people, after that, free to adopt any sort of government they choose. It may be that a government by the notables of the provinces would be the best for them. I am not discussing that.

But you are awfully mistaken if you forget that the right of self-government carries with it the right of self-misgovernment for the individual and for the nation as it needs must, and that in both cases the exercise of the right has exactly the same limit. The gentleman fromPennsylvania in front of me has a right to self-misgovernment up to this exact limit; that that self-misgovernment shall not go so far as to injure me or any of the balance of his neighbors. Every nation on the surface of this earth has, internationally speaking, the right of self-misgovernment, as an incident to self-government, up to this point, from my standpoint, that that self-misgovernment shall not take the shape of injuring any other nation of the earth in its rights.

Any other theory would keep individuals and nations always intermeddling with one another's affairs, and establish a moral censorship and tyranny of the strong over the weak.

What, for example, have we to do with the little miserable revolutions and scandals that take place in South America, as long as they do not touch us?

Ah, my friends, you stand in a peculiar attitude. I want to call your attention to two pictures for a moment. One of them is the picture of Cuba—free, happy, prosperous; the picture of the American flag which was "put" and which did not "stay put."

It did not "stay put" because wise prescience and foresight, which unfortunately could not foresee the Philippine imbroglio—or it would have provided for that too—provided that we should not hold Cuba as conquest or colony or territorial appendage, nor the people as "citizens appurtenant," to use again the absurd and senseless phrase that one of the judges of the Supreme Court has rendered popular in certain quarters.

Look upon that picture. Amid the huzzas and the vivas of the population; amidst the plaudits of the civilized world, an American general, with power enough to hold the country within the very grip of his hand, if we had so elected, ordered the American flag—the emblem of freedom and liberty, and of sympathy with peoples struggling for independence everywhere—to be lowered and another flag to go up as a witness of the birth of a new republic upon the surface of the earth, and as a witness perpetually of the magnanimity, the chivalry, the nobility, and the wisdom of the American people. [Applause on the Democratic side].

I shall read you an account of that inspiring scene from the pen of W. J. Bryan:

THE BIRTH OF THE CUBAN REPUBLIC.

[Article written by Mr. Bryan for Collier's Weekly, and reproduced by courtesy of that journal.]

"Viva Cuba Libre!" "Viva la Republica de Cuba!" These were the exclamations of delight and of patriotism with which the Cuban people greeted the 20th day of May, the day upon which the American Government of intervention formally transferred authority to the newly formed Cuban Government.

For days the city of Habana had been busy with preparations for the great event. Fifty thousand dollars had been contributed by the citizens and spent in decorations. Triumphal arches towered above the streets; large Cuban flags floated from the flagstaffs of the business blocks and little flags fluttered from bamboo poles; streamers covered the buildings and patriotic mottoes and pictures of dead heroes recalled the struggle of more than thirty years, so full of sacrifice and so replete with valor, just now culminating in a glorious victory. Everywhere were evidences of joy and exultation.

From the time the president-elect landed at the wharf of Habana the people were in a state of suppressed excitement, impatiently waiting the hour for which they had looked and longed. The most notable event of the week preceding the inauguration was the banquet tendered by the Cuban veterans to Governor-General Wood on Friday evening, May 16. Gen. Maximo Gomez, the greatest of Cuban generals, the hero of the war for independence, the idol of the Cuban patriots, and the trusted friend of the new president, sat at the head of the table, On his left was President-elect Tomas Estrada Palma and on his right Gen. Leonard A. Wood. At the same table sat the principal military and civil officials of Cuba, mingled with the officers of the United States Army. The banquet tables were made to form a shield and occupied the entire floor of the Tacon Theater, while the five galleries of that splendid auditorium were crowded with ladies in party dress. The banqueters below and the spectators above presented a combination of bravery and beauty ever to be remembered.

AN INSPIRING SCENE.

General Gomez, being a man of action rather than of words, called upon Senor Gonzalo de Quesada to act as toastmaster, and that the latter discharged his duty well was evident from the manner in which his introductions were greeted. Brief speeches were made by Senor Mario Garcia Kohly, General Fernando Freyre Andrade, and myself. Then Governor-General Wood was presented, and the entire audience arose and stood while he expressed in modest but felicitous language his appreciation of the courtesies shown him and his good wishes for the Cuban Republic. It was an inspiring scene, the like of which has been rare in the world's history—the representative of a great and powerful Government voluntarily surrendering into the hands of a comparatively small nation an authority that might have been withheld had the United States been actuated by the motives which control most nations that go to war. It was an act of magnanimity and of fidelity to principle that raised higher the flag about to be lowered. It was a moral victory more potent for good than any triumph of arms.

General Wood has had a difficult task, and while mistakes have been made and an occasional criticism is heard, these are outweighed by the positive good that has been done.

The Teller resolution, which was added to the resolution of intervention, contained the following words:

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

If any American citizen has regretted the making of that promise or has favored its violation, he would have been converted had he attended the banquet given by the veterans on Friday evening. He would have learned that love is better than homage, and that our nation enjoys a greater reward than it could possibly have secured by conquest or violence.

GENERAL WOOD'S FAREWELL RECEPTION.

On the Saturday night following the banquet General Wood gave a farewell reception in the same theater, with President Palma as the guest of honor. An immense crowd was in attendance. On the same evening the leading Spanish society of the city celebrated the coronation of Spain's young king by a grand ball in the Casino Español. Here, amid the waving of Spanish flags and the perfume of tropical flowers, the élite of the Spanish element met and drank the health of Alfonso XIII.

At midnight on the 19th the bells rang, the engines and boats whistled, cannons fired, and each person seemed to try to make more noise than his neighbor. From that time on for several days the city was given over to rejoicing and to the heartiest manifestations of delight. Firecrackers were exploded everywhere, and that, too, with a recklessness that would have done credit to the American small boy.

When the Spaniards evacuated Habana the beautiful statue of Queen Isabella, which stood in the center of the most prominent park, was taken down, but the pedestal was left standing. The Cubans, to signalize the change which had taken place in their government, secured a statue such as is used in the United States to represent the Goddess of Liberty and, on the forenoon of the 20th, this statue was placed upon the pedestal. The crowds that surged by it noted and commented on the transformation that had taken place in the ideas for which their government stood. At night a light was placed in the uplifted hand of the goddess, and the Western Hemisphere beheld a new "Liberty enlightening the world."

As the hour of noon approached, the human tide that had ebbed and flowed through the streets began to form a stream, and this stream, passing through Central Park, divided, one part going in the direction of the palace, where the formal transfer of the government was to take place, and the other passing down the Prado to the point opposite Morro Castle.

The American soldiers occupied the Placa de Armas just in front of the palace and kept clear the street between. The people filled all the other streets around, and looked down from windows and from the roofs of the neighboring buildings.

In the reception room of the palace gathered those who by special invitation were permitted to witness the simple ceremony which preceded the retirement of General Wood and the inauguration of President Palma. The room was not a large one and the number of persons admitted did not exceed 150 or 200. The members of the cabinet, members of the supreme court, members of the Cuban Congress, the archbishop of Cuba and his escort, the governors of the various provinces, mayors, magistrates, and a few officers of the American Army and Navy, with members of the diplomatic corps, newspaper men, and less than a score of others, gathered about the center of the room.

I found that but few Americans outside of the military and naval officials were present. Senator JAMES K. JONES, of Arkansas, chairman of the Democratic national committee; Senator MONEY, of Mississippi, and his son; Senator MASON, of Illinois, and wife; ex-Senator Thurston, of Nebraska, and wife; Congressman DE ARMOND, of Missouri; Governor Jennings, of Florida, his wife and son, a few without title and the photographers, represented unofficial America. That the United States, which appointed three special envoys to witness the coronation of Edward VII of England, and one special envoy to witness the coronation of Alfonso XIII of Spain, had no envoy to testify to the interest which our people felt in the birth of a republic whose very existence was due to American intervention, was a fact frequently commented upon by both Cubans and resident Americans

THE CHANGE OF FLAGS.

At about five minutes before 12 Governor-General Wood and President-elect Tomas Estrada Palma took their positions in the center of the room. General Wood inquired for General Gomez, and, a messenger having been sent to bring him from the rear of the room, he was asked to take a position next to the President. These three, together with the President's secretary, constituted the inner group. In a circle just outside this group stood Captain Scott, the adjutant-general of the Department of Cuba, the members of the supreme court, senate and congress, and the archbishop, while crowding around these without regard to position were the remaining guests, each anxious to be near enough to hear the words spoken by the principal participants. Mrs. Palma and family stood a few feet to the rear of the President and General Wood, while General Wood's wife and the other ladies of the company occupied vantage ground near the windows.

Just at 12 a cannon shot fired at one of the forts startled the audience. It was followed by another roar, and then by another. Then the whistles of the ships lying at anchor in the harbor

Mr. Bryan well says:

In a speech delivered at Habana, President Palma said: "Words can not express my deep feeling when I see how united the people are for the good of our country. I hope they will be forever firmly cemented, making a nation dignified and honorable like her sister republic, the United States, that great honorable nation."

Is it not indeed regrettable that nothing like this can come to us from the Philippine Islands?

Did we act toward the Cubans so that they regard us as "a great, honorable nation" simply because we gave them our pledge that we would be honorable?

Or did we act as we did toward the Cubans because such conduct was in accordance with simple justice?

Then why may we not act toward the Filipinos as we acted toward the Cubans? And why may we not make it possible for some Filipino patriot to arise and pay to the United States the cordial tribute which was given by the Cuban President-elect?

In that connection listen to Professor Schurman, selected by President McKinley as president of the First Philippine Commission. He will give you food for thought and also furnish you a slight glimpse at the other, the opposite and revolting picture:

TRY THE AMERICAN WAY.

Jacob Schurman, formerly president of the Philippine Commission, in an article in the Independent, says:

"What, I ask, do you want in the Philippines? More particularly, why in any part of Luzon and the Visayan islands are you making a howling wilderness and killing children over 10 years of age? It will be said that these are the unhappy incidents of war, which is always a stern affair, very different from the holiday-making into which civilians would turn it. Be it so. Why, then, are we making war? Here are 6,500,000 fellow-Christians of ours—the only Christian nation in Asia—as highly civilized as most of the people of Central and South America. *What do we want of them? We have never told them.* Thank God, there is a more excellent way. Drop coercion and try conciliation. Give the Filipinos what they want, not what you think is good for them. Regard them not as Sioux or Apache Indians, but as Christianized and civilized brown men, ranking with the Japanese."

When gentlemen tell me that Mr. McKinley was the author of the policy in the Philippine Islands, I say in answer, first, that I do not care whether he was or not; that the fact, if it be one, is beside the argument of the question and irrelevant; and second, that I am willing to put what Mr. McKinley *did* in Cuba against what he *wanted to do* in the Philippines. [Applause.] I have given you one picture—the one presented in Cuba.

What is the other—the picture in the Philippines? I am not going to paint it. God forgive us, no man that loves his country wants to paint it. Such as it is, you know it. Which one of these two pictures do you like best? And if you are not ashamed of what we have done in Cuba, and I do not believe you are—because if you are ashamed of it you are the only human beings on the surface of the globe that are—then you need not be ashamed of doing likewise in the Philippines.

If it was not cowardly to keep your faith in Cuba because you promised it, and if it was not cowardly nor the part of "a weakling" to promise it because it was right, then it will not be cowardly to promise and to do the same thing in the Philippine Islands.

That is what we Democrats promise in our substitute bill and propose to *do* under the operation of that bill. If the Cubans are capable of a sufficient measure of self-government to entitle them to national independence, then, by the testimony of Admiral Dewey and President Schurman, the first chairman of the Philippine Commission, by the testimony of Mr. Forman, who spent years and years in the closest domestic and social relations to the Filipino people in their homes, and who is the very wellspring of information about them, the Filipino people are still more capable of self-government. Indeed, every witness who knows both says the Filipino people are the superior race of the two.

And they are—why? Because the Filipino people are socially purer and are racially substantially identical with the Japanese, who have demonstrated to the world their capacity to control their own affairs, and their magnificent receptivity for civilization and enlightenment. The Cubans are very largely of mixed blood, and mixed at that with the most inferior race upon the earth. They both had the same religion; they both had in large measure the same language; they both had the same governmental environment.

And then, one gentleman on the other side, the gentleman from Pennsylvania [Mr. OLMSTED], rises and says that the Democratic minority report shows that we do not think these people are capable of self-government. And he reads a line of the report which is in these words:

That three hundred years of Spanish oppression have deprived these people of—

What?—

self-government.

Not the capacity for self-government. And then he reads on a little further from the report, that "they are now unprepared" for what? For "its exercise." Not unprepared mentally, not unprepared morally, not unprepared for their measure of self-government at the proper time, but having no civic institutions, having no civil government except ours—we having destroyed all other—that we ought not to go away and "scuttle" over night, leaving them without police, without armies, without any conservators of the peace, without any governmental framework, within which civilization may work. For that reason the minority bill proposes a bridge government—to bridge over the interval from the present despotic control on our part to their full measure of self-government under a government to be adopted by them such as they see fit.

A people may be unprepared for *the exercise* of self-government at a given time, because they have no institutions by means of which to exercise it. Why, sir, the State of Pennsylvania tomorrow, if it had not justices of the peace or governor or legislature or sheriff, or any other officers of any sort, would be left in chaos and anarchy. True, the people of Pennsylvania, with their high degree of civilization, would in three days, in every township, correct that state of affairs. They would form vigilance committees which would hold the lawless element down until they could organize some sort of government. But for the time being there would be anarchy, and no *exercise* of self-goverment.

Yet the gentleman takes hold of that clause of our report and tries to say that we ourselves deny that those people are capable of self-government. Surely the gentleman must have seen the difference between the sentence as written—"three hundred years of Spanish oppression have destroyed self-government"—and the sentence as he would have you understand it—"three hundred years of Spanish oppression have destroyed the capacity of self-government."

In this connection, and in connection with what the gentleman from Michigan [Mr. HAMILTON] said about "galvanizing the sixteenth century onto the twentieth," I want to say this, that I am a thorough believer in the doctrine of political evolution. I know how governments on this earth have started; with family government first, under the head of the family; and then under the head of the tribe, when sons and grandsons and their wives had made of the family a tribe; and when the tribe became too numerous for common pasturage of herds, then probably with a confederation of tribes with the oldest, the strongest, or the most warlike man for the time being at the head of this "clan," as it had become; how that gradually went along until it developed, in order to prevent wars of succession at every decease of a ruler, into hereditary succession of the king man, that is, the able man, the man who knew, the man who could, the man competent to govern.

And then I know how still later, in the process of time, people thought it wisest to select their king men, not by process of war, not by process of hereditary succession, but by process of free selection among the citizenship, this citizenship being coextensive with the blood—kinship—the fraternity; and I know as well as anybody that, while there are peoples prepared for one given stage of that evolution, there are other peoples who are not prepared for it. But I know this, too, that there never was in all the history of this world—never once—an evolution by gunshot wounds; that nobody was ever shot into civilization; that no civilization was ever superimposed upon any people by force; that no people can be furnished by force with "canned liberty" or canned civilization. If such ever seemed to be the case, it was a sham civilization, the crust of which must burst, which must go to pieces at the very first volcanic eruption of the inside forces, which had been held down by artificial means.

It is you who are attempting to ingraft upon the twentieth century institutions of the American people, a people not farther ahead in the process of evolution than the sixteenth or the seventeenth century—trying to poison our body politic with their citizenship; or if you shall not do that, then trying to degrade the body politic by forcing it into necessities of tyranny and atrocity; arising from the environment itself and the very nature of the self-set problem you are trying to work out.

Then there came on the stage my genial friend from California [Mr. KAHN]—and if ever there was a genial man in this world and a good friend, it is he—and his position just shows how far a good, kind-hearted, big-hearted man can be carried by the trend of events. He is an optimist, as he says. He began by saying he loved to believe that men were honest and gentle. So do I. He loved to believe men are not cruel. So do I.

But suppose I know that a man is dishonest, suppose I know he is not gentle, suppose I know he has been cruel, is my optimism to prevent me from denouncing his cruelty and denouncing him for disgracing my own Government, my own nation, and my own army? I say my own army, because I don't belong to the army—the army belongs to me as a part of the people.

Why, he says "nothing will ever baffle the skill of American statesmanship." Mr. Chairman, that is one of the most common mistakes made in the world. If anything excites my commiseration and pity and "makes me tired," it is to hear Americans or Englishmen or Germans or Frenchmen—and I have heard them all—making exceptions of themselves from all the rules of human nature. "Greece went this way, Rome went that way, Venice fell in another way, but I am a Frenchman, I am a German, I am an Englishman, I am an American! Nothing can happen to my great people."

But after all, within certain broad racial lines, you are just exactly like the balance of mankind—you are a man, and the seeds that bring certain harvests in Greece or Rome or England or Venice will bring that harvest here, and you need not imagine that you can be one of the pilots upon a ship of state and can deliberately direct that ship toward the rocks and when you come upon the rocks escape shipwreck. [Applause.] Why, what do you imagine, Mr. Chairman, makes the superexcellence of the American people to-day? Why are we the greatest people on the globe to-day? What is the secret of our national greatness? Is it because we are the richest people on the surface of the globe? Oh, no. Italy in the days of Augustus and of the emperors for one hundred and fifty to two hundred years afterwards was much richer, man for man. Even our millionaires, most of them, are hardly able to invest in railroad stocks as much as some of the great magnates of Italy spent upon a banquet. Is it because we exceed other people in territoriality? Oh, no. If so, Russia and some other countries, the Empire of Alexander, and the Roman Empire would have exceeded us in civilization and greatness. Is it because we are the most intelligent or best-educated people upon the surface of the globe? Oh, no. Why, the average citizen of Prussia is better educated than ours to-day. And yet we are the greatest people. Is the average American citizen any stronger physically, any wiser mentally, any better morally, than the average subject of the Kaiser or of the King of Great Britain? Not a bit of it. You need not imagine he is either. What has made us, then, the greatest people upon the surface of this earth?

I will tell you; the fact that we have been the freest people upon the surface of this earth; free by natural aptitude, free by the inheritance of English laws, free by opportunity of environment, free by political institutions which we have made ourselves, free from the burden of war taxes, free from militarism, free from the thirst for glory, free from colonial greed—a great people of equal citizenship within an immense, magnificent continental area, building up from day to day, upon the shoulders of each generation which had gone, a higher civilization. [Applause.] My friends, you need not think you can satisfy a thirst for military glory or colonial holding of distant and alien countries and subject populations, or do anything else that has caused ruin to other Republics and free governments and escape the ruin that it has caused them. All the optimism in the world will not help my friend from California when it comes to that. [Applause.]

My friend was very optimistic. He went to a town there, where upon the Fourth of July, just before his arrival, the women had been "shedding tears and spreading flowers" for the insurgents, and when he came there on the 29th, I believe it was, "Hello" and

"Welcome" were the watchwords and they were all glad to see him. Keep the picture he drew so brilliantly in your mind, and yet a people so easily pacified as that needs for effective and satisfactory pacification Gen. Jacob H. Smith's proclamation to make of their territory "a howling wilderness" and to kill "everybody capable of bearing arms!" And it is necessary with a people thus described by the gentleman from California—so prone to forget past prejudices and hatred, so easily pacified—to place the period of age at which a "man"—God save the mark—is capable of bearing arms and must be killed in order to be "pacified," at 10 years!

Either my friend from California is mistaken or that great authority, H. R. J. Smith, so lovingly called by the soldiers "Hell-Roaring Jake," is mistaken, and patriotism and the fear of being charged with having made an "attack on the Army" prevents me from asserting that the man who is mistaken is General Smith. I am going to make no attack upon the Army in that respect.

The gentleman read a letter to Consul-General Wildman from Aguinaldo. I have not time to enter into it now, but I shall ask each gentleman to read it, and if that letter does not prove that Aguinaldo and Wildman were at one in the consciousness of one thing, then I misunderstand it. It proves that Aguinaldo understood that Wildman understood that he, Aguinaldo, had been expecting independence, and that that was his object, understood evidently by Wildman, in bearing arms, side by side with and helping the boys in blue, against Spanish despotism.

Nobody seriously believes that Aguinaldo and the Filipinos were fighting for a change of masters.

This phase of the question has been so fully discussed by Senator HOAR that I leave it, conscious of my inability to demonstrate a demonstration or "to gild refined gold."

And then the gentleman went on to give us some hearsay of a hearsay concerning Sixto Lopez. When we were down in the committee room we begged our Republican confreres to permit us to bring Sixto Lopez there, so that instead of hearing him by hearsay he might be heard in his own proper person, and that request was refused. Why?

And then my friend, I think, indulged after that in about the richest argument that I have heard for a long while. It was to this effect: That these Filipino people out there were really not at heart antagonistic to us; that they did not hate us; that they did not really want any independence; and he proved it by this: That when a school-teacher, who was a friend of his, went out there and interrogated the children as to what were the continents on the surface of the earth, the reply came, Europe, Asia, and Africa.

Now, how could a people, he asked, hate the American people and not be willing to be governed by the American people, if their children did not even know that America was a continent? [Laughter.] Well, by the same measure of proof exactly you could prove that we were willing, in 1897 and 1898, to be governed by the Filipinos, because a majority of our people, and quite a minority of Congressmen, did not know whether the Philippines were a continent or not. [Laughter.] I wish only one thing when I think of all this. I wish my genial friend had gone to the Philippines earlier and had seen these people sooner.

When I think of all the blood that has been spilled, of the tears that have been shed, of the homes that have been destroyed, of the fields that have been devastated, of the bad examples that have been set, because these mistaken Filipinos imagined that they wanted independence and actually fought us to get it, when my friend KAHN could have undeceived them as to their intent, I stand absolutely amazed at the lack of intelligence and prescience which kept us from sending my friend to that country as a diplomat. I know what happened when he got to that village. They were not welcoming Americans. They just looked at that rubicund countenance. There was affection for all mankind in it; there was optimism in it, and world-embracing philosophy, and of course they hollered "Welcome and hello." [Applause and laughter.]

Anybody on the surface of the earth would do it. They could by no manner of means connect that countenance with Smith's order. They did not look alike in any respect. [Laughter.] What you want to do is to go back there and say to those people, "You are mistaken. You have had wrong ideas about your own intentions. You never really meant to fight us at all;" and by some sort of Christian science faith cure you might after awhile succeed in proving to them that they never had fought at all, and then we would have real peace all over the whole country? [Laughter.]

How much better this way than Gen. H. R. J. Smith's way. Then my friend gave an instance of a Tennessee soldier who committed a horrible murder, and he said, "You would not hold Tennessee responsible for that?" No; nor do I, nor does any man with common sense hold the Army of the United States responsible for the malicious or atrocious, cruel or vindictive deed, or the deliberately murderous deed of any man who happens to wear the uniform. But you do not quite make the distinction. We will hold the Administration responsible unless the Administration punishes the men who do these things. [Applause on the Democratic side.]

Did you apologize for that Tennessee soldier? Not a bit. Did anybody get up here and compare him by inuendo to Grant, Sherman, Sheridan, and Stonewall Jackson? Not a particle. Had you one word to say in his justification or excuse? Not a bit. And yet, whenever we prove a case of atrocity ordered or committed by a brute in uniform out yonder, somebody jumps up here and undertakes to prove that Sherman was equally a villain, that Sheridan was just as great a brute, and that even dear old Presbyterian Stonewall Jackson was as bad as Hell Roaring Jake Smith. What do you mean by that? The President gets up at Arlington and makes a speech. He first says "Every wrong-doer will be sought out and punished," and then in the very next breath he turns around and says that Smith's order does not compare with some resolutions passed by the Confederate Congress; not a law enacted, mind you, at all, but hot-headed resolutions introduced. True, that when the resolutions are read they do not come up to the lurid Presidential description, but what of that? What did the President mean by it all?

What is the object of it? To prove that the members of the Confederate Congress were brutes? If that was the object, nobody will believe it. All the world knows better. The "storm-cradled nation" that rose and fell, fell stainless. Was it to prove that Smith is not a brute? Why, it does not prove that. If Smith is guilty of what he has been charged with, he is a brute. If he is not guilty as charged, then he is not a brute. But citing the fact that somebody else, somewhere else, once said something bitter is no justification for Smith.

By the way, I wish I had time, but I have not, to enter into that matter. I will stop only this long, to say that the Confederate Congress never passed any law in accordance with those resolutions; that it was a mere fulminating resolution offered in the Congress, for the purpose of checking the enemy in some things that the enemy had threatened to do; a threat to retaliate if he did not desist.

Now, the gentleman from Pennsylvania [Mr. OLMSTED] then came on, and he grew funny, too, about a bill that he held in his hand—the bill first introduced by us in the House—a bill written by me, and about which, therefore, I know something, and he said it was so curious that one part of the bill named "one" Senator, and another part of it named "two" Senators. If the gentleman had taken the trouble to read the Constitution of the United States he would have found about the same discrepancy. In one place we were referring to the election of the Senators, and only one was to be elected at a time. In the other place we were referring to how many Senators each senatorial district was to have, and each one was to have two. And then the gentleman later on disclosed the fact that he was not even discussing the bill actually offered here, and now, as a substitute—a Democratic substitute—but a totally different bill. So far as that is concerned he does not expect his constituents to know any better, and he thinks the speech will go just as well in Pennsylvania.

Mr. OLMSTED. Will the gentlemen allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Yes, if it is right on this question.

Mr. OLMSTED. It is on this question. I want to know if the minority have abandoned the bill which they introduced?

Mr. WILLIAMS of Mississippi. I say no. Not a principle in it has been abandoned.

Mr. OLMSTED. That was your bill.

Mr. WILLIAMS of Mississippi. Yes; and the bill now offered by us is, in substance, in idea, in means, in each and in every materiality identical with it. But the Republicans of the Senate have introduced a bill and the Republicans of the House have introduced a bill. They are totally different in every aim and detail, except that both would establish a crown colony. They will be turned into one bill later on by conference. The Democrats, not being in power, could not pass two bills—one through each House—and then turn the two bills into one as a result of an after conference. We, therefore, had to have our conference beforehand, but every idea of the bill originally introduced into this House by us, to which the gentleman referred as having been framed by me, is contained in the agreed bill. Its cardinal principles are, first, a temporary or bridge government to carry these people over the gulf of political anarchy, caused by our destruction of all their civil institutions; second, to give them ultimate and final independence, and a government of their own making like other people of their own country; third, we to exercise, during the period of temporary government—a prescribed and limited period—a protectorate over them in foreign affairs; and fourth, this protectorate to be coincident in duration with our control of their foreign affairs.

There is nothing strange in a couple of bills being turned into one in conference. The only difference between us and the Republicans is that we have reported our conference bill beforehand and you of the majority will offer yours afterwards when you get together in real conference and come back to the House with it. Our bills were not so far apart at the beginning as the Republican Senate and the Republican House bills are to-day. Indeed, the difference was infinitesimal.

Now, Mr. Chairman, to come to the speech of the gentleman from Indiana [Mr. LANDIS].

Mr. LITTLEFIELD. I would like to hear the gentleman as to the constitutional power we have to exercise a protectorate over a foreign country.

Mr. WILLIAMS of Mississippi. Well, so far as that is concerned, I have not time to discuss it now; but I have never heard that power questioned. We have the power to enter into treaties of amity, peace, and commerce with other nations; and if we can enter into a treaty of amity, commerce, and peace with other nations, from that very fact it would appear that there would be nothing constitutionally obnoxious in a treaty drawing the lines of amity still closer, and making a promise to protect a treating power from invasion by somebody else or all bodies else. Nobody has ever questioned the constitutionality of the Monroe doctrine, which is a quasi protectorate over all South and Central America. If we can enter into a treaty of alliance, defensive and offensive, with another nation—which is not disputed nor disputable—then undoubtedly we can go a step further and agree with a people to defend them against the world. The gentleman from Maine will remember that the first treaty we ever made was a treaty of mutually defensive alliance with France, in which we promised to defend her West India possessions from invasion and conquest—a promise, by the way, signally unperformed. That involved a protectorate to the extent of the agreement.

Mr. JONES of Virginia. I ask my colleague what we are doing in Cuba to-day?

Mr. WILLIAMS of Mississippi. Why, exactly the same thing. I do not want to go into that. We propose to make this protectorate by treaty as well as by a general government bill.

Now to the gentleman from Indiana. His eloquence, how inspiring it was! And his tribute to liberty, how absolutely glorious it was! And then what a great fall there was when you found that all that amounted absolutely to nothing. He was not even willing to go as far as the gentleman from Wisconsin [Mr. COOPER], after all his eloquent tribute to the spirit of liberty. He was not willing to trust these people even with a lower house of their own election, and that lower house checked by a council of our appointing, that lower house still further checked by an executive of our appointing, and by our army and naval force standing in their midst and afloat on their waters.

The gentleman drew a most pathetic picture about a soldier boy who went to the Philippine Islands, and, like many a poor boy who has been upon that national wild-goose chase, came back diseased and died. It was a pathetic picture. It was very sad indeed, and everybody sympathized with him in drawing it. But does he reflect upon what it was the boy died for? What did he die for? Did he die to defend the institutions of his country? Did he die to defend the territory of his country from invasion? Did he die to spread liberty anywhere? Did he die to perpetuate the soul of American institutions, the declaration that "all just government is founded on the consent of the governed?" The poor boy died simply because he had lived in a certain country, and that certain country had got into a certain war, and he, full of patriotic manhood, had sprung to the support of its flag, probably not knowing nor asking how the flag came to be unfurled as an emblem of war in the Philippines. That is all.

Mr. LANDIS. Will the gentleman permit?

Mr. WILLIAMS of Mississippi. Yes.

Mr. LANDIS. I will say that that boy died to give life and importance to a treaty that was passed through the Senate of the United States with the assistance of 18 Democrats.

Mr. WILLIAMS of Mississippi. "That boy died to give life to a treaty that was passed" by nobody cares whom! That boy died to give life to a piece of parchment! That boy died to give life to a treaty, the underlying and fundamental idea of which is that a despot has a right to sell the independence and nationality of a people, already fighting that despot for their nationality, to a free republic. [Applause on the Democratic side.] That boy died to disprove the right of community independence which the brave and generous youth's forefathers had died on so many battlefields to establish! He died to establish the principle of colonial subjection, which his forefathers died to make effectual denial of!

Mr. LANDIS. The time for the gentleman from Mississippi to have thought of that was when the treaty was up for ratification.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have not again yielded to the gentleman, and yet he has put in this remark. The gentleman from Mississippi did think of it then, and the majority of the Democrats in this country, in and out of the Senate and House, thought of it then. The mistake of one Democrat who was a leader then and is a pure and honest man now, can not be charged up for all time against a righteous sentiment. Every Democrat in the Senate save three voted for the Bacon amendment declaring our thought then and now. But whether the Democratic party was then right or wrong—whether the Democratic party then made a mistake or not—the question is now and here, Have you, as a free republic, a right to buy from a despot the nationality and the independence of a people when you know beforehand that only by the horrors of war can you subject that people to your bargain? That is the question. [Applause on the Democratic side.]

Mr. LANDIS rose.

Mr. WILLIAMS of Mississippi. I can not yield further.

Mr. LANDIS. But you asked me a question.

Mr. WILLIAMS of Mississippi. I asked the House; I asked the Republican party; I asked the country. I am carrying on this conversation with the country, to a large extent, as well as with the gentleman from Indiana. [Laughter.]

Mr. LANDIS. The gentleman asked me a question, and in answer I will say that in the Philippine Islands we are doing exactly as we did when we annexed Florida; we are doing exactly as we did when we annexed Louisiana; we are doing exactly what we did when we took California, New Mexico, and Arizona.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if a 15-year-old boy——

Mr. LANDIS. And I will say further that when we took Florida, Andrew Jackson, a good Democrat, was President, and with California, Arizona, and New Mexico——

Mr. WILLIAMS of Mississippi. Oh, Mr. Chairman, the gentleman is so far off on his history that I clearly can not let him interrupt further; anybody that believes that Andrew Jackson was President when we annexed Florida! [Laughter.] I can not yield any further. The gentleman from Indiana well understands that I have the last speech on our side and that my time is limited. My time, under the order of the House, can not be extended.

Mr. LANDIS. Well, I want to say that was a slip of the tongue.

Mr. WILLIAMS of Mississippi. And the balance of the gentleman's statement was a slip of the tongue. Now, I can not yield any further.

Mr. LANDIS. But the gentleman wants to be fair.

Mr. WILLIAMS of Mississippi. The gentleman will be fair.

Mr. LANDIS. I meant to say that Andrew Jackson was the strong right arm——

Mr. WILLIAMS of Mississippi. Oh, well, I know that. [Laughter.] I am acquainted with the ordinary facts of history. Mr. Chairman, the gentleman from Indiana is just as far off in his political philosophy as he is in his historical instances. We are not doing in the Philippines what we did in Florida. We are not doing what we did in Louisiana; nor in any other place ever annexed to this country did we ever do what we are doing in the Philippine Islands. Every man knows that hitherto we have annexed unsettled areas peopled with a white race, or else peopled with an Indian race so sparsely settled that they did not interfere with home making in the annexed territory by the sons and daughters of the American people. Every man knows that this is the first time that we ever undertook to annex against their will, fighting with arms against it, a population denser than that of the State of Mississippi to-day—every man and nearly every woman and nearly every boy of whom, if General Smith is to be believed, are fighting against us as against a despotism. The gentleman knows, or ought to know, that the American flag never before went anywhere that it was not hailed as a harbinger of liberty, and as a protector of the helpless and defenseless and scattered people against savages and against foreign power. [Applause on the Democratic side.] We always promised beforehand to the population of territories hitherto annexed, full and equal participation in American citizenship. This was enough to make them hail the flag gladly. We can not and ought not to do that with these oriental people; we ought, therefore, to let them go forth free from the "house of bondage." If the gentleman does not know all this, he had better continue his study of political philosophy and of the spirit of American history in some other and better school than that in which he learned his historical facts. [Laughter and applause on the Democratic side.]

The gentleman tells us that the boy said just before he died that the soldiers in the Philippines did not want it said hereafter that they had "followed a retreating flag." The gentleman from Indiana said the flag retreated from Tripoli, but it was "after its mission had been performed." What was its mission at Tripoli? To sink a fleet and punish an enemy, and after sinking that fleet it sailed away.

Why could it not have done the same thing at Manila? Oh, that

glorious May day's victory! Why could not the memory of it have been left untarnished by our subsequent voluntary aggression against the people who witnessed it and hailed it as a harbinger of a new day of freedom and independence for them and their children?

The gentleman says that the flag never retreated from the cathedral at Mexico until there it had "performed its mission." Ay, but if there had been then men like this Administration and its backers, they would have said that it had not "performed its mission;" that "God had carried us there; that Providence had decided for us to stay; that our being there was 'an incident of the war,'" and that they "believed in a great God who, holding us in the palm of His hand, had put us in the City of Mexico, and that being helpless idiots, we could not get out." [Democratic applause and laughter.]

It had "performed its mission," had it? I say that the flag has "performed its mission" in the Philippines. What is its mission? If it has any mission, it is the mission of the American people, because the flag is but their emblem, "the outward and visible sign of an inward and spiritual grace." And what are the American people? We are in form of government a constitutional, democratic republic; we are in citizenship equal and free, proud, and civilized, and Christian. Can it be the mission of a free people to have the flag "stay put" where it must wave over subject people? Can it be the mission of an equal citizenship, proud of their equality as a birthright, to have the flag "stay put" where the birthright does not exist, where equality must be denied, and where men must be ruled as inferiors, or else civilization itself must commit suicide.

Can it be the mission of a civilized people to attempt to spread civilization by force of arms? Can it be the mission of a proud people to keep a flag "put" simply for the sake of national prestige? And what sort of national prestige? If it were in a war against Great Britain or Russia or France I could understand why men should say "we will not follow a retreating flag." I can understand how, if I were engaged in mortal combat with the gentleman from Indiana, I would decline to admit that I was wrong till I had at least fought my fight. But if I had a child in my arms whom I was punishing, and recognized while I had him there that I had been wrong, I would not think that my prestige required me to keep on punishing him.

Ah, Mr. Chairman, brave men never fear being called cowards. [Applause.] And great nations never fear to take their heels off weak and helpless peoples for fear they will "lose national prestige." Cowardly, indeed! Cowardly retreat! Does the gentleman imagine, does anybody imagine, that the world will conclude, if America takes the flag down in the Philippine Islands, that her reason for taking it down is because she is *afraid of the Filipinos*?

Is it an unperformed mission of the flag to "stay put" in the Philippines?

Can it be the mission of a constitutional republic with limitations of power upon its governors to let the flag "stay put" where that flag must wave over a people governed outside of the constitution? Can it be the mission of a democracy to let the flag "stay put" in the Philippine Islands where our sway can not be democratic, but must be either military—essentially a one-man power—or by a commission or viceroy and council—essentially an oligarchic government?

What is a democracy? What does the temple of democracy rest upon? It rests upon the four pillars of Liberty, Equality, Fraternity, and Intelligence. There can be no true liberty without actual and voluntary equality; and there can be no accepted equality without genuine fraternity; and there can be no real fraternity unless it be based upon blood-kinship, or race assimilation, or else upon the willingness to assimilate by blood kinship. Oh, gentlemen, you can not by treaties, you can not by law, do away with the stubborn facts of nature. And all this world has not shown one instance, and this world never will show one, where two races unequal—one white and the other colored—have ever been able to rule any country, however small, together, in unison with one another. One must govern, and the other must submit. Like oil and water they will not be mixed; even when shaken, the globules will appear separately. The governed may revolt and themselves become the governors; if so, the other race must in its turn submit or be exterminated, as in Haiti.

You can not by all the legislation in the world legislate into existence an equality which does not exist in fact. And no equality exists in fact unless it be based upon fraternity. And fraternity must be based upon the capacity of and willingness for blood kinship.

The best way for these races to do justice and to remember the common Fatherhood of God, is to avoid, where possible, attempting to live in the same political house.

Can it be the mission of a Christian people to hold these Filipinos in subjection—they a Christian people themselves? I am going to put into the RECORD an address delivered to women by a daughter of Sixto Lopez, which has nothing to do with politics, because I want the women of America—the mothers and sisters and wives and daughters and sweethearts—to learn that there are in the Philippine Islands people who are mothers and wives and sisters and daughters and sweethearts and that they are as highly cultured as they themselves are; that they are as gently nurtured as they themselves are; that they are as highly Christianized as they themselves are; that they are capable of expressing themselves as well; that they, unlike any other women of any other race in the Orient, are held and tolerated as equals by their husbands and brothers. This document does not raise any question of a political character. This woman merely gives a description of family life and society life in the Philippines, and that life will compare favorably with such life in Pennsylvania, Indiana, or Mississippi. I do not mean to say, of course, that the whole population of the Philippines will compare equally well. But I do mean to say that there is already there the germ from which can come a governing power which can furnish those people a right and proper self-government. I want to interest the women of America in the women of the Philippines. [Applause by the ladies in the galleries.] When I hear of military glory, martial deeds, and national prestige in the Philippines, I somehow see another picture—the poor brown woman escaping from the flames of her bamboo hut, stepping over a dead husband, killed while defending his miserable home—but still his home—the brown woman with her baby at her breast! The vision will not down.

THE WOMEN OF THE PHILIPPINES.

[Address of Señorita Clemencia Lopez at the annual meeting of the New England Woman Suffrage Association, May 29, 1902.]

MADAM CHAIRMAN, LADIES AND GENTLEMEN: It gives me very great pleasure to greet the Massachusetts Woman Suffrage Association on behalf of the women of my own country. I have yielded to your kind invitation to tell you something about the condition of women in the Philippine Islands, in spite of my inexperience and lack of literary skill, for which I pray your indulgence, and have had the courage to speak to you because I am glad of this opportunity to address you, so that you who are kind enough to give me your courteous attention may have a better idea and may form a different and more favorable opinion of the Filipinos than the conception which the generality of the American people have formed, believing us to be savages without education or morals.

I believe that we are both striving for much the same object—you for the right to take part in national life; we for the right to have a national life to take part in; and I am sure that, if we understood each other better, the differences which now exist between your country and mine would soon disappear.

You will no doubt be surprised and pleased to learn that the condition of women in the Philippines is very different from that of the women of any country in the East, and that it differs very little from the general condition of the women of this country. Mentally, socially, and in almost all the relations of life our women are regarded as the equals of our men. You will also be surprised to know that this equality of women in the Philippines is not a new thing. It was not introduced from Europe, but was innate, and the natural expression of the love and respect which a man ought to feel toward his mother, his wife, and his daughters. And I believe there is no country in the world where family life is held in higher esteem or where there is more respect for family relations than in the Philippine Islands.

Long prior to the Spanish occupation the people were already civilized, and this respect for and equality of women existed. Dr. Antonio de Morga, the first Spanish governor-general, in his history published in 1609, gives an interesting account of Philippine life before the Spanish invasion.

"The grand ladies," he says, "wear crimson, and some have silk and other stuffs woven with gold, and edged with fringes and other ornaments. * * * Many wear chains of gold around the neck, bracelets on the wrists, earrings, and rings on the fingers, of gold and precious stones. * * * They are also daintily shod, with shoes of velvet and embroidered with gold, and wear white robes like petticoats. They also use silk parasols, which they carry as a protection against sun and rain. * * * They take great care of their hair—rejoicing in its being very black—which they tie gracefully in a knot at the back of the head. They take much care, also, of their teeth."

Dr. De Morga also gives a brief description of their occupations, and of the respect in which women were then held, which corresponds with the conditions found in this country.

"The women," he says, "have for their employment and occupation needlework (i. e., fancy work), in which they excel very much, as in all kinds of sewing. * * * In their visits, and in going about the streets and to the temples, both men and women are careful in their deportment. The ladies go in front, and behind them come their husbands, fathers, and brothers."

All this, although relating to a period between three and four hundred years ago, is in striking contrast with the condition of women in India and China, and the East in general.

But perhaps it will be more interesting to you if I tell you something about the Philippine women at the present time. I know that the Philippine women are not as highly educated as the majority of American women—they have never had the same opportunities—but they are in general very devoted to their families. A mother, there as here, is willing to make every sacrifice for her children; she will deprive herself of luxury, of pleasures, even of necessities in order to give them a good education and assure their well-being. The wife is very faithful to her husband, and assists him in every way. If he is rich she assists in the management of the business, acting as cashier and bookkeeper; so that in case her husband dies she is able to carry on the business successfully. Among the poorer rural classes the wife helps in the lighter agricultural work, assisting to harvest the rice, corn, and other grains.

But whatever her station, she always unites her fate to that of her husband, even in danger and misfortune; and even though her marriage be not a happy one, she never abandons him. So true is this that both in the war with Spain and in the war with America many soldiers' wives followed their husbands to the field, traversing mountains and forests and facing every danger that they might not be separated from their husbands, but might prepare their food and care for them if ill or wounded. An example of this is the fact that the wives of General Aguinaldo, of Luchan, and of Malvar were in the field, as were the wives of many other officers. A great many Philippine patriots have given up the struggle earlier than they would otherwise have done because of the dangers to which their wives were exposed by their devotion, who suffered from hunger and the attacks of the enemy. It is also interesting to see how faithful the Philippine women are

when some member of the family is imprisoned, whether it be a husband, a father, or a brother.

The Philippine women are also devoted to their parents, and ready to sacrifice themselves. It is very unusual for a woman to marry contrary to the pleasure or consent of her parents, and while unmarried they never live away from home. They usually marry at twenty or twenty-five years of age, but the women of the poorer classes marry younger, often at fifteen. I have several friends who have had opportunities to make excellent marriages; but, because their father or mother opposed, they have sacrificed their love for their parents' sake.

We have been interested to observe that the American women have greater liberty than we, and different customs. They, for instance, can go alone on the streets, they can make visits, they can travel alone to other places, as I have done; but I am the first Philippine woman to leave my home and travel so far alone.

You may also like to know what are the occupations of the women of my country. Almost all busy themselves with domestic cares; those of good position do much fancy work, such as embroidery in silk, and in linen; those of the middle classes weave cloth of silk, piña, and linen. In some towns many of the well-to-do families weave the cloth for the household in their own homes, as, for example, in my own home, where we have especial servants for this purpose.

The Philippine women are also very fond of music, but the majority prefer sad and melancholy airs. Many play the piano and the harp, and some the violin and the guitar. But very few devote themselves much to reading, and we can not compare in education and general progress with the women of America, for we have not yet had any woman with the title of doctor or lawyer, or who has entered any profession, except, indeed, that of teaching, to which many devote themselves. It is, however, true that there is no university in Manila open to women, but there are six good schools for women, some of which have as many as 300 pupils, and the instruction given compares favorably with that of the best schools in Spain.

Before closing, I should like to say a word about the patriotism of the women. This is a delicate subject, for to be patriotic to our country means that we must oppose the policy of yours. But patriotism is a quality which we all ought to be able to admire, even in an opponent. I should indeed have reason to be ashamed if I had to come before this association with the admission that our women were indifferent to the cause of their country's independence. You would have a right to despise me and my countrywomen if we had so little love for our native land as to consent that our country should be governed by foreign hands. So true is this that the present Spanish archbishop, who is not accustomed in his own country to the idea of equality between the sexes, apparently came to the conclusion that the Philippine women are the superiors of the men, and understand political questions better. I should be sorry to have you believe this, however, for it is not true. But then, a celibate archbishop knows so little about the opposite sex that he can not be expected to be a judge of such matters. It is possible that some Americans may have said the same thing; but the reason is that the men in the Philippine Islands never had freedom to declare their opinions and feelings, because of the sedition laws there; but we women, taking advantage of the gallantry of the Americans, and because the law was not passed for our sex, are more free to speak our minds frankly and take part in discussion.

For this reason it would seem to me an excellent idea that American women should take part in any investigation that may be made in the Philippine Islands, and I believe they would attain better results than the men. Would it not also seem to you an excellent idea, since representation by our leading men has been refused us, that a number of representative Philippine women should come to this country, so that you might become better acquainted with us?

In conclusion, in the name of the Philippine women, I pray the Massachusetts Woman Suffrage Association to do what it can to remedy all this misery and misfortune in my unhappy country. You can do much to bring about the cessation of these horrors and cruelties which are to-day taking place in the Philippines, and to insist upon a more humane course. I do not believe that you can understand or imagine the miserable condition of the women of my country, or how real is their suffering. Thousands have been widowed, orphaned, left alone and homeless, exposed, and in the greatest misery. It is, then, not a surprising fact that the diseases born of hunger are increasing, and that to-day immorality prevails in the Philippines to an extent never before known. After all, you ought to understand that we are only contending for the liberty of our country, just as you once fought for the same liberty for yours.

While talking about interesting the women in this question, a few words about an American woman who has been roughly driven out of office by a Rough Rider, because her heart had gone out in sympathy to the wives and mothers and sisters and sweethearts of the distant isles, and because, out of the fullness of her heart, her mouth spake.

How far has intolerance of freedom of speech gone when a brave man—Chief Magistrate of a great and brave people finds it necessary to make political war on women! God bless them! Brave men have hitherto let them speak and write whatsoever they chose.

I shall here read the letter, for writing which Miss Rebecca Taylor was removed, even though the late Mr. McKinley's civil-service rules had to be rough-ridden over by the Rough Rider in order to give opportunity for her removal:

THE FLAG "SHALL STAY PUT."—PRESIDENT ROOSEVELT'S TRIBUTE TO THE "SPLENDID WORK" DONE IN PHILIPPINES.

EDITOR POST: In the face of the official Philippine horrors that are being disclosed, horrors which have been perpetrated with the knowledge and by the command of the military authorities in the islands, the American people will read with dismay that at the recent banquet of the Sons of the American Revolution the President of the United States, the Commander in Chief of the Army and Navy, "drank to the health of the soldiers and sailors of the present day, who, during the last three years, have done such splendid work in the inconceivably dangerous and harassing warfare of the Eastern tropics."

Without an uncivilized mode of warfare during the last three years, the "splendid work" could never have been accomplished The struggle for liberty would still be going on in Samar had not "the soldiers of the present day" done that "splendid work" of creating a "howling wilderness." Are we to interpret the expression of the President as approval of the official barbarities committed in the Philippines the past three years? There is abundant proof that the barbarities began with the war, only increasing in degree, growing "stiffer and stiffer," as General Hughes testified, until the "splendid" work is nearing completion.

If the work done was "splendid," the workers may not be classed as "wrongdoers," subject to punishment. But should such become a political necessity, a Chaffee-Smith-Bell-Hughes-Waller-Funston scapegoat will not appease the sense of justice of the American people. They will demand the political lives of those in authority who place the seal of approval upon the diabolical work these human bloodhounds have accomplished.

What is this "splendid work" that has been done in the tropics? The glory, if glory it be, died with the booming of Dewey's last cannon. Our army officers surrendered all claim to honor by carrying on a policy of deception and trickery, which began as soon as the army disembarked upon Philippine soil. Failing by such means, they have operated under double-distilled Spanish methods until the United States counts more victims in three years than Spain dispatched in three centuries.

Is it "splendid work" to hold up a people and rob them of country and nationality at the point of the bayonet? Is it "splendid work" to turn the cannon upon allies because they decline to yield their inalienable rights? Is it a "splendid work" to sweep thousands from the earth because they take up arms in defense of home and liberty? Is it a "splendid work" to apply the torch to the homes of earth while helpless women and babes and tottering age flee before the flames that blot out those hallowed spots? Is it a "splendid work" to make God's fair isles a "howling wilderness?" Is it a "splendid work" to slay the wounded on the battlefield, to spare no prisoners of war, but to make them the target of a three days' shooting match? Is it a "splendid work" to choose by lot an innocent person—a prisoner of war—and execute him for the crime of another? Is it a "splendid work" to torture human beings until, racked with pain, writhing in agony, frenzied with anguish, the will power shattered, they admit anything charged, however false, to gain a moment's respite? Is it a "splendid work" to exterminate a people by murdering noncombatants, all over 10 years of age, leaving the remnant to the horrors of starvation? All these facts are in evidence. They have been admitted by the official perpetrators. Is this the way "strong men, not weaklings," prove their strength? This is the strength, not of men, but of demons.

Oh, what "splendid work," what valor, what heroism, what magnificent courage "the gallant Americans, wearing the uniform of the American Republic," displayed. How "gloriously have they upheld the most glorious traditions of the past," as, protected by a moving breastwork of enforced Filipino citizens, they swept forward, armed to the teeth, to valiantly battle against those fierce Malay warriors, Filipino boys of eight and ten years, come out to defend the honor of their mothers, if, perchance, they escaped the brutal massacre—come forth to avenge the slaughter of their sires and the murder of their brothers, whose lifeblood drenched the soil of their native land. What "inconceivably dangerous and harassing warfare of the Eastern tropics" was this for "the soldier of the present day."

How flattered must be the survivors of the Grand Army of the Republic, how exalted the military giants "wearing the blue and the gray," how elated the Sons of the American Revolution, whose ancestors fell at Lexington, and fought at Bunker Hill, and left the prints of their bleeding feet upon the snows of Valley Forge—what world-wide fame to have their names coupled with "those gallant (?) Americans," disgracing "the uniform of the American Republic" in the Philippines.

Long will Theodore Roosevelt drink to the health of those who wrought the "splendid work" of death ere the spirit of liberty shall be crushed from the souls of the infant heroes of the Philippines, but not till the land is left desolate, not while humanity lives in the American heart, not till the doctrine of the brotherhood of man dies in Christendom, not until God forgets His brown children will the flag "stay put" on the blood-soaked soil of the Philippines. Eternal shame on such ignoble warfare.

REBECCA J. TAYLOR.

Suppose she was too extreme in some things—I think she was—but she was yet a woman.

The gentleman wants the flag to "stay put" in the Philippines until it has "performed its mission," the mission of the people whose emblem it is—a Christian people.

Mr. Chairman, can it be the mission of a Christian people to have the flag "stay put" for the purpose of spreading Christianity—even though that were the real object in view—by insolent oppression and arrogant denial of natural rights? War, marching with red havoc through desolation—desolation wrought by fire, gunshot wounds, ravishment, and death—has nor part nor parcel with Christianity. It is the mission of Christianity to bind up wounds, not to make them; to assuage the tears of women and children, not start them; to teach home happiness, not to destroy homes; to bring men to God, not to drive them away from Him and make them doubt His mercy, aye, even His justice.

Rudyard Kipling, the poet of jingoism, was right, though in a totally different sense from what he possibly meant, when he said:

By all ye will or whisper,
By all ye leave or do,
The silent sullen peoples
Shall weigh your God and you.

When you come among them with the blood-flecked sword in one hand and the Bible in the other, while trade and official patronage, each with itching palm, smirkingly follow in your footsteps, "the silent sullen peoples" will judge you by the blood on your sword and by the itching palm, and will, alas! judge your Bible and your Bible's God by you.

No matter if, repeating the words of the poet of jingoism, you protest until your throat is parched—

By open speech and simple,
An hundred times made plain,
You seek another's profit,
To work another's gain;

they will not believe you. In the great deeps of their hearts they will call you self-deluded at best, or at worst, "Pharisees, hypocrites, liars," if, indeed, so much of the Divine Master's words they shall yet believe and quote. *They will not believe*, though you loud-mouth it from the house tops, that you

* * * Bind your sons in exile
To serve your captives' need.

They would rather not be "served" than be "captives," anyhow. It is true with them as of the wolf in the fable—they had rather be lean and free than fat with a collar on. *They will believe* that your sons come of their own will to serve their own need, or their own greed, or to feed high their own or your pride. *Alas! you yourselves will know—do know*—that with the exception of a few humble, obscure, and self-effacing missionaries, what they will believe of you and your purposes is God's eternal truth and your own everlasting shame.

The Divine Master, the great democrat of all the years, the corner stone of whose doctrine was the democratic truth that proves it divine, "the fatherhood of God and the brotherhood of man," expressed in the injunction, "He shall be chiefest among you who is servant of all," was no Mohammed, converting men to the true faith by fire and sword, but a Life, a Word, a Germ, a Leaven; a Life to imitate; a Word calling new-born men to holier purposes; a Germ to grow throughout all time and to indoctrinate all mankind with its disease-killing properties; a Leaven to leaven the whole lump of humanity so that it shall finally burst its selfish crust, so that it shall some day cease to be true that "man's inhumanity to man makes countless thousands mourn." [Prolonged applause.] Surely it can not be the mission of a Christain democracy to imitate Mohammed rather than Christus himself—the Christ—whose life and teachings alone have made a democracy possible for any great number of men.

Surely it can not be the mission of a proud people, proud of their historical development and enlightened standing among the nations of the earth, to send their youthful soldiery to martial achievements of whose results they can not be proud. No war ever had a holier inducement than the one from which we have just emerged. As strange, almost ridiculous, as it may now seem, in the face of what has since happened, it was in its incipiency a war for humanity. The common sense and common conscience of the common people stamped it as such. We Democrats extorted a pledge that it should be so, and pinned that pledge to the act of intervention.

Hence it was that when Hobson steered the *Merrimac* into the harbor of Santiago, amid shot and shell, mooring her just where she was wanted; when the brave Yankee admiral, Dewey, regardless of mines under his keel, of land fortifications to his left and right, and of a Spanish fleet to his front, sailed into the beautiful bay of Manila; when the brave Southern admiral, Schley, ran aground and destroyed Cervera's fleet off Santiago; when Wheeler and the Rough Riders—New York dudes and Texas cowboys side by side—charged headlong over the narrow causeway amid a shower of missiles from unseen weapons, fired with smokeless powder, up the heights of El Caney, straight into the entrenchments of the Spanish infantry, when these things happened, huzzas from Maine to Texas greeted their achievement, and the American people "held their hearts up higher for those who were fighting afar."

The instinct was right, but the scene shifts The old Spanish war is over. A new war is on, with people whom we arrogantly call "rebels," who but yesterday were fighting side by side with us against a common enemy. Otis and Lawton, at the head of as brave men as those who fought at Santiago, mowed down in one day at the battle of Manila with Krag-Jorgenson rifles and heavy artillery, with no material loss to themselves, 4,000 men and women. It can never be forgotten that the women were fighting side by side in the ranks with the men for what they believed to be the defense of their hearthstones and the sacred rights of local and individual freedom. Mowed down 4,000 men and women, a great part of them armed with bows and arrows!

Where can he be found who is proud of that day's work? What huzzas have rent the air for Waller? Where have caps been thrown aloft in exultation when H. R. J. Smith, of Howling Wilderness fame, has been named? Whose hearts beat higher while reading the Samar order? The truth is, we are for the first time in American history ashamed, not of our soldiers, but of the character and results of American victories and of the cruel necessities of their hard service.

It is not "the white man's burden we are bearing," Mr. Chairman, but the white man's disgrace we are wearing. Aye! and even going to the uttermost parts of the earth to seek it out. Do not misunderstand me. The soldiers are not to blame; men must obey orders. The officers are not to blame; officers must order shooting when men are shot at.

But whoever is responsible for keeping officers and men in the situation whence grows the necessity which confronts them; whoever is responsible for not punishing but promoting General Smith, the author of the infamous Samar order; whoever is responsible for encouraging others to kill defenseless prisoners by promising promotion (as is rumored to be the case) to Lieutenant Brown after he had been convicted of the charge of "unnecessarily killing an unresisting prisoner;" these will have an awful day of reckoning, of quaking, and of terror before them when that day shall come upon which God and the American people, reason-informed and conscience aroused, shall pronounce judgment.

Who is responsible? Who is commander in chief? Who can jerk off epaulets, if the wearers have disgraced them? Who has failed to reduce brutes to the ranks when a word from his lips might have done it?

But we are told that "war is hell" and that, therefore, nobody ought to be punished or blamed for making it more hellish. We are told that criticism of atrocities is "maudlin sentimentality," and that we can not have war without atrocity. Everybody knows that war must have its horrible and brutalizing incidents, but I hope that the old-fashioned idea that honorable and brave men ought to so conduct themselves as to minimize its horrors as much as possible has not passed away. When I hear people talking that way, there recurs to my memory some lines that were written by Russell Lowell and published in the Bigelow Papers. With a change of name, here they are:

We wuz gittin' on nice up here to our village,
With good old idees of wuts right and wut ain't;
We kind o' thought Christ went agin war and pillage,
An' thet eppylets warn't the best mark of a saint.
But Ted E
Roosevelt, he
Sez this kind o' thing's an exploded idee,

and that we must live a "strenuous life." Aye; but what is a strenuous life? What sort of a life is rightly strenuous? Is it that of the professional fighter, regardless of the cause for which he fights? I think not. Are we to teach that fighting, in and of itself, is a noble thing?

It is true that we ought not to lead lives of ignoble ease and that our lives should be strenuous; but strenuous, strong lives are what? I see in my mind's eye pictures of a real and rightly strenuous life. I see the blacksmith, with his arm bared, hammering away upon the anvil. I see the farmer following the furrows, planting the seed with hope of a harvest engendered by faith in Providence and in nature's laws. I see him going home at the end of the day's work with apparently little done; at the end of the week's work even, with not many furrows added to those already plowed. I see him at his home amongst his children, teaching them the plain, old-fashioned virtues of frugality, industry, honesty—faith in reaping a harvest where proper sowing has been.

I see the preacher in his pulpit, trying to bring men to higher thinking and better living. I see the missionary abroad, taking his life in his hand, as Peter and John and Paul did before him, at once teacher and doctor and friend.

What play actors on the stage of strenuous living are Rough Riders in comparison with this real strenuous life! There is no nobler demonstration of love in the world than that of a true soldier, because no man shows his love better than by offering to die for his country; a volunteer soldier fighting to protect the territory, the liberties, or the institutions of his country—fighting, not because it is his profession to fight, but because he has a cause to fight for, and it is his duty. Such soldiers were they who hurled back the flood of Asiatic power at Marathon; who fought at Salamis; who, under Charles the Hammer, saved Europe to the white man's and the Christian man's civilization from the menaces of Orientalism and Mohammedanism. Such were they who starved at Valley Forge; who became diseased and died upon the prison ships. Such were they who charged at Gettysburg, and who resisted the charge there; men whose hearts and motives, and the causes for which they fought, ennobled war itself.

I do not know what the rest of you think, but I do not want my children taught that the real strenuous life—the life, therefore, to be lived—is that of the professional fighter—regardless of the cause for which he fights—whether he be a Texas cowboy or a West Point graduate; though Texas cowboys are fine fellows in their way, and West Point graduates are elegant and brave gentlemen in theirs, having fought the fight of freedom upon a hundred battlefields as nobly and as grandly as any volunteer soldier ever dared. Up to now they were never called upon to engage in anything but noble strife—war sanctified by its aim.

But there are others who talk of "manifest destiny." Ah, my friends, there is a destiny for each of us, man or nation; but there is no destiny made manifest to any of us, save that destiny alone which is for all men and all nations a manifest destiny, namely this: "Whatsoever a man soweth, that shall he surely reap."

If ye sow the seeds of criminal aggression, watered by women's tears and men's blood, ye shall reap human hatred. If ye sow cruelty, ye shall reap savagery, and some of the harvest will be reaped in your own breast. If ye sow contempt for constitutional guarantees and limitations abroad, ye shall reap centralization and despotism at home.

Reap them when? Immediately? No. How long was Rome's harvests ripening? But it came.

If ye sow chains abroad, ye shall reap slavery at home. How long before the crop is ready for the reaper, it matters little.

If ye sow over-expansion to the ends of the earth, ye shall reap final exhaustion everywhere.

In a speech made at Winona, Miss., some two years ago, I said that I thought the great German historian, Gervinus, had told the secret of the cause of the downfall of Napoleon's power and of the Napoleonic career. He told it in the one German word—"Ueberspannung"—overstretching. Had Napoleon been satisfied with the natural boundaries of France—the Mediterranean, the Alps, the Pyrenees, and the Rhine—he could have handed down to his son a great, strong, rich, peaceful, magnificently organized and comparatively free empire; but he would a-world-powering go, until after awhile his armies had ceased to be French soldiers fighting for France, but were a polyglot assemblage fighting everywhere for "glory," for "prestige," for empire, for greed. On the invasion of Russia, the grande armee was composed of Poles, Italians, Germans, adventurers of all sorts, gathered about the old army of the French Revolution, still a nucleus.

The history of Rome teaches the same lesson. The magnificent white race, at that time unmixed, populating Italy, shattered itself against the shores of Asia, and Rome, the unconquerable, fell an easy victim to the vices of her Oriental subjects.

Athens, too, would a-world-powering go. Demagogues hounded on the Sicilian expedition. The historian marks it as the beginning of the end for the "fierce democracie" protected by Pallas Athene.

There is an expansion which is right. There is an expansion which is Ueberspannung.

Our utmost natural boundaries are plain to me, at any rate. They are the Arctic Ocean on the north, the Pacific on the west, the Atlantic on the east, and the line of the Isthmian Canal on the south, together with the islands which protect and defend the Mediterranean. Our natural methods of expansion seem also plain to me—peaceful expansion over assimilable races in our own hemisphere, or expansion as the result of just war, over willing people, qualified for citizenship—sources of strength, and not of weakness.

I want us to remain the United States of America. I hope we will remain the United States of America, and will not become the United States and Dependent Colonies of America and Oceania.

If you obey the behest of the poet of imperialism and "yearly bind your sons to exile," and "send forth the best ye breed," you will leave the race at home to be propagated by men of inferior mold, and to deteriorate as did that of Greece after the plains and cities of Asia had drawn to themselves her best blood; as did that of Rome, made less virile by the continued abstraction of the bolder spirits who served in the legions, their places left vacant in Italy, or taken by slaves; as did that of Spain, after the yearly drain for three hundred years of her best blood and boldest spirits to Mexico, Peru, the Tropics, and the colonies.

You remember how whole villages were depopulated in Spain because the men had gone to the Americas, gold-hunting and savage-killing. You will remember that in the time of Ferdinand and Isabella and Charles V there was no infantry in all Europe comparable in courage and constancy to that of Spain, formed of the sturdy and abstemious peasantry of Leon, Castile, Arragon, and Andalusia. You will remember that before England had a free Parliament, Spain had a free Cortes. You know what the Spaniards were then. You know what they are to-day. The deterioration has come about in two ways: First, by the destruction of the boldest and most adventurous spirits; and, secondly, by the reactionary effect upon the temper of the people at home of deeds of barbarity and cruelty perpetrated by the race abroad—deeds for which Spanish colonial policy was responsible; deeds made necessary in order effectively to carry out that policy. Necessity was the plea of Cortez and Pizarro, as well as of Weyler and our Gen. H. R. J. Smith.

Mr. Chairman, what you sow is the first step. What you reap is the last step. In history, the first step is frequently years, sometimes generations, removed from the last, but it remains, none the less, the first step in the wrong direction and leads irretrievably to destruction of republican institutions, if not retraced.

Mr. Chairman, God does not make us do things, either as individuals or as nations. We are free agents to retrace wrongly directed steps if we will.

Oh, the infinite hypocrisy and weakling cowardice of the plea; "God put us there, we can't help it." The responsibility to perpetuate wrong is of God's imposition! Blasphemy!

It is false. It was of our own seeking. We sought it energetically and as the proceedings of the Paris Peace Commission show by every changing pretext of hook and crook.

The highest and most potent destiny of any people is home development in an environment of equal opportunity for each and freedom for all. You may cry out against trusts, monopolies, and combines, against law-given privileges and law-conferred favoritism all you please, but if the attention of the people be diverted from them to more exciting though less important things, the cry will remain a barren cry. The Tories in England have always been the strenuous foreign-policy party. Thus the people's eyes are directed away from home abuses. You may cry out for equality all you please, but if you introduce alien races, inferior in their nature and their character, neither your cry nor the law can countervail the stubborn forces of nature. We want no more citizens to whom we can not safely give equality. Already the symmetry of our institutions is marred by the fact that we have among us a race to whom we can not, with any common sense regard for the safety of the Republic, or for "the general welfare," grant equal participation in public life. To do so were suicide—the worst crime.

To sum it all up, the true mission and manifest destiny of a democratic republic is the development of its true riches, and its true riches are a strong and intelligent manhood and a pure and intelligent womanhood—a race, therefore, which grows stronger and better and wiser from generation to generation, "mounting on its dead self to higher things," so that "the voice of the people" which controls governmental action may day by day more and more nearly approximate "the voice of God," which it is fabled to be, so that there may really be a "common sense of most to hold a fretful state in awe."

Such a government would accomplish, as nearly as can be, Thomas Jefferson's dream of the object of government—"the freedom and happiness of the individual."

But you say, "Yes, our manifest home mission is increased civilization, intelligence, and comfort with each generation, developed in the atmosphere in which these things can best be developed—the atmosphere of intelligence, liberty, equality, and fraternity. But have we no mission abroad?" The gentleman from Indiana [Mr. LANDIS] dwelt on this idea. Are we to confine these great blessings to our own people? Are we to sit apart forever "in selfish isolation?" Are political salvation and social regeneration to be confined to the children of Abraham? Are we to hide our light under a bushel?

Upon due consideration, foolish queries these.

How can the "isolation" of which you complain, which consists simply in a determination not to conquer, dominate, nor enslave others, be called "selfish?"

How could we "hide our light under a bushel," if we struggled and toiled to do so ever so much. It is in the very nature of a democratic light to shine; to shine like a star of hope into the darkest recesses of human nature.

> How far that little candle throws his beams!
> So shines a good deed in a naughty world.

Democracy has its thousand messengers which hourly speed by day and by night into the uttermost parts of the earth; commerce, literature, the mail that carries daily to thousands of homes where white men live in Europe, Asia and Africa, South America, and Australia, thousands of newspapers and letters with glad tidings of the new political evangel, the democratic gospel, the gospel of the common people—triumphant, prosperous, free, and at peace. No power on this earth could build a fence so high as to shut in or shut out the rays of that light; neither we ourselves, nor any prince, power, potentate, dominion, demon, nor devil whatsoever. All we have to do is to let it shine; to see to it that the light is not extinguished at home; to protect it from domestic foes and from foreign attack.

He who does not realize all this has read history amiss. If the freest and most democratic peoples in the world to-day beyond the borders of our own country are those of the British colonies—Canada, South Africa, Australia, New Zealand—it is because, as wise English historians themselves tell us, our revolt and successful establishment as a democratic nation taught England the policy and necessity of giving civil rights and self-government to her colonies, and taught her colonists to demand them as their right.

All there is of liberty and equality in Europe to-day, outside of Switzerland and Holland, and both have increased astonishingly, incalculably, within the last hundred years, even under monarchic forms, has been secured as the result of the destruction of feudal institutions before the sweep of the French revolution, and that revolution drew its earliest and best inspiration and rallying cries from America, and its chief encouragement from American example and success. The hybrid races of South and Central America are not yet arrived at that stage of political, social, and religious evolution where they can practice in peace the lessons of freedom and equality, but such of these things as they have they drew from us.

Only the other day, in Armenia, it was where American missionaries had been with schoolbooks, not swords, that the fitful light of freedom shone for a moment, to be extinguished in blood. The leaders of the revolt against Spanish oppression in Cuba were men whose eyes were set on the encouraging beacon light of the great Republic. Many of them were men who had been

educated in the United States. The Filipinos themselves drew the inspiration to fight for liberty and independence from us, and had gladly hailed us as their example and light until they found us proclaiming our sovereignty and consequently their oppression.

Well did Christ say, "I came not to send peace, but a sword." And yet in his last moment of freedom on earth, just when betrayed to prison, he enjoined the impetuous Peter to put his sword up. What did he mean then?

It was this leaven of democracy to which he referred as a sword—this theretofore unheard-of democratic principle that, "whosoever is chiefest among you shall be the servant of all." It was this "word" which was to expand in the hearts of men until it made them burst the fetters of the world. This "word" which shall be the cause of strife among men until it shall be "fulfilled" everywhere. [Applause.] Wherever to-day men are born booted and spurred to ride over their fellows, wherever special privileges are conferred and equal rights are denied by law, this "word" does enter and shall enter into the bosom of society like a sword.

Every monarch of continental Europe realized it but yesterday, if you did not. There was not one of them who slept easy when he contemplated the possible coming of what Bismarck called, and what they called, "the revolution," meaning, the awakening of democracy—the bursting forth of the forces of the democratic volcano through the crust under his feet. There is not one of them who did not, a while since, look askance at us as a menace, by the example of our peace, prosperity, and progress in triumphant democracy, to "the established order of things" in the monarchies of the world, meaning its vested privileges and inequalities. The more free and equal, therefore, we are at home, and the more peaceable, happy, and prosperous our people are as a consequence, the more irresistible will be the subtle influence and force of our example to penetrate darkest corners and burst strongest fetters—great world-object-lesson, as we are.

Mr. Chairman, shall there ever be, as Tennyson dreamed there would be, "a parliament of man, a federation of the world," a real world conquest of that sort? God only knows. But if it shall come, it will come in this subtle way, and largely because our own people, our branch of the English-speaking race, have not been faithless to our true mission, nor heedful of false prophets calling us to false missions.

But, alas, are we to keep our forms, but change our spirit? Already we are being recognized as one of themselves by the camp-controlled and colony-seeking "world powers," and already we are taking a foolish pride in the recognition. But a little while ago we were The World Power, born of God by force of soul. Now it looks as if we were ambitious to become one of the pseudo world powers, born of the devil by force of greed, "prestige," and pride.

I can not believe that for us the Ten Commandments—codifying the consensus of human opinion throughout all ages concerning what is right and what is wrong—are, in the public opinion, binding upon us individually only, and not nationally. When, amid the thunders of Sinai, the command "Thou shalt not steal," was given to man, it was given to him not individually alone, but in the aggregate as well—given to him as a citizen, as a factor in self-governing communities, as well as in individual relation to his neighbor. When, amid the rolling clouds and thunder peals, that command was voiced by Jehovah, it meant not only that I should not steal my neighbor's miserable purse or watch, but that the nation of which I was a part should not, by my cooperation, steal the liberties, the franchises, the lands of other peoples as this majority bill here offered by the Republican majority will cause us to do; and when the command came, "Thou shalt not covet," it meant not only that I should not covet my neighbor's wife or house, but that the nation of which I was a part should not covet, by my connivance, the territory of other peoples.

The CHAIRMAN. The time of the minority has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I had the honor in 1898 to discuss the general principles which should guide us in a right and natural expansion; I have had no reason to withdraw or modify a single opinion, prediction, or warning then uttered by me, but many reasons to repeat and emphasize them. I shall insert them in the RECORD. I thank the House for its attention. [Long and prolonged applause.]

SPEECH OF HON. JOHN S. WILLIAMS.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9008) making appropriations for the Post Office Department—

Mr. WILLIAMS of Mississippi said:

* * * * * * * *

Now, Mr. Chairman, I wish to argue this question from its real standpoint, and I like to get back to original principles in this as in all things.

Our forefathers in building this Republic of lesser Republics constructed it with the cement of an idea antagonistic to the idea which had dominated the polity of all the republics of antiquity—whether democratic or aristocratic or plutocratic, whether in Rome and Athens, in Sparta or in Carthage. This idea of our forefathers, which cements together all of our institutions, traditions, and ideals, was that, "The state was made for the citizen, not the citizen for the state."

They sought not the splendor and the power and pomp and the world domination by land which was sought and attained by Rome, nor the splendor and power and world domination by sea which was vainly sought by the "fierce democracie" of Athens, and by the merchant princes of the Carthaginian plutocracy. They sought the freedom and happiness of the individual citizen, freedom personal, political, civil, and religious, and, as inclusive of all these, the freedom to pursue happiness, each one in his own way, without injury to others.

This was their end. All other things were means to that end—*government itself*, power itself, territory itself.

The first great typical American—as contradistinguished from the colonial Englishman—Thomas Jefferson, said that the object of all right government was the freedom and happiness of the citizen.

Our ancestors, however, were not unmindful of the fact that in order to the attainment of this end a compact and defensively strong country was necessary, that the only people who can remain long free is a people which, while shearing its own government of all powers dangerous to the exercise and perpetuation of local and individual liberties, shall yet be powerful enough in men and resources, in territory, and in the absence or weakness of border enemies to strike caution, if not awe, into the hearts of would-be aggressors.

Happiness and freedom within were only to be attained by peace without. Such peace was to be maintained only by the notorious possession of power to resist aggression; such power could, in the absence of standing armies and great fleets, lie only in an immense territory, compact, contiguous, filled by a population homogeneous, free, proud of their freedom and jealous to maintain it, and equally jealous to maintain their country's independence and unity, for these are the expression and the shield to the outer world of their freedom. Jefferson and Monroe, with all their fireside and individualistic ideas, knew that the fireside and the individual were themselves not safe with Spain in control of Florida and Texas and the Pacific slope, with France in the Louisiana country, with England in Oregon and Canada.

Little by little, therefore, they and the men of their school—the Democratic party—who had sat at their feet, or at the feet of their disciples, by the use of money, diplomacy, or force, acquired all of this contiguous territory except Canada and built up this magnificent solidarity which the world calls the United States of America, and which we, in our pride, call "The American people" [applause], arrogating to ourselves the name of a continent.

The Mississippi now flows unfretted to the sea. Cuba, soon to be independent and by our intervention to pass out from under European domination, no longer threatens the passes to her mouth nor the commerce that follows the Gulf Stream. [Applause.] Canada, a happy, free, and self-governing dominion, contented and friendly, is no longer a threat to our peace on the northern border and will never become a menace to the freedom and happiness of our people unless her soil should at some time be used as a fulcrum for operations against us by her mother country. In that event Canadian absorption, from the Atlantic to the Pacific, from the Great Lakes to the frozen seas, would complete on the north the territorial solidarity of this great American continental power, such as our ancestors dreamed it should be. [Applause.]

That would be a part of the possibilities of the fulfillment of a rational theory of "manifest destiny," and the accretion would come about in a way reconcilable to our theory, as a result of offensive tactics in a defensive war. In this way came Texas with her rightful boundary, to force the concession of which we fought Mexico in a brave and just war, Texas being already independent, and having been admitted as a State into our Union at her own request, and her territory having been invaded by Mexico. In this way came California. In the same way might the dream of a rational "manifest destiny" be made to apply (if by no fault or offensive action of ours) to continental territory to the south of us and to the northern tier of West Indian Islands, including Cuba—making, from the peninsula of Yucatan to Key West, an American Mediterranean and a *mare clausum* of the Mexican Gulf.

But "sufficient unto the day are the necessities thereof."

* * * These acquisitions are, I say, within the application of a rational theory of "manifest destiny"—a theory often derided, but suited to a great, compact, continental country, inhabited by free, industrious, happy, and homogeneous people.

They are within the sphere of our natural expansion as a great peace power, strong for industrial achievement, strong for the development of civilization socially and individually, and strong for defense, but weak, and desiredly weak, for offense; with no power to intermeddle with Europe and Asia, and no desire to do so; with a horror, now, I hope, and always, of the miserable military camps and naval stations of Europe, which call themselves civilized nations, standing in the arena like gladiators, encumbered with useless armor and yet afraid to move.

Gentlemen quote the examples of our ancestors in the acquisition of Louisiana and Florida by purchase, of Texas by annexation, of California, New Mexico, and Arizona by conquest, of Oregon by arbitration, as examples in favor of further annexation. Their acquisition was, on the contrary, the expression of an idea diametrically opposed to the idea underlying the desire for this acquisition. Follow me for a moment, and put your eyes, in imagination, upon the map of the United States.

In each of those cases the territory was contiguous; it was continental; the acquisition decreased the extent of our boundary, and therefore the expense of defending it; it minimized the danger of future wars by removing farther from us a possible enemy, or else by removing such an enemy from the continent; it gave us broad areas of unsettled territory for the spread of our people and the expansion of our institutions.

It added in each case to our defensive strength, and in no case violated the guiding maxim of Mr. Jefferson that "our territorial acquisitions should never be such as to require an additional navy to defend them."

These islands are not contiguous. They are over 7,000 miles from San Francisco, requiring a line of communication over 7,000 miles in length to be defended, and to be defended by a navy.

* * * * * * *

Like all island possessions, except those immediately adjacent to the continental coast line of the mother country, they would be lost in case of earnest and persevering attack in war, unless we had sea power equal to that of the enemy attacking us. Even Captain Mahan admits that that would be practically a sea power equal to that of Russia and France combined, or else to that of Great Britain.

What would that sea power amount to? Why, sir, * * * the annual cost of the maintenance of such a navy alone is $107,000,000. Moreover, in the case of the Philippines the population would not be with us, but against us—a source of weakness and fear, not of strength and confidence.

* * * * * * *

Now, Mr. Chairman, let me deflect a moment from that line of argument and ask some of my friends here, who played a game of chess not long ago

with members of the British Parliament, a question. What would be thought of a chess player who would permit his antagonist to make him a present of a pawn placed in the middle of the board, upon the condition that he should subordinate his entire game to the defense of that pawn? [Applause.] Great Britain has a pawn already. She has given us a bond to keep the peace in the shape of Canada; and it has made her put up with many things humiliating to her proud spirit rather than run the risk of losing that colonial possession.

France, too, has pawns—Guadeloupe and Martinique. They are her bonds to keep the peace.

I wish Germany had some island colonies near us. Her solicitude to keep the peace would be increased thereby.

Why should we give to her and to the balance of the world a similar bond—a bond the securities upon which would be a fleet as numerous, as ably manned, as expensively equipped as that which the great island sea queen has by years of unstinted and unselfish sacrifice built up in the consummation of her traditional ideal, an ideal totally different from ours, an ideal similar to that of Athens and Carthage and Venice. Are we willing to pay the price for defending this pawn? Are we willing to pay the price and lose it?

That would be hard, Mr. Chairman, but it would be endurable. Are we willing to pay the price and succeed? By the memory of American traditions and by the hope of American destiny, I answer a thousand times no [applause]; because, Mr. Chairman, success would mean to debauch the imagination of our people with dreams of conquest and world dominion and sea tyranny that would be infinitely worse in their effects upon them and their institutions than five times the cost of the Navy, five times the burden of the tax-oppressed generations necessary to build it up and maintain it. [Applause.]

But it has been said that even if in case of war we should lose the islands we would be no worse off than now.

Who says that little knows the American people.

They would spend the last dollar of the Republic's money, they would spend almost the last drop of the blood of the Republic's children, before they would consent to give up to force anything, however worthless in itself, which they had once grasped and called their own. * * *

We have the bulldog pugnacity and pertinacity of our British forefathers. How and whence we got it I do not know, but we have also the sentimentalism of the French. We hang on like the one and worship an idea like the other.

* * * * * * *

Nothing could be more undemocratic. We would annex another race problem and would be put to it to conceive of a form of government at once possible in common sense as adequate to preserve law and order and decency and civilization, and yet at the same time democratic.

I said that on March 16, 1898, and here we are being "put to it" and not succeeding. We did not succeed in the government we gave Hawaii. We are not succeeding in the government you propose to give the Philippines by this pending bill.

It is one thing, Mr. Chairman, to face bravely, with the hopeful determination to preserve civilization, the race problems which we have, which have come to us by no fault of our own, but through the shortsightedness of Northern negro-selling and Southern negro-buying ancestors. It is another thing deliberately to annex a race problem, and, moreover, to pay for the privilege of annexing it, and to rush thousands of miles to embrace it. [Laughter and applause.]

* * * * * * *

The annexation would violate the maxim of Mr. Jefferson. It would give us a "territory requiring an additional navy to defend." That should be sufficient cause of opposition for Democrats. [Applause on the Democratic side.]

So much for American historical analogy.

Now a few words generally.

The people generally do not realize the immense step which they are called upon to take. If they did, this measure would not receive 50 votes in both Houses of men elected by them on that issue. The people are not yet ready, and I pray God they may never be ready, to leave behind them their proud and secure isolation as an American continental power—compact, all-powerful for defense, seeking home happiness, making for peace.

They are not yet ready to launch the Republic out as an intermeddling world power—to put themselves in a position where they would become, by geographical necessities, entangled in all sorts of questions pertinent to the destinies of European and Asiatic "powers, princes, potentates, dominations, and devils." They may drift unwittingly away from their ancient moorings. They will never willingly and intentionally desert the American ideal and make of power and territory, which their ancestors built up and acquired as a means to the great ends of freedom and happiness, ends in themselves. [Applause on the Democratic side.]

In my opinion, Mr. Chairman, a proper decision of this question is, in its remote effects, of more importance than that of any issue now before the American people. The tariff, the coinage question—these, though decided wrong, may be reconsidered and decided right. The suffering is great while the wrong decision prevails, but the mistaken step may be retraced. * * * The American people, right or wrong, would never give up one foot of territory once "American" unless forced to do it by untold calamities, by humiliations so great as to break down the national pride and sap the strength of the State.

Rather than retrace their steps they would go on and on and farther on, from one island to another necessary to be taken to complement or supplement their position, to defend acquisitions already gained, or to weaken enemies made such by geographical environment. They would go on until they had stepping stones—"strategical points," Captain Mahan calls them—around the earth. In this fools' procession—magnificent, glorious, perhaps, but still a fools' procession—it is not so much the fear of check and defeat that appalls me; it is the fear of success.

I want no splendid government, no world dominator. I want a happy land, smiling with the sunlit productions of a happy, industrious, and free people. [Applause.] Imperial Rome with all her glory would be bad recompense, in my poor backwoods mind, for the loss of the traditions, institutions, sentiments, ideals, and esprit du corps of the American people—this people whom I know and love—traditions and sentiments and institutions having their roots far back in the graves of our English forefathers, transplanted, developed, improved by Henry and Adams and Mason and Macon and Witherspoon and Rutledge, watered and tended and kept from dying by Jefferson and Jackson and Lincoln, expounded by Calhoun and Webster, protected and extended on sea and on land by heroes with a thousand names.

The "*trammeled up*" *consequences* of the annexation will be to the democracy of America identical in kind, if not in degree, to what the equally ill-considered and hastily executed expedition to Syracuse was to the Athenian democracy; what the Sicilian colonizations were to the Carthaginian plutocracy; what the Asiatic conquests were to the liberties of the people of the Roman Republic; what the dead weight of the Indian Empire will some day prove to be to Great Britian—a radical departure from original principle, with no end in view upon which the tired eye of the statesman or patriot can rest—one scaled height but furnishing a standing place whence to view and covet another.

As long as you confine the eye and thought and desire within a fixed limit, and that limit the one I have indicated; as long as you remain continental and American, not world meddling; industrial, not military or naval, you will remain both secure and free. If secure and free, then happy. Beyond those limits all is uncertainty—a dreary waste of national disturbance, unbounded.

* * * * * * *

A gentleman closed his speech the other day by pointing to the flag at the Speaker's desk and saying he hoped that that emblem would float over the islands.

Mr. Chairman, wherever that emblem floats, with its stars, indicating the States, and its stripes, indicating their union, as the expression of a just government which grows from the consent of the governed, it will always remain the glorious thing that it has nearly always been. [Loud applause.] But when a self-seeking oligarchy, or a mistaken patriotism, or a mistaken covetousness, or a broad imagination with good motives or bad, leads our country and that flag out in the endless race for conquest and domination, it has lost its honor and should be furled in disgrace. We would fall, Mr. Chairman, from the level of nineteenth-century Americans to the level of the Roman mob a hundred years before Christ.

I thank the House. [Loud applause.]

I find nothing to retract in the words. It is not too late to act wisely. Congress must fix the political status of the people. Give them independence; enjoy their gratitude. Do not make of them provinces nor justify their hate.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield the balance of my time until 5 o'clock to the gentleman from Indiana, Mr. CRUMPACKER.

[Mr. CRUMPACKER addressed the committee. See Appendix.]

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295 and had come to no resolution thereon.

CONFERENCE REPORT ON SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I present the following conference report, together with statement of conferees, on the sundry civil appropriation bill, it being the final conference report and complete agreement, and ask that it be printed.

The SPEAKER. This will be done under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 13, 17, 18, 19, 20, 23, 24, 27, 30, 32, 38, 41, 44, 141, 143, 160, 185, 186, and 191.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 21, 25, 28, 29, 33, 34, 35, 36, 37, 39, 40, 42, 43, and 120, and agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with amendments as follows: In lieu of the sum proposed insert $2,000,000; and after the word "dollars," at the end of line 14, page 97 of the bill, insert the following: "*Provided*, That the Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post;" and the Senate agree to the same.

J. G. CANNON,
J. A. HEMENWAY,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On No. 1: Strikes out the provision proposed by the Senate authorizing the acquisition of a site and construction of a hall of records in Washington.

On No. 13: Strikes out the appropriation of $20,000 proposed by the Senate for the quarantine station at Portland, Me.

On Nos. 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44, relating to light-houses: Makes appropriations as proposed by the Senate for light stations, as follows:

Ram Island Ledge, Portland Harbor, Maine, to cost not exceeding $166,000 under contract, $83,000; Orient Point light station, New York, $18,000; Sapelo light station, Georgia, $40,000; Peshtigo Reef light vessel, Wisconsin, $15,000; Crisps Point, Michigan, $18,000; Point au Pelee Passage light-ship, Lake Erie, $45,000, and $4,000 for maintenance of a light-ship on Southeast Shoal; Conneaut Harbor light station, $8,400; Ashtabula Harbor, Ohio, $18,000; Fort Winfield Scott, Cal., $7,000; Oakland, Cal., $19,000; Mile Rocks, California, $100,000; Browns Point, Washington, $3,200, and Battery Point, Washington, $6,000.

And strikes from the bill appropriations proposed by the Senate for light stations as follows:

Boon Island, Maine, $3,400; Stonington Breakwater, Connecticut, $6,000; tender for light-house service in Porto Rican waters, $125,000; Rockland Lake, New York, $6,450; Cape Lookout Shoals light vessel, North Carolina, $90,000;

Bodie Island, North Carolina, $7,500; depot for Ninth light-house district, Wisconsin, $50,000; Grosse Island, south channel, Michigan, $5,000; tender for St. Marys River, Michigan, $75,000; Southampton Shoal, California, $30,000; Yaquina Head, Oregon, $4,000, and Robinson Point, Washington, $4,000.

On No. 120: Appropriates $25,000, as proposed by the Senate, for the acquisition of additional land at Fort Constitution, Newcastle, N. H.

On Nos. 141, 142, and 143: Appropriates $2,000,000 for construction of buildings at and enlargement of military posts; authorizes the Secretary of War to acquire leases on such lands in Hawaii as have been set aside for purposes of a military post; strikes out the provision proposed by the Senate segregating for certain military posts sums of money out of the appropriation for military posts, and the provision proposed by the Senate authorizing the Secretary of War to accept donations of land or interests in land in connection with the establishment and maintenance of military posts and national cemeteries.

On No. 160: Strikes out the appropriation of $100,000 proposed by the Senate for a memorial bridge, with authority to contract for the same at a cost not to exceed $2,500,000.

On No. 185: Strikes out the appropriation of $25,000 proposed by the Senate for collecting statistics relating to marriage and divorce.

On No. 186: Strikes out the appropriation of $20,000 proposed by the Senate for an intercontinental railway commission.

On No. 191: Strikes out the appropriation of $3,000 proposed by the Senate to procure busts of the late Senators Morrill and Voorhees.

The Senate amendments involved in the conference report appropriated $1,283,950. Of this sum the Senate recedes from $574,350.

The bill as finally agreed upon appropriates $60,125,359.13.

J. G. CANNON,
J. A. HEMENWAY,
Managers on the part of the House.

MEMORIAL TO ABRAHAM LINCOLN.

Mr. McCLEARY. Mr. Speaker, I submit a conference report, with the accompanying statement, on the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, and ask that the same be printed.

The SPEAKER. This will be done under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5269) "To provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Insert before the House amendment the name "Senator GEORGE G. VEST," so that the amendment will read "Senator GEORGE G. VEST and Representative JAMES D. RICHARDSON;" and the House agree to the same.

J. T. McCLEARY,
S. W. McCALL,
DUDLEY G. WOOTEN,
Managers on the part of the House,
GEO. PEABODY WETMORE,
H. C. HANSBROUGH,
Managers on the part of the Senate.

The statement is as follows:

The bill as it passed the Senate provided for a commission to consist of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of State, and the Secretary of War. In the House the bill was amended so as to include in the commission a member of the minority of the House, Representative JAMES D. RICHARDSON. The amendment of the House was disagreed to in the Senate and the bill sent to conference in order that a member of the minority of the Senate might be added to the commission. In conference the name of Senator VEST, of Missouri, was inserted, so that the commission for the Lincoln monument or memorial will consist of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of State, the Secretary of War, Senator GEORGE G. VEST, and Representative JAMES D. RICHARDSON.

BRANDING FOOD AND DAIRY PRODUCTS.

Mr. HEPBURN. Mr. Speaker, I present a conference report, with statement of conferees, upon the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, and ask that the same be printed.

The SPEAKER. This will be printed under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same, as follows: Page 1, strike out lines 3 to 9, inclusive, and insert: "That no person or persons, company or corporation shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others."

Amendment numbered 2: That the Senate recede from its amendment numbered 2, which provided as follows: Page 1, line 10, after "persons," insert "knowingly;" and agree that said amendment go out.

P. J. McCUMBER,
JNO. LOWNDES McLAURIN,
Managers on the part of the Senate.
W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

The statement is as follows:

Senate amendment numbered 1, from which the House recedes, is merely a change of phraseology, and neither changes the intent nor the effect of the bill.

Amendment numbered 2, from which the Senate recedes, inserted the word "knowingly," and the Senate conferees now recede from that amendment, so that the bill, in that particular, remains as it left the House.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8840. An act granting an increase of pension to John H. Lauchly;

H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania; and

H. R. 2063. An act amending an act creating the middle district of Pennsylvania.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1026. An act to fix the compensation of district superintendents in the life-saving service;

S. 6178. An act to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;

S. 3746. An act to amend section 2593 of the Revised Statutes relating to ports of entry; and

S. 3375. An act relating to the construction of a dam across Rainy River.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6148. An act providing for the resurvey of certain townships in San Diego County, Cal.—to the Committee on the Public Lands.

S. 4949. An act to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

RELIEF AND CIVILIZATION OF CHIPPEWA INDIANS.

The SPEAKER laid before the House the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate its message disagreeing to the amendment of, and asking a conference with, the House of Representatives on the bill (S. 4284) entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889."

The SPEAKER. Without objection, this request will be granted.

The Chair announces as Speaker pro tempore for this evening the gentleman from Maine, Mr. ALLEN.

LEAVE TO PRINT.

By unanimous consent, Mr. BULL was granted leave to print remarks on the public building bill.

The SPEAKER. In pursuance of the order of the House, the House will stand in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. ALLEN of Maine, as Speaker pro tempore.

PHILIPPINE GOVERNMENT.

The SPEAKER pro tempore. In pursuance of the order previously made, the House will now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate bill No. 2295, temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, and the gentleman from Wisconsin [Mr. ESCH] will take the chair.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, with Mr. ESCH in the chair.

Mr. JONES of Virginia. Mr. Chairman, I yield fifteen minutes to the gentleman from South Carolina [Mr. FINLEY].

[Mr. FINLEY addressed the committee. See Appendix.]

Mr. LACEY. Mr. Chairman, I had not intended to take any part in this discussion, but I will occupy a short time this evening, and I would like to call the attention of the comm ttee to some of the features of this bill.

Our Democratic brethren went with us into the Spanish war, and I will not yield to my friend from Missouri [Mr. CLARK] in the claim that the war was brought about by the Democratic party, but all political parties took part in that war and participated in its declaration. So that while all parties share in its glories, the responsibilities, whatever they may be, must also fall upon all of us equally. One of the attendant responsibilities was the situation entailed upon us by the cession of the Philippine Islands.

These islands were ceded to us by the treaty, and that treaty was

ratified by the votes of both political parties in the Senate of the United States. This House followed up the treaty by an appropriation of $20,000,000 for the purchase of the Spanish Government's property upon the islands. The money that was contracted for in that treaty was appropriated by both Houses of Congress, and the responsibility of completing that transaction was shared by all parties in the House of Representatives with its coordinate body, the Senate of the United States.

So that, whatever we may think about the proposition now as to the wisdom of capturing the islands, of the wisdom of making a treaty binding ourselves to carry out certain treaty obligations for at least ten years with the Spanish Government; whatever we may think now about the propriety of appropriating the money to carry out those agreements, that has been done, and we are in the same boat, gentlemen of the Democratic party, and although a Republican pilot is at the helm you have no excuse for rocking the boat. [Laughter.] That seems to be about all that has been done by the opposition in all this struggle.

Mr. SNODGRASS. Will the gentleman from Iowa yield for a question?

Mr. LACEY. I will.

Mr. SNODGRASS. As the gentleman is discussing this treaty, I would be glad if he would devote his attention to what he believes to be the effect of the reservation in the treaty which gave to Congress the power to determine the civil and political status of the inhabitants of the Philippine Islands, and whether or not under that reservation we did not have power after the enactment of the treaty to give these people independence.

Mr. LACEY. I have no doubt, Mr. Chairman, that it would be in the power of this Congress to set up a government in those islands and then turn them loose, but we nevertheless have assumed obligations to the Spanish Government in our treaty.

Mr. COCHRAN. What are they?

Mr. LACEY. A ten years' contract, by which they are to have all the rights that we have.

Mr. COCHRAN. Mr. Chairman, that has been said a good many times, that we have obligations. If we claim no treaty privileges over there in contravention of the rights of Spain that would end our obligation, would it not?

Mr. LACEY. Perhaps so.

Mr. SNODGRASS. Will the gentleman yield for another question?

Mr. LACEY. Well, Mr. Chairman, I shall have to consume some of this time myself. [Laughter.] However, I will yield to the gentleman from Tennessee for one more question.

Mr. SNODGRASS. Does the gentleman believe it is entirely competent for us to secure all the rights of Spain provided for in the treaty, and yet give these people independence by a treaty?

Mr. LACEY. I do not care to discuss that question now. I suggested that with our eyes open we made a ten years' contract, but it is said that we ought to get out of the Philippines as we have got out of Cuba.

Let me call their attention to the fact, Mr. Chairman, that there was no attempt made to kick us out of Cuba. The proposition is a very different one. If Maximo Gomez had called out his troops and had attacked General Shafter or General Wood in the island of Cuba, I will venture to say that we would have been in Cuba to-day, and the proposition, therefore, is entirely a different one in the two localities.

Mr. VANDIVER. Mr. Chairman, will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. VANDIVER. Does the gentleman not think the situation would have been very much the same and that Maximo Gomez would have called out his army against us if we had not pledged them their independence?

Mr. LACEY. I think not. There was no reason for the attack upon our lines in front of the city of Manila. That was a cruel and uncalled-for thing, and a thing that ought not to be defended at this late hour by my friend, even under the stress of a supposed political exigency.

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes, I will yield to my friend from Missouri.

Mr. COCHRAN. Is it not true that the collision between the forces in front of Manila resulted from a riot between the picket lines of the two armies, unknown to the commanders of either?

Mr. LACEY. It is the same kind of a riot as occurred in front of our lines at Shiloh. The Confederate Army was advancing and they did not halt when they came to our lines and there was a disturbance, and these men of Aguinaldo's army who had been from almost the immediate outbreak, for days and weeks, in fact, attempting to pass into our lines in the night. They were halted and the shot was fired, and the battle began. Now, that is straw that has been thrashed over so many times that I do not care to weary the patience of the committee long upon it.

Mr. COCHRAN. I will ask the gentleman if he wishes to go into the CONGRESSIONAL RECORD with the statement as a fact that there was a general advance or any other kind of advance?

Mr. LACEY. I want to be understood fairly that we had drawn our troops up in line, and instructed Aguinaldo to keep his men out of Manila. There was a desire upon the part of the soldiers under Aguinaldo to loot that city. They were determined to do that. They were ordered to keep out; and Aguinaldo's men threw up fortifications, rifle pits, and trenches in front of our men. What did they do that for, if they were our allies and friends?

Mr. COCHRAN. Answer my question.

Mr. LACEY. Why did they advance in the night and refuse to halt, if they were friendly? Why was the firing general along the line if there was no occasion for that? Now, Mr. Chairman, the difficulty was this: Aguinaldo was landed in that island by our authorities; there is no question about that. He rallied around him his old troops and many new ones, and he soon after assumed the right to organize a government and take possession of the fruits of our victory in that island and in the whole archipelago, and attempted to organize a government of his own, and the story is a long one and has been told so often, and I do not care now to repeat it. I know the gentleman from Missouri who has interrupted me, and whom I see upon his feet again, has taken the position that our troops have been cruel, brutal, and inhuman, and that Aguinaldo and his forces had the right of this matter all the time.

Mr. COCHRAN. I would like to know what syllable I ever said to that effect. I challenge the truth of that statement, and defy the gentleman to show a word that I have ever uttered here or elsewhere to that effect.

Mr. LACEY. Mr. Chairman, I have listened to the gentleman, and if I am not justified——

Mr. COCHRAN. Name the time or admit that you have not told the truth, one or the other.

Mr. LACEY. My friend has been on his feet time and again, and I have been amazed that a gentleman coming from the locality which he does would be so intensely bitter upon the question of the war in the Philippines.

Mr. COCHRAN. Now, name some word of mine to justify that, or I brand the statement as absolutely and deliberately false.

Mr. LACEY. If the gentleman says that is false, I will have to take his word for it. As I understand the gentleman now, if he has ever made the charge that there has been cruelty upon the part of the United States troops, he did not wish to be so understood.

Mr. COCHRAN. I have never made a public utterance on the subject.

Mr. LACEY. If he has been understood to have asserted that the Filipinos on the other side have been gentle and kind, and that nothing on their part has justified a war upon our part, then, I understand it, he has been misunderstood?

Mr. COCHRAN. I have put in the CONGRESSIONAL RECORD the official documents bearing upon every phase of the controversy the gentleman has referred to, and they refute every single syllable he has uttered here to-night—every syllable.

Mr. LACEY. I am very glad to have given the gentleman the opportunity now to put himself in the position of assuming that we are right over there, and that the other side have been wrong.

Mr. COCHRAN. I will ask the gentleman now, coming back to the question, if he desires to go into the CONGRESSIONAL RECORD as stating as a fact that the collision between the forces of the Filipinos and our forces at Manila resulted from an advance made by the Filipino forces?

Mr. LACEY. Do you wish now——

Mr. COCHRAN. Will you answer that question?

Mr. LACEY. I will ask if the gentleman wishes to withdraw his statement made by him time and again that the battle was brought on by our forces?

Mr. COCHRAN. I have never said so, and I want to state a truth to the gentleman. Probably it will be a pleasure to him to know one item of truth about this matter, because it may be handy for him to use at some time.

Mr. LACEY. I would be glad to get it from such a source.

Mr. COCHRAN. The fact is, that after that collision—and I think the gentleman knows it—Aguinaldo sent one of his commissioned officers through the lines to state to General Otis, as he did, that he regretted the collision, that it was without his authority; that he deplored it and did not want it to go any further; that he did not want to get into any further conflict with the Federal forces, and offered to remove his forces further from Manila; and General Otis said to him that this conflict having taken place, it must now go on to the bitter end. That is the history of it, which can be proved by public documents.

Mr. LACEY. Now, Mr. Chairman, I have heard the gentleman a great many times upon this Philippine question. Sometimes I

have thought he discussed it out of season. I know he has never missed an opportunity to discuss it in season. If he has spoken less than 25 times upon this question I have perhaps made a mistake in the count. I have always had the misfortune—and it is my misfortune, he assures me now—to have misunderstood him. I have misunderstood him as claiming that we were to blame. I have misunderstood him as claiming that the Filipinos were in the right. It appears that he has been misunderstood, and I am glad to have him take that position now, upon the threshhold of a great political campaign. We have had war there; and war in the Philippine Islands is something like a war in Missouri.

I will avail myself of the privilege of extension of remarks in the RECORD to quote from the RECORD some of the statements of the gentleman on the question, and I think when he reads them he will probably regret the enthusiasm and inaccuracy of his denial. He has spoken so often and with so much heat upon this, his favorite topic, that it is not to be wondered at that he has forgotten what he has said, and it is natural that he is shocked when he hears his assertions repeated and feels impelled to deny them. I will quote and print a few selections from the material with which he has so abundantly besprinkled the RECORD. He does not like their sound when he hears them from other lips.

[Mr. COCHRAN, May 16, 1902, RECORD, p. 5348.]

And it is not true that that single chapter of the history of the war has been creditable to the forces of the United States. The censorship imposed by the commanding general was for the purpose of excluding from the American public the knowledge of what we have been doing over there. From the beginning cities were burned, towns were burned, and the destruction of property was the chief aim of our forces.

* * * * * * *

It is the old theory of conquest—the old story of murder and not of war.

* * * * * * *

I say that our soldiers have done these things in obedience to the orders of men who bear commissions as generals of our forces.

[Mr. COCHRAN, April 2, 1902, RECORD, p. 2811.]

We are not benefiting the Filipinos; we are killing them by hundreds.

[Mr. COCHRAN, RECORD, p. 3523.]

So hereafter when we speak of peace in the Philippine Islands let us say not that the people over there are "pacified," but that they have been terrorized into submission.

[Mr. COCHRAN, January 23, 1902, RECORD, p. 934.]

The Tagalo is docile, honest, peace-loving, and deserving of all consideration.

[Mr. COCHRAN, January 30, 1902, RECORD, p. 1128.]

Weyler, "the butcher," the Spanish general whose brutal disregard of the rules of civilized warfare so horrified American sympathizers in Cuba a few years ago, will go into history in very respectable company.

* * * * * * *

Precisely the policy of Weyler is being practiced * * * by our generals in the Philippine Islands.

[Mr. COCHRAN, January 30, 1902, RECORD, p. 1129.]

But, sir, this war is wrong. The methods that are being used are disgraceful to our arms and our flag.

Mr. COCHRAN. Do I understand you to say that war has been in progress in the Philippine Islands? If so, who declared war there? I thought it was a riot, or an insurrection.

Mr. LACEY. Now the gentleman is exceedingly technical. If this had occurred in Missouri, I should call it a war, and I have some very unpleasant recollections of a war that was waged in Missouri. And I want now to call the gentleman's attention to a little chapter out of the record of that war, and want to show how readily men may make——

Mr. SHACKLEFORD. May I ask the gentleman a question right there?

Mr. LACEY. Not now. I want to show how readily men may make orders in a war that on their face are unjustified and unjustifiable.

I will read now from an order issued by General Frémont, applying to and covering the part of Missouri that the gentleman's district lies in, an order issued in August, 1861. And this was not like Gen. Jacob Smith's order, a verbal one, given in hot blood to his subalterns while in the field and smarting under repeated outrages, but a written order issued from headquarters of a great department. In that order he declared that—

The lines of army occupation in the State of Missouri for the present are declared to extend from Leavenworth, by way of the posts of Jefferson City, Rolla, and Ironton, to Cape Girardeau on the Mississippi River; and all persons who shall be taken with arms within their hands within these lines shall be tried by court-martial, and if found guilty shall be shot.

Now, there was a declaration made by a civilized commander in a civilized war, and I am very much gratified to be able to say that that order after it was issued was never carried out, because I have a very painful recollection that in a few days after that order was issued, and while it was still in force, I happened to be captured by the Confederates with arms in my hands, within the same identical territory in which General Fremont had ordered all rebels captured to be tried by court-martial and shot. I need not say that I cordially disapproved of that order. The first time I heard it read I heard it read by the guards around the camp fire with Price's army, and it made an impression upon my mind that I shall never forget. The guards took occasion to read it frequently to the prisoners, and soon after 4,000 of Mulligan's men were captured at Lexington and were available as hostages against the carrying out of General Fremont's cruel order.

Now, that order was not carried out. Abraham Lincoln did precisely what Theodore Roosevelt did. As soon as he heard of that order, Mr. Lincoln revoked it, just as Mr. Roosevelt ordered Gen. Jacob Smith to be court-martialed and tried, to determine whether or not he had issued such orders as have been charged against him in the conduct of the war in the Philippines.

Mr. COCHRAN rose.

Mr. LACEY. I can not yield at present.

Mr. COCHRAN. I should like to ask just one question while you are on that.

Mr. LACEY. Very well.

Mr. COCHRAN. Has the gentleman any knowledge of any order that was ever issued by a general of the Army, or was any order issued by officers on either side directing the soldiers to kill unarmed noncombatants and kill children 10 years of age?

Mr. LACEY. Nor do I believe that such an order was issued in the Philippines.

Mr. COCHRAN. General Smith admits it.

Mr. LACEY. And whether it is true or not I do not know, but——

Mr. COCHRAN. Did the gentleman ever hear during the civil war of any officer issuing an order to kill noncombatants on either side—killed by the regular troops on either side upon any pretense whatever?

Mr. LACEY. Mr. Chairman, I remember very distinctly that a command was raised in my friend's own district, and that the command of Quantrell passed over into the State of Kansas and burned Lawrence and shot down all the men, armed and unarmed, who were there.

Mr. COCHRAN. Have you ever heard of an order being issued by a commissioned officer commanding any force, other than Quantrell, either Confederate or Federal, directing that the soldiers should kill unarmed noncombatants?

Mr. LACEY. I think I answered when I told the gentleman I knew of no such order nor did I believe that such an order was issued by General Smith. I shall not believe it until I see the proof, and hope that General Smith's orders have been misunderstood.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I think that the gentleman from Missouri assumes a fact which has no existence except in his own imagination. I never have heard authoritatively the charge that any officer anywhere in the service of the United States ever ordered the killing of unarmed noncombatants, and never heard that was charged against General Smith.

Mr. COCHRAN. I say General Smith admits that.

Mr. LACEY. I happen to have before me here in the Manila American, something that, perhaps, ought to go into the RECORD in regard to General Smith. Now, I am not here to defend General Smith, and the gentleman does not appear here to defend General Quantrell, notwithstanding the fact that Quantrell reunions have been held in his district. They held in the town of Lee Summit a reunion, and I understand that they are now regarded as reputable citizens.

Mr. COCHRAN. Is the gentleman stating that as a fact within his knowledge?

Mr. LACEY. I am stating it from newspaper accounts.

Mr. COCHRAN. That is as near the truth as the gentleman can state anything on the floor of the House of Representatives.

Mr. LACEY. What are the facts? Perhaps I am mistaken. Is Lee Summit in your district?

Mr. COCHRAN. Your geography is nearly as bad as your history. [Laughter on the Democratic side.]

Mr. LACEY. The gentleman lives in the St. Joseph district, or in the neighborhood of St. Joseph, in the northwest of Missouri. Quantrell's troops were raised in that part of the country, perhaps not all in his district; but there was a Quantrell reunion at Lee Summit not very long ago, I think a few years ago, and I only speak of that in order to call attention to the fact that cruelty and inhumanity have existed in every war, and will in every war that is yet to come, and that these gentlemen are now struggling to find some cause of complaint against our own soldiers in the Philippine Islands.

Mr. COCHRAN. Is the gentleman citing the career of Quantrell as a warrant for the career of Smith?

Mr. LACEY. Not at all. I am giving the gentleman a sample. I want to ask the gentleman whether Quantrell made such an order?

Mr. COCHRAN. I admit that there is a precedent for Smith's order in the conduct of Quantrell, and unless the Republican side of this House justifies Quantrell why do you quote it as a precedent for the action of Smith? [Applause on the Democratic side.]

Mr. LACEY. The gentleman seems to be anxious to put an

imputation upon General Smith, and he seems to forget that the record of General Smith is not here. A soldier over there sent me a paper——

Mr. JONES of Virginia. I think the gentleman is mistaken in saying that the record is not here.

Mr. LACEY. The record, I am told, is now in the hands of the President.

Mr. GAINES of Tennessee. That is the same thing.

Mr. COCHRAN. Like everything else, it is hidden.

Mr. LACEY. It is not a document yet made public giving General Smith's version of this case. I hold in my hand a speech made by Colonel Woodruff, who defended him before the court-martial in which he was tried.

It was reported in shorthand and published at Manila. A garbled extract or report of that speech has been the basis of most of the outcry against the alleged misconduct of General Smith. I am not willing to indorse cruelty by our troops in this or in any other war, nor am I ready, on vague newspaper reports, to accept as true charges which assail the honor of our Army who, under the Tropic sun, are upholding our flag in these far distant islands.

Theodore Roosevelt, President of the United States, did as Mr. Lincoln did in 1861. Mr. Lincoln condemned the Fremont order and President Roosevelt condemned the order of General Smith as so reported to him, and it seems to have been assumed as a matter of course that General Smith had issued an order to kill everybody in Samar over 10 years of age. I am going to read part of this address, not in vindication of General Smith, because he will have to stand or fall by the proceedings of the court-martial when the same is made public, but we have assaults made upon him based wholly upon vague newspaper accounts, without his side being heard. I apprehend that the statement of his version of this is fairly set out by his counsel in that trial, as I understand it. The charge made against General Smith is that his counsel, Colonel Woodruff, admitted in his defense that these orders had been issued.

Now, let me read the language of Colonel Woodruff, from a stenographic report published in the Manila American of May 14, 1902:

> And now we turn from the law to the accused, who has ever acted in accordance with the law and now claims its protection. The records in the Adjutant-General's Office in Washington will show that he was enrolled as a private soldier April 28, 1861; first mustered into the Second Kentucky Infantry in the three months' service as first lieutenant, May 8, 1861; mustered into three years' service June 4, 1861, as first lieutenant, Second Kentucky Volunteers; captain of same regiment on January 28, 1862; captain, Thirteenth Infantry, March 7, 1867; major, November 26, 1894; lieutenant-colonel, June 30, 1898; colonel, United States Army, October 20, 1899; brigadier-general of volunteers, June 1, 1900; brigadier-general, United States Army, March 30, 1901.
>
> The record at Washington will show that he was wounded while commanding his company, by a saber cut on the head, at Mud River crossing, near Barboursville, W. Va., and received a shotgun wound in the shoulder on the same occasion; served in most of the engagements in West Virginia between July, 1861, and January, 1862. At Shiloh his thigh was shattered, and he was brevetted major for gallant conduct on that occasion. His wound finally compelled him to relinquish active field service. Then came thirty years of that varied frontier service so well known to you, gentlemen of the court, serving from Montana to Texas in that grand advance guard of protecting our settlers and suppressing lawlessness that has done so much for the development of our country from the Alleghenies to the Pacific

We must make due allowance for the zeal of the advocate, but we should have both sides. Colonel Woodruff proceeds:

* * * * * * *

> He was wounded in the assault upon San Juan Hill, and now carries a Mauser bullet in his body. He has served in these islands for three years, and his activity, pluck, and energy are known to all men living in the Philippine Islands.
>
> For forty-one years he has worn the uniform of the United States Army with honor to himself and with benefit to the flag under which he has fought and bled. And now he has, at the close of a most remarkable and successful campaign, during which he has accomplished that which Spain in her three hundred years' occupancy never achieved, the pacification of Samar—while returning to his family and his native land after three years' service here, covered, as he and all those who knew him thought, with honor and glory, he is halted, taken off the transport to face charges for the language he used in giving instructions for the conduct of a most successful campaign. We feel that the Government has only done this in deference to an overwhelming or noisy public sentiment in the United States, based upon rumors fostered for some unknown, and, I believe, ignoble purposes, until hysteria has been produced, and this gray-haired, wounded, victorious general is exposed to the indignity of a court-martial in deference to that hysterical public opinion.
>
> We have not deemed it compatible with the dignity of a general officer of the United States Army to take the witness stand to explain to his peers his words when instructing his subordinate officers how to crush the outlaws, or to make clear to them actions committed in compliance with the law and the decisions of the Supreme Court of the United States.
>
> If anyone can read the modest story of Sergeant Mumby without a welling up in his heart of pride in the enlisted man of the United States Army, he is unworthy of the name of American. We can see that heroic band, fighting with naked hand, base ball bats, bread and butcher knives, stabbed in the back and breast, knocked down, piled up, still fighting on; then their thoughtfulness in trying to destroy everything of value to those murderers; then their kind care of their sorely wounded comrades; then their return to the rescue, and what they saw. Their loved captain, who had knelt at the same altar with his murderers, cut, slashed, and burned; their young lieutenant, a fire kindled around him, his leg nearly cut off, his head split open, and in mere barbarous wantonness the gaping wound filled with blackberry jam; comrades with their bodies mangled and defiled.
>
> If there is an American who can look upon the spectacle of 46 murdered Americans, stripped of their uniforms which they had worn with honor to their country and to the benefit of the Philippine Islands, with their hacked and gashed bodies, defiled as savages and barbarians can defile them; I say if there is an American who can look upon American soldiers, butchered and defiled as they were, and not feel that action, prompt, drastic, and effective, was imperative, then he is destitute of those elements of manhood that go to make up the true American. You have had described to you the pitfalls and spring guns which the natives so plentifully strew along the pathway our soldiers have to travel. You have been told how their commanding officer, their commanding general, directed them to set plenty of poison traps, and gave them the receipt for the poison, also the antidotes in case any of them should be hurt themselves.

Mr. SHACKLEFORD. I would like to ask the gentleman if Major Waller was not acquitted specifically on the ground that his conduct was under direct orders from General Smith. Is not that the record?

Mr. LACEY. It is so reported, as I understand.

Mr. SHACKLEFORD. The record shows that he was acquitted because he obeyed the orders of General Smith.

Mr. LACEY. Now I read further from Colonel Woodruff:

> You gentlemen know the awful strain of waiting for an expected onslaught and the result in victory or death and mutilation. If the trail will permit of two abreast, they go, one with bayonet to the right, the other with bayonet to the left; if in single file, No. 1 with bayonet to the right, No. 2 with bayonet to the left. No advance guard or flankers can be sent out. It would be a vain precaution, expecting at every moment to receive the rush, and the only thing that worried these men was that they might be jumped when it was impossible for them to rally back to back. They did not cringe from a frontal attack, but every time met death with death where death was rife.

That is the description by Colonel Woodruff of the surrounding circumstances under which it is alleged verbal instructions were given by General Smith that have been so severely criticised. I am not here justifying them. I am not here to defend them; but General Smith is entitled to have the explanation given with the admission that orders of slaughter were given.

Now, the gentleman does not defend Quantrell, but there were men who did. We have heard in this debate of the burning of Chambersburg and Atlanta. We have had again in this debate the dreadful story of the civil war. That was an uncivil war. That was a war where cruelty existed just the same as it does in all wars. The most civilized people on the planet fought hand to hand and were cruel, as all men will be cruel in war. In the checkerboard of war half the spots are black.

I will ask the gentleman from Missouri [Mr. COCHRAN] if he will add one more speech to this Philippine discussion? I will ask him when he takes his feet again to speak upon that subject, and say whether or not he would be very severe upon the officers and men who retaliate for these cruelties that have been described in the speech of Colonel Woodruff with retaliation. We have, it is true, been having a war in the Philippines, whether we call it a war or an insurrection. The revolt is being put down. It has almost wholly disappeared.

The number of our troops is rapidly being reduced, and we are face to face with the proposition of doing something for civil government in those islands. Shall we continue the military government or provide some method of civil government there? The Republican members of the committee have reported a bill to give a legislative body to the Philippine Islanders to enact their own laws. They have endeavored by this bill to extend to them the utmost civil authority which it is possible under existing circumstances to give them. Why should gentlemen on the other side, who are opposed to military government, have so much to say about cruelty? Why are they opposed to this bill? Why not extend these civil rights to the Philippine Islands as rapidly as circumstances will permit?

Mr. GAINES of Tennessee. Will my friend yield a moment?

Mr. LACEY. Yes.

Mr. GAINES of Tennessee. You speak of giving certain civil rights to the Filipinos. What objections have you to giving Americans who are living in the Philippine Islands, who may live there as long as they do live, the right to be tried by jury as over here? Why do you deny the American citizens that right over there and why do you deny the Filipinos that right?

Mr. LACEY. Trial by a jury of Filipinos? I fear the Americans would not appreciate that as a privilege.

Mr. GAINES of Tennessee. Can you not have an American jury? You have American judges, and you contend we hold them without or beyond the limitations of the Constitution.

Mr. LACEY. That is a very interesting proposition.

Mr. GAINES of Tennessee. Of course it is.

Mr. LACEY. With the little handful of Americans that are there now, the gentleman intends to turn them over to the tender mercies of a Filipino jury. I do not know what the result——

Mr. GAINES of Tennessee. But you say we operate outside of the Constitution over there.

Mr. LACEY. I think it would be a hard row for an American to hoe.

Mr. GAINES of Tennessee. I will grant you that you do not want to be turned over to the Filipinos, but still there is a chief

justice who is a Filipino, and there are other Filipinos on the supreme bench—three, all told. Can you not get an American jury to try Americans and Filipinos to try the Filipinos under your party's construction of the law?

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. I have yielded to the gentleman's speech.

Mr. GAINES of Tennessee. Well, I would like to have you answer it.

Mr. LACEY. Now, Mr. Chairman, the right of trial by jury and the trial of cases by jury is the very first training in Anglo-Saxon system of ordinary civil government. Every man who goes to the county seat of any county and takes a part as a juryman there and listens to the trial of cases and hears the instructions of the court and the arguments of counsel takes upon himself the solemn duty of acting as a judge between man and man and is fitting himself for the high duties of self-government. It has taken a long time for the Anglo-Saxon race to grow up to the full stature of jury management.

Mr. GAINES of Tennessee. We have had jury rights for over a century.

Mr. LACEY. It is a very difficult thing, and it takes time. I heard the trial of a case not long ago in New Mexico, and there I saw a jury composed entirely of Mexicans, not one of whom could speak a word of English. The case was being tried in English, and the speeches had to be made in English and then translated sentence by sentence into the language of the jurymen as the trial progressed. I noticed the trial was between an Indian and a white man. I did not have to look at the paper the next morning to find out that the white man lost his case. It was quite evident how it would go.

Mr. GAINES of Tennessee. Did not the gentleman appeal?

Mr. LACEY. I never followed the case any further.

Mr. GAINES of Tennessee. Did he not have the right to appeal?

Mr. LACEY. He had, but I know he had very little chance with that jury.

Mr. GAINES of Tennessee. We have Federal judges out there. The judge could set aside the verdict and keep setting it aside if wrong.

Mr. LACEY. I am speaking of adapting the trial by jury to new races who are entirely unfamiliar with it. It takes time and patience.

Mr. GAINES of Tennessee. Could you not have American juries in the Philippine Islands to try our people there? They are still American citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I hope it will be extended so as to permit the gentleman to answer that very fundamental proposition. The gentleman is always courteous about interruptions. Our forefathers answered the question about a century ago.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield the gentleman five minutes more.

Mr. LACEY. I decline to be interrupted for those few minutes, Mr. Chairman, because I want to speak directly about the bill.

This bill has in it beneficial provisions. We have had seven or eight days' discussion, and with a very small exception that discussion has not been devoted to the details or provisions of this bill, either to perfecting the bill or to show where it was imperfect. The general Philippine question has been discussed. This bill provides a system of civil government. It provides an expanding system, a system of government which will grow, and out of which ultimately jury trial and all of the rights the people of those islands are fitted for shall be accorded to them.

This is the first step, and why gentlemen who are opposed to martial law should insist that there should be no bill creating civil law there is more than I can understand. We have the substitute that is offered by the minority, and that is a proposition to these men that if they will yield to us the control of the islands we will directly afterwards turn it back to them. If that is the best thing we can do in this proposed legislation, we may as well turn the islands over to them to begin with, without calling upon them to lay down their arms and to yield to our protectorate or our control. This bill provides a system of land, forestry, and mineral laws, adapting the laws of that country as far as possible to those that have been found beneficial in this country.

All of these various matters have been worked out by the Insular Committee with infinite care, and there is the dawn of a better day for the Philippine Islands. The worst enemy that the Philippine Islands can have is he who, upon the floor of the House of Representatives or in the Senate Chamber, urges them to continue this strife, to continue their resistance to the armed forces of the United States of America; and, Mr. Chairman, I believe that in a very few years from the passage of this law we will have an entirely new condition of things in those islands.

The purposes involved in this bill have been very vaguely discussed. But little attention has been given to its details in the debate upon this floor. The purpose of the measure is to set up a civil government in the Philippines. Those who denounce "imperialism" ought to be the first to favor the substitution of a civil for a military government. This question should not be a partisan one—and especially is this true in the light of the history of recent events.

In 1898 the Democracy were much more anxious for a war with Spain than the Republicans. Day by day they sought to force Congress to the consideration of a resolution of intervention in the affairs of Cuba. Mr. McKinley and Speaker Reed were of one accord in their desire to avoid war, and they were both exposed to the severest criticism of those who could not wait, or thought they could not wait, for war to begin. The explosion of the *Maine*, however, made war inevitable, and all parties joined in voting men and supplies and all parties united in furnishing men for the contest. Union soldiers and their sons, Confederate soldiers and their sons united to make the war with Spain short, sharp, and decisive. The history of that war was brief and glorious, but short as it was its consequences are very far-reaching.

The treaty of peace was negotiated by a Commission composed of members of both the great political parties. That treaty provided for the cession of about fourteen hundred islands in the Pacific to the United States; that treaty was ratified by the votes of both Republicans and Democrats in the Senate. Colonel Bryan came from Florida to urge upon his Democratic supporters the ratification of the treaty. But the responsibility did not rest with the President, the Senate, and Mr. Bryan; the House was called upon to make an appropriation of $20,000,000 to carry out the terms of that treaty and pay for the Spanish Government's property in Porto Rico and the Philippines.

So we have, without regard to party, taken up the burden of the government of those islands, and a Commission to prepare a civil government has been selected, composed of both Republicans and Democrats, who have been giving their best efforts to devise and install a liberal, free government for the 84 tribes who inhabit those islands. This problem fell to our lot as one of the fruits of the Spanish war, and we can not now lay it down, if we should desire to do so. We have incurred treaty obligations and responsibilities to mankind as the result of that war that can not be lightly shaken off.

Our political opponents, at the threshold of a Congressional campaign and with a Presidential election only two years away, are attempting to create political capital out of the difficulties with which the nation has become surrounded—difficulties which are as much of their creation as they are of the party in power. They tell us now we "should have sailed away from the Philippines" as soon as the Spanish fleet was sunk; but none of them thought so at that time, nor did any of them say so at that time. They were with us then; they should be content to stay with us now. The glory of the war they shared with us, they should be content to bear its burdens and consequences now.

Nor do I believe that the great patriotic masses of the Democratic party will approve of the plan of campaign now outlined by their leaders in this discussion.

The taking of the islands was not of our seeking. They came to us as the fruits of war. We did not desire them. If, six years ago, Spain had sent a minister to Washington and offered us Porto Rico and the Philippine Islands free and $20,000,000 as a bonus if we would take them, there would not have been a man found in either the House or Senate to favor the proposition. But when we found ourselves in possession of that archipelago as the fruits of war, when the attempt was made to drive our soldiers from the soil hallowed by their blood, to compel the hauling down of the flag, then, Mr. Chairman, they struck the Anglo-Saxon American in his tender point.

We took the flag away from Cuba, but it was not driven off of Cuba. We took it from the Castle of Chapultepec, but it was hauled down of our own volition. We took it out of the harbor of Tripoli, but we did it because we wanted to, and it has never been driven from any place on the face of the earth, and never will be. [Applause.] And, Mr. Chairman, the flag will stay there as long as we want it to stay. If it becomes to the interest of the islands and to our interest to withdraw after having set them up in business, it will be time enough to talk about it; but the people of the United States will not trifle with an enemy with arms in their hands and who are meeting us with hostile intent.

And I commend to my Democratic friends upon the other side of this Chamber that they study the disposition of the American people. There never has been a time in our history that a party known as a "peace party" has risen to oppose the carrying of our purposes to a successful result in time of war that that party has not suffered defeat at the polls for its conduct. And the alliance to-day with our Philippine foes, the upholding of their arms in

the Philippines upon the floor of this House, will be found to be a political mistake. American people to-day are as one.

This is no longer a divided country. Spain found that out to her sorrow in 1898. And, my Democratic friends, the thing for you to do is to swing into line to help us to carry this contest to the only end that the American people will accept. Give good cheer to our national pilot while he is in the breakers.

Let us continue to the end as we were in 1898—one people, united, with one purpose and with only one flag, and with only one object in view, the upholding of the honor and glory of the American Union. [Applause on the Republican side.]

Mr. JONES of Virginia. Mr. Chairman, I yield thirty minutes to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, for over a month England has been celebrating the sort of victory that the United States is seeking to obtain. Thankful prayers have been offered up in Westminster, and the same ethereal wave that conducted these offerings to the throne of Divine Providence carried the sickening effluvium of London gin, mingled with the stench of the putrid bodies that fill the ditches of South Africa. England has been celebrating the conquest of the Boers. May it not be that to-night Oom Paul, turning his tearful eyes heavenward, can read in the electric tracery of the clouds that overhang London town the legend:

Vengeance is mine, saith the Lord.

For the policy of the Republican party in dealing with the Philippines several excuses have been advanced, but they are, each and every one, demurrable. We are informed that this country is on a mission—on a mission, as I recall the words of one of the speakers on the other side of the House, directed by the Christian God. The documents so far in evidence fail to support the assertion. History shows that whenever ambition or greed have led the way to conquering slaughter, the gentleman in command has been most positive in his assurances that he was invading the chosen territory in obedience to Divine commandment. Sentence a murderer to be hanged, and he will pray for mercy. Crown him, and he will insist that he is in partnership with God.

There are many Republicans in this country who hesitate to remain in a party that is smeared with the blood of innocents. To them is given the comforting assurance that the interests of Christianity are being advanced by the sword. The bill under consideration gives evidence of the "mission." It has a section providing that the right of suffrage shall be denied to "non-Christian" tribes. One branch of the Philippine legislature is to be appointed by the President; the other is to be elected by the people whenever the President is satisfied that "a condition of general and complete peace shall have been established;" but "non-Christian tribes" are not to participate in the election. An island must be inhabited by a Christian tribe before it is entitled to representation in the government.

War and religion are to form a partnership, and this under a Constitution declaring that "no religious test shall ever be required as a qualification to any office of public trust under the United States." But this will please some people, and afford citation in evidence of the "mission." Why not go a step further? If you are going to make a belief in Christianity a qualification for the suffrage, why not tell the "non-Christian tribes" just what form of Christianity they should believe in? Why not enact that form as part of the government? Why not get together and have a consensus of opinion on that side of the House as to just what the true religion is and then amend the bill to include the discovery? Why not provide that a man shall not vote unless he is a Presbyterian? It will never do to let a tribe vote just because they declare that they are Christians. Start them correctly. Think what would happen if they were converted to the Jewish faith! Then they would continue "non-Christians."

Think, my friends, what a burden you are placing upon Filipino ambition! Think and pause! Do not, I pray you, require the Filipino to correctly settle the question of the eternal damnation of infants in order that he may become a member of the common council of his native town. [Laughter.] Gentlemen of the majority, you can not shield imperialism by pretending that you are engaged in a modern crusade for the propagation of Christianity. If you really want to Christianize the Moros or other infidel tribes, treat them as William Penn treated the Indians. Stop baptizing mothers in the blood of their infants.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. MCDERMOTT. With pleasure.

Mr. COOPER of Wisconsin. The phraseology of the bill does not bear out the interpretation the gentleman has given it.

Mr. MCDERMOTT. If one of the tribes should vacate an island and that island should be populated by Jews, or if one of the tribes should be converted to Judaism, would those Jews or the converts be entitled to vote under this bill?

Mr. COOPER of Wisconsin. I will tell the gentleman this: The language of the bill, line 19, page 63, is:

Not inhabited by Moros or other non-Christian tribes.

I will answer that question to the satisfaction of the gentleman as a lawyer. I will say in the beginning that there is in that nothing further from the intention of the Insular Affairs Committee than to proscribe the Jews.

Mr. MCDERMOTT. Then why do you do it?

Mr. COOPER of Wisconsin. We do not do it. Line 19 says:

Part of the island not inhabited by the Moros or other non-Christian tribes.

Now, then, a Moro is a Mohammedan; they live there in tribal relations——

Mr. MCDERMOTT. If the gentleman will have my time extended, I will give him all the opportunity he wants.

Mr. COOPER of Wisconsin. I want to ask the gentleman if the rule of statutory construction is not this, that where there is a specific mention, as there is here, of territory not inhabited by the Moros or other non-Christian tribes, the word "other" includes tribes similar to the Moros and nobody else?

Mr. MCDERMOTT. I do not admit any such construction of the bill.

Mr. COOPER of Wisconsin. That is the ordinary rule of law.

Mr. MCDERMOTT. It may be; and there is another ordinary rule of law that when you say "non-Christian" in a statute you excluded Jews, because they are non-Christian.

Mr. COOPER of Wisconsin. Non-Christian tribes.

Mr. MCDERMOTT. Oh, they would be a tribe if there were enough of them.

Mr. COOPER of Wisconsin. The Jews are not a tribe. [Laughter.]

Mr. MCDERMOTT. You can not tell anything about that.

Mr. COOPER of Wisconsin. I know I have never seen Jews in tribes.

Mr. MCDERMOTT. But the gentleman forgets that there are some lost tribes of the Jews, and you can not tell where they will turn up. [Prolonged laughter.]

Mr. COOPER of Wisconsin. Well, the gentleman did manage to get out of it.

Mr. MCDERMOTT. You are getting all the other valuable things in the Philippine Islands, and you may unearth those tribes. No man can tell what you will discover over there. My argument is that the word "non-Christian" was put in to please those who believe that religion should be propagated at the end of the bayonet. That is my proposition.

Mr. OLMSTED. The gentleman has not read Mr. Bryan's statement in this morning's paper. He says they are trying to dictate the policy of the gentleman's party.

Mr. MCDERMOTT. I have never agreed with Mr. Bryan on his financial policy, and I believe that if that financial policy had been eliminated from the Democratic platform of 1900 Mr. Bryan would have been elected President of this country. I do not know what he has said in his paper or what he has not said. I have an admiration for him in some ways, but I do not join him in others.

Mr. OLMSTED. I hope you will run him again on the imperialism platform.

Mr. MCDERMOTT. That is a long way ahead. We will probably pursue the even tenor of our way without paying overdue regard to your hopes, and probably we will do away with your hopes. [Laughter.] The non-Christian Filipino must throw away his clout, wear breeches and a necktie, and give up his dreams of a future in which he now hopes to have a dozen wives and free rum. There is nothing like giving them interesting propositions on that side of the Pacific. Partial home rule is to depend on an aggregated religious belief.

It is to be noted that "non-Christian" Filipinos are to be excluded from self-government because they are "non-Christian" and not because they are in rebellion. The proposition is obnoxious to the letter and spirit of our Constitution, and the American people will not be deceived by it. The corner stone of imperialism is not and never can be Christianity. Its pedestal is tyranny and its god is greed.

Mr. Chairman, for weeks the CONGRESSIONAL RECORD has been filled with discussions of whether our soldiers have been as brutal as those whom they are fighting. On this question we have been favored with no end of letters, no end of charges and countercharges. The truth probably is that both sides have been brutal.

What do men go to war for except to be brutal? If a man is trying to kill me, I am going to kill him first, if I can, and I am not going to be very particular about the way in which I kill him. Our soldiers did not go to the Philippine Islands to feed the natives on chocolate éclairs. They went over there to kill them and to keep up the killing until they laid down their arms. They were sent there to kill, and for one I am not much disposed to fuss a great deal about the way in which they do the killing. Whatever killing is necessary in the Philippine Islands under your

policy or ours should be promptly attended to; and if a few bayonets are jabbed into the entrails of infants, if some men are tortured and some women ravished, why, that is war. If you are really on a "mission" and Divine Providence is not satisfied with the way in which the orders are being carried out, Divine Providence can ring down the curtain and stop the play. The issue is not how we are fighting, but what we are fighting for.

In the early part of this debate he said that we had erected schoolhouses, I think $600,000 worth of them. That is a beautiful picture. We have spent $180,000,000 so far, and we will spend two or three hundred million dollars more before we get through, but the picture is beautiful. I see those little Filipino children, straight haired or curly haired according to their ancestry, trotting along, boy and girl, hand in hand, on the country road, to the old red schoolhouse, that beautiful ideal of New England creation.

As we look upon the picture we marvel at the depth and breadth of our greatness and our charity. But let us not forget that there are uneducated children in this country working by night and by day in factories and mines. There are women in this country who work night and day with needle and thread. There are thousands of ambitious American boys wondering why they were placed in this world without a chance to attain educational equality; and I ask you on that side, Do you not think God would have been just as well pleased if you had spent the $170,000,000 in educating American boys instead of Filipino children? [Applause on the Democratic side.] But I do not believe that there is really any care in the mind of any gentleman on the other side about elevating the Filipino people. Let me give you this as a test: Have any of you gentlemen ever thought how a Filipino looked? Have you ever really thought how a Filipino family lives? Have you ever really thought what his duties were on earth or what his chance of progress? Probably not one of you.

You have taken up a bad policy, and, thinking that the words "flag" and "religion" would cover almost everything, you are crying the greed, grasp, spoils propositions that are at the root of your imperial policy, and you would distract attention by shouting of your "mission" and declaring that "where the flag is it shall 'stay put.'" That sort of thing may appeal to the mob. That manner of argument may appeal to an audience in a political debate. Does it appeal to sense? Does it appeal to reason? Is it really the mission of this Republic to elevate Asiatic savages? If it is, where and when will the "mission" end? Are we so prosperous at home that we were justified during the last year in putting a tax of $3 upon every man, woman, and child in these United States for the purpose of elevating Filipinos?

The Republican party is not on any Christianizing mission whatever. I believe that party intends to treat the savages of those islands in the same way that the people who came here after the discovery of America treated the American Indians. I believe that if we are to hold those islands, we are going to treat the Moros just the same as we treated the American Indians. And I want to say that if we are going to hold the islands, this result must follow from an inexorable law. Survival of the fittest is in governmental propositions a rule as forceful as it is in nature.

I do not propose to be hypocritical in this matter. I do not pretend, if we are going to permanently hold these islands, that I have any tears to shed about the idea of the extermination of savages there.

IMPERIALISM DEFINED.

The advocates of this bill say that Thomas Jefferson believed in imperialism. He did not. They say that he practiced it. We deny it, and offer the record in evidence. It is just as well to have a clear definition of the issue we are discussing, and I know of no better aid to that definition than is to be found in the latest, but I hope, notwithstanding the author's declaration, not to be the last, book with which this world has been enriched from the pen of Herbert Spencer, and with the permission of the House I will at this point present, from his Facts and Comments, the chapter on imperialism and slavery. He says:

"You shall submit. We are masters and we will make you acknowledge it:" These words express the sentiment which sways the British nation in its dealings with the Boer Republics; and this sentiment it is which, definitely displayed in this case, pervades indefinitely the political feeling now manifesting itself as imperialism. Supremacy, where not clearly imagined, is vaguely present in the background of consciousness. Not the derivation of the word only, but all its uses and associations, imply the thought of predominance—imply a correlative subordination. Actual or potential coercion of others, individuals or communities, is necessarily involved in the conception.

There are those, and unhappily they form the great majority, who think there is something noble (morally as well as historically) in the exercise of command—in the forcing of others to abandon their own wills and fulfill the will of the commander. I am not about to contest this sentiment. I merely say that there are others, unhappily but few, who think it ignoble to bring their fellow creatures into subjection, and who think the noble thing is not only to respect their freedom but also to defend it. Leaving this matter undiscussed, my present purpose is to show those who lean toward imperialism that the exercise of mastery inevitably entails on the master himself some form of slavery, more or less pronounced. The uncultured masses, and even the greater part of the cultured, will regard this statement as absurd; and though many who have read history with an eye to essentials rather than trivialities know that this is a paradox in the right sense—that is, true in fact though not seeming true—even they are not fully conscious of the mass of evidence establishing it, and will be all the better for having illustrations recalled. Let me begin with the earliest and simplest, which well serves to symbolize the whole.

Here is a prisoner with hands tied and a cord round his neck (as suggested by figures in Assyrian bas-reliefs) being led home by his savage conqueror, who intends to make him a slave. The one, you say, is captive and the other free. Are you quite sure the other is free? He holds one end of the cord, and unless he means to let his captive escape, he must continue to be fastened by keeping hold of the cord in such way that it can not easily be detached. He must be himself tied to the captive while the captive is tied to him. In other ways his activities are impeded and certain burdens are imposed on him. A wild animal crosses the track and he can not pursue. If he wishes to drink of the adjacent stream, he must tie up his captive lest advantage be taken of his defenseless position. Moreover he has to provide food for both. In various ways, then, he is no longer completely at liberty; and these ways adumbrate in a simple manner the universal truth that the instrumentalities by which the subordination of others is effected, themselves subordinate the victor, the master, or the ruler.

The coincidence in time between the South African war and the recent outburst of imperialism illustrates the general truth that militancy and imperialism are closely allied—are, in fact, different manifestations of the same social condition. It could not, indeed, be otherwise. Subject races, or subject societies, do not voluntarily submit themselves to a ruling race or a ruling society; their subjection is nearly always the effect of coercion. An army is the agency which achieved it, and an army must be kept ever ready to maintain it. Unless the supremacy has actual or potential force behind it there is only federation, not imperialism. Here, however, as above implied, the purpose is not so much to show that an imperial society is necessarily a militant society, as to show that in proportion as liberty is diminished in the societies over which it rules, liberty is diminished within its own organization.

THE EARLIEST RECORDS FURNISH AN ILLUSTRATION.

Whether in the times of the Pyramid builders the power of the Egyptian autocrat which effected such astounding results was qualified by an elaborate system of restraints, we have no evidence, but there is proof that in later days he was the slave of the governmental organization.

"The laws subjected every action of his private life to as severe a scrutiny as his behavior in the administration of affairs. The hours of washing, walking, and all the amusements and occupations of the day were settled with precision, and the quantity as well as the quality of his food were regulated by law." (Manners and Customs of the Ancient Egyptians, Birch's ed. of Wilkinson, Vol. I, 166.)

Moreover, the relation between enslavement of foreign peoples and enslavement of the nation which conquered them is shown by an inscription at Karnak, which describes "how bitterly the country was paying the price of its foreign conquests in its oppression by its standing army." (Flinders Petrie, History of Egypt, ii, 252.)

Turn we now to a society of widely different type, but exhibiting the same general truths—that of Sparta. The conquering race, or Spartans proper, who had beneath them the Perioeci and the Helots, descendants of the two subject races, were not only supreme over these, but twice became the supreme race of the Peloponnesus. What was the price they paid for their "imperial" position? The individual Spartan, master as he was over slaves and semislaves, was himself in bondage to the incorporated society of Spartans. Each led the life not which he himself chose, but the life dictated by the aggregate of which he formed one unit. And this life was a life of strenuous discipline, leaving no space for culture or art or poetry or other source of pleasure. He exemplified in an extreme degree the Grecian doctrine that the citizen does not belong to himself or to his family, but to his city.

If instead of the small and simple community of Sparta we take the vast and complex Empire of Rome, we find this essential connection between imperialism and slavery even more conspicuous. I do not refer to the fact that three-fourths of those who peopled Italy in imperial days were slaves, chained in the fields when at work, chained at night in their dormitories, and those who were porters chained to the doorways—conditions horrible to contemplate—but I refer to the fact that the nominally free part of the community consisted of grades of bondmen. Not only did citizens stand in that bondage implied by military service, complete or partial, under subjection so rigid that an officer was to be dreaded more than an enemy, but those occupied in civil or semicivil life were compelled to work for the public. "Everyone was treated in fact as a servant of the state; * * * the nature of each man's labor was permanently fixed for him."

The society was formed of fighting serfs, working serfs, cultivating serfs, official serfs. And then what of the supreme head of this gigantic bureaucracy into which Roman society had grown—the Emperor? He became a puppet of the Pretorian Guard, which, while a means of safety, was a cause of danger. Moreover, he was in daily bondage to routine. As Gibbon says, "The Emperor was the first slave of the ceremonies he imposed." Thus in a conspicuous manner Rome shows how, as in other cases, a society which enslaves other societies enslaves itself.

The same lesson is taught by those ages of seething confusion, of violence, and bloodshed which the collapse of the Roman Empire left, an empire which dwells in the minds of the many as something to be admired and emulated—the many who forgave any horrors if only their brute love of mastery is gratified, sympathetically when not actually. Passing over those sanguinary times, in which the crimes of Clovis and Fredegonda and Brunehaut were typical, we come in the slow course of things to the emergence of the feudal régime—a régime briefly expressed by the four words, suzerains, vassals, serfs, slaves—a régime which, along with the perpetual struggles for supremacy among local rulers and consequent chronic militancy, was characterized by the unqualified power of each chief or ruler, count, or duke within his own territory—a graduated bondage of all below him.

The established form, "I am your man," uttered by the vassal on his knees with apposed hands, expressed the relation of one grade to another throughout the society; and then, as usual, the master of slaves was himself enslaved by his appliances for maintaining life and power. He had the perpetual burden of arms and coat of mail, and the precautions to be taken now against assassination, now against death by poison. And then when we come to the ultimate state in which the subordination of minor rulers by a chief ruler had become complete, and all counts and dukes were vassals of the king, we have not only the bondage entailed on the king by state business with its unceasing anxieties, but the bondage of ceremonial with its dreary round. Speaking of this in France in the time of Louis le Grand, Madame Maintenon remarks: "Save those only who fill the highest stations, I know of none more unfortunate than those who envy them. If you could only form an idea of what it is!"

Merely referring to the extreme subjection of the ruler to his appliances for ruling which was reached in Japan, where the god-descended Mikado,

imprisoned by the requirements of his sacred state, was debarred from ordinary freedoms, and in whose recluse life there were at one time such penalties as sitting for three hours daily on the throne—passing over, too, the case of China, where, as Professor Douglas tells us of the Emperor, "his whole life is one continual round of ceremonial observances," and "from the day on which he ascends the the throne to the time when he is carried to his tomb in the Eastern Hills his hours and almost minutes have special duties appointed to them by the board of rites," we may turn now to the conspicuous example furnished by Russia. Along with that unceasing subjugation of minor nationalities by which its imperialism is displayed, what do we see within its own organization? We have its vast army, to service in which everyone is actually or potentially liable; we have an enormous bureaucracy ramifying everywhere and rigidly controlling individual lives; we have an expenditure ever outrunning resources and calling for loans.

As a result of the pressure felt personally and pecuniarily, we have secret revolutionary societies, perpetual plots, chronic dread of social explosions; and while everyone is in danger of Siberia, we have the all-powerful head of this enslaved nation in constant fear for his life. Even when he goes to review his troops rigorous precautions have to be taken by a supplementary army of soldiers, policemen, and spies, some forming an accompanying guard, some lying in wait here and there to prevent possible attacks, while similar precautions, which from time to time fail, have ever to be taken against assassination by explosion during drives and railway journeys. What portion of life is not absorbed in government business and religious observances is taken up in self-preservation.

And now what is the lesson? Is it that in our own case imperialism and slavery, everywhere else and at all times united, are not to be united? Most will say yes. Nay, they will join, as our poet laureate lately did in the title to some rhymes, the words "imperialism and liberty." Mistaken names for things as of old. Gibbon writes:

"Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation that the senate and people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom." (Decline and Fall, I, 68.)

"Free!" thinks the Englishman. "How can I be other than free, if by my vote I share in electing a representative who helps to determine the national transactions, home and foreign?" Delivering a ballot paper he identifies with the possession of those unrestrained activities which liberty implies, though, to take but one instance, a threatened penalty every day reminds him that his children must be stamped with the State pattern, not as he wills, but as others will.

But let us note how, along with the nominal extension of constitutional freedom, there has been going on actual diminution of it. There is, first, the fact that the legislative functions of Parliament have been decreasing while the ministry has been usurping them. Important measures are not now brought forward and carried by private members, but appeal is made to the Government to take them up. The making of laws is gradually lapsing into the hands of the executive. And then within the executive itself the tendency is toward placing power in fewer hands. Just as in past times the cabinet grew out of the privy council by a process of restriction, so now a smaller group of ministers is coming to exercise some of the functions of the whole group. Add to which we have subordinate executive bodies, like the home office, the board of trade, the board of education, and the local government board, to which there have been deputed the powers both of making certain kinds of laws and enforcing them—government by administrative order.

In like manner by taking for Government purposes more and more of the time which was once available for private members, by the cutting down of debates, by the closure, and now by requiring the vote for an entire department to be passed en bloc, without criticism of details, we are shown that while extension of the franchise has been seeming to increase the liberties of citizens, their liberties have been decreased by restricting the spheres of action of their representatives. All these are stages in that concentration of power which is the concomitant of imperialism. And how this tendency works out where militancy becomes active, we are shown by the measures taken in South Africa—the proclamation of martial law by a governor, who thereby becomes in so far a despot, and the temporary suspension of constitutional government, a suspension which many so-called loyalists would make complete.

Passing by this, however, let us note the extent to which the citizen is the servant of the community in disguised ways. Certain ancient usages will best make this clear. During times when complete slavery was mingled with serfdom, the serf, tied to his plot, rendered to his lord or seignior many dues and services. These services, or corvees, varied, according to the period and the place, from one day's labor to six days' labor in the week—from partial slavery to complete slavery. Labors and exactions of these kinds were most of them in course of time commuted for money; the equivalence between so much tax paid to the lord and so much work done for him, being thus distinctly recognized. Now, in so far as the burden is concerned, it comes to the same thing if for the feudal lord we substitute the central government, and for local money payments we substitute general taxes. The essential question for the citizen is what part of his work goes to the power which rules over him, and what part remains available for satisfying his own wants.

Labor demanded by the state is just as much corvée to the state as labor demanded by the feudal lord was corvée to him, though it may not be called so and though it may be given in money instead of in kind; and to the extent of this corvée each citizen is a serf to the community. Some five years ago M. Guyot calculated that in France the civil and military expenditure absorbs some 30 per cent of the national produce, or, in other words, that ninety days annually of the average citizen's labor is given to the state under compulsion.

Though to a smaller extent, what holds in France holds here. Not forgetting the heavy burdens of state corvées which the imperialism of past days bequeathed to us—the one hundred and fifty millions of debt incurred for the American war and the fifty millions we took over with the East India Company's possessions, the interest on both of which entails on citizens extra labor anually—let us limit ourselves to the burdens imperialism now commits us to. From a statistical authority second to none I learn that one hundred millions of annual expenditure requires from the average citizen the labor of one day in every seventeen—that is to say, nearly eighteen days in the year. As the present permanent expenditure on army and navy plus the interest on the debt recently contracted amounts to about seventy-six millions, it results that thirteen and one-half days' labor per annum is thus imposed on the average citizen as corvée; and there comes the £153,000,000 spent and to be spent on the South African and Chinese wars, to which may be added, for all subsequent costs of pensions, repairs, compensations, and reinstatements, a sum which will raise the total to more than £200,000,000.

What is the taxation which direct expenditure and interest on loans will entail, the reader may calculate. He has before him the data for an estimate of the extra number of days annually during which imperialism will require him to work for the Government—extra number, I say, because to meet the ordinary State expenditure there must always be a large number of days spent by him as a State laborer. Doubtless one who is satisfied by names instead of things, as the Romans were, will think this statement absurd; but he who understands by freedom the ability to use his powers for his own ends, with no greater hindrance than is implied by the like ability of each other citizen, will see that, in whatever disguised ways he is obliged to use his abilities for State purposes, he is to that extent a serf of the State, and that as fast as our growing imperialism augments the amounts of such compulsory service he is to that extent more and more a serf of the State.

And then beyond the round-about services given by the citizen under the form of direct taxes, and under the form of indirect taxes, severally equivalent to so many days' work that would else have elevated the lives of himself and his belongings, there will presently come the actual or potential service as a soldier, demanded by the State to carry out an imperialistic policy—a service which, as those in South Africa can tell us, often inflicts, under the guise of fine names, a slavery harder than that which the negro bears, with the added risk of death.

Even were it possible to bring home to men the extent to which their lives are, and presently will be still more, subordinated to state requirements, so as to leave them less and less owned by themselves, little effect would be produced. So long as the passion for mastery overrides all others the slavery that goes along with imperialism will be tolerated. Among men who do not pride themselves on the possession of purely human traits, but on the possession of traits which they have in common with brutes, and in whose mouths "bulldog courage" is equivalent to manhood among people who take their point of honor from the prize ring, in which the combatant submits to pain, injury, and risk of death in the determination to prove himself "the better man," no deterrent considerations like the above will have any weight. So long as they continue to conquer other peoples and to hold them in subjection, they will readily merge their personal liberties in the power of the state, and hereafter, as heretofore, accept the slavery that goes along with imperialism.

The Louisiana purchase was not imperialism, nor did it contain the seeds of imperialism. The annexation of adjacent territory, with the avowed purpose of making that territory part and parcel of the United States, is not imperialism. The holding of foreign lands and foreign people, at our will and independent of theirs, is imperialism, and the word will have to be distorted indeed to cover the Louisiana purchase. In the course we are pursuing we have the company of Russia, of Germany, and, preeminently, of England; but as I understand the words of caution and direction that have come down from the fathers of the Republic, the policy of those countries is obnoxious to the basic principles upon which we have rested our form of Government.

This bill settles the policy of the Republican party. It is to be continuing possession and occupancy with unlimited additions to our bonded debt. This bill means that we are to permanently hold the Philippine Islands, and I predict the holding will prove a plague to ourselves and our children. In the history of this world no nation, from ancient Rome to pestered England, has ever held colonies that did not prove a curse. England every twenty-four hours has a nightmare, dreaming that her foreign subjects have risen to destroy her, as some day they will.

The Democratic party does not occupy an equivocal position in the premises. We do not believe in an imperial policy. We hope to defeat it, and if we obtain power we will destroy every vestige of that policy enacted by the Republican party.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. McDERMOTT. Certainly; but I must remark that the clock is making rapid strides toward midnight.

Mr. OLMSTED. If I understand your distinction between expansion and imperialism it is that expansion is where we capture and acquire territory immediately adjacent. Therefore, when we captured Florida, with the Seminole Indians, that was expansion, but if we had kept Cuba, there being some water intervening, that would have been imperialism.

Mr. McDERMOTT. The intervention of water would not mark the line between imperialism and expansion. Necessarily the application of the words are governed, to a great extent, by intention. If you "capture," to use your word, and hold, that is imperialism. Perhaps I can find in the work of the fathers an answer to the gentleman. I have no objection to the acquisition of contiguous territory. I do not object to the acquisition of Cuba. But I have it in mind that when this country was christened it was called "the United States of America," not "of America and Asia." There is the line between the two propositions. This is the "United States," and the fathers went farther and said, not "of the world," but "of America;" and I believe that all the territory within the Americas can be admitted to the United States without imperialism.

Mr. OLMSTED. Including South American territory?

Mr. McDERMOTT. South American republics? I see no objection to it. To hold a South American country in subjection, not intending to admit it to the sisterhood of States, would be imperialism.

Mr. OLMSTED. One more question. You said that as our bill provided for the issuance of bonds which are to be paid in not more than thirty years and not less than five, that that was evidence of our intention to remain in the Philippine Islands for that period. What do you say to the bill of the minority, without any limit of time?

Mr. McDERMOTT. It seems to me if you issued bonds without any limit of time you would necessarily issue temporary obligations.

Mr. GAINES of Tennessee. How much do they amount to?

Mr. McDERMOTT. There is no limit. The scheme is a grand one—to build everything, to buy everything, and issue bonds; and I venture to say that after they have settled down to the collection of internal revenue in the Philippine Islands there will not be enough collected in any year to pay the interest on the bonds, much less to provide a sinking fund for their final redemption.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. McDERMOTT. Certainly.

Mr. OLMSTED. They could not issue any bonds without the consent of the Philippine Commission, which is made the senate, could they?

Mr. McDERMOTT. If you will read the report of the Secretary of War, you will find that they have started in. Take up that report and read it. Of course bonds can not be issued without the consent of the government. I know that. Fancy can not imagine a good bond ever issued without the consent of the government. But let me direct you to this fact. During the civil war, when the solvency of the North was in doubt, when it was a question whether the gray or the blue was to conquer, when London refused our securities, the longest bonds issued were 7-30 and 10-40 bonds, giving the right to redeem in seven and ten years. What will be issued under this bill? You provide a thirty-year gold bond, guaranteed by the United States, the proceeds to be used for the Philippine improvements. That is what you are issuing. The scheme is a grand one.

Mr. OLMSTED. Their treasury is in a much better condition than ours was during the last Democratic Administration. There is not any difficulty here; there is not much danger of the United States being called upon to pay them.

Mr. McDERMOTT. What treasury is in a better condition?

Mr. OLMSTED. The Philippine treasury.

Mr. McDERMOTT. I do not know the condition of the Philippine treasury, and I do not believe that you know what there is in that treasury.

Mr. OLMSTED. They have $7,000,000 in their treasury to-day.

Mr. McDERMOTT. Well, if it is in the condition that you say, and you say it is perfectly solvent, why are you authorizing a thirty-year 5 per cent gold bond to pay for improvements?

Mr. OLMSTED. Well, we do not propose to do it unless the improvements are of sufficient importance.

Mr. McDERMOTT. If your treasury is in such a condition, why not issue a shorter time bond?

Mr. OLMSTED. There is no provision requiring them to issue bonds.

Mr. McDERMOTT. There is no other way to get money to buy the lands with. The bill directs the purchase, and the mixed government you are establishing is authorized to issue bonds to buy. Is not that tantamount to a direction to sell bonds?

Mr. HILL. On that point it is prescribed that they have the option to pay them off in five years or in not more than thirty years.

Mr. McDERMOTT. They will be issued for thirty years.

Mr. HILL. They will be issued under the terms of the bill.

Mr. McDERMOTT. They will be issued for thirty years.

Mr. HILL. And the terms of the bill are that they shall not be less than five nor more than thirty years.

Mr. McDERMOTT. They will be issued for thirty years.

Mr. HILL. They will be issued for five years or not more than thirty.

Mr. McDERMOTT. I challenge the gentleman to find any legislation that ever authorized a bond of the kind authorized by this bill that was not followed by the issue of a thirty-year bond.

Mr. JONES of Virginia. Will the gentleman state what provision of the bill of the minority proposes that we will issue bonds—that they may issue bonds?

Mr. OLMSTED. That the congress of the Philippines shall have power to borrow money on the credit of the Philippines without limit as to time.

Mr. JONES of Virginia. I will say to the gentleman, in the first place, that is not the measure which the minority of the committee offer as a substitute, and the gentleman knows it as well as I do.

Mr. OLMSTED. I did not know it. I beg the gentleman's pardon.

Mr. JONES of Virginia. The gentleman is a member of the Committee on Insular Affairs, and I supposed he knew what nearly every man in the House must know.

Mr. OLMSTED. This is the bill reported by the minority of the committee over the signatures of six gentlemen. I had not been informed of any other bill, or that any other decision had been reached, until I heard the gentleman from Mississippi this afternoon.

Mr. JONES of Virginia. I think if the gentleman had listened to the gentleman from Mississippi [Mr. WILLIAMS] that he explained all about that in what he had to say to the House this afternoon. I saw the gentleman sitting in front of him, and if the gentleman did not understand his remarks I can not understand why he did not.

Mr. McDERMOTT. Is that the only provision that you have under that bill—the authority to borrow money?

Mr. OLMSTED. Yes; that is it.

Mr. McDERMOTT. Let me say to the gentleman there is a construction that any lawyer acquainted with municipal law should know. Ex necessitate when a people start a government, not having any funds, they must give that government authority to issue bonds payable through the creation of a fund for annual part payments or give them the authority to borrow money.

Now, if authority is merely given one to borrow money, that authority is limited to the official life of the borrower. They could not issue any bonds under the proposition that they were authorized to borrow money.

Mr. JONES of Virginia. Let me suggest that that is to be done by the Filipinos themselves. We turn the government over to them.

Mr. OLMSTED. And the President of the United States is to appoint the president of the Filipinos.

Mr. McDERMOTT. I agree with you on that proposition. That is the proposition in this bill. The words "government of the Philippine Islands" mean, in the last resort, the Government of the United States of America. That is what they mean.

Mr. OLMSTED. Then the gentleman agrees with me that the minority bill is even more permanent in its character than the majority bill, because one limits it to thirty years and the other indefinitely.

Mr. McDERMOTT. As I have said, the power to borrow money, when that power is a naked one and time not mentioned, is confined to the life of the body that borrows.

Mr. OLMSTED. Well, suppose they had not paid it when they changed the form of government, would the obligation to pay then expire?

Mr. McDERMOTT. It would be due. The money would be due. Let me illustrate. If your town council, which probably has the right to issue notes, should issue a note in anticipation of the collection of taxes for the present fiscal year, that note must be paid or provided for within that fiscal year unless you have some other statutory provision. Now, my time is being exhausted, and I should be pleased to send the gentleman Dillon on Municipal Corporations, which is chock full of that subject. [Laughter.]

Mr. GAINES of Tennessee. Will the gentleman yield to me for a moment?

Mr. McDERMOTT. Yes.

Mr. GAINES of Tennessee. I want to read a line or so from Thomas Jefferson:

President Jefferson's advice: "Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe, too high-minded to endure the degradation of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, etc.—with all these blessings, what more is necessary to make us a happy and prosperous people?" (Inaugural address, 1801.)

"Separated by a wide ocean from the nations of Europe and from the political interests which entangle them, we should be most unwise were we to cast away the blessings of the position in which nature has placed us, the opportunities she has endowed us with of pursuing, at a distance from foreign contention, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the empirage of reason rather than of force." (Message to Congress October 17, 1803.)

Mr. McDERMOTT. Yes; I recall that. There is no doubt whatever about the doctrine of Thomas Jefferson. Thomas Jefferson believed in that. Thomas Jefferson did not believe in going abroad to get territory.

THE CIVIL WAR.

There is one subject that has burdened every speech delivered on the side of the Administration. We have been told that the Democratic party was false to this country during the civil war. The statement is untrue. It is time, in the interest of civilization and progress, that that manner of talk be stopped on the side of the majority. According to her population no State in this Union sent more troops to fight for the Stars and Stripes than the then Democratic State of New Jersey; none.

The civil war was inevitable, and it had its being from seed not sown during the life of any man who participated in it. It was a sectional conflict and the word "patriot" applies as fully, fairly, and truly to the man who fought in the gray as to the man who fought in the blue. It was a question of residence. Had Ulysses S. Grant been born and raised in Georgia and lived there in 1861 he would have fought under the flag of the Confederacy.

Had Robert E. Lee been born in Vermont, and raised there, and lived there in 1861, he would have fought under the Stars and Stripes. It was a question of environment, and whether he believed or not in the policy of his State, it was the duty of the citizen of Georgia to shoulder his musket for the Confederacy

just as much as it was the duty of the citizen of New Jersey, independent of political affiliation, to shoulder his musket under Grant. That is the truth that history will some time write. In the light of that truth there can be found no excuse for personal or sectional hatred, and nothing is more contemptible in the debates of this House than an attempt to rekindle sectional animosity. [Applause on the Democratic side.]

THE BILL IS TO ESTABLISH A PERMANENT GOVERNMENT.

Mr. Chairman, we on the Democratic side of this House have no objection to aiding the Federal Government to "reach a legitimate conclusion," to use the words of the gentleman who preceded me [Mr. LACEY]. What we object to is aiding the Government to reach an illegitimate conclusion. The bill before the House is a falsehood in its title, because its title does not agree with its context. It is entitled:

A bill temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

In the body of the bill we find outlined a policy that does not admit of the use of the word "temporary." We find a continuance of the policy that is set out in the report of the War Department, where it is shown that millions of bonds have been authorized by the Philippine government for the purpose of improvements. We find in this bill a proposition that no Congress would dare to impose upon the Treasury for improvements in this country—a proposition that the government of the Philippine Islands shall be authorized to provide harbor improvements by issuing bonds.

We find that millions of dollars are provided for the purchase of the lands held by the ecclesiasts, the money to be obtained by issuing bonds. They are to be paid in gold. By whom are they issued? By the government of the Philippine Islands. What is that government? Now and after the enactment of this bill that government is and will be the Government of the United States of America, and the bonds issued there are and necessarily will be obligations of this country. You can not escape the proposition that on the threshhold of your alleged efforts to aid the Filipino people to correct government you are authorizing the Philippine Commission to bond this country, and those bonds, placed in any foreign market, will not only be obligations that we must in morals protect, but they will be obligations of which international law will take cognizance.

If the bonds that are provided for in this bill were to-morrow floated in the London market or on the Bourse in Paris, this country would surely have to see that every obligation of those bonds was kept, or there would be a war between nations. We have been asked on the other side why we do not provide a substitute. We have a bill. I do not think you are going to accept it as an amendment, but we are going to submit its propositions to the people and ask them to overrule your judgment.

We have a policy. We believe that the civilized inhabitants of the Philippine Islands should be protected until they have established a government of their own and, through its principal branches, expressed a desire to be let alone. We want to leave it to them to say when they are willing to forego the protection of the American Army. We believe that the idea of holding colonies in Asia should be now and forever abandoned. We believe that a treaty should be entered into with the Filipinos securing to us all the rights necessary for the advancement of our commercial interests. We believe that at the earliest possible moment the thousands of Americans who are bearing arms in those islands should be allowed to return to civil life.

We believe that the lessons learned from the treaty of Paris should be a warning to the future, teaching the wisdom of the fathers of American liberty when they said that this Republic should be of America. We believe it is time to stop murdering people in the name of religion and civilization. We believe that a monopoly of that practice should be left to European powers, and particularly to England. We do not believe in wars to either civilize or exterminate Asiatic tribes.

We do not believe that the Creator is in joint partnership with the land and mine grabbers who are after the material things in the Philippine Islands. We do not want an American Warren Hastings on trial in this room. We do not believe in the permanent occupancy of the islands. We do believe that, true to our Republic, true to its traditions, true to its future and its flag, we can leave those islands with honor to ourselves, and that when we do so the civilized world will accord us the greeting, "Thy gentleness hath made thee great." [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield fifteen minutes to the gentleman from Maryland [Mr. SCHIRM].

Mr. SCHIRM. Mr. Chairman, I do not question the actual patriotism of any member of this House, but we have been trained in different political schools, and therefore we approach questions in different ways and look at them from different perspectives. We are all, however, either consciously or unconsciously influenced by our desire to promote the welfare of our own political party.

In our occupation of the Philippine Islands Democrats can see only a scheme of continual wrong and a violation of the Constitution; while Republicans, on the other hand, see in it the development of great good and the fulfillment of a high destiny. The best view in my judgment that can be obtained of the Administration's purpose in the Philippine Islands is contained in a paragraph of the proclamation issued by the Philippine Commission at Manila on April 4, 1899. It reads as follows:

His Excellency the President of the United States believes that this felicity and perfection above referred to of the Philippine people is to be brought about by the assurance of peace and order, by the guaranty of civil and religious liberty, by the establishment of justice, by the cultivation of letters, science, and the liberal and practical arts, by the enlargement of intercourse with foreign nations, by the expansion of industrial pursuits, trade, and commerce, by the multiplication and improvement of the means of internal communications, by the development, with the aid of modern mechanical inventions, of the great natural resources of the archipelago, and, in a word, by the uninterrupted devotion of the people to the pursuit of those useful objects and the realization of those noble ideals which constitute the highest civilization of mankind.

Influenced by these sentiments, the Administration has begun a task in the Philippine Islands which has been but lightly touched upon by the members on this side, and almost entirely ignored by members on the other side. It has instituted a system of education whereby the children of the Filipinos, and even the adults themselves, may be trained not only in the Spanish but also in the English language, and receive all of the other benefits which spring from education. It is axiomatic that at the foundation of all civilization lies education, and I believe that he who promotes education in its true sense can never be innately an oppressor. It was once said by a European emperor: "Keep the people ignorant and they will be easy to rule;" but the Republican party and the present Administration believe that if we educate the people they will easily rule themselves. We are laying the foundations for a greater civilization in the Philippine Islands, and while our friends on the other side are caviling and quibbling, while they are complaining about things that have unhappily transpired, and which we do not condone, while they see only the dark side, the Administration is moving grandly onward, carrying out its policy of education, and uplifting the people of the Philippine Islands to a higher state of being; it is preparing the way for the future prosperity and the future autonomy of those islands.

The natives who are intelligent enough to appreciate the advantages provided for them through the public schools are eager in their attendance. The sons and daughters of our country, graduates of our best institutions, are giving their time and services toward the mental upbuilding of our Filipino charges, while the gentlemen on the opposite side of this Chamber are accusing us of establishing an unholy policy of persecution and cruelty—in fact, many of the soldiers whose services as such are no longer needed have themselves become teachers, and are demonstrating to the world that the American soldier does not love warfare except as a means of establishing the arts of peace.

Mr. SHACKLEFORD. May I ask a question right there? Is that to be the same sort of education that for a great many decades the Government has been giving to the Indian tribes of this country?

Mr. SCHIRM. I fully appreciate the facetiousness of the question of the gentleman from Missouri, and in the same spirit I reply to him. I know of no declaration of the Administration to the effect that the education in the Philippines is to be the same as that given to the Indian tribes, and therefore I will not take it upon myself to make any declaration on the question.

Mr. SHACKLEFORD. Then you do not know how beneficent it will be?

Mr. SCHIRM. I know that it will be more beneficent than the system which prevailed in some of the Southern States prior to the civil war, where it was a capital offense to teach a black man his letters; but if the gentleman is really looking for information I will refer him to one of the reports of the War Department for the fiscal year ending June 30, 1901, on page 349, a part of which reads as follows:

After several public sessions, held for the purpose of learning the wishes of the Filipino people in regard to educational matters, wherein much public interest was manifested and the various phases of the subject discussed at length, act 34, the educational bill, was enacted by the Commission, and became a law January 21, 1901.

So that I apprehend whatever kind of education is given to the Filipinos will be of such a character as to be satisfactory to both them and to us.

Besides establishing schools for general education, one of the acts which has been promulgated provides also for schools of agriculture and manual training. If we have the deep, dark designs against the Filipinos which the Democrats charge, why should we educate them and try to fit them to grapple with life's

questions and help them to easier methods of earning a livelihood? It has been said "Knowledge is power." The same may be said of education, and he who comes in the spirit of a subjugator does not put power into the hands of his victims.

We must remember that the Filipinos are not a distinct and complete unit as a people. There are 3 different races—the Negritos, the Indonesian, and the Malayan—each divided into many tribes, aggregating 84, 69 of which have no conception of civilization. It will take a long time before the leaven of education will permeate every quarter of those islands, but it is a move in the right direction, and it is through the public schools that the policy of the Administration to put in office Filipinos who show the requisite capabilities will eventually be worked out.

Mr. COCHRAN. I will ask if it is not true historically that from the date of Spanish occupation down to the date of American occupation municipal control was left by Spain in the hands of the Filipino people in every province in the northern islands?

Mr. SCHIRM. Suppose that is true. What follows from that?

Mr. COCHRAN. Is it not true that under that system they had in each municipality an effective government which preserved the peace, good order, and safety of person and property from the date of the Spanish surrender until the date of the collision between their troops and ours?

Mr. SCHIRM. Well, suppose that is true. What follows from that?

Mr. COCHRAN. I want to ask one further question.

Mr. SCHIRM. No, I will not submit to another question until we settle this.

Mr. COCHRAN. What is your question?

Mr. SCHIRM. Suppose we admit that what you say is true, what follows?

Mr. COCHRAN, It follows that the continual insinuation that those people are not capable of self-government is refuted by the continuous history of three hundred years of civilized municipal governmental control by them through those islands, except the army in the city of Manila and a tax collector in each municipality.

Mr. SCHIRM. There are governments and there are governments.

Mr. COCHRAN. Now, I will ask the further question if it is not true that a lieutenant of our Army and a midshipman of our Navy traversed Luzon from one end to the other immediately after the Spanish surrender and found this government everywhere effective, and found the people in the peaceful pursuit of their ordinary business, and order and safety everywhere prevailing?

Mr. SCHIRM. Suppose we admit that, for the sake of argument, what follows from it?

Mr. COCHRAN. It follows by that mere fact that the insinuation that you must butcher a certain number of these people in order to teach them the art of self-government is folly, when the fact is they have had municipal control under Democratic institutions for two hundred years. Spain never undertook to take that away from them and never did.

Mr. SCHIRM. I do not propose that you shall make a speech in my time. I have said that there are governments and there are governments. There are officers and officers. But I do contend that the best that the Filipinos produced, up to the time of American occupation, can not in any way compare with the standard and character of American institutions and American officials.

Mr. COCHRAN. Mr. Chairman, will you please——

Mr. SCHIRM. I will not yield again. The attempt to make it appear that the Filipinos are capable of self-government, as we understand self-government, is only a subterfuge. No people can rise above their intelligence in the matters of government. So that the Filipinos, being beneath us in every conception of government, in everything that goes to make up the individual rights of the citizen, necessarily can not reach the high standard of our country. I said when we educate them and give them a clear understanding of citizenship and a new idea of constitutional government, the Filipinos will then be better able to govern themselves.

Under the Spanish régime there was a provision for one male and one female teacher for every 5,000 inhabitants, but as a matter of fact there was but one teacher to every 3,500. The whole number of teachers in all the islands was but 1,914. Many of them were incompetent. Little attention was paid to those studies regarded by us as essential. Discipline was lax; the education of the people was a mere pretense.

Act No. 74 of the Philippine Commission provides for 1,000 trained teachers at monthly salaries of not less than $75 per month nor more than $125, and pursuant to the provisions of this act the general superintendent of public instruction for the Philippine Islands authorized the selection of a large number of these teachers by various colleges, State superintendents of education, and others, no reference being made to denomination or religious belief. The remainder were appointed by the general superintendent of public instruction, upon direct application to him at Manila, through the Insular Division, and there is nothing on record to indicate the religious denomination or the political opinion of any of the persons so selected. One hundred and fifteen educational institutions in all sections of the country furnished teachers for this work.

The salaries of teachers under the Spanish occupation ranged for men from $7.50 to $20 per month and for women from $5 to $12.50 per month. Most of these teachers were poorly trained for their occupation. Positions for the four higher grades were filled by competitive examinations between holders of teachers' titles, but a considerable number of teachers were mere "assistants" and "temporary incumbents," who were not required to have titles. In volume 1 of the report of the Philippine Commission, 1900, page 32, it is stated:

> In some towns special buildings served as schoolhouses. At best they were usually cheaply constructed and most inadequately equipped. Often a room in the house of the schoolmaster or mistress served in lieu of a schoolhouse, while the lack of text-books, blackboards, and even of writing materials frequently made it necessary that much or all of the instruction should be oral.

A circular issued by Dr. Fred W. Atkinson, general superintendent of public instruction at Manila, on April 2, 1902, provides that applicants who wish to become teachers in the Philippine Islands must be either normal or college graduates; that they must have several years' successful experience in school work and be engaged in teaching at the time of making the application; and further, that they must be prepared to dispense with all the accustomed luxuries and even endure hardships while in the islands.

On October 1, 1901, as shown by Appendix BB, part 2, report of the Philippine Commission, October 15, 1901, 743 teachers had arrived and had been distributed among 34 provinces. Of this number 148 were soldiers discharged in the islands.

In a circular issued by the Division of Insular Affairs, dated May 13, 1902, under the title "Substituting the schoolhouse for the garrison," it is stated:

> From that time on the garrison has given way to the school district, and the commanding officer has been succeeded by the school superintendent; guard mount has been exchanged for the daily prattle of children going to and from their schoolhouses, and from every district in the Philippines come reports of earnest, active work by teachers, magnificent results achieved, and a general desire on the part of all—young and old—to become familiar with the English language and mode of teaching.
>
> So successfully has this work been accomplished that we find Governor Taft stating before the Senate Committee on the Philippines, on page 279, that the American teachers have been scattered into 445 towns in the islands, of which but 245 are now garrisoned, and in 200 towns into which there are no soldiers.

January 1, 1902, the number of teachers was increased to 817, and on May 27, 1902, to 967, leaving at that time but 33 appointments to be made to meet the requirements of the law.

In order to show how the people receive the educational project I desire to call attention to some quotations made from part 2 of the report of the Philippine Commission to the Secretary of War in December, 1901, first on page 531:

> Everywhere an English teacher is sent he is welcomed enthusiastically. In order to meet the demands of the people of the archipelago a larger number than 1,000 English teachers will be needed.

And again, on same page:

> Nearly one-third of the teachers of English are giving evening instructions in English to adults. Among those who are in attendance are persons of almost every vocation and profession, including native municipal and provincial officers. An English primer is used first and later followed by texts written in easy English on American history and civil government.

On page 574 of the same report appears the following:

> Many towns have asked for and received evening schools, taught by American teachers. The attendance at such schools is very good and the better and more ambitious class of people attend—clerks, translators, prospective teachers, or commercial employees. A large increase in the number of these schools is noted since the distribution of the large lot of teachers.

And again, on page 575:

> A rough estimate, based upon the reports received in this office and the number of English teachers in the field, may be given. There are probably over 150,000 Filipino pupils enrolled in the free primary schools which have been established by the American Government, and over 75,000 pupils in actual attendance. There are probably 3,000 to 4,000 elementary Filipino teachers, 1,800 to 2,000 of whom are receiving one hour of English instruction daily. There are at least 10,000 adults receiving English instruction in the evening schools conducted by American teachers. Applications from adults are coming from all over the archipelago for English instruction. The American teachers are being given authority to establish evening schools wherever they are needed. There will shortly be from 20,000 to 30,000 attending these schools. Requests for large quantities of school supplies have now become so numerous that soon large orders will have to be placed with American firms for additional school material. Great interest is shown by Filipinos at large in educational matters, and the eagerness for English instruction before reported upon is still unabated.

This is a glorious work, undertaken in the spirit of benevolence, and is an attempt to bring about what President McKinley called "benevolent assimilation." We are not in the Philippines to crush, but to uplift; not to destroy, but to preserve; not to humiliate, but to ennoble. Our labors are not in the interest of

king or prince, but for the purpose of extending the best form of government known to the world; to stimulate through education the desire for higher things; to prepare the way for a greater and grander civilization than, in my judgment, could ever have been achieved under either Spanish or Filipino dominion. [Loud applause.]

Mr. COOPER of Wisconsin. I yield to the gentleman from Minnesota [Mr. EDDY].

[Mr. EDDY addressed the committee. See Appendix.]

Mr. COOPER of Wisconsin. I yield to the gentleman from New York [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, the importance of any question to our country at the present day is accurately gauged by the amount of attention it receives from the press, the pulpit, its discussion in the halls of legislation, and the general interest shown in it by the people themselves. Judged from this standpoint, it is evident that the issue which we have been debating the last few days—the Philippine problem—has become beyond doubt a paramount question for our nation to consider and settle.

It is rightly a great and serious subject, both from a political and an economic point of view, pertaining as it does to our own material interest, and, what is of far greater importance, the future of 10,000,000, approximately, of human beings whose welfare and happiness we are becoming responsible for—men and women of a different race, color, and languages, with habits and traditions entirely contrary to our institutions, and living in a tropical clime some 8,000 miles from our shores. It is well we should, therefore, pause and view the matter calmly and dispassionately.

Especially is this subject a grave one in view of its opening the question of a change of Government policy and perhaps the launching of our nation into the arena of world power as a colonizer, or, at least, the possessor of colonies.

I am of the opinion that a large percentage of the people of the United States are still averse to any change in our past policy or the suggestion of imperialism and that they will not look with favor on the permanent adoption of new lines which will place us on record as being willing to take upon ourselves the burden of the government of foreign alien races or the assuming as a part of our national policy that we should hereafter seek foreign territory, but rather that the sentiment prevails that it is best for us to avoid these entanglements and to hold to the old theory that we have a large enough country of our own to develop and that the expansion ambition should be curbed.

There is a great difference between colonizing and imperial government. Where new territory is taken over, sparsely settled, and then is populated by sending out men and women from the home country to settle and develop the new, there are no great problems of government to contend with, or only slight ones, and the necessity of dealing with an alien race does not present itself to a great extent. But where you become the arbitrator, through purchase or conquest of discovery, of the destinies of millions of your fellow human beings, the question is an entirely different one, and the difficulties of handling the issue with justice to yourself and in conformity with the proper rights of the alien race become a much more troublesome matter, imperialism can be charged, and no nation is wise to involve itself in such a position if it is situated as we are and the feeling of the people is opposed.

The illustration can well be shown as between Australia and New Zealand, and say India, all of which countries are practically dependencies of the British Empire. England is really an Empire and a colonial power. In the case of Australasia the English nation settled the land, which was only sparsely populated and with an inferior race of natives, so far as Australia proper is concerned, and owing to these conditions the alien race never became a serious factor with the settlers. Even here, however, the illustration of the survival of the fittest became clear from the start, and the natives were driven back into the bush, were killed off indiscriminately, and their treatment was not what it should have been under a more humanitarian policy.

In New Zealand the natives were of a higher type and character. They were also in large numbers, based on the extent of territory, and their treatment has been better; reservations were held for them, and they have reached a fair grade of civilization. However, these islands were practically new land opened for Europeans, and the result has been that, not being hampered by alien races, the colonists were able to develop the natural resources, take advantage of the magnificent climate, and in less than a century great colonies have been built up inhabited by four to five millions of well-educated, refined, and prosperous people. Several cities of two to three thousand inhabitants exist equal to any of similar size in the world, and, with the exception of our own nation, no land has probably ever grown so rapidly and advanced to such a high order in so short a time.

In India, however, entirely contrary factors had to be met. The population was enormous and dense, based on the extent of territory. There was little room for colonization by the conquering nation, and they had to dominate by force of arms, and held, and still hold, the country largely for their own benefit commercially, and are only able to do so owing to the want of means of concerted action by an inferior race; also by reason of the different elements and nationalities making up the several hundred millions of alien people.

England has undoubtedly done much for the good of the inhabitants, and their condition has been benefited and their personal interests advanced, but they have been held back largely by reason of the natural fear that too much liberty might be unwise and likely would prove dangerous. Nothing has been done to break down the fostered traditions of hatred between the different tribes, a spirit of liberty has not been encouraged, the natives do not hold arms, and while justice reigns throughout the land beyond question, it is nevertheless a pure type of despotic imperial government without the consent of the alien races.

Let us look for a moment at the question of our position and whether we have really gone beyond our traditions or have simply followed the natural evolution of a great people guided by circumstances and events which have irresistibly forced us forward to take the place as a nation in relation to these new colonies which we hold to-day. I claim that the latter is the true condition and not the former. One speaker here to-night from New Jersey [Mr. MCDERMOTT] has bandied lightly with the name of God. He is not here at the moment. But I take decided issue with him. I believe that the destiny of man and the destiny of nations are watched over by the guiding hand of Providence.

Mr. SULZER. Will the gentleman permit me to ask him a question?

Mr. DOUGLAS. I will.

Mr. SULZER. Do you think God sent us and our armies to the Philippine Islands to subjugate the Filipinos?

Mr. DOUGLAS. I would not like to enter into a controversy on religious subjects on this floor with the gentleman from New York; but I simply will answer him this way, that I think if God did send us there, it was for the future welfare of these people and it was well done. [Applause on the Republican side.]

Mr. SULZER. Do you put your thought above God's will?

Mr. DOUGLAS. I do not put it above or below. I simply say I do not give much credit to the irreverent statements in connection with the Almighty that our friend from New Jersey made.

Mr. COCHRAN. Will the gentleman allow me a question?

Mr. DOUGLAS. Yes.

Mr. COCHRAN. You stated that you believed there is a God who exercises control in the affairs of the nation. I will ask you if you think the devil has gone out of business entirely?

Mr. DOUGLAS. Sometimes when I hear my friends on the other side of the House address us I am inclined to think that he is very much in business. [Laughter on the Republican side.]

Mr. COCHRAN. I will ask further if it is not conceivable that he might have a good deal to do with such enterprises as the recent butchery of the Boers and the career of the Americans in the Philippine Islands?

Mr. DOUGLAS. I am not discussing the relation of other nations to their colonies. I am addressing myself to the relations of this nation to her colonies.

Let us consider for a moment what we have done. The Hawaiian Islands have become naturally a possession of this country, and I believe it is wise and well that we have allowed them to enter into the nation as one of our family, and the measure commends itself beyond doubt to practically everyone. Besides, it would not have done to have allowed other nations to obtain a foothold there. These beautiful islands are situated 1,500 to 1,800 miles only from our shores. They are the gateway to the Golden Gate itself and within the line of defense of our western shores. I further believe the Hawaiian people will be better off under our guidance and our care than they would have been if left to govern themselves.

It is unfortunately true that whenever any foreign, or at least copper-colored, race comes in contact with the Anglo-Saxon they are prone to fall and fade away. I fear that will be the result with the Hawaiians. They are not well adapted to our civilization. They accept our evil habits, but they do not acquire so readily our good ones. But I hope that under the benign influence of our guidance they will last longer than if we had left them to themselves. And no effort on our part should be spared to this end. We must not forget as well that there was a large population there of Chinese and Japanese in addition to the Americans, English, Germans, Italians, etc. Consequently, when we acquired possession we took over in part a European and an Asiatic population as well as the Hawaiians.

In connection with Samoa, we may have drifted a little further from the anchor of safety than we did with Hawaii. There we

had no excuse for taking territory except our desire to secure a good anchorage and harbor for our vessels, and a coaling station. But Germany was there, England was there, andwe felt that our protection in case of warfare required that we also should take our share, and we have therefore divided the islands between us by agreement.

Personally, I believe it would have been wiser to simply have taken a coaling station. However, the people of the Samoan Islands are naturally not warlike. We have not adopted any large number of these people, and I do not think we will meet any very serious complications by reason of our action, and we may ultimately benefit to some extent.

This brings us to the main issue, the war with Spain, and I claim, notwithstanding what others may have said in debate, that the war was undertaken with the highest principles, and personally I believe that we should have demanded of Spain her withdrawal from Cuba many years before hostilities occurred, and a firmer policy on our part might have acccomplished it. That island was downtrodden, misgoverned, and her people persecuted for hundreds of years. It was right that she should obtain relief, and the whole people of this country are beyond a doubt pleased and gratified at the part they played in giving her freedom. I again take this opportunity to state that I indorse the policy of the President in relation to her material benefit as the right one, and that his stand to-day in demanding for her commercial advantages which we can undoubtedly concede, without injury to ourselves, is wise, and should be granted without further cavil-ing or delay.

Mr. HILL. If the gentleman will pardon me, he is in accord with his own party and with a majority of the Republican party in both Houses of Congress in that respect.

Mr. DOUGLAS. I accept with pleasure the amendment stated by the gentleman from Connecticut. I believe it is a small minority of our party that differ with me on that subject.

At the close of the war we extended the plane of our intentions, and felt that Porto Rico, also being so close to our shores, was entitled to have consideration at our hands and be granted freedom from Spanish rule, and great wisdom was shown in taking upon ourselves the government of this island, it also being necessary for the protection of our own eastern shores, and doing all for them as a member of our family that we hope the Cuban people will be able to do for themselves through our instrumentality.

Porto Rico has improved so vastly in every manner that pertains to its civilization and advancement that the people themselves now admit the immense strides they have made, and we have obtained the plaudits of the world for our clear-sightedness, careful administration, and justice.

We now come to the most important question, and it is well known by everybody that when we took up arms in behalf of Cuba we had no ulterior motives or fixed plans of any kind in so far as related to the Philippine Islands. The Spanish fleet was destroyed by Dewey, and it was then found that we could hardly leave the harbor, as the Spaniards being themselves in difficulties with the Filipinos could not have held their position and thousands of lives were in jeopardy. It was proper, therefore, that our fleet should remain and wait for developments.

When the final settlement of the war issues had to be reached we found ourselves in a serious dilemma. We could not, without a serious breach of good faith to these people, owing to their having helped us to a certain extent as against the Spaniards, acquiesce in the return of the islands to Spanish control. Nor did the world's civilization and the future of these people warrant it, based on the proof of the incompetency of Spain as a governing power during the past two hundred and fifty years. Again, it was a question whether Spain had the money and the power to again take charge, and the final result of the discussion was the treaty of Paris by which we acquired possession, and made a large payment to Spain, which further confirmed our title, although the money consideration was largely as a return to her for public expenditures and improvements made by her Government on the island.

The Filipinos themselves unquestionably had cherished the hope, or at least a certain faction of them, that they should be given control and be allowed to form a government of their own. It was found, however, impossible to have this done immediately, and complications resulted which we all know fully regarding and about the disastrous war which has followed under the leadership of Aguinaldo. Many contend that we could have left their destinies in their own hands and withdrawn from the islands at once; but careful research, the evidence of Army officers, civilians, disinterested persons, and those who had lived many years on the islands, is so convincing against the facts presented by the few who advocated this procedure that those who are not prejudiced and biased beyond reconciliation admit freely that while undoubtedly perhaps from 5 to 7½ per cent of the people of the different islands, and especially at Manila and near by, could have formed the elements of a government, yet that such was the jealousies of the different tribes and the temperament and disposition of the people that absolutely no freedom would have existed, and that it would have been a lamentable fallacy, and temporary quiet only under the despotic power of perhaps one man, and finally warfare of the most brutal character would have resulted among them, and the destruction of life and property, which we have unwillingly had to take a hand in, has been as nothing in comparison to the horror and violence which would have resulted from their being given a chance of self-government at that period.

I therefore claim that our position to-day in the Philippine Islands is in no wise the result of any change of policy on the part of this Government; that by assuming control of the islands we have not committed ourselves in any way to a colonial policy, either as colonists or imperialists, but that it has been a forged chain of circumstances which we could not control except by doing injustice to others, which is something our nation must never stand for, and that consequently we must look at the issue as a matter of destiny rather than as brought about by any positive or determined action by any section of our people or any party in power, and that it need form no precedent for the future.

Many of the speakers have endeavored to place the position as it now exists on the shoulders of either the Republican or the Democratic party, or have presented facts to prove that both parties were equally responsible. Personally, as the Republican party was in control, it seems wise that they should accept the responsibility. In fact, they would show good judgment if they unhesitatingly did so, to the end that we should not lose such a glorious heritage, and I, as a Republican, am willing to assume responsibility, so far as one member of Congress can go, for what we have done in those islands up to the present day, barring, of course, any injustice or injury the inhabitants may have received, either from the actions of civilians we have sent there to govern or from the hands of our soldiers, and expressing sincere regret at the unfortunate hostilities which were forced on us.

Mr. SULZER. Will the gentleman yield?

Mr. DOUGLAS. Yes.

Mr. SULZER. The gentleman says he is willing, as one member of the House of Representatives, to assume the responsibility for everything that has been done in the Philippines.

Mr. DOUGLAS. You have evidently not taken note of the important exceptions I named.

Mr. SULZER. Does the gentleman assume responsibility for General Smith's order to make Samar a howling wilderness and to kill all over 10 years of age—men, women, and children?

Mr. DOUGLAS. I will answer that question with pleasure, and say I do not. I stated distinctly in my remarks, excepting so far as any injustice which the civilians we have sent to those islands to govern had done to the natives and also excluding any act which any man or any soldier in our Army has done, even if under great provocation. I certainly stand for no brutality, and join in wishing it punished. I think that answers the question of the gentleman from New York fully and completely.

Mr. SULZER. Well, it will not answer the question of the people.

Mr. DOUGLAS. I know nothing will satisfy the gentleman, but it will have to satisfy him as far as I am concerned. I know the gentleman's position, and it is a very poor one from my standpoint. I would commend my full remarks to the gentleman from New York. If he will read them, perhaps he will be enlightened. All great movements of nations have been criticised by the few, yet when the final history of the events have come to be written, and a sufficient number of years have elapsed to have it done without emotion or deep personal feeling, justice has been done; and I believe the same truth will hold good in our case, and that the future of those people will vindicate us fully and the wisdom of what has been accomplished by us will shine brightly and prove one of the most glorious achievements which this nation has ever accomplished, not for the good of ourselves, but for the benefit of others. In making this assertion I do so banking on the sound good sense, the honesty of purpose, and the Christian spirit of the American people, as everything depends on these facts. The whole question rests on the broad lines as to what are the motives which actuate the people of the United States in relation to their brother millions in the Philippine Islands. [Applause.]

I believe that we have approached this matter with the highest intentions and that the nation will demand of any party that is in power that they will follow these high lines in dealing with that country. The matter has reached an issue where beyond question we must now establish peace throughout the country. Our control must be recognized, our government firmly established, and these people must be given to then understand that law and order shall prevail. Admitted that this is accomplished, we must then turn to the civil administration of the islands, and there is no doubt that our people wish no carpetbag government

to be established, but rather that the natives shall be encouraged to build themselves up in an educational way, to the end that they may obtain a fair share, yes, even the greater share, of all administrative offices, so that through our instruction and our aid they may finally be entitled to take absolute charge of their own destinies, and when I am satisfied that time has come I would not refuse their request, and only hope I may live to see it accomplished.

No effort should be made to crush out their spirit of liberty, but rather it should be encouraged and without deception on our part, and the ultimate goal of actual liberty should be held out to them.

Schools, educational institutions, hospitals, and every possible advantage of this character should be freely granted. Their lands should be carefully preserved for their benefit, and neither citizens of our own or other nations should be allowed to take hold of large tracts of their territory to their disadvantage. Where natives have held the land, or at least lived on it with their families, it should be counted as sufficient title, and they should be given possession, even if they have no clear proof of title beyond the facts named. Lands purchased from the friars should be largely, if not entirely, held for the natives. No slavery should be allowed to exist, and any present evidence of it should be stamped out as quickly as possible.

I claim, therefore, that the future of the Philippine Islands rests with the Filipinos themselves fully as much if not more than it does with the American people.

Many claim that they are cruel, treacherous, unreliable, and incapable of ever rising to the plane of civilization which other nations have obtained. Others with equal earnestness state that they are capable of the highest cultivation; that their treachery and their present disposition is simply the result of years of oppression and the despotic government of the Spanish people; that they can become good laborers, manufacturers, and merchants. In view of all this mass of different testimony, it appears utterly useless to make predictions and to advance theories which perhaps few men of the present day may live to know are true or not.

This question has reached a point where it will have to settle itself by time. How long a period may be required no man can tell; but when the time has arrived and these people can claim all that their friends now claim for them, then will come up for discussion whether they should be given that self-government which, we all regret, does not appear wise to grant them to-day.

We had best leave therefore to the future the determining of this point. I believe, however, that so deep is the feeling of liberty in the hearts of our own people, and so honest is our intention toward these islands, and so great our sense of justice, that if ultimately they have every right to ask of us their liberty we are likely to give it freely and again astonish the world by our generosity. We might couple it with protection against outside nations and other conditions for their benefit, which, however, it is useless to think about at present.

You can control the destinies of nations no more than the destinies of men. This has been proven in the past, and we have had many examples of it recently. Our country has been called upon suddenly and unexpectedly through destiny to take hold of and settle temporarily, at least, the future of others, and we have started out to accomplish it on new lines of our own. We have done great work so far, and have approached and are endeavoring to handle the great problems which confront us in a manner which will command the highest respect of mankind. Let us hope that nothing will interfere and that we will make a success of the venture as regards each one of the islands that have come under our control, and if we do, it will prove the brightest diadem in our national crown, as we will have shown the entire world what can be done, and our example will be so effective that never again will the old-time theory of oppression, and governing simply for the sake of the home countries' benefit be possible over any alien colony. [Applause.] A failure now on our part will put back the world's civilization a hundred years. Therefore parties without regard to class and our entire people without regard to theories, but on practical lines, should work together for the accomplishment and the carrying out of these great problems which we must face.

There does not appear to be anything which we can do for our own good, in so far as the islands are concerned, which will not be for their benefit far more than ours. It is true that the Philippines is a tropical climate, but there is nothing to show with any clear proof that Europeans can not live there without injury to health and beyond a doubt there are vast stretches of territory where the climate is not more detrimental than portions of our own land.

The islands have practically never been cultivated or explored as they now will be, and it is the judgment of careful experts that they are capable of magnificent development, and there is no reason why these people who are now possessed of little means—perhaps not the present generation, but their sons and daughters—should not acquire property, hold lands, accumulate fortunes, and be the equals of other people in happiness and prosperity.

We shall open their ports to the commerce of the world. They will have chances in life never heretofore dreamed of, and their men will be paid wages according to their worth. We are about undertaking the laying of cables to their shores, the building of a great canal, which, when finished, will bring them much closer to us, and the thousands of ships and steamers which will go through that canal, trading with the East, will find the Philippine Islands a convenient and desirable stopping place for trade and other purposes, and bring a golden harvest to the islands.

I firmly believe that within twenty-five years the city of Manila and adjacent towns and cities will have increased many times in population, and then there will be no finer sections of the eastern world than these same islands, which are now the subject of such bitter controversy.

No matter what we may be obliged to say in reference to the men of the Philippine Islands, it gives me pleasure—as I have not heard anyone in debate speak of the women—to state that all statistics prove that they are the superior of their husbands and brothers.

Statistics show that they make good wives and loving mothers, and that mostly they are faithful to their husbands and aid them in every possible manner in their work, both at home and in the field.

Polygamy does not exist largely in the islands, and usually the families are united and happy, showing as much affection for each other as do the European races. The old Spanish traditions prove that when they took possession of the islands the women occupied a higher station than they do now, and that even in those days the Filipinos generally had but one wife.

The women of the richer classes did no work, wore silk and costly clothing and jewelry of gold and precious stones, and were treated with the utmost respect. The women of the poorer classes occupied very much the same station as they do at present, being an aid and help to their husbands in all the walks of life. In fact, at the present moment a Filipino woman does far more than her share, the men really being inclined to laziness and indolence.

From all information that can be obtained it does not appear that the status of the Filipino woman has advanced, but rather deteriorated. Under our influence and well-known respect for women it is to be hoped that we shall build up a better condition and that our example will show to the Filipino men the necessity of taking on their shoulders a more active part in the domestic circle and support of the family, so far as pertains to actual manual labor at least.

There is a great field for work among these people by our missionaries and religious bodies generally, and if they take up the matter with energy and intelligence there is no question whatever but that most satisfactory results will be accomplished, and especially among the women and children.

The world has progressed and is progressing, and the prating views of the pessimists, who always oppose prosperity for their own people as well as for others, can not prevent it. For instance, fifty years ago, or even, perhaps, at a less period, it would have been impossible for European nations and ourselves to have acted in concert, as was done in China. The doctrine that a nation, simply because they wish to govern themselves and not have others govern them, can be allowed to murder each other, set up different governments every year, ill treat foreigners living among them, and violate every law of civilization is a theory which should be swept aside. Liberty is liberty only when it means what it says, and it is an open question to-day and one which might well be considered whether there are not other places in the world where the hand of civilization of some nation might not well step in and bring about peace to the inhabitants, also law and order.

As, for instance, Haiti and many sections of South America. Take the last-named great continent, and who will deny that if its various republics had been governed by their own people as they should have been during the past century they would not have made far greater strides in the advancement of their people and taken a more commanding station among the nations of the world and prosperity would have been tenfold what it is to-day? Many of those countries are subject to continual revolutions, the despotic power of ambitious men, and the cruelty of those who are in power to retain their hold on the reins of government against other ambitious persons who are stirring up strife with a view to their personal interest. I do not bring this point up for a moment to have it understood that this country should in any wise interest itself wrongly in any way against any existing South American republic, but rather that we should protect them against others, yet at the same time the conditions that have prevailed in some portions of South America in the past and even at the present date are such as make men think that a proper

insistence upon a better order of affairs would not be going beyond the province of the enlightened governments of the world, and this country should take a firmer stand for the rights of its citizens who trade and visit our southern neighbors.

Others have so thoroughly thrashed out the Army question that I shall propose to allude to that point with but few words. I would state that I uphold the Army and believe in the honor and humanity of most of its officers. The carping criticism and unjust comments of many speakers has shown that they were simply guided by personal feelings and politics, without regard to justice or looking at the matter from a broad standpoint. We unquestionably sent to those islands as fine a lot of men as ever wore the uniform of any country. They had to encounter methods employed by the Filipinos, who, beyond doubt, were cruel and treacherous. Real war did not exist, but a guerrilla warfare and nothing else; they were in a tropical land far from home, and undoubtedly many an officer has found himself in a most difficult position. He had the lives of his men to look after and care for. He was confronted by the treachery of those he had the right to think were his friends among the natives, and self-preservation is the first law of nature in such cases. At times measures were taken and cruelty shown which would not have been done under other circumstances, but individual cases ought not to call for unjust condemnation of the entire force.

Personally, I believe that many of the tales told have been vastly exaggerated. Many of the men who have bitterly spoken about certain incidents which have occurred would probably, if they had been in the places of the men they assailed and subjected to the same privations and difficulties, have been equally cruel or perhaps even far surpassed those they condemn. On the whole, the war, undoubtedly, so far as a warfare of that kind is concerned, has been handled with bravery on the part of our men, with self-abasement, and great judgment has been shown in the midst of their troubles. Individual cases that show clear infringement of the rights of warfare, or cases of unnecessary cruelty should be punished, and I trust the President and War Department to do it. In wars of the past there was no way of knowing of all the cruelties which were perpetrated, but now, owing to closer proximity, through the cable, quick steamers, reporters at the scenes of warfare, information of all kinds come to us and shock us, which in the past would never have been heard of. But again on this issue, I contend that the world has improved, and that every war that takes place, while cruel, still is waged more in accordance with a desire to avoid unnecessary suffering, and we are improving in that particular as well as in others.

Time will not allow me to go into any special criticism of the bill before us, and it is simply the framework for the government of these people and will have to be amended and added to from time to time. The great thing, however, will be to protect the natives by every manner of law that is possible in their rights. So far as the question of money is concerned, I believe that it is a great mistake to send out to them any mongrel coinage; nor do I believe that the proposed special silver dollar and half dollar for use in the islands and throughout the East will be efficient or satisfactory. It will probably fail the same as the trade dollar failed. We had far better give them the benefit of our own stable currency, both in gold and silver. They will soon learn, not only in the Philippines, but generally in the East, what our currency represents and the high standard of our money, and labor problems, the wage problem, purchase of goods, and the exchange question will all settle themselves more easily on this basis than in any other way.

Let us make the American eagle stamped on our gold and silver pieces known throughout the world and it will help us in many ways commercially. The English sovereign to-day is a passport wherever you go. Why should we not follow such a good example rather than adopt an uncertain policy, which will not be satisfactory in all probability, and make the change when it comes the more difficult of accomplishment?

The framers of the House bill have given it careful attention and studied all its provisions, and beyond the points mentioned, and adding I heartily favor having a native house of representatives, I defer to their judgment and am in favor of the passage of the measure. [Applause.]

Mr. JONES of Virginia. I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, a few days ago I was astonished by the attack made upon the postal employees, and particularly on the letter carriers of the country, by the chairman of the Post-Office and Post-Roads Committee [Mr. LOUD]. The thought came to me at that time that if an opportunity presented itself something should be said in refutation of those statements. The time has come, in my opinion, when some one should tell the truth in respect to one who has been a consistent opponent of every effort to increase the wages of the postal employees, but who has just as persistently labored in behalf of the great railroad corporations who have been the beneficiaries of his acts.

I ask, Mr. Chairman, whether the letter carriers are being used as a shield behind which we find hidden the railroads of the country which are getting the lion's share of the appropriations annually made to carry on the work of the Post-Office Department? I ask why it is that this House continually accepts the report of the Committee on Post-Offices, made by its chairman, by which we are paying the railroads fully as much and more in rentals per year than it costs to build the cars which we are renting? May I further ask, if in order to keep this from the members of the House, and in order to throw sand in our eyes, the statement is being made that we must keep down expenses by restricting or resisting these assaults on the Treasury that are being made by the employees of the postal service, especially the letter carriers? May I ask whether this is a subterfuge merely, in order to keep from us the real issue, which is the payment of ten times as much for handling or carrying the mails as is paid for carrying express matter in the same cars, behind the same engines, on the same train, and over the same roadbed?

When the chairman of the Post-Office Committee took occasion to belittle the efforts of the letter carriers he only followed out his former tactics. Not only that, his remarks were in line with his attempts to reduce the price of labor, to lower the standards of wages, and to add to the profits of contractors, as we well remember was his aim when he desired to place the rural free-delivery service on a contract basis. Oh, this contract system must certainly be a grand one! It reminds me of the padrones, who hire boys and peddle them out and utilize their services for a mere pittance while they themselves grow rich. Has it come to a point where this country must require men to take civil-service examinations, to furnish bonds, and to do labor in order to be farmed out to contractors?

I believe that were a bill introduced in this House asking that the letter carriers be placed on the contract basis such bill would speedily be reported to the House and passed. But a just measure, the purpose of which is to give relief to a deserving body of men, is pigeon-holed simply because, under the rules, the chairman can take such action. Well and eloquently did the president of the carriers' organization plead with the committee to bring the bill into the House, or at least to make a report at this session, favorably or otherwise, for I know, as every member knows, that once brought into the House justice will be done and the bill passed.

But, no; it is the will of the chairman that such should not be done. It is not my purpose now to speak at length, or to touch largely upon the letter carriers' salary bill. I have done that heretofore, but I simply desire at this time to point out why it is, to my mind, that the efforts of the railway mail clerks, the post-office clerks, and the letter carriers are always being made the chief issue in this House by those who have charge of the work of the Post-Office Committee. In studying the situation, in looking over this matter, in weighing the question, I can arrive at no other conclusion than that it is intended as a sort of a yell of "stop thief," and thus keep the members of this House agitated on this question, while the chairman quietly sits back and fixes up the bills by which the railroads get enormous amounts of money from the public Treasury.

I want to say right here, Mr. Chairman, that were the Government to pay the railroads what is a fair price for handling mail in transit instead of the present exorbitant rates, which are fixed by action of this committee, under the advisement of its chairman—that were this done we could extend the postal service beyond anything that was ever dreamed of in this country. We could then pay the employees decent wages. We would then not be treated to the spectacle of having to compare their salaries with those of the poverty-ridden workers of the State of Pennsylvania, which is controlled from top to bottom by these very railroads who are getting these vast amounts of money on their mail contracts.

I say to you, Mr. Chairman, that were these rates that are being paid the railroads for carrying the mails fixed at a reasonable figure we could extend the free-delivery service to every hamlet, to every farmhouse, to every nook and corner of this country. Not only that, but 1-cent postage would then be reached. But no; for fear that we may examine into this matter and that we may accidentally discover what is the real drain on our Treasury, who is the real dog whose tail should be cut off behind the ears—yes, lest we might discover this, we are continually told to watch the postal clerks, to watch the railway-mail clerks, and to watch the letter carriers, for fear that they might impoverish us should we give them sufficient to allow them to live.

The thought struck me, in listening to the argument of my colleague from California [Mr. LOUD], that if substitutes earn $380

per year, where does this money come from? I believe—in fact, I know—that the money that substitutes earn is deducted from the salary of the regular carriers. If substitutes earn $380 per year, then the regular carriers must certainly be $380 per year short, except, perhaps, the small pittance which is allowed the substitutes by appropriation for serving the routes of regular carriers during the vacation period. I ask again, Why is it the gentleman from California, in comparing the salaries of carriers with those of other employees, takes on the one hand, every person who could be designated as an employee in a certain given industry—whether he happens to be a skilled mechanic or only a common laborer—and by adding them all together averages up their pay to bring it down to as low a figure as possible; while, on the other hand, in the carrier service he takes 20 of the largest cities and tries to show that the amount received by regulars or substitutes in these 20 large cities holds good from Maine to California?

Mr. Chairman, there are over 900 cities in the United States, and there are but 53 or 55 cities in which carriers receive nominally $1,000 per year, and in all the other 850 or more cities the maximum salary which any letter carrier can receive is $850. We have hundreds of post-offices which employ only 3 or 4 carriers each. If the substitute earns $380 in any of these offices, $280 must necessarily come from the 4 carriers in the office having that number, and $100 will be the amount that this substitute receives for serving routes during vacation. This would leave the salary or the income of the carriers in such an office about $775 or $780 per year.

From this they also buy their uniforms, which further reduces the net dollars and cents to which my worthy colleague from California is so prone to call attention. Every statement that he makes could be refuted, but I do not wish to take up the time of this body further than to show that it is not the letter carriers that we must fear—that it is not the salary that they receive or ask for that will bankrupt this country—but that it is the amount that is fixed annually by appropriations contained in the Post-Office bill to subsidize the railroads that is the real drain. Just as my colleague says, I ask you to study this question, to judge it calmly and dispassionately, and I believe that you will find that instead of attacking the letter carriers more good would come to this country and more money would be saved the Treasury if you would examine a little more closely into the methods that are pursued, not by the letter carriers, but by the railroads, who seem to get everything they want from the Post-Office Committee.

We do not hear of bills for railway mail contracts slumbering in the pigeon-holes of the committee. We do not hear any reference made to the amounts that are handed out annually on a platter in the form of subsidies. We hear little or no reference to such things. And why, Mr. Chairman, are these matters pushed through so quietly? Is it fear that should they be discussed that this House might examine a little more closely into this question and find that they are paying for something they do not get?

Let me say in conclusion, Mr. Chairman, that in the future I shall watch these matters more closely, and that when attacks are made on the workers in the ranks I will endeavor to ascertain who is the gentleman in the woodpile that you are protecting by throwing stones at some one on the outside. I serve notice here and now, Mr. Chairman, that the grasp which these corporations have on the country and on its resources will ere long be broken.

Mr. OLMSTED. Mr. Chairman, this morning while the gentleman from Texas [Mr. BALL] was speaking on the subject of trusts I interrupted him with a question. He did not yield long enough to hear the whole of it, and seemed to think that it was not relevant. I proposed to ask him whether he had read the statement of Mr. Bryan, published in the Washington Post this morning, concerning the Democratic harmony dinner in New York last week, in the course of which he spoke of what was to be the policy of that party, using the following language:

Trusts are to be denounced in sonorous terms, while the campaign managers mortgage the party to the trust magnates in return for campaign funds.

One day last week the gentleman from Tennessee, the Democratic leader in the House, startled us with the information that there was greater harmony in the Democratic party than at any time within the past eight years.

He also declared that if asked the most dangerous factor in our affairs to-day he would name the trusts, which he proceeded to discuss at some length. A day or two later there was a general Democratic harmony banquet in New York. Mr. Bryan was not invited to speak and was not present. In a statement issued yesterday and published throughout the United States to-day he gives his views of the existing harmony and its relation to trusts. The article in full, as it appears in the Post this morning, is as follows:

READ OUT BY BRYAN—DOORS OF DEMOCRACY CLOSED TO CLEVELAND AND HILL—HARMONY PLAN SCORNED—DECLARES IT WOULD MEAN A RETURN TO EX-PRESIDENT'S POLICIES—REORGANIZERS CHARGED WITH SCHEMING TO REGAIN CONTROL OF THE PARTY IN THE INTEREST OF THE "PLUTOCRATIC ELEMENTS," WHICH, SAYS BRYAN, DOMINATED THE SECOND ADMINISTRATION OF PRESIDENT CLEVELAND—HILL STILL MORE TO BE FEARED THAN GROVER.

LINCOLN, NEBR., *June 23, 1902.*

The absence of W. J. Bryan from the Democratic harmony dinner at New York is pretty well explained by a statement given out by Mr. Bryan this evening, commenting on the dinner. At the outset Mr. Bryan says there is no such thing as Democratic harmony where former President Cleveland is concerned. He says:

"The banquet given on the evening of June 19 by the Tilden Club, of New York City, was advertised as a 'harmony meeting,' but it turned out to be what might have been expected of such a gathering, an ovation to the chief guest, former Democrat Grover Cleveland. There can be no such thing as harmony between men like him and those who believe in Democratic principles, and he is frank enough to say so. He spent no time looking for 'middle ground' upon which to gather together discordant elements. He boldly called upon the members of the party to abandon their convictions and accept the construction which he placed upon Democratic principles. He even taunted the party with being a sort of prodigal son, and invited it to give up its diet of husks and return to its father's house.

INTERPRETING CLEVELAND'S WORDS.

He spoke of his "retirement from political activity," and said: "Perhaps there are those who would define my position as one of banishment instead of retirement. Against this I shall not enter a protest. It is sufficient for me in either case that I have followed on the matters of difference within our party the teachings and counsel of the great Democrat in whose name party peace and harmony are to-night invoked. No confession of party sin should therefore be expected of me. I have none to make, nor do I crave political absolution."

He not only boasted of his course, but put his brand upon those who sat at meat with him. Having asserted that his Democratic faith compelled him to leave the party (or resulted in his banishment), he descried the banqueters as sharing in that faith.

He is not only defiant, but he insists that party success can be secured only by an open and avowed return to his ideas. Harmony is to be secured, not by the suppression of differences, but by the elimination of those who differ from him.

Mr. Bryan says he will print in his paper Mr. Cleveland's speech "to show that the organizers do not want harmony, but control, and that their control means the abandonment of the party's position and a return to the policies and practices of Mr. Cleveland's second Administration." He continues:

THE SECOND ADMINISTRATION.

"He (Cleveland) secured his nomination in 1892 by a secret bargain with the financiers. His committee collected from the corporations and spent the largest campaign fund the party ever had. He filled his Cabinet with corporation agents and placed railroad attorneys on the United States bench to look after the interests of their former clients. He turned the Treasury over to a Wall street syndicate, and the financial member of his official family went from Washington to become the private attorney of the man who forced (?) the Treasury Department to sell him Government bonds at 105 and then resold them at 117. He tried to prevent the adoption of the income-tax provision. He refused to sign the only tariff-reform measure passed since the war, and, while thundering against the trusts in his message, did even less than Knox has done to interfere with their high-handed methods.

"His Administration, instead of being a fountain of Democracy, sending forth pure and refreshing streams, became a stagnant pool, from whose waters foul vapors arose, poisonous to those who lingered near.

"Having debauched his party, he was offended by its effort to reform and gave comfort to the enemy. Virginius killed his daughter to save her chastity; Cleveland stabbed his party to prevent its return to the paths of virtue.

"And now, still gloating over his political crimes, he invites the party to return to him and apologize for the contempt which it has expressed for him. Will it? Not until the principles of Jefferson are forgotten and the works of Jackson cease to inspire.

CLEVELAND THE LOGICAL CANDIDATE.

"If we are to have reorganization, Cleveland himself should accept the Presidential nomination. It would be due him. His reinstatement would be poetic justice to him and retribution to those whose Democratic conscience revolted against his undemocratic conduct. Of course he would get no Democratic votes, but being closer to plutocracy than any Republican likely to be nominated he might divide the enemy, and even Democrats would have what little consolation would come from receiving their disappointment in advance.

"A merchant, about to fail, invited his creditors to a dinner, and, after stating his condition, secured a year's extension from all present. One of the number, a relative, waited until after the others had retired, and then accosted the debtor: 'Of course I promised with the rest to extend the time, but you are going to make me a preferred creditor, are you not?' 'Yes,' replied the debtor, 'I'll make you a preferred creditor. I'll tell you now that you are not going to get anything; the rest won't find it out for a year.' Mr. Cleveland's nomination would have this advantage over the nomination of any other reorganizer; he would make the Democrats preferred creditors and tell them that they would not be benefited by his administration.

"Mr. Cleveland's speech should be read in full. It answers a useful purpose; it outlines the plan of campaign decided upon by the plutocratic elements, for which the reorganizers stand. Tariff reform is to be made the chief issue, and the men who voted for McKinley, the high priest of protection, are to carry on a sham battle with their companions of 1896, while the financiers make the dollar redeemable in gold and fasten upon the country an asset currency and a branch bank system.

"Trusts are to be denounced in sonorous terms, while the campaign managers mortgage the party to the trust magnates in return for campaign funds. Sometimes imperialism will be denounced, as in Mr. Hopkins's Illinois convention; sometimes ignored, as in Mr. Cleveland's speech, but whether denounced or ignored, the secret and silent power that can compel submission to the demands of the financiers and to the demands of the trust magnates can compel submission to the demands of the exploiters and the representatives of militarism.

"The fight is on between a Democracy that means democracy and a Clevelandism which means plutocracy. Every speech made by Mr. Cleveland shows more clearly the odiousness of the policies for which he stands. We

have more to fear from those who, like Mr. Hill, indorse Mr. Cleveland's views, but conceal their real purpose in ambiguous language."

Mr. COCHRAN. Mr. Chairman, I rise to a point of order. That is not in accordance with the rules. Debate must be confined to the bill.

The CHAIRMAN. It has been held, the Chair thinks, that debate must be confined to the pending bill.

Mr. COCHRAN. That is right, and I have no objection to that. I have objection to the rule being violated.

Mr. OLMSTED. Mr. Chairman, I will say no more upon the subject, but will extend my remarks in the RECORD, including the entire article as published in this morning's Washington Post.

Mr. SULZER. I object.

Mr. OLMSTED. You may object, gentlemen, but the rule permits me to do that.

Mr. COCHRAN. I make the point of order that it does not. The gentleman's remarks are not relevant to the matter before the House, and I shall object. The gentleman can not extend disorderly remarks in the RECORD.

Mr. LESSLER. That is the same point of order that was made against the speech of the gentleman from Texas [Mr. BALL].

Mr. COCHRAN. It has been held that a different rule prevailed in the daytime discussion.

The CHAIRMAN. It is not for the Chair to determine in Committee of the Whole as to what shall go into the RECORD.

Mr. COCHRAN. I do not object to anything going into the RECORD, only I made the point of order that the gentleman could not address the House in the way he did. I do not care to make objection to anything going into the RECORD. If the gentleman's remarks are held in order, of course he can extend them. If they are out of order, he can not extend them.

Mr. OLMSTED. I make the point of order that, the hour of 10.30 having arrived, it is time for the committee to rise.

The CHAIRMAN. The point is well taken. The hour of 10.30 having arrived, the committee will rise.

The committee accordingly rose; and Mr. ALLEN of Maine having resumed the chair as Speaker pro tempore, Mr. ESCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2295) temporarily to provide for the administration of affairs of government in the Philippine Islands, and for other purposes, and had come to no resolution thereon.

And then (at 10.30 p. m.) the House, pursuant to the special order, adjourned until 11 o'clock to-morrow morning.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory, reported the same with amendment, accompanied by a report (No. 2660); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year, reported the same with amendments, accompanied by a report (No. 2661); which said bill and report were referred to the House Calendar.

Mr. ZENOR, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 14305) making an appropriation for the support of the W. T. Whitaker Orphan Home, in the Indian Territory, reported the same without amendment, accompanied by a report (No. 2662); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 203) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Arturo R. Calvo, of Costa Rica, reported the same without amendment, accompanied by a report (No. 2663); which said resolution and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5356) to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 2664); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes, reported the same without amendment, accompanied by a report (No. 2665); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15201) to allot the lands of the Cherokee tribe of Indians in Indian Territory, and for other purposes, reported the same with amendments, accompanied by a report (No. 2666); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers, reported the same without amendment, accompanied by a report (No. 2670); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year, reported the same with amendments, accompanied by a report (No. 2671); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 180) granting certain lands belonging to the United States and situated in the State of Alabama to the State of Alabama for the use and benefit of the common schools of that State, reported the same with amendments, accompanied by a report (No. 2672); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. J. Res. 205) providing for the removal of shoal in North River of New York Harbor, reported the same without amendment, accompanied by a report (No. 2674); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15234) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, reported the same without amendment, accompanied by a report (No. 2675); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4437) granting a pension to Absalom Case, reported the same with amendments, accompanied by a report (No. 2667); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14938) granting a pension to Benjamin F. Wilson, reported the same with amendments, accompanied by a report (No. 2668); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5167) granting an increase of pension to John G. Nowman, reported the same with amendment, accompanied by a report (No. 2669); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4623) granting an increase of pension to Lewis F. Ross, reported the same without amendment, accompanied by a report (No. 2673); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHATTUC: A bill (H. R. 15235) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. PIERCE: A bill (H. R. 15236) establishing a United States court at Bristow, Ind. T.—to the Committee on the Judiciary.

By Mr. McDERMOTT: A bill (H. R. 15237) concerning pensions—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15238) to provide for the erection of a monument to the memory of General Otho Holland Williams in Riverview Cemetery, at Williamsport, Washington County, Md.—to the Committee on the Library.

By Mr. LOVERING: A bill (H. R. 15239) to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: A bill (H. R. 15255) for the erection of a monumental statue in the city of Washington, D. C., to Maj. Gen. John Sullivan—to the Committee on the Library.

By Mr. NORTON: A joint resolution (H. J. Res. 206) authorizing the Secretary of War to issue arms and equipments to the Sandusky City Cadets—to the Committee on Military Affairs.

By Mr. HULL: A joint resolution (H. J. Res. 207) to fix the lineal and relative rank of officers of the Army in the artillery arm promoted or appointed to vacancies created or caused by the act of Congress approved February 2, 1901—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: A joint resolution (H. J. Res. 208) proposing an amendment to the Constitution of the United States relative to bills for the appropriation of public moneys—to the Committee on the Judiciary.

By Mr. STEELE: A concurrent resolution (H. C. Res. 57) for the printing of a Congressional Directory—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 15240) granting an increase of pension to Isaac M. Grandon—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 15241) granting an increase of pension to Michael Brannan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15242) granting a pension to A. R. Chapman—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 15244) to confer jurisdiction on the Court of Claims to hear and determine the claim of L. L. Leach & Son for further compensation for the construction of storehouses, gun battery, and mortar battery on the Fort Taylor Reservation, Key West, Fla.—to the Committee on Claims.

By Mr. NEVIN: A bill (H. R. 15245) granting an increase of pension to William Ruby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15246) granting an increase of pension to George W. Oder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15247) granting an increase of pension to William D. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15248) granting a pension to Patrick Ryan—to the Committee on Pensions.

By Mr. NORTON: A bill (H. R. 15249) granting an increase of pension to John L. Milliman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15250) granting an increase of pension to George W. Kemp—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 15251) granting an increase of pension to Emma V. Foster—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 15252) for the relief of John Doherty—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 15253) to grant relief to Frances A. Bliss—to the Committee on War Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 15254) for the relief of the legal representatives of B. M. Horrell, deceased—to the Committee on War Claims.

By Mr. SUTHERLAND: A joint resolution (H. J. Res. 204) for the relief of Caleb B. Rhoades—to the Committee on Indian Affairs.

By Mr. DAYTON: A resolution (H. Res. 317) to refer House bills 4645, 4647, 4649, 4665, 4667, and 4674 to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill granting an increase of pension to Isaac M. Granden—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Resolutions of North Jefferson Business Mens and Citizens' Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Petition of citizens of Wamego, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. GOLDFOGLE: Petition of citizens of New York City, in favor of the passage of House bill 12203—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of G. W. Forsythe and G. L. Bumgarner, of Natrona, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of American Association of Nurserymen, of Rochester, N. Y., urging the passage of House bill 10999, for quarantine of diseased and infected trees and plants—to the Committee on Agriculture.

By Mr. HAY: Papers in behalf of the appointment of Kensey J. Hampton as captain and quartermaster in the United States Army—to the Committee on Military Affairs.

By Mr. JONES of Washington: Resolutions of the Chamber of Commerce of Seattle, Wash., for the extension of the land laws of Alaska—to the Committee on the Public Lands.

Also, resolutions of the same body, favoring Congressional representation from the Territory of Alaska—to the Committee on the Territories.

By Mr. KERN: Papers to accompany House bill 14481, granting a pension to J. H. Whitehead—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of American Association of Nurserymen, advocating the passage of House bill 10999, in favor of national quarantine of diseased and infected trees and plants—to the Committee on Agriculture.

Also, resolutions of the Chamber of Commerce of Seattle, Wash., in favor of extending land laws to Alaska—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of Seattle, Wash., in favor of Congressional representation from the Territory of Alaska—to the Committee on the Territories.

Also, resolutions of Twenty-eighth Annual Encampment, Department of Iowa, Grand Army of the Republic, in regard to pensions—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolutions of American Association of Nurserymen, Rochester, N. Y., favoring the passage of House bill 10999—to the Committee on Agriculture.

By Mr. LITTLE: Petition of retail druggists of Fort Smith, Ark., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill 14289, to correct the military record of Thomas J. Estes—to the Committee on Military Affairs.

By Mr. MORRELL: Resolution of the Trades League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

Also, petition of American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. RIXEY: Papers to accompany bill for the relief of John Doherty, of Alexandria, Va.—to the Committee on War Claims.

By Mr. SULZER: Petition of citizens of the Eleventh Congressional district of New York in favor of House bill 12203—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of W. P. Lane—to the Committee on War Claims.

Also, paper to accompany House bill for the relief of the heirs of C. H. Foy—to the Committee on War Claims.

SENATE.

WEDNESDAY, *June 25, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CLAIM OF THE STATE OF VERMONT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claim of the State of Vermont, amounting to $291,408.56, allowed by the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CHINESE EXCLUSION LAW.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Commissioner-General of Immigration, submitting an estimate of deficiency in the appropriation for the enforcement of the Chinese-exclusion act for the fiscal year 1902, $15,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOMS REVENUE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate in the sum of $150,000, additional appropriation for expenses of collecting revenue from customs for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 23d instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriation required by the several departments of Congress to complete the services of the Government for the fiscal year ending June 30, 1902, and for prior years, amounting to $22,554.11, and for the postal service, payable from customs revenues, amounting to $224.64; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $57,333.56 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore. On yesterday the Chair laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 23d instant, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress, and ordered that it be referred to the Committee on Appropriations without printing. The Chair suggests that the communication had better be printed, and if there be no objection, it will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13213) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation; in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the message of the Senate disagreeing to the amendment of the House of Representatives to the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and asking a conference with the House thereon.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, further insists upon its amendment to the amendment of the Senate numbered 15, recedes from its adherence to the amendment of the Senate numbered 14, and agrees to the same with amendments; in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1026) to fix the compensation of district superintendents in the Life Saving Service;

A bill (S. 3375) relating to the construction of a dam across Rainy River;

A bill (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry;

A bill (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;

A bill (H. R. 2063) amending an act creating the middle district of Pennsylvania;

A bill (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania; and

A bill (H. R. 8840) granting an increase of pension to John H. Lauchly.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of South Bend Lodge, No. 218, International Association of Machinists, of South Bend, Ind., praying for the passage of the so-called eight hour-bill; which was referred to the Committee on Education and Labor.

Mr. BURROWS presented a petition of Wayne Lodge, No. 508, Brotherhood of Locomotive Firemen, of Detroit, Mich., praying for the enactment of legislation providing for the irrigation and reclamation of the arid lands of the West; which was ordered to lie on the table.

He also presented petitions of Amasa B. Watson Post, Department of Michigan, Grand Army of the Republic, of Grand Rapids, and of Phil Sheridan Post, No. 4, Department of Michigan, Grand Army of the Republic, of Reading, in the State of Michigan, praying for the enactment of legislation to modify and simplify the pension laws; which were referred to the Committee on Pensions.

He also presented petitions of Muskegon Lodge, No. 170, of Muskegon; of Twin City Lodge, No. 475, of St. Joseph; of Ionia Lodge, No. 385; of Detroit Lodge, No. 82, of Detroit; of Kalamazoo Lodge, No. 429, of Kalamazoo, all of the International Association of Machinists; of Iron Molders' Local Union No. 225, of Lansing; of the Pattern Makers' Association of Grand Rapids; of Iron Molders' Local Union No. 104, of Albion; of the Pattern Makers' Association of Detroit, and of the Twin City Trades and Labor Assembly, of Benton Harbor, all in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. SPOONER presented petitions of the Milwaukee Association of Methodist Ministers, of Milwaukee; of the congregations of the Baptist, Christian, Methodist, Episcopal, Presbyterian, and United Brethren churches of Richland Center, all in the State of Wisconsin, praying for the enactment of a Sunday rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of Oscar Strand and 30 other citizens of Wisconsin, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Wisconsin Sunday Rest Day Association, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes and at immigrant stations; which was ordered to lie on the table.

He also presented a petition of the common council of Milwaukee, Wis., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. PENROSE presented a petition of 43 citizens of Carbondale, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of 2,674 citizens of Philadelphia, Pa., praying for the adoption of certain amendments to the

internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

STATE CLAIMS.

Mr. COCKRELL. I ask unanimous consent to have an opinion of the Comptroller of the Currency in regard to State claims for expenses incurred in enrolling, equipping, paying, and transporting troops employed in suppressing the war of the rebellion printed as a separate document, and that it be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the opinion will be printed as a document, and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, to report it with amendments, and to submit a report thereon. I give notice that I shall call the bill up for consideration either late this afternoon or the first thing to-morrow morning.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, reported it with an amendment, and submitted a report thereon.

Mr. McLAURIN of Mississippi, from the Committee on Public Lands, to whom was referred the bill (S. 6232) for the relief of I. I. Barber, reported it with amendments, and submitted a report thereon.

Mr. QUAY submitted a report to accompany the bill (S. 5956) to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes, heretofore reported by him.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the bill (S. 2160) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, reported it without amendment, and submitted a report thereon.

NATIONAL APPALACHIAN FOREST RESERVE.

Mr. PRITCHARD. I move that the bill (S. 492) for the purchase of a national forest reserve in the Southern Appalachian Mountains, which was reported by me on February 5 last and is now on the Calendar, be indefinitely postponed. The bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," which was reported some time ago from the Committee on Forest Reservations and Protection of Game, as a substitute for the bill reported by me from the same committee, was passed yesterday by the Senate. The substitute is identically the same bill as the one reported by me with the exception that it provides for certain machinery necessary for carrying out the purposes of the bill reported by me.

The PRESIDENT pro tempore. The Senator from North Carolina moves that Senate bill No. 492 be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 6282) granting an increase of pension to Jane A. Ward; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 6283) granting an increase of pension to George W. Ellis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6284) to amend the act of August 8, 1888, 25 Statutes at Large, chapter 787; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BARD introduced a bill (S. 6286) prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. QUAY introduced a bill (S. 6285) to prevent obstructive and injurious deposits within the harbor and adjacent waters of Philadelphia, by dumping or otherwise, and to punish and prevent such offenses; which was read twice by its title.

Mr. QUAY. I desire to say, Mr. President and Mr. Chairman of the Committee on Commerce, that this bill is an exact transcript of the law relating to the harbor of New York. It has been prepared and forwarded by the Maritime Exchange of Philadelphia, and it is exceedingly desirable that it should be passed through both branches before the adjournment of Congress. I should be very glad if the Committee on Commerce would act upon it promptly.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

AMENDMENTS TO THE DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to revive and continue in force section 2 of the deficiency appropriation act approved May 18, 1872, relative to the performance of all labor in excess of eight hours per day, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

He also submitted an amendment, proposing to appropriate $1,500 to pay Sadie Thome, widow of S. W. Thome, who lost his life March 19, 1897, while United States consul at Asuncion, Paraguay, South America, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

CHIPPEWA INDIANS IN MINNESOTA.

The PRESIDENT pro tempore laid before the Senate the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, returned from the House of Representatives in compliance with the request of the Senate.

Mr. CLAPP. I move that the Senate reconsider the votes by which the Senate disagreed to the amendments of the House and sent the bill to conference.

The motion to reconsider was agreed to.

Mr. CLAPP. I now move to concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation was read twice by its title, and referred to the Committee on the Census.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 23d instant approved and signed the following act and joint resolution:

An act (S. 282) providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list; and

A joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers.

The message also announced that the President of the United States had on the 24th instant approved and signed the following act and joint resolution:

An act (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river; and

A joint resolution (S. R. 92) providing for the publication of 200,000 copies of the Special Report on the Diseases of the Horse.

ORDER OF BUSINESS.

Mr. GALLINGER. Mr. President, I would be pleased to have laid before the Senate a resolution offered by me yesterday.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

Mr. QUAY. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Pennsylvania for a statement.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. I desire to mention, Mr. President, in connection with the notice I gave yesterday that hereafter no business should proceed in the Senate by unanimous consent while I was present in the Senate, that I have no desire, nor have the majority of the Senate, who are with me upon this subject, any desire, nor have the minority of the Committee on Territories any desire, if it can be at all avoided, to interfere with the ordinary conduct of business and a speedy adjournment. We desire nothing from the majority of the Committee on Territories except some assurance of a day in court. It matters not to us if the committee will report the statehood bill at this session negatively, or without recommendation, or favorably. I appeal to the Senator from Indiana [Mr. BEVERIDGE] to say whether that can be done at the present session.

Mr. BEVERIDGE. Mr. President, as I stated the other day,

the majority of the committee have already taken affirmative action looking to a consideration and report on the bill at an early day at the next session, and that resolution was made by the majority of the committee in perfect good faith. If what the Senator means is the fixing of a definite time early in the next session, I am willing to say that the committee will report on the bills now before it on the third day of the next session, if that is satisfactory to the Senator.

Mr. QUAY. That is satisfactory so far as I am concerned, and I speak for at least the Republicans who are disposed to vote with me to discharge the committee. It will be satisfactory to all, I think, and I will withdraw my motion, if there is connected with it the unanimous consent of the Senate to take up the bill on the 10th of December and make it the special order until disposed of.

Mr. ALDRICH. To make it the regular order, not a special order.

Mr. QUAY. Making it the regular order until disposed of.

Mr. BERRY. Making it the unfinished business.

Mr. QUAY. Making it the unfinished business until disposed of. The idea is to give it the right of way until we get rid of it. I ask the unanimous consent of the Senate to that arrangement, that it be made the unfinished business, and with that understanding I will withdraw the motion.

The PRESIDENT pro tempore. The Senator from Indiana has stated in open Senate that the Committee on Territories will report on the bill referred to by the Senator from Pennsylvania on the third day of the next session.

Mr. BEVERIDGE. That is correct.

The PRESIDENT pro tempore. Thereupon the Senator from Pennsylvania asks unanimous consent that on the 10th day of December——

Mr. QUAY. If the Senate is not in session on the 10th, then on the next session of the Senate thereafter.

Mr. BATE. That is on Wednesday.

Mr. ALDRICH. The Senate will be in session.

The PRESIDENT pro tempore. If the Senate is in session on that day, and if not the next day following when it is in session, the bill reported shall be made the unfinished business.

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. Is there objection?

Mr. BAILEY. Mr. President——

Mr. BATE. Mr. President, in reply to what was said by the Senator from Pennsylvania, as he seems to speak for the other side of the Chamber, I desire to say for the Democrats on this side of of the Chamber, and I feel authorized to do so—that we are a unit in favor of the bill and desire immediate action if we could get it. Now, it seems that we can not get immediate action, and failing in that, I hope the proposition of the Senator from Pennsylvania will be accepted. I am upon that Committee on Territories, being the first named among the Democrats upon it, and I feel that I can, with both propriety and authority, speak for them in this behalf. Therefore we accept the proposition, as we can get no vote on the bill this session. I repeat, that every Democrat in the Senate favors immediate admission into statehood of the Territories of Oklahoma, Arizona, and New Mexico, and regret we can not get immediate action on the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SPOONER. Mr. President, I intend, so far as I am concerned, to consent, but I consent, as one member of the Senate, because I think it is a fair proposition that a time should be fixed for considering the bill and not at all in view of the threat of the Senator that if this consent be not given the business of the Senate will be interfered with during the session. I hope the Senator from Pennsylvania will not put it in that way.

Mr. QUAY. The Senator from Pennsylvania did not put it in that way. I did give notice that I would insist upon taking up the bill and at the proper time would use all parliamentary rights to secure a vote on it. That was the notice yesterday. It was simply fairly and openly made in the Senate, that I would do what was done yesterday under the eyes of the Senator from Wisconsin.

Mr. SPOONER. I was not referring to what the Senator said yesterday, but I referred to what he said a moment ago.

Mr. QUAY. I certainly conveyed no threat, but simply asked unanimous consent to consider the bill.

Mr. ALDRICH. Has the agreement been made?

The PRESIDENT pro tempore. It has not. The Chair has been requested to restate it, and will state it again.

The Senator from Indiana, the chairman of the Committee on Territories, has stated in open Senate to-day that the committee will report on the Territorial bill, so called, on the third day of the next session of Congress. Thereupon the Senator from Pennsylvania asks unanimous consent that on the tenth day, if the Senate is in session, and on the first day thereafter it may be in session if not on the tenth, the bill shall be made the unfinished business.

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

Mr. QUAY. Now, Mr. President——

The PRESIDENT pro tempore. The Senator from Pennsylvania withdraws his motion.

Mr. QUAY. The motion is withdrawn.

CUBAN RECEIPTS AND EXPENDITURES.

Mr. PLATT of Connecticut. Mr. President, the Secretary of War, under the impression that the Committee on Relations with Cuba was still charged with the duty of investigating and reporting to the Senate an itemized statement of the receipts and expenditures in Cuba during the military occupation, has forwarded to me as chairman of that committee a detailed statement of the receipts and expenditures aforesaid during the months of May and June, 1900. That committee had already furnished to the Senate such a statement up to the 30th of April, 1900. This covers two additional months, May and June, and has been prepared by the Secretary of War. But as the committee is no longer charged with that duty, I present the statement to the Senate and ask that it may be referred to the committee and ordered printed. I am not sure whether that motion can be adopted or whether it should be referred to the Committee on Printing for its report.

The PRESIDENT pro tempore. The Chair does not understand that it is necessary to go to the Committee on Printing.

Mr. GALLINGER. Not at all.

The PRESIDENT pro tempore. If no objection is made, it can be referred to the Senator's committee, and its printing will be ordered if there be no objection.

Mr. MONEY. I should like to ask the chairman a question. When was this statement received by the chairman?

Mr. PLATT of Connecticut. A few days ago; perhaps a week ago. I ought to have presented it earlier, but I omitted it because there was some matter——

Mr. MONEY. This I understand is detailed information which, by resolution of the Senate, was called for in April, 1900, over two years ago?

Mr. PLATT of Connecticut. Yes; but that call embraced only the time to April 30, 1900. This is now a statement of two additional months that has been voluntarily sent by the Secretary of War to me as chairman of the committee, and he is still engaged in the preparation of the whole account up to the time of our evacuation. This is the first installment of it.

Mr. MONEY. If it takes the Department two years to present the information to that time, I do not know whether we will live to be old enough to get the conclusion of the business.

Mr. PLATT of Connecticut. If the Senator will permit me, I think he was not in the Senate the other day when, a resolution having been presented by the Senator from Colorado [Mr. TELLER] calling upon the Secretary of War for this information, I said the Secretary had already commenced to prepare and furnish the information which was called for in that resolution. This is a part of what he has voluntarily done.

Mr. MONEY. I should like to have some further information on that point. Is it proposed under the resolution that the Department shall continue to furnish the information of the expenditures up to the 20th of May?

Mr. PLATT of Connecticut. I did not quite understand the Senator, but I will state——

Mr. MONEY. I will endeavor to make myself clear. I should like to ask the Senator if the Department proposes to furnish up to the date of the evacuation, the 20th of May, a detailed statement such as was required by the resolution of April, 1900?

Mr. PLATT of Connecticut. The Department does intend to furnish a complete itemized statement of receipts and expenditures up to the 20th of May of this year, when we surrendered the occupation of the island to its Government. It is now engaged in that business and has a large force of clerks employed upon it. Of course, it is very voluminous matter and it will take some time to complete it. This is the first installment of that information.

Mr. MONEY. Now, as I understand from the Senator, this is a voluntary offer of the Secretary of War, not in obedience to any requirement made by the Senate for information in April, 1900, I believe. I should like to inquire whether we are to have all the other detailed information, the orders both general and special made by the military governor of Cuba up to May 20. If not, then I desire to introduce a resolution requesting the Secretary of War to furnish it. But perhaps that will be unnecessary, if the Senator can tell me whether it is contemplated that it shall be included in the report.

Mr. PLATT of Connecticut. I do not think it is contemplated that that should be included in this report. All those orders, I think, are in print in the Secretary's office. The Secretary of War would, doubtless, be very glad to send them to the Senate,

if he was called upon for that purpose. If the Senator will introduce a resolution to that effect, I have no doubt it will be passed without objection and will be complied with at no distant day.

Mr. CULBERSON. Mr. President, I should like to ask the Senator from Connecticut a question. I understand the resolution introduced the other day by the Senator from Colorado was confined to disbursements made by the military governor with reference to the question of reciprocity, and consequently I ask the Senator from Connecticut if an answer to that resolution is included in this report which he makes now?

Mr. PLATT of Connecticut. No; I presume not, because it occurred after the time to which these accounts relate.

Mr. CULBERSON. I will ask the Senator if it is contemplated that that resolution shall be answered? What has become of the resolution?

Mr. PLATT of Connecticut. I do not know exactly the form of the resolution of the Senator from Colorado. He has it in his hand.

Mr. TELLER. I have it here. Shall I read it?

Mr. PLATT of Connecticut. Yes.

Mr. TELLER. This is the resolution that I offered:

Whereas it seems impracticable to prepare during this session of Congress an itemized statement showing the collection and disbursement of all funds for the whole period of the military occupation of Cuba; and

Whereas it is important that a statement be now made of the accounts hereafter named: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A full itemized statement of all payments made out of Cuban funds to any persons or corporations, if any, for the purpose of promoting "reciprocity" between the United States and Cuba, at any time during the military occupation of Cuba by the United States, and whether such payments were authorized or approved by the Secretary of War.

The Senator from Connecticut objected to that, and it went over. The Senator from Connecticut stated to me that he had called upon the Department for that information, as I understood him, and said that I could let my resolution lie over or pass it. I did not see any object in passing it if the information was going to be furnished, so I let it lie on the table subject to my call. I understand the Senator has not yet received a reply to it.

Mr. CULBERSON. My inquiry, in view of the Senator's statement, was whether or not there was an answer to this particular resolution, because the Senator from Connecticut referred to that resolution, in the statement which was made by the Secretary of War. If the Senator from Connecticut proposes to have that resolution answered without being adopted or to furnish the information suggested by it, that is entirely satisfactory to me, of course, if it is to the Senator from Colorado.

Mr. PLATT of Connecticut. I think perhaps I was in error in saying that the Senator from Colorado introduced a resolution calling for itemized accounts of receipts and expenditures.

Mr. TELLER. No, I did not.

Mr. PLATT of Connecticut. I think that resolution was introduced by the Senator from Texas, was it not?

Mr. CULBERSON. I did introduce a general resolution some weeks ago.

Mr. PLATT of Connecticut. This installment is more in reply to the information required by the Senator from Texas than in reply to the information called for in the resolution of the Senator from Colorado. I stated to the Senator from Colorado that I had called upon the Secretary of War for the information contemplated in his resolution and that he told me the vouchers were all in Cuba, and he had telegraphed to the officer—I think his name was Steiniert—who was left in charge of those accounts to send all the vouchers here. I have heard nothing about it since that time. I will say furthermore that I understand a resolution has been passed in the House of Representatives calling for the information which the Senator from Colorado desires. If he wishes to pass his resolution now I have no possible objection to it.

Mr. TELLER. I understand there was a resolution passed by the House, and I do not care about calling up the resolution at this particular time. I think I shall call it up, but I should like to wait. For the present I desire that it may lie on the table just as it is, subject to my call.

The PRESIDENT pro tempore. Without objection, the papers presented by the Senator from Connecticut will be referred to the Committee on Relations with Cuba and printed.

NEW MEXICO, OKLAHOMA, AND ARIZONA.

Mr. BEVERIDGE. Mr. President, I desire to offer a resolution for reference to the Committee on Contingent Expenses. I had expected to offer it when the motion of the Senator from Pennsylvania [Mr. QUAY] was disposed of; and now that an agreement has been reached, I offer it.

The resolution was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Territories be, and it hereby is, authorized to sit during the recess of the Senate, at such times and places as it may desire, for the purpose of considering bills for the admission of the Territories of New Mexico, Oklahoma, and Arizona to statehood, and to send for persons and papers, take testimony, and employ a stenographer, and that the expenses incurred shall be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CHEROKEE INDIAN LANDS.

Mr. QUAY. Mr. President——

Mr. GALLINGER. I yield to the Senator from Pennsylvania.

Mr. QUAY. I desire to ask unanimous consent that on Friday, after the routine morning business, Senate bill No. 5956 shall be taken up and considered. It is a bill for the allotment of the lands of the Cherokee Nation.

Mr. HALE. Not to interfere with appropriation bills?

Mr. QUAY. Oh, certainly; not to interfere with appropriation bills. If any explanation is desired, I have to say that it is a bill to authorize or legalize an agreement with the Cherokee Nation. Agreements were made in 1901 with all the Five Civilized Tribes. They were all voted upon. The Cherokee Nation voted down the agreement submitted to them. An agreement has now been arrived at, indorsed by the Cherokees, by the Department of the Interior, and by the Dawes Commission, which it is necessary should pass both branches of Congress before the adjournment. It ought to be ratified immediately by the Cherokees, as provision is made in it for ratification within the next forty days, matters in the Cherokee Nation being in a very chaotic and depressing condition.

Mr. SPOONER. I will ask the Senator if it is likely to be a contested case?

Mr. QUAY. I think not.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that next Friday, after the completion of the routine morning business, the bill indicated by him shall be taken up for consideration, not, however, to interfere with conference reports or appropriation bills. The Secretary will read the title of the bill.

The SECRETARY. A bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The PRESIDENT pro tempore. Is there objection?

Mr. ALDRICH. What is the request? Is it to be continuing?

The PRESIDENT pro tempore. The request is that the bill shall be taken up immediately following the conclusion of the routine morning business on Friday next for consideration, not to interfere with conference reports or appropriation bills.

Mr. BAILEY. I want to examine that bill before it is taken up, and I shall object for the present, at least.

The PRESIDENT pro tempore. The Senator from Texas objects.

Mr. BAILEY subsequently said: Mr. President, a few moments ago when the Senator from Pennsylvania [Mr. QUAY] asked for unanimous consent that the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes, be made the special order for Friday next, I objected until I could examine the bill. I find that it is exceedingly desirable that the bill shall be considered and passed. It is doubtful whether I shall have time today to examine it as closely as I should wish, but I do not desire to interfere with its consideration, and therefore I withdraw my objection and trust that I may be able to examine the bill between this time and the time proposed to be fixed for its consideration.

The PRESIDENT pro tempore. Is there objection to the request heretofore submitted by the Senator from Pennsylvania [Mr. QUAY] that the Senate proceed to the consideration of the bill just referred to by the Senator from Texas [Mr. BAILEY] after the completion of the morning business on Friday next, not, however, to interfere with appropriation bills or conference reports?

Mr. ALDRICH. And for that day only.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. ALDRICH] adds "and for that day only."

Mr. ALDRICH. I have been insisting upon that provision in all such agreements. It must be very evident to the Senate that we can not possibly agree to these unanimous consents without some agreement as to the time of consideration at this stage of the session, unless we want to give the entire time to some one measure, and I assume that is not our purpose.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania [Mr. QUAY] with the addition suggested by the Senator from Rhode Island [Mr. ALDRICH] "and for that day only."

Mr. MASON. Mr. President, I do not intend to object if I can get the information I want in regard to the bills known as pure-food bills, which I supposed were to be heard and determined. I should like to ask the chairman of the Committee on Manufactures if the request for unanimous consent will take precedence over the pure-food bills reported by the Committee on Manufactures?

Mr. MCCUMBER. There has been no time fixed for the vote

upon the pure-food bill. It is up for discussion this morning, with the agreement or understanding that it shall not be pressed to a final vote. That is the only arrangement that has been made.

Mr. MASON. Then, Mr. President, I feel constrained to object. I should like to have some arrangement made which will provide for a vote upon this matter of pure-food legislation, which has been reported for months.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. MASON] objects.

Mr. QUAY subsequently said: Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I will yield to the Senator from Pennsylvania for the purpose of making a request.

Mr. QUAY. I desire to renew my request to take up Senate bill 5956 on Friday after the routine morning business, the Senator from Texas and the Senator from Illinois having withdrawn their objection.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on Friday morning, immediately after the completion of the routine morning business, the Senate shall proceed to the consideration of the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes, not to interfere with appropriation bills or conference reports.

Mr. QUAY. And the order to be made but for one day, in accordance with the agreement.

The PRESIDENT pro tempore. The order to be made for one day only. Is there objection?

Mr. TILLMAN. I think the Senator from Pennsylvania made the same request this morning, and the Senator from Texas [Mr. BAILEY] objected.

Mr. QUAY. The Senator from Texas has withdrawn his objection.

Mr. TILLMAN. If he has withdrawn it, all right, but I observe that he is not at this moment in the Chamber.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

ORDER OF BUSINESS.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. GALLINGER. I yield to the Senator.

Mr. PETTUS. I desire, with the permission of the Senator from New Hampshire, to ask for the present consideration of House bill 12764. It is an important bill for the public generally, and it is a short bill.

Mr. GALLINGER. Can the Senator give me assurance that it will not lead to prolonged debate? One or two Senators—I think two Senators—have suggested to me that the bill will be debated at some length.

Mr. ALDRICH. What is the bill? I ask that the title may be read.

Mr. PETTUS. It is a bill granting appeals from the Spanish court of claims.

Mr. HALE. Appeals where?

Mr. COCKRELL. To the Supreme Court.

Mr. BATE. To the Supreme Court of the United States.

Mr. PETTUS. On law questions.

Mr. NELSON. Mr. President, I am opposed to that bill, and I shall have to object to its consideration.

The PRESIDENT pro tempore. The Senator from Minnesota objects to the present consideration of the bill.

Mr. GALLINGER. Mr. President, I rose to address myself to the resolution I offered yesterday, and I presumed that under the custom, if not the rules of the Senate, I would have the right to proceed, but I notice by the Calendar that the Senator from North Dakota [Mr. MCCUMBER] gave notice that he would ask this morning, after the routine morning business, for the consideration of Senate bill 3342, which has been under consideration two or three times. The Senator assures me that what he expects to accomplish this morning will not occupy more than half an hour, and, with the understanding that I will be permitted to proceed when the Senator from North Dakota concludes, I will yield to the Senator from North Dakota.

Mr. MONEY. I ask the Senator from North Dakota to yield to me for the introduction of a resolution for present consideration, which I think will not take a minute. If there is any objection, I will withdraw it.

Mr. MCCUMBER. I yield, with pleasure.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

Mr. MONEY. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the honorable Secretary of War be, and is hereby, directed to furnish to the Senate at his earliest convenience copies of all orders, general and special, issued by the governor-general of Cuba from date of the beginning of his administration up to May 20, 1902.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. Let it go over.

Mr. PLATT of Connecticut. I suggest to the Senator from Mississippi that perhaps he ought to specify more particularly both military orders and civil orders. I make that suggestion.

Mr. MONEY. I mention all orders, general and special. If that is the only objection I will amend by inserting "civil and military." But I thought the phraseology covered everything.

Mr. SPOONER. Let it go over until to-morrow.

The PRESIDENT pro tempore. Objection being made, the resolution goes over.

HAWAIIAN INVESTIGATION.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Oregon [Mr. MITCHELL] on the 13th instant, to report it favorably without amendment; and I ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate, inquire into, and ascertain the general condition of the islands of Hawaii, the administration of the affairs thereof, the area, condition, quality, and value of the public lands, the leasing, selling, or disposing thereof, and to make such recommendations as may be deemed necessary; to investigate and ascertain the area, condition, quality, and value of the crown lands, the rents, issues, or other revenues or proceeds received therefrom since January 17, 1893; whether or not the former queen of said islands now possesses any legal or equitable right, title, or interest in or to the same; the granting of franchises or other privileges, the question of immigration, the condition of labor therein, and to inquire into and report upon all other necessary matters pertaining to the executive, legislative, judicial, educational, tax, school, financial, and other systems thereof.

For the purposes aforesaid said committee, or a subcommittee thereof appointed by the chairman, shall have power to send for persons and papers, to visit the islands, to administer oaths, to sit during the recess of Congress; and said committee shall report at the beginning of the next session of Congress the result of its investigations, the expenses of said investigation to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. Let it go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over.

EMPLOYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PRITCHARD on the 23d instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Patents be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittee in connection with bills pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

FOOD ADULTERATION, ETC.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

Mr. MCCUMBER. Mr. President, when we had this bill last under consideration I was attempting to answer some of the objections urged on the part of the Senator from Connecticut and the Senator from Arkansas. I was stopped by reason of the limitation of time. I wish now to complete my remarks upon the bill and to answer, as I believe I can, fully the objections which have been urged by both of those Senators, as well as to give some new light upon the questions that were asked by the Senator from New Hampshire.

Mr. President, I ask for this bill, coming as it does with the unanimous report of the Committee on Manufactures, without any objection from a single member of that committee, and after very full and thorough consideration by that committee, the candid and honest consideration which a report of that kind seems to me to demand.

This is not a political question, Mr. President, in any sense whatever. The bill was considered by this committee with a view to eliminating every possible charge or claim that it might in any way possibly interfere with the police powers of the States. I believe that the efforts of the committee in that line have been eminently successful and that no valid objection can be urged against the bill upon that ground only. Of course I can not and will not attempt to answer any inherited prejudice, a prejudice which will be aimed at the right of the Government to determine what is interstate commerce and to regulate that interstate commerce. I shall not attempt to answer arguments which will deny

the force and effect of the judicial reasoning and the judicial decisions of the Supreme Court of the United States for the last forty years; but all other objections to this bill I believe can be successfully answered, and I shall be glad to reply to any arguments or any questions that may be propounded by those who are opposed to this bill.

We all know, Mr. President, that most stringent laws have been passed by the States for the purpose of protecting the inhabitants thereof against deleterious foods, adulterated foods, and misbranded foods. Every man in the Senate knows how ineffectual those laws have been, and he knows, if he has given the subject any consideration whatever, the reason for the ineffectiveness of those laws. From all those States comes practically the same complaint. They say that their efforts to prevent the dissemination and the consumption in their States of these fraudulent articles of food have been paralyzed because of the interstate provision of the Constitution of the United States. How can they protect against the introduction into their respective States of a misbranded or a fraudulent or a spurious article of food? How can they reach the evil when the State can not in any way reach the manufacturer of these products and when Congress, by reason of its inaction, stands back and practically, by a rule of judicial construction, insists that any article of food product, whether it be deleterious, whether it be misbranded, whether it be fraudulent or adulterated, shall, notwithstanding that fact, enter into the property of the State, and that Congress will protect it through its control over interstate commerce until it becomes lost in the great bulk of the food and other products of the State?

I say, Mr. President, that Congress is back of an objection against which the States are urging for some relief, and that is the objection to the introduction into the States of these spurious articles of food.

We all understand the judicial construction of that provision in our Constitution which says that Congress shall have control over interstate and foreign commerce; we understand what that construction means to the State. It has been decided that control over commerce means not only control over the moving of the articles constituting the commercial product, but also control over the article after it has entered the State and has gone out of the control of the shipper; control over it from the time that it enters the vehicle of transportation until it goes into another State. Did it stop there, Mr. President, the State might be able, possibly, to protect itself; but it does not. It goes further and holds that it shall protect that article of food, whether it be deleterious or otherwise, so long as it is in original packages.

It holds that the right to transport from one State to another includes the right also to sell in the State into which the article is transported in original unbroken packages until it becomes mingled with the general mass of property of the State; and then it says if the State authorities, after it has been scattered and mingled with the commercial property of the State, can get hold of it and then can prevent its consumption, well and good; but if they can not they have no power whatever over it.

Now, all of these States having pure-food laws appeal to Congress to close this gap which they can not control, so that they may protect themselves. Not only this, but their efforts in the last year have been supplemented by the prayer of the manufacturers themselves for relief against the divergent laws of the States. We all understand, Mr. President, that, even though two States have identically the same law upon their statute books, the courts have given those laws different constructions. When you take that fact into consideration, with the further fact that, in addition, they have many diverse laws, the honest manufacturer is placed in such a condition that he scarcely knows how to label his goods so as to sell them easily and freely in the different States. He has to take the hazard of a judicial construction, and even a construction not by a judicial tribunal, but by a person known in the law as the food commissioner of the State, which construction may be absolutely out of harmony with what a court may have decided in a like case. So he is hampered on all sides in all of these States by reason of these divergent laws.

Everyone knows, Mr. President, the absolute impossibility of any of these States enforcing their laws unless they have supplemental legislation by the Government of the United States; or if the Government of the United States will go far enough to say they will even enact a law so that the articles shall fall under the police power the moment they enter the State, then the State will have some shadow of relief, but so long as the Government stands back and says that these deleterious and spurious goods shall go into a State, and shall not only go into it, but the Government stands back and protects the manufacturer in the sale of those spurious goods in the State so long as they are in original unbroken packages, then so long the State must necessarily be without any relief whatever.

Mr. President, this bill would strike at the very root of the evil. Through the influence and through the machinery of the Agricultural Department we can trace the adulterated and the misbranded foods to the source of their manufacture. The moment we ascertain where they are manufactured the efforts of the Government can be directed against the manufacturer transporting those goods into another State, and when we have done that through the instrumentality of the Agricultural Department we have rendered unnecessary 95 per cent of all the State laws at the present time upon the subject of pure food, simply because 95 per cent of adulterated articles are not sold in the State in which they are produced, but are transported to some other State from the one in which they are manufactured.

It must not be forgotten, therefore, in the consideration of this bill that its object is to supplement the efforts of the States, and, Mr. President, it seems to me that we are going a great way, and any member of the Senate is going a great way in putting up his own individual judgment against the necessity of this character of legislation against the consensus of the combined judgment of the legislatures of two-thirds or three-fourths of the States in the United States. The very fact that those legislatures have passed their laws concerning the traffic in adulterated articles of food for the purpose of preventing it in their respective States, and the fact that they are urging this legislation by the Government of the United States, ought to be practically conclusive evidence to every Senator that there is a strong public demand for legislation of this class.

Mr. President, this bill has the hearty approval of the Secretary of Agriculture. There is not a Senator here who does not respect the Department of Agriculture more than ever before since we have had at its head the present Secretary. We know his sterling qualities; we know that he has never yet abused the trust which has been conferred upon him, and we have his past record to insure us that the future will be of like character. The Secretary of Agriculture, communicating with all of the commissioners of food products in the several States, certainly has an opportunity of ascertaining not only the necessity but the desire of the several States to have legislation of this character enacted, and he reports to us that $1,170,000,000 worth of adulterated products are sold in the United States every year. To be conservative, he divides the estimate which he received from the food commissioners in two. So I think we can safely say that he has been more than conservative, and that probably it would amount to at least $3,000,000,000 worth. He states also that the deleterious products in these adulterated foods will amount to 2 per cent, or $156,000,000 a year. The enormous sums that are mentioned here, it seems to me, ought to invite our serious attention to the necessity and propriety of legislation on this subject.

Mr. President, the objection of the Senator from Connecticut was that there was too much power in one man's hands. He assumes that the Secretary of Agriculture is to determine upon the matter of food products, that he is to fix standards absolutely, and that it is within his power to do so. I desire to call attention to section 7 of this bill, to show the Senate how erroneous is this conclusion. That section provides:

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Chief of the Bureau of Chemistry—

There is one individual—

and the chairman of the committee on food standards of the Association of Official Agricultural Chemists—

And I have stated in my previous remarks upon this subject who this person is and his eminent fitness for this position—

and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts, to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer.

Instead of the Secretary of Agriculture having this wonderful authority, you will see that the question of food standards is in the hands of 13 or 14 individuals, each selected for his peculiar fitness in matters of hygiene, physiology, etc. So, it seems to me, that the objection answers itself. Can we say that any one of those persons who is to be appointed under this bill is not properly and eminently fit for the position and is not the best that could possibly be selected?

The Senator from Connecticut says that the Secretary of Agriculture can say that one kind of flour is better than another; that he can say that Pillsbury's is the best flour, is superior to any other character of flour manufactured, and that that would give an undue influence in favor of the sale of that character of flour. Mr. President, that is nothing more than the Secretary of Agriculture is doing to-day. He is passing daily upon subjects of this kind.

I have stated before, and I believe that I can reiterate the fact,

that the Secretary of Agriculture, under the provisions of this bill, is not to determine the superiority of one grade of food product over another, but he is to determine, when the question is submitted to him, the ingredients of a certain character of food. He is to determine, when submitted to him, the question of the superiority of certain ingredients, so far as the human system is concerned, over other ingredients as articles of food, and nothing more than that.

In the matter of flour he may determine that flour containing a certain percentage of water, a certain percentage of lime, a certain percentage of carbon, a certain percentage of phosphates, a certain percentage of starch may be the best kind of flour, may be the most superior character of flour; and if anyone has a flour which will correspond with that, I see no reason why he should not receive the benefit of an analysis of this kind.

I believe that it has been determined by the Agricultural Department that Colorado sugar beets are superior in saccharine qualities to all other beets raised. I do not know but that is true; but I have not found that that has had any serious effect upon the beet-sugar industry in the State of Michigan. I believe that there is a consensus of opinion not only amongst the public, but amongst physicians, that beef as a product is more healthy than pork, but I have not found that that has had any serious or bad effect upon the consumption of pork in the United State or upon the market in pork products. Everyone fully understands that we demand for our table many kinds of products. Some may be superior to others. What we do wish is simply that we shall know what the products are that we are consuming and what those are that we are purchasing, and this bill seeks to assist us in that investigation.

But, reduced to its logical sequence, it seems to me that the argument of the Senator from Connecticut in objection to this bill would be that the truth obtained in any manner as to food products would be a detriment to those products which did not correspond with the highest class of goods so far as nutriment is concerned. I do not believe it would have any such effect as that, and I do not consider for a single moment that that would be an objection or would injure the sale of such goods.

We are already, Mr. President, making a study of food products in the Army; we are making a study of food products in the Navy. We have a physician in the Army and a physician in the Navy who are intrusted with that particular kind of work, and I should like to have any Senator give me any good reason why, if we should study a product for the purpose of benefiting our Navy or for the purpose of benefiting our soldiers, or for the purpose of benefiting the Army as well as the Navy, why the same rule would not apply to the public in general, or why the people of the United States should not have the same protection against wrongful, against impure, against adulterated food products that the Army and the Navy have.

Mr. President, it was not long ago generally understood that oatmeal, for instance, as a food product was one of the most nutritious and one of the best that could be possibly used. Upon that particular fad a great amount of oatmeal was consumed in the United States with the idea that it was an easily digested article of food. That particular fad, without any reason for its foundation, has perhaps cost the lives of hundreds of thousands of people with weak digestive organs. Had we in past years had a central committee, consisting of the Secretary of Agriculture, with the eminent scientists with whom we have surrounded him in this bill, much good would have been obtained by the public in disseminating the truth concerning this particular food.

Mr. President, if there should be a pure-food commission established anywhere it seems to me it should be rightly established in the Department of Agriculture, where we have all of the necessary machinery for carrying such a law into effect. But I wish to call attention to another fact, and I especially invite the attention of the Senator from Arkansas to this statement. He objected on the ground that the proposed law would give too great a power to the Department of Agriculture, and yet the same Senator voted but a short time ago for a law which gave the Secretary of Agriculture exactly all of these powers, but continued them, of course, only for the year ending June 30, 1903. I refer to the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903. This is public act No. 139, and on pages 12 and 13 we have these provisions, which will become the law of the United States on the 1st day of July, 1902:

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations, the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere, and in collating, digesting, and reporting the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, and for the rent of buildings occupied by the Bureau of Chemistry.

For these purposes a certain sum of money is appropriated.

There is not a single power contained in this pure-food bill that is not already a law, having passed both Houses of Congress. If this provision is proper for one year, it is proper for two years. If it is proper that the Secretary of Agriculture shall take up this matter and give it fair consideration, it is improper to cut off his labors at the expiration of one year when he has just started in the investigation of so gigantic a subject as is presented and submitted to him in the law passed by both Houses of Congress.

The Senator from New Hampshire [Mr. GALLINGER] stated that there was no limit to the number of chemists. If there is no limit to the number of chemists in this bill, there is no limit in the bill which has already passed, for they are practically the same. But I think it is perfectly safe, and we necessarily must leave something to the discretion of the Secretary of Agriculture.

I submitted this question, however, to the Secretary of Agriculture since the debate which we had somewhere about a week or so ago, and received this written reply, which I desire to read for the benefit of the Senator from New Hampshire and those who objected to this bill upon the ground that it gave too great power to the Secretary of Agriculture.

Mr. GALLINGER. Will the Senator permit me for a moment?

Mr. MCCUMBER. Certainly.

Mr. GALLINGER. The Senator has alluded to me several times in his speech, and I think his observations would lead persons reading his speech to the conclusion that I had antagonized this bill. I will say that the only purpose I had in view was to get information concerning it. I am not opposed to the bill, so far as I know, and have not been opposed to it, but I wanted information on certain points connected with the bill, and that was my only purpose in making the inquiry.

Mr. MCCUMBER. I understood that to be the purpose, and I thought the question of the Senator from New Hampshire very pertinent and needed an answer, or I should not have gone to the trouble of getting this information for him. This is a letter of date June 17, which I received from the Department of Agriculture. It reads as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, D. C., June 17, 1902.

Hon. P. J. MCCUMBER,
Senate of the United States.

DEAR SIR: In response to your personal inquiries for further information on some of the provisions of the pure-food bill now pending before the Senate I have the honor to make the following statements:

1. In regard to the provisions in section 1, page 14 of the bill now before the Senate, beginning with the last word of line 11 and reading as follows: "The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act and to make such publication of the results of examinations and analyses as he may deem proper:" In pursuance of this authority the Secretary could only employ such number of persons as the Congress would authorize from time to time in the appropriation bills providing for the conduct of the work.

The Department of Agriculture already has a trained corps of chemists who, under the authority of Congress granted from year to year, have been engaged for the past fifteen years in the study of food adulterations. To this corps of chemists will be committed all the principal investigations connected with the execution of the law. From time to time it would be necessary in the different States to employ local chemists who, under the direction of the Department of Agriculture, could conduct special analyses and appear as witnesses before courts. It will be my purpose, if the proposed bill becomes a law, to collaborate with the officers of the various States charged with the execution of the State laws, and when practicable secure the services of the State chemists for such periods of time as may be necessary to conduct the work above mentioned. Any increase in the chemical force of the Department at Washington will be only such as is rendered necessary by the increased work required for the proper execution of the law. Estimates for this increased work will be submitted to Congress from year to year in connection with the usual estimates for the work of the Department.

What is said above in regard to chemists will apply with equal force to the other classes of employees mentioned in the section quoted.

2. In regard to section 7, on page 20, reading as follows: "That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods; and to aid him in reaching just decisions in such matters he is authorized to call upon the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the medical departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts, to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this act. It shall be the duty of the Secretary of Agriculture, either directly or through the Chief of the Bureau of

Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this act." I desire to make the following observation:

The purposes of this section, it seems to me, are of the highest importance, both from an economic and hygienic standpoint. The practice of using preservatives and coloring matters is widespread, and these bodies enter into many articles of food. If they are not deleterious to health and improve the keeping qualities and appearance of the food products there can be no valid objection to their use. If, on the contrary, they are injurious to health, this fact would neutralize any value which they might have otherwise, and would lead to the conclusion that they ought not to be present in food products.

So grave a question as this ought not to be decided by the opinion of any one person. It should only be resolved by the consensus of the experience of experts capable of dealing experimentally with the matter and who engage in the work without any bias of any kind. Expert opinions as given before the courts of justice at the present time are quite universally ex parte, and of course in their conclusions the bias, if any, is on the side of the employer. If these questions could be decided by such a commission as the proposed law contemplates, the decision would have an authority which would appeal strongly to all unprejudiced men and especially to courts of justice. While such decisions, it is true, would not be legally binding on any court, they would form a basis for consideration which, while not binding the court, would undoubtedly guide it in the right direction. This would secure greater uniformity in the decisions of the courts and greater simplicity in the enforcement of food laws in all States.

It may be also objected that this section gives the Secretary of Agriculture too great an authority in providing that he ascertain standards of purity for food products. It might be urged that the Secretary of Agriculture would establish a certain product of a certain firm as a standard product. While it is not probable that any Secretary of Agriculture would ever consider such an arbitrary act, even if he did he would have no authority to do such a thing under the law. He could only state that a food product of a certain composition, specifying the percentages of the various constituents that it contains, should be considered as a type of bodies of that kind. The establishment of such types is highly desirable, especially when it is accomplished by such competent and unbiased authorities as are mentioned in section 7. These types of food products would not only protect the rights of the consumer, but would be even more valuable to the manufacturer, who would have before him always a standard which it would not be difficult for him to reach in the composition of his food products.

Furthermore, it may be said that the provisions of section 7, above referred to, only place upon a broader and surer foundation the authority which is already committed to the Secretary of Agriculture by act of Congress in making appropriation of funds for the Department of Agriculture. It is provided in Public No. 139, an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, page 13, "that the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists and such other experts as may be necessary, shall establish standards of purity for food products and determine what are regarded as adulterations therein for the guidance of the officials of the various States and of the courts of justice. He is also authorized to investigate the character of proposed food preservatives and coloring matters, to determine their relation to digestion and to health, and to establish the principles which should guide their use."

The authority which is conferred upon the Secretary of Agriculture under section 7, as quoted above, is thus only a continuation of that authority which he already possesses. The experts which he is authorized to consult, under section 7, are to a large extent already in the service of the United States, and therefore their employment would entail no additional expense further than that necessary in their investigations. While it is true that it would not be practicable to ask eminent hygienists, physiologists, and chemists not in the service of the United States Government to give their services without compensation, it can not be denied that the money spent in securing such services would be wisely used and result in information which would be of incalculable benefit to our people. It appears to me, therefore, that the provisions of section 7 are wise, necessary, and expedient and are worthy of the careful consideration of the members of Congress.

As a general statement I would like to add the following:

Nearly all the States of the Union now have laws regulating the manufacture and sale of adulterated food and drug products. The object of the proposed legislation is to supplement these laws and to aid in their effective execution by controlling interstate commerce in adulterated food and drug products. The proposed law does not interfere in any way with the police laws of the several States. It so happens, however, that dealers in one State continue to offer for sale food products coming from another State. They often innocently violate the State laws, while the really guilty party is without the jurisdiction of the State courts. The action proposed by Congress will strike at the root of this great evil of food adulteration and thus confer an inestimable boon not only upon the consumer, but upon the manufacturer of food products.

Respectfully, JAMES WILSON, *Secretary.*

Mr. President, among the persons who are selected by the pending bill upon this board are five physicians selected by the President, three of whom are to be selected from the Army, Navy, and Marine-Hospital Corps. As this is not understood thoroughly by all members, I desire to read a letter from the Department of Agriculture concerning this provision and the eminent fitness of these particular persons to be selected for service upon this board. In a letter of April 8, referring to this subject, the Secretary of Agriculture states:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY, OFFICE OF THE CHIEF,
Washington, D. C., April 8, 1902.

Hon. P. J. MCCUMBER, *United States Senate.*

DEAR SENATOR: In harmony with your request, I inclose a brief sketch showing the organization and constitution of the Association of Official Agricultural Chemists and the nature and character of the last Pharmacopœia. I send also a brief statement respecting the Medical Departments of the Army and Navy and the Marine-Hospital Service.

Sincerely,

H. W. WILEY, *Chief.*

P. S.—I am sending you a copy of Bulletin 57, which contains the historical sketch of the Association of Official Agricultural Chemists referred to in the inclosed paper.

UNITED STATES PHARMACOPŒIA.

The Pharmacopœia of the United States is a book of standards for drugs established eighty years ago by the learned medical and pharmaceutical societies of the United States, and represents thus the consensus of the highest authority possible to be secured on the composition of drugs and drug standards. A committee, representing all the medical and pharmaceutical societies in the United States and the medical and surgical faculties of the medical colleges of the country, meets decennially for the purpose of revising the standards in the Pharmacopœia and bringing the publication up to date. The results of the meeting in 1900 have not yet been published, so that the Pharmacopœia of the seventh decennial review, of 1890, is still in vogue and will remain the standard until the issue of the new edition, which is expected soon.

The foundation of the organization controlling this publication was laid by Dr. Lyman Spalding, of New York City, who submitted to the Medical Society of the county of New York a project for the formation of a National Pharmacopœia. The edition of 1890 was issued by the committee above mentioned, representing the colleges and learned societies named, which met in the city of Washington on the 7th day of May, 1890, and continued in session for several days. All the States and Territories were represented on this commission, and practically all of the medical and pharmaceutical societies and colleges in the United States. The officers of the commission were as follows:

President, Horatio C. Wood, M. D., LL. D., of Philadelphia.
First vice-president, W. S. Thompson, of Washington.
Second vice-president. J. M. Flint, M. D., United States Navy.
Third vice-president, D. Webster Prentiss, M. D., of Washington.
Fourth vice-president, Albert E. Ebert, Ph. G., of Chicago.
Fifth vice-president, W. M. Searby, Ph. G., of San Francisco.
Secretary, H. A. Hare, M. D., of Philadelphia.
Assistant secretary, G. H. Charles Klie, of St. Louis, Mo.

The convention selected the following gentlemen to supervise, under the direction of the convention, the revision and publication of the Pharmacopœia of the United States, viz: Charles Rice, Ph. D., New York, N. Y., chairman; Joseph P. Remington, Ph. M., Philadelphia, Pa., first vice-chairman; Robert T. Edes, M. D., Jamaica Plain, Mass., second vice-chairman; Charles O. Curtman, Ph. G., M. D., St. Louis, Mo., third vice-chairman; Frederick A. Castle, M. D., New York, N. Y., secretary; James M. Flint, M. D., Washington, D. C., treasurer; Roberts Bartholow, M. D., LL. D., Philadelphia, Pa.; P. Wendover Bedford, Ph. G., New York, N. Y.; N. S. Davis, jr., M. D., Chicago, Ill.; C. Lewis Diehl, Ph. M., Louisville, Ky.; Robert G. Eccles, M. D., Brooklyn, N. Y.; John Godfrey, M. D., Stapleton, N. Y.; Willis G. Gregory, Ph. G., M. D., Buffalo, N. Y.; C. S. N. Hallberg, Ph. G., Chicago, Ill.; John M. Maisch, Ph. M., Phar. D., Philadelphia, Pa.; George F. H. Markoe, Ph. G., A. M., Boston, Mass.; William M. Mew, M. D., Washington, D. C.; Charles Mohr, Mobile, Ala.; Oscar Oldberg, Phar. D., Chicago, Ill.; Frederick B. Power, Ph. D., Passaic, N. J.; Henry H. Rusby, M. D., New York, N. Y.; Lucius E. Sayre, Ph. G., Lawrence, Kans.; Alfred B. Taylor, A. M., Ph. M., Philadelphia, Pa.; Otto A. Wall, Ph. G., M. D., St. Louis, Mo.; Horatio C. Wood, M. D., LL. D., Philadelphia, Pa.; Thomas F. Wood, M. D., Wilmington, N. C.

The last Pharmacopœia thus represents the official utterances of those who are preeminently qualified to determine the standards in drug products throughout the country. Its standards are universally accepted by the courts, by physicians, and by pharmacists throughout the country.

ASSOCIATION OF OFFICIAL AGRICULTURAL CHEMISTS.

The Association of Official Agricultural Chemists grew out of a movement inaugurated by Mr. H. J. Redding, now director of the Georgia agricultural experiment station, who induced Hon. J. T. Henderson, commissioner of agriculture of the State of Georgia, to call a meeting of the agricultural chemists of the United States in May, 1880. This meeting was held in Atlanta, and adjourned to meet later in the season in Boston, in connection with the American Association for the Advancement of Science. This meeting took place in August, 1880.

A tentative plan of cooperation was agreed upon in these meetings, but for some reason the organization lapsed, and no further meetings were called until the spring of 1884, when another meeting of agricultural chemists was held in Atlanta. This meeting adjourned to meet in Philadelphia, where, on September 8, 1884, a formal organization of the agricultural chemists took place, which has remained unbroken to the present time.

This organization was at once taken under the auspices of the United States Department of Agriculture, and since that period has been recognized as an important branch of the agricultural work of that Department. The proceedings of the association are published as bulletins of the Bureau of Chemistry of the Department, and the chief of that Bureau has been the permanent secretary of the association since 1889.

The constitution of the association contains, among others, the following provision:

"Chemists connected with the United States Department of Agriculture, or with any State or national agricultural experiment station or agricultural college, or with any State or national institution or body charged with official control of the materials named in section 1, shall alone be eligible to membership."

The clause of section 1 referred to relates to the investigation of fertilizers, soils, cattle foods, dairy products, and other materials connected with agricultural industry.

A list of the members who have attended the meetings of the society is found on pages 14–16 of Bulletin No. 57 of the Bureau of Chemistry, of the Department of Agriculture. A historical sketch of the association up to 1899 is found in the same bulletin, page 16 and following.

The association represents practically every chemist occupying any official position in the United States connected in any way with agriculture or agricultural products. The study of foods, both for man and beast, has been one of the chief functions of this association, and in order to secure definite and reliable ideas in regard to the composition of foods the association, several years ago, appointed a committee on food standards, a highly representative body, including members from every part of the United States, who are experts on food investigations. The chairman of this committee, thus officially constituted and recognized as an official or employee of the Government, and holding, as he does, a commission from the Secretary of Agriculture as special agent to study foods, is designated in the bill as one of the members of the commission to study the composition of foods, food standards, and the effect of preservatives, coloring matters, and other substances added to foods upon the health. The qualifications and credentials of such a member as this are of the highest character. The present chairman of the committee on food standards is Dr. William Frear, chemist and assistant director of the agricultural experiment station of Pennsylvania.

ARMY AND NAVY.

The medical service of the Army of the United States is under the direction of the Surgeon-General, the present incumbent being Gen. George M. Sternberg. It comprises all who are engaged in any way in the medical service of the Army. There are many of the physicians attached to the military service who have made special studies of food products and have direct charge of supervising the rations of the Army and the foods of the invalids in the Army hospitals of the country. These thus comprise the highest talent in the medical profession of the Army in respect of food products.

The medical service of the Navy is comprised in the Bureau of Medicine and Surgery, and is under the direction of Surg. Gen. W. K. Van Reypen.

The Marine-Hospital Service is under the control of the Treasury Department and is under the direction of Supervising Surg. Gen. Walter Wyman, an acknowledged authority throughout the country on foods and hygiene.

It is evident that in selecting from these three branches of the medical service of the United States experts of the very highest character will be secured.

In addition to the above medical experts, it is provided that two physicians from private life be designated by the President, thus enabling him to add to the above high medical and hygienic talent in the service of the United States two physicians of the country most eminent in their researches in physiology, physiological chemistry, hygiene, and nutrition, thus completing a board of physicians of the highest possible talent.

COMMERCE AND MANUFACTURE.

In addition to the experts selected by the President, the Secretary of Agriculture is authorized to select five men "by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures."

Thus there will be represented on this board the great business interests controlling the production and movement of food products. The board is certain, therefore, to have at least one man eminent in commerce and one eminent in manufacture, and these men, by their practical knowledge of affairs, will add great strength to the deliberations of the committee. It is not expected, of course, that these will be men who are skilled in chemistry, physiology, or hygiene, but there are other considerations to be kept in view, viz, manufacture and distribution of food products, which must receive attention. The Secretary of Agriculture thus selects five men, two of whom, at least, shall represent the business interests of the country and the others be eminent in their attainments on the questions which will be under consideration.

It appears that it would be difficult to devise a plan whereby a better or more suitable body of men could be secured for the purpose of studying in a wholly impartial manner the great questions which underlie food standards and the effects upon the health of preservatives, coloring matters, and other substances commonly added to food products.

Every State of the Union having a pure-food law is asking the assistance of the United States Government in supplemental legislation. Everybody in the several States having control over the subject of pure-food law is asking for the same. Not only this, but so far as I know every honest manufacturer in the United States is asking for the same class of legislation and is sending in his approval of this bill.

Mr. President, to show the trend of thought and the feeling of the manufacturers and the dealers in food products, I wish to submit in substance extracts from letters from not only the manufacturers themselves, but also from dealers in food products. I will give a few of them, but will ask that the others be printed.

Chapman & Smith Company, importers and manufacturers, of Chicago, under date of May 29, 1902, write as follows:

The importance of the pure-food question is obvious. It is up. It will not down.

Public health should be, must be safeguarded. Nearly every State in the Union has enacted some sort of pure-food legislation to meet the public demand for the same. These laws are very divergent and some fall far short of really protecting the consumer against harmful food products.

Public opinion, we believe, strongly favors more adequate and more effective pure-food legislation.

There is a growing demand throughout the country for a national pure-food law that will save the annoyance of conflicting State laws. We feel confident that State laws would soon be brought to conform to the national pure-food law.

We heartily favor the Hansbrough bill as amended by the Committee on Manufactures.

We earnestly desire that every effort be made to bring this Hansbrough bill, as amended, to a vote in the Senate during the present session of Congress.

We appreciate most heartily the earnest efforts you have made in the behalf of pure food, and we avail ourselves of this opportunity to express to you our sincere thanks.

The J. P. Dieter Company, importers and manufacturers, of Chicago, under date of May 31, write:

As we all know, there has been a general agitation in and out of Congress for a national pure-food law. We ourselves also know and realize, through the channel of our twenty-five or more traveling salesmen, that there is a general demand throughout the country for some such law given us by Congress as will save us the annoyance of all the various divergent State requirements.

We write this briefly, not wishing to encroach too much upon your time; but we feel there should be a national pure-food law passed at this session of Congress, and we here desire to thank you for your earnest efforts for pure food, and hope that you will make every effort to bring your measure to a vote in the Senate.

Jaques Manufacturing Company, of Chicago, under date of May 31, write:

For several years past countless pure-food bills have been introduced in Congress, and a great deal of time and energy has been spent to secure the passage of a bill that would be satisfactory to all interests.

We are free to acknowledge that the Hansbrough bill, as amended by the Committee on Manufactures, is not exactly what we should like, but it is so near perfect food legislation that we feel that we should set aside our personal interests, and therefore write you in the hopes that you will do what you are able to in using your influence in the passage of this Hansbrough bill, which will give the country what it has so long been seeking—a food bill protecting the public, and which is at the same time fair to the manufacturers in all lines, and we do not believe will be a hardship on any industry or manufacturer who manufactures healthful goods and is willing to sell them on their merits and for what they are.

Another short letter from the Bullen Baking Powder Company, of Chicago, who, under date of June 5, write:

We beg to thank you, in the interest of the manufacturer, for your earnest efforts in the interests of the pure-food laws, and assure you that they have been deeply appreciated by all either directly or indirectly affected by them.

We beg to urge upon you the necessity of using every effort in your power to bring the measure to a vote in the Senate, and trust that you will meet with overwhelming success. The manufacturers throughout the country are beginning to appreciate the fact that pure-food legislation is now at a point where national law is absolutely necessary. Were a national law passed it would be the means of saving the manufacturer a great deal of trouble in trying to conform to the various State laws now in existence, and we feel confident that a national law, such as your bill promotes, would very soon have the hearty support of the State legislatures.

Dodson Braun Manufacturing Company, of St. Louis, Mo., under date of June 4, write as follows:

Believing that the time is now ripe for the passage of a national pure-food law, we write to request that you make every effort to procure the enactment of the same during the present session.

In this connection we desire to thank you most heartily for the earnest efforts which you have already put forth in behalf of such a food law.

I read another short letter from St. Louis. Eddy & Eddy, grocers and manufacturers, of St. Louis, Mo., under date of June 5, write:

We take the liberty to write you in regard to our urgent desires to have the passage of the Hansbrough bill as amended by the Committee on Manufactures. We believe that pure-food legislation has reached the point where a national law is demanded, and we also believe that if we had a national pure-food law the State laws would very soon conform to it, and, as matters now stand, we are very much annoyed in having to conform to so many different laws. It causes us endless detail, which is almost impossible to keep pace with. We earnestly desire that this bill be passed during the present session of Congress.

These are from manufacturers, Mr. President, and also from dealers. I have several here of the same character.

J. C. Grant Chemical Company, manufacturers of baking powder, of East St. Louis, Ill., under date of June 5, write:

As manufacturers of a food product which we know to be absolutely healthful and which has been so pronounced by the most eminent chemists of the country, but which has nevertheless been subjected to attack from interested parties manufacturing rival products, such attacks going the length of corrupting legislatures, as in the State of Missouri, and having become a public scandal, we feel that a national pure-food law is urgently demanded, and would respectfully ask that you do all in your power to see that pure-food legislation is considered during the present session of Congress. We heartily favor the Hansbrough bill as amended by the Committee on Manufactures, and while thanking you most cordially for your earnest efforts in behalf of pure foods, we trust you will not spare any effort to bring the matter to a vote in the Senate, as we feel sure should a national pure-food law be passed the different States would soon fall in line.

Perfect Baking Powder Company, of St. Louis, Mo., under date of May 31, write:

We are continually annoyed by the various pure-food laws, so called, that are passed by the various States, endeavoring to comply with them, and we believe that the country generally would welcome a national law and that the States would gradually conform to it. Your efforts to date are appreciated thoroughly, and we hope that you will not let up until the matter is carried through.

Canby, Ach & Canby, coffee roasters and baking powder manufacturers, of Dayton, Ohio, under date of June 3, write:

We have read with much pleasure your remarks in favor of the passage of a pure-food measure. We believe that the bill supported by you contains all the necessary features to protect both the consumer and the upright manufacturer, and at the same time is so drawn as to prevent its being utilized to further any attempt to subserve a special interest. We sincerely hope you will use your further influence in favor of the bill. From our knowledge of the sentiment throughout the country we are sure that a pure-food measure such as you have advocated is earnestly wanted by the country. We believe that everyone who is influential in the matter of passing such a bill will earn the gratitude of the great mass of the consumers.

Washburn-Halligan Coffee Company, of Davenport, Iowa, under date of June 2, write:

We desire to call your attention to the fact that as manufacturers and jobbers of goods we are vitally interested in the efforts that are being made in the United States Senate and House of Representatives, as well as in our own State legislature to enact such pure-food legislation, as will protect the consumer in the purchase and selection of goods and not interfere with the honest manufacturer who is endeavoring to cater to such a trade.

After careful consideration and some experience along this line, we are confident that pure-food legislation has now reached the point where a national law is demanded.

We therefore heartily favor the Hansbrough bill as amended by the Committee on Manufactures. We know there is a general demand throughout the whole country for national pure-food legislation which will save the annoyance of various State requirements. We are confident that should the national pure-food law be passed the State laws would soon conform to it.

Mr. President, there are a number of others, one of recent date, which is directed to the Senator from Pennsylvania [Mr. QUAY], from Reading, Pa., which reads as follows:

THE RETAIL GROCERS' ASSOCIATION,
NO. 300 SOUTH SIXTH STREET,
Reading, Pa., June 20, 1902.

Hon. M. S. QUAY.

DEAR SIR: At a meeting of the Retail Grocers' Association of Berks County held recently resolutions were unanimously adopted indorsing the pure-food bill now before Congress known in the House as the Hepburn bill and reported to the Senate by the Committee on Manufactures, of which Hon. P. J. MCCUMBER is chairman. I am instructed by the association to write you informing you of the action and request you to support the bill and use your influence in having the same passed. By complying with the above you will greatly oblige the aforesaid association.

Yours, very truly,

E. J. MORRIS, *Secretary.*

Mr. President, this is the character of letters we are receiving from all over the United States. There is perhaps not a single State in the Union which has not responded to the feeling of the particular State through its grocers, its retail merchants, in supporting a law of this kind.

I submit and ask that the balance of these letters or extracts from them which I have prepared be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair).

The Senator from North Dakota requests that a number of letters which he has not read be incorporated in his remarks and printed therein. If there be no objection, it will be so ordered. The Chair hears none.

The letters are as follows:

Mr. McCUMBER. Tone Brothers, importers and manufacturers of coffees, flavoring extracts, etc., of Des Moines, Iowa, under date of June 5, write:

We beg to call your attention to the fact that pure-food legislation throughout the different States has reached such a point that a national law is a great necessity, for the reason that any State that has a law on this subject differs very materially from its neighboring State, so that, taking this into consideration, you can readily see the importance of a law in uniformity. We are thoroughly convinced that the Hansbrough bill, as amended by the Committee on Manufactures, now before the Senate for consideration, is a most desirable measure and meets with our unqualified approval.

Crescent Manufacturing Company, of Seattle, Wash., under date of June 4, write:

As manufacturers of food products and as citizens of a State enjoying some of the benefits of an excellent pure-food law, we beg to express our appreciation of the obligation that the friends of pure-food legislation are under for the efforts you have put forth in their behalf. We have watched with much interest the struggle for the passage of a national pure-food law, and have hoped that the earnest support of yourself and of other friends of the cause would result in the adoption by the present Congress of the Hansbrough bill. It is the judgment of those interested in the enforcement of our State law that only with the assistance of a national law to supplement the State laws can the latter be rendered fully effective, and we are convinced that never before was there so general a demand among the people for national legislation of this character.

Closset & Devers, manufacturers, importers, and jobbers, of Portland, Oreg., under date of June 2, write:

As manufacturers of food products, we beg to call your attention to the Hansbrough bill, as amended by the Committee on Manufactures, and to state that we heartily indorse and are most emphatically in favor of the passage of the bill.

We think that pure-food legislation has now reached the point where a national law is required.

We feel confident that should a national pure-food law be passed, the various State laws would soon conform to it, and thus save the annoyance to which all the manufacturers of food products are now subjected by the various State requirements.

F. Menown Manufacturing Company, of Kansas City, Mo., under date of June 2, write:

There is a general demand throughout the country for a national pure-food law which will save the annoyance of the various divergent State requirements, and to that end we earnestly desire that every effort shall be brought to bear to bring the Hansbrough bill to a vote during the present session of Congress.

The H. D. Lee Mercantile Company, jobbers, manufacturers, and importers, of Salina, Kans., under date of June 3, write:

For your kind consideration and information we wish to state that we are greatly interested in pure-food legislation. We believe that the efforts made in the past in that direction have resulted in creating a strong public sentiment in favor of a national law covering that question. We have come to the conclusion that great annoyance can be avoided by a national law. In some instances State laws are in harmony with each other and in others in direct conflict.

We want to put ourselves on record as in favor of pure-food legislation and also in favor of legislation that is uniform. While the State undoubtedly have a right to legislate upon this question as they see fit, nevertheless, should such a good law as the Hansbrough bill be passed by the National Congress, we are very sure, as stated above, that the States would soon fall into line. This would certainly be a grand, good thing for the people as well as for the manufacturer.

Taylor Baking Powder Company, of St. Louis, Mo., under date of May 30, write:

We wish to extend to you our sincere thanks for your earnest efforts in behalf of pure food, and would urge upon you the necessity of bringing your measure to a vote during the present session of Congress.

Laten Pure Food Company, of East St. Louis, Ill., under date of May 31, write:

We most earnestly urge upon you the necessity of securing, if possible, the recognition of your pure-food measure during the present session of Congress. National pure-food legislation has become an absolute necessity. Not only should the public be protected from the frauds practiced by the unscrupulous manufacturers, but the legitimate manufacturers are sorely in need of protection from the many different (some foolish) laws in force in the different States, and no two States have the same laws. Should the Hansbrough bill pass, the State laws would undoubtedly conform to it very soon, a thing which would be welcomed by every manufacturer of food products in the United States.

Stagmaier & Fletcher, wholesale grocers, of Chattanooga, Tenn., under date of May 31, write:

There has been much agitation for some years for pure-food legislation by the people, the State legislatures, and the Congress. The State laws are now quite at variance with each other—probably some good and others bad. It is our belief that a national law would conserve the interests of the people at this time.

McCormick, Behnke & Co., wholesale grocers, of St. Paul, Minn., under date of May 31, write:

We beg to call your attention to the Hansbrough bill as amended by the Committee on Manufactures, in which we are very much interested. You are no doubt aware that pure-food legislation has now reached a point where a national law is required. A national pure-food law will save the annoyance of all of the various divergent State requirements, and we feel should a national pure-food law be passed, the State laws would soon conform to it; and we earnestly desire that every effort shall be brought to bring the Hansbrough bill to a vote during the present session of Congress. We are heartily in favor of this bill and trust when we ask you to support it we do not ask too much.

Foley Brothers & Kelly, importers, manufacturers, and wholesale grocers, of St. Paul, Minn., under date of June 4, write:

The various requirements governing the sale of food products in each State make it imperative, from our position as wholesale grocers, doing business in several States, that a national pure-food law should be passed at the earliest possible moment, to prevent the many annoyances to which dealers in food products are now subjected.

Griggs, Cooper & Co., manufacturers, importers, and wholesale grocers, of St. Paul, Minn., under date of June 5, write:

We have watched the pure-food legislation with some interest, and are pleased to note the earnest efforts you have made in reference to this subject. We heartily approve of the Hansbrough bill as amended by the Committee on Manufactures, and hope that through your efforts the bill may become a law at this session of Congress.

The dissimilarity of food laws in different States makes it exceedingly difficult for manufacturers all over the country, and this law, we believe, would so far satisfy the public requirements that the various States would adopt its general provisions in their pure-food legislation.

We sincerely hope that this bill will become a law and that the country will be relieved from present conditions, which are very embarrassing to manufacturers all over the country.

William McMurray & Co., tea and coffee importers and manufacturers, of St. Paul, Minn., under date of June 5, write:

Manufacturers throughout the country have gratefully watched your able efforts in behalf of national pure-food legislation, and we would respectfully thank you for your efforts in that direction. We would urge the necessity of the utmost being done to bring your measure to a vote in the Senate.

Climax Coffee and Baking Powder Company, of Indianapolis, Ind., under date of June 2, write:

We desire to thank you for your efforts in behalf of pure-food legislation, which we think is one of the important things now before Congress, in behalf of our manufacturers and likewise the consumers of food products. We further wish to urge upon you the importance of this measure being brought to a vote in the Senate.

Wabash Baking Powder Company, of Wabash, Ind., under date of May 31, write:

We know that there is a general demand throughout the country for a national pure-food law which will save the annoyance of all of the varied divergent State requirements, and should a national law be passed, the State laws would soon conform to it.

Kenton Baking Powder Company, of Cincinnati, Ohio, under date of June 3, writes:

As manufacturers of a food product we wish to thank you for your very earnest efforts in behalf of a national pure-food law.

We are heartily in favor of what is known as the Hansbrough bill as amended by your committee, and we earnestly urge you to secure the consideration of the same this session of Congress.

Hulman & Co., importers, manufacturers, and jobbers, of Terre Haute, Ind., under date of May 31, write:

We wish to thank you for your earnest efforts in behalf of pure food, and we sincerely hope that this matter may come to a vote in your present session.

The Hansbrough pure-food bill is very satisfactory to us, and we believe it would save the annoyance of all of the various divergent State requirements. Should a national pure-food law be passed, we believe the State laws would soon conform to it.

Joseph Strong & Co., wholesale grocers, of Terre Haute, Ind., under date of May 31, write:

We know there is a general demand throughout the country for a national pure-food law, which will save the annoyance of all various divergent State requirements, and we feel, should a national pure-food law be passed, the State laws would soon conform to it, and we earnestly hope that you will use every effort to bring the Hansbrough bill as amended to a vote during the present session.

Central City Soap Company, of Jackson, Mich., under date of June 5, write:

We feel that a national pure-food law in proper terms would be a blessing to the country, as the States would probably largely conform to it, and this would put a stop to the ever reoccurring agitation in the various States for a change of food laws, and the attempts by unscrupulous people to take advantage of the public and various manufacturers in this way. We sincerely hope that the bill as amended by your committee may be passed by the present session, and trust you will continue your efforts to bring it to a vote.

McFadden Coffee and Spice Company, of Dubuque, Iowa, under date of May 29, write:

We are interested in bringing this measure to a vote at this session of Congress as, we feel the urgent need of a national pure-food law, one to which we think the States would very soon conform, and afford us an opportunity to adjust our business so as to conform to the laws of all States without being forced to carry a separate line of goods for each State in which we do business. Any action taken by Congress to afford relief to jobbers and manufacturers will meet with hearty approval from every dealer in these lines of goods throughout our State and throughout the country.

C. Read & Co., of Baltimore, Md., under date of May 28, write:

We write to thank you for the interest you have taken in the pure-food measure, and we would like to see some definite action taken on this matter so that we will know what we have to conform to. We consider that the Hansbrough bill is fair and equitable, and we sincerely hope that same will pass this session.

The Sea Gull Specialty Company, of Baltimore, Md., under date of May 28, write:

We have noted with much pleasure your interest in pure food, and we respectfully urge that you try and get consideration of the bill at this session of Congress. It is a splendid bill, in the interest of the people and of commerce. The agitation of the bill for pure food has now reached a point where a national law is demanded, and the time has arrived when the people should have protection against harmful foods.

Dudley & Co., of Fairport, N. Y., under date of May 30, write:

There is a general demand throughout the country for a national pure-food law which will save the annoyance of all the various divergent State

requirements, and should a national law be passed, the State laws would conform to it.

We earnestly desire that every effort shall be used to bring your measure as amended by your committee to a vote in the Senate, and to thank you for your efforts in behalf of the pure-food law.

Anderson Food Company, of Camden, N. Y., under date of April 25, write:

We, as you know, among other manufacturers in this line indorsed and had presented the Corliss pure-food bill to the Committee on Interstate Commerce in the House.

Since that time we have very carefully followed the evidence taken before the House and Senate committees, and we among other manufacturers are of the opinion that from the attitude of the members of these committees the National Government would administer such a bill as the Hepburn bill on very much broader and liberal lines than has been our experience in the various States.

We think it might interest you, therefore, to know that we withdraw all opposition to the Hepburn bill, which, of course, is the natural result of our change of opinion.

E. SCHNEIDER & CO., MANUFACTURERS OF BAKING POWDER,
Cleveland, Ohio, June 23, 1902.

Senator PORTER J. MCCUMBER,
Chairman of Committee on Hansbrough Bill, Washington, D. C.

DEAR SIR: We are in hearty accord with your sentiments as expressed in your recent speech on pure-food matters before the Senate. It is certainly the most forceful presentation of this cause that it has been our pleasure to see. We are heartily in favor of the bill which you are advocating, and we sincerely hope that you will succeed in getting it before the Senate, as we feel sure that Congress must be aware that there is a strong public sentiment back of this demand for pure food. We have a selfish reason in urging the passage of pure-food legislation of a national character, as we are much annoyed in the different States by the different requirements and by technical rulings, which we think will be eliminated as soon as a national law is passed. Permit us to thank you for your advocacy of this worthy cause and pledge every assistance in our power.

Respectfully, yours, E. SCHNEIDER & CO.

Mr. MCCUMBER. Now, Mr. President, I have given you the expressions of those who are in favor of this proposition, and I have yet to hear from any concern which will have the boldness to come here and say that they have any honest objection to this bill. If there are any objections, I should like to have them given before the Senate by any Senator who takes the stand that this bill is not right in any particular. The Committee on Manufactures desired to present a bill which would receive the hearty approval of the Senate as well as the approval of the public. We believe we have presented a bill, and I have given you to-day some of the evidences of the feeling of the public in reference to it, and I see no reason why it should not be considered at this session and should not be passed.

Mr. President, in closing I simply desire to call attention to one objection that is made on behalf of the Commissioners of the District of Columbia. In a letter the health department writes to me as follows:

The proviso—

Referring to section 11—

is as follows:

"*Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories."

To amend this proviso in the manner indicated in your letter would be equivalent, in my judgment, to striking it out; for the proposed modification would effect the repeal of all existing legislation in conflict with the Hansbrough bill, and that is all that can occur if this proviso be omitted.

Mr. President, I will first read the whole section. It is as follows:

SEC. 11. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

Now, I fail to see where this conflicts in any way with purely local legislation in the District of Columbia or in the Territories. The only legislation that is provided in this bill is simply a prohibition against the importation into the District of Columbia and the States of adulterated articles of food unless they are properly branded, and the sale in the States in original unbroken packages, and the sale in any manner in the District of Columbia of articles of adulterated or misbranded food.

There is no law upon the statute books authorizing the sale in the District of Columbia of adulterated foods, there is no law authorizing the sale of misbranded foods, and all that this proposed law does is to prohibit the sale therein. I know of no law which regulates the sale in the District which would be in conflict with this law.

Mr. President, that is all I desire to say to-day, as 2 o'clock has now arrived. I shall ask at some other time that the bill be taken up for final consideration before the adjournment of Congress.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 13, 17, 18, 19, 20, 23, 24, 27, 30, 32, 38, 41, 44, 141, 143, 160, 185, 186, and 191.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 21, 25, 28, 29, 33, 34, 35, 36, 37, 39, 40, 42, 43, and 120, and agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with amendments as follows: In lieu of the sum proposed insert $2,000,000; and after the word "dollars," at the end of line 14, page 97 of the bill, insert the following: "*Provided*, That the Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
J. A. HEMENWAY,
Managers on the part of the House

The report was agreed to.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I ask the Chair to lay before the Senate the action of the House of Representatives on the Army appropriation bill.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June 25, 1902.*

Resolved, That the House recedes from its adherence to the amendment of the Senate to the bill H. R. 12804, "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1903," numbered 14, and agrees to the same with the following amendment: Strike out "four" and insert "three," and after "million," page 22, line 13 of the bill, insert "three hundred and fifty thousand."

That the House insists on its amendment to the amendment of the Senate numbered 15.

Mr. PROCTOR. The amendment proposed by the House to amendment No. 14 is an amendment which was asked for by the Senate conferees. I suppose it is proper to say that. The House recedes from its adherence to its disagreement to that amendment and proposes the amendment suggested by the Senate. Amendment No. 15 is one that was previously considered. I move that the Senate agree to the House amendment to amendment No. 14, and that it recede from its disagreement to the House amendment to amendment No. 15, and agree to the same.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate agree to the amendment proposed by the House to amendment No. 14 and recede from its disagreement to the House amendment to amendment No. 15, and agree to the same.

Mr. COCKRELL. That is right. That settles it. It winds up the bill and permits it to become a law.

Mr. JONES of Arkansas. I should like to have an explanation as to the effect of this action upon the matter in controversy between the two Houses. We have heard a good deal about it, and I should like to know what this action does. Does the Senate recede or does the House?

Mr. PROCTOR. Amendment No. 14 added $1,000,000 to the three million as the bill came to us from the House.

Mr. JONES of Arkansas. I understood that the House on some amendment, which went from the Senate, took it out of the hands of the conferees.

Mr. PROCTOR. They did. They adhered to their disagreement. They now recede from their adherence to their disagreement to amendment No. 14, which is the one on which there was special difference, and agree to it with an amendment proposed by the Senate conferees. So the Senate retains its right to increase an appropriation.

Mr. COCKRELL. It seems that amendment No. 14, which the Senate, and the Presiding Officer, and so many said was held in abeyance, somehow or other got into the hands of the conferees, and they settled it as they would have done right at the beginning.

The House practically receded from its disagreement to amendment No. 14. That provided for $4,000,000. This they amended by striking out "four" and inserting "three" and adding "three hundred and fifty thousand."

Mr. BATE. The three hundred and fifty thousand goes to the fifteenth amendment?

Mr. COCKRELL. It goes to amendment No. 14. Then we agree to the amendment they made to amendment No. 15 by receding from our disagreement. So that ends the whole thing.

Mr. BATE. If I understood the Senator, amendment No. 14 reads not "$3,000,000," but "$3,350,000."

Mr. ALDRICH. It is important that the proper parliamentary motion should be made in this matter, as this purports to be an agreement between the two Houses.

Mr. COCKRELL. Oh, no.

Mr. ALDRICH. The adoption of the motion means an agreement between the two Houses on the bill.

Mr. COCKRELL. This comes up as the result of the conference report, and the entries that are made are correct.

Mr. ALDRICH. Amendment No. 15, which has been under discussion, is an amendment——

Mr. COCKRELL. Made by the Senate.

Mr. ALDRICH. Made by the Senate.

Mr. COCKRELL. And amended by the House.

Mr. ALDRICH. And an agreement means a recession on the part of the Senate.

Mr. COCKRELL. It was amended by the House, and we disagreed to the amendment, and it went into conference. We reported a disagreement. But now we move that the Senate recede from its disagreement and agree to that amendment. That ends it.

Mr. ALDRICH. Agree to the amendment of the House?

Mr. COCKRELL. Agree to the amendment of the House to amendment No. 15.

Mr. JONES of Arkansas. That results in an agreement between the two Houses.

Mr. COCKRELL. And enables the bill to become a law.

Mr. JONES of Arkansas. That is the way I understood it. I thought the Senator from Rhode Island was right. It is an agreement between the two Houses.

Mr. COCKRELL. It is an agreement, under that, between the two Houses on the conference report.

The PRESIDING OFFICER. The Chair will again put the question, which is on agreeing to the motion of the Senator from Vermont, which has been stated.

The motion was agreed to.

COURTS IN GEORGIA.

Mr. BACON. Will the Senator from New Hampshire yield to me just a moment that I may ask the Senate for the present consideration of a bill upon which there will be no debate?

Mr. GALLINGER. Yes; if there is to be no debate, I will yield.

Mr. BACON. I ask the Senate to consider the bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF THE CALENDAR.

Mr. ALDRICH. I believe there is no unfinished business before the Senate. I ask that after the Senator from New Hampshire [Mr. GALLINGER] shall have concluded his remarks the Senate proceed to unobjected bills upon the Calendar under the eighth rule.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that after the Senator from New Hampshire has yielded the floor the Senate shall proceed to the consideration of unobjected cases on the Calendar under Rule VIII. Is there objection? The Chair hears none.

CALL OF THE ROLL.

Mr. GALLINGER. Mr. President——

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clay,	Jones, Ark.	Quarles,
Bacon,	Cockrell,	Kean,	Quay,
Bailey,	Culberson,	McEnery,	Scott,
Bate,	Dietrich,	McLaurin, Miss.	Spooner,
Berry,	Dolliver,	McMillan,	Stewart,
Blackburn,	Dryden,	Martin,	Taliaferro,
Burnham,	Fairbanks,	Millard,	Teller,
Burrows,	Foraker,	Money,	Tillman,
Burton,	Frye,	Nelson,	Vest,
Carmack,	Gallinger,	Patterson,	Wellington.
Clark, Mont.	Gamble,	Pettus,	
Clark, Wyo.	Heitfeld,	Platt, N. Y.	

The PRESIDENT pro tempore. Forty-six Senators have responded to the roll call. There is a quorum present. The Senator from New Hampshire will proceed.

SAFETY APPLIANCES ON RAILROADS.

Mr. ALDRICH. Will the Senator from New Hampshire yield to me a moment to enter a privileged motion?

Mr. GALLINGER. Certainly.

Mr. ALDRICH. I desire to enter a motion to reconsider the vote by which Senate bill 3560 was passed yesterday.

Mr. SPOONER. What is the bill?

Mr. ALDRICH. It is the bill in regard to safety appliances on railroads. I do not ask that the motion shall be acted on now, but I will call it up later.

The PRESIDENT pro tempore. Has the bill been sent to the House?

Mr. ALDRICH. I am not sure whether it has been or not.

Mr. FORAKER. I understand the Senator asks that the bill may be reconsidered only for the purpose of changing a date as to the time when a certain part of the act shall go into effect. If the Senator will let the matter lie over until to-morrow, it may not be necessary to press the motion.

Mr. ALDRICH. I have no objection to that course.

The PRESIDENT pro tempore. Does the Senator enter the motion?

Mr. ALDRICH. I enter the motion, and the motion may go over until to-morrow for action.

The PRESIDENT pro tempore. If the bill in the meantime has been sent to the House, there should be a motion made for its recall.

Mr. ALDRICH. I meant to include in my motion a motion that the House of Representatives be requested to return the bill to the Senate.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the House be requested to return the bill.

The motion was agreed to.

PROTECTION OF MINERS.

Mr. GALLINGER. The Senator from Montana [Mr. CLARK] tells me that he is about to leave the city and has a conference report to submit. I yield to the Senator for that purpose and will then take the floor.

Mr. CLARK of Montana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same with amendments as follows: On page 1, line 8, of the bill strike out "at a depth of 100 feet or more," and the Senate agree to the same; and on page 2, line 19, after the word "currents," insert: "*Provided*, That all owners, lessees, operators of, or any other person having the control or management of any coal shaft, drift, slope, or pit in the Indian Territory, employing twenty or more miners to work in the same, shall employ shot firers to fire the shots therein. Said shots shall not be fired to exceed one per day, at 12 o'clock noon in cases where the miners work but half a day, and at 5 o'clock in the evening when the mine is working three-quarters or full time, and they shall not be fired until after all miners and other employees working in said shafts, drifts, slopes, or pits shall be out of same;" and the Senate agree to the same.

W. A. CLARK,
C. D. CLARK,
Managers on the part of the Senate.
MALCOLM A. MOODY,
CHARLES F. SCOTT,
Managers on the part of the House.

The report was agreed to.

EXISTING TARIFF LAW.

Mr. GALLINGER. Mr. President, I rise to speak to the resolution that I offered yesterday, which was laid before the Senate during the morning hour.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. GALLINGER, as follows:

Resolved, That the present phenomenal prosperity in all lines of business and industry in the United States is largely due to the existing tariff law, and the best interests of the country demand its continuance.

Mr. GALLINGER. Mr. President, in less than a month the Dingley tariff law will have been in operation five years. It has been for the United States a half decade of the most substantial and marvelous accomplishment in all branches of human endeavor ever known in the history of not only our own country, but of the whole world.

Two years ago I laid before the Senate a résumé of the calamity and misery caused by the Wilson-Gorman tariff law and the wonderful recovery we enjoyed under the first years of the Dingley law, which took its place. I now propose to call attention to a more complete result of this tariff in the principal avenues of finance and commerce.

In every way the Dingley tariff law has been an unqualified success and has more than vindicated the wisdom of its framers. President McKinley within a few hours after his first inauguration called an extra session of Congress, and in his message referring to the need of a new tariff law he said:

Congress should promply correct the existing condition. Ample revenues must be supplied not only for the ordinary expenses of the Government, but for the prompt payment of liberal pensions and the liquidation of the principal and interest of the public debt. In raising revenue, duties should be so levied upon foreign products as to preserve the home market as far as possible to our own producers; to revive and increase manufactures; to relieve and encourage agriculture; to increase our domestic and foreign commerce; to aid and develop mining and building, and to render to labor in every field of useful occupation the liberal wages and adequate rewards to which skill and industry are justly entitled.

On the same day in which this message was read Mr. Dingley, the chairman of the Ways and Means Committee, introduced the new tariff bill. It passed the House March 31. It passed the Senate in an amended form on July 7, and on July 24 the bill, as agreed to by the conference committee, was signed by the

President. It is probable that no act of William McKinley's life gave him more satisfaction than the signing of this measure.

During these five years we have waged and won a war with a foreign nation, we have had strikes involving hundreds of thousands of men, and we have had partial failures in several staple crops, and yet we have had the most prosperous era in our history, and to-day our commercial standing as a nation excites the wonder of the civilized world.

REVENUE.

Let me first call attention to our revenue during the past five years as compared to our revenues under the Wilson-Gorman law. It will be remembered that we had an annual deficit during those low-tariff years, and President Cleveland during a time of peace sold bonds to the amount of $262,000,000, which, with interest to time of maturity, will cost the country half a billion dollars.

The following table will show the revenue under the Dingley law as compared with that of the Wilson-Gorman law:

Year ending June 30—	Customs receipts.	Total receipts.
1895	$152,158,617	$313,390,075
1896	160,021,752	326,976,200
1897	176,554,127	347,721,905
Average	162,911,499	329,362,727
1898	149,576,062	405,321,335
1899	206,128,481	515,960,620
1900	233,164,871	567,240,851
1901	238,491,789	585,752,067
1902	252,000,000	550,000,000
Average	215,872,241	524,854,975

We have repealed war taxes to the amount of over $100,000,000, and yet our revenue is more than sufficient to meet the greatly increased expenses of the Government. For the fiscal year 1900 our surplus was $79,527,060; for 1901 it was $75,713,363, and for 1902 it will exceed $80,000,000, which is quite a difference as compared with the annual deficits under the Wilson-Gorman tariff.

EMPLOYMENT AND EARNINGS.

Supply will always be governed by demand, and demand will depend on ability to buy, so that purchasing power is the basis of prosperity. Our spendable income is governed by the amount of employment and earnings of all classes, and in this respect we are breaking records year after year under the continued successful operation of the Dingley tariff.

Samuel Gompers, president of the American Federation of Labor, estimated that 3,000,000 men were out of employment during the low-tariff period from 1893 to 1897. Not only that, but the wages of those employed were constantly forced down, many working only part time at that. Now, Mr. President, what does it mean to have 3,000,000 men idle? At $2 per day it means a loss of $1,800,000,000 a year in wages, or $9,000,000,000 in five years. That is more than all the gold and silver in the world. It means a loss of $3,000 each to 3,000,000 families, and $3,000 will buy a large quantity of food and clothing and education and comfort and happiness. The earnings lost during the low-tariff period can not be calculated, but whatever they were we have a different story to tell of the past five years.

Not only is labor all over the country fully employed, but wages have been increased again and again. It is impossible to give exact figures of the number of persons employed or the amount of wages paid, and yet we can get a relative idea from the labor bulletins of the different States. Take Massachusetts, for instance, a typical manufacturing State. The Bureau of Statistics of Labor presents from time to time an index figure indicating the level of employment and earnings. In the May number of the Labor Bulletin a comparison is made between April, 1902, and February, 1898. Starting with 100 as a base, the following result is shown:

	February, 1898.	April, 1902.
Population	100	109.65
Employment	100	116.76
Weekly earnings	100	137.36

That is, employment has increased nearly twice as fast as population, and earnings have increased twice as rapidly as employment, or four times as much as population, and if the comparison were made with 1895 and 1896, the contrast would be much greater. What is true of Massachusetts is no doubt true of New York, New Jersey, Pennsylvania, Illinois, and the other industrial States. This is the result of Dingleyism; this is the foundation of our splendid home market; this is the demand that keeps our mills running night and day, our railroads freighted to their utmost capacity, and our farmers busy and well rewarded with sales of their entire surplus product at good prices. Not only is every income earner employed at high salaries and wages, but the hours of labor have been shortened, with its consequent hour or two more of domestic and social intercourse and happiness.

AGRICULTURE.

I wish to show now, Mr. President, the effect of these immense earnings upon our agriculture, then upon our manufactures. First, as regards agriculture. Said the Orange Judd Farmer, in its issue of October 19, 1901:

The most prosperous year in the history of the American farmer is drawing to a close.

And yet last year we had an unusually short corn crop, a small potato and apple crop, and, with the exception of wheat, only a normal crop in all staples. I now want to compare the size and value of our farm products during 1896, our last low-tariff year, and 1901, our last protection year. The figures are as follows in round millions, as estimated by the Department of Agriculture:

	Quantity.		Value.	
	1896.	1901.	1896.	1901.
CROP.				
Wheat ..... bushels..	470,000,000	748,000,000	$341,000,000	$467,000,000
Corn ..... do....	2,270,000,000	1,522,000,000	488,000,000	922,000,000
Oats ..... do....	717,000,000	736,000,000	134,000,000	294,000,000
Rye ..... do....	24,000,000	30,000,000	10,000,000	17,000,000
Barley ..... do....	70,000,000	109,000,000	23,000,000	48,000,000
Flaxseed ..... do....	17,000,000	29,000,000	10,000,000	35,000,000
Buckwheat ..... do....	14,000,000	15,000,000	5,500,000	8,500,000
Potatoes ..... do....	245,000,000	167,000,000	70,000,000	100,000,000
Cotton ..... bales..	8,800,000	10,500,000	290,000,000	368,000,000
Hay ..... tons..	59,000,000	51,000,000	385,000,000	510,000,000
Apples ..... barrels..	69,000,000	25,000,000	69,000,000	63,000,000
Total value of above crops....	.....	.....	1,825,500,000	2,832,500,000
LIVE STOCK.				
Milch cows..number..	16,000,000	20,000,000	366,000,000	644,000,000
Cattle ..... do....	32,000,000	32,000,000	509,000,000	885,000,000
Hogs ..... do....	43,000,000	50,000,000	186,000,000	298,000,000
Sheep ..... do....	38,000,000	43,000,000	65,000,000	134,000,000
Horses ..... do....	15,000,000	15,000,000	500,000,000	720,000,000
Total value live stock	.....	.....	1,626,000,000	2,681,000,000
Aggregate values	.....	.....	3,451,500,000	5,513,500,000

Here is an increase in value of over $1,000,000,000 in these crops and an increase of over $1,000,000,000 in the value of farm animals, and it must be remembered that 1901 was a poor year and 1896 a good year in farm production. What made this increase of over $2,000,000,000? It was the demand of fully employed, well-paid people, due to a tariff that enables us to do our own work instead of hiring the cheap labor abroad to do it for us.

In this connection I want to quote the following from the Orange Judd Farmer of October 19, 1901:

Encouraging as is the agricultural situation for this year, it is still more interesting when we reflect that 1901 is the fifth year of the successive upward trend to agricultural values. Some conception may be formed of the tremendous improvement that has been wrought in the farmers' financial condition when we find that for the past five years the cereal crops made a value of $6,245,000,000, compared to $5,282,000,000 during the five years of agricultural depression ending with 1896. The annual average value of cows, cattle, hogs, and sheep for the past half decade has been $345,000,000 more than for the previous period, but the total value of horses still shows a heavy decline from the boom of 1892.

All history affords no precedent for so remarkable a transformation. It is shown also by the degree to which farm mortgages have been paid up, and by the substantial improvements that have been made in farm buildings and equipment, and by the strong upward tendency to the value of farm lands, especially in the Central and Western States.

Even billions of dollars can inadequately express the improvement in agricultural values and incomes compared to the depths of the late depression. And because farmers are in this prosperous condition, and because they are the greatest consumers of manufactures, the industrial outlook is generally satisfactory and encouraging.

Here is a statement of fact by a conservative farm journal without the reasons. From 1893 to 1897 we had practical free trade. From 1897 to 1901 we had protection. No one claims, Mr. President, that the tariff has anything to do with the size of crops, but I do maintain that it has much to do with values. The 3,000,000 idle men of 1896 could not buy much bread. They could not eat as many potatoes, apples, and other products of the farm, and as we consume 90 per cent of our farm products at home, our farmers are dependent on the purchasing power of the people for both quantity disposed of and price received.

A protective tariff insures the farmer against the disaster that would otherwise attend a short crop because the people can

afford to pay the enhanced price. That is why the farmer got nearly twice as much for his short corn crop of last year as he did for his good crop of 1896. I showed in this Chamber two years ago that the farmers of the country lost $10,000,000,000 because of low tariff agitation and operation. Since the Dingley law went into effect they have gained in increased prices and enhanced values much more than this amount. They have paid off mortgages to the amount of many millions; they have bought millions of dollars' worth of new machinery and implements; they have improved their property, and many farm values are to-day double what they were in 1895 and 1896.

During the fiscal year 1901 we exported nearly a billion of dollars' worth of agricultural products against a little more than half a billion dollars' worth in each of the fiscal years 1895 and 1896. The average agricultural exports during the years 1898, 1899, 1900, and 1901 exceeded $850,000,000 in value against $550,000,000 in 1895 and 1896, a gain of $200,000,000 a year, and yet the crops of 1895 and 1896 were abnormally large.

I want to emphasize this fact, Mr. President, that it is not the size of the farmer's crop, but the value of the crop which rewards his industry; and the value must and does depend on the tariff, which gives good wages the year round to all consumers. And the very prosperity which comes to the farmer goes back to the manufacturer and merchant and railroads and labor of all kinds in the increased consumption of implements, clothing, building material, and necessaries and luxuries of a thousand and one kinds. So we all become interdependent, and protection scatters its benefits and blessings far and wide.

SHEEP AND WOOL.

Free wool was one of the features of the Wilson-Gorman tariff. The Dingley law reimposed the adequate protection given by the McKinley law. Let me give a few figures showing the result, first, as regards domestic production and imports of wool:

Year.	Production.	Imports.
	Pounds.	*Pounds.*
1893	303,000,000	172,435,838
1894	298,000,000	55,152,558
1895	310,000,000	206,033,906
1896	273,000,000	230,911,473
1897	259,153,251	350,852,026
1898	266,720,684	132,795,302
1899	272,191,330	76,739,219
1900	288,636,621	155,918,455
1901	302,502,328	103,583,505

Nearly 800,000,000 pounds of wool were imported during the three years 1895, 1896, and 1897, and, Mr. President, I am informed that we have not used it up yet. Now, let me give a list of prices of Ohio fleece wool on the 1st of October last, as furnished by Mauger & Avery, of Boston:

Year.	Fine.	Medium.	Coarse.
	Cents.	*Cents.*	*Cents.*
1893	23	24	21
1894	19	21	19
1895	18	21	19
1896	18	19	18
1897	27	29	25
1898	28½	30	24½
1899	31	33½	29
1900	26½	28½	26½
1901	25	26½	23

And it must be understood that these prices under the Dingley law have been maintained in spite of the lowest figures abroad ever known. Our woolgrowers have reaped a profit of a few cents on every pound of wool produced, while the London market has shown the greatest slump in its history. So much for wool. Now a glance at sheep and their value:

Year.	Number.	Value.
1893	47,272,553	$125,909,264
1894	45,048,017	89,186,110
1895	42,294,064	66,685,767
1896	38,298,783	65,167,735
1897	36,818,643	67,020,942
1898	37,656,690	92,721,133
1899	39,114,453	107,697,530
1900	41,883,065	122,665,913
1901	43,000,000	134,000,000

These are the very conservative figures of the Department of Agriculture. These figures of sheep and wool show just what free wool and protected wool do for the farmer. But what of our woolen industry? Closed mills and mills working part time in 1896. Busy mills in 1902. The woolen industry has been greatly depressed throughout the world because of overproduction. Our woolen manufacturers have suffered too, but not to the extent of those abroad, and the outlook is far from gloomy. Full recovery may come at any time, but it is different with the sheep industry. In this connection I want to quote a pat paragraph from a speech delivered by my friend the senior Senator from Wyoming before the Wool Manufacturers' Association at the Hotel Savoy, New York, January 9, 1901. Senator WARREN said:

> Gentlemen, woolen mills may be shut down at dark and reopened at daylight; shut down a month, or even a year, and still be there on the ground when needed for business; but sheep can not be so shut down and reopened. It takes years to recover from losses suffered, while it only takes months to effect them.

OUR TOBACCO INDUSTRY.

No one will dispute that tobacco and cigars are a luxury, and that their increased consumption must indicate increased prosperity. It will be interesting, then, to note the conditions of the industry now, as compared with low-tariff times of five years ago. The following table shows the comparison:

PRODUCTION AND CONSUMPTION OF TOBACCO IN THE UNITED STATES.

Fiscal year.	Production of cigar leaf.	Used in cigars and cigarettes.	Cigar output.
	Pounds.	*Pounds.*	
1894	88,650,000	87,396,348	4,066,917,433
1895	66,500,000	89,680,605	4,163,972,440
1896	77,000,000	93,764,920	4,237,755,943
1897	110,662,750	90,950,987	4,063,169,097
1898	105,702,450	104,116,393	4,910,937,397
1899	147,106,050	104,589,331	5,077,287,824
1900	142,686,250	120,350,271	5,963,170,381
1901	131,444,050	128,448,475	6,475,438,411

It will be seen that our tobacco production is double what it was in 1895 or 1896, and that we are consuming about the entire output. The increase in cigar manufacture has been more than 50 per cent. The tobacco used in the cigar and cigarette output for the year ending June 30, 1901, was approximately 128,448,475 pounds. To this add 20,000,000 pounds used in smoking tobacco and 24,865,170 pounds imported, and a total of 173,313,645 pounds was apparently consumed. But on June 30, 1901, there were 17,896,518 pounds in hand, which would leave 155,417,127 as being used. Deducting 5,417,127 pounds exported, and a total of about 150,000,000 pounds would be required. This was practically the size of the domestic crop for 1899 and 1900, which brought the best price for years.

MANUFACTURES.

While the census report on manufactures for 1900 is most satisfactory, it by no means shows the full result of the operation of the Dingley law. The total value of products for 1900 is given at $13,040,013,638, as against $9,372,437,283 in 1890. We have progressed wonderfully in the last two or three years, and it is likely that the output for 1902 will exceed $15,000,000,000, which is double the output of 1895 or 1896. In spite of consolidations and combinations, the number of manufacturing establishments increased over 44 per cent in the last decade.

The following table, which I have compiled from the census report on manufactures, will show the great gain we made in our large industries during the last decade in spite of the adverse conditions of four years, affected by a low tariff law:

Manufacturing output in certain industries, 1890 and 1900.

Articles.	1890.	1900.
Agricultural implements	$81,271,651	$101,207,428
Boots and shoes, factory product	220,649,358	261,028,580
Carriages and wagons	114,551,907	121,537,276
Cars, etc	129,461,698	218,238,277
Chemical products	174,699,079	202,582,396
Cotton manufactures	267,981,724	339,198,619
Flouring and grist mill products	513,971,474	560,719,063
Iron and steel	478,687,519	835,759,034
Leather	171,063,337	204,038,127
Liquors	289,775,639	340,615,466
Lumber and timber products	437,957,382	596,832,984
Paper and pulp	78,937,184	127,286,162
Printing and publishing	179,859,750	222,983,569
Shipbuilding	38,065,410	74,578,158
Silk and silk goods	87,298,454	107,256,258
Slaughtering	561,611,668	786,603,670
Wool manufactures	345,655,524	400,063,833

These are but a few of our principal industries in which I wish I could make the comparison between 1902 and 1896. To some extent this can be done in our iron and steel manufactures.

While we have made wonderful progress in all lines of manufacturing since the enactment of the Dingley law, it is in iron and steel products that we have made the largest gains. This

can be shown in no better way than by a comparison of pig-iron production for the past few years. It has been as follows:

	Tons of 2,240 pounds.
1894	6,657,388
1895	9,446,308
1896	8,623,127
1897	9,652,680
1898	11,773,934
1899	13,620,703
1900	13,789,242
1901	15,878,354

This year the amount will exceed 17,000,000 tons, or nearly three times the production of 1894.

The total production of all kinds of iron and steel rolled into finished forms in the United States since 1892 can be seen from the following table, taken from the Annual Report of the Iron and Steel Association:

Production of rolled iron and steel, gross tons, 1892–1902.

Year.	Iron and steel rails.	Bars, hoops, skelp, and shapes.	Wire rods.	Plates and sheets, except nail plate.	Cut nails.	Total.
1892	1,551,844	3,033,439	627,829	751,460	201,242	6,165,814
1893	1,136,458	2,491,497	537,272	674,345	136,113	4,975,685
1894	1,021,772	2,155,875	673,402	682,900	108,262	4,642,211
1895	1,306,135	3,005,765	791,130	991,459	95,085	6,189,574
1896	1,122,010	2,731,932	623,986	965,776	72,137	5,515,841
1897	1,647,892	3,081,760	979,736	1,207,286	94,054	7,001,728
1898	1,981,241	3,941,957	1,071,683	1,448,301	70,188	8,513,370
1899	2,272,700	4,996,801	1,036,398	1,903,505	85,015	10,294,419
1900	2,385,682	4,390,697	846,291	1,794,528	70,245	9,487,443
1901	2,874,639	5,785,479	1,365,934	2,254,425	68,850	12,349,327

This shows an increase of over 100 per cent since 1895–96. Cut nails have given way to wire nails, the production of which has grown enormously since adequate protection was given to the industry in 1883. The following table shows the result:

Production of wire nails in kegs of 100 pounds.

1882	50,000	1892	4,719,524
1883	80,000	1893	5,095,985
1884	120,000	1894	5,681,801
1885	200,000	1895	5,841,403
1886	300,000	1896	4,719,860
1887	500,000	1897	8,997,245
1888	1,000,000	1898	7,418,475
1889	2,200,000	1899	7,618,130
1890	3,500,000	1900	7,233,979
1891	4,114,385	1901	9,803,822

The price in 1883 was 8.35 cents per pound, and in 1902, 2.45 cents per pound.

Another more recent but none the less remarkable instance of an industry made possible by protection is our tin-plate industry, due to the McKinley law. The following table shows the change in our production and importations:

Production and importation of tin plate.

Year.	Imports.	Production.
	Gross tons.	*Gross tons.*
1890	329,435	None.
1891	327,882	999
1892	268,472	18,803
1893	253,155	55,182
1894	215,068	74,260
1895	219,545	113,606
1896	119,171	160,362
1897	83,851	256,598
1898	66,775	326,915
1899	58,915	360,875
1900	66,055	302,665
1901	52,625	399,291

So great is our production of iron and steel that we can not supply the demand at any price, and we are forced to importations.

Our exports of manufactures, although but a small per cent of our production, show a remarkable advance under the Dingley tariff, as will be seen from the following table:

	Value.
1893	$158,023,118
1894	183,728,808
1895	183,595,743
1896	228,571,178
1897	277,285,391
1898	290,697,354
1899	339,592,146
1900	433,851,756
1901	412,155,066

For the present year the value will be about the same as last year in spite of a decrease in price in many commodities and the falling off in iron and steel exports, due to home consumption. The manufacturing situation to-day in the United States can be summed up in the statement that practically every mill and factory and shop is working to full capacity, with orders far ahead and prices most satisfactory.

In connection with this subject of our manufactures I want to call attention to the fact that the large increase is not confined to the great manufacturing States of the East. Let me show what our Territories are doing. Here are the figures from the Census Bureau:

Territory.	Value of product.		Increase, per cent.
	1900.	1890.	
Arizona	$21,315,189	$947,547	2,150
New Mexico	5,605,795	1,516,195	270
Indian Territory	3,892,181	248,932	1,464
Oklahoma	7,083,938	180,445	3,826
Total	37,897,103	2,893,119	1,210

Here also are the figures from three States that confirm my contention that protection is spreading its benefits in every part of the land:

State.	Value of product.		Increase, per cent.
	1900.	1890.	
Idaho	$4,020,532	$1,396,096	188
Nevada	1,643,673	1,105,063	49
Wyoming	4,301,240	2,367,601	82

As showing how wages in manufacturing affect value of farm products, I want to present the following figures from the census report of Arizona:

	1900.	1890.	Increase, per cent.
Wages	$2,369,065	$302,146	684
Farm products	6,179,397	1,045,970	480

The argument holds good in Arizona as well as Massachusetts and every other section of the country.

BEET SUGAR.

An industry made possible by the Dingley law was the manufacture of sugar from beets. The progress made is seen in the following figures:

	1896-97.	1901-2.
Number of factories	7	42
Tons produced	40,000	185,000

The new plants projected for 1902 number 83, with a capital of $50,000,000, capable of a total output of 550,000 tons annually and a purchasing capacity of $20,000,000 worth of sugar beets.

MINERAL PRODUCTS.

Our mining statistics show the same substantial increase as our agriculture and manufacturing. I give simply a comparison between 1896 and 1901 in a few products and the total value:

	1896.	1901.
Gold	$53,000,000	$83,000,000
Iron ore	23,000,000	75,000,000
Coal	196,000,000	325,000,000
Stone	30,000,000	55,000,000
Total mineral products	622,000,000	1,200,000,000

The iron ore, coal, and stone are put into use as fast as mined, and add most materially to our manufacturing and building output. We have almost doubled the value of our mineral products under the demands of industry made possible by a return to protection, and the mining, transportation, and conversion into a useable commodity, consisting, as it does, of so much increased labor, is but another testimony to the benefits of the Dingley law.

RAILROAD BUSINESS.

The effect of the great consumption of farm products and manufactures is nowhere more apparent than in the enormous railroad business of the country. We have now passed the 200,000 mark in system mileage and are approaching 300,000 in total miles of track. Over 1,000,000 men are employed with annual wages exceeding $600,000,000. The railroad systems of the country represent a capital of $12,000,000,000, with annual earnings exceeding $1,500,000,000. Six hundred million passengers

are carried annually and over 1,100,000,000 tons of freight. I want now, Mr. President, to show the difference between railroad business in this country during low tariff times and protection times. The following table will show statistics of the Interstate Commerce Commission and Poor's Manual:

LOW-TARIFF PERIOD.

Years.	Freight carried, tons.	Miles built.	Dividends paid.	Gross receipts.
1895	696,761,171	1,650	$81,685,774	$1,092,395,437
1896	765,891,385	1,704	81,528,154	1,125,632,025
1897	741,705,946	1,818	83,680,040	1,132,866,626
Average	734,786,164	1,724	82,297,989	1,116,964,696

PROTECTIVE-TARIFF PERIOD.

1898	879,006,307	2,215	$94,937,526	$1,249,358,724
1899	959,763,583	3,966	109,032,252	1,336,096,379
1900	1,101,680,238	3,503	140,343,653	1,501,695,378
1901	[a]1,350,000,000	5,057		
Average	1,072,612,542	3,685	114,771,144	1,362,450,227

[a] Estimated.

LOW-TARIFF PERIOD.

Year.	Wages paid.	Number of employees.	Freight rate per ton-mile.
			Cents.
1895	$445,508,261	785,094	0.839
1896	468,824,531	826,620	.806
1897	465,601,581	823,476	.798
Average	459,978,124	811,710	.814

PROTECTIVE-TARIFF PERIOD.

1898	$495,055,618	874,558	0.753
1899	522,967,896	928,924	.724
1900	577,264,841	1,017,653	.729
1901	[a]634,000,000		
Average	557,072,091	940,378	.735

[a] Estimated.

I regret exceedingly that I can not get the exact figures for 1901 and an estimate for the present year, for they would show a most substantial increase over 1900. Enough is known, however, to warrant the statement that our railroad business is now more than 50 per cent better in every way than during the low-tariff period.

The railroad business is the index of the country's progress and prosperity. It is dependent upon the demand made by consumers and the supply of producers. It is a fact that for three years our railroads have been pushed to their very utmost facilities of rolling stock. A car famine is the only famine we have known under the Dingley law. Locomotives and freight cars can not be made fast enough with all the facilities of our great locomotive and car works.

Our free traders delight in calling our railroads a "nonprotected" industry, and yet there is no business in the country that shows so quickly and so substantially the effect of the tariff as the railroads. Why did the freight business practically stand still during the operation of the Wilson-Gorman law? Why has it increased at the rate of 15 to 20 per cent yearly under the Dingley law and would increase even more rapidly if cars and locomotives could be had? Why were so many railroads in the hands of receivers in 1896 and so few in receivers' hands in 1902? Why have the value of railroad stocks increased so enormously in the past five years? Do not tell me these are fictitious values or I shall point to the dividends now paid as compared with 1896—fully 100 per cent more. And to whom are these dividends paid? From the report of the Interstate Commerce Commission I take these figures for 1900:

Stocks outstanding	$5,845,579,593
Owned by railway corporations	1,470,218,972
Not owned by railway corporations	4,375,360,621
Bonds	4,900,626,823
Owned by railway corporations	472,831,377
Not owned by railway corporations	4,427,795,446
Total stocks and bonds	10,746,206,416
Owned by railway corporations	1,943,050,349
Not owned by railway corporations	8,803,156,067

Who owns the railroads, then? Let me give a few figures:

	Stockholders.
New York Central	15,000
Pennsylvania	28,000
New York, New Haven and Hartford	10,000
Union Pacific	14,000
Chicago, Burlington and Quincy	13,000
Northern Pacific	10,000
Atchison, Topeka and Santa Fe	13,000
Illinois Central	5,000
Southern Railway	4,700
Erie	3,450

And so on, and the dividends are scattered through thousands of different channels, carrying income and support to a quarter million of people, besides the millions concerned in the earnings of over a million employees.

SHIPPING.

I have shown the wonderful progress made in railroading during the past few years. I now wish to present some figures showing the remarkable increase in tonnage of our merchant marine. The figures are from the report of the Bureau of Navigation:

Year ending June 30—	Vessels built and total tonnage.				Tonnage of merchant marine of the United States.	Per cent of foreign trade carried in American vessels.
	Sailing.	Canal boats and barges.	Steam.	Total.		
	Gross tons.	*Gross tons.*	*Gross tons.*	*Gross tons.*		
1890	102,873	32,204	159,046	294,123	4,424,497	12.9
1891	144,290	39,975	185,037	369,202	4,684,759	12.5
1892	83,217	23,885	92,531	199,633	4,764,921	12.3
1893	49,348	27,923	124,368	211,639	4,825,071	12.2
1894	37,827	9,648	83,720	131,195	4,684,029	13.3
1895	34,900	6,949	69,753	111,602	4,635,960	11.7
1896	65,237	23,832	138,028	227,097	4,703,880	12
1897	64,309	61,770	106,153	232,232	4,769,020	11
1898	34,416	40,204	105,838	180,458	4,749,738	9.3
1899	98,073	50,907	151,058	300,038	4,864,238	8.9
1900	116,460	44,802	202,528	393,790	5,164,839	9.3
1901	126,165	83,733	273,591	483,489	5,524,218	8.2

It will be seen that we were doing very well during the operation of the McKinley law, but what a collapse under the Wilson-Gorman law. Now note the advance under the Dingley tariff. Our tonnage built last year was four times that built in 1895. It will be seen that over 90 per cent of our foreign trade is carried in foreign bottoms, so that our tonnage of merchant marine is used almost wholly in coast and lake commerce. The enormous increase in tonnage, then, gives a pretty accurate idea of the increase in our coast and lake traffic.

BANK CLEARANCES.

Our bank clearings represent the volume of business transacted, as about 98 per cent of settlements are made by bank checks and credits which are recorded in the clearing houses of the country. Here, then, we get a basis of relative business done; and to show the comparison I present the total bank clearings since 1892, taken from the figures of the Bureau of Statistics of the Treasury Department:

	Bank clearances.		Bank clearances.
1892	$60,833,572,438	1897	$54,179,545,030
1893	58,880,682,455	1898	65,924,820,769
1894	45,028,496,746	1899	88,909,661,776
1895	50,975,155,046	1900	84,582,450,081
1896	51,935,651,733	1901	114,190,226,021

It will be seen how business fell off in 1893 and 1894 when we were threatened with free trade and begun to live under the operation of the Wilson-Gorman law. We recovered but little in the next two years, and 1897 found us doing less business than in 1892. But note the result since, under the workings of the Dingley tariff. Observe the great increases each year, till in 1901 we find the clearings more than double what they were in 1895 or 1896. These are the records of actual business transactions, for bank balances are computed to a cent. The clearings for the first four months of 1902 were $39,000,000,000, showing that we are about equaling the record-breaking figures of last year. We are almost doubling the figures of 1892, a most astonishing result. In this connection, I may say that the clearings of New York City in 1902 are 60 per cent larger than the clearings of London, though the latter city has a million more population and does most of the business of England.

POST-OFFICE BUSINESS.

From bank clearings to postage stamps is a wide step, but I want to emphasize the value of a protective tariff in small transactions as well as great. It would seem as if one need never to retrench in the matter of postage, no matter how poor the times may be. The constant increase in population makes an increase

in postal revenues almost imperative, and yet the little 1 and 2 cent stamps, like everything else, show the difference between adversity and prosperity. I present herewith a table showing our postal receipts for a period of years from 1889 to 1902:

1889	$56,175,611	1896	$82,499,208
1890	60,882,097	1897	82,665,463
1891	65,931,786	1898	89,012,619
1892	70,930,476	1899	95,021,384
1893	75,896,933	1900	102,254,579
1894	75,080,479	1901	111,631,193
1895	76,983,128	1902	[a]122,680,000

[a] Estimated from ten months.

Here (from 1889 to 1893) is the constant increase we should look for. In 1894 there is an actual decrease and no material increase the year following. In short, the average annual increase from 1893 to 1897 is only $1,689,633, really a falling off considering the increase in population. But look at the result since the Dingley law went into effect. An increase of over $40,000,000, or an average of $8,000,000 a year. We are increasing our expenditures largely every year, and yet our revenues are increasing still more rapidly till soon we will have a self-supporting department and ultimately 1 cent postage.

Our rural free delivery is being rapidly extended till soon every farmer in the land will have his daily mail delivered at his door, giving him his daily paper, daily weather and crop reports, and making him more expert in his labor, more intelligent, and more prosperous and happy. Thus protection scatters its blessings with the increased sales of the postage stamps as it does with the ton of rails or the huge locomotive.

TELEGRAPH AND TELEPHONE.

Somewhat akin to postal business is that of our telegraph and telephone companies. To many the telegraph and telephone message is a necessity; to others it is a convenience; to others a luxury. In a most peculiar and significant way, then, the statistics tell the story of prosperity. The following table shows the receipts of the Western Union Telegraph Company since 1889:

1889	$20,783,194	1896	$22,612,736
1890	22,337,029	1897	22,638,859
1891	23,034,327	1898	23,915,733
1892	23,706,405	1899	23,954,312
1893	24,978,443	1900	24,758,570
1894	21,852,655	1901	23,354,151
1895	22,218,019	1902	[a]27,850,000

[a] Estimated.

As in everything else, we see an increase up to 1893, then a decrease till 1897, then a most substantial increase since. This increase during the operation of the Dingley law has been in spite of a most phenomenal increase in telephone business, an increase in the Postal Telegraph Company's business, and private-wire business. This increase in telephone business can be seen from the following table, showing subscribers and employees since 1894:

Calendar year.	Subscribers.	Employees.
1894	237,186	10,421
1895	243,432	11,094
1896	281,695	11,930
1897	325,244	14,425
Average annual increase	29,353	1,335
1898	384,230	16,682
1899	465,180	19,668
1900	632,946	25,741
1901	800,880	32,837
Average annual increase	138,883	5,385

These figures show nearly five times the annual increase under the Dingley law as compared with the years under the Wilson-Gorman tariff. And right here I want to show a comparison of the annual number of telephone messages in different countries according to the latest available statistics:

Austria-Hungary, 1899	116,724,879
Russia, 1898	103,426,088
Germany, 1899	540,324,386
France, 1898	141,226,883
Great Britain, 1900	639,476,448
United States, 1901	2,300,000,000

We do more telephoning than all the rest of the world put together at from 5 to 10 cents a message. All this has been made possible by the great prosperity brought to us by the Dingley tariff law.

SAVINGS AND SURPLUS.

Our savings-banks deposits represent a portion of the surplus earnings of the masses. The capitalist, the manufacturer, and the merchant do not use the savings banks. It is the wage-earner who uses that depository for a part of his surplus funds, and now, Mr. President, I want to show just what the amount of these savings have been during the past ten years:

Year.	Number of depositors.	Deposits.
1893	4,830,599	$1,785,150,957
1894	4,777,687	1,747,961,280
1895	4,875,519	1,810,597,023
1896	5,065,494	1,907,156,277
1897	5,201,132	1,939,376,035
1898	5,385,746	2,065,631,298
1899	5,687,818	2,230,366,954
1900	6,107,083	2,449,547,885
1901	6,373,098	2,601,189,291
1902	6,784,392	2,845,691,300

Including the savings in State banks, there are now over $3,000,000,000 of savings in the banks of the country against but little more than half that sum in 1894. It will be seen that in 1894 millions were withdrawn from the savings banks and from 1893 to 1897 the increase was only $154,225,078, or an average increase of $38,556,245 a year, while from 1897 to the present time the increase has been $906,315,265, or an average of $181,263,053 a year. This is a small part of what protection is doing for the people. And this is by no means idle money. Every dollar of it is at once put into use. It is loaned on bond and mortgage and is employed in buying construction and building material, and in State, and county, and municipal improvements—in the employment of labor at every turn.

My own State, New Hampshire, has had an interesting experience in the matter of savings bank deposits. For the years 1894, 1895, 1896, and 1897 there was an aggregate decrease of deposits to the enormous amount of $13,222,416, while for the years 1900 and 1901 there has been an increase of $1,988,829.

But these savings banks deposits by no means measure the surplus of the people's earnings. There are the building and loan associations, the insurance premium, the installments paid on the little home and on the furniture, the money spent for educating the children, and for the luxuries and ornaments of the body and home. Three billion dollars of savings put away for a rainy day and increasing at the rate of $200,000,000 a year, and we are by no means a provident people. We are the most extravagant people on earth, and we can afford to be under a protective tariff. It may be said that our deposits are larger than those of any other country because of our larger population. Let me give a table showing the average to each depositor in a few countries:

United States	$408	Belgium	$76
United Kingdom	96	Italy	80
Russia	100	Prussia	155
France	83	Germany	87

Whether we take total deposits, number of depositors, average to each depositor, or deposits per capita, the United States is not only far in the lead, but increasing faster than any other country.

Our deposits exceed those of Great Britain, France, Russia, and Austria combined, and these countries have a population four times as large as that of the United States.

INSURANCE.

I have shown, Mr. President, that we have nearly $3,000,000,000 deposited in our savings banks by almost 7,000,000 depositors and that we are adding $200,000,000 a year, and yet the insurance premium is but another form of savings bank, and we are paying annual premiums and assessments upon life insurance to the amount of $400,000,000. Let me present some of the insurance figures since 1893 that we may compare low-tariff times with protection times. The statistics are from the New York Insurance Report, but refer to the total business of the United States:

Year.	Policies issued.		Total income.
	Number.	Amount of insurance.	
1893	404,236	$1,058,659,846	$236,683,206
1894	336,843	985,520,033	253,624,478
1895	366,595	864,815,534	266,897,202
1896	350,106	796,124,326	279,373,107
1897	431,457	923,804,876	301,268,179
1898	485,735	1,018,366,627	320,810,628
1899	632,704	1,304,306,628	355,946,005
1900	687,005	1,356,769,653	392,358,941
1901	787,747	1,470,317,887	437,935,469

In 1894, 1895, and 1896 there was a decrease each year in number of policies issued and amount of insurance written. Policies lapsed by the thousands, and the loss was incalculable. Now look at the figures since 1896, a constant and large increase each year. More than double the number of policies were written in 1901 than were written in 1896. Nearly double the amount of insurance. This is a most significant showing. It means hundreds of millions for widows and orphans when the income earner is taken away.

From 75 to 80 per cent of the income of our insurance companies is from premiums, and here is an addition of nearly $400,000,000 a year to the $200,000,000 annual increase in savings, all to be loaned on bond and mortgage, to be put into commercial use, and most of it to find its way into the laborer's envelope. Thirteen billion dollars of life insurance in force in the United States—more than double that of all the world put together. But this is not all. We have over $23,268,047,232 of fire risks in force, and nearly $100,000,000 are paid in fire losses every year.

But it is not alone the man who has an increased income in good times who benefits from a tariff like the Dingley law. The man with a fixed income year after year benefits relatively just as much. In low-tariff times he is called upon by every relative and friend who is out of work, and his income is cut down correspondingly. Every man who was "touched" a dozen times a week in 1895 and 1896 appreciates this point in these days when there are no appeals from broken and hard-luck sources.

FOREIGN COMMERCE.

I have given glimpses of our domestic trade under the Dingley tariff and the wonderful advances we have made under protection. How about our foreign trade—the sale of our surplus abroad? In order that we may consider the matter intelligently, I present a table showing our exports and imports since 1890, taking my figures from the Bureau of Statistics of the Treasury Department:

Imports and exports of merchandise, 1890-1901.

Year ending June 30—	Imports.	Exports.	Total imports and exports.	Excess.	
				Imports.	Exports.
1890	$789,810,409	$857,828,684	$1,647,139,093		$68,518,275
1891	844,916,196	884,480,810	1,729,397,006		39,564,614
1892	827,402,462	1,030,278,148	1,857,680,610		202,875,686
1893	866,400,922	847,665,194	1,714,066,116	$18,735,728	
1894	654,994,622	892,140,572	1,547,135,194		237,145,950
1895	731,969,965	807,538,165	1,539,508,130		75,568,200
1896	779,724,674	882,606,938	1,662,331,612		102,882,264
1897	764,730,412	1,050,993,556	1,815,723,968		286,263,144
1898	616,049,654	1,231,482,330	1,847,531,984		615,432,676
1899	697,148,489	1,227,023,302	1,924,171,791		529,874,813
1900	849,714,329	1,394,479,214	2,244,193,543		544,764,885
1901	823,171,165	1,487,764,991	2,310,937,156		664,592,826

The figures for the fiscal year 1902, while they will show a falling off in exports (owing to our short corn crop of last year and the great home consumption of manufactures) and an increase of imports, will compare favorably with recent years. Under the operation of the Dingley tariff we have become the leading export nation of the world, passing Great Britain, with her wonderful prestige of centuries. It will be seen that our balance of trade differs very much now from the years 1893 to 1897. In 1893 the balance was against us, and for the five years from 1893 to 1897, inclusive, the average was only $175,000,000, while during the past five years the average has been about $600,000,000, making a total favorable balance under the five years of the Dingley law of $3,000,000,000.

We are changing under this trade balance from a debtor nation to a creditor nation, if, indeed, we have not already done so. We have an immense freight bill to pay annually, large interest disbursements, and exchanges on account of tourists' expenses abroad, so that with much less than our favorable balance we would have to ship gold abroad in large quantities to pay our bill, as we have had to do in low-tariff times. It will be seen from the table that our exports are nearly double those of 1895. Nearly $1,000,000,000, or two-thirds, are agricultural products, which Europe must have regardless of tariffs, and yet it is in exports of manufacture that we have made the largest relative gain.

We are exporting double the amount of manufactured articles that we were under the Wilson-Gorman law, and we are gaining markets in every quarter of the globe for every product of our mills and factories, and still the free trader keeps up the cry for "free raw material," in order that we may capture the markets of the world, ignorant or forgetful of the fact that we have already 99 per cent free raw material for all that enters into exports of manufactures.

Right here I want to call attention to our great increase in imports, this increase consisting mostly of crude or partly manufactured articles which are consumed by our manufacturers in turning out their finished product. Thus we see the perfect workings of the Dingley law in our exports and imports. It is safe to say that in another half decade, if our present tariff law is undisturbed, our exports will exceed $2,000,000,000 annually, which, while but a small amount as compared with our domestic trade, is still a remarkable exhibition of American progress.

GOLD AND SILVER.

I now wish to present a table showing our imports and exports of gold and silver for recent years. Trade balances are not settled wholly in gold. There are credits and exchanges to be considered, but I notice that our gold generally goes abroad in low-tariff times and comes back in protection times. Here are the figures under the Wilson-Gorman law and the Dingley law:

Total value of imports and exports of gold and silver coin and bullion, 1893-1901.

GOLD.

Year ending June 30—	Imports.	Exports.	Excess of—	
			Imports over exports.	Exports over imports.
1893	$21,174,381	$108,680,844		$87,506,463
1894	72,449,119	76,978,061		4,528,942
1895	36,334,760	66,468,481		30,083,721
1896	33,525,065	112,409,947		78,884,882
1897	85,014,780	40,361,580	$44,653,200	
1898	120,391,674	15,406,391	104,985,283	
1899	88,954,603	37,522,086	51,432,517	
1900	44,573,184	48,236,754		3,663,575
1901	66,051,187	53,185,177	12,866,010	

SILVER.

Year ending June 30—	Imports.	Exports.	Excess of exports over imports.
1893	$23,193,252	$40,737,319	$17,544,067
1894	13,286,552	50,451,265	37,164,713
1895	20,211,179	47,295,286	27,084,107
1896	28,277,186	60,541,670	31,764,484
1897	30,533,227	61,946,638	31,413,411
1898	30,927,781	55,105,239	24,177,458
1899	30,675,056	56,319,055	25,643,999
1900	35,256,302	56,712,275	21,455,973
1901	36,386,521	64,285,180	27,898,659

Silver is a commodity, and the excess of exports should be added to our trade balance, but gold is the commodity or money used in settlement. It will be seen that in the four years 1893, 1894, 1895, and 1896 we exported over $200,000,000 more than we imported, while in the four years 1897, 1898, 1899, 1900 we imported over $200,000,000 in excess of the amount exported.

The gold holdings of the United States now aggregate $555,000,000, not only the largest amount of gold ever held by the Treasury, but for the first time the outstanding gold certificates exceed in volume the amount of United States notes or greenbacks. No longer ago than 1899 the outstanding certificates amounted to only $34,500,000; now they amount to $347,000,000. In 1892 the circulation of gold certificates rose to $171,700,000, but during the free-trade panic the circulation fell to $70,000,000. Our $555,000,000 of gold is the largest amount possessed by any government in the world.

FAILURES.

With such phenomenal advances in all branches of business, with such a great amount of increased capital invested and concerns in operation, we should almost expect to find an increased number of failures, for suspensions and failures in business are as inevitable as sickness and death in the most healthful communities. But sickness and the death rate depend to a degree on sanitary and other conditions, and suspension and failures in business depend, it would seem by the figures I now present, on tariff conditions.

I take the following statistics of failures from Dun's Review:

Failures.

Calendar year.	Number.	Liabilities.
1892	10,344	$114,044,167
1893	15,242	346,779,889
1894	13,885	172,992,856
1895	13,197	173,196,060
1896	15 088	226,096,834
1897	13,351	154,332,071
1898	12,186	130,662,899
1899	9,337	90,879,889
1900	10,774	138,495,673
1901	11,002	113,092,376

These I assert are most significant figures. In 1892 the number and amount of liabilities were normal. In 1893, with the assurance of some kind of a free-trade law, came panic and ruin. The figures tell the story. In 1894 and 1895 the figures, while a decrease from 1893, were still abnormal, but 1896 was another bad year with nearly as many failures as in 1893, though with somewhat lesser liabilities. But what a change with the coming of protection. Look at the figures for the past five years. The amount of liabilities for the four years 1893, 1894, 1895, and 1896 average $229,000,000 a year, while for the four years 1898, 1899, 1900, and 1901 they average only half as much in spite of the enormous increase in business enterprises. No argument I could make would teach a greater lesson than the figures themselves.

AVERAGE RATE OF DUTY.

I now want to call attention, Mr. President, to the free-trade assertion that the rates of duty under the Dingley law are exorbitant.

The average ad valorem rate of duty is not determined by legislation, but by actual imports. The ignorant free-trader, in a spasm of assumed indignation, may declare that Dingley duties are the highest ever imposed, but he either does not know what he is talking about or he is deliberately trying to deceive.

It will be both interesting and instructive to see just what the rate has been under the Dingley law, and compare it with the rate of preceding laws.

For the four years ending June 30, 1901, the average ad valorem rates of duty on all imports were: 1898, 24.77; 1899, 29.48; 1900, 27.62, and 1901, 28.91 per cent. For 1902 the rate will be about 29 per cent. So we may safely average the rate under the five years at 28 per cent. This compares with about 21 per cent under the three years of the Wilson-Gorman Act. But how does it compare with former protective years? From 1870 to 1890 the rates were as follows:

1870	42.23	1880	29.07
1871	38.94	1881	29.75
1872	37	1882	30.11
1873	26.95	1883	29.92
1874	26.88	1884	28.44
1875	28.20	1885	30.59
1876	30.19	1886	30.13
1877	26.68	1887	31.02
1878	27.13	1888	29.99
1879	28.97	1889	29.50

This is an average of over 31 per cent for the twenty years. This, then, disproves the statement that Dingley rates are excessive. In only four years out of the twenty—from 1870 to 1890—were they so low as the average Dingley rate. This proves that tariff framing is a science, and that the Dingley tariff is not only a wise and equitable measure, but a scientific measure.

Again, as regards duties collected. I have already shown that as a revenue measure the Dingley law is giving us a large and ample amount of duty. But how does it average among the people? The per capita duty collected under the Dingley law has been as follows: 1898, $1.99; 1899, $2.72; 1900, $3.01; 1901, $3.06, and for 1902 it will be about $3.10. So, leaving out the first year, when the amount of duty was low and abnormal, we have an average per capita annual duty of less than $3.

Now, taking the years from 1870 to 1890, we find the per capita duty to be—

1870	$4.96	1880	$3.64
1871	5.12	1881	3.78
1872	5.23	1882	4.12
1873	4.44	1883	3.92
1874	3.75	1884	3.47
1875	3.51	1885	3.17
1876	3.22	1886	3.30
1877	2.77	1887	3.65
1878	2.67	1888	3.60
1879	2.73	1889	3.60

or an average duty of $3.73 per capita. And so another "burden of the people" is dissipated.

Even if the entire tariff tax were borne by consumers, which is by no means the case, we are each taxed only $3 a year (and actually not more than $2) for the blessings and benefits of Dingleyism.

The proportion of the free imports is nearly 50 per cent, and was over 50 per cent under the McKinley law, while from 1870 to 1890 it was only about 30 per cent. So, whether we consider the Dingley law from the standpoint of duty rate, per capita duty, or per cent of free imports, we find it to be the most just and equitable measure ever framed.

SOME PER CAPITA FIGURES.

To show that our great progress under the Dingley law has far outstripped our rate of increase in population, I will present a few per capita statistics, as an example of all, from 1896 to and including 1901:

Per capita statistics.

Year.	Population.	Amount of money in United States July 1.	Money in circulation July 1.	Debt, less in Treasury, July 1.	Interest on public debt year ending June 30.	Exports.	Post-office.	
							Revenue.	Expenditures.
1896	70,254,000	$25.62	$21.44	$13.60	$0.49	$12.29	$1.17	$1.34
1897	71,592,000	26.62	22.91	13.78	.48	14.42	1.15	1.34
1898	72,947,000	28.43	25.19	14.08	.47	16.59	1.22	1.39
1899	74,318,000	29.47	25.62	15.55	.54	16.20	1.28	1.41
1900	76,303,387	30.66	26.93	14.52	.44	17.96	1.34	1.46
1901	77,647,000	31.98	28.02	13.45	.38	18.81	1.44	1.49

PRICES.

Mr. President, I have shown many of the blessings, benefits, and advantages of living under the Dingley tariff. Are there any disadvantages? At once I hear the freetrader cry, "How about prices? Isn't it costing us more to live than we can make in increased earnings?" I answer, No! The savings banks deposits of $200,000,000 a year answer, No! The $400,000,000 annual premiums on life insurance answer, No! The mortgages released answer, No! The installments paid on the home and the furniture answer, No! The luxuries enjoyed answer, No! And all these come out of the surplus after the necessaries have been provided.

When we have low prices and low wages and no wages, there is no surplus and there are no luxuries. It is hard enough scraping to get the necessaries. But prices of many things have risen while other prices have fallen. And right here let me emphasize the fact that the prices of the greatest and most extensive commodity in the land, a commodity that comprises 90 per cent of all production—American labor—has increased since the Dingley law went into operation fully 50 per cent.

I have shown that the railroad employees of the country are getting 50 per cent more pay than in 1895-96. I have shown that the workingmen of all classes in Massachusetts are getting from 40 to 50 per cent more earnings than in 1896. I have shown that the farmers of the country are getting from 50 to 100 per cent more for their products than in 1896. And so I believe that the income of the people of the United States is to-day much more than 50 per cent greater than it was in the summer of 1896 when one of the framers of the Wilson-Gorman law, under which we were then trying to exist, was asking the people to make him President instead of William McKinley.

No; we are not living in cheap times. Protection does not breed cheapness. It tends to make prices equitable to both producer and consumer, but the millennium has not yet come, and so we find occasional wrong and injustice, and sometimes the price of a single commodity will be exorbitant for a period till the abnormal conditions are adjusted by the inexorable process of demand, supply, and competition. Sometimes it is one thing, sometimes it is another. It may be coal or meat, or it may be ice or eggs, but whatever the commodity or the cause it is only temporary.

But suppose steel rails are $5 or $10 a ton more than they were in 1896. Is the railroad passenger paying any more for his fare? Is the freight shipper paying any more for carrying his products? No; they are paying less, and the dividends to stockholders are greater.

Protection is the great leveler; but it levels up, not down. I now want to present the following from Dun's Review, an absolutely impartial source. It explains itself fully:

PRICES PROPORTIONED TO CONSUMPTION.

In the following table the course of prices of commodities is shown, with due allowance for the relative importance of each. Quotations of all the necessaries of life are taken, including whisky and tobacco, and in each case the price is multiplied by the annual per capita consumption, which precludes any one commodity having more than its proper weight in the aggregate. For example, the price of a bushel of wheat is multiplied by 5.55, representing the annual per capita consumption of 4¼ bushels for food, and the remainder as allowance for seed. The price per pound of coffee is taken 9 times, of cheese 2.3, of chemicals only fractions of an ounce in some cases.

Thus, wide fluctuations in the price of an article little used do not materially affect the index, but changes in the great staples have a large influence in advancing or depressing the total. For convenience of comparison and economy of space the prices are grouped in seven classes: Breadstuffs include many quotations of wheat, corn, oats, rye, barley, beans, and pease; meats include live hogs, beef, sheep, and many provisions, lard, tallow, etc.; dairy and garden products embrace eggs, vegetables, fruits, milk, butter, cheese, etc.; other food includes fish, liquors, condiments, sugar, rice, tobacco, etc.; clothing covers the raw material of each industry, and many quotations of woolen, cotton, silk, and rubber goods, as well as hides, leather, boots, and shoes; metals include various quotations of pig iron, and partially manufactured and finished products, as well as the minor metals, tin, lead, copper, etc., and coal and petroleum; miscellaneous includes many grades of hard and soft lumber, lath, brick, lime, glass, turpentine, hemp, linseed oil, paints, fertilizers, and drugs.

The chief advance in the general level as compared with the low-record prices of July 1, 1897, will be found in the first three classes. Short crops due to drought and the seasonable advance in eggs and similar articles make the present position of food stuffs abnormal. The third decimal is given for accuracy of comparison, thus $101.587 representing $101.58 and seven-tenths of a cent. This figure does not purport to show the exact average annual cost of living on January 1, 1902, because wholesale prices are taken and all luxuries omitted. Its economic value is in showing the percentage of advance or decline from month to month.

Index figure of prices, January 1.

Year.	Breadstuffs.	Meats.	Dairy and garden.	Other food.	Clothing.	Metals.	Miscellaneous.	Total.
1888	$18.565	$8.920	$15.030	$10.340	$15.140	$17.330	$14.577	$99.902
1889	18.195	8.705	14.670	10.480	15.170	17.360	14.496	99.076
1890	13.765	7.620	12.675	9.935	14.845	16.240	15.111	90.191
1891	19.725	7.810	16.270	10.215	14.135	15.875	14.217	98.247
1892	17.700	7.895	13.180	9.185	13.430	14.665	13.767	89.822
1893	15.750	9.315	15.290	9.595	13.900	15.985	14.320	94.155
1894	13.530	8.655	13.945	8.945	12.880	14.595	13.512	86.032
1895	14.311	8.359	12.196	8.607	11.886	12.026	13.607	80.992
1896	11.380	7.540	10.969	8.898	12.787	12.803	13.403	77.780
1897	11.729	7.327	10.456	8.170	12.407	13.014	12.399	75.502
1898	13.511	7.396	12.371	8.312	14.654	11.572	12.184	79.940
1899	13.816	7.520	11.458	9.096	14.150	11.843	12.540	80.423
1900	13.254	7.258	13.702	9.200	17.484	18.085	16.312	95.295
1901	14.486	8.407	15.556	9.504	16.024	15.810	15.881	95.668
1902	20.002	9.670	15.248	8.952	15.547	15.375	16.793	101.587

It will be seen that the total is but little above that of 1888 and 1889. Curiously, too, the index figure for 1892 is less than for any of the four preceding years and lower than the year following, and yet in 1892 we elected a low-tariff Administration in all three branches of the Government because of the false ery of high prices. In this connection I want to quote from an address delivered by T. Z. Cowles, editor of the American Economist, before the Society of Political Inquiry at Morristown, N. J., April 11, 1902. And right here I want to acknowledge my indebtedness to the American Economist and the American Protective Tariff League for much of the information I have used in this speech.

Speaking of prices, Mr. Cowles said:

The American wage-earner is not finding very much fault. Zealous friends on the free-trade side are doing their utmost to convince him that he is being crucified for the benefit of the trusts, and that the cost of living has far exceeded any gain made in the shape of better wages, but they are not making very much headway in carrying that conviction to the mind of the wage-earner. In reply, he has only to point to the enormous increase of nearly 100 per cent in the last five years of deposits in the savings banks throughout the country, and to an equal increase of investments in building and loan associations. That certainly would not seem to indicate that the wage-earner was getting very greatly the worst of the situation.

One thing the wage-earner knows—that it is not so much the price of an article as the ability to pay the price that concerns him. If he can buy a suit of clothes for $4 and does not have the $4 in his pocket, the price is of very little consequence to him; but if the suit of clothes costs $5 and he now has $6 in his pocket, he can look upon the situation with perfect complacency. Statistics of the census covering the year 1900 show in every State of the Union thus far enumerated not only an increase in the general rate of wages, but a very much larger increase in the gross sum of wages paid out. That is to say, while the per capita rate of wages has undoubtedly increased in the period of prosperity brought about by the protection, the gross sum of employment has enormously increased. That is what counts.

NATIONAL FINANCES.

I have shown what protection has done for agriculture and manufactures, for our railroads and our foreign commerce. I now want to note its effect upon our national debt and finances. From the last report of the Secretary of the Treasury I quote the following:

On April 1, 1898, the interest-bearing debt of the United States was $847,366,680. Incidental to the war with Spain the debt was increased, so that on November 1, 1899, its highest point, the amount stood at $1,046,049,020. Two years later, on November 15, 1901, the debt stood at $954,027,150, showing a reduction of $92,021,870.

This statement covers only the face amount of the debt. Interest is as much a part of the debt as is the principal, and this feature of the debt has been anticipated and paid to an amount nearly as great as has been the reduction of the principal. By the application of $43,582,004 of the public moneys, interest to the amount of $54,548,424, which would otherwise have been a charge against the Treasury during the next seven years, has been paid, so that, broadly speaking, the public debt within two years has been reduced by the sum of $146,570,294.

But this by no means tells the whole story. The cash fund in the Treasury has risen from $226,166,944 on April 1, 1898, to over $350,000,000 to-day. In a single year the annual interest charge has been reduced from $40,347,884 to $28,471,228, and yet Mr. Cleveland, in times of peace, but also of low tariff, had to borrow $262,000,000, and the bonds he sold bore 4 and 5 per cent interest. During the past year or two much of our debt has been refunded on a 2 per cent basis, and to-day Uncle Sam's credit is such that he could borrow a billion at 2 per cent.

But Uncle Sam is not borrowing in protection times. He is buying his own bonds, canceling his debt, and reducing his interest charges. He has $200,000,000 in the Treasury over and above the $150,000,000 gold reserve legally required. There is in circulation $2,246,300,542, or $28.72 per capita, against a circulation of $1,594,195,479 in 1895, and a per capita circulation of $21.44 in 1896. There is an estimated surplus of $80,000,000 for the fiscal year 1902 in spite of a large reduction in taxation.

And what of the people of the United States? The Secretary notes that they have a credit in the national banks of over $3,000,000,000, and in the savings banks there are deposits of nearly $3,000,000,000 more. Remarkable figures these. Do you want any greater proof that low tariff is a debt maker and protection a debt payer?

ASTOUNDING STATISTICS.

American financial and commercial statistics are to-day the wonder of the world. Our wealth of $100,000,000,000, or $1,250 per capita; our net debt of less than $1,000,000,000, or only $12.50 per capita; our savings bank and loan association deposits of $3,000,000,000; our national bank deposits of $3,000,000,000 more; our life insurance of $13,000,000,000; our annual fire insurance risks of $20,000,000,000; our bank clearings of $100,000,000,000; our manufactures of $15,000,000,000; our agricultural returns of $8,000,000,000; our favorable balance of trade of $600,000,000; our Government receipts of $700,000,000 and expenditures of $600,000,000; our Treasury fund of $350,000,000; our more than $2,000,000,000 of money in circulation; our $150,000,000 (coining value) product of gold and silver; our $1,500,000,000 railroad earnings, and, greatest of all, our actual turnover in commerce, trade, transportation, and general business of more than $30,000,000,000—these are figures to astonish the world.

We are the only nation of importance paying off our debt. We could sell $1,000,000,000 of bonds at 2 per cent in twenty-four hours. Money is accumulating in our National Treasury faster than we can use it. We are paying $140,000,000 a year in pensions. Since 1860 we have disbursed nearly $3,000,000,000 in this way; have paid off nearly $2,000,000,000 of debt, besides paying $2,750,000,000 of interest.

These are remarkable figures for one of the youngest nations of the earth. What they will be in another century or even in another generation can not even be estimated. With a rehabilitated American merchant marine, an isthmian canal, continued protection, peace, and prosperity the future must hold even more wonderful results for the United States than any that have transpired.

HOW WE COMPARE WITH THE REST OF THE WORLD.

Our progress under the Dingley tariff has been such that we no longer compare the United States with other nations, but with all the rest of the world combined. With less than 5 per cent of the population and only 7 per cent of the area, we are, nevertheless, about equal industrially to half the remainder of mankind.

We equal or surpass all the rest of the world in corn, cotton, eggs, petroleum, leather products, copper, and forest products.

Of the following we produce two-thirds as much as the rest of the world: Coal, pig iron, steel, and three-fifths of the total food and agricultural products and manufactures.

We produce one-half as much as the rest of the world in silver, iron ore, fish; one-third as much in gold, wheat, oats, hay, butter, and cheese; one-fourth as much in hops and beer; one-fifth to one-tenth as much in barley and wool.

We consume, reckoned in value, twice as much corn as all the rest of the world combined, one-fifth as much wheat, one-third as much oats, one-third as much cotton, one-fifth as much wool, one-third as much sugar, one-half as much fish, nearly as much coffee, one-fourth as much tea, about three-fifths as much meat—all food and agricultural products.

We have one-third as much wealth as all the rest of the world, one-third as much gold, one-fifth as much silver, one-tenth as many sheep, one-third as many cows, as much forest area, two-thirds the railroad mileage, or, counting total track, about as much as all the rest of the world combined. We have twice as much life insurance in force, one-half as much savings-bank deposits, we spend two-thirds as much for education, we have one-fourth the spindles in operation, nearly one-fourth as much shipping, one-fourth as many exports, about one-tenth as much revenue and expenditures, and less than one-thirtieth as much debt.

Taking everything into consideration we produce and consume about half as much as the rest of the world combined. Remember, the comparison is not with the world, but with all the rest of the world besides ourselves.

There is not a much better index to a country's condition than the freight carried. According to the junior Senator from New York [Mr. DEPEW], who should be an unquestioned authority on railroad business, the freight carried on the railroads of the United States equals the freight carried on all the other railroads of the earth and by all the ocean shipping. To this should be added our immense lake and coast trade.

Ex-Speaker Reed estimated that the people of the United States, when our population was about 70,000,000, were equal as consumers—as a market for our own and the world's production—compared with the rest of the world, to 700,000,000. The same comparison seems to hold good to-day, and our 77,000,000 people are equal to 770,000,000, or one-half the rest of the world. That is, every man, woman, and child in the United States is equal to ten persons outside of the United States, particularly as consumers of our own and the world's products of agriculture, mining, and manufacture.

As regards power of production, Mulhall has shown that a farm hand in the United States does as much as two in the United Kingdom, three in Germany, five in Austria, and seven in Russia. The farm laborers of Europe do nine times the work to get double the result of the farm laborers in the United States. That is, it takes four and one-half Europeans to equal one American. Extend the comparison to Asia and Africa and we find that the average United States producer is equal to ten the world over, outside of our own country. This comparison is emphasized by our coal consumption and steam power, and finally by our products of manufacture.

We are to-day practically independent of the rest of the earth. In a few years we shall raise our own sugar and fibers, manufacture our own silk, and, in fact, we shall produce almost everything used by mankind.

The conclusion, then, is warranted that in another generation, if the present system of protection is continued, the people of the United States and Territories will equal or surpass in production, consumption, and wealth the peoples of the rest of the world combined.

THE FOREIGN AND HOME MARKET.

I quote the following from the American Economist showing the relative value of the foreign and home market:

Do the people who spend so much brain power in seeking means for the enlargement of our foreign trade ever stop to think what a prodigiously big thing they lose sight of when in search of an infinitely smaller thing? Do they realize that while our foreign trade in manufactured articles of domestic production was $433,851,756 in 1900, the total volume of our internal trade for that year was over $30,000,000,000? It was estimated three years ago that our commodities carried from one part of the country to another for sale at home were worth about $28,000,000,000 a year, which was thirteen times the value of our entire foreign trade, and that the citizens of this country buy $40 worth of home products for every dollar they expend for foreign commodities. The foreign trade of the United States, therefore, is of small importance in comparison with its home commerce.

According to the statistics of the Twelfth Census, the gross value of our manufactured products, which amounted in 1900 to over $13,000,000,000, fairly represented the volume of our internal trade in manufactured articles, exclusive of the retailing of the products of the manufacturers, which represents transactions involving an amount at least as great, and consists of the reselling of these products as they pass into the possession of the ultimate consumer. The total money volume of the wholesale and retail transactions in the manufactured products of the United States is unquestionably greater than the volume of international trade of all the principal countries of the world, which equals the sum of $20,005,884,354, exports and imports added together. This does not include our immense home trade in raw materials that are not manufactured. It is likely that the volume of our total internal trade in 1900 was over $30,000,000,000.

The value of our internal commerce in proportion to population is greater than that of any other country, because Americans spend more for food, clothing, rent, and many comforts of life than any other people. At the end of the last century the wealth of the United States, estimated at $94,000,000,000, was equal to the combined wealth of Russia, Italy, and Spain, was double that of Germany, and nearly double that of France and a fourth larger than that of the United Kingdom.

The point of the whole matter is the comparison between the value of our own trade in our own great market, and the value of our trade with all the rest of the world, viz: Total internal trade for the year 1900, $30,000,000,000; total foreign trade for the year 1900, $2,201,282,823—more than 14 to 1. Is it not about time that the domestic producer left off worrying about the $1, which he already has, and can always keep—that is to say, the foreign trade that can not grow less, for we have that to sell which the world must have and will continue to buy—and devote his attention more assiduously to the $14, which, as experience shows, may easily grow less as the result of economic blundering, but must inevitably increase if we keep to the safe line of looking after the great home market. In short, can we afford to risk the certainty of a trade worth $30,000,000,000 in the doubtful scramble for a trade worth less than one-fourteenth of that amount? The study should be how not to decrease the purchasing power of a population that every year consumes $30,000,000,000 of domestic products.

Our sales to the world outside of ourselves amount to, say, $1,500,000,000; our sales at home amount to $30,000,000,000. That is the relative value to us of the world's markets and our home market. There are freights, commissions, and profits to be considered in foreign sales, while in home sales all transactions add to the income of the people.

EDUCATION.

Mr. President, there have been more scholars in our public and private schools and colleges the past year than ever before in our history. I mean not only in the aggregate, but relatively to population. There was hardly a city in the country whose school facilities were adequate last fall to accommodate the scholars who sought admission. Many of our private schools have been compelled to turn away applicants, and the entering classes of our colleges showed record-breaking registry.

This was not the condition in 1895–96. What has brought about the change? In the first place, it is not necessary for so many children to work in the mill. In the second place, the prosperous man need not keep the children from school for lack of clothes and shoes. Again, it costs money to go through college and technical schools. This all brings up the question of so-called child labor. "Is it not on the increase?" my free-trade friend will ask. I answer that the census report shows an increase in some sections of the South and West, but large decreases in other sections. The very increased demand for child labor when our adults are fully employed is in itself an indication of increased prosperity. While child labor should undoubtedly be regulated by law, it is nevertheless a blessing when the father is dead or disabled that the boys and girls can get good wages and contribute to the support of the family.

But the conditions are so immeasurably improved over the years of the Wilson-Gorman tariff that I can not refrain from calling your attention to the fact. We have the best system of public schools in the world. We have the best paid teachers, the most comfortable structures, and an army of scholars who are reaping benefits far greater than ever before in our history and far greater than can be found in any other country, and as I have already shown we are expending for education 40 per cent as much as all the other countries of the world combined.

THE AGE OF LUXURY.

In a recent number of Leslie's Weekly Francis Curtis has an article under the caption "The Age of Luxury." The term is most fit and the picture so true that I want to quote from the article as follows:

We have had our iron age and our age of steel. Cotton has been king. Corn and wheat have both sat on the throne. Time was when there was "nothing like leather," and even the American hog has ruled abroad as well as at home. Electricity has worn the crown, and one after another of our productions has for a time held sway, giving place to some industrial rival, till, instead of any one being supreme, we are foremost with many.

So at this beginning of a new century we live in an age as foreign to that of our fathers as steam and electricity compare with sail and candle. Well may we call it the age of luxury.

It would be difficult indeed to define luxury as found in the United States, or to draw the line between luxury and necessity. Many of the things which we have become accustomed to class among the necessaries of life are thought of abroad as luxuries or are not enjoyed at all. We might (but think we can not) do without a thousand and one comforts and conveniences which our fathers would have considered extravagant and unnecessary. In our homes, at our offices, on our travels, at every turn of life, we enjoy luxuries innumerable.

Instead of the old-time one weekly paper, we now have our morning and evening daily, our illustrated, religious, and other weeklies, and one or more monthly magazines. We have our luxuries in food and our luxuries in dress. Even the dolls of our children are better dressed and have more "things" than did our grandparents themselves when children. Our homes are filled with luxurious furniture and bric-a-brac, our tables are set with costly china and glassware, and our rooms are hung with the rarest pictures and curtains. Our offices are equipped with easy chairs and rugs, with open bookcases and desks, with telephone and mail-chutes. Our railroad, parlor, sleeping, and dining cars are luxurious in every detail, and our hotels are palaces from entrance to roof.

Milady's gowns and wraps and lingerie and gloves and handkerchiefs are fit for any queen, and every daughter is a princess in wealth of apparel and comforts. In amusement there is no limit to luxury. Millions and hundreds of millions are annually spent at the theater, on yachting, golf, football, receptions, dinners, teas, and balls. We have our pianos, our phonographs, our automobiles, our bicycles, and our carriages for adult, baby, and doll. We have our sealskins and furs, our silks and satins and fine linen, our feathers and boas, our velvets and laces, our paintings and roses, our hand-painted ware and ornaments, our diamonds and rubies and pearls, our watches and clocks, our sweets and perfumes, and so on ad infinitum.

We spend over a billion a year in drink, outside of tea and coffee; we spend over half a billion in tobacco and a quarter of a billion in confectionery, fruit, and flowers. It is estimated that our present annual bill for luxuries exceeds $10,000,000,000. And only half a century ago our fathers would have been amazed at even the thought of such expenditures and would have termed it folly.

And yet the making and production of these luxuries form the basis of much of our prosperity, and in turn it is our prosperity that enables us to enjoy such comfort and luxury. We would hardly want to go back to the days of Jefferson and Hamilton and Franklin, or even to the days of Lincoln and Seward. So here is to the age of luxury, and may it be but a beginning of a still higher plane of moral living and a still greater enjoyment of the noblest things of life.

LOOKING SOUTHWARD.

If there still remains any section of our common country whose people cling to the traditions of the past and decline to recognize the fact and the logic of the present, let us hope that they will turn their faces to the great light of to-day, the light of splendid progress and prosperity. They should forget and remember—forget that they were for a brief period alienated from sympathy and good will toward neighbors and friends, and remember that all past differences have been wiped off the record and that they now stand with all the people upon the exalted ground of mutual patriotism.

They may well forget that they have been free traders for nearly three-quarters of a century, and remember that their great apostle in economic doctrine abandoned protection only because he believed that the control of the world's supply of a great agricultural staple placed the producers of that staple in the enviable position of being able to sell in the dearest and buy in the cheapest of markets with advantage and profit. He did not foresee the tremendous possibilities connected with an industrial development that under protection was to convert this raw product into finished material at home, saving ocean transportation charges across and back, and involving the investment of home capital, the employment of home labor, and the payment of home wages. He could not foresee the tremendous unearthing of buried treasure in the iron mines that under the Dingley tariff was to follow the establishment of a gigantic producing industry upon the firm and enduring basis that only protection could provide.

None of these tremendous possibilities, now accomplished facts, were present in the mind of Calhoun when he shifted from protection to free trade, otherwise he would not have shifted. So I say to our friends and neighbors to the southward, "Forget that you were free traders, and try to remember what protection has done, is doing, and stands to do for you." Signs are not wanting that they are forgetting and that they are remembering. A little time may be needed to complete the process of reversion, but I am thankful to believe that they are on the right track and not long hence will plant their feet alongside of ours on the solid rock of protection to American labor and industry.

CONCLUSION.

Mr. President, I have presented briefly many of the material benefits which we as a nation and as a people have derived from the operation of the Dingley tariff. But I have by no means told the whole story. We can estimate the production and consumption of the necessaries and luxuries of life, but the comforts and contentment and happiness of the American home is inestimable. How can we calculate the joy of the farmer or mechanic in being able to give his sons a college education? How can we calculate the pleasure of taking home the latest book; of taking the wife or sweetheart to the play or concert; of buying

the piano for the daughter; of filling the vase with flowers; of taking home the candy and toys for the little ones? Why, it is Christmas the year round in millions of American homes. The birthdays are joyful days. The summer trips to the mountains and seashore and country in vacation time are not to be measured by dollars and cents in the happiness and health they give to millions of wives and children.

No, Mr. President, there is no computing the blessings and benefits of protection. We can not measure happiness by the yard or pound or quart or dollar's worth, but we can produce it and enhance it and continue it by continuing protection and prosperity. I met an old farmer recently, a sterling old man who voted for Franklin Pierce and has voted for every Democratic candidate for President and Congress since. I asked him, "Well, how is the farm?" Without answering, he said, "Senator, I want to tell you something. I am going to vote the Republican ticket next fall and in 1904 and as long as I live." "Why, how is that?" I asked. He replied: "Simply because I am tired of voting against prosperity."

There is the whole thing in a nut shell. Not only the truck farmer of New England, but the wheat grower of Minnesota, the corn grower of Kansas, the sugar grower of Louisiana, the cotton planter of Georgia, back to the wool grower of Ohio and the tobacco planter of Virginia and Connecticut, way to the fruit grower of California—the capitalist, the millworker, the railroad hand, the merchant and clerk, the professional man—every one, from the most elevated position to the humblest—must vote for or against prosperity.

And right here let me quote again from Mr. Cowles's address:

A wise wag once said in response to the toast, "Here's to your prosperity. May you stand it like a man." "That's a better sentiment than you think it is," said he. "It takes a clever man to stand prosperity. Any fool can stand adversity; he has to."

Our friends on the other side are looking for an issue. They need not worry, the issue is looking for them. Prosperity is the issue, and all other questions are secondary. The American standard of living, American manhood and American homes are but the resultants of Republican legislation, the sequences of a protective tariff which brought to us and will continue to give us an unprecedented age of luxury, an unparalleled era of prosperity.

REDEMPTION OF CERTAIN INTERNAL-REVENUE STAMPS.

Mr. ALDRICH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments numbered 1, 2, 3, and 4, and agree to the same with an amendment as follows:

Strike out said Senate amendments and all of said bill (H. R. 6570) after line 6, page 1, and insert in lieu thereof the following:

"Excepting documentary and proprietary stamps issued under the act of June 13, 1898, which stamps may be redeemed as hereinbefore authorized, upon presentation prior to the 1st day of July, 1904" so that said proviso shall read as follows: "*Provided further*, That no claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of said stamps from the Government, excepting documentary and proprietary stamps issued under the act of June 13, 1898, which stamps may be redeemed as hereinbefore authorized, upon presentation prior to the 1st day of July, 1904."

NELSON W. ALDRICH,
O. H. PLATT,
H. M. TELLER,
Managers on the part of the Senate.
SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

BILLS PASSED OVER.

The PRESIDENT pro tempore. The Secretary will state the first bill on the Calendar under Rule VIII.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as the first bill on the Calendar.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. The bill goes over. These bills, when objection is made, will remain on the Calendar, retaining their place, the Chair understands.

PERSONAL TAXES IN THE DISTRICT OF COLUMBIA.

The bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia was announced as next in order.

Mr. ALDRICH. Let that go over.

Mr. PLATT of Connecticut. Is not that the bill which has been incorporated in the District of Columbia appropriation bill?

Mr. ALDRICH. Yes.

Mr. PLATT of Connecticut. Why ought it not to go off the Calendar?

Mr. ALDRICH. I do not see any reason why it should not, although I dislike to make that suggestion.

Mr. PLATT of Connecticut. The chairman of the committee is not here. The Senator from New Hampshire [Mr. GALLINGER] is here.

Mr. GALLINGER. That bill might go from the Calendar.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

ORDER OF BUSINESS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 12056) granting an increase of pension to Warren C. Plummer.

Mr. ALDRICH. We are proceeding under a unanimous-consent agreement.

The PRESIDENT pro tempore. The Senate is proceeding under a unanimous-consent agreement.

Mr. McCUMBER. Is there any objection to this bill?

Mr. ALDRICH. No; but we are taking up the bills in their order on the Calendar.

Mr. McCUMBER. I should like to call up this bill to-day if there is no objection to it.

The PRESIDENT pro tempore. It is very likely that it will be reached on the Calendar.

Mr. McCUMBER. It is pretty well along.

ACCOUNTS OF ARMY OFFICERS.

The bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has been read.

Mr. PLATT of Connecticut. Let it be read again.

The Secretary again read the bill.

The PRESIDENT pro tempore. The amendments of the Committee on Claims have been agreed to.

Mr. PLATT of Connecticut. Is the report a long one?

The PRESIDENT pro tempore. It is pretty long.

Mr. PLATT of Connecticut. I will not ask to have it read if it is long.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States relating to the preference in civil appointments of ex Army and Navy officers was next in order on the Calendar.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] desired to be present when the bill was considered.

Mr. ALDRICH. Let it go over.

Mr. KEAN. What is the bill?

The bill was again read by title.

Mr. KEAN. I object.

The PRESIDENT pro tempore. The bill will go over.

Mr. PETTUS. I ask leave to have a bill considered.

The PRESIDENT pro tempore. The unanimous agreement this morning was that the Calendar of unobjected cases should be proceeded with the entire remainder of the day.

The bill (S. 362) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in the insurrectionary districts within the United States, and acts amendatory thereof, was announced as next in order on the Calendar.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. Objection is made, and it will go over.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. FORAKER. I ask that the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, be reprinted as it passed the Senate yesterday.

The PRESIDENT pro tempore. Without objection, the order is made.

PATENT SPECIFICATIONS AND DRAWINGS.

The joint resolution (H. J. Res. 103) relative to the disposition of patent specifications and drawings in the western district of Pennsylvania was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, was next in order on the Calendar.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. It goes over without prejudice.

The bill (S. 2869) for the relief of Abram G. Hoyt was next in order.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3280) for the relief of Curry County, State of Oregon, was next in order on the Calendar.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

The bill (S. 4832) for the relief of Col. H. B. Freeman was annnounced as next in order.

Mr. SCOTT. Let that go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

The bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve was next in order.

The PRESIDENT pro tempore. This bill goes over. It was vetoed by the President.

The joint resolution (S. R. 211) relative to calling of Maj. Cornelius Gardener as a witness as to conditions in the Philippine Islands was next in order.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. Objection is made, and the joint resolution goes over.

DISTRICT OF COLUMBIA TAXES.

The bill (S. 4986) to amend an act entitled "An act to receive arrearages of taxes due District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs," approved February 15, 1902, was next in order, and was read.

Mr. SCOTT. Let that go over.

Mr. GALLINGER. I will say to the Senator that this is a District of Columbia bill. The District Committee has no day. It will take but a moment to pass the bill. I hope the Senator will not object.

Mr. SCOTT. It is a Senate bill and surely will not get through the House.

Mr. GALLINGER. It may.

Mr. SCOTT. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The amendments of the committee were, in line 4, after the word "words," to insert "and;" in the same line, after the word "water-main," to insert "taxes;" in same line, to strike out "special improvement" and insert "special;" and in line 5, after the word "assessments," to insert "levied prior to July 1, 1899;" so as to make the bill read:

Be it enacted, etc., That after the word "ninety-nine," in fifth line, be inserted the words "and water-main taxes and special assessments levied prior to July 1, 1899."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF COMMODORE SLOAT.

The bill (S. 4657) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal., was next in order, and was read.

Mr. KEAN. I should like to have my memory in regard to history refreshed on that case. I ask that the report may be read.

The Secretary proceeded to read the report submitted by Mr. WETMORE, from the Committee on the Library, May 8, 1902.

Mr. SCOTT. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

STOREKEEPER-GAUGER.

Mr. SPOONER. I ask leave to submit a report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be received.

Mr. SPOONER. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 12097) to amend the internal-revenue laws in regard to storekeepers and gaugers, to report it favorably without amendment, and I ask that it be considered at this time. It is a very short bill, it is recommended earnestly by the Secretary of the Treasury and the Commissioner of Internal Revenue, and it is important.

The Secretary read the bill, as follows:

Be it enacted, etc., That the internal-revenue officer holding the combined office of storekeeper and gauger shall hereafter be known and denominated as a storekeeper-gauger, and when performing the combined duties of storekeeper-gauger or when assigned by the Commissioner of Internal Revenue to perform the duties of a storekeeper only at any distillery or at any general or special bonded warehouse, he shall receive for his services the compensation of storekeeper only, but when assigned by the Commissioner of Internal Revenue to perform the duties of gauger only, under the internal-revenue laws, as provided by those laws, he shall receive only the compensation for his services and the traveling expenses which are allowed by law to United State gaugers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WELLINGTON. Mr. President, I rise to a parliamentary inquiry regarding this bill. Would not its consideration be an infringement of the unanimous-consent agreement?

The PRESIDENT pro tempore. The Senator from Wisconsin asked unanimous consent to make a report and to have it considered.

Mr. SPOONER. If it takes any time, I will not press it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3594) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations" was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 1969) to conserve the flood waters of Lake Tahoe, in the States of California and Nevada, and to regulate the overflow thereof, was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. It goes over without prejudice.

The bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose, was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

POTOMAC RIVER FISHING.

The bill (S. 5299) to amend sections 897 and 903 of subchapter 7 of chapter 19 of an act entitled "An act to establish a code of law for the District of Columbia" was read as next in order.

Mr. PLATT of Connecticut. I should like to have some explanation of what this bill means.

Mr. McCOMAS. I think the Chair will recognize that there are some very bad names for bass in the bill.

Mr. PLATT of Connecticut. The bill reads:

That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 1st day of April and the 29th of May of each year——

That I understand—

nor have in possession or expose for sale any of said species of fish at any other time during the year except by angling——

Mr. ALDRICH. They are not to be caught in a seine.

Mr. GALLINGER. Not in nets.

Mr. McCOMAS. I think the Chair could enlighten us better than anyone.

Mr. PLATT of Connecticut (reading)—

nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices.

Mr. ALDRICH. I think the bill had better go over.

The PRESIDENT pro tempore. The Senator from Rhode Island thinks that the bill had better go over, and the Chair concurs with him.

Mr. McCOMAS. Izaak Walton could not, two hundred years ago, have parsed that English.

The PRESIDENT pro tempore. The bill goes over.

JOHN HORNICK.

The bill (H. R. 8108) for the relief of John Hornick was considered as in Committee of the Whole. It recites that John Hornick served in the infantry service of the United States for nearly three years during the war of the rebellion, and was honorably discharged from such service, and proposes to relieve him from

any disability now or heretofore existing, since the date of his discharge, by reason of any defective naturalization, or by reason of not having been duly naturalized under the laws of the United States. It also authorizes him to prosecute, in the Court of Claims of the United States, Indian depredation claim numbered in that court 10389.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSIGNEE OF JOHN GAFFORD.

The bill (S. 1156) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, was announced as next in order.

Mr. ALDRICH. Let that bill go over.

Mr. BERRY. I hope the Senator will not object to that bill. It is a claim which accrued before the war commenced, and has been due for all these years. There is no reason in the world why the bill should not pass.

Mr. ALDRICH. Most of these claims are very doubtful; but if the Senator knows anything about this particular claim I shall be glad to have him state it.

Mr. BERRY. I know all about it. There is no doubt about this claim, and the Committee on Post-Offices and Post-Roads unanimously reported it.

Mr. PLATT of Connecticut. Let the report be read, and then we can understand what the claim is.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. PENROSE May 15, 1902, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1156) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, having had the same under consideration, beg leave to make the following report and recommend the passage of the bill:

The facts in this case are fully set forth in the following letters from the Postmaster-General, under date of April 22, 1902, and from the Acting Auditor for the Post-Office Department, under date of April 23, 1902:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 22, 1902.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, with inclosures, asking for an expression of opinion of this Department in regard to Senate bill 1156 for the relief of John C. Ray, assignee of John Gafford, of Arkansas, and, in reply, to state that the records of this Department show that there was a contract with John Gafford for carrying the mail on route No. 7956, from Hot Springs to Paris, Tex., 183 miles, one round trip a week, compensation $1,399 per annum, for the term from July 1, 1858, to June 30, 1862, and that under date of May 31, 1861, an order was issued by the Postmaster-General suspending service on said route from May 31, 1861.

As the information in regard to the settlements with the contractor for service performed under the contract could only be had from the records of the office of the Auditor for the Post-Office Department, I have referred your letter and inclosures to that officer with the request that he advise you in regard thereto.

Very respectfully,

H. C. PAYNE,
Postmaster-General.

Hon. BOIES PENROSE,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, April 23, 1902.

SIR: In reply to your letter of the 18th instant, received by reference from the Postmaster-General, relative to Senate bill No. 1156, for the relief of John C. Ray, assignee of John Gafford, mail contractor in Arkansas during 1860 and 1861, I have the honor to inform you that the records of this office show that John Gafford had the contract for carrying the mail on route 7956, from Hot Springs, Ark., to Paris, Tex., from July 1, 1858, to June 30, 1862, and that there stands to his credit the sum of $853.25 for service from October 1, 1860, to May 31, 1861, on which date all mail service in the Southern States was discontinued. This balance was reported to the Secretary of the Treasury, for appropriation by Congress, on February 3, 1883, but no provision has been made for its payment.

The papers in the case are herewith returned. Many of this class of claims were paid by the Confederate States Government, but the Confederate records (mutilated), now in the custody of this office, do not show, so far as they go, that any payment was made to Mr. Gafford under his contract with the United States.

Respectfully,

H. ALLEN,
Acting Auditor.

Hon. BOIES PENROSE,
United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. PLATT of Connecticut. I should like to ask the Senator from Arkansas how this case differs from a great number of cases which must have been similarly situated, where the contractors for carrying the mail had earned something under their contracts, and their contracts were suspended at the time of the beginning of the war; in other words, is this a separate, individual, and exceptional case, or is it one of a great number of cases?

Mr. BERRY. Mr. President, I am not a member of the Committee on Post-Offices and Post-Roads, and was not present when the bill was considered. If there is any difference between this and a large number of other claims or some other claims of this character, I do not know what it is; but I know there are a number of claims for compensation where the services were rendered before the war began and where there is no evidence that anything was ever paid on them by the Confederate Government, and which claims ought to have been paid long ago. I will say to the Senator from Connecticut that since I have been here we have tried for years to get a general bill passed to pay claims of this character, but have not been able to do so. The Government owes the money for services rendered before the war and in no way connected with the war. I can not see any reason on earth why the Government should not make payment.

The bill was passed.

JAMES F. M'INDOE.

The bill (S. 5531) for the relief of James F. McIndoe was announced as next in order.

The PRESIDENT pro tempore. This bill was passed on the 23d instant, and a motion was made to reconsider the vote by which the bill was passed.

Mr. ALDRICH. Let that go over.

The PRESIDENT pro tempore. The motion to reconsider was made by the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. What is it?

The PRESIDENT pro tempore. The bill for the relief of James F. McIndoe.

Mr. ALDRICH. I object to it, anyhow.

The PRESIDENT pro tempore. Objection is made.

Mr. SPOONER. I have looked into that bill.

Mr. ALDRICH. I have objected to it.

Mr. SPOONER. But the bill passed, and I simply entered a motion to reconsider the vote by which it was passed.

Mr. ALDRICH. It is not in order now.

Mr. SPOONER. I ask leave to withdraw the motion to reconsider.

The PRESIDENT pro tempore. Is there objection?

Mr. ALDRICH. I object to present consideration.

Mr. SPOONER. The bill has been considered and passed. The Senator does not object to my withdrawing the motion.

The PRESIDENT pro tempore. The Chair hears no objection, and the motion to reconsider is withdrawn.

UNIVERSITY OF MONTANA.

The bill (S. 3953) granting additional lands adjacent to the site of the University of Montana was announced as next in order.

Mr. SCOTT. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

LEGAL REPRESENTATIVES OF GEORGE W. CURTIS.

The bill (S. 2342) for the relief of the executrix of the estate of George W. Curtis, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 4, after the words "pay to the," to strike out "executrix of the estate" and insert "legal representatives;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of George W. Curtis, late of Arizona Territory, deceased, for the benefit of said estate, $2,288.91, the amount due said Curtis for services rendered the United States in carrying out, as bondsman, the Army transportation contract of Isaac S. Randol, defaulting contractor, in contract No. 61220, for the fiscal year ending July 1, 1882.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of George W. Curtis, deceased."

HENRY BASH.

The bill (S. 1468) for the relief of Henry Bash was considered as in Committee of the Whole. It proposes to pay to Henry Bash $1,260, that being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Port Townsend, Wash., from July 1, 1886, to October 1, 1891, being sixty-three months, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTIS PARKE UPSHUR.

The bill (S. 1668) for the relief of Custis Parke Upshur was considered as in Committee of the Whole. It proposes to pay to Custis Parke Upshur $787.82, that being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Astoria, Oreg., from July 1, 1886, to October 1, 1891, being for five years and three months, at $12.50 per month.

Mr. GALLINGER. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

Mr. MITCHELL. If the Senator from New Hampshire will

waive the reading of the report, I think I can explain the case to his satisfaction.

Mr. GALLINGER. I shall be very glad to hear the Senator.

Mr. MITCHELL. Custis Parke Upshur, the claimant in this case, was appointed a shipping commissioner at Astoria, Oreg., on the 1st day of July, 1884, under the provisions of the act of Congress of June 26, 1884, entitled, "An act to remove certain burdens of the American merchant marine and encourage the American foreign carrying trade, and for other purposes." He took the oath of office and entered upon the discharge of his duties as shipping commissioner on July 1, 1884, and continued in the office and discharged the duties thereof to and including January 5, 1895, at a compensation fixed by the Secretary of the Treasury. After the passage of the act of June 19, 1886, Mr. Upshur was paid for his services as shipping commissioner, but was not paid the office rent and incidental expenses incurred by him. He necessarily incurred expenses for office rent from July 1, 1886, to January 5, 1895.

He finally brought suit in the Court of Claims for the amount of $1,277.08. The case was heard by that court, and the court found in his favor for the sum of $489.16, but also found that there was a balance due him of $787.82, which was barred by the statute of limitations. The amount for which the court rendered judgment was paid, and this is for the balance.

The question as to the liability of the Government of the United States in such cases was decided by the Supreme Court in Reed *v.* The United States (167 U. S., 671). It is on all fours with a bill which was passed a few moments ago.

Mr. GALLINGER. I withdraw my request for the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVE OF WILLIAM KENDALL.

The bill (S. 2924) for the relief of the legal representative of Maj. William Kendall was considered as in Committee of the Whole.

The bill was reported by the Committee on Claims with an amendment, in section 2, on page 2, line 4, after the word "exceed," to strike out "exclusive of interest;" so as to make the section read:

SEC. 2. That in all cases where the several amounts claimed were regularly entered on the original muster of descriptive rolls which accompanied the detachments from said fort, and were thus charged against the respective soldiers but were not transferred to the company rolls nor retained out of the soldier's pay and allowed to said William Kendall, deceased, the said amounts, not to exceed $2,000, shall be allowed and paid to the legal representative of said William Kendall, deceased, out of any moneys in the Treasury not otherwise appropriated.

Mr. PLATT of Connecticut. Why are those words "exclusive of interest" proposed to be stricken out? I do not know that I understand the full meaning of that amendment. If the operation of it is to allow interest, those words certainly ought to remain.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. CLAPP], who reported the bill, does not seem to be present.

Mr. ALDRICH. Let the bill go over until he is present.

The PRESIDENT pro tempore. The bill goes over without prejudice.

PROTECTION OF FISH AND GAME IN INDIAN TERRITORY.

The bill (S. 2865) for the protection of fish and game in the Indian Territory was announced as next in order.

Mr. ALDRICH. The Senator from Kansas [Mr. HARRIS], who reported the bill, is not present, and so I think the bill had better go over.

Mr. QUARLES. I hope my good friend will not object to that bill. I stand sponsor for it.

Mr. ALDRICH. I withdraw the objection.

Mr. QUARLES. I wish to say that the entire committee have considered the bill and they regard it as a very necessary one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That it shall be unlawful in the Indian Territory for any person or persons to take, wound, or kill, in any manner whatsoever, any wild buck, deer, or fawn, except during the months of November, December, and January of each year; and it shall be unlawful at any time to chase the same with dog or dogs.

SEC. 2. That it shall be unlawful in the Indian Territory for any person or persons to take, wound, or kill, in any manner whatsoever, any wild turkey, except during the months of November, December, January, and February of each year.

SEC. 3. That it shall be unlawful in the Indian Territory for any person or persons to take, wound, or kill, in any manner whatsoever, any prairie chicken or grouse, except during the months of September and October in each year.

SEC. 4. That it shall be unlawful in the Indian Territory for any person or persons to take, wound, or kill, in any manner whatsoever, or have in possession, any quail, except from November 15 to February 15 in each year.

SEC. 5. That it shall be unlawful for any person or corporation to ship or convey from the Indian Territory beyond its limits any fish or game whatsoever. It shall be unlawful for any railroad or express company or other common carrier to carry or transport out of said Territory any fish or game whatsoever: *Provided, however*, That this act shall not be held or construed to have repealed any provision of chapter 533, Thirty-first Statutes at Large, page 187, or to abridge the authority of the Secretary of Agriculture thereby conferred.

SEC. 6. That no person, company, or corporation, or the agent thereof, shall at any time catch, kill, or have in possession any bird or game animal in the Indian Territory, the taking, killing, or wounding of which is prohibited, with intent to ship the same from the Indian Territory.

SEC. 7. That it shall be unlawful for any person at any time to net or trap in the Indian Territory any quail, prairie chicken, grouse, or wild turkey.

SEC. 8. That it shall be unlawful to take or catch any fish in any of the rivers, streams, lakes, or ponds in the Indian Territory with nets or seines, except to catch and take minnows for bait fish.

SEC. 9. That it shall be unlawful for any person, with intent to kill, maim, or paralyze any fish or other water animal, to cast, drop, or otherwise deposit in any river, creek, lake, or pond, or in any other stream or body of water within the Indian Territory, any explosive material or substance, or any intoxicating or stupefying liquid, drug, vegetable, or fruit, or to take from any river, creek, lake, pond, or other body of water within the Indian Territory any fish or water animal so stupefied, intoxicated, or killed.

SEC. 10. That the United States courts and the United States commissioners' courts in the Indian Territory, within their respective territorial jurisdictions, are hereby given concurrent jurisdiction to enforce the provisions of this act and to try and punish violators of the same.

SEC. 11. That any person or corporation violating any or either of the provisions of this act shall, upon conviction thereof, be fined for each offense in any sum not less than $25 nor more than $500, in the discretion of the court trying the cause, and may be committed until such fine and costs shall be paid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriation for the naval service for the fiscal year ending June 30, 1903, and for other purposes, insists upon its amendments numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93, upon which the committee of conference have been unable to agree, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

MONUMENT TO ABRAHAM LINCOLN.

Mr. HANSBROUGH. There is a conference report on the table in relation to the Abraham Lincoln monument, which I desire to have placed before the Senate.

The PRESIDENT pro tempore. It is a House conference which is on the table.

Mr. HANSBROUGH. Then I submit the Senate report.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Insert before the House amendment the name "Senator GEORGE G. VEST," so that the amendment will read "Senator GEORGE G. VEST and Representative JAMES D. RICHARDSON;" and the House agree to the same.

GEO. PEABODY WETMORE,
H. C. HANSBROUGH,
Managers on the part of the Senate.

J. T. MCCLEARY,
S. W. MCCALL,
DUDLEY G. WOOTEN,
Managers on the part of the House.

The report was agreed to.

CUSTOMS INSPECTORS AT NEW YORK.

The bill (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment in line 8, after the word "them," to strike out "beyond eight hours per day" and insert "at unusual hours;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to increase the compensation of inspectors of customs at the port of New York as he may think advisable and proper, by adding to their present

compensation a sum not exceeding $1 per day, which additional compensation shall be for work now performed by them at unusual hours, for which no compensation is now allowed, and shall include work performed by said inspectors at night in examining passengers' baggage, and also as reimbursement for expenses incurred by them for meals and transportation while in the discharge or performance of their official duties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LABELING OF WINES.

Mr. MASON. I was absent from the Chamber when Order of Business 876, being the bill (S. 1347) for the proper labeling of wine purporting to be champagne, which was reported by the Senator from North Dakota [Mr. MCCUMBER] on the 27th of March, was reached. I should like to have that bill considered, and, if there be no objection to it, I should like to have it passed now.

Mr. ALDRICH. There was objection to it.

The PRESIDENT pro tempore. Objection was made to it, but it went over, retaining its place on the Calendar.

Mr. MASON. I ask unanimous consent for its consideration. It is a very short bill.

The PRESIDENT pro tempore. The unanimous consent given was that the Senate would consider unobjected cases on the Calendar. The bill referred to by the Senator was objected to when it was reached.

DISTRICT OF ALASKA.

The bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions was announced as next in order.

Mr. HANSBROUGH. Let that bill go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. HANSBROUGH. Retaining its place.

The PRESIDENT pro tempore. The bill will go over and retain its place on the Calendar.

ASSAY OFFICE AT TACOMA, WASH.

The bill (S. 5928) to establish an assay office at Tacoma, Wash., was announced as next in order.

Mr. FOSTER of Washington. I ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

COMPROMISE OF LITIGATION IN NORTH CAROLINA.

The bill (S. 5229) to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of North Carolina was announced as next in order.

Mr. ALDRICH. Let that bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

DEFINITION OF "CONSPIRACY," ETC.

The bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases was announced as next in order.

Mr. KEAN. Let that go over. I object to the bill.

The PRESIDENT pro tempore. The bill goes over.

Mr. KEAN. It may as well go to the other Calendar.

The PRESIDENT pro tempore. Objection is made, and the bill does not retain its place, but goes to the Calendar under Rule IX.

Mr. MASON. What is the bill that goes over?

The PRESIDENT pro tempore. House bill 11060, to be found at the bottom of page 8 of the Calendar.

Mr. MASON. The bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases?

The PRESIDENT pro tempore. That is the bill.

Mr. MASON. Was there objection to the consideration of that bill?

The PRESIDENT pro tempore. There was.

ASHLEY RIVER BRIDGE.

The bill (S. 5679) to authorize the construction of two bridges across the Ashley River in the counties of Charleston and Dorchester, S. C., was announced as next in order.

Mr. MCLAURIN of South Carolina. There is a bill of the same character which has passed the House of Representatives, and I should like to have that considered instead of the Senate bill.

The PRESIDENT pro tempore. Is the House bill on the Calendar?

Mr. BERRY. The House bill is on the Calendar.

Mr. MCLAURIN of South Carolina. It is on the Calendar, and is order of business No. 2085. I ask that that may be considered instead of the Senate bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 5679, on the same subject, will be indefinitely postponed, in the absence of objection. The Chair hears no objection, and that order is made.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

The bill (S. 4202) to regulate the sale of intoxicating liquors in the District of Columbia was announced as the next business in order on the Calendar.

Mr. MASON. Let the bill go over.

Mr. HANSBROUGH. I hope the Senator from Illinois will not object.

The PRESIDENT pro tempore. Was objection made?

Mr. ALDRICH. It was.

Mr. MASON. Yes.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

AQUEDUCT BRIDGE.

The bill (S. 5964) to provide for rebuilding the Aqueduct Bridge, District of Columbia, was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill be indefinitely postponed. The matter is taken care of in the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

FISH-CULTURAL STATION IN MARYLAND.

The bill (S. 3248) to establish a fish hatchery and fish station in the State of Maryland was considered as in Committee of the Whole. It proposes to appropriate $25,000, or so much thereof as may be necessary, for the establishment of a fish-cultural station in the State of Maryland, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISTHMIAN CANAL.

The bill (S. 5676) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as the next business in order on the Calendar.

Mr. KEAN. The bill had better be indefinitely postponed, I should think.

The PRESIDENT pro tempore. The Chair supposes so.

Mr. KEAN. I suggest that it be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

NAVAL CONSTRUCTOR RICHMOND P. HOBSON.

The bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, was announced as the next business in order on the Calendar.

Mr. BERRY. Let the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

ORDER OF BUSINESS.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. MCLAURIN of Mississippi. But before that is done, I hope the Senator from New Jersey will yield to me for a moment.

Mr. BERRY. Let us pass a few more bills.

Mr. PETTUS. I hope the Senator from New Jersey will not insist upon his motion.

Mr. KEAN. I withdraw the motion for the present.

Mr. MCLAURIN of Mississippi. I ask unanimous consent for the present consideration of the bill (S. 6232) for the relief of I. I. Barber. It will take but a moment. It was reported favorably this morning. It is not on the Calendar.

Mr. ALDRICH. Let the bill be read for information.

Mr. PETTUS. I ask the Senator from Mississippi, if he will allow me, to wait just two minutes before he makes his request and let the Calendar be proceeded with to that extent.

Mr. MCLAURIN of Mississippi. What is the object?

Mr. PETTUS. The object is to dispose of Calendar No. 1666.

Mr. MCLAURIN of Mississippi. It will take but a minute to dispose of the bill in which I am interested, and then the other bill can be called up.

Mr. PETTUS. We have not yet got away from the Calendar.

Mr. MCLAURIN of Mississippi. There was a motion made to go into executive session, and I asked that it be withdrawn.

The PRESIDING OFFICER (Mr. KEAN in the chair). The motion was withdrawn.

Mr. McLAURIN of Mississippi. It will take but a moment to pass the bill.

The PRESIDING OFFICER. The regular order is the Calendar under the unanimous-consent agreement.

Mr. McLAURIN of Mississippi. I understood unanimous consent was given for the taking up of this bill.

The PRESIDING OFFICER. The Chair did not so understand it.

Mr. ALDRICH. I ask that the bill may be read for information.

The PRESIDING OFFICER. The bill has not yet been read. The request for unanimous consent has not been submitted to the Senate. The bill will be read subject to objection. But the unanimous-consent agreement was that the Senate should proceed with the consideration of unobjected cases on the Calendar. If anyone objects, the Calendar is in order.

Mr. PETTUS. All I ask is that we continue on the Calendar one moment longer.

Mr. McLAURIN of Mississippi. If I can get unanimous consent after that measure is disposed of, I will withdraw the request for the present.

Mr. TELLER. Let us go on with the Calendar.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

Mr. MASON. I move that the Senate proceed to the consideration of executive business.

Mr. FAIRBANKS. Mr. President——

Mr. McLAURIN of Mississippi. I hope the Senator from Illinois will withdraw the motion.

Mr. MASON. I understand the ruling of the Chair is that unanimous consent can not be had to take up any bill because it would interfere with the unanimous consent already given. I would gladly withhold the motion to proceed to the consideration of executive business, but under the ruling of the Chair, which I think is correct, unanimous consent can not be had until the previous agreement is exhausted.

Mr. McLAURIN of Mississippi. I do not so understand the Chair to rule.

The PRESIDING OFFICER. The Chair did not so hold.

Mr. MASON. Then I misunderstood the ruling of the Chair. I understand now we are proceeding under the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair so understands.

Mr. MASON. Now unanimous consent is asked to dispense with the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair did not ask unanimous consent to dispense with anything.

Mr. MASON. I move that the Senate proceed to the consideration of executive business. If the Senator from Mississippi has unanimous consent, or can get it, I will not press the motion.

Mr. McLAURIN of Mississippi. I ask unanimous consent. It will take but a moment to pass the bill. I want to get away tomorrow or the next day.

Mr. ALDRICH. We all do.

Mr. McLAURIN of Mississippi. There will be no objection to the bill.

Mr. MASON. I yield to the Senator from Mississippi.

Mr. SCOTT. I understand that unanimous consent was given to proceed with the Calendar. We all have bills which we are just as anxious to get through as is my friend on the other side with respect to his bill, and if unanimous consent is given to call up special bills, I shall certainly expect the same courtesy to be extended to me.

Mr. PETTUS. I hope the Senator will withdraw his motion.

Mr. MASON. I withdraw it.

I. I. BARBER.

Mr. McLAURIN of Mississippi. I ask unanimous consent for the present consideration of the bill (S. 6232) for the relief of I. I. Barber.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. ALDRICH. Let it be read for information.

The Secretary read the bill.

Mr. ALDRICH. I feel obliged to object to the bill.

Mr. NELSON. I trust the Senator from Rhode Island will withdraw his objection. There is an amendment limiting it to the State of Mississippi. It is a perfectly harmless bill.

Mr. ALDRICH. With the amendment I shall not object.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 10, after the word "lands," to strike out "in" and insert "of;" in line 11, to strike out "or in the Territories," and insert "in the State of Mississippi," and after the word "Interior," in line 14, to insert "duly certified and assigned to the bearer."

Mr. PLATT of Connecticut. Let the bill be read as it will read if amended.

The Secretary read as follows:

Be it enacted, etc., That I. I. Barber, who is the owner of military bounty land warrant 45467, issued the 20th day of March, 1852, for 40 acres of land, and military bounty land warrant 62104, issued the 13th day of April, 1857, for 160 acres of land, is authorized to select 200 acres of unreserved public lands of the United States in the State of Mississippi in one body, or in subdivisions of not less than 40 acres each, and upon such selection and the delivery of said land warrants to the Secretary of the Interior, duly certified and assigned to the bearer, it shall be the duty of the Secretary of the Interior to issue patent, or patents, as the case may be, to said I. I. Barber for such land or lands.

The PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURG. JOHN F. BRANSFORD, UNITED STATES NAVY.

The bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy, was considered as in Committee of the Whole. It proposes to transfer Surg. John F. Bransford, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL CHERRY.

The bill (H. R. 621) for the relief of Daniel Cherry was considered as in Committee of the Whole. It authorizes the Solicitor of the Treasury to convey, in the name of the United States, to Daniel Cherry, of Henry County, Ala., all right, title, and interest that the United States has in or to the property formerly belonging to said Daniel Cherry in the town of Dothan, Ala.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. GOINGS AND OTHERS.

The bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over, objection being made.

S. J. BAYARD SCHINDEL.

The bill (H. R. 8769) for the relief of S. J. Bayard Schindel was considered as in Committee of the Whole. It directs the Secretary of War to cause to be credited the accounts of Lieut. S. J. Bayard Schindel, commissary Sixth Regiment United States Infantry, with the sum of $77.13, being for subsistence funds stolen from the commissary storehouse by unknown parties.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN B. HALSEY.

The bill (H. R. 10279) to pay the claim of Stephen B. Halsey was considered as in Committee of the Whole. It proposes to appropriate $50, to be paid to Stephen B. Halsey, for the damage done to his dock at Astoria, Long Island, by the U. S. S. *Canby* on August 21, 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERBERT O. DUNN.

The bill (S. 1866) for the relief of Herbert O. Dunn was announced as the next business in order on the Calendar.

Mr. SCOTT. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over without prejudice.

CLAIMS OF CERTAIN COUNTIES IN ARIZONA.

The joint resolution (S. R. 97) to authorize certain officers of the Treasury Department to audit, certify, and pay claims of certain counties of Arizona was considered as in Committee of the Whole.

Mr. KEAN. Is there a report?

The PRESIDENT pro tempore. There is. The report will be read.

The Secretary read the report submitted by Mr. FOSTER of Louisiana on the 31st of May, as follows:

The Committee on Claims, having had under consideration S. R. 97, to authorize certain officers of the Treasury Department to audit, certify, and pay claims of certain counties of Arizona, and having examined the same and the accompanying documents, beg leave to submit the following report:

The joint resolution (S. R. 97) authorizes the Auditor of the State and

other Departments to examine all claims which may be presented in proper form under provisions of former acts of Congress, and, if found correct, to certify the same to the Speaker of the House for a deficiency appropriation.

The history of these accounts and the necessity for present legislation are set out in a communication from the Secretary of the Treasury of January 29, 1901, transmitting a report from the Auditor for the State Department of January 28, 1901, which is herein inserted and made a part of this report.

The Committee on Claims of the Fifty-sixth Congress, second session (House Report No. 2894), made a favorable report on a similar resolution, which is hereto attached and made part of this report.

Your committee therefore recommend the passage of the joint resolution with the following amendment:

Of the title as follows: Strike out the words "and pay" in line 2 of title and insert in line 1, after "audit," the word "and."

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 29, 1901.

SIR: In reply to your communication of the 23d instant, inclosing S. R. 151, "Joint resolution authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona," and asking for a report thereon, I have the honor to transmit herewith copy of the report of the Auditor for State and other departments, dated the 28th instant, suggesting certain amendments to the resolution, for your information.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. J. L. RAWLINS,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE STATE AND OTHER DEPARTMENTS,
Washington, January 28, 1901.

SIR: The communication of Hon. J. L. RAWLINS, United States Senator, dated 23d instant, inclosing joint resolution (S. R. 151) and requesting an examination of same, has attention, the matter having been referred to this office for report. Mr. RAWLINS requests that the Committee on Claims, United States Senate, be informed as to the propriety or the necessity of the passage of the resolution, together with such data or information that, in your opinion, may be relevant or appropriate to the proposed legislation. The intention of the resolution is to authorize the proper officers of the Treasury Department to examine and certify claims for expenses incurred in the prosecution of Indians, in favor of certain counties in Arizona, to the Speaker of the House of Representatives for a deficiency appropriation.

I have the honor to make the following report.

Upon investigation it is found that the proper accounting officers of this Department, under authority conferred upon them by joint resolution No. 42, approved August 6, 1894 (28 Stats., 589), have examined and settled the accounts of Mohave, Gila, Apache, and Maricopa counties for legal costs and expenses incurred from March 3, 1889, to June 30, 1898, for which the United States was liable under the act of March 2, 1889 (25 Stats., 1004).

I find that there is now pending in this office an account of Gila County, Ariz., against the United States for disbursements (legal costs) and expenses incurred in said county in the matter of the prosecution and support during trial of Indians, which account has not been examined for the reason that the greater part of the claim is not covered by the provisions of joint resolution No. 42, approved August 6, 1894 (28 Stats., 589).

This resolution covered expenses from March 3, 1889, to June 30, 1898, only. The claim of Gila County, now pending, covers a payment represented as made as late as October 5, 1898. Under the act of March 3, 1885 (23 Stats., 385), and the act of March 2, 1889 (25 Stats., 1004), the Government seems to be responsible for the payment of these expenses, but before the account between the United States and the county of Gila can be stated some action on the part of Congress would have to be taken, as was done in the case of those expenses which were incurred between the dates mentioned in the joint resolution No. 42, referred to above.

The passage of joint resolution (S. R. 151), with certain alterations, seems to be proper and necessary in order that the account of Gila County, now pending in this office, may be examined and certified for payment.

It is suggested that the following alterations be made in the resolution: In lines 3 and 4, the words "and the Comptroller of the Treasury be, and they" be stricken out; in line 4, the word "is" substituted for the word "are;" in line 10, the word "ninety-nine" substituted for the word "ninety-eight;" in line 14, the word "second" substituted for "third."

Respectfully,

ERNST G. TIMME, *Auditor.*

THE SECRETARY OF THE TREASURY.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona."

ORDER OF BUSINESS.

Mr. HANSBROUGH. I move that the Senate proceed to the consideration of executive business.

Mr. BERRY. Will the Senator permit me for a moment? There are a number of little bills which Senators are especially desirous of having passed to-day, and I would be glad if the Senator would agree to let us take fifteen or twenty minutes to call up by unanimous consent such bills to which there can be no objection.

Mr. HANSBROUGH. How many?

Mr. BERRY. I have one in which I am especially interested.

Mr. CLAY. For thirty minutes.

Mr. BERRY. That for about twenty-five or thirty minutes Senators may be recognized by the Chair.

Mr. HANSBROUGH. If it is agreeable to the Senate that individual Senators shall call up particular bills for the next thirty minutes, I will withdraw the motion.

Mr. ALDRICH. I suggest to the Senator from Arkansas that we have a unanimous-consent agreement that to-morrow after 2 o'clock the Senate shall proceed with the consideration of the Calendar of unobjected cases, subject to appropriation bills and conference reports.

Mr. BERRY. If the Senator will permit me, there are some bills which if they do not pass to-day will not get through, probably. There are a great many bills reached in running through the Calendar in which no Senator is particularly interested, and they consume a great deal of time. If we could have a unanimous-consent agreement that for thirty minutes the Chair should recognize Senators to call up bills to which there can be no objection, it would accommodate a good many Senators, and I should like to ask unanimous consent for such an arrangement, say, for thirty minutes.

Mr. FORAKER. I join in that request, and suggest that it be for twenty-five minutes simply, until 5 o'clock.

Mr. BERRY. For twenty-five minutes, until 5 o'clock.

Mr. ALDRICH. I shall not object, but I will ask to-morrow that the Calendar be proceeded with.

Mr. BERRY. I certainly have no objection to that course.

Mr. HANSBROUGH. I withdraw the motion for that purpose.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that until 5 o'clock Senators may address the Chair in order to call up bills. Is there objection? The Chair hears none.

JOHN J. SOUTHERLAND.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 13598) granting a pension to John J. Southerland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John J. Southerland, late of Capt. Michael M. Gilbreath's company, Alabama scouts and guides, and to pay him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS L. COLLINS.

Mr. FORAKER. I ask unanimous consent for the immediate consideration of the bill (S. 6123) granting an increase of pension to Thomas L. Collins.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Collins, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN L. LYNCH.

Mr. PETTUS. I ask for the present consideration of the bill (H. R. 14182) granting an increase of pension to Susan L. Lynch.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Susan B. Lynch, widow of George Lynch, late of Captain Irby's company, First Battalion Alabama Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUILDING FOR THE DEPARTMENT OF AGRICULTURE.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, page 2, line 4, after the word "heating," to insert "and ventilating;" so as to make the section read:

That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a suitable and commodious fireproof building, for the use and accommodation of the Department of Agriculture, to be erected on such portion of the grounds of the Department of Agriculture belonging to the United States as he may deem expedient, said building to be constructed in accordance with the approved plans heretofore secured in pursuance of the provisions of the act of Congress approved March 2, 1901, and he is hereby authorized, after due advertisement for proposals, to enter into contracts within the limit of cost hereby fixed and subject to appropriations to be made by Congress, for the erection of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the removal of the present building or buildings of the Department of Agriculture on said grounds.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 16, after the word "heating," to insert "and ventilating," and in line 17, after the word "the," to insert "cost for;" so as to make the section read:

SEC. 3. That the limit of cost for the construction of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the cost for removal of the present building or buildings of the Department of Agriculture, is hereby fixed at $2,500,000, and no contract shall be entered into or expenditure authorized in excess of said amount.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB FINDLEY.

Mr. CLAY. I ask that the bill (H. R. 10856) granting a pension to Jacob Findley be taken up and passed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Jacob Findley, late of Company F, One hundred and thirty-fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. CHALFANT.

Mr. SCOTT. I ask to call up the bill (H. R. 6005) granting a pension to James A. Chalfant.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James A. Chalfant, late of Company F, Eighteenth Regiment United States Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SCOTT.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 6023) for the relief of John Scott.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the proper accounting officers of the Treasury to examine and settle the claim of John Scott, late sutler Twenty-first Regiment New York Cavalry, for money alleged to be due him by certain enlisted men of that regiment who had died in the service or who had deserted.

Mr. ALDRICH. It is a pretty dangerous precedent to establish, it seems to me, to provide that the Government of the United States shall pay claims of sutlers in the late war on soldiers who are dead or who deserted. It strikes me that it is going a long distance. I did not know the Government ever assumed any responsibility in such a case.

Mr. PLATT of Connecticut. Let the report be read.

Mr. MARTIN. I am sure that one sentence will explain the bill to the satisfaction of every Senator. It only provides that the amount due to these soldiers who died in the service and which amount was due to this sutler and has never been paid by the Government to anyone at all shall be paid to the sutler. In accordance with the usage that existed in the payment to the men, the sutlers' claims were recognized. This sutler was in prison at the time, and the amount due from these soldiers has never been paid to the soldiers, and it was not paid to the sutler for that reason. The payment of the claim is recommended by the Department. It does not take from the Government one dollar except what was due to the soldiers and has not been paid over to those soldiers.

Mr. SPOONER. Who ascertains the amount due the sutler?

Mr. MARTIN. The Treasury Department ascertains it.

Mr. PLATT of Connecticut. Let the report be read.

Mr. MARTIN. The report is quite a long one.

Mr. TELLER. I should like to suggest that if these payments had been made at the time the amount would have been paid to the sutler. It seems to me that is all there is of it.

Mr. SCOTT. The money, I understand, is now in the Treasury.

Mr. TELLER. Their personal representatives have never made any claim to it, and under the system the Government adopted they would have to wait until the sutler was paid before they could receive anything. The sutler has a sort of a lien on the pay.

Mr. SPOONER. Were the sutler's claims stopped on the pay roll against the soldiers' pay?

Mr. MARTIN. That is right. The amounts which it is sought now to turn over to the sutler were the amounts that were due to these soldiers and never have been paid over to them. The bill itself provides that nothing shall be paid to this sutler on account of anything due from the soldier if the soldier has been settled with. It only pays over to the sutler the amounts that have been withheld from the soldier because of the sutler's claims, which amounts would have been paid to the sutler but for the fact that the sutler was in prison.

Mr. SCOTT. I understand that the Government has the money in its hands and has not paid it.

Mr. MARTIN. It has the money in its hands now.

Mr. SCOTT. The money is in the hands of the Secretary of the Treasury.

Mr. PLATT of Connecticut. May I make one further inquiry? In case a soldier deserts, does the Government pay him?

Mr. MARTIN. As I understand it, in case a soldier deserts, of course he would have no right to his pay. But the usage in the Army was that the sutler made advances to soldiers and that when the soldier was settled with the amount due the sutler should be retained out of the amount to be paid to the soldier.

Mr. TELLER. And if he deserted, the Government paid to that extent.

Mr. PLATT of Connecticut. The question is whether the usage was that if a soldier deserted the sutler should be paid.

Mr. MARTIN. I think beyond a doubt when the money was advanced for the soldier while he was doing service to the Government, the money which was earned by him ought to be paid to the man who advanced it.

Mr. SPOONER. I doubt if that ever was the rule. A soldier who deserted, as I understand it, forfeited all the pay due him.

Mr. MARTIN. He forfeited all his pay except such as had not been pledged, with the approval of the military organization at that time, to the sutler.

Mr. SPOONER. I think the sutler took his chance on the man remaining in the service or deserting.

Mr. MARTIN. I think it would be very hard to apply such a rule to this sutler who was in prison, and who would have gotten the money if he had not been in prison.

Mr. SPOONER. All these men did not desert?

Mr. MARTIN. No; some of them were deserters and some died in the service without collecting the money due them. I do not know what per cent of them were deserters, but some of them deserted. Some of them died in the service without collecting their money.

Mr. SPOONER. I ask that the bill be read again.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

Mr. McCOMAS. I move, in line 8, after the word "service," to strike out the words "or who had deserted."

Mr. MARTIN. I care nothing for it, but that is not just. It is not right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN C. PLUMMER.

Mr. McCUMBER. I ask for the present consideration of the bill (H. R. 12056) granting an increase of pension to Warren C. Plummer.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Warren C. Plummer, late first lieutenant Company C, Fifteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. BEEBE.

Mr. DEBOE. I ask unanimous consent for the present consideration of the bill (H. R. 10964) granting an increase of pension to Francis M. Beebe.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Francis M. Beebe, late of Company G, One hundred and fourteenth Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. HAMMOND.

Mr. MORGAN. I ask that the Senate proceed to the consideration of the bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to place on the pension roll the name of Caroline A. Hammond, widow of William P. Hammond, late of Captain Goodwyn's company of Alabama Volunteers, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving, the same to be paid to her under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of any former erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBION M. CHRISTIE.

Mr. McCOMAS. I ask for the present consideration of the bill (H. R. 2641) for the relief of Albion M. Christie,

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceed to its consideration. It directs the Secretary of the Treasury to pay to Albion M. Christie, assignee of Luke Christie, deceased, local inspector, $268.80, being the proceeds of Treasury warrant No. 2049, dated February 1, 1861, and drawn in favor of Luke Christie, local inspector, for that amount, in payment for work and labor performed by him as inspector of hulls at Savannah, Ga.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. PENNY AND OTHERS.

Mr. DOLLIVER. I desire to ask unanimous consent for the present consideration of the bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to give the Court of Claims jurisdiction to rehear and reconsider and determine the motion filed in that court by the claimants on the 15th day of April, 1898, for a rehearing and new trial of the case of Penny & Sons *v.* The United States and Sioux Indians, numbered in the court as Indian depredations No. 4634; and to that end the bar of the statute of limitations against the motion is removed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESERVOIR SITES.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 6250) to regulate the use by the public of reservoir sites located upon the public lands of the United States.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN P. JOHNSON.

Mr. MORGAN. I ask for the present consideration of the bill (H. R. 9308) granting an increase of pension to Edwin P. Johnson.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Edwin P. Johnson, late of Company E, Thirteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION LANDS.

Mr. FOSTER of Washington. I wish to call up the bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the North one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose. It has been read once, and it is not necessary to read it again.

Mr. PLATT of Connecticut. I do not desire to interpose any factious objection to that bill, but there will have to be quite an extended statement made as to the effect of it when it is considered. There is no time to make it this afternoon.

The PRESIDENT pro tempore. Objection is made. The bill goes over, retaining its place.

READING MATTER FOR THE BLIND.

Mr. QUARLES. I ask unanimous consent for the consideration of the bill (S. 2644) to promote the circulation of reading matter among the blind.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill.

The PRESIDENT pro tempore. The bill has been read in full to the Senate. The amendments of the Committee on Post-Offices and Post-Roads will be stated.

The amendments were in section 1, line 5, after the word "packages," to insert "and containing no advertising or other matter whatever," and in line 7, after the word "exceeding," to strike out "four" and insert "ten;" so as to make the section read:

That books, pamphlets, and other reading matter in raised characters for the use of the blind, whether prepared by hand or printed, in single volumes or in packages, and containing no advertising or other matter whatever, unsealed and not exceeding 10 pounds in weight, when sent by public institutions for the blind as a loan to blind readers, or when returned by the latter to such institutions, shall be transmitted in the United States mails free of postage.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I ask consideration of the bill (S. 6045) granting an increase of pension to Charles Sprague.

Mr. SCOTT. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I hope the Senator will withdraw that motion for a moment.

The PRESIDENT pro tempore. The Senator from West Virginia moves that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I appeal to the Senator from West Virginia to delay his motion just one moment. It is only a pension bill, and it will take but a moment.

The PRESIDENT pro tempore. Will the Senator from West Virginia yield for a pension bill?

Mr. SCOTT. I would be delighted to do so if there were not so many of my friends standing up who will ask me to do the same thing.

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 26, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 25, 1902.

CAPTAIN OF INFANTRY.

James W. Long, late captain in the United States Army, to be captain of infantry, June 24, 1902.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

Corpl. John A. Barry, Troop D, Third Cavalry, to be second lieutenant, June 24, 1902.

INFANTRY ARM.

Sergt. Walter O. Boswell, general service, United States Army, to be second lieutenant, June 24, 1902.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Reynold Marvin Kirby-Smith, of Tennessee, late captain and assistant surgeon, First Tennessee Volunteers, June 24, 1902.

William Henry Moncrief, of Georgia, late first lieutenant and assistant surgeon, Second Georgia Volunteers, June 24, 1902.

George Lehman Collins, of Massachusetts, June 24, 1902.

Nelson Gapen, of the District of Columbia, June 24, 1902.

William Thornwall Davis, of Kentucky, June 24, 1902.

Charles Frederick Morse, of Vermont, June 24, 1902.

Samuel Ernest Lambert, of Alabama, June 24, 1902.

Theodore Lamson, of Massachusetts, June 24, 1902.

Haywood Shepherd Hansell, of Georgia, June 24, 1902.

Junius Claiborne Gregory, of Virginia, June 24, 1902.

Clarence Herbert Connor, of Iowa, June 24, 1902.

Jay Weir Grissinger, of Pennsylvania, June 24, 1902.

Will Leroy Pyles, of the District of Columbia, June 24, 1902.

Thomas Devereux, of Minnesota, June 24, 1902.

William Mitchell Smart, of the District of Columbia, June 24, 1902.

Robert Hamilton Pierson, of New York, June 24, 1902.

Cary Alexander Snoddy, of Tennessee, June 24, 1902.

Harry Selby Purnell, of Maryland, June 24, 1902.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

1. William A. Mitchell.
2. Warren T. Hannum.
3. Francis F. Longley.
4. Robert R. Ralston.
5. Mark Brooke.
6. Laurence V. Frazier.
7. James F. Bell.

Cavalry Arm.

12. Adam F. Casad.
17. John C. Pegram.
18. Charles H. Jennings.
19. Harry L. Hodges.
23. Rigby D. Valliant.
25. Victor S. Foster.
29. Samuel W. Robertson.
30. Herbert Z. Krumm.
31. Oscar Foley.
32. Frederick D. Griffith, jr.
33. William L. Stevenson.
34. Albert B. Dockery.
36. Henry E. Mitchell.
37. Edmund L. Zane.
38. Nelson A. Goodspeed.
39. Charles McH. Eby.
40. William H. Cowles.
44. William A. McCain.
45. John K. Herr.
46. Philip H. Sheridan.
47. Joseph F. Taulbee.
50. Andrew W. Smith.
52. Troup Miller.
54. William W. Edwards.

Artillery Corps.

9. Wade H. Carpenter.
10. Frederic W. Hinrichs, jr.
11. Samuel Frankenberger.
13. Charles M. Allen.
14. John E. Munroe.
16. Stephen Abbot.
21. William F. Morrison.
22. William H. Williams.
24. Myron S. Crissy.
26. Ned B. Rehkopf.
27. Walter K. Wilson.
28. John P. Terrell.
35. William M. Davis.

Infantry Arm.

8. Gilbert H. Stewart.
15. John M. Gibert.
20. Edward J. Moran.
41. John R. McGinness.
42. Henry M. Nelly.
43. Frederick F. Black.
48. James M. Hobson, jr.
49. David H. Bower.
51. Hiram M. Cooper.
53. Benjamin F. Miller.

INFANTRY ARM.

Louis Soléliac, jr., of New York, to be second lieutenant, June 23, 1902.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Albert S. Fuger, Eleventh Cavalry, from the Cavalry Arm to the Artillery Corps, with rank from February 2, 1901.

Second Lieut. Rawson Warren, Artillery Corps, from the Artillery Corps to the Cavalry Arm, with rank from February 2, 1901.

REGISTER OF LAND OFFICE.

Matthew R. Wilson, of Livingston, Mont., to be register of the land office at Bozeman, Mont., vice Albert L. Love, term expired.

RECEIVER OF PUBLIC MONEYS.

George O. Freeman, of Helena, Mont., to be receiver of public moneys at Helena, Mont., vice John Horsky, term expired.

UNITED STATES ATTORNEY.

William M. Mellette, of the Indian Territory, to be United States attorney for the western district of the Indian Territory, commencing July 1, 1902. An original appointment as provided in the act approved May 27, 1902, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes."

MARSHAL.

William H. Darrough, of the Indian Territory, to be United States marshal for the northern district of the Indian Territory, commencing July 1, 1902. An original appointment as provided in the act approved May 27, 1902, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes."

CONSUL.

John B. Richardson, of Kansas, to be consul of the United States at Port Limon, Costa Rica, to fill an original vacancy.

APPOINTMENTS IN THE NAVY.

To be civil engineers with rank of lieutenant (junior grade).

Charles A. Wentworth, a citizen of Massachusetts.
George A. McKay, a citizen of New York.

POSTMASTERS.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois, in place of Joel S. Ray. Incumbent's commission expires July 1, 1902.

William H. Steen, to be postmaster at Braidwood, in the county of Will and State of Illinois, in place of William H. Steen. Incumbent's commission expired June 22, 1902.

Cassius M. C. Weedman, to be postmaster at Farmer City, in the county of De Witt and State of Illinois, in place of Cassius M. C. Weedman. Incumbent's commission expired June 14, 1902.

Joseph T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois, in place of Joseph T. Van Gundy. Incumbent's commission expires July 1, 1902.

Adolphus T. Jenkins, to be postmaster at Sullivan, in the county of Moultrie and State of Illinois, in place of Adolphus T. Jenkins. Incumbent's commission expires July 7, 1902.

George S. Harris, to be postmaster at Gas City, in the county of Grant and State of Indiana, in place of George S. Harris. Incumbent's commission expires July 7, 1902.

Charles M. Junkin, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa, in place of Charles M. Junkin. Incumbent's commission expired June 24, 1902.

William H. Ellett, to be postmaster at Eldorado, in the county of Butler and State of Kansas, in place of Arthur J. Palmer. Incumbent's commission expired May 10, 1902.

James Frey, to be postmaster at Enterprise, in the county of Dickinson and State of Kansas, in place of James Frey. Incumbent's commission expires July 7, 1902.

Henry L. Henderson, to be postmaster at Iola, in the county of Allen and State of Kansas, in place of Henry L. Henderson. Incumbent's commission expired June 3, 1902.

Isaac B. Davis, to be postmaster at Marysville, in the county of Marshall and State of Kansas, in place of Isaac B. Davis. Incumbent's commission expired March 9, 1902.

Thomas E. Hurley, to be postmaster at Minneapolis, in the county Ottawa and State of Kansas, in place of Thomas E. Hurley. Incumbent's commission expired June 2, 1902.

Floyd E. Young, to be postmaster at Stockton, in the county of Rooks and State of Kansas, in place of William L. Chambers. Incumbent's commission expired March 4, 1902.

George H. Pond, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan, in place of George H. Pond. Incumbent's commission expired May 5, 1902.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. Francois and State of Missouri, in place of Mark L. Doughty. Incumbent's commission expired June 13, 1902.

Isaac N. Strawn, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri, in place of Isaac N. Strawn. Incumbent's commission expires July 7, 1902.

Louis T. Derousse, to be postmaster at Camden, in the county of Camden and State of New Jersey, in place of Louis T. Derousse. Incumbent's commission expires July 7, 1902.

Bernard Roddy, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey, in place of Bernard Roddy. Incumbent's commission expired June 14, 1902.

Milo B. Greene, to be postmaster at Alfred, in the county of Allegany and State of New York, in place of Milo B. Greene. Incumbent's commission expired June 3, 1902.

Frank Jones, to be postmaster at Ballston Spa, in the county of Saratoga and State of New York, in place of Frank Jones. Incumbent's commission expired March 22, 1902.

Charles E. Sheldon, to be postmaster at Sherman, in the county of Chautauqua and State of New York, in place of Charles E. Sheldon. Incumbent's commission expired June 2, 1902.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada, in place of Henry J. Jones. Incumbent's commission expires July 7, 1902.

George L. Patterson, to be postmaster at Concord, in the county of Cabarrus and State of North Carolina, in place of George L. Patterson. Incumbent's commission expired April 4, 1902.

John O. Burton, to be postmaster at Weldon, in the county of Halifax and State of North Carolina, in place of John H. Howard. Incumbent's commission expired May 24, 1902.

Mark Sternberger, to be postmaster at Jackson, in the county

of Jackson and State of Ohio, in place of Mark Sternberger. Incumbent's commission expires July 4, 1902.

William F. Hains, to be postmaster at Wilmington, in the county of Clinton and State of Ohio, in place of John C. Smith. Incumbent's commission expired May 5, 1902.

Ralph N. Warner, jr., to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania, in place of James E. Dougherty. Incumbent's commission expired August 16, 1898.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania, in place of Jesse H. Roberts. Incumbent's commission expired June 24, 1902.

Abram M. Morrison, to be postmaster at Ennis, in the county of Ellis and State of Texas, in place of Abram M. Morrison. Incumbent's commission expires July 7, 1902.

Carrie E. Hoke, to be postmaster at Taylor, in the county of Williamson and State of Texas, in place of Carrie E. Hoke. Incumbent's commission expired May 24, 1902.

Frederick G. Ellison, to be postmaster at Springfield, in the county of Windsor and State of Vermont, in place of Frederick G. Ellison. Incumbent's commission expired June 23, 1902.

Ida A. Hewes, to be postmaster at Casper, in the county of Natrona and State of Wyoming, in place of Ida A. Hewes. Incumbent's commission expires July 7, 1902.

Maud Olmsted, to be postmaster at Littleton, in the county of Arapahoe and State of Colorado. Office becomes Presidential July 1, 1902.

William E. Osmun, to be postmaster at Montague, in the county of Muskegon and State of Michigan. Office becomes Presidential July 1, 1902.

Eugene E. Robertson, to be postmaster at Collins, in the county of Covington and State of Mississippi. Office becomes Presidential July 1, 1902.

George W. Young, to be postmaster at Brevard, in the county of Transylvania and State of North Carolina. Office becomes Presidential July 1, 1902.

Joshua P. Jessup, to be postmaster at Hertford, in the county of Perquimans and State of North Carolina. Office becomes Presidential July 1, 1902.

Lucian T. Claybaugh, to be postmaster at Donora, in the county of Washington and State of Pennsylvania. Office becomes Presidential July 1, 1902.

Charles W. Anderson, to be postmaster at Platte, in the county of Charles Mix and State of South Dakota. Office becomes Presidential July 1, 1902.

Charles H. Kuester, to be postmaster at North Judson, in the county of Starke and State of Indiana. Office becomes Presidential July 1, 1902.

Paul A. F. Walter, to be postmaster at Santa Fe, in the county of Sante Fe and Territory of New Mexico, in place of Simon Nusbaum. Incumbent's commission expired May 19, 1902.

William J. Hamilton, to be postmaster at Linton, in the county of Greene and State of Indiana, in place of Walter W. Wills, removed.

J. Watts Kearny, to be postmaster at New Orleans, in the parish of Orleans and State of Louisiana, in place of David G. Baldwin, resigned.

Stephen Farmer, to be postmaster at Greenfield, in the county of Weakley and State of Tennessee, in place of Henry C. Neely, removed.

Nellie M. Thiriot, to be postmaster at Park City, in the county of Summit and State of Utah, in place of Nellie M. Theriott, to correct name.

Thomas H. Davis, to be postmaster at Ogden, in the county of Weber and State of Utah, in place of Charles Meighan, removed.

L. C. Schultz, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming, in place of Karl Spinner, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 25, 1902.

PROMOTIONS IN THE ARMY.

Maj. Frank F. Eastman, Twenty-eighth Infantry, to be commissary with the rank of major, with rank from April 1, 1901.

Maj. Robert L. Bullard, commissary, to be major of infantry, with rank from April 1, 1901.

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

COLLECTOR OF CUSTOMS.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina.

POSTMASTERS.

John T. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia.

Dalton A. Brosius, to be postmaster at Vermilion, in the county of Clay and State of South Dakota.

Emmons R. Stockwell, to be postmaster at Theresa, in the county of Jefferson and State of New York.

William H. Norris, to be postmaster at Carlyle, in the county of Clinton and State of Illinois.

Berry E. Raulerson, to be postmaster at Lake City, in the county of Columbia and State of Florida.

A. L. Williams, to be postmaster at Edinburg, in the county of Christian and State of Illinois.

Champ T. Barksdale, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia.

Clarence E. Holt, to be postmaster at Hospital, in the county of Kankakee and State of Illinois.

Charles F. Best, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois.

William P. Slack, to be postmaster at Carbondale, in the county of Jackson and State of Illinois.

Archibald Shaw, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

Samuel S. Dingee, to be postmaster at Wilmette, in the county of Cook and State of Illinois.

Everett W. Osgood, to be postmaster at Winnetka, in the county of Cook and State of Illinois.

Henry B. Van Nest, to be postmaster at Peabody, in the county of Marion and State of Kansas.

Clarkson L. Hutchens, to be postmaster at Winchester, in the county of Randolph and State of Indiana.

James S. Reeves, to be postmaster at Union City, in the county of Randolph and State of Indiana.

Frank H. Latta, to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan.

Marshall M. Murdock, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas.

Jesse D. Kennard, to be postmaster at Seneca, in the county of Nemaha and State of Kansas.

Fred H. Ackerman, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire.

John A. Spalding, to be postmaster at Nashua, in the county of Hillsboro and State of New Hampshire.

David E. Wilson, to be postmaster at Belding, in the county of Ionia and State of Michigan.

Stephen G. Newman, to be postmaster at Haverstraw, in the county of Rockland and State of New York.

Emiel Rebell, to be postmaster at Fort Plain, in the county of Montgomery and State of New York.

L. E. Kittrell, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 25, 1902.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal and ever-living God, our Father, look down we beseech Thee with compassion upon our infirmities, and forgive our sins. Deliver us from all sinister motives, and from the evil which doth so easily beset us. Help us to live to the high-water mark of Christian manhood seven days in the week. Be with all who are in distress or sorrow, all who are suffering, and comfort them.

Hear us especially when we pray for the King of England. If it is in accordance with Thy will, grant that he may be restored to strength to guide and control his nation in justice and equity under Thy direction; in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON and Mr. HULL rose.

The SPEAKER. The gentleman from Illinois.

Mr. CANNON. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. HULL. If the gentleman from Illinois thinks that his bill should come in first, I am perfectly willing.

Mr. CANNON. I think that in five minutes we can dispose of it. I call up the conference report on the sundry civil bill and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up the conference report on the sundry civil bill and asks unanimous consent

to waive the reading of the report, and that the statement only be read. Is there objection?

There was no objection.

The statement was read.

[For text of the statement and conference report see page 7336.]

Mr. CANNON. Mr. Speaker, a single word. The Senate amendments to this bill aggregated six and one-half million dollars in round numbers, $2,700,000 of which was for the rebate on the tobacco tax. That was agreed to. After that was agreed to the remaining amendments were divided about half and half.

I move the adoption of the conference report.

Mr. RICHARDSON of Tennessee. What amount is now carried by the bill?

Mr. CANNON. Sixty million dollars in round numbers.

Mr. RICHARDSON of Tennessee. How does this amount compare with the sundry civil bill in the last Congress? I do not carry it in my mind.

Mr. CANNON. This is something less than in the last Congress.

Mr. RICHARDSON of Tennessee. Can the gentleman state how much less?

Mr. CANNON. About $1,000,000, as I now recollect it.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I call up the conference report on the bill (H. R. 12804) making appropriations for the Army.

The SPEAKER. The gentleman from Iowa calls up the conference report on the Army appropriation bill.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the statement be read, and not the report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement only be read and the reading of the report be omitted. Is there objection? [After a pause.] The Chair hears none.

The statement was read.

[For conference report and statement, see House proceedings of June 23.]

Mr. HULL. Mr. Speaker, this report virtually, if adopted, closes up all matters of difference between the two Houses except on amendments 14 and 15. I will bring that up after the adoption of the report, if it should be adopted, and I ask a vote on the adoption of the report.

Mr. HAY. I will state to the gentleman from Iowa in the reading of the statement I did not hear the amendment proposed by the Senate with reference to men in the Army who stood examinations for commission. I did not hear it read as to what the result was.

Mr. HULL. The Senate recedes.

Mr. HAY. That is what I know, but I did not hear it read.

Mr. HULL. That is amendment numbered 4. I ask for a vote, Mr. Speaker, on the adoption of the report.

The question was taken, and the conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. HULL. Now, Mr. Speaker, amendments numbered 14 and 15 have not yet been agreed to. Amendment numbered 14 is where the Senate struck out "three" and inserted "four," making the appropriation for barracks and quarters $4,000,000.

Mr. HAY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Does the gentleman yield?

Mr. HULL. Yes; for a parliamentary inquiry.

Mr. HAY. I desire to know whether the gentleman from Iowa can call up something which is not in the conference report, except by the consent of the House?

Mr. HULL. If it disposes of the bill, Mr. Speaker, I should imagine I had the right to present anything that will pass the bill.

The SPEAKER. The Chair will state to the gentleman from Virginia that the conference report is agreed to, and all that was submitted to the House for approval has been disposed of. This is as to those matters which are not yet disposed of, and therefore it is proper for the gentleman to bring it to the attention of the House.

Mr. HAY. If the Speaker will permit me, these matters were taken out of the conference by order of the House.

The SPEAKER. And therefore must be met by the House in order to dispose of them.

Mr. HULL. Mr. Speaker, as I was saying, No. 14 simply increases the appropriation for barracks and quarters, without any change in the law, or any change in the language of the appropriation, from $3,000,000 to $4,000,000. Amendment numbered 15 made a reappropriation of $350,000, and in addition to that changed the language under which the appropriations could be used. The House took occasion to contest and to strike out all that relating to the reappropriation, and also as to the change of language, and adopted a part of the amendment of the Senate, and in conference the Senate conferees declined to take any action whatever on amendment 15.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible to hear what the gentleman says unless he speaks louder.

Mr. HULL. Some gentlemen say that it is not in conference. It was not in conference in shape that the House conferees could consider any more suggestions looking to the modifying of these two amendments; but, Mr. Speaker, I hardly think it would not be in conference to the extent that if the Senate had receded from its disagreement to the action of the House we could have brought in a full report taking the entire matter out of controversy, and by the adoption of the report would have passed the bill. So that to this extent it was in conference. It was in conference to the extent that we could discuss it, that we could lay the matter before the conferees, that we could come to some arrangement, or we could reach an agreement that the Senate would agree to the action of the House; so that when gentlemen say that it was not in conference they do not state the whole truth. The conferees in full——

Mr. CANNON. If my friend will allow me, I still think that formally, technically, the two amendments were not in conference. The only way that the Senate could have disposed of them, or they could have been disposed of up to this time, would have been for the Senate to have receded from its amendment on 14 and to have agreed to the House amendment on 15. But let that be as it may, if the gentleman has any information, now that it is up to the House again, has any information or suggestion to make as to how this matter can be accommodated, it seems that the House is entitled to know it by a motion or suggestion.

Mr. HULL. Mr. Speaker, the very fact that we could have made a full agreement, not only on what we have brought in, but on these two amendments by the Senate receding from its action, is evident that it was before us to that extent. But, Mr. Speaker, in the discussion of the conferees I agreed to test the sense of the House on a motion which I shall offer.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to raise a point of order. There is absolutely nothing before the House.

Mr. HULL. I will make the motion.

Mr. RICHARDSON of Tennessee. I confess there is some novelty in the matter.

Mr. HULL. It is a very ordinary procedure, and the gentleman from Tennessee is guilty as often as any man on the floor of this House.

Mr. RICHARDSON of Tennessee. I did not catch the remark of the gentleman from Iowa.

Mr. HULL. I say this is an ordinary procedure—to make an explanation before making the motion—something that happens every day, and the gentleman from Tennessee has been guilty of doing it.

The SPEAKER. The Chair will state that if the gentleman from Tennessee insists upon his point of order the Chair will be obliged to sustain it.

Mr. HULL. I recognize the point of order, Mr. Speaker, and I will move that the House recede from its adherence to amendment 14 and agree to the Senate amendment by striking out the word "four" and inserting "three million three hundred and fifty thousand;" so that it will read: "three million three hundred and fifty thousand dollars." Now, Mr. Speaker, after the motion is stated I desire to give an explanation of that motion.

The SPEAKER. The gentleman from Iowa moves that the House recede from its adherence to the disagreement to amendment 14 and agree to the same with the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "four million" and insert "three million three hundred and fifty thousand."

Mr. HULL. Now, Mr. Speaker, I desire to say that the Senate conferees in the discussion of these points at issue between the two Houses are willing to recede from all legislation, leaving——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to make the point of order, in order that the question may be presented fairly, that the House, having adhered to this proposition, can not now retreat. It is too late. The House has adhered to the disagreement to the amendment by a solemn vote, which is the highest action the House can take; and having adhered, it is not in order for the House to now retreat.

Mr. HULL. I am willing to submit that to the Chair.

The SPEAKER. The Chair is ready to rule on the point of order. While an adherence is the highest expression the House can give in respect to an amendment, still it is never beyond the

power of the House to recede from adherence, and there are abundant authorities where this has been done.

Mr. RICHARDSON of Tennessee. Of course, Mr. Speaker, I do not want to argue after the Chair has ruled; but what is the distinction between a mere insistence and adherence?

The SPEAKER. That is a question of parliamentary law; but the Chair will state that it is to indicate to the other House how strongly it disagrees, but it never passes beyond the power of the House to recede from its adherence if it so desires.

Mr. HULL. Mr. Speaker, the only question between the two Houses is on one proposition. The Senate conferees express themselves ready to agree to our amendment No. 15 providing we give this increase on the appropriation. They have already receded from other points of the bill more than making up this amount. This is the only point where there was an issue involved that they are insisting that they are right, and that they must have that amount in order to reach a final agreement on the bill.

Mr. LIVINGSTON. I want to ask the chairman a question. I believe we gave two millions in the sundry civil bill and three millions in the Army bill and two millions in the Philippine proposition, which makes seven millions for buildings. Now, I want to ask if it did not develop in the conference that $350,000 is merely to sustain their dignity, and did it not develop that there was no necessity for it?

Mr. HULL. No, it did not. I will say that the Secretary of War and the Adjutant-General insisted that on account of the large number of troops returning from the Philippines in excess of the number that it was assumed would be brought home when the estimate was submitted, that they needed all that the Senate gave in order to provide for these troops. Not only that, but with this amount they would perhaps have to put some of the troops in tents during the coming winter, and they wanted to push ahead the construction of barracks and quarters. It also developed in the conference, if I am permitted to refer to that, a Senator representing the gentleman's own party said that as far as he was concerned he had been with the contention of the House up to that point, but if we did not concede the $350,000, so far as his opinion was concerned, so far as his efforts were concerned, so far as his advocacy was concerned, the bill might die; he would not surrender everything for nothing.

Now, I am not here to say whether it will die or not if we refuse to recede, but I do say that in the closing days of the session for this House to refuse this one concession, this one little amendment, and send it back without further adherence, is taking a course that it seems to me we ought not to take. There is nothing involved in the controversy which would justify such action by the House. So far as the War Department is concerned, if we are to build what the Secretary of War says, every dollar of money will be needed for temporary quarters until permanent barracks can be erected in their place.

Mr. LIVINGSTON. One other question. How could the Senate let down from $1,000,000 to $350,000? If the $1,000,000 was necessary, why did they not contend for it?

Mr. HULL. They did contend for it until we told them there was no use to discuss it, and, Mr. Speaker, the committee of conference, I think, went over this ground as thoroughly as they could, and I can say to the House that, according to the report of the Senate conferees, if we adopt this amendment I have proposed and insist on our amendment to No. 15, it will go to the Senate and be adopted and the bill will become a law. It was not giving half and half, as is the rule in so many conferences. It was absorbing nearly everything in the way of appropriations contended for by the House, and everything contended for by the House in the way of legislation.

Mr. LIVINGSTON. Does the gentleman not think the $3,000,000 is ample?

Mr. HULL. No; I do not, after talking with the Secretary of War. I did think so until then, but I do not now.

Mr. HAY. Mr. Speaker, will the gentleman yield me some time?

Mr. HULL. We are reducing the force in the Philippines and bringing them home to the extent of at least 15,000 more men than was anticipated four months ago we could do at this time. This is for taking care of them in the United States. I will yield to the gentleman from Virginia. How much time does the gentleman want?

Mr. HAY. I would like to have about fifteen minutes.

Mr. HULL. I would be glad if the gentleman can get through with ten.

Mr. HAY. I think I can.

Mr. HULL. I will be satisfied with that.

Mr. CLARK. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. CANNON] if he is going to say anything about this business.

Mr. HULL. Yes; I am going to yield some time to the gentleman from Illinois.

Mr. CANNON. If the gentleman will yield to me just a moment or two now, I will say what I think about it, if it is agreeable to the gentleman from Virginia.

Mr. HAY. That is satisfactory.

Mr. HULL. Then I yield three minutes to the gentleman from Illinois.

Mr. CANNON. Mr. Speaker, the House recollects the commencement of this contention. The instruction of the House ran against the legislation proposed in these amendments. Now, then, the legislation is entirely eliminated from the first amendment. The second amendment does not abound in legislation. It merely fixes the amount to be appropriated. The original estimate was $3,000,000. If this motion prevail, then we will send it to the Senate with an increase of $350,000, making $3,350,000 instead of $4,000,000, which is an increase of $350,000. As to the next amendment, the House amendment which we adopted the other day to 14, as to which I presume the gentleman will move that the House further insist upon its amendment that eliminates the $350,000 appropriation in the last amendment, namely, 15, and eliminates the legislation. Thus is accomplished the contention of the House when it instructed its conferees not to assent to any legislation in connection with these three amendments. It leaves the Senate assenting to the position of the House and the House in every respect vindicating its opinion when the instructions were adopted.

Mr. RICHARDSON of Tennessee. If that is true, I would ask the gentleman why he instructed the conferees in the first place so emphatically not to agree to the $350,000 which he now concedes?

Mr. CANNON. Oh, they were not so instructed at all.

Mr. RICHARDSON of Tennessee. Oh, yes.

Mr. CANNON. Oh, no.

Mr. RICHARDSON of Tennessee. Why, the conferees were instructed——

Mr. CANNON. If my friend will allow me, he is in error. Our conferees were instructed not to agree to any provisions that changed existing law. They were not instructed at all as to the amounts carried in any of the amendments.

Mr. RICHARDSON of Tennessee. Not at all; but the instruction given our conferees was to adhere, which took these amendments out of the conference, not only as to the legislation, but as to the amount.

Mr. CANNON. Oh, no.

Mr. RICHARDSON of Tennessee. I beg the gentleman's pardon, but it said as to 13, 14, and 15 we adhered—the conferees could not consider them.

Mr. CANNON. Oh, no.

Mr. RICHARDSON of Tennessee. Why, of course.

Mr. CANNON. If my friend will allow me, I am speaking of the instructions that were given in the first instance. They were aimed at the legislation in these amendments. They were in no way aimed nor did they cover the amount of money carried by these amendments. They were against the legislation originating in the Senate. Now, then, that covers the whole contention upon the part of the House. The other day the House did adhere to two of these amendments, but amended the other amendments. The Senate receded from one of the three and the other two are yet undisposed of; but the gentleman now states a situation by which it is patent to the House that its contention against legislation upon this bill is complied with by the Senate and by the House and at the same time the appropriation is decreased $1,000,000.

Mr. HULL. I yield ten minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I yield three minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I only want a moment in which to say that this is a square and complete back down on the part of the conferees on the part of the House and on the part of the House itself, if the motion prevails, from its position first taken in this matter. We may disguise it as we will, but by our former action we took these three amendments 13, 14, and 15, out of the conference, and the House of Representatives, under the leadership of my friend from Illinois, followed unanimously by this side of the House, said to these conferees by way of instructions: "You shall not consider these amendments, 13, 14, and 15. We adhere to those amendments, and if the Senate will not consent to give them up the bill shall fail."

Now, that is the position. It is no use at this time to go through all the different forms of legislation that have been pursued—first, the Senate ignoring our request for a conference, the House ignoring the request for a conference from the Senate, etc. We come at last to the point that the proposition was squarely met; that the Senate is to have its way substantially as to amendments 14 and 15, although not entirely, but it does give up amendment 13.

Mr. Speaker, the House of Representatives said it would not consent to that. Now, it is proposed to abandon that position and

to consent. So far as I am concerned, I am not ready to do it. That is all I wish to say.

Mr. CANNON. If my friend will allow me to read the instructions, this is what they were——

Mr. HULL. The gentleman from Virginia [Mr. HAY] has the floor unless he yields.

Mr. HAY. I want to make my statement and then I will yield.

Mr. CANNON. It ought to come in right here.

Mr. HULL. If the gentleman wants this to come in here so he can answer, I will yield to the gentleman from Illinois, and not take the time out of the time of the gentleman from Virginia.

The SPEAKER. How much time does the gentleman from Illinois desire?

Mr. CANNON. I only want a minute.

Mr. HULL. I yield two minutes, if the gentleman wants it, simply to read the instructions.

Mr. CANNON. This was the instruction on the part of the House. I hope the House will give me its attention:

Resolved, That the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12804 are instructed—

Now listen—

not to recommend an agreement to said amendments numbered 13, 14, and 15 or to any modification thereof that will, under authority of said Army appropriation act, permit the expenditure of any sum for the construction of permanent buildings at established military posts except as authorized by section 1136 of the Revised Statutes.

There is the instruction; it speaks for itself, and the proposed arrangement by the gentleman from Iowa absolutely complies with it.

Mr. HAY. Mr. Speaker, when this question first came before the House I did not think it was right that the House conferees should be instructed in advance, and I voted with the gentleman from Iowa [Mr. HULL]. The ground upon which the gentleman from Illinois put these instructions, or one of them, taken up and followed out by the gentleman from Tennessee [Mr. RICHARDSON], was that the Senate was increasing beyond what was necessary the appropriation for barracks. Now, the Secretary of War made the estimate upon the idea of an army of 87,000 men, for $3,000,000 for barracks and quarters, not for the Philippines, but for this country.

That estimate was incorporated into the Army appropriation bill in the House. When it went to the Senate, without any further estimate being sent by the Secretary of War, without any official communication whatsoever from the War Department, that appropriation was increased by $4,000,000, and when it came back here the gentleman from Illinois [Mr. CANNON] dwelt particularly upon this increase. He talked about the duplication of appropriations and about the large amount that the Senate was putting upon this bill, and members upon this side voted with him, not because they were fearful of taking from him the jurisdiction of which he was so jealous, but because they thought they were preventing a large appropriation from getting upon this bill when it was not necessary for it to be there.

Now, the various appropriations which have been made for barracks and quarters amount to $7,000,000, all that the Department has asked for—$2,000,000 in the Philippines, $2,000,000 in the sundry civil bill, and $3,000,000 for these barracks and quarters, of which not more than $20,000 can be expended upon any one of them. Now, we are asked to add $350,000 to this appropriation. Why? Not because it is needed, not because the War Department can not get along without it, but because we must do something to heal the wounded feelings of the Senate of the United States. Now, that is the whole of it, and that is all of it. The gentleman from Iowa a moment ago said that Senator COCKRELL said that if we did not agree to this $350,000, the bill could die, so far as he was concerned.

Mr. RICHARDSON of Tennessee. Is not that exactly what the gentleman from Illinois [Mr. CANNON] and the gentleman from Pennsylvania [Mr. DALZELL] have said in respect to this amendment that they put on?

Mr. HAY. Unquestionably.

The SPEAKER. The Chair will call the attention of the gentleman from Virginia to the parliamentary rule that members of the other House can not be named in debate.

Mr. HAY. The gentleman from Iowa named him.

Mr. HULL. I did not.

Mr. HAY. The gentleman said the Democrat on the conference committee, which is the same thing.

The SPEAKER. The Chair will state to the gentleman that when a member uses the name of a member of the other House the Chair will promptly call him to order. The Chair knows that the gentleman will be glad to comply with the rule.

Mr. HAY. If I have not complied with the rule I am sorry, but it is the same thing and it makes no difference. I say that the whole point of this amendment is to heal the wounded feelings of the Senate because this House saw fit to instruct us in regard to this amendment. I never had any question of the right of the House to instruct its conferees.

I did not think it was courteous to the conferees, but it was not because it would hurt the feelings of the Senate that I had any scruples about it; because the House has that right, and has the right to exercise it at any time; and I say that gentlemen accepting this compromise, if they are willing to vote for the motion of the gentleman from Iowa are receding from what they did, and they are receding from what the gentleman from Illinois and the gentleman from Pennsylvania said they never would recede from. If they want to do it, it is all right; but they ought to do that with the knowledge of the fact that it is done, not because we need the $350,000 for these Army posts, but it is because we are doing something to heal the wounded feelings of the Senate. For one, I shall vote against the motion of the gentleman from Iowa.

Mr. HULL. Mr. Speaker, just one word in conclusion. There is no principle of surrender involved on the part of the House on a single question we have been instructed upon. There is no yielding on the part of the House on any principle that has been at issue between the Senate and the House. There is simply an increase of $350,000, and that only in this one case of barracks or quarters. The Senate yields $1,350,000 of its amendment, and my motion would make the House yield only $350,000.

Mr. CLARK. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. HULL. For a question only.

Mr. CLARK. I want to ask you a question. If you were right then, what was the sense of the gentleman from Illinois getting up that hullabaloo and having that extraordinary committee appointed?

Mr. HULL. That was simply a question raised by an instruction which changed the legislation, which he claimed then would make a duplication of accounts. This amendment, if my motion shall be adopted bringing the House to an agreement, does not lead to any duplication of accounts, because it secures the same line of demarcation in this bill as we have had heretofore, as the gentleman from Illinois stated in his remarks a few moments ago. Now, on the question raised by the gentleman from Virginia, that the estimates were only $3,000,000. That is true. The estimates were made up last September. It was estimated that at that time at least 35,000 troops should be kept in the Philippine Islands.

Subsequent events have developed that we can bring a much larger number home, at least 12,000 more troops will be brought to this country in the next two or three months than it was formerly thought would be possible. They will have to be cared for at these posts. The only way to care for them is to provide enough for barracks and quarters to make them comfortable, and the gentleman objects. The Democratic party in this matter is simply following its uniform rule of opposing everything that would benefit the Army of the United States. I demand the previous question.

Mr. HAY. The gentleman is not correct in that statement.

Mr. HULL. I move the previous question.

Mr. RICHARDSON of Tennessee. We followed the gentleman from Illinois.

The SPEAKER. The gentleman from Tennessee is not in order.

Mr. RICHARDSON of Tennessee. I ask the gentleman if he will yield?

Mr. HULL. No; I do not.

Mr. RICHARDSON of Tennessee. The gentleman has intentionally misrepresented this side of the House.

The SPEAKER. The gentleman will suspend until he has consent.

Mr. RICHARDSON of Tennessee. The gentleman has intentionally misrepresented this side of the House.

The SPEAKER. The gentleman from Tennessee is not in order. Does the gentleman yield to the gentleman from Tennessee?

Mr. HULL. I yield one minute to the gentleman.

Mr. RICHARDSON of Tennessee. Then, I say we followed the leadership of the gentleman from Illinois in this opposition, and now the gentleman says that the Democratic side was opposing something for the benefit of the Army. He should read that lecture to the gentleman from Illinois. [Applause on the Democratic side.]

The SPEAKER. The gentleman demands the previous question.

Mr. CANNON. I ask the gentleman to yield to me for thirty seconds?

Mr. HULL. I yield one minute to the gentleman from Illinois, and then I will yield one minute to the gentleman from Virginia.

Mr. CANNON. Mr. Speaker, it seems to me there is no chance for disagreement about this matter. I say that the contention of the House in the beginning by this arrangement is sustained. Now, then, touching the amount that is involved, I see no politics in it. I think we could get along very well without the $350,000,

and still I am inclined to allow them the $350,000 over the estimates on the statement of the gentleman.

Mr. RICHARDSON of Tennessee. Then I ask the gentleman, if there is no politics in it, why the gentleman from Iowa should have assailed the Democratic side for following your leadership?

The SPEAKER. The gentleman does not yield.

Mr. RICHARDSON of Tennessee. The gentleman yielded by bowing.

The SPEAKER. The gentleman should wait until request has been made.

Mr. HULL. I yield one minute to the gentleman from Virginia.

Mr. HAY. Mr. Speaker, the statement made by the gentleman from Iowa [Mr. HULL] that I have ever in my whole service in this House been in any way opposed to taking care of the Army is absolutely untrue, and the statement that the Democratic party has done anything against the Army or has spoken against it or taken any steps which would reflect upon it, is a slander to which gentlemen on that side resort only that they may obtain some cheap capital in the coming Congressional campaign. [Great applause on the Democratic side.]

Mr. HULL. I now yield one minute to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I rise for the same purpose as did the gentleman from Virginia. I deny that my action in the committee or in the House in connection with Army legislation has been controlled by politics. I think that when my friend who is chairman of the committee, who is usually both fair and courteous, ceases to be blinded by passion he will at least recall what he has just now said, and I appeal to him, as a fair and honest-minded man, to say if he believes that my action in connection with military legislation, in the committee or in the House, has ever been controlled by dishonest or unworthy motives. I deny his statement absolutely so far as it was applied to me. [Applause on the Democratic side.]

Mr. HULL. Mr. Speaker, I referred to the party and not individuals, and now I will refer gentlemen on the other side to the last speech made in this House by the late Hon. Amos J. Cummings. I now move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on receding from the adherence to the disagreement and agreeing to the amendment with an amendment.

The question was taken; and on a division (demanded by Mr. HAY) there were—130 ayes and 70 noes.

So the motion of Mr. HULL was agreed to.

Mr. RICHARDSON of Tennessee. Our leader, Mr. CANNON, having abandoned us, we shall refuse to follow him any further. [Laughter.]

Mr. HULL. Mr. Speaker, I move that the House further insist on its amendment to the Senate amendment 15.

The SPEAKER. The gentleman from Iowa moves that the House further insist on its amendment to the amendment No. 15.

The motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the several votes just taken was laid on the table.

CONFERENCE REPORT ON NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to call up the conference report on the naval appropriation bill, and I ask that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Naval Affairs, asks unanimous consent that the reading of the report be omitted and that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement of the House conferees, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On Nos. 2, 3, 53, 68, 70, 71, 73, 74, 75: Changes name of naval cadets to that of midshipmen.

On No. 4: Authorizes the accounting officers of the Treasury, as proposed by the Senate, to allow in the settlement of the accounts of disbursing officers payments under the appropriation of emergency fund to civilian employees doing duty at naval stations in our insular possessions during the coming fiscal year and until such time as Congress shall make specific appropriation for the pay of such employees.

On No. 5: Authorizes the Secretary of the Navy, as proposed by the Senate, to pay all civilian employees in our insular possessions a per diem compensation corresponding to their pay while actually employed from the date of their sailing from the United States and while returning to the United States.

On No. 6: Strikes out the appropriation of $13,975, as proposed by the Senate, for renting, heating, and lighting an additional building.

On No. 8: Directs the Secretary of the Navy, as proposed by the Senate, to appoint a board of naval officers to select a site for a naval training station on the Great Lakes and make report to Congress of its action, and to defray the expenses of said board appropriates $5,000.

On No. 10: Strikes out the appropriation of $1,400 for a clerk at Cavite, P. I., as proposed by the Senate.

On No. 11: Reduces the total appropriation under the civil establishment of the Bureau of Ordnance by $1,400, as proposed by the Senate.

On No. 12: Inserts the provision enabling the Secretary of the Navy to purchase necessary land for coal depots, $640,000, and authorizes the accounting officers of the Treasury to allow all expenditures heretofore made for land purchased for use as naval coal depots out of said appropriation, as proposed by the Senate, but strikes out the provision, as proposed by the Senate, for a reappropriation of unexpended balances made for the establishment of naval coal depots.

On No. 14: Appropriates $200, as increase to the salary of one clerk at the navy-yard, Portsmouth, N. H., as proposed by the Senate.

On No. 15: Corrects the total of paragraph by said amount.

On Nos. 16, 17, and 18: Changes the form of expression of two writers, as proposed by the Senate, but does not increase the appropriation.

On Nos. 19 and 20: Changes form of expression, as proposed by the Senate, but does not change the appropriation.

On No. 21: Inserts one clerk in charge of distribution of books, at $1,200.

On No. 22: Changes the total of said paragraph to correspond with above increase.

On No. 23: Changes the total appropriation in the civil establishment, Bureau of Equipment, to conform to the above increase.

On No. 27: Appropriates $60,000 for the completion of building No. 19, and $1,500 for an extension to dispensary building in New York Navy-Yard.

On No. 28: Changes totals in appropriations for New York Navy-Yard in accordance with the above.

On No. 29: Authorizes the Secretary of the Navy in his discretion to condemn a certain tract of land, or so much thereof as may be necessary, adjacent to the Norfolk Navy-Yard, and to report such proceedings to the next session of Congress.

On No. 30: Appropriates $25,950 to complete the purchase of land already condemned and partially appropriated for at Key West, Fla.

On No. 31: Changes the totals in appropriations for naval station at Key West, Fla.

On Nos. 32 and 33: Increases the appropriation from $2,000 to $4,000, or so much as may be necessary, as proposed by the Senate, for additional land at the navy-yard, Puget Sound, Washington.

On No. 34: Changes the totals in appropriations for navy-yard, Puget Sound, Washington, to conform to above.

On No. 35: Strikes out unnecessary language, as proposed by the Senate.

On No. 36: Changes form of expression, as proposed by the Senate.

On No. 41: Strikes out appropriation of $150,000 for improving harbor at San Luis d'Apra, island of Guam, as proposed by Senate.

On No. 42: Inserts caption, "Plans and specifications for public works," as proposed by the Senate.

On No. 44: Strikes out appropriation of additional $100,000 for naval hospital, Naval Academy, as proposed by the Senate.

On No. 45: Inserts provision, as proposed by the Senate, permitting the Secretary of the Navy, in his discretion, to continue improvements at the Naval Academy, either by contract or by day labor, or both, as he may deem necessary for the best interests of the Government.

On No. 48: Strikes out additional appropriation of $5,000 for Naval Observatory, as proposed by the Senate.

On No. 49: Strikes out appropriation of $2,000 for expenses of board of visitors to the Naval Observatory, as proposed by the Senate.

On No. 50: Authorizes an increase of 1,000 copies of the American Ephemeris and Nautical Almanac for the use of the Senate and House of Representatives and Navy Department, as proposed by the Senate.

On No. 51: Authorizes appropriation of $30,000, as proposed by the Senate, for repairs and improvements on buildings and construction of a contagious disease hospital at Mare Island, Cal.

On Nos. 54 and 55: Insert the word "each," as proposed by the Senate, a verbal omission.

On No. 59: Strikes out appropriation of $3,800, as proposed by the Senate, for clerks at naval station, Cavite, P. I.

On No. 60: Strikes out increase in total appropriations, as proposed by the Senate, civil establishment, Bureau of Construction and Repair.

On No. 62: Inserts provision, as proposed by the Senate, allowing appropriation for incidental expenses to be applied to the Bureau.

On No. 63: Strikes out appropriation of $1,000, as proposed by the Senate, for contingencies, drawing materials, and instruments for the drafting room of the Bureau of Steam Engineering.

On No. 65: Strikes out appropriation of $1,200, as proposed by the Senate, for one writer at naval station, Cavite, P. I.

On No. 66: Strikes out the increase in total appropriations, as proposed by the Senate, for naval establishment, Bureau of Steam Engineering, to conform to the above.

On No. 67: Strikes out appropriation for $1,000 for an assistant librarian at Naval Academy.

On No. 69: Strikes out increase in total appropriations, as proposed by the Senate, for Naval Academy to conform to above.

On No. 72: Inserts a provision, as proposed by the Senate, for extending the use of the appropriation of $3,000 for clerk hire, carriages, and other incidental and necessary expenses of the Board of Visitors at Naval Academy.

On No. 78: Strikes out increase in totals of appropriations for Naval Academy, as proposed by the Senate.

On No. 79: Restores sections 8, 9, and 10 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

On No. 80: Inserts a provision that the present Commandant of the Marine Corps shall have the rank, pay, and allowance of a major-general in the Army, but this shall not extend to his successor or successors.

On No. 81: Increases the appropriation, as proposed by the Senate, for the pay of noncommissioned officers, musicians, and privates, and for the expenses of clerks of the United States Marine Corps from $1,112,548 to $1,236,028.

On No. 82: Adds to the enlisted force of the Marine Corps now authorized by law, as proposed by the Senate, 10 gunnery-sergeants, 40 sergeants, 60 corporals, 10 drummers, 10 trumpeters, and 620 privates.

On No. 83: Increases the appropriation for "Provisions, Marine Corps," as proposed by the Senate, from $396,071.50 to $445,071.50.

On No. 84: Increases the appropriation for "Clothing of the Marine Corps" from $40,000 to $82,600.

On No. 85: Increases the appropriation for "Military stores," as proposed by the Senate, from $40,297 to $50,297.

On No. 86: Increases the appropriation for "Transportation and recruiting the Marine Corps," as proposed by the Senate, from $100,000 to $110,000.

On No. 87: Increases the appropriation for "Contingent, Marine Corps," as proposed by the Senate, from $91,700 to $103,700.

On No. 90: Inserts a provision, as proposed by the Senate:

"All contracts of the Carnegie Steel Company, Limited, heretofore made between it and the United States, shall be completed by its successor—the Carnegie Steel Company or its lawful successor—which has acquired and assumed, or may acquire and assume, all of its assets and all of its liabilities

under the said contracts. And the said Carnegie Steel Company, or its lawful successor, upon giving security in proper form and amount, conditioned for the performance by it of the said contracts according to the true intent and meaning thereof, shall be substituted therein for the said Carnegie Steel Company, Limited, and be entitled to exercise all rights thereunder which the said Carnegie Steel Company, Limited, had or would have had if it had continued in existence."

The committee of conference have been unable to agree on the following amendments, viz:

On No. 1, relating to total appropriation for the pay of the Navy.

On Nos. 7 and 13, relating to the "Maintenance of colliers," as to whether this provision should be under the jurisdiction of the Bureau of Navigation or the Bureau of Equipment.

On No. 9, as to whether the unexpended balances remaining in the Treasury on June 30, 1902, from the appropriation for "Ordnance and ordnance stores, 1900, or so much thereof as may be necessary," should be reappropriated for expenditure in the fulfillment of contracts heretofore made and properly chargeable to said appropriation.

On No. 24, as to the increase in the corps of civil engineers.

On Nos. 25 and 26, as to an appropriation of $500 for making an examination concerning the furnishing water supply of Portsmouth Navy-Yard, and an appropriation of $200,000 toward the removal of Hendersons Point, near said navy-yard.

On Nos. 37, 38, 39, and 40, as to appropriations to the amount of $657,300 for naval station at Charleston, S. C.

On No. 43, as to total appropriations in all for public works, Bureau of Yards and Docks.

On No. 46, as to the appropriation of $100,000 for the construction of a building for Bureau of Equipment at Pensacola Navy-Yard.

On No. 47, as to the total appropriation for public works, Bureau of Ordnance.

On No. 52, as to the increase in the corps of surgeons.

On No. 56, as to an appropriation of $2,000 for one bookkeeper and one clerk at Pensacola Navy-Yard.

On No. 57, as to increase in total appropriations for civil establishment, Bureau of Supplies and Accounts.

On No. 58, as to the increase in the Pay Corps.

On No. 61, as to the increase in the corps of naval constructors.

On No. 64, as to an appropriation of $200,000 toward the construction of an experimental station and testing laboratory in the department of marine engineering and naval construction at Annapolis.

On No. 76, as to an increase in the corps of midshipmen at the Naval Academy.

On No. 77, as to a provision authorizing all examinations for admission to the Naval Academy to be held at Annapolis.

On No. 88, as to an appropriation of $1,500 for improvements at the marine barracks, navy-yard, Boston.

On No. 89, as to changes in the amount of total appropriations for public works, Marine Corps.

On No. 91, as to "Increase of the Navy" and the method of construction of new ships authorized, whether they shall be built by contract or some in Government navy-yards, or the whole subject be left within the discretion of the Secretary of the Navy.

On No. 92, as to the provision requiring the Secretary of the Navy to contract for five more Holland torpedo boats at a cost of $170,000 each, after the acceptance of one of said boats now being built for the Government.

On No. 93, as to a provision authorizing the Secretary of the Navy to have tested any completed submarine boats or boats other than the *Holland* type, and purchase, in his discretion, one of the same, if found to be equal or superior to the best submarine torpedo boat then in use in the Navy, at a price not to exceed $170,000.

The bill as passed by the Senate appropriated $79,351,238.13, being an increase of $1,731,305 over the amount carried as it was passed by the House. Of this sum, the committee of conference recommend that $179,375 be stricken out and that $371,130 be agreed to.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

[For conference report, see page 7264.]

Mr. FOSS. Mr. Speaker, I would state that this report leaves in disagreement certain Senate amendments, particularly the increase in the different staff corps in the Navy; the question of the maintenance of colliers, whether that provision should be under the jurisdiction of the Bureau of Navigation or under the Bureau of Equipment; the question as to the construction of our ships, whether they should be built in the Government navy-yards or by private contract or by both, and also the further question as to the Holland submarine torpedo boats. These matters are in disagreement. Now I will move that the report be adopted.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSS. Mr. Speaker, I will yield to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. I notice the conferees have agreed on the amendments 80 and 82. Eighty is an amendment providing for the increase of the rank of Brigadier-General Heywood to that of major-general. No. 82 increases the Marine Corps. There were quite a number of amendments increasing other corps of the Navy, and I wanted to ask the gentleman if there was any reason why the conferees should have agreed to increasing the Marine Corps and not passing upon the other corps?

Mr. FOSS. If the gentleman will notice, the increase is in the number of privates, 620, and in the petty officers; not in higher officers of the corps, as was considered in the committee.

Mr. RIXEY. There is an increase in the rank of General Heywood?

Mr. FOSS. The Senate was very insistent on the increase in his rank, but that was not to apply to his successor. It was simply done as a reward to General Heywood, who had been in charge of the Marine Corps during the Spanish war, and at the same time is a soldier of the civil war.

Mr. RIXEY. I will state to my friend that I was under the impression that the increase in all the corps was not to be consented to, but should be considered by the House Naval Committee and a special bill brought in for all the corps.

Mr. FOSS. That was the general understanding, as to the increase in the number of lieutenants, of captains, lieutenant-colonels, or colonels of course that would apply.

The SPEAKER. The question is on the motion of the gentleman from Illinois to agree to the conference report.

The question was taken and the report agreed to.

Mr. FOSS. Now, Mr. Speaker, as to these amendments which are in disagreement, I understand that my colleague upon the committee desires a vote upon 92, I think, and 93, with reference to the increase in the number of Holland torpedo boats. If there are no other votes demanded, I desire to make a motion.

Mr. RIXEY. Mr. Speaker, if the gentleman will yield, I think we had about as well dispose of the question of the increase of cadets at Annapolis. It seems to me that we can agree on something very near to the amendment of the Senate, unless he prefers to have that go back to conference. I will leave it, however, to the chairman of the committee.

Mr. FOSS. I would suggest to the gentleman that we go back to conference on that provision.

Mr. RIXEY. Very well, Mr. Speaker; I shall not insist upon it.

Mr. FOSS. Now, Mr. Speaker, as to all amendments, except 92 and 93, referring to submarine boats, namely, Nos. 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, and 91, I move that the House insist upon its disagreement to the Senate amendments.

The SPEAKER. Is a separate vote demanded upon any other amendments than 92 and 93? [After a pause.] The Chair hears no such demand. Without objection, then, the vote will be put in gross. The question is on the motion of the gentleman from Illinois that the House insist upon its disagreement to these amendments of the Senate.

The question was taken, and the motion agreed to.

Mr. FOSS. Mr. Speaker, I yield to my colleague for the purpose of making a motion.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House recede from its disagreement to Senate amendments 92 and 93, and concur therein.

The SPEAKER. Is a separate vote demanded on the amendments 92 and 93?

Mr. HILL. Mr. Speaker, I would like to have the amendments read.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

(92) Additional submarine boats: That the Secretary of the Navy is hereby authorized and required to contract with the Holland Torpedo Boat Company for five of its most improved type of submarine torpedo boats, to be built under the plans and specifications of said company, at a cost not to exceed the price contracted to be paid for the Holland boats now being built for the Navy Department: *Provided*, That no contract shall be made with the said company until one of the Holland boats now being built for the Department shall have been accepted by the Secretary of the Navy.

(93) That the Secretary of the Navy is authorized to have tested any completed submarine boat or boats, other than the Holland type, that may be presented to him for trial within six months after the passage of this act, and if he shall find by said tests that any of the said boats, if one or more than one is presented, shall be equal or superior to the best submarine torpedo boat which shall then be in use in the Navy, he is authorized, in his discretion, to purchase the best one of the said boats at a price not to exceed $170,000.

The SPEAKER. The gentleman from New Jersey moves in respect to these two amendments that the House recede from its disagreement and concur in the amendments.

Mr. FOSS. Mr. Speaker, we desire separate votes upon these propositions, and I want to ask my colleague if he desires any time for discussion.

Mr. WHEELER. Do I understand that the gentleman from Illinois demands a separate vote?

Mr. FOSS. Yes.

Mr. LOUDENSLAGER. Mr. Speaker, there are some members who desire to discuss this matter. How much time does the gentleman think will be proper?

Mr. FOSS. Inasmuch as the gentleman will take the affirmative of the proposition, I would ask him.

Mr. LOUDENSLAGER. Well, the gentleman controls the time. I would say that I think we ought to have half an hour on a side. I understand the desire of members in charge of the Philippine bill to be to get along with that bill as quickly as possible. I have no desire to block them in their progress whatever, and I would think thirty minutes on a side would be ample. This matter has been very well ventilated in hearings before the committee, and I might say frankly to the gentleman that I believe the members of the House are very conversant with the subject. Unless he himself, having control of the time, desires to consume any of it in opposition to this amendment, we upon the affirmative have no desire to take up any of the time of the House in opposition to the progress of the Philippine measure.

The SPEAKER. The Chair would ask the gentleman from Illinois to what his demand for a division applies, whether as to the motion of the gentleman or of the two sections?

Mr. FOSS. Of the two sections.

Mr. HILL. Mr. Speaker, I make the point that I shall demand a division of the vote to recede and concur.

The SPEAKER. The gentleman demands a division, then, on the motion of the gentleman from New Jersey.

Mr. HILL. Yes.

Mr. FOSS. Mr. Speaker, I would suggest to my colleague that, inasmuch as some gentlemen here desire to discuss the proposition, we take half an hour on a side and then come to a vote.

The SPEAKER. Under the demands made, the first question will be on receding from the House disagreement to amendment 92. Was any agreement reached as to time?

Mr. LOUDENSLAGER. Half an hour on a side.

The SPEAKER. That will have to be referred to the House, unless that can be done within the hour.

Mr. LOUDENSLAGER. That can be done within the hour.

The SPEAKER. Does the gentleman from Illinois [Mr. Foss] yield half an hour to the gentleman from New Jersey?

Mr. FOSS. I would like to ask unanimous consent that we have debate on this proposition for one hour—thirty minutes to be controlled by the gentleman from New Jersey [Mr. LOUDENSLAGER] and thirty minutes by myself.

The SPEAKER. Is there objection?

Objection was made.

The SPEAKER. How much time does the gentleman from Illinois yield out of his hour to the gentleman from New Jersey?

Mr. FOSS. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has an hour on this motion.

Mr. FOSS. Then I yield to my colleague thirty minutes.

Mr. LOUDENSLAGER. I yield fifteen minutes of the time allotted to me to my colleague from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, these amendments of the Senate on which the gentleman from New Jersey has made this motion to recede and concur pertain to the submarine torpedo boats. It is a question for this House to decide whether we shall have more submarine torpedo boats than we now have, and if we are going to have them, whether we are going to authorize them by this bill. As for myself, I believe the submarine torpede boat is an effective machine for the defense of our harbors. Before our committee two years ago Admiral Dewey spoke highly of the effectiveness of the torpedo boats, especially in regard to the moral effect the presence of a torpedo boat would have upon an enemy approaching a harbor. If there had been two torpedo boats in Manila Harbor and Admiral Dewey and his men had known of their presence there the American fleet would never have entered that harbor. No commander of a fleet will take his fleet into a harbor where he knows there are submarine torpedo boats, for the plain reason that he knows there would be a strong probability of his battle ships being blown up and hundreds of lives destroyed, and if that should occur that he would be written down in history as a reckless man, and would be censured by all the world for such a reckless and needless risk of human life.

Another thing: For the cost of one battle ship we can have enough submarine torpedo boats constructed, according to estimates furnished by a Navy Department official, to give each harbor on the Atlantic coast and each harbor on the Pacific coast two submarine torpedo boats. In other words, we could furnish ample and, I believe, complete protection to every harbor on the United States coast—the old United States, over which the Constitution is, I mean—by means of these torpedo boats. A battle ship costs six or seven million dollars. That amount of money will buy 60 or 70 of these torpedo boats at $100,000 apiece, and we could distribute these among our harbors of the old United States and have ample protection against any hostile fleet that might wish to attack us.

But some one may say that these men who furnish the torpedo boats want to charge the United States an exorbitant price. Why, Mr. Speaker, that is a question of detail with which the Department may struggle under the provisions of these Senate amendments. Those who have invented these torpedo boats should have fair profit; but they should not be allowed to "gouge" the Government unduly. This amendment puts it in the power of the Secretary of the Navy to make contracts, and he should not permit a gouge to be made. We ought to get these boats at reasonable prices; and we can do so if this House is in favor of the proposition. Congress can authorize or limit the cost at a smaller sum than that in the Senate amendment. The question now is not as to the price particularly, but whether we shall have more torpedo boats as a means of defense. I favor reducing the price.

Of course, Mr. Speaker, we all admit that the great strength of the Navy is its battle ships, its protected cruisers, and its armored cruisers. The submarine torpedo boat is not an offensive weapon in the first instance, but it is a very complete and very effective weapon of defense. Now, the question for this House to settle this morning is whether if you believe that the torpedo boat furnishes an effective defense for a harbor, and if you believe that you can protect every harbor in the United States by means of a torpedo boat at a cost not exceeding the cost of one great battle ship, then the question is whether it is not good judgment, whether it is not good business policy, to authorize the construction of more of these torpedo boats and thus have this cheap and effective defense to our harbors.

Down in my State the greatest seaport town in North Carolina has petitioned the Secretary of the Navy and indirectly this Congress to furnish torpedo boats for the defense of the harbor of Wilmington. There are those who object to submarine boats. A little torpedo boat, carrying only a very few men, offers no striking inducement for a naval officer to seek command of it. If you leave the matter to the naval officers, eliminating the question of price, they will say that we need great battle ships. But here is a question of utility and economy that appeals to my judgment. I believe that this country ought to have more of these submarine torpedo boats. Other nations have them. We ought not to allow our coast to remain undefended when we can defend it so effectively and cheaply by this means. The defense of our harbors by these submarines will obviate the necessity for so many boats costing vastly more money.

Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. WILLIAM W. KITCHIN. I yield four minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I do not know whether a nonexpert has a right to any opinion upon questions of this character; but as long as the Naval Committee of the Senate disagrees with the Naval Committee of the House, and as long as the members of the Naval Committee of the House themselves can not get together upon the proposition, it seems to me that probably some of us who know very little about it should have a right to express our opinion in regard to the matter.

I have on two occasions seen these boats perform. On one occasion I had the pleasure of taking a dive in one, and it seems to me that this boat has effectually solved the question of submarine navigation. It is a boat that can be controlled at will; that can rise and sink at pleasure; that can rise and fire a torpedo and sink again out of sight within less than ten seconds; a boat that, even when it rises for observation or to discharge a torpedo, exposes only a small portion of the turret as a target for the enemy's guns; and even in a smooth sea a moving target exposed only a few inches above the water and exposed for only a few seconds would be secure from harm, though fired upon by the best of gunners.

Mr. STEELE. I should like to ask the gentleman a question for information.

The SPEAKER pro tempore. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. COWHERD. For a question.

Mr. STEELE. My friend says that he has been on board one of these boats. Now, I should like to ask him if one of them was about to go into action, in practical use, and was about to fire a torpedo into an opposing ship, would the gentleman want any of his friends to go down in one?

Mr. COWHERD. I will say this, that I had far rather go in one of these boats to attack a battle ship than to go in an ordinary torpedo boat, or a torpedo-boat destroyer, or in the battle ship itself. It seems to me that, as far as security is concerned, the man in the submarine torpedo boat has a very great advantage over the man in the ship that is on the surface of the water.

Mr. SHATTUC. Do you think that when they were in action you would want to go in any of them?

Mr. COWHERD. Oh, I am not looking for that kind of a job. Like my friend from Ohio, I would a good deal rather fire off discharges with my mouth than from a torpedo tube. Men of high rank in the Navy tell me that we must have every new invention adopted by any other nation on earth, and that we ought to have it among the first of the nations of the earth, not alone for the benefits that come from actual use, but the advantages of intimidation that comes from its possession; and so far the torpedo has been more effectual as a threat than a weapon. Now, the other nations are adopting these boats, and I believe we should keep pace with them. It is said that this invention is only satisfactory in defensive warfare, but I submit to this House that if our Navy had possessed one of these boats when it was lying outside of the harbor of Santiago for more than thirty days in the broiling sun, waiting for an opportunity to attack the Spanish fleet, we would only have needed to carry one of those boats there and send it into the harbor to have blown up all the ships of the Spanish navy without danger of loss on our own part.